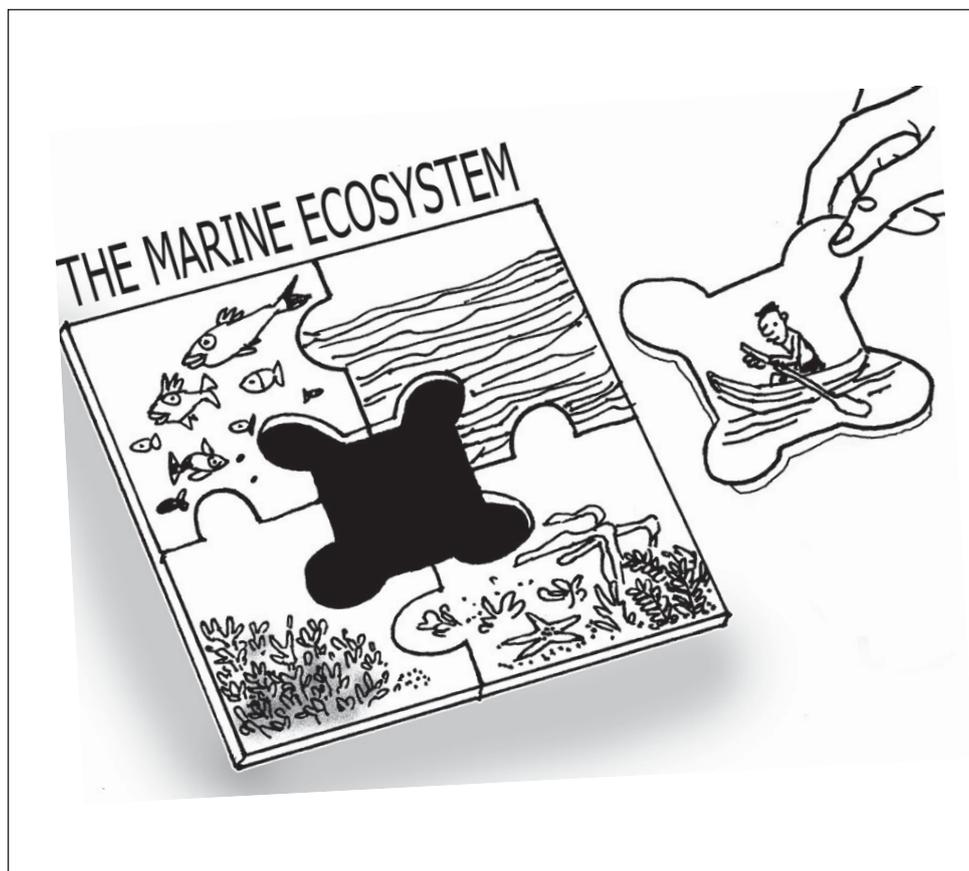


SAMUDRA Dossier

# Diverse Areas

Marine Protected Areas and Small-scale  
Fishing Communities  
A collection of articles from *SAMUDRA Report*



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International Collective in Support of Fishworkers  
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# Mother Earth, Mother Sea

Jorge Luis Andreve Diaz—translated by Ana Gonzalez

**In managing resources, indigenous peoples, like those in the Kuna Yala region of the northeast of Panama, have long recognized and respected the interrelationship between species**

According to the International Union for the Conservation of Nature (IUCN), a marine protected area is “any area of intertidal or subtidal terrain, together with its overlying water and associated flora, fauna, historical and cultural features, which has been reserved by law or other effective means to protect part or all of the enclosed environment”.

Biological, geographical and ecological criteria, such as exclusivity or rarity of species, threat of extinction, and habitat and biodiversity status, are used to delineate protected areas. Little, if any, consideration is given to other important criteria, such as the sociological and cultural characteristics of the communities in protected areas or the traditional knowledge systems of indigenous people. Ironically, effective action by indigenous peoples to conserve and manage natural resources in a balanced manner has made them the target of protected areas, whether coastal or terrestrial.

The creation of marine protected areas (MPAs) without taking into account people’s alternative visions or points of view might directly or indirectly affect the natural dynamics of indigenous peoples. Excluding, prohibiting or conditioning the use of marine systems not only restricts the right of people to food, but also often restricts their right to garner natural resources that have traditional medicinal and spiritual significance. As a result, the traditional, sustainable models of resource extraction that indigenous peoples have

developed are in danger of being degraded. Many indigenous people have established their own protected areas (sacred sites or grounds) in accordance with their customary law and their traditional wisdom. Today, many of these traditional protected areas are not respected by industrial fishermen or by the tourism industry, which often masquerades under the misnomer of ‘ecotourism’.

It cannot be accepted that MPAs be established merely for the sake of conservation or protection of species and habitats. Natural resources and species and habitats can be protected and conserved only by a holistic and comprehensive management of diverse elements (humans, nature and other related components). It is unacceptable that indigenous peoples are unable to access or manage the natural resources that they have had access to, and managed in a sustainable manner, in the past.

One example is Kuna Yala, an indigenous region located in the extreme northeast of the Republic of Panama, where both marine and terrestrial natural resources are used and managed by the indigenous peoples. This region represents one of the most diverse marine areas of the Panamanian Atlantic. Approximately 93 per cent of the 88 species of marine hard corals in the country are found in Kuna Yala.

The Kuna people believe that Mother Earth and the sea are indivisible elements,

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that are intertwined and have a spirit, and, therefore, any action that affects the sea will have its consequences on land. Thus, beyond their economic and cultural aspects, these marine systems hold a special spiritual significance. Many of the Kuna people's traditional practices not only protect and shape fisheries management in the region but also contribute to their social organization.

Taboos and traditional methods of fishing help to protect and manage the fisheries of the region. One example is the prohibition on fishing shark. According to the Kunas, sharks cannot be consumed because whoever consumes shark meat will acquire the ill temper of the species. It is that traditional belief that prevents the Kuna from consuming shark.

Despite such traditional beliefs and resource management, the Kuna Yala region has not managed to remain isolated from the rapid and constant changes generated by globalization. Ecotourism, trade and local development initiatives are fast degrading the culture and traditional indigenous systems of this millennial people.

It is of vital importance that the customary rights of indigenous peoples like the Kuna are respected in marine, coastal and terrestrial systems. In those indigenous regions where MPAs already exist or are intended to be established, it is necessary to respect the rights of indigenous peoples to manage their territories or marine systems. They should be provided the necessary mechanisms for full and effective participation at all levels of resource management programmes. An open and continuing dialogue as well as a transparent exchange of information should be established between conservationists and indigenous peoples.

To get a better vision of what can be achieved, it is necessary to go beyond biological, ecological or biogeographic criteria and encompass social, cultural, anthropological, indigenous, traditional, spiritual and socioeconomic criteria. These will help in better understanding the consequences of actions carried out within protected areas, as well as in exposing the vulnerability of indigenous peoples to development and management efforts. They will also help them learn about the impact of global processes like tourism, trade and climate change. Indigenous peoples can then adopt measures to face these problems.

While providing training for the indigenous peoples living inside protected and sustainable-use areas, it is necessary to take into account their indigenous traditional knowledge systems for natural resource management, rather than risk mistakes by introducing new external mechanisms for development.

Such development is often transferred from industrialized countries or non-indigenous sites without any modification and without taking into account the distinctive factors or elements of indigenous peoples. Such practise will eventually erode not only the culture and traditions of these people but might also lead to environmental problems. In this sense, it is necessary that training and management actions are aimed at strengthening the already existing sustainable environment management systems, since that will not only fortify marine-coastal management systems, but also build up the social, cultural and spiritual aspects of indigenous peoples.

Finally, development efforts in indigenous communities must consider the close ties between natural systems and indigenous communities, and the close links among

the marine, coastal, freshwater and terrestrial systems. Habitat fragmentation must be avoided in order to recognize the interrelationship that exists between species that depend on coastal and marine waters and those that depend on terrestrial areas, a relationship that has been assumed, recognized and respected by indigenous peoples for generations. 3

Also online at:



<http://www.icsf.net/SU/Sam/EN/50/art04.pdf>

# Breaking Away from Tradition

Chandrika Sharma

**The Ninth Meeting of the Conference of Parties (COP9) to the Convention on Biological Diversity (CBD) saw calls for a balance between the objectives of biological conservation and social justice**

The Ninth Meeting of the Conference of Parties (COP9) to the Convention on Biological Diversity (CBD) was held in Bonn, Germany, from 19 to 30 May 2008. Participating at this meeting were more than 4,000 delegates, representing State Parties and other governments, United Nations (UN) agencies, intergovernmental, non-governmental, indigenous and local community representatives, academia and industry.

Several of the agenda items were of interest from a small-scale fisheries perspective, including those on Protected Areas (Agenda Item 4.7), Coastal and Marine Biodiversity (Agenda Item 4.9), Biodiversity of Inland Waters (Agenda Item 4.8), and the Ecosystem Approach (Agenda Item 3.6).

Under the Coastal and Marine Biodiversity item, Parties agreed to adopt criteria for identifying ecologically or biologically significant marine areas in need of protection, and scientific guidance for designing representative networks of marine protected areas (MPAs), including in open ocean waters and deep-sea habitats, as recommended by the Expert Workshop on Ecological Criteria and Biogeographic Classification Systems for Marine Areas in Need of Protection.

This decision is being hailed as providing a sound scientific basis for MPA identification, while clearly acknowledging the division of responsibilities between the CBD and the UN General Assembly, which has been addressing MPAs and

related issues of marine biodiversity under its Working Group on Marine Biodiversity Beyond National Jurisdiction.

Prior to COP9, indigenous peoples and groups working on small-scale fisheries issues expressed reservations about the fact that they had not been represented in the Expert Workshop that had proposed the criteria. They pointed out that CBD documents described open oceans as a “legal term commonly understood by scientists to refer to the water column beyond the continental shelf” and that “open oceans may occur in areas within national jurisdiction in States with a narrow continental shelf”. Given that in many parts of the world, open waters, or areas beyond the continental shelf, are fished by small-scale and indigenous fishing communities, this representation was important, they pointed out. Small-scale and indigenous communities have a wealth of cultural practices and traditional knowledge, which should have been incorporated into any scientific criteria finalized, they stressed.

Thus the civil society statement to the opening plenary of COP9 noted: The process of preparing the criteria for the protection of marine areas in open ocean waters and deep-sea habitats regrettably failed to include the knowledge and participation of indigenous and other artisanal fishers. While Parties must adopt the criteria tabled, they must urgently work to complement them through the full and effective participation of these communities.

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In their Statement on this agenda item, the International Indigenous Forum on Biodiversity (IIFB) highlighted their negative experiences with MPAs, and re-affirmed their opposition to the establishment of more marine and coastal protected areas unless they can fully participate in these projects, and unless their rights to territories, coasts and seas are fully recognized and respected.

They also noted that “criteria for establishing protected areas beyond national jurisdiction are solely biogeographic and based on scientific criteria and ignore indigenous traditional knowledge systems to manage our marine biodiversity. They requested that both these criteria and the ecosystem approach itself must be enriched to include social, cultural and spiritual criteria. They also pointed out that the terms ‘open ocean’ and ‘deep sea’ are unclear and could mislead or confuse the negotiations.

The World Forum of Fisher Peoples (WFFP) and the International Collective in Support of Fishworkers (ICSF), in their intervention on this Agenda Item, also highlighted the negative impact of MPAs that, in many countries of the developing world, are displacing, excluding and alienating fishing communities, and violating their basic rights to life and livelihood. They urged delegates to adhere to principles of prior, informed consent, and prioritize the implementation of Programme Element 2 of the Protected Area Programme of Work (PA PoW) on Governance, participation, equity and benefit sharing. WFFP and ICSF also stressed the importance of the scientific, technical and technological knowledge of local and indigenous communities, and of ensuring the integration of social and cultural criteria, for the identification of marine areas in need of protection.

It is worth noting that a new paragraph was included in Decision IX/20 on

this Agenda Item, as proposed by the government delegate from Honduras. According to this, the COP “calls on Parties to integrate the traditional, scientific, technical and technological knowledge of indigenous and local communities, consistent with Article 8(j) of the Convention, and to ensure the integration of social and cultural criteria and other aspects for the identification of marine areas in need of protection as well as the establishment and management of MPAs”.

Under the hotly debated Agenda Item on Protected Areas, delegates addressed the recommendations of the second meeting of the Ad Hoc Open-ended Working Group on Protected Areas, held in Rome from 11 to 15 February 2008. The Decision IX/18 adopted contains two sections on: review of implementation of the PA PoW; and options for mobilizing, as a matter of urgency, through different mechanisms, adequate and timely financial resources for the implementation of the PoW.

### Indigenous peoples

Among indigenous peoples and several civil society organizations, such as those representing and supporting fishing communities, the issue of protected areas was one that generated considerable anxiety. The IIFB Statement to the COP9 opening plenary noted: “Indigenous Peoples are very concerned about the continued expansion of protected areas. What we want is the recognition of indigenous biocultural territories and community conserved areas and their importance for the maintenance of cultural and biological diversity. We do not want the establishment of any new national protected areas in indigenous lands and territories until our rights to our lands, territories and resources are fully recognized and respected.”

*Small-scale and indigenous communities have a wealth of cultural practices and traditional knowledge which should have been incorporated into any scientific criteria finalized.*

*The International Indigenous Forum on Biodiversity (IIFB) highlighted their negative experiences with MPAs.*

The joint civil society Statement, while expressing concern over the continued loss of biodiversity, pointed out that some of the most effective means to halt biodiversity loss are contained in the PA PoW, especially in Element 2. However, unfortunately, reporting and implementation, especially of Programme Element 2, remain weak. Concern was also expressed about the rush to meet targets, and in the process, short-circuiting participatory processes, alienating communities, and violating human rights. The Statement also stressed the need to recognize the diversity in protected area governance, and the need to recognize and support indigenous and community conserved areas.

