

Transborder Parks for Peace and Conservation

*Ambassador Amado S. Tolentino **

I. Introduction

It is a fundamental rule in international law that States exercise sovereign right over all natural resources in their territory. The enactment of legislation for the establishment, conservation and management of protected areas, including the resources found therein, is in pursuance of such a sovereign right. Lately, however, the idea emerged that States, and the international community, in general, have an interest in the conservation of natural areas and the biological diversity they contain. As a matter of fact, recent international legal instruments such as the World Heritage Convention and the Biological Diversity Convention show that the concept of national sovereignty must be tempered by the recognition of the interest of the international community in the conservation of resources found in different jurisdictions. The fact that states voluntarily accept limitations in their sovereignty by agreeing to international obligations to conserve some of their natural resources provides a basis upon which national legislation on protected areas, as well as bilateral agreements on border area management may be developed.

With the emergence of new thoughts on national sovereignty, transfrontier protected area management came into the forefront. Transfrontier protected areas include transnational parks, transfrontier reserves, transborder parks, borderline, cross-border or border parks, international peace and historic parks, friendship park, meaning protected areas that meet across transnational borders. A study conducted by IUCN (World Conservation Union) in 1988 revealed 70 border parks involving 65 countries (Annex A). Among those not included are Montecristo Mountains bordering El Salvador, Guatemala and Honduras, and the Turtle Islands Heritage Protected Area established by the Philippines and Malaysia in 1996. Various degrees of cooperation exist in those border parks. Some have joint planning and management practices, while in others, virtually no interaction occurs.

The transborder park concept appears to be best developed in Europe where there are thirty-six international borders. Twenty-four pairs of transboundary parks were identified, including one or more parks in twenty countries. At least four areas have legal agreements; the rest rely on informal arrangements and practices. In the case of German–Belgian park, for instance, an international consultative committee with representatives from two countries regularly meet to discuss and resolve transfrontier problems and the pursuit of other common targets. The legal basis is the 1981 Germund Agreement, which gave legal international status to the German–Belgian National Park.

A close look at a world map of parks and reserves will show that many protected areas are established along boundaries of countries. Among the reasons are scarce human population, great scenic value and the abundance of biological diversity in those areas. Moreover, parks on the borderline promote bilateral understanding and strengthen ties among countries.

* Professor, diplomat and a pioneer in the field of environmental law. He was appointed first Director, Environmental Management Bureau and served as Consultant to the United Nations Environment Programme (UNEP Nairobi) and the UN Economic Commission for Asia and the Pacific (UNESCAP Bangkok). He was also Philippine Ambassador to Papua New Guinea and Qatar. At age 28, he was elected Delegate to the 1971 Constitutional Convention (Con-Con) where he was Sponsor, Committee on Youth.

This article provides state-of-the-art review and is intended to be a means of documenting the knowledge and experience gained through legislation and institutional development on transfrontier parks management. As a guide, it can only give directions on developing a legal framework for border parks and should not be treated as prescription, manual or standard. It simply illustrates the distillation of status and format with respect to legislation and machinery as tools for sustainable development through effective protected border area management.

2. Functions and Values of Border Parks

The significance of contiguous areas is viewed both as an expression of understanding among nations and as a means of facilitating cooperative approaches and shared responsibilities in the conservation of heritage resources. There are, therefore, three possible functions of transfrontier parks. These are: (1) promotion of peace; (2) protection of the environment and effective management of the resources; (3) preservation, understanding and enhancement of cultural values, especially the lot of indigenous peoples.

Many border parks in Europe were established as an aftermath of World War II. Among these are German–Dutch, German–Belgian and German–Luxembourg parks. Likewise, the Czechoslovakian–Polish parks were the result of unusual border situations after the war. A more recent example is the public pronouncements of Nicaragua’s former President Ortega and Costa Rica’s former President Arias on the creation and cooperative management of a series of peace parks (Peace Through Parks) on their common border. Thus far, an international policy committee has been created for the parks. Planning field surveys and cooperative discussions are being conducted. Officials from the environment agencies of both countries made impressive presentations of their plans for the peace parks at a meeting in Costa Rica.

Indeed, while many border parks today function primarily for the purpose of recreation, tourism and environmental protection, peace and the improvement of relationships were the reasons they were initially established.

Border parks serve the interests of environmental and natural resource management by improving protection of internationally shared resources such as rivers, lakes and scenic vistas; increasing protection for migratory species which cross boundaries; reducing risks and levels of transnational hazards and pollutants such as fire and air pollution; and allowing fuller and easier enjoyment of recreational facilities.

Most important of all, border parks help improve the economic and social conditions, as well as the security of indigenous peoples. For example, the Maasai tribes in Kenya and Tanzania benefits from their improved ability to visit friends and relations across the border, exchange information, hold tribal ceremonies and even improve cattle breeds. Another success story relates to the Awa Indians of Ecuador who live in the 120,000 hectare Awa Ethnic Forest Reserve, which adjoins a similar reserve in Colombia. Several Ecuadorian Government agencies, along with NGOs, are working to create suitable conditions for sustainable activities of the Awa Indiwans both in the reserve and in the surrounding region, in order to protect them and preserve their culture.

