

LOCAL CONVENTIONS FOR COASTAL RESOURCE MANAGEMENT

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AUDIENCE: CONSERVATION FIELD AGENTS, COMMUNITY MEMBERS,
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Introduction

Local management of marine resources requires communities to be able to make and enforce their own rules for how marine resources are to be used. In many regions, local community by-laws (conventions) are used for this purpose. In Madagascar, these by-laws are called *Dina* and are strongly rooted in the Malagasy culture. This handbook will focus on the *Dina* of Madagascar as a case-study for how community by-laws can be used marine resource management. As a result, much of the content is specific to Madagascar. It is hoped that in later handbooks, this section can include more information from the wider Western Indian Ocean region.

In Madagascar, *Dina* are an important part of the traditional justice system at the village level. Traditionally *Dina* relate to sacred places, taboo (*fady*) and prohibited practices regulating the interaction of community members. In recent times, the government has incorporated the *Dina* into the official legal system and has been encouraging communities to create *Dina* regarding the management of natural resources. *Dina* are now imbued with the full power of the Malagasy legal system, whether they relate to sacred areas, taboo, or natural resource management.

History of the *Dina*

Crucial to the development and progress of the Malagasy nation is the development of an effective natural resource management

system. In pre-colonial times, tribal leaders and village elders were responsible for natural resource management. In those times, forest clearing, especially with fire, was regulated by religious customs and village elders which proscribed the places, times, and methods of clearing.

In colonial times, responsibility for natural resources moved from village and tribal structures to the colonial government. The government created a number of parks, while also building roads, ports, and railroads in order to extract natural resources. An elaborate permit system was created for the Malagasy who were restricted from clearing forests with fire. Traditional management systems were weakened and lost.

After independence, natural resource management stayed in the hands of the central government in Antananarivo. While colonial management had been moderately effective at best, the new Malagasy government, lacking financial resources, and the political will to enforce tough management practices, was highly ineffective in enforcing management laws or promoting sustainable resource management. During the rule of both colonial and early independent governments, much of the forests were cleared, savannas degraded with frequent fire, and marine resources overexploited to the point of fishery collapse, especially near the major population centres.

After years of unsuccessful top-down management, the government has tried a

new approach since the 1996 GELOSE law (96-025: Gestion Locale Securise "Secure, Local Management"). Natural resource management has started to be decentralised to regions, communes and the *fokontany* (villages). The central government still plays an important oversight role in the management of natural resources, however much power has been delegated to villages, communes, and grassroots community organisations. Given the many challenges of natural resource law enforcement in such a large and underdeveloped country with chronic lack of government financing, grassroots management is being accepted as the only viable alternative to central management. At the heart of this new management system is the traditional *Dina*, the only functioning legal system in existence for large parts of Madagascar's countryside. The new philosophy is that, given legal and social authority to manage resources, combined with some technical and educational support, communities will willingly choose sustainable management of their resources.

Additional laws in 1999 (Decree 99-952) and 2002 (PSDMCZ) allowed for the grouping of several local *Dina* into one regional *Dina be* (large *Dina*) and reinforced the use of *Dina* for natural resource management so that it now forms the basis for all community managed areas in, and buffering, national parks in Madagascar.

The Power of the *Dina*

Currently, any *Dina* agreed upon by the community has a degree of legal standing if challenged in the courts. *Dina* formalised on paper and submitted to the courts for ratification have more authority, being equivalent in strength to regional decrees.

Communities are empowered to enforce their *Dina* in public (*fokonolona*) meetings. Fines decided upon by the communities in these meetings are legally binding. If an offending party refuses to pay the fine, the community may pass the case to the Mayor who can attempt to force payment or pass the case to the court system. Either the community or the Mayor can contact the court directly to report non-compliance with a *Dina*. Once in the court system, the judge will hear the case and may add additional fines to the rule breaker based on any other associated crimes committed (national legislation).

In general, however, very few *Dina* cases go to court. The first reason is that these laws should be community-generated so that the stigma of breaking the community trust should be a major deterrent. Secondly, when someone is caught, they should be shamed by the community reaction (village meeting) to their crime and have sufficient motivation to pay in order to save face in front of the community. Finally, given the legal support of the *Dina* by local government and the courts, it would be foolish for a rule breaker to allow his case to be forwarded to the Mayor or the court who will likely be less conciliatory in deciding on punishments.



When *Dina* are truly collaboratively developed and universally accepted, rule breaking should be a rare event. Even for migrants or outsiders, an angry community demanding payment for a transgression is a formidable sight that should induce submission. After communities have gained more experience with enforcement of resource management *Dina*, it becomes progressively easier for them to follow through with enforcement. With each successful experience of enforcing the *Dina*, communities gain courage and become more strict in carrying out enforcement in the future. However, for many communities, traditional knowledge of the *Dina* is confined only to rules regulating sacred places and social interactions but not to resource management using new *Dina*. The idea of creating *Dina* is foreign to many communities who see *Dina* as traditional rules that were never created but have always existed. Many people believe that only spirits, God and the ancestors have the power to create *Dina*, not the *fokonolona*. Even in communities that have already created management *Dina* and agree with their importance, rarely are they accepted with the same respect as traditional *Dina*. In response to this problem, it is necessary to educate communities about resource management *Dina* and their legal authority while also searching for ways to integrate these *Dina* into the traditional religious belief systems. To do this, it is important to view the conservation *Dina* in parallel with traditional *Dina* in order to build acceptance and encourage

