

Marine Conservation Agreements

Guidance for the Tourism Industry in Fiji

This summary provides resorts, tourism operators, and policy makers with an introduction to marine conservation agreements (MCA) and outlines a process for planning and implementing an MCA in Fiji.

What is a Marine Conservation Agreement?

A Marine Conservation Agreement (MCA) is a formal or informal voluntary agreement with the aim of achieving a conservation goal. In the Fiji context, an agreement is often between an *iTaukei* community who holds the traditional rights to a specific marine area, and a resort or tourism operator, whose guests use the same area, to put in place measures such as no fishing rules (or *tabus*), with the shared aim of maintaining a healthy reef.

Why are MCAs important?

The tourism industry relies heavily on the promotion of Fiji as a place with pristine coastal environments. Once in country, three quarters of visitors swim and over half snorkel in the sea in front of their resort. Many coastal communities rely on fishing for food and income. However, Fiji's coastal areas including coral reefs are under increasing threat from climate change and local pressures such as overfishing and poorly planned coastal development. MCAs are a powerful tool to bring communities and businesses together for the benefit of both parties and the natural environment.

What are the benefits?

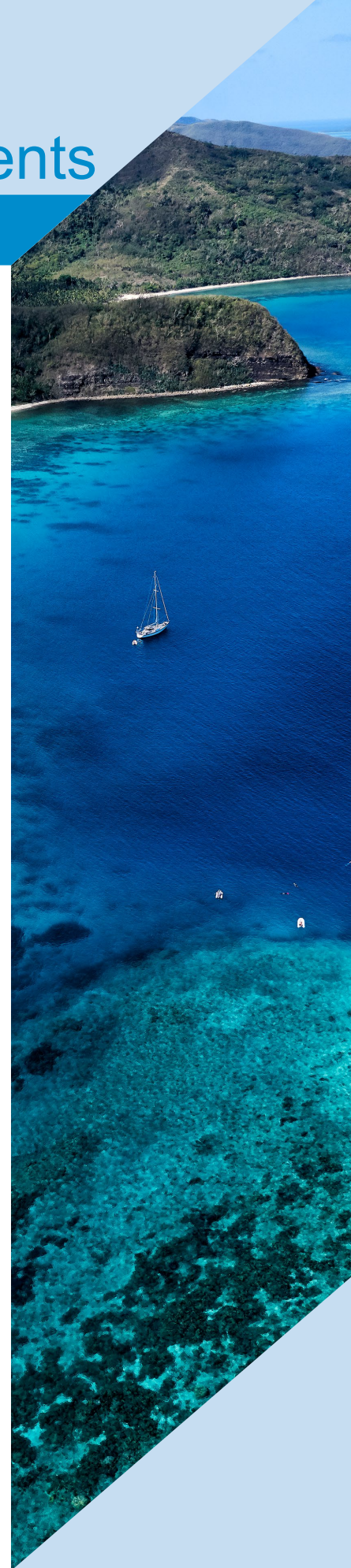
While the overall objective of an MCA is conservation, there are significant benefits for both tourism businesses and communities. For the resort or operator, a healthy marine area can attract guests and ensure expectations are met. It is a resource for snorkeling and diving and a marketing asset. Agreements can also increase privacy by reducing outside activity in the vicinity of resorts. For the community, managed reefs can have a spillover effect with the quantity of fish outside the conserved area increasing. A more marketable resort can also mean higher levels or more stable employment for community members. In some cases, users are asked to voluntarily contribute to maintain the conservation area or to support community development as compensation for lost income. The process of entering into an agreement can also bring a business and community closer together and improve their relationship.

