SADC TFCA Guideline

Luanda Workshop – 24-25 April 2014

Small Group Discussion Templates

The proceedings of all small group discussions are to be captured on directly onto the various templates on computer. Groups are to elect a rapporteur who is proficient in typing and will be able to capture inputs as the group discussions proceed, and who will be able to then use the computer generated document to provide feedback to plenary.

# Small Group Session 1: Sections 2 to 5

## Group A: Definitions

**Objective of the discussion**: critically review the existing definitions and either confirm their acceptability for the Guidelines, or suggest amendments.

Current definitions are as follows:

### IUCN (based on the current revision of the global best practice guidelines)

**Suggested Definition of Transboundary Conservation**

Transboundary conservation is a process to achieve conservation goals through the shared governance and cooperative management of ecosystems and/or species across one or more international boundaries.

**Suggested Revised Definition of Transboundary Protected Area**

A transboundary protected area is a clearly defined geographical space that includes protected areas[[1]](#footnote-1) that are ecologically connected across one or more international boundaries and are cooperatively managed.

A **transboundary conservation landscape and/or seascape** (TBCL/S) is a cooperatively managed ecologically connected area that sustains ecological processes and crosses one or more international boundaries and which includes protected areas as well as multiple resource use areas.

**Suggested Revised Definition of Transboundary Migratory Corridor**

Transboundary migratory corridors are areas of wildlife habitat across one or more international boundaries, which are ecologically connected, are necessary to sustain one or more biological migratory pathways, and are cooperatively and sustainably managed.

**Suggested Revised Definition of Park for Peace**

A Park for Peace is a special designation that may be applied to any of the three types of transboundary conservation areas that is dedicated to the promotion, celebrations, and/or commemoration of peace and cooperation.

### SADC Definition based on the Protocol on Wildlife Conservation and Law Enforcement

**Conservation:** the protection, maintenance, rehabilitation, restoration and enhancement of wildlife and includes the management of the use of wildlife to ensure the sustainability of such use

**Transfrontier conservation area:** the area or the component of a large ecological region that straddles the boundaries of two or more countries encompassing one or more protected areas, as well as multiple resources use areas.

**Sustainable use**: means use in a way and at a rate that does not lead to the long-term decline of wildlife species.

It is possible that this small group session could reach consensus on the definitions well within the time allocated. If this is the case, then participants are urged to join other small group discussions.

## Group B: The value/benefits of TFCAs (packaging the concept)

A table of potential benefits listed according to the categories covered in the Table of Contents will be provided as a basis to guide the discussions. The group is asked to work through the table systematically and to note if there are any benefits that have been excluded, as well as providing any comments that are relevant and which can improve the table of benefits. The reviewed table of benefits will then be used to ensure that the various sub-sections are as comprehensive as possible.

In addition to this the group will be required to provide the following information pertaining to each of the sub-sections:

* Suggestions as to additional content that may be included in any of the sub-sections;
* Relevant reference material appropriate to any sub-section
* The names and contact details of SADC TFCA practitioners who will be well placed to contribute to any of the sub-sections;
* Details as to what these contributions may entail; and
* An indication as to when the contribution may be received.

