

# 1 **Crossroads at Sea: Escalating Conflict in a Marine Protected Area in Malta**

## 2 **Abstract**

3 This article illustrates how the creation of a Marine Protected Area (MPA) in Malta is failing  
4 to adequately include stakeholders in the configuration of conservation targets and measures,  
5 leaving local fishers increasingly disempowered. Through a series of interviews and long-  
6 term participatory observation, it has been found that the leaders who represent local fishers  
7 are failing to communicate the MPA process to their community. Instead, they are using their  
8 position in the MPA negotiations to subjugate and silence the fishing community in general  
9 and trammel netters in particular. Moreover, in their support for the MPA, these community  
10 leaders reproduce the state's conservation discourse to pressure authorities to ban trammel net  
11 fishing, with whom they tend to be in competition. It is concluded that the state's narrow  
12 focus on ecology, the tight deadlines set out in the EU Habitats Directive, and the  
13 misrepresentation of the fishers, has characterised the process of creating this MPA. If  
14 artisanal livelihoods are not protected by conservation policies, fishers may regard  
15 conservation as a threat to their way of life, and resist policy measures. This compromises  
16 conversation efforts and can make the enforcement of the MPAs more expensive. This paper  
17 recommends a revision of the community consultation policies of the MPA to allow broader  
18 and more representative participation from the local community by encouraging engagement  
19 throughout the process as part of a consensual approach to effective marine conservation.

## 20 **Keywords**

21 Artisanal fishing, Mediterranean, European Union, Marine Protected Areas (MPAs),  
22 Conservation Conflict, Disempowerment.

## 23 **1) Introduction**

24 The European Union's (EU) Habitats' Directive, enacted in 1992, obliges EU Member States  
25 to establish Special Area of Conservation (SACs) as marine protected areas within their  
26 territorial seas (EEC43/92 Art. 3). Given the jurisdictional rights of the Member States, the  
27 selection of candidate SAC sites, as well as the obligation to implement marine protection  
28 along Directive guidelines, is largely left up to national governments. The selection and  
29 implementation of Marine Protected Areas (MPAs), however, has triggered a number of  
30 problems in various EU Member States (Beunen and van Assche, 2013; Ferranti et al., 2010;  
31 Fleming and England, 2000; Paloniemi et al., 2015). Indeed, while being in line with the  
32 ecological obligations of the Habitats Directive, the choice of the areas is often highly  
33 political, especially in small-island states like Malta<sup>1</sup>, where size matters, and where land and  
34 marine use management is a delicate issue (Said et al. 2017).

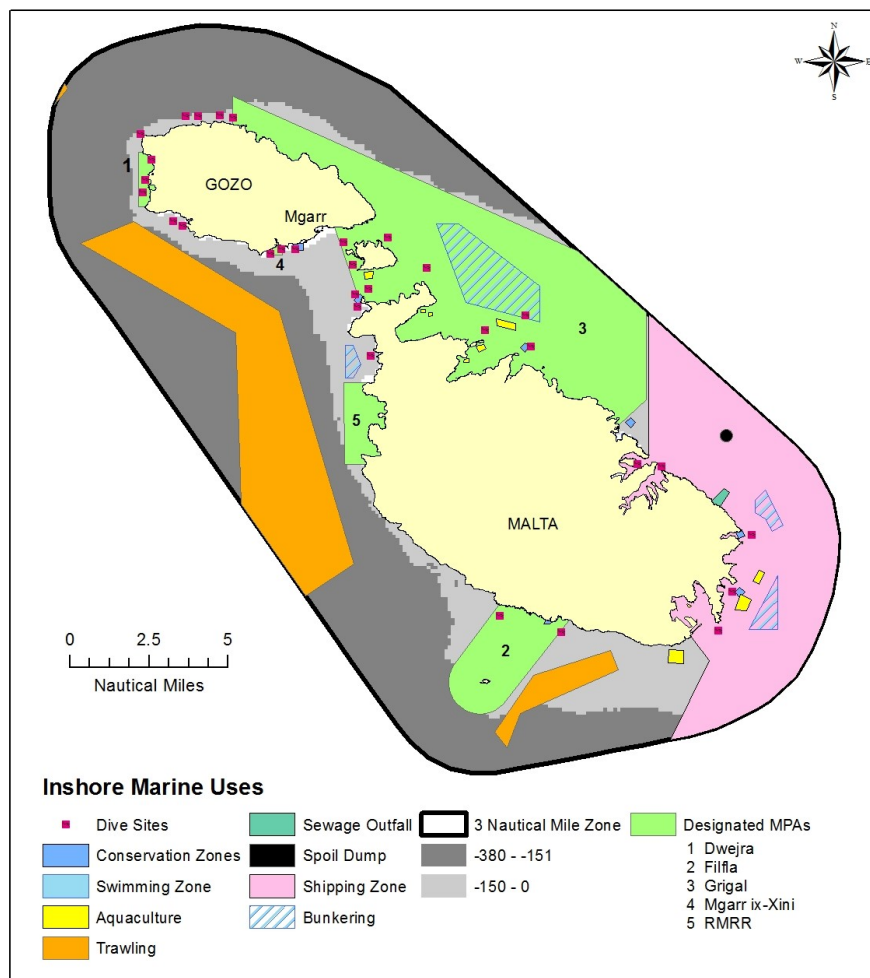
35 Malta's maritime territory is congested with a plethora of activities (Figure 1),  
36 including transport (of cargo and passengers), trawling and industrial large-scale fishing,  
37 aquaculture and tuna-ranching, the bunkering and refuelling of ships, recreational diving, and  
38 small-scale, recreational fishing (Deidun et al., 2011; Said et al., 2017) Over the past years,  
39 the Maltese government has tried to control this congestion by allocating exclusive, special  
40 areas to most of these activities. However, small-scale fishing has not received the same  
41 spatial recognition in the promulgation of marine spatial policies.

