



# Seventh SPC Regional Technical Meeting on Coastal Fisheries and Aquaculture

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## Enhancing law and policy development for Pacific coastal fisheries and aquaculture

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## Enhancing law and policy development for Pacific coastal fisheries and aquaculture

1. This paper gives an update on legal and policy support provided to SPC members. Following the 6<sup>th</sup> Regional Technical Meeting on Coastal Fisheries and Aquaculture (RTMCFA6) in November 2023, SPC has continued to provide substantial support to member countries and territories in developing and reviewing fisheries management plans, policies and legislation.
2. This support has been delivered through a combination of regional and in-country workshops, technical reviews and legal gap analyses, as well as capacity-building initiatives. Activities are supported by two main projects - [PaFMaC](#) and [SCoFA](#) - respectively funded by USAID and the New Zealand Ministry of Foreign Affairs and Trade, with Australian Department of Foreign Affairs and Trade.

### *Law and policy development*

3. In terms of management plans and policy development, SPC supported the review and development of 11 national management plans spanning four PICTs. At the subnational level, support was provided for the development of two community-level fisheries management plans. Progress was also made in policy development, with the initiation of an overarching coastal fisheries and aquaculture policy.
4. Regarding laws and regulations, three comprehensive legislative gap analyses were prepared for three PICTs and eight draft pieces of legislation dealing with coastal fisheries and aquaculture were initiated, reviewed or progressed across eight PICTs. Support was also provided for the development of legislation to regulate coastal fisheries activities at the subnational level in one PICT.

### *Training opportunities*

5. Regional trainings on legal drafting for coastal fisheries have been delivered consistently, in collaboration with the University of California College of the Law, San Francisco (UC Law SF), with the Legislative Drafting Online Course: Coastal Fisheries running annually since 2022.<sup>1</sup> Cohort 2 of this virtual course opened to fisheries and legal officers across the Pacific in August 2023, culminating in a face-to-face competency-based assessment (CBA) workshop in late February 2024. At the CBA workshop, certificates of completion of the course were awarded to 17 participants (12 female, 5 male) from 10 PICTs. Cohort 3 started in August 2024 and is currently ongoing, with 23 participants (18 female, 5 male) from six PICTs. A guest lecture on gender equity, social inclusion and human rights was also delivered to Cohort 3 participants, in collaboration with PEUMP Programme (funded by the EU and Sida). Additionally, new international training opportunities are under consideration, particularly for CBA workshop alumni who may be eligible for the International Legislative Drafting Institute, offered in partnership with Tulane University, New Orleans, Louisiana.

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<sup>1</sup> Adopting a train-the-trainers approach, PICT officers who complete this regional legal course are considered as potential trainers for workshops at national level to train fisheries officers on legal frameworks and processes. Short-term attachments are offered to PICTs' fisheries agencies staff to adapt the training material from the course to the national context. National workshops may include the participation of fisheries officers from other PICTs as a peer-to-peer exchange.

6. This year, three in-country workshops were delivered on policy and legislation for coastal fisheries and aquaculture management: two in-country workshops on fisheries management planning were held, covering a total of 21 participants with balanced gender representation (9 female, 12 male); one national legal training workshop was delivered, in collaboration with UC Law SF, with 25 participants (15 female, 10 male) from 2 PICTs.
7. Four short-term attachments from two PICTs were facilitated, including two officials attached to the New Zealand Ministry of Primary Industries (MPI) working on coastal fisheries policy and planning, and two legal attachments with SPC in Suva working the training programme for the delivery of a national legal training workshop.
8. As requested during RTMCFA6<sup>2</sup>, SPC FAME has committed to developing a comprehensive training toolbox on coastal fisheries laws and policy for PICTs fisheries agencies. To initiate this integrated approach, a legal and policy component has been incorporated into various training workshops to strengthen collaboration and expand opportunities for staff in PICTs' fisheries agencies. Legal and policy sessions were delivered during a regional training workshop on the scaling up of community-based fisheries management (CBFM), with 20 participants (9 female, 11 male) from 10 PICTs, and during USP Certificate IV in Coastal Fisheries and Aquaculture Compliance, focusing on monitoring, control, surveillance and enforcement (MCSE), with 24 participants (12 female, 12 male) from 8 PICTs.

