

Transcript of Video 9

Hello and welcome to our last, 9th, video from the series about the Marine Spatial Planning legal drafting Guide, entitled Designing Marine Spatial Planning Legislation for Implementation: A Guide for Legal Drafters. This video focuses on the 8th component of MSP legislation, Traditional Rights & Management.

In some countries, including many in the Pacific region, indigenous peoples enjoy rights over certain ocean resources by custom and tradition. Where traditional rights and management form part of the legal and policy framework, it is very important to take them into account in MSP legislation.

With respect to traditional communities, this means going far beyond “consulting” them as members of the public under public participation provisions and, instead, engaging these communities as owners and managers of their marine resources as recognized by law. There is much to learn from local traditional management of ocean resources, including practices that have and have not worked in the past, experience often gleaned from generations of local management. At a technical level, rights of traditional management could be an overlay for the entire marine spatial planning process, or these rights could be expressed through locally managed zones, or both. Regardless, the legal drafter should ensure that customary considerations are integrated.

This could mean allocating competencies and management duties in view of existing rights and management practices. It could also mean designing special elements of public participation designed to reach, listen to, and learn from traditional communities. And it could mean relying on co-management mechanisms and traditional means of ensuring compliance by ocean users.

Here, we have an example from the Great Barrier Reef Marine Park Act.

As you can see, this provision creates arrangements with community groups that have special interest in areas of the park. The arrangement includes development and implementation of a management plan, and subsequent co-management of the area of by the community group and the government. Again, involvement of community groups is very important and should be reflected in the legislation.

Thank you very much for your time. We hope you have enjoyed our videos!