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AFRICA IS CHANGING: SHOULD ITS PROTECTED AREAS EVOLVE?

PUBLIC-PRIVATE PARTNERSHIP FOR PROTECTED AREAS: CURRENT SITUATION AND PROSPECTS IN FRENCH-SPEAKING AFRICA

Author: David Brugière



AUTHOR: DAVID BRUGIÈRE

David Brugière holds a 3rd cycle diploma in land management and a PhD thesis on the evaluation of the impact of logging on large and medium mammal communities in the forests of Gabon. He was an expatriate from 1993 to 2004 in French-speaking Africa, first



as a research engineer on action-research programmes related to the management of biodiversity in protected areas of Central Africa (Gabon, Congo, CAR). He then served as a technical assistant on PA management support projects. In this capacity, he was technical advisor for the management of the Upper Niger National Park in Guinea and then project manager for the establishment of a transboundary protected area between Guinea and Guinea Bissau (AGIR programme, EU funding).

At the end of 2004, David Brugière joined BRL Ingenierie in France as director of biodiversity projects. He acts on behalf of bilateral and multilateral development agencies in the identification, feasibility and evaluation of projects to support the management of PAs and the conservation of biodiversity in tropical areas. He also conducts technical expertise in these areas (preparation of PA management and business plans, ecological monitoring programmes, PA strategies, etc.). He also oversees the implementation of technical assistance in African PAs and provides technical support to teams deployed in the field.

For several years, David Brugière has developed expertise in the implementation and evaluation of public-private partnerships (PPPs) for protected areas. After supporting WWF in setting up the PPP for the Salonga National Park, he led in 2016 the evaluation of the partnership agreement established between the Congolese government and the APN for the management of the Odzala-Kokoua National Park. He has also developed projects to support PPP buildout in Cameroon, Zimbabwe and Laos.

THE PROGRAMME ON AFRICAN PROTECTED AREAS & CONSERVATION (PAPACO)

PAPACO aims at improving the management and governance of protected areas in Africa and their positive results on biodiversity conservation. They focus on 3 complementary domains which are: equitable governance, efficient management and long-term sustainability of PAs. PAPACO works with the World Commission for protected Areas (WCPA).

Brugière D., 2020. *Public-Private Partnership for protected areas: current situation and prospects in French-speaking Africa. Papaco*, 31 pages.

Translated from French by INTUITIV.

THIS PUBLICATION HAS BEEN MADE POSSIBLE BY FUNDING FROM THE FRANCE-IUCN PARTNERSHIP.

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FOREWORD

This report is part of a series of studies commissioned by IUCN-Papaco. The intention of these studies is to contribute to the debate around topical issues related to conservation in Africa, especially the continent's protected areas.

Context: in 2050, the population of Africa will have reached 2 billion inhabitants. The needs of the population keep increasing, fragmentation is accelerating, "natural" land is becoming scarcer. In this context, pressures on protected areas increase rapidly and their ability to conserve biodiversity in the long run are more and more limited.

What can we do to address these threats?

Our approach is simple: we ask an expert on the matter to lay out an analysis to provide a basis for discussion. This report can then be used for this purpose, shared, commented on, criticised, expanded. The goal is that all those involved in the conservation of these territories raise questions, exchange and finally, we hope, envisage a positive future for nature conservation on the continent.

This report is called: *Public-Private Partnership for protected areas: current situation and prospects in French-speaking Africa*.

The intention is to answer the following questions: how to optimise the contribution from the private sector to protected area conservation? What is the state of PPPs today? What do they contribute to, officially and expectedly? What are the conditions to

their implementation? Why do other PA managers see them as a threat? What are the requirements for their creation? How to improve their outcomes? What rules should frame them? How to avoid the misappropriation of their goals? How to achieve the perfect PPP over the next 30 years?

These questions are vital, and this report probably isn't enough to cover the full complexity of answers. But it will certainly contribute to their phrasing.

Have a good read

Dr Geoffroy Mauvais
PAPACO Coordinator



SUMMARY

Over the past twenty years, a new model of protected area management has gradually emerged in French-speaking Africa, the Public-Private Partnerships (PPPs). Three elements constitute this model: (i) a contractual agreement (CAgmt) signed between the State and a non-State (“private”) partner; (ii) a delegation from the State to the private partner of all or part of its prerogatives; (iii) the private partner provides or manages all the necessary funding for the management of the PA.

As of September 2020, a total of 15 PPPs, involving twenty PAs were active in French-speaking Africa. The analysis of 12 of the 15 contractual agreements (CAgmt) in force shows that the main provisions mentioned are:

- the **establishment of a governance entity in which both the public and private partners are represented**. Of the 12 CAgmts examined, the composition of the governance body is unilateral in one case (only the private partner), bilateral (State and private partner) in six cases, and multilateral in four cases¹. The chairmanship of this entity rests with the public partner in eight CAgmts and with the private partner in three. The majority of the members (including the chair) belong to the private partners in nine CAgmts and in two cases there is equal representation. Representatives of local communities are present in four governance bodies;
- the **delegation of PA operational management to a management entity that is always headed by a representative of the private partner**, the latter being very generally assisted by a representative of the public partner;
- the establishment of an **advisory body** whose size and composition vary widely. This entity provides a platform for dialogue with stakeholders. It may be pre-existing to the establishment of the PPP;
- the staff of the park is composed by civil servants and private partner contractors. **All staff, regardless of their status, are placed under the hierarchical authority of the director of the PA, the representative of the private partner**. Staff movements may be subject to the formal opinion or agreement of the public partner. This requires, in

half of the CAgmts examined (6/12), that positions that are part of a sovereign activity (environmental police) be assigned by right to a civil servant;

- in the context of securing funding, the **private partner is encouraged to develop commercial activities and seek funding**. **Failure at this level can lead to the termination of the agreement** (8 out of 12 CAgmts). The public partner can finance part of the PA's expenses through grants to the private partner. The latter may have to pay a general fee to the public partner (two parks in the DRC) and pays taxes relating to its tourism activity.

The analysis of the implementation of PPPs in the relevant PAs shows that the **strengths** of this model in terms of PA management are:

- the establishment of **formal governance and consultation structures** in which stakeholders, including local communities, are represented (these consultative structures in some cases pre-exist in the PPP);
- the **diversification of funding sources**, including non-institutional donors, allows, on the one hand, **to avoid funding disruptions** linked to a single donor, and on the other hand, to have **more flexibility in terms of financial commitments**;
- a **clarification of decision-making and management lines** in day-to-day management allows an efficient operationalisation and the effective and rapid implementation of field activities;
- the deployment in the field of proven **anti-poaching techniques and methods** to cope with an increased militarisation of poaching has, however, variable results depending on the sites in terms of increase in numbers of large fauna;
- **increased professionalisation of tourism management** allowing an increase in attendance and targeting of the high-end segment.

One of the main limitations of PPPs is their low **cultural and political acceptance**. In the French-speaking countries of Africa, the political culture of “Central Governance ” still remains very strong and the expression “management delegation” is generally perceived in the public sphere as a form of attack on national sovereignty. Even in countries that have developed several PPPs, political acceptance of this model remains very fragile and is regularly challenged,

¹ Total less than 12 as there is no governance body for the PPP of the Upemba-Kundelungu Complex

either because of political culture or because this model deprives the State of the direct management of Official Development Assistance funds.

PPP is one of several models of PA management.

This model seems appropriate in three situations: (i) when States do not wish to invest directly in the management of PAs for political reasons or due to budgetary constraints; (ii) during the development phase of a newly created PA or the rehabilitation of a *paper park*; (iii) when the PA is under pressure from militarised poaching that requires special expertise and considerable resources.

The first PPPs in French-speaking Africa were established in 2005, and this model is likely to develop further in the coming years. Under these conditions and taking into account 15 years of experience, recommendations are now being formulated to move closer to the “ideal” PPP. These relate to the modalities for the creation of PPPs (for which a call for applications is recommended), the composition of governance, consultation and operational management bodies, as well as the recruitment and training of staff.

A key aspect of PPP success is the level of exchange and communication between the private partner and the State. These cannot be limited to the contractual requirements and it is recommended that formal and informal communication processes be put in place, especially when starting a new PPP.

ACRONYMS AND ABBREVIATIONS

ADB	African Development Bank
AFD	Agence Française de Développement (French Development Agency)
APN	African Parks Network (South African Foundation)
CA	Conservation Area
CAGmt	Contractual Agreement
CAR	Central African Republic
CICN	Congolese Institute for the Conservation of Nature
CSO	Civil Society Organisation
DRC	Democratic Republic of Congo
DSPA	Dzanga Sangha Protected Areas
EU	European Union
GEF	Global Environment Facility
HG	Hunting grounds
JPO	Judicial Police Officer
KfW	German Financial Cooperation
NCR	Nature and Cultural Reserve
NGO	Non-Governmental Organisation
NP	National Park
ODA	Official Development Assistance
PA	Protected Area
PMU	Park Management Unit
PPA	Private Protected Area
PPP	Public-Private Partnership
PWR	Partial Wildlife Reserve
SR	Special Reserve
TA	Technical Assistance
TFP	Technical and Financial Partner
USAID	United State Agency for International Development
WCS	Wildlife Conservation Society (NGO)
WR	Wildlife Reserve
WWF	World Wide Fund for Nature (NGO)
ZSL	Zoological Society London
FZS	Frankfurt Zoological Society

ACKNOWLEDGEMENTS

The author wishes to thank the African Parks Network, Noé, WWF-CAR, WCS-Congo for the provision of partnership agreements signed with States for the management of protected areas.

Our appreciation to the following experts for the discussions, information provided, and comments made on this study: L. Arranz, B. Chardonnet, R. Gouin, A. Greth, R. Grovel, J.-P. D'Huart, M. Hatchwell, J. Labuschagne, M. Languy, P. Scholte and S. Wohlhauser.

The views expressed in this report are the author's sole responsibility and do not necessarily reflect those of the reviewers, IUCN or of the donors who funded the study.

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1. INTRODUCTION

The topic of protected area (PA) governance is quite new. It appeared at the end of the 1990s with the emergence, especially in the Global South, of non-State actors taking ownership of biodiversity conservation issues. Up until then, PAs were essentially created and managed by the State – governance was thus largely State-owned and centralised. PA governance becomes an emerging issue as relations between State and other groups of societal actors evolve. This development is particularly noticeable in Africa where, up until the early 1990s, the majority of States were of socialist influence, leaving little room for private actors and civil society in the countries' economic, social and political lives. It was therefore not until the end of the 1990s that the emergence of a civil society and a private sector appeared, which gradually took ownership of the issue of biodiversity conservation. It is in this context that the 2003 World Parks Congress (Durban, South Africa) proposed a typology of PA governance and developed, by extension, a definition of private protected areas.

Broadly speaking, governance encompasses all the interactions that determine how power and responsibility are exercised and how decisions are made. It refers in particular to the interactions between the different categories of actors in decision-making processes.

The so-called “private” governance applied to the field of protected areas, concerns PAs whose governance is ensured by non-State actors, namely: i) one or more individuals; ii) non-profit organisations (NGOs, CSOs, educational and/or research institutions, etc.); iii) for-profit organisations (commercial companies, cooperatives, etc.).

It should be noted that PAs managed by local communities form a separate type of governance and are not covered by the term “private governance”. In addition to private and community governance, two other modalities are recognised: public governance and shared governance (IUCN, 2013).

PAs governed by private actors (as defined above) are referred to as Private Protected Areas (IUCN, 2013). This designation may create confusion, as it suggests that Private Protected Areas (PPA) refer to territories where land ownership is exclusively

(or overwhelmingly) private. In Africa, this is not necessarily the case and it is therefore crucial to distinguish between type of land ownership and type of governance, as these do not necessarily coincide. Thus, Private Protected Areas can be established on public or community land and, conversely, private land may be found within State governed PAs. It is therefore the nature of actors ensuring the governance of a PA that defines the type of governance and not the land status of the PA.

When dealing with the private governance of PAs on the African continent, we must distinguish between two major sets of countries. The first corresponds to countries where land law recognises different types of property, including private property, and a second where private property law is very restrictive.

The first group is essentially composed of English-speaking countries in Southern and Eastern Africa, former settlements of the British Empire, historically home to a strong community of farmers and ranchers of European origin who have acquired private property titles. This community was partly maintained after independence and today forms an important network of landowners. Some of them have decided to manage their land in a way that preserves and/or restores biological diversity, thus creating a network of PPAs, which are sometimes recognised by the State (e.g. *Conservancies in Kenya*).

