

# Policy Brief on Governance and Integrated Coastal Management

MALDIVES



*The Maldives consists of over 1,100 low-lying coral islands, approximately 200 of which are populated by the Maldives' 370,000 people. Average elevation of the islands is estimated to be one meter above sea level, and the total coastline is 644 km. The total number of islands can change from year to year as islands are continuously being eroded and washed away, while others are accreted and formed due to coastal dynamics. The Maldives claims an Exclusive Economic Zone (EEZ) of 923,000 km<sup>2</sup> — more than 3,000 times its land area<sup>1</sup>. Its coastal areas include 8,920 km<sup>2</sup> of coral reefs. No data are available about the extent of its mangroves, or the rate of mangrove loss.*

<sup>1</sup> Fisheries Centre, University of British Columbia, Sea Around Us Project at [www.searoundus.org/eez/eez.aspx](http://www.searoundus.org/eez/eez.aspx)

## What Is Governance in the Context of Integrated Coastal Management?

Governance, in the context of integrated coastal management (ICM), includes the laws and other norms, institutions, and processes through which power and responsibility are exercised to make and implement decisions affecting the available social, cultural, natural, technical, and financial and other economic resources available for development.

## What Is the “Coastal Zone” in the Maldives?

Given that it is composed of small low-lying coral islands, the concept of ‘coast’ in the Maldives includes the total land area of each island, its surrounding lagoon, extending over the reef flat

to the outer edge of its reef. Island communities regard the surrounding lagoon and reefs as an integral part of their coast, and the coastal area and community wealth are used by all.

### What Authorities Exist for Coastal Management in the Maldives?

Since the whole country is considered a “coastal zone”, a number of national laws and authorities directly or indirectly govern and administer coastal management in the country.

The three agencies primarily responsible for coastal management in the Maldives are the Ministry of Environment, Energy and Water (MEEW), the Ministry of Fisheries, Agriculture and Marine Resources (MoFAMR) and the Ministry of Construction and Public Infrastructure (MCPI). Responsibility for conservation and use of coastal resources is shared among these three ministries. Their mandates have similar issues, and hence there is confusion over the specific roles and responsibilities of each agency. Concern over potential duplication of effort, and the mandate of the Ministry of Atolls Development cuts across the areas of responsibility of all three.



Other authorities with mandates that involve managing some aspect of the coastal environment include the National Commission for the Protection of the Environment which guides policy, and the Ministries of Planning and National Development, Tourism and Civil Aviation, and Housing and Urban Development. Coastal management and use in the islands is coordinated by the appointed administrative head of each inhabited island under the supervision of the Ministry of Atolls Development, in cooperation with the Island Development Committee and Women’s Development Committee for each respective island.

Four authorities are responsible for a single issue – conservation and use of terrestrial plants and trees. The MoFAMR is responsible for function in uninhabited islands while the Ministry of Atolls Development has the same responsibility in inhabited islands, the Malé Municipality has the same responsibility for Malé, and the Ministry of Tourism has the same responsibility for tourist resorts. This has led to the establishment of different policies and guidelines on the same issue, with resulting conflicts of jurisdiction and duplication of efforts for the same purpose.

The Ministry of Construction and Public Infrastructure is generally responsible for coastal modification, although such activities in all resort islands are the responsibility of the Ministry of Tourism and Civil Aviation. Regulations under the Maldives Tourism Act allow construction of tourism infrastructure beginning five meters inwards from the vegetation line, while the law governing trees in inhabited islands specifies that coastal vegetation is protected up to 15 meters inwards.

The Marine Research Centre (MRC) and Environment Research Centre (ERC), which fall under MoFAMR and MEEW respectively, have very similar mandates – MRC is responsible for research on reefs and lagoons, while research on coastal processes falls under ERC.

The principal legislation governing coastal resource management in the Maldives is the 1993 Environmental Protection and Preservation Act. Environmental Impact Assessment (EIA) Regulations, 2007 under the Act provide an important mechanism for managing development in the country and minimizing and mitigating its impacts on the coastal zone.

The Seventh National Development Plan (2006-2010) includes recommendations related to ICM including strengthening the policies, regulations and guidelines to improve ICM, strengthening capacity for ICM at the island level, strengthening the ICM information base, and to develop adaptation and mitigation measures for coastal erosion. The National Development Plan has measurable performance targets whose status are analysed at the end of each year.

Are Public Officials Accountable for Their Coastal Management Decisions?

Under the Constitution, cabinet members are accountable to the Majlis (Parliament) for actions taken in their official capacity.

Other regulations applicable to both the public and the private sectors hold government officials and private sector employees responsible for any damages caused by their actions or inactions. Other regulations, applicable only to government employees, make certain government officials accountable for their actions in the context of financial management.

