

2.3 Governance and decision-making: fencing in the Great Limpopo and the Kavango-Zambezi TFCA

Schoon, M.

Center for the Study of Institutional Diversity, Arizona State University

michael.schoon@asu.edu

Introduction

Governance in transboundary conservation hinges on decision-making across borders, in particular an international frontier, but also levels of collaboration and cooperation between communities and protected areas, between provincial and national agencies, between game reserves, communal areas, and national park land, among others. In such transboundary environments, the resolution of collective action dilemmas – resolving the problems of coordinating institutional arrangements between partners – all comes down to the decision of where, when, and to what extent to collaborate. Whether conscientiously or not, all actors in a Transfrontier Conservation Area (TFCA) confront this cooperation conundrum in every conservation choice they make. Outsiders often assume that a TFCA means reaching consensus and cooperating on every issue, but this is as undesirable as it is unobtainable.

In seeking to provide pragmatic advice to policymakers and park officials, this brief intends to address real world management dilemmas regarding fencing in the Great Limpopo TFCA (GLTFCA) and Kavango-Zambezi TFCA (KAZA TFCA). In this pursuit, the policy challenge concerns making explicit what roles the joint management board of a transboundary protected area could play vis-à-vis the national park staffs. Particularly due to the higher transaction costs inherent in negotiating and coordinating decisions by consensus across an international border, not all decisions should be made through the international governing body. Instead, decisions made at the national park level or within groups of technical specialists can often lead to more efficient and effective outcomes. The challenge lies in determining the appropriate level at which to resolve crises and the appropriate degree of cooperation at these levels of governance. Decision-making will depend greatly on the location of the fencing and the rationale for the fencing. Fencing along protected area borders internal to a country differs from that along an international frontier. Likewise, decision-makers face a different calculus for fencing placed to minimize the spread of veterinary disease versus fencing to minimize international smuggling, the movement of people, or reduce human-wildlife conflict.

Resolving the challenges of governance

In resolving governance challenges within a TFCA, the national partners may choose to work together on interests vital to both parties (such as current efforts on veterinary disease control in the GLTFCA), may decide to keep the other parties informed about other issues (like single-country research initiatives) and completely do their own thing at a national or sub-national level (as is the case with local community relations in the GLTFCA). As one of the Great Limpopo Transfrontier Park Joint Management Board members (GLTP/JMB) stated, “We don’t manage across the border. Both sides manage their own areas, and we (the Joint Management Board) try to coordinate their work.” (SANParks interview, 04/19/2007).

In more practical terms, the analysis of transaction costs can be used to help discern the appropriate level of cooperation at various levels of governance. Because transboundary collaboration generally requires governing by consensus rather than unilateral authority, decision-making across borders amplifies many of the costs of governance. Decisions in transboundary conservation may ultimately take on many aspects of international governance regimes. Decision-making of multiple actors often requires unanimity. This limits the specificity of many arrangements because choices may be limited to a politically acceptable set of options rather than a broader range of choices. While self-organized governance arrangements can emerge at sub-national levels, most international arrangements require complex negotiations. The multiple-level negotiations often require approval at national levels before international talks can proceed, resulting in a two-stage, iterative political game (Putnam, 1988) with decision-making occurring simultaneously at multiple levels of governance.

The increases in communication, the additional time needed to come to agreement, the expense of multiple rounds of meeting, and the inability to optimize in some cases all lead to an increase of costs in transboundary governance. Likewise, monitoring and enforcement costs often increase, both because of the larger spatial scale and because of the difficulties in coordinating groups from each country or creating an enforcement unit with enforcement authority in multiple jurisdictions. Additionally, as Levin (1999) notes, feedback loops often loosen at broader scales and have more variables leading to ambiguity in cause-effect relationships. In sum, the costs of coordination of more actors in a more complex and heterogeneous environment all result in an increase in transaction costs when going transboundary.

