



Newsletter from African protected areas



#150, March 2021 — www.papaco.org



Editorial

GEOFFROY MAUVAIS

IUCN-PAPACO COORDINATOR

PPP

“Private-Public partnerships (PPP)” are trendy. Many believe they are the latest answer to the challenges faced by African protected areas. Although their number is still limited, PPPs are clearly overrepresented in talks about conservation, and sometimes even confused with private protected areas, an entirely different concept. What are we talking about exactly? There is no easy answer to this question.

Public? This is a seemingly straightforward concept. Yet over the last decades, many park management administrations have been turned into “independent entities”, whose primary characteristic is that they are required to fund a significant part of their budget (beyond state contributions). From a public service, they have turned into public service providers and are requested to compete with private competitors – more reactive, more adaptable – within their own field of expertise, nature conservation. Consequently, the state has often seized this opportunity to reduce public spending allocated to protected areas, thereby weakening these former “administration” now turned into strange hybrids with no clear identity, legitimacy or autonomy, and therefore no ability to challenge other stakeholders.

Private? This too should be straightforward. Yet many organizations that claim to be “private” entities in conservation – and therefore “more efficient, responsive, modern, etc.”... actually live off public subsidies. The majority would not survive beyond a few months without state-issued revenues and international aid. Moreover, they would take no interest in our territories, if there were no funds to derive from them. Ironically, these very funds are the one that states pulled away from the public services previously managing protected areas, and who are now

laughed out for their lack of funding.

Partnership? No partnership is easily defined. Here, the term often takes multiple meanings and unexpected shapes. Its main characteristic is usually an imbalance, most often in favor of the “private” partner, since this is the one with most access to financial resources. The most obscure element remains the conditions in which the partnership is established. More often than not, it is not established in a coordinated fashion, nor transparently. In these conditions, the partnership is rarely the product of true consent.

And so, life of conservation goes on in Africa. Conservation moves around at the whim of every trend: the 90s were dominated by structural adjustment programs imposed by international aid agencies to “autonomize” the park administrations. Then came the furious concept of sustainable use – “if it pays, it stays”: the illusion of nature turned into a consumer good, which would be pre-served naturally because it took on monetary value. Then we moved to the focus on “local populations”, that would intuitively and naturally have all the solutions and legitimacy to manage “their” nature. Now, we are obsessed by the illusion of the private sector. The common feature of all these doctrines is that they place man and his interests at the center, rather than nature.

This NAPA presents excerpts from a study carried out on the said PPPs, focusing on francophone Africa where they are less studied. Everyone can form their own opinion, on the basis of these re-sults, which do not claim to cover all facets of this topic but do provide enough elements for in-depth reflection. Maybe we can start to think of what balance to strike between all these ap-proaches, or even to find better solutions – this time, from the continent itself? ●

Our courses

MOOC CONSERVATION

MOOC exams. Before taking the exams, take your time and study properly. If your **score is higher than 75%**, you'll be able to download an attestation of success.

Create a new account. If you participated in our MOOCs prior to January 2021 and wish to enrol in other courses, you will need to **create a new account**. Pay special attention to the name and surname indicated, as this is the information that will be displayed on the Attestation.

Ongoing session: 18 January to 13 June 2021

MOOC and Essentials registrations: mooc-conservation.org.

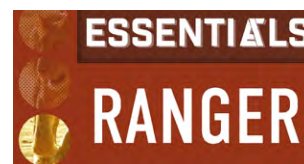


THE ESSENTIALS

What are they? They are short courses adapted geared to a specific profile of protected area conservation actors.

Four options are possible: Rangers, Managers (involved in Research R or in Law enforcement L) and Leaders.

Inscriptions : mooc-conservation.org



RANGER Essential: for protected area (PA) professionals who apply decisions and ensure the implementation of activities inside the PA.



MANAGER Essential: for protected area professionals who need to plan, manage and assessed the work carried out by field agents.

➔ **MANAGER R:** focuses on research activities, monitoring-evaluation and ecological monitoring.



➔ **MANAGER L:** focuses on law enforcement and the valorisation of the PA and its natural resources.



LEADER Essential: dfor actors who are influencing the protected area context at a larger scale, without necessarily working directly inside a protected area.

FIND PAPACO ONLINE

[facebook/IUCNpapaco](https://www.facebook.com/IUCNpapaco)

[MOOC Private Group \(English\)](https://www.facebook.com/IUCNpapaco)

[@mooconconservation \(Instagram\)](https://www.instagram.com/mooconconservation)

[@Papaco_IUCN \(Twitter\)](https://twitter.com/Papaco_IUCN)

Papaco.org

[GPAP newsletter \(IUCN Programme of PAs\)](#)



THE ESSENTIALS, CHARMAND SHARES HIS THOUGHTS



Charmand Bushnel MAKELE LADHY is a PhD student in botany and ecology, as well as a researcher and freelance consultant in forestry and conservation. He had the opportunity to test the Manager-Research Essential before the launch, and was able to help the MOOC Conservation team improve the content, he shared his thoughts and ideas on the course to improve them for future participants.