The second group is mainly made up of French-speaking countries where private property rights are very restrictive (usually limited to urban plots) and the vast majority of land is owned by the State¹. The development of privately governed PAs happened very late and took on a particular form generically referred to as “Public-Private Partnership (PPP)”. In this system, and for various reasons, the State delegates all or part of its PA governance and/or operational management prerogatives to a private partner. Here, too, the term “private” is confusing because, in this case it always refers to non-profit organisations.

The first experiences in this field took place in English-speaking Africa and there are now many PAs managed as PPPs. This approach extended to French-speaking Africa from the 2000s onwards.

¹ It should be noted that most of the countries in this group have recently amended or are in the process of amending their land legislation to introduce different types of ownership, but this is a recent and slow movement, and for the time being with little impact in terms of biodiversity conservation. It should also be noted that the DRC, a former Belgian colony, recognises some large private estates, which were historically created during the colonial era.

However, PPAs managed by private landowners remain overwhelmingly English-speaking for the historical reasons mentioned above.

PPAs in English-speaking Africa have undergone numerous analyses and many publications on this subject are available. There is, on the other hand, much less work on French-speaking PPPs and the available bibliography is essentially grey literature – thus not easily accessible. The PA management model in this region comes up against legal and political culture difficulties and sometimes elicits reluctance on the part of civil society. In this study, we examine the current situation of PPPs in French-speaking Africa², their contribution to biodiversity conservation and make some recommendations for their development. Prior to this, the concept of Public-Private Partnership (PPP) needs clarification.

In this study, and in order to avoid confusion between terms that are close to each other but cover different realities, we use the following definitions for protected areas:

- *Governance*: all processes and modalities for strategic decision-making;
- *Operational management*: implementation of decisions at field level that includes both operations related to support functions (logistics, human resources management, administration, funding mechanisms) and service functions (law enforcement, ecological monitoring, community development, ecotourism, awareness, etc.)
- *Protected Area Management*: a generic term that simultaneously encompasses governance and operational management.

2. CLARIFICATION OF THE PPP CONCEPT

2.1 Definition

Many PAs in Africa, and particularly in French-speaking Africa, benefit from the support of technical and financial partners (TFPs). This support can be *ad hoc* (a few years) or spread over time and sometimes cover several decades. Most of the times it takes the form of a *project*: financial and technical support

defined in space and time and targeting specific actions as laid out in a *Project Document*. These actions can be implemented by the protected area's permanent team or through a dedicated team (and paid by the project) of Technical Assistance (usually contracted by a consultancy firm or provided by an international NGO).

The strengths and weaknesses of the project approach in the field of biodiversity conservation (and more broadly of the ODA) have been the subject of numerous analyses (e.g. Lauginie, 2012). Weaknesses include the absence of a long-term approach, the tendency to view the Project Document as the PA management plan, the tendency of TA teams to operate alone, and the abrupt shutdown of funding at the end of the project resulting in the cessation of activities and the lack of equipment maintenance. It is in this context that another form of PA support known as *Public-Private Partnership* (PPP) has developed over the past decade in French-speaking Africa. In the field of protected areas, “Public-Private Partnership” is a generic term that covers different forms of collaboration between a public authority and a non-State partner, whether in terms of the governance of the protected area or its operational management. Despite the diversity of PPP formats, three elements are fundamental to make up a PPP:

- a contractual document between the public and the private partners;
- the public partner delegates all or part of his prerogatives to the private partner;
- the private partner provides and manages all the necessary funding for the operational management (investment and operations) of the protected area. This funding can be public (ODA funds³) or private (donor funds).

The term “Public-Private Partnership” can be confusing because it is borrowed from the commercial sector (see Box 1) and actually covers, when applied to the area of biodiversity conservation, several forms of partnerships depending on the level of governance and management delegation.

PPPs for the management of protected areas are outside the scope of commercial PPPs to the extent that: (i) the private partner is a non-profit entity, (ii)

² Rwanda is not included in this study because its legislation has evolved considerably over the past 20 years (e.g. business law) and is now closer to the English-speaking model.

³ in rare cases supplemented by State subsidies -see sections 3.2.1.5 and 4.1

Box 1 Commercial law PPPs and Public Service Delegation

Public-Private Partnership (PPP) is generally defined in French commercial Law as an administrative contract by which the State (or a public establishment of the State) entrusts to a third party, for a fixed period of time, a global task for the construction or transformation, upkeep, maintenance, operation or management of works, equipment or intangible goods necessary for the public service. The duration of the contract depends on the amortisation period of the investments or the financing methods chosen. There are several types of PPPs, such as:

- A leasing PPP type, where the contractor undertakes to manage a public service, at his own risk, and against remuneration paid by users. He pays the State a fee to contribute to the amortisation of the investments. The latter are funded by the State.
- Public works concession type PPP: here the State gives a company the responsibility to

perform a public work (or to provide a public service), at its own expense, with or without subsidy. The operation of the public work (or the execution of the public service) is entrusted to the contractor granting him the right to collect a fee from the users of the work (or from those benefiting from the public service). Here, the financing of the works is the responsibility of the contractor.

The PPP does not constitute a **public service delegation (PSD)**. This is defined as a contract by which a legal person governed by public law entrusts the management of a public service to a delegated entity (public or private), whose remuneration is substantially linked to the result of the operation of the service. The delegated entity may be responsible for building works or acquiring goods necessary for the service.

it does not pay a fee to the State, (iii) it does not charge a fee to users for services or goods. This last point does not mean that this partner is not involved in commercial activities and that the protected area does not generate a turnover. For instance, ecotourism activities can be developed and generate substantial income. This income, however, is then reinvested in the protected area (or partially handed over to the State) instead of being distributed to shareholders and employees as is the case for commercial companies.

Partnerships for PA management have given rise to a prolific terminology: for example, the terms *co-management*, *delegated management*, *collaborative management*, *joint management* can be found in the literature. These multiple names create confusion, as the term “management” is used generically without distinction between governance and operational management, while both may be exercised by different authorities (see Box 3).

2.2 Typology

Overall, there are four main types of partnerships between a public and a private not-for-profit partner. They vary depending on the level of delegation of governance and operational management of the PA granted to the private partner.

- *Type 1 partnership* – this is the classic *Project/Technical Assistance* approach, in which the private partner does not benefit from any delegation of governance or operational management. The private partner only provides technical and financial support. The decision-making and operational aspects remain entirely the responsibility of the public authority (even if the partner can influence both levels);
- *Type 2 partnership* - the public and the private partners share both the governance and operational management of the protected area. As such, for example, the PA's finances are managed jointly by the two partners via a dual signature system;
- *Type 3 partnership* - the public and the private partners share the PA governance, but the operational management is entirely delegated to the private partner. As such, the private partner

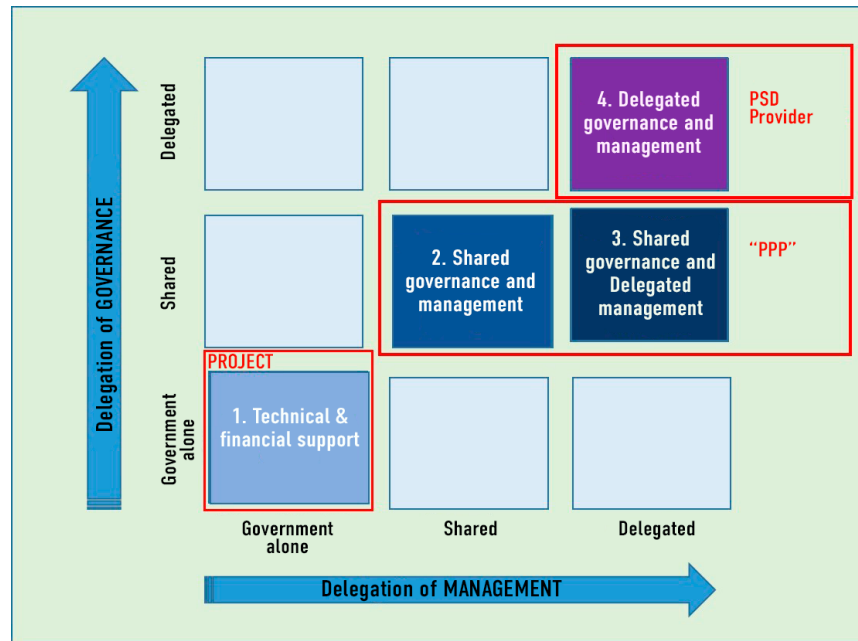


Figure 1. The four main types of partnerships between a public and a private partner for the management of protected areas. Adapted from M. Baghai (2016)

has authority over the financial management and PA personnel (regardless of the status of said personnel, including State officials⁴);

- *Type 4 partnership* - the governance and operational management of the PA is fully delegated to a private partner. The latter thus acts as a concessionaire.

Strictly speaking, only types 2 and 3 fall within the purview of PPPs for the management of protected areas, since in the other two cases the two partners are not equally positioned in terms of governance (in type 1, responsibility falls entirely on the public partner while it is exclusively the responsibility of the private operator in type 4).

One of the most successful PPP models is the creation of an entity under national law with a legal person in charge of the management of a PA and provided with a decision-making body (Board of Directors, BD) and an implementing body (the Park Management Unit, PMU). The State and the private partner are represented on the Board of Directors, which delegates the operational management of the PA to the PMU, headed by a director representing the private partner. He may be assisted by a deputy representing the public partner - see Chapter 5.

3. OVERVIEW OF THE SITUATION

3.1 History

The very first PPP to have been established in French-speaking Africa was the Fazao-Malkafassa National Park (FMNP) in Togo. It was set up in 1990 in a context of very close personal relations between the Head of State at the time, Gnassingbé Eyadema and Franz Weber, then director of a foundation for animal protection based in Switzerland. A *Convention between the Togolese government and the Franz Weber Foundation (FWF) on the management of the FMNP* was signed on 25 May 1990 for a period of 25 years. In terms of governance, this convention provided for the establishment of a *joint Government-FWF Committee* (2 representatives from each party) to coordinate the actions necessary to achieve the objectives of the convention. These actions were defined as follows: (i) *to maximise the diversity of wildlife in the park*; (ii) *to increase tourist visits*; and (iii) *to ensure park operation benefits the local populations*. Article 6 of the terms of reference attached to the convention stipulated that the State made available to the FWF a minimum of 10 sworn officers from the national parks and wildlife reserves service. This PPP was in force until 2015 and has

4 For civil servants, partner decisions must, in some cases, be endorsed by the State.

not been renewed. Since the FWF does not have a proven expertise in the management of protected areas, it has encountered many difficulties in the operational management of the park, difficulties which were increased by the marked political unrest in Togo during the decade 1990-2000. The FMNP remains, nevertheless, the only PA in Togo where small populations of large wildlife still persist today (including a resident population of about 50 elephants).

It is during the decade 2000-2010 that the PPP model really developed in French-speaking Africa with the establishment of a management delegation of four emblematic national parks (Garamba and Virunga/DRC, Odzala/Congo, Zakouma/Chad). Although located in very different ecological and socio-economic contexts, these four parks have **fairly parallel management histories** which partly explains why they were the first PPPs in Central Africa. These are protected areas created during the colonial era to protect remarkable elements of Africa's great fauna and landscapes (elephants and rhinos in Zakouma and Garamba, gorillas and African forest elephants in Odzala, spectacular landscapes and great fauna of the rift, including mountain gorillas, for Virunga). These parks were actively managed during the colonial era to the point of becoming hotspots for colonial tourism (except Odzala due to its difficult access). At the beginning of the independence period (1960-1970), these parks continued to be actively managed by the new administrations. Then, they gradually either fell into disuse (Zakouma, Odzala) due to lack of interest on the part of governments, or faced considerable pressure seriously threatening the emblematic elements of their biodiversity (white rhino in Garamba, elephants and hippos in Virunga). All the more so as these three countries were going through serious political crises accompanied by armed conflicts. It is in this context that important projects to support the rehabilitation of parks financed by Technical and Financial Partners (TFP) emerged during the 1980-1990 decade. The parks of Zakouma in Chad and Odzala in Congo respectively benefited thus from the EU financed CESET-CURESS and ECOFAC projects, while the *Rhino* project financed by many TFPs (initially including WWF and FZS) started up in Garamba in 1983. As for the Virunga Park, it received support from the ZSL and WWF as of 1984 and before the EU, via the Virunga component of the Kivu programme, also providing support from 1988.