enforcement. While communities need no outside assistance to enforce traditional *Dina*, they often get lost when attempting to enforce new, resource management *Dina*. Communities need to build on the same social and religious structures that give traditional *Dina* strength when enforcing resource management *Dina*. Conservation *Dina* should be enforced, as much as possible in the same ways as traditional *Dina*, using the same meeting places, involving the same people (especially elders), while invoking much of the same language (sins against communities, need for visible repentance) and should require similar types of payments. Instead of cash fines, which resemble government fines, communities should set sacrificial fines of animals in addition to cash fines. These fines follow more closely the traditional system and are more likely to be demanded and paid by community members. The running of the meetings should also follow tradition with elders speaking first and then opening up the meeting to all participants. NGO's, if present, should take a secondary or advisory role and not facilitate the meetings if possible. The only real difference between the traditional and the new, resource management *Dina* is that the power of traditional *Dina* is founded in religious belief and fear, whereas the conservation *Dina* are backed by a desire for social harmony and, as a last resort, the courts.

Conclusion

Resource management *Dina*, when understood by communities as a tool that empowers them to manage their resources while strengthening traditional social systems, are generally embraced enthusiastically. The creation of these *Dina* can occur surprisingly quickly as much consensus usually already exist with regard to who should have access to resources and how much. The enforcement of these *Dina* is more often the issue, however communities can best be supported in their enforcement efforts through the promotion of the resource management *Dina* as a parallel and nearly identical system as traditional *Dina*. By making explicit traditional *Dina* enforcement systems and then comparing these to the new conservation *Dina*, one can help communities to gain a clearer vision of how these new *Dina* should work.

Instructions for presentation of the comic

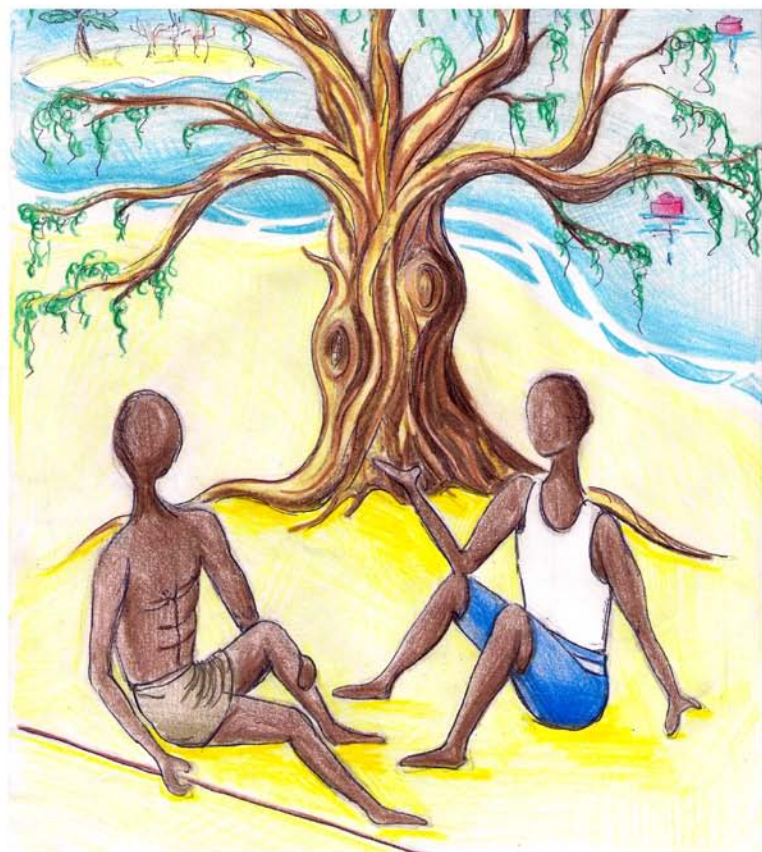
The attached comic is a presentation to be used with communities to explain the main similarities and differences between the traditional and conservation *Dina*. The presentation should be given to communities before they begin deliberating the creation of conservation *Dina*. It should be used to prompt a discussion of how local *Dina* were created and how they are enforced so that similar systems can be used for conservation *Dina*.

It should also be used in cases where communities are having trouble enforcing a conservation *Dina*. The comic in this case should be used to prompt a discussion of how the community is not following the traditional enforcement method and what barriers are preventing that from happening.

RAMBOLA, RAOTA, AND THE DINA

INDIAN OCEAN COMMUNITY CONSERVATION HANDBOOK 4
LOCAL CONVENTIONS FOR COASTAL RESOURCE MANAGEMENT
BY SHAWN PEABODY, LALAO RAVAOARINOROTSIHOARANA, SAMBA ROGER

AUDIENCE: COMMUNITY LEADERS, COMMUNITY MEMBERS, STUDENTS
ARTWORK: NELL BENNETT



blue ventures
discovery through research

MacArthur
Foundation

 **Sida**





**CHILDREN, THERE IS
OUR SACRED ISLAND.
GOING THERE AND
ESPECIALLY CUTTING
ANY TREES WILL BRING
A SEVERE PENALTY.**

**A LONG TIME AGO, WHEN THE OLD MEN AND WOMEN OF TODAY WERE
ONLY SMALL CHILDREN, THERE WAS A VEZO VILLAGE LOCATED NEAR A
SACRED ISLAND. IT WAS FORBIDDEN TO VISIT THE ISLAND AND
ESPECIALLY TO CUT TREES THERE.**



