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Raimon Taake, Deputy Secretary, Fisheries; Betarim Rimon, Ministry of Environment, Lands and Agriculture Development (MELAD); John Mote, Maritime Police; Peniita Kabubuke, Foreign Affairs; Tion Nabau, Attorney General’s Office; Barerei Onorio, Central Pacific Producers; Raikaon Tumoa and Johnny Kirata, Ministry of Fisheries. .................................................................88

Whereas many other PINs have prepared a Tuna Management and Development Plan that has required revision of legislation and the creation of new administrative structures, the RMI already has in place the legislation and the implementing body ie MIMRA. Nonetheless, MIMRA intends to finalize a Tuna Management Plan before the end of 2004, and has completed much of the preparation for this, with the assistance of FFA, SPC/OFP and others. ........................................................................................................89

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A small function was held in the evening of 17 June to mark the coming into force of the Convention on 19 June........................................................................................................................................116

An interview with Les Clark was shown by the Niue Broadcasting Corporation and a report of the Stakeholder Consultation was posted on the Niue Government website.............................................116

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The Mission held a stakeholders consultation at the Longshoremen’s Inn, Malakal, to discuss the development of the SAP II project. Those present were: .................................................................126

Silas Orrukem (Director, Bureau of Oceanic Fishery Management), Noah Idechong (Delegate for Ngamil State, OEK), Vic Uherbelau (Palau Trading Company and consultant to MRD), Tiger Gillham (Environmental Quality Protection Board), Quay Polloi (Asst. Attorney General, Ministry of Justice) Hayes Moses (Maritime Safety Branch, Along Joseph (Division of Transport...
and Communication), Ramon Rechebei (Trade Division, Ministry of State), Belhaim Sakuma (Palau Conservation Society), Francisco Gibson (Palau Customs), Franny Reklai (Bureau of Marine Resources), Benito Thomas (Immigration) and Laurence Abraham (GEF TA) ............126

Marine Law Enforcement Division .........................................................................................................................................................................................126

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The Mission to Tonga, held a stakeholders consultation at the Fisheries Division headquarters to discuss the development of the SAP II project. Those present were: .................................................................................................................................184

’Apisake Soakai, Secretary for Fisheries; ‘Ulunga Fa’anunu, Deputy Secretary for Fisheries, Dr Vailala Matoto, Fisheries Officer; Anitimoni Petelo, Principle Fisheries Officer; Peter Flewwelling (AusAID); Mark Wilson (AusAID); Secretary for Finance; Secretary for Marine and Ports; Secretary for Labour, Commerce and Industries; Director for Planning; Commander Tonga Defence Services; Heinz Koester, Tonga Game Fishing Association; Tonga Chamber of Commerce; Bill Holden, ‘Alatini Fisheries; Lennie Niit, Tonga Marine Project; Naitilima Tupou, South Pacific Resources; TANGO Representative. .................................................................................................................................184

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Uilou Samani, Director (GEF Operational Focal Point).................................................................................................................................185

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ANNEX F IMPLEMENTATION ARRANGEMENTS AND PROJECT MANAGEMENT
1. Categories of stakeholders who will be involved in the project include the national governments in the participating countries, the private sector, academic and training institutions, environmental and community-based non-government organisations, and fishing industry organisations.

2. The Project design anticipates by stakeholders in all components. Enhanced stakeholder participation and capacity, and enhanced public awareness are key elements of the outcomes targeted by Coordination, Participation and Information Services. Sub-components 2.1 and 2.2 also support broad stakeholder participation in oceanic fisheries management activities, and provide Project resources to reform and strengthen national public sector stakeholder institutions, consultative processes and non-governmental (particularly private sector) stakeholder capacities.

The planned pattern of involvement by stakeholders throughout the project is given below.

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>INVOLVEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>National governments</td>
<td>Consultation, implementation, Regional Steering Committee membership, National Consultative Committee membership, WCPF Convention Parties and Commission Members, national oceanic fisheries management advisory committees, policy, legislation, capacity building, partnerships, institutional reform, compliance strengthening, fisheries monitoring regional and national stock assessments and ecosystem analysis</td>
</tr>
<tr>
<td>Regional scientific and fisheries management organisations</td>
<td>Consultation, execution, research, preparation of briefs and discussion papers, dissemination of technical reports, capacity building, hosting of PCU (FFA)</td>
</tr>
<tr>
<td>Private sector: national and regional fishing organisations representing: vessel owners, processors and service industries; the recreational sector</td>
<td>Consultation, technology and financial investment; execution of capacity building, national oceanic fisheries advisory Committees, National Consultative Committee membership, Regional Steering Committee observer status, Commission meeting participation within national delegations and by regional association observer status</td>
</tr>
<tr>
<td>Environmental Non-government organizations</td>
<td>Consultation, execution of some project activities by a regional ENGO (public awareness, NGO strengthening), national and regional ENGO participation in other technical assistance and training activities, public awareness, national oceanic fisheries advisory committees, National Consultative Committee membership, Regional Steering Committee observer status, Commission meeting participation within national delegations and by observer status (regional ENGOs), broader international ENGO participation through IUCN.</td>
</tr>
<tr>
<td>Community-based organisations</td>
<td>Consultation, training, community awareness-raising</td>
</tr>
</tbody>
</table>
ANNEX H MAPS OF THE PROJECT AREA

Map 1. The Pacific Islands region showing Pacific SIDS national waters.

Map 2. The WCPF Convention Area.
Map 3: Location of the Warm Tropical Pacific Large Marine Ecosystem in neutral El Nino conditions (as measured by average December Sea Surface Temperatures)
Executive Summary

I. Introduction

This Strategic Action Programme (SAP) for International Waters of the Pacific Islands Region was initiated and developed by the thirteen Pacific Island States participating in the work of the Global Environment Facility (GEF)\(^1\). It represents a pioneering effort by our group of small island developing states (SIDS) to integrate our national and regional sustainable development priorities with shared global environmental concerns for protecting International Waters.


II. International Waters

International Waters include oceans, large marine ecosystems, enclosed or semi-enclosed seas and estuaries as well as rivers, lakes, groundwater systems, and wetlands with transboundary drainage basins or common borders. The water-related ecosystems and critical habitats associated with these waters are integral parts of the system. International Waters extend far inland and far out to sea. This is because the global hydrological cycle links watersheds, airsheds, estuaries, and coastal and marine waters through transboundary movement of water, pollutants and living resources. This definition of International Waters could have been designed with our Pacific Islands in mind. Although separated by vast distances, our islands are linked and controlled by our marine environment. Our land to sea ratio is generally so small that all our islands are wholly coastal in character. The importance of the health of International Waters to our islands cannot be overstated.

III. The Region

This section is descriptive rather than prescriptive, intending to highlight those parts of the Pacific picture most relevant to the sustainable development of our International Waters as a background to the analysis and proposals for action.

IV. Transboundary Environmental Concerns

We have identified three priority transboundary concerns for our International Waters. These are:

1. Degradation of their quality
2. Degradation of their associated critical habitats
3. Unsustainable use of their living and nonliving resources

These concerns are inextricably linked by their causes and by the cumulative, mutually exacerbating effects of these causes on the transboundary concerns.

V. Imminent Threats

Our International Waters are subject to a number of threats giving rise to the transboundary concerns. The threats were examined from the perspective of critical species and their habitats, living marine

\(^1\) In 1997
resources and non-living resources. We consider that the priority transboundary concerns for our International Waters arise from the following imminent threats to the health of those waters:

1. pollution of marine and freshwater (including groundwater) from land-based activities
2. physical, ecological and hydrological modification of critical habitats
3. unsustainable exploitation of living and nonliving resources

Each imminent threat affects each transboundary concern. The linkages between the imminent threats to and the transboundary concerns for International Waters require integrated measures to address the concerns effectively.

VI. Root Causes

The root causes were examined in their legal, institutional, socio-economic and environmental context. We recognised that an important, ultimate root cause underlying the imminent threats is deficiencies in management. The factors contributing to the management root cause can be grouped into two linked subsets: a) governance and b) understanding. The governance subset is characterised by the need for mechanisms to integrate environmental concerns, development planning and decision-making. The understanding subset is characterised by the need to achieve an island-wide ecosystem awareness in our people. This provides a focus for intervention to protect International Waters.

VII. Information Gaps

Our analysis revealed a set of information gaps relevant in particular to decision-makers (as opposed to researchers) who must address ultimate root causes and respond to imminent threats. Particularly important is the lack of strategic information presented in an appropriate manner to decision-makers, resource users, managers and communities to evaluate costs and benefits of, and to decide between alternative activities. Improving information input and exchange at regional and national levels is an objective of this SAP.

VIII. Proposed Solutions

We propose to address the root causes of degradation of International Waters through regionally consistent, country-driven targeted actions that integrate development and environment needs. These actions are designed to encourage comprehensive, cross-sectoral, ecosystem-based approaches to mitigate and prevent imminent threats to International Waters. The SAP provides the regional framework within which actions are identified, developed and implemented. Targeted actions will be carried out in two complementary, linked consultative contexts: Integrated Coastal and Watershed Management (ICWM) and Oceanic Fisheries Management (OFM). Through the ICWM and OFM approaches, the SAP sets out a path for the transition by our islands from sectoral to integrated management of International Waters as a whole, which we consider to be essential for their protection over the long term.

Management in these two contexts will necessarily include three other pressing concerns in our sustainable development planning, namely: biodiversity, vulnerability to climate change and land degradation. These are both GEF focal and cross-cutting areas, and the remaining three of the seven major issues identified in the Barbados Programme of Action for the Sustainable Development of SIDS as common to most islands. The other three major small island issues from the Barbados Programme have already been addressed above, and the seventh, tourism, can only be effectively dealt with in this type of framework for national sustainable development. The SAP also meets the objectives of the GEF operational programme entitled "Integrated Land and Water Multiple Focal Area," to which International Waters projects addressing the needs and special conditions of small islands are assigned by GEF. Consequently, the SAP is expected to involve and build upon the complementary skills and experience available from organisations and groups active in our region.

Our region is the beneficiary of much development assistance from a variety of donors for a wide range of projects. We will be able to use the SAP together with our donors to plan and coordinate regional and national development assistance for International Waters in order to address imminent threats and their
root causes more effectively. The SAP will facilitate the choice and design of high priority interventions, remove duplication, and ensure that projects do not work at cross-purposes. Funding from GEF per se can only support a small proportion of such interventions, hence the importance of the SAP to organise and leverage additional assistance in order to receive maximum benefit from available funds. The SAP is designed to comply with the requirements of GEF, but also, and perhaps more importantly, to be a framework for overall national and regional planning and assistance for the management of International Waters.

The SAP complies with the legal framework for regional cooperation and related obligations established by the regional Conventions, the UN Convention on Law of the Sea, the Convention on Biological Diversity, the Framework Convention on Climate Change and other international conventions within which the Pacific Island countries identify common issues and coordinate national approaches to address those issues. Application of ICWM and OFM approaches will facilitate further joint action between sectors nationally and between governments regionally. As experience with ICWM and OFM grows, this SAP will also evolve, reflecting the increased knowledge of and changing conditions in the environment of our islands. To ensure that the SAP remains a living, evolving and useful instrument for sustainable development, and to assess and apply lessons learned from its implementation, the SAP will be reviewed every five years.

**IX. Priorities for Action**

We are mindful that we cannot address all sustainable development issues related to International Waters in this SAP at once. Therefore we have initially identified four high priority areas for immediate intervention: improved waste management, better water quality, sustainable fisheries and effective marine protected areas.

Targeted action within these activity areas is proposed in five categories: management, capacity-building, awareness/education, research/information for decision-making, and investment.

Institutional strengthening is included under management & capacity-building.

The analytical framework within which proposals for assistance should be evaluated under the SAP is set out below.

| Goal of SAP: | Integrated sustainable development and management of International Waters |
| Priority Concerns: | Degradation of water quality |
| | Degradation of associated critical habitats |
| | Unsustainable use of resources |
| Imminent Threats/Proximate Root Causes: | Pollution from land-based activities |
| | Modification of critical habitats |
| | Unsustainable exploitation of resources |
| Ultimate Root Causes: | Management deficiencies |
| | a) governance |
| | b) understanding |
| Solutions: | Integrated Coastal and Watershed Management |
| | Oceanic Fisheries Management |
| ICWM Activity Areas: | - improved waste management |
- marine protected areas

**OFM Activity Areas:**
- sustainable ocean fisheries
  - improved national and regional management capability
  - stock and by-catch monitoring and research
  - enhanced national and regional management links

**Targeted actions:**
- management/institutional strengthening
  - capacity-building
  - awareness/education
  - research/information for decision-making
  - investment
ANNEX J WCPF CONVENTION

CONVENTION ON THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN

The Contracting Parties to this Convention,

Determined to ensure the long-term conservation and sustainable use, in particular for human food consumption, of highly migratory fish stocks in the western and central Pacific Ocean for present and future generations,


Recognizing that, under the 1982 Convention and the Agreement, coastal States and States fishing in the region shall cooperate with a view to ensuring conservation and promoting the objective of optimum utilization of highly migratory fish stocks throughout their range,

Mindful that effective conservation and management measures require the application of the precautionary approach and the best scientific information available,

Conscious of the need to avoid adverse impacts on the marine environment, preserve biodiversity, maintain the integrity of marine ecosystems and minimize the risk of long-term or irreversible effects of fishing operations,

Recognizing the ecological and geographical vulnerability of the small island developing States, territories and possessions in the region, their economic and social dependence on highly migratory fish stocks, and their need for specific assistance, including financial, scientific and technological assistance, to allow them to participate effectively in the conservation, management and sustainable use of the highly migratory fish stocks,

Further recognizing that smaller island developing States have unique needs which require special attention and consideration in the provision of financial, scientific and technological assistance,

Acknowledging that compatible, effective and binding conservation and management measures can be achieved only through cooperation between coastal States and States fishing in the region,

Convinced that effective conservation and management of the highly migratory fish stocks of the western and central Pacific Ocean in their entirety may best be achieved through the establishment of a regional Commission,

Have agreed as follows:

PART I
GENERAL PROVISIONS

Article 1
Use of terms

For the purposes of this Convention:


(c) “Commission” means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established in accordance with this Convention;

(d) “fishing” means:

(i) searching for, catching, taking or harvesting fish;

(ii) attempting to search for, catch, take or harvest fish;

(iii) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish for any purpose;

(iv) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;

(v) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (i) to (iv), including transhipment;

(vi) use of any other vessel, vehicle, aircraft or hovercraft, for any activity described in subparagraphs (i) to (v) except for emergencies involving the health and safety of the crew or the safety of a vessel;

(e) “fishing vessel” means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels and any other vessel directly involved in such fishing operations;

(f) “highly migratory fish stocks” means all fish stocks of the species listed in Annex 1 of the 1982 Convention occurring in the Convention Area, and such other species of fish as the Commission may determine;

(g) “regional economic integration organization” means a regional economic integration organization to which its member States have transferred competence over matters covered by this Convention, including the authority to make decisions binding on its member States in respect of those matters;

(h) “transhipment” means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.

Article 2
Objective

The objective of this Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean in accordance with the 1982 Convention and the Agreement.

Article 3
Area of application

1. Subject to article 4, the area of competence of the Commission (hereinafter referred to as “the Convention Area”) comprises all waters of the Pacific Ocean bounded to the south and to the east by the following line:

From the south coast of Australia due south along the 141° meridian of east longitude to its intersection with the 55° parallel of south latitude; thence due east along the 55° parallel of south latitude to its intersection with the 150° meridian of east longitude; thence due south along the 150° meridian of east longitude to its intersection with the 60° parallel of south latitude; thence due east along the 60° parallel of south latitude to its intersection with the 130° meridian of west longitude; thence due north along the 130° meridian of west longitude to its intersection with the
4° parallel of south latitude; thence due west along the 4° parallel of south latitude to its intersection with the 150° meridian of west longitude; thence due north along the 150° meridian of west longitude.

2. Nothing in this Convention shall constitute recognition of the claims or positions of any of the members of the Commission concerning the legal status and extent of waters and zones claimed by any such members.

3. This Convention applies to all stocks of highly migratory fish within the Convention Area except sauries. Conservation and management measures under this Convention shall be applied throughout the range of the stocks, or to specific areas within the Convention Area, as determined by the Commission.

**Article 4**

_Relationship between this Convention and the 1982 Convention_

Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under the 1982 Convention and the Agreement. This Convention shall be interpreted and applied in the context of and in a manner consistent with the 1982 Convention and the Agreement.

**PART II**

_CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS_

**Article 5**

_Principles and measures for conservation and management_

In order to conserve and manage highly migratory fish stocks in the Convention Area in their entirety, the members of the Commission shall, in giving effect to their duty to cooperate in accordance with the 1982 Convention, the Agreement and this Convention:

(a) adopt measures to ensure long-term sustainability of highly migratory fish stocks in the Convention Area and promote the objective of their optimum utilization;

(b) ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States in the Convention Area, particularly small island developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global;

(c) apply the precautionary approach in accordance with this Convention and all relevant internationally agreed standards and recommended practices and procedures;

(d) assess the impacts of fishing, other human activities and environmental factors on target stocks, non-target species, and species belonging to the same ecosystem or dependent upon or associated with the target stocks;

(e) adopt measures to minimize waste, discards, catch by lost or abandoned gear, pollution originating from fishing vessels, catch of non-target species, both fish and non-fish species, (hereinafter referred to as non-target species) and impacts on associated or dependent species, in particular endangered species and promote the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;

(f) protect biodiversity in the marine environment;
(g) take measures to prevent or eliminate over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;

(h) take into account the interests of artisanal and subsistence fishers;

(i) collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programmes; and

(j) implement and enforce conservation and management measures through effective monitoring, control and surveillance.

Article 6

Application of the precautionary approach

1. In applying the precautionary approach, the members of the Commission shall:

(a) apply the guidelines set out in Annex II of the Agreement, which shall form an integral part of this Convention, and determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if they are exceeded;

(b) take into account, inter alia, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distributions of fishing mortality and the impact of fishing activities on non-target and associated or dependent species, as well as existing and predicted oceanic, environmental and socio-economic conditions; and

(c) develop data collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans where necessary to ensure the conservation of such species and to protect habitats of special concern.

2. Members of the Commission shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.

3. Members of the Commission shall take measures to ensure that, when reference points are approached, they will not be exceeded. In the event they are exceeded, members of the Commission shall, without delay, take the action determined under paragraph 1(a) to restore the stocks.

4. Where the status of target stocks or non-target or associated or dependent species is of concern, members of the Commission shall subject such stocks and species to enhanced monitoring in order to review their status and the efficacy of conservation and management measures. They shall revise those measures regularly in the light of new information.

5. For new or exploratory fisheries, members of the Commission shall adopt as soon as possible cautious conservation and management measures, including, inter alia, catch limits and effort limits. Such measures shall remain in force until there are sufficient data to allow assessment of the impact of the fisheries on the long-term sustainability of the stocks, whereupon conservation and management measures based on that assessment shall be implemented. The latter measures shall, if appropriate, allow for the gradual development of the fisheries.

6. If a natural phenomenon has a significant adverse impact on the status of highly migratory fish stocks, members of the Commission shall adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impacts. Members of the Commission shall also adopt such measures on an emergency basis where fishing activity presents a serious threat to the sustainability of such stocks. Measures taken on an emergency basis shall be temporary and shall be based on the best scientific information available.

Article 7
Implementation of principles in areas under national jurisdiction

1. The principles and measures for conservation and management enumerated in article 5 shall be applied by coastal States within areas under national jurisdiction in the Convention Area in the exercise of their sovereign rights for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks.

2. The members of the Commission shall give due consideration to the respective capacities of developing coastal States, in particular small island developing States, within areas under national jurisdiction and their need for assistance as provided for in this Convention.

Article 8
Compatibility of conservation and management measures

1. Conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of highly migratory fish stocks in their entirety. To this end, the members of the Commission have a duty to cooperate for the purpose of achieving compatible measures in respect of such stocks.

2. In establishing compatible conservation and management measures for highly migratory fish stocks in the Convention Area, the Commission shall:

(a) take into account the biological unity and other biological characteristics of the stocks and the relationships between the distribution of the stocks, the fisheries and the geographical particularities of the region concerned, including the extent to which the stocks occur and are fished in areas under national jurisdiction;

(b) take into account:

(i) the conservation and management measures adopted and applied in accordance with article 61 of the 1982 Convention in respect of the same stocks by coastal States within areas under national jurisdiction and ensure that measures established in respect of such stocks for the Convention Area as a whole do not undermine the effectiveness of such measures;

(ii) previously agreed measures established and applied in respect of the same stocks for the high seas which form part of the Convention Area by relevant coastal States and States fishing on the high seas in accordance with the 1982 Convention and the Agreement;

(c) take into account previously agreed measures established and applied in accordance with the 1982 Convention and the Agreement in respect of the same stocks by a subregional or regional fisheries management organization or arrangement;

(d) take into account the respective dependence of the coastal States and the States fishing on the high seas on the stocks concerned; and

(e) ensure that such measures do not result in harmful impact on the living marine resources as a whole.

3. The coastal State shall ensure that the measures adopted and applied by it to highly migratory fish stocks within areas under its national jurisdiction do not undermine the effectiveness of measures adopted by the Commission under this Convention in respect of the same stocks.

4. Where there are areas of high seas in the Convention Area entirely surrounded by the exclusive economic zones of members of the Commission, the Commission shall, in giving effect to this article, pay special attention to ensuring compatibility between conservation and management measures established for such high seas areas and those established in respect of the same stocks in accordance
PART III
COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN

SECTION 1. GENERAL PROVISIONS

Article 9
Establishment of the Commission

1. There is hereby established the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, which shall function in accordance with the provisions of this Convention.

2. A fishing entity referred to in the Agreement, which has agreed to be bound by the regime established by this Convention in accordance with the provisions of Annex I, may participate in the work, including decision-making, of the Commission in accordance with the provisions of this article and Annex I.

3. The Commission shall hold an annual meeting. The Commission shall hold such other meetings as may be necessary to carry out its functions under this Convention.

4. The Commission shall elect a chairman and a vice-chairman from among the Contracting Parties, who shall be of different nationalities. They shall be elected for a period of two years and shall be eligible for re-election. The chairman and vice-chairman shall remain in office until the election of their successors.

5. The principle of cost-effectiveness shall apply to the frequency, duration and scheduling of meetings of the Commission and its subsidiary bodies. The Commission may, where appropriate, enter into contractual arrangements with relevant institutions to provide expert services necessary for the efficient functioning of the Commission and to enable it to carry out effectively its responsibilities under this Convention.

6. The Commission shall have international legal personality and such legal capacity as may be necessary to perform its functions and achieve its objectives. The privileges and immunities which the Commission and its officers shall enjoy in the territory of a Contracting Party shall be determined by agreement between the Commission and the member concerned.

7. The Contracting Parties shall determine the location of the headquarters of the Commission and shall appoint its Executive Director.

8. The Commission shall adopt, and amend as required, by consensus, rules of procedure for the conduct of its meetings, including meetings of its subsidiary bodies, and for the efficient exercise of its functions.

Article 10
Functions of the Commission

1. Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas under national jurisdiction, the functions of the Commission shall be to:

(a) determine the total allowable catch or total level of fishing effort within the Convention Area for such highly migratory fish stocks as the Commission may decide and adopt such other conservation and management measures and recommendations as may be necessary to ensure the long-term sustainability of such stocks;
(b) promote cooperation and coordination between members of the Commission to ensure that conservation and management measures for highly migratory fish stocks in areas under national jurisdiction and measures for the same stocks on the high seas are compatible;

(c) adopt, where necessary, conservation and management measures and recommendations for non-target species and species dependent on or associated with the target stocks, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

(d) adopt standards for collection, verification and for the timely exchange and reporting of data on fisheries for highly migratory fish stocks in the Convention Area in accordance with Annex I of the Agreement, which shall form an integral part of this Convention;

(e) compile and disseminate accurate and complete statistical data to ensure that the best scientific information is available, while maintaining confidentiality, where appropriate;

(f) obtain and evaluate scientific advice, review the status of stocks, promote the conduct of relevant scientific research and disseminate the results thereof;

(g) develop, where necessary, criteria for the allocation of the total allowable catch or the total level of fishing effort for highly migratory fish stocks in the Convention Area;

(h) adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

(i) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement, including a vessel monitoring system;

(j) obtain and evaluate economic and other fisheries-related data and information relevant to the work of the Commission;

(k) agree on means by which the fishing interests of any new member of the Commission may be accommodated;

(l) adopt its rules of procedure and financial regulations and such other internal administrative regulations as may be necessary to carry out its functions;

(m) consider and approve the proposed budget of the Commission;

(n) promote the peaceful settlement of disputes; and

(o) discuss any question or matter within the competence of the Commission and adopt any measures or recommendations necessary for achieving the objective of this Convention.

2. In giving effect to paragraph 1, the Commission may adopt measures relating to, inter alia:

(a) the quantity of any species or stocks which may be caught;

(b) the level of fishing effort;

(c) limitations of fishing capacity, including measures relating to fishing vessel numbers, types and sizes;

(d) the areas and periods in which fishing may occur;

(e) the size of fish of any species which may be taken;

(f) the fishing gear and technology which may be used; and

(g) particular subregions or regions.

3. In developing criteria for allocation of the total allowable catch or the total level of fishing effort the Commission shall take into account, inter alia:

(a) the status of the stocks and the existing level of fishing effort in the fishery;
(b) the respective interests, past and present fishing patterns and fishing practices of participants in the fishery and the extent of the catch being utilized for domestic consumption;

(c) the historic catch in an area;

(d) the needs of small island developing States, and territories and possessions, in the Convention Area whose economies, food supplies and livelihoods are overwhelmingly dependent on the exploitation of marine living resources;

(e) the respective contributions of participants to conservation and management of the stocks, including the provision by them of accurate data and their contribution to the conduct of scientific research in the Convention Area;

(f) the record of compliance by the participants with conservation and management measures;

(g) the needs of coastal communities which are dependent mainly on fishing for the stocks;

(h) the special circumstances of a State which is surrounded by the exclusive economic zones of other States and has a limited exclusive economic zone of its own;

(i) the geographical situation of a small island developing State which is made up of non-contiguous groups of islands having a distinct economic and cultural identity of their own but which are separated by areas of high seas;

(j) the fishing interests and aspirations of coastal States, particularly small island developing States, and territories and possessions, in whose areas of national jurisdiction the stocks also occur.

4. The Commission may adopt decisions relating to the allocation of the total allowable catch or the total level of fishing effort. Such decisions, including decisions relating to the exclusion of vessel types, shall be taken by consensus.

5. The Commission shall take into account the reports and any recommendations of the Scientific Committee and the Technical and Compliance Committee on matters within their respective areas of competence.

6. The Commission shall promptly notify all members of the measures and recommendations decided upon by the Commission and shall give due publicity to the conservation and management measures adopted by it.

Article 11
Subsidiary bodies of the Commission

1. There are hereby established as subsidiary bodies to the Commission a Scientific Committee and a Technical and Compliance Committee to provide advice and recommendations to the Commission on matters within their respective areas of competence.

2. Each member of the Commission shall be entitled to appoint one representative to each Committee who may be accompanied by other experts and advisers. Such representatives shall have appropriate qualifications or relevant experience in the area of competence of the Committee.

3. Each Committee shall meet as often as is required for the efficient exercise of its functions, provided that each Committee shall, in any event, meet prior to the annual meeting of the Commission and shall report to the annual meeting the results of its deliberations.

4. Each Committee shall make every effort to adopt its reports by consensus. If every effort to achieve consensus has failed, the report shall indicate the majority and minority views and may include the differing views of the representatives of the members on all or any part of the report.

5. In the exercise of their functions, each Committee may, where appropriate, consult any other fisheries management, technical or scientific organization with competence in the subject matter of such consultation and may seek expert advice as required on an ad hoc basis.
6. The Commission may establish such other subsidiary bodies as it deems necessary for the exercise of its functions, including working groups for the purpose of examining technical issues relating to particular species or stocks and reporting thereon to the Commission.

7. The Commission shall establish a committee to make recommendations on the implementation of such conservation and management measures as may be adopted by the Commission for the area north of the 20° parallel of north latitude and on the formulation of such measures in respect of stocks which occur mostly in this area. The committee shall include the members situated in such area and those fishing in the area. Any member of the Commission not represented on the committee may send a representative to participate in the deliberations of the committee as an observer. Any extraordinary cost incurred for the work of the committee shall be borne by the members of the committee. The committee shall adopt recommendations to the Commission by consensus. In adopting measures in relation to particular stocks and species in such area, the decision of the Commission shall be based on any recommendations of the committee. Such recommendations shall be consistent with the general policies and measures adopted by the Commission in respect of the stocks or species in question and with the principles and measures for conservation and management set out in this Convention. If the Commission, in accordance with the rules of procedure for decision-making on matters of substance, does not accept the recommendation of the committee on any matter, it shall return the matter to the committee for further consideration. The committee shall reconsider the matter in the light of the views expressed by the Commission.

SECTION 2. SCIENTIFIC INFORMATION AND ADVICE

Article 12

Functions of the Scientific Committee

1. The Scientific Committee is established to ensure that the Commission obtains for its consideration the best scientific information available.

2. The functions of the Committee shall be to:

   (a) recommend to the Commission a research plan, including specific issues and items to be addressed by the scientific experts or by other organizations or individuals, as appropriate, and identify data needs and coordinate activities that meet those needs;

   (b) review the assessments, analyses, other work and recommendations prepared for the Commission by the scientific experts prior to consideration of such recommendations by the Commission and provide information, advice and comments thereon, as necessary;

   (c) encourage and promote cooperation in scientific research, taking into account the provisions of article 246 of the 1982 Convention, in order to improve information on highly migratory fish stocks, non-target species, and species belonging to the same ecosystem or associated with or dependent upon such stocks in the Convention Area;

   (d) review the results of research and analyses of target stocks or non-target or associated or dependent species in the Convention Area;

   (e) report to the Commission its findings or conclusions on the status of target stocks or non-target or associated or dependent species in the Convention Area;

   (f) in consultation with the Technical and Compliance Committee, recommend to the Commission the priorities and objectives of the regional observer programme and assess the results of that programme;

   (g) make reports and recommendations to the Commission as directed, or on its own initiative, on matters concerning the conservation and management of and research on target stocks or non-target or associated or dependent species in the Convention Area; and
perform such other functions and tasks as may be requested by or assigned to it by the Commission.

3. The Committee shall exercise its functions in accordance with such guidelines and directives as the Commission may adopt.

4. The representatives of the Oceanic Fisheries Programme of the Pacific Community and the Inter-American Tropical Tuna Commission, or their successor organizations, shall be invited to participate in the work of the Committee. The Committee may also invite other organizations or individuals with scientific expertise in matters related to the work of the Commission to participate in its meetings.

**Article 13**

**Scientific services**

1. The Commission, taking into account any recommendation of the Scientific Committee, may engage the services of scientific experts to provide information and advice on the fishery resources covered by this Convention and related matters that may be relevant to the conservation and management of those resources. The Commission may enter into administrative and financial arrangements to utilize scientific services for this purpose. In this regard, and in order to carry out its functions in a cost-effective manner, the Commission shall, to the greatest extent possible, utilize the services of existing regional organizations and shall consult, as appropriate, with any other fisheries management, technical or scientific organization with expertise in matters related to the work of the Commission.

2. The scientific experts may, as directed by the Commission:
   (a) conduct scientific research and analyses in support of the work of the Commission;
   (b) develop and recommend to the Commission and the Scientific Committee stock-specific reference points for the species of principal interest to the Commission;
   (c) assess the status of stocks against the reference points established by the Commission;
   (d) provide the Commission and the Scientific Committee with reports on the results of their scientific work, advice and recommendations in support of the formulation of conservation and management measures and other relevant matters; and
   (e) perform such other functions and tasks as may be required.

3. In carrying out their work, the scientific experts may:
   (a) undertake the collection, compilation and dissemination of fisheries data according to agreed principles and procedures established by the Commission, including procedures and policies relating to the confidentiality, disclosure and publication of data;
   (b) conduct assessments of highly migratory fish stocks, non-target species, and species belonging to the same ecosystem or associated with or dependent upon such stocks, within the Convention Area;
   (c) assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or dependent upon or associated with the target stocks;
   (d) assess the potential effects of proposed changes in the methods or levels of fishing and of proposed conservation and management measures; and
   (e) investigate such other scientific matters as may be referred to them by the Commission.

4. The Commission may make appropriate arrangements for periodic peer review of scientific information and advice provided to the Commission by the scientific experts.
5. The reports and recommendations of the scientific experts shall be provided to the Scientific Committee and to the Commission.

**SECTION 3. THE TECHNICAL AND COMPLIANCE COMMITTEE**

**Article 14**

*Functions of the Technical and Compliance Committee*

1. The functions of the Technical and Compliance Committee shall be to:

   (a) provide the Commission with information, technical advice and recommendations relating to the implementation of, and compliance with, conservation and management measures;

   (b) monitor and review compliance with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary; and

   (c) review the implementation of cooperative measures for monitoring, control, surveillance and enforcement adopted by the Commission and make such recommendations to the Commission as may be necessary.

2. In carrying out its functions, the Committee shall:

   (a) provide a forum for exchange of information concerning the means by which they are applying the conservation and management measures adopted by the Commission on the high seas and complementary measures in waters under national jurisdiction;

   (b) receive reports from each member of the Commission relating to measures taken to monitor, investigate and penalize violations of provisions of this Convention and measures adopted pursuant thereto;

   (c) in consultation with the Scientific Committee, recommend to the Commission the priorities and objectives of the regional observer programme, when established, and assess the results of that programme;

   (d) consider and investigate such other matters as may be referred to it by the Commission, including developing and reviewing measures to provide for the verification and validation of fisheries data;

   (e) make recommendations to the Commission on technical matters such as fishing vessel and gear markings;

   (f) in consultation with the Scientific Committee, make recommendations to the Commission on the fishing gear and technology which may be used;

   (g) report to the Commission its findings or conclusions on the extent of compliance with conservation and management measures; and

   (h) make recommendations to the Commission on matters relating to monitoring, control, surveillance and enforcement.

3. The Committee may establish, with the approval of the Commission, such subsidiary bodies as may be necessary for the performance of its functions.

4. The Committee shall exercise its functions in accordance with such guidelines and directives as the Commission may adopt.

**SECTION 4. THE SECRETARIAT**

**Article 15**

*The Secretariat*
1. The Commission may establish a permanent Secretariat consisting of an Executive Director and such other staff as the Commission may require.

2. The Executive Director shall be appointed for a term of four years and may be re-appointed for a further term of four years.

3. The Executive Director shall be the chief administrative officer of the Commission, and shall act in that capacity in all the meetings of the Commission and of any subsidiary body, and shall perform such other administrative functions as are entrusted to the Executive Director by the Commission.

4. The Secretariat functions shall include the following:
   (a) receiving and transmitting the Commission’s official communications;
   (b) facilitating the compilation and dissemination of data necessary to accomplish the objective of this Convention;
   (c) preparing administrative and other reports for the Commission and the Scientific and Technical and Compliance Committees;
   (d) administering agreed arrangements for monitoring, control and surveillance and the provision of scientific advice;
   (e) publishing the decisions of and promoting the activities of the Commission and its subsidiary bodies; and
   (f) treasury, personnel and other administrative functions.

5. In order to minimize costs to the members of the Commission, the Secretariat to be established under this Convention shall be cost effective. The setting up and the functioning of the Secretariat shall, where appropriate, take into account the capacity of existing regional institutions to perform certain technical secretariat functions.

Article 16
The staff of the Commission

1. The staff of the Commission shall consist of such qualified scientific and technical and other personnel as may be required to fulfil the functions of the Commission. The staff shall be appointed by the Executive Director.

2. The paramount consideration in the recruitment and employment of the staff shall be the necessity of securing the highest standards of efficiency, competence and integrity. Subject to this consideration, due regard shall be paid to the importance of recruiting the staff on an equitable basis between the members of the Commission with a view to ensuring a broad-based Secretariat.

SECTION 5. FINANCIAL ARRANGEMENTS OF THE COMMISSION

Article 17
Funds of the Commission

1. The funds of the Commission shall include:
   (a) assessed contributions in accordance with article 18, paragraph 2;
   (b) voluntary contributions;
   (c) the fund referred to in article 30, paragraph 3; and
   (d) any other funds which the Commission may receive.
2. The Commission shall adopt, and amend as required, by consensus, financial regulations for the administration of the Commission and for the exercise of its functions.

**Article 18**

**Budget of the Commission**

1. The Executive Director shall draft the proposed budget of the Commission and submit it to the Commission. The proposed budget shall indicate which of the administrative expenses of the Commission are to be financed from the assessed contributions referred to in article 17, paragraph 1 (a), and which such expenses are to be financed from funds received pursuant to article 17, paragraphs 1 (b), (c) and (d). The Commission shall adopt the budget by consensus. If the Commission is unable to adopt a decision on the budget, the level of contributions to the administrative budget of the Commission shall be determined in accordance with the budget for the preceding year for the purposes of meeting the administrative expenses of the Commission for the following year until such time as a new budget can be adopted by consensus.

2. The amount of the contribution to the budget shall be determined in accordance with a scheme which the Commission shall adopt, and amend as required, by consensus. In adopting the scheme, due consideration shall be given to each member being assessed an equal basic fee, a fee based upon national wealth, reflecting the state of development of the member concerned and its ability to pay, and a variable fee. The variable fee shall be based, **inter alia**, on the total catch taken within exclusive economic zones and in areas beyond national jurisdiction in the Convention Area of such species as may be specified by the Commission, provided that a discount factor shall be applied to the catch taken in the exclusive economic zone of a member of the Commission which is a developing State or territory by vessels flying the flag of that member. The scheme adopted by the Commission shall be set out in the financial regulations of the Commission.

3. If a contributor is in arrears in the payment of its financial contributions to the Commission it shall not participate in the taking of decisions by the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. Interest shall be payable on such unpaid contributions at such rate as may be determined by the Commission in its financial regulations. The Commission may, nevertheless, waive such interest payments and permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

**Article 19**

**Annual audit**

The records, books and accounts of the Commission, including its annual financial statement, shall be audited annually by an independent auditor appointed by the Commission.

**SECTION 6. DECISION-MAKING**

**Article 20**

**Decision-making**

1. As a general rule, decision-making in the Commission shall be by consensus. For the purposes of this article, “consensus” means the absence of any formal objection made at the time the decision was taken.

2. Except where this Convention expressly provides that a decision shall be made by consensus, if all efforts to reach a decision by consensus have been exhausted, decisions by voting on questions of procedure shall be taken by a majority of those present and voting. Decisions on questions of substance shall be taken by a three-fourths majority of those present and voting provided that such majority includes a three-fourths majority of the members of the South Pacific Forum Fisheries Agency present and voting and a three-fourths majority of non-members of the South Pacific Forum Fisheries Agency.
present and voting and provided further that in no circumstances shall a proposal be defeated by two or fewer votes in either chamber. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Commission by consensus or by the majority required for decisions on questions of substance.

3. If it appears to the Chairman that all efforts to reach a decision by consensus have been exhausted, the Chairman shall fix a time during that session of the Commission for taking the decision by a vote. At the request of any representative, the Commission may, by a majority of those present and voting, defer the taking of a decision until such time during the same session as the Commission may decide. At that time, the Commission shall take a vote on the deferred question. This rule may be applied only once to any question.

4. Where this Convention expressly provides that a decision on a proposal shall be taken by consensus and the Chairman determines that there would be an objection to such proposal, the Commission may appoint a conciliator for the purpose of reconciling the differences in order to achieve consensus on the matter.

5. Subject to paragraphs 6 and 7, a decision adopted by the Commission shall become binding 60 days after the date of its adoption.

6. A member which has voted against a decision or which was absent during the meeting at which the decision was made may, within 30 days of the adoption of the decision by the Commission, seek a review of the decision by a review panel constituted in accordance with the procedures set out in Annex II to this Convention on the grounds that:

   (a) the decision is inconsistent with the provisions of this Convention, the Agreement or the 1982 Convention; or
   (b) the decision unjustifiably discriminates in form or in fact against the member concerned.

7. Pending the findings and recommendations of the review panel and any action required by the Commission, no member of the Commission shall be required to give effect to the decision in question.

8. If the review panel finds that the decision of the Commission need not be modified, amended or revoked, the decision shall become binding 30 days from the date of communication by the Executive Director of the findings and recommendations of the review panel.

9. If the review panel recommends to the Commission that the decision be modified, amended or revoked, the Commission shall, at its next annual meeting, modify or amend its decision in order to conform with the findings and recommendations of the review panel or it may decide to revoke the decision, provided that, if so requested in writing by a majority of the members, a special meeting of the Commission shall be convened within 60 days of the date of communication of the findings and recommendations of the review panel.

SECTION 7. TRANSPARENCY AND COOPERATION WITH OTHER ORGANIZATIONS

Article 21
Transparency

The Commission shall promote transparency in its decision-making processes and other activities. Representatives from intergovernmental organizations and non-governmental organizations concerned with matters relevant to the implementation of this Convention shall be afforded the opportunity to participate in the meetings of the Commission and its subsidiary bodies as observers or otherwise as appropriate. The rules of procedure of the Commission shall provide for such participation. The procedures shall not be unduly restrictive in this respect. Such intergovernmental organizations and non-governmental organizations shall be given timely access to pertinent information subject to the rules and procedures which the Commission may adopt.
Article 22
Cooperation with other organizations

1. The Commission shall cooperate, as appropriate, with the Food and Agriculture Organization of the United Nations and with other specialized agencies and bodies of the United Nations on matters of mutual interest.

2. The Commission shall make suitable arrangements for consultation, cooperation and collaboration with other relevant intergovernmental organizations, particularly those which have related objectives and which can contribute to the attainment of the objective of this Convention, such as the Commission for the Conservation of Antarctic Marine Living Resources, the Commission for the Conservation of Southern Bluefin Tuna, the Indian Ocean Tuna Commission and the Inter-American Tropical Tuna Commission.

3. Where the Convention Area overlaps with an area under regulation by another fisheries management organization, the Commission shall cooperate with such other organization in order to avoid the duplication of measures in respect of species in that area which are regulated by both organizations.

4. The Commission shall cooperate with the Inter-American Tropical Tuna Commission to ensure that the objective set out in article 2 of this Convention is reached. To that end, the Commission shall initiate consultation with the Inter-American Tropical Tuna Commission with a view to reaching agreement on a consistent set of conservation and management measures, including measures relating to monitoring, control and surveillance, for fish stocks that occur in the Convention Areas of both organizations.

5. The Commission may enter into relationship agreements with the organizations referred to in this article and with other organizations as may be appropriate, such as the Pacific Community and the South Pacific Forum Fisheries Agency, with a view to obtaining the best available scientific and other fisheries-related information to further the attainment of the objective of this Convention and to minimize duplication with respect to their work.

6. Any organization with which the Commission has entered into an arrangement or agreement under paragraphs 1, 2 and 5 may designate representatives to attend meetings of the Commission as observers in accordance with the rules of procedure of the Commission. Procedures shall be established for obtaining the views of such organizations in appropriate cases.

PART IV
OBLIGATIONS OF MEMBERS OF THE COMMISSION

Article 23
Obligations of members of the Commission

1. Each member of the Commission shall promptly implement the provisions of this Convention and any conservation, management and other measures or matters which may be agreed pursuant to this Convention from time to time and shall cooperate in furthering the objective of this Convention.

2. Each member of the Commission shall:
   (a) provide annually to the Commission statistical, biological and other data and information in accordance with Annex I of the Agreement and, in addition, such data and information as the Commission may require;
   (b) provide to the Commission in the manner and at such intervals as may be required by the Commission, information concerning its fishing activities in the Convention Area, including fishing areas and fishing vessels in order to facilitate the compilation of reliable catch and effort statistics; and
(c) provide to the Commission at such intervals as may be required information on steps taken to implement the conservation and management measures adopted by the Commission.

3. The members of the Commission shall keep the Commission informed of the measures they have adopted for the conservation and management of highly migratory fish stocks in areas within the Convention Area under their national jurisdiction. The Commission shall circulate periodically such information to all members.

4. Each member of the Commission shall keep the Commission informed of the measures it has adopted for regulating the activities of fishing vessels flying its flag which fish in the Convention Area. The Commission shall circulate periodically such information to all members.

5. Each member of the Commission shall, to the greatest extent possible, take measures to ensure that its nationals, and fishing vessels owned or controlled by its nationals fishing in the Convention Area, comply with the provisions of this Convention. To this end, members of the Commission may enter into agreements with States whose flags such vessels are flying to facilitate such enforcement. Each member of the Commission shall, to the greatest extent possible, at the request of any other member, and when provided with the relevant information, investigate any alleged violation by its nationals, or fishing vessels owned or controlled by its nationals, of the provisions of this Convention or any conservation and management measure adopted by the Commission. A report on the progress of the investigation, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to the member making the request and to the Commission as soon as practicable and in any case within two months of such request and a report on the outcome of the investigation shall be provided when the investigation is completed.

PART V
DUTIES OF THE FLAG STATE

Article 24
Flag State duties

1. Each member of the Commission shall take such measures as may be necessary to ensure that:

   (a) fishing vessels flying its flag comply with the provisions of this Convention and the conservation and management measures adopted pursuant hereto and that such vessels do not engage in any activity which undermine the effectiveness of such measures; and

   (b) fishing vessels flying its flag do not conduct unauthorized fishing within areas under the national jurisdiction of any Contracting Party.

2. No member of the Commission shall allow any fishing vessel entitled to fly its flag to be used for fishing for highly migratory fish stocks in the Convention Area beyond areas of national jurisdiction unless it has been authorized to do so by the appropriate authority or authorities of that member. A member of the Commission shall authorize the use of vessels flying its flag for fishing in the Convention Area beyond areas of national jurisdiction only where it is able to exercise effectively its responsibilities in respect of such vessels under the 1982 Convention, the Agreement and this Convention.

3. It shall be a condition of every authorization issued by a member of the Commission that the fishing vessel in respect of which the authorization is issued:

   (a) conducts fishing within areas under the national jurisdiction of other States only where the fishing vessel holds any licence, permit or authorization that may be required by such other State; and

   (b) is operated on the high seas in the Convention Area in accordance with the requirements of Annex III, the requirements of which shall also be established as a general obligation of all vessels operating pursuant to this Convention.
4. Each member of the Commission shall, for the purposes of effective implementation of this Convention, maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing in the Convention Area beyond its area of national jurisdiction, and shall ensure that all such fishing vessels are entered in that record.

5. Each member of the Commission shall provide annually to the Commission, in accordance with such procedures as may be agreed by the Commission, the information set out in Annex IV to this Convention with respect to each fishing vessel entered in the record required to be maintained under paragraph 4 and shall promptly notify the Commission of any modifications to such information.

6. Each member of the Commission shall also promptly inform the Commission of:
   (a) any additions to the record;
   (b) any deletions from the record by reason of:
      (i) the voluntary relinquishment or non-renewal of the fishing authorization by the fishing vessel owner or operator;
      (ii) the withdrawal of the fishing authorization issued in respect of the fishing vessel under paragraph 2;
      (iii) the fact that the fishing vessel concerned is no longer entitled to fly its flag;
      (iv) the scrapping, decommissioning or loss of the fishing vessel concerned; and
      (v) any other reason,

   specifying which of the reasons listed above is applicable.

7. The Commission shall maintain its own record, based on the information provided to it pursuant to paragraphs 5 and 6, of fishing vessels referred to in paragraph 4. The Commission shall circulate periodically the information contained in such record to all members of the Commission, and, on request, individually to any member.

8. Each member of the Commission shall require its fishing vessels that fish for highly migratory fish stocks on the high seas in the Convention Area to use near real-time satellite position-fixing transmitters while in such areas. The standards, specifications and procedures for the use of such transmitters shall be established by the Commission, which shall operate a vessel monitoring system for all vessels that fish for highly migratory fish stocks on the high seas in the Convention Area. In establishing such standards, specifications and procedures, the Commission shall take into account the characteristics of traditional fishing vessels from developing States. The Commission, directly, and simultaneously with the flag State where the flag State so requires, or through such other organization designated by the Commission, shall receive information from the vessel monitoring system in accordance with the procedures adopted by the Commission. The procedures adopted by the Commission shall include appropriate measures to protect the confidentiality of information received through the vessel monitoring system. Any member of the Commission may request that waters under its national jurisdiction be included within the area covered by such vessel monitoring system.

9. Each member of the Commission shall require its fishing vessels that fish in the Convention Area in areas under the national jurisdiction of another member to operate near real-time satellite position-fixing transmitters in accordance with the standards, specification and procedures to be determined by the coastal State.

10. The members of the Commission shall cooperate to ensure compatibility between national and high seas vessel monitoring systems.

PART VI
COMPLIANCE AND ENFORCEMENT

Article 25
Compliance and enforcement

1. Each member of the Commission shall enforce the provisions of this Convention and any conservation and management measures issued by the Commission.

2. Each member of the Commission shall, at the request of any other member, and when provided with the relevant information, investigate fully any alleged violation by fishing vessels flying its flag of the provisions of this Convention or any conservation and management measure adopted by the Commission. A report on the progress of the investigation, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to the member making the request and to the Commission as soon as practicable and in any case within two months of such request and a report on the outcome of the investigation shall be provided when the investigation is completed.

3. Each member of the Commission shall, if satisfied that sufficient evidence is available in respect of an alleged violation by a fishing vessel flying its flag, refer the case to its authorities with a view to instituting proceedings without delay in accordance with its laws and, where appropriate, detain the vessel concerned.

4. Each member of the Commission shall ensure that, where it has been established, in accordance with its laws, that a fishing vessel flying its flag has been involved in the commission of a serious violation of the provisions of this Convention or of any conservation and management measures adopted by the Commission, the vessel concerned ceases fishing activities and does not engage in such activities in the Convention Area until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with. Where the vessel concerned has conducted unauthorized fishing within areas under the national jurisdiction of any coastal State Party to this Convention, the flag State shall, in accordance with its laws, ensure that the vessel complies promptly with any sanctions which may be imposed by such coastal State in accordance with its national laws and regulations or shall impose appropriate sanctions in accordance with paragraph 7. For the purposes of this article, a serious violation shall include any of the violations specified in article 21, paragraphs 11 (a) to (h) of the Agreement and such other violations as may be determined by the Commission.

5. Each member of the Commission shall, to the extent permitted by its national laws and regulations, establish arrangements for making available to prosecuting authorities of other members evidence relating to alleged violations.

6. Where there are reasonable grounds for believing that a fishing vessel on the high seas has engaged in unauthorized fishing within an area under the national jurisdiction of a member of the Commission, the flag State of that vessel, at the request of the member concerned, shall immediately and fully investigate the matter. The flag State shall cooperate with the member concerned in taking appropriate enforcement action in such cases and may authorize the relevant authorities of such member to board and inspect the vessel on the high seas. This paragraph is without prejudice to article 111 of the 1982 Convention.

7. All investigations and judicial proceedings shall be carried out expeditiously. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities. Measures applicable in respect of masters and other officers of fishing vessels shall include provisions which may permit, inter alia, refusal, refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels.

8. Each member shall transmit to the Commission an annual statement of compliance measures, including imposition of sanctions for any violations, it has taken in accordance with this article.

9. The provisions of this article are without prejudice to:

(a) the rights of any of the members of the Commission in accordance with their national laws and regulations relating to fisheries, including the right to impose appropriate sanctions on the vessel
concerned in respect of violations occurring within areas under national jurisdiction in accordance with such national laws and regulations; and

(b) the rights of any of the members of the Commission in relation to any provision relating to compliance and enforcement contained in any relevant bilateral or multilateral fisheries access agreement not inconsistent with the provisions of this Convention, the Agreement or the 1982 Convention.

10. Each member of the Commission, where it has reasonable grounds for believing that a fishing vessel flying the flag of another State has engaged in any activity that undermines the effectiveness of conservation and management measures adopted for the Convention Area, shall draw this to the attention of the flag State concerned and may, as appropriate, draw the matter to the attention of the Commission. To the extent permitted by its national laws and regulations it shall provide the flag State with full supporting evidence and may provide the Commission with a summary of such evidence. The Commission shall not circulate such information until such time as the flag State has had an opportunity to comment, within a reasonable time, on the allegation and evidence submitted, or to object as the case may be.

11. The members of the Commission may take action in accordance with the Agreement and international law, including through procedures adopted by the Commission for this purpose, to deter fishing vessels which have engaged in activities which undermine the effectiveness of or otherwise violate the conservation and management measures adopted by the Commission from fishing in the Convention Area until such time as appropriate action is taken by the flag State.

12. The Commission, when necessary, shall develop procedures which allow for non-discriminatory trade measures to be taken, consistent with the international obligations of the members of the Commission, on any species regulated by the Commission, against any State or entity whose fishing vessels fish in a manner which undermines the effectiveness of the conservation and management measures adopted by the Commission.

Article 26

Boarding and inspection

1. For the purposes of ensuring compliance with conservation and management measures, the Commission shall establish procedures for boarding and inspection of fishing vessels on the high seas in the Convention Area. All vessels used for boarding and inspection of fishing vessels on the high seas in the Convention Area shall be clearly marked and identifiable as being on government service and authorized to undertake high seas boarding and inspection in accordance with this Convention.

2. If, within two years of the entry into force of this Convention, the Commission is not able to agree on such procedures, or on an alternative mechanism which effectively discharges the obligations of the members of the Commission under the Agreement and this Convention to ensure compliance with the conservation and management measures established by the Commission, articles 21 and 22 of the Agreement shall be applied, subject to paragraph 3, as if they were part of this Convention and boarding and inspection of fishing vessels in the Convention Area, as well as any subsequent enforcement action, shall be conducted in accordance with the procedures set out therein and such additional practical procedures as the Commission may decide are necessary for the implementation of articles 21 and 22 of the Agreement.

3. Each member of the Commission shall ensure that fishing vessels flying its flag accept boarding by duly authorized inspectors in accordance with such procedures. Such duly authorized inspectors shall comply with the procedures for boarding and inspection.

Article 27

Measures taken by a port State
1. A port State has the right and the duty to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures. When taking such measures a port State shall not discriminate in form or in fact against the fishing vessels of any State.

2. Whenever a fishing vessel of a member of the Commission voluntarily enters a port or offshore terminal of another member, the port State may, *inter alia*, inspect documents, fishing gear and catch on board such fishing vessel.

3. Members of the Commission may adopt regulations empowering the relevant national authorities to prohibit landings and transhipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.

4. Nothing in this article affects the exercise by Contracting Parties of their sovereignty over ports in their territory in accordance with international law.

