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Closing the Gaps: Building Capacity in Pacific Fisheries Governance and Institutions



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Glossary

ADB	Asian Development Bank
ALC	Automatic Location Communicator
AusAID	Australian Agency for International Development
CFMAC	Commercial Fisheries Management Advisory Committee
CROP	Council of Regional Organisations in the Pacific
DAFF	Australian Government Department for Agriculture, Fisheries and Forestry
DfID	United Kingdom Department for International Development
EEZ	Exclusive Economic Zone
FIMSA	Fiji Islands Maritime Safety Association
FFA	Pacific Islands Forum Fisheries Agency
FFC	Pacific Islands Forum Fisheries Committee
GEF	Global Environment Facility
HMTCS	Forum Fisheries Agency Harmonised Minimum Terms and Conditions for Foreign Fishing Vessel Access
IUCN	World Conservation Union
IUU	Illegal, Unreported and Unregulated Fishing
MCS	Monitoring, Control and Surveillance
MEY	Maximum Economic Yield
MMR	Cook Islands Ministry of Marine Resources
MSY	Maximum Sustainable Yield
NGO	Non-Government Organisation
NZ	New Zealand
PIF	Pacific Islands Forum
PNA	Parties to the Nauru Agreement
RIF	Pacific Islands Forum Regional Institutional Framework
SIDS	Small Island Developing States
SPC	Secretariat of the Pacific Community
UK	United Kingdom
UNDB	United Nations Development Programme
WWF	World Wide Fund for Nature
VDS	Vessel Day Scheme
VMS	Satellite Based Vessel Monitoring Scheme
WCPFC	Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean



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Executive Summary

This study was commissioned by the Forum Fisheries Agency (FFA) and the Australian Government Department of Agriculture, Fisheries and Forestry (DAFF) through funding provided by the Australian Agency for International Development (AusAID). The study is intended to be used by donor agencies and FFA members to inform the development of relevant capacity building projects.

This study identifies governance and institutional gaps, focusing on matters identified in almost 150 consultations with roughly 180 leaders, officials, stakeholders and experts from the entire Forum Fisheries Agency (FFA) membership. The authors visited more than 100 institutions in 15 countries. The study then identifies a number of potential responses to address these gaps.

Every gap, challenge or potential response raised in the consultations is summarised in table form in this Executive Summary and detailed in Chapters Three and Four. Key points from these consultations were discussed and reviewed at a small expert workshop in Honiara in February 2008. Chapter Five provides a summary of the workshop discussions and recommends priority areas for capacity building.

Few, if any, of the gaps identified in Chapter Three apply to all members. Many apply to just a few members. It is important to note that this is a combined list of every relevant concern raised in consultations and literature across the entire FFA membership. It is ***not*** a list of gaps that apply to every member.

Of the numerous gaps and challenges identified in the report, the study broadly prioritises 26 governance and institutional gaps and weaknesses that significantly challenge fisheries management and development. While national priorities will differ from country to country, dependent upon their national context, these 26 gaps directly and indirectly carry significant impacts across the region:

1. National institutions lack adequate resources and ability to effectively manage their fisheries;
2. Lack of harmonised management at the sub-regional level;
3. National institutions lack the capacity and procedures to adequately review license applications;
4. Lack of transparency in licensing;
5. Weak license conditions;
6. Poor enforcement of license conditions;
7. Lack of verification of catch data to determine levels of misreporting and/or to determine levels of accuracy;
8. Poor implementation of national observer programmes;
9. Poor operation and enforcement of vessel monitoring systems (VMS);
10. Weak whole-of-government;
11. Lack of human capacity within whole-of-government;
12. Poor decision making process and systems;
13. Corruption;



14. Lack of strategic analytical capacity;
15. Lack of strategic planning;
16. Poor co-ordination and communication;
17. Lack of consultation with industry, community and NGO stakeholders;
18. Poor co-ordination and engagement of relevant departments and/or lack of any whole-of-government process for developing national positions;
19. Minimal capacity to analyse/determine national interest and develop strategies in context of regional fisheries management deliberations;
20. Lack of negotiating skills;
21. Lack of post-meeting evaluation and reports from delegations;
22. Lack of fisheries development vision and whole-of-government strategy;
23. Weak delegations to access agreement negotiations;
24. Lack of transparency in access agreement negotiations;
25. Lack of political engagement and will; and,
26. Inadequate legal framework for fisheries management.

In responding to these gaps and challenges, it is important to keep in mind three key points that arose from early consultations. Firstly, the FFA membership is diverse and includes varying levels of development, institutional capacity and governance. Consequently, capacity building projects should consider national priorities within the national context. Secondly, some interviewees suggested that there needs to be a re-balancing of regional programs to become more nationally focused. These interviewees expressed concern that the FFA and the Secretariat for the Pacific Community (SPC) have both become too top-focused, focusing on their own activities and programs that self-perpetuate, rather than focusing directly on the needs of their members. Thirdly, national and regional programmes and capacity building projects must derive from the FFA members' needs and goals. They must be owned by the FFA members in order to be effective.

Within this context, the study identifies numerous potential responses to address the various governance and institutional gaps and challenges. From this numerous list, the study recommends specific consideration be given to 14 potential responses that broadly address the priority gaps described above and are therefore relevant to the national and regional interests of many within the FFA membership:

1. Develop regional in-country programme to support preparation, negotiation and implementation of international fisheries instruments, conservation measures and access agreements;
2. Review licensing arrangements throughout FFA members to identify best-practice licensing elements;
3. Review vessel/fleet compliance with reporting and license conditions;
4. Analyse effectiveness of compliance/enforcement amongst FFA members including a cost/benefit analysis and benchmarks/lessons learnt;
5. Identify and develop regional networks of 'best practice' champions from FFA member national governments;
6. Establish regional recruitment strategies to build regional 'pools' of talented individuals from which governments can draw from and within which individuals can grow careers;



7. Review strategic planning capacity of FFA members and develop a training program in strategy development and strategic planning;
8. Establish partnership outreach programs with NGOs to inform and engage all relevant communities and stakeholders;
9. Establish sub-regional fishing management collective authority;
10. Increase transparency in access agreement negotiations and revenue;
11. Build regional media expertise and knowledge of fisheries and marine issues;
12. Develop information seminars for political leaders and senior officials;
13. Increase whole-of-government engagement in fisheries; and
14. Perform national institutional and governance reviews.

Given the intimidating size of the list of gaps and challenges, it is reassuring to note the successes amongst the challenges. Interviewees noted the dramatic improvement in the capacity of FFA members during the life of the FFA. Some FFA members now have the capacity to manage and develop their own fisheries resources and are prepared to assist other members. Interviewees described this rise in expertise amongst the FFA members and suggested that it offered an opportunity for regional co-operative capacity building between members. Interviewees suggested that members were motivated to help each other because the national interest of each member was often tied in with the broader interest of other members in developing their fisheries resources and attracting on-shore investment.

Finally, there is no specific response that will quickly and readily resolve the various and complex gaps and concerns. Furthermore, responses are likely to raise associated issues beyond the immediate purview of the project. For example, in order to maximise the benefit of staff training, it is necessary to address working conditions, salaries, staffing resources, career advancement opportunities and a range of other factors (e.g political engagement, management plans, legislation, MCS, data). The inter-linked nature of many of these problems means that a holistic view is required that understands the big picture and generates targeted capacity building projects with clear objectives that work within a national, and sometimes regional, strategy. In this context, the potential responses identified below can be viewed as threads. Each thread is part of a complex web. Ideally, any attempt to strengthen one thread should be undertaken within some form of development strategy that understands the linkages and works within a cohesive vision for the development of the entire web.

The following tables summarise all of the gaps and potential responses identified throughout the consultations and literature review of this study. These gaps and responses are further detailed in Chapters Three and Four.



Fisheries Conservation and Management	
Concerns (Section 3.1)	Responses (Section 4.1)
<ul style="list-style-type: none"> - National institutions lack adequate resources and ability to effectively manage fisheries. - Lack of harmonised management at sub-regional level. - National institutions lack capacity in provincial and community fisheries management. - National institutions lack adequate funding & suffer poor working conditions & low wages - National institutions lack staff numbers. - National fisheries agencies lack ‘attractiveness’ as a career option. - Lack of scientific and fisheries skills. - National institutions lack management skills. - Lack of capacity to monitor fisheries. - Poor sharing of data and poor co-ordination. - Limited understanding of the status of stocks. - National institutions do not adequately consider environmental or sustainability concerns. - Lack of domestic catch, effort or capacity limits. - Lack of national capacity is exacerbated by heavy travel to attend regional meetings. - Lack of donor and CROP agency support for national fisheries institutions. 	<ul style="list-style-type: none"> - Establish sub-regional fisheries management authority. - Promote co-operative fisheries management projects with non-government organisations (NGOs). - Develop market mechanisms to support fisheries conservation and management measures. - Donor programmes to support improvements in working conditions. - Build political engagement to better support and resource fisheries management: - FFA to undertake regional institutional skills audit. - Development of regional fisheries management short course that is tailored to regional needs. - Implement management advisory comm. with collective skills. - Improve MCS, data management and intra-governmental co-ordination. - FFA/SPC to commission analysis on costs of non-management. - FFA/SPC create & distribute regional fish management materials. - NGO education and media campaign on fisheries management and sustainability. - Workshop on area closure options to address overfishing. - Sub-regional collaboration fisheries limits. - Develop analysis and understanding of maximum economic yield (MEY) and options to implement MEY limits. - SPC to prepare a study of gear and effort creep: - CROP agencies to consider national resource ramifications and only send invites to official contacts when scheduling meetings. - FFA/SPC and donor programmes to focus more effectively on national needs, priorities and capacity building.



Vessel Registration, Licensing and Reporting

Concerns (Section 3.2)	Responses (Section 4.2)
<ul style="list-style-type: none"> - Lack of capacity, or a clear and defined process, to adequately review license applications. - Lack of capacity, or a clear and defined process, to adequately investigate license applicants and assess past compliance with license conditions. - Lack of capacity to audit charter applications to ensure they meet domestic requirements. - Lack of transparency in licensing. - Poor provision of data by FFA members to secretariat on licensed foreign fishing vessels. - Inconsistent limits on license numbers. - Length of time required to issue licensing. - Poor information sharing between FFA members on licensing. - Inconsistencies in application of rules regarding carriage of license. - Poor enforcement of license conditions. - National institutions lack adequate compliance and monitoring capabilities. - Political interference in licensing. - Lack of consistency in licensing. - Licensing institutions do not adequately inform vessel owners of their obligations and responsibilities. - Gaps in licensing policy and/or regulations allow foreign vessels to exploit lesser conditions intended for locally operated vessels. - National institutions lack licensing framework for locally owned vessels. - Lack of economic analysis or assessment of potential returns of license fees. - FFA members licensing vessels in contravention of WCPFC Conservation Measures. - Inconsistent implementation of the HMTCs. - Lack of legislation to effectively control registered fishing vessels. - Lack of information on registered fishing vessels. - Registries do not require a real genuine presence. - Vessels registries not compliant with WCPFC conservation measures. - Lack of transparency in registry operations and revenue: 	<ul style="list-style-type: none"> - Review FFA member licensing arrangements to identify best-practice. - Establish rigorous licensing processes based on best practice examples from FFA members. - Publish up-to-date lists of licensed and charter vessels, owners, masters and conditions on the internet. - Establish licensing database and support desk in FFA. - Develop co-operative multi-EEZ one-stop licenses for albacore fishery. - Financial and auditing training. - Review compliance with license conditions and effectiveness of enforcement responses. - Publish up-to-date lists of licensed and charter vessels, owners, masters and conditions on the internet. - Develop policy frameworks that encourage/demand licensed fishing vessels to be locally flagged and meet local operation requirements. - Establish licensing processes that are independent of Ministers and require committee approval. - Introduce compulsory compliance bond for access agreement vessels. - Distribute multi-lingual materials that clearly inform vessel owners, masters and crews of their obligations and responsibilities. - Review licensing policies and regulations for locally operated vessels - Develop licensing frameworks for locally owned vessels. - Expand coverage of HMTCs to apply to all fishing vessels. - Facilitate workshop on the economics of license fees. - Members to seek support for economic analysis prior to setting license fees. - Audit implementation of the FFA HMTCs. - Implement HMTCs through legislation. - Review management and administration responsibilities for flag States. - Establish cost-recovery registry fees for all flag State management and administration costs. - Require foreign owned vessels to meet genuine link requirements:



Science & Economics – Data, Reporting & Research

Concerns (Section 3.3)	Responses (Section 4.3)
<ul style="list-style-type: none"> - Poor enforcement of license conditions to report catch. - Lack of verification of catch data to determine levels of misreporting and/or to determine levels of accuracy. - Lack of access and sharing of data. - Lack of data reporting requirements and/or support and training for reporting by local and/or domestic vessels. - Lack of adequate data and information to inform management. - Gaps in data reporting requirements. - Data stored in hard copy. - Lack of analytical, scientific and research capability. - Lack of adequate science and technology teaching in FFA member's secondary education. - Dependence upon SPC for data analysis. - Lack of national capacity to review SPC science and data. - Focus of regional data analysis programmes is too broad. - Lack of analysis and knowledge regarding fine scale distributions of tuna and their localised responses to fishing pressures. - Lack of information on gear developments and technology. - Lack of economic analytical capacity at national and regional levels. - Lack of understanding and application of bio-economic analysis - Lack of fisheries management economic analysis. 	<ul style="list-style-type: none"> - Study and workshop that evaluates the accuracy, compliance and levels of mis-reporting in historical and current catch data. - Review compliance with reporting and effectiveness of enforcement responses. - Study on the short term and long term economic and management ramifications of poor enforcement and compliance with reporting requirements. - Negotiate compliance bonds into access agreements. - Further training for national data officers in how to proactively collect data and ensure that reports are complete, accurate and timely. - Distribute catch forms in language of fishing vessel. - Increase resourcing and training for integrated data management systems, both regionally and nationally. - Encourage development of national database. - FFA members to collect unloadings at the individual vessel level. - Introduce electronic catch reporting system. - Improve training and distribution of instruction materials to crews in reporting processes. - Consider requirements for all licensed vessels to unload locally. - Further training and support for FFA members to become self-reliant in data analysis and science. - Improve capacity of FFA members and regional agencies to undertake national analysis. - Develop economic analysis capacity of FFA members.



Monitoring & Enforcement

Concerns (Section 3.4)	Responses (Section 4.4)
<ul style="list-style-type: none"> - Lack of defined and/or agreed boundaries. - Insufficient penalties for fisheries violations. - Poor implementation of national observer programmes. - Poor operation of vessel monitoring systems (VMS). - Poor enforcement of VMS. - Lack of 24 hour monitoring of VMS. - Lack of understanding of VMS. - Concerns regarding operation of Automatic Location Communicators (ALCs) for the VMS. - Limited co-operation amongst FFA members to share VMS data. - Limited application of VMS to fishing vessels. - Frequent breakdowns of the FFA VMS. - Lack of resources to maintain and operate the FFA VMS at the secretariat. - Poor telecommunications infrastructure undermines VMS. - Lack of VMS receivers on patrol boats. - Lack of enforcement of license conditions. - Lack of capacity to adequately patrol EEZs. - Lack of staff capacity to monitor compliance with licensing and report requirements. - Lack of lawyers with experience in prosecuting fisheries violations. - Poor interdepartmental co-ordination and communication. 	<ul style="list-style-type: none"> - Increase support for negotiation, resolution and delineation of maritime boundaries. - Support reviews of current penalties against regional and international benchmarks and support legislative/regulatory amendments to reflect regional and international benchmarks. - Increase observer fees. - Improve employment conditions for observers. - Develop regional recruitment strategies for observers. - Support and utilise regional observer programmes. - FFA facilitate a regional VMS strategic workshop. - Improve training and regional support for VMS operations. - Improve auditing of VMS ALCs. - Implement 24 hour monitoring of VMS. - Increase sharing of VMS information between FFA members. - Analysis of options to require vessels unloading in port to provide VMS verification of fishing activities. - Equip patrol boats with the capacity to receive VMS data in real-time. - Increase regional training on MCS activities. - Develop MCS procedural manual. - Increase number and participation in regional MCS exercises. - Develop further joint surveillance arrangement. - Increase percentage of access fees to fund monitoring and enforcement activities. - Analysis of effectiveness of compliance/enforcement amongst FFA members and cost/benefit analysis and benchmarks/lessons learnt. - Analysis of DWFN compliance with license conditions by fleet/operator and by EEZ. - Increase use of on-the-spot fines. - Recruit and train legally trained staff. - Establish inter-departmental co-ordination committees. - Engage all relevant departments through improved co-ordination and communication. - Build co-operative arrangements between fisheries and police (where police are involved in fisheries surveillance and patrols).



Governance, Admin, Consistency & Transparency

Concerns (Section 3.5)	Responses (Section 4.5)
<ul style="list-style-type: none"> - Lack of human capacity within government. - Lack of legal knowledge and skills. - Lack of foreign diplomacy skills. - Lack of ability to undertake financial audits. - Lack of performance assessment of government staff. - Poor decision making process and systems. - Poor (or non-existent) record keeping and filing. - Poor board expertise, management and selection processes. - Politicisation of decision making. - Lack of transparency. - Corruption. - Weak anti-corruption mechanisms. - Lack of capacity in policy formulation and planning. - Lack of strategic analytical capacity. - Lack of strategic planning. - Lack of strategic information. - Lack of adequate prioritisation for fisheries in whole-of-government. - Lack of strategic vision: - Poor co-ordination and communication. - Overly restrictive compartmentalisation of responsibilities. - Desperate financial plight of whole-of-government. - Inadequate resources for fish agencies. - Lack of cost recovery: 	<ul style="list-style-type: none"> - Improve basic infrastructure (i.e buildings & working conditions). - Establish regional recruitment strategies to build regional ‘pools’ of talented individuals from which governments can draw from and within which individuals can grow careers. - Top-up salaries. - Build capacity of provincial governments to more effectively manage and develop coastal and inshore fisheries. - Develop regular info. programs to inform and update Ministers and senior officials of regional and global fisheries and marine matters. - CROP agencies to send meeting invites to official contacts only. - CROP agencies to review recruitment activities so as to ensure their recruitment builds capacity in FFA members in medium to long term while minimising capacity loss from FFA members in the short term. - FFA and SPC to develop capacity building/recruitment strategy. - Assistance with transition planning and mentoring. - Review management, administrative and planning training needs of national fisheries agencies and develop a corporate training strategy and training opportunities for fisheries officials. - Field training in fisheries. - Review provision of training to ensure relevance to pacific context. - Assistance to develop performance management and assessment systems and expertise. - Support the development of reporting requirements, record keeping processes and filing systems. - Re-structure fisheries departments/ministries into statutory authorities or commissions with independent boards or, where departmental/ministry structures are maintained, establish independent boards to oversee governance of fisheries agencies. - Establish parliamentary code of conduct with rules on declarations of financial interest and conflict of interest. - Establishment of Independent Commissions Against Corruption. - Implement governance arrangements that promote transparency and accountability. - Build capacity to audit the performance of government agencies. - Establish parliamentary reporting requirements for fisheries agencies to produce annual reports. - Appointment of officials with responsibilities to specific fisheries and/or stakeholders. - Establish and maintain regular meetings of Fisheries Consultative Committees or Advisory Boards. - Review strategic planning capacity of FFA members and develop a training program in strategy development and strategic planning. - Establish national strategic planning processes. - Develop co-ordination and communication processes. - Sponsors of studies and consultancies, and meeting organisers to make reports and papers publicly available – FFA secretariat to establish a publicly accessible central database of all relevant meeting papers, reports, consultancies, management plans. - Minimise classification of reports and papers as confidential: - Improve revenue reporting from licensing and access agreements. - Review costs and benefits of fisheries management. - Implement cost recovery mechanisms to ensure fisheries department as adequately resourced to fulfil their responsibilities.



Stakeholder Participation & Consultation	
Concerns (Section 3.6)	Responses (Section 4.6)
<ul style="list-style-type: none"> - Lack of community understanding of 'good governance' & engagement in governmental processes. - Poor in-depth understanding, investigation and coverage of fisheries and marine issues in national and regional media. - Lack of consultation with industry, community and NGO stakeholders. - Poor communication and information sharing with stakeholders and communication. - Resistance to inclusion of industry & NGOs on national delegations to international meetings. - Problems establishing industry associations and defining eligibility criteria. - Communication gaps on assistance available to support formation of industry associations. 	<ul style="list-style-type: none"> - Establish partnership outreach programs with NGOs to inform & engage relevant communities & stakeholders. - Address gaps in secondary education system. - Develop media expertise and knowledge of fisheries and marine issues. - Establish and maintain fisheries consultative committees. - Include industry expertise on agency governance or advisory boards. - Encourage industry and NGO participation in national delegations to international meetings. - Support development of industry associations and improve awareness of association support programs.

Regional Co-operation, Negotiation & Advocacy	
Concerns (Section 3.7)	Responses (Section 4.7)
<ul style="list-style-type: none"> - Poor co-ordination and engagement of relevant departments and/or lack of whole-of-government process for developing national positions. - Poor level of communication, consultation or co-ordination internally within the fisheries agency. - Poor level of communication, consultation and engagement of stakeholders in regional meetings. - Poor or non-existent preparation for regional meetings. - Minimal capacity to analyse/determine national interest and develop strategies in context of regional fisheries management deliberations. - Lack of capacity and process to prepare written briefs. - Lack of process to endorse delegation mandate or brief. - Lack of written briefs: - Too many meetings overloading FFA members. - Meeting papers are distributed without enough time for adequate review. - Flawed processes for accrediting delegations. - Lack of preparation. - Lack of technical expertise, analytical ability & data. - Lack of legal, policy and strategic analytical expertise. - Lack of negotiating skills. - Cultural constraints on negotiating and advocacy. - Weak negotiating positions. - Lack of performance review/assessment of delegations. 	<ul style="list-style-type: none"> - Develop co-ordination and communication processes. - Build national capacity of FFA members to prepare for, and participate in international negotiations. - Review strategic planning capacity of FFA members and develop a training program in strategy development and strategic planning. - Establish national strategic planning processes. - Engage Forum leaders in sub-regional and regional strategies and difficult conservation/allocation decisions. - WCPFC workshop on stock assessments. - Geo-political analysis of DWFN interests and drivers. - Strengthen pacific islands regional fishing associations and their engagement in national delegations. - Regional review of all fisheries and related meetings. - Distribute meeting papers earlier. - FFA or WCPFC sec. to post guidelines to all members advising members on accreditation requirements. - Build negotiating expertise of FFA member delegations. - Adopt a more hardline regional negotiating stance. - Develop collective negotiating delegations with clear mandate from the FFC. - Propose amendments to WCPFC meeting processes to better incorporate Pacific cultural concerns. - Propose amendments to WCPFC meeting processes to require vocal support or a show of hands from each member to indicate consensus. - Recruit full time legal/compliance policy officers. - Assistance to develop performance management and assessment systems and expertise.



<ul style="list-style-type: none"> - Slow ratification of instruments. - Lack of implementing legislation for treaties. - Lack of meeting evaluation & delegation reports. - Lack of post-meeting reports to stakeholders. - Lack of understanding of treaty obligations. - WCPFC summary record lacks guidance on obligations and implementing requirements. - Lack of national level support from FFA and SPC. - Lack of capacity amongst smallest FFA members to monitor aid and capacity building opportunities and develop proposals. - Lack of strategic support by the FFA secretariat. - Declining sense of common interest amongst members. - Lack of preparation by members for Management Options Workshops. - Poor engagement of FFC Ministerial Meetings. <ul style="list-style-type: none"> - Concerns with FFA briefs. - Concerns regarding FFA batting order and speaking points. <ul style="list-style-type: none"> - Concerns regarding non-FFA participation on FFA delegations to internal strategy workshops. - Location of FFA secretariat in Honiara. <ul style="list-style-type: none"> - Conflicting views on the role of the FFA secretariat in regard to strategic planning and the development of regional strategies. - Concern with FFA sec. driving regional agenda. - Concern with FFA, SPC & donor focus on EBFM. - Too much secrecy within FFA membership. - Poor co-ord. between donors & aid programs. - Concerns regarding focus of some aid programs. 	<ul style="list-style-type: none"> - Develop processes and capacity to undertake post-meeting analysis of meeting outcomes and produce post-meeting reports and de-briefings. - Establish regional mechanism to support FFA member implementation of regional conservation measures. - Produce an explanatory guidance memorandum on Commission outcomes. - Develop regional in-country programme to support preparation, negotiation & implementation of international fish. instruments and conservation measures. - FFA to develop mentoring opportunities between FFA staff and national staff. - FFA secretariat to build its internal capacity in strategy development and planning. - FFA to develop harmonised minimum terms and conditions for fisheries management, access agreements, and marine biodiversity conservation. - Identify and develop regional networks of 'best practice' champions from FFA member national governments. - FFA secretariat to continue current co-ordination activities and briefs at WCPFC meetings. - FFA secretariat to establish a publicly accessible central database of all relevant meeting papers, reports, consultancies, management plans. - FFA to review training needs, options and potential service providers. - Copy all WCPFC correspondence to FFA secretariat to support co-ordination and record keeping. - FFA secretariat to actively inform all members and relevant stakeholders of capacity building opportunities. - FFA secretariat to recruit capacity building facilitator. - FFA to host more management options workshops. - FFA present in-country seminars and personally update senior staff and Ministers each time there is a turnover in staff or Minister at the national level. - FFA to undertake regular reviews of institutional and governance gaps at the national level. - FFA briefs to provide more analysis & recommendations that support sub-regional and national interests. - FFA brief to develop analysis & collective recs. that better synchronise national positions. - FFA briefs to be less determinative and more informative. - FFA briefs to be more pro-active and less historical. - FFA briefs to build member capacity to analyse issues. - Distribute briefs earlier. - FFA briefs to discuss various positions of FFA and DWFN. - FFA briefs to place emphasise development issues more. - FFC to develop confidentiality guidelines for internal strategy workshops. - Consider establishing service level agreements with regular consultants and relevant experts. - Regularly review work programme. - Review role of FFA in strategic planning and development. - FFA and SPC should review outsourcing provision of training. - Engage FFC in debate to improve information sharing and transparency amongst members. - Review capacity building projects and aid donor co-ordination processes and establish regular donor co-ordination and communication meetings. - FFA and SPC to focus more on national implementation and national needs.
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- Lack of WCPFC verification system to confirm effective implementation of member obligations.
- Lack of understanding and implementation of sanctions for non-compliance with WPCFC.
- Lack of understanding of full VDS implications (and therefore difficulties with implementation).
- Concerns regarding MCS weakness in PNA VDS.
- Role of the PNA and the FFA.
- Concerns with the FSM arrangement.
- Concerns regarding poor implementation of the WCPFC Conservation Measures.
- Lack of working group within WCPFC for developing C&M Measures.
- Concerns about WCPFC Sci. Comm and science.

- Strengthen the PNA as an interest group and trading bloc.
- PNA to organise a workshop on VDS implementation.
- Review the role of the PNA within the FFA.

Development & Infrastructure	
Concerns (Section 3.8)	Responses (Section 4.8)
<ul style="list-style-type: none"> - Lack of fisheries development vision and whole-of-government strategy. - Lack of regional strategic leadership in sth albacore group. - Lack of navigation and harbour infrastructure. - Over-capacity of fish vessels undermines local development. - Lack of govt support for developing local fish businesses. - Low priority given to development of local fish businesses. - Lack of a competent authority and legislative framework to officially sanction the quality of export products. - Difficult immigration processes for importing foreign workers. - Inconsistent application of STCW-95 requirements creates unequal playing ground. - Lack of consistency, certainty and security: - Lack of understanding/expertise in business principles and industry development requirements in government. - Lack of interest/expertise in fish development in local citizens. - Lack of support for business mentoring and/or training. - Lack of business and political skills within local industry. - Lack of local interest in fisheries development. - Lack of skilled labour. - Too many regional meetings exacerbates lack of capacity in national fisheries agencies and holding up fisheries business. - Slow decision making processes. - Lack of appropriate legislation. - Lack of cohesion amongst local operators. - Licensing does not provide long term certainty for investment. - Licensing/access agreements too focused on immediate price. - Lack of capital or access to finance. - Lack of incentives for foreign investment. - Problems with taxation regimes. - Unfair competition from government owned fishing companies. - Corruption is an important concern for industry. - Poor co-ordination between provincial & national govts. - Poor consultation and communication with stakeholders. - Poor co-ordination of negotiations for EC FPA. - Difficulties with meeting EC import accreditation requirement. 	<ul style="list-style-type: none"> - Develop whole-of-government vision and strategy for fisheries development. - Limit number of licenses. - Utilise access fee funds to support business ventures that build on national strengths. - Development to occur incrementally. - Improve government support for fisheries development. - Consistent, co-ordinated, stable and predictable policy and regulatory environment. - Build capacity of members to drive and develop sub-regional fisheries development strategies. - Build capacity of fisheries associations. - Develop fisheries development business workshops for stakeholders and officials. - Facilitate fisheries business training workshops for Pacific fisheries industry leaders and entrepreneurs. - Improve crew and officer training opportunities for FFA citizens. - Extend licensing period from 1 to 3 or 5 years. - Develop licensing/access criteria that considers compliance history & local crew opportunities. - Review policy & programme options to support capitilisation for local fisheries entrepreneurs. - Review tax constraints on fish development. - Governments to consider re-structuring government owned/operated fisheries business to avoid direct competition with local privately owned/operated fisheries business. - Fisheries development assessments should be inclusive, consultative and consider all relevant matters, not just immediate economic. - Establish/revive stakeholder consultations. - FFA and ForSec to review effectiveness of negotiations with EC.



Access Agreements	
Concerns (Section 3.9)	Responses (Section 4.9)
<ul style="list-style-type: none"> - Lack of fisheries development vision and whole-of-government strategy. - Weak enforcement of regional and bilateral access conditions. - Weak delegations to access agreement negotiations. - Lack of economic analysis for access agreement negotiations. - Limited use of FFA and SPC support for access negotiations. - Lack of capacity to prepare for and negotiate access agreements. - Gaps in financial reporting of access fee revenue. 	<ul style="list-style-type: none"> - FFC to develop workshop on national and collective opportunities to increase returns from oceanic fisheries. - FFC to discuss and consider endorsing benefits of increasing co-operation and collective approaches to access negotiations. - Develop support mechanisms to build capacity of FFA members to undertake fisheries economics analysis. - Build national capacity of FFA members to prepare for, and participate in access negotiations. - Improve MCS mechanisms and enforcement of access conditions. - Increase transparency in access agreement negotiations and revenue. - Improve financial reporting of access revenue through annual reports to parliament and other formal mechanisms.

Political Engagement	
Concerns (Section 3.10)	Responses (Section 4.10)
<ul style="list-style-type: none"> - Lack of political engagement and will. - Lack of expertise and understanding of fisheries and legislative matters amongst political leadership. 	<ul style="list-style-type: none"> - Build media profile of fisheries issues. - Build the capacity of stakeholder associations and NGOs to inform and engage communities and stakeholders on fisheries matters. - Increase involvement of FFC in technical fisheries issues. - Develop information seminars for political leaders and senior officials. - Increase whole-of-government engagement in fisheries.

Legislation & Policy Frameworks	
Concerns (Section 3.11)	Responses (Section 4.11)
<ul style="list-style-type: none"> - Lack of policy framework with clear vision for fisheries. - Poor consultation in the development of management plans. - Poor implementation of fisheries management plans and legislation. - Inadequate legal framework for fisheries management. - Inadequate legislation to address IUU fishing. - Poor regulations undermining fisheries development. - Some management plans lack legal authority. - Bureaucratic obstacles to amending legislation. - Lack of legal capacity: 	<ul style="list-style-type: none"> - FFA and SPC to review the development and implementation of management plans across the region and identify constraints and lessons learnt from previous experiences. - Development and reviews of management plans should be highly consultative and engage all stakeholders. - Develop legislation to implement management plans. - Legislate requirements for consultation and transparent fisheries governance to support management plans. - Tighten foreign investment legislation to improve transparency. - Develop legislative and policy frameworks to implement WCPFC and UNFSA. - Amend legislation to support on-the-spot fines. - Amend legislation to increase penalties. - Recruit and train legally trained staff.



Chapter 1. Introduction

“That’s the \$64 million question – how to enable pacific island countries to determine and implement their own national interest.”

Section 1.0 Background

This study was commissioned by the Forum Fisheries Agency (FFA) and the Australian Government Department of Agriculture, Fisheries and Forestry (DAFF) through funding provided by the Australian Agency for International Development (AusAID). The study is intended to be used by donor agencies and FFA members to identify national and regional priorities and inform the development of relevant capacity building projects. The terms of reference for the study are:

Stage one (consultations, literature review and report):

- a. identify critical elements required for sustainable management and development of the region’s fish resources to the benefit of FFA members, particularly in regard to tuna;
- b. identify governance and institutional gaps and weaknesses at the national and regional¹ level that undermine the sustainable management and development of the region’s fish resources and reduce benefits to FFA members, particularly in regard to tuna;
- c. identify potential capacity building activities that address the national and regional governance gaps and weaknesses.

Stage two (workshop and final report):

- b. prioritise national and regional governance gaps and weaknesses in order of those most requiring urgent attention;
- c. prioritise capacity building activities that most effectively address the priority national and regional governance gaps and weaknesses.

The structure of this report closely follows the terms of reference. Chapter Two identifies the critical elements required for management and development. These elements provide the structure for subsequent discussions on gaps and responses. Chapter Three identifies a number of generic governance and institutional gaps at the national and regional level in the Pacific islands region. These gaps were identified through consultations and a literature review as undermining the ability of FFA members to sustainably manage and develop the region’s fisheries resources (particularly tuna) to their benefit. Chapter Four then summarises these gaps and challenges and identifies potential responses to address each gap through capacity building and co-operative action within the FFA membership. Chapter Five recommends priority areas for capacity building.

¹ It should be noted that the regional focus for this study is on programme delivery. The study is not mandated to address the high level governance arrangements for the regional institutions.



Section 1.1. Scope & Methodology of the Study

The study undertook a literature review and a comprehensive round of consultations throughout the FFA membership. The authors consulted broadly with a range of Ministers, officials, industry, community stakeholders, non-government organisations, experts and relevant regional fora. The study undertook 146 interviews in 15 member countries with approximately 180 individuals from more than 100 agencies, departments, organisations, companies and associations. Participants from almost every FFA member were interviewed in-country.² In many cases, a number of people from the same department were interviewed separately (i.e compliance section, management section, data section – all within the Fisheries Ministry). A list of the agencies and organisations consulted is attached in appendix A.

Interviews were held anonymously, and largely individually, in order to facilitate frank discussions so that the authors could collect and discuss the broadest range of views in a manner that was not limited by official positions. These consultations generated hundreds of pages of material and ensured that the study was relevant and current, and not filtered through previous viewpoints or national interests. A synopsis of the key issues collected from these consultations is attached in appendix B. References to individual sources have been omitted to preserve confidentiality.

The interviews were structured in a manner that would facilitate a diverse range of feedback and hopefully uncover as many viewpoints and concerns as possible in order to identify institutional and governance gaps from an inside stakeholder's viewpoint. While there was a standard backgrounder that was given to each interviewee, the actual interview was highly flexible and the topics discussed reflected the specific expertise, knowledge and concerns of the interviewee. This resulted in a diverse range of responses (as can be seen in appendix B).

The study then used the responses from these consultations, and a review of current and past literature, to develop its analysis and to identify the gaps and potential responses. In keeping with the anonymous methodology of the first stage, the study reported on gaps or challenges generically rather than specifically. This approach was taken because some of these examples could be potentially embarrassing to some members and to protect the anonymity of interviewees. Given the very small size of some countries, it could be relatively easy in some cases to identify an individual from comments if the country is specifically mentioned.

Given the exploratory nature of these interviewees, it was not possible to simultaneously prioritise the gaps, challenges and responses as the study progressed. Similarly, it would be misleading to record the number of times that individuals raised specific concerns as discussions were qualitative and focused on areas of relevance to the interviewee to maximise the input from each consultation. Consequently, the term 'interviewees' is not quantitative and could refer to one, some or all interviewees.³

² Interviewees from Tokelau and Niue were interviewed on the side of a regional meeting in Vanuatu.

³ Appendix B provides the notes of the key issues that arose in consultations. Notes from these interviewees are introduced as deriving from one, some or many interviewees. Once again, it should be noted that this is not statistically reliable as the interviewees were qualitative and did not seek to identify levels of support for each issue.



The second stage of the report utilised an expert workshop to review the study and its findings. It was intended that this workshop would also provide feedback on the identified gaps and potential solutions within the specific national context of each member and provide expert guidance on the prioritisation of the gaps and responses within the national context of each member. However, due to a limited turnout for the workshop, there were not enough participants from each member to enable the workshop to effectively prioritise solutions at the national or sub-regional level. Consequently, the workshop instead focused on a broad peer review of the report's findings and a discussion of some of its key issues.

Every gap, challenge or potential response raised in the consultations is identified in Chapters Three and Four. However, it is important to note that few, if any, of these matters apply to all members. Many apply to just a few members. This dauntingly long list covers every relevant concern raised in consultations and literature across the entire FFA membership. It is ***not*** a list of gaps that apply to every member.

Preliminary consultations recommended that this study liaise with two other regional projects investigating related issues to ensure that each of the three projects were complimentary. Consultations confirmed that there was no significant overlap with these projects, though there was some need to clarify specific areas of focus.

In this regard, this study notes the GEF Institutional Review work that is being undertaken through the FFA. This project focuses on reviewing institutional strengthening and reform experiences and opportunities throughout FFA member national administrations. To ensure there was no repetition, this study did not investigate institutional strengthening or reform, but focused on identifying the institutional gaps where relevant.

Similarly, this study notes the work undertaken by the Pacific Islands Forum on Reforming the Pacific Regional Institutional Framework (RIF). This work reviewed the regional organisations represented on the Council of Regional Organisations in the Pacific (CROP) and the overarching framework and developing options for changing these arrangements to facilitate further development, implementation and monitoring of the Pacific plan. The focus of the RIF work was at an organisational and political level far higher than the terms of reference for this study and the authors note that it is not in this study's terms of reference to consider the future structure nor the governance arrangements of CROP agencies, nor to recommend actions that may fundamentally reform how the CROP agencies are structured or governed.

Finally, this study does not address specific legislative gaps or responses. The FFA is already developing legislative guidelines for sustainable fisheries and provides capacity building and support to FFA members to identify legislative gaps and draft new legislation that meets modern requirements.



Section 1.2 Governance & Institutions

Governance and institutions must function effectively if development and growth is to occur in the Pacific. But given the variety of alternate forms of government, what exactly is governance? This is the subject of complex discussion, much of which is beyond the mandate of this study. For the purposes of this study, 'governance' is broadly interpreted as the manner in which power is exercised in the management of a country's economic and social resources for development.⁴ Governance is about how a country manages its affairs and the relationships between citizens and the State.⁵

In this context, the Asian Development Bank (ADB) notes that governance is directly concerned with the management of the development process which involves both the private and the public sectors.⁶ The World Bank adds that governance is: the process for selecting, monitoring and replacing governments and holding them accountable; the capacity of governments to formulate, implement and enforce sound policies and regulations that manage their resources; and respect for the institutions that govern economic and social interactions amongst them.⁷

The global discussion on governance is now generally focused on the effectiveness and competence of institutions, rather than just the issue of corruption. This is of key relevance to this study as most of the discussion on gaps in governance and institutions concern the capacity and co-ordination of the national and regional institutions relevant to resource management and development.

It is important to clarify that the meaning of institutions includes more than just government and regional organisations. 'Institutions' has been broadly described as the rules of the game – the way in which formal (laws and regulations) and informal (shaped by tradition and culture) rules affect relationships between citizens, each other and the State.⁸ Institutions include the formal: constitutions, laws, regulations and contracts; and the informal: trust, social norms and informal rules.⁹

Development agencies and donors are now considering more broadly the needs of institutional development when addressing governance gaps and weaknesses. There is a growing recognition that solely focusing on strengthening critical organisations (such as fisheries departments) may not automatically result in lineal improvements in State capacity or capability. Past experiences demonstrate that the success of such organisational strengthening programmes can be undermined or blocked if institutional reviews and reforms are not included in the programme.¹⁰ This does not

⁴ Webster's New Universal Unabridged Dictionary. 1979. Dorset and Baber. London.

⁵ DiFD. 2007. *Governance, Development and Democratic Politics*. Department for International Development (DiFD). London.

⁶ Mellor, Thuy and Jabes, Jak. 2004. *Governance in the Pacific: Focus for Action 2005-2009*. Asian Development Bank. Manila.

⁷ Kaufman, Daniel., Recanatini, Francesca and Biletsky, Sergiy. 2002. *Assessing Governance: Diagnostic Tools and Applied Methods for Capacity Building and Action Learning*. The World Bank. Downloaded from <http://www.worldbank.org/wbi/governance>.

⁸ DiFD, 2007.

⁹ Saldanha, Cedric. 2007. *Rethinking Capacity Development*. International Public Management Review. <http://www.impr.net>

¹⁰ DiFD, 2007.



just apply to the formal ‘rules of the game’ but can also include circumstances where organisational reforms and formal institutional changes may have little impact due to a failure to change the informal rules of the game (i.e restructuring a government department and introducing new regulations and policies may achieve little if a culture of secrecy and personal aggrandizement continues within the bureaucracy).

Furthermore, there is a growing global recognition and acceptance that governance is country specific and is shaped by the social and economic factors, history, geography and resources specific to each country.¹¹ What works in one country may not work in another. This is a key point to note in the Pacific, given its diverse and distinct communities and varying contexts. Chapter Two discusses ‘good governance’ and identifies the generally agreed critical elements required for ‘good governance’.

Section 1.3 Defining Capacity & Capacity Development

Most of the individuals interviewed during this study identified capacity limitations in Pacific island governments as a critical constraint on their ability to implement sustainable management and enable development of their fisheries. It is helpful to this discussion to have a clear definition of capacity and capacity development. The United Nations Development Programme (UNDP) defines capacity as:

“... the ability of individuals and organisations or organisational units to perform functions effectively, efficiently and sustainably ... capacity is the power of something (a system, an organisation, a person) to perform or to produce.”¹²

This broad definition of capacity is important for the purposes of this study and sets the framework for what is meant by capacity development. Furthermore, UNDP note that capacity is affected by the overall context within which organisations and individuals perform their functions and suggest that

Capacity development is largely focused on developing the capacity of institutions, organisations, governments and their citizens to harvest and manage their resources sustainably. This capacity includes the public functions of government, and the engagement and actions undertaken by private and civil society sectors that drive and support social and economic progress in an environmentally sustainable manner.¹³ Capacity development is not solely about building the capacity of organisations, but includes developing the systems and institutions within which organisations and individuals perform their functions. UNDP defines capacity development as:

“... the process by which individuals, organisations, institutions and societies develop abilities (individually and collectively) to perform functions, solve challenges and set and achieve objectives”.¹⁴

¹¹ DiFD. 2007

¹² UNDP. *Capacity Assessment and Development in a systems and strategic management context*. Technical Advisory Paper No. 3. <http://magnet.undp.org/Docs/cap/CAPTECH3.htm>

¹³ Saldanha, Cedric. 2007.

¹⁴ UNDP. 1997. *Capacity Development*. Technical Paper No. 2. <http://magnet/cdrb/Techpap2.htm>



Chapter 2. Critical Elements Required for Management & Development

Section 2.0 Introduction

This chapter begins with a brief overview of the current FFA member fisheries, noting its importance to the region's economy, society and environment. Fisheries are an integral part of the Pacific, both traditionally and as a modern component of economic development. Consequently, sustainable management and development is vital to the long term wellbeing of this region.

This chapter then presents a summary of the critical elements required for the sustainable management and profitable development of the region's fisheries.

Section 2.1 Scene Setting

It is a pivotal time for the Pacific islands region. Overfishing and overcapacity threaten to the sustainability of some of the region's key fish stocks and significantly lower the benefits to FFA members and undermine their ability to develop fishing and related industries. Economic studies have shown that fishing effort is significantly above optimal levels, thereby reducing the profitability of the fishery.¹⁵

Increasing demands upon national governments to implement necessary management and conservation measures is placing further pressure on Pacific island governments and regional institutions. This combination of events is exposing governance and institutional gaps at both the national and regional level that undermine the ability of Pacific island countries to meet these challenges and sustainably manage and develop their fisheries resources.

Failure to meet these challenges threatens the long term sustainability of this important regional resource and significantly reduces the real and potential benefits to Pacific island countries. Furthermore, these challenges can be viewed as a direct threat to the economic viability and food security of some FFA members, given their high dependence on fisheries resources for both revenue and food security. Meeting these challenges is critical to the future well-being of the FFA region.

Fisheries are a vital component of subsistence and commercial economies throughout the Pacific islands region and have long been viewed as the primary development opportunity for many of the region's developing island states. Pacific island members of the FFA depend upon these stocks: as a traditional and important source of food; employment (21,000 – 31,000 regional jobs); and as a critical form of revenue

¹⁵ Bertignac, Michel., Campbell, Harry., Hampton, John., and Hand, Anthony. 2001. Maximising Resource Rent from the Western and Central Pacific Tuna Fisheries. In *Marine Resource Economics*. Vol. 15. pp151-177.



(AUD\$80-90 million in access fees) and income (expenditure by locally based vessels is worth approximately AUD\$190 million).¹⁶

Coastal and oceanic fisheries are the only significant resource for many of the island FFA members. In 1999 the combined annual tuna catch was equivalent in value to approximately 11% of the combined GDP of FFA member Pacific island States.¹⁷ In some cases revenue from tuna can contribute up to 42% of gross domestic product¹⁸ (Kiribati and Tuvalu). The access fees from these fisheries are significant components of national economies for 7 of the 14 Pacific island States.¹⁹

“These tuna resources of the area are enormous in relation to the national economies (of the Pacific small island developing States). A purse seine vessel, in a single haul can capture enough tuna to match the value of a year’s exports from one of the smaller countries.”²⁰

Pacific island communities are heavily dependent upon coastal fisheries for food security. Inshore stocks are generally not over-fished, though some concerns are developing for commercially harvested inshore species.²¹ Many of these coastal fisheries supply coastal communities who have few other opportunities to earn cash incomes to purchase food alternatives.

Despite this critical dependence upon the region’s fisheries, island FFA members struggle to earn a reasonable return from the fisheries resources within their exclusive economic zones (EEZs). Approximately 90% of tuna from FFA member’s EEZs continues to be caught by foreign fishing vessels from distant water fishing nations (DWFN).²² These vessels operate through access agreements and other arrangements that historically have returned more economic benefits to the DWFNs and their vessels than to the island States which own the rights to the fisheries in question.²³

- Approximately 10%²⁴ or less of all tuna caught in the western and central Pacific ocean is taken by vessels from Pacific island States, despite roughly 41 %²⁵ of the catch reported as coming from their EEZs.²⁶

¹⁶ Gillett, Robert., McCoy, Mike., Rodwell, Len. And Tamate, Josie. 2001. *Tuna. A Key Economic Resource in the Pacific Island Countries*. A Report Prepared for the Asian Development Bank and the Forum Fisheries Agency.

¹⁷ Gillett, Robert., McCoy, Mike., Rodwell, Len. And Tamate, Josie. 2001.

¹⁸ Gillet, R. and Lightfoot, C. 2001. *The Contribution of fisheries to the economies of Pacific Island Countries*. Report prepared for Asian Development Bank, Forum Fisheries Agency and World Bank.

¹⁹ Gillet, R. and Lightfoot, C. 2001.

²⁰ Gillett, Robert., McCoy, Mike., Rodwell, Len. And Tamate, Josie. 2001.

²¹ Clark, Les. 2006. *Pacific 2020 Background Paper: Fisheries*. Paper prepared for AusAID based on roundtable discussions in June 2005.

²² Cartwright, I. and Willock, A. 1999. Oceania’s Birthwright; the role of rights-based management in tuna fisheries of the Western and Central Pacific. Paper presented to the FishRights 99 Conference, Perth, Australia. 11-19 November, 1999.

²³ Gillet, Robert. 2005. Pacific Island Countries Region. In *Review of the State of World Marine Resources*. FAO Fisheries Technical Paper 457. Rome. FAO. Pp144—157.

²⁴ 90% is taken by DWFN leaving 10% or less for Pacific Island States. Tarte, Sandra. 1999.

Negotiating a Tuna Management Regime for the Western and Central Pacific: The MHLC Process 1994-1999. In *The Journal of Pacific History*. Vol 34. No. 3. pp273-280.



- Approximately 6% of fishing vessels active in the region are flagged²⁷ to Pacific island States (this includes Taiwanese owned vessels flagged to Vanuatu, Marshall Islands and Papua New Guinea).²⁸
- Approximately 3.5 - 6% (roughly AUD\$80-90 million) of the delivered value of the catch is returned to Pacific island States through access fees.²⁹ Some economists have argued that this is low in context of other access arrangements reported elsewhere.³⁰

Access fees derived from oceanic fisheries deliver much-needed financial contributions to governments, while domestically-based fishing fleets and support industries pump hard currency into national economies. Fisheries resources have also, to a degree, motivated some distant water fishing States to build and maintain relationships throughout the region that include significant aid budgets. These complicated relationships can bring a Pandora's box of development, governance and foreign policy ramifications.

While companies and nationals from DWFN reap the lion's share of the benefits, Pacific island governments continue to bear the overwhelming share of the management costs, either directly or through the use of aid donor funds which could have been spent on other projects of benefit to developing island States.³¹

This management burden is now increasing as the Western and Central Pacific Fisheries Commission (WCPFC) negotiates a web of compliance, reporting and conservation measures. These measures are critical to the long term sustainability of the region's tuna fisheries and present a challenge to the region's small governments and limited capacity.

²⁵ Hampton, John. 2005. *Tuna Fisheries and their Impacts in the Western and Central Pacific Ocean*. Secretariat of the Pacific Community.

<http://www.spc.org.nc/artImpact%20of%20tuna%20fisheries.htm>

²⁶ It is worth noting that interviewees throughout this study expressed concern that catches by DWFN vessels from Pacific island EEZs were sometimes being misreported as coming from high seas. This raises important questions regarding historical catches which are discussed in section 3.4.

²⁷ Interviewees raised questions about whether many of these vessels are in fact 'beneficially owned' by citizens or companies from Pacific Island States. Interviewees noted that many of these vessels were in fact owned by DWFN interests and operated through locally based companies in Pacific Island States or through joint ventures.

²⁸ These figures were derived through analysis of various tables in: Lawson, Timothy (ed) 2004. *Western and Central Pacific Fisheries Commission Tuna Fishery Yearbook 2004*. Secretariat of the Pacific Community. Noumea.

²⁹ These figures are difficult to verify due to confidentiality requirements and varying methods of revenue recognition. Further, the figure may not reflect the associated aid arrangements that often accompany the fee. The figures quoted comes from: Bertignac, Michel., Campbell, Harry., Hampton, John., and Hand, Anthony. 2001. And Lewis, Tony. 2004. *A Review of Current Access Arrangements in Pacific Developing Member Countries (PDMCs)*. Another important source on access fees is Gillet, R. and Lightfoot, C. 2001.

³⁰ Petersen, Elisabeth. 2003. The catch in trading fishing access for foreign aid. In *Marine Policy*. 27. pp219-228

³¹ *Pacific Islands Oceanic Fisheries Management Project*. 2004. United Nations Development Programme and Forum Fisheries Agency. Honiara.



Section 2.2 Critical Elements

Successful management, conservation and development of the region's fisheries depends upon the effective implementation of a complicated web of critical elements. This is no simple task for any country – rich or poor. Few countries in the world, if any, have managed to successfully implement all the critical elements necessary to manage and develop a complicated multi-species, multi-gear, migratory fishery in a manner that is sustainable and maximises economic returns to the community.

The critical elements described below are generic and have been drawn from a variety of sources. They are not definitive, nor are they exclusive, but are indicative and were developed to support and guide subsequent discussions to identify governance and institutional gaps and responses.

For the purposes of this study, the authors reviewed relevant international fisheries instruments that are supported by FFA members.³² For the purposes of this review, the key instruments considered include:

- the United Nations Convention on the Law of the Sea (LOSC);
- the 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 (UNFSA);
- the United Nations Food and Agriculture Organisation's (FAO) Code of Conduct for Responsible Fishing;
- the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC);
- and the Forum Fisheries Agency's (FFA) Harmonised Terms and Conditions for Foreign Fishing Vessel Access (HMTCs).

These binding and non-binding instruments provide a basic framework which States need to implement in order to effectively conserve and manage fisheries resources in the Pacific islands region. The authors discussed what elements were critical to management and development during early consultations. This feedback extended, refined and amended the list of elements, particularly relating to political engagement, access agreements and development.

The framework of critical elements was then used by the authors to guide subsequent discussions. These discussions comprehensively endorsed this list as a basic guide of all the elements necessary to manage, conserve and develop the region's fisheries sustainably and profitably. In accordance with its terms of reference, the study focuses on institutional and governance gaps that undermine the implementation of management and development, not gaps in the actual management and development

While the scope of this study does provide for a detailed evaluation of these critical elements in any great detail, it is important to note two key points: firstly, managing and developing the Pacific's burgeoning multi-gear, multi-species, migratory fisheries is inherently complex and multi-dimensional. Sustainable management and profitable

³² Through either signature, ratification or accession.



development requires ticking many boxes. A precautionary ecosystem based approach to management is meaningless if monitoring and surveillance is too weak to verify compliance. Similarly, a world's best practice monitoring, control and surveillance scheme will do little if the conservation limits perpetuate overfishing. Secondly, regardless of whether the WCPFC is the world's most advanced regional fisheries management organisation (RFMO), it all comes to nought if members do not 'own' its outcomes and are not engaged in its deliberations.

As overfishing and overcapacity continue to increase pressure on the region, FFA members will require a strong institutional and governance capability to implement many, if not all, of the following critical elements. These elements are not listed in order of priority or importance.

Sub-Section 2.1.1 Fisheries Conservation and Management

Successful management and development requires that human activities be regulated to ensure that the quality, diversity and availability of fisheries resources is maintained in sufficient quantities for present and future generations, and that the integrity of the broader marine ecosystem and environment is sustained.

This requires long term management objectives to be identified and implemented through management actions (fishery management plans or other management frameworks) and that these are not undermined by short term considerations (political or economic). Management should be based on the best scientific evidence available and should apply an ecosystem based approach which:

- accounts for the interdependence of fish stocks and effects of fishing on species associated with or depended on target and bycatch species;
- prevents changes or minimises the risk of changes in the marine ecosystem which are not potentially reversible over two or three decades;
- protects non-target, associated/dependent species and other biodiversity in the marine environment;
- protects critical fisheries habitats (e.g reefs, mangroves) from human activities that threaten the health and viability of the fishery resources; and
- restores endangered species and rehabilitates critical fisheries habitats.

Management should ensure that fishing effort is commensurate with the fishery's productive capacity and that overfishing and overcapacity is prevented or eliminated. This requires that some form of catch and/or effort limits are implemented (supported by capacity controls if necessary) and the use of such practices as fish aggregating devices are managed to avoid unsustainable impacts. When making such decisions, management should apply a precautionary approach which:

- is more cautious when information is uncertain, unreliable or inadequate;
- establishes conservation (limit) and management (target) reference points;
- ensures that the risk of exceeding limit reference points is very low;
- includes measures to ensure that when reference points are approached, they will not be exceeded. In the event they are exceeded, action is dictated to restore stocks;
- maintains or restores populations of harvested stocks, and associated or dependent species, at levels consistent with previously agreed precautionary reference points;



- adopts emergency conservation and management measures when a natural phenomenon has a significant adverse impact on the status of fisheries resources;
- implements urgent and cautious conservation and management including, *inter alia*, catch and effort limits for new and exploratory fisheries. Such management remains in force until sufficient data is available to allow a full assessment of the fishery; and
- assesses the implications of habitat disturbance prior to the commercial introduction of new fishing gear, methods and operations to an area.

Management arrangements should consider the cost effectiveness and social impacts of alternative conservation and management measures. Furthermore, the traditional practices, needs and interests of indigenous peoples dependent upon fisheries for their livelihood and local fishing communities should be considered when formulating and implementing management arrangements.

Finally, the efficacy of conservation and management should be continuously reviewed and revised or abolished, as appropriate, in light of new information.

Sub-Section 2.1.2 Vessel Registration, Licensing & Permits

The licensing of fishing vessels and authorisations to fish is a function of both the flag State and coastal State. This includes rights and responsibilities relating to monitoring and controlling flagged vessels, determining and enforcing the conditions of fishing licenses and maintaining records of fishing vessels.

