

-MODULE 1-

SETTING THE CONTEXT

CONTEXT OF MODULE WITHIN BROADER COURSE

- This is the first Module in the Course.
- This Module provides the learners with a broad introduction to, and overview of, the Course.
- Thereafter, the Module introduces:
 - Learners who are PA practitioners to basic legal concepts.
 - Learners who are lawyers to basic PA concepts.

OVERVIEW OF KEY CONTENT

In this Module the Educator will introduce learners to:

- **The Course**
 - Background to the Course
 - Nature, scope & purpose of the Course
 - Teaching methodology
 - Structure & duration of the Course
 - Course readings & resources
- **Basic Legal Concepts**
 - What is law
 - Function of Law
 - Types of legal systems
 - Branches of law
 - Sources of law
 - Types of laws
 - Components of a law
 - Structure of government
- **Basic Protected Area Concepts**
 - What are "protected areas"
 - Key definitions and terminology
 - Importance & value of PAs
 - Key management principles & concepts
 - "PA governance" & "good governance"
 - Key institutions & stakeholders

MODULE OBJECTIVES & OUTCOMES

• Objectives

- Introduce the learner to origins of the Course and the Project.
- Clarify the nature, scope and purpose of the Course.
- Explain the teaching methodology underpinning the Course.
- Provide a broad overview of the Course content.
- Bring all course participants to a common level of understanding, by introducing:
 - PA practitioners to basic legal concepts.
 - Lawyers to basic PA concepts.

• Desired Outcomes

- Understanding of the origins of Course.
- Clarity on the nature, scope and purpose of Course.
- Awareness of the teaching methodology adopted in Course.
- A sense of the structure and content covered in the Course.
- Knowledge of basic legal and PA concepts relevant to PA law and connectivity conservation law.

READINGS & RESOURCES

- *PA Law Guidelines* (Pgs 1-47)
- *Connectivity Law Paper* (Pgs 1-8)
- Lockwood G, Worboys G & Kothari A (2006). *Managing Protected Areas – A Global Guide*, IUCN, Earthscan, chapters 4 and 9.
- Borrini-Feyerabend G, Dudley N, Jaeger T, Lassen B, Broome N, Phillips A & Sandwith T (2013). *Governance of Protected Areas: From Understanding to Action*, IUCN, Gland.
- Dudley N, Stolton S, Belokurov A, Krueger L, Lopoukhine N, MacKinnon K, Sandwith T & Sekhran N (eds) (2010). *Natural Solutions: Protected Areas Helping People Cope with Climate Change*, IUCN-WCPA, TNC, UNDP, WCS, World Bank & WWF; Gland, Switzerland, Washington DC & New York.
- Dudley N (ed) (2008). *Guidelines for Applying Protected Area Management Categories*, IUCN, Gland. WITH Stolton S, Shadie P & Dudley N (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, IUCN Best Practice Protected Area Guidelines Series No. 21, Gland, Switzerland.
- R Wacks (2008). *Law: A Very Short Introduction*, Oxford University Press, Oxford. This compact book provides a good introduction to relevant Legal concepts.

STRUCTURE & DURATION OF MODULE

- This Module is structured into **two main components**:
 - **Seminar Presentation**
 - **Exercise**
- The approximate **duration** of the Module is 4 hours comprising of:
 - Seminar Presentation (2.5 hours)
 - Exercise (1.5 hours)

REFLECTIVE EXERCISES

In this Module the Educator has the choice of **two Exercises**. The choice of exercise should be informed by whether the Learners are predominantly lawyers or PA practitioners. Where the Learners are predominantly PA practitioners, Exercise 1 would be more relevant. Where the Learners are predominantly lawyers, Exercise 2 would be more relevant. Where the Learners comprise of a mix of PA practitioners and lawyers, the Educator may wish to run both exercises.