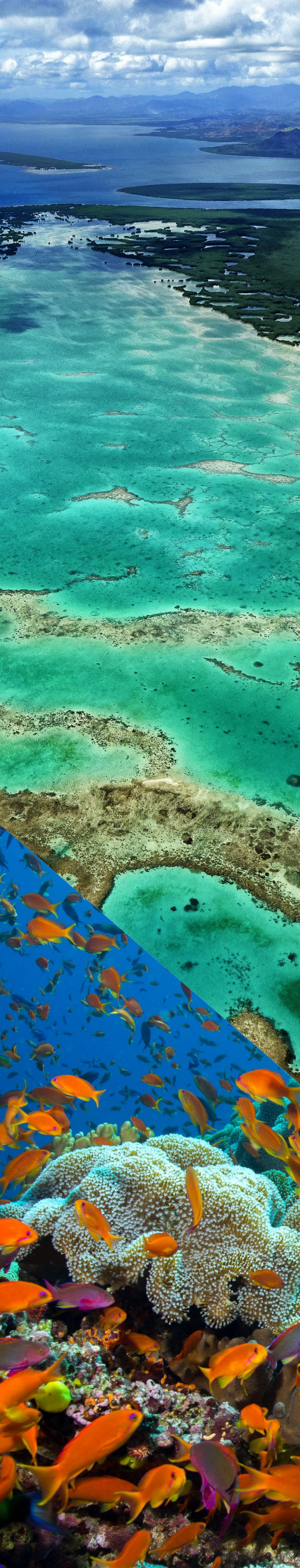
How much will an MCA cost?

A simple informal MCA does not need to incur any significant establishment or operational costs, unless the relationship is very new between a community and an operator. Where an operator has a special dependence on a specific marine area, and a strong partnership with local communities, a more formal and binding agreement may be appropriate, as for example with Shark Reef Marine Reserve.

Who should be part of an MCA?

The key partners in an agreement are the resort or tourism operator and the community that hold the traditional rights to the marine resource. Conservation NGOs, research bodies, provincial offices, and local or national government agencies may be able to provide important advice and support, and could be co-signatories on an agreement.





WHAT TYPES OF AGREEMENT ARE POSSIBLE?

In Fiji, while the ownership of the physical seabed below the high water mark is vested in the Government, the traditional access rights of the land owning community to the fishing resources are recognised, leading to a unique but complex systems when it comes to conservation, use and management of marine resources.

There are five broad types of MCA currently being used in Fiji.

- **Informal or Verbal *Tabu* Agreements**

These are the simplest and most common type of agreement in Fiji. These occur where, for example, a village or group of villages agree to stop fishing in an area important to the community and a resort or operator. The agreements arise from discussions between the resort or operator and those that collectively hold the traditional rights to an area. When an agreement is reached, the traditional leader or a consortium of the heads of the fishing rights owning clans (*mataqali*), can declare an area “no-take” or *tabu* to be recognised by the traditional council (e.g. *Bose ni Tikina*) and observed by the fishing rights owners in the vicinity. These areas usually do not have any detailed agreements in place other than the commitment of communities not to fish.

- **Documented *Tabu* Agreements**

Written agreements are used by some resorts and operators to formalise the traditional verbal *tabu* that rights holders agree to establish. These agreements typically consist of letters from the traditional leader to the resort or operator, but could include an exchange of letters, or a jointly signed memorandum of understanding.

- **Exclusion from Commercial Fishing**

A traditional *tabu* area can also be registered with the Ministry of Fisheries to exclude the area from commercial fishing licenses, adding an additional layer of protection.

- **Foreshore Lease or License**

The ownership of the physical foreshore is vested with the government and may be leased or licensed through the Ministry of Lands and Mineral Resources. This has been investigated as a mechanism to strengthen the legal status of marine protected areas. Fishing rights may be affected for the duration of the lease or license which involves an annual payment to the government.

- **Statutory “Gazetted” Reserve**

Under Section 9 of the Regulations of Fisheries Act 1942, the Minister of Fisheries may declare areas as statutory protected reserves. This has been used to create statutory reserves with fishing restrictions, fully recognised in the government gazette. The regulations apply to the traditional fishing resource custodians as well as any other party, including commercial fishers.

WHAT IS THE BEST WAY TO ESTABLISH AN MCA?

There are various ways to establish an agreement. At the core of each is an open discussion between the community that holds the traditional rights and the resort or operator. Provincial offices can be helpful in facilitating these discussions. The following phased approach is appropriate for agreements, particularly for more formal ones, and will also ensure transparency and promote a shared understanding.

