



THOUGHTS FOR RIO +20 AND THE WORLD CONSERVATION CONGRESS JEJU 2012



Textbox 1

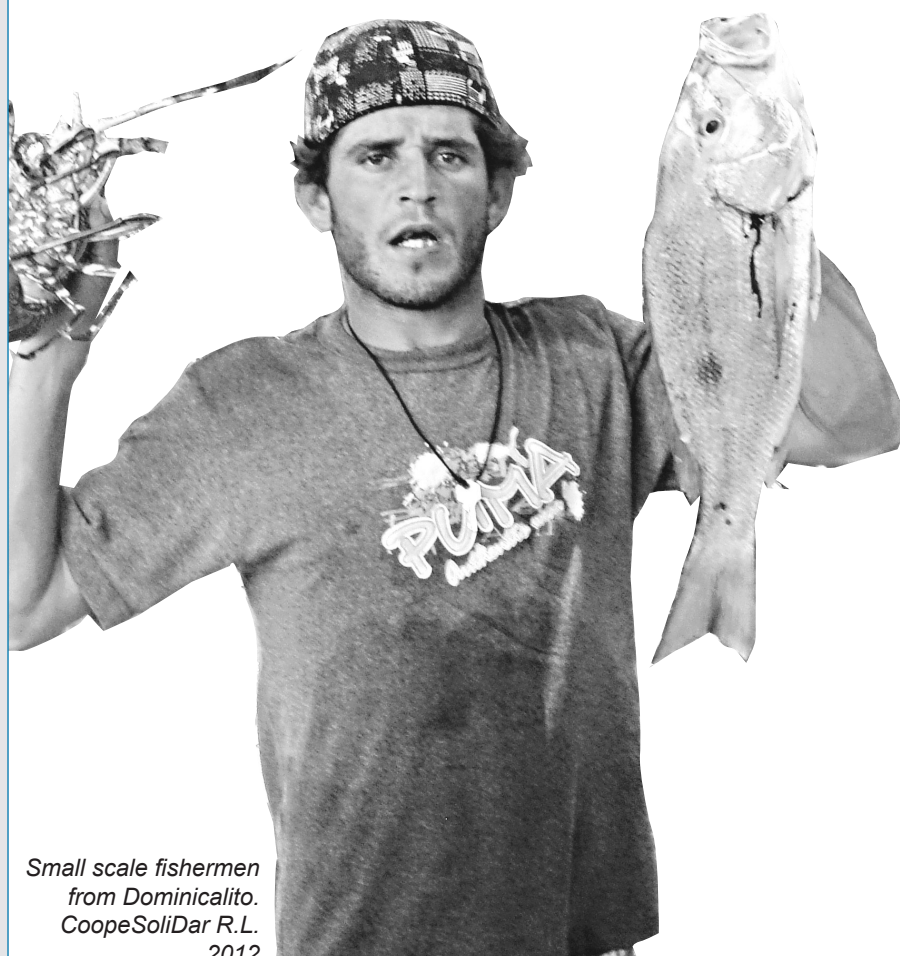
Why should you read this document?

Due to an apparent collapse of global fisheries that results from an unequal model of development and management of the Ocean, we are experiencing a rapid growth of marine conservation initiatives in Latin America. As we recognize the enormous dependence of coastal communities on its coastal marine resources in terms of food security, local economic security, and survival, we must necessarily reflect on:

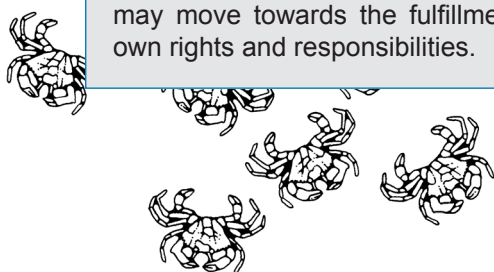
1. The management and conservation of marine resources cannot and should not be handled in the same way as continental conservation efforts.
2. The construction of knowledge for the management of coastal marine resources requires comprehensive and creative new methodologies as well as efforts linking the management of local fisheries and the preservation of ecosystem resilience with local knowledge.
3. The small-scale fishermen must be perceived as allies and not as a threat to marine conservation efforts.
4. A global effort meant to recognize the human rights of workers in small-scale fisheries should be fostered. It should guarantee access to marine resources, good life conditions, and the strengthening of their culture and identity.
5. New institutional arrangements are required to ensure the effective participation of all the parties involved in marine conservation, so sharing the power in decision-making and in the building of sustainable partnerships in which the different actors may move towards the fulfillment of their own rights and responsibilities.

CONSERVATION OF MARINE PROTECTED AREAS IN COSTA RICA:

WHAT ABOUT ITS PEOPLE?



*Small scale fishermen
from Dominicalito.
CoopeSoliDar R.L.
2012*





*Tarcoles – Costa Rica.
Foto Pablo Cambronero.*

Executive Summary:

Globally, there is a growing concern about increasing marine protected areas. In the eighth meeting of the Parties to the Convention on Biological Diversity (CBD) COP 8 Curitiba, Brazil and COP 10 Nagoya, Japan, signatory countries were urged to make efforts to increase their protected marine territory. This priority was ratified in the strategic objective C concerning Aichi goals, which proposes an increase of at least 10% of coastal and marine areas by 2020 (CBD, 2010).

In Costa Rica, 3.2% of marine territory is estimated to be under some kind of protection (Estado de la Nación, 2010). In response to calls from the CBD and initiatives of its own, the country has initiated a process that aims at identifying ways to achieve the conservation of its marine natural heritage. In 2004, a 25% increase in the marine protected areas was established as a goal through Executive Decree no. 31832-MINAE, which was ratified by Executive Decree no. 32731-MINAE and by the Coastal Marine Interdisciplinary Commission of the Exclusive Economic Zone of Costa Rica (Minaet, 2005) (Comisión Interdisciplinaria Marino Costera de la Zona Económica Exclusiva de Costa Rica, 2006).

As part of this effort, two national policy instruments that seek to formalize marine conservation management were developed. In 2008, the Costa Rican Institute of Fishing and Aquaculture (Incopescas) set the figure of Areas for Responsible Fisheries. In 2009, the Ministry of Environment, Energy, and Telecommunications (Minaet), through the National System of Conservation (Sinac), established two additional management categories for protected marine areas: marine reserves and marine management areas (Refer to Textbox 2).

This has stirred considerable debate regarding the form, vision, governance, and instruments, as well as on the tools used to ensure the long-term conservation of marine diversity.