Governments should only flag vessels with a genuine link to the flag State, and should ensure that none of its vessels are allowed to fish unless they are authorised in a manner consistent with international law (e.g LOSC, UNFSA, WCPFC) and in compliance with their national legislation. Governments should maintain a record of all their flagged fishing vessels authorised to fish beyond their waters of national jurisdiction. Governments should ensure that all authorised fishing vessels abide by all WCPFC and other international requirements (e. VMS, observers, catch reporting).

FFA members should only license foreign fishing vessels to fish within their national waters if the vessels have good standing on the FFA Vessel Register, are on the WCPFC Record of Fishing Vessels, and are in compliance with all requirements of the harmonised minimum terms and conditions for foreign fishing vessel access and the WCPFC. The process for issuing fishing licenses should be transparent and accountable and designed in such a manner as to prevent fraudulent or corrupt licensing. Governments should not license any vessel that has a history of illegal, unreported and unregulated (IUU) fishing, is on the WCPFC IUU list, or not on the FFA or WCPFC Records.

Sub-Section 2.1.3 Science & Economics – Data, Reporting & Analysis

Almost all decisions in fisheries management and development depend on data. Each company or vessel depends on good data to determine almost all aspects of its operations: from where, when and how it fishes; to where, when and how it trades.



Similarly, fisheries scientists depend heavily upon catch and other data to develop their critical recommendations upon which the sustainability of the fishery often depends. Economists also depend upon good data to develop their advice upon which managers, governments and industry build development and maximise their returns.

International instruments have adopted standard requirements for the collection and sharing of fisheries data. Standards have been formulated on the application of principles of data collection and exchange, types of data to be collected by States, its verification, and co-operation in the exchange of information.

Closely related to data collection is the requirement to report fisheries-related information. International instruments provide for general reporting requirements and obligations of fishing vessels, and the reporting obligations of members to WCPFC, FAO and other relevant bodies. Governments should collect (and are required to annually provide such data to the WCPFC in regard to highly migratory fish stocks), complete and accurate data concerning fishing activities, inter alia:

- time series of catch and effort statistics by fishery and fleet;
- total catch in number and/or weight by species for both target and non-target catches;
- discard statistics;
- effort statistics;
- fishing locations, date and time fished and other statistics as appropriate;
- composition of the catch according to length, weight and sex;
- other biological information that supports stocks assessments such as information on age, growth, recruitment, distribution and stock identity;
- vessel identification, flag and port of registry;
- vessel type and specifications; and
- fishing gear description.

Additionally, governments should establish data verification mechanisms such as:

- vessel monitoring systems;
- scientific observer programmes to monitor catch, effort, catch composition (target and non-target) and other details of fishing;
- vessel trip, landing and transshipment reports; and
- port sampling.

Finally, governments should undertake scientific research that supports:

- estimating potential fishing yield;
- identifying biological constraints;
- fisheries conservation and management, including research on the resource and on the effects of climatic, environmental and socio-economic factors;
- assessing impacts of fishing on non-target and associated or dependent species and their environment;
- assessing environmental and social impacts of fishing gear and the impact of such gear on biodiversity and other fisheries; and
- understanding the costs, benefits and effects of alternative management options designed to rationalise fishing, particularly in regard to options relating to excess fishing capacity and excessive levels of fishing effort.



Sub-Section 2.1.4 Monitoring & Enforcement

Given that most fishing occurs far from shore, and hence far from government, effective monitoring and enforcement is a critical component of fisheries management. The establishment of an effective monitoring, control and surveillance (MCS) system includes the implementation a variety of measures and the application of sanctions of sufficient severity necessary to deter non-compliance.

Conservation and management measures should be enforced through effective MCS measures, including (amongst other mechanisms):

- observer programmes;
- boarding and inspection schemes;
- vessel monitoring systems;
- port and transshipment controls; and
- trade and market controls.

Governments should ensure that laws and regulations provide for effectively severe sanctions, including those which allow for the refusal, withdrawal or suspension of authorisations to fish in response to non-compliance with conservation and management measures.

Members of the WCPFC should implement their national obligations and ensure that their vessels abide by all WCPFC requirements.

Sub-Section 2.1.5 Governance, Administration, Consistency & Transparency

Fisheries instruments and consultations undertaken for this study identify elements that governments should implement or undertake in order to sustainably manage their fisheries and meet their international obligations and utilise their sovereign rights.

Firstly, governments should ensure that an effective legal and administrative framework at the local and national level, as appropriate, is established for fisheries resource conservation and fisheries management.

Secondly, governments should ensure that fisheries interests, including marine conservation needs, are taken into account when planning and developing multiple uses of coastal zones and coastal area management.

Thirdly, governments should ensure that decision making processes are transparent and achieve timely solutions to urgent matters.

More generally, development and governance discussions identify principles or elements critical to 'good governance'. The Asian Development Bank (ADB) identifies four basic elements of good governance:³³

³³ Mellor, Thuy and Jabes, Jak. 2004.



- **Accountability:** Public officials are answerable for government behaviour and are responsible to the entity from which they derive their authority. Criteria should be established for the performance assessment of officials, and oversight mechanisms created to ensure that these criteria are met. Accountability is imperative for the functioning of governments.
- **Participation:** Development is about people; they are not only its ultimate beneficiaries, but also its agents – acting through groups and associations (i.e. trade unions, chambers of commerce, non-government organisations, church groups) and individually. Participation increases ‘ownership’ and enhances results. It implies government structures are flexible enough to offer stakeholders the opportunity to improve the design and implementation of public programs and projects. The effectiveness of policies and institutions may require the broad support and co-operation of the major economic actors involved.
- **Predictability:** Laws, regulations, and policies exist to regulate society and are applied fairly and consistently. Rights and duties are well-defined, as are mechanisms for enforcing them and for settling disputes in an impartial manner. It is of critical importance since without it, the orderly existence of citizens and institutions would be impossible.
- **Transparency:** Information is available to the general public and there is clarity about government rules, regulations, and decisions. Transparency in government decision making and public policy implementation reduce uncertainty and can help inhibit corruption among public officials. Hence, the citizen’s rights to information may need to be strengthened with a degree of legal enforceability.

Similarly, the Australian Government describes good governance as:

‘... the competent management of a country’s resources and affairs in a manner that is open, transparent, accountable, equitable and responsive to the people’s needs.’³⁴

Finally, good governance requires leadership. The Chief Ombudsman of Papua New Guinea, Mr Ila Geno, stated in 2006:

‘Sound and solid political governance is central to the growth of a nation State...To achieve sound and effective political governance, its key aspects must be considered. One such vital aspect is political leadership. One cannot talk about political governance without talking about political leadership.’³⁵

³⁴ AusAID. 2000. Good Governance: Guiding principles for implementation. Australian Agency for International Development (AusAID). Canberra.

³⁵ Geno, Ila. 2006. Governance and Institutions: Political Governance. Speech at the launching of Pacific 2020. Sydney. Australia.



Consultations noted the importance of political engagement in support of fisheries management. This is critical to the management and development of the region's fisheries. This issue is further discussed below in the section on political engagement.

Sub-Section 2.1.6 Stakeholder Participation and Consultation

As described above, participation of stakeholders and communities is critical to 'good governance' and necessary for the effective implementation of policies and projects. This is widely recognised in international and regional fisheries instruments and literature, and was further supported by the majority of interviewees who identified consultation with stakeholders and all relevant government agencies as a critical element to effective management and development. The following are key elements.

Governments should consult with, and effectively engage the participation of, industry, fishworkers, environmental and other interested organisations in decision-making with respect to the development of laws and policies related to fisheries management, development, international lending and aid. In so doing, the rights of fishers and fishworkers to a secure and just livelihood, should be protected and granted preferential access where appropriate, to traditional fishing grounds and resources in waters under their national jurisdiction. This applies particularly to those engaged in subsistence, small-scale and artisanal fisheries.

Management arrangements should fully involve traditional management systems at the local community level to support successful implementation of conservation and management measures.

Fisheries should be regulated in such a manner as to avoid the risk of conflict among fishers using different vessels, gear and methods.

Finally, awareness of responsible fisheries practices should be promoted through education and training.

Sub-Section 2.1.7 Regional Co-operation, Negotiation & Advocacy

Given the migratory nature of many of the region's key fish stocks and the large range of exclusive economic zones and high seas through which they migrate, it is imperative that all involved countries co-operate to ensure effective management. FFA members are well served for this co-operation through the FFA, its subsequent agreements, their involvement in the WCPFC, and more recent discussions regarding the establishment of a new South Pacific RFMO.

Through these mechanisms, members should ensure that:

- excess fishing capacity is avoided;
- fishing occurs at economically viable levels;
- fisher's interests (including subsistence, small-scale and artisanal) are considered;
- biodiversity is conserved;
- endangered species are protected;
- depleted stocks are restored or allowed to recover;



- adverse environmental impacts on fisheries resources from human activities are assessed and, where appropriate, corrected; and
- pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species and impacts on associated or dependent species are minimised.

Furthermore, governments should implement and enforce the provisions of the WCPFC Convention and the conservation and management measures agreed by the WCPFC Commission.

The successful implementation of these elements, and other critical elements described in this chapter, requires that FFA members are effectively represented and engaged in regional management and have the capability to access their rights and implement their responsibilities.

Sub-Section 2.1.8 Development & Infrastructure

Fisheries should be developed to meet the current and future needs of Pacific Island States. This development should balance social, economic and environmental factors and achieve ecologically sustainable development within a framework of ecosystem-based fishery management.

All fishing facilities, equipment and activities should allow for safe, healthy and fair working and living conditions and meet internationally agreed standards adopted by relevant international organisations.

Development plans should investigate options for diversifying lagoon and inshore fishing to near shore and offshore areas. Such development plans should support diversification through training, capital financing for fleet and port facilities, post-harvest handling, and domestic and international marketing.

The allocation of domestic and regional fishing rights should be developed to build greater certainty for fishers and create a collective responsibility for the long term sustainability of fisheries. Allocation of fishing rights should be granted in a transparent and accountable manner.

Sub-Section 2.1.9 Access Agreements

Negotiations for access agreements should be transparent and accountable. Access agreements should require the flag State to take all actions necessary to ensure that its fishing vessels comply with all relevant laws and regulations of the coastal State. This should include prosecution and sanctions under its own domestic laws of serious violations. Additionally, the coastal State should ensure that monitoring, control and surveillance capabilities are adequate to enforce all relevant laws and regulations.

The permitted catch and capacity of the foreign fleet in the access agreement should be consistent with a sustainable level of fishing, as based on scientific assessments, and should be compatible with all relevant regional and international instruments (i.e. FFA HMTCs, WCPFC). Furthermore, the fishing State should be required to support



scientific research in the fishery concerned and report all relevant data to the coastal State in an accurate and timely manner.

Access agreements should require the foreign fleet to pay a proportionate share of the management and environmental costs for the fishery to which it has been access.

Parties should ensure that the interests of the coastal State's small scale and artisanal fishers are protected when drafting the access agreement.

Finally, access agreements and their target stocks should be reviewed by each partner against national objectives and sustainability criteria before they are renewed.

Sub-Section 2.1.10 Political Engagement

Political engagement and leadership is critical to support the effective implementation of sustainable conservation and management policies, particularly when there are significant vested interests involved. Similarly, a high level of leadership and political engagement is required to drive development visions, strategies and implementation.

Political engagement in fisheries management and development should be broad and be supported by whole of government. Ideally, this support should be shared across all political parties to ensure policy consistency and certainty continues through change of Ministers and governments.

Sub-Section 2.1.11 Legislation and Policy Frameworks

Governments should consider developing national fisheries 'vision' policies or statements that describe management and development goals and strategies to achieve them. Specific fisheries management objectives should be translated into management actions within fishery management plans. Such management plans should be consultative and participatory, concise and tightly focused on the fishery in question.

Management plans should be supported by adequate legislation and regulations. Detailed discussion of the specific issues to be considered in reviewing and drafting fisheries legislation can be found in the FFA report on legislative guidelines.³⁶

Sub-Section 2.1.12 Conclusion

Chapter Two identifies those critical elements considered to be critical to the effective implementation of sustainable management and development of the region's fish resources to the benefit of FFA members, particularly in regard to tuna.

Chapter Three now identifies the institutional and governance gaps and challenges that undermine the ability of FFA members to implement these critical elements.

³⁶ Edeson, W. 2007. Legislative Guidelines for Sustainable Fisheries: Some Future Directions for the Development of Fisheries Legislation in the Pacific Islands. FFA draft consultancy report.



Chapter 3. The Reality – Gaps & Weaknesses

Section 3.0 Background

This chapter identifies generic governance and institutional gaps or challenges that undermine the ability of FFA members to sustainably manage and develop the region's fisheries resources (particularly tuna) to the benefit of FFA members. Chapter Four then describes the potential responses. Chapter Five concludes with a brief summary of the expert review workshop analysis and identifies potential priority areas for capacity building.

Once again it should be noted this chapter describes a combined list of every relevant concern raised in consultations and literature across the entire FFA membership. It is ***not*** a list of gaps that apply to every member. Similarly, it should be remembered that the exploratory nature of these interviewees meant that it was not possible to prioritise the gaps, challenges and responses identified during the consultations.

The most relevant literature to this review includes seven recent studies into the capacity building needs of FFA members in fisheries management and development. These are:

- AusAID Pacific 2020 Background Paper on Fisheries;³⁷
- FFA commissioned Special Requirements Strategy;³⁸
- development study by Barclay and Cartwright in 2006;³⁹
- development study by Gillett in 2003;⁴⁰
- SPC review of Pacific island countries capacity to meet the WCPFC's data requirements;⁴¹
- FFA commissioned review of member's data capacity building needs;⁴² and
- Pacific Islands Oceanic Fisheries Management Project Needs Assessment undertaken in 2004.⁴³

These studies identified some matters of particular interest to this study. In 2003, the United Nations Development Programme (UNDP) and the FFA identified a lack of political commitment to take tough fisheries decisions, and a lack of national capacity

³⁷ Clark, Les. 2006.

³⁸ Cartwright, I and Preston, G. 2006. A Capacity Building Strategy for the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. Forum Fisheries Agency. Honiara.

³⁹ Barclay, K and Cartwright, I. 2006. Capturing Wealth from Tuna: Key Issues for Pacific Island Countries.

⁴⁰ Gillett, Robert. 2003. Domestic Tuna Industry Development in the Pacific Islands. The Current Situation and Considerations for Future Development Assistance. FFA Report 03/01. Honiara.

⁴¹ SPC. 2003. Capacity of Pacific Island Countries and Territories to meet the likely data requirements of the Western and Central Pacific Fisheries Commission. Oceanic Fisheries Programme of the Secretariat of the Pacific Community. Tabled to Working Group II of the Preparatory Conference 5th Session. Rarotonga.

⁴² Lewis, T. 2004. Special requirements of FFA member countries with respect to science and data capabilities: evaluation and proposal for funding. Forum Fisheries Agency. Honiara.

⁴³ FFA. 2004. Pacific Islands Oceanic Fisheries Management Project Needs Assessment. Forum Fisheries Agency. Honiara.



as key threats to the sustainable management of the Pacific island region's fisheries.⁴⁴ The issue of political engagement is discussed in Section 3.10 and is critical to effective implementation and resourcing of fisheries management and development. The UNDP and FFA commented in 2003:

“Most Pacific SIDS governments have not so far been tested on their commitment to taking hard decisions on limiting fishing and catches in their waters – these decisions do not come easily to governments in countries where fisheries is the major sector of the economy and where there are major commercial and external influences on fisheries decisions.”⁴⁵

The lack of national capacity in many member governments affects almost every area of fisheries management and development. UNDP and FFA noted that previous priorities for FFA member governments largely focused on controlling and benefiting from their EEZs. During this time, sustainability was not a key concern and overfishing was not a significant threat. Consequently, few members implemented any catch limits or developed any processes for determining or applying limits. They commented that consultative processes with stakeholders were relatively weak:

“... and certainly not strong enough to provide the forum or dialogue between stakeholders that will be necessary as Pacific SIDS move to take hard decisions about limiting access to oceanic fish resources...”⁴⁶

The lack of catch limits or effective processes for applying limits is increasingly a concern as overfishing and overcapacity threaten the sustainability and profitability of the region's fisheries.

The AusAID 2020 Pacific Fisheries Backgrounder⁴⁷ identified various constraints on fisheries management and development, including national capacity (both human and institutional), weaknesses in national governance, and gaps in regional governance. The AusAID paper refers to poor transparency as a priority weakness in national governance and offers suggestions for improving governance and addressing gaps in national capacity. It also suggests that the lack of a co-operative framework for management of the high seas and conservation of the stocks across their entire range has been a key regional governance gap. However, it notes that the entry into force of the WCPFC now provides a framework to address these regional gaps and develop cooperative conservation measures across the range of the stocks.

Cartwright and Preston discuss the capacity building needs of FFA members regarding participation in the WCPFC and implementation of its conservation and management measures. Significant issues include, amongst other matters: a lack of capacity to undertake bio-economic analysis to determine cost/benefits of management options and support the development of management strategies; and the

⁴⁴ UNDP and FFA. 2003. Pacific Islands Oceanic Fisheries Management Project. UNDP Project Document. Honiara.

⁴⁵ UNDP and FFA. 2003.

⁴⁶ UNDP and FFA. 2003.

⁴⁷ Clark, Les. 2006.



weak capacity of some members to meaningfully participate in international negotiations.⁴⁸ This study addresses these issues in Sections 3.1, 3.3 and 3.7.

Amongst these challenges, it is helpful to note past successes. Interviewees noted the dramatic improvement in the capacity of FFA members during the life of the FFA:

“...there has been a dramatic improvement in capacity, particularly in law and compliance programmes, with a lack of progress in science and economics.”⁴⁹

Some FFA members now have the capacity to manage and develop their own fisheries resources and are prepared to assist other members to manage and develop theirs. Interviewees described this rise in expertise amongst the FFA members and suggested that it offered an opportunity for regional co-operative capacity building between members. Interviewees noted members were motivated to help each other because the national interest of each member was often tied in with the broader interest of other members in developing their fisheries resources and attracting on-shore investment.

⁴⁸ Cartwright, I and Preston, G. 2006.

⁴⁹ Interviewee.



Section 3.1 Fisheries Conservation & Management (National)

Given the socio-economic importance of fisheries resources to all FFA members, both for economic development and food security, it is critically important that national fisheries institutions are capable of effectively managing, developing and conserving their fisheries resources and implementing their national goals and regional obligations. However, many national fisheries institutions throughout the region are incapable of meeting these goals or implementing their regional obligations, due to a number of institutional or governance limitations. Interviewees noted that many of the fisheries departments throughout the region are hamstrung by unworkable conditions, low pay, poor political engagement, inadequate funding, lack of skills, limited career opportunities, and inadequate operational budgets.

This section describes those gaps that occur specifically within the national fisheries management agencies. Section 3.5 discusses the broader governance and institutional issues that undermine fisheries management and development at the national and regional levels. Section 3.11 discusses fisheries management plans and policy as well as legislative frameworks.

- **National institutions lack adequate resources and ability to effectively manage their fisheries:** Interviewees suggested that their countries did not have the ability or resources to manage their fisheries sustainably or effectively implement national and/or regional conservation and management measures. Interviewees suggested that a key constraint on their ability was the lack of capacity within their fisheries department. One interviewee stated:

“We can’t even manage our own EEZs because of the costs, what about the high seas?”

In 2004, the Pacific Islands Oceanic Fisheries Management Project Needs Assessment identified a lack of capacity amongst FFA members to identify and implement appropriate fisheries management strategies and options.⁵⁰

- **Lack of harmonised management at sub-regional level:** Interviewees noted an example where one fisheries agencies had (largely) successfully implemented its management plan and reduced the number of vessel licenses. These decisions were based on economic and sustainability concerns with advice provided by SPC and FFA.

However, during this time its neighbour was simultaneously increasing licenses. Despite these apparently contradictory management responses, there was no formal discussion between two members on developing co-operative approaches. Interviewees suggested that the active member wished to get their house in order and then let domestic industry talk to industry in other countries. However, there was no considered strategy to develop a co-operative approach.

⁵⁰ FFA. 2004.



- **National institutions lack adequate funding and suffer from poor working conditions, low salaries and inadequate operational budgets:** Interviewees noted inadequate operational budgets are a key challenge for some FFA members' fisheries departments who cannot afford to maintain vehicles, pay phone bills, photocopying, internet or fuel costs. Interviewees noted that fisheries departments were under-funded despite the fact that they were often the major exporter for their country. This was particularly a challenge in countries where fisheries departments were funded out of treasury and there was no cost recovery funding direct to the department.
- **National institutions lack adequate numbers of staff:** Interviewees noted that a lack of capacity within government was a critical challenge undermining fisheries management. This was both a problem of numbers of staff and levels of skill, experience and knowledge. It is caused in large part by the small national population providing too few skilled staff.
- **Lack of scientific and fisheries management skills:** Interviewees noted a lack of staff with the scientific and fisheries conservation/management skills and knowledge necessary to develop fisheries management policies and actions. One interviewee commented:

“(he was)... amazed at some of the assumptions that are made due to poor skills and knowledge. Some fisheries officers seem to massage their data to support desired recommendations.”

In 2004, the Pacific Islands Oceanic Fisheries Management Project Needs Assessment identified noted that some members lacked expertise in fisheries management, policy formulation, fisheries science, statistics and assessment.⁵¹

The AusAID 2020 Fisheries Backgrounder suggests that part of the problem is that many administrations do not have the right people with the rights skills in fisheries management.⁵²

- **National institutions lack management skills:** Interviewees noted challenges caused by staff having to fulfil many functions simultaneously and good technical staff quickly getting promoted out of their expertise into management and thereby removing essential technical skills from government. Some interviewees noted that capacity building has focused on technical and policy training in fisheries but with little focus on HR management institutional administration/planning/strategic planning training. This creates holes and problems with staff turnover, career advancement, and resourcing.
- **Lack of capacity to adequately monitor fisheries:** Interviewees noted a lack of capacity in national fisheries institutions to adequately monitor fish stocks and fishing effort. Section 3.3 discusses the consequent serious challenges with data.

⁵¹ FFA. 2004.

⁵² Clark, Les. 2006.



- **Poor sharing of data and poor co-ordination:** Interviewees noted that poor co-ordination and communication between relevant departments prevented the sharing of monitoring and surveillance data (such as VMS) to inform fisheries conservation, management planning and decision making.
- **Limited understanding of the status of stocks:** Interviewees expressed concern that there was still little understanding of the plight/reality of the status of stocks.
- **National institutions do not adequately consider environmental or sustainability concerns:** One interviewee noted that their fisheries department was only looking at economic returns and was not considering sustainability or environmental concerns. Other interviewees from that same member argued that their management balanced conservation and fishing history aspirations.
- **Lack of domestic catch, effort or capacity limits:** Interviewees noted that some members lacked any capacity, effort or catch limits within their EEZs. In some cases informal ‘understandings’ indicated maximum limits for licensing of vessels. This gap in governance resulted in cases where one FFA member might introduce limits to restrain catches and effort at biologically and/or economically sustainable levels while neighbouring FFA members promoted unlimited fishing with no consideration for economic or biological sustainability concerns.
- **National fisheries institutions lack capacity in provincial and community fisheries management:** Interviewees noted that there were significant differences in governance, management, issues of concern, and stakeholders between inshore coastal fisheries (which involve communities and artisanal fishers) and oceanic fisheries (which in most cases are dominated by foreign fleets). Interviewees noted challenges with implementing conservation and management for their outer island in-shore fisheries. In part, this was due to a combination of two factors: limited capacity within the community council or provincial government; and a lack of capacity or priority from the central government to adequately address coastal fisheries issues. These challenges were exacerbated by the isolation of outer island communities which creates obstacles to active management and research by central government. Consequently, much of the responsibility for management falls on the local communities or provincial government. These challenges were further exacerbated by the increasing commercialisation pressures experienced in some in-shore fisheries and the declining respect for traditional management mechanisms (such as taboo areas) and traditional hierarchies. This was weakening the authority, and therefore implementation of inshore fisheries management.
- **Lack of capacity to address national priorities is exacerbated by heavy travel requirements to attend regional meetings:** Interviewees commented that the high workloads and heavy travel requirements left fisheries agencies with little or no capacity for day to day domestic tasks, let alone address strategic or co-ordination issues. One interviewee commented on their lack of capacity: “Too busy. Too many meetings. You pick up things when its just about to hit the fan.”



Another interviewee commented that their tuna management plan is due for review but this was:

“... hampered by the continuous change of senior staff of the Ministry with new secretary and Ministers. Fisheries officials also travel far too much and no one seems to be on the ground most of the time.”

The AusAID 2020 fisheries paper noted similar concerns:

“The few people with fishery and corporate management skills are heavily involved in regional fishery meetings and other activities that diminish their capacity to govern national fishery activities.”⁵³

- **National fisheries agencies lack ‘attractiveness’ as a career option:**
Interviewees noted that the ‘lack of attractiveness’ of fisheries departments for new staff is a long running challenge. It was suggested that fisheries used to attract good young graduates but the downgrading of fisheries departments has made this less the case now.
- **Lack of donor and agency support for national fisheries institutions:**
Interviewees suggested that the parallel systems in place for fisheries management (national and regional) and a duplication of resources, resulted in a dichotomy of funding where reasonable amounts were available at the regional level (e.g for data, administration) but little at the national level.

⁵³ Clark, Les. 2006



Section 3.2 Vessel Registration, Licensing & Permitting

The ability of countries to profit from their fisheries resources and to implement effective management is dependent upon their ability to control fishing activities through licensing, and their ability to gain a reasonable return from each license. However, licensing has long had a problematic record amongst FFA members, particularly in regard to corrupt practices and poor enforcement of license conditions. One interviewee commented:

“There was a period when licensing officers in some FFA members were treated handsomely, like Princes, by foreign fishing companies in return for licensing favours.”

Similarly, the history of distant water fishing vessels complying with license conditions, particularly in regard to accurate and timely reporting, has generally been poor. Recent years have seen significant improvements in licensing processes by some members. Some FFA members now have sophisticated licensing processes with multiple reviews and checks. While various interviewees referred to past problems with “retrospective licensing”, some interviewees noted that this was no longer a widespread problem due to improvements in licensing processes and increased transparency. Many FFA members however continue to depend upon vulnerable ‘one-man’ licensing procedures with minimal requirements for review or processing. One interviewee summed up their licensing process as simply:

“We don’t issue licenses until they have paid.”⁵⁴

Licensing continues to challenge FFA members and many members still suffer from serious shortcomings in their governance of licensing, licensing processes and systems, and their relevant institutions. Poor compliance with licensing conditions is generally regarded as a minor infraction and action is rarely taken. There is often little understanding at the political level, and sometimes at the official level, of the strategic ramifications of poor compliance with license conditions. This is particularly significant given that it impacts on revenue and on the ability of members’ to negotiate accurate access agreement fees. In the long term, misreporting undermines the ability of members to compile accurate catch histories which could be vital to future allocation deliberations. Licensing challenges include:

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- **Lack of capacity, or a clear and defined process, to adequately review license applications:** Interviewees noted that they did not have the capacity or ability to review license applications and depended entirely upon the FFA Registry of Good Standing. If the vessel was on the registry, that was good enough. Most interviewees described licensing processes as simply requiring a quick check of documentation to ensure everything had been filled out before issuing a license once a receipt had been issued for payment of fees. Some interviewees stated that their government checked that the vessel was on the FFA registry and/or met FFA

⁵⁴ Interviewee.



VMS requirements and/or met broader MTC requirements. Interviewees in some FFA members contradicted each other about what the actual process was for reviewing a license application, suggesting a lack of clear process and confusion. In one case, interviewees stated that little review, if any, was performed before a license was issued while other interviewees from the same government stated that they randomly check against HMTTC requirements, vessel insurance, fees and the past performance of the vessel in question when assessing a license application.

- **Lack of capacity, or a clear and defined process, to adequately investigate license applicants and assess past compliance with license conditions:**

Interviewees noted that compliance with license conditions was generally very poor. While some interviewees stated that compliance with license conditions in their national context was generally good, many noted various problems. They noted that the main license violations were non-compliance with VMS requirements and failure to report in accordance with license conditions. However, interviewees noted that there is little, or no, analysis done on the past performance of individual vessels. Interviewees expressed concern that current licensing arrangements were not working and that vessel licenses were being reissued despite vessels not fulfilling their reporting requirements. It was noted that some members reissue licenses despite a history of non-compliance and that beneficiaries of previous illegal fishing activities were often reissued licences. No one recalled any license application ever being refused. One interviewee noted that while they are unable to assess past compliance records of individual vessels, they did undertake an annual fleet wide assessment of their past performance (prior to access agreement negotiations).

- **Poor enforcement of license conditions:** Interviewees noted various examples of countries that were very lenient on license condition violations. They noted that in many cases, no action would be taken against infractions (such as non-reporting) and that their surveillance was not good. Interviewees suggested that many governments regarded breaches of license conditions unimportant and noted that any potential responsive action would be blocked at the Ministerial level. Interviewees suggested that implementation of regulations on licensed foreign fishing vessels was undermined by the prevalent mindset:

“There is a fear that if rules are enforced, vessels will go elsewhere.”

One interviewee commented:

“... (where vessels fail to submit catch reports) ... then licenses shouldn't be renewed because its in contravention of the conditions. But this doesn't happen because the people in the licensing division are not as strict as they should be. ... (He noted that injunctions to colleagues to not renew licenses for such vessels) ...falls on deaf ears.”



Example box – Poor enforcement of license conditions

One example of the frustrations with poor enforcement of license conditions is evident in a comment by one interviewee who noted poor compliance with their license conditions that require all transshipments to occur within their waters. This condition was inserted into the license so as to support monitoring of fishing activities and ensure accurate and timely reporting. It was widely known in his government that fishing vessels were not complying with this condition but his government was not taking effective action to enforce it. He noted that this caused problems for monitoring because their government did not get the transshipment reports if the vessels did not tranship within their waters.

- **Political interference in licensing:** Interviewees raised concerns regarding political interference in licensing decisions. Interviewees noted ongoing political pressure to overturn or moderate licensing conditions for foreign charter vessels. Examples of political interference occurred in members with basic licensing procedures and also in FFA members with sophisticated licensing procedures. Interviewees noted examples where previous directors had been sacked and/or charged for issuing licenses unilaterally without board/committee endorsement or proper process due to political/industry pressure. Interviewees noted examples where political pressure was mounted on the fisheries director to moderate licensing rules or not penalise vessels for infractions.

Example box – Political interference in licensing

An example was one vessel that had failed to operate its VMS for 4 months. Eventually the vessel was required to call into port to have its VMS fixed before it would be allowed to continue fishing. The instruction was quickly overturned by the Minister following contact from overseas. No reasons were provided for the direction and the matter was then disregarded. However, interviewees also noted positive examples where the Minister no longer has direct involvement in licensing and stated that this has enhanced the transparency and accountability of the licensing process and reduced political interference. Another positive example was noted where a licensing dispute ended up in the courts and the director of fisheries withstood significant political pressure.

- **Lack of transparency in licensing:** Interviewees noted widespread corruption problems in past licensing of fishing vessels and expressed concern about an ongoing lack of transparency or accountability in licensing. The Deputy Director of the FFA recently noted the critical obstacles created by a lack of transparency in licensing⁵⁵ as did the AusAID 2020 fisheries background paper:

“Recent cases of corruption and continuing expressions of concern from representatives of the fishing industry in the region about the integrity of decisions related to the granting of licenses point to the need for greater transparency in fisheries decision-making. These concerns apply in particular

⁵⁵ Aqorau, Transform. 2007. Opening Statement to the Judicial Seminar for Pacific Islands Judicial Officers on Fisheries Law and Practice. 2 - 4 April. 2007. Koror, Palau. The speech quoted a ‘noted expert’.



to decisions on who should be allocated licenses and who should be excluded, the conditions attached to licenses, and decisions on fee levels, especially for foreign vessels.”⁵⁶

Interviewees noted that with very few exceptions, license lists were not transparent nor readily publicly accessible (on websites etc).

- **Lack of consistency in licensing:** Concerns were expressed over inconsistent licensing whereby new licenses continued to be issued despite public statements establishing moratoriums on all new licensing had been put in place.
- **Inconsistent limits on license numbers:** Interviewees noted that while they limited the number of licenses to be issued each year to local and locally operated vessels (including charters), this did not apply to Japanese vessels operating under their access agreement. The access agreement was open ended and allowed unlimited fishing by Japanese vessels.
- **Length of time required to issue licensing:** Interviewees noted two examples where the process for issuing a license takes an unreasonable amount of time. In one cases, this was simply because the director was the only person allowed to sign off on licenses, but he was often travelling on regional matters. In another example, a member has established a highly complex, transparent and accountable licensing process that includes reviews by its board and listing of licenses on the web. However, interviewees noted that this licensing process was extremely slow and repetitive. In response to complaints from industry, the managing director has been issuing “letters of comfort” to vessels while they wait for their license to be printed. Concerns have been raised about the legality and process for issuing these letters of comfort. Interviewees noted that work is underway to improve the licensing processes to remove the delays and to end the issuance of letters of comfort.
- **Licensing institutions do not adequately inform vessel owners of their obligations and responsibilities:** Interviewees noted that there was generally no explanation to vessel owners and operators regarding the license conditions. It was simply assumed that vessels were aware of the conditions.
- **Gaps in licensing policy and/or regulations allow foreign vessels to exploit lesser conditions intended for locally operated vessels:** Interviewees noted gaps or inadequacies in national policies or regulations that allowed foreign vessels to exploit the lesser conditions for domestic based foreign fishing vessels without meeting the domestic operation requirements (i.e landing in that country’s ports). Interviewees noted that there was no punitive action in response to blatant transgressions of these requirements. Interviewees had strong concerns with the operation of demarche charters in some FFA members. They noted that in some cases, there was little real return to their country from these operations and that the conditions for demarche charters were very loose and have been exploited by

⁵⁶ Clark, Les. 2006.



foreign operators who fish through local fronts with little real genuine involvement.

- **National institutions lack a licensing framework for locally owned vessels:** Interviewees noted a lack of any framework or relevant legislation describing requirements and conditions for locally owned vessels to gain a license, or any guidance on what defines a locally owned vessel (i.e who qualifies). Interviewees noted examples where there was no licensing nor reporting requirements for local fishermen. Consequently these local vessels were effectively unregulated and not bound by any management requirements. Interviewees noted that the weak definition for locally owned vessels opened loopholes which foreign operators can exploit.
- **Inconsistencies in application of rules regarding carriage of license:** Interviewees noted ongoing problems with foreign vessels carrying licenses on board. Some required originals, some required copies. In some cases, it depended whether the vessel was a locally operated foreign vessel or a distant water fishing vessel operating under an access agreement. Interviewees noted various problems with compliance, both in regard to requirements for originals to be carried, and even in regard to requirements to carry faxed copies at the very least. One interviewee commented:

“Originally it was a requirement to have the original license on board but that was lately relaxed and faxed copies were allowed on board before the original was taken on board. This is still an issue with long liners as most of them have no fax on board.”
- **Poor information sharing between FFA members on licensing:** One interviewee commented:

“(The) ... reluctance to share information between licensing authorities has prevented others from learning from the mistakes of others.”
- **Lack of economic analysis or assessment of potential returns of license fees:** Interviewees noted that they lacked in-depth economic analysis of potential fee levels. Furthermore, license fees were often set with little consideration of cost recovery or resource rent. Some license fees were calculated with cost recovery in mind, but no consideration of resource rent. One interviewee commented that their licence fee amounts were essentially pulled out of the air with no economic analysis. Interviewees commented that licensing fees were artificially expensive or too low, but there appeared to be little analysis or justification behind these opinions. One interviewee noted that licensing fees for foreign fishing vessels had been stable for the past 15 years with very minimal movement.
- **Lack of capacity to audit charter applications to ensure they meet local involvement conditions:** Interviewees noted a lack of capacity within members to audit charter arrangements to determine if the charter arrangement is legitimate and meets the requirements for local involvement. Interviewees expressed



concerns that many are just front companies for foreign interests. Interviewees suggested that some FFA members who licensed large numbers of charter vessels were keen to improve their monitoring of these vessels and end licensing charter vessels that did not meet their local involvement requirements. Despite their intentions, they lacked the capacity to audit such compliance.

- **National institutions licensing vessels in contravention of WCPFC Conservation Measures:** Interviewees expressed concern that the FFA register contains some vessels that are not authorised to fish within the WCPO by virtue of WCPFC decisions. Similarly, concerns were noted about ongoing licensing of vessels by FFA members in contravention of WCPFC Conservation Measures.
- **Inconsistent implementation of the Harmonised Minimum Terms and Conditions (HMTCs):** Interviewees noted that the implementation of the FFA HMTCs is inconsistent and poorly monitored. Interviewees noted that some members do not require HMTCs for their licensed vessels or exempt some bi-lateral vessels from HMTCs (such as VMS or the FFA registry) or other conservation measures such as shark finning bans. Interviewees noted that some members pick and choose which HMTCs to implement due to a perception that they cannot implement and monitor them all. These members will attempt to fit the HMTCs to their national priorities. Interviewees noted examples of members licensing DWFN vessels not on the FFA registry. Interviewees noted examples of FFA members that largely applied the FFA HMTCs, but made specific exemptions so as to encourage more fishing effort within their EEZ.
- **Poor provision of data by FFA members to FFA secretariat on licensed foreign fishing vessel:** Interviewees noted that despite previous commitments made at the FFC in 2006, the FFA database of licensed foreign fishing vessels was not comprehensive due to the poor provision of licensing data by FFA members.
- **National institutions lack adequate compliance and monitoring capabilities:** Interviewees noted that license fees are normally lumpsum payments because of the lack of compliance and monitoring capabilities.

Flag State registries

In recent years, FFA members have become increasingly active flag States. New registries have been established and many distant water fishing vessels have transferred their flag of registry to FFA members with open registers. This has brought on new obligations and responsibilities, and created new demands on governments. Interviewees identified a number of institutional and governance gaps that undermine the ability of these States to implement their flag State responsibilities and control their new fishing fleets. Challenges include:

- **Lack of legislation to effectively control registered fishing vessels:** Interviewees noted they lacked legal capacity to control fishing vessels carrying their flags.



- **Lack of information on registered fishing vessels:** Interviewees noted that they did not have necessary information regarding vessels on their open registry, and that they did not have the ability to fulfil their flag State obligations.
- **Registries do not require a real genuine presence:** Interviewees noted that registered vessels did not have to have a genuine presence in their country. This concerned some interviewees, but not all. Some interviewees did not see a problem with the ‘open registry’ nature of their flag, but were concerned at some of the suspicious activities of some their new vessels. One commented:

“(We’re) ... trying to steer away from some of the more shonky ... operators and are focusing on the more respectable fleets.”

- **Vessels registries not compliant with WCPFC conservation measures:** Interviewees noted problems where their registry had flagged fishing vessels without authorising such vessels to fish. This was a problem for flagged vessels that operated in the WCPO and in the waters of other RFMOs.
- **Lack of transparency in registry operations and revenue:** Interviewees noted transparency and accountability problems with registries that are operated offshore by a private company. Concerns were expressed that accountability was so poor as to make it very difficult to determine how much revenue some FFA members were receiving, and whether they were receiving a reasonable return from their registry. Interviewees noted there was no formal process to investigate or audit their flag State registry and that registry budgets and income was not gazetted.

Example box – Operation of flag State registry

One interviewee noted previous problems controlling foreign owned vessels flagged to their open registry that were engaged in illegal, unreported or unregulated fishing activities. In response, the fisheries department has now become involved in the flagging of foreign fishing vessels and has appointed a private management agent who reviews applications for registration, oversees operation of fishing vessels on the registry and monitors the VMS of all registered vessels. The management agent is also an industry agent for other fisheries interests and is the representative of one of the largest foreign owned distant water purse seine fleets on their registry.

Under the new arrangement, foreign fishing vessels now apply to the privately operated registry (based offshore) who grants an interim registration. The offshore registry office then forwards applications to the locally based management agent who then advises the fisheries department whether to support the application or not.

These arrangements were criticised by some stakeholders who raised concerns about potential conflict of interest in regard to the local agent. Concerns focused particularly on the government contracting an industry agent to monitor the registry’s VMS, when that management agent also has personal business interests in a fleet of distant water fishing vessels that are monitored by the national VMS. Other concerns were expressed about an industry agent having access to commercial-in-confidence VMS data that would reveal the fishing activities of all vessels flagged to that registry.



Section 3.3 Science & Economics – Data, Reporting & Analysis

Accurate reporting of fishing effort and catches is critically important, not just to the immediate concerns of fisheries management, but strategically to the long term catch history of that country.

This is nowhere more important than amongst the FFA membership, given the high dependence of many FFA members upon their fisheries resources. A lack of accurate and comprehensive catch data poses significant management and development threats. Firstly, poor catch data undermines the quality of the scientific advice upon which management depends and increases the level of uncertainty already inherent in fisheries management. Interviewees questioned their government's ability to make good decisions when the decisions were based on poor, or non-existent data. Secondly, poor data undermines the ability of FFA members to understand their industry and develop their economic opportunities. And thirdly, it potentially undermines or limits their ability to negotiate for a national allocation if the Western and Central Pacific Fisheries Commission were to agree on an allocation formula.

Despite this, data reporting and collection throughout the region has historically been poor and continues to be problematic. At times, there seems almost to be a perception amongst some that accurate data is not that important – rather, that it is a pet hobby-horse of the SPC and FFA, and not a national interest priority.

This mindset sacrifices medium to long term priorities (i.e implementing quality fisheries management based on accurate data; increasing payments based on accurate data rather than 'fudged' data; and maximising catch history to support future allocation negotiations) to satisfy short term political concerns to appease distant water fishing States and continue year by year arrangements.

Furthermore, FFA members continue to be heavily reliant on the SPC and FFA to analyse this data and lack the necessary scientific and economic skills to review this analysis, or undertake their own analysis.

Gaps and weaknesses in data collection have been comprehensively identified in recent reports, particularly the FFA commissioned review of their members' data capacity building needs⁵⁷ and the SPC review of Pacific island countries capacity to meet the WCPFC's data requirements.⁵⁸ Many of these same problems were reiterated by interviewees throughout the consultations. These earlier reports go into far more detail than this study given their broad focus on all matters relating to data collection.

The study identifies a number of institutional and governance gaps in two sub-sections: data collection and verification; and science and economics. Given the critical role of data, and the necessary scientific and economic skills and knowledge to best utilise it, these gaps are often critical constraints on effective management and development.

⁵⁷ Lewis, T. 2004.

⁵⁸ SPC. 2003.



Data Collection and Verification

- **Poor enforcement of license conditions to report catch:** Interviewees generally noted that compliance with reporting conditions was inconsistent and/or poorly monitored. They noted that they often did not receive catch reports in accordance with license conditions and suffered from ongoing gaps in their collection of data from fishing vessels. Interviewees noted that reports often took a long time to be submitted and the quality of information was not good, particularly in regard to identification of gear and species. Interviewees noted continuing problems with collecting reports from Taiwanese vessels, but suggested that this might soon improve (but did not explain why). Other interviewees identified similar problems with Korean vessels.

While many interviewees expressed concerns with the current state of reporting, this view was not universal across the region. Some interviewees expressed satisfaction with the level and quality of reporting. These interviewees noted historical problems with the collection of data from distant water fleets (particularly the Taiwanese and Japanese) but thought that these problems were improving. They noted an increase in the volume of reports, and attributed this partly to new technology such as email. However, even these satisfied individuals noted continuing uncertainty and disputes regarding reporting. In some cases, interviewees estimated that they spent ½ a day a week chasing vessels to fill out their logbooks in accordance with their license conditions.

To a large degree, compliance failures can be attributed to the poor enforcement of reporting conditions. While there are obvious concerns regarding misreporting for fraudulent purposes, it also seems that reporting is often weak because the incentives to report are weak (i.e industry is less likely to accurately report catches if there is little or no punitive response to not reporting or misreporting catches). As described in Section 3.2, interviewees noted many examples of countries that were very lenient on license condition violations and which took minimal action against reporting infractions. One interviewee commented:

“Maybe some other members have problems with data because their bosses don’t understand the importance of data – maybe they don’t have a scientific understanding.”

This mindset sacrifices medium to long term priorities (implementing quality fisheries management based on accurate data; increasing payments based on accurate data rather than ‘fudged’ data; and maximising catch history to support future allocation negotiations) to satisfy short term political concerns to appease distant water fishing States and continue year by year arrangements.

A recent study of the FSM Arrangement refers to infringements reported by observers on purse seine vessels (20% coverage) and notes that reporting infringements were almost twice that of the next most common offence. The study commented that the infringements generated little interest amongst FSMA



stakeholders and that the authors encountered a sense of frustration with the lack of follow-up by parties when informed of the infringements.⁵⁹ Interviewees could not recall any sanctions being issued for reporting failures.

Interviewees noted the lack of urgency or importance amongst some FFA members regarding the significance of collecting 100% data, particularly port sampling and unloading data. Similar concerns were expressed at the lack of any documentation on unloading in processing factories and transshipments at the individual vessel level.

- **Lack of data reporting requirements and/or support and training for reporting by local and/or domestic vessels:** Interviewees noted some cases where some local vessels were not required to report catches, or where reporting by local and/or domestic vessels was required but compliance was very poor. Sometimes this was due to lack of appropriate equipment or crews who were not trained to fill in the paperwork.
- **Lack of adequate data and information to inform management:** An obvious and direct result of inadequate reporting is a lack of accurate data. Interviewees noted that they lacked data and information upon which to base management decisions and noted that some members had no knowledge of the size or status of the fisheries within their EEZ. Furthermore, interviewees expressed concerns about the quality of the data that regional assessments are based upon, particularly in regard to Indonesian and the Philippines fisheries. Similarly, interviewees were sceptical about the historical Taiwanese albacore data upon which current albacore assessments are largely based. One interviewee commented on Taiwanese longline data:

“I know it’s a load of crap – but the SPC has based their albacore assessments heavily upon this data.”
- **Gaps in data reporting requirements:** Interviewees noted gaps or weaknesses in their data reporting requirements that created obstacles to collecting data. One interviewee noted an example in their country where Japanese vessels were required to submit entry reports but not exit reports.

Example box – Samoan database

Interviewees from Samoa noted that their database included port sampling data; market surveys (weekly); and export data (collected through Ministry, central Bank and Customs). They were also able to source data from Pagopago, shipment returns for frozen fish sent to canneries and airlines freight detail. Interviewees noted that this data is a useful source to verify catch reports directly from the vessels. All of this data is provided to SPC but there is little capacity to undertake internal analysis. They would like to develop this data analysis capacity.

⁵⁹ Parris, Hannah. Barclay, Kate. and Cartwright, Ian. 2007. Review of the Federated States of Micronesia Arrangement. Forum Fisheries Agency. Honiara.



- **Lack of verification of catch data to determine levels of misreporting and/or to determine levels of accuracy:** Interviewees noted that it was currently difficult to determine levels of compliance with logbook and catch reporting requirements and that it was difficult to know if the fishing vessels were accurately reporting or misreporting. Interviewees noted that there are currently no specific mechanisms for systematically verifying catches by DWFNs across the region, particularly in regard to longline catches.

Interviewees noted that some random and ad hoc verification of catch reports was undertaken by a few members. They noted that catch reports could be verified against VMS data, observer reports, weekly reports, landings and port data, export data and other inspections. Interviewees noted multiple examples where ad hoc cross-verifications of catch reports against export sheet data, VMS data or observer data detected discrepancies in either the catch log reports, or the other data source used to cross-check the catch log reports (i.e VMS). The responses from interviewees suggested that ad hoc verifications generally detected discrepancies. One interviewee commented:

“We take logbooks at face value as accurate. It would be nice to verify this. There are some surprises when you compare unloadings, observer reports and logbooks.”

Interviewees noted that random and occasional inspections of catches revealed misreporting of some species (such as bigeye) as other species (such as yellowfin) and expressed concerns that this undermined the accuracy of catch reports.

Furthermore, interviewees raised concerns that there may be widespread misreporting or laundering of catch taken from their exclusive economic zones and claimed as catch from the high seas, but few had the analytical or monitoring capacity or the actual data to verify if this was true. Interviewees noted that there was no known biological or oceanographic reason why bigeye or yellowfin catch per unit of effort (CPUE) would be higher for longliners operating in the high seas rather than inside EEZs.

Interviewees noted that the lack of verification of catch logbooks was a gap and suggested that VMS should be used for cross-verification of reports. Interviewees noted examples of countries that randomly cross-checked logsheet data against VMS and found this very useful in checking accuracy of reports. However, interviewees noted that a recent impromptu comparison of FFA VMS data with SPC catch logbook data had found 40% of logbook reports were inconsistent with VMS reports (either the VMS position was inconsistent with the logbook report or the VMS was not turned on).

Interviewees suggested that previous verification checks showing inconsistencies between VMS and logbooks probably raised questions about the location accuracy of the catch reports rather than the total weight of catches. It was noted that there were incentives for vessels to misreport catches as concentrations of fish were often higher closer to shore within 12 nm where industrial fishing was often



prohibited. Historically, longliners have fished within the archipelagos. There are also obvious financial and legal incentives for vessels to misreport catches taken from within EEZs as high seas catch.

- **Lack of access and sharing of data:** Interviewees noted data access problems caused by poor co-ordination or refusal to share data between departments. Examples were noted where the police were responsible for VMS data while the fisheries management agency were responsible for catch data. These two agencies would not share data and were unable to cross-check their data to verify its accuracy. Similarly, the similar division of data between SPC (catch data) and FFA (VMS) had previously created verification obstacles, although interviewees noted that these obstacles were now being resolved.
- **Data stored in hard copy:** Interviewees noted that much of the past and current data is filed in hard copy which makes it difficult to analyse and verify.

Analysis, Science and Economics

- **Lack of analytical, scientific and research capability:** Interviewees noted that the lack of science and research capability at the national level was a critical gap. Interviewees suggested that a lack of capacity, high staff turnover and a lack of political will have all been key obstacles to the establishment and operation of data reporting, collection and analysis programmes. Few members had the capacity to do any significant data analysis of their own and normally just sent it all to SPC. Furthermore, interviewees noted that while FFA members are improving their scientific capacity and sending more representatives to the WCPFC Scientific Committees, there were only a handful of delegates who could speak confidently and who held a good understanding of the issues. Interviewees identified an ongoing need to improve scientific capacity amongst FFA members and to improve FFA members 'ownership' of the WCPFC science and its recommendations.
- **Lack of adequate science and technology teaching in FFA member's secondary education:** Interviewees noted the lack of adequate science and technology teaching in FFA member's secondary education. One interviewee commented:

“If you follow that thread through, you then don't have people in government with science or technical know-how.”

- **Dependence upon SPC for data analysis:** Interviewees noted they continued to depend on SPC for data collection and analysis as they had little or no capacity themselves to analyse data. They expressed concern about the ongoing heavy dependence upon SPC for science and data analysis and noted concerns that the FFA/SPC management and data services may be discouraging some members from becoming self-sufficient in their own management and data analysis.



- **Lack of national capacity to review SPC science and data:** Interviewees thought there was a need to formally review the science and analysis by SPC of their national data.
- **Focus of regional data analysis programmes is too broad:** Interviewees suggested that the current data analysis focus was too broad and needed to be tailored within the context of the science and institutional politics. Interviewees expressed concern that data was only narrowly or superficially studied and did not support regional and national strategic needs.

This concern was also addressed in the Pacific Islands Oceanic Fisheries Management Project Needs Assessment which described concerns that regional scientific advice was not always well-tailored to national needs.⁶⁰

- **Lack of analysis and knowledge regarding fine scale distributions of tuna and their localised responses to fishing pressures:** Interviewees noted that there was little knowledge about fine scale distributions of tuna and their localised responses to fishing pressures (i.e. within 12nm). Interviewees noted the potential importance of this information given anecdotal information that fishers could overfish large aggregations of tuna close to shore and potentially fish-out these local populations, leaving only transient populations.
- **Lack of information on gear developments and technology:** Interviewees noted that they lacked important information on gear developments and technology.
- **Lack of economic analytical capacity at national and regional levels:** Interviewees noted that FFA members lacked the capacity to analyse the economic implications of fisheries management decisions and to undertake the necessary cost/benefit studies of action and non-action.
- **Lack of understanding and application of bio-economic analysis:** Various interviewees referred to the need to increase the region's capacity to undertake biological and economic analysis to support decision making on management options and strategies. Cartwright and Preston suggest that the region lacks the understanding and application of bio-economic analysis to determine the differential impacts of alternative conservation and management measures.⁶¹
- **Lack of fisheries management economic analysis:** Interviewees suggested that their finance and treasury agencies, or the FFA and SPC, do not currently provide adequate economic analysis. Economic analysis was needed on the full ramifications of potential management responses to adequately support decision making and the development of specific strategies that could best serve national and sub-regional interests.

⁶⁰ FFA. 2004.

⁶¹ Cartwright, I and Preston, G. 2006.



Section 3.4 Monitoring & Enforcement

Effective monitoring and enforcement of fishing activity is a critical component of fisheries management and development. Failure to implement effective MCS systems undermines the ability of FFA members to sustainably regulate their fisheries resources and to maximise their economic returns.

The FFA region has set many global precedents over the past decade in co-operative regional approaches to monitoring and surveillance. However, interviewees noted that poor implementation at the national level continues to undermine the ability of some FFA members to effectively monitor and control their fisheries and maximise their returns. In 2004, the Pacific Islands Oceanic Fisheries Management Project Needs Assessment identified the need to strengthen national MCS amongst the FFA membership.⁶² One interviewee commented that FFA members

“... won’t resolve any management of the fishing industry if they don’t have any knowledge and control of the fishing boats...”

While some FFA members have developed strong MCS systems with good implementation, interviewees noted that much of the FFA membership suffers from serious flaws in their implementation of MCS measures. Interviewees suggested that the lack of surveillance, enforcement and patrolling were critical obstacles to sustainable management. One interviewee commented:

“We can control our ports but not our waters.”

Many interviewees suggested that compliance by foreign fishing vessels with license conditions was poor, while other interviewees noted that even in cases where vessels generally comply with reporting obligations, uncertainty and disputes continued to occur regarding data reports. Interviewees noted that it was not uncommon for licensed vessels to report vessels suspected of fishing without a license. Interviewees suggested that the main violations included: turning off VMS, misreporting (particularly of targeted species), fishing in closed areas (within 12nm), fishing with an expired license, illegal transshipment, MARPOL⁶³ violations, and pollution violations. Interviewees commented:

“We have relied on trust with foreign vessels. They have not been good at compliance.”

“IUU fishing in the region comes mainly from vessels that have licenses but engage in blatant violations of their license conditions.”

Interviewees expressed concerns that there were high levels of IUU fishing in their EEZ. These concerns were also noted in the Pacific Islands Oceanic Fisheries Management Project Needs Assessment.⁶⁴ Others expressed concern at the poor compliance by longline fishing vessels and the difficulties with determining what they

⁶² FFA. 2004. Pacific Islands Oceanic Fisheries Management Project Needs Assessment.

⁶³ International Convention for the Prevention of Pollution from Ships

⁶⁴ FFA. 2004. Pacific Islands Oceanic Fisheries Management Project Needs Assessment.



were doing. Interviewees also expressed concern with bunkering and transshipment vessels operating without proper authorisations.

Interviewees expressed concern at a perceived reluctance throughout the region to seriously consider the activities and ramifications of unregulated and unreported fishing. They noted that the emphasis always seems to be on the illegal fishing component of IUU fishing.

Finally, interviewees noted that there are currently few rules or limits to enforce. Some expressed concern that when limits are established (as per the WCPFC Scientific Committee recommendations), illegal fishing is likely to flourish, placing further pressure on weak MCS systems.

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- **Lack of defined and/or agreed boundaries:** Interviewees noted that disputed boundaries undermined fisheries management, particularly MCS due to the uncertainty it created.
 - **Insufficient penalties for fisheries violations:** Interviewees noted that penalties in their country were too low to be effective and legislation needed to be amended to increase them. Interviewees also suggested that penalising infractions with fines alone was ineffective due to the small size of the penalty and suggested greater consideration be given to other punitive measures such as port embargos, forfeitures, or license seizures as these would be far more effective as a deterrent.
 - **Poor implementation of national observer programmes:** Interviewees noted problems with implementing observer schemes. Interviewees noted very poor coverage rates for all fleets. One interviewee noted their observer coverage for their fleet was 1% in 2006 and 0% in 2007. Interviewees noted problems enforcing fisheries and license conditions due, in part at least, to the lack of an effective observer programme.

