Managing Tuna Fisheries in the Pacific: A Regional Success Story?

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Introduction

Tuna has long been recognized as one of the most commercially valuable resources in the Pacific islands region. The waters of the Pacific islands region, covering an area of around 50 million square kilometers or over ten per cent of the Earth’s surface, are among the most productive tuna fishing grounds in the world. These provide around one third of the world’s tuna supply to global consumers and are an important (in some cases crucial) component of the food security and development prospects of the Pacific island communities.

Twenty five years ago the members of the then South Pacific Forum joined together in establishing a regional body to assist member countries develop and manage the oceanic fisheries within their national jurisdiction, under the provisions of United Nations Law of the Sea Convention. The focus of this regional effort was the transboundary fish stocks, dominated by four tuna species – skipjack, yellowfin, bigeye and albacore tunas – that occurred within the island states’ 200 nautical mile exclusive economic zones (EEZs). This regional body, the South Pacific Forum Fisheries Agency (FFA), has since overseen and coordinated the implementation of national and regional initiatives to enable member countries to manage, conserve and use their tuna resources. In addition, the Secretariat of the Pacific Community (SPC, formally the South Pacific Commission) has played a crucial role in fisheries management and conservation through its fisheries science, data collection and monitoring programs.

Assessments of regional cooperation in the Pacific islands have often identified cooperation in oceanic fisheries as a shining example of successful Pacific islands cooperation. The FFA has been described as the ‘most successful intergovernmental agency’ in the region. (Crocombe, 2001, p.603). The Eminent Persons Group Review of the Pacific Islands Forum highlighted the ‘Forum’s substantial influence in Law of the Sea negotiations’ as evidence of the Forum’s power in the world community when
its members ‘speak clearly with one voice’. (Eminent Persons’ Group, 2004). It also described the FFA as having ‘successfully harnessed regional energies in resource management and conservation’. In a recent exchange with University of the South Pacific journalist students, the Forum Secretary General highlighted the work of the FFA as an obvious example of the ‘enormous practical value to Pacific island countries’ of the Pacific Islands Forum. He referred specifically to the economic benefits that have accrued from regional cooperation – such as improving the return on their fisheries resource. (Urwin, 2004).

The purpose of this paper is to first examine the areas where these assessments are substantiated and demonstrated; that is the practical and political achievements of regional cooperation in the oceanic fisheries sector. Second, this paper identifies the various factors that have facilitated successful cooperation in this area. (The extent to which these are/ or may be applicable to other areas of regional cooperation is not considered here but may be raised in discussion). Third, the paper highlights the factors that undermine or weaken cooperation or the effectiveness of cooperation in fisheries. It suggests that while the fisheries sector provides good insights into the reasons behind successful cooperation, it also reveals some of the weak points and challenges confronting cooperation in the Pacific islands region.

**Regional achievements**

Last week, on 19 June 2004, an historic international agreement entered into force. This is known for short as the Western and Central Pacific Fisheries (WCPF) Convention and is the product of seven years of formal negotiation between the member states of the FFA and the various fishing states, entities and other coastal states in the Western and Central Pacific region.¹ The negotiation process was unprecedented in that it brought together for the first time Pacific island states and their powerful fishing state partners in an effort to establish a broad-based regime for the management and conservation of the region’s tuna fisheries on a stock-wide basis.²

The Convention is highly significant from a regional perspective. It will establish for the first time catch and effort limits for the region’s transboundary (tuna) stocks, thus

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¹ The full title is Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The Convention was adopted in Honolulu in September 2000. Since then a Preparatory Conference has laid the groundwork for its entry into force.
² They are Canada, China, France, Indonesia, Japan, Korea, Philippines, Taiwan (Chinese Taipei), and the United States. The European Community is an observer.
avoiding the threat of overexploitation and possible collapse of the fisheries. A Tuna Commission to be established in the Federated States of Micronesia will have powers to make legally binding decisions so as to ensure the effective enforcement of conservation and management measures. The Convention explicitly recognizes the sovereign rights of Pacific island coastal states to their in-zone fisheries, and it also makes provision for meeting their special needs and requirements.