Finally, transborder parks have great value in preserving natural areas and promoting the coordinated and harmonized management of natural resources. They also help countries

maintain unpopulated buffer zones. There are even instances when they assist in controlling the spread of disease, like what the Los Katios National Park (Colombia) and the Parque Nacional Fronterizo Dairen (Panama) did to control the spread of foot and mouth disease among animals. Indeed, the idea of an international network of border parks as zones of peace is one worth pursuing.

3. Some existing Transborder Parks in the World

Poland and Czechoslovakia pioneered the establishment of transborder parks through the Krakow Protocol signed in 1925, which resulted in the establishment of three joint parks, namely; Tatrzanski–High Tatra, Pieninski–Pieniny and Krakonoski–Krkonose, all located along the Polish–Czechoslovak border. Actually, the reason behind the Krakow Protocol was to bring the conflict between the two countries over the frontier line in the Tatras mountain range to a peaceful solution. Joint councils were created for each park as a framework for cooperation. Consultations between two countries on the “twinned” parks concern the harmonization of park regulations, scientific research, and tourism, as well as wildlife and forest management.

3.1 Asia

a. Turtle Islands Heritage Protected Area (Philippines and Malaysia)

In 1996, the Governments of Malaysia and the Philippines entered into a Memorandum of Agreement for the establishment of the Turtle Islands Heritage Protected Area, consisting of six islands designated by the Philippines, and three islands designated by Malaysia, which are habitats of the endangered green and hawksbill turtles. The Agreement calls for an integrated management program which highlights, at the minimum, the following; (1) Implementation of a uniform approach to conservation and research that is oriented towards wise management of protected areas; (2) Establishment of a centralized database and information network on marine turtles; (3) Development of appropriate information awareness programs targeted towards the inhabitants of the designated islands; (4) Development and implementation of a staff training and development program; and (5) Development of ecotourism projects. A Joint Management Committee was created as the policy-making body of the protected areas, with authority to collaborate with international organizations involved in marine turtle conservation. The representatives of the Contracting Parties to the Joint Committee may also recommend to their respective governments the enactment of such laws as may be necessary to attain the objectives of the Agreement.

b. Manas Wildlife Sanctuaries (Bhutan and India)

Among the most significant conservation areas in the entire Indian sub-continent are the adjoining Manas Wildlife Sanctuaries along the border of India and Bhutan. Their wide area, as well as the diversity of species found therein, makes the sanctuaries very important for conservation purposes. The two countries informally cooperate, particularly reserve wardens on both sides of the border.

Only the Indian portion is inscribed in the World Heritage List.

c. Sundarbans Reserve (India and Bangladesh)

Though not directly adjacent, the Sundarbans Reserves of India and Bangladesh are proximally and functionally linked. The reserves protect part of the world’s largest extent of mangrove forests, in the Bay of Bengal. Among the important species identified in the reserves

are highly mobile populations of saltwater crocodiles, black finless porpoises and numerous types of waterfowl, which freely move in the reserves.

The World Heritage Committee (UNESCO) encourages Joint Cooperative Management of the Sundarbans Reserves.

d. Reserve (Indonesia and Malaysia)

A very ideal buffer zone exists between Malaysia and Indonesia on account of the fact that it is uninhabited for military and security reasons. Malaysia declared the zone (Lanjak Entimau) in Sarawak a reserve, which prompted Indonesia to establish an adjoining reserve, Genung dan Karimum (Indonesian Borneo).

3.2. South and Central America

a. Iguacu–Iquazu Border Parks (Brazil and Argentina)

Examples of border parks individually listed in the World Heritage List are the Argentinian Iquazu and Brazilian Iguacu National Parks, referring to adjoining parks surrounding the Iguazu Falls, which form part of the border between the two countries. Inasmuch as questions of sovereignty delay further moves, a joint management advisory committee has been recommended to address issues on the impacts of the parks on upstream deforestation and hydroelectric project development.

b. Montecristo Mountains (El Salvador, Guatemala and Honduras)

In November 1987, an agreement was signed between El Salvador, Guatemala and Honduras, designating Montecristo Mountains an international biosphere reserve. Each country takes charge of the management of the areas under their respective jurisdiction through a jointly formulated management plan done in “homogenous way” by the Parties. However, information is not available on whether the agreement had been ratified by the three countries and/or currently enforced.

c. La Amistad International Park (Costa Rica and Panama)

In 1979, the La Amistad (Friendship) International Park was jointly declared by the Presidents of Panama and Costa Rica at a meeting of IUCN. The area, which contains the highest diversity of species of fauna and flora in Central America, will be managed through a process of mutual consultation. Of the two countries, the Costa Rican side is already in the World Heritage List.

d. Los Katios National Park (Colombia) and Parque Nacional Fronteriz Dairien (Panama)

Located at the isthmus of Panama (the meeting point of Central and South America) is the Parque Nacional Fronteriz Dairien, which is right beside the Los Katios National Park and forest reserves of Colombia. Establishment of this border park was brought about by the mutual concern and interest of the two countries to set up an inspection zone, specifically to control the spread of foot and mouth disease among animals. A number of technical meetings on joint management of the border zone protected areas have been undertaken by Colombia and Panama.

The Dairien National Park in Panama is in the World Heritage List.

