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Title:	Reviewing and updating coastal fisheries legislation and policy
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## Summary:

Effective fisheries management holds the potential to foster the economic growth of Pacific Island coastal communities who rely on marine resources for their livelihoods. Policy and legislation play an important role in ensuring the sustainable management and development of small-scale coastal fisheries for resilient communities.

SPC's Fisheries, Aquaculture and Marine Ecosystems (FAME) Division has been providing assistance to Pacific Island countries and territories (PICTs) fisheries agencies, both online and in-country, by advising on new or revised regulations and management plans, by delivering national and regional training on coastal fisheries law and policy, and by the mentoring of staff from PICTs agencies via attachments. FAME has also prepared new information materials and resources to promote a better understanding of PICTs legal frameworks, as a basis for upcoming training opportunities.

## Recommendations:

Members and partners are invited to:

- a) *Discuss* national priorities in receiving SPC support for the review and update of coastal fisheries policy and legislation and for the delivery of training on management plans and legal drafting;
- b) *Note* the launch of a new [SPC Legal guide to enabling coastal fisheries co-management in the Pacific](#) (see Background paper 1) and other resources available on the SPC REEFLEX database (Background paper 2) and the availability of dedicated training opportunities on coastal fisheries law and policy;
- c) *Request* the Heads of Fisheries to encourage the identification of dedicated fisheries agency staff for each official request for SPC support on coastal fisheries policy or legislation, who will liaise with SPC and be specifically trained and mentored, including through short-term attachments.

## Reviewing and updating coastal fisheries legislation and policy

### *Background*

1. Policy and legislation play an important role in ensuring the sustainable management and development of coastal fisheries for resilient island communities. National policies and strategies provide guidance on the development of the coastal fisheries sector. To achieve their goals, these strategic documents may indicate the need for legislative reform. New or revised regulations and plans are required to control the use of vulnerable marine resources and ecosystems, while responding to communities' needs by supporting their livelihoods and bolstering food security.
2. Laws and regulations on marine resources set the framework for adoption and enforcement of management and conservation measures related to coastal fisheries. Typically, fisheries management plans encompass various measures such as catch limits, gear restrictions, and closed seasons, which are implemented to regulate fishing activities and prevent overfishing.
3. Effective fisheries management holds the potential to foster the economic growth of coastal communities who rely on marine resources for their livelihoods. By ensuring that fish stocks around coastal areas remain healthy, it contributes to the expansion of the local fishing industry, the creation of employment opportunities and the generation of income. Robust fisheries management also plays a role in safeguarding vulnerable marine ecosystems and biodiversity.

### *SPC's coastal fisheries management team*

4. Based on requests by SPC member countries and territories, FAME has been providing advice in reforming, reviewing, and updating their coastal fisheries policy and legislation. In some cases, coastal fisheries legal frameworks may be outdated or have gaps that render them ineffective (e.g., inadequate penalties or insufficient regulatory powers). In other cases, the enabling framework for communities to sustainably manage marine resources, in collaboration with fisheries agencies and local authorities, needs to be strengthened to avoid overlap. Often countries need to adopt regulations before opening a fishery that had been previously closed (e.g., before lifting a moratorium on valuable species, such as sea cucumber), or to develop new fishing activities, such as sport fishing.
5. During the past few years, FAME has been actively engaged in offering remote assistance and training on different areas of coastal fisheries management, including the review of legislation, policies and management plans, and the strengthening of monitoring, control and surveillance (MCS). A variety of tools have been developed to provide quality training material and accessible learning platforms, such as the SPC Learning Management System; online meetings; remote internships; and publications). With the lifting of COVID-19 travel restrictions, the coastal fisheries management team is now complementing these online tools with targeted in-country support, particularly where internet access is limited or unreliable.
6. Two main projects support capacity building in the review and update of policy and legislation for the sustainable management of coastal fisheries, underpinned by community-based approaches. These projects are the Sustainable Coastal Fisheries and Aquaculture for Pacific

Livelihoods, Food and Economic Security (SCoFA) project<sup>1</sup>, funded by the New Zealand Ministry of Foreign Affairs and Trade, with the Australian Department of Foreign Affairs and Trade, and the Pacific Coastal Fisheries Management and Compliance (PaFMaC) project<sup>2</sup>, funded by the United States Agency for International Development (USAID). Through these projects, SPC provides PICTs fisheries agencies with coastal fisheries management advice, as well as capacity building opportunities via mentoring, training and attachment positions.