HOW DID YOU DISCOVER OUR COURSES?

Papaco's MOOCs were like an encounter with destiny, as I had been looking to acquire deeper knowledge on protected areas but could not find any courses locally. In 2019, I came across a social media ad from Papaco. This was it for me. I enrolled and followed all the MOOCs available, and as a result became eligible for the first session of the online Certificate on Protected area conservation. **MOOC Conservation has complemented my academic training**, and I have since become an active conservation actor.

With all that in mind, I selected the Manager-R Essential. It seemed to be in line with my academic background, and I thought it would help me better understand the requirements of the specific profile.

WHO WOULD YOU RECOMMEND THIS ESSENTIAL COURSE TO?

I would recommend this Essential to all conservation actors, especially to those working in protected areas, to **research and monitoring managers** in protected areas, **research and conservation technicians**, as well as **students** who would like to become research and monitoring managers in protected areas.

WHAT DIFFERENCE IS THERE WITH THE MOOCs YOU FOLLOWED?

Through the MOOCs we gain an overall understanding of protected area conservation. Essentials on the other hand focuses on the **specific notions required for certain types of conservation actors**. This Essential was a positive experience. I was able to review some concepts and to better structure the protected area knowledge I had acquired, specifically in terms of research in that field. I would thus encourage other learners to keep in mind the goal of the course, and to follow this Essential with gladness, as knowledge does not have a price.

Ambassadors

HEAR FROM OUR AMBASSADORS: MEETING IN ABIDJAN, CÔTE D'IVOIRE



“On 3 February, we organised a MOOC information session at Nangui Abrogoua University in Abidjan. Bernadette and another faithful student in my network have ensured the presentations and enrolment requests.”

By Koné Mamadou, mooc-conservation ambassador in Côte d'Ivoire.

SERIES OF MEETINGS IN BENIN

“As planned, the information sessions took place in organisationale structures and schools. Fewer people were present because of the pandemic.

During these sessions I presented the MOOCs, the new platform, the Essential courses and the partnering MOOCs. We also talked about the certificate.”

By Kévin Kassuwin, mooc-conservation ambassador in Benin.

ÉCOLE POLYTECHNIQUE D'ABOMEY-CALAVI



GRADEL-ONG



ONG ECO-BÉNIN



AMBASSADOR ? An ambassador is a designated Papaco MOOC student who volunteered to help students in his city or region.

MEDJI DE SÉKOU AGRICULTURAL SCHOOL

“In the context of his round of presentations on Papaco MOOCs, the Agricultural School Médji de Sékou (LAMS) received the visit of the Benin ambassador.

After an information sessions on all Papaco MOOCs (different modules, tools required to follow them, the conditions, certification etc.), learners were taught some of the concepts based on the MOOC on New Technologies.

The modules were:

- Initiation to drone piloting,
- Camera-trap settings and installation,
- GPS use.

Nous remercions très sincèrement notre Ambassadeur KASSOUWIN Kevin pour tout son leadership

We'd like to thank Kévin KASSOUWIN for his leadership.

We also would like to thank the Papaco MOOC coordinators, as well as the WAP Biosphere reserve programme coordinators for training materials (drones, camera-traps, GPS).

Thank you also to the LAMS leadership for enabling this meeting.”



List of ambassadors (click on the name to send them an email):

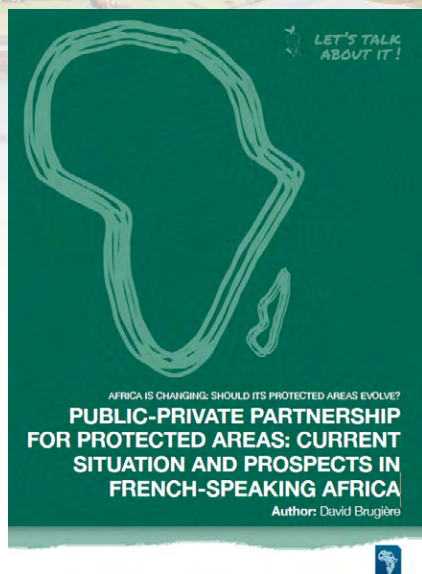
- ➔ [Benin, Kévin](#)
- ➔ [Bouaké, Bernadette](#)
- ➔ [Burkina Faso, Valéry](#)
- ➔ [Burundi, Léonidas](#)
- ➔ [Comoros, Humblot](#)
- ➔ [Côte d'Ivoire, Mamadou](#)
- ➔ [Douala \(Cameroon\),](#)