### Side Event

#### MPAs: Protecting or Ignoring Livelihoods?

ICSF and WFFP organized a Side Event at COP9, on Wednesday, 21 May 2008. Chaired by Naseegh Jaffer of WFFP, this well-attended event had four presentations: (1) “Experiences from the Biological Reserve of Cayos Cochinos” by Jorge Varela from Honduras; (2) “Experiences from Marine National Parks of Wakatobi, Bunaken, Togian, Komodo and Taka Bonerate” by Riza Damanik from Indonesia; (3) “Indigenous Knowledge and Marine Biodiversity” by Jorge Luis Andre Diaz from Panama; and (4) “Case Studies of MPAs and Fishing Communities from Brazil, India, Mexico, South Africa, Tanzania and Thailand” by Chandrika Sharma of ICSF. Several of the presentations highlighted the negative social impacts of MPA implementation, while pointing out that community-led processes, which integrated traditional and indigenous knowledge and values, and recognized the rights of communities to lead management, were most effective. The discussions that followed the Side Event also touched upon these issues.

Another concern expressed by civil society groups related to the “innovative financing mechanisms”, such as carbon trade and biodiversity offsets, being considered by the COP to finance protected areas. Groups pointed out that such mechanisms could provide a convenient escape route for those responsible for biodiversity loss, and lead to alienation of lands away from indigenous and local communities. They stressed the need for governments to commit public funds, including by linking protected area work with poverty eradication schemes.

The decisions under this agenda item took into account some of these concerns. Notably, the COP invited Parties to: give special attention to the implementation of Programme Element 2 of the PA PoW; improve and diversify and strengthen PA governance types, in accordance with appropriate national legislation, including recognizing and taking into account, where appropriate, indigenous, local and other community-based organizations; and recognize the contribution of co-managed protected areas, private protected areas and indigenous and local community conserved areas within the national protected area system.

The COP also asked Parties to ensure that conservation and development activities in the context of protected areas contribute to the eradication of poverty and sustainable development, and that benefits from the establishment and management of protected areas are fairly and equitably shared in accordance with national legislations and circumstances, and with the full and effective participation of indigenous and local communities.

The decisions on financing protected areas recognized that innovative mechanisms, including market-based approaches, can

## The Life Web Initiative

A major initiative on protected areas—the Life Web Initiative—was launched at COP9 by the German government. The Life Web Initiative aims at supporting the implementation of the CBD PA PoW through enhancing partnerships at a global level. In a letter dated 5 April 2008, several signatories, including the Forest Peoples Programme, IIFB, ICSF and the IUCN Theme on Indigenous/Local Communities, Equity and Protected Areas (TILCEPA), expressed several concerns about the rapid expansion of protected areas without paying full attention to issues of rights, participation, governance, equity and benefit-sharing.

Pointing out that protected areas should be considered as one of the many tools available for the protection of biodiversity, rather than the most important tool, and that more emphasis should be placed on the sustainable use of biodiversity across the planet, not just limited to protected areas, it provided several suggestions to ensure the success of the Life Web initiative, including:

- (1) Indigenous and local communities' representatives and representatives of civil society organizations that are familiar with the CBD PA PoW and with situations at the local and national levels, should be involved in the planning and decision-making process of Life Web.
- (2) The Life Web Initiative should have, at its core, issues of governance,

participation, equity and benefit sharing (Programme Element 2), in addition to the necessary issues of ecological representation, management effectiveness, and so on, so that it will concretely contribute to the effective implementation of the PoW.

- (3) The Life Web Initiative should be developed and implemented to achieve all the three objectives of the Convention (conservation, sustainable use, and fair and equitable sharing of benefits) in protected areas, and in accordance with the ecosystem approach.
- (4) The Life Web Initiative must look beyond government-designated and controlled protected areas, to all other governance types as mentioned in the PA PoW, and, in particular, community conserved areas (CCAs), encompassing indigenous protected areas, biocultural heritage sites, and so on, where indigenous peoples and local communities are conserving and managing ecosystems and wildlife populations.
- (5) Funds from the Life Web Initiative must be available not only to governments, but also directly to civil society organizations, including those of indigenous peoples and local communities.

complement, but not replace, public funding and development assistance.

### Traditional knowledge

The need to support capacity building for indigenous and local communities to participate in the establishment and management of protected areas, and to support the preservation and maintenance of traditional knowledge for the conservation and sustainable use

of biodiversity in the management of protected areas, was also recognized.

Another positive development was that Parties at COP9, led by African countries, Ghana in particular, agreed to a *de facto* moratorium on ocean fertilization—dumping chemicals, such as iron and nitrogen into the open ocean, to artificially encourage growth of microscopic ocean plants called phytoplankton, as a way of

: enhancing the amount of carbon the  
: oceans can absorb.  
:

: In the tradition of CBD meetings, COP9  
: too was lively and very well attended,  
: indicating perhaps the growing  
: importance being attached by  
: governments and civil society to  
: issues of biodiversity and biodiversity  
: conservation. It is only to be hoped,  
: though, that there is a breaking away  
: from the tradition of weak or non-  
: existent implementation of the decisions  
: adopted. For, if indeed decisions are  
: implemented by national governments,  
: and if indeed the balance between  
: the objectives of conservation and  
: social justice is achieved, we will all be  
: the beneficiaries. **3**

Also online at:



<http://www.icsf.net/SU/Sam/EN/50/art10.pdf>

# Importance of Social Capital

Gareth Johnstone

**Marine protected areas should factor in social capital—the relationships, networks, norms and sanctions that connect different people and institutions**

The Statement adopted on 22 January 2009 at the workshop in Chennai on “Social Dimensions of Marine Protected Area Implementation in India: Do Fishing Communities Benefit?” called for greater participation of fishing communities in the selection and management of marine protected areas (MPAs), and greater social justice in decisions that determine the distribution of benefits from MPAs.

The importance of the social aspects of MPAs has also been highlighted in a recent study undertaken by the author in Mozambique. The study examined the relationships between artisanal fishers and tourism operators using private and State-run MPAs, and compared them with open-access areas. The study indicates that when the relationships between different resource users and the State cannot be maintained, then the MPA fails, leaving the fishery resources vulnerable to overuse. The research reveals that MPAs are dependent on their social dimensions, which can be used by different agencies as exclusionary policy devices to reward and penalize different resource users from experiencing the MPAs’ benefits.

The Mozambique research and the Chennai Statement are useful for any coastal fishing community that may want to use MPAs to improve fishery management and increase local economic benefits. Evidence from the Mozambique study suggests that the relationships or social capital between different users of an MPA

(namely, fishers and the tourism industry), and the alliances made with the State can be used to both uphold and undermine an MPA. In the context of the study, Social capital refers to the networks, norms and sanctions that connect different people and institutions, and can have both a positive and negative impact on people’s behaviour. The social capital examined in the Mozambique case is shown to have a negative influence on compliance with the rules governing MPAs, and acts to exclude local fishers from sharing in MPA benefits.

To understand why an MPA fails, it is important to realize that MPAs are, in fact, property rights, and rely on social mechanisms and processes within society, such as laws and regulations, to function properly. The assumption made in rights-based management is that existing users of a marine resource, such as a coastal fishing community, will be willing to co-operate with the State when an MPA is sanctioned and will respect the rules governing the MPA. As a result, this will lead to compliance with the new MPA rules and better fishery management.

## Traditions and customs

However, many fishing communities have, over time, generated their own sets of rules and sanctions that govern fishery resources. These rules are embedded within social mechanisms and processes, and manifest in the traditions and customs of a community. When an MPA is allocated, it can lead to conflicts

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*To understand why an MPA fails, it is important to realize that MPAs are, in fact, property rights, and rely on social mechanisms and processes within society, such as laws and regulations, to function properly.*

due to the tensions between the rules governing the rights of fishers and the new rules governing the MPA. The property rights characteristics of an MPA operate to replace the rights of local fishers, transferring them to new institutions and resource users, such as non-governmental organizations (NGOs) and tourism businesses. The conflict between traditional fishing rights and the MPA manifests as low levels of social capital between resource users, and low compliance with MPA rules.

In the Mozambique study, low levels of social capital were observed in the MPAs due, in part, to the substitution of fishers' rights by the MPAs. This was highlighted by the limited contact arrangements made between the fishery and tourism sectors, and expressed in the low compliance with MPA rules. These tensions were compounded by a second factor: divisive political alliances between some State officials and tourism businesses. This was observed through the influence of the different revenues generated by tourism in the MPAs, driven by the ability to market conservation and exclusivity to tourists. Overnight fees within the marine national park were, on average, US\$500 per night, compared to US\$100 outside the park. This provided sufficient incentive for government officials to renege on agreements to limit tourism, and instead promote a strategy of tourism expansion. This was in contradiction to a management plan agreed on between the government and conservation groups supporting the MPA, and resulted in an increase in competition for the fishery resources, between tourists and artisanal fishers.

What appears on paper to be an MPA that will conserve marine resources and provide local economic benefits, was, in fact, undermined by an unsustainable interest in tourism development. This has left both artisanal fishers and conservation

groups feeling excluded in the management process, as the linkages between international tourism businesses and the government have grown stronger.

Using social capital to analyze MPAs can help build a better understanding of the contextual factors (both temporal and spatial) that work to undermine or maintain an MPA. Like other forms of capital, social capital can be used by people to do things collectively for the benefit of everyone. It is commonly associated with the ties and bonds that help communities to co-operate and manage a natural resource used communally. These include the connections and networks that build traditions and customs that, over many years, can be used by fishing communities to control use and access to a fishery.

These types of social capital are referred to as 'bonding and bridging' social capital, and determine how we interact and trust each other in close, similar communities. The type of social capital that helps us understand MPAs, particularly MPAs used by different resource users, is called 'linking' social capital. This is found in the connections that reach beyond our normal group of friends and communities, and connect people and institutions from different backgrounds and cultures as well as from different levels of power and resources. The Mozambique study focused on 'linking' social capital found in cross-sector linkages between artisanal fishers, tourism operators and MPA governing institutions, and also the social capital found within 'political society', which is expressed in the political alliances forged between different sectors and the State.

So why is linking social capital important to MPAs? The answer lies, again, in the property rights characteristics of MPAs. When an MPA is allocated over traditionally managed fisheries, it is assumed that fishers will behave rationally and enter

Behavioural characteristic	Social Capital Indicators
Co-operation	Formal contact arrangements exist between different resource users of an MPA (artisanal fishers, tourism operators) and the institutions that govern the MPA  MPA management groups represent all MPA resource users, including fishers, NGOs, the private sector and the State governing institutions
Compliance	MPA rules for fishing incorporate traditional knowledge/rules  MPA rules are adopted by fishers through traditional fishing rules, and are endorsed by community institutions  MPA regulatory mechanisms include fishers, NGOs, the private sector and the State governing institutions, including traditional fisher institutions
Bargaining	Fishing rights within an MPA are secured with political support, and maintained through ongoing positive political alliances with the State  Fishing communities recognize the rights of new claimants to the fishery (tourism operators) within an MPA  New claimants to the fishery (tourism operators) recognize the fishing rights of the MPA's previous users (artisanal fishers)
Benefits Distributions	Competition between different resource users leads to collaborative actions/activities that benefit everyone  MPA benefits are agreed on and shared amongst different resource users
Compensation	Negotiations on MPA compensation involves the State and all resource users with rights to the MPA, including those with migratory fishing rights

*...it is important that there is greater contextual knowledge and understanding of the setting in which MPAs are to be used.*

into an agreement with the new users of the MPA, such as the tourism operators in the Mozambique case. The assumption is that local fishers will be compensated for the loss of their fishing rights within an MPA, and, in return, will comply with MPA rules and respect the rights of the new users. However, this does not readily occur, as there is a cost in getting people together, to bargain and reach an agreement. This is known as a ‘transaction cost’, which can be reduced when there are high levels of social capital between resource users. In many instances, the ability to reach agreement can be hindered by language and different cultural understandings, and is normally left to the government to facilitate. However, governments have limited capacities and resources, and negotiations may involve more than one Ministry, making the process susceptible to corruption, with government officials bargaining to benefit themselves rather than local fishers.

The issue of compensation and bargaining becomes more complex as the number of users who have a claim to the natural resource within an MPA, increase. The Mozambique case considered only two types of users: artisanal fishers and tourism operators; but in many coastal regions, more sectors can be involved. The importance of linking social capital is its requirement to consider political alliances, which should be established at all levels of government if an MPA is to work.

In the Mozambique case, the company managing the private MPA with rights to the marine resources for 99 years, has established strong political connections at the highest level of government but has failed to build political support locally. This has meant that many local fishers ignore the rules governing the privately managed MPA, knowing that their actions will not be penalized by local government

agencies. This has led to conflicts over enforcement, and sanctions by the State and the MPA management company, and has resulted in higher costs to patrol the MPA boundaries.

Social capital is not the only factor determining the sustainability of the natural resources within an MPA, as other political, economic and natural factors have an important influence on fishery sustainability. However, MPAs as property rights do represent a series of relationships between the different resources users, and if these relationships cannot be maintained, the MPA fails, and resource depletion ensues. In practice, social capital cannot be measured directly and has to be assessed through proxy indicators.

The table above lists some of the indicators used to identify positive levels of social capital in the Mozambique study. The indicators can act as a guide or checklist for any coastal community that is considering using MPAs to improve fishery management and attract tourism activities.

