



State of protected and conserved areas in Eastern and Southern Africa



STATE OF PROTECTED AND CONSERVED AREAS REPORT SERIES NO.1



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Part III – Governance and management effectiveness

9 Protected area governance and equity¹⁰⁶

¹⁰⁶ Jennifer Kelleher from the IUCN Global Protected Areas Programme and Phil Franks from IIED made significant contributions to this chapter.

Protected areas are a cornerstone of global conservation efforts; they protect biodiversity, restore degraded landscapes, provide ecological services and livelihood opportunities and remain a place for people to reconnect with nature. However, protected areas have also been a focus of frequent concerns about unfair outcomes for people, including social justice and human rights issues. Recent reports from the United Nations Special Rapporteurs have highlighted the breadth of these issues, particularly with regard to Indigenous Peoples and local communities (UN, 2016).

Since the early 1980s, these issues have been considered in the conservation community at the international level (McNeely & Miller, 1984), and notably at the 2003 Vth IUCN World Parks Congress (IUCN, 2005a; 2005b). In 2010, Aichi Target 11, adopted by the 193 State Parties to the CBD, stated that protected areas must be *equitably managed* by 2020 (CBD, 2010b). The word 'equity' captures the notion of fairness, and the rationale for instilling it into area-based conservation is articulated in the text supporting the Programme of Work on Protected Areas (PoWPA): "Protected areas should also be established and managed in close collaboration with, and through equitable processes that recognise and respect the rights of indigenous and local communities, and vulnerable populations" (SBSTTA, 2010). These elements of Aichi Target 11 remain poorly reported on (Gannon et al., 2019). This is linked to both the complexity of the concept of equity, and to a lack of adequate assessment systems.

While there have been limited attempts to understand and assess equity in conservation, there has been substantial work on these issues in the similar context of payments for ecosystem services (McDermott et al., 2013). This work concludes that equity can be conceptualised as having three core dimensions: recognition, procedure and distribution.

In the context of protected area conservation, the three dimensions of equity can be understood as follows:

- **Recognition** refers to the acknowledgement of and respect for the rights and diversity of identities, values, knowledge systems and institutions of rights holders and stakeholders (see also Box 9.1).
- **Procedure** refers to transparency and accountability and inclusiveness of rule- and decision-making.
- **Distribution** refers to mitigating costs that affect Indigenous and local communities and equitable sharing of benefits resulting from the management of protected areas (Schreckenberget al., 2016).

Based on this framework, CBD Parties adopted voluntary guidance on equity at COP14 in November 2018, which was intended to be applied in any context for nature conservation and sustainable development (CBD, 2018).

Enhancing equity increases the contribution of protected areas to human well-being both through increasing and more fairly sharing benefits and reducing costs (equity in distribution) and also through the direct contribution to subjective well-being of stronger recognition and respect for stakeholder (equity in recognition) and

fairer processes (equity in procedure) (Franks et al., 2018). There is evidence to show that enhancing equity can contribute to more successful and effective biodiversity conservation (Oldekop et al., 2016).

In this chapter, two distinct but interrelated entry points for addressing equity in conservation are considered:

- (1) By improving governance using governance assessments to identify governance weaknesses to be addressed and strengths to be reinforced; and
- (2) By increasing benefits and reducing costs using social assessments to better understand the positive and negative impacts of protected areas on peoples' well-being.

Another avenue for increased equity in area-based conservation is the emerging concept of 'conserved areas'. Section 2.3 of this report addresses conserved areas in further detail and CBD's recognition of the concept through the term 'other effective area-based conservation measures' (OECMs).

9.1 Governance of protected areas

Governance is a powerful concept for equity, rights and livelihoods. Indeed, equity in conservation is first and foremost a matter of governance (Franks et al., 2018).

The definition of governance by IUCN takes a dynamic perspective: addressing governance is not just about understanding who makes the decisions, but it goes beyond to consider the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens and other stakeholders have their say (Borrini-Feyerabend et al., 2013).

Box 9.1 Rights holders vs stakeholders: What is the difference?

In the context of protected and conserved areas, we refer to rights holders as actors socially-endowed with legal or customary rights with respect to land, water and natural resources.

Stakeholders on the other hand possess direct or indirect interests with respect to the natural resources, but they do not necessarily possess legal or social entitlement

(Borrini-Feyerabend et al., 2013).

In the context of protected areas, governance is concerned with who is making decisions, how these decisions are made and how appropriate, adaptive and fair those decisions are to all concerned. This is critical as governance must consider a host of factors: from diverse actors to different processes and phenomena that lead to decisions being taken. It also addresses who has the mandate and resources to decide, and who should be held accountable and responsible for those decisions.



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A mandate for governance can be legitimised either through *de jure* (legal) recognition as in the case of a government protected area agency or by *de facto* recognition where certain actors are regarded as legitimately taking decisions (for example, a community adopting their own no-go fishing rules for restoration), see Box 9.2.

Governance must be distinguished from management, although the two terms are closely linked. While management concerns the activities that are carried out to reach certain objectives, such as the activities and resources outlined in a management plan, governance is concerned with the actors who decided to draw up the management plan and what considerations were taken. Governance is commonly discussed and increasingly assessed in two dimensions, governance diversity (or governance type) and governance quality (or good governance).

9.1.1 Governance diversity

Governance diversity is concerned with recognising the broad spectrum of governance actors, both *de jure* and *de facto*, who hold responsibility and authority for protected areas. To date, most protected areas in the region have been established by state governments through laws and policies at the national level. This is reflected in the WDPA data (UNEP-WCMC & IUCN, 2019b). However, many existing protected areas have their roots in some form of local governance arrangements, by communities in their own conserved areas or through private initiatives. In addition to government-run protected areas, there are protected areas that are

established by Indigenous peoples, local communities, private individuals, ecotourism operators and others. As with the six management categories of protected areas ranging from strict nature reserves (Category Ia) to protected landscapes and seascapes with sustainable use of nature resources (Category VI), IUCN and the CBD also encourages full recognition of the diversity of governance types in national systems of protected areas. In this regards, four broad governance types for protected areas are recognised (see Table 9.1), which between them represent a full spectrum of governance diversity in the system of protected areas (Belle et al., 2015; Borrini-Feyerabend et al., 2013; CBD, 2004 & 2010a; Dudley, 2008).

