



# Surfing reserves as innovative tool to protect coastal marine environment

*MSP in tropical Atlantic: governance dynamics*

Recife, Brazil, UFPE  
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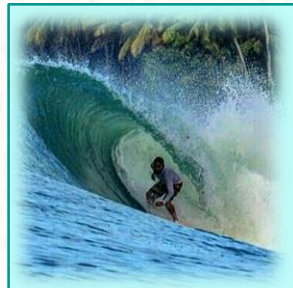




**Mackenzie**

## *Maurício Duarte dos Santos*

- PhD in Political and Economic Law at Mackenzie Presbyterian University
- LLM in Environmental Law
- Professor and researcher in: *Environmental and Constitutional Law, Surfing Reserves and Governance, Law of the Sea and Maritime Law*
- Member of research groups:
  - “Law and sustainable development”, at Mackenzie University
  - 29 years of surfing!



*Team: Prof<sup>ª</sup> Solange (central), Carolina (left) and Maurício (right)*





## *Presentation planning*

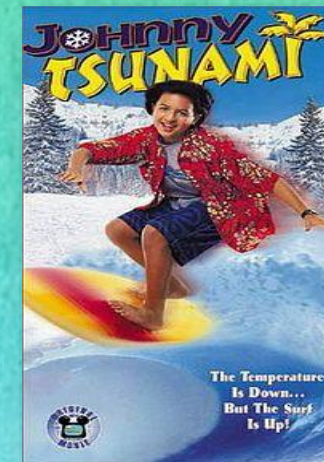
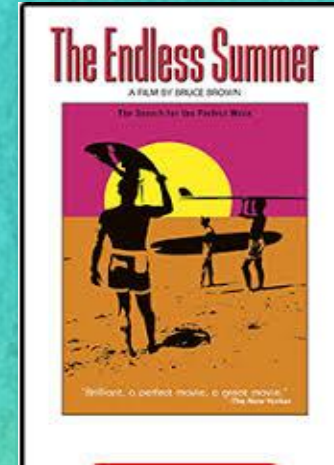
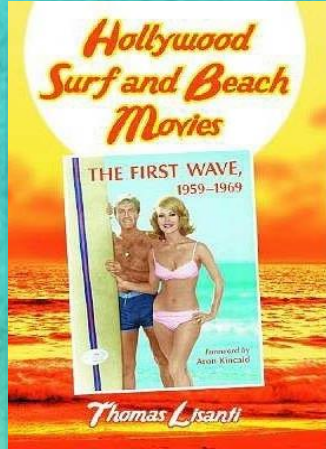
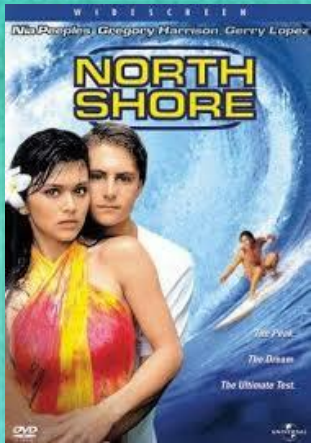
PART I – One “brief” regarding the issue

PART II – One “big ocean surfing countries” law overview

PART III – Good governance or law effectiveness?



# Before that... What is Surfing??? Is only it?









## What is a Surfing Reserve?

*“A model for preserving wave breaks and their surrounding areas by recognizing and protecting the key environmental, cultural, economic and community attributes of surfing areas” (Save The Waves)*

*“Iconic places of intrinsic environmental, heritage, sporting and cultural value to a nation. NSR embrace all peoples to enjoy, understand and protect special coastal environments of universal value to the surfing world (Australian National Surfing Reserves)*

## Is there a specific name for this kind of tool?





# Criteria ( One example from Save The Waves Coalition NGO)

WSR eligible waves and surf zones are evaluated and chosen based on the following criteria:

## 1) Quality and Consistency of the wave(s)

- QUALITY OF WAVE(S)
- SURFEABLE DAYS / YEAR
- SITE OF PRO CONTEST
- WAVE VARIETY

## 2) Environmental characteristics

- RECOGNIZED BIODIVERSITY HOTSPOT
- THREATENED SPECIES PRESENT
- CONNECTED TO WATER RESOURCES
- PAST/PRESENT WAVE THREAT LIKELY TO BE MITIGATED
- PROTECTED DESIGNATIONS
- UNDEVELOPED AREA
- KEY ISSUE IDENTIFIED
- CLEAR AVENUE FOR LEGAL PROTECTION LOCALLY
- PROVIDES KEY ECOSYSTEM SERVICES

## 3) Culture and Surf history

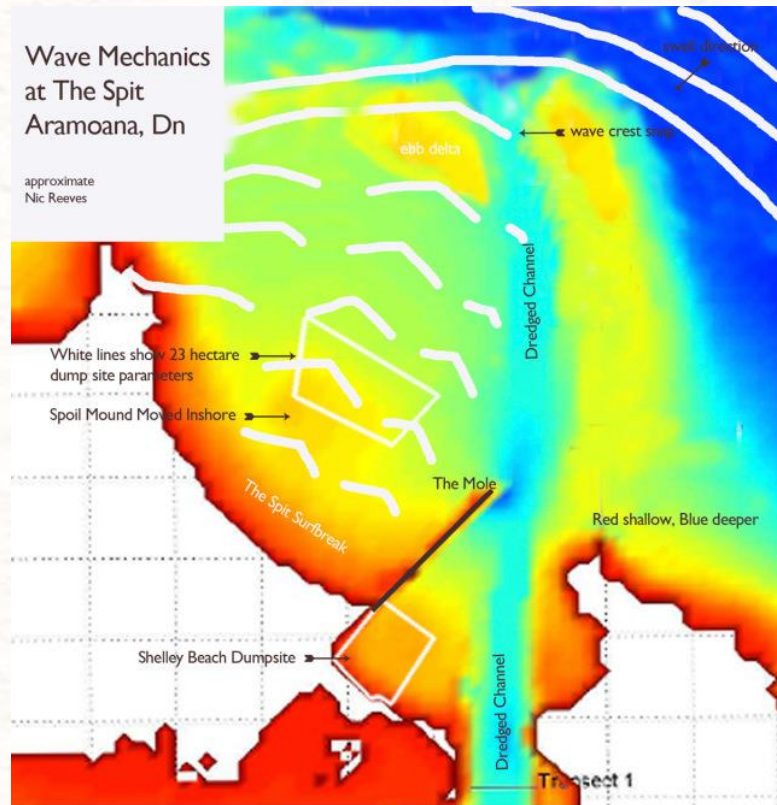
- SITE OF NAT'L CULTURAL SIGNIFICANCE
- IMPORTANCE IN SURF HISTORY
- SITE OF REGIONAL SIGNIFICANCE

## 4) Governance capacity and local support

- SUSTAINABLE FINANCING OPPORTUNITIES
- LEGAL OR POLICY FRAMEWORKS AVAILABLE FOR PROTECTION AND/OR LONG-TERM SUPPORT
- CLEARLY IDENTIFIED RESERVE AMBASSADOR
- CAPABLE COMMUNITY LEADERS AND ESTABLISHED INSTITUTIONS DEDICATED TO THE ONGOING WSR MANAGEMENT AND COORDINATION

# What for? Threats!

Relationship between surf break and the wave mechanics  
(e.g.) "The Spit Aramoana" – New Zealand



Source: <<https://savearamoana.wordpress.com/wave-mechanics/>>

## Some examples:

- Conflicts of multiple uses: marinas, jetties, breakwaters, airports, urbanization, industrial pollution and runoff, and barred access to beaches etc

Using Google Earth – tools – ruler...



