

Agenda Item 5

Implementation of the Triennium Work Plan  
(2010-2012) – Other Issues

Document 5-07

**Governing Marine Protected Areas:  
Getting the Balance Right**

**Action Requested**

- Take note of the report

Submitted by

Secretariat



**NOTE:**  
IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR  
OWN COPIES OF DOCUMENTS TO THE MEETING

## Secretariat's Note

UNEP recently announced the release of “Governing Marine Protected Areas: Getting the Balance Right”, authored by Peter J.S. Jones and Wanfei Qiu (University College London, UK) and Elizabeth De Santo (Dalhousie University, Canada).

The Preface states:

Whilst there is currently much guidance available on how to manage marine protected areas (MPAs), there is less guidance available that considers MPAs from a governance perspective. This perspective poses a key question – how do we combine top-down, bottom-up and market approaches for reaching and implementing decisions in order to achieve effective and equitable MPAs?

It is widely accepted that all three approaches are important, but how might they be combined in different MPA contexts? The need to address this question has led to a new partnership amongst a group of governance experts and MPA planners and managers to initiate development of guidance on governing MPAs in seas under national jurisdiction.

Initial steps have included an international workshop supported by UNEP bringing together 20 MPA case studies from different regions around the world and different settings, and subjecting them to detailed analysis employing a governance analysis framework developed by Dr. Peter Jones, plus subsequent analysis of the findings and preparation of this report. The MPA case study analyses were focused on ‘deconstructing’ the complexities of MPA governance by employing 40 incentives from five categories. This technical report describes the findings of this research and is intended to provide a foundation for further case studies and discussion, employing the governance analysis framework, to provide a preliminary resource for MPA managers to consider how different incentives might be combined to support the governance of their MPA. It also resonates strongly with current debates in fisheries management about the role of incentives.

This document contains the executive summary. The full report and supporting materials are available for download at: <http://www.mpag.info/>.

## Executive Summary

Debates about how to govern marine protected areas (MPAs) are taking place in the much wider context of debates about how we should go about managing people and the social, economic, political and bureaucratic systems of which they are a part. These debates are not confined to recent times; for example, Plato's philosophies (*The Republic*, 360BC) consider the role of the state in 'steering' human affairs, the word 'governance' being derived from his use of the Greek verb 'to steer'. Since Plato, many other influential thinkers have put forward various observations, ideals and theories concerning the relative importance of the roles of different approaches to governance:

- state steer: government and law;
- market steer: capitalism and economies; and
- people steer: communities and civil society.

There is a growing recognition in governance debates that there is a need to move beyond ideological arguments as to which approach is 'best' or 'right' and, instead, develop governance models, frameworks and approaches that combine the steering role of states, markets and people. Such integrated, pragmatic perspectives enable us to move on from ideological debates about whether we should rely on the strong hand of state power, the 'invisible hand' of market forces or the democratic hands of the people, and to consider how the three approaches can be effectively combined. These three perspectives on environmental governance are represented in the more specific context of protected area governance, where they are discussed in terms such as the following:

*(1) Top-down:* the need for state control through laws and other regulations to ensure that biodiversity and natural resources are actually 'protected' against degradation and destruction;

*(2) Bottom-up:* the need to adopt community-based approaches to protected area governance that decentralise decision-making processes and empower local people by involving them in deliberations and decisions; and

*(3) Market incentives:* the need for economic initiatives to support alternative, compatible livelihoods, etc; the need to attach an economic value to biodiversity in terms of natural capital and ecosystem services, as a means of providing for balanced decisions; the need to attach property rights to environmental resources in order to promote economic rationalism.

Collaborative management or co-management is a common concept or narrative that is employed in natural resource and protected area governance, to explore the challenges of combining these three approaches, whereby local communities and the state work on a partnership basis to sustainably manage natural resource use and/or conserve biodiversity, potentially involving all three of the approaches listed above. Co-management arguably simply serves as a new framing device as to the relative emphasis that should be placed on the three general approaches outlined above.

MPAs are an important focus for debates concerning how these different approaches can be combined in co-management. It is widely accepted that the co-management of MPAs is the way forward, but there are many different interpretations of this concept and it is applied in many different ways amongst MPAs in different contexts. One way of considering the challenges of co-managing MPAs is to consider the question:

*What does "design and management of MPAs must be both top-down and bottom-up" (Kelleher 1999) actually mean in practice?*

Rather than exploring this question and the related debates through the literature, this research project aims to explore it through a range of case studies, employing a specifically developed case study

research approach – the marine protected area governance (MPAG) framework – to support getting the balance right between the three governance approaches and, ultimately, between the conservation of marine biodiversity and the sustainable use of marine resources. In examining the relative roles of state, market and people-steered approaches, the different case studies examined in this project will explore the proposition that whilst certain approaches are effective at addressing some challenges in some contexts, other sorts of approaches are generally required to address other challenges in other contexts.

