

## Final Technical Report

### DEVELOP IMPLEMENTATION STRATEGIES FOR THE REPUBLIC OF FIJI TO IMPLEMENT THE FISHERIES LEGISLATION

Project ref. PAC-1.2-B1

Country: Fiji

10 September 2013

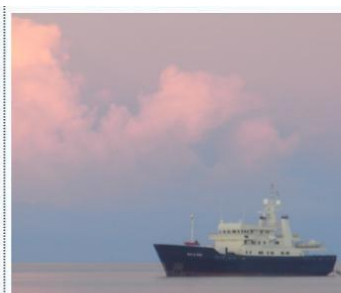
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## Acknowledgements

The Consultant wishes to thank the Director of Fisheries, all members of staff in the Fisheries Department (both in Headquarters and in the Divisional offices) who contributed helpfully and efficiently to the project and all stakeholders attending the workshops, who participated constructively and actively.

We wish to particularly acknowledge the assistance of the project core team: Ms Atelaite Rokosuka, George Madden, Api Cokanasiga and Makalesi Danrauto.

We also wish to acknowledge the assistance and support of Mr Augustine Mobiha in project implementation.

## Abbreviations and acronyms

ACP	Africa, Caribbean and Pacific
CU	Coordinating Unit
EEZ	Exclusive Economic Zone
EU	European Union
FAO	Food and Agriculture Organization
FD	Fisheries Department
FFA	Forum Fisheries Agency
FTR	Final Technical Report
IR	Inception Report
IUU	Illegal, Unreported and Unregulated fishing
KE	Key Expert
MCS	Monitoring, Control and Surveillance
NGO	Non-Governmental Organisation
OFM	Offshore Fisheries Management
RFU	Regional Facilitation Unit
VMS	Vessel Monitoring System
WCPFC	Western and Central Pacific Fisheries Commission

## Executive summary

1. This report (the Final Technical Report) presents the work and results of the project *Develop implementation strategies for the republic of Fiji to implement the fisheries legislation*.
2. The overall purpose and results to be achieved by the Project are recalled as follows:
  - a. The **purpose** is to ensure good comprehension and adequate implementation of the new Fijian fisheries legislation.
  - b. The **results to be achieved** are: 3 fisheries decrees reviewed and analyzed; Short communication plan for the awareness campaign developed; Awareness materials on the three fisheries decrees developed; Three sets of implementation guidelines devised; Implementation guidelines and awareness materials produced; Key Stakeholders trained on the implementation guidelines and aware of the new fisheries legislation.

## Activities

3. The work was carried out primarily in two missions, the first of which (focussing on inception and planning meetings) was organised from 20-30 March. The second mission took place from 11 July – 4 August, and focussed primarily on the stakeholder workshops.
4. The following events were organised:
  - 3 information sessions on the Aquaculture Decree:
    - Northern Division (Savusavu, 19 July)
    - Western Division (Lautoka, 22 July)
    - Central and Eastern Divisions (Suva, 26 July)
  - a focus session in Suva on the Offshore Fisheries Management Decree (Suva, 26 July)
  - a 2-day training workshop, in Suva, for Fisheries Department staff and providing high-level implementation training for the Offshore Fisheries Management Decree (1 day) and the Aquaculture Decree (1 day) (Suva, 29-30 July)
  - a capacity-building session for Fisheries Department staff to assist them in conducting a similar exercise for the Inshore Fisheries Decree, when it is adopted (Suva, 31 July).
5. All sessions were well attended, and well received. In total, more than 200 stakeholders and staff attended across the events.

