

# Regulatory contradictions in Madagascar deny small-scale fishers the right to manage their mangrove forests



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The adjacent bays of Ambaro and Tsimipaika in northern Madagascar host the country's second largest mangrove forest. Charcoal production is the main driver of mangrove deforestation in the area, and represents an important economic activity for the poorest and most vulnerable communities. However, deforestation is having devastating impacts on the parts of lucrative small-scale fisheries that harvest mangrove mud crab and shrimp for both food and income. Madagascar's forestry legislation designates mangroves as public resources; however, the government can grant a management transfer to a community to manage the forest under a management transfer contract (Law 96-025).

GELOSE (Gestion Locale Sécurisée or Secure Local Management) is a law which has been widely adopted by communities to designate the transfer of authority to manage natural resources. This authority, or these rights over the management of natural resources, are transferred from the government, who normally holds them, to Locally Based Community Organisations (COBA). Securing provisions for traditional uses of mangroves by local communities within broader managed areas is a critically important dimension of sustainable locally-led mangrove management. Without provision for sustainable local use, communities' basic needs may not be met, undermining local support for broader conservation objectives.

Photo: *Small-scale fisher in the village of Ampanpana, Ambanja District, Madagascar. 2015*  
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**Location:**  
Ambanja and Nosy Be district,  
Tsimipaika Bay, Madagascar

**Ecosystem type:**  
Marine

**Main gear:**  
Gillnet, gleaning, harpoon, hook & line, seine net, surrounding net, traps

**Target species:**  
shrimp, crab, sea cucumber

**Vessel type:**  
outrigge & and sail canoe (Pirogues)

**No. of small-scale fishing vessels:**  
2000

**No. of small-scale fishers:**  
400

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*...rampant mangrove cutting continues unabated (...) while coastal fishers that wish to enact sustainable, local mangrove management plans (...) are denied from doing so on the grounds that their actions are deemed illegal...*

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## Justice in context

### Types of justice:

- Distributive
- **Social**
- Economic
- Market
- Infrastructure/wellbeing
- **Regulatory**
- Procedural
- Environmental
- COVID-19 related

Madagascar's official prohibition of any kind of harvest of mangrove wood contradicts the GELOSE law, which allows zonation of habitats for local users' needs. This prohibition has recently been strengthened through the interministerial decree n°32100/2014, which emphasizes the ban on cutting mangrove wood at the national level. Since the passing of this decree, application of GELOSE for transfer of management rights has been frozen. Community-led security patrols for the mangroves, implemented to demonstrate that communities are able to administer and apply the community management plans, have been put at risk by illegal charcoal producers, who started attacking them. Although guards were trained by the Ministry of Environment and Blue Ventures, and equipped with official uniforms, GPS trackers, mobile phones, and whistles, their personal safety was not ensured.

In the meantime, rampant mangrove cutting continues unabated, driven primarily by charcoal production. The lack of enforcement measures implemented by the state results in uncontrolled deforestation. Illegal mangrove charcoal producers continue to produce charcoal with relative impunity, while coastal fishers that wish to enact sustainable, local mangrove management plans within COBA (i.e., local sustainable harvest) are denied from doing so on the grounds that their actions are deemed illegal.

Additionally, a number of barriers prevent enhanced community engagement in mangrove conservation and broader marine governance. These include poverty, lack of alternatives to mangrove cutting for income, lack of experience of community-level organizing and inadequate legal provisions and mechanisms to safeguard community rights to manage mangroves sustainably.

### Definition of small-scale fisheries (Law n° 2015-053 from 3 February 2016 relating to the Fisheries and Aquaculture Code)

Fishing activity reserved to physical persons, practiced in the waters under Malagasy jurisdiction with motorized watercrafts, and engines with power inferior to 15 CV, watercrafts without engines or walking.

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*...the inter-ministerial decree prevents any recognition of the local sustainable use of mangroves...*

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## Dealing with justice

The non-governmental organization (NGO) Blue Ventures (BV), aiming at rebuilding tropical fisheries with coastal communities, has been supporting the transfer of management rights for the 10 villages of the Ambanja District, which have mangroves within their boundaries. Unfortunately, BV cannot support the transfer of management rights for two new communities, who have already created their community associations and developed the management plans and Dinas (a set of customary laws), because the inter-ministerial decree prevents any recognition of the local sustainable use of mangroves. This means that the members of these communities cannot be given secure rights to manage their local mangrove resources, while unregulated, uncontrolled mangrove cutting prevails.

Given this predicament, BV has initiated a dialogue at a national level, bringing together diverse stakeholders, including, among others, the Mihari Network, which is a civil society organization representing small-scale fishers in Madagascar and government agencies. This dialogue led to the creation of the National Commission for Mangroves (CNGIM) in 2015. The regulatory inconsistency persisted, causing CNGIM's NGO members to renew their pressure on the new national administration, elected in 2018. A national level workshop was held in 2019, led by USAID/Hay Tao. As a result of this meeting, all partners agreed on the need to develop a National Strategy for integrated management and governance of mangroves. Moreover, in late 2019, the Ministry of Environment and Sustainable Development and the Ministry of Agriculture, Livestock and Fisheries committed to review the regulatory framework for mangroves, with a view to improving the management tools in place, including simplifying the transfer of management rights and the Dina.



### How to cite

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