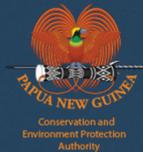




TRANSITIONS FOR PAPUA NEW GUINEA'S EXISTING PROTECTED AREAS

PNG Protected Area Management Guideline No.PA3 Version 1
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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.

This document has been prepared in advance of the finalisation of the Protected Area Bill. Therefore, a number of topics have not yet been finalised, the most important of which is the inclusion of the protected area type ‘Locally Managed Protected Area’. This document needs to be reviewed when further clarification is available.

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Cover photo: Sohano coastline, Buka, Autonomous Region of Bougainville.

Credit: Kim Allen/UNDP (PNG).

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Acronyms

Acronym	Term in full
CEPA	Conservation and Environment Protection Authority
CCA	Community conservation area
IUCN	International Union for the Conservation of Nature
LMCA	Locally managed conservation area
LMMA	Locally managed marine area
NP	National park
NGO	Non-government organisation
NHA	National heritage area
NMS	National marine sanctuary
PNG	Papua New Guinea
PPA	Private protected area
SMA	Special management area
IUCN Category	The category of protected area under the system described in the IUCN guidelines (Dudley 2008)
PNG protected area type	The type or designation of protected area included in PNG's national protected area network and gazetted under PNG's legislation

1. Introduction

Based on the PNG Policy on Protected Areas, the Protected Areas Bill (PA Bill) will create new types of protected areas for PNG, but with some additions. These types are described in detail in the Guide to Protected Area Types¹. They are designed to reflect the IUCN protected area categories² and the special culture, circumstances and land tenure of PNG. Protected areas under the new legislation are shown in Table 1.

Note this is still under discussion

Table 1: PNG's protected area types

PNG Protected area type	IUCN Category	Notes	National or Regional PA
NP: national park (primarily terrestrial and freshwater, may extend into nearshore waters)	II	Primarily for protection of habitats and species – relatively large.	National Protected Area ³
NHA: national heritage area (marine or terrestrial)	III	Protects special features of national significance (historical, cultural, geological or biological) – may be small areas.	National Protected Area
SMA: special management area (terrestrial or marine)	IV	Area where special management or a high level of protection is needed to protect particular species or ecosystems.	National Protected Area
NMS: national marine sanctuary (marine)	VI with zones of II, III, IV and V	Statutory zoning used to create a mosaic of protection – near-shore and off-shore. May include seascapes and marine protected areas under the Maritime Zones Act.	National Protected Area
CCA: community conservation area (primarily terrestrial and freshwater, may extend into nearshore waters)	VI with zones of II, III, IV	Conserves large and significant areas while sustaining traditional livelihoods.	National Protected Area ⁴
LMMA: locally managed marine area (marine)	V	Conserves traditional marine livelihoods; protects	Regional Protected Area

¹ Leverington, F. (2019) *A guide to Protected area types in Papua New Guinea. PNG Protected Area Management Guideline No.PA9 version 1*, PNG Conservation and Environment Protection Authority. Port Moresby,

² Dudley, N. (Ed.) (2008) *Guidelines for Applying Protected Area Management Categories*, IUCN, Gland, Switzerland [www. https://www.iucn.org/theme/protected-areas/about/protected-area-categories](https://www.iucn.org/theme/protected-areas/about/protected-area-categories)

³ For an explanation of the national and regional protected areas, see the PNG Policy on Protected Areas and the protected area legislation

⁴ Classified as a Regional Protected Area under the current draft of the PA Bill, except where a CCA overlaps more than one province. However, this guideline reflects CEPA's wish to recognise CCA as a National Protected Area.