### Compliance

An example identified in the table is the issue of 'compliance' to rules governing MPAs. This can be illustrated from the Mozambique case by the different management approaches adopted to address traditional fishing rules. The management regimes in the MPAs do not recognize traditional fishing rules, which has resulted in conflicts and low compliance with MPA rules. In the open-access areas outside the MPAs, traditional fishing rules are recognized by State governing institutions and are integrated into several co-management initiatives. This is driven by the need to develop low-cost fishery management measures, and includes a closed fishing season for beach-seine fishing, and no fishing on religious holidays. The rules are sanctioned by the

fishing community through collective ceremonies, and by the State through legislation. This approach has resulted in good compliance to traditional and State fishing rules, such as boat registration and fishing licensing. It has also encouraged some tourism operators to adopt the same approach to limit fishing in front of tourism lodges. Such arrangements are independent of the MPAs and have been agreed on by fishers as traditional rules through collective ceremonies attended by representatives from tourism businesses. These arrangements function through mutually beneficial contacts, with tourism businesses providing boat transport to the community in exchange for compliance with the new fishing rules from fishers.

For policymakers and outside agencies, such as NGOs and international conservation groups, MPAs can appear to be a panacea for natural resource conservation. However, it is important that there is greater contextual knowledge and understanding of the setting in which MPAs are to be used. It requires a re-focus away from defining and delineating an MPA boundary, to gain better understanding of the social, ecological and political realities of a place. This would involve a critical examination of the relationships between existing resource users, the State and external interests, before an MPA can be effectively allocated. It is also imperative to consider if the allocation of an MPA is necessary to achieve environmental sustainability, as it may be as effective to invest in developing relationships between different resource users and the State, which are the building blocks for managing coastal fisheries. 3

Also online at:



<http://www.icsf.net/SU/Sam/EN/52/art06.pdf>

# Caught Up in Change

Julia Fraga

**The experience of traditional fisheries in marine reserves in Mexico's Yucatán State reveals the influence of social and economic effects**

The 15 human settlements along the 365-km coastline of the State of *Yucatán* in Mexico have engaged in traditional fishing for finfish since pre-Hispanic times. Fishing harbours, such as Celestún, Dzilám de Bravo, San Felipe and Río Lagartos, have strong fishing traditions dating back to ancestral times. Puerto Progreso, Telchac and El Cuyo came up during the colonial era and are strongly linked to land-based activities. People from these communities have been able to accumulate a wealth of traditional knowledge based on experience, naming the various fish species and fishing grounds in the Mayan language, a tradition that continues with the current generation of young fishermen.

Modern fisheries in Yucatán arose during the decade of the 1960s, when national programmes began looking seawards, by incorporating *campesinos* (Spanish for farmers or farm workers in a Latin American country) on land into the framework of coastal fisheries management. In parallel, the State established fisheries co-operatives to deal with high-value species, mainly lobster and shrimp. In Yucatán, traditional fishermen and *campesinos* from inland areas began to benefit from the abundance of the seas, which provided food and cash in a society steadily transforming towards urban life. Small and medium-sized coastal Yucatán communities began to increase in size, encouraged by the promising activity of artisanal fishing. This continues to occupy 80 per cent of the fishing-based population, and fishing provides full-time

and seasonal incomes for more than 15,000 families in Yucatán.

The era of the fishery bonanza—when origin, ethnicity and political persuasion did not matter—was undoubtedly during the decades from the 1970s to the end of the 1990s. The fisheries bonanza did not translate into wealth for all, but rather resulted in the economic and social stratification of various sections of the local population, mainly traders and middlemen engaged in fishery activities. A large section of the fishing population remains poor, marginal, and with no hope of owning a boat or outboard motor—that is, without any means of production.

Management criteria based on the biology of species continue as priorities, in the face of the social reality of increasing conflicts between groups and individuals engaged in fishing activities, with the common refrain being “the cake must be shared among more people who are entering the fishing.”

But what can be said about marine reserves? Were marine reserves created by traditional fishers, vessel owners and large traders or by urban academics? When did they begin in Yucatán? How many local marine-reserve initiatives exist? How are they translated into practice?

## Protected areas

In the coastal and marine zone of Yucatán, there are five protected natural areas, two of which are biosphere reserves (Ría Lagartos and Ría Celestún, created

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*...fishing provides full-time and seasonal incomes for more than 15,000 families in Yucatán.*

in 1979 as fauna refuges, and re-decreed as reserves in 1997 and 2000, respectively), and a marine park (the Alacranes Reef, created in 1994), administered federally. Two of the areas are State reserves (El Palmar and Dzilám de Bravo, created in 1989 and 1990, respectively). The reserves are part marine and part lagoon. However, the local inhabitants were never consulted about their creation; it was a top-down project. Community participation began with academic and emergency non-governmental organization (NGO) projects, with the federal and State branches of government involved in implementing environmental education programmes. In the main, this started during 1997-98, when the fisheries began their period of stagnation, reporting low volumes of fish catches.

From then on, community participation has been concentrated between two groups of the population: children and fisher-producers. The latter form the focal population for consultations on fishing problems and how to achieve fishing-effort reductions.

At that time, problems began to be observed between traditional fishers, who comprised 40 per cent of the total fisher population, and *campesino* fishers, who made up 60 per cent. That started an academic and public debate about those who “conserve” (traditional fishers) and those who “do not conserve but overexploit” (*campesinos* from inland areas).

Given this context, are there any local initiatives to create marine protected areas (MPAs) that continue to be sustained successfully? The only fishers’ community that has advanced with processes of traditional management in their fisheries and the creation of a marine reserve without academic or

NGO interventions, has been the community of San Felipe. In 1994, it established a ‘natural fish hatchery’ in an area of 30 sq km, five km from the settlement, taking into consideration the special conditions of submerged aquatic vegetation called, in Maya, ‘*Tzil’*.

San Felipe’s success was maintained for 12 continuous years, and its demise in the last two years has been due to various factors detailed below. The creation of the reserve is strongly associated with the experience of longtime fishermen, who, working in inshore areas, ‘discovered’ ecological conditions that allowed—and still allow, despite the constant occurrence of hurricanes—the entry and reproduction of marine species, including crayfish.

The first factor for success was that the San Felipe fishermen were strongly associated with a fisheries co-operative, the United Fishers of San Felipe, which had 218 associates. The nature, attitude and personality of the leaders (characterized by ethical conduct, trust and communication, a legacy of their grandparents) also contributed towards the success of the reserve. Further, the co-operative constituted the entire ‘social event’ of the community, that is to say, life strongly revolved around this institution, politically and, mainly, economically, through the export of crayfish. The community connected with the co-operative much more than with the municipal government. The administration of the co-operative was not exclusively dedicated to the sea and fishermen; it administered the lives, health and religion of the community’s inhabitants, whether they were fishers or livestock rearers, expanding their community and family boundaries, at a time when the ‘tragedy of the commons’ was of little importance.

As mentioned earlier, the State reserve of Dzilám Bravo was created in 1990, with its jurisdiction extending to the municipal reserve created by the fishers of San Felipe. However, due to the lack of information, participation and consultation with fishers in both localities (Dzilám, which has more than 1,000 fishers, and San Felipe, with around 500 fishers), academics and State administrators were unaware of this local initiative.

The fishers of San Felipe found out that their marine reserve is located in the State reserve of Dzilám only in 1998, when the first academic NGO began work there with United Nations Development Programme (UNDP) funds. The discovery was by chance, they say, since the NGO course that dealt with crayfish management also had a component on MPAs. In 2002, a group of academics undertook a participative study in both areas. They invited the traditional fishers associated into co-operatives to debate, but forgot to invite ‘free’ fishers, that is, those fishers not formally organized into groups. Perhaps that was one of the common methodological errors that in academia are simply relegated to footnotes.

What about the community rules applied to the marine reserve initiative? Simply due to the existence of a strong co-operative, a council of representatives supported by the municipality, and strong family ties between the leaders of both local parties, sanctions and fines have been respected since 1995, when all the associated fishers signed the agreement to these rules.

A factor of success has undoubtedly been the existence of strong family ties among those who administer the daily lives of the inhabitants. Does poaching exist under prevailing community rules? The answer is yes, and the poachers were identified some time ago. Strong kinship ties also

existed among them, “but they only used to go out at night”, and “with great fear”.

Another factor of success was the community’s fear of the established rules and the co-operative’s leaders. The fishery co-operative had established night surveillance systems with volunteer fishers, who were motivated more by species conservation than by payment for watching the area.

Who paid for the surveillance? The fisheries co-operative used to manage UNDP funds, and there was even an internal fund for the co-operative to buy fuel. In reality, the fishers say, not much was spent, and “we did it because we knew that the reserve is very valuable, and many fish and crayfish are conserved there.”

#### End of success

The success of the San Felipe reserve seemed to end in 2004, with a division of political power and new personalities taking over the administration of the co-operative. There was some bad management of money; kinship ties between families were broken; and a phase of gradual breakdown in the administration of the reserve gave way to a stage of social collapse in 2008, leading to conflicts and aggression. That stage coincided with low volumes of fish catches, and with poor seasons for crayfish and octopus, the two most important fisheries of San Felipe. The neighbouring fishers of Rio Lagartos, located 10 km away, noted that in San Felipe, “they have already abandoned their reserve”. For the municipal government, however, a bad season for lobster was no justification for an invasion of poachers into the reserve, and the breaking of rules established years ago.

Several assertions have been made about the collapse of the San Felipe reserve.

*...due to the lack of information, participation and consultation with fishers... academics and State administrators have ignored local initiatives.*

According to various co-operative fishers interviewed in June this year, “only eight to 10 launches depleted the reserve; they cleaned out everything; now there is nothing to be done.” Some other San Felipe fishers recalled: “When we saw the amount that these few illegal fishers were earning, up to 15,000 pesos (US\$1,500) in one night, catching between 700 and 1,000 kg each night, we felt deceived, desperate, without help from anyone, neither from the co-operative nor from the government. Everyone started to enter fishing, making it something that no longer benefitted all as before.”

There is no doubt that the conservation and protection ethos that has existed for over 12 years in the San Felipe area faces a dilemma. Added to that is the presence of external institutions (including academia and tourism) that go about their work ignoring the negative consequences of the displacement of fishing as a source of subsistence and livelihood, in favour of activities that do not bring any collective benefits, in the way fishing does.

For those in San Felipe, the real conflict began in mid-2007, when, according to fishers interviewed in May 2008, “surveillance of the reserve was lifted, and money was given to the two guards of the Actamchuleb Civil Association not to say anything”. But above all, it was “because the co-operative split into two when problems of corruption arose, and it got divided between the bi-partisan politics of PRI (Partido Revolucionario Institucional or the Institutional Revolutionary Party) and PAN (Partido Acción Nacional or the National Action Party)”, and also because “to keep watch on the reserve requires US\$48,000 per year.”

According to one fisherman, “As for us, what we take out of the reserve is little—

we may take 30, 40 or maybe 60 kg. But those who have piles of nets, up to 20 pieces of nets of over 1 km in length, they are the ones who take up to 1,000 kg in a single night. And the poachers are highly concentrated inside the reserve. It is highly unjust... I tell my friends: If I accuse you, then what? How do I get out of it? There will be many fights, you will assault me, and no one can do anything. That is how the situation is.”

In a focal group discussion in May 2008, fishermen said, “We recognize that the benefits the reserve can bring to us as fishers are huge, if it can be cared for. Seizing the poachers—for us that would be excellent. We need a tough hand. Perhaps someone from the federal government can help us—the port authority, the city hall, local power groups, the fishers themselves, the co-operatives involved...”

### Keeping watch

A San Felipe poacher involved in the conflict pointed out in an interview in May 2008, “Of course I support them in the reserve, so long as they keep watch 24 hours. Because if they don’t keep a 24 hour watch, then I prefer to take advantage of it and work like mad for 12 hours, earning more than those who are going to work there.”

What about the factors of success highlighted above that allowed 12 years of continuity in protecting a fishing site? What happened to the old fishers, the family relations, the people who administered the co-operative? What happened to this community of 1,800 inhabitants and around 500 fishers who once felt pride in their marine reserve? What happened to the Actamchuleb Civil Association whose administrator, for 10 years, provided the link between

the co-operative, the government and financing programmes? Why does the reserve not matter to them any more?

The break-up started when the co-operative split into two, dividing fishermen by age, origin, name and political affiliation. Another factor in the break-up was the absence of any strong tradition of participative action research among the academic groups, which did not integrate with the co-operative, the municipal government and the community for research, thus obviating collective motivation.

Also, it is important to note that the Actamchuleb Civil Association, not being capable of working for, and with, the community, was simply converted into a link for communication between the government and the regional UNDP programme, to attract funds to make gasoline available for the surveillance of the reserve. The State government, on the other hand, does not have the financial and human-resources capacity to apply its mandate to protect biodiversity and protected areas. Further, personnel changes every six years modified the work programme.

Does the San Felipe reserve have a future? The area of this small reserve is included within the zoning of the Dzilám de Bravo State reserve. The management plan of the San Felipe reserve, published in 2006, denotes it as a sub-zone of special use, that is, where activities of conservation, environmental education and alternative tourism are allowed, profitable activities that may not modify the ecosystems' capacity for ecological recovery.

A July 2008 interview with the person in charge of protected natural areas in the State government, indicated that the need

for a future for the San Felipe reserve as a municipal reserve is officially recognized, but it is not known exactly how this can be attained.

The future of the reserve appears to be linked to tourism, especially ecotourism, and sport fishing, which is increasing in the community, and fishers are gradually being converted into service providers. Ironically, there is an inversely proportional relationship between fish, which is decreasing and getting scarce, and tourists, who are increasingly visiting San Felipe to see and catch fish. What will there be to show them? The reserve is a good option. In mid-2009, San Felipe will be visited by more than 100 sailing boats from France. "Europeans are now looking in our direction, and are now interested in our beaches", say the fishers.

#### Main motivation

By and large, most inhabitants, above all, the fishers, feel that now nothing can be done for the reserve; it is no longer a place of work that can be passed on to their children, which was the main motivation for looking after it in the first place. Even the poachers do not see value in protecting the reserve because those who profit from it are hotel owners. Why bother to care for species for the benefit of people who will cash in on the tourists by taking them fishing in the reserve?