From a global perspective the Convention is also highly significant. The new Commission will be the largest international fisheries management organization so far created in terms of the resources to which it applies. It is the first international fisheries management arrangement to explicitly include important new principles of responsible fisheries management adopted by the global community (including the precautionary approach, ecosystem approach and protection of biodiversity). It includes more comprehensive provisions than any other arrangement to deter illegal, unreported and unregulated fishing on the high seas. Finally it includes elements of what has been described as a ‘new deal’ for developing countries, including recognition of their right to participate in high seas fisheries.

The initiative to negotiate this Convention was taken by the FFA members and its successful conclusion was largely due to the regional solidarity achieved and maintained by the Pacific island states. Throughout the process, the FFA provided invaluable logistical, technical and policy support and its decision making body, the Forum Fisheries Committee (FFC), provided the vehicle for articulating Pacific island collective positions within the negotiations. In this process, the FFA members were able to capitalize on already established regional arrangements for compliance and enforcement purposes, which the new regime will essentially build on and expand. These include the first international vessel register (and blacklist), which is operated by the FFA, and the first international satellite-based vessel tracking system (the vessel monitoring system or VMS). The FFA also administers a regional observer programme under the provisions of a multilateral access treaty with the United States.

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3 According to latest assessments made by the SPC’s Oceanic Fisheries Programme, skipjack and South Pacific albacore tuna are currently being fished well within their exploitation potential. For yellowfin and bigeye, the indications are that these stocks may be approaching an overfished state, particularly in the equatorial regions.

4 This ‘new deal’ developed out of the Agenda 21 program of action for sustainable development and was embodied in the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (referred to in this paper as the UN Fish Stocks Agreement).

5 A history of the negotiations leading to the adoption of the Convention in 2000 is in Tarte, 2002, pp. 261-299.
One of the most fraught issues in the negotiations, and one which the new Commission will need to address, is the allocation of fishing rights within the Convention Area. From the Pacific island perspective, it is imperative that the Commission not diminish or weaken their rights to determine allocation within areas under their national jurisdiction. Again, existing regional arrangements (namely the Palau Arrangement for the management of the purse seine fishery) provide a basis shaping the new regime by proving a formula for determining the allocation process. The Palau Arrangement is an agreement among the Parties to the Nauru Agreement (PNA), a sub-regional group within the FFA, to control purse seine effort by providing a limit on the number of purse seine vessels that may operate in the waters of the Parties. This currently accounts for 84 per cent of the purse seine effort in the entire Western and Central Pacific region.6

Another important element of the new Convention is the provisions for the Commission to receive high quality scientific advice and for maintaining the integrity of that advice. Indeed, this is regarded as the key to successful management and conservation. The basis for this science is already established at the SPC, in its Oceanic Fisheries Programme (OFP). This maintains what is probably the largest international fisheries database in the world, including records of most of the fishing conducted in the region over the past 25 years. This database, and the associated science and monitoring programmes, provides the basis for high quality stock assessments that will be central to the decisions made by the Tuna Commission.7

The above points have stressed the achievements of regional cooperation from the perspective of the region as a whole. But how has regional cooperation impacted at the national level? In particular, how has regional cooperation addressed the national development aspirations of Pacific island states?