TFP support to these four parks takes the form of Technical Assistance projects: financial support as well as support staff (often expatriates) providing technical expertise are made available to PAs. However, these remain directly managed by the central administrations represented locally by the park director. The contribution of these projects to the rehabilitation of parks is considerable: in a few years the infrastructures are rehabilitated and developed, the monitoring systems are strengthened thanks to the training and equipment of eco-guards, biodiversity is better known and monitored thanks to numerous scientific studies, and tourism resumes. These projects also pay attention to local populations through the establishment of health and social facilities, the implementation of awareness-raising programmes and the development of income-generating activities. **All these projects' actions allowed a marked improvement of the parks' biodiversity**, in particular of the great fauna whose populations are replenishing (for example, from 1986 to 2005, the population of elephants of the Zakouma NP increased from 1,077 to 3,885 individuals and that of buffaloes from 223 to 5,082 individuals).

In the early 2000s, these parks faced a new wave of considerable pressure: a massive poaching crisis in Zakouma and Garamba, the overrun by refugees and armed groups in Virunga, and increased pressure in Odzala. **These pressures significantly altered the parks' biodiversity and, above all, highlighted the limitations of the project model.** The lack of commitment by States on the one hand⁵, the cessation of funding between the various projects, the rigidity of the administrative management rules for funding provided by some TFPs and the recurring tensions between national administrations and TA teams (which change as projects go along) on the other hand, constituted enough elements to hinder rapid, flexible and effective response to situations of very high urgency. **The project model seems to be reaching its limits and an alternative approach therefore appears necessary.**

The arrival in the French-speaking area of the English-speaking actor *African Parks Network*, with strong experience in PA management delegation in the English-speaking area, as well as the European Union's strong desire to continue its support for some of the emblematic PAs via another model, promoted the development of public-private partnerships. The first two PPPs were thus set up in DRC in 2005

5 for instance, non-engagement in the public service of contractual eco-guards of projects

Box 2 Public-private partnerships in Madagascar: a large-scale approach

In 2003, at the 5th World Parks Congress in Durban (South Africa), the President of Madagascar announced his intention to increase the area of national protected areas (PA) from 1.7 to 6 million hectares, in other words more than 10% of the country's land area. Since the ecosystems of this island have been strongly modified by human activity, it only appeared possible to achieve this ambitious goal by creating a network of *New Protected Areas* (NPA) consisting mainly of category V (*Protected Harmonious Landscape*) and VI (*Natural Resource Reserve*) PAs, and delegating management to non-State partners. This delegation is carried out through an open tender procedure, which results in the signing of a delegation contract (from 5 to 30 years) with terms of reference specifying the rights and obligations of the parties. As with all Malagasy PAs, the governance structure of the NPAs is the *Steering and Monitoring Committee* whose members, appointed by the Ministry, include the administration, local authorities, the delegated manager, local communities, civil society and the private sector. The delegated manager is responsible for the operational management of the PA. All category V and VI NPAs are inhabited and in a number of them, local communities benefit from a Natural Resource Management Transfer (NRMT). This is a contractual document in which the State transfers the management of local resources to them as part of a simplified Development and

Management Plan of the local land, the zoning of which includes strict protection zones. Members of the local communities (Local Forest Controller) have the authority to control violations of the rules of practice defined by the NRMT; they are supported by the entity to which management was delegated. Verbalisation and prosecution, however, remain the forest administration's responsibility. Minor offences in NRMTs are therefore settled locally, while the serious offences must be identified by a JPO and result in legal proceedings.

The NPAs have been very successful: of the 122 PAs that Madagascar had at the beginning of 2016, 73 belonged to this type (1 PA of category II, 2 of category IV, 53 of category V and 17 of category VI). NPAs cover a total of 44,276 km² (63% of the total national PAs) and range in area from a few dozen km² to over 4,200 km² (with an average of 606 km²). There are about 20 different management delegated entities, including national (e.g. Fanamby, Aity) and international (WWF, WCS, CI) NGOs as well as research organisations (e.g. Missouri Botanical Garden). It should be noted that the delegated management entities of NPAs created under industrial mining compensation mechanisms are the actual mining companies concerned (which generally subcontract the management of their NPAs to local NGOs).

(Virunga, Garamba), then in 2010 in Zakouma NP (Chad) and Odzala NP (Congo). *This approach had a certain success* since, in 2020, 14 PPPs had been formalised in French-speaking Central and West Africa and many more are in preparation. This is, however, a region that is not particularly open to this type of model, since the historical political culture positions the State at the centre of all action and leaves little room for the private sector, while public budgets allocated to the management of PAs are paradoxically very low. Despite this context, this model attracted strong interest from major institutional development donors (EU, USAID, AFD, KfW) who committed to financially support PPPs. Another indicator of this model's success is that some technical partners who had been providing support to PAs for decades in the form of TA projects negotiated with national administrations a switchover of their support in the

form of management delegation (as is the case of WWF in CAR for Dzanga Sangha PA and WCS in Congo for Nouabalé-Ndoki NP).

3.2 Public-Private Partnerships underway

There are currently (July 2020) a total of **15 formalised PPPs** in French-speaking Central and West Africa:

- Garamba NP (DRC), Odzala-Kokoua NP (Congo), Zakouma NP and the adjacent WRs (Chad), Ennedi NCR (Chad), Pendjari NP and W NP (Benin), the Chinko CA (CAR) where the private partner is a foundation based in South Africa, the *African Park Network* (APN);

- Nouabalé-Ndoki NP (Congo), Okapi WR (DRC) and North-East PA Complex⁶(CAR) where the private partner is the NGO *Wildlife Conservation Society* (WCS);
- Virunga NP (DRC) where the private partner is the *Virunga Foundation*;
- Salonga NP (DRC) and Dzanga Sangha Protected Areas (DSPAs) (CAR) where the private partner is the NGO *WWF*;
- The Kundelungu and Upemba NP Complex (DRC) for which the private partner is the *Forgotten Parks Foundation*⁷;
- NNR of Termit and Tin Toumma (Niger) for which the private partner is the NGO *Noé*.

PPPs are being prepared for other PAs in West and Central Africa and new private partners are emerging in this region. For example, in February 2020, (after a procedure of call for expression of interest) management of the Conkouati-Douli National Park in Congo (whose CAgmt is currently under negotiation) was granted to the NGO *Noé*. The NGO is also currently negotiating a PPP for the Binder-Léré WR in Chad. In Guinea, steps were taken to ensure that the Moyon-Bafing National Park, currently being created, is managed through a PPP.

3.2.1 Analysis of ongoing partnership agreements

This section analyses the content of contractual agreements between a public partner and a private partner for the delegated management of a PPP PA. Of the 15 PPPs currently under way in French-speaking Africa, **12 contractual agreements have been examined in this study**. This exercise aims to identify the common elements of this model and those more specific to each of the PAs concerned. Attention is focused on the critical elements of the management of delegated PAs: contractual bases, governance and operational management modalities, funding, personnel management and relations with local communities.

3.2.1.1 Contractual basis

The contractual basis for all PPPs is a **contractual agreement** (CAgmt) between a public authority and the private partner – see Table 1. This agreement is the result of a negotiation between the two parties and covers different terminologies: *Partnership Agreement*, *Management Contract*, *Management Delegation Contract*, *Co-management Agreement* or *Memorandum of Understanding defining the terms of co-management*. Regardless of the denomination used, the format of these contractual documents is relatively similar and deals with the following main points:

- **Purpose of the agreement:** all CAgmts begin with a section that specifies the purpose of the agreement. It is generally defined as “to entrust” or “to delegate” the management of the PA to a third party and to specify the roles and responsibilities of each of the parties. The Pendjari NP CAgmt refers to “a *management mandate [...] given to APN*” while the purpose of the Odzala-Kokoua NP CAgmt is to establish a “*PPP between the Government of Congo and APN in order to promote the management and sustainable financing of the OKNP through a foundation created for this purpose*”. A similar formulation is used for the Nouabalé Ndoki NP in Congo. These are the only two cases where the CAgmt aims to create a specific legal entity to which the management of the park will be delegated⁸. For the Salonga NP, the CAgmt mentions that its purpose is to define the relationship between the contracting parties regarding the establishment of co-management, governance and park financing mechanisms. In the case of the Chinko CA, in addition to the management of the territory in question for conservation purposes, the CAgmt stipulates that the private partner also has a mandate to ensure “*peace-building and multi-sectoral coordination*”.
- **Geographical area of application:** the area of application of a CAgmt always concerns an existing protected area intended for the conservation of biodiversity (IUCN category I to IV), but may, in some cases, integrate the PA’s periphery, which often consists of areas classified

⁶ Bamingui-Bangoran NP, Manovo-Gounda-St Floris NP and associated PAs

⁷ These two parks and the adjacent PAs are managed by one single PPP

⁸ The first CAgmt established for the Zakouma NP in 2010 also provided for the establishment of a dedicated foundation, the amendment signed in 2017, however, no longer refers to this entity – see Chapter 5.

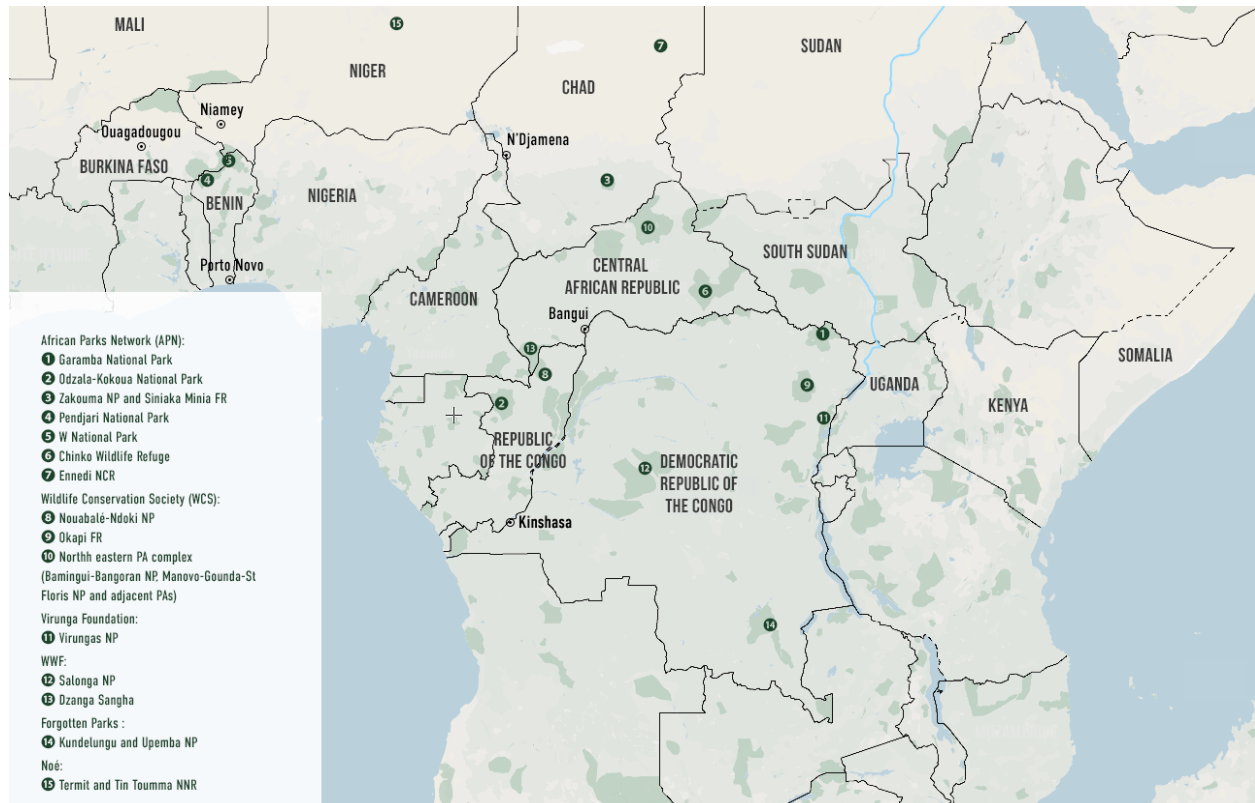


Figure 2. The 15 formalised PPPs in French-speaking Africa

for purposes of sustainable management of natural resources (e.g. hunting areas in Garamba and Pendjari). It is interesting to note that, in two cases, the creation of a PA is one of the objects of the CAgmt: thus, one of the objectives of the Ennedi CAgmt is “to support the creation of the Ennedi Nature and Cultural Reserve”⁹. Similarly, the Chinko CAgmt, which covers 11 hunting areas, predicts that some of these areas will have to be classified, after studies and consultations, as a national park within three years. The Zakouma CAgmt states that one of the two WR covered by the CAgmt will have to have its status changed to a NP.

