



Indigenous peoples' rights and marine protected areas



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A B S T R A C T

Marine protected areas (MPAs) are inherent to international commitments to protect the oceans and have the potential to recognize, honour, and re-invigorate Indigenous rights. Involvement of Indigenous peoples in the governance and management of MPAs, however, has received little attention. A review of the literature revealed only 15 publications on this topic (< 0.5% of papers on MPAs). In these case studies, governance arrangements of MPAs involving Indigenous peoples ranged from state-led to community-based, and included a spectrum of approaches in between. Cultural goals—which are compatible with biodiversity conservation—were emphasized by Indigenous peoples, and ecological goals were prevalent in state-led marine protected areas. Achievement of at least some cultural goals was the most common mention of success, whereas social issues were the most common challenge. Additional work is needed to ensure that existing and future MPAs serve the dual goals of biodiversity conservation and supporting Indigenous rights.

1. Introduction

Global concern is mounting about declines in marine biodiversity and the potential repercussions for human well-being (e.g., loss of livelihoods, food insecurity), requiring improvement in marine conservation and resource management [1,2]. International agreements, such as the Convention on Biological Diversity's Aichi Target 11, set the stage for countries to protect marine ecosystems by establishing conservation measures such as marine protected areas (MPAs). At the same time, there is increased recognition that people who depend on the marine environment for their well-being and livelihood will be positively or negatively affected by MPAs [e.g., 3,4]. The effects of MPAs or their absence, may be particularly strong for Indigenous peoples whose cultural integrity remains closely linked to the health of ecosystems where they harvest traditional resources [e.g., 5]. Indeed, a growing literature identifies the notion of “ocean grabbing”: the contested nature of MPAs as places where conservation initiatives can deprive small-scale fishers of resources, and/or undermine access to areas that have been historically important to a given community [6].

Yet some Indigenous peoples see spatial management, such as MPAs and spatial fishery closures, as a way to recognize, honour, and (re-) invigorate Indigenous rights [7,8]. Declining marine resources are of particular concern to Indigenous peoples because depressed stocks limit their ability to fish for traditional resources [9,10], an essential activity for continuing cultural practices and transferring traditional knowledge across generations. The UN Declaration on the Rights of Indigenous

Peoples [10] affirms the inherent rights of Indigenous peoples, differentiating them from stakeholders [11], and marine spatial planning needs to account for these rights. Establishing MPAs to support and reinvigorate Indigenous rights, therefore, is a promising path forward towards addressing social injustices and simultaneously enhancing biodiversity conservation.

There is a strong cultural basis for combining Indigenous rights and biodiversity conservation. Traditional forms of marine spatial management, though varied in implementation and application to match local ecosystems and customs, are ubiquitous in Indigenous cultures that rely on marine resources [5]. For example, marine customary tenures delimit areas of the ocean where rights of access and extraction are limited; ‘periodically harvested closures’, common in Melanesia and Polynesia, are off-limits to extractive activities except when opened for fishing for special occasions (e.g., village feasts, funerals, meeting cash needs) [12]; and Indigenous enhancement strategies (e.g., transplanting of eggs and improvement of spawning grounds) support biodiversity [13]. Such practices are underpinned by worldviews that embed respect for other living beings into customs that guide conservation practices (e.g., take only what you need) [13,14], and are maintained through stories, Indigenous laws and traditions [5]. Indigenous marine management practices and marine conservation are thus generally well aligned. However, while Indigenous management of oceans was prevalent, such management has declined in many places because of the effects of colonization and marginalization of Indigenous peoples [15,16].

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Given the potential importance of establishing MPAs to protect marine biodiversity [17], and the responsibility to address past wrongs committed to Indigenous peoples [18], the nexus of MPAs and Indigenous rights warrants urgent investigation. Accordingly, published case studies reporting on Indigenous involvement in MPA governance or management were examined to investigate the following questions: How frequent are investigations at the confluence of Indigenous rights/management and MPAs in the peer reviewed literature? What has been the involvement of Indigenous peoples in MPA governance? Are the goals of Indigenous and non-Indigenous MPA management congruent? What are the successes and challenges of Indigenous peoples' involvement in MPA management?

2. Literature review methods

The Web of Science database was used to search for key phrases and words to capture the intersection of MPAs and Indigenous peoples (Supplementary Table 1). The United Nations uses the following working definition of Indigenous peoples: "Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them" [19]. Search terms included common phrases for Indigenous peoples (Supplementary Table 1). Thus, publications had to use one of these phrases to appear in the search results, and had to describe the people involved in MPAs as such. Explicit recognition of the involvement of Indigenous peoples was important in this review as it recognizes common issues across the world. Similarly, synonyms for MPAs were used in the database searches (Supplementary Table 1). The titles and abstract of all search results ($n=68$) were examined to assess relevance for full review based their focus on (1) existing MPAs (i.e., not included were studies about proposed MPAs, hypothetical studies, or opinion pieces), and (2) Indigenous peoples' involvement (or lack thereof where explicitly discussed) in MPA governance and/or management. Citation-tracing was also used – review of literature cited in the articles selected for full review – to identify additional relevant papers.