The local Actamchuleb Civil Association has a significant future because their ex-local fisher director is strongly linked with the outsiders and has been trained to deal with them. He has secured a five-year extension of the agreement, in which one of the clauses will benefit the association as a collaborator with the State government in the management

of the protected natural areas of the State. To belong to a State ecotourism network and to be dedicated more to the administration of issues external to the community, and less with its main activity (fishing), highlights the extent of the transition in the community.

The case of San Felipe in Yucatán may not be unique; there must be similar other cases in various parts of the world, fundamentally changed by the strong transition towards service activities as promoted by national and international agencies guided by the ethic of ecotourism.

Doubtless, ecotourism in itself is no bad thing. What is bad is that local people are affected as their resources are not being cared for, and they lack ownership rights. In the long term, there is a real fear that the fishers will be left without food, beaches and houses on the river banks or beaches. In the case of San Felipe, perhaps they will also be left without a marine reserve. For them, much depends on being able to once again revive the task of conserving their resources. As San Felipe fishers said in an interview in May 2008, what is difficult for them is to decide “when to drop fishing and go and protest before the office in Mérida to get the government to help us with our reserve.”

San Felipe requires the engagement of people who are honourable, honest, intelligent, trained, and who take pride in their true social capital. They need what neither the government nor academia is able or willing to give: the time and administrative resources to implement community-based coastal resource management. It would seem that what is needed is an NGO to establish itself in the area for a prolonged period, working towards the recovery and strengthening of both social and natural capital.

The incumbent president of the municipal government sees the local Actamchuleb Civil Association as appropriate to be involved in the administration of the marine reserve through co-management with the State government. The previous municipal government felt that while the local association was necessary, it required a change of leader. What seems right and should be supported is a generalized and transparent participative consultation to analyze the situation, which not only takes into consideration tourists, but local children and youth who will have to emigrate to find work outside their community. The avalanche of people looking for beach and sea areas for leisure, and their conversion into a source of employment or work through the provision of services, cannot be ignored. We cannot close our eyes to a society that is ever more interested in enjoyment of rural marine zones, but we should also think about planning for the future, taking advantage of the social conditions that already exist: direct family ties, religion, solidarity and the size of the urban community.

The San Felipe marine reserve unified the community in times of bad fishing, providing food for families most in need. It should unite them in other bad times as well, by perhaps combining fishing and low-impact tourism. <sup>3</sup>

Also online at:   
<http://www.icsf.net/SU/Sam/EN/52/art05.pdf>

# Managing to Benefit

Ramya Rajagopalan and Varsha Patel

**A workshop on marine protected areas in India suggested ways to achieve livelihood-sensitive conservation and management of coastal and fisheries resources**

A two-day workshop, titled ‘Social Dimensions of Marine Protected Area (MPA) Implementation in India: Do Fishing Communities Benefit?’, was organized by the International Collective in Support of Fishworkers (ICSF), from 21-22 January 2009 in Chennai, India. The principal objective of the workshop was to discuss the findings of five case studies undertaken by ICSF on marine and coastal protected areas—on the Gulf of Mannar National Park and Biosphere Reserve, the Malvan (Marine) Wildlife Sanctuary, the Gahirmatha (Marine) Wildlife Sanctuary, the Sundarban Tiger Reserve, and the Gulf of Kutch National Park and Wildlife Sanctuary. Apart from documenting the fishing communities’ perspective on MPAs, the workshop was also meant to be a forum to discuss legal, institutional and other relevant aspects of MPA implementation in India, and to put forward proposals for achieving livelihood-sensitive conservation and management of coastal and fisheries resources.

Over 70 persons—including representatives from the Ministry of Agriculture, Government of India, the Forest Departments of the States of Orissa, West Bengal and Tamil Nadu; the Fisheries Departments of West Bengal and Tamil Nadu the Wildlife Institute of India (WII) and the Indian Institute of Science (IISc), environmental groups, fishworker organizations and

independent researchers—participated in the workshop. The first of its kind to be organized in India, the workshop was supported by the Ministry of Agriculture and the National Fisheries Development Board (NFDB).

Elaborating on marine and coastal protected areas in her introduction to the workshop, Chandrika Sharma, Executive Secretary, ICSF, highlighted that within the Indian context, the term refers to National Parks and Wildlife Sanctuaries declared in coastal and marine area, under the Wild Life (Protection) Act (WLPA), 1972.

The case studies, she said, highlighted that large numbers of men and women in fishing communities—an estimated 10 per cent of marine fishers in India—are facing loss of livelihoods due to restrictions on fisheries in coastal and marine protected areas. Moreover, feelings of victimization and alienation due to the manner in which regulations are implemented are common, while efforts at creating alternative livelihood opportunities have remained limited. Also, there has hardly been any systematic effort to improve access to basic services for enhancing long-term livelihood options.

## Degradation and pollution

The focus has been mainly on regulating fisheries, while serious issues of degradation and pollution by non-

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*...large numbers of men and women in fishing communities—an estimated 10 per cent of marine fishers in India—are facing loss of livelihoods due to restrictions on fisheries in coastal and marine protected areas.*

fisheries factors have not been dealt with, which compromises the very objectives for which the protected areas (PAs) were set up. In his opening address to the workshop, M.K.R. Nair, Fisheries Development Commissioner, Department of Animal Husbandry, Dairying and Fisheries (DADF), Ministry of Agriculture, Government of India, said that fishers residing along the coastline of India are the traditional owners of the resources in those areas. While there is consensus on the need for environmental restrictions and regulations, the impact of marine and coastal protected areas on fishers who are already below the poverty line, is severe. Nair proposed a system of co-management for PAs that is located within a balanced “seascape” approach.

In their presentation on the Gulf of Mannar National Park and Biosphere Reserve, Ramya Rajagopalan, Consultant, ICSF, and S. Arulanandam, Legal Advisor to the Ramnad District Fishworkers’ Trade Union (RDFTU) highlighted that the designation of the National Park has denied fishers access to the fishing grounds surrounding the 21 islands, where no extractive activity is allowed. This has affected 35,000 active fishers, including 5,000 women seaweed collectors, and 25,000 fishermen who dive for sea cucumbers. Highlighting the socioeconomic problems facing fishing communities, RDFTU has demanded long-term, alternative livelihood options for future generations and short-term alternate livelihood options for the present generation. The union has also demanded that traditional fishers who use non-motorized vessels be allowed to fish near the islands, and that existing community initiatives, including those for regulating seaweed extraction, be recognized.

Pradip Chatterjee of Direct Initiative for Social and Health Action (DISHA) said that the Sundarbans, which

has a multiplicity of PA designations—as Tiger Reserve, Wildlife Sanctuary, National Park, Biosphere Reserve and Heritage Site—provides for only non-motorized vessels to fish in the Buffer Area of the Tiger Reserve. Some of the livelihood concerns that fishworkers face arise from the limited number of licences and the complexities involved in their transfer, and the arbitrary imposition of fines for violations. The two fishworker organizations in the area have opposing positions: while one demands restriction with a human face and a legitimate role for fishers in managing PAs, the other calls for the removal of all restrictions on fishing within the Reserve.

Narayan Haldar and Giridhari Giri of the Orissa Traditional Fishworkers’ Union (OTFWU) pointed out that in the Gahirmatha (Marine) Wildlife Sanctuary, nearly 30,000 active fishers are affected by turtle protection measures, 43 per cent of whom are below the poverty line. OTFWU has put forward several proposals to protect the fishers’ livelihood interests while simultaneously meeting conservation objectives.

### Self-regulation

These include reducing the area of the Sanctuary, particularly of the Core Area; allowing small motorized vessels to fish in the Core Area in a sustainable manner; supporting self-regulation initiatives of fishing communities; and implementing the five-km ‘trawl-free’ zone under the Orissa Marine Fishing Regulation Act (OMFRA). OTFWU has also been demanding the implementation of provisions in the WLPA (as amended in 2002 and 2006) for protecting innocent passage of fishers and their occupational interests, through clear guidelines and rules. The union has also called for participatory enforcement and monitoring measures to reduce conflicts; scientific studies on turtle mortality; and regulation

of other non-fishery-related activities that have an impact on turtle mortality.

In their presentation on the Gulf of Kutch (Marine) National Park and Sanctuary, Nilanjana Biswas, an independent researcher, and Bharat Patel of SETU Information Centre, pointed out how the restrictions in place are affecting the *pagadiya* fishers, who wade into the waters with stake-nets to fish, as well as those using plank-built boats (*bodis*). They expanded on the severe threats confronting the area from industrial activities, especially from the petrochemical industries, oil pipelines passing through the PA, cement and coral mining, fertilizer plants, ports, shipbreaking units and special economic zones (SEZs). They stressed that the current legal regime for PAs is not adequate to address the specific needs of marine protection, especially to combat the threats from the non-fisheries activities taking place adjacent to PAs. Fishworker organizations are, therefore, demanding a comprehensive—not piecemeal—approach to the management of the marine environment, which addresses the root causes of habitat destruction and depletion of resources.

Ramesh Dhuri from the Malvan Taluka Shramik Machhimar Sangh said that the Malvan (Marine) Wildlife Sanctuary, designated to protect coral reefs, mangroves and rocky shores, has a fisherfolk population of 9,000. While fishers in Malvan recognize the importance of conservation, it is the lack of consultation and transparency in the declaration and management of the sanctuary that they are against. At the local level, there is a great deal of resistance to the sanctuary.

One workshop participant questioned the use of the word ‘protection’ instead of ‘conservation’, as it does not imply

options for the sustainable use of resources. Several participants queried the very rationale for setting up marine and coastal protected areas, noting that there was no clear evidence of their benefits. One participant wondered whether it is a classic ‘lose-lose’ situation in which thousands lose their livelihoods, even as there is no clear indicator that conservation objectives, such as reduction of turtle mortality, are being met. On the issue of alternative and alternate livelihoods, it was said that these should benefit the local fishers who are worst affected, and should be a way to reduce pressure on fishery resources, not to take away the rights of fishers to the resource. Several participants highlighted the need for gender-segregated socioeconomic data.

Deepak Apte of the Bombay Natural History Society (BNHS) described the initiative by local communities to conserve marine resources in the Lakshadweep islands. A proposal for declaring a Conservation Reserve under the WLPA has met with the approval of local communities. Whether this is the most suitable option and whether it would reduce the role and power of local communities in decisionmaking, and, in effect, hand over management powers to Forest Department officials, is a moot point.

Manish Chandi, Researcher, Andaman and Nicobar Islands Environmental Team (ANET) and Research Affiliate, Nature Conservation Foundation (NCF), provided an overview of the coastal and marine protected areas in the Andaman and Nicobar Islands.

### Holistic approach

In a session on legal issues, Chandrika Sharma of ICSF drew attention to the need for putting in place a holistic and comprehensive management framework for protecting coastal and marine

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resources, which addresses both fishery and non-fishery management concerns, and draws on international and national legal and policy frameworks.

In the fisheries context, there is need to move the focus from production to management, and develop an environmental plan for fisheries. Existing artisanal fishing zones could be seen as one of form of PA, given that they enjoy a higher level of protection than their surroundings, it was pointed out.

Sanjay Upadhyay, Advocate, Supreme Court of India, provided an overview of PA categories under the WLPA. He also drew attention to options, under other legislation, for designating specified areas that could meet both livelihood and conservation objectives. Upadhyay also stressed the need to elaborate, in operational terms, what is meant by the reference in the WLPA to “protect the occupational interests of fishermen”. There are also provisions for “innocent passage” that need to be operationalized and applied, to prevent the arrest of those passing through, but not fishing in, Sanctuary waters, he stressed. Upadhyay further underscored the need for demystified information on various aspects of designating and implementing PAs, which can be understood by lay persons.

Several workshop participants noted that the conflict between conservation and livelihoods is relatively minor—the larger fight is really against environmentally destructive development, particularly in a post-liberalization context. In the absence of the right to say no to destructive development in PAs, talk of ‘people’s participation’ becomes merely ritualistic.

## Positive developments

Yet some recent developments have been positive, and spaces for genuine participation by the people have been created. A recent judgement of the Andhra Pradesh High Court, for example, interpreted ‘consultation’ to mean ‘consent’, under the Panchayat (Extension to Schedule Areas) Act, 1996.

In his presentation on the role of fishing community institutions in conserving marine living resources, V. Vivekanandan of the South Indian Federation of Fishermen Societies (SIFFS) drew attention to several traditional systems and institutions such as the *kadakodi* system of northern Kerala, and the federated structure of governance of the *pattanavars* of Tamil Nadu and Andhra Pradesh.

These communities have, over time, put in place rules to regulate fishing activities and reduce conflicts. In recent years, several new institutional forms have emerged such as the boatowner’s associations in Tamil Nadu and Maharashtra, trade unions, co-operatives, women’s self-help groups, and federations and trade associations.

Vivekanandan said that a co-management approach would do well to adopt local traditional structures that are already embedded with social capital. In the absence of a level playing field among the various stakeholders, there is need for caution in propagating co-management, it was pointed out.

The group discussions at the workshop focused on the benefits from marine and coastal protected areas, and how they could be enhanced. All the group presentations highlighted that while some form of protection is needed for coastal and marine

resources, on the whole, marine and coastal protected areas have had few beneficial impacts, particularly for local communities. All the presentations highlighted the need for community participation, good governance, transparency, accountability, and reliable data. It was suggested that traditional knowledge systems should be integrated with conventional science for PA management, and there is need to regulate non-fishery activities and threats that pose a danger to biodiversity.

In the last session of the workshop, which was a panel discussion on the way forward, B.C. Chowdhury of the Wildlife Institute of India pointed out that management of existing MPAs is weak, and fishers and managers need to get together to review management approaches, and define practical win-win strategies. Establishing marine and coastal protected areas, he said, is not an end in itself; there are other ways in which marine and coastal areas can be protected, which need to be considered. Management plans must be placed in the public domain to ensure greater transparency and accountability.