3.3 North America

a. Waterton–Glacier International Peace Park (Canada and USA)

The Waterton Lakes National Park (Alberta, Canada) and the Glacier National Park (Montana, USA) were designated Waterton–Glacier International Park not by a treaty, but by two separate laws adopted by the Canadian Parliament and the US Congress in 1932. The two pieces of legislations did not, in any way, affect the legal status of the two parks since 1910 (USA) and 1911 (Canada). They simply established a basis for a form of cooperation between the park authorities of the two countries with regard to cooperative law enforcement, staff orientation/training exchanges, interpretative publications, sharing of data in resource management and emergency responses, including search and rescue activities. In 1987, the Waterton–Glacier International Peace Park Days of Peace and Friendship Accords were signed wherein the two countries listed a number of areas in which their respective Park Services will work together. These include, among others: (1) Passing legislation to allow visitors with valid entry permits for one park to visit the other without paying a second entry fee; (2) Developing with certain Customs and Immigration officials initiatives which emphasize to the visitor the international nature of the Peace Park; and (3) Making additional requests to the International Boundary Commission to have its legislation amended so the boundary swath will be allowed to regenerate. Thus far, cooperation between the two countries has resulted in protection of and international ecosystem and encouraged international tourism. Recent international travelers to the park commented on the ease in crossing the international boundary between the two countries. Actually, the Accords could lead to an international boundary clearing exemption on the 30km common boundary of the parks, as well as reciprocal entrance fees.

The Waterton–Glacier International Peace Park remains as the largest international park undertaking in the world.

b. Roosevelt Campobello International Park (Canada and the USA)

The Roosevelt Campobello International Park is a Canadian island and not a true transboundary park. The international boundary between the USA and Canada is the St. Croix River, a few kilometers away from Campobello Island. For many years the summer home of President Franklin Delano Roosevelt, 32nd president of the USA, the island is accessible from the USA by bridge and from the New Brunswick mainland by air or by boat. The international park, which includes a number of historic buildings and 105 hectares of surrounding land, was established by a treaty between the USA and Canada. The treaty creates a six-member international commission, three from each country, appointed by the Canadian Prime Minister and US President, respectively, which lays down the management policy for the Park. Staffing, funding, and management of the international park are equally shared by the two countries.

c. Berengia International Park (Russia Federation and USA)

IUCNs (World Conservation Union) General Assembly in Costa Rica (1988) and Australia (1991) adopted resolutions encouraging the creation of an international park between the USSR and the USA. Thereafter, a Geneva summit between the leaders of the two countries resulted in, among others, a USA–USSR Agreement on Cooperation in the Field of Environmental Protection which is the basis of present efforts to draft legislation for the Supreme Soviet and the US Congress to establish the park.

Strong cooperation for the establishment of the International Park exists in the

Russian Federation, through the Russian Parliament and Ministry of Environment and Natural Resources, while on the US side, the Department of Interior, through the National Park Service, liaises with the US Congress. Because of the different pace of the legislative processes on both sides, the possibility of issuing executive proclamations as an initial step in formally designating the International Park is being discussed at the moment.

Though originally conceived as the Bering Land Bridge World Heritage Site, a preliminary assessment of a technical working group to investigate cooperation in the Siberian/Alaskan border have recommended an international park between Chukotka and Alaska, covering land and water areas, with cooperative management programs for shared marine species and pollution control.

A work plan has been drawn by designated principal officials from the US and Russian Federation. Pending formal issuance of legal instruments, the International Park continues to be the umbrella mechanism for field research and inventory within candidate sites on both sides.

3.4 Africa

a. Serengeti National Park and Mawa Game Reserve (Tanzania) and Masai Mara National Reserve (Kenya)

The migratory nature of the wildlife resources in Africa accounts for the abundance of border parks in the continent. Three such border parks/reserves in East Africa are the Masai Mara National Reserve in Kenya, and the Serengeti National Park and Maswa Game Reserve in Tanzania. A common occurrence within the border of the parks is the seasonal migration of hundreds of thousands of big grazing mammals, notably wildebeests, zebras, lions, and other predators, depending on their grazing requirements. All three reserves/parks share responsibility for the functioning of the great mammal migration known worldwide. Joint cooperation in the areas' management encompasses resource-monitoring programs, including anti-poaching concerns. The transnational pair of reserves/parks is known to have improved the conditions of the Maasai tribe herders, and as the political differences between the two countries are resolved, a tourist route is in the offing for other parks in both countries, not just the border parks.

b. Parc National Du W (Benin, Burkina Faso and Niger)

Established by the French colonial government in 1954, The Parc National du W consists of three border parks in West Africa's Benin, Burkina Faso and Niger. The park is referred to as "W" because of the double loop made at the point by Niger River. Coordinated management of the over 1 million hectare park is encouraged, to counter the negative impacts of livestock over-grazing, poaching and phosphate mining. There is a proposal for a single management authority for Parc W, which also embarked on a fund-raising campaign for its operations.

