



## Mangroves for Nature, Humans and Development

# Workshop to enhance legal capacity for mangrove management in Madagascar

## Workshop report

Antananarivo  
18-19 July 2019



An initiative by:  
Federal Ministry  
for Economic Cooperation  
and Development



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# 1. Context of the workshop

## 1.1 Background and overview

In the context of the Save Our Mangroves Now! initiative, the International Union for Conservation of Nature (IUCN) Environmental Law Centre is conducting a global review of the legal and institutional framework on mangrove management. The study focuses on mangroves globally with a review of the existing international instruments affecting mangroves and in detail thanks to seven case studies conducted by national legal consultants. Among these case studies, four countries of the Western Indian Ocean (WIO) region were selected, namely: Kenya, Tanzania, Mozambique and Madagascar. Capacity building workshops are organized in each of these countries in order to share the findings of the study and gather information to design appropriate recommendations with stakeholders from the government, communities, NGOs and private sector.

### About the Save Our Mangroves Now! initiative

Save Our Mangroves Now! is a joint commitment by the German Federal Ministry for Economic Cooperation and Development (BMZ), WWF Germany and IUCN that seeks to intensify efforts in mangrove conservation by upscaling and focusing global efforts to stop and reverse the decrease and degradation of mangrove habitats.

Fields of Action:

- 1) Embed ambitious objectives on mangrove protection and restoration in international and national political agendas
- 2) Pool leading expertise, enhance knowledge-sharing and close existing knowledge gaps on mangrove conservation and restoration
- 3) Apply and disseminate best practices in the Western Indian Ocean

Therefore, a capacity-building workshop was held in July 2019 in Antananarivo, Madagascar. The workshop was jointly organized by SOMN and the Ministry of Environment and Sustainable Development.

**All presentations held during the workshop and relevant documents are available [here](#).**

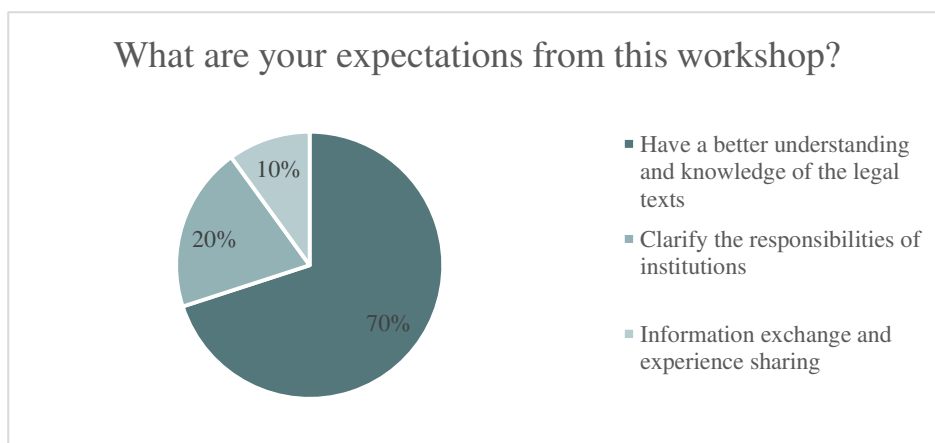
## 1.2 Workshop objectives

The workshop aims at improving implementation of existing mangrove related legal frameworks by building capacity of national and local government actors and civil society partners working at the technical level in different sectors and countries in Kenya. More specifically:

- ⇒ Enable the participants to have a better understanding of the legal frameworks and tools related to mangrove conservation and sustainable use.
- ⇒ Provide opportunity for participants to strengthen their capacity to face implementation challenges in their own work.
- ⇒ Foster the building of relationships and networks between participants from various sectors and institutions; and the transference of knowledge and experiences during the workshop and subsequently.

The workshop was held prior to a national workshop on mangroves management in Madagascar organized by USAID's Hay Tao project. The aim was therefore to hear the demands of the participants representing the various players in mangrove management in order to deepen these recommendations in the context of the national workshop (for the results, see Section 3.2.).

Prior to the workshop, participants were invited to share their expectations by responding to a questionnaire. The results are detailed below.



## 2. Detailed description of the workshop

### 2.1 Day 1 - Contextualization and legal analysis

#### 2.1.1 Session 1: Workshop opening and avant-propos

The workshop was opened with a speech by Herizo Rakotovololonalimanana, Director General of the Ministry of Environment and Sustainable Development (MEDD), speaking on behalf of the Secretary General who was unable to attend.



*"Ladies and gentlemen*

*I welcome you to this training workshop to improve the legal capacity and good management of mangroves.*

*I would like to apologise for the absence of the Secretary General of the Ministry of Environment and Sustainable Development, who is currently carrying out other missions and who has appointed me to represent him. He is grateful*

*for the benefits that will be brought thanks to this workshop and to your commitments.*

*Mangroves have an important carbon sequestration capacity among tropical forests (Jones et al., 2014). As a result, they contribute to the fight against climate change (Jones et al., 2016). They also act as a buffer against sea level rise (Ramsar 2002) and are a barrier against natural disasters such as cyclones and tsunamis (Selvam et al., 2006). They protect shorelines from erosion, filter pollutants and provide growth areas (frayère) and a refuge for several fish species (Chmura et al., 2003). They are also a nursery area for shrimp.*

*In Madagascar, mangrove areas decreased by 7% from 1975 to 2005 (Giri and Muhlhausen, 2008). Other studies show a national net loss of 21% between 1990 and 2010, or 57,359 ha (Jones et al., 2016). The main causes of mangrove deforestation are conversion to agriculture (35%), logging (16%), conversion to aquaculture (3%) and urban development (1%) (Giri and Muhlhausen, 2008; Jones et al., 2014).*

*Madagascar is entering the celebration of World Mangrove Day - July 26, 2019. This workshop on Mangroves offers the opening of a whole series of events that underline the importance of Natural Resources Management for sustainable development in the country.*

*I thank IUCN and WWF Germany's Save Our Mangroves Now initiative, which is supporting this workshop, that aims to raise awareness among stakeholders and develop legal and technical capacity to better protect mangrove ecosystems.*

*I hope that this 2 days workshop will allow you to achieve the goal set which is to raise awareness among stakeholders and develop legal and technical capacities for better protection of mangrove ecosystems.*

*I therefore declare open the workshop to enhance legal capacity for mangrove management in Madagascar "*

This speech was followed by a tour de table.

Finally, Uwe Johannsen representing WWF Germany presented the [Save Our Mangroves Now! initiative](#).

### 2.1.2 Session 2: The situation of mangroves in Madagascar

Madame Holihasinoro Andriamandimbisoa, PhD student of the Graduate School of Agricultural Sciences presented the [mangrove ecosystems in Madagascar](#) by emphasizing their functions, threats and management issues, including weak governance. In particular, she stressed the importance of the economic potential of mangroves and biodiversity in general in order to solve the problem of poverty. She mentioned that a national strategy is in preparation.