Harekrishna Debnath of the National Fishworkers' Forum (NFF) drew attention to the various struggles of NFF for better management and conservation of resources, stressing the importance of a comprehensive and integrated approach. Conservation efforts should start with regulating the high-impact activities of the larger players in the fisheries and non-fisheries sectors, not the relatively lower-impact activities of the weakest. Since the entire society at large benefits from conservation efforts, the costs of conservation should be borne by all, and not just by fishers; should there be livelihood costs for fishers, they should be fairly compensated, Debnath said.

Kartik Shanker of the Indian Institute of Science and Dakshin Foundation said that it is important to recognize the concept of 'sustainable use', particularly in a marine context, and to adopt frameworks, such as marine conservation areas, rather than PAs, that do not exclude people. The process of setting up marine and coastal protected areas should recognize power differences between stakeholders, he stressed.

### Better co-ordination

The importance of conservation is indisputable, said Nalini Nayak, Member, ICSF. The need is to focus on managing ecosystems as a whole, as waters are interlinked, which calls for better co-ordination and collaboration between different departments, ministries, politicians and other stakeholders. A workable co-management framework needs to be devised, with a substantial representation for women as members of co-management committees, she stressed.

Fisheries Departments should be seen as partners in the marine and coastal protected area management process, said Madhumita Mukherjee, Joint Director of Fisheries, West Bengal State Fisheries Department. Processes for designating PAs must take into account regional and species specificities, she stressed.

Bijoy Ketan Patnaik, Principal Chief Conservator of Forests (PCCF), and Chief Wildlife Warden, Orissa Forest and Environment Department, highlighted the importance of quantifying benefits from PAs, and, using a comprehensive socio-economic database, monitoring changes in fish catches and the incomes of fishing communities in the area. Where it is clear that livelihoods are being negatively affected, adequate compensation

*Management plans must be placed in the public domain to ensure greater transparency and accountability.*

## The Chennai Statement

We, representatives of artisanal and small-scale fishworker organizations, organizations in support of fishworkers, environmental groups, and the scientific community, committed to equitable and socially-just conservation, use and management of coastal and marine living resources, having participated in the workshop on “Social Dimensions of Marine Protected Area Implementation in India: Do Fishing Communities Benefit?” in Chennai from 21 to 22 January 2009;

*Conscious of the importance of fisheries and of the high dependence of millions of fisherpeople on fisheries, and of the fact that that marine and coastal ecosystems are rich spawning and breeding grounds, and provide vital coastal protection benefits;*

*Being concerned about the livelihood problems encountered by at least ten per cent of the active marine fisher population of India from unfair restrictions on their fishing operations in the course of implementing marine and coastal protected areas, such as the Gulf of Mannar National Park, Tamil Nadu; the Gahirmatha (Marine) Wildlife Sanctuary, Orissa; the Gulf of Kutch Marine National Park and Sanctuary, Gujarat; the Sundarban Tiger Reserve, West Bengal; and the Malvan (Marine) Wildlife Sanctuary, Maharashtra;*

*Being further concerned that non-fishery activities that have a destructive environmental and ecological impact on marine and coastal protected areas, such as indiscriminate pollution and habitat degradation from industrial activities, are not being regulated, and that fishing communities are, therefore, disproportionately bearing the costs of conservation measures;*

*Being aware of the importance of effectively addressing livelihood and occupational interests of fishing communities, living in and around marine and coastal protected areas, within the framework of an integrated approach to conservation, use and management of coastal and marine living resources;*

*Do hereby recommend:*

- (1) **Integrate fundamental principles of participation, environmental justice, social justice, and human rights into the implementation of marine and coastal protected areas**

Full and active participation of fishing communities in decision-making at all stages of marine and coastal protected

area identification, planning, designation, implementation, review and evaluation should be ensured, in policy, law and practice, to meet both social and conservation objectives, drawing upon good practices within and outside India;

Fishing communities should be considered as allies, and community-led initiatives for management and conservation should be recognized and supported; diverse, participatory and site-specific approaches for the conservation and management of coastal and marine resources, should be promoted;

Fishing rights of small-scale fishers using sustainable fishing gear and practices should be protected. Should fishing activities be regulated, adequate compensation should be provided, and a systematic and participatory approach for enhancing and diversifying livelihoods of affected communities should be adopted;

Implementation of existing marine and coastal protected areas should be reviewed on an urgent basis, in the light of principles of participation, environmental justice, social justice, and human rights, with a view to addressing issues facing fishing communities in these areas;

New marine and coastal protected areas should be considered only after transparent mechanisms, incorporating principles of participation, environmental justice, social justice, and human rights, for designating and managing such areas, are established;

- (2) **Address threats to coastal and marine ecosystems from non-fishery sources**

Stringent measures to prevent pollution and degradation of marine and coastal habitats from non-fishery sources such as ports, shipping lanes, tourism development and other related activities, within and outside the protected areas, should be adopted; and, existing legal provisions should be strictly implemented;

- (3) **Enforce marine fishing regulation act in all the states and union territories**

Effective implementation of marine fishing regulation acts in territorial waters, particularly enforcement of non-mechanized fishing zones, mesh size regulation and the regulation of destructive fishing gear and practices, such as use of explosives, bottom

trawling and purse-seining, should be ensured to improve fisheries conservation and management in territorial waters. Co-management arrangements should be considered to improve the effectiveness of fisheries management;

#### (4) Adopt legislation to conserve and manage living resources of the EEZ

An effective conservation and management regime for living resources, including fisheries, of the entire Indian exclusive economic zone (EEZ) should be developed through a participatory process. In this context, reviewing, amending and strengthening relevant legislation, including the marine fishing regulation acts, and adopting an environmental action plan for fisheries, setting out measures that can be used towards conservation and management of fisheries resources, should be considered;

#### (5) Adopt an integrated approach for the management of coastal and marine living resources

Collaboration and co-ordination, in particular, between the Ministry of Agriculture and the Ministry of Environment and Forests at the national level, and between departments of fisheries and forests at the State level, should be improved. Better cross-sectoral co-ordination between relevant ministries with jurisdiction over the coastal and marine space, and between research institutions and non-governmental organizations, should be established.

In conclusion, we urge recognition of the need for an integrated and participatory framework for conservation, use and management of marine and coastal living resources that secures the preferential access rights of fishing communities to coastal and fishery resources. This should be consistent with India's obligations and commitments under the 1948 Universal Declaration of Human Rights (UDHR), the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the 1995 FAO Code of Conduct for Responsible Fisheries (CCRF), the 1992 Convention on Biological Diversity (CBD), and the United Nations Millennium Development Goals (MDGs).

#### Signatories

##### Organizations

1. National Fishworkers' Forum (NFF)
2. Malvan Taluka Shramik Machhimar Sangh, Maharashtra

3. Sundarban Fishermen's Joint Action Committee, West Bengal
4. Ramnad District Fishworkers' Trade Union, Tamil Nadu
5. Vangakadal Meen Thozhilalar Sangam, Tamil Nadu
6. Orissa Traditional Fishworkers' Union (OTFWU), Orissa
7. International Collective in Support of Fishworkers (ICSF)
8. South Indian Federation of Fishermen Societies (SIFFS)
9. Kalpavriksh
10. Greenpeace India
11. DHAN Foundation
12. Dakshin Foundation
13. Action for Food Production (AFPRO)
14. Integrated Coastal Management (ICM)
15. WWF India
16. Project Swarajya, Orissa
17. SETU Information Centre, Kutch, Gujarat
18. Group for Nature Preservation and Education (GNAPE), Tamil Nadu
19. Protsahan, Kerala
20. Direct Initiative for Social and Health Action (DISHA), West Bengal
21. Fisherfolk Foundation, Andhra Pradesh

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5. Sanjay Upadhyay, Advocate, Supreme Court and Honorary Managing Trustee, Environment Law and Development Foundation, New Delhi
6. M. Rachel Pearlin, Citizen consumer and civic Action Group (CAG), Tamil Nadu
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—This Statement is from the workshop on “Social Dimensions of Marine Protected Area Implementation in India: Do Fishing Communities Benefit?”, held in Chennai during 21-22 January 2009.

*...consultative processes should be started at the beginning of any effort to declare a PA...*

should be given to communities, he said. Patnaik also stressed the importance of periodic evaluations of marine and coastal protected areas, to determine whether they were meeting the objectives for which they were set up. Further, consultative processes should be started at the beginning of any effort to declare a PA, and PA categories such as Conservation Reserves and Community Reserves, which protect the rights of local people and meet conservation objectives, should be explored.

In his concluding address, Suresh Prabhu, Member of Parliament, and former Minister for Environment, Government of India, reiterated the need for a holistic approach to the conservation of coastal and marine resources. He stressed the importance of co-management approaches that integrate the traditional knowledge of fishers into a model of sustainable conservation.

The consensus Statement finalized by the participants of the workshop highlighted the need to integrate the fundamental principles of participation, environmental and social justice, and human rights in the implementation of marine and coastal protected areas. 3

Also online at:



<http://www.icsf.net/SU/Sam/EN/52/art04.pdf>

# Becoming Proactive Agents

Antonio Garcia Allut and Ana Jesus

**Galicia, in the northwest of Spain, has initiated a bottom-up implementation and shared governance scheme for marine protected areas for small-scale fisheries management**

In the northeast Atlantic coastal waters of Galicia, in northwest Spain, the bottom-up implementation of marine protected areas (MPAs), as a means to promote the sustainable co-management of small-scale fisheries alongside biodiversity conservation, was initiated in 2003, with the implementation of the Os Miñarzos MPA in Lira.

As elsewhere in the world, the future of small-scale fisheries in Galicia is uncertain and threatened by a range of interdependent factors such as the progressive decline of fishery resources due to overfishing, illegal fishing, environmental degradation and habitat loss; the increasingly fragile economic viability of small-scale fishing enterprises; fish marketing issues; abandonment of artisanal fishing activities; and the loss of local fishing cultural heritage (like traditions, architecture, boats, fishing arts, jobs and ecological knowledge). Considering the great social, economic and cultural importance of small-scale fisheries in Galicia—which in 2004 had 5,565 fishing vessels (of which 4,671 were less than 12 m in length) and 25,756 registered fishermen, out of a population of 2,750,985—it is crucial to address and revert such trends. To effectively accomplish this task, Galician fishermen must see themselves—and be seen by society and by the relevant authorities—as legitimate partners in every stage of decisionmaking related

to fishery resource management, which must incorporate their needs and priorities, and value and fully utilize their experiences and ecological knowledge systems through the shared governance of marine and coastal resources.

In this context, for small-scale fisheries management purposes, MPAs can provide an effective framework to empower resource users through shared governance arrangements, improve their quality of life, generate new socioeconomic opportunities through tourism and recreation, recognize their ecological knowledge and cultural identity, and contribute to the sustainability of small-scale fisheries and natural resources. The bottom-up approach arose as an alternative to the conventional top-down fisheries policies of local authorities, which failed to deliver sustainability, encouraged non-compliance among resource users, and invested substantial resources in inefficient enforcement mechanisms.

## Local fishermen's organizations

In Galicia, the implementation of MPAs for small-scale fisheries management is a process led by local fishermen's organizations. It started with a proposal by the *Cofradía de Pescadores de Lira*, based on fishermen's detailed and function-oriented knowledge about the marine ecosystems and species that they exploit. (*Cofradía* is the Spanish term for fishermen's guilds, which are

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*...for small-scale fisheries management purposes MPAs can provide an effective framework to empower resource users through shared governance arrangements...*

traditional organizations that include all the fishermen working in a certain geographical area, and have a democratic structure with two representative groups—of owners and crew—who elect an equal number of members to the executive bodies of the organizations.) The formulation of this proposal started in 2003, four years before its promulgation in 2007, technically supported by the *Fundación Lonxanet para la Pesca Sostenible*. It subsequently received the necessary financial and legal support from the Autonomous Government of Galicia (‘Xunta de Galicia’) for its implementation.

The creation of the Os Miñarzos MPA in Lira generated important methodological and legal precedents that were acknowledged by the Galician government for the future implementation of such MPAs, opening the door for other fishermen’s organizations to initiate similar processes. The Ría de Cedeira MPA was the second of its kind to be decreed in Galicia, on 29 January 2009, followed by five other initiatives—Aguíño; Muros; Camelle; Cedeira, Cariño, Espasante and O Barqueiro; and O Celeiro—all of which are currently in the design stage, including one (Cedeira, Cariño, Espasante and O Barqueiro) that is being carried out by four fishermen’s organizations working together.

The MPAs for small-scale fisheries management purposes being implemented in Galicia (locally known as *Reservas Marinas de Interés Pesquero*) correspond to Category VI (“Protected area with sustainable use of natural resources”) of the IUCN classification. They aim to promote the sustainable exploitation of fishery resources by balancing the social and economic needs of human communities with the maintenance of healthy and biodiverse ecosystems. Thus, these MPAs are designed and

planned to preserve and restore areas of significant importance as spawning, nursery and feeding grounds for commercially valuable fish and shellfish species; promote sustainable and responsible fishing practices; generate livelihood diversification opportunities and value-addition strategies; encourage scientific research, environmental education, public awareness and recreational opportunities; and implement participatory and inclusive fishery resources management mechanisms based on socioeconomic and environmental sustainability criteria.

The bottom-up implementation of an MPA for small-scale fisheries management purposes in Galicia comprises several methodological phases, all of which are underlined by the fundamental principles of participation, legitimacy, representativeness, shared governance, and the use of traditional ecological knowledge systems.

