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Title:	Aquaculture and biosecurity legislation in Pacific Island countries and territories
Author(s):	Ariella D'Andrea, Kevin Ellard, Solène Devez, and Ruria Iteraera

**Summary/short description/key points:**

This paper presents the findings of a legislative review commissioned by FAME to assess the legal framework for aquatic biosecurity in Pacific Island countries and territories (PICTs) against international standards. Five key issues were assessed: authorities; aquaculture; disease control; fish movement; and pest management. By identifying strengths and opportunities in national legal frameworks on aquaculture and aquatic biosecurity, the legislative review supports the revision of the Framework and the development of the Pacific Regional Aquaculture Strategy.

Primary legislation in the region generally covers most of the key issues relating to biosecurity, allowing for the adoption of regulations dedicated to aquatic species. This in turn requires clear attribution of regulatory powers and mandates to government agencies, through legislation or other arrangements. During the past decade, progress has been made for strengthening legal processes on aquatic biosecurity in the Pacific region, including by regulating aquaculture activities, but challenges remain.

**Recommendations:**

Members and partners are invited to:

- a) *Note the progress made in reviewing the current status of legal frameworks for aquatic biosecurity in the region (Information paper 7 and draft policy brief).*
- b) *Discuss the areas for improvement in legal frameworks for aquatic biosecurity and identify priority areas (plenary interventions, break out groups).*

## Aquaculture and biosecurity legislation in Pacific Island countries and territories

### *Background*

1. With a growing human population and an increasing demand for food, aquatic animal protein has become an increasingly important resource. Wild fish stocks have been overfished, increasing the demand for aquaculture products, including in the Pacific. Movement of live aquatic animals, within and between countries, for aquaculture development and aquarium trade is an important route of pest and disease. Similarly, the introduction of invasive aquatic pests and diseases can cause considerable harm to local ecosystems.
2. Effective and enforceable biosecurity measures provide protection to both farmed and wild aquatic organisms by minimising the risk and consequences of introducing aquatic pathogens or pest species.
3. The Regional Framework on Aquatic Biosecurity 2020 (the Framework) promotes the review of regulatory frameworks at national level and the adoption of enforcement strategies, including through interagency coordination mechanisms. This paper aims at highlighting strengths and opportunities in PICTs' national legislation on aquaculture and aquatic biosecurity for implementing the Framework, and to support the development of a regional aquaculture strategy.

### *Legislative review*

4. This paper presents the findings of a legislative review commissioned by FAME to assess the legal framework for aquatic biosecurity in Pacific Island countries and territories (PICTs) against international standards, for example the World Organisation for Animal Health (WOAH) and as a baseline reference tool for the Pacific Regional Framework on Aquatic Biosecurity 2020. The legislative review covers 14 PICTs (Cook Islands, FSM, Fiji, French Polynesia, Kiribati, Marshall Islands, New Caledonia, Palau, PNG, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu) and five main areas:
  - a. Competent authorities for aquatic biosecurity;
  - b. Aquaculture licensing and monitoring;
  - c. Aquatic animal health, including reporting obligations, monitoring and surveillance, zoning and contingency planning;
  - d. Import and export standards for live aquatic organisms and their products, including quarantine, health certification, risk analysis and domestic transfers;
  - e. Pest and disease introduction pathways, including discharge water management, ballast water management, invasive alien species and introductions of marine organisms.

### *Main findings*

5. PICTs' legislation covers most of the key issues relating to biosecurity, allowing for the adoption of regulations dedicated to aquatic species. The majority of countries have general legislation that applies to both plant and animal diseases, terrestrial and aquatic. In most PICTs reviewed, aquatic biosecurity is either covered under a modern biosecurity act or under previous legislation on animal and plant health and quarantine. In some PICTs, biosecurity legislation regulates fish separately from

other animals and refers to fisheries legislation for the definition of the term, which includes aquatic plants.

