

**REPUBLIC OF NAURU**  
**COASTAL FISHERIES AND AQUACULTURE BILL 2020**  
**SECOND READING SPEECH**

**Honourable Wawani Joe-Grant Dowiyogo MP**

**4 June 2020**

Mr Speaker Sir,

I have the privilege of introducing to the House today the *Coastal Fisheries and Aquaculture Bill 2020*.

Mr Speaker, we find ourselves here today at a very important crossroad, the decisions that we decide upon here will echo into the future. Therefore, let us deliberate at length and make wise decisions.

Like many Small Island Developing States in the region, Nauru relies on its fisheries, not only for economic and social development, but more so, as a form of food security for its people. To date, the Nauru Fisheries and Marine Resources Authority has been managing Nauru's fisheries and marine resources through the *Fisheries Act 1997* and the *Fisheries Regulations 1998*. These however are focused almost entirely on the management of large scale tuna fisheries and although there are a number of general provisions that could be extended to the management of coastal fisheries, the general significant difference between coastal fisheries and the large scale tuna fisheries and the management approach that should be applied are probably better addressed efficiently through separate but complementary Acts.

With the current weak management framework to regulate the use of coastal fisheries resources, there is concern that these resources will be subjected to over-exploitation and which have been verified to some extent through a number of surveys of Nauru's coastal fisheries and marine resources, and through some local observations of some local fishers that were shared during stakeholder consultations. These local observations and experiences noted the fact that the sizes of fish that are commonly caught are getting smaller and fishers are going out further and spending longer hours fishing to supply daily food and to sell.

During the stakeholder consultations, district communities were of the view that some management measures to control the fishing pressure should be put in place to ensure the sustainability of our coastal fisheries resources. Before doing this, a review of the existing legal framework is necessary to see what is currently lacking and needed to support the effective management of coastal fisheries and to find the best management approach to use. This formed the basis of the work in developing the *Coastal Fisheries and Aquaculture Bill 2020*.

After a review of the existing fisheries legislation, it was noted that ownership and user rights needed to be considered carefully in developing the new legal framework that will support the management of coastal fisheries resources. It is also important that this is clearly explained to our people to avoid any confusion in the future. The following underlying principles were considered in developing this Bill:

- All coastal fisheries areas from the high water mark out to sea belong to the Government;
- There is currently no traditional ownership of coastal and marine waters;
- The fisheries are an all open access fishery to Nauruans;
- The Minister for Fisheries through the Cabinet has the power to designate special fishing areas and fisheries management areas;
- An approach which involves more participation and involvement of the communities in both the management decision making process as well as in the monitoring and enforcement of management measures for coastal fisheries should be used.

Mr Speaker, the Bill before the House is an accumulation of 4 years' worth of work by various Government Departments and is a result of intergovernmental cooperation. The Nauru Fisheries and Marine Resources Authority has worked alongside the Department of Commerce, Industry and Environment, UNDP's Ridge to Reef Project, the Pacific Community and the Department of Justice to draft and finalise this Bill.

In saying that, we must remember that our coastal marine resources are an important part of our culture, our diet and most importantly it is readily available. Marine resources have provided for generations before our time, and it will continue to do so even for our children in the future. It is therefore

important to have laws in place to protect, conserve and manage our resources for our children's children.

Mr Speaker, the current *Fisheries Act 1997* focuses mainly on the three tuna species that are commercially fished within our exclusive economic zone. There are very little provisions in place that protects the marine resources found on our reef. For example, during our coastal reef invertebrate survey in 2015, the results showed that there were only two clams found during the survey. Thus, clams and possibly other species would need to be protected by law to ensure their survival. This is the time to act, before it is too late.

This new Bill will not replace the *Fisheries Act 1997*. It is a standalone legislation which addresses coastal fisheries related issues that have risen from the detrimental effects of our human activities. This Bill supports a Community-based and ecosystem approach to fisheries management. Most of these issues have been raised by Community leaders and community members, fishers and non-fishers during our community consultations with the 14 Districts.

