



Mr. Nigel Dudley
Equilibrium Research
equilibrium@compuserve.com
47 The Quays
Cumberland Road
Spike Island
Bristol BS1 6UQ UK

Mr. Delwyn Dupuis
IUCN Programme on Protected Areas
Rue Mauverney 28,
1196 Gland
Switzerland
ded@iucn.org

March 31, 2008

Dear Messrs. Dudley and Dupuis,

The Canadian Council on Ecological Areas (CCEA) is pleased to have the opportunity to review IUCN's January 2008 draft revised Guidelines for Applying Protected Area Management Categories.

CCEA is a national, non-governmental organization with a mission to facilitate and assist Canadians with the establishment and management of a comprehensive network of protected areas representative of Canada's terrestrial and aquatic ecological natural diversity. CCEA is composed primarily of protected area specialists from the various Canadian provincial, territorial, and federal protected area and park agencies, along with experts from academic institutions and national ENGOs, and a diverse range of associates.

CCEA has recently published its own Canadian Guidebook for the Application of IUCN Protected Area Management Categories, to provide further explanation to the 1994 IUCN guidelines and to interpret them with the particular circumstances of Canada in mind. The Guidebook provides a common tool for all Canadian jurisdictions and encourages cooperation in protected areas assessment and reporting. It was prepared by experts from

protected areas agencies across the country, as well as ENGO representatives, academics, and members of IUCN, and benefited from the experience of the many Canadian jurisdictions that have invested substantial effort in the application of the IUCN categories. A copy is enclosed for your interest.

General Comments

In general, CCEA believes that the revised guidelines offer a great deal more help to those attempting to apply the categories to their own protected area systems. The guidelines also offer advice on other questions that frequently arise, such as what constitutes effective governance. However, we have also identified a number of concerns. Our specific comments follow below.

Chapter-specific comments

Background, with particular reference to sections entitled “**The variety of protection**” and “**Describing different approaches**”

While recognizing that there is considerable variety among areas that can legitimately be called “protected areas”, CCEA is very concerned that this document opens the door far too widely to areas that, because of the extent of human influence and extractive resource use, should not be called “protected areas”, but rather, “sustainable management areas”, “conservation areas”, “conservation districts”, or other terms that reflect a more cultural, utilitarian, or resource-use orientation. CCEA believes that “protected areas” must have the protection and maintenance of biodiversity, natural ecological processes, and natural features as the first and predominant priority, with protection of associated cultural features a potentially important but clearly secondary priority to be accommodated to the extent that the first priority is not compromised.

CCEA is concerned that the term “protected areas” is in danger of becoming watered down to the point of being essentially meaningless and that, should this trend continue, it will become necessary to differentiate “strongly protected areas” – those especially dedicated to the protection and maintenance of biodiversity/nature and natural features - from other types being recognized by IUCN. Clearly, there is great political value in being able to call an area a “protected area”, and there is a natural and understandable pressure on IUCN to call more and more types of areas “protected areas”, regardless of whether they are truly managed to protect and maintain native biodiversity/nature as the primary objective. IUCN appears to be responding favourably to this pressure in the hope that more conservation of biodiversity will result. This may be the case in some areas, but it is our expectation that jurisdictions with strongly protected areas will begin to face pressure to weaken their standards and permit a much wider range of extractive resource uses to occur, because such areas will still be recognized by IUCN, and politically, as “protected areas”. The degradation of ecological integrity and loss of priceless ‘benchmark’ and representivity values in areas that are currently strongly

protected, such as most of those in Canada, are potential outcomes of IUCN adopting a more relaxed definition of “protected area”. Devaluing the currency of “protected areas” undermines the successes and ongoing efforts of jurisdictions to continue to establish strongly protected areas.

CCEA recognizes that it is not always easy or feasible to establish strongly protected areas everywhere they are needed. We also recognize that local or regional communities often need to extract resources from natural areas in order to support themselves. CCEA does not oppose the establishment of conservation areas with multiple aims of conserving biodiversity while allowing for the extraction of resources to support communities. We do not believe, however, that all such areas should necessarily be called “protected areas”. If sustainable use is to be an objective for a protected area, as in the category VI definition, it must be exemplary in relation to the primary objective – clearly more ecologically sensitive and sustainable than that occurring outside the area, and must not compromise the natural character of ecosystems.

