

Sharing governance in PNG's protected areas

A guide to the governance arrangements in the PNG Protected Areas Bill PNG Protected Area Management Guideline No.IG2 version 1 November 2019



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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.

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Cover photo

Ann Peterson

Note: 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 Conservation Area'. This document needs to be reviewed when further clarification is available.

The information in this guide is based on the interpretations and governance structures provided the draft Protected Areas Bill dated 12 January 2018 and regulations dated 9 October 2017. This guide should be updated with the final version of the legislation to ensure consistency and relevance.

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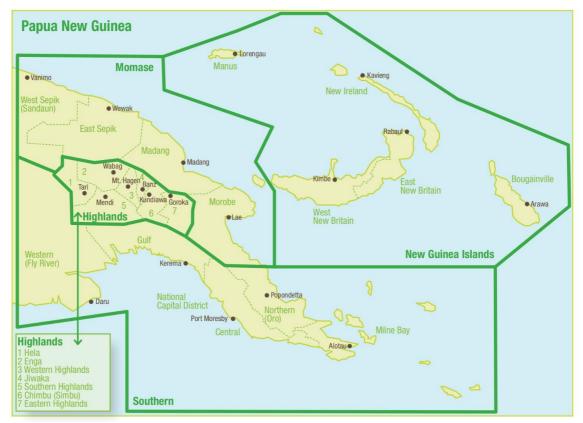


Figure 1: Provinces and regions in Papua New Guinea¹

¹ DEPARTMENT OF EDUCATION 2016. National Education Plan 2015 - 2019. Port Morsby: Department of Education.

Executive summary

The Protected Areas Bill (PA Bill) is a proposed piece of legislation that will guide the establishment and management of protected areas in Papua New Guinea. It will be administered by the PNG Conservation and Environment Protection Authority (CEPA). Amongst other things, the PA Bill sets out various governance arrangements that need to be established by CEPA. To implement the legislation effectively, CEPA needs to be well prepared for these arrangements and have relevant administrative structures in place prior to the PA Bill being approved.

The problem is that the proposed governance arrangements are scattered throughout the PA Bill, with little guidance as to how they might be established and managed. This has resulted in uncertainty and various interpretations of how the governance arrangements should operate, making it difficult for CEPA to respond.

This guide addresses the problem by identifying and listing all the proposed governance arrangements in the PA Bill and defines their purpose and legislated responsibilities, with detailed footnotes linking the information to the original source. The methodology for drafting this guide included a detailed review of the PA Bill and regulations, interviews with its authors, CEPA staff and several community workshops. The information was collated to provide a clear description of the proposed governance arrangements, enabling staff to make informed decisions about the administrative structures needed for implementation, or whether any amendments should be made to the proposed arrangements.

The guide consists of three sections:

- Introduction to protected area governance in PNG
- Governance arrangements A brief description of the purpose of the new governance bodies and their legislated responsibilities under the PA Bill.
- The role of Protected Area Round Tables A question and answer style explanation of how the governance structure will be established and the responsibilities of the National Protected Areas Round Table and Regional Protected Areas Round Table.

Although the guide provides some observations and suggestions, it does not make any recommendations about the effectiveness of the proposed governance arrangements in the PA Bill. Such recommendations, particularly in relation to the protected area round tables, have been provided to CEPA in a separate briefing. Similarly, early drafts of a conceptual framework, linking the various governance arrangements into a functional decision-making process, have been developed as separate products.

1. Introduction

The Papua New Guinea (PNG) protected area network is a critical part of the country's identity and the cornerstone of its conservation strategy. Its development and management are based on PNG's specific needs and circumstances, where much of the land and sea is customarily owned and the people are the managers of most protected areas.

Protected areas are a priceless resource for local communities, customary landowners, the nation and the world. Their protection is a shared responsibility. Governments at all levels, communities, non-government organisations and industries are partners in protected area management and work together to sustainably manage their resources. Good management will help ensure that the PNG protected area network is looked after for the wellbeing of current and future generations.

The Government of PNG has made a serious commitment to protect the nation's heritage values through a revised national system of protected areas. It has committed, through the Policy on Protected Areas (the PA Policy) to look after these special places together with the people of PNG (Independent State of Papua New Guinea, 2014). Acknowledging that the PNG protected area network consists of various models of ownership, management and decision making, the Government has also drafted proposed legislation that will help protect these places (Conservation and Environment Protection Authority, 2018). The Protected Areas Bill (the PA Bill) enables local level and provincial governments to play a key role in deciding how protected areas should be managed for the benefit and wellbeing of all people. This arrangement is consistent with PNG's public sector reform process (Department of Environment and Conservation, 2007) and the effective transition of governance arrangements to CEPA (Department of Environment and Conservation, 2011), including a revised organisational governance structure to help mainstream the PA Policy at the regional level².

Clear governance communication mechanisms are pivotal to successful implementation of the PA Policy.Mechanisms for engaging people in protected area management and decision-making include the National Protected Area Round Table (NPART) and the Regional Protected Area Round Table (RPART), which establish a communication and decision-making pathway between communities and all levels of government.

• The PNG PA Policy and the PA Bill identify five pillars³ to achieve an effective protected area network. This guide analyses the PA Bill and provides guidelines to implement Pillar 1: Protected Areas Governance and Management.

Of the many aspects to governance and management, this guide focuses on the role of the Protected Area Round Tables established under the PA Bill. Specific attention is given to the RPART because its functions and responsibilities are less clearly demarcated in the PA Bill.

- 1. Governance and management
- 2. Sustainable livelihoods for communities
- 3. Effective and adaptive biodiversity management
- 4. Managing the protected area network
- 5. Sustainable and equitable financing for protected areas

 $^{^2}$ PNG National Executive Council decisions 148/2008 and 81/2011 support the transformation of DEC to CEPA.

³ The PA policy is built on five pillars for an effective protected area network

This guide has been informed by interviews with PNG and Australian protected area and legal experts, meetings with CEPA, and Regional Protected Area Round Table workshops held in Kimbe and Rabaul in August and December 2018 (Wolnicki et al., 2018)⁴.