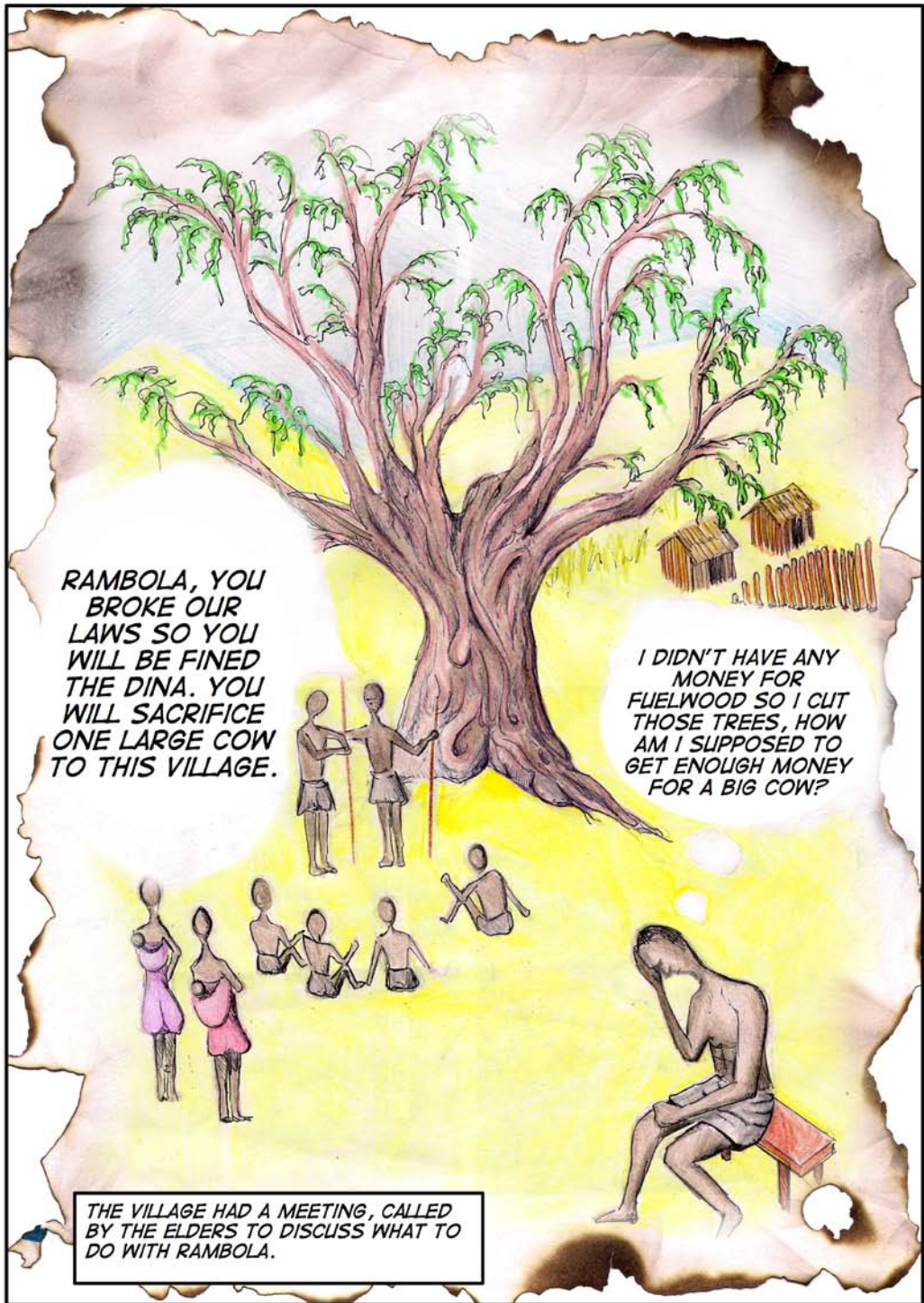
HEY! WHAT ARE
YOU DOING?
GET OFF THAT
ISLAND, IT'S
SACRED!

ONE DAY THERE WAS A MAN NAMED RAMBOLA WHO WENT TO THE ISLAND AND CUT TREES. HE WAS SEEN BY FISHERS FROM THE VILLAGE.



GO AND TELL THE
ELDERS, RAMBOLA
HAS BROKEN OUR
SACRED LAWS.

RAMBOLA DIDN'T HEED THE WARNING OF HIS FRIENDS ON THE CANOE, HE CONTINUED CUTTING UNTIL HIS CANOE WAS FULL OF FUELWOOD.



RAMBOLA, YOU
BROKE OUR
LAWS SO YOU
WILL BE FINED
THE DINA. YOU
WILL SACRIFICE
ONE LARGE COW
TO THIS VILLAGE.

I DIDN'T HAVE ANY
MONEY FOR
FUELWOOD SO I CUT
THOSE TREES, HOW
AM I SUPPOSED TO
GET ENOUGH MONEY
FOR A BIG COW?