Textbox 2

Main Objectives of Conservation Instruments Created by Minaet and Incopesca

Marine Reserves

Marine reserves will respond hierarchically to the following management objectives:

- a) Preserve ecosystems and the habitat for the protection of species (main objective) to ensure the balance and continuity of ecological and evolutionary processes
- b) Promote the provision of benefits to satisfy the needs of human populations and their quality of life (secondary objective)
- c) Ensure the sustainable use of coastal and ocean marine ecosystems (secondary objective)
- d) Promote education, scientific research, and environmental monitoring (secondary objective) to allow the sustainable use and conservation of national resources
- e) Provide a low-impact ecotourism (potentially applicable). Article 2 - Executive Decree no.35369-MINAET, published in La Gaceta no.139, July 20, 2009

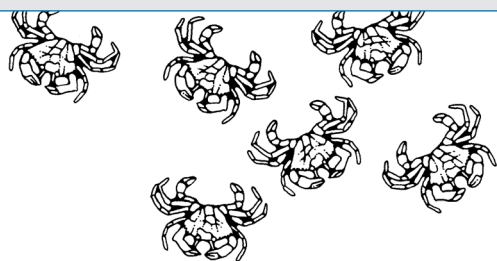
Marine Management Areas

Areas that respond hierarchically to the following management objectives:

- a) Ensure the sustainable use of coastal and ocean marine resources (main objective)
- b) Conserve biodiversity at ecosystem, species, and genes levels (main objective)
- c) Maintain environmental services as well as cultural and traditional traits (main objective)
- d) Promote scientific research, education, and environmental monitoring (potentially applicable)
- e) Facilitate ecotourism and recreation (potentially applicable). Article 5-Executive Decree no.35369-MINAE, published in La Gaceta no.139, July 20, 2009

Marine Areas for Responsible Fisheries

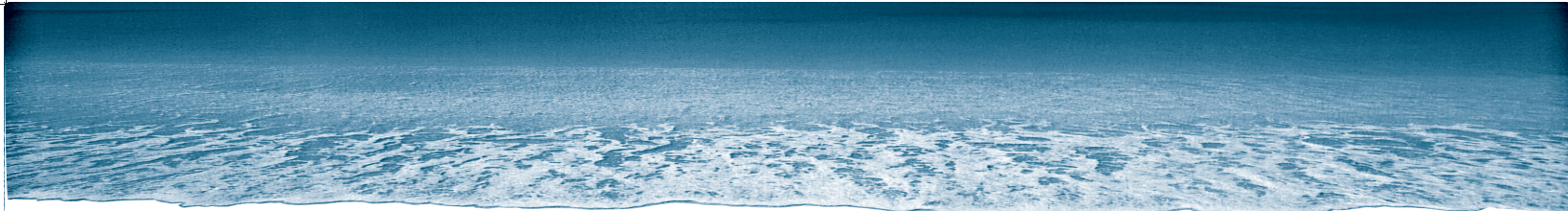
Marine areas for responsible fisheries are important areas of biological, fishery, or cultural characteristics bounded by geographical coordinates and other mechanisms to identify their limits. They regulate fishing activities in a particular way in order to ensure the long-term use of fishery resources. For its conservation, use, and management, INCOPECA may count on the support of coastal communities and/or other institutions. A.J.D.I.P/138-2008, April 4, 2008. Executive Decree no. 35502-MAG, published on October 1, 2009.





This paper discusses some examples of marine conservation in Costa Rica and analyzes their trajectory and results. After a rigorous analysis of such results, this document is an alert as to the following aspects:

1. Marine conservation is recent in Costa Rica. There is no experience to ensure a comprehensive and ecosystem conservation of coastal marine resources along with the culture and identity of coastal marine communities.
2. It recognizes the creation of two new management categories established by Minaet/ Sinac as a positive aspect. With their creation, this institution begins a new learning stage in relation to the actors and conservation priorities associated with marine topics.
3. The recent participation of Incopesca in conservation efforts, through areas for responsible fisheries, is giving an opportunity to implement a governance model of co-management of marine areas and to link aspects of marine conservation with a comprehensive fishing management and the development of fishing production.
4. Marine protected areas under the direction of Minaet/ Sinac, as the cases analyzed below, are not meeting the conservation objectives defined in their creation. These marine protected areas are still been managed under the same instruments used in the conservation of land areas. There are gaps in the inclusion of social and economic considerations, which directly affects the small-scale fishers and their communities.
5. The country should reconsider its commitments –on the international and national levels– of increasing marine protected areas up to a 25% with a more comprehensive vision that allows the inclusion of social aspects. The definition of a category of preservation or a mechanism of conservation must be the last link in a participatory management process. The communities must be strengthened and supported in order for them to enhance their skills and respond appropriately to the responsibilities they may acquire.
6. Influential and economically powerful sectors linked, or not, to political, preservation, and/or economic interests have been observed to been manipulating the making of the decisions in the marine protected areas analyzed herein.
7. The country has established a variety of spaces for the participation of sectors involved in and/or affected by




Interview with small scale fishermen from Cuajiniquil. CoopeSoliDar R.L. 2012

conservation initiatives. However, in reality, artisanal fishermen, major traditional users of marine resources, are not participating actively in those spaces for consultation, dialogue, and decision-making.

8. The existence of different levels of inequality associated with both organizational structures and the productive sectors, especially in artisanal fishing, was evident in the protected areas analyzed in this investigation. In the community, different levels of vulnerability are perceived within the artisanal fishery sector: between men and women, artisanal fishermen and receivers, fishermen and Coast Guard, sport fishing and artisanal fishery, among others.

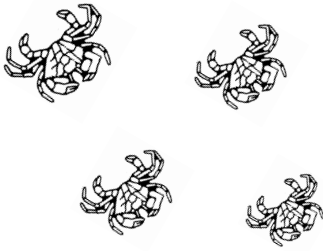
This not only requires a change in how to approach and address the social sector, but also needs long-term technical and institutional support to strengthen the organizing efforts on social and cultural matters.

9. As to the benefits of conservation, under the current situation, an even greater impoverishment of the fishing communities is worsening the relations with the marine protected area, instead of improving them. It also affects the resource base in other fishing areas and makes them vulnerable to environmental threats, such as climate change and social aspects such as addiction to illegal drugs.

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10. If the mechanisms to facilitate dialogue and negotiation between the sectors are not defined right away and the distribution of benefits from conservation are not promoted, there is a possibility of experiencing certain situations of conflict that would act in detriment to marine conservation efforts that would need to be addressed by state institutions and local actors.