#### **Transparent process**

Additionally, these processes demand the use of transparent and efficient communication and information mechanisms. Therefore, to initiate such a process, it is essential to legitimate it within the fishermen’s organization itself, ultimately by voting for it; to elect a Committee of Representatives, which would normally include external facilitators who gather periodically to work on the MPA proposal; and to establish efficient communication and information channels among resource users to enhance their participation during the whole process. During the meetings, the Committee of Representatives starts by identifying the main features that will influence the MPA design and planning. Fishermen’s experiences and traditional ecological knowledge are the major sources of information used to thoroughly

characterize the area in terms of resource uses and users, threats, conflicts, most productive fishing grounds, annual fishing cycles, species life cycles, key habitats, and so on. Integrated in a geographical information system (GIS) database, this information will provide the basis for decisions on the MPA location, size, shape and zoning, and subsequently on how resources are to be used and protected. Therefore, at the end of the Design Phase (as at the end of every phase), it is very important to organize a plenary session (or a General Assembly, in this particular context) with all the fishermen to legitimize the proposal elaborated up to that point by the Committee of Representatives.

Subsequently, during the Planning and Management Phase, the Committee formulates a Preliminary Management Plan defining long-term goals, identifying and prioritizing management needs, and proposing adaptable regulatory measures to address these needs in each one of the previously identified management zones (no-take zones, special protection zones and use zones). Regulatory measures applied to use zones generally comprise restrictions on recreational and commercial fishing on the type of gear and the number of devices per vessel or fisherman, catch limits, minimum landing sizes, and seasonal closures.

The Committee will also discuss fishing rights allocation, biological and social monitoring, capacity building, performance evaluation, surveillance and enforcement, funding and self-financing, and the functioning of the co-management body. After being subject to consensus approval in the Committee, the final proposal for the MPA must be voted for during a General Assembly, and adjusted, if necessary, in order to be submitted for government approval. In case of an affirmative feedback, the participatory

formulation of the MPA establishment decree is initiated.

The Implementation and Shared Governance Phase starts with the election of the official MPA co-management body (*Órgano de Gestión*), which will be composed of an equal number of government officials and fishermen's representatives. This body is responsible for the co-management of the MPA, elaboration of its annual operational plan, co-ordination of monitoring and enforcement activities, and for the development of internal communication channels and external communication strategies. The content of the Preliminary Management Plan should be complemented and continuously reviewed, updated and adapted by the co-management body, according to the new knowledge generated by the management process itself, and by monitoring outcomes, and through continuous consultations with fishermen.

The implementation of MPAs for small-scale fisheries management purposes in Galicia is a recent phenomenon with a lot of potential to develop and strengthen. From our experience in *Fundación Lonxanet para la Pesca Sostenible*, a non-governmental organization (NGO) working directly with these processes, the effectiveness of this kind of MPAs would be reinforced by developing strategies to increase co-ordination among stakeholders, by drawing on other experiences through mutual learning processes and networking, by strengthening internal communication channels, by developing efficient external communication strategies and promoting public awareness campaigns on the importance of small-scale fisheries, by implementing efficient conflict resolution mechanisms, by strengthening the relationship between fishermen and the government, and between fishermen

*The bottom-up implementation of an MPA for small-scale fisheries management purposes in Galicia comprises several methodological phases.*

• and NGOs, by increasing management  
• flexibility, and by reinforcing monitoring  
• and evaluation processes.

• Above all, it is important to bear in mind  
• that the implementation of MPAs for  
• small-scale fisheries management purposes  
• involves a continuous process of social  
• change and empowerment, with the potential  
• of reconverting small-scale fishermen  
• into proactive agents working towards the  
• sustainable management of coastal and  
• marine resources. ¶

Also online at:



<http://www.icsf.net/SU/Sam/EN/53/art04.pdf>

# Dubious Protection

Jackie Sunde and Juan Carlos Cardenas

**Recent workshops held to assess the Convention on Biological Diversity's Programme of Work on Protected Areas drew attention to the need for space for indigenous and local communities**

Can we achieve full and effective participation of indigenous and local communities in the management of existing, and the establishment of new, marine protected areas (MPAs) by 2008, promoting equity and benefit sharing? Are these two goals of the Programme of Work on Protected Areas (PoWPA) of the Convention on Biological Diversity (CBD) achievable in the near future in a context in which country-level strategies to protect marine biodiversity often ignore these human-rights imperatives?

These were the questions asked by all three of the representatives of the International Collective in Support of Fishworkers (ICSF) who attended the Regional Workshops in Asia, Africa and Latin America on the Review of Implementation of the PoWPA organized by the CBD Secretariat during October and November 2009. The PoWPA is a multi-year programme with 16 major goals and sub-goals aimed at giving substance to the CBD objective of developing ecologically representative networks of protected areas. Specific goals and targets have been developed for each of the major goals.

Of central importance to small-scale fishing communities, Programme Element Two identifies two key goals: 2.1: Establish mechanisms for the equitable sharing of both costs and

benefits arising from the establishment and management of protected areas by 2008; and 2.2: Full and effective participation of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders, in the management of existing, and the establishment of new, protected areas by 2008.

The Conference of the Parties (COP) to the CBD is planning to review the implementation of the PoWPA at its tenth meeting (COP10) in Nagoya, Japan from 18 to 29 October 2010. There have been a series of follow-up initiatives to the PoWPA after its adoption in 2004. In 2006, COP 8 requested the Secretariat to organize regional and subregional capacity-building and progress-review workshops, and these were held in 2007. COP 9, held in 2008, asked the Secretariat to again organize workshops as part of the preparatory process (COP Decision IX/18A), to review the implementation of PoWPA in Asia and Pacific, Africa, Latin America and the Caribbean, and the central and eastern European regions.

## Focal points

These regional workshops were meant to target the government focal points

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*The PoWPA is a multi-year programme with 16 major goals and sub-goals aimed at giving substance to the CBD objective of developing ecologically representative networks of protected areas.*

for PoWPA in the respective regions. Representation from non-governmental organizations (NGOs) working in the region and from the indigenous and local communities was encouraged. The objectives of these workshops were to review the progress in implementation of the PoWPA, and propose ways and means for strengthening the implementation of the programme of work post-2010.

The workshops had a common structure with presentations on (i) integrating protected areas into wider landscapes and seascapes; (ii) governance; and (iii) status of implementation of the PoWPA. The presentation on governance provided inputs on the various types and quality of governance in protected areas, specifically distinguishing 'management' from 'governance'.

The Africa Regional Workshop was the first in the series, hosted in Côte d'Ivoire during 5-9 October 2009, with representatives from 43 countries, besides resource persons, and representatives from the Indigenous Peoples of Africa Co-ordinating Committee (IPACC). The Asia-Pacific workshop was the second in the series, hosted in India during 12-15 October, with 25 country representatives (14 from the Pacific region), besides participants from indigenous and local communities (Indigenous Peoples Pact Foundation, Partners of Community Organizations, Mountain Institute). The Latin American and Caribbean workshop was held in Columbia during 2-5 November 2009, with 23 country participants (14 from Latin America and nine from the Caribbean) and representatives from the indigenous and local communities in the region. It was interesting to note that the three workshops were largely focused on terrestrial protected areas, except for the Pacific countries in the Asia-Pacific meeting, who had more experience of

MPAs. Resource persons for all three workshops were from The Nature Conservancy (TNC), United Nations Development Programme-Global Environment Facility (UNDP-GEF), World Wide Fund for Nature (WWF), World Conservation Society (WCS), and the World Conservation Union (IUCN) Theme on Indigenous and Local Communities, Equity and Protected Areas (TILCEPA).

The workshops clearly showed that there was lack of awareness among government representatives about key issues in the PoWPA, especially on the critical issue of governance. There was very little understanding of the IUCN typologies of governance used commonly within protected area work, which makes the important distinction between community conserved areas and 'co-managed' areas. At the African workshop, an interesting example of an MPA in Casamance, Senegal, was presented, where the Kawawana, Mangagoulak rural community has set up a community declared conserved area, with detailed management plans and zoning developed by the community, integrating traditional and scientific knowledge.

Locally managed marine areas (LMMAs), special managed areas, and legally recognized traditional closed areas set up in several Pacific countries were explained during the Asia workshop, especially where the community has been involved in setting up, managing and monitoring MPAs. In the Latin American workshop, some of the successful examples presented included the PNN Galapagos, where there are quotas for the private, fishery and tourism industries, with specific agreement with the Cuyabeno indigenous people who have mangrove concessions; and the creation of the whale sanctuary in Chile, at the initiative of Chilean artisanal fishers

and conservation NGOs, to control the expansion of industrial fisheries and aquaculture.

Few officials have been exposed to the perspective of a ‘human-rights-based approach’ to protected area planning and management. This was clearly highlighted by the lack of awareness among government representatives about the link between implementation of international human-rights commitments and the implementation of the PoWPA. Several government representatives were not aware of the United Nations Declaration on the Rights of Indigenous Peoples or of the broader human-rights instruments that contain references to participation in decisionmaking, and how relevant these are for setting up protected areas and their management. Often participation was relegated to either stakeholder forums or general consultation, not recognizing forms of participation where indigenous and local communities are actively involved in decision-making bodies as ‘rights holders’. Government representatives were not aware of problems and issues in implementing MPAs, especially from a fishing-community perspective.

One of the key omissions highlighted by the ICSF representative at the African workshop was the lack of mention of gender issues in protected area management and governance, which has particular relevance in areas where local and customary governance practices often discriminate against women. Women’s rights are seldom taken into consideration during the setting up of protected areas or in their management, especially in issues relating to decisionmaking and benefit sharing.

At the Latin American workshop, representatives from indigenous and local communities and ICSF stated

that many of the management plans are not compatible with local practices and traditional uses, leading to conflicts and tension. Often, communities do not have access to State health services, and are also banned from using native species for traditional medicine, thus denying them basic human rights. These representatives demanded a more multi-sectoral and multi-cultural approach to protected area processes, including management, where the protected area managers have an understanding of the local culture.

Prior to the workshops, country-level reports had been submitted to the CBD Secretariat, and during the workshop participants were required to complete questionnaires used as a means of further assessing progress towards targets. The report of these workshops prepared by the Secretariat to the SBSTTA (Subsidiary Body on Scientific, Technical and Technological Advice) highlights that of the seven goals in the PoWPA to be achieved by 2008, the progress in two goals—Goal 2.1 (promoting equity and benefit sharing) and Goal 2.2 (enhancing involvement of indigenous and local communities)—is very limited and way behind targets.

States have focused on increasing the number of protected areas to achieve the 10 per cent target set by the PoWPA, but have neglected many of the more qualitative targets. The problems in implementing Programme Element 2 were identified as: inadequate involvement of indigenous and local communities in protected area planning and management; local community resistance to protected areas; and governments not embracing the wide range of governance types in protected area strategies. The document also highlights that very little progress is being made in increasing the coverage of area under MPAs (with only 5.9 per cent of the world’s

*States have focused on increasing the number of protected areas to achieve the 10 per cent target set by the PoWPA, but have neglected many of the more qualitative outcomes.*

territorial seas and 0.5 per cent of the extra-territorial seas being designated as MPAs).

The key outcome of the Regional Workshops was a set of recommendations to the Fourteenth Meeting of the SBSTTA, to be held in Nairobi, Kenya, from 10 to 21 May 2010, where the implementation of the PoWPA will be assessed in preparation for COP10. Government representatives and national focal points were asked to provide inputs to these recommendations. Representatives from ICSF also contributed to the various working groups. Among the key inputs from ICSF were suggestions to:

- encourage Parties to implement a range of governance types for management of MPAs, recognizing the rights and responsibilities of indigenous and local communities (under MPAs);
- incorporate governance assessments into the management effectiveness evaluation (under Management effectiveness);
- request governments to recognize the non-monetary values of protected areas, and facilitate national assessment of socioeconomic costs and benefits of protected areas;
- include representatives of indigenous and local communities in multi-stakeholder committees, in consultations for national reporting on the PoWPA and national reviews of protected area systems (under Programme Element 2);
- establish and provide guidance on mechanisms and processes for recognition of community conserved areas, collaborative management and diversification of governance types and improved governance quality (under Programme Element 2); and

- establish MPAs in areas beyond national jurisdiction; and recognize the need for clear, equitable benefit sharing, and also recognize the rights of artisanal fishers (especially in the case of Peru and Chile).

Some of the important recommendations to the SBSTTA from these workshops included the following:

- a) provide additional technical support through the development of toolkits, best practices, and guides on themes of the PoWPA, in collaboration with partners, in particular on Element 2 (governance, participation, equity and benefit sharing);
- b) increase awareness of the benefits of the PoWPA to health, water and other sectors, climate change adaptation and mitigation, poverty alleviation and the Millennium Development Goals (MDGs) by holding workshops to bring key actors from these sectors to discuss ways of collaborating to develop mutually beneficial responses to the PoWPA;
- c) support and finance the use of natural ecosystems and, in particular, protected area systems in carbon storage and capture and in ecosystem-based adaptation to climate change, and to embed improved design and management approaches for protected area systems into national strategies and action plans for addressing climate change, including through existing national adaptation programmes of action (NAPAs);
- d) incorporate governance assessments into the management effectiveness evaluation process;
- e) encourage Parties to implement a range of governance types for management of MPAs, noting the

United Nations Declaration on the Rights of Indigenous Peoples (General Assembly Resolution 61/295);

- f) invite Parties to increase understanding of the role, importance and benefits of protected areas in sustaining local livelihoods, providing ecosystems services, reducing risks from natural disasters, adapting to, and mitigating, climate change, health, water and other sectors, at all levels;
- g) establish a co-ordination mechanism between the PoWPA and other related processes under the CBD, including, *inter alia*, forests, marine, access and benefit-sharing and Article 8(j) working groups and the processes related to the Addis Ababa and Akwe:Kon guidelines for exchange of information on implementation of these programmes and recommendations on possible joint actions for enhanced implementation;
- h) consider the creation of a national indigenous and local community focal point under Article 8 (j), where appropriate, which could liaise with the respective focal points for the PoWPA;
- i) recognize the role of indigenous and community conserved areas in biodiversity conservation, collaborative management and diversification of governance types;
- j) include indigenous and local communities in multi-stakeholder committees, in consultations for national reporting on the PoWPA, and in national reviews of protected area system effectiveness; and
- k) involve the multi-stakeholder co-ordination committees in the reporting process.