The presentation was followed by a discussion among the participants and the following points were raised:



- There is an ambiguity and confusion in the cohabitation between the ministry in charge of the environment and the ministry in charge of fisheries in the context of management transfers. There is a merger between the GELOSE Act and the Fisheries and Aquaculture Code on the management transfers of fisheries resources and aquatic ecosystems to base communities (COBAs). It is not known which text to use and which institution is in charge of the implementation.
- There is a lack of coordination in governance
- The transfer of ecosystem management in general, not only fisheries resources, could help to find a solution to coordination problems
- The ministry highlights the need to develop a zoning of mangroves determining their use, particularly as part of the support from SOMN Phase 2.
- The legal framework must first be revised before addressing the institutional framework
- Knowledge sharing is an essential element, we should have a database on the status of mangroves that is accessible to the various actors
- A system for monitoring draft texts needs to be developed
- Financial resources for mangrove management need to be increased

- Industrial fishermen encroach on the territory of traditional fishermen, the fishing gears of traditional fishermen are carried away by large fishing boats. There is no way to implement management transfers and no financial incentives. This is in addition to the low level of education and lack of capacity of communities to manage resources. Community leaders do not have the technical skills. There is a need for better coordination between the State and the COBAs and advocacy on the specification of fishing areas.
- Mining companies are protected by the State from people that use mangroves.
- The Dina does not provide any protection because its non-compliance does not result in any criminal sanctions.
- There is a lack of knowledge of the mangrove access regime
- There is a commitment from private companies. In the past, algaculture used mangroves to build stakes. Now, COPEFRITO imports the stakes and excludes the algaculture owners with whom they have contracted who continue to use mangroves.
- The problem is not the lack of policy but the lack of enforcement.
- To be a member of a COBA, you need to financially contribute and this is a problem.

### 2.1.3 Session 3: Instruments and institutions for mangrove governance

Ms. Léa Badoz presented the [recommendations from a comprehensive analysis of the legal and institutional frameworks of mangroves](#) based on a literature analysis and seven case studies, including Madagascar. These recommendations detail the best practices observed in this analysis and the elements that need to be put in place to improve the implementation of existing tools.

Following this presentation, a short film developed by the SRJS project presenting testimonies from local communities emphasizing the need to preserve mangroves was screened.



Next, Ms. Saholy Raminintsaotra [presented the various legal and political tools applicable to mangroves](#), highlighting their inconsistencies. She stressed the need to integrate the environment, as well as the procedural law aspects in the Constitution because the judge can draw inspiration from the Constitution to fill in the gaps in the law. There are a multitude of legal and political texts on the environment, with the law appropriating the

elements contained in the policies.

The State claims to own the resources, it does not want to share. It is therefore necessary to highlight the common heritage and develop local management because all Malagasies are owners of these resources.

There is a legal issue with respect to forest land. The Ministry of Forests is in the process of conducting a feasibility study of a text, but there is a trend towards securitization of land. Until forest land has a legal status, it cannot be included in land policy.

The Fisheries Code clearly targets mangroves. But the Code only mentions fishermen, *quid* of other stakeholders such as local communities that are not fishermen but contribute to the sustainable management of mangroves?

There are inconsistencies such as the law on the management transfer of fisheries resource which does not cite GELOSE but takes into account the COBA, the entity created by the GELOSE.

The judge decides on prosecution but the ordinance providing for the role of environmental officers does not take this into account and it is not in accordance with the Code of Criminal Procedure. The criminal transaction (which extinguishes public action) provided for by the ordinance does not require the judge's consent to decide the transaction. This text gives only jurisdiction to the police officer and the Minister in charge of forests to decide. However, according to the Code of Criminal Procedure, the judge should give his consent for any extinction of prosecution.

Legal inconsistencies have serious consequences. For example, the GCF text allows the seizure of products by the COBAs. However, the prescription on forest enforcement forbids local communities to make seizures. On the basis of the GCF text, a COBA seized the materials of a defendant and they were imprisoned.

Moreover, the barter economy works a lot in rural areas, this possibility needs to be broadened and considered. It is also necessary to review the legal advantage granted to proponents to ignore the opinion of the public consulted during the public consultation process for environmental assessment.

This presentation was followed by plenary discussions with a variety of comments:

- Members of local communities point out that the problem with the 2001-04 law is enforcement. The law states that communities can have a Dina with a Dina enforcement committee but the committee is open to all and the people who make the offences can push someone to be registered into the enforcement committee and thus block the implementation of the Dina. A new law on representativeness is needed to ensure the implementation of the Dina.
- Ordinance 60128 provides that communities can report and complaint but that the law is enforced by police officers or officials. But there is no immediate action after the reports. Is it possible for local communities to go directly to justice for these offences? Communities





can work with civil society to see how these offences should be dealt with on the judicial side.

- There is ambiguity, vagueness and inconsistencies on the legal side. Participants want this workshop to be used to discuss who does what, when, how. We go no further than the texts.
- It is important to set up an interconnection between the workshops in Madagascar. For example, a fisheries resource workshop was held two weeks ago and it would have to be coordinated to get something out. There are no representatives represented in the workshop but they carry the people's word at the Level of the Assembly so it would be important to involve them.
- On the subject of legal clinics, some have been set up as in Boeny, but there are also mobile legal clinics.
- There are disputes that cannot be dealt with by legal clinics, it is a matter for the courts. The presidents of the Fokontany settle small disputes but not the big ones. The GELOSE law provides for a settlement and the municipality plays the role of dispute conciliator. If the disputes are not reconciled, they will go to court.
- With respect to the lack of clarity of the responsibilities of institutions, jurisdiction falls within the rules of each ministry. The Ministry in charge of fisheries seems to ignore the articles on ecosystems that are included in the Fisheries Code. These competencies should be respected.
- It should also be noted that the GCF decree was not gazetted so it is not enforceable. It is the minister who authorizes the prosecution, the prosecutor cannot initiate a prosecution.
- Also, the 2015-053 Act does not mention coordination in resource management.
- Finally, we must distinguish between protected areas and State forests. The ministry manages the forests for the Malagasy State.
- There are two types of transactions: pre-judgment and after-judgment. Prior to judgment, the remedy is normally in kind but the slippage comes from the penalty.
- In forest texts, the term "non-woody" includes fish resources, honey...
- The National Commission for the Restoration of Forest Landscapes is an interesting mechanism. We need to think about a Landscape Management Transfer. It is because of compartmentalized management that we have management problems.
- GCF: when we set up the GELOSE, we forgot to highlight the technical aspects so the decree allows us to overcome that.
- We need a structured mind and that is why we talk about strategy. The strategy can be done at the national or regional level and then an action plan can be developed to be more concrete.