The main conclusions are:

- The recognition of new forms of marine management and governance models for sea conservation is imperative. It must involve local actors so that coastal communities may become allies and not enemies of a will, such as conservation of the ocean and its resources, that seems common to all sectors.
- The identity of local communities, their traditional knowledge, and the link to sustainable use of resources is essential in order to preserve and strengthen the current situation of development and conservation.
- Women and young people engaged in fishing and other activities related to the productive chain of responsible fisheries (such as organizing fishing hooks with their corresponding lines, marketing, and administration) need opportunities to organize and improve their living conditions with equity and inclusion.
- Cooperation and financial support must be strengthened and presented to local actors in different ways. Technical and scientific knowledge should be recognized and strengthened; local efforts to build an association to marine conservation should be recognized, valued, and strengthened as well.
- The State is the ethical custodian of public goods, like the sea. Therefore, it must be aware of the reasons for marine conservation and to who is it intended by promoting management policies and legal and institutional support to respond to a majority of people, bring together the diverse interests towards achievable goals, and promote social, cultural, and environmental sustainability, so fostering equity.
- Both environmental and social resilience must be the guide for marine conservation in Latin America where local communities, indigenous peoples, and small-scale fishermen, all traditional users of marine resources, are recognized as part of long-term conservation efforts within a context of human rights and equity.



Research Methodology:

The study documented and analyzed institutional structures, management instruments (management plans and other documents), and legal frameworks for governance in marine protected areas in the country. In addition, the research studies the social impacts of protected areas in coastal communities and positive –and not so positive– examples of community conservation initiatives in the region. These initiatives must serve to build meeting places and guidelines in finding new ways and further conservation models based on the recognition and enjoyment of human rights, so integrating them successfully into local development without altering social and cultural patterns.

The experiences of the Golfo Dulce's Area for Responsible Fisheries, Ballena Marine National Park, and Guanacaste National Park were analyzed¹ (see Figure 1).

The performance of local work and the application of methodological instruments started with the implementation of the instrument of Prior Informed Consent (PIC) in each of the areas, incorporating both the institutional structures of management and the local actors. Three instruments were used for collecting primary information and learning about the perception from local actors: a) structured questionnaire addressed to local actors (fishermen), b) semi-structured interviews aimed at leaders and key officials; c) focus groups aimed at meeting with local fishing organizations. The instruments of consultation included questions regarding social impacts, historical reconstruction of the process of creating the Marine Protected Areas, points of view of members of the fishing coastal communities on how a more inclusive future should be forged in these MPAs, recommendations for the fostering of an improved, equitable, and fair integration of these communities to marine conservation efforts.

The interview data were analyzed using the statistical software Excel, by using a methodology developed by CoopeSoliDar RL to quantify the data retrieved.

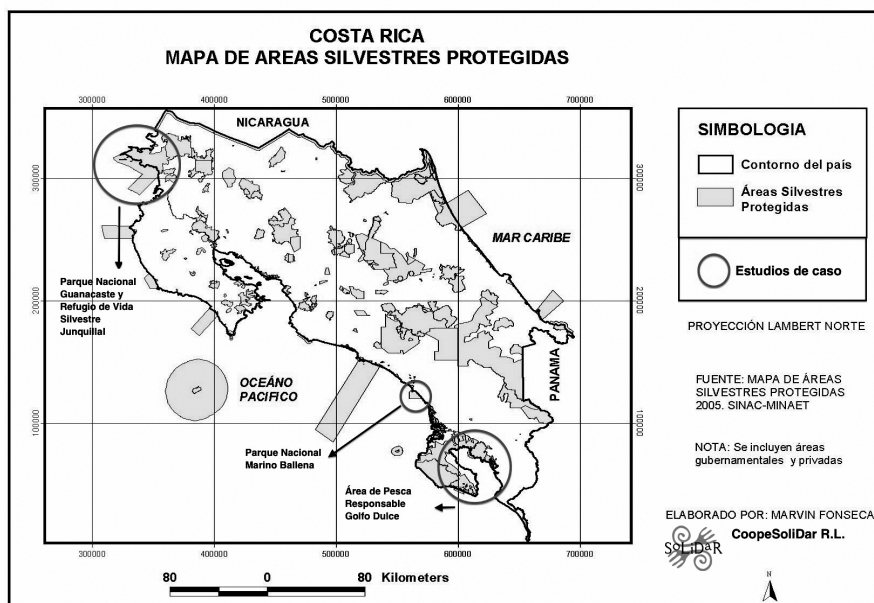


Figure 1. Map of protected wildlife areas in Costa Rica

¹ The regional study on the social dimensions of this practice in MPAs included the cases from Costa Rica, the analysis of experiences in Panama (Guna Yala, Bastimentos Marine National Park, and Bocas del Toro), Honduras (Islas de la Bahía-Guanaja and Cayos Cochinos), and in Nicaragua (Chacocente National Park).



Results: Learning on the Go about Marine Conservation in Costa Rica

Case #1.

Financial Resources to Spare: All That Glitters at Sea is not Gold: the Case of Golfo Dulce

Textbox 3

Multiple-Use Area and Marine Area for Responsible Fisheries at Golfo Dulce

On June 16, 2010, through the Special Act Agreement AJDIP/191-2010, Incopescas Board of Directors declares Golfo Dulce Area for Responsible Fisheries.

The process was encouraged by the Costa Rican Tourism Fishing Federation (FECOFT, for its acronym in Spanish). They sponsored the development of the management plan and negotiated economically with the artisanal and semi-industrial fleet to ensure the declaration of the area as of responsible fisheries. As noted in the Management Plan, they indicated the importance of sport fishing for the area of Golfo Dulce.

Golfo Dulce is located in the Osa Conservation Area (ACOSA, for the acronym in Spanish). It is one of the most diverse regions in Central America (Kappelle, M., et al. 2002).

According to Incopescas (2010), Golfo Dulce has about 150 small-scale fishermen and their families, which are distributed in about 21 fishing villages: Punta Arenitas, Platanares, Punta Panama, Tamales, Potreros, Matapalo, Carate Corcovado Playa Piro, San Pedrillo, Burica (far inner side) , Punta Islotes Mogos, Guabos, Esquinas, Saladero, Punta Piedra, Coto Colorado, Zancudo, Pavones, Manzanillo, and Punta Banco.


The conservation instruments used for marine conservation in Golfo Dulce confront the two models the country has developed for this purpose. MINAET/Sinac has established marine protected areas under special management categories. Incopescas has established Areas for Responsible Fisheries through a fishery management plan, under the figure of Areas for Responsible Fisheries (Refer to Textbox 3).

A) According to the management of the protected area: MINAET/ACOSA- Marine Commission for Golfo Dulce

The area for responsible fisheries was created primarily because of economic interests linked to fishing and not as an initiative of communities and artisanal fishermen in the region.

Regarding the management of the Golfo Dulce's area for responsible fisheries, there is no formal or participatory management plan. Actions are taken based on a work plan of the Committee of the Area for Responsible Fisheries.

As to the opportunities for participation in decision-making, they recognize the existence of the Monitoring Committee of the Area for Responsible Fisheries, which includes the participation of:

- 
- Two sport-fishing federations that participate in the Commission
 - Mar Viva Foundation
 - Universidad Nacional
 - Incopesca
 - Minaet
 - National Coast Guard
 - A representative of the National Federation of Artisanal Fishermen (Fenapea, for its acronym in Spanish)

In regards to the distribution of benefits from conservation, the marine area for responsible fishing in Golfo Dulce is considered to going towards a more private conservation model; there are economic interests involved and stronger sectors are dominating the management scheme.

