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Transboundary Conservation and Protected Areas in the 21st Century

Natarajan Ishwaran

Chief, Natural Heritage Section, UNESCO World Heritage Centre, Paris, France

and

Seema Paul

Senior Programme Officer, United Nations Foundation, Washington D.C., USA

Introduction

A transboundary protected area (TBPA) is defined as:

“An area of land and/or sea that straddles one or more boundaries between states, sub national units such as provinces and regions, autonomous areas and/or areas beyond limits of national sovereignty or jurisdiction, whose constituent parts are especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources and managed co-operatively through legal or other effective means” (Sandwith et.al, 2001).

The implementation of the natural heritage section of the World Heritage Convention is focused on protected areas. For a site to be recognized as World Natural Heritage, not only is it necessary that the site meet one or more of the four natural heritage criteria; it must also meet conditions of integrity which include, amongst others, the existence of legislation at the national, provincial and/or local levels for the effective protection of the nominated site (Table 1; UNESCO, 2002). In fact, most of the areas nominated as World Natural and Mixed Heritage have protected area legislation suitable for IUCN categories I-IV.

The Convention is owned and implemented by its 175 States Parties. The States Parties' efforts to identify, protect, conserve, rehabilitate and present their heritage of outstanding universal value is supported by the UNESCO World Heritage Centre, which serves as the Secretariat of the Convention. Advisory bodies, primarily IUCN in the case of natural heritage, and ICOMOS for cultural heritage, respectively, provide technical guidance to the Committee and the Centre, the decision making body of UNESCO's World Heritage Convention.

As per Article 6, paragraph 1 of the Convention (see UNESCO, 1972) quoted below, international co-operation, including transboundary co-operation, is an obligation to which States Parties to the Convention for protecting the world's cultural and natural heritage of outstanding universal significance adhere:

“Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate”

Furthermore, under Article 7, the need to build a system of international co-operation and assistance to support States Parties is explicitly recognized by the Convention:

“For the purposes of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.”

Sites inscribed under the World Heritage Convention enjoy a variety of benefits. Once designated a World Heritage site, the area is eligible for protection and conservation aid. World Heritage status brings attention to the area, attracting international funding and potential increases in tourism. Finally, designating an area as a World Heritage natural site is a source of national pride, and often increases domestic commitment to that area’s sustainability by providing an extra layer of legislative protection and political recognition.

While these benefits have encouraged the nomination of sites as World Heritage, few initiatives for transborder conservation have been initiated by the States Parties themselves during the last 30 years of the Convention’s operations. The experience shows that coordinated assistance from UNESCO and its partners is required if authorities responsible for the governance of national, provincial and state administration are to undertake the negotiations and establish co-ordination mechanisms necessary for the identification, nomination, inscriptions and conservation of transborder World Heritage areas.

World Heritage Convention as a tool for transborder conservation initiatives

(a) Transborder conservation initiatives as part of implementing the Convention

A number of countries have jointly nominated cross border sites, i.e. sites that are physically contiguous across an international border. Several of these sites have been recognized as single entries on the World Heritage List. Table 2 includes a list of the crossborder World Heritage sites recognized by the World Heritage Committee to-date and figure 1 provides a map of the same sites.

At least one site included in Table 2 may be further expanded to incorporate a third country. The Mt. Nimba World Heritage site shared by Cote d’Ivoire and Guinea extends into Liberia as well. Over the last two years a joint programme of co-operation for the protection of the transborder Mt. Nimba ecosystem, implemented by UNDP, Fauna and Flora International (FFI), Conservation International (CI) and UNESCO, has resulted in Liberia ratifying the Convention in 2002 and taking necessary steps to upgrade legal status of protection afforded to forest reserves in Mt. Nimba within its territory. Nomination of Liberian parts of the Mt. Nimba ecosystem to become part of the cross border Mt. Nimba World Heritage area is one of the next steps planned for execution by co-operating national and international partners. The Mt. Nimba ecosystem conservation efforts promoted under the umbrella of the World Heritage Convention is also a case of peace building amongst people of three countries that were impacted in recent years by armed conflicts and increased movements of refugees in recent years.

