

PAPACO study 20

# State governance of protected areas in Africa: case studies, lessons learnt and conditions of success



Sylvia Wicander

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## 1. Executive Summary

#### Background

This study focuses on state governance of protected areas (PAs) in sub-Saharan Africa and aims to highlight good governance practices for PAs in the region. It is part of a series of four studies on PA governance in Africa, one of which provides an overview of the different PA governance types that currently exist as well as their contribution to preserving biodiversity, and the others focusing on shared and private governance models.

The objective of this study on state PA governance is to describe the strengths, weaknesses and conditions of success for this governance model. Based on 13 case studies of state governed PAs from across 6 countries in Africa, as well as on information from the literature, the study identifies opportunities and limitations of the governance approach and provides recommendations on good practices for more efficient state governance in the future.

#### A brief historical overview

In state governance systems, one or more government bodies (e.g., ministry or PA agency reporting directly to the government, or a sub-national or municipal body) hold the authority, responsibility and accountability for managing the PA, determining its conservation and developing and enforcing its management plan (Borrini-Feyerabend et al., 2013). Today, this governance model is the most common one throughout sub-Saharan Africa: of those reported, 35.6% of all PAs are governed by the state (see Study 0).

The prevalence of state-governed PAs originates from Africa's colonial past as the first African PAs were created starting in the mid-1920s and 1930s when the power to govern these was firmly vested in the state. This marked the beginning of an era of nature conservation dominated by principles of strict separation of humans and nature, which excluded people from PAs and limited or forbid their rights for consumptive use (Adams and Hulme, 2001a).

When African countries started gaining their independence from the 1950s onwards, this top-down form of PA governance was inherited, which often meant that states further centralized control, including power over natural resources and land tenure rights, therefore contributing to the continued existence, expansion and creation of PAs that are under state governance (Büscher and Dietz, 2005; Roe et al., 2009; Ribot, 2002).

Despite international movements towards participatory resource management beginning in the 1980s, African states often retain the highest level of authority and hold greatest decision-making powers. Central governments often hold the rights over the most lucrative resources, be it land or wildlife, in order to control the main channels of revenue generation. Many African states therefore maintain ultimate control of PA governance through shortfalls in decentralization policies and rights to natural resources, even when responsibilities and decision-making powers are meant to be shared or fully devolved to communities or other stakeholders (Murphree, 2009; Nelson and Agrawal, 2008; Ribot, 2002).

Some argue that, after a strong movement towards devolving control of natural resources, we are now seeing a reversion back to the protectionist model with greater enforcement, which relies more on state governance (Wilhusen et al., 2002; Roe et al., 2003; Büscher and Dietz, 2005; Büscher and Dressler, 2007). Although a switch back to protectionism is likely to be occurring in several instances, the movement towards devolving power to communities continues simultaneously, sometimes perhaps even within the same country. Furthermore, in addition to the push for community driven conservation, there are also significant areas of land with private governance of PAs, further diversifying the directions that governance has been taking across the continent.

#### **Current status of state PAs**

The following brief overviews of the current status of state PAs are taken from case studies from Tanzania, Namibia, Madagascar, the Gambia and the Republic of Congo. They are not exhaustive and do not represent a comprehensive review of the whole continent, but these cases provide a snapshot of where state PAs presently stand at a national level.

#### <u>Tanzania</u>

Tanzania has a complex PA network that includes National Parks, Game Reserves, Forest Reserves, Wildlife Management Areas (WMAs), Nature Reserves, Marine Parks and Marine Reserves. This network covers about 30% of its territorial area (terrestrial and marine) and the majority therein are administered and controlled directly by government institutions.

While the first Forest Reserves in the country were established in 1888, the first PA legislation enacted in Tanzania was the Game Ordinance No. 20 of 1940. The National Parks Ordinance was first enacted in 1951, and in 1959 a decision was made to have the excision of the Ngorongoro Conservation Area from the Serengeti NP and create a new authority known as the Ngorongoro Conservation Area Authority (NCAA) with its own legislation, known as the NCAA Act No. 413 of 1959. Marine Protected Areas (MPAs) became more common after the enactment of the Marine Parks and Reserves Act No. 29 of 1994. There are a number of other policies and laws in place that support each PA type, none of which are foreseen to undergo major institutional transformations in the near future that would affect the governance of state PAs.

#### <u>Namibia</u>

Namibia's 21 state-run terrestrial PAs now cover around 147,763.37 km<sup>2</sup>, or about 17%, of the country's land surface. All terrestrial PAs are managed by the Ministry of Environment and Tourism (MET), the existing marine park is managed by the Ministry of Fisheries and Marine Resources and a State Forest Reserve in the north east of the country is managed by the Directorate of Forestry within the Ministry of Agriculture, Water, and Forestry.

There has been some consolidation of state-run terrestrial PAs since Namibia's independence. The former Caprivi Game Reserve, for example, was re-proclaimed in 2007 as the Bwabwata National Park incorporating an important area of land that was previously unproclaimed and with two designated core conservation areas and a multiple-use area. Namibia has also proclaimed one marine PA, the Namibian Islands' Marine Protected Area, which covers almost 10,000 km<sup>2</sup> of marine area.

The Nature Conservation Ordinance of 1975 is the main legislation governing the establishment of PAs in Namibia and the utilization of wildlife, and it sets out the procedure for establishing state-run PAs. The MET has prepared a Parks and Wildlife Bill that, when enacted by the National Assembly, will replace the outdated pre-independence Nature Conservation Ordnance of 1975, which remains the primary legislation governing parks and wildlife conservation in Namibia. It is expected that the new legislation will make provisions for the recognition of the currently unregistered private game reserves and larger landscape conservation areas that link state-run PAs with neighboring conservation areas under different types of governance.

#### Madagascar

Madagascar has been undergoing a process of rapid evolution in PA governance for more than a decade. Prior to this, all PAs within the national network were governed by the state, initially by the Ministry of Waters and Forests until a parastatal association, ANGAP (*Association Nationale pour la Gestion des Aires Protégées* or National Association for Protected Area Management), was created in 1991 specifically to assume management responsibility. ANGAP was subsequently rebranded Madagascar National Parks (MNP). By 2003, this network consisted of 47 sites covering almost 1.7 million hectares, and comprising 'strict' PAs in IUCN categories Ia (Strict Nature Reserve), II (National Park) and IV (Special Reserve). Some sites were managed through 'direct control' by ANGAP, some were 'entrusted' to international NGOs such as WWF, and some were the object of joint management, e.g., with the European Union, UNESCO and Wildlife Conservation Society (Randrianandianina et al., 2003).

At the fifth World Parks Congress in 2003, Madagascar launched its Durban Vision to triple PA coverage (Corson, 2014), precipitating the adoption of multiple-use categories (III, V and VI) and pluralistic governance models. Two major trends have subsequently developed: (i) the establishment of a new generation of multiple-use PAs, largely promoted by NGOs and administered in shared governance structures involving local community associations and regional authorities; and (ii) the progressive transition of the original PA network from state governance to shared governance between MNP and local community representatives. The two sub-networks (hereafter MNP and non-MNP) together form the Madagascar Protected Area System, SAPM (*Système d'Aires Protégées de Madagascar*), which has the objectives of (i) conserving Madagascar's unique biodiversity, (ii) conserving the country's cultural heritage and (iii) promoting the sustainable use of natural resources for poverty alleviation and development (Commission SAPM, 2006).

SAPM is administered by the Biodiversity Conservation/Protected Area System Directorate (DBC/SAP) within the Ministry of Environment, Ecology and Forests (MEEF). This ministry retains ultimate responsibility for all PAs. However, DBC/SAP now mandates that *all PAs within SAPM must be administered by shared governance structures* (AGRECO, 2012; MNP, 2014). All PAs in Madagascar therefore officially fall within the shared governance category, although there remains great variation in the models implemented within the two sub-networks and across the range of sites (see Study 1 on shared governance and example of a privately PA in Study 3).

#### The Gambia

The establishment of PAs in the Gambia dates back to 1968 when the Abuko Nature Reserve was created as an important water catchment area providing a source of water to the capital, Banjul, and

its surroundings settlements. The Government of The Gambia then developed legal and institutional frameworks necessary for the protection, conservation and sustainable use of biodiversity.

To date, a total of seven wildlife PAs and one community wildlife reserve have been established, covering a total of 48,969 ha, or 4.27% of the Gambia's total land surface (Camara, 2012). All state PAs are under the authority Department of Parks and Wildlife Management (DPWM). In addition to the PAs established by DPWM, other PAs exist under the Department of Forestry (DoF), but these Forest Parks/Reserves are not included in the current national estimate of 4.27% PA coverage as the exact coverage of these parks and reserves is still disputed. Many of the Forest Parks/Reserves on record at the DoF no longer exist or are completely degraded. The categorization of Forest Parks and Reserves does not follow the IUCN system, but the 1998 Forest Act which classified forests into categories and subcategories.

The traditional top-down management approach involving the use of force to police PAs to achieve concrete conservation objectives is proving increasingly less effective. Furthermore, state agents, such the DPWM, have weak institutional setups and inadequate human resources, both in terms of skills and numbers, and they have limited finances and logistics to fully execute their mandate. The government has therefore started devolving its management responsibility to local communities and civil society groups, including NGOs, as well as private individuals. There is also an ongoing review process of the Biodiversity/Wildlife policy 2001 and Act 2003 that seeks to transfer management roles and responsibility to local administrative authorities and local structures, as well as to adequately address emerging issues in biodiversity and PA management, including benefit sharing, access to genetic resources, business and private sector involvement and the growing pressure on the government for more inclusive PA management.

## The Republic of Congo

The area under conservation in the Republic of Congo now comes to 41,051.989 km<sup>2</sup>, representing over 12% of the country's land surface. This is expected to increase thanks to the momentum established with the creation of new PAs by the government and the creation of the ACFAP (Congolese Agency for Wildlife and Protected Areas). Nine PAs are currently under state governance.

PAs are managed by Conservators appointed by decree of the Council of Ministers (Article 14 of Law 003/91 of 23 April 1991). In 2000, the Republic of the Congo began a far-reaching reform of the legal and institutional framework of the environment and forest sectors. In this process, the forest code and subsequent texts were revised several times, as was the law on wildlife and PAs, while the institutional framework is currently undergoing modification (ACFAP Five Year Action Plan–2011– MDDEFE (Ministry for Sustainable Development, Forest Economy and the Environment/ACFAP)). The plan, which is part of the framework for the implementation of the society-wide program 'The Future Path' (*Le chemin d'Avenir*) announced by the President of the Republic, is based on the Millennium Development Goals (MDGs), the National Program to Reduce Poverty, and the three pillars of sustainable development. It aims to enhance the contribution made by the wildlife and PA sector to the development of the country.

A new law on wildlife provides that PAs are placed under state control whatever their status. Where this is not the case, the establishing legislation indicates the public or private entity that takes on this

responsibility. Unfortunately, the drafting of this article is ambiguous and opens the way to different interpretations. One reading of this article could suggest that some private or community areas could elude the administrative supervision of the state, but this would amount to contradicting the provisions of both the constitution and the law, which clearly state that natural resources form part of the national heritage.

#### Strengths and weaknesses of state PAs

To highlight key strengths and weaknesses that are illustrated by the case studies and are discussed in the literature, this section draws on the IUCN framework of principles of good governance for PAs developed by Borrini-Feyerabend et al. (2013).

#### Legitimacy and voice

<u>Legitimacy</u>: The case studies consistently highlight that having constitutional status is a key strength of PAs governed by the state. This status gives PAs legal legitimacy, both nationally and internationally, which protects PAs from easily being de-proclaimed or de-gazetted in times of contestation. Being under centralized control, state-governed PAs therefore also fall under common policies and legislation pertaining to biodiversity conservation and share national priorities, in comparison to privately protected areas (PPAs), for example, which can be isolated from overall national conservation objectives and are governed according to the priorities of individual landowners.

<u>Stakeholder involvement</u>: While enjoying a high level of national authority, legitimacy *vis-à-vis* the law and centralized decision-making powers that can even extend across borders or into the maritime realm are important characteristics of state governance. However, the lack of stakeholder involvement therein has been highlighted as a severe constraint in both the case studies and the literature. The case study examples consistently point to limited or insufficient involvement of all stakeholders, in particular local communities, in setting park objectives and strategic direction as well as in planning, management, monitoring or enforcement of the PA. This leads to resentment by local stakeholders who feel they have no voice.

Empowerment: As has been widely discussed in the literature, excluding local communities from the PA, both in terms of access and decision-making involvement, can have adverse effects on the effectiveness of the PA (e.g., Kothari, 2008; Sowman et al., 2011). Furthermore, it has been shown that empowering local communities and incorporating local and traditional institutions into conservation efforts can lead to successful, sustainable protection of biodiversity while also improving local livelihoods (e.g., Treue et al., 2014; Persha et al., 2011; Waylen et al., 2010; Matose and Watts, 2010; Torquebiau and Taylor, 2009). Denying local communities and other stakeholders meaningful influence and participation in PA planning can therefore have detrimental effects on state-run PAs. This can be seen across many of the case study examples as the majority of these state PAs face increasing illegal use of natural resources and boundary disputes. Furthermore, most of the PAs lack the financial means to effectively manage the park, let alone provide communities with adequate compensation for their restricted access and use of the PA, thereby losing an alternative method of appeasement. By not empowering local stakeholders, many state PAs therefore lack the necessary social acceptance and appreciation and lose out on valuable opportunities to more effectively conserve biodiversity.

Logistical support processes: While in theory, state governed PAs should have adequate and stable funding as they are controlled by the government and are integrated into national policies and legislation, this often does not translate into practice. Therefore, as became clear through some of the case studies, governments sometimes lack the resources to carry out adequate stakeholder consultations, especially with communities. Alternatively, in cases where advisory committees have been established in order to allow for stakeholder representatives to contribute the voice for their communities to the running of the PA, these representatives can lack the necessary skills to perform their function and the structures in place might not function as intended in addition to often being ill-planned. Such logistical constraints can therefore also have an impact on the process of informing, involving and actively engaging a diverse range of representative stakeholders.

#### Direction

<u>Policy direction and values</u>: Being anchored in national biodiversity legislation, state PAs tend to have a clearly articulated vision and objectives. Many of the state-run PAs from the case studies do have a strategic vision with a clear understanding of their top-down governance structure, rules of what is and is not permitted in the PA and clear policy guidelines for addressing contentious issues. These visions, however, have most often neither been based on values agreed by a representative group of local stakeholders, nor have a clearly articulated management direction that stakeholders understand and support. Even if stakeholders have provided input to the original strategic vision, as decisions are made in a top-down manner, changes in direction and management are often made through a board, for example, and these are not necessarily in line with what was agreed with other stakeholders.

<u>Coherence between values and practice</u>: Although high-level objectives and directions are in place, these often do not translate into practice. As seen from the case studies, some PAs have not even developed a management plan, which is necessary to outline management direction and operational systems. As is also highlighted in the literature, many such 'paper parks' exist, often due to insufficient budgets to enable proper protection, in particular in West and Central Africa where much enforcement is required due to high levels of bushmeat hunting (Jachmann, 2008; Western, 2003). Most of the case studies do indeed flag insufficient operational budgets as a major obstacle, leading to poor management of even basic management practices. Where financial resources have not been flagged as a major hindrance, such as in the case of Mudumu NP in Namibia, successful management arrangements that are in line with the overall strategic vision have been established, even in complex landscapes, involving effective co-management with conservancies and other local stakeholders.

#### Performance

<u>Conservation outcomes</u>: Compared to the other types of governance, PAs under state governance often tend to cover larger pockets of land, which have the ability to safeguard greater amounts of species and maintain intact habitats as well as maintain ecosystem services (Ladle et al., 2011). The case studies provide further examples supporting this trend: several PAs are reported to, in the very least, have achieved conservation success in terms of maintaining the integrity of a large habitat in a landscape of increasing poaching, fishing and land encroachment. Although the use of natural resources and illegal activities continue to some extent, levels have been observed to be lower inside PAs than outside. Dynamite fishing, for example, which is widely used along the coasts of Tanzania, is now very seldom seen in the Mafia MPA. The maintenance of large mammal populations within the Mudumu NP has also been reported as a success.

<u>Enforcement</u>: PAs with few resources, weak stakeholder involvement and low community support, however, have not been able to effectively conserve biodiversity. Instead, these PAs report 'rampant' conflicts over illegal harvesting and access to resources or 'uncontrolled' illegal hunting, fishing and timber harvesting. Where some form of enforcement exists, PA management relies on daily patrols, arrests and prosecution in order to protect resources. These issues are echoed in the literature as countless PAs have inadequate staff numbers, poor pay, and lack of equipment, making the management of parks and enforcement of restrictions unfeasible (Bauer, 2003; Lindsey et al., 2013; Langholz and Krug, 2004; Nelson, 2010).

<u>Management effectiveness</u>: Some of the case studies (particularly from Namibia) demonstrate that state PAs can have sufficient management capacity to act adaptively in complex situations with positive conservation outcomes. These PAs have also undergone management effectiveness assessments in order to track progress. Most other PAs, however, report lacking management information, no systems for recording and monitoring ecological or social data, a lack of reliable, recent inventories, etc. In addition to the absence of information needed to track management effectiveness, there are often insufficient numbers of staff and many are untrained and lack the skills to undertake effective monitoring.

#### Accountability

Transparency, access to information and resource allocation: Being administered by the government, state PAs have great potential to be run transparently and accountably by using existing legislation and mechanisms. In Tanzania, for example, PA revenues are audited and finances are reported as part of the head office's accounting systems, which are overseen by an elected board. Revenues from tourist visitations can also be paid directly into government treasuries in order to ensure that all revenues go towards the PA. Ideally, tourism revenues are shared transparently with villages through formal agreements that are made known to community members. However, as is also noted in the literature (Nelson, 2010), high levels of corruption and informality can impede such transparency. Some case studies have also reported government staff not representing the state in a neutral manner, often favoring personal interests. Furthermore, little information is shared about PA income and management decisions, and local communities frequently do not have autonomy over how revenue is used. In some cases, information on income, performance and management is kept entirely confidential.

