

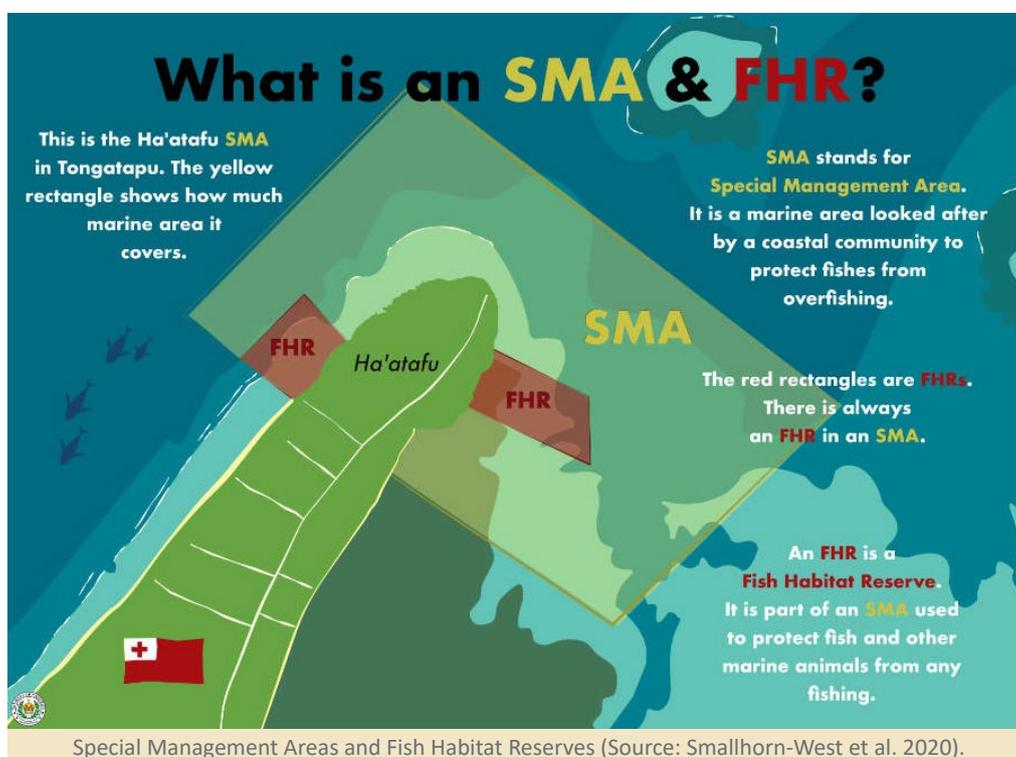
Empowering communities in Tonga to protect marine resources and secure livelihoods: A case study for the Too Big To Ignore Global Partnership on small-scale fisheries

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Small-scale fisheries make up the heart of many Pacific Island communities and, for many families across the Pacific, these fisheries are the key to their livelihoods. To secure those livelihoods, member states of the Food and Agriculture Organization of the United Nations (FAO) have adopted Voluntary Guidelines for small-scale fishers' rights to be properly implemented and protected. Doing so not only protects marine ecosystems from overfishing and overdevelopment, it also protects communities by recognising the professional work done by their small-scale fishers and the need to protect fishers' rights in the face of climate change and globalisation. This case study focuses on Tonga and how Tonga's community-based fishery management programme, with improvements, is a potential model for implementing the Voluntary Guidelines and achieving Sustainable Development Goal 14b – to provide sustainable access for small-scale artisanal fishers to marine resources and markets.

The Too Big To Ignore Global Partnership for Small-Scale Fisheries Research (TBTI) is made up of over 400 members from 81 countries, all of whom are contributing information, country profiles and book chapters to tell the full story of small-scale fisheries and the implementation of human rights.⁴ TBTI contributors assess the implementation of FAO's Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and

Poverty Eradication (SSF Guidelines) for each individual country profiled. The SSF Guidelines help to inform policy discussions regarding small-scale fisheries by: 1) examining small-scale fisheries' contribution to the local economy, and any legal protections for small-scale fishers' livelihoods; 2) recognising small-scale fishers' professional work along the value chain; 3) recognising the role of women in small-scale fisheries; and 4) investigating the impact of climate change



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⁴ The authors of this article have completed a template provided by TBTI to analyse country legislation on small-scale fisheries, prepared an e-book chapter and a regular book chapter on Tonga, under the initiative Unlocking Legal and Policy Frameworks for Small-Scale Fisheries: Global Illustrations, available at <http://toobigtoignore.net/unlocking-legal-and-policy-frameworks-for-ssf-global-illustrations/>

on small-scale fisheries. Essentially, we, the authors of this article, in collaboration with partners from FAO and the Tongan Ministry of Fisheries, analysed how human rights for small-scale fishers are being implemented, and how they can be improved.

Our focus was on Tonga, a country of some 150 islands with a maritime jurisdiction that covers over 700,000 km² (Gillett and Tauati 2018). Naturally, fishing is an important part of Tongan culture and lifestyle; in fact, Tonga's marine and coastal resources are worth nearly twice as much as the country's total exports (MACBIO 2015). Foreshore and marine resources belong to the Crown, but Tonga's recent move towards more participatory forms of fishery management in the last couple of decades makes the country an interesting case study for small-scale fisheries management strategies.