One major issue that has been raised time and time again is overfishing. Fishermen are saying they are spending more time in the water to catch a reasonable number of fish for their families. With this Bill, targeted reef fish and other species such as clams can be protected by introducing seasonal closures to protect fish species while they breed. This Bill introduces size limits to prevent undersized fishing. Prohibit the selling of cast nets and drift nets with small mesh sizes to prevent the catching of undersized fish. Prohibit fishing for clams until we are certain they reach healthy numbers. We also can introduce Marine Protected Areas.

Mr Speaker, let me refer to the various Parts of the Bill.

Part 1 sets out the general principles and basic standards of good practices to be considered. This includes using scientific based evidence, the precautionary approach which is essentially that the lack of sufficient information should not be used as an excuse not to manage our fisheries resources, the need for the collection of accurate data, consideration of traditional use of the resources and use by our communities especially for subsistence, recognising that different fishers can use the same coastal space, the need to think unselfishly about leaving enough fish for our future generations and to use basic good governance principles such as being accountable and transparent in what we do. Finally,

importance is given here for any existing traditional knowledge and customary practices to be respected in developing management strategies.

Part 2 outlines administrative powers. It explains the authority of the Minister to make national rules and policies that may assist in achieving the objectives of this Bill. This Part describes the authority to designate management areas which forms the basis of establishing community management units. The designated fisheries management areas are areas of the coastal waters that are declared by the Minister to be a fisheries management area and where specific management measures can be applied and enforced. In addition, this Part describes the powers of the Chief Executive Officer of the Nauru Fisheries and Marine Resources Authority which will allow for the effective implementation of this Bill.

Part 3 deals with the control and management of coastal fisheries. It sets out the provisions which establish 2 new national bodies. The Coastal Fisheries Advisory Council and the Community Fisheries Stakeholder Forum are established, their purpose and composition are also set out. The Coastal Fisheries Advisory Council is established to provide a body that brings together community and relevant Government Departments and non-Government organisation's representatives to contribute and discuss the views from their respective groups on policy matters relating to coastal fisheries and aquaculture before advising the Minister. The Council chaired by the Chief Executive Officer for the Authority, provides a pathway for ensuring the consideration and inclusion of community and non-governmental organisations' inputs on coastal fisheries and aquaculture policy matters in the advice to the Minister. The Community Fisheries Stakeholder Forum is purely a community body that is made up of representatives from each of the district Fisheries Management Committees. The Chairperson is selected by majority vote from among the district representatives. The Authority maintains a presence in the Forum but only as secretary. The Forum provides a place where districts can share their issues and concerns regarding coastal fisheries and aquaculture. It will also serve as a place for keeping all districts on the same page in terms of managing and developing coastal fisheries and aquaculture. One important role that the Forum can play is in dispute resolution that may occur between districts especially if members of one district have refused to respect the rules of another district's designated fisheries management area not only once but many times.

Additionally, this Part explains the management tools to be used for managing the coastal fisheries. The first one is the designated fisheries management area which is part of the coastal marine area that has been declared as such by the Minister in consultation with the Cabinet. These designated areas are solely for the purpose of helping the recovery of the coastal fisheries and marine resources by applying specific management measures on them. The way these designated areas are used for management would be further explained in the later section on community management. The other management tool is the National Coastal Fisheries Management Plan. This will provide a roadmap on how coastal fisheries would be managed to ensure its sustainability. The National Coastal Fisheries Management Plan will be prepared by the Authority in consultation with all stakeholders (community and Government). Once approved by the Cabinet, it will become the bible to be followed by all users of the coastal fisheries and marine resources at the district and national level. The other tools to be used are allowable catch which basically means putting a limit on how much each fisher can catch, and closed seasons which relates to not allowing fishing activities at certain set periods or months of the year. The latter is often effectively used for stopping fishing during the fish breeding seasons.

