



Moving beyond a top-down fisheries management approach in the northwestern Mediterranean: Some lessons from the Philippines

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ABSTRACT

The management of fisheries resources in the northwestern Mediterranean is traditionally centralized and developed within the framework of coastal states and European Union common policies. In general, it has not been sufficiently effective in reversing the declining situation of fisheries resources and fishers in this region. This paper discusses the feasibility of moving away from a top-down approach in fisheries management towards a more participative and convergent mode of governance in the region. More specifically, the study focuses on MPAs as a fisheries management tool and evaluates their current establishment and management system in the French Mediterranean as a case study for the region. A brief review of the experiences on fisheries and MPA management in the Philippines is also presented to obtain insights on bottom-up and collaborative management approaches. Finally, possible opportunities for adopting a more decentralized and coordinated approach in fisheries management within the French socio-political system, and possibly in the northwestern Mediterranean region, are discussed. These include the existence of fishing community organizations in the region, such as the *prud'homies* in France and *cofradias* in Spain, starting with management strategies that are simpler to enforce and more acceptable to direct users, e.g., fishery reserves, and exploring co-management arrangements to manage fisheries at ecologically meaningful but operationally manageable scales as has been proposed by some development organizations. However, effective changes in the system would require major national policy and institutional reforms, social preparation and organizational strengthening which would take time and resources.

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1. Introduction

Capture fisheries production has been declining since the late 1980s at an alarming rate and magnitude [1], and has even been projected to collapse by 2050 [2]. This has raised the urgency to implement proactive management measures that would prevent its further decline and facilitate its recovery and sustainability. Classic fishery management has focused on the management of catch or effort [3,4], and has not been as adequately effective in reviving depleting fisheries as expected [5]. Of the various fishery management tools that have been implemented, marine protected areas (MPAs) have emerged as a popular management strategy because of their simple enforcement, conservation benefits and potential fishery enhancement effects [3,6]. The primary motivation for MPAs was initially for conservation of endangered species

or habitats, but it later became evident that they could also be important for fisheries and coastal communities [7,8].

In the Mediterranean, particularly in the northwestern region, most of the MPAs have been established primarily to protect habitat and biodiversity but infrequently to sustain fisheries [9]. However, the increasing body of empirical evidence from various studies in the region have shown positive ecological effects of MPAs and their potential to improve fisheries (see review by Garcia-Charton et al. [10]). This is a significant development since the estimated volume of capture fisheries in 2005 by member countries of the European Union (EU) in the Mediterranean Sea has been reported to be 20% lower than in 1995 [11]. Thus, the urgency to improve fisheries and to implement more effective management measures is high. One priority objective of protection relative to fisheries in southern Europe is the reduction and/or control of trawling activities [12]. This framework has led to the development of several Mediterranean MPAs with multiple-use zones (e.g., Port Cros in France, Tabarca in Spain), which have been relatively successful in achieving their biodiversity conservation goals

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while also allowing the persistence of small-scale artisanal fishing within the managed areas [13].

The management of fisheries resources in the northwestern Mediterranean is highly centralized and state-controlled, being implemented within the framework of the EU—Common Fisheries Policy (CFP) [14]. Created in 1983 as the management tool to govern fisheries within the EU member states, the CFP has been met with dissatisfaction especially among fishers in the Mediterranean region (e.g., Weber and Antona [15]). The CFP has been highly criticized to be too top-down, unilateral and remote, with policies being decided in Brussels, and even the major reforms in 2002 have not significantly changed its structure [16]. Moreover, many commercially important fish stocks have continued to decline, implying the CFP's failure to conserve fisheries resources within EU waters [17], especially in regions with distinct fisheries characteristics (e.g., dominantly artisanal, highly diverse species rather than single stock) such as the Mediterranean. In fact, there is currently a large gap in the fisheries legislation at the EU level that adequately addresses management and sustainability issues of the multiple-gear, multi-species fisheries based on a territorial approach [18] in the Mediterranean. This raises the question of whether other governance modes, e.g., bottom-up, market incentives, collaborative management [19], may have to be adopted to improve fisheries management in this region.