3.5 Europe

a. German Luxembourg Nature Park (Germany and Luxembourg)

The German–Luxembourg Nature park is a joint park established in 1964, by a treaty between the two countries. Among the significant provisions of the treaty are (1) the non-diminution of the total forest area in the park and the (2) creation of a joint commission before which park management plans should be submitted. The joint commission may also

make recommendations to the governments on future management programs, as well as the harmonization of national rules, regulations and guidelines on park management.

b. Wadden Sea (Denmark, Germany and the Netherlands)

Inter-state cooperation in the conservation of a shared ecosystem is best exemplified in Europe by the management of the Wadden Sea mudflats, which extend along the shores of Germany, Denmark and the Netherlands. Although no treaty as yet exists for its joint management, frequent meetings of the countries' representatives, urged on by NGOs, resulted in the 1982 Joint Declaration to Protect the Wadden Sea by the three countries, covering general conservation and management objectives. Thereafter, an Advisory Committee for the area drafted a conservation strategy which attempts to coordinate the efforts of the countries involved. Thereafter, a coordinated series of internationally designed wetland sites and nature reserves were established. Furthermore, an Agreement for the Conservation of the Wadden Sea Seals was signed by the three countries.

Apart from the transfrontier parks described above, and the rest enumerated in "Annex A", there are many potential border parks which could be established on the basis of three main rationales, namely; resolution of border disputes, more effective management of shared resources and symbols of international peace, goodwill and cooperation. Among those parks identified at the Border Parks Workshop held during the 1988 First Global Conference on Tourism—A Vital Force for Peace (Vancouver, B.C., Canada) are: (1) The demilitarized zone between North and South Korea, which was unpenetrated by people during the last 65 years. The zone is now regarded as a de facto wildlife refuge. The DMZ National Park, as referred to in some literature, is a good illustration of the beneficial effects of military activities on nature and natural resources; (2) the transborder forests of Vietnam, Cambodia and Lao People's Democratic Republic, habitat of the Kouprey or gray ox of Indochina, one of the rarest large animals on earth, is another candidate transborder forests of the Asian region. Surveys to determine boundaries began after the cessation of hostilities among the border countries; (3) La Ruta Maya, which refers to a proposed international peace park on the Belize, Guatemala and Mexican borders which will protect both pre-Colombian archaeological sites and rainforest habitat; (4) AN international peace park along both sides of the Evros River between Turkey and Greece. Apart from the benefits of instituting an integrated management regime for the area that would also protect the important wetland site of Lake Gala, the proposal could also lead to more harmonious relations between Turkey and Greece. The "twinning" of the Korup National Park in the Cameroon with the proposed Oban National Park in Nigeria. The two parks contain one of the most important natural tropical forests remaining not only in West Africa, but in the whole continent. Protection of the catchment forest is very significant for downstream benefits. Moreover, the whole catchment area would benefit from coordinated regional management of its natural resources.

4. Legal Basis for Agreements on Transborder Parks

Among the international legal instruments which are of particular importance for the conservation of natural areas, including border parks, are the 1972 Stockholm Declaration and the 1982 World Trade Center for Nature. The Stockholm Declaration states: "The natural resources of the earth, including air, water, land, flora and fauna and especially representative samples of natural ecosystems must be safeguarded for the benefit of the present and future generations through careful planning or management, as appropriate" (Principle 2). It further provides "-man has a special responsibility to safeguard and wisely manage the heritage of

wildlife and its habitat which are now gravely imperilled by a combination of adverse factors. Nature conservation including wildlife must therefore receive importance in planning for economic development.” (Principle 4). The World Charter for Nature, on the other hand, proclaims principles of conservation of natural areas, among which is the requirement that special protection be given to unique areas, to representative samples of all the different types of ecosystems and to habitats of rare and endangered species.

Among conservation treaties, the 1933 London Convention Relative to the Preservation of Fauna and Flora in their Natural State was the first to lay down obligations for the Parties concerned to consult with each other when a Party intends to establish a protected area contiguous to the frontier of another Part, and to cooperate after the creation of the part or reserve. Said London Convention was replaced by the 1968 African Convention on the Conservation of Nature and Natural Resources which did not specifically carry over the requirement. Be that as it may, under the African Convention, whenever a natural resource is of common interest to two or more contracting Parties, these States shall undertake to cooperate in the conservation, development and management of such resources. While no mention is made of border parks, such areas can be considered of common interest.

In later years, the three most important international treaties dealing with the conservation of ecosystems are the 1971 Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat, the 1979 Berne Convention on the Conservation of European Wildlife Habitat and Natural Habitats and 1972 World Heritage Convention.

The Ramsar Convention requires Contracting Parties to consult with each other about implementing obligations arising out of the Convention, especially in the case of a wetland extending over the territories of more than one Party. The same provision could be used to encourage cooperation between Parties with respect to border Ramsar sites, of which there are quite a few. Under the Berne Convention, the Parties “undertake to coordinate, as appropriate, their efforts for the protection of natural habitats when they are situated in frontier areas.”

The World Heritage Convention, on the other hand, recognizes the international importance of certain resources, and provides for international assistance in restoring, preserving and managing World Heritage Sites. The Convention maintains a World Heritage List based on the criteria set by a World Heritage Committee. So far, there are 16 natural World Heritage Sites located along international boundaries. Only two of these were jointly inscribed. These two are Mt. Nimba in Guinea and Ivory Coast, and Kluane and Wrangell—St. Elias in the United States and Canada. Inclusion in the World Heritage List allows sites access to the World Heritage Fund for preservation purposes.