Interviewees suggested that their observer programmes were undermined by a chronic shortage of observers due to a lack of interest from their staff or citizens to go to sea for any significant period of time (days). Staff would prefer to perform port sampling or other land-duties where they can return home each night, rather than go to sea as observers. Interviewees noted that these problems were exacerbated by the high turnover of observers caused by the poor employment conditions for observers as they were only employed part time or only paid on placement. Furthermore, interviewees suggested that the quality of observers varies from country to country and noted examples of training courses where only 3 participants passed out of a class of 32. Interviewees also noted complaints from fishing skippers and crew that observers were not doing their jobs properly and were simply copying logbooks and spending most of their time at sea below decks watching videos.



Interviewees also suggested that the main weakness in the national observer programmes was the lack of support and emphasis from national governments. One interviewee commented:

“Apart from PNG, with an elaborate observer programme, most of the national tuna management plans do not place much emphasis on observer programmes.”

- **Poor operation of vessel monitoring systems (VMS):** Interviewees noted various problems with the FFA and national VMS systems at both the regional and national level. Various interviewees commented:

“Everyone thinks that the new hardware will be the panacea but this doesn’t affect the real issue. Countries can have one, two or three VMS terminals, but they are useless if nobody is watching.”

“...(VMS)... is a good tool as long as it works, as long as it is not switched off, as long as there is effective control – otherwise it defeats the whole purpose.”

“There is no patrol boat and therefore we rely on VMS, which is not functioning most of the time.”

- **Poor enforcement of VMS:** Interviewees noted that the VMS must be supported by effective MCS programs in order for it to be effective. However, interviewees suggested that currently there is no punitive actions taken against vessels who turn their VMS off. Interviewees suggested that the real problem wasn’t necessarily the VMS, but the lack of monitoring, compliance and enforcement.
- **Lack of 24 hour monitoring of VMS:** Interviewees noted that the lack of 24 hour monitoring for VMS was a problem, particularly when patrol boats were at sea.
- **Lack of understanding of VMS:** Interviewees noted that the lack of resources and understanding of the VMS was resulting in poor monitoring of VMS, undermining its effectiveness as an MCS tool.
- **Concerns regarding operation of Automatic Location Communicators (ALCs) for the VMS:** Interviewee noted that concerns about the operation of ALCs on vessels had led them to develop processes to audit all ALCs in their fisheries to ensure they met requirements. Interviewees noted that DWFN vessels fitted with VMS ALCs used to include approximately 70% of the fleet. This is now slipping down to 60%.
- **Limited co-operation amongst FFA members to share VMS data:** Interviewees expressed concerns that their current VMS lacked the capacity to see beyond their EEZ to vessels that were approaching their waters. In this context, interviewees noted they lacked VMS sharing arrangements and were considering proposals to develop share arrangements with neighbouring countries.



- Limited application of VMS to actively fishing vessels within an EEZ:** Interviewees noted the example of Fiji where 130 longline vessels were currently based. Of these, only 56 vessels were licensed to fish Fijian waters. The rest fished the high seas or the waters of the Solomons or Vanuatu and then transited through Fijian waters to land their catch in Suva. Interviewees expressed concern that these non-licensed vessels did not have to operate VMS while transiting Fijian waters and that this fleet could not currently be monitored to ensure that they did not illegally fish while within Fijian waters.
- Frequent breakdowns of the FFA VMS:** Interviewees noted that frequent breakdowns of the FFA VMS undermined its usefulness or effectiveness for monitoring compliance with fisheries management measures and closures. Interviewees suggested that concerns with the FFA VMS had led them to establish their own national VMS.
- Lack of resources to maintain and operate the FFA VMS at the secretariat:** Interviewees suggested that one of the primary impediments to rolling out the new VMS was the lack of resources at the FFA secretariat, particularly a lack of dedicated IT staff for the VMS and the low prioritisation of IT services.
- Poor telecommunications infrastructure undermines VMS:** Interviewees noted that communication infrastructure limitations were real impediments to the effective operation of the FFA VMS. These were serious and difficult impediments to resolve due to the monopoly nature of some of the region's telecommunication companies.
- Lack of capacity to adequately patrol EEZs:** Interviewees noted that the lack of patrol capacity amongst members (boats, crews and fuel) undermined their ability to monitor compliance with, and enforce fisheries management within their EEZ. Interviewees suggested that their ability to negotiate access agreements was undermined by weak patrolling and surveillance which limited their ability to monitor catch data.

Interviewees noted that the region's 22 patrol boats in the Pacific Boat Patrol Programme (PBPP) underperformed by approximately 2/3 of their operational capability (i.e average of 30 days per boat when boats operational capability should average 80 to 100 days). In the worst case, one member's patrol boat performed at less than 10% of its operational capability.

Interviewees noted that the limited size of their police force restricted their capacity to patrol their waters and/or that their boarding officers are probably not pro-active enough with investigations across a whole range of issues including: checking VMS, logbooks, licenses, gear, or holds. Interviewees noted that there are few, if any, quality control or continuing assessments of boarding and inspections by PBPP crews and fisheries inspectors. Interviewees noted concerns that inspections were sometimes superficial and that inspectors were not properly aware of what to look for (i.e discrepancies in logbooks, holds, VMS units, gear).



Interviewees suggested that the size and equipment of pacific patrol boats undermined their operational capability to undertake at-sea inspections.

Interviewees noted that their ability to patrol their waters was undermined by their inability to pay fuel costs (PBPP requires members to pay 50% of fuel costs). Some members were heavily heavily dependent upon multi-lateral patrol activities during which Australia would pay 100% of the fuel bill.

- **Lack of VMS receivers on patrol boats:** Interviewees suggested that the lack of VMS receivers on pacific patrol boats was a problem as VMS positions had to be communicated by radio. In some cases, this could only be done once every 18 hours (by which time the vessels had often recovered their set and departed).
- **Lack of enforcement of license conditions:** Interviewees noted that they do not prosecute vessels with poor compliance with license conditions regarding reporting. Interviewees noted examples where they knew vessels were not complying with various license requirements to which their government was not responding or taking or any punitive action.
- **Lack of staff capacity to monitor compliance with licensing and report requirements:** Interviewees suggested that the main weakness in monitoring compliance with licensing and reporting requirements was the lack of adequately trained government personnel and the resultant lack of regular monitoring of vessel activities.
- **Lack of lawyers with experience in prosecuting fisheries violations:** Interviewees noted the lack of experienced lawyers undermined prosecutions. Interviewees noted some examples where their greater department (i.e Agriculture, Fisheries and Forestry) may have an in-house lawyer but this person generally only dealt with corporate matters and that they lacked in-house legal expertise in regard to prosecutions and legislation. One interviewee commented:

“One big problem is that the region does not have good prosecuting fisheries lawyers – everyday, fishers trick the system.”
- **Poor interdepartmental co-ordination and communication:** Interviewees suggested that poor co-ordination and communication between relevant departments was undermining monitoring and enforcement efforts, particularly in regard to the operation and use of vessel monitoring systems and implementation of observer schemes. Interviewees noted that poor co-ordination and communication was particularly a problem between fisheries and police and suggested that better co-ordination was required to ensure cases were properly investigated and prosecuted.



Section 3.5 Governance, Administration, Consistency & Transparency

Institutional quality is considered to be a key factor in the level of prosperity enjoyed by various countries.⁶⁵ In the Pacific, the poor performance of institutions has been identified as an important barrier to growth⁶⁶ while various studies have identified weaknesses in national governance as a key constraint undermining or stalling national and regional management and development of the region's fisheries.⁶⁷

Responses from interviewees generally supported these comments and suggested that a lack of good management, leadership, co-ordination and communication were critical obstacles to the effective functioning of governments. Weak governance was widely regarded as a critical obstacle to implementing strong fisheries management and profitable development. Interviewees commented that fisheries management reflects the best of governance generally across whole-of-government. The quality and effectiveness of the fisheries department is limited or supported by the quality and effectiveness of the rest of government. Furthermore, interviewees noted that the effectiveness of regional institutions relies upon the effectiveness and ability of national governments to implement actions and engage in co-operative measures (depending in part upon the objectives of the specific institution or project).

Interviewee responses broadly identified five areas of concern regarding governance and institutional gaps that impact upon fisheries management and development. These are: capacity and skills; decision making and accountability; national planning and strategy; co-ordination and communication; and budgets and cost recovery. Areas of concern relating to stakeholder participation, political leadership and policy and legal frameworks are addressed in Sections 3.6, 3.10 and 3.11.

Capacity and skills

- **Lack of human capacity within government:** Interviewees widely noted that a lack of capacity within government was a critical problem undermining fisheries management. This was both a problem of numbers of staff and levels of skill, experience and knowledge. One interviewee commented:

“Governance is often a mess, and varies from State to State, largely dependent upon capacity.”

This lack of capacity was caused in large part by the small national population providing too few skilled staff. Interviewees noted that it was very difficult to find good staff given their limited population and the better pay available overseas. One commented:

“Most good people finish university and want to work overseas where the pay and conditions and are better.”

⁶⁵ Rodrik, D. 2004. Growth Strategies. Harvard University. <http://www.nber/papers/w10050>

⁶⁶ AusAID 2006.

⁶⁷ Clark, Les. 2006., Gillet, R. 2003., Cartwright, I. and Preston, G. 2006. and Barclay, K. and Cartwright, I. 2006.



Interviewees also noted that many officials (individually) and departments (collectively) did not have the necessary expertise or information necessary to govern effectively. Interviewees thought that many officials didn't have the full picture and argued that this made officials vulnerable to influence by single groups who gained their ear. In some cases, interviewees suggested that officials who had transferred into fisheries from diplomatic backgrounds had education and training backgrounds that were not relevant to the specific needs of Pacific fisheries management.

Interviewees commented that the high turnover of senior staff and Ministers, and the transitory and short term nature of staff in government is a constraint on capacity. One interviewee commented:

“A lot of it boils down to the individual and institutional knowledge – high staff turnover in many countries loses this corporate knowledge.”

Furthermore, it was noted that this turnover can undermine the impact of capacity building programmes as good staff who have gone through training in fisheries department can then move on other departments taking this new capacity with them (at a loss to the fisheries department). Interviewees blamed this high staff turnover due to low salaries and conditions within fisheries departments. Interviewees suggested that there has been a general decline in the career path in the public service throughout the region and this has exacerbated staffing and recruitment problems within fisheries departments across the region. In some cases, interviewees suggested there had also been a general decline in the work ethic and effectiveness of departments throughout the region, with some departments at a critical level.

Finally, interviewees suggested that the recruiting practices of the FFA and SPC secretariats were undermining the capacity of their members by recruiting their best national staff. One interviewee commented:

“We need the region (FFA and SPC) to stop poaching the best people from national governments – though the reality is that if staff don't get paid well and if opportunities arise, they'll leave. (Furthermore) ... Staff can be discouraged by political problems and bureaucratic processes and governance issues.”

- **Lack of legal knowledge and skills:** Interviewees suggested that some FFA members lacked the legal skills and knowledge necessary to develop domestic and foreign policy and to engage in regional instruments.
- **Lack of foreign diplomacy skills:** Interviewees suggested that some FFA members lacked the foreign diplomacy skills necessary to pursue and negotiate for their national interest.



- **Lack of ability to undertake financial audits:** Interviewees noted that their countries lacked the ability to undertake financial audits and investigations. This can be a problem with investigations of foreign investment applications and chartering applications. Sometimes this can also be an issue with loan partners in projects.
- **Lack of performance assessment of government staff:** Interviewees noted that there was weak (if any) performance assessment of officials and departments or their development and implementation of government strategies.

Decision making processes and accountability

- **Poor decision making process and systems:** Interviewees raised concerns with the lack of process, accountability and transparency in decision making. This is a key concern as policies or decisions that are known only by a few distort the governance process and undermine implementation.⁶⁸ One interviewee noted:

“One man decisions are the biggest obstacle to sustainable management. The department of fisheries does everything without proper consultation. We don’t know what’s going on.”

Interviewees noted problems with decision making where the bureaucracy seemed neither motivated, nor capable of making a decision. Interviewees also noted slow decision making and a lack of leadership within fisheries departments. They wistfully referred to past heads of fisheries departments who were articulate leaders and were able to strongly push for fisheries issues to be taken seriously within their country by the whole of government.

- **Poor (or non-existent) record keeping and filing:** Interviewees suggested that poor processes, systems and record keeping were undermining good governance. One interviewee noted that one fisheries department was going to find it very difficult for some time as the recently departed director of fisheries kept no records and kept everything in his head. Furthermore, this director made most, if not all, decisions unilaterally with little consultation. Another interviewee noted that during his time as Secretary of Fisheries, no records were kept or files maintained. One interviewee commented:

“Traditionally, not much gets written down. Filing systems are a joke. Basic administration and corporate memory is a problem.”

- **Poor board expertise, management and selection processes:** Interviewees spoke favourably of the establishment and operation of boards but noted some issues of concern. Interviewees expressed concerns at the lack of selection processes for boards where decisions were left unilaterally to the Minister of the day. This left the Minister free to choose whoever he favours to be on the board and sometimes resulted in little consideration of which individuals might be best suited through knowledge and skills to contribute constructively to the work of the

⁶⁸ Mellor, Thuy and Jabes, Jak. 2004.



board. Interviewees expressed concerns that some directors on their fisheries agency board were ignorant of key fisheries issues and contributed little to discussions. Interviewees also commented that many politicians and senior bureaucrats like to sit on boards and enjoy the status that goes with this. However, many of these people do not then commit the necessary time and effort to study the issues so that they can make informed decisions. Finally, interviewees noted that despite the existence of a board, there were still some transparency concerns where decisions sometimes were taken outside the board meetings.

- **Politicisation of decision making:** Interviewees noted widespread challenges of dealing with Ministers and the problems of political interference. These problems were lessened but could still arise where boards were established, as these boards can become politicised through pressure from politicians and industry and through ministerial appointees who owe loyalty to the Minister. Interviewees noted examples where their Minister technically has little direct involvement in the running of the fisheries authority but in practice still wields a lot of influence.

Interviewees noted that small size of electorates throughout much of the Pacific meant that parliamentarians could know almost every one of the constituents and hence were very close to their constituents. Interviewees noted problems where rural development and fisheries development were linked, providing the potential for politicians to use fisheries development funding to win electoral returns. One interviewee commented:

“There are times when political interests override technical objectives”.

Interviewees noted that some systems of government were creating obstacles to the development and amendment of legislation through political interference obstructing good policy making.

Interviewees also noted the colonial and post-colonial history of governance throughout the Pacific and commented that most forms of Pacific governance had been established by colonial powers in reflection of their own forms of governance. Some argued that the present post-colonial systems were ill-suited to the needs of FFA members and a new system of governance was required that was better suited to Pacific needs than the. One interviewee argued that some of the blame for current failures stems from these historical failures and commented:

“I’m a bit cynical about blaming politicians and senior bureaucrats for all governance failures since independence”.

- **Lack of transparency:** Interviewees noted a general lack of transparency throughout all levels of governance relevant to fisheries management. Interviewees noted that there were widespread concerns about the lack of consultation, transparency, information availability, licensing and corruption. In one example, a legislature had established a Special Committee on Fisheries which for some time has been pressuring the fisheries agency to more openly discuss fisheries issues, particularly in regard to WCPFC matters.



Example box – Governance

Various interviewees from one country offered differing views on the current status of two contentious opposing developments (one Chinese, the other Taiwanese). Both developments proposed building a fish processing factory linked to a fishing access agreement for locally based foreign owned vessels. Conflicting stories were told of foundations being poured, access agreements signed, decisions reversed, vessels licensed, landholder rights over-ridden, environmental impact assessments contracted, environment impact assessment requirements ignored, environmental impact assessments not performed, lack of consultation either at community level or at the requisite cabinet level. In the end, the only consistent point that could be ascertained was that negotiations for both developments occurred largely at the Ministerial level and did not follow due process or involve consultation due to concerns regarding the perceived slow speed of the bureaucracy. Meanwhile industry players supported their “friendly” proposal and wrote off the opposing proposal as ‘dead in the water’.

- **Corruption:** Interviewees noted that corruption was a big issue, occurring at both the political and operational levels. Interviewees noted examples where both forestry and fisheries were large revenue earners but both suffered heavily from corruption. Examples were discussed where politicians were directly involved with foreign domestically based fishing vessels, opposed crackdowns on IUU fishing and opposed strong anti-IUU fishing measures. Interviewees suggested that the traditional leadership structures can fall down in the Pacific due to corruption problems and the self-interest of chiefs and leaders. Interviewees also suggested that low salaries and the poor status of fisheries officials created temptations for corruption. One interviewee commented:

“Corruption impacts on capacity because you don’t know if you’re undertaking responsibilities which could then be implemented.”

Example box – Corruption

Interviewees noted an example of a failed government response to corruption. A Cabinet decision in one FFA member endorsed a policy requiring all gifts to delegations and Ministers to be declared (particularly those targeted at fisheries delegations). Implementation of this policy later collapsed. The interviewee noted that certain foreign delegations would regularly offer incentives to access negotiating delegations, including cash payments, school tuition costs, etc. The foreign delegations knew that the high turnover of staff meant that they often did not even have to follow through with personal payments after agreements were signed.

- **Weak anti-corruption mechanisms:** Interviewees noted that often the only government watchdog monitoring corruption allegations or evidence was the courts. However, courts were not adequate to this task as they can only act once a case is brought before them and cannot proactively investigate allegations.



National planning and strategy

- **Lack of capacity in policy formulation and planning:** Interviewees noted limited capacity in some members to formulate policy and undertake planning. The Pacific Plan notes that FFA members have very limited capacity for policy making and planning, and consequently rely heavily on technical assistance from donor agencies and lending agencies.⁶⁹
- **Lack of strategic analytical capacity:** Interviewees noted a lack of strategic analytical capacity (further discussed in Section 3.7). Interviewees noted examples of FFA members that had some strategic analytical capacity and skills but lacked the capacity for: "... making it happen and implementing it."

Without a clear analysis, understanding, vision and strategy – many FFA members find it difficult to effectively support their aspirations and work within regional fora to best advance their interests. Furthermore, the lack of a clear vision of national interest limits the ability of fisheries departments and stakeholders to prioritise and motivate communities and governments to implement actions.

- **Lack of strategic information:** Section 3.3 noted concerns from interviewees that current data analysis did not support regional and national strategic needs. This lack of strategic information undermines the ability of FFA members to analyse potential management options in context of their national interest and to develop national strategies and engage meaningfully in regional strategies. The Pacific Islands Oceanic Fisheries Management Project Needs Assessment suggested that there was a:

“... lack of strategic information presented in an appropriate manner to decision-makers, broader stakeholders and the public at large to enable understanding of the choices and decisions that have to be made and the consequences of those choices and decisions...”⁷⁰

- **Lack of strategic planning:** Interviewees noted that a key gap throughout the region was the lack of strategy development, setting of national objectives and national planning. Concern was expressed that some members were confusing tuna management plans as the same as strategic development plans or strategic agency/institution plans. Interviewees suggested there was a need for institutional and organisational strategic planning– not just fisheries management plans. Barclay and Cartwright comment in their development report:

“One of the disturbing findings of the study is that there is a lack of clearly thought out and articulated vision for the future in fisheries management and development in most of the countries researched. Interviewees expressed hopes for the future when asked about their aspirations, but these hopes were rarely coordinated with each other or the general economic direction of the

⁶⁹ Pacific Plan - background paper on Political Governance. 2005. http://www.pacificplan.org/tiki-list_file_gallery.php?galleryId=3

⁷⁰ FFA. 2004.



country, and there was little strategic planning for how to achieve those hopes, or a sense of how what was being done now would contribute. Lack of a clear vision for the future and strategies for how to achieve that vision can lead to short term, unrealistic, reactive policies and are likely to be a major constraint on management of and development from tuna resources.”⁷¹

- **Lack of adequate prioritisation for fisheries in whole-of-government:** Interviewees noted that some FFA members did not adequately prioritise fisheries given its importance to national economies. Interviewees noted that resourcing of fisheries departments was less likely to be adequate where fishing was considered to be a low priority.
- **Lack of strategic vision:** Interviewees noted that many FFA members lacked a clear vision or strategy for their fisheries industry and that this was a critical gap. Interviewee suggested that FFA members needed a comprehensive whole-of-government vision that addressed all their development opportunities and needs. This vision and strategy should engage comprehensive support across all stakeholders so that changes in government do not undermine its implementation. Interviewees noted that members and agencies have tended to focus on technical details and fix-its, rather than looking at holistic strategic frameworks. In some cases, interviewee suggested that this was partly the fault of short term political cycles:

“Politicians must look beyond their electoral cycle to the long term future”.

Co-ordination and communication

- **Poor co-ordination and communication:** Interviewees noted that poor co-ordination and communication processes and skills (both at the institutional and individual level) exacerbated capacity limitations and was negatively affecting implementation and operation of fisheries management and development across the region.

Interviewees noted that there was generally little co-ordination or communication between fisheries and other departments, nor often any formal consultative mechanisms, except when specific issues warranted clarification from other agencies. This lack of consultation and poor or non-existent communication was also problematic internally within fisheries departments and externally with stakeholders.

Interviewees noted examples whereby co-ordination and consultation processes had been established (sometimes with the assistance of donors) but had failed to survive busy workloads or high staff turnover and were no longer followed. Interviewees noted that there were regular internal discussions on the need to improve consultations and co-ordination but suggested that little had been achieved. Various examples in different countries were given of the establishment of consultative committees or advisory boards that had not met for a long time.

⁷¹ Barclay, K. and Cartwright, I. 2006.



Interviewees noted that some members had the capacity and skills to manage and develop their fisheries, but still suffered from a lack of process and systems to effectively co-ordinate and manage their governance. Other members lacked the capacity to establish and maintain processes to effectively share information.

Interviewees noted that the multi-disciplinary nature of fisheries management results in some antagonism between the agencies responsible for implementation. In this context, it was noted that the relationship between licensing and enforcement agencies throughout the region is often weak. Similarly, interviewees noted that there was often a disconnection between fisheries and environment where the fisheries department did not engage or view environment departments as relevant to fisheries concerns. Additionally, there were problems with other departments not always implementing or performing work as quickly as the fisheries department would prefer. Interviewees noted examples of internal battles between departments where one department would respond negatively to a request to develop/implement new regulations or processes arising from international negotiations and refuse to support such measures because it was not consulted or engaged or did not participate in the negotiations leading to such a measure. Interviewees noted some inter-departmental co-ordination problems were sometimes caused by confidentiality concerns preventing sharing of information.

Interviewees noted cultural obstacles to transparency and co-ordination existed in some FFA members, where the possession of knowledge is seen as personal wealth and becomes personally important. One interviewee commented:

“If I know something, then it is not expected that I would pass on this information freely, it might be used against (me or my department) ... what is known by the fisheries department is not readily shared with other departments or others at a national or regional level.”

This created obstacles to consultation meetings as some individuals or agencies may have concerns with sharing information. Similarly, interviewees suggested that there was an element of self-preservation to the poor internal communication. One interviewee suggested that some officials had a mindset:

“I’ve worked hard to get here, why should I pass this knowledge on – they too can work hard to get it.”

Interviewees noted however that these sentiments were becoming less prevalent as civil services developed and individuals became less personally possessive of information.

- **Overly restrictive compartmentalisation of responsibilities:** Interviewees suggested that a restrictive view or compartmentalisation of responsibilities (i.e only fisheries works on fish without consulting/engaging environment or finance) was exacerbating the capacity limitations of FFA members. Interviewees suggested that FFA members probably have more capacity than they are using



because of the lack of engagement of other relevant departments (such as engaging economists from treasury/finance, policy analysts from environment, enforcement expertise from customs/police). Interviewees suggested there was particularly a need to engage economic and financial departments, not just fisheries Ministers.

Budgets and cost recovery

- **Desperate financial plight of whole-of-government:** Interviewees noted that the desperate financial situation of some FFA members was impeding all forms of development and reforms, and directly impacting upon capacity of the fisheries department to implement fisheries management or support development.
- **Inadequate resourcing for fisheries departments:** Interviewees commented that FFA members were not reinvesting adequately back into fisheries departments. Interviewees noted that budgetary limitations and the expense of travel within their country were major obstacles to implementing management – 60% of government budget is spent on salaries.
- **Lack of cost recovery:** Interviewees commented that the lack of cost recovery in many FFA members resulted in inadequate resourcing of fisheries agencies. Interviewees suggested that the centralised funding model without cost recovery undermines the ability of fisheries agencies to support management and development projects.

Not all interviewees supported the establishment of cost recovery mechanisms. Some preferred current funding arrangements where all fisheries revenue goes to treasury and operating budgets are centrally allocated. These interviewees raised accountability and transparency concerns if the fisheries ministry were to retain any share of access revenue for cost recovery. Interviewees noted examples in various FFA members where cost recovery mechanisms had been established but had been halted or never implemented due to problems with corruption. In one case, the fisheries act requires the establishment of a development and management fund into which 50% of all fisheries income is supposed to be deposited. However this has never been implemented due to a history of corruption within the fisheries department.

Example Box – PNG cost recovery

Interviewees described the 100% cost recovery arrangements in PNG whereby all fisheries revenue is paid to the National Fisheries Agency (NFA) which then pays the government dividends only after approval by the NFA Board. The NFA's budget is paid for entirely by fisheries revenue.



Section 3.6 Stakeholder Participation & Consultation

As discussed above in the critical elements and in Sections 3.1 and 3.5, effective fisheries management and development requires participation and consultation of stakeholders. Interviewees emphasised this point throughout the consultations, particularly given the importance of fisheries as a major income earner to many FFA members. One interviewee commented that he:

“... strongly supports the widest possible stakeholder consultations in fisheries related issues because of the reliance of people on fisheries for their livelihood.”

For consultations to be meaningful and productive, they should have substance and the mandate to influence policy deliberations. As can be seen in the example box below, stakeholders are quick to criticise consultation processes that are little more than show-cases. Similarly, consultation processes should be transparent and fair to avoid perceptions of favouritism or at worse, corruption.

Interviewees suggested that the successful implementation of management plans often depends on the level of participation and engagement by all stakeholders, government and non-government. Interviewees referred to Fiji as a good example where the fisheries agencies had (largely) successfully implemented its management plan and reduced the number of vessel licenses despite vocal and strident opposition from some quarters of the fishing industry. Interviewees suggested that the success of these changes could be attributed in part to the high level of consultations undertaken during this process.

However, despite the importance of a consultative approach to fisheries management, many interviewees noted that consultation with industry and other stakeholders was very poor or lacking throughout much of the FFA membership. Interviewees noted common complaints about the lack of consultation and transparency, or the inconsistent nature of consultations processes. It is interesting to note that comments regarding the lack of consultation came from all fields: fisheries officials; non-fisheries officials; large and small scale industry; artisanal and coastal communities; small local NGOs; and large global NGOs. While there were cases of conflicting views on the level of actual consultation occurring (i.e officials saying lots, industry saying little), almost all interviewees noted that it was a gap requiring resolution.

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- **Lack of community understanding of ‘good governance’ and engagement in governmental processes:** Interviewees suggested that many communities lacked an understanding of ‘good governance’ and their civil rights. This weakened community participation in governmental processes as many communities were not aware of, or did not understand their rights and opportunities to engage in policy development and governmental processes.
 - **Lack of consultation with industry, community and NGO stakeholders:** Interviewees noted many examples where governments undertook no consultation



with stakeholders or communities when developing fisheries policy or national positions. In some cases, interviewees from government and industry expressed contradictory views regarding the level and quality of consultation. In general, interviewees commented that consultation and information sharing with civil society, communities, NGOs and associations across the region was low to medium. It was noted that consultation was particularly poor with communities and small scale industry, even in cases where consultation occurred with large scale industry and NGOs.

Interviewees expressed concerned regarding the lack of transparency and process in government consultations with stakeholders. They commented that some governments did not consult widely with all stakeholders and sometimes only took advice from one interest group, to the potential cost of other stakeholders.

Interviewees suggested that in some cases, poor consultation was a result of lack of capacity from government to inform and consult with communities and a lack of clarity of purpose from governments about why/what they need to consult with communities about. Interviewees also suggested that consultation problems with industry were exacerbated when industry could not agree on common positions. In one case, interviewees suggested that their recently drafted tuna management plan chose not to establish an advisory committee or board, but instead to rely on regular informal meetings with individual stakeholders due to a concern that there was too wide a range of views and interests within the industry to allow a formal committee or board to work effectively.

Despite these concerns, interviewees noted improving experiences regarding consultation with industry during the development of management plans and licensing regimes.

- **Poor communication and information sharing with stakeholders and communication:** Interviewees commented that poor communication is a major problem, particularly between fisheries agencies and industry and non government stakeholders in the fisheries. Interviewees noted that there are always complaints from the fishing industry about the lack of communication flow and that they were generally poorly informed on regional and international matters. One commented:

“They feel that vital information to the industry does not trickle down to the operators from the government authorities.”

Interviewees suggested that information often does not trickle down to the community level, even in cases where there is some consultation and information available to NGOs, industry associations and academics.

- **Poor in-depth understanding, investigation and coverage of fisheries and marine issues in national and regional media:** Interviewees noted that national and regional media engagement on fisheries issues was sometimes good but often lacked substance or adequate analytical and investigate ability.



- **Resistance to participation by industry and NGO stakeholders on national delegations to international meetings:** One interviewee noted attempts by NGOs to participate in national delegations to international meetings had often, or largely, been unsuccessful.
- **Problems establishing industry associations and defining eligibility criteria:** Interviewees noted examples where the domestic fishing industry was not very well organised to represent its views and had trouble agreeing on common positions and who should represent their interests. Industry associations had also encountered problems of defining local industry eligibility criteria, particularly whether associations should include: joint ventures; locally operated foreign vessels; and charter vessels. One interviewee proposed that the definition could be vessels that are supplied and land locally.

Examples were discussed of local industry developing responsive ad hoc co-operation when specific common problems have arisen. FFA was working to assist the formulation of a local fishing association.

- **Communication gaps with industry on assistance available to support formation of industry associations:** Interviewees suggested that industry was largely unaware of what sorts of assistance might be available regionally to support their development of associations or engagement in regional fisheries matters.

Example box – Stakeholder consultation

Interviewees in one FFA member offered a range of viewpoints on the level and quality of consultation between government and industry. Despite different views on the level of consultations, all interviewees supported consultative management.

Industry interviewees strongly supported the involvement of industry in the formulation of national fisheries policies and participation in national and regional discussions on fisheries issues. They noted that the tuna management advisory committee, which includes representation from all stakeholders, had not met for three years. In the interim, the fisheries agency had only consulted collectively with industry at two ad hoc conference (2003 and 2007). They expressed scepticism regarding the values of these conferences and noted that the formal recommendations from the 2003 conference were yet to be implemented. One commented:

“The conference convened by the department of fisheries is only a show case with no significant follow up actions by the government. There were good discussions and outcomes but no real commitment to follow through the outcomes of the conferences. At the time of the February 2007 conference, the outcomes and commitments of the 2003 tuna conference were still outstanding. So the conferences are a total waste of time and nothing is expected to come out of it.”

These comments were supported by other industry interviewees. Industry was also frustrated with national delegations to WCPFC meetings and noted that they were not involved in discussions or briefings concerning the WCPFC and its potential



ramifications. In 2006, industry representatives attended a WCPFC meeting for the first time. Despite their attendance, industry representatives were not included in any of the discussions or briefings concerning the issues discussed at the WCPFC and were not able to provide any input into potential positions. They noted that there were no internal preparatory consultations prior to the meeting, nor were there any internal discussions during the meeting. However, despite the obvious frustration felt by all industry interviewees, a few noted that things were beginning to improve.

Official interviewees supported consultations with stakeholders and stated that the fisheries agency was now attaching greater importance to consultation, not just with related government agencies, but also with industry and NGO representatives. However, they suggested it was not always practical to arrange such consultations.

One senior official argued that the effective operators were those that rarely complained and suggested that it was the unsuccessful operators who complained. He countered industry criticism of poor governance and consultation by arguing that the fisheries agency should have access into the operation and discussions of the national fisheries industry association. He commented:

“(they) ... have not been open in their dealing with the department of fisheries, especially their consultation with the Devfish project. They also need good governance in their operation, not only insisting on the good governance within the department of fisheries. (they) ... deal directly with Devfish without keeping the department informed.”

Officials generally referred to the tuna conference in February 2007 as a success and attributed their slow progress in implementing outcomes of the 2003 conference as a consequence of recent government reforms. Officials conceded that the tuna management advisory committee had not functioned effectively and would have provided consultation between government, industry and NGOs. Officials stated that cabinet has now approved the outcomes of the 2007 conference and the agency will now develop a corporate plan to enable it to implement the conference outcomes.



Section 3.7 Regional Co-operation, Negotiation & Advocacy

Regional co-operation and negotiation is vitally important to FFA members due to the migratory nature of the region's key fisheries and the limited capacity of FFA members. In response, the Pacific Islands community has established some of the world's most sophisticated and advanced co-operative tools. Agencies such as the FFA and the SPC provide high quality technical advice and support while the Nauru Agreement⁷², Palau Arrangement⁷³, Niue Treaty⁷⁴, and the FSM Arrangement⁷⁵ enable collective management, enforcement and exploitation of much of the region's migratory fisheries. Furthermore, the collective will of FFA members was critical to the successful negotiation of the WCPFC and the inclusion of strong provisions relating to conservation, monitoring and enforcement and the recognition of developing state requirements.

However, interviewees suggested that FFA members have not fully realised what they've signed up to in the WCPFC and are not prepared for the WCPFC obligations and forthcoming tough negotiations. Interviewees noted that implementation of the WCPFC was a weakness amongst FFA members. One interviewee commented:

“Whether we like it or not, its coming (battles over conservation and management measures and MCS). The question we need to ask – are the countries ready, as members of the Commission? Costs will increase. More demands will be created (research, data, economics, MCS). All will be more demanding. Have we adequately trained people?”

Interviewees suggested that the regional capacity is not matched at the individual national level. While FFA members participate reasonably well in international meetings collectively, most members struggle to respond individually when put on the spot on a specific proposal.

Interviewees identified a number of national institutional and governance gaps that undermine the ability of FFA members to implement fisheries management and to participate effectively in international instruments. They suggested that preparation, participation and reporting back from international meetings “was a huge gap” and that their delegations were very weak.

Concerns were expressed that some FFA members lack the analytical, strategic and negotiating capacity to effectively determine and advocate their national interests at regional meetings. Consequently, these members barely participate in regional treaty meetings and have limited or superficial engagement in meeting deliberations. Interviewees commented:

“Fundamentally we have a big problem. We're not taking the issues seriously enough. People go and attend these meetings just for the sake of going.”

⁷² Nauru Agreement Concerning Co-operation in the Management of Fisheries of Common Interest

⁷³ Palau Arrangement for the Management of the Western Pacific Purse Seine Fishery

⁷⁴ Federated States of Micronesia Arrangement for Regional Fisheries Access

⁷⁵ Federated States of Micronesia Arrangement for Regional Fisheries Access



“The issues at the Commission will gradually get more complex ... the ultimate issue is that of allocation which the island States may not be in a position at the moment to engage in discussions on. Without resolving allocations, the broader issues of IUU fishing and overcapacity may not be readily resolved.”

Interviewees suggested that these problems are exacerbated by the decision making culture of WPCFC meetings and the silent nature of some FFA member delegations. They commented that smaller and less vocal countries inherently become more marginalised while the emphasis is on those countries with the capacity to speak.

WCPFC decisions are generally passed by ‘consensus’, as determined by the absence of any vocal opposition to a proposal to adopt a decision by the chair. While this is a valid assumption of consensus in many contexts, it is problematic in the Pacific where interviewees cautioned against interpreting silence as consent. They noted that in the context of international negotiations, silence avoids confrontation while neither supporting, opposing nor engaging. One interviewee commented:

“They don’t necessarily agree. They just don’t speak.”

Interviewees noted examples where some delegations sometimes used silence as a deliberate ploy. One interviewee suggested that silence could be used to:

“... play both ends – delegations could return home and assure Ministers that they had not agreed to measures while simultaneously not creating controversy by opposing such measures when at the meeting.”

While such a ploy may have short term benefits to individual delegations, it appears to only be used as a responsive ploy with little strategic planning. Interviewees suggested that it does little to advance national interests. One interviewee commented:

“Those who don’t raise their flag (at international negotiations) get more and more marginalised.”

The lack of real engagement in deliberations or the final decision results in a lack of ownership. Consequently, some FFA members have little real motivation to implement difficult decisions as they have not effectively ‘bought in’ to the decision. In some cases, these members are not sure that the decision is in their national interest. In a few cases, some members clearly believe that the decision is against their national interest, but do not oppose the decision at the table nor implement it at home.

Effective implementation at the national level requires that FFA members consider the measure to be in their national interest, particularly if the measure is politically contentious. In some cases, implementation may only be politically achievable if officials and Ministers are informed and motivated to the degree necessary to drive implementation against significant domestic or foreign opposition.



Additionally, the heavy reliance on the FFA brief and its recommended positions means that some members are unable to participate in negotiations when there is a lack of consensus within the FFA. Without an agreed FFA position, some members are effectively left with no position as they have no national interest analysis or national brief to fall back upon.

This was a critical problem in 2006 at WCPFC3 due to the lack of consensus within the FFA on a high seas conservation measure. All agreed that one was urgently required, but the conflict between a few FFA members on what form this measure should take prevented a consensus being reached. Those members lacking capacity in international negotiations were effectively dependent upon stronger FFA members to resolve these differences. They were unable to effectively participate in these negotiations due to their limited understanding of how these issues played against their national interest. One interviewee commented:

“One of the factors contributing to the high seas failure at the WCPFC in 2006 was the lack of readiness of FFA members.”

These national gaps and challenges are cause for regional concern. The success or failure of regional instruments such as the WCPFC or the PNA VDS, depends upon the effective participation of members and their ability to implement decisions within the national context. The inability of some members to effectively participate and buy in to regional decisions undermines the ability of the entire region to sustainably manage its migratory fish stocks.

Until recently, this was perhaps not a major priority for many within the FFA. However, regional action is now required to reduce catches of yellowfin and bigeye (for sustainability reasons) and to limit expansion of albacore and skipjack fisheries (for economic reasons).

Consequently, the institutional and governance gaps identified below are of real concern to the entire FFA membership. The lack of capacity of FFA members to determine and pursue their national interest undermines the collective ability of the FFA membership to pursue its common goals and needs (i.e sustainable management and development to the benefit of FFA members).

Concerns were expressed that the FFA membership seemed to “have lost the plot” and did not seem to be as capable of uniting together as they did during the MHLC and Prepcon negotiations. Given the migratory nature of the fisheries, and the limited influence and power of FFA members, achieving national interest requires collective strategies.

Collective regional strategies require the collective and informed will of all individuals involved. This requires that FFA members have the national capacity and confidence to determine and pursue their own national interest, and their vision of a collective strategy. The compromises and balancing required in any collective strategy require members to make these compromises in the full knowledge of their strategic



context. Otherwise, nice words and silences simply provide a treaty-thin veneer with little real substance underneath.

Interviewees suggested that core policy work is almost always going to need regional institutional support due to a broad lack of resources from FFA member micro-States. In this regard, interviewees identified a number of gaps and concerns in the support provided by the FFA and SPC secretariats. These are discussed further below. It should be noted however, that interviewees were generally very positive in their comments on these regional agencies and commented that these agencies have done a lot for their members through the provision of policy advice, operational and practical information, data management and monitoring and enforcement support. Interviewees suggested that the preparatory meetings organised by the FFA before WCPFC Commission and Committee meetings were very helpful. While a number of concerns were raised in regard to the FFA briefs, members were generally very positive on the quality of these briefs and their level of analysis.

Finally, interviewees raised concerns regarding the operation and implementation of the PNA Vessel Day Scheme (VDS) and the WCPFC.

The gaps identified in this section are structured into six sub-headings: national co-ordination, communication and consultation; national analysis, strategy and preparation; national negotiation and advocacy; national post-meeting implementation and evaluation; regional FFA and SPC support for WCPFC meetings; and regional cooperation. This section focuses on those national and regional gaps that specifically apply to regional co-operation (previous sections have already discussed gaps in other technical areas such as fisheries management, monitoring and enforcement).

National co-ordination, communication and consultation

- **Poor co-ordination and engagement of relevant departments and/or lack of any whole-of-government process for developing national positions:**

Interviewees suggested that co-ordination across departments was a major problem and noted that there was often little interaction between fisheries and other government department and minimal formal consultation processes between departments. Interviewees noted that some members lacked any whole-of-government process for developing foreign policy. The causes for this lack of co-ordination are essentially the same as discussed in section 3.5.

Interviewees noted poor engagement of relevant departments beyond fisheries in delegations to regional and international meetings. In some cases, this was due to poor co-ordination by the fisheries department which did not engage or invite other relevant departments (for example, one interviewee noted an example where the environment departments was not informed or engaged in regional meetings on high seas marine biodiversity, even though these meetings were occurring at home). In other cases, this was due to the lack of interest of other relevant departments to engage and participate in important meetings (for example, interviewees noted examples where enforcement staff from attorney generals did



not attend relevant FFA or WCPFC meetings on monitoring, control and surveillance despite encouragement from the fisheries agency to do so).

Interviewees noted problems where the fisheries department never briefed foreign affairs prior to international meetings, despite it being required to do so.

Interviewees also noted the lack of engagement of officials from Attorney Generals or Finance/Treasury to advise or participate in access negotiations.

Interviewees noted examples where inter-departmental consultation was poor but where an individual industry representative had become influential and was able to input into preparations or delegations.

- **Poor level of communication, consultation or co-ordination internally within the fisheries agency:** Interviewees noted that preparatory consultations might occur only within the fisheries agency and be limited to just a few individuals. Interviewees described examples where fisheries agency staff (apart from those few who attend international meetings) were largely unaware of the discussions or outcomes from FFC and WCPFC meetings.
- **Poor level of communication, consultation and engagement of stakeholders in regional meetings:** Interviewees noted the poor level of communication, consultation and engagement of stakeholders in regional meetings. Interviewees suggested that it was “imperative” for the fishing industry to be involved in WCPFC meetings and processes yet noted that industry had very little or no knowledge of what was occurring at WCPFC meetings or what it meant to them.

Interviewees noted that funding and agreement on industry representatives were often key obstacles to participation by industry in international meetings.

Example box - Co-ordination and consultation

Interviewees discussed an example of a FFA member which has the capacity and skills to prepare for and participate in regional meetings. However, co-ordination problems and personality clashes are undermining the effectiveness of their delegation. Interviewees noted that despite having the capacity, there is currently no systematic process for preparing and reporting back. Traditionally, delegations prepared briefs and discussed these with their board, but this has not occurred in the past few WCPFC meetings. This lack of preparation has forced delegations to consult internally within the delegation on the sidelines of international meetings and to develop positions on the run. Various officials noted that this was an inefficient and time-consuming process and was disruptive.

National analysis, strategy and preparation

- **Poor or non-existent preparation for regional meetings:** Interviewees noted that preparation for international meetings was poorly co-ordinated or performed and needed improvement. One interviewee commented:

“There is no history or capacity of members preparing for international meetings. In the past, these (delegations) have been one man shows.”



Interviewees suggested that many of the member's preparation, participation and implementation problems were caused by high staff turnover and a resultant lack of corporate knowledge. Others attributed it to the lack of human resources on the ground, given the range of other domestic issues that the fisheries department has to deal with on a routine basis.

- **Minimal capacity to analyse/determine national interest and develop strategies in context of regional fisheries management deliberations:** Interviewees noted that many members lacked the capacity to analyse and develop positions at international meetings that best served their national interest. One interviewee commented:

“There is little or no co-ordination or planning preparing for fisheries meetings. There is an apparent lack of internal capacity to comprehend and analyse the issues within the fisheries authority and the government generally. Thus it is difficult to determine or know our national interests in relation to those issues.”

Interviewees observed that some members relied heavily on the FFA briefs due to their lack of capacity to determine their own national interest. However, interviewees cautioned that some members had no capacity to analyse the FFA brief in the context of their national interest and position. One interviewee commented:

“The FFA brief has been very useful in providing an overview of the issues of concern. However, the issues at the WCPFC are getting very technical and there is no capacity to understand and comprehend these issues, let alone attempt to translate those issues in to the perspective and interests ... (of our country).”

Interviewees noted examples where their reliance on the FFA brief sometimes resulted in problems for their delegation as they did not necessarily always agree with the FFA recommendations. However, these delegations did not have the capacity to analyse and determine their own national position and were left with little other choice but to go with the FFA brief's recommendations.

The heavy reliance on the FFA brief (and its recommended positions) means that some members are unable to participate in negotiations when there is a lack of consensus within the FFA. Without an agreed FFA position, some members are effectively left with no position as they have no national interest analysis or national brief to fall back upon.

One interviewee who had attended WCPFC meetings commented that there appears to be only a few FFA delegations able to analyse and question the FFA brief. This is evident in the limited nature of discussions at the preparatory FFA meetings prior to WCPFC meetings. One interviewee commented:



“Only a few countries are keeping up on what their national interests are.”

- **Too many meetings overloading the capacity of FFA members:** Interviewees expressed concern that there were simply too many meetings and too many documents. One commented that this caused:

“... so much confusion amongst the members that much gets left to the FFA secretariat.”

- **Meeting papers are distributed without enough time for adequate review:** Interviewees suggested that the limited time after papers were released left little time to do analyse the issues and prepare a brief. One interviewee commented:

“The FFA brief is very helpful in providing an analytical overview of the issues and focusing attention on the key issues that the Commission is likely to dedicate much discussion. But in most cases the brief is received just a few weeks before the meeting and because of other work commitments there is no time to undertake internal discussion and analysis of the issues and the brief itself. In most cases the main preparation and internal discussions of the issues take place when on the road to the meetings.”

- **Flawed processes for accrediting delegations to international meetings:** Concerns were raised at WCPFC2 and WCPFC3 that many members had not presented formal credentials to the Chair and secretariat in a manner that satisfied international legal requirements. In 2006, the FFA brief included advice on this matter but still there were widespread concerns that many FFA members had not met the requirements and would be ineligible to vote if a vote was called.
- **Lack of capacity and process to prepare written briefs:** Interviewees stated that some members lacked the resources to develop a written brief and had no formal process for consultations with relevant departments, stakeholders or to develop briefs. Interviewees also suggested that their current institutional set-up did not allow information to be readily gathered and developed into a brief.

Interviewees noted that some members had previously tried to establish processes for preparing briefs but these had quickly fallen down due to a lack of capacity or the low priority given to the task. Some members required their fisheries agencies to produce written briefs, but these were mostly just annotated versions of the FFA briefs. Despite these requirements, interviewees noted that they had not written a brief for the past few years as delegations had consistently included the same individuals who had become very familiar with the issues.

- **Lack of process to endorse delegation mandate or brief:** Interviewees noted that some fisheries agencies lacked a process for advising relevant Ministers/Cabinet of key issues of concern to the national interest, and gaining a mandate for delegations on what positions to pursue on these issues at international meetings. Interviewees also noted similar gaps in process in regard to



signing and ratifying international agreements. Interviewees noted that there was often a lack of capacity within the fisheries agency to prepare such advice.

Interviewees noted that in many cases, responsibility for such decisions was left entirely to the discretion of the head of delegation to decide on the spot at the meeting. This was particularly problematic in cases where there was no FFA or PNA consensus position. In these circumstances, delegations would decide on the spot what their national interest was. This would be considered without consultation with capital or the Minister.

One interviewee noted that their delegation undertook no preparation or analysis and did not have the capacity to effectively participate in meeting deliberations, or analyse their potential impact on their national interest. He suggested that this lack of preparation provided a flexible approach:

“If we make strict briefs before we go, then we might not be able to go along with the FFA and the PNA.”

Example box - Mandate

One interviewee noted that their delegations would consider their position on matters within a generic mandate that applied to all international meetings. Firstly, delegations should pursue positions that support their national interest. In cases where it was not possible to determine what their national interest was on the matter, or where the matter did not impact on their national interest, the delegation should secondly support the Japanese and/or Taiwanese positions as these were the most important aid donors. Where none of the above concerns had arisen, the delegation should thirdly support the FFA position.

- **Lack of written briefs:** Interviewees identified the lack of written briefs as an important gap as briefs provide a historical record of past national concerns and negotiating positions. Written briefs can be particularly important when fisheries agencies suffer from high turnover of staff, poor co-ordination and communication, and limited corporate knowledge.

Example box – Preparation and consultation

The following presents a generic example of preparation and consultation for WCPFC meetings pieced together from various interviews. This is not accurate for all FFA members but represents a form of middle ground between the least prepared and the most prepared.

As a general rule, there would be no systematic internal process to prepare for WCPFC meetings, or consult with relevant government agencies or stakeholders. There may be some limited informal discussion within the fisheries department before the meeting but discussion would usually only occur on the road to the meeting or on the sidelines of the meeting.

Where preparations did occur prior to the meeting, this process was often ad hoc and ‘last minute’. In such cases, preparations might consist of looking at the FFA brief



and discussing it briefly within the fisheries department before the meeting. In many cases, little time would be spent analysing the FFA brief and often no national analysis would be prepared. In some cases, discussions might extend to include foreign affairs.

Interviewees noted non-existent or limited processes for granting delegations a mandate to negotiate. Some members might submit some form of advice to the government (cabinet or relevant Ministers) before the meeting. This advice would, at best, summarise the issues likely to arise, but would not offer any analysis or recommendations on what position the delegation should take. Other members would provide no form of advice to the Minister or Cabinet, or in some cases would simply provide an oral briefing to their Minister. Where consulted, the cabinet or Minister would instruct the delegation to attend the meeting and grant the delegations an open ended authority to decide on issues as they arose. One interviewee commented:

“Because of the lack of a systematic process for preparation for meetings, the line of authority in terms of clearance of mandates and positions is unclear.”

For many members, only in special circumstances (such as regarding an executive appointment or hosting a meeting) would a specific mandate be sought from either cabinet or the Prime Minister/President’s office. Interviewees noted that this placed a heavy burden entirely on the individual head of delegation’s knowledge and competence. In consequence, many delegations rely heavily on the FFA brief for any analysis of the issues. In many cases, negotiation decisions were left entirely to the head of delegations discretion with little or no requirement for Ministerial review or consideration.

Following the meeting, there would be no de-briefing by those that attended the meeting – either to staff from their own fisheries agency, or any other government agency, or any stakeholder.

National negotiation and advocacy

- **Lack of preparation:** Interviewees noted examples of meetings where they felt lost through the many issues. While some interviewees ascribed this to a lack of skills or knowledge, other interviewees who had the skills and knowledge suggested that they suffered from a lack of preparation due to the limited resources in their department and poor co-ordination. One interviewee commented:

“... simply not enough bodies on the ground to cover all meeting issues well.”

- **Lack of technical expertise, analytical ability and data:** Interviewees suggested that their lack of technical expertise, data and information, or analysis of data, was a constraint on delegations preparing and making informed decisions at international meetings. Much of the required expertise has already been noted in sections 3.1, 3.3, 3.4 and 3.5 (i.e fisheries management, science and economics, monitoring and enforcement, strategic and analytical).



- **Lack of legal, policy and strategic analytical expertise:** Interviewees suggested that their national interest should be the paramount consideration during international negotiations, but they could not always ascertain what this was. Interviewees suggested that most people on FFA delegations to international meetings have very little comprehension of the issues discussed, thus resulting in a few dominating the discussions. Interviewees expressed concerns about the level of skills, knowledge and training of fisheries officials representing FFA members at international meetings. A lack of expertise in international law and regional instruments undermined the ability of FFA members to analyse and draft resolutions, and analyse and respond to the negotiating agendas of other delegations.
- **Lack of negotiating skills:** Interviewees suggested that they lacked capacity to negotiate at international levels and required training in negotiation skills. Even those members who had the legal, policy and analytical expertise to understand and analyse meeting deliberations and determine their national interest, still noted that they lacked the negotiating and strategic expertise to pursue their national interest. Interviewees complained of being overwhelmed by the speed in which discussions took place at the Commission and the advocacy skills of the fishing nation delegates.
- **Cultural constraints on negotiating and advocacy:** Interviewees noted that cultural obstacles exacerbate the lack of skills and knowledge amongst many delegations and sometimes create further difficulties for pacific island delegations who may not wish to confront, contradict or embarrass other delegations. Similarly, individuals were concerned not to embarrass themselves and sometimes lacked the confidence to speak on issues in case they might be wrong. One interviewee commented:

“They don’t have the scientific or legal knowledge and won’t talk in front of all these hotshot lawyers and scientists from other delegations. They have an opinion, but they’ll only voice it afterwards to trusted colleagues.”

This problem is further exacerbated by the small size of many delegations and the resultant lack of knowledgeable colleagues with whom delegates can test or check potential statements to the floor before raising their flag. Interviewees suggested that many pacific delegates will only speak on a critical issue where they feel confident and often this will be in a roundabout manner that is not necessarily clear. One commented:

“There is some quiet support and enjoyment watching PNG take it up to the distant water fishing delegates and fighting their arrogance.”

Interviewees noted problems with the silent nature of many pacific island delegations and noted that this was marginalising the less vocal countries. They suggested that silence should not be necessarily interpreted as consent. They noted that silence avoids confrontation, but does not engage, support or oppose.



- **Weak negotiating positions:** Interviewees expressed concern regarding the ongoing DWFN influence on FFA member delegations and noted direct bilateral pressure from powerful and influential aid partners to oppose certain measures. Interviewees described examples of difficulties supporting the VDS over the strong opposition from important aid donors, or requiring HMTCs (such as VMS) for foreign fleets.

Interviewees suggested that FFA members should stand up to such pressure and negotiate as sovereign States and the region (as the resource owners) should take stronger stands on most issues.

Interviewees noted that different members had different needs and aspirations and because of their differences, group negotiating positions were weaker. This resulted in their country sometimes supporting weaker positions in the name of consensus than they might otherwise have taken.

Interviewees expressed frustration that the supply/demand equation of fisheries should place FFA members in the dominant position. Despite this, FFA members continue to think and negotiate as if they are in the inferior position at the negotiating table.

- **Lack of performance review and assessment of delegations:** Interviewees noted that good governance requires accountability and professionalism. They suggested that staff should justify their participation in international meetings and account for their attendance and actions. One interviewee commented:

“There appears to be no peer review of fisheries officials and their contribution to international meeting in a manner that holds them accountable.”

National post-meeting implementation and evaluation

- **Slow ratification of instruments:** Interviewees noted that ratification of treaties by some members was very slow and often held up by poor internal co-ordination or lack of capacity or priority within their department of foreign affairs. One commented that their country:

“... signs heaps of treaties and agreements but then never ratifies. This is because once the agreement is signed, the process, moves beyond the responsible line department to foreign affairs which is responsible for all ratifications. Which is where nothing then happens.”

- **Lack of implementing legislation for ratified treaties:** Interviewees noted that some FFA members lacked the necessary legislation to implement their treaty obligations. One interviewee commented that some members:

“...sign and ratify on the spot but then often do not have the necessary legislation to actually implement the agreement.”



- **Lack of post-meeting evaluation and reports from delegations:** Interviewees noted the lack of post-meeting reports or de-briefings from delegations that had attended international meetings. This lack of reporting prevented other departments from understanding, implementing or engaging in international agreements and their obligations. Interviewees also suggested that there would rarely (if ever) be any post-meeting reports that would include analysis of the implications of WCPFC decisions and measures.

Interviewees noted that some member’s delegations were required to write reports on meetings and distribute to heads of departments within set time requirements. However interviewees noted poor compliance with this requirement. Where it was performed, reports were generally little more than summaries of the formal meeting report and included little critical analysis.

Interviewees suggested that they have little understanding of what is occurring within the WCPFC and what it all means. Consequently, they do not have the capacity to do any post-meeting analysis. One interviewee commented:

“Even after the meeting, there is no capacity to analyse the outcomes of the Commission meeting – and thus our lack of compliance with obligations under Commission decisions.”

Interviewees noted that this was also a problem in FFA members who had the intellectual capacity to critically analyse WCPFC outcomes. Interviewees commented:

“We get back home and immediately get involved in day to day work which makes it hard to write any follow up analysis and reports.”

- **Lack of post-meeting reports to stakeholders:** Interviewees noted concerns that national delegations to WCPFC did not provide post-meeting reports to stakeholders: One interviewee complained:

“We have vessels fishing in the WCPFC waters and should know what is happening in the WCPFC”.

- **WCPFC summary record lacks explanatory guidance on new obligations and implementation requirements:** Interviewees noted that the WCPFC summary record offered no explanatory guidance on implementation.
- **Lack of understanding of treaty obligations:** Interviewees suggested that their country lacked an assessment or understanding of all the various obligations that have arisen through recently signed international agreements.



Example box – Reporting back and implementation

One interviewee noted that they had probably not implemented any of the WCPFC obligations because there was no reporting back from international meetings to inform their government of any decisions that may have been taken at the meeting. Consequently, the government was unaware of any obligations it may have and was unable to take any action to implement these new obligations. Another interviewee commented:

“We go to these meetings and come back and nobody talks about it and then we go to the next meeting.”