**PART VII**

**REGIONAL OBSERVER PROGRAMME AND REGULATION OF TRANSHIPMENT**

*Article 28*

*Regional observer programme*

1. The Commission shall develop a regional observer programme to collect verified catch data, other scientific data and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

2. The observer programme shall be coordinated by the Secretariat of the Commission, and shall be organized in a flexible manner which takes into account the nature of the fishery and other relevant factors. In this regard, the Commission may enter into contracts for the provision of the regional observer programme.

3. The regional observer programme shall consist of independent and impartial observers authorized by the Secretariat of the Commission. The programme should be coordinated, to the maximum extent possible, with other regional, subregional and national observer programmes.

4. Each member of the Commission shall ensure that fishing vessels flying its flag in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the regional observer programme, if required by the Commission.

5. The provisions of paragraph 4 shall apply to vessels fishing exclusively on the high seas in the Convention Area, vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States, and vessels fishing in waters under the jurisdiction of two or more coastal States. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the regional observer programme shall not undertake any of the activities specified in paragraph 6 (e) when the vessel is in waters under the national jurisdiction of its flag State, unless the flag State of the vessel agrees otherwise.

6. The regional observer programme shall operate in accordance with the following guidelines and under the conditions set out in article 3 of Annex III of this Convention:

(a) the programme shall provide a sufficient level of coverage to ensure that the Commission receives appropriate data and information on catch levels and related matters within the Convention Area, taking into account the characteristics of the fisheries;

(b) each member of the Commission shall be entitled to have its nationals included in the programme as observers;
(c) observers shall be trained and certified in accordance with uniform procedures to be approved by the Commission;

(d) observers shall not unduly interfere with the lawful operations of the vessel and, in carrying out their functions, they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master for this purpose;

(e) the activities of observers shall include collecting catch data and other scientific data, monitoring the implementation of conservation and management measures adopted by the Commission and reporting of their findings in accordance with procedures to be developed by the Commission;

(f) the programme shall be cost effective, shall avoid duplication with existing regional, subregional and national observer programmes, and shall, to the extent practicable, seek to minimize disruption to the operations of vessels fishing in the Convention Area;

(g) a reasonable period of notice of the placement of an observer shall be given.

7. The Commission shall develop further procedures and guidelines for the operation of the regional observer programme, including:

(a) to ensure the security of non-aggregated data and other information which the Commission deems to be of a confidential nature;

(b) for the dissemination of data and information collected by observers to the members of the Commission;

(c) for boarding of observers which clearly define the rights and responsibilities of the captain or master of the vessel and the crew when an observer is on board a vessel, as well as the rights and responsibilities of observers in the performance of their duties.

8. The Commission shall determine the manner in which the costs of the observer programme would be defrayed.

Article 29

Transhipment

1. In order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transhipment in port. A member may designate one or more of its ports as transhipment ports for the purposes of this Convention, and the Commission shall circulate periodically to all members a list of such designated ports.

2. Transhipment at a port or in an area within waters under the national jurisdiction of a member of the Commission shall take place in accordance with applicable national laws.

3. The Commission shall develop procedures to obtain and verify data on the quantity and species transhipped both in port and at sea in the Convention Area and procedures to determine when transhipment covered by this Convention has been completed.

4. Transhipment at sea in the Convention Area beyond areas under national jurisdiction shall take place only in accordance with the terms and conditions set out in article 4 of Annex III to this Convention, and any procedures established by the Commission pursuant to paragraph 3 of this article. Such procedures shall take into account the characteristics of the fishery concerned.

5. Notwithstanding paragraph 4 above, and subject to specific exemptions which the Commission adopts in order to reflect existing operations, transhipment at sea by purse-seine vessels operating within the Convention Area shall be prohibited.

PART VIII

REQUIREMENTS OF DEVELOPING STATES
Article 30
Recognition of the special requirements of developing States

1. The Commission shall give full recognition to the special requirements of developing States Parties to this Convention, in particular small island developing States, and of territories and possessions, in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks.

2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for highly migratory fish stocks, the Commission shall take into account the special requirements of developing States Parties, in particular small island developing States, and of territories and possessions, in particular:

(a) the vulnerability of developing States Parties, in particular small island developing States, which are dependent on the exploitation of marine living resources, including for meeting the nutritional requirements of their populations or parts thereof;

(b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and fishworkers, as well as indigenous people in developing States Parties, particularly small island developing States Parties, and territories and possessions; and

(c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions.

3. The Commission shall establish a fund to facilitate the effective participation of developing States Parties, particularly small island developing States, and, where appropriate, territories and possessions, in the work of the Commission, including its meetings and those of its subsidiary bodies. The financial regulations of the Commission shall include guidelines for the administration of the fund and criteria for eligibility for assistance.

4. Cooperation with developing States, and territories and possessions, for the purposes set out in this article may include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, including through joint venture arrangements, and advisory and consultative services. Such assistance shall, inter alia, be directed towards:

(a) improved conservation and management of highly migratory fish stocks through collection, reporting, verification, exchange and analysis of fisheries data and related information;

(b) stock assessment and scientific research; and

(c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

PART IX
PEACEFUL SETTLEMENT OF DISPUTES

Article 31
Procedures for the settlement of disputes

The provisions relating to the settlement of disputes set out in Part VIII of the Agreement apply, mutatis mutandis, to any dispute between members of the Commission, whether or not they are also Parties to the Agreement.

PART X
NON-PARTIES TO THIS CONVENTION

Article 32
Non-parties to this Convention

1. Each member of the Commission shall take measures consistent with this Convention, the Agreement and international law to deter the activities of vessels flying the flags of non-parties to this Convention which undermine the effectiveness of conservation and management measures adopted by the Commission.

2. The members of the Commission shall exchange information on the activities of fishing vessels flying the flags of non-parties to this Convention which are engaged in fishing operations in the Convention Area.

3. The Commission shall draw the attention of any State which is not a Party to this Convention to any activity undertaken by its nationals or vessels flying its flag which, in the opinion of the Commission, affects the implementation of the objective of this Convention.

4. The members of the Commission shall, individually or jointly, request non-parties to this Convention whose vessels fish in the Convention Area to cooperate fully in the implementation of conservation and management measures adopted by the Commission with a view to ensuring that such measures are applied to all fishing activities in the Convention Area. Such cooperating non-parties to this Convention shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with, and their record of compliance with, conservation and management measures in respect of the relevant stocks.

5. Non-parties to this Convention, may, upon request and subject to the concurrence of the members of the Commission and to the rules of procedure relating to the granting of observer status, be invited to attend meetings of the Commission as observers.

PART XI
GOOD FAITH AND ABUSE OF RIGHTS

Article 33
Good faith and abuse of rights

The obligations assumed under this Convention shall be fulfilled in good faith and the rights recognized in this Convention shall be exercised in a manner which would not constitute an abuse of right.

PART XII
FINAL PROVISIONS

Article 34
Signature, ratification, acceptance, approval

1. This Convention shall be open for signature by Australia, Canada, China, Cook Islands, Federated States of Micronesia, Fiji Islands, France, Indonesia, Japan, Republic of Kiribati, Republic of the Marshall Islands, Republic of Nauru, New Zealand, Niue, Republic of Palau, Independent State of Papua New Guinea, Republic of the Philippines, Republic of Korea, Independent State of Samoa, Solomon Islands, Kingdom of Tonga, Tuvalu, United Kingdom of Great Britain and Northern Ireland in respect of Pitcairn, Henderson, Ducie and Oeno Islands, United States of America and Republic of Vanuatu and shall remain open for signature for twelve months from the fifth day of September 2000.

2. This Convention is subject to ratification, acceptance or approval by the signatories.

3. Instruments of ratification, acceptance or approval shall be deposited with the depositary.

4. Each Contracting Party shall be a member of the Commission established by this Convention.
1. This Convention shall remain open for accession by the States referred to in article 34, paragraph 1, and by any entity referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e) of the 1982 Convention which is situated in the Convention Area.

2. After the entry into force of this Convention, the Contracting Parties may, by consensus, invite other States and regional economic integration organizations, whose nationals and fishing vessels wish to conduct fishing for highly migratory fish stocks in the Convention Area to accede to this Convention.

3. Instruments of accession shall be deposited with the depositary.

Article 36
Entry into force

1. This Convention shall enter into force 30 days after the deposit of instruments of ratification, acceptance, approval or accession by:
   (a) three States situated north of the 20° parallel of north latitude; and
   (b) seven States situated south of the 20° parallel of north latitude.

2. If, within three years of its adoption, this Convention has not been ratified by three of the States referred to in paragraph 1 (a), this Convention shall enter into force six months after the deposit of the thirteenth instrument of ratification, acceptance, approval or accession or in accordance with paragraph 1, whichever is the earlier.

3. For each State, entity referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e) of the 1982 Convention which is situated in the Convention Area, or regional economic integration organization which ratifies, formally confirms, accepts or approves the Convention or accedes thereto after the entry into force of this Convention, this Convention shall enter into force on the thirtieth day following the deposit of its instrument of ratification, formal confirmation, acceptance, approval or accession.

Article 37
Reservations and exceptions

No reservations or exceptions may be made to this Convention.

Article 38
Declarations and statements

Article 37 does not preclude a State, entity referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e) of the 1982 Convention which is situated in the Convention Area, or regional economic integration organization, when signing, ratifying or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State, entity or regional economic integration organization.

Article 39
Relation to other agreements

This Convention shall not alter the rights and obligations of Contracting Parties, and fishing entities referred to in article 9, paragraph 2, which arise from other agreements compatible with this Convention and which do not affect the enjoyment by other Contracting Parties of their rights or the performance of their obligations under this Convention.

Article 40
Amendment

1. Any member of the Commission may propose amendments to this Convention to be considered by the Commission. Any such proposal shall be made by written communication addressed to the Executive Director at least 60 days before the meeting of the Commission at which it is to be considered. The Executive Director shall promptly circulate such communication to all members of the Commission.

2. Amendments to this Convention shall be considered at the annual meeting of the Commission unless a majority of the members request a special meeting to consider the proposed amendment. A special meeting may be convened on not less than 60 days notice. Amendments to this Convention shall be adopted by consensus. The text of any amendment adopted by the Commission shall be transmitted promptly by the Executive Director to all members of the Commission.

3. Amendments to this Convention shall enter into force for the Contracting Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by a majority of Contracting Parties. Thereafter, for each Contracting Party ratifying or acceding to an amendment after the deposit of the required number of such instruments, the amendment shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.

Article 41
Annexes

1. The Annexes form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention or to one of its Parts includes a reference to the Annexes relating thereto.

2. The Annexes to this Convention may be revised from time to time and any member of the Commission may propose revisions to an Annex. Notwithstanding the provisions of article 40, if a revision to an Annex is adopted by consensus at a meeting of the Commission, it shall be incorporated in this Convention and shall take effect from the date of its adoption or from such other date as may be specified in the revision.

Article 42
Withdrawal

1. A Contracting Party may, by written notification addressed to the depositary, withdraw from this Convention and may indicate its reasons. Failure to indicate reasons shall not affect the validity of the withdrawal. The withdrawal shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.

2. Withdrawal from this Convention by a Contracting Party shall not affect the financial obligations of such member incurred prior to its withdrawal becoming effective.

3. Withdrawal from this Convention by a Contracting Party shall not in any way affect the duty of such member to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention.

Article 43
Participation by territories

1. The Commission and its subsidiary bodies shall be open to participation, with the appropriate authorization of the Contracting Party having responsibility for its international affairs, to each of the following:

   American Samoa
   French Polynesia
   Guam
   New Caledonia
2. The nature and extent of such participation shall be provided for by the Contracting Parties in separate rules of procedure of the Commission, taking into account international law, the distribution of competence on matters covered by this Convention and the evolution in the capacity of such territory to exercise rights and responsibilities under this Convention.

3. Notwithstanding paragraph 2, all such participants shall be entitled to participate fully in the work of the Commission, including the right to be present and to speak at the meetings of the Commission and its subsidiary bodies. In the performance of its functions, and in taking decisions, the Commission shall take into account the interests of all participants.

**Article 44**

**Depositary**

The Government of New Zealand shall be the depositary of this Convention and any amendments or revisions thereto. The depositary shall register this Convention with the Secretary-General of the United Nations in accordance with article 102 of the Charter of the United Nations.

**IN WITNESS WHEREOF**, the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Convention.

**DONE** at Honolulu this fifth day of September, two thousand, in a single original.
ANNEX I. FISHING ENTITIES

1. After the entry into force of this Convention, any fishing entity whose vessels fish for highly migratory fish stocks in the Convention Area, may, by a written instrument delivered to the depositary, agree to be bound by the regime established by this Convention. Such agreement shall become effective thirty days following the delivery of the instrument. Any such fishing entity may withdraw such agreement by written notification addressed to the depositary. The withdrawal shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.

2. Such fishing entity shall participate in the work of the Commission, including decision-making, and shall comply with the obligations under this Convention. References thereto by the Commission or members of the Commission include, for the purposes of this Convention, such fishing entity as well as Contracting Parties.

3. If a dispute concerning the interpretation or application of this Convention involving a fishing entity cannot be settled by agreement between the parties to the dispute, the dispute shall, at the request of either party to the dispute, be submitted to final and binding arbitration in accordance with the relevant rules of the Permanent Court of Arbitration.

4. The provisions of this Annex relating to participation by fishing entities are solely for the purposes of this Convention.

ANNEX II. REVIEW PANEL

1. In accordance with article 20, paragraph 6, an application for review of a decision of the Commission shall be submitted within 30 days of the adoption of the decision by written notification to the Executive Director. Such notification shall be accompanied by a statement of the grounds upon which the review is sought. The Executive Director shall circulate copies of the notification and the accompanying statement to all members of the Commission.

2. The review panel shall be constituted as follows:

   (a) The review panel shall consist of three members appointed in accordance with this Annex from the list of experts in the field of fisheries drawn up and maintained by the Food and Agriculture Organization of the United Nations pursuant to Annex VIII, article 2, of the 1982 Convention or a similar list maintained by the Executive Director;

   (b) The member of the Commission submitting the application for review (“the applicant”) shall appoint one member, who may or may not be its national. The appointment shall be included in the written notification referred to in paragraph 1;

   (c) Where more than one member of the Commission is seeking review of the same decision, such members shall, within 20 days of receipt of the first notification submitted, appoint one member of the panel jointly by agreement, irrespective of the grounds upon which review is sought by each applicant. If the members concerned are unable to reach agreement on the appointment, the appointment shall be made in accordance with subparagraph (f), at the request of any such member;

   (d) The chairman of the Commission shall, within 20 days of receipt of the notification referred to in paragraph 1 of this Annex, appoint one member;

   (e) The other member shall be appointed by agreement between the member or members of the Commission seeking the review and the chairman of the Commission. They shall appoint the President of the review panel from among those three members. If, within 20 days of receipt of the notification referred to in paragraph 1 of this Annex, the member or members seeking the review and the chairman of the Commission are unable to reach agreement on the appointment of one or more members of the panel to be appointed by agreement, or on the appointment of the President of the review panel, the remaining appointment or appointments shall be made in accordance with subparagraph (f), at the request of any party. Such request shall be made within 10 days of the expiration of the aforementioned 20 day period;
(f) Unless the parties agree that any appointment under subparagraphs (c), (d) and (e) of this paragraph be made by a person or a third State chosen by the parties, the President of the International Tribunal for the Law of the Sea shall make the necessary appointments.

(g) Any vacancy shall be filled in the manner described for the initial appointment.

3. A hearing shall be convened at a place and on a date to be determined by the panel within 30 days following the constitution of the review panel.

4. The review panel shall determine its own procedures, providing for the expeditious conduct of the hearing and assuring to the applicant or applicants full opportunity to be heard and to present its or their case.

5. The Executive Director shall act on behalf of the Commission and shall provide the review panel with sufficient information to enable it to understand the basis upon which the decision was made.

6. Any member of the Commission may submit a memorandum to the review panel concerning the matter under review and the panel shall allow any such member full opportunity to be heard.

7. Unless the review panel decides otherwise because of the particular circumstances of the case, the expenses of the review panel, including the remuneration of its members, shall be borne as follows:

   (a) 70 per cent shall be borne by the applicant or, if there is more than one applicant, divided equally among the applicants; and

   (b) 30 per cent shall be borne by the Commission from its annual budget.

8. Any decision of the review panel shall be taken by a majority of its members.

9. If the applicant or, where there is more than one applicant, any one of them, does not appear before the review panel, the panel may continue the proceedings and make its findings and recommendations. Absence of an applicant shall not constitute a bar to the review proceedings.

10. The findings and recommendations of the review panel shall be confined to the subject matter of the application and state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the finding. Any member of the panel may attach a separate or dissenting opinion to the finding. The review panel shall not, however, substitute its decision for that of the Commission. The panel shall communicate its findings and recommendations, including its reasons, to the applicant or applicants and the Executive Director within 30 days of the end of the hearing. The Executive Director shall circulate copies of the review panel’s findings and recommendations and reasons therefor to all members of the Commission.

ANNEX III. TERMS AND CONDITIONS FOR FISHING

Article 1
Introductory

The operator of every fishing vessel authorized to be used for fishing in the Convention Area shall comply with the following terms and conditions at all times when the vessel is in the Convention Area. Such terms and conditions shall apply in addition to any terms and conditions which may apply to the vessel in areas under the national jurisdiction of a member of the Commission by reason of a licence issued by such member or pursuant to a bilateral or multilateral fisheries agreement. For the purposes of this Annex, “operator” means any person who is in charge of, directs or controls a fishing vessel, including the owner, master or charterer.

Article 2
Compliance with national laws
The operator of the vessel shall comply with the applicable national laws of each coastal State Party to this Convention in whose jurisdiction it enters and shall be responsible for the compliance by the vessel and its crew with such laws and the vessel shall be operated in accordance with such laws.

Article 3
Obligations of the operator in respect of observers

1. The operator and each member of the crew shall allow and assist any person identified as an observer under the regional observer programme to:
   (a) embark at a place and time agreed to;
   (b) have full access to and use of all facilities and equipment on board which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh and store fish, and full access to the vessel’s records including its logs and documentation for the purpose of records inspection and copying,reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing;
   (c) remove samples;
   (d) disembark at an agreed place and time; and
   (e) carry out all duties safely.

2. The operator or any crew member shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with observers in the performance of their duties.

3. The operator shall provide the observer, while on board the vessel, at no expense to the observer or the observer’s government, with food, accommodation and medical facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.

Article 4
Regulation of transhipment

1. The operator shall comply with any procedures established by the Commission to verify the quantity and species transhipped, and any additional procedures and measures established by the Commission with respect to transhipment in the Convention Area.

2. The operator shall allow and assist any person authorized by the Commission or by the member of the Commission in whose designated port or area a transhipment takes place to have full access to and use of facilities and equipment which such authorized person may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish, and full access to the vessel’s records, including its log and documentation for the purpose of inspection and photocopying. The operator shall also allow and assist any such authorized person to remove samples and gather any other information required to fully monitor the activity. The operator or any member of the crew shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with any such authorized person in the performance of such person’s duties. Every effort should be made to ensure that any disruption to fishing operations is minimized during inspections of transhipments.

Article 5
Reporting

The operator shall record and report vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data in accordance with the standards for collection of such data set out in Annex I of the Agreement.
**Article 6**

**Enforcement**

1. The authorization issued by the flag State of the vessel and, if applicable, any licence issued by a coastal State Party to this Convention, or a duly certified copy, facsimile or telex confirmation thereof, shall be carried on board the vessel at all times and produced at the request of an authorized enforcement official of any member of the Commission.

2. The master and each member of the crew of the vessel shall immediately comply with every instruction and direction given by an authorized and identified officer of a member of the Commission, including to stop, to move to a safe location, and to facilitate safe boarding and inspection of the vessel, its licence, gear, equipment, records, facilities, fish and fish products. Such boarding and inspection shall be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the vessel. The operator and each member of the crew shall facilitate and assist in any action by an authorized officer and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorized officer in the performance of his or her duties.

3. The vessel shall be marked and identified in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels or such alternative standard as may be adopted by the Commission. At all times when the vessel is in the Convention Area, all parts of such markings shall be clear, distinct and uncovered.

4. The operator shall ensure the continuous monitoring of the international distress and calling frequency 2182 khz (HF) or the international safety and calling frequency 156.8 Mhz (channel 16, VHF-FM) to facilitate communication with the fisheries management, surveillance and enforcement authorities of the members of the Commission.

5. The operator shall ensure that a recent and up to date copy of the International Code of Signals (INTERCO) is on board and accessible at all times.

6. At all times when the vessel is navigating through an area under the national jurisdiction of a member of the Commission in which it does not have a licence to fish, and at all times when the vessel is navigating on the high seas in the Convention Area and has not been authorized by its flag State to fish on the high seas, all fishing equipment on board the vessel shall be stowed or secured in such a manner that it is not readily available to be used for fishing.

**ANNEX IV. INFORMATION REQUIREMENTS**

The following information shall be provided to the Commission in respect of each fishing vessel entered in the record required to be maintained under article 24, paragraph 4, of this Convention:

1. Name of fishing vessel, registration number, previous names (if known), and port of registry;
2. Name and address of owner or owners;
3. Name and nationality of master;
4. Previous flag (if any);
5. International Radio Call Sign;
6. Vessel communication types and numbers (INMARSAT A, B and C numbers and satellite telephone number);
7. Colour photograph of vessel;
8. Where and when built;
9. Type of vessel;
10. Normal crew complement;
11. Type of fishing method or methods;
12. Length;
13. Moulded depth;
14. Beam;
15. Gross register tonnage;
16. Power of main engine or engines;
17. The nature of the authorization to fish granted by the flag State;
18. Carrying capacity, including freezer type, capacity and number and fish hold capacity.
ANNEX K NATIONAL REPORTS

Introduction

This document presents the reports of national missions undertaken to the countries participating in the preparation of the GEF SAP II Project for Oceanic Fisheries Management. The countries are:

- Cook Islands
- Federated States of Micronesia
- Fiji
- Kiribati
- Marshall Islands
- Nauru
- Niue
- Palau
- Papua New Guinea
- Samoa
- Solomon Islands
- Tonga
- Tuvalu
- Tokelau
- Vanuatu

The reports are presented in this document in alphabetical order.

The purposes of the national missions were:

- To make assessments of the implications of the WCPF Convention for each Pacific Island Country
- To identify possible activities to support implementation by each Pacific Island Country of the WCPF Convention
- To make an analysis of the incremental costs to each Pacific Island Country of activities related to the Convention
- To undertake an analysis of stakeholders in each Pacific Island Country with interests in the regional oceanic fisheries resources
- To identify relevant consultative mechanisms in each Pacific Island Country for the GEF SAP II Project; and
- To collect information relating to available indicators of performance in areas related to the WCPF Convention and to the financial sustainability of each Pacific Island Country’s participation in the Commission and implementation of the WCPF Convention

In their original form, the national reports were prepared with annexes including:

Annex 1: Incremental Cost/Co-Financing Analysis
Annex 4: Availability of National Indicators
Annex 5: Sustainability Analysis

In order to limit the size of this document, the Annexes listed above have not been included but Annexes 2 and 3 of each of the original national reports relating to stakeholder analysis and consultations have been included and renumbered as Annexes 1 and 2.

The reports were prepared by teams of consultants visiting countries in June to July 2004 as set out in Attachment 1. The missions were assisted by in-country Technical Assistants as set out in Attachment 2. The missions were organized and coordinated by FFA, with support from SPC, SPREP and UNDP.

The missions were a major undertaking. They included a range of consultative meetings and workshops involving around 500 people in 14 countries. Tokelau was not visited but consultations with stakeholders from Tokelau were held in Apia, Samoa.
• academic and other training institutions
• government agencies in the areas of commerce, economic development, environment, fisheries, foreign affairs, law, and trade, and donor agencies, both bilateral and multilateral;
• media representatives
• non-governmental organizations, especially those with an interest in environmental and social issues
• politicians; and
• private sector participants from businesses involved in oceanic fisheries, finance, processing and other sectors, including small, medium and large scale operators as well as members of the public.

There was widespread media coverage of the work of the missions throughout the region in print, radio, television and the Internet. This coverage was enhanced because of media interest in entry into force of the WCPF Convention, which came into force on 19 June.

The missions were generally highly successful in achieving the purposes set out above. Most of the information needed was gathered. Participation in the consultative process of the missions was broad and positive, providing insights into a range of issues related to the GEF SAP II Project and the WCPF Convention, and to wider issues related to oceanic fisheries. The missions documented substantial efforts being made by Pacific Island Countries to strengthen the management of their oceanic fisheries following the conclusion of the WCPF Convention. These efforts provide a basis for collaboration with the GEF, the regional organisations and other donors to support this strengthening process. But the missions also documented the constraints in institutions and human resources in oceanic fisheries management, and the need to reform and strengthen relevant laws, institutions, policies and programmes in many countries. A particular need identified was to improve understanding of the implications of the WCPF Convention throughout the region.

A feature of the missions was the level and quality of participation by the private sector in the work of the missions, highlighting the need for improved consultative processes between governments and non-government stakeholders, especially private sector interests, at both national and regional levels.
COOK ISLANDS

1. Background

1.1 Status of Oceanic Fisheries

The Cook Islands EEZ measures 1.8 sq km and borders with French Polynesia to the east, Kiribati in the north and Tokelau, American Samoa and Niue to the west with high seas areas to the north and south. From 1980 to the mid-90s, large scale tuna fishing was conducted by Taiwan and Korean longline vessels through access arrangements. Since 2000 however, a domestic catching and processing capability has evolved.

The Cook Islands commercial oceanic longline fisheries fleet currently numbers 44 licensed vessels ranging in size from 12 meters to 33 metres. The investment in the industry has been sudden and unprecedented. In 2001, only three domestic vessels were operating and this increased to 19 in 2002.

Given the number of vessels licensed, the level of catch has been low due in part to oceanographic conditions that also impacted on the tuna fisheries in Fiji, Tonga and Samoa. In 2002 the catch totalled 1000 tonnes and in 2003 this increased to 2,300 tonnes. The low catch rates from October 2003 to May 2004 led to a number of vessels leaving the fishery and currently 29 vessels remain active in the zone. Recently, however, catch rates have improved and it is anticipated that additional longline vessels will enter the fishery and will provide fish for processing in Rarotonga.

Within the Cook Islands zone, two fisheries are exploited: in the Northern Group, 11 longliners operate targeting albacore for canning and in the Southern Group, vessels are geared for the fresh-fish market. The albacore longliners unload in PagoPago while the fresh fish vessels unload in Rarotonga, where the fish is either airfreighted to Japan and the U.S. mainland, or sold locally. Albacore makes up 70% of total catch for vessels operating in the northern fishery and 55% of the fresh fish vessels operating in the southern zone.

In addition to fishing capacity, major investment has gone into pack-house operations. There are currently six pack-house permits issued, three of which are for relatively large operations. One of these operations has recently entered into a partnership with a China based company with a view to air freighting fish to China.

Inshore fishing remains an important part of economic life for the Outer Islands for subsistence and income supplementation purposes. Small boat operators remain active on Rarotonga but the local market, including hotels and restaurants, are supplied largely from the pack houses. FADs are well established on Rarotonga and Aitutaki as well as some of the Outer Islands. Small boat operators have, on occasion, had fish exported for the fresh fish market.

A small sports fishery targeting billfish operates on Rarotonga and Aitutaki catering for the tourist trade.

1.2 Oceanic Fisheries Management

The major objective of the Government is to promote a sustainable and regionally compatible fisheries management regime for the local Offshore Fisheries industry including monitoring, control and surveillance of the EEZ.

In order to achieve this, the Ministry intends to establish a rights based management regime and has a Draft Act and Tuna Management Plan under consideration by the Government. In the interim, management remains vessel based although a limited number of rights holders have been identified. Currently, 22 rights holders have been identified and 44 vessel licenses issued.

Other key features include:
- exclusion of larger scale commercial vessels from areas within 12 miles around islands.
• high seas fishing permits issued to six vessels operating in the high seas: 3 factory
trawlers in the Indian Ocean and 3 albacore troll vessels in the Northern Pacific

1.3 Oceanic Fisheries Institutional Arrangements

The Ministry of Marine Resources is the primary agency responsible for oceanic fisheries
management. Surface patrols are conducted by the Maritime Division of the Police
Department which operates the Patrol Boat.

The Ministry has a staff of 44, and an annual operating budget of NZ$1.05 million allocated
across five divisions: International/Legal, Aquaculture and Inshore Fisheries, Offshore
Fisheries, Extension Services and Corporate Services. Responsibilities for oceanic fisheries
include:

• Offshore Fisheries Division: responsible for licensing, compliance, monitoring and
  offshore fisheries data management;
• International/Legal: responsible for legal and policy advice and supporting participation
  in national, regional and international fisheries initiatives;
• The office of the Secretary, which provides overall management input.

Overall, oceanic fisheries is a secondary focus of the Ministry which puts more resources to
supporting Inshore Fisheries activity including the important black pearl industry. This
situation is expected to change however, since it is apparent that to adequately support the
developing domestic offshore fishing industry and to comply with the WCPF Convention,
management capacity will need to be enhanced.

To go some way towards achieving this, MMR has established capacity building projects
funded by NZAid, aimed at strengthening the Ministries management, law, compliance and
data analysis capabilities.

The other agency of Government with a significant involvement in offshore fisheries
management is the Maritime Division of the Police Department, which operates the Patrol
Boat “Te Kukupa”.

Consultation with stakeholders is currently undertaken on an ad hoc basis and usually
involves members of the Rarotonga Fishermen’s Association, pack-house operators and
license holders.

Under the draft Marine Resources Act, a Fisheries Management Advisory Committee will be
established, with provision for management committees for individual fisheries to be
established in fishery plans. The draft Tuna Management Plan provides for the establishment
of a Tuna Management Committee.

1.4 Donor Involvement

A major institutional strengthening project funded by NZAid, is currently being scoped. The
project is anticipated to include the following elements: a review of MMR’s objectives, goals
and mission statement; a review of the organisation structure to reflect any changes to current
objectives etc; a Human Resources plan to suit any new structure; a review of financial
management and asset management systems; a review of current legislation; a review of
policy analysis and monitoring; a review of operational policies and procedures; and a review
of procurement and contract procedures.

Apart from the proposed NZAid project, Cook Islands benefits from a range of donor-
supported programmes provided by FFA and SPC.

1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues which arose in the mission to Cook Islands
include:
• A requirement for fisheries management technical assistance, particularly given the entering into force of the WCPF Convention and the transition of the tuna industry towards rights based management.

• High seas surface patrols, particularly along the Northern boundaries, would prove beneficial to Cook Islands since longline vessels are known to operate in those areas.

• Delimitation of maritime zones; Cook Islands has delineated boundaries with French Polynesia and Tokelau but will require to settle boundary claims with Niue, Kiribati and American Samoa. Indeed, high seas boundaries will also need to be confirmed and coordinates deposited with the UN, for management purposes.

2. Cook Islands and the WCPF Convention

2.1 Overview

With a tuna industry based on longlining, Cook Islands’ primary aims in the MHLC and Prep Con process have been:

i) to ensure the application of measures to ensure the sustainability of the region’s tuna stocks and fisheries. Key elements of this for Cook Islands have been:
   • implementing controls on the impact of purse seine fishing on juvenile bigeye and yellowfin because of the effects this could have on catches by Cook Islands’ longline fleet; and
   • ensuring the long term sustainability of the longline fishery targeting albacore, but with important catches of bigeye and yellowfin

ii) to ensure that Cook Islands secures at least a fair share of access to the region’s tuna resources

As a Member of the Commission and a Party to the WCPF Convention, four major short term areas of implications for Cook Islands are seen as follows:

i) legal reforms, which are in draft form awaiting Cabinet approval;

ii) strengthened arrangements for management of fishing by the Cook Islands’ fleet, particularly enhanced monitoring and control efforts to address IUU fishing;

iii) the introduction of new arrangements for management of Cook Islands vessels outside Cook Islands’ waters, including the high seas and the waters of other States; and

iv) participation in the processes related to the Commission, including involvement of non-government organisations.

Cook Islands is making substantial progress towards developing the capacity to implement decisions adopted by the Commission, but in the short term, will need to continue to strengthen its fisheries management capacity.

2.2 Implications of the Convention

2.2.1 Legal

The draft Marine Resources Act is currently under consideration by Cabinet. It includes all necessary powers for implementation of the UN Fish stocks Agreement and the WCPF Convention. Developing regulations and implementing the draft Tuna Management Plan, will require additional legal assistance.

The Environment Act governs environmental activities and the Environment Services is currently developing a GEF funded project towards the establishment of a whale sanctuary in Cook Islands.

The table below summarises the status of Cook Island’s adoption of relevant international legal instruments and declarations.
Cook Islands

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Principles included in draft legislation and draft Tuna Management Plan</td>
</tr>
<tr>
<td>WSSD fisheries targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td></td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Not implemented</td>
</tr>
<tr>
<td>FFA Minimum Terms &amp; Conditions</td>
<td>Implemented</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
</tbody>
</table>

Cook Islands has recognised the importance of legal issues by establishing an International Legal Division, but will need some external assistance for major technical initiatives. Assistance in the revision of the Marine Resources Act was provided by FFA.

Recent experience has shown a need to build understanding among offices, such as Crown Law and Police, in order to take account, at the local level, of the global significance of moves against IUU fishing, including capacity building in the area of prosecution.

The Cook Islands Registrar of Ships CIRS) maintains a register of vessels, primarily to ensure minimum safety standards are met. All fishing vessels over 10 meters that wish to operate in the Cook Islands are required to be registered with the Registrar.

1.2 Policy/Institutional

The Cook Islands fisheries administration is in the initial stages of realigning its offshore fisheries management policy framework to be consistent with the WCPF convention and updating it to provide a more effective basis for the development and management of its growing locally-based industry. A key element is the completion of a draft Tuna Management Plan as the key instrument of oceanic fisheries policy. On the basis of the Plan, the Ministry will then need an institutional review to identify the extent to which activities related to oceanic fisheries management need to be restructured and strengthened, and an overhaul of its current approach to licensing.

Cook Islands will need substantial external assistance to complete the draft Plan, undertake the institutional review and implement the Plan and the results of the review. This will include assistance to strengthen the capacity of the private sector to contribute to the review of policies and to implementation of the WCPF Convention.

The cost of financial contributions for Cook Islands to the WCPF commission is expected to be in the range of US$6-10,000 per year, once the Commission is fully established.

2.2.3 Compliance

Compliance activities are carried out by the Off-shore and International/Legal divisions of the Ministry and the Maritime Division of the Police Department. MMR is responsible for vessel licensing and the issuing of processing permits. The FFA VMS is housed at the Maritime Surveillance base and MMR will be establishing a VMS capacity at MMR headquarters funded through NZAid.

The Maritime Division has a staff compliment of 18 and is responsible for the operation of the patrol vessel. The vessel is programmed to provide 1100hrs of fisheries patrols each year and in 2004 has an operating budget of $350,000. Patrols are jointly coordinated by MMR and the Maritime Division and a Fisheries Officer is taken on patrol.
Over the years these entities have developed a good working relationship with clear lines of responsibility. Essentially, the Maritime Division is responsible for Patrol Boat management. MMR supplies the Maritime Division with license and fishing activity information and patrols are planned jointly. A Fisheries Officer is required to participate in any fisheries patrol.

Aerial surveillance capacity is provided by the Royal New Zealand Airforce and the French Navy.

**Flag State Responsibilities**

A major new responsibility for Cook Islands under the Convention will be the need to regulate fishing by Cook Islands vessels outside Cook Islands waters. Currently six Cook Islands vessels fish outside Cook Islands waters, but control over these vessels needs to be strengthened. All have been issued with permits to operate on the high seas and all are VMS compliant. The draft Act includes a requirement for vessels to be authorised to fish outside Cook Islands waters, and this provision will be applied. Cook Islands has also put in place a progressive regime to cover Cook Islands nationals in control of other flag vessels.

A national VMS is being established and it is intended that all Cook Islands flagged vessels will need to be VMS compliant.

### 1.4 Monitoring

Over the last two years Cook Islands Ministry of Marine Resources has conducted its monitoring programme in accordance with its budget output requirements. Features are:

- **Logsheets**: The level of logsheet coverage of the longline fleet in 2003 was 95% for the Northern zone and 100% for the Southern zone.
- **Port sampling**: Coverage in 2003 for the Southern zone was 56% but vessels operating in the Northern zone and which unload in PagoPago were not covered by MMR. The landings in PagoPago are covered by NMFS port sampling staff and efforts are underway to formalise cooperation between NMFS and Cook Islands, for the exchange of data.
- **Observers**: 10% coverage has been achieved in the past, although with the increase in vessel numbers, this level of coverage is unlikely to be achieved in 2004. Ideally, MMR would like 20% coverage and under an arrangement with the Maritime Division, patrol boat crew are being trained as longline observers so that this coverage target can be achieved.

Overall, MMR will require additional capacity to be able to fulfil expanded monitoring requirements under the WCPF Convention. The area of data processing is being addressed through the NZAID funded capacity building project but the lack of observers and port samplers is a major constraint. In addition, coverage of the albacore longline fleet operating exclusively in the Northern zone, will need to be addressed.

### 2.2.5 Scientific Analysis

In order to provide sound scientific support to the tuna industry, the Cook Islands intends to further strengthen its scientific analysis capability and has developed a data management project with NZAid funding for this purpose. Three graduates scheduled to return at the end of 2004 will further boost this capability. Support from the SPC/OFP in this area will continue to be sought.

A clearer understanding of oceanographic impacts on Cook Islands oceanic fisheries is essential and the continuing work of SPC in this area is considered important.

In the longer term the Ministry intends to establish a web site for the dissemination of tuna related information.

### 3. Potential Contribution of SAP II Project
Potential areas in which the SAP II Project could contribute to assisting Cook Islands in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Interventions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Revise Act and Regs (Act in draft)</td>
<td>Workshop for Cabinet</td>
</tr>
<tr>
<td>Support Commission participation</td>
<td>Provide legal advice</td>
<td>Regional Legal Workshops</td>
</tr>
<tr>
<td>Implement Commission decisions</td>
<td>Provide legal advice, change regulations, licences</td>
<td>In-country Prosecution Workshop</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Technical advice</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in regional policy formulation</td>
<td>Commission meeting participation</td>
<td>In-country technical assistance for Plan &amp; institutional review, licensing overhaul. Regional Fisheries Management Training/Consultations Attachments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Strengthen private sector capacity to participate</td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase IUU deterrence in-zone</td>
<td>Improve licensing, vessel register</td>
<td>Regional MCS Working Group participation</td>
</tr>
<tr>
<td></td>
<td>Improve effectiveness of patrol, inspection, investigation, prosecution</td>
<td>In-country Inspection, VMS staff training</td>
</tr>
<tr>
<td>Ensure flag vessel control and compliance</td>
<td>New authorisation process; inform Commission</td>
<td>Regional Training on flag state responsibilities</td>
</tr>
<tr>
<td>Surface &amp; air patrols</td>
<td>New national VMS</td>
<td></td>
</tr>
<tr>
<td><strong>Monitoring</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improve at-sea data</td>
<td>Expand Observers</td>
<td>Ongoing in-country training of port samplers by SPC and observers by FFA/SPC</td>
</tr>
<tr>
<td>Improve catch composition data</td>
<td>Expand Port sampling</td>
<td></td>
</tr>
<tr>
<td>Provide data to the Commission</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Science</strong></td>
<td></td>
<td>Statistical support from SPC</td>
</tr>
<tr>
<td>Improve national statistical info.</td>
<td>Strengthen statistical capacity</td>
<td></td>
</tr>
<tr>
<td>Provide catch/effort estimates to the Commission</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improve understanding of oceanic resources and ecosystem</td>
<td>Strengthen national capacity to analyse national data</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strengthen national capacity to interpret regional analyses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Enhanced capacity to interpret oceanographic information</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Enhance information dissemination</td>
<td></td>
</tr>
</tbody>
</table>

**ANNEXES**
Annex 1  Stakeholder Inventory and Analysis (including consultative mechanism inventory)
Annex 2 Record of Stakeholder Consultation
Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Stakeholder inventory data sheet
Country: Cook Islands
Date: 2 July, 2004
Data Recorder: Colin Brown, cibn@oyster.net.ck

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative/post</th>
<th>Contact details</th>
<th>Description of Interests [factors that may influence participation]</th>
<th>Stakeholder analysis and preliminary participation plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Marine Resources</td>
<td>Secretary</td>
<td>Tel: 28721</td>
<td>National fisheries authority</td>
<td>1° s/holder [role in decision-making]</td>
</tr>
<tr>
<td>Ministry of Foreign Affairs</td>
<td>Secretary</td>
<td>Tel: 29347</td>
<td>GEF Focal Point</td>
<td>2° s/holder [2-way flow of information]</td>
</tr>
<tr>
<td>Marine Division, Police</td>
<td>Commander</td>
<td>Tel: 26018</td>
<td>Patrol Boat</td>
<td>Other [Keep informed]</td>
</tr>
<tr>
<td>Ports Authority</td>
<td>General Manager</td>
<td>Tel: 21920</td>
<td>National ports authority</td>
<td></td>
</tr>
<tr>
<td>Crown Law</td>
<td>Solicitor General</td>
<td>Tel: 29337</td>
<td>Legal authority</td>
<td></td>
</tr>
<tr>
<td>Cook Islands Fishermen’s Association</td>
<td>President</td>
<td>Tel: 23356</td>
<td>Small boat operators</td>
<td></td>
</tr>
<tr>
<td>Fish Processing Plant Operators</td>
<td></td>
<td></td>
<td>Fish Retailers/Exporters</td>
<td></td>
</tr>
<tr>
<td>Vessel Operators</td>
<td></td>
<td></td>
<td>Fishers</td>
<td></td>
</tr>
<tr>
<td>Environment Services</td>
<td>Director</td>
<td>Tel: 21256</td>
<td>Pollution</td>
<td></td>
</tr>
<tr>
<td>General Public</td>
<td></td>
<td></td>
<td>Socio-economic</td>
<td></td>
</tr>
</tbody>
</table>

Inventory of Project-related national consultative mechanisms

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Advisory Committee</td>
<td>Fisheries Division</td>
<td>Tel: 28721</td>
<td>Tuna fishery</td>
<td>To be formalised (MMR, GEF focal point, Industry)</td>
<td></td>
</tr>
</tbody>
</table>
Annex 2 Record of Stakeholder Consultation

COOK ISLANDS

1 July, 2004

Government Agencies Consultation
The Mission to the Cook Islands held a consultation with Government Agencies with an interest in the WCPF Convention. Those present were: Andrew Jones, MMR; Garth Henderson, Maritime Division - Police; Arama Tera, Maritime Division – Police; Mura Moeka’a, Foreign Affairs; Joseph Brider, Environment Service; Vaitoti Tupa, Director Environment; Teina Tuatai, MMR; Sonny Tatuava, MMR; Ian Bertram, Secretary MMR; Peter Graham, MMR; Carl Hunter, Foreign Affairs; Jason Marurai, MMR; Josh Mitchell, MMR; Garth Broadhead, Register of Ships; Janet Maki, Solicitor General.

Les Clark gave a presentation on the development of the WCPF Convention and outlined the obligations Cook Islands will be required to fulfil, as a party to the Convention. Mr Clark also discussed some aspects of the draft Marine Resources Act in relation to the Convention.

Stakeholder Consultation
The Mission to Cook Islands held a Stakeholders consultation at the Ministry of Marine Resources training room. Those present were: Fang Fang Yang, Cook Islands Fish Exporters Ltd (CIFEL); Sam Haite CIFEL; Tankman Vitaly, Pacific Islands Pacific Line Fishing; Robert Parkinson, “Golden Rose”; Mary Parkinson, “Golden Rose”; June M Baudinet, Enuamanu Fishing Ltd; Sylvia Craig, Cook Islands Marine Exports Ltd; JOHN Kenning, Latin Enterprises Ltd; Bill Carruthers, Latin Enterprises Ltd; Tony Manarangi, Latin Enterprises Ltd; Greg Gibbs, “Sea Searcher”; Chris Douglas, Blue Pacific Foods Ltd; Nikki Furley, Blue Pacific Foods Ltd; Ulamila Kura-Mamie, Cook Islands News; Charles Pitt, Cook Islands Herald; Brent Fisher, President Cook Islands Fishermen’s Association; Mike Carr, Cook Islands Fishing Company Ltd; Matai Price, Lattitude 22 Fisheries Ltd; Navy Epati Te Maroro Fishing Company; Josh Taio, Taio Marine Services Ltd; Francis Garnier, Matira South Fishing Ltd; Garth Broadhead, Maritime Cook Islands (Register of Ships); Tony Short, Cook Islands Development Board; Ian Bertram, Secretary MMR; Sonny Tatuava MMR; Teina Tuatai MMR; Andrew Jones MMR; Josh Mitchell MMR.

The consultation opened with a presentation by Josh Mitchell, on the development of the domestic tuna industry. Les Clark then presented an overview of the WCPF Convention, the status of regional tuna stocks and the implications for the Cook Islands of being a party to the Convention.

Issues arising out of the discussion were:

- Concern that the limited surveillance capacity of the Cook Islands would be unfairly burdened by having to deal with the illegal activities of vessels from the major fishing nations.
- The need for the tuna industry to organise itself and to work more closely with MMR in order to contribute to enhanced tuna management
- That the United States now requires vessels calling in to U.S. ports to have a security plan in place. Some vessels have already been refused entry to PagoPago for non-compliance

Other consultations held:

Cabinet
- Prime Minister Robert Woonton
- Deputy Prime Minister Ngamau Munokoa
- Minister of Finance Tapi Taio

Foreign Affairs
- Carl Hunter
Cook Islands

Maritime Cook Islands

- Registrar of Ships, Garth Broadhead

Ministry of Marine Resources

- Ian Bertram, Secretary
- Peter Graham, Legal Officer
- Josh Mitchell, IT Manager
- Andrew Jones, MCS
- Jason Marurai, MCS
1. Background

1.1 Status of Oceanic Fisheries

The FSM EEZ, 2.78 million km² in extent, is one of the largest and most productive in the WCPO, spanning 136°E-166°E and 1°S to 13°N. The tuna fishery is dominated by foreign vessels licensed under long-standing access agreements, involving purse seine, pole-and-line and longline vessels. Purse seine vessels of 7 different countries, plus FSM flag vessels and FSM arrangement vessels, have taken between 60,000 and 220,000t in the FSM EEZ over the past two decades, with this variability strongly linked to ENSO events. The 2003 catch (over 200,000t) was the highest for a decade. The pole-and-line catch by Japanese vessels has been steadily declining since the early 1990s and is now around 1,000t in most years (1,700t in 2003). The longline catch by Chinese, Japanese, and Taiwanese vessels, some of which are locally-based, has fluctuated between 5,000 and 10,000t in most recent years (6,660t in 2003), with bigeye and yellowfin comprising the bulk of the catch. Some of the foreign longline vessels are Guam-based and unload their catch there, whilst others unload for airfreight export in FSM ports, especially Pohnpei.

The FSM purse seine fleet now comprises 7 vessels, taking around 20,000t per year. The catch of the domestic longline fleet of around 25 vessels based in Pohnpei appears to be incompletely documented, with annual catches of less than 1,000t recorded. Some of the catch by these vessels is taken in Marshall Islands waters under an agreement with the Marshall Islands.

Considerable transhipment and unloading occurs in FSM ports by purse seine (transhipment) and longline vessels (unloading and transhipment), mainly in Pohnpei in recent years. 135 purse seine transhipments (70,000t) were recorded in 2003.

Subsistence and artisanal fishing for oceanic species, based mainly on trolling and droplining, remains important in some outer islands for food security and income generation. There is also a small informal sport fishery targeting a range of large pelagic fish operating mainly from Pohnpei.

1.2 Oceanic Fisheries Management

The major objectives of tuna management and development policy set out in the FSM Tuna Management and Development Plan are:

- To ensure that the nation’s tuna resources are used in a sustainable way;
- To obtain maximum sustainable economic benefits from the nation’s tuna resources;
- To promote economic security for the nation through the use of tuna resources.

No specific regulations currently apply to the tuna fishery, although imposition of TACs has been considered in the past, and there are area restrictions. Larger commercial vessels are prohibited from fishing within 12 miles of islands and major reefs, and two other measures are set out in Section 501 of Title 24, specifying that no fishing be allowed within 1 mile from submerged reefs and 2 miles from certain protected fish aggregating devices (FADs). The four states comprising the Federation generally exercise rights over marine resources out to 12 miles, and claim a share of enforcement revenues.

1.3 Oceanic Fisheries Institutional Arrangements

The National Oceanic Resource Management Agency (NORMA) is the primary agency responsible for oceanic fisheries management. The Ministry has an establishment of 11 posts, and an annual operating budget of USD$400,000. Oceanic fisheries management is the total focus of the work of the NORMA. Coastal and inshore fisheries are dealt with at state level, although there remain some unresolved issues concerning state and national responsibilities.

Within NORMA, responsibilities for oceanic fisheries are divided as follows:
Federated States of Micronesia

- Statistics, Licensing and Computer Branch – responsible for implementing fishing agreements, issuing licences, fee collection, monitoring vessel activities, logsheet processing, and maintaining the fisheries database and computer network.
- Research & Data Analysis Section - responsible for managing port sampling and observer programmes, monitoring transhipments, analyzing this information, and providing management advice.
- Executive Management /Administration & Finance Section - responsible for overall administration, economic analysis and planning, and management issues at national, regional and international level.

Revenue from oceanic fisheries access agreements and other fees is currently around $US10 million per year, but has been as high as US$ 35 million in the past.

Other government agencies involved in oceanic fisheries are:
- the Maritime Wing of the National Police, Ministry of Justice, which operates three patrol boats (Palikir, Micronesia and Independent), with assistance from the RAN Maritime Surveillance Advisor and technical assistants, hosts the regional VMS hub and carries out port inspection and some flag state compliance duties.
- External Affairs, who are active in international aspects of fisheries policy, including work related to the WCPF Convention and other regional and international aspects of fisheries affairs.
- Office of the Attorney General (Ministry of Justice), who provide legal advice on issues pertaining to oceanic fisheries management and are involved in fisheries litigation.

In each of the four states, there are Fisheries or Marine Resources Departments concerned with coastal fisheries development and management out to 12nm, and an Environmental Protection Authority (EPA).

The Department of Economic Affairs (Sustainable Development Unit, Conservation and Management) is responsible for broader aspects of national environmental management, including biodiversity and marine pollution, whilst EPAs in the four states are concerned with grass roots environmental issues.

The Department of Transport, Communications and Infrastructure maintains the flag state register for fishing vessels.

NORMA’s activities are directed by a Board, which has five members - one representative from each of the four states and one at-large member appointed by the President, with the Executive Director of NORMA serving as Secretary. Fisheries policy is largely driven by NORMA, with the approval of the Board; where legislative change is involved, approval of the National Congress is required.

Aside from the Board, there is currently no formal mechanism for broader consultation with stakeholders on OFM issues in FSM, although national fisheries summits have been held in the past. The Tuna Management Plan suggests such a mechanism would be desirable.

On the more specific issue of surveillance, Title 24, Section 207, of the FSM Code (the Marine Resources Act 2002) allows NORMA to establish a Fisheries Management and Surveillance Working Group (FMSWG), to formulate and implement a national fisheries management surveillance strategy. “The working group shall consist of appropriate representatives of NORMA and the Department of Justice. In addition, representatives from other divisions and departments of the National and State governments engaged in activities related to surveillance may be invited to participate”.

1.4 **Donor Involvement**
There is no other significant donor involvement in oceanic fisheries management besides Royal Australian Navy support for the Maritime Wing and donor-supported assistance provided by FFA and SPC.

1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues that arose in the mission to FSM include:

- The unique situation of FSM with its four widely separated states, and shared or uncertain responsibilities for some OFM issues eg port state control, and state jurisdiction over resources out to 12 nautical miles;
- Delineation of maritime boundaries: FSM has or will need boundary agreements with the neighbouring states of Palau, PNG, USA (Guam) and the Marshall Islands;
- Sustainability of present catches, capacity issues in the purse seine fishery, and interactions between purse seine and longline fleets;
- Oceanographic influences on catch rates/fishing success for all gears;
- IUU fishing within the very large EEZ and in adjacent high seas.

2. FSM and the WCPF Convention

2.1 Overview

With a tuna industry based on access arrangements for various foreign fleets and some domestic industry development (longline and purse seine), FSM’s primary aims in the MHLC and Prep Con process have been:

- to ensure that FSM secures at least a fair share of access to the region’s tuna resources;
- to ensure the application of measures to ensure the sustainability of the region’s tuna stocks and fisheries.

Key elements of this for FSM have been:

- ensuring the long term sustainability of the longline fishery whilst the purse seine fishery continues to expand;
- implementing controls on the impact of purse seine fishing on juvenile bigeye and yellowfin because of the effects this could have on catches by FSM’s longline fleet.

As a Member of the Commission and a Party to the WCPF Convention, major short term areas of implications for FSM are seen as follows:

i) legal reforms, which are completed with respect to the UNFSA, but may need additional work with respect to the Convention; compatibility of national and state legislation with respect to the Convention;

ii) strengthened arrangements for management of fishing in FSM waters, particularly enhanced monitoring and control efforts to improve information for scientific purposes and to address IUU fishing;

iii) the introduction of measures for enhanced flag state control of FSM vessels fishing outside FSM waters, including the high seas and the waters of other States; and

iv) effective participation in the processes related to the Commission, including involvement of non-government interests, including the domestic fishing industry and support for regional industry consultation.

FSM has made substantial progress towards developing the capacity to implement its obligations under the Convention. As host to the Commission, FSM might well provide a “best practice” model of the approach to realignment, reform and restructuring that a Pacific Island country can adopt to both prepare it for the implementation of the Convention and to build a base for benefiting from sustainable oceanic fisheries development.
2.2 Implications of the Convention

2.2.1 Legal

As noted, the Marine Resources Act was reviewed in 2002. It includes all necessary powers for implementation of the UN Fish Stocks Agreement, and regulations are in the process of being approved. With the Convention now having entered into force, the Act will be revisited and Regulations amended if needed. This will complete the immediate legal needs by FSM, for implementation of the Convention. FSM is also well aware of its obligations as host to the Commission in Pohnpei, and the conduct of the first meeting of the Commission in December 2004. FSM intends to appoint a fulltime Commissioner to the Commission.