Traditionally countries have sought to achieve economic benefits from foreign licensing arrangements. This reflected the overwhelming dominance of distant water fishing nations in the harvesting of the region’s tuna resources, and the limited domestic fishing capacity in the region. Initial regional efforts, mainly adopted by the sub-regional PNA grouping, sought to establish a coordinated approach to licensing

6 The parties to the Palau Arrangement have recently agreed to a major revision in the Palau Arrangement, moving from a system of limiting the number of licenses (by flag) to limiting the number of days a purse seine is at sea and in the EEZ of a Party.
7 It is expected that most of the scientific services for the Commission will be contracted out to the OFP.
distant water fishing nations, with the aim of improving the economic returns from access agreements. Despite implementing an impressive range of measures (including harmonized minimum terms and conditions of access and the Palau Arrangement for the purse seine fishery) fundamental economic gains have proved elusive. This applies especially to improvements in the rate of return for access. An exception to this are the gains generated from the US Tuna Treaty, renegotiated by the FFA members and the US in 2002 and extended for a further ten years (2003-2013). The revised Treaty provides an increased annual payment of US$21 million for access of up to 45 purse seine vessels (although the actual number of US vessels fishing in the region is only 21).

Because of disappointing returns from foreign licensing arrangements, FFA members are increasingly looking towards domestically based fisheries to increase economic benefits. Despite facing underlying constraints, domestic industry development in FFA member states has been encouraged in recent years, in part by initiatives undertaken by the FFA. These include development of national tuna management plans which help countries clarify development goals and provide a policy, legal and economic framework on which a sustainable and locally based industry can be established. (Cartwright, 2003, p.28). As part of this process, the FFA is also assisting countries identify and address the institutional reforms they will need to implement with the entry into force of the WCPF Convention.

It is expected that the establishment of the new regime will be an incentive for more distant water fishing fleets to base locally (in the Pacific islands region). The benefits generated by domestic based tuna fishing operations are still the subject of analysis, but are seen to derive from employment generation, revenues from shore-based processing and other industry activity, and increasing exports. With the coming into force of the WCPF Convention, which will limit membership and establish overall catch and effort limits on the region’s tuna fisheries, there is likely to be greater

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8 Estimates of total fees remain at around US$60 million per annum, around five per cent of the landed value of the catch. The newly negotiated agreements with the European Union provide a rate of return greater than the five per cent norm.

9 This would give a rate of return of close to 20 per cent of catch value.

10 These include credit availability, fuel cost, low levels of entrepreneurial fisheries skills, low attractiveness to investors and excessive government charges and blockages. (Gillett, 2003).

11 In recent years there has been an expansion in locally based fleets. Under a regional multilateral access treaty – the Federated States of Micronesia Agreement – distant water fishing vessels are encouraged to base locally. In 1999, there were seven vessels operating under this arrangement, that landed 39,000 tonnes and paid fees of $579,400. In 2002, there was a considerable increase in activity, with 17 vessels landing 114,000 tonnes and paying fees of $2 million. (Cartwright, 2003, p.29).

12 These reforms include finding new ways to fund expanded fisheries management programmes, such as through establishing statutory fisheries authorities funded by fishing fees.
incentive for foreign fleets to secure long-term fishing arrangements with FFA members, to avoid being ‘shut out’ of the region fisheries. This will likely accelerate the shift by distant water fleets towards FFA-based fishing operations (both purse seine and longline). In other words, the WCPF Convention will provide Pacific island states with increased leverage in attracting development opportunities in the fisheries sector.

**Reasons for successful cooperation**

What has sustained fisheries cooperation over the past twenty five years and, at crucial times, contributed to its important achievements? Most explanations start from the premise that that this area or sector constitutes an ‘ideal context’ for regional cooperation. As Crocombe (2001, p.604) puts it, ‘Fish [ie tuna] and fishing boats migrate across national boundaries, so cooperation is essential. Many functions are suited to central control and concentrated expertise in international marine law, negotiating access agreements, international marketing agreements, marine surveillance etc. No nation can afford the expertise which FFA provides’. In other words, Pacific island countries share a common, transboundary marine resource that makes cooperation both necessary and worthwhile.

Beyond this, though, there are a range of factors that have motivated, encouraged and facilitated cooperation. My own observations and assessments of fisheries cooperation (especially in the context of the WCPF negotiations) have led me to highlight the following factors.

