A guide to the literature on traditional community-based fishery management in Fiji

by Kenneth Ruddle

In agreement with the FAO, this article is an up-date of the information on Fiji published in Ruddle, K. 'A guide to the literature on traditional community-based fishery management in the Asia–Pacific tropics', *FAO Fisheries Circular No. 869. Rome, FAO. 1994. The revisions are based on several recent publications either on traditional fisheries in Fiji or including a Fijian content on the subject. Nevertheless, because recent fieldwork has not verified now-old literature items, it is still impossible to avoid a confusion of tenses when writing on the subject.*

In the marine realm, Fijians are traditionally inshore fishers and gleaners. Apart from the more spectacular techniques, pre-European contact fisheries are poorly documented. Most routine fishing activities are done by women, whereas men are responsible for providing large quantities of fish for ceremonial purposes.

Fijian social organisation is based on a hierarchical kinship system consisting of *vanua* (tribe), *yavusa* (clan), *mataqali* (sub-clan or lineage), and *tokatoka* (sub-lineage or extended family) (Ravuvu, 1983). Each is headed by a chief, whose office is usually hereditary, with almost absolute power. Fishing rights to traditional fishing areas (*qoliqoli*) are held by the chief of a *yavusa* or *vanua*.

Each village sub-clan has a specific, hereditary role in the community. In Ucunivanua, on the northeast coast of Viti Levu, for example, villagers are divided into the chiefly sub-clan (*mataqali turaga*), warriors (*bati*), spokespersons (*matanivanua*), carpenters (*mataisau* or *matavuvale*), traditional priests (*bete*) and fishers (*gonedau* or *kai wai*) (Vunisea, 1994). Sub-clan functions are complementary. For example, traditionally when fishers were on prolonged fishing trips, their families would be provided with staple foodstuffs by the other clans (Vunisea, 1994).

Since Independence, in 1974, Fiji has adopted a Westminster parliamentary system of government while retaining the traditional chiefly system. The modern and traditional systems are linked by village and provincial administrations. A Council of Chiefs, composed of the paramount chiefs, sets policy for general Fijian affairs.

Nowadays, the traditional owners retain their inshore exclusive fishing rights, but the actual ownership of all territorial waters is held by the National Government (formerly 'the Crown'). The legal question of rights and ownership is complex and sometimes highly charged, and commonly not well understood by traditional owners (Lagibalavu, 1994). Information on the topic has been difficult to obtain, and official opinion usually closely guarded.

Fishing rights areas

As elsewhere in Melanesia, fishing rights areas (*qoliqoli*) are an integral part of a tribal land-sea 'estate' (*vanua*) that extends from a central watershed seawards, generally to the outer margin of the seaward slope of the fringing reef[1]. Fishing rights areas extended from the high-water mark to the outer reef. Areas beyond the reef were not always traditionally owned by the adjacent right-holding group. These fishing rights areas are worked communally. There are 411 q*oliqoli* in Fiji (Kunatuba, 1993), ranging in size from one to 5,000 km^2 (Cooke, 1994a).

In most cases fishing territories are in the marine waters directly adjacent to a village or group of villages. Also, in former times, because the continual warfare required people to live in fortified villages, most fishing occurred as near as possible to the settlements.

However, many tribal groups have exclusive use rights to territories located far from their adjacent waters. In some instances rights in distant areas are held in addition to those in adjacent waters. Most such distant fishing rights areas are associated with patch reefs or with island-studded shallows, and many are separated from the rights-holding villages by inshore waters belonging to other social groups.

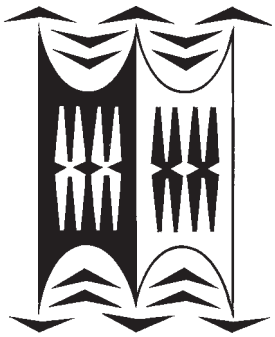
Boundaries

In pre-European contact times, the land and sea territories of Fijian chiefdoms seem not to have been delimited by precise boundaries. Rather they were defined by centres of power (Cooke, 1994a). Nowadays in most cases the lateral boundaries of a sea territory are defined by the projection to the

1 The comprehensive term *vanua* essentially describes the totality of a Fijian community. Depending on context, it is used to refer both to a social unit and to the territory it occupies, thereby expressing the inseparability of land and people, as well as to the supernatural world and worldview (Ravuvu 1983, 1987).

fringing reef of the lateral watersheds of a group's land holdings. As usual, they are defined by such clearly visible geomorphological features as headlands, islands, river mouth, patch reefs, reef holes or reef channels, and territories of cultural significance (Vunisea, 1994).