The table below summarises the status of FSM’s adoption of relevant international legal instruments and declarations.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Principles included in new legislation, Tuna Management Plan and the Act</td>
</tr>
<tr>
<td>WSSD fisheries targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Acceded</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td></td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Not implemented</td>
</tr>
<tr>
<td>FFA Minimum Terms &amp; Conditions</td>
<td>Implemented</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
</tbody>
</table>

FSM has substantial legal capacity in its government legal offices (Attorney General), with a renewed commitment to OFM issues. FSM may, however, need assistance for major technical initiatives in fisheries law, and possibly training in boarding and inspection procedures, evidentiary issues with VMS, and prosecution. The second phase of regional prosecution workshop training would be welcomed.

It may also be necessary to build legal capacity at state level, to deal with issues that will arise under the Convention.

2.2.2 Policy/Institutional

The FSM oceanic fisheries administration has recently been restructured, with the revision of the Marine Resources Act (2002) and the renaming of the authority (MMA) as NORMA, this name change reflecting the expanded role “to include the conservation and management of all living and non-living marine resources and preservation of the environment”.

NORMA is committed to the implementation of the Tuna Management Plan, which it views as a living document, subject to regular review and adjustment. Six specific goals for tuna fisheries management have been adopted by NORMA under the Plan, i.e.:

- Ensure that the tuna catch does not exceed sustainable levels;
- Obtain national revenue from foreign fishing access agreements;
- Support development of FSM-owned and/or foreign FSM-based fishing enterprises;
- Encourage investment in enterprises related to tuna fisheries;
- Promote employment opportunities;
Enhance international relationships beneficial to FSM;

NORMA anticipates having to achieve these goals within the current commitment to “rightsize” the Government establishment. Whilst there is a need to strengthen monitoring, economics, compliance, statistics, and science programmes, much of this will need to be addressed with existing staff complements and through cost recovery, to fund additional activities.

FSM is well placed to implement the WCPF Convention and decisions of the WCPF Commission, and to continue to develop and benefit from its oceanic fisheries. There will however be a continuing need for capacity building in fisheries management and policy making, particularly in areas related to the work of the WCPF Commission to ensure that FSM participates effectively in the work of the Commission, including being able to ensure that FSM’s interests are taken into account in this work, and importantly to build support among stakeholders for the effective implementation of decisions of the Commission.

FSM will play a major role in the establishment of the Commission, since Pohnpei is to be the site of the Commission Headquarters. FSM will provide support to set up the Headquarters, including office space and a vehicle.

The cost of financial contributions for FSM to the WCPF commission is expected to be in the range of US$20,000 per year once the Commission is fully established.

2.2.3 Compliance

FSM has well developed capacity to enforce its fisheries laws, using 3 patrol vessels (provided and supported through the Australian Pacific Island Patrol Boat Programme, with an MSO and 2 technical advisors), and assisted by regular surveillance flights by Australia and New Zealand, with some ad hoc support for the USCG. Under the Niue Treaty, FSM has also participated, since 2002, in joint surveillance (training and patrols) with its neighbours (Operation Bigeye - Palau, the Marshall Islands) with the next operation (Operation Island Chief) planned for later this year. Patrol vessels operations, based in Pohnpei because of cost and coordination considerations, attempt to achieve around 170 days of seagoing patrols per vessel per year, but there are other calls on vessel services, albeit on a user-pays basis, which interfere with the attainment of these objectives. Communications costs are also a major factor in widely spaced FSM, but fuel remains the major operational cost constraint.

The Maritime Wing also operates the regional VMS but lacks back-up capacity, especially if additional duties are anticipated in conjunction with a Commission VMS programme. There is a general perception the VMS is not utilized to full capacity at present.

Although informal monthly consultation on MCS matters occurs amongst concerned agencies, the establishment of a Fisheries Management and Surveillance Working Group to formulate and implement a national fisheries management surveillance strategy, is provided for in section 207 of the MRA.

The locally-based longline vessels may need to be subject to a wider range of compliance requirements eg VMS, and regional registration.

There appear to be no coordinated in-port inspection programmes in place for transhipment and landings in FSM, partly because powers for port state inspection seem to reside with the states. Training of inspectors and establishment of an inspection programme may well be an important activity for the future, with preparation anticipated for at-sea boarding and inspection in the future.

Flag State Responsibilities

A major new responsibility for FSM under the Convention, is the need to regulate fishing by FSM vessels outside FSM waters. The Dept of Transport, Communications and Infrastructure currently operates the vessel register, with NORMA administering remedies for violations eg loss of good standing on regional registers. There is currently no process of authorization for
Federated States of Micronesia

FSM vessels to fish on the high seas, and capability to discharge flag state responsibilities is probably under-resourced at present.

2.2.4 Monitoring

FSM has had a long history of involvement in fishery monitoring activities. Features of current activities are:

- Logsheets: Logsheet coverage of the locally-based longline fleet is incomplete, and may only be around 50%; current logsheet coverage of purse seine, longline and pole-and-line access vessels is considered high (at least 80%).
- Licensing database: NORMA operates a licensing database with necessary information on vessel characteristics.
- Port sampling: Unloadings in the FSM ports are covered by NORMA-administered programmes (3 fulltime port samplers). Coverage of locally-based longline landings has been high, but there is no coverage of landings by vessels based in Guam. Coverage of the locally-based purse seine fleet is low.
- Landings: Landings data are collected from unloadings by purse seiners and longliners in FSM ports, via the port sampling programme, although coverage is incomplete. Transhipments are monitored by NORMA.
- Observers: NORMA has nine trained observers on staff, who have achieved 4-5% coverage of purse seine and pole-and-line trips in the EEZ, but low coverage for longline trips. Observer placement on Guam-based vessels is difficult and currently does not occur. Coverage of FSM Arrangement purse seine vessels is close to 20%. NORMA maintains a target level of 20% coverage of trips in the EEZ (all gears combined).
- Exports (air-freight tuna): data not regularly collected.

FSM is preparing to meet expanded monitoring requirements under the WCPF Convention, and expects to use cost recovery to fund some expanded activities, eg expanding the observer cadre to 15, and recruitment of another port sampler for Pohnpei. The major assistance needed will be for continuing training for observers, port samplers and statistical staff, and a probable upgrade of existing IT capacity. It is not viable for FSM to establish its own training programmes for the small numbers involved, and FSM sees itself continuing to rely on the regional organisations for this function.

There is a long-standing need to fully document artisanal catches of oceanic species at state level, and to better document by-catch and its disposal in all fisheries.

2.2.5 Scientific Analysis

FSM sees the development of a national capacity for scientific analysis on oceanic fisheries as an important priority and also feels that regional scientific advice is not always well-tailored to national needs, an issue with an EEZ as large as FSM’s. FSM will continue to rely on SPC for stock assessment analysis and related advice but also wants to develop its own capacity to interpret and apply the regional results and to be able to interpret data from national monitoring programmes. One position in the science area in NORMA is currently unfilled.

There is a well developed national catch and effort database, competently maintained, but assistance will be needed to produce the verified estimates of annual catch by species, gear and fleet for FSM waters, expected to be required to meet the data standards established by the Commission. An upgrade of the existing database will probably be needed.

3. Potential Contribution of SAP II Project

With recent restructuring of its fisheries administration and good capacity available in most areas of concern to the Convention, there is not the same need for in-country assistance in FSM as in some other Pacific Island countries. Rather, FSM’s needs are for continuing support from the FFA and SPC regional programmes in law, economics, science and
compliance, combined with the need to build capacity in identified areas and develop more inclusive consultative mechanisms. Full participation of all four states in this consultative process is an important issue for FSM.

A summary of possible assistance is tabulated below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td>Revisit Legal framework</td>
<td>Attachments etc</td>
</tr>
<tr>
<td></td>
<td>Enhance legal capacity</td>
<td>Regional Legal Workshops</td>
</tr>
<tr>
<td></td>
<td>Support Commission participation</td>
<td>(evidentiary issues, boarding and inspection etc)</td>
</tr>
<tr>
<td></td>
<td>Implement Commission decisions</td>
<td>In-country Prosecution Workshop</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td>Revise Regs if necessary</td>
<td>Regional Fisheries Management</td>
</tr>
<tr>
<td></td>
<td>Upgrade legal skills in states</td>
<td>Training/Consultations</td>
</tr>
<tr>
<td></td>
<td>Provide legal advice</td>
<td>Attachments</td>
</tr>
<tr>
<td></td>
<td>Provide legal advice, change regulations, licences</td>
<td>Regional Fisheries Management</td>
</tr>
<tr>
<td></td>
<td>Commission meeting participation</td>
<td>Training/Attachments/Workshops/Consultations</td>
</tr>
<tr>
<td></td>
<td>Additional FFA Meeting participation</td>
<td></td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td>Improve licensing, vessel register</td>
<td>Regional MCS Working Group</td>
</tr>
<tr>
<td></td>
<td>Improve effectiveness of patrol, inspection, investigation, prosecution</td>
<td>participation</td>
</tr>
<tr>
<td></td>
<td>New authorisation process; inform Commission</td>
<td>In-country and regional Inspection, VMS staff training</td>
</tr>
<tr>
<td></td>
<td>Expand Observers</td>
<td>Regional Training on flag state responsibilities</td>
</tr>
<tr>
<td></td>
<td>Expand Port sampling</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strengthen statistical capacity</td>
<td>Ongoing in-country and regional training of port samplers by SPC and observers by FFA/SPC</td>
</tr>
<tr>
<td><strong>Science</strong></td>
<td>Strengthen national capacity to analyse national data</td>
<td>Statistical support from SPC</td>
</tr>
<tr>
<td></td>
<td>Strengthen national capacity to interpret regional analyses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Enhanced capacity to interpret oceanographic information</td>
<td>Ongoing support from SPC</td>
</tr>
<tr>
<td></td>
<td>Ongoing support from SPC</td>
<td>Training for national scientific staff to interpret stock assessments and oceanographic information, preferably in-country</td>
</tr>
</tbody>
</table>

**ANNEXES**

Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Annex 2 Record of Stakeholder Consultation
## Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

### Stakeholder inventory data sheet

**Country:** FSM  
**Date:** 30th June, 2004  
**Data Recorder:** Patricia Jack, cibn@oyster.net.ck

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative/post</th>
<th>Contact details</th>
<th>Description of Interests [factors that may influence participation]</th>
<th>Stakeholder analysis and preliminary participation plan</th>
<th>Other [Keep informed]</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORMA</td>
<td>Executive Director</td>
<td>Bernard Thoulag <a href="mailto:hhoulag@hotmail.com">hhoulag@hotmail.com</a></td>
<td>National fisheries authority</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dept of Economic Affairs</td>
<td>Sustainable Development Unit</td>
<td>Deputy Asst. Secretary John Mooteb, Tel: 25050</td>
<td>GEFOperational Focal Point</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Ministry of External Affairs</td>
<td>Secretary</td>
<td>Lorin Robert, Deputy Secretary <a href="mailto:lsrobert@mail.fm">lsrobert@mail.fm</a></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dept of Justice</td>
<td>Attorney General</td>
<td>Marstella E. Jack, Asst AG <a href="mailto:fsdoj@mail.fm">fsdoj@mail.fm</a></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dept of Justice</td>
<td>Chief of Police</td>
<td>Pius Chotailug <a href="mailto:piuscc@mail.fm">piuscc@mail.fm</a></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dept of Justice</td>
<td>Marine Commander</td>
<td>Robert Maluweirang <a href="mailto:fsmvms@mail.fm">fsmvms@mail.fm</a></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Pohnpei State Government</td>
<td>Economic Advisor</td>
<td>Lam Dang <a href="mailto:tlda@mail.com">tlda@mail.com</a></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>“</td>
<td>Marine Development</td>
<td>Donald David, Chief <a href="mailto:pnimd@mail.fm">pnimd@mail.fm</a></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Pohnpei Port Authority</td>
<td>General Manager</td>
<td>Melson M. Darra <a href="mailto:mdarra@mail.fm">mdarra@mail.fm</a></td>
<td>State port authority</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dept of Transportation,</td>
<td>Secretary</td>
<td>Phillip Joseph</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
### Federated States of Micronesia

| Comm. & Infrastructure | Water Engineer | | | |
|------------------------|----------------|| | | |
| Caroline Fishing Co. | GM | Fishing Co. | | X |
| National Fishing Corp | President/CEO | Peter Sitan | Fishing Co. | X |
| National Offshore Fisheries Association, Clearwater Inc. | Chairman | James Movick, | Fishermen's association and co. | X |
| Tri-Marine (FSM) Inc. | GM | Nicholson Solomon | Fishing Co | X |
| Pacific Foods and Services | GM | Tim Ehsa | Fishing Co and agent | |
| MLF Co | | Fishing Co. | | X |
| Sportfishing | | | | X |
| General Public | | | | X |

### Inventory of Project-related national consultative mechanisms

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORMA Board</td>
<td>NORMA</td>
<td>Tuna fishery</td>
<td>Four state reps, one at-large member appointed by Congress</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Mission to FSM held a stakeholders consultation at the Capitol, Palikir, on Monday 28th June to discuss the development of the SAP II project. A more general public consultation was held on the following day (Tuesday 29th June) at the same venue. Present during the consultations were:

Bernard Thoulag, Executive Director, NORMA; Lorin Robert, Deputy Secretary, Dept of Foreign Affairs and Chairman of NORMA Board; Marstella E. Jack, FSM Assistant AG, Dept of Justice; Janhabi Nandy, FSM Assistant AG; Pius Chotailug, Chief of Police, Dept of Justice; Robert Maluweirang, Maritime Commander, Dept. of Justice; Justino Helgen, VMS Officer, Dept. of Justice; Sailas Henry, Legislator, Pohnpei State; Ishmael Lebehn, Asst. Deputy Secretary, Agriculture Unit/Dept of Economic Affairs; Marion Henry, Phillip Joseph, Water Engineer, Dept of Transportation, Comm. & Infrastructure; Moses Pretrick, Environmental Health Coordinator, FSM Dept of HESA; Lam Dang, Economic Advisor, Pohnpei Governor’s Office; Donald David, Chief, Marine Development, Pohnpei State Govt; Valentin Martin, Marine Resource Mgt Officer, Dept of Economic Affairs; Marion Henry, Dept of Economic Affairs; Melson M. Darra, Acting General Manager, Pohnpei Port Authority; Peter Sitan, President/CEO, NFC; Tim Ehsa, CFC; James Movick, Chairman, FSM National Offshore Fisheries Association, and ClearWaterInc.; Eugene Pangelinan, Deputy Director, NORMA; Mathew Chigiyal, L, C & S Manager, NORMA, and Patricia Jack, Information Specialist, NORMA.

Issues raised during the consultations were:

- How will flag state responsibilities be discharged by fishing states, and what legal framework will be needed implement flag state responsibility? How will non-party compliance be ensured?
- Necessary measures to ensure compatibility between in-zone and high sea measures; powers of the Commission with respect to imposing management measures in coastal state EEZs.
- State versus national jurisdiction in OFN matters (issue for FSM).
- Capacity issues and increasing purse seine fishing efficiency; purse seine /longline interactions.
- Need for real time data with minimum lag; juvenile bigeye catch to be fully documented.
- Oceanographic impacts on longline catches, not just purse seine.
- Stock issues and the Northern Committee.
- Contributions to the Commission and the implication of large in-zone catches.
- Future role of other organizations such as WTPO, OPRT.
- The role of FFA and SPC/OFP in the Commission.
- The likely scale of GEF funding.
- Could GEF funding be used to ensure/support a regional private sector role (eg regional meetings) in the consultative process, and support wider national participation generally (important in scattered FSM)?

Separate follow-up consultations were held on Wednesday 30th and Thursday July 1st with:

NORMA
- Bernard Thoulag, Eugene Pangelinan, Steve Ritalmai, Matthew Chigiyal, Patricia Jack
Attorney Generals Office
  ▪ Marstella Jack, Janhabi Nandy

External Affairs
  ▪ Lorin Robert, Jane Chigyal

Dept of Transportation, Communication and Infrastructure
  ▪ Akilino Suasia, Roena ?

Maritime Wing
  ▪ Pius Chotailug, Robert Maluweirang, Justino Helgen, Lt. Cdr Barry Jones (MSO)

Economic Affairs, Sustainable Development Unit
  ▪ John Mooteb, Valentin Martin, Marion Henry, Okean Ehmes, Cindy Ehmes

Media coverage of the Convention and oceanic fisheries management generally was provided in anticipation of the Mission’s visit to FSM. Coverage of the visit was given in NORMA’s widely distributed newsletter for March-June.
FIJI

1. Background

1.1 Status of Oceanic Fisheries

Fiji has an EEZ of 1.29 million km², which supports a substantial domestic tuna fishing industry. Foreign fishing has occurred in Fijian waters since the early 1950s. Domestic fisheries started with pole and line ventures in the mid 1970's and continued until the 1990s when low prices and relatively high costs made this form of fishing largely uneconomic. Taiwanese and Korean longline activity, primarily targeting albacore, increased in the 1980s, with substantial growth of the domestic longline fleet occurring over the last 10 years. In the last five years, the numbers of domestic longliners has gone from 43 to 101 (2003). As at June 2004, 84 longline vessels are fishing in Fiji’s EEZ, of which 57 have full licenses, the balance operating on provisional licenses.

Matching the growth in effort, catches by the domestic fleet have increased from around 5,000 tonnes in 1998 to an all time high in 2002 of 16,472 tonnes, of which 12,800 tonnes (74%) was taken in the Fijian EEZ. Environmental factors and adverse economic conditions led to a reduction in catches in 2003 to 11,000 tonnes, of which 7,400 tonnes was caught in the EEZ.

The value of the Fijian tuna catch is estimated at FJ$200 million (2003) with exports worth approximately FJ$120 million. This makes tuna fishing one of Fiji’s major industries, ranking third behind tourism and sugar. The domestic tuna industry in Fiji in 2002 accounted for some 900 jobs on vessels, with a further 1,500 employed in shore-based facilities.

A significant volume of tuna is transhipped at ports in Fiji by foreign vessels, and in particular Taiwanese longliners (88% of total transhipments in 2002). Other minor transhipments include those by China, Vanuatu and Japan. In 2002 a total of around 11,300 tonnes of tuna and related species was recorded as being offloaded, around 10,500 tonnes (93%) of which was albacore. The PAFCO cannery in Levuka processes much of the albacore, and produced around 12,600 tonnes of loins and 418,766 cases of tuna in 2002, primarily for export.

Fiji exports most of its tuna catch to Japan and America, these two markets receiving 57% and 41% of Fiji’s tuna catch respectively in 2002. In the same year, 12,582 tonnes of frozen tuna was exported and 3,630 tonnes exported unfrozen for the sashimi market.

1.2 Oceanic Fisheries Management

The objective of the Fiji Tuna Development and Management Plan is:

To provide for maximum sustainable benefits to Fiji from the resource.

The Plan states that this objective:

implies setting the harvest levels that will not damage the stock and putting into practice a licensing policy that will ensure that maximum benefits from fishing are enjoyed by Fijians.

It further stated that:

the Government has also taken the opportunity to use the Plan to help improve the disparity within the segments of the Fijian population by providing preferential criteria for Indigenous Fijians to have access to licenses consistent with the aims of the Government through the Social Justice Act.

Commercial tuna fishing is now focused on longline operations. The longline fishery is managed under a system of catch and effort limits, with an overall TAC for yellowfin, bigeye and albacore of 15,000 tonnes, and a limit on the number of longline vessel licenses of 110. Of these 110 licenses, 60 are open licenses, 25 are reserved for indigenous Fijians and 25 for vessels associated with processors. Licenses are issued annually.


3 US1.00 = FJ$1.77
The area between internal waters and the shoreward boundary of archipelagic waters is closed to vessels over 20 metres and those owned by non-indigenous Fijians. All vessels using ‘commercial’ fishing gear i.e. longline, purse seine and pole and line require a license, irrespective of length. There is a proposal currently before Cabinet that the area of archipelagic waters be reserved for indigenous interests.

### 1.3 Oceanic Fisheries Institutional Arrangements

The institutional structure of the Ministry of Fisheries and Forests is in the process of structural change. A National Fisheries Authority has been proposed under the new Fisheries Bill, which is with Cabinet. Currently, the Oceanic Fisheries Management Services Division (OFMSD) of the Fisheries Department is responsible for oceanic fisheries management. The Fisheries Department has a total staff of 188, of which 36 are in the OFMSD. Of these 36 posts, only two are established, with the balance employed as project staff. One SPC funded contract officer is also employed by the Division, using EU funding. The Fisheries Department has an annual operating budget of FJ$5.85 million. The OFMSD, with the exception of two core-funded established posts, is funded entirely from a trust fund from that portion of the license fees not paid to government. The OFMSD has five activity areas: Administration, Information Technology, Licensing and Enforcement, Observers, and Offshore Tuna Data Analysis. While oceanic fisheries are a high priority within the Fisheries Department, the OFMSD budget of F$490,000 is only around 12% of the total Fisheries Department budget.

The main government agencies involved in oceanic fisheries are the:

- Office of the Solicitor General, which provides legal advice, drafts legislation and attends meetings as legal advisors;
- Navy Division of the Fiji Military Forces, which undertakes surveillance and enforcement duties using three ocean-going patrol boats and two support vessels;
- Ministry of Foreign Affairs and External Trade, which is active in the international aspects of fisheries policy, including work related to the WCPF Convention and other regional and international aspects of fisheries affairs;
- Fiji Police Force, which in collaboration with the Office of the Director of Public Prosecutions, is responsible for prosecutions and enforcement;
- Department of Environment, which has interests in respect of marine conservation and sustainability issues, including turtles and other by-catch.

Fisheries policy is largely driven by the Fisheries Department. Consultation with government departments and other stakeholders (including industry and NGOs) on policy matters is dealt with through:

- an industry-based body, the Offshore Tuna Council\(^4\), whose membership comprises all Fiji License holders, those owning fish processing and packaging factories and representatives of government; and
- various ad-hoc committee processes, called to consult on specific issues, e.g. the review of the Tuna Management Plan.

Consultation with government departments on licensing and project matters occurs through two specific committees:

The **Licensing Committee** – responsible for making recommendations on all license applications for oceanic fisheries in Fiji. Cabinet appoints members of the Committee which comprise the CEO Fisheries and Forests, CEO Foreign Affairs and External Trade, CEO Home Affairs and Immigration and the Director of Fisheries. A large number of co-opted members also sit on the committee, including those from the line Ministries outlined above. There is no industry or environmental NGO participation. Application for licenses by fishing

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\(^4\) Currently the Offshore Tuna Council meets very infrequently.
operators, including those involved in joint-ventures with local partners, are increasingly coming under closer scrutiny.

The Project Committee- responsible for considering all project proposals relating to fisheries in coastal and oceanic waters, e.g. foreign investment in oceanic fisheries. Membership comprises the Deputy Director of Fisheries, Principal Fisheries Officer (Research) and the Principal Fisheries Officer/Project Officer, whose area is being applied for.

The Department of Environment is responsible for broader aspects of environmental management, including marine pollution.

1.4 Donor Involvement

The major ongoing donor involvement is the provision of three Pacific Patrol Craft and associated training and logistical support by the Australian Defence Force. A range of donors contribute to the regional programmes of oceanic fisheries assistance, provided by FFA and SPC, that are utilised by Fiji on a regular basis.

1.5 Other Oceanic Fisheries Management Issues

Other significant oceanic fisheries management issues that arose during the mission to Fiji include:

- fleet mobility with an increasing number of Fiji-based vessels holding licenses to multiple zones and, in particular, Vanuatu and Tuvalu;
- increasing cooperation with neighbouring states on such matters as compliance, and data exchange;
- increasing transhipments from DWFN vessels, increasing port state responsibilities and associated costs;
- concern over the impact of purse seine fishing on the longline fishery;
- licensing arrangements and qualifying criteria for longline vessels remain a source of ongoing controversy;
- determining optimum fleet size and/or catch to ensure both economic and biological sustainability; and
- the need to differentiate between environmental and fishery driven effects on catch rates.

2. Fiji and the WCPF Convention

2.1 Overview

Fiji’s primary aims in the MHLC and PrepCon process have been:

- to achieve the overall conservation of tuna resources within the WCPO, with particular concern over the need to control capacity in the purse seine sector, due to the flow-on impacts on bigeye and yellowfin tuna targeted by the longline fishery;
- to derive an equitable share for Fiji of the overall TAC for the WCPO;
- to create a framework that will encourage the development of domestic fishing industries; and
- to establish a cost-effective management framework and Commission that maximises the use of current regional arrangements, and is not a burden on Pacific Island Countries.

Major short term areas of implications for Fiji, as a Member of the Commission and a Party to the WCPF Convention, are seen as follows:

- need to update legislation to comply with the requirements of the WCPF Convention;
need to improve flag state control, including the establishment of a process to authorise Fijian flagged vessels fishing on the high seas, and to better control Fiji flagged vessels fishing in the EEZs of other FFA states;

requirement to improve dockside monitoring processes and coverage to deal with increasing transhipments and use of Fiji as a base by DWFN;

need to improve the pattern of participation and understanding by the private sector in the processes of the Commission.

Overall, Fiji has taken steps to implement an oceanic fisheries management framework but will need to update and strengthen it to respond to requirements associated with the Convention.

2.2 Implications of the Convention

2.2.1 Legal

The 1972 Fisheries Act requires substantial revision to be compatible with the requirements of recent regional and international instruments, including the UN Fish Stocks Agreement and WCPF Convention. A Bill has been before Cabinet dealing with a comprehensive suite of fisheries management arrangements covering all aspects of Fisheries, including oceanic fisheries. This Bill is now back with Fisheries for modification and will require updating to take account of WCPF Convention requirements.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Ratified</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Accepted</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td>Endorsed</td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Endorsed, not yet implemented</td>
</tr>
<tr>
<td>WSSD Fisheries Targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>FFA Minimum Terms and Conditions</td>
<td>Implemented</td>
</tr>
</tbody>
</table>

While there is substantial legal expertise available in the Office of the Solicitor General (40 legal staff), no one legal specialist is assigned to Fisheries. Both the Office of the Solicitor General and the Fisheries Department are of the opinion that substantial benefits would be gained by basing a lawyer in Fisheries, as is the case with a number of other Ministries.

There is currently an inadequate understanding of legal commitments under the Convention, including flag state obligations and links with practical fisheries management initiatives, including improved compliance.

There is a need to improve the harmonisation of legislation between the Fisheries Act and associated legislation, including that relating to the environment.

2.2.2 Policy/Institutional

The oceanic fisheries management framework in Fiji is in transition, awaiting the passing of the new Fisheries Act and the creation of the Fiji Islands National Fisheries Authority (FINFA). The structure of FINFA needs to be formalised as a matter of priority. In the meantime, the OFMSD is constrained in its activities by the level of funding it receives under current cost recovery arrangements.
Fiji’s participation in the WCPF Commission will continue to be led by the Ministry for Foreign Affairs and the Ministry of Fisheries and Forests. Consultation with stakeholders will be undertaken on an ad-hoc basis until alternative consultative processes are developed. Clear national positions on regional and multilateral issues, including a sub-regional approach to the management of longline fishing and allocation, have yet to be developed. Fiji is interested in using the bio-economic model to inform policy decisions the national/sub-regional issues, such as the optimum levels of purse seine and longline catches.

The cost of financial contributions for Fiji to the WCPF commission is expected to be in the range of US$8-12,000 per year, once the Commission is fully established, although it may be more in the first year or two if major fishing states delay becoming Members of the Commission. OFMSD intends to increase income by accessing licence fee revenues. A proposal is with Cabinet that, when approved, will result in additional income from vessels based and landing in Fiji but not fishing in Fiji’s EEZ (license fees of @F$2,500 per vessel, and per visit fees for DWFN and other vessels landing in Fiji (@F$200 per visit).

2.2.3 Compliance

Compliance and enforcement activities are carried out by the Naval Division through the operation of three ocean-going patrol vessels, the Fiji Police Force, the Department of Fisheries, and the Office of the Director of Public Prosecution. Naval officers have been given Fisheries boarding powers to board vessels. A good database of registered vessels and gear characteristics is kept with the Department of Fisheries. There is recognition of the increasing mobility of fishing fleets and the associated compliance issues. To deal with such issues Fiji has entered into collaborative compliance arrangements with Vanuatu and Tuvalu and there are plans to do the same with the Solomon Islands. The use of the Niue Treaty to formalise these arrangements is under consideration.

The capacity of Navy staff in relation to understanding and implementation of fisheries-associated legal instruments requires strengthening.

There is support for a standardised (region wide) format for dockside boarding procedures and associated training.

The FFA VMS facility is managed by the Naval Division. While it is operational (there should be a daily download), regular technical problems have been experienced. The latest problem rendered the VMS system ineffective for 3 weeks. A minimum criterion imposed on all fishing vessels is that they must be ‘seen’ as target on the VMS system before they can be licensed to fish in Fiji waters. Fiji considers that there is a need to avoid duplication of VMS systems (between the FFA and Commission VMS systems).

The efficiency in monitoring and surveillance activities is hampered by tight operational budget for the Naval Division. With all five active vessels at sea (3 patrol craft and 2 support vessels), there is only sufficient funding to cover 16 days per year of effective surveillance.

Given the current funding constraints and high level of activity in Fiji’s EEZ, vessel boarding and inspection on the high seas by Fiji patrol boats, is not expected to be undertaken in the immediate future. An authorisation process to enable high seas boarding and inspection is yet to be developed, although the Fisheries Act allows for this.

2.2.4 Monitoring

Fiji has a well developed system of data collection, verification and analysis of catch and effort data. It also has the capability to log and generate data before transmission to SPC for review. This work has been well supported by SPC under the IW SAP Project, and by the EU-Procfish Project. A database has been set up containing Fiji’s catch and effort data by species, gear, and fleet type that will meet the requirements of the Commission. There is now a desire to move towards training programmers and data analysts to do more detailed in-country analysis of both national and regional fisheries data.
While most vessel landings are well monitored ensuring a high level of port sampling coverage, some data gaps from landings still exist.

An onboard observer programme aimed at the domestic longline fleet is in place, with an approximate observer coverage of 20%. A common terms of reference (TOR) has been agreed to, with Vanuatu (see Compliance section) to qualify Fiji Observers to become Vanuatu Observers, once multi-licensed vessels enter Vanuatu waters. This cross-accreditation is expected to be an ongoing requirement.

Tuna tagging research was supported and a preference expressed for a tagging programme to be done every 5 years or so, with the objective of creating understanding of both local movement and regional mobility of tuna.

### 2.2.5 Scientific Analysis

Fiji, with software and training assistance provided by SPC, has now developed a good data collection and analysis capability. This year (2004), for the first time, Fiji will be preparing their annual SCTB data report unaided, with SPC providing final checking of data and calculations. Fiji is capable of providing some data analysis, including spatially disaggregated catch and effort data, in support of the management process.

The trend whereby recent stock assessment advice provided by SPC has increasingly focused on the impact of fishing on stocks in the Fiji EEZ, has been welcomed by all stakeholders. While progress is acknowledged, there is considered to be a need to expand this activity and thereby provide a greater understanding of the relative impacts of fishing and environmental factors on tuna stocks.

Fiji is keen to build on the progress made with national data collection and analysis, and wishes to progress towards gaining a national capability to interpret regional stock assessment data. There is also a requirement to better understand and monitor the relationship between long line and purse seine fisheries.

### Ecosystem analysis

Tuna by-catch is currently not considered to be an issue for Fiji, but is recognised as an emerging issue with the potential to impact exports. Under current practises, and using the SPC definitions, there is virtually no longline by-catch, with retained non-target species being landed as by-product and finding a ready market. Data on by-catch taken within the EEZ is generally sketchy and work to date on by-catch issues has been minimal. There is a need to improve the understanding of the ecosystem-based management aspects of the Convention and how these can be practically addressed by Pacific Island countries.

Large scale oceanographic changes undoubtedly have impacts on Fiji’s oceanic fisheries. However, there is little capacity to monitor and analyse large scale impacts, or to separate these impacts from the impacts of fishing. Analysis conducted through the Oceanic Fisheries Programme of the SPC is providing greater understanding of the local situation with respect to large scale ENSO-driven changes.

### 3. Potential Contribution of SAP II Project

Potential areas in which the SAP II Project could contribute to assisting Fiji in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Interventions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal</td>
<td>Provide legal advice in support of review of Fisheries Act</td>
<td>Legal review</td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Provide legal input into national positions</td>
<td>Training for dedicated fisheries legal officer</td>
</tr>
<tr>
<td>Support Commission participation</td>
<td>Understand legal implications</td>
<td>Regional Legal Workshops</td>
</tr>
<tr>
<td>Implement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commission decisions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
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<td></td>
</tr>
<tr>
<td><strong>Policy</strong>&lt;br&gt;Participate in the Commission and new regional management arrangements</td>
<td>Additional Commission and FFA meeting participation&lt;br&gt;Develop regional and national vision for future management arrangements&lt;br&gt;</td>
<td></td>
</tr>
<tr>
<td>Strengthen In-Zone Management/ Provide data to the Commission</td>
<td>Develop defensible and compatible national reference points&lt;br&gt;</td>
<td></td>
</tr>
<tr>
<td><strong>Compliance</strong>&lt;br&gt;Increase IUU deterrence in-zone</td>
<td>Increase understanding and implementation of legal instruments&lt;br&gt;Support for collaborative surveillance operations.&lt;br&gt;Implement high seas authorisation process&lt;br&gt;</td>
<td></td>
</tr>
<tr>
<td><strong>Monitoring</strong>&lt;br&gt;Improve at-sea data&lt;br&gt;Improve catch composition data</td>
<td>Expand Observer Programme&lt;br&gt;Expand Port Sampling Programme&lt;br&gt;</td>
<td></td>
</tr>
<tr>
<td><strong>Science</strong>&lt;br&gt;Improve national statistical info&lt;br&gt;Provide catch/effort estimates to the Commission&lt;br&gt;Improve understanding of oceanic resources and ecosystem</td>
<td>Strengthen national capacity to analyse national data&lt;br&gt;Strengthen national capacity to interpret regional analyses&lt;br&gt;Enhanced capacity to interpret fishing vs environmentally driven changes to the fishery, and oceanographic information&lt;br&gt;</td>
<td></td>
</tr>
</tbody>
</table>
| | Institutional Strengthening<br>Regional Fisheries Management<br>Training/Consultations<br>Workshops on alternative fisheries management strategies<br>Regular (biennial) management plan review<br>Technical assistance and training on national and regional compliance implications of Convention<br>MCS working groups at regional and sub-regional levels, with technical support<br>Ongoing assistance from SPC with training and overall monitoring strategy<br>Capacity building focusing on training programmers and data analysts<br>Increase standardisation of forms and procedures<br>Ongoing support from SPC<br>Training for national scientific staff to interpret stock assessments and oceanographic information<br>Training for national scientific staff to interpret stock assessments and oceanographic information<br>|}

**ANNEXES**

Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)<br>Annex 2 Record of Stakeholder Consultation
## Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

### Stakeholder inventory data sheet

**Country:** Fiji  
**Date:** 23rd June 2004  
**Data Recorder:** Seremaia Tuqiri  
**E-mail:** stuqiri@wwfpacific.org.fj

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative / Post</th>
<th>Contact details</th>
<th>Description of interests (factors that may influence participation)</th>
<th>Stakeholder analysis and preliminary participation plan</th>
<th>Other</th>
</tr>
</thead>
</table>
| Department of Fisheries                          | Apolosi Turaganivalu Principal Fisheries Officer         | Ministry of Fisheries & Forests  
GPO Box 358, Suva  
Tel: 336 1122  
Fax: 336 1184 | National fisheries authority                             | 1st stakeholder (role in decision making)  
2nd stakeholder (2-way flow of information) | X     |
| Foreign Affairs & External Trade                 | Ross Ligairi Deputy Permanent Secretary (Political & Treaties) | P.O. Box 2220  
Govt Buildings, Suva  
Tel: 330 9667  
Fax: 330 1741 | Foreign policy and Treaty administration and negotiation |                                                   | X     |
| Naval Division                                   | Bradley Bower Maritime Commander                          | Naval Division  
Fiji Military Forces  
GPO Box 102, Suva  
Tel: 331 2585  
Fax: 331 4783 | Fisheries compliance                                   |                                                   | X     |
| Fiji Police Force                                | Kevueli Bulamainaivalu  
Asst. Commissioner of Police (Operations)                 | P.O. Box 239, Suva  
Tel: 331 2999  
Fax: 330 3199 | Compliance and enforcement                          |                                                   | X     |
| Office of the Solicitor General                  | Nainendra Nand Solicitor General                           | Office of the Attorney General  
P.O. Box 2213  
Govt Buildings, Suva  
Tel: 330 9866  
Fax: 330 5421 | Drafting of legislation                               |                                                   | X     |
| Fiji Trade and Investment Board | Epeli Nasome  
Director of Environment | P.O. Box 2131  
Govt Buildings, Suva Fiji  
Tel: 331 1699  
Fax: 331 2879 | GEF Focal Point | Business Sector | X |
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Department of Environment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Fiji Islands Maritime Safety Administration (FIMSA) | Director of Marine | P.O. Box 326, Suva  
Tel: 331 5266  
Fax: 330 3251 | Vessel safety and registration | | X |
| Environmental NGOs e.g. Greenpeace and WWF | Oceans  
Campaigner/Fisheries Conservation Officer | - | Conservation interests | | X |
| The University of the South Pacific | Leon Zann  
Professor of Marine Studies  
zann_l@usp.ac.fj | - | Training and education provider | | X |
| Vessel Operators | - | Industry | | X |
| Fish Processing plant operators | - | Industry | | X |
| General Public | - | Socio-economic | | X |
### Inventory of Project-related national consultative mechanisms

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
</table>
| 1. Oceanic Fisheries Licensing Committee | Department of Fisheries Min. of Fisheries & Forests | CEO Fisheries & Forests (Chair) | Looks at all licence applications for the oceanic fisheries in Fiji | Ad hoc? | - CEO Foreign Affairs & External Trade  
  - CEO Home Affairs & Immigration  
  - Director of Fisheries  
  - Fisheries Licensing Officer (Committee Secretary)  
  - Solicitor General’s Office  
  - Fiji Navy  
  - Fiji Islands Revenue & Customs Authority (FIRCA) - Legal  
  - Fiji Inland Revenue Services  
  - Fiji Customs Services  
  - Fiji Islands Trade & Investment Bureau  
  - Reserve Bank of Fiji  
  - Fiji Islands Maritime Safety Administration (FIMSA)  
  - Immigration Department  
  - Deputy Director of Fisheries  
  - Principal Fisheries Officer (Management Services)  
  - Principal Fisheries Officer (Research)  
  - Principal Fisheries Officer or Project Officer whose area is being applied for  
  - Fisheries Licensing Officer (Committee Secretary) |
| 2. Fisheries Project Committee | Department of Fisheries | Deputy Director of Fisheries (Chair) | Looks at all project proposals relating to fisheries in the oceanic and coastal waters | Ad hoc | All Fiji licence holders and those owning fish processing and packaging factories |
| 3. Fiji Islands Offshore Fisheries Council | Industry | Current acting Chair is Mr David Lucas, Solander (Pacific) Ltd. | Set up with the intention of providing a cohesive and consultative forum specifically for industry and government. | Ad hoc at the present time |
Annex 2 – Record of Stakeholder Consultation

FIJI

PRIMARY STAKEHOLDER CONSULTATION
Marine Studies Programme
The University of the South Pacific
Wednesday, 23rd June 2004

Participant List:
Jone Amoe, Project Officer (OTP), Department of Fisheries; Filipe Viala, National Fisheries Observer Coordinator, Department of Fisheries; Neomai Ravitu, Project Officer, Department of Fisheries, Lt. Bradley Bower, Maritime Commander, Republic of Fiji Navy; Andrew Hughes, Commissioner of Police, Fiji Police; Kevueli Bulamainaivalu, Assistant Commissioner of Police, Fiji Police; Jonasa Leakai, Staff Officer, Central Police Station, Fiji Police; Ross Ligairi, Deputy Permanent Secretary (Political & Treaties), Ministry of Foreign Affairs & Trade; Seruwaia Sikivou, Statistician, Fiji Islands Bureau of Statistics; Peniasi Kunatuba, Consultant, Agape Fishing Company; Josateki Navalowalo, Director, Seafresh (Fiji) Ltd; Aneil Sami, Seafresh (Fiji) Ltd; Sivoki Matananiu; Robert Stone, Fisheries Consultant; Lisa Stone, The Gourmet Food Company; David Lucas, Solander Pacific Ltd; Russel Dunham, Fiji Fish Co. Ltd.; Joni Nawaiwalo, Fisherman; Prof. Leon Zann, Director, Marine Studies Programme, USP; Dr. Vina Ram Bidesi, Lecturer, Marine Studies Programme, USP; Dr. Edward Anderson, Lecturer, Marine Studies Programme, USP; Pio Manoa, Oceans Campaigner, Greenpeace; Lagi Toribau, Assistant Oceans Campaigner, Greenpeace; Kesaia Tabunakawai; Regional Conservation Director, WWF South Pacific Programme (WWF-SPP); Penina Solomona, Marine Officer, WWF SPP: Alice Hefferman, Researcher, WWF SPP; Etika Rupeni, Fiji Country Programme Manager, WWF; Saimoni Tuilaucala (CHAIR), Acting Director, Ministry of Fisheries & Forests: Apolosi Turaganivalu, (TECHNICAL ASSISTANT) Principal Fisheries Officer, Department of Fisheries,.; Ian Cartwright, Mission Consultant (International); Seremaia Tuqiri, Mission Consultant (Regional).

The mission to Fiji held a primary stakeholder consultation after the public forum. It was held at the USP Marine Studies Programme Lecture Theatre to discuss the purpose and development of the SAP II project. There were a total of 28 participants on record.

Mr Ian Cartwright gave a presentation on GEF SAP II Project: Strengthening National Fisheries Management (on the implementation of the new Western and Central Pacific Fisheries Convention). Issues raised in the discussion were as follows:

- On authorisation to board on the high seas after 19th June 2004 – would this require Commission licensing? It was noted that this was so. Australia had taken this stand.

- Regarding the perception that quota allocation could be increased based on catch history, it was noted that the Commission would provide the forum to negotiate quota allocation. It was further noted that there was a lot of pressure to try and get a share of the quota allocation pie. The Commission must promptly deal with the allocation issue in order to stabilise the industry. Allocation must also be agreed to by consensus.

- Economic efficiency/viability of the vessels needed to be considered as well, not just biological sustainability. It was better to have a fewer fishing vessels and make a profit than to have a higher number and lose out. There was a need to push this at the Commission level.

- Need to know and deal with differing objectives placed on oceanic fisheries by respective Pacific Island countries (PICs). Concern was expressed with fishing techniques employed by vessels fishing in other PICs, while others want to gain as much as they could from their
fishing licences. Tuna is shared stock – Fiji’s fish stocks are dictated by fishing vessels in surrounding EEZs.

- Cost recovery should be attributable to fishing activity, and should be based on a transparent model that both government and industry have both bought into.
- Need to be more informed about local stocks as this would enable countries to responsibly decide what management options they need to take.
- Cost-effective compliance was going to be a challenge, particularly with respect to illegal, unidentified, and unreported (IUU) fishing. Presently, there was barely any money to cover maintenance, surveillance and enforcement.
- Participation in the design of national arrangements should include a broader involvement of stakeholders.
- The WCPF Convention is a regional arrangement. Other countries in the region must fully buy into regional arrangements. Fiji is developing its tuna management plan and is working to make sure that there is political buy in.

Other consultations were held prior to and after the two meetings. These were with:

- **Department of Fisheries**
  - Apolosi Turaganivalu, Principal Fisheries Officer (MS)
  - Filipe Viala, National Fisheries Observer Coordinator
  - Jone Amoe, Project Officer (Oceanic Tuna Programme)
  - Anare Raiwalui
- **Naval Division, Fiji Military Forces**
  - Lt. Bradley Bower, Maritime Commander,
- **Fiji Police Force**
  - Mr Kevueli Bulamainaivalu Assistant Commissioner of Police (Operations),
- **Department of Environment**
  - Mr Epeli Nasome, Director of Environment,
- **Office of the Solicitor General**
  - Mr Nainendra Nand, Solicitor General,
  - Mr Eliesa Tuiloma, Senior Legal Officer,

Courtesy calls were made to:

- Mr Mitieli Baleivanualala, CEO Ministry of Fisheries & Forests
- Mr Malakai Tuiloa, Deputy Director of Fisheries
- Mr Cama Tuiloma Fiji, CEO Local Government, Squatter Settlement, & Environment and GEF Focal Point.

**PUBLIC FORUM**

Marine Studies Programme
The University of the South Pacific
Wednesday, 23rd June 2004

**Participant List**

Filipe Viala, Department of Fisheries; Jone Amoe, Department of Fisheries; Neomai Ravitu, Department of Fisheries; Louise Isimeli, Department of Fisheries; Timoci Koroi, Republic of Fiji Navy; Esiteri Puamau, National Planning Office; Ovini Ralulu, National Planning Office; Nemani Mati, Prime Minister’s Office; Akuila Ratu, Prime Minister’s Office; S. Sanegar-
The Mission to Fiji held a public forum prior to the stakeholder consultation, to create awareness of the Western and Central Pacific Fisheries Convention and the tuna industry in the Pacific Islands. The forum was held at the Marine Studies Programme, USP. Those present included representatives from line ministries and departments, fishing industry, regional institutions, undergraduate and post-graduate students, non-governmental organisations (NGOs), and the media (refer to participant list above). The forum was chaired by the Director (Corporate Services) of the Ministry of Fisheries & Forests who was also serving as Acting Director Fisheries.

Mr Ian Cartwright gave a presentation on the Management of Oceanic Fisheries of the Western and Central Pacific Ocean. Issues raised in the public forum were as follows:

- Recent trends were not displaying much of a difference as in 2000. It raised the question as to whether current capacity was too much.
- Fishing effort and vessel movement must be closely monitored, particularly in situations where inflatable fish aggregating devices (FADs) are deployed. Current management systems may be lagging behind in dealing with this issue.
- States that are part of the Commission, who have yet to sign and ratify, must do so quickly. Fiji (like the other Pacific Island countries that have signed and ratified) should not be managing on its own, a fishery whose target stock is trans-boundary in nature and therefore requires trans-boundary management.
- ‘By-catch’ may need to have a regional definition because true by-catch in the Pacific is very small.
- The issue of allocation needs to be resolved as soon as possible.
1. Background

1.1 Status of Oceanic Fisheries

The three components of the Kiribati EEZ, 3.55 million km² in extent and separated by high sea areas, support very large tuna catches by foreign vessels fishing under access agreements. Most of the catch is taken by purse seine vessels, this catch reaching a record 331,000t in 2002 (over 30% of the regional catch), and averaging over 160,000t per year in recent years. There are large catches by longline vessels (7,000 – 10,000t), mostly in the Line Islands, and smaller catches by pole-and-line vessels. Some of the purse seine catch (and smaller amounts of the longline catch) is transhipped in Betio and Kiritimati. Catches by surface fisheries are strongly influenced by ENSO events, with very high catches in El Nino years.

Artisanal tuna catches are large and vital to food security on most islands. Domestic industry development has been constrained by logistical problems such as lack of water and high operational and transport costs. A single Kiribati-flag purse seiner operates under joint venture conditions throughout the region, and medium scale longlining is being encouraged, initially in Kiritimati Island. Some small scale processing of tuna occurs, and Kiribati provides significant numbers of trained seamen to foreign fishing vessels as well as merchant fleets.

1.2 Oceanic Fisheries Management

The purpose of the Kiribati Tuna Development and Management Plan, developed during 1999-2003, was to:

“develop a sustainable tuna industry that maximises the benefits to all I-Kiribati, and ensures effective participation by Kiribati in arrangements for the management and conservation of regional tuna resources”

As noted by the Permanent Secretary in a forward to the Plan, “At present, fishing fees account for more than 50% of annual government revenues, and the fishery contributes approximately 22% to the GDP. Kiribati intends to place its revenue earnings on a firmer footing through the development of a strong tuna industry”. The Plan has yet to be formally adopted after tabling in 2003.

Access agreements involving all distant water fishing nations active in the region or their fishing associations (over 20 fishing agreements in 2003, and 447 licences) are currently in place, these bringing over A$40 million in access fees in most years. Under the conditions of access, commercial vessels are excluded from areas within 60 nm around the three main islands of Kiribati (Tarawa, Kanton, Kiritimati). There are essentially no other restrictions on fishing at present.

1.3 Oceanic Fisheries Institutional Arrangements

The Ministry of Fisheries and Marine Resources Development (MFRMD), established in 2003, is the primary agency responsible for oceanic fisheries management, with secondary involvement by the Ministries of Foreign Affairs; Environment, Lands and Agriculture Development (MELAD), Finance and Economic Planning, the Attorney General’s Office, and the Kiribati Police.

MFRMD currently has a staff of 90, and an annual operating budget of around A$1.9 million. Within the Ministry, there are two Divisions, Offshore and Inshore Development, and 8 functional units, with responsibilities for oceanic fisheries primarily addressed by the Fisheries Licensing and Enforcement Unit (FLEU).

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5 33 islands in three groups – Gilberts (Tungaru) Group, Phoenix Group (Rawaki) and Line Islands (Raina), stretching from 179°E to 150°W, and 5°N to 11°S.
6 68% in 2001
The FLEU secures fisheries access agreements with foreign partners, promotes employment opportunities on foreign fishing vessels, cooperates in monitoring, control and surveillance of the EEZ at regional and national level, maintains the fisheries database management information system, simply known as FMIS, carries out observer placements on foreign vessels to carry out scientific data collection on catches and gear technology; port sampling work to verify catches made by fishing vessels; and dissemination of information (budget $115,000, staff of 7).

Other units include Marine Research, Resource Assessment and Monitoring Unit (MRRAM), Fisheries Extension Training and Information (FETI), plus Aquaculture and Development (FAD), Fisheries Hatcheries and Invertebrate Culture (FHIC), Fisheries Subdivision Office (FSDO), Support Services and Research Vessel Operations.

Overall, oceanic fisheries management is a major focus of the work of the Ministry, an indication of the importance of tuna fisheries to Kiribati. An estimated 20% of Ministry effort and resources is devoted to oceanic fisheries.

Other government agencies involved in oceanic fisheries are:

- Environment, Lands and Agriculture Development (MELAD)
- Maritime Police (within the Kiribati Police Force, in the Office of the President)
- Foreign Affairs and Immigration
- Ports Authority
- Finance and Economic Planning (including Customs)
- Attorney General’s Office
- Kiribati Development Bank

A Special Tuna Task Force (STTF) was formed by Cabinet in 1999, to promote the development of the tuna industry in Kiribati, and to develop the Tuna Development and Management Plan (TDMP).

Under the Plan, consultation with stakeholders will be undertaken through a Management Advisory Committee (MAC) reporting to, and providing the Minister of MFMRD with, advice on wider sector of issues represented by all stakeholders in the industry. Currently, however, the long standing STTF serves as the only consultative forum.

Establishment of a Fisheries Licensing and Law Enforcement Authority (FLLEA) is also proposed under the Tuna Management and Development Plan, along with strengthening of the capacity of the Ministry for data analysis, ownership and planning, and the clarification of the roles and responsibilities of the Authority vis à vis the Ministry and the Fisheries Department.

1.4 Donor Involvement

The major elements of donor involvement in oceanic fisheries management are the Australian support for the Patrol Boat programme, and assistance provided by a range of donor-supported programmes provided by FFA and SPC.

1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues which have been articulated in Kiribati include:

- Revision of National Legislation - The Fisheries Ordinance and other relevant Kiribati laws will need to be revised to include provisions necessary for the effective application of the UN Law of the Sea Convention and the WCPF Convention; to establish the Fisheries Licensing and Law Enforcement Authority and the MAC; and to make any other changes identified as necessary to improve the legal framework for fisheries management;
Kiribati

- Participation in International Fisheries Arrangements through accession to UNFSA and ratification of the WCPF Convention to provide a legal platform for involvement, by Kiribati, in appropriate international fisheries arrangements. Kiribati will also continue to support regional arrangements for collaboration in tuna fisheries management and development;
- Social Impact Mitigation Measures: An effective system of control on access to foreign vessels in port will be put in place, aimed at stopping prostitution and reducing the effect of dumping of discarded fish from foreign vessels on to the local market;
- Conservation and Management: Establishment of the new Authority to secure additional resources to develop, put in place, monitor, and police measures to conserve tuna stocks and protect the interests of groups, such as the small-scale fishers.

2. Kiribati and the WCPF Convention

2.1 Overview

With heavy reliance on the rent from its tuna resources, and its aspirations to develop a domestic industry, Kiribati’s primary aims in the MHLC and Prep Con process have been:

i) to ensure that Kiribati secures at least a fair share of access to the region’s tuna resources, for both food security and economic development;

ii) to ensure the application of measures for the sustainability of the region’s tuna stocks and fisheries. Key elements of this for Kiribati have been:
   - implementing controls on the impact of purse seine fishing on juvenile bigeye and yellowfin because of the effects this could have on catches by Kiribati’s longline fleets fishing in Kiribati waters; and
   - ensuring the long term sustainability of the purse seine fishery targeting skipjack, but with important catches of yellowfin and, to a lesser extent, bigeye.

iii) to ensure the sustainability of Kiribati’s artisanal tuna fisheries, so important to domestic food security.

As a Member of the Commission and a Party to the WCPF Convention, four major short term implications for Kiribati are seen as follows:

i) the need for legal reforms, which are discussed below;

ii) strengthened arrangements for management of fishing within Kiribati waters, particularly enhanced monitoring and data analysis capability, establishing limits to fishing and efforts to address IUU fishing;

iii) more effective national consultative mechanisms;

iv) participation in the processes related to the Commission, including involvement of non-government organisations.

Kiribati now has the capacity to implement legally decisions adopted by the Commission, but in the longer term, may need to strengthen its fisheries management capacity to apply the more sophisticated management measures which may be necessary in the future.

2.2 Implications of the Convention

2.2.1 Legal

The Kiribati Fisheries Ordinance makes provision for the promotion and regulation of fishing and fisheries industries in Kiribati, whilst the Marine Zones (Declaration) Act 1983 makes provision in respect of the internal waters, the archipelagic waters, the territorial sea and the EEZ of Kiribati. The Fisheries Ordinance is not consistent with the UN Fish Stocks Agreement and the WCPF Convention in many respects. This is largely because the
Ordinance has not been updated since 1992. It has been suggested that it be repealed and replaced with more comprehensive fisheries management legislation.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
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</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified (despite archipelagic waters reservations)</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Not reflected in legislation</td>
</tr>
<tr>
<td>WSSD fisheries targets</td>
<td>No</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td></td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Not reporting</td>
</tr>
<tr>
<td>FFA Minimum Terms &amp; Conditions</td>
<td>Implemented</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
</tbody>
</table>

### 2.2.2 Policy/Institutional

A major programme of reform and strengthening has been proposed for the Kiribati fisheries administration, including the establishment of a Fisheries Licensing and Law Enforcement Authority (FLLEA), focussing on all enforcement and MCS activities, along with reorganization of the Fisheries Division. This has yet to be implemented.