| Areas of cooperation | Potential benefits | Additional benefits | Comments |
| --- | --- | --- | --- |
| Legal and policy frameworks | * Achievement of the targets as set out by international conservation conventions and agreements. * Achievement of conservation aims and objectives common to participating countries. * Enhanced understanding of the legal and policy environment to support implementation. |  |  |
| Ecosystem management and climate change responses | * Increased potential for ecosystem-based management approach to be accommodated. * Enhanced ecosystem functionality through the improved ability to accommodate ecosystem processes and reduce the requirements for the simulation of these through management actions. * Increased resilience to external threats such as invasive alien species, pollution, animal diseases, etc. * Enhanced capacity for the persistence of threatened and migratory species. * The ability to reintroduce species that may require access to larger areas, such as top predators. * Decreased pressures associated with animal population management. * Increased capacity to accommodate the consequences of climate change impacts and to allow for ecological adaptation and habitat and species movements/migrations. |  |  |
| Socio-economics | * Enhanced ecosystem functionality increases capacity to produce and deliver a full suite of ecosystem goods and services which contribute to social well-being and economic resilience within, adjacent to and beyond the boundaries of the transboundary conservation area. * Thresholds of sustainable utilisation may increase or become more robust as ecosystem functionality and species population dynamics improve. * Enhanced movement of people across international boundaries opens up and/or increases trading opportunities. * The opening of borders or the relaxing of border control processes allows for increased tourism opportunities. |  |  |
| Cultural linkages | * The reinstatement of both past and living cultural linkages:   + may enhance the social acceptance of a transboundary conservation initiative, while   + enhancing social linkages with nature through the cultural significance of natural features. * Work towards reducing socio-political tension through improved social cohesion. * Allow for prominent cultural features to contribute to enhancing the feasibility of the area as a tourism destination. * Enhanced ability to develop and promote a regional identity. |  |  |
| Regional integration | * The promotion and maintenance of peace and harmony. * The establishment of synergies between growth and development strategies, particularly as far as the role that transboundary conservation can play. * The creation of a common brand/identity/logo to enhance the marketing of and trade in related goods and services, such as tourism opportunities. * Improved viability to attract funding either through direct investments or through donors. * The development of joint conservation management plans for both the natural and cultural heritage. * Synergised interpretation of responsibilities to and implementation of international conventions. |  |  |
| Day to day management and law enforcement | * Management efficiencies may be enhanced through the pooling of resources, i.e. financial, human and equipment. * Improved communication linkages may enable more rapid responses to the management of crisis such as vegetation fires, pollution threats, poaching, etc. * Improved communication and surveillance may also allow for more pro-active responses to potential threats. * Shared capacity for managing visitor access and activities. * Joint patrols may contribute to enhanced law enforcement and search and rescue efforts. * Joint management actions can lead to improved staff morale and enhanced appreciation for the various differences that exist between the field staff of the participating countries. * Increased capacity to procure and deploy expensive equipment such as aircraft. |  |  |
| Research | * Improved access to expertise and enhanced ability to implement applied research and find solutions to common challenges. * Ensure that research methods are standardised to ensure comparable results. * Shared access to expensive research equipment, resource centres, herbariums, etc. * Joint design and implementation of long-term research projects. * Improved ability to ‘package’ research to secure financial support. * Enhanced research efficiency through the avoidance of duplicated effort. |  |  |
| Knowledge sharing and skills transfer | * Skills/capacity development through the utilisation of existing expertise or the joint procurement of training opportunities. * Broadening of perspectives that may have become narrowed through isolation or exposure to one national way of thinking and doing. * Improved knowledge of all aspects associated with the management of the transboundary area. * Improved understanding between the partners. * Transboundary agreements may allow for staff exchange programmes |  |  |

## Group C: The Status Quo of SADC TFCAs

It is acknowledged that it is unlikely that this group will include representatives from each of the existing SADC TFCAs and therefore the most that we can ask this group to do is to critically review the template that will be used to capture and reflect this information in the Guideline, while providing as much input as possible in the absence of better representation. The template for gathering information is as follows:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name of TFCA | Countries involved | Status | Nature of agreements | Governance structures | Key reasons for establishment | Benefits | Challenges | Long-term viability plan |
| /Ai /Ais-Richtersveld |  |  |  |  |  |  |  |  |
| Kgalagadi |  |  |  |  |  |  |  |  |
| Greater Mapungubwe |  |  |  |  |  |  |  |  |
| Maloti-Drakensberg |  |  |  |  |  |  |  |  |
| Great Limpopo |  |  |  |  |  |  |  |  |
| Lubombo |  |  |  |  |  |  |  |  |
| Malawi-Zambia |  |  |  |  |  |  |  |  |
| Kavango Zambezi |  |  |  |  |  |  |  |  |
| Lower Zambezi - Mana Pools |  |  |  |  |  |  |  |  |
| Liuwa Plains - Mussuma |  |  |  |  |  |  |  |  |
| Selous and Niassa |  |  |  |  |  |  |  |  |
| Maiombe Forest |  |  |  |  |  |  |  |  |