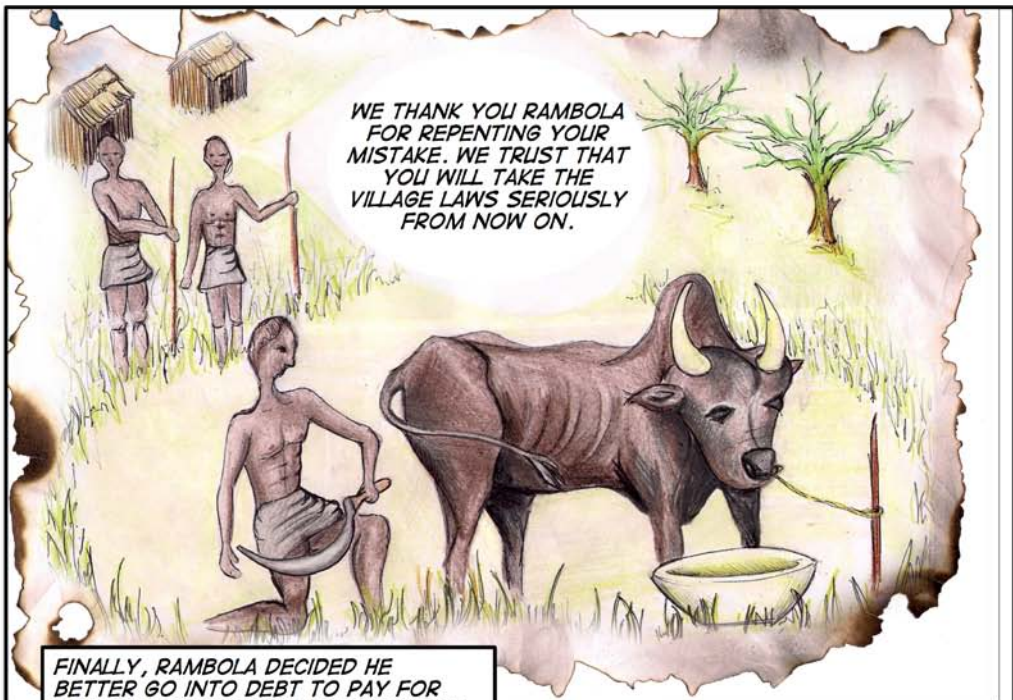
THE VILLAGE HAD A MEETING, CALLED
BY THE ELDERS TO DISCUSS WHAT TO
DO WITH RAMBOLA.

IT'S UP TO YOU NOW TO
FIGURE OUT WHAT TO DO. IF
YOU DON'T HAVE ENOUGH
MONEY FOR A COW, YOU
BETTER BORROW SOME
MONEY QUICK.

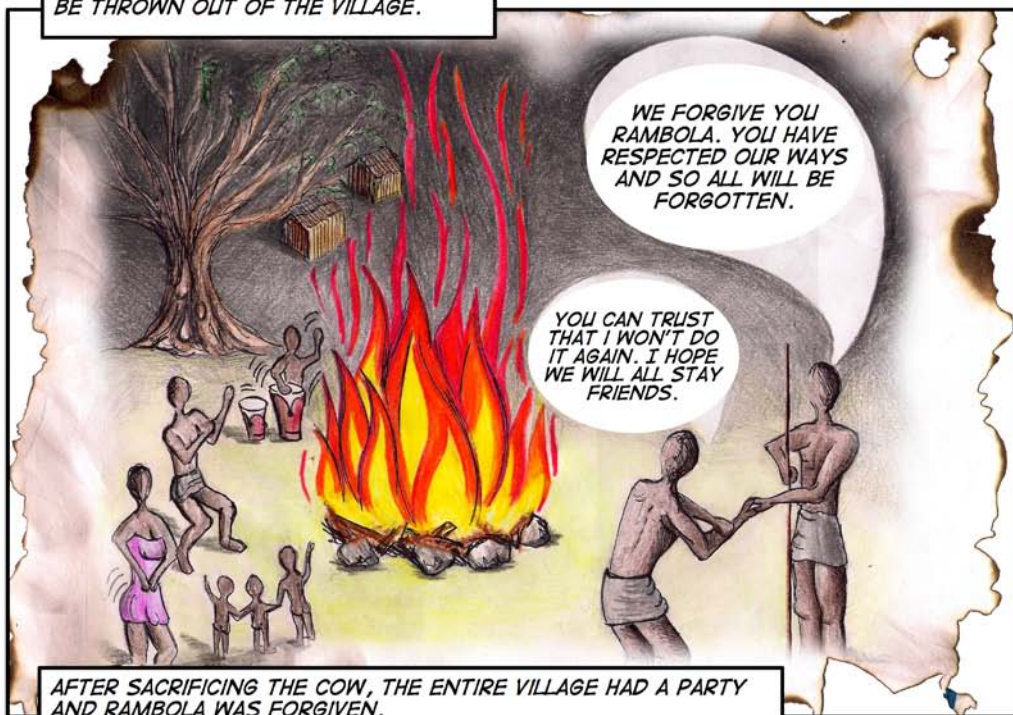
WHAT
SHOULD
I DO?



THE FOKONOLONA GAVE RAMBOLA A SHORT
TIME TO THINK ABOUT WHAT TO DO.