### *Regional consultations and reviews*

9. Legal and policy support was provided during the consultation workshops for the development of a regional aquaculture strategy for PICTs, including for discussions around aquatic biosecurity aspects. Background information on current aquaculture and aquatic biosecurity legislation in PICTs was provided to support the subregional consultations, highlighting legal gaps that need to be addressed. Once finalised, the regional aquaculture strategy will provide guidance on how to strengthen national legal and regulatory frameworks.
10. A legislative review on small boat safety has been completed for all PICTs. To complement the legal analysis, data are now being collected on small boat accidents, people rescued or lost at sea, and search and rescue operations, with assistance from SPC GEM. The purpose is to identify the legal challenges and opportunities in ensuring the right of small-scale fishers to safe working conditions. A presentation was given at the 4<sup>th</sup> Domestic Ship Safety Forum in Nadi (28 October - 01 November 2024), which confirmed that small boat safety was seen as a regulatory gap in many countries. A set of questions was also shared with PICTs shipping and maritime authorities to complement the legislative review on the safety of small boats in the Pacific.
11. Since September 2024, a short survey on common coastal fisheries offences<sup>3</sup> is being circulated among fisheries officers and other stakeholders in several training workshops and consultations to gather information on the perceived coastal fisheries illegal activities occurring in PICTs. The objective of this

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<sup>2</sup> Outcomes and actions report from the 6th SPC Regional Technical Meeting on Coastal Fisheries and Aquaculture: <https://fame.spc.int/events/RTMCFA6>

<sup>3</sup> Link to the survey: <https://forms.office.com/Pages/ResponsePage.aspx?id=TVIh92DqSEC8RnV9S1-f6DhMR0BcDI5IujXtPwrQtv1URTRITJBGTDINNEhZS1hPVzICVf055EdPW4u>

research is to assess whether these offences are adequately addressed in legislation across PICTs, in collaboration with fisheries agencies and partners.

### *Support to PSIDS in international negotiations*

12. Recently, support has also been provided to Pacific small island developing states (PSIDS) in the international arena, through a coordinated approach with other CROP agencies. This might include support during treaty negotiations or after adoption, during any meetings, trainings or consultations in the space leading to ratification and domestication of treaty provisions through national laws. It is key for PSIDS to participate in efforts deployed for treaty implementation; as some would jokingly say, *if you're not at the table, you're on the menu!* PSIDS may benefit from technical and financial assistance dedicated to developing states in order to meet treaty requirements, particularly where the special circumstances of SIDS are explicitly taken into consideration.
13. In 2022 and 2023, SPC supported PSIDS during the negotiations on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (the BBNJ Agreement), in collaboration with other CROP agencies, including FFA, with OPOC coordination<sup>4</sup>. The UN and OPOC have been providing training to PSIDS to help clarify the duties and responsibilities of states under the treaty before becoming a party.
14. This year, support was provided remotely to PSIDS during the negotiations for a treaty to address plastic pollution, including in the marine environment, before and during the fourth session of the intergovernmental negotiating committee (INC4) (23 - 29 April 2024, Ottawa, Canada) with SPREP coordination, in regard to the provisions to address the issue of abandoned, lost or otherwise discarded fishing gear (ALDFG), also known as 'ghost nets', which may include aquaculture nets. The current draft text is still in its infancy and upcoming negotiations will attempt to focus on least controversial provisions and approaches to facilitate consensus.<sup>5</sup> At INC5 (25 November – 1 December 2024, Busan, South Korea), a non-political open-ended legal drafting group composed of legal experts from members will assist the committee to ensure the draft text is legally sound.
15. Current options for fishing gear provisions in the future treaty on plastic pollution are: (1) regulating fishing gear as a waste management issue only; (2) adding provisions on fishing gear design to reduce waste and increase reuse; (3) having a standalone article addressing all issues related to fishing gear; (4) developing a dedicated programme of work to be implemented upon entry into force of this international agreement; or (5) a combination of these approaches. PSIDS fisheries agencies may want to consider reaching out to their respective environmental agency to provide input in the negotiations around fishing gear and ensure national interests in fisheries are taken into account, with support from relevant CROP agencies.

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<sup>4</sup> At the time of writing, the BBNJ Agreement was ratified by two PICTs, the Federated States of Micronesia and Palau.

<sup>5</sup> INC Chair Non-paper 3, available at <https://www.unep.org/inc-plastic-pollution/session-5>.