6. In many cases, important enabling provisions are found in general biosecurity legislation that apply to terrestrial and aquatic animals and plants. Examples of such provisions are those requiring the listing of diseases, national reporting, disease surveillance, disease zoning, quarantine, import/export health certification, risk analysis and domestic transfers.
7. Despite efforts made, specific legal guidance (regulations and standards) on these issues for live aquatic species is often lacking in many PICTs. The clear attribution of regulatory powers and mandates to government agencies, through legislation or other arrangements, is critical for effective aquatic biosecurity. Unclear institutional mandates can be a major cause of delays in the adoption of regulations dealing with aquatic biosecurity.
8. For some PICTs, national aquatic biosecurity plans are an opportunity to promote strong interagency collaboration between biosecurity authorities and fisheries agencies under current legislation (e.g., relying on a memorandum of understanding between the competent authorities for biosecurity and fisheries).
9. During the past decade, progress has been made for strengthening legal processes on aquatic biosecurity in the Pacific region, including by regulating aquaculture activities. Several PICTs have adopted national strategies on aquatic biosecurity; some have updated their national policies and plans on sustainable aquaculture development.
10. Many have general fisheries legislation that covers aquaculture, and a few have a dedicated act or regulations on aquaculture. A few PICTs have adopted key aquaculture regulations that cover biosecurity issues, such as the import, export and inter-island movement of live fish and on-farm aquatic disease control. Some legislation prohibits contamination of fisheries waters through discharge of any substance likely to cause damage to or deterioration in the quality of the marine resources, which, although not originally designed for this purpose, could be deemed applicable to discharge water from aquaculture.

### *Challenges / Opportunities*

11. **Authorities.** Separate competent authorities are generally in charge of administering biosecurity and fisheries legislation. Interagency collaboration and coordination protocols are paramount for aquatic biosecurity, particularly for PICTs who often have small administrations with limited capacity and resources.
12. **Aquaculture.** The licensing of aquaculture activities is generally required in the majority of PICTs reviewed, either under the main fisheries act or under specific aquaculture legislation, although reporting requirements for aquaculture may need strengthening. Specific provisions are included in some PICTs legislation to promote local community participation in small-scale aquaculture activities and low-impact farms.
13. **Disease control.** General provisions on disease control for animal and plant health are a common strength in the region, for example in relation to pest and disease surveillance and zoning. They provide the legal basis for adoption of more specific regulations for aquatic species, which should be done in conjunction with fisheries agencies.

14. **Fish movement.** Provisions on fish movement and export (spat, live fish and fish products) can be made more effective, particularly in relation to aquaculture. PICTs could benefit from ensuring that domestic transfer to and from aquaculture facilities of live fish are adequately regulated. Coordination for aquatic health certification and quarantine can be improved.
15. **Pest management.** Ballast water management is generally covered under PICTs' legislation, but improvements can be made in relation to the control of invasive aquatic species and the introduction of marine organisms particularly from or into aquaculture establishments. Discharge water from aquaculture establishments could also be further regulated for pests.

### *Recommendations*

16. Members and partners are invited to:

- a) Note the progress made in reviewing the current status of legal frameworks for aquatic biosecurity in the region (Information paper 7 and draft policy brief).
- b) Discuss the areas for improvement in legal frameworks for aquatic biosecurity and identify priority areas (plenary interventions, break out groups).

### *Breakout group questions*

1. Discuss the common strengths below and identify 3 priorities for your country or for the region:

*Common strengths* – these biosecurity requirements are covered under general legislation in most PICTs reviewed (e.g., enabling provisions or regulatory powers) but specific regulations for aquatic species are often lacking:

- a. listing of aquatic diseases
- b. national reporting of aquatic diseases
- c. aquatic disease surveillance
- d. aquatic disease zoning
- e. quarantine for aquatic species
- f. import/export health certification
- g. import risk analysis
- h. domestic transfers of aquatic species
- i. ballast water management

2. Discuss the common opportunities below and identify 3 priorities for your country or for the region:

*Common opportunities* – these biosecurity requirements have been identified as legislative gaps in most PICTs or they may need to be strengthened for aquatic species:

- a. international reporting of diseases
- b. on-farm biosecurity and contingency planning
- c. compensation mechanisms
- d. discharge water, including from aquaculture
- e. control of vectors and invasive aquatic species
- f. introductions of marine organisms

3. How can FAME better support PICTs' fisheries agencies in strengthening their national legal framework for aquatic biosecurity?