

WHY SET UP A CONSERVATION DEED?

Landowners interested in conservation generally have two principal concerns. First is the desire to protect the productive qualities of their land. Second is an interest in conserving special features such as fertile soil, mature trees, wildlife habitat, or history—even after the landowner is gone. A conservation deed recognizes the rights of landowners to protect and manage their lands from environmental harm and gives them the legal right to make sure that everyone abides by established rules.

A conservation deed can help:

- Prevent overharvesting of animals, allowing them to replenish for future generations
- Safeguard resources from outsiders
- Protect the forests, lakes, and seas in which wildlife lives (habitat protection)
- Protect the richness and diversity of the local environment
- Encourage tourists and researchers to access the land
- Strengthen the landowners' legal right to manage wildlife
- Support culture and traditional ways of managing wildlife and habitats

There are three sets of overlapping requirements for the establishment of a successful conservation area:

- The existence of biological resources worth conserving
- The presence of a community of resource owners who are willing and able to partake in conservation
- The availability of options for the development of conservation-related development

WHO CAN SET UP A CONSERVATION DEED

There are two ways in which a conservation deed can be initiated:

- Community initiative: the communities decide and agree to conserve their land and reach out to a conservation NGO to facilitate the process.
- Third-party initiative: the conservation deed initiative is proposed by an NGO or the Government.

However, only customary landowners have the right to apply for and manage a conservation deed if the land in question is within their own land boundary. Like other vital development processes in the community, female representation is valuable, and women should be involved in decision-making. In addition, all women and youth involved must give consent before the conservation deed process can take place.

All landowners involved in setting up a conservation deed must agree on three things:

- The boundaries of the land the deed will protect
- Which resources the deed will protect
- How the land area will be managed

Free prior informed consent explained

Free prior and informed consent (FPIC) is a specific right that pertains to indigenous peoples and is recognized in the United Nations Declaration on the Rights of Indigenous Peoples. It allows them to grant or withhold consent to a project that may affect them or their territories. Once they have given their consent, they can withdraw it at any stage. Furthermore, FPIC enables them to negotiate the conditions under which the project will be designed, implemented, monitored, and evaluated. This is also embedded within the universal right to self-determination.

Important notes

- Steps 13 and 14 come after the establishment of the conservation deed and are therefore not necessarily part of the process to establishing one.
- The process outlined here is only a guide; the establishment of a conservation deed does not require to strictly follow the steps indicated.
- Some of the steps can be undertaken at the same time (for example, steps 5, 6, and 7 can be done in one community meeting).



Conservation of biodiversity and ecosystem values is everyone's business. Our way of life, our customs, and our heritage depend on the environment we live in today and leave behind for tomorrow.

(PNG Conservation Areas Act, 1978)



PNG Lukautim Graun Program



PNG Lukautim Graun Program

CONSERVATION DEED GUIDE

for Landowners in Papua New Guinea

14 Steps

BACKGROUND



For many landowners in Papua New Guinea (PNG), land is more than a financial asset—it is part of the history of their families, communities, and provinces.



This guide intends to help PNG landowners to understand one of the most flexible and effective means available to conserve and protect their customary land: the conservation deed. Conservation

deeds can assist landowners in protecting their farmland, wildlife habitat, eco-tourism site, or historic site. Each deed is individually crafted and tailored to reflect the special qualities of the land protected and the needs of landowners.



The conservation deed is still a new concept in PNG. It was first proposed by Brunton (1998), followed by further development by the Bismarck-Ramu Group, which facilitated the community process leading up to the signing of the Wanang Conservation Deed in Madang Province.



Wanang Conservation Area, Gama local-level Government, Morobe Province.

WHAT IS A CONSERVATION DEED?

A conservation deed is an agreement among resource owners on how to manage their natural resources. The process of establishing a conservation deed is facilitated by a non-governmental organization (NGO) familiar with this work. It is useful for small-scale, community-based natural resource management and conservation matters. The facilitating NGO itself is not a party to the agreement. Unlike other forms of conservation that are defined based on government legislation, a conservation deed is grounded in private law. Specifically, it falls under the PNG Law of Contract, which protects and enforces agreements between the parties that enter an agreement.

