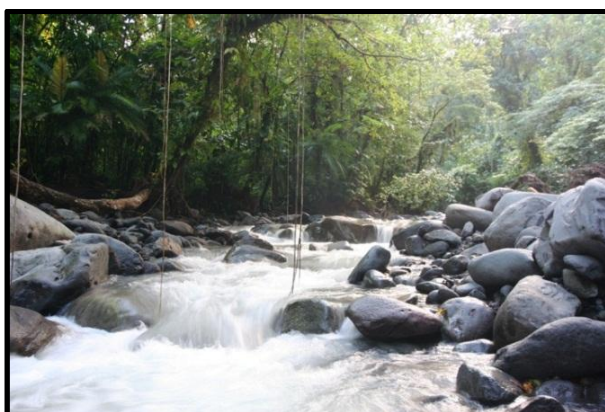




**LANDOWNERS' ADVOCACY AND LEGAL SUPPORT UNIT**  
**PUBLIC SOLICITOR'S OFFICE**

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**How to protect special places on your land and sea – the Protected Areas Act 2010**



**What are protected areas?**

Many communities already have traditional protected areas or tambu sites on land and sea, and have a great deal of knowledge about managing these areas and their resources.

A Protected Area can also be formally set up under national law and in some cases Provincial law. The **Protected Areas Act** is a new national law that enables the establishment of Protected Areas.

**How will my community benefit from a Protected Area?**

Establishing a legal Protected Area can help a community to protect areas of their land and sea, for current and future generations. It can:

- give plants and animals the opportunity to recover from past unsustainable activities;
- improve food security for the local community;
- allow traditional rules to be enforced under the law;
- formalise the rules that apply in the area, and help enforce serious infringements;
- help to maintain traditional knowledge about managing land and sea; and
- protect attractive habitats and species, which may increase tourism and donor support.

**THE PROTECTED AREAS ACT**

There is flexibility with how you can protect your area – different communities can have different rules and objectives depending on what they want for their land and sea.

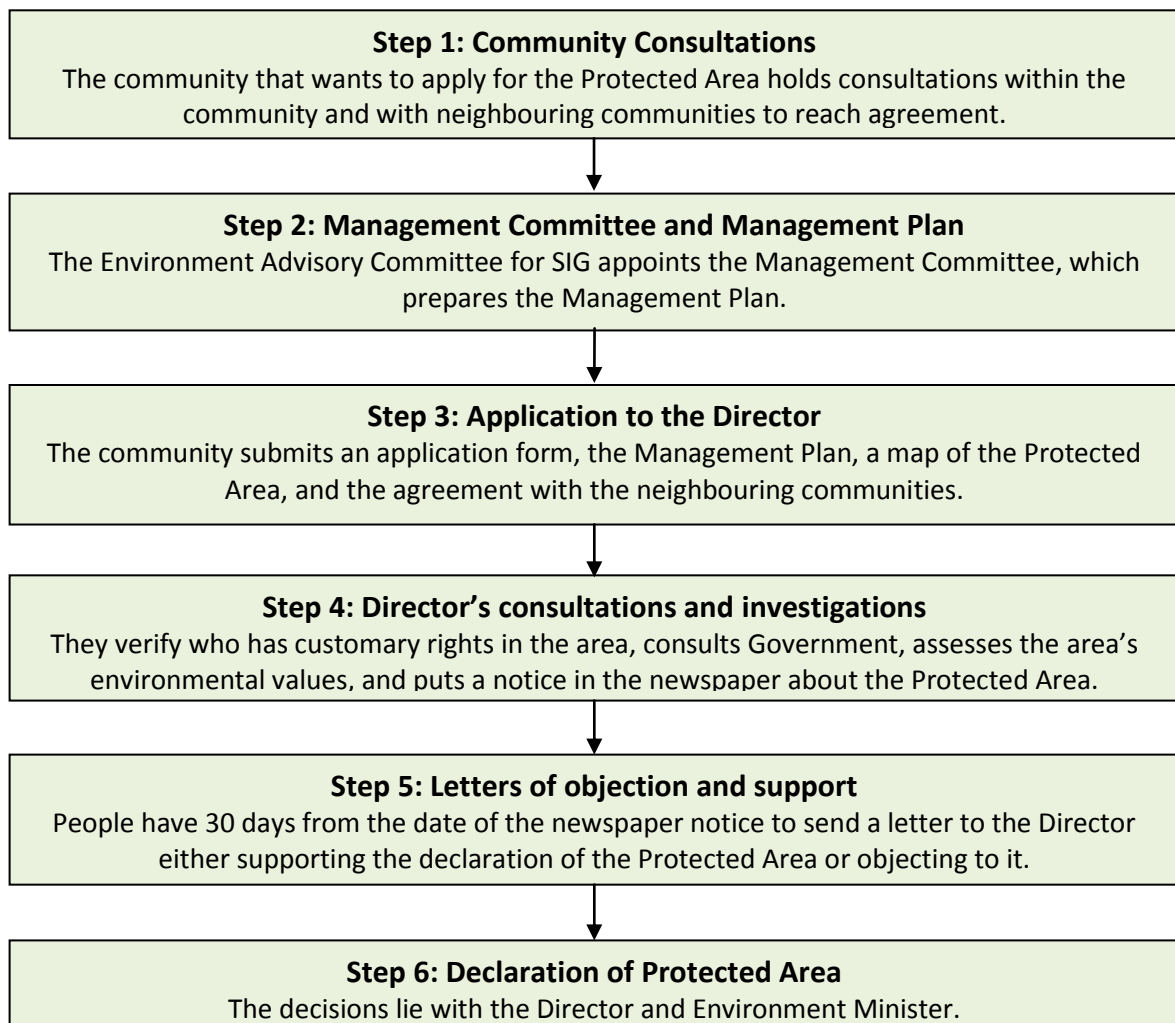
For example, areas can be set up to conserve biodiversity and allow the sustainable use of resources for the sustainable livelihood needs of local communities and customary owners.