## Materials produced

6. A very substantial number of documents and materials were produced throughout the project. These included:
  - a Communication Plan



- Factsheets on the Offshore Fisheries Management and Aquaculture Decree in 3 languages, with additional factsheets (in English only) specifically for Fisheries Department staff;
- Analysis of Offshore Fisheries Management and Aquaculture Decree
- Translation of Aquaculture Decree into Fijian and Hindi
- Implementation guidelines for the Offshore Fisheries Management and Aquaculture Decree (in 3 languages for the Aquaculture Decree)
- Press release
- Magazine article
- News article
- Inshore Fisheries Decree, translation into Fijian and Hindi

## Conclusions and recommendations

7. The project was perceived as having a high value both by the Fisheries Department, and by stakeholders. Many stakeholders (particularly in the aquaculture sector) were largely unfamiliar with the new laws, and the benefits to them in receiving awareness advice was clear. Similarly, the Fisheries Department presently is largely unprepared for the challenges in implementing the new Decrees, particularly in relation to the Aquaculture Decree, and was in need of high-level advice addressing questions of developing implementation strategies and determining priorities.
8. Specific recommendations for future implementation of the Aquaculture Decree and the Offshore Fisheries Management Decree have been made in the respective implementation guidelines. Broadly speaking, the key steps in each include:
  - a. Establish a working group within the Department to take implementation discussions forward, and to organise the first implementation actions.
  - b. Develop a national vision for the sector concerned, bringing in all major stakeholders and developing common visions on how policy and regulation should be developed.
  - c. Establish the advisory councils foreseen in the Decrees, and utilise these bodies not only as a liaison between stakeholders but also to help develop and drive policy and make recommendations for implementation of the Decree. To facilitate the process of establishing the advisory councils, the implementation guidelines contain draft / model rules of procedure.
  - d. Develop improved governance and consultation mechanisms (including in the case of the Aquaculture Decree by establishing the other advisory committees foreseen in the legislation).
  - e. Address initial implementation priorities. These priorities are to (and can only) be determined by the Fiji Government, but *might* include – in the case of the Aquaculture Decree – establishing an initial licensing system and developing an enforcement policy, supported by operating procedures for fisheries officers; and – in the case of the OFM Decree – upgrading the commercial licensing system, licensing new areas and upgrading enforcement, in particular through the development of an enforcement policy, developing standard operating procedures for fisheries officers (supported by training) and building the observer programme.

## 1. Background

9. This report (the Final Technical Report) presents the work and results of the project *Develop implementation strategies for the republic of Fiji to implement the fisheries legislation*, and builds on the reports submitted previously (**Inception Report**, submitted 2 April 2013 and **Interim Technical Report**, submitted 28 June 2013).
10. The proper management of fisheries resources is a fundamental requirement for the people of Fiji because fish are one of the most available resources on which a viable economy can be further developed to earn foreign exchange, create employment for locals and improve food security. Establishing a legal framework to enable the proper management of fisheries is fundamental to developing fisheries activities and conserving stocks.
11. The Pacific Islands Forum Fisheries Agency (FFA) has assisted Fiji in reviewing and updating its fisheries legislation. The previous fisheries law, while revised on a number of occasions, dated back to 1942 and was in serious need of updating. Moreover, the 1942 Act, even as amended, did not address the conservation and management of aquaculture, despite the growth of this sector in Fiji. Three draft Decrees were developed with FFA assistance: an Offshore Fisheries Management Decree, an Aquaculture Decree and an Inshore Fisheries Management Decree.
12. Of the 3 draft Decrees, only the Offshore Fisheries Management Decree has so far been adopted by the legislature (in force, January 2013).
13. The Aquaculture Decree, which is expected to pass by the end of April 2013. A third decree — the Inshore Fisheries Management Decree — has been drafted but is still being reviewed and is subject to further consultations and need for agreement with stakeholders. The objective of these new decrees is to conserve, manage and develop Fiji's fisheries in a manner that ensures their long-term sustainable use for the benefit of all people in Fiji.
14. The ACP Fish II project will complement FFA's initiative by: (1) supporting an information campaign to raise stakeholder awareness about the content of the new fisheries legislation, and (2) providing high-level training to the Fiji Fisheries Department to build the Department's capacity to implement the new Decrees. The campaign will take the form of information sessions aimed at the main stakeholders and held in various locales for Fiji's Northern, Western, Southern and Central divisions, and a training workshop for Fisheries Department staff in the capital, Suva.
15. The overall objective, purpose and results to be achieved by the Project are recalled as follows:
  - f. The **overall objective** of the Project is to contribute to the sustainable and equitable management of fisheries in ACP regions, thus leading to poverty alleviation and improving food security in ACP States.
  - g. The **purpose** is to ensure good comprehension and adequate implementation of the new Fijian fisheries legislation.
  - h. The **results to be achieved** are: 3 fisheries decrees reviewed and analyzed; Short communication plan for the awareness campaign developed; Awareness materials on the three fisheries decrees developed; Three sets of implementation guidelines devised; Implementation guidelines and awareness materials produced; Key Stakeholders trained on the implementation guidelines and aware of the new fisheries legislation.