42 Consequently, small-scale fishing now has to pursue its recreational and artisanal  
43 activities (e.g. bottom line fishing, or the use of trammel nets, pots, and traps) in ever-  
44 shrinking waters. The designated MPAs, which are projected to encompass around 42% of  
45 the inshore fishing grounds, constitute another potential encroachment (Said et al., 2017).

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1Malta, a 316 km<sup>2</sup> archipelago in the centre of the Mediterranean, is inhabited by around half a million people and annually visited by around 1 million tourists, making it a very densely populated country.

46 What is interesting about these areas, which have fishing hotspots for decades, is that their  
 47 selection has been based on the premise that they are ‘geographically representative of good  
 48 conservation status’ (MEPA, 2010). Indirectly, their good conservation status ‘implicates that  
 49 the long-existing artisanal activity has been conducted in harmony what are now earmarked  
 50 as priority habitats and species since the fishing activity has not degraded the pristine value of  
 51 these resources within the designated SACs.’(Said et al., 2017, p. 250). However, as this case  
 52 study will signify, the hegemonic ideologies leading the MPA process seem to provide a  
 53 different picture embedded in a narrowly-confined conservation narrative.



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Figure 1.

55 Malta's inshore areas, including the 5 designated Marine protected areas (Source: Said et al. 2017)

56           The Maltese case indicates that MPAs should be understood as institutional systems  
57 that are implemented in socio-political settings, with political interests playing an important  
58 role in their inception, creation and implementation (Chuenpagdee et al., 2013). This view is  
59 consistent with the branch of human geography that questions the power relations in the  
60 production of space (Lefebvre, 1991; Sohn et al., 2013), as well as with political ecology,  
61 which sees environmental protection as constituted by social and political initiatives couched  
62 in scientific discourse and explanation (Forsyth, 2005).

63           This paper first describes how Malta is trying to meeting the obligations set out by the  
64 Habitats Directive by designating a number of MPAs in its territorial waters. Employing a  
65 constructive grounded theory methodology, which directs our attention to fishers' realities  
66 and the political-economic processes underpinning the designation of MPAs, we then focus  
67 on one exemplary MPA: the *Rdum Majjiesa to Ras ir-Raħeb Marine Protected Area* (RMRR  
68 MPA). In the results section, we provide a detailed account of how the MPA process is  
69 intensifying and aggravating the territorial disputes that already exist within the contested  
70 fishing grounds. In our concluding section, we then proceed to argue that the RMRR MPA  
71 contributes to research that shows that the way marine conservation comes to be perceived by  
72 user-stakeholders, including fishers, is tightly linked to the way initiatives to protect  
73 ecosystems are presented to them (Masud and Kari, 2015; Pietrzyk-Kaszyńska et al., 2012).

74           Studies have shown that fishers have been generally in favour of some form of  
75 management and protection of marine ecosystems due to the perceived benefits in the  
76 regeneration of fishing stocks (Barley Kincaid and Rose, 2014). However, research has also  
77 confirmed that fishers can quickly become resentful of MPAs, particularly if they are  
78 ignored, excluded, marginalised, and antagonised in the process of their implementation  
79 (Fabinyi, 2010, 2008; Jones, 2009). In Malta, the RMRR MPA has been approached  
80 exclusively through an ecological approach and employed inefficient modes of community

81 representation. This, in turn, has turned the MPA into a site of intense conservation-conflict  
82 that is reconfiguring power-structures within the fishing community, threatening long-  
83 existing traditional fishing systems, and affecting the way fishers respond to the legitimacy of  
84 conservation efforts, which will ultimately determine the success or failure of the MPAs.

### 85 **1.1) Setting the Scene: Description of the national context**

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87 After Malta became a member of the European Union in 2004, the Maltese government was  
88 given around 10 years to implement the Habitats Directive and designate Marine Protected  
89 Areas (MPAs) as Special Areas of Conservation (SACs), as part of the Natura 2000 network  
90 (EEC43/92 1992 Art 3 & 4). The Government's first step was setting up a national legal  
91 framework that enabled it to ratify and meet its supranational obligations. This was achieved  
92 in 2006 through the enactment of Legal Notice 311, which laid the foundations for the  
93 protection of flora and fauna and commands the competent local authorities to issue plans and  
94 guidelines for the management and conservation of protected sites (L.N. 311 of 2006).  
95 Successively, the government, which has sole jurisdiction over the selection of the sites,  
96 designated five SACs around the Maltese islands (Figure 1), intended to afford maximum  
97 protection to species included in Annex I and II of the Habitats Directive. These include  
98 *Posidonia oceanica*, *Pinna nobilis*, *Lithophaga lithophaga*, and *Astroides calycularis*) as well  
99 as habitats like seagrass meadows, submerged caves, and rocky areas (MEPA and ICRAM,  
100 2004). Although some of the management plans have been drafted, these are not yet  
101 finalized, and hence none of the designated MPAs are enforced to date.

102 The implementation of MPAs is a very complex and delicate affair since the Maltese  
103 territorial waters fall under various institutional authorities. The Environmental Resource  
104 Authority (ERA) is responsible for marine conservation; the Department for Fisheries and  
105 Aquaculture regulates fishing and aquaculture; Transport Malta controls maritime transport

106 activities; and the Malta Tourism Authority is in charge of marine-based tourism. In fact,  
107 since the MPAs require new forms of coordination and cooperation between these  
108 organisations, their implementation has turned marine management into a convoluted zone of  
109 jurisdictions and responsibilities that overlap in unclear and uncertain ways.

110 Unsurprisingly, these governmental bodies sometimes enact policies that seem  
111 inherently contradictory. To give but one example, the national law SL 425.07, put in force in  
112 2004, specifies that if owners of commercially-registered vessels want to keep their licence,  
113 at least once every three years they have to prove they have sold a specified amount of fish  
114 (CAP425.07). The need to meet this quota requires fishers to sustain the intensity of their  
115 fishing activities, and this somewhat clashes with the MPA's aim to conserve species and  
116 habitats. In other words, any environmental measure that reduces fishers' catches might  
117 jeopardise their position in the fishing sector.

