



# Supplement for the Social Assessment for Protected and Conserved Areas (SAPA) Methodology manual for SAPA facilitators

## General guidance on follow-up actions for enabling fair and effective law enforcement

This supplement to the second edition of the [Social Assessment for Protected and Conserved Areas \(SAPA\) Methodology manual for SAPA facilitators](#) provides a series of questions for SAPA users to reflect on the performance of follow-up actions aimed at enabling fair and effective law enforcement.

### Background

By March 2021, SAPA has been used by over 20 protected areas (PAs) and conserved areas (CAs) in many African countries, primarily at state-owned PAs which are often managed with the assistance of government-employed law enforcement officers. Across many of these PAs, participants in SAPA community meetings and the household surveys reported negative social impacts such as inappropriate behaviour and harassment from law enforcement staff, varying from excessive fines or arrests to physical abuse and violence. Additionally, most respondents were unaware if community reports of such incidences were taken seriously. As well as enabling communities to identify social impacts, SAPA should also enable follow-up actions to reduce such negative impacts. Based on experience, and responding to this need, this supplement provides general guidance on planning follow-up actions to address negative social impacts related to unfair law enforcement.

SAPA results across PA/CA sites point to multiple issues with the training and working conditions of law enforcement staff, law enforcement policies including codes of conduct, effective grievance mechanisms for people to report concerns and issues, as well as the reviewing of follow-up actions to address these problems. While actions to address issues related to law enforcement are important, it is also crucial to recognise and tackle sector-wide institutional practices that are often stumbling blocks for transparency and accountability (eg the culture of emphasising 'upward accountability' to donors, rather than building accountability to other site-level actors, particularly those negatively impacted). These are major challenges that PA/CA managers are trying to address.

The design of follow-up actions is contextual. For example, there are many types of law enforcement staff (eg unarmed to armed forestry staff, police, military, private hire, community members) and that their legal status, mandate and training needs vary. Therefore, rather than a checklist of follow-up actions, this supplement provides a series of questions for SAPA users to reflect on the performance of follow-up actions towards enabling fair and effective law enforcement, with a focus on building trust with local communities. At many PA/CAs, relations between communities and law enforcement staff are tense. Building trust with communities will address these tensions as well as improve PA/CA governance, enabling more transparency, accountability, respect and effective mitigation of negative social impacts of the PA/CA.

### Using this supplement

The following questions are provided to guide the development and review of follow-up actions that aim to address reported negative social impacts related to law enforcement. SAPA users are encouraged to use this supplement as a starting point of reflection when planning and reviewing follow-up actions. The

questions cover law enforcement training, codes of conduct, grievance mechanisms, and a few other important considerations for improving PA/CA-community relations.

## **1. Law enforcement training**

- a. Do law enforcement staff receive training?
- b. How regularly do they receive this training?
- c. When was the training material and plan last reviewed?
- d. Does the training include modules on law enforcement-community relations as well as human rights, and their relevance to conservation and law enforcement?
- e. Does the training include modules on the application of national and site-level policies designed to avoid negative social impacts related to law enforcement (ie social safeguards<sup>1</sup>)?
- f. Do SAPA results include information on community perspectives of law enforcement that can be incorporated into the training?
- g. Do SAPA results point to the need for further community consultations to collect information that can inform and improve the training?
- h. Is there a process for law enforcement staff to provide feedback on training?
- i. Has feedback from law enforcement staff informed improvements in the training?
- j. What resources can the PA/CA allocate to review and improve law enforcement training?

## **2. Law enforcement codes of conduct**

- a. Do law enforcement staff have codes of conduct?
- b. Were these codes of conduct developed in consultation with community members?<sup>2</sup>
- c. Do SAPA results include information on community perspectives of law enforcement that can be used to inform the development or revision of codes of conduct?
- d. Do SAPA results point to the need for further community consultations to inform and improve codes of conduct?
- e. Have the codes of conduct been shared and discussed with all law enforcement staff?
- f. Have the codes of conduct been shared in an accessible way with all members of all local communities around the PA/CA (including women, poorer households, and other marginalised groups as evidenced by SAPA results)?
- g. How regularly are these codes of conduct reviewed and by whom?
- h. If codes of conduct are breached, is there a confidential/independent means for reporting this (eg grievance mechanism)?
- i. How are records of all reported breaches securely and confidentially maintained?

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<sup>1</sup> Social safeguards are specific policies that are designed to avoid or at least reduce the risk of a negative impact on human wellbeing.