When the PA Bill is approved by the PNG parliament and the NPART and RPART are established, CEPA will need to be well equipped to take on its new protected area management and coordination role. The recommendations for the functions of CEPA are provided in the report titled *Sustainable Environment Programs, CEPA – proposed staff roles and possible structure.* (Protected Area Solutions, 2018)

1.1 Protected area governance in PNG

Governance for protected areas has been defined as the 'interactions amongst structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken and how stakeholders have their say' (Graham et al., 2003). While management looks at the many vital aspects of planning and on-ground (and water) activities connected with protected areas, governance considers how people are involved in making decisions and setting directions.

Governance of protected areas has many components, and modern protected area systems take governance very seriously by:

- Having a range of kinds of protected areas for different purposes⁵, as defined in the PA Policy⁶
- Allowing for different kinds of governance, ownership and management arrangements to be most appropriate to the culture and circumstances (for example, allowing for community-based management in PNG where most land and near-shore areas are owned by customary land owner); and
- Meeting principles for good governance including legitimacy and voice for all people; transparency and accountability; good performance through efficient and effective systems of management; and ethical behaviour and fairness.

Principles of protected area governance defined by IUCN are summarised in Attachment one⁷. Good governance means better policy implementation, which leads to improved outcomes for protected areas and more sustainable development. Good governance also directly addresses many of the obstacles typically faced throughout policy implementation such as lack of funding, poor systems, political influence and reactivity (Figure 2) (Hallsworth, 2011).

⁴ Note: This guide cites the interpretations and governance structures used in the draft PA Bill dated 12 January 2018 and regulations dated 9 October 2017 and should be updated with the final version of the legislation to ensure consistency and relevance.

⁵ See the IUCN categories (DUDLEY, N. (ed.) 2008. *Guidelines for Applying Protected Area Management Categories,* Gland, Switzerland: IUCN.) 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.

⁶ See also the protected area types defined for PNG: 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.

⁷ A good discussion of protected area governance can be found in BORRINI-FEYERABEND, G. & HILL, R. 2015. Governance for the conservation of nature. *In:* GRAEME L. WORBOYS, MICHAEL LOCKWOOD, ASHISH KOTHARI, SUE FEARY & IAN PULSFORD (eds.) *Protected area governance and management* Canberra: ANU Press.

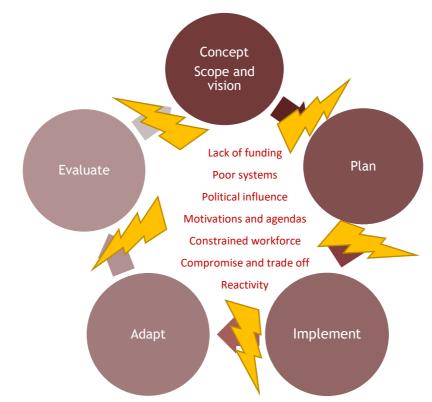


Figure 2: Poor governance can cut off the ability for government to implement a robust protected area policy cycle, create isolation and a disabling work environment

The new protected area governance arrangements in PNG establish clear responsibilities and processes for CEPA to implement the PA Policy through the typical policy cycle of concept building, planning, implementation, adaptation and evaluation (Figure 2)⁸. Much of the concept building and planning has already taken place through approval of the PA Policy by the PNG National Executive Council (NEC)⁹ (indicated in green in Figure 3). This guide plays a significant role in the implementation (yellow) phase of the policy cycle. Monitoring and evaluation of the PA Policy.

⁸ The model was developed as a hybrid using the open standards management cycle and the standard policy cycle from Hallsworth 2011

⁹ PNG National Executive Council decision 385/2014

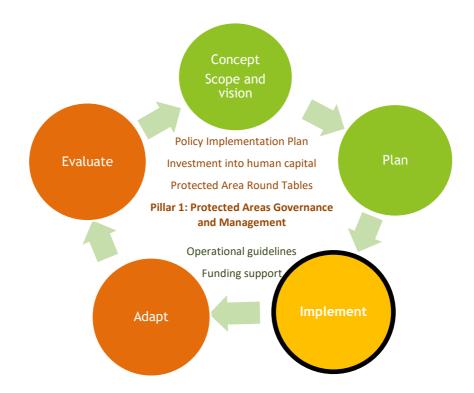


Figure 3: Policy cycle of the PNG Policy on Protected Areas. Good governance at this point will assist effective implementation of the PA Policy and move to the next phase of the policy cycle

1.2 Policy Context

In harmony with PNG's public sector reform and government decentralisation, the PA Policy establishes protected area governance arrangements that encourage local and regional participation. The PA Policy is supported by five pillars of an effective protected area network, and this document primarily addresses Pillar One (Protected Areas Governance and Management), which identifies the following objectives:

- Establish the legal and institutional framework for effective management and governance of the PNG protected area network.
- Ensure this framework becomes fully operational with clear lines of responsibility and high standards of governance, accountability and reporting.
- Ensure effective arrangements are in place for national, provincial, district and local level governments, communities including customary landowners, on-ground protected area managers and other partners to work in cooperation.
- Support customary landowners in their initiatives to establish effective protected areas on their lands.
- Ensure CEPA supports the PNG protected area network with adequate funding and staff capacity, competent leadership structure, functioning policies and operational systems.
- Deliver improved scope and support for volunteers, mentors and partners to work with governments and communities in protected area management.

The cross-cutting theme throughout these objectives is capacity building to all levels of government and civil society. These objectives establish the ground rules for the successful governance and implementation of the PA Policy, which CEPA is undertaking through activities shown in the table below.

Pillar 1 Activity	Status
Develop an Implementation Plan for the PNG PA Policy	Plan complete
Invest in human capital through a restructure of the	Report complete: Sustainable
Sustainable Environment Programs (SEP) Wing and establish	Environment Programs, CEPA –
a Protected Area Office within CEPA	proposed staff roles and possible
	structure
Draft the PA Bill, which establishes rules and procedures for	Draft complete
effective protected area management	
Establish a clear and accountable governance framework	Guide complete

2. Governance Arrangements

This Section provides a brief description of the purpose of the new governance arrangements and their legislated responsibilities. All the entities must abide by the *Protected Area Environmental Code of Practice*¹⁰.

