

## DAILY NEWS FEATURE ARTICLE

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### **Coastal resources depletion blamed on ignorance of law**

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A team of trainees in coastal law enforcement made a random inspection at the Kivukoni market and seizing parts of five sea turtle shells and approximately 150 kilograms of illegal sea coral. Though it was reported that this was one of the largest seizures of illegal marine products in Tanzania's history, the culprits - those who were found in possession of the products were not put to task.

This proves that Tanzania has still a long way to go in ensuring sound conservation of the coastal and marine resources. As observed by Chikambi Rumisha of the Marine Parks and Reserves Unit, coastal and marine conservation efforts require a new vision and approach so that it matches the efforts and initiatives which have guided Tanzania in achieving world-wide respect in terrestrial game conservation.

"If there is anything I pray for, is for the Tanzania coastal communities and other stakeholders to appreciate big value of the coastal and marine resources and to come to the understanding that the resources should not be taken for granted. If we have succeeded in wildlife conservation, I don't see why we should fail in coastal resources conservation," Rumisha notes with concern.

According to Rumisha, the resources, including fish, mangroves, corals, turtles, seagrass and others, are ecologically and economically important. If misused, they will definitely cause a significant negative, if not devastating impact to human lives.

Pleading for a change of attitudes towards these delicate but important resources, he says to begin with, there must be stepped up enforcement that matches efforts being made in the terrestrial game conservation.

Rumisha who a few years back tested a nasty experience while confronting dynamite fishers in Dar es Salaam, notes that the problem is on one part due to lack of community awareness on the illegality of their activities. He names the other problem as the lack of proper enforcement approaches.

"You see, some people don't know that turtle killing or mining of live corals are illegal. This is different from communities in game parks and reserves neighborhoods who know that killing animals in protected areas is against the law. Even the law enforcers are not aware of their responsibilities in enforcing laws relevant to coastal resource conservation. We have to work hard in both enforcement and community awareness raising."

Rumisha says in 1998 he was shocked when a local court magistrate nearly set free men accused of dynamite fishing. The magistrate apparently did not see anything wrong in using dynamite blasts in fishing.

Despite the explanation and plea for a harsh sentence by the prosecutor, the magistrate reluctantly gave the offenders a light sentence of one month imprisonment or a fine of ten thousand shillings which, they easily paid and walked out in freedom.

"The scenario and ultimate sentence would have been different if it was a case to do with game poaching. We still have a lot to do in awareness raising on coastal resource conservation and enforcement. But I am pleased and motivated that at least we are making initiatives which will lead us to further steps."

He names the initiatives as the recently adopted National Integrated Coastal Environment Management Strategy (ICM Strategy) that is expected to guide Tanzania in undertaking a range of actions and considerations which entails environmental planning and management of key economic opportunities guided by clear principles and backed by enforceable practices. Benefits, he says, will be realized without causing negative impacts to the coastal rich but fragile environment.

Rumisha insists that coastal management initiatives, like the ICM Strategy and the Marine Parks and Reserves management, will be meaningless if laws and regulations pertinent to coastal resources conservation will not be enforced. He suggests that coastal management initiatives should emulate the wildlife management process in the country, which has well elaborated enforcement mechanisms.

"One of the tools that has contributed to East Africa's fame in wildlife conservation is enforcement that has drastically cut game poaching. We also need to step up enforcement that will supplement coastal management efforts and marine resources conservation. Without enforcement, efforts and resources being directed to coastal and marine resources management will not bear required fruits."

He elaborates that the scope of coastal resource management responsibilities covers protection of marine mammals and endangered species along with the conservation and preservation of essential coastal resource habitat. This includes sensitive fish spawning areas and coastal marine habitat areas both nearshore and offshore.

"Without curbing many illegal human activities such as illegal fishing; habitat conversion; pollution, and trade in protected species that harm the coastal environment, the ongoing initiatives and efforts like the recently adopted ICM Strategy and other existing legal and policy frameworks will not be effective in steering sustainable development," Rumisha underlines.

He describes enforcement as highly visible management tool used to effect compliance with acts, regulations, permits, licenses, policies or plans with a legislative basis.

He adds: "Enforcement is not an "easy" or "quick" answer to compliance. It is a mechanism that managers may use in combination with other management tools to encourage long-term compliance with legislated management provisions."

Rumisha argues that there are three phases to the national law enforcement continuum: legislation, enforcement, and prosecution and that each one of these phases contributes to the overall concept of "law enforcement."

During the legislative phase, many of the laws and policies that impact upon the human interaction with coastal resources are determined. The judiciary and the legislative branch play a major decision-making role during this phase, while the national government agencies and civil society provide inputs through policy studies and advocacy.

"The enforcement phase of the continuum is concerned with the actual undertaking of enforcement activities. These are popularly considered to be the "action" components of law enforcement. Local governments are responsible for the enforcement of local, as well as national laws that impact upon human exploitation of coastal resources. The majority of the support actors in this phase are national government agencies, whose mandate(s) best suit them to upholding common laws throughout the country."

He explains that regulations, licenses, permits and legislative tools are worthless if they are not enforced. He names several reasons for this failure, ranging from: a lack of resources (staff/financial); lack of expertise; lack of political support; cultural indifference; and ignorance on constituted laws.

"Unlike in the wildlife sector where the local community is much aware of the poaching illegality, coastal communities don't know that their acts like turtle killing coral mining are illegal. This is why items like turtle shells are sold openly in public markets."