- **Exercise 1 - *Understanding Basic Legal Concepts***
 - **Nature of the Exercise**
 - Small Group Exercise.
 - Case Study.
 - Discussion Forum.
 - **Purpose of the Exercise**
 - Promote an understanding of basic legal concepts amongst Learners from non-law backgrounds.
 - Get Learners thinking about the sources of laws, different legal disciplines, branches of government and institutions of potential relevance to PAs, and the components of PA laws.
 - Provide an opportunity for Learners to understand how the different components of a legal system fit together in practice.
 - Provide Learners with an opportunity to practically reflect on the possible application of these legal elements in the context of a PA case study.
 - **Methodology/Procedure**
 - Divide Learners into groups of four.
 - Each group will be given the same case study of a PA.
 - Each group will be tasked with identifying which generic laws, legal tools and institutions are of potential relevance to the PA (1 hour).
 - Thereafter, the groups will be brought together and the Educator will facilitate an open discussion – collating the relevant laws, legal tools and institutions identified by the groups (30 minutes).
- **Exercise 2 - *Understanding Basic Protected Areas Concepts***
 - **Nature of the Exercise**
 - Small Group Exercise.
 - Case Study.
 - Discussion Forum.
 - **Purpose of the Exercise**
 - Promote an understanding of basic PA concepts amongst Learners from non-PA backgrounds.
 - Build awareness amongst Learners from non-PA backgrounds about the form, nature and role of PAs, key management

principles underpinning PAs, relevant institutions with a role to play in PAs, and governance principles and tools.

- Provide Learners with an opportunity to practically reflect on the above aspects in the context of a PA case study.

- **Methodology/Procedure**

- Divide Learners into groups of four.
- Each group will be given the same case study of a PA.
- Each group will be tasked with identifying the potential role and value of the PA, the stakeholders with a role to play in the PA, the management principles that should inform the management of the PA, and the IUCN Management Categories that might be of relevance to the PA (1 hour).
- The Educator will facilitate an open discussion – collating the Learners’ responses regarding the potential role and value of the PA, the stakeholders with a role to play in the PA, the management principles and governance principles, and the tools that should inform the management of the PA (30 minutes).

NOTES FOR THE EDUCATOR

- **General Preparations for the Module**

- Work through the relevant Seminar Presentation and supporting Notes for the Educator.
- Tailor the Presentation to suit your purpose and audience.
- Read through the relevant Exercises.
- Tailor the Exercises to suit your purpose and audience.
- Read the main texts and the additional readings and resources.
- The Educator may wish to consult the additional sources in preparing for the Module

- **Facilitation of the Module**

- **Seminar Presentation (General Structure)**

- The Seminar Presentation is long but is divided into the following three distinct parts:
 - Introduction to the Course (Part 1).
 - Introduction to Basic Legal Concepts (Part 2) - which provides the necessary legal foundation that non-lawyers will require in order to fully comprehend the information conveyed in this Course about legal concepts and their influence on PA legal frameworks.
 - Introduction to Basic PA Concepts (Part 3) - which provides the necessary scientific foundation that lawyers will require in order to fully comprehend the information conveyed in this Course about PA management concepts and the legal frameworks relating to them.
- There are several key considerations for generally tailoring this Seminar Presentation to suit your group of Learners and their context.
 - Presenting the entire Course and your Learners comprise of a mix of lawyers and PA managers - include all three Parts of the Seminar Presentation.
 - Presenting the entire Course and your Learners comprise of lawyers - exclude Part 2 (slides 20-38) of the Seminar Presentation.
 - Presenting the entire Course and your Learners comprise of PA managers - exclude Part 3 (slides 40-78) of the Seminar Presentation.
 - Presenting only certain Modules of the Course - you may want to exclude Part 1 (slides 1-18) - and include only those components of Part 2 and Part 3 which you feel would be beneficial in bringing all Learners to a common level of understanding of Basic Legal Concepts and PA Concepts.
- Owing to the potential novelty of many of these Basic Legal Concepts and PA Concepts to many Learners, every effort should be made to explain how the concepts are of relevance, or how they may play out, in the context of PAs.

