

7. Conclusion

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The need for adequate governance of MPAs in LDCs is commensurate to the significant territorial stakes created by their extensive maritime zones. Already, a significant part of this domain is officially protected as no fewer than 207 marine areas cover more than 563 000 km², with an average area of 2 720 km². The number of MPAs increases every year, mainly with the multiplication of community-based MPAs, particularly in the South Pacific and to a lesser extent in West Africa. Other challenges are biodiversity conservation (variety and productivity of coral, upwelling, estuarine or delta ecosystems) and issues related to identity claims based on the process of nature ownership development. However, the overriding issue is to reconcile conservation and human presence because human activities are tolerated in almost all LDC MPAs.

Prior to characterizing governance systems, the demographic and economic constraints faced by the governance and legal context of LDC MPAs must be highlighted. Governance of MPAs is subject to a number of constraints, the most important of which are demographic and relate to population densification and the growing mobility of populations residing inside or at the periphery of the areas. This densification is the result of one of the highest birth rates in the world; for example, in West African LDCs, at current rates, the rural population will double every 25 years. The increased population mobility over the last 30 years can be explained in part by the expansion in fishing capacity and in particular by the increase in the number of boats and by motorization.

However, in LDCs, MPA governance also faces two main economic constraints related to deregulation. The first one is the unchecked intensification of natural-resource exploitation (in fisheries, forestry, agriculture and agroforestry). Deregulation has resulted in a drastic reduction in public intervention tools and in administrations that now lack the resources to control this intensification. This illustrates the weakening economic role of States and the absence of management of a public nature. The second economic constraint on MPA governance concerns the growing openness of their economies, which leads to the imposition of a market systems logic and the integration of these areas into the globalization process. This constraint concerns all rural populations in LDCs, but an approach based on a supposedly “indigenous” nature of the populations concerned has often tended to play down and even deny the globalization impact on MPA residents.

The analysis of the legal context reveals the international inspiration behind the conceptual framework, the objectives and the conservation procedures of LDC MPAs. This analysis also leads to the legal definition of an MPA as, in most cases, the circumscription of an administered and regulated area. The study of the legal context shows that, in most LDCs, state and societal law coexist in these protected areas, as they indeed do more broadly in most LDCs where the State

and its administration negotiate with the civil society about how the law should be applied in order to achieve its objectives. Research undertaken in West Africa shows that an MPA is usually the manifestation of a strong legal state control of social space clashing with the resurgence of societal rights. This dual nature generates a new type of original negotiated law, neither entirely state-based nor purely societal, reflecting legal syncretism.

Constraints and legal context are characterizing elements of governance systems. However, such characterization requires the adoption of an analytical framework that draws on four sources of inspiration: (i) the interactive fisheries governance approach largely developed by the Centre for Maritime Research of the University of Amsterdam; (ii) the risk governance approach developed by TRUSTNET; (iii) the socioanthropology of mediations and brokerage, mainly developed by the *École des hautes études en sciences sociales*; and (iv) the governance analytical framework at the initiative of the IUED. The analytical framework presented aims to provide the foundation for a comparative approach applicable to all governance systems. It points to five essential themes that should be explored in order to give operational content to the governance concept:

- definition of governance problems;
- description of the norms with which governance should comply;
- classification of the governance actors;
- identification of the nodal points where actors' strategies clash;
- reconstruction of the process that led to the current governance system.

This analytical framework makes it possible to characterize the different MPA governance systems in LDCs. It has been applied to the two most important West African coastal and marine protected areas: the Banc d'Arguin National Park in Mauritania; and the Bolama Bijagos Archipelago Biosphere Reserve in Guinea-Bissau. Two governance systems have been identified: a hierarchical and instrumentalized system; and a community-based concession system.

The governance system of the Bolama Bijagos Archipelago Biosphere Reserve is based on the devolution of regulatory powers concerning resource access and use to traditional institutions belonging to the social organization of Bijogo society. This community-based concession system, based on the prevailing mutual trust paradigm, is encouraged by the authorities, insofar as a land law recognizes and ratifies all the traditional rights but no higher authority guarantees its public nature. This highlights the main deficiency of this governance system: the lack of resources of traditional institutions to exercise control over the maritime territory together with the weakness of the linkages between traditional and state powers. To remedy this weakness, norms for resource access and use could be jointly established by the residents and the State. Such cooperation could be supported by international NGOs and institutions that have the capacity to generate the necessary mechanisms.

The Banc d'Arguin National Park is an example of an MPA where governance is very strongly influenced by tribal affiliation. The strategic actors, who are the tribal faction chiefs or their representatives, contract obligations and make decisions in

the name of others, placing their authority within the tribal framework. However, the State has the final say, especially when tribal conciliation fails. Therefore, the administration is tempted to operate according to the prevailing top-down paradigm, the only one it really “masters”, but it often runs up against the weight of networks of influence and counterbalancing powers of tribal and regional origin that give the administration (more or less covertly) some of its legitimacy. In particular, the Imraguen populations claim the “compensations” to which they would be entitled given their loss of earnings owing to statutory constraints enacted by the administration. The arguments of legitimization or justification used by these actors reveal divergences, convey antagonisms, and mobilize support, which gives the governance system of the Banc d’Arguin National Park its specificity: a hierarchical and instrumentalized governance system.