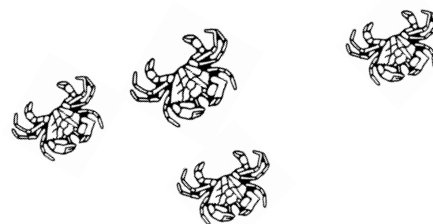
B) From the artisanal fishermen's point of view

The situation of artisanal fishermen in Golfo Dulce is difficult. They are undergoing a series of social, development, training, and organization problems.

Fishermen agree that Golfo Dulce is a marine area with plenty of fishing resources and marine biodiversity that must be protected and that will help ensure human well-being of the residents of areas near to the marina area. However, some fishermen are seeing a decline in the diversity of the base of fishing resources.

Fishermen claim that the National Federation of Artisanal Fishermen (Fenopea) was created with the objective of finding solutions to organization issues and for gaining space for the communities. They recognize the existence of two artisanal fleets: one of them is oriented to line fishing (and trammeling, before) and the other fleet uses artisanal fishing dredges for harvesting shrimp (Refer to Textbox 4).

The fishermen feel that the idea of establishing the area is neither theirs nor Incopesca's. According to the interviewees, a person interested in sport fishing, who is linked to sport fishing and sponsored the first steps to obtain some sort of marine conservation category for the area, was the one that came up with the idea.





Textbox 4

National Federation of Artisanal Fishing and Related Organizations (Fenopea)

The organization was founded on March 13, 2007. It is constituted by six associations of small-scale artisanal fisheries, located in coastal communities in Golfo Dulce.

The core objectives are to play the role of a legitimate representative in order to defend the interests of this sector and look for projects that may improve fishing activities and the quality of life of fishermen.

The Federation has projected the development of several activities such as promoting artisanal-fisheries tourism projects, developing marketing strategies for the sale of fishery products, supporting surveillance and control activities, and encouraging research opportunities to improve fishing gear and strengthen responsible fishing.

“The sea gives something to me and I give something back to the sea: conserving to fish and fishing to conserve.”

Source: Victor Rocha, President of Fenopea

The fishermen explained that the alliance between the artisanal and sport fishing fleet was created to get the semi-industrial fleet out of Golfo Dulce. It is said that in the process of negotiation, representatives of the semi-industrial and the artisanal fleets received financial resources to ensure that they were going to leave the fishing grounds in Golfo Dulce. Resources appointed to the artisanal fleet were given, among other reasons, with the goal of making changes in fishing licenses in order to alter the fishing gear. Respondents noted that some fishermen were unwilling to negotiate such changes.

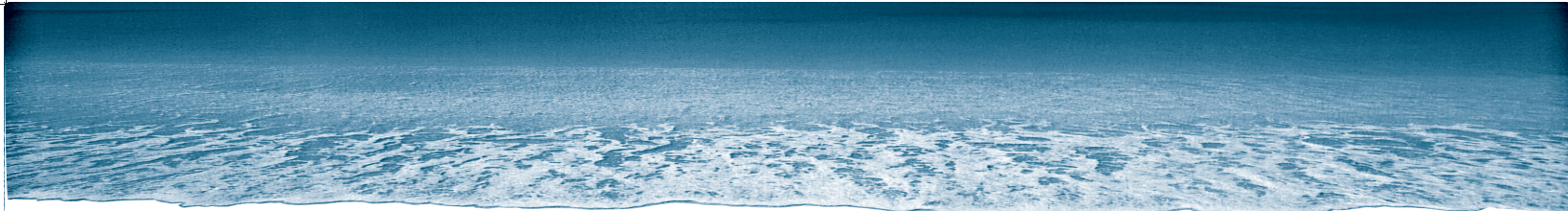
At present, this sector is not in favor of the efforts made by sport fishing representatives.. They say that the change on fishing licenses has damaged them on how they carry out their fishing activities. They think it is important to have the licenses for fishing activities and work as established by law. Currently, about 115 new licenses have been issued, but as mentioned by those affected, they cannot use traditional fishing gear, and no alternatives to improve the environmental impact have been sought so far.

With regard to the ordering of the area for responsible fisheries, the fishermen interviewed recognized the existence of a document that defines the rules to be followed in the area for responsible fisheries. This text could be revised in order to incorporate their views.

Artisanal fishermen perceive weaknesses as to control and surveillance matters. It is noted that at the beginning of the creation of the area for responsible fisheries, an increased presence of the authorities was observed. However, fishermen interviewed recognize that sport fishing-oriented fleets are also finfish fishing; there is no control from the authorities as to this regards. It is also noted that, in some parts of Golfo Dulce, people are fishing small species; the presence of trammel and gill nets (from elsewhere) in areas associated with Golfo Dulce was another aspect that was pointed out.

With regard to opportunities for participation in decision-making processes related to marine protected area, the focus group that was interviewed denotes divergent situations. Some fishermen – at least in Fenopea’s organizational form– feel that their voices are heard in the Monitoring Committee of the Area for Responsible Fisheries. Similarly, women interviewed say that, since the establishment of the area, they have more spaces where they can be heard.

Other artisanal fishermen point out the importance of including more representatives; for example, local fishermen devoted to shrimp fishing should have a space in the Monitoring Committee. By doing so, the number of artisanal representatives would increase. This is necessary given the geographical extent of Golfo Dulce. Some fishermen say they have had to resort to courts



for their rights to be respected. They point out the importance of recognizing the work and knowledge of fishermen.

As to the distribution of benefits from conservation, fishermen recognize that, upon the establishment of the area for responsible fisheries, they have been able to notice an improvement in the relations with state institutions and NGOs. With regard to the relationship with the governing bodies of marine resources, fishermen said to have a better relationship with Incopesca and Minaet. For some biologists, artisanal fishermen are perceived as a threat to the objectives of conservation.

Small scale fishermen from the FENAPEA and independent fishermen from the Golfo Dulce. CoopeSoliDar R.L. 2012.