PNG Protected area type	IUCN Category	Notes	National or Regional PA
		biodiversity, culture, tambu sites and <i>ples masalai</i> .	
LMCA: locally managed conservation area⁵ (primarily terrestrial and freshwater, may extend into nearshore waters)	V	Conserves traditional livelihoods on land; protects biodiversity, culture, tambu sites and <i>ples masalai</i> .	Regional Protected Area
PPA: private protected area	Ia, Ib, II, III or IV	Objectives to be determined on an individual basis.	Regional Protected Area
Other protected or conserved areas: includes <i>ples masalai</i> , cultural sites	No category	Objectives to be determined on an individual basis. Will often relate to local culture, special sites and sustainable management.	Other

Under the new legislation, existing protected areas under any legislation will automatically remain protected. In addition, the legislation gives protection to other managed lands and seas including locally managed marine areas, sacred sites (*ples masalai*), tambu areas and sites declared under any other legislation at any level of government.

This guide assists people to understand the process of transition under the new legislation, and explains the options for the future.

2. Automatic transition to new protected area type

Most protected areas under existing legislation will automatically transition for five years into 'default' new types, as set out in the PA Bill (**Error! Reference source not found.**). To remain in this protected area type **there is no legislative need for further action** or approval (**Error! Reference source not found.**). This transition clause will also in effect formalise existing locally managed marine areas as protected areas, where they have been recognised under local level government legislation.

However, this transition process is complicated by several factors:

1. In two cases, two options are given in the legislation: i.e. Conservation Areas (CA) may become either a Community Conservation Area (CCA) or a Special Management Area (SMA); while Wildlife Management Areas (WMA) may become either a CCA or Locally Managed Marine Area (LMMA)⁶.
2. A number of existing protected area types are not mentioned in the transitional clauses in the legislation, namely Wildlife Sanctuary, Sanctuary, Reserve, National Reserve, Scenic Reserve, Protected Area, Historic Site.
3. One proposed protected area type, the Locally Managed Conservation Area (LMCA), is not yet in the legislation, though its creation was agreed by CEPA in 2017.

Therefore the process is not as smooth or automatic as originally intended.

⁵ Not yet included in the PA Bill.

⁶ Note, when LMCAs are added to the PA legislation, other options should be added to the transitional clauses.

Box 1: Legislation relating to existing protected area transition – protected area Bill draft

Two sections of the PA Bill describe the transitions:

Section 7. TRADITIONAL SACRED SITES, PLES MASALAI, TAMBU AREAS.

- Land that custom designates as a traditional sacred site, plesmasalai or a traditional tambu area in a Protected Area, or otherwise, is protected by this Act, whether or not it is registered as a Protected Area under this Act.
- The boundaries and the designation of such land may be determined by a customary owner, or a Village Court Magistrate.
- The Regulations may provide for the public notification of a sacred site.

Section 8. EXISTING PROTECTED AREAS.

Protected Areas designated under laws repealed by this Act, or other statutes, are listed at Schedule 2 and have the full protection of this Act.

Section 31 (8) Subject to Section 41 (Existing Protected Areas) -

- (a) a National Park previously established under the National Parks Act may be registered as a National Park National Protected Area; and
 - (b) a marine protected area under the Fisheries Management Act may be registered as a National Marine Protected Area; and
 - (c) a Memorial Park under the National Parks Act, may be registered as a National Heritage Area Protected Area; and
 - (d) a Provincial Park under the National Parks Act may be registered as a Community Conservation Area; and
 - (e) a Conservation Area under the *Conservation Areas Act 1978* may be registered, as appropriate, as a Community Conservation Area or a Special Management Area; and
 - (f) a Wild Life Management Area under the Fauna (Protection and Control) Act, may be registered, as appropriate, as a Community Conservation Area, or a Locally Managed Marine Area; and
- Protected Areas designated under laws repealed by this Act, or other statutes, have the full protection of this Act
- (g) Locally Managed Marine Areas established under any Provincial or Local Level Government law, may be registered as a Locally Managed Marine Area; and
 - (h) Marine Protected Areas declared under the Maritime Zones Act may be registered as such.

