

Protected Area Governance: Review of the role of provincial government in protected area management

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PNG Protected Area Management Guideline No.PG1 version 1

## Title

# Protected Area Governance: Review of the role of provincial government in protected area management

This is one of a series of protected area management guidelines produced by the PNG Conservation and Environment Protection Authority through the project *“Protected Area Management and Planning Specialist”*, funded by the Global Environment Facility (GEF) and implemented through UNDP in Papua New Guinea.

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## Cover Photograph

Mateusz Wolnicki



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## Executive Summary

Papua New Guinea's provincial governments play a critical role in establishing and managing protected areas. Provincial government officials understand important issues at the regional level and keep in touch with local level government, industry and civil society. They know what challenges and opportunities will most likely be encountered.

This project worked with five provincial administrations over a period of eight months from August 2018 to April 2019 to help build networks between the national government and provincial governments and to better understand the wealth of experiences and skills held in the provinces.

This report captures and organises the information collected during the meetings and presents the findings and recommendations in three parts.

The first part identifies the administrative, financial and legal mechanisms that are available to manage protected areas at the provincial level, as well as challenges currently faced by provincial governments in implementing these processes.

- (a) Administrative mechanisms include: provincial development and business planning; impact assessment; and three model mechanisms or processes for engagement that can be utilized in conjunction with the PNG Forest Authority, PNG National Fisheries Authority and Department of Lands and Physical Planning.
- (b) Financial mechanisms include: district and provincial funding; in-kind support; national government and CEPA Protected Area Management support; Integrated Conservation and Development projects; NGO funds; REDD+ and climate change funds; biodiversity offsets; Green Climate Fund; environmental levies; donor and bilateral investment; and developing Memorandums of Understanding.
- (c) Legal mechanisms include: traditional sacred sites (ples masalai or traditional tambu area) recognized under customary law; the *Organic Law on Provincial and Local Level Governments 1995*, which may be used to draft local and provincial legislation for the establishment and management of protected areas; the PNG Forest Authority Logging Code of Practice; conservation easements; PNG National Sustainable land Use Policy and associated legislation; changing land tenure under the *Physical Planning Act 1989*; and mechanisms within other legislation such as the *Environment Act 2000*, *Fisheries Management Act 1991* and *Maritime Zones Act 2015*.

The second part outlines mechanisms for improved protected area governance at the provincial level through Regional Protected Area Round Tables (RPART). The RPART is well placed to mobilise the administrative, financial and legal mechanisms currently available at the provincial level and liaise with national government and other funding partners. Five decision making levels are addressed including: the community; local level government; district level; provincial level; and national level.

The third part recommends strategies for improved protected area administration. Following the creation of the RPART in the province, its task will be to prioritise and establish new areas for protection and ensure good management of existing protected areas. The role of provincial government and of the RPART are identified at each step of the decision making process.

# 1. Background

Many protected areas in Papua New Guinea (PNG) are currently managed by local communities with the assistance of government and non-government organisations and some receive international donor funds. With the introduction of PNG's new protected area legislation<sup>1</sup>, provincial governments, working closely with communities and the Conservation and Environment Protection Authority (CEPA) will play an increasingly important role in establishing and managing regional protected areas.

The proposed protected area legislation introduces a significant change to the management of protected areas by creating a structure and process through which provincial governments will be able to access resourcing and advice from the national government. This is consistent with CEPA's role to work with provincial government in mainstreaming sustainable development and conservation practices to the provinces.

As a provincial legislated body created under the proposed legislation, the Regional Protected Area Round Table (RPART) will be the primary mechanism for provincial government engagement in protected area management. The RPART will make use of various administrative, financial and legal mechanisms that will assist it in establishing and successfully managing protected areas together with customary landowners.

The challenge faced by the provincial administration and the RPART is how to make the best use of the available mechanisms. This issue is reflected more broadly in the challenges concerning effective implementation of the *Organic Law on Provincial and Local Level Governments 1995*. Existing constraints with governance systems, resourcing and capacity mean that provincial governments are often 'outside the tent' when donor agencies liaise directly with customary landowners who lobby elected representatives and officials to provide resourcing, at times bypassing the provincial government altogether. This issue highlighted an urgent need for provincial governments, customary landowners and donor agencies to work together for a more coordinated and empowered approach to establishing and managing protected areas.

A detailed role and structure of the RPART was subsequently proposed, including its responsibilities to the provincial government and the drafting of a Terms of Reference, all of which have been addressed in the Regional Protected Area Round Table reports (Wolnicki, Mitchell & Peterson 2018, Wolnicki 2019). In general, provincial governments have opted to use existing decision-making platforms such as the Provincial Climate Change Adaptation Committees or existing environment committees as a platform for the RPART. This innovative approach streamlines all environmental decision making into a single provincial committee and integrates protected area management with sustainable planning, climate change and livelihoods.

The benefits of this approach are that it: creates a focal point for all sustainable development and protected area matters; establishes a formal process of managing provincial protected areas; and encourages donor agencies to consult thoroughly with the provincial administration prior to engaging with communities and customary landowners. This process of consultation can contribute to a more informed and transparent decision-making process and build stronger partnerships between provincial administrations, donor agencies and communities.

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<sup>1</sup> The Papua New Guinea Protected Areas Bill and regulations have been drafted and are awaiting approval by the PNG Government.

## Three key roles of provincial government

Consultation with five provincial governments, including West New Britain, East New Britain, West Sepik, East Sepik and Morobe<sup>2</sup> revealed that the role of provincial government in protected area management focused on implementing the PNG Policy on Protected Areas (the PA Policy) at the provincial level. The ability of provincial government to do this work varies upon factors such as resourcing, community and donor interest and organisational capacity<sup>3</sup>.

The approach for managing protected areas throughout PNG has been ad-hoc and provincial government involvement has been largely with the assistance of donor agencies and NGOs as the driving force for engagement with customary landowners. With the development of the PA Policy and the proposed establishment of the RPART, provincial governments have an opportunity to become directly involved in protected area management by stepping into the following three roles:

### 1. *Acknowledging the benefits of protected areas in the province*

The PA Policy provides a good framework for the benefit of protected areas at the provincial level and there are good examples of successful protected area management in PNG. It is opportune for provinces to acknowledge the value and contribution of protected areas as a financially viable land use for the wellbeing of current and future generations. These discussions can be held both formally and informally at various provincial meetings and forums.

### 2. *Advocating for protected areas in the province*

The primary intervention for the provincial government is to establish the RPART which creates a forum at which relevant matters will be considered and taken to the Provincial Executive Council for consideration. A suite of information and resources has been developed by CEPA to assist the RPART and other stakeholders to implement the PA Policy at the provincial level, including instructions and templates for establishing the RPART (roles and responsibilities), working with communities and management committees, establishing new protected areas and learning and training and capacity building for protected area managers.

### 3. *Mobilising and coordinating resources for effective protected area management*

Once the RPART has been established and, if necessary, approved by the Provincial Executive Council, it will:

- Determine provincial conservation priorities and needs in the context of national priorities, both for existing protected areas and new protected areas, at various scales from sacred sites and buffer zones to larger conservation areas;
- Identify the needs, strength, weaknesses and opportunities associated with each site, including learning and training needs, capacity and resourcing gaps;
- Identify which conservation mechanisms can be used to address priorities and needs (administrative, financial and legal); and
- Assist CEPA and protected area management committees to develop and update management plans, and associated resourcing and learning and training opportunities.

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<sup>2</sup> Meetings were held together with the Regional Protected Area Round Table workshops using a combination of workshops, role plays and interviews. For details see WOLNICKI, M., MITCHELL, D. & PETERSON, A. (2018) and WOLNICKI, M. (2019).

<sup>3</sup> The other elements of the project addressing capacity building for protected area managers, including suggestions for a protected area management organisational structure within CEPA and the effective implementation of the RPART, have already made a significant contribution to addressing organisational capacity.

## 2. Provincial government mechanisms for establishing and managing protected areas

### The main mechanisms

There are several administrative (Table 1), financial (Table 2) and legal (Table 3) mechanisms that provincial governments can use to establish and manage protected areas. The information in these tables was derived from the workshop consultations held in five provinces.