- **Duration of the agreement:** the validity period of the CAgmt varies from a minimum of 3 years (Salonga NP)¹⁰ to a maximum of 25 years (Chinko, Odzala-Kokoua, Virunga). The renewal of the agreement is usually linked to the result of an independent evaluation conducted mid-term or at the expiration of the agreement.
- **Governance and management structures:** partnership agreements establish governance and management entities for the territories

concerned. They define the mandate of these entities, their functioning as well as their composition (see next section for a detailed analysis).

- **Funding and commercial activities:** partnership agreements always delegate fundraising as well as the management of the acquired funding to the private partner. They also delegate the organisation of commercial activities, especially tourism. The revenue generated by this type of activity is generally reinvested in the management of the park, but in some cases a part may go back to the central administration (see next section for a detailed analysis).
- **Commitments of both parties:** all CAgmts have a chapter dedicated to the parties' commitments or obligations. These commitments are of various kinds and sometimes somewhat redundant with the provisions mentioned in the other articles of the CAgmt. With regard to the private partner, the commitments often relate to the management and working conditions of the staff, communication relations with the parent institution and issues of financing and

⁹ The Fada-Archai Wildlife Reserve was established in 1967 in the Ennedi region but has never been actively managed. The Ennedi NCR created on 6 February 2019 (15 months after the signing of the CAgmt) encompasses the perimeter of the WR Fada-Archai.

¹⁰ This is a so-called provisional agreement

commercial agreements. The public partner, for his part, undertakes a variety of provisions to facilitate the work of the private partner.

- **Reasons for termination:** the reasons for termination of CAgmt are, in general, a “serious” breach of the obligations of either one of the parties. The inability of the private partner to raise the necessary funds for the management of a PA is considered a reason for termination in eight CAgmts out of the 12 examined (Garamba NP, Odzala-Kokoua NP, Zakouma NP, Nouabal Ndoki NP, Pendjari NP, Chinko CA, Ennedi NCR, DSPA).

3.2.1.2 Governance and operational management

Almost all the contractual agreements signed to date provide for the establishment of three types of governance and management bodies of the PA concerned: *a governance body, an advisory body and a body in charge of the operational management* of the PA.

The *governance body* (referred to as *Board of Directors, Management Board, Management Committee*) has a mandate to guide and steer the management of the PA. In this capacity, it reviews and validates the framework documents developed by the operational management body: management plan, business plan, annual operational plan, annual budget and other sectoral strategic documents (e.g. Tourism Development Plan). Of the 12 CAgmts examined, the composition of the governance body is one-sided in one case (only the private partner, Pendjari), two-sided (State and private partner) in six cases, and multilateral in four cases¹¹. The chairmanship of this entity falls to the public partner in eight PAs and to the private partner in three PAs (Garamba, Pendjari, Chinko). The majority of the members (including the chair) belong to the private partner in nine PAs and there is equal representation in two cases (Salonga and Virunga). Representatives of local communities are present in four governance bodies (Odzala-Kokoua, Nouabalé-Ndoki, Pendjari and Termit).

The Pendjari NP is unique in that all members of the *management board* are appointed by the private partner (including representatives of local communities). The Odzala_Kokoua and Nouabalé-

Ndoki NPs are also special cases: the State is not responsible for the parks, but dedicated foundations under Congolese law are, to which the State has delegated its prerogatives. The board of the two foundations is identical: it is composed of nine members including two representatives from the government and three from the private partner, and also representatives of local civil society organisations (two), RAPAC (one) and an international NGO¹².

The **advisory body** provided by the CAgmts generally represents a platform for dialogue between the entity in charge of the PA's operational management and the various stakeholders involved or concerned by the PA. The mandate of this platform is therefore to advise and support operational management. Its composition varies and can be quite high (25 members in the Termit NNR *Management Advisory Committee*). Local communities and/or traditional authorities are always represented in these consultative bodies. In the case of DRC, the advisory body (CoCoSi) of each of the parks existed prior to the signing of the CAgmt; this is also the case for the Termit NNR in Niger and for the DSPA.

The Pendjari NP is a special case having a governance body composed entirely of private partner representatives and a *Monitoring Committee* composed exclusively of State representatives. All park framework documents (business plans, annual budgets, etc.) developed by the park team are first validated by the governance body and then presented by the latter to the Monitoring Committee for final validation. This committee also performs an evaluation function of the actions carried out by the private partner for the management of the park.

The **operational management** of the PAs is entrusted to a specific body (*Management Team, Management Unit*), the direction of which is **always** ensured by a representative of the private partner. He is generally assisted by a deputy representing the government (two exceptions: Pendjari and the Kundelungu-Upemba Complex). This entity comprises, under the management, all the operational departments necessary for the management of the PA and whose name and number vary according to the sites: law enforcement, research and monitoring, community development, etc. The director and his team implement the operational management of the PA

¹¹ Total less than 12 as there is no governance body for the PPP of the Upemba-Kundelungu Complex

¹² In this case, the NGO Leadership for Conservation in Africa, an NGO that facilitated the establishment of the PPP in Odzala.

according to the framework documents validated by the governance body. They engage with stakeholders through the advisory body.

The analysis of the governance arrangements and management provided by the CAgmts therefore shows that **all PPPs currently in progress are of the “shared governance – delegated management” type (type 3 in figure 2). However, this level of delegation is more or less pronounced depending on whether the CAgmt mentions that the public partner remains responsible for law enforcement operations (see Box 3).**

3.2.1.3 Personnel Management

Since PAs are, in the majority of cases, pre-existing to the establishment of the PPP, the partner finds staff already in place upon his arrival, which can be differentiated in two different types of status: State agent (civil servant or contractor) or project contractor. Usually State agents keep their status while the private partner contracts his own staff. Some CAgmts stipulate that preference should be given, in this regard, to local populations (Odzala-Kokoua, Nouabalé-Ndoki, Zakouma, Ennedi, DSPA, Termit). **There is, therefore, a plurality of status, but all staff are under the authority of the park director (including sworn officers), who is always a representative of the private partner.**

Most CAgmts mention that PA staff must receive technical training.

Some CAgmts make explicit reference to the distribution of executive positions (head of department) between the public authority and the private partner. Salonga NP's CAgmt is the most detailed in this regard, since it specifies the distribution of the six heads of department between the two partners (3 for ICCN and 3 for WWF). More generally in DRC, staff movements (recruitment, transfer, suspension, dismissal) must be validated by the public authority (ICCN). In other countries, the central administration must be informed of movements without, however, its formal consent being required.

3.2.1.4 Environmental policing mission

Environmental policing and in particular the fight against poaching are, by definition, a sovereign activity. The PA officers in charge of this mission

represent a separate category of personnel, since they must be authorised to carry weapons and some of them must have Judicial Police Officer (JPO) status in order to proceed with arrests and write reports.

Six of the 12 CAgmts examined mention that the head of anti-poaching at PA level must be a State agent (4 parks in DRC, Pendjari, Termit). These teams are composed of civil servants, made available to the private partner and can be assisted by contractors.

3.2.1.5 Financing

All existing CAgmts have a chapter dedicated to the issue of PA financial management. After listing the various possible sources of funding, **the agreements delegate to the private partner full responsibility for the financial management of the PA on the basis of an annual budget and a business plan, both validated by the governance body, as well as the fundraising responsibility necessary for the development of the PA. The PA's lack of financial security is considered a reason for termination in eight of the 12 CAgmts examined.**

While all CAgmts list State grants as a funding source, only the Pendjari NP CAgmt specifies an amount: the State commits to contribute at least USD 1 million per year to the park's funding. 5% of this grant is allocated to the APN as a contribution to operating costs.

It should be noted that the provisions mentioned in the CAgmts may provide for financing of PA parent institutions: thus in the DRC, the CAgmts of Garamba NP and Virunga NP mention that the private partner commits to *“pay annually to the ICCN an amount fixed by mutual agreement as institutional support to its General Directorate”*¹³.

3.2.1.6 Ecotourism and other commercial activities

CAgmts always mention the development of ecotourism as a key PA management element and the partner is encouraged to expand this activity further. For this purpose, it is generally authorised, on an exclusive basis, to enter into contracts with tour operators. The latter can benefit from territorial concessions (on the model of what is in force in some large parks in Southern Africa). The Virunga NP presents a particular situation: the commercial

¹³ This provision is in principle also applicable to the Salonga NP but the private partner in question, WWF-DRC, finances the parent institution, ICCN, through another project.

activities developed in the park are exclusively managed by a commercial company, *Virunga SARL*, a specific entity of the private partner. The fact that the Virunga NP has been developing the production and sale of hydroelectricity to individuals and the private sector for several years explains this situation.

Some CAgmts expect that a portion of the commercial revenue will go directly to the State (40% or 50% to the ICCN in the four parks in the DRC), be it through specific taxes and fees (Zakouma, Odzala, Ennedi). It is generally specified that any financial surplus released at the end of the budget year must be reinvested for the benefit of the park and its periphery (including local communities). The Virunga SARL profits, after payment of possible dividends to private shareholders and coverage of investment and operating costs, are allotted 50% to the parent institution (ICCN) and 50% to local communities.

In the Chinko CA (consisting of hunting areas), the private partner (through the PA's General Directorate) is allowed to lease areas and collect rental taxes¹⁴. The CAgmt specifies that a regulatory text will set the key for the distribution of revenues generated by this activity as well as all other self-financing activities.

3.2.1.7 Relationships with local communities

Relationships with local communities are addressed in the CAgmts through three streams:

- i. **Representation in PA management bodies:** local populations are represented in four governance bodies (Odzala-Kokoua, Nouabalé-Ndoki, Pendjari and Termit) and in all advisory bodies.
- ii. **Support for community development projects:** the Odzala-Kokoua and Nouabalé-Ndoki NP, as well as the DSPA CAgmts mention that local communities shall benefit from income-generating activities and social infrastructure. The Virunga NP CAgmt specifies that 50% of Virunga SARL's profit and 30% of the tourist revenues and other commercial activities must finance local development activities. The Upemba-Kundelungu Complex CAgmt sets this rate at 10%. Similarly, the Pendjari NP, Chinko CA, Zakouma NP and the Ennedi NCR stipulate that the annual net financial surplus, after provision for investment, will be reinvested for the development of local communities.

- iii. **PA staff recruitment:** some CAgmts (Zakouma, Ennedi, Odzala-Kokoua, Nouabalé-Ndoki, DSPA, Termit) stipulate that preference shall be given to local communities during the staff recruitment process.

3.3 Summary

All CAgmts examined in this study (12 out of 15 in force in the region studied) have a fairly similar structure and a fairly similar setup of mechanisms and operating rules. Thus, we note in particular:

- the **establishment of a governance entity in which both the public and private partners are represented**. This entity is usually bilateral and sometimes multilateral. The Pendjari NP is an exception insofar as it is unilateral: all members of the *Management Board* are appointed by the private partner (including representatives from local communities);
- the **delegation of the PA's operational management to a management entity is always led by a representative of the private partner, the latter being usually assisted by a representative of the public partner** (two exceptions: Pendjari and Upemba-Kundelungu Complex);
- the **establishment of an advisory body** whose size and composition vary widely (and is sometimes not defined in the CAgmts). This entity provides a platform for dialogue with stakeholders. It can be pre-existing to the CAgmt (CoCoSi in DRC, DSPA, Termit). The Pendjari NP's *Monitoring Committee* has a mandate that goes far beyond mere consultation since it is also responsible "*for the performance evaluation of the APN and its achievements in the execution of the contract*";
- the **park's staff is composed of government officials and private partner contractors. All staff, regardless of their status, are placed under the PA director's hierarchical authority, the representative of the private partner**. Staff movements may be subject to formal opinion or agreement of the public partner. The latter may in some cases require that posts that are part of a sovereign activity (environmental police) be assigned by right to a civil servant;

¹⁴ Logging fees are distributed according to current legislation without the CAgmt making any specific amendments to the previous provisions.

Box 3 Delegated management or co-management? Subtle differences...