The foregoing comments also apply to the section entitled “**Using the IUCN protected area categories as a tool for conservation planning**” on page 70 of the draft guidelines. With further reference to this section, noting that under the Convention on Biodiversity, governments are committed to completing ecologically representative systems of protected areas, CCEA believes that protected areas which are large enough to capture representative samples of the typical landforms and natural ecological communities of a region, and which are governed primarily by natural forces, are the primary tool for meeting these commitments. In this context, “governed primarily by natural forces” means protected to a high standard from human influences, with the potential to remain that way if managed as proposed. CCEA views category Ib and II protected areas as the major mechanisms for establishing representative protected areas, with representation gaps being further filled by category Ia and III areas. Category V areas, with their ongoing interaction of people and nature, are not governed primarily by natural forces, and therefore are not considered to contribute to representation objectives. Further discussion on this subject is found in section 5.12 of CCEA’s Canadian Guidebook.

Glossary

CCEA suggests defining what is meant by “conservation”, and what is meant by “protection”. In our view, “protection” is a subset of “conservation”. Conservation can include development and management, as well as protection. “Protected areas” are the strongly protected subset of “conservation areas”, in which development is not a primary objective.

Definition and Categories

Definition of a protected area

CCEA strongly supports the retention of “**especially dedicated to the protection and maintenance of biodiversity**” in the 1994 definition of a protected area. We feel that the changes proposed to the definition in this document, while in some ways clarifying what was intended previously, represent an overall weakening of the definition to accommodate a wider array of what might be best termed “conservation areas” or “sustainable use areas”. Also, we believe that in some respects, the changes cloud areas that need to be very explicit.

“A clearly defined geographical space” – While technically all-encompassing, this expression probably doesn’t mean much to the average person. If a change is to be made, CCEA suggests “**A clearly delineated** (2nd choice “defined”) **area of land and/or sea**”. In broad terms, land encompasses freshwater, but if more precision is required, we would suggest “land, freshwater, and/or sea”. We believe that the inclusion of “clearly delineated” or “clearly defined” would improve the definition because it implies the need to clearly demarcate protected areas, so that their protective provisions can actually be enforced legally (or otherwise effectively). Alternatively, we also support the CBD term “geographically defined area”.

“recognized, dedicated, and managed” – CCEA prefers the stronger language of “**especially dedicated**”, which gives a stronger impression of protection of biodiversity/nature as the first and predominant priority, as well as an impression of permanence. “Recognised” is problematic if the recognition is not universal. If a state does not recognize a community conserved area and issues mining or forestry licenses, what good is it that the area is recognized by the community? Such areas may achieve biodiversity conservation for a time, but they are vulnerable when resource interests want access and obtain it through the government. Such areas should not be considered protected areas. If change is unavoidable here, we suggest “**especially dedicated and managed to achieve ...**”.

“the long-term conservation of” – CCEA is strongly opposed to the substitution of “**protection and maintenance**” with “conservation”. All protected area categories must fall within the overall protected area definition, and in the draft, the definitions or primary objectives of all categories are to *protect* either biodiversity, ecological integrity or processes, natural features, species or habitats, or ecosystems. In our view, the new definition would no longer define “protected areas”, but rather, the wider set of “conservation areas”, which include both protected areas and other types of conservation/sustainable-resource-use areas. If this proposed definition is adopted, it will create a need to separately define strongly protected areas as those especially dedicated to the protection, maintenance, and restoration of native biodiversity, natural ecological processes, and natural features, and associated cultural features. In our view, the concept of “long-term” should be addressed in the “especially dedicated” part of the definition, perhaps as “**especially and permanently dedicated ...**”, or “**especially dedicated in**

perpetuity ...". Certainly, there is a need to close the loophole provided by using "long-term" instead of "permanent" or "in perpetuity".

"nature, associated ecosystem services, and cultural values" – CCEA opposes this change in a number of respects.

First, by our reading, cultural values are now raised to the same priority as nature and associated ecosystem services. In providing scope (or at least ambiguity) for cultural interests to argue they should have equal priority with nature/biodiversity, one can expect that biodiversity interests will lose out more often when there is a conflict. In CCEA's view, as expressed in the Canadian Guidebook, the 1994 definition subordinates incompatible cultural interests to biodiversity interests, which is perfectly appropriate and necessary in protected areas.