In recent years disputes over boundaries have increased. There are several reasons for this. In Verata villages, for example, this has largely been the result of an inaccurately transmitted oral history of the boundaries of rights areas, coupled with the increasing value of the now commercial fisheries using them (Vunisea, 1994). Both natural and man-made changes in the morphology of natural boundary markers are another source of inaccurate recall of historical information. Also, the elders who provided information for the original mapping of boundaries are no longer alive. Thus there is also a perception among villagers that the official maps of their fishing areas are inaccurate, since they do not coincide exactly with the areas that they have historically used.



Acquisition of rights

All Fijians inherit fishing rights as a birthright to the collectively-owned kinship land. The chief of the *yavusa* is usually the rights owner, and he / she has the powers of distribution. Chiefs generally consider themselves to be sole and absolute rights owners (Cooke, 1994a; Cooke, 1994b).

Transfer of rights

Historically, full rights could be granted to immigrants, refugees, military allies, or in-marrying persons of rank. For example, Mago Island, near Vanuabalavu, Lau, was sold in 1861 by the High Chief of Cakaudrove Province to the European who had married his niece. At the same time he made a gift of the inshore waters and turtles to his niece, to ensure her food supply. This gift was entered into the document as an integral part of the sales transaction (Waqairatu, 1994).

Shared rights

The sharing of rights areas by mutual access agreements between or among different *yavusa* is common, especially those in distant areas, as well as by villages linked by close ties of kinship. Thus on the south-eastern coast of Viti Levu, just north of the Rewa Delta, a large area is shared by five groups (Kubuna, Batikasivi, Natodua, Mataisau, and Batiki), and three fishing rights areas on the north coast of Vanua Levu island have been combined (Fong, 1994).

Sometimes a *vanua* will share rights in one area and maintain exclusive rights in another. Thus in the Macuata–Mali–Sasa–Dreketi shared area of northern Vanua Levu, each village maintains an exclusive right to work immediately adjacent waters, whereas all other areas are open to fishers from all four villages, on a secondary rights basis.

Such sharing has deep historical roots. For example Native Lands Commission records of 1899 demonstrate that the *yavusa* Vusaratu, Serua, located on the southern coast of Viti Levu, shared its inshore rights area equally with the people of Tomasi, Serua, Manggumanggua and Korovisilou (Hornell, 1940).

Rights of outsiders

Secondary rights can be granted to neighbouring kinship units to fish at specified times and locations. Today such entry rights are granted, with the applicant making a formal request via the traditional s*evusevu* ceremony, that involves presentation of *yagona* (kava: *Piper methysticum*) root, *tabua* (whale's teeth) and mats. Further, a portion of the catch has to be offered to the rights-owners as compensation.

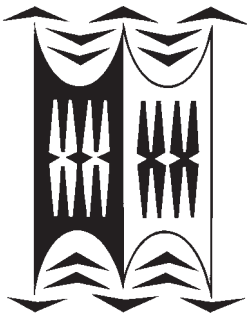
However, nowadays the cash economy has had a major impact on secondary rights formerly granted to neighbours. These have often been revoked, since the fish were being caught for the market and not for subsistence. For that reason the customary rights holder at Dravuni and Bulia, on the northern Great Astrolabe Reef, revoked the ancient agreement whereby Ono Islanders were allowed access, for example (Zann, 1983). As a reaction, groups with historical secondary rights have been pressing for legal recognition of them, although such disputes are still resolved traditionally, through chiefs or at provincial meetings (Zann, 1983).

Qoma Island fishers jealously guard their fishing rights area against outsiders. They are particularly wary of ethnic Indians, since they use gill nets,

which on Qoma can be used but rarely, and only if permission has been granted by the chief (Veitayaki, 1990).