- **Seminar Presentation (Specific Content)**
 - The Educator may wish to consider the following factors in tailoring the specific content in the Seminar Presentation to suit his/her audience/context.
 - Introduction to the Course (Part 1)
 - The Educator may wish to insert a slide containing a photograph of him/herself and his/her contact details (after slide 1) and spend some time allowing each of the Learners to introduce him/herself.
 - The Educator may wish to draw on and include additional slides reflecting national/regional targets and statistics to supplement the global statistics (after slides 3-6).
 - Introduction to Basic Legal Concepts (Part 2)
 - When discussing the different legal systems of the world (slide 23-24), the Educator may wish to spend some time reflecting on the system relevant to the Learners' context.
 - The Educator could tailor the discussion of the sources of law (slides 25-29) to the sources relevant in the Learners' jurisdiction/context.
 - The Educator may wish to include an additional slide on the law-making process relevant to the Learners' context after the discussion of types of law (slide 31).
 - In dissecting the components of a PA Law (slide 34), the Educator is encouraged to make use of a law that is relevant to the Learners' context.
 - With regard to the structure of government (i.e. whether it is unitary or federal dealt with in slides 36-37), the Educator could focus on the structure relevant to the Learners' context and the examples of terminology that might be used to refer to central and regional governments might be replaced with the terminology applicable in the relevant country.
 - Introduction to Basic PA Concepts (Part 3)
 - The Educator may wish to incorporate a definition of the term 'protected area' from the PA Law relevant to the Learners' context when discussing the IUCN definition of a PA (slides 41-46).
 - Depending on the familiarity of the Learners with general concepts/terminology relating to biodiversity, the Educator could consider omitting the slides detailing biodiversity-related definitions (slides 49-51).
 - The Educator may also wish to draw on the PA Law relevant to the Educator's or Learners' context in illustrating how management principles have/may be incorporated into a PA Law (slides 53-69).
 - The Educator may wish to draw on the PA Law relevant to the Educator's or Learners' context to specifically illustrate how the PA Management Categories are reflected in that law, if at all (slides 63-666).
 - The final section of the Seminar Presentation (slides 76-77) deals with relevant institutions at the international, regional

and national levels. As it stands, the Presentation does not address regional institutions. The Educator may wish to supplement the Presentation with regional institutions relevant to the Learners' particular context. Similarly, the national institutions and role-players are addressed in a generic format. The Educator could replace these generic references with specific institutions relevant to the Learners' context.

- The Educator should be aware that the content dealt with in this Module links with that contained in several other Modules in the Course, most notably:
 - **Module 2** (Governance Principles and Approaches) - which deals comprehensively with the notions of "governance" and "PA governance".
 - **Module 4** (Planning, Types, Establishment, Disestablishment & Alteration) - which deals comprehensively with the law relating to the planning for and the establishment, disestablishment and alteration of the boundaries of PAs.
 - **Module 5** (Management) - which deals comprehensively with the law relating to the management of PAs.
 - **Module 7** (International and Regional Law) - which deals comprehensively with the international and regional legal frameworks of relevance to PAs.

ASSESSMENT EXERCISES

- **Nature and Guidance on Use of Exercises**
 - The Educator is provided with a series of essay-style assessment questions that are designed so as to broadly cover the content the Module.
 - The questions may be utilised for assessment purposes or as an opportunity for Learners to consolidate their knowledge.
 - The questions cover both theoretical and practical issues.
 - No mark allocation for the questions has been provided.
 - All of the questions are of equal weighting.
 - It is recommended that in an exam-type setting, Learners should have 1 hour to answer each question.
 - The answers for the questions can be drawn directly from the Seminar Presentation and the accompanying Seminar Notes.

- **Assessment Questions**
 - *Question 1*

Law is an essential element of any society and the law continues to evolve and grow as societies become more complex.

Write an essay in which you explain what law is and what its function is in society. Also explain the various branches of law that exist and analyse how individual disciplines of law might be of relevance to PAs.

○ *Question 2*

The law emanates from a number of recognised sources that may differ depending on the nature of the legal system. Discuss the sources of law relevant to a civil law or common law system. In your discussion indicate which sources of law you believe are most important for PAs and why.

○ *Question 3*

Government structures differ from country to country. However, in western legal systems the state is usually divided into several branches and sovereignty may be centralised or decentralised.

Explain the different branches of state and what their respective roles would be in relation to PAs. Also explain the differences between a centralised and decentralised government structure and what the implications might be for PAs.

○ *Question 4*

Legislation is the primary source of rules governing PAs. Analyse the types of laws that govern PAs and provide an overview of the key generic elements one might find contained in a PA law.

○ *Question 5*

Most states recognise PAs as a key conservation tool. Explain what is meant by the concept of "protected area", including the key characteristics of such areas generally recognised by the international community. In your answer, also include a discussion of the value and importance of PAs.

○ *Question 6*

The international community recognises several best management principles, including the following:

- PA systems and systems planning;
- Ecosystem approach;
- Precautionary approach;
- Connectivity; and
- Managing for threats.

Choose any **two** of the above principles and explain the principles and their importance for PAs.

○ *Question 7*

The IUCN has developed a series of PA Management Categories, ranging from strict protection to multiple use PAs.

Provide an overview of the various Management Categories and discuss key principles regarding their possible use/application through law and policy.

- *Question 8*

Governance is increasingly being recognised as a key ingredient to achieving sustainable development and effective conservation.

Explain the concepts of "governance", "PA governance" and "good governance", and analyse the principles and legal tools that underpin and promote good governance.