Table 1. Provincial government administrative mechanisms for protected areas

	<b>Administrative mechanisms for protected areas</b>	<b>Example</b>
<i>Provincial development and business planning</i>	<p>5-year development plans and provincial business planning, including integration of protected area management, conservation zoning, sustainable land use planning and conservation targets into the planning process.</p> <p>Some provincial governments are currently reforming their business and strategic plans in partnership with the Australian Bilateral Aid program, so it is opportune to include protected areas as a planning priority.</p>	West Sepik, Central, Oro and New Britain provinces are currently reforming their business and strategic plans
<i>PNG FA and PNG NFA model</i>	The PNG Forest Authority (PNG FA) and PNG National Fisheries Authority (PNG NFA) have provincial officers representing respective interests. Although CEPA does not yet have officers working in the provinces, provincial governments can use this model for its environment officers, particularly in relation to advising CEPA on priority issues.	
<i>DLPP model</i>	The PNG Department of Lands and Physical Planning (DLPP) also employs provincial officers. As DLPP has recently drafted the National Sustainable Land Use Policy containing conservation zones, provincial governments have an opportunity to work with these officers and DLPP to identify conservation zones.	
<i>Impact Assessment</i>	Resourcing constraints and industry focused priorities can impact negatively on protected areas through encroachment of agriculture, pollution and urbanisation. As part of an improved planning process, development proposals need to be thoroughly assessed at provincial and national levels with respect to impact avoidance, mitigation and offset. An improvement to impact assessment guidelines and processes at the national level will assist provincial governments.	West New Britain has raised concerns that the impact assessment process at the national level does not function effectively

There are several challenges in relation to implementing the administrative mechanisms. Provincial planning can be led by industry interests which may not fully consider the impacts to protected areas. Combined with community expectations for provincial governments to improve services, limited community understanding of industry impacts and a guaranteed industry-based income source for provincial government, the longer term benefits of protected areas may be outweighed by short term economic benefits of development.

Table 2. Provincial government financial mechanisms for protected areas

	<b>Financial mechanisms for protected areas</b>	<b>Example</b>
<i>District and Provincial funding</i>	District Service Improvement Program and Provincial Service Improvement Program funds are the baseline income source for protected area management. Access to these funds for protected areas can be formalised through the establishment of protected area management committees or the RPART.	East New Britain and West New Britain provincial governments
<i>In-kind support</i>	In-kind support for protected areas can be provided by provincial governments by supporting functions such as community rangers and sustainable tourism development.	Morobe provincial administration is providing in-kind support for the YUS Conservation Area
<i>National Government and CEPA Protected Area Management</i>	The administrative mechanisms (Table 1) coordinated by national agencies have an associated Public Investment Program budget. However, funds are often limited regarding engagement with provincial administrations.  With the anticipated restructure of CEPA and increased need for effective protected area coordination from national government, CEPA is investigating how it may work more closely with provincial administrations via the RPART.	
<i>ICADs</i>	Integrated Conservation and Development (ICAD) projects have been trialed in PNG with varying levels of success. The approach promotes options for sustainable development through livelihoods projects and payment for ecosystem services. These projects are good options when combined with sustainable land use planning, conservation prioritisation and start-up funding and support.	There are several ICAD projects in PNG including: <ul style="list-style-type: none"> <li>- East New Britain province: UNDP and Pomio District Development Authority cocoa project</li> <li>- Central Province: Kokoda track livelihoods projects</li> <li>- West Sepik Province: Crocodile egg harvesting industry</li> <li>- West Sepik Province: Toricelli Mountains Tenkile livelihoods project</li> <li>- Morobe Province: YUS Conservation area coffee project</li> </ul>
<i>NGOs</i>	NGOs have played a very large role in establishment and management of protected areas in PNG. They have access to donor funding which can be invested into conservation projects at the provincial level.	Many examples in PNG, some of which include those mentioned in the ICAD example above.
<i>REDD+ and climate change</i>	REDD+ activities have been trialed in PNG under the National REDD+ strategy as part of PNG's response to climate change action. REDD+ activities can be integrated into sustainable land use planning at the provincial level as an ICAD mechanism.	April Salumei in East Sepik and Suau in Milne Bay.



	<b>Financial mechanisms for protected areas</b>	<b>Example</b>
<i>Biodiversity Offsets</i>	A biodiversity offsets mechanism is currently being developed by the UNDP GEF6 project and will be applied in tandem with an improved impact assessment process. Biodiversity offsets can be used by industry to compensate for impacts that cannot be avoided or mitigated and may include funding for new protected areas.	
<i>Green Climate Fund</i>	This is a program within the framework of the UNFCCC. Provinces have an opportunity to support climate change adaptation and mitigation programs by protecting special sites.	
<i>Environmental levies</i>	These include levies provided in the Forestry Act or USA multilateral treaty on fisheries to encourage industry to compensate the state for environmental damage. Although the levies are currently not being implemented effectively, they provide a potential source of income for protected area management.	Under the Forestry Act provincial administrations can receive 1PGK for every m3 of timber that is harvested, but it is not clear to what extent this mechanism is applied and how the funds are used.
<i>Donor and bilateral investment</i>	PNG sees a significant investment for protected areas from donor agencies and bilateral agreements. CEPA is improving its role in the coordination of donor investment into priority conservation areas. Consistent with improved conservation planning at the provincial level, this provides an opportunity for allocation of donor investment into provincial conservation priorities.	Donor agencies and bilateral programs working with CEPA include, among others, the UNDP, IUCN, Australian Government and Japan International Cooperation agency.
<i>MoUs</i>	A Memorandum of Understanding (MoU) or Joint Expression of Intent is often used by donors as a means of engagement with provincial administrations. Sometimes the MoU can be entered into directly with the provincial administration, such as was the case in East New Britain with the UNDP, or it may be entered into with CEPA who then coordinate activities at the provincial level, such as the work undertaken by the Kokoda Initiative.	UNDP – East New Britain MoU with the Tavolo Wildlife Management Area for cocoa export. Australian and PNG Government bilateral agreement for the Kokoda Initiative and protection of the Kokoda Track and Owen Stanley Ranges

There are several challenges to implementing financial mechanisms. Impact of the public monies accountability act on provincial administrations and their ability to use public monies has been raised as a significant issue. This can be seen as a disincentive for provincial governments to generate income from ‘green’ industries such as sustainable tourism. In some instances, poor acquittal of funds and probity issues at the provincial level have discouraged environment non-government agencies from working with provincial government. Unsuccessful ICAD projects and reputational damage from these projects has in some instances left a feeling of distrust in local communities. This can sometimes be attributed to a ‘Cargo Cult’ mentality, where the expected ecosystem service benefits of protected areas did not eventuate.

Table 3. Provincial government legal mechanisms for conservation

PNG’s premier protected area legislation will be the *Protected Areas Act*, once passed by the National Executive Council. This section outlines additional legal mechanisms which may be used by the provinces to establish protected areas.

	<b>Legal mechanisms for protected areas</b>	<b>Example</b>
<i>Traditional sacred sites (ples masalai or traditional tambu area)</i>	These sites are protected under customary law and the village court system. They will receive automatic protection under the PA Bill if they have been previously identified as special sites under customary law. Provincial government officers can help protect these sites by informing customary landowners of this law.	Throughout PNG
<i>Organic Law on Provincial and Local Level Governments 1995</i>	The Organic law was introduced as a means to decentralize national government responsibilities to provincial and local level governments. This law may be used to draft local and provincial legislation for the establishment and management of protected areas. It provides an opportunity for the delegation of the powers and responsibilities of national government and might be an option for delegation of environmental law responsibilities such as impact assessment and environmental enforcement.	Locally Managed Marine Area, Biala Local Level Government in West New Britain Province
<i>PNG Forest Authority Logging Code of Practice 1996</i>	Conditions imposed within the Code comply with the Forestry Act, Environmental Planning Act, Conservation Areas Act and other PNG legislation <sup>4</sup> . A significant part of the Code concentrates on limiting degradation of the environment, including through the establishment of conservation buffers in environmentally sensitive areas and provincial governments can use it to set aside areas for conservation.	
<i>PNG National Sustainable land Use Policy (NSLUP) and associated legislation</i>	The NSLUP proposes the establishment of conservation land throughout the whole country but is still to be passed in cabinet. The NSLUP is undergoing consultation with other national agencies. Provincial governments may provide comments on areas that they think should be set aside for conservation.	Department of Lands and Physical Planning
<i>Change of land tenure under the Physical Planning Act 1989</i>	In the past some protected areas were established as state owned assets and transitioned to conservation sites. Although it is possible to establish protected areas through this mechanism, alienation of land from customary ownership is politically sensitive and may impose downstream costs.	Loroko NP (WNB), Varirata NP (Central), Mt Gahavisuka NP (EH) and Talele and Nanuk NP (ENB)
<i>Environment Act 2000</i>	This legislation provides options for establishing protected areas and for managing water resources via agreements with customary landowners and for establishing interim protection for environmentally sensitive or nationally important values.	Kokoda Track Interim Protection Zone in Central and Oro province
<i>Fisheries Management Act 1991</i>	This Act provides options for protecting reef and nearshore areas to help ensure sustainable fisheries.	Morobe Provincial Administration
<i>Maritime Zones Act 2015</i>	This relatively recent Act provides an opportunity to set aside marine protection zones.	