16. The work was carried out primarily in two missions, the first of which (focussing on inception and planning meetings) was organised from 20-30 March. Details of the first mission were presented in the Inception Report. A second mission took place from 11 July – 4 August.
17. This report sets out the work carried out by the Consultant during the interim phase between the first and second mission, and outlines the next steps being planned or in progress.

## 2. Approach to the assignment

18. The Project presented a number of key issues that needed to be addressed or solved for successful Project outcomes. In particular, the Fisheries Department is largely unprepared for the implementation of the Decrees. There is limited knowledge of the Decrees amongst many Fisheries Department staff, and across the wider stakeholder community, no tangible policies, strategies or planning directions for implementing their provisions and in any case limited capacity to do so.
19. These factors meant that only limited input into the technical content of the Project could be provided directly by the Fisheries Department, and it was necessary for the Consultant to work very closely with the Fisheries Department and other key stakeholders to identify and provide support for the key issues, and to keep those issues under review as the Project progressed and the Department's understanding of the role of the Project developed.

## 3. Comments on Terms of References

20. Amendments were agreed to the Terms of Reference during the inception phase. The proposed changes to the terms of reference and project implementation were discussed extensively with (and largely **came at the request of**) partners in the beneficiary country, including the Project Monitoring Team. The changes were agreed with the RFU and CU. The amendment terms of reference are reproduced in Appendix 1B.

### Reasons for Amendment

21. A key assumption underlying project implementation (section 3.1 in the original Terms of Reference) was that the 3 fisheries decrees would have been formally adopted by the Fijian Government before the project was implemented. Only one of these decrees has in fact been formally adopted. While the Consultant was informed adoption of the Aquaculture Decree was imminent, one decree (the Inshore Fisheries Decree) was still in draft form, and subject to potentially very controversial negotiations between the government and fishing communities.
22. It became very clear to the Consultant that the project should not address the inshore fisheries decree (a view shared by the Fiji Fisheries Department) as there was a concern and risk that the project might open up previously resolved positions or problems or create new problems.
23. Removing the Inshore Fisheries Decree had various knock on effects to implementation, as 3 of the 4 stakeholder information sessions (those in the Eastern, Western and Northern divisions) were anticipated mainly to address community fisherfolk in the inshore sector.

It does not therefore make sense to carry out 4 regional information sessions, as foreseen. This, in turn, means that the project will require more days in Suva (the normal place of posting) and less days outside of Suva than were anticipated at the time of submitting the offer under the original Terms of Reference.

### Project extension

24. In the course of the project, the original KE2/Fisheries Information Specialist (Ms Kim Des Rochers) had to withdraw from the project. She was replaced by Mr Peter Thorpe. Due to delays caused by this transition, an extension to the project implementation period was agreed to 12 September 2013.

## 4. Organisation and Methodology

### 4a) Delivery of Terms of Reference

	<b>Terms of reference</b>	<b>How delivered through the assignment</b>
1	Briefing by the ACP Fish II Programme, the FFA (Legal Division), the Fisheries Department and the Attorney General Office (AGO)	An inception meeting with the Fisheries Department and the RFU took place on 21 March, and was followed by on-going meetings. [See para. 26]
2	Set up a Project Monitoring Team (PMT) on location in Fiji	A Project Monitoring Team was set up during the first mission. [See para. 27]
3	Review and analyze the 2 new decrees on Offshore Fisheries Management and Aquaculture	The analysis of both decrees was completed and submitted on 20 May. [See para. 34]
4	Based on the findings of the analysis under item 3, identify and discuss, in close consultation with the Fisheries Department and the FFA Legal Division, the key issues to be addressed in the information and awareness materials as well as the type and structure of such materials and the various groups of stakeholders to be targeted	A close dialogue was maintained with the Fisheries Department throughout the project, and the key issues were kept under review [see section 2, above]. Key issues were identified in the analysis of the decrees [see para. 34].
5	Prepare a short communication plan for the awareness campaign	A communication plan was submitted on 3 April 2013 [see para. 31].
6	Draft awareness materials (e.g. leaflets, posters, radio messages, press release) on the 2 new Decrees for all groups of stakeholders identified under item 4 and circulate them to the Fisheries Department and FFA Legal Division for comments and approval.	The following awareness materials were produced: <ul style="list-style-type: none"> <li>• Factsheets in 3 languages, for each Decree [see paras 32-33]</li> <li>• Press release [see para. 39]</li> <li>• Magazine article [see para. 40]</li> <li>• News article [see para. 41]</li> </ul>

