

Revitalising the fish warden system in Fiji: Outcomes of the Second Northern Division Fish Warden Forum

Watisoni Lalavanua¹, Damian Johnson², Kolinio Naivalu³, Richard Veeran², Sangeeta Mangubhai¹, Alivereti Tuinamata³, Jone Tamanitoakula¹, Epeli Loganimoce¹, Maria Rosabula³, Steven Lee⁴

The Second Northern Division Fish Warden Forum took place in Labasa, Fiji on 15 May 2018. The forum was co-hosted by Fiji's Ministry of Fisheries – Northern Division and the Wildlife Conservation Society. The forum was officially opened by Assistant Superintendent of Police, Beni Nasamu, Director of Crimes of the Fiji Police Force – Northern Division, and facilitated by Alivereti Tuinamata of Fiji's Ministry of Fisheries – Northern Division.

Background

The enforcement of inshore fisheries laws and regulations in Fiji is challenging, given the limited human and financial resources to support fisheries management and the size of Fiji's inshore waters. To address this issue, a provision was inserted into the Fisheries Act of 1959 stating, 'The Minister may appoint **honorary** fish wardens whose duties shall be the **prevention** and **detection** of offences under this Act and the **enforcement** of the provisions thereof'. On 11 November 1965, the power to appoint fish wardens was delegated to the Permanent Secretary for the Ministry of Fisheries (MoF).

Over the years there have been many recommendations to review and improve Fiji's fish warden system in order for the system to be more efficient and effective. It has been estimated that approximately 4,000 fish wardens were trained throughout Fiji in the last 20 years, at a cost of FJD 3,000–10,000 per training course (Gillett 2018). However, this figure is a rough estimate of trained fish wardens. Furthermore, it is further estimated that only 1–2 per cent of fish wardens had reported any illegal activity (Gillett 2018). In addition, the number of active and non-active fish wardens is unknown, and coordination with enforcement agencies has been challenging, leading to miscommunication and frustration on both sides. Given the important duties of the fish warden under the Act, a recent report by Gillett et al. (2017) recommended the formulation of a strategy to revitalise the fish warden system in Fiji in order to assist with compliance to fisheries laws and regulations, and prevent illegal fishing activities.

On 15 May 2018, MoF and the Wildlife Conservation Society (WCS) co-hosted the second Northern Division Fish Warden Forum in Labasa, with fish wardens and relevant stakeholders from Vanua Levu, to gather ideas and recommendations to help formulate a national fish warden strategy for Fiji. The fish warden strategy is considered an important tool in MoF's compliance delivery, and a key component of a national compliance strategy that is currently being developed by MoF's Inshore Fisheries Management Division. The forum was timely, as it provided a unique opportunity for MoF to consult with fish wardens and other stakeholders from the Northern Division to get their inputs into key aspects of fisheries compliance and enforcement.



Fish warden checking fishers' icebox. Image: Partners in Community Development Fiji (© PCDF)

¹ Wildlife Conservation Society – Fiji Country Program, 11 Ma'afu Street, Suva, Fiji
² Ministry of Fisheries, Inshore Fisheries Management Division, Suva, Fiji
³ Ministry of Fisheries, Northern Fisheries Division, Macuata House, Labasa, Fiji
⁴ PO Box 4332, Nadi, Fiji

The main objectives of the 2018 Northern Division Fish Warden Forum were to: 1) present a review of the current fish warden system; 2) develop the criteria for the appointment of fish wardens in Fiji; and 3) review a draft fish warden manual and field guide.

The 2018 forum built on an earlier forum in 2015 that focused on improving fish wardens' knowledge of the Fisheries Act and Regulations, and introduced them to a Turtle Enforcement Toolkit developed by the Fiji Environmental Law Association (FELA). The 2018 forum was generously funded by the David and Lucile Packard Foundation.

Asaeli Drugu's experience as a Northern Fisheries Division fish warden for Nadi District in Bua Province

Mr Drugu recounted his experiences working as a fish warden in Bua Province. He was appointed as an honorary fish warden following a village meeting (*bose vakoro*). After completion of his first fish warden training, he was issued an identification card and he began carrying out his duties. According to Mr. Drugu, his role is to prevent breaches of the Fisheries Act (1942), detect any infringements, and enforce laws regarding fisheries and the marine environment. Mr Drugu has been serving as fish warden in his district for more than 10 years and he is also a committee member on the Bua Yaubula Management Support Team, a committee that looks after the sustainable management of natural resources in Bua Province.