Phase 1: Area selection and mapping

- Decide on the area to be included and the appropriate conservation strategy. Take scientific advice if possible to maximise ecological, social and economic benefits.
- Establish who the traditional rights holders are. It is vital to identify the correct *mataqali* and communities to ensure that all relevant parties are included in the MCA.
- Develop a map of the areas to be included in the MCA and take GPS coordinates of its boundaries.

Phase 2: Development of the MCA

- Decide on the appropriate level of protection, based on the specifics of the marine area under consideration, and any recommended conservation strategies.
- Consider whether monetary or non-monetary incentives would be appropriate given the specific context of the area. Open and transparent discussions are needed on whether the incentives are fair and who benefits to ensure the MCA will not lead to conflicts.
- Bring all the parties together to discuss the proposal, ensuring all affected communities are represented. Consultations need to be inclusive, to ensure women or other marginalised groups are part of the discussions. Long term success is dependent on the sharing of information, fairness, and the mutual understanding of the agreement. External facilitation by the provincial office or another party may be appropriate depending on the context.
- Set the term of protection, whether permanent or limited term, and terms of the MCA agreement. If applicable, establish a bank account or trust fund for long-term financial incentives.
- Document the MCA agreement and file with relevant bodies where relevant.

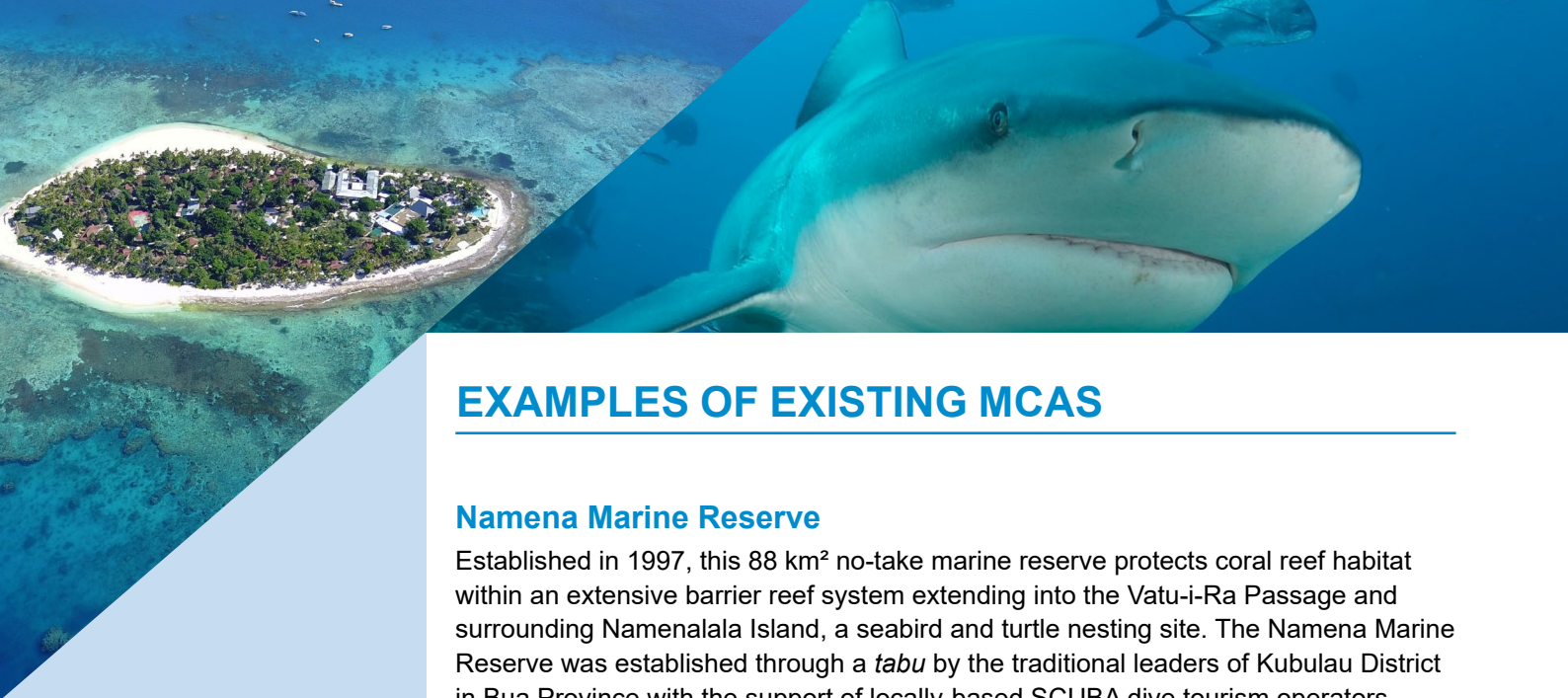
Phase 3: Establishment of enforcement

- Set any conditions and decide under what circumstance any incentives will be continued or stopped based on both parties following the rules.
- Determine the most appropriate method of enforcement. Past strategies have included enforcement by tourism operators, local community members, and trained fish wardens.
- Where applicable, support fish warden training for tourism staff and local custodians.

Phase 4: Monitoring and evaluation

- If possible, establish some form of regular biological and socioeconomic monitoring to track the success of the MCA.





EXAMPLES OF EXISTING MCAS

Namena Marine Reserve

Established in 1997, this 88 km² no-take marine reserve protects coral reef habitat within an extensive barrier reef system extending into the Vatu-i-Ra Passage and surrounding Namenalala Island, a seabird and turtle nesting site. The Namena Marine Reserve was established through a *tabu* by the traditional leaders of Kubulau District in Bua Province with the support of locally-based SCUBA dive tourism operators. Divers can make a voluntary contribution in return for an annual dive tag. The contributions are paid into a trust fund, which is used to cover management costs for the reserve and to provide tertiary education scholarships to children from the district.