Regional FFA and SPC support for WCPFC meetings

- **Lack of national level support from FFA and SPC:** Interviewees suggested that the FFA focus on WCPFC has led too much to a top-down approach. Interviewees suggested that the FFA needs to now balance this with more of a bottom up national approach. Similar comments were made in regard to SPC. Interviewees expressed concern that much of the international focus has been on agreements and details that aren't necessarily national priorities.
- **Lack of capacity amongst smallest FFA members to monitor aid and capacity building opportunities and develop proposals:** Interviewees suggested that those FFA members who are most at need, sometimes do not have the capacity to monitor aid opportunities nor develop proposals. They suggested that it is the more engaged and most capable FFA members who are the first to ask for assistance as they have the capacity to monitor capacity building and funding opportunities and develop proposals for assistance.
- **Concerns with FFA briefs:** Interviewees noted widespread examples where members were heavily reliant on FFA briefs as they did not prepare their own briefs. Interviewees cautioned that some FFA members had become overly reliant on the FFA brief at WCPFC meetings. One commented:

“Members tend to rely too much on the FFA brief and fail to provide their own analysis of the issues.”

The reliance by some members on the FFA brief as their default national brief places the brief in a difficult position. This is due to the various, and sometimes conflicting, national interests collected within the FFA membership. This has become more problematic as members increase fishing effort and their focus (for some) evolves from coastal State interests to fishing State interests.

Consequently, it is not surprising that interviewees offered contradictory interpretations of the purpose of the FFA brief. Some just want basic information, others want advice and recommendations, and some want clear guidance on how best they can pursue their national interest.



Despite these complexities, interviewees commented that the FFA brief was generally good. Interviewees noted that the positions in the brief were not always consistent with their country's national interests but thought that they generally provided a good starting point from which to develop a consensus position.

Those interviewees who wanted more analysis and guidance from the FFA brief, expressed concerns that the FFA meeting briefs were too general and did not adequately support national positions. They commented that the briefs provided good overviews and historical context, but were not as helpful in promoting individual national interests. They noted that the brief always had to please everybody and therefore had little choice but to promote positions that were weaker than many wished, but which would be satisfactory to all. These interviewees felt that the FFA should attempt to better synchronise the FFA brief's general positions with the national interests of members. They expressed general satisfaction with the FFA handling of briefs except when it came to identifying positions to take to WCPFC meetings.

Not all interviewees agreed with such a mandate for the FFA brief. One interviewee suggested:

“The FFA brief should restrict its scope to providing a general brief and leave the FFC to set the directions and strategies on how to progress the issues and where a collective stand would be warranted.”

In some cases, interviewees questioned the value of the FFA brief when the time came to negotiate positions and measures because of the different interests and views held by various FFA members. One interviewee commented:

“Sometimes the FFA writes great briefs with great detail, but then the negotiations don't go in the forecast direction and the brief is suddenly worthless leaving everybody to wing it.”

Interviewees in some cases also cautioned that the FFA briefs were removing any incentive for FFA members to prepare their own analysis and develop their own briefs. They suggested that the FFA briefs did little to build capacity of members to enable them to participate on their own behalf.

- **Concerns regarding FFA batting order and speaking points:** Interviewees expressed two different views on the usefulness of the FFA speaking points/batting order, though this was less of a concern as the FFA brief. Interviewees were generally supportive of the speaking points/batting order and suggested that it encouraged people to participate in discussions. However, interviewees also expressed concerns that the FFA speaking points did little to build engagement or capacity of FFA members to speak on their own behalf at international meetings.
- **Lack of strategic support by the FFA secretariat:** Interviewees suggested that a key gap throughout the region was the lack of strategy development, setting of national objectives and national planning. It was suggested that the “... FFA role



is to develop regional strategy ...” and that this was “... core business...”. Interviewees noted that FFA is the only forum available that could support the development of regional strategies.

Interviewees expressed concern that the FFA had become very technically focused on stocks and was losing sight of the broader strategic picture.

- **Declining sense of common interest amongst members:** Interviewees expressed concerns that there was a declining sense of community across the FFA membership, despite protestations otherwise. One interviewee commented that the FFA members were too heavily focused on supporting their own narrow self interest and “... lacked a strong common interest...” He suggested:

“The biggest gap is that they don’t pull together (at the regional level)”.

- **Lack of preparation by members for Management Options Workshops:** Interviewees commented that the Management Options Workshops were an important and effective tool to prepare FFA members for WCPFC meetings. They suggested that the workshop was useful in developing a collective understanding and appreciation of the issues coming up at the WCPFC and it allowed members to understand the positions and concerns of other members.

However, interviewees suggested that the workshops suffered from the lack of preparation by some members who did not know where their national interests lay, and therefore were unable to effectively participate and ensure the workshop outcomes best-supported their national interest, and therefore ensured their strong support at the WCPFC. Interviewees noted that the FFA was trying to address this gap in part through the development of a new series of sub-regional workshops that would build a more strategic/policy focus into the build up to the Management Options workshop. These sub-regional workshops would inform members of their WCPFC obligations, discuss the ramifications of past Commissions, and better prepare for the regional management options workshop.

- **Poor engagement of FFC Ministerial Meetings:** Interviewees suggested that the FFC Ministerial Meetings were not as effective as they could be because Ministers were not adequately exposed to the technical issues despite the briefing provided by their officials.
- **Concerns regarding non-FFA participation on FFA member delegations to internal strategy workshops:** Interviewees expressed concern regarding the inclusion of non-FFA industry representatives on national delegations to FFC and PNA meetings.
- **Location of FFA secretariat in Honiara:** Some interviewees noted that the location of the FFA secretariat in Honiara was a huge problem and constraint on recruitment and retention of staff. One commented: “If you want secretariats to establish the best organisations, you establish the organisation somewhere where it can get the best staff.”



Regional Co-operation

- **Too much secrecy within the FFA membership:** Interviewees identified a range of areas where the lack of transparency and information sharing between members created obstacles in licensing, development and regional negotiations with distant water fishing States. The AusAID 2020 fisheries background paper comments:

“At a regional level, there is too much secrecy. Pacific island countries would be better served by sharing information, not concealing it from each other, so that all countries are better informed in dealing with foreign fishing partners, and there can be more dialogue about access arrangements as a basis for more cooperative and collective action.”⁷⁶

- **Conflicting views on the role of the FFA secretariat in regard to strategic planning and the development of regional strategies:** Interviewee suggested conflicting views on the role of the FFA secretariat. Some view the secretariat as “just a secretariat” that is there to service the needs of its members and does not advocate or push decisions. Others think the FFA secretariat has a strategic role to support the development of regional and national strategies to achieve specific outcomes. Concerns were expressed that there was no consensus regarding whether the FFA has a role to develop strategy for the region. One interviewee commented:

“There is no formal development for this in the FFA – reflecting differing views on whether this was FFA core business. Consequently, regional strategy development occurs through informal channels.”

- **Concerns with FFA secretariat driving the regional agenda:** Interviewees noted criticisms that the FFA secretariat was driving the agenda too much. However, it was noted that this was due to a lack of capacity within members to drive the development of FFA positions. Consequently, some FFA members had little choice but to rely on FFA briefs as their default national briefs.
- **Concerns with FFA, SPC and donors focus on EBFM:** Interviewees expressed concern that the present focus by the FFA and its donors on implementing an ecosystem based approach to fisheries management (EBFM) was taking up enormous resources and time for little potential return. Reference was made to the EBFM track record in other countries where EBFM has yet to deliver real outcomes and noted that Australia and NZ still have overfishing and sustainability problems despite their advanced management structures and systems.
- **Poor co-ordination between various donors and aid programs:** Interviewees complained of an apparent lack of co-ordination between the various aid programs and donors. They suggested noted that it appeared sometimes that programs, agencies and members were almost competing with each other for attention, recipients and funding. They noted that co-ordination across programs was

⁷⁶ Clark, Les. 2006.



critically important as a lack of co-ordination between these programs undermined their effectiveness.

- **Concerns regarding focus of some donor programs:** Interviewees suggested that the regional delivery of aid programs through the SPC and FFA doesn't always apply adequately to the national context. Nor does it always accurately target nationally relevant issues. One interviewee suggested that the GEF and DEVfish projects lacked clear purpose and reflected more their donor institutions assessment requirements rather than specific requirements of the recipients. He expressed concerns with donor projects:

“... seemingly driven more by donor demands and language, rather than by the demands and needs of the recipients.”

- **Lack of verification systems in WCPFC to confirm that members are implementing their obligations effectively:** Interviewees suggested that a critical gap in regional arrangements was the lack of effective verification systems to confirm and ensure that members were implementing their WCPFC responsibilities and obligations. They asked who was responsible for monitoring and reporting on implementation.
- **Lack of understanding and implementation of sanctions for non-compliance with WCPFC:** Interviewees noted gaps in understanding and implementation of sanctions and consequences for non-compliance or lack of implementation by individuals/companies/fishers/states.
- **Lack of understanding of the full implications of the VDS (and consequently difficulties with implementation):** Interviewees noted that they were struggling to implement and/or understand the full implications of the VDS. Particularly in regard to its impact on existing access agreements. Interviewees noted that the PNA VDS is due for implementation in December 2007 as a WCPFC measure. Concern was expressed that PNA members, with the exception of PNG, were not going to be ready to implement the VDS. Interviewees cautioned that such a failure would cast doubt over the integrity of the PNA and undermine their influence and commitment in the broader WCPFC context.
- **Concerns regarding MCS weaknesses in the PNA VDS:** Interviewees expressed concerns that the VDS cannot be successfully implemented without an effective and operational VMS and strong MCS structures. Interviewees were concerned that the FFA VMS and other regional MCS structures were not currently adequate to support the VDS.
- **Role of the PNA and the FFA:** Interviewees noted that the PNA was the major resource owner (for skipjack) and suggested that the PNA should play a more effective role in regional fisheries management and a more proactive role in leading discussions on management options relating to the skipjack fisheries. Some argued that the FFA should potentially be a subsidiary of the PNA and highlighted the significant importance of the PNA grouping. These interviewees



supported strengthening the PNA meetings and exploring the feasibility of establishing a PNA secretariat. Interviewee lamented that despite these views, the PNA group have so far not been as exemplary or as effective as they should be.

- **Concerns with the FSM arrangement:** Interviewees expressed concerns about the usefulness of the FSM arrangement to their country. They noted that the arrangement seemed to benefit only a few PNA members but not the rest. This issue has recently been comprehensively addressed in a separate FFA consultancy⁷⁷ and is not further discussed in this study.
- **Concerns regarding poor implementation of the WCPFC Conservation Measures:** Interviewees expressed concerns that implementation of WCPFC conservation measures by FFA members was failing and was undermining domestic conservation and management.

Interviewees raised particular concerns with WCPFC reporting requirements and suggested that they had no capacity to comply with these. Interviewees noted that the quality of national reports to the WCPFC was not good and suggested that the FFA members required training and assistance to improve the quality of their national reports

- **Lack of working group within WCPFC for developing Conservation and Management Measures:** Interviewees suggested that the WCPFC's lack of a fisheries management working group created some confusion over the process for developing Conservation and Management Measures.
- **Concerns about WCPFC scientific committee and its science:** Interviewees suggested that the current WCPFC Scientific Committee process is cumbersome with too many sub-committees and working groups. Interviewees noted that there were some strong scientists who have 'science at heart' but expressed concerns about the increasing politicisation of the scientific committee. One interviewee suggested that the WCPFC Scientific Committee sometimes acts like an:

“Olympics of science – people marching along to their national flag.”

Interviewees expressed some level of scepticism about the fisheries science coming out of the scientific committee and stated that the level of uncertainty was a key problem. Concerns were raised that the advice did not adequately consider effort creep in its recommendations. Concerns were also expressed regarding the dependence upon MULTI-FAN modelling with one interviewee noting it was:

“... a bit like a black box. Not really sure sometimes why outputs are different’.

Interviewees commented that there was some bitterness amongst the region's scientists that the WCPFC Scientific Committee recommendations were so watered down in effect by the Commission.

⁷⁷ Parris, Hannah. Barclay, Kate. and Cartwright, Ian. 2007.



Section 3.8 Development & Infrastructure

Interviewees identified a variety of obstacles to development throughout the FFA membership.⁷⁸ In some FFA member countries, there was a strong divergence in views between industry and government interviewees on what the key problems were, particularly in cases where communication and consultation between industry and government were weak. Robert Gillett noted similar findings in his 2003 development report for the FFA:

‘An interesting feature is the difference in perception of constraints between the government fishery agency and the private sector. In general, the difference is greatest where there is a lack of dialogue between the two parties. Where the perceptions are similar, it seems to be due to the personal initiative of a fisheries officer, to the presence of an effective fisheries association, or to consultative mechanisms established by recent tuna management plans.’⁷⁹

In some FFA members, there are still significant problems in the relationship between industry and government, and their understanding of each other’s requirements and activities. One interviewee commented that the first complaint of the fishing industry is always:

“... our biggest problem is the fisheries department”.

However, across the region it appears that these relationships and the level of communication have improved to some degree since 2003. Many cite the development of fisheries associations as a step towards improving communication and consultation.

Example box – Industry

A number of interviewees from one country discussed a litany of multiple industry bankruptcies and failures in one of the richest fishing grounds within the FFA membership. Local fishing ventures were in a downward decline with most local vessels tied up at the wharf and not operational. Meanwhile, foreign owned locally operated vessels continue to operate (seemingly profitably). Interviewees offered various causes for these failures, including:

- lack of support infrastructure;
- poor quality of workforce;
- poor internal communication and management;

⁷⁸ Many of the obstacles to development identified by interviewees are not covered within the terms of reference of this study. Other obstacles included: oceanographic and geographic factors (i.e remoteness and lack of fresh water); problems with infrastructure and transport (i.e shipping, air transport, communications); finance (lack of capital); demographic (lack of interest amongst local citizens and lack of enough crew amongst limited populations); and international factors (difficulties with joint venture partners, markets, prices). For further discussion of these matters, the authors recommend the development reports by Barclay and Cartwright (2006) and Gillette (2003).

⁷⁹ Gillett, Robert. 2003.



- high fuel costs;
- inefficient government services;
- lack of skills in government to “get things done”;
- slow government decision making;
- slow debt payments (particularly of debts owed by government to government owned fishing companies);
- lack of regulation in some areas and over-regulation in others;
- lack of transparency, communication and consultation; and
- lack of engagement by stakeholders in decision making processes.

Interviewees suggested that the fisheries agency had no sense of partnership with local industry and did not adequately support local industry. Furthermore, it was suggested that government undermined local private companies through the actions of the government owned fishing companies. One interviewee commented:

“The other main impediment to fisheries industry development was the fact that the government has always been a competitor with the private sector ... another government company would be given priority on air freight space... (we would also lose)... employees to government companies because of salary levels and assurance of support from government.”

One interviewee commented in response:

“The main problem with the domestic fleet is resistance and lack of co-operation from local operators. They tend to give (the fisheries department) more problems than foreign operators. This may just be an attitudinal problem or mentality by local operators that they should not be bound by the same rules and management measures that foreign vessels are subjected to.”

- **Lack of fisheries development vision and whole-of-government strategy:**
Interviewees suggested that some FFA members lacked a comprehensive vision and whole-of-government strategy for the development of their fisheries industry. Interviewees noted obstacles to development where member governments have a tendency to focus narrowly on a single vision in isolation (i.e development of air travel focusing on passengers without adequate consideration of the needs for industry to move air freight such as fresh fish).
- **Lack of regional strategic leadership in southern albacore group:**
Interviewees suggested that the southern albacore group of FFA members currently lacks sub-regional strategic leadership.
- **Lack of government support for developing local fisheries businesses:**
Interviewees suggested that there was a lack of government support for developing local fisheries businesses. One interviewee commented:

“There is simply no support from the government, especially the fisheries department. The government investment and development environment is not conducive for investors in the fisheries industry.”



Interviewees suggested that government red tape and bureaucracy were continuing to undermine progress to provide incentives for tuna fishing. Some even expressed concerns that the government gave greater support to foreign businesses over local and commented: "... a sense of priority is given to the foreign vessels".

Example Box – Joint venture with FFA member government

Interviewees discussed an example of a joint venture between a foreign company and a member government where the brunt of the work fell on the industry partner, with seemingly little engagement from the government partner. Examples were noted where there seemed to be a lack of "... buy-in..." or "... genuine sense of ownership..." by the government partner, despite them owning a significant share of the business. Interviewees suggested that responsibility fell on the industry partner to fix all problems.

- **Low priority given to development of local fisheries businesses:** Interviewees noted that despite its importance, fisheries was a low domestic priority in some FFA members. They noted strong domestic concerns that fisheries development does not adversely impact upon tourism. These officials noted that tourism was the dominant and influential industry and that some previous fisheries development proposals have been refused because of potential impacts upon tourism.
- **Lack of consistency, certainty and security:** Interviewees noted the importance of consistency and certainty to investment and development. One commented:

“Lack of security is a critical stumbling block to development. Whether it be land tenure, political stability, policy certainty and consistency, political and government guarantees of support.”
- **Slow decision making processes:** Interviewees noted that decision making processes were very slow and this adversely impacted upon business.
- **Unreasonable competition from government owned fishing companies:** Interviewees suggested that government owned fishing companies were undermining local development through unfair competition. Interviewees noted examples of government commercial operations undermining local small scale fishing industries through sales of fish from foreign vessels at very low prices. Other examples included government companies getting priority on air freight space, and government companies poaching skilled employees because of higher salary levels and better government staff conditions.
- **Corruption is an important concern for industry.** Interviewees noted concerns amongst industry about corruption and noted that this was a significant obstacle to development.
- **Lack of appropriate legislation:** Interviewees noted that a major obstacle to fisheries development was the lack of appropriate legislation.



- **Poor co-ordination between provincial and national governments:** Interviewees noted problems with co-ordination between provincial and national governments. Problems were cited where the provincial government collected fees for port transhipments but the federal government monitored and regulated such transhipments. Transhipments in harbour were in decline and there was a serious need to improve facilities to attract transhipment back but there were questions of funding, responsibility and co-ordination.

Problems were also cited in poor national and provincial co-ordination in regard to development projects. Problems arise when representatives of provincial governments are not brought into development proposal discussions early enough and are only consulted at the end of negotiations. Similarly, problems arise where developments are approved by the provincial government with no consultation with the capital. One example was discussed where a Taiwanese developer had dealt directly with a provincial government with no consultation with the capital. The issues that had arisen through this development were yet to be resolved and the development had now become a political issue.

- **Poor consultation and communication with stakeholders:** Interviewees noted examples of poor consultation and communication with stakeholders (see section 3.6 for further discussion). Interviewees suggested that poor governance and lack of consultations for development can bite back as stakeholders become antagonistic to developments and create opposition. Interviewee suggested that land disputes were a major obstacle to developments not only for fisheries development but also generally.
- **Lack of a competent authority and legislative framework to officially sanction the quality of export products:** Interviewees noted that their government lacked a legislative framework and competent authority to sanction the quality of product for export.
- **Too many regional meetings exacerbating lack of capacity within national fisheries agencies and holding up fisheries business:** Interviewees suggested that regional meetings are pulling staff out of day to day work and noted industry complaints that the best thing the FFA could do to support industry development was to stop pulling national staff off-island all the time and distracting them from authorising license applications.
- **Criteria for licensing and access agreements too narrowly focused on immediate best price:** Interviewees suggested that there were unreasonable expectations for resource rents and that some governments focused too narrowly on the best immediate price for access agreements. It was suggested that this did not necessarily achieve the best outcome for members as it did not adequately consider other costs, such as compliance. Interviewees suggested that basing access or licensing decisions on the immediate price rewarded the cheapest players (lower operating costs mean they can afford higher fees) who generally



have much higher hidden compliance costs due to their poor history of compliance.

- **Lack of understanding and expertise in business principles and industry development requirements within government, both at national and provincial levels:** Interviewees expressed concern that some FFA member governments seemed to have no understanding of basic business principles and the fundamentals of development. Interviewees suggested that the bureaucracy responsible for the initial establishment of ventures tends to be fisheries scientists and managers who often do not have the necessary business and development skills and lacked an understanding or vision for fisheries development.⁸⁰ It was suggested that there was a widespread lack of conceptual understanding within FFA members on how wealth was created out of a resource. Interviewees commented that fisheries agencies:

“... don’t know what is required to improve the operating environment for the fishing industry.”

“There is simply a lack of skills to get things done in government at the moment.”

Interviewees noted that fisheries was a significant development opportunity at the provincial level, but that provincial government fisheries agencies lacked capacity and were heavily reliant on the national fisheries department.

- **Lack of interest and expertise in fisheries development within local citizenry:** Interviewees noted a lack of interest in fisheries development by their citizens and a lack of knowledge within their country on how to identify and develop domestic fishing opportunities.
- **Lack of support for business mentoring and/or training:** Interviewee noted that there was very little support for business mentoring or training.
- **Lack of business and political skills within local industry:** Interviewee noted that many within the industry lack necessary business and political skills.
- **Licensing does not provide enough long term certainty for investment:** Interviewees suggested that licenses did not provide enough certainty for investment due to their limited terms (i.e 1 year). This was an obstacle to investment as it undermined security. Banks were reticent to lend money to fishers with no guarantee that the fisher would have a license beyond 1 year. Furthermore, they noted that their fisheries planning was based on a 5 year cycle that allowed for good and bay years and suggested that 1 year licensing cycles did not work well within this planning.

⁸⁰ It was noted that PNG was an exception as PNG has now developed a critical mass in this area.



- **Lack of capital or access to finance:** Interviewees noted that their citizens did not have the capital to buy fishing vessels and banks did not support local development and would not approve loans to citizens to buy vessels.
- **Lack of incentives for foreign investment:** Interviewees noted that the complicated processes to approve foreign investment were an obstacle to development. It was suggested that the existing rules and policies did not provide incentives for foreign investment in the fishing industry and that foreign investment board had failed to provide adequate incentives to attract foreign investors. One interviewee commented on one FFA member:

“(they’re)... doing ok considering that their investment climate could barely be worse (i.e uncertainty, red tape, lack of bureaucratic action). If it wasn’t for the poor investment climate, they would be the albacore capital of the south Pacific”.

- **Problems with taxation regimes:** Interviewees expressed concerns that problems with national taxation regimes were undermining fisheries development. High taxes on boats and fuel for locals were significant obstacle to development. Exemptions were noted but were not always available. Interviewees also noted suggested that delays in tax rebates from government were a serious concern, with one interviewee complaining that his company was owed \$80,000 in tax rebates. Interviewees also noted the lack of tax treaties created obstacles for industry in some members where the local tax rate was higher than elsewhere (particularly the HQ country) forcing industry to pay higher salaries (to compensate for the higher tax rate) to attract and retain qualified staff.
- **Lack of local interest in fisheries development:** Interviewees noted that their communities were not generally interested in commercial fisheries development resulting in a lack of real national ownership of fishing industry. This has (in part) exacerbated the establishment of “front companies” that operate on behalf of foreign ventures with no real “genuine link”, local engagement, or value adding. Interviewees suggested that such joint ventures corrupted local politics.
- **Lack of skilled labour:** Interviewees suggested that difficulties finding skilled labour and crews were a key obstacle to the development of a local industry.
- **Difficult immigration processes for importing foreign workers:** Interviewees suggested that difficulties arranging visas for foreign workers was a key obstacle to the development of a local industry.
- **Over-capacity of fishing vessels undermines local development:** Interviewees suggested that over-capacity of vessels beyond the fisheries’ maximum economic yield hurts local operators earlier and harder than foreign Chinese/Taiwanese operators. This was because local operators had higher operating and labour costs and were less resilient to a reduction in CPUE than foreign operators with lower labour costs.



- **Inconsistent application of STCW-95 requirements creates unequal playing ground:** Interviewees suggested the inconsistent application of STCW-95 requirements disadvantages local vessels competing with foreign vessels. The requirements only apply to vessels flagged locally (to those members who implement STCW-95) but do not apply to foreign flagged locally operated vessels. The requirements create difficulties for expansion into high seas fisheries as STCW-95 imposes higher certificate requirements for crews operating on the high seas, regardless of distance from land (i.e some high seas areas are closer to port than some EEZ areas). The lack of suitably qualified local crew prevents some trips on the high seas.
- **Lack of cohesion amongst local operators:** Interviewees expressed concern at the lack of cohesion amongst national operators and suggested that this undermined their ability to present a united front in consultations with government.
- **Lack of navigation and harbour infrastructure:** Interviewees noted that the lack of navigation and harbour infrastructure (i.e navigation, wharves, slipways) in some FFA members was an obstacle to fisheries development and management.
- **Poor co-ordination of negotiations for EC Fisheries Partnership Agreement:** Interviewees expressed concerns that the negotiations for the European Partnership Agreement (EPA), particularly the Fisheries Partnership Agreement (FPA), were critical for access for their products into the European Community development of the fisheries industry. Interviewees suggested that the EPA and FPA negotiations were more important for some members than the US multi-lateral treaty because the US treaty did not provide any access to US markets.

Concerns were expressed that the Forum Secretariat, who is co-ordinating negotiations, may not be able to successfully negotiate an agreement by the end of 2007 which is the deadline for negotiations. Further concerns were expressed that the EC would push an agreement on FFA members at the end of 2007 which members would have little choice but to accept otherwise all access to the EC would be lost.

Interviewees suggested that the FFA and the Forum Secretariat had not performed as well as desired on co-ordinating input into these negotiations. There were suggestions that the FFA should have taken a lead role in negotiations.

Some interviewees noted that negotiations for an economic partnership with the EC were slow and unwieldy and that nobody within the Pacific seemingly had a clear mandate to lead. Interviewees compared this weak leadership with the EC negotiators who have a clear mandate and the competence to negotiate.

- **Difficulties with meeting EC import accreditation requirements:** Interviewees expressed concerns regarding the difficulties members have in maintaining accreditation to satisfy EC import requirements.



Section 3.9 Access Agreements

This section describes the negotiation and operation of access agreements. The gaps and challenges identified below undermine the ability of FFA members to maximise their returns from selling access to their fisheries. Interviewees suggested that FFA members' negotiating delegations suffer from a 'poor' perspective and often don't have the necessary resources to best negotiate their interests. It was widely commented that negotiating delegations to access agreements lacked expertise, information and political strength. Previous sections in this report have already discussed the pressures that some FFA members are under to weaken sub-regional agreements, fisheries management, licensing conditions, reporting and enforcement actions. This section discusses challenges in how FFA members negotiate access and implement access agreements.

- **Lack of fisheries development vision and whole-of-government strategy:** As identified in Section 3.8, interviewees suggested that some FFA members lacked a comprehensive vision and whole-of-government strategy for the development of their fisheries industry. This lack of strategy or vision undermines the ability of governments to maximise their fishing benefits by limiting them to responsive development. One interviewee commented:

“Almost everybody would be better served if they just got rid of their (access) agreements. They don't because they don't have the capacity to develop and implement other tools. Some people find it easier to just take out last year's agreement and renew it.”

- **Weak enforcement of regional and bilateral access conditions:** Sections 3.2, 3.3 and 3.4 identified gaps in MCS, implementation of the HMTCs, reporting and enforcement of license conditions. As discussed, these gaps challenge the ability of FFA members to maximise their returns from their fisheries.

These gaps also undermine one of the initial reasons for requiring access agreements for foreign fishing vessels: improving compliance. The negotiation of access agreements with flag States or industry associations enables developing coastal States with minimal MCS resources to require flag States to implement specific actions to ensure compliance with coastal State fishing regulations while within their EEZ. However, experience has shown a wide variation in the performance of flag State parties fulfilling their responsibilities and in the compliance effectiveness of the coastal State. It is suggested that:

“The effectiveness of compliance controls under access agreements might depend more fundamentally on the capacity of the coastal State than on the performance of the flag State. In that case, it seems likely that improved developing coastal State compliance capacities have the value not only of ensuring a higher degree of compliance with license and agreement conditions, but of making a coastal State less dependent on flag State involvement in securing compliance, and in that way opening opportunities for the coastal



State to adopt other forms of management of foreign fishing that may be more beneficial economically.”⁸¹

- **Weak delegations to access agreement negotiations:** Interviewees noted that some negotiating delegations to access agreements lack political will, expertise and knowledge. Furthermore, they often comprise only fisheries agency officials with no input or advice from finance or treasury agencies, despite the lack of economic or financial expertise within the delegation. In some cases, this was despite stated interest from treasury and/or finance to participate.

Interviewees noted problems with tied aid and the problems that arise with the bundling of access fees with aid programs. Examples were described of access agreement partners who begin negotiations with a recital of all the aid projects that the partner might currently be funding in-country. Under this pressure, the member will then agree to access agreements that exempt these vessels from general licensing requirements (i.e Shark-finning bans, compliance with HMTCs). Interviewees noted that DWFN concerns with the VDS were raised during access negotiations.

Additionally, interviewees noted that there was always pressure from the Minister to readily agree to access fee levels because of a demand to secure early payment of access fees to support government cash flows. One interviewee commented:

“Sometimes the (DWFN) was asked to advance the following year’s license fee, thus locking us in to agree to previous limits because (the DWFN) already has advanced those fees.”

- **Lack of economic analysis for access agreement negotiations:** Interviewees suggested that economic analysis preparation for access negotiations was poor. They noted examples of delegations going to access negotiations with little or no economic analysis of licensing fee structures. In some cases, delegations may prepare a comparison of licenses fees, but interviewees suggested that these briefs included no significant analysis of appropriate rental values. One interviewee commented:

“There has not been any proper economic analysis of the fee levels. So far it is purely a matter of negotiation with little consideration given to the economic value of the fee as a resource rent.”

One interviewee suggested that while their delegations may have a background analysis of fee levels done before negotiations begin:

“... these data tend to be set aside during negotiations and other non-economical factors tend to outweigh economic considerations – diplomatic and historical factors.”

⁸¹ Clark, Les. 2006. Perspectives on Fisheries Access Agreements: Developing Country Views. in Fishing for Coherence. Proceedings of the Workshop on Policy Coherence for Development in Fisheries. Organisation for Economic Co-operation and Development (OECD). Paris.



- **Limited use of FFA and SPC support for access negotiations:** Interviewees offered contradictory statements on the level to which delegations sought advice from the FFA and SPC on market prices, fee analysis and fleet assessments. Some interviewees suggested that they did seek and receive such assistance, while others noted the lack of economic analysis of the fee levels used for access agreements. Some suggested that only one FFA member has recently requested advice from the FFA in regard to access fee negotiations. It was noted that such support from the FFA was more prevalent during the 1980s and 1990s but stopped during the latter 1990s.

Example box – Access negotiations

Interviewees from one FFA member suggested that they very much need support from the FFA to assist with access agreement negotiations. They discussed a recent round of negotiations where they had received economic analysis support from the FFA for access agreement negotiations with Taiwan, Korea and Japan. An FFA economist accompanied their delegation overseas to negotiations in these three countries. This was very helpful in Taiwan and Korea. However, Japan objected to the presence of the economist on the delegation and requested that he be removed from the meeting.

The delegation acceded to the request out of diplomacy, sensitive to the Japanese request. One interviewee suggested:

“... that Japan is getting more than we know from the access agreement and the support from the FFA might reveal this ... We should not continue to accept that kind of response” (Japan dictating who can and cannot be national delegations).

Interviewees noted that their country had requested the FFA to review their bilateral access agreements.

- **Lack of capacity to prepare for and negotiate access agreements:** Interviewees noted a lack of capacity in some FFA members to prepare for and negotiate access agreements, particularly in regard to economic analysis. Interviewees noted the importance of fisheries data collection and analysis in order to provide information to support access negotiations. However, interviewees noted that a lack of capacity, high staff turnover and a lack of political will have all undermined the effective establishment and operation of data reporting, collection and analysis programmes.
- **Lack of transparency in access agreement negotiations:** Interviewees noted the problems with the often secretive nature of access agreement negotiations, with most access agreements not being publicly available. As a consequence, it was difficult to ensure accountability of delegations, or readily calculate what level of returns (individually or collectively) FFA members were collecting through access agreements.



This lack of data was a critical gap that undermined the ability of FFA member governments and the FFA secretariat to properly brief negotiating delegations and provide a comprehensive economic analysis to support negotiations.

Interviewees noted that the secrecy surrounding access agreements disadvantaged FFA members as it undermined competition between fishing States for access to fishing grounds. They noted that DWFNs already held most of this data through their regional negotiations with various FFA members.

- **Gaps in financial reporting of access fee revenue:** Interviewees noted gaps in financial record keeping in some members where government revenue is not recorded upon receipt in separate and detailed revenue sources (i.e everything goes into fisheries revenue, rather than getting broken down into Japanese LL, Korean PS, etc). Interviewees noted that as a result of poor financial reporting practices and poor inter-departmental co-ordination, some fisheries departments do not know how much their government receives in real terms from each access agreement. In some cases, this can leave a gap where it is not possible to break down the payments to central revenue to determine the actual value received from each fleet.



Section 3.10 Political Engagement

Effective management and strategic development requires a strong political will and the necessary political engagement to understand, resource, support and drive fisheries management and development. However, interviewees noted a widespread lack of political engagement in fisheries. They suggested that FFA members' fisheries management and development suffered from a lack of political vision or will and a resultant lack of adequate resourcing and prioritisation, despite its socio-economic importance. One interviewee commented:

“Its not just about capacity – if there is no political support for action to be taken, then what limited capacity there is will be ineffective or significantly undermined.”

In 2006, the Chief Ombudsman of Papua New Guinea, Mr Ila Geno, noted:

‘If leadership at the political level is weak, administrative procedures and systems can be seen to be weak. Weaknesses in political governance or at the leadership level trickles down the layers of bureaucracy and the general society. Weakness in individual behaviour at the political leadership level makes oneself vulnerable to cultural imperatives and other influences that take oneself away from the course or path set by the law.’⁸²

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- **Lack of political engagement and will:** Interviewees suggested that a lack of political will and engagement was a critical obstacle amongst some FFA members. They suggested that there was no clear understanding of fisheries issues at the national level and some FFA members lacked political leadership on good governance. They noted a particular need to engage economic and financial Ministers – not just fisheries Ministers. They suggested that the lack of political engagement in fisheries by the wider government undermines the ability of FFA members to effectively resource, implement and follow through with fisheries management. Interviewees commented:

“Political support is imperative. The Minister who makes decisions isn’t in the loop about what is current or significant.”

“There is a lack of real leadership from heads of government to support good governance throughout all its departments. There has to be the political will to support departments carrying through with their responsibilities.”

“Political engagement needs to be broad due to the high turnover of parliament and the high turnover of Ministers.”

Interviewees suggested that political appreciation and knowledge of fisheries issues was very important in order to get the necessary political support for

⁸² Geno, Ila. 2006.



fisheries development. They suggested that the whole of government, not just the fisheries agency, needs to understand the importance of fisheries to their national economies and the importance of their sustainable management. Interviewees described meetings with various Prime Ministers and Presidents who were unaware of the many of the key issues confronting regional fisheries managers and who paid little attention to ensuring that fisheries were managed sustainably.

Interviewees noted with concern that this lack of engagement was reflected in the first draft of the Pacific Plan which did not directly refer to fisheries despite its critical importance. Interviewees noted that fisheries was only inserted after a push by some FFA members.

- **Lack of expertise and understanding of fisheries and legislative matters amongst political leadership:** Interviewees noted the low level of education and knowledge amongst politicians and the limited understanding of fisheries issues within Cabinet. They suggested that in some cases, politicians did not have an adequate understanding or focus to develop, debate and adopt fisheries legislation.



Section 3.11 Policy & Legislation Frameworks

Many FFA members have undergone processes in recent years to develop tuna management plans. These processes have been supported by the FFA and SPC, with some donor funding. Some of these past activities have resulted in successful management plans and strong improvements in legislations. Implementation of these plans has improved transparency in decision making and policy stability and sometimes led to the establishment of government/stakeholder consultative mechanisms.

However, as discussed in Section 3.1 and 3.6, not all FFA members have had positive experiences in developing tuna management plans and many plans have been poorly, if at all, implemented. Interviewees noted that a major problem with the processes for developing these tuna management plans was a lack of ownership by the national government and a lack of political support or engagement. In the past, some FFA members have experienced planning processes which were perhaps too top-down in their approach, and heavily led by external consultants and staff from the FFA and SPC. Robert Gillett commented in 2003:

‘The implications of this for development assistance are not entirely clear. Not in all cases would external assistance be welcome or effective. In some cases, outside agencies have taken the tuna management planning processes as far as appropriate. In other countries, some external help with the plans could make a very positive contribution to domestic industry development and other important areas.’⁸³

Additionally, the FFA and other donors have been assisting members to update and draft fisheries legislation. Detailed discussion of the specific issues to be considered in reviewing and drafting fisheries legislation can be found in the FFA report on legislative guidelines.⁸⁴

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- **Lack of policy framework with clear vision for fisheries:** Interviewees noted that they lacked a policy framework with a clear vision for fisheries that was practical to their national needs.
 - **Inadequate legal framework for fisheries management:** Interviewees suggested that there was no effective domestic framework, or the existing framework was inadequate, to properly regulate and manage fisheries. They noted examples where a legal framework and further legal expertise were needed to support effective fisheries management. They described examples where some members were licensing vessels without the necessary legal framework, or outside the existing framework. Interviewees noted examples of current legislation that required amendment as they did not reflect UNFSA or WCPFC nor address fishing on the high seas.

⁸³ Gillett. 2003.

⁸⁴ Edeson, W. 2007.



In some cases, this was blamed on hold ups at the political level (i.e parliament yet to endorse legislation due to lack of priority or opposition). In other cases, this was caused in part by hold-ups in legislative drafting.

- **Inadequate legislation to address IUU fishing:** Interviewees noted weaknesses within their legal systems that undermined actions against IUU fishing. They noted problems with inadequate penalties, lack of forfeiture provisions and poor definitions within legislation (trips, species, etc). One interviewee referred to their new Fisheries Act as being too open:

“There are so many loopholes there, we (industry) can almost do anything we want”.

- **Poor regulations undermining fisheries development:** Interviewees suggested that a constraint on development was the lack of regulation in some areas, and over-regulation in others.
- **Bureaucratic obstacles to amending legislation:** Interviewees noted that they cannot easily amend their fisheries management act due to their bureaucratic structures. This has resulted in a long list of urgent recommended changes to their act that they have been unable to progress.
- **Lack of legal capacity:** Interviewees noted they lacked fisheries legal advice and had problems finding and/or financing qualified legal staff. Interviewees noted that they were sometimes forced to rely on Attorney Generals which did not have an adequate understanding of fisheries law.
- **Poor consultation in the development of management plans:** As discussed in Section 3.6, interviewees noted examples of poor consultation and its negative consequences for the development and implementation of fisheries management plans. Interviewees cited one example where stakeholders were not adequately consulted in the early stages of development of their new management plan. This resulted in a document that did not adequately consider the existing fishing activities and appeared more focused on establishing good systems and processes for the administration, rather than good management and support for fisheries development.
- **Poor implementation of fisheries management plans and legislation:** Interviewees noted examples where implementation of management plans had failed. They blamed these failures on the following: the process for developing these plans was too complex; they were not ‘owned’ by stakeholders and officials; and the plans were too large and complex. Interviewees noted the challenges in implementing fisheries legislation. One interviewee commented that their parliament had recently passed a Marine Resources Act which takes into account some of the major international fisheries instruments and incorporates modern day practices:



“The challenge is to institute appropriate mechanisms and resources to fully implement the provisions of the act.”

Interviewees noted examples where a member had undertaken repeated reviews of the implementation of their management plan with continuously revised schedules for implementation – yet implementation still failed. They noted that the plan had been in existence for almost a decade and yet another donor was initiating a new review of the plan’s implementation. Interviewee suggested that this was because:

“The Department doesn’t feel like the plan belongs to the Department because it was not done by the Department”.

“There is a tuna management plan that is not functioning due mainly to the inadequacies of the department of fisheries.”

Interviewees noted other examples where tuna management plans had not been reviewed since their establishment almost a decade ago. Interviewees suggested that plans required regular and more timely reviews and such reviews should closely involve stakeholders. One interviewee commented:

“If you’re going to get a fisheries management plan implemented, you have to have a strong stakeholder group.”

- **Some management plans lack legal authority:** Interviewees noted problems arise where management plans are only policies and are not supported by legislation and have no legal authority.



Chapter 4. The Opportunities – Building Capacity in Pacific Fisheries Governance & Institutions

Section 4.0 Overview

This chapter identifies a variety of possible responses that address the governance and institutional gaps identified in Chapter Three. Some of these responses arose through consultations at the suggestion of interviewees, while others were developed by the authors and developed through latter discussions with interviewees. As with Chapter Three, the potential responses below are discussed generically to protect the anonymity of the interviewees.

A few of the responses below have been sourced from recommendations made by previous studies (and are referenced accordingly). The key literature are the same seven studies referred to in Chapter Three.⁸⁵

Early consultations identified three key closely related points to be kept in mind when considering capacity building in fisheries management and development. These guide the analysis of possible responses. Firstly, it is important that responses are tailored and relevant to the national context of each FFA member. Regional projects that operate in a centralised ‘top down’ manner or attempt to impose a unitary analysis or solution are likely to fail due to the breadth of difference between each FFA member. The UK Department for International Development (DiFD) writes that there is no single ‘one-fits-all’ model for governance as geography, culture, history, resources and socio-economic factors all shape the demands and context within which governments and institutions must work. They suggest:

‘What works in one country to improve governance may not work in another, so ‘good’ governance cannot be constructed simply by transferring institutional models of organisation blue-prints from rich to poor countries. Countries need to create their own institutions through locally driven processes.’⁸⁶

Furthermore, many of the gaps and challenges facing national fisheries agencies are ‘whole-of-government’ and are not easily be fixed by aid programs that specifically target one institution or build capacity in one area. Interviewees noted that there are real limits on how much can be achieved in capacity building within fisheries institutions if the surrounding whole-of-government is fragile and weak. The importance of addressing weak governance and implementing good governance across the whole-of-government has been recognised by Pacific leaders and prioritised as a central pillar of the Pacific Plan.⁸⁷

⁸⁵ Clark, Les. 2006. – Cartwright, I and Preston, G. 2006. – Barclay, K and Cartwright, I. 2006. – Gillett, Robert. 2003. – SPC. 2003. – Lewis, T. 2004. – Pacific Islands Oceanic Fisheries Management Project Needs Assessment. 2004.

⁸⁶ DiFD, 2007.

⁸⁷ ForumSEC 2006. *The Pacific Plan for Strengthening Regional Co-operation and Integration*. Endorsed by the Pacific Islands Forum in October 2005 and revised in October 2006. Suva.



Consequently, interviewees suggested that capacity building proposals for fisheries governance and institutions should be tailored individually to each country and consider the broader whole-of-government environment to ensure that capacity building programmes are sustained and effective. They suggested that capacity building projects should work with and consider other whole of government capacity building programmes (or lack thereof).

Secondly, interviewees expressed concern that the FFA and SPC have both become too top-focused, focusing on their own activities and programs that self-perpetuate, rather than focusing directly on the needs of their members. Interviewees suggested that it was important for the FFA secretariat and other regional organisations to better balance national and regional capacity building and support. It was suggested that these agencies have to take a regional view, while balancing this with working more effectively in-country of FFA members. Interviewees suggested that CROP agencies need to more sharply focus their work on the members. One commented:

“Country has to be the reference point around which the (CROP) agencies work”.⁸⁸

Another interviewee complained of a:

“... gripe with regional organisations focusing too far on regional work and away from national support.”⁸⁹

It could be argued that the problems some members are encountering implementing the FFA HMTCs⁹⁰, the PNA VDS⁹¹ and the WCPFC⁹² is evidence that FFA members require the national/regional balance to more effectively support national capacity building and national objectives.

Given that the effectiveness of regional institutions depends upon the effectiveness of national governments and institutions, a balanced approach is necessary to ensure FFA members have the national capacity to implement actions and drive regional development and management. Interviewees suggested that capacity building should balance these demands and focus on two areas: whole of government capacity building; and regional technical capacity.

Thirdly, and perhaps most importantly, national and regional programmes and capacity building projects must derive from the FFA members’ needs and goals. They must be owned by the FFA members if they are to be effective.⁹³ This principle in

⁸⁸ Interviewee.

⁸⁹ Interviewee.

⁹⁰ Forum Fisheries Agency Harmonised Minimum Terms and Conditions for Foreign Fishing Vessel Access.

⁹¹ Parties to the Nauru Agreement Vessel Day Scheme.

⁹² Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

⁹³ The United Nations Development Program suggests that “Capacity development efforts must be led and grounded in endogenous efforts if they are to be meaningful and sustainable.” UNDP. 2007.



particular is clearly seen in the Pacific Aid Effectiveness Principles that were endorsed at the PIC/Partners meeting held in Koror, Republic of Palau on the 13th July 2007.⁹⁴ These principles provide a useful guide when considering potential responses and are included for information in Appendix D.

The principle of ‘ownership’ and engagement is twofold. It requires that donors and regional agencies work to the needs and requirements of FFA members, while simultaneously requiring that FFA members comprehensively engage and lead their development. In regard to developing the capacity of FFA members to manage and develop their fisheries, one interviewee commented:

“The region has to become passionate and engaging. Many of the members don’t have a good understanding, and therefore appreciation, of the issues and their importance.”⁹⁵

Carlos Lopes and Thomas Theisoohn write on the need for leadership:

“By one definition, (ownership) ... is the exercise of control and command, from the idea to the process, from input to output, from ability to results. Still, while a strong case can be made that ownership is a pre-condition for commitment and capacity development, true transformation requires an important additional element: qualified leadership.”⁹⁶

Effective leadership is necessary at the national level to ensure that capacity building and institutional strengthening programs are supported and prioritised within national development strategies, and individual projects are ‘championed’ within internal bureaucracies and governments. Interviewees suggested that the success of donor projects depends in part upon having a strong ‘champion’ in the receiving government. Equally, the likely success of a donor project depends on the continuity and skill of the donor/support personnel who deliver the programme.

Interviewees expressed varying views on whether capacity building should focus resources on short term or long term training. Some supported long term training and the further creation of secondment opportunities (such as 6 month secondments in the SPC to follow their data through the chain and learn data analysis skills). Other interviewees supported short term training to quickly get officials up to speed, arguing that the priority was more generalists over specialists.

Interviewees cautioned that smaller interventions are vulnerable to external factors and should carefully consider how external factors may impact on their effectiveness. They described an example of a fisheries aid project that included staff training which

Supporting Capacity Development: the UNDP Approach. United Nations Development Programme. New York.

⁹⁴ Pacific Islands Forum Secretariat. 2007. Pacific island countries and donor partners endorse aid principles. Press statement (76/07). 18th July 2007
<http://www.forumsec.org/pages.cfm/2007/pic-donor-partners-endorse-aid-principles.html>

⁹⁵ Interviewee.

⁹⁶ Lopes, Carlos and Theisoohn, Thomas. 2003. *Ownership, Leadership and Transformation: can we do better for capacity development?* Earthscan publications. London.



suffered serious setbacks when whole-of-government redundancies retrenched the newly trained fisheries staff.

On the other hand, interviewees noted that whole-of-government capacity building can have positive impacts upon fisheries departments through staff turnover into fisheries and other inter-departmental co-ordination and support functions. Successful examples of this were noted in Samoa, Tonga and the Cook Islands. Interviewees also noted that donors were increasingly focusing on institutional strengthening, rather than individual capacity building at the individual level.

Furthermore, interviewees expressed concerns that members had become too reliant on external donors, regional agencies and foreign advisors. Interviewees suggested that some of this assistance undermined any motivation for FFA members to develop their own internal capacity. One interviewee lamented:

“Australia is our own worst enemy because they try to do everything for us”.⁹⁷

Interviewees suggested that capacity building programmes must necessarily walk a fine line between providing capacity building with a clear goal of the trainer becoming redundant – and providing a service, that never ends and becomes entrenched – both by the donor attitude and the recipient’s lack of self-empowerment.

There is no specific response that will quickly and readily resolve the various and complex gaps and concerns. Furthermore, responses are likely to raise associated issues beyond the immediate purview of the project. For example, to maximise the benefit of improving technical training of staff requires satisfactory working conditions, salaries, staffing resources, career advancement opportunities and a range of other factors (e.g political engagement, management plans, legislation, MCS, data) be addressed. The inter-linked nature of many of these problems means that a holistic view is required that understands the big picture and generates targeted capacity building projects with clear objectives that work within a national, and sometimes regional, strategy.

Finally, it is important to note that some FFA members now have the capacity to manage and develop their own fisheries resources and are prepared to assist other members to manage and develop theirs. Interviewees described this rise in expertise amongst the FFA members and suggested that it offered an opportunity for regional co-operative capacity building between members. Interviewees noted members were motivated to help each other because the national interest of each member was often tied in with the broader interest of other members in developing their fisheries resources and attracting on-shore investment.

In this context, the potential responses identified below can be viewed as threads. Each thread is part of a complex web. Ideally, any attempt to strengthen one thread should be undertaken within some form of development strategy that understands the linkages and works within a cohesive vision for the development of the entire web.

⁹⁷ Interviewee.



Section 4.1 Fisheries Conservation & Management (National)

- **CONCERN:** *National institutions lack adequate resources and ability to effectively manage their fisheries.*
- **CONCERN:** *Lack of harmonised management at sub-regional level.*
- **CONCERN:** *National fisheries institutions lack capacity in provincial and community fisheries management.*
- **RESPONSE: Sub-regional fisheries management authority:** Interviewees identified a range of significant gaps within their national fisheries management institutions and governance. In some cases, it is difficult to envisage how some of these capacity related concerns can be addressed at the national level, particularly in regard to some of the small island developing States with very limited populations. Regardless of training or operational budgets, some countries will always have very limited opportunities to adequately staff and support their fisheries management institutions due to their limited population base. In some cases the management costs, in terms of staff and budget, are too large to be met by the limited population.

In these cases, serious consideration could be given to the development of a sub-regional collective fisheries management institution that manages fish stocks across two, three or four EEZs. For example, a sub-regional group of neighbouring countries may negotiate an agreement to establish a fisheries management authority that replaces their individual national fisheries institutions. This collective authority would be granted a clear mandate to govern the collective fisheries within their waters and would operate to a set of specific objectives. Countries would retain their sovereign rights over all fisheries within their EEZs, but would grant the sub-regional authority the mandate to administer and manage specified fish stocks on their behalf. The authority would be governed by a board which would comprise Ministers and senior officials from each of the collective countries. Day to day operation of the authority would be administered by an appointed chief executive officer, with management and allocation decisions being referred to the board.

A collective sub-regional model such as this could significantly reduce the management burden on each country while substantially increasing the management resources available. Furthermore, such a model could create co-operative development opportunities and give these countries a competitive edge by establishing a one-stop licensing process for vessels which could allow them to fish across multiple EEZs. Interviewees suggested that such an arrangement would be particularly beneficial for albacore longline fishing vessels.

- **RESPONSE: Promote co-operative fisheries management projects with non-government organisations (NGOs):** Interviewees noted the success of co-



operative fisheries management projects with NGOs and expressed support for the development of partnership projects with NGOs. Interviewees noted precedents where NGOs have worked with fisheries agencies on inshore fisheries management projects, coral reef conservation projects and oceanic fisheries patrols and inspections. FFA members and NGOs could consider developing partnership projects to build capacity in priority areas of fisheries management.

- **RESPONSE: Develop market mechanisms to support fisheries conservation and management measures:** Interviewees suggested the use of domestic market prohibitions or controls to support fisheries conservation and management measures where monitoring and control is weak. Interviewees described a successful response to poor compliance with management measures in outer-island inshore fisheries. In this example, increasing commercialisation and weakening of traditional hierarchies was undermining the effectiveness of traditional management tools, such as taboo areas. The growth of a market for a particular seafood product on the capital island was driving overfishing in the outer islands. Management measures were failing to address this due to the poor compliance with traditional management measures. Previously, these products had only been harvested at sustainable levels for local consumption. In response to the compliance failure, the central government enacted market prohibitions in the capital island on the sale of these products. This removed much of the commercial pressure in the fishery and supported the traditional management measures.
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- **CONCERN: National institutions lack adequate funding and suffer from poor working conditions, low salaries and inadequate operational budgets.**
 - **CONCERN: National institutions lack adequate numbers of staff.**
 - **CONCERN: National fisheries agencies lack 'attractiveness' as a career option.**
 - **RESPONSE: Donor programmes to improve working conditions.** Interviewees suggested projects to improve infrastructure, office space and working conditions of fisheries management institutions. Interviewees noted past and current donor projects to build new offices for fisheries institutions.
 - **RESPONSE: Improve political engagement in support of fisheries management:** In some cases, fisheries management institutions suffer from a low perception of priority within whole-of-government and consequently are less resourced than they potentially could be. In these circumstances, strategies are required to build political engagement on the importance of fisheries management. Section 2.11 describes this in further detail.
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- **CONCERN: Lack of scientific and fisheries skills.**
- **CONCERN: National institutions lack staff management skills.**
- **RESPONSE: Regional institutional skills audit:** Interviewees suggested the commissioning of a regional institutional audit of the capacity of FFA members to meet their core business skill requirements in regard to fisheries management (i.e fisheries managers, economists, MCS specialists, lawyers).
- **RESPONSE: Development of regional fisheries management short course that are tailored to regional needs:** Interviewees supported further training on fisheries management and suggested it would be helpful to develop a relevant short course in fisheries management that was relevant to the local concerns and context of the Pacific. Interviewees suggested that FFA members needed multi-skilled fisheries managers with a broad knowledge and history of what has and hasn't worked, a broad understanding of stock assessments and science, social and economic understanding, negotiation skills, legal and marine policy. Some interviewees suggested that the FFA should run more fisheries management training courses while others suggested that training should be sourced from educational facilities who are specialists in training.
- **RESPONSE: Implement management advisory committees with collective skills:** Fisheries management decisions often require a large and complex range of skills and knowledge that is rarely held by one individual. In such cases, interviewees suggested the establishment of fisheries management teams or advisory committees that incorporate all such necessary skills within its group of individuals (i.e fisheries science, fisheries management, resource economics, regional instruments, legal, industry, environment, finance).

- **CONCERN: Lack of capacity to adequately monitor fisheries.**
- **CONCERN: Poor sharing of data and poor co-ordination:**
- **RESPONSE: Improve MCS, data management and intra-governmental co-ordination:** These issues are discussed in Sections 2.3, 2.4 and 2.5.

- **CONCERN: Limited understanding of the status of stocks.**
- **CONCERN: National institutions do not adequately consider environmental or sustainability concerns.**
- **RESPONSE: FFA/SPC to commission an analysis on the costs of non-management:** Interviewees proposed an analysis of the environmental and socio-economic costs of management failure. The study would analysis such costs of: FFA members failing to implement effective fisheries management;



FFA members failing to implement their regional and international obligations; and the WCPFC failing to effectively reduce fishing effort and catches to sustainable levels.

- **RESPONSE: FFA/SPC create and distribute regional fisheries management materials:** Interviewees suggested that the FFA and SPC should develop and distribute materials on regional fisheries management and sustainability concerns. These should be produced by managers in accessible language in different formats (such as DVDs) that people can easily and readily engage with.
- **RESPONSE: NGO education and media campaign on fisheries management and sustainability:** Interviewees noted that the FFA has recently contracted the NGO, WWF to engage communities in WCPFC issues. WWF is developing materials including a website and will facilitate meetings throughout the region to educate and engage communities on WCPFC issues. Other opportunities exist to build on this, and work by other NGOs to raise media attention and build community and political engagement in fisheries management sustainability concerns. Other NGOs with regional offices that work on marine issues include (amongst others): Greenpeace, Birdlife International, IUCN and Conservation International.

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- **CONCERN: Lack of domestic catch, effort or capacity limits.**
 - **RESPONSE: FFA/SPC/PNA to facilitate a workshop on area closure options to address overfishing:** Interviewees suggested that the FFA/SPC or PNA facilitate a workshop or some other mechanism to discuss developing area closures of the high seas doughnut holes to reduce overfishing.
 - **RESPONSE: Sub-regional collaboration fisheries limits:** Interviewees supported developing closer bi-lateral and sub-regional co-operation between members to better manage fishing capacity and catches and implement supportive catch/capacity/effort limits.
 - **RESPONSE: Develop analysis and understanding of maximum economic yield (MEY) and options to implement MEY limits:** Interviewees suggested that the profitability of fisheries would be better understood and implemented if decisions were made based upon MEY rather than MSY.
 - **RESPONSE: SPC to prepare a study of gear and effort creep:** Interviewees proposed a study of gear and effort creep to determine the ramifications for conservation and management.

