

## OPEN AGENDA

	<b><u>Memorandum for Economic Development Committee</u></b>
<b>SUBJECT</b>	Fisheries Bill, 2021
	<u>Memorandum by Chair of the Sub-Committee for Fisheries Legislation</u>
<b>ADVICE SOUGHT</b>	<p>1. <b>The Economic Development Committee is asked to consider the attached Fisheries Bill 2021 (Annex A) and to recommend to Executive Council that it be taken forward as Government business at the next possible Legislative Council meeting.</b></p>
<b>BACKGROUND &amp; CONSIDERATIONS</b>	<p>2. The setting of fisheries management priorities at the start of the Blue Belt Project identified that St Helena’s fisheries law was in need of reform in a number of areas in order to improve the regulation of fishing and related activities within St Helena’s fisheries limits. As a result, this key action was carried in St Helena’s Fisheries Sector Strategy, 2017-2025 for implementation.</p> <p>3. A Sub-committee was appointed by the Governor under the Economic Development Committee (EDC) to lead revision of St Helena’s fisheries legislation. The group comprised an EDC member, ENRP officers, fisheries stakeholder representatives and a representative from the Attorney General’s Chambers to support the group.</p> <p>4. The Bill seeks to replace the St Helena Fishery Limits Ordinance, 1977 rather than simply making changes to it as originally envisaged. The purpose of the Bill is to provide a framework for modern regulation of fishing and related activities within St Helena’s fisheries limits.</p> <p>5. The Bill legislates in the following areas:</p> <p>i. <i>Fisheries Limits and Fishing Zones</i>: This section establishes the Fisheries Limits as up to the 200nm EEZ, being the geographical extent of our sovereign rights in fisheries law. An ‘inshore fishing zone (0-30 nm out from the baseline) and an ‘offshore fishing zone’ (30 – 200 nm out from the baseline) is established for ease of reference and with a view to allowing appropriately segregated management controls over the fisheries.</p>

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	<ul style="list-style-type: none"> <li>ii. <i>An Advisory Board:</i> This Board is intended to be a technical forum for review of fisheries data, management and controls and is empowered to give advisory advice on request.</li> <li>iii. <i>Fisheries Officers and Responsibilities:</i> The Governor is to appoint a Chief Fisheries Officer who may then appoint subordinate fisheries protection officers and may delegate to them any of his powers and duties under the Ordinance.</li> <li>iv. <i>Fishing Licences:</i> The starting point for licenced fishing is that all fishing within the fisheries limits requires a licence except for traditional rock fishing and for spear fishing to or from the shore that does not involve the use of a vessel. This section provides for the various types of licences that will be operational, the conditions attached to licences, the period of time they may be issued for, who may vary, amend or revoke a licence and licencing of a foreign fishing vessel.</li> <li>v. <i>Restrictions on Fishing and Related Operations:</i> This section provides for prohibited methods of fishing, establishing total allowable catch limits for specified species in a specified period, implementing fishing control notices and licencing deployment of fish aggregating devices:</li> <li>vi. <i>Restrictions Relating to Spear Fishing and Fishing with Scuba Equipment:</i> This section of the Bill incorporates provisions of the Spear Guns Control Ordinance, 2014 with a view to keeping our main fisheries law under a single ordinance.</li> <li>vii. <i>Transshipment:</i> This section prohibits transshipment at sea within St Helena’s fishery limits. As St Helena’s fisheries comprise a number of International Commission for the Conservation of Atlantic Tunas (ICCAT) managed species and fall within the ICCAT Convention area, this provision is aligned with their 2017 Transshipment Recommendation. This is a fisheries enforcement control to ensure that fish found on a vessel is actually fish caught by that vessel.</li> <li>viii. <i>Enforcement:</i> This section provides powers available to the Chief Fisheries Officer and Fisheries Protection Officers for enforcement of the fisheries offences by investigation, inspection, collection of evidence and submission to a judicial process.</li> <li>ix. <i>Appeals:</i> This section provides for appeals against refusal of licence or permission or conditions: Allows a person to appeal to the Magistrates Court against a licence decision, revocation, variation or condition of licence.</li> <li>x. <i>Offences:</i> This section is proposed for offences in connection with: fishing without licence or in breach of licence; restrictions</li> </ul>
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	<p>on fishing and related operations; possession and use of spear gun; transshipment; illegal, unreported or unregulated (IUU) fishing; makes it an offence for a person to conduct business directly related to IUU fishing; unstowed fishing gear; discarding of plastic, fishing gear or other material; false information and falsifying documents; and offences in relation to enforcement officers</p> <p>xi. <i>Miscellaneous</i>: This section grants power to the Governor in Council to make regulation and, without limiting that power sets out certain regulation that can be made. This section also makes provision for various repeal, amendment and transitional provisions for associated Ordinances.</p> <p>6. The law applying to St Helena ships on the High Seas is a separate matter dealt with by the High Seas Fishing Ordinance, 2001.</p> <p>7. Enactment of a new Fisheries Ordinance will:</p> <ul style="list-style-type: none"> <li>▪ repeal the Fishery Limits Ordinance (1977); the Spear Guns Control Ordinance, 2014 and the Conservation and Management of Fishery Resources Ordinance (2003).</li> <li>▪ result in amendment to the High Seas Fishing Ordinance (2001), and Environmental Protection Ordinance (2016).</li> </ul> <p>8. A background paper informing the proposed level of penalties for the various offences is attached at Annex B.</p> <p>9. Summary comments received to the targeted consultation exercise on the draft Bill and the EDC Sub-committee’s response to their use in revision of the draft Bill is attached at Annex C.</p>
<b>FINANCIAL IMPLICATIONS</b>	<p>10. There will be a funding requirement to enable observer coverage for fishing activities, particularly for offshore commercial fishing as the need arises, however, in order to implement the Bill there are no significant financial implications expected beyond current levels of financial resources for fisheries law administration and compliance and enforcement activities.</p>
<b>ECONOMIC IMPLICATIONS</b>	<p>11. The Bill itself provides only a regulatory framework for fishing and related activities and so carries no direct economic implications one way or another. Although the Bill makes provision for fishing regulation to be improved, it enables a range of fishing activities to continue and therefore contribute to St Helena’s economy.</p>
<b>CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES</b>	<p>12. The Bill is a matter of law and regulations and therefore has no direct connection with investment.</p>