Across the continent of Africa, most protected areas are governed by government (type A) although types B and C are also represented but they are not always reported or well understood (UNEP-WCMC, 2019a; UNEP-WCMC & IUCN, 2019a). Protected areas range from government-led national parks, to shared protected areas jointly governed by state agencies and communities, to privately owned reserves, as well as public-private partnerships between governments and private companies or NGOs. The fourth category, or Type D, perhaps least understood, but full of potential, is Indigenous peoples and communities conserved territories and areas (ICCAs). ICCAs are recognised not only in the CBD, but also in other international agreements and policy, and link strongly to UN instruments on human rights and Indigenous peoples. ICCAs may be counted as part of the national targets under Aichi Target 11 under the provisions for OECMs. Locally-managed marine areas

Table 9.1 IUCN governance types for protected areas

Governance type	Sub-types
Type A: Governance by government	<ul style="list-style-type: none"> National Ministry or a protected area agency Sub-national agency (at all levels)
Type B: Shared governance	<ul style="list-style-type: none"> Transboundary governance arrangements Collaborative governance (through various ways in which diverse actors and institutions work together) Joint governance (pluralist board or other multi-party governing body)
Type C: Private governance	<ul style="list-style-type: none"> Individual landowners Religious entities Non-profit or for-profit organisations
Type D: Governance by Indigenous people and/or local communities (often called ICCAs or territories of life)	<ul style="list-style-type: none"> Indigenous peoples' conserved territories and areas, established and run by Indigenous peoples Community conserved areas – established and run by local communities

Source: Borrini-Feyerabend et al. (2013).

(LMMA) represent a governance model that is established and run with strong community and local government involvement (see Box 9.3) that may similarly be recognised as a protected area or OECM.

At the policy level, the PoWPA (CBD, 2004) has called upon Parties to the CBD to:

- support innovative types of governance for protected areas (see Box 9.3 for an example from Zimbabwe);
- acknowledge these in national legislation or via other effective means;
- seek equity and effectiveness in conservation while expanding coverage;
- intensify restoration efforts; and
- engage indigenous and traditional knowledge, skills and institutions.

It is critical to note that there is no universal and 'best' governance arrangement in any given context. It is more realistic to examine how appropriate, legitimate and useful these arrangements are in different circumstances. A governance arrangement for a given protected area can only be considered as *appropriate* when it is tailored to its historical and social context, and effective in delivering lasting conservation results and livelihood benefits. All the principles of governance quality identified in Section 9.1.2 should be applicable in any site regardless of governance type, though the level of involvement of stakeholders and rights holders will vary.

9.1.2 Governance quality

Encouraging the full spectrum of governance types in a national context is one of the key enabling conditions for equity (Schreckenberg et al., 2016), although it does not ensure that all such protected areas are being equitably or effectively governed.

At the site level, other concerns also emerge, such as:

- How are decisions being made about the protected area?
- Are those decisions equitable?
- Which values guide those decisions?
- How transparent is the decision making?
- Were rights holders (those with legal or customary right to land and resources) involved?
- Were stakeholders (those with a direct or indirect interest) included?

With these questions and drawing on the United Nations principles for good governance (Graham et al., 2003), a sense of governance quality, at times referred to as good governance (Table 9.2) begins to build up.

The principles of good governance offer ways to operationalise rights-based approaches, and address gender equity and equality, and the inclusion of marginalised groups. As such, good governance empowers rights holders and other stakeholders, allowing for the better integration of protected areas into the local landscape and the wider concerns of society (see Box 9.5).

Taken together, governance diversity and governance quality are the cornerstones of both equity in protected area conservation and the long-term effectiveness of biodiversity conservation (de Koning et al., 2016; Eklund & Cabeza, 2017; Gutiérrez et al., 2011; Schultz et al., 2015; Stoll-Kleeman et al., 2006).

Reporting on governance diversity and quality using governance assessment is now a key area of focus in the conservation community (see section 9.4).

9.2 Good governance and the IUCN Green List of Protected and Conserved Areas

As described in Section 2.4, the IUCN Green List of Protected and Conserved Areas Standard (IUCN Green List Standard) is the new international sustainability standard to benchmark protected and conserved areas that are both effective and equitable (Hockings et al., 2019).

The IUCN Green List Standard describes a globally consistent set of 17 criteria categorised under four components, accompanied by 50 indicators for protected and conserved areas, for successful conservation at the site level. The first component of the standard focuses on good governance or governance quality.

Sites that voluntarily commit to joining the IUCN Green List programme as a candidate site will first examine the criterion of the IUCN Good Governance component which concerns legitimacy

Box 9.2 Kick-starting marine conservation through local fisheries management

In Andavadoaka, Madagascar, voluntary and temporary closures of octopus fishing grounds are used as a point of entry for community-based conservation. Closures typically cover 25% of a community's overall octopus fishing area and are in place for 2–3 months at a time. There is compelling evidence that this improves fishery yields and local incomes, thereby building support to protect natural resources through locally managed marine areas (LMMAs), areas where the management of marine resources are at least in part under community control. LMMAs often employ marine management strategies, such as bans, on destructive fishing practices and community-enforced permanent no-take zones.

Some of the challenges experienced in the region include climate change, overfishing, rising coastal poverty and food insecurity and lack of conservation incentives. Many marine conservation efforts fail. Top-down declaration that large areas are permanently off-limits to fishing all too often puts conservation at loggerheads with the needs of coastal communities, disenfranchising the people who depend on fisheries for their livelihoods. For many tropical coastal communities, forgoing fishing in protected areas represents extremely severe economic sacrifice and significant opportunity cost.

Research into the effectiveness of the octopus closures has shown that they can improve catches and income, with landings from closed fishing sites increasing by more than 700% in the month following the lifting of a closure, boosting the catch per fisher per day by almost 90% over the same period. In Madagascar, the success of early closures has led to other communities following suit, with more than 270 closures having taken place to date. Adoption continues to grow each year, not only in Madagascar, but now in other countries in the region. The approach has also been introduced to artisanal fisheries for mud crab and spiny lobster. Following the successful establishment of the closures, fishing communities across Madagascar have grouped together to establish more than 190 management associations and 70 LMMAs that ban destructive fishing practices. MIHARI, Madagascar's LMMAs network, now covers over 17% of the island's seabed, and is championed at the highest levels of government. At the end of 2017, Blue Ventures' work in Madagascar is improving the lives of over 200,000 people. The imperative now is to bring this successful approach to coastal communities across the Indian Ocean.

Contributed by Rupert Quinlan (Blue Ventures, Madagascar).



and voice. This seeks to ensure that a fair, functioning and legitimate governance authority is in place, and that it considers the voices and interests of all concerned local rights holders and stakeholders in a meaningful way. The assessment begins with the governance authority itself, and examines the legitimacy of the authority and how it functions. Thereafter, the standard seeks to ensure that active dialogue is being maintained with all rights holders and stakeholders, in particular women. The focus is on finding solutions that meet, at least in part, the concerns and interests of everyone, while promoting mutual respect amongst all actors.