- ➔ [Mathias Gabon, Brice](#)
- ➔ [Guinea \(Conakry\), Moussa](#)
- ➔ [Haïti, Talot](#)
- ➔ [Kara \(Togo\), Jean](#)
- ➔ [Kenya, James](#)
- ➔ [Kindu \(DRC\), Ohm](#)
- ➔ [Kinshasa \(DRC\), Emmanuel](#)
- ➔ [Kisangani \(DRC\),](#)

- ➔ [Richard Mali, Seydou](#)
- ➔ [Lomé \(Togo\), Samuel](#)
- ➔ [Lubumbashi \(DRC\), Albert](#)
- ➔ [Madagascar \(Tana\), Raymond](#)
- ➔ [Morocco, Rachid](#)
- ➔ [Mauritania, Fall](#)
- ➔ [Niger, Oumarou](#)
- ➔ [Nigeria, Michael](#)

- ➔ [Pointe Noire, Charmand](#)
- ➔ [Rwanda, Leonard](#)
- ➔ [Senegal, Thiam](#)
- ➔ [Chad, Seid](#)
- ➔ [Tunisia, Moadh](#)
- ➔ [Yaoundé \(Cameroon\), Pascale](#)
- ➔ [Zambia, Chewe](#)
- ➔ [Zimbabwe/South Africa, Fanuel](#)

Study: the future of protected areas



PUBLIC-PRIVATE PARTNERSHIP FOR PROTECTED AREAS

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.

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.

The entire study is freely accessible here: https://papaco.org/wp-content/uploads/2021/01/etudesAP_PPP_EN_v2.pdf.

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



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

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. 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)

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.

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.

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) 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-

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

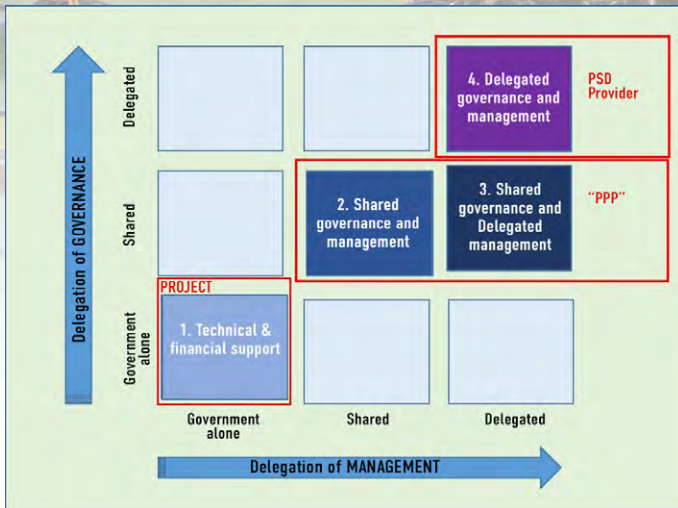


Figure 1. The four main types of partnerships between a public and a private partner for the management of protected areas. Adapted from M. Baghai (2016)

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 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 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

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

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-guardians, 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 (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