2.1 The National Executive Council

PNG's National Executive Council (NEC) is the ultimate authority for the PNG Policy on Protected Areas (PA Policy)¹¹. It has some legislated functions regarding conflict resolution, but the powers to establish and review protected areas on customary and private lands are founded in the law of agreement and contract which do not require Ministerial approval¹². CEPA is the highest authority with whom a deed may be signed. The Minister can intervene when required¹³ but has no legislated, procedural function in the establishment of protected areas. He/she may:

- Receive CEPA's annual report on the outcomes of protected area policy
- Receive other reports from the National Conservation Council (NCC), as required
- Approve changes to membership of the NCC
- Approve National Protected Area Management Plans¹⁴ (although this function may be delegated to the NCC if agreed by the Minister).

2.2 The National Conservation Council

The NCC is an advisory body to the NEC and the Minister of the environment portfolio. It meets on a regular basis to review proposals and associated documentation for new protected areas received from the National Protected Area Round Table (NPART) and some proposals from the Regional Protected Area Round Table (RPART), before they are submitted to NEC. Arrangements have been put in place to ensure these reviews occur in a timely fashion and with the appropriate people including customary landowners and the communities.

Legislated responsibilities¹⁵

CEPA will take all steps necessary to establish the Interim National Conservation Council. Once the formal appointments are agreed by the NEC, the NCC will be established.

The NCC provides advice to CEPA on implementation of the PNG PA Policy and its initial task will be to endorse the criteria for establishment of new protected areas (Leverington, 2019).

- The life of management plans prior to review
- The transition period for existing protected areas moving to the newly legislated protected area types
- Interim arrangements for Special Management Areas including temporary protected areas

¹⁰ PA Bill regulations, Schedule 2

¹¹ PA Bill paragraph 17

¹² There has been some confusion over the intended or proposed length of the deed for a protected area, some suggesting that it would be for a period of 5 years. There is no evidence in the Bill that provides a minimum term for a deed. The 5 year period relates to the following functions under the Bill

¹³ The guidelines for Ministerial intervention and liaison with the National Conservation Council will need to be drafted

¹⁴ PA Bill regulations paragraph 33

¹⁵ PA Bill regulations paragraphs 14 to 19

The specific composition and rules of the NCC are provided in the Protected Areas Regulations. Its legislated functions are to:

- Advise CEPA on the PA Policy and any legal instruments that may need to be created to implement the PA Policy.
- Endorse the criteria for establishment of new protected areas.
- Review all new proposals for national protected areas and regional protected areas larger than 120,000 hectares.
- Endorse CEPA's annual report to the Minister on the outcomes of the PA Policy¹⁶.
- Endorse other reports to the Minister relevant to protected areas as required under international law this may include the annual report to the National Parliament^{17 18}.

Immediate tasks of the NCC:

- CEPA is to establish an Interim National Conservation Council.
- CEPA is to advertise expressions of interest for membership on the NCC, undertake a selection process, and provide a cabinet submission to the NEC nominating successful candidates.
- CEPA is to identify funding sources and a payment mechanisms for fees and allowances for members who are not employed by a government body.
- At its first meeting, the NCC is to endorse the criteria for areas to be recommended as protected areas.

2.3 The National and Regional Protected Area Round Tables

The PA Bill identifies two broad categories of protected areas, national protected areas and regional protected areas. The national protected areas are those identified as having national or international significance. They require a stringent assessment and review process via the NPART and the NCC and with final approval by CEPA.

Regional protected areas are those which have been identified as having regional significance. The PA Bill decentralises administration of regional protected areas to provincial governments through the establishment of RPARTs.

The NPART and the RPART are the main form of reporting on the PNG protected area network. They establish clear communications and administrative process between communities and all levels of government. This is a process through which the Government of PNG will listen to the advice and wisdom of customary landowners and local government, to 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.

Accordingly, the NPART will help administer the following types of protected areas:

- National Parks
- National Heritage Areas
- National Maritime Sanctuaries
- Community Conservation Areas¹⁹

¹⁶ PA Bill paragraph 18 4(e)

¹⁷ PA Bill regulations paragraph 23

¹⁸ Using form Reg.Sec 23(5) Form9

¹⁹ Currently a regional protected area in the PA Bill but it will have a more effective transition to the newly legislated protected area categories as a national protected area. For more information see LEVERINGTON,

• Special Management Areas

Regional protected areas administered by the RPART include:

- Locally Managed Marine Areas
- Locally Managed Conservation Areas²⁰
- Private Protected Areas

The PA Bill and the Regulations provide a collection of legislative and administrative tools to help the Protected Area Round Tables establish new protected areas and help CEPA manage existing ones. The guidelines in Chapter II identify the responsibilities and functions of the RPARTs and the NPART in accordance with the PA Policy and Bill and identify step-by-step procedures that the RPART and NPART need to follow to effectively manage their protected areas.

It is important to note that the PA Bill also refers to Provincial Protected Area Round Tables (PPART). To avoid duplication of function and possible confusion, these guidelines have merged the PPART with the RPART as a single entity, which may adopt either a provincial or regional role. This is consistent with CEPA's clear recommendation that the RPART should be a process, not an entity²¹, and allows for flexibility as to whether the RPART operates within a single province or over multiple provinces.

Legislated responsibilities of the NPART

The role of the NPART is to assist CEPA evaluate proposals for national protected areas, and to provide technical advice to the NCC on a range of protected area matters. The NPART will comprise of senior CEPA officials, conservation experts and representatives from conservation non-government organisations.

Immediate tasks:

- CEPA to draft the Terms of Reference and procedures of the NPART, including the Terms of Reference and procedures for the Technical Working Group.
- CEPA to advertise expressions of interest for membership on the NPART, undertake a selection process, and appoint the membership from the staff of CEPA and from civil society.
- CEPA to identify sources of funding and payment mechanisms for fees and allowances for members who are not employed by a government body.
- CEPA to collate all outstanding proposals for national protected areas.
- CEPA to advertise the date of the first meeting of the NPART.

At the first meeting of the NPART, the chair shall cause to be presented for consideration and approval:

- The draft terms of reference of the NPART, and draft procedures, developed by CEPA to be approved or varied as appropriate, at the first meeting of the round table.
- The evaluation of any proposals for national protected areas.

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.

²⁰ This protected area type has been omitted from the PA Bill. It is advised that this type be included in the final legislation.

