



Tuvalu

CONSERVATION AREAS ACT

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Tuvalu

CONSERVATION AREAS ACT

AN ACT TO MAKE PROVISIONS FOR THE DECLARATION AND MANAGEMENT OF CONSERVATION AREAS AND RELATED PURPOSES¹

Commencement [1st September 1999]²

1 Short title

This Act may be cited as the Conservation Areas Act.

2 Interpretation

In this Act, unless the context otherwise requires —

“**Minister**” means the Minister responsible for administering this Act;

“**Falekaupule**” has the same meaning as in section 2(1) of the Falekaupule Act;³

“**Community**” means the people living within or adjacent to the Conservation Area and accustomed to using its resources, with particular reference to those with kinship and traditional use of rights to the area, its land and resources;

“**Kaupule**” has the same meaning as in section 2(1) of the Falekaupule Act and one which has jurisdiction over a conservation area;

“**Conservation area**” means that area declared under section 3 of this Act and may include marine areas within the territorial sea, any terrestrial area including swamps, islets, reef flats, channels, sand banks and coral reef;

“**Fund**” means the fund established under section 10 of this Act;

“**Regulations**” means the regulations made by the Minister under section 15 of this Act;

“**Bye-laws**” means the bye-laws made by a Kaupule under section 16 of this Act.

3 Declaration of conservation areas

- (1) The Minister may by order in the Gazette declare any part of the territory of Tuvalu as a Conservation Area upon receipt of a report of a Kaupule and after due consultation with the Kaupule recommending the establishment of a Conservation Area.
- (2) The report of a Kaupule under subsection (1) of this section shall include a scientific assessment which shall make an assessment as to the best location and sizing of a conservation area.
- (3) The Conservation Area so designated shall be defined in the order mentioned in subsection (1) by reference to a map or such other descriptive matter as may be necessary for that purpose.

4 Objectives of conservation areas

Any conservation area so designated under section 3 of this Act shall have one or more of the following objectives:

- (a) to protect the environment, including coastal, marine and terrestrial;
- (b) to conserve the living and non living natural resources of the island communities and to provide for their sustainable utilization by present and future generations;
- (c) to preserve the biological diversity of the conservation area, especially those species which are endemic, threatened, or of special concern and the coastal and marine habitats upon which the survival of these species depend;
- (d) to preserve and enhance the natural scenic beauty of the conservation area including sites that are already degraded or those that may become degraded if not protected;
- (e) to promote the enjoyment by the public of the conservation areas; and
- (f) to promote the scientific study and research in respect of the conservation areas.

5 Survey of conservation areas

The Kaupule shall, from time to time, make or cause to be made an ecological conservation area.

6 Management of the conservation areas

- (1) The Kaupule shall be responsible for the overall management of the conservation areas in terms of both planning and implementation and for which purpose it shall appoint a special committee to include all main parties involved or with interest in the conservation area including Government Departments and local community representatives.
- (2) The Kaupule, with the assistance of the Government shall prepare or cause to be prepared a management plan for the conservation area based on the report of the survey made under section 5 of this Act. The plan shall be prepared in full consultation with representatives of the community.

7 Components of a management plan

The management plan prepared under section 6 of this Act shall make provision for, among others, the following:

- (a) assessment of the present state of the conservation area;
- (b) the achievement of the long term community and conservation goals and objectives;
- (c) management and conservation measures including activities, procedures, restrictions and prohibitions to be undertaken for the effective and efficient management and development of the conservation area;
- (d) the development of an appropriate community based management structure for the conservation area including public awareness and training programmes to sustain on-going community management; and
- (e) identification of appropriate and equitable means for managing and distributing benefits from the project.

8 Review of a management plan

The Kaupule shall, as circumstances may require, review the conservation area management plan prepared under section 6(2) of this Act.

9 Powers of Kaupule

The Kaupule may enter into a written agreement with owners of such land as it deems necessary to secure its right to access to and to control such land as part of the conservation area.

10 Conservation Area Fund

- (1) The Kaupule shall establish a special fund to be known as the Conservation Area Fund which shall be used for the management of the conservation areas.
- (2) The following moneys shall be paid to the Fund:
 - (a) sums provided by the Government for the purpose;
 - (b) any fees levied in accordance with the provisions of this Act or regulations or bye-laws issued under it;
 - (c) any fines collected as a breach of this Act or the regulations or bye-laws under it;
 - (d) loans, grants, donations or other voluntary contributions to the Fund from local or international sources; and
 - (e) interests arising out of any investment of the fund.

11 Reporting

The Kaupule shall prepare an annual report on the activities and transactions under the Fund and submit it to the Falekaupule with a copy of the said report provided to the Minister.

12 Audit

The accounts of the Fund shall be kept and audited like other accounts of the Kaupule in accordance with the provisions of the Falekaupule Act.

13 Indemnity

No action, prosecution or other proceedings shall be brought or instituted against the Kaupule or any member thereof in respect of any act done *bona fide* in pursuance or execution of the provisions of this Act or regulations or bye-laws issued under or pursuant to this Act.

14 Offences

- (1) No person shall release or cause to be released into a conservation area any polluting or hazardous substances by dumping or through the atmosphere.
- (2) No person shall hunt, kill or capture any turtle, bird or fish in conservation areas designated under this Act.
- (3) No person shall collect or remove any non-living material or resources from the conservation areas without the written approval of the Kaupule.

- (4) Any person who contravenes any provision of this Act shall be guilty of an offence, and shall be liable for a fine of \$5,000 or to imprisonment for 28 months.

15 Regulations

The Minister may make regulations for the implementation of the provisions of this Act and in particular:

- (a) the protection of the flora and fauna within the conservation areas; and
- (b) the care, control and management of the conservation areas.

16 Bye-laws

The Kaupule may issue bye-laws for the implementation of the provisions of this Act and in particular:

- (a) undertaking of any activity in the conservation areas;
- (b) regulating the use and enjoyment of the conservation areas including charges of fees for the same;
- (c) the licensing of boats and crafts, employed in transportation of people within the conservation areas;
- (d) the licensing of any guides required by the visitors; and
- (e) securing the observance of sanitary and cleanly conditions and practices at and in respect of conservation areas including beaches within the area.

17 Enforcement Measures

The Kaupule shall have the power to enforce necessary measures for preventing or mitigating as far as possible any destruction of the environment and natural resources of the conservation areas or for the implementation of this Act or regulations or bye-laws under it.

ENDNOTES

¹ Act 3 of 1999

² LN 5/1999

³ Cap. 4.08