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- **CONCERN: Lack of capacity to address national priorities is exacerbated by heavy travel requirements to attend regional meetings.**



- **RESPONSE: CROP agencies to consider national resource ramifications and only send invites to official contacts when scheduling meetings:** Interviewees suggested that CROP agencies should consider the resource implications on members' fisheries departments when scheduling regional meetings. Invitations should only go to the official contact so as to ensure proper co-ordination and workload planning for participation can be implemented.
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- ***CONCERN: Lack of donor and agency support for national fisheries institutions.***
- **RESPONSE: FFA/SPC and donor programmes to focus more effectively on national needs, priorities and capacity building:** Interviewees expressed concerns about a perceived top-heavy focus of the FFA/SPC and donors. They suggested there should be a re-balancing to focus more effectively on meeting national needs, priorities and capacity building requirements.



Section 4.2 Vessel Registration, Licensing & Permitting

- **CONCERN:** *Lack of capacity, or a clear and defined process, to adequately review license applications.*
- **CONCERN:** *Lack of capacity, or a clear and defined process, to adequately investigate license applicants and assess past compliance with license conditions.*
- **CONCERN:** *Lack of capacity to audit charter applications to ensure they meet local involvement conditions.*
- **CONCERN:** *Lack of transparency in licensing.*
- **CONCERN:** *Poor provision of data by FFA members to FFA secretariat on licensed foreign fishing vessels.*
- **CONCERN:** *Inconsistent limits on license numbers.*
- **CONCERN:** *Length of time required to issue licenses.*
- **CONCERN:** *Poor information sharing between FFA members on licensing.*
- **CONCERN:** *Inconsistencies in application of rules regarding carriage of license.*
- **RESPONSE: Review licensing arrangements throughout FFA members to identify best-practices:** FFA members have developed a variety of licensing processes from simplistic to sophisticated. Some of these (pacific island members) are arguably world's best practice while others are prone to abuse. Interviewees suggested that there was a need to review licensing procedures to combat opportunities for corruption and improve transparency and accountability. This could be undertaken through a study of national licensing systems, followed up by a workshop of relevant officials and stakeholders to share licensing experiences and endorse best-practice licensing systems.
- **RESPONSE: Establish rigorous licensing processes based on best practice examples from FFA members:** Assistance should be provided to FFA members to establish rigorous licensing processes that are based on the best practice examples from within the FFA membership. A noted pacific fisheries expert suggested that such practices should include:

“Changes to enhance transparency should involve legal and administrative reforms to codify and formalise licensing processes. This should include broadening the responsibilities for licensing and setting of fees and other conditions that involve agencies such as financial and legal authorities so that the responsibilities do not lie with a single Minister or senior official.



Licensing details should also be publicly disclosed so that decisions on whom licenses are granted to, and the terms and conditions of licenses, can be subject to public scrutiny.”⁹⁸

- **RESPONSE: Publish up-to-date lists of licensed and charter vessels, owners, masters and conditions on the internet:** Interviewees suggested that it was important that licensing and charter arrangements must be transparent and noted that PNG publishes lists of licensed vessels on their website. Given that many FFA members’ lack websites for their fisheries agencies, it may be more efficient for the FFA secretariat to host a centralised website through its MCS network. This website could publish all licensed vessels, masters, owners and relevant license conditions (including duration and allowed waters) and would be publicly accessible to allow industry to view it. To ensure success, such a program would require clear and unequivocal endorsement from the FFC and adequate resources to facilitate members’ provision of licensing data.
- **RESPONSE: Establish licensing database and support desk within FFA:** The FFA secretariat could be tasked and resourced to establish a centralised database with information on all fishing vessels, owners and masters that are licensed, or have ever been licensed by any FFA member. This database could be maintained and supported by a dedicated FFA licensing officer who would be on call to respond to requests from FFA members to assess license applications or queries. The database would be built up year by year from licensing information provided by FFA members and could be cross-referenced with the WCPFC and other available IUU lists to assist identification of vessels with a poor history of compliance that may be targeted with closer VMS monitoring or more regular observer placements. To ensure success, such a program would require clear and unequivocal endorsement from the FFC and adequate resources to facilitate members’ provision of licensing data.
- **RESPONSE: Develop co-operative multi-EEZ one-stop licenses for longline fishing of albacore:** Interviewees supported the negotiation of a regional arrangement for albacore that would allow vessels from each member to fish throughout each member’s EEZs and avoid need for individual vessels requiring multiple licenses for each EEZ.
- **RESPONSE: Financial and audit training:** Interviewees suggested that they needed support to improve their ability to audit charter arrangements and revenue returns. The FFA could consider working with donors to commission suitable experts to provide a training program, including in-country seminars for relevant fisheries and finance officials.

⁹⁸ Clark, Les. 2006.



- **CONCERN: Poor enforcement of license conditions.**
- **CONCERN: National institutions lack adequate compliance and monitoring capabilities.**
- **CONCERN: Political interference in licensing.**
- **CONCERN: Lack of consistency in licensing.**
- **RESPONSE: Review compliance with license conditions and effectiveness of enforcement responses:** A study could be commissioned to review compliance with license conditions and effectiveness of enforcement responses. The review could study: compliance by fleet; compliance by condition (i.e timely reporting, ALC operation); compliance by EEZ; effectiveness of various enforcement responses to discourage violations (i.e fines, seizures, license cancellations); enforcement actions by fleet and by EEZ. The review could be tabled at the FFC Ministerial for potential endorsement of enforcement of license conditions as a matter of priority.
- **RESPONSE: Publish up-to-date lists of licensed and charter vessels, owners, masters and conditions on the internet:** Interviewees noted that licensed fishing vessels sometimes sighted other fishing vessels at sea which they suspected of being engaged in IUU fishing. Experiences have demonstrated that industry can provide an important monitoring platform given that they regularly visit productive fishing grounds where IUU fishing is likely to occur. The development of a public website of licensed vessels, as described above, would significantly boost the capacity of FFA members to monitor and detect IUU fishing in their waters through the co-operation of licensed fishing vessels at sea. This could be supported in conjunction with a programme to encourage co-operation between industry and government to notify fisheries officials of sightings of suspected IUU vessels.
- **RESPONSE: Develop policy frameworks that encourage/require licensed fishing vessels to be locally flagged and to meet specific local operation requirements:** Interviewees noted that all licensed fishing vessels in Samoa fly the Samoan flag and unload in Apia, thus enabling greater control over vessels and allowing port sampling inspections for most vessels.
- **RESPONSE: Establish licensing processes that are independent of Ministers and require committee approval:** The licensing processes most resilient to corruption and ministerial interference are those that mandate committee or board review/endorsement of licensing decisions and remove the Minister from any role in licensing. Assistance should be provided to FFA members to establish rigorous licensing processes that are independent, impartial and require committee/board review or endorsement.



- **RESPONSE: Introduce compulsory compliance bond for vessels fishing under access agreements:** Interviewees noted that some countries required the posting of a bond under access agreements, from which any fines would be subtracted for infractions.
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- **CONCERN: Licensing institutions do not adequately inform vessel owners of their obligations and responsibilities.**

- **RESPONSE: Distribute multi-lingual materials that clearly inform vessel owners, masters and crews of their obligations and responsibilities:** Provide assistance to members to produce and distribute multi-lingual materials that clearly inform vessel owners, masters and crews of their obligations and responsibilities.
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- **CONCERN: Gaps in licensing policy and/or regulations allow foreign vessels to exploit lesser conditions intended for locally operated vessels.**

- **RESPONSE: Review licensing policies and regulations for locally operated vessels:** The FFA could commission a review of national licensing policies and regulations for locally operated and/or locally owned vessels to identify weaknesses and loopholes that may be exploited by distant water fishing vessels and to identify policy and regulatory solutions that would close such loopholes while continuing to support domestic development and monitoring objectives.
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- **CONCERN: National institutions lack licensing framework for locally owned vessels.**

- **RESPONSE: Develop licensing frameworks for locally owned vessels:** Provide assistance to members to develop licensing frameworks for locally owned vessels.

- **RESPONSE: Expand coverage of HMTCs to apply to all fishing vessels:** Interviewees suggested that the FFA registry and other HTMC requirements should apply to all fishing vessels, not just foreign fishing vessels.
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- **CONCERN: Lack of economic analysis or assessment of potential returns of license fees.**

- **RESPONSE: Facilitate a workshop on the economics of license fees:** Interviewees supported a regional workshop on the economics of setting license fees. This workshop could review common license models and address how to calculate relevant factors within a license fee (i.e cost recovery, resource rent) and discuss the current economics and market for licensing fees in the Pacific



region. The workshop could also address auditing of charter arrangements and joint ventures and their financial arrangements.

- **RESPONSE: Assist FFA members to undertake economic analysis prior to setting license fees:** Interviewees suggested that assistance could be given to FFA members to undertake detailed economic analysis of licensing fees and reviewing their current licensing fee structures.

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- **CONCERN: National institutions licensing vessels in contravention of WCPFC Conservation Measures.**
 - **CONCERN: Inconsistent implementation of the Harmonised Minimum Terms and Conditions (HMTCs).**
 - **RESPONSE: Audit implementation of the FFA harmonised minimum terms and conditions:** Interviewees noted the gaps in implementation of the FFA HMTCs and suggested that there should be an assessment or audit of the HMTCs to determine their level of implementation or effectiveness. One commented: “Do we really know how these tools are being implemented and what their effectiveness is?”
 - **RESPONSE: Implement HMTCs through legislation:** Interviewees suggested that the HMTCs should be implemented through legislation, as this is more effective than when they are just implemented through license conditions.

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- **CONCERN: Lack of legislation to effectively control registered fishing vessels.**
 - **CONCERN: Lack of information on registered fishing vessels.**
 - **CONCERN: Registries do not require a real genuine presence.**
 - **CONCERN: Vessels registries not compliant with WCPFC conservation measures.**
 - **CONCERN: Lack of transparency in registry operations and revenue.**
 - **RESPONSE: Review management and administration obligations and responsibilities for flag States:** Interviewees noted that the proliferation of global problems with overfishing and global overcapacity, and a resultant proliferation of RFMO controls has created a complicated set of management obligations for flag States to implement and administer. One FFA member was reviewing their registry operation to ensure that fishing vessels were not flagged without adequate consideration given to their regulatory and reporting requirements. This country was concerned that its vessels do not undermine



sustainable fisheries management and consequently had rejected registry applications from shark finning vessels.

Assistance could be provided to FFA members with vessel registries to review their global and regional responsibilities and review their mechanisms to implement these requirements.

- **RESPONSE: Establish cost-recovery registry fees for all flag State management and administration costs:** Interviewees noted the significant costs in flagging and authorising vessels to fish in the WCPO and other oceans (e.g reporting, monitoring compliance with RFMO measures, attending Commissions, enforcing conservation and management measures). Assistance could be provided to FFA members with registries to review their management responsibilities and calculate their current and forecast management costs in order to ensure that registry fees fully cover all registry costs.
- **RESPONSE: Require foreign owned vessels to meet genuine link requirements:** Interviewees suggested that vessel registry regulations should be changed to require a genuine links to the flag State. Interviewees suggested that this could be implemented through various requirements such as: flagged fishing vessels must make a certain number of port visits to the flag State, and/or land a certain percentage of catches in the flag State, and/or employ local citizens, and/or establish a corporate presence. Interviewees suggested that licensed and/or locally flagged (open register) foreign owned vessels must have some real presence in their country so that vessels which do not comply with license conditions can have action taken against their “real presence” in country.



Section 4.3 Science & Economics – Data, Reporting & Analysis

- **CONCERN: Poor enforcement of license conditions to report catch.**
- **CONCERN: Lack of verification of catch data to determine levels of misreporting and/or to determine levels of accuracy.**
- **CONCERN: Lack of access and sharing of data.**
- **RESPONSE: Study and workshop that evaluates the accuracy, compliance and levels of mis-reporting in historical and current catch data:** Discussions with interviewees developed a proposal for a pilot study on historical and current catch data. Various issues were identified for the pilot study to consider including: identify gaps and weaknesses in historical and current catch data; estimate their level of accuracy; estimate levels of misreporting across EEZ/high seas boundaries; estimate levels of misreporting across 3nm and 12 nm boundaries; and consider the scientific, economic and geo-political ramifications of the study's findings.

The pilot study would develop a methodology for such a study through cross verification of VMS data, observer data, landings data, market data, export sheet data and catch logbooks. It was noted that some FFA members are already cross verifying data and are finding evidence of misreporting and inconsistencies. Interviewees who supported the pilot study expressed reservations that such a project should not discourage members from undertaking cross-verifications regularly as a matter of course.

- **RESPONSE: Review compliance with reporting and effectiveness of enforcement responses:** A study could be commissioned to review compliance with reporting conditions and the effectiveness of enforcement responses. The review could study: compliance by fleet; compliance by condition (i.e timeliness and accuracy, bycatch, original or transcribed logbook); compliance by EEZ; effectiveness of various enforcement responses to discourage violations (i.e fines, seizures, license cancellations); enforcement actions by fleet and by EEZ. The review could be tabled at the FFC Ministerial for potential endorsement of reporting as a matter of priority. Interviewees noted that political will was required to ensure industry provided information irrespective of their opposition.
- **REPOSENSE: Study on the short term and long term economic and management ramifications of poor enforcement and compliance with reporting requirements:** The FFA and SPC could commission a study into the economic and management ramifications of poor enforcement and compliance with reporting requirements. This study would be tabled at the FFC Ministerial to seek political endorsement of the importance of enforcing all license conditions, particularly in regard to catch reporting and verification.



- **RESPONSE: Negotiate compliance bonds into access agreements:** Interviewees noted precedents where some FFA members require foreign vessels fishing under access agreements to post a bond before fishing can begin. Any subsequent violation penalties are subtracted from this bond. If compliance with reporting is enforced, this can be an effective incentive to ensure compliance with license conditions such as reporting.
- **RESPONSE: Further training for national data officers in how to proactively collect data and ensure that reports are complete, accurate and timely.** SPC, FFA and relevant donors to continue data training programs throughout the region.

Example box – Cook Island data collection

Interviewees noted that the Cook Islands proactively collects catch reports. The national data officer spends a considerable amount of time and energy each week reminding fishers and agents of their requirements and following up on incomplete and late reports. While some reporting concerns were expressed, interviewees from the Cook Islands were generally satisfied with the current level of reporting. It is likely that the satisfactory level of reporting is due in part to the pro-active efforts of the Cook Islands Ministry for Marine Resources to monitor reporting and follow up late or incomplete reports.

- **RESPONSE: Distribute catch forms in language of fishing vessel:** Interviewees noted the benefits of providing catch forms in the fishing vessels language (i.e compliance with reporting requirements improved slightly when forms were translated whatever language was primarily spoken by vessel).
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- **CONCERN: Lack of data reporting requirements and/or support and training for reporting by local and/or domestic vessels.**
 - **CONCERN: Lack of adequate data and information to inform management.**
 - **CONCERN: Gaps in data reporting requirements.**
 - **CONCERN: Data stored in hard copy.**
 - **RESPONSE: Increase resourcing and training for integrated data management systems, both regionally and nationally:** Interviewees suggested further resourcing and training for the development of integrated data management systems that would better link and utilise data across the range of scientific and compliance sources.

Interviewees noted the introduction of the TUFMAN system and supported this as an important project. They suggested that more resources should be provided to the roll-out of TUFMAN, broadening its scope and providing the necessary training and national technical assistance as required. Further funding should also be focused on programs that support national and regional capability to



manage and verify data and improve their data management and verification programmes.

- **RESPONSE: Encourage development of national database:** Interviewees suggested that FFA members should establish their own databases.
- **RESPONSE: FFA members to collect unloadings at the individual vessel level:** Interviewees suggested that FFA members should report unloading at processing factories and transshipments at the individual vessel level. Interviewees emphasised the importance of collecting 100% data, particularly port sampling and unloading data. This data would be highly useful to verify catches across the region and identify inconsistencies or misreporting.
- **RESPONSE: Introduce electronic catch reporting system:** Interviewees suggested that electronic catch reporting should be implemented across the region. This could address the distant water nature of many fleets that rarely visit ports and improve timeliness and formatting of data.
- **RESPONSE: Improve training and distribution of instruction materials to crews in reporting processes:** Interviewees noted that crews on local vessels needed more training in how to fill out catch forms.
- **RESPONSE: Consider requirements for all licensed vessels to unload locally:** Interviewees noted examples where some FFA members had introduced, or were in the process of introducing, requirements for licensed foreign owned fishing vessels to land catch locally in order to improve compliance with catch logbook reporting and offer greater opportunities for verification through reports on landings and unloadings. Interviewees noted some FFA members were also requiring foreign fishing companies to build processing factories for such landings as part of the price of access.

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- **CONCERN: Lack of analytical, scientific and research capability.**
 - **CONCERN: Lack of adequate science and technology teaching in FFA member's secondary education.**
 - **CONCERN: Dependence upon SPC for data analysis.**
 - **CONCERN: Lack of national capacity to review SPC science and data.**
 - **RESPONSE: Further training and support for FFA members to become self-reliant in data analysis and science:** Interviewees suggested that FFA members need to build their own analytical and scientific capacity as they were too heavily dependent upon SPC for analysis and science. Interviewees suggested that they needed the capacity to formally review data, science and recommendations undertaken by SPC and the WCPFC scientific committee. Increased scientific capacity would support national and regional management



objectives and improve FFA members 'ownership' of the WCPFC science and its recommendations. Furthermore, while interviewees thought that the SPC stock assessments were good, they suggested that improved national scientific capability would enable FFA members to set TACs with greater confidence. Interviewees suggested that increasing analytical and scientific capacity was a priority and required improved training and resourcing (including more staff).

As noted earlier, much has been previously written on the lack of analytical and scientific capacity amongst FFA members and the various capacity building responses to address these gaps. The interviews conducted during this study reiterated the same concerns and responses described in earlier studies and did not recommend any new capacity building responses. The authors believe that these previous studies have comprehensively covered these issues and refer to the recommended responses from these earlier studies, particularly the Lewis review of member country data needs which was presented to the FFC 58 in 2004. This review recommended the following capacity building responses:

- further develop scholarship schemes to provide post-graduate training in stock assessment, with emphasis on tunas and associated species, at approved institutes;
- encourage attachment training for selected national staff at SPC and FFA, as well as to national institutions in developed WCPFC states (Canada, USA, Japan, Australia, New Zealand). In regard to SPC, these would cover ongoing activity areas including statistical analysis, database management, interpretation of fishery oceanographic data, data verification and stock assessment;
- further develop regional workshops on the management implications of stock assessments;
- implement annual vessel activity reporting and develop national vessel registers; and
- improve consultation and preparation amongst FFA member countries prior to Scientific Committee meetings and associated workshops.

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- **CONCERN: Focus of regional data analysis programmes is too broad.**
 - **CONCERN: Lack of analysis and knowledge regarding fine scale distributions of tuna and their localised responses to fishing pressures.**
 - **CONCERN: Lack of information on gear developments and technology.**
 - **RESPONSE: Improve capacity of FFA members and regional agencies to undertake national analysis:** Interviewees suggested that there is a need to improve the capacity of FFA members and the regional agencies to undertake analysis of stocks and C&M ramifications at the national level, rather than just regionally. This would address a lack of analysis and interpretation of scientific and economic data, in the context of determining national interest.



- **CONCERN:** *Lack of economic analytical capacity at national and regional levels.*
- **CONCERN:** *Lack of fisheries management economic analysis.*
- **CONCERN:** *Lack of understanding and application of bio-economic analysis.*
- **RESPONSE: Develop economic analysis capacity of FFA members:**
Interviewees suggested that there is a need to develop the economic analysis capacity of FFA members to undertake cost/benefit studies of management actions and non-actions. Interviewees suggested that further economic analysis and advice is needed to support “buy-in and engagement” and develop a conservation sales pitch (from economic analysis of data) that identified the economic costs and benefits of various options and which proposed potential models for consideration by FFA members.



Section 4.4 Monitoring & Enforcement

- **CONCERN: Lack of defined and/or agreed boundaries.**
 - **RESPONSE: Increase support for negotiation, resolution and delineation of FFA member maritime boundaries:** Interviewees suggested that resolution of boundary conflicts was critical to enable compliance and enforcement actions to be taken at sea with certainty. Further support should be provided through SOPAC and other relevant CROP agencies to FFA members to assist them to negotiate, resolve and delineate their maritime boundaries.
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- **CONCERN: Insufficient penalties for fisheries violations.**
 - **RESPONSE: Support reviews of current penalties against regional and international benchmarks and support legislative/regulatory amendments to reflect regional and international benchmarks:** The FFA could consider commissioning an analysis of regional and international fisheries penalties to determine regional benchmarks. FFA members could then consider working with donor agencies to review and amend their domestic legislative/regulatory arrangements to meet these benchmarks. Interviewee suggested that such work should consider all punitive measures (including, amongst others, port embargos, forfeitures and license seizures) as a potential deterrent.
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- **CONCERN: Poor implementation of national observer programmes.**
 - **RESPONSE: Increase observer fees:** Interviewees suggested that observer fees need to be increased as current costs cannot sustain an effective observer programme. Interviewee commented that observer fees should be separate from license fees and should be sufficient to maintain an effective observer programme. Most observer funds are very minimal and limited.
 - **RESPONSE: Improve employment conditions for observers:** Interviewees suggested improving employment conditions for observers to improve retention (observers should be given permanent employment, not only paid on placement).
 - **RESPONSE: Develop regional recruitment strategies for observers:** Interviewees noted the benefits of negotiating regional agreements to hire observers from other FFA members to fill gaps in observer programmes due to lack of interest amongst local communities.
 - **RESPONSE: Support and utilise regional observer programmes:** Interviewees suggested that regional and centralised observer programmes are more efficient and cost effective than individual national observer programmes.



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- *CONCERN: Poor operation of vessel monitoring systems (VMS).*
 - *CONCERN: Poor enforcement of VMS.*
 - *CONCERN: Lack of 24 hour monitoring of VMS.*
 - *CONCERN: Lack of understanding of VMS.*
 - *CONCERN: Concerns regarding operation of Automatic Location Communicators (ALCs) for the VMS.*
 - *CONCERN: Limited co-operation amongst FFA members to share VMS data.*
 - *CONCERN: Limited application of VMS to actively fishing vessels within an EEZ.*
 - *CONCERN: Frequent breakdowns of the FFA VMS.*
 - *CONCERN: Lack of resources to maintain and operate the FFA VMS at the secretariat.*
 - *CONCERN: Poor telecommunications infrastructure undermines VMS.*
 - *CONCERN: Lack of VMS receivers on patrol boats.*
 - **RESPONSE: FFA facilitate a regional VMS strategic workshop:** FFA could consider hosting a VMS strategic workshop to review VMS operations, regionally and domestically over the past decade, and identify lessons learnt, constraints and best practices. The workshop would provide recommendations on the establishment and implementation of best practice VMS. This could inform the current review of the FFA VMS and describe what a next-generation regional VMS could look like, and what regional needs it must meet in the contemporary context.
 - **RESPONSE: Improve training and regional support for VMS operations:** Interviewees supported further in-country assistance and further training for more VMS staff.
 - **RESPONSE: Improve auditing of VMS ALCs:** Interviewees suggested recruiting VMS auditors to continuously inspect all VMS ALCs throughout the region.
 - **RESPONSE: Implement 24 hour monitoring of VMS:** The FFA could commission an analysis of the technological (i.e programmed SMS alerts to staff on call) and staffing options to provide 24 hour monitoring of VMS. Some



interviewees suggested greater usage of shared resources with Police given that they are on duty 24 hours a day, while other interviewees noted examples where Police have held responsibility for VMS but have failed to fully monitor VMS.

- **RESPONSE: Increase sharing of VMS information between FFA members:** Interviewees supported further sharing of VMS information between members to inform members when vessels were steaming towards their EEZ or to verify landing reports.
- **RESPONSE: Analysis of options to require vessels unloading in port to provide VMS verification of fishing activities:** The FFA could commission a study into the legal options available to FFA members to implement port landing conditions that require vessels to provide national or regional VMS data as proof that their catch was taken legally. This would verify that non-licensed vessels landing catches in FFA member ports had not caught the product illegally in the port State's waters. Precedents could be studied in New Zealand.
- **RESPONSE: Equip patrol boats with the capacity to receive VMS data in real-time:** The FFA and the Australian Navy could support the supply of necessary hardware to all Pacific Patrol Boats to enable real-time monitoring VMS while at sea.

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- **CONCERN: Lack of enforcement of license conditions.**
 - **CONCERN: Lack of capacity to adequately patrol EEZs.**
 - **CONCERN: Lack of staff capacity to monitor compliance with licensing and report requirements.**
 - **RESPONSE: Increase regional training on MCS activities:** Interviewees suggested that capacity building should focus on MCS training (i.e boarding and inspections, patrols, etc) and should build up the internal capacity of FFA members to analyse and assess MCS issues and their national impacts. Interviewees were satisfied with the quality of MCS training and workshops provided by the FFA and noted that there was a strong sense of ownership by MCS officers within the group – more so than the science working group.
 - **RESPONSE: Develop MCS procedural manual:** Interviewees supported the development of a MCS procedural manual for MCS staff to guide them in the discharge of their duties and responsibilities.
 - **RESPONSE: Increase number and participation in regional MCS exercises:** Interviewees supported further regional exercises as an effective way to build up capacity at HQ and encourage and train national officials. One interviewee commented that MCS co-ordination between FFA members, the FFA and the WCPFC will be critical in implementing an effective regional MCS regime.



- **RESPONSE: Develop further joint surveillance arrangements:** Interviewees noted the existing joint surveillance arrangements and expressed their interest and support for further developing such arrangements.
- **RESPONSE: Increase percentage of access fees to fund monitoring and enforcement activities:** Interviewees noted that surveillance will always be expensive and needs at a minimum 10% of the access fees to fund adequate monitoring and enforcement activities.
- **RESPONSE: Analysis of effectiveness of compliance/enforcement amongst FFA members and cost/benefit analysis and benchmarks/lessons learnt:** The FFC could consider commissioning an analysis of the effectiveness of compliance and enforcement mechanisms and activities throughout the FFA membership that provides a cost/benefit analysis, describes lessons learnt and sets regional benchmarks established by FFA members at implementing best practice for MCS measures.
- **RESPONSE: Analysis of DWFN vessel compliance with license conditions by fleet/operator and by EEZ:** The FFC could consider commissioning an analysis of DWFN compliance with license conditions by fleet/operator and by EEZ to determine track record and identify high and low compliance risk fleets/operators. This could be used by FFA members to inform access negotiations and target surveillance activities more efficiently.

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- **CONCERN: Lack of lawyers with experience in prosecuting fisheries violations.**
 - **RESPONSE: Increase use of on-the-spot fines:** Interviewees suggested improving the ability of members to issue on-the-spot fines and settle fishing cases out of court for minor violations would remove some of the prosecution burden on the limited capacity of FFA members. Such improvements should avoid the need for lengthy prosecutions and allow patrols to do more inspections rather than having to escort non-compliant boats back to harbour.
 - **RESPONSE: Recruit and train legally trained staff:** Interviewees noted examples where some FFA members employ staff with legal training who can assist in prosecutions and enforcement of violations of fisheries regulations and legislation.



Example box – Capacity building investigations and prosecutions

Interviewees referred to a successful ‘training through doing’ example of capacity building in a Cook Islands prosecution of an illegal fishing vessel. The Cook Islands brought in assistance from a NZ specialist law firm to train local Crown Law, Police and Ministry of Marine Resources (MMR) staff in investigating and prosecuting a fisheries violation. The NZ government also assisted the investigation through the temporary secondment of specialist staff from the Ministry of Fisheries who assisted and trained local staff in their investigation of the vessel’s electronics and VMS. All participants in the case stated that they found the exercise very helpful and now felt confident that they could lead most future investigations without further assistance. This case also resulted in the establishment of a co-ordination process agreed by the three relevant agencies (Police, MMR and Crown Law) which has worked well subsequently. Furthermore, investigating and prosecution officials continued to be well supported through informal and formal co-operation from NZ and Australia.

- **CONCERN: Poor interdepartmental co-ordination and communication.**
- **RESPONSE: Establish inter-departmental co-ordination committees:** Interviewees supported the establishment of inter-departmental co-ordination committees to consider fisheries monitoring, control, surveillance and licensing issues. Interviewees referred to precedents in Samoa and Fiji (amongst others). In Samoa, the Licence, Enforcement, Surveillance Committee meets twice a year and includes representatives from the departments of Transport, Ports Authority, Police, Maritime School, and Fisheries. It’s terms of reference is to look into all license issues and their enforcement with a focus on enforcement of license conditions. In Fiji, interviewees referred to the IUU Ad Hoc Committee which includes representatives (some or all depending upon the agenda of the day) from the departments of fisheries, revenue and customs, immigration, navy, ports authority, foreign affairs, shipping agents, and the non-government organisations – Greenpeace, WWF and FIMSA (Fiji Islands Maritime Safety Association). This is an informal working group established to address IUU issues in Fiji and support the exchange of information, ideas and development of best practices for combating IUU fishing.
- **RESPONSE: Engage all relevant departments through improved co-ordination and communication:** Interviewees supported improving the co-ordination and use of the assets of other agencies, such as Custom, Defence, Ports Authority, and Police to enhance monitoring.
- **RESPONSE: Build co-operative arrangements between fisheries and police (where police are involved in fisheries surveillance and patrols):** Interviewees noted positive benefits from arrangements where the fisheries department has an officer located within the police headquarters where the VMS terminal is located. This provides improved liaison and communication between the two agencies.



Section 4.5 Governance, Administration, Consistency & Transparency

- **CONCERN:** *Lack of human capacity within government.*
- **CONCERN:** *Lack of legal knowledge and skills.*
- **CONCERN:** *Lack of foreign diplomacy skills.*
- **CONCERN:** *Lack of ability to undertake financial audits.*
- **CONCERN:** *Lack of performance assessment of government staff.*
- **RESPONSE: Improve basis infrastructure (i.e buildings and working conditions):** Interviewees advised that the basic infrastructure of government needed to be improved given the poor quality of workplaces and working conditions. Interviewees noted precedents of aid funded new buildings.
- **RESPONSE: Establish regional recruitment strategies to build regional ‘pools’ of talented individuals from which governments can draw from and within which individuals can grow careers:** Interviewees supported the development of a regional fisheries recruitment strategy in response to the recruitment and career challenges posed by small island populations and the lack of career opportunities within small island governments. Interviewees suggested that most FFA members would never have the capacity to fulfil all their ongoing needs for specialists given the lack of career opportunities. Interviewees suggested that fisheries agencies need to be able to offer regionally competitive employment opportunities and increase the size of their recruitment pool and the quality of talent available. A regional recruitment strategy could increase the available pool of skilled individuals by enabling and encouraging recruitment across the region, rather than just from within domestic populations. This would enable skilled staff to progress their career throughout the region across governments, thereby building capacity region-wide and retaining skilled staff within fisheries. Interviewees noted that such a strategy would need to consider politically sensitive issues regarding employment of non-nationals in sensitive positions, but suggested that there may be times when employing non-nationals would also bring benefits through a perception of impartiality to local interests.
- **RESPONSE: Top-up salaries:** Interviewees suggested that donors could subsidise priority positions within national administrations to attract and retain quality staff. Some interviewees pointed to other programs in education where teachers had been recruited with top-up salaries paid by donor agencies.
- **RESPONSE: Build capacity of provincial governments to more effectively manage and develop coastal and inshore fisheries:** Interviewee suggested donors and regional agencies to further develop programs to build the capacity of provincial governments in fisheries management and development.



- RESPONSE: Develop regular information programs to inform and update senior officials and Ministers of regional and global fisheries and marine matters:** In response to the high turnover of senior officials and Ministers, interviewee supported the development of an outreach information program by regional agencies and donors. This program would support experts to provide in-country updates and materials to senior officials and relevant Ministers (i.e Fisheries, Environment, Finance, Development, etc) who had otherwise had little exposure to regional and international fisheries issues.
- RESPONSE: CROP agencies to send invitations to regional meetings and workshops to official contacts only:** Interviewee suggested that the FFA and other organisations should consider the resource implications of member's fisheries departments when scheduling meetings. Accordingly, invitations should not be addressed directly to the officials but to the official contact so that proper co-ordination and workload planning for participation at international meetings can be affected.
- RESPONSE: CROP agencies to review their recruitment activities so as to ensure their recruitment builds capacity within FFA members in the medium to long term while minimising capacity loss from FFA members in the short term:** Interviewees expressed frustration with the loss of national capacity from some FFA members to the FFA and SPC secretariat. In response, CROP agencies could consider reviewing their recruitment activities so as to ensure their recruitment builds capacity within FFA members in the medium to long term while minimising capacity loss from FFA members in the short term.
- RESPONSE: FFA and SPC to develop capacity building/recruitment strategy:** In response to complaints regarding the FFA and SPC poaching staff from the region, the FFA and SPC could develop a capacity building/recruitment strategy that satisfies the professional staffing needs of these agencies, while building a professional core of highly trained individuals that are available for recruitment back into FFA member governments. Such a strategy might focus on medium term contracts or secondments of staff into the FFA/SPC before returning to FFA member governments. The strategy could also consider gaining donor funds for recruiting professional staff into the FFA/SPC who could then be available for secondment into FFA member governments on medium term placements to build national capacity.
- RESPONSE: Assistance with transition planning and mentoring:** Interviewees suggested that FFA members need assistance to develop transition planning and mentoring skills. Interviewees noted a need to expose more staff to regional fisheries issues to develop their capacity and knowledge and mitigate the impact of staff turnover and corporate knowledge loss when senior officials retire or transfer jobs. Interviewees referred to precedents where the turnover of senior officials had left fisheries agencies very weak due to the significant loss of corporate memory (these problems were further exacerbated by generally poor record keeping). One interviewee commented:



“The solution is to have good succession planning. Take the junior people and train and mentor them up and get them involved.”⁹⁹

Example Box – Mentoring and transition planning

Interviewees referred to various examples where the resignation or retirement of previous fisheries chief executives or directors had significantly weakened the fisheries agency due to the substantial loss of corporate memory and experience. In one cited case, it took the new executive director some time to catch up with the issues because of his (and other colleagues) lack of exposure to regional matters. Interviewees noted that this current executive director has been encouraged to expose as many of his subordinate staff to regional fisheries issues so that a similar problem is not created when he one day retires or moves on. However, despite this encouragement and experience, interviewees noted that the cycle was repeating and similar problems were occurring with poor communication and information sharing within the fisheries agency, and weak mentoring or training of subordinate staff.

- **RESPONSE: Review management, administrative and planning training needs of FFA member fisheries agencies and develop a corporate training strategy and training opportunities for fisheries officials:** Interviewees suggested the corporate training needs of FFA member fisheries agencies should be reviewed to develop a training strategy to better prepare officials for their responsibilities in fisheries departments. This strategy should be implemented through a regional training program that provides outreach training to FFA member fisheries agencies focusing on fundamental skills in strategic planning, statistics, finance, project management etc – not just fisheries management. Interviewees supported both short courses and tertiary training (i.e MBAs).
- **RESPONSE: Field training in fisheries:** Interviewees suggested officials should be encouraged and supported to get out of the office and get more field experience and knowledge of industry – through secondments with industry and other such mechanisms. Interviewees cautioned that this process should be developed in such a manner so as not to encourage corruption.
- **RESPONSE: Review provision of training to ensure relevance to pacific context:** Interviewees suggested that many officials who had undertaken post-grad studies outside the region had encountered training that was not necessarily focused or relevant to the specific needs of the Pacific. Interviewees suggested that a review was needed of the various training providers to identify those with specific expertise and relevance to the Pacific context.
- **RESPONSE: Assistance to develop performance management and assessment systems and expertise:** Interviewees suggested the implementation of performance based assessments to introduce accountability into staff workplans and performance. Donors could consider funding a consultancy review of the institutional performance management and assessment needs

⁹⁹ Interviewee.



throughout the FFA membership. This review could provide guidance to FFA members on implementation of performance management and assessment systems and identify expertise within the region to support implementation.

- **CONCERN: Poor decision making process and systems.**
- **CONCERN: Poor (or non-existent) record keeping and filing.**
- **CONCERN: Poor board expertise, management and selection processes.**
- **CONCERN: Politicisation of decision making.**
- **CONCERN: Lack of transparency.**
- **CONCERN: Corruption.**
- **CONCERN: Weak anti-corruption mechanisms.**
- **RESPONSE: Support the development of reporting requirements, record keeping processes and filing systems:** Donors and FFA members could consider developing institutional strengthening projects to build the capacity of FFA members to implement reporting requirements, record keeping processes and filing systems.
- **RESPONSE: Re-structure fisheries departments/ministries into statutory authorities or commissions with independent boards or, where departmental/ministry structures are maintained, establish independent boards to oversee governance of fisheries agencies:** FFA members could re-structure fisheries ministries into statutory authorities or commissions with independent boards. In some circumstances, where this form of structure is inappropriate to domestic circumstances, FFA members could consider establishing independent boards to oversee governance of fisheries agencies. Board directors should be appointed through a transparent merit based process.
- **RESPONSE: Establish parliamentary codes of conduct with rules regarding declarations of financial interest and conflict of interest:** Interviewees suggested that FFA members could consider establishing parliamentary codes of conduct (where lacking) which required declarations of personal interest and investments by all parliamentarians and provided rules to address matters where there was a personal conflict of interest. Interviewees suggested that these were necessary to confront corruption concerns and cited examples of various Ministers that held financial interests in commercial activities with significant conflicts of interest.
- **RESPONSE: Establishment of Independent Commissions Against Corruption:** Interviewees commented that accountability was a critical component of good governance. Implementation of accountability requires



strong institutions with the authority and independence to investigate and take action against officials and agencies that do not perform or that operate in breach of its laws. The Chief Ombudsman of Papua New Guinea suggests:

‘Political leadership in the Pacific island States need to embrace Ombudsman Institutions and oversight of democratic institutions as partners to achieve effective political governance.’¹⁰⁰

Interviewees expressed concerns that current ombudsman powers in some FFA members were insufficient due to their limited ability to force investigations and/or prosecutions in suspected cases of corruption. Interviewees suggested that FFA members should consider establishing Independent Commissions against Corruption. These commissions should be supported with legislated investigatory and audit powers and an adequately resourced bureaucracy. Commissions would be mandated to investigate allegations or evidence of corruption and to recommend, or initiate prosecutions. Interviewees suggested that such Commissions were necessary to effectively confront corruption and fill the gap that lay between current ombudsman and the courts.

- **RESPONSE: Implement governance arrangements that promote transparency and accountability:** Interviewees encouraged a culture of transparency throughout FFA member governments. They supported the development of governance arrangements that promoted transparency and accountability as crucial to better managing capacity and resources. Interviewees suggested FFA members should develop processes to significantly improve information flow as this was a major issue across the whole of government, fisheries management and development areas. Implementation would require better information dissemination, increased funding and more personnel.
- **RESPONSE: Build capacity to audit the performance of government agencies:** FFA members could consider expanding the capacity of their auditor-generals to audit the performance of government agencies against their organisational objectives or charter.
- **RESPONSE: Establish parliamentary reporting requirements for fisheries agencies to produce annual reports:** Interviewees supported the development of governance arrangements that built transparency. Interviewees suggested that FFA members could consider developing various reporting processes, such as the production and submission of fisheries department annual reports to parliament. These reports could include information on licensing, access agreements, budgets and revenue, catches, capacity and effort, landings, planning and regional issues.
- **RESPONSE: Appointment of officials with responsibilities to specific fisheries and/or stakeholders:** Interviewees suggested that departments should designate specific officials to look after particular fisheries and issues so that where there are queries, there is a specific contact for industry. Interviewees

¹⁰⁰ Geno, Ila. 2006.



suggested that fisheries agencies should be more transparent, fair and provide a service to industry that is timely and effective.

- **RESPONSE: Establish and maintain regular meetings of Fisheries Consultative Committees or Advisory Boards:** Interviewees supported the establishment of fisheries consultative committees which should comprise all relevant stakeholders and government agencies (discussed in Section 2.6).

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- *CONCERN: Lack of capacity in policy formulation and planning.*
 - *CONCERN: Lack of strategic analytical capacity.*
 - *CONCERN: Lack of strategic information.*
 - *CONCERN: Lack of strategic planning.*
 - *CONCERN: Lack of adequate prioritisation for fisheries in whole-of-government.*
 - *CONCERN: Lack of strategic vision.*
 - **RESPONSE: Review strategic planning capacity of FFA members and develop a training program in strategy development and strategic planning:** Interviewees supported developing capacity building programs in strategy development and strategic planning amongst FFA members. FFA members and donors could review these training needs amongst the FFA membership and develop a regional training program that provides outreach training opportunities to FFA members. Such a review could engage and build on the strategic expertise and talent already available in some FFA members.
 - **RESPONSE: Establish national strategic planning processes:** Interviewees supported the establishment of national strategic planning mechanisms processes. Interviewees commented that national planning, analysis and strategy development needs to develop a comprehensive and holistic view of development. One interviewee commented:

“There is a need to develop mechanisms and processes to support strategic development throughout the membership.”¹⁰¹

Interviewees suggested that such planning processes should necessarily go beyond fisheries and include other relevant departments (such as finance, treasury and environment) to maximise the effectiveness of these strategies and ensure broad engagement and implementation.

¹⁰¹ Interviewee.



- **CONCERN: Poor co-ordination and communication.**
- **CONCERN: Overly restrictive compartmentalisation of responsibilities:**
- **RESPONSE: Develop co-ordination and communication processes:**
Interviewees supported the development and implementation of co-ordination and communication processes within government. These processes should fully engage all relevant government agencies and remove compartmentalisation barriers that undermine government capacity. Interviewees noted that some FFA members lacked the capacity to implement such processes and would need external assistance to develop efficient processes that worked within their limited capacity. References were made to previous attempts to introduce such processes which had failed or fallen into disuse due to staff turnover, lack of priority or management expertise.

Interviewees noted that Fisheries Boards and informal relationships were to some extent alleviating co-ordination and communication problems due to their broad composition.

Consultative committees, advisory boards, governance boards, clearly defined areas of responsibility, regular contact between relevant agencies and with stakeholders, public newsletters and websites were all suggested as mechanisms to improve co-ordination and communication. Those that have not already been described above, are described in section 2.6. Implementation and maintenance of some of these co-ordination and communication mechanisms requires individual training in some cases, as addressed in responses described above.

- **RESPONSE: Sponsors of studies and consultancies, and meeting organisers to make reports and papers publicly available – FFA secretariat to establish a publicly accessible central database of all relevant meeting papers, reports, consultancies, management plans:** The FFA could establish a central database of all relevant meeting papers, consultancies and management plans. This study was not the first to encounter frustrations with the lack of ‘history’ and knowledge of past studies, meeting reports and consultancies. Difficulties in accessing many of these papers meant that their shelf-life or usefulness is sometimes limited to the experience of the individuals who contracted or wrote the report. This can significantly minimise the usefulness of past literature and results in some wastage as issues are re-studied or time is wasted while officials or consultants follow rumours of past reports trying to find an actual copy.

Barclay and Cartwright recommended in their development paper¹⁰² that sponsoring agencies make consultant’s reports publicly available as a general rule, and that the FFA or SPC develop and manage a publicly accessible bibliography database of publications and reports relevant to pacific tuna fisheries. Gillett also recommended the FFA improve access to reports through the construction of a centralised website.¹⁰³ This study supports this

¹⁰² Barclay, K. and Cartwright, I. 2006.

¹⁰³ Gillett, R. 2003.



recommendation and suggests further that all meeting reports, wherever possible be publicly available and included in such a database and that the database, where at all possible, include electronic copies available for download.

- **RESPONSE: Minimise classification of reports and papers as confidential:** The confidential classification of many consultancy reports and meeting papers undermines communication and creates obstacles to good governance – particularly in regard to transparency, accountability and participation. Making these documents publicly available would significantly improve transparency, benefit participation and accountability, and support communication of fisheries matters across the region. FFA members could consider minimising classification of such documents as confidential as far as possible.

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- **CONCERN: Desperate financial plight of whole-of-government.**
 - **CONCERN: Inadequate resourcing for fisheries departments.**
 - **CONCERN: Lack of cost recovery.**
 - **RESPONSE: Improve revenue reporting from fisheries licensing and access agreements:** Interviewees suggested that FFA members need to improve their internal reporting of licensing and access revenue to a level of detail that enables analysis of individual fleets by gear, license type or access agreement, flag State, industry association, etc. This detail would FFA members to develop a better economic analysis of their fisheries and interests. Interviewees suggested annual department reports to parliament could provide a mechanism for this detailed reporting of revenue sources and amounts.
 - **RESPONSE: Review costs and benefits of fisheries management:** The FFC, or individual members, may consider contracting a review of fisheries management costs (i.e staffing, infrastructure, compliance and monitoring, policing of ports and foreign crews, pollution, etc) and benefits (i.e license or access fees, taxes and charges, secondary benefits through ports and processing factories, etc) to individual FFA members. This would assist national consideration of appropriate license and access fees and inform discussions on the development of cost recovery mechanisms.
 - **RESPONSE: Implement cost recovery mechanisms to ensure fisheries department are adequately resourced to fulfil their responsibilities:** Interviewees suggested FFA members should implement cost recovery mechanisms for fisheries management. This should be at a level adequate to ensure fisheries agencies have the resources necessary to manage their fisheries.



Section 4.6 Stakeholder Participation & Consultation

- **CONCERN:** *Lack of community understanding of 'good governance' and engagement in governmental processes.*
- **CONCERN:** *Poor in-depth understanding, investigation and coverage of fisheries and marine issues in national and regional media.*
- **RESPONSE:** **Establish partnership outreach programs with NGOs to inform and engage all relevant communities and stakeholders:** Interviewees suggested identified the need to better inform and engage communities in fisheries management in order to overcome problems with poor communication and consultation. Interviewees supported the development of community education and engagement programs but noted that there was often too little capacity within fisheries departments to support the necessary outreach.

Interviewees supported the development of partnership programs with relevant NGOs to facilitate information sharing and engagement of communities, industry and NGO stakeholders, associations, church groups, etc. Interviewees noted that the GEF has funded the World Wide Fund for Nature (WWF) to provide an advocacy and awareness raising program throughout the FFA region to inform communities and NGOs of the WCPFC and regional fisheries issues. This program aims to engage and inform regional communities and NGOs in the issues and will be generating materials and a website to better inform this audience.

Given the limited funding available to this program (~ \$40,000 pa), further partnerships with NGOs could be supported to inform and engage targeted communities and stakeholders through regular community workshops, production of radio specials, free to air television pieces, websites and newsletters. To maximise the effectiveness of these partnerships and ensure information is current and relevant to local communities – partnerships should include national fisheries agencies and other stakeholders where there is interest. These NGO/government partnerships could be funded by aid donors but work locally or sub-regionally. Relationships and networks could be a focus for some of this work, empowering communities to engage in issues through regular contact with NGOs.

- **RESPONSE:** **Address gaps in secondary education system:** Interviewees suggested that significant improvements were needed in education generally, and civic education particularly, to overcome the general poor level of education across the region which undermines governance and community engagement.

The FFC could consider identifying education in science and environmental management as key priorities for the region and request the FFA Director General to bring this to the attention of the Forum Leaders.



- **RESPONSE: Develop regional media expertise and knowledge of fisheries and marine issues:** Donors could consider developing a media education strategy that increased regional media expertise and knowledge of fisheries and marine issues. This strategy could be implemented through the establishment of a media office within the FFA secretariat that provided information and training to media outlets and journalists throughout the Pacific.

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- **CONCERN: Poor communication and information sharing with stakeholders.**
 - **CONCERN: Lack of consultation with industry, community and NGO stakeholders.**
 - **CONCERN: Resistance to participation by industry and NGO stakeholders on national delegations to international meetings.**
 - **RESPONSE: Establish and maintain fisheries consultative committees:** Interviewees supported the establishment of advisory committees or national consultative forums to encourage full and proper consultation and to oversee the management and development of fisheries. Interviewees suggested that such forums should include all relevant government agencies, stakeholders, industry and NGOs.

Example box – Commercial Fisheries Management Advisory Committee

Interviewees from Samoa strongly supported a high level of stakeholder consultation in fisheries management and noted the success of the Commercial Fisheries Management Advisory Committee (CFMAC). This Committee involves representatives from various industry groups and all relevant departments and is chaired by the Fisheries Minister. CFMAC meets quarterly and was created under the Tuna Management Plan as an advisory Committee to the Minister on major issues and policies impacting on the commercial fisheries. CFMAC also provides co-ordination across government and offers industry the opportunity to raise issues of concern directly with the Minister. CFMAC was instrumental in gaining assistance from the government to industry during a recent period of low catches (\$1.8 million from government to assist industry with interest payments on loans during this period). All government and industry interviewees considered that the Committee was working reasonably well. The only complaints regarding the CFMAC were that it had not met for some time due to the busy schedule of the Minister; that it had lately become more of a forum for government to tell industry what it wants; and that there was no consultation through the CFMAC (or informally otherwise with industry) regarding the recent takeover the fisheries wharf by the Samoan Ports Authority with the consequent increase in expenses and inconvenience for industry.

- **RESPONSE: Include industry expertise on agency governance or advisory boards:** Interviewees supported industry representatives sitting on governing or advisory boards for fisheries agencies or authorities. Interviewees noted some cases where this would require amendments to legislation and the development of conflict of interest guidelines. In these cases, interviewees supported



implementing the necessary changes to enable industry expertise to be included within the board.

- **RESPONSE: Encourage industry and NGO participation in national delegations to international meetings:** Interviewees suggested that FFA members should encourage greater participation of industry and NGO representatives on national delegations to international meetings. They suggested that this was a mutually beneficial method of participation, information sharing and capacity building. Interviewees suggested that there were greater benefits to having these stakeholders on delegation rather than only limiting them to attend international meetings as independent observers.

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- **CONCERN: Problems establishing industry associations and defining eligibility criteria.**
 - **CONCERN: Communication gaps with industry on assistance available to support formation of industry associations.**
 - **RESPONSE: Support development of industry associations and improve awareness of association support programs:** Interviewees supported the further development and encouragement for industry associations and noted the positive benefits these provide for consultation, transparency, development and capacity building.

Particularly mention was made of the need to support the development of the Pacific Islands Tuna Industry Association (PITIA). Given the obstacles to forming these associations, interviewees supported the current DEVfish work and further assistance to facilitate the development of constitutions, eligibility criteria and common positions.

The FFA secretariat could consider reviewing its information strategies to ensure that all relevant industry stakeholders are informed of the DEVfish project and other support programs that are available.

Example Box – Industry Organisation

“Papua New Guinea seems to be an outstanding case where enhanced organisation by the private sector itself with government support has enabled vigorous participation by PNG private interests in the WCPFC process, benefiting not only Papua New Guinea but also the collective stance of the Pacific island countries.”



National co-ordination, communication and consultation

- **CONCERN:** *Poor co-ordination and engagement of relevant departments and/or lack of any whole-of-government process for developing national positions.*
- **CONCERN:** *Poor level of communication, consultation or co-ordination internally within the national fisheries agency.*
- **CONCERN:** *Poor level of communication, consultation and engagement of national stakeholders (industry, communities & NGOs) in regional meetings.*
- **RESPONSE: Develop co-ordination and communication processes:**
Interviewees supported the development and implementation of co-ordination and communication processes within government. Interviewees suggested FFA members should develop processes to better engage all relevant departments (i.e fisheries, foreign affairs, environment, finance/treasury, development, prime minister) and other stakeholders in preparations, negotiations and implementation stages. These processes should fully engage all relevant government agencies and remove compartmentalisation barriers that undermine government capacity.

Interviewees suggested that FFA members need to develop a more structured approach to preparations for WCPFC meetings and that this should include stakeholders.¹⁰⁴ Interviewees also suggested that FFA members should provide regular updates on regional fisheries issues and how they may impact on small and large scale fishing operations, and what regional projects were available that they may access or benefit from. One interviewee commented:

“The underlying issue is of the need for proper communication flow. Communication is a whole science in itself and without effective communication and advocacy skills, the objectives and key issues would not be properly understood at the national levels. If the issues are not properly understood at the national level, then those issues can not be progressed at the regional level.”¹⁰⁵

Interviewees suggested that delegations to WCPFC meetings should include industry representatives to improve their understanding and support of industry concerns. Interviewees also suggested that there was a further need to have non-government representation on delegations because of concerns that delegations sometimes return home and don't fully report on everything truthfully.

¹⁰⁴ See sections 2.5 and 2.6 for further discussion on co-ordination and communication processes.

¹⁰⁵ Interviewee.



National analysis, strategy and preparation

- **CONCERN: Poor or non-existent preparation for regional meetings.**
- **CONCERN: Lack of capacity and process to prepare written briefs.**
- **CONCERN: Lack of written briefs.**
- **CONCERN: Minimal capacity to analyse/determine national interest and develop strategies in context of regional fisheries management deliberations.**
- **CONCERN: Lack of process to endorse delegation mandate or brief.**
- **RESPONSE: Build national capacity of FFA members to prepare for, and participate in international negotiations:** Interviewees suggested that it was important to build the capacity of FFA members to engage in international meetings and support regional co-operation. They supported national capacity building in preparation and participation in international negotiations, including the development of briefs and whole of government positions, negotiation skills and reporting back and implementation obligations. One interviewee commented:

“The department of fisheries will definitely need technical back-up in the areas of: capacity to comprehend the issues now considered at WCPFC; capacity to develop meeting briefs; and capacity to provide adequate analysis of the implications of Commission decisions on (our) interests.”¹⁰⁶

Interviewees suggested building the capacity of FFA members to produce written briefs for international meetings due to their benefits for negotiating delegations, and their important long term role as a historical record to inform future delegations. One interviewee commented:

“The FFA members need to take greater responsibility to prepare for FFC and WCPFC meetings and participate constructively in the discussions. There appears to be too much reliance on the FFA brief and too little internal preparation by some delegations. This may be due to a lack of time to consider the issues or a lack of internal capacity to understand and comprehend the implications of those issues.”¹⁰⁷

The FFA could consider commissioning expert providers to develop and implement a training course for national delegations on preparation processes and materials for international meetings. This course should be focused

¹⁰⁶ Interviewee.

¹⁰⁷ Interviewee.



nationally and work in-country broadly with all levels of officials within relevant departments. This would minimise the impacts of staff turnover.

Further capacity building suggestions to satisfy these needs are described in combination with other needs in the FFA/SPC section below.

Example box – Building capacity of Tuvaluan delegations

Interviewees described an example of an ad hoc short term capacity building project that supported the Tuvaluan delegation to the WCPFC meeting in 2006. Through GEF funding, the FFA contracted an experienced senior consultant to work in-country in Tuvalu and support the Tuvaluan delegation’s preparations, participation and reporting back from the WCPFC.

Firstly, a preparatory seminar for government officials was convened at which the consultant provided an overview of the key WCPFC issues and challenges. Following discussions at the seminar, the consultant and delegation members held several internal meetings to develop positions and prepare a written brief for the FFC preparatory meeting to the WCPFC. The written brief took into account the FFA brief but provided further analysis from a Tuvaluan perspective of issues of particular interest to Tuvalu.

Following the FFC preparatory meeting, the consultant and delegation then prepared a further written brief for the main WCPFC meeting that reflected on the discussions at the FFC and provided guidance for the delegation’s interventions and discussions during the WCPFC.

Following the WCPFC, the consultant worked with the delegation to prepare a meeting report that highlighted the key issues of concern to Tuvalu and outlined implications for Tuvalu of the key decisions taken at the meeting. This report was then presented to Cabinet with a list of follow up actions to guide the department of fisheries in what follow up actions are required of Tuvalu.

This project has provided guidance to the Tuvaluan fisheries department on potential processes for preparing for WCPFC meetings. Interviewees suggested that the challenge ahead is to develop the capacity and resources within the department and ministry that would support and sustain such preparations for meetings. They noted that neither the department nor the ministry currently have such resources and will continue to rely on outside assistance, such as that provided recently by the FFA consultant. In that regard, they supported the notion of the FFA providing specific and targeted assistance through desk officers or consultants to assist Tuvalu, and other countries that need such assistance, and to prepare them to participate and contribute constructively to the discussions at the regional and international fisheries meetings.

- **RESPONSE: Review strategic planning capacity of FFA members and develop a training program in strategy development and strategic planning:** Interviewees supported developing capacity building programs in strategy development and strategic planning amongst FFA members. FFA members and donors could review these training needs amongst the FFA membership and



develop a regional training program that provides outreach training opportunities to FFA members. Such a review could engage and build on the strategic expertise and talent already available in some FFA members.