Textbox 5:

Point of view of artisanal fishermen in Golfo Dulce Area for Responsible Fisheries

On the current feelings of the fishermen of the Gulf

- *This project is not Incopesca's; someone from the outside gave the money.*
- *We are against the project." It is monstrous!*
- *Given the magnitude of the of the sports fishing sector, it is going to be difficult.*
- *People come to us and deceive us.*
- *There are shams. They have offered things.*
- *Nine fishermen were paid for the gear changes, but what is these families' mean of support? They were given 4.5 million colones. The arts were never delivered. The "suripera" (a type of throw net) never worked.*
- *... for biologists and the State, we are like poison. We are now only four fishermen that have been licensed for artisanal shrimp fishery.*
- *The licenses harmed them.*
- *We are like a log when the sea throws it out.*
- *Incopesca's attorney says that licences are going to be changed whenever they want.*
- *While in rule (the fisherman says), I am a tiger. Otherwise, I am a kitten.*
- *The group of Rio de Pavones has been affected by shrimp vessels; there has been some damage to shrimp farms.*
- *Artisanal fishermen should be taking the decisions of the area.*
- *Future is a good choice.*

On women and youth

- *We, women in the area for responsible fisheries, were put on the map. We are there! We do everything: we patch and weigh. We participate during tides. With the marine area, we are taken more into account. Our work is more visible now.*
- *Young people must be professional. I am closing that chapter.*
- *They think that can go fishing with a computer. (Referring to boys and girls)*

On the traditional knowledge of artisanal fisherman

- *The shark biologists were given a large plaque and money. Fishermen... nothing.*
- *I went to sea when I was eight; now, they are chocking us and leaving us aside.*
- *UCR is now paying us to share our knowledge with them.*

On land tenure

- *Eviction of fishermen: home must be near the sea.*

On responsible fisheries

- *You should be responsible when casting a net. Responsible fishing does not mean not using trammel nets.*



Case # 2.

A Story of Marine Conservation (?) Unfolded from the Creation of Ballena Marine National Park in the Pacific of Costa Rica

Ballena Marine National Park is located in Osa Conservation Area (ACOSA, for its acronym in Spanish) in the South Pacific of Costa Rica. Its constitution by an Executive Decree in 1989 had the preservation of a rich marine ecosystem as its main objective. The boundaries were redefined in 1992. Today, the park has an area of 5375 marine hectares and 110 land hectares (CoopeSoliDar RL, 2002).

As shown in Textbox 6, this protected area has experienced a long process of conflict between users connected to the protected space, particularly with artisanal fishermen from neighboring communities.

Status of the Marine National Park According to its Users

A) According the administration of the protected area

It recognizes the presence of four active fishermen that are still perceived as a problem for the management of the area. There also has been a change of occupation of the fishermen to tour operators; this started about 8 years ago.

The marine park does not have any mechanism for participation or communication with the community. As to this regards, which involves communication and access to decision-making processes, the interviewees said that there are no spaces for involving artisanal fishermen or any other actor from neighboring communities and enabling them to take part when making decisions on the management of this area.

They consider necessary to make a progress in the communication and information about the area to artisanal fishermen from the community of Dominicalito², since they are considered a possible “threat” to the area, but the situation and the features of this human population are still unknown.

² The community of Dominicalito is located north from Ballena Marine National Park. It is constituted by artisanal fishermen. This community is currently experiencing some conflicts due to land evictions in the coastal marine zones.

Textbox 6:

The case of Ballena Marine National Park

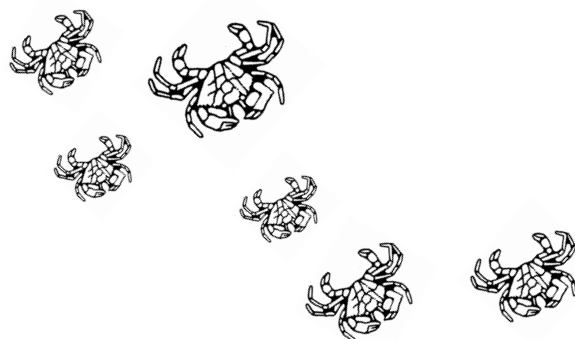
Ballena Marine Park had a weak local community consultation prior to its creation; so leading to heavy fighting between local users of natural resources and government officials (Minaet).

At the time of the creation of the National Park, there were three communities: Bahia, Uvita, and Ballena, which were constituted by fishing and human communities (families living of the park and its resources), which virtually disappeared when they were not able to use resources of the sea anymore. That was how they earned their living.

The local communities asked for legitimate representative structures for collaborative management efforts. As part of the strategy to manage the conflict, the Association for the Development of Ballena Marine National Park (ASOPARQUE, in Spanish) was created in 1997. At that time, this new association brought together 22 local organizations. ASOPARQUE proposed to develop co-management initiatives for Ballena Marine Park.

All co-management initiatives failed due to legal loopholes that prevented or hindered the State to support these collaborative processes. Such failure caused frustration among the parties, loss of interest, and a deterioration of the channels of communication, increasing, therefore, the escalation of conflicts, which has been present until today.

Taken from CoopeSoliDar R.L., 2002. (internal documents): *“El Parque Nacional Marino Ballena y su gente: Un proceso de manejo conjunto en construcción”* (translated into English as *“Ballena Marine National Park and its people: A co-management process under construction”*).



It is mentioned that the people of the community are allowed to use fishing lines; however, in recent weeks, authorities have enforced the law on some of the fishermen remaining. They confiscated several illegal fishing gears.

The administration has focused on regulating tourism activities in the Park. Since the institution's boat and control equipment have been out of service, control activities and marine surveillance have been minimal.

In the community of Bahía, migration is evident. The communities of Ballena and Uvita, on the other hand, have retained their original human populations, even when there are no fishermen anymore. The area has been exposed to high speculation and land sales. The local people have gone from being owners of their land to being a gardener or employee of hotels. There are no fish for local consumption. Most of the fish sold in town comes from the community of Quepos and other sites in the Pacific. This happens even when there is tourist-related demand for the product.

B) According to the artisanal fishermen from the communities of Uvita, Ballena, and Bahía

Current fishermen recognize that there are very few people doing this job (3 - 4 people). They feel excluded from any possibility of participation and recognition of their job as an honest and worthy activity that could help to the local development.

The transformation to new sources of income such as tourism, guards, and any other occupation has been part of their strategy to survive. The marine protected area is not seen as a development engine or a generator of clear benefits for women and young people. However, all of them recognized the importance of a protection zone.

The fishermen interviewed recognize that tourism is a new source of income, but this only benefits those families that have been able to get a loan for equipment and boats. Fishermen claim that some fellow fishermen have successfully made the change and have done well and have moved forward; however, many are in debt in such a level that their properties and houses are now at risk with the banks.

The presence of social problems in the community was mentioned as a problem, especially the presence of drugs and theft. They prefer the way things were implemented before at the marine protected area. Through co-management governance model, they were allowed to participate in decision-making processes.

Artisanal fishermen feel that the national park is only interested in economic matters (income per visitation) and not in the welfare and development of local residents.

Both management and fishing sectors recognize that this process of conservation and development is strictly dependent on the presence of whales during the season, once a year. A change in this factor due to climate change or any other environmental factor would have very negative consequences for the park and for the local development. Both sectors have confirmed that national tourists constitute 90% of visitation, although there are larger boats for sport-fishing tourism.

*Substitution from small scale fisheries boats to touristic sport fishing boats.
Ballena Marine National Park. CoopeSolidar R.L. 2012.*





Case #3.