### Key points

- Areas of land and sea can only be formally protected *if* landowners agree to it.
- A Protected Area does not affect land ownership – customary owners remain the same.
- A Management Committee, which can include community members, sets the rules for the Protected Area in consultation with the community and manages the Area in a management plan.
- A Protected Area may change how the community used the area – it depends on the rules set in the management plan and in the Act.
- Some activities that are particularly damaging to land and sea, such as large-scale logging and mining, and dragging nets on the sea floor, are prohibited inside Protected Areas.
- Gives some community members some enforcement powers if they are appointed as rangers

## THE PROTECTED AREAS ACT PROCESS

If the customary owners of land or sea want to establish a legally Protected Area, they need to:



## What can people do in a Protected Area and what can't they do?

Activities that may damage the environment such as large-scale logging and mining, dragging nets on the sea floor, or discharging waste or pollution into marine protected areas, are prohibited in all Protected Areas.

Other activities are prohibited unless they are authorised in the management plan or by the management committee. These include agriculture, hunting, taking firewood, removing live coral, and building. In some Protected Areas, sustainable use of resources by landowners is allowed.

The management plan will include rules about what activities are restricted in the Protected Area, and what penalties will apply. The types of activities that are prohibited in a management plan will depend on why the community wants to set up the Protected Area.

In some Protected Areas, like Resource Management Areas, sustainable extraction of resources by customary landowners is permitted.

## How are the rules enforced?

Inspectors and rangers can be appointed to enforce the rules. The police can help with some offences, but they cannot help enforce the rules of a management plan.

- 1) Inspectors can do a range of things, such as assisting in management and protection, and issuing infringement notices.
- 2) Rangers need to be over 18 and be a member of the local community or tribe or working for the NGO managing the area. They can do things such as: board and search vessels; seize specimens or equipment used in an offence; require a person to rectify a minor breach of the Act or a permit; and order a person to stop doing an activity.

## Other questions?

*Further information on protected areas and matters such as land disputes, changes to the protected area, how the Act is enforced and so on can be provided on request.*

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