

# Task force on coastal fisheries law and policy

## *Terms of Reference*

**Aim:** To provide advice to the Coastal Fisheries Working Group (CFWG) coordinated by the Pacific Community (SPC) to improve the legal and policy frameworks for Pacific coastal fisheries management, including aquaculture.

**Background:** At the 47<sup>th</sup> Pacific Island Forum held in September 2016, Pacific Island Leaders tasked the SPC to coordinate with national fisheries agencies, regional agencies from the Council of Regional Organisations in the Pacific (CROP), and regional and national community groups to strengthen support and resourcing for coastal fisheries management. In response to this request, the CFWG held its first meeting on 1<sup>st</sup> December 2017 and agreed on the need to establish a coastal fisheries law and policy “task force” to support its work. These terms of reference were endorsed at the Second CFWG meeting on 18 April 2018.

In order to support sustainable coastal fisheries in the Pacific, regional policy documents highlight the need for PICTs’ coastal fisheries law and policy to be strong and up-to-date. Achieving this goal has particular challenges in the Pacific context because of the important role played by customary rights and local tenure arrangements over inshore waters. PICT policies increasingly recognise this context and emphasize the need for a solid legal framework to support community rights and to ensure that these can be used to assist with coastal fisheries management, food security and sustainable development goals.

Because of this unique context characterised by distinctive marine tenure systems, model legislation or policy examples from other regions may not deliver optimal outcomes in the Pacific. There is abundant and diverse practical experience already on the ground attempting to support coastal fisheries management, and it is crucial to engage with these practitioners to develop and tailor legal and policy support at the local, sub-national and national levels, in accordance with the needs and priorities expressed by PICTs.

The specific policy areas that this task force would address include, but are not limited, to Outcome 1c and Outcome 5 of the Noumea Strategy, Objective 1.1 of the MSG Roadmap and Goal 1 and Strategy 4 of the Future of Fisheries Roadmap. This also relates to substantial parts of the FAO SSF Guidelines including sections 5 and 10.

**Composition:** A small mix of legal and policy advisors, fisheries managers and field workers endorsed by the CFWG, including suitable national and international candidates.

Members should be currently working in the Pacific or have significant experience in providing advice for law or policy formulation in coastal fisheries/resource management in the region.

They should be motivated to produce deliverables and commit time to work via email and Skype on delivering the assignments.

**Reporting and term:** The Task Force will report progress to the CFWG twice a year, ideally at each CFWG meeting, until tasks are completed or seek an alternative structure should the need be identified.

To the extent that activities do not currently have funding, the Task Force will work with the CFWG to identify priorities and feasible tasks, which may include the need to start from topics or countries for which funding or projects are currently implemented.

**Assignments:** Initial tasks will include:

1. Identify constraints upon the effective operation of law and policy in the Pacific context and consider appropriate responses to those constraints, in particular:
  - a) Consider the impact of differing PICT contexts upon the suitability of various legal and policy options including, for example, the optimum management unit (e.g. villages, districts, LLGs, Provinces, Island Councils);
  - b) Consider the manner in which governance mechanisms translate into real world practice (i.e. how to make policy become action; how to increase the chances of compliance with a legal provision and facilitate enforcement, including by reducing gaps and loopholes);
2. Identify key indicators for the Noumea Strategy outcomes relating to coastal fisheries law and policy development;
3. Assist in mapping out the different levels of government involved in fisheries and aquaculture management in each PICT down to the community level, and in identifying their jurisdiction with regard to fisheries resources;
4. Assist in compiling an inventory and repository of relevant coastal fisheries and aquaculture legislation, policies and bye-laws;
5. Identify ways in which law and policy can provide recognition and support for community “empowerment” in coastal fisheries management in the Pacific, in particular:
  - a) Consider the types of rights that may be required for successful community management in the Pacific and linkages to local, customary and traditional management-related practices, where relevant;
  - b) Identify and assess samples of relevant legal and policy provisions that may function as a model for other PICTs in the region;
6. Advise the CFWG on legal and policy issues relating to coastal fisheries and aquaculture as required (e.g. in time for reporting to leaders or ministers) and perform other priority actions relating to law and/or policy identified by the CFWG.