## Group D: The legal and policy framework

Recent work by a GIZ intern, Ms Antonija Marusic, provides an overview of the legal and policy framework for TFCA work in the SADC region as pasted below. This group is required to critically review this brief overview, identify any gaps, and make recommendations as to how these can be filled. Note must be made of the extent to which SADC member states have been able to integrate relevant conventions into their national legislation, and ensure that other relevant international agreements that relate to aspects such as the sustainable utilisation / conservation of marine resources are included here.

1. **SADC**
2. **Regional Indicative Strategic Development Plan (RISDP)**

The Regional Indicative Strategic Development Plan (RISDP) of 2003 provides strategic direction to SADC programmes, projects and activities.

Conservation, management and use of natural resources are listed in the RISDP as a major component in Chapter 4 - Priority Intervention Areas – in the chapters on “Environment and Sustainable Development” as well as “Sustainable Food Security”.

One of the strategies in the chapter on “Environment and Sustainable Development” is the development and implementation of *“programmes on environment and natural resources management, including transboundary ecosystems”* (4.7.4.)

*“Protecting the environment and promoting sustainable use and management of natural resources”* is also listed as a strategy in the second relevant chapter on food security (4.12.4). Implementation of said strategy shall be accomplished through – among other institutional frameworks – the *“development of relevant legal instrument to foster cooperation in Food Security, Agriculture and Natural Resources”* (4.12.8).

1. **Protocol on Shared Watercourses**

The Protocol on Shared Watercourses has been modelled after a European Directive. The details of this directive will be spelled out in the following section relating to the European Union.

Art. 4 of the Protocol requires states to jointly protect their watercourses. XXX

1. **Protocol on Wildlife Conservation and Law Enforcement (1999)**

The Protocol on Wildlife Conservation and Law Enforcement contains the objective of promoting *“the conservation of shared wildlife resources through the establishment of transfrontier conservation areas”* (Art. 4 (f)).

Apart from this specific provision on TFCAs, the following articles deal with transboundary natural resources management:

* Art. 7 (5) requires State Parties to, *“as appropriate, establish programmes and enter into agreements to promote the co-operative management of shared wildlife resources and wildlife habitats across international borders”.*
* Art. 8 calls for the establishment of a regional database on the status and management of wildlife.
* Pursuant to Art. 9 – Co-operation in Wildlife Law Enforcement - State Parties are *inter alia* under an obligation to *“take the necessary measures to ensure the effective enforcement of legislation governing the conservation an sustainable use of wildlife resources”*, to *“exchange information concerning the illegal taking of and trade in wildlife and wildlife products”* and to coordinate efforts of the law enforcement authorities.

1. **Protocol on Fisheries (2001)**

In 2001, SADC adopted the Protocol on Fisheries which contains several articles which specifically deal with transboundary cooperation:

* Art. 6 of the Protocol encourages State Parties to establish common positions and undertake coordinated actions.
* Art. 7 contains elaborate provisions on the management of shared resources. State Parties are obliged to exchange information, take certain conservation measures (prevention of overfishing, e.g.) and encouraged to establish instruments for the management of shared resources.
* Pursuant to Art. 8 of the Protocol State Parties are *“required to harmonise legislation with particular reference to the management of shared resources”*. In addition, State Parties *“shall establish appropriate arrangement to enable co-operation on hot pursuit of vessels that violate the laws of one State Party and enter the jurisdiction of another”*.