<sup>4</sup> The PNG Logging Code of Practice contains a full list of Acts with which it complies.

	<b><i>Legal mechanisms for protected areas</i></b>	<b><i>Example</i></b>
<i>Conservation easements</i>	Conservation easements can constrain land use to achieve particular conservation outcomes. They focus on land use and do not affect land rights and ownership but need to be based on an existing legal document. The use of conservation easements is being trialed in the Bootless Bay marine park as a means of entering into conservation agreements with existing land owners.	Bootless Bay, Central provincial administration and National capital District

There are several challenges to implementing legal mechanisms for conservation. Little information is known about some legislation and there is limited legal precedent in the use of instruments such as conservation easements. There is uncertainty about implementation and difficulty in administration and enforcement, particularly in regions that have limited resourcing, compliance and enforcement capabilities.

### **Challenges in implementing the mechanisms**

Although the mechanisms discussed above provide options for protected area management, provincial governments are constrained by limited operational resources and funding and competing land use interests. Much of the investment into the establishment and management of protected areas has been through donor agencies and non-government sectors who have worked at the community level. These agencies are making a good contribution to building stronger conservation-based relationships with provincial governments but can find it difficult to navigate the administrative process.

Some provincial governments consider that conservation efforts from external players such as conservation NGOs favor alliances with communities and customary landowners rather than the provincial administration. These community non-government relationships can establish new protected areas by lobbying government at the national level to provide funding and resources for the protected area. The problem is that the provincial government may not necessarily be involved in the initial consultation phase meaning that when the request for funding the protected area comes from the national level, the province is unprepared (Figure 1).

In this scenario the environmental NGO or donor liaises directly with the community and customary landowners to gain consent for conservation and then approaches a high-ranking government official (often the Governor or National Member) to secure an in-kind contribution for the proposal through sources such as the Provincial Service Improvement Program or discretionary fund. These people then inform the provincial government and local level government. Although this approach can appear productive in the short to medium term, it tends to bypass and thus disempower local and provincial governance structures.

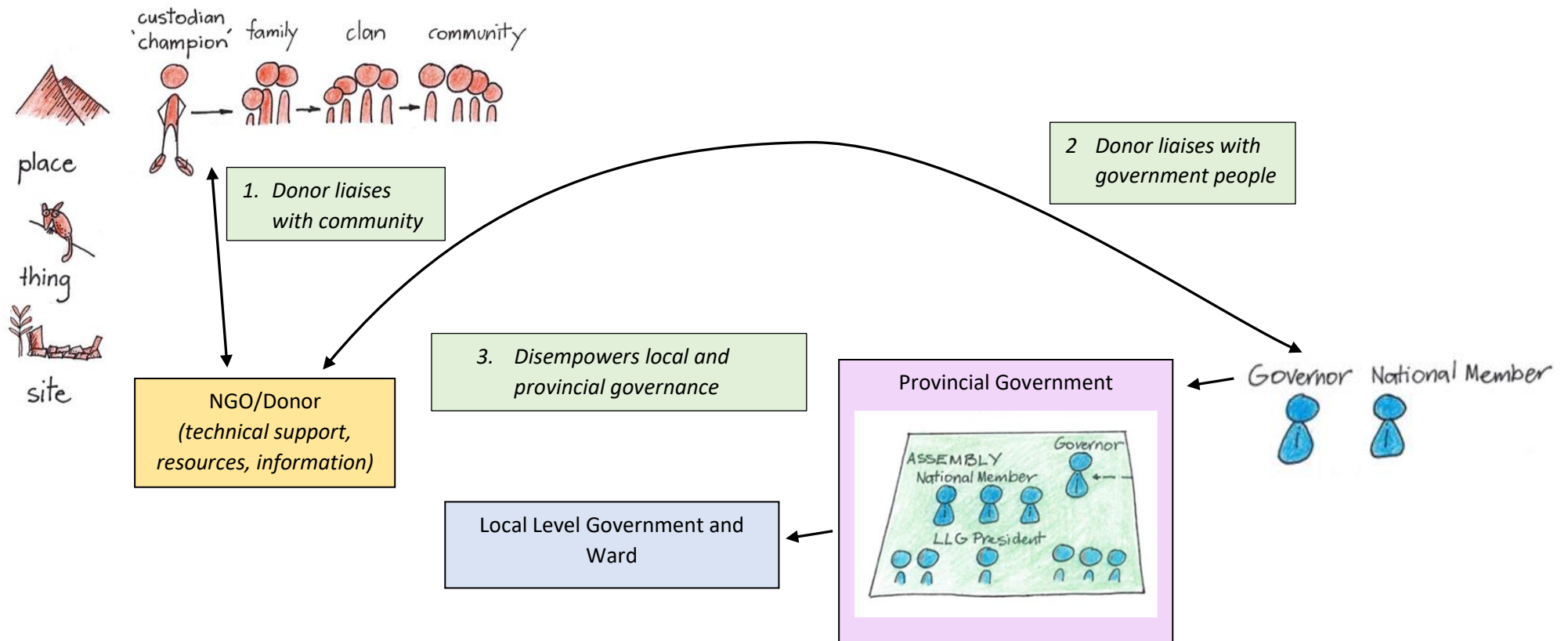


Figure 1. Challenges to effective use of the mechanisms

### 3. Improving protected area governance

The formation of the Regional Protected Area Round Table (RPART) makes a significant contribution to building the capacity of the provincial administration to establish and manage protected areas. It creates a critical link between external investment into protected areas and the national government. Its placement within the existing political and administrative process means that it can be integrated within the provincial decision-making process to mobilise the various administrative, financial and legal protected area mechanisms at the provincial level.

In the improved governance structure, the RPART ensures that new and existing investments into protected areas receive endorsement from all levels of government and that support is provided to the provincial administration to oversee and coordinate protected area management. This process is summarised in Figure 2 and expanded in the next section on the role of the RPART in the government decision making process.

In the improved scenario, the community and customary landowners work together to prepare a proposal to the RPART, which provides advice to the provincial government on which administrative, financial and legal mechanisms would be most suitable for the effective management of the protected area. The provincial government informs the Governor and National Member and endorses the proposal through the Provincial Executive Council, ensuring that the protected area management plan is integrated within the provincial business plan and district development plan.