Following these discussions, working groups were formed to discuss specific themes and develop ideas on the basis of the following perspectives:

- Identify global and specific problems
- Identify existing incentives
- Assess the effectiveness of existing measures
- Propose appropriate solutions



## Group 1 - Governance

Global and specific problems	Existing incentives	Effectiveness of current measures	Appropriate solutions
Lack of coordination between institutions (MAEP and MEDD)	common coordination structure CNGIM, CNGIZC, ...	<b>Low:</b> no will to implement and disengagement of some institutions responsible	Stengthening of these structures by the relevant ministries
Inconsistency of mangrove texts in relation to existing contexts (inter-ministerial <i>arrêté</i> / GELOSE law)	Various consultation workshops organised with all stakeholders Discussion between MAEP and MEDD on mangrove management	<b>Low:</b> no collection of information from consultations	Advocacy from Civil Societies
Non-application of current laws (case of traditional shrimp fisheries)	Broadcast of fishing closure schedules in Circulaires	<b>Low:</b> no alternative measures to compensate for closure No follow-up and control	Advocacy of Civil Societies Creating AGRs through PTFs
Inadequate human resources: very weak local administration (Maroantsetra case: one person to manage a large space)	Recruitment of staff	<b>Low:</b> confined to district level (fishing service case)	Advocacy of Civil Societies Training and capacity building of staff Putting in place adequate infrastructure and resources
No continuity of public services action (case of TGRN's signature in the DIANA Region)	Courtesy visit and advocacy	<b>Effective:</b> recognition of the manager on the process already begun	Improved service transfer Systematic sharing of information at the STD level Improved switching
Weak local community governance capacity	Organization of capacity building workshops (MIHARI forum)	<b>Effective:</b> Basic communities become more responsible and motivated	Periodic recycling Monitoring reinforcement
Isolation of mangrove areas managed by local communities	Setting up LMMA networks (MIHARI)	<b>Effective:</b> network recognition, information sharing between bases	Strengthening networking

## Group 2 - Climate Change

Global and specific problems
<p>CC's impact on mangrove management</p> <ul style="list-style-type: none"> <li>- Sea level increases → long-lasting submersion resulting in loss of mangroves</li> <li>- Acidification of water → altered habitat</li> <li>- Crab and Shrimp Life Cycle Disrupted → Productivity Decline</li> <li>- Effect of upwelling → disappearance of mangrove biodiversity</li> <li>- Intensification of cyclonic disturbances: Too much rain → sedimentation of mangroves (<i>Avicennia marina</i> is the most sensitive)</li> <li>- Indirect impact on human activity: CC impacts cultivation and farming → transfer of uncontrolled pressures to mangroves → migration of people (these are mostly migrants , use of non-compliant fishing gears → problem/social conflict (no respect for traditional rules) → insecurity</li> <li>- Lack of knowledge of the suitable areas for mangrove planting → existing guide for planting?? accessible to all audiences?</li> </ul> <p>lack of knowledge on the importance of mangroves</p>



<p>Impact of mangrove degradation on CC</p> <ul style="list-style-type: none"> <li>- Increased vulnerability of coastal villages to extreme weather events (wind, cyclone, wave strength,...)</li> <li>- Degradation of fisheries resources → affects socio-economic conditions of households → Decrease in the resilience of local communities</li> <li>- Decrease in chlorophyll function → increased level of CO2 in the atmosphere</li> <li>- Increased carbon emissions from coal production</li> <li>- Carbon credits: loss of potential gains for REDD projects</li> <li>- Increased poverty</li> </ul>
<b>Effectiveness of current measures</b>
<ul style="list-style-type: none"> <li>- What are the measures in force: all these texts already listed at the workshop → gaps, different interpretations, inconsistency</li> <li>- National CC Policy, CC National Adaptation Program (coastal protection, mangrove plantation,...), REDD National Strategy (one of the REDD+ ecoregion, specific activities by type of REDD+ approach, Potential Program on western mangroves,...)</li> <li>- CDN (mitigation 14% GHG, 270,000ha/adaptation); Text: companies that reduce their mangrove work areas by 10%/year will be punished; Dina: state involvement, think of in-kind compensation for vonodina (planting)</li> </ul>
<b>Appropriate solutions</b>
<ul style="list-style-type: none"> <li>- Migration control (resource-destroying fishing equipment,...)</li> <li>- Provide appropriate knowledge for suitable planting areas for propagules/set up mechanism to monitor and monitor the success of mangrove reforestation</li> <li>- Awareness with powerful messages about the importance of mangroves</li> <li>- Accelerating the REDD process so that local communities can benefit concretely from emissions reduction payments</li> <li>- Dina: judge in charge of environmental cases (knowledge of mangroves)</li> <li>- Restoring mangroves to increase the resilience of the ecosystem and related populations</li> </ul>

### Group 3 - Ecosystem Management

<b>Global and specific problems</b>
<ul style="list-style-type: none"> <li>- Lack of basic databases on mangrove ecosystem status;</li> <li>- At the grassroots level (communities): Insufficient information / lack of ownership of a regulatory framework on mangroves; knowledge of the importance of the ecosystem (and its functions) / lack of knowledge of mangrove ecology (relationship between habitat and wildlife); observation of the degradation of resources (but knowledge of the cause)</li> <li>- No common vision from users</li> <li>- Inconsistence of the policy in relation to the requirements for mangrove restoration</li> </ul>
<b>Existing incentives</b>
<ul style="list-style-type: none"> <li>- On the ground, there is no visible incentives</li> <li>- Promotion of the Blue Economy (carbon income)</li> </ul>
<b>Effectiveness of current measures</b>
<ul style="list-style-type: none"> <li>- Mangrove restoration: a good initiative but relatively ineffective. (problem: political incoherence and normal conduct)</li> </ul>
<b>Appropriate solutions</b>
<ul style="list-style-type: none"> <li>- "Intersectoral" zoning by type/level of degradation, type of use; thus this zoning defines the choice of the species to be restored, guides the implementation of legal tools/frameworks; land use plan by zone type</li> <li>- Scale-up of mangrove restoration efforts</li> <li>- Raising awareness among community</li> </ul>



- Ensuring that communities are 'economic operator' instead of solely users: mangrove sector approach to the benefit of communities

#### **Group 4 - Protected Sites**

Global and specific problems
<ul style="list-style-type: none"> <li>- What legal status?               <ul style="list-style-type: none"> <li>o Not aware of any legal status</li> <li>o Knowledge of each status</li> <li>o Category of Protected Areas</li> </ul> </li> <li>- Non-effective Protected Sites: New Protected Areas Cases               <ul style="list-style-type: none"> <li>o Notification but no management transfer</li> </ul> </li> <li>- Department in charge? MAEP/MEDD</li> <li>- Prohibition of logging (use rights and exploitation) / Interministerial order</li> <li>- Mining authorization</li> <li>- Lack of accountability (corruption, conflict of interest, diffuse responsibility, resignation of officials)</li> </ul>
Existing incentives
<ul style="list-style-type: none"> <li>- Management transfer</li> <li>- LMMA</li> <li>- Public-private partnership (Ecocertification, CSR, ...)</li> <li>- Co-management with communities</li> </ul>
Appropriate solutions
<ul style="list-style-type: none"> <li>- Involvement of Fokonolona</li> <li>- Strengthening management capacity</li> <li>- Environmental education / School and media</li> <li>- Integrated mangrove management</li> </ul>

Because of time constraints, the last session of day 1 was canceled. The questions of the session were discussed during the day in the context of other sessions, therefore the issues were covered.