The Iguazu National Park of Argentina and the Iguacu National Park of Brazil, and the Sundarbans of Bangladesh and the Sundarbans National Park of India (also see Figure 1) are examples of crossborder sites that have been inscribed as separate World Heritage sites. The World Heritage Committee requested the respective States Parties to consider joint inscription at

the time each of these properties was included in the World Heritage List. While the countries did not disagree with the symbolic value of the inscription of the crossborder territories as a single entity, they cited a number of factors working against immediate inscriptions of these sites as single entries on the World Heritage List. These included sovereignty, political sensitivities related to past or on-going policy differences and disagreements and administrative and managerial complexities of crossborder co-ordination of operations. At the time of the separate inscriptions of these sites there were often lively debates amongst World Heritage Committee members and the advisory body, namely IUCN. While some of them called for immediate transborder inscription, a majority insisted that the views of the concerned States Parties for separate inscriptions be respected as long as they agreed to work towards an eventual joint inscription. When IUCN evaluation finds that sites on either side of an international boundary meets World Heritage criteria and relevant conditions of integrity it appears unfair to defer inscription until such time when the countries can agree to a joint inscription.

One exceptional case where an opportunity for transborder extension of a designated World Heritage property was missed, is along the Kenya-Tanzania border. The Serengeti National Park of Tanzania was one of the earliest sites inscribed on the World Heritage List, in 1981. Masai Mara of Kenya, contiguous with Serengeti, was nominated as World Heritage in 1996, and IUCN evaluation of the nomination and the Bureau of the World Heritage Committee, in 1997, concluded that Masai Mara did not meet World Heritage criteria on its own merit but could be part of a single transborder World Heritage area of Serengeti-Masai Mara shared by Tanzania and Kenya. Bringing the two countries together to agree to expand Serengeti to a transborder Serengeti-Masai Mara World Heritage area has not yet been achieved.

One may ask why UNESCO and/or IUCN or other international specialists and NGOs did not guide the States Parties of Tanzania and Kenya at the time Serengeti was nominated, to think in terms of a transborder nomination of Serengeti-Masai Mara. One reason is that until recently potential sites for World Heritage nomination have been identified at the level of protected areas. The main guide to the States Parties and the UNESCO Secretariat in identifying potential World Heritage sites was IUCN's regional reviews of protected areas and publications such as the World's Greatest Natural Areas (1982) that was compiled as a global indicative list of sites that may be nominated as World Heritage. Since the mid-1980s, and more and more in the 1990s, IUCN has taken the position that it should not be directly implicated in the identification of potential sites for World Heritage nomination since it has obligations under the Convention to evaluate those nominations once they are submitted by States Parties. While respecting IUCN's wish not to play "judge and jury", a system to support States Parties efforts to identify potential list of sites for nomination as World Heritage, and strategies, e.g. cluster, serial and transborder nominations, for designing innovative nominations is urgently needed.

Trans-border conservation co-operation may be facilitated if thinking begins with ecosystem and landscape linkages based on themes such as watershed and catchments or critical habitats for selected wide-ranging species. Such initial conditions for the design of World Heritage area nominations may have enabled the identification of transborder conservation possibilities from the earliest possible stages. Sites involved in such trans-border conservation need not always be physically contiguous. Virunga National Park (Democratic Republic of the Congo; (DRC)), Bwindi Impenetrable Forest (Uganda) and the Volcans National Park (Rwanda) are all critical to conserving the habitats of the mountain gorillas. Virunga and Bwindi are World Heritage sites and Volcans is being considered for nomination by Rwanda. These sites are not physically contiguous but are in close proximity to each other around shared international borders. An ideal trans-border conservation initiative would cluster these three well-known sites with other smaller sites in the region to create a single transborder World Heritage area dedicated to the protection of the