SECTION 41

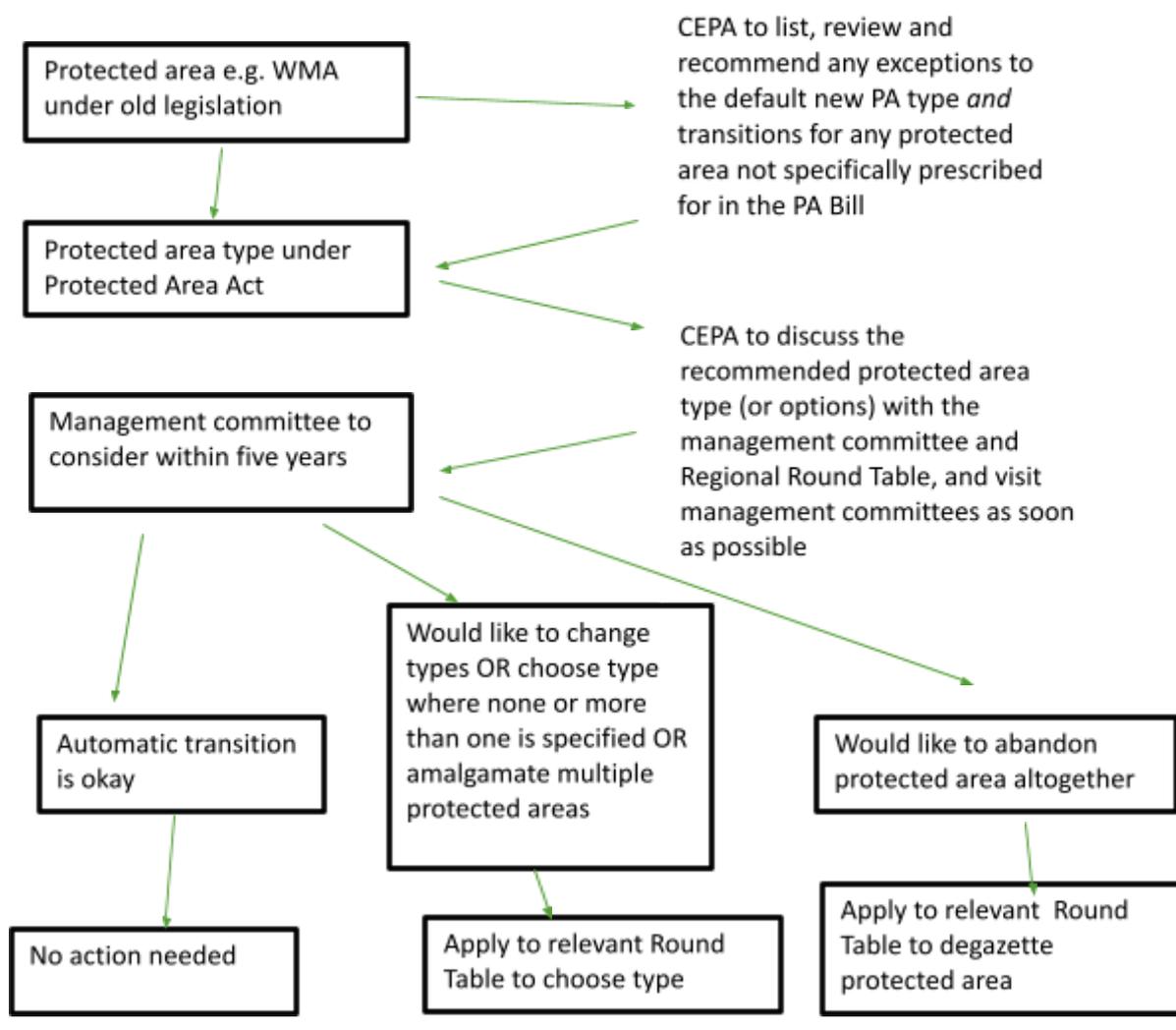
For a period of 5 years existing protected areas shall be registered in the Papua New Guinea Protected Area Network Register as follows:

- (a) former National Parks shall be registered National Parks under this Act; and
- (b) former Wild Life Management Areas, as determined by the Managing Director, shall be registered as Community Conservations Areas administered by provincial, local level government customary landowners or private persons; and
- (c) Conservation Areas shall be registered as Community Conservation Areas or Special Management Areas, as the Managing Director thinks fit; and
- d) Locally Managed Marine Areas shall be registered as Locally Managed Marine Protected Areas.