The second criterion of the IUCN Good Governance component seeks to ensure that the governing authority are held accountable to the public as decision makers, including that people know who is responsible and answerable about the fulfilment of differing responsibilities at various levels. This is to uphold the integrity and commitment of all decision-makers, while ensuring that the avenues to demand accountability are accessible to all.

The third and final criterion concerns governance vitality. It examines the extent to which planning and management draw on the best available knowledge of the social and ecological context of the site, and use an adaptive management framework that anticipates, learns and responds. In particular, the criterion focuses on whether there are procedures in place to ensure that the results from monitoring inform management decisions. This can include whether management considers historical changes which will help to inform future projections of social, ecological and climate

conditions. It examines the responsiveness of decisions to issues raised by rightsholders and stakeholders. An example of the deployment of the IUCN Green List is outlined in Box 9.6.

9.3 Measuring and assessing governance

Governance assessment approaches range from rapid assessment and evaluation processes, to participatory assessment processes that may comprise research, validation and discussion with a wider variety of actors such as government authorities, rights holders and stakeholders, as well as conservation specialists. The particular process of governance assessment should be chosen once the scale and scope of interest has been decided. Governance assessment should be seen as a social and political process beginning with a diagnostic analysis of issues, moving towards a solution and action-oriented component. Assessments can be undertaken at multiple scales and multiple tools have been developed for different objectives (Campese & Sulle, 2019).

Box 9.3 Governance diversity in action: initiating locally-managed marine areas to combat fish decline in Kuruwitu, on the North Kenya coast

Kuruwitu Conservation and Welfare Association (KCWA) was set up in 2003 by members of the community concerned about the degradation of their seas. On the north Kenya coast, over-fishing and effects of climate change needed to be addressed before the marine ecosystem was damaged beyond repair. Fishers and concerned residents who remembered how healthy and productive the sea had been in the past felt it necessary to act before it was too late. In 2005, they took the unprecedented step of setting aside a 30-hectare MPA. This was the first coral-based locally managed marine area (LMMA) in Kenya. Twelve years on, the area has made a remarkable recovery. With fishing prohibited within the MPA, fish have grown in abundance, size and diversity. Fish catches have improved, and alternative income generating enterprises have been introduced. Kuruwitu has become a model for sustainable marine conservation, with KCWA sharing their knowledge with other local and regional coastal communities regularly.

The development of sustainable non-fishing-based initiatives, such as crafts, furniture making, bee-keeping and tailoring, has shifted dependence on subsistence fishing thus taking pressure

off the fishing grounds. Fish stocks have improved dramatically within the LMMA, and an independent report shows a considerable increase in fish biomass and biodiversity of all marine life in the area. This has increased fish catches in the neighbouring fishing grounds and improved livelihoods. Turtles and nests in the area are protected through a community compensation scheme. Communities from along the coast and from other neighbouring countries visit Kuruwitu to see our living classroom. At least 20 other similar projects have started by other coastal communities inspired by KCWA.

KCWA demonstrated the importance of community involvement in natural resource management plans; a principle that has influenced a change of policy away from the state to the local communities. Kuruwitu has been chosen to pilot a co-management initiative working with various stakeholders covering an area of approximately 100 square kilometres. This is one of the first collaborative management schemes of its kind on the Kenyan coast and will set a precedent in the future.

Contributed by Des Bowden (Kuruwitu Conservation and Welfare Association).



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Box 9.4 Co-management of Gonarezhou National Park

Gonarezhou National Park is Zimbabwe's second largest National Park, spanning an area of 5,053 km². It is a member of the Great Limpopo Transfrontier Park (GLTP), which includes Kruger National Park in South Africa and Limpopo National Park in Mozambique, covering a combined area of 36,000 km².

In 2007, the Zimbabwe Parks and Wildlife Management Authority (ZPWMA) partnered with the Frankfurt Zoological Society (FZS) to establish the Gonarezhou Conservation Project, which provided financial and technical assistance to ZPWMA operations on the ground. Despite significant successes in the general protection and conservation of the Park, it was still felt that the park's potential was not being realised, and that the management model in place at the time was not sufficiently geared towards acting on the specific opportunities and threats presented by this complex landscape. Long-term financial sustainability was not being addressed, staffing levels were insufficient to pursue key biodiversity projects, such as the reintroduction of Black Rhino, and relationships with neighbouring communities were weak and conflict-ridden.

The situation led to a review of the partnership in 2013, culminating in the establishment of the Gonarezhou Conservation Trust in 2017, a purposefully mandated entity and co-management model between ZPWMA and FZS. The Gonarezhou Conservation Trust is tasked with the day-to-day management and development of Gonarezhou National Park for the next 20 years. The formation of the Trust builds on the reputation of Zimbabwe's Wildlife authority to be willing to embrace change and to search for innovative solutions, such as the establishment of CAMPFIRE in the 1980s which directly involved communities in wildlife management and introduced benefit sharing.

The key aspects of the Trust include:

- governed by a Board of Trustees, with equal representation between ZPWMA and FZS;
- devolved management, headquartered in the park;
- responsibility for all management costs;
- directly in charge of all staff;
- a stated focus on local employment and building meaningful relationships with communities; and
- retention all tourism income, and in control of tourism planning and development.

One of the challenges has been to overcome some distrust on both local and national levels, which is derived from the perception that management of a Zimbabwean national asset has been outsourced. It has required setting structures in place at park level (such as human resources, tourism management), which used to be the responsibility of the ZPWMA headquarters, and building a sustainable funding base needed to cover all management costs.

The Trust has:

- invested heavily in law enforcement, significantly reducing poaching levels;
- pioneered a community engagement model 'Mphfuka' (pilgrimage), based on communities being a key part of the conservation-centred economy; and
- begun re-developing its tourism offering in an effort to make tourism work for conservation and communities, and not the other way around.

Through the gains made, not only in law enforcement but in relationships with communities, and the growing presence of tourists to the park, the key issues prompting the formation of the Trust are steadily being addressed.

Contributed by Elsabé van der Westhuizen (Frankfurt Zoological Society).

Box 9.5 Working with communities for conservation

The Peregrine Fund (TPF) started its work in Madagascar in 1990. The country programme aims at conserving threatened endemic species, in particular birds of prey, water birds and other biodiversity, in order to prevent extinction of these species and to preserve their habitats. TPF focuses on national capacity building on biodiversity conservation for staff, students and local communities.