Another international legal instrument which mentions the conservation of natural areas is the 1982 UN Convention on the Law of the Sea. The Convention sets forth a general obligation to protect “rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.” (Article 194-5)/ This provision is the basis for the development of the UNEP Regional Seas Protocols dealing specifically with protected marine and coastal areas, including contiguous marine parks or reserves.

The 1972 Mediterranean Protocol to the Mediterranean Regional Sea Convention, for instance, provides that, “if a Party intends to establish a protected area contiguous to the

frontiers or to the limits of the zone of national jurisdiction of another Party, the competent authorities of the two Parties shall endeavor to consult each other with a view to reaching agreement on the measures to be taken and shall, among other things, examine the possibility of the establishment by the other Party of a corresponding protected area of the adoption by it of any other Regional Sea Convention and the 1990 Kingston Protocol to the Wider Caribbean Region.

The above quoted provision of the Mediterranean Protocol, however, is very limited in scope, as it simply requires consultation and, to a certain degree, cooperation between the Parties. The Kingston Protocol went a step further by requiring Parties to undertake joint management measures. Despite many appeals for transboundary cooperation, in reality, very little seems to have been achieved. However, the situation is different in Europe. An increase in cooperation in the management of border protected areas was noted, which prompted the Council of Europe to persuade the governments of its Member States to accept the idea of transfrontier parks. Relevant examples are the following: (1) The Swiss National Park was advised to establish contact with the adjacent Stelvio National Park Italy for the purpose of establishing an agreed protection policy; (2) The Governments of Spain and France were invited to consultations, under the auspices of the Council of Europe, with a view to determining the legal basis and practical arrangements for cooperation between the Spanish Parks of Odesa and Monte Perdido and the French Western Pyrenees National Park, and the form which a joint body to manage the whole protected area could take. So far, only a Cooperation Charter between the Nature Conservation Administration of the Two Countries has been signed.

At the sub-regional level, the 1985 ASEAN (Brunei Darussalam, Indonesia, Malaysia, Philippines, Singapore, Thailand, Vietnam, Cambodia, Myanmar, Laos) Agreement on the Conservation of Nature and Natural Resources provides that “Contracting Parties” shall especially cooperate together with a view to the conservation and management of border or contiguous protected areas.

Noteworthy mention is the innovative provision in the draft of IUCN International Covenant on Environment and Development which says:

“Parties shall cooperate in the conservation, management and restoration of natural resources which occur in areas under the jurisdiction of more than one State, or fully or partly in areas beyond the limits of national jurisdiction. To this end, (a) Parties sharing the same natural system shall manage that system as a single ecological unit notwithstanding national boundaries. They shall cooperate on the basis of equity and reciprocity, in particular through bilateral and unilateral agreements, in order to develop harmonized policies and strategies covering the entire system and the ecosystems it contains. With regard to aquatic systems, such agreements shall cover the entire catchment area, including the adjoining marine environment. (b) Parties sharing the same species or population, whether migratory or not shall treat such species or population as a single biological unit. They shall cooperate, in particular, through bilateral and multilateral agreements, in order to maintain the species or population concerned in a favorable conservation status. In case of a harvested species or population, all the range Parties of that species or population shall cooperate in the development and implementation of a joint management plan to ensure the sustainable use of that resource and the equitable sharing of the benefits deriving from the use.” (Article 43)

5. Legal Strategies for Transborder Park Management

It is a rare instance when existing transfrontier protected areas were simultaneously established. Even the first international park undertaking in the world, the Waterton–Glacier International Peace Park, between Canada and the United States, was originally established at different times and “twinned” only in 1932. A most recent example of protected areas joined from the outset is the Turtle Islands Heritage Protected Area as embodied in a document entitled “Memorandum of Agreement between the Government of the Republic of the Philippines and the Government of Malaysia on the Establishment of the Turtle Islands Heritage Protected Area” (1996).

There are many reasons for the rarity of simultaneously established border protected areas. Usually one country is more ready and capable to protect its border for its scenic, recreational or other values than the adjacent country. Other reasons range from border disputes, political unrest, intensive logging and other deforestation practices, physically difficult areas to occupy, land tenure conflicts, illegal settlement in protected areas, opposition from tribal groups, corrupt practices and even criminal practices such as narcotics trafficking.

At the global level, there are areas over which there is unclear or disputed sovereignty and about which there is non-delineation of borders for protection and management of the resources purposes. One of such areas is Antarctica. NGOs, led by Greenpeace, have proposed making the entire continent a World Park. The legal ramifications of such an idea are many, and remains unresolved.

Regionally, a similar situation of unclear or disputed sovereignty could be attributed to the Spratly Islands in the South China Sea, which are claimed by six countries. Serious thought is being given to the long-standing suggestion for an ASEAN Area of Cooperation in the Spratly’s as well as the possibility for its designation as an international marine peace park and sanctuary through multilateral cooperative options available. Another example is the Rio Grande River, which defines part of the boundary between Mexico and the United States. As the river changes its course, pockets of areas attain an unusual status, shifting in sovereign possession between the two countries. In the latter instance, issues are resolved by an International Boundary and Water Commission established by the United States and Mexico.