Part 4 describes the approach taken to involve communities in the management of coastal fisheries and marine resources through the use of community fisheries management areas approved and declared by the Minister under Clause 19 of this Bill. Any district who is interested would need to first register their fisheries management committee with the Authority through the Chief Executive Officer, then with the technical assistance of the Authority, they can submit an application to the Minister for a specified portion of the coastal area adjacent to the district to be declared as a fisheries management area. The requirements for the application includes good justification as to why they chose the area, the objective and expected outcome and how they will manage and monitor the fishing area in the form of a community fisheries management area plan. Once approved, the declared coastal area would be subject to the management measures in the plan which will be enforced by the district management committee. The management measures for the designated fisheries management area will apply to everyone including members of the district. Approval of the fisheries management area therefore does not give the district the right to own and use but only the right to manage such area. The rules and restrictions imposed will apply to everyone including their district members. In enforcing

the rules and restrictions for the fisheries management area, the fisheries management committee cannot prosecute but can report a violation to the Chief Executive Officer for prosecutions to be made. The fisheries management committee however can stop and inform offenders about the violation, take records, take photos, collect evidence and report to the Chief Executive Officer for any violations, for prosecutions.

Part 5 of the Bill covers the area of Aquaculture and is divided into two parts. The first part lays out the need for a National Aquaculture Plan which is required to guide the development of Aquaculture in Nauru. It is the responsibility of the Chief Executive Officer to prepare the Plan and to make sure it is reviewed and updated annually or when needed. The National Aquaculture Plan and future amendments would need the approval of Cabinet to be effected. This Part explains the need and importance for all aquaculture operators to register with the Authority through the Chief Executive Officer. Registration is mandatory but is free in order to encourage all operators to register. Registration will help the Authority keep track of active aquaculture operations and to make it easy to monitor and ensure that the required standards and code of practice are respected.

Part 6 deals with the collection of information and data both on coastal fisheries and aquaculture activities. This is very important in order to ascertain trends and changes in catches and fishing efforts in coastal fisheries and in production in general for both coastal fisheries and aquaculture. This will assist with determining whether our coastal fisheries and aquaculture is improving or worsening and if the management measures and standards put in place are effective. It is equally important that stakeholders in coastal fisheries and aquaculture knows about the outcomes from the collection of such data and information for them to appreciate the importance and relevance of the information collecting activities and to have an idea about the status of their coastal fisheries and aquaculture resources and activities. This will be done through an annual report as provided for in Clause 39. This report would need to be submitted to the Minister and Cabinet would be the minimum reporting requirement.

Part 7 explains how authorised officers are appointed and what their powers entail including the power to make an arrest.

Part 8 deals with cases when the convicted person's property may need to be forfeited to the Republic in addition to the penalty imposed by the court. It explains the circumstances when forfeiture of property is necessary and when they can be disposed. Because seizure of property will come with risks of liability to the authorised officers who made the seizure and to the Authority when the property is under its custody, it is beyond question that every effort will be made to have accountability across the process so that in the case of loss of a property it will be easy to trace. However, given this, it will not be fair to hold the Republic liable to loss or damage, spoilage or deterioration of seized property.

Part 9 provides for the use of Fixed Penalty Notices. The use of Fixed Penalties Notices is an efficient way to enforce clearly defined offences. The alleged offender can opt for the matter to be dealt with in court instead of paying.

Part 10 deals with evidence. This Part allows for making good and declaring any observation, information, items or equipment in relation to a violation as evidence in a recognized certificate for the purpose of use in a court trial. It also provides for the presumption of evidence to clarify that all fish found on board a fishing vessel that have been found to commit an offence are regarded as catch for that offence and where the location for an offence is in doubt then the location of to develop the authorized officer will be presumed to be the location. Also, if in doubt, all acts of fishing by a crew on board a fishing vessel will be included as part of the charge to the operator.

Part 11 provides for the establishment of a Coastal Fisheries and Aquaculture Development Fund. This fund can be used solely to support activities that will help to manage coastal fisheries resources better or provide new opportunities and activities in aquaculture.

Part 12 lists the main offences that could be committed and spells out what these offences entail including the maximum penalties for committing these offences. The offences are focused on the catching or holding of fish with restrictions or in the use of restricted fishing gears, methods or practices or even the possession of these restricted fishing gears during fishing.

Part 13 provides for holding the offender liable for the cost of damage to the environment in relation to the offence that he or she commits.

Mr Speaker, the explanatory memorandum details the provisions of the Bill. Sir, I request that the explanatory memorandum be read and recorded in the Hansard Reports.

I commend the Bill to the House.