## 2.2 Day 2 - Analysis of the impact of legal tools and thinking about potential improvements

### *2.2.1 Session 4: The Impact of Mangrove Governance Tools on Institutional and Stakeholder Practices*

The second day began with the presentation of Mr. Tombotsoa Raharijaona, who presented the [impact of mangrove governance tools on institutional and stakeholder practices](#).

He specifies that the definition of mangroves in law is clear, they are forests. In particular, he stresses that mangroves are not fisheries resources, but the habitat of these resources because the confusion remains. He also pointed out that the ecosystem is a public service, so the state is the first actor involved.

He also presented the hierarchy of Malagasy legal tools so that participants would understand more about the applicability of the tools.

Finally, he detailed the denunciation procedure that can be carried out by the communities.

Following this presentation, the following points were raised in a discussion between the lawyers present and the other participants:



- The definition of mangroves does not seem that clear because in a previous workshop, one participant mentioned the fact that forests were defined by a minimum of 5 meters in height, which does not apply to all mangroves.
- The inter-ministerial order banning the cutting of mangrove wood blocks the management transfer provided for by the GELOSE law.
- COBAs are threatened when they want to denunciate unlawful activities
- Protected area managers face problems because they do not know which institutions are involved
- There is a need to compile all the texts related to the management of mangroves
- There is an inconsistency between the Fisheries Code and the Code of Criminal Procedure in relation to criminal seizure and offences. This is why it is recommended to base the “Procès Verbal” on the Code of Criminal Procedure and not on the Fisheries Code.
- The CRDA is in charge of verifying inconsistencies in developing laws. However, there are shortcomings since inconsistencies remain (e.g. Fisheries Code amended in 2018)
- Texts that do not meet needs must be amended and environmental justice strengthened
- Some actors do not have the power to prosecute. THE MEDD issues special authorizations to prosecute for offences in protected areas.
- Question: Why were the non-compliance findings between the texts not forwarded to the Ministry in charge? No one has the answer.
- We must stop saying that the laws are there and that the problem is implementation. Texts must also evolve.
- Legal making must be taught in ministries to ensure that laws are better drafted and gaps and inconsistencies must be avoided. In each department, a department of lawyers work on the texts but this does not seem to be enough.
- All texts should be deleted to start on new bases and create new texts.
- The creation of the CNGIM was not necessary, it would have been more coherent to place the discussions on mangroves in the ecosystem set by the CNGIZC

These discussions were followed by The Presentation by Paul Raonintsoa on [mangrove governance tools in Madagascar](#). He pointed out that this governance revolves around three actors: the State, the private sector and civil society. He stressed the need for Strategic Environmental Assessments to make development sustainable. He also lamented the lack of

public-private investment in mangroves. He proposes to set up a plea to make mangroves a priority natural resources and increase investment.

This presentation was followed by a short intervention by Andriamihaja Herimalala representing Fishing Export, on his demand. He stressed the need for an ethical basis within the legal framework. The crab industry faces several challenges. Crabs are now exported alive to Asia which creates income benefits but involves many negative circumstances. There are fewer and fewer crabs but the species is still not listed in Schedule I or II of CITES, which would regulate this trade in live crabs and preserve the wild genetic heritage.

After lunch, participants met again in groups and worked on specific themes, responding to the following instructions:

- Identify the issues of institutions, local communities or stakeholders in these four themes.
- Develop at least one particular experience you've encountered in your work.
- How can these situations be improved?

For time constraints and in order to favour discussions, it was decided not to proceed with the fictional case study.

**Group 1 - Natural Resource Management (including management transfers)**

Issues
<ul style="list-style-type: none"> <li>- Increased demand for NR management transfer</li> <li>- Promoting funding sources to achieve the TGRN</li> <li>- Need for community involvement in the management of NRs</li> <li>- Conflict of use or interest between stakeholders</li> <li>- State commitments to various international and national conventions and implementation of TGRN</li> <li>- Increased degradation of NRs</li> <li>- Concern on various aspects (economic, social, health, education)</li> </ul>
Experiences
<ul style="list-style-type: none"> <li>- Difficulty on the TGRN process and traditional community law (GELOSE - Interministerial Order)</li> <li>- Confusion in the texts to follow/apply (TGRN, TGRH)</li> <li>- Approval process difficulty, Validation of NR management documents (Dina, PAG, PAP)</li> <li>- Lack of system protecting informants (whistleblowers), murder of community patrollers</li> </ul>
Improving the situation
<ul style="list-style-type: none"> <li>- Promote inter-ministerial consultation when making decisions or withdraw from the texts regulating management and TGRN;</li> <li>- Clarify the competences of TGRN's governing institutions/promoters;</li> <li>- Improve communication and transparency on the management of NRs (Funding sources, TDR stakeholders, responsibilities of each party, ...)</li> </ul>

**Group 2 - Environmental and Social Impact Study**

Issues
<ul style="list-style-type: none"> <li>- Limited impacts and counter-measures (not clear in the texts, each sectoral text?) are effectively implemented</li> <li>- The “cahier des charges” needs to be updated regularly</li> <li>- CSR: voluntary-respect for human rights/risk: sometimes advertising and not respecting ethics</li> <li>- Required by customers and partners: CSR,...</li> <li>- Lack of reliable database to establish EIES (stock study,...)</li> <li>- Involvement of local communities in consultations (inclusive and representative): What about framing the free and informed pre-consent of communities for extractive activities??</li> <li>- Earnings/impacts/loss framing versus investment choices</li> <li>- Conflict between sectoral considerations</li> </ul>
Improving the situation
<ul style="list-style-type: none"> <li>- Existence of illegal operations without EIA</li> <li>- MECIE update in progress: integration of biodiversity as part of the COMBO project</li> <li>- Marine Stewardship Council Approach</li> <li>- ASC aquaculture: EIES specifications</li> <li>- MIHARI network: clear vision on the regulation and management of the same fisheries (fishing period, fishing gear, catch volume, ...) agreed with all stakeholders (local communities,...)</li> <li>- How do you implement the win-win process into an investment? (projects, state, communities, private/investors, CTD,...): principle of sustainable development</li> <li>- CSR: voluntary but to be added to lobbying or even to devote in the texts</li> <li>- Listing live crabs into the CITES Annex</li> </ul>