An Ecosystem Vision of Marine Conservation? Sea Conservation in Cross-Border Territories: the Case of Guanacaste National Park

Textbox 7

Guanacaste Conservation Area

The ACG marine area includes an archipelago of 5 main islands and at least 10 islets that make up the Islas Murciélago (Denyer et al., 2005). In the 110 km of coastline of the ACG, there are about 24 beaches; 12 of these beaches are sandy and with high levels of sea turtles nesting, mainly olive ridleys, *Lepidochelys olivacea*, and the green turtle of the Pacific, *Chelonia agassizii* (Bassey, G., 1997).

Other features of marine biodiversity include specific habitats such as rock formations, rocky reefs, coral reefs, sea grass beds, sandy bottoms, and areas of upwelling currents (CoopeSoliDar, 2012).

In ancient times, Chorotega indigenous ethnic groups made use of coastal-marine and fisheries resources. Today, in this area, several neighboring fishing communities in both the northern and the southern coast are still taking advantage of the existing marine resources (Chavarria, M. 2011. Personal communication).

The Conservation Area of Guanacaste (ACG, for its acronym in Spanish) is located in the North Pacific and comprises 158 000 hectares in protected areas and 248000 hectares in agro-landscapes (Minaet, 2011). The ACG has 43000 marine hectares that make up the Santa Rosa National Park and Junquillal Wildlife Refuge. According to Blanco (2004), this marine area has the most intact coastal ecosystems of the Mesoamerican Pacific, located between Santa Elena Peninsula and Islas Murciélago (Blanco, 2004).

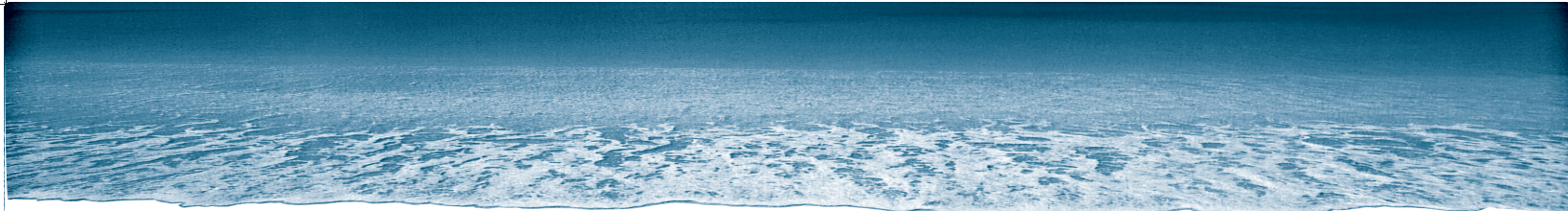
Artisanal fishing is one of the main activities of the communities in the area. They depend mainly on fishing as a way of life. Currently, there are about 50000 people in the ten surrounding communities, including approximately 800 artisanal fishermen in three neighboring population centers: Bahía Salinas, El Jobo, La Cruz, and Cuajiniquil (Chavarria, M. 2011. Personal communication) (Refer to textbox 7).

A) According to the administration of the protected area

Minaet / ACG, as the institution that safeguards conservation, perceive an existing conflict with fishermen of these communities. The “no fishing” regulations at the national park have created tension between officials and the fishermen of the communities.

There are two fishing associations and other independent fishermen (Cuajiniquil Divers Association (ASOBUCA, for its acronym in Spanish) and the Fishermen’s Association of Santa Elena). In total, about 800 direct fishing workers have been estimated.

Various stances were identified on these conflicts and on the relationship with the communities and fishermen. On the one hand, officials point out that including people and letting the community participate are obstacles for managing and conflict generators. On the other hand, some recognize the need to transform the vision into a more inclusive management effort that may include the communities and may provide them with conservation benefits. From this last stance, the differences in power between communities, the institution, and MINAET staff are acknowledged. The constraints to balance this inequality of power were also accepted. That is that case of the access to information, lack of communication and lack of will of the authorities to recognize the voices of fishermen and other community members as valid and important.



The social conflicts of the communities are seen as constraints to achieve participatory management and equitable distribution of benefits from activities carried out in the protected area (tourism, for instance). Only few benefits for the communities have been identified as generated by the protected area. The benefits mentioned are generated by tourism-related activities in the ACG, such as lodging and food sales. However, from the officials' level, a lack of organization is perceived in the community when it comes to making the most of such benefits. As to the use of fishing resources, interviewees say that there are other rich fishing banks outside the ACG that the community could exploit without violating the regulations of the area.

Small scale fishing area in Cuajiniquil. CoopeSolidar R.L. 2012.

In regards to the spaces for the participation of civil society created by Minaet and known as Regional Committees of Conservation Areas and Local Councils³, these are perceived as untruly representative and politicized. There are no spaces integrating or involving communities in decision-making processes. Decision-making is relegated to the Technical and Management Committees of the ACG. The first Management Plan for the area is currently under development and it has not involved the communities in making decisions, yet.

³ According to Article 29 of the Law on Biodiversity, Regional and Local Councils are constituted as civil participation instances conformed by representatives of different sectors: environmental organizations, local governments, academia, public offices, community organizations, agricultural sector, and others in which the participation of indigenous representatives is fostered. Ley de Biodiversidad (Law on Biodiversity) no. 7778, 1998.



The only spaces in which community members are taken into account are in the Biological Education program (works with schools in the region) and the Research Program that works with youth and children (including groups that have attended camps and specie-monitoring trips). However, there are no spaces involving fishermen or other members of the communities directly to marine management.

The fishing identity is seen as something “new.” The community of Cuajiniquil is considered to lack a fishing culture. It is actually considered a “pseudo-culture”, since, traditionally, this is a farming community; it changed its production activities once the Marine Protected Areas were established.

B) According to the artisanal fishermen

The community of Cuajiniquil is primarily a community where a majority of people considers artisanal fishing as their main productive activity, both directly and indirectly, whether coastal fishing or at open sea.

As expressed by the community members interviewed, there is high rate of unemployment in the area and few opportunities for educational development of young people. The community has an elementary school, but no infrastructure for high school.

Small scale fishing is an activity where all the family members participate. Small scale fishermen family from Cuajiniquil. CoopeSoliDar R.L. 2012.

As an attribute of the community, most of the respondents mentioned its tranquility, fishing, and freedom of action that gives to work at sea.





However, they also mentioned that they are currently experiencing some social problems like drugs and alcohol.

The fishing community is mainly dedicated to compressor diving. According to those interviewed, several fishermen have experienced illness and even death from this activity. After a counting, the interviewees calculate about 13 people affected by this type of fishing practice. Fishermen recognize that these accidents have resulted from misuse of the fishing gear.