Since 1991, TPF has worked at the Manambolomaty wetland area (a Ramsar Site) surrounded by a typical tropical dry forest in western Madagascar. The area is home to many water birds, including more than 12% of the global population of the raptor species Madagascar fish eagle (*Haliaeetus vociferoides*), a critically endangered species, endemic to Madagascar. Overfishing at the site in the 1990s threatened the population of the Madagascar fish eagle, resulting in the need for a process to manage the areas to protect the critically endangered bird species and other biodiversity as well as improve the livelihood of the local communities.

Since 2001, TPF has worked closely with local associations to manage the lakes and surrounding forest. Meetings with stakeholders (heads of villages, local authorities and the community) were convened. From these meetings, a roadmap for natural resources management was developed. It included fish opening and closing period, a core area inside the lakes, limits on the number of fishermen and a temporary camp for the fishermen.

Furthermore, an alternative livelihoods programme was developed to provide school support and agricultural equipment for farm activities. Working closely with regional agencies, capacity building activities in fish and forest management were organised for the communities.

TPF worked closely with members of local associations to assist with management and surveillance of the reforestation program. Each year, through the programme, members planted seedlings. The programme provided fibre canoes to fishermen with the aim of decreasing the felling of big trees for wood canoes.

Nowadays, the local community is convinced of the importance of natural resources for their future generation. Very few trees have been removed from the protected area and the local communities are active in planting trees. Income from fish management has increased, their children are able to go to school, farm and agricultural activities are more lucrative. After 18 years of collaboration with local communities, this protected area is considered an important site for community-based conservation in Madagascar.

Contributed by Lily-Arison Rene de Roland (The Peregrine Fund, Madagascar).





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Table 9.2 IUCN principles of good governance for protected areas

Principles	Considerations related to the principles
Legitimacy and voice	<ul style="list-style-type: none"> • Establishing and maintaining governance institutions that enjoy broad acceptance and appreciation in society. • Ensuring that all rights holders and stakeholders concerned receive appropriate and sufficient information, can be represented and can have a say in advising and/or making decisions. • Fostering the active engagement of social actors in support of protected areas, upholding diversity and gender equity. • Extending special support to vulnerable groups, such as Indigenous peoples, women and youth, and preventing discrimination on the basis of ethnicity, gender, social class, financial assets, etc. • Maintaining an active dialogue and seeking consensus on solutions that meet, at least in part, the concerns and interest of everyone. • Promoting mutual respect among all rights holders and stakeholders. • Honouring agreed rules, which are respected because they are 'owned' by the people and not only because of fear of repression and punishment. • As much as possible attributing management authority and responsibility to the capable institutions closest to natural resources (subsidiarity).
Direction	<ul style="list-style-type: none"> • Developing and following an inspiring and consistent strategic vision (broad, long-term perspective) for the protected areas and their conservation objectives, grounded on agreed values and an appreciation of the ecological, historical, social and cultural complexities unique to each context. • Ensuring that governance and management practice for protected areas are consistent with the agreed values. • Ensuring that governance and management practice for protected areas are compatible and well-coordinated with the plans and policies of other levels and sectors in the broader landscape/seascape, and respectful of national and international obligations (including CBD PoWPA). • Providing clear policy directions for the main issues of concern for the protected area, in particular contentious issues (e.g., conservation priorities, relationships with commercial interests and extractive industries), and ensuring that those are consistent with both budgetary allocations and management practice. • Evaluating and guiding progress on the basis of regular monitoring results and a conscious adaptive management approach. • Favouring the emergence of 'champions', generating new ideas and carefully allowing/promoting the testing of innovations, including governance and management innovations for protected areas.
Performance	<ul style="list-style-type: none"> • Achieving conservation and other objectives as planned and monitored, including through on-going evaluation of management effectiveness. • Promoting a learning culture for protected area policy and governance practice on the basis of mechanisms, tools and partnership that promote on-going collaborative learning and cross-fertilisation of experience. • Engaging in advocacy and outreach for the benefit of protected areas. • Being responsive to the needs of rights holders and stakeholders, including by providing timely and effective response to inquiries and reasonable demands for changes in governance and management practice. • Ensuring that protected areas staff, rights holders and stakeholders, as appropriate, have the capacities necessary to assume their management roles and responsibilities and that those capacities are used effectively. • Making an efficient use of financial resources and promoting financial sustainability. • Promoting social sustainability and resilience, i.e., the ability to manage risks, overcome the inevitable crises and emerge strengthened from the experience.

Principles	Considerations related to the principles
Accountability	<ul style="list-style-type: none"> • Upholding the integrity and commitment of all in charge of specific responsibilities for the protected areas. • Ensuring transparency, with rights holders and stakeholders having timely access to information about: what is at stake in decision-making; which processes and institutions can exert influence; who is responsible for what; and how these people can be made accountable. • Ensuring a clear and appropriate sharing of roles for the protected areas, as well as lines of responsibility and reporting/answerability. • Ensuring that the financial and human resources allocated to manage the protected areas are properly targeted according to stated objectives and plans. • Evaluating the performance of the protected area, of its decision makers and staff, and linking quality of results with concrete and appropriate rewards and sanctions. • Establishing communication avenues (e.g., web sites) where protected area performance records and reports are accessible. • Encourage performance feedback from civil society groups and the media. • Ensure that one or more independent public institution (e.g., ombudsperson, human rights commission, auditing agency) has the authority and capacity to oversee and question the action of the protected areas governing bodies and staff.
Fairness and rights	<ul style="list-style-type: none"> • Striving towards an equitable sharing of the costs and benefits of establishing and managing protected areas and fairness in taking all relevant decisions. • Making sure that: the livelihoods of vulnerable people are not adversely affected by the protected areas; protected areas do not create or aggravate poverty and socially-disruptive migratory patterns; and the costs of protected areas, especially when born by vulnerable people, do not go without appropriate compensation. • Making sure that conservation is undertaken with decency and dignity, without humiliating or harming people. • Dealing fairly with protected area staff and temporary employees. • Enforcing laws and regulations in impartial ways, consistently through time, without discrimination and with a right to appeal (rule of law). • Taking concrete steps to respect substantive rights (legal or customary, collective or individual) over land, water and natural resources related to protected areas, and to redress past violations of such rights. • Taking concrete steps to respect procedural rights on protected area issues, including: appropriate information and consultation of rights holders and stakeholders; fair conflict management practices; and non-discriminatory recourse to justice. • Respecting human rights, including individual and collective rights, and gender equity. • Respecting the rights of Indigenous peoples, as described in the UN Declaration of the Rights of Indigenous Peoples. • Ensuring rigorously the free, prior and informed consent of Indigenous peoples for any proposed resettlement related to protected areas. • Promoting the active engagement of rights holders and stakeholders in establishing and governing protected areas.