This image above depicts 300 meters out from the existing airport in green using Google ruler - and the approximate impression given by the dompost article in red – looks to be about a kilometre out to sea. Airport Rights is marked as the small red square at the end of the runway.

Source: Surfbreak Protection Society



Using some nimble cut and paste, the image above has accuracy to within 10 meters of what the extension would look like.









# What for? Some Opportunities, Benefits...

- *Surfonomics*
- *Surfing life saving (i.e. prevent drowning)*
- *Engaged people to protect the environment and local culture...*





# Stakeholders

*Surfers Appreciating Natural Environment (AUS)*

*SurfBreak Protection Society (NZ)*

*National Surfing Reserves (AUS)*

*Conservamos por la Naturaleza (Peru)*

*ECOSURF (Brazil)*

*Sociedad Peruana de Derecho Ambiental (Peru)*

*Fundación Rompientes (Chile)*

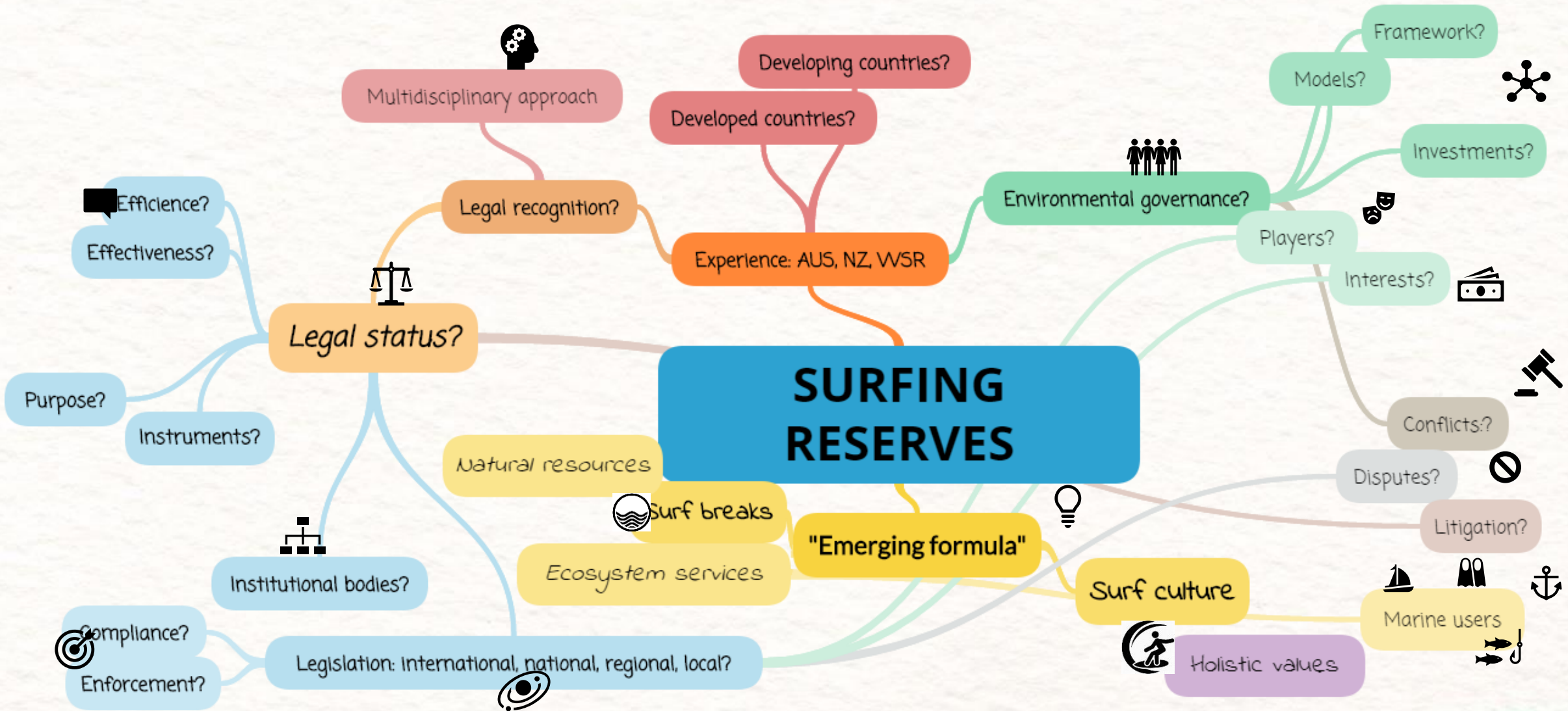
*Federación Nacional de Tabla (Peru)*

*Fundacion Punta de Lobos (Chile)*

*Surfers Against Seawage (UK)*

*Surf Rider Foundation (EUA)*









## *II – One “big ocean surfing countries” law overview*

### **Australia**

LEGAL RECOGNITION: Bells Beach “land-based reserve in 1973” Coastal Management Act de 1995 and Victorian Coastal Strategy 2008. Crown Lands Act 1989-2016, NSW;

GOVERNANCE: National Surfing Reserves (NSR); Regional Surfing Reserves (RSR), World Surfing Reserves (WSR).

### **New Zealand**

LEGAL RECOGNITION: New Zealand Coastal Policy Statement (NZCPS) 2010;

GOVERNANCE: Surfbreak Protection Society

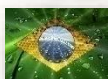
### **Peru**

LEGAL RECOGNITION: Ley de Preservación de las Rompientes Apropriadas para la Práctica Deportiva - 2000 (DECRETO SUPREMO n° 015-2013-DE)

### **World Surfing Reserves 2009 (WSR)**

GOVERNANCE: By NGO Save the Waves Coalition, National Surfing Reserves (NSR): International Surfing Association (ISA).