118 One attempt to manage this complexity was made through the establishment of the  
119 Marine Protected Area Steering Committee. Yet, this Committee lacked the power to do  
120 anything except convene the various governmental entities to discuss matters pertaining to  
121 MPAs, and has, at the time of the fieldwork, been quite inactive as a committee (ERA  
122 Interview).

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## 124 **1.2) The Rđum Majjiesa to Ras ir-Raheb MPA**

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126 Although Legal Notice 311 was enacted in 2006, the first indication of a plan for the  
127 conservation of the Rđum Majjiesa to Ras ir-Raheb area stretches back to an official technical  
128 report produced in 1991, which identified a total of 14 potential sites for marine conservation.  
129 This report, funded by the European Commission, was compiled as part of Malta's Structure  
130 Plan to present the potential for Marine Parks and Reserves. This Structure Plan was followed

131 by the ‘Coastal Area Management Programme’ (CAMP 2000) which commissioned new  
132 ecological and biological studies of the zone and proposed a number of recommendations for  
133 protection (Pirotta and Schembri, 2000). Subsequently, in 2003, the MedMPA Project  
134 (MEPA and ICRAM, 2004), led by government-funded natural science experts, extended the  
135 first management plan, elaborating a proposed zoning scheme for the MPA that encompassed  
136 zones with varying levels of protection: 1) No Entry- No Take, 2) Entry No-take (guided  
137 access), 3) Entry No-Take (Free Access) and 4) General Protection as a buffer zone of the  
138 highly-restricted areas as illustrated in Figure 2.

139 In 2005, a public consultation document for the management framework for the marine  
140 environment in the RMRR MPA was issued (MEPA, 2005). Soon after, the RMRR MPA was  
141 the first of the five proposed MPAs to be declared as a Special Area of Conservation, forming  
142 part of the NATURA 2000 network in accordance with the Habitats Directive (EC 43/92 Art  
143 (3)). This MPA stretches along the north-western coast of Malta, and has a coastline inshore  
144 stretch<sup>2</sup> of around 11km and a parallel offshore length of 5 km from Majjiesa to Raheb  
145 points, covering approximately 9.52km<sup>2</sup> of the marine area (MEPA, 2005).

146 In 2008, the RMRR MPA was nominated as a ‘Site of Community Importance’ (SCI)  
147 as part of the EU Natura 2000 Network of protected areas, and from that point, in line with  
148 the EU obligation, Malta had 6 years to establish conservation priorities for the area. 2014  
149 marked six years since the selection of Rđum Majjiesa as a SCI and thus Malta’s deadline to  
150 “establish priorities for the maintenance or restoration of this area” in line with Article 4 (4)  
151 of the Habitats’ Directive. This means that the government, who appears to already have  
152 elapsed the deadline, is now in a rush to get the conservation objectives agreed and

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<sup>2</sup> The coastal stretch is longer than the offshore perimeter since the former includes coastal inlets and a rugged coastline.

153 implemented, however, although stakeholder consultations are in place, there is no signal on  
154 how these will inform the objectives, and the concomitant management plan.

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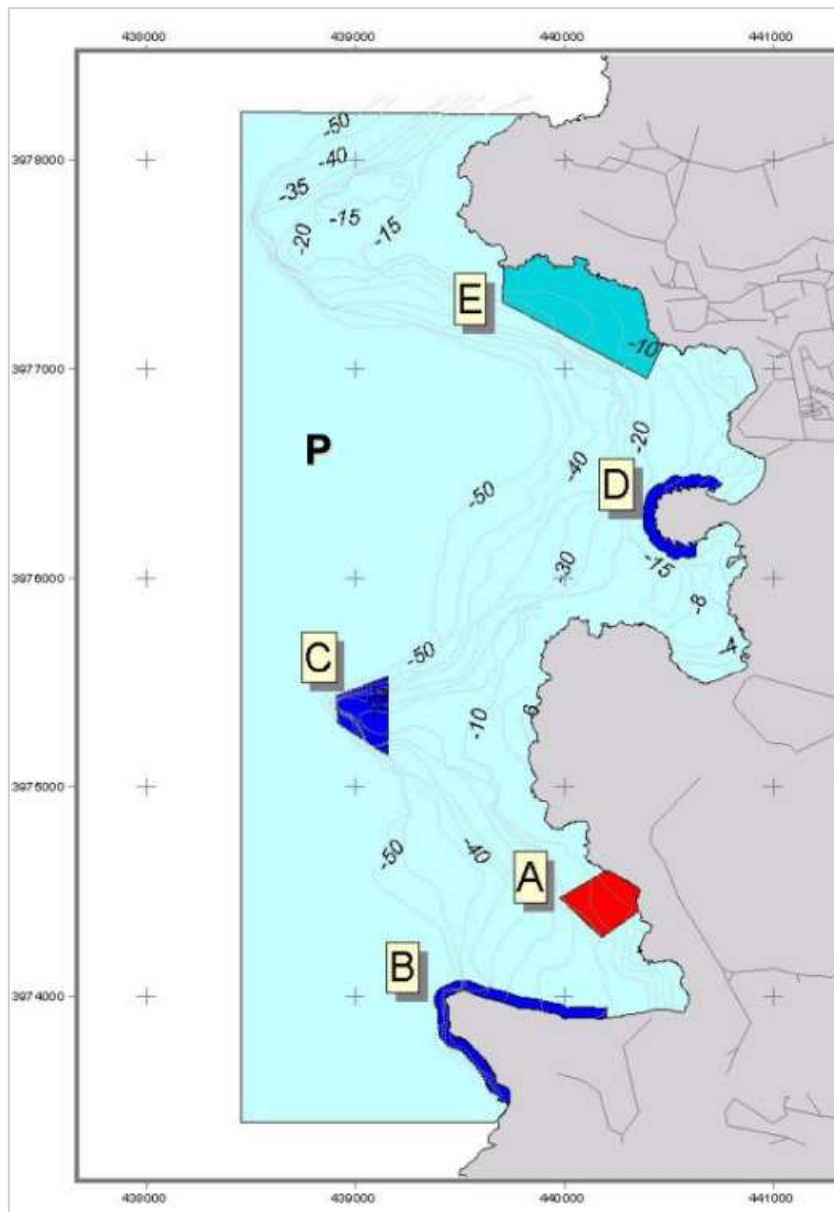
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173 Figure 2: Zoning Plan for Rđum Majjiesa to Ras ir-Raheb MPA, Source University of Malta<sup>3</sup>

3 [https://www.um.edu.mt/science/biology/staff/profpatrickschembri/empafish/rđum\\_majjiesa\\_to\\_ras\\_ir-raheb](https://www.um.edu.mt/science/biology/staff/profpatrickschembri/empafish/rđum_majjiesa_to_ras_ir-raheb).