The SBSTTA will consider these recommendations, and will make recommendations to COP10, where the implementation of the PoWPA will be reviewed. While there are still a number of obstacles in implementing the PoWPA in its true spirit, it is important that countries recognize the potential role of governance in protected area processes and understand the links between human-rights commitments and the PoWPA.

With the increasing attention being paid by some countries to viewing protected areas as climate change mitigation and adaptation opportunities, it is essential that countries focus not only on the quantitative targets of the PoWPA but also the quality and actual benefits from protected areas (governance, and contribution of PAs towards livelihoods), where the rights and responsibilities of indigenous and local communities are recognized.

It remains to be seen whether or not the growing interest in protected areas as a strategy for contributing towards climate change mitigation and adaptation will create space for indigenous and local communities living in, and adjacent to, MPAs to articulate the local knowledges that they possess, highlight the roles they have played in protecting marine ecosystems, and claim their rights to participate fully and effectively in the governance of these areas.

Also online at:



<http://www.icsf.net/SU/Sam/EN/55/art08.pdf>

# Seeking Protection

Jackie Sunde

**A recent workshop held at Langebaan, South Africa, dealt with how communities can be themselves protected as marine protected areas are increasingly developed**

How can we be protected from protected areas? This has been the refrain from small-scale fishing communities up and down the South African coast over the past ten years whenever they have come together to share their experiences of conservation and fisheries management policy. Small-scale fishing communities along the South African coastline, without exception, have a collective history of displacement, dispossession and marginalization due to the declaration of marine protected areas (MPAs). While the distinctive experience of this differs from area to area, MPAs have been viewed with fear and mistrust, rather than as one of several management tools that has the potential to protect the resources that these communities have traditionally depended on for their food security, their livelihoods and for a rich array of customary and spiritual practices that sustain their cultures.

It was towards this potential that Masifundise Development Trust, with support from the International Collective in Support of Fishworkers (ICSF), organized a workshop titled “Protecting Community Rights in Marine Protected Areas” in Langebaan on the West Coast of South Africa during 14-16 April 2010. The two-day national-level workshop was attended by 39 participants, including men and women community representatives living in, or adjacent to, existing or planned MPAs in all four

coastal provinces, non-governmental representatives, government officials from the Directorate responsible for MPAs in the Department of Environmental Affairs, the South African National Parks Authority and KZN Ezemvelo Wildlife, and researchers working on MPA issues within a local university. This was the first-ever workshop of its kind in the country that aimed to include communities themselves in dialogue with a range of stakeholders, to identify the impacts of MPAs on fishing communities and raise awareness of the rights of small-scale communities in the planning, management and implementation of MPAs.

The workshop took place at a most opportune time as the department responsible for developing the first-ever policy on MPAs is currently drafting it, and the official responsible for the process attended the workshop. Similarly, the fishers are participating in a process of developing a new small-scale fisheries policy for the country, which will be finalized in the coming months. The workshop thus provided a critical opportunity to ensure that these two policies are integrated and will both promote and protect the rights of small-scale fishing communities in the future.

## Marine biodiversity

South Africa has a lengthy history of space-based measures for the protection of marine biodiversity

This article is by Jackie Sunde (jsunde@telkomsa.net), Member, ICSF, and Researcher at the Environmental Evaluation Unit, University of Cape Town, South Africa *SAMUDRA Report* No. 56, July 2010

and fisheries management. The first marine reserve was declared in 1934, with the aim of protecting the commercial fishing industry's lobster interests. Currently, 21 per cent of the coastline is under protected area status, and the country boasts 24 MPAs declared under the Marine Living Resources Act of 1998, which is also the legislation that governs all fisheries management. The country's history of MPAs, like that of terrestrial protected areas, reflects the political economy of the country. A combination of colonial and apartheid land, conservation, mining, forestry and fisheries management policies over the past 100 years resulted in traditional fishing communities being dispossessed of land and their access to natural resources along the 3,000 km of coastline. Most of the country's MPAs include no-take sanctuaries as well as restricted-use zones, within which there is some sustainable use, which tends to be, however, extremely limited. Several of the MPAs are complete no-take areas and communities were physically removed from these sites and relocated outside the reserves.

The Langebaan workshop created an opportunity for communities to share their stories about the impacts that MPAs have had on their lives and livelihoods. It was notable that all of the 16 coastal communities represented at the workshop told of histories of dispossession, and loss of access, lack of consultation, lack of equitable benefits, and lack of communication, and expressed bewilderment as to how they, as traditional small-scale communities, could be restricted within these areas, while they look on as MPAs have become havens for poachers, and recreational and commercial fishers who are able to enjoy the benefits of these areas.

William Blake, a traditional net fisherman of the West Coast National Park, recalled that he was born on the edges of the Langebaan Lagoon, and that his family was forced to leave their home due to the declaration of the National Park. He and several of his brothers lost their customary rights to fish, and he was forced to seek work elsewhere. While the MPA in the Lagoon has been zoned for sustainable use, the number of fishing permits allocated to the net fishers who depend on the resource for their livelihoods has been restricted to ten. In contrast, recreational fishing in the Lagoon has increased considerably over the past few decades and these fishers appear to have few restrictions. The perceived inequity of a system in which recreational and commercial fishers have less stringent restrictions was a theme that dominated the fisher participants' presentations at the workshop. This was highlighted in the presentation from Hout Bay, in an MPA in which commercial fishing companies have enjoyed the right to continue harvesting a quota of lobster, under the guise of it being an experimental quota, while the local traditional fishing community has been denied all rights to fish in the area.

Lack of consultation and communication between traditional fishing communities, the traditional authorities within their areas, and conservation and government fisheries agencies was highlighted by the community representatives from iSimangaliso, one of South Africa's largest World Heritage Sites that incorporates two contiguous MPAs and lies adjacent to a recently declared transboundary MPA extending along the South Africa-Mozambique coastline.

*South Africa has a lengthy history of space-based measures for the protection of marine biodiversity and fisheries management.*

Ironically, this area received much attention during the World Parks Conference, held in Durban in 2003, yet the indigenous and local communities living within this Park are struggling to assert their right to the land adjacent to the coast that they have traditionally owned, and to use and manage the marine and coastal resources that their communities have depended on for generations. In protest, one of the communities in this Park has recently cut down a fence that was erected around their lands without consulting them.

The establishment of a missile testing range within an MPA has confused fishers from the fishing village of Arniston on the south coast. Many of these fishers were forced to move from this area to make way for the nature reserve, and they are now prohibited from fishing in the waters adjacent to the Park. Understanding that this was in order to protect these resources, they find the activities of the missile testing range understandably confusing. They resent the lack of information, and query the impact of the missile testing on the fish stocks in the surrounding waters.

The confusing permit regulations surrounding MPAs was raised by several participants. The fishers noted that in several MPAs, large industrial fishing activities, and, in some instances, mining, are still permitted both within the MPA or adjacent to the MPA. The fishers queried the logic and rationale for MPAs if destructive practices are permitted to continue while their relatively environmentally friendly fishing methods and gear are prohibited. Willie Smith of Mkambati highlighted the impact of the declaration of the MPA on the livelihoods of 50 families who have lost their access to the sea. Two of the other fishing

communities represented face the declaration of MPAs in their areas and spoke of their experiences of the consultation processes. These processes are perceived as being 'top-down' and failing to include the fishers' own local knowledge in the planning processes.

In the opening input to the workshop, Jackie Sunde provided an overview of the international and national policy and legislative framework governing MPAs. She highlighted the commitments within the Convention on Biological Diversity (CBD) Programme of Work on Protected Areas (PoWPA) to the rights of indigenous and local communities to participate fully in the planning and implementation of MPAs and to benefit equitably from such areas. Drawing on the experience of the Endorois community in Kenya, which has won their right to return to their ancestral land and inland waters following their forced removal to make way for a nature reserve, Jackie emphasized the importance of fishing communities' awareness of their rights, and the need for communities to advocate for these rights.

Mbulelo Dopolo, the manager of the South African National Parks Marine Programme, suggested that MPAs could have significant socioeconomic and ecological benefits for small-scale fishing communities but that, currently, the threat of pollution, overexploitation of fish stocks, tourism developments, and lack of adequate data threaten the benefits of MPAs. The fishers welcomed his openness in engaging with them on these issues, and commented that he was one of the first conservation scientists they had met who had actually admitted that government had very little data to support some of the claims that are made

*The perceived inequity of a system in which recreational and commercial fishers have less stringent restrictions was a theme that dominated the fisher participants' presentations at the workshop.*

in the name of MPAs.

Serge Raemaekers, a researcher currently involved in facilitating a co-management approach to the planning of a biosphere on the South Cape coast, shared the experiences and lessons from this project, in which the participation of all stakeholders, especially the local fishing community, is seen as key to its success. Serge highlighted the potential for MPAs to be designed in such a way that they can actually strengthen the access rights of small-scale fishers through tools such as preferential access arrangements, and how they can be used to address land—and sea-based pollution and to restrict the use of destructive gear. An important aspect, in this context, has been the involvement of all levels of government in order that an integrated approach can be implemented.

A key input to the workshop came from the Director responsible for MPA policy within the Department of Environmental Affairs, Alan Boyd, who thanked the fishers for sharing their experiences and acknowledged the extent of the frustration and mistrust that the fishers were experiencing. He was at pains to respond to their grievances, and began his presentation with a summary of the key issues that he had identified in the fishers' presentations.

These included the very disruptive impact of apartheid and the continued exclusion, which means fishers' longstanding relationship with the sea is under threat; lack of communication; restricted access to historical fishing grounds, which has been compromised by the way MPA zoning has been done; restricted access to

launching sites; ongoing poaching in MPAs; failure to include fishers in research; the lack of policy alignment between the forthcoming MPA policy and the new small-scale fisheries policy and the need for the Department to adopt a more flexible approach to the use and planning of MPAs in the future. Boyd acknowledged the need to ensure that restrictions on access are more equitably managed in future and that there is broader consultation. He committed to a more flexible zonation policy and to promoting sustainable use, where appropriate.

During the workshop the participants divided into small groups both to explore a range of issues pertaining to the existing policy and approach to MPAs as well as to propose solutions for the problems that the fishers are experiencing. It was noted that because of the South African government's very top-down approach to fisheries management, the customary institutions and management practices of traditional communities have been undermined. The fishers' called for a co-management approach to fisheries management and marine conservation in future, and noted the importance of ensuring that the new MPA policy is closely aligned with the new draft small-scale fisheries policy, in which they have proposed a community based approach to fisheries management.

The fishers began to envisage the use of MPAs as one of several management tools that could potentially be designed in such a way that they protected and promoted the rights of small-scale fishers vis-à-vis the industrial fishing sector. They developed proposals for a new MPA policy that would have a human-rights-based approach to fisheries management and conservation. The

*The fishers queried the logic and rationale for MPAs if destructive practices are permitted to continue while their relatively environmentally friendly fishing methods and gear are prohibited.*

## The Langebaan Statement on Marine Protected Areas

We, representatives from small-scale fishing communities, Masifundise and other organizations working with, and in support of, fishers in South Africa, having participated in the workshop “Protecting Community Rights in Marine Protected Areas” in Langebaan, 14-16 April 2010,

We are committed to contributing towards sustainable marine biodiversity and sustainable, equitable coastal livelihoods in South Africa.

We are very aware that our coasts are very important, ecologically rich and diverse marine environments, of critical importance for the biological diversity of the country as a whole for current and future generations as well as being a source of important economic, social and cultural resources.

We see MPAs as one of several important tools in order to protect our marine environments in the future. We believe that MPAs are very important but they need to be planned and managed in such a way that they balance the needs to protect the marine environment while promoting poverty alleviation, integrated livelihoods and a human-rights approach to development along the coast.

Our vision is of an equitable, sustainable and biologically rich and diverse marine environment that promotes small-scale fisheries, working towards poverty alleviation and sustainable local economic development.

We note that our small-scale fishing communities up and down the coast have lengthy histories of using and managing our marine resources as the basis for our life and livelihoods. We have developed extensive indigenous and locally based knowledge of the marine environment, and many of our customary, social and cultural practices are closely linked to our coastal livelihoods and use of marine resources. Our traditional fisheries thus have important cultural heritage value and are an integral part of the marine biodiversity systems in our coast.

We also note that in the past many MPAs have been imposed on local communities, dispossessing them of their access to resources, their local social and cultural rights and opportunities, and this has created a negative perception of MPAs amongst many fishing

communities. The way in which MPAs are currently being managed has meant that local communities have not benefited equitably. In some instances, MPAs have negatively impacted local communities’ livelihoods.

We are concerned that unsustainable fishing practices, especially those of the industrial and recreational sectors, coupled with land- and sea-based pollution, unrestricted tourism development along the coast as well as the influence of climate change, are impacting the sustainability of our marine environments. We believe that this requires an integrated approach to marine and coastal management, using a range of management tools. We note the international and regional biological diversity commitments to which South Africa has committed itself, most notably, the Convention on Biological Diversity (CBD), as well as a range of international fisheries management laws and policies, such as the Code of Conduct for Responsible Fisheries.

We urge our government to ensure that the new MPA policy and the new small-scale fisheries policy will work towards realizing the principles embodied in these international instruments as well as towards the principles contained in our Constitution and National Environmental Legislation.