#### Fairness and rights

<u>Respect of rights</u>: From the case studies, most PAs are reported to grant local communities and/or traditional rightsholders the rights to land or to use at least some natural resources within the PA. This can range from having access to certain key resources, such as deadwood, fruit, wild honey or mushrooms, to being given priority access to marine resources and fisheries. Whether or not such rights are deemed as sufficient by communities is difficult to evaluate in this study, but in the case of the Hai||om San in Etosha National Park in Namibia, for example, people felt they had not been consulted properly about the plans to resettle them outside the park and have refused to move while other groups have been resettled. The resettled area is not well serviced by the government and some of those resettled are reported to have therefore moved back to the park. It is likely that many communities have suffered to some extent from the creation of a PA considering that, in sub-Saharan

Africa, it has been estimated that the creation of over 85% of all PAs led to state appropriation of local community or customary tribal land (Lockwood, 2010).

Equitable distribution of costs and benefits: Various methods have been highlighted in the case studies to provide communities with benefits generated by PAs, most notably through tourism revenues and concessions. In the case of conservancies, benefits can also be derived through wildlife resources or schemes to offset livestock losses. In Etosha NP in Namibia, for example, although neighboring populations are not directly involved in PA management decisions, the park management has worked diligently to foster good relationships with the communities in different ways: neighboring communal conservancies derive income from tourism and hunting on their land and any wildlife that leaves the PA is considered a shared resource with the conservancies. As a result, the PA is not under threat by local communities and is reported to be delivering conservation success. In the majority of case study examples, however, it was reported that no mechanisms were in place with which to assess and account for how costs and benefits of the PA were distributed. Notably, the percentage of revenues shared with the communities might not always be considered fair. While state PAs have been reported to be able to provide benefits to neighboring communities (Ezebilo and Mattsson, 2010), such situations do not appear to be representative of state governance overall, and state PAs are more often criticized in the literature for not doing so, and even for imposing substantial costs on local communities (Cernea and Schmidt-Soltau, 2006; Brockington and Igoe, 2006; Nelson and Agrawal, 2008).

## Recommendations for good practices and conditions for success

As Jones (2014) noted in his case study report from Namibia:

Intrinsically there is nothing wrong with state governance of a PA – provided the necessary steps have been taken to ensure societal legitimacy for the national PA system and government involves local stakeholders at an appropriate level in securing local legitimacy for individual parks. But what is an appropriate level of local stakeholder involvement necessary will depend on the context of individual parks. It is also difficult to separate the governance type from other variables. For example, the effectiveness of State governance will depend on the political will and ability of governments to allocate resources to park management.

State governance in sub-Saharan Africa does indeed have the potential to achieve effective biodiversity conservation, and it is certainly already contributing to the protection of species and their habitats. As the literature and case studies demonstrate, however, this governance type will need to undergo a number of changes before it can do so more consistently and with greater impacts. State governance will need to become more inclusive, not only to gain more societal legitimacy, become more equitable and reduce conflict, but also to maximize resources, capacities and skills. Greater transparency and accountability will also be needed, both in financial as well as operational terms. Some of the PAs discussed in the case studies provide examples of mechanisms that can be used to make such progress. The following recommendations outline the general direction in which state governance should be headed, keeping in mind that every PA and PA network needs to be considered within its specific political, economic, social and cultural context.

#### Financial security and accountability:

As an ongoing process, governments need secure sufficient funding for their PA network in order for PAs to be equipped with levels of financial and human resources that can support the governance processes needed to ensure successful conservation outcomes.

In order to contribute to building greater financial security, governments can:

- Work towards fostering greater political will at a national level to support biodiversity conservation through PAs and encourage increased allocation of funds to this purpose.
- Introduce appropriate, strong regulations for payment of environmental services and the collection thereof, such as water protection charges, in order to generate additional revenues, some of which should go directly to local communities.
- Transfer more responsibilities to local government authorities that can share costs and ensure the necessary human and financial resources are allocated to PAs.
- Devolve management responsibilities to other entities, such as NGOs or local communities, to avoid high transaction costs often incurred through slow and bureaucratic top-down decision making. By entering co-management agreements with other entities or local communities the pool of skills and resources can also be enlarged.

In order to create greater financial accountability and transparency within the PA network, governments should also:

- Ensure that financial resources are managed transparently and are accounted for through various, possibly already existing, financial mechanisms and legislation. Efficient and accountable financial management should also allow for more resources to reach PAs.
- Establish multi-stakeholder committees in which to discuss the potential for PA revenue generation, decide on a revenue management system and determine appropriate amounts to be shared with local communities and other stakeholders through their consultation. The results should be communicated widely to the local population and simple systems should be in place to allow oversight and access to funds.
- Allocate a percentage of the PA revenue shared with villages to annual auditing, and the results of such audits should be made available to village councils and, ideally, to villagers.

## Stakeholder involvement/representation:

Having good stakeholder relations is key to effective governance of all PAs. State PAs should therefore:

- Engage in early and meaningful stakeholder consultations, in particular of neighboring communities, during the design and planning phase of a PA, or as soon as possible if the PA has already been established and stakeholder consultation has been low. Such involvement should increase the extent to which communities feel that the PA is legitimate as a contributing part of their landscape as they would have been given an opportunity to voice their concerns, values and ideas for the future.
  - To aid in this process, existing tools and guidelines could be followed, such as was the case in the establishment the Namibian Islands' Marine Protected Area, which underwent a rigorous process of stakeholder consultation that was conducted according to World Bank guidelines, meeting with relevant sectors, users and their representatives from the area. The outputs, negotiations, agreements and compromises from this

process were subsequently included and incorporated into the proclamation and zonation process of the Marine Park.

- Broader social assessments and socio-economic studies should also be carried out to complement more targeted stakeholder consultations in order to gain a better understanding of the current situation, needs and views of the wider population taking into account social stratification.
- Devise PA management plans that include meaningful stakeholder input. These plans should also establish management bodies, such as advisory committees, with stakeholder representatives. Such committees would not act as decision-making bodies but members should be allowed to make meaningful contributions. Committees should also have well understood and established reporting criteria, covering a wide range of issues from how the committee is run to how it communicates its processes and decisions or how benefits are distributed, to ensuring transparency and accountability. Furthermore, regular meetings should take place. PAs need to ensure that the costs of creating and maintaining committees are manageable and should adapt their structure to what is feasible within the PA budget, keeping in mind the tradeoff between the utility and sustainability of committees.
  - Ideally, committee members should be provided with continuous training, including on their roles and responsibilities, and the represented communities should receive information and training on how to elect and monitor their representatives in an informed manner. In cases where communities have pre-existing systems for selecting representatives, these should be used.
  - In large PAs, or where many different types of stakeholders are involved, the PA should establish geographically based advisory committees to provide forums in which to discuss issues affecting them.

To further aid in creating meaningful consultations with relevant stakeholders, capturing and integrating their concerns and needs into PA planning and management, state PAs can also:

- In consultation with communities, establish a multi-stakeholder task force to address land claims through formal agreements, as well as appropriate zoning plans that recognize current and future needs of local communities in the management plan.
- Create forums in which contentious issues (e.g., displacement, tourism or zoning) can be discussed and resolved between relevant stakeholders in a safe environment.
- When possible, integrate local communities directly in management activities, such as monitoring, effectiveness assessments, tourism management, law enforcement, etc.

## Fairness and rights:

Closely linked to the need for state PAs to sufficiently engage with other stakeholders affected by the PA is the need to consider issues related to fairness and rights:

 Rights to land, resources and wildlife play a critical role in determining the way in which conservation takes place in practice. In state PAs, these rights are typically held by the government. In order to achieve more equitable governance, however, PAs should consult with communities affected by the PA in order to determine the appropriate rights and/or benefits that should be given to local stakeholders and to ensure that these commensurate with their responsibilities and/or costs.

- Once decisions on rights and/or benefits and costs have been agreed by the affected stakeholders, PAs should stablish mechanisms with which to assess and account for how such costs and benefits are distributed. These should include widely disseminating relevant information to local populations and allowing for their input.
- Systems should also be in place that allow stakeholders to address disputes over fairness and rights issues, including human rights violations, in a proactive manner and such should be a prominent part of PA management and reporting. In this context, neighboring communities should be assisted in organizing and representing themselves to the PA.

#### Improved management planning and decision making:

- Governments should allow for more PA management responsibilities to be transferred to local authorities and/or communities. Better integrating PA responsibilities into local structures can help distribute costs, as well as increase the human resources and skills available.
- Governments need to ensure that PAs are provided with a sufficient budget and technical
  expertise to support the development of a management plan, daily management activities, as
  well as capacity building for both PA staff and local stakeholders involved in management. It is
  crucial to ensure that the necessary skills and processes are developed and put into practice to
  allow for management issues to be addressed effectively.
- Management plans need be drawn up in consultation with other stakeholders. These plans should contain financial plans, specify roles and responsibilities, include monitoring and evaluation components, and set out a plan of work to be implemented annually. Dates should be set for management plans to be reviewed, with the involvement of all relevant stakeholders. Furthermore, management plans should be accompanied by a business plan, such as when feasible developing tourism in the park with the involvement of local communities. The latter should be employed for such activities, not only to provide more income and/or compensation to communities, but also to give them a renewed link to the land and a stake in the success of the PA.
- Governments should allow for management decisions to be made quickly, without needing to
  pass through too many bureaucratic processes. Accompanied by improved and more frequent
  biodiversity monitoring and management effectiveness assessments to demonstrate
  conservation success, swifter decision making would allow for PAs to respond to new challenges
  and adapt management strategies. Changes in management should be discussed with affected
  stakeholders and can be accompanied by social assessments to gain a better understanding of
  their appropriateness in the wider socio-economic landscape.

## 2. Background

#### 2.1 The importance of governance to protected areas

Protected areas (PAs) have become a cornerstone of modern biodiversity conservation. Recognizing PAs as a key strategy to protecting the world's biodiversity and ecosystem services, governments worldwide have adopted a target through the Convention on Biological Diversity (CBD) to protect at least 17% of terrestrial areas and inland water and 10% of coastal and marine areas by 2020 (CBD Aichi Biodiversity Target 11). Now covering over 15% of the world's terrestrial areas and inland waters and 3% of the oceans, PA coverage has significantly increased in the last decade (Juffe-Bignoli et al., 2014).

The International Union for Conservation of Nature (IUCN) defines a PA as: "A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values." IUCN splits PAs into six management categories as follows: (1a) strict nature reserve (with a subdivision of (1b) wilderness area); (2) national park; (3) natural monument or feature; (4) habitat/species management area; (5) protected landscape or seascape; (6) protected area with sustainable use of natural resources (Dudley, 2008).

While the importance of PAs to the preservation of global biodiversity is widely accepted, their ability to effectively meet such expectations is less consistent. Although PAs are known to have positive biodiversity values compared with alternative land uses (Coetzee et al., 2014), and tend to generally be effective in preventing deforestation within their boundaries (Naughton-Treves et al., 2005; Burner et al., 2001), significant declines in wildlife populations within PAs have also been recorded (Craigie et al., 2010; Western et al., 2009). A widespread erosion of the taxonomical and functional health of many PAs in the tropics has taken place, often caused by hunting and forest-product exploitation, habitat disruption and environmental changes occurring outside reserves (Laurance et al., 2012). Although there is evidence that PAs do achieve biodiversity conservation outcomes on land and sea, especially regarding marine PAs and the conservation of forests (Juffe-Bignoli et al. 2014), given the current trends and threats, it will not only be important to expand PA coverage, where possible, and to optimize spatial conservation planning, but it will also be crucial to improve the effectiveness of existing PAs in order to achieve conservation outcomes.

In addition to the widespread acknowledgement that improved PA management can contribute to increasing PA effectiveness (Leverington et al., 2010), governance has also become recognized as playing a key role in PA effectiveness, in particular since the World Parks Congress in Durban in 2003 where governance was included in the resulting Action Plan (WCPA, 2003). Governance, which refers to "the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken and how citizens or other stakeholders have their say" (Graham et al., 2003), is crucial both for effective and equitable conservation and in determining the effectiveness and efficiency of management (Borrini-Feyerabend et al., 2013). Furthermore, as PAs have various multifaceted and context-dependent objectives in the social-economic domain apart from biodiversity conservation, it is important to focus on governance when trying to improve PA effectiveness in order to take into account important institutional, economic or political changes in surrounding social-ecological systems that influence PAs (Macura et al., 2013). The current IUCN Programme on African Protected Areas and Conservation (PAPACO) road map also

focuses on improving PA governance as it acknowledges that without adequate and legitimate governance of PAs even the most effective management strategies will fail (PAPACO, 2012).

PA governance has changed substantially over the past 30 years (Dearden et al., 2005, see also Study 0), with an increasingly strong push to integrate the concept of social equity (Juffe-Bignoli et al., 2014). Today, the IUCN and CBD both recognize that PA governance can be grouped into four broad governance types, according to the key actors holding authority and responsibility for the main management decisions affecting the PA (Borrini-Feyerabend et al., 2013):

- Governance by government (at various levels);
- Governance by private individuals and organizations;
- Governance by indigenous peoples and/or local communities; and
- Shared governance (i.e., governance by various rights holders and stakeholders together).

Government designated PAs cover more than 12% of the earth's land surface (SCBD, 2010). In sub-Saharan Africa, when reported, 35.6% of all PAs are governed by the state, which is the most common form of governance across the continent (see Study 0).

## 2.2 Study methodology, aims and structure

This study is part of a series of 4 studies on governance of PAs in Africa:

- Study n°0: context and types of PA governance in Africa a global review
- Study n°1: shared governance of PA between state and local (non-private) stakeholders in Africa
- Study n°2: private governance of PAs in Africa
- Study n°3: governance of PAs in Africa by government only

The fourth PA governance type (governance by Indigenous Peoples and local communities) is not addressed by these studies, and shared governance is focused specifically on governance that involves local-level stakeholders (i.e., Indigenous Peoples, local communities and, in some cases, local government).

Studies 1-3 adopt the same methodology:

- Literature review. Based on the existing literature on the particular governance type and Study
   0.
- 2) Country case studies. Five countries were selected (see Study 1 on shared governance for case study selection process) Tanzania, Namibia, Madagascar, the Gambia and Republic of Congo and in each of these countries at least seven PA specific case studies (a total of 30 cases across the five countries). For each PA case study, the governance type was analysed in terms of apparent strengths and weaknesses in that particular context. This analysis used the framework of five good governance principles principles (Legitimacy and Voice, Direction, Performance, Accountability, Fairness and Rights) that has been elaborated in the recent IUCN best practice guidelines on PA governance (Borrini-Feyerabend et al., 2013). Building on this analysis, the case studies also identify best practices and lessons learned.

3) Synthesis. The discussion section of this report draws out strengths and weaknesses that have broader relevance (i.e., are not wholly site specific). It then analyses critical factors in the policy and operational context – both in terms of factors that appear to be key to success (opportunities) and factors that seem to undermine success or lead to failure (limitations). Lastly, the discussion proposes a set of general recommendations to enhance success of the governance type.

A source of complication – and at times confusion – with all of these studies has been the determination of the governance types of particular case studies, as many appear to be borderline and a number exhibit significant differences between theory/rhetoric and practice/reality. Our general principle has been to classify the case studies according to the practice/reality on the ground versus the current IUCN classification of governance types. Thus, in Republic of Congo, we have classified one PA case study as private governance even though this governance category does not (yet) exist in national PA policy. That said, it is difficult to apply the classification consistently across countries – for example, it seems like some shared governance sites in Madagascar (where all PAs now have shared governance according to national policy) are, in reality, no more shared than some of the state governance sites in Namibia (where there is no provision in policy for shared governance).

This particular study focuses on state governance of PAs in sub-Saharan Africa. The overall aim is to highlight good governance practices for PAs in the region. This study does not undertake a full examination of land use policies, although it is noted that issues related to rights to land/water remain contentious across much of Africa, despite new policy and legal frameworks aimed at resolution of land-rights issues (Roe et al., 2009). There is clearly a need amongst all land users to clarify land rights issues.

Against this background, the remainder of Section 2 introduces the relevant definitions and principles related to this governance type, traces the development of state PAs across the continent and examines the strengths and weaknesses of this governance type as are highlighted in the literature over the last 10-15 years.

Section 3 describes the experience of 13 case studies of state governed PAs from across 6 countries in sub-Saharan Africa: Tanzania, Namibia, Madagascar, the Gambia and the Republic of Congo. This analysis paints a picture of the strengths and weaknesses and suggests improvements that could be made to this governance type.

In the final section, lessons learned from the case studies are summarized under categories derived from good governance principles in order to shed light upon best practice and provide recommendations for more efficient state governance in the future.

## 2.3 Definition of state governance

In state governance systems, one or more government bodies (e.g., ministry or PA agency reporting directly to the government, or a sub-national or municipal body) hold the authority, responsibility and accountability for managing the PA, determining its conservation objectives and developing and enforcing its management plan (Borrini-Feyerabend et al., 2013). Under these arrangements, the state or federal government may or may not own the land, water and related resources. In some cases, the

government retains the overall authority of a PA and makes all major decisions, but can delegate some planning and/or daily management tasks to other actors such as an NGO, private operator or community (ibid.) Under a national legal framework and governance system, there may or may not be a legal obligation to inform or consult stakeholders prior to setting up PAs and/or making or enforcing management decisions, and accountability measures also vary from country to country (ibid.).

This form of exclusive, top-down governance was the norm for most PAs until the 1980s and 1990s, when a paradigm shift occurred towards the involvement of local communities and other actors in natural resource management (Büscher and Dietz, 2005). With this shift towards increased decentralization of power in PA governance, the lines between governance types have become increasingly blurred (Borrini-Feyerabend et al., 2013).

#### 2.4 History and trends of state governance of PAs in sub-Saharan Africa

Governance of PAs by the state is the most common model of governance throughout sub-Saharan Africa, and this is reflected globally (Juffe-Bignoli et al., 2014). Today's prevalence of state-governed PAs originates from Africa's colonial past. While various forms of informal conservation and sustainable use of natural resources had certainly been practiced by local populations for centuries (DeGeorges and Reilly, 2009), steps towards introducing formal measures of conservation were not taken until the late 1800s under European colonial regimes. At this time, wildlife and natural resources were seen as state property to be centrally controlled for the benefit of the colonial powers (Nelson, 2010; Borrini-Feyerabend and Sandwith, 2003; Derman, 1995; Olindo and Mbaelele, 1994). After the introduction of firearms and ideals of a strong market economy by European colonialists, levels of wildlife exploitation skyrocketed, nearly decimating certain wildlife populations in many parts of Africa (Carruthers, 1995; MacKenzie, 1997). In response to this, game legislation was introduced in various parts of Africa and colonialists signed a conservation treaty in 1900 to protect African wildlife (DeGeorges and Reilly, 2009).