The effectiveness of an approach or, more likely, a **combination of approaches** in a given case will depend significantly on the challenge and the attributes of the local context in which the challenge has emerged. In addition, the national and international contextual attributes, particularly those related to strategic statutory biodiversity conservation obligations, need to be considered. An important element of this approach is that case studies are analysed on the basis of the governance approaches that are actually effective in addressing conflicts and achieving conservation objectives, rather than on the basis that a particular category of governance approaches, based on state, people or market steer, should be effective. Protected area governance case studies are thus assessed on an open and realistic basis, rather than on the basis of theoretical and ideological ideals by which a particular governance approach might be considered to be ‘right’ or ‘best’. **The ‘bottom line’ for these case study analyses is whether the governance of a given MPA is effective in achieving specific conservation objectives and how governance might be improved in order to be more effective.**

The advantages of this case study approach are that it is based on empirical analyses that explicitly consider all aspects of the context of a given case study and that the case studies are deliberately sought in a representative variety of contexts. Furthermore, the analyses are designed to address which combinations of governance approaches are effective in a given context on the basis of what is observed in reality rather than on the basis of theoretical and ideological ideals. This will provide for case study analyses that are not biased by preconceived assumptions concerning the ‘best’ governance approach, but instead assess the actual effectiveness of different combinations of governance approaches. In turn this will provide for the development of governance approaches that appear to be effective in particular contexts, and thereby the development of ‘good practice’ that can be transferred to other MPAs in similar contexts. The key to such good practice in governing MPAs will be to combine the steering role of the state, markets and people through an appropriate balance of approaches, given the conflicts and context of a particular case.

This study will consider these sources of steer in terms of **incentives**, which are defined for the purposes of this project as:-

*Institutions that are instrumentally designed to encourage people to choose to behave in a manner that provides for certain strategic policy outcomes, particularly biodiversity conservation objectives, to be fulfilled*

These are divided into five categories that can be related to the three modes of governance discussed in the table on the next page:

<i>Economic incentives</i>	Using economic and property rights approaches to promote the fulfilment of MPA objectives.	Market steer
<i>Interpretative incentives</i>	Promoting awareness of the conservation features of the MPA, the related objectives for conserving them, the policies for achieving these objectives and support for related measures.	Supporting all three approaches
<i>Knowledge incentives</i>	Respecting and promoting the use of different sources of knowledge (local/traditional and expert/scientific) to better inform MPA decisions.	Supporting all three approaches
<i>Legal incentives</i>	Establishment and enforcement of relevant laws, regulations, <i>etc</i> as a source of 'state steer' to promote compliance with decisions and thereby the achievement of MPA obligations.	State steer
<i>Participative incentives</i>	Providing for users, communities and other interest groups to participate in and influence MPA decision-making that may potentially affect them in order to promote their 'ownership' of the MPA and thereby their potential to cooperate in the implementation of decisions.	People steer

Examining the 20 case studies on which this study focuses reveals a variety of different governance approaches employed to address MPA-related conflicts and to support the achievement of MPA objectives. Five broad approaches to MPA governance can be recognised in the 20 case studies. This categorisation is based on the defining characteristics and attributes of MPA governance, namely the allocation of authority and responsibilities between different parties and/or actors involved in governing MPAs, the type of rules that are followed in MPA decision-making and conflict resolution, and key incentives used to steer related processes.

### Approach I

#### **MPAs managed primarily by the government under a clear legal framework (government-led)**

MPA governance under this category is characterised by having a well established legal framework, with clearly defined MPA objectives, restrictions on different uses, jurisdictions and responsibilities of different government institutions, and rights and obligations of the public. Legal incentives are the key drivers in most MPA-related processes, ensuring that the statutory conservation objectives are fulfilled in MPA decision-making. However, the legal framework also provides a basis for community participation, which is guided by specific legal provisions as a means of promoting transparency, equity and compliance in achieving statutory MPA objectives. It is important to note that the MPAs categorised as government-led also employ the other four categories of incentives and that having a strong government lead certainly does not preclude opportunities for community participation, though legal incentives were most frequently cited as being both used and needed (Figure 2). MPAs adopting this governance approach are the Great Barrier Reef Marine Park (Australia), Darwin Mounds candidate Special Area of Conservation (UK), North-East Kent European Marine Site (UK), Wash and North Norfolk Coast European Marine Site (UK), California Marine Life Protection Act (US) and US National Marine Sanctuary System (US).