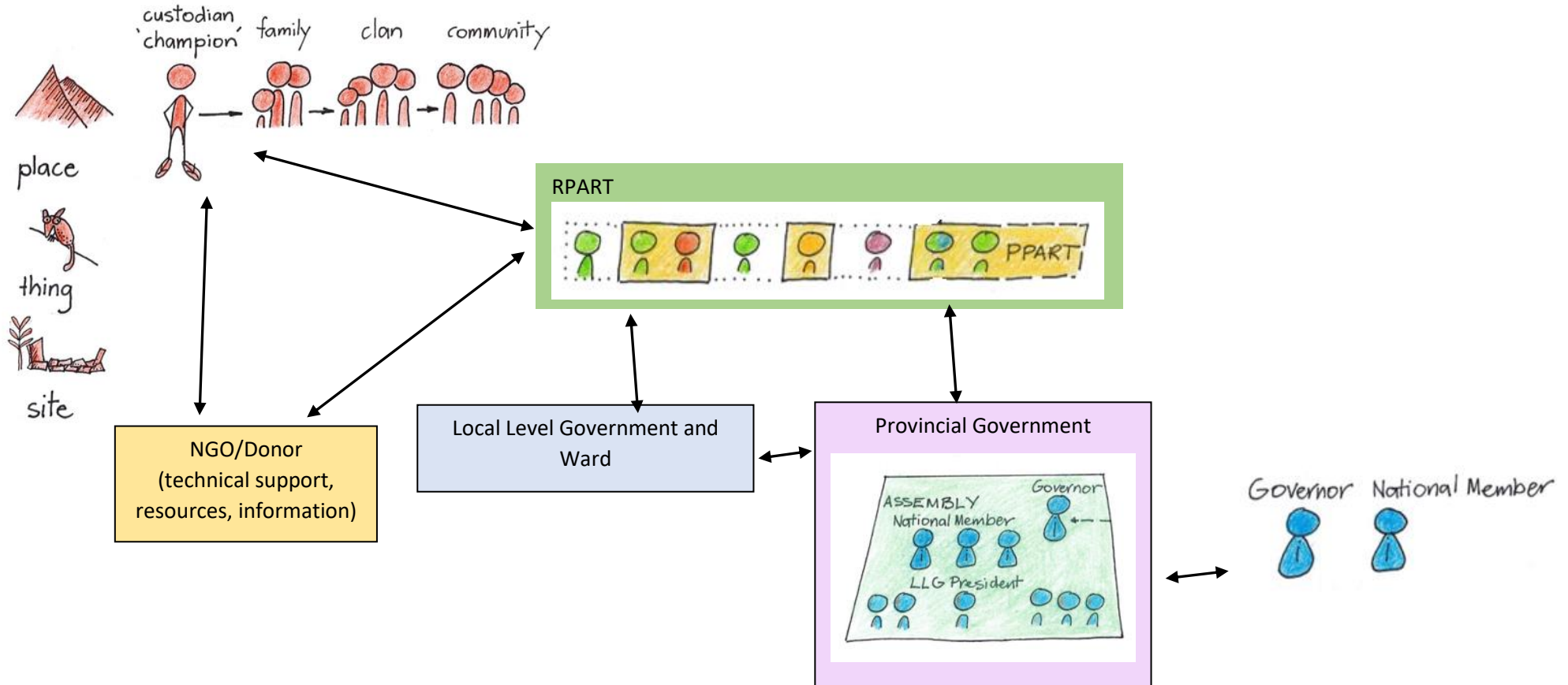


Figure 2. The role of the RPART in assisting provincial government

## The role of the RPART in the government decision making process

Decision making and governance for establishing and managing a protected area can be complicated. The entire journey, from when an individual or group of people come up with the proposal to when it is formally gazetted, can be challenging. That is why the PPART establishes clear communications and administrative process between communities and all levels of government. It is a process through which the Government of PNG will listen to the advice and wisdom of customary landowners and provincial government, to help ensure that PNG's natural and cultural heritage values are protected, and that the community-based resource ownership structure is respected and incorporated into national protected area planning.

Using an annotated decision diagram, this section provides a step-by-step explanation of the standard decision making process for establishing a protected area in PNG. It is based on an ideal scenario, assuming all existing PNG laws and administrative structures are in place and operating effectively. It also shows where the proposed RPART is placed in context of these structures and how it may assist by improving protected area decision making and governance.

The decision diagram (Table 4) uses different colours to categorise the various elements of the decision making process.

Table 4. Decision colours

Colour	Meaning
Red	Decision making at the rural level, including family, clan and community decision making
Blue	The political process which can both influence and be influenced by the other colours
Green	The public service and administrative process.
Orange <sup>5</sup>	Text relating to the RPART and its function.

Other symbols include:

-  rural
-  political
-  public service

Five levels of decision making are addressed:

- The community
- Local level government level
- District level
- Provincial level
- National level

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<sup>5</sup> The decision diagram has also been produced as a roll out poster for use during meetings and workshops

## The community

Within a rural community (Figure 3) there may be a desire to care for a:

**Place:** an area, which could be a sacred mountain or a lake, or an expanse of reef, a sand cay or islet. It may be a sacred area of spirits, a forest that provides water, or a habitat for species that are used within it.

Or it could be a:

**Thing:** such as a culturally significant species used for exchange, or one used as bilas for a singsing, or a clan totem.

Or it could be a:

**Site:** a small area such as a grave, skull cave, a grove of trees, or a rock in the sea. Often this is a customarily significant place and could be a sacred site.

A **custodian** who is a **champion** can promote the idea to manage or conserve these features of the local environment. This individual is a part of and may influence others within the household or **family**, which is part of a **clan** or tribe, many of which makes a **community**.

Under custom, it is likely that this sustainable management was designated to a person with the necessary knowledge or position to have the recognition and right to do this.

In the diagram (Figure 3) the **place, thing or site** and different elements of the local society are represented in **red**. They are often subsistence farmers or fishers who participate in the informal sector market and who live on their customary lands, often having strong ties and reliance upon their surrounding environment for their livelihood.

Oral communications and management have been the customary way over many generations, but within a changing society and with the emergence of the nation state of PNG there is a need for oral custom to be written and visually defined. This is represented by a **plan**.

Depending on the acceptance of the idea of sustainable management, the **plan** could be on **clan/tribe** land cared for by a **family** or as the **clan/tribe** which may be known by other **clans**, or if it extends onto their lands it may also come under their management, i.e. a **place** such as a sacred mountain or a **thing** such as a cassowary that roams over many **clans'** lands.

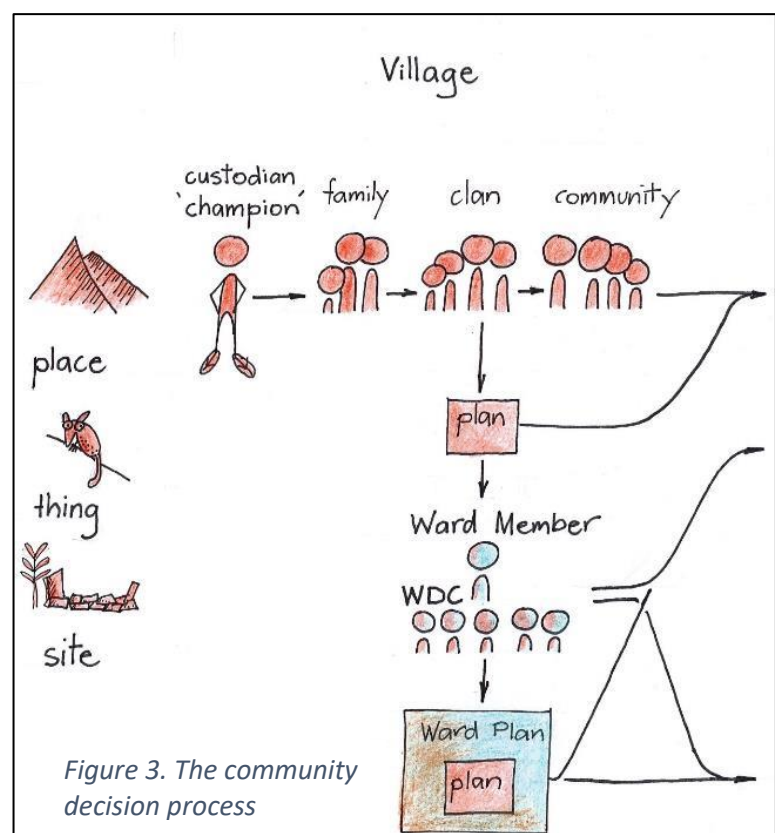


Figure 3. The community decision process



## The Local Level Government

The level of government directly representing the community is the **local level government**. It comprises wards that most often contain one or two villages, from which a representative is elected as the **ward member** by gaining a majority in a preferential voting system. This position of elected leadership was previously the ward councillor, a term which was changed under the *Organic Law of Provincial and Local Level Government Act 1995*. However, it is still often the term used.

If any of the sectors of the village wish to have their **plan** recognized it can be incorporated into the planning body of the ward development committee (**WDC**), whose composition and purpose are outlined in the organic law.

To represent that the **ward member** is politically oriented, a **blue** colour is used. This member usually lives within the village, maintaining ties to village life so is still half **red**. The **WDC** members are partly politically oriented (**blue**) because through their meetings chaired by the **ward member** there is an element of political process that this body is involved in.

