

Kiribati takes a major governance step towards sustainable coastal fisheries

The new fisheries regulations for the conservation and management of Kiribati's coastal marine resources officially went into effect on 21 February 2020. These regulations are the result of a six-year effort by the Ministry of Fisheries and Marine Resource Development (MFMRD) to raise the profile of coastal fisheries in Kiribati, in consultation with local communities, government agencies and non-governmental stakeholders. In line with national and regional policy directions, coastal fisheries legislation has now been updated and strengthened with enforceable management measures for vulnerable species, and community-based fisheries management (CBFM) is given a clear legal basis.

A dedicated legal framework for coastal fisheries management

Kiribati has taken a key step in the development of a more comprehensive set of hard measures tailored to address the sustainable management of coastal fisheries resources. The new regulations are the first legal instrument covering coastal fisheries in an integrated manner throughout the country. The regulations were adopted under the authority of the Fisheries Act 2010, which mainly focuses on offshore fisheries. Previous regulations, adopted under the repealed Fisheries Act 1979 (known as the Fisheries Ordinance 1977 before independence), cover prohibited fishing areas, rock lobster fisheries, fish processing and export, and Kiritimati's bonefish fishery.

The Government of Kiribati has been actively trying to regulate coastal fishing activities at the national level for many years, but it was not until 2013 that firm commitments were made to that end. As can be seen in the timeline below, the turning point is marked by the adoption of the National Fisheries Policy 2013–2025. Strategic Action 8 of the policy acknowledges the need to review and strengthen coastal fisheries legislation, including community management, thus embracing the key role of community participation in the management of coastal fisheries. This commitment was further confirmed in the Pacific regional strategy “A New Song for Coastal Fisheries”,¹ which was adopted in 2015.

43 years of evolution in Kiribati's coastal fisheries law and policy

1977	Fisheries Ordinance 1977, renamed Fisheries Act 1979 (now repealed)
1978	Prohibited Fishing Areas (Designation) Regulations 1978
1979	Fisheries Conservation and Protection (Rock Lobster) Regulations 1979
1981	Fisheries (Processing and Export) Regulations 1981
2008	Fisheries (Protection of Bonefish on Kiritimati) Regulations 2008
2010	Fisheries Act 2010, amended in 2015 and 2017
2012	Fish Export Regulations 2012
2013	National Fisheries Policy 2013–2025
2013	Draft Sea Cucumber Regulations 2013
2014	Draft Management Plan for the Protection of Certain Coastal Marine Species 2014
2015	Shark Sanctuary Regulations 2015
2018	Draft Kiritimati Island Marine Aquarium Fishery Management Plan 2018
2018	Commonwealth Blue Charter (CBC) 2018
2018	Cabinet endorses the establishment of the National CBFM Steering Committee (now National CBRM Taskforce) 2018
2019	Coastal Fisheries Roadmap 2019–2036
2019	Fisheries (Conservation and Management of Coastal Marine Resources) Regulations 2019
2019	Kiribati stepped forward to lead CBC Action Group on sustainable coastal fisheries 2019 ²
2020	Cabinet endorsed the establishment of the National Coordinating Taskforce for CBC Action Group 2020
2020	Draft Fisheries (Aquaculture) Regulations 2020
2020	Draft Fisheries (Penalty Notice) Regulations 2020

¹ <http://coastfish.spc.int/en/component/content/article/49-other-documents/461-a-new-song-for-coastal-fisheries.html>

² <https://thecommonwealth.org/media/news/blue-charter-ramps-momentum-new-action-group-cop25>



MFMRD staff doing inspection at the market - Tarawa, Kiribati. (image: Jeff Dunlop, Ministry of Primary Industries, New Zealand)

How the new fisheries regulations were developed

To develop the new regulations, legal assistance was provided in 2018 and 2019 by the Pacific Community (SPC) under the Coastal Fisheries Governance Project³, in collaboration with the University of Wollongong under the Pathways Project.⁴ Training opportunities at SPC headquarters were also offered to Kiribati Coastal Fisheries Officers to enhance their ability to write legislation, including placements for legal attachment training and participation in a Short Course on Legislative Drafting for Coastal Fisheries.