This has led to difficulties. Villagers at Votua, which has the rights at the mouth of the Ba River, have demanded of ethnically Indian fishermen up to F$500 per annum for entry rights (Kunatuba, n.d.; Zann, 1983).

The law requires that outsiders fishing in customary rights areas must first approach the Native Fisheries Commission, which then instructs the District Officer, of the Ministry of Rural Development, to obtain permission for the fisher from the appropriate *mataqali*. This is the official procedure. But because of the time it requires, it is considered acceptable for the fisher to approach the *mataqali* directly, to obtain the letter of consent, which is then endorsed by the District Commissioner. The Native Fisheries Commission then issues a permit. On payment of an annual licence fee to the Fisheries Division, permission for the outsider to operate is given. It is an open secret that money changes hands during this process, although this is a sensitive topic.



Nested rights

Smaller social groups sometimes have rights to specific areas within the larger communal rights area of a *vanua*. Although these specific areas can be fished by all members of a *vanua* as a primary right, the smaller group has the right to impose temporal closures by taboo, as well as to restrict entry.

For example, in Ucunivanua village, in north-eastern Viti Levu, the three family groups that compose the chiefly clan have three nested rights areas within the communal fishing territory. Only members of those families have the right to impose a temporal closure by taboo in these specific areas on the death of a chief (Vunisea, 1994).

Entry restriction as a conservation measure is practised on the Rewa River fishery at Nadali, Nausori, near Suva. Whereas fishing in the river is open to all members of the *vanua*, lakes and ponds bordering the river are owned by the neighboring *mataqali*. Persons not members of the *mataqali* are required to seek permission before fishing in them (Vunisea, 1994).

Nested rights seem to have been more widespread in former times. For example, it is likely that gear and species rights were awarded to different families (Hornell, 1940). However, these have not been recorded in official surveys of overall fishing rights areas.

Traditional fisheries management

In pre-European contact times the *yavusa* or *vanua* land-holding unit usually held tenure over adjacent mangroves, lagoons and reefs, together with exclusive ownership of sea-floor, water, marine life and rights of passage. This is unlike land, the rights to which are held by the m*ataqali* (Ravuvu, 1983; Fonmanu, 1991). There has been some confusion on this matter in the literature. For example, Iwakiri (1983) erroneously assumed that marine area rights follow land rights in being based on the *mataqali*.

Sea territories were defended to the death against outsiders operating without permission. In pre-European contact times boundaries were in a state of flux owing to conquest and changing alliances, population pressures, marriage and adoption.

Traditional authority

Authority over the fishing rights area is vested in the chief of the *vanua*. Whereas the status is hereditary, succession is not automatic, since chiefs must be elected by the people and installed in office. When the line of succession is broken, chiefly property, like the *qoliqoli*, remains with the original family. Causes of change in the line of succession include preference for candidates with superior education, or the absenteeism of the former chief (Cooke, 1994a).

This can lead to a change in the locus of authority over fisheries area management from the former chiefly line to persons responsible for routine management. For example, at Vitogo when a member of the Vidilo *yavusa* became chief, the fishing rights area remained the acknowledged property of the chiefly family of *vanua* Vitogo. However, the power shift prevented the Vitogo family from exercising their authority over the management of the *qoliqoli* (Cooke, 1994a).

Although in Fiji as a whole the political and economic power of chiefs appears to be increasing, in contrast the traditional respect accorded to them

seems to be declining (Cooke, 1994a). Thus traditional authority might be declining among those chiefs who have not shared in the overall increase in chiefly power and economic benefits, as in remote areas, or among those who have neglected both education and modernisation (Cooke, 1994a).

Traditional authority is also being eroded by urbanisation. Chiefs now often live in town and control their fishing territories from a distance. Where this occurs, villagers increasingly exert their own authority to control fishing, as in Ucunivanua, north-east Viti Levu (Vunisea, 1994). Similarly, new social institutions based on gender, education, religion, or age, for example, have gradually supplanted the role of traditional institutions (Vunisea, 1994).