Similarly, the Tuna Development and Management Plan, developed during 1999-2003, has yet to be implemented. The STTF continues to remain the primary (and only) consultative mechanism for tuna issues in Kiribati.

These legal reforms need to be completed and the TDMP implemented, before Kiribati Government can fully implement the WCPF Convention and decisions of the WCPF Commission. There will be a continuing need for capacity building in fisheries management and policy making, particularly in areas related to the work of the WCPF Commission to enable Kiribati to:

a) Identify appropriate strategies and options for oceanic fisheries management in Kiribati waters;

b) ensure that Kiribati participates effectively in the work of the Commission, including being able to ensure that Kiribati’s interests are taken into account in this work; and

c) build support among stakeholders for the effective implementation of decisions of the Commission.

The cost of financial contributions for Kiribati, to the WCPF Commission, is expected to be in the range of US$10,600 per year, once the Commission is fully established, although it may be more in the first year or two, if major fishing states delay becoming Members of the Commission.

### 2.2.3 Compliance

 Compliance activities are carried out by the Maritime Police within the Kiribati Police Force. Kiribati has one patrol vessel (RKS Teanooi), supplied under the Australian Pacific Island Patrol Boat Programme, which attempts to deliver 10 seagoing patrols throughout the very extensive zone annually, but is constrained by limited operational funding. Extensive IUU fishing both within the three Kiribati EEZ components and in adjacent high seas areas, is suspected, and there is a desire to undertake increased surveillance activity in these areas.

Australia, New Zealand and France provide some aerial surveillance flights under regional programmes. The regional VMS is generally operational in Kiribati, with foreign vessels...
Kiribati

required to comply with regional VMS requirements. There is also a national VMS system (Argos) providing coverage of Korean longliners. There is no mechanism currently for the coordination of MCS activities but there has been a National Surveillance Coordination Committee in the past; this may need to be reactivated. There are no inspection programmes in place for transhipment and landings in Kiribati. This capacity may need to be developed to meet Convention requirements.

**Flag State Responsibilities**

A new responsibility for Kiribati under the Convention will be the need to regulate fishing by Kiribati vessels outside Kiribati waters. One Kiribati vessel fishes outside Kiribati waters, but control over this vessel is currently not formally exercised in the form of an authority to fish. There are no arrangements for monitoring landings by the Kiribati vessel outside Kiribati.

2.2.4 **Monitoring**

Kiribati is developing capacity to monitor the very large catches taken in its zone by foreign vessels through its own efforts, supplemented by assistance from SPC/OFP and from FFA. Features of fishery monitoring in Kiribati are:

- Logsheets: All foreign and domestic licensed vessels are required to provide catch and effort information at the operational level on regional logsheets. The level of logsheet coverage of the purse seine and pole-and-line fleets is high (close to 100%), whereas current longline logsheet coverage is unknown for the main fleet fishing in Kiribati waters (Korea).
- Port sampling: Few port sampling data have been collected to date.
- Landings: Catch transhipment data are believed to be available, as transhipments are tallied.
- Landings data are also collected for the artisanal tuna fishery.
- Observers: Around 20 observers are now trained and employed on a contractual basis, under the supervision of an observer coordinator. The current level of coverage, especially in the longline fishery, remains low.

Kiribati is gearing up to meet expanded monitoring requirements under the WCPF Convention. The major assistance needed will be for continuing training for observers, port samplers and statistical staff. It is not viable for Kiribati to establish its own training programmes for the small numbers involved, and Kiribati sees itself continuing to rely on the regional organisations for this function.

1.5 **Scientific Analysis**

Kiribati will continue to rely on SPC for stock assessment analysis and related advice but also wants to develop its own capacity to interpret and apply the regional results and to be able to interpret data from national monitoring programmes. As Kiribati tuna fisheries are significantly impacted by large-scale oceanographic (ENSO) events, it would like to see forecasting capability developed (in-country if possible) and see research into these phenomena and their fishery impacts continued.

There is a well developed and competently maintained national database system for in-zone estimates of catch and effort, electronically reported by foreign fishing vessels. However assistance will be needed to develop the necessary database and analysis of operational catch and effort (logsheet) data to produce the verified annual catch by species, gear and fleet for Kiribati waters expected to meet the data standards established and required by the Commission. Kiribati would like to have national capacity in establishing and monitoring indicators of local depletion of tuna stocks, using a simple production model to enable timely implementation of immediate management responses to critical stocks.

3. **Potential Contribution of SAP II Project**
Potential areas in which the SAP II Project could contribute to assisting Kiribati in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Interventions</th>
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</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Repeal and replace Ordinance</td>
<td>Assistance with legal drafting</td>
</tr>
<tr>
<td>Support Commission participation</td>
<td>Provide legal advice</td>
<td>Regional Legal Workshops on selected issues</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in regional policy formulation</td>
<td>Commission meeting participation</td>
<td>Regional Fisheries Management Training/Consultations Attachments</td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase IUU deterrence in-zone</td>
<td>Improve effectiveness of patrol, inspection, investigation, prosecution</td>
<td>Regional MCS Working Group participation In-country inspection, VMS staff training Regional training on flag state responsibilities</td>
</tr>
<tr>
<td>Ensure flag vessel control and compliance</td>
<td>New authorisation process; inform Commission</td>
<td></td>
</tr>
<tr>
<td><strong>Monitoring</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Logsheet database</td>
<td>Develop and maintain logsheet database system</td>
<td>Software development and associated training for maintenance Ongoing in-country training of and observers by FFA/SPC Ongoing in-country training of port samplers by SPC</td>
</tr>
<tr>
<td>Improve at-sea data</td>
<td>Expand Observers</td>
<td>Technical support from SPC</td>
</tr>
<tr>
<td>Improve catch composition data</td>
<td>Expand Port sampling and monitoring of landings</td>
<td>Training opportunities provided</td>
</tr>
<tr>
<td>Provide data to the Commission</td>
<td>Develop means of verifying catch and other data</td>
<td>Development and training in application</td>
</tr>
<tr>
<td><strong>Science</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Production for national assessments</td>
<td>Interpretation of regional assessments and oceanographic data</td>
<td>Develop relevant training courses at regional institute(s).</td>
</tr>
<tr>
<td></td>
<td>Development of simple model</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tertiary training in fisheries science</td>
<td></td>
</tr>
</tbody>
</table>

**ANNEXES**

Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Annex 2 Record of Stakeholder Consultation
Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Stakeholder inventory data sheet
Country: KIRIBATI
Date: 28/5/2004
Data recorder: Esaroma Ledua/Tony Lewis
GEF Focal point: Karibaiti Taoaba, Permanent Secretary, Ministry of Environment & Social Development, P.O. Box 234, Bikenibeu, Tarawa, Kiribati
PHONE: (686) 28211/28000, FAX: (686) 28334/28593, E-mail: mesd@tskl.net.ki

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative/post</th>
<th>Contact details</th>
<th>Description of interests</th>
<th>Stakeholder analysis and preliminary participation data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Fisheries and Marine Resource Development</td>
<td>David Yeeting, Secretary</td>
<td>P.O. Box 64, Bairiki, Tarawa</td>
<td>√</td>
<td>1 stakeholder</td>
</tr>
<tr>
<td></td>
<td>Raimon Taake, Deputy Secretary</td>
<td><a href="mailto:raimon@mfmrd.gov.ki">raimon@mfmrd.gov.ki</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jonny Kirata, Deputy Director</td>
<td><a href="mailto:johnnyk@fisheries.gov.ki">johnnyk@fisheries.gov.ki</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Raikaon Tumoa, Senior Fisheries Officer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kiribati Marine Police</td>
<td>John Mote, Officer Commanding</td>
<td><a href="mailto:policemaritime@tskl.net.ki">policemaritime@tskl.net.ki</a></td>
<td>Surveillance and enforcement</td>
<td>√</td>
</tr>
<tr>
<td>Ministry of Foreign Affairs</td>
<td>Peniita Kabubuke, Asia Pacific Officer</td>
<td><a href="mailto:mfai@tskl.net.kr">mfai@tskl.net.kr</a></td>
<td>Foreign policy</td>
<td>√</td>
</tr>
<tr>
<td>Ministry of Environment, Lands and Agriculture Development (MELAD)</td>
<td>Betarim Rimon, Senior Project Officer</td>
<td></td>
<td>Preservation of biodiversity and marine ecosystem</td>
<td>√</td>
</tr>
<tr>
<td>Attorneys General’s Office</td>
<td>Tion Nabau, Legal Officer</td>
<td></td>
<td>Legal aspects of OFM</td>
<td>√</td>
</tr>
<tr>
<td><strong>Kiribati</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td>------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **Central Pacific Producers** | Barerei Onorio, General Manager | cppkiri@tskl.net.ki | Beneficiary | ✓ |
| **Teikabuti Fishing** | Mike Savins, Managing Director | P.O. Box 241, Bikinibeu, Tarawa. teikabuti@tskl.net.ki | Beneficiary | ✓ |
| **Betio Fishermen’s Association** | | betiofishing@yahoo.com | Beneficiary | ✓ |
| **KFSP** | Mike Fudakowski, Director | fsp@tskl.net.ki | Environmental initiatives, NGO capacity building | ✓ |
| **Ministry of Finance and Economic Planning** | Peter Tong, Director | | | ✓ |
| **Ports Authority** | | | | ✓ |
| **Kiribati Development Bank** | | Private sector financing | | ✓ |
Annex 2 Record of Stakeholder Consultation
Republic of Kiribati
Friday 28th April and Monday 1st June, 2004

Stakeholder Consultations

The Mission held a primary stakeholders consultation at the Ministry of Fisheries and Marine Resources Development, Bairiki, soon after arrival on April 28th, to discuss the development of the SAP II project. Those present were:

Raimon Taake, Deputy Secretary, Fisheries; Betarim Rimon, Ministry of Environment, Lands and Agriculture Development (MELAD); John Mote, Maritime Police; Penita Kabubuke, Foreign Affairs; Tion Nabau, Attorney General’s Office; Barerei Onorio, Central Pacific Producers; Raikaon Tumoa and Johnny Kirata, Ministry of Fisheries.

The consultation combined a detailed presentation on GEF processes and project background, with a general awareness presentation about the Convention, current tuna fishery management in the WCPO, and implications of the Convention for Kiribati, then a detailed needs assessment for Kiribati.

Issues raised during the primary stakeholders consultation included:

- Status of the Management and Development Plan and institutional arrangements
- Mechanisms for stakeholder consultation
- Status of domestic industry development

Public Consultation

A public consultation was then held on Monday 1st June at 1400 hrs at the Otintaai Hotel, Bikenibeu, and was attended by the same participants as the previous meeting, plus representatives from fishermen’s associations, NGOs and FFA staff.
1. Background

1.1 Status of Oceanic Fisheries

The Exclusive Economic Zone of Marshall Islands, lying between 5°N and 15°N, is large (2.1 million km$^2$) and moderately productive, with over 50% of the zone bordering international waters to the east and west. RMI has opted to promote onshore development, transhipment and processing, rather than the development of its own domestic tuna fleet. RMI has had long-standing access agreements with a variety of countries and industry associations, and operates a vessel registry, with six (6) RMI-flag purse seine vessels currently on the register.

Catches taken by foreign vessels fishing in the zone under access agreements are significant - purse seine catches (various fleets) have been as high as 70,000t p.a., longline catch (mostly Japanese) to 7,600t and Japanese pole-and-line vessel catch to 18,000t, but total catches (all gears) are usually less than 40,000t in most years.

ENSO effects on purse seine catches, typically taken in the southern parts of the zone, are marked.

A base for locally-based foreign longline vessels has operated in Majuro at various times, and was recently reactivated. 29 vessels, mostly of Chinese origin, are currently fishing, landing over 2,000t of mainly bigeye and yellowfin for airfreight export through Honolulu to the USA and Japan. A small shark longline fishery (5 vessels) commenced in recent times.

Large volumes of transshipment have occurred in Majuro in recent years, involving up to 400 vessels in some years and possibly 300,000t of fish, a significant proportion of the regional catch. A loining plant was established in 2000, to produce product for eventual canning in Pago-Pago, and processes around 10,000t of fish p.a, employing 300 people.

Tunas and related species remain an important food source, especially in the outer islands. There is an active sport fishery in Majuro and, to a lesser extent, Kwajalein, for blue marlin, yellowfin tuna, sailfish, etc. which has attracted international recognition.

1.2 Oceanic Fisheries Management

The recently revised Marine Resources Act (1997) and associated Regulations establish the Marshall Islands Marine Resources Authority (MIMRA) and direct it to, inter alia:

“conserve, manage and sustainably develop all resources in the Fishery Waters and seabed and subsoil thereunder, in accordance with the principles and provisions in this Act and in sub-regional, regional and international instruments to which the Republic of the Marshall Islands is party”.

With respect to the conservation, management and sustainable use of the fishery resources, “the Authority shall ensure the long-term conservation and sustainable use of the fishery resources, and to this end shall adopt management measures which promote the objective of optimum utilization”.

Whereas many other PINs have prepared a Tuna Management and Development Plan that has required revision of legislation and the creation of new administrative structures, the RMI already has in place the legislation and the implementing body ie MIMRA. Nonetheless, MIMRA intends to finalize a Tuna Management Plan before the end of 2004, and has completed much of the preparation for this, with the assistance of FFA, SPC/OFP and others.

No formal management measures or limits currently apply to tuna fishing within the EEZ. Waters inside 12 nautical miles of all islands are closed to longlining, whilst waters inside 50 nautical miles around three heavily-populated islands (Majuro, Kwajalein, Arno) are closed to longlining. These closures primarily apply to the locally-based foreign longline fishery.

1.3 Oceanic Fisheries Institutional Arrangements
The Marshall Islands Marine Resources Authority (MIMRA) is the primary agency responsible for oceanic fisheries management in RMI. The Division has a staff establishment of around 50 posts, and an annual operating budget of US$1.4 million (which includes coastal fisheries and the Fisheries and Nautical Training Center). Within MIMRA, sections with responsibilities for oceanic fisheries include:

- **Oceanic and Industrial Affairs Division**: licensing, national fisheries database (data collection and statistics), research and monitoring (port sampling and observer programmes), international liaison, and collaboration in national MCS
- **Administration and Finance, Policy and Planning**: policy and administration

Overall, oceanic fisheries has the highest priority in the work of MIMRA, although this is not reflected in staffing numbers. Oceanic fisheries work comprises all of the work of the OIA Division. Institutional strengthening of MIMRA is proposed, in association with the adoption of the Tuna Management Plan.

Other government agencies involved in oceanic fisheries are:

- **Sea Patrol Division of the National Police, Ministry of Justice**, who operate the patrol boat *Lmor*, with assistance from the RAN Maritime Surveillance Advisor;
- **Foreign Affairs, Asia Pacific Desk**, which is active in international aspects of fisheries policy, including work related to the WCPF Convention and other regional and international aspects of fisheries affairs;
- **Office of the Attorney General** (Ministry of Justice), which provides legal advice on issues pertaining to oceanic fisheries management.
- **Ministry of Resources and Development** – oversight Ministry for MIMRA, with the Minister as Chairman of the MIMRA Board;
- **Environmental Protection Agency, and Office of Environmental Planning and Policy Coordination**.

There is currently no formal mechanism for consultation with stakeholders on OFM issues, but this is envisaged under the forthcoming Tuna Management Plan. The Board of MIMRA includes representatives from relevant government departments and the private sector. Fisheries policy is largely driven by MIMRA, with the approval of the Board, and where legislative change is involved, the National Parliament (Nitijela).

The Office of Environmental Planning and Policy Coordination is responsible for broader aspects of environmental management, including marine pollution, whilst EPA is concerned with grass roots environmental issues.

### 1.4 Donor involvement

There is some OFCF involvement (but in the coastal fisheries development area), and Australian (RAN) support of the patrol vessel programme. Marshall Islands is also assisted by a range of donor-supported programmes provided by FFA and SPC.

### 1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues that arose in the mission to RMI include:

- Maritime boundary delimitation
- Details of flag state responsibility
- The need for a national coordination mechanism for MCS activity
- The need for improved national database and scientific monitoring capacity
- Interaction issues in the RMI EEZ – longline impacts on the sportfishery and tourist dive operations, purse seine impacts on longline viability
The need to improve the capacity to relate regional information and catch trends to local conditions, especially to improve understanding of the kinds of oceanographic effects that affect RMI tuna fisheries and associated levels of transhipment and onshore activity.

2. RMI and the WCPF Convention

2.1 Overview

RMI’s primary aim in the MHLC and Prep Con process has been the need for conservation of the regional tuna resources of all species.

RMI licences fleets of all the main gears, is committed to the continuing development of its tuna base, and is a flag state.

As a Member of the Commission and a Party to the WCPF Convention, major short term implications arising for RMI are seen as follows:

- the need to collect unloadings data (transhipment and landings), and improve monitoring (port sampling) of the locally-based foreign longline fishery, and possibly vessels licensed under access.
- developing an authorization process for RMI-flag vessels
- strengthening of institutional capacities in statistics, monitoring, surveillance and enforcement;
- additional responsibilities associated with presenting RMI’s interests in the Commission, and interpreting regional analysis and Commission decisions to stakeholders in RMI; compilation of annual reports to the Commission
- improving the pattern of participation and understanding by the private sector and other stakeholders in the processes of the Commission.

Overall, RMI has a well-developed oceanic fisheries management framework, with MIMRA in place since the mid-80s and key legal instruments recently revised to take account of UNFSA, but will need to continue to update and strengthen it to respond to emerging needs associated with the Convention and the new Commission.

2.2 Implications of the Convention

2.2.1 Legal

The MIMRA Act has recently been revised (1997) to implement the requirements of relevant regional and international instruments, including the UN Fish Stocks Agreement and those anticipated for the WCPF Convention, and is regarded as very strong with respect to fulfilment of international obligations. A recent study (Tsamenyi, 2003) confirms that the provisions of the Act do adequately implement conservation and international obligations under the two instruments, but not flag state responsibility, inspecting state obligations and port state enforcement measures. Regulations can be promulgated to implement these obligations, and draft regulations have already been prepared.

<table>
<thead>
<tr>
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<td>WCPF Convention</td>
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<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
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</tr>
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<td>WSSD fisheries targets</td>
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<td>Ratified</td>
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<td>NPOA being implemented for shark</td>
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<tr>
<td>FFA Minimum Terms &amp; Conditions</td>
<td>Implemented</td>
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</tbody>
</table>
RMI has adequate legal capacity in its government legal offices (AG), to which MIMRA has access. MIMRA would like to develop in-house legal capacity to deal with the range of issues which it confronts. There is a need to make sure that the legal provisions can be interpreted by stakeholders, which could be done through national workshops. There is also a need to enhance prosecution capability and capacity in RMI, probably through a series of regional or sub-regional training workshops.

2.2.2 Policy/Institutional

RMI has a well-developed oceanic fisheries management framework but it needs further reform and strengthening to take account of the development that has taken place, and to meet the additional responsibilities associated with the WCPF Commission. Specific needs include:

- Strengthening the Oceanic Division within MIMRA, to include a Compliance Manager, additional IT staff associated with the development of an integrated national fishery database, and a Senior Observer, with additional observers, to enable observer coverage to be increased to around 5-10% in the short term, and to allow transhipments and landings to be regularly monitored.
- the possible appointment of an economist to the Policy and Planning section of MIMRA

RMI’s participation in the WCPF Commission will continue to be led by MIMRA and Foreign Affairs, with consultation (in future) with stakeholders under a consultative mechanism to be established under the TMP. The MIMRA Board presently provides an interim consultative mechanism.

The cost of financial contributions for RMI to the WCPF commission is expected to be in the range of US$23,000 per year, once the Commission is fully established, although it may be more in the first year or two, if major fishing states delay becoming Members of the Commission.

Possible interventions identified in the area of policy and institutional reform and institutional strengthening include:

- assistance with the implementation of the suggested MIMRA restructure and training for observers and port samplers;
- regional workshops and national attachments to improve understanding of the strategic directions and implications of the new regional tuna management arrangements.

2.2.3 Compliance

Compliance activities are carried out by the Police Sea Patrol Division, with assistance from MIMRA, and ongoing technical support from the RAN. Sea Patrol operates one Australian-provided patrol vessel, the *Lmor*, with an annual target of 120 days of seagoing patrols.

Vessels are currently licensed annually by MIMRA. There is a good database of vessel and gear characteristics. Control of RMI vessels fishing outside RMI waters is an issue (currently 6 purse seine vessels, plus several other p/s vessels which base there but are not RMI flag). A formal process for authorisation of high seas operations needs to be developed, and there may be other issues associated with the operation of the MI open register. There is almost complete inspection of landings and transshipments, but unloadings data are not available.

The FFA VMS is under the control of the Police and is operational, although there is limited capacity within RMI to maintain and service VMS operations.

With RMI largely surrounded by productive international waters, there is believed to be an issue with IUU fishing in contiguous waters, and possibly in the northern parts of the EEZ. RMI operates one patrol vessel, and is assisted by periodic air patrols by Australia and New Zealand (although there has been a recent decline in the frequency of the former). The issue
of whether RMI will undertake high seas patrols under the Convention has yet to be fully considered. RMI is involved in collaborative surveillance operations with its neighbours to the west (e.g., Operation Bigeye – FSM and Palau, and the forthcoming Operation Island Chief), undertakes contracted surveillance around Kwajalein Atoll, and has also been approached by Nauru to contract patrols in its own zone, and possibly adjacent high seas areas.

Possible interventions in the compliance area include:

- technical assistance to strengthen enforcement and regulatory capacity, including building capacity in controlling RMI vessels outside RMI waters;
- support to collaborative surveillance operations with other Pacific Island states, both in-zone and on the high seas;
- appointment of a compliance officer in MIMRA, to coordinate compliance activities and the compilation of various annual reports to the Commission.

**Flag state responsibility**

A major new responsibility for RMI under the Convention is the need to regulate fishing by RMI vessels outside RMI waters. There are currently six large purse seiners on the RMI register (operated by the Trust Company) which fish widely throughout the region. There is currently no process of authorization for these vessels to fish on the high seas, and capability to discharge flag state responsibilities may be under-resourced at present.

**2.2.4 Monitoring**

There is a well-developed system for the collection and analysis of catch and effort data from all vessels licensed under access agreements, flag and locally-based foreign vessels. With the assistance of SPC, to whom scanned logsheet data are routinely sent, RMI has the capacity to produce catch and effort data by species/gear/fleet/area, as will be required by the Commission. Catches are however not yet fully verified.

There is an observer programme focusing on the locally based foreign longline vessels, RMI-flagged purse seine vessels, and FSM Arrangement vessels, managed by a full-time Observer and Port Sampling Coordinator. Coverage is currently low, but there is a firm commitment to increasing this to 5-10% in the short term, and 15-20% in the medium term. The observer programme is supported by SPC under the IW SAP Project and by the EU-Procfish Project (check).

There are elements of a port sampling programme, but establishment of the observer programme has been given priority at this stage. Regular port sampling of the locally-based foreign vessels should be undertaken as the first priority.

The large number of transshipments and landings in Majuro provides an excellent opportunity for catch verification; whilst these are currently inspected, some port sampling occurs, but unloadings information seems not to be routinely collected.

Possible interventions in the monitoring area include:

- development of a larger observer programme, with increased funding and a plan for eventual transfer of full costs to RMI (costs are partially met from observer levies in access agreements)
- advice on ensuring the expansion and ongoing funding of the port sampling programme
- commitment to monitoring of all transshipments and landings (unloadings data)

**2.2.5 Scientific Analysis**

RMI has well-developed capacity to provide scientific analysis of information related to oceanic fisheries, including regular reporting of catch and effort by fleet/gear/flag, as evidenced by the detailed and timely annual reports produced.
RMI provides strong support for regional monitoring and science programmes undertaken by the SPC/OFP.

The regular flow of information from regional stock assessment work in a form useful for national fisheries management continues, but there will be an ongoing need for assistance in interpretation of the regional analyses. RMI will continue to rely on SPC in this area, but also needs to continue to develop its national capacity.

There is an important need for long term scientific training. MIMRA has devoted considerable resources to the development of its staff in the OFM area.

**Ecosystem Analysis**

The species taken as bycatch in oceanic fisheries are important in RMI as highly regarded food products, although landings seem to be small. RMI has some data generally on bycatch from the observer programme. Interaction issues are important in the RMI situation - between longline fisheries and the sportfishery and dive operations, and between purse seine and longline fisheries.

Large scale oceanographic changes have significant impacts on oceanic fisheries in, and adjacent to, the RMI EEZ, and thus transhipment activity. Improving understanding of these through current SPC work is valuable, and continuing that research is important.

Possible interventions in the science area include:

- Development of an integrated national tuna fisheries database, including the appointment of additional IT staff, and improved computer facilities and services;
- Development of scientific capacity in the Oceanic Division;
- Improved capacity to interpret oceanographic and regional stock assessment data.

### 3. Potential Contribution of SAP II Project

Potential areas in which the SAP II Project could contribute to assisting RMI in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Interventions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal framework</td>
<td>Revisions to Regulations (drafted)</td>
<td>Legislative action</td>
</tr>
<tr>
<td>Support Commission participation</td>
<td>Provide legal advice</td>
<td>Regional Legal Workshops</td>
</tr>
<tr>
<td>Implement Commission decisions</td>
<td>Interpret legal requirements</td>
<td>Prosecution workshops</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in the Commission and new regional management arrangements</td>
<td>Commission meeting participation</td>
<td>Institutional Strengthening</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Additional FFA Meeting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>participation</td>
</tr>
<tr>
<td>Strengthen In-Zone Management/ Provide data to the Commission</td>
<td>Improve statistical capacity and reporting capacity</td>
<td>Attachments</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase IUU deterrence in-zone</td>
<td>Improve Fisheries Division Regulations and Enforcement capacity</td>
<td>Technical assistance for Sea Patrol Regional MCS WG participation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Monitoring</strong></td>
<td>Expand Observer Programme</td>
<td>Assistance to expand observer programme</td>
</tr>
<tr>
<td>Improve at-sea data</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Marshall Islands**

<table>
<thead>
<tr>
<th>Improve catch /size composition data</th>
<th>Expand Port sampling, and unloading monitoring</th>
<th>Ongoing in-country training and support of port samplers by SPC. Plan for financial sustainability of monitoring activities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Science</strong></td>
<td><strong>Science</strong></td>
<td><strong>Science</strong></td>
</tr>
<tr>
<td>Improve understanding of oceanic resources and ecosystem</td>
<td>Strengthen national capacity to analyse national data</td>
<td>Long term training in fisheries science</td>
</tr>
<tr>
<td></td>
<td>Strengthen national capacity to interpret regional analyses</td>
<td>Ongoing support from SPC Training in analytical methods used in Commission science programme</td>
</tr>
</tbody>
</table>

**ANNEXES**

Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Annex 2 Record of Stakeholder Consultation
# Annex 1 - Stakeholder Inventory and Analysis (including consultative mechanism inventory)

**Stakeholder inventory data sheet [and preliminary participation plan]**

Country: Republic of Marshall Islands  
Date: 24th June, 2004  
Data Recorder: Dr. Tony Lewis, alewis9@bigpond.com

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative/post</th>
<th>Contact details</th>
<th>Description of Interests [factors that may influence participation]</th>
<th>Stakeholder analysis and preliminary participation plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marshall Islands Marine Resources Authority</td>
<td>Danny Wase, Director. Glen Joseph, Deputy Director.</td>
<td>PO Box 236, Majuro <a href="mailto:dwase@mimra.com">dwase@mimra.com</a> <a href="mailto:gjoseph@mimra.com">gjoseph@mimra.com</a></td>
<td>Responsible body for OFM</td>
<td>1° s/holder [role in decision-making] 1° s/holder [2-way flow of information] Other [Keep informed]</td>
</tr>
<tr>
<td>National Police - Sea Patrol Division</td>
<td>George Lanwi, Commissioner. Thomas Heine</td>
<td></td>
<td>Maritime surveillance</td>
<td>X</td>
</tr>
<tr>
<td>Attorney General’s Office</td>
<td>Pulisse Bloomfield (Asst AG)</td>
<td></td>
<td>Legal inputs</td>
<td>X</td>
</tr>
<tr>
<td>Foreign Affairs</td>
<td>Raynard Gideon, Secretary</td>
<td>Email: <a href="mailto:mfa@mfa.gov.ws">mfa@mfa.gov.ws</a></td>
<td>Policy cooridination</td>
<td>X</td>
</tr>
<tr>
<td>Office of Environmental Planning and Policy Coordination (OEPPC)</td>
<td>Yumi Crisostomo, Director</td>
<td>PO Box 15, Majuro <a href="mailto:oeppc@ntamar.net">oeppc@ntamar.net</a></td>
<td>GEF OFP</td>
<td>X</td>
</tr>
<tr>
<td>Resources and Development</td>
<td>John Silk, Minister Frederick Muller, Secretary</td>
<td>PO Box 1727, Majuro <a href="mailto:mdsec@ntamar.net">mdsec@ntamar.net</a></td>
<td>MIMRA Board Chair</td>
<td>X</td>
</tr>
<tr>
<td>The Trust Company</td>
<td>James Miyazoe, Joseph Bigler</td>
<td></td>
<td>Vessel registry</td>
<td>X</td>
</tr>
<tr>
<td>Environmental Protection Agency</td>
<td>John Bungitak, General Manager</td>
<td>PO Box 1322 Majuro</td>
<td>Environmental oversight</td>
<td>X</td>
</tr>
<tr>
<td>Organization/Industry</td>
<td>Name</td>
<td>Contact Information</td>
<td>Role</td>
<td>Notes</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-----------------------</td>
<td>--------------------------------------------</td>
<td>-------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>MI Ports Authority</td>
<td>Josephus Tiobeck, Director</td>
<td>PO Box 154, Majuro, <a href="mailto:miot@ntamar.com">miot@ntamar.com</a></td>
<td>Port management</td>
<td></td>
</tr>
<tr>
<td>Transport &amp; Communications</td>
<td>Jorelik Tibon, Secretary</td>
<td>PO Box 1079, Majuro</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Marshalls Billfish Club</td>
<td>Eugene Muller</td>
<td>PO Box 1139, Majuro</td>
<td>Sportfishing</td>
<td></td>
</tr>
<tr>
<td>PM and O Processors</td>
<td>Jerry Kramer</td>
<td>PO Box 672, Majuro</td>
<td>Tuna processing</td>
<td></td>
</tr>
<tr>
<td>Koo’s FC Ltd</td>
<td>Johnson Chuang</td>
<td>PO Box 1079, Majuro</td>
<td>Fishing Co.</td>
<td></td>
</tr>
<tr>
<td>MFIV</td>
<td>Jason Rui</td>
<td>PO Box 672, Majuro</td>
<td>Media</td>
<td></td>
</tr>
<tr>
<td>Pacific Magazine/MI Journal</td>
<td>Giff Johnson</td>
<td>PO Box 672, Majuro</td>
<td>Media</td>
<td></td>
</tr>
<tr>
<td>Edgewater Fisheries</td>
<td>James Movick</td>
<td>PO Box 2143, Kolonia, Pohnpei, FSM</td>
<td>Fishing Co (FSM)</td>
<td></td>
</tr>
<tr>
<td>Clearwater Fisheries Inc.</td>
<td>Riley Alberrter, Majuro</td>
<td>PO Box 1258, Majuro</td>
<td>Coastal fisheries management</td>
<td></td>
</tr>
<tr>
<td>LGCs (Majuro, Bikini, Enewetak, Kwajalein, Namo, Rongelap, Utirik)</td>
<td>Riley Alberrter, Majuro</td>
<td>PO Box 1258, Majuro</td>
<td>Coastal fisheries management</td>
<td></td>
</tr>
<tr>
<td>USP</td>
<td></td>
<td></td>
<td>Training Provider</td>
<td></td>
</tr>
<tr>
<td>College of the Marshall Islands</td>
<td></td>
<td></td>
<td>Training Provider</td>
<td></td>
</tr>
<tr>
<td>RAN, Maritime Surveillance</td>
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<tr>
<td>Financial Institutions:</td>
<td>MIDB</td>
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<td>X</td>
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<tr>
<td>Chamber of Commerce</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>General Public</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
### Inventory of Project-related national consultative mechanisms

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/ contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
<tbody>
<tr>
<td>None yet – ad hoc only, but Board very inclusive</td>
<td>MIMRA Board</td>
<td></td>
<td>OFM</td>
<td>Quarterly</td>
<td>Minister, Resources and Development&lt;br&gt;Attorney General&lt;br&gt;Secretary, Foreign Affairs&lt;br&gt;Two fisheries sector reps (Presidential appointment)&lt;br&gt;Director, MIMRA (ex officio, and secretary)</td>
</tr>
</tbody>
</table>
Annex 2: Record of Stakeholder Consultation
Republic of the Marshall Islands

Primary Stakeholder Consultation
Wednesday, 23rd June, 2004

The Mission to RMI held a stakeholders consultation at MIMRA headquarters to discuss the development of the SAP II project. Those present were:

Ms. Yumi Crisostomo (Office of Environmental Planning, and Policy Coordination (OEPPC), and GEF Operational Focal Point), Mr. George Lanwi, Commissioner of Public Safety, Mr. Raynard Gideon, Acting Secretary – Foreign Affairs, Mr. Posesi Bloomfield, Attorney Generals Office (asst AG); Mr. Sam Lanwi jr., Pacific Asia Desk – Foreign Affairs; Mrs. Emrina Bing Langidrik, Oceanic Affairs – MIMRA, and Glen Joseph, Deputy Director – MIMRA

Dr. Tony Lewis gave a presentation on the GEF process, the Convention and its implications for RMI, and the proposed SAP II project. The group then worked through the needs assessment and identified possible interventions for follow-up consultations on a direct individual basis with the agencies concerned.

Public Consultation
Thursday 24th June 2004

Dr. Lewis gave an awareness-raising presentation on the Convention, its implications for RMI and the region, and associated issues at the Robert Reimers Hotel fale (Mon Boknake). The public forum was attended by around a dozen participants from various bodies, in addition to the primary stakeholders (list can be supplied)

Issues raised in discussion were:

- The need for industry and other stakeholders to participate in the work of the Commission and in particular to be represented at relevant meetings. A mechanism to facilitate this is required.
- The purse seine lobby was significant and influential through the PrepCon process. It is important that the interests of the longline fishery are adequately represented in the work of the Commission.
- A greater understanding of the affects of oceanographic conditions on tuna stocks is required.
- The need to establish a consultative committee at the national level to facilitate the project.

Other direct consultations were held with:

Foreign Affairs (Minister Gerald Zackios)
Resources and Development (Minister John Silk)
EPA (Ted Tazkwon)
MIMRA (Director, Glen Joseph, DD Oceanic; Manasseh Avicks, PS & O Coordinator)
MIFV (Jason Rui)
OEPPC (Yumi Crisostomo, Deborah Barker)
The RMI Trust (Joseph Bigler)
Koo’s Fishing Co. Ltd (Joti Sauuel, Sharon Samson)
Pacific Magazine / MI Journal (Giff Johnson)
Marshalls Billfish Club
1. Background

1.1 Status of Oceanic Fisheries

Nauru, situated at 0°30’S and 165°56’E, has a small but periodically productive zone (320,000 km²) surrounding the single island (21 km²) that constitutes the Republic. Foreign fishing under access agreements, is the main element of the tuna fishery in Nauru waters. This primarily involves purse seine vessels of most DWFNs active in the region, with intermittent fishing by Japanese pole-and-line vessels, and minor amounts of longlining. Catches in the EEZ have generally varied between 10,000 and 40,000t, but exceeded 100,000t in 2002. The great variation in these annual catches is driven largely by ENSO events.

Nauru currently has no flag vessels which fish beyond its EEZ, and the lack of a commercial harbour and shoreside facilities generally preclude large scale unloading or transhipment. There is substantial subsistence fishing for tunas and other pelagics around deployed FADs, by trolling and midwater handlining, and the Nauru Fisheries and Marine Resources Authority (NFMRA) operates an experimental longline vessel. There is potential for the development of a small locally-based longline fishery for air-freight export of sashimi quality fish.

1.2 Oceanic Fisheries Management

The major objectives of tuna management and development policy set out in the Nauru Fisheries and Marine Resources Authority Act (1997) and the Fisheries Act (1997) are to:

(a) manage, develop, conserve and protect the fisheries and marine resources of Nauru in such a way as to conserve and replenish them as a sustainable asset for future generations;

(b) promote the sustainable utilization of fisheries and marine resources of Nauru to achieve economic growth, improve social standards, improve nutritional standards, human resource development, increase employment and a sound ecological balance;

(c) to pursue effective strategies for managing the fisheries and marine resources of Nauru so as to maintain the integrity of marine ecosystems, to preserve biodiversity, to avoid adverse impacts on the marine environment, and to minimize the risk of long-term or irreversible effects of resource extraction operations;

(d) to enhance the administrative, legal, surveillance and enforcement capacities of the Republic for the management, development, conservation and protection of the fisheries and marine resources of Nauru.

The Minister, on the advice of NFMRA, may determine a TAC for the territorial sea and EEZ. NFMRA (see below) may then develop a Fishery Strategy for any given fishery, taking into account this TAC. No Fishery Strategy is currently in place, but Nauru intends to develop a Tuna Management Plan in the near future.

1.3 Oceanic Fisheries Institutional Arrangements

Under the Nauru Fisheries and Marine Resources Authority Act of 1997, the Nauru Fisheries and Marine Resources Authority (NFMRA) has been established as a statutory corporation. The Authority is the primary agency responsible for oceanic fisheries management, with secondary roles for the Ministries of Foreign Affairs, Justice, and Island Development and
Industry. All revenues for the sector are accrued to NFMRA. Access fees of around A$6 million p.a. have been received in recent years.

NFMRA sets policy for approval by Minister, through a Board of Directors, comprising five Directors appointed by Cabinet.

The Authority has a staff of 120 (permanent, expatriate and temporary) and an annual operating budget of around A$1.5-2 million. Within the Authority, there are three operational departments as below, with responsibilities for oceanic fisheries undertaken mainly by the first two of these.

- Administration Dept
- Research and Development Dept
- Finance Dept

Overall, oceanic fisheries management is a major focus of the work of the Ministry, although few of the overall staff are directly involved in OFM activities.

Other government agencies involved in oceanic fisheries are:

- Dept. of Island Development and Industry (including Environment)
- Dept. of Justice
- Dept. of Foreign Affairs

Consultation with stakeholders is currently on an ad hoc basis, though the anticipated Tuna Management Plan will provide for a more formal consultative mechanism. There is an Environment Consultative Committee which meets to address environmental issues, often of a terrestrial nature. The former Nauru Fishermen’s Association is no longer active.

1.4 Donor Involvement

Nauru is assisted by a range of donor-supported programmes provided by FFA and SPC.

1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues which arose in the mission to Nauru include:

- Compatibility of current legislation with the Convention is uncertain – assistance may be needed to verify this.
- Possibility of joint sea patrols with RMI, which may be extended to include adjacent high seas areas.

2. Nauru and the WCPF Convention

2.1 Overview

With a tuna fishery based on foreign access, Nauru’s primary aims in the MHLC and Prep Con process have been:

i) to ensure that Nauru secures at least a fair share of access to the region’s tuna resources;
ii) to ensure the application of measures to ensure the sustainability of the region’s tuna stocks and fisheries.

Key elements of this for Nauru have been:

- implementing controls on the impact of purse seine fishing on juvenile bigeye and yellowfin;
- limits on purse seine capacity, which continues to expand.

As a Member of the Commission and a Party to the WCPF Convention, Nauru sees three major short term implications, as follows:
i) possible legal reforms to ensure existing legislation is compatible with the Convention. This will need to be assessed;
ii) awareness raising of the Convention and its implications for Nauru;
iii) full and effective participation in the processes related to the Commission, including involvement of non-government organisations.

Nauru has the capacity now to implement legally binding decisions adopted by the Commission, but in the longer term, may need to strengthen its fisheries management capacity to apply any more sophisticated management measures.

2.2 Implications of the Convention

2.2.1 Legal

Although Nauru has had a suite of fisheries legislation in place since 1997, it is uncertain if this includes all necessary powers for implementation of the UN Fish Stocks Agreement and the WCPF Convention. This needs to be ascertained.

The National Environment Act governs environmental activities (?). The table below summarises the status of Nauru’s adoption of relevant international legal instruments and declarations.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Not ratified, but principles incorporated in the Regulations</td>
</tr>
<tr>
<td>WSSD fisheries targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td></td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Not implemented</td>
</tr>
<tr>
<td>FFA Minimum Terms &amp; Conditions</td>
<td>Implemented</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
</tbody>
</table>

Nauru has substantial legal capacity in the Dept. of Justice, but needs assistance for major technical initiatives.

2.2.2 Policy/Institutional

The NFMRA, as Nauru’s principal fisheries agency, is well organized, with a secure funding base. Although it is empowered under the Act to develop a Tuna Management Plan, as the key instrument of oceanic fisheries policy, and consistent with the UN Fish Stocks Agreement, this has yet to be done. It is expected to occur in the near future and will include necessary mechanisms for comprehensive stakeholder consultation.

The Nauru Government sees a continuing need for capacity building in fisheries management and policy making, particularly in areas related to the work of the WCPF Commission, to enable Nauru to:

a) identify appropriate strategies and options for oceanic fisheries management;
b) participate effectively in the work of the Commission, including being able to ensure that Nauru’s interests are taken into account in this work; and

c) build support among stakeholders for the effective implementation of decisions of the Commission
The cost of financial contributions for Nauru to the WCPF commission is expected to be in the range of US$6,000 per year once the Commission is fully established, although it may be more in the first year or two if major fishing states delay becoming Members of the Commission.

2.2.3 Compliance

Compliance activities in Nauru are limited, as is capacity in the areas of enforcement and surveillance. Apart from some aerial surveillance flights carried out intermittently by Australia and NZ as part of regional coverage, little else is in place, involving either the Police or NFMRA. The FFA Regional VMS appears not to be functional all of the time, and there is a need to develop capacity in this area as a priority. Nauru doubts if it will be able to implement the forthcoming VDS in early 2005, and appears to have a significant problem with the existing bandwidth for most telecommunication purposes.

There are ongoing discussions with adjacent RMI and Kiribati concerning the possibility of utilizing its patrol vessel for surveillance in the Nauru EEZ and adjacent waters.

As there is no transhipment and landing/offloading in Nauru (although there has been some transhipment in the past), there are no inspection programmes in place.

Flag State Responsibilities

Probably nil – Nauru has no flag vessels operating beyond its EEZ.

2.2.4 Monitoring

Nauru has some monitoring capacity in place. Features are:

- Logsheets: All foreign and domestic licensed vessels are required to provide catch and effort information at the operational level on approved logsheets. Vessels are required to provide entry and exit reports, although the level of reporting is not known. Logsheet coverage of the longline (and pole-and-line) fleet is considered high (approaching 100%). There is probably not full capacity at present to be able to provide verified estimates of annual catch by species, gear and fleet in the EEZ.
- Port sampling: There is currently no port sampling activity, as there has been no transhipment for some years.
- Landings: No landings data are collected.
- Observers: Nauru has some trained observers, and an observer fee is levied in access agreements. There has been some coverage of purse seine fleets in the past, including USMLT vessels, but no coverage of FSM Arrangement vessels. If observers will be required in the future, training and some supporting structure will need to be provided.

Nauru thus has only modest monitoring capacity, in line with the minimal amount of direct contact with licensed vessels fishing in its EEZ. The major assistance needed in the future will be for training of observers, possibly port samplers and statistical staff. It is clearly not viable for Nauru to establish its own training programmes for the small numbers involved, and Nauru sees itself continuing to rely on the regional organisations for this function.

2.2.5 Scientific Analysis

Nauru is very supportive of regional stock assessment and ecosystem analysis, recognizing that it does not have the capacity to undertake such work itself, and relies fully on the regional programmes for necessary information. NFMRA would however like to improve its ability to interpret and apply scientific information provided at regional level to its national situation. With the purse seine catch in its EEZ strongly influenced by ENSO events, Nauru is keen to receive predictive information on these events, and supports the continuation of work on this issue.

3. Potential Contribution of SAP II Project
Potential areas in which the SAP II Project could contribute to assisting Nauru in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Interventions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Check compatibility of Act and Regs with Convention</td>
<td>Legal consultancy</td>
</tr>
<tr>
<td>Support Commission participation</td>
<td>Provide legal advice and training in selected areas</td>
<td>Regional Legal Workshops</td>
</tr>
<tr>
<td>Implement Commission decisions</td>
<td>Provide legal advice, change regulations, licences</td>
<td>In-country awareness workshop</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in regional policy formulation</td>
<td>Commission meeting participation</td>
<td>Regional Fisheries Management</td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase IUU deterrence in-zone</td>
<td>Improve licensing, vessel register, Secure RMI/Kiribati patrols, Develop inspection, investigation, prosecution capability, Regional VMS</td>
<td>Regional MCS Working Group participation, In-country Inspection, VMS staff training</td>
</tr>
<tr>
<td><strong>Monitoring</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improve at-sea data</td>
<td>Establish observer programme</td>
<td>Ongoing in-country training of port samplers by SPC and observers by FFA/SPC</td>
</tr>
<tr>
<td>Improve catch composition data</td>
<td>Initiate port sampling if transhipment occurs</td>
<td>Statistical training</td>
</tr>
<tr>
<td>Provide data to the Commission</td>
<td>Annual verified catch estimates and reports</td>
<td></td>
</tr>
<tr>
<td><strong>Science</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improve interpretive capability</td>
<td>Capacity building of selected staff</td>
<td>Scientific training</td>
</tr>
</tbody>
</table>

**ANNEXES**

Annex 1  Stakeholder Inventory and Analysis (including consultative mechanism inventory)
Annex 2  Record of Stakeholder Consultation
Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Stakeholder inventory data sheet
Country: Nauru
Date: 2nd and 3rd June, 2004
Data Recorder: Tony Lewis (alewis9@bigpond.com)

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative/ post</th>
<th>Contact details</th>
<th>Description of Interests [factors that may influence participation]</th>
<th>Stakeholder analysis and preliminary participation plan</th>
<th>Other [Keep informed]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nauru Fisheries and Marine Resources Authority (NFMRA)</td>
<td>CEO Anton Jimwereiy</td>
<td>Tel: (674)444 3733 <a href="mailto:ceo@naurufisheries.com">ceo@naurufisheries.com</a></td>
<td>National oceanic fisheries authority</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Dept. of Island Development and Industry (MIDI)</td>
<td>Secretary Joseph Cain</td>
<td><a href="mailto:jc@cenpac.net.nr">jc@cenpac.net.nr</a></td>
<td>Responsible ministry, policy formulation GEF Focal Point</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Dept. of Justice</td>
<td>Principal Legal Officer Lionel Aingimea</td>
<td><a href="mailto:lr_angimea@yahoo.com">lr_angimea@yahoo.com</a></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Minister for Justice and Fisheries</td>
<td>Russell Kun</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>Foreign Affairs</td>
<td>Pyon Deiye</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>Superintendent</td>
<td>Norio Tebouwa</td>
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<tr>
<td>Nauru Insurance Co.</td>
<td>Manfred Depaune</td>
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</tr>
<tr>
<td>Buada Lagoon Owners Association</td>
<td>Nelson Temakin</td>
<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>Small scale fishers</td>
<td></td>
<td>Fishing</td>
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<td>X</td>
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</tbody>
</table>
Annex 2: Record of Stakeholder Consultation
Republic of Nauru
Tuesday 2nd June - Wednesday 3rd June, 2004

Stakeholder Consultation

The Mission held an initial primary stakeholders consultation at the Nauru Fisheries and Marine Resources Authority (NFMRA) on Tuesday 2nd June, to discuss the development of the SAP II project, and a more public consultation the next morning (Wednesday 3rd June) at the same location. An informal dinner was held on the evening of Wednesday 3rd with the Minister and others.

Those present at the various consultations were:
Anton Jimwereiy, CEO, NFMRA; Joseph Cain, Secretary, DIDI and GEF Focal Point; Hon. Russell Kun, Minister for Justice and Fisheries; Lionel Aingimea, Principal Legal Officer, Dept. of Justice; Pyon Deiye, Foreign Affairs; Norio Tebouwa, Superintendent of Police; Nelson Temakin, Buada Lagoon Owners Association; Manfred Depaune, Nauru Insurance; Bryan Star, DIDI; Cyril Buramen, A/Chair, NFMRA Board, plus NFMRA staff:
Peter Jacob, R & D Manager; Allan Debao, Nick Depaune, A/SFO Oceanic; Ace Capelle, Data Officer; Samuel Teabuge, Licensing Officer; Gaelyn Dekarube, Clerical Asst/Data Asst; Karlick Agir, Publisher, PR

The combined consultation combined a detailed presentation on GEF processes and project background, with a general awareness presentation about the Convention, current tuna fishery management in the WCPO, and implications of the Convention for Nauru, then a detailed needs assessment for Nauru.

Issues raised during the primary stakeholders’ consultation included:

- The need to analyze the current legislation, to check for compatibility with the UNFSA and the Convention; the need for legal assistance with revising existing Nauru legislation if model regional legislation does not exist
- The need to develop a Tuna Management Plan as soon as possible, with assistance from FFA/SPC, and including mechanisms for stakeholder consultation
- The need for capacity building in relevant areas, notable legal and policy making.
- Plans to use the RMI and Kiribati patrol vessels for surveillance in Nauru waters and surrounding, if this can be arranged
- Training and financial support for observer programmes and port sampling, especially if transhipment is to occur again.
- The need to raise awareness of the Convention and Commission and support for effective Nauru participation in the work of the Commission.

Other one-on-one consultations held were with:
NFMRA: Anton Jimwereiy, CEO, and selected staff.

Subsequent contact was also made with the GEF Operational Focal Point Joseph Cain, who attended the primary Stakeholders Consultation.

Media coverage of the Convention and oceanic fisheries management generally was limited, given the lack of any formal media structure on the island.
1. Background

1.1 Status of Oceanic Fisheries

The Niue EEZ measures 390,000 sq.km. and is bordered by Cook Islands to the east, Tonga to the west, American Samoa to the north, and high seas areas to the south.

There are three components to the oceanic fisheries of Niue:

a) small scale fishing for subsistence and small scale commercial purposes conducted by local vessels; currently estimated at around 120 traditional one-man outrigger canoes and a small motorised dinghy fleet of 50 active boats. Fishing is generally confined to within a few kilometres of the coastline for canoes. The nearshore pelagic fishery is currently estimated to take a catch of around 100-120 tonnes of pelagic fish species annually, of which 40-60% is estimated to be sold on the local market, and the balance for subsistence consumption;

b) a small but significant sports fishery, mainly for tourists, which is one of Niue’s major tourist attractions; and

c) offshore fishing by foreign vessels targeting albacore tuna which land their catch outside Niue, mostly at Pago Pago. Catches from these vessels have ranged over time up to 500-600 tonnes. Currently, the US Multilateral Fisheries Treaty is the major source of fisheries revenue for Niue.

A fish processing facility is currently under construction. This will be the starting point for a new domestic oceanic fishing and fish processing industry that holds the promise of great benefits for Niue, but will bring a requirement for additional fisheries management effort, especially in monitoring fishing and landings.

1.2 Oceanic Fisheries Management

The major objectives of tuna management and development policy set out in the Niue Tuna Management and Development Plan are to:

• ensure that the utilisation of the tuna, billfish and wahoo stocks in the waters of Niue is consistent with the sustainable utilisation of these stocks in their entirety;

• eliminate illegal fishing activity in the waters of Niue;

• maximise benefits to Niue, including economic and social benefits, from the long term sustainable utilisation of its tuna and billfish resources;

• minimise any adverse interactions between fisheries, in particular, between the large scale commercial industry and the small scale commercial, subsistence, charter or recreational fisheries;

• minimise the impact of target fishing on both the marine environment and bycatch species; and

• assist to fulfil regional and international obligations regarding conservation and management of highly migratory species in Niue’s fishery waters.

The commercial tuna longline fishery is managed under a system involving an initial sustainable catch limit of 3,000 mts, and of licences currently limited to 20 vessels over 12 metres. Vessels fishing in Niue waters are now required to land their catch in Niue.

The other key feature is the closed areas around the island and important reefs.

The 2003 Niue Tuna Longline Feasibility Study laid out a new oceanic fisheries management and development strategy for Niue.

1.3 Oceanic Fisheries Institutional Arrangements
The Fisheries Division of the Department of Agriculture, Forests and Fisheries is the central agency responsible for oceanic fisheries management. The Division has a staff of 6, and an annual operating budget of NZ$70,000. Overall, oceanic fisheries is a major focus of the work of the Division, because of the importance of offshore oceanic fisheries for government revenue estimated at NZ$495,000 in 2003/04. This emphasis will become more pronounced once the processing plant becomes operational and locally-based longline vessels become more active in the zone.

The Police Department is also involved in off-shore fisheries management but this is minimal and confined to enforcement activities.

1.4 Donor Involvement

New Zealand Aid funded the 2003 Niue Tuna Longline Feasibility Study, but there is no current donor involvement in oceanic fisheries management activities except for the range of assistance provided by FFA and SPC.

1.5 Other Oceanic Fisheries Management Issues

There are going to be a range of issues associated with the new processing facility, including the infrastructural needs and possible social impacts from the visits by fishing vessels. On this mission, the main issue raised was the potential impact of landed bycatch on the local fish market and livelihoods of those involved in small scale fishing.

2 Niue and the WCPF Convention

2.1 Overview

With a population of around 1500, Niue is the smallest state participating in the WCPF process. Key issues for Niue have been:

i) to ensure that the work of the WCPF Commission is structured in such a way that Niue can participate effectively in the Commission’s work, since the oceanic fisheries stocks are critically important to Niueans;

ii) to ensure that the cost of participating in the Commission and fulfilling obligations arising from the Convention is not unduly burdensome on the small population of Niue;

iii) to protect Niue’s interests in the development of its oceanic fishery resources for economic gains;

iv) to ensure that the work of the Commission takes into account the status of bycatch species such as wahoo which are important to the people of Niue;

v) to ensure that Commission decisions take account of the position of Niue which does not have its own vessel registry or flag.