## 174 2) Materials and Methods

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176 Methodologically, this research followed the principles of Constructive Grounded Theory  
177 (CGT). CGT advocates a radically different relationship between theory and data. Traditional  
178 research models task researchers with the collection of enough data as is needed to (dis)prove  
179 a theory or a hypothesis. CGT, by contrast, urges a purely inductive approach until a  
180 ‘saturation’ of concepts is reached. Researchers are encouraged to employ a range of  
181 qualitative techniques, such as formal and informal interviews with local actors, participant  
182 observation, discourse analysis of published material and official meetings, in order to collect  
183 empirical data as it happens on the ground.

184         After every field session, we analysed our field-notes and audio recordings through  
185 NVIVO software, which facilitates the coding of different datasets to develop conceptual  
186 categories. The main conceptual categories were gathered through the constant comparison  
187 method (see Glaser 2007). These were then used to identify the issues and topics such as  
188 social processes of ‘alienation’ or ‘marginalization’ which, on the one hand, were central to  
189 understanding fishers’ social context, and, on the other, we used as the building blocks for  
190 this paper’s narrative. As coding progressed, we maintained a written records of our thought  
191 process by ‘memoing’ what we perceived as ground-breaking concepts. These ‘memos’, akin  
192 to the derivation of concepts and categories, were also included in the on-going analysis in  
193 the development of the theory. We also kept a record of significant quotes we encountered  
194 through formal and informal interviews, and incorporated them the interpretation of our data.  
195 In effect, fishers’ voices nicely complemented the concerns and issues experiences by fishers  
196 in other contexts (e.g. Carothers 2015; Coulthard 2008; M. Glaser et al. 2010).

197         The end result of this process of data collection and analysis is a holistic portrait of  
198 the social relationships and political-economic processes occurring in a particular context. It

199 also gives the researcher a solid grasp of the cultural categories and values that order the  
200 informants' worlds and shapes their behaviour. Since CGT provides rich substantive  
201 understandings of the field of study, it is ideal for unveiling knowledge in a field where either  
202 very little is known or where what is known has been solely achieved in a top-down manner  
203 that runs the risk of misunderstanding or misinterpreting what locals know, do, think, and  
204 want (Charmaz, 2006). The inductive nature of CGT makes it ideal for the present research,  
205 for it provides the necessary tools to develop a conceptual framework that identifies and  
206 explains the legitimacy crises at the heart of the MPA process of implementation. Drawing on  
207 Van Tatenhove (2011)'s work on legitimacy in marine governance issues, we provide a  
208 conceptual understanding of the inclusivity of stakeholder involvement, the transparency and  
209 accountability of the MPA policy processes.

210           Field research commenced in 2008, as part of the author's undergraduate studies and  
211 continued in 2013 and 2014 as part of doctoral research. Throughout these years, this author  
212 maintained close contact with fishers, building up knowledge through relations of trust  
213 between the informants and the researcher. In addition, since 2014, this ethnographic data  
214 was complemented with a series of formal in-depth interviews were held with (i) 15 local  
215 fishers from the Ġnejna fishing village (comprising 40% of the commercial fleet in the area),  
216 (ii) with fishers' representatives from the association *Għaqda Sajjieda Dilettanti Ġnejna*,  
217 literally translated as Ġnejna Artisanal Fishers Association (ĠAFA) (n=3), and (iii) with  
218 ERA, the authority responsible for the MPA (n=3). These encounters with the main actors in  
219 the MPA arena were supplemented by insights obtained from extensive participatory  
220 observation, where one of the researchers joined local fishers as they went about their tasks at  
221 the fishing port, and accompanied them on fishing trips. These direct experiences yielded rich  
222 data related to subjects and issues where they are traditionally reticent, such as secretive  
223 behaviours and attitudes towards the state and their associations, and of course each other.

224 They also gave privileged insight into sensitive matters that do not expose themselves easily  
225 through formal interviewing (MacMillan and Han, 2011). Given the sensitivity of the data  
226 collected, all measures were taken to ensure the full anonymity and confidentiality of the  
227 informants active in this research.

### 228 **3) Results**

#### 229 **3.1) The Fishing Scenario: Territorial conflicts and fishing disputes**

230 Competition for fish resources in Malta's Northwest (NW) waters is rife due to the large  
231 number of commercial and recreational vessels contesting the same fishing grounds.  
232 According to local fishers, the grounds have sustained the fishing community for decades,  
233 and although fishing is not their main source of income, it is an important component of their  
234 lives. The urge to maintain connection with the sea through fishing is shared amongst all the  
235 commercial and recreational fishers of the area, and is especially evident in summer-time,  
236 when long days of sunny, calm weather call fishers out to the sea to pursue the promise of  
237 excellent catch. The NW fishing grounds are exposed to the prevailing north-westerly winds  
238 that hinder fishing activity, and thus on good days, fishers race to the best fishing grounds  
239 hoping to arrive ahead of other boats. The best spots are famous for different species  
240 including breams (*Pagrus pagrus melanura*), squids (*Galeorhinus galeus*), octopi (*Octopus*  
241 *vulgaris*), bogues (*Boops boops*), dentex (*Dentex dentex*) and scorpionfish (*Scorpaena*  
242 *scorfa*), amongst other species.