Source: *Borrini-Feyerabend et al. (2013).*

9.3.1 IUCN WCPA Best Practice Guidelines

IUCN has published a set of best practice guidelines for both system and site-level governance assessments (Borrini-Feyerabend et al., 2013). The guidelines offer concepts and tools to understand the four main protected area governance types and the set of principles of good governance recognised by IUCN, on the basis of examples from all over the world. It also offers practical guidance for those willing to embark on the process of assessing, evaluating and improving governance for their systems of protected areas or for individual protected area sites.

9.3.2 System-level assessment

A system-level assessment is a long-term and macro-level approach to evaluating and assessing governance of protected areas. It is focused on the system of protected areas, meaning the existing spatial system of protected areas, its corresponding legal framework and the diversity and range of both IUCN protected area management categories and governance types. A system-level assessment assumes that no protected area will be effective or equitable, if it is not considered within its broader landscape. Most threats to protected areas stem from outside the boundaries of the protected area itself (Davey, 1998), including encroachment, poor connectivity in the wider landscape and a lack of resources (Schulze et al., 2018). Protected areas are not islands but are rather part of a mosaic of land uses and diverse interests. A system-level assessment firstly examines the potential for the full range of governance types in a given country and makes recommendations for recognition and support of existing de facto governance arrangements. Secondly, it examines the entire landscape and in particular examines the coordination of these interlocking sectors and land-uses.

IUCN offers guidance on what a system of protected areas is and notes at least five key characteristics of such a system (Davey, 1998). These include: representation, comprehensiveness and balance; adequacy; coherence and complementarity; consistency; and effectiveness and equity. A system-level governance assessment led by IUCN is being undertaken in Tanzania (see Box 9.5).

9.3.3 Site-level assessment

A site-level governance assessment focuses on governance quality (see Box 9.6) for an example from Zambia). Unlike a system-level assessment, it does not review the choice of governance type but rather assesses the extent to which the governance arrangements are true to the type of governance, i.e. which stakeholder has primary decision-making authority in reality and the level of influence on decision-making of other stakeholders.

Site-level governance assessments can also examine the components of diverse governance models, and examine their strengths, challenges and enabling factors (see Box 9.7).

9.3.4 Site-level governance and equity assessment (SAGE)

SAGE is a methodology for assessing the quality of governance of a protected or conserved area, including equity, using a framework of 10 governance and equity principles based on IUCN and CBD guidance (IIED, 2020). It is a rapid process that enables stakeholders at a site to identify governance challenges and potential actions to address them, and provides managers at higher levels with an assessment of governance quality that can be used for management oversight, reporting and IUCN's Green List process.

Box 9.6 OI Kinyei Conservancy and the IUCN Green List

The OI Kinyei Group Ranch was one of the traditional grazing areas for the Maasai, north of Mara National Reserve (MMNR). In the early 1990s the Group Ranch leaders embarked on the sub-division of their lands to the north of the MMNR. Most of the sections were subdivided into plots ranging from 60 to 150 acres. With the fragmentation of the Group Ranches, the wildlife dispersal areas surrounding the MMNR became increasingly threatened, as the rangeland was rapidly being converted into agricultural small holdings and community settlements. In 2005, the OI Kinyei Conservancy partnered with landowners and tourism operators to jointly manage the conservancy and establish an area of protected wildlife habitat. This was to promote the regeneration of vegetation and increase wildlife biodiversity and populations, which in turn supported eco-tourism. The land leases (initially approximately 5,000 acres and currently standing at 18,500 acres) generate income and employment for local communities. The OI Kinyei committed to the IUCN Green List and began the process of assessment against the Green List

Standard. To comply with the first criteria of the Good Governance component, 'legitimacy and voice', the governing structure needed to demonstrate how the various community groups are involved in the decision-making processes, how representatives are chosen and, the extent to which these groups have had their views taken into account by the executive body. To demonstrate the second criteria, accountability and transparency, decisions made by the highest decision-making body needed to be publicly available and upon request. A timely and effective grievance mechanism was also put in place for dealing with stakeholder complaints.

The shared governance structure has created a stable platform for conservation and ensured a fair distribution of the benefits derived from conservation among its landowner community members, thus developing a greater sense of ownership, appreciation and understanding of the importance of conserving Kenya's wildlife heritage.

Contributed by Beatrice Chataigner (IUCN PAPACO, Kenya).



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As with many PAME methodologies, SAGE generates rating data using a questionnaire with around 40 questions (3-5 questions for each principle). SAGE uses a multi-stakeholder process. The main activity involves a one- to two-day workshop which starts with different stakeholder groups doing the assessment separately, thereby revealing different stakeholder perspectives. Stakeholders then discuss the reasons for any differences in scoring, and identify actions to improve governance and equity that might be taken up by one or more stakeholders.

The output of SAGE has three main elements:

- a) Site profile – of the protected or conserved area and contextual issues relevant to governance and equity;
- b) Impact analysis – including both the environmental impacts from the activities of people and other hazards (i.e. threats to the site) and the social impacts of the site and its conservation on people; and
- c) Governance and equity scorecard with the scores and supporting evidence from different stakeholder groups for each of the 40 questions, average scores and scoring ranges by question and principle, and suggestions for action to strengthen governance.

While SAGE identifies governance strengths and weaknesses, it is not a diagnostic tool that can explore deep underlying causes of governance problems. For an in-depth assessment, the Governance Assessment for Protected and Conserved Areas (GAPA) would be the more appropriate tool (Franks & Booker, 2018; IIED, 2018) (see next section).

9.3.5 Governance assessment for protected and conserved areas (GAPA)

GAPA is a multi-stakeholder assessment for use by site managers, communities living within and around a protected or conserved area, or other stakeholders and rights holders at local and national levels (Franks & Booker, 2018; IIED, 2018). The primary goal of GAPA is to improve the governance of the target site and any related conservation and development activities.

The methodology uses a combination of: (i) key informant interviews and focus group discussions to identify the governance strengths and challenges and ideas for action; and ii) stakeholder workshops to discuss and validate the results and review the ideas for action to improve the situation. There is an optional extra: iii) a site-level governance scorecard to provide a quantitative assessment of site-related governance issues and the diversity of views on these issues within and across communities. The assessment itself typically takes five to 10 days depending on the size of the area and logistics. Following the assessment, is an action phase comprising a set of activities to support stakeholders in the implementation of key actions to improve governance that were suggested by the assessment. A detailed users' manual is available (Booker & Franks, 2019). For an example of GAPA results, see the case study from Zambia (Box 9.6).