As a Member of the Commission and a Party to the WCPF Convention the major areas of implications for Niue as follows:

i) the additional workload involved in participation in the work of the Commission with a small fisheries staff;

ii) legal reforms, particularly a new licensing arrangement;

iii) improved monitoring programmes;

iv) enhanced arrangements for consultation between the governments and those whose livelihoods depend on the oceanic fish resources.

2.2 Implications of the Convention

2.2.1 Legal

Niue is in a unique position in respect of the legal requirements of the WCPF Convention because it does not operate its own vessel registry, and so is not subject to the range of new requirements for flag states which are at the core of the new Convention. Against this
Niue

The Territorial Sea and Exclusive Economic Zone Act 1996 already includes sufficient powers to make regulations to implement WCPF Commission decisions. However, Niue needs to change its approach to control of vessels in its own waters. Currently, these are all managed under access agreements, but in future, Niue needs to move away from access agreements towards more direct control of fishing vessels through appropriate Regulations and licence conditions. This will require a systematic review of existing legislation and drafting of regulations and licence conditions.

Environmental management in Niue is governed by the Environment Act 2004. The involvement of the Department of the Environment in marine conservation is focused on education and awareness-raising activities.

The table below summarises the status of Niue’s adoption of relevant international legal instruments and declarations.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>WSSD fisheries targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Acceded</td>
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<tr>
<td>FAO Compliance Agreement</td>
<td>Not adopted</td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Not implemented</td>
</tr>
<tr>
<td>FFA Minimum Terms &amp; Conditions</td>
<td>Implemented</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
</tbody>
</table>

There are only four qualified lawyers in the Niue Public Service. None is specifically committed to fisheries, and the capacity in fisheries is building slowly. For this reason, Niue will continue to depend on long term legal assistance to participate in regional-level arrangements, to prepare its national positions on matters coming before the WCPF Commission, and to amend its national legislative framework; and sees short term training in relevant aspects at the regional level as important.

Specific assistance needed includes:
- review of Fisheries Acts and Regulations;
- establishment of a new licensing regime;
- regional training for legal staff.

2.2.2 Policy/Institutional

Key policy decisions on oceanic fisheries issues are made by Cabinet on the basis of ad hoc consultations with stakeholders in the close-knit Niue community, and often with substantial advice from regional organizations.

Niue needs to strengthen its institutional capacity in oceanic fisheries management, but resources are scarce. The institutional capacity development needed, includes additional equipment and improved office facilities.

The size of Niue’s financial contribution for the Commission has been a major issue for Niue throughout the WCPF process. Under the proposed formula for the Commission, the financial contribution for Niue is expected to be US$5-10,000. Niue considers this level of contribution to be appropriate and sustainable.

Specific assistance needed includes:
Niue

- an institutional strengthening review;
- review of the Tuna Management and Development Plan;
- ongoing technical assistance from SPC/OFP and FFA in policy formulation and advice;
- strengthening of fishermen’s associations to allow greater participation in the management process.

### 2.2.3 Compliance

Niue’s MCS capacity is limited to the work of one person, half-time. IUU fishing in Niue waters is an issue because Niue does not have its own sea or air patrol capacity, but it is assisted by overflight patrols by New Zealand and the United States. Niue sees regional cooperation in MCS as important, and has authorised Fiji and New Zealand navies to undertake MCS operations in Niuean waters. Since Niue will not be able to afford to operate its own patrol vessel, Niue supports the wider use of Implementing Arrangements under the Niue Treaty to improve coordination of regional MCS services.

Niue applies the FFA Harmonised Minimum Terms and Conditions., and requires the FFA VMS on foreign vessels.

Specific assistance needed includes:
- assistance for staff strengthening;
- training at the regional level in boarding and inspection;
- assistance with the VMS system to ensure it is fully operational and able to monitor vessels licensed to fish in Niue;
- support for coordination of MCS activities between countries under the Niue Treaty.

### 2.2.4 Monitoring

With the assistance of the SPC/OFP, Niue has developed procedures for the collection and processing of tuna fisheries data. These procedures will be used for the monitoring of the joint venture longline operation to be established in Niue following completion of the tuna processing plant. It is anticipated that up to 20 vessels will be licensed to fish in Niue waters, all of which will be off-loading to the plant.

- Logsheets: Catch and effort logsheets from vessels fishing in Niue are forwarded to SPC. The target for logsheet coverage is 100%. Niue does not maintain its own catch and effort database.

- Observers: Niue does not have an observer programme, but is planning to develop one with the assistance of SPC/OFP and FFA in order to develop a capacity to attain 20% coverage of the new joint venture longline fishing operation. Four observers have been trained as purse seine observers and one of these has undertaken longline observation. Three trainees will participate in the upcoming sub-regional observer training course to be held in Tonga.

- Port Sampling: there is no port sampling programme but the plan is to develop a capacity to allow 20% coverage for vessels landing fish to the new processing facility.

Specific needs include:
- a plan of action for establishing observer programme and port sampling programmes, with funding support to get them established and a plan for transfer of costs to Niue,
- equipment, including computers and office space for additional monitoring staff,
- training for observers and port sampling staff,
- continuing assistance from SPC/OFP for the processing of catch and effort data and preparation of catch and effort estimates that will be required by the Commission.

### 2.2.5 Scientific Analysis
Niue currently has virtually no capacity for statistical or scientific analysis, and the scope for developing this capacity is very limited. This means that Niue will continue to rely to a great extent, on the SPC/OFP for stock assessment, ecosystem analysis and other scientific aspects of tuna fisheries into the long term. In this respect, the flow of information from regional stock assessment work in a form useful for national fisheries management has improved, but there will be a continuing need for assistance in interpretation of the regional analyses.

Specific needs include:

- training for managers aimed at developing a better understanding of stock assessment;
- continuing assistance from SPC/OFP in the interpretation of regional stock assessment analyses;

**Ecosystem Analysis**

The species taken as by-catch in oceanic fisheries are important in Niue as major target species of the small scale fisheries. It is likely that the by-catch issue will become more significant as the offshore longline industry becomes established.

Large scale oceanographic changes appear to have had big impacts on the fisheries of neighbouring zones and it is probable that the Niue zone also felt this impact. The improving understanding of these, through SPC, is valuable, and continuing that research is important.

### 3. Potential Contribution of SAP II Project

Potential areas in which the SAP II Project could contribute to assisting Niue in the implementation of national activities related to the WCPF Convention are summarised in the table below.

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<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Revise the Territorial Sea &amp; EEZ Act, prepare new regulations and Licencing Conditions</td>
<td>Legal/Fisheries Management Technical Assistance</td>
</tr>
<tr>
<td>Support Commission</td>
<td>Provide legal advice</td>
<td>Regional Legal Workshops, continuing advice from FFA</td>
</tr>
<tr>
<td>participation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implement Commission</td>
<td>Provide legal advice,</td>
<td>Legal/Fisheries Management TA</td>
</tr>
<tr>
<td>decisions</td>
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<tr>
<td><strong>Policy</strong></td>
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</tr>
<tr>
<td>Participate in Commission</td>
<td>Institutional Strengthening</td>
<td>TA for Institutional Strengthening</td>
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<td>Realign National Policy</td>
<td>Regional Policy Formulation</td>
<td>Review/equipment/facilities</td>
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<td>National policy formulation</td>
<td>Regional Workshops/Attachments</td>
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<td>Fisheries Management Technical Assistance (medium term)</td>
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<td>Institutional strengthening for Associations, regional networking</td>
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<td>Regional study tour</td>
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<td>Technical Assistance</td>
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<td><strong>Compliance</strong></td>
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<tr>
<td>Increase IUU</td>
<td>Improve licensing, vessel register</td>
<td>Regional MCS Meeting/ participation</td>
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<tr>
<td>deterrence in-zone</td>
<td>Improve effectiveness of patrol, inspection, investigation, prosecution</td>
<td>In-country assistance with regional VMS</td>
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<td>National VMS start-up</td>
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<td>Regional Inspection, VMS staff training</td>
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<tr>
<td>Establish Cooperative</td>
<td>Enhance Coordination against IUU fishing</td>
<td>Support coordination of MCS activities between countries (Niue Treaty implementing arrangements)</td>
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<td>anti-IUU arrangements</td>
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<tr>
<td><strong>Monitoring</strong></td>
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<tr>
<td>Improve at-sea data</td>
<td>Establish Observer programme</td>
<td>Technical assistance, start-up funding,</td>
</tr>
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<tr>
<td>Niue</td>
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<tr>
<td>---</td>
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<td></td>
</tr>
</tbody>
</table>
| **Science** | **equipment and facilities for monitoring staff**  
**Establish Port sampling programme**  
**Establish database**  
**Training of port samplers by SPC and observers by FFA/SPC**  
**TA, training equipment to establish database**  
**Support from SPC/OFP for calculation of catch and effort estimates for the Commission**  
**Science** | **Improve understanding of oceanic resources and ecosystem**  
**Strengthen national capacity to analyses national data**  
**Strengthen national capacity to interpret regional analyses**  
**Short term training in stock assessment methods for managers**  
**Ongoing support from SPC in interpretation of stock assessment analyses and oceanographic information** |

### ANNEXES

- **Annex 1**  
  Stakeholder Inventory and Analysis (including consultative mechanism inventory)

- **Annex 2**  
  Record of Stakeholder Consultation
Annex 1: - Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Stakeholder inventory data sheet

Country: Niue
Date: 17 June, 2004
Data Recorder: Colin Brown, cibn@oyster.net.ck

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative/post</th>
<th>Contact details</th>
<th>Description of Interests [factors that may influence participation]</th>
<th>Stakeholder analysis and preliminary participation plan</th>
<th>Other [Keep informed]</th>
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<tbody>
<tr>
<td>Department of Agriculture, Forestry &amp; Fisheries</td>
<td>Brendon Pasisi, Deputy Director</td>
<td>Tel: 4032</td>
<td>National Fisheries Authority</td>
<td>X</td>
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<tr>
<td>Premier’s Department</td>
<td>Crossley</td>
<td>Tel: 4200</td>
<td>GEF Focal Point</td>
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<td>Department of the Environment</td>
<td>Haden Talagi</td>
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<td>National Environmental Authority</td>
<td>X</td>
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<td>Fishing Associations</td>
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<tr>
<td>Treasury</td>
<td>Jacqui Mitimeti</td>
<td>Tel: 4122</td>
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<tr>
<td>Processing Plant Operator</td>
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<tr>
<td>Village Councils</td>
<td></td>
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<td>X</td>
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<tr>
<td>General Public</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Inventory of Project-related national consultative mechanisms

There are no current Project-related consultative mechanisms. Niue is giving consideration to the establishment of an appropriate project consultative mechanism.
Annex 2  Record of Stakeholder Consultation  
Niue  
Thursday 17 June, 2004  
Public Forum  
The mission to Niue held a public forum at the Niue Sports Club to discuss the development of the WCPF Convention and the support provided by GEF in this process. Those present included:  

Hon. Bill Motufouo, Minister responsible for Fisheries; Ernest Nemaia Director, Department of Agriculture, Forestry and Fisheries (DAFF); Brendon Pasisi Deputy Director DAFF; Fiafia Rex, Fisheries Officer; Tau Pasisi, President, Niue Fishermen’s Association; Graham Marsh, President Niue Game Fishing Club; Jacqui Mitimeti, Budget Manager, Treasury; Stonie Leolahi, National Coordinator, IWP; Taumaifai Fuhinui, Canoe Fishermen’s Association; Charles Funaki, Marketing Officer, DAFF; Muiaki Makani; Haden Talagi, Research & Development Officer, Department of Environment, Aviu Taueihi, Premier’s Department; Billy Talagi, Avatele Village Council; Taumaifai Fuhinui; Iavano Heaki, Hikutavake Village Council; Kala Talaiti, Vaiea Village Council; Moka Talaiti, Vaiea Village Council; Hakemofu Laufoi, Avatele Village Council.  

The Minister of Fisheries, Hon. Bill Motufouo opened the meeting with a presentation on the development of the WCPF Convention and the role that Niue played in this. This was followed by a presentation from Brendon Pasisi, the Deputy Director of DAFF, on tuna fisheries developments in Niue including management matters and the joint venture fishing and processing venture with Reef Shipping scheduled to be operational in August. This was followed by a presentation by Les Clark on the Convention and the likely impacts for the Niue situation. The presentation also included a brief review of tuna stock status. A two-day workshop on the Convention and its implications had been held with stakeholders in Niue two years earlier with GEF IW Project support. This Workshop had been part of a stream of work in Niue, which had resulted in Niue ratifying the WCPF Convention, so the Forum was a chance to update those earlier discussions since the Convention was coming into force 2 days later.  

Issues arising from discussions were:  

• concern that fishing vessels operating in Niue are monitored to ensure stocks remain in a healthy state. Accurate catch reporting would be essential and the deployment of observers would be necessary. Such monitoring should be at the cost of the vessel operator;  
• by-catch is significant in terms of the impact this will have on the ecosystem as well as the domestic market. Although by-catch data for Niue is minimal, there is concern that industrial tuna fishing in Niue will have a serious impact on shark stocks as well as the availability of wahoo and mahimahi to inshore fishers;  
• concern was also expressed at the likely impact longline fishing will have on birds, dolphins and turtles. It was however considered that such interactions were less of a concern in the tropical Pacific region;  
• the effect of oceanographic change and possible effects of climate change on fish stocks was highlighted. The meeting was advised that efforts are being made to get a better insight into the ecosystem to aid in more sound tuna management;  
• Concern was expressed over the likely level of discards and by-catch from vessels expected to be fishing in Niue waters once the processing plant becomes operational;  
• The additional resources that Niue would have to commit to oceanic fisheries management with the Convention coming into force, and the new processing facility starting up, and strategies for finding and financing those resources.
Stakeholder Consultation

The Mission to Niue held a stakeholders consultation at the Niue Sports Club to discuss the Convention and the development of the SAP II project. Those present were:

Ernest Nemaia Director, Department of Agriculture, Forestry and Fisheries (DAFF); Brendon Pasisi Deputy Director DAFF; Fiafia Rex, Fisheries Officer; Tau Pasisi, President, Niue Fishermen’s Association; Graham Marsh, President Niue Game Fishing Club; Jacqui Mitimeti, Budget Manager, Treasury; Sione Leolahi, National Coordinator, IWP; Taumaifai Fuhinui; Charles Funaki, Marketing Officer, DAFF; Muiaki Makani; Haden Talagi, Research & Development Officer, Department of Environment.

Mr Les Clark gave a presentation on the GEF SAP II project. Issues raised in discussion were:

- although it appears that albacore stocks are in a healthy state and that current levels of fishing have minimal impact, there is a need for an improved understanding of stock dynamics, and this is important in a future science programme;
- the need for support for the Fishing Associations to enable them to participate in national and regional fisheries management processes;
- the constraints faced by Niue’s small administration in participating in such a large and complex process as the Commission;
- because of its lack of legal capacity, Niue will need to look to FFA for the provision of sound legal advice particularly during Commission meetings;
- Compliance is a capacity that needs strengthening, given Niue’s lack of surveillance capability. It was noted that subsidiary agreements under the Niue Treaty is an option that should be explored.

Other consultations held were:

Minister of Fisheries Hon. B V Motufoou
Department of Agriculture, Forestry & Fisheries
- Ernest Nemaia, Director
- Brendon Pasisi, Deputy Director

Department of the Environment
- Haden Talagi, Research and Development Officer

Fishermen’s Associations
- Niue Island Fishermen’s Association, Tau Pasisi
- Niue Island Sports Fishing Club, Graham Marsh
- Canoe Fishermen’s Association, Taumaifai Fuhinui

Premier’s Department
- Crossley Tatui (GEF Focal Point)

New Zealand High Commission
- HE Sandra Lee Vercoe, High Commissioner

A small function was held in the evening of 17 June to mark the coming into force of the Convention on 19 June.

An interview with Les Clark was shown by the Niue Broadcasting Corporation and a report of the Stakeholder Consultation was posted on the Niue Government website.
1. Background

1.1 Status of Oceanic Fisheries

The Palau EEZ is relatively small (630,000 km²), bordering those of Indonesia, Philippines and FSM to the south, west and east, with high seas areas to the north and south-east (the Palau-FSM-PNG corridor).

The tuna fishery primarily involves the activities of locally-based longline fleets (Chinese and Taiwanese vessels) and Japanese vessels (offshore longliners, purse seiners and pole-and-liners) licensed under access agreements. Landings by the locally-based longline fleet appear to be less than 2,000t in recent years but may be under-reported. Activity by the Japanese offshore longline vessels has been intermittent (catch of several ‘00t p.a.); very little purse seine activity has occurred in the Palau EEZ in recent years (though 2,000t was taken in 2003), and no pole-and-line fishing. There has been little or no fishing by USMLT or FSM Arrangement p/s vessels in recent years. A domestic pole-and-line fleet operated in the past (until 1982), taking up to 10,000t p.a. for shipment to PagoPago, but only a single small pole-and-line vessel continues to operate, supplying local markets.

It seems probable that the productivity of Palau’s fisheries has been impacted by the very large and still expanding tuna fisheries of Indonesia and Philippines, where close to 30% of the region’s tuna catch is taken by vessels of those countries.

Subsistence and small scale fishing for oceanic species, based mainly on trolling and FADs, remains important for food security and tourism. There is also a well developed tourism-based sport fishery targeting a range of inshore and oceanic pelagic fish operating from Koror.

1.2 Oceanic Fisheries Management

Palau developed a National Tuna Fishery Management Plan (NTFMP), with the assistance of regional agencies under the CSPODP II project in 1999, which was ratified in 2002.

The major objectives of tuna management and development policy set out in the NTFMP, under the overall intent of deriving greater benefits for all Palauans from Palau’s tuna resources, are to:

- Conserve fishery resources by controlling harvesting within internationally and regional recognized sustainable limits;
- Establish an efficient Government framework to harmonize the application of fisheries management policies and practices;
- Minimize detrimental impacts of fishing on coastal and onshore environment;
- Attain an optimal balance in relation to access to the resource between all stakeholders;
- Enhance the overall economic balance between the necessity for Government to generate revenue, financial expectations of the commercial tuna fishery interests, and the interests of other users of the resource;
- Promote Palauans in professional, administrative, research and development positions in the fishery and related industries and Government agencies;
- Ensure adherence by Palau to regional and international marine resources agreements.

The Plan has yet to be fully implemented - there are no management measures in force involving target tuna species, and no major controls have been instituted that significantly limit effort or catch. Management measures have, however, been introduced in 2003 with...
respect to by-catch in the tuna longline fishery (prohibition from taking sharks, reef fish, turtles, rays, and marine mammals, and prohibition from using steel leaders), and closed areas applied to prohibit foreign fishing vessels from fishing within a 24 mile contiguous zone and a 50 nautical mile radius to the east of the reef entrance to Malakal Harbor. A tax on by-catch landings in Palau by the longline fleet of 25 cents per kg has also been imposed.

1.3 Oceanic Fisheries Institutional Arrangements

The Bureau of Oceanic Fishery Management (BOFM) within the Ministry of Resources and Development, established by OEK in accordance with Republic of Palau Public Laws (RPPL) 5-7 and 5-8, is the primary agency responsible for oceanic fisheries management. “Being one of the very few FFA member countries with a separate government agency devoted specifically to management of pelagic fisheries resources, Palau is in the unique position of being able to focus the efforts of an entire department on management of the resources within its 200-mile Exclusive Economic Zone”.

Whilst oceanic fisheries management is seen as a very high priority for Palau, this is not reflected in the support provided to BOFM. The Bureau has an establishment of 28 posts, of which just 8 are filled (of which four are port samplers), and an annual operating budget for 2003/2004 of US$122,000.

Executive Order No. 204 in 2001 established the Palau Fisheries Advisory Committee (PFAC) to make recommendations to the Minister of Resources and Development and to the President regarding national fisheries policies and the implementation of recommendations made in the National Tuna Fishery Management Plan. PFAC membership includes the Minister of Resources and Development, the Minister of State, the Minister of Justice, the Director of the Bureau of Marine Resources, and one member appointed by the President from the private fisheries sector. Under this order, the PFAC is thus the main consultative body relating to fisheries management matters and policy, with the following functions:

The formulation and coordination of national fisheries policies and programs for the conservation, management and sustainable utilization of tuna resources within the Republic of Palau’s EEZ, the implementation of the NTFMP, the implementation and enforcement of oceanic fisheries polices, laws, rules and regulations, negotiations with domestic and foreign fishing companies seeking to fish within Palau’s EEZ, and the issuance of fishing licenses and permits, negotiations with other potential stakeholders interested in the development of offshore fisheries, and, in cooperation with the Minister of Justice, the coordination of maritime surveillance and enforcement of applicable fisheries laws, rules and regulations.

Net revenue from oceanic fisheries in Palau is estimated to be around $4 million per year, with the tuna fishery having an overall value of $14 million in recent years (McCoy and Tamate, MS). These figures do not include the value of artisanal and sport fisheries to Palau, which may increase the overall value to close to US$20 million. This has been much higher in earlier years.

Other government organisation with a significant role in oceanic fisheries management are:

- Justice (Attorney Generals’ Office and the Division of Marine Law Enforcement)
- Ministry of State (Bureau of International Trade and Technical Assistance)
- The Office of Environmental Regulation Committee (OERC) in the President’s Office, and the Environmental Quality Protection Board (EQPB).

There is no mechanism for broad consultation with all stakeholders at present (see later), other than the PFAC which although powerful, is essentially Government-driven. There is a clear need to develop such a more inclusive consultative mechanism, involving other relevant Government Ministries/Divisions, the private sector, ENGOs, and communities.

1.4 Donor Involvement
There is no other significant donor involvement in oceanic fisheries management besides RAN support for the patrol boat program and assistance provided through FFA and SPC.

1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues that arose in the mission to Palau include:

- IUU fishing in-zone and in adjacent high seas - given its contiguity to the very large and not fully regulated fisheries of Indonesia and Philippines, levels of IUU fishing in the Palau EEZ are believed to be high, on the basis of regular sightings and apprehensions. IUU fishing in adjacent high seas are also probably high.

- Delineation of maritime zones - Palau has formally declared its EEZ, but still needs to delineate most of its EEZ boundaries, involving FSM, Indonesia and Philippines – this will involve boundary agreements with these three neighbouring states.

2. Palau and the WCPF Convention

2.1 Overview

With a tuna industry based on foreign access and locally-based foreign longlining, Palau’s primary aims in the MHLC and Prep Con process have been:

i) to ensure the application of measures to ensure the sustainability of the region’s tuna stocks and fisheries. Key elements of this for Palau have been:

- ensuring the long term sustainability of the longline fishery targeting albacore, but with important catches of bigeye and yellowfin; and

- implementing controls on the impact of purse seine fishing on juvenile bigeye and yellowfin because of the effects this could have on catches by Palau’s longline fleet.

ii) to ensure that Palau secures at least a fair share of access to the region’s tuna resources.

Palau has yet to ratify either the UNFSA or the WCPF Convention, and has legitimate concerns, as a small state, about being able to meet necessary obligations under the Convention, along with the many other international Conventions that it is already a signatory to.

Major implications for Palau with the entry into force of the Convention are seen as follows:

i) institutional strengthening - development of human resources to address and administer obligations under the Convention and the Commission;

ii) financial capacity to meet such obligations, including meeting costs of full and effective participation in the Commission;

iii) legislative revisions, to ensure compatibility with the Convention and UNFSA;

iv) strengthened arrangements for management of fishing in Palau waters, particularly to address IUU fishing; and

v) broader participation in the processes related to the Commission, including involvement of non-government interests, especially the fishing industry and NGOs.

Palau has made limited progress towards developing the capacity to implement its obligations under the Convention, and has few plans in place to complete this process.

2.2 Implications of the Convention

2.2.1 Legal

Palau has yet to ratify either the UNFSA or the Convention. RPPL 6-36 of 2003 attempted, inter alia, to harmonize the scope of the Republic’s maritime jurisdiction with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS), but assistance is needed.
to ascertain whether the existing legislation is compatible with these more recent instruments (UNFSA and the Convention).

Title 27 of the Palau National Code is the primary legal instrument relating to fisheries, and a separate Code governs environmental activities. These are supplemented by Executive Orders and RP Public Laws, promulgated by the president and OEK respectively, and establishing subsidiary regulations or revisions.

There are several environmental NGOs active in the general fisheries area, including the Palau Conservation Society (PCS), and the Nature Conservancy (TNC). The Palau Fishermen’s Association appears no longer to be active.

The table below summarises the status of Palau’s adoption of relevant international legal instruments and declarations.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Not ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Not ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Principles accepted, but not included in new legislation</td>
</tr>
<tr>
<td>WSSD fisheries targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Acceded</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td>Not implemented</td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Implemented</td>
</tr>
<tr>
<td>FFA Minimum Terms &amp; Conditions</td>
<td></td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
</tbody>
</table>

Palau has good legal capacity in the Attorney General’s Office within the Ministry of Justice with growing experience in OFM issues, but the office is probably overloaded and understaffed. Palau needs to ascertain, as noted, whether the existing legislation (Title 27 of the Code) is compatible with the Convention and UNFSA. Palau had had good success in pursuing prosecutions against fisheries violations, but will need assistance to build capacity in this area.

2.2.2 Policy/Institutional

The Palau fisheries administration has recently been restructured, to abolish the Palau Maritime Authority and transfer certain functions to the Bureau of Natural Resources. The BOFM, subsequently established by the OEK, is under-resourced and under-financed.

The PFAC has also recently been established, consistent with recommendations in the NTFMP. Policy is primarily determined by the Minister of Resources and Development, on recommendation of the PFAC, although the President and the OEK may intervene directly on some issues.

The Palau RTFMP, one of the first such Plans in the region, has yet to be implemented, despite being completed in 1999, and being ratified in 2002. This is seen as urgent if Palau is to seriously address the oceanic fishery management issues associated with the Convention.

Palau is presently not well placed to implement the WCPF Convention and decisions of the WCPF Commission, and to continue to develop and benefit from its oceanic fisheries. There is an urgent need for capacity building in fisheries management and policy making, particularly in areas related to the work of the WCPF Commission to ensure that Palau participates effectively in the work of the Commission, including being able to ensure that Palau’s interests are taken into account in this work; and to build support among stakeholders for the effective implementation of decisions of the Commission.
There is felt to be an urgent need for institutional strengthening to enable Palau to fully discharge all obligations under the Convention

- Strengthening of monitoring programmes, and compliance, statistics, law and science (resource assessment) programmes;
- establishment of a National Consultative Committee;
- possible support for the strengthening of private sector stakeholder institutions.

The cost of financial contributions for Palau, to the WCPF Commission, is expected to be in the range of US$10,000 per year, once the Commission is fully established.

### 2.2.3 Compliance

In line with the need for overall institutional strengthening of the BOFM and other Departments, little progress has been made in strengthening compliance activities, including:

- There is no National MCS Committee which would seek to improve coordination of MCS activities between BOFM and other agencies, notably the Law Enforcement Division (LED), Customs, Transport and Communication, and Immigration.
- The FFA regional VMS, hosted by the LED, appears to be utilized at less than full capacity, given restrictions on the number of trained staff available.
- On the other hand, procedures for licensing appear to be working well, with an accessible operational licensing database housed at BOFM.
- Good VMS Regulations have been in place, pursuant to Title 27, since 2000.

Palau has some capacity to enforce its fisheries laws, using one patrol vessel, the *President H.I. Remeliik*, (provided in 1996 and supported through the Australian Pacific Island Patrol Boat Programme) but is underfinanced in the operational sense. The suspected very high incidence of IUU fishing within the zone and probably also in adjacent high seas areas is currently largely unchecked. In the case of smaller Indonesian and Philippines vessels, it is often seen as not worth the trouble of apprehension and return of confiscated vessels to Koror. The compliance activities have already been successful in apprehending several larger foreign (Philippine) vessels involved in illegal fishing, most recently in May 2004.

Surveillance is also assisted by occasional surveillance flights by Australia and New Zealand.

There are no inspection programmes in place for landings in Palau, although there is extensive port sampling (see later) and Customs and MLED cooperate in in-port vessel inspections and clearances.

### Flag State Responsibilities

Palau currently has no flag vessels fishing outside Palau waters, and only a handful in its own waters. The Maritime Safety Branch within the Division of Transport and Communication, Ministry of Trade and Commerce, operates the register of vessels and would assume this responsibility, should it be needed in the future.

### 2.2.4 Monitoring

Palau has maintained monitoring programmes for some years, with assistance from SPC/OFP (including assistance under the current GEF IW Project), and from FFA. These include:

- **Vessel characteristics**: BOFM operates a licensing database that contains required information on vessel characteristics.
- **Logsheets**: the level of logsheet coverage of the locally-based longline fleet is considered to be high (approaching 100%), whilst the coverage of the Japanese longline fleet is also considered high.
Palau

- **Port sampling**: there is a well established port sampling programme in Palau, with a high level of coverage (close to 100%) of tuna landings by the locally-based longline fleet. Japanese access vessels land in home ports and are not sampled.

- **Landings**: Unloadings data are collected via the port sampling programme, and are routinely compared with the tuna export data. Individual weight data for air-freighted yellowfin and bigeye tuna are routinely collected.

- **Observers**: Palau currently has no regular observer programme in place, although two port samplers are nominally classed as observers, and at least three other observers trained in regional programmes are available. Some trips on locally-based foreign vessels have been undertaken. There is interest in re-establishing an observer programme. It would not be viable for Palau to establish its own training programmes for the small numbers involved, and Palau sees itself continuing to rely on the regional organisations for this function.

### 2.2.5 Scientific Analysis

Palau recognizes that national capacity for scientific analysis on oceanic fisheries is currently limited and its development is an important priority. Palau will continue to rely on SPC for stock assessment analysis and related advice – support in this area from SPC has been strong. Palau also wants to develop its own capacity to interpret and apply the regional results, but lacks trained manpower and the necessary positions filled within its establishment.

There is a national catch and effort database operated by BOFM. Some analyses of these data are carried and annual summaries sent to SPC/OFP, but some assistance may be needed to produce the verified estimates of annual catch by species, gear and fleet for Palauan waters expected to be required to meet the data standards established by the Commission.

Oceanographic influences on Palau fisheries may not be as significant as on other countries, but gauging impacts of the very large neighbouring fisheries of Indonesia and the Philippines is a critical issue.

### 3. Potential Contribution of SAP II Project

There is a strong need in Palau for in-country assistance from the GEF SAP II Project, as well as continuing support from the FFA and SPC regional programmes in law, economics, science and compliance. The specific areas in which assistance would be needed from the GEF SAP II Project are summarized below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Revise Title and Regs</td>
<td>Legal review</td>
</tr>
<tr>
<td>Enhance oceanic fisheries-related law capacity</td>
<td>Provide training for legal officers</td>
<td>Attachments, regional workshops etc</td>
</tr>
<tr>
<td>Support Commission participation</td>
<td>Provide legal advice</td>
<td>Regional Legal Workshops</td>
</tr>
<tr>
<td>Implement Commission decisions</td>
<td>Provide legal advice, change regulations, licences</td>
<td>Legal advice at national and regional level</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in regional policy formulation</td>
<td>Commission meeting participation</td>
<td>Regional Fisheries Management Training/Consultations Attachments</td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase IUU deterrence in-zone</td>
<td>Improve effectiveness of patrol, inspection, investigation, prosecution</td>
<td>Establish National MCS Committee Regional MCS Working Group participation</td>
</tr>
</tbody>
</table>
## Palau

### Monitoring
- Improve at-sea data
- Expand Observer programme
- Ongoing in-country and regional training of port samplers by SPC and observers by FFA/SPC; technical support

### Science
- Improve national statistical info.
- Provide catch/effort estimates to the Commission
- Strengthen statistical capacity
- Statistical support from SPC
- Improve understanding of oceanic resources and ecosystem
- Strengthen national capacity to analyse national data
- Strengthen national capacity to interpret regional analyses
- Ongoing support from SPC
- Training for national scientific staff to interpret stock assessments and oceanographic information

### ANNEXES
- **Annex 1** Stakeholder Inventory and Analysis (including consultative mechanism inventory)
- **Annex 2** Record of Stakeholder Consultation
# Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

## Stakeholder inventory data sheet

**Country:** Palau  
**Date:** 2nd July, 2004  
**Data Recorder:** Tony Lewis (alewis9@bigpond.com)

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative/post</th>
<th>Contact details</th>
<th>Description of Interests [factors that may influence participation]</th>
<th>Stakeholder analysis and preliminary participation plan</th>
</tr>
</thead>
</table>
| Bureau of Oceanic Fishery Management (BOFM) | Director (Silas Orrukem) | Tel: 488 3997 | National oceanic fisheries authority | 1st s/holder [role in decision-making]  
2nd s/holder [2-way flow of information]  
Other [Keep informed] |
| Ministry of Resources and Development / PFAC | Minister (Fritz Koshiba) Consultant (Vic Uherbelau) | Tel: 488 2701  
Tel: 488 5004 | Responsible ministry, policy formulation | X |
<p>| Office of Environmental Response and Coordination | National Planner (Youlsau Bells) | Tel 488 6950 | GEF Operational Focal Point | X |
| Environment Quality Protection Board | EO (Terangue Gillham) | Tel: 488 1639 | Environment issues | X |
| Attorney General’s Office | Asst AG (Quay Polloi) | Tel: 488 2481 | Legal aspects | X |
| Ministry of State (Bureau of International Trade and Tech Assistance) | Director (Ramon Rechebei) | Tel: 488 2490 | Policy/coordination | X |
| Marine Law Enforcement Division | Chief (Ellender Ngirameketii) | Tel: 488 5206 | Surveillance | X |
| Division of Transport and Communication, Maritime Safety Branch | Manager (Hayes Moses) | Tel: 488 4343 | Vessel register | X |
| Customs | Manager (Francisco Gibson) | Tel: | Ports operations | X |
| Immigration | Benito Thomas | Tel: 488 2498 | | X |
| Palau International Traders Inc. (PITI) | President | Tel: 488 1385 | Tuna fishing co. | X |
| Palau Marine Industries Corp (PMIC) | President | Tel: 488 2396 | Tuna fishing co. | X |</p>
<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/ contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palau Fisheries Advisory Committee (PFAC)</td>
<td>Office of the President / MRD</td>
<td>Tel: 21399</td>
<td>Palau fishery</td>
<td></td>
<td>Four Ministers, one private sector rep.</td>
</tr>
</tbody>
</table>

Inventory of Project-related national consultative mechanisms
Annex 2 Record of Stakeholder Consultation

GEF SAP II Country Mission

Republic of Palau

Friday 2nd July, 2004

Stakeholder Consultation

The Mission held a stakeholders consultation at the Longshoremen’s Inn, Malakal, to discuss the development of the SAP II project. Those present were:

Silas Orrukem (Director, Bureau of Oceanic Fishery Management), Noah Idechong (Delegate for Ngamil State, OEK), Vic Uherbelau (Palau Trading Company and consultant to MRD), Tiger Gillham (Environmental Quality Protection Board), Quay Polloi (Asst. Attorney General, Ministry of Justice) Hayes Moses (Maritime Safety Branch, Along Joseph(Division of Transport and Communication), Ramon Rechebei (Trade Division, Ministry of State), Belhaim Sakuma (Palau Conservation Society), Francisco Gibson (Palau Customs), Franny Reklai (Bureau of Marine Resources), Benito Thomas (Immigration) and Laurence Abraham (GEF TA).

The lengthy consultation combined a detailed presentation on GEF processes and project background, with a general awareness presentation about the Convention, current tuna fishery management in the WCPO, and implications of the Convention for Palau, then a detailed needs assessment for Palau. It was preceded by a working breakfast with Hon. Fritz Koshiba (Minister for Resources and Development) and key Government officials, to discuss the general policy framework in oceanic fisheries management in Palau.

Issues raised during the primary stakeholders’ consultation included:

• Palau’s existing shortcomings, with respect to meeting its obligations under the Convention, and the need to ratify the Convention.
• The need for capacity building in relevant areas, and the need to attract young professionals into the key agencies (BOFM etc) under attractive conditions of service.
• The need for legal assistance with revising existing Palau legislation if model regional legislation does not exist.
• Recognition that stakeholder input into the tuna management process is currently fraught, and the project should develop mechanisms to facilitate this; participation in the Commission’s work will also need such a mechanism.
• Information urgently needed on the apparent steady decline in tuna catches in the Palau EEZ (impacts of the very large adjacent Philippines and Indonesian fisheries).
• The need to implement the National Tuna Fishery Management Plan.

Other one-on-one consultations held were with:

Bureau of Oceanic Fishery Management:

• Silas Orrukem, Director; Celestine Angilmau (DD), Kathy Sisior

Marine Law Enforcement Division

• Capt Capt Ellender Ngirameketii (Chief), Lt. Ian Turvet (CO), EO, Navigator

Private Sector (PITI, KFC)

Contact was not made with the GEF Operational Focal Point (Youlsau Bells (OERC)) who was on sick leave and not available.

The general awareness presentation was repeated for the Palau Congress (OEK) on Monday 5th July, with six Delegates, two Senators, and senior Govt. officials present.
Issues raised in the ensuing discussion included:

- reasons for observed declines in tuna stocks in Palau’s EEZ;
- Palau’s development aspirations and priorities re the tuna fishery; expected benefits from the Convention to Palau and conversely, its obligations;
- Palau, the PalauArrangement and FFA, and steps needed to ratify the Convention.

The consultation seemed to have paved the way for Palau to ratify the Convention before the forthcoming elections later in the year, based on the response of the meeting.

Media coverage of the Convention and oceanic fisheries management generally was extensive during the Mission’s visit to Palau, with interviews given with the Palau Horizon newspaper (Bernadette Carreon), and Ecoparadise Radio Station (Patrick Moses).
PAPUA NEW GUINEA

1. Background

1.1 Status of Oceanic Fisheries

PNG has a highly productive and extensive EEZ, with an area of 2.4 million km$^2$. These waters produce up to around 10% of the world’s catch of major tuna species. Catches from the PNG EEZ are highly variable due to El Niño/La Niña effects, with total tuna catches varying between 125,000 tonnes and 374,000 tonnes over the last five years. The 374,000 catch was taken in 2003 and is the highest to date. More than 95% of this catch in most years is purse seine-caught skipjack, destined for canning. PNG has a long history of foreign fishing, initially licensing the Japanese fleet and in turn vessels from the US, Korea, Taiwan and Philippines. Apart from the Japanese longline fleet, most of these vessels have been purse seiners.

PNG has put in place active policies to encourage PNG national involvement in the fishery and onshore investment in tuna processing for export, with considerable success. There is a cannery (120 tonnes/day) and a high capacity loining plant (potential 200 tonnes/day) in operation, with plans for expansion of these operations and two new canneries. If all planned expansions occur, up to 175,000 of tuna per annum could be processed in PNG.

Current purse seine fishing activity is a mix of access arrangements with the DWFN fleet and increasingly, by licensing domestic and locally based vessels. Catches for the latter group have increased from 31,800 tonnes in 1998 to 107,000 tonnes (or 28% of total purse seine landings) in 2003. As at July 2004, 138 purse seine vessels are licensed to fish in PNG’s EEZ, including the DWFN fleets of the US (25), Korea (27), Taiwan (33) Philippines (10) and China (6). A number of other purse seine vessels are domestically based and flagged to such counties as Vanuatu and Philippines. A number of these vessels fish in the high seas or the EEZs of other FFA members under the FSM Agreement. In 2003, 370,000 tonnes of purse seine tuna was taken in PNG waters.

Since 1987, longline effort by foreign longliners has been minimal and in 1995, a domestication policy was introduced to encourage local development of the tuna longline fishery. Since then, this sector of the tuna fleet has expanded considerably, with catches increasing more than four-fold since 1998 to 4,400 tonnes in 2003. There are currently 42 tuna longliners and 8 shark longliners licensed to fish in PNG waters.

The total value of the tuna exports has more than doubled since 1999 and is now estimated to be worth around US$50 million (2003). In 2001, the domestic tuna industry in Papua New Guinea accounted for some 460 jobs on vessels, with a further 2,700 employed in shore-based facilities. These numbers have increased significantly since that time, as domestic vessel and shore based activities, including the loining plant commissioned this year at Wewak (creating 1,000 additional jobs alone), has increased.

A significant volume of purse seine caught tuna is transhipped at PNG ports, and in particular by Taiwanese and Korean vessels.

PNG supplies a substantial domestic market (10,800 tonnes in 2003) and other markets in the region with canned tuna products, as well as export markets, mainly in US and Europe. In the same year, 2,081 tonnes of chilled tuna was exported, primarily to the Japanese sashimi market and a lesser amount to Australia. Frozen tuna is mainly exported to Philippines, Japan and Taiwan.

1.2 Oceanic Fisheries Management

The objectives of oceanic (tuna) fisheries management stated in the National Tuna Fishery Management Plan 1999 are to:

(a) maximise benefits to Papua New Guinea from sustainable use of its tuna resource;
Papua New Guinea

(b) satisfy Papua New Guinea’s regional and international obligations to the management and conservation of tuna resources, while ensuring the national interest comes first and foremost;

(c) minimise any adverse impacts of tuna fishing and related activities on the marine environment;

(d) minimise any adverse impacts on the artisanal and traditional fishing sectors;

(e) improve decision-making in relation to management of the tuna fishery through effective information and communications network; and

(f) ensure that the provisions of the Plan are developed, implemented, administered and monitored in an efficient and cost-effective manner.

Catch and effort and other restrictions for the tuna fishery are specified in the 1998 Tuna Management Plan.

Commercial tuna fishing in PNG now consists of purse seine and longline operations. The purse seine fishery is managed under a TAC of 338,000 tonnes. Purse seine vessel numbers are managed under the Palau Arrangement. Longline fishing is prohibited within 12 miles from any land, island or declared reef.

The tuna longline fishery is managed by under a TAC of 10,000 tonnes and vessel limits, with a maximum of 100 licences. The longline shark fishery is managed separately, with a TAC of 2000 tonnes dressed weight (including by-catch from longline vessels) and effort limits (9 vessels and 1,200 hooks per vessel). Longline fishing is prohibited within six miles from any land, island or declared reef.

1.3 Oceanic Fisheries Institutional Arrangements

Oceanic fisheries management is under control of the National Fisheries Authority (NFA), a statutory fisheries body established under the Fisheries Management Act 1998. NFA is required to implement government policy for managing and developing fisheries as a national asset. In 2004, NFA had a total staff of 71, and an annual operating budget of K$19.5 million. NFA receives no recurrent funding from Treasury, operating on an approved budget funded from income derived from access fees, licensing fees, penalties and other miscellaneous charges. In 2003, income from these sources totalled K$61.0 Million, of which K$23.25 million was returned to government as the annual dividend, with the balance held in investments.

The NFA has four activity areas (business groups) directly related to oceanic fisheries management. These are: Provincial and Industry Liaison, Fisheries Management, Licensing and Information and Monitoring, Control and Surveillance.

Oceanic fisheries are a high priority within the NFA and around 60% of resources are devoted to its management.

While the Minister of Fisheries has overall and ultimate responsibility for policy direction, the NFA Managing Director and Board play a role in developing fisheries policy at an operational level. Consultation between NFA, government departments and other stakeholders (including industry and NGOs), on policy matters, is dealt with through:

- The Tuna Consultative Committee (TCC) whose membership includes representatives from NFA, the fishing industry, Attorney Generals, Foreign Affairs and the Maritime Operations Section of the Defence Force. The TCC has direct input into NFA papers on tuna management issues prior to their submission to the Board for decision.

- The Tuna Stakeholders Group, which meets immediately prior to the TCC and is open to all stakeholders in the tuna fishery, including industry, NGOs and the wider public.

The TCC is scheduled to meet on a quarterly basis and more often when required.

\[ {US}\$1.00 = \text{K(kina)} 3.141 \]
Papua New Guinea

The Department of Environment and Conservation is responsible for broader aspects of environmental management, including marine pollution. The Department is actively involved in turtle conservation and considers the significant turtle migratory route in the Bismarck/Solomon seas as a priority for research and monitoring. Reflecting PNG’s status as a member of CITES, the Department has particular responsibilities towards controlling the trade of protected and endangered species.

1.4 Donor Involvement

A US$6.51 million ADB loan financed institutional strengthening project for NFA was completed in 2003. The major ongoing donor involvement is through the provision of four Pacific Patrol Craft and associated training and logistical support by the Australian Defence Force. A range of donors contribute to the regional programmes of oceanic fisheries assistance provided by FFA and SPC.

1.5 Other Oceanic Fisheries Management Issues

Other significant oceanic fisheries management issues that arose in the mission to Papua New Guinea include:

- uncertainty over (but strong support for) the vessel days scheme and how it will operate in detail at the national level;
- instability in executive level positions at NFA and instances of political influence which have hampered NFA’s ability to operate effectively and transparently at arms length from the Minister;
- a need for strong policy positions that balance PNG’s desire to develop a domestic industry and reap the full economic potential of oceanic fisheries in its EEZ, with a need to participate effectively in regional management arrangements;
- pressure on licensing arrangements caused by vessels seeking licenses from Provincial Authorities as a result of proposed changes to the Palau Arrangement and the entry into force of the Convention;
- criticism by DWFN on the issue of overcapacity resulting from increasing numbers of Vanuatu-flagged locally based purse seiners; and
- potential difficulties with the management of large numbers of Philippines ‘pump’ boats, if licenses are issued to handline for tuna in PNG waters.

2. Papua New Guinea and the WCPF Convention

2.1 Overview

Papua New Guinea’s primary aims in the MHLC and PrepCon process have been:

- to achieve effective high seas management, especially in high seas pockets (PNG was successful in negotiating an article requiring ‘special attention’ to ensuring compatibility between high seas and in-zone arrangements in these areas);
- to achieve the overall conservation of tuna resources within the WCPO, with particular attention to retaining the right to issue licenses to bilateral partners of choice;
- to ensure the protection of the sovereign rights of coastal states to take conservation and management measures over the stocks within their EEZ, and that the convention/commission measures enhances these sovereign rights;
- to prevent pre-emptive attempts by certain DWFN to further restrict capacity (beyond the resolutions agreed at MHLC);
- to prevent an excessively high country contribution to the Commission budget;
- to derive an equitable share for PNG of the overall TAC for the WCPO; and
Papua New Guinea

- to ensure equal and active participation in the Prep Con/ Commission process.

As a Member of the Commission and a Party to the WCPF Convention, major short term areas of implications for PNG are seen as follows:

- modification of legislation to incorporate requirements of the convention and capacity control measures that will be required under the vessel days scheme;
- need to improve flag state control, including the establishment of a process to authorise PNG flagged vessels fishing on the high seas, and to exert effective control over PNG flagged vessels fishing in the EEZs of other FFA states; and
- increase current levels of surveillance to include better coverage of EEZ, particularly in eastern waters.

Overall, PNG has a well structured oceanic fisheries management framework and is well placed to comply with the Convention.

2.2 Implications of the Convention

2.2.1 Legal

The 1998 Fisheries Management Act is compatible with the requirements of recent regional and international instruments, including LOSC and the UN Fish Stocks Agreement. It is believed that general provisions within the Act will be sufficient to accommodate the requirements of the Convention, but that in the medium term (2-3 years), some amendment will be appropriate to make more specific provisions. Uniquely among FFA Island member states, PNG has a statutory management plan which, like the Act, may require minor changes in the medium term.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Ratified</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Signed, awaiting ratification</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Accepted</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td></td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Endorsed, not yet implemented</td>
</tr>
<tr>
<td>WSSD Fisheries Targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>FFA Minimum Terms and Conditions</td>
<td>Implemented</td>
</tr>
</tbody>
</table>

Responsibility for ocean fisheries legal issues is shared between the International Law Division (ILD) of the Office of the State Solicitor and NFD. ILD have three lawyers working part-time on fisheries issues and NFD has three legal staff, dealing primarily with licensing, compliance and other national issues. The level of communication between AGs and ILD is considered to be good. Overall, between ILD and NFD, PNG is in a relatively sound position to deal with the legal implications of the Commission.

In common with other FFA members, PNG has become frustrated with the lack of progress made on boundary delimitation issues. This work is considered a priority in dealing with enforcement issues, and particularly those associated with baselines and archipelagic waters. PNG has sought and will be receiving assistance from the Commonwealth Secretariat during the second half of 2004.

There is currently a good understanding of the legal commitments under the Convention, and a matrix of legal obligations has been drawn up and will be addressed by ILD staff over the next 12 months or so.
2.2.2 Policy/Institutional

There is a well developed oceanic fisheries management framework in Papua New Guinea operated by the NFA. The NFA was established as a self-financing statutory authority model as a result of a complete restructuring of the former PNG fisheries administration under a US$6.51 million ADB loan financed institutional strengthening project completed in 2003.

Some difficulties have been experienced in ensuring continuity of Board Members and the Managing Director and this has tended to hamper some operational aspects of NFA.

PNG’s participation in the formative years of the WCPF Commission will continue to be led by the Ministry for Foreign Affairs, with technical input from NFD. Consultation with stakeholders will be undertaken using the Tuna Consultative Committee and associated Stakeholder Committee, and statements made at the recent Public Forum, indicate that there is a commitment by NFA to improve and extend the process.

The cost of financial contributions for PNG to the WCPF commission is expected to be in the range of US$30-38,000 per year once the Commission is fully established, although it may be more in the first year or two if major fishing states delay becoming Members of the Commission. While PNG pays the highest contribution by any FFA member, the 0.4 weighting for catch taken in PNG waters by PNG flagged has been significant in keeping these costs manageable.

2.2.3 Compliance

Compliance, monitoring, licensing and enforcement activities are carried out by the NFA, in a unique collaboration with the Marine Element (i.e. the Navy), which is an arm of the PNG Defence Force (PNGDF). PNG has had difficulties with maintaining their fleet of four patrol boats, and with funding for fuel and allowances. At the time of the country mission, only one patrol boat was operational, one was being refitted (completion due November 2004), and two were awaiting repairs. An MOA exists between the NFA and the PNGDF Maritime Element, under which NFA funds the cost of 10 patrols per year for a K1 million. Without this support, very little ship-borne surveillance would occur. In the last five years, approximately PGK5 million was expended on fisheries surveillance activities, and over K5.5 million was collected in terms of penalties imposed on illegal fishers. The Navy is looking to improve links with NFA to improve data flow (e.g. by the use of a remote VMS station at the Surveillance Centre and more regular updates on vessel licensing), and to gain an increased understanding of the implications of the Convention and other fisheries legal instruments for compliance activities.

The FFA VMS facility is located with the NFA and is operational at around 80% efficiency. PNG also operates its own national VMS. While the level of compliance has increased, the NFA and the Maritime Element are aware that regulations are not being fully observed by foreign fishing vessels that do not carry an ALC for monitoring purposes, and the use of illegal fish aggregation devices (FADs) continues to occur. There has also been anecdotal evidence of IUU fishing involving pump boat handline fishers from Indonesia illegally fishing in FAD areas.

NFA has its own enforcement section, dealing primarily with compliance with licence conditions and cooperating with the Navy during surveillance operations.

Coordination between NFA and the Navy is generally good, and relies on regular informal communications. PNG has yet to develop an authorisation process for high seas fishing, although the Fisheries Act allows for this.

Expanded subregional cooperation in surveillance is considered important to PNG. Together with Kiribati, they will be observers during the 2004 Australian-funded Operation Island Chief, a sub-regional exercise between the Federated States of Micronesia (FSM), Republic of the Marshall Islands (RMI) and Palau. Data obtained through their respective VMS facilities
PNG is also interested in developing a Niue Treaty-based agreement with Palau, FSM, and RMI.

Possible assistance to address the compliance needs created by the entry into force of the Convention includes:

### 2.2.4 Monitoring

NFA operates a licensing database that contains full information on vessel characteristics.

Logsheets are required to be submitted by both foreign and domestic licensed vessels. Currently, there is approximately 100% coverage for purse seiners and 70% for the domestic longline fleet.

There is a large observer programme in PNG, which is well supported and coordinated by NFA. The programme currently has 50 active observers, with a target of 80 which should be achieved in the next 12 months. Target coverage of 20% for purse seiners, 5% for longliners and 100% for mothership operations are reported as currently being achieved. PNG is solely reliant on SPC and FFA services for observer training and the NFA will need further training using SPC/FFA staff in the next 12 months, to meet the required planned complement of 80 trained observers. Landings data are currently available for approximately 15% of the purse seine catch and while all transhipments are currently observed, systematic recording of transhipments is not currently undertaken. Port sampling of the longline fishery occurs at Port Moresby, Lae, and Rabaul. Given the high level of observer coverage of the domestic purse seine fleet, there is no need to increase port sampling for this sector. However, SPC has suggested that increased port sampling coverage of the foreign vessels landing in Wewak and Rabaul is required.

Overall, PNG is situated well to meet the requirements of the Commission with respect to monitoring.

### 2.2.5 Scientific Analysis

PNG generally has sufficient data available to support regional stock assessments. Logsheet and landings data are processed by NFA, with data entry verification (quality control) provided by SPC. Observer, port sampling and packing list data are forwarded to SPC for processing, although there are plans to provide these data electronically to SPC. All PNG data are incorporated into regional databases and the PNG national database. NFA uses SPC-supplied software for generating reports of catch and effort data which it uses for STCB reports and other uses. There is a need for further capacity building, to enable NFA staff to undertake more detailed data interpretation, using statistical packages to analyse nationally and regionally held data.

Advanced data processing, capacity building and stock assessment advice is expected to continue to be an important regional role for the SPC, particularly with regards to modelling management scenarios and deciding on effort and catch limits to inform management decisions.

There is strong support for activities geared towards meeting nationally identified research needs (e.g. the impact of FAD fishing on species composition).

#### Ecosystem analysis

Tuna by-catch is not a significant issue at the present time. Non-target species landed catch (by-product) are valued both economically and as a food source. Fishers are being encouraged to land by-product ashore so that information on the different species types, sizes, and age are documented, a requirement under PNG access agreements. Buyers are also encouraged to buy non-target species. PNG has a relatively new Shark Management Plan that provides guidance for its shark fishery. At the time of the mission, 9 boats were involved in the shark fishery with a TAC of 2000 metric tonnes annually. Sharks are also caught by tuna longliners as by-product. Observer data on by-catch is forwarded to and coordinated by the SPC.
The work done by the SPC on climatic impacts on oceanic fisheries is creating a deeper understanding and appreciation of the effect of environmental factors on tuna resources. While a FADs management policy was introduced in 2003, there remains some concern that the large number of FADs currently in the Bismark Sea (around 700) may be having some impact on resident stocks of tuna and other species. The policy will require review in the near future, partly as a result of the impending introduction of the VDS and pump boats. A tuna tagging programme would provide an opportunity to do this particularly in the Bismarck Seas, preferably with the involvement of local scientists in order to build and strengthen local capacity. There is a need for training in the understanding of the application of reference points (an aspect of the precautionary approach) and of the application of ecosystem based approaches to management.