Regarding the establishment of the marine protected area, most of the fishermen mentioned that they were not consulted on the creation of the park and even said that they felt deceived by the construction of the park control booth they once helped built. As noted, they were told that the house would help them and would work as a shelter for fishermen in times of bad weather. That never happened. They also think that by declaring the area a national park, fishermen lost their chance of exploiting the best part of the marine territory for local production.

Fishermen show dissatisfaction on how the marine protected area is managed. They have expressed the authorities their willingness to work together on conservation but there has not been any apparent coordination to be included in the initiative.

In regards to opportunities for participation in making decisions related to the marine protected area, fishermen said Minaet has not opened spaces for consultation with the fishing community. Interviewees said that in those cases in which there has been a space for dialogue, authorities have shown lack of commitment to track down agreements in meetings they have attended.

As to the distribution of benefits from conservation, fishermen have not obtained any benefits of living near a protected area. Out of those interviewed, two people reported feeling satisfied with the area; both of them are part of families that have succeeded in launching their tourism-related businesses.

It is mentioned that there are sectors, such as semi-industrial shrimp fisheries, that are causing irreparable damage to marine resources. They are operating in the area without any control or supervision.

In general, all but one of the respondents mentioned that, since the establishment of the marine protected area, there is an impoverishment of the community, the fishermen's income have been reduced, and the community has changed negatively.



Textbox 8.

Points of view of fishermen neighbors of Guanacaste National Park

- *We make a living on fishing. We are a community very dependent on this activity.*
- *The village is tiny but has traditions and although fishing is not that profitable, it gives you what to eat.*
- *When the park was created, they took away much of the sea from us. That was the best area to fish.*
- *When referring to fishermen, the media published, "A Pirate was caught in Cuajiniquil."*
- *In this country, everything is about tourism. In tourism, they say, "these fishermen disturb us and they would take us out."*
- *They forget about us. The institutions do not come and we are an easy prey for drugs.*
- *Our situation is complex because we are in a border area and very close to a marine national park.*
- *Fishermen disturb the tourist; they throw us out. Nothing is left for the locals.*
- *We told the Ministry to struggle with us, together, to protect our resources. The answer was not what we expected; there is no interest.*
- *We have been meeting with people from the park. We are not against the park, but there must be some help, for example, fishing with cords and holding our breath, but they do not let us.*
- *We have fought for a fair treatment, but they do not treat us well. When they arrest us, they throw our product into the sea and we lose it.*
- *It is necessary to place more buoys for us to know where the areas are.*
- *Large ships are entering the park and they do not say anything to them.*
- *Shrimp fishing vessels cause many damages. We know where the shrimping vessels sweep.*

Lessons Learned for Bigger and Better Marine Conservation Efforts in Costa Rica

Costa Rica is starting its experience regarding marine conservation. There is much more to learn and much more left to accept from the lessons from the past. This is particularly important, since the country has committed to increase its marine protected areas significantly.

The existing instruments established by the two state institutions (Minaet/Sinac and Incopesca) responsible for promoting the preservation and use of marine resources confront two divergent views to achieve the objectives of conservation, local development, opening up of opportunities for the participation of civil society, distribution of benefits, and management of marine territory.

The new management categories defined by Minaet (the marine reserve and marine management areas) open a new scenario for the management of marine natural heritage. Marine management areas can provide an opportunity to use marine resources sustainably. Despite this, and according to national legislation and the experiences analyzed, they can only be conducted under a government-controlled model with little or no involvement of communities and other users.

According to Minaet, the examples given in this study exemplify two National Parks (Guanacaste and Ballena Marine National Park). Both of them are marine areas that have been approached from a traditional form of management of protected continental areas under a government-controlled model that shows significant limitations on the consideration of social and economic elements for conservation.

Incopesca is a new actor on marine conservation. Therefore, it has not developed sufficient expertise in these areas. The main innovative feature is the figure of the areas for responsible fisheries, which help to integrate social issues and fish production within a framework of marine ordering for responsible fisheries that also includes conservation.

The figure of areas for responsible fishing is a management category, but

Fisherworkers meeting of the Santa Elena Fishermen association. Cuajiniquil. CoopeSoliDar R. L. 2012.





conceptually answers to a marine conservation model that allows the sharing of spaces for decision-making and the power to have a bearing on marine management. Inopesca is giving an important step for the country, by opening the possibility of multi-participative tables for developing fisheries management plans and monitoring areas for responsible fisheries, so creating an opportunity for managing under a co-management governance model.

On the establishment of the areas studied herein, there were higher interests that energized the creation of areas in all cases. In Golfo Dulce, these interests were related to economics and sport fishing. In Ballena Marine National Park, the interests had to do with conservation and tourism; in Guanacaste National Park, there are certain issues on conservation and complex political dynamics, since it is located in a border area.



The input from the small scale fishing communities in Costa Rica towards marine conservation should be recognize and valued. Cuajiniquil. CoopeSoliDar R.L. 2012.

In neither case, the conservation objectives for which these areas were established seem to have been met fully. In Minaet/Sinac cases, various fishing fleets (artisanal and shrimp fishers) have entered the marine protected areas. In the case of Golfo Dulce, artisanal fishermen have made formal complaints about the lack of control and surveillance measures.

As to issues related to control and surveillance, the study allowed to demonstrate the incorporation of actors who are competing directly with the fishermen. According to information retrieved, in Golfo Dulce and Ballena Marine National Park, sport fishing boats are also exploiting finfish resources; this

situation is a new element of illegal fishing in protected areas.

None of the cases showed an interest in ensuring social issues associated with fishing, culture, and identity of coastal marine communities. The points of view of fishermen evidence frustration, deception, and manipulation by different actors involved in the creation of the area –non-governmental organizations, state institutions, private entities and technical-academic bodies. As to the conservation of marine biodiversity, artisanal fishermen are still perceived as a threat to meeting the objectives of ensuring the natural resources and not as a sector with high potential to be incorporated into marine conservation efforts.

The cases studied show the large number of families, neighbors of protected areas, making a living on artisanal fishing. It is interesting how in less than 10 years, the number of fishermen in the community in Ballena Marine National Park significantly



decreased from about 30 to 4 fishermen families today⁴. During this time, there has been a strong impetus to changes in the productive activity towards tourism and sport fishing, so carrying important implications related to social and organizational scheme of communities neighboring the park. The same situation seems to be occurring in Golfo Dulce as to the interest of encouraging sport fishing.

Regarding the opportunities for participation, none of the cases studied showed the full utilization of the existing spaces for participation. There is a widespread demand by the artisanal fisheries sector due to the lack of access to decision-making processes, which results in the inability to influence decisions, or make their stances and voices been heard assertively on priority issues of marine protected areas and on the management of marine resources.

Each of the experience evolves differently. In the case of Guanacaste National Park, the interviews show the total absence of dialogue and negotiation; however, the efforts made by some officials concerned with social issues within the institution have been acknowledged. In practice, Minaet/ Sinac /ACG, does not operate any space that allows fishermen to contribute to conservation efforts and present their needs as fishery workers.