The characterization of governance systems highlights their weaknesses, facilitating suggestions about how to restructure governance and the proposal of new public policy options. The main weaknesses concern: the limits of conventional fisheries management; the lack of financial sustainability; the disproportionate role of international NGOs and institutions; an incomplete decentralization process; and the fragmentation of the State and civil society.

The formulation of problems in conventional fisheries management terms does not promote the analysis of the various actors’ practices and interests, and this leads to little or no compliance with the fishery management restrictions. In LDCs, MPA governance is also hampered by the poor, unstable and unsustainable nature of their funding; the best guarantors of long-term funding are international assistance agencies, debt swaps and trust funds as well as an increase in entrance fees, licences and permits. The disproportionate role of international NGOs and institutions must be mentioned. These groups can be seen as eroding the regulatory power of the State rather than strengthening the public management of these areas. Incomplete decentralization is another weakness of MPA governance in LDCs. It manifests itself in the fact that local authorities have few or no fiscal prerogatives in the protected areas. Finally, the fragmentation of the State and civil society hinders local governance of MPAs – the former leads to compartmentalized international aid projects and coordination problems between deconcentrated administrative services within the protected areas; the latter is illustrated by the multiplication of associations, producer groups and local NGOs with very diverse and essentially irreconcilable objectives that undermines the efficacy of the concertation mechanisms.

Restructuring MPA governance in LDCs is essential in order to alleviate its current weaknesses. The two stages needed might be: (i) formalize law-based governance; and (ii) transform the way in which governance functions. Finally, restructuring governance should enable protected areas to become a strategic tool of national environmental policies.

Formalizing law-based governance can be achieved through the creation of coordination structures and the rehabilitation of “lead” administrations, which implies that state authorities recover their legitimacy by simplifying their

administrative processes, improving transparency and developing their functions. Formalizing law-based governance within the framework of the emergence of civil society must promote the participation of the residents of these protected areas in decision-making and public management.

Transforming the way that MPAs in LDCs function requires adapting their legal and institutional statuses and simultaneously adapting the means of action. Adapting the legal and institutional statuses aims at breaking down the barriers between conservation and socio-economic development. It consists, first of all, in establishing and implementing regulatory texts and decrees relating to economic control rules. Three actions can be distinguished. The first is to update the notion of “traditional fishing”, seasonal access rules and the regulation of trading activities and artisanal processing. The second is to redefine the role of cooperatives, producer groups and associations in order to extend their responsibilities in the organization of production and marketing. The third is the creation of socio-economic observatories to help improve the assessment of the systems’ capacity to adapt to conservation constraints on the production and the value enhancement of natural resources and, more generally, to advance understanding of social dynamics so as to better guide ongoing and future conservation projects.

Adapting the means of action requires that decentralization processes, currently incomplete, be finalized. To compensate for the fact that the process remains unfinished, residents’ local authorities should be allocated their own fiscal resources, and genuine administrative deconcentration should be undertaken. The completion of the decentralization and deconcentration process should contribute to removing a major obstacle, i.e. the weak relations between residents of these protected areas and the deconcentrated services. However, adapting means of action also requires the recognition and the guarantee of territorial-use rights in line with the recommendations of international conferences. Concession models, in the legal sense of the term, seem the most appropriate to the notion of territory building in the protected space. Concession gives territorial-use rights a double (State and traditional) legitimacy so that beneficiary communities may legally exercise their rights over a territory against non-qualified external actors. The interest of a concession is to establish community discipline in return for the acquisition of new rights under the conditions set out in the area specifications or in a code of conduct.

By transforming the way MPAs function in LDCs, this restructuring of governance should enable protected areas to become a strategic tool of national environmental policies. Integrating conservation projects into other sectoral policies requires that they be considered a part of a wider public policy and that the strong social and economic dynamics that characterize them are taken into account. These dynamics result in the MPA situation evolving continuously, and this, in turn, would cause a transformation in how the State functions that is favourable to mutations in both the law and the institutions.

A specific option of environmental public policy, ecotourism development, is often presented as an alternative and a viable complement to traditional

activities, especially given the great potential offered by the rich fauna and flora of these protected areas. However, this overview of West African coastal and marine protected areas reveals more or less serious weaknesses in the planning, integration and organization of ecotourism, and leads to the recommendation that its development should be community-based. Depending on the protected area, the assessment leads to stressing either the modalities for ecotourism community development, planning and comanagement or integration into the prevailing tourism pattern.

More generally, MPA governance in LDCs is hampered by the absence of a system to monitor public actions and policies, and this contributes to the weaknesses observed. However, the World Commission on Protected Areas has identified monitoring as one of eight critical factors in MPA performance. It questioned, on the one hand, the modalities for monitoring and assessing the efficiency of biodiversity conservation and management efforts *in situ* and, on the other hand, the modalities for communicating this information to citizens and public decision-makers. Data should be collected regularly and processed in order to show the true efforts deployed in management and their efficacy in terms of achieving objectives concerning ecosystem conservation and the improvement of the well-being of the local population.

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