The additional costs and challenges emerge in virtually every aspect of transboundary conservation. A quick scan of the JMB minutes for either the GLTP or KAZA TFCA provides examples of ongoing discussions with very slow progress on the creation of border posts, the addition and removal of fencing, the building of bridges to connect the parks, and many other border issues. Additionally, the GLTP has several sub-committees on fencing related topics ranging from veterinary disease to border security to conservation. Interviews with many sub-committee members often gave examples of the additional transaction costs of working across the border and through the JMB. One instance comes from the comments from a member of the veterinary disease sub-committee, one of the most active and progressive groups. Even in this group, the member noted that "there is a lot of talk but no action. We have no money to pursue some of our initiatives, so every meeting we just discuss what we would like to do. We don't actually do anything." (GLTP veterinary sub-committee, 06/19/2007). This is not an indictment of the joint management board or any of the sub-committees, rather it acknowledges the costs and complexity of managing across borders.

The importance of broader governance levels

Noting that transaction costs generally increase as governance moves to broader scales is not meant to dissuade such a move. Instead, it points to the urgency of comparing the costs and benefits of the move. Polycentricity – the idea that multiple centres of decision-making that function autonomously on some issues and act as part of an interdependent system for others (McGinnis, 1999) – and Panarchy – the nesting of adaptive cycles across both time and space

(Gunderson and Holling, 2002) – both demonstrate the importance of moving to broader governance levels as needed. They also demonstrate the importance of only moving up a level when advantageous. Even if transaction costs increase when moving up a level, it may still be a worthwhile decision if the benefits of aggregation grow faster than the costs.

In comparing the benefits and costs of moving up a level, the wide range of transaction costs faced by several groups of actors needs consideration. Typical discussions of transaction costs look at the cost of doing business between government officials. Changing levels of governance, however, changes the cost-benefit calculus for many others as well. In the case of a transfrontier park, the decisions may at first seem to affect the costs of decision-making through collaboration for the transnational representatives. However, the decisions made by a JMB, for instance, also impact other officials, who may be at lower levels within the parks or officials in other governmental agencies such as international water groups, customs and border control, and so on. For instance, TFCA decisions can ripple through the decisions made in co-management groups for the contractual parks. In the past it has changed the budgetary decisions of provincial park authorities by changing land use plans and modifying tourism plans (South African provincial park staff, 06/23/05). The decisions may also change the cost equations for tourists and researchers, for better or for worse, by making cross-border movement more difficult or by increasing the length of time of the research permit process. The use of transaction costs to guide decisions is not meant as a call for detailed cost-benefit analyses for every decision, but rather to serve as a conceptual guide for how to operationalize the decision-making process and how to discern the appropriate level of governance for a wide range of challenges.

Diversity in TFCA decision-making

To summarize, in decision-making in a transboundary environment, no panacea approach exists (Ostrom, 2007). Transboundary conservation officials, NGO advocates, local community members, national and provincial government officials, and other actors in TFCA decisions must walk a fine line between generalizing from past experience elsewhere and taking contextual clues into account. Designing and implementing institutional arrangements is difficult and takes scientific and place-based knowledge, experience, and time. It also requires an adaptive governance approach of viewing policy decisions as experiments in need of continual refinement. The diversity of situations in southern Africa's transfrontier conservation initiatives provides multiple laboratories for experimentation and can facilitate region-wide learning.

With respect to the specific question of what level of cross-border cooperation to achieve, the approach above is not meant to be simplistic or naïve, and it acknowledges that politics constantly buffets decision-making. Where possible, the intuitively obvious question to always ask is "Do the benefits of collaborative efforts outweigh the costs?" Unfortunately it does not always get asked. This question helps to re-examine the calculus in polycentric terms and eliminates much of the push for greater cooperation for no better reason than simply to cooperate. Instead, the lessons of polycentricity and robust institutional design encourage a more nuanced approach. In response to some disturbances, cooperate fully. In other cases, communication only with cross-border counterparts is the more appropriate level of interaction. Sometimes, working autonomously will generate the best solutions, either because local specificities

require different responses or because a variety of potential solutions may work. Response diversity enables learning and better responses to future disturbances. Within a country, as well, some actions will work best from the national level and others at a provincial level, some at a policy level and others at a bureaucratic level, some from within the parks and others from outside. The effectiveness of a particular level of cooperation in response to a plethora of challenges and opportunities which inevitably arise as TFCAs develop and the type of governance structure best suited to manage these issues will vary enormously. Fencing in and around TFCAs is likely to remain a contentious issue, and will continue to present governance and decision-making conundrums for the JMBs.