²¹ Kay Kalim, Director of SEP, pers. comm 2019

- The provision of any technical advice necessary to the NCC specifically this will include technical advice on the criteria for areas to be recommended as protected areas.
- Such other business as in the opinion of the chair is necessary.

The NPART will provide CEPA with advice on the following matters:

- Selecting and prioritising establishment of new protected areas (PA Bill, paragraph 42), preparing proposals for new national protected areas (PA Bill, paragraph 43) and establishment of Special Management Areas (PA Bill, paragraph 23).
- Matters relating to sustainable livelihoods (PA Bill, paragraph 33).
- Targets for the protected area reserve (PA Bill, paragraph 40).
- Cancelling or altering an existing protected area (PA Bill, paragraph 41).
- Reviewing national protected area management plans (PA Bill, paragraph 51).
- The amount payable to a legal practitioner in relation to free, prior, informed consent and conservation and benefit sharing in a proposed protected area (Regulations, paragraph 12).
- The level of financial assurance, where industrial activity is permitted in protected areas by other laws (Regulation, paragraph 7) in the completion of Regulations Form 1.
- Annually review the standards for adaptive and effective biodiversity management (Regulations, paragraph 26).
- Provide advice to CEPA on the management of regional protected areas which have become national protected areas due to their spanning two or more provinces²².
- Assist CEPA with five-yearly reviews of management plans for national protected areas.

Legislated responsibilities of the RPART

The RPART has been designated as a regional responsibility and has a lesser breadth of tasks than the NPART. It is responsible for the process of assessing proposals for new regional protected areas²³ and assisting CEPA with five-yearly reviews of management plans for regional protected areas²⁴.

2.4 The Round Table Technical Working Group

Both the NPART and the RPARTs may establish a Round Table Technical Working Groups (RTTWG) to provide technical and specialist advice relating to the assessment, management and review of protected areas. The RTTWG may consist of technical specialists mostly drawn from the public service and may call on further assistance, including advice from international institutions and agencies, as required.

The RTTWG is not legislated under the PA Bill and hence its Terms of Reference will need to be drafted by the NPART and RPARTs if they chose to establish such a group or use an existing advisory group.

²² PA Bill, paragraph 22(2)

²³ The PA Bill allocates the task of review of existing management plans to the Management Advisory Group, only providing the RPART with the responsibility to record opinions of the review and to act on recommendations.

²⁴ PA Bill, Paragraph 51

2.5 The Management Advisory Group

The Management Advisory Group (MAG) is dedicated to maintaining and reviewing protected area management plans. The MAG consists of government and non-government officials and performs a key function in management plan assessment, monitoring and evaluation as required under the PA Bill.

The MAG is based in CEPA and works closely with the NPART and RPARTs. It is embedded within the new CEPA structure and has the powers to call on the advice of a non-government representative.

Legislated responsibilities of the MAG

The MAG will perform the following functions:²⁵

- Develop five-year management plans for national protected areas (in liaison with CEPA and the NPART).
- Submit management plans for national protected areas to the Minister for approval.
- Review *all* management plans six months before the expiry date of the plan.
- Review regional and national protected area business plans annually and produce all national protected area management plans.
- If it has been deemed that a protected area board or committee have failed to implement a management plan, CEPA may issue a notice^{26 27}.
- Prepare guidelines on planning and implementation to:
 - Maintain a full range of natural biological diversity across the protected area network, and in a protected area.
 - Maintain natural ecological processes in the landscape and seascape.
 - Identify, in a risk analysis, threats to biological diversity and natural ecological processes across the protected area network, and in each protected area.
 - Identify options for funding and auditing the sustainability of equipment, facilities and infrastructure in all protected areas.

2.6 Protected Areas Livelihoods Committee

The purpose of the Protected Areas Livelihoods Committee (PALC) is to implement Pillar 2 of the PA Policy (Sustainable Livelihoods for Communities in all protected areas), and to assist CEPA with its shared duty to facilitate funding and human resources for the sustainable livelihood of communities in protected areas, for capacity-building, training, infrastructure needs and payments for ecosystem-services.

Legislated Responsibilities of the PALC

The PALC will perform the following functions:²⁸

- Oversee and coordinate the procurement of funding, monies and resources for landowner livelihoods in protected areas for:
 - o paid employment
 - small and medium local businesses
 - o cash benefits through payments for eco-services

²⁵ Regulations, Paragraphs 31 to 33 and 36 to 37

²⁶ Using Form 20 in the regulations

²⁷ PA Bill regulations, paragraph 37

²⁸ PA Bill, paragraph 34

- agriculture based activities
- Oversee and coordinate arrangements through CEPA for conservation benefit sharing agreements.
- Oversee and coordinate through CEPA the needs of landowners in protected areas for training, education and awareness in support of livelihoods and the protection of the environment in protected areas.
- Work cooperatively with all stakeholders to implement the above activities.
- Have a duty, as is so far within their powers, to secure the livelihoods of landowners within protected areas, including accessing funding from:
 - the National Budget
 - the Green Climate Fund established under the Convention on Climate Change and known as "REDD+", for eco-services payment and other payments
 - private individuals, corporations, charities, multilateral agencies and governments
- Pay funds that have been secured by the PALC into the Biodiversity and Heritage Trust Fund.

2.7 Protected Area Management Committees and Boards

The Protected Area Management Committees (Committees) and Protected Area Management Boards (Boards) play a major role in the effective management of protected areas through implementation of management plans. National protected areas will be managed by Boards and regional protected areas will be managed by Committees^{29 30}.

The Committees will prepare and implement management plans for regional protected areas in consultation with communities and stakeholders³¹. National protected areas will be managed by CEPA through Boards³². The Boards will implement management plans prepared by the CEPA MAG, in consultation with communities and stakeholders.

All management plans will include relevant governance arrangements for rangers and other employees of the protected area³³ as well as ranger training and capacity building arrangements as proposed at the CEPA Rangers Forum in November 2018 (Leverington, 2018).

