

Policy, Legislation and Enforcement

Introduction

This review identified four key issues in coral reef management policy. These include legislation, zoning, transboundary issues and enforcement.

The failure of national laws to resolve and assign effective roles and strategies for natural resources management has caused increasing conflicts throughout the world. This is particularly evident in developing countries, where the social and economic conditions of its peoples are low (Dirhamsyah 2007). Many national laws tend to the state-centered, centralized approach for resource management and discourage any existing community-based systems. However, recent years have witnessed the emergence, in an increasing number of countries, of important new laws designed to be more supportive of community initiatives.

An adequate and appropriate legal framework will promote sustainable development and management of coastal and coral reef resources. The complicated and inappropriate legal framework currently place in many developing tropical countries has contributed to serious degradation of coastal and marine resources. This degradation has been exacerbated by the lack of national marine policy, severe weaknesses in enforcement of natural resource laws and regulations. Often there is a general malaise or lack of commitment to sustainable management and development of natural resources.

Key Lessons Learned and Recommendations

Legislation

- A strong legislative basis arising from strong local and participatory support helps secure long-term commitment from various parties.
- Identify the level of controversy around legal options and legislate the least controversial actions first. Where possible, have alternate options for persons whose livelihoods may be subsequently impacted.
- Consider species functional roles in ecosystems for legal restrictions (i.e herbivores, sea urchin eater, etc).
- Enact legislation promptly in order to avoid delays establishing proposed management.
- Democracy and transparency are important to obtain broad participation.
- Use participatory processes to develop and implement legislation.

Zoning

- Clear objectives and participatory processes reduce conflict and increase compliance and promote project sustainability.

- There should be clear negotiation and establishment of the objectives of zoning during the consultation process.
- Indigenous knowledge should be collected and integrated to avoid conflicts.
- Biological and socioeconomic assessments are essential inputs to background information.
- GIS and participatory mapping can be useful tools for zoning and rationalising roles and responsibilities among government organisations and other stakeholders.
- People need to be educated about the zone boundaries and permitted uses, alongside training in ways to reduce human threats.

Transboundary issues

- Plan for the considerable time needed to resolve complex issues in policy harmonisation for shared resources.
- Ensuring clarity of boundaries or jurisdiction helps prevent slow or impeded implementation.
- Plan for cultural, geopolitical, and language differences.
- High level political comment is crucial.

Enforcement

- Laws, permits, zones, etc must be consistently enforced to build confidence and avoid disenfranchisement of users.
- Fairness and transparency is needed in enforcement. This may require recruiting enforcement officers from other areas.
- Good record keeping and systematic evaluation of performance is critical.

Conclusions

- Laws need to be pragmatic and address root causes but not be unrealistic in the ability of people to change their behaviour.
- Zoning requires knowledge gained through a participatory process and that is well integrated with tools such as participatory mapping and GIS.
- Policies that include more than one country will require time to integrate and may often need to be agreed on prior to implementation.
- Rapid and fair enforcement is essential to achieve continued support, faith, and compliance in new management.