Of crucial importance has been the development of global regimes that provided the legal and political impetus for cooperation. These include, first, the UN Convention on the Law of the Sea that preceded the formation of the FFA, and second, the UN Fish Stocks Agreement that preceded the negotiation of the WCPF Convention. The former was regarded by Pacific island states as an historic opportunity to claim rights to the tuna resources within their waters (and led directly to the formation of the FFA). The latter formalized a duty to cooperate (with fishing states) in the management and conservation of the resources, as well as calling for sustainable fisheries in the region. It provides the framework for the WCPF Convention and the soon-to-be established Tuna Commission.

A second contributing factor has been the (perceived) existence of a common threat to Pacific island countries – primarily to the exercise of their sovereign rights to exploit
and manage the tuna resources within their EEZs. This threat was initially in the form of fishing nation refusal to either recognize sovereign rights (e.g., the US) or give them substance (in the negotiation of bilateral access agreements). As a way of enhancing the individual bargaining power of the island states vis-à-vis fishing nations, regional diplomacy was established and utilized—initially via the sub-regional Parties to the Nauru Agreement (PNA). This (perceived) threat was also prevalent throughout the negotiations leading to the conclusion of the WCPF Convention. If anything kept the island states motivated and engaged in the process (but also apprehensive of its outcomes) it was a fear of losing control over their resources through the establishment an all powerful fisheries management regime dominated by distant water fishing nations.

A third contributing factor has been the existence of a different kind of threat— that of resource depletion. For example, this concern motivated collective efforts to ban the use of long driftnets in the region that were seen as a threat to the region’s albacore fishery. This threat, and the need to ensure long term sustainability of the region’s tuna fisheries, was also one of the underlying rationales for the negotiation of the UN Fish Stocks Agreement (where FFA members played an active part) and the WCPF Convention. However it is important to note that in the context of WCPF negotiations, concern about potential resource depletion has often been a ‘political football’, used by both fishing nations and FFA member states to promote different/conflicting interests and agendas.

Pacific island states, themselves, have sometimes shown less concern about resource depletion when it appears to compete with the goal of maximizing economic returns from the fisheries (including developing their own fishing capacity).

A fourth factor that has helped promote solidarity in this area is the extent to which regional cooperation has been ‘islander’ driven. The establishment of the FFA and the PNA was initiated by Pacific island states, not their metropolitan neighbours or partners. The FFA has been, for the most part, islander-led, although its staff comprises a mix of nationalities. This factor was crucial to ensuring ‘ownership’ over the process of cooperation and the regional initiatives that were taken, such as the US

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14 This is reflected in current debates within the Preparatory Conference over the need to adopt immediate fishing capacity limits (to deal with threats to the bigeye and yellowfin stocks). While some fishing nations are calling for capacity limits to be developed as soon as possible (based on current fleet distribution), FFA members have instead emphasized the need for stronger monitoring and compliance programmes, especially on the high seas.
Multilateral Treaty negotiations which were largely driven by the then Director of the FFA. It was also crucial to ensuring that benefits of cooperation primarily accrued to the Pacific island states. It is notable that where outside pressure, including Australian and New Zealand pressure, have been brought to bear, there has been less willingness to cooperate or comply with regional initiatives.  

At the same time, regional cooperation has proved effective where there is a harmony or convergence of interests between the Pacific island states on the one hand and key metropolitan states on the other (boosting the group’s political clout and leverage). This was evident with the negotiation of the US Multilateral Treaty for example, where US strategic interests converged with the fisheries interests of the FFA group. It has been evident in certain aspects of the negotiations for the WCPF Convention. The US, Canada, Australia and NZ have sided with the island states on key issues against the Asian fishing nations – namely the enforcement and compliance provisions, as well as on science issues and the precautionary approach. This helped ensure that the negotiations did not water down or weaken principles of conservation and management enshrined in the UN Fish Stocks Agreement.  