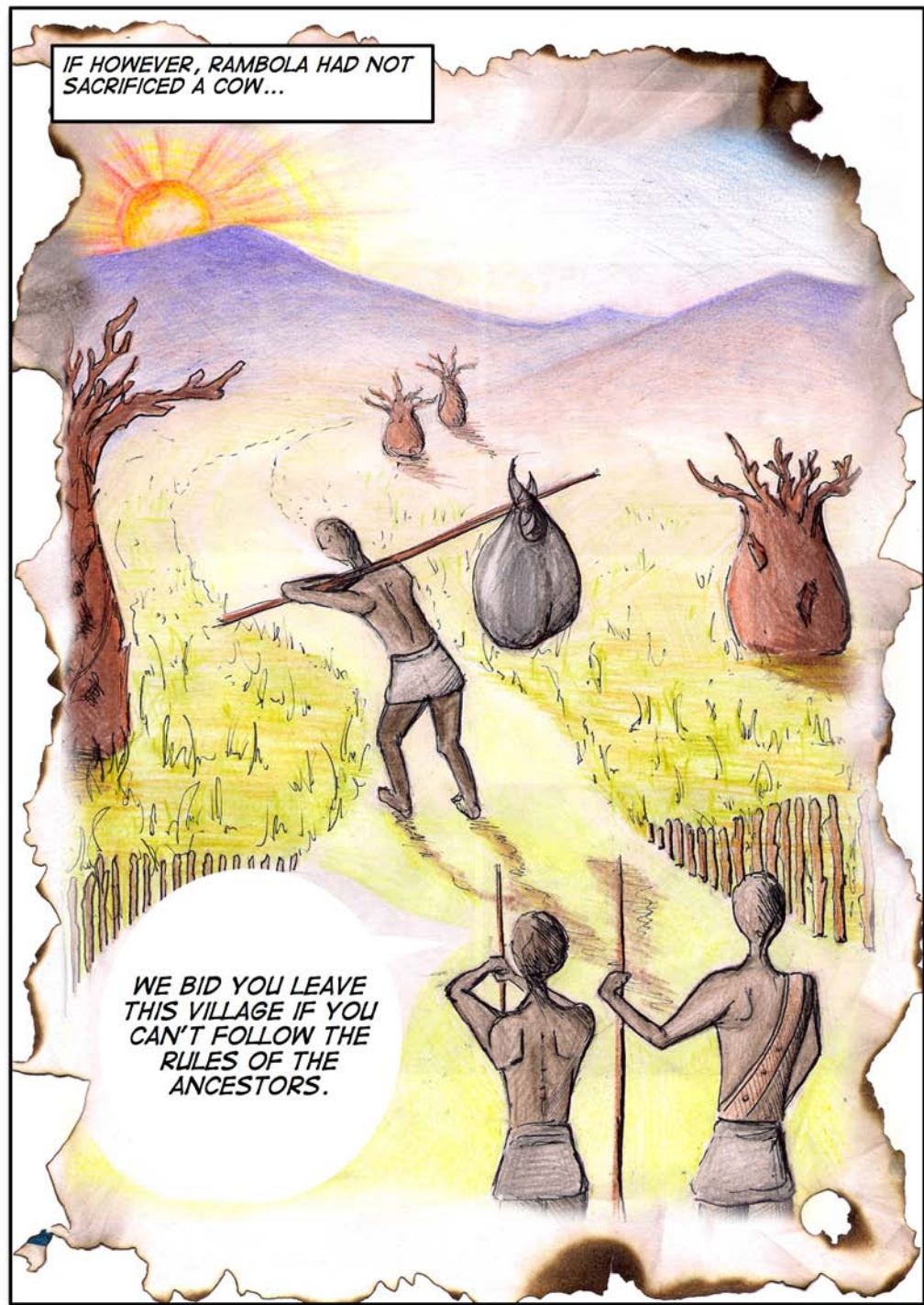
FINALLY, RAMBOLA DECIDED HE BETTER GO INTO DEBT TO PAY FOR THE COW. OTHERWISE, HE KNEW HE'D BE THROWN OUT OF THE VILLAGE.

