

## *Book Review*



**Peter J.S. Jones**

*Governing Marine Protected Areas: Resilience Through Diversity* (Abingdon: Earthscan/Routledge) 2014, ISBN 978-1-84407-663-5, hardbound, £52.99/US\$89.95, pp. xv + 240 incl. index

It is widely recognized that urgent action is necessary in order to protect the world's oceans and marine protected areas are increasingly identified as a key tool in achieving that aim. The 1982 United Nations Convention on the Law of the Sea requires that states take measures to “protect and preserve rare and fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life” (Article 194(5)). Furthermore, the contracting parties to the Convention on Biological Diversity (CBD) have agreed a target of ensuring that at least “10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures” by 2020 (Aichi Target 11). Indeed, states have already made significant progress through the CBD in identifying ecologically and biologically significant areas, which might be considered for protection. It is how one manages those areas that is the principal focus of this book.

This book is concerned with the management regimes for marine protected areas, rather than their selection and designation. It explores governance models for marine protected areas, with a focus on marine protected areas within national jurisdiction. As such, the book is largely concerned with the provisions within national legal systems that offer protection to marine species and areas. The book draws upon an interesting range of examples from around the globe and it could attract a wide readership from amongst those interested in the management of marine protected areas from the perspective of national law.

The analysis concentrates on the governance of no-take marine protected areas, where no fishing or other harmful or destructive practices are permitted.

The author notes that there is an increasing trend in the establishment of no-take marine protected areas and it is this form of regulatory tool that causes the greatest governance challenges because of an increase in the potential for conflict. The book thus undertakes a critical analysis of existing governance paradigms and it proposes co-management as the preferred means to approach the governance of marine protected areas. Co-management is described as a compromise between traditional command-and-control regulation of natural resources, and more modern approaches of self-governance by local communities. In the opinion of the author, neither of these alternative models provides a fully satisfactory solution and it is for this reason that the book recommends the “co-evolutionary hierarchical governance model.” In the words of the author, “co-management was intended as a framework for a more balanced approach, in which top-down and bottom-up approaches are combined and a balance is achieved between empowering local people, in order to ensure that their rights, priorities and objectives are provided for, and allowing the state to retain enough power to exert an appropriate degree of steer, in order to provide for the conservation objectives, by which a “protected” area is arguably distinguished and defined, to be achieved.” (p. 80) Lawyers will be interested (and satisfied) to note that legal institutions and norms are considered to have an important role to play in this model by setting boundaries for the management of protected areas, whilst also empowering resource users to participate in decision-making processes. Indeed, in the empirical part of the analysis, which involved interviews with managers of 20 marine protected areas in 15 countries, all of the respondents reported a desire for a clearer and more prescriptive legal framework, regardless of whether they were community-run or state-run marine protected areas.

Central to the empirical analysis of governance systems is the use of incentives in the management of marine protected areas. The author considers a range of incentives that may be used in this context, including legal incentives (such as penalties for non-compliance), economic incentives (such as property rights—which could also be considered legal incentives), interpretative incentives (such as awareness-raising and education), knowledge incentives (such as incorporating traditional knowledge and scientific expertise into management decisions) and participative incentives (such as the involvement of users, communities and other interest groups in decision-making). Examples are given from the case studies that are used. However, the overall conclusion of the study is that marine protected areas would benefit from the greatest possible range of incentives. Indeed, the study suggests that “diversity is the key to resilience, both of species in ecosystems and incentives in the governance system.” (p. 197) As a result, the author proposes that “trying to work out which

incentives replicate the functions of other incentives and/or appear to have no significant function and are therefore redundant is no more relevant than trying to work out which species in an ecosystem are redundant and therefore dispensable . . . and the focus should be on maximising diversity rather than searching for redundant and thereby dispensable incentives.” (p. 187)

The interesting use of case studies and examples could provide inspiration for anyone interested in designing or reviewing a management framework for a marine protected area within national jurisdiction. A contribution is also made to the overall theory of governance in this area. One is left wondering, however, whether the same conclusions apply to marine protected areas beyond national jurisdiction. The author admits that this type of marine protected area poses a number of additional governance challenges, but it is for exactly that reason that one would look to a general theory of governance to offer some solutions. Indeed, it is generally accepted that marine protected areas beyond national jurisdiction will have to form part of the solution to the problems facing the world’s oceans and therefore it is an important governance challenge that will have to be overcome.

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