The present study explores the feasibility of moving away from a top-down approach in fisheries management towards a more participative, and perhaps convergent or co-management, mode of governance in the northwestern Mediterranean region. More specifically, the study focuses on MPAs as a fisheries management tool and evaluates their current establishment and management system in the French Mediterranean as a case study for the region. In France, decisions in the establishment of MPAs (and fisheries regulations, in general) mainly rest on the national government and usually in compliance with various EU-level directives, although management can include devolved arrangements with regional authorities or other local institutions. Within the European legal framework, the protection of habitats and natural resources consists of three major directives: 1) the “Birds” directive in 1979; 2) the “Habitats, Fauna and Flora” directive in 1992 (including marine ecosystems); and, 3) the Marine Strategy Framework Directive (MSFD) adopted in July 2008. The implementation of the first two tools has enabled the development of an extensive network of terrestrial, coastal and marine protected areas, commonly known as the Natura 2000 network (including “Natura 2000 at sea” developed since 2010). Natura 2000 sites are categorized either as “special areas of conservation” or “special protection areas” and must meet a number of requirements that are somewhat restrictive, depending on the environment and the species involved, as well as the threats that affect them (rankings annexes). Meanwhile the main objective of the MSFD is to achieve “good ecological status” (GES) for the marine environment not later than 2021 and to improve the conservation status of marine biodiversity. Explicit links are established with the CFP implemented in the European regulation of 2002 (see below), particularly on the need to consider the harmful effects of certain fishing techniques on the habitat (e.g., impact of bottom trawling) or on some species (e.g., selectivity and by-catch) and the development of health monitoring programs due to risks of pollution on fish species caught for human consumption.

At this point, it is important to note the different legal tools under EU law. European directives are legal tools that are rather special because they do not have a “direct effect.” Instead, goals (obligation of result/performance) are set, leaving the States to decide on how to achieve them. Thus, they apply to the Member States only after a relatively long process of transposition into national law (transposition deadlines are set by the directive

itself) that can make the directive effective and enforceable. This means that states use their own legal instruments (e.g., laws, decrees, orders) to transpose and implement EU directives. On the other hand, European regulations represent another major legal tool which have a “direct effect,” i.e., they are applied directly and “in their entirety” on Member States. Hence, regulations have higher value norms than directives, and, as such, are often referred to as “European laws” because of their general and impersonal nature. With regard to fishing activities, the current text is the Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy. A specific regulation has been adopted by Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea. In Articles 5, 6 and 7, the regulation provides the possibility for member States to establish “fishing Protected Areas and the possible management measures to be applied therein, both in waters under their jurisdiction and beyond, where the “protection of nursery areas, spawning grounds or the marine ecosystem from the harmful effects of fishing requires special measures.” The next article stipulates that “(..) the Council shall designate, within two years from the adoption of this Regulation, fishing protected areas occurring essentially beyond the territorial seas of member States, concerning the types of fishing activities banned or authorized in such areas”. For its part, Article 7 confirms that national fishing zones are determined by the Member States within the limits of territorial waters (12 nautical miles), according to the rules and principles of national sovereignty respect, in accordance with international law (UNCLOS convention, 1982). This document is supplemented by technical regulations for the control of fishing effort, by management measures for fishing activities (management plan, control, vessels identification, etc.), as well as by provisions for recreational fishing. The reform of the CFP occurs about every 10 years. This mechanism, particularly complex (political and institutional), is engaged for two years and the future European regulation in development should enter into force from 1 January 2014 (see below).

Because of limited resources and, more notably, the multiple-species nature of Mediterranean fisheries compared to large-scale, single-stock fisheries in the north of France, this top-down approach has not always been sufficient for effective management in the region. For instance, a growing number of experiences in other countries have shown that involving stakeholders and local community groups in MPA planning and implementation can help improve and sustain management (see Badalamenti et al. [20] for more discussion). The French Mediterranean is a unique area because of the existence of a specific institution representing the fishing communities (“*prud'homies*”), which have been known to exist since the 14th century to oversee the fisheries sector in their respective and recognized territories [18]. The functions of these *prud'homies* are threefold: (1) regulate fishing activities within their space (production of norms under control and validation of the administration); (2) control the exercise of fishing activities and penalize offenders (community discipline); and (3) resolve conflicts between professional fishers and make judgments (dispute settlement). These three original functions have not kept all their force today. The members of the *prud'homies* are all professional fishermen, and therefore highly dependent on the state of the coastal and marine resources. Some *prud'homies* have already been involved in setting up fishery reserves (*cantonement de pêche*) (e.g., Seytre and Francour [21,22]) but their participation in the day-to-day management is often limited or even nonexistent.

The paper first describes the status of fisheries management in France. The French Mediterranean case study uses information

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