Finally, it is clear that regional cooperation has been boosted by the fact that its focus is a resource of global consequence. Tuna is perhaps the only resource in the region that does command the attention of the global community. The economic importance of the tuna stocks has attracted growing interest from outside the region. While this has led to concerns about potential resource depletion, it has also helped to enhance the leverage of the Pacific island countries in negotiating with fishing nations. At the same time, because of the global significance of this resource, international support for regional efforts to manage and conserve the fisheries has been forthcoming. One example of this support has been the financial contributions of the Global Environment Facility (GEF) to the FFA and OFP to promote and enhance tuna management arrangements both at the national and regional levels.  

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15 Australia and New Zealand, as members of the FFA, have been mindful of the importance of not appearing to dominate this regional process. However there have been occasions when they have asserted their positions, in the face of resistance from the island states. One occasion was in the formative phase leading up to the negotiations for what would become the WCPF Convention. Pacific island states clearly preferred to develop an in-zone management regime before embarking on negotiations with distant water fishing nations for a high seas management regime. This was opposed by Australia and New Zealand and the two approaches were essentially combined. (Tarte, 2002).  

16 The GEF provided $2.5 million to the FFA and OFP during the Preparatory Conference phase. The groundwork for the provision of a much larger GEF contribution ($8.5 million) to support implementation of the WCPF Convention by Pacific island states is currently being laid.
Are these factors applicable to other areas of regional cooperation, in particular resource management? I’ll leave that for the discussion.

**The pitfalls and problems of regional cooperation**

Past achievements of regional cooperation in the fisheries sector may be attributed to a range of factors, some of which are highlighted above. But successful cooperation rests ultimately on the commitment by members to adopt and abide by common policies. Conversely the limitations and failings of cooperation are largely due to a lack of commitment on the part of individual members to implement policies. What shapes this commitment? The following points highlight some of the factors that impede or hinder cooperation.\(^{17}\)

There is a perceived conflict between the sovereign rights of member states and the various regional arrangements and agreements. This may be rephrased as a perceived conflict between the national interests of individual members and collective action undertaken by the group. This is evident in the way Pacific island states have continued to negotiate access agreements on a bilateral basis rather than develop a harmonized or joint approach to setting access fees. Moreover, some FFA members have licensed foreign vessels in contravention of regional agreements (such as the minimum terms and conditions of access). Although there are clear gains to be had from regional approaches (demonstrated by the US Treaty), countries are unwilling to forego the access fee revenue and associated aid from bilateral arrangements.\(^{18}\)

Related to the above is the notable absence of mutual trust and confidence between members. This may seem strange after twenty five years of cooperation through the FFA and PNA, but countries are still reluctant to share information and openly discuss issues of concern (such as the terms and conditions of bilateral access agreements). There is a tendency to perceive each other as rivals or competitors rather than allies in a common cause. This lack of openness and trust is also evident in relations between the PNA and non-PNA members of the FFA.\(^{19}\) The recent move by

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\(^{17}\) These observations have been made by senior officials from the fisheries departments/ministries of various FFA member states in interviews with the author in the course of undertaking several regional fisheries consultancies (including a review of the sub-regional group, the Parties to the Nauru Agreement).

\(^{18}\) It needs to be acknowledged, though, that most distant water fishing nations have preferred to develop individual negotiating strategies for each coastal state and have resisted any moves towards a common or centralized licensing system.

\(^{19}\) PNA members are Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu – the countries where most of the tuna fishing activity is
the PNA to review the management of the purse seine fishery under the Palau Arrangement, without prior consultation with other FFA members, has deepened the tensions between the two groups.

National rivalry and ambition came to the fore during the process for nominating a country as headquarters and host of the Tuna Commission to be established under the WCPF Convention. Due to the absence of consensus within the FFA group, and the protracted decision making that ensued, the FFA group was at risk of losing the opportunity to host this important fisheries organization. (It is still an open question whether or not the Commission headquarters will in fact function out of the Federated States of Micronesia capital.)