(2) "The Managing Director, in consultation with the National Conservation Council, and the National Protected Area Round Table, may decide to cancel an existing Protected Area, or alter its legal character to conform with this Act."

(3) The Managing Director shall give proper notification to all relevant stakeholders likely to affected

The broad process for transition into the new protected area types is shown in Figure 1.



Recommended steps are:

- 1) **In preparation for the transition, CEPA should prepare the list of protected areas that will be recognised under the new PA legislation.** Most existing protected areas are listed in Schedule 2 of the legislation. However, CEPA's list also needs to include existing LMMAs and any other protected areas already recognised under provincial, district or local level government legislation. During this process, CEPA should note any protected areas where the management effectiveness evaluation or other information indicates:
 - a. There is a desire or need to de-gazette the protected area; or
 - b. The 'default' protected area type or types under the transition is unlikely to best meet the need of the location or the management committee; or
 - c. There is no default transition in the legislation; or
 - d. There is a desire to join two or more protected areas, or expand/reduce an existing protected area.

CEPA should review the list and designate *either* the default transitional protected area type *or* the options for the transitional type. These are shown in Table 2.

- 2) Where there are a number of options, CEPA should consider the size, current operations and values of the protected area, through consulting the most recent Management Effectiveness Tracking Tool evaluation and related summary⁷, and refer to the criteria for protected area types. Recommendations (or in some cases two or more options) should be prepared, with clear justifications for these recommendations.

Table 2: Transitional arrangements and likely redesignation of protected area types

Current designation and existing number	Transitional arrangement in Protected Area Bill (Sept 2019) ⁸	Redesignation (most likely – subject to review and discussion)	Comment
National Park <i>National Parks Act 1982</i> (repealed) (5)	National Park	National Park or other as appropriate	A number of existing national parks would not meet the criteria or expectations for national parks in the future
National Reserve (2) <i>Lands Act</i>	Not mentioned	LMCA	Both small areas
Reserve (2) <i>Lands Act</i>	Not mentioned	LMCA	Both are very small areas
Provincial Park <i>National Parks Act 1982</i> (1)	CCA	CCA	Area is of considerable significance
Wildlife Management Areas (34) <i>Fauna and Control Act</i>	CCA or LMMA <i>LMCA</i> ⁹	CCA, LMCA/LMMA, SMA, NHA or NP	Some WMA are very large and of national or international significance
Wildlife Sanctuary (4) <i>Fauna and Control Act 1966</i>	Not mentioned <i>LMCA</i>	LMCA	
Sanctuary (1) <i>Fauna and Control Act 1966</i>	Not mentioned <i>LMCA</i>	LMCA	May be included within a national park
Conservation Area (2)	CCA or SMA	May be CCA over wide area with areas of NP or SMA	Large, significant areas that should be of national importance
Historic Reserve (1)	Not mentioned	NHA	

⁷ These forms and summaries are available from CEPA.

⁸ This table includes an assumption that Locally Managed Conservation Areas (LMCAs) will also be created in the PA legislation. The column indicates where a transition to an LMCA should be an option.

⁹ LMCA is not yet in the PA Bill, but is included in this table where this would be appropriate.