7	<p>Prepare, in close consultation with the PMT, two sets of implementation guidelines, one for each of the 2 decrees. Each of these guidelines should be tailored to the needs of stakeholder groups identified in item 4 and circulated to the Fisheries Department and the FFA Legal Division for comments and approval.</p>	<p>Guidelines (in close consultation with the PMT, and building on materials and dialogue throughout the project) were produced for each Decree, and reviewed through the PMT, and the guidelines for the Aquaculture Decree translated into Fijian and Hindi [see paras 36-38].</p>
8	<p>Make the necessary arrangements for the translation of the Aquaculture Decree as well as the implementation guidelines and the awareness materials into <i>i-Taukei</i> and Indo-Fijian vernaculars.</p>	<p>The Decree was translated into both languages, and reviewed by the Department [see para. 35].</p>
9	<p>Organize four information meetings: two regional information sessions (in the Western Division and the Northern Division) and two focus sessions in Suva, one on the Aquaculture Decree and one on the Offshore Fisheries Management Decree; for identified stakeholders (50 participants), in locations and addressed to stakeholders as agreed with the Fisheries Department.</p>	<p>Information sessions on the Aquaculture Decree were organised as follows:</p> <ul style="list-style-type: none"> <li>• Northern Division (Savusavu, 19 July)</li> <li>• Western Division (Lautoka, 22 July)</li> <li>• Central and Eastern Divisions (Suva, 26 July)</li> </ul> <p>And on the Offshore Decree:</p> <ul style="list-style-type: none"> <li>• Suva, 26 July</li> </ul> <p>Over 160 participants attended across the 4 sessions.</p> <p>[See paras 28-30]</p>
10	<p>Conduct a 2-day training workshop on the 2 sets of implementation guidelines (for approximately 32 participants each day). The training workshop is to be conducted at a central location (Suva) with all logistics to be organized by the consultant.</p>	<p>A 2-day training workshop was organised in Suva providing training for the Offshore Fisheries Management Decree (1 day) and the Aquaculture Decree (1 day) (29-30 July). 45 participants across the 2 days attended.</p> <p>[See paras 28-30]</p>
11	<p>Conduct a briefing session with key staff from the Fisheries Department (up to 16 participants, in Suva) to address the need to strengthen the capacity of the Fisheries Department to run future awareness programmes for fisheries legislation.</p>	<p>A capacity-building session was organised for Fisheries Department staff to assist them in conducting a similar exercise for the Inshore Fisheries Decree, when it is adopted (31 July). 9 participants were invited by the Fisheries Department, and all attended.</p> <p>[See paras 28-30]</p>

#### **4b) Conduct and details of the assignment including visibility activities**

25. The project was carried out in two missions, with substantial work also being carried out outside the missions in order to fulfil specific project needs. The following describes the activities carried out in the two missions, followed by a summary of the materials produced throughout the project.

##### **First mission**

26. The Key Experts arrived in Fiji on 20/21 March, and held an initial meeting with the Fisheries Department and the ACP Fish II RFU (21 March). A series of other meetings were arranged and completed, including two focus sessions, respectively, on offshore fisheries and aquaculture, bringing together various Fisheries Department staff in these sectors. Meetings were also held with divisional Fisheries Department staff, senior managers and certain non-governmental representatives. A list of persons met is provided below.