### Approach II

#### **MPAs managed by the government with significant decentralisation and/or influences from private organisations (decentralised governance)**

MPA governance under this category is characterised by a sharing of authority and responsibilities between central/federal governments and lower levels of government, or between government institutions and non-governmental/private organisations. MPAs are managed in accordance with

formal regulations and/or through partnerships and negotiations between different parties. A variety of governance incentives are employed in MPAs that adopt this approach, depending on the context and main focus of the MPA, but economic incentives were most frequently cited as being currently used whilst legal incentives were most frequently cited as being needed to improve governance (Figure 3). MPAs adopting this governance approach are the Sanya Coral Reef National Marine Nature Reserve (China), Seaflower Marine Protected Area (Columbia), Galápagos Marine Reserve (Ecuador), Karimunjawa Marine National Park (Indonesia), Wakatobi National Park (Indonesia), Tubbataha Reefs Natural Park (the Philippines), and Ha Long Bay World Natural Heritage Area (Vietnam).

### **Approach III**

#### **MPAs managed primarily by local communities under collective management arrangements (community-led)**

MPA governance under this category is characterised by local communities taking a lead in the conservation and sustainable use of marine resources, which is essential for the long-term social and economic well-being of communities. Community institutions (*e.g.* local fishing cooperatives) are often granted a significant level of autonomy to collectively decide the rules governing MPA management. External organisations, such as government departments and conservation NGOs, may have an important role in enabling and reinforcing such community initiatives, and ensuring that such community efforts are consistent with existing legal and policy frameworks, including the fulfilment of fisheries and biodiversity conservation objectives/obligations. Again, all categories of incentives are employed but economic incentives were most frequently cited as being used to promote community ownership of MPAs whilst legal incentives were most frequently cited as being needed (Figure 4). MPAs adopting this governance approach are Isla Natividad (Mexico) and Os Miñarzos Marine Reserve of Fishing Interest (Spain).

### **Approach IV**

#### **MPAs managed primarily by the private sector and/or NGOs granted with property/management rights (private-led)**

MPA governance under this category is characterised by non-governmental and/or private organisations taking the main responsibility for MPA management and enforcement. Such organisations are often granted with permanent property rights or temporal management rights to a particular area of sea, where they fulfil conservation and resource management responsibilities. Such organisations work independently, but often collaborate with public institutions to enhance the effectiveness of their conservation efforts. Incentives employed to steer MPA management vary between MPAs that belong to this category depending on the context as well as the core values of the leading organisation. Economic incentives were most frequently cited as being used to promote effective governance whilst legal incentives were most frequently cited as being needed (Figure 5). MPAs adopting this governance approach are Chumbe Island Coral Park (Tanzania) and Great South Bay Marine Conservation Area (United States).

### **Approach V**

#### **No clearly recognisable effective governance framework in place**

The development of MPA governance in this category is hindered by a lack of political will, leadership and capacity from all levels to develop effective governance structures and arrangements that would support the achievement of any MPA objective, often in the face of strong driving forces counter to conservation. Few incentives are successfully applied to address conflicts and steer MPA processes in this category and participative, interpretative and knowledge incentives were most frequently cited as

being used, whilst legal and economic incentives were most frequently cited as being needed to improve governance (Figure 6). MPAs adopting this governance approach are Baleia Franca Environmental Protected Area (Brazil), Pirajubaé Marine Extractive Reserve (Brazil), and Cres-Lošinj Special Marine Reserve (Croatia).

Overall, all five categories of incentives have been widely applied to steer MPA governance in the case study MPAs, based on the sum of the frequency with which individual incentives within each category are cited as being **used** (Figure 7), though there are differences in this respect between the case study governance approach groups. In general, across all 20 case studies, economic and legal incentives were more frequently cited as being used, but the differences are relatively minor. There are, however, greater differences in the frequency with which incentives within each category are cited as being **needed**. It is particularly notable that legal incentives were cited as being needed to improve governance more often (38) than the other four categories of incentives combined (total 27) (Figures 7 & 9). This illustrates the importance of legal incentives for improving and reinforcing governance frameworks, based on this sample of 20 case studies analysed through the MPAG framework.

The results show that although in the past decades, both the academic and policy communities have called for and adopted new approaches, such as collaborative management and the introduction of market mechanisms to effectively govern protected areas, improving MPA governance may still hinge on overcoming some of the 'old problems', which are as pressing now as in the past when a more top-down governance framework was in place. **Old problems waiting to be addressed in many MPAs include establishing a clear and strong legal basis to enable well-integrated conservation efforts to be taken across different sectors and jurisdictions. Perhaps more importantly, improving MPA governance cannot be achieved without generating sufficient state capacity, political will and resources for the enforcement of conservation laws and regulations.** This is partly because successful implementation of 'new' governance approaches may also require a strong legal basis, such as legal provisions to ensure local people's rights to participate in governance processes and to protect community property rights to natural resources against corporate development. In the face of strong driving forces, legal incentives are often essential in preventing over-exploitation by incoming and local users, which may lead to catastrophic declines in marine resources vital to the livelihoods of coastal communities.