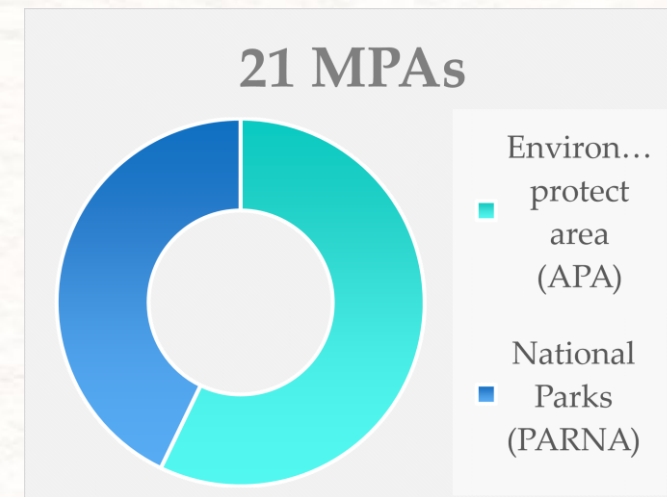


# Brazil: Our Survey

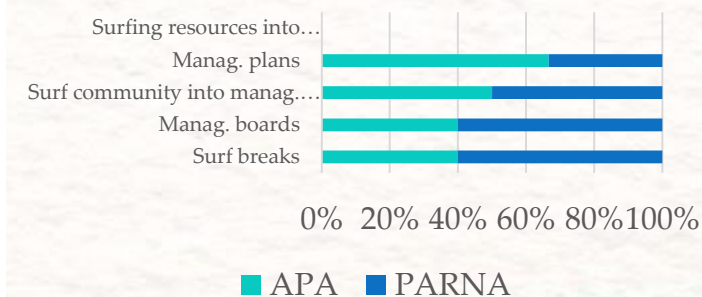
Conserv. Unit Group	Category	Quantity	Federated States	Conserv. Unit	Potential Surf breaks or surfing reserves - <i>exemplos</i>	Management board	Surfing community into management board	Management plan	Surf breaks' protection into management board
Sustainable use	Environmental Protection Area: APA	12	ES	Costa das Algas	Praia de Regência	Yes	No	No	No
			SC	Baleia Franca	Praias da Guarda do Embaú, do Silveira, de Ibiraquera, da Vila e do Cardoso	Yes	No	No	No
			SC	Anhatomirim	NI	-	-	-	-
			PB	Barra do Rio Mamanguape	NI	-	-	-	-
			PE e AL	Costa dos Corais	NI	-	-	-	-
			RJ	Cairuçu	Praia do Cepilho	Yes	Yes	Yes	No
			SP	Cananéia-Iguape-Peruibe	Praia do Guaratá	Yes	No	Yes	No
			PE	Fernando de Noronha - Rocas - São Pedro e São Paulo	NI	-	-	-	-
			RJ	Guapimirim	NI	-	-	-	-
			PR	Guaraqueçaba	NI	-	-	-	-
			AL	Piaçabuçu	NI	-	-	-	-
			PI, MA e CE	Delta do Parnaíba	NI	-	-	-	-
Integral Protection	National Parks: PARNA	09	RS	Lagoa do Peixe	NI	-	-	-	-
			RJ	R. de Jurubatiba	NI	-	-	-	-
			CE	Jericoacoara	Praia de Jericoacoara	Yes	Yes (Kite and Wind surfing associations)	Yes	No
			AP	Cabo Orange	NI	-	-	-	-
			PR	Superagu	NI	-	-	-	-
			MA	Lençóis Maranhenses	Lagoas de Santo Amaro	Yes	No	No	No
			PR	Ilhas dos Currais	NI	-	-	-	-
			PE	Fernando de Noronha	Praias da Cacimba do Padre e do Boldró.	Yes	No	No	No
BA	Abrolhos	NI	-	-	-	-			

I – Not identified

Source: adapted from SILVA, Solange Teles da et al. (2016).



## In this universe...









*Brazilian potential for surfing reserves as a new sort of ETEP and protecting surf breaks by already existing categories – PARNAS:*



### Praias Cacimba do Padre e Boldró -Noronha/PE

Source: Almasurf



### Praia Jericoacoara -Jericoacoara/CE

Sources: Kitestrophik and Trihas e Aventuras