What bodes well for transborder protected areas is the current worldwide interest in unified action to control borderless environmental problems like air and water pollution, and environmental issues like non-indigenous species introduction in the field of biodiversity conservation. In particular, the following will hopefully facilitate appropriate management of border areas: (1) National awareness regarding the importance of border area conservation; (2) Newly acquired consciousness by local communities that the preservation of their natural and cultural heritage is both a matter of pride and a vehicle for socio-economic development and improved environmental quality, (3) Upsurges of interest in the eco-cultural tourism industry; (4) Concern of international development agencies and NGOs with the sustainable development of protected areas, including conservation of the great variety of species found therein.

There are many options for establishing border parks, and many opportunities exist whereby nations could be encouraged to cooperate in the joint management of border areas. The migratory nature of the wildlife resources in many parks in Africa accounts for the

abundance of transfrontier parks in that continent. A number of initiatives to use border parks as a means of bi-national cooperation also exist in Central America. In fact, a letter of intent to use border parks as a means of bi-national cooperation also exist in Central America. A letter of intent has already been signed by Nicaragua and Costa Rica, and a draft action plan prepared, for an international protected area for peace along the San Juan River watershed between the two countries. The location was the site of a previous military operation as well as extensive rural migration. Better control of such activities as cactus gathering, border crossings, and turtle nesting sites are the motivating factors for a proposed border park between Mexico and the United States near the Big Bend National Park, and other border park possibilities along U.S.–Mexico boundary in Arizona, U.S.A. and in the Gulf.

5.1 Establishment of Transborder Parks through Legal Instruments

Border parks are in reality autonomous administrative units usually created under their own enabling acts or Parks Law, with their own implementing rules, regulations and guidelines and possessing their own budgets. More often than not, they are separately established without consultation with the neighboring country, and are therefore set up at different times for different reasons. This is exemplified by the France-Italian Parks Complex. In 1922, the Grand Paradiso Natural Park was established in the Italian Alps, primarily to protect the ibex, the wild goat of Europe immortalized in many Upper Paleolithic cave paintings. The protection afforded by the Italian Park proved inadequate because although the ibex winters in the Alps, its summer is spent in France, leaving them unprotected. After many failed attempts, France was finally able to set up the La Vannoise National Park in 1963. Twinning of the two parks, which occurred only on 1972, stretched the common frontier of the parks to fourteen km instead of six km resulting to a fauna sanctuary of about 2,400 ha. On account of said developments the endangered ibex are now better protected, year-round.

Similarly, the Swiss National park established in 1914 in the Engandine on the border with Italy was without a point of contact with Stelvia National Park established by Italy in 1935 a short distance from the Engadine. The expansion of the boundaries of Stelvia Park in 1974 resulted in a wide “corridor” specifically to join up the two parks.

The Waterton–Glacier International Peace Park mentioned above is also an example of two parks created by two distinct national laws, managed by their respective autonomous authorities. It is not the outcome of an international treaty.

Bilateral agreements certainly create border parks. An example is the Memorandum of Agreement which created the Turtle Islands Heritage Protected Area (Philippines and Malaysia). A classic example is the Krakow Protocol (1925), signed between two world wars, on the occasion of the settlement of a border dispute between Poland and Czechoslovakia. The Protocol provided for the creation of protected areas along their common border and for a tourist agreement to facilitate access by visitors. However, the protected areas referred to were established at a much later date. These protected areas are: Tatras National Park (Czechoslovakia 1948 and Poland 1954); Pieniny Park (Czechoslovakia 1963 and Poland 1954); and Karkonosze (Czechoslovakia 1963 and Poland 1959). Take note, however, that while the parks were created by virtue of the Krakow Protocol there were no official agreements made between/among the parks.

International agreements like the 1933 London Convention relative to the Preservation

of Fauna and Flora in their Natural State also led to the establishment of transfrontier parks. This is particularly true in Africa, where the European powers, following similar developments in their respective jurisdictions, adopted a protected areas policy in their colonial territories. Examples are Park “W”, established by the French colonial government, now consisting of three national parks under the territorial jurisdiction of Benin, Burkina Faso and Niger, as well as the Boucle de la Pendajari National Park (Benin) and the Arly Wildlife Reserve (Burkina Faso).

5.2 Management of Transborder Parks through Institutional Arrangements

Apart from legal instruments, e.g. frontier agreements, institutional arrangements are used for border parks management. Oftentimes, legal instruments/institutional arrangements are complementary/supplementary to situations created by the presence or absence of the other. For instance, in the absence of frontier agreements, specific cooperative bodies for border parks management are used to settle border management specific cooperative bodies for border parks management are used to settle border management problems or issues. This is illustrated by the International Pyrenees Commission established by Spain and France to deal not only with border issues between the two countries but also with problems related to poaching and hunting offenses. In the same way, a France–German–Swiss Commission was set up in 1975 in Bonn to study environment and land-use planning issues on the frontier areas of the three countries.

A typical example of a legal instrument as a basis for transfrontier parks management without mention of a body created for cooperative management purposes is the Agreement of 29 December 1949 between Norway and the USSR which provides in part “for cooperation in all fields relating to the protection of game, including birds and the establishment of hunting seasons along certain parts of the frontier.