- **RESPONSE: Establish national strategic planning processes:** Interviewees supported the establishment of national strategic planning mechanisms processes. Interviewees commented that national planning, analysis and strategy development needs to develop a comprehensive and holistic view of development. One interviewee commented:

“There is a need to develop mechanisms and processes to support strategic development throughout the membership.”¹⁰⁸

Interviewees suggested that such planning processes should necessarily go beyond fisheries and include other relevant departments (such as finance, treasury and environment) to maximise the effectiveness of these strategies and ensure broad engagement and implementation.

- **RESPONSE: Engage Forum leaders in developing sub-regional and regional strategies and difficult conservation/allocation decisions:** Interviewees suggested involving forum leaders in the development of sub-regional and regional strategies and difficult judgements on conservation and allocation discussions. Engagement of Forum leaders could support prioritisation and resourcing for consideration of these issues and the preparation, negotiation and implementation of regional meetings and outcomes.
- **RESPONSE: WCPFC workshop on stock assessments:** Interviewees suggested that FFA, SPC or WCPFC secretariats could organise a WCPFC workshop, working group or new committee on stock assessments immediately prior to the WCPFC as this would give delegates a reasonable understanding of the status of stocks before they consider management responses. They noted that it was important to have an overall picture of the inter-relationship between the various factors like EAFM, climate change, allocations, precautionary approach.

The authors note the existence of FFA side meetings at the scientific committee, and the management options workshop, and suggest that the FFA could review how it might incorporate these comments into these existing meetings.

- **RESPONSE: Geo-political analysis of DWFN interests and drivers:** The FFC could consider commissioning a geo-political analysis of DWFN interests and drivers to better inform and prepare FFA member delegations. One interviewee commented:

“One weakness for us, and across the region, is our lack of understanding of our opponents and others across the table. We need to focus more on

¹⁰⁸ Interviewee.



understanding their national interest and their motivations, rather than being reactive and waiting for them to act.”¹⁰⁹

- **RESPONSE: Strengthen Pacific Islands Regional Fishing Association and their engagement in national delegations:** Interviewees suggested that a strong and engaged regional industry association would assist FFA members to become better informed of their industry interests, identify common interests and resolve regional conflicts. One interviewee suggested:

“One way to strengthen FFA member’s ability to determine national interest is to strengthen the Pacific Islands Regional Fishing Association.”¹¹⁰

- ***CONCERN: Too many meetings overloading the capacity of FFA members.***

- **RESPONSE: Regional review of all fisheries and related meetings:** Interviewees noted the sheer number of meetings that FFA members must attend. This impacts significantly on the already limited resources of FFA members and exceeds their ability to effectively prepare and participate. The FFA/SPC secretariats could commission a review of all fisheries and related meetings attended by FFA members, and the participation/preparation requirements, and identify opportunities to reduce this workload through minimising redundant meetings, increasing the use of sub-regional delegations (representing a number of members, rather than every member sending a delegation), and prioritising meetings and issues.
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- ***CONCERN: Meeting papers are distributed without enough time for adequate review.***

“The FFA brief is very helpful in providing an analytical overview of the issues and focusing attention on the key issues that the Commission is likely to dedicate much discussion. But in most cases the brief is received just a few weeks before the meeting and because of other work commitments there is no time to undertake internal discussion and analysis of the issues and the brief itself. In most cases the main preparation and internal discussions of the issues take place when on the road to the meetings.”¹¹¹

- **RESPONSE: Distribute meeting papers earlier:** Interviewees suggested that the FFA and other agencies should distribute their briefs and papers earlier to enable members to have more time to prepare.
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¹⁰⁹ Interviewee.

¹¹⁰ Interviewee.

¹¹¹ Interviewee.



- **CONCERN: Flawed processes for accrediting delegations to international meetings.**
- **RESPONSE: FFA or WCPFC secretariat to post guidelines to all members advising members on accreditation requirements:** The FFA or WCPFC secretariat could consider advising all members of the exact accreditation requirements for delegations to the WCPFC.

National negotiation and advocacy

- **CONCERN: Lack of preparation.**
- **CONCERN: Lack of technical expertise, analytical ability and data.**
- **CONCERN: Lack of legal, policy and strategic analytical expertise.**
- **CONCERN: Lack of negotiating skills.**
- **CONCERN: Cultural constraints on negotiating and advocacy.**
- **CONCERN: Weak negotiating positions.**
- **RESPONSE: Build negotiating expertise within FFA member delegations:** Interviewees strongly supported building the national capacity of FFA members to participate in their own right at international meetings. Interviewees suggested building the negotiating ability of FFA members and building their policy and legal expertise regarding international agreements. Interviewees suggested that some Pacific islanders lack confidence in their communication skills. Interviewees suggested:

“... (FFA members)... must be encouraged to be more vocal at WCPFC meetings in order to communicate and advocate their positions and national interests properly.”¹¹²

“Most of us are normally polite and will not shout out our positions. We prefer to grumble slowly and quietly. Sometimes we need to be able to shout.”¹¹³

“... (FFA members)... must be able to stand up and understand the issues, and their position – more than just coming to meetings and listening. These officials should be responsible for fisheries.”¹¹⁴

Interviewees who had observed WCPFC meetings suggested that the region needed to improve their ‘hard’ negotiation skills and take a far stronger stand on

¹¹² Interviewee.

¹¹³ Interviewee.

¹¹⁴ Interviewee.



most issues. They noted that FFA members were the primary resource owners and suggested that a more militant role at the WCPFC was required. One interviewee commented that this new assertiveness should also firmly define the role of the WCPFC:

“We’re here (at the Commission) to develop compatible measures for the high seas.”¹¹⁵

In response, the FFA could consider commissioning expert providers to develop and implement a training course for national delegations on negotiation and advocacy skills. This course should be focused nationally and work in-country broadly with all levels of officials within relevant departments. This would minimise the impacts of staff turnover. To maximise the effectiveness of the course, it could present seminars on the interests and drivers of other delegations and include ‘moot’ court role-plays.

Further capacity building suggestions are described in combination with other needs in the FFA/SPC section below

Interviewees expressed concerns about FFA members becoming too reliant on the FFA briefs and talking points and commented positively on the capacity building for the Tuvaluan delegation to WCPFC3. They suggested that this was a good example of national capacity building as it built the capacity of Tuvalu to participate in its own right, within the collective of the FFA, rather than depending wholly upon the FFA.

- **RESPONSE: Recruit full time legal/compliance policy officers:** Interviewees suggested that it would be beneficial for each member to have a full time legal/compliance policy officer to deal solely with regional fisheries matters.
- **RESPONSE: Adopt a more hardline regional negotiating stance:** Interviewees suggested that FFA members spend too much time and effort negotiating complicated deals where a simpler template with a “take it or leave it” approach would waste less time and resources and be more effective. The authors note that for this to be effective, it would require a comprehensive strategy beyond the meeting room to pressure opposing delegations to accept such an approach.
- **RESPONSE: Develop collective negotiating delegations with clear mandate from the FFC:** Interviewees noted the difficulties with co-ordinating a single position through all 17 members during busy and fast-flowing negotiations at WCPFC meetings. Some suggested that FFA members should consider developing an EC approach to negotiations where preparations amongst members prepare a brief with a preferred option, a compromise position and a ‘die-in-the-ditch’ position. This approach would develop and appoint the best negotiating team from amongst members with a clear mandate to represent the collective interests of FFA members.

¹¹⁵ Interviewee.



- **RESPONSE: Propose amendments to WCPFC meeting processes to better incorporate Pacific cultural concerns:** The FFA might consider developing a position to amend the WCPFC meeting processes to better incorporate Pacific cultural concerns.
 - **RESPONSE: Propose amendments to WCPFC meeting processes to require vocal support or a show of hands from each member to indicate consensus:** The FFA might consider developing a proposal to amend the WCPFC meeting processes to require vocal support or a show of hands from each member to indicate consensus, rather than just relying on silence or an absence of opposition.
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- **CONCERN: Lack of performance review and assessment of delegations.**
 - **RESPONSE: Assistance to develop performance management and assessment systems and expertise:** Interviewees suggested the implementation of performance based assessments. Donors could consider funding a performance assessment consultancy to provide guidance to FFA members on implementation of performance management and assessment systems for international negotiations. Any such process would likely require the usage of written briefs and clear mandates so as to provide clear objectives against which the performance of delegations can be measured.
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National post-meeting implementation and evaluation

- **CONCERN: Slow ratification of instruments.**
- **CONCERN: Lack of implementing legislation for ratified treaties.**
- **CONCERN: Lack of post-meeting evaluation and reports from delegations.**
- **CONCERN: Lack of post-meeting reports to stakeholders.**
- **CONCERN: Lack of understanding of treaty obligations.**
- **RESPONSE: Develop processes and capacity to undertake post-meeting analysis of meeting outcomes and produce post-meeting reports and debriefings:** Interviewees suggested that FFA members should develop processes to produce reports/analysis on meeting outcomes and engage all relevant staff, departments and stakeholders.

Interviewees noted the importance of debriefings by those who have attended meetings to all relevant staff on their return from a meeting. Such post meeting de-briefings help inform key staff of the main issues discussed at the meeting



and any outcomes that may require action. Interviewees noted that this lack of information flow was a particular concern to many officials.

Interviewees requested support to develop processes and capacity to undertake post meeting debriefings and analyse the ramifications of Commission decisions. Some suggested that they were looking towards the FFA to help them understand what the WCPFC conservation measures actually required and to assist them to implement them domestically. Some interviewees requested assistance to assess all their international obligations that have arisen through recently signed international agreements.

Reporting processes could consider including stakeholder advisory or consultative committees and governance boards. Interviewees from Samoa noted that their fisheries department was required to make a presentation to their CFMAC on the major outcomes of the WCPFC and present a joint report with foreign affairs to Cabinet.

Interviewees noted past attempts to establish such processes had often failed due to lack of prioritisation or capacity. One example was cited of a general government policy that requires all delegations to meetings to provide meeting attendance reports. If a report is not provided, subsequent travels are held up until the report is submitted. Interviewees noted however that the substance of these reports are 'light' and do not analyse the decisions taken at the meeting, especially WCPFC meetings.

- **RESPONSE: Establish regional mechanism to support FFA member implementation regional conservation and management measures:** Interviewees suggested developing a regional mechanism to support and ensure that members are implementing their obligations under the WCPFC. Interviewees noted the FFA centralised monitoring of the VDS as a potential precedent. Interviewees also suggested developing regional and national responses to implementation failures by WCPFC members.

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- **CONCERN: WCPFC summary record lacks explanatory guidance on new obligations and implementation requirements.**
 - **RESPONSE: Produce an explanatory guidance memorandum on Commission outcomes:** The FFA secretariat could consider working with the WCPFC secretariat to produce an explanatory guidance memorandum after each Commission meeting. This memorandum would build on the summary report and identify all the new obligations and offer guidance on implementation requirements. Interviewees suggested that the FFA could then provide assistance to FFA members to analyse the specific impacts and obligations WCPFC decisions at each member's national level.
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Regional FFA and SPC support for WCPFC meetings

- *CONCERN: Lack of national level support from FFA and SPC.*
- *CONCERN: Lack of capacity amongst smallest FFA members to monitor aid and capacity building opportunities and develop proposals.*
- *CONCERN: Lack of strategic support by the FFA secretariat.*
- *CONCERN: Declining sense of common interest amongst members.*
- *CONCERN: Lack of preparation by members for Management Options Workshops.*
- *CONCERN: Poor engagement of FFC Ministerial Meetings.*
- **RESPONSE: Develop regional in-country programme to support preparation, negotiation and implementation of international fisheries instruments and conservation measures:** Interviewees widely supported the establishment of an in-country regional programme that supported and built the capacity of national governments to prepare for, negotiate, and implement international fisheries instruments and conservation measures. Interviewees suggested that such a programme should work in-country at the national level, rather than out of the FFA or SPC secretariats.

Interviewees supported the concept that the programme should be truly nationally focused. It should focus on assisting national delegations to analyse and develop their national positions, strategies and briefs to achieve national objectives. The in-country support would be loyal to the host country and would strive to support the development and achievement of that country's national interest. Additionally, the program should work behind the scenes, and not 'sit-at-the-table'. Countries decide their national interests – the program builds their capacity to do this.

Given the regional dynamics and national limitations, national interest analysis and strategy development would likely identify regional and sub-regional co-operative strategies as the best mechanisms for pursuing national interest. Nevertheless, for the program to build the trust and commitment necessary to ensure its success, the program should support the pursuit of national interest above regional objectives (as is the case with any strong member of the FFA).

Discussions with interviewees identified various methods for delivering this programme and a variety of potential outputs. These discussions largely supported the development of a programme that second/employs/contracts suitably experienced 'national desk officers' to work in-country (full time/part time) for a medium term (i.e 1 to 3 years). These desk officers would assist the country with a number of analytical, strategic and administrative tasks and, in so



doing, mentor and build the capacity of local staff to perform these tasks in future. Discussions suggested that the ‘national desk officers’ should support some (or all) of the following tasks or outputs:

- support a strategic analysis of fisheries management and development challenges and opportunities addressing national, sub-regional, regional and global matters as they apply to that specific country (i.e SWOT analysis);
- support the development and use of economic and scientific expertise to analyse the strategic opportunities and ramifications of international instruments, and potential conservation measures to support the pursuit of national interest;
- facilitate discussions and workshops with relevant government agencies, industry, NGOs, artisanal fishers and communities to discuss and develop the SWOT analysis and identify potential goals, objectives, strategies and priorities for that country;
- develop a national fisheries/oceans vision and strategy for discussion and endorsement by whole of government (and preferably whole of parliament) which includes a medium to long term strategic roadmap with clear objectives to guide future policy deliberations;
- develop a national strategy for engagement in FFA, PNA and WCPFC for future delegations to regional meetings that identifies objectives and proposes specific work (nationally and regionally) to pursue these objectives;
- support analysis of FFA, PNA and WCPFC papers and FFA briefs;
- facilitate national consultation meeting with relevant government agencies, industry, NGOs, artisanal fishers and communities to discuss upcoming regional meetings (such as WCPFC Commissions) and identify concerns, opportunities and immediate priorities;
- support the preparation of written national briefs;
- support the preparation of ministerial/cabinet briefings and endorsement of mandates;
- support the development of negotiation and advocacy tactics and statements on the floor;
- support the preparation of post meeting reports to minister/cabinet and relevant government agencies that: summarise meeting; analyse outcomes; identify obligations requiring national action or implementation; assess performance of delegation against national brief and national strategy; identify unresolved matters that are likely to carry-over to future meetings;
- facilitate national consultation meeting with relevant government agencies, industry, NGOs, artisanal fishers and communities to discuss recent meeting and its national ramifications.

Interviewees also suggested that the ‘national desk officers’ could have additional responsibilities to pro-actively research and identify potential donors and funding opportunities to address domestic capacity building needs and to prepare funding submissions to such donors.

Interviewees suggested that the programme, if established, should be de-centralised from the FFA secretariat and operate through the placement of individual officers in-country in each targetted FFA member. Or that a sub-



regional approach could be adopted where 4 or 5 officers are recruited, contracted or seconded and each has specific responsibility for 2 or 3 countries. These positions could be administered out of the FFA secretariat, but the officers would be placed in-country on a rotating basis. Interviewees suggested that a pilot programme be created which could start in 3 or 4 priority countries.

Some concerns were raised (by interviewees who supported the concept) that such a programme might inadvertently change the relationship between the FFA and its members if these roles involved officers supporting advocacy activities that might counter generally agreed FFA positions. Some suggested (and generally supported) that there may be a need to shift the focus of the FFA on to a more national level.

Other concerns were expressed that such a programme might create a disincentive for members to build up their own internal capacity and further increase member's dependency upon the FFA secretariat if these positions were administered out of the FFA secretariat.

Finally, some concern was expressed that the national desk officer should act professionally and not use their influence to push their own personal or home country views.

- **RESPONSE: FFA to develop mentoring opportunities between FFA staff and national staff:** Interviewees suggested that FFA could do more mentoring of national staff to help build their capacity.
- **RESPONSE: FFA secretariat to build its internal capacity in strategy development and planning:** Interviewees suggested that there was a need to build capacity in strategy development and planning amongst FFA staff.
- **RESPONSE: FFA to develop harmonised minimum terms and conditions for fisheries management, access agreements, and marine biodiversity conservation:** Interviewees suggested that the FFA should develop new MTCs for fisheries management, access agreements, and marine biodiversity conservation. One interviewee commented:

“The region needs a standardised policy that it can refer to for minimum requirements for good fisheries policy – not just MCS matters.”¹¹⁶
- **RESPONSE: Identify and develop regional networks of ‘best practice’ champions from FFA member national governments:** Interviewees noted that there has been a rise in regional expertise amongst the FFA members and that this offers a good opportunity for regional co-operative capacity building between members. Interviewees supported the development of a regional network of ‘best practice’ ambassadors or champions from national governments that can be called upon to travel in-country and describe their experiences and lessons implementing new management, conservation,

¹¹⁶ Interviewee.



development and governance measures (i.e licensing, management plans, fisheries development, co-ordination and communication processes, strategy development, international negotiations).

Interviewees suggested members further develop internal networks between governments to facilitate increased sharing of information and experiences between members.

- **RESPONSE: FFA secretariat to continue current co-ordination activities and briefs at WCPFC meetings:** Interviewees supported the FFA continuing to co-ordinate the input and participation by its members in the WCPFC. Interviewees suggested that the co-ordinating role of the FFA will be critical to success of the WCPFC regime. Interviewees suggested that the FFA needs to be a trusted organisation and should become a centralised depository that manages all relevant information. To this end, interviewees suggested that the FFA secretariat should improve its capacity to co-ordination and communicate with members.
- **RESPONSE: FFA secretariat to establish a publicly accessible central database of all relevant meeting papers, reports, consultancies, management plans:** As described in section 2.5, there is a need to improve the accessibility of fisheries information. To achieve this aim, the FFA should establish a central database of all relevant meeting papers, reports, consultancies and management plans.
- **RESPONSE: FFA to review training needs, options and potential service providers:** The FFA could consider reviewing the training needs described above and develop a comprehensive training strategy that meets these training needs in the short, medium and long term. The strategy could propose a broad curriculum, identify potential training service providers and propose a budget for implementation of the training strategy.
- **RESPONSE: Copy all WCPFC correspondence to FFA secretariat to support co-ordination and record keeping:** Interviewees suggested that it would support record keeping and assist co-ordination if all submissions and responses to WCPFC were copied to the FFA secretariat.
- **RESPONSE: FFA secretariat to pro-actively inform all member governments and relevant stakeholders of capacity building opportunities:** Interviewees expressed concern that FFA members still did not seem to be fully aware of opportunities for capacity building through the GEF program and other aid projects. The FFA secretariat should consider developing a more pro-active communication strategy to inform members and stakeholders of the capacity building opportunities available (such as the example of Tuvalu contracting a consultant to boost their delegation capacity through GEF funding).
- **RESPONSE: FFA secretariat to recruit capacity building facilitator:** The FFA secretariat could consider recruiting a capacity building facilitator (similar



positions at ForSec and SPREP) to pro-actively inform members and stakeholders of capacity building opportunities, identify potential donors and projects to national needs, and work with members to develop funding requests and grant applications.

- **RESPONSE: FFA secretariat to host more management options workshops:** Interviewees expressed support for more management options workshops to further develop policy and build capacity within FFA members to engage in science.
- **RESPONSE: FFA present in-country seminars and personally update senior staff and Ministers each time there is a turnover in staff or Minister at the national level:** Interviewees suggested that the FFA could be more proactive and start again with each new senior departmental official or Minister to compensate for the high staff turnover and government changes.
- **RESPONSE: FFA to undertake regular reviews of institutional and governance gaps at the national level:** Interviewees suggested that this study could evolve into some form of regular review for the FFA.

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- **CONCERN: FFA briefs.**
 - **CONCERN: FFA batting order and speaking points:**
 - **RESPONSE: FFA briefs to provide more analysis and recommendations that supports sub-regional and national interests:** Interviewees suggested that the FFA briefs should offer more specific analysis and recommended options for individual countries to adopt that supported their national interest.
 - **RESPONSE: FFA brief to develop analysis and collective recommendations that better synchronise national positions:** Interviewees suggested that the FFA brief needs further work at trying to synchronise national positions. Interviewees noted that if the brief does not adequately promote collective positions then the members run the risk of opposing each other within the Commission, and noted such a situation would readily be exploited by the distant water fishing nations to their advantage.
 - **RESPONSE: FFA briefs to be less determinative and more informative:** Interviewees suggested that the FFA brief should not be too determinative but should allow members greater leeway to consider their own position to further their national interests.
 - **RESPONSE: FFA briefs to be more pro-active and less historical:** Interviewees suggested that the FFA brief needs to be more proactive and forward looking, rather than looking backward and providing such a detailed historical overview of the issues.



- **RESPONSE: FFA briefs to be build capacity of FFA members to analyse issues:** Interviewees suggested that the FFA brief should focus on increasing the capacity of FFA members to analyse issues
- **RESPONSE: Distribute briefs earlier:** Interviewees suggested that the FFA distribute the briefs earlier to enable members to have more time to prepare.
- **RESPONSE: FFA briefs to discuss the various positions of FFA members and DWFN:** Interviewees suggested that the FFA brief would be more helpful if it provided guidance on the various views of members so that delegates can understand the range of viewpoints and be prepared to discuss them.
- **RESPONSE: FFA briefs to place more emphasis on development issues:** Interviewees suggested the FFA brief should place more emphasis on development and trade issues.

- **CONCERN: Concerns regarding non-FFA participation on FFA member delegations to internal strategy workshops.**
- **RESPONSE: FFC to develop confidentiality guidelines for internal strategy workshops:** Given concerns regarding the presence of non-FFA industry representatives on FFA member delegations, the FFC could consider developing confidentiality provisions for such meetings.

- **CONCERN: Location of FFA secretariat in Honiara.**
- **RESPONSE: Consider establishing service level agreements with regular consultants and relevant experts:** The location of the FFA secretariat is not within the terms of reference for this study. In regard to ensuring that the FFA secretariat continues to maintain its professional capacity, the study notes a suggestion by some interviewees for the FFA to consider using fixed term MoUs or Service Level Agreements (SLAs) to develop and retain experts.

Regional co-operation

- **CONCERN: Conflicting views on the role of the FFA secretariat in regard to strategic planning and the development of regional strategies.**
- **CONCERN: FFA secretariat driving the regional agenda.**
- **CONCERN: FFA, SPC and donors focus on EBFM.**
- **CONCERN: Too much secrecy within the FFA membership.**



- **RESPONSE: Engage FFC in debate to improve information sharing and transparency amongst members:** This report has already identified a range of potential responses at the technical level to increase transparency in fisheries management, monitoring and compliance, licensing (and later access agreements). However, it is likely that a collective mandate is required to help overcome traditional reticence to share information. The AusAID 2020 paper suggests that the FFC should be encouraged to discuss the need for increased transparency. FFC Papers could be developed that propose specific legal and institutional changes to increase transparency in fisheries decision making.¹¹⁷
- **RESPONSE: Regularly review work programme:** Interviewees suggested that the FFA needed to regularly review work in the changing context. Interviewees commented that times change, needs change, members change and consequently the FFA needs to review its focus to continue to be relevant.
- **RESPONSE: Review role of FFA in strategic planning and development:** Interviewees suggested that FFA regional co-operation should be expanded to give the FFA more oversight and engagement. One interviewees commented:

“... (the FFA) ... should cautiously lead members on ... (and the FFA) ... needs to get the members to understand that this is their core business”.¹¹⁸

Interviewees suggested that the FFA needs to develop a forum/mechanism to develop regional and sub-regional strategies. Interviewees suggested that FFA should focus regionally on creative mechanisms to regulate fishing (i.e catch and trade schemes, VDS).

Concern was expressed that there was misunderstanding about the FFA strategic plan. Interviewees noted that the FFA strategic plan is for the operation of the agency, and is not a strategic plan for the development and management of the region’s fisheries.

Interviewees suggested that the FFA should focus more heavily on strategic plans for the region’s fisheries.

- **RESPONSE: FFA and SPC could review outsourcing provision of training:** Interviewees suggested that the provision of training currently performed by the FFA and SPC could be outsourced. It was suggested that training service providers should be engaged who have specific expertise in the relevant field. It was suggested that the FFA and SPC were not good at providing training and they were not the best choice for training. However, interviewees widely supported the FFA workshops (GEF legal workshops and management options workshops) as good examples of FFA expertise being used to help develop capacity and support policy development.

¹¹⁷ Clark, Les. 2006.

¹¹⁸ Interviewee.



- **CONCERN: Poor co-ordination between various donors and aid programs.**
- **CONCERN: Focus of some donor programs**
- **RESPONSE: Review capacity building projects and aid donor co-ordination processes and establish regular donor co-ordination and communication meetings:** Consultations identified some opportunities for increasing co-ordination and information sharing between the major donor bodies working in fisheries. The FFA could consider calling a meeting of all relevant donors to share information on current and proposed projects and priorities, and to discuss opportunities for improving co-ordination and collaboration.
- **RESPONSE: FFA and SPC to focus more on national implementation and national needs:** Interviewees suggested that there was a need for the FFA to focus more on the national needs and priorities and to work bilaterally with members on the current state of implementation and their difficulties with implementation. Interviewees suggested that there needs to be a re-balancing of the top-down centralised approach that some thought had developed in recent years within CROP agencies, particularly in regard to the FFA and SPC programmes.

Interviewees expressed concern that the FFA and SPC have both become too top-focused, focusing on their own activities and programs that self-perpetuate, rather than focusing directly on the needs of their members. Interviewees suggested that it was important for the FFA secretariat and other regional organisations to better balance national and regional capacity building and support. It was suggested that these agencies have to take a regional view, while balancing this with working more effectively in-country of FFA members. Interviewees suggested that CROP agencies need to more sharply focus their work on the members.

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- **CONCERN: Lack of verification systems in WCPFC to confirm that members are implementing their obligations effectively.**
 - **CONCERN: Lack of understanding and implementation of sanctions for non-compliance with WPCFC.**
 - **CONCERN: Lack of understanding of the full implications of the VDS (and consequently difficulties with implementation).**
 - **CONCERN: Concerns regarding MCS weaknesses in the PNA VDS.**
 - **CONCERN: Role of the PNA and the FFA.**
 - **CONCERN: Concerns with the FSM arrangement.**



- **CONCERN: Concerns regarding poor implementation of the WCPFC Conservation Measures.**
- **CONCERN: Lack of working group within WCPFC for developing Conservation and Management Measures.**
- **CONCERN: WCPFC scientific committee and its science:**
- **RESPONSE: Strengthen the PNA as an interest group and trading bloc:** Interviewees suggested that the PNA should be strengthened as a special interest group and as a trading bloc. It was suggested that the PNA should work closely together and assist those who may have difficulties implementing the VDS to ensure that the scheme does not fall through.
- **RESPONSE: PNA to organise a workshop on implementation of the VDS:** Interviewees who were struggling with understanding the implications of the VDS suggested that they needed a workshop on the issue that would support their understanding of the scheme and its practical implementation.
- **RESPONSE: Review the role of the PNA within the FFA:** Interviewees suggested that the performance and role of the PNA within the FFA should be examined.



Section 4.8 Development & Infrastructure

- **CONCERN:** *Lack of fisheries development vision and whole-of-government strategy.*
- **CONCERN:** *Lack of regional strategic leadership in southern albacore group.*
- **CONCERN:** *Lack of navigation and harbour infrastructure.*
- **CONCERN:** *Over-capacity of fishing vessels undermines local development.*
- **RESPONSE: Develop whole-of-government vision and strategy for fisheries development:** Interviewees suggested that a whole-of-government vision and strategy was required to support fisheries development. These strategies should focus on areas of maximum opportunity rather than focusing on areas of maximum convenience. Interviewees suggested that development requires in-country officials and industry to recognise and develop what is commercially viable and ensure that it is good for local people, not just for the foreign end.

Interviewees suggested that major infrastructural improvements were required to enable commercial fisheries operations to be successful in their country. When preparing a development vision and strategy, members could consider reviewing infrastructural obstacles and prioritise infrastructure projects in line with the development strategies vision and goals.

- **RESPONSE: Limit number of licenses:** Interviewees supported limiting licenses to increase CPUE returns and returns.
- **RESPONSE: Utilise access fee funds to support business ventures that build on national strengths:** Interviewees suggested that those coastal States where access agreements are the most profitable method for exploiting fisheries could consider contributing part of these funds to build investment in other development opportunities where the country is not limited by location and specific skill sets. In such cases, access fee returns could fund other ventures that are more viable and profitable and that utilise skills and networks of local people through individual training and employment.
- **RESPONSE: Development to occur incrementally:** Interviewees supported incremental development as blanket initiatives often resulted in disaster.

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- **CONCERN:** *Lack of government support for developing local fisheries businesses.*
 - **CONCERN:** *Low priority given to development of local fisheries businesses.*



- **CONCERN: Lack of a competent authority and legislative framework to officially sanction the quality of export products.**
- **CONCERN: Difficult immigration processes for importing foreign workers.**
- **CONCERN: Inconsistent application of STCW-95 requirements creates unequal playing ground.**
- **RESPONSE: Improve government support for fisheries development:**
Interviewees emphasised the important supportive role for government to play and suggested that fisheries agencies should be driving development. Interviewees suggested that both industry and government needed to collaboratively build their capacity and understanding to develop fisheries and achieve their vision. One interviewed suggested:

“There should be more emphasis on partnership from the government rather than direct competition.”¹¹⁹

Interviewees suggested that fisheries agencies should be receptive to changes and not stall development of the fishing industry. Governments should streamline their bureaucratic processes and reduce their decision making time.

- **CONCERN: Lack of consistency, certainty and security.**
- **RESPONSE: Consistent, co-ordinated, stable and predictable policy and regulatory environment:** Governments should establish consistent, co-ordinated and predictable policy and regulatory frameworks through consultative and transparent processes (i.e management plans developed through consultative meetings). Interviewees suggested that cross-sectoral transparency, consistent policy and support, and co-ordination between departments were important to development. Development of policy and regulations should consider all matters relevant to fisheries development, including: investment; ease of administration; tax implications; environmental management; social and community issues; human resources; and a business friendly environment.

Interviewees noted the damaging impacts that a lack of certainty or security has on fisheries development. Development agencies have identified that a stable, reliable set of policy measures and a stable trading environment is far more attractive to investors than financial concessions.¹²⁰ Gillett’s 2003 study supported these findings and linked policy stability to the importance of functional tuna management plans (which are discussed further in Section 2.11):

‘... a stable/reliable set of policy measures is perhaps the most important single item for attracting investors that a government has power to control.

¹¹⁹ Interviewee.

¹²⁰ Pollard, S. 1995. Tuna Industry Development Study – Regional report. Report 95/66, Forum Fisheries Agency. Honiara.



Considering this importance and the positive impact on the situation that functional tuna management plans can have, additional attention seems warranted.¹²¹

- **CONCERN:** *Lack of understanding and expertise in business principles and industry development requirements in national and provincial government.*
- **CONCERN:** *Lack of interest and expertise in fisheries development within local citizenry.*
- **CONCERN:** *Lack of support for business mentoring and/or training.*
- **CONCERN:** *Lack of business and political skills within local industry.*
- **CONCERN:** *Lack of local interest in fisheries development.*
- **CONCERN:** *Lack of skilled labour.*
- **CONCERN:** *Too many regional meetings exacerbating lack of capacity within national fisheries agencies and holding up fisheries business.*
- **CONCERN:** *Slow decision making processes.*
- **CONCERN:** *Lack of appropriate legislation.*
- **CONCERN:** *Lack of cohesion amongst local operators.*
- **RESPONSE: Build capacity of members to drive and develop sub-regional fisheries development strategies:** Interviewees noted that some FFA members clearly have a strategic capacity to develop their own fisheries, but suggested that the southern albacore group currently lacks sub-regional leadership. Relevant FFA members could consider prioritising current work within the southern albacore grouping to develop their strategic capacity and develop a collective fisheries development strategy. Interviewees suggested that regional development needs a better strategic focus that maximises economic returns through co-operative arrangements where relevant. They suggested that narrowly focused national fisheries development plans, and the proliferation of multiple canneries, were less profitable and efficient than the development of collective fisheries strategies and sub-regional hubs.
- **RESPONSE: Build capacity of fisheries associations:** Interviewee suggested that further work was required to build up the capacity of industry associations to be able to develop and inform governments of their development needs. See section 2.6 for further discussion.

¹²¹ Gillett. 2003.



- RESPONSE: Develop fisheries development business workshops for stakeholders and officials:** The FFA could consider facilitating workshops for fisheries industry stakeholders and relevant government officials on business needs, government constraints and development opportunities. The workshop could adopt a participatory approach where participants presented some of the seminars while the FFA facilitated discussions of needs, constraints and opportunities. The purpose of the workshop would be to build expertise, knowledge, relationships and mutual understanding amongst participants in fisheries development opportunities, constraints and practical realities. Interviewees noted that the institutional knowledge of business needs and realities was improving thanks to the DEVFISH project getting private sector involved in delegations.
- RESPONSE: Facilitate fisheries business training workshops for Pacific fisheries industry leaders and entrepreneurs:** The FFA could consider commissioning suitable experts to provide training workshops in relevant business skills. Interviewees supported a fisheries business training workshop that went beyond how to catch a fish (something most fishermen already know) and focused on how to operate, trade, market and expand their business within the Pacific context. This could potentially lead into further workshops and drive discussions and collaboration on developing regional co-operative approaches to implementing MEY and auction models and strategies. One interviewee commented:

“In terms of support, forget the reports and consultants, we really need one on one support. We know how to fish, what we need is more sophisticated business skills.”¹²²
- RESPONSE: Improve crew and officer training opportunities for FFA citizens:** Interviewees suggested improving training for islander crews and officers to improve participation in fishing fleets and observer schemes. It was noted that islander crews bring remittances home.

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- CONCERN: Licensing does not provide enough long term certainty for investment.**
 - RESPONSE: Extend licensing period from 1 year to 3 or 5 years:** Interviewees suggested that the period for which licenses are issued should be extended to somewhere between 3 and 5 years. This was because the common license period, 1 year, offered too little certainty and created obstacles to investment.
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- CONCERN: Criteria for licensing and access agreements too narrowly focused on immediate best price.**

¹²² Interviewee.



- **RESPONSE: Develop licensing/access criteria that considers compliance history and opportunities for local crew:** Interviewees suggested that vessel and fleet compliance records and employment of local crews and officers should be considered when negotiating licensing costs. Interviewees noted the high compliance costs and difficulties with misreporting (see Sections 2.3 and 2.4 for further discussion).

Interviewees suggested that remittances were an important development opportunity and that government should encourage development and licensing of vessels that promoted local crews. Interviewees noted that while local crews were often more expensive than Asian crews (and consequently vessels were less likely to pay high fees), there were broader returns through remittances. Savings from these wages and remittances enabled returned crew to invest and establish their own domestic ventures.

- **CONCERN: Lack of capital or access to finance.**
- **CONCERN: Lack of incentives for foreign investment.**
- **RESPONSE: Review policy and programme options to support capitilisation for local fisheries entrepreneurs:** The FFA could commission a review of potential policy and programme options for FFA members to support fisheries investment. The review should include a risk analysis for each option and a discussion of its success or otherwise in the FFA region.

Interviewee suggested that local operators needed major support in capitilisation for local operators to start large scale commercial fishing ventures. Interviewees suggested that governments should create special incentives for fisheries due to the inherently high risks involved in fisheries investments. Interviewees noted that the PNG NFA has provided a credit facility of 15 million kina for 3 years to assist fisheries related development. This is provided through the development bank with guidelines provided to guide bank in disbursement of funds.

- **CONCERN: Problems with taxation regimes.**
- **RESPONSE: Review taxation constraints on fisheries development:** The FFA could commission a review of taxation costs, exemptions and options to encourage fisheries development within the FFA region. Interviewees suggested various taxation changes to encourage development. These suggestions ranged from targeted exemptions on vessels, gear, bait and spare parts. Gillett noted in 2003 that the various tax regimes can have a very large and different effect on tuna industry development. He noted that most FFA members had not had their fisheries taxation specifically scrutinised and that fisheries taxation was possibly not suitable to the current requirements of fisheries development.



- **CONCERN: Unreasonable competition from government owned fishing companies.**
 - **RESPONSE: Governments to consider re-structuring government owned/operated fisheries business to avoid direct competition with local privately owned/operated fisheries business:** Interviewees suggested that government owned/operated fisheries development business should restructure so that they avoid direct competition with other local commercial fisheries operators. Some interviewees commented that they need more support from their government for development, not more competition from government commercial activities.
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- **CONCERN: Corruption is an important concern for industry.**
 - **CONCERN: Poor co-ordination between provincial and national governments.**
 - **CONCERN: Poor consultation and communication with stakeholders: Lack of cohesion amongst local operators.**
 - **RESPONSE: Fisheries development assessments should be inclusive, consultative and consider all relevant matters, not just immediate economic:** Interviewees suggested that assessments of potential development opportunities needed to be more inclusive and engaging for local communities to maximise returns to the benefit of FFA members. Reference points for such analysis need to be broader than just GDP but must also consider broader socio-economic and environmental indicators. Interviewees suggested a broader outlook was needed for development.
 - **RESPONSE: Establish/revive stakeholder consultations processes:** Interviewees suggested that government and industry should work towards improving communication, consultation and relationships between the two. See section 2.6 for further discussion of potential mechanisms.
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- **CONCERN: Poor co-ordination of negotiations for EC Fisheries Partnership Agreement.**
- **CONCERN: Difficulties with meeting EC import accreditation requirements.**
- **RESPONSE: FFA and ForSec to review effectiveness of negotiations with EC:** The FFA and ForSec could review their co-ordination and input into EC trade negotiations to identify opportunities for improvement and recommend mechanisms to support FFA member's negotiations with market states.



Section 4.9 Access Agreements

- **CONCERN:** *Lack of fisheries development vision and whole-of-government strategy.*
- **CONCERN:** *Weak enforcement of regional and bilateral access conditions.*
- **CONCERN:** *Weak delegations to access agreement negotiations.*
- **CONCERN:** *Lack of economic analysis for access agreement negotiations.*
- **CONCERN:** *Limited use of FFA and SPC support for access negotiations.*
- **CONCERN:** *Lack of capacity to prepare for and negotiate access agreements.*
- **RESPONSE:** **FFA develop a workshop on national and collective opportunities for increasing returns from oceanic fisheries:** Interviewees suggested that the FFA hosts a workshop on national and collective opportunities for increasing returns from oceanic fisheries. This workshop would focus on access agreements and other options to optimise fishing returns. The workshop could discuss both short and long term matters.

Firstly, the workshop could discuss opportunities to improve preparations for negotiations and increase the capacity of FFA members to undertake economic analysis. Interviewees suggested, to maximise the effectiveness of this component, FFA members could agree to bring access agreement data and discuss their individual experiences. One interviewee noted that their country supplied access agreement revenue data to the FFA for analysis and suggested that if other FFA members wanted access to this data to help them to negotiate a better access deal with DWFN, then they would support this.

Secondly, the workshop could discuss strategic opportunities to improve returns in the long term and build the capacity of FFA members to develop national and sub-regional development strategies. Such a workshop should be tied in with similar matters raised in Sections 2.7 and 2.8 and explore all options for optimal development. Interviewees noted the changing nature of the WCPO fisheries, partly due to the establishment of the WCPFC, and suggested that the ‘game’ was changing, presenting new opportunities. The AusAID Pacific 2020 background paper on fisheries suggests that the increasing introduction of fishing limits and the tightening of access to both EEZ and high seas fisheries presents new opportunities:

“The timing seems favourable for some bold, innovative approaches ... Countries can increase their returns further by collaborating more closely to harmonise fees or provide access to a wider area for a single license, to work together in processing and marketing supplies from the region to world markets, and to tie access to trade opportunities. A further opportunity for



increasing benefits lies in getting away from the current practice of licensing whole fleets under access agreement, and instead dealing with individual boat-owning companies, making them compete against each other by using, for example, tendering and auctioning processes.”¹²³

Barclay and Cartwright proposed similar suggestions in their 2006 development paper. They suggested:

“The case studies demonstrate that in addition to access fees and fisheries aid, some PICs have drawn benefits from DWFs through spin-off businesses from fleets transshipping in port. Many reports have already been written about how PICs may increase their level of access fees, so our recommendation for access fees is to follow up on ideas raised in those reports and make a more concerted effort to reform access fee negotiations.”¹²⁴

- **RESPONSE: FFC to discuss and consider endorsing benefits of increasing co-operation and collective approaches to access negotiations:** Interviewees suggested that FFA members should co-operate further and develop a more united front on access agreement negotiations.
- **RESPONSE: Develop support mechanisms to build capacity of FFA members to undertake fisheries economics analysis:** The FFA could develop capacity building projects that work in-country to support and train FFA member’s in their capacity to undertake economic analysis of fisheries matters.
- **RESPONSE: Build national capacity of FFA members to prepare for, and participate in access negotiations:** Interviewees suggested that it was important to build the capacity of FFA members to engage in access negotiations. They supported national capacity building in preparation and participation in international negotiations, co-ordination of briefs and whole of government positions, and negotiation skills.

Interviewees suggested that a systematic way of preparing and co-ordinating inputs from all stakeholders and developing whole of government positions was needed for access agreement. They suggested that members should build their capacity, and fully utilise support mechanisms, to undertake economic analysis of key factors before beginning access negotiations. Interviewees suggested that FFA members should make better use of the FFA knowledge and expertise when negotiating access agreements. This could include: economic analysis; preparation of briefs; support for delegations; and on-the-road analysis of proposed agreements.

Interviewees suggested that access agreement negotiating delegations should include advice and analysis from all relevant departments and stakeholders, not just fisheries. This should include greater participation from finance and

¹²³ Clark, L. 2006.

¹²⁴ Barclay, K. and Cartwright, I. 2006.



treasury, and in some cases, labour, due to the requirements to offer employment opportunities in access agreements.

The FFA could consider commissioning expert providers to develop and implement a training course for national delegations on preparation processes and materials for access negotiations. This course could be focused nationally and work in-country broadly with all levels of officials within relevant departments. This would minimise the impacts of staff turnover.

- **RESPONSE: Improve MCS mechanisms and enforcement of access conditions:** Interviewees suggested that their ability to negotiate access agreements would be enhanced if their patrolling/surveillance capacity and their enforcement of access conditions was improved. This would enhance their ability to monitor catch data and regulate fishing activity.
- **RESPONSE: Increase transparency in access agreement negotiations and revenue:** Interviewees suggested that FFA members should increase transparency and accountability of access negotiations and revenue. These initiatives should; improve accountability of delegations and enable better assessment of their performance; improve transparency of negotiations to counter corruption concerns; improve transparency of agreements increase competition and increase returns to FFA members; and improve transparency of revenue to better enable data analysis and advice to negotiating delegations.

“It is essential that national and international decision-making on access agreements be conducted in the public domain and that the texts of bilateral access agreements be freely and fully available to the public.”¹²⁵

Interviewees suggested that access agreements should be publicly available and access negotiations should only occur in-country, preferably in the capital. Delegations should include representatives of all relevant government agencies. Interviewees noted that PNG had addressed past corruption and transparency concerns relating to access agreements by requiring that access agreements can only be signed in the capital, Port Moresby. Other examples were cited of FFA members that had attempted to implement similar restrictions as PNG but failed due to a lack of political will and DWFN pressure to host meetings in their country. Restricting access negotiations to in-country improves transparency, saves costs, maximises participation from all relevant delegations (not just those individuals who’s travel costs are paid by the DWFN), and mitigates opportunities for corruption.

Interviewees suggested that a critical step to improving returns from access agreements was to improve transparency in access fee revenues and improve accessibility and quality of data. It was suggested that improvements in transparency would support improved economic analysis of access fees and prices, and enable FFA members to inform negotiating delegations to the same

¹²⁵ Martin, W., Lodge, M., Caddy, J. and Mfodwo, K. 2001. A Handbook for Negotiating Fishing Access Agreements. WWF.



level as DWFN delegations (if not more), and introduce more competition between DWFN into negotiations. Interviewees suggested that increases in transparency, regarding domestic fisheries revenue within FFA members, was critical to developing future models, such as auctions or options to fish, that could bring increased revenue to FFA members. This information ideally should be fully public and as transparent as possible, but at least should be shared internally within the FFA.

To support this, interviewees suggested that the FFC could discuss endorsing the removal of all confidentiality provisions from future access agreements (noting that some DWFN and other countries have already done so).

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- **CONCERN: Gaps in financial reporting of access fee revenue.**
 - **RESPONSE: Improve financial reporting of access revenue through annual reports to parliament and other formal mechanisms.:** Interviewees suggested that revenue reporting amongst FFA members needed to become more detailed in regard to source (i.e Japanese LL, Korean PS, Fleet A) and more transparent. This would improve the ability of governments to undertake further economic analysis of their agreements and licensing revenue and improve accountability and governance. Annual reports to parliament provide a useful mechanism for these improvements.



Section 4.10 Political Engagement

- **CONCERN: Lack of political engagement and will.**
- **CONCERN: Lack of expertise and understanding of fisheries and legislative matters amongst political leadership.**
- **RESPONSE: Build media profile of fisheries issues:** The FFA could recruit a media officer to engage media on fisheries issues and the importance of fisheries, nationally and regionally. This could increase political engagement.
- **RESPONSE: Build the capacity of stakeholder associations and NGOs to inform and engage communities and stakeholders on fisheries matters:** Fisheries agencies and the FFA/SPC could consider building the capacity of industry associations and NGOs to inform and engage their community stakeholders in fisheries matters. These organisations have the ability to actively drive specific concerns and avoid inter-agency conflicts. Increasing community engagement on fisheries issue should raise the profile and importance of fisheries with government and increase political engagement.
- **RESPONSE: Increase involvement of FFC in technical fisheries issues:** Interviewees noted the FFC Ministerial as a good opportunity to engage Ministers in real fisheries issues. Interviewees noted the poor ministerial turnout in 2007 and suggested that the FFA Director General should address invitations directly to the Fisheries Minister and describe the importance of the issues under discussions, and the specific importance of their high level engagement. They suggested that FFCs need to be better managed to focus on core management and conservation issues, and less on administration.
- **RESPONSE: Develop information seminars for political leaders and senior officials:** Interviewees suggested that the FFA develop information seminars for politicians and senior bureaucrats on the ecological realities and limitations of fisheries management. These programmes could highlight the importance of fisheries, regionally and nationally, and discuss key opportunities and threats. Programmes could be presented in-country by regional charismatic leaders with a background and expertise in regional development and governance.
- **RESPONSE: Increase whole-of-government engagement in fisheries:** Interviewees suggested that all levels of government and community should increase their engagement in sustainable fisheries management to ensure adequate resourcing and support for due process, strong regulatory schemes and sustainable management practices. Improved ministerial engagement would improve implementation and mitigate against short term concerns undermining implementation or regulation (i.e licensing too many boats, failure to enforce regulations). Interviewee suggested that fisheries issues should be on the agenda for relevant departments such as finance/treasury, environment, foreign affairs, investment and development.



Section 4.11 Policy and Legislation Frameworks

- **CONCERN:** *Lack of policy framework with clear vision for fisheries.*
 - **CONCERN:** *Poor consultation in the development of management plans.*
 - **CONCERN:** *Poor implementation of fisheries management plans and legislation.*
 - **RESPONSE: FFA and SPC to review the development and implementation of management plans across the region and identify constraints and lessons learnt from previous experiences:** The FFA and SPC could consider undertaking a regional review of all FFA member management plans and policy frameworks to examine their level of implementation and key constraints undermining their effectiveness. The review could include an analysis of lessons learnt from previous experience and provide recommendations to FFA members considering reviewing or developing management plans and policy frameworks.
 - **RESPONSE: Development and reviews of management plans should be highly consultative and engage all stakeholders:** Interviewees suggested that development of management plans should engage community consultation during early drafting. Interviewees noted that the successes of the Fijian and PNG management plans and suggested that this was due to a high level of (sometimes highly contentious) consultation and engagement during their development. Interviewees suggested that these plans are focused and relatively short documents and are taken seriously by PNG and Fijian stakeholder.
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- **CONCERN:** *Inadequate legal framework for fisheries management.*
 - **CONCERN:** *Inadequate legislation to address IUU fishing.*
 - **CONCERN:** *Poor regulations undermining fisheries development.*
 - **CONCERN:** *Some management plans lack legal authority.*
 - **RESPONSE: Develop legislation to implement management plans:** Interviewee suggested that management plans should be supported in legislation. Interviewees particularly noted legal mechanisms should support reporting requirements and noted that it was very difficult to enforce reporting requirements without these mechanisms.
 - **RESPONSE: Legislate requirements for consultation and transparent fisheries governance to support management plans:** Interviewees suggested drafting or amending legislation (where necessary) to require consultation with stakeholders and transparent governance.



- **RESPONSE: Tighten foreign investment legislation to improve transparency:** Interviewees suggested tightening foreign investment laws to improve transparency and address foreign companies masquerading as local industry through front companies.
- **RESPONSE: Develop legislative and policy frameworks to implement WCPFC and UNFSA:** Interviewees suggested that the development of an effective legislative framework for implementing WCPFC and UNFSA measures was a critical priority.
- **RESPONSE: Amend legislation to support on-the-spot fines:** Interviewees suggested legislation be amended to allow for on the spot fines as this would avoid need for lengthy prosecutions that prevent patrol boats from multiple inspections and tie up scarce resources.
- **RESPONSE: Amend legislation to increase penalties:** Interviewees suggested that their legislation needed to be amended to increase penalties to an effective level as penalties were currently too low.

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- **CONCERN: Bureaucratic obstacles to amending legislation.**
 - **CONCERN: Lack of legal capacity.**
 - **RESPONSE: Recruit and train legally trained staff:** Interviewees noted examples where some FFA members employ staff with legal training. These staff can draft legislation, assist in prosecutions and provide technical advice on enforcement of violations of fisheries regulations and legislation.



Chapter 5. Recommendations & Workshop Summary

Section 5.1 Study Recommendations for Priority Capacity Building

This study identifies a plethora of governance and institutional gaps and challenges. In some circumstances, these gaps pose significant challenges to many FFA members. In most circumstances, these gaps pose significant challenges to some members. In all circumstances, it is in the national interest of FFA members to strengthen and support the national governance and institutions of each and every FFA member.

The migratory nature of the region's fisheries, and the inter-dependent regional institutions, require the effective participation by all FFA members. The success or failure of regional instruments such as the WCPFC, the HMTCs or the PNA VDS depend upon the effective participation of members and their ability to implement decisions within the national context. The inability of some members to effectively participate and buy in to regional decisions undermines the ability of the entire region to sustainably manage and benefit from their fishery resources.

Collective regional strategies require the informed will of all individuals involved. This requires that all FFA members have the national capacity and confidence to determine and pursue their own national interest, within their vision of a collective strategy. The compromises and balancing required in any collective strategy require members to make these compromises in the full knowledge of their strategic context. Otherwise, nice words and silences simply provide a treaty-thin veneer with little real substance underneath.

Analysis of the consultations, literature and workshop identifies 26 governance and institutional gaps that are priorities across the region, either because of their significant direct national impact on some members, or their significant indirect impact on all members through the challenges they pose to participation and implementation of regional agreements. These gaps and weaknesses interact with each other and exacerbate each weakness. These are priorities at a broad level. At a national level, some countries will have different specific challenges and priorities. The 26 broad key governance and institutional gaps and weaknesses are described in detail in Chapter Three and are summarised below in no specific order:

Section 5.2 Key Governance and Institutional Gaps and Challenges

- 1. National institutions lack adequate resources and ability to effectively manage their fisheries:** Many FFA members simply lack the resources to manage their fisheries sustainably or effectively implement national and/or regional conservation and management measures.
- 2. Lack of harmonised management at the sub-regional level:** National management efforts can be undermined through the actions of neighbouring countries. Interviewees noted an example where one FFA member had (largely)



successfully implemented its management plan and reduced the number of vessel licenses. However, during this time its neighbour was simultaneously increasing licenses for the same migratory fish. Despite these apparently contradictory management responses, there was no formal discussion between two members on developing a co-operative approach.

- 3. National institutions lack the capacity and procedures to adequately review license applications:** Some FFA members do not have the capacity or procedures to adequately review license applications and depend entirely upon the FFA Registry of Good Standing. Most interviewees described licensing processes as simply requiring a quick check of documentation to ensure everything had been filled out before issuing a license upon receipt of payment of fees. Some interviewees stated that their government checked that the vessel was on the FFA registry and/or met FFA VMS requirements and/or met broader MTC requirements. Interviewees in some FFA members contradicted each other about what the actual process was for reviewing a license application, suggesting a lack of clear process and confusion.
- 4. Lack of transparency in licensing:** Interviewees noted widespread corruption problems in past licensing of fishing vessels and expressed concern about an ongoing lack of transparency or accountability in licensing.
- 5. Weak license conditions:** Various examples were noted where implementation of the FFA HMTCs and/or WCPFC requirements was inconsistent and poorly monitored. Interviewees noted that some members do not require HMTCs for their licensed vessels or exempt some bi-lateral vessels from HMTCs (such as VMS or the FFA registry) or other conservation measures such as shark finning bans. Interviewees noted that some members pick and choose which HMTCs to implement due to a perception that they cannot implement and monitor them all. These members will attempt to fit the HMTCs to their national priorities.
- 6. Poor enforcement of license conditions:** Various examples were noted of very lenient responses to license condition violations. Interviewees suggested that many FFA members regarded breaches of license conditions as unimportant and suggested that responsive action would be blocked at the Ministerial level.

Compliance with reporting conditions was inconsistent and/or poorly monitored. To a large degree, compliance failures can be attributed to the poor enforcement of reporting conditions. While there are obvious concerns regarding misreporting for fraudulent purposes, it also seems that reporting is often weak because the incentives to report are weak (i.e industry is less likely to accurately report catches if there is little or no punitive response).

- 7. Lack of verification of catch data to determine levels of misreporting and/or to determine levels of accuracy:** Interviewees raised concerns that there may be widespread misreporting or laundering of catch taken from their EEZs and claimed as catch from the high seas, but few had the analytical or monitoring capacity or the actual data to verify if this was true. Interviewees noted that it was



currently difficult to determine levels of compliance with logbook and catch reporting requirements and that it was difficult to know if the fishing vessels were accurately reporting or misreporting. Interviewees noted that there are currently no specific mechanisms for systematically verifying catches by DWFNs across the region, particularly in regard to longline catches.

Interviewees noted multiple examples where ad hoc cross-verifications of catch reports against export sheet data, VMS data or observer data detected discrepancies in either the catch log reports, or the other data source used to cross-check the catch log reports (i.e VMS). The responses from interviewees suggested that ad hoc verifications generally detected discrepancies.

8. Poor implementation of national observer programmes: Interviewees noted problems with implementing observer schemes and noted very poor coverage rates for all fleets. Interviewees suggested that their observer programmes were undermined by a chronic shortage of observers due to a lack of interest from their staff or citizens to go to sea for any significant period of time (days). These problems were exacerbated by the high turnover of observers caused by the poor employment conditions for observers as they were only employed part time or only paid on placement. Interviewees also suggested that the national observer programmes suffered from a lack of support from national governments.

9. Poor operation and enforcement of vessel monitoring systems (VMS): Interviewees noted various problems with the FFA and national VMS systems at both the regional and national level. One interviewee commented:

“(VMS) is a good tool as long as it works, as long as it is not switched off, as long as there is effective control – otherwise it defeats the whole purpose.”

Interviewees noted that the VMS must be supported by effective MCS programs in order for it to be effective. However, interviewees suggested that currently there are no punitive actions taken against vessels who turn their VMS off. Interviewees suggested that the real problem wasn't necessarily the VMS, but the lack of monitoring, compliance and enforcement.

10. Weak whole-of-government: Weak governance was widely regarded as a critical obstacle to implementing strong fisheries management and profitable development. Interviewees commented that fisheries management reflects the best of governance generally across whole-of-government. The quality and effectiveness of the fisheries department is limited or supported by the quality and effectiveness of the rest of government. Furthermore, interviewees noted that the effectiveness of regional institutions relies upon the effectiveness and ability of national governments to implement actions and engage in co-operative measures (depending in part upon the objectives of the specific institution or project).

11. Lack of human capacity within whole-of-government: Interviewees widely noted that a lack of capacity within government was a critical problem undermining fisheries management. This was both a problem of numbers of staff



and levels of skill, experience and knowledge. This lack of capacity was caused in large part by the small national population providing too few skilled staff and better opportunities available overseas. Interviewees commented that the high turnover of senior staff and Ministers, and the transitory and short term nature of staff in government is a constraint on capacity. Furthermore, it was noted that this turnover can undermine the impact of capacity building programmes as good staff who have gone through training in fisheries department can then move on to other departments taking this new capacity with them (at a loss to the fisheries department). Interviewees suggested that the recruiting practices of the FFA and SPC secretariats were undermining the capacity of their members by recruiting their best national staff.