1. **Protocol on Forestry (2002)**

SADC has issued a Protocol on Forestry in 2002 in which it encourages states to, *“where appropriate, establish programmes and enter into agreements to promote the co-operation and integrated management of transboundary forests and protected areas”* (Art. 15).

Art. 22 of the Protocol call for State Parties to “endeavour to obtain the assistance and co-operation of other states and organisations in achieving the objectives” of the Protocol. Also, where appropriate, cooperation with other Member States that are not party to the Protocol is encouraged in paragraph two of this provision.

However, none of the SADC Environmental Protocols provide for enforcement mechanisms.

1. **Programme on TFCAs (2013)**

In pursuance of the Protocol on Wildlife Conservation and Law Enforcement SADC issued a Programme for TFCAS in 2013. Under the first of the seven components - “Advocacy and Harmonization” - the Programme

*“advocates for the harmonisation of policy and legal frameworks, thereby facilitating the development of regional standards, procedures and guidelines to overcome gaps and resolve conflicts within and between policies and laws of participating countries in the development of TFCAs. Improved policies and legislation are the basis for efficient management of TFCAs and the systematic expansion of the TFCA network.”*

# Small Group Session 2: Focus on Section 6 - The Initiation of Transfrontier Conservation Areas

It is important that this section be seen as separate from the next one on the aspects of TFCA establishment and development. It is assumed that a TFCA initiative will have small beginnings with a few enthusiastic conservationists who see the potential and who will need to do a significant body of work to test the feasibility of taking the initiative into the next phase. With this understanding the three small groups for this session will be required to consider:

* Suggestions as to specific content that may be included in the specific sub-section;
* Relevant reference material appropriate to the sub-section;
* Examples of case studies where these aspects can be well illustrated as best practice;
* The names and contact details of SADC TFCA practitioners who will be well placed to contribute to the sub-sections;
* Details as to what these contributions may entail; and
* An indication as to when the contribution may be received.

The topics for the small groups are as follows:

## Small Group A: Assessing the Enabling Environment

What aspects need to be assessed by TFCA proponents when assessing the enabling environment, i.e. how does one determine the extent to which the dynamics in the area in question are conducive to the establishment of a TFCA. For example, is there a history of conflict, are the features which required conservation still in relatively good condition or will significant amounts of restoration be required, what are the population dynamics of the affected communities, are the latter receptive to conservation, etc.

If this group can take these examples and add to them, while providing the additional information requested in the introduction above, it will help significantly in the compilation of the Guidelines.

## Small Group B: Assessing TFCA Feasibility

While the enabling environment might be conducive to the establishment of a TFCA, there are numerous factors that will determine the feasibility of establishment and development, such as the capacity required to facilitate agreements between heads of state, the financial resources required to take on the transaction costs associated with all the necessary steps towards obtaining a mandate and stakeholder buy-in, etc. This group needs to identify as many relevant aspects that require consideration as possible and provide the information listed in the introduction above. The IUCN publication “Initiating effective transboundary conservation: A practitioner’s guideline based on the experience from the Dinaric Arc” by Erg et al (2012), especially the “Diagnostic tool for transboundary conservation planners: Suggested questions to determine feasibility for transboundary conservation by Maja Vasilijević, are essential reference material for this and can be downloaded from <http://www.iucn.org/knowledge/publications_doc/publications/?uPubsID=4783>.

## Small Group C: Designing the Implementation Process

It is likely that the aspects that will be considered relevant by this group will be covered by the other two, but this possible overlap may be of great value in terms of providing a second opinion. However, the challenge for this group will be to try to think beyond the first two groups and identify what it is that TFCA proponents need to consider when designing an implementation process. They could take their cue from the coming section that lists the sequential steps that may be taken in the process of establishing and developing a TFCA. The details listed in the introduction then need to be used to guide the discussion further.

# Small Group Session 3: Focus on Section 7 - The Establishment and Development of Transfrontier Conservation Areas

This section of the Guidelines is essentially the crux and thus reflects the overall heading, and this is therefore where most of the contributions are expected from SADC TFCA Practitioners. Each of the groups will be required to work with the same template, but relate their discussions and inputs according to the topic given. The topics are provided below, followed by the template for capturing inputs.