The sustainable management/conservation **plan** may become an integral part of the greater **ward plan**. The **ward plan** itself is a mix of village and politically influenced ideas making it a **red-blue** mix, though the sustainable management/conservation **plan** of the **clan/community** represents their thoughts and is **red**.

### **Customary Stream**

The **plan** may remain customary in nature, managed, recognised, regulated and enforced under custom. As it is the continuation of customary practice it remains as part of the clan's mainstream activities in managing their natural and social resource base.

### **Administrative Stream**

If the custodians of the **plan** wish to pursue formal recognition and/or support of their initiative, it may be taken up to the area office of the local level government. The **public servants** likely to assist are within the Division of Agriculture and Livestock (**DAL**) or the division of **Fisheries** who are both under the **area manager**. **Public servants** are represented in **green** and at this level are appointed on merit.

### **Political Stream**

The **plan**, either on its own or as part of the **ward plan**, can be passed to the **LLG assembly clerk** who facilitates/assists to get the plan into a **project identification document (PID)** - a standard 'development' document submitted for funding support at this level within the **local level government**.

To have the **PID** endorsed with potential for funding the **ward member** can lobby other **members** and the **president** to get support so that it can be passed when presented as an agenda item within an **assembly** meeting. If the **PID** is endorsed (**PID-E**) it is transferred to a more detailed **project formulation document (PFD)**. This document is coloured **purple** to show that it is a standardised extended version of the **red plan**.

The budget of the **local level government** is a legal document so the **plan/PFD** can receive development funds when they are allocated to the **local level government**. The **local level government project budget** is a mix of local needs and ideas, with technical advice and input into the required documentation by the **public service**. This is coloured **red green** and **blue**. The development of a **local level government workplan** by the **area manager** and staff outlines the implementation of the **PFID-E** using the funds allocated.

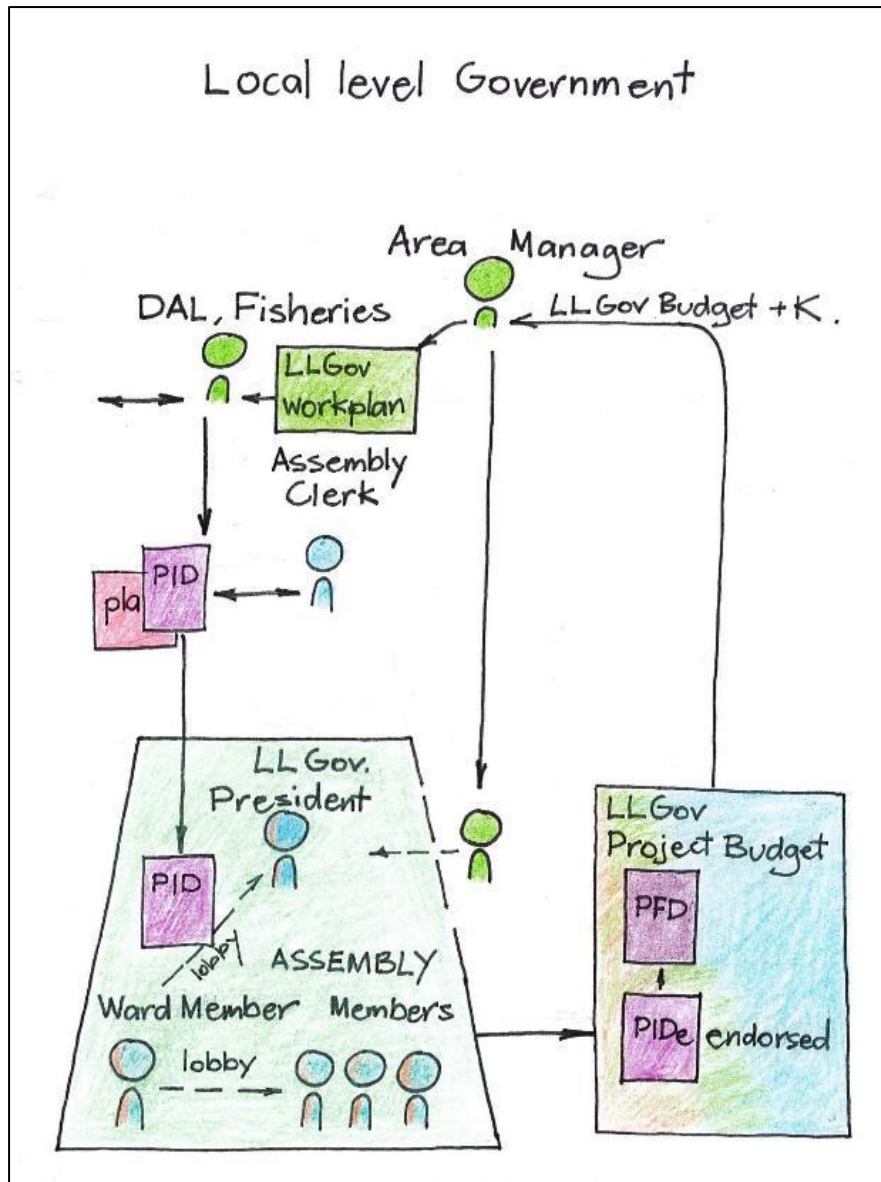


Figure 4. The local level government decision process

## The District Level

The PFDE within the local level government plan can become embedded into the district plan. This plan can receive comments and be developed by a Regional Protected Area Roundtable (RPART) working group that might screen and evaluate the PFD-E to be considered as a protected area as per the PNG Policy on Protected Areas to gain recognition under one of the officially recognised types of protected area.

### Administrative Stream

The public servants at the district level can do extension work with the community through the district workplan. They will work in collaboration with any staff within the local level government area. If there are budget savings in the district plan it can make its way into the district workplan with funds.

### Political Stream

Alternatively, the national member also has an annual allocation of discretionary funds.

Otherwise the proposal will enter the annual budget cycle of the district support improvement program funds. These funds are deliberated over by the district development authority (DDA) which is chaired by the national member of parliament and with the local level government presidents as the other members with decision making 'voting' powers. the district manager is the senior executive to the DDA. he/she is a political appointee so is represented blue-green.

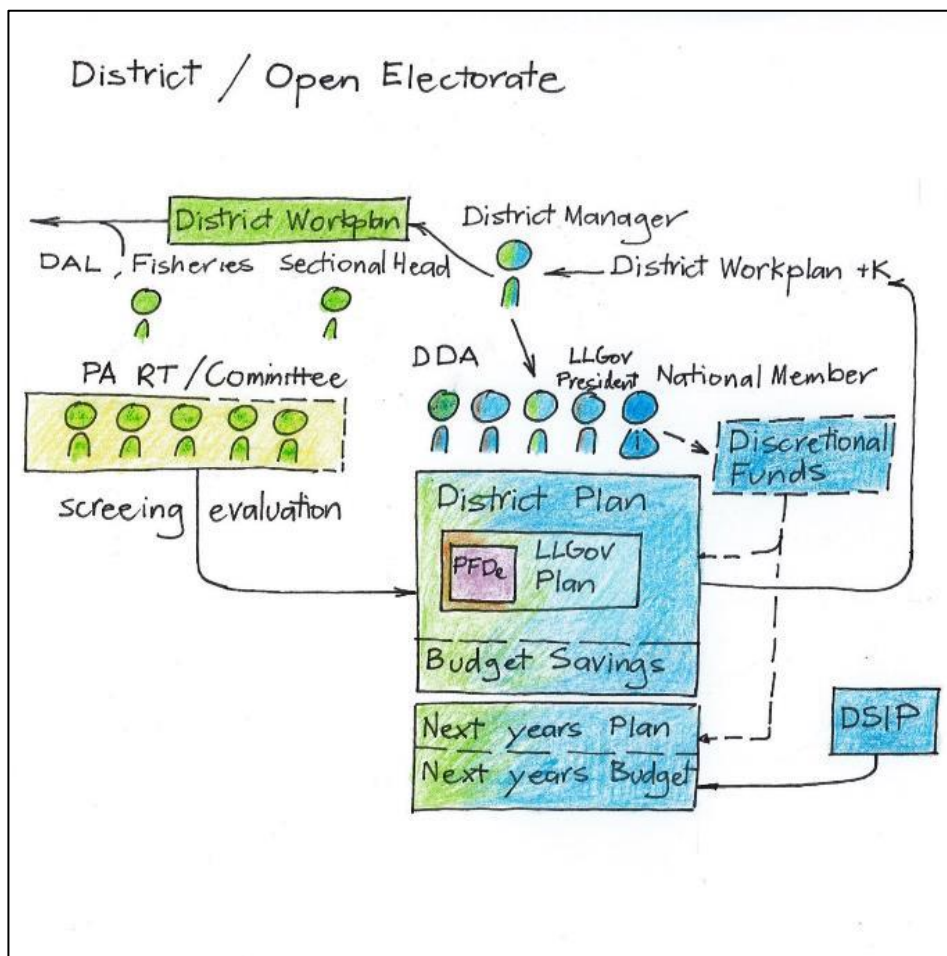


Figure 5. The district/open electorate decision process

## The Provincial Level

### Administrative Stream

At the provincial level the PFD-E could effectively come to the divisional head, who will forward it to an actioning officer such as the environment officer or equivalent.