- 12. Poor decision making process and systems:** Interviewees raised concerns with the lack of process, accountability and transparency in decision making. This is a key concern as policies or decisions that are known only to the specific administrators distort the governance process and undermine implementation.¹²⁶ One interviewee commented:

“One man decisions are the biggest obstacle to sustainable management. The department of fisheries does everything without proper consultation. We don’t know what’s going on.”

- 13. Corruption:** Interviewees noted that corruption was a big issue, occurring at both the political and operational levels. Interviewees noted examples where both forestry and fisheries were large revenue earners but had both suffered heavily from corruption. Other examples were discussed where politicians were directly involved with foreign domestically based fishing vessels, opposed crackdowns on IUU fishing and opposed strong anti-IUU fishing measures. Interviewees also suggested that low salaries and the poor status of fisheries officials created temptations for corruption. Interviewees noted that often the only government watchdog monitoring corruption allegations or evidence were the courts. However, courts were not adequate to this task as they can only act once a case is brought before them and cannot proactively investigate allegations.

- 14. Lack of strategic analytical capacity:** Some FFA members lack strategic analytical capacity. Without a clear analysis, understanding, vision and strategy – many FFA members find it difficult to effectively support their aspirations and work within regional fora to best advance their interests. Furthermore, the lack of a clear vision of national interest limits the ability of fisheries departments and stakeholders to prioritise and motivate communities and governments to implement actions.

- 15. Lack of strategic planning:** Interviewees noted that a key gap throughout the region was the lack of strategy development, setting of national objectives and national planning. Concern was expressed that some members were confusing tuna management plans as the same as strategic development plans or strategic

¹²⁶ Mellor, Thuy and Jabes, Jak. 2004.



agency/institution plans. Interviewees suggested there was a need for institutional and organisational strategic plans – not just fisheries management plans.

- 16. Poor co-ordination and communication:** Some FFA members suffer from poor co-ordination and communication processes between fisheries and other departments. This lack of consultation and poor or non-existent communication was also problematic internally within fisheries departments and externally with stakeholders. Interviewees noted that poor co-ordination and communication processes and skills (both at the institutional and individual level) exacerbated capacity limitations and were negatively affecting implementation and operation of fisheries management and development across the region.

Interviewees noted that the multi-disciplinary nature of fisheries management results in some antagonism between the agencies responsible for implementation. In this context, it was noted that the relationship between licensing and enforcement agencies throughout the region is often weak. Similarly, interviewees noted that there was often a disconnection between fisheries and environment where the fisheries department did not engage or view environment departments as relevant to fisheries concerns. Additionally, there were problems with other departments not always implementing or performing work as quickly as the fisheries department would prefer. Interviewees noted examples of internal battles between departments where one department would respond negatively to a request to develop/implement new regulations or processes arising from international negotiations and refuse to support such measures because it was not consulted or engaged or did not participate in the negotiations leading to such a measure.

- 17. Lack of consultation with industry, community and NGO stakeholders:** Examples were noted where governments undertook no consultation with stakeholders or communities when developing fisheries policy or national positions. In general, interviewees commented that consultation and information sharing with civil society, communities, NGOs and associations across the region was low to medium. It was noted that consultation was particularly poor with communities and small scale industry, even in cases where consultation occurred with large scale industry and NGOs.

- 18. Poor co-ordination and engagement of relevant departments and/or lack of any whole-of-government process for developing national positions:** Many FFA members suffer from weak whole-of-government processes for developing foreign policy. Interviewees noted poor engagement of relevant departments beyond fisheries in delegations to regional and international meetings.

- 19. Minimal capacity to analyse/determine national interest and develop strategies in context of regional fisheries management deliberations:** Interviewees noted that many members lacked the capacity to analyse and determine their national interest and develop strategies and positions at international meetings that best served their national interest.



Interviewees observed that some members relied heavily on the FFA briefs due to their lack of capacity to determine their own national interest. However, interviewees cautioned that some members had no capacity to analyse the FFA brief in the context of their national interest and position. Examples arose of some delegations that did not necessarily agree with the FFA recommendations, but did not have the capacity to analyse and determine their own national position. The heavy reliance on the FFA brief (and its recommended positions) means that some members are unable to participate in negotiations when there is a lack of consensus within the FFA. Without an agreed FFA position, some members are effectively left with no position as they have no national interest analysis or national brief to fall back upon.

20. Lack of negotiating skills: Interviewees suggested that they lacked capacity and confidence to negotiate at international levels and required training in negotiation skills. Even those members who had the legal, policy and analytical expertise to understand and analyse meeting deliberations and determine their national interest, still noted that they lacked the negotiating and strategic expertise to pursue their national interest. Interviewees complained of being overwhelmed by the speed in which discussions took place at the WCPFC and the advocacy skills of the fishing nation delegates.

21. Lack of post-meeting evaluation and reports from delegations: Interviewees noted the lack of post-meeting reports or de-briefings from delegations that had attended international meetings. This lack of reporting prevented other departments from understanding, implementing or engaging in international agreements and their obligations. Interviewees also suggested that there would rarely (if ever) be any post-meeting reports that would include analysis of the implications of WCPFC decisions and measures.

22. Lack of fisheries development vision and whole-of-government strategy: Interviewees suggested that some FFA members lacked a comprehensive vision and whole-of-government strategy for the development of their fisheries industry. Interviewees noted obstacles to development where member governments have a tendency to focus narrowly on a single vision in isolation (i.e development of air travel focusing on passengers without adequate consideration of the needs for industry to move air freight such as fresh fish).

23. Weak delegations to access agreement negotiations: Interviewees noted that some negotiating delegations to access agreements lack political will, expertise and knowledge. Furthermore, they often comprise only fisheries agency officials with no input or advice from finance or treasury agencies, despite the lack of economic or financial expertise within the delegation. In some cases, this was despite stated interest from treasury and/or finance to participate. Interviewees noted a lack of capacity in some FFA members to prepare for and negotiate access agreements, particularly in regard to economic analysis. Interviewees noted the importance of fisheries data collection and analysis in order to provide information to support access negotiations.



24. Lack of transparency in access agreement negotiations: Interviewees noted the problems with the often secretive nature of access agreement negotiations, with most access agreements not being publicly available. As a consequence, it was difficult to ensure accountability of delegations, or readily calculate what level of returns (individually or collectively) FFA members were collecting through access agreements.

25. Lack of political engagement and will: A lack of political will and engagement by senior government was a critical obstacle amongst some FFA members. Interviewees suggested that there was no clear understanding of fisheries issues at the national level and some FFA members lacked political leadership on good governance. They noted a particular need to engage economic and financial Ministers – not just fisheries Ministers. Interviewees commented:

“There is a lack of real leadership from heads of government to support good governance throughout all its departments. There has to be the political will to support departments carrying through with their responsibilities.”

Interviewees suggested that political appreciation and knowledge of fisheries issues was very important in order to get the necessary political support for fisheries development. They suggested that the whole of government, not just the fisheries agency, needs to understand the importance of fisheries to their national economies and the importance of their sustainable management. Interviewees described meetings with various Prime Ministers and Presidents who were unaware of the many of the key issues confronting regional fisheries managers and who paid little attention to ensuring that fisheries were managed sustainably.

26. Inadequate legal framework for fisheries management: Fisheries management in some FFA members suffers from an inadequate legal framework. In some cases, this was blamed on hold ups at the political level (i.e parliament yet to endorse legislation due to lack of priority or opposition). In other cases, this was caused in part by hold-ups in legislative drafting.



Section 5.3 Recommendations

This study identified numerous potential responses to address the various governance and institutional gaps and challenges. From this broad list, the study recommends specific consideration be given to 14 potential responses that broadly address the priority gaps described above and are therefore relevant to the national and regional interests of many within the FFA membership. These recommendations were developed from analysis of the consultations, literature review and general feedback from the expert workshop in February 2008.

As stated earlier, three points should be kept in mind when considering capacity building responses. Firstly, the FFA membership is diverse and includes varying levels of development, institutional capacity and governance. Consequently, capacity building projects should consider national priorities within the national context. Secondly, some interviewees suggested that there needs to be a re-balancing of regional programs to become more nationally focused. Thirdly, national and regional programmes and capacity building projects must derive from the FFA members' needs and goals. They must be owned by the FFA members in order to be effective.

Furthermore, some FFA members now have the capacity to manage and develop their own fisheries resources and are prepared to assist other members to manage and develop theirs. Interviewees described this rise in expertise amongst the FFA members and suggested that it offered an opportunity for regional co-operative capacity building between members. Interviewees noted members were motivated to help each other because the national interest of each member was often tied in with the broader interest of other members in developing their fisheries resources and attracting on-shore investment.

The 14 recommendations are drawn from Chapter Four and are summarised below:

- 1. Develop regional in-country programme to support preparation, negotiation and implementation of international fisheries instruments, conservation measures and access agreements:** Interviewees widely supported the establishment of an in-country regional programme that supported and built the capacity of national governments to prepare for, negotiate, and implement international fisheries instruments, conservation measures and access agreements. Interviewees suggested that such a programme should work in-country at the national level, rather than out of the FFA or SPC secretariats.

Such a programme should be truly nationally focused. It should focus on assisting national delegations to analyse and develop their national positions, strategies and briefs to achieve national objectives. The in-country support would be loyal to the host country and would strive to support the development and achievement of that country's national interest. Additionally, the program should work behind the scenes, and not 'sit-at-the-table'. Countries decide their national interests – the program builds their capacity to do this.



Given the regional dynamics and national limitations, national interest analysis and strategy development would likely identify regional and sub-regional co-operative strategies as best the mechanisms for pursuing national interest. Nevertheless, for the program to build the trust and commitment necessary to ensure its success, the program should support the pursuit of national interest above regional objectives (as is the case with any strong member of the FFA).

Discussions with interviewees identified various methods for delivering this programme and a variety of potential outputs. These discussions largely supported the development of a programme that seconds/employs/contracts suitably experienced 'national desk officers' to work in-country (full time/part time) for a medium term (i.e 1 to 3 years). These desk officers would assist the country with a number of analytical, strategic and administrative tasks and, in so doing, mentor and build the capacity of local staff to perform these tasks in future. Discussions suggested that the 'national desk officers' should support some (or all) of the following tasks or outputs:

- support a strategic analysis of fisheries management and development challenges and opportunities addressing national, sub-regional, regional and global matters as they apply to that specific country (i.e SWOT analysis);
- support the development and use of economic and scientific expertise to analyse the strategic opportunities and ramifications of international instruments, and potential conservation measures to support the pursuit of national interest;
- facilitate discussions and workshops with relevant government agencies, industry, NGOs, artisanal fishers and communities to discuss and develop the SWOT analysis and identify potential goals, objectives, strategies and priorities for that country;
- develop a national fisheries/oceans vision and strategy for discussion and endorsement by whole of government (and preferably whole of parliament) which includes a medium to long term strategic roadmap with clear objectives to guide future policy deliberations;
- develop a national strategy for engagement in FFA, PNA and WCPFC for future delegations to regional meetings that identifies objectives and proposes specific work (nationally and regionally) to pursue these objectives;
- support analysis of FFA, PNA and WCPFC papers and FFA briefs;
- facilitate national consultation meeting with relevant government agencies, industry, NGOs, artisanal fishers and communities to discuss upcoming regional meetings (such as WCPFC Commissions) and identify concerns, opportunities and immediate priorities;
- support the preparation of written national briefs;
- support the preparation of ministerial/cabinet briefings and endorsement of mandates;
- support the development of negotiation and advocacy tactics and statements on the floor;
- support the preparation of post meeting reports to minister/cabinet and relevant government agencies that: summarise meeting; analyse outcomes; identify obligations requiring national action or implementation; assess



- performance of delegation against national brief and national strategy; identify unresolved matters that are likely to carry-over to future meetings;
- facilitate national consultation meeting with relevant government agencies, industry, NGOs, artisanal fishers and communities to discuss recent meeting and its national ramifications.

Interviewees also suggested that the ‘national desk officers’ could have additional responsibilities to pro-actively research and identify potential donors and funding opportunities to address domestic capacity building needs and to prepare funding submissions to such donors.

Interviewees suggested that the programme, if established, should be de-centralised from the FFA secretariat and operate through the placement of individual officers in-country in each targeted FFA member. Or that a sub-regional approach could be adopted where 4 or 5 officers are recruited, contracted or seconded and each has specific responsibility for 2 or 3 countries. These positions could be administered out of the FFA secretariat, but the officers would be placed in-country on a rotating basis. Interviewees suggested that a pilot programme be created which could start in 3 or 4 priority countries.

- 2. Review licensing arrangements throughout FFA members to identify best-practice licensing:** FFA members have developed a variety of licensing processes from simplistic to sophisticated. Some of these are arguably world’s best practice while others are prone to abuse. Interviewees suggested that there was a need to review licensing procedures to combat opportunities for corruption and improve transparency and accountability. This could be undertaken through a study of national licensing systems, followed up by a workshop of relevant officials and stakeholders to share licensing experiences and endorse best-practice licensing systems. Assistance should be provided to FFA members to establish rigorous licensing processes that are based on the best practice examples from within the FFA membership.
- 3. Review vessel/fleet compliance with reporting and license conditions:** A study could be commissioned to review compliance with reporting conditions and the effectiveness of enforcement responses. The review could study: compliance by fleet; compliance by condition (i.e. timeliness and accuracy, bycatch, original or transcribed logbook); compliance by EEZ; effectiveness of various enforcement responses to discourage violations (i.e. fines, seizures, license cancellations); enforcement actions by fleet and by EEZ. The review could be tabled at the FFC Ministerial for potential endorsement of reporting as a matter of priority. Interviewees noted that political will was required to ensure industry provided information irrespective of their opposition.
- 4. Analyse effectiveness of compliance/enforcement amongst FFA members including cost/benefit analysis and benchmarks/lessons learnt:** The FFC could consider commissioning an analysis of the effectiveness of compliance and enforcement mechanisms and activities throughout the FFA membership that provides a cost/benefit analysis, describes lessons learnt and sets regional



benchmarks established by FFA members at implementing best practice for MCS measures.

- 5. Identify and develop regional networks of ‘best practice’ champions from FFA member national governments:** Interviewees noted that there has been a rise in regional expertise amongst the FFA members and that this offers a good opportunity for regional co-operative capacity building between members. Interviewees supported the development of a regional network of ‘best practice’ ambassadors or champions from national governments that can be called upon to travel in-country and describe their experiences and lessons implementing new management, conservation, development and governance measures (i.e licensing, management plans, fisheries development, co-ordination and communication processes, strategy development, international negotiations). Interviewees suggested members further develop internal networks between governments to facilitate increased sharing of information and experiences between members.
- 6. Establish regional recruitment strategies to build regional ‘pools’ of talented individuals from which governments can draw from and within which individuals can grow careers:** Interviewees supported the development of a regional fisheries recruitment strategy in response to the recruitment and career challenges posed by small island populations and the lack of career opportunities within small island governments. Interviewees commented that most FFA members would never have the capacity to fulfil all their ongoing needs for specialists given the lack of career opportunities. Interviewees suggested that fisheries agencies need to be able to offer regionally competitive employment opportunities while increasing the size of their recruitment pool and the quality of talent available. The implementation of a regional recruitment strategy could increase the size of the available pool of skilled individuals from national populations to regional populations by further enabling and encouraging recruitment across the region, rather than just from within domestic populations. Flexible mechanisms could be developed to enable skilled staff to progress their career throughout the region across governments, thereby building capacity region-wide and retaining skilled staff within fisheries.
- 7. Review strategic planning capacity of FFA members and develop a training program in strategy development and strategic planning:** Interviewees supported developing capacity building programs in strategy development and strategic planning amongst FFA members. FFA members and donors could review these training needs amongst the FFA membership and develop a regional training program that provides outreach training opportunities to FFA members. Such a review could engage and build on the strategic expertise and talent already available in some FFA members.
- 8. Establish partnership outreach programs with NGOs to inform and engage all relevant communities and stakeholders:** Interviewees identified the need to better inform and engage communities in fisheries management in order to overcome problems with poor communication and consultation. Interviewees supported the development of community education and engagement programs



but noted that there was often too little capacity within fisheries departments to support the necessary outreach. Interviewees supported the development of partnership programs with relevant NGOs to facilitate information sharing and engagement of communities, industry and NGO stakeholders, associations, church groups, etc.

- 9. Establish sub-regional fishing management collective authority:** Interviewees identified a range of significant gaps within their national fisheries management institutions and governance. In some cases, it is difficult to envisage how some of these capacity related concerns can be addressed at the national level, particularly in regard to some of the small island developing States with very limited populations. Regardless of training or operational budgets, some countries will always have very limited opportunities to adequately staff and support their fisheries management institutions due to their very limited population base. In some cases the management costs, in terms of staff and budget, are too large to be met by the limited population.

In these cases, serious consideration could be given to the development of a sub-regional collective fisheries management institution that manages fish stocks across two, three or four EEZs. For example, a sub-regional group of neighbouring countries may negotiate an agreement to establish a fisheries management authority that replaces their individual national fisheries institutions. This collective authority would be granted a clear mandate to govern the collective fisheries within their waters and would operate to a set of specific objectives. Countries would retain their sovereign rights over all fisheries within their EEZs, but would grant the sub-regional authority the mandate to administer and manage on their behalf.

A collective sub-regional model such as this could significantly reduce the management burden on each country while substantially increasing the management resources available. Furthermore, such a model could create co-operative development opportunities and give these countries a competitive edge by establishing a one-stop licensing process for vessels which could allow them to fish across multiple EEZs. Interviewees suggested that such an arrangement would be particularly beneficial for albacore longline fishing vessels.

- 10. Increase transparency in access agreement negotiations and revenue:** Interviewees suggested that FFA members should increase transparency and accountability of access negotiations and revenue. These initiatives should; improve accountability of delegations and enable better assessment of their performance; improve transparency of negotiations to counter corruption concerns; improve transparency of agreements increase competition and increase returns to FFA members; and improve transparency of revenue to better enable data analysis and advice to negotiating delegations. Interviewees suggested that access agreements should be publicly available and access negotiations should only occur in-country, preferably in the capital. Delegations should include representatives of all relevant government agencies.



11. Build regional media expertise and knowledge of fisheries and marine issues:

Donors could consider developing a media education strategy that increased regional media expertise, political urgency and knowledge of fisheries and marine issues. This strategy could be implemented through the establishment of a media office within the FFA secretariat that provided information and training to media outlets and journalists throughout the Pacific.

12. Develop information seminars for political leaders and senior officials:

Interviewees suggested that the FFA develop information seminars for politicians and senior bureaucrats on the ecological realities and limitations of fisheries management. These programmes could highlight the importance of fisheries, regionally and nationally, and discuss key opportunities and threats. Programmes could be presented in-country by regional charismatic leaders with a background and expertise in regional development and governance.

13. Increase whole-of-government engagement in fisheries: Interviewees suggested that all levels of government and community should increase their engagement in sustainable fisheries management in order to ensure adequate resourcing and support for due process, strong regulatory schemes and sustainable management practices. Improved ministerial engagement and expertise would improve the level of implementation and mitigate against short term concerns undermining implementation or regulation (i.e license too many boats, failure to enforce regulations through concerns about losing recalcitrant vessels to other countries). Interviewee suggested that fisheries issues should be discussed and on the agenda for relevant departments such as finance/treasury, environment, foreign affairs, investment and development.

14. Perform national institutional and governance reviews: Finally, it is recommended that each FFA member consider undertaking a national review that may build upon this broad general analysis, and identify specific national governance and institutional priorities for action.



Section 5.4. Workshop Summary

A small expert workshop was held in Honiara on the 11th and 12th February to provide feedback on the identified gaps and potential solutions within the specific national context of each member, and provide expert guidance on the prioritisation of the gaps and responses within the national context of each member. However, due to a limited turnout for the workshop, there were not enough participants from each member to enable the workshop to effectively prioritise solutions at the national or sub-regional level. Consequently, the workshop instead focused on a broad peer review of the report's findings and a discussion of some of its key issues.

The workshop was attended by approximately 15 participants from Papua New Guinea, Kiribati, Solomon Islands, Federated States of Micronesia, Cook Islands, Tuvalu, New Zealand and the FFA secretariat. The workshop was facilitated by the Deputy Director General of the FFA, Dr Transform Aqorau, and the report's author, Quentin Hanich. Mr Hanich delivered a presentation on the study and its findings.

The workshop discussed the key points arising from the study and generally supported the analysis of the governance and institutional gaps. A wide ranging and open discussion examined some of the potential responses to these gaps and provided some guidance on their likely priority, efficacy and requirements. Amongst other things, key points from the workshop included:

Fisheries Conservation and Management (National)

- Fisheries management is often poorly resourced, inadequately funded;
- Cost recovery was an important mechanism to ensure adequate funding for fisheries management;
- Solutions are driven by local ownership;
- Capacity building projects must consider ongoing requirements for maintenance, and potential expectations and requirements for future funding beyond the life of the project;
- Training needs are different for every country. FFA members need to identify their own gaps and seek assistance.
- Improvements in regional capacity should not come at the expense of national capacity. The region cannot afford to have a strong regional capacity and a weak national capacity.
- In-country short courses should be built up and were a preferred approach to regional workshops.
- Capacity building should take place at people's desks, working on their daily tasks. Participants expressed support for engaging mentors/advisors who work with staff on day to day tasks, rather than consultants who visit, write a report and leave;
- The concept of sub-regional fisheries management authorities has been floating around for a long time but sovereignty concerns have made progress difficult. Experiences within the WCPFC had made FFA members more cautious about regional management;



- Support was expressed for the concept of developing an independently funded relationship/MoU with a university research partner that could provide strategic, policy, economic and negotiating expertise to support FFA member's analysis and pursuit of national interest. It was noted that similar academic precedents exist in the fields of immigration, customs and more;
- The FFA secretariat needs to strengthen its in-country work and balance its services at the regional level with ensuring support for in-country national capacity building;

Vessel Registration, Licensing and Permitting

- Transparency in licensing is an important issue;
- Concerns were expressed that the FFA Regional Registry did not adequately support effective licensing amidst expectations that all vessels on the registry met all licensing requirements;
- Concerns were expressed regarding political interference in licensing decisions. It was noted that good governance was critical;
- Concerns were expressed regarding misreporting;
- Legislative frameworks may need amending in some countries to rectify licensing problems.
- Licensing fees should be used to encourage and motivate domestication and investment, rather than just focusing on maximising license fees;
- Support was expressed for an independent review of licensing arrangements throughout the FFA region in order to identify benchmarks, effectiveness and lessons learnt;
- Support was expressed for FFC to discuss good governance and licensing issues. It was noted that as effort and catch limits are further implemented, there will be increasing corruption opportunities and pressures;

Science and Economics – Data, Reporting and Analysis

- There is a reasonable understanding in the region of the economics of the purse seine industry, but far less so in regard to longlining. Similarly, there is a reasonable understanding of fisheries prices, but less so in regard to costs.
- Economic analysis at the regional level was reasonable, but was still very difficult at the national level;
- Misreporting was an important issue and needed further attention. It was suggested that improvements could also be made to collection and storage, as examples were noted where industry was trying to report and the failure lay on the government collection/storage end;
- Quality data collection schemes are important;
- Support was expressed for establishing and improving verification mechanisms to cross-reference logbooks and catch reports against other data sources (such as port landings, observers, VMS).

Monitoring and Enforcement

- Concerns were expressed regarding implementation of VMS and observer scheme;



- Judges and courts need to be further educated about the costs of illegal fishing and the socio-economic and environmental impacts;
- Support was expressed for the concept of MCS Compliance audits. It was noted that the FFA MCS working group was currently considering developing a compliance audit to be rolled out across the entire FFA membership;

Governance, Administration, Consistency and Transparency

- Good governance is a fundamental requirement for effective fisheries management and development that maximises benefits to Pacific island States. Weaknesses in whole-of-government undermined fisheries management;
- The workshop recognised the capacity building successes in the region and the improvements within FFA member governments and institutions;
- The development of skills was critical to the establishment of strong institutions;
- Strong leadership was vital to good governance;
- Lack of coordination between agencies was an important issue;
- Recruitment of quality new graduates to fisheries was undermined by perceptions that fisheries was not an attractive career option, partly due to misconceptions about the reality of the work (i.e it does not generally involve large amounts of time at sea working on fishing vessels).
- The workshop discussed the different types of corruption and the inherent ‘greyness’ of the problem (i.e when is a small gift, such as an offer to pay for lunch, a harmless part of networking and when is it corruption).
- The workshop suggested that corruption includes any activity which compromises the management of the resource – or includes any gift which brings an obligation to act in manner which compromises the management of the resource – or includes any gift, transaction or policy formulation which benefits an individual and deprives the State – or includes manipulating policies for personal gain;
- Problems were noted with internal corruption investigations where they had foundered or failed to result in prosecutions due to weaknesses in investigative or judicial institutions;
- Corruption was a whole-of-government issue. Departmental reforms and codes of conduct could be undermined by ministerial interference and corruption;
- Legal and regulatory efforts to combat corruption were not always effective. The quality of ministers and senior individuals was important;
- Anti-corruption and good governance responses should consider the capacity within departments to implement such responses (i.e advisory councils need secretariats to make them effective);
- Ultimately, combating corruption comes down to good governance which comes down to political will;
- It was suggested that the region could develop a more pro-active regional approach to addressing corruption. While governance is a sovereign matter, corruption has significant regional impacts;
- Lack of transparency exacerbated perceptions of corruption;
- Support was expressed for capacity building proposals that utilised existing skills and expertise from within the FFA membership. Further consideration should be



- given to proposals that funded mentoring and capacity transfers from FFA members with skills and expertise to other FFA members with gaps in that area;
- Support was expressed for revitalising the PIMRIS program to address gaps in information sharing;
 - Support was expressed for capacity building in strategic planning and analysis, and corporate planning.
 - Support was expressed for in-country capacity building in strategic analysis that supported strategic analysis of national interests and opportunities; Support was expressed for SPC and FFA to collaborate on the development of a strategic planning and analysis training programme;
 - Support was expressed for developing mentoring programmes where FFA members that have expertise in strategic planning could mentor and assist other FFA members who lack such skills;
 - Support was expressed for increased legal short courses, rather than full law degrees;
 - Support was expressed for recognising and strengthening pacific cultural and informal institutions and networks. It was suggested that decision making within the FFA membership was far quicker and more flexible than within the European Community;

Stakeholder Participation and Consultation

- The workshop noted the success of the DevFish funding for industry participation in regional meetings;
- The development of industry associations should be encouraged;
- It was suggested that stakeholder consultation was a 2-way street and industry should be encouraged to share information with governments to help governments understand their activities and develop appropriate policies.

Regional Cooperation, Negotiation and Advocacy

- It is vital that every FFA member has the capacity to analyse and determine their own national interest and develop and implement (including negotiate and advocate) strategies to pursue their interest;
- Regional cooperation and implementation of regional instruments was critically important. Participants noted that sometimes FFA member actions undermined regional positions;
- There is a lack of time and capacity to adequately prepare before international meetings;
- The workshop discussed positive experiences where external consultants had been hired to assist some FFA members to analysis and determine their national interest and negotiating strategies;
- FFA management options workshop and briefs for WCPFC meetings were generally very helpful;
- The workshop discussed the differing levels of capacity within the FFA membership in regard to participation in international meetings. Some members clearly understand their national interests and activity participate in international meetings in pursuit of their interest. Other members broadly understand their national interest but lack the negotiating skills and confidence to activity



participate or pursue their interest. Some members lack an understanding of their national interest and are unable to effectively participate in regional meetings;

- Support was expressed for capacity building to support members to analyse and determine their own national interest and develop and implement (including negotiate and advocate) strategies to pursue their interest;
- Support was expressed for the FFA focusing efforts on supporting national delegations to prepare national briefs;
- Support was expressed for the development of a training programme in negotiation and advocacy skills.

Development and Infrastructure

- Business, development and trade were areas that required improved coordination between relevant departments.

Access Agreements

- Some national delegations lack negotiating capacity and skills;
- DWFNs continue to play FFA members against each other when negotiating access fees;
- Good governance was an important aspect of access negotiations;
- Support was expressed for policies that require access agreement negotiations to be held in-country in order to reduce opportunities for corruption;

Political Engagement

- Fisheries management often suffers from a lack of political engagement by senior Ministers and Governance leaders;
- Fisheries management often suffers from a low priority and sense of importance within government;
- FFC provides a useful platform for engaging, educating and informing Ministers on fisheries matters;
- It was noted some Ministers come to their little job with little or no previous experience in governance or high level policy formulation.

- Support was expressed for better informing and educating politicians on fisheries issues;
- Support was expressed for the development of information briefings for Ministers on regional and national issues;

Policy and Legislation Frameworks

- The workshop discussed reviews of management plans and noted that management plans mean different things to different people.



Appendix A. List of Organisations Consulted

The authors consulted broadly with a range of Ministers, officials, industry, community stakeholders, non-government organisations, experts and relevant regional fora. The study undertook 146 interviewees in 15 member countries with approximately 180 individuals from more than 100 agencies, departments, organisations, companies and associations. Participants from every FFA member were interviewed during these consultations (participants from Tokelau and Niue were interviewed on the sidelines of a regional meeting in Vanuatu). In many cases, a number of different individuals from the same department were interviewed separately at different times (i.e compliance section, management section, data section – all within Ministry of Fisheries). A summary list of organisations is provided below.

Palau	Bureau of Marine Resources
Palau	Ministry of Resources and Development
Palau	Office of the Legal Counsel to the President
Palau	Office of the Attorney General
Palau	Minister
Tokelau	Dept. of Economic Development, Natural Resources & Environment
Vanuatu	Police
Vanuatu	Vanuatu Maritime Authority
Vanuatu	Pacific Boat Patrol Programme
Vanuatu	Transparency International
Vanuatu	Fisheries Department
Vanuatu	Tuna Fishing (Industry)
Vanuatu	Crown Law
Vanuatu	Development Investment Board
Vanuatu	Environment Unit
Vanuatu	Foreign Affairs
Solomon Islands	Department of Fisheries and Marine Resources
Solomon Islands	Solomon Islands Advisory Committee
Solomon Islands	Ministry of Fisheries
Solomon Islands	Office of the Auditor General
Solomon Islands	FFA Secretariat
Solomon Islands	GEF Institutional Strengthening Workshop
Papua New Guinea	National Fisheries Authority
Papua New Guinea	National Fisheries Authority Board
Papua New Guinea	PNG Fishing Industry Association
Papua New Guinea	Ministry for Provincial Government and Local Government Affairs
Papua New Guinea	Centre for Environmental Law and Community
Papua New Guinea	Fair Well Fishery (Industry)
Papua New Guinea	Equatorial Marine (Industry)
Papua New Guinea	Fishing Industry Association (Industry)
Papua New Guinea	Office of the Solicitor General
Australia	AusAID
Australia	Department of Foreign Affairs and Trade
Australia	Australian Fisheries Management Authority
Australia	Department of Agriculture Fisheries and Forestry



Australia	Bureau of Rural Sciences
Australia	Greenpeace Australia Pacific – Sydney
Australia	Various independent consultants
Australia	Australian National University Crawford School
New Caledonia	SPC – Oceanic Fisheries Programme
Fiji	USP School of Marine Studies
Fiji	Solander (Industry)
Fiji	Fiji Offshore Fisheries Association (Industry)
Fiji	Fisheries Department
Fiji	Foreign Affairs
Fiji	Greenpeace Australia Pacific – Suva
Fiji	WWF
Kiribati	VMS
Kiribati	Kiribati Association of NGOs
Kiribati	Tarawa Fishermens Association (Industry)
Kiribati	Central Pacific Producers (Industry)
Kiribati	Ministry of Finance and Economic Development
Kiribati	Ministry of Fisheries and Marine Resources Development
Marshall Islands	Marshall Islands Marine Resources Authority
Marshall Islands	Foreign Affairs
Marshall Islands	Finance
Marshall Islands	Koos Fishing Ltd (Industry)
Marshall Islands	Luethai Fishing Co. (Industry)
Nauru	Fisheries and Marine Resources Authority
Nauru	Nauru Fishermens Association (Industry)
Nauru	Minister
New Zealand	Ministry of Fisheries
New Zealand	Ministry of Foreign Affairs
New Zealand	NZaid
New Zealand	Sanfords (Industry)
New Zealand	Reef Group (Industry)
New Zealand	Independent consultant
New Zealand	Greenpeace NZ
Samoa	Ministry of Agriculture
Samoa	Apia Export Fish Packer (Industry)
Samoa	Exporters Association (Industry)
Samoa	Tautai Samoa Association (Industry)
Samoa	Boat Builder (Industry)
Samoa	Tradewind Exporter (Industry)
Samoa	Ministry of Foreign Affairs and Trade
FSM	National Ocean Resources Management Authority (NORMA)
FSM	Micronesia Longline Fishing Ltd (Industry)
FSM	Foods and Services Inc. (Industry)
FSM	National Fisheries Corporation (Industry)
FSM	Office of the Attorney General
FSM	State Department
FSM	WCPFC Secretariat
Tonga	Department of Fisheries
Tonga	Foreign Affairs
Tonga	Ministry of Agriculture
Tonga	Central Planning Office



Tonga	Tonga Export Fishermen Association (Industry)
Tonga	(Industry)
Tonga	(Industry)
Tonga	(Industry)
Tonga	(Seaweed Industry)
Tonga	(Industry)
Tonga	(Industry)
Tuvalu	Ministry of Natural Resources & Land
Tuvalu	NAFICOT
Tuvalu	Tuvalu Fisheries
Cook Islands	Office of the Public Service Commissioner
Cook Islands	Minister
Cook Islands	Ministry for Marine Resources
Cook Islands	Cook Island Marine Resources Institutional Strengthening Project
Cook Islands	FAO Consultant
Cook Islands	Foreign Affairs
Cook Islands	Development Investment Board
Cook Islands	(Industry)
Cook Islands	Crown Law
Cook Islands	WWF
Cook Islands	Ministry of Finance and Economic Management
Niue	Department of Agriculture, Forestry and Fisheries



Appendix B. Key Issues from Consultations

Section B1 Gaps

Almost all interviewees broadly supported the list of critical elements.

One interviewee noted that the interaction and overlaps between the critical elements results in some antagonism between the agencies responsible for their implementation. In this context, it was noted that the relationship between licensing and enforcement agencies throughout the region is not strong, and is often weak.

Some interviewee noted that obstacles and gaps depend much on the national context and that every member is different and that they can't be simply lumped together.

Many interviewees noted that the effectiveness of regional institutions relies upon the effectiveness and ability of national governments (depending in part upon the objectives the specific institution or project).

Many interviewees noted that a lack of resources (both at the institutional and individual level), and/or co-ordination was key.

Many interviewees noted the lack of human resources was a key gap and that this also raised broader issues of education and training which cut across all institutions.

One interviewee noted that most FFA members would never have the capacity to have ongoing specialists given the lack of career opportunities.

Many interviewees noted the importance of political support. One commented: "Its not just about capacity – if there is no political support for action to be taken, then what limited capacity there is will be ineffective or significantly undermined."

Some interviewees noted that there were significant differences in governance, fisheries management, issues of concern, and stakeholders between inshore coastal fisheries (which involve communities and artisanal fishers) and oceanic fisheries (which in most cases are dominated by foreign fleets).

Some interviewees noted circumstances in some members where the desperate financial situation across all of government was impeding all forms of development and reforms.

Some interviewees noted that fisheries management reflects the best and worst of governance generally across whole-of-government, and that fisheries departments are supported and constrained by the quality and effectiveness of the rest of government.

Some interviewees noted problems with co-ordination of different aid programs and donors. Sometimes it appeared that programs, agencies and members were almost competing with each other for attention and funds. They noted that co-ordination across programs was critically important as a lack of co-ordination between these programs undermined their effectiveness.

Some interviewees noted that regional delivery of aid programs through SPC and FFA doesn't always apply adequately to the national context. Nor does it always accurately target nationally relevant issues.

One interviewee expressed concerns with donor projects "... seemingly driven more by donor demands and language, rather than by the demands and needs of the recipients." He suggested that the GEF and DEVfish projects lacked clear purpose and reflected more their donor institutions assessment requirements rather than specific requirements of the recipients.



One interviewee suggested “Almost everybody would be better served if they just got rid of their (access) agreements. They don’t because they don’t have the capacity to develop and implement other tools. Some people just find it easier to just take out last year’s agreement and renew it.” He suggested that the ultimate aim for industry development is to do away with access licenses but, acknowledged that this may take some time to achieve. He noted that some interpreted this goal in the context of licensing vessels directly with no framework agreements, while others looked towards local industry replacing foreign fleets.

Fisheries Conservation and Management

SKILLS AND KNOWLEDGE

Some interviewees expressed concern that there was still little understanding of the plight/reality of the status of stocks.

Some interviews noted that some members lacked important information on gear developments and technology.

Some interviewees noted that some members lacked data and information upon which to base management decisions. This was attributed to a lack of capacity to undertake detailed analysis of the fisheries data.

Some interviewees noted that the lack of capacity within their fisheries department was one of their main constraints on implementing sustainable fisheries management. They particularly lacked staff with scientific and fisheries conservation/management skills and knowledge and the ability to monitor fisheries.

NATIONAL MANAGEMENT AND CO-ORDINATION

Some interviewees noted that their countries did not currently have the ability to manage their fisheries sustainably or effectively implement national and/or regional conservation and management measures.

One interviewee stated: “We cannot even manage our own EEZs because of the costs, what about the high seas.”

Some interviewees noted that poor co-ordination and communication between relevant departments prevented the use of VMS data to inform fisheries conservation and management planning and decision making.

Some interviewees questioned their government’s ability to make good decisions when the decisions were based on poor, or non-existent data.

One interviewee stated he was “...amazed at some of the assumptions that are made due to poor skills and knowledge. Some fisheries officers seem to massage their data to support desired recommendations.”

One interviewee noted that the provincial government’s fisheries departments lacked capacity and were heavily reliant on the central government’s fisheries department.

CONSERVATION LIMITS

Some interviewees noted that some members lacked any capacity, effort or catch limits within their EEZs. In some cases informal ‘understandings’ indicated maximum limits for licensing of vessels.



One interviewee noted that their fisheries department was only looking at economic returns and was not considering sustainability or environmental concerns. Other interviewees from that same member argued that their management balanced conservation and fishing history aspirations.

One interviewee asked: “If we are keeping the effort and capacity (to 2001-2004 levels) then how have the catches gone up?”

Some interviewees noted that the profitability of the fisheries would be better understood and implemented if decisions were made based upon MEY rather than MSY.

Some interviewees noted problems with implementing conservation and management for their outer island in-shore fisheries. The sheer remoteness and isolation of many of the outer islands is an obstacle to active management and research by central government, leaving much of the responsibility for any management on the local communities and limiting any management to the simplest of measures (i.e. closures). In this example, central government would pass relevant fisheries legislation which would then be implemented by the outer-island communities through their own by-laws and traditional management mechanisms. However, political issues could hold up the passage of both the legislation and the by-laws. Furthermore, a combination of increasing pressures from commercialisation of inshore fisheries and declining respect for traditional management mechanisms (such as taboo areas) and traditional hierarchies by individuals who have travelled to NZ/Australia is weakening the authority and implementation of inshore fisheries management. Finally, a general lack of capacity across the fisheries department limited management action.

REGIONAL AND NATIONAL STRUCTURES AND PROGRAMS

One interviewee noted that the parallel systems in place for fisheries management (national and regional) and the duplication of resources, resulted in a dichotomy of funding where reasonable amounts were available at the regional level (for data, administration, etc) but little at the national level.

One interviewee expressed concern that the present focus by the FFA and its donors on implementing an ecosystem based approach to fisheries management (EBFM) was taking up enormous resources and time for little potential return. He referred to the EBFM track record in other countries when EBFM has yet to deliver real outcomes and noted that Australia and NZ still have overfishing and sustainability problems despite their advanced management structures and systems.

One interviewee noted that the resource disparity between SPC and FFA means that while the FFA grows and starts new programmes, SPC does not have the expanding budget to keep up with these new programmes.

CO-OPERATIVE CONSERVATION AND MANAGEMENT

Some interviewees noted Fiji’s successful implementation of its management plan and reductions in vessel licenses. They noted that Fiji was able to introduce significant fleet and effort reductions despite vocal and strident opposition from the indigenous fishing industry. These decisions were based on economic and sustainability concerns with advice provided by SPC and FFA. However, during this time its neighbour, Vanuatu, was simultaneously increasing licenses. Despite these apparently contradictory management responses, there was no formal discussion between Fiji and Vanuatu on developing co-operative approaches. Interviewees suggested that Fiji wished to get their house in order and then let domestic industry talk to industry in other countries. However, there was no considered strategy to develop a co-operative approach.

PNA VESSEL DAY SCHEME

Some interviewees expressed concerns that the VDS cannot be successfully implemented without an effective and operational VMS. Interviewees were concerned that the FFA VMS was not currently adequate to support the VDS.



One interviewee expressed concern that the VDS had the potential to be the region's largest mistake due to concerns that the regional MCS mechanisms were not up to adequately supporting the VDS. He noted that the VDS required strong structures, good MCS and a fully operational VMS. Loopholes in the scheme created incentives to turn their VMS off (such as loophole whereby vessels can claim back days stating that they weren't fishing, just transitting). To ensure compliance with the VDS with such a loophole, the scheme required much improved monitoring of VMS when operational and 100% observer coverage when VMS was not switched operational.

One interviewee noted their government's difficulties with supporting the VDS over the strong opposition from important aid donors.

WCPFC CONSERVATION AND MANAGEMENT

Some interviewees noted that implementation of WCPFC conservation measures by members was a weakness and was undermining domestic conservation and management.

One interviewee suggested that the WCPFC needed to establish a Fisheries Management Committee or working group.

Some interviewees suggested that managing bigeye and yellowfin ultimately came down to managing DWFN gear and activities.

Some interviewees expressed concerns about the impacts of fishing from the Philippines and Indonesia and expressed views that it didn't really matter what actions were undertaken by FFA member – the biggest impacts were from these two countries who appeared to be still trying to expand their capacity and seemingly had no regard for sustainability.

Some interviewees noted that they had no capacity to comply with WCPFC reporting requirements.

One interviewee noted that the quality of national reports to the WCPFC was not good and suggested that the FFA members required training and assistance to improve the quality of their national reports.

Some interviewees expressed scepticism about the fisheries science going into the WCPFC and stated that the level of uncertainty was a key problem.

Vessel Registration, Licenses and Permits

PROCESS FOR ISSUING LICENCES/PERMITS

Some interviewees noted that some countries did not have the capacity or ability to review license applications and depended entirely upon the FFA Registry of Good Standing. If the vessel was on the registry, that was good enough.

Interviewees noted widespread corruption problems in past licensing of fishing vessels and the ongoing lack of transparency or accountability in licensing.

Most interviewees described licensing processes as simply requiring a quick check of documentation to ensure everything had been filled out. Some checked that the vessel was on the FFA registry and/or met FFA VMS requirements and/or met broader MTC requirements. Vessels were then issued a permit after the fisheries department had received a receipt for payment of fees.

One interviewee expressed concern that current licensing arrangements were not working and that vessel licenses were being reissued despite vessels not fulfilling their reporting requirements.

One interviewee noted that some members will reissue licenses despite a history of non-compliance.

Most interviewees noted that there is little, or no, analysis done on the past performance of vessels.



Some interviewee stated that while there was no assessment of individual vessels, there was an annual fleet wide assessment of their performance.

One interviewee later contradicted other interviewees in his government and stated that they randomly check MTC, vessel insurance, fees and the past performance of the vessel in question when assessing a license application.

One interviewee summarised his licensing process as – “We don’t issue licenses until they have paid”.

Some interviewees noted that they could not recall any license application ever being refused.

Some interviewees noted one example where a member has established a highly complex, transparent and accountable licensing process that included reviews by its board and listing of licenses on the web. Interviewees noted that this licensing process however was extremely slow which could cost fishing time. Despite licenses being valid for 3 to 5 years, they still needed to be renewed annually, which was also extremely slow. However, problems caused by delays in licensing have resulted in a situation where the managing director has been issuing “letters of comfort” to vessels while they wait for their license to be printed. Concerns have been raised about the legality and process for issuing these letters of comfort. Work is underway to improve the licensing processes to remove the delays and end the letters of comfort.

One interviewee noted that the Minister no longer has direct involvement in licensing and this has enhanced the transparency and accountability of the licensing process and reduced political interference.

Some interviewees raised concerns regarding political interference in licensing decisions.

Some interviewees noted ongoing political pressure to overturn or moderate licensing conditions for foreign charter vessels.

Some interviewees noted that a lack of transparency in licensing was a problem and that beneficiaries of previous illegal fishing activities were often reissued licences.

Some interviewees expressed concerns about the lack of transparency and clarity in licensing and noted examples of inconsistent licensing in their countries whereby new licenses continued to be issued despite public statements establishing moratoriums on all new licensing had been put in place.

Some interviewees noted that all licensed fishing vessels in Samoa fly the Samoan flag and unload in Apia, thus enabling greater control over vessels and allowing port sampling inspections for most vessels.

Some interviewees raised concerns that the FFA register contains some vessels that are not authorised to fish within the WCPO by virtue of WCPFC decisions.

Some interviewees noted that there was generally no explanation to vessel owners and operators regarding the license conditions. It was simply assumed that vessels were aware of the conditions.

Some interviewees noted that their country’s national policy on domestic based foreign fishing vessels was inadequate as it allowed foreign vessels to exploit the lesser conditions for domestic based foreign fishing vessels and then there was no punitive action in response when they did not meet the domestic operation requirements (i.e landings in that country’s ports).

Some interviewees noted that their country lacked any framework for locally owned vessels to gain a license, and provided no guidance on what defines a locally owned vessel (i.e who qualifies) or what data reporting or other management requirements apply to locally owned vessels. Interviewees noted examples where there was no licensing nor reporting requirements for local fishermen, and



consequently these vessels were effectively unregulated and not bound by any management requirements.

Some interviewees noted that the weak definition for what vessels qualify as locally owned opens loopholes which foreign operators exploit.

Some interviewees noted that their tuna management plan considers foreign owned locally flagged vessels as foreign vessels.

One interviewee noted that licensing of domestic vessels was unclear as it was not clearly elaborated in their legislation.

Some interviewees noted that while they limited the number of licenses to be issued each year to local and locally operated vessels (including charters), this did not apply to Japanese vessels operating under their access agreement. The access agreement was open ended and allowed unlimited fishing by Japanese vessels.

Some interviewees noted ongoing problems with foreign vessels carrying licenses on board. One commented: “Originally it was a requirement to have the original license on board but that was lately relaxed and faxed copies were allowed on board before the original was taken on board. This is still an issue with long liners as most of them have no fax on board.”

One interviewee noted that the region has not yet achieved implementation of a harmonised licensing regime.

One interviewee commented: “Reluctance to share information between licensing authorities has prevented others from learning from the mistakes of others.”

Some interviewees noted strong concerns with the operation of demarche charters in their waters. They noted that there was little real return to their country from these operations (other than the \$5,000 license fee) and that the conditions for demarche charters are currently very loose and have been exploited by some operators to allow foreign operators to fish through local fronts with little real genuine involvement. One interviewee described an example where an operator who met the local involvement requirements for demarche charter was entitled to seek licenses for a number of demarche chartered vessels (due to his own two small vessels). However, neither of his own two small vessels were actually fishing and had both been on the beach for a significant time. Meanwhile, his chartered vessels fished in distant parts of the EEZ, never unloaded in the home port and were operated and crewed entirely by foreign citizens with no local involvement.

PROCESS FOR SETTING LICENSE FEES

One interviewee noted that licensing fees for foreign fishing vessels have been stable for the past 15 years with very minimal movement.

One interviewee considered that licensing fees were artificially expensive.

One interviewee considered that licensing fees were too low.

Some interviewees noted that there is no in-depth economic analysis provided to the assessment of fee levels, nor any consideration of cost recovery or resource rent. One interviewee commented that their licence fee amounts were essentially pulled out of the air with no economic analysis.

ADHERENCE WITH MTCs

Some interviewees noted that the implementation of the FFA MTCs is inconsistent and poorly monitored. Interviewees noted that some members do not require MTCs for their licensed vessels or exempt some bi-lateral vessels from MTCs (such as VMS or the FFA registry) or other conservation measures such as shark finning bans.



Some interviewees noted that some members required all foreign vessels to abide by all FFA MTCs.

Some interviewees noted that some members pick and choose which MTCs to implement due to a perception that they cannot implement and monitor them all. These members will attempt to fit the MTCs to their national priorities.

One interviewee noted members licensing DWFN vessels not on the FFA registry, despite their agreement to the MTCs.

One interviewee noted that they largely applied the FFA MTCs, though exemptions were made for longline transshipments so as to encourage more fishing effort within their EEZ.

Some interviewees noted that the MTCs have not been assessed or audited to determine their level of implementation or effectiveness. One commented: “Do we really know how these tools are being implemented and what their effectiveness is?”

Some interviewees noted that despite previous commitments made at the FFC in 2006, the FFA database of licensed foreign fishing vessels was not comprehensive due to the poor provision of licensing data by FFA members.

Some Interviewees noted that their country only licensed vessels to land, catch and tranship if they were a CCM of WCPFC (except for reefers).

MONITORING AND ENFORCING OF LICENSE CONDITIONS

Many interviewees from many members noted that compliance with license conditions was bad.

Some interviewees noted that license fees are normally lump payments because of the lack of compliance and monitoring capabilities.

Some interviewees noted main license violations included non-compliance with VMS requirements and failure to report in accordance with license conditions.

Some interviewees noted that they often did not receive catch reports in accordance with license conditions.

Some interviewees noted that compliance with license conditions in their case was generally good.

One interviewee estimated that roughly 60% of vessels comply generally with license conditions.

One interviewee noted that their license conditions required all transshipments to occur within their waters but noted that they knew vessels were not complying with this. This caused problems for monitoring because their government did not get the transshipment reports if the vessels did not tranship within their waters.

Some interviewees noted that implementation of regulations on licensed foreign fishing vessels was undermined by the prevalent mindset - “There is a fear that if rules are enforced, vessels will go elsewhere.”

Some interviewees noted that their countries were very lenient on license condition violations.

One interviewee noted that no action would be taken against infractions (such as non-reporting) and that their surveillance was not good. He noted a perception in government that breaches of license conditions were not important and that any potential responsive actions would be blocked at the Ministerial level.



One interviewee noted examples of political interference in enforcing licensing conditions. He referred to one vessel that had failed to operate its VMS for 4 months. Eventually the vessel was required to call into port to have its VMS fix before being allowed to continue fishing. The instruction was soon overturned by the Minister who directed that the instructions be withdrawn following contact from overseas. No reasons were provided for the direction and the matter was then disregarded.

One interviewee noted problems enforcing fisheries and license conditions as the vessels never call into port and they lacked an effective observer programme.

One interviewee stated that in circumstances where vessels fail to submit catch reports, "... then licenses shouldn't be renewed because its in contravention of the conditions. But this doesn't happen because the people in the licensing division are not as strict as they should be." He further stated that telling his licensing colleagues to not renew licenses for vessels which are in breach of their conditions "...falls on deaf ears".

Some interviewees noted examples amongst FFA members where originals of licenses are required to be on vessels. Officials from some members noted problems where despite vessels being required to have originals of licenses on board, they often had copies.

Some interviewees noted an example where their country was heavily dependent upon charters and had recently begun to monitor these vessels to ensure that they met their obligations and would not be reissued licenses if they didn't. However, there was a lack of capacity within the fisheries department to audit their compliance with charter conditions.

Some interviewees noted a lack of capacity within members to audit charter fees and arrangements to determine if the charter arrangement and returns are legitimate and meet the requirements for local involvement and are not just front companies.

Some interviewees noted problems with compliance with pollution and port security measures.

FLAG STATE OBLIGATIONS

Some interviewee noted that some of their recently flagged purse seiners from distant water fishing nations had no real presence in his country and were only 'their' vessels on paper. The vessel's agent disputed this and responded that the vessels had real presence in the country through himself.

One interviewee expressed concerns that their flag State registry was a flag of convenience and was managed offshore by a private company. He noted further concerns that their country did not receive the full profit from the registry nor was it possible to determine how much income their government actually received from the registry. He argued that the registry should return to national control within their government.

Some interviewees noted that they did not have the necessary information regarding vessels on their open registry, or the ability, to fulfil their flag State obligations.

Some interviewees noted that their country did not have the legal capacity to control fishing vessels carrying their flags.

Some interviewees noted that vessels flagged to their country did not have to have a genuine presence in their country. They did not see a problem with the 'open registry' nature of their flag, but were concerned at some of the suspicious activities of some vessels and had recently encountered problems with flagged vessels fishing without authorisations to fish, both in the WCPO and other oceans. A review of the registry was under-way to address these concerns and to ensure that fishing vessels were not flagged without adequate consideration given to their regulatory and reporting requirements. This country was concerned that these flagged vessels do not undermine sustainable fisheries management and consequently had knocked back flag applications from shark finning vessels. One commented: "(We're) ... trying to steer away from some of the more shonky Taiwanese operators and are focusing on the more respectable fleets."



EXAMPLE BOX ON FLAGGING AND MONITORING

One interviewee noted previous problems controlling foreign owned vessels flagged to their open registry. In response, the fisheries department is now involved in flagging of foreign fishing vessels and has appointed a management agent who oversees operation of fishing vessels on the registry and monitors their VMS. Fishing vessels now apply to the privately operated registry (based offshore) who then forwards applications to the locally based management agent who then advises the fisheries department whether to support the application or not. The registry will only give a provisional certificate in the interim while the fisheries department considers the application. The management agent is an industry agent and is also the representative of one of the Taiwanese purse fleets flagged through their open registry.

Science and Economics – Reporting, Data and Analysis

REPORTING AND DATA COLLECTION

Many interviewees from many members noted that compliance with license conditions was bad, particularly in regard to reporting.

Some interviewees noted that data reporting from fishing vessels is inconsistent and poorly monitored.

Some interviewees believe that there is widespread misreporting or laundering of catch taken from their exclusive economic zones and claimed as catch from the high seas.

Many interviewees noted the ongoing gaps in collection of data from fishing vessels.

One interviewee commented: “Maybe some other members have problems with data because their bosses don’t understand the importance of data – maybe they don’t have a scientific understanding.”

One interviewee noted problems with collecting logsheet data due to distant fishing nature of foreign vessels.

Some interviewees noted ongoing problems with reporting log sheets. They usually take a long time to be submitted and the quality of information is not good, particularly in regard to identification of gear and species.

One interviewee noted that despite compliance with data reporting requirements being generally good in their experience, she still spent ½ day a week chasing vessels to fill out their logbooks in accordance with their license conditions.

Many interviewees noted that they often did not receive catch reports in accordance with license conditions.

One interviewee noted that Taiwanese vessels were still yet to report catch, but that this should soon change. Other interviewees identified similar problems with Korean vessels. Officials from other members noted ongoing problems with recovering catch reports from Taiwanese vessels.

One interviewee noted that historically there have been problems getting data from some DWFN but thought that reporting is getting better. He also noted that historically there have been some problems with some members not enforcing reporting requirements adequately, but thought that this too was improving.

Some interviewees noted that provision of data has become fairly routine and is generally good. However, they noted some continuing uncertainty and disputes continued to occur regarding reporting.



One interviewee thought that the level of compliance with license conditions has improved significantly. In particular, there has been an increase in the volume of reports which he attributed to new technology such as email.

Some interviewees could not recall any sanctions being issued for reporting failures and noted that most catch reports were usually provided – the only issue was the time taken to submit.

One interviewee noted that purse seine data is now believed to reach approximately 80%.

One interviewee noted that political will was needed to require industry to provide information against their resistance.

One interviewee noted problems with engaging FFA members in the importance of collecting 100% data, particularly port sampling and unloading data. Concerns were expressed at the lack of any documentation on unloading in processing factories and transshipments at the individual vessel level.

One interviewee stated that in circumstances where vessels fail to submit catch reports, "... then licenses shouldn't be renewed because it is in contravention of the conditions. But this doesn't happen because the people in the licensing division are not as strict as they should be." He further stated that telling license people to not renew licenses for vessels which are in breach of their conditions "...falls on deaf ears".

One interviewee noted that they hoped to improve compliance with catch logbook reporting by foreign owned fishing vessels by building a processing factory and requiring them to land catch locally. This is already a requirement for foreign owned locally based vessels.

One interviewee noted some cases where some local vessels were not required to report catches.

One interviewee noted that crews on local vessels needed more training in how to fill out catch forms.