243 The open-access nature of the fisheries allows fishers from different ports to deploy  
244 their gear in the same grounds, and this intensifies the competition for the resources. Given  
245 the competition, fishers are very wary of sharing details of their fishing activities. Extended  
246 periods of participant observation revealed a very strong sense of secrecy regarding the  
247 success or failure of fishing expeditions, the gears used and where the haul (or lack of it)  
248 occurred, fearing that others might capitalise upon this information. As a fisherman

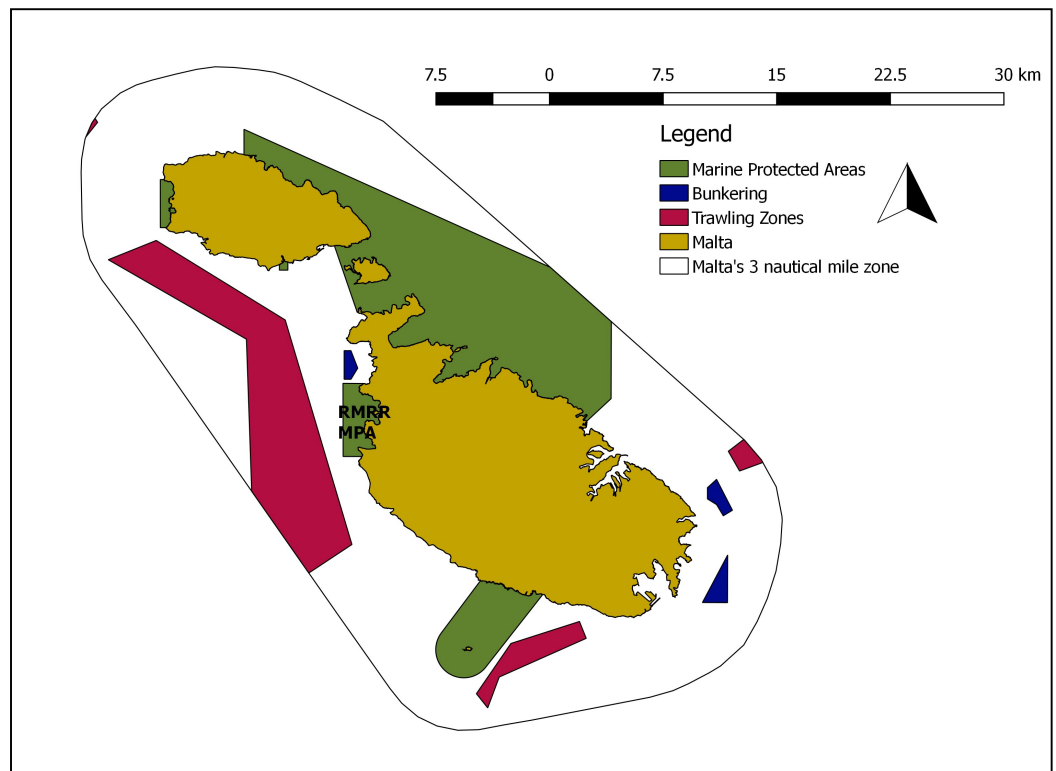
249 explained, “*when you catch a lot of fish, fishers would be curious about where you made the*  
250 *catch, but it’s not wise to reveal the discovery of a treasure.*” This environment of  
251 competition and suspicion limits co-operation to one’s immediate kin (basically brothers) and  
252 incredibly close friends.

253 Competition over fishing grounds and resources also occurs between or amongst  
254 different gear users including trammel nets, long-lines, pots and traps, and angling. Trammel  
255 netting, which involves the deployment of nets to catch demersal species<sup>4</sup>, is the most  
256 contentious activity, since it requires plenty of surface area and since, according to non-  
257 trammel net users such as recreational anglers and long-liners, ‘*trammel nets are like hoovers*  
258 *which wipe out all the fish*’. This general belief puts trammel net fishers in a bad light, and  
259 clashes over the activity also escalate to ideological debates about its sustainability on  
260 different media platforms (Forum, 2014; TOM, 2011). The rivalry between and with trammel  
261 netters sometimes spirals into the deliberate damaging and stealing of trammel netting gear,  
262 typically targeted at those who “*deploy truck-full of trammel nets*” and leave no space for  
263 others to fish in these ‘commons’.

264 Since 2012, conflict over resources has become further accentuated by the  
265 demarcation of a new trawling zone that has pushed large-scale fishing towards the  
266 perimeters of the inshore fishing grounds. Fishers have expressed criticism towards the fact  
267 that this trawling site is allegedly impacting the fish stocks in the inshore reefs. Although  
268 several fishers tried to reverse this by speaking to the authorities on various occasions, their  
269 attempts were unsuccessful since the implementation of the trawling zone, which benefits the  
270 industrial fishing sector, is in line with EU Mediterranean regulation (EC 1967/2006 Annex  
271 V).

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<sup>4</sup> According to FAO definition, “A trammel net consists of two/three layers of netting with a slack small mesh inner netting between two layers of large mesh netting within which fish will entangle.”  
<http://www.fao.org/fishery/geartype/223/en>



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273 Figure 3: The practice of small-scale fishing within the North-western fishing village of Ġnejna is undergoing  
 274 squeezing by the trawling and bunkering activities that take place within the long-established small-scale fishing  
 275 grounds. The MPA which is earmarked within the 50-m bathymetric contour could be an additional  
 276 encroachment into these fishing grounds

277 This trawling site came along a long-existing bunkering zone which has, more than  
 278 fifteen years ago, been established on a good fishing ground (Figure 3). Maltese bunkering  
 279 zones, which provide shipping services, mainly fuel supply, to ships calling in Maltese  
 280 territorial waters, are known to scour the seabed with their anchors, which allegedly affects  
 281 the productivity of fishing grounds and unintentionally damage the fishing gear (Said et al.,  
 282 2017). Although fishing is not restricted in the trawling and bunkering zones, fishers  
 283 explained that fishing in these areas is risky for their gear can be easily damaged.