No law or regulation requires government officials to disclose any conflict of interest between their official functions and their personal interests. However as a general practice, a number of government departments require their employees to do so. In the context of ICM, there are no specific laws that require such disclosure.

Environmental monitoring has been a weak area in the ICM sector. A programme to monitor projects being implemented in coastal areas has been established and is being expanded. Audits of all government offices are conducted annually and an audit may be carried out at any time if requested by the Anti- Corruption Board.

#### ***Does the Public Participate in Coastal Management Decision-Making?***

Legally-binding provisions require public participation, and particularly community participation, in decision-making through the EIA process.

Extensive consultations are carried out with local communities before commencement of every coastal development project, including harbor development projects. The minutes and key results of the consultation processes are well documented and sent to those who are involved in the process for their final comments, and disseminated among them and as well as to the general public through print and electronic media. There is no requirement for, or documentation of, stakeholder endorsement under any Maldivian law. But in practice documentation of stakeholder endorsement is carried out by each government authority for such stakeholder participatory activities carried out by each office.

Funding to support public participation is provided in the budgets allocated to appropriate governmental agencies. For some agencies, although direct funding for public participation is not provided, other indirect sources of funding are made available, such as budgetary funding for the establishment of websites.

Each of the key government agencies related to coastal area planning, management and development operate websites that provide relevant information for the public. As the Maldives has a literacy rate of 98% and internet coverage of 70%, public participation through this tool is quite efficient throughout the country.

#### ***Is Information about Coastal Management Decisions Easily Available to the Public?***

No freedom of information law exists in the Maldives at the moment. The Freedom of Information bill that was submitted to the Majlis in 2007 was rejected and is to be revised and tabled again in 2008. However, other related bills submitted along with the Freedom of Information bill, such as the media council bill, the press freedom bill and the news registration and publication bill are currently in the committee stage of the Majlis

Information dissemination from the government to the public is facilitated by the opening of *Fansavees*, a press briefing hall opened in December 2007 to facilitate press conferences and create a common dissemination point of governmental information to the media.



Cabinet resolutions are available online and all current laws and most of the regulations are available from the Attorney General's website. Environment Impact Assessment reports and Decision Statements are also available online. The MEEW and the Environment Research Centre (ERC) regularly conduct workshops and campaigns to increase the public awareness on coastal resource management, including importance of management of mangroves.

While a policy to disclose certain official information is in place, and different groups of stakeholders benefit from information disseminated through various methods and fora, records of evidence and complaints exist where dissemination of specific information to the public is insufficient and ineffective.

### **Do All Citizens Have Access to Justice in the Context of Coastal Management?**

There is no constitutional provision or statute that allows individuals or civil society organizations to bring an action in the public interest. Individuals and organizations may, however, bring a claim against any authority where the matter in question is of special interest to them.

The Maldives Anti-Corruption Board, the Audit Office, and the National Human Rights Commission are responsible for assisting communities, individuals and civil society organizations seeking administrative and/or judicial remedies. Although there are no alternative dispute resolution mechanisms currently available under Maldivian law, many parties opt for mediation on their own, given the length of time required to bring a case to court.

### **Policy Issues and Recommendations**

Given current dynamic coastal conditions and the implications of climate change, more comprehensive and integrated approaches to coastal management and to governance in the coastal context are urgently needed.

- Although several national laws and regulations directly and indirectly govern coastal management, there is no overarching framework policy or law that consolidates ICM in the Maldives. Recent assessments of coastal management in country have identified the need to develop such a framework.

- *A national framework for ICM should be developed, focusing on sustainable use and management of coastal resources and on equitable sharing of the economic, social and other benefits from their use.*

- Examples of overlapping institutional mandates and regulations are well documented.

- *The mandates, roles and responsibilities of all government ministries and agencies involved in coastal management should be reviewed and revised to eliminate conflicts of jurisdiction.*

- Because the entire country is considered to be “coastal zone”, differentiating the roles and responsibilities of government authorities and elected bodies is difficult.

- *A definition of ‘coastal environment’ in the island context of the Maldives should be developed.*

- Public perception surveys carried out in 2007 and past experience in implementing projects in the islands has shown that island communities are willing and capable of organising themselves to promote best practices in the use of coastal resources.

- *Coastal stewardship and ownership should be promoted through capacity building programmes targeted at leading groups in the island communities such as the existing Island Development Committees and Women’s Development Committees), NGOs and schools.*

- Following the 2004 tsunami and strong swells which lashed the country in May and June 2007, coastal erosion is recognized as the most serious coastal management problem facing the Maldives, posing greater economic risk to infrastructure and socio-economic activities than ever before.

- *The extent and distribution of key coastal habitats such as mangroves and seagrass beds and their role in the protection of coastal ecosystems should be studied and conservation and sustainable policies reviewed in light of the findings.*

#### **Acknowledgements**

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