Furthermore, changing perceptions of nature in the West during the nineteenth century led to a desire to protect valued natural attributes rather than simply exploiting them. This shift in ideals was accompanied by the creation of Africa's first national park in Belgian Congo in 1925 (Jepson and Whittaker, 2002). In 1933, the London Conference on African Wildlife brought together delegates from colonial powers with territories in Africa. This resulted in an international agreement on PAs, designating two types thereof: national parks and strict nature reserves (ibid.). This marked the beginning of an era of nature conservation dominated by principles of strict separation of humans and nature. The core elements of such 'fortress conservation' consisted of the establishment of PAs, which excluded people and limited or forbid their rights for consumptive use, together with strict enforcement of these rules through a 'fences and fines' approach (Adams and Hulme, 2001a).

As the creation of PAs first took place under colonial regimes, the power to govern them was naturally vested in the colonial state. A strict separation between the authorities, local communities and wildlife was imposed, "glossing over any kind of responsibility about early wildlife depletion and severing any sense of community ownership or responsibility for natural resources" (Borrini-Feyerabend and Sandwith, 2003). The number of PAs increased in Africa following the Second World War, when a rapid expansion of conservation land occurred in the 1950s (Neumann, 2002). In contrast to the first American and European national parks (NPs), which often had cultural or historical significance,

African NPs were initially created solely to protect biodiversity, often in the form of large game reserves (Western, 2003; Philips, 2003). This state focus continued well into the 1960s, and the 1968 the Africa Convention on Nature and Natural Resources even encouraged parks that excluded local people under strict state control (Philips, 2003). Many NPs that were set up in Central and Western Africa from the 1970s up until the late 1990s, such as Bwindi Impenetrable NP in Uganda, resulted in the displacement of local people, either directly through relocation, or by preventing them from accessing resources within the PA (Brockington and Igoe, 2006). There is considerable debate as to the extent of this displacement (Curren et al., 2009; Schmidt-Soltau, 2009; Maisels et al. 2007; Carruthers, 2007); nonetheless, this approach often resulted in adjacent border communities being excluded and living in poverty (Hulme and Murphree, 2001).

When many African countries started gaining their independence from the 1950s and 1960s onwards, this top-down form of PA governance was inherited, along with many other colonial models of government. Many African states have continued to focus their attention on trying to establish or expand effective authority through formal rule mechanisms within the country boundaries bestowed upon them by colonial rule (Büscher and Dietz, 2005). This has often included further centralizing control. Examples of this can be found in much of West and Central Africa, where tenure rights became even more centralized in line with the greater political and economic centralization brought about by socialist ideologies (Roe et al., 2009), or the need to consolidate power under military rule (Ribot, 2002). Such trends are likely to have contributed to the continued existence, expansion and creation of PAs under state governance in the sub-Saharan African context.

#### Movement away from state governance

Since the 1980s and 1990s, however, there has been an increasing shift away from 'fortress conservation' towards a model that aims to include people in the protection of the environment (Adams and Hulme, 2001b; Agrawal and Ribot, 1999; Larson and Soto, 2008). Around 12% of forests worldwide are now managed with some form of popular participation, including at least 21 countries in sub-Saharan Africa that officially promote variations of participatory natural resource management, often taking the form of community-based natural resource management (CBNRM) (Ribot et al., 2010). CBNRM has grown in popularity as, in theory, it represents an ideal tool to simultaneously address conservation and development issues, which state PAs often struggle to achieve. Resting on democratic principles, CBNRM strives to improve environmental management while increasing equity and justice for local people who, through their empowerment, become reliable stewards of the environment while improving their livelihoods (Matose and Watts, 2010; Mohan and Stokke, 2000; Murphree, 2009; Kellert, 2000). Furthermore, CBNRM has continued to gain widespread international support as the continuing loss of biodiversity and the exacerbation of poverty have been well documented, creating a sense of urgency (Millennium Ecosystem Assessment, 2005). Such issues particularly attracted international aid agencies (such as USAID and DfID) and NGOs that began supporting and promoting community-based conservation approaches (Nelson and Agrawal, 2008).

In addition to this international push towards more inclusive conservation, Africans have themselves been advocating more inclusive approaches to governing natural resources. One example of an attempt to address the legacy of colonial control of resources, including state PAs, is the CAMPFIRE program in Zimbabwe, which allowed local people to benefit from wildlife and wildlife habitat on communal lands (Derman, 1995). Land restitution in South Africa following the end of the Apartheid

era is another example of efforts to rebalance the state's historical dominance of PA control (Carruthers, 2007). These changes were partly influenced by the expense and lack of economic returns of strict PAs compared to other land uses, and the idea that natural resources should also be used for the benefit of the people, as well as for the conservation of biodiversity (Adams and Hulme, 2001b). There was also a desire for PAs to be able to pay for themselves, with less need for government intervention and funding (Infield, 2001). Büscher and Dietz (2005) describe this change to a more localized, inclusive and informal system of governance as a shift from government to governance, which has far reaching implications for the role of the state in the management of PAs.

#### Continued state influence

The decentralization of state governance of PAs was, and is, extremely challenging. During the colonial period, all of the instruments of governance were centrally based and designed. As a result, there were few opportunities for people to govern locally and the systems of bureaucracy and governance were not developed to give power away (Nelson, 2010). It is important to recognize that, as a result of this centrally designed system, and because most PAs were originally state controlled, the majority of community managed or shared governance systems that have been developed often involve state representation (Borrini-Feyerabend et al., 2013). In many cases, the decentralization of state governance only meant greater investment in community outreach, with no significant change in actual governance power and responsibility (Lockwood, 2010). As a result, many authors suggest that decentralization of PA governance to a local level often does not go far enough. They argue that, in order for a community to manage its own resources effectively, it must have sufficient control over its natural environment (Child and Barnes, 2010; Nelson and Agrawal, 2008; Nelson et al., 2007; Kellert, 2000; Ribot, 2002).

Many African states therefore often maintain ultimate control of PA governance through shortfalls in decentralization policies and rights to natural resources, even when responsibilities and decision-making powers are meant to be shared or fully devolved to communities. Despite the fact that most African countries do have decentralization policies in place, these policies are more often a form of 'deconcentration', not democratic decentralization, meaning that communities would not have full authority over resource management decisions and uses (Murphree, 2009; Nelson and Agrawal, 2008; Ribot, 2002). Such shortfalls in decentralization policies yet again allow for states to retain high levels of control in PA governance. Furthermore, central governments often retain rights over the most lucrative resources, be they land or wildlife, in order to control the main channels of revenue generation (Conyers, 2000; Matose and Watts, 2010; Nelson and Agrawal, 2008). This is particularly common in the forestry sector (Larson and Soto, 2008; Ribot et al., 2010). The failure to uphold democratic principles of accountability and transparency in natural resource management can also easily lead to misappropriation and misallocation of funds and corruption amongst government officials (Brockington, 2008).

The state can even hold the highest level of power in PA arrangements that do not officially fall under the governance by government model. The case of the Southern African Great Limpopo Transfrontier Park (GLTP) between South Africa, Zimbabwe and Mozambique provides an example of the state overstepping its authority in what was intended to be a shared governance arrangement. Since the early stages of negotiation in 1996, governments have controlled the process of establishing this transboundary PA, which ideally should provide a prime example of shared PA governance as it involves a multitude of different stakeholders across borders (Büscher and Dietz, 2005). Rather than establishing a supportive partnership with communities and NGOs, governments left these actors on the sidelines, deciding to skip planned consultative processes involving community committees or working groups (Metcalfe, 2003; Büscher and Dietz, 2005). Munthali and Soto (2001) even conclude that "besides the government, none of these stakeholders [communities, NGOs, private sector organizations] effectively participated in the process leading to the establishment of the GLTP." Despite the movement towards increased stakeholder involvement in PA governance, states have therefore often managed to maintain the ultimate decision-making powers even in governance arrangements that officially fall under shared or community governance according to the IUCN.

#### Movement back to fences and fines

Some authors argue that we are now seeing a reversion back to the protectionist model with greater enforcement, which relies more on state governance (Wilhusen et al., 2002; Roe et al., 2003; Büscher and Dietz, 2005; Büscher and Dressler, 2007). This reversion to the 'fences and fines' approach is said to have partly arisen due to the relative failures of people-oriented approaches to conservation such as ICDPs (Integrated Conservation and Development Projects) to conserve biodiversity and provide economic benefits to local communities (Neumann, 1997; Blom et al., 2010). Another argument for the movement back to protectionism is that approaches that have encouraged community development impose too much responsibility on PAs, which are primarily designed for the conservation of biodiversity (Wilhusen et al., 2002). Although a switch back to protectionism is likely to be occurring in several instances, the movement towards devolving power to communities continues simultaneously, sometimes perhaps even within the same country. Furthermore, in addition to the push for community driven conservation, there are also significant areas of land with private governance of PAs, such as in South Africa or Kenya. Such privately run PAs have also been increasing in recent years through the safari tourism industry (Mitchell, 2007). In many cases, local or national governments have outsourced management of PAs to a private body (Borini-Feyerabend et al., 2013).

## 2.5 Strengths and weaknesses of state PAs documented in the literature

#### Strengths

The strengths of state governed PAs are connected to the capacity for centralized decision making, which is often required for coordinated PA management on a national and international level. State governance of PAs enables authorities to pool resources and priorities from across different areas. In comparison, privately governed PAs, for example, may be isolated from overall national conservation objectives and are subject to the individual priorities of the landowner. Linked to this strength is the geographical scale of PAs often required to effectively conserve certain African ecosystems and large ranging species such as elephants (Martins, 2002). Compared to the other types of governance, PAs under state governance often tend to cover larger pockets of land (see Study 0), which have the ability to safeguard greater numbers of species and maintain intact habitats as well as maintain ecosystem services (Ladle et al., 2011). An example of this are transboundary conservation areas such as the Niumi National Park-Delta du Saloum site between the governments of the Gambia and Senegal.

Due to having a higher level of authority and access to law enforcement, PAs governed by the state can also have the power to act legally against encroachment. A study from East Africa investigating PA effectiveness at local, landscape and national scales, comparing rates of deforestation within park

boundaries with those detected in park buffer zones and in unprotected land more generally, found that the most successful PAs were national parks, although only 26 out of 48 parks increased or maintained their forest area (Pfeifer et al., 2012). Indeed, advocates of a return to 'fortress conservation' approache point out that such encroachment is occurring in many PAs in Africa and that state governance is more likely to ensure that conservation of biodiversity remains at the forefront of PA management priorities (Terborgh and van Schaik, 2002; Locke and Dearden, 2005). It has also been argued that many co-management approaches, rooted in a shared governance approach, have so far failed to deliver significant benefits to conservation and poverty alleviation. Large-scale challenges for PAs, such as the international trade in wildlife, which can involve organized criminal activity on a national and international scale, also mean that state governance may be required in order for PAs to be effective.

Compared to private governance of PAs, state governed PAs are also – in theory but not always in practice – more accountable, as the mandate for governance is usually provided by the elected government of the country. However, in many cases in Africa, illegal activities such as wildlife trade sometimes even occur with the consent or support of the national or regional government (Brockington and Igoe, 2006). Another significant strength factor of state governance compared to shared governance, is that it can cost less as governance arrangements for community participation can be high. However, in certain cases, transactions costs from community conservation approaches are shouldered by the local communities as opposed to the state, as was the case, for example, during the development of Participatory Forest Management (PFM) in communities adjacent to the Ambangula mountain forests in Tanzania (Meshack et al., 2006).

#### Weaknesses

In support of the call for shared power and increased community and multi-stakeholder involvement, many weaknesses of state PAs have been highlighted in the literature. As a result of states prohibiting access to PAs, communities living in or around PAs face many difficulties. Restricting access to forest products (Cernea and Schmidt-Soltau, 2006), fire wood (Ongugo, 2002), land and employment (Bedunah and Schmidt, 2004) can have negative consequences on communities, in particular when considering that the majority of the world's poor depend on forests for at least a portion of their income (World Bank, 2000; Scherl et al., 2004; USAID, 2006). It was estimated in 2006 that in Africa alone 600 million people relied directly and indirectly on forests for their livelihoods (Anderson et al., 2006). In extreme cases, communities can also be evicted or displaced from the park (Brockington and Igoe, 2006). In sub-Saharan Africa, it is estimated that the creation of over 85% of all PAs has led to state appropriation of local community or customary tribal land (Lockwood, 2010).

Although a review of the effectiveness of PAs has suggested that more restrictive PAs are more successful in reducing deforestation than those with less restrictive access (Clark et al., 2008), where disempowered communities remain within or around the PA, and when forest laws are weakly enforced, compliance with restrictions on resource use is less likely (Ongugo, 2002; Bedunah and Schmidt, 2004; Scherl, 2004). Furthermore, a 'command and control' system can result in local communities believing that they will not benefit from conservation (Namara, 2006; Adams and Hutton, 2007). Conventional, top-down PA practices often found in PAs governed exclusively by the state can therefore backfire on conservation efforts through retaliatory actions by disempowered communities, conflicts with PA managers, and the inability to use the knowledge and practices of local

people (Kothari, 2008). In the South African Hangberg Marine Protected Area (MPA), which was established in 1934, for example, fishing communities have been dispossessed of their fishing rights for the past seventy years, which has resulted in significant animosity toward the state and a complete disregard for its rules (Sowman et al., 2011). State-driven MPA planning in Mozambique has created a similar situation, with groups and communities interviewed being at best ambivalent towards MPAs and even materially harmed by the creation of MPAs that restrict fishing (Rosendo et al., 2011).

State governance is often not considered to be fair by local communities, which can be a major factor in driving illegal activities. Biodiversity conversation under state governance can therefore be made more difficult due to the greater law enforcement required to combat poaching and poor wildlife management outside PAs (Bassi, 2003). In some countries, this has led to attempts to rebalance land rights, such as for land restitution cases in South Africa. The Manyeleti Game Reserve along the border of Kruger National Park, for example, was formed by the Apartheid Government in 1964, resulting in the exclusion of the Mnisi people from their land. In 2010, co-management arrangements were agreed transferring the title of the land from the state to the Manyeleti Conservation Trust, which represents many of the original land claimants (de Koning, 2010). Effective enforcement of PAs can also be extremely costly and use up many of the resources for PA management. In Ghana, budgets for state PAs are not sufficient to enable proper protection from habitat fragmentation and the bushmeat trade (Jachmann, 2008). PA management costs in West and Central Africa are indeed influenced by the heavy dependence on bushmeat, which increases the level of enforcement required. This issue is exacerbated by limited state capacities for governance, with many governments in the region being reliant on international aid agencies and NGOs for PA management (Western, 2003).

A considerable weakness in governance for many African states is also the high level of corruption and informality, which results in private interests often taking precedent (Nelson, 2010). This issue combined with a prevalence of strong local actors, such as local tribal chiefs, can mean that formal systems of state governance can be difficult to enforce (Büscher and Dietz, 2005; Fischer et al., 2014). Limited capacity of state agencies in Africa can result in situations where PAs effectively become open access, sometimes described as 'paper parks', with the state unable to enforce restrictions (Langholz and Krug, 2004; Nelson, 2010). Lack of resources including inadequate staff numbers, poor pay, and lack of equipment all contribute to a system in which management of PAs and the enforcement of rights restrictions is sometimes not feasible (Bauer, 2003; Lindsey et al., 2013). However, problems such as a severe lack of funding are not necessarily due to weaknesses of a state PA system, but are attributable to the general challenges and high costs of PA management across Africa. Poor state governance and land use planning outside of PAs can also contribute to this problem. For example, badly planned infrastructure in locations close to PAs can lead to influxes of people from other areas, resulting in increased encroachment into a PA (Lindsey et al., 2013).

An assumption behind increases of certain privately governed PAs and co-managed areas is that if landowners or communities have an economic interest (such as profit from tourism) in the success of the PA, then the management of the area may be more effective (Mitchell, 2007). Conversely, the exclusion of local people from state PA governance can mean that local knowledge and support is not harnessed in conservation efforts. There is evidence that local communities can more sustainably manage resources than the state and at a lower cost (Hayes, 2006), for example, by communities bearing some of the costs of governance processes (Meshack et al., 2006). The shared governance of PAs with communities can also enable better conservation outside of strict PAs, such as in IUCN category VI PAs (PA with sustainable use of natural resources), many of which contain considerable biodiversity in Africa (Borini-Feyerabend et al., 2013).

#### 2.6 Where we are now: conclusions from the literature

A history of colonialism, Western ideals of nature conservation and times of decolonization shaped by centralization and perhaps questionable accountability, have allowed for PAs under state governance to come into existence and continue to develop until modern days. These influential contextual elements have allowed for states to retain high levels of authority even throughout a strong international movement towards more inclusive natural resource management. PAs governed exclusively by the state therefore certainly still play a crucial role in the conservation of biodiversity and they remain the most common form of PAs in sub-Saharan Africa, covering vast areas of ecological importance – without these PAs, significantly less biodiversity would be protected.

The state governance of African PAs is not ideal, however, as they are not able to guarantee full protection to biodiversity: species can move outside PAs, other pockets of valuable biodiversity might lie outside PA boundaries (Western et al., 2009), and encroachment still occurs, both in the form of deforestation and hunting, also affecting ecosystem services (Laurence, 1999; Wilkie et al., 2011; Bennett et al., 2002). Many PAs do not seem to be adhering to the principles of good governance. According to these principles and based on the literature, one of the key factors affecting the quality of state PA governance is the degree of inclusion of other stakeholders. As Vedeld et al. (2012) have put it:

Parks tend to live their own lives; they reshape and change the land use patterns and people surrounding the park. As a social institution and political construct, it both attracts and evicts people, changes relative prices, constrains resource access and alienates people from nature and alters rights and power relations.

The same authors have also highlighted the fact that such failures were not necessarily only caused by corruption or unequal power relations, but that the lack of efficient delivery systems of public goods and the financial constraints faced by PAs limit their ability to function effectively (ibid.).