284 Already facing these spatial constraints, fishers have expressed concern regarding the  
 285 RMRR MPA, which will potentially confine them further and intensify competition with  
 286 other artisanal fishers. If the MPA restricts fishing activities or limits the type of fishing gear  
 287 that can be used in the area, as indicated in the draft management plan, fishers will be left

288 with a much smaller area in which to fish. The problem cannot be simply solved by having  
289 fishermen commute to other fishing zones. Not only would this be probably infeasible due to  
290 fuel costs involved, but fishers would be worried of entering areas already heavily used by  
291 trammel netters from other fishing ports, who would probably respond by damaging the gear  
292 of Ġnejna's fishers. The challenges brought about by this increasing congestion have shaped  
293 the contemplations and contestations of the majority of the fishers who, as will be detailed in  
294 the next section, have not been effectively incorporated in the consultation process of the  
295 MPA.

### 296 **3.2) Fishers and the MPA: Confusion, Clashes and Concerns**

297 The MPA has intensified the tensions amongst the fishers who depend on the inshore  
298 fishing grounds. This is because the local actors have been marginalised during the entirety of  
299 the process of the MPA's discussions. This section demonstrates how the MPA is riddled  
300 with communication and linguistic problems at the level of community representation. We  
301 describe how this is alienating fishers in general and trammel netters in particular, whose  
302 interests conflict with those of the fishers who represent them in front of the state. Trammel  
303 netters are worried they will be unable to protect their long-existing fishing traditions. Their  
304 fear is augmented by further marginalization at the hands of diving tourism occupying a new  
305 spatial niche in the area MPA.

#### 306 **3.2.1) Communication and linguistic barriers are alienating fishers**

307 Long-term participatory observation with the fishing community indicates that the  
308 legal obligation for the MPA has not been properly and effectively communicated to the users  
309 of the area. For example, only one information meeting was held with the entire fishing  
310 community back in 2004. It was attended by the Environment Minister and led by natural  
311 science experts, who deployed scientific and legislative jargon that was not understood by the

312 fishers. Shocked by the sudden arrival of what they perceived as a new environmental law  
313 constraining their fishing activities, the meeting spiralled out of control and, as one artisanal  
314 fisherman put it, “*everyone was shouting and trying to make a point and there was no actual*  
315 *communication*”. On the same lines, the government report on the meeting noted that “*as*  
316 *expected, the fishermen expressed their concern at having a restricted area where they could*  
317 *not enter and fish out of their own free will.*” (MEPA and ICRAM, 2004)” Following this  
318 event, stakeholder consultations, which were held to cover all the five MPAs, and not  
319 specifically the RMRR one, became more narrowly-focused on representatives of  
320 environmental NGOs, diving industries, and the fishers’ co-operatives and associations,  
321 which do not fully represent small-scale and artisanal fishing interests (Said et al., 2017).  
322 This lack of bottom-up involvement with stakeholders was highlighted as a weakness in the  
323 analysis of the evaluation of the RMRR MPA follow-up in 2005 (MedMPA, 2005).

324         Unsurprisingly, the separation of most fishers from the participatory process has  
325 generated a sense of alienation from the RMRR MPA. Many feel uninformed and  
326 marginalized, and lack an understanding of the precise nature of Malta’s legal obligations to  
327 the Habitats’ Directive. They additionally seem ill-equipped to understand or challenge the  
328 concept of marine conservation within their fishing grounds, and have become suspicious of  
329 the whole thing. Their mistrust is deeply intertwined with the approach the authorities took to  
330 implement conservation. Aside from the fact that the stakeholder documents were not in  
331 Maltese, but in English, a language in which the fishers are not fluent, the scientific jargon  
332 used by experts has produced further ambiguities amongst the fishers about the actual  
333 objective of the MPA.

334         In lieu of effective and adequate explanation, fishers formed their own understanding  
335 of what the MPA is and what it was trying to achieve. In fact, the common understanding is  
336 that the MPA is about conserving fish stocks and not the protection of habitats and species as

337 per legal clauses in the Habitats Directive. Fishers are perplexed with the zoning scheme  
338 (Figure 2) mentioned in the management plan, for there is no specific information on what  
339 will be controlled and how, and what types of fishing will be affected by the MPA. A  
340 dialogue with one of the fishers highlights a sense of ambiguity<sup>5</sup> of what effects the MPA will  
341 have on fishing practices: *“I think they (the authorities) want to ban all the fishing gear that  
342 has a direct contact with the seabed so we wouldn’t even be able to lay a bogue trap, I think.  
343 They will only allow us to fish with the ‘rixax’ (trolling) I think... nothing can touch the  
344 seafloor... I think”*. These gaps in knowledge have created a shared concern among fishers  
345 who fear that the MPAs will restrict their ability to pursue further fishing in the area. One  
346 fisher, for example, indicated that the earmarked restricted zones are all-important fishing  
347 grounds – especially for trammel netters since *“outside the zone, the area falls to around 90  
348 fathoms<sup>6</sup>, making the use of trammel nets impossible”*.

349 In effect, although no specific restriction have been placed yet, fishers engaging in  
350 trammel netting are the ones who feel most concerned, because they perceive the MPA a  
351 major threat to their activity and fear that they will be victimised by a conservation plan  
352 which they have no say over. Along with the other fishers, they feel marginalized by the  
353 authorities, and express feelings that they have been ignored and forgotten throughout the  
354 zoning process of the MPA. In fact, as one fisher highlighted, *“the authorities did not care  
355 about us fishers and they never acknowledged us as stakeholders during the zoning process.”*  
356 Instead of voicing their concerns, most trammel netters have remained passive and cowed  
357 because they do not understand the MPA process and assume that the obligations that are  
358 being considered are incontestable. This partly stems from lack of communication about how

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<sup>6</sup> One fathom is approximately 1.8 metres.



359 the decision to have the RMRR area protected came about, and a misunderstanding over the  
360 role of the Maltese government in selecting MPA areas.