Cooperative institutions for transfrontier protected areas management are best exemplified by a joint commission for the management of the German-Luxembourg Nature Park, created by the renewable Clervaux Treaty. The commission, however, has only advisory powers. Binding discussions can only be made by the respected national authorities, or must be embodied in a bilateral agreement. Another example is the use of a commission appointed by the Conseil de l’Entente for the management of Park “W” (Benin, Burkina Faso, Niger). The Conseil de l’Entente is a regional international organization created by Togo, Ivory Coast, Niger, Burkina Faso and Benin as a forum for consultations on diverse topics including technical cooperation and economic development. A Parks and Reserves Coordinating Commission was established by the Council to handle such matters as harmonization of laws for Park “W” management and joint training of wardens. Ultimately, a single authority is envisioned to administer Park “W”.

6. Guide for the Development of a Framework Agreement on Transborder Parks

On account of the fact that transfrontier parks involve vast expanses of areas, their management is indeed complex. The steps involved, e.g. scientific selection of key flora and fauna habitats, drawing up of management plans, implementation actions, monitoring and assessment, are tedious processes. Even the task of managing a national border park is a difficult one. Add to that the complications which can be brought about by the cooperative efforts required in dealing with an international frontier, and one can imagine the political and managerial complexities that can ensue.

As a first step, it would do well for a country to review and have an inventory of existing protected natural areas along its border. The inventory should identify shared monuments of nature, such as mountain ranges and waterfalls, as well as routes of migratory species, tourism trends and other forms of transfrontier interactions. It would do well for the inventory to also include potential additional border areas to complement the existing protected border area system, as area expansion is a common feature of the transfrontier parks system.

Border parks can only be effectively established and cared for if there are responsive legal instruments and institutional arrangements for their protection/management. This is brought about by the uniqueness of frontier parks in the sense that they presuppose two or more governments, as well as two sets of legal base, providing the necessary authority for action. It is, therefore, important to review the adequacy of the national legislative framework for a transborder park, taking into consideration the following points: (1) The legislation should authorize a competent authority to protect the area by force of law; (2) The legislation should be in accordance with international conservation agreements, as well as local traditions, institutions and ecological conditions; (3) The legislation should consider the inhabitants inside the adjacent to the frontier park, and should recognize indigenous peoples' rights, including their participation in park management; and (4) De-listing or reduction of the size of a border park should only be by legislation, and for extraordinary reasons/circumstances.

In drafting a framework agreement for twinning transborder parks, three key principles should be borne in mind: (1) Management objectives should be ecologically sound and achievable with the technical and financial resources on hand, or which may become available. (2) Existing institutions/infrastructure should be utilized; and (3) Top level/national support, as well as wide public participation, should be ensured, for its political and social acceptability.

Actually, the framework agreement referred to above is a cooperative agreement for the integrated management of border protected areas. This requires, among others: (1) Consistent management plans prepared for each side of the border; (2) Establishment of a joint working-level consultative committee; (3) Harmonized law enforcement regulations; (4) Provision for a sustainable financing strategy. Care should be taken to ensure that the agreement will, in no way, imply the relinquishment of control over a national territory. In instances where governments are reluctant to enter into cooperative agreements, it is the task of non-governmental organizations (NGOs) to push for one.

Among practical management activities which could be the object of joint cooperative efforts are: law enforcement, border crossing, permits, customs clearances, regulations, search and rescue operations, local people/tribal communities concerns, wildlife disease prevention and control, fire prevention and other emergency procedures, species re-introduction and non-indigenous species introductions. Regular staff exchanges, shared research and results projects, complementary publications and compatible communications systems could be worked out too. Special consideration should be given to sustainable activities of the resident population, whether they are cultural minorities or migrant settlers. Such cooperative efforts could be further enhanced by joint staff training programs, and complementary public information, awareness and education. Frontier parks would also mutually benefit from joint tourism marketing efforts which could lead to development of areas adjacent to the parks, thereby highlighting their role in regional development. To address all these types of activities, close coordination is required of the park authorities from both sides of the border protected areas.

In consonance with the cooperative thrust of recent international environmental agreements, joint efforts of parks authorities should extend to familiarization with conservation treaties, particularly on the obligations and benefits to be derived therefrom. Among the conventions referred to are those on wetlands, biological diversity, world heritage, and migratory species.

Most important of all, a financing strategy is a vital aspect of the mechanism for the management of a transfrontier protected area. A popular and accepted method of such strategy is the creation of a trust fund in addition to budgetary appropriations from national or local governments. Financing could also come out of the revenues and other funds generated by the border parks.

Legal instruments for transborder protected areas should, therefore, include the establishment of a Fund which should allow the allocation of the revenue realized from the activities within the areas directly to the Fund, and the use of such funds for the protection and management of the border areas. The kind and amounts and possible sources of revenues, including the application of the sources of the Fund, may be specified in the legal instrument.

Conclusion

Sometime in the past, border peace parks proponent John Maclead asked: "Why not seed the borderlines of the worlds with peace parks and gardens, nature preserves, and wilderness areas that encourage cultural and physical development of youth, respect for and appreciation of wildlife and irreplaceable landscape? These border peace parks are precious places where peoples share and where they celebrate what they share: history, culture, beliefs, landscape." At another time, Henry Thoreau wrote in part "in wildness is the preservation of the world."