State PAs therefore face a number of challenges and a shift towards more inclusive governance or improved benefit-sharing is likely to be needed in many instances in order to move towards more effective and equitable conservation. The case studies described in the following section illustrate many of the challenges discussed in the literature.

## 3. Country and state PA case studies

The following case studies provide examples of the state governance model from Tanzania, Namibia, Madagascar, the Gambia and the Republic of Congo, shedding light upon trends, strengths and challenges that individual PAs face, as well as some suggested best practices and/or lessons learned. This information has been extracted from country reports compiled by the authors listed at the beginning of each section and additional information is available in the Annex, which contains the original source documents.

# **3.1** Tanzania: source documents by Wayne Lotter, Krissie Clark, Jason Rubens, Sibylle Riedmiller and Abigail Wills

## 3.1.1 Current status of state PAs

Tanzania has a complex PA network that includes National Parks, Game Reserves, Forest Reserves, Wildlife Management Areas (WMAs), Nature Reserves, Marine Parks and Marine Reserves. This network covers about 30% of its territorial area (terrestrial and marine) and the majority therein are administered and controlled directly by government institutions. Table 1 summarizes the available data pertaining to each PA type under state governance in Tanzania.

State PA type	Total number of PA type	Total area of this type	Trend (↑ = increasing number; ↓ = decreasing number of this PA type) & main reasons for trend
Nature Reserve (forest protection for biodiversity & water)	6	2,028.33 km <sup>2</sup> (unconfirmed/discrepancies)	<b>^</b>
National Forest Reserves	493 (discrepancy in data: most are catchment forest reserves for protection but there are a few for production)	99,437.22 km <sup>2</sup> (unconfirmed/discrepancies)	↑ on paper (decreasing in reality, in terms of land use compliance on the ground)
National Parks	16	56,923.88 km²	↑ as Game and Forest Reserves are being upgraded to National Parks
Game Reserves	28	115,000 km <sup>2</sup>	↓ as Game Reserves are being upgraded to National Parks
Game Controlled Areas	42	13,000 km <sup>2</sup>	$\downarrow$ as some are being transformed to become WMAs
Ngorongoro Conservation Area	1	8,292 km <sup>2</sup>	Stable
Marine Parks	3	2,024 km <sup>2</sup>	↑ over past 5-10 years as MPA
Marine Reserves	11	96.8 km <sup>2</sup>	network developed in both

Table 1. PAs under state governance – Tanzania

Marine Conservation	3	1,760 km <sup>2</sup>	mainland and Zanzibar (ZNZ), in
Areas			part with support from World
			Bank funding.
			TZ mainland unlikely to increase
			further in near future as state
			MPA authority (BoT-MPR <sup>1</sup> ) is
			struggling to secure revenue
			even for existing areas.
			2 new areas and area extensions
			are in the process of being
			gazetted in ZNZ, after which ZNZ
			near-shore areas will be fully
			saturated.

While the first Forest Reserves in the country were established in 1888, the first PA legislation enacted in Tanzania was the Game Ordinance No. 20 of 1940. The National Parks Ordinance was first enacted in 1951, and in 1959 a decision was made to have the excision of the Ngorongoro Conservation Area from the Serengeti NP and create a new authority known as the Ngorongoro Conservation Area Authority (NCAA) with its own legislation, known as the NCAA Act, No. 413 of 1959. Marine Protected Areas (MPAs) became more common after the enactment of the Marine Parks and Reserves Act No. 29 of 1994. There are a number of other policies and laws in place that support each PA type, none of which are foreseen to undergo major institutional transformations in the near future that would affect the governance of state PAs.

The gazettement of many reserves in Tanzania that cover most of its biomes and ecosystems demonstrates both the government's commitment as well as the complexity of reserve management in the country. The Wildlife Conservation Act together with the Marine Parks and Reserves Act closely follow the IUCN criteria for classification into PA categories.

## 3.1.2 Case study: Amani Nature Reserve

The Amani Nature Reserve (ANR), which is located in North Eastern Tanzania and expands across 83.8 km<sup>2</sup>, was originally established as a Forest Reserve. Due to the abundant biodiversity it contains and the presence of endemic species, an increased protection status was sought and the ANR became Tanzania's first Nature Reserve, designated in May 1997. Falling under the Forest Department's control, this is its highest form of protection a PA can obtain in Tanzania and it provides for low impact eco-tourism opportunities.

The government manages the PA through the Tanzania Forestry Service, which is under the Ministry of Natural Resources and Tourism. It owns the PA and has the responsibility to:

- Define management zones within the PA and their management strategies
- Define which PA resources may be legitimately used and how
- Arrest, or otherwise penalize, offenders

<sup>&</sup>lt;sup>1</sup> Board of Trustees of Marine Parks & Reserves

Community representatives are included as stakeholders in the governance structure for the PA, but their involvement is very limited and they are not provided with information about management decisions or PA income. Neighboring community members do, however, share benefits and have rights to use some of the PA resources, including dead wood, fruit, mushrooms and honey.

## Strengths

- Being a Nature Reserve, the ANR has the highest level of protection former Forest Reserves can obtain. It precludes consumptive use of live vegetation, whilst providing some opportunities for revenue generation through tourism, which is not directly part of the objectives of Forest Reserves. Furthermore, it has constitutional status.
- The PA has a clear policy in terms of who can manage it, as well as rules for what is and is not permitted.
- Legislation allows for forums and mechanisms to be established that could ensure transparency and accountability to stakeholders.
- Traditional rights holders have access to key resources (deadwood, fruit, wild honey and mushrooms) and benefits are shared.

## Challenges

- Nature Reserves do not have as many financial and human resources for their protection as do the National Parks and the Ngorongoro Conservation Area.
- Local resentment is slowly increasing as there have been fewer benefits to communities than anticipated, and local stakeholders feel as though they have not had enough of a representative voice in planning the PA.
- The community is still engaging with the PA management, but it is unclear whether they are supporting it voluntarily and to what extent communities would comply with use restrictions if there were no active policing of the PA to maintain its integrity.
- There is no mechanism to assess and account for how costs and benefits of the PA are distributed, and information about PA income and management decisions is lacking.

## Suggested best practice and/or lessons learned

- Early and meaningful involvement of local stakeholders in the design and planning of the PA would have increased the extent to which communities feel the PA is legitimate as a contributing part of their landscape.
- A multi-stakeholder committee that plays a role in making decisions about the PA how it is run, how benefits are distributed and communicates decisions, would ensure that the role of the PA is adequately understood and supported and improve direction and management..
- As with the case of Catchment Management Forest Reserves, water protection charges paid by industry should channel benefits to communities. With limited or no significant benefits to communities, their acceptance and respect of the PA is unlikely to persist. Appropriate, strong regulation of payment for environmental services is therefore needed, some of which should go directly to neighboring communities.
- More investment opportunities for non-consumptive tourism, ideally involving local communities, would help improve the governance effectiveness of Nature Reserves.

- Better community involvement and benefit sharing, plus measurement of performance over time (management effectiveness evaluation and social assessment) on a one to three yearly basis would be useful.
- Mechanisms to assess and account for how costs and benefits of the PA are distributed would add value.

## 3.1.3 Case study: Mwambesi Forest Reserve

The Mwambesi Forest Reserve (MFR) was designated in 1956 and covers 1,021.46 km<sup>2</sup>. Historically, many PAs were established as Forest Reserves with a primary objective of protecting water catchment areas.

Governance now falls under the Ministry of Natural Resources & Tourism (MNRT)-National Forestry Service (NFS). Management of the MFR has been delegated down to the district level, under the District Forest Officer. There are no staff stationed within the PA, however, and the District Forestry staff who are responsible for the management of the PA are stationed a few hours' drive away from the PA.

The state owns the PA and the MNRT-NFS delegates the following responsibilities to the District Forest Officer:

- To arrest, or otherwise penalize, offenders
- To issue permits to local community members for the use of specific PA resources (dead timber, fruit, mushrooms, honey)

The rights to use wildlife resources, as well as to arrest offenders of wildlife crimes (poachers), do not fall within the mandate of the PA governing and managing body. These rights fall under the Wildlife Act, which is governed by the MNRT-Wildlife Division and is shared at a local level by the District Game Office, which also do not have any full time staff *in situ*.

## Strengths

- The PA enjoys constitutional status and has a clear policy in terms of who can manage it as well as rules of what can and cannot be permitted.
- Legislation does not preclude the establishment of forums and mechanisms to be established that could ensure transparency and accountability to stakeholders.
- The habitat integrity has been maintained in this PA. Although poaching of wildlife and fishing has been excessive and has depleted fauna populations, MFR has not yet been subjected to extensive encroachment by other land uses (farming, livestock keeping and illegal mining), as has been the case with some other PAs.
- Traditional rights holders have access to key resources (fish, deadwood, fruit, wild honey and mushrooms).

## Challenges

• This governance type does not have a mechanism to ensure that realistic financial and human resources are available for its maintenance.

- A lack of integration between management and use of the flora (forestry) and fauna (wildlife, fisheries), which are under the mandates of different departments, makes transparency and accountability more difficult to achieve.
- There is a lack of a forum in which to provide information about PA resource use and management decisions.
- The PA does not have a clearly articulated vision and objectives based on values agreed by a representative group of the local stakeholders, nor a clearly defined management direction that stakeholders understand and support.
- The community is not engaging with the PA management (which is seldom present and not onsite/easily accessible), and illegal hunting, fishing and timber harvesting is uncontrolled, with the PA integrity being under significant threat of potentially irreversible erosion.
- Due to the PA's top down management structure as well as the growing human population in the area and expanding or shifting agriculture and livestock keeping, local resentment is increasing.
- There is no mechanism to assess and account for how costs and benefits of the PA are distributed.

## Suggested best practice and/or lessons learned

- Involvement of local stakeholders in the design and planning of the PA would have increased the extent to which communities feel and understand that it is legitimate as a contributing part of their landscape.
- As with the case of Nature Reserves, water protection charges paid by industry should channel benefits to communities. With limited or no significant benefits to communities, their acceptance and respect of the PA is unlikely to last as human population increases and land for agriculture becomes scarcer. Appropriate, strong regulation is needed for payment of environmental services, some of which should go directly to neighboring communities. Investment opportunities for non-consumptive tourism would also help improve the effectiveness of this governance type.
- Rangers or community scouts need to be on-site to permanently protect the integrity of the PA and its resources.
- A multi-departmental and local stakeholder committee that shares information and plays a role in decisions about the PA how it is run, what benefits are available and how they are to be distributed and communicates decisions, would be beneficial.
- Community involvement and controlled benefit sharing, plus measurement of performance over time (management effectiveness evaluation and social assessment) on a three-year basis would be useful.
- Mechanisms to assess and account for how costs and benefits of the PA are distributed would add value.

## 3.1.4 Case study: Ruaha National Park

Ruaha National Park was established in 1951 and was extended to include the former Usangu Game Reserve in 2008. It covers 20,226 km<sup>2</sup> of forests and savannahs and is situated on the eco-tone between Southern and East African ecosystems, containing representative species from both regions. Ruaha is a very large PA with high biodiversity value, representative of a unique and diverse range of

habitats and landscapes. It therefore has high eco-tourism potential and was selected as being of sufficiently outstanding value to be proclaimed a National Park.

This PA is managed by the Tanzania National Parks (TANAPA) authority, which is managed by a Director General and has an overseeing board, which reports to the Minister of Natural Resources & Tourism. The PA is owned by the state and the TANAPA has the responsibility to:

- Define management zones within their PAs and their management strategies
- Arrest, and/or otherwise penalize, offenders
- Establish subsidiary agreements and retain benefits
- Define which PA resources may be used non consumptively (consumptive use, e.g., timber logging and hunting, is specifically prohibited by the National Parks legislation)
- Define the development and tourism use of the PA

#### Strengths

- As a National Park, Ruaha enjoys the highest level of protection at a national level. It therefore
  also benefits from being able to generate revenue (e.g., through tourism) and to use this for
  management and protection. National Parks that are not financially self-sufficient can receive
  top-up subsidies from those that are, such as Kilimanjaro and Serengeti National Parks, through
  the TANAPA.
- Ruaha is accountable to a board. It has constitutional status as well as national and international standing.
- The PA has a clearly articulated vision and objectives based on values agreed by representative stakeholders (General Management Plan).
- Revenue from the PA is audited and finances are managed as part of the TANAPA head office accounting system, which is overseen by an elected board.
- The PA has achieved conservation success but has low tourism occupancy (level insufficient to enable the PA to be self-financing). However, the PA has much interest from potential tourism investors, however.

#### Challenges

- The ultimate authority lies with a board, which at times can be primarily business and politically orientated and not have the background and understanding necessary to ensure effective PA management and retention of its conservation and wilderness values.
- The board can make changes in direction and management that are not necessarily in line with what was agreed with other stakeholders. Tourism investors feel they would like to have more say in decisions affecting tourism fees, levies, and times when changes are made, etc. Furthermore, community stakeholders in the Usangu section of the PA who were displaced in 2008, feel excluded from shaping the PA vision and objectives.
- There is local resentment in certain areas, for example in the Usangu section of Ruaha National Park, where there are boundary disputes between the PA and local communities. The community support in the Usangu section is insufficient and in the Usangu catchment area, high levels of injudicious and illegal water resource use are taking place that are drying the PA's primary water source (Great Ruaha River).

• Communities in the Usangu section in particular are disputing fairness and rights with regard to access to resources and land. Furthermore, the National Parks framework on fairness and rights is not supportive, as there are no policies or legislation on equitable sharing of benefits.

## Suggested best practice and/or lessons learned

- Mechanisms to proactively identify and address disputes over fairness and rights issues should have been a prominent part of the PA management and reporting.
- Criteria should be set to ensure that the board includes a minimum number of members with relevant conservation background, experience and track record.
- Partnerships should be established with communities in areas of the PA from which people were removed. The partnerships should give them a stake in the PA, for example through benefit sharing from tourism.
- Dialogue between relevant stakeholders is needed to ensure the role of the PA is understood and supported and that contentious issues (e.g., displacement, tourism benefits and zoning) can be resolved in a meaningfully representative stakeholder forum.
- Management effectiveness and social assessments should be undertaken on a regular basis, and should include a representative stakeholder review to assist with improving performance.
- An investor and NGO forum that meets and reports annually for all locally involved parties to discuss and influence decisions about the PA – and is reported on publically – would increase transparency and accountability.
- Other stakeholders should have more direct input in financial management decisions that affect the tourism industry (e.g., sudden changes in fees affecting marketing and profitability).

## 3.1.5 Case study: Mafia Island Marine Park

Mafia Island Marine Park (MIMP) was established in 1995 and is under direct management of Marine Parks & Reserves Unit (MPRU) of the Ministry of Livestock & Fisheries Development (MLFD), with community participation (although these have no decision-making powers). The park covers 822 km<sup>2</sup>, of which 615 km<sup>2</sup> is marine area, and is a representative mosaic of inter-tidal and sub-tidal tropical marine habitats of the Indian Ocean (mangroves, coral reefs, seagrass beds, etc.). It also includes evergreen coastal forest and coastal thicket.

MIMP was the first MPA, and first marine park, gazetted under the Marine Parks & Reserves Act of 1994. Some small marine reserves had existed on paper under the former Fisheries Act of 1970, including two areas within MIMP, but these were not managed or protected in practice. The gazettement under the MP&R Act of 1994 and of MIMP in 1995 aimed to establish a network of MPAs in mainland Tanzania near-shore waters (Zanzibar has separate legislation and governance regime). The concept of a state-managed MPA, zoned for different uses, on the one hand recognizes the high number of local people (> 10,000 in 14 villages) living within the boundaries depending on fisheries and other marine resources, and on the other hand, the fact that the area contains marine habitats with regionally high, representative biodiversity, and tourism assets potentially of national importance. To some extent, the governance approach chosen was explicitly based on that of the Great Barrier Reef in Australia, though on a smaller scale.

The ultimate decision-making body is the Board of Trustees of Marine Parks & Reserves (BoT-MPR) at the national level, which answers to the Permanent Secretary of the Ministry of Livestock & Fisheries

Development. A new draft Act currently under consideration would establish a Marine Parks & Reserves Agency, giving it greater autonomy over finances and management.

BoT decisions are implemented day-to-day by the Marine Parks & Reserves Unit, a semi-autonomous unit of the same Ministry. On Mafia Island, day-to-day management of the MIMP is under a Wardenin Charge and a staff team employed by the BoT-MPR. A MIMP Advisory Committee has representatives from stakeholder groups including communities and the private sector and makes management recommendations to the Warden-in-Charge and the BoT-MPR. This committee, however, has no decision-making authority.

Each village within the marine park has a Village Liaison Committee, elected by a village assembly, which serves to support activities by the marine park management on behalf of the village council, and assists in communicating management concerns between the marine park, the village council and village members.

Legal ownership of the marine park lies with the State. Furthermore:

- The right to define management zones and strategies (i.e., contained in the MIMP general management plan and regulations) lies with the Minister, on recommendation of the BoT-MPR. The MIMP Advisory Committee and villages within the park have the right to prepare and recommend plans to the BoT-MPR.
- The right to arrest offenders lies with (government) marine park rangers with support of district police and/or district fisheries officers. Village enforcement units operating under the auspices of village liaison committees and village councils in each village, with support of the MIMP management, can also make arrests and confiscations on behalf of the marine park.
- The right to establish subsidiary agreements and retain benefits is organized as follows: by formal agreement (not legislated), 20% of MIMP revenues are disbursed to villages within the park and 10% to the Mafia District Council (after deduction of costs of managing MIMP entry gate where tourism fees are collected).
- The right to use resources within the park lies with communities resident within the park, subject to restrictions in the MP&R Act, the MIMP general management plan and MIMP regulations. Communities not resident within the park and other commercial entities (tourism investors, fisheries businesses) may access resources only on obtaining a permit from the park management, also subject to restrictions in the MP&R Act, the MIMP general management plan and MIMP regulations.

## Strengths

- Centralized state management allows for assets of national importance (i.e., biodiversity, tourism) to be accommodated and protected, especially where their maintenance/use may conflict with local community resource use. It also provides a mechanism for financial resources of the government to be focused on areas of higher national importance.
- On paper at least (according to experts, this does not translate into practice), non-governmental stakeholders have a significant voice in planning and management, through MIMP Advisory Committee and village councils provided for in the MP&R Act.
- Broadly, the management plan reflects a common vision and the objectives of most stakeholders.

