



International Tropical Marine Ecosystems Management Symposium 3

Global Problems, Local Solutions

Enforcement and Investigation Theme

Abstracts for session 3: Role of Community, Volunteers & Educational Institutions

SOCIAL PARTICIPATION IN MARINE RESOURCES LAW ENFORCEMENT IN MEXICO

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Committees represent a fundamental strategy of the Environmental Protection Federal Prosecutor (PROFEPA) to guarantee the adequate use and permanent protection of natural resources in Mexico. These committees are spaces where citizen, social organizations, research and educational institutions and local authorities converge with federal authorities in surveillance functions to protect and preserve natural resources. The objective of the committees is to provide the basic elements of the legal framework that regulates the use of natural resources, to the communities inhabitants that make use of the resources or that want to protect some ecosystem or living resources in particular. The committees act through communitarian guards that promote the protection and conservation of natural resources among the members of their community; their capacities are built by the competent authority and they carry out their activities in close coordination with inspection staff of PROFEPA, in compliance with the surveillance program previously elaborated by the committee. The participating surveillance strategy guarantees a wider coverage of the guarded zones, activities and resources, dissuades alleged offenders about committing unlawful acts and at the same time reduces irregularities and illicit acts on the natural resources of the country.

ENFORCING REGULATIONS ON NO-TAKE AREAS WITHIN LORETO BAY NATIONAL PARK AND SAN PEDRO MARTIR ISLAND BIOSPHERE RESERVE: AN INTEGRATED GOVERNMENTAL AND NON GOVERNMENTAL COLLABORATION EFFORT

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Since 2001 Comunidad y Biodiversidad, A.C. (COBI) and the National Commission on Natural Protected Areas (CONANP) have been promoting no-take areas or fully protected reserves within marine protected areas (MPAs) in the Gulf of California as a management and conservation tool. Nowadays there are 9.6 km² of no-take areas distributed in San Pedro Martir Island Biosphere Reserve (SPMIBR) and Loreto Bay National Park (LBNP). As part of a project called *Design and Evaluation of No Take Areas in the Gulf of California*, a set of indicators (social and ecological) were developed and monitored in order to assess the effectiveness of the no-take areas. In this paper we presented the results of the social indicators: 1) effectiveness of the communication program of the rules and zoning and 2) the fulfillment of no fishing within the no-take areas by a regular and surprise surveillance and patrolling program. In both MPAs the compliance of no fishing had been increasing mainly due to the weekly presence of the official boat. We conclude that governmental and non governmental collaboration requires: 1) a specific objective, plan and roles, 2) understanding of the different time scales that both organization work, 3) mutual trust on the implementation when one of the groups could not be present and 4) sharing of the costs (financial and human resources).

A STUDY ON COMMUNITY BASED LAW ENFORCEMENT IN TAYABAS BAY

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Fisheries are important resources in the Philippines. They account for at least seventy percent of the protein requirement of the eighty million Filipinos. Because of continued utilization, the resource itself is in the state of severe degradation. A noted cause of the degradation is often, the failure to implement existing policy.

By Law, natural resources management was the domain of the state and its political subdivision. Except perhaps for community enforcement in more traditional Filipino societies, policy making and enforcement of Philippine fisheries law are sole functions of government. It was only in the nineties when ordinary members of communities started to implement formally legislated law. This form of law enforcement, which we now call community based law enforcement, appeared to be regular, deliberate and organized.

Community based law enforcement exist in the fishing sector. Community based law enforcers are active, for instance in Tayabas Bay, where the present study was conducted. However, their role and contribution to the

total resource management effort is yet to be documented and understood.

Using various research methodologies such as library and archival research, survey, focused group discussion, and correlation analysis of data, the study shows that community based law enforcers, contributed substantially to the total law enforcement effort in the ten municipalities covered by the study.

The other significant findings of the study are the presence of repeat offenders and repeated use of similar vessels in the commission of fishery violations. A structured survey was conducted to answer the reason for repeated violation, most respondents cited lack of other livelihood opportunities available to violators, this was followed by the observation that low penalty is meted out to violators. The third reason cited is that illegal fishing is easy and there is big money in it.

Recommendations on how to curb illegal fishing practice, especially among the repeated offenders include meting of stiffer penalties in the form imprisonment, provision of alternative livelihood opportunities, strict implementation of law and confiscation of fishing boats and paraphernalia.

The other question that the study tried to determine are the factors that lead to the formation of community based law enforcers, the source of their authority as well as the validity of their action. Also taken up are the enabling factors that facilitated their work as volunteers and the factors that tend to decrease their effectiveness.

Result indicates certain events and trends that influence the increase or decrease in the total law enforcement effort by communities. Success in law enforcement efforts has direct relationships with trainings, organizations and availability of both material and political support.

The study shows that while community law enforcers can help enforce the law, commensurate penalties must be had, to effect deterrence. The number of recorded repeat offenders in the study suggest, that apprehension filing of cases and even conviction is not enough to deter violators of fishery laws. Appropriate sanctions must be given and confiscations must be had in certain instances.

More importantly however, the government and other concern agencies must address the pressing problem of poverty. As the study indicates, lack of viable income opportunities is the number one cause of repeated and continuing violation of fisheries law in Tayabas Bay.