### *Activities implemented to support the development of policy and legislation*

7. Following the easing of COVID-19 travel restrictions, SPC has been able to resume in-country visits to its members, while integrating online collaboration to provide support in various critical areas – including assistance in developing new policy and legislation, provision of national and regional training, and mentoring of staff from PICTs agencies – as detailed in the following paragraphs.
8. Since 2022, a total of 16 national plans and policies and 15 laws and regulations have either been developed, reviewed, or progressed in 12 PICTs. Issues covered ranged from general coastal fisheries management, underpinned by community-based approaches, to the introduction of a quota management system for certain commercial fisheries (such as sea cucumber or trochus); as well as regulating the use of anchored fish aggregating devices and setting fixed administrative penalties for breach of coastal fisheries regulations and plans.
9. National and regional training sessions have been conducted, benefiting 136 government officers from PICTs since the beginning of 2022, including:
  - i. Thirty-two officers from 3 PICTs (19 female; 13 male) trained in-country by SPC and the New Zealand's Ministry for Primary Industries (MPI) on developing coastal fisheries management plans and policies. These training workshops resulted in specific coastal fisheries policies and management plans for designated fisheries being prepared and advanced in accordance with PICTs needs and priorities.
  - ii. Thirty government officers from 8 PICTs (21 female; 9 male) received online training on legal drafting for coastal fisheries in 2022, and 20 of them participated in the face-to-face assessment held SPC Headquarters in February 2023 (Cohort 1 of the Legislative Drafting Online Course: Coastal Fisheries). The course was developed in collaboration with the University of California College of the Law, San Francisco. Cohort 2 was launched in July 2023 and is currently ongoing with 20 participants from 14 PICTs having already completed the first phase of the course, with the face-to-face assessment workshop planned for February 2024.
  - iii. Twenty-three fisheries officers (9 female; 14 male) from 6 PICTs were trained on legal and policy aspects related to fisheries MCS in 2022 (Cohort 5) under Lesson 1 of the Certificate IV on Coastal Fisheries and Aquaculture Compliance. The course is delivered by SPC and the University of the South Pacific, with support from MPI and the Australian Fisheries Management Authority. Cohort 6 was launched in March 2023 and 31 participants from 8

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<sup>1</sup> <https://fame.spc.int/about/our-projects/SCoFA>

<sup>2</sup> <https://fame.spc.int/about/our-projects/PaFMaC>

PICTs (14 female; 17 male) have completed the online component, with the face-to face assessment workshop planned for December 2023 including legal aspects.

10. Furthermore, the CFAP's Management and Livelihoods Section is actively engaged in mentoring and capacity building initiatives, including one-week attachments with SPC for a specific task; two to six-month legal internships, remotely or in person; and one-year attachments as Pacific Island Fisheries Professionals, focusing on coastal fisheries management or on legal and compliance aspects.