Coral reef monitoring has shown that coral cover has remained fairly stable and fish biomass has consistently demonstrated the presence of healthy fish communities, indicating the successful conservation of the area.

Vuda and Waya Qoliqoli

The communities of Vuda and Waya are the traditional resource owners of a large section of the Mamanuca and lower Yasawa islands. In the 1990s, community leaders working in partnership with early local tourism pioneers, decided that in order to support sustainable development in the area they would declare no-fishing areas around resorts. These traditionally formed no-fishing *tabu* areas are recognised by the traditional authority, but not in law. In most areas, traditional leaders, with the agreement of the resort, may allow limited fishing for specific traditional events.

Enforcement and management are carried out primarily by resort employees, some of whom have formal training and are recognised as Fish Wardens by the Ministry of Fisheries. Poaching in these areas is generally low, with variation depending largely on the strength of the relationships between the resorts and the local communities. The closest villages are on the mainland are provided with employment opportunities and, as a result, have a reduced need to fish on the small patch reefs. Where there has been a long-standing agreement between resort owners and the community, a simple word to the traditional authorities has been enough to discourage fishing.

Shark Reef Marine Reserve

Shark Reef Marine Reserve is Fiji's first statutory "gazetted" sanctuary for sharks. It includes the majority of a 1.5 km long patch of reef and contains a 1.8 km² no-fishing area with an additional buffer zone of about 15.5 km² where no targeted shark fishing may take place. The reserve was initially formed through a traditional *tabu* with the local resource-owning communities in 1999 and was later gazetted in parliament as a permanent legally recognised reserve in 2014 under the Fisheries Act. In exchange for the protection offered under this designation, a contribution is paid per diver to village bank accounts. Both companies also offer training and preferential employment opportunities to youths from those villages.

For more information:
Sykes H, Mangubhai S, Manley M (2018) Contribution of Marine Conservation Agreements to Biodiversity Protection, Fisheries Management and Sustainable Financing in Fiji. Report No. 02/18. Wildlife Conservation Society, Suva, Fiji. 98 pp.



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