Most notably, a cross-sectoral stakeholder consultation on the draft regulations was organised by MFMRD in Tarawa, in collaboration with SPC, the University of Wollongong and the *Tobwan Waara* Programme.⁵ The consultation was a collaborative inter-agency effort to define adequate management measures for coastal fisheries at the national level, with the participation of fishers from the Kiriwaru Maritime Cooperative Society.⁶ Partaking government agencies included

the Ministry of Environment, Land and Agriculture Development, the Ministry of Women, Youth, Sports and Social Affairs, the Office of the Attorney-General, and the Ministry of Internal Affairs (MIA) in charge of island councils.

These fisheries regulations are one of the milestones in the formalisation of a legal framework and regulatory backbone that embraces the management of coastal fisheries in Kiribati. This was achieved through a series of community visits and wider consultations and a national dialogue at the two National Fisheries Summits in 2017 and 2019, which provided feedback on the content of the regulations. These activities were supported by the *Tobwan Waara* Programme and the Coastal Fisheries Governance Project.

A legal basis for community-based fisheries management

The new regulations provide a solid CBFM framework that allows communities to adopt enforceable fisheries management plans with MFMRD's support. In Kiribati, most

³ The Coastal Fisheries Governance project, officially titled "Improving fisheries food security and sustainable livelihoods for Pacific Island communities", is funded by the New Zealand Ministry of Foreign Affairs and Trade. More information is available at: <https://fame1.spc.int/en/projects/mfat>.

⁴ The Pathways Project, officially titled "Strengthening and scaling community-based approaches to Pacific coastal fisheries management in support of the New Song", is funded by the Australian Government through the Australian Centre for International Agricultural Research, project FIS/2016/300.

⁵ The Joint Kiribati Sustainable Fisheries Development and Management Programme (*Tobwan Waara*) is funded by the New Zealand Ministry of Foreign Affairs and Trade and implemented in partnership with MFMRD.

⁶ See SPC Fisheries Newsletter #156, May–August 2018 available at: <https://coastfish.spc.int/en/component/content/article/489-spc-fisheries-newsletter-156.html>.

island councils have the mandate to regulate fishing activities within adjacent waters, which extend from shore (low-water line) to three nautical miles seaward, as stipulated under the Local Government Act 1984. So far, CBFM has been developed under different projects with a variety of approaches without an overall legal framework. The regulations now provide an “umbrella” under which communities can create formal associations recognised by law in order to manage their fisheries in collaboration with island councils.

Since 2014, MFMRD has collaborated with the University of Wollongong and SPC – via two projects funded by the Australian Government (PacFish and Pathways)⁷ – to consistently work with communities to establish CBFM in Kiribati. The inclusive community engagement approach piloted in five communities was scaled out in 2017 to reach 60 communities (via different levels of engagement) in 10 islands,

mainly those in the Gilbert Group. At the time of writing, ten communities are implementing their management plans while five other plans are in draft form or at the final stage of formalisation under the newly endorsed legal instrument.

MFMRD is currently working with the CBFM Pathways team and SPC to develop several tools to effectively continue the implementation of CBFM throughout the country in a consistent manner. For instance, CBFM guidelines are being prepared for Coastal Fisheries Officers to assist communities in establishing formal associations under the Incorporated Societies Act 2002 and to provide a clear streamlined process on how respective communities are formally recognised as CBFM villages under fisheries legislation. Communities will also be provided with templates for the constitution or statute of their association and for their CBFM plans.

⁷ PacFish (2012–2017) is the predecessor programme to Pathways (2017–2021) and was officially called “Improving Community-Based Fisheries Management in Pacific Island Countries”.

Women selling fish - Tarawa, Kiribati. (image: Céline Muron, SPC)



Stronger monitoring, control and surveillance

The regulations also contain many provisions aiming at strengthening monitoring, control and surveillance (MCS) in coastal waters.



They establish a total ban on commercial fishing by foreign vessels in Kiribati's waters up to 12 nautical miles from shore.



They establish licensing requirements for designated coastal fisheries and improve coastal fisheries data collection through the creation of a record of licensed fishing vessels and the provision of reporting obligations on licensed fishers. This will help MFMRD map out and control the fishing effort of commercial coastal fisheries throughout the country and promote sustainable fishing practices.