- Fisheries resources and coral reef habitats are reckoned to be in a better state than in comparable areas outside the marine park (mainly based on anecdotal/qualitative information and perceptions). In particular dynamite fishing, which is widely practiced in most parts of the TZ coast, including within the marine park area pre-1997, very seldom occurs with the marine park.
- Infrastructure in marine park villages is slowly improving as a result of allocation of 20% of tourism fees to village projects.
- Tourism entry revenues are transparently shared with villages (20%) and Mafia district council (10%) through a formal agreement, but it is not clear how well-known the agreement is amongst general community members.
- Communities residing within the marine park have priority access to fisheries and other marine resources, enshrined within both Act and GMP. Non-resident fishers must obtain approval from a village within the park, and must then pay both the marine park and the village for a permit.

## Challenges

- There are cultural issues between up-country government staff and coastal people.
- Central government staff tend to be dismissive of constraints faced by, and views of, community and private sector stakeholders, in favor of their own agenda.
- The government lacks the resources for adequate stakeholder consultation, especially communities. Some community representatives also lack skills in performing their representative function. Therefore, representative structures, such as the Advisory Committee, do not function as intended.
- In practice, non-governmental stakeholders (Advisory Committee and village councils) have a relatively weak voice in planning and management, as they have no legal decision-making authority or veto.
- Government financial resources are too limited to provide for adequate human and operational
  resources to manage the park, especially given the challenge of continuous engagement with
  14 villages. While MIMP tourism revenues are in fact potentially adequate to manage MIMP,
  only approximately 20% of revenues are made available for operational expenditures. This is
  mainly because two other marine parks gazetted in mainland Tanzania currently fail to generate
  significant tourism revenue and MIMP therefore needs to share its revenues.
- 20% of revenues shared to communities is arguably rather little for 14 villages. In practice it
  amounts to about USD 3,500 per village per year. The accountability of the funds allocated for
  village projects is almost certainly an issue as well. Auditing of the use and accounting of these
  funds is weak.
- Villages do not have autonomy over how revenue is used. Village councils submit proposals and the selection is done by a meeting of village chairpersons and the marine park management. In practice, however, the marine park retains veto power. This process is not transparent to general villagers.
- The marine park does not routinely share information about annual revenues and/or allocations to villages with village communities themselves. This is counter-productive as it means many villagers are not aware of the benefit sharing.

- Management effectiveness is not well monitored, there is limited ongoing monitoring and what data there is on fish catches and coral reef condition is not analyzed for management purposes. The last major assessment was done in 2003.
- In practice, the permit system for outside fishers is not always well governed or accountable. Outside fishers may make informal payments to village leaders for approval. It is not costeffective for the marine park to patrol and check whether outside fishers have paid for permits, since amounts payable are small, however, the park area is not over-run with outside fishers.
- There are 2-3 villages (out of 14) in which there is significant use of/dependence on a controversial fishing gear (bottom-dragging seine nets) illegal under national fisheries regulations. However, those regulations are not enforced in most areas in Tanzania, the marine park attempts to enforce them with only partial success. As a result, two villages in particular are opposed to the marine park, even 20 years after its establishment, and there is conflict with the MPA management. This conflict is further exploited by local party politicians. These villages perceive the marine park to be a mechanism to generate benefits for the marine park staff, the government and tourism investors, at the expense of local fishers. Other villages may partially share that view.

#### Suggested best practice and/or lessons learned

- Ensure that non-state stakeholders (including communities, private sector, etc.) have a legally mandated decision-making role, not just a participatory or consultative role.
- Stakeholder representatives on management bodies such as the Advisory Committee, especially
  community representatives, require continuous training on their roles and responsibilities, as
  do the communities they represent so they can elect and monitor their representatives in an
  informed manner.
- The marine park should give more attention to communicating benefit sharing to villages. This might also promote greater accountability of the use of funds within particular village projects.
- A percentage of the MPA revenues shared with villages should be allocated to annual auditing, and the results of that audit made available to village councils and, if possible, to villagers.
- In the longer term, fairness and equity would be better served if communities (especially but not exclusively fishers) had a means of organizing and representing themselves that was independent of the marine park village liaison committees (which are viewed with suspicion/indifference by most community members). For example, this could be done through a network of village fisher associations. The generally low levels of education and governance skills at village level is a short to medium-term obstacle to this, though slowly changing.
- Where state financing is dependent on tourism revenues, the government should avoid gazetting too many areas to the extent that the cost liability exceeds tourism revenues that can reasonably be expected.
- National fisheries regulations on seine net fishing are restrictive and the Ministry is not willing to review the regulation in question. More research/participatory investigation is needed to reach a better consensus between the government and fishers as to the sustainability or otherwise of seine nets. Unfortunately, the Ministry does not even support the idea of investigating the issue.
- More attention to data collection and analysis for management effectiveness is needed, though resources for this are scarce. However, this is also a question of BoT-MPR priorities.

#### 3.2 Namibia: source documents by Brian T. B. Jones

#### 3.2.1 Current status of state PAs

Namibia's 21 state-run terrestrial PAs now cover around 147,763.37 km<sup>2</sup>, or about 17%, of the country's land surface. All terrestrial PAs are managed by the Ministry of Environment and Tourism (MET), the existing marine park is managed by the Ministry of Fisheries and Marine Resources and a State Forest Reserve in the north east of the country is managed by the Directorate of Forestry within the Ministry of Agriculture, Water, and Forestry.

There has been some consolidation of state-run terrestrial PAs since Namibia's independence. The former Caprivi Game Reserve, for example, was re-proclaimed in 2007 as the Bwabwata National Park incorporating an important area of land that was previously unproclaimed and with two designated core conservation areas and a multiple use area. The Sperrgebiet NP was proclaimed in 2008, replacing the former Diamond Coast recreational area and incorporating new areas of land that are part of the restricted access diamond mining area of the south western Namib Desert and coast. Mangetti National Park was proclaimed in 2008, upgrading the conservation status of an area that was previously a game holding camp on communal land. The designation of the Sperrgebiet was the most significant in terms of biodiversity conservation as it places almost the entire Namibian part of the Succulent Karoo biodiversity hotspot under protection (MET 2010a). The proclamation of the Sperrgebiet also included the establishment of Namibia's first marine park. Dorob National Park was established in 2010, replacing the former National West Coast Recreational Area.

This marine park, the Namibian Islands' Marine Protected Area, covers almost 10,000 km<sup>2</sup> of marine area, including 10 small islands and eight islets. This area stretches over 400 km from Meob Bay, north of Lüderitz, to Chaimas Bay south of the harbour town and 30 km into the Atlantic Ocean. Its aim is to maintain essential ecological and life support systems, ensuring the sustainable utilization of species and ecosystems and preserving biological diversity.

The State Forest in the Zambezi (formerly Caprivi Region) in north eastern Namibia covers an area of 1,496 km<sup>2</sup>. However, it is has uncertain status as, according to Mendelsohn and Roberts (1997), it has never been proclaimed as a PA. It is administered as a State Forest by the Directorate of Forestry and some local people assume that, because of its name, it has been proclaimed and they respect its boundaries. Others have settled and cleared land in the reserve, however (Mendelsohn and Roberts, 1997). There is contradictory information regarding the reserve and the World Database of Protected Areas (WDPA) lists it as the Caprivi Forest Reserve (Id: 7442) and indicates that it was designated in 1966. No centralized database exists in Namibia that covers PAs under all governance types. For instance, the Ministry of Environment and Tourism (MET) stores information only on the PAs it administers.<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> Information on these PAs is available on its website, but is not always up to date (www.met.gov.na). The WDPA references the following for information on Namibian PAs: CONINFO/NACSO (2011), Namibia http://www.nacso.org.na.index.php.

State PA type	Total number of PA type	Total area of this type	Trends ( $\uparrow$ = increasing; $\downarrow$ = decreasing) & main reasons for the trends
National Park	20	136,267.37 km²	$\uparrow$ due to consolidation of the network
State Forest	1 (unproclaimed)	1,496 km²	through upgrading status of some
Marine Reserve	1	10,000 km²	areas and proclamation of new PAs

#### Table 2. PAs under state governance – Namibia

The Nature Conservation Ordinance of 1975 is the main legislation governing the establishment of PAs in Namibia and the utilization of wildlife, and it sets out the procedure for establishing state-run PAs. MET has prepared a Parks and Wildlife Bill that, when enacted by the National Assembly, will replace the outdated pre-independence Nature Conservation Ordnance of 1975, which remains the primary legislation governing parks and wildlife conservation in Namibia. It is expected that the new legislation will make provisions for the recognition of the currently unregistered private game reserves and larger landscape conservation areas that link state-run PAs with neighboring conservation areas under different types of governance.

## 3.2.2 Case study: Etosha National Park

Etosha National Park (ENP) is a large park of nearly 23,000 km<sup>2</sup>, covering lakes and salt pans, nama karoo and tree and shrub savannahs. It was first proclaimed as Game Reserve No. 2 in 1907 and was re-named Etosha National Park in 1958. The final boundary changes were made in 1975. Etosha was first established by the German colonial government and, subsequently, the South African and independent Namibian administrations retained this status.

The state owns the park and the Ministry of Environment and Tourism has the following responsibilities:

- To define management zones and strategies
- To arrest and penalize offenders
- To establish subsidiary agreements
- To award tourism concessions in the park

No consumptive use rights have been allocated to neighboring conservancies or to the remaining resident Hai||om people. However, conservancies as well as the specially formed association of Hai||om people have been awarded tourism concessions in the park.

Park managers employed by the Ministry of Environment and Tourism make management decisions and there is little direct involvement of neighbors in managing of the park. In Etosha East, a liaison forum, which meets quarterly, was established with neighboring freehold farmers, private game reserve owners and the police to discuss border issues, human-wildlife conflict (HWC), poaching, etc. The northern and southern regions have also formed forums in which to discuss HWC issues with neighboring communal and freehold farmers on a quarterly basis; the southern boundary forum, however, has not been meeting regularly. Although neighboring communities are not directly involved in management decisions, there is good cooperation with these communal conservancies. ENP is surrounded by neighboring communities on all sides. Oshiwambo speaking people from different traditional sub-groups are found on the northern boundary and on part of the eastern boundary. Some Oshiwmbo people formerly lived within the park before it was first proclaimed in 1907. Mainly OtjiHerero speaking people are found on the western boundary. Some Hereros formerly lived in the park with livestock, until they were removed when the park was fenced in the 1970s (Hoole, 2008).

Hai||om San hunter-gatherers occupied parts of the area of present day ENP for centuries before it was first proclaimed in 1907. Remnant groups of Hai||om continued to live within the park but most families were removed in 1954 (Dieckmann and Dirxx, 2014). Some Hai||om were employed in the park and when they retired they chose to continue living in staff quarters in the park. Some of these have left the park to live on resettlement farms established for them by government that wanted to reduce the number of people living in staff quarters to those actually employed in the park.

Populations on the southern and part of the eastern boundary are mostly individual European freehold cattle farmers. Some of this land has been bought up by tourism companies and converted into private game reserves.

Etosha is protected by legislation, and therefore cannot easily be de--gazetted. It has broad societal acceptance and the park is succeeding in maintaining populations of large mammals and habitats. This is partly due to good management within the park but also because of good relationships with stakeholders in neighboring areas, particularly the communal area conservancies. For example, when animals such as black rhino leave the park, community members inform the park staff so they can move the rhino back within the park boundaries. There are plans to appoint park advisory committees consisting of key neighboring stakeholders for each of the three major sections of the park, which would increase the involvement of stakeholders in higher level park planning, advising MET on issues affecting neighboring areas. If this takes place, it would move the park towards a shared governance type. These advisory committees will not have decision-making authority, however, which will remain with MET. The award of tourism concessions in the park to neighboring conservancies has given people with historical links to the land a stake in the park and has helped to restore this link.

Although relations with neighboring communities are generally good, the treatment of the Hai||om San has been somewhat controversial. Many stayed on as workers for the PA when the majority were removed from the park in the 1950's. When they retired, they often stayed in the park staff villages because this was their land. MET is trying to reduce the number of workers and families living inside the park and aims to have park staff living on the periphery. MET has therefore offered the unemployed Hai||om still living in the staff village the opportunity to live on resettlement farms neighboring the park. It has also awarded a newly formed Hai||om Association a tourism drive-in concession at a waterhole called !Gobaub, which is an important heritage site for the Hai||om. However, some Hai||om have refused to leave the park and say they were never fully consulted about the process of resettlement. They also say they wanted to have a lodge concession in the park so that some of them could stay in the park, rather than having a lodge outside the park and simply driving tourists into the park. They also claim that the Association set up by MET to represent the Hai||om and receive the concession and its income is not fully representative. Furthermore, the livelihood options on the resettlement farms are minimal (Dieckmann and Dirxx, 2014). The Hai||om consider the park their ancestral land and 58% of Hai||om living in the park were born there (Dieckmann, 2014).

State governance has been appropriate for ENP given its size, status as a national park and multiple stakeholders. The state has engaged with local stakeholders in different ways and has secured overall support for the park. However, a different approach to the Hai||om San should have been taken based on the provisions of the United Nations Declaration on the Rights of Indigenous People and the principle of free and prior informed consent.

## Strengths

- The park has not gone very far in involving local communities in park management, but has done a lot to foster good relationships. The park is not under threat from local communities as a result. The park authorities could, however, do more to involve them in certain aspects of decision making and planning, and it could have dealt better with its treatment of the Hai||om San. Apart from these caveats, currently this governance type is delivering conservation success and benefits to neighboring communities.
- ENP is protected by legislation that is not contested; therefore, it cannot easily be de-gazetted. The park also has broad societal acceptance.
- The PA has a clearly articulated vision and objectives contained in the management plan. There are clear policy guidelines for addressing contentious issues such as conservation priorities, relationships with commercial interests and extractive industries.
- Regular monitoring takes place and adaptive management is applied. The PA has achieved conservation success in terms of maintaining the integrity of the park, populations of large mammals, and their associated habitats. The general trend of the large mammal population within the park is stable. Costs to the surrounding community are mitigated. Increased human wildlife conflict as a result of improved conservation is well managed. Low poaching rates and an absence of encroachment on the park indicate support from local communities.
- Although neighboring communities are not directly involved in management decisions, neighboring communal conservancies derive income from tourism and hunting on their land. And while the park is fenced, some wildlife leaves the PA and is therefore viewed by MET as a shared resource with the conservancies. Etosha has even supplied translocated game to some neighboring/nearby conservancies. Four tourism concessions inside the park have also been awarded to neighboring conservancies and one to an association of the Hai||om San. There is good cooperation between park management and the conservancies and poaching is low. There are plans to appoint park advisory committees consisting of key neighboring stakeholders for each of the three major sections of the park.
- There is transparency in award of tourism concessions to conservancies and there is good financial management and accounting.
- Conservancies representing the groups that formerly lived within the park (Oshiwambo, OtjiHerero) have been given tourism concessions in the park in recognition of their historical links to the land and its resources.

## Challenges

• The management plan is not based on values agreed by local stakeholders and involvement of stakeholders in setting park objectives and strategic direction was limited.

- Etosha NP is subject to political interference regarding HWC on northern boundary resulting in the construction of an elephant and predator proof fence that will also cut off movement of other species into neighboring conservancies.
- Accountability of park managers remains within government and is not broadened to include local stakeholders.
- Some Hai||om San believe they have not been consulted properly about the plans to resettle them outside the park and have refused to move, while others have been resettled. The resettled area is not well serviced by government and some of those resettled are reported to have moved back to the park.

## Suggested best practice and/or lessons learned

- The award of tourism concessions in the park to neighboring conservancies has given people with historical links to the land a stake in the park and has helped to restore this link.
- Greater consultation of the Hai||om San should have taken place with more recognition given to the provisions of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the principle of free and prior informed consent.
- Conservancies provide neighboring institutions with rights over wildlife that the park can cooperate with in promoting compatible forms of land use on its borders and in managing a shared resource, such as wildlife that leaves the park.
- Greater involvement of park neighboring stakeholders in setting park objectives and strategic direction is needed. The park is large and has different types of stakeholders, it should therefore establish geographically based park advisory committees to provide forums for discussing issues affecting neighbors (planned by MET). These committees should be called upon when revising existing management plan.
- The mandate of the proposed park advisory committees should be expanded in order to help hold park managers accountable for decision making and performance.
- MET needs to do more to educate politicians on key issues and role of conservancies in reducing and mitigating HWC.
- Better monitoring is required to demonstrate conservation success in habitat conservation.

## 3.2.3 Case study: Mudumu National Park

Mudumu NP was established in 1990 and covers 1,010 km<sup>2</sup> of tree and shrub savannah biome and wetland systems of the Kwando River. Its origins lie in Namibia's colonial history when the preindependence South African administration wanted to secure the land for conservation before a new government was established, which in the view of the South African administration, might not have supported conservation.

The state owns the park and the Ministry of Environment and Tourism has the duty to define management zones and strategies, to arrest and penalize offenders, to establish subsidiary agreements and to award tourism concessions in the park.

No consumptive use rights have been allocated to neighboring communities, but one tourism concession has been awarded within the park to a neighboring conservancy, and there are plans for the allocation of at least two more concessions to other neighboring conservancies.

Park managers employed by the Ministry of Environment and Tourism make management decisions, with no direct involvement of neighboring stakeholders. However, the park is engaged in comanagement with neighbors through the Mudumu North and South Complexes and the Mudumu Protected Landscape Conservation Area.

Prior to its proclamation in 1990, parts of the park had been settled by the Mafwe and Mayei people. In 1945, following a tsetse fly infestation, people moved away from low-lying areas and much of the park was designated as traditional hunting grounds (MET, 2012). The residents in the Lianshulu area were relocated to a site outside of the current park boundary to the south. In 1987, the Mafwe traditional authority signed an agreement with the South African administration for the area to be proclaimed as a game reserve. Under the terms of this agreement, the Mafwe Traditional Authority would receive 25% of gross income generated by the park. It was furthermore agreed that a quota of hunted wildlife would be given annually to the traditional authority for feasts. However, the park was proclaimed as one of the last official acts of the South African administration prior to Namibia gaining independence in 1990, without final agreement from the Mafwe traditional authority.