In the area of PPPs for protected areas, the terminologies “*delegated management*” and “*co-management*” come up very frequently. These are supposed to distinguish the degree of sharing of authority and management responsibility between the two partners, with the “*delegated management*” model transferring the bulk of authority to the private partner. In practice, the distinction between these two models is actually tricky. Baghai et al. (2018) believe that in the *delegated management model*, the governance structure is characterised by a majority of members belonging to the private partner. The latter also appoints the senior executives of the operational management entity and holds full responsibility for the operational management of the PA. In the *co-management* model, the sharing of authority is more balanced, and the State retains its sovereign missions: anti-poaching operations are headed by the public authority which has the power to hire and fire its agents while the partner can do the same with his own contractual staff.

Based on these two definitions, Baghai et al. consider that Virunga, Salonga and DSPA are co-managed while Garamba, Chinko, Zakouma, Nouabalé-Ndoki and Odzala-Kokoua represent delegated management. When looking at the partnership agreements in detail, this categorisation is not obvious. While it is true that in Salonga and Virunga, anti-poaching officials are appointed by the public

authority (ICCN), this is also the case in Garamba and Pendjari, but not in DSPA. At the level of the composition of governance entities, the criterion of a majority of private partner representatives for delegated management is generally verified (even if this is also the case for DSPA, which is actually categorised as co-management).

Overall, in the co-management model, the public partner is more present and the operational management key positions under the sovereign domain, in particular police operations (anti-poaching), fall to him by right. Between co-management and management delegation, there is in fact a gradient in the transfer of responsibility from the public to the private partner, which can take several forms. As a result, it is not always easy to assign a particular model to a PA (as acknowledged by Baghai et al.).

The co-management versus management delegation debate is not only semantic: in countries where public opinion is very sensitive to the transfer, even under conditions, of the public domain to the private sector, governments will always prefer to display a co-management agreement even if, in practice, all PA operational management operations are delegated to the private partner.

- as part of a strategy for finance securing, the private partner is encouraged to develop commercial activities and to fundraise. Failure at this level can lead to the termination of the agreement. The public partner can finance part of the PA's expenditures through grants to the private partner (only the Pendjari NP CAgmt specifies the amount). The latter may have to pay a general fee to the public partner (two parks in DRC) and to pay taxes relating to its tourism activity.

Table 1: Governance and management structures of 12 PPP-managed protected areas in Central and West Africa

PA	Entity in charge of the PA	Main governance body ^(a)	Advisory body	Operational management body	Contractual basis of the PPP
Private partner: African Park Network (APN)					
Garamba National Park and 3 adjacent hunting areas (DR Congo)	State <i>(Future Garamba Management Foundation)</i>	Board of Directors of the Park consisting of 7 members (4 appointed by APN and 3 by ICCN). Chairmanship by APN	Site Coordination Committee (CoCoSi) including delegates from local communities	Site management headed by a site manager appointed by APN and a deputy site manager appointed by ICCN	<i>Garamba National Park management contract between the Congolese Institute for Nature Conservation and APN, signed on 20 January 2016 for a period of 10 years (first contract signed on 23 September 2005)</i>
Zakouma National Park and Siniaka Minia and Bahr Salamat Wildlife Reserves (Chad)	State	Board of Directors of the ZNP and adjacent PAs consisting of 7 members (4 appointed by APN and 3 by the State). Chairmanship by the State	Governance Council of the ZNP and adjacent PAs composed of 15 members, including 3 representatives of traditional chiefdoms	Management of the ZNP and adjacent PAs headed by a director appointed by APN and a deputy director appointed by the administration	<i>Partnership agreement between the Government of the Republic of Chad and APN for the management and financing of the Zakouma National Park and its large functional ecosystem, signed on 18 October 2017 for a period of 10 years (first agreement signed on 19 June 2010)</i>
Odzala-Kokoua National Park (Congo)	Odzala-Kokoua Foundation	Board of Directors of the Foundation composed of 9 members, including 2 appointed by the State, 3 by APN, 2 from local CSOs, 1 RAPAC and 1 LCA. Chairmanship by the State	General Meeting of Foundation members	Park Management Unit (PMU) led by a director appointed by APN and an assistant director appointed by the administration	<i>Partnership Agreement for the management and financing of Odzala-Kokoua National Park of 14 November 2010 for a period of 25 years</i>
Pendjari National Park and 3 adjacent hunting areas (Benin)	State	Park Management Board composed of 7 members, all appointed by APN (including representatives of local communities)	Monitoring Committee composed of 7 members, all appointed by the State (including two members of local communities)	Management Unit headed by a Project Manager appointed by APN	<i>Management, financing and development delegation contract of the Pendjari Complex between the National Agency for the Promotion of Heritage and the Development of Tourism and APN signed on 24 May 2017 for a period of 10 years</i>
Ennedi Nature and Cultural Reserve (Chad)	State	ENCR Board of Directors composed of 9 members (5 appointed by APN and 4 by the State). Chairmanship by the State	Governance Council composed of numerous members, including representatives of traditional authorities	Management headed by a director appointed by APN and a deputy director appointed by the administration	<i>Partnership agreement between the Government of the Republic of Chad and APN to support the creation and then the management and financing of the Ennedi Natural and Cultural Reserve signed on 21 November 2017 for a period of 15 years</i>

PA	Entity in charge of the PA	Main governance body ^(a)	Advisory body	Operational management body	Contractual basis of the PPP
Chinko Conservation Area (CAR)	State	Board of Directors of the Conservation Area composed of 7 members (4 appointed by APN and 3 by the State). Chairmanship by APN	Consultation Committee composed of more than 20 members, including 3 representatives of traditional authorities and 2 representatives of young people and women	General Directorate headed by a director general appointed by APN and a deputy director general appointed by the administration	<i>Partnership agreement between the Government of the Central African Republic and APN for the management and financing of the Upper Chinko Conservation Area signed on 15 April 2020 for a period of 25 years</i>
Private partner: Wildlife Conservation Society (WCS)					
Nouabalé-Ndoki National Park	Nouabalé-Ndoki Foundation	Board of Directors of the Foundation composed of 9 members, including 2 appointed by the State, 3 by WCS, 2 from local CSOs, 1 RAPAC and 1 LCA. Chairmanship by the State	General Meeting of Foundation members	Park Management Unit (PMU) headed by a director appointed by WCS	<i>Partnership Agreement for the management and financing of the Odzala-Kokoua National Park of 2 May 2013 for a period of 25 years</i>
Private partner: Virunga Foundation (VF)					
Virunga National Park (DR Congo)	State	Board of Directors of the Park composed of 8 members (4 appointed by ICCN and 4 by VF). Chairmanship by ICCN	Site Coordination Committee (CoCoSi) representing stakeholders, including provincial authorities and local communities	Management Committee headed by the director appointed by VF and the deputy director appointed by ICCN	<i>Virunga National Park management contract between the Congolese Institute for Nature Conservation and the Virunga Foundation signed on 13 April 2015 for a period of 25 years. (first contract signed on 24 November 2005)</i>
Private partner: World Wide Fund for Nature (WWF)					
Salonga National Park (DR Congo)	State	SNP Steering Committee composed of three ICCN representatives, three WWF representatives, one representative from each donor and one representative from each ICCN contractual partner. Chairmanship by ICCN	Site Coordination Committee (CoCoSi)	Park Management Unit (PMU) led by a WWF-appointed head of site and an ICCN-appointed deputy head of site	<i>Specific Memorandum of Understanding defining the modalities of co-management of the Salonga National Park between ICCN and WWF signed on 27 August 2015 for a period of 3 years (pending renewal)</i>

PA	Entity in charge of the PA	Main governance body ^(a)	Advisory body	Operational management body	Contractual basis of the PPP
Dzanga Sangha Protected Areas (Dzanga Ndoki NP and Dzanga Sangha SR) (CAR)	State	Monitoring Committee composed of 7 members (3 appointed by the State, 4 appointed by WWF). Chairmanship by the State	DSPA Exchange and Reflection Committee^(b)	DSPA Management Unit headed by a director appointed by WWF and a deputy director appointed by the administration	<i>Co-management agreement for the governance and financing of the Dzanga-Sangha protected areas between the Government of the Central African Republic, represented by the MEFCP, and the World Wide Fund for Nature signed on 4 February 2019 for a period of 5 years</i>
Private partner: Forgotten Parks Foundation (FPF)					
Upemba-Kundelungu Complex (Upemba NP, Kundelungu NP, Tshangelele BR and Lubudi-Sampwe HG)	State	/	Site Coordination Committee (CoCoSi)	Management Committee headed by a site manager appointed by FPF	<i>Upemba-Kundelungu Complex (CUK) management contract between ICCN and Forgotten Parks Foundation signed on 7 July 2017 for a period of 15 years</i>
Private partner: Noé					
Termit and Tin-Toumma National Nature Reserve	State	Board of Directors composed of 7 members (4 appointed by Noé and 3 by the State, including a representative of the communities) Chairmanship by the State	Management Advisory Committee composed of 25 members (11 from local authorities and decentralised services, 12 from CSOs and 2 from the private sector)	Management Unit headed by a director appointed by Noé and a deputy director appointed by the administration	<i>Partnership agreement between the State of Niger and the NGO "Noé" for management delegation of the Termit and Tin-Toumma National Nature Reserve signed on 5 November 2018 for a period of 20 years</i>

(a) the chair is counted in the members' tally

(b) this entity is not mentioned in the Contractual Agreement. It is pre-existing at the signing of the agreement.

4. CONTRIBUTION OF PPPs TO THE MANAGEMENT OF PROTECTED AREAS

The first PPPs in Central Africa were established in 2005 and 2010. We therefore have today about ten years of hindsight on the functioning of this model, especially since three of them have been the subject of formal independent evaluation (Garamba, Odzala-Kokoua, Zakouma). How can this model be assessed so far?

4.1 Financing

One of the major contributions expected from PPPs is the provision of funding over time, which makes it possible to fill a lack of total funding or a funding gap between various projects. Has this model kept its promises? Detailed data on the financing of PPP managed PAs is scarce with the exception of those for which the partnership agreement has been formally evaluated. Thus, in the Odzala-Kokoua and Zakouma NPs the observation is quite similar: the private partner depends mainly on the funding by the historical donor of these two PAs, the European Union. Over the period 2011-2015, the latter financed 69% of the private partner's intervention budget in Odzala-Kokoua and 76% in Zakouma. Nevertheless, the private partner made a significant additional contribution (31% and 23%) from its own donor network. A detailed analysis shows in fact that the contribution of private donors has increased over time: in 2015, it reached 48% in Odzala and 42% in Zakouma, which **testifies to the increasing importance in the private partner's fundraising activity**. Overall, the cumulative budget of the 20 parks managed in 2018 by APN amounted to USD 50.4 million, of which 32% came from bilateral or multilateral ODA, 25% from individual donors and 23% from foundations¹⁵. APN's (*Stichting African Parks Foundation*) endowment revenues covered 3% of the overall budget.

In the case of the Nouabalé-Ndoki NP in Congo, the historic technical partner WCS has always financed most of the park's activities in the form of project funding. The transition to PPP in 2013 and the subsequent creation of the *Nouabalé-Ndoki Foundation* did not change WCS' role in acquiring and managing park funding. However, WCS' increased role as a field operations manager allowed to build

trust among some donors, resulting in the securing of new funding (e.g. a USD 1.4 million donation from the *Wildcat Foundation* in 2015). Similarly, with the DSPA in CAR and the Salonga NP in the DRC, the transition to PPP made it possible to secure EU funding.

In the Virunga NP, while institutional funding (primarily the EU) remains dominant, the number of donors has increased over the past 10 years and funding from large private foundations has been acquired (e.g. *Howard Buffett Foundation*).

4.3 Governance

The establishment of a formal governance structure within PPPs is a significant step forward in terms of PA governance, particularly in view to situations previously prevailing. Indeed, all PAs involved in and pre-existing to PPPs in French-speaking Africa were initially constituted State services headed by a park warden. The latter was empowered to take any decision covered by his mandate without reporting to a particular structure. Henceforth, the establishment of a governance structure, usually bi or multilateral, results in a separation of strategic decision-making functions from operational implementation functions. The State and its private partner discuss key issues and once the positions are established, the partner implements the decisions made. Four of the 12 governance structures examined are multilateral (Odzala-Kokoua, Nouabalé Ndoki, Salonga, Termit): they include different stakeholders, including local populations, which constitutes a major innovation.