<sup>2</sup> Agreed codes of conduct between communities and law enforcement staff can help to reduce a mismatch in expectations about law enforcement. If communities and law enforcement staff have the same understanding of the law and what appropriate law enforcement behaviour is, it can help reduce conflict. For example, if fishers enter a Marine PA, they should be able to inform PA staff why they are there (eg to shelter from strong winds) and keep their nets inside their boats to demonstrate they are not fishing inside the PA. If this is made clear to both community members and law enforcement staff, unnecessary arrests, fines and confiscation of fishing equipment (which can negatively impact livelihoods and wellbeing) can be avoided.

- j. When was the last time a breach of, or concern about, the codes of conduct reported?<sup>3</sup>
- k. What happens when a breach is reported (eg what are the processes, if any, of verifying the breach and holding those responsible to account)?
- l. What resources can the PA/CA allocate to review and improve the codes of conduct and related accountability mechanisms?

### **3. Complaint or grievance mechanisms**

- a. Does the PA/CA have a functional, site-specific, grievance mechanism in place?<sup>4</sup>
- b. Was the grievance mechanism designed and developed in consultation with community members?<sup>5</sup>
- c. Do SAPA results include information on community perspectives of law enforcement that can be used to inform the development or improvement of the grievance mechanism?
- d. Do SAPA results point to the need for further community consultations to inform and improve the grievance mechanism?
- e. Have the procedures for reporting a complaint or grievance been shared with all law enforcement staff?
- f. Have the procedures for reporting a complaint or grievance shared in an accessible way with all members of all local communities around the PA/CA (including women, poorer households, and other marginalised groups as evidenced by SAPA results)?
- g. When was the last time a complaint or grievance reported (ie when was the mechanism last used)?<sup>6</sup>
- h. How are records of all reported complaints or grievances securely and confidentially maintained?
- i. How are reported complaints or grievances handled (eg what are the processes for deciding if an investigation should take place, how is the complainant informed of the outcome of the investigation, how are follow-up actions decided including consequences for the accused and compensation for the complainant)?
- j. How regularly are these procedures and follow-up actions reviewed by an independent third-party?<sup>7</sup>
- k. What resources can the PA/CA allocate to set up, review and improve the grievance mechanism?

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<sup>3</sup> Reports of breaches of, or concerns about, codes of conduct are not necessarily a negative thing. They can indicate that community members feel able to raise issues and concerns with PA/CA authorities. This is a sign that the reporting mechanism is functioning as it should and can enable PA/CA managers to respond in a timely manner, potentially reducing conflict and strengthening governance.

<sup>4</sup> Ideally the grievance mechanism would be independent as it is unlikely it will be used by any and all persons with a complaint/grievance if it is managed by PA/CA staff (eg it should not be the phone number of a PA/CA staff member)

<sup>5</sup> Research on grievance mechanisms suggests they are often ineffective as they put the onus on persons affected to report a grievance. However, if affected persons (eg community members) are involved in the design and development of the mechanism, this can take into consideration their concerns with reporting grievances and build confidence in the mechanism which would influence its effectiveness.

<sup>6</sup> Similar to reports related to breaches of codes of conduct, any reporting of grievances demonstrates that the mechanism is properly functioning. A grievance mechanism that community members can trust is a great advantage and can be used to address grievances in a timely manner, reduce conflict and strengthen PA/CA governance.

<sup>7</sup> Given often tense relations between law enforcement staff and communities, having an independent review can help build trust in the grievance mechanism as well as the follow-up actions. Without this trust, it is likely the grievance mechanism will be ineffective.

#### 4. Other considerations for improving PA/CA-community relations

- a. How regularly are community members consulted about relationships/interactions between law enforcement staff and other PA/CA staff? Who is consulted within the community?
- b. How regularly do law enforcement staff liaise with community conservation staff of the PA/CA?
- c. How regularly is information about PA/CA-related laws<sup>8</sup> shared in an accessible way with all members of all local communities around the PA/CA (including women, poorer households, and other marginalised groups as evidenced by SAPA results)?
- d. Do law enforcement staff and community members work together on any PA/CA activities?
- e. How regularly are the working conditions of law enforcement staff reviewed (eg accommodation, toilets, equipment such as shoes and uniforms, supplies such as food rations and drinking water)?
- f. Do SAPA results point to other site-level follow-up actions that can improve PA/CA-community relations?
- g. How regularly are the above listed actions reviewed and by whom?
- h. What resources can the PA/CA allocate to review and improve the above listed actions?
- i. Has the feasibility of other conservation approaches which can enable more effective and equitable law enforcement been considered (eg rights-based approaches or involving communities in decision-making around rules of harvesting a resource)?

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<sup>8</sup> This includes information about laws (eg location of PA/CA boundaries and what activities are permitted within the PA/CA) as well as how they will be fairly and effectively enforced (eg sharing of codes of conduct and grievance mechanism procedures so people know what to expect as well as how to report complaints).