There are currently no people living inside the park, but five communal area conservancies consisting of mostly Mafwe, Mbukushu and Mayei people have been registered surrounding the park. Mudumu NP is at the heart of the Mudumu North and South co-management complexes and the Mudmu Protected Landscape Conservation Area.

By 2009, the promised benefits from the park, as outlined in the agreement signed by the Mafwe traditional authority in 1987, had been limited to the provision of meat from game harvests and the occasional revenue sharing from the lodge in the park at Lianshulu (MET, 2012). Neighboring conservancies derive income from tourism and hunting. However, as wildlife leaves Mudumu it is viewed by MET as a shared resource with the conservancies.

A survey carried out in 1991 by MET and NGO personnel indicated that neighboring communities were resentful of the proclamation of the park (Brown and Jones, 1991, unpublished data). Although there is good cooperation between the park and neighboring conservancies, it is possible that some neighboring stakeholders still harbor resentment towards the park for historical reasons. For example, poaching within the park has generally remained higher than in surrounding conservancies. Unlike the Bwabwata National Park, there has been no program of awarding concessions in the park to neighboring communities who had previously lived in there.

The BMM Parks Tourism Plan of 2009 (MET 2009) makes a provision for two lodge concessions in the park to be awarded to neighboring conservancies and several campsite concessions, but thus far, only one campsite concession has been awarded to Balyerwa Conservancy. It is possible that the award of the planned concessions could help improve the legitimacy of the park among neighboring stakeholders, as it happened with Bwabwata.

The current form of governance is reportedly delivering conservation success and benefits for local communities. Park personnel are engaged in co-management with conservancies and other local stakeholders through the Mudumu North and South co-management complexes and the Mudmu

Protected Landscape Conservation Area. However, more needs to be done to involve stakeholders, including local communities, in park governance. This could be achieved through the establishment of a Park Advisory Board in terms of new guidelines for PA engagement with neighboring stakeholders being developed by MET.

## Strengths

- The status of the PA as a National Park is secured under national legislation.
- The PA has a clearly articulated vision and objectives contained in the management plan. There are clear policy guidelines for addressing contentious issues such as conservation priorities, relationships with commercial interests and extractive industries.
- A landscape approach to conservation has been developed through cooperation with conservancies and community forests in the Mudumu North Complex and the Mudumu Protected Landscape Conservation Area.
- The general trend of large mammal populations both within the park and Mudumu complexes is increasing. Poaching levels have been low for many years, however, in the past three years, there has been an upsurge in elephant poaching (METT score, June 2014).
- There is transparency in award of tourism concessions to conservancies and good financial management and accounting.
- The benefits of the park in terms of wildlife resources are shared with neighboring conservancies and, in the future, also through the proposed award of further tourism concessions in the park to conservancies. Conservancies also operate on a scheme to offset livestock losses and crop damage, in part with their own funds, as well as from funds provided by a government conservation fund.

## Challenges

- Because the park was proclaimed without final approval by the Traditional Authority and consultation with neighboring communities, there is some lingering resentment regarding its proclamation.
- The management plan is not based on values agreed by local stakeholders and there is no involvement of other stakeholders in setting park objectives and strategic direction.
- Local stakeholders are not involved in the governance of the PA.
- Poaching in the park has been higher than in neighboring conservancies, suggesting the park does not have the full support of the surrounding communities.
- The accountability of park managers remains within the government and is not broadened to include local stakeholders.

## Suggested best practice and/or lessons learned

- There is a need for a renewed dialogue with traditional authorities and neighboring communities about the objectives of the park. A Park Advisory Committee should be established to enable stakeholders to be involved in setting strategic directions for the park and to share issues and develop solutions with MET staff.
- The award of further tourism concessions within the park to conservancies should be used not only to provide more income to local communities but also to provide them with a renewed link to the land and a stake in the success of the park.

• Providing rights over wildlife and tourism to neighboring community institutions and regarding wildlife as a shared resource would provide the foundation for collaborative management across the larger landscape.

#### 3.2.4 Case study: Namibian Islands' Marine Protected Area

The Namibian Island's Marine Protected Area (NIMPA) was proclaimed in September 2008 and was gazetted in February 2009. This MPA includes all southern Namibian offshore islands and the surrounding waters. Covering an area of 11,800 km<sup>2</sup>, the NIMPA is made up of 11 natural islands and islets and has an average width of 30 km and a total length of 400 km.

Overall, the NIMPA aims to promote sustainable marine resource use, in particular of rock lobster and line fishing species, as well as maintain marine biodiversity by protecting recruitment areas, endangered species and habitats. The islands are also important breeding areas for seabirds, the southern right whale and Heaviside's dolphin. Furthermore, the islands are biodiversity hotspots, zoogeographic transition zones and internationally known as globally Important Bird Areas (Currie et al, 2008).

The link between the Namibian Islands' Marine PA, the recently proclaimed Sperrgebiet National Park and the Namib Naukluft National Park creates a land-sea link that promotes co-management between the Ministry of Environment and Tourism, the Ministry of Fisheries and Marine Resources and regional and local authorities.

The MPA is an IUCN category VI PA and purse seine fishing, trawling and long line fishing are all prohibited within the MPA. Recreational fishing is allowed in some parts of the NIMPA and restrictions are placed on mining activities.

As the park is in Namibian territorial waters and requires state regulation to keep foreign vessels from entering the area and fishing illegally, state governance was deemed the most appropriate type of governance. Furthermore, there are no dependent resident communities who have traditional rights over the marine resources.

The Ministry of Fisheries and Marine Resources (MFMR) is the controlling authority. It works closely with the MET, which controls the neighboring terrestrial Sperrgebiet National Park. There is an overlap of the marine and terrestrial areas between the high water mark and low water mark, which the two institutions have agreed to address via co-management arrangements, joint enforcement and compliance. There is also a Stakeholder Grievance Committee consisting of all relevant institutions, which was established to discuss issues and concerns for the adaptive management of NIMPA. The focus of this committee is mainly on violations of rules within the MPA. Stakeholders include the diamond mining industry and the fishing industry.

## Strengths

• A rigorous process of individual and collective stakeholder consultation was conducted according to World Bank guidelines, through meetings with relevant sectors, users and their representatives. The outputs, negotiations, agreements and compromises from this process were consequently incorporated into the proclamation and zonation process of the marine

park. The main stakeholders are the fishing and mining industries, as well as the Luderitz Port Authority, the tourism industry and the Luderitz Municipality.

- A management plan has been drafted and is awaiting approval by the MFMR. Specific Management plans will be drafted for the various islands within the MPA.
- Accountability and transparency can be achieved through the Stakeholder Grievance Committee.
- No local communities were displaced by the proclamation of the NIMPA and no prior existing
  access rights were removed, as a large part of the proclaimed area falls into what was already
  a restricted access area prior to the proclamation, in terms of mining legislation and existing
  fishing regulations.

## Challenges

- The government is not providing sufficient human and financial resources to manage the MPA adequately.
- Although there was a rigorous consultation process in the establishment of the park, no proper provision was made for co-management between the Ministry of Fisheries and Marine Resources and other key stakeholders such as the mining and fishing industries. The government needs to go further to develop co-management mechanisms with these stakeholders.
- The Stakeholder Grievance Committee does not meet regularly and is not functioning as envisaged. There is no other formal co-management body that brings all stakeholders together to include them in management of the MPA. In the absence of a multi-Ministerial management body, if the Ministry of Mines and Energy issues mining licenses within the MPA, MFMR may have difficulties in preventing it.
- The isolation of the area, with limited accessibility from the coast, means that law enforcement is problematic. There is no dedicated budget towards NIMPA management and there is only a NIMPA focal person within MFMR.

## Suggested best practice and/or lessons learned

- Proclamation of PAs needs to be followed through with the necessary management commitments and institutional arrangements to enable co-management. The MFMR was not fully prepared to take on the role of managing the MPA.
- The government needs to budget for the management of the MPA and provide sufficient and appropriately trained staff to carry out management activities, as well as account for infrastructure and equipment.
- There is a clear need for a formal co-management body that involves other stakeholders and for the MFMR to provide public information about park governance and management.

#### 3.3 Madagascar: source document by Charlie Gardner

Madagascar has been undergoing a process of rapid evolution in PA governance for more than a decade. Prior to this, all PAs within the national network were governed by the state, initially by the Ministry of Waters and Forests until a parastatal association, ANGAP (*Association Nationale pour la Gestion des Aires Protégées* or National Association for Protected Area Management), was created in 1991 specifically to assume management responsibility. ANGAP was subsequently rebranded Madagascar National Parks (MNP). By 2003, this network consisted of 47 sites covering almost 1.7 million hectares, and comprising 'strict' PAs in IUCN categories Ia (Strict Nature Reserve), II (National Park) and IV (Special Reserve). Some sites were managed through 'direct control' by ANGAP, some were 'entrusted' to international NGOs such as WWF, and some were the object of joint management, e.g., with the European Union, UNESCO and Wildlife Conservation Society (Randrianandianina et al., 2003).

At the fifth World Parks Congress in 2003, Madagascar launched its Durban Vision to triple PA coverage (Corson, 2014), precipitating the adoption of multiple-use categories (III, V and VI) and pluralistic governance models. Two major trends have subsequently developed: (i) the establishment of a new generation of multiple-use PAs, largely promoted by NGOs and administered in shared governance structures involving local community associations and regional authorities; and (ii) the progressive transition of the original PA network from state governance to shared governance between MNP and local community representatives. The two sub-networks (hereafter MNP and non-MNP) together form the Madagascar Protected Area System, SAPM (*Système d'Aires Protégées de Madagascar*), which has the objectives of (i) conserving Madagascar's unique biodiversity, (ii) conserving the country's cultural heritage and (iii) promoting the sustainable use of natural resources for poverty alleviation and development (Commission SAPM, 2006).

SAPM is administered by the Biodiversity Conservation/Protected Area System Directorate (DBC/SAP) within the Ministry of Environment, Ecology and Forests (MEEF). This ministry retains ultimate responsibility for all PAs. However, DBC/SAP now mandates that *all PAs within SAPM must be administered by shared governance structures* (AGRECO, 2012; MNP, 2014). All PAs in Madagascar therefore officially fall within the shared governance category, although there remains great variation in the models implemented within the two sub-networks and across the range of sites (see Study 1 on shared governance and example of a privately PA in Study 2).

#### 3.4 The Gambia: source document by Alagie Manjang and Famara Drammeh

#### 3.4.1 Current status of state PAs

The establishment of PAs in the Gambia dates back to 1968 when the Abuko Nature Reserve was created as an important water catchment area providing a source of water to the capital, Banjul, and its surroundings settlements. The Government of The Gambia (GOTG) then developed legal and institutional frameworks necessary for the protection, conservation and sustainable use of biodiversity.

To date, a total of seven wildlife PAs and one community wildlife reserve have been established, covering a total of 48,969 ha, or 4.27% of the Gambia's total land surface (Camara, 2012). These are: Abuko Nature Reserve (134 ha); River Gambia National Park (585 ha); Niumi National Park (7,758 ha); Kiang West National Park (11,526 ha); Tanji and Bijol Islands Bird Reserve (612 ha); Baobolon Wetland Reserve (22,000 ha); and Tanbi National Park (6,034 ha) (WWF, 2011). To increase coverage of PAs, the government approved the creation of the first community PA, Bolon Fenyo Community Wildlife Reserve (320 ha), which is managed by an NGO on behalf of the local community and in collaboration with the Department of Parks and Wildlife Management (DPWM), which is the government agency responsible for the management of PAs. Some of the PAs along the Atlantic coast and the River Gambia with terrestrial, marine and coastal habitats have subsequently been declared as Marine Protected Area (MPAs). A total of five MPAs, including the Bolon Fenyo Community Wildlife Reserve in Gunjur, are now recognized.

State PA type	Total number of PA type	Total area of this type	Trends (↑ = increasing; ↓ = decreasing) & main reasons for the trends
National Parks (incl. MPAs)	3	48,969 ha	$\downarrow$ as state governance has
Forest Parks/Reserves	66	3,049.8 ha (approximation)	weak institutional and
			human resources capacity
			to enforce and regulate PA
			management

#### Table 3. PAs under state governance – The Gambia

In addition to the PAs established by DPWM, other PAs exist under the Department of Forestry (DoF), but these Forest Parks/Reserves are not included in the current national estimate of 4.27% PA coverage as the exact coverage of these parks and reserves is still disputed. Many of the Forest Parks/Reserves on record at the DoF no longer exist or are completely degraded. The categorization of Forest Parks and Reserves does not follow the IUCN system, but the 1998 Forest Act which classified forests into categories and subcategories. The categories include: State Forest; Participatory Managed Forest; Private Forest Parks, for example, are solely managed by the Forestry Department for the purpose of forest production, demonstration of forest management techniques, training of forestry staff and other persons involved in forestry activities, for applied research and for conservation. Protection forests are managed for the main purpose of maintaining or improving the local environment. In the first category – Forest Parks and Natural Forests – the state is directly responsible for the management and governance of forest resources.

In order to effectively protect the shared ecological entities, the governments of the Gambia and Senegal have signed a cooperation agreement for the joint management of the Niumi and Sine/Saloum ecological complex. The agreement sets forward processes of harmonizing management approaches and status of the two national parks with the aim of establishing a tranfrontier Biosphere Reserve under UNESCO (Jinack Protoccol, 2001). A transboundary management plan has also been developed under aegis of the African-Eurasian Water Bird Agreement (AEWA) project, Wings Over the Wetland, as part of an effort aiming to declare the two sites as a transfrontier RAMSAR site. The management plan is now being revised to include climate change impacts within the framework of the PARCC West Africa project (Protected Areas Resilient to Climate Change).

The traditional top-down management approach involving the use of force to police PAs to achieve concrete conservation objectives is proving increasingly less effective. Furthermore, state agents, such the DPWM, have weak institutional setups and inadequate human resources, both in terms of skills and numbers, and they have limited finances and logistics to fully execute their mandate. The government has therefore started devolving its management responsibility to local communities and civil society groups, including NGOs, as well as private individuals. Many of the PAs that were once located far away from human settlements have now gradually become islands found in a sea of human communities.

Under the Biodiversity/Wildlife Policy 2001, the Forest Policy 2010, the DoF and DPWM are encouraged to consult and involve local communities in the management of PAs. Additionally, the new forest policy further conforms to local government reforms and decentralization programs by committing to engage state and non-state actors in forest resource management. There is an ongoing review process of the Biodiversity/Wildlife policy 2001 and Act 2003 that seeks to transfer management roles and responsibility to local administrative authorities and local structures, as well as to adequately address emerging issues in biodiversity and PA management, including benefit sharing, access to genetic resources, business and private sector involvement and the growing pressure on the government for more inclusive PA management.

## 3.4.2 Case study: Tanji Bird Reserve

Tanji Bird Reserve (TBR) was established in 1993 and covers 612 ha of coastal forest in the West Coast Region Kombo North District of the Gambia. The government established TBR to preserve habitats important for birds.Competing land uses and the conflicting claims of ownership of land by surrounding communities played an important role in the government taking control of the land for the purpose of conservation.

The DPWM park manager and his assistant are responsible for daily management activities and the park manager reports to the Director, head of DPWM. The Director is answerable to the permanent secretary at the ministry. The DPWM is the sole government agency responsible for exercising rights in the PA. Other stakeholders, such as the officers of the DoF or the National Environment Agency (NEA), are given delegated authority to arrest offenders and deliver them to the DPWM for prosecution.

Decisions regarding the PA are made in a top-down manner, often communicated through written instructions for action. However, local communities living in close proximity to the PA are represented

in the management of the PA through a Site Management Committee (SMC). Each village nominates a representative to sit on the SMC – these people are often vocal and influential members of a community. Their role includes diffusing and disseminating management decisions, conducting sensitization and awareness campaigns about the PA, communicating community concerns and responses to management decisions to the park management, and promoting community development needs at park management meetings. Through this committee, local communities should be able to, in theory, influence PA management decisions relating to, for example, access to and use of resources, design and implementation of community development programs/activities, employment matters, control of vermin/pest species among others.

## Strengths

- The park has a management plan structuring management and administrative functions and responsibilities, and has access to basic human, financial and logistical capacities.
- Local communities have rights to manage the eco-lodge or to hire an operator on terms defined and agreed by them. Priority for employees at the lodge is given to local communities as far as they are able to meet the required skills.
- Revenue from tourist visitations to the reserve and its offshore island are paid directly into the government treasury.

#### Challenges

- The government's budgetary allocation for PA management is inadequate and a PA financing plan does not exist. The capacity of PA staff to manage, carry out monitoring activities and law enforcement is therefore weak. Furthermore, PA staff are often untrained and unskilled.
- The PA has no clear management system to articulate direction, there are weak lines of communication and the top-down management approach leads to slow decision making.
- There is a lack of information and records on management issues and a lack of data on species and habitats.
- There is poor and insufficient collaboration with other stakeholder institutions and the PA is not responsive to the needs of stakeholders. Other parties were not consulted in the planning and design of the PA.
- The PA has minimal support from peripheral local communities and management relies on daily patrols, arrests and prosecution to protect resources.
- The reserve is not achieving its conservation objectives as conflicts over illegal harvesting and access to resources are rampant. Small-scale farmers and vegetable growers are encroaching on land, and road construction and other infrastructure developments are also degrading habitat.
- The PA information on income, performance and management are confidential and there are no mechanisms to assess and account for how costs and benefits are distributed.

#### Suggested best practice and/or lessons learned

• Bureaucratic and complicated management and administrative structures should be reduced by undertaking comprehensive institutional reforms.

- At a national level, policies and other measures that provide secure and equitable ownership and co-management of natural resources with local communities should be developed as is provided for in the Biodiversity and Wildlife Act 2003.
- Mechanisms to better involve other stakeholders need to be developed and included in the management plan, such as a multi-stakeholder task force that addresses land claims through formal agreements. In this context, more effective community outreach needs to be implemented to build grass root support and appreciation of the PA.
- Comprehensive revenue and benefit sharing mechanisms need to be established.
- Biannual PA management effectiveness and social assessments should be conducted.
- The PA Site Management Committee should be trained on basic PA management and build collaborative skills and capacity of its members to participate and undertake independent roles and responsibilities in how the PA is managed as a whole.