Box 9.7 System-level governance assessment in Tanzania

Tanzania is home to tens of millions of people and is one of the world's most biodiverse countries, boasting thousands of species and ecosystems. It includes nine major river catchments, Africa's highest peak, drylands, savannah and coastal and marine areas. Since 2017, IUCN has been leading a participatory system-level governance assessment in Tanzania in conjunction with national partners and stakeholders to examine issues around fairness in the protected area (PA) system. The work comprises a mixture of desktop and workshop related activities including historical research, legal analyses, the documenting of all four IUCN/CBD governance types and the examining of diverse governance settings using good governance principles. The process has revealed Tanzania as one of the richest countries on Earth with regard to its conservation estate and it has committed to ambitious national targets for conservation. Its current system of PAs far exceeds the minimum global targets for coverage. The range of diverse governance types in the conservation estate is equally impressive.

The system is vast, ranging from government led protected areas (Type A) such as the four natural World Heritage Sites: Ngorongoro Conservation Area, Kilimanjaro National Park, Selous Game Reserve now Nyerere National Park and Serengeti National Park. It also includes shared governance

models (Type B) such as the Burunge Wildlife Management Area as well as other participatory models across a range of Forest Nature Reserves, Village Forests and Game reserves. The privately owned Chumbe Island Coral Park (Type C) serves as an example of voluntary nature conservation within the system. The fourth category, ICCAs— territories of life – (Type D), areas that are under traditional governance, management and custodianship have demonstrated long-term conservation effectiveness. These include areas which are currently undergoing documentation via the Certificates of Customary Right of Occupancy (CCROs). Work is being undertaken to map and document these ICCAs—territories of life, as well as registering them nationally and in the ICCA Registry hosted by the WDPA. For example, traditional institutions for landscape conservation in the Matengo Highlands illustrate how traditional knowledge under the customary Sengu system can achieve both sustainable livelihoods and conservation of the landscape. The Sengu system has its governance structure formalized in the Tanzanian regulatory framework. This reveals an impressive rooting of conservation in both traditional and modern national cultural identities which can serve as a range of illustrative examples for the rest of the world

Contributed by Jennifer Kelleher (IUCN) and Grazia Borrini-Feyerabend and Emmanuel Sulle (ICCA Consortium).

9.3.6 Indicators

While the scale of an enquiry is one important component, the development of actual indicators linked to the governance assessment is a core feature for effective reporting on governance and equity. Borrini-Feyerabend et al. (2013) provide a long list of examples of governance indicators in the annexes of the publication. More recently, a global study has led to the development of such indicators and displays results from a host of countries (ICCA Registry, n.d.; Zafra-Calvo et al., 2017). The GAPA Manual provides a practical framework of principles and indicators (called themes) which forms the basis of both the GAPA and SAGE methodologies.

More details on the most commonly used governance assessment methods and tools are available in Campese and Sulle (2019).

9.4 Social assessments

The contribution of protected areas to poverty alleviation, by providing employment opportunities and livelihoods to people living in and around them, has been noted by CBD's PoWPA (CBD, 2004). At best, protected areas should in all cases strive to reduce poverty, and the costs and benefits should be equitably shared (linked to the distribution element of the CBD equity framework). In 2008, a study revealed more than 30 methods to assess the social impacts of protected areas (Schreckenberget al., 2010). From this, a social assessment methodology has been specifically tailored for

the protected areas context. The social assessment of protected areas (SAPA) methodology is designed to help protected area managers and other stakeholders to understand and promote positive social impacts, while reducing the negative impacts (Franks et al., 2018; IIED, n.d.). Like GAPA, it uses a multi-stakeholder approach to ensure that all concerned stakeholders and rights holders are fully engaged in the design of the assessment, information gathering, interpretation of the results and development of recommendations for action. Box 9.8 provides an example of SAPA results from Kenya.

9.5 PAGE in Eastern and Southern Africa

This section of the report draws on the analysis completed by Jessica Campese and Emmanuel Sulle in their report, *Management Effectiveness, Governance, and Social Assessments of Protected and Conserved Areas in Eastern and Southern Africa: A rapid inventory and analysis to support the BIOPAMA programme and partners*, prepared for the BIOPAMA programme (Campese & Sulle, 2019). The report considered management effectiveness, governance and social assessments in terrestrial and/or marine protected or conserved areas in Eastern and Southern Africa. The primary focus was on methodologies developed specifically to assess one or a combination of these issues and intended for replicated use.

Box 9.8 Site-level governance assessment at Mumbwa GMA in Zambia

Game Management Areas (GMAs) cover 22% of the land area of Zambia. They have a vital role, both ecologically as dispersal areas and corridors that link the major national parks and financially as the source of much of the revenue that supports conservation in Zambia (through hunting concessions). GMAs are managed under a shared governance arrangement called Community-Based Natural Resource Management (CBNRM) between the government's Department of National Parks and Wildlife (DNPW) and the communities who live around and within the GMA's development zone. Most of these CBNRM arrangements were established over 20 years ago and have had little support in recent years. In recent years a number of reviews have noted weaknesses in governance as a major and growing problem that is seriously undermining both conservation and social outcomes.

In 2018, the Zambia CBNRM Forum with support from the International Institute for Environment and Development (IIED) and the Global ICCA Support Initiative of UNDP assisted the stakeholders – communities, government and hunting operators – of Mumbwa GMA which borders the Kafue National Park to conduct a governance assessment using IIED's GAPA methodology. Using this methodology, including key information interviews and focus group discussions, the stakeholders assessed governance strengths and weaknesses of the GMAs and identified actions to improve governance, focusing in particular on four good governance principles. The table below summarises some of the key findings and suggested ideas for action.

Contributed by Jennifer Kelleher (IUCN).

Principle	Challenge	Ideas for action
Effective participation of relevant actors in decision-making	Government departments dominate decision making related to the GMA and so communities have little influence over decision making.	All stakeholders need to sit down and meet to recognise the voice of the community in decision making.
Fair sharing of benefits according to a targeting strategy agreed by relevant actors	Traditional leaders share natural resources within GMA with family and friends, forgetting other community members.	Government to help sensitise traditional leaders on fair benefit sharing between traditional leaders and the community
Transparency supported by timely access to relevant information	Information takes a long time to reach community members - for example information about hunting quotas	Use different methods to share information to communities - flyers, SMS, churches - as well as modern was of communication
Fair and effective enforcement of laws and regulations	Government is reluctant to remove some encroachers from the GMA as they are scared of losing votes	increase in the salaries for officers from DNPW and village scouts to help curb illegalities such as tips and bribes

Source: Lubilo (2019).