The creation of advisory structures, in parallel with the *sensu-stricto* governance structure, is also an important step forward in some sites. In some PAs, this type of structure pre-existed before the establishment of the PPP (CoCoSi in the DRC, DSPA) but in others, this is a new tool. In fact, in most PAs, there have always been discussions and exchanges between PA managers and local stakeholders (communities, elected officials, entrepreneurs, etc.) via ad hoc structures. The formalisation of the dialogue through a formal entity set up by the CAgmt obliges the manager to consider requests by stakeholders and to justify his choices.

An indirect effect of the existence of governance and consultative structures that include community representatives is that it brings these communities to

¹⁵ The balance coming from conservation NGOs (8%), lottery (5%), national governments (3%) and businesses (1%)



Pendjari National Park in North Western Benin. Photo: Geoffroy Mauvais

organise themselves and to appoint representatives, which consequently advances a form of local democracy (provided that a certain number of conditions are met, including a certain ethnic homogeneity and a calm security situation). For instance, in the Odzala-Kokoua NP, the two representatives of the local communities sitting in the Foundation's Board of Directors are elected by vote at the general assemblies of the 71 village associations present in the villages bordering the park.

4.3 Anti-Poaching

The poaching crisis of the emblematic species of large wildlife (elephants, rhinos, gorillas), which has affected Central Africa's parks and the considerable difficulties in containing this crisis with the classic support model (project TA) is one of the major elements that triggered the development of PPPs in this region. States, supported - sometimes strongly encouraged - by donors, sought private partners with proven expertise in anti-poaching in a context

of militarisation of this activity. In this context, it is not surprising that APN was one of the first private partners sought: originally from South Africa, APN was able to deploy in Central Africa techniques and methods tested in Southern Africa where considerable resources had been put at the service of the protection of large wildlife. From the early years of PPP operations, **considerable investment in equipment, logistics, training and organisation of field teams was implemented, with sometimes good results:** for example, in the Zakouma NP, which lost 85% of its elephant population between 2005 and 2011 (from 3,085 to 454 individuals), only 24 elephants were poached between 2010 and 2018 and the population is gradually increasing (559 elephants in 2018¹⁶). In Virunga NP, the elephant population is slowly recovering. In 2020, an aerial count established the presence of 720 individuals, a significant increase compared to the 350 elephants counted in 2010 (this increase is partly due to the arrival of elephants from the adjacent Queen Elizabeth National Park in Uganda, where cases of

¹⁶ The low growth of the elephant population in Zakouma in 2011 and 2018 is explained by the near cessation of elephant reproduction during the years of slaughter 2008-2010. Thus in 2011, only one elephant under the age of 5 was counted; there were 127 in 2018.

major poaching have increased). However, in other cases, the situation remains difficult to control despite the means invested: in Odzala, the elephant population, which had already declined from 13,545 individuals to 9,292 between 2005 and 2012, fell by 30% in 2016 (about 6,500 individuals). In Garamba NP, in a context of militarised poaching (which led to the death of 23 rangers between 2006 and 2017), the setup of the PPP in 2005 did not stop the decline of elephants (3,457 individuals in 2007; 1,200 in 2018). Beyond the fluctuations in wildlife populations, the number of sanctions is also a good indicator of the anti-poaching performance: at the Odzala-Kokoua NP, the follow-up of poaching files transmitted to the judicial authorities resulted in 25 formal convictions in 2018, which is a remarkable result that highlights the work of the close collaboration carried out with the local judicial authorities, who historically have not been sensitive to environmental offenses.

4.4 Management of surveillance personnel

Rangers play a major role in the protection of PAs and especially of large wildlife. In recent years, the increased militarisation of large-scale poaching, on the one hand, and the massive increase in the market value of certain animal products (ivory, rhino horn), on the other, have placed this institution under tremendous pressure. In many PAs, cases of collusion between rangers and poachers have been reported, which can undermine efforts to protect at-risk species (Hauenstein et al., 2019; UNDOC, 2019). Proper management of this militarised institution is therefore crucial. At this level PPPs appear to have improved the situation due to the strong attention paid to the selection of staff and to its training. In addition, leadership is stronger and command lines are simplified, as local decisions do not require the approval of a central administration to be implemented. Higher remuneration of surveillance staff and improved living conditions increase the level of motivation and also limit the risk of collusion. However, zero risk at this level does not exist. The fact that private partners involved in PPPs regularly resign from their functions as rangers testifies to the persistence of the problem, but also to the seriousness given to the management of this issue, including in its “disciplinary sanction” dimension.

4.5 Tourism development

Most of the PAs currently managed in PPPs have historically developed tourist activities, some with considerable success. Thus, the Pendjari NP remained until very recently the first most visited park in French-speaking Africa (approximately 5 to 6,000 annual visitors) while the Virunga NP has always welcomed (when security conditions permitted) many tourists attracted by the observation of mountain gorillas. Tourist products on lowland gorillas have also been developed in Odzala-Kokoua and especially in the DSPA. One of the major problems of ecotourism in Central and West Africa has been the weak connection to the international market, with the majority of PA visitors being either nationals or foreign residents¹⁷. Various factors explain this observation: lack of professionalisation of the sector, weak public infrastructure leading to major logistical constraints and high costs, poor image of the countries (insecurity), inadequate regulation, etc. Here, the arrival of private partners, such as APN, with its strong experience in tourism in Southern Africa, has made it possible to develop methods of valuing tourism from the English-speaking area (for example tourist concessions) and to connect PAs with the major tour operators in this area. Thus, in the Odzala-Kokoua NP the *Congo Conservation Company*, a Congolese company holding tourist concessions in the park, has partnered (until 2015) with *The Wilderness Safari*, a South African company. In 2019, 1,623 nights (216 international visitors) were sold in Odzala, the highest figure so far. In Zakouma, the diversification of the tourist products offered allowed to receive 753 tourists in 2018, an increase of more than 40% compared to the average of 529 annual tourists over the period 2000-2005. Zakouma is listed in several of the European tour operators' catalogues. The restoration of tourist infrastructure and the securing of the gorilla area made it possible to welcome some 2,500 tourists to the Virunga NP in 2019. At the DSPA, a rare site in west Central Africa where lowland gorillas can be observed easily, the private partner's management of the public lodge welcoming visitors (about 1,000 to 1,500 tourists per year) has helped to clean up the financial situation and to generate a significant turnover.

With regard to tourism, it should be noted that visits figures, even if significantly increasing, remain low overall and out of proportion with the tourist visits

17 Not valid for the Virunga NP and the DSPA where non-resident foreign visitors have always been the majority

figures of parks in East and Southern Africa¹⁸. From a financial point of view, even parks with exceptional products (such as the gorillas of Odzala and the DSPA) do not manage to concentrate a significant tourist volume and, in any case, to generate profits. To cover investment and operating expenses is already a goal in itself that is rarely achieved. In other words, it is illusory, contrary to the widespread message, to consider ecotourism in this region a significant source of funding for conservation and local development. These will always depend on subsidies, whether public or private. Nevertheless, as a provider of local jobs and by injecting significant cash into the local economy (which often is very fragile), tourism remains an important economic activity to be valued¹⁹. And of course, ecotourism plays an important role in raising awareness about nature conservation.

4.6 Support to local communities

Almost all protected areas benefiting from technical assistance projects have developed support mechanisms for surrounding local communities. This has most often resulted in the construction of health and social infrastructures (schools, health centres, etc.), as well as communication infrastructures (tracks, bridges), the development of health programmes and the support for the creation of income-generating activities. In some sites, support projects have also addressed the complex issue of human-wildlife conflicts.

In this regard, PPPs have provided some form of continuity with project activities. However, the long-term intervention has made it possible to build lasting relationships with communities and, above all, to engage in long-term activities. Mechanisms for the funding of micro-projects in order to support communities have been developed in connection with tourist activities. For example, in the Odzala-Kokoua NP, a 5% tax on tourism revenues feeds into a community fund (with EUR 80,000 in 2016), which consequently finances micro-projects (mainly agricultural) in outlying villages (this tax generated USD 34,040 in 2018). Also in this park, long-term work has made it possible to set up a compensation mechanism for damages caused by wildlife to agricultural plantations (about USD 19,000 was paid in 2018).

Let us recall here that another innovative element of PPPs in terms of relations with local communities is the participation of their representatives in the governing bodies of certain PAs and in all consultative bodies (see section 3.3.2).

4.7 Summary

From a comparison perspective with the project approach enjoyed by the majority of PAs today managed in the form of PPPs, it appears that the main strengths provided by this model are:

- the establishment of **formal governance and consultation structures** in which stakeholders, especially local communities, are represented (these consultative structures may, nevertheless, pre-exist the PPP in some cases);
- the **diversification of funding sources**, including non-institutional donors, allows, on the one hand, to avoid funding disruptions linked to a single donor, and on the other hand, to have a **bigger flexibility in terms of financial commitments**;
- a **clarification of decision-making and management lines** in the day-to-day management allows an efficient operationalisation and the effective and rapid implementation of field activities;
- the deployment of proven **techniques and methods in terms of anti-poaching**, in the field, to cope with an increased militarisation of poaching has, however, variable results depending on the sites in terms of increase in numbers of large wildlife;
- **increased professionalisation of tourism** allowing an increase in visits and the targeting of the high-end segment.

5. DEDICATED FOUNDATIONS: TOWARDS A NEW FORM OF PPP?

The collaboration agreements that underlie PPPs can under certain conditions be terminated by either party. They are, therefore, relatively fragile. In order to consolidate partnerships, some governments

¹⁸ or even parks in Ghana in West Africa: 113,000 tourists in 2017 at the Kakum NP and 17,800 tourists in 2015 at the Mole NP.

¹⁹ In Rwanda, tourism revenues in the Akagera NP (managed in PPP by APN) cover 80% of the park's operating expenses.



*W National Park is a transboundary protected area covering three countries: Benin, Burkina Faso, and Niger.
Photo: Geoffroy Mauvais*

have preferred to institutionalise these agreements by delegating the PA management not directly to the private partner, but to intermediate legal structures in the form of Foundations. This is essentially the case in Congo where the two PPP PAs, the Odzala-Kokoua and Nouabalé-Ndoki National Parks, are managed by dedicated national Foundations. Chad also established the *Zakouma Foundation Association* in 2014. Other governments seem to want to embark on this same path, notably in the DRC (Garamba, Salonga).

The three Foundations currently created for PPPs are organised in a similar way. They are made up of three entities: (i) the General Assembly of members as the steering body, (ii) the Board of Directors as the decision-making body, which brings together the public and private partners as well as other stakeholders (including representatives of CSOs), (iii) the executive body, in this case the Park Management Unit, headed by the park director, the private partner representative. All park officers are contractors

of the Foundation while the park manager (Park Management Unit manager) is a private partner contractor.

The mandate of these Foundations is twofold: to ensure the operational management of the park on the one hand, and to secure the necessary funding for its management on the other. As such, these Foundations deviate quite strongly from the “classic” conception of Foundations: in fact, Foundations, as non-profit associative structures, traditionally have the primary mission of collecting funds (from various sources), possibly to make them grow through different mechanisms and then to redistribute them to beneficiaries. These are so-called *Trust Foundations*. According to international standards, a Foundation cannot simultaneously be a decision-making tool, a management tool and a funding tool.

In French-speaking Africa there is generally no legislation relating to Trust Foundations. Existing Foundations are usually foreign law entities with an

authorisation to operate in the national territory and recognised as a foreign entity with tax exemption and public utility status.

The three PPP Foundations currently created are in fact entities that fall under the regime of non-profit associations – and not of Trust Foundations (as the name *Zakouma Foundation Association* illustrates well). They face a twofold problem in securing funding: (i) the inability to produce guarantees and collaterals necessary for eligibility for grants from institutional donors (EU type); (ii) the lack of credibility due to their lack of financial management experience. This is why institutional and private funding for the parks managed by these three Foundations is for the benefit of the private partner (APN for Zakouma and Odzala-Kokoua; WCS for Nouabalé-Ndoki) and not for the benefit of the Foundation itself.

All these difficulties have led Chad to give up the *Zakouma Foundation Association*. Although officially established in September 2014 and endowed with revised statutes in 2016, the Foundation no longer appears in the revised and signed CAgmt of 2017 for the management of the Zakouma NP and its adjacent PAs. In this document, APN - and not the Foundation - is recognised as the management delegated entity. As with other CAgmts in force in other countries, a Board of Directors, a Governance Board and a Park Management Board have been established.