Legislated responsibilities of Committees and Boards

Both Committees and Boards will:³⁴

- Oversee the management of protected areas
 - protect nature, conserve biodiversity, landscapes and cultural heritage
 - \circ $\hfill\hfilt$
 - develop and maintain the capacity to manage the protected area and any income it generates
- Have a duty to:³⁵

²⁹ Guidelines for the roles and responsibilities of the Protected Area Boards and Committees will need to be developed in accordance with the PA Bill and Regulations

³⁰ PA Bill regulations, paragraph 22

³¹ PA Bill regulations, paragraph 34

³² PA Bill, paragraph 27

³³ PA Bill regulations, paragraph 35

³⁴ PA Bill regulations, paragraph 22(6)

³⁵ PA Bill Regulations, paragraph 39

- o protect all cultural³⁶ sites located within a protected area
- maintain an asset register of protected area equipment, facilities and infrastructure³⁷
- so far as is within their powers, address social values, the education curriculum, and formal and informal education opportunities of communities within or owning a protected area.
- Be available for consultation on matters relating to use of land and/or resources within the protected area³⁸ as well as any changes to the land use and purpose of the protected area³⁹.
- Establish conservation zones in protected areas according to management zones such as those for the purpose of conservation, buffering, reforestation, grassland and hunting, agroforestry, villages, marine no-take and fishing zones to sustain subsistence fisheries⁴⁰.
- Ensure that penalties and justice are administered⁴¹.

In addition, the Committees will:

• Provide annual reports on regional protected areas to CEPA⁴².

The Boards will:

• In consultation with CEPA, provide annual reports on national protected areas to the NEC^{43 44}.

CEPA through the MAG has powers under the PA Bill to issue notices to either a protected area Board or Committee if it determines that the Board or Committee are not complying with implementation of the management plan.

2.8 The PNG Conservation and Environment Protection Authority

CEPA plays a significant role in the establishment and management of protected areas. The Managing Director of CEPA is responsible for operations of the protected area network and protected areas, in accordance with the PA Bill and Policy and has specific powers to approve provincial, local level government, landowner, and private protected area proposals^{45 46 47}.

- ⁴⁵ PA Bill, paragraph 19
- ⁴⁶ PA Bill, paragraph 20

³⁶ Should be natural as well

³⁷ Using form 21 of Schedule 1 in the PA Bill regulations

³⁸ In relation to matters relating to PA Bill Regulations Paragraphs 2 to 6

³⁹ PA Bill regulations, paragraph 41

⁴⁰ PA Bill regulations paragraph 38

⁴¹ Pa Bill regulations, paragraph 42

⁴² PA Bill regulations, paragraph 24

⁴³ Using form 9 of schedule 1 in the PA Bill regulations

⁴⁴ The legislated reporting obligation is on CEPA but CEPA could delegate its reporting responsibility to the Protected Area Management Board.

⁴⁷ CEPA issues certificates of compliance as per the PA Bill regulations Reg.Sec 25(5)(a) Form13 and Reg.Sec 25(5)(a) Form14 and PA Bill Schedule 3 (the Deed)

The PA Bill states that CEPA will appoint a designated officer⁴⁸ for each separate protected area, who will have the duty to monitor the environmental integrity in the protected area⁴⁹.

Legislated responsibilities of CEPA

CEPA will oversee the legislated governance arrangements and provide effective policy guidance, in particular:

- Secretariat for the NPART, PALC and the NCC
- Regional liaison for the RPART
- Coordinate the functions of the MAG
- Manage all regional protected areas that become national protected areas (due to the protected area spanning two or more provinces)⁵⁰
- Establish Special Management Areas and Temporary Protected Areas to provide immediate protection of priority conservation areas⁵¹
- Provide an annual report on national protected areas to the NEC^{52 53}
- Conduct an annual audit of all funding and donations for protected areas⁵⁴.

The step-by-step procedures in Chapter II explain the roles of CEPA in relation to its responsibilities in administering the governance structure. The specific placement of these responsibilities within CEPA's organisational structure and CEPA's broader protected area management responsibilities are provided in *Sustainable Environment Programs, CEPA – proposed staff roles and possible structure*

⁴⁸ PA Bill regulations, paragraph 22(5) and 22(7)

⁴⁹ In the absence of an appointment has lapsed, the Managing Director shall be the designated officer.

⁵⁰ PA Bill, paragraph 22(2)

⁵¹ PA Bill, paragraph 23. This process would benefit from an investment prospectus that CEPA can use to identify priority conservation targets, what assistance it would require to establish these protected areas and what long term management is needed.

⁵² PA Bill regulations, paragraph 23

⁵³ It would be prudent to identify all the reporting obligations in the Bill and streamline the reporting through a consolidated report.

⁵⁴ PA Bill paragraph 33

3. The role of Protected Area Round Tables

The roles of the NPART and RPART can be likened to that of a clan meeting where many people come together to make an important decision about organising a feast. There are lots of people at the meeting and some of them agree about how to do it and others do not. But even so, they still need to be involved because they have different responsibilities. Everybody's knowledge and wisdom are needed.

In a similar way, the NPART and RPART will help people come together to make important decisions about their environment. As a result, community conservation will be integrated or mainstreamed into national and international conservation priorities. Protected areas with high levels of national and international importance will require high levels of accountability to help meet agreed national and international management standards. The Round Tables establish the governance systems to help communities achieve and maintain those standards through financial and management security.

The guidelines provide responses to some of the *Frequently Asked Questions* about Round Tables. They explain how the governance structure will be established under the PA Bill and the responsibilities of the NPART RPART. They should be updated in line with the latest version of the Protected Areas legislation and can be printed for distribution or modified into a visual presentation when meeting with stakeholders.



Sharing governance in PNG's protected areas

Q 1: What is a Protected Area Round Table?

The Protected Area Round Table represents and speaks on behalf of the interests and values of protected areas and the people who live there. It is the eyes and ears of the protected area.

What are the types of Protected Area Round Tables?

The National Protected Area Round Table (NPART) Looks after the interests of national protected areas (refer Q2). These include

- National Parks
- National Heritage Areas
- National Maritime Sanctuaries
- Special Management Areas
- Community Conservation Areas 55



The Regional Protected Area Round Table (RPART) looks after the interests of regional protected areas (refer Q 3). These include

- Locally Managed Marine Areas
- Locally Managed Conservation Areas
- Private Sector Protected Areas

Why do we need a Round Table?