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Box 9.9 State of Indigenous and Community Conserved Areas in Tanzania

Tanzania has one of sub-Saharan Africa's most well-established systems of local rural governance. Communities in rural areas are managed by over 12,000 village councils, which are in turn accountable to village assemblies. Legislation empowers villages to make their own by-laws, including over management of natural resources.

The importance of local institutional framework for local communal natural resource management and conservation in Tanzania cannot be overemphasized. Village councils and assemblies hold village council meetings provide the statutory mechanism for local community decision-making and collective negotiation regarding land and resource uses. The Village Land Act enables villages to zone communal and individual land areas through land use plans, and enforces these zones with village by-laws. This allows communities to support traditional land-use practices with statutorily recognised plans and by-laws. Hundreds or even thousands of Tanzanian Indigenous Community Conserved Areas (ICCAs) may exist as legal entities at the village level under this system, such as pastoralist dry season grazing reserves. Many of these locally-conserved areas are poorly documented, and enforcement at the local level depends on a range of factors.

Tanzania's forest policy and legislation also builds on the land tenure and local governance institutions present in the country to provide strong enabling conditions for local communities to own and manage forests. While Tanzania's historical forest management framework emphasized legal restrictions on harvesting and the establishment of central forest reserves, starting in the mid-1990s Tanzania began some formal experimentation with community-based forest management. In 1998 the country adopted a National Forestry Policy which aims to strengthen the "legal framework for the promotion of private and community-based ownership of forests and trees" (United Republic of Tanzania, 1998, p. 1). The Forest Act 2002 was subsequently passed calling for forests to be managed at the lowest possible level of government and providing flexible institutional arrangements for local forest management and ownership. These include village land forest reserves (VLFRs) which are managed by villages, as well as community forest reserves (CFRs) which may be managed by a sub-group of people within the village. This legal and policy framework is highly supportive of community management and ownership of forests, and has led to the rapid expansion of statutorily recognized local forest reserves (mainly VLFRs). Consequently, village land forests are recognised in law as a viable and increasingly important part of the forest estate under formal protection.

As with forestry, Tanzania underwent a wildlife sector reform process in the 1990s and released a new Wildlife Policy in 1998 and Wildlife Conservation Act No. 5 of 2009 calling for the devolution of wildlife management responsibilities and

rights to villages through new statutory ICCAs called wildlife management areas (WMAs). The objectives of WMAs, described by the Wildlife Policy as areas conserved by and for the local communities with devolved managerial rights and control over benefits, are clearly in line with a working definition of ICCAs. However, the rights actually granted communities to manage wildlife in the WMAs according to the 2002 regulations are limited. For example, the communities have very limited rights to manage commercial hunting of wildlife in the WMAs and unclear control over revenues from wildlife in these areas. Concerns about retaining secure village land tenure in the WMAs have also led to resistance by some pastoralist communities to the concept. As presently developed, the WMAs are limited to a somewhat nebulous form of co-management with government maintaining a considerable degree of authority, and probably should not qualify as ICCAs until (if) their institutional arrangements are revised.

ICCAs are also spread along coastal and mountain areas of Tanzania. Extensive knowledge systems exist in the communities living in these areas. Some of the ICCAs are formalised while some are not, but all performing the critical need of nourishing our landscapes. The Mpingo Group in the eastern coast, the Kumbi traditional system of political ecology organisation along Lake Malawi/Niassa/Nyasa shores and Ntambo land holding in the Matengo highlands in the south-western part of Tanzania – all portray the significance of Indigenous knowledge systems in conserving community-based natural resources.

Contributed by Stephen Nindi (Land Use Planning Commission, Tanzania).



The inventory was not exhaustive. Not all of the inventoried assessments were included in the detailed analyses because they did not constitute complete assessments using readily replicable methodologies. These are categorized as “Other”.¹⁰⁷

9.5.1 Governance assessments in Eastern and Southern Africa

Three hundred and eighty governance assessments were inventoried (see Figures 9.1 and 9.2). Most were site-level assessments of community forests¹⁰⁸ in Tanzania using the Community Forest Governance Dashboard. Seven GAPA assessments of protected areas were conducted in Kenya, Uganda and Zambia, of which two analyses using the ‘choice and recognition’ framework were inventoried from Kenya and Uganda. Finally, four assessments were inventoried using a prototype equity questionnaire in Kenya, Tanzania, Uganda and Zimbabwe. Governance assessments were inventoried for Tanzania, Namibia, Kenya, Madagascar, Uganda, Zambia, Zimbabwe and for multiple countries.

9.5.2 Social assessments

Fifty social assessments were inventoried, dating from 1996 to present, including 19 SAPA assessments in Ethiopia, Kenya, Malawi, Mozambique, Uganda, Zambia, and Zimbabwe (see Figure 9.3 and Figure 9.4). Full details of the methodologies used and countries in which they were conducted are available in the full report (see Figure 9.1 and Figure 9.3).

The importance of focusing on governance and equity of protected areas is clearer than ever (Bennett & Dearden, 2014; Oldekop et al., 2015; Bennett et al., 2019;) – governance and equity are key factors in determining the effectiveness and efficiency of management in protected areas. They are central to ensuring that protected areas are fair and bestow ecological, social, economic and cultural benefits without burdening people with unfair costs. Accordingly, it fulfils the objectives set out in PoWPA wherein protected areas are considered as better integrated into the wider landscapes, but also into society as a whole.

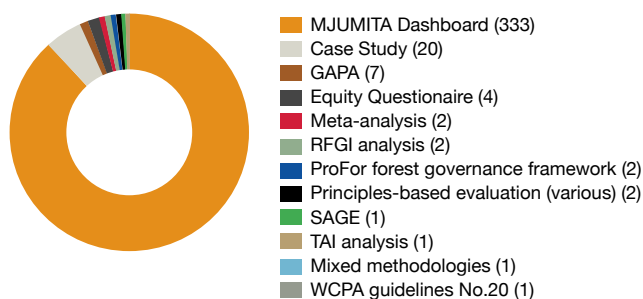
9.6 Results of social and governance assessments in Eastern and Southern Africa

In the ESA region, only 18 sites in total have so far assessed social and governance components using the governance and equity framework from the GAPA, SAPA and SAGE tools by IIED (see Table 9.3).

Based on an analysis of these assessments, a number of strengths and challenges were highlighted. The strengths noted were on equitable benefit sharing, such as revenue derived for community development projects and access to resources in the protected areas. Communication channels to engage the community were also observed to be in place and decision making in some areas was done jointly, e.g. selection of projects to fund.