Congo has not followed this path and keeps its two Foundations active. These structures, despite the difficulties they may generate and their limitations – particularly on financial aspects - nevertheless have their advantages: (i) they institutionalise PPPs by supporting them with a sustainable structure; (ii) the private partner plays more of a service provider role and can therefore be changed if it does not give satisfaction without the principle of delegation of management being questioned; (iii) the Foundation board of directors include a plurality of actors who are not found in the governance structures of the CAgmts (where only the public and private partners are present - see Table 1) iv) and politically, the management delegation to a national Foundation is more acceptable to the public opinion, sensitive to the issue of the transfer of a public good to a private entity.

6. PPP MODEL REVIEWS

A technical analysis of the strengths, weaknesses, opportunities and threats presented by the PPP model for Protected Areas in French-speaking Africa was conducted in 2013 (D'huart/Agreco, 2013) and has been recently updated (Scholte et al., *in press*). The assessment, drawn up after several years of PPP operation (see Chapter 4), seems largely positive. Yet, the PPP model is not without criticism, including within the conservation community. We examine here three criticisms, which are rather of a political nature, and that may have been made against PPPs: (i) the privatisation of a public good; (ii) a form of neo-colonialism; and (c) the militarisation of conservation.

6.1 Privatisation of the management of a public good

Protected areas and their biodiversity are considered national public goods. These goods can have an international dimension, especially when PAs protect ecosystems that, through their functioning, provide services (including regulation and supply) to human communities spread across several countries. The “World Heritage Site” and “Biosphere Reserve” labels granted by UNESCO, which several PAs in Central and West Africa are endowed with, are a form of recognition of a global public good. Moreover, the political culture of most of the French-speaking African countries (many of which experienced socialist political regimes at the start of independence) places the State at the centre of economic and social actions and leaves, until recently, very little room for civil society and private sector actors. In this context, the management delegation of certain PAs to a non-public entity has sometimes been considered the privatisation of a public good. This is a classic criticism towards any form of PPP, but two specific elements may have reinforced this feeling in the case of PAs: (i) the modalities for implementation of PPPs and (ii) the management of the PPP governance structure.

The setup of PPPs has so far followed two approaches: a direct negotiation between the private partner and a senior political figure (minister or president) with the support of a donor (APN model), or the transformation of a long-standing technical partnership (in the form of a Technical Assistance project) into a PPP (WWF and WCS model).

In some countries, the first approach may have provoked questions and criticism from civil society, since it was done without prior consultation and public debate. These questions were reinforced by the fact that the PPP was for the benefit of a private entity, at the time totally unknown in the countries concerned. Note that the first PPPs were developed in contexts of great urgency and were not suited for public debate. The second approach does not seem to have given rise to such intense debate, certainly because the technical partners had acquired strong legitimacy with regard to stakeholders as a result of their long-standing activity in countries.

Recently, we have seen the emergence of a new form of PPP setup, the call for applications. This is how the NGO Noé was awarded, within the framework of a call for expression of interest, the management in delegation of the Conkouati-Douli National Park (CAGmt in process of delegation). Cameroon, a country without PPPs at the moment, has also expressed its interest in this direction (see Box 4).

The management of a PPP governance structure entrusted to the private partner can greatly increase the feeling of privatisation, since the latter then simultaneously performs the decision-making and operational functions of the PA management. However, this configuration remains a minority (3 cases out of the 12 examined in this study) and it is usually the public partner who chairs the governance entities.

As several PPP evaluations have pointed out (Brugiere, 2016; Lauginie, 2017), the low accountability shown by some private partners towards the public partner during the first years of operation has certainly fuelled the debate on the privatisation of PPPs. This behaviour may have given the impression that the private partner acted as he pleased on “his” territory without any accountability. Aware that exchanges with public partners could not be limited to contractual clauses and formal meetings (meetings of the governance entity), private partners have set up new modes of communication with the public partner and this problem no longer seems to be relevant today.

Sometimes, however, the feeling of privatisation in the political or ruling class, among high-ranking officials of the country concerned or in public opinion

and the media, remains a dominant one or is used politically, whereas in reality and legally the CAGmt does not represent a privatisation of a public good

Overall, it does not seem that PPP management has resulted in a reduction or monetisation of public services provided by PAs. The good results achieved in protecting ecosystems and wildlife contribute to the maintenance of ecosystem services and, much more concretely, the many investments made in local development primarily benefit local populations. Even if the development of tourism generally targets the high-end segment, the visiting conditions remain accessible to nationals. In some PAs (e.g. Zakouma), the manager arranges free field visits for community members and school children living on their outskirts.

6.2 Interventionism of northern NGOs

Almost all of the private partners in ongoing PPPs in Central and West Africa are NGOs from northern countries. This may have fuelled a debate about the resurgence of some form of neo-colonialism²⁰. Although based in South Africa, APN is no exception to this criticism given the country's political history.

In view of this criticism, we can first of all note that civil society and in particular national NGOs working in the fields of the environment are very poorly developed in French-speaking Africa compared to the English-speaking area (although the situation can vary considerably from one country to another within the French-speaking area). Their number is smaller, and their very limited financial base is out of proportion with that available to NGOs in the English-speaking sphere. This observation is partly explained by the political culture of the French-speaking area, which, until recently, conferred on the State the main role in all fields and where civil society was perceived as a potentially destabilising element of public action. Even though this situation has changed in recent years (notably thanks to ODA support programmes for civil society such as CEPF, PPI, SGP)²¹, no national NGO today seems to have the technical expertise and financial basis necessary to manage a large PA.

On this issue, an interesting experiment conducted in Burkina Faso is worth noting, where the national NGO Naturama benefited from a partial management

20 cf for example <https://www.survivalinternational.org/conservation>

21 Critical Ecosystem Partnership Fund, Small Initiative Programme (FFEM) and Small Grant Project (GEF)

Box 4 The Deng Deng National Park in Cameroon: towards a new type of financing of protected areas in PPP

The 682 km² Deng Deng National Park (DDNP), in Cameroon, was created in 2010 as part of the compensation for the construction of the Lom Pangar dam, whose water retention destroyed about 600 km² of rainforest. This park is home to a rich fauna and in particular to the northernmost lowland gorilla population of Cameroon. It received material support, in particular from EDC (public company owner of the dam) and has benefited from technical assistance implemented by WCS (2008-2012) and then BRLi-SFAB (2014-2018) with funding from the French Development Agency (AFD). This park should benefit very soon from an unprecedented financing mechanism in the sub-region: the hydroelectric operators benefiting from the Lom Pangar dam must pay a fee (so-called water rights) to EDC whose legal text stipulates that “part must be devoted to the rehabilitation and management of the DDNP”. Studies are underway to clarify the water rights fiduciary circuit and their precise distribution keys.

Cameroon has not yet developed a PPP for its protected areas, although this is mentioned as a

priority in its strategy for the Forest-Wildlife sub-sector and legal provisions exist on this subject. The interest in this mechanism was renewed during the National Technical Workshop on PPPs organised on 20 October 2017 in Yaoundé (AFD funding). In response to this interest, it was proposed that the DDNP be a pilot PPP site at national level, the existence of a sustainable financing mechanism facilitating the identification and functioning of a private partner. The latter could be recruited through a tender mechanism. A project funded by AFD and FFEM (Fonds Français pour l'Environnement Mondial, French Global Environment Facility) is expected to start soon to facilitate the implementation of this PPP.

In view of the number of dams scheduled to be built on the rivers of Central Africa, on the one hand, and the development of mechanisms to compensate for environmental damage caused by industrial activities, on the other hand, the pilot case of the DDNP is of considerable interest at a subregional level.

delegation of the Pô National Park from 2003 to 2007 within the funding provided by the GEF (PAGEN project)²². While environmental policing missions remained the responsibility of existing State officials, Naturama intervened on other aspects of the park's management, in particular the governance and the management of natural resources on the periphery. Local communities have been organised and involved in the management of the park and its periphery. In the absence of an independent evaluation, it is difficult to draw conclusions from this experience, but it is clear that the contract that Naturama benefited from was not renewed when it expired and that the developed governance tools no longer work (GRET/UICN-Papaco, 2012).

Another important point is that the “northern” PPP NGOs have long been decentralised and have many national offices. While foreign residents are often present, nationals make up the bulk of the existing teams, including national directorships. In fact, former civil servants are sometimes part of these teams, some of whom return to civil service

after a few years. This observation highlights the high porosity that exists in the French-speaking area between the State and civil society, a situation that is not so pronounced in the English-speaking area. In many of the PPPs analysed, training programmes in different fields are also put in place for nationals (and not only for anti-poaching), making it possible to gradually build up a pool of national staff competent in the management of PAs.

In general, the allocation of PPPs to “northern” NGOs in the French-speaking area reflects above all the weakness of local civil society, both in terms of technical expertise and financial capacity. Even though this situation is gradually improving and some emerging national NGOs are already making a significant contribution to some aspects of PA management (notably on governance and community development issues), none of them seem to be able to meet all the challenges facing large African PAs, especially on anti-poaching issues in a context of increased militarisation of this activity.

²² Legally, this delegation took the form of a management concession (in the same way as the tenants of hunting areas)

At this level, it can only be recommended that States wishing to develop PPPs, allocate small PAs to national NGOs for which environmental policing missions do not require considerable resources. This approach would allow the emergence of actors able to fully assume a PA management delegation at national level.

6.3 Militarisation of conservation

One of the major elements that has led to the development of PPPs in French-speaking Africa is the inability of traditional PA management models (State management supported or not by the project approach) to cope with large-scale poaching, when carried out by militarised groups with a “culture” of war. The arrival of a partner with strong expertise in this area and the field deployment of highly equipped ranger teams, supported by considerable logistics (aircraft, helicopter), using sophisticated techniques (command centre, intelligence network, etc.) and often supervised by foreign residents with military careers, have raised questions about a form of militarisation of conservation (Duffy et al., 2019). These questions are all the stronger when they refer to situations where private partners manage PAs located in areas from which the State is *de facto* absent. The management delegated entity can then be perceived as having a general police mission that may escape control.

Let us first recall that in half of the CAgmts examined in this study, civil servants are responsible for the anti-poaching management services and that ranger teams are always composed of State officials who are supported by private partner contractors.

The use of anti-poaching experts, often former military personnel, is in fact nothing new. The EU-funded CURESS project that supported the Zakouma NP from 2002 to 2010 (before the delegation of the park's management to APN in 2010) regularly used former French soldiers for the training of its corps of rangers. Similarly, the ECOFAC project (and before it the NRDP, both funded by the EU), which supported the northern protected areas complex in CAR²³, has very officially resorted to anti-poaching expert companies, former soldiers of the French and Belgian special forces. Similarly, the militarisation of conservation is not recent and the 150 rangers

who died in the Virunga NP from 2006 to 2020 are there to remind that armed clashes with groups of poachers can be very violent.

Nevertheless, it is indisputable that the delegation of PA management to a private partner in areas beyond the control of the State - areas that have multiplied in Central Africa since the mid-1990s in favour of regional conflicts - appears to be a form of *delegation of sovereignty*. This is often implicit on the part of the State, but sometimes explicit: the CAgmt of Chinko in CAR entrusts the private partner (APN) with the mission of ensuring “*peace consolidation and multi-sectoral coordination*”, a priori typically a sovereign mandate. In these sites, the private partner is *de facto* invested with missions in principle devolved to the State: security, construction and equipment of health and social infrastructures, maintenance of communication networks, etc. **In fact, these situations reflect above all a collapse in the capacity of some States to act, affected by structural dysfunctions despite decades of ODA, and a form of subsequent delegation of their sovereign missions to providers.**

The increased militarisation of conservation, which is a reality in some areas of Africa, goes hand in hand with that of large-scale poaching and the rise of insecurity, due to insurgent or religious movements. In some areas, this large-scale poaching is carried out by militarised groups accustomed to armed clashes. **Under these conditions, the alternative that arises appears to be binary: the use of specialised operators with a military background or the acceptance of irreversible damage to global public goods.** There is no doubt that anti-poaching operations can raise moral questions when the behaviour of rangers violates human dignity or when they engage in racketeering on local populations, situations that can exist in any type of PA regardless of their management modalities. This type of morally reprehensible situation can also result in the termination of donor support²⁴. The establishment of a code of ethics for rangers and the announcement of severe penalties for any violation of the rules enacted would constitute a first step towards the development of professional ethics, likely to clear all doubts about the merits of the actions undertaken by the agents in charge of environmental police. By virtue of the “vertical” management system it can be

23 Manovo-Gounda-St. Floris NP, Bamingui-Bangoran NP and associated reserves

24 cf <https://www.survivalinternational.org/news/12384>

thought that in the PPP model, the rangers' overflows are more limited and better controlled than in other management models.

