Workshop Working Paper 1

Original: English

Potential compliance issues in coastal fisheries and aquaculture
(for group discussions)

Pacific Community
Communauté du Pacifique

Workshop on Coastal Fisheries and Aquaculture
Monitoring, Control, Surveillance and Enforcement
Noumea, New Caledonia, 8 November 2019

The Workshop on
Coastal Fisheries and Aquaculture Monitoring, Control, Surveillance and Enforcement
is organised with the support of the Government of Australia and
the New Zealand-funded Costal Fisheries Governance Project.

Potential compliance issues in coastal fisheries and aquaculture (for group discussions)

National level Will depend enormously on what regulations a country/territory has in place, but some possible issues are:	**How or where offence can be detected** Will depend on MCS capacity and on the strength of supporting legislation and policy.
• Fishing without a licence or some form of access right	• At sea or onshore inspection – need to prove the person is fishing for a conviction
• Fishing with illegal gear or using more gear than is permitted	• At sea or onshore inspection – unless there is a law on possessing illegal gear then have to be caught in the act for a conviction
• Breaching rules on catch limits and /or fish sizes - both catching and marketing for undersize fish	• At sea or onshore inspection – boat ramp or canoe launching sites for catches. local markets, street vendors and small shops for undersize fish sales
• Fishing in closed waters or during closure periods	• At sea or onshore inspections or visual observations with photographic evidence
• Catching prohibited species	• At sea or onshore inspections
• Marketing or exporting prohibited species or exporting CITES species without non-detrimental findings	• Customs inspectors or whoever controls export regulations for the government. CITES Authority and scientific authority (if available)
• Non-compliance with market State requirements	• At the export approval level. You either get access or you don't
• Species substitution in the marketplace/restaurants	• Fish markets, fish retailers, restaurants and other forms of eateries
• Shark finning	• At sea or onshore inspections
• Interfering with legal FADs or setting illegal FADs	• At sea inspections
• Introduction of invasive species	• At sea or onshore inspections of the aquaculture farm, in local waterways or estuarine systems
• Use of inhumane or socially unacceptable aquatic farming techniques	• At sea or onshore inspections of the aquaculture farm or site
Provincial level In addition to the above, as many issues identified at national level will also be an issue at the provincial or village level.	**How or where offence can be detected** Will depend on local MCS capacity and on enabling legislation.
• Getting agreement across all villages/communities on fishing rules and regulations	• More a problem that needs to be carefully managed through stakeholder consultation and multiple face to face meetings with the various villages

• Conflict with other stakeholders – i.e. the tourism dive industry/dolphin-whale watchers, etc. • Incompatible activities by coastal landholders – e.g. run off from farming affecting reefs/mangroves • Lack of respect/belief in traditional lore on which some fisheries rules may be based • Shortage of available space or water for aquaculture ventures	• At sea and onshore inspections, community voice and social media such as Facebook or Instagram, etc. • At sea and onshore inspections of waterways and farms – need to detect an illegal fertiliser at a farm for a conviction • More a problem than a specific compliance issue, detected by inspections that identify the lore is not being observed • Again, more a problem that requires careful and integrated coastal zone management rather than a compliance issue

Village level In addition to the above.	**How or where offence can be detected** Will depend on local MCS capacity and on enabling legislation.
• Not sharing the resource – hogging the best spots to fish • Interfering with another person's fishing gear – i.e. pulling someone else's pots • Theft of fishing gear or using someone's gear/boat without permission • Use of poisons or explosives to catch fish • Other villagers poaching your resource	• These offences will all be detected by either at sea or onshore visual observations or word of mouth and most likely dealt with by the village leaders