This would be recorded and submitted to the RPART (shown in orange) which might be a round table in its own right or it could be a subset of a greater natural resources or climate change committee.

The RPART would comprise representatives from the public service, government authorities, NGOs and industry and landowner sectors.

The administrator or delegate (deputy administrator/divisional head) within which the natural resource sector is nested would chair the RPART. With the support of the RPART, the PFD-E could then be submitted to the provincial assembly as a project within the provincial budget to be considered for funding support.

### Political stream

Alternatively, the local level government president or national member could bring the PFD-E proposal to the provincial assembly to be considered within the provincial budget as a project. However, the local level government president and national member would need to be satisfied that the proposal is robust and has community support. This is where the RPART adds value to the decision making process.

### Endorsement

Either way, if endorsed the proposal will become a project title and budget line within the provincial plan within the allocated provincial budget with support funding from the PSIP. This in turn then becomes a funded provincial workplan overseen by the provincial administrator to be implemented through the relevant division through the provincial, district and local level government staff. Once the RPART endorses that the protected area satisfies requirements for formal recognition, it is gazetted under law using one of the available legal mechanisms.

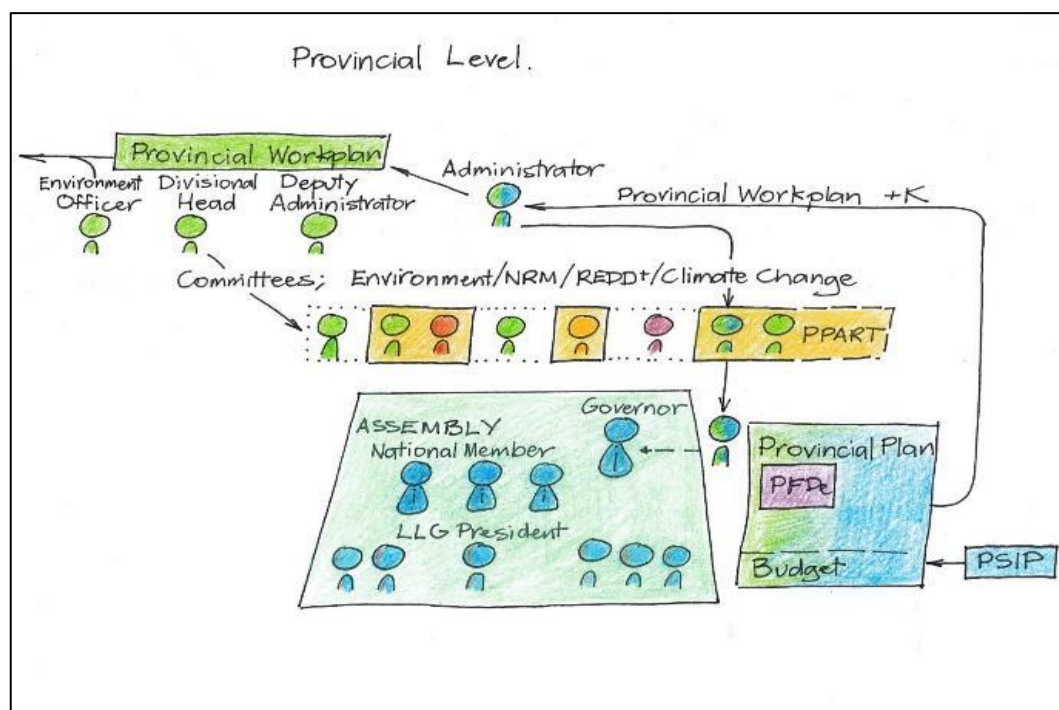


Figure 6. The provincial decision process

## The National Level

### Administrative Stream

Protected areas endorsed and gazetted within the province are sent to CEPA to be placed on the national register of protected areas.

If the RPART deems that the protected area is of national or international significance, the proposal is sent to the National Protected Area Round Table (NPART) for consideration as a national protected area.

CEPA's role in managing the protected area is defined in the Protected Area Policy and national legislation and may fall under CEPA's protected area implementation plan becoming an activity within the annual workplan and budget to assist in supporting the protected area.

It may also be considered for support through donor projects supported by bilateral funds. The managing director of CEPA may inform and gain support from the national minister and national executive council in the management of the protected area.

The protected area by being on the protected area register becomes a component of the report to the convention on biological diversity.

### Political Stream

Either the governor or national member may bring the protected area to the attention of the environment minister who can bring it to the attention of the national executive council to avoid the area being slated for other development in their respective ministries.

The minister can also instruct the managing director of CEPA that the protected area be given priority within the budget and workplan and future donor prospects.

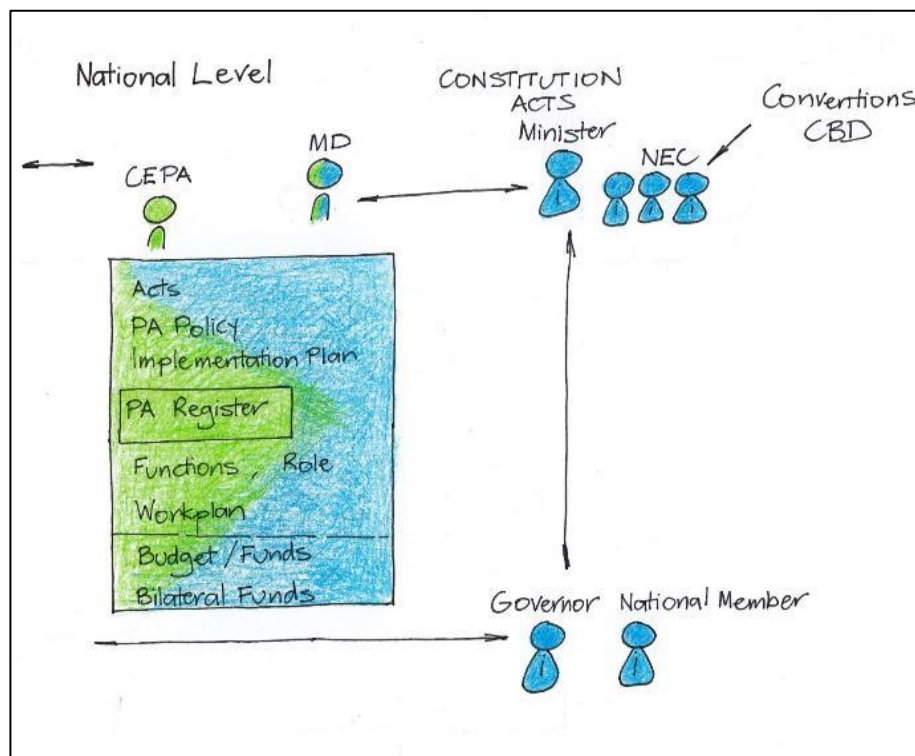


Figure 7. The national decision process

## 4. Improving protected area administration

Following the creation of the Regional Protected Area Round Table (RPART) in the province and an improved governance structure, the RPART will need to prioritise and establish new areas for protection and ensure good management of existing protected areas. Table 5 identifies the role of provincial government and of the RPART at each step of the legislated process.