complete home range of the mountain gorilla. Possibilities for establishing such a transborder conservation area are being explored as part of UNF, UNESCO and UNEP co-operation under UNF-UNEP's Great Apes Survival Project (GRASP). Such a project also links transborder conservation to peace building in the region; despite several years of conflict between the three States Parties concerned, NGO alliances like the International Gorilla Conservation Programme (IGCP) have enabled co-operation amongst staff of the protected areas conserving mountain gorilla habitat. The World Heritage Centre is exploring ways and means to strengthen and build on these prevailing modalities of co-operation.

(b) Emerging trends and future directions for transborder conservation initiatives in the implementation of the World Heritage Convention

In December 1998, the Ministry of Forests, Indonesia, the World Heritage Centre and the Centre for International Forest Research (CIFOR) teamed up to organize a global expert forum on World Heritage Forests. At that time, CIFOR analysis showed that nearly 40 tropical forest sites designated as World Heritage already covered 2-3% of the global forest cover; and that a coordinated approach amongst the States Parties to the World Heritage Convention, the World Heritage Centre and specialist tropical forest organizations and conservation NGOs in nominating future sites could protect 5-10% of the global tropical forest cover as World Heritage. The CIFOR analysis was interpreted by some experts as indicative of the possibility that the World Heritage Convention could be a cost effective tool for the conservation of tropical forest biodiversity and hence should be supported in preference to efforts to create new conventions for the same purpose (Sayer et.al., 2000).

The Berastagi dialogue initiated a new interest in multi-site clusters of World Heritage area nominations. In-country transborder conservation initiatives, cutting across provincial, state, county and other administrative boundaries have since grown in number. The Discovery Coast Atlantic Forests and the Southeast Atlantic Forest Reserves were nominated as clusters of 8 and 25 protected areas, respectively, and inscribed as World Heritage in the year 2000.

Another significant outcome of the Berastagi Dialogue on World Heritage Forests is a recommended list of clusters, including transborder clusters, of potential World Heritage areas. The outcome of the Dialogue partly contributed to the UN Foundation prioritizing designated and potential World Heritage Biodiversity sites, i.e. sites meeting natural heritage criterion iv (see Table 1) as targets for grant assistance under UNF's Biodiversity Programme Framework. Transborder conservation initiatives, both with regard to in-country and transborder clusters of protected areas and adjoining lands have gathered momentum under the World Heritage Convention particularly due to the targeted financial support to designated and potential World Heritage biodiversity sites that the UN Foundation-UNESCO World Heritage Centre partnership has made possible. Some of the initiatives that UN Foundation has enabled, since 1999, the UNESCO World Heritage Centre and other UN bodies such as UNDP-GEF to launch are:

- Nomination of an in-country cluster of rainforest parks in Sumatra; the Indonesian Government has submitted this cluster of national parks comprising Gunung Leuser, Kerinci Seblat and Bukit Barisan distributed along the Bukit Barisan mountain range of Sumatra in time for the 1 February 2003 deadline for submissions this year. The cluster was recommended by the Berastagi dialogue and will be included in the set of sites to be evaluated by IUCN and for consideration for inscription on the World Heritage List at the Committee session in 2004;
- UNESCO is collaborating with the ASEAN Secretariat and Indonesian and Malaysian expertise to nominate a transborder cluster of protected areas along the Kalimantan

(Indonesia)/Sarawak (Malaysia) border. This nomination is expected to be finalized for submission to UNESCO for the February 1, 2004 deadline and for decision regarding inscription on the List by the Committee session in 2005;