One interviewee noted that compliance by local fishing vessels with reporting requirements was generally good, though the smaller boats tended to be less compliant due to a lack of appropriate equipment and trained crews to fill in the necessary forms.

One interviewee noted that reporting by local or domestic vessels was very poor.

Some interviewees noted gaps in their country where Japanese vessels were required to submit entry reports but not exit reports.

One interviewee expressed concerns about the quality of the data that regional assessments are based upon, particularly in regard to Indonesian and the Philippines. He also noted that the albacore assessments are based in large part on Taiwanese data which is probably not that good. However, the scientist cautioned against this uncertainty undermining arguments for action based upon the Scientific Committee's recommendations.

Some interviewees noted that random and occasional inspections of catches revealed misreporting of some species (such as bigeye) as other species (such as yellowfin) and expressed concerns that this undermined the accuracy of catch reports.

Some interviewees from some countries noted that as vessels did not come to their ports, they were unable to do port sampling and inspections.

One interviewee noted that his government will normally demand the production of the original log sheets.

One interviewee noted that SPC had the catch logbook data and FFA the VMS data, but neither both. This is now being addressed.



One interviewee expressed concern that the FFA had historically been really weak on information systems.

VERIFICATION OF CATCH DATA

One interviewee commented: “We take logbooks at face value as accurate. It would be nice to verify this. There are some surprises when you compare unloadings, observer reports and logbooks.”

Some interviewees noted that it was currently hard to determine levels of compliance with logbook and catch reporting requirements and it was currently hard to know if the fishing vessels were telling the truth or not in their reports.

Many interviewees noted that logbook reports could be verified against VMS data, observer reports and weekly reports. Some interviewees noted that normally in such cases this verification would detect discrepancies. One interviewee noted that most of the time there would be discrepancies, particularly with Japanese vessels.

Some interviewees noted that the lack of VMS verification of catch logbooks was a gap and suggested that VMS should be available for cross-verification of reports.

One interviewee noted that reports were usually late and discrepancies were revealed if they verified them against their VMS data.

One interviewee noted that their country checked logsheet data against VMS fairly often and found this very useful in checking accuracy of reports.

One interviewee suggested that it had not been previously possible to undertake cross-verification of catchlog book reports with VMS due to the poor coverage of VMS.

One interviewee noted a recent comparison of FFA VMS data with SPC catch logbook data had found 40% of logbook reports were not verifiable because there was no corresponding VMS data (either the VMS position was inconsistent with the logbook report or the VMS was in-operational at that time).

One interviewee suggested that previous test examples showing inconsistencies between VMS and logbooks probably raised questions about the location accuracy of the catch reports rather than the total catches. He noted that plenty of vessels would like to fish within 12nm as concentrations of fish were higher closer to shore where islands acted a little like natural FADs. Historically, longliners have also fished within the archipelagos.

One interviewee noted that their country cross-verified catch reports from operators against export sheet data which identified inconsistencies where reported catches were less than fish exported.

One interviewee noted that the issue of misreporting is usually handled by the surveillance unit of the police and has been verified by the use of observer reports, if any. They have not been so far able to use VMS data to verify catch reports.

One interviewee noted that with no observer reports and no port sampling data, it was difficult to verify reports.

One interviewee noted that much of the past, and current, data is filed in hard copy which creates problems.

SAMOA EXAMPLE BOX

One interviewee from Samoa noted that their database included port sampling data; market surveys (weekly); export data (collected through Ministry, central Bank and Customs. They were also able to source data from Pagopago, shipment returns for frozen fish sent to canneries and airlines freight detail. It was noted that this data is a useful source to verify catch reports directly from the vessels. All of this



data is provided to SPC but there is little capacity to undertake internal analysis. They would like to develop this data analysis capacity.

ANALYSIS, SCIENCE AND ECONOMICS

Many interviewees noted that the lack of science and research capability at the national level was a critical gap.

Some interviewees noted that some members had no knowledge of the size or status of the fisheries within their EEZ.

Many interviewees noted that they did little internal analysis of any data collected and normally just sent it all to SPC and relied heavily on SPC for advice and stock assessments.

Some interviewees noted they continued to depend on SPC for data collection and analysis as they had little or no capacity themselves to analyse data.

Some interviewees expressed concerned about the heavy dependence of many members upon the SPC for science and data analysis.

One interviewee noted concerns that the FFA/SPC management and data functions are discouraging some members from becoming self-sufficient in their management and data analysis.

One interviewee commented on Taiwanese longline data: “I know it’s a load of crap – but the SPC has based their albacore assessments heavily upon this data.”

Some interviewees noted that a lack of capacity, high staff turnover and a lack of political will have all been key obstacles to the establishment and operation of data reporting, collection and analysis programmes.

Some interviewees thought there was a need to formally review science and data collected and provided to SPC for their own analysis and forecasts.

One interviewee argued that the current data analysis was too broad and needed to be tailored within the context of the science and institutional politics.

Some interviewees noted that while FFA members are improving their scientific capacity and sending more representatives to the WCPFC Scientific Committees, there were only a handful of delegates who could speak confidently and who held a good understanding of the issues. These interviewee thought there was an ongoing need to improve scientific capacity amongst FFA members and improve FFA members ‘ownership’ of the WCPFC science and its recommendations.

Some interviewees thought that FFA members lacked the capacity to analyse the economic implications of fisheries management decisions and undertake the necessary cost/benefit studies of action and non-action.

One interviewee noted their lack of economic analysis and lamented that the ministry of finance just wanted revenue and don’t provide economic analysis support.

Some interviewees noted the lack of adequate science and technology teaching in local high schools and one commented: “If you follow that thread through, you then don’t have people in government with science or technical know-how.”

One interviewee noted that there was little knowledge about fine scale distributions of tuna and their responses to fishing pressures (i.e within 12nm).

One interviewee expressed concern that data was only narrowly or superficially studied.



Some interviewees commented that there was a lack of economic analysis by FFA and SPC of the fisheries data and how it applies sub-regionally and nationally. They commented that this lack of analysis and advice fails to fully brief members on the full ramifications of potential management responses and does not adequately support decision making nor support the development of specific strategies and positions that could best serve national and sub-regional interests.

WCPFC SCIENCE

One interviewee noted that the current WCPFC Scientific Committee process is cumbersome with large number of sub-committees and working groups.

One interviewee suggested that the WCPFC Scientific Committee sometimes acts like an “Olympics of science – people marching along to their national flag.” He noted that there is a range of scientists involved, from those pure scientists who have ‘science at heart’ and participate without national agendas through to the other extreme of those scientists who attend to push policy objectives and national briefs that attempt to, and sometimes successfully, undermine scientific concerns and recommendations by watering down language or inserting language that mightn’t truly reflect the true nature of discussions.

One interviewee commented that there was some bitterness amongst the region’s scientists that the WCPFC Scientific Committee recommendations were so watered down in effect by the Commission. He stated that he nievely thought that logic and science would be better considered at the Commission.

One interviewee raised concerns about the WCPFC Scientific Committee not adequately considering effort creep in its recommendations its dependence upon Multi-fan modelling which was “... a bit like a black box. Not really sure sometimes why outputs are different’.

Monitoring and Enforcement

GENERAL

Some interviewees noted that FFA members “... won’t resolve any management of the fishing industry if they don’t have any knowledge and control of the fishing boats, who is out there?”

One interviewee commented that there are currently few rules or limits to enforce. Interviewees suggested that when limits come in, illegal fishing is likely to flourish.

One interviewee noted that there is a general reluctance to seriously consider unregulated and unreported fishing activities. The emphasis always seems always to be on the illegal fishing component of IUU fishing.

Some interviewees noted that enforcement and compliance were not good. They commented: “There is no patrol boat and therefore we rely on VMS, which is not functioning most of the time.”

Some interviewees noted that poor implementation of MCS undermines the effectiveness of management and allocations.

Some interviewee noted that they do not prosecute vessels with poor compliance with license conditions regarding reporting.

One interviewee suggested that the main weakness in monitoring compliance with licensing and reporting requirements was the lack of government personnel and the resultant lack of regular monitoring of vessel activities.

One interviewee noted that it was not uncommon for licensed vessels to report vessels suspected of fishing without a license.



COMPLIANCE BY FISHING VESSELS

One interviewee noted “We have relied on trust with foreign vessels. They have not been good at compliance”.

Many interviewees noted that their main violations included: turning off VMS, misreporting (particularly of targeted species), fishing in closed areas (within 12nm), fishing with an expired license, illegal transshipment, MARPOL violations, and pollution violations).

Many interviewees from many members noted that compliance with license conditions was bad.

Some interviewee suggested that vessels generally comply with reporting obligations though noted that some uncertainty and disputes continued to occur regarding data reports.

Some interviewees thought that there were high levels of IUU fishing in their EEZ by vessels from Philippines, China and Taiwan.

One interviewee thought that longliners were not good at compliance and it was difficult to know what they were doing.

Some interviewees noted problems with bunkering vessels operating in their zone without proper authorisation.

One interviewee noted that they knew vessels were not complying with their requirements that all transshipments occur within their waters, rather than foreign harbours or waters (in order to support monitoring) but that their government was currently taking no concrete action to enforce this.

One interviewee commented “IUU fishing in the region comes mainly from vessels that have licenses but engage in blatant violations of their license conditions.”

IMPLEMENTATION OF DOMESTIC MCS - OBSERVERS

Many interviewees noted problems with implementing observer schemes.

One interviewee commented that the main weakness in the national observer programmes was the lack of support and emphasis from national governments. “Apart from PNG, with an elaborate observer programme, most of the national tuna management plans do not place much emphasis on observer programmes.”

One interviewee stated that their very large foreign purse seine fleet only had 2.5% coverage.

One interviewee noted their observer coverage for their fleet was 1% in 2006 and 0% in 2007. These problems were caused by a chronic shortage of observers due to a lack of interest from their citizens to go to sea for any significant period of time (days). She commented that this problem existed: “... even though we pay the highest rates in the Pacific.”

One interviewee blamed their problems implementing an observer scheme on the lack of willing staff. Staff who would prefer to perform port sampling or other land-duties where they can return home each night, rather than go to sea as observers.

Some interviewees commented that problems with implementing observer programmes was caused by the high turnover of observers caused by the poor employment conditions for observers as they were only employed part time or only paid on placement.

Some interviewees noted that they had implemented the relevant provisions for observers but that the observer scheme still was not yet utilised nor operational.



One interviewee noted complaints from fishing skippers and crew that observers were not doing their jobs properly and were simply copying logbooks and spending most of their time at sea below watching videos.

One interviewee commented that observer fees should be separate from license fees and should be sufficient to maintain an effective observer programme. Most observer funds are very minimal and limited.

One interviewee commented that regional and centralised observer programmes are more efficient and cost effective than individual national observer programmes.

One interviewee noted that the quality of observers varies from country to country. FFA training is designed to apply the same standards to all regionally certified observers. In one observer training course, only 3 participants passed out of a class of 32.

One interviewee noted that the FFA/SPC trained observers are capable of providing compliance and science information.

One interviewee noted problems enforcing fisheries and license conditions as the vessels never call into port and they lacked an effective observer programme.

IMPLEMENTATION OF DOMESTIC MCS - VMS

One interviewee noted that “Everyone thinks that the new hardware will be the panacea but this doesn’t affect the real issue. Countries can have one, two or three VMS terminals, but they are useless if nobody is watching.”

One interviewee noted that VMS “... is a good tool as long as it works, as long as it is not switched off, as long as there is effective control – otherwise it defeats the whole purpose.”

One interviewee noted that to be effective, the VMS must be supported by effective MCS programs. Currently there is no punitive actions taken against vessels who turn their VMS off.

One interviewee noted that communication infrastructure limitations are real impediments to the effective operation of the FFA VMS. These are serious and difficult impediments to resolve due to the monopoly nature of some of the regions telecommunication companies.

One interviewee noted that the lack of 24 hour monitoring for VMS was a problem, particularly when patrols boats were at sea.

One interviewee noted examples of FFA members that monitored their VMS only during working hours, except for during patrols where monitoring was 24 hours.

One interviewee noted that concerns about the operation of ALCs on vessels had led them to develop processes to audit all ALCs in their fisheries to ensure they met requirements.

Some interviewees expressed concerns that their current VMS lacked the capacity to see beyond their EEZ to vessels that were approaching their waters.

One interviewee noted that the lack of resources and understanding of the VMS was resulting in poor monitoring of VMS, undermining its effectiveness as an MCS tool.

One interviewee noted however that the real problem wasn’t the VMS, but the lack of monitoring, compliance and enforcement.

Some interviewees noted the example of Fiji where 130 longline vessels were currently based. Of these, only 56 vessels were licensed to fish Fijian waters. The rest fished high seas or Solomons or Vanuatu and then transited through Fijian waters to land their catch in Suva. However it was a concern



that these vessels non-licensed vessels did not have to operate VMS while transiting Fijian waters and that this fleet could not be monitored to ensure that they did not illegally fish while within Fijian waters.

Officials from some members argued that police should also have a VMS terminal because they were on duty 24 hours a day. Other interviewees from the same country noted that Police used to hold responsibility for the VMS but were unable to fully monitor it.

Some interviewees noted ongoing problems with the FFA VMS and frequent breakdowns undermined its usefulness or effectiveness for monitoring compliance with fisheries management measures and closures.

One interviewee that one of the primary impediments to rolling out the new VMS was the lack of resources at the FFA secretariat, particularly a lack of dedicated IT staff for the VMS. Problems with the prioritisation of IT services within FFA was slowing down the VMS roll-out.

Some interviewees noted that they had no VMS sharing arrangements but that this under consideration to share with neighbouring countries.

One interviewee noted that once the technical issues were resolved, the new FFA VMS would be a good system.

One interviewee noted that DWFN vessels fitted with VMS ALCs used to include approximately 70% of the fleet. This is now slipping down to 60%.

One interviewee noted that concerns with the FFA VMS has led them to establish their own national VMS.

VMS MONITORING EXAMPLE BOX

Various interviewees from one member described an arrangement whereby one of the local industry figures whose company represented a large Taiwanese purse seine fleet that was flagged locally was responsible for the operation and monitoring of the country's national VMS for its flagged fisheries vessels. All such costs were 100% paid by industry. Various interviewees noted that this had been a contentious decision and other industry representatives had complained about one industry actor being given commercially sensitive VMS data. Other interviewees expressed concerns about the effectiveness of the arrangement to ensure full monitoring of all its flagged fishing vessels. The individual himself admitted that he had monitored a fishing vessel through its VMS fishing in Australian waters but had not taking any action until the Australians discovered the vessel themselves. He argued that he took no action because the waters were disputed.

IMPLEMENTATION OF DOMESTIC MCS - OTHER

Many interviewees noted that the lack of patrol capacity amongst members (boats and fuel budget) undermined their ability to monitor compliance with, and enforce fisheries management within their EEZ.

Many interviewees noted that surveillance was a gap.

One interviewee noted that surveillance will always be expensive and needs at minimum 10% of the access fees to fund adequate surveillance and compliance activities.

Some interviewees noted that disputed boundaries undermined fisheries management, particularly MCSs to the uncertainty it created.

One interviewee noted that penalties in their country were too low to be effective and legislation needed to be amended to increase them.



One interviewee noted that the limited size of their police force restricted their capacity to patrol their waters.

One interviewee noted that boarding officers are probably not pro-active enough with investigations across a whole range of issues: checking VMS, logbooks, licenses, gear, holds, etc.

One interviewee noted that Kiribati had recently apprehended 2 Korean vessels based on VMS data. However, each case was settled out of court.

One interviewee suggested that the lack of VMS receivers on Pacific Patrol Boats was a problem as VMS positions had to be communicated by radio and could only be currently done once every 18 hours (by which time the vessels had often recovered their set and moved on).

One interviewee noted problems with the size and equipment of Pacific patrol boats undermining their operational capability to undertake at-sea inspections.

Some interviewees noted that their ability to patrol their waters was undermined by their inability to pay fuel costs (PBPP requires members to pay 50% of fuel costs).

Some interviewees noted that the region's 22 Patrol Boats in the PBPP underperformed by approximately 2/3 of their operational capability (i.e average of 30 days per boat when boats operational capability should average 80 to 100 days. In the worst case, one member's PBPP performed at less than 10% of its operational capability).

One interviewee noted that in their case, PBPP activity is heavily dependent upon multi-lateral activities where Australia pays 100% of the fuel bill.

One interviewee noted that there are few, if any, quality control or continuing assessments of boarding and inspections by PBPP crews and fisheries inspectors. Interviewees noted concerns that inspections were sometimes superficial and that inspectors were not properly aware of what to look for (i.e discrepancies in logbooks, holds, VMS units, gear).

One interviewee argued that penalising infractions with fines was ineffective due to the small size of the penalty. He suggested other punitive measures such as port embargos, forfeitures, license seizures would be far more effective as a deterrent.

One interviewee noted that enforcement and patrolling were the biggest obstacles to sustainable management: "we can control our ports but not our waters."

One interviewee noted that "One big problem is that the region does not have good prosecuting fisheries lawyers – everyday fishers trick the system".

One interviewee noted that their greater department (i.e Agriculture, Fisheries and Forestry) now has an in-house lawyer but this person only deals with corporate matters and they still lack in-house legal expertise in regard to prosecutions and legislation.

INTRA-GOVERNMENTAL CO-ORDINATION AND CO-OPERATION

Some interviewees noted that poor co-ordination and communication between relevant departments was undermining monitoring and enforcement efforts, particularly in regard to operation and use of vessel monitoring systems and implementation of observer schemes.

One interviewee noted an example of poor co-ordination and communication problems between fisheries and police and noted that when a vessel is arrested by surveillance – police must advise fisheries immediately but this is not always the case. Better co-ordination was required to ensure cases are properly investigated and prosecuted.



Some interviewees in Samoa noted that existence of a Licence, Enforcement, Surveillance Committee which meets twice a year. The Committee included representatives from the departments of Transport, Ports Authority, policy, Maritime School, and Fisheries. Its Terms of Reference is to look into all license issues and their enforcement – main focus is on enforcement of license conditions. This is a subcommittee of the CFMAC.

One interviewee noted arrangements in one country where the fisheries department has an officer located within the police headquarters where the VMS terminal is located. This occasional contact between the two agencies provides some limited communication.

REGIONAL CO-ORDINATION AND CO-OPERATION

Some interviewees noted the existing joint surveillance arrangements and their interest in developing further such arrangements.

Some interviewees thought the FFA MCS training and WG very helpful.

Governance, Administration, Consistency and Transparency

GENERAL

One interviewee commented: “There are a number of institutional weaknesses in various fisheries departments across the region”.

Some interviewees suggested that a lack of good management, leadership, co-ordination and communication was a critical obstacle to the effective functioning of governments.

One interviewee commented: “Governance is often a mess, and varies from State to State, largely dependent upon capacity.”

One interviewee commented: “I’m a bit cynical about blaming politicians and senior bureaucrats for all governance failures since independence”. She suggested that the post-colonial systems established by Australia and others were obviously ill-suited to the needs of FFA members. She argued that some of the blame for current failures stems from these historical failures.

One interviewee noted that the first complaint of the fishing industry is always “... our biggest problem is the fisheries department”.

Some interviewees noted that many of the fisheries departments throughout the region are hamstrung by unworkable conditions, low pay, poor political engagement, inadequate funding, lack of skills, limited career opportunities, and inadequate operational budgets.

One interviewee expressed concern about relying too heavily on advisors as he argued this made governments lazy and they often did not get good advice. Furthermore, he argued that when things went wrong, the government shirked responsibility and blamed the advisors.

Some interviewees noted that fisheries management reflects the best of governance generally across whole-of-government. Fisheries departments are limited/supported by the quality and effectiveness of the rest of government.

Some interviewees noted that there was poor, if any, monitoring of the performance of, and implementation by, government departments and officials.

NATIONAL PLANNING AND STRATEGY

Some interviewees noted that a key gap throughout the region was the lack of strategy development, setting of national objectives and national planning.



Some interviewees noted the lack of strategic planning focusing on institutions and agencies – not just fisheries management. Concern was expressed that some members were confusing tuna management plans as the same as strategic development plans or strategic agency/institution plans.

Some interviewees noted that they had some strategic analytical capacity and skills but lacked the capacity for: "... making it happen and implementing it."

Some interviewees noted that much depended upon national priorities. One interviewee thought that resources were less likely to be adequate where fishing was considered to be a low priority.

Some interviewees suggested that strategic plans and visions need comprehensive bi-partisan support across all stakeholders so that changes in government do not undermine their implementation.

Some interviewees noted that members and agencies have tended to focus on technical details and fix-its, rather than looking at holistic strategic frameworks.

One interviewee suggested "Politicians must look beyond their electoral cycle to the long term future".

One interviewee noted the lack of a comprehensive view by some member governments that addressed all their development opportunities and needs.

Some interviewees argued that many countries lacked a clear vision or strategy for their fisheries industry and that this was a critical gap.

CAPACITY AND SKILLS

One interviewee commented: "Corruption impacts capacity because you don't know if you're undertaking responsibilities which could then be implemented."

Many interviewees noted that a lack of capacity within government was a critical problem undermining fisheries management. This was both a problem of numbers of staff and levels of skill, experience and knowledge and caused in large part by the small national population providing too few skilled staff.

One interviewee commented on their lack of capacity: "Too busy. Too many meetings. You pick up things when its just about to hit the fan."

One interviewee noted that it was very difficult to find good staff given their limited population and the better pay available overseas. He commented: "Most good people finish university and want to work overseas where the pay and conditions and are better."

Some interviewees noted that the 'lack of attractiveness' of fisheries departments for new staff is a long running problem. It was suggested that fisheries used to attract good young graduates but the downgrading of fisheries departments has made this less the case now.

Some interviewees noted that capacity building has focused on technical and policy training in fisheries but with little focus on HR management institutional administration/planning/strategic planning training. This leaves holes and problems with staff turnover, career advancement, resourcing.

Some interviewees suggested that there has been a general decline in the career path in the public service throughout the region and this has exacerbated staffing and recruitment problems within fisheries departments across the region.

Some interviewees commented that the high turnover of senior staff and Ministers, and the transitory and short term nature of staff in government is a constraint on capacity. One interviewee commented: A lot of it boils down to the individual and institutional knowledge – high staff turnover in many countries loses this corporate knowledge." Furthermore, it was noted that this turnover can constantly reduce capacity as good staff who have gone through training in fisheries department can then move on other departments taking this new capacity with them (at a loss to the fisheries department). Some



interviewees blamed this high staff turnover due to low salaries and conditions within fisheries departments causing staff to transfer to other departments.

Many interviewees commented that the high workloads and heavy travel requirements left fisheries departments/authorities with little or no capacity to day to day domestic task, let alone address strategic or co-ordination issues. One interviewee commented that their tuna management plan is due for review but that this was "... hampered by the continuous change of senior staff of the Ministry with new secretary and Ministers. Fisheries officials also travel far too much and no one seems to be on the ground most of the time."

Many interviewees noted problems caused by staff having to fulfil many functions simultaneously and good technical staff quickly getting promoted out of their expertise into management and thereby removing essential technical skills from government.

One interviewee noted that they lacked legal and foreign diplomacy skills.

Some interviewees noted that their countries lacked the ability to undertake financial investigations. This can be a problem with investigations of foreign investment applications and chartering applications. Sometimes this can also be an issue with loan partners in projects.

One interviewee noted that many/some people running fisheries departments in the region were previously diplomats. Some of these people were previously diplomats and may have undertaken post-grad studies outside the region – however this training was not necessarily focused or relevant to the specific needs of the Pacific. This training is not as effective as it could be if run through local uni/tafes with staff who have a direct understanding of the Pacific needs and context.

Some interviewees commented that some officials or departments did not have the necessary expertise or information necessary to make decisions. They thought that many officials didn't have the full picture and argued that this made officials vulnerable to influence by single groups who gained their ear.

Some interviewees noted that compartmentalisation (i.e only fisheries works on fish without consulting/engaging environment or finance) constrains capacity. Member governments probably have more capacity than their using because of poor co-ordination and the lack of engagement of other relevant departments to work on fisheries such as economists from treasury/finance, policy analysts from environment, etc).

One interviewee thought there had been a general decline in the work ethic and effectiveness of departments throughout the region. He considered that a number of departments are at a critical level.

Many interviewees noted that the FFA was undermining the capacity of its members by recruiting their best national staff and moving them to the FFA. One commented: "We need the region (FFA and SPC) to stop poaching the best people from national governments – though the reality is that if staff don't get paid well and opportunities arise, they'll leave. (Furthermore) ... Staff can be discouraged by political problems and bureaucratic processes and governance issues."

DECISION MAKING PROCESSES AND ACCOUNTABILITY

One interviewee commented: "One man decisions are the biggest obstacle to sustainable management. The department of fisheries does everything without proper consultation. We don't know what; going on."

Some interviewees noted that poor processes, systems and record keeping were undermining good governance. One interviewee commented: "Traditionally, not much gets written down. Filing systems are a joke. Basic administration and corporate memory is a problem." One interviewee noted that the one fisheries department was going to find it very difficult for some time as the recently departed director of fisheries kept no records and kept everything in his head. Furthermore, this director made



most, if not all, decisions unilaterally. Another interviewee noted that during his time as Secretary of Fisheries, no records were kept or files maintained.

Some interviewees noted problems with decision making where the bureaucracy seemed neither motivated, nor capable of making a decision. In part this was attributed to unresolved staffing issues leftover from a restructure of the fisheries department.

One interviewee referred to problems with slow decision making and the current lack of leadership within their fisheries department. They referred to past heads of fisheries departments who were articulate leaders and were able to strongly push for fisheries issues to be taken seriously within their country by the whole of government.

Some interviewees noted that their system of government was creating obstacles to the development and amendment of legislation through political interference standing in the way of good policy making.

Some interviewees noted the importance of their Board, but expressed concerns that some/many of its members were ignorant of key fisheries issues and contributed little to discussions.

One interviewee noted that their fisheries board was appointed by the Minister of the day who is free to choose whoever he favours to be on the board. The Minister noted that there was no consideration of individuals who were best suited through knowledge and skills to contribute constructively to the work of the board.

One interviewee commented that many politicians and senior bureaucrats like to sit on boards and enjoy the status that goes with this. However, many of these people do not then commit the necessary time and effort to study and the issues so that they can make informed decisions.

Some interviewees noted that despite the existence of a board, there are still some transparency concerns with some decisions taken outside the board meetings.

Some interviewees noted that problems where advisory boards were established, they can become politicised through pressure on the board from politicians and industry.

Some interviewees noted that while their Minister technically has little direct involvement in the running of the fisheries authority, in practice he still wields a lot of influence. Political interference was lessened but still a problem. They suggested that this was in part because some of the appointed board members are very much his puppets.

Some interviewees noted the challenges of dealing with Ministers and the problems of political interference: One commented: "Minister can never divorce themselves from their constituents."

One interviewee noted that small size of electorates throughout much of the Pacific meant that parliamentarians could know almost every one of the constituents and hence were very close to their constituents.

One interviewee commented: "There are times when political interests override technical objectives".

One interviewee noted problems where rural development and fisheries development were linked, leading to politicians using fisheries development to win electoral returns.

EXAMPLE BOX ON GOVERNANCE

Various interviewees from one country offered differing views on the current status of two contentious opposing developments (one Chinese, the other Taiwanese) that would build a fisheries processing factory linked to a fishing access agreement for locally based foreign owned vessels. Conflicting stories were told of foundations being poured, access agreements signed, decisions reversed, vessels licensed, landholder rights being over-ridden, environmental impact assessments contracted, environment impact assessment requirements being ignored, environmental impact assessments not being performed, lack



of consultation either at community level nor at requisite cabinet level, etc. In the end, the only consistent point that could be ascertained was that negotiations for both developments occurred largely at the Ministerial level and did not follow due process due to concerns regarding the slow speed of the bureaucracy to consider and advise. Similarly it would appear that there was no consultation. Interviewees from departments and community groups that were sidelined were opposed while industry players supported their “friendly” proposal and wrote off the opposing proposal.

TRANSPARENCY

Some interviewees noted complaints about the lack of transparency, information availability, licensing and corruption are widespread.

Some interviewees noted that with very few exceptions, license lists were not transparency nor readily publicly accessible (on websites etc).

Some interviewees noted a general lack of transparency throughout all levels of governance relevant to fisheries management.

One interviewee noted in discussion about their flag State registry that there was no formal process to investigate or audit budgets and that registry income was not gazetted.

Some interviewees noted strong concerns in their country about the lack of consultation and transparency. Their legislature had established a Special Committee on Fisheries which has been pressuring the government for some time to more openly discuss fisheries issues, particularly WCPFC issues.

CORRUPTION

One interviewee noted that both forestry and fisheries were the largest revenue earners in his country but both suffered heavily from corruption.

Some interviewees noted that corruption was a big issue, occurring at both the political and operational levels.

Some interviewees noted cases of political interference in licensing occurred not just in those members who had the most basic licensing procedures, but also in FFA members with the most sophisticated licensing procedures. Interviewees noted examples where previous directors had been sacked and/or charged for issuing licenses unilaterally without board/committee endorsement or proper process due to political/industry pressure. Interviewees noted examples where political pressure was mounted on the fisheries director to moderate licensing rules. In one example, a licensing dispute ended up in the courts and the director of fisheries was able to withstand the political pressure.

Some interviewees noted widespread corruption problems in past licensing of fishing vessels and the ongoing lack of transparency or accountability in licensing.

One interviewee noted that often the only watchdog monitoring corruption allegations or evidence was the courts – but these have to have cases brought before them and cannot proactively investigate allegations.

One interviewee noted that politicians were often directly involved with foreign domestically based fishing vessels and did not wish to see crackdowns on IUU fishing and opposed strong anti-IUU fishing measures.

Some interviewees noted past problems with “retrospective licensing”. One interviewee noted that is this was no longer a problem for them due to their Board’s involvement in licensing and their complex and transparent processes.



Some interviewees noted that traditional leadership structures often fall down in the Pacific due to corruption and self-interest of chiefs and leaders.

Some interviewees noted that low salaries and the poor status of fisheries officials created temptations for corruption.

One interviewee commented: “There was a period when licensing officers in some FFA members were treated handsomely (like Princes) by foreign fishing companies in return for licensing favours.”

INTRA-GOVERNMENT CO-ORDINATION AND COMMUNICATION

Many interviewees noted that there was generally little co-ordination between fisheries and other departments, nor often any formal consultative mechanisms, except when specific issues warranted clarification from other agencies. Some noted that this lack of consultation and poor or non-existent communication also extended to stakeholders.

Many interviewees noted problems with poor inter-departmental co-ordination and communication across the region was negatively affecting implementation and operation of fisheries management and development.

Some interviewees noted some co-ordination problems with other departments, which were sometimes caused by confidentiality concerns preventing sharing of information. Additionally, there were problems with other departments not always implementing or performing work as quickly as the fisheries department would prefer.

One interviewees noted that there few members who had good relationships between their compliance departments and their fisheries departments.

One interviewee noted examples of internal battles between departments where one department would respond negatively to a request to develop/implement new regulations or processes arising from international negotiations and refuse to support such measures because it was not consulted or engaged or did not participate in the negotiations leading to such a measure.

Some interviewees noted talk to improve intra-consultation and co-ordination and supported these proposals but suggested that little had been achieved. Various examples in different countries were given of the establishment of consultative committees or advisory boards that not met for a long time.

Interviewees noted a disconnect between fisheries and environment. Environment departments are not seen as relevant to fisheries concerns.

One interviewee noted cultural obstacles to transparency and co-ordination existed in some FFA members, where the possession of knowledge is seen as personal wealth and becomes personally important. He commented: “If I know something, then it is not expected that I would pass on this information freely, it might be used against ... what is known by the fisheries department is not readily shared with other departments or others at a national or regional level”. This created obstacles to consultation meetings as some may have concerns with having to share information. However, the interviewee noted that in his home country, this was becoming less prevalent as the civil service develops and individuals become less personally possessive of information.

One interviewee suggested that there was an element of self-preservation to the poor internal communication. He suggested some officials thought: “I’ve worked hard to get here, why should I pass this knowledge on – they too can work hard to get it.”

One interviewee noted that some members did not have the resources to establish and maintain processes to effectively share information.

One interviewee noted that their problem wasn’t a lack of capacity, but a lack of co-ordination.



One interviewee noted that their country had the management skills, it just needed some assistance to develop co-ordination and processes.

Some interviewees noted the need to engage economic and financial Ministers – not just fisheries Ministers. An integrated co-ordinated approach is required.

BUDGETS AND COST RECOVERY

Some interviewees noted that a lack of adequate operational budget is a key problem for some FFA member's fisheries departments who cannot afford to maintain vehicles, pay phone bills, photocopying, internet or fuel.

One interviewee noted that in countries where fisheries departments were funded out of treasury and there was no cost recovery funding direct to the department, interviewees noted that fisheries departments were under-funded despite the fact that they were often the major exporter for their country.

One interviewee noted that license fees were sometimes based on cost recovery but may not include any element of resource rent.

One interviewee noted that FFA members were not reinvesting back into fisheries departments enough (ie. no cost-recovery).

One interviewee noted that budgetary limitations and the expense of travel within their country were major obstacles to implementing management – 60% of government budget is spent on salaries.

One interviewee noted that their fisheries act requires the establishment of a Development and Management Fund and that 50% of all fisheries income should go into this fund. However this has never happened, and is not currently happening as the Department of Finance is opposing this due to a history of corruption within the fisheries department.

One interviewee noted that despite their fisheries authority being a statutory corporation, their budget is still processed like all other government departments. Previously it used to retain license fees but now all revenue goes to central treasury following internal financial problems within the government.

One interviewee from PNG described their 100% cost recovery whereby all fisheries revenue is paid to the National Fisheries Agency which then pays the government dividends only after approval by the NFA Board. The NFA's budget is paid for entirely by fisheries revenue.

One interviewee noted that the centralised funding model where fisheries had no cost recovery and dependent upon annual budget grants from treasury undermined its ability to support management and development projects.

Various interviewees from the Marshall Island noted they are a statutory authority with cost recovery. Their budget is developed internally and submitted to their board for approval. They then receive access fees, and are required to contribute a share to the national budget to meet targets that are set as part of the national budget process.

Various interviewees noted that Kiribati's department of fisheries was resourced and administered like any other, and had to bid for operating budget like any other. One commented: "Cabinet usually set national budget limit then departments will bid for their share of that budget. Additional activities beyond the budget limit must be sourced from extra-budgetary sources such as donor funding".

One interviewee noted that he was comfortable with the current funding arrangement for the fisheries ministry where all revenue goes to treasury and operating budgets are centrally allocated. He raised accountability and transparency concerns if the fisheries ministry were to retain any share of access revenue for cost recovery.



Stakeholder Participation and Consultation

Many interviewees emphasised the necessity for stakeholder consultation in fisheries management, particularly given the importance of fisheries as a major income earner. However, many interviewees noted that consultation with industry and other stakeholders was very poor or lacking.

Many interviewees noted that their various governments undertook no consultation or community information when developing fisheries policy or national positions. In few cases, some interviewees noted that industry was consulted during development of their management plans and licensing regimes. In some cases, interviewees from government and industry expressed contradictory views that there was no consultation with industry or that were now doing more consultation than ever before.

One interviewee stated that consultation and information sharing with civil society, communities, NGOs and association across the region was low to medium. He suggested that was due to a lack of capacity from government to inform and consult with communities and a lack of clarity of purpose from governments about why/what they need to consult with communities about.

One interviewee noted that their Fisheries Act (which is yet to be implemented) refers to the establishment of an Advisory Board to the Minister but is very vague on the role of the board and its composition and leaves this to the discretion of the Minister.

Some interviewees were concerned with the lack of transparency and process in their government's consultations with stakeholders. They expressed concern that their government did not consult widely with all stakeholders and sometimes only took advice from one interest group, to the potential cost of other stakeholders.

Some interviewees noted that there is little to no consultation with small scale industry on fisheries development matters.

One interviewee noted that information and consultation often does not trickle down to the community level, even in cases where there is some consultation and information available to NGOs, associations and academics.

One interviewee noted attempts by NGOs to participate in national delegations to international meetings had often, or largely, been unsuccessful.

Some interviewees suggested that NGOs should be involved in fisheries management but noted the lack of any formal channel for consultation.

One interviewee noted that their government was working with NGOs on inshore fisheries management, though this management is currently ad hoc.

One interviewee commented: "Industry people are generally much better to deal with than government in regard to contacts, emails, attendance and participation at meetings, etc. Though often industry is not well informed on what is happening regionally or internationally."

One interviewee noted that industry was largely unaware of what sorts of assistance might be available regionally to support their development of associations or engagement in regional fisheries matters.

Some interviewees noted that the domestic fishing industry was not very well organised to represent their views. It was noted that where common problems have arisen, there have been cases of the local industry developing responsive ad hoc co-operation. FFA was working to assist the formulation of a local fishing association. However, there are also problems defining local industry that raised questions regarding whether it should include: joint ventures; locally operated foreign vessels; and charter vessels. One interviewee proposed that the definition could be vessels that they are supplied and land locally.



One interviewee noted that industry could not agree on common positions and that this made it more complicated for the fisheries department/authority to decide on what best served their interests.

One interviewee noted that their recently drafted tuna management plan chose not to establish an advisory committee or board, but instead to meet regularly with stakeholders due to a concern that there was too wide a range of views and interests within the industry to allow a formal committee or board to work effectively. He noted that even their local tuna industry association had some trouble agreeing on common positions.

One interviewee noted there was uncertainty within the fishing industry on who should represent their interests.

Some interviewees noted that communication issues are a major problem, particularly between the Ministry and private sector and non government stakeholders in the fisheries.

Some interviewees commented that there are always complaints from the fishing industry about the lack of communication flow: “They feel that vital information to the industry does not trickle down to the operators from the government authorities.”

Some interviewees noted that many communities lacked an understanding of ‘good governance’ and what their rights were. This created obstacles to community engaging with government.

One interviewee noted that regional media engagement on fisheries issues was sometimes good but often lacked substance or adequate analytical and investigate ability.

EXAMPLE BOX ON CONSULTATIONS

Interviewees from one FFA member noted a range of significant consultation problems between industry and government. All interviewees supported consultation with industry regarding the development and management of fisheries. However, there were marked differences in views on the level of engagement and the history of past consultations. Industry interviewees strongly supported the involvement of industry in the formulation of national fisheries policies and participation in national and regional discussions on fisheries issues. Industry interviewees commented that there had not been regular liaison with the department of fisheries apart from ad hoc conferences in 2003 and early 2007. Industry interviewees expressed a high degree of scepticism regarding the values of these conferences and noted that the formal recommendations from the 2003 conference were yet to be implemented. “The conference convened by the department of fisheries is only a show case with no significant follow up actions by the government. There were good discussions and outcomes but no real commitment to follow through the outcomes of the conferences. At the time of the February 2007 conference, the outcomes and commitments of the 2003 tuna conference were still outstanding. So the conferences are a total waste of time and nothing is expected to come out of it.” Another industry interviewee commented “The conferences and consultations undertaken by the fisheries department has very much been done for the sake of having consultations. There has been no commitment to follow through with the outcomes of those consultations.” He too noted that the outcomes were still outstanding. These statements were supported by other industry interviewees in latter consultations. Industry interviewees noted that the only management plan so far developed was for tuna. The tuna plan established a Tuna Management Advisory Committee which was to include representation from all stakeholders. Industry noted that this Committee has not met for 3 years. Industry interviewees also noted the industry attended a WCPFC Commission for the first time in 2006. Prior to this, industry was not involved in any discussions or briefings concerning the WCPFC and its ramifications for industry. Despite their attendance, the industry was not included in any of the discussions or briefings concerning the issues discussed at the WCPFC and were not able to provide any input into potential positions. There were no internal preparatory consultations prior to the meeting, nor were there any internal discussions during the meeting. One industry interviewee commented “The department of fisheries officials are usually over protective of their turf and not too receptive to views and complaints from industry. Otherwise, the relationship with the department is acceptably okay.” Despite all this, one industry interviewee suggested that relations with the fisheries department had begun to improve, but far more improvement was required. And one other industry interviewee noted that the majority of the industry has major



difficulties with the fisheries department, but that he only views it as having differences in opinion but no major disagreement. One official interviewee commented that he was supportive of consulting with stakeholders but that it was sometimes not practical to arrange such consultations. Another official stated that he strongly supported the widest consultation and participation of industry in the formulation and development of fisheries management and development measures. He stated that the fisheries department was now attaching greater importance to consultation, not just with related government agencies, but also with industry and NGO representatives. He referred to the tuna conference in February 2007 as a success with widespread involvement of all industry stakeholders. Previously slow progress in implementing outcomes was attributed to the lack of leadership in the department as a result of the recent government reforms. The new CEO noted that Cabinet had approved the outcomes of the conference and the department was now in the process of developing a corporate plan to reorganise its activities to enable it to implement the outcomes of the conference. One official interviewee commented that the effective operators were those that rarely complained and that it was those operators with vessels tied up not fishing who complained the most. One official interviewee countered industry criticism regarding good governance and the lack of consultation by stating that the fisheries department should have access into the operation and discussions of the national fisheries industry association “(they) ... have not been open in their dealing with the department of fisheries, especially their consultation with the Devfish project. They also need good governance in their operation, not only insisting on the good governance within the department of fisheries. (they) ... deal directly with Devfish without keeping the department informed.” Official interviewees conceded that the Tuna Management Advisory Committee has not functioned effectively of late and would have provided consultation between government, industry and NGOs.

Regional Co-operation, Negotiation & Advocacy

GENERAL

One interviewee warned: “Whether we like it or not, its coming (battles over conservation and management measures and MCS). The question we need to ask – are the countries ready, as members of the Commission? Costs will increase. More demands will be created (research, data, economics, MCS). All will be more demanding. Have we adequately trained people?”

One interviewee commented “The issues at the Commission will gradually get more complex ... the ultimate issue is that of allocation which the island States may not be in a position at the moment to engage in discussions on. Without resolving allocations, the broader issues of IUU fishing and overcapacity may not be readily resolved.”

One interviewee suggested that there were indications that FFA members had not fully realised what they’ve signed up to in the WCPFC.

One interviewee expressed concern that there were too many meetings and too many documents – “So much confusion amongst the members that much gets left to the FFA secretariat.”

Some interviewees suggested that FFA members were not adequately engaged in the WCPFC. One commented: “Fundamentally we have a big problem. We’re not taking the issues seriously enough. People go and attend these meetings just for the sake of going.”

Some interviewees thought that preparation, participation and reporting back from international meetings “was a huge gap” in their country or that their delegations were very weak.

One interviewee commented: “One of the factors contributing to the high seas failure at the WCPFC in 2006 was the lack of readiness of FFA members.”

One interviewee who had attended WCPFC meetings commented that there appears to be only a few FFA delegations able to analyse and question the FFA brief. This evident in the limited nature of discussions at the preparatory FFC meetings prior to WCPFC meetings.



One interviewee expressed concerns about the level of skills, knowledge and training of fisheries officials representing FFA members at international meetings and their ability to "... comprehend and advocate well their positions in relation to key regional fisheries issues. This may be due to deterioration in educational standards in the region."

Some interviewees expressed concern that the FFA membership seemed to "have lost the plot" and did not seem to be united and rally together as they did during the MHLC and Prepcon negotiations.

One interviewee thought that there was no real sense of community across the FFA membership despite protestations otherwise. He thought that the FFA members "... lacked a strong common interest..." and were too heavily focused on supporting their own narrow self interest. He commented: "The biggest gap is that they don't pull together (at the regional level)".

One interviewee noted that good governance requires accountability and professionalism. Staff should justify their participation in international meetings and account for their attendance and actions. He commented: "There appears to be no peer review of fisheries officials and their contribution to international meeting in a manner that holds them accountable."

Some interviewees suggested that regional meetings are pulling staff out of day to day work and noted industry complaints that the best thing the FFA could do to support industry development was to stop pulling national staff off-island all the time and distracting them from authorising license applications.

Some interviewees suggested that a critical gap in regional arrangements was the lack of effective verification systems to confirm and ensure that members were implementing their WCPFC responsibilities and obligations. They asked who was responsible for monitoring and reporting on implementation.

Some interviewees noted gaps in understanding and implementation of sanctions and consequences for non-compliance or lack of implementation by individuals/companies/fishers/states.

Some interviewees noted that ratification of treaties by some members was very slow and often held up by foreign affairs. One commented: "... (their country) ... signs heaps of treaties and agreements but then never ratifies. This is because once the agreement is signed, the process, moves beyond the responsible line department to foreign affairs which is responsible for all ratifications. Which is where nothing then happens."

One interviewee commented that some members "...sign and ratify on the spot but then often do not have the necessary legislation to actually implement the agreement."

Some interviewees suggested that the FFA focus on WCPFC has led too much to a top-down approach. Some interviewees suggested the FFA needs to now balance this with more of a bottom up national approach. Similar comments were made in regard to SPC.

CO-ORDINATION, COMMUNICATION AND CONSULTATION

Many interviewees noted that co-ordination across departments was a major problem. They noted that there was little interaction between fisheries and foreign affairs, or any other government department. Some noted the lack of any whole-of-government process for developing foreign policy.

Some interviewees noted the lack of engagement by relevant and important departments in delegations to regional and international meetings (including FFA and WCPFC meetings and workshops). One interviewee noted that his environment department was not even informed of a regional meeting taking place in his country that day which was discussing high seas marine biodiversity. Other interviewees noted problems whereby enforcement staff from attorney generals did not attend relevant FFA or WCPFC meetings (despite encouragement). One interviewee noted problems where the fisheries department never briefed foreign affairs prior to international meetings, despite it being required to do so. Some interviewees noted that specific issues might be raised with Attorney Generals but no one from AGs is involved in access negotiations or WCPFC. One interviewee noted that foreign affairs has



had little involvement in fisheries meetings since the fisheries department took over responsibility from foreign affairs as the official contact.

Some interviewees noted that preparatory consultations might occur only within the fisheries department and be limited to just a few individuals. One interviewee noted that apart from those few who attend international meetings, the rest of the fisheries staff, let alone other government departments or industry stakeholders, are not aware of the issues discussed at FFC and WCPFC meetings.

Interviewees noted that they had no formally required process for consultations to develop briefs.

Some interviewees noted funding obstacles to participation by industry in international meetings and problems with agreeing on who represents industry.

Some interviewees noted examples where there was no formal consultation processes and little to no consultation between departments, but where single industry representatives were able to input into preparations or delegations.

EXAMPLE BOX - CO-ORDINATION AND CONSULTATION

Some interviewees noted one example where a country has the capacity and skills to fully prepare for, and participate in, international meetings. However, co-ordination problems have recently undermined the effectiveness of their delegation. These problems were not helped by personality clashes. These interviewees noted that despite their strong capacity, there is currently no systematic process for preparing and reporting back. Traditionally, delegations prepared briefs and discussed these with their board, but this had not occurred in the past couple of meetings. This lack of preparation has forced delegations to consult internally within the delegation on the sidelines of international meetings and to develop positions on the run. Various officials noted that this was an inefficient and time-consuming process and was disruptive.

One interviewee commented: “The underlying issue is of the need for proper communication flow. Communication is a whole science in itself and without effective communication and advocacy skills, the objectives and key issues would not be properly understood at the national levels. If the issues are not properly understood at the national level, then those issues can not be progressed at the regional level.”

Some interviewees suggested that it was “imperative” for the fishing industry to be involved in WCPFC meetings and processes. However, some interviewees noted that industry had very little or no knowledge of what was occurring at WCPFC meetings or what it meant to them. One industry interviewee noted that national delegations to WCPFC did not provide post-meeting reports – “We have vessels fishing in the WCPFC waters and should know what is happening in the WCPFC”.

EXAMPLE BOX ON INDUSTRY PARTICIPATION IN DELEGATIONS

Some interviewees noted an example where representatives from a national industry association attended a WCPFC Commission for the first time in 2006. Prior to this, their industry was not involved in any discussions or briefings concerning the WCPFC and its ramifications for industry. Despite their attendance, the industry was not included in any of the discussions or briefings concerning the issues discussed at the WCPFC and were not able to provide any input into potential positions. There were no internal preparatory consultations prior to the meeting, nor were there any internal discussions during the meeting.

PREPARATION FOR INTERNATIONAL MEETINGS: INCLUDING ANALYSIS OF NATIONAL INTEREST, STRATEGY DEVELOPMENT AND GAINING A MANDATE

Many interviewees noted that preparation for international meetings was poorly co-ordinated or performed and needed improvement.



One interviewee commented: “Only a few countries are keeping up on what their national interests are.”

One interviewee commented: “That’s the \$64 million question – how to enable pacific island countries to determine and implement their own national interest.”

Many interviewees noted that many members lacked the capacity to analyse and develop positions at international meetings that best served their national interest.

One interviewee commented: “There is no history or capacity of members preparing for international meetings. In the past, these (delegations) have been one man shows.”

One interviewee commented: “There is little or no co-ordination or planning preparing for fisheries meetings. There is an apparent lack of internal capacity to comprehend and analyse the issues within the fisheries authority and the government generally. Thus it is difficult to determine or know our national interests in relation to those issues.”

Some interviewees observed that some members relied heavily on the FFA briefs due to their lack of capacity to determine their own national interest.

Interviewees from two members (beyond Australia and NZ) noted that they were capable of determining their national interest and positions.

Some interviewees noted that that the limited time after papers were released left little time to do analyse the issues and prepare a brief.

One interviewee commented: “The FFA brief has been very useful in providing an overview of the issues of concern. However, the issues at the WCPFC are getting very technical and there is no capacity to understand and comprehend these issues, let alone attempt to translate those issues in to the perspective and interests ... (of our country).”

Some interviewees stated that some members lacked the resources to develop a written brief.

Some interviewees noted that many of the member’s preparation, participation and implementation problems were caused by high staff turnover and a resultant lack of corporate knowledge. Others attributed it to the lack of human resources on the ground, given the range of other domestic issues that the fisheries department has to deal with on a routine basis.

Some interviewees identified the lack of written briefs was a gap as briefs provide an important record of past meetings and positions.

Some interviewees noted that their fisheries department was required to write a brief before attending international meetings, but that this was mostly just based on the FFA brief. Some of these interviewees noted despite the requirement for a brief, they had not done this for the past few years as delegations had consistently included the same individuals who had become very familiar with the issues.

One interviewee noted that they had previously tried to prepare written briefs prior to international meetings but this practice had soon stopped as it had not been considered important enough to warrant the time and resources required.

One interviewee noted their reliance on the FFA brief sometimes caused problems as their delegation did not necessarily always agree with FFA positions but they did not have the capacity to analyse and determine their own national position.

One interviewee noted that their current institutional set-up did not allow information to be readily gathered and developed into a brief.



Some interviewees noted that they had no mechanism in place which required that a Minister notify cabinet and analyse/discuss the potential ramifications of signing/ratifying international agreements.

One interviewee noted that their generic mandate for their national delegations was to: firstly support their national interest; where this could not be determined or the issue did not impact on their national interest they should secondly support the Japanese and Taiwanese positions as these were the most important aid donors; or thirdly, support the FFA position.

One interviewee commented on their lack of preparation for international meetings: “If we make strict briefs before we go, then we might not be able to go along with the FFA and the PNA.”

EXAMPLE BOX – PREPARATION AND CONSULTATION

Many interviewees described a generic example of a member’s delegation to a WCPFC meeting. Generally - there would be no systematic internal process to prepare for meetings, or consult with relevant government agencies or stakeholders. There may be some limited informal discussion within the fisheries department before the meeting but serious discussion would usually only occur on the road to the meeting or on the sidelines of the meeting. Where discussions took place prior to the meeting, this process was often ad hoc and occurred at the last minute. This might consist of looking at the FFA brief and discussing it briefly within the fisheries department before the meeting. In many cases, little time would be spent analysing the FFA brief and often no national analysis would be prepared. In some cases, discussions might extend to include foreign affairs. Many interviewees noted non-existent or limited processes for granting delegations a mandate to negotiate. One interviewee commented: “Because of the lack of a systematic process for preparation for meetings, the line of authority in terms of clearance of mandates and positions is unclear.” Some members, at most, might submit some form of advice to the government (cabinet or relevant Ministers) before the meeting. This advice would, at best, summarise the issues likely to arise, but would not offer any analysis or recommendations on what position the delegation should take. Other members would provide no form of advice to the Minister or Cabinet, or in some cases would simply provide an oral briefing to their Minister. The cabinet or the relevant Minister, if consulted, would then instruct the delegation to attend the meeting and grant the delegations an open ended authority to decide on positions as issues arose at the meeting. For many members, only in special circumstances (such as regarding an executive appointment or hosting a meeting) would a specific mandate be sought from either cabinet or the Prime Minister/President’s office. Interviewees noted that this placed a heavy burden entirely on the individual head of delegation’s knowledge and competence. In consequence, many delegations rely heavily on the FFA brief for any analysis of the issues. In many cases, negotiation decisions were left entirely to the head of delegations discretion with little or no requirement for Ministerial review or consideration. Following the meeting, there would be no de-briefing by those that attended the meeting – either to staff from their own fisheries agency, or any other government agency, or any other stakeholder.

NEGOTIATION AND ADVOCACY

One interviewee noted that the supply/demand equation of fisheries should place FFA members in the dominant position but FFA members still think they are in the inferior position at the negotiating table.

Many interviewees noted that their lack of technical expertise, data and information, or analysis of data, was a constraint on delegations preparing and making informed decisions at international meetings and that they lacked capacity to negotiate at international levels and required training in negotiation skills.

Some interviewee commented that most people on FFA delegations to international meetings have very little grasp and comprehension of the issues discussed, thus resulting in a few dominating the discussions.

Interviewees suggested that the capacity building needs of FFA members could take 15 years to bring members up to the level where they are able to negotiate equally with distant water fishing nations without a heavy reliance on the FFA.



Some interviewees believed that they had the capacity to understand and analyse the issues at international meetings such as WCPFC, but were unsure of how best to pursue those issues. At times, interviewees complained of being overwhelmed by the speed in which discussions took place at the Commission and the advocacy skills of the fishing nation delegates.

One interviewee noted that when she recently attended a WCPFC meeting, she was lost through the many issues. She did not believe this was due to a lack of training or knowledge, but reflected a lack of preparation due to the limited resources in her department and poor co-ordination – “... simply not enough bodies on the ground to cover all meeting issues well.”

One interviewee noted that FFA members participate reasonably well in WCPFC meetings collectively, but individually most members struggle to respond on the spot on a specific proposal.

One interviewee commented “... (members)... must be able to stand up and understand the issues, and their position – more than just coming to meetings and listening. These officials should be responsible for fisheries.”

Some interviewees noted that cultural obstacles exacerbate the lack of skills and knowledge amongst many delegations and sometimes create further difficulties for pacific island delegations who may not wish to confront, contradict or embarrass other delegations. Similarly, individuals were concerned not to embarrass themselves and sometimes lacked the confidence to speak on issues in case they might be wrong. One interviewee commented: “They don’t have the scientific or legal knowledge and won’t talk in front of all these hotshot lawyers and scientists from other delegations. They have an opinion, but they’ll only voice it afterwards to trusted colleagues.” This problem is further exacerbated by the small size of many delegations and the resultant lack of knowledgeable colleagues with whom delegates can test or check potential statements to the floor before raising their flag. Another interviewee added that many pacific delegates will only speak on a critical issue where they feel confident and often this will be in a roundabout manner that is not necessarily clear. One commented: “There is some quiet support and enjoyment watching PNG take it up to the distant water fishing delegates and fighting their arrogance.”

Some interviewees noted problems with the silent nature of many pacific island delegations. One commented: “Those who don’t raise their flag (at international negotiations) get more and more marginalised.” Furthermore, with an emphasis on those countries who are capable of speaking, smaller and less vocal countries inherently become more marginalised.

They noted that silence should not be necessarily interpreted as consent. They noted that in the context of international negotiations, while it avoids confrontation, it neither engages, supports nor opposes. One commented: “They don’t necessarily agree. They just don’t speak.”

Some interviewees noted that delegations sometime used silence as a deliberate ploy to “... play both ends – delegations could return home and assure Ministers that they had not agreed to measures while simultaneously not creating controversy by opposing such measures when at the meeting.” He noted that silence is not necessarily consent.

Some interviewees suggested that their national interest should be the paramount consideration during international negotiations, but they could not always ascertain what this was.

One interviewee expressed concern regarding the ongoing DWFN influence on FFA member delegations and that FFA members should negotiate with their sovereignty more clearly in mind. Other interviewees who had observed WCPFC meetings thought that the region (as the resource owners) should take far stronger stands on most issues. Other interviewees noted direct bilateral pressure from powerful and influential aid partners to oppose certain measures (such as the VDS).

Some interviewees noted