

# A snapshot of a legal guide for Pacific community-based fisheries management



© Elodie Van Lierde

## Coastal fisheries and communities

*Legislation is key to formalising and scaling-up existing and functioning community-based fisheries management (CBFM) practices by providing an enabling framework.*

In the Pacific, island communities rely on fishing for food and livelihoods, but coastal marine resources face numerous threats that range from natural to human causes, leading to their decline.

In many cases, **communities play a leading role** in the sustainable management of those resources, based on local and traditional practices and supported by government and non-government projects and programmes.

But current legislation may not always be supportive of co-management or adapted to local circumstances, where fishing communities may have traditional user rights or customary ownership rights over coastal areas and marine resources.



© Francisco Blaha

One of the enabling conditions is that “CBFM scaling-up is adequately supported in policy and legislation”, with clear user rights and CBFM mandate, as well as adequate monitoring, control, surveillance, and enforcement (Pacific Framework for Action on Scaling-up Community- Based Fisheries Management, Objective 3).

Guidance on how to create legal spaces for local communities to sustainably manage marine areas can be found in laws and regulations from countries around the world, including the Pacific region.



**22**

**Pacific Island countries and territories**



**88%**

**households consume fish weekly**



**58kg**

**of fresh fish is consumed per person, per annum in the region**

## Why a legal guide?

To support the scaling-up of CBFM through laws and regulations that adopt co-management approaches in fisheries. This guide is intended to support Pacific Island countries and territories' (PICTs) fisheries agencies in assessing and improving their legislative framework to enable local fishing communities to meet their aspirations for healthy coastal ecosystems, while preserving their livelihoods.

## Who are the users?

This guide is aimed at PICTs' fisheries managers, legal officers and CBFM practitioners broadly. It is also intended as training material on how to implement CBFM in coastal fisheries operating within traditional systems.

We hope to provide inspiration to PICTs and CBFM practitioners at large through current examples of legislation that illustrate how fisheries co-management works in different countries, bearing in mind that each legal reform must be carefully adapted to local needs and conditions.

## Who partnered to prepare the guide?

*The guide was prepared jointly by the Environmental Law Institute (ELI) and the Pacific Community (SPC), with funding from the New Zealand Ministry of Foreign Affairs and Trade and the United States Agency for International Development.*

## How was the guide prepared?



**50**

laws and regulations from 20 PICTs, have been reviewed, to determine whether they support CBFM and co-management arrangements



**120**

examples of legal provisions on CBFM from 30 selected jurisdictions worldwide

**26**

laws and regulations from PICTs

**19**

laws and regulations from other world regions (Africa, Asia, Central and North America and Europe)

## How to use the legal guide?\*

The guide is divided into four main parts that may be consulted separately:

### PART A

It provides an overview of CBFM around the world and illustrates the context and legal framework of CBFM in PICTs, including regional strategies.

### PART B

This part identifies the main principles for CBFM legislation and provides samples of legal provisions that can be used and adapted by PICTs to improve their legal framework. The legal provisions are organised in six chapters covering different aspects of CBFM governance:

1. Area designation and boundaries
2. Community rights and authority
3. CBFM plans
4. CBFM committees
5. Monitoring and enforcement
6. Local bylaws in consultation with communities

\* The legal guide can be downloaded from the Pacific Community Digital Library: <https://www.spc.int/resource-centre>

## Overview of the coastal fisheries in the Pacific (2023)



**18** PICTs

have enacted new legislation dealing with coastal fisheries management since 2015



**15** PICTs

out of 22 have their coastal fishers' user rights and marine tenure systems legally defined



**15** PICTs

have evidence of monitoring, control, surveillance and enforcement of coastal fisheries management measures

## About us

To address threats to the marine environment, the [Ocean Program at ELI](#) focuses on strengthening ocean and coastal law and policy domestically and internationally. ELI's Ocean Program supports ocean management systems that are based on local priorities, inclusive and effective processes, and the best available information.

SPC's Fisheries, Aquaculture and Marine Ecosystems Division (FAME), through its Coastal Fisheries and Aquaculture Programme (CFAP), [provides policy and legal advice](#) to SPC members to ensure that over 4,000 coastal marine species are managed sustainably by Pacific Islands' fisheries agencies, fully engaged with empowered local communities.