- World Heritage Centre is collaborating with the International Centre for Tropical Ecology (ICTE) in Stonybrook, New York, and the Malagasay NGO, MICET, to prepare a World Heritage area nomination incorporating a cluster of 5 protected areas in the southeast moist forests of Madagascar;
- UNF, UNDP, and UNESCO are collaborating to promote the nomination of Cardamom Mountains in Cambodia as World Heritage.
- Under the Central African World Heritage Forest Initiative (CAWHFI) to be executed jointly by UNESCO and FAO with the co-operation of a number of NGOs, including WWF, WCS, CI and JGI, and States Parties to the Convention who committed to the Yaounde Summit Declaration to protect Central African forests, several crossborder and in-country protected area clusters are to be prepared for nomination as World Heritage. The Dzangha-Tsanga complex spread across Cameroon, Central African Republic and the Republic of Congo is likely to be the first such nomination from Central Africa. Other than the Mt. Nimba case referred to earlier, this is the only other instance of tri-country nomination for World Heritage currently under consideration;
- Berastagi-type global expert analysis to identify potential World Heritage sites in other ecosystem categories with a view to recommending in-country and transborder clusters of protected areas have gathered momentum. A global expert meeting on tropical coastal, marine and small island ecosystems was convened in Hanoi, Vietnam in February 2002 and as a result transborder marine and seascape conservation initiatives are in preparation or underway in several parts of the Pacific; they include a seascape conservation and management project involving Galapagos and Cocos Island World Heritage sites and a number of potential small islands off the coasts of Columbia (Malpelo) and Panama (Coiba); a line islands cluster incorporating coral reef sites from Kiribati, US territories and Cook Islands, which provide critical migratory areas for fishes, birds and marine mammals is under discussion; a transborder cluster incorporating Los Roques and Los Aves of Venezuela and Curacao-Bonaire of the Netherlands Antilles is also being negotiated;
- An expert meeting held to review biodiversity significance of karst sites in East and Southeast Asia also identified opportunities for transborder collaboration bringing together karst forests distributed across the Laos-Vietnam border and along the Annamite mountain. These possibilities for transborder World Heritage collaboration will be taken up through the UNESCO National focal points in Vietnam and Laos in the near future.

Some of the challenges involved in inscribing and protecting trans-border World Heritage sites are unique to the geographical location and socio-economic and political profiles associated with protected areas. Given political sensitivities and multitudes of administrative authorities, establishing trans-border World Heritage sites in Asia has been more difficult than in other parts of the world. The Government of India expressed an interest in nominating a cluster of protected areas in the Western Ghats, a biodiversity hotspot shared among three of its southern states, as a World Heritage site some years ago. But that effort has slowed down because of the difficulties involved in coordinating across these states. Understandably, these difficulties magnify when coordination is across national borders as opposed to domestic state or provincial lines.

When the two Sundarbans sites of India and Bangladesh were inscribed separately on the World Heritage List in 1987 and 1997, respectively, the World Heritage Committee reiterated that the two countries ought to consider nominating the cross-border site as a single entry on the World Heritage List, representing the Sundarbans ecosystem as a whole. Apart from sensitivities linked to bilateral relations, differing levels of integration of forest management with public participation

amongst the two countries also posed difficulties in achieving this goal. India's National Forest Policy accepts the participation of the public in overall forest management, and providing a Citizen's Charter outlining the rights and responsibilities of the public in forest management. Bangladesh foresters are currently in the process of working out modalities to fully integrate the public into the country's forest management policy. Despite these differing conceptions of forest management and political sensitivities between the two countries, a UNF/UNDP Project is currently attempting to bring the Sundarbans together as a single World Heritage site, initiating discussion and cooperation between the two countries. It is hoped that the collaboration between the neighboring countries will provide transborder surveillance and management operations to protect the endangered tigers, for whom the Sundarbans is one of the last three remaining habitats where scientists predict that chances of long term survival of the tiger are greater than in the increasingly fragmented and fragmenting forests elsewhere in Asia.