Current designation and existing number	Transitional arrangement in Protected Area Bill (Sept 2019) ⁸	Redesignation (most likely – subject to review and discussion)	Comment
Memorial Park (3) Under <i>National Parks Act 1982</i>	National Heritage Site	NHA	
Protected Area (3) <i>Fauna (Protection and Control) Act 1966</i>	Not mentioned	LMCA	
Scenic Reserve (1) <i>Lands Act</i>	Not mentioned		Likely to degazette (Paga Hill)
Locally Managed Marine Areas established under any Provincial or Local Level Government law	LMMA (only if they have been established under any legislation)	LMMA	
Marine Protected Area <i>Maritime Zones Act</i>	MPA	Include in NMS	May be part of a National Marine Sanctuary
Ples Masalai (whether registered or not)	Ples Masalai	May stand alone with this recognition or be included in another protected area e.g. LMMA, LMCA	

- 3) **CEPA with Provincial Government and other stakeholders should communicate with the management committee or board and customary landowners and inform them of the recommendations.** Discussions should be conducted, and recommendations endorsed or altered as necessary. This process may be straightforward or may be quite involved, and will include clear communications with the communities about the protected area types and their implications. For example, no types of protected area designation will result in landowners losing their rights, but some might change the activities permitted on the land or water.
- 4) **Where people wish to change the default protected area type, there will need to be further work to decide on a future course of action (see section 3).** Government at the appropriate level, the Round Tables and the management committee will all need to cooperate to work out the best result. The Protected Area Proposal Form may need to be completed.

3. Transition to a different kind of protected area

As described above, for some protected areas under existing legislation, no transitional protected area types have been defined under the PA Bill. In other cases, there may not be a good ‘fit’ of the existing protected area to the default new protected area type: for example several existing national parks are small and do not have values worthy of this type of protected area. On the other hand, some existing large and significant wildlife management areas may be

considered as national parks or special management areas to give a high level of protection to endangered fauna, flora and ecosystems.

Changes to the type of protected area will require a process similar to the gazettal of a new protected area, but will be given special consideration and could be processed in a very short timeframe after the PA Act comes into force. The changes to protected area types can be initiated in a number of ways:

Regional protected areas

- If customary landowners or other people, through the Management Committee, are concerned and wish to change the protected area type or renounce the protected area altogether, they should request the Provincial Administration (through the relevant Round Table) to assist them in investigating their options and presenting their case.
- However, if it is desired to reclassify a regional protected area as a national protected area, the application can be made directly to CEPA and the National Protected Area Round Table, with information also sent to the Regional Protected Area Round Table.

National protected areas

- For a national protected area: if customary landowners or other people, through the Management Board, are concerned and wish to change the protected area type or renounce the protected area altogether, they should request CEPA (through the National Protected Area Round Table) to assist them in investigating their options and presenting their case.
- If CEPA or the Provincial Administration believes that a different designation is desirable, they can initiate a process through the relevant round tables to consider this, in a similar process to the gazettal of a new area.

Forms for the gazettal of new protected areas should be completed as part of this process, except where degazettal is requested. The process of establishment of new protected areas consideration by the Round Tables is described in detail in Guideline PA2¹⁰.

4. Recommendation

It is strongly recommended that CEPA along with partners, including provincial governments, re-engage with all management committees of existing protected areas as soon as possible to develop the future approach. Such engagement (preferably a minimum of two days onsite or in a nearby location), could cover several important bases:

- 1) Re-engagement with the management committee and formation of a working group with provincial and local government partners, as well as NGOs/CBOs who might support them in the future;
- 2) Agreement on a protected area type;
- 3) Development of a statement of management intent, as a pre-cursor to the management planning process; and
- 4) Confirmation of the most urgent needs for capacity building, including establishment of a ranger program, where possible.