3. Potential Contribution of SAP II Project

Potential areas in which the SAP II Project could contribute to assisting Papua New Guinea in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Interventions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Provide legal advice in support of review of fisheries legislation</td>
<td>Legal review</td>
</tr>
<tr>
<td>Support Commission participation</td>
<td>Provide legal input into national positions</td>
<td>Training for AG and NFA staff on the legal implications of the Convention. Regional Legal Workshops</td>
</tr>
<tr>
<td>Implement Commission decisions</td>
<td>Provide legal advice, change regulations, licences</td>
<td>Sub-regional workshops, preferable with other members implementing the VDS</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in the Commission and new regional management arrangements</td>
<td>Additional Commission and FFA meeting participation Develop regional and national vision for future management arrangements</td>
<td>Regional Fisheries Management Training/Consultations Attachments Workshops on alternative fisheries management strategies Regular (biennial) management plan review</td>
</tr>
<tr>
<td>Strengthen In-Zone Management/ Provide data to the Commission</td>
<td>Develop defensible and compatible national reference points</td>
<td></td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase IUU deterrence in-zone</td>
<td>Increase understanding and implementation of legal instruments Support for collaborative surveillance operations Implement high seas authorisation process</td>
<td>Technical assistance and training on national and regional compliance implications of Convention MCS working groups at regional and sub-regional levels, with technical support</td>
</tr>
<tr>
<td><strong>Monitoring</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improve at-sea data</td>
<td>Expand Observer Programme</td>
<td>Ongoing assistance from SPC with</td>
</tr>
</tbody>
</table>
### Papua New Guinea

<table>
<thead>
<tr>
<th>Objective</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve catch composition data</td>
<td>Expand Port Sampling Programme</td>
</tr>
<tr>
<td>Designing and strengthening overall monitoring strategy</td>
<td>Capacity building focusing on statistical methods and the design of sampling programmes</td>
</tr>
<tr>
<td>Increase standardisation of forms and procedures</td>
<td></td>
</tr>
</tbody>
</table>

### Science

**Improve national statistical info**
- Provide catch/effort estimates to the Commission
- Improve understanding of oceanic resources and ecosystem

**Strengthen national capacity to analyse national data**
- Strengthen national capacity to interpret regional analyses
- Enhanced capacity to interpret fishing vs environmentally driven changes to the fishery, and oceanographic information

**Ongoing support and training from SPC**

**Training for national scientific staff to interpret stock assessments and oceanographic information**

### ANNEXES

- **Annex 1** Stakeholder Inventory and Analysis (including consultative mechanism inventory)
- **Annex 2** Record of Stakeholder Consultation
## Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

### Stakeholder inventory data sheet

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative / Post</th>
<th>Contact details</th>
<th>Description of interests (factors that may influence participation)</th>
<th>Stakeholder analysis and preliminary participation plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Fisheries Authority</td>
<td>Mr Ludwig Kumoru</td>
<td>P.O. Box 2016 11th Floor Deloitte Tower Port Moresby NCD Tel: (675) 309 0444 Fax: (675) 320 2061</td>
<td>National Fisheries Authority &amp; Fisheries Compliance</td>
<td>X</td>
</tr>
<tr>
<td>Department of Foreign Affairs</td>
<td>Mr Denis T. Bebego</td>
<td>Political &amp; Security Division Tel: (675) 3014156 Fax: (675) 3231011</td>
<td>Foreign policy and Treaty administration and negotiation</td>
<td>X</td>
</tr>
<tr>
<td>PNG Defence Force</td>
<td>Lt Thomas Ponjom</td>
<td>HQPNGDefenceForce Murray Barracks PMB, Boroko, NCD. National Surveillance Coord., Centre Locked Bag 129 Waigani NCD Tel: (675) 321 3463 Fax: (675) 323 1011</td>
<td>Fisheries compliance</td>
<td>X</td>
</tr>
<tr>
<td>National Fisheries</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authority</td>
<td>Mr Lamiller Pawut / Steve Surveillance Management</td>
<td>P.O. Box 2016 11th Floor Deloitte Tower Port Moresby NCD Tel: (675) 309 0444 Fax: (675) 320 2061</td>
<td></td>
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<td>----------------------------------------------------</td>
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<td>---------------------------------------------------------------</td>
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<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Department of Justice &amp; Attorney General</td>
<td>Masio Nidung Deputy State Solicitor (International Law)</td>
<td>Office of the State Solicitor P.O. Box 591 Waigani NCD Tel: (675) 301 2871 or 302 2872 Fax: (679) 323 0241</td>
<td>Drafting of legislation and legal advice (international law)</td>
<td>X</td>
</tr>
<tr>
<td>Department of Environment &amp; Conservation</td>
<td>John Genolagani First Assistant Secretary</td>
<td>Dept. of Environment &amp; Conservation P.O. Box 6601 Somare Foundation Building Boroko NCD Tel: (679) 321 2157 Fax: (679) 325 0182</td>
<td>GEF Focal Point</td>
<td>X</td>
</tr>
<tr>
<td>Environmental NGOs e.g. Greenpeace and WWF</td>
<td>Oceans Campaigner/Fisheries Conservation Officer</td>
<td>-</td>
<td>Conservation interests</td>
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<tr>
<td>The University of Papua New Guinea</td>
<td>-</td>
<td>-</td>
<td>Training and education provider</td>
<td>X</td>
</tr>
<tr>
<td>Vessel Operators</td>
<td>-</td>
<td>-</td>
<td>Industry</td>
<td>X</td>
</tr>
<tr>
<td>Fish Processing plant operators</td>
<td>-</td>
<td>-</td>
<td>Industry</td>
<td>X</td>
</tr>
<tr>
<td>General Public</td>
<td>-</td>
<td>-</td>
<td>Socio-economic</td>
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</tr>
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</table>
## Inventory of Project-related national consultative mechanisms

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuna Stakeholder Committee</td>
<td>National Fisheries Authority</td>
<td>Manager, Tuna Fishery</td>
<td>Provides a forum for all stakeholders to obtain information on, and discuss significant issues relating to tuna management</td>
<td>Quarterly, currently (2004) on an ad hoc basis. NB Meets alongside the TCC</td>
<td>Representatives of industry, relevant government departments, NGOs and civil society</td>
</tr>
<tr>
<td>Tuna Consultative Committee (TCC)</td>
<td>National Fisheries Authority</td>
<td>Manager, Tuna Fishery</td>
<td>Provides advice to the NFA MD on management plans and amendments and</td>
<td>Quarterly, currently (2004) on an ad hoc basis</td>
<td>- Managing Director, NFA&lt;br&gt;- Fisheries Management Adviser, NFA&lt;br&gt;- Manager, Tuna Fishery (Chair)&lt;br&gt;- Chairman, Fishing Industry Association&lt;br&gt;- Representative, tuna longline fishery&lt;br&gt;- Representative, shark longline fishery&lt;br&gt;- Representative, Provincial Fisheries Officer&lt;br&gt;- Representative, purse seine fishery&lt;br&gt;- Representative, processing sector</td>
</tr>
</tbody>
</table>
Annex 2 – Record of Stakeholder Consultation
Papua New Guinea

PRIMARY STAKEHOLDER CONSULTATION
National Fisheries Authority
Port Moresby
Wednesday, 21st July 2004

Participant List:
William L. Kewo, Deputy Observer Manager, NFA; Emma P. Wangi, Legal Officer, NFA; Timothy Numilengi, Audits & Certification, NFA; David Karis, Vessel Monitoring System Officer, NFA; Lamiller Pawut, Manager, MCS, NFA; Joyce Agaru, Team Leader-Enforcement, NFA; Philip Polon, Manager-Sedentary, NFA; Augustine Mobiha, Advisor-Fisheries Management, NFA; Luanah Koren, Prawn Scientist, NFA; Leban Gisawa, Manager-Inshore Fisheries, NFA; Barre Kare, Manager-Prawn & Lobster, NFA; Gisa Komangin, Enforcement Officer; Norman Barnabas, Manager-Provincial & Industry Liaison Business Group Masio Nidung, Deputy State Solicitor (International Law), Attorney General’s Department; Jack Kariko, Senior Legal Officer, Attorney General’s Department; Kesi Lame, Principal Legal Officer, Attorney General’s Department; Lt Thomas Ponjom, Director-Maritime Operations, PNG Defence Force (Maritime Element); Max Itu, Principal Development Officer, Trade & Industry; Vagi Rei, SMO, Department of Environment & Conservation (DEC); Rodney Kalama, Senior Marine Ecologist, DEC; James Kyle, Director, Manus Fisheries Corporation; Thomas Naggings, General Manager-POM, South Seas Tuna Corporation (SSTC); Jonathan Manuela, Vessel Operations Manager, SSTC; David Mai, Managing Director, Coco Enterprise Ltd.; Renne Subido, VP Corporate Business, RD Tuna Canners Ltd (RDT); Vicente E. Rivero Jr., AVP, RDT; Lohia T. Kapena, Director, GLDL; Francis Houji, Fair Well Fishery (PNG) Ltd; Gilbert Kose, Pacific Blue Sea Fishing Ltd; Fabian Chow, Neptune Fishery Co. Ltd; Blaise Paru, Managing Director, Equatorial Marine Resources Ltd; David Pondros, Manager, Tycoon Investment; Molean R. Chapau; Rebecca Samuel, Marine Policy Officer, WWF PNG; Raela Wari, Reporter, The National; Ludwig Kumoru (CHAIR / TECHNICAL ASSISTANT), Manager, Fisheries Management Business Unit (Tuna); Ian Cartwright, Mission Consultant (International); Seremaia Tuqiri, Mission Consultant (Regional)

The mission to PNG held a primary stakeholder consultation after the public forum. It was held at the National Fisheries Authority Conference Room, to discuss the purpose and development of the GEF SAP II project.

Mr Ian Cartwright gave a presentation on GEF SAP II Project: Strengthening National Fisheries Management (on the implementation of the new Western and Central Pacific Fisheries Convention). Issues that were raised in the discussion and ideas mooted on how PNG can benefit from the GEF project in terms of implementing the WCPF Convention, were as follows:

- A workshop on the VDS directed largely at Government and Industry to raise awareness and understanding of the Scheme.
- Further stock assessment work on bigeye tuna (BET) given its continued decline. It was suggested that a desktop study be conducted initially focussing on existing data and studies. This would include addressing longline impacts on BET, identifying areas where they are caught and suggesting management measures to address these impacts.
- Building national/internal capacity within the NFA particularly in data analysis to reduce reliance on SPC for more routine data analysis needs.
- Development of a regional longline management plan would strengthen regional management of the longline fishery and increase negotiating power at the Commission.
Concern over catch information from Philippines and Indonesia, particularly when taking into consideration that the impact of tuna fishing in these areas is also felt in PNG waters.

Other consultations were held prior to and after the two meetings. These were with:

- **National Fisheries Authority**
  - Mr Ludwig Kumoru, Manager, Fisheries Management Business Unit (Tuna)
  - Mr Norman Barnabas, Manager, Provincial & Industry Liaison Business Group
  - Mr Lamiller Pawut, Manager, Monitoring & Enforcement Division
  - Mr Terence Ward, Acting Financial Controller

- **PNG Defence Force (Naval Division)**
  - Lt. Thomas Ponjom
  - LCDR Chris Read, Surveillance Operations Plans Officer NSCC

- **Department of Foreign Affairs**
  - Mr Dennis T. Bebego, Director, Bilateral & Regional Economic Affairs

- **Department of Environment & Conservation**
  - Mr John Genolagain, First Assistant Secretary & GEF Focal Point
  - Mr Vagi Rei, Marine Officer
  - Mr James Sabi, Principal Ecologist – Biodiversity Branch
  - Godfried Angi, Coordinator – International Treaties & Conventions
  - Billo Polloe, Marine Officer

- **Department of Justice & Attorney General**
  - Ms Masio Nidung, Deputy State Solicitor (International)
  - Mr Douvery Itenao, Legal Officer
  - Mr Jack E. Kariko, Senior Legal Officer

A courtesy call was made to:

- Mr John Genolagain, First Assistant Secretary & GEF Focal Point, Department of Environment and Conservation.
PAPUA NEW GUINEA
PUBLIC FORUM
Crowne Plaza Hotel
Port Moresby
Wednesday, 21st July 2004

Participant List
William L. Kewo, Deputy Observer Manager, NFA; Emma P. Wangi, Legal Officer, NFA; Timothy Numilengi, Audits & Certification, NFA; David Karis, Vessel Monitoring System Officer, NFA; Lamiller Pawut, Manager, MCS, NFA; Joyce Agaru, Team Leader-Enforcement, NFA; Philip Polon, Manager-Sedentary, NFA; Augustine Mobiha, Advisor-Fisheries Management, NFA; Luanah Koren, Prawn Scientist, NFA; Leban Gisawa, Manager-Inshore Fisheries, NFA; Barre Kare, Manager-Prawn & Lobster, NFA; Gisa Komangin, Enforcement Officer, NFA; Aquina Kango, Team Leader-Audit & Certification, NFA; Masio Nidung, Deputy State Solicitor (International Law), Attorney General’s Department; Augustine Mobiha, Advisor-Fisheries Management, NFA; Luanah Koren, Prawn Scientist, NFA; Leban Gisawa, Manager-Inshore Fisheries, NFA; Barre Kare, Manager-Prawn & Lobster, NFA; Gisa Komangin, Enforcement Officer, NFA; Aquina Kango, Team Leader-Audit & Certification, NFA; Masio Nidung, Deputy State Solicitor (International Law), Attorney General’s Department; Jack Kariko, Senior Legal Officer, Attorney General’s Department; Kesi Lame, Principal Legal Officer, Attorney General’s Department; Lt Thomas Ponjom, Director-Maritime Operations, PNG Defence Force (Maritime Element); Max Itu, Principal Development Officer, Trade & Industry; James Kiele, Director, Manus Fisheries Corporation; Thomas Nigints, General Manager-POM, South Seas Tuna Corporation (STTC); Jonathan Manieva, Vessel Operations Manager, STTC; David Mai, Managing Director, Coco Enterprise Ltd.; Renne Subido, VP Corporate Business, RD Tuna Canners Ltd (RDT); Vicente E. Rivero Jr., AVP, RDT; Lohia T. Kapena, Director, GLDL; Francis Houji, Fair Well Fishery (PNG) Ltd; Gilbert Kose, Pacific Blue Sea Fishing Ltd; Blaise Paru, Managing Director, Equatorial Marine Resources Ltd; Molean R. Chapau; Rebecca Samuel, Marine Policy Officer, WWF PNG; Luanne Losi, Marine Officer, WWF PNG; Barbara Masike, Partnership Coordinator, TNC; Augustine Mungkajae, Lecturer, UPNG; Raela Wari, Reporter, The National; Norman Barnabas (CHAIR), Manager, Provincial & Industry Liaison Business Group, NFA; Ludwig Kumoru (TECHNICAL ASSISTANT), Manager, Fisheries Management Business Unit (Tuna); Ian Cartwright, GEF SAP II Country Mission Team; Seremaia Tuqiri, GEF SAP II Country Mission Team.

The Mission to Papua New Guinea held a public forum prior to the stakeholder consultation, to create awareness of the Western and Central Pacific Fisheries Convention and the tuna industry in the Pacific Islands. The forum was held at the Crowne Plaza Hotel. Those present included representatives from line departments with oceanic fisheries components, fishing industry, non-governmental organisations (NGOs), and the media (refer to participant list above). The forum was chaired by the Manager, Provincial & Industry Liaison Group, NFA.

Mr Ian Cartwright gave a presentation on the Management of Oceanic Fisheries of the Western and Central Pacific Ocean. Significant issues and observations raised in the public forum were as follows:

- The effect of fishing mortality on certain species of tuna (yellowfin, bigeye) will require effective management regimes to be put in place to ensure their long term sustainability.
- Fisheries management is more about managing the users (i.e. the fishers) than about managing the resource (i.e. the fish). Participation, by industry, in resource conservation and management decisions (e.g. on licensing requirements) should be encouraged.
- Any decision to manage areas of the high seas by, for instance seasonal or area closures, or would have to come from the new Tuna Commission but could be initiated by a member.
- Information dissemination is a key factor in ensuring that primary stakeholders are kept abreast of fisheries development. Collaboration and consultation between government (regulators) and the fishing industry, therefore, must be strengthened, particularly in understanding the positions and interests. The feedback loop should also include the general public. A forum run through the
NFA would ensure that information is disseminated, as well as provide an opportunity for issues to be discussed.

- There was hope that expressed annual financial contributions to the new Commission would be adequate to ensure its smooth operation and to adequately meet the needs of PNG and other Pacific Island Countries, in terms of effective coordination of management in the WCPO.

- There was some concern raised concerning the proposed Vessel Day Scheme. With the possible advent of the VDS in January 2005 primary stakeholders need to be more informed on how it will operate, and potential areas of conflict with any future Convention regime.

- If the VDS system is implemented effectively, countries can be expected to have control on overcapacity in the P/S sector, which will stand them in good stead for the Commission.
1. Background

1.1 Status of Oceanic Fisheries

The Exclusive Economic Zone of Samoa is the smallest of the Pacific Island countries (120,000 sq.km), but Samoa has successfully developed a small to medium scale longline fishery, which is among the largest in the region, and is, in many respects, a model for such development. The Samoan commercial oceanic fisheries sector grew rapidly from the early 1990s based on relatively small catamarans (alias) of 12.5 metres and less. Catches have been in the range of 5-7,000 tonnes since 1997, varying with changes in oceanographic conditions. In recent years, the catches of this fleet have been Samoa’s major export earner, as well as making an important contribution to food security and employment and incomes.

The size of the alias fleet involved in commercial longlining peaked at around 200 vessels in 1998, since when they have been replaced by a smaller number of larger vessels with a longer range and greater carrying capacity.

Catches are mainly landed in Apia. Albacore tuna, making up 60-80 per cent of the catch, is exported frozen for canning in Pago Pago. Where possible, bigeye and yellowfin tuna are exported to higher value markets in Japan and the US. Sales of other species are important in the local market.

Tunas and related species remain an important food source, and many of the alias that have been withdrawn from commercial longlining continue to operate for subsistence and small scale fishing, focusing on trolling and vertical longlining, especially around FADs. There is also a seasonal and relatively minor sport fishery, although seasonal.

1.2 Oceanic Fisheries Management

The major objectives of tuna management and development policy set out in the Samoa Tuna Management and Development Plan are:

- to maximise the long term social and economic benefits accruing to the people of Samoa from the utilisation of tuna resources; and
- to ensure that the utilisation of Samoa’s national tuna resources is compatible with the sustainable harvesting of the tuna stocks within its waters and throughout their range.

The commercial tuna longline fishery is managed under a system of limits on the number of licences for different sizes of vessels over 11 metres. The other major feature is the closure of waters inside 12 miles to longlining, and waters inside 50 miles to vessels less than 9 metres.

1.3 Oceanic Fisheries Institutional Arrangements

The Fisheries Division of the Ministry of Agriculture, Forestry, Fisheries and Meteorology (currently being restructured as the Ministry of Primary Industry) is the primary agency responsible for oceanic fisheries management. The Division has a staff establishment of 53 posts, and an annual operating budget of WST1.3 million (US$460,000 – includes coastal fisheries). Within the Division, responsibilities for oceanic fisheries include:

- Offshore Fisheries Section: monitoring, management and research and ecosystem aspects;
- Regulations and Enforcement Section: licensing, inspection and compliance; and
- Statistics and Database Section: data collection and statistics

Overall, oceanic fisheries is a high priority in the work of the Division, and oceanic fisheries work is most of the work of the Division. The Division was reformed with support from a major institutional strengthening programme over the 1995-2000 funded by AusAID.
programme focused on inshore fisheries and community management but also introduced the co-management approach to fisheries management generally. Since then the Government has continued to strengthen functions related to oceanic fisheries management, as described below.

Other government agencies involved in oceanic fisheries management are:
- Maritime Police who operate the patrol boat, Nafanua;
- Foreign Affairs, who are very active in international aspects of fisheries policy, including work related to the WCPF Convention and other regional and international aspects of fisheries affairs; and
- The Office of the Attorney General.
- Ministry of Natural Resources and Environment (in respect of marine conservation)

Consultation with stakeholders is undertaken through the Commercial Fisheries Management Advisory Committee (CF-MAC), which includes representatives from the private sector, environmental groups and relevant government departments. Fisheries policy is largely driven by Fisheries Division, in consultation with stakeholders through the CF-MAC.

The Ministry of Natural Resources and Environment is responsible for broader aspects of environmental management, including marine pollution.

1.5 Donor Involvement

The major elements of donor involvement in oceanic fisheries management are the Australian support for the Patrol Boat programme, and assistance from a range of donor-supported programmes provided by FFA and SPC.

1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues that arose in the mission to Samoa include:
- access to other waters – with the size of its national waters limited by boundaries with close neighbours, and catches already at a relatively high level in these waters, the Samoan fleet needs access to other waters to grow, and the Government is interested in reciprocal access arrangements with others;
- the need to enhance regional networking of private sector interests in oceanic fisheries, particularly in relation to the WCPF Commission and other aspects of regional fisheries affairs;
- the need to improve the capacity to relate regional information and catch trends to local conditions, especially to improve the understanding of the kinds of oceanographic effects that have been recently affecting Samoan oceanic fisheries.

2. Samoa and the WCPF Convention

2.1 Overview

Samoa’s primary aims in the MHLC and Prep Con process have been:
- The need for conservation of the regional bigeye and yellowfin tuna resources. Though these only make up around 30 per cent of the catch, they provide the fish for the valuable fresh fish exports and deterioration in these stocks would undermine the viability of the whole tuna longline fishery, on which Samoa is highly dependent;
- Recognition of its special needs as a country with an economy heavily dependent on the oceanic fisheries resources, but with the smallest exclusive economic zone. (Samoa was successful in securing recognition of this concern in section3(h) of Article 10 of the Convention which lists as a factor to be taken into account for allocation: “the special circumstances of a State which is surrounded by the exclusive economic zones of other States and has a limited exclusive economic zone of its own”.

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As a Member of the Commission and a Party to the WCPF Convention, major short term areas of implications for Samoa are seen as follows:

i. the need to improve monitoring of the domestic longline fishery;

ii. strengthening of institutional capacities in statistics and enforcement;

iii. the additional responsibilities associated with presenting Samoa’s interests in the Commission and interpreting regional analysis and Commission decisions to stakeholders in Samoa; and

iv. improving the pattern of participation and understanding by the private sector, in the processes of the Commission.

Overall, Samoa has a well-developed oceanic fisheries management framework but will need to update and strengthen it to respond to needs associated with the Convention and the new Commission.

### 2.2 Implications of the Convention

#### 2.2.1 Legal

The Fisheries Act has been revised to implement the requirements of relevant regional and international instruments, including the UN Fish Stocks Agreement, but it needs a further review to ensure that it includes all the necessary provisions for implementation of the WCPF Convention, and is fully up to date.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Accepted</td>
</tr>
<tr>
<td>WSSD fisheries targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td>Not adopted</td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Not implemented</td>
</tr>
<tr>
<td>FFA Minimum Terms &amp; Conditions</td>
<td>Implemented</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
</tbody>
</table>

Samoa has adequate legal capacity in its government legal offices, with support from FAO and the Commonwealth Secretariat for major technical initiatives. There is a need to make sure that the legal provisions can be interpreted by stakeholders, which could be done through national workshops.

#### 2.2.2 Policy/Institutional

Samoa has a well-developed oceanic fisheries management framework but it needs further reform to take account of the development that has taken place, and to meet the additional responsibilities associated with the WCPF Commission. Specific needs include:

- a review of funding, which is currently tightly constrained. Currently, some elements of fisheries administration are financed through cost recovery;

- implementation of a new structure for the Fisheries Division, including creation from 2003/4 of a new Database and Statistics Section and creation from 2004/5 of a new Enforcement and Regulations Section.
Samoa

Samoa’s participation in the WCPF Commission will continue to be led by Foreign Affairs and Fisheries Division with consultation with stakeholders through the CF-MAC.

The cost of financial contributions for Samoa to the WCPF commission is expected to be in the range of US$6-10,000 per year, once the Commission is fully established.

Assistance needs identified in the area of policy and institutional reform and institutional strengthening include:

- assistance with the implementation of the new Fisheries Division structure, including support for the new Head of the Enforcement and Regulations Section, and assistance to start up the new Statistician post, with training;
- regional workshops and attachments to improve understanding of the strategic directions and implications of the new regional tuna management arrangements. (Samoa feels that while there continues to be a role for regional workshops which are focused on regional issues and expertise working on regional issues, there also ought to be more emphasis in regional workshops and training programmes on addressing national issues, especially through sharing experience and expertise among national participants.)

2.2.3 Compliance

Compliance activities are carried out by the new Regulations and Enforcement Section of the Fisheries Division and the Maritime Police Wing, which operates one patrol vessel. Vessels are currently licensed annually and limited by size. There is a good database of vessel and gear characteristics. Control of Samoan vessels outside Samoan waters is not presently an issue but will become more important if Samoa succeeds in developing reciprocal access arrangements – a process for authorisation of high seas operations is in place.

The FFA VMS is under the control of the Police and is operational. There is almost complete inspection of landings. There is not considered to be any systematic problem with IUU fishing in Samoan waters. Samoa operates one patrol vessel, and is assisted by periodic air patrols by New Zealand. The issue of whether Samoa will undertake high seas patrols under the Convention has yet to be considered. Samoa is interested in collaborative surveillance operations with neighbours – this year a joint exercise is planned with Cook Islands.

Possible interventions in the compliance area include:

- technical assistance to strengthen enforcement and regulation, including building capacity in control of Samoan vessels outside Samoan waters;
- support to collaborative surveillance operations with other Pacific Island states;
- training for the Regulations and Enforcement Head, including attachment to FFA and participation in regional meetings/consultations.

2.2.4 Monitoring

There is a well-developed system of collection and analysis of catch and effort data from longliners over 11 metres, with sampling programmes to estimate catches from smaller vessels. Raised estimates of catches are produced on a monthly/annual basis. Samoa is one of the few Pacific Island countries that has the capacity to produce catch and effort data by species/gear/fleet/area that will be required by the Commission.

There is a well-established port sampling programme. This is well supported by SPC under the IW SAP Project, and by the EU-Procfish Project.

There is no on-board observer programme catering for the domestic longline fleet. Samoa needs to establish an observer programme for the larger longliners and to develop its own capacity to ensure the sustainability of the port sampling programme, but it needs to see national gains from these activities to justify additional budgets for these purposes.

Possible interventions in the monitoring area include:
• a plan of action for establishing an observer programme, with funding support to get it established and a plan for transfer of costs to Samoa;
• advice on ensuring the sustainability and ongoing funding of the port sampling programme.

2.2.5 Scientific Analysis
Samoa has a small but well-developed capacity to provide scientific analysis of information related to oceanic fisheries, including regular report of catch and effort. In addition, Samoa has also undertaken tagging, biological studies and oceanographic work.

The flow of information from regional stock assessment work in a form useful for national fisheries management has improved, but there will be a continuing need for assistance in interpretation of the regional analyses. Samoa will continue to rely on SPC in this area but also needs to continue to develop its national capacity.

There is an important need for long term scientific training. From experience, Samoa considers short-term training activities in this area to be of limited value – short term training can supplement long term training but is no substitute for it.

Ecosystem analysis
The species taken as bycatch in oceanic fisheries are important in Samoa as highly regarded food products. Samoa has excellent data, generally on bycatch. There are a small number of interactions between longline fisheries and cetaceans – predation by whales is a problem.

Large scale oceanographic changes have big impacts on Samoa’s oceanic fisheries. The improving understanding of these, through SPC, is valuable, and continuing that research is important.

Possible interventions in the science area include:
• strengthening of the Database and Statistics section, including the appointment of a Statistician;
• improved computer facilities and services;
• improved capacity to interpret oceanographic data and analyse the impact of oceanographic change at the national level.

3. Potential Contribution of SAP II Project
Potential areas in which the SAP II Project could contribute to assisting Samoa in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Provide legal advice</td>
<td>Legal review</td>
</tr>
<tr>
<td>Support Commission</td>
<td>Interpret legal requirements</td>
<td>Regional Legal Workshops</td>
</tr>
<tr>
<td>participation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implement Commission</td>
<td></td>
<td></td>
</tr>
<tr>
<td>decisions</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in the</td>
<td>Commission meeting participation</td>
<td>Institutional Strengthening</td>
</tr>
<tr>
<td>Commission and new</td>
<td>Additional FFA Meeting participation</td>
<td>Regional Fisheries Management</td>
</tr>
<tr>
<td>regional management</td>
<td></td>
<td>Training/Consultations</td>
</tr>
<tr>
<td>arrangements</td>
<td></td>
<td>Attachments</td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td>Improve Fisheries Division</td>
<td>Technical assistance for new</td>
</tr>
<tr>
<td>Increase IUU deterrence</td>
<td>Regulations and Enforcement</td>
<td>Regulations and Enforcement</td>
</tr>
<tr>
<td>in-zone</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Samoa

#### Monitoring
- **Improve at-sea data**
- **Improve catch composition data**

#### Science
- **Provide catch/effort estimates to the Commission**
- **Improve understanding of oceanic resources and ecosystem**

<table>
<thead>
<tr>
<th>Capacity</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve at-sea data</td>
<td>Regional MCS Working Group participation</td>
</tr>
<tr>
<td>Improve catch composition data</td>
<td>MCS staff training</td>
</tr>
<tr>
<td>Establish Observer Programme</td>
<td>Assistance to start up observer programme</td>
</tr>
<tr>
<td>Expand Port sampling</td>
<td>Ongoing in-country training and support of port samplers by SPC</td>
</tr>
<tr>
<td>Improve Statistics capacity</td>
<td>Plan for financial sustainability of monitoring activities</td>
</tr>
<tr>
<td>Strengthen national capacity to analyse national data</td>
<td>Assistance to start up Statistics programme</td>
</tr>
<tr>
<td>Strengthen national capacity to interpret regional analyses</td>
<td>Long term training in fisheries science</td>
</tr>
<tr>
<td></td>
<td>Ongoing support from SPC</td>
</tr>
<tr>
<td></td>
<td>Training in analytical methods used in Commission science programme</td>
</tr>
<tr>
<td></td>
<td>Enhanced capacity to interpret oceanographic information</td>
</tr>
</tbody>
</table>

#### ANNEXES

- **Annex 1** Stakeholder Inventory and Analysis (including consultative mechanism inventory)
- **Annex 2** Record of Stakeholder Consultation
## Annex 1 - Stakeholder Inventory and Analysis (including consultative mechanism inventory)

### Stakeholder inventory data sheet

**Country:** Samoa  
**Date:** 8 June, 2004  
**Data Recorder:** Colin Brown, cibn@oyster.net.ck

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative/post</th>
<th>Contact details</th>
<th>Description of Interests [factors that may influence participation]</th>
<th>Stakeholder analysis and preliminary participation plan</th>
<th>Other [Keep informed]</th>
</tr>
</thead>
</table>
| Fisheries Division of the Ministry of Agriculture, Forestry, Fisheries and Meteorology | Taniela Su’a        | PO Box 1874  
Phone: 23863  
Email: dansua@lesamoanet |                                                                      | X                                                                 |                                                     |
| Prime Minister’s Office                                                     |                     |                                                                                 |                                                      | X                                                     |                       |
| Treasury                                                                    |                     |                                                                                 |                                                      | X                                                     |                       |
| Attorney General’s Office                                                   |                     |                                                                                 |                                                      | X                                                     |                       |
| Foreign Affairs                                                             | Terry To’omata      | Tel: 21171  
Fax: 21504  
Email: mfa@mfa.gov.ws | GEF OFP                                                                         | X                                                                 |                                                     |
<p>| Ministry of Transport                                                       |                     |                                                                                 |                                                      | X                                                     |                       |
| Ministry of Trade, Labour &amp; Commerce                                        |                     |                                                                                 |                                                      | X                                                     |                       |
| Ministry of Environment                                                     |                     |                                                                                 |                                                      | X                                                     |                       |
| Ports Authority                                                             |                     |                                                                                 |                                                      | X                                                     |                       |
| Police Maritime Wing                                                        |                     |                                                                                 |                                                      | X                                                     |                       |
| Upolu Fishermen’s Association                                               |                     |                                                                                 |                                                      | X                                                     |                       |
| Savaii Fishermen’s Association                                              |                     |                                                                                 |                                                      | X                                                     |                       |
| Fish Exporters’ Association                                                 |                     |                                                                                 |                                                      | X                                                     |                       |</p>
<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/ contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
<tbody>
<tr>
<td>CF-MAC</td>
<td>Fisheries Division</td>
<td>PO Box 1874 Phone: 23863 Fax Email: <a href="mailto:dansua@lesamoa.net">dansua@lesamoa.net</a></td>
<td>Tuna Industry</td>
<td>Monthly</td>
<td>Prime Minister’s Office Treasury Attorney General’s Office Foreign Affairs Ministry of Transport Ministry of Trade Labour &amp; Commerce Ministry of Environment Ports Authority Police, Maritime Wing Upolu Fishermen’s Association Savaii Fishermen’s Association Fish Exporters Association Boat Builders Association Siosiomaga Society METI National University of Samoa Samoa Polytech</td>
</tr>
</tbody>
</table>
Annex 2 Record of Stakeholder Consultations

Samoa

Monday 28 June, 2004

Stakeholder Consultation

Participant List:
Hon Tuisugaletaua A.S Aveau, Minister for Agriculture; Seumanutafa Malaki Iakopo, Chief Executive Officer, Ministry of Agriculture; Su’a N. F. Tanielu, Assistant Chief Executive Officer - Fisheries; Gu Savali Time, Principal Fisheries Officer; Roseti Imo, Senior Fisheries Officer; Anama Solofa, Ministry of Agriculture; Malwine Lober; Ministry of Agriculture; Lafele Enoka, Ministry of Agriculture; Iulia Kelekolio Fisheries Officer; Ueta Jr Faasili Fisheries Officer; Tufue Fiso Fisheries Assistant; Shaun Williams, Ministry of Agriculture; Kilifi Ponono, Quarantine - Ministry of Agriculture; Afamasaga S. Lemalu, Forestry Division Ministry of Agriculture; Unasa Iulia Petelo, Ministry of Commerce, Industry and Labour; Silafau Paul Meredith, Ministry of Finance; Sinira Kuresa, Ministry of Finance; Auseuga Poloma Komiti, Chief Executive Officer – Prime Minister Department; Magele Mauiliu, Vice Chancellor – NUS; Wood Salele, Lecturer – NUS; Jamine Narbutaf, Maritime Surveillance Adviser-Police Maritime Wing; Logoitino Filipo, Police Maritime Wing; Rudy Meredith, boatowner; Robert Ripley, boatowner; Tili Boyle, boatowner; Raymond Slade, boatowner; Viliamu Chu Shing , boatowner; John Luff, fish exporter; Roy Peters, boat builders; Finau T. Meui, Lefaga; Fumatu Neru, Fagalii; Faamausili Solo Brown, Samoa Small Business; Tavui Pasami Tuimaseve, Satupaita, Savaii

The Mission to Samoa held a stakeholders consultation at the Reserve Bank on 28 June. The consultation was held in association with a meeting of the Tuna Management Advisory Committee. There were around 40 participants from Government agencies, the tuna industry and related industries, NGOs, academic and training institutions and the media

Issues raised during the consultation were:

- further information on the Convention and the GEF project be made available, especially the copies of the presentation;
- that the Convention takes into account, issues regarding El Nino and other environmental effects, and incorporate them into management issues of the Commission;
- that the Convention considers the option of allowing countries affected by El Nino and other environmental effects, to fish in waters of other countries when experiencing difficulties brought on by these phenomenon;
- that the Convention considers the option of increasing the EEZ, especially for those countries disadvantaged by their geographical position;
- the importance of addressing the potential impact of purse seine fishing on the catches of the Samoan longline industry;
- whether sub-regional arrangements like PNA and the proposed Polynesian longline committee strengthened or weakened the position of FFA Members;
- the importance of input from the industry into preparations by Samoa for Prep Con and Commission meetings;
- the difficulties faced by longline businesses which are generally small in participating in the WCPF process, compared to purse seine businesses;
- the interest of Samoa in developing mutually beneficial arrangements with neighbouring states, for access as a way of addressing the effect of changes in fishing conditions in Samoa’s small zone.
There was general appreciation of the Mission’s visit to Samoa and the information made available to those attending the consultation. The Broadcasting Corporation of Samoa also did an interview with Les Clark about the Convention and the GEF Project.

Wednesday, 9 June, 2004

**Primary Stakeholder Consultation**

The Mission to Samoa, held a stakeholders consultation at the Fisheries Division headquarters to discuss the development of the SAP II project. Those present were: Tanielu Su’a, Acting CEO Fisheries Division, Roy Lee, Manager Yellowfin Ltd (Industry Representative); Antonio Mulipola, Inshore Fisheries Officer, Terry To’omata, Foreign Affairs (GEF Focal Point).

Mr Les Clark gave a presentation on the Convention and the development of the GEF SAP II project. Issues raised in the discussion were:

- The need for industry to participate in the work of the Commission and in particular to be represented at relevant meetings. A mechanism to allow this is required.
- The purse seine lobby was significant and influential through the PrepCon process. It is important that the interests of the longline fishery (albacore) are adequately represented in the work of the Commission.
- More emphasis should be placed on analysis of the Albacore fishery.
- A greater understanding of the effects of oceanographic conditions on tuna stocks is required.
- The need for greater interaction among tuna industry managers across the region and, in particular, those involved in the albacore fishery. An initial step could be the convening of a consultation at sub-regional level, of albacore fishers.
- The stock assessment analyses of impacts of different fisheries do not adequately take into account the effect of growth over fishing, resulting from the catch of juvenile fishing by purse seining.
- The need to establish a consultative committee at the national level to facilitate the project.

Other consultations held were:

*Minister of Agriculture, Forestry and Fisheries*

*Ministry of Commerce, Industry & Labour*
- Lemalu Samau Tate Simi, CEO

*Ministry of Foreign Affairs*
- Terry To’omata

*Fisheries Division:*
- Tanielu Su’a, Assistant CEO
- Savali Time, Fisheries Officer (Offshore)
- Pouvave Foovaimilei, Fisheries Officer (MCS)

*Police, Maritime Wing:*
- Lt.Cmdr Janine Narbutas (RAN) MSA
- Snr. Sgt. Logoitino Filipo, Acting Commander “Nafanua”

*United Nations Development Programme*
- Joyce Yu, Resident Representative
- Tom Twining-Ward
Samoa

- Easter Chu Shing-Galuvao, Programme Officer (Environment)

*Food and Agriculture Organisation of the United Nations*

- Vili Fuavao, Sub-Regional Representative for the Pacific & FAO Representative
- Manase Felemi, Policy Officer

*South Pacific Regional Environment Programme*

- Andrew Wright, Coordinator, International Waters Project
SOLOMON ISLANDS

1. Background

1.1 Status of Oceanic Fisheries

Solomon Islands is an archipelagic state with an EEZ of 1.34 million km². Beginning in the 1970s, Solomon Islands has one of the longest histories of domestic fishing, and management policies (closed and reserved areas/vessel limits) have encouraged this activity. The 1999 political unrest had a substantial impact on domestic fisheries. The domestic tuna fishing company National Fisheries Development (NFD) shifted their operations from Tulagi to Noro, Western Province. NFD continues to operate three purse seiners from Noro, fishing in Solomon Islands waters and transhipping their catch to various canning markets. The Soltai tuna longline fleet has seen catches fall substantially due to the unrest and the condition of its aging fleet. In 2003 11,000 tonnes (50% of the former peak catch) were landed to the Noro processing plant for processing into smoked products (arabushi), canning, and loins for export to Italy under an arrangement with Tri-Union. A longline company, Solco Ltd (formerly Solgreen) has reduced its domestic fleet from a maximum of 22 vessels in 1999 to 11 vessels in 2003. In 2003 these vessels landed a total of 1,000 tonnes, of which 830 tonnes was exported to Japan as fresh sashimi tuna.

Solomon Islands license a number of vessels from DWFN fleets. There are current bilateral agreements in force with Japan, Korea, and Taiwan fishing associations, and an agreement with the EU has been initialled and is due to enter into force in January 2005. Regional access to SI waters is permitted for US and FSM Agreement purse seine vessels. US vessel activity in SI waters has increased following an amendment to the US multilateral treaty to permit fishing east of 163°E.

Honiara is a seasonal transhipment port. Since 2000, virtually no transhipment occurred due to the unrest, until the 2003/4 season. Between November 2003 and May 2004, 166 shipments totalling 78,854 tonnes were recorded. Most vessels transhipping are Korean or Taiwanese purse seine vessels.

The value of the 2003 domestic Solomon Islands tuna catch was estimated at SI$177 million, with exports worth approximately SI$117 million. In 2002 the domestic tuna industry accounted for some 900 jobs, approximately equally split between shore based facilities and on fishing vessels. Fisheries is currently Solomon Islands’ second most significant industry, behind Forestry.

1.2 Oceanic Fisheries Management

The objectives of the Solomon Islands Tuna Development and Management Plan (1999) remain current and are:

- to ensure that the tuna resources of the Solomon Islands are not exploited beyond their optimal sustainable yields; and
- within the limit set by this conservation objective, to harvest the resource in such a way that maximises the economic and social benefits received by the people of the Solomon Islands

There is extensive commercial tuna fishing in Solomon Islands using purse seine, pole and line and longline operations. Of these vessels, three purse seiners carry Solomon Islands flags. Key fishing agreements exist with Korea, Taiwan, Japan and the US. New Zealand and the EU are currently negotiating bilateral tuna fishing agreements, with the latter having initialled (provisionally agreed) a Fisheries Partnership Agreement.

The 1999 Tuna Development and Management Plan lays down detailed oceanic fisheries conservation management strategies, based on licence limitations and area restrictions. Due to

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As at 5 August 2004, US$1.00 = SI$7.33
political unrest, the plan has not been implemented, although there is growing reference to its provisions as stability is restored to Solomon Islands.

Notwithstanding the Management Plan, there are no restrictions on catch currently applied. Before licensing purse seine vessels, reference is made by the Department of Fisheries and Marine Resources (DFMR) to the PNA vessel limits to ensure these are not exceeded, thereby applying a limit to capacity, at least in a regional sense. There are currently no restrictions on the number of long-liners licensed in SI waters. Other management measures applied are spatial limits on US Treaty vessels and a reserved area of waters for pole and line vessels, the inner Main Group Archipelagic (MGA) waters, and shoreward from 30 miles outside archipelagic baselines.

There is an intention to review the Management Plan and establish a management framework for the offshore fishery as priority activities.

1.3 Oceanic Fisheries Institutional Arrangements

Oceanic fisheries management in Solomon Islands is a national government responsibility, undertaken by the DFMR, within the Ministry of Natural Resources. The Department has a total establishment of 41 staff positions, of which only 24 are currently occupied. There is no one section of DFMR devoted to oceanic fisheries management, with the research and resource management, licensing, surveillance and enforcement, and statistics and information sections all undertaking activities related to oceanic fisheries. DFMR has an annual operating budget of SI$1.7 million and receives these funds from consolidated government revenue. A provision in the 1998 Fisheries Act to establish a Fisheries Management and Development Fund, which is to receive 50% of the revenue from access fees and other charges, has not been enacted. In the past, DFMR has had difficulty in accessing observer levies from DWFN and domestic vessels that have been paid to Government, to the point that observer services have had to be suspended. Despite financial constraints, which are limiting activities, oceanic fisheries are a high priority within the Fisheries Department.

The main government agencies involved in oceanic fisheries management in Solomon Islands are the:

- Attorney-General’s Chamber, which provides legal advice, drafts legislation and attends meetings as legal advisors;
- Maritime Division of the Solomon Islands Police, which usually undertakes surveillance and enforcement duties using two ocean-going patrol boats; and
- Department of Foreign Affairs, which is active in the international aspects of fisheries policy, including work related to the WCPF Convention and other regional and international aspects of fisheries affairs.

Fisheries policy is almost exclusively driven by Fisheries Department. Consultation with government departments and other stakeholders is very ad hoc, and there are currently no consultative committees operating. A Fisheries Advisory Council (FAC) was established under the Fisheries Act of 1998 but met only once, in 1999. Similarly, the Tuna Management Committee, established under the Tuna Management Plan, has not been active in recent years. The Ministry has stated an intention to activate the consultative process outlined in the Management Plan and invitations to sit on the FAC have been issued to prospective members. Similarly, there are plans to re-establish the Tuna Management Committee.

There is no association currently representing the Solomon Islands tuna industry. Soltau and NFD are active members of the Chamber of Commerce and have used that forum to lobby government on numerous issues, especially the goods tax.

The Department of Environment and Conservation, Ministry of Forests, Environment and Conservation is responsible for broader aspects of environmental management.

1.4 Donor involvement
The major ongoing donor involvement is the provision of two Pacific Patrol Craft and associated training and logistical support by the Australian Defence Force.

1.5 Other Oceanic Fisheries Management Issues

Solomon Islands experienced severe economic, social and other pressures as a result of the social unrest in 2000. These events severely impacted on the delivery of fisheries management outcomes and while peace has been restored, the state of the economy continues to restrict the efforts of DFMR to sustainably manage oceanic fisheries resources. Other significant issues that arose in the mission to Solomon Islands, most of which are related to the effects of the year 2000 events, include:

- urgent need for an effective overall management framework for oceanic fisheries;
- limited appreciation of implications of WCPF Convention and a desire to develop a comprehensive national strategy to address these implications;
- lack of consultative processes to engage all relevant government agencies, industry and environmental NGOs and the wider public;
- the tuna development management plan, which includes a wide range of conservation and management measures agreed by all stakeholders, requires updating and implementation;
- severe reduction in surveillance capability due to funding constraints on the patrol boat programme and alternative police/security priorities; and
- constraints on the oceanic fisheries management output of DFMR with respect to capacity, personnel and funding.

2. Solomon Islands and the WCPF Convention

2.1 Overview

Solomon Island’s primary aims in the MHLC and PrepCon process have been:

- to achieve effective management for oceanic fisheries resources in the high seas;
- to cooperate with, and learn from, other participants, thereby improving fisheries management in Solomon Islands;
- limit catch and effort to strengthen property rights and thereby the degree to which domestic industry development can be leveraged; and
- limit the size and scale of the Commission and make full use of existing regional organisations (FFA and SPC) and systems (VMS, regional register etc) to minimise duplication and costs to member countries.

As a Member of the Commission and a Party to the WCPF Convention, the early establishment of an effective oceanic fisheries management framework in Solomon Islands to meet national and Convention requirements is a priority. Specific short term issues that have major implications for Solomon Islands are seen as follows:

- need to update the 1998 Fisheries Act to comply with the requirements of the WCPF Convention;
- need to update and implement the national Tuna Fisheries Development and Management Plan, including the introduction and enforcement of effective catch and effort limits and other management measures;
- better control of IUU by reactivation of surveillance capability, including increased oceanic fisheries-related patrol boat activity;
- improvement of port sampling procedures; and
- establishment of flag state control procedures, including a process to authorise Solomon Islands flagged vessels fishing on the high seas.
2.2 Implications of the Convention

2.2.1 Legal

The Fisheries Act 1998 has not been revised to reflect and implement the requirements of the WCPF Convention. The need to address this has been accepted by DFMR and the AG’s office as a priority, and means to fund a review are under consideration. FFA has been requested to review the Tuna Development and Management plan, and it would be prudent to ensure harmonisation between these two activities.

There remains limited appreciation of the rights and obligations under the WCPF Convention both in the legal sense, and in how legislation can be related to management measures. This situation will be helped by improving communication between departments having some responsibility for oceanic fisheries management.

The 1998 Environment Act makes specific reference of fisheries (including oceanic fisheries) as a ‘prescribed activity’ requiring some level of assessment of environmental impact. Regulations for this act are yet to be drafted, and some guidance from/liaison with DFMR would be useful.

The table below summarises the status of Solomon Island’s adoption of relevant international legal instruments and declarations.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Ratified</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Ratified</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Accepted</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td></td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Adopted, not implemented</td>
</tr>
<tr>
<td>WSSD Fisheries Targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>FFA Minimum Terms and Conditions</td>
<td>Implemented</td>
</tr>
</tbody>
</table>

The AG’s Chambers have 11 lawyers, one of whom has some fisheries experience, and a severely restricted budget. The lack of resources has constrained the AG’s ability to service the needs of DFMR. The Office of the AG agrees that there is a need to have specific legal advice available within the DFMR to deal with drafting regulations, fishing agreements and updating the Fisheries Act and Tuna Development and Management Plan. While DFMR has a vacant legal adviser position within their organisation chart there is some controversy about the post.

There is a need to improve communication between DFMR and the AG’s Chambers and both would benefit from capacity building to increase knowledge of SI’s responsibilities under current international agreements, including the WCPF Convention.

2.2.2 Policy/Institutional

The oceanic fisheries management framework in Solomon Islands is in limbo, awaiting reviews of the Fisheries Act and Management Plan and the financial resources and staff to give effect to them.

Solomon Islands participation in the WCPF Commission will continue to be led by Foreign Affairs and DFMR. While it is intended to re-open lines of communication with stakeholders, consultation will be undertaken on an ad-hoc basis until the Tuna Management Committee is re-established.
The cost of financial contributions for Solomon Islands to the WCPF Commission is expected to be in the range of US$10-14,000 per year once the Commission is fully established, although it may be more in the first year or two if major fishing states delay becoming members of the Commission. The establishment and operation of the Fisheries Management and Development Fund would bring much needed financial resources to the Department. This additional commitment by Government to recurrent funding, reinforced with donor assistance will be necessary to enable Solomon Islands to meet its obligations under the WCPF Convention.

2.2.3 Compliance

Compliance activities are carried out by the Solomon Islands Police (Maritime Division) that operates two Australian funded patrol vessels in collaboration with its land-based police counterpart, and the DFMR. The Maritime Division falls under the Department of Police and National Security. DFMR observers carry out compliance and monitoring activities. However no enforcement activities are currently being undertaken due to lack of capacity\(^9\) and other priorities related to land-based police activities. The role of the Maritime Division at the present time is largely reactive and there is considered to be a need for regular communication between DFMR and the Division.

While there is no collaborative compliance arrangement in place, there is clearly an intention to explore this, probably under Niue Treaty arrangements. There have been initial talks with PNG on compliance collaboration.

The licensing framework currently deals with three forms of access agreements: bilateral access agreements; development agreements; and agency agreements. There is a need to revise and apply transparent licensing procedures outlined in the Tuna Management Plan.

The FFA VMS facility is managed and operated by the DFMR. The Fisheries Act recognises the compulsory use of the FFA VMS as a prerequisite for a foreign fishing vessel in obtaining a license, however there is some doubt as to whether this occurs in all instances. There is strong support for the MCS programmes of the new Tuna Commission to be compatible with current regional and national programmes including the FFA VMS.

The Solomon Islands has flag state responsibilities for the three purse seiners presently flying its flag if and when they fish outside Solomon Island waters. There is currently no authorization process in place to deal with high seas fishing.

Overall there are substantial challenges facing Solomon Islands in meeting the compliance responsibilities under the Convention. Capacity building, knowledge of the Convention requirements, and funding are three of the key areas that need to be addressed.

2.2.4 Monitoring

Levels of logsheet coverage of the domestic longline, purse seine and pole-and-line fleets, and foreign purse seine fishing are high, although there are significant data gaps in the coverage of all components of the foreign longline fleet. Landings data from domestic vessels is readily available (although data gaps exist) and some data from recently re-commenced transhipments are now being collected. DFMR maintains a licensing database with vessel details, although information is incomplete, particularly for a number of vessels that fish in the EEZ and do not call into Honiara.

The Solomon Islands observer programme ceased during the disruption to domestic fishing operations that occurred in 2000, restarted in 2001 and ceased in April 2004 due to funding and administrative difficulties. These difficulties were resolved and observer activities resumed from 19th July 2004.

20% coverage for domestic vessels has been reached and exceeded, and while the coverage of

\(^9\) At the time of this meeting, one of the two patrol boats was undergoing a refit and maintenance check at Fiji’s naval base while the second was alongside in Honiara.
foreign vessels is uncertain, DFMR estimate that it is of the order of 5-10%. It has been proposed to increase coverage to 30% for longline, 40% for pole-and-line, and 100% for purse seine.

Prior to 2000, port sampling occurred in Noro and Honiara. Since then there has only been limited port sampling in Honiara during the 2003/4 transhipment season.

**Scientific Analysis**

Solomon Islands has very little capacity to undertake scientific analysis, both in terms of staffing numbers and the background of those staff. Following the unrest in 2000, it has been difficult to build on the software and training assistance provided by SPC prior to this time. Two staff members have received some preliminary training in data analysis last year (2003). Other than data entry and transmittal to SPC, there is no analysis of oceanic fisheries data.

The data provided by SPC is considered adequate to meet management needs and support decision making, although a new national tuna assessment is seen as a priority requirement. DFMR wishes to expand their capability in data analysis and to make more use of regional stock assessments than is currently the case. The Department would also like to rely less on waiting for SPC to provide data analysis.

There is support for a tuna tagging project given that the previous tagging data is now relatively dated. It was however realised that implementing basic fisheries management frameworks and capacity building were of greater priority at this time.

**Ecosystem analysis**

Understanding and dealing with the oceanic fisheries ecosystem and related effects of fishing is not a priority for DFMR. Some limited data has been collected, and there is recognition from comparison of observer/non observer trips that gross under-reporting of by-catch, including sharks, is occurring.

While there is some appreciation of ENSO effects, DFMR are keen to expand their capability to make use of regional models that could be used to predict catch levels and thereby income from access and other sources of fisheries-based revenue.