Articles that met the criteria were then read in detail for the following elements. First, the case studies (the MPAs, Indigenous peoples involved, countries) were summarized, focusing on the involvement by Indigenous peoples in governance and management of the MPA. Second, the goals of the MPA were reviewed, noting when different goals were mentioned by state managers and Indigenous peoples. Third, mentions of social and ecological successes of the MPAs were assessed. Finally, social and ecological challenges encountered were tracked. The interpretations of the papers reviewed were retained as to what constituted a success or challenge.

3. Results

3.1. How frequent are investigations at the confluence of Indigenous rights/management and MPAs?

Few articles focused on Indigenous peoples' involvement in MPA governance and management ($n = 15$; 12 journal articles, 2 reports, 1 book chapter), with the first appearing in 1999. Some of the articles discussed multiple MPAs and several examined the same MPAs, for a total of 13 case studies (i.e., MPAs, or countries with MPAs). Most articles were about Oceania (Australia, New Zealand, Fiji, Samoa, Vanuatu, Cook Islands, Palau), with Canada, Panama, and the United States of America also mentioned (Fig. 1). These works represent < 0.5% of MPA articles catalogued in Web of Science (~7000 papers), suggesting that Indigenous peoples have, so far, rarely been involved in MPA governance or management in the peer reviewed literature.

3.2. What has been the involvement of Indigenous peoples in MPA governance?

Governance arrangements of MPAs involving Indigenous peoples ranged from state-led, where governments have the sole power to govern, to community-based, where communities govern MPAs without state involvement. A spectrum of approaches existed in between, with co-management as the equitable sharing of decision-making power [20,21]. The approaches that emerged from the review were categorized as follows: community-led ($n = 3$ of 13 cases), community-led and supported by the state ($n = 2$), co-managed ($n = 1$), community-driven but where the state had ultimate decision-making power ($n=3$), state-led with community support ($n = 1$), and state-led ($n = 3$) (Fig. 2).

All community-led MPAs involving Indigenous peoples uncovered in the literature review stemmed from Oceania. In many countries in Oceania, customary marine tenure systems were historically very strong, and are being revitalized [15]. Sometimes MPAs were described as a tool similar to closed areas used traditionally (i.e., Samoa, Vanuatu, Cook Islands), whereas in other instances MPAs were an adaptation of traditional tools (i.e., tabu areas in Fiji) [15,22,23]. Some MPAs were led by Indigenous communities ($n = 3$, 23%), and others were community-led with state support ($n = 2$, 15%). For example, in Samoa, the constitution was amended in 1990 to recognize the authority of chiefs and councils, including the right to manage nearshore fisheries. Village councils are now able to pass bylaws to have their regulations about nearshore fishing grounds legally recognized [15,24].

The only MPA with co-management elements in its governance was the Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site in Canada. A management board is comprised of equal representation from the Haida First Nation and federal government representatives (Parks Canada, Fisheries and Oceans Canada) [25]. Governance is based on years of experience of the adjoining terrestrial national park. Still, legally the Minister has ultimate decision-making power, although in practice co-management has prevailed.

In some instances ($n = 3$, 23%), the state provided options for Indigenous communities to develop marine conservation measures that they can then review for potential implementation. This is the case for the Great Barrier Reef Marine Park's Traditional Use of Marine Resources Agreements (TUMRAs) in Australia [8,20,26], and New Zealand's *mātaimai* and *taiapure* Maori-managed areas [25,27,28]. In these cases, while Indigenous communities can propose their visions for conservation and management for small areas, the power to implement rests with the state.

State-led MPAs ($n = 4$, 31%) that allowed for limited involvement of Indigenous peoples in their governance were from the USA, New Zealand, Australia, and Panama. The Papahānaumokuākea Marine National Monument in Hawai'i, USA, has Native Hawaiian interests represented through the Office of Hawaiian Affairs as one of three co-trustees. New Zealand's marine reserves and Australia's Great Barrier Reef Marine Park (in areas not designated under Traditional Use of Resources Agreements) acknowledge the importance of Indigenous interests but do not have co-governance arrangements [8,27,29–31].

The Bastimentos Island National Marine Park in Panama is an example of a failed attempt to have Indigenous interests reflected in a MPA management plan [32]. The National Marine Park was established by the state in 1988 without consulting local communities, including the Ngöbe Indigenous people. Some stakeholders and representatives of the Ngöbe Indigenous people protested that their needs were not considered when the park was developed. A group of concerned citizens in the region responded by developing a management plan for the Marine National Park, as the park had previously been operating without one. To do so, they formed a "Consulting Assembly" that included representatives of four NGOs, nine governmental organizations, a US-based scientific organization (Smithsonian Tropical Research Institute), funding agencies (The Nature Conservancy and PROARCA/COSTAS), eight Indigenous communities and two non-Indigenous communities

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