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

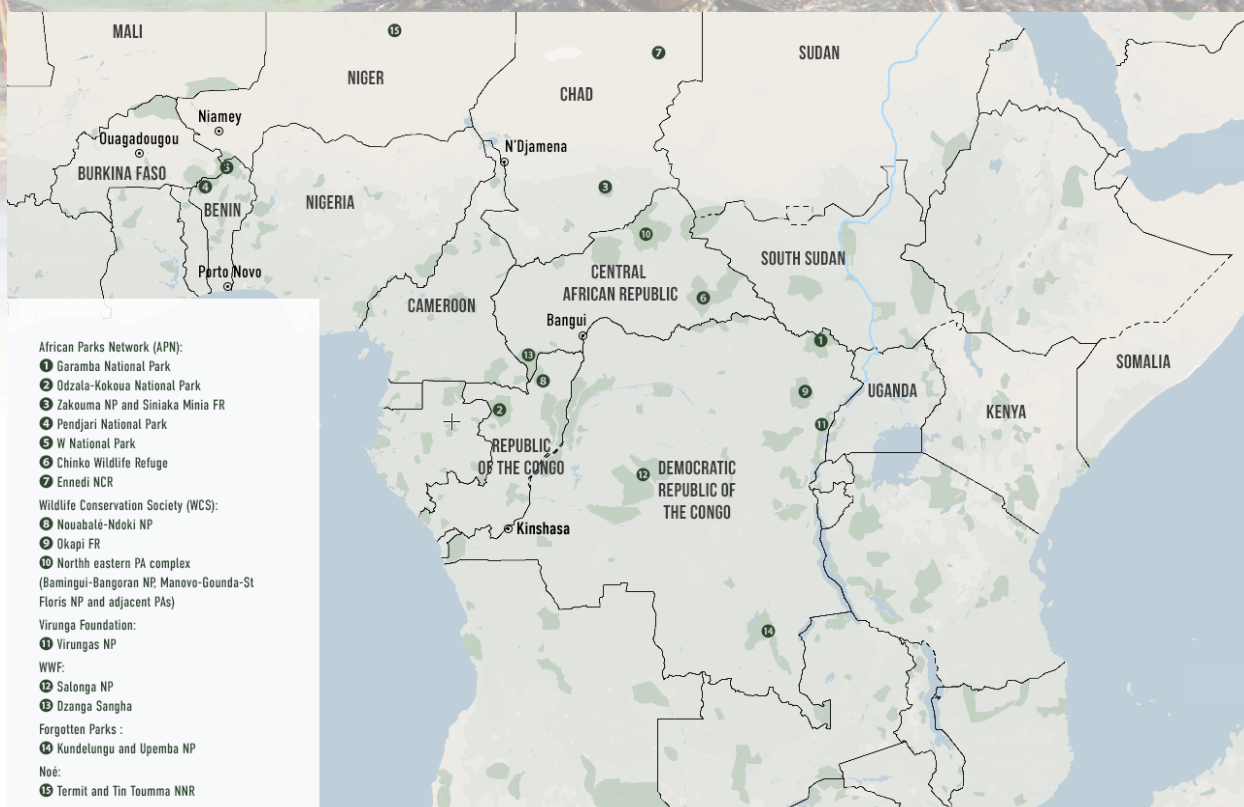


Figure 2. The 15 formalised PPPs in French-speaking Africa

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 Foundation⁷;
- NNR of Termit and Tin Toumma (Niger) for which the private partner is the NGO Noé.

PPP's 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 Moyen-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

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

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.
- 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 for purposes of sustainable management of natural resources (e.g. hunting areas in Garamba and Pendjari).
- Duration of the agreement: the validity period of the CAgmt varies from a minimum of 3 years (Salonga NP)⁸ to a maximum of 25 years (Chinko, Odzala-Kokoua, Virunga).
- Governance and management structures: partnership agreements establish governance and management entities for the territories concerned.
- Funding and commercial activities: partnership agreements always delegate fundraising as well as the management of the acquired funding to the private partner.
- Commitments of both parties: all CAgmts have a chapter dedicated to the parties' commitments or obligations.
- Reasons for termination: the reasons for termination of CAgmt are, in general, a "serious" breach of the obligations of either one of the parties.

⁸ This is a so-called provisional agreement

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.

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 NGO⁹.

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 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.

The analysis of the governance arrangements and

⁹ In this case, the NGO Leadership for Conservation in Africa, an NGO that facilitated the establishment of the PPP in Odzala.

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.

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.

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.

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.

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;
- 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.

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?

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 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.

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.

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.

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. • [David Brugière, read full study here.](#)

Announcements

PANORAMA

SOLUTIONS FOR A HEALTHY PLANET

Sustainability of free forest evolution thanks to a specific regulatory tool

The Bois du Loc'h is an integral biological reserve (RBI), the only status specifically designed to ensure the free evolution of a representative sample of forest habitats present in France, and enhance the network thus constituted. With the already important protection ensured by the control land (forest of the State), and the plan of sustainable management of the forest among which the Bois du Loc'h, the RBI adds a guarantee of durability of the absence of holdings and a specific management plan.

This management plan includes arrangements common to all RBIs: standardized monitoring protocols, principles for securing marked trails, ungulate regulation by hunting in the absence of natural predators, and elimination of exotic species. These principles, adapted to the more or less anthropized environment of most of the forests of a country like France, were compatible with the recognition in category IUCN Ia, with regards of the purpose of the RBI.



Ruisseau du Loc'h
© ONF - N. Drapier

Full article: [here](#).
More info on Panorama: [here](#).

Community Conservation Manager @ WCS

Where? Mbatamila, Niassa,
Mozambique

Application deadline:
31 March 2021

[>> Click here to view the offer <<](#)

Finance, Compliance and Administrative Advisor @ WCS

Where? Mbatamila, Niassa,
Mozambique

Application deadline:
31 March 2021

[>> Click here to view the offer <<](#)

CONTACTS - PAPACO

geoffroy.mauvais@iucn.org
beatrice.chataigner@iucn.org
marion.langrand@papaco.org
youssouph.diedhiou@iucn.org
madeleine.coetzer@iucn.org

// Programme on African Protected Areas & Conservation - PAPACO
// PAPACO Programme officer - Green List
// PAPACO Programme officer - MOOCs
// PAPACO Programme officer - Green List and World Heritage
// PAPACO Programme officer - Communications