### *Resources published to support the development of legislation and policy*

11. To further build the legal capacity of PICTs, fisheries agencies and other government staff involved in regulating coastal fisheries, SPC has produced information to promote a better understanding of PICTs legal frameworks as a basis for dedicated training. The publications and resources produced aim at illustrating the main legal and policy issues in coastal fisheries management to assist PICTs in reviewing their own frameworks and comparing them with those of other countries in the region and around the world. These resources are intended for fisheries managers, lawyers and trainers of fisheries officers. They are available online through the SPC FAME website and include:
  - i. The *Legal guide to enabling coastal fisheries co-management in the Pacific* (Background paper 1), published by SPC in March 2023, which was prepared by FAME and the Environmental Law Institute (ELI) to support implementation of the Pacific Framework for Action on Scaling-up Community-based Fisheries Management (CBFM)<sup>3</sup>. The guide is intended to assist PICTs fisheries agencies in implementing CBFM on a national scale with a solid legal basis, by clarifying roles and responsibilities to avoid inconsistent management of marine resources in coastal waters at national and subnational level.
  - ii. The *Pacific Law and Policy Database on Coastal Fisheries and Aquaculture*, REEFLEX (Background paper 2), which has been enhanced with new user-friendly content: a series of 23 "Legal Profiles" summarising the coastal fisheries legal framework in PICTs and Timor Leste<sup>4</sup>; and a new section called "Resources" gathering SPC publications on coastal fisheries law and policy<sup>5</sup>. Through REEFLEX, FAME provides access to over 1300 laws and policies, with 100 new documents uploaded in 2023. It also allows to compare between 3000 management measures in force in PICTs for different marine species, with 800 new measures uploaded in 2023.

### *Challenges/opportunities*

12. A noticeable trend across PICTs fisheries agencies has been the departure or unavailability of key coastal fisheries officials, often attributed to career advancements or other commitments.

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<sup>3</sup> D'Andrea A., Devez S., O'Connor S. 2023. New legal guide to community-based fisheries management in the Pacific Islands is available online! SPC Fisheries Newsletter #171:11. <https://purl.org/spc/digilib/doc/w48gg>

<sup>4</sup> D'Andrea A., Devez S., Magron F. 2023. A new tool available online: Coastal fisheries legal profiles of all Pacific Islands. SPC Fisheries Newsletter #170:22–27. <https://purl.org/spc/digilib/doc/f5g2z>

<sup>5</sup> An example of work done with the support of legal interns is: Marchi G., D'Andrea A., Nakamura J. 2023. Reviewing the implementation of FAO's Small-Scale Fisheries Guidelines: Two Pacific Islands for the Too Big To Ignore Global Partnership's book. SPC Fisheries Newsletter #171:20–22. <https://purl.org/spc/digilib/doc/znipw>

In some cases, this has resulted in a capacity gap, particularly in terms of spearheading the development of national coastal fisheries policies, legislation, and plans, but also in terms of participation in training activities.

13. The best practice adopted by some PICTs is the identification of dedicated staff from fisheries agencies for each official request for SPC support, who are available to work in conjunction with SPC and actively participate in training activities. Enhanced collaboration and constant training are key in developing coastal fisheries law and policy that respond to the actual needs of PICTs and are adapted to their specific cultural and socio-economic context.

## Recommendations/outcomes

Members and partners are invited to:

- a) *Discuss* national priorities in receiving SPC support for the review and update of coastal fisheries policy and legislation and for the delivery of training on management plans and legal drafting;
- b) *Note* the launch of a new *SPC Legal guide to enabling coastal fisheries co-management in the Pacific* (Background paper 1) and other resources available on the SPC REEFLEX database (Background paper 2) and the availability of dedicated training opportunities on coastal fisheries law and policy;
- c) *Request* the Heads of Fisheries to encourage the identification of dedicated staff for each official request made to SPC on coastal fisheries policy or legislation, who will liaise with SPC and be specifically trained and mentored, including through short-term attachments.

## Breakout group questions

1. What are your national priorities in terms of SPC support for the review and update of policy and legislation for 2024?
  - a. Overall coastal fisheries policy or legislation
  - b. Management plans or regulations for specific fisheries and species, discuss which ones
2. How can we improve the delivery of current trainings offered by SPC?
  - a. Preparation of coastal fisheries policies and management plans
  - b. Drafting of coastal fisheries laws and regulations
3. SPC offers to provide training on the new available resources on coastal fisheries law and policy; which one(s) would your country/territory be interested in?
  - a. Legal guide on coastal fisheries co-management in the Pacific (Background paper 1)
  - b. REEFLEX database tutorial for users and contributors (Background paper 2)