The NPART and the RPART are the main form of reporting on the PNG Protected area network. They establish clear communications and administrative process between communities and all levels of government. This is a process through which the Government of Papua New Guinea (PNG) will listen to the advice and wisdom of customary landowners and local 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.

The PA Bill and the Regulations provide a collection of legislative and administrative tools to help the Protected Area Round Tables create new protected areas and help CEPA manage existing ones. Operating procedures may be provided to the Round Tables to help them fulfil their responsibilities and functions to manage their protected areas.

⁵⁵ This is the wish of CEPA but is not yet reflected in the protected area Bill.

What is the role of the Round Tables?

The role of the NPART and RPART can be likened to that of a clan meeting where many people come together to make an important decision about organising a feast. Uncle will come from the coast, aunty from the mountains and the children from the city. There are lots of people at the meeting and some of them agree about how to do it and others don't. But even so, they still need to be involved because they have different responsibilities. Aunty might know something that uncle doesn't so everybody's knowledge and wisdom is needed.

The Round Tables will help people come together to make important decisions about their environment. This will improve the integration of the community's conservation into national and international conservation priorities. Higher levels of national and international importance trigger higher levels of accountability and of meeting national and international management standards. The roundtables set up the governance systems to help communities achieve and maintain those standards through financial and management security.

The RPART and NPART have legislated responsibilities for managing, assessing and reviewing the protected areas within its region and for maintaining good communications with the Protected Area Management Board or Committee, the National Conservation Council and CEPA.

How many Round Tables should there be?

The Round Table should be a decision-making process, not an institution or bureaucracy. It is a group of people coming together at a convenient place and time to observe what is happening in their region and deciding together about how the environment can be protected.

There is only one NPART for the whole country, but each province can have its own RPART to manage protected areas within its region.

Since many of us are already committed to various roles and responsibilities, its useful to think about existing meetings, boards or committees in the provincial administration that might serve as the basis for a Regional Protected Area Round Table meeting. If there is already a meeting scheduled, and the required people are in town, then the RPART could be added to the agenda.

For information on how to establish a RPART in your province, see question 6.

Q 2: What is the National Protected Area Round Table?

What is the role of the NPART?

To assist CEPA to evaluate proposals for national protected areas and to provide advice to the National Conservation Council on a range of protected area matters.

Who will be represented on the NPART?

The NPART will comprise of senior CEPA officials, conservation experts and representatives from environment non-government organizations.

How will the NPART be established?

CEPA will need to:

- Write the Terms of Reference and procedures of the NPART, including the Terms of Reference and procedures for the Technical Working Group.
- Advertise expressions of interest for membership on the NPART, undertake a selection process, and appoint the membership from the staff of CEPA and from civil society.
- Identify sources of funding and payment mechanisms for fees and allowances for members who are not employed by a government body.
- Collate all outstanding proposals for national protected areas
- Advertise the date of the first meeting of the NPART.

What will the NPART advise CEPA about? 56

- Preparing proposals for new national protected areas
- Establishment of new national protected areas
- Review of protected areas to determine their type under the new PA Bill
- Establishment of Special Management Areas
- Matters relating to sustainable livelihoods and sustainable financing
- Targets for the protected area network
- Cancelling or altering an existing protected area
- Selecting and prioritising establishment of new protected areas
- Reviewing national protected area management plans
- Conservation and benefit sharing in a proposed protected area
- Financial assurance where industrial activity is permitted in protected areas under other laws
- Annual review of the standards for adaptive and effective biodiversity management
- Management of regional protected areas which span two or more provinces.



⁵⁶ The ToR for the NPART will identify how the NPART will liaise with the Protected Area Management Boards

Q 3: What is a Regional Protected Area Round Table?

Why is the RPART important?

- To provide a pathway through which the PNG Government can assist a protected area.
- It helps show how PNG is tracking towards its goal of a Comprehensive, Adequate, Representative and Resilient protected area network.
- To make recommendations to provincial governments concerning proposals for declaration and review of regional protected areas⁵⁷, based on assessment of proposals in light of regional priorities, customary landowner and community support and capacity for effective management.

Where does the Provincial and local level Government fit in?

The RPART can be established by a Provincial Government to represent existing and new protected areas in a Province to help ensure that the management and resourcing needs of protected areas within the province are being considered by CEPA.

Local level governments oversee local laws that support the management of protected areas within their jurisdiction and can implement conservation actions under their own legislation provided it is not inconsistent with the Protected Areas Bill⁵⁸.

Both provincial and local level governments will support customary landowners through capacity building, development of agreements and practical on ground management in protected areas.

What about other types of protected areas?

Anybody can still set up a Locally Managed Marine Area or a Locally Managed Conservation Area without going to the RPART.

Anybody can protect the special natural and cultural values on their land at any time under customary law. In fact, a masalaiples traditional sacred site under custom, identified and demarcated by a local level government, ward committee, or district development committee, is still a protected area under the PA Bill, and does not lose that protection, unless there is a written agreement between the customary landowners and CEPA.

⁵⁷ As defined in the PA Bill

⁵⁸ PA Bill paragraphs 25(1) and 26

What support will be provided by CEPA?

CEPA may establish a team of Provincial Liaison Officers⁵⁹ who will represent regional protected areas in each of PNG's four administrative regions (Highlands, Islands, Momase and Southern). This means that every RPART will have representation from CEPA.

If the RPART identifies a need for assistance for any given protected area within the province (for example training, resourcing, administrative assistance or dispute resolution) and cannot find a solution under provincial law and process, then it can contact CEPA which will provide guidance with the matter.

What does the RPART need to liaise with NPART and/or CEPA about?

- Establishment of new regional protected areas.
- Review of protected areas into newly legislated protected area categories.
- Establishment of Special Management Areas.
- Matters relating to sustainable livelihoods and sustainable financing.
- Targets for the protected area reserve.
- Cancelling or altering an existing protected area.
- Selecting and prioritising establishment of new protected areas.
- Reviewing and reporting on protected area management plans.
- Annual reporting on business plans.
- Provide advice on the management of regional protected areas which have become National Protected Areas due to their spanning two or more provinces. ⁶⁰
- Conflict resolution.

What does the RPART liaise with the community or protected area management committees about?