## 3.4.3 Case study: Niumi National Park

Niumi National Park (NNP) was created in 1986 and is an MPA as well as a Tranboundary Ramsar site with the Delta Du Saloum in Senegal. It covers 4,940 km<sup>2</sup> and is home to nationally important species of wildlife, critical habitats for international migratory birds, and contains an exceptionally fragile ecosystem.

Being a transboundary site, however, the management teams on both sides of the border conduct joint operations including patrolling and annual water bird counting. The DPWM Director is answerable to the permanent secretary at the Environment Ministry. Decisions are top-down, often communicated through written instructions.

The DPWM is responsible for exercising rights over the PA. There is a legal provision for the DPWM to delegate its responsibility and authority to staff and employees of other natural resources institutions. Such delegated authority is approved in writing by the Director.

Local communities have the rights to access sacred areas for spiritual fulfillment, to fish within the creeks, to move freely using the public road inside the park and to be represented in the Site Management Committee.

#### Strengths

- The bilateral cooperation agreement for the management of the transboundary delta area with Senegal implies that rules and regulations are enforced by the government. Furthermore, there is an operation office and staff are stationed at the PA site. Local people were also involved during the process of designating this PA.
- Collaborative management processes have allowed for knowledge and skill development.
- The implementation of the transboundary management plan through donor funding has provided direct tangible benefits to local communities on either side of the border through financial support and capacity building for natural resources related livelihood activities, including oyster collection, beekeeping, etc.
- NNP contains the largest stands of mangrove and has a transboundary agreement for the management of natural resources.

## Challenges

- Substantial amounts of energy and time have been spent on planning and clarifying roles and responsibilities.
- With the top-down management system, the government can make decisions without consulting other stakeholders, and the local communities have held negative views about the PA. There is continuous claim of ownership of the land by local communities, risk of land encroachment for farming, weak enforcement of management policies and regulations, weak management capacity and continuous poaching and illegal use of natural resources.
- The PA has little community support and there is a continuous campaign by influential community members for the government to de-gazette the park.
- PA management performance and decisions are not communicated or shared with stakeholders.
- There are no mechanisms to assess and account for how costs and benefits are distributed.

#### Suggested best practice and/or lessons learned

- Responsibilities for the PA should be integrated into existing and planned decentralized local government authorities.
- Within the framework of ongoing legislative review, there needs to be a provision of transferring greater management and governance roles and responsibilities to local communities, including sharing of revenue from the PA. This will have a significant impact on the level of acceptance and appreciation of the PA by local communities.
- Comprehensive and detailed stakeholder consultations should be carried out that aim to map out a strategy of integrating PA management into regional land-use planning process as a necessary step to win back support from the local communities.
- The PA Site Management Committee should be trained to understand the importance of PA.

## 3.4.4 Case study: Baobolon Wetland Reserve (BWR)

Baobolon Wetland Reserve (BWR), established in 1996, is an MPA covering 22,000 ha in the North Bank Region of the Gambia. It is one of the Gambia's Ramsar sites and is home to several rare and migratory birds, as well as mammals such as Clawless otters and the West African Manatee. The rich mangrove habitat reaches heights of 20 meters.

The park manager and his assistant are all employees of the DPWM and they work with park rangers who are employed from among the 12 communities found near Baobolon.

The neighboring local communities are entitled to certain use rights, including fishing within the flood plains and rice cultivation on the uplands. These activities are traditionally and historically part of the community's lifestyle.

These communities are in close proximity to the border with Senegal, which increases pressure on the park's natural resources and there are also competing interests for both land and resources inside the park.

## Strengths

- The PA is designated by government under the Biodiversity and Wildlife Act of 2003 and is a wetland of international importance.
- The reserve is recognized within the broader decentralized local government system, which gives the power to local authority to manage natural resources within their jurisdiction.
- BWR is the only PA that is responsive to local community demands and communities are encouraged to take an active role to protect natural resources through local community systems.
- Communities have the right to access traditional lands for cultivation, to access subsistence fishing areas and have rights of representation in the Site Management Committee (SMC).

## Challenges

- Management actions often lack support from local communities and rely on policing to succeed.
- No management plan exists and, thus, there is no clear vision and management objectives are not defined.
- The PA has inadequate infrastructure for effective park management, and staff have low managerial skills and techniques.
- There is weak capacity to manage competing demands for resources.
- Management actions including patrols are not very effective in controlling illegal activities.
- There is no clear mechanism to assess how the costs and benefits of the PA are distributed.

## Suggested best practice and/or lessons learned

- A PA management plan needs to be developed and should include appropriate zoning plans that recognize current and future needs of local communities. The new management plan should also include participatory PA management measures that allow for management responsibilities to be transferred to local authorities and communities.
- A detailed social and ecological assessment needs to be carried out to develop a management plan for the area.
- Financial and human resources necessary to ensure effective management of the PA should be transferred to decentralized local government authorities to manage and protect the reserve.
- The capacity of local stakeholders needs to be strengthened through training programs on PA and natural resources management to enlist their support for PA.
- A systematic process should be in place to engage local government authorities in the process of governing the PA.

## 3.5 The Republic of Congo: source document by Jean-Claude Heymans

#### 3.5.1 Current status of state PAs

The area under conservation in the Republic of Congo now comes to 41,051.989 km<sup>2</sup>, representing over 12% of the country's land surface. This is expected to increase thanks to the momentum established with the creation of new PAs by the government and the creation of the ACFAP (Congolese Agency for Wildlife and Protected Areas).

Nine PAs are currently under state governance:

- National Parks:
  - Tokou-Pikounda National Park
- Reserves:
  - o Léfini Wildlife Reserve
  - Tsoulou Wildlife Reserve
  - Mt Fouari Wildlife Reserve
  - Dimonika Biosphere Reserve (Biosphere Reserve)
  - Nyanga Nord Faunal Reserve
  - Patte d'Oie Forest Reserve
- Hunting Reserves:
  - Nyanga South Hunting Reserve
  - Mt Mavoumbou Hunting Reserve

Table 4. PAs under state governance – Republic of Con	go
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State PA type	Total number of PA type	Total area of this type	Trends ( $\uparrow$ = increasing; $\downarrow$ =
			decreasing) & main reasons
			for the trends
National Park	1	4,270 km <sup>2</sup>	$\downarrow$ as the state is not in a
Reserves (Wildlife,	8	8,043.745 km <sup>2</sup>	position to run the entire PA
Biosphere, Faunal, Forest,			network on its own
Hunting)			

PAs are managed by Conservators appointed by decree of the Council of Ministers (Article 14 of Law 003/91 of 23 April 1991). In 2000, the Republic of the Congo began a far-reaching reform of the legal and institutional framework of the environment and forest sectors. In this process, the forest code and subsequent texts were revised several times, as was the law on wildlife and PAs, while the institutional framework is currently undergoing modification (ACFAP Five Year Action Plan–2011– MDDEFE (Ministry for Sustainable Development, Forest Economy and the Environment/ACFAP)). The plan, which is part of the framework for the implementation of the society-wide program 'The Future Path' (*Le chemin d'Avenir*) announced by the President of the Republic, is based on the Millennium Development Goals (MDGs), the National Program to Reduce Poverty, and the three pillars of sustainable development. It aims to enhance the contribution made by the wildlife and PA sector to the development of the country.

The new law on wildlife provides that PAs are placed under state control whatever their status. Where this is not the case, the establishing legislation indicates the public or private entity that takes on this

responsibility. Unfortunately, the drafting of this article is ambiguous and opens the way to different interpretations. One reading of this article could suggest that some private or community areas could elude the administrative supervision of the state, but this would amount to contradicting the provisions of both the constitution and the law, which clearly state that natural resources form part of the national heritage.

Whatever the alternative form of management of a PA, whether private or community based, the state will always be required to exercise a certain administrative role, at the very least because, under article 2 of the law, 'wildlife form part of the biological heritage of the nation whose sustainable management is the State's responsibility' (PAVAP/MDDEF/UE-2008). The national forest policy adopted in June 2014 should continue to support this type of governance, although the government is becoming increasingly committed to a new policy of participatory management.

## 3.5.2 Case study: Tokou-Pikounda National Park

Tokou-Pikounda National Park was established in 2006 in Sangha and covers 4,270 km<sup>2</sup> of forest and savannah habitat. The Conservator of park and staff are not yet at operational level given the recent creation of this PA and the state is seeking an appropriate partnership agreement.

The state has legal ownership and holds all rights to the PA. ACFAP is in charge of management via the MDDEFE directors responsible. A steering committee coordinates rights to define management zones and strategies for usage, the right to penalize offenders, establish subsidiary agreements and define resources which may be legitimately used and how. Local communities are little represented, if at all.

## Strengths

- The PA has constitutional status and objectives are clearly articulated (protection of natural capital). It has a strategic vision based on developing protected ecosystems in a manner compatible with national and international regulations.
- A process is being established to share provisional revenue.
- Traditional partners have access to key resources (established right).

## Weaknesses

- Other stakeholders are not yet involved in the process.
- The management process is not clearly defined and local people not involved.
- There is little community support or participation in activities and decision making, triggering a risk of conflict.
- A timetable for action has not been established and there is insufficient budgetary support from the government. There is also a lack of sufficient numbers of qualified staff.
- Performance of the PA has not been assessed and there is a lack of reliable data on the PA.
- Mechanisms to assess benefits that are planned to be shared have not yet been published.
- Rights and duties of stakeholders are not defined.

#### Suggested best practice and/or lessons learned

- A management plan needs to be drawn up as soon as possible in close consultation with stakeholders. This plan should establish an active Management Committee, as well as lay out a business plan.
- The establishment of well-defined partnership arrangements with stakeholders needs to be accelerated.
- Effective participation of local people in the management plan needs to be clearly spelled out and it is urgent to establish a dialogue with stakeholders and local people.
- The concept of 'participatory management' will need to be applied on the ground.
- The current management effectiveness should be assessed.
- Rights and duties of stakeholders should be listed.

## 3.5.3 Case study: Léfini Wildlife Reserve

Léfini Wildlife Reserve was originally designated as a hunting reserve in 1951, then renewed in 1981 and extended in 2009. The reserve covers 5,500 km<sup>2</sup> of forest and savannah and aims to protect wildlife in the Batéké Plateau. Its origins lie in the reserve's colonial past when agreements were made with the local people, ARELE (Association of the Friends of the Léfini Reserve).

MDDEFE ACFAP and Directors are in charge and there is an *in situ* Conservator and staff. The state has sovereign rights and owns the land, making it the single majority shareholder of the PA. ACFAP, which is responsible for management, coordinates all rights except for the right to use any resources. Rights and duties are not clearly defined and infrequently enforced due to a lack of staff, equipment and funding. No eco-rangers are paid for by the state and there is no official steering committee. The rules laid down in the act establishing the PA (1951) are out of date.

## Strengths

- The PA has constitutional status.
- Two meetings with local communities were organized to raise awareness by the ARELE association in 2009 and 2010.
- Customary rights are granted to local communities.
- Management and direction is non-existent. Nonetheless, a few voluntary eco-rangers (10) arrest offenders but no information is available on what happens thereafter.

## Challenges

- The governance of this PA is no longer effective and state control is inadequate.
- There is no active management of natural resources or ecological monitoring. Staff management is non-existent and there is a lack of investment and operating budget, official partnerships and a management plan.
- The PA has very little support amongst local communities as there is no concrete agreement between PA and local communities, apart from the Memorandum of Understanding between PA and local people (through ARELE), which is not applied. Local communities do not recognize the reserve's status and there is a lack of management awareness on part of local people and their views are ignored.
- No rights are clearly defined.

- No official taxes are raised.
- No mechanisms exist to assess potential revenues and ways these could be distributed.

## Suggested best practices and/or lessons learned

- There is an urgent need to draw up a management plan with legal mechanisms (particularly in relation to violations of human rights), as well as annual work plans, to be implemented in close cooperation with stakeholders (to be officially designated). Furthermore, the PA/local people MoU should be applied in full. The future management plan must also provide for fair distribution of foreseeable revenues.
- A shared governance arrangement should be established as soon as possible with an adequate operating budget.
- There is an urgent need to fully involve local people in the management process (partnership sought with other stakeholders).
- The role of ARELE should be strengthened, particularly in terms of increasing awareness.

## 3.5.4 Case study: Dimonika Biosphere Reserve

Created in 1988, the Dimonika Biosphere Reserve (MAB) covers 1,360 km<sup>2</sup> of forest and savannah habitat in the Niari region. It protects valuable biotopes and genetic resources and is home to a research station. It is also a UNESCO Biosphere Reserve.

Agreements between State and MAB/UNESCO are in place to promote regional development for the benefit of local people while ensuring genetic resources are conserved. There is also a partnership between MDDEFE/ACFAP, MAB/UNESCO and local people. The reserve has a Conservator and staff, as well as a steering committee.

The state owns the land, but the reserve is managed by ACFAP (under administrative supervision of MDDEFE). Public rights are exercised by the state and MAB/UNESCO directives which, following consultation, authorize usage and management rights, the penalization of offenders, and establish subsidiary agreements and use of specific natural resources. Stakeholders living within the PA area (private entities, NGOs, associations, communities) have certain rights of usage on periphery of the reserve.

## Strengths

- State governance is appropriate for this Biosphere Reserve and it strengthens the authority put in place.
- MAB objectives are applied.
- The reserve has a logical strategic vision and a conservation objectives bear in mind all values of a Biosphere Reserve.
- Effective maintenance of the Biosphere Reserve is in place.
- The PA seeks to ensure that rights and duties of the Biosphere Reserve are respected and an operational approach of a Biosphere Reserve applied.

## Challenges

• A lack of responsible partners leads to a lack of control and monitoring in the field.

- Rights of local people are not sufficiently recognized, and local communities are given no support in filing complaints about the PA.
- The Conservator is insufficiently trained.
- No resource management plan is in place, and no reliable, recent inventories are kept.
- There is no application of the law on PAs.
- Awareness raising activities are in sufficient.
- The Conservator's decisions and information on performance and possible revenue are not available, leading to a lack of transparency about the operation of the PA.
- Consultation with new potential stakeholders is lacking.

#### Suggested best practice and/or lessons learned

- An effective Management Committee bringing together stakeholders needs to be established.
- Sessions to raise awareness of local people should be held and their representatives should be included on the Management Committee.
- A logical management plan that would take into account all claims of stakeholders needs to be drawn up urgently.
- A plan of work needs to be implemented annually.
- Practical evaluations of management effectiveness must be undertaken as soon as possible by an independent entity.
- A transparent Management Committee with all relevant stakeholders needs to be set up urgently.
- Regular meetings should be held with all stakeholder representatives.
- Annual reports (roadmaps) setting out rights and duties of stakeholders and of PA, as well as any violations recorded, should be published.

## 4. Discussion

This final section of the report draws from the above set of analyses around the strengths and weaknesses of governance by the state, as well as opportunities and limitations related to this governance type. The final section (4.3) concludes with a set of good practices and conditions for success for state PAs in sub-Saharan Africa.

#### 4.1 State PAs: strengths and weaknesses of this governance type

This section draws on the IUCN framework of principles of good governance for PAs developed by Borrini-Feyerabend et al. (2013, pp. 59-60). Strengths and weaknesses illustrated by the case studies and discussed in the literature are highlighted and help form the basis for the final recommendations.

#### 4.1.1 Legitimacy and voice

**Legitimacy:** The case studies consistently highlight that having constitutional status is a key strength of PAs governed by the state. This status gives PAs legal legitimacy, both nationally and internationally, which protects PAs from easily being de-proclaimed or de-gazetted in times of contestation. Being under centralized control, state-governed PAs therefore also fall under common policies and legislation pertaining to biodiversity conservation and share national priorities, in comparison to privately protected areas (PPAs), for example, which can be isolated from overall national conservation objectives and are governed according to the priorities of individual landowners.

**Stakeholder involvement**: While enjoying a high level of national authority, legitimacy *vis-à-vis* the law and centralized decision-making powers that can even extend across borders or into the maritime realm are important characteristics of state governance. However, the lack of stakeholder involvement therein has been highlighted as a severe constraint in both the case studies and the literature. The case study examples consistently point to limited or insufficient involvement of all stakeholders, in particular local communities, in setting park objectives and strategic direction as well as in planning, management, monitoring or enforcement of the PA. This leads to resentment by local stakeholders who feel they have no voice.

**Empowerment**: As has been widely discussed in the literature, excluding local communities from the PA, both in terms of access and decision-making involvement, can have adverse effects on the effectiveness of the PA (e.g., Kothari, 2008; Sowman et al., 2011). Furthermore, it has been shown that empowering local communities and incorporating local and traditional institutions into conservation efforts can lead to successful, sustainable protection of biodiversity while also improving local livelihoods (e.g., Treue et al., 2014; Persha et al., 2011; Waylen et al., 2010; Matose and Watts, 2010; Torquebiau and Taylor, 2009). Denying local communities and other stakeholders meaningful influence and participation in PA planning can therefore have detrimental effects on state-run PAs. This can be seen across many of the case study examples as the majority of these state PAs face increasing illegal use of natural resources and boundary disputes. Furthermore, most of the PAs lack the financial means to effectively manage the park, let alone provide communities with adequate compensation for their restricted access and use of the PA, thereby losing an alternative method of appeasement. By not empowering local stakeholders, many state PAs therefore lack the necessary social acceptance and appreciation and lose out on valuable opportunities to more effectively conserve biodiversity.

**Logistical support processes:** While in theory, state governed PAs should have adequate and stable funding as they are controlled by the government and are integrated into national policies and legislation, this often does not translate into practice. Therefore, as became clear through some of the case studies, governments sometimes lack the resources to carry out adequate stakeholder consultations, especially with communities. Alternatively, in cases where advisory committees have been established in order to allow for stakeholder representatives to contribute the voice for their communities to the running of the PA, these representatives can lack the necessary skills to perform their function and the structures in place might not function as intended in addition to often being ill-planned. Such logistical constraints can therefore also have an impact on the process of informing, involving and actively engaging a diverse range of representative stakeholders.