### 3. Potential Contribution of SAP II Project

Potential areas in which the SAP II Project could contribute to assisting Solomon Islands in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Interventions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td>Provide legal advice in support of review of 1998 Fisheries Act</td>
<td>Legal review, harmonising the Act and (soon to be revised) Man. Plan</td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Provide legal input into national positions</td>
<td>Training for dedicated fisheries legal officer</td>
</tr>
<tr>
<td>Support Commission participation</td>
<td>Understand legal implications</td>
<td>Regional Legal Workshops on rights responsibilities under the Convention</td>
</tr>
<tr>
<td>Implement Commission decisions</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td>Additional Commission and FFA meeting participation</td>
<td>Institutional Strengthening</td>
</tr>
<tr>
<td>Participate in the Commission and new regional management arrangements</td>
<td>Develop regional and national vision for future management arrangements</td>
<td>Regional Fisheries Management</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Training/Consultations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Workshops on alternative fisheries management strategies, including</td>
</tr>
<tr>
<td><strong>Solomon Islands</strong></td>
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<td>-------------------</td>
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</tbody>
</table>

**Strengthen In-Zone Management/ Provide data to the Commission**
- Review and implement a sustainable oceanic fisheries management framework, including licensing procedures

**Compliance**
- Increase IUU deterrence in-zone
  - Increase understanding and implementation of legal instruments
  - Support for collaborative surveillance operations
  - Re-start surveillance operations
- Technical assistance and training on meeting the compliance requirements of the Convention
- MCS working groups at regional and sub-regional levels, with technical support
- Development of risk assessment and compliance strategies to maximise use of scarce resources

**Monitoring**
- Improve at-sea data
  - Re establish a sustainable observer programme and increase coverage
- Possibly through SPC, develop a new, sustainable observer scheme that accesses observer levies
- Ongoing assistance from SPC with training and overall monitoring strategy
- Capacity building focussing on training programmers and data analysts
- Improve catch composition data
  - Expand Port Sampling Programme
- Ongoing assistance from SPC with training and overall monitoring strategy

**Science**
- Improve understanding of oceanic resources and ecosystem
  - Strengthen national capacity to analyse national data
  - Strengthen national capacity to interpret and apply regional analyses
- Training on interpreting the national impacts of large scale oceanographic changes on fisheries and related ecosystems
- Maintain and expand national fisheries assessments, incorporating capacity building

**ANNEXES**
- **Annex 1** Stakeholder Inventory and Analysis (including consultative mechanism inventory)
- **Annex 2** Record of Stakeholder Consultation
### Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

**Stakeholder inventory data sheet**

**Country:** Solomon Islands  
**Date:** 14 July 2004  
**Data Recorder:** Seremaia Tuqiri  
**E-mail:** stuqiri@wwfpacific.org.fj

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative / Post</th>
<th>Contact details</th>
<th>Description of interests (factors that may influence participation)</th>
<th>Stakeholder analysis and preliminary participation plan</th>
</tr>
</thead>
</table>
| Department of Fisheries & Marine Resources       | Edwin Oreihaka Director General (Act)               | P.O. Box G13 Honiara  
Tel: +677 38694  
Fax: +677 38730                                                      | Fisheries Administration.                                           | X                                                      |
| Solomon Islands Police (Maritime Division)       | Edward Tokuru Maritime Commander                    | Department of Police & National Security  
P.O. Box G30  
Tel: 22563 / 22564                                                   | Fisheries Surveillance and Enforcement.                             | X                                                      |
| Department of Foreign Affairs                    | Peter Forau Permanent Secretary                     | P.O. Box G10 Honiara  
Tel: 28612  
Fax: 20351                                                          | Foreign policy and treaty administration and negotiation            | X                                                      |
| Department of Police & National Security         | Sam K. Tagana Under-Secretary                       | P.O. Box 404  
Tel: +677 22208  
Fax: +677 24823                                                      | Prosecution and other aspects of enforcement                       | X                                                      |
| Attorney General’s Chambers                      | Jean Gordon Senior Crown Counsel                    | P.O. Box 111 Honiara  
Tel: 28395  
Fax: 25498                                                          | Drafting of legislation and provision of legal advice               | X                                                      |
<table>
<thead>
<tr>
<th>Organization</th>
<th>Person</th>
<th>Address</th>
<th>Sector</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solomon Islands</td>
<td>Milton Sibisopere</td>
<td>PO Box 965, Honiara, Solomon Islands, Tel: +677 61012, Fax: +677 61029</td>
<td>Private sector</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>General Manager</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Fisheries Development</td>
<td>Adrian Wickham</td>
<td>PO Box 717, Honiara, Solomon Islands, Tel: +677 61131, Fax: +677 61109</td>
<td>Private sector</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Director</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solco Ltd</td>
<td>Mr Kazuo Nagasawa</td>
<td>Advance Nishikasai R/NO,401 6-20-13, Nishikasai, Edogawa-ku, Tokyo, Japan</td>
<td>Private sector</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>General Manager</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Nature Conservancy</td>
<td>Mr William T. Atu</td>
<td>PO Box 759, Honiara, Solomon Islands, Phone: +677 20940, Fax: +677 26814</td>
<td>General Conservation interests</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Note:** NGOs in Solomon Islands with an interest in fisheries concentrate on inshore fisheries. At the present time two international environmental NGOs namely Greenpeace and WWF South Pacific Programme have oceanic fisheries components. Both are based in Suva, Fiji but their focus is regional. Neither have offices in Honiara at the present time.
### Inventory of Project-related national consultative mechanisms

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative /contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Fisheries</td>
<td>Ministry for Natural Resources, Department of Fisheries and Marine Resources</td>
<td>NA</td>
<td>Provides advice to the minister on matters relation to the conservational, protection and development of fisheries in Solomon Islands. Administers Fisheries Management and Development Fund</td>
<td>Ad hoc</td>
<td>To consist of 5-7 persons. Planned membership as at July 2004 is: Permanent Secretary, DFMR (Chair) and one representative each from: from the following sectors: Industry, NGOs, Fisheries (DFME), Dept of Trade and Industry, and Civil Society (with fisheries specialty)</td>
</tr>
</tbody>
</table>

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10 Note: the above consultative mechanisms are indicative and are allowed for under the 1998 Fisheries Act and the National Tuna Development and Management Plan, 1999, but are yet to be implemented. The mechanisms are still considered relevant, and are currently being reactivated.
Annex 2 – Record of Stakeholder Consultation

SOLOMON ISLANDS

PRIMARY STAKEHOLDER CONSULTATION
Commonwealth Youth Programme
Honiara
Wednesday, 14th July 2004

Participant List
Edwin Oreihaka, Department of Fisheries & Marine Resources (DFMR); George Boape, (CHAIR), DFMR; John Leqata, (TECHNICAL ASSISTANT) DFMR; Jean Gordon, Attorney General’s Office; Moses Biliki, Department of Environment; Kenneth Bulehite, IWP-Solomon Islands; Kitchener Collenson, SI Tuna Fishing Agency; Kristina Fidali, ECANSI (local NGO); Barbara Hanchard, (Forum Fisheries Agency).

The mission to the Solomon Islands held a primary stakeholder consultation after the public forum. Nine participants representing government, non-governmental, tertiary, and regional agencies attended the Stakeholder Consultation. An obvious absence was representation from the fishing industry. Mr Ian Cartwright gave a presentation on GEF SAP II Project: Strengthening National Fisheries Management in relation to the implementation of the new Western and Central Pacific Fisheries Convention.

Mr George Boape as Chair noted that the GEF mission was important in raising the understanding of tuna fisheries management particularly as it affected the economic wellbeing of the country. He also noted that development opportunities for the Solomon Islands would largely depend on how it reacted to the Convention and the management framework that it will put in place. Issues raised in the discussion were as follows:

- The importance of understanding the relationships between climate, oceanography and ecosystems and target species in order to fully appreciate the dynamics of the tuna fisheries.
- The need to implement effective in-zone fisheries management and exercise flag control in order to meet the obligations of the Convention.
- Engagement of all stakeholders in oceanic fisheries management, and the need for effective communications between government departments, the private sector and the broader community.
- The differing roles of the Commission and the Forum Fisheries Agency (FFA) noting that there was a place for FFA under the new Convention regime.
- The process of resource allocation needs to be fully understood, both under the Commission process, and at a national level in the context of using the process to encourage domestic industry development.
- With respect to budgetary allocation, the SI Government does not seem to be devoting sufficient resources to fisheries management, as required under the Fisheries Act. Staff are poorly resourced, require additional capacity building and are well below strength if Convention obligations are to be met.

Other consultations were held prior to and after the two one-day meetings. These were with:

Government
- Mr Fred Ganate, Permanent Secretary, Department of Fisheries and Marine Resources (DFMR)
- Mr Edwin Oreihaka, Acting Director General, DFMR
- Mr George Boape, Deputy Director (Licensing), DFMR
- Mr Robert Maneiria, Principle Fisheries Officer (Statistics & Information), DFMR
- Mr John Leqata, Senior Fisheries Officer (Research), DFMR
- Mr Edward Tokuru, Chief Superintendent & Commander, Solomon Islands Police (Maritime Division)
- Mr Sam K. Tagana, Under Secretary, Department of Police and National Security
- Mr Moses Biliki, Director of Environment and GEF Focal Point
- Peter Forau, Permanent Secretary, Dept. of Foreign Affairs
- Mr. Francis Waleanisia, Chief Crown Counsel, Attorney General’s Chamber

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11 The Team had been earlier advised that the Solomon Islands GEF Focal Point was the Director of Environment who presented himself as such. Mr Tom Twining-Ward (UNDP Samoa) during a chance meeting in Honiara advised that the GEF Focal Point had been moved to the Office of the Permanent Secretary. The Team was not able to meet with the Permanent Secretary.
SOLOMON ISLANDS

PUBLIC FORUM
Commonwealth Youth Programme

Honiara
Wednesday, 14th July 2004

Participant List
Edwin Oreihaka, Department of Fisheries & Marine Resources (DFMR); George Boape, (CHAIR), Deputy Director, Licensing, Surveillance and Enforcement, DFMR; Gideon Tiroba, DFMR; John Leqata, (TECHNICAL ASSISTANT) DFMR; Sam K. Tagana, Department of Police & National Security; Philip Fafe, Department of Foreign Affairs; Jean Gordon, Attorney General’s Office; Moses Biliki, Department of Environment; Kenneth Bulehite, IWP-Solomon Islands; Albert Wata, Parauru Agency; Kitchener Collenson, SI Tuna Fishing Agency; Starling Daefa, Solomon Island College of Higher Education (SICHE); Alex Makini, SICHE; Lucian Kii, SICHE; William Atu, The Nature Conservancy (TNC); Kristina Fidali, ECANSI; David Lidimani, Student; N. Barbara Hanchard, FFA.

The Mission to Solomon Islands held a public forum prior to the stakeholder consultation, to create awareness of the Western and Central Pacific Fisheries Convention and the tuna industry in the Pacific Islands. The forum was chaired by the Deputy Director (Licensing) of the Department of Fisheries & Marine Resources.

Mr Ian Cartwright gave a presentation on the WCPF Convention and the Management of Oceanic Fisheries in the WCPO.

Issues raised in the public forum were as follows:

- Need for involvement of all relevant stakeholders in SI, in the oceanic fisheries management process, so as to keep abreast of regional developments, especially those at the Commission. This is also important if ownership of the process is to be achieved.
- Good communication and effective working relationships between government departments will be essential to the development of an oceanic fisheries management framework. Information dissemination from DFMR will be pivotal in this regard.
- Tendency for AGs not to be involved in discussions on fisheries issues and developments in fisheries policy, and yet are expected to draft relevant legislation, e.g. for the Act to be in compliance with the WCPF Convention.
- Regional fisheries data collection programmes did not always seem to result in direct benefits/relevance for Solomon Islands. There is a need to ensure that if data is collected, then it is analyzed and presented in a form that is useful for management and development purposes, as well as to provide key information on sustainability issues.
1. Background

1.1 Status of Oceanic Fisheries

Tokelau is the newest member of the Forum Fisheries Agency, and with a population of around 1,500 and an EEZ of 290,000 sq. km. is, with Niue, one of the two smallest countries participating in the WCPF Process. There are two processes of political change underpinning Tokelau’s approach to the WCPF Convention and Commission:

- The exercise of competence by Tokelau over the waters of its EEZ, which is the basis for Tokelau’s participation in the new Commission; and
- The restructuring of the Tokelauan administration to place the three villages as the centres for social and economic development, including strengthening their capacities in fisheries management and development.

Tokelauans’ relationship with oceanic fisheries has two aspects:

- Nearshore fishing for oceanic species, initially involving traditional methods and now trolling and handlining from aluminium dinghies, both continues to underpin the food security of Tokelauans as it has always done, and plays a major role in the cultural identity of Tokelauans; and
- Offshore fishing by foreign vessels provides important revenue for the Tokelau Government, contributing around 90 per cent of non-grant income earnings.

1.2 Oceanic Fisheries Management

The major objectives of tuna management and development policy as set out in the draft Tokelau Tuna Management and Development Plan are:

- To ensure the sustainability of harvesting of tuna resources within the Tokelau EEZ; and
- To have a sustainable and profitable industry harvesting at, or near, the total allowable catch (TAC), fully owned by Tokelauans living in Tokelau, employing the maximum number of Tokelauans, with maximum retained value in the country.

There are no limits in place on fishing for oceanic species in Tokelau, but the draft Plan sets harvest targets for major species based on an analysis of sustainable levels of harvests. The other major management measure in place is closed areas. Currently, foreign vessels are limited to fishing outside the 12 mile territorial sea to protect small scale fishing, and consideration is being given to extending this closed area.

1.3 Oceanic Fisheries Institutional Arrangements

Within the Tokelau administration, the newly established Department of Economic Development & Environment & Planning & Monitoring has the primary responsibility for oceanic fisheries management. The main emphasis in the work of the Department is on securing benefits for Tokelau from the sustainable development of fishery resources, where the major potential is seen in oceanic fisheries development. Within the Department, the number of fisheries staff is being increased from 3 to 7, and there are another few staff for whom fisheries makes up a significant share of their work. Within the Department, responsibilities for oceanic fisheries include:

- overall management of oceanic fisheries management and development by the Director;
- licensing and compliance, including VMS, which is the responsibility of the newly created VMS officer post; and
- core fisheries management functions, to be carried out by 3 staff in newly created posts for fisheries officers in each village.
At the political level, all important national issues are considered within a framework of consultation at village level, where the Councils of Elders play a key part in all matters related to fisheries.

1.4 Other Donor Involvement

There is no significant donor involvement in oceanic fisheries management in Tokelau except for assistance provided through FFA and SPC, although UNDP has approved a project to support small scale oceanic fishery development.

1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues that arose in the mission to Tokelau include the economic impact of fluctuations in revenue from fishing fees.

2. Tokelau and the WCPF Convention

2.1 Overview

Tokelau sees the WCPF Convention as reinforcing traditional Tokelauan values of conservation and management of the resources of the sea. Key specific issues for Tokelau throughout the MHLC and Prep Con processes have included:

• Recognition of the competence of Tokelau in respect of the management of its oceanic fish resources, and of the right of Tokelau to take its place in the processes of the Commission;
• The fundamental importance of the oceanic fish resources to the welfare and identity of the people of Tokelau in their efforts to strive for self-reliance;
• The need for the work of the Commission to be structured in a way that recognises the constraints in capacity of its smallest participants, and which promotes effective participation by small countries.

As a Member of the Commission and a Party to the WCPF Convention, major short term areas of implications for Tokelau are seen as follows:

• The need to systematically strengthen its institutional capacities in areas such as monitoring, statistics, compliance and policy formulation, within the constraints of the very limited overall capacity of the Tokelau administration;
• The importance to Tokelau of ensuring that it can meet the additional responsibilities associated with presenting Tokelau’s interests in the Commission;
• The need for a vigorous consultative process to engage the people of Tokelau in understanding and implementing the Convention.

Overall, Tokelau faces probably the greatest challenge of all the countries that will participate in the GEF SAP II project, to effectively implement the Convention and effectively participate in the Commission within the limits of its available financial and human resources. Tokelau is systematically strengthening its capacities in relevant areas, but will also need continuing support from FFA and SPC.

2.3 Implications of the Convention

2.2.1 Legal

Oceanic fisheries management in Tokelau is governed by the Tokelau EEZ Act of 1977. The draft Tuna Management and Development Plan calls for the legislation to be updated through the preparation of a new marine Resources Act and accompanying regulations – Tokelau is looking to the SAP II Project to support the undertaking of consultations on each island as part of the process of reviewing its legal framework for oceanic fisheries. Tokelau will also continue to need assistance from FFA in legal matters relating to the Convention and the Commission, including support for participation in regional legal workshops and consultations.
2.2.2 Policy/Institutional

The fisheries administration of Tokelau is the newest and the smallest of the countries participating in the SAP II Project. There is presently three staff working on fisheries. This capacity will be substantially strengthened with the appointment of a new Director, a VMS officer and the three village fisheries officers.

Tokelau is looking for support in the strengthening of its own capacity for policy analysis and formulation – but it will also continue to depend heavily on external advice for policy analysis and formulation, especially on issues related to the WCPF Commission, particularly from FFA.

The Tuna Management and Development Plan provide a systematic framework for the reform of oceanic fisheries management policies, including relationships with foreign fishing interests, but will require a major effort to implement.

Activities which could assist Tokelau in the reform and strengthening of its institutions and policies include:

- Participation in regional workshops and consultations on oceanic fisheries policy issues;
- In country technical assistance and consultations within the villages to ensure a good understanding of the Convention and the Commission;
- Technical assistance on the implementation of oceanic fisheries management aspects of the Tuna Management and Development Plan.

The arrangements for the amount of financial contributions of territories to the WCPF Commission are not yet finalised, but it is likely that the financial contribution of Tokelau will be based on some share of the level that would be paid by Pacific Island States with only a small domestic fleet, which is expected to be in the range of US$6-10,000 per year, once the Commission is fully established.

2.2.3 Compliance

Tokelau has no dedicated compliance operations, and has depended in the past on regional instruments such as the FFA Regional Register, and on ad hoc activities and information from inter-island vessels, supplemented by air patrols by New Zealand aircraft. Now, Tokelau is installing the FFA VMS and is looking to arrange some sea patrol operations through arrangements under the Niue Treaty. As it works to establish a compliance programme, Tokelau will need a range of assistance in compliance activities, including training in boarding and inspection and VMS operations, and support to establish cooperative arrangements with other FFA Member states under the Niue Treaty.

Because of its status, Tokelau does not have a national vessel register, and some work is needed to assess the responsibilities of Tokelau with respect to vessels that might be controlled by Tokelau.

2.2.4 Monitoring

Tokelau has recently established a Statistics section, which is planned to jointly develop with fisheries personnel, a system for collection and analysis of fishery data. Advice from SPC will be needed to establish a licensing and fishery monitoring database, and there is also a need for equipment and training. Even with this database in place, Tokelau is likely to continue to need the support of SPC to prepare the level of statistical data required of Tokelau by the Commission.

Since there are no commercial landings of oceanic species in Tokelau, port sampling is not likely to be a requirement for some time, but Tokelau does need support to establish an observer programme.

2.2.5 Scientific Analysis
Tokelau will continue to depend on SPC for scientific advice and information on oceanic fishery resources, and it is important to Tokelau that the capacity of SPC to provide scientific support to Pacific Island Countries is not diminished as SPC moves to play a leading role in the scientific work of the Commission. However, Tokelau also needs to build its own capacity to interpret the scientific information made available from regional scientific programmes.

There is limited national awareness of ecosystem issues and this area needs attention. Bycatch issues are very important to Tokelau for food security reasons, but there is no documentation of bycatches in Tokelau waters. Improving the understanding of the impact of oceanographic changes is an important area in which better information is needed from regional work to enable results to be useful at national level.

3. Potential Contribution of SAP II Project

Potential areas in which the SAP II Project could contribute to assisting Tokelau in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Interventions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Prepare new Marine Resources Act and regulations.</td>
<td>Technical legal and fisheries management assistance</td>
</tr>
<tr>
<td>Support Commission participation</td>
<td>Provide legal advice</td>
<td>Support for consultations in villages</td>
</tr>
<tr>
<td>Implement Commission decisions</td>
<td>Interpret legal requirements</td>
<td>Regional Legal Workshops</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in the Commission and new regional management arrangements</td>
<td>Commission meeting participation</td>
<td>Regional Fisheries Management Training/Consultations</td>
</tr>
<tr>
<td>Strengthen In-Zone Management/</td>
<td>Additional FFA Meeting participation</td>
<td>Attachments</td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase IUU deterrence in-zone</td>
<td>Implement management aspects of the Tuna Plan</td>
<td>Technical assistance, especially on foreign fishing management</td>
</tr>
<tr>
<td><strong>Monitoring</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improve at-sea data</td>
<td>Establish Observer Programme</td>
<td>Technical assistance to start up observer programme</td>
</tr>
<tr>
<td>Improve statistics/Provide data to the Commission</td>
<td>Start up Fishery Statistics Programme. Create licensing &amp; stats database</td>
<td>Technical Assistance, training &amp; equipment to start up Statistics programme</td>
</tr>
<tr>
<td><strong>Science</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improve understanding of oceanic resources and ecosystem</td>
<td>Strengthen national capacity to analyse national data</td>
<td>Ongoing support from SPC</td>
</tr>
</tbody>
</table>

**ANNEXES**

Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)
Annex 2 Record of Stakeholder Consultation
# Stakeholder Inventory and Analysis (including consultative mechanism inventory)

## Stakeholder inventory data sheet

Country: Tokelau  
Date: 11 June, 2004  
Data Recorder: Colin Brown, cibn@oyster.net.ck

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative/post</th>
<th>Contact details</th>
<th>Description of Interests [factors that may influence participation]</th>
<th>Stakeholder analysis and preliminary participation plan</th>
<th>Other [Keep informed]</th>
</tr>
</thead>
</table>
| Department of Economic Development and Environment | Mose Pelasio | PO Box 865, Apia  
Phone: 20822  
Email: mose.pelasio@cleart.net.nz | National fisheries management authority | | X |
| Village Council of Elders | | Village management body | | X |
| Council for On-going Government | | National governing body | | X |
| Aumaga | | NGO: group of able-bodied men | | X |
| Fatupaipai | | NGO: women’s affairs | | X |
| General Public | | | | X |
### Inventory of Project-related national consultative mechanisms

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/ contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
</table>
| Senior Management Team| National Office  | PO Box 3298  
Phone: 685 32325  
Fax 30328  
Email: falani.aukuso@clear.net.nz | Social and economic matters                |                       | General Manager, National Office  
Departmental Directors  
Atoll General Managers |

Tokelau
Annex 2: Record of Stakeholder Consultation
Tokelau

Wednesday, 9 June, 2004

Stakeholder Consultation

The Mission to Samoa, included a stakeholders consultation with representatives from Tokelau to discuss the WCPF Tuna Convention and development of the GEF SAP II project. Those present were:

Falani Aukuso, Director, Office of the Council of Faipule; Mose Pelasio, Senior Policy Advisory Officer (Fisheries); Tony Jones, Public Service Adviser; Tino Vitale, Tokelau Telecom; Kele Keleko, Policy Advisory Officer (Statistics); Fatu Tauafiafi, Editor Tapu Magazine; Alan Shaw, General Manager Finance.

Mr Les Clark gave a presentation on the Convention. Issues raised in discussion were:

- With the WCPF Tuna Commission headquarters apparently destined for location in FSM, travel is an issue in terms of time and cost.

Following a presentation on the development of the GEF SAP II project, issues raised were:

- Work on the Tokelau Tuna Management Plan has been initiated but assistance is required to complete the work;
- There is a need to enhance the human resource capacity to adequately fulfil the requirements and obligations of the Convention;
- The lack of surveillance of the Tokelau zone is an issue of concern – through the Niue Treaty, Tokelau is interested in coordinating with Samoa to use the patrol vessel, Nafanua;
- The recent decline in US purse seine catch is of serious concern as this revenue forms a significant part of the Tokelau economy.
TONGA

1. Background

1.1 Status of Oceanic Fisheries

The Tongan commercial oceanic fisheries longline fleet grew rapidly from one vessel catching around 200 tonnes annually in the early 1990s, to around 20 vessels catching around 2,000 tonnes by 2002. The catch is mainly albacore, with smaller but valuable amounts of bigeye and yellowfin. Most of the longline catch is landed in Nuku’alofa, the only outlet for air freight, although some domestic vessels also discharge catch in Pago Pago. Over 90% of the catch is taken in Tongan waters but more recently there has been a small amount of fishing by Tongan vessels in neighbouring areas of high seas and national waters. Tonga does not licence foreign vessels directly – they operate only under Tongan control, and are considered as part of the Tongan domestic fleet.

In recent years, the commercial offshore fishery has become a large and important industry in Tonga, with the value of output reaching T$15 million in 2001.

Falling albacore catch rates, apparently related largely to oceanographic conditions, undermined the viability of the fishery in 2003, and caused uncertainty about the future of the commercial tuna fishery in Tonga. A gradual recovery in catch rates is reported at June 2004.

Subsistence and small scale fishing for oceanic species, based mainly on trolling and FADs, remains important for food security and income generation. There is also a small but increasingly important sport fishery, targeting a range of large pelagic fish operating from Nuku’alofa and Vava’u.

1.2 Oceanic Fisheries Management

The major objectives of tuna management and development policy set out in the Tonga Tuna Management and Development Plan are to:

• “ensure that the utilisation of Tonga’s national tuna resource is compatible with the sustainable harvesting of the tuna stocks throughout their range;”
• “maximise economic benefits to Tonga from the utilisation of its tuna resources, including harvesting and processing; and”
• “contribute to the food security of Tongan subjects and, through the sustainable utilisation of the tuna stocks, the global community.”

The commercial tuna longline fishery is managed under a limit to numbers of licensed vessels, currently set at 50 vessels.

Closed areas protect smaller scale fisheries. Currently, larger commercial vessels are prohibited from fishing within 12 miles of islands and major reefs, and the Government is considering a more comprehensive closure around the main island archipelago.

1.3 Oceanic Fisheries Institutional Arrangements

The Ministry of Fisheries is the primary agency responsible for oceanic fisheries management. The Ministry has an establishment of 104 posts (93 filled), and an annual operating budget of T$1 million. Oceanic fisheries is the major focus of the work of the Ministry, but inshore fisheries and aquaculture are also important in Tonga. Within the Ministry, responsibilities for oceanic fisheries include:

• Economic & Finance Division responsible for economic analysis and planning, and commercial services;
• Research & Management Division, responsible for resource assessment and development, port sampling and community development; and
• Access & Compliance Division, responsible for fisheries management planning, compliance and certification, licensing and monitoring.

Revenue from oceanic fisheries is around $700,000 per year.

A 4 year, A$5.7 million AusAID fisheries project, is currently programmed to finish in January 2006. The Project has 4 components covering institutional capacity building, small scale fisheries development, commercial fisheries development and community-based management.

The other government organisation with a significant role in oceanic fisheries management is the Tongan Defence Services, which is very well equipped.

Consultation with stakeholders is undertaken through the Tuna Management Committee, which has representation from the Ministry of Fisheries, other relevant Government Ministries/Divisions, other island districts, the Tongan Export Fisheries Association, the commercial sport fishing industry; and non-government organisations.

Under the new Fisheries Management Act, a statutory Fisheries Management Advisory Committee will be established, with provision for management committees for individual fisheries to be established in fishery plans.

1.4 Donor Involvement

The major significant donor involvement in oceanic fisheries management is the AusAID Project and Australian assistance for the Patrol Boat Programme. Tonga also receives support form a range of donor-supported programmes provided through FFA and SPC.

1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues that arose in the mission to Tonga include:

• Bilateral access: recent oceanographic changes and growth of the Tongan fleet have highlighted the need for Tongan vessels to have access to other waters for oceanic fishing, including the waters of some neighbouring states. Tonga plans to secure this access with bilateral agreements with some neighbouring states.

• Declaration of EEZ and delineation of maritime zones; Tonga is in the process of formally declaring its EEZ, and will then need to delineate its EEZ boundaries – this will involve boundary agreements with five neighbouring states and territories.

2. Tonga and the WCPF Convention

2.1 Overview

With a tuna industry based on longlining, Tonga’s primary aims in the MHLC and Prep Con process have been:

i) to ensure the application of measures to ensure the sustainability of the region’s tuna stocks and fisheries. Key elements of this for Tonga have been:

• ensuring the long term sustainability of the longline fishery targeting albacore, but with important catches of bigeye and yellowfin; and

• implementing controls on the impact of purse seine fishing on juvenile bigeye and yellowfin, because of the effects this could have on catches by Tonga’s longline fleet.

ii) to ensure that Tonga secures at least a fair share of access to the region’s tuna resources.

As a Member of the Commission and a Party to the WCPF Convention, four major short term areas of implications for Tonga are seen as follows:

i) legal reforms, which are substantially completed as discussed below:
ii) strengthened arrangements for management of fishing in Tongan waters, particularly enhanced monitoring and control efforts to improve information for scientific purposes and address IUU fishing;

iii) the introduction of new arrangements for management of Tongan vessels outside Tongan waters, including the high seas and the waters of other States; and

iv) participation in the processes related to the Commission, including involvement of non-government interests, especially the offshore fishing industry.

As part of a broader institutional strengthening programme, Tonga has made substantial progress towards developing the capacity to implement its obligations under the Convention, and has plans in place to complete this process. If this progress can be sustained, Tonga should provide a “best practice” model of the approach to realignment, reform and restructuring that a Pacific Island country can adopt to both, prepare it for the implementation of the Convention, and to build a base for benefiting from sustainable oceanic fisheries development.

2.2 Implications of the Convention

2.2.1 Legal

The new Fisheries Management Act is now in force. It includes all necessary powers for implementation of the UN Fish stocks Agreement and the WCPF Convention, and regulations are in the process of being promulgated. This will complete the immediate legal needs by Tonga for implementation of the Convention.

The National Environment Act governs environmental activities. The work of the Department of Environment in marine conservation is focused largely on protection of endangered species in inshore waters, particularly through education and awareness raising activities. There are no environmental NGOs active in fisheries.

The table below summarises the status of Tonga’s adoption of relevant international legal instruments and declarations.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Principles included in new legislation and Tuna Management Plan</td>
</tr>
<tr>
<td>WSSD fisheries targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Acceded</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td></td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Not implemented</td>
</tr>
<tr>
<td>FFA Minimum Terms &amp; Conditions</td>
<td>Implemented</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
</tbody>
</table>

Tonga has substantial legal capacity in its government legal offices, but the Crown Law office is overloaded, and Tonga needs assistance for major technical initiatives in fisheries law. Assistance in the revision of the Fisheries Act was provided by FAO and Commonwealth Secretariat. A post for a legal officer has now been created in the Ministry. Recent experience has shown a need to build understanding among offices, such as Crown Law and Police, of the need to take account, at the local level, of the global significance of moves against IUU fishing, including capacity building in the area of prosecution.

2.2.2 Policy/Institutional
The Tongan fisheries administration is going through a major programme of realignment and strengthening, in many areas with the support of the AusAID Project. Key features of that reform include:

- Increased emphasis on fisheries management as the core focus of the Ministry and a reduced role for the Ministry in operational activities, achieved through commercialising some activities and using cost recovery processes and contracting arrangements to reduce the size of the fisheries Public Service establishment;
- Strengthening of monitoring programmes (with assistance from the GEF IW Project through SPC), and economics, compliance, statistics, law and resource assessment programmes.

At the same time, there has been a systematic reform of oceanic fisheries policies including:

- adoption of a Tuna Management Plan, consistent with the UN Fish Stocks Agreement, as the key instrument of oceanic fisheries policy. The Plan is to be reviewed, taking into account the coming into force of the WCPF convention, among other things;
- establishment of a Tuna Management Committee, now given a statutory basis in the new Act – the committee is seen as needing streamlining to be more effective in its operations;
- review of licensing terms and conditions;
- support for the strengthening of private sector stakeholder institutions.

When these reforms are completed, the Tongan Government will have substantially completed the institutional reforms, policy reviews and strengthening of fisheries management programmes necessary to modernise its oceanic fisheries sector. This means that Tonga will be well placed to implement the WCPF Convention and decisions of the WCPF Commission, and to continue to develop and benefit from its oceanic fisheries. There will however be a continuing need for capacity building in fisheries management and policy making, particularly in areas related to the work of the WCPF Commission, to ensure that Tonga participates effectively in the work of the Commission, including being able to ensure that Tonga’s interests are taken into account in this work; and to build support among stakeholders for the effective implementation of decisions of the Commission.

The cost of financial contributions for Tonga to the WCPF commission is expected to be in the range of US$6-10,000 per year once the Commission is fully established.

2.2.3 Compliance

Within the overall institutional strengthening of the Ministry, substantial progress has been made in strengthening compliance activities, including:

- The establishment of a National MCS Committee aimed at improving coordination of MCS activities between fisheries and other agencies, and a Ministerial Council and Operational Task Force to coordinate compliance actions.
- A new national VMS, and a new VMS section within the Access & Compliance Division financed by a new cost recovery scheme, and start-up of the FFA Regional VMS.
- Reform of the licensing activities and vessel register, and establishment of an inter-agency Licensing Committee.

Tonga has a strong capacity to enforce its fisheries laws, using 3 patrol vessels (provided and supported through the Australian Pacific Island Patrol Boat Programme) and a patrol aircraft operated by the Tonga Defence Services. It is also assisted by regular surveillance flights by Australia, France and New Zealand (more regularly), and Germany has also recently indicated that it will provide air surveillance flights.

There are inspection programmes in place for transhipment and landings in Tonga. Further training of inspectors is important.
The strengthening of compliance activities has already been successful in apprehending several locally-based foreign vessels involved in illegal fishing.

**Flag State Responsibilities**

A major new responsibility for Tonga under the Convention is the need to regulate fishing by Tongan vessels outside Tongan waters. Some Tongan vessels fish outside Tongan waters, but control over these vessels is currently not well exercised. The extent of this fishing is presently limited because Tongan vessels are generally small, but may increase as larger vessels are used. The new Act includes a requirement for vessels to be authorised to fish outside Tongan waters, and this provision will be applied. Tongan vessels fishing outside Tongan waters are controlled by both the national and FFA VMS, and this is already improving control.

**Monitoring**

Tonga is involved in systematic strengthening of monitoring functions as part of the current fisheries institutional strengthening programme, with support from the AusAID project supplemented by assistance from SPC/OFP (including assistance under the current GEF IW Project), and from FFA. Features are:

- **Logsheets**: the level of logsheet coverage of the longline fleet has been improving in recent years and current logsheet coverage is considered high (about 80%).
- **Port sampling**: there is a high level of coverage (70-100%) of the longline fleet by the port sampling programme. A number of domestic vessels may discharge their catch in Pago Pago. These landings are covered by NMFS port sampling staff.
- **Landings**: landings data are collected via the port sampling programme, although coverage is less than 100%.
- **Observers**: Tonga has recently commenced a national observer programme, with partial cost recovery financing. The programme is particularly aimed at monitoring the operations of the locally-based foreign vessels. The level of coverage is around 20-30%. Additional observers are being contracted and out-sourced, but within a system of improved conditions to improve the sustainability of the programme. Tonga is keen to have more Tongan observers achieve certification for regional programmes.

Overall, Tonga is preparing to meet expanded monitoring requirements under the WCPF Convention and expects to be able to do so. The major assistance needed will be for continuing training for observers, port samplers and statistical staff. It is not viable for Tonga to establish its own training programmes for the small numbers involved, and Tonga sees itself continuing to rely on the regional organisations for this function.

**2.2.5 Scientific Analysis**

Tonga sees the development of a national capacity for scientific analysis on oceanic fisheries as an important priority. Tonga will continue to rely on SPC for stock assessment analysis and related advice — support in this area from SPC has improved but SPC’s capacity to provide this support still falls short of what Tonga needs. Tonga also wants to develop its own capacity to interpret and apply the regional results and to be able to interpret data from national monitoring programmes — there are two posts in stock assessment and one of these is a new post specifically for tuna research.

There is a national catch and effort database, but assistance will be needed to produce the verified estimates of annual catch by species, gear and fleet for Tongan waters expected to be required to meet the data standards established by the Commission.

**3. Potential Contribution of SAP II Project**

With the AusAID Project in place, continuing to commit substantial resources to institutional strengthening, there is not the same need for in-country assistance in this direction from the
Tonga

GEF SAP II Project in Tonga in the next year or two, as in some other countries. Rather, Tonga’s needs are for continuing support from the FFA and SPC regional programmes in law, economics, science and compliance; with a potential role for the SAP II Project in contributing later on to the sustainability of some of the programmes being established or expanded under the AusAID Project. The specific areas in which assistance would be needed from the GEF SAP II Project will be clearer as the AusAID Project enters its final stage.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Revise Act and Regs (Largely completed)</td>
<td>Attachments etc</td>
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<tr>
<td>Establish Fisheries Law programme</td>
<td>Train new legal officer</td>
<td>Regional Legal Workshops</td>
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<tr>
<td>Support Commission participation</td>
<td>Provide legal advice</td>
<td>In-country Prosecution Workshop</td>
</tr>
<tr>
<td>Implement Commission decisions</td>
<td>Provide legal advice, change regulations, licences</td>
<td></td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in regional policy formulation</td>
<td>Commission meeting participation</td>
<td>Regional Fisheries Management Training/Consultations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Attachments</td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase IUU deterrence in-zone</td>
<td>Improve licensing, vessel register, improve effectiveness of patrol, inspection, investigation, prosecution</td>
<td>Regional MCS Working Group participation</td>
</tr>
<tr>
<td>Ensure flag vessel control and compliance</td>
<td>New authorisation process; inform Commission</td>
<td>In-country and regional Inspection, VMS staff training</td>
</tr>
<tr>
<td><strong>Monitoring</strong></td>
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<td></td>
</tr>
<tr>
<td>Improve at-sea data</td>
<td>Expand Observers</td>
<td>Regional Training on flag state responsibilities</td>
</tr>
<tr>
<td>Improve catch composition data</td>
<td>Expand Port sampling</td>
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</tr>
<tr>
<td><strong>Science</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improve national statistical info.</td>
<td>Strengthen statistical capacity</td>
<td>Statistical support from SPC</td>
</tr>
<tr>
<td>Provide catch/effort estimates to the Commission</td>
<td>Strength national capacity to analyse national data</td>
<td>Ongoing support from SPC</td>
</tr>
<tr>
<td>Improve understanding of oceanic resources and ecosystem</td>
<td>Strength national capacity to interpret regional analyses</td>
<td></td>
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<tr>
<td></td>
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<td></td>
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</tbody>
</table>

**ANNEXES**

Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Annex 2 Record of Stakeholder Consultation
**Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)**

**Stakeholder inventory data sheet**

Country: Tonga  
Date: 24 June, 2004  
Data Recorder: Colin Brown, cibn@oyster.net.ck

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative/post</th>
<th>Contact details</th>
<th>Description of Interests [factors that may influence participation]</th>
<th>Stakeholder analysis and preliminary participation plan</th>
<th>Other [Keep informed]</th>
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<tbody>
<tr>
<td>Ministry of Fisheries</td>
<td>Secretary</td>
<td>Tel: 21399</td>
<td>National fisheries authority</td>
<td>1’s/holder [role in decision-making] X</td>
<td></td>
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<tr>
<td>Department of Environment</td>
<td>Director</td>
<td>Tel: 25050</td>
<td>GEF Focal Point</td>
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<tr>
<td>Ministry of Finance</td>
<td>Secretary</td>
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<td>Financial architecture</td>
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</tr>
<tr>
<td>Marine and Ports</td>
<td>Secretary</td>
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<td>National ports authority</td>
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</tr>
<tr>
<td>Ministry of Labour, Commerce &amp; Industries</td>
<td>Secretary</td>
<td></td>
<td>National industry authority</td>
<td>X</td>
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</tr>
<tr>
<td>Department of Planning</td>
<td>Director</td>
<td></td>
<td>National planning authority</td>
<td>X</td>
<td></td>
</tr>
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<td>Tonga Defence Services</td>
<td>Commander</td>
<td></td>
<td>Surveillance</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Ports Authority</td>
<td>Manager</td>
<td></td>
<td>Ports operations</td>
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<tr>
<td>Tonga Game Fishing Association</td>
<td>Representative</td>
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<td>Game fishing</td>
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<tr>
<td>Chamber of Commerce</td>
<td>Representative</td>
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<td>Business sector</td>
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<td>Tuna fishing interests</td>
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<tr>
<td>Snapper Fishery operators</td>
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<tr>
<td>Fishing Companies</td>
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<td>fishing</td>
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### Inventory of Project-related national consultative mechanisms

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/ contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
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</thead>
<tbody>
<tr>
<td>Tuna Management Committee</td>
<td>Fisheries Division</td>
<td>Tel: 21399</td>
<td>Tuna fishery</td>
<td></td>
<td>Govt agencies, fishing &amp; processing companies, Chamber of Commerce, NGO representative,</td>
</tr>
</tbody>
</table>
Annex 2 Record of Stakeholder Consultation

Tonga

Friday 25 June, 2004

Stakeholder Consultation

The Mission to Tonga, held a stakeholders consultation at the Fisheries Division headquarters to discuss the development of the SAP II project. Those present were:

‘Apisake Soakai, Secretary for Fisheries; ‘Ulunga Fa’anunu, Deputy Secretary for Fisheries, Dr Vailala Matoto, Fisheries Officer; Anitimoni Petelo, Principle Fisheries Officer; Peter Flewwelling (AusAID); Mark Wilson (AusAID); Secretary for Finance; Secretary for Marine and Ports; Secretary for Labour, Commerce and Industries; Director for Planning; Commander Tonga Defence Services; Heinz Koester, Tonga Game Fishing Association; Tonga Chamber of Commerce; Bill Holden, ‘Alatini Fisheries; Lennie Niit, Tonga Marine Project; Naitilima Tupou, South Pacific Resources; TANGO Representative.

The consultation followed on from a detailed presentation with a broader group of stakeholders, as part of a 4 day tuna conference held in Tonga in October 2003, with support from the GEF IW Project.

Issues raised during the consultations were:

- a discussion on WCPF Commission outcomes be included as an agenda item at all Tuna Management Committee meetings;
- stakeholder input into the tuna management process is important and the project should develop mechanisms to facilitate this;
- Tonga’s input at meetings of the Tuna Commission would be enhanced with the involvement of stakeholders;
- a sub-committee of the Tuna Management Committee to be comprised of a representative from MoF, the industry and one other member of the TMC should be set up to coordinate work related to the Convention/Commission and to be the National Consultative Committee for the SAP II Project;
- the need for information on when the high seas boarding and inspection system would be applied to the various Parties.

Other consultations held were:

Ministry of Fisheries:
- Ulunga Fa’anunu, Deputy Secretary
- Apisake Soakai, Deputy Secretary
- Vailala Matoto, Fisheries Officer
- Anitimoni Petelo, Principal Fisheries Officer

AusAID (MoF Project)
- Marc Wilson, Project Director
- Peter Flewwelling, MCS Adviser
Tonga Department of Environment:

- Uilou Samani, Director (GEF Operational Focal Point)

Tonga Defence Services (Navy)

- Commander Sione Fifita

Media coverage of the Convention and oceanic fisheries management generally was extensive during the Mission’s visit to Tonga. The Broadcasting Corporation of Tonga showed an extensive interview on the Convention with the acting Secretary of Fisheries, and a shorter interview with Les Clark on the Convention and the Project. This was associated with extensive publicity about the arrest of a locally-based foreign fishing vessel for targeting sharks inside a closed area, detected with the use of the new national VMS.
1. Background

1.1 Status of Oceanic Fisheries

A number of attempts have been made by donors to encourage the development of a government-led tuna industry in Tuvalu. Assistance has included the provision of tuna fishing and fish transport vessels, fisheries infrastructure and fish processing centres. Despite this assistance the local fishery remains modest with about 20 dories that fish full time and a further 30 that operate part time. These boats land around 110 tonnes of tuna annually to the local market, with a subsistence catch of around twice that amount. There is no export tuna fishery. A lack of harbour facilities, absence of transport (airfreight and shipping), capital and expertise are among the major constraining factors.

The small-scale tuna fishery is significant in terms of food security and has important nutritional and direct employment benefits for the country. In 2002 it was estimated that around 60 nationals were employed full-time on small fishing vessels and 36 at shore-based facilities.

NAFICOT is the commercial arm of the Fisheries Department, Ministry of Natural Resources and Lands (MNRL) and specialises in marketing fish. As an independent business entity, it has its own budget and has been involved in tuna fisheries in the past. It is now in some financial difficulty.

An approach in 2002 was made to establish a joint venture between Tuvalu and a Singapore-based company to base 30 Chinese tuna longline vessels in Tuvalu. Tuvalu would be used as a port of transhipment, with some processing also occurring locally, in conjunction with NAFICOT. In return, the company seeks exclusive access to longline caught fish. This proposal remains under review.

Foreign fishing has occurred in the waters of Tuvalu since the early 1960’s. The Korean longline fleet was active prior to 1998, thereafter the Japanese and Taiwanese fleets have reported fishing in the EEZ. Pole-and-line fishing has been conducted exclusively by Japanese vessels, but has been minimal in the 1990s. Purse seine fishing in Tuvalu waters was initiated in 1988 under the US Treaty and catches have been highly variable by that fleet since that time, but in general increased in the 1990s. Several additional fleets have had fishing access since 1989, and principally those of Japan, Korea, Taiwan and New Zealand.

Tuvalu currently has a number of access agreements with DWFN. At the time of the visit, these consisted of the multilateral US Treaty covering the US Purse Seine fleet and bilateral agreements with: Japan (36 P/S, 17 P&L, 2 L/L); Taiwan (8 L/L); Korea (25 L/L); Vanuatu (4 P/S – Taiwan owned); and New Zealand (2 P/S).

License fees from tuna vessels are very significant to the economy of Tuvalu, contributing up to around 50% of total government revenue in some years (AUD11.7 million 2001). However, due to the considerable variability of fishing activity in the zone, driven primarily by El Niño/La Niña oceanographic processes, this contribution can be as little as 6% (AUD1.6 million in 2003), as was the case in 2003. Tuvalu is particularly reliant on income from US Treaty vessels, deriving between AUD5.08 million (1998/99) and 0.5 million (2002/2003) over the last five years. This variability also causes difficulties for national budget forward planning; for instance, in 2003, income from access fees (including the US Treaty) was forecast to be AUD5 million\(^\text{12}\), and the amount received only AUD1.6 million.

\(^\text{12}\) US$1.00 = AUD1.41
Tuvalu

Two longliners donated by Korea arrived in Tuvalu in May 2004. Government intends to refit both vessels in Fiji in the near future, at a cost of around AUD500,000. The larger of the two is likely to be placed under management by an existing tuna operator in Fiji, with talks currently being held with a prospective manager. It is intended that the second of the two vessels will be based in Funafuti, landing fish to the local market and exploring export markets, both for tuna and deep bottom fish.

There has been very little transhipment activity in Tuvalu. The most recent transhipments were three Taiwanese longliners that transhipped in Funafuti lagoon in 2000. Other transhipments have been by Taiwanese longliners in 1998 and U.S. purse seiners in 1996.

1.2 Oceanic Fisheries Management

Tuvalu, with FFA assistance, produced a National Tuna Development and Management Plan in 2001. This Plan has not been implemented. The following main objectives are taken from that plan and are considered to remain appropriate, as are the management objectives that follow:

- To maximise the long term economic and social benefits for the people of Tuvalu from the development of tuna resources; and
- To ensure the sustainability of harvesting of tuna resources.

For tuna management, the objectives are given as:

- continuing to strengthen the exercise of sovereign rights by Tuvalu over tuna;
- increasing the economic gains received by Tuvalu from the exercise of its rights over tuna;
- ensuring effective participation by Tuvalu in regional tuna management activities;
- reflecting customary values in tuna policy and planning; including recognition of the importance of the contribution of tuna to food security, protection of the interests of small scale tuna scale fishers, respect for local bylaws and bycatch management.

No limits on catch or effort are currently in place for tuna fisheries in Tuvalu. The Management Plan states that: ‘Presently, Tuvalu does not apply limits to catches or levels of fishing in Tuvalu waters. Limits can be expected to be necessary in future to ensure the long term sustainability of tuna resources both in Tuvalu waters and across the region.’

A 12 mile closed area is in place around all Islands in Tuvalu, for the purpose of reducing negative impacts of commercial fishing on the artisanal/subsistence sector. In addition US Treaty purse seiners are not allowed to fish within two nautical miles of all named banks in the EEZ.

1.3 Oceanic Fisheries Institutional Arrangements

As noted above, the 2002-2006 Tuna Management Plan remains in limbo and has yet to be submitted to Cabinet by the Secretary, MNRL. This is most likely because it is considered ‘too ambitious’ by senior MNRL staff, particularly under current national budget constraints. Given this concern, the fact that the plan is getting on for four years old, the entry into force of the Convention and the likely implementation of the vessel days scheme (VDS), the Plan would likely benefit from a re-write. It has been suggested that this should occur before the Plan is resubmitted to Cabinet, provided it does not lead to undue delays.

The institutional structure of the Fisheries Department of the Ministry of Natural Resources and Lands is oriented more towards extension and fisheries demonstration than to oceanic fisheries. The Department has a total staff of 33, with two sections relevant to oceanic fisheries management: Research and Development and Fisheries Information and Licensing. The Fisheries Information and Licensing section, with five staff (two of which are observers), is concerned solely with oceanic fisheries, including data collection and entry and surveillance-related activities. The Director of Fisheries also devotes a large proportion of his
time to oceanic fisheries management issues, attending meetings and so forth. The 2004 Fisheries Department budget was AUD416,900, which is considered inadequate to tackle the current management challenges.

The Fisheries Department is faced with a difficult situation. Government requires increasing revenue streams to deal with national budget imperatives, including health on outer island issues and education, and looks to Fisheries to maximise benefits from the tuna resource. The Fisheries Department, on the other hand, is somewhat constrained in its activities to better manage the resource, by the lack of funds allocated by Treasury.

Tuvalu has two major cost recovery initiatives: an observer levy of US$1,000 per vessel which is now part of all bilateral access agreements and a VMS monitoring levy of US$950.00 (in addition to the FFA Regional VMS fee) which was introduced this year. Thus far, Korea has agreed to pay US$550 for this year and the fee has yet to be negotiated with other bilateral partners. If successfully applied to all bilaterally licensed vessels, this additional charge will bring in around US$10,000 per year. As with the observer charge, this fee will go to Treasury and it is uncertain how much will be returned to Fisheries to assist with OFM initiatives.

The other main government agencies involved in oceanic fisheries are the:

- Attorney General’s Department, which provides legal advice and drafts legislation;
- Maritime Wing of the Police, which undertakes surveillance and enforcement duties using an ocean-going patrol boat;
- Ministry of Foreign Affairs, which has limited involvement in the international aspects of fisheries policy, including work related to the WCPF Convention and other regional and international aspects of fisheries affairs;
- Department of Environment, which has interests in respect of marine conservation and sustainability issues, including turtles and other by-catch.

Fisheries policy is driven by the Fisheries Department. Consultation with relevant government departments, generally on an ad hoc basis, and no formal broad stakeholder consultative process exists. The consultative committee (Task Force) set up to develop the Tuna Development and Management Plan was disbanded on completion of the Plan. The Department intends to set up a consultative committee in the near future.

At Secretary level, the Development Coordinating Committee has input to fisheries policy at a level immediately below Cabinet. This Committee consists of Secretaries to Ministries that consider and provide options and briefs to government on key issues. Major policy positions at the Commission, and with regional arrangements (e.g. the VSS), would be considered by this committee.

The Department of Environment is responsible for broader aspects of environmental management, including marine pollution.

### 1.4 Donor Involvement

The major ongoing donor involvement is the provision of a Pacific Patrol Craft and associated training and logistical support by the Australian Defence Force. A US$90,000 FAO TCP project has recently been approved, which will assist Tuvalu and two other FFA members, to prepare a National Plan of Action (NPOA) for IUU fishing.

### 1.5 Other Oceanic Fisheries Management Issues

Other significant oceanic fisheries management issues that arose in the mission to Tuvalu include:

- uncertainty over the operation of the vessel days scheme and its implications for Tuvalu;
• acknowledgement of the need to increase observer coverage and undertake other management responsibilities, but concern over the ability of Government to cover costs;
• concern that purse seine fishing may be reduced due to the impact of longlining on bigeye – this major source of mortality ought to be addressed to avoid too greater a focus on purse seine catches;
• the degree to which national fisheries arrangements are compatible with WCPF Convention requirements; and
• increasing cooperation with neighbouring states on such matters as compliance, and data exchange, including VMS data.

2. **Tuvalu and the WCPF Convention**

2.1 **Overview**

Tuvalu’s primary aims in the MHLC and PrepCon process have been:

- to minimise the recurrent cost of the Commission (country contributions) to Tuvalu;
- to achieve long term sustainability of tuna resources within the WCPO; and
- to ensure that Tuvalu’s sovereign rights to have access to the resource are not compromised as a result of the Convention or Commission activities.

As a Member of the Commission and a Party to the WCPF Convention, major short term areas of implications for Tuvalu are seen as follows:

- development of an oceanic fisheries management framework under an updated management plan that is approved by Cabinet;
- establishment of a vessel registration process for Tuvaluan vessels fishing outside its EEZ;
- improved surveillance arrangements to provide a more comprehensive coverage of the EEZ;
- establishment of a national observer programme; and
- formation of consultative arrangements to engage and inform stakeholders (other government departments, private sector, NGOs etc) on the work of the commission and the formulation of negotiating positions.

Overall, Tuvalu requires an oceanic fisheries management framework that will meet both national needs and obligations under the Commission. To achieve this will require a commitment at political and operational levels to revise and implement the current tuna management plan. The recent review of fisheries legislation (see below), including the incorporation of WCPF Convention requirements, provide a useful basis for this.

2.2 **Implications of the Convention**

2.2.1 **Legal**

The current Fisheries Act has been revised and is due to be repealed by the new Marine Resources Act, once it has been enacted by Parliament. The corresponding Bill is due for its first reading during the session, commencing August 2004, and it will be finally passed by the end of the year. The Act is fully compatible with the requirements of recent regional and international instruments, including the UN Fish Stocks Agreement and WCPF Convention. The work was completed by two international legal consultants under FFA funding. It is anticipated that when enacted, this legislation will be among the most up to date in the region.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
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<tbody>
<tr>
<td>WCPF Convention</td>
<td>Ratified</td>
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</table>
Tuvalu

<table>
<thead>
<tr>
<th>Convention</th>
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<tbody>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
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<tr>
<td>UN Fish Stocks Agreement</td>
<td>Signed, not ratified</td>
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<tr>
<td>Driftnet Convention</td>
<td>Signed, not ratified</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
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<td>FAO Code of Conduct</td>
<td>Accepted</td>
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<tr>
<td>FAO Compliance Agreement</td>
<td>Not accepted</td>
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<tr>
<td>FAO International Plans of Action</td>
<td>Endorsed, not yet implemented</td>
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<tr>
<td>WSSD Fisheries Targets</td>
<td>Not formally adopted</td>
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<tr>
<td>FFA Minimum Terms and Conditions</td>
<td>Implemented</td>
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The Attorney General’s Office operates on a very limited budget of A$170,000 per year and consists of five Crown Counsels and one technical assistant. While the AG has some knowledge of LOS issues, none of the staff are fisheries specialists. Given these resources, the AG’s Office is likely to continue to rely heavily on FFA for technical assistance. There is a strong need to increase understanding of the legal commitments under the Convention, and more generally under LOSC and UNIA, including flag state obligations. Tuvalu has recently commenced a ship’s register, based out of Singapore, making the last mentioned obligation particularly relevant.