Throughout most of Fiji, a specialised fishing clan (*gonedau*), also known as *kai wai* in north-eastern Viti Levu (Vunisea, 1994), or *dauqoli* in the Lau Islands, the master fishermen or 'marine resource managers' (Thompson, 1940) were specialist fishermen for the chiefs. They were members of the upper class who managed the fishing grounds, communal fishing activities and turtle fishing, and controlled organised, long-distance fishing trips. Communal fishing by women was managed by the wife or daughter of the master fisherman (Thompson, 1949). The *gonedau* remain responsible for imposing the 100-day fishing taboo following the death of a chief (Zann, 1983). Routine daily management is conducted by each household.

At present, the protection of customary fishing rights and management of fisheries in rights areas is done via a complex arrangement. Responsibility is essentially shared by traditional authorities and various branches of the national government.

Fishing in rights areas is mainly for subsistence, although there is some small-scale commercial fishing to supply urban markets. Subsistence is controlled by the local chief. Both members of the rights-holding group and outsiders may engage in commercial fishing within a rights area provided they obtain an IDA (Inside Demarcated Area) licence. However, members of the rights-holding group are exempted if fishing commercially from the shore with either a spear or a line.

IDA licences are issued by the Fisheries Division. However, before applying, a fisherman must first obtain a permit from the social unit in whose rights area he intends to operate. This is issued by the District Commissioner, if the tribal group consents. Thus the principal authority determining whether commercial fishing can occur is still the traditional authority of the rights-holding group, which both consents or not to commercial fishing and can set such conditions on the licensee as target species, permitted gear, areas exclusion, and conservation rules. However, no legal provision exists for compensating the rights-holding group for harvesting in its area, although it is common knowledge that *sevusevu* or 'goodwill' payments are made.

But this seemingly straightforward modern management of traditional rights areas is, in reality, confused and emotionally charged. A major confusion stems from the convoluted legal framework governing inshore fisheries. Further problems are introduced by the several institutions and agencies that are involved in fisheries management in Fiji. Among these are the Native Land and Fisheries Commission, District Commissioners and Fish Wardens.

The Native Land and Fisheries Commission is under the Ministry of Fijian Affairs and Rural Development. It is responsible for identifying, surveying and registering the traditional fishing rights territories; conflict resolution; and protecting ancestral Fijian rights. Prior to registration of these territories, the boundaries established through the survey must be approved by each social group.

Fish Wardens, honorary officials appointed under the provision of the *Fisheries Act (1978)*, are appointed by the Minister of Primary Industry, usually following a request from a social group. Their task is to enforce the provisions of the *Fisheries Act* and ensure compliance with conditions attached to fishing licences in their community's traditional fishing rights areas.

Sanctions

Traditionally, trespassers were subject to physical violence and their catches were confiscated by the rights-holding villagers (Kunatuba, n.d.). Boats and gear are also destroyed (Zann, 1983).

As is widespread in the Asia–Pacific Region, in Fiji infringement of fishing rights is thought to incur supernatural punishment. According to Vunisea (1994), in Ucunivanua village, northern Viti Levu, supernatural punishment is feared much more than sanctions imposed under modern law.

Nowadays the question of sanction is sensitive, owing to the legal uncertainty of owners' rights. For example, Zann (1983) reports that politically and traditionally important high chiefs have been taken to court and charged with the illegal confiscation of a poacher's gear.

Traditional conservation

Traditional attitudes and behaviour toward land and sea have assisted in resource conservation, based on the spiritual affinity with the natural environment, as expressed in the terms *na qau vanua* (lit. 'the land which supports me and to which I belong'), or *na vanua na tamata* (lit. 'the men are the land').

Certain taboos protected marine animals and reefs. Of these probably the most important was the taboo on the consumption of turtles by commoners. But social factors, and particularly the need for large quantities for ceremonial feasts, may have contributed to the former over-exploitation of turtles (Zann, 1983; Kunatuba, n.d.).

Live storage of excess catches was practised (Kunatuba n.d.). There are also 100-day taboos imposed after the death of a chief, as well as those associated with birth and marriage (Ravuvu, 1983).

At Ucunivanua, in north-east Viti Levu, the wives of members of the fisher clan were forbidden by taboo to fish while their husbands were away on an organised fishing expedition (Vunisea, 1994). Since expeditions could last for up to three months, this would function as a conservation device on the species fished by women. However, that seems not to have been the intent of the taboo, since it is believed that fish are naturally replenished every year, so there is no need for conservation management (Vunisea, 1994).