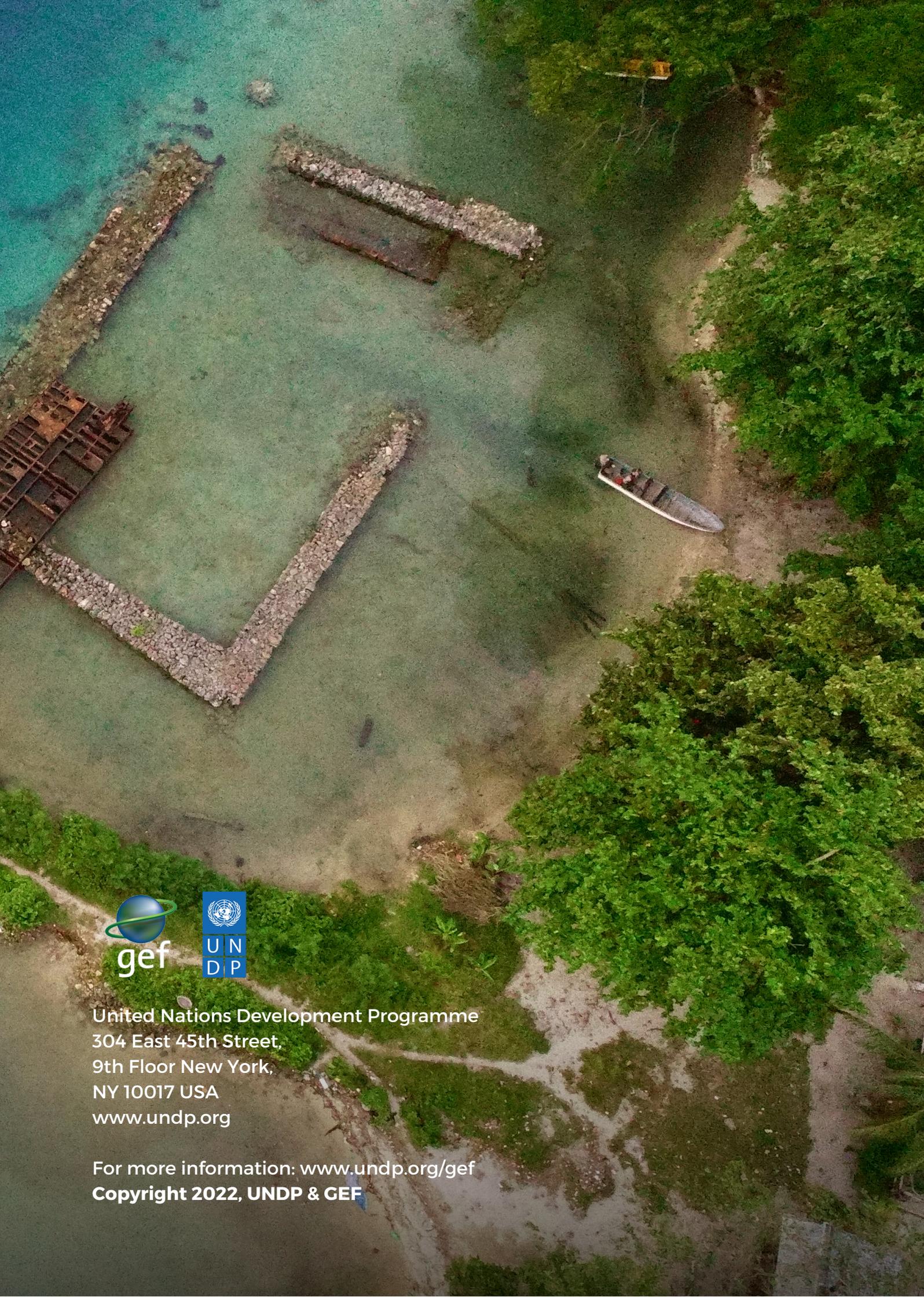
¹⁰ Leverington, F., Wolnicki, M., Sabi, J., Peterson, A., Mitchell, D., Suruman, B. & Kalim, K. (2019) *Establishing new protected areas in Papua New Guinea, PNG Protected Area Management Guideline No.PA2 version 1*, Conservation and Environment Protection Authority. Port Moresby,

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