A third factor that shapes commitment to regional endeavors is high-level political engagement in, and awareness of, regional initiatives. According to many officials, this is often lacking and leads to a failure to follow through at national level with regional undertakings. Many countries are plagued by unstable government, leading to frequent turn-over in ministerial posts and to a disjuncture between undertakings by officials and the understanding and support of their ministers. This may stall (if not halt) the implementation of policies already agreed to by a previous government. In addition, there are no regular Forum Ministerial meetings on fisheries or ocean policy (unlike other sectors) and the Forum Leaders summits rarely spend much time discussing this area. This lack of high level political involvement is striking given the widely acclaimed global, regional and national importance of the tuna fishery.

Also striking, in view of the economic importance to many countries of the tuna industry, is the low priority this sector receives from governments. Regional initiatives (whether they are implementing management and conservation measures, negotiating with distant water fishing nations in the Preparatory Conference, or simply attending meetings of the FFC) require national capacity to support and implement. This capacity is severely lacking in many countries (including those with the greatest reliance on tuna fisheries). This refers to human capacity as well as technical and infrastructure capacity. Part of the problem, historically, is that revenue generated by the tuna industry has not been used to build up this capacity but instead has been channeled into government coffers to be used to support other sectors.\(^2\)

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2 Non-PNA members of the FFA are Cook Islands, Fiji, Niue, Samoa, Tonga, Tokelau and Vanuatu (and Australia and New Zealand).

20 This problem may be alleviated somewhat with the move to establish statutory or parastatal fisheries administrations in a number of countries. See note 12 above. These reforms should also lead to increased participation in policy making and implementation by various industry stakeholders (including the private sector).
Governments have also not prioritised training in this area (by allocation of scholarships for example) contributing to the lack of fisheries management or science capacity in the region. This in turn leads to over-reliance on the (often over-stretched) regional bodies, especially FFA.

**Concluding remarks**

After twenty five years of fisheries cooperation, the region now stands at a crossroads. In some respects the establishment of the Tuna Commission under the WCPF Convention completes a process begun with the formation of the FFA. The Convention establishing the FFA recognised the need for ‘additional machinery’ to facilitate cooperation between fishing nations and coastal states, in keeping with Article 64 of the Law of the Sea Convention. Although it was not possible to establish such a regime at the time, that ‘additional machinery’ is now in place. With that come new challenges for the FFA member states.

It is clear that with the WCPF Convention, national responsibilities (in terms of fisheries management and conservation) will be much greater. The regional bodies (FFA and SPC) will be increasingly called on to help build national capacity to support these responsibilities, as well as to fill the gaps that currently exist. It is also clear that despite the past (and continuing) emphasis on regional approaches to tuna management and conservation, little will be achieved without effective domestic policies. (Cartwright, 2003. p.30). It can therefore be argued that the interface between national and regional activity will be more important than ever before.

The establishment of the Tuna Commission will also put new demands on the regional fisheries bodies (FFA and the Oceanic Fisheries Programme of SPC). Member countries will need to define a new balance between meeting their national/regional needs and those of the wider WCPF Convention. They will also need to ensure that adequate resources are forthcoming (preferably from the region’s fishing nations and development partners) to support these wider roles and increased demands.

Perhaps the most pressing challenge, though, will be a political one. As one fisheries official put it, the region is now entering a ‘new ball game’ as far as management of the tuna resource is concerned. This will require cooperating and collaborating with fishing states that traditionally have been at odds with the FFA member states. It is already clear that fishing nations will seek to impose their preferred management
measures on the region and to oppose measures adopted by the FFA states (rather than the Commission). In this context, the FFA group must be prepared for some hard bargaining within the Commission and to be both proactive and coordinated in their approach.

If the Pacific island states are to continue to reap the benefits of twenty-five years of cooperation in fisheries what is ultimately required is greater political commitment to carry this cooperation forward. There is much rhetoric to indicate support for this. Now is the time to translate this rhetoric into meaningful action.
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