- Provide advice and resources for establishing a new protected area.
- Reporting on the protected area business plans and management plans, including adaptive management.

⁵⁹ This is a critical element of interaction with CEPA and the proposed CEPA structure.

⁶⁰ PA Bill, paragraph 22(2)

Q 4: Who should be on the Regional Protected Area Round Table?

Who will be represented on the RPART?

The PA Bill provides some guidelines about who should be on the RPART, but it is mostly up to the provincial government to choose its members.

It will comprise government officials, a CEPA official, regional members from other relevant government agencies, representative from conservation NGOs working in the region, and conservation experts.

Provincial government is responsible for establishing the RPART and needs to inform CEPA of the decision⁶¹. If CEPA does not appoint members after three months of a formal request to establish a RPART, the province can appoint the

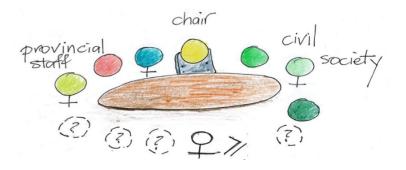


membership⁶² which will consist of at least the following, of whom half are to be women ^{63 64 65}

- A Provincial Administrator (the Chair)
- Three provincial staff members appointed by the Managing Director
- Three civil society members of relevant qualifications and or experience appointed by CEPA

The provincial government should consider the other people it would like to have on the RPART to ensure it does everything possible to maintain the *Protected Area Environmental Code of Practice* which is attached to the PA Bill. This might include representatives from:

- Environment/Climate Change
- Fisheries
- Agriculture
- Environmental Non-government agencies
- Custom/Culture/Heritage/Church
- Industry and eco business
- Forestry
- Tourism
- Industry



⁶⁵ Note that the number of women representatives required on the PPART is less than those required on the RPART. This should be standardised if the RPART and PPART is to be merged in the PA Bill.

⁶¹ PA Bill regulations paragraph 21(5a)

⁶² PA Bill regulation paragraph 21(7)

⁶³ PA Bill regulations paragraph 21

⁶⁴ PNG Protected Area Policy Chapter 1.3.5

Q 5: What is the Round Table Technical Working Group?

The Round Table Technical Working Group (RTTWG) is not compulsory. It may be a non-statutory group set up by the NPART and/or any RPART to provide technical and specialist advice regarding protected area management, consistent with the *Protected Area Environmental Code of Practice*.

Membership of the RTTWG can consist of stakeholder representatives from government extension agencies, environmental non-government organisations, education, research and industry. Some specific examples are listed in the section 'Who should be on the Regional Protected Area Round Table?'. The RTTWG might also include some of the same members that sit on the NPART or RPART.

Although its specific roles and responsibilities can be written into the NPART and RPART Terms of Reference, the RTTWG can provide advice and technical input on all the responsibilities of the NPART and RPART on an as needs basis.

The structure of the RTTWG can vary depending on the specific request or circumstance. At times it might be appropriate for it to meet physically, either before or after the NPART or RPART meeting, and at other times it may provide advice remotely via email or teleconference.

Whichever set up it chooses, it's worth thinking about how the RTTWG can be best utilised in context of the specific circumstances within a province or nationally.

Q 6: How do we start a new Regional Protected Area Round Table?



What does the RPART need to do to get started?

The discussion to establish or join an existing RPART should be placed on the agenda for the Provincial Executive Council meeting which will explore the options provided below, based on value for money and representation required.

If the Provincial Executive Council agrees in principle to establish the RPART, a working group will need to set up the rules and procedures for future RPART meetings, including developing a Terms of Reference, cost and any agreed cost sharing to be endorsed at the next Provincial Executive Council meeting.

Step-by-step guidelines with relevant forms, templates and procedures are provided at the end of this guideline, supported by a case study for each of

the three options outlined above

What happens after the RPART is endorsed by the Provincial Executive Council?

- Inform CEPA. If CEPA does not appoint members after three months of a formal request to establish a RPART, the province can appoint the membership.
- Adopt the Terms of Reference and procedures of the RPART, including the Terms of Reference and procedures for the Technical Working Group.
- Advertise expressions of interest for membership on the RPART, undertake a selection process, and appoint the membership from the Provincial Administration, and from civil society.
- Identify sources of funding and payment mechanisms for fees and allowances for members who are not employed by a government body.
- Collate all outstanding proposals for regional protected areas.
- Advertise the date of the first meeting of the RPART.

What are the options for a RPART structure?

There are several options for how the RPART might be set up, depending on the circumstances and preferences of the provincial administration. Provinces already have a large workload and resources can be limited, so it is important to understand the RPART is a *process* to help provincial administrations recognise the value of their protected areas.

If the province decides that it does want to establish a RPART, it can select one of several options:

Option 1

Establish a new RPART group.

Option 2

Make use of an existing provincial committee that already meets on a regular basis. There is flexibility on the institutional arrangements of the RPART so it makes sense to create it in context of the existing provincial institutional and decision-making structure. This option might be useful for those provinces that already deal with environmental and/or development issues. For example, there might already be a development committee which includes relevant stakeholder representation.

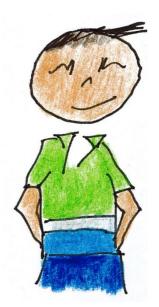
Option 3

Join and existing RPART in in a neighboring province. There is nothing wrong with a provincial government seeking representation on a neighboring RPART in which case it might want to join forces and work together.

Q 7: What is the difference between Regional, Provincial and National Protected Area Round Tables?

Provincial Protected Area Round Tables (PPART) and Regional Protected Area Round Tables (RPART) are the same thing. Under the initial draft of the Bill, the RPART was to be a regional representative body and the PPART was to be a provincial representative body. It was subsequently thought that the proposed structure was too complex, with the PA Bill to be revised to remove one of the administrative layers.

A RPART reviews those protected areas which have been nominated as making a significant or very significant contribution to the regional interest whereas the National Protected Area Round Table (NPART) reviews those protected Areas which have been nominated as making a significant or very significant contribution to the national interest. The criteria for distinguishing between the regional and the national interest will be used by the Round Tables and CEPA.



Q 8: What support will the Regional Protected Area Round Table get?