361         Aware that they are unable to influence or amend decisions they believe are made by  
362 higher, very powerful authorities at national and supranational level, fishers have failed to  
363 come together to discuss their complaints and plan the possibility for a collective response.  
364 Resigned to their fate, they have left the matter in the hands of their organisations, expecting  
365 them to advocate fishers' interests as best as they could. However, the continued failure to  
366 have the views and concerns of the entire fishers acted upon raises questions about the role  
367 and interests of the representatives in the political processes related to marine governance.

### 368 **3.2.2) Misrepresentation and marginalization of trammel netters**

369 The MPA consultative platforms are attended by spokespersons legitimately elected within  
370 fisher's co-operatives and associations. At Ġnejna, however, it would appear these  
371 spokespersons are not fully representing the needs and interests of most local fishers. The  
372 Ġnejna Artisanal Fishers Association (ĠAFA), which forms part of the Federation for  
373 Amateur Fishermen in Malta, was established in 1992 and has around 170 members. Its  
374 members hail from both the recreational and artisanal-commercial segments, for ĠAFA's  
375 legal statute obliges it to advocate the rights of *all* Ġnejna fishers and speak on issues  
376 pertaining to the area's infrastructural arrangements, such as boathouses and slipways.  
377 However, the executive committee of ĠAFA is dominated by fishers who use long-lines, and  
378 who, due the nature of their activity, are in open, competition with trammel netters. The result  
379 is that trammel netters have effectively been excluded from the conversation about the  
380 RMRR MPA.

381         Officially, ĠAFA is openly supportive of the implementation of the MPA. That said,  
382 its executive committee adopted this stance without the full consent of their members,

383 especially those fishers involved in trammel netting (around 50% of the commercial fishers  
384 from the Ġnejna village and other nearby fishing ports). In one of the written consultations,  
385 the Federation representing ĠAFA has expressed that they agree “*to stop all kinds of net*  
386 *laying, trawling and other deep-water non-selective gear* and simultaneously request “*that*  
387 *deep water long line fishing be permitted in this area*”(MEPA and ICRAM, 2004). Naturally,  
388 the banning of the trammel nets will benefit those engaging in long-lining, hence it can be the  
389 case that the fishers’ representatives are adopting a conservation discourse to achieve benefits  
390 for themselves by supporting a ban on trammel nets in the fishing grounds. For example,  
391 during one of the interviews one representative stated that, “*The sea is never given a break*  
392 *here, they should stop the trammel nets; at least for some years to give some time for the fish*  
393 *to recover*”. Ironically, most of the trammel fishers are not aware of the ĠAFA’s position and  
394 many have even expressed a sense of satisfaction towards their spokespersons who they  
395 firmly believe are doing their best to advocate their interests. Many fishers also feel that their  
396 representatives, who can speak English, are better prepared to deal with conservation’s  
397 ecological and legal language. As one fisher indicated, “*GHSDĠ has people capable enough*  
398 *to represent and fight for the rights of fishers.*”

399 Information gained in government-organized meetings<sup>7</sup> appears to have been retained  
400 within the executive circles of the ĠAFA and the Federation, and not communicated to the  
401 members. This allows the ĠAFA leadership to maintain control over the fishers’ discourse.  
402 Their monopoly over communication has enabled leaders to, on the one hand present and  
403 direct policy in whichever way they deem appropriate, and on the other hand claim to  
404 represent all fishers, obscuring the need for a more thorough system of stakeholder inclusion.  
405 Instead of building a communicative bridge between the fishers and the authorities, the

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7 Such meetings held by the local authorities include the implementation of the ‘underwater trail’ within the RMRR in 2013, and ‘the symposium on sustainable diving in marine reserves’ in 2014, amongst others.

406 ĠAFA has implicitly, perhaps not deliberately, created a restraining barrier that has  
407 reinforced the fishers' opposition towards the MPA. Indirectly, this barrier has also hindered  
408 the building-blocks of knowledge co-production between the entire fleet and MPA experts.

409 Only one fisher showed some informed concern over the fact that ĠAFA has not  
410 provided support to the trammel net users. In fact, in 2008, he attempted to seek answers  
411 directly from the authorities by sending a letter to the Maltese Prime Minister. But the  
412 meetings which were scheduled with ERA got him nowhere, and he retreated feeling helpless  
413 and further alienated. Our research suggests that the system of participatory governance  
414 chosen for this projects is suffocating rather than enticing stakeholder engagement. It is  
415 additionally allowing the needs and interests of the trammel netters to be subjugated by those  
416 in powerful positions who wish to capture the process to further their pecuniary advantage.

417

### 418 **3.2.3) Dive tourism – a new exogenous threat?**

419 If the system of representation does not change, fishers will remain alienated and  
420 detached from the whole process that determines their future in the marine area. At this  
421 delicate juncture, another development threatens to further destabilise the MPA process. In  
422 order to finance the NATURA 2000 site, the launching of diving tourism has been proposed  
423 as part of a potential revenue-generation scheme to monitor the MPAs (MEPA, 2013).  
424 Although diving is not yet popular in this marine area, its promotion for the diving tourism  
425 niche raises important questions on the ramifications of such a proposal. Firstly, if not  
426 properly monitored, diving can damage protected sensitive habitats due to excessive kicking,  
427 a phenomenon reported in various situations (Hayes et al. 2017; Ku and Chen 2013) , thereby  
428 contradicting the main obligation of the Habitats' Directive to maintain and restore the  
429 conservation status of protected species and habitats.

430 Secondly, and more pertinent to the present paper, is that diving tourism would add yet  
431 another economic activity into this long-established and congested fishing ground. If any  
432 plans for tourism investments are introduced without sufficient exchange of ideas with the  
433 fishers, the MPA as a tourist venue would further intensify the displacement of fishers. This  
434 would likely consolidate them as victims of environmental inequities and injustices due to  
435 reduced access to fishing areas in the creation of nature reserves for ecotourism purposes, as  
436 has been reported in similar situations (Duffy, 2002; Fabinyi, 2008; Naar and Mahenge,  
437 2014).