## Group A: Securing buy-in and building legitimacy

There are three components to this sub-section, namely:

* At the political level;
* With peers and related organs of state within and across borders; and
* With affected communities and interested groupings.

## Group B: Selecting/designing an appropriate governance model and mapping the TFCA

It is debatable as to the order in which these two aspects need to be implemented as they can both be used to inform each other. For the sake of the Guidelines it may be best to accept that the specific circumstances of a particular TFCA initiative will dictate and that proponents and practitioners will need to be sensitive to the prevailing dynamics and allow these to guide the sequencing of these.

### Governance Model

Here it will be necessary to take note of the models that are in place as per the section on the Status Quo of SADC TFCAs and provide a critical review of these and some best practice examples. Also acknowledge that this is an evolutionary process that develops on a continuum from informal broad agreements, to more formal and specific agreements. Therefore it is more of a process that needs to be recommended based on each TFCAs circumstances, and through this the appropriate governance models may be developed and put in place.

### Mapping

There are numerous ways in which the geographic extent of a TFCA may be determined, e.g. in consideration of the primary features that are the focus of the initiative, the inclusion of corridors and representative ecosystems, creating linkages between protected areas, application of systematic conservation planning processes to identify the areas required to meet specific conservation targets, etc. It will be necessary to explore these and make recommendations as to how they may be integrated so that the ultimate boundary that is drawn on a map is ecologically defendable, socially acceptable and financially viable. Note also that the process of mapping includes the features both within and adjacent to the TFCA as well as the boundary.

## Group C: Joint management planning inclusive of the high level framework, detailed short-term planning and monitoring and evaluation

This is a significant portion of the content for the Guideline and therefore this group needs to exercise caution so as not to get distracted with too much detail. The focus needs to rather be on the processes that should be followed to deliver on the management planning framework, the detailed plan and the M&E aspect. These components of management planning are hierarchical and sequential and must be dealt with in this way during this discussion. Note also that implicit in the M&E aspect is management effectiveness tracking for which there are international guidelines, but there is also the Performance Appraisal Tool developed by the Peace Parks Foundation in collaboration with SADC TFCA practitioners. The assumption that this is the right tool for SADC TFCAs needs to be tested in this discussion, and if necessary, alternative suggestions need to be made in this regard.

## Group D: Planning for financial sustainability

Conservation initiatives globally tend to be on the back foot as far as financial resources are concerned, and this is no different with SADC TFCAs. However, if a positive and pro-active approach is taken that looks to understand fully the value of the natural capital inherent within TFCAs, it is possible that a host of opportunities may be identified to ensure their financial sustainability. This group is required to think beyond the usual approaches that have and are been taken to secure financial resources for TFCA initiatives and list these together with recommendations as to how new and fresh approaches can help to enhance the financial viability of TFCAs, while also increasing their socio-economic relevance.

## Template for Capturing Inputs

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| TOPIC | SUGGESTED CONTENT | RELEVANT REFERENCES | POTENTIAL CONTRIBUTORS | POTENTIAL CASE STUDIES |
| Group A: Securing buy-in and building legitimacy:  •At the political level |  |  |  |  |
| •With peers and related organs of state within and across borders |  |  |  |  |
| •With affected communities and interested groupings |  |  |  |  |
| Group B:   * Selecting/designing an appropriate governance model |  |  |  |  |
| * mapping the TFCA |  |  |  |  |
| Group C: Joint management planning inclusive of:   * High level framework |  |  |  |  |
| * Detailed short-term planning |  |  |  |  |
| * Monitoring and evaluation |  |  |  |  |
| Group D: Planning for financial sustainability |  |  |  |  |

1. A protected area is “a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.” (Dudley, 2008) [↑](#footnote-ref-1)