Second, while CCEA appreciates the need to broaden the definition to accommodate outstanding abiotic features protected by Category III areas, the approach taken in our Guidebook is to interpret "biological diversity, and of natural and associated cultural resources" as "**biological diversity, and of natural and associated cultural features**", rather than change "biological diversity" to "nature". This change to the definition accomplishes the dual purposes of accommodating outstanding natural features on a more-or-less equal footing with biodiversity while eliminating the utilitarian connotation of "natural resources". The secondary priority of cultural interests is also maintained.

Third, the term "nature" means many things to many people, and naturalness is a relative term. The long-running argument that humans are part of nature creates obviously conflicting priorities when protected areas become dedicated to the "conservation of nature" rather than the "protection and maintenance of biological diversity". Recognizing that humans are a part of nature, CCEA is nonetheless of the view that humans are a part of nature that the rest of nature often needs protection from; in this light, the term "**biological diversity and natural ecological processes and features**" expresses more clearly what we mean to be protected in protected areas.

Fourth, we believe "ecosystem services" is essentially a utilitarian way of describing the benefits derived from "**natural ecological processes**". While not denying the benefits that protected areas can provide in terms of ecosystem services, we feel that if we are protecting "nature", then by inclusion in the definition we are also protecting natural ecological processes, and as a consequence, the benefits that flow from them. It is redundant to include "associated ecosystem services", and introduces an unwanted tone of utilitarianism into the purpose of areas that are (or should be) set aside from resource exploitation and development primarily to protect biodiversity, and natural ecological processes and features. Protected areas provide many benefits; why should ecosystem services be singled out among them?

"through legal or other effective means" – While this term opens the door for any number of mechanisms to be argued as "effective means", CCEA, through its Guidebook, has provided a clear interpretation of what this term means in the Canadian context, and

supports its retention. The term “through state or other effective governance” sounds more forceful, but might also be interpreted as excluding lands owned by non-governmental land trusts. Are their lands ‘governed’ by them? In any case, CCEA does not have a strong opinion for or against either of these terms.

“dedicated” – CCEA recognizes that a variety of effective governance models exist for protected areas, and supports the identification and discussion of these in the document. The mechanisms identified correlate well with those described in CCEA’s guidebook, except in the instance of areas set aside by company policy alone. We do not believe that areas set aside by corporate good will or policy alone are protected by legal or other effective means. Company policies change, companies buy and sell land, and are themselves bought and sold, and in none of these eventualities does protection necessarily endure. Company lands can only be considered protected when they are either designated under state legislation that protects the land and binds all future owners to the same protection, or when companies have granted or sold the development rights to their land to an organization dedicated to hold them in perpetuity for the purpose of biodiversity protection (as through a conservation easement or covenant held by a land trust).

As a general comment on defining what a protected area is or is not, it is suggested that a table be included with inclusion and exclusion guidelines. This is the approach CCEA has taken in the Canadian Guidebook. It may also be helpful to illustrate this section with specific examples of areas which do or do not qualify, noting which parts of the definition they do or do not satisfy.

It is noted that, in general, guidance provided in the individual category descriptions more explicitly speaks to protection of biodiversity as a priority than the guidance provided for the protected area definition. CCEA supports this emphasis on the protection of biodiversity, and believes the same emphasis should be present in the definition of a protected area.

Summary

CCEA supports the retention of the current definition of a protected area, with minor modifications to improve clarity. CCEA does not support changes which in any way weaken the primacy of the protection and maintenance of biological diversity and natural ecological processes. We especially object to the term “conservation of nature”, primarily because “conservation” is too broad a term to describe the primary purpose of protected areas. We are not opposed to changes which strengthen the interpretation of what “effective means” means, or which put greater emphasis on permanency and the importance of clear delineation.

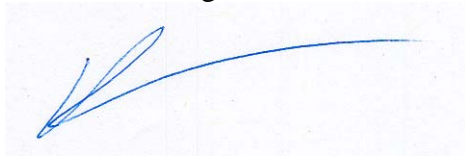
The following definition would modify in relatively minor, but in CCEA’s view, positive ways, the original definition:

“A clearly delineated area of land and/or sea especially and dedicated in perpetuity to the protection and maintenance of biological diversity, natural ecological processes, and natural and associated cultural features, and managed through legal or other effective means.”

We encourage IUCN to make use of its elements in crafting a final definition.

Again, we are grateful for the opportunity to provide these comments, and appreciate the vast effort that has gone into the new draft guidelines. They will provide a much more user-friendly tool to those applying the categories to their own systems of protected areas.

With sincere regards,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke, positioned above the typed name.

David MacKinnon
Vice-Chair, Canadian Council on Ecological Areas

/attachment