7. WHEN TO USE PPP?

PA management arrangements can cover several forms: management by States, with or without technical assistance, by local communities, by an NGO or CSO, or by the private sector. In French-speaking Africa, PPPs represent a new management tool, added to the array already available. In these circumstances, the question of the PPP tool's relevance can be framed as follows: **in which situations does the PPP model appear to be the most appropriate?**

Given its ability to concentrate resources over time, the PPP appears to be **the most appropriate tool in three typical situations:**

- i. **where States do not wish to invest directly in the management of PAs** for political choice or budgetary constraints;
- ii. **during the development phase of a newly created PA or the rehabilitation of a paper park;**
- iii. **when the PA is under pressure from militarised poaching.**

PA management involves considerable financial resources and, in a context of growing pressures, is increasingly expensive. The EU's only contribution to the financing of the budgets (operation and investment) of historic parks in PPP (Garamba, Virunga, Zakouma, Odzala) ranges from EUR 1.2 m to EUR 4.1 m per year, from a minimum of EUR 83 / km² in Odzala to a maximum of EUR 798 / km² in Garamba (Zakouma: EUR 645 / km² ; Virunga EUR 393 / km² - Scholte et al., 2018). Given the extent of PA networks in African countries, no State can devote as much of its own budget to the management of its PAs. While the use of ODA financing has been widespread on this continent for decades, some States have decided to go further and transfer the management of PAs to operators while retaining only a supervisory function. In this case, the PPP represents the most appropriate model, because the State retains its supervisory function while *discharging* to a partner the financing and implementation of field operations.

The development of a newly created PA or the rehabilitation of an abandoned one requires considerable resources. Very expensive logistical investments (construction of administrative and surveillance infrastructure, roads, bridges, etc.) are required: organisation, training and appropriately equipping administrative and field teams. Core investments must be made available quickly to prevent pressure of destruction of the PA's heritage elements that led to its classification or rehabilitation. These initial investments must be supplemented over time by additional investments and maintenance. In such situations, PPPs are all the more relevant because of their ability to quickly mobilise and commit resources, as well as to locally transfer already proven expertise. Private partners generally invest heavily in the practical training of national staff whose academic training alone is often insufficient to cope with complex situations. In addition, these national or regional training courses are technical and deal little with organisational and team management issues while this is one of the key aspects in PA management. The strong organisational and execution capacity of private partners represents a considerable added value for PAs to be created, rehabilitated or in situations of great fragility.

Militarised poaching, which is increasingly common in Africa as regional political-religious conflicts arise, poses considerable problems that cannot be faced by State rangers, even if supported by projects. These are most of the time poorly equipped, poorly trained and have not always undergone a rigorous selection process, with co-optation and nepotism often affecting this institution (like all other institutions in the State's civil service). Here, the use of operators with a military culture in field operations in all its dimensions (selection and training of agents, equipment, development of chains of command, establishment of intelligence networks, etc.) is essential to stop, or at least contain, this type of pressure. In such situations, the development of a PPP represents an interesting solution. This militarised approach to conservation and the use of an operator with expertise in this field, indispensable in certain situations (see section 6.3), is very well perceived in "strong" States or those with a *military culture* (Chad is probably the most illustrative example at this level).

Despite these strengths and its relevance in certain situations, the PPP model also has **limitations**. In French-speaking Africa, at least three can be identified:

- **limited and fragile cultural and political acceptance of the PPP model.** In the French-speaking countries of Africa, the political culture of “all State” is still very strong, despite the progressive development of the private sector and civil society. The PPP model, no matter the area it applies to, still faces political reticence, even when public services are largely failing. The term “delegation of management” is generally perceived in the public sphere as a form of attack on national sovereignty. Even in countries that have developed several PPPs, political acceptance of this model remains very fragile and is regularly questioned. Partly for reasons of political culture but also, and much more prosaic, because this model deprives the State of the direct management of ODA funds. In fact, even when a PPP is accepted by the ministry in charge of PAs, it can be challenged by other ministries whose prerogatives it encroaches on (ministry in charge of tourism, for example²⁵), creating institutional tensions that tend to weaken the model.
- **limited human resources.** For mainly historical and cultural reasons, French-speaking Africa does not yet have a network of wildlife and PA management professionals equivalent to that of Eastern and Southern Africa. Civil society is also much less developed there (see Section 6.2), although it can represent an important pool of conservation professionals. The situation has improved considerably in recent years, in particular thanks to the development of specific training courses (Ma in PA Management, for example). The arrival on the market of seasoned national conservation professionals, however, will take years. Private operators engaged in PPPs stress it: the recruitment of managers combining the know-how and interpersonal skills (both equally important) necessary for the operational management of PAs remains very problematic. Hence their commitment to field training programmes for their agents.

8. RECOMMENDATIONS FOR THE DEVELOPMENT OF PPPs

The first PPPs in French-speaking Africa were established in 2005. This model is probably set to develop in the coming years for several reasons, in particular major difficulties for the States to fund PAs and the willingness of some of them to extend this model, the limitations of the project approach, donor support and the good results achieved in terms of biodiversity conservation. Under these conditions and taking into account 15 years of experience, what recommendations can be made to achieve the “ideal” PPP?

8.1 Establishment of the PPP

With an increasing expectation of transparency by African civil society vis-à-vis national governments, the delegation of a PA, understood as a form of national public good, to a non-State operator on the basis of a negotiation by mutual agreement seems difficult to maintain. **A call for applications procedure is recommended.** In addition to transparency, this also has the advantage of strengthening the legitimacy of the beneficiary. However, two exceptions can be made: i) long-standing technical partnerships (switching a TA project to a PPP with the same partner), ii) contextual elements justifying an emergency (e.g. poaching pressure out of control).

In fact, the modalities for establishing PPPs could depend on the importance of the public nature of the asset. Thus, the following gradation scale could be adopted:

- Protected area with *World Heritage Site* status: public debate and international call for applications;
- National Park: international call for applications;
- Other protected area: call for applications or negotiations by mutual agreement.

In its recently published document “*Guide sous-régional de bonnes pratiques pour la gestion des AP en mode PPP en Afrique centrale*” (*Sub-regional Guide to good practices for the management of*

²⁵ It is this situation that has led the Ennedi NCR in Chad to set up a rotating chairmanship of the Board of Directors between the Ministry of the Environment and the Ministry of Tourism



Pendjari National Park in North Western Benin. Photo: Geoffroy Mauvais

*PA*s in PPP mode in Central Africa), COMIFAC has developed a standard specification that can be used for calls for applications.

In order to bring out local actors, States wishing to develop PPPs could allocate small PAs to national NGOs for which environmental policing missions do not require considerable resources. Historic private partners (APN, WCS, WWF) could develop mentoring partnerships with these local NGOs.

The CAgmts that underpin PPPs should always be public and available upon request.

8.2 Content of the contractual agreement

8.2.1 Governance entity

The chairmanship, the size and the composition of governance structures are sensitive elements of contractual agreements. In this regard, the following recommendations are made:

- The chairmanship should go to the State in the case of a PA with a status of *World Heritage Site* or National Park. It could go to the State or to the private partner in the case of another type of PA. The vice-chairmanship shall automatically be vested in the partner not represented by the chair.
- To concretely embody the concept of *partnership*, the total number of members, including the chair and vice-chair, should be equal between the two partners. If both partners encounter difficulties in making consensual decisions and recurrent blockages are found, two alternative solutions can be tested: i) a rotating chairmanship (one year the State, the following year the private partner) or ii) a chairmanship by a representative of civil society. The latter option has the advantage of placing the two partners in an egalitarian position (and not of subordination of one in relation to the other) but it comes against the difficulty of identifying the representative who has the expertise and charisma necessary for this function.

8.2.3 Advisory body

The advisory body should be a forum for dialogue between the PA and non-State stakeholders. Local populations, the private sector, CSOs, local authorities and regional administrations have their seat. The other technical partners (NGOs, projects) involved in the PA or in its immediate periphery must also be present to coordinate interventions.

If a PA covering a large territory leads de facto to the creation of a consultative entity composed of many members, a technical **sub-group of a few members must be set up to represent the regular working partner of the PA.**

The primary role of this entity is the exchange of information between the different stakeholders. The second mandate concerns policy dialogue conducted by the PA in the periphery.

In principle and in order to ensure the independence of the various parties, the private partner should not provide funding – which should remain modest - for the functioning of the consultative entity.

8.2.3 Recruitment and training of staff

Staff recruitment arrangements at the level of the operational management entity (Park Management Unit - PMU) of PAs may have created tensions between the private and public partners in the past. **At this level, it is recommended to use modalities aligned with the level of responsibility of such personnel:**

- administrative and field officers: free recruitment by the private partner and information of personnel movements at meetings of the governance entity;
- executive officers (heads of department): call for applications and selection by the private partner, and submission of the successful candidate for a notice of no objection (with a fixed response time) to the governance entity;
- park director: call for applications and selection of the best candidates by the private partner. Choice of candidate by individual vote of the members of the governance entity with a required majority of 2/3 of the voters.

The choice of candidates must be based on formal qualifications, experience, motivation and skills. These last two points are key to build dedicated, motivated and socially and culturally well-integrated teams.

Ideally, the shortlist of candidates for the PMU Director position should contain at least three candidates. In practice, experience shows that this is rarely feasible: it is indeed very difficult to bring together three good candidates who are available at the same time for the same position. It is often even difficult to find a single good candidate... In this case it is preferable to present only the one good candidate available rather than a dummy list of three people containing two figuration candidates, a process that somewhat discredits the selection process.

To increase national capacity in the medium and long term, private partners need to develop **a training plan for Protected Area personnel.** Academic training may be necessary but is generally insufficient. This plan should combine formal and daily on-the-job training by transferring know-how from established experts to young national managers (mentoring-type training). **For executives, training in team management and human relations is essential.**

As far as anti-poaching training is concerned, it often relies solely on weapon handling, poacher apprehension techniques and physical exercise. These elements are necessary but insufficient: the elements relating to the construction of a real **strategy**, built specifically on the establishment of intelligence networks, must absolutely be taught (in particular to the head of department and his assistants in charge of anti-poaching).

8.3 Communication between the two parties

Modalities for the exchange of information and communication between the two partners must be clearly detailed in the CAgmt. Formal meetings of the governance entity represent key moments in this regard, but communication cannot be limited to these events. Regular and partly informal communication and exchanges between the private and the public partner and vice versa must take place, especially when starting PPPs, in order to build a climate of trust.

Clearly, no PPP can work without mutual trust between the two stakeholders. Trust building is a long and fragile process, partly dependent on the personalities involved. Attitudes of sharing, listening and non-contractual accountability strongly contribute to this process.

The CAgmts must, therefore, detail the modalities for the exchange and sharing of information between the two partners. Thus, brief meetings between the PMU director and the chair of the governance entity should take place frequently (e.g. once a month). Meetings with the minister in charge of PAs must also be organised regularly.

Political acceptance of this model remains fragile in French-speaking Africa. To remedy this situation, the two partners (State and private) must improve their communication in a spirit of respect and transparency, both among themselves and towards the general public. This is an essential element in consolidating adherence to this model and thus enabling it to deliver its full potential.

CONCLUSION

In French-speaking Africa, the first PPPs were set up in 2005-2010 with the support of donors and, in an emergency context, for the benefit of protected areas for which the project approach showed its structural limitations, especially in terms of anti-poaching in the face of militarised groups. The political culture of this region and the legal and institutional context were not conducive to the development of this new approach. While the first few years of operation of these PPPs may have been difficult – which is foreseeable during the implementation phase of a new model – the results achieved in terms of management efficiency appear to be overall positive. This model has, in particular, made it possible to circumvent the structural difficulties of a centralised State management supported by the project approach.

In view of the results achieved, donors support and the interest shown by certain countries and regional bodies (such as COMIFAC), the PPP model is set to develop in French-speaking Central and West Africa. New private partners are emerging, and the lessons learned over the past 15 years can help to get around the initial difficulties.

The PPP model is not exclusive and is not intended to replace all other protected area management models (State-only governance, project-supported State governance, community governance, etc.). No tool can claim to be exclusive or the best, and the most appropriate model strongly depends on the local situation (social, cultural, environmental, security, etc.). As these situations evolve over time, the model can also be brought to evolve. But it is indisputable that in certain situations, PPPs represent the model delivering the best management efficiency.

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