### **Group 3 - Education, information and transparency**

Issues
<p>Institutional challenges:</p> <ul style="list-style-type: none"> <li>- Make management practices easier</li> <li>- Building trust in colleagues</li> <li>- Decision-making</li> <li>- Improve decisions</li> <li>- Reducing the risk of abuse by the department employee</li> </ul>
<p>Challenges for local communities or stakeholders</p> <ul style="list-style-type: none"> <li>- Increase skills and knowledge</li> <li>- Encourage people to protect themselves</li> <li>- Strengthen employment as a heritage</li> <li>- Encourage more responsibility</li> <li>- Controversies between people on the ground</li> </ul>
Experiences
<p>READ: " public consultation MADA OIL "</p> <ul style="list-style-type: none"> <li>- Just explain what the company wants to do</li> <li>- There was no explanation as to why investigating</li> <li>- There was no indication of the potential consequences of the project</li> <li>- Those interested in the survey were selected</li> <li>- The basic ideals are divided into two parts: <ul style="list-style-type: none"> <li>o (1) Destroying jobs for fishermen</li> <li>o (2) Making progress for others</li> </ul> </li> </ul>



Improving the situation
<ul style="list-style-type: none"> <li>- An investigation must be carried out to investigate all those involved</li> <li>- The COBA is included as a “guardian”</li> <li>- The findings of the baseline investigation must be reviewed before the decision is made.</li> <li>- Locals learn to read the “cahier des charges”</li> </ul>

**Group 4 - Governance (including development and planning)**

What's at stake
<ul style="list-style-type: none"> <li>- Disengagement does not mean absence of the State: diffuse responsibility as soon as there is a problem on mangroves;</li> <li>- Poor governance of mangrove resource development: sustainability-conscious entities find themselves disadvantaged;</li> <li>- Disbalance between the people managing and the power of governance of mangroves.</li> </ul>
Experiences
<ul style="list-style-type: none"> <li>- The GIZC has a national policy and a national/regional action plan with national, regional and local structures.</li> </ul>
Improving the situation
<ul style="list-style-type: none"> <li>- Integrating strategic environmental assessment (SEA) into all planning schemes: data collection, stakeholder inventory, risks, issues, scenarios,...</li> <li>- Access to justice for non-compliance</li> <li>- Restoration of the role of the state: ethics committee - control of mangrove products - regulation of markets (export quotas, limitation allowed according to resources ....)</li> </ul>

### 2.2.2 Recommendations and next steps

The workshop ended with the development of a list of recommendations:

#### **Institutional coordination**

- ⇒ The consultation of CNGIM and GIZC for the harmonization of their activities affecting mangroves
- ⇒ Sharing of responsibility between institutions to be clarified (Fisheries, Environment and Forests, Land Use Planning) = Responsibility charter for each party in the governance of mangroves.
- ⇒ CNGIZC Vs CNGIM: ability and competence to evaluate! E.g.: the case of the CRGIZC Menabe, which is unable to fulfil their coordination roles and lacks the necessary resources.
- ⇒ Capacity building of coordination structures (platforms...)

#### **Training / capacity building**

- ⇒ Organisation of joint training at regional level on these legal tools with the participation of conflicting stakeholders (fisheries, community, etc.)
- ⇒ Facilitation of the means of communication of texts and governance tools (tools adapted for grassroots communities).
- ⇒ Strengthen the establishment of legal clinics (two pilot sites in Hay Tao: Menabe and Mamabaie).



- ⇒ Facilitate public (especially community) access to existing texts.
- ⇒ Stakeholders : Capacity building of STD, CTD, community and private sector.

### **Awareness/communication**

- ⇒ Awareness-raising and communication on the importance of mangroves in order to strengthen ownership of mangrove governance.
- ⇒ It is necessary to develop communication materials and tools such as what SMARTFISH has already developed and which are effective (comics in dialect);

### **Sharing of experience and information**

- ⇒ Sharing of information and implementation of actions to raise awareness and include communities in processes + empowerment
- ⇒ Sharing of good practice between regions and sites (e.g. legal clinics that already exist in some areas but are not yet in place in the north).
- ⇒ Connecting the various workshops on mangroves (pooling of decisions taken) + capitalizing on the achievements of the various reflections carried out.
- ⇒ Establishment of an online platform or database of tools (open to the public).

### **Environmental Impact Assessment / Strategic Environmental Assessments**

- ⇒ EIA: It is important to consider the public consultation process. What are the expectations of local communities Round table with the theme "citizen participation" = highlight the participation of everyone and consider the representativeness of communities. (Effort to be made by the ONE).
- ⇒ EIA: focus on social issues in ESIA.
- ⇒ Use of the SEA tool (plan, programme and policy) beforehand in the context of investments.

### **Governance**

- ⇒ Mangrove zoning involving all relevant sectors (not just the environment) taking into account the different uses of mangroves.
- ⇒ Management approach - Governance part: improvement of the legal framework considering the intersectorality and importance of local governance
- ⇒ Management tools: Simplification of technical tools and strengthening of control and monitoring activities by considering the use of databases + stakeholder involvement + integration of the SDGs (poverty + education) and climate change
- ⇒ Integration of mangrove management into territorial planning tools [Enhancement of existing tools]

### **Harmonization and clarification of texts**

- ⇒ TGRH + TGRN for mangroves: Consistency between fish resource transfers and TGRN. Co-signature: between Forest and Fishing (why not land use planning)
- ⇒ Organisation of the "table ronde" of lawyers: collection of concerted legal and related tools + guidance for decision-makers [coherence + harmonisation of texts + organisation of capacity building for the drafting of texts and the art of drafting (legislative) law...] = See the possibility of associating technicians

### **Investment and trade regulation**

- ⇒ In the mid-term perspective, establish a framework or criteria for investment in mangroves
- ⇒ Limitation of the export of live crabs: Wild genetic heritage to be preserved. It is not a question of stopping exports, but it is necessary to highlight the ethics of preserving the species (maybe the CITES annex with the aim of preserving mangroves)



⇒ Means: Valuation of mangroves as a product = development of partnerships and the legal framework for exploitation and also the valuation of mangroves as a productive ecosystem and service provider + pressure control: energy wood and service wood.



## 3. Workshop analysis

### 3.1 The results of the workshop

#### *3.1.1 Strengthening legal capacity*

Participants developed their legal capabilities through presentations detailing the legal framework and raising inconsistency issues, but also through the group works on legal topics and enabling to explore solutions but also thanks to the numerous discussions promoting the exchange between the participants and the lawyers present who clarified several points.

#### *3.1.2 Sharing information and experience*

Participants participated in several group activities where they were able to share their personal experiences and knowledge. All of these elements were then shared with all participants and could be discussed.