Mr Drugu described some of the challenges he faced as a fish warden.

- He once caught a group of alleged poachers in the act of breaching fisheries laws for the fourth time. The third time Mr Drugu and some members from his community had taken the poachers ashore and confiscated their catch and gear. However, returning the fourth time, the poachers pointed a spear gun at him and verbally threatened him with harm.
- Sometimes a Fisheries Extension Officer (FEO) prefers to follow traditional ways of resolving a conflict rather than taking legal action. He gave an example where an FEO accompanied alleged offenders to the village where poaching occurred in order to seek traditional forgiveness of the poachers. Mr Drugu was unsure if the FEO had taken the correct course of action, and whether it was in the FEO's legal right to do so.
- There is an assumption by MoF and fish wardens that police are knowledgeable about fisheries legislation and well-versed in criminal law; however, this is not always the case and this knowledge varies among police staff.
- Fish wardens lack basic enforcement equipment to fulfill or aid the role of fish wardens such as torches, binoculars, uniforms, fuel and boats apart from identification cards issued to them by MoF.

Revitalising the fish warden system to improve service delivery by fish wardens

During the recent forum, fish wardens in the Northern Division reflected on their vast and diverse experiences, and provided suggestions on selecting and appointing fish wardens, and on the ideal structure and resources required to improve and support fish wardens in the field.

The three main recommendations made for the selection and appointment of fish wardens are discussed below:

- Fish wardens in the Northern Division suggested that the appointment of fish wardens should be through general consensus at the *bose vakoro* (village council). The selected candidates would then be presented to the *bose ni tikina* (district council) and the *bose ni yasana* (provincial council) for further screening and final endorsement. If selected, a warden would undergo extensive fish warden training to prepare him or her for the task.
- During the screening process due consideration should be given to candidates who are young (18–45 years), educated (i.e. able to read and understand the law), have a clear police record, have a boat master license or certificate, and have experience with small boat engine repair. It is important to note that the requirement for boat master qualification or engine repair experience may limit the selection of fish warden. For example, many women would not meet this requirement, thus limiting their chance to be fish wardens. Similarly, this requirement for seagoing knowledge and experience is based on limitations of the current legislation governing the fish warden system (the Fisheries Act 1942), where fish wardens are enforcement focused⁵ and the powers of fish wardens to enforce fisheries rules are largely directed towards at-sea enforcement. Some broader consideration of the focus of the fish warden appointment, and the legislative powers available to fish wardens, may also assist in lessening the necessity for these requisite qualifications or experience across all appointed fish wardens.
- Although there was not 100 per cent consensus among participants, the majority believed that women should be encouraged to apply to be fish wardens given their role in coastal fisheries, and the fact that it is their constitutional right. To date, very few female fish wardens have been appointed from Vanua Levu. However, to play this role certain cultural norms and stereotypes about gender roles would need to be overcome, and more opportunity and support would be needed for interested and eventually appointed women.

⁵ Section 3 of the Fisheries Act 1942 Cap 158 states that the Permanent Secretary 'may appoint honorary fish wardens whose duties shall be the prevention and detection of offences under this Act and the enforcement of the provisions thereof'.



Fish warden confiscating fishing gear from poachers. Image: Partners in Community Development Fiji (© PCDF)

During the forum, three priority needs were identified by fish wardens to enable them to carry out their duties:

- ◆ Improved understanding of the Fisheries Act and associated regulations and policies would make fish wardens more confident in their role. There is a need to develop educational materials or tools for fish wardens that summarise the relevant laws and policies in a way that is easy to understand and does not lead to misinterpretation. This is being partly addressed by FELA, which has been working with MoF to develop an enforcement manual.
- ◆ Fish wardens believe that the identification card issued to them following their training is not sufficient in terms of conducting their duties efficiently and effectively. A lack of basic field resources such as binoculars, formal uniforms, torches, fuel and boats limits their capacity to conduct effective compliance and enforcement work.
- ◆ Wardens believe they do not receive adequate compensation for the time they spend on their duties, and in recognition of the high risks that they may face during compliance and enforcement activities. Beyond financial payment, some suggested the need for some form of health or liability insurance to safeguard them against injury or loss of life. This is a challenging issue for MoF to address as it comes with some risk, as well as potential high financial costs to running the fish warden system. Thus far, much of the discussion on the

role of fish wardens has centred around wardens playing a largely enforcement-focused role. However, the Fisheries Act of 1942 states that a fish warden's duties should include the prevention of offences, and prevention is broader than merely enforcing rules. Awareness and education are important tools to encourage compliance and prevent fisheries offences, and fish wardens can play a crucial role in encouraging voluntary compliance. The national fish warden strategy will need to address the role of fish wardens, and the minimum resources needed to implement such a strategy, in order for it to be effective.

Lastly, fish wardens were asked to consider and discuss what they felt would be an ideal structure for a national fish warden system in Fiji. Their recommendations would be taken into consideration as the MoF reviewed the current divisional-based system and worked towards an updated strategy over the next 12 months. There were six main suggestions from the fish wardens attending the forum:

- ◆ There is a need for clear lines of communication to be outlined and established between wardens and the Fiji Police Force and MoF, and these should be included in the national fish warden strategy. The communication strategy should clearly define roles and responsibilities, response time and actions, and modes of communication. This would improve the relationship between the wardens and enforcement agencies, and make their respective efforts more effective.

- The term of service for fish wardens should be clearly defined, with a review procedure built into the process, and a clear expiry date on their term of service included in the authorisation document. Although the exact term was not discussed at the forum, it is important to note that terms that are too short will result in high turnover and requirement for more frequent training, which would make the fish warden system ineffective and too expensive to be maintained by MoF.
- The formation and recognition of a district or provincial fish wardens' association came out strongly during the forum. Such an association would assist fish wardens with establishing a 'fish warden network' to better coordinate with each other and share information about poachers, especially repeat offenders. The association could also work with fishermen's associations to promote voluntary compliance with fisheries laws, regulations and policies in Fiji.
- Fish wardens suggested changes in the legislation to enable them to issue spot fines for fisheries offences. The legal and administrative implications of this would need to be further reviewed and discussed because the structures required to support spot fines could be extensive and alleged offenders must still be given the opportunity to dispute any spot fines should they deny liability.
- A licencing system and fees should be reviewed to cater for the payments⁶ of fish wardens and to cover their operational costs (e.g. insurance, fuel cost, equipment, travel costs). MoF is currently undertaking a review of standardised access fees for traditional fishing grounds throughout Fiji; this may provide a potential financing option for consideration. Additionally, any discussions around the appropriateness, or level, of any resourcing and payments to fish wardens may be best undertaken when there is more clarity around the role that fish wardens play in Fiji fisheries compliance and enforcement. This is a key aspect that the fish warden strategy and broader compliance strategy are intended to deliver.
- Promotion of fish wardens' role and work through a range of media, including social media, to help build public understanding and support for the critical role wardens play in coastal fisheries in Fiji. Awareness about fish wardens is also needed at all levels of local governance and at key traditional meetings such as the *bose ni yasana* (provincial council), *bose ni tikina* (district council) and *bose vakoro* (village council). Publicising the apprehension and prosecution of poachers could help promote and acknowledge the vital role that fish wardens play in Fiji, and may go a long way towards getting long-term compliance.



Fish warden refusing to give his fish warden ID to poacher. Image: Partners in Community Development Fiji (© PCDF)

References

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For more information:

Watisoni Lalavanua

Fisheries Officer, Wildlife Conservation Society –
Fiji Country Program
wlalavanua@wcs.org

Kolinio Naivalu

Senior Fisheries Officer – Northern Fisheries
Division, Ministry of Fisheries, Fiji
krnaivalu35@gmail.com

Richard Veeran

Principal Fisheries Officer - Inshore Fisheries
Management Division, Ministry of Fisheries, Fiji
richard.veeran@gmail.com

⁶ Recognising that the only current appointment allowed in the legislation is for 'honorary' fish wardens.