Opportunities for trans-border conservation under the World Heritage Convention's framework are significantly higher in the tropical coastal and marine ecosystems. Tropical areas have attracted significant attention in recent years due to their biological significance, and consequently efforts have focused more on the conservation of the forests in these areas. With regard to tropical forest conservation, there has been growing experimentation with transboundary protected areas. Given that poverty also tends to be concentrated in the tropics, and people's dependence on the forests for their basic needs is very high, there are also more pressing human reasons to conserve these areas, and to collaborate for their long term conservation. Similar poverty and human pressures related considerations apply to identifying and nominating cluster and transborder sites in tropical coastal and marine zones. Fisheries, shipping and other uses of coastal and marine waters pose interesting challenges to designing and launching transborder World Heritage conservation initiatives in tropical coastal and marine waters.

In other instances there has been resistance to transborder cooperation because of the importance the World Heritage sites in regional socio-economics. When the Jiuzhaigou and Huanglong Scenic Areas of China, two adjacent county administrations in the Sichuan Province of China were designated as World Heritage in 1992, the Committee suggested that the Chinese authorities consider combining these two sites into a single World Heritage area nomination representing the Minshan Mountains. However, Jiuzhaigou and Huanglong World Heritage areas are major tourist attractions in their respective counties and county administrators have resisted the loss of the World Heritage identity belonging to their respective sites by merging them into an aggregate that may only please ecosystem conservation planners and managers. World Heritage sites of China are significant generators of tourism dollars and local administrators do not always agree to transborder conservation initiatives across provincial and municipal boundaries unless such initiatives add value to income and employment generation expectations of those administrators and their people.

Conclusions

In most cases where there are opportunities for transborder conservation across nation states some level of co-operation between the staff of protected areas from the two sides occurs. This is true even in conflict zones such as those shared by DRC, Uganda and Rwanda. Raising on-going levels of transborder co-operation to levels that celebrate international co-operation for the conservation of a common heritage of humankind under the World Heritage Convention requires considerable inputs of time and intellectual and financial resources. Greater recognition of the symbolic and political benefits of such transborder co-operation by the international community could contribute to greater interest among States Parties to nominate transborder areas as World Heritage.

Financial and economic opportunities generated by transborder conservation opportunities need to be given more consideration. In-country transborder conservation initiatives, if perceived to be unfavourable to prevailing economic opportunities enjoyed by different administrations, will be difficult to promote even if they make ecological sense.

Using the World Heritage Convention as a tool for promoting transborder conservation initiatives has been enhanced by recent efforts to identify opportunities as part of global ecosystem-specific studies and analyses. Global schemes for conservation priority settings, e.g. Ecoregions (WWF), biodiversity hotspots (CI), migratory bird habitats (Ramsar Convention and Birdlife International) provide a useful baseline for undertaking such global analyses to identify in-country and transborder clusters of protected areas that may be nominated as World Heritage.

In comparison to single-protected area site nominations that dominated the past 30 years of the Convention's work, in-country and cross-country multiple protected area clusters of World Heritage areas: (a) increase the total area that could benefit from the additional protection under international law; (b) reduce the rate of growth in the number of new sites and thus enhance the credibility of the World Heritage Listing process; and (c) enhance the chances of the long term sustainability of the conservation of those sites and the biodiversity contained therein. Greater international recognition and support is still needed, particularly at the sub-regional level, where potential for in-country and cross-country transborder cooperation and opportunities to nominate in-country and cross-border trans-border World Heritage sites are at their optimum.

Literature cited

Sandwith, T, C Shine, L Hamilton and D Sheppard (2001); *Transboundary Protected Areas for Peace and Co-operation*, IUCN, Gland, Switzerland and Cambridge, UK

UNESCO (2002); *Operational Guidelines for the Implementation of the World Heritage Convention*, Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, World Heritage Centre, Paris France

UNESCO (1972); Convention concerning the protection of the world cultural and natural heritage, Paris, France