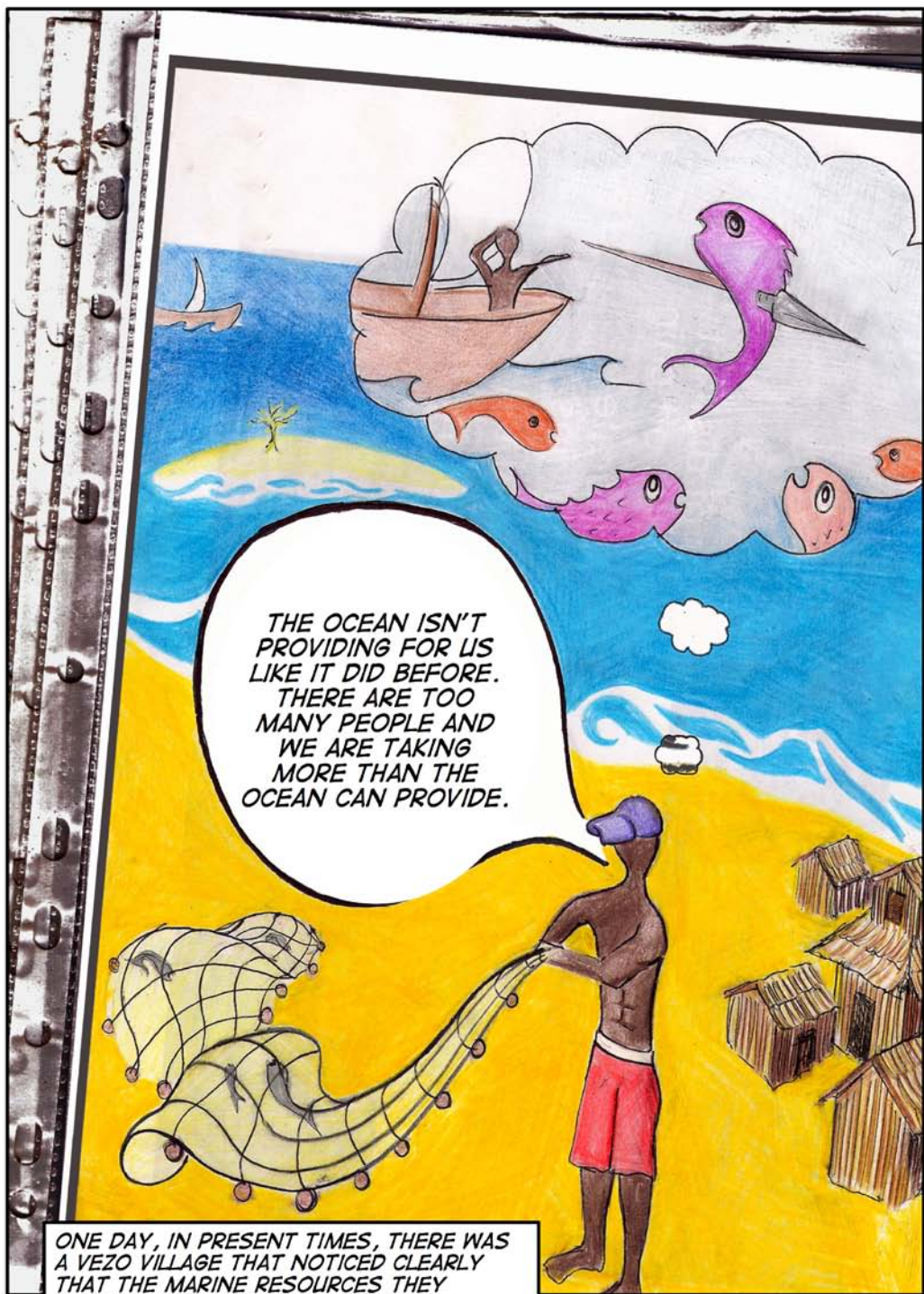


AFTER SACRIFICING THE COW, THE ENTIRE VILLAGE HAD A PARTY AND RAMBOLA WAS FORGIVEN.

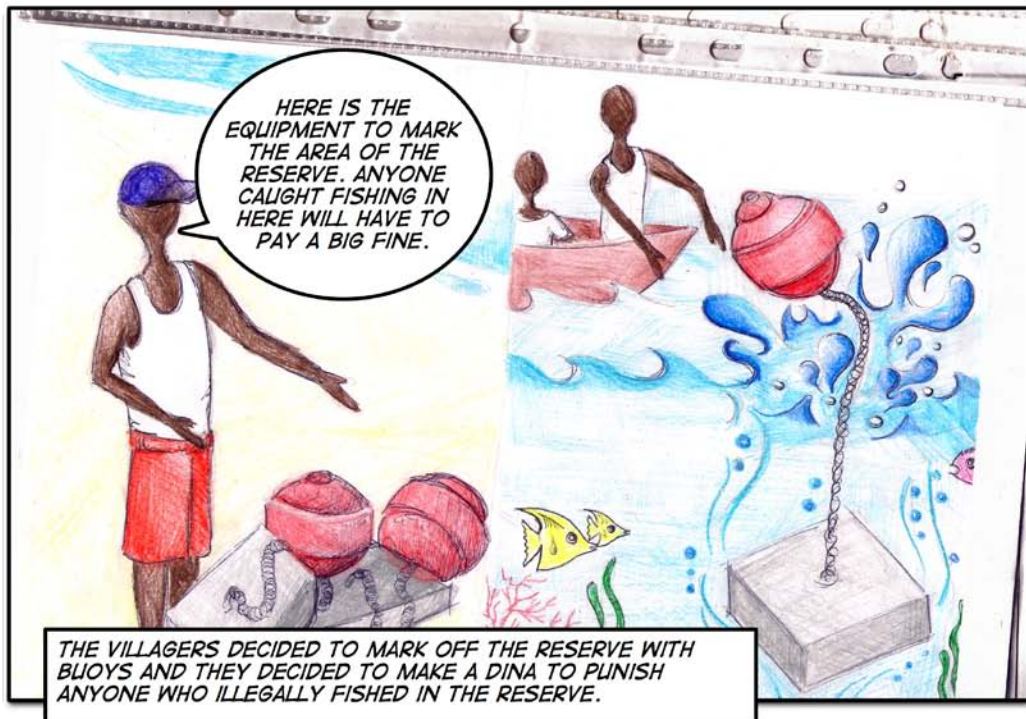
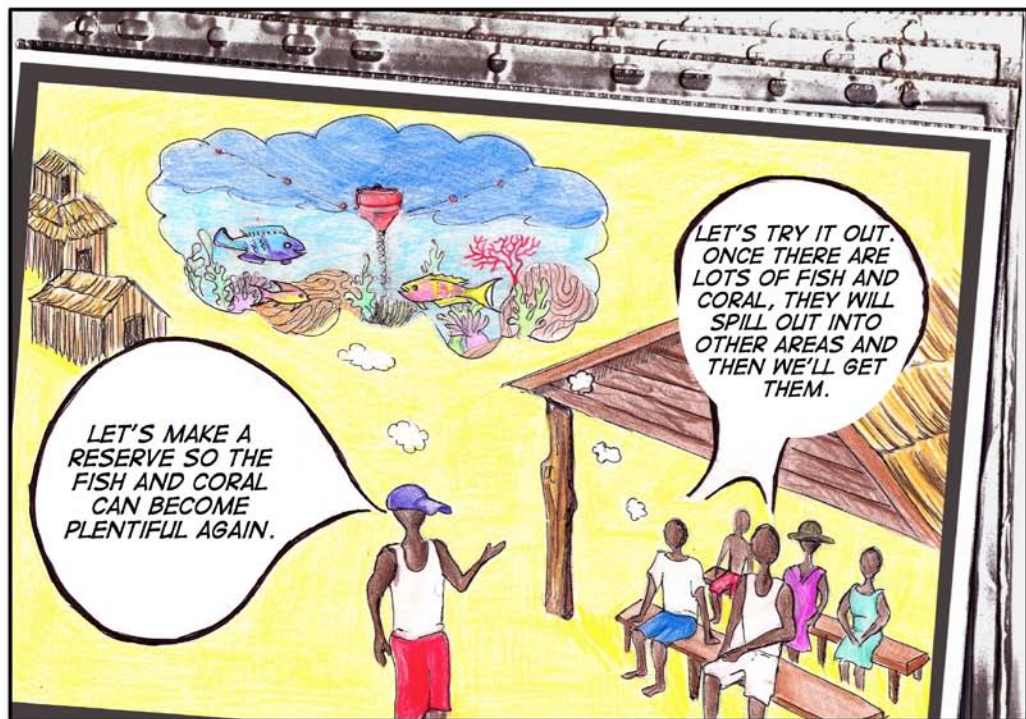
IF HOWEVER, RAMBOLA HAD NOT
SACRIFICED A COW...