Temporary closures of a year or more are sometimes imposed by taboo to allow overfished stocks to recover. In the Ba area this is done particularly for rabbitfish, baitfish and bêche-de-mer stocks. Such closed areas are demarcated by poles or leaves on the reef. Taboos are also used to reduce blast fishing, as well as to protect mangroves from being burned (Cooke, 1994b).

Commercial demand more than subsistence is now driving inshore fisheries. This has been reinforced by modernisation of fishing boats and gear, and recurrent costs of marketing, all of which reinforce the demand for cash and so the fishing effort. In addition, market forces weaken the conservation ethic by encouraging deleterious fishing methods (e.g. night diving) and encouraging fishing for undersized fish for home consumption (Vunisea, 1994).

The dual system of fisheries management

As in many other formerly colonised nations, the inshore waters of Fiji are subject to a dual system of ownership, under both customary law and statutory law, that reflects the legal system introduced by the former colonial administration. Thus in Fiji tribal units own their traditional fishing rights, whereas the state owns the land beneath the sea from the foreshore below high watermark to the limit of the Exclusive Economic Zone (EEZ).

This dual arrangement has been a source of often great confusion. That they are limited to owning just fishing rights in their rights areas seems not to have been fully understood by Fijians (Waqairatu, 1994). Misunderstanding over the question of legal ownership of marine resources has persisted for 120 years, since the Deed of Cession was signed by many Fijian chiefs.

The case of Fiji is interesting because there exists a documented record of a clash of legal traditions. It also demonstrates attempts by local colonial officers to undermine traditional management in favor of expatriate entrepreneurs and in defiance of the expressed wishes of the British Crown and the unambiguous orders of the metropolitan government (Ruddle, 1994).

In 1874, when Fiji was ceded to the British Crown, the question of customary resource rights was of major concern to the High Chiefs, most of whom wanted to attach conditions regarding their land and fishing grounds before agreeing to the cession of the country. However, Robinson, the British representative, reassured them by explaining that Queen Victoria '. . . was willing to accept the offer of cession . . . but that conditions attached to it would hamper, and might even prevent, the good government of the country' (Derrick, 1946: 248). The High Chiefs agreed, but it was apparent that they expected to have their lands and waters returned, in accordance with Victoria's 'generosity and good faith' (Derrick, 1946: 248).

Detailed instructions regarding the verification and simplification of Fijian land titles of lands to be held in trust for the Fijians were given to the British Governor of Fiji by the Secretary of State for the Colonies.[2] No similar clear statement was made respecting their reefs, so the chiefs sent two letters to Queen Victoria expressing anxiety over their apparent loss of reef ownership.

In response, Kimberley, then Secretary of State for the Colonies, wrote to Des Voeux, Governor of Fiji, instructing him that he (Kimberley) had been commanded by Queen Victoria to inform the chiefs that Des Voeux was to investigate the entire matter, '. . . and that it is Her Majesty's desire that neither they nor their people should be deprived of any rights which they have enjoyed under their own laws and custom'.[3] In another dispatch Kimberley further instructed Des Voeux to:

> '. . . examine into the statements now advanced by the chiefs, and if you are satisfied that these reefs are the recognized property of native communities . . . , or that they are required for the use and occupation of some Chiefs or tribe, you will take such measures as may be necessary to secure to the rightful owners the possession of their respective reefs and to effect the registration of them under the Ordinance relating to native lands; in the same way as other lands (not covered by water) which are the property of the different mataqali. . . .'[4]
>
> 'If there are any reefs not claimed as the property of any Native Chiefs or Community they will continue to be the property of the Crown together with the other lands which became vested in Her Majesty under the terms of the Deed of Cession'.

Thus clearly it was both the policy and the intention of both Queen Victoria and the British Government that, according to customary law, the reefs and fishing grounds would be owned by Fijians, just like the land. In November 1881, Des Voeux conveyed equally unambiguously the contents of those two dispatches during his opening address to the Council of Chiefs. He added that the *mataqali* would obtain the reefs that belonged to them.[5] This reassured the chiefs.[6]

However, neither royal command nor the official British Government policy was ever implemented. Apparently nothing was ever done to follow up Des Voeux's statement of November 1881.