As we move on in this millennium, there is a general acknowledgement of the fact that the world is becoming not only economically but also ecologically interdependent. This was brought about by transboundary environmental problems such as marine pollution, acid rain, global warming which cannot be solved unilaterally by national governments. This is where the potential lead role of the concept of border parks come in. Border parks can provide ecological models, as well as symbols of effective resource management and conservation, as long as the legal frameworks and institutional arrangements that will show the benefits of cooperation in a world of decreasing appreciations of boundaries are set in place.

Could it be what Henry Thoreau meant when he wrote "in wildness is the preservation of the world?"

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Annex A

Global List of Border Parks

Asia

Sundarbans (India)	Sundarbans (Bangladesh)
Barnadi (India)	Shumar (Bhutan)
Manas (India)	Manas (Bhutan)
Wasur (Indonesia)	Tindu WMA (Papua New Guinea)
Udaipur & Valmkik Nagar (India)	Royal Chitwan (Nepal)
Samunsam & Tanjung Datu (Sarawak)	Hutan Sambas (Kailmantan)
Yot Dom and Khao Phanom Dong Rak (Thailand)	Preah Vihear (Kampuchea)
Futien (China)	Mai Po (Hong Kong)
Kayan Mentarang (Kalimantan)	Prop. Pulong Tai (Sarawak)
Sungai Kayan-Sungai Mentarang	Prop. Pulong Tau (Sarawak)
Prop. Gunung Bentang & Karimum (Kalimantan)	Lanjak Entinau (Sarawak)
Khunjerab (Pakistan)	Taxkorgan (China)
Sagamatha (Nepal)	Prop. Site (China)

North America

Wrangell-St. Elias (USA)	Kluante (Canada)
Glacier (USA)	Waterton Lakes (Canada)
Arctic (USA)	North Yukon (Canada)
Quetico (Canada)	Boundary Waters Cance Area (USA)
Cathedral/Manning/Sagit/Cascade (Canada)	Pasayten, N. Cascade (USA)

Source. Thorsell, J., ed 1990. Parks on the Borderline: Experiences in Transfrontier Conservation, IUCN Protected Area Programme Series No. 1. Gland, Switzerland: IUCN.

South and Central America

Iguazu (Argentina)	Iguacu (Brazil)
La Amistad (Costa Rica)	La Amistad
La Noblina (Venezuela)	Pico de Noblina
Puyuhue & Vicente Perez Rosales (Chile)	Lanin & Nahinel Huapi (Argentina)
Bernado O'Higgins & Torres del Paine (Chile)	Los Glaciares (Argentina)
Sajama (Bolivia)	Luaca (Chile)
Los Rations (Columbia)	Dairien (Panama)

Europe

Belovezhskaya Pushcha (Byelorussia)	Biolowieza (Poland)
Tatranski (Poland)	High Tatra (Czechoslovakia)

Pieninski (Poland)	Pieniny (Czechoslovakia)
Karkonoski (Poland)	Krkonose (Czechoslovakia)
Aggtelek (Hungary)	Slovakia
Djerap (Yugoslavia)	Cazanele (Romania)
Galicija (Yugoslavia)	Mikra Prespa (Greece)
Pyrenees Occidentales (France)	Ordessa (Spain and others)
Vanoise (France)	Grab Paradiso (Italy)
Swiss (Switzerland)	Stelvio (Italy)
Femundsmarka (Norway)	Rogen (Sweden)
Sarek, Padjelanta, Stora Sjöfallet (Sweden)	Rago (Norway)
Ovre Anarjokka (Norway)	Lemmenjoki (Finland)

Africa

Volcanoes (Rwanda), Virunga (Zaire) and Gorilla (Uganda)	
“W” in Benin, Burkina Faso and Niger	
Virunga (Zaire)	Queen Elizabeth (Uganda)
Serengeti (Tanzania)	Masaii Mara (Kenya)
Gemsbook (South Africa)	Kalahari Gemsbok (Botswana)
Boucle de la Pendjari (Benin)	Arly (Burkina Faso)
Mont Nimba (Guinea)	Mont Nimba (Cote d’Ivoire)
Delta du Saloum (Senegal)	Gambia Saloum (Gambia)
Tsavo (Kenya)	Mkomazi and Umba (Tanzania)
Nyika (Malawi)	Nyika (Zambia)
Lower Zambezi (Zambia)	Mana Pools etc. (Zimbabwe)
Victoria Falls & Zambezi (Zimbabwe)	Mosi-oa-Tunya (Namibia)
Iona (Angola)	Skeleton Coast (Namibia)
Luiana (Angola)	Caprivi (Namibia)
Sioma-Ngwezi & West Zambezi GMA (Zambia)	Luina (Angola)
Yata-Ngaya (Central African Republic)	Radom (Sudan)
Boni (Kenya)	Lag Bagdana (Somalia)
Comoe (Cote d’Ivoire)	Komoe-Leraba (Burkina-Faso)
Djoudj (Senegal)	Prop. Diaouling (Mauritania)
Kidepo (Sudan)	Kidepo Valley (Uganda)
Niokola Koba (Senegal)	Bardiar (Guinea)
Gebel Elba (Egypt)	Prop. Gebel Elba (Sudan)