### PART C

It focuses on legislation supporting sustainable financing of CBFM, such as the creation of a separate fund for fisheries co-management, grants, fees and fines.

### PART D

This part comprises two checklists for governments and communities to assess and strengthen their current legal framework to scale up CBFM.

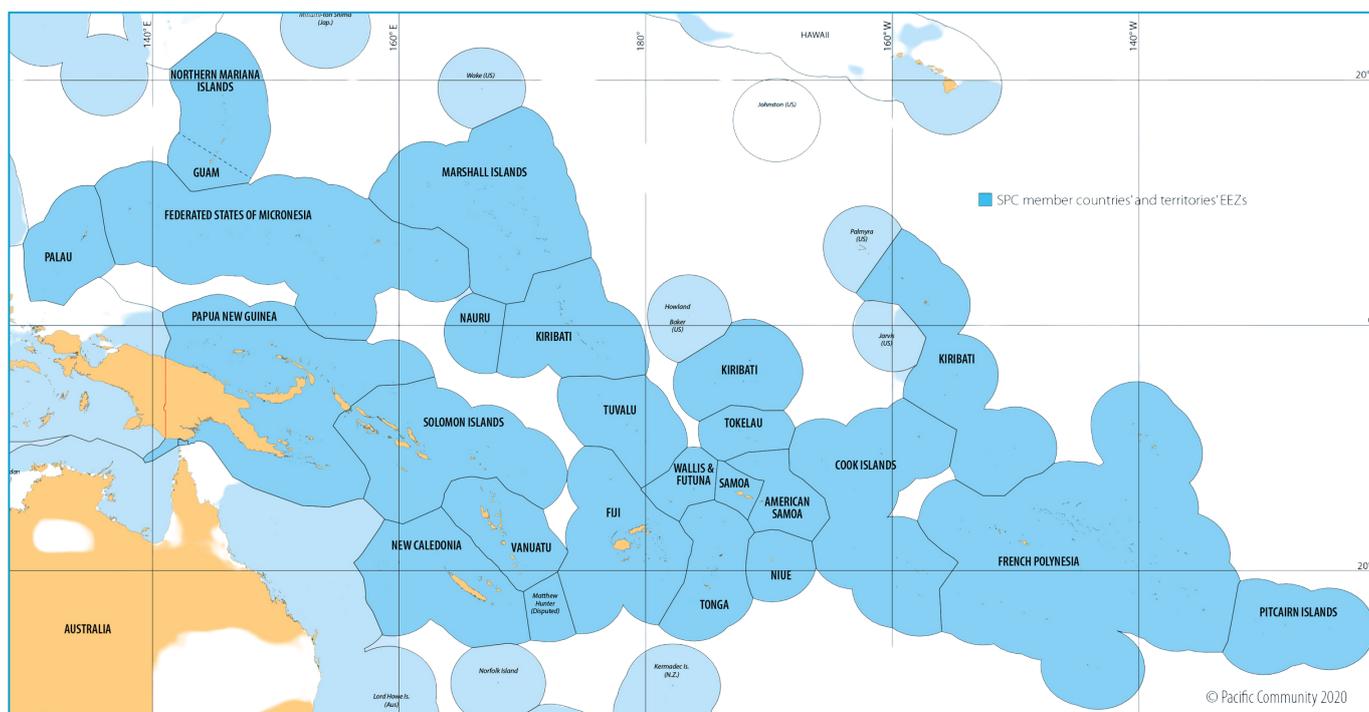
## Regional frameworks

The aspirations of Pacific Island countries and territories (PICTs) for coastal fisheries are effectively summarised in the vision of *A new song for coastal fisheries – pathways to change: The Noumea strategy*, adopted by SPC members in 2015 (at the 9th SPC Heads of Fisheries Meeting):

*“Sustainable well-managed inshore fisheries, underpinned by community-based approaches that provide food security, and long-term economic, social and ecological benefits to our communities.”*

Building on this vision, the overall goal of the *Pacific Framework for Action on Scaling Up Community-Based Fisheries Management: 2025–2025*, adopted by SPC members in 2021 (13th SPC Heads of Fisheries Meeting and Second Regional Fisheries Ministers Meeting) reads:

*“Coastal communities are empowered and supported as crucial for scaling up effective management to ensure sustainable coastal fisheries provide benefits to Pacific peoples in terms of food, nutrition, livelihood, culture and health.”*



Pacific Community member countries and territories