27. A project monitoring team (core team and a review team) was established, and the Key Experts met several times with the core team (see Part 4 of the Inception Report for details). The Consultant also commenced logistical and planning work for the information sessions and workshops, including reviewing potential venues, recruiting translators, etc.

##### **Second Mission**

28. The second mission took place from 11 July – 4 August, and was focussed on the organisation and conduct of the various stakeholder events. The following events were organised:

- 3 information sessions on the Aquaculture Decree:
  - Northern Division (Hot Springs Hotel, Savusavu, 19 July)
  - Western Division (Tanoa Waterfront Hotel, Lautoka, 22 July)
  - Central and Eastern Divisions (Tanoa Plaza Hotel, Suva, 26 July)
- a focus session in Suva on the Offshore Fisheries Management Decree (Tanoa Plaza Hotel, 26 July)
- a 2-day training workshop, in Suva, for Fisheries Department staff and providing high-level implementation training for the Offshore Fisheries Management Decree (1 day) and the Aquaculture Decree (1 day) (Tanoa Plaza Hotel, 29-30 July)
- a capacity-building session for Fisheries Department staff to assist them in conducting a similar exercise for the Inshore Fisheries Decree, when it is adopted (Tanoa Plaza Hotel, 31 July).

29. All sessions were well attended, and well received. In total, 111 stakeholders attended the information sessions on the Aquaculture Decree, 55 stakeholders participated in the focus session on the Offshore Fisheries Management Decree and across the two days, 45 Fisheries Department staff members participated in the training workshops. Nine participants took part in the capacity building session.

30. Training materials in the form of PowerPoint presentations were prepared for each activity. These are reproduced in **Appendices 6W to 6ZA**.

### **Materials produced**

#### *Communication Plan*

31. At the end of the inception phase, a short Communication Plan was produced, outlining communication strategies for the events to be organised by the Consultant and wider communication and awareness activities. The Communication Plan was submitted along with the Inception Report on 3 April 2013, and accepted without comments. The Communication Plan is reproduced in **Appendix 6A**.

#### *Factsheets on Offshore Fisheries Management and Aquaculture Decree*

32. Factsheets were prepared for each Decree, along with a supplementary factsheet for Fisheries Department staff for each decree. The draft texts for the fact sheets were forwarded to the Core Team on 19 May 2013 with the request to return any required amendments by 24 May 2013. A further request for comments was made on 5 June 2013, and was subsequently sent (up to 10 June). The comments focused on the need for further detail (particular for Fisheries Department staff), but it was accepted that this was the purpose of the implementation guidelines rather than the factsheets, and the factsheet texts were adopted.
33. The factsheets were subsequently prepared in their final versions (using a graphic designer to produce professional designs) and were translated and printed. Enough copies were printed to distribute the factsheets at the workshops and to leave additional copies with the Fisheries Department. The factsheets are reproduced in **Appendices 6B-6I**.

#### *Analysis of Offshore Fisheries Management and Aquaculture Decree*

34. The analyses of the Offshore Fisheries Management Decree and the Aquaculture Decree were prepared. The purpose of the analysis was to provide a concise and accessible summary of the provisions of the Decrees. To this, were added “key messages” both for stakeholders and the Fisheries Department and which will represent the main themes at (respectively) the stakeholder information and focus sessions and the Fisheries Department training workshops. These were sent for review to the core team and RFU on 20 May 2013, and no changes were suggested by the Fisheries Department or other stakeholders. The final versions are reproduced in **Appendix 6J** (Offshore Fisheries Management Decree) and **Appendix 6K** (Aquaculture Decree).

#### *Translation of Aquaculture Decree*

35. The Aquaculture Decree was translated into Hindi and Fijian. Highly-qualified translators from The University of the South Pacific were selected, after a selection exercise. Draft translations were sent to the Core Team on 7 June 2013 with the invitation to review and a small number of adjustments were made in light of comments received. The translated versions are reproduced in **Appendix 6L** (Fijian) and **Appendix 6K** (Hindi).