### Lagoas de Santo Amaro - Lençóis Maranhenses/MA

Sources: Tony Galvez and





*Considering this potential in states (regional) and municipal (local) levels...*

Itamambuca -Ubatuba/SP

source: zecao.com



Praia Branca – Guarujá/SP

TABLASTV



Praia do Tombo – Guarujá/SP

sources: Rodrigo Brandasi e Prefeitura Guarujá



Prainha - Rio de Janeiro/RJ

sources: Pedro Fortes and trip advisor



Saquerema – Saquarema/RJ

source: canal woohoo



Praia do Francês –Marechal Deodoro/AL

Sources: surfpeblogspot and Setur Alagoas





# The First Brazilian WSR

Source: Rafael Milian







***GOOD  
GOVERNANCE,  
LAW  
EFFECTIVENESS?***



- Surfing reserves are a viable model to awaken the attention of governmental and non-governmental actors for the purpose of Incorporation into the list of marine and coastal protected areas for protection of the surf breaks as well as it must be design under International Legal Framework (i.e. CDB Convention) objectives and principles, noting that for their appointment, WRS, NSR, Surf Breaks Protection or other models;
- There are several types of protected areas and their functions reach the social and economic fields, in line with principles such as participatory, information, effectiveness etc. From a Law overview its protection must to link to the decision of the regional and local government, highlighting the role of civil society in this process;
- It is necessary a construction of a socio-environmental governance process to enable the protection of such spaces and resources, especially in a scenario which the governmental actions are not enough for the adequate socio-environmental management of the ecosystems, demanding the participation of the civil society, specially surfers and community. Not only by law neither by soft law! **The effectiveness of Law requires different and creative approaches!**