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<b>PUBLIC / SOCIAL IMPACT</b>	13. The Bill is expected to have minimal public impact as enforcement of a new licencing requirement for all fishing activities from a fishing vessel (sports, recreational and commercial) to be licenced is already being implemented. A licence fee will eventually be required as part of granting of fishing licences. Traditional rock fishing and spearfishing from the shore will not be a licenced fishing.
<b>ENVIRONMENTAL IMPACT</b>	14. Overall there will be a positive impact on St Helena’s marine environment and resources, as the Bill will regulate fishing and related activities within St Helena’s fisheries limits for the purposes of the management and protection of its fisheries resources.  15. The introduction of the new Fisheries Ordinance ensures the sustainable principles of St Helena’s category V1 Marine Protected Area (MPA) are upheld in line with IUCN Guidelines.
<b>PREVIOUS CONSULTATION / COMMITTEE INPUT</b>	16. EDC has not been consulted on the Bill prior to this meeting as it has been the responsibility of the EDC Sub-committee established to provide a Fisheries Bill for their consideration. However, EDC considered and approved fisheries policy in January 2020 which has informed the Bill.  17. Consultation with fisheries stakeholders on the draft Bill was undertaken between 1 April and 30 April 2021 and this took the form of providing opportunity for written responses to be provided to the draft Bill. Stakeholders in fishermen across commercial, sports and recreational boat fishing, IPNLF, SHCFA, SHNT and the Blue Belt programme.  18. Responses received to the draft Bill were considered by the EDC Sub-committee and a number of responses across stakeholders were used in the revision of the draft Bill.
<b>PUBLIC REACTION</b>	19. The Bill is a modernising of existing fisheries law and as a result of the targeted consultation held for fisheries stakeholders on both fisheries policy and the draft Bill, it is not expected to be controversial. However, even after a period of stakeholder consultation, some stakeholders may have strong views on the best way to modernise particular areas of St Helena’s fisheries law.
<b>PUBLICITY</b>	20. EDC’s decision will be reported via the EDC summary in the local newspapers and SHG website following the EDC meeting.  21. The Bill will again be published on the SHG website as part of the process for endorsement by Executive Council in advance of their meeting later in July 2021.
<b>SUPPORT TO STRATEGIC OBJECTIVES</b>	22. The Bill supports the ‘Altogether Greener’ goal and Strategic Objective 7.1 Promote the Sustainable Management and Use of Natural Resources and the Environment.

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<b>LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS</b>	23. Fisheries is one of the priority sectors highlighted in the SEDP. Reforming the legal framework for St Helena's fisheries is a supporting step to the SEDP Goal: 'Sustain and improve our Natural Capital'.
<b>IMPLEMENTATION OF POLICY/ LEGISLATION</b>	24. Implementation of the Bill and new regulations to be developed under it, will be managed through policy and operational procedures by the Environment, Natural Resources and Planning Portfolio.
	<b>CB</b>
<b>OPEN /CLOSED AGENDA ITEM</b>	25. This paper is recommended for the Open session.
<b>DATE OF MEMO</b>	30 June 2021

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