#### 438 **4) Discussion**

439 This paper documents the overlooked socio-political dynamics involved in the  
440 implementation of one MPA in Malta. It shows that when MPAs are approached and  
441 developed from a strictly ecological perspective, the equally-important social, economic and  
442 cultural aspects of the area are ignored. Un-factored into the policy processes, the governance  
443 of the stakeholders and their relations with each other and the state can spiral out of control  
444 (Blount and Pitchon, 2007). The human dimension can quickly become a rebellious force that  
445 can either seriously obstacle conservation or hijack it to further personal interests and power-  
446 struggles. Concretely, this article highlights the authorities' inability to factor in the social  
447 realities of fishers' disputes, because their natural-scientific approach is simply too narrow  
448 (Degnbol et al., 2006), and unable to recognise the MPA's social, cultural, and political  
449 aspects.

450 A dangerous domino effect thus ensues. The government's ecologically-biased stance  
451 has produced a half-hearted strategy of community consultation that is not extensive or  
452 flexible enough to account for the diversity of the fishing community. The error lies in that  
453 any communication of information between state and community must go through the  
454 representatives of the fishing community. These spokespersons have interests and agendas

455 other than simply representing the community. They find that this new-found control over  
456 information helps them to negotiate policy in a way that secures their personal goals and  
457 interests (Van Tatenhove, 2013). These vested objectives, which hinge around the phasing  
458 out of trammel netting, require the subjugation and silencing of the wider fishing community  
459 and its collective knowledge. Most fishers, thus, become trapped in situation of alienation and  
460 mistrust towards the MPA. Finally, feeling disempowered in an ‘impossible’ situation created  
461 in the name of ‘conservation’, fishers start directing their anger not at the government, which  
462 they hold powerless in front of the EU, or their representatives, who they seem to have  
463 complete trust in, but at conservation in general.

464         We argue that if the systems of representation do not change soon, all the major stake-  
465 holders involved in the project including the state, fishers, and conservation itself, will  
466 emerge as definite losers. In Malta, as elsewhere, fishers are set to become the main victims  
467 of the MPA, as access to fishing areas becomes limited (Chen et al., 2015), become squeezed  
468 between conservation zones and industrial fishing (Begossi et al., 2011), or displaced by new  
469 MPA economic niches, such as diving tourism (Fabinyi, 2008). Despite the continuous urge  
470 towards the need of participatory attempts for MPA designations and implementations  
471 (Agardy et al., 2011; Chuenpagdee et al., 2013; Guenette et al., 2000; Jones, 2009)  
472 marginalization and disempowerment of fishers seems to be a lingering phenomenon  
473 (Charles and Wilson, 2009; Fox et al., 2012; Hattam et al., 2013; van Assche et al., 2012).

474         If fishers remain unprotected, they are likely to start actively resisting the MPA  
475 conservation policy initiative. In similar situations elsewhere, resistance has evolved into  
476 protest fishing and incomppliance towards the conservation objectives (Ferranti et al., 2010;  
477 Stoll-Kleemann, 2001). Consequently MPAs either become very costly to monitor and  
478 enforce, or remain mere paper parks with no actual success (Silva and Lopes, 2015). This  
479 might damage the state’s relationship with the EU, for it would have ultimately failed to

480 comply with EU Directives. A foundered MPA could, at best, embarrass the government in  
481 front of its EU partners, or, at worst, result in fines and sanctions that translate into wider  
482 political repercussions.

483 This case study adds to the plea for adopting an all-encompassing approach to  
484 understand the realities of marine conservation from the bottom-up (Kidwai et al., 2016).  
485 Better consultative platforms not only increase the empowerment of fishers in decision-  
486 making, but also allow for the articulation of the social objectives of fishing in MPAs in a  
487 way that safeguards the needs of long-established users (Guenette et al., 2000; Jentoft et al.,  
488 2012; Jentoft and Knol, 2014). It moreover engenders a sense of MPA ownership and  
489 stewardship amongst the fishers (Ferse et al., 2010; Glaser et al., 2010), and increases the  
490 legitimacy of marine governance (Van Tatenhove, 2011).

## 491 **5) Conclusions and Recommendations**

492 The establishment of the Special Areas of Conservation (SAC) in marine areas follows  
493 Malta's obligation to ratify the Habitats' Directive Council Directive (EC/92/43). However,  
494 there is still uncertainty as to how the objectives of the MPA are to be reached. This article,  
495 focusing on one of Malta's MPAs, explains how the overlaying of a conservation designation  
496 over an already contested and limited space is likely to intensify the pre-existing fishing  
497 disputes.

498 The inadequate attention towards the interplay of the local uses is perilously close to  
499 alienating and marginalising local fishers, who are feeling increasingly powerless and  
500 polarized. As a result, the inescapable EU-set deadlines might lead to a peremptory MPA that  
501 might entice more confrontation and non-compliance by the fishing sector, especially if the  
502 fishers lose their fishing rights. Whether these plans will develop into physical exclusion of  
503 local fishers from the RMRR MPA is yet to be revealed. However, as matters stand, the  
504 future of the fishers looks bleak. This is because the MPA decision-making process is

505 creating problems related to the reduced power of negotiation, leaving outright resistance and  
506 opposition as the only available options and thus inevitably polarising the fishing arena.

507 This article argues for improved stakeholder inclusion policies in marine  
508 conservation, with specific reference to the RMRR MPA. Fishers are a heterogeneous group,  
509 with differing, oftentimes competing, interests. This spectrum of voices needs to be  
510 recognized and consulted through the entirety of the MPA implementation process, and not  
511 just at the very end, which, at best, creates the impression the community has been consulted  
512 as a courtesy, and at worst, turns conservation into an outside imposition. If the MPA's  
513 implementation is harmonised to its ecological *and* social context, it would smoothen the path  
514 for policy-makers in engendering willingness of co-operation amongst fishers. If not, the  
515 MPA will alienate and antagonise local users, which end up being sucked into tensions  
516 themselves. In this particular situation, the authorities, riding on bad conservation, are  
517 heading directly down that path, forgetting that conservation is, mostly, conversation.

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