#### 4.1.2 Direction

**Policy direction and values:** Being anchored in national biodiversity legislation, state PAs tend to have a clearly articulated vision and objectives. Many of the state-run PAs from the case studies do have a strategic vision with a clear understanding of their top-down governance structure, rules of what is and is not permitted in the PA and clear policy guidelines for addressing contentious issues. These visions, however, have most often neither been based on values agreed by a representative group of local stakeholders, nor have a clearly articulated management direction that stakeholders understand and support. Even if stakeholders have provided input to the original strategic vision, as decisions are made in a top-down manner, changes in direction and management are often made through a board, for example, and these are not necessarily in line with what was agreed with other stakeholders.

**Coherence between values and practice:** Although high-level objectives and directions are in place, these often do not translate into practice. As seen from the case studies, some PAs have not even developed a management plan, which is necessary to outline management direction and operational systems. As is also highlighted in the literature, many such 'paper parks' exist, often due to insufficient budgets to enable proper protection, in particular in West and Central Africa where much enforcement is required due to high levels of bushmeat hunting (Jachmann, 2008; Western, 2003). Most of the case studies do indeed flag insufficient operational budgets as a major obstacle, leading to poor management of even basic management practices. Where financial resources have not been flagged as a major hindrance, such as in the case of Mudumu NP in Namibia, successful management arrangements that are in line with the overall strategic vision have been established, even in complex landscapes, involving effective co-management with conservancies and other local stakeholders.

#### 4.1.3 Performance

**Conservation outcomes:** Compared to the other types of governance, PAs under state governance often tend to cover larger pockets of land, which have the ability to safeguard greater amounts of species and maintain intact habitats as well as maintain ecosystem services (Ladle et al., 2011). The case studies provide further examples supporting this trend: several PAs are reported to, in the very least, have achieved conservation success in terms of maintaining the integrity of a large habitat in a landscape of increasing poaching, fishing and land encroachment. Although the use of natural resources and illegal activities continue to some extent, levels have been observed to be lower inside PAs than outside. Dynamite fishing, for example, which is widely used along the coasts of Tanzania, is now very seldom seen in the Mafia MPA. The maintenance of large mammal populations within the Mudumu NP has also been reported as a success.

**Enforcement:** PAs with few resources, weak stakeholder involvement and low community support, however, have not been able to effectively conserve biodiversity. Instead, these PAs report 'rampant' conflicts over illegal harvesting and access to resources or 'uncontrolled' illegal hunting, fishing and timber harvesting. Where some form of enforcement exists, PA management relies on daily patrols, arrests and prosecution in order to protect resources. These issues are echoed in the literature as countless PAs have inadequate staff numbers, poor pay, and lack of equipment, making the management of parks and enforcement of restrictions unfeasible (Bauer, 2003; Lindsey et al., 2013; Langholz and Krug, 2004; Nelson, 2010).

**Management effectiveness:** Some of the case studies (particularly from Namibia) demonstrate that state PAs can have sufficient management capacity to act adaptively in complex situations with positive conservation outcomes. These PAs have also undergone management effectiveness assessments in order to track progress. Most other PAs, however, report lacking management information, no systems for recording and monitoring ecological or social data, a lack of reliable, recent inventories, etc. In addition to the absence of information needed to track management effectiveness, there are often insufficient numbers of staff and many are untrained and lack the skills to undertake effective monitoring.

#### 4.1.4 Accountability

**Transparency, access to information and resource allocation:** Being administered by the government, state PAs have great potential to be run transparently and accountably by using existing legislation and mechanisms. In Tanzania, for example, PA revenues are audited and finances are reported as part of the head office's accounting systems, which are overseen by an elected board. Revenues from tourist visitations can also be paid directly into government treasuries in order to ensure that all revenues go towards the PA. Ideally, tourism revenues are shared transparently with villages through formal agreements that are made known to community members. However, as is also noted in the literature (Nelson, 2010), high levels of corruption and informality can impede such transparency. Some case studies have also reported government staff not representing the state in a neutral manner, often favoring personal interests. Furthermore, little information is shared about PA income and management decisions, and local communities frequently do not have autonomy over how revenue is used. In some cases, information on income, performance and management is kept entirely confidential.

#### 4.1.5 Fairness and rights

**Respect of rights:** From the case studies, most PAs are reported to grant local communities and/or traditional rightsholders the rights to land or to use at least some natural resources within the PA. This can range from having access to certain key resources, such as deadwood, fruit, wild honey or mushrooms, to being given priority access to marine resources and fisheries. Whether or not such rights are deemed as sufficient by communities is difficult to evaluate in this study, but in the case of the Hai||om San in Etosha National Park in Namibia, for example, people felt they had not been consulted properly about the plans to resettle them outside the park and have refused to move while other groups have been resettled. The resettled area is not well serviced by the government and some of those resettled are reported to have therefore moved back to the park. It is likely that many communities have suffered to some extent from the creation of a PA considering that, in sub-Saharan

Africa, it has been estimated that the creation of over 85% of all PAs led to state appropriation of local community or customary tribal land (Lockwood, 2010).

Equitable distribution of costs and benefits: Various methods have been highlighted in the case studies to provide communities with benefits generated by PAs, most notably through tourism revenues and concessions. In the case of conservancies, benefits can also be derived through wildlife resources or schemes to offset livestock losses. In Etosha NP in Namibia, for example, although neighboring populations are not directly involved in PA management decisions, the park management has worked diligently to foster good relationships with the communities in different ways: neighboring communal conservancies derive income from tourism and hunting on their land and any wildlife that leaves the PA is considered a shared resource with the conservancies. As a result, the PA is not under threat by local communities and is reported to be delivering conservation success. In the majority of case study examples, however, it was reported that no mechanisms were in place with which to assess and account for how costs and benefits of the PA were distributed. Notably, the percentage of revenues shared with the communities might not always be considered fair. While state PAs have been reported to be able to provide benefits to neighboring communities (Ezebilo and Mattsson, 2010), such situations do not appear to be representative of state governance overall, and state PAs are more often criticized in the literature for not doing so, and even for imposing substantial costs on local communities (Cernea and Schmidt-Soltau, 2006; Brockington and Igoe, 2006; Nelson and Agrawal, 2008).

## 4.2 State PAs: opportunities and limitations

In addition to reviewing the strengths and weaknesses of state PAs in the context of good governance, four important issues should also be taken into consideration, in particular to draw attention to outside factors influencing the opportunities and limitations of this governance type: assurance of long-term conservation management, financial security, management flexibility and conservation outcomes. Each of these issues is briefly discussed below.

#### 4.2.1 Assurance of long-term conservation management

Being embedded in national biodiversity policies and legislation, state PAs are well protected from a legal point of view, which gives them a secure standing when facing contestation and should ensure their continued existence well into the future. This also puts state PAs into a unique position in terms of being able to establish long-term conservation goals and well-designed management plans that include short- and long-term approaches to addressing a variety of threats that the PA is likely to face on different time scales, such as human-wildlife conflict or adverse effects of projected climate change.

Furthermore, being under the control of a centralized governing body, all PAs in the state network are in a position to follow a common vision and objectives for the future, strengthening the overall potential impact of conservation initiatives. Within the government system, state PAs also have the potential to be structured under similar management systems that could use existing channels of communication and mechanisms to facilitate managing efforts across the network. By having access to government resources, at least in theory, state PAs should also be able to have sufficient numbers of well-trained staff and equipment, therefore securing conservation management into the future. Although state PAs are in a unique position *vis-à-vis* other governance types, they are often unable to realize their potential due to several other constraints. These include political instability; a lack of accountable and transparent governance at a national level; inefficient bureaucratic systems; insufficient resources available at a national level; and conflicts with local communities. Unfortunately, such challenges often heavily undermine the great potential of state PAs to conserve biodiversity in the long term.

#### 4.2.2 Financial security

As the funding for state PAs comes from the government, this provides an opportunity to make longterm financial plans that should ensure sustainable funding of the PA for the future. If governments are in a good position financially, they should thus be able to provide PAs with steady funds, as opposed to other governance types that may be more reliant on short-term funding or are more vulnerable to fluctuations in markets, such as tourism. Furthermore, many mechanisms should already be in place in the government that allow for transparent and accountable management of funds and revenues generated by PAs. To increase transparency, boards can also be established to annually review PA finances. As with other government processes, such reviews and financial accounts should be available to the public, allowing for greater accountability.

As, in reality, many African states face severe financial constraints, such opportunities rarely arise. Instead, governments heavily rely on international donor support, which can fluctuate and may be linked to certain sectors or projects that have no relation to PAs. Many states also struggle with internal corruption and a general lack of financial transparency, which can mean that the political willingness to create mechanisms of accountability might be low. Furthermore, government processes are often slow and heavily bureaucratic, which makes them very costly and involves high overheads.

Governments do have an opportunity, however, to involve more stakeholders in the management of state PAs in order to help shoulder such costs as well as establish forums in which various stakeholders can review PA finances, therefore creating greater transparency and accountability at a local level.

## 4.2.3 Management flexibility

Governments have a reputation for slow decision making and the creation of state PAs usually takes many years to negotiate or agree, which can be problematic in a context of increasing populations surrounding PAs that have a growing demand for water and land, therefore threatening valuable areas of biodiversity. State governance can also be inflexible, which can be harmful to conservation efforts when adaptive management is needed, as well as it causing conflict with local communities.

While some processes, such as creating a new PA, may continue to be slow, governments have a chance to integrate more flexibility into their management strategies and approaches to conservation. Early stakeholder involvement could, for example, allow for the establishing of ad-hoc reserves under temporary local control until the area can become officially proclaimed. In existing state PAs, governments can also devolve certain management responsibilities to other stakeholders who face fewer bureaucratic constraints in order to achieve swifter, more flexible PA management.

#### 4.2.4 Conservation outcomes

Historically, state governance has been the preferred model as it is considered a politically easy way to preserve vast areas of valuable habitat. PAs under state governance are indeed the largest on average and have immense potential to protect big enough areas to allow for the conservation of large mammal populations and intact ecosystems. Furthermore, being under centralized control, there is potential for governments to enhance connectivity between areas within their national PA network. Having national oversight, governments are also in a position to determine the number, types and placement of other large infrastructure projects, which gives them the opportunity to restrict the creation of such projects in close proximity to PAs and other areas of biological importance. Having the authority of the government, state PAs also have the capacities to police and enforce PA laws.

While state PAs have great potential to secure intact habitats and viable species populations into the future, they are often endangered by many internal and external factors. Internally, for example, a lack of prioritization of biodiversity conservation in government departments responsible for the approval of large infrastructure or extractive projects can lead to projects being approved that are too close to, or even within, PAs. If roads are built in close proximity to PAs, for example, this allows easy access to the PA, and apart from the disruptions to species movements, the risk of encroachment also rises. External developments, such as increasing local populations or numbers of immigrants in areas surrounding PAs, can also drive illegal off-takes of resources from PAs.

#### 4.3 State PAs: recommendations for good practices and conditions for success

As Jones (2014) noted in his case study report from Namibia:

Intrinsically there is nothing wrong with state governance of a PA – provided the necessary steps have been taken to ensure societal legitimacy for the national PA system and government involves local stakeholders at an appropriate level in securing local legitimacy for individual parks. But what is an appropriate level of local stakeholder involvement necessary will depend on the context of individual parks. It is also difficult to separate the governance type from other variables. For example, the effectiveness of State governance will depend on the political will and ability of governments to allocate resources to park management.

State governance in sub-Saharan Africa does indeed have the potential to achieve effective biodiversity conservation, and it is certainly already contributing to the protection of species and their habitats. As the literature and case studies demonstrate, however, this governance type will need to undergo a number of changes before it can do so more consistently and with greater impacts. State governance will need to become more inclusive, not only to gain more societal legitimacy, become more equitable and reduce conflict, but also to maximize resources, capacities and skills. Greater transparency and accountability will also be needed, both in financial as well as operational terms. Some of the PAs discussed in the case studies provide examples of mechanisms that can be used to make such progress. The following recommendations outline the general direction in which state governance should be headed, keeping in mind that every PA and PA network needs to be considered within its specific political, economic, social and cultural context.

#### Financial security and accountability:

As an ongoing process, governments need secure sufficient funding for their PA network in order for PAs to be equipped with levels of financial and human resources that can support the governance processes needed to ensure successful conservation outcomes.

In order to contribute to building greater financial security, governments can:

- Work towards fostering greater political will at a national level to support biodiversity conservation through PAs and encourage increased allocation of funds to this purpose.
- Introduce appropriate, strong regulations for payment of environmental services and the collection thereof, such as water protection charges, in order to generate additional revenues, some of which should go directly to local communities.
- Transfer more responsibilities to local government authorities that can share costs and ensure the necessary human and financial resources are allocated to PAs.
- Devolve management responsibilities to other entities, such as NGOs or local communities, to avoid high transaction costs often incurred through slow and bureaucratic top-down decision making. By entering co-management agreements with other entities or local communities the pool of skills and resources can also be enlarged.

In order to create greater financial accountability and transparency within the PA network, governments should also:

- Ensure that financial resources are managed transparently and are accounted for through various, possibly already existing, financial mechanisms and legislation. Efficient and accountable financial management should also allow for more resources to reach PAs.
- Establish multi-stakeholder committees in which to discuss the potential for PA revenue generation, decide on a revenue management system and determine appropriate amounts to be shared with local communities and other stakeholders through their consultation. The results should be communicated widely to the local population and simple systems should be in place to allow oversight and access to funds.
- Allocate a percentage of the PA revenue shared with villages to annual auditing, and the results of such audits should be made available to village councils and, ideally, to villagers.

## Stakeholder involvement/representation:

Having good stakeholder relations is key to effective governance of all PAs. State PAs should therefore:

- Engage in early and meaningful stakeholder consultations, in particular of neighboring communities, during the design and planning phase of a PA, or as soon as possible if the PA has already been established and stakeholder consultation has been low. Such involvement should increase the extent to which communities feel that the PA is legitimate as a contributing part of their landscape as they would have been given an opportunity to voice their concerns, values and ideas for the future.
  - To aid in this process, existing tools and guidelines could be followed, such as was the case in the establishment the Namibian Islands' Marine Protected Area, which underwent a rigorous process of stakeholder consultation that was conducted according to World Bank guidelines, meeting with relevant sectors, users and their representatives from the area. The outputs, negotiations, agreements and compromises from this

process were subsequently included and incorporated into the proclamation and zonation process of the Marine Park.

- Broader social assessments and socio-economic studies should also be carried out to complement more targeted stakeholder consultations in order to gain a better understanding of the current situation, needs and views of the wider population taking into account social stratification.
- Devise PA management plans that include meaningful stakeholder input. These plans should also establish management bodies, such as advisory committees, with stakeholder representatives. Such committees would not act as decision-making bodies but members should be allowed to make meaningful contributions. Committees should also have well understood and established reporting criteria, covering a wide range of issues from how the committee is run to how it communicates its processes and decisions or how benefits are distributed, to ensuring transparency and accountability. Furthermore, regular meetings should take place. PAs need to ensure that the costs of creating and maintaining committees are manageable and should adapt their structure to what is feasible within the PA budget, keeping in mind the tradeoff between the utility and sustainability of committees.
  - Ideally, committee members should be provided with continuous training, including on their roles and responsibilities, and the represented communities should receive information and training on how to elect and monitor their representatives in an informed manner. In cases where communities have pre-existing systems for selecting representatives, these should be used.
  - In large PAs, or where many different types of stakeholders are involved, the PA should establish geographically based advisory committees to provide forums in which to discuss issues affecting them.

To further aid in creating meaningful consultations with relevant stakeholders, capturing and integrating their concerns and needs into PA planning and management, state PAs can also:

- In consultation with communities, establish a multi-stakeholder task force to address land claims through formal agreements, as well as appropriate zoning plans that recognize current and future needs of local communities in the management plan.
- Create forums in which contentious issues (e.g., displacement, tourism or zoning) can be discussed and resolved between relevant stakeholders in a safe environment.
- When possible, integrate local communities directly in management activities, such as monitoring, effectiveness assessments, tourism management, law enforcement, etc.

## Fairness and rights:

Closely linked to the need for state PAs to sufficiently engage with other stakeholders affected by the PA is the need to consider issues related to fairness and rights:

 Rights to land, resources and wildlife play a critical role in determining the way in which conservation takes place in practice. In state PAs, these rights are typically held by the government. In order to achieve more equitable governance, however, PAs should consult with communities affected by the PA in order to determine the appropriate rights and/or benefits that should be given to local stakeholders and to ensure that these commensurate with their responsibilities and/or costs.

- Once decisions on rights and/or benefits and costs have been agreed by the affected stakeholders, PAs should stablish mechanisms with which to assess and account for how such costs and benefits are distributed. These should include widely disseminating relevant information to local populations and allowing for their input.
- Systems should also be in place that allow stakeholders to address disputes over fairness and rights issues, including human rights violations, in a proactive manner and such should be a prominent part of PA management and reporting. In this context, neighboring communities should be assisted in organizing and representing themselves to the PA.

#### Improved management planning and decision making:

- Governments should allow for more PA management responsibilities to be transferred to local authorities and/or communities. Better integrating PA responsibilities into local structures can help distribute costs, as well as increase the human resources and skills available.
- Governments need to ensure that PAs are provided with a sufficient budget and technical
  expertise to support the development of a management plan, daily management activities, as
  well as capacity building for both PA staff and local stakeholders involved in management. It is
  crucial to ensure that the necessary skills and processes are developed and put into practice to
  allow for management issues to be addressed effectively.
- Management plans need be drawn up in consultation with other stakeholders. These plans should contain financial plans, specify roles and responsibilities, include monitoring and evaluation components, and set out a plan of work to be implemented annually. Dates should be set for management plans to be reviewed, with the involvement of all relevant stakeholders. Furthermore, management plans should be accompanied by a business plan, such as when feasible developing tourism in the park with the involvement of local communities. The latter should be employed for such activities, not only to provide more income and/or compensation to communities, but also to give them a renewed link to the land and a stake in the success of the PA.
- Governments should allow for management decisions to be made quickly, without needing to
  pass through too many bureaucratic processes. Accompanied by improved and more frequent
  biodiversity monitoring and management effectiveness assessments to demonstrate
  conservation success, swifter decision making would allow for PAs to respond to new challenges
  and adapt management strategies. Changes in management should be discussed with affected
  stakeholders and can be accompanied by social assessments to gain a better understanding of
  their appropriateness in the wider socio-economic landscape.

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