Table 5. Guideline for establishing and managing a new protected area<sup>6</sup>

Process	Description	Guidance Document	Form/Template	Role of Provincial Government	Legislative Tools
<b>Community mobilisation and consultation</b>	Someone decides or proposes that a thing, value or place should be protected <sup>7</sup> . The original idea might come from customary landowners, NGOs, government at any level or scientists.		The idea can be explored with drawings, photos, or oral recordings on a smartphone, or lines on a map.		
	Undertake discussion and consultation at the family and clan level about the importance of the protection and seek agreement for the protected area. This includes discussion about: <ul style="list-style-type: none"> <li>• what land or sea might be included</li> <li>• the type of protected area it will be (if known),</li> <li>• who will protect it and manage it</li> <li>• under what mechanisms, and</li> <li>• what the governance arrangement will look like.</li> </ul>	Guide to protected area types  PNG Protected Area Community Consultation Guidelines		PA Act Part III (Sustainable Livelihoods for Communities), Paragraph 9 & 15 & PA Act Regulations Paragraph 12, 27, 40(3)(iv)	
<b>Preliminary Proposal</b>	Complete a preliminary proposal for a new protected area using the preliminary proposal form.  Provide the form to the CEPA Protected Area Management Branch  Any request from the applicant for assistance from CEPA is also contained in the Preliminary Proposal Form		Preliminary proposal form - contains preliminary information about the thing, value or place and the types of consultation that has taken place with communities and local, district and provincial government		PA Act Paragraphs 42 and 43
			Decide if the area to be protected is or contains a traditional sacred site, <i>ples masalai</i> or <i>tambu</i> area.	It may be sufficient to protect it under <b>Reg.Sec 11(3) Form 6</b> without the need to take it further.	PA Act Regulations Paragraph 11(3)

<sup>6</sup> Refer to PNG Protected Area Management Guideline No.PA2, Establishing new protected areas in PNG (Leverington et al. 2019).

<sup>7</sup> Local people have local knowledge. A person can take it to the round table through the RTTWG, or even submit a photograph and location to CEPA.

Process	Description	Guidance Document	Form/Template	Role of Provincial Government	Legislative Tools
	The CEPA Protected Area Management Unit acknowledges the application immediately. They review the preliminary proposal and decide if any further information and assistance is required. They contact the applicant within 30 days.	Proposal assessment guidelines	Template for acknowledgement of receipt of application by CEPA		PA Act Paragraphs 42 and 43
	The CEPA Protected Area Management Unit forwards a copy of the preliminary proposal to either the NPART and/or the RPART and the appropriate Round Table Technical Working Group (RTTWG) for information, with the outcome of its review.		Letter template - the cover letter which CEPA attaches to the preliminary proposal, for the information of the NPART/RPART & RTTWG)	Refer to communications products developed for the RPARTs	
	If further information and assistance is required, CEPA Protected Area Management Unit consults with the applicant to fill any information gaps.		Letter template		
<b>Final proposal</b>	If further information was required at Step 2, the applicant provides a more detailed submission to the CEPA Protected Area Management Unit.	Proposal assessment guidelines	Detailed proposal form - several options available depending on the type of nomination		PA Act Paragraphs 42 and 43
	The CEPA Protected Area Management Unit forwards a copy of the completed detailed proposal form to: (a) For <i>National Protected Areas</i> and Regional Protected Areas larger than 120,000 Hectares: the NPART and respective Round Table Technical Working Group (b) For <i>Regional Protected Areas</i> : the RPART and respective Round Table Technical Working Group		Letter template		
	The Round Table TWG reviews the proposal within 30 days and provides its recommendations to its respective RPART.	Proposal assessment guidelines <sup>8</sup>			

<sup>8</sup> This is to be based on the criteria for areas to be recommended as protected areas which are to be endorsed by the National Conservation Council (NCC). It is important to set up the NPART and RPART in such a way that its decision-making powers are be constrained in the absence of the establishment of the NCC



Process	Description	Guidance Document	Form/Template	Role of Provincial Government	Legislative Tools
<b>Assessment - NPART</b>	At its meeting, the NPART tables the applications that have been received, reviews the recommendations of the RTTWG, and decides whether the new protected area should be established.	Proposal assessment guidelines		Refer to communications products developed for the NPART	PA Act Paragraph 21 and PA Act Regulations Paragraph 20
	The NPART has the following options regarding the submission: (a) Approve; (b) Approve with conditions and (c) Reject				
	(a) Approve i.e. the protected area should be established as a matter of priority				
	(b) Approve with conditions, i.e. certain matters relating to the protected area need to be addressed.  If the NPART decides that a submission does not meet the criteria for a National Protected Area, it may at its discretion decide to approve the application as a Regional Protected Area. In this case it informs the Office, which subsequently informs the relevant RPART and the applicant <sup>9</sup> .  If the proposed protected area will make a very significant contribution to the national interest, the NPART may agree for the protected area to be established as a matter of priority on the condition that: i) additional information is provided within a set period; ii) an evaluation of the management of the protected area is conducted within a set period.  If the proposed protected area will make a significant contribution to the national interest, the NPART may agree that <i>prior</i> to the establishment of the protected				

<sup>9</sup> The other option is that the NPART informs the RPART, which then tables the submission at the RPART meeting. This provides the RPART with an opportunity to comment on the proposed Regional Protected Area but protracts the decision-making process.

Process	Description	Guidance Document	Form/Template	Role of Provincial Government	Legislative Tools
	area: i) additional information be provided within a set period; and ii) following its establishment that an evaluation of the management of the protected area be conducted within a set period.				
	(c) Reject i.e. the submission does not meet the criteria for either a National or a Regional Protected Area.				
<b>Assessment - RPART or regional assessment</b>	At its meeting, the RPART tables the applications that have been received, reviews the recommendations of the Round Table TWG, and decides whether the new protected area should be established.	Proposal assessment guidelines		Refer to communications products developed for the RPART	PA Act Paragraph 25 and PA Act Regulations Paragraph 21
	The RPART has the following options regarding the submission: (a) Approve; (b) Approve with conditions; and (c) Reject				
	(a) Approve i.e. the protected area should be established as a matter of priority (b) Approve with conditions i.e. certain matters relating to the protected area need to be addressed.  If the proposed protected area will make a very significant contribution to the national interest, the RPART may agree for the protected area to be established as a matter of priority on the condition that: i) additional information is provided within a set period; ii) an evaluation of the management of the protected area is conducted within a set period.  If the proposed protected area will make a significant contribution to the national interest, the RPART may agree that <i>prior</i> to the establishment of the protected area: i) additional information is provided within a set period; and ii) following its establishment that an				

Process	Description	Guidance Document	Form/Template	Role of Provincial Government	Legislative Tools
	evaluation of the management of the protected area is conducted within a set period.				
	(c) Reject i.e. the submission does not meet the criteria for a Regional Protected Area				
<b>Formal public notification</b>	The NPART or RPART informs the CEPA Protected Area Management Branch of its decision.		Letter template: NPART to CEPA For regional protected areas using existing laws the RPART uses form <b>Reg.Sec 25(5)(c)(i) Form15</b>		
	If required, the CEPA Protected Area Management Branch undertakes public notification of the intention to establish a new protected area.		Public notification template		PA Act paragraph 43 and Regulations
<b>Approval by NCC (for National Protected Areas only)</b>	The National Conservation Council considers and reviews the NPART decision for all new National Protected Areas and for Regional Protected Areas that are more than 120,000 ha in area as well as any comments received by CEPA during the formal public notification period.	Operational guidelines for the National Conservation Council			PA Act paragraphs 18, 21 PA Act Regulations paragraphs 14 - 19
<b>Formal agreement for a protected area</b>	There are several options for the mechanism of formally protecting the area, regardless of whether it is a regional or national protected area.  The briefing at this step should anticipate the establishment of the protected area and a recommendation as to the mechanism the protected area will be established from the options below.	Summary of mechanisms in PNG to establish a protected area	CEPA Executive Briefing template with relevant deed template. In addition to the deed templates, at the next step CEPA will establish the protected area and provide direction to the registrar using PA Act Regulations Reg.Sec 25(5)(a) (c) Form 17.		PA Act paragraphs 44 - 49