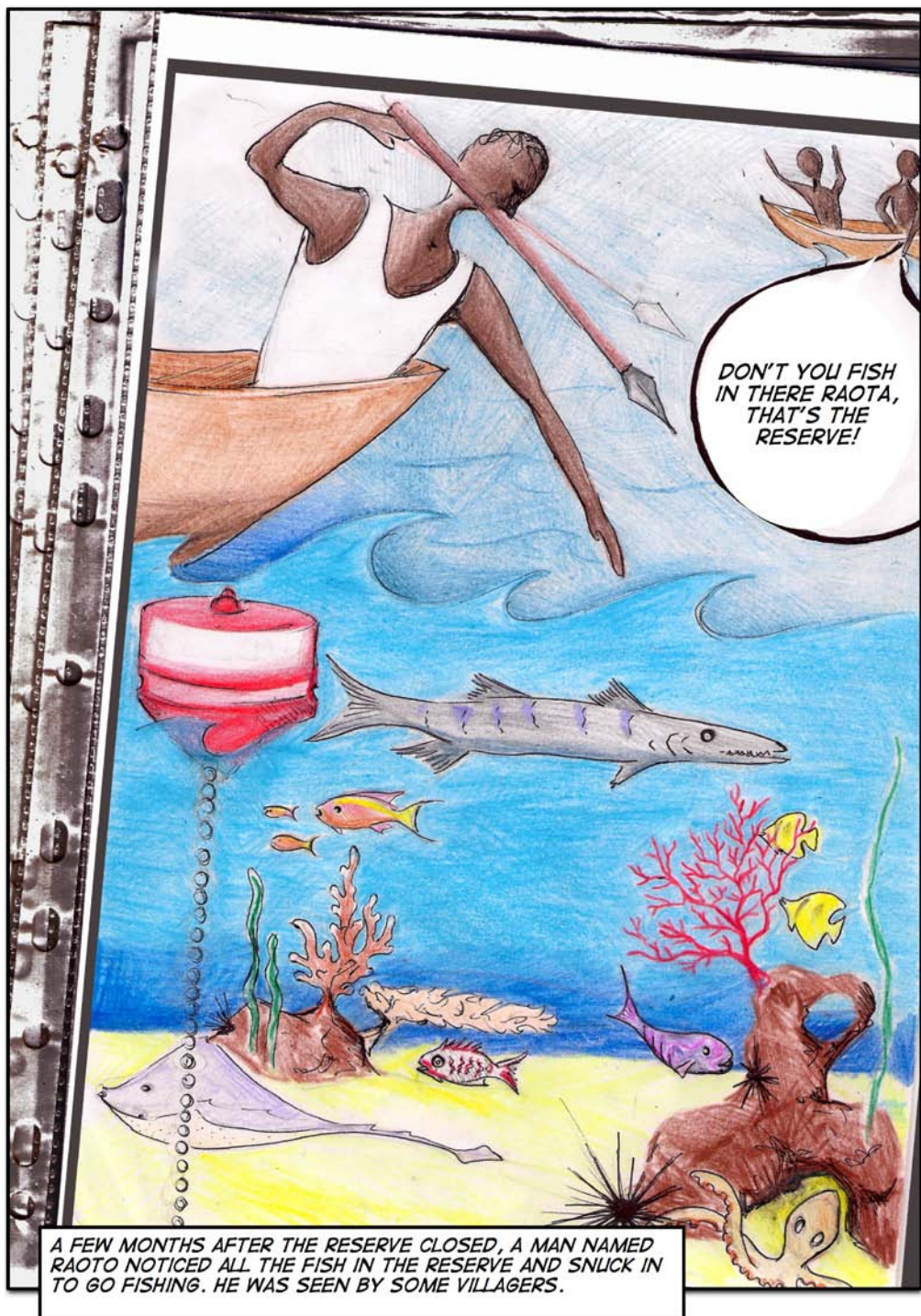
WE BID YOU LEAVE
THIS VILLAGE IF YOU
CAN'T FOLLOW THE
RULES OF THE
ANCESTORS.