As confirmed by the administrator of the area, in the case of Ballena Marine National Park, the local councils were created as spaces for participation under the Biodiversity Law. However, these councils are not operating and the decisions are made entirely by government representatives; there is no space for the participation of community or local organizations.

In the area for responsible fisheries in Golfo Dulce, there is a table for negotiation, but there is an imbalance in the integration of actors, with a greater number of participants representing the interests of conservation and academia and, to a lesser extent, local and artisanal representatives.

It is important to show that in the case of Golfo Dulce, some women representatives say that their participation in meetings and decision-making spaces has improved since the creation of the area for responsible fisheries.

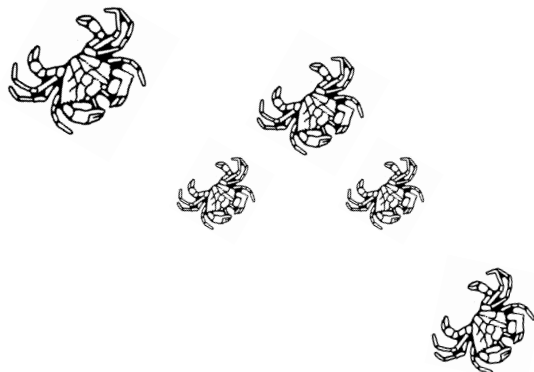
Research evidences the need for Fenopea to integrate more people from the communities affected by the fishing area and include other actors involved in artisanal fishing that have not been taken into account.

On the distribution of benefits from conservation, research groups

⁴ Study conducted by CoopeSoliDar R.L. in 2002 as part of the research entitled in Spanish “El Parque Nacional Marino Ballena y su gente: Un proceso de manejo conjunto en construcción” (translated into English as “*Ballena Marine National Park and its people: A co-management process under construction*”).



show that the country has failed to develop marine conservation instruments that allow human development and welfare of coastal communities in an integral way.




In the cases studied, the creation of protected marine areas have not encouraged an economy or the improvement in quality of life of artisanal fishermen and their families. Fishermen perceive an impoverishment of the community and as individuals. They have said to noticed how their income has been reduced and how the community is changing. This situation is most evident around the Guanacaste National Park and Ballena Marine National Park. In the case of the area for responsible fisheries in Golfo Dulce, there is a trend towards an increased unrest in this sector, particularly associated with the issue of licensing and gear changes that has brought, according to fishermen, adverse effects in the course of their business.

On the subject of human rights, research reveals that fishermen and the communities in the marine-coast territorial strip have experienced different types of abuses such as the creation of protected areas without prior consultation and the little or no respect to the right of information. In recent years, with the implementation of the Law on the Maritime Zone, eviction actions have been executed in coastal communities, so disrupting people and their community of their living spaces and work sources. The lack of property rights in coastal areas to ensure the exercise of fishing is a human right of these communities that is being violated.

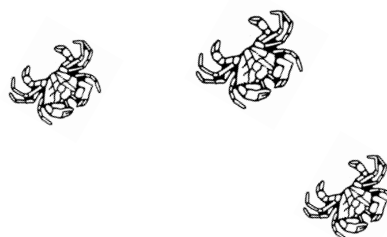
Recommendations: Towards the Future

1. The country needs to start a clear and transparent dialogue with the artisanal fisheries sector, Minaet/Sinac, Incopesca and other actors involved in the field. This could help the development of a country strategy meant to address marine conservation efforts and strengthen the culture and identity of seafarers and fisher workers as to human rights and their vision towards the future.
2. Sectorial policies must be consistent, thereby avoiding the development of conflict between policies that promote tourism, real estate development, foreign direct investment, and the rights of coastal communities and artisanal fishing activities.
3. We need the country's political commitment for the recognition of protected areas under various forms of



participatory governance, going from the implementation of spaces under co-management models to community conservation initiatives.

4. It is essential for officials to develop social and technical skills on the management of marine protected areas in order to ensure compliance with conservation and development objectives under the fulfillment of indicators of good governance.
5. Sustainable use of the sea, its management, and responsible fishing are priorities for achieving the conservation of marine biodiversity and its people.
6. With regard to issues of participation, it is necessary to open real spaces of dialogue and integration that enable local communities to voice their coastal areas. They should proceed under the principle of subsidiarity and good governance to ensure that decision making at lower levels and the representation of the various leaders.
7. With regard to the distribution of benefits from conservation, it is necessary for marine conservation initiatives to contribute effectively to poverty reduction in equity and ensure that protected areas become engines of local development.
8. A new challenge is the marine cross-border conservation. The country must begin to discuss with neighboring countries and allow the beginning of a new era for the responsible management of cross-border marine resources.
9. Costa Rica has an artisanal fishing fleet mainly located on the shores of the Pacific, given that fishing conditions are more favorable for the development of small-scale fisheries. The Caribbean coast also has a substantial small-scale fishing fleet, where the Afro-Caribbean and indigenous cultures are central to social and environmental resilience of this region.



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Los resultados que se presentan son parte de una investigación titulada "Estudio regional sobre las dimensiones sociales en áreas marinas protegidas: estudios de casos de Costa Rica, Nicaragua, Honduras y Panamá".

Esta investigación es apoyada por el Colectivo Internacional de Apoyo al Pescador Artesanal (CIAPA-por sus siglas en inglés ICSF), cuyo objetivo es documentar las experiencias de comunidades costeras de pescadores artesanales en la implementación y manejo de Áreas Marinas Protegidas (AMPs) en cuatro países de América Central.

Este informe retoma los resultados de la investigación en Costa Rica. Trabajaron en la preparación de este documento los asociados de CoopeSolidar R.L Vivienne Solis Rivera, Marvin Fonseca Borrás y Daniela Barguil Gallardo, con el apoyo de Patricia Madrigal Cordero e Ivannia Ayales Cruz.

El apoyo financiero y la revisión técnica fue brindada por el Colectivo Internacional de apoyo a los pescadores artesanales CIAPA, Ramya Rajagopalan y Chandrika Sharma.



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Our mission is oriented towards proposing new and creative alternatives to reach that the cultural and biological richness contributes to the improvement of the quality of life or population with justice and equity, through accompanying participative processes for decision making from individual and collective spaces, at the local, national and international levels.

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The International Collective in Support of Fishworkers (ICSF) is an international non-governmental organization that works towards the establishment of equitable, gender-just, self-reliant and sustainable fisheries, particularly in the small-scale, artisanal sector.

ICSF draws its mandate from the historic International Conference of Fishworkers and their Supporters (ICFWS), held in Rome in 1984, parallel to the World Conference on Fisheries Management and Development organized by the Food and Agriculture Organization of the United Nations (FAO).

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