Tonga's coastal communities can apply to the Special Management Area (SMA) programme within the Ministry of Fisheries, which grants exclusive use and management rights to the adjacent marine area, with clearly defined boundaries. These SMAs are designated as such by the Minister of Fisheries by way of regulations to implement community-based fisheries management. SMAs are managed by Coastal Community Management Committees made up of the Town Officer and representatives of relevant stakeholders, such as small-scale fishers and women. Together, the committee of each SMA plan, monitors and enforces the Coastal Community Management Plan for that community, which includes activities defined in legislation such as subsistence, recreational and small-scale commercial fishing. The Coastal Community Management Plans complement other management measures included in Tongan laws and regulations that also apply

within SMAs, and cover authorised fishing methods (e.g. diving or gleaning), when and where species can be fished (e.g. for sea cucumbers), and the size and safety of boats.

Our work mainly examined key legislation, such as the Fisheries Management Act (2002) and Fisheries (Coastal Communities) Regulations (2009), and non-binding, yet salient, policies such as the Tonga Fisheries Sector Plan (2016–2024) and the Tonga National Fisheries Policy 2018. We surveyed these documents to see how each did, or did not, implement the core provisions of the SSF Guidelines. The SSF Guidelines' core provisions include small boat registration and safety, labour rights and social security for small-scale fishers, access to marine resources and fishing rights, co-management and participatory surveillance, gender equality, responsible fish trade, and disaster and climate change readiness. These core provisions are guided by basic principles also set by the SSF Guidelines, such as human rights, respect of cultures, equity, accessibility, transparency, ecosystem approach to fisheries, gender equity, and more. We also added crucial context to our study to include the effects of the January 2022 volcanic eruption and the Covid-19 pandemic to small-scale fisheries, which demonstrates communities' resiliency and ingenuity.

In terms of successful implementation of the SSF Guidelines, Tonga excels through its SMA participatory management system. Through the establishment of an SMA, exclusive rights are granted to coastal communities to manage their own community, which embodies important principles (e.g. justice, fairness and appropriate preferential treatment) and allows for an ecosystem approach to fisheries management to curb overfishing. This is echoed in specific provisions (e.g.

Rules of an SMA & FHR ('Elia Tapu)?



Rules of an SMA:

Only persons OR residents of the community are allowed to carry out fishing related activities within their SMA, but not within the FHR ('Elia tapu). Their names MUST be registered on the Committee's Register of Fishers, and boats must be listed on the Register of Fishing Vessels.

Any other person not listed on the Register of Fishers may apply for a subsistence fishing permit from the Committee for a single fishing trip for subsistence fishing purposes within the SMA but not within the FHR.

The community must follow current fisheries regulations within their SMA. This includes NOT using destructive methods of fishing such as metal bars and rods, NOT harvesting marine aquarium fish, invertebrates or corals, and NOT harvesting species below their size limits.

Rules of an FHR:

NO person shall access or undertake fishing of any nature in the FHR, unless the Committee has approved observation, monitoring or restocking activities.

The Committee may allow for any tourist activities they agree upon.

Persons can enter the FHR in an emergency or circumstances involving the immediate safety of a vessel or its crew.

Rules of a special management area and a fish habitat reserve (Source: Smallhorn-West et al. 2020)

preferential access for local fishers) that promote participatory fishing rights allocations. For most reef fisheries, the allocation of fishing rights is accomplished through the registration of authorised fishers and fishing vessels in each SMA, and through permits required for subsistence and small-scale fishing within an SMA. Importantly, subsistence fishers are exempt from general licensing requirements made under general fisheries legislation, demonstrating underlying principles of equity between socioeconomic classes mentioned in the Tongan Constitution (1875, as amended). Additionally, monitoring, control and surveillance measures to promote compliance and reduce illegal, unregulated and unreported fishing are apparent in Tongan law and policy, which also provide for participatory surveillance within SMAs. Lastly, there is evidence that small-scale fishers' associations are promoted through their representation in SMA committees.

There are other general marine resource provisions that are not specific to small-scale fishers and, thus, there is room for improvement in the context of securing rights for small-scale fishers. While boat safety regulations exist, current maritime legislation does not regulate the safety of boats less than 8 metres in length, which is a common size used in Tongan small-scale fisheries. There are also health and safety standards for fish processing and export, but nothing specific to small-scale commercial fishers. Similarly, there are capacity building programmes for fisheries officers, but these are not specific to small-scale fisheries either. Furthermore, Tonga

has policies that recognise how small-scale fisheries are vulnerable to natural disasters and climate change, but Tongan laws fail to specify how fishers would receive protection from such risks.

In the context of gender, Tonga has certainly made strides, although Tonga's Constitution still outlines how land is passed down through male heirs only. There is considerable recognition by the government across all levels of the need for women's representation and the role they play in small-scale fisheries. Their role is recognised and outlined in the Tonga Fisheries Sector Plan (2016–2024), and women are represented in national fisheries management committees and in the committee for each SMA, but there are still no specific legal protections for women in small-scale fisheries along the value chain. Tonga has also adopted the *National Women's Empowerment and Gender Equality Policy and Strategic Plan of Action 2019–2025*, which includes special treatment considerations for women but without specificity to small-scale fisheries.

Lastly, there are topics that Tonga could consider further in order to ensure more complete implementation of the SSF Guidelines. These include not only legal protections for women but also special treatment for them, including capacity building to advance gender equity overall. Additionally, small-scale fishers in general would benefit from having specified labour rights or social benefits along the value chain, including employment, decent work and social development. Furthermore, any attempts in law and policy to recognise small-scale fishers as professional workers would be a major step forward in securing their rights.

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Placards placed in a Tongan Special Management Area.
(Images: ©Ariella D'Andrea, SPC)