Tuvalu relies heavily on the briefs prepared by FFA when conducting access agreement negotiations. It has requested assistance to ensure that the requirements of the Convention are fully specified in access agreements.

### 2.2.2 Policy/Institutional

As noted, Tuvalu does not have an effective oceanic fisheries management framework. There is, however, a strong intention to implement the national tuna management plan, once it has been reviewed and amended as necessary.

The capacity of Fisheries to develop policy positions on emerging Commission issues is limited and Tuvalu is keen to receive assistance to develop the capacity to do so at the national level. Tuvalu also strongly wishes work by FFA to continue on sub-regional and regional strategies on key commission issues, such as allocation.

The Ministry of Natural Resources and Lands has stated that Tuvalu’s participation in the WCPF Commission will continue to be led by Fisheries. Given funding issues, at times it will only be possible to send one delegate, and that individual must have knowledge of fisheries technical issues. It has been stated that awareness raising and consultation with stakeholders will occur in the future, albeit on an ad-hoc basis until alternative consultative processes are developed.

The cost of financial contributions for Tuvalu, to the WCPF commission, is expected to be around US$6,000 per year once the Commission is fully established, although it may be more in the first year or two if major fishing states delay becoming members of the Commission.

The ability of Tuvalu to raise additional national recurrent funds in support of WCPF activities may be limited, owing to budget constraints.

### 2.2.3 Compliance

Compliance activities within the MNRL are the responsibility of the Fisheries Information and Licensing of the Fisheries Department. The unit has three staff and is physically located within the National Coordination Centre. This centre also houses the Police Maritime Wing, which operates one Australian-funded patrol boat. Coordination between Police and MNRL is excellent. There is a need, however, to develop a process for dealing with arrested vessels to avoid the current situation whereby a Chinese longline vessel, based in Fiji, was recently arrested and fined AUD 35,000 and is now stuck in Funafuti. No interest is being shown by
the owner, in the captain, crew or the vessel. In the meantime, Tuvalu is picking up the costs of retaining the vessel, with no certainty of their recovery.

As is common in the Region, operational funds for the Patrol boat are tight, particularly for fuel. As a result, routine patrols and boardings cannot be supported. Police now tend to undertake surveillance trips which are targeted to specific vessels/areas, as a result of VMS or merchant vessel intelligence. Aerial patrols are carried out on an opportunistic basis by New Zealand, Australian, and French military aircraft. Inter-island transport vessels also regularly challenge fishing vessels in the zone, asking for radio IDs and notifying vessel markings and activities to Fisheries. The Police are keen to see some funding allocated in the future to the Fisheries budget to enable the Patrol Boat to increase surveillance activity.

One joint surveillance operation was carried out with Tonga in 1996. Tuvalu, Kiribati, Nauru, and possibly the Marshall Islands, are in the process of forming a sub-regional group to deal with matters of common interest in tuna fisheries. These interests will include cooperative activities in the areas of surveillance and licensing. It is anticipated that this agreement will be signed in August at the 2004 Forum. Cooperative arrangements with Fiji are at an early stage of development.

The Fisheries Information and Licensing Unit of the Fisheries Department manages the FFA VMS, the use of which is required as a mandatory provision within bilateral agreements. As elsewhere, Korean longliners continue to resist the fitting of VMS and two companies have been given six months to install the equipment, or have their licenses revoked. According to Fisheries Department officials, local vessels of a certain size are required to fit VMS under the new Act. The newly-arrived vessels from Korea do not have this equipment yet. The FFA VMS is considered to be very effective by the Department, and a number of instances of illegal fishing have been detected.

There is currently no authorisation process for Tuvalu flagged fishing vessels to fish on the high seas. An authorisation process will be necessary if the newly acquired Korean longliner fishes under management in Fiji, flies a Tuvaluan flag and fishes on the high seas. The Singaporean-based ships register recently established by Tuvalu, makes the establishment of an authorisation process all the more urgent.

Given the current funding constraints and the poor level of coverage in Tuvalu’s EEZ, vessel boarding and inspection on the high seas by the patrol boat in Tuvalu is not expected to be undertaken in the immediate future.

### 2.2.4 Monitoring

MNRL operates a licensing database that contains information on vessel characteristics. All foreign and domestic licensed vessels are required to provide catch and effort information and provide entry and exit reports. The degree to which reporting occurs is not known and is exacerbated by the almost total absence of port calls and transhipment. Accordingly there is no port sampling programme, although it is anticipated that one may be required in the future. Logsheet coverage approaches 100% for all purse seine vessels. Logsheet coverage of the longline fleet is generally very poor, with the Taiwanese providing logsheet data for around 40% of trips and the Koreans around 10%. Japanese longline data has improved considerably over the last two years.

There is currently no national observer programme, although MNRL have started to plan for one. Training by SPC/FFA in early 2004 has resulted in 20 trained observers. SPC have presented a report outlining recommendations for the establishment of an observer programme and this is under consideration. A deciding factor on whether a programme is established, will be the release of observer levy funds by Treasury or the identification of an external donor.

### 2.2.6 Scientific Analysis

Tuvalu has no current capacity to undertake scientific analysis. One staff member has been
Tuvalu

trained by SPC on the use of CES software for generating reports of catch and effort data, but is now away on study leave at USP and is due to return in 2005.

MNRL maintains a national tuna fisheries database, incorporating logsheet catch and effort and licensing data. Licensing data are entered by MNRL staff, while logsheets are forwarded to the OFP for processing and incorporation into the regional and Tuvalu national databases. There is a need to further develop the capacity of MNRL staff to analyse catch and effort data to enable routine monitoring of the fishery and support DWFN access negotiations.

Tuvalu has not been submitting SCTB reports regularly. With the return of the staff member from USP next year it is hoped reporting will improve to meet national, regional and multilateral requirements for comprehensive reports on the tuna fishery.

Ecosystem analysis

Tuna by-catch is not considered to be an issue for Tuvalu. With no national observer programme and virtually no port calls or transhipment, the main sources of catch composition and bycatch data is from US Treaty and FSM Agreement-based observer trips, and logbooks. This data is currently not analysed, other than in the last SPC country report (2001). The large disparity between observed and logbook data for longline bycatch in Tuvalu and near waters (observed non-target catch estimate = 37%, logbook data = 6%). is of concern.

There is a need to improve the understanding of the ecosystem-based management aspects of the Convention and what this means in practical terms for small Pacific Island countries such as Tuvalu.

Large scale oceanographic changes undoubtedly have major impacts on Tuvalu’s attractiveness to DWFN and, correspondingly, on demand for fishing opportunities and associated revenue. Analysis conducted though the Oceanic Fisheries Programme of the SPC is providing a greater understanding of the local situation with respect to large scale ENSO-driven changes. Tuvalu will continue to rely on SPC for the analysis, and in time, forecasts of the impacts of ENSO-driven changes to its fisheries.

3. Potential Contribution of SAP II Project

Potential areas in which the SAP II Project could contribute to assisting Tuvalu in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Interventions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Ensure bilateral access agreements are in accordance with the</td>
<td>Legal review of access arrangements and increased support by FFA during access negotiations to incorporate IUU provisions.</td>
</tr>
<tr>
<td></td>
<td>requirements of the WCPF Convention</td>
<td>Training officer at the Office of the Attorney General</td>
</tr>
<tr>
<td>Support Commission participation</td>
<td>Provide legal input into national positions</td>
<td>Regional Legal Workshops</td>
</tr>
<tr>
<td>Implement Commission decisions</td>
<td>Understand legal implications</td>
<td></td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in the Commission and new regional management arrangements</td>
<td>Additional Commission and FFA meeting participation</td>
<td>Regional Fisheries Management Training/Consultations</td>
</tr>
<tr>
<td></td>
<td>Develop regional and national vision for future management</td>
<td>Workshops on alternative fisheries management strategies</td>
</tr>
<tr>
<td></td>
<td>arrangements</td>
<td></td>
</tr>
<tr>
<td>Strengthen In-Zone Management/ Provide</td>
<td>Develop new national management framework and plan</td>
<td>Complete management plan review and provide ongoing institutional</td>
</tr>
</tbody>
</table>

192
<table>
<thead>
<tr>
<th><strong>Tuvalu</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Data to the Commission</td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
</tr>
<tr>
<td>Increase IUU deterrence in-zone</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Monitoring</strong></td>
</tr>
<tr>
<td>Improve at-sea data</td>
</tr>
<tr>
<td>Improve catch composition data</td>
</tr>
<tr>
<td><strong>Science</strong></td>
</tr>
<tr>
<td>Improve national statistical info</td>
</tr>
<tr>
<td>Provide catch/effort estimates to the Commission</td>
</tr>
<tr>
<td>Improve understanding of oceanic resources and ecosystem</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**ANNEXES**

Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Annex 2 Record of Stakeholder Consultation
### Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

#### Stakeholder inventory data sheet

**Country:** Tuvalu  
**Date:** 28th July 2004  
**Data Recorder:** Seremaia Tuqiri  
**E-mail:** stuqiri@wwfpacific.org.fj

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative / Post</th>
<th>Contact details</th>
<th>Description of interests (factors that may influence participation)</th>
<th>Stakeholder analysis and preliminary participation plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fisheries Department</td>
<td>Mr Sautia Maluofenua Director</td>
<td>Ministry of Natural Resources Private Mail Bag Funafuti Tel: (688) 20742 20344 Fax: (688) 20346</td>
<td>National Fisheries Authority &amp; Fisheries Compliance</td>
<td></td>
</tr>
<tr>
<td>Police Force</td>
<td>LCDR Steve Cleary ADF Maritime Surveillance Adviser</td>
<td>Office of the Prime Minister Private Mail Bag Funafuti Tel: (688) 20140 Fax: (688)</td>
<td>Fisheries compliance &amp; monitoring</td>
<td>X</td>
</tr>
<tr>
<td>Foreign Affairs Office</td>
<td>Mr Tine Leuelu Secretary</td>
<td>Office of the Prime Minister Private Mail Bag Funafuti Tel: (688) 20839 Fax: (688) 20843</td>
<td>Foreign policy and Treaty administration and negotiation</td>
<td>X</td>
</tr>
</tbody>
</table>
### Inventory of Project-related national consultative mechanisms

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
</table>
| 1. Development Coordinating Committee | Office of Prime Minister                | Secretary to Government, Office of the Prime Minister (Chair)            | Screening of all major policy issues related to the sustainable development of Tuvalu. Provides advice to Cabinet | Monthly, with additional ad-hoc special purpose meetings | - Secretary to Government  
- Secretaries to the following Ministries: Health, Finance, Works and Energy, Natural Resources and Lands, Home Affairs and Rural Development; Transport and Communications; and Education and Sports.  
- Commissioner of Police                                                                 |

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment Office</td>
<td>Mr Mataio Tekinene Director</td>
<td>Office of the Prime Minister Private Mail Bag Funafuti Tel: (688) 20162 Fax: (688) 20167</td>
<td>GEF Focal Point</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

| Environmental NGOs              | -                                     | Conservation interests                                               | X                                                                                   | x                                             |                                                                                  |

| Funafuti Fishermen’s Association | Mr Roy Lameko                         | Representative Tel: (688) 20598                                      | Industry                                                                           | x                                             |                                                                                  |

| General Public                  | -                                     | Socio-economic                                                       | X                                                                                   | x                                             |                                                                                  |
|                |                |                |                | • Co-opted members to cover special items of interest |
Annex 2 – Record of Stakeholder Consultation

TUVALU

PRIMARY STAKEHOLDER CONSULTATION

New Government Buildings

Funafuti

Wednesday, 28th July 2004

Participant List:

Melali Taape, Tuvalu Media Corporation; Sikela Ulumatu; Malifaga Niukena, Fisheries Department; Manaema Saitala Teokila; Department of Foreign Affairs and Labour; Enate Evi, Department of Environment; Olivia N. Nakoli, Fisheries Department, MNR; Malaki Tihala, Fisheries Department, MNR; Nikolasi Apinelu, Fisheries Department, MNR; Kelesoma Saloa, Niutao Community representative; Molipi Tanielu Maleko, Nukufetau Community representative; Tomu Hauma, Tuvalu Association of Non-governmental Organizations (TANGO); Afasene Hopi, Development Bank of Tuvalu; Laitailiu Seono, Fisheries Department; Roy Lameko, Master fisherman; Satalaka Petaia, National Fisheries Corporation of Tuvalu (NAFICOT); Tupulaga Poulasi, Fisheries Department; Talaa Mataika, Department of Fisheries, MNR; Sautia Maluofenua (TECHNICAL ASSISTANT/CHAIR), Director of Fisheries; Ian Cartwright, Mission Consultant (International); Seremaia Tuqiri, Mission Consultant (Regional)

The mission to Tuvalu held a primary stakeholder consultation after the public forum. It was held at the new Government building Conference Room, to discuss the purpose and development of the GEF SAP II project. There were a total of 17 participants on record.

Mr Ian Cartwright gave a presentation on GEF SAP II Project: Strengthening National Fisheries Management (on the implementation of the new Western and Central Pacific Fisheries Convention). The following significant issues below were raised. Other points are covered in the relevant sections of this report.

- There is a growing need for a regional arrangement to control longliners and improve on their poor record of providing information on catch and effort data.
- Private sector participation in the Commission meetings, through accreditation on country delegations, was seen as a positive move. Their involvement is important because of their understanding of the fisheries and investment components.
- An updated tuna stock assessment is a necessity for Tuvalu. It was noted that a detailed stock assessment was conducted by the SPC in 2001, but its content would need to be translated to be understood by almost all stakeholders.
- Concern was expressed that the impacts of tuna fishing on domestic fisheries have not been adequately dealt with.
- On the profitability of vessel days for Tuvalu it was noted that there is a limited number of days and as they become more valuable, benefits can be gained by Tuvalu.

Ministry of Natural Resources, Department of Fisheries

- Mr Sautia Maluofenua, Director
- Mr Samuelu Telii, Fisheries Extension & Development Officer
- Mr Tupulaga Poulasi, Fisheries Officer, NAFICOT
- Ms Malifaga Niukena, Fisheries Project Monitoring
- Ms Olivia Nacoli, Fisheries Executive Officer
- Mr Nikolasi Apinelu, Fisheries Research & Development Officer
- Mr Malaki Tihala, Deputy Director
- Mr Laitailiu Seono, Acting Fisheries Information & Licensing Officer

**Office of the Prime Minister, Department of Police**
- LCDR Steve Cleary (Australia Defence Force, MSA – Tuvalu)

**Office of the Attorney General**
- Mr Iakoba T. Italeli, Attorney General

**Department of Foreign Affairs & Labour**
- Mr Tine Leuelu First Secretary

Courtesy calls were made to:
- The Hon. Minister of Natural Resources, Mr Samuelu Teo
- Permanent Secretary of Natural Resources, Mr Lutelu Faavae

Director of Environment, Office of the Prime Minister, Mr Mataio Tekinene and GEF Operational Focal Point
The Mission to Tuvalu held a public forum prior to the stakeholder consultation, to create awareness of the Western and Central Pacific Fisheries Convention and management of the tuna fishery in the Pacific Islands. The forum was held at the new Government Buildings, Funafuti. Those present included representatives from line departments with oceanic fisheries components, fishing industry, non-governmental organisations (NGOs), and the media (refer to participant list above). A total of 35 participants was recorded. The forum was chaired by the Permanent Secretary for Natural Resources.

Mr. Ian Cartwright gave a presentation on the Management of Oceanic Fisheries of the Western and Central Pacific Ocean. Issues and observations raised in the public forum were as follows:

- The impact of La Nina and El Nino on the fish stock and the major implications for the national budget; SPC should be encouraged to conduct more work on forecasting the impacts of these events on Tuvalu’s fisheries.
- Concern over the impact on Tuvalu fisheries, of the decision to increasing fishing effort in neighbouring EEZs.
- Tuvalu has just opened up a vessel registry with Singapore and this will have ramifications if fishing vessels are licensed.
- FFA’s role in relation to the new Commission was discussed and the major (unchanged) roles of FFA were highlighted. They are to: (a) provide technical expertise e.g. briefings with DWFNS, MCS, economic, and legal advice; (b) provide a forum for discussion of common interest; and (c) to administer treaties. It is anticipated that the need for FFA will not decline.
The Commission is not directly linked to improving the economic and development prospects of SIDS. It will, however, help secure the long-term sustainability of Tuvalu’s major resource asset, as well as making access to it more valuable by limiting access and capping catch and/or effort.

Awareness programmes was now essential to educate Tuvalu civil society on the importance and value of its tuna fisheries. There is currently no budget for that in Fisheries Extension.

On the preference between output control measures and input control measures to strengthen in-zone fisheries management, Tuvalu would be expected to strike a balance if it saw fit.
1. Background

1.1 Status of Oceanic Fisheries

The Vanuatu Exclusive Economic Zone (EEZ) is approximately 690,000 square kilometers and includes over 80 islands and an area of archipelagic waters.

Commercial tuna fishing commenced in Vanuatu in 1957 with the establishment of the Japanese South Pacific Fishing Company Limited (SPFC) longline transhipment base at Palekula, Espiritu Santo Island. The base, consisting of a wharf and cold storage facilities, was substantially upgraded in 1974. After handling annual landings of between 4-15,000 tonnes since 1969, SPFC closed its operations in the late 1980s and the facility was turned over to the Government of the Republic of Vanuatu.

US purse-seiners, licensed under the US Treaty fished on four occasions in Vanuatu waters in 1999, with very small catches.

SPFC signed a bilateral agreement with The Taiwanese Kaohsiung Fishing Association (KFA) in 1989, and this agreement remains in force today. There are plans to re-negotiate this agreement to bring it in line with national and international requirements and standards, and to increase licensing fees. As at August 2004, 85 foreign vessels were licensed, 38 of which are licenced under the KFA agreement - plus seven locally-based foreign vessels, two of which are no longer fishing. These locally based vessels tranship in Port Vila. Apart from the KFA vessels, the majority of the other longliners are Fiji-flagged Chinese longliners, operating through eight companies based in Fiji. The Korean vessels that were licensed in 2003 (29 vessels) appear not to have returned in 2004. The longline fleet operates from foreign ports, principally Suva and Pago Pago.

The longline catch is dominated by albacore, while yellowfin and bigeye contribute significantly to the value of the catch from Vanuatu waters.

Domestic tuna industry development has been slow to occur, despite the establishment of a FAD programme. High costs of operation and lack of airfreight capacity are among the issues that have constrained development. A locally-based charter fishing fleet is very active, fishing for tuna and billfish and making extensive use of FADs.

1.2 Oceanic Fisheries Management

The major objectives of tuna management and development policy set out in the Republic of Vanuatu Tuna Management Plan are:

1. To ensure that the exploitation of the tuna resources that are found in and pass through Vanuatu waters is compatible with the sustainability of the stocks throughout their range.

2. Within the limits of the sustainability objective, to ensure the harvest is taken in a way that maximizes the long term economic and social benefits received by the peoples of Vanuatu.

3. To contribute to the food security of ni Vanuatu.

4. To meet regional and international responsibilities for tuna management.

The Tuna Management Plan allows for limits to be set on commercial fishing licenses for each of four categories of vessel, on the basis of target TACs which are set for each species of tuna taken in Vanuatu waters. The maximum number of tuna longline licenses has been set at 100.

A schedule of differential area closures covering local, locally based foreign and foreign vessels is in place. Restrictions include the closure to tuna fishing of inshore waters (6/12/24
Vanuatu

miles) and certain areas associated with seamounts. Tuna fishing is prohibited within three miles of declared marine reserves. Factors taken into account when establishing closed areas include provision of maximum opportunity to local vessels and to protect sea mounts and other areas determined to be important to marine diversity and productivity.

1.3 Oceanic Fisheries Institutional Arrangements

The Fisheries Department is the primary agency responsible for oceanic fisheries management. The Department operates under the Ministry of Agriculture, Quarantine, Forestry and Fisheries. Following downsizing under the Comprehensive Reform Programme (CRP) in 1997, Department staffing was reduced from around 45 to 30 positions, with a further 50% cut in 1999. Currently there are 21 posts filled (increase due to revenue performance), with a long term aim (by 2010) of a staff of around 40. The 2004 annual budget for the Department is VT38\(^{13}\) million, with income from oceanic fisheries licensing for the same year estimated at around VT100 million.

The Department comprises five sections, three of which have relevance to oceanic fisheries management:

- **The Compliance and Licensing Section**, which licences permits and certifies all regulated oceanic fisheries activities and ensures that license holders comply with licence conditions.

- **The Development and Capture Section**, which is responsible for the FAD programme aimed at increasing the productivity of the inshore tuna fishery.

- **The Management and Policy Section** added during 2003. This section develops and implements OFP fisheries policies on a wide range of issues through the Director who is empowered under the Fisheries Act. Activities include: management planning; data collection, management and analysis; investment (local and foreign); proposal appraisal, development of management plans; and information dissemination.

The Department’s annual budget is sourced from funds allocated from central Government resources, and is considerably less than the annual revenue generated by the Fisheries Department from licence fees and other sources. Over the last three years, this revenue has exceeded VT100 million.

The Tuna Management Plan envisages the establishment of a Tuna Management Account external to general government revenues that will be funded from a portion (45%) of foreign and local license revenues. The Account will finance **inter alia**; observers on foreign vessels; local development activities; better management of the foreign fishery; a permanent Tuna Management Advisory Committee to coordinate and plan OFP management activities; and a Tuna Management Coordinator position. The Tuna Management Account may also be used to support the activities of other government agencies involved in fisheries management including the Police Maritime Wing and the Vanuatu Maritime Authority.

Currently, consultative mechanisms with government and non-government stakeholders are ad-hoc. The recently agreed Tuna Management Plan allows for the creation of a Tuna Management Advisory Committee (TMAC). Preparations for the first meeting of TMAC are advanced, and letters of invitation to members await the signature by the Minister. Membership of TMAC, as outlined in the plan, is limited to government stakeholders, although there is the facility for TMAC to invite members of the industry and the general public to assist the committee with its deliberations from time to time, as required. There are plans to formally revise TMAC membership to include wider stakeholder participation.

1.4 Donor Involvement

Under Australian Defence Force funding, Australia provides one Pacific Patrol Craft (RVS Tukoro) and associated training and logistical support. Vanuatu also receives support in

\(^{13}\) US\$1.00 = 110 Vatu as at 25 August 2004.
1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues that arose in the mission to Vanuatu include:

- Oceanic fisheries are gaining a political profile in Vanuatu, with increases in vessels licensing (currently 91 longliners licensed to fish in the EEZ) and interest being shown in basing operations locally;
- Current levels of IUU are of concern and plans are in hand to increase compliance cooperation with neighbouring states including Fiji and Solomon Islands;
- Deficiencies in reporting, including on catch and effort data from the longline fleet, are hampering accurate information on which to monitor the fishery and base management decisions; and
- The uneven application of MTCs by some states, is hampering Vanuatu’s stand on the enforcement of VMS and other bilateral licensing regulations.

2. Vanuatu and the WCPF Convention

2.2 Overview

With a tuna industry based on longlining, Vanuatu’s primary aims in the MHLC and Prep Con process have been:

- To secure the sustainability of the region’s tuna stocks and fisheries;
- To negotiate a convention that is practical and enforceable, given the capacity and resources of Pacific island states;
- To negotiate an agreement that would secure maximum economic and other benefits to Vanuatu and ensure Vanuatu’s interests are not overlooked; and
- To ensure the long-term sustainability of the longline fishery targeting albacore, but noting the importance of bigeye and yellowfin.

As a Member of the Commission and a Party to the WCPFC Convention, the major short-term areas of implications for Vanuatu are seen as follows:

- Increasing fisheries management responsibilities against severely constrained human capacity and funding;
- Need for the more timely and comprehensive collection of catch and effort data;
- Increasing scrutiny of Vanuatu-flagged vessels operating in the WCPO;
- An increased level of at-sea surveillance; and
- The establishment of an observer and enhanced port sampling programme.

Overall, Vanuatu is in the early stages of developing a sustainable management framework for oceanic fisheries resources. The revised Fisheries Act, combined with the approved Tuna Management Plan, will provide a useful basis for the implementation of the WCPF conventions.

2.2 Implications of the Convention

2.2.1 Legal

The main articles of fisheries legislation in Vanuatu are the 1983 Fisheries Act and the Maritime Act and the associated subsidiary legislation (Fishery Regulations, Tuna Management Plan, and Maritime Regulations).

The current Fisheries Act lacks a framework for Vanuatu’s participation in the WCPFC or other RFMOs to which Vanuatu has acceded. The Act also does not make mention of Vanuatu’s substantial flag state responsibilities. However, the Act and associated Regulations...
Vanuatu have recently been reviewed and amendments prepared for ratification which deal with these and other regulations. It is anticipated that Parliament will consider the relevant Bill in late 2004 with the new Act entering into force in 2005.

The Tuna Management Plan, approved by the Council of Ministers on June 8th this year, also does not adequately address Vanuatu’s flag state responsibilities in regard to tuna fishing. The Plan proposes that the Vanuatu Maritime Authority (VMA) take primary responsibility for the collection of tuna fishing data from Vanuatu-registered fishing vessels. The Plan does however anticipate what steps Vanuatu will need to take to fully accommodate obligations under the WCPF Convention, and to effectively participate in the work of the Commission.

Legislation is also pending relating to the operation of vessel monitoring, especially relating to Vanuatu flag vessels.

The table below summarises the status of Vanuatu’s adoption of relevant international legal instruments and declarations. Due to the full political agenda and the capacity and workload of the State Legal Office, certain routine activities have been delayed, including the ratification of the WCPF Convention.

Vanuatu has very limited fisheries legal capacity in its State Law Office, with the recent departure of two lawyers who possessed some fisheries-related legal training and experience. With increasing licensing and other responsibilities, the Fisheries Department is seeking to employ its own legal officer. Even with this proposed appointment, there will be a need to build capacity at the State Law Office in international fisheries law issues, and especially those relating to the implementation of the Convention. Similarly, there is a need for awareness raising in capacity building of other relevant sections of government, including the Police Maritime Wing and Prosecution Office, to take account at the local level, of the global significance of moves against IUU fishing.

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCPF Convention</td>
<td>Signed, not ratified</td>
</tr>
<tr>
<td>UN Convention on the Law of the Sea</td>
<td>Ratified</td>
</tr>
<tr>
<td>UN Fish Stocks Agreement</td>
<td>Signed, not ratified</td>
</tr>
<tr>
<td>Driftnet Convention</td>
<td>Ratified</td>
</tr>
<tr>
<td>Convention on Biological Diversity</td>
<td>Ratified</td>
</tr>
<tr>
<td>FAO Code of Conduct</td>
<td>Adopted</td>
</tr>
<tr>
<td>WSSD fisheries targets</td>
<td>Not formally adopted</td>
</tr>
<tr>
<td>FAO Compliance Agreement</td>
<td></td>
</tr>
<tr>
<td>FAO International Plans of Action</td>
<td>Not implemented</td>
</tr>
<tr>
<td>FFA Minimum Terms &amp; Conditions</td>
<td>Implemented</td>
</tr>
</tbody>
</table>

2.2.2 Policy/Institutional

As the Fisheries Department has been successful at increasing revenue, both through licensing more vessels and increasing the access fee for longline vessels, tuna fisheries are being afforded an increasing level of priority in Vanuatu. Currently, oceanic fisheries are considered to be on a par with inshore fisheries in terms of their priority.

As discussed, the Tuna Management Plan has been agreed by Cabinet and is now being implemented.

The policy/management functions of the Fisheries Department are constrained by the level of available funding and related staffing levels. These constraints will make it difficult for Vanuatu to meet obligations associated with their forthcoming obligations under the WCPF Convention/Commission. In addition, the workload on the fisheries executive has increased substantially, owing to the need to cover expanding domestic oceanic fisheries, attend
regional fisheries meetings and have input to ensuring adequate flag state control over Vanuatu flagged fishing vessels in the WCPO and elsewhere.

If an application to have a proportion of earned income from licensing returned to Fisheries is successful, there is an intention to establish a Policy and Management Unit within the Department.

The cost of financial contributions for Vanuatu to the WCPF Commission is estimated to be in the range of US$20-25,000 per year, on the basis of estimates by the Prep Con Interim Secretariat using catch data up to 2002, but would be substantially greater than this, taking into account the more recent catches of around 20 new Vanuatu-flagged purse seine vessels.

2.2.3 Compliance

Compliance activities in Vanuatu are handled by the Compliance and Licensing Section of Fisheries, in collaboration with the Police Maritime Wing.

The Police Maritime Wing operates one Australian Pacific Patrol Craft, the RVS Tukoro, whose primary duty is fisheries surveillance. The operation of Tukoro is severely constrained by operating funds for fuel and allowances, and the current budget is only sufficient for three seven-day patrols per year. The Australian Defence Force, via its Maritime Surveillance Advisor, tops up operating costs by providing A$110,000 per year for fuel. This enables the patrol boat to complete around 60-80 days at sea per annum. Currently, with only two surveillance officers, Fisheries are unable to place staff on the Patrol Boat. This surface activity is supported by aerial surveillance by New Zealand, Australia and France, and surface patrols by the French Navy.

Despite these efforts, the level of IUU in Vanuatu waters is considered to be unacceptably high, as evidenced by repeated reports of illegal fishing from inter-island ferries, commercial flights and the inhabitants of outer islands. There is also concern that DWFN vessels are receiving intelligence concerning the activities of the patrol craft. There are, currently, efforts in place to increase the at-sea activity of the patrol boat, which will be assisted by a proposal to divide any fines or agreed penalties between Fisheries (25%), Police Maritime Wing (25%) and government general revenue (50%).

A programme of awareness-raising in the outer islands and by craft transiting the EEZ on the issue of IUU fishing, including the identity of vessels and fishing activities, is considered a priority.

Application has been made by the Fisheries Department to significantly strengthen its Compliance and Licensing Division by upgrading existing officers and establishing four additional posts.

All vessels licensed under bilateral fishing agreements must carry FFA type approved VMS equipment, and in line with recently-agreed MTCs, these must be turned on and proved operational before the issue of licences. The hardware for the FFA VMS system is housed at the Joint Police Operation Centre and is operated by the Police Maritime Wing. Owing to training and other difficulties, Fisheries intends to appoint and locate a full time officer at the Joint Police Operation Centre, to coordinate VMS operations and establish closer links with the Police Maritime Wing.

A Maritime Surveillance Planning Group, whose membership includes Fisheries, the Police Maritime Wing and the Vanuatu Marine Authority, is scheduled to meet monthly to coordinate surveillance activities. The Group has not met for six months, but is planning to recommence meetings in September 2004.

In order to augment its surveillance assets, Vanuatu is seeking to reach agreement on Niue Treaty arrangements with Fiji and possibly Solomon Islands. A joint surveillance agreement with New Caledonia is also being considered.
Vanuatu

In addition to the regional VMS managed by FFA, Vanuatu also operates a National VMS system, contracted to Tuna Fishing (Vanuatu) Ltd, to monitor Vanuatu flag vessels operating throughout the world. Data downloaded are passed to the relevant RFMOs as part of the reporting and monitoring process.

Flag State Responsibilities

Vanuatu operates a vessel registry, the Vanuatu International Ship Registry (VISR). The VISR recorded over 400 registrations in 2003, of which 86 were fishing vessels. Vanuatu has been working to exercise improved flag state responsibility over these vessels, through a vessel data and compliance project since 2002. Fishery Certificates of Origin (CoO), as authorisations to fish, linked to TFVCL, have been issued to longliners fishing in the Pacific Ocean. The CoO was recognized by Japan in 2003 as an instrument to permit offloading in that country, the major market for high value fresh and frozen tuna. One Vanuatu flagged vessel without a CoO was recently refused permission to land fish in a South African port, indicating the potential effectiveness of the system. These CoOs are to be replaced by Authorisations to Fish Certificates at a cost of U$5,000 each for longliners and US$10,000 for purse seine vessels, in compliance with WCPF Convention requirements.

Vanuatu is now a member of all major tuna RFMOs (IATTC, IOTC, and ICCAT), has ratified the WCPFC and is intending to join CCALMR in the near future.

To deal more specifically with the range of issues associated with the management of international operations by Vanuatu flag vessels the establishment of a three-person Fishery Data and Compliance Unit (FDCU), with an estimated budget of US$ 100,000 p.a., has been proposed by a consultant, possibly funded by levies on vessels on the VSIR.

2.2.4 Monitoring

All foreign and domestic licensed vessels are required to provide catch and effort information at the operational level on approved logsheets. However, limited logsheet and landings data are provided to the Vanuatu Fisheries Department. While vessels are also required to provide entry and exit reports when operating in the Vanuatu EEZ, the level of reporting is unknown. Many of the Fiji-based vessels provide logsheets in respect of fishing activity in the Vanuatu EEZ to the Fiji Department of Fisheries. There is a need to improve the timeliness and coverage of returns for vessel activity and vessel characteristics for Vanuatu-flag vessels.

There is very limited transhipment of tuna and shark (around 80% of landings) in Vanuatu from the five locally based foreign fishing vessels. Around 50% of these transhipments are sampled. A PDF project has been approved, which will train additional port samplers to take the level of coverage to 100%. Port sampling of fish caught in Vanuatu waters and landed in Fiji, is covered by the sampling programme implemented by the Fiji Department of Fisheries.

There is currently no observer programme in Vanuatu, other than the occasional provision of observers under US Treaty arrangements. There is a clear need to implement an observer programme to provide coverage of the longline fishery and Vanuatu is keen to get training and other support to make this happen. As an interim step, there is a proposal to accredit Fiji observers to work on vessels fishing in Vanuatu waters and vice versa.

The Fisheries Department operates a licensing database that contains information on vessel characteristics.

All logsheet data received by the Fisheries Department are sent to OFP for processing and incorporation into the regional and Vanuatu national databases. The Fisheries Department are equipped with the CES software for generating reports of catch and effort data. Summary data from the longline fishery are provided annually to SCTB. The Department has applied for the establishment of an additional data entry clerk.
Vanuatu

With the increased activity of Fiji-based vessels in Vanuatu waters, improved linkages between Fiji and Vanuatu fisheries agencies are required. These will improve the collection of data from the Vanuatu EEZ, including logsheet, unloading, observer, and port sampling data.

Overall, Vanuatu needs considerable assistance to meet expanded monitoring requirements under the WCPF Convention. The major assistance needed, will be for the establishment of an observer programme and capacity building of existing and proposed statistical staff to enable them to analyse catch and effort data to support routine monitoring of the fishery. Vanuatu will require the assistance of regional organisations for this function.

1.6 Scientific Analysis

Vanuatu wishes to improve national capacity for scientific analysis on oceanic fisheries, but as with other activities, is constrained by resources. Vanuatu will continue to rely on SPC for stock assessment analysis and related advice which is currently considered sufficient to meet Vanuatu’s needs. In the future, Vanuatu wants to develop its own capacity to interpret data from national monitoring programmes. In addition, it wishes to interpret and apply the results of regional stock assessments and ecosystem analysis, to better understand and explain changes in the fishery to stakeholders.

The national catch and effort database is about to become operational with assistance from SPC. Further assistance from SPC will be needed to produce the verified estimates of annual catch by species, gear and fleet for Vanuatu waters expected to be required to meet the data standards established by the Commission.

3. Potential Contribution of SAP II Project

Potential areas in which the SAP II Project could contribute to assisting Vanuatu in the implementation of national activities related to the WCPF Convention are summarised in the table below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Incremental Actions</th>
<th>Possible Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise Legal framework</td>
<td>Revise Act and Regs (Largely completed)</td>
<td>Attachments, awareness raising and training courses.</td>
</tr>
<tr>
<td>Establish Fisheries Law</td>
<td>Train State Law Office personnel and Fisheries Department Legal Officer</td>
<td>Regional Legal Workshops</td>
</tr>
<tr>
<td>programme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support Commission</td>
<td>Provide legal advice</td>
<td>On-demand legal advice during capacity building phase. In-country Prosecution Workshops</td>
</tr>
<tr>
<td>participation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implement Commission</td>
<td>Provide legal advice, change regulations, licences</td>
<td></td>
</tr>
<tr>
<td>decisions</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participate in regional</td>
<td>Commission meeting participation</td>
<td>Regional Fisheries Management Trainings/Consultations Attachments.</td>
</tr>
<tr>
<td>policy formulation</td>
<td></td>
<td>Regional Fisheries Management Trainings/Attachments/Workshops/Consultations</td>
</tr>
<tr>
<td></td>
<td>Additional FFA Meeting participation</td>
<td></td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase IUU deterrence</td>
<td>Improve licensing, vessel register</td>
<td>Regional MCS Working Group participation. Support to establish Niue Treaty initiatives</td>
</tr>
<tr>
<td>in-zone</td>
<td>Improve effectiveness of patrol, inspection, investigation, prosecution</td>
<td>with neighbouring states. In-country and regional Inspection, VMS staff training</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure flag vessel</td>
<td>New authorisation process; inform Commission</td>
<td>Regional Training on flag state responsibilities</td>
</tr>
<tr>
<td>control and compliance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Monitoring
- Improve at-sea data
- Improve catch composition data

### Science
- Improve national statistical info.
- Provide catch/effort estimates to the Commission
- Improve understanding of oceanic resources and ecosystem

| Establish observer programme | Assistance to establish observer programme, In-country and regional training of port samplers and observers by FFA/SPC |
| Expand Port sampling | Establish catch and effort database Statistical support from SPC |
| Strengthen statistical capacity | Ongoing support from SPC Training for national scientific staff to interpret stock assessments and oceanographic information |
| Strengthen national capacity to analyse national data | |
| Strengthen national capacity to interpret regional analyses | |
| Enhanced capacity to interpret oceanographic information | |

### ANNEXES
- **Annex 1** Stakeholder Inventory and Analysis (including consultative mechanism inventory)
- **Annex 2** Record of Stakeholder Consultation
## Annex 1 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

### Stakeholder inventory data sheet

**Country:** Vanuatu  
**Date:** 24th August 2004  
**Data Recorder:** Seremaia Tuqiri  
**E-mail:** stuqiri@wwfpacific.org.fj

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Representative / Post</th>
<th>Contact details</th>
<th>Description of interests (factors that may influence participation)</th>
<th>Stakeholder analysis and preliminary participation plan</th>
</tr>
</thead>
</table>
| Department of Fisheries      | Mr Moses Amos Director                 | Ministry of Agriculture & Fisheries Port Vila  
Tel: (678) 23119  
Fax: (678) 23641  
| National Fisheries Authority & Fisheries Compliance | 1st stakeholder (role in decision making)  
2nd stakeholder (2-way flow of information) | X                                                      |
| Police Maritime Wing         | Mr Tari Tamata Commander Maritime      | Vanuatu Police Force Ministry of Internal Affairs Port Vila  
Tel: (678) 26570  
Fax: (678) 27542  
| Fisheries compliance & monitoring |                                                         | X                                                      |
| Department of Foreign Affairs | Mr Paul A. Sami Head Asia/Pacific Division | Ministry of Foreign Affairs P.M.B. 051 Port Vila  
Tel: (678) 22913  
22347  
Fax: (688) 23142  
| Foreign policy and Treaty administration and negotiation |                                                         | X                                                      |
| State Law Office             | Ms Jane Jereva Ms Viran Molisa         | Office of the Prime Minister Private Mail Bag Funafuti  
Tel: (688) 20823  
| Drafting of legislation and legal advise (international law) |                                                         | X                                                      |
### Inventory of Project-related national consultative mechanisms

<table>
<thead>
<tr>
<th>Consultative body</th>
<th>Parent/host body</th>
<th>Representative/ contact details</th>
<th>Area(s) of interest</th>
<th>Frequency of meetings</th>
<th>Members and affiliations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuna Management Advisory Committee (TMAC)</td>
<td>Fisheries Division</td>
<td>Chairman: Director of Fisheries Tel: (678) 23119</td>
<td>Responsible for implementing all aspects of the Tuna Management Plan and provision of advice to the Minister and the Council of Ministers on all aspects of tuna conservation and management.</td>
<td>Minimum once per year</td>
<td>Fisheries Division, Vanuatu Maritime Authority, Police Maritime Wing, and State Law Office. The TMAC may invite other members of government, industry and the general public to assist the committee with its deliberations from time to time as required.</td>
</tr>
<tr>
<td>Maritime Surveillance Planning Group</td>
<td>Police Maritime Wing</td>
<td>Commander Maritime Tel: (678) 26570</td>
<td>Coordination of surveillance activities.</td>
<td>Monthly</td>
<td>Fisheries Division, Police Maritime Wing, Vanuatu Marine Authority, Customs and Immigration</td>
</tr>
</tbody>
</table>
Annex 2 – Record of Stakeholder Consultation

VANUATU

PRIMARY STAKEHOLDER CONSULTATION
Dumbea Conference Centre
Port Vila
Monday, 23rd August 2004

Participant List:
Thomas Bangalini, Department of Economic Sector Planning; Jaso Raubani, Department of Fisheries; Tari Tamata, Police Maritime Wing, Jimmy Rantes, Chamber of Commerce & Industry of Vanuatu; Wesley Obde, Department of Fisheries; Moses Amos (CHAIR / TECHNICAL ASSISTANT), Director of Fisheries; Ian Cartwright, Mission Consultant (International); Seremaia Tuqiri, Mission Consultant (Regional)

The mission to Vanuatu held a primary stakeholder consultation at the Dumbea Conference Centre to discuss the purpose and development of the GEF SAP II project. Six participants attended the consultation.

Mr Ian Cartwright provided an overview on the Management of the Oceanic Fisheries of the Western and Central Pacific Ocean before the presentation on the GEF SAP II Project: Strengthening National Fisheries Management (on the implementation of the new Western and Central Pacific Fisheries Convention). It is worth mentioning that parts of Ian’s presentation were translated into Bislama to enable participants to fully understand issues that were being discussed. Fisheries personnel who translated were subject matter experts given that they were talking within their areas of expertise (e.g. state responsibility for flag vessels – Wesley Obed); PrepCon process and the main features of the WCPF Convention – Moses Amos) and used the Vanuatu experience as the basis of their discussions.

Issues raised during the discussion were as follows:

- Financial resources to meet the obligations under the new Convention will be a challenge, in common with a number of other Pacific Island countries.
- The GEF SAP II presentation is timely particularly with respect to the financial responsibilities that Vanuatu is expected to undertake, as well as financial assistance that it expects to receive in order to implement its responsibilities under the WCPF Convention. This information is necessary so that Fisheries can feed the information into the Budget, while enabling Government to be aware about the expectations and responsibilities of becoming a party to the new Convention.
- The potential for developing the recreational fishing industry further exists but is yet to be explored. There is recognition that Government will have to deal with issues of shared interest between recreational fishing on one hand and the tuna/billfish industry on the other. It is important to know where the fisheries industry stands, in relation to other related industries.
- Interest was expressed in establishing a new Policy Division within the Department of Fisheries, as well as scientific, monitoring, and assessment components. Collaborative work with Fiji’s Department of Fisheries in these areas is being planned.
- The capacity to implement fisheries laws, policies, and compliance requirements is low and needs to be strengthened.
The Mission to Vanuatu held a public forum to create awareness of the Western and Central Pacific Fisheries Convention and the tuna industry in the Pacific Islands. Although attendance was not as strong as in the other four countries visited, it was nonetheless important in the sense that representation came from government, industry/private sector, and fishing association. The forum was chaired by the Director of Fisheries.

1. The FFA has been tasked, on behalf of Pacific Island countries, to assist in negotiations for a multilateral agreement with Taiwanese longliners. An initial attempt fell through in 1997.

2. Vanuatu is expected to be one of the higher financial contributors to the Commission, among Pacific Island countries (approximately USD23000.00), largely because of its flag state involvement. Payments to the Commission will start in 2005 and will have some impact on the national budget.

3. Under Vanuatu’s Tuna Management Plan, a portion of the levies earned from the issuance of licenses will go to a Trust Account to assist Vanuatu pay for its annual contribution to the Commission. While this amount is considered high for Vanuatu standards, the opportunities and benefits that Vanuatu will gain from its membership may be seen as offsetting the cost.

4. Vanuatu has signed but is yet to ratify the WCPF Convention. The Convention came into force on 19th June 2004.

5. The Tuna Management Plan supports the action that a percentage of fines received due to illegal fishing activities be directed to strengthening Vanuatu’s surveillance capabilities.

6. A proposal from the People’s Republic of China for the establishment of a cool storage facility on Efate has been received specifically to accept frozen fish for export. The VT150 million that it would cost to set up this facility is expected to be drawn from the VT400 million aid money from China to the Government of Vanuatu.

7. The Department of Fisheries must work closely with the private sector to strengthen fisheries management and compliance capabilities. The fact that Membership of the Management Advisory Committee (MAC) does not as yet include industry and/or non-governmental organization(s) has been noted.

Other consultations were held prior to and after the two meetings. These were with:

- **Department of Fisheries, Ministry of Agriculture & Fisheries**
  
  - Mr Moses Amos, Director
- Mr Wesley Obed, Licensing and Surveillance Officer

- **Department of Economic and Sector Planning, Ministry of Finance**
  - Mr Thomas Bangalini, Natural Resources Sector Analyst

- **Police Maritime Wing, Vanuatu Police Force, Ministry of Internal Affairs**
  - Mr Tari Tamata, Commander Maritime

- **Department of Foreign Affairs**
  - Mr Paul Sami, Head of Asia/Pacific Division

- **State Law Office (equivalent to the Attorney General’s Chambers)**
  - Jane Jereva, State Counsel
  - Viran Molisa, State Counsel

- **Department of Environment & Conservation**
  - GEF focal point was on duty travel
Attachment 1
Schedule of Consultant Visits

North:
(Dr Tony Lewis and Mr Esaroma Ledua)
Kiribati: 28 May – 1 June
Nauru: 1 – 3 June
Dr Tony Lewis
Marshall Islands June 22 - 26
Federated States of Micronesia June 27 – July 1
Palau July 2 - 6

West: (Dr Ian Cartwright and Mr Seremaia Tuqiri)
Fiji 21 – 27 June
Vanuatu 27 June – 4 July
Solomon Islands: 12 – 16 July
Papua New Guinea 16 – 23 July
Tuvalu 26 – 29 July

East: (Mr Les Clark and Mr Colin Brown)
Samoa 7-14 June, and 28-29 June
Niue 14-18 June
Tonga: 21-26 June
Cook Islands 29 June – 3 July

Attachment 2
Schedule of Technical Assistants

<table>
<thead>
<tr>
<th>Country</th>
<th>Technical Assistant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cook Islands</td>
<td>Ian Bertram</td>
</tr>
<tr>
<td>Federated States of Micronesia</td>
<td>Patricia Jack</td>
</tr>
<tr>
<td>Fiji Islands</td>
<td>Apolosi Turaganivalu</td>
</tr>
<tr>
<td>Kiribati</td>
<td>Johnny Kirata</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>Glen Joseph</td>
</tr>
<tr>
<td>Nauru</td>
<td>Peter Jacob</td>
</tr>
<tr>
<td>Niue</td>
<td>Fia Rex</td>
</tr>
<tr>
<td>Palau</td>
<td>Laurence Abraham</td>
</tr>
<tr>
<td>Papua New Guinea</td>
<td>Lugwig Kumoro</td>
</tr>
<tr>
<td>Samoa</td>
<td>Dan Su’a</td>
</tr>
<tr>
<td>Solomon Islands</td>
<td>Edwin Oreihaka</td>
</tr>
<tr>
<td>Tonga</td>
<td>Dr. Vailala Matoto</td>
</tr>
<tr>
<td>Tuvalu</td>
<td>Sautia Maluofenua</td>
</tr>
</tbody>
</table>
ANNEX L GEF INDICATORS

OUTLINE OF THE STRUCTURE OF MONITORING AND EVALUATION INDICATORS

<table>
<thead>
<tr>
<th>Outcomes</th>
<th>Process Indicators</th>
<th>Stress Reduction Indicators</th>
<th>Environmental Status Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Component 1 Outcomes</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Improved quality, compatibility and availability of scientific information and knowledge on the oceanic transboundary fish stocks and related ecosystem aspects of the WTP warm pool LME, with a particular focus on the ecology of seamounts in relation to pelagic fisheries and the impacts of fishing upon them
- This information being used by the Commission and SIDS to adopt and apply measures for the conservation and management of transboundary oceanic fishery resources and protection of the WTP LME.
- National capacities in oceanic fishery monitoring and assessment strengthened, with Pacific SIDS meeting their national and Commission-related responsibilities in these areas.

- Establishment of Scientific Committee and subsidiary bodies including bodies for statistics and Ecosystem/Bycatch work
- Binding agreement on protocols for fisheries data collection and provision, including catch and effort logs, and port and onboard sampling
- Establishment of Commission data management structure and, databases
- Appointment of science staff and/or contracting of experts for the provision of scientific services
- Agreement on scientific work programme, including forms of stock assessment analysis
- Programme in SPC to train SIDS national data and science personnel
- Arrangements for financing of SIDS participation in Commission activities
- Arrangements for recognition of special requirements of SIDS in science and other technical areas

- Measures of target stock status in relation to agreed management reference points
- Measures of status of ecosystem including trophic status and status of key non-target species
- Provision of scientific advice to the Commission including information and recommendations on TACs and other management measures from the Scientific Committee to the Commission; measures of the impact of environmental variability on target species abundance and distribution; assessments of the impact of fishing on analysis of impact of possible conservation measures

- Level of participation by SIDS in Commission scientific and data activities
- Level of resources and pattern of Commission programmes, and of other agencies for building capacity of SIDS to participate in Commission scientific activities

Component 2 Outcomes
• The WCPF Commission established and beginning to function effectively;

• National laws, policies, institutions and programmes relating to management of transboundary oceanic fisheries reformed, realigned and strengthened to implement the WCPF Convention and other applicable global and regional instruments.

• Pacific Island nations taking a lead role in the functioning and management of the Commission and in the related management of the fisheries and the globally-important LME.

• National capacities in oceanic fisheries law, fisheries management and compliance strengthened

• entry into force of WCPF Convention
• adoption of Rules of Procedure & Financial Regulations
• appointment of Commission Secretariat
• adoption of arrangements for sustainable funding
• establishment of Technical & Compliance Committee
• appointment of compliance staff
• agreement on compliance programmes including observers, boarding & inspection and VMS, flag state authorisation, notification and vessel register
• adoption of processes for reporting of infringements and application of sanctions

• conducting of reviews of national laws
• Undertaking of ratification process for other instruments
• Establishment of national Stakeholder consultative processes
• Undertaking of Institutional reviews

• arrangements for financing of SIDS participation in Commission compliance and decision-making activities
• recognition of special requirements of SIDS

• adoption of conservation and management measures by the Commission including limits on catches, fishing effort and capacity and/or technical measures such as closed seasons, limits on fishing gear etc
• these measures targeting conservation of target species and other species affected by pelagic fishing
• the measures address fishing around seamounts consistent with results of seamount-related research
• measures adopted to deter IUU fishing
• steps taken against vessels, persons and states failing to comply with Commission measures

• no. of SIDS that are Commission Members
• no. of SIDS that are parties to the UN Fish Stocks Agreement
• Undertaking of ratification processes of WCPF Convention
• status of national laws
• status of national acceptance of other legal instruments
• status of national management plans
• patterns of reform of national institutions
• status of national legal, economic, statistics, science and compliance programmes, particularly observer, port sampling, VMS and inspection programmes
• levels of budgets and staffing for these programmes

• level of participation by SIDS in Commission compliance and decision-making activities
• level of resources and programmes of Commission and other agencies for building capacity of SIDS to participate in Commission compliance activities

• level of contribution from transboundary stocks to sustainable development, as measured by economic and social parameters, including incomes and food security
• measures of target stock status in relation to agreed management reference points
• measures of status of ecosystem including trophic status and status of key non-target species
• levels of fleet capacity, fishing effort and catch of target and mortality of related species, including bycatch and seabirds in SIDS waters
• level of IUU fishing in the high seas
• level of marine pollution from fishing activities

• application of above environmental status indicators in SIDS water
• impact of IUU fishing in national waters
• participation by stakeholders in national management processes
Component 3 Outcomes

- Effective project management at the national and regional level;
- Major governmental and non-governmental stakeholders participating in Project activities and consultative mechanisms at national and regional levels;
- Information on the Project and the WCPF process contributing to increased awareness of oceanic fishery resource and ecosystem management;
- Project evaluations reflecting successful and sustainable project objectives

- PCU established
- National and regional Project committees established
- Procedures for NGO participation adopted by the Commission
- National consultative mechanisms in SIDS include NGO and broad governmental participation

- Level and pattern of NGO participation in the work of the Commission and national consultative mechanisms
- Availability of information on the Convention and the Commission
ANNEX M  REFERENCE DOCUMENTATION

A. GEF Documents
GEF documents can be found at  www.gefweb.org

B. WCPF Documents
WCPF Documents up to December 2004 are available on the website of the Interim Secretariat of the WCPF Preparatory Conference at www.ocean-affairs.com. A new website for the Commission will be established by the Commission Secretariat in early 2005.

C. FFA, SPC and SPREP Documents
Documents of the FFA, SPC/OFP and SPREP are available on the websites of those organisations at:
FFA: www.ffa.int
SPC Fisheries:
   Oceanic Fisheries (OFP):  www.spc.int/oceanfish (includes Tuna Fisheer Yearbooks and documents for the Standing Committee on Tuna and Billfish)
   Coastal Fisheries: www.spc.int/coastfish (includes documents for SPC Heads of Fisheries meetings)
SPREP: www.sprep.org.ws (includes PACPOL documents and documents related to the IW South Pacific SAP Project)

D. IUCN Documents
IUCN documents can be found at  www.iucn.org

E. Greenpeace and WWF Documents
Greenpeace and WWF documents can be found at :
   Greenpeace Australia Pacific: www.greenpeace.org.au/oceans
   WWF Pacific: www.wwfpacific.org.fj

F. ADB and World Bank Documents
The Asian Development Bank report titled Tuna: A Key Economic Resource in the Pacific, can be found at  www.adb.org/Documents/Reports/Tuna

The details of the World Bank report on regional tuna management quoted in Annex A are: 'Working Apart or Together’ The case for a Common Approach to Management of the Tuna Resources in Exclusive Economic Zones of Pacific Island Countries: Gert van Santen & Philipp Muller, World Bank, March 2000, 49pp