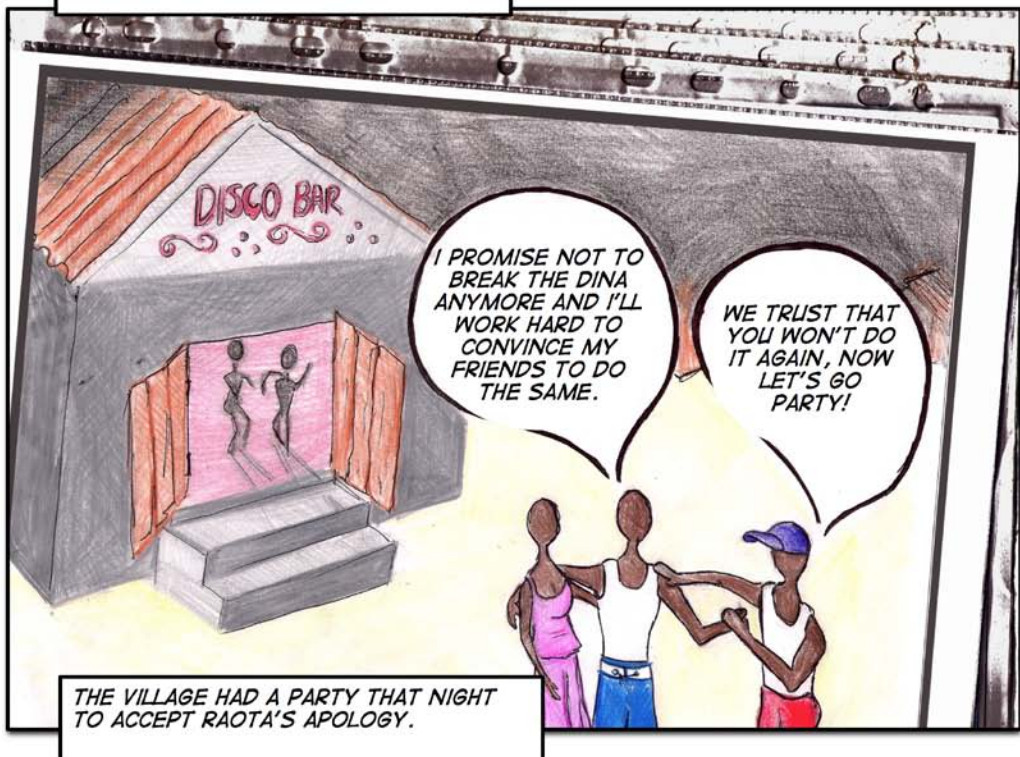
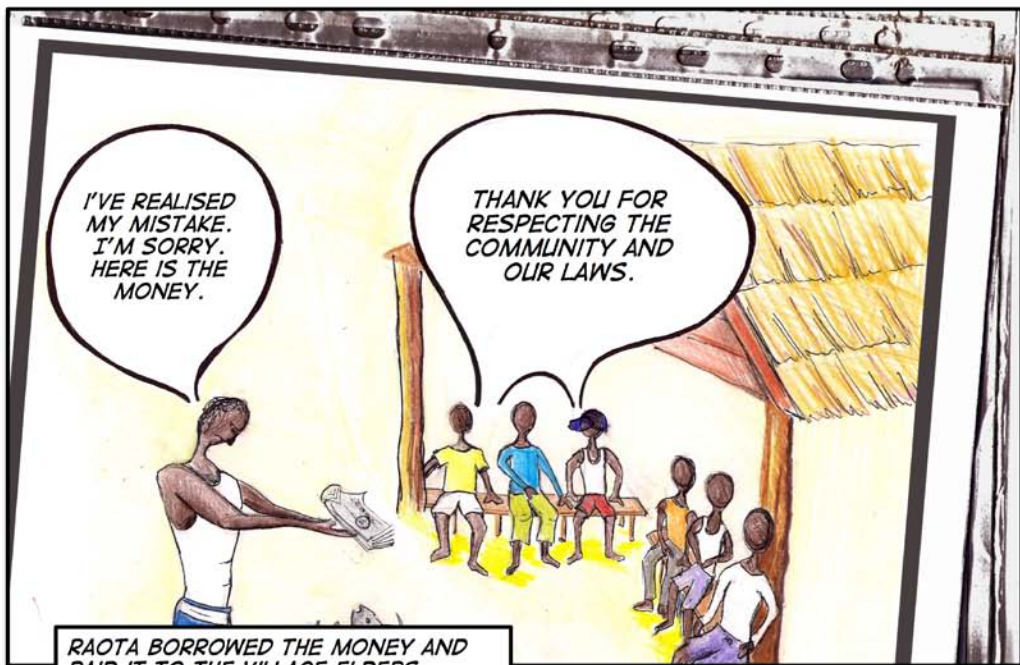
ONE DAY, IN PRESENT TIMES, THERE WAS A VEZO VILLAGE THAT NOTICED CLEARLY THAT THE MARINE RESOURCES THEY DEPENDED ON WERE DECLINING.





A FEW MONTHS AFTER THE RESERVE CLOSED, A MAN NAMED RAOTO NOTICED ALL THE FISH IN THE RESERVE AND SNUCK IN TO GO FISHING. HE WAS SEEN BY SOME VILLAGERS.





BUT IF RAOTA HADN'T PAID THE FINE, THE VILLAGE WOULD HAVE PASSED THE CASE TO THE COURT, WHERE RAOTA COULD EXPLAIN TO THE JUDGE WHAT HAPPENED.

THE DINA IS FULLY
RECOGNISED AS PART OF
THE LAW. FOR YOUR
RECKLESS DISREGARD OF
THE LAW AND YOUR
COMMUNITY YOU WILL
PAY MUCH MORE THAN
100,000 ARIARY!

END

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