### *Implementation guidelines*

36. Implementation guidelines were produced for the Aquaculture Decree and the Offshore Fisheries Management Decree, in close consultation with the core team, and focussing on the development of high-level strategies to implement the Decrees. As agreed with the core team (and reported in the Interim Technical Report), these were presented in outline form at the training workshops and were finalised after the workshops, so as to take account of issues raised and conclusions reached at the workshops.
37. The Guidelines provide high-level guidance on developing a strategy for implementation, review the provisions of the Decrees, highlighting some key implementation issues, and suggest some of the key steps that should be taken. A specific recommendation concerns the priority that should be given to establishing the advisory councils foreseen under the Decrees, and to this end the guidelines also include model / draft rules of procedure for these bodies.
38. The guidelines are reproduced in **Appendix 6N** (Aquaculture Decree) and **Appendix 6O** (OFM Decree). The implementation guidelines for the Aquaculture Decree have been translated, and the translated versions are reproduced in **Appendix 6P** (Fijian) and **Appendix 6Q** (Hindi).

### *Press release*

39. A press release was produced and delivered to the Fisheries Department for dissemination, containing background information about the project, statements informing the public of the status of the Decrees and explaining that information and training workshops will be held, etc. The press release is reproduced in **Appendix 6R**.

### *Magazine article*

40. A brief article was written by the Fisheries Information Specialist for *Islands Business* magazine — an influential, current-affairs magazine that covers news both within and outside of Fiji, with a readership that extends to Australia, New Zealand, Japan and Southeast Asia. The article has been submitted to the editor. The magazine article is reproduced in **Appendix 6S**.

### *News article*

41. A brief article was written by the Fisheries Information Specialist for the Secretariat of the Pacific Community's *Fisheries Newsletter* — the main source of fisheries information for the Pacific Islands region, with a worldwide readership. This article has been submitted to the editor. The news article is reproduced in **Appendix 6T**.

### *Inshore Fisheries Decree – Translations*

42. As part of the capacity building work concerning future activities relating to the inshore fisheries decree, a request was made from the Fisheries Department for translation of the current version of the draft Inshore Fisheries Decree to aid future consultations. In the Key Experts' views, this would be an essential aid to the facilitation of future consultations, and it was agreed to arrange for translations. The translated versions are reproduced in **Appendix 6U** (Fijian) and **Appendix 6V** (Hindi).



## Visibility activities

43. Project visibility was maintained at all times. All press and other communication materials, publications and workshop presentations presented the ACP Fish II credentials, and the background to and purpose of the ACP Fish II programme was explained to participants at the stakeholder workshops.

## 5. Conclusions and recommendations

44. The project was perceived as having a high value both by the Fisheries Department, and by stakeholders. Many stakeholders (particularly in the aquaculture sector) were largely unfamiliar with the new laws, and the benefits to them in receiving awareness advice was clear. Similarly, the Fisheries Department presently is largely unprepared for the challenges in implementing the new Decrees, particularly in relation to the Aquaculture Decree, and was in need of high-level advice addressing questions of developing implementation strategies and determining priorities.
45. Specific recommendations for future implementation of the Aquaculture Decree and the Offshore Fisheries Management Decree have been made in the respective implementation guidelines. Broadly speaking, the key steps in each include:
- a. Establish a working group within the Department to take implementation discussions forward, and to organise the first implementation actions.
  - b. Develop a national vision for the sector concerned, bringing in all major stakeholders and developing common visions on how policy and regulation should be developed.
  - c. Establish the advisory councils foreseen in the Decrees, and utilise these bodies not only as a liaison between stakeholders but also to help develop and drive policy and make recommendations for implementation of the Decree. To facilitate the process of establishing the advisory councils, the implementation guidelines contain draft / model rules of procedure.
  - d. Develop improved governance and consultation mechanisms (including in the case of the Aquaculture Decree by establishing the other advisory committees foreseen in the legislation).
  - e. Address initial implementation priorities. These priorities are to (and can only) be determined by the Fiji Government, but *might* include – in the case of the Aquaculture Decree – establishing an initial licensing system and developing an enforcement policy, supported by operating procedures for fisheries officers; and – in the case of the OFM Decree – upgrading the commercial licensing system, licensing new areas and upgrading enforcement, in particular through the development of an enforcement policy, developing standard operating procedures for fisheries officers (supported by training) and building the observer programme.