CEPA will have liaison officers responsible for each of the four regions in PNG: Highlands, Islands, Momase and Southern. These people will provide administrative advice to the Regional Protected Area Round Table (RPART), serve as a liaison between national and regional interests, and provide advice for management and reporting on regional protected areas.

CEPA's Management Advisory Group (MAG) has statutory functions to assist the RPART and will work closely with the CEPA liaison officers to help ensure that reporting and other statutory obligations of the regional protected areas are met (See section on the Management Advisory Group).

During the process of establishment, the RPART can seek advice from CEPA as to adequate resourcing and cost sharing arrangements. In accordance with the PA Bill, the RPART can seek financial assistance from CEPA to assist with meeting costs, including allowances for non-government representatives.

Another option is that two or more provinces can come together, which may assist with cost sharing and resourcing.

The RPART should always be promoted as an enabling process for the benefit of regional protected areas and the people who live there. The RPART needs to be aware of the regional protected area management issues and have a good process of addressing those issues, without becoming too bogged down in administering the processes. The RPART should be adaptive to change and ensure that its Terms of Reference allow for regular review and adaptive management of its governance structure.

4. Attachment one: Principles of protected area governance

Principles	considerations related to the principles
Legitimacy and	Establishing and maintaining governance institutions that enjoy broad acceptance and
voice	appreciation in society
	Ensuring that all rightsholders and stakeholders concerned receive appropriate and
	sufficient information, can be represented and can have a say in advising and/or making
	decisions
	Fostering the active engagement of social actors in support of protected areas, upholding
	diversity and gender equity
	Extending special support to vulnerable groups, such as indigenous peoples, women and
	youth, and preventing discrimination on the basis of ethnicity, gender, social class,
	financial assets, etc.
	Maintaining an active dialogue and seeking consensus on solutions that meet, at least in
	part, the concerns and interest of everyone
	Promoting mutual respect among all rightsholders and stakeholders
	Honouring agreed rules, which are respected because they are 'owned' by the people and
	are not only because of fear of repression and punishment
	As much as possible attributing management authority and responsibility to the capable
	institutions closest to natural resources (subsidiarity
Direction	Developing and following an inspiring and consistent strategic vision (broad, long-term
	perspective) for the protected areas and their conservation objectives, grounded on
	agreed values and an appreciation of the ecological, historical, social and cultural
	complexities unique to each context
	Ensuring that governance and management practice for protected areas are consistent
	with the agreed values
	Ensuring that governance and management practice for protected areas are compatible
	and well-coordinated with the plans and policies of other levels and sectors in the broader
	landscape/seascape and respectful of national and international obligations (including
	CBD PoWPA)
	Providing clear policy directions for the main issues of concern for the protected area and,
	in particular, for contentious issues (e.g., conservation priorities, relationships with
	commercial interests and extractive industries) and ensuring that those are consistent
	with both budgetary allocations and management practice
	Evaluating and guiding progress on the basis of regular monitoring results and a conscious
	adaptive management approach
	Favouring the emergence of champions, generating new ideas and carefully
	allowing/promoting the testing of innovations, including governance and management
	innovations for protected areas
Performance	Achieving conservation and other objectives as planned and monitored, including through
	on-going evaluation of management effectiveness
	Promoting a learning culture for protected area policy and governance practice on the
	basis of mechanisms, tools and partnership that promote on-going collaborative learning
	and cross-fertilization of experience
	Engaging in advocacy and outreach for the benefit of protected areas
	Being responsive to the needs of rightsholders and stakeholders, including by providing
	timely and effective response to inquiries and reasonable demands for changes in
	governance and management practice
	Ensuring that protected areas staff, and rightsholders and stakeholders, as appropriate,
	have the capacities necessary to assume their management roles and responsibilities and

Table 1: IUCN principles of good governance⁶⁶

⁶⁶ Source: Borrini-Feyerabend and Hill, (2015, pp. 59–60)

considerations related to the principles
Making an efficient use of financial resources and promoting financial sustainability
Promoting social sustainability and resilience, i.e., the ability to manage risks, overcome
the inevitable crises and emerge strengthened from the experience
Upholding the integrity and commitment of all in charge of specific responsibilities for the
protected areas
Ensuring transparency, with rightsholders and stakeholders having timely access to
information about: what is at stake in decision-making; which processes and institutions
can exert influence; who is responsible for what; and how these people can be made
accountable
Ensuring a clear and appropriate sharing of roles for the protected areas, as well as lines
of responsibility and reporting/answerability
Ensuing that the financial and human resources allocated to manage the protected areas
are properly targeted according to stated objectives and plans
Evaluating the performance of the protected area, of its decision makers and of its staff,
and linking quality of results with concrete and appropriate rewards and sanctions
Establishing communication avenues (e.g., web sites) where protected area performance
records and reports are accessible
Encourage performance feed-back from civil society groups and the media
Ensure that one or more independent public institution (e.g., ombudsperson, human rights commission, auditing agency) has the authority and capacity to oversee and
question the action of the protected areas governing bodies and staff rights
Striving towards an equitable sharing of the costs and benefits of establishing and
managing protected areas and fairness in taking all relevant decisions Making sure that the livelihoods of vulnerable people are not adversely affected by the
protected areas; that protected areas do not create or aggravate poverty and socially-
disruptive migratory patterns; and that the costs of protected areas—especially when
born by vulnerable people—do not go without appropriate compensation
Making sure that conservation is undertaken with decency and dignity, without
humiliating or harming people
Dealing fairly with protected area staff and temporary employees
Enforcing laws and regulations in impartial ways, consistently through time, without
discrimination and with a right to appeal (rule of law)
Taking concrete steps to respect substantive rights (legal or customary, collective or
individual) over land, water and natural resources related to protected areas, and to
redress past violations of such rights
Taking concrete steps to respect procedural rights on protected area issues, including:
appropriate information and consultation of rightsholders and stakeholders; fair conflict
management practices; and non-discriminatory recourse to justice
Respecting human rights, including individual and collective rights, and gender equity
Respecting the rights of indigenous peoples, as described in the UN Declaration of the
Rights of Indigenous Peoples
Insuring strictly the free, prior and informed consent of indigenous peoples for any
proposed resettlement related to protected areas
Promoting the active engagement of rights
Promoting the active engagement of rights

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