Process	Description	Guidance Document	Form/Template	Role of Provincial Government	Legislative Tools
	<p><b>Option 1</b> (protection under another law)</p> <p>The protected area may be protected under local or provincial government law.</p>		<p><b>Reg.Sec 25(5)(a) Form 13</b> for a national protected area or  <b>Reg.Sec 25(5)(b) Form 14</b> for a regional protected area assessment undertaken by the NPART or  <b>Reg.Sec 25(5)(b) Form 16</b> for a regional protected area assessment undertaken by the RPART</p>		PA Act Regulations Paragraph 25
	<p><b>Option 2</b> (local protection under the PA Act)</p> <p>If the protected area is a sacred site, <i>ples masalai</i> or <i>tambu</i> area, the matter would likely have been resolved previously using the PA Act Regulations form.</p>		Reg.Sec 11(3) Form 6		PA Act Regulations Paragraph 11(3)
	<p><b>Option 3</b> (regional or national protection under the PA Act).</p> <p>If there is no local or provincial government law, a protected area may be agreed under the PA Act where CEPA enters into a deed of agreement with:</p> <ul style="list-style-type: none"> <li>- Provincial Government</li> <li>- Local Level government</li> <li>- Incorporated Land Group</li> <li>- Clan groups or individuals (in conjunction with option 4)</li> <li>- Private Land Owner</li> </ul>		PA Act Schedule 5 for an agreement with a Provincial Government		PA Act Paragraphs 22, 25 and 45
PA Act Schedule 6 for an agreement with a Local Level Government				PA Act Paragraphs 22, 26 and 46	
PA Act Schedule 7(7.1) for an agreement with a customary landowner ILG				PA Act Paragraph 47(1)	
<p>PA Act Schedule 7(7.3) for an agreement with clan groups or individuals</p> <p>PA Act Schedule 8 for an agreement for a private protected area</p>				PA Act Paragraph 47(2)	

Process	Description	Guidance Document	Form/Template	Role of Provincial Government	Legislative Tools
	<p><b>Option 4</b> (regional or national protection via agreement between unincorporated customary landowners)</p> <p>This option involves two steps. It allows unincorporated members of clans and other groups to jointly manage land under custom by entering an agreement in the form of a deed and then securing the agreed area as a protected area via a deed with CEPA.</p>		<p>Step 1: PA Act Schedule 7(7.2) for an agreement between unincorporated customary landowners for the establishment of a protected area</p> <p>Step 2: PA Act Schedule 7(7.3) for an agreement between CEPA and clan groups or individuals</p>		PA Act Paragraph 47(2)
	<p><b>Option 5</b> (Special Management Area)</p> <p>In exceptional circumstances CEPA can use its legislative powers to establish a special management area, including a temporary protected area, if it believes that special management is needed to protect particular species, ecosystems, landscapes (terrestrial or marine) or for other relevant reasons consistent with the PA Act, and may include an area protected as a biodiversity off-set.</p>	Operational protocols and procedures for establishment of Special Management Areas	PA Act Schedule 17		PA Act Paragraph 23
<b>Protected area - establishment</b>	The CEPA Protected Area Management Branch establishes the protected area under the PA Act (only for National protected areas)		PA Act Schedule 4		PA Act Paragraph 44

Process	Description	Guidance Document	Form/Template	Role of Provincial Government	Legislative Tools
<b>Protected Area - Network Register and gazettal</b>	The new protected area is to be added to the Protected Area Network Register by the registrar in CEPA. A regional protected area protected under a law other than the PA Act may be added to the register immediately following the end of the formal public notification period.	Guidelines for the Protected Area Network Register <sup>10</sup>	PA Act Regulations Reg.Sec 25(5)(a) (c) Form 17 Reg.Sec 25(1) Form 11 Reg.Sec 25(3) Form 12		PA Act Regulations paragraph 25
	Any National Protected Area entered in the PNG Protected Area Network Register may be notified in the National Gazette. Any Regional Protected Area may be notified in a Provincial Gazette.		Gazettal template		PA Act Paragraph 31 (11)
<b>Protected Area Management - National</b>	Prepare the draft 5-year management plan by the Management Advisory Group (CEPA Protected Area Management Branch)	Guidelines to the governance structures established under the PA Act (see Management Advisory Group)			PA Act Regulations Paragraph 30, 31 and 32
		Operational Guidelines for the CEPA Management Advisory Group			PA Act Regulations Part IV and Part V
		Management planning guidelines	Management planning template	Management planning communications products	PA Act Regulations Paragraph 32, 35
	Submit the 5-year management plan to the Minister for approval		As per briefing template at step 7 (formal agreement for a protected area)		PA Act Regulations Paragraph 33

<sup>10</sup> Including deregistration of protected areas as per the PA Act Regulations Paragraph 41(7)

Process	Description	Guidance Document	Form/Template	Role of Provincial Government	Legislative Tools
	Implement the management plan. This includes the development of Business plans, Ranger work plans and adherence to the Guiding Principles for Decision Making, Management Cycle and the Protected Area Network Management Principles and Guidelines.	Operational Guidelines for Management Boards	Use <b>Reg.Sec 22(1) Form 8</b> to establish the Management Board		PA Act regulations Paragraph 22(1)
		PNG National Ranger Policy			PA Act Regulations Paragraph 26, 27, 28 and 29 and Part 5 (Managing the protected area network)
		PA Act Policy Guidelines <sup>[5]</sup>	For a protected area asset register use <b>Reg.Sec 39(2)(b) Form 21</b>		PA Act Regulations Paragraph 26, 27, 28 and 29 and Part 5 (Managing the protected area network)
<b>Protected Area Management - Regional</b>	The protected area management committee prepares a management plan for the protected area	Management planning guidelines	Management planning template	Management planning communications products	PA Act Regulations Paragraph 22 and 34
	The protected area management committee holds a meeting to establish rules and procedures for future meetings	Operational Guidelines for Management Committees			
	Implement the management plan. This includes the development of Business plans, Ranger work plans and adherence to the Guiding Principles for Decision Making, Management Cycle and the Protected Area Network Management Principles and Guidelines.	PNG National Ranger Policy	For a protected area asset register use <b>Reg.Sec 39(2)(b) Form 21</b>	Refer to communications products developed for the Management Committees	PA Act Regulations Paragraph 26, 27, 28 and Part 5 (Managing the protected area network)
PA Act Policy Guidelines					

<sup>[5]</sup> Other guidelines for the implementation of the PA Act and PNG Policy on Protected Areas should complement this series and may include the following titles: 'Impact assessment in PNG Protected Areas', 'Adaptive Management for PNG Protected Areas', 'Review, monitoring and evaluation guidelines for PNG protected areas', 'land use planning and zoning in PNG protected areas' and 'Conservation Benefit Sharing Agreements in PNG protected areas' See Appendix 1 for a comprehensive list.

Process	Description	Guidance Document	Form/Template	Role of Provincial Government	Legislative Tools
<b>Reporting, monitoring and evaluation</b>	The Management Advisory Group (CEPA Protected Area Management Branch) is to: Review 5-year management plans for all protected areas every 5 years. Review annually the business plan for each protected area Oversee the preparation of standard operating procedures for management planning in all protected areas.	Monitoring, evaluation, reporting and improvement guidelines			PA Act Regulations Paragraph 31, 36 and 37
		Operational Guidelines for the CEPA Management Advisory Group			PA Act Regulations Part IV and Part V
	The CEPA Protected Area Management Branch is to provide an annual report on National protected areas to Parliament via the National Conservation Council no later than 31 <sup>st</sup> March each year.		Minister briefing template and Reg.Sec 24(4) Form 9		PA Act Regulations Paragraph 23
	Protected Area Management Committees for regional protected areas are to provide an annual report to the CEPA Protected Area Management Branch no later than 31 <sup>st</sup> March each year.		Reg.Sec 24(4) Form 10		PA Act Regulations Paragraph 24
	Failure to implement a management plan may be addressed by the CEPA Protected Area Management Branch.		Reg.Sec 37(1) Form20		PA Act Regulations Paragraph 37



## 5. References

LEVERINGTON, F., WOLNICKI, M., SABI, J.M., PETERSON, A., MITCHELL, D., SURUMAN, B., KALIM, K. 2019. Establishing new protected areas in Papua New Guinea, PNG Protected Area Management Guideline No.PA2 version 1, PNG Conservation and Environment Protection Authority, Port Moresby.

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