Enforcement is also made easier by empowering authorised fisheries officers to issue penalty notices (also known as spot fines) for minor coastal fisheries offences, whereas more serious offences are subject to prosecution in a judicial court of law. The Draft Fisheries (Penalty Notice) Regulations that are currently being developed by MFMRD with SPC's support will identify specific coastal fisheries offences that can be penalised on-the-spot, in accordance with the Fisheries Act 2010.



MCS standard operating procedures are being prepared by MFMRD with support from the SPC Coastal Fisheries Governance Project, to ensure fairness and transparency of coastal fisheries enforcement interventions so that they are performed professionally.



Finally, SPC and the New Zealand Ministry of Primary Industries (MPI) are assisting MFMRD with train-the-trainer capacity development to enable coastal fisheries officers to educate the public on sustaining healthy ocean resources. This includes the development of a tailored Field Incident Book to facilitate the reporting of coastal fisheries offences.

Awareness raising on new management measures

Based on scientific assessments of the status of coastal marine resources in Kiribati's waters, the new regulations introduce several conservation and management measures to protect the most vulnerable species of fish, clams, crustaceans and sea turtles.



Size limits for 10 key fish species, 5 species of invertebrates and 2 species of turtles.



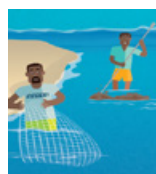
Seasonal closures during full or new moon periods for 3 key fish species and power of Director to declare closed season for other coastal marine species.



Catch quotas for 5 species of invertebrates.



Special protection for true giant clams (*Tridacna gigas*), called *te kima* in I-Kiribati.



Mesh size restrictions for gill nets and other fishing gear limitations.

To raise awareness of the sustainable use of marine resources and to improve public support of and compliance with the new regulations, MFMRD is working on a national MCS Communication Strategy. As part of this strategy, MFMRD will soon finalise an information toolkit with assistance from SPC and the Pacific-European Union Marine Partnership programme.⁸ It includes posters targeting schools and communities, a handbook with the main messages for all stakeholders, a series of roll up banners, stickers and rulers for fisheries officers. Most importantly, the communication strategy lays out an effective plan to produce key messages and appropriate awareness vehicles tailored for robust community participation and engagement towards achieving a change in behaviour. The plan includes public meetings, church sermons, radio drama programmes and peer-to-peer

⁸ Funded by the European Union and the Government of Sweden, the EUR 45 million PEUMP programme promotes sustainable management and sound ocean governance for food security and economic growth, while addressing climate change resilience and the conservation of marine biodiversity. It follows a comprehensive approach, by integrating issues related oceanic fisheries, coastal fisheries, community development, marine conservation and capacity building under one single regional action.

education activities with the help of leaders and community champions to influence a perspective of change for sustainable fisheries practices at the community level.

The task ahead

The ongoing commitment of Kiribati's national authorities to protect coastal marine resources and promote sustainable development is needed to achieve the task ahead. As highlighted by Tooreka Teemari, Director of Coastal Fisheries at MFMRD:

Success will ultimately depend on voluntary compliance of fishers and communities with the new regulations and management measures. In this effort, the role of fisheries officers cannot be overstated: they are the ones taking the journey from improved understanding of their laws to passion for educating their people and ability to balance enforcement with awareness raising on critical aspects of coastal fisheries management.

The objective is to generate collaboration among Kiribati people and build a sense of ownership as custodians of their coastal resources. MFMRD will continue to convey this important message to local communities so they can take

pride in supporting this effort. Given the magnitude and challenge of the task ahead, the MFMRD cannot achieve what is required on its own but will seek the opportunity to build stronger collaboration among key government ministries for support in implementing future activities towards the sustainable management and conservation of our coastal fisheries, for present and future generations.

For more information:

Tooreka Teemari

Director of Coastal Fisheries
Ministry of Fisheries, Marine Resources and
Development, Government of Kiribati
ToorekaT@fisheries.gov.ki

Céline Muron

Information and Outreach Officer
FAME, SPC
CelineM@spc.int

Ariella D'Andrea

Legal Adviser (Coastal Fisheries and Aquaculture)
FAME, SPC
AriellaD@spc.int



Women selling fish - Tarawa, Kiribati. (image: Céline Muron, SPC)