2 Despatch No. 1, March 4, 1875.

3 Despatch No. 69, June 2, 1881.

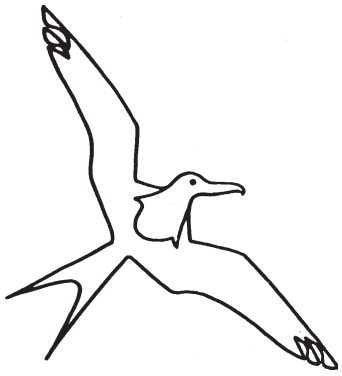
4 Despatch No. 71, June 2, 1881.

5 A *mataqali* is 'an agnatically related social unit—usually a lineage of the larger clan' (*yavusa*) (Ravuvu, 1983:119).

6 Proceedings of the Council of Chiefs held at Nailaga, Ba, November 1881, p. 32.

The Native Lands Commission was unable to devote time and personnel to marine matters. This reneging on royal wishes and official policy is exemplified by the behavior of Thurston, Acting-Governor, who in 1886 wrote to the Secretary of State for the Colonies that:

> 'It has been the habit of natives of this Colony to claim as absolute and exclusive, a proprietary right in the reefs . . . and in some cases this has led to pretensions that could not be recognised . . . . It is however inconsistent with the altered conditions of the country that any exclusive rights of the nature indicated can be enjoyed by one class only of Her Majesty's subjects'.[7]



Further, in 1886 Thurston also opened the bêche-de-mer fishery to non-Fijians, in the interests of the export economy and under strong pressure from the colonists. This was accepted by the chiefs as a temporary measure applying to only the outer reefs. But in 1887 the new Governor, Mitchell, opened all reefs to bêche-de-mer fishing, in the interests of the economy.[8]

Further, the *Rivers and Streams Ordinance* (1882) was interpreted to mean that the private fishing rights of Fijians in all rivers and streams had been abolished and that these rights belonged to the Crown.[9] Colonial officials were of the opinion that there were no longer exclusive tribal fishing grounds.[10]

In 1958, 77 years after Des Vouex's pledge of 1881, a Native Fisheries Commission was formed! By the *Fisheries Act 1942* (Cap 158) it was charged with:

1. Ascertaining the customary fishing rights in each province of the country and identifying the hereditary and rightful owners of the rights; and

2. Making a written record of the boundaries and situation of the rights areas and the names of the communities claiming ownership rights to them (Waqairatu, 1994).

Between 1958 and 1967 staff of the Native Lands Commission conducted the requisite investigations and recording of information.

The Native Fisheries Commission was also charged with preparing a *Register of Native Customary Fishing Rights*, and of transmitting these for title registration. Although registers were prepared in 1960 for the provinces of Rewa, Serua and Namosi, the titles were not registered, owing largely to boundary disputes. There was a clear need for precise boundary definition (Waqairatu, 1994).

From 1986 the Hydrographic Unit of the Marine Department became involved in a pilot survey of fishing rights area boundaries in seven fishing rights areas on the islands of Beqa and Yanuca. Based on this survey, in 1990 cabinet approval was received to recruit technical staff to the Native Fisheries Commission to complete the survey and registration nationwide. It was planned to complete the fieldwork by the end of 1994 (Waqairatu, 1994).

The procedure followed (Waqairatu, 1994) is:

1. Base maps are constructed from hydrographic marine charts and 1:50,000 topographic maps;

2. To supplement earlier written descriptions, in the field rights owners indicate the landmarks used traditionally to delimit their boundaries;

3. Marine Department hydrographers then survey these points;

4. The hydrographers' survey calculations are then drafted on a map and submitted for approval to the Chief Hydrographer and the Chairman of the Native Lands Fisheries Commission;

7 Despatch No. 24, February 17, 1886.

8 Despatch No. 87, June 13, 1887.

9 Colonial Secretary's Office 3114/1891.

10 Colonial Secretary's Office 1304/1893.

5. Based on the approved plans, areas are described, and the documents sent to the Registrar of Titles for registration;

6. Duplicates of the registered titles are forwarded to the respective rights owners; and

7. Rights owners have a 90-day appeal period, after which the registration is final and can no longer be appealed.

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