

Reviewing Fiji's fisheries laws

Fisheries are very important to Fiji's economy, making an important contribution to the country's gross domestic product (2.8% in 2011) with export earnings of over FJD 150 million (or 17.5% of domestic exports) for the country. Both capture fisheries and aquaculture are also important for employment and livelihoods, and supply an important source of animal protein. Nevertheless, as in most other Pacific Island countries and territories, Fiji's inshore capture fisheries of multi-species finfish and marine invertebrates, and aquaculture, have developed at a gradual pace and there is significant potential for further development.

However, Fiji's fisheries sector faces many challenges. These constraints are recognised by the Department of Fisheries and other relevant agencies within Government and are gradually being addressed through various policy developments and project initiatives.

While no single comprehensive strategy has been formally adopted for the fisheries sector, and while the objectives of fisheries management in Fiji do not appear in the current fisheries legislation, the general objectives for the fisheries sector emerge through various policy documents. These include developing fisheries in Fijian waters through government inputs into infrastructure development, such as multi-species hatcheries to boost freshwater and brackish water aquaculture and mariculture, and the introduction of exotic shrimp species resilient to adverse weather conditions due to problems associated with climate change.

Proper management — including adequate regulation — is a fundamental requirement for Fiji if the potential of the fisheries sector and the aspirations of its people are to be fully realised. In this context, the drafting of three new fisheries decrees is an integral and significant component. The Pacific Islands Forum Fisheries Agency (FFA) assisted Fiji in this task. The previous fisheries law, while revised on a number of occasions, dated back to 1942 and was in serious need of updating. Moreover, the 1942 Fisheries Act, even as amended, did not address the conservation and management of aquaculture, despite the rapid growth of this sector in Fiji.

To date, there are two new decrees: the Offshore Fisheries Management Decree, which was officially passed in January 2013, and the Aquaculture Decree, which is expected to be promulgated by the beginning of 2014. A third decree — the Inshore Fisheries Management Decree — has been drafted but is still being reviewed and is subject to further consultation with stakeholders.

These two new decrees give the Government of Fiji a comprehensive range of duties, responsibilities, functions and powers to regulate and sustainably manage offshore fisheries and aquaculture. They are based on modern standards and principles with the overriding aim of conserving, managing and developing Fiji's fisheries and aquaculture operations in order to ensure the long-term sustainable use for the benefit of the people of Fiji.

These are not just words: the objectives and principles lay the framework for the content of the decrees and must be considered and applied by the Minister responsible for Fisheries and Forests and the Fisheries Department when making and implementing policy, and when making decisions under the decrees or regulations.

Under the new decrees, robust licensing systems have been established, which reflect international best practice. Decision-making duties are defined, and the conditions for allocating, refusing or suspending licences are described. Applicants may appeal against unfavourable decisions.

The Offshore Decree addresses many of the legal gaps created by the old law, and provides the government with a broad range of extensive powers to manage, regulate and control offshore fisheries, including activities in support of, or in preparation for, fishing activities.

The decree envisages that the most important fisheries will be managed through Fisheries Management Plans. The government has obligations to designate important fisheries and to adopt comprehensive management plans for them, following criteria set out in the legislation. Specific regulations can be adopted to implement management measures. The allocation of fishing rights under customary marine tenure must also be consistent with the management plans and take into account whether such allocations would advance the development of the fishing industry in Fiji.

There are also detailed monitoring, control and surveillance provisions that not only describe the powers of fisheries officers and the government, but also contain protection for fishers to ensure that the procedures are applied fairly. There is a provision for the establishment of an observer programme, in which fishing companies may be obliged to participate and to which they must contribute costs.

The decree enables the government to implement international and regional rules on port State control. In particular, it allows the Government of Fiji to ban vessels on the black lists of the Pacific Islands Forum Fisheries Agency (FFA) and other regional fisheries management organisations.

NEWS FROM IN AND AROUND THE REGION

The Aquaculture Decree creates many new obligations for potential fish farmers, and extensive attention will need to be given to building capacity to meet these new requirements. It also allows the government to designate areas that are important for aquaculture and to adopt management and development plans to encourage and manage the sector in those areas.

This new legislation promotes improved governance. The functions and responsibilities of the Minister responsible for Fisheries and Forests and the Fisheries Department are clearly defined and — most significantly — new advisory councils and committees are established to provide opportunities for stakeholders to participate in decision-making, ensuring a better understanding and respect for the policies, bylaws and guidelines. Opinions and recommendations made by these bodies must be taken into account by the government.

Another important feature of the new legislation is the Fixed Penalty Notice. These on-the-spot fines can be issued by fisheries officers, and will enable the Fisheries Department to apply sanctions more easily.

A project supported by the European Union, under the ACP Fish II programme¹, has worked to complement FFA's initiative by supporting an information campaign to raise stakeholder awareness about the content of the new fisheries legislation, and by providing high-level training to officers of Fiji's Fisheries Department to build the department's capacity to implement the new decrees. The campaign took the form of information sessions — aimed at the main stakeholders — that were held in various places for Fiji's Northern, Western and Central divisions, and a training workshop for Fisheries Department staff in Suva.

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¹ The ACP FISH II Programme is a 4.5-year programme financed by the European Development Fund on behalf of ACP (African, Caribbean and Pacific Group of states) countries. The aim of the programme is to improve fisheries management in ACP countries so as to ensure that fisheries resources under the jurisdiction of these countries are exploited in a sustainable manner.



Aquaculture stakeholders information session in Savusavu, Fiji (image: Peter Thorpe).