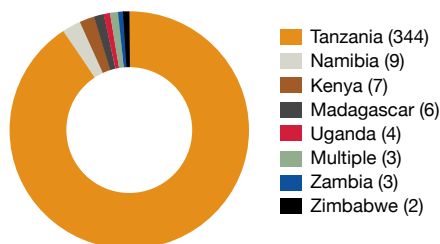
The issues noted revolved around participation in decision-making which, among others, included protected area officials and government representatives having more influence over decision making than local people. Other challenges included transparency and access to information and particularly in revenue sharing and awareness of rights. Fair and effective law enforcement was lacking in some cases where there was irregular application of the law.

Figure 9.1 Inventoried governance assessments by methodology (total 378)



Source: Campese & Sulle (2019, p. 48)

Figure 9.2 Inventoried governance assessments by country (total 378)

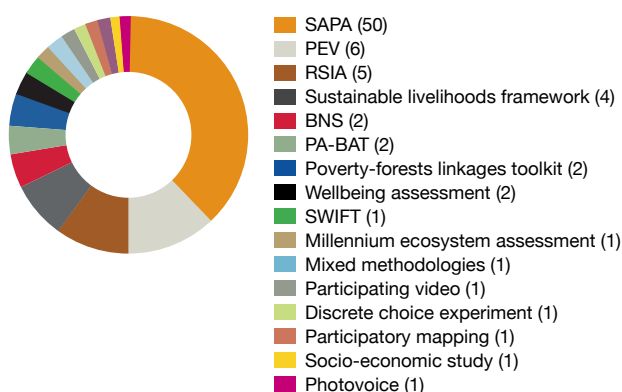


Source: Campese & Sulle (2019, pg. 49)

107 The full report is available on <https://biopama.org/node/349>

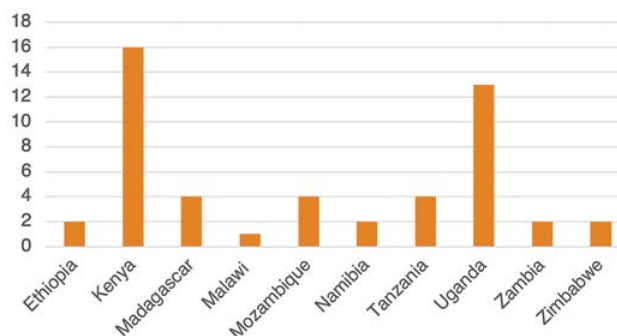
108 It is important to note that in Tanzania these are OECMs, mostly established by communities for forest management and REDD+ rather than biodiversity conservation per se. They are not in WDPA.

Figure 9.3 Inventoried social assessments by methodology (total 50)



Source: Campese & Sulle (2019, pg. 50).

Figure 9.4 Total number of inventoried social assessments by country



Source: Campese & Sulle (2019, pg. 51).

Box 9.10 Social assessment at Ol Pejeta Conservancy in Kenya

Ol Pejeta Conservancy (OPC) is a private protected area in Kenya which is owned and managed by a conservation trust. Since its conversion from a cattle ranch to a conservancy in the early 1990s and benefiting from substantial donor support, OPC has become a popular tourist destination, generating enough revenue to cover operational costs and provide substantial sums each year for its community programme which invests in education, health, agricultural extension and water supply.

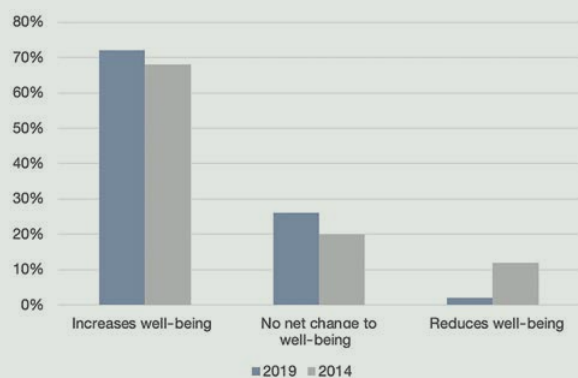
In 2014, OPC conducted an assessment of the positive and negative social impacts of the conservancy on local communities using the SAPA methodology, and this was repeated in 2019. SAPA uses a participatory rural assessment method in selected communities to identify the more significant impacts, a short household survey to investigate these impacts in more detail and related governance issues (but with much less depth than GAPA), and finally a stakeholder workshop where key stakeholders review the results and identify ideas for action.

The 2019 assessment reiterated the findings of 2014 that the most significant benefits from a community perspective are the fencing around the conservancy, which has reduced human wildlife conflict, and the improvement in security provided by the presence of OPC law enforcement staff in an otherwise insecure area. This finding, that some park management activities appear to have greater value to the community than the development activities of the community programme, was a real eye-opener in 2014. It has led not to a cut in development activities but to a more focused approach that prioritises benefits people consider more valuable, notably school bursaries. Another key finding is that these

bursaries seem to be more valued by wealthier households, suggesting some bias in their allocation that needs to be rectified. There was also a strong message that benefits were being allocated more to communities on the south-east side nearer to the main road. This has since been largely rectified. However, there continues to be a pattern of women and poorer people being more concerned about this issue. Some of the ideas to improve the situation include better communication, since the problem is partly caused by people simply not knowing what benefits are going to others and suspecting bias which may not actually be there.

A perception of bias in the allocation of development projects and jobs also appear as significant negative impacts along with crop damage by animals (despite fencing). However, these seem relatively minor concerns, as the overall picture of how communities perceive the protected area, taking account of all benefits and costs, has improved since 2014.

Contributed by Jennifer Kelleher (IUCN).



Source: Franks (forthcoming, 2021).

Table 9.3 SAPA, GAPA and SAGE assessments conducted to date

SAPA		
Country	Area	Version
Ethiopia	Awash National Park	v1
Kenya	Marsabit National Park/Reserve	v2
Kenya	OI Pejeta Conservancy	v2
Kenya	Borana Conservancy	v2
Kenya	Loisaba Conservancy	v2
Kenya	Kisite Marine Protected Area	v2
Kenya	Ruma National Park	v2
Mozambique	Maputo National Park	v2
Uganda	Ruwenzori National Park	v1
Uganda	Lake Mburo National Park	v1
Uganda	Kibale National Park	v2
Uganda	Mgahinga National Park	v2
Uganda	Murchison National Park	v2
Uganda	Bwindi National Park	v2
Zambia	Mumbwa Game Management Area	v1
Zambia	Lupande Game Management Area	v1
GAPA		
Country	Area	
Kenya	Mara North Conservancy	
Kenya	Olderkesi Conservancy	
Kenya	Kalama Conservancy	
Zambia	Chiawa Game Management Area	
Zambia	Mumbwa Game Management Area	
SAGE		
Country	Area	
Zambia	Mulobezi Game Management Area	
Tanzania	Randilen Wildlife Management Area	