A number of case studies also identify knowledge incentives as priorities to improve MPA governance, particularly an agreed basis for the use of precautionary approach, as well as economic incentives, particularly measures to reduce the 'leakage' of the economic benefits of the MPA away from local people. The reinforcement of community/user property rights is also identified by a number of case studies as a priority to improve MPA governance (Figure 9). Overall, the results show that MPA governance can become more effective, equitable and resilient to external driving forces if **different incentives are combined** to address conflicts and challenges.

In the preparation of the case study summaries (Volume 2), attention was drawn in the framework to a number of cross-cutting issues, as the workshop discussions and subsequent analyses indicated that such issues underlie the use and effectiveness of different incentives. These include *leadership, the role of NGOs, equity, stewardship, driving forces, and the key role of the state* (for more detail, see section 3.4). Notwithstanding the differences in context and the governance approach adopted amongst the case studies, some key factors can be identified as being particularly important for developing good MPA governance in most cases, including:

- provision of sustainable economic development opportunities within or adjacent to MPAs;
- fair sharing of economic benefits and costs from MPAs;
- public communication, education and awareness-raising on the importance/vulnerability of marine ecosystems and the benefits of MPAs;
- use of all available information and knowledge to guide/inform MPA decision-making;
- political will and capacity for passing and enforcing laws and regulations that provide for effective

MPA management;

- provision of opportunities for different user and public groups to participate in MPA decision-making processes;
- leadership from individuals and organisations within governments, NGOs, the private sector, academic institutions, and/or local communities; and
- strong sense of stewardship of the MPA among communities and users.

It is clear from these case studies that MPA governance should be considered in terms of how incentives can be combined, rather than whether any particular category of incentives is 'best', and that many incentives can be employed to support both top-down and bottom-up approaches. Accepting that all five categories of incentives have an important role to play in any given MPA context, the emphasis becomes one of combining the use of as great a **diversity** of incentives as feasible in order to develop a governance framework that is more **resilient** to the perturbing effects of driving forces (global fish markets, corporate tourism, incoming users, *etc*). As such, **discussions concerning the resilience of governance frameworks resonate with discussions concerning the resilience of ecosystems.**

In a similar manner, this study suggests that it is the **combination and inter-connection of different incentives from different categories that makes governance frameworks more resilient**, with legal incentives constituting strong links that reinforce the governance framework against potential perturbing driving forces, and incentives from the other four categories constituting weaker links, without which the framework is inherently unstable. Simple governance frameworks, consisting mainly of incentives from any one category, including strong legal or participative incentives, may not be resilient to the potentially negative impacts of driving forces on marine biodiversity and resources.

**Resilience in MPA governance frameworks is woven by complex webs connecting incentives from all five categories.** Recognition of this addresses the question "*What does 'design and management of MPAs must be both top-down and bottom-up' (Kelleher 1999) actually mean in practice?*" and will also allow us to move on from debates about which category of incentives is 'best' towards more practical debates about how incentives can be combined and inter-linked in order to develop resilient governance frameworks. It is planned that the 'menu' of 40 governance incentives developed through this study (Appendix 2) coupled with the MPA case study examples of how they have been combined in different contexts will constructively contribute to such debates and, more importantly, practices that provide for equitable and effective approaches to MPA governance.

It is envisaged that there will be three ways in which the marine protected area governance (MPAG) initiative can be taken forward:

- this technical report can be used as a framework for assessing governance issues in any given MPA, particularly the menu of 40 incentives, which serves as a list of potentially applicable governance approaches. This list of incentives can be coupled with guidance from the case studies describing how incentives have been used and combined in different contexts and which incentives were particularly needed;
- the findings of this phase of the MPAG initiative can be applied in a more in-depth manner to a smaller number of case studies, in collaboration with the project team, in order to test and refine them; and
- this MPAG analysis framework can be applied on a meta-analysis basis to a larger sample of MPA case studies, with the online assistance of the project team, and the findings added to those reported here in an expanding database of case studies. This will provide the further development and refinement of the framework and the findings, and further analyses of MPA governance issues based on a larger sample of case studies.

**It is planned that all three approaches will be pursued and a dedicated website for this project has been established to facilitate this and disseminate the findings – [www.mpag.info](http://www.mpag.info).**