We call for a human-rights-based, environmentally sustainable and integrated approach to MPAs based on the following:

- recognizing the rights of bona fide small-scale fishing communities living in, or adjacent to, MPAs and granting them preferential access to marine resources in these areas;
- recognizing the right to participation and the full involvement of fishing communities in all stages of planning and decisionmaking in all MPAs, recognizing their role and valuing their indigenous knowledge in the research involved in the planning process;
- recognize the importance of gathering information on the potential social, cultural and economic impacts on the local communities living in, and adjacent to, the area;

- affirming the principle of co-management and decentralization of decisionmaking, establish the necessary and appropriate institutional arrangements such as forums at local, regional and national levels that will work towards progressively achieving a partnership between government, communities and other stakeholders, including for each MPA. The development of MPA policy and planning must include representatives from fishing communities;
- involve local government municipalities and local and provincial forums and ensure integration of these structures with MPA planning and management at this level, where appropriate;
- ensure that governance and decisionmaking in MPAs is transparent and accountable;
- ensure that co-management committees and local forums are given the necessary power that they require in order to manage local resources effectively;
- ensure that the planning of offshore MPAs is done in an integrated way and is linked to the planning and management of inshore MPAs;
- ensure that local communities benefit equitably from MPAs, particularly from the introduction of non-consumptive use-related livelihood opportunities;
- involve communities in local monitoring of fishing and other activities in MPAs, drawing on the local knowledge of these communities;
- the design and planning of MPAs must take into consideration the specific needs of each area and design specific management plans for each area;
- design MPAs using zonation flexibly to maximize protection and benefits for both the marine ecosystem and local small-scale fishing communities, while creating opportunities for a wide range of users to enjoy the benefits of the marine environment;
- working towards restricting the use of all destructive practices such as industrial trawling, mining and weapons testing within MPAs;
- build the capacity of local communities and leadership to establish democratic process and representative structures at the local level, conduct training and raise their awareness about the objectives of MPAs;
- train young people from local communities and create opportunities for them to share their indigenous knowledge with visitors to MPAs;
- take specific steps and establish particular mechanisms to provide opportunities for women and youth to be involved and benefit from MPAs through education and alternative livelihood opportunities;
- take specific steps to create opportunities to educate children and to create bursary or funding opportunities for them to become involved in protected area management;
- provide financial support and subsidies to small-scale communities to develop their fisheries sustainably and appropriately;
- promote the exchange of skills and lessons across MPAs and communities living in, or adjacent to, MPAs;
- ensure the free flow and availability of information to local fishing communities;
- commit to the use of local labour in all projects to ensure equitable benefits for local fishing communities;
- commit to co-operative governance and intra-government co-operation across all three tiers of government and between all departments to work effectively together towards an integrated, sustainable approach to marine conservation and fisheries management. Ensure effective compliance and enforcements in each MPA to ensure that illegal harvesting is eliminated;
- build in systems that ensure there is regular feedback and reviews of the MPA and its impact on the local community and marine ecosystem; and
- ensure that government allocates sufficient human and other resources to manage this effectively.

—This Statement was made at Langebaan, South Africa, on 16 April 2010

: proposals arising out of the group  
 : discussions were synthesized by a  
 : small task group and a draft statement  
 : prepared. This statement was then  
 : further refined in plenary and accepted  
 : by the workshop (see box).

: In his closing statement to the workshop,  
 : Masifundise Director, Naseegh Jaffer,  
 : noted that the workshop was a historic  
 : one. He said that while the workshop  
 : had highlighted the gap between  
 : government policy and communities'  
 : experiences of MPAs, he was confident  
 : that it had helped to contribute  
 : towards the development of a more  
 : appropriate policy on MPAs, one that  
 : would ensure that small-scale fishing  
 : communities participate in the  
 : governance of MPAs and are able to  
 : benefit equitably from the social and  
 : ecological benefits of these areas. **3**

Also online at:



<http://www.icsf.net/SU/Sam/EN/56/art07.pdf>

# New Sense of Urgency

Jackie Sunde

**A recent biodiversity meet witnessed a renewed sense of urgency for real solutions that draw on communities' customary and local knowledge**

We have collectively failed to stem biodiversity loss, with potentially devastating consequences for all life on earth. We have failed to meet the targets set in 2002 at the World Summit on Sustainable Development. This was the message from Ban Ki-moon, Secretary General of the United Nations, presented by the United Nations Environment Programme (UNEP) in the third edition of the Global Biodiversity Outlook (GBO-3) launched at the 14th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the Convention on Biological Diversity (CBD), held in Kenya in May 2010.

This 14th SBSTTA aimed to prepare for the Conference of Parties meeting to be held later this year in Nagoya, Japan (COP10). The agenda included the preparation of recommendations to the COP on a range of issues, including, among others, the outcomes of a series of indepth reviews that have been undertaken on the Programme of Work on Protected Areas (PoWPA), on marine and coastal biodiversity, inland and mountain biodiversity, and forests and agricultural biodiversity. Under the spotlight was the CBD goal of achieving a significant reduction in the rate of biodiversity loss by 2010, and hence the future strategic direction of the CBD, goals, indicators and revised targets received specific attention. New strategies to “mainstream biodiversity protection”, based primarily on the “economics

of ecosystems and biodiversity” are being promoted by the UNEP and other multinational bodies as the key solution to the current crisis.

A report prepared for SBSTTA by the CBD secretariat on the progress made in implementing the PoWPA summarized progress at the global level, based upon the information contained in national reports and information gathered from Parties and organizations in a series of regional workshops that were held in preparation for SBSTTA. The progress report highlighted the fact that attention to marine biodiversity lags far behind that to terrestrial areas in nearly all aspects.

The report notes that while the terrestrial protected areas listed in the World Database on Protected Areas cover 12.2 per cent of the planet's surface area, the marine protected areas occupy only 5.9 per cent of the world's territorial seas and only 0.5 per cent of the extraterritorial seas.

## Promoting equity

In particular, progress towards implementation of the goal of promoting “equity and benefit-sharing” and the goal seeking to “enhance and secure involvement of indigenous and local communities and relevant stakeholders” has been limited. This review was complemented by the release of GBO-3, which contained sobering statistics on the state of the earth's natural resources.

This article is by Jackie Sunde (jsunde@telkomsa.net), Member, ICSF, and Researcher at the Environmental Evaluation Unit, University of Cape Town, South Africa in *SAMUDRA Report* No. 56, July 2010

*... while the terrestrial protected areas listed in the World Database on Protected Areas cover 12.2 per cent of the planet's surface area, the marine protected areas occupy only 5.9 per cent of the world's territorial seas and only 0.5 per cent of the extraterritorial seas.*

The report suggests that marine and coastal biodiversity continues to decline. Habitats such as mangroves, seagrass beds, salt marshes, shellfish reefs and coral reefs face continuing pressures. It is estimated that 80 per cent of the world's marine fish stocks, for which data is available, are fully or overexploited. Attention is also shifting towards deep-water habitats, although data for these areas is still limited. The GBO-3 report indicates that less than one-fifth of marine ecoregions meet the target of having at least 10 per cent of their area protected by 2012.

Regrettably, the report on the progress on PoWPA fails to identify and analyze the obstacles to the implementation of the programme. A key focus of the report on the PoWPA and the recommendations arising from it, however, did centre on the issue of 'governance'. At the regional workshops held in 2009, representatives from the indigenous peoples and local community organizations, as well as organizations such as the International Collective in Support of Fishworkers (ICSF) and the International Union for Conservation of Nature (IUCN), through its working groups and the Indigenous and Community Conserved Area (ICCA) Consortium, had lobbied strongly for the recommendations to SBSITTA to suggest that Parties need to promote and implement a range of governance types in the management of marine protected areas (MPAs) and to incorporate the assessment of governance in management effectiveness evaluations.

This focus on governance had arisen as there was a realization that MPAs around the world tend to be 'top-down' and State-driven, and ignore many community-based fisheries management and biodiversity protection initiatives. They also tend to include a narrow

definition of MPAs. Rather than recognizing the principle of 'sustainable use', there is a tendency to view 'no-take zones' as the only real form of protection, resulting in an inflexible approach to zonation that often deprives local fishing communities of access to the resources that they have traditionally depended on for their food and livelihoods. Relatively few countries have protected area legislation that recognizes plural legal systems and accommodates customary practices and local-level governance institutions.

A side event, facilitated by the Theme on Indigenous Peoples, Local Communities, Equity and Protected Areas (TILCEPA), the Centre for Environmental Economics and Policy in Africa (CEEPA) and the ICCA Consortium, at which ICSF made a presentation on MPAs, highlighted the contribution that indigenous and community conserved areas make towards protecting biodiversity, sustaining cultural and local knowledge systems, and building the resilience of local communities. Conservation policies and practices that fail to acknowledge the rights of indigenous and local communities to participate fully and effectively in the governance of natural resources violate their human rights and will undermine the integrity and sustainability of biodiversity protection strategies.

### **Climate change**

Strategies to mitigate climate-change impacts, incentives to reduce carbon emissions and strategies to promote the use of marine and coastal systems as a means of enhancing natural carbon stocks, especially in developing countries, emerged as key themes in the discussions on marine and coastal biodiversity as well as protected areas. Increasingly, the value of coastal habitats, such as salt marshes, in removing carbon dioxide

from the atmosphere is being recognized, drawing policymakers' attention to these areas and to the increasing development, population growth and other pressures that they are facing. Inevitably, this focus highlights the interactions of indigenous and local coastal communities with these ecosystems.

Several side events at the SBSTTA suggested a growing awareness of, and respect for, the value of indigenous peoples' and local communities' traditional knowledge in finding real solutions to biodiversity loss. Many side events focused on local, decentralized solutions that build on communities' own knowledge and experiences. Some of this was very positive, driven by the extremely strong and vocal presence of indigenous peoples' representatives. However, some of the emerging attention being paid to community-based management and local customary conservation practices hints at a utilitarian approach aimed at "harnessing local knowledge, building resilience towards and mitigating climate change", thereby saving the global community from rapid biodiversity loss rather than recognizing the inherent rights of indigenous and local communities to manage the resources that they use and depend upon.

The final draft text that will be taken to COP10 includes recommendations from the SBSTTA for work at national, regional and global levels. At the national level, the extension of representative areas under protection is encouraged, as is the integration of the PoWPA into national biodiversity plans of action. At the regional level, Parties are encouraged to promote transboundary networks of representative protected areas, while at the global level, the need for further capacity building and technical support is noted. The SBSTTA Working Group on Protected Areas responded favourably to several of

the recommendations from the Regional Workshops, aimed at building the capacity of Parties to implement PoWPA and, in particular, on strengthening the governance of protected areas. At this level, Parties to the SBSTTA noted the importance of governance issues and encouraged Parties to establish and/or strengthen a range of governance types for long-term appropriate management of MPAs and to incorporate good governance principles.

In addition to this focus on governance under Management and MPAs, a specific section in the recommendations focused on Programme Element 2 of the PoWPA, which deals with governance, participation, equity and benefit sharing.

Paragraph 27 invites parties to:

- (a) establish clear mechanisms and processes for equitable cost and benefit-sharing and for full and effective participation of indigenous and local communities, related to protected areas, in accordance with national laws and applicable international obligations; and
- (b) recognize the role of indigenous and local community conserved areas and conserved areas of other stakeholders in biodiversity conservation, collaborative management and diversification of governance types.

### Primary responsibility

Although the Working Group on Protected Areas has primary responsibility for MPAs, the issue of MPAs was also discussed in the Working Group on Marine and Coastal Biodiversity. This Working Group committed to providing Parties with support in improving the coverage, representative and network properties of the global system of marine and coastal

*Many side events focused on local, decentralized solutions that build on communities' own knowledge and experiences.*

protected areas, and has proposed new language on the expansion of MPAs in areas beyond national jurisdiction as part of the measures to promote sustainable use and protect marine biodiversity.

Trends emerging from the SBSTTA meeting have raised concerns amongst indigenous and local community representatives and NGOs about the future direction of the CBD and strategies to protect biodiversity. Most notable was the push by government and large conservation organizations for higher targets, despite the fact that key qualitative indicators of the existing targets, such as those on participation of indigenous and local communities, and equity and benefit sharing, have not been met, nor have the reasons for this failure been adequately analyzed. The promotion of the findings of the study on *The Economics of Ecosystems and Biodiversity (TEEB)*, which will be formally launched at COP10 in Nagoya, Japan, permeated the GBO-3 report, and the language of this study entered the official text as government delegations pushed for the valuation of ecosystem services.

The way in which the CBD's mandate to address the promotion and protection of rights to biodiversity, and the way in which policy and mechanisms for addressing biodiversity loss are being closely aligned with the United Nations Framework Convention on Climate Change (UNFCCC), have prompted fears that some of the influence of the CBD may become diluted by the relative power of the climate-change corporate sector. The large conservation organizations have considerable influence in using climate change and linked biodiversity loss statistics to push for higher targets for protected area coverage, but with little attention to more qualitative indicators that impact indigenous and local communities.

Much of the agenda appears to be driven by the climate-change technology corporate sector, which appears to be having some success in promoting 'technofixes' such as various permutations of the Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD), ocean fertilization, cloud making and other forms of geo-engineering, with little regard for the long-term impacts of these interventions on people, particularly on indigenous and local communities in developing countries. Not only is there no acknowledgement of the political economy of climate change in discussions surrounding mitigation strategies, but the discourse is totally lacking in any analysis of the gendered nature of the impacts of climate change and biodiversity loss.

Indigenous people, local community representatives and representatives from other civil society groups left the SBSTTA to prepare for COP10 with the concern that market solutions to biodiversity loss appear to be eclipsing debates about the sustainability of the current development trajectory and its impact on the freedoms of their communities. There is an increased sense of urgency ahead of COP10 for real solutions that draw on communities' customary and local knowledge and practices to protect global biodiversity. **3**

Also online at:

<http://www.icsf.net/SU/Sam/EN/56/art03.pdf>



# Diverse Areas

A collection of articles from *SAMUDRA Report*



ICSF is an international NGO working on issues that concern fishworkers the world over. It is in status with the Economic and Social Council of the UN and is on ILO's Special List of Non-Governmental International Organizations. It also has Liaison Status with FAO. As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns and action, as well as communications.