#### *3.1.3 Develop recommendations*

At the end of the workshop, a long list of recommendations was drawn up, with the aim of being reinforced by more concrete proposals at the conference on mangrove management which is being held from 23 to 26 July in Tulear (see Section 2.2.2).

### 3.2 The results of the National Workshop on Mangrove Management and Governance in Madagascar (23-26 July 2019)

The week after the workshop organized by SOMN, another workshop was held from July 23 to July 26 2019, organized by USAID Hay Tao in Toliara. The workshop brought together many stakeholders, including some participants from the legal workshop, and aimed to develop a common perspective on mangrove management in Madagascar.

The recommendations developed during the legal workshop were presented at the national workshop by Julien Noel Rakotoarisoa, in order to capitalize on the workshop's achievements. The joint declaration below was then adopted at the conclusion of the national workshop.

### Joint statement

Given the general assessment of the workshop on the state of play on mangroves, noting that the substance of the problems is based on the aspect of governance, in particular the lack of coordination between the actors and the inconsistencies between the governance tools ;

On behalf of the various ministries involved in the management of mangroves, we state that:

With regard to governance tools:

- Based on the recommendations collected during the two mangrove workshops (in Antananarivo and Toliara), we will finalise the national strategy on sustainable mangrove governance and management and ensure its implementation
- Review the legal tools of the sectors involved in the organisation of a “table ronde” between lawyers and technicians (resulting in the release of the revised inter-ministerial decree on mangrove management, in particular Decree 32100/2014 of 24 October 2014 banning the exploitation of mangrove timber at the national level)
- Compile and disseminate technical and scientific data on mangroves through the development of a document on Madagascar's mangroves status
- Lead the national zoning of mangrove ecosystems in conjunction with different stakeholders
- Promote alternatives to the use of mangrove woods (extension of land reforestation)

With regard to the coordination of the interventions of governance actors:

- Clarify the missions of the various sectoral structures and national coordination, through the revitalization of the National Committee for Integrated Management of Mangroves (CNGIM) and the harmonization of interventions with the National Committee for Integrated Management of Coastal Areas (CN-GIZC)

With regard to the mangrove governance monitoring system

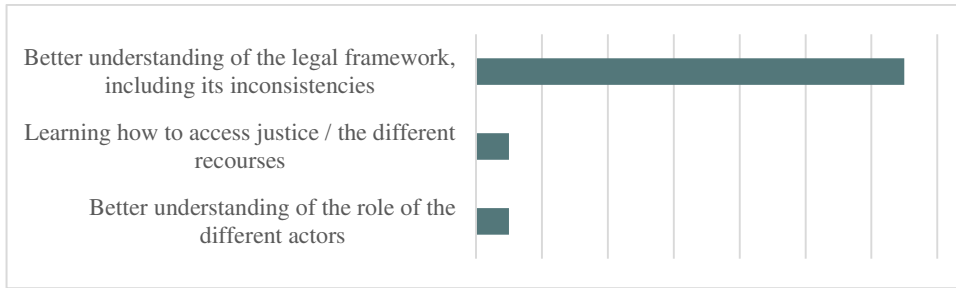
- Ensure compliance with the principles of good governance in the conduct of mangrove management activities and these through the intensification of the involvement of Civil Society Organizations (including transparency, accountability, equity)
- Follow the application of various governance tools (legal and technical) including the application of the law in the management of mangroves

The recommendations of the legal workshop were therefore taken into account when drawing up this joint declaration, including the organization of a “table ronde” between lawyers and technicians.

### 3.3 The results of the feedback questionnaire

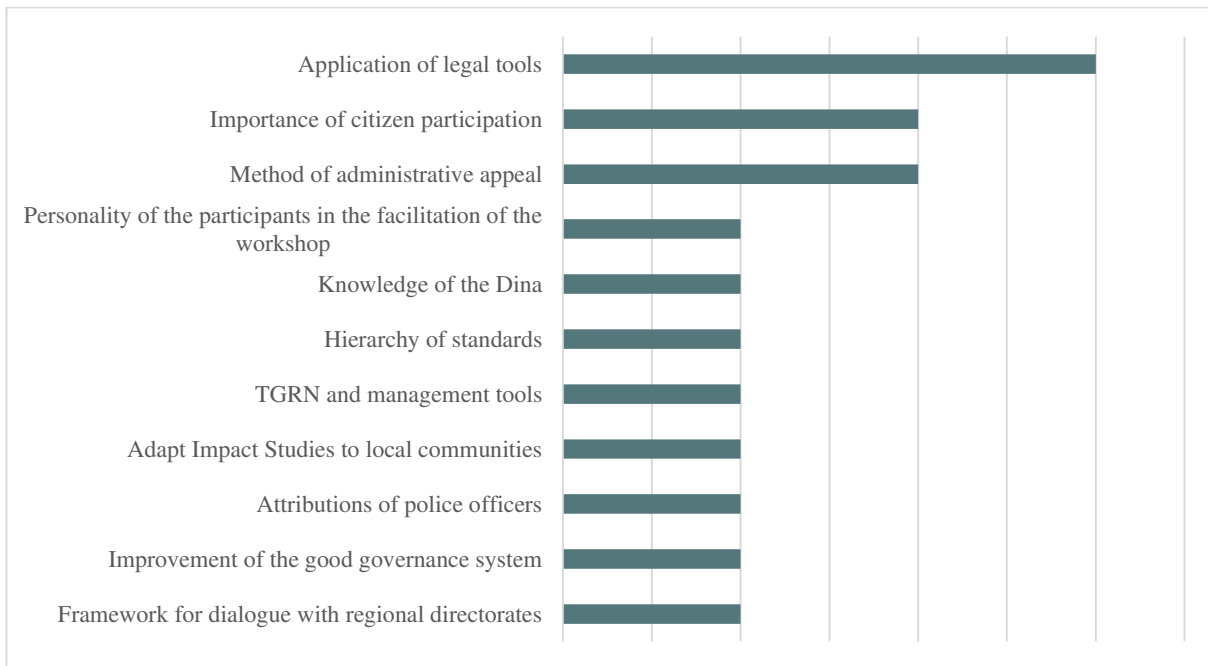
At the end of the workshop, a questionnaire to assess the workshop was distributed to the participants. The results of the analysis of the answers are detailed below.

**3.3.1 Question 1 - How has this workshop shaped or enhanced your knowledge and understanding of legal tools to support mangrove management?**



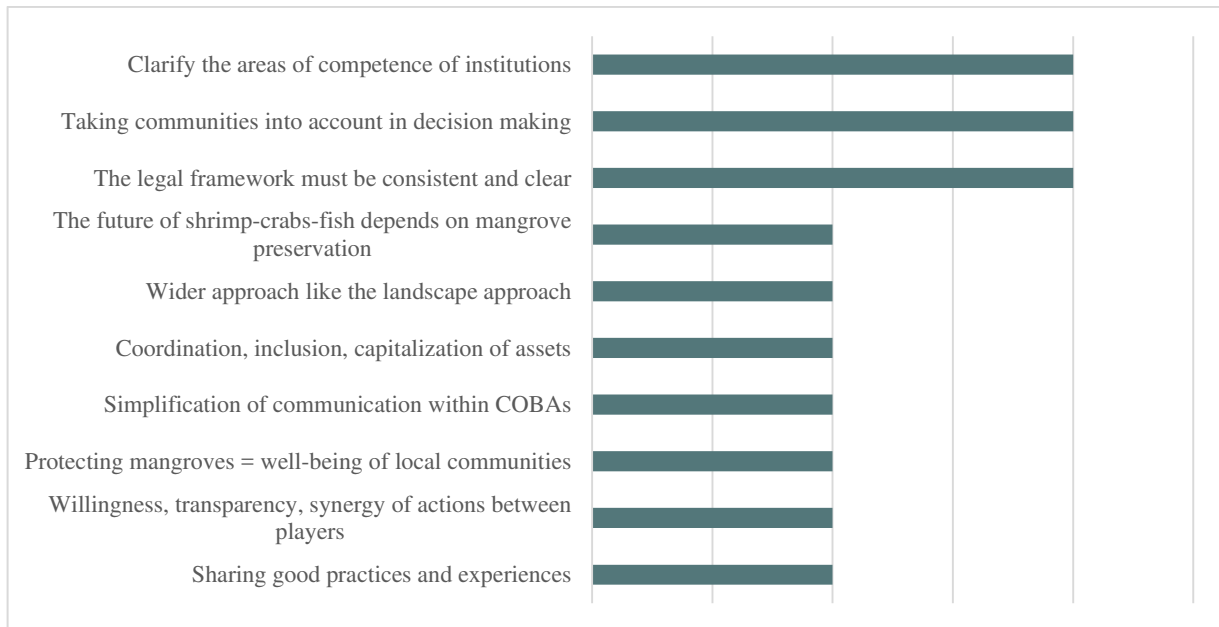
The vast majority of participants say they have a better understanding of the legal framework for mangroves after the workshop, in line with expectations.

**3.3.2 Question 2 - Are there outcomes from the workshop that you can use in your day-to-day work?**



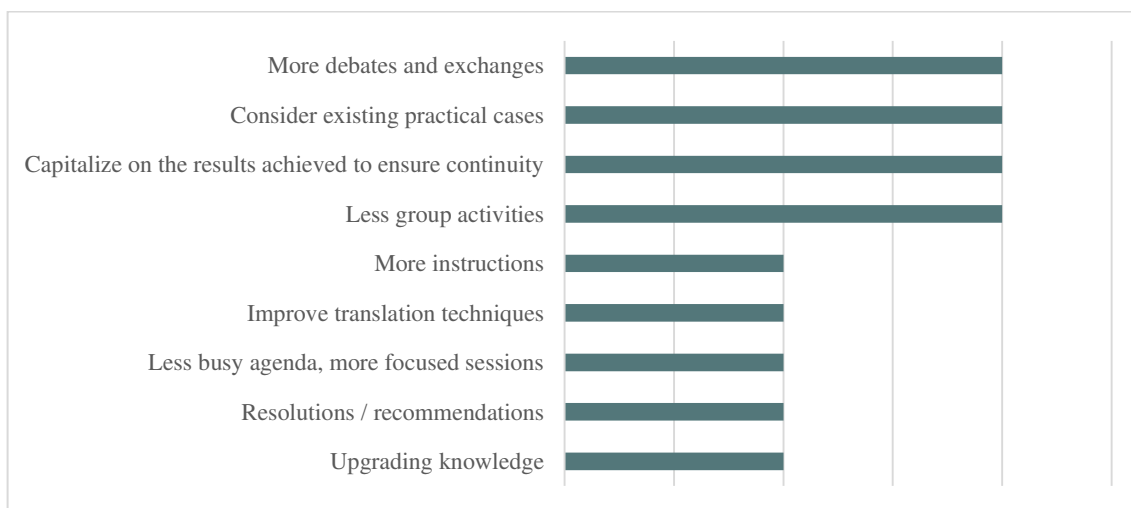
The diversity of responses to this question in the questionnaire shows that participants have all learned about an important and specific element in their area of work, which is a positive outcome. Many responses are unique and indicate specific areas for improvement to be implemented, such as taking into account the voice of local communities in the EIA process.

### 3.3.3 Question 3 - What are the key messages that you would like to convey about effectiveness of mangrove management?



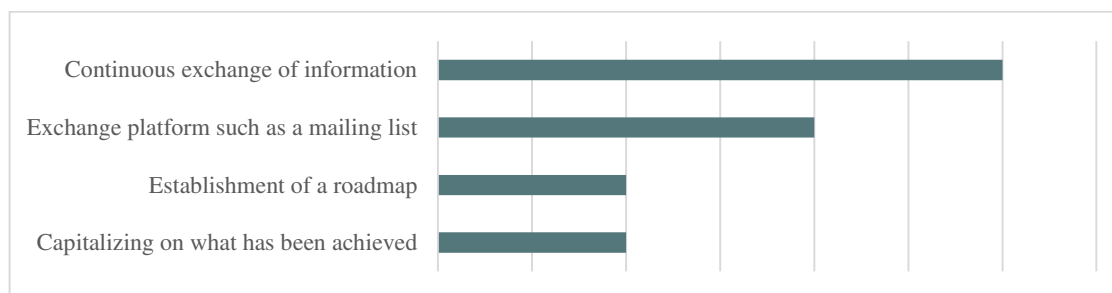
Participants had diverse and unique messages to convey, depending on their experiences and professional settings. However, emphasis was placed on the need to improve the legal framework, establish clear responsibilities for institutions and involve local communities in decision-making.

### 3.3.4 Question 4 - What could be done to improve the experience in future workshops? Consider methods (e.g. plenary, groups) and content (e.g. key topics left out).



Participants would have appreciated less group activities and more discussions or brainstorming. An important point that was raised several times during the workshop is the need to capitalize on what has been achieved and to coordinate the emerging efforts and recommendations of similar events.

### 3.3.5 Question 5 - *What are your thoughts on how this collaboration and learning from each other can be carried on?*



Collaboration should continue by sharing information through, for example, a mailing list or another platform.

## 4. Appendix 1 - Workshop Schedule

DAY 1 - 18 July 2019		
8:30-9:00	Arrival of participants and registration	Lie Haarr Andriamanalina
<b>Session 1 - Foreword</b>		
9:00 - 9:10	Introduction and welcome note / opening of the meeting	Lala Ranaivomanana Secretary General - MEDD
9:10-9:30	Tour de table and presentation of the objectives	Léa Badoz
9:30 – 9:45	Introduction of Save our Mangroves Now!	Uwe Johannsen
<b>Session 2 - The context of mangroves in Madagascar</b>		
9:45- 10:45	Analysis of the situation of mangroves in Madagascar: context, functions, types and threats. (30 minutes) Plenary discussion (20 minutes)	Holihasinoro Andriamandimisoa
<b>Session 3 - Instruments and institutions for mangrove governance</b>		
10:45- 11:15	Key points of the overall analysis on the legal framework for mangrove governance, conservation and use.	Léa Badoz
11:15– 11:30	<b>Coffee Break</b>	
11:30 – 12:30	Issues and perspectives of the legal system for the protection of mangroves in Madagascar (40 minutes). Plenary discussion (20 minutes)	Saholy Raminintsotra
12:30 – 13:30	<b>Lunch</b>	
13:30 - 15:00	<p><b>Group activity:</b></p> <ul style="list-style-type: none"> <li>⇒ <b>Group 1</b> - Use of mangroves</li> <li>⇒ <b>Group 2</b> - Climate Change</li> <li>⇒ <b>Group 3</b> - Forest Management</li> <li>⇒ <b>Group 4</b> - Protected Sites</li> </ul> <ul style="list-style-type: none"> <li>- Identify global and specific problems</li> <li>- Identify existing incentives</li> <li>- Assess the effectiveness of existing measures</li> <li>- Propose appropriate solutions</li> </ul> <p>Group work: 30 minutes Presentations: 30 Minutes Plenary discussion: 30 minutes</p>	Saholy Raminintsotra, Paul Raonintsoa, Tombotsoa Raharijaona
15.00 – 15:15	<b>Coffee Break</b>	
15:15 – 17:00	<p>Plenary discussion:</p> <ul style="list-style-type: none"> <li>• What is your understanding of the legal and institutional framework of mangroves in Madagascar?</li> <li>• What are the main issues that need to be addressed?</li> <li>• How can the situation be resolved?</li> </ul>	Saholy Raminintsotra, Paul Raonintsoa, Tombotsoa Raharijaona
<b>Diner</b>		





**DAY 2 - 19 July 2019**

**Session 4 - Impact of the tools for mangrove governance on the practices of institutions and stakeholders**

8:30 – 9:00	Arrival of participants	
9:00 – 10:00	Governance Tools of Mangroves in Madagascar (30minutes) Discussions: 30 minutes	Paul Raonintsoa
10:00 – 11:00	Impact of mangrove governance tools on the practices of institutions and stakeholders (30 minutes) Discussions: 30 minutes	Raharijaona Tombotsoa
11:00 – 11:15	<b>Coffee break</b>	
11:15 – 12:30	<p><b>Group activity:</b></p> <ul style="list-style-type: none"> <li>⇒ <b>Group 1</b> - Natural Resource Management (including management transfers)</li> <li>⇒ <b>Group 2</b> - Environmental and Social Impact Study</li> <li>⇒ <b>Group 3</b> - Education, information and transparency</li> <li>⇒ <b>Group 4</b> - Planning and Development</li> </ul> <ul style="list-style-type: none"> <li>- Identify the issues of institutions, local communities or stakeholders in these four themes.</li> <li>- Develop at least one particular experience you've encountered in your work.</li> <li>- How can these situations be improved?</li> </ul> <p>Group work: 25 minutes Presentation: 20 minutes Plenary discussion: 30 minutes</p>	Saholy Raminintsotra, Paul Raonintsoa, Tombotsoa Raharijaona
12:30 – 13:30	<b>Lunch</b>	
13:30- 15:45	<p><b>Fictional case study</b></p> <ul style="list-style-type: none"> <li>• Explanation of the exercise (15 minutes)</li> <li>• Argument development (45 minutes)</li> <li>• Fictional meeting (60 minutes)</li> <li>• Debriefing (30 minutes)</li> </ul>	Léa Badoz
15:45 – 16:00	<b>Coffee break</b>	
16:00- 17:00	<p>Reflections on how experience in mangroves conservation can enhance governance:</p> <ul style="list-style-type: none"> <li>• Part 1 - Best practices for mangroves governance</li> <li>• Part 2 - Participants recommendations based on experiences: <ul style="list-style-type: none"> <li>○ Strategies for impacting law and policy modification</li> <li>○ Strategies for impacting institutional behavior modification</li> </ul> </li> </ul>	Saholy Raminintsotra
17:00- 17:30	<p><b>Final session:</b></p> <ul style="list-style-type: none"> <li>• Proposals on continuation with research and collaboration on governance of mangrove ecosystems</li> <li>• Feedback and evaluation of workshop from participants</li> <li>• Conclusions and way forward</li> </ul>	Léa Badoz and Uwe Johannsen

**End of the workshop**



An initiative by:



## 5. Appendix 2 -List of participants

First name	Last name	Organisation
Herizo	Rakotovolonalimanana	Ministère de l'Environnement et du Développement Durable
Holihasinoro	Andriamandimbisoa	Ecole Supérieure des Sciences Agronomiques
Abdou	Masahoudy	Association Famelona (association de population locale)
Victor	Randriamalala	Alliance Voahary Gasy Boeny
Théophile	Zezele	Federation FIVOI
Edmond	Ramadany	MIHARI
Albert	Zefaniasy	Federation FIHAINE
Tovohasina	Randresiarison	Direction Générale des forêts
Faravololona	Rakotomalala	Office National sur l'Environnement
Liliane	Parany	Madagascar National Park
Ignace	Razanakoto	COPEFRITO
Didier	Fourgon	UNIMA
Andriamihaja	Herimalala	Pêchexport
Ando	Rabearisoa	Conservation International
Nathalie	Bodonirina	Fondation pour les aires protégées et la biodiversité de Madagascar
Julien Noel	Rakotoarisoa	Ministère de l'Environnement et du Développement Durable
Lalaina	Rakotoson	DELIC
Cynthia	Raveloson	DREDD Menabe
Eulalie	Ranaivoson	Groupement des Aquaculteurs et Pêcheurs de Crevettes à Madagascar
Manitra	Arimalala	Blue Ventures
Haniela	Randrianjafison	USAID Hay Tao
Appolinaire	Razafimahatratra	WWF
Haja	Andriavalona	DURRELL
Tsiry	Andrianandrasana	BIODEV
Guy	Rakotovao	MIHARI
Organisation team		
Saholy	Rambinintsaotra	Université d'Antananarivo
Léa	Badoz	Consultant
Tombotsoa	Raharijaona	Consultant
Paul	Raonintsoa	Consultant
Lie	Haar Andriamanalina	WWF Madagascar



Dannick	Randriamanantena	WWF Madagascar
Uwe	Johannsen	WWF Germany



An initiative by:  
 Federal Ministry  
for Economic Cooperation  
and Development