The PNG Law of Contract also protects such agreements from third-party interference. That is, PNG recognizes the ownership rights of traditional resource owners and their right to make decisions about the use of their resources. Therefore, when land-owning clans sign a contractual agreement, the deed cannot easily be undone by a third party. Any unilateral violations of the deed are punishable in court as a breach of contract, triggering either the enforcement of the contract or forcing the defaulting party to pay damages.

An advantage of the conservation deed is its flexibility, as it allows the parties involved to agree among themselves about how their resources should be managed and enables the development of a wide variety of management plans. The incorporation of a conservation deed into law is not dependent on government bureaucracy, and these agreements can be in the local language (Tok Pisin) without having to refer to the English legalese, which often puts such agreements out of reach for most people living in rural areas.

A conservation deed is usually valid for five to seven years, after which it requires renegotiation among the parties involved. This factor makes it less favorable for sustaining conservation outcomes in the longer term, given the dynamics of shifting priorities and needs of local communities as well as at the sub-national and national levels. Communities must enforce the rules laid down in the conservation deed; however, this applies to all conservation areas in the country, whether they are formally or informally established.

Many rights come with owning land in PNG, including the rights to manage resources, change land use, or develop the land. With a conservation deed, a landowner permanently limits one or more of these rights. For example, a landowner donating land for a conservation deed could choose to limit the right to develop that land but keep the rights to build a house, raise livestock, and grow crops. The landowner may continue their current use of the land, provided the resources the conservation deed is intended to protect are preserved.

14 STEPS TO ESTABLISHING A CONSERVATION DEED



STEP 01 SEEK COMMUNITY APPROVAL

Identify a suitable community facilitator to set up an initial meeting with village elders and community leaders and obtain approval to start work in the community. The facilitator must have a good standing and be familiar with the communities and should preferably be a local resident. The approval and entry to begin work in the community is done through the FPIC process; community leaders must sign off on the FPIC form to give authorization.

STEP 02 INFORM PROVINCIAL AND LOCAL-LEVEL GOVERNMENT

The community, through its leaders and a representative from the facilitating conservation NGO, must inform the provincial and local-level governments of their intention to conserve their land. This step is important for gaining recognition and support from the Government for the sustainability of the conservation sites.

STEP 03 CONDUCT OUTREACH, EDUCATION, AND AWARENESS-BUILDING

Providing education on and building awareness of the conservation deed process is essential for local communities. The community facilitator and officers from the conservation NGO must complete this step before any negotiations for a conservation deed begin. The educational awareness program includes:

- An introduction to marine or forest ecology
- Threats to the local marine or forest resources
- The importance of marine or forest management
- An overview of the conservation deeds and how they can be used
- How local communities will be involved and participate
- How conservation deeds have been implemented in other parts of PNG

All community consultations must be exercised through FPIC, and the support and consent from each community must be granted before the conservation deed process begins.

STEP 04 CONDUCT COMMUNITY MOBILIZATION AND CONSENSUS

Identify or ask a conservation group to help facilitate the process for all customary landowners to agree* that they are going to set aside a portion of land for conservation. After reaching an agreement, communities must establish and nominate a Marine Management Committee or a Forest Management Committee with locally appointed members to oversee the process.

The clan leaders must sign and agree through FPIC that they have now decided to set aside a portion of their land for protection.

Or disagree: in some cases, not all members of the community will agree to and sign on the deed. In such cases, avoid land boundaries of those clan/community members in disagreement to avoid land-related conflicts.

STEP 05 CONDUCT A BASELINE DOCUMENTATION PROCESS

The four immediate tasks to be undertaken by the Management Committee are:

- Social mapping: a census of the area's total population, including identification of resource owners
- Boundary mapping: the mapping of land boundaries and geophysical features of the land of all clans involved
- Geophysical mapping: the identification of land properties and other aspects of the area that the clans want protected
- Biodiversity and cultural values assessments: the identification and mapping using geographical information systems of ecosystem values that the clans want to protect. Monitoring activities to evaluate improvements will be based on these values.

STEP 06 SET THE MANAGEMENT RULES

Through a fully participatory community-based approach, the rules for protecting, managing, and harvesting wildlife within the conservation area—including penalties for non-compliance—must be determined and agreed on with the people. These rules must then be presented to the people at a meeting in their village. The management rules must be accepted by the people before incorporating them into the management plan to be developed (see Step 9).

STEP 07 ESTABLISHING PENALTIES FOR BREAKING THE RULES

Once rules are established, the communities must decide what penalties should apply if they are broken and how to enforce them. For example, if someone breaks a rule, they may be asked to pay a form of compensation such as payment of a monetary fine, transfer of livestock, or performing community service.

STEP 08 REVIEW THE BOUNDARY MAP, RULES, AND PENALTIES

A thorough review of the boundary map, rules, and penalties must be conducted with the village clan leaders to ensure these are what the community wanted and agreed to. Once the boundary map is confirmed and the rules and penalties are accepted, the documentation is sent to a lawyer to ensure compliance within the jurisdiction of the village court act.

STEP 09 DEVELOP A COMMUNITY-DRIVEN MANAGEMENT PLAN (FOREST, MARINE)

The community, with help from the conservation NGO, develops a management plan for the resource they want to protect. The resource-specific management plan must consist of management rules and penalties for non-compliance that the community residents set during a series of meetings.



STEP 10 PREPARE CONTENT OF THE CONSERVATION DEED

Once the management rules and penalties are accepted by the people and incorporated into the management plan, the community facilitator discusses with the parties involved, through community meetings, how to prepare the content of the conservation deed

A complete submission for establishing a conservation deed must include the following:

- An accurate description of the area to be protected
- Properly surveyed boundary maps identifying all the important geographical features in the area
- Accurate data sets of all biodiversity values in the area
- Social mapping information that includes a census of all the people who live in the area and consider it their home and/or part of their customary land
- The names of the councilors and village leaders who are custodians of the tribal and customary rules and welfare
- The names of the proposed committee members and the positions they hold in the establishment of the conservation deed

STEP 11 DRAFT THE CONSERVATION DEED

After outlining the content of the conservation deed in community meetings, the community drafts the deed through FPIC.

STEP 12 FORMALIZE AND SIGN THE DEED

- The deed is signed by the clans' leaders and is witnessed by a representative from the national, provincial, or local-level government (if they are available during the signing the deed).
- The signed document is recorded and kept with the clans and the conservation NGO acting as facilitator.

Note: the process of advocacy for conservation deeds can take up to four years. Therefore, all stakeholders concerned are required to work together in partnership to facilitate the process.

STEP 13 MONITORING AND REPORTING ON NON-COMPLIANCES

Ongoing monitoring of management rules is key, as it allows communities to assess the effectiveness of their efforts. A monitoring team (wasman or rangers) comprising people from the local communities should be established. The role of rangers will be to provide surveillance, monitor changes, and ensure the management rules set by the community are followed.

The local wasman must keep a record book to note down non-compliance instances and report them to the local village court magistrate who will then impose penalties. Rangers and village court magistrates must be adequately trained to carry out their duties within the conservation deed sites.

STEP 14 START THE GAZETAL PROCESS

Conservation deeds are time-bound, forming only a temporary arrangement toward conservation efforts. Communities also have the option to work with the facilitating conservation NGO and submit a letter of interest with a proposal to the Conservation Environment Protection Authority to start the gazettal process—a permanent approach to conservation. Detailed information on the PNG gazettal process for environment conservation can be accessed at <https://pngbiodiversity.org/establishing-a-protected-area/> or at the office of the Conservation Environment Protection Authority.

The Papua New Guinea Conservation Deed Guide is vetted, approved and endorsed by the Conservation Environment Protection Authority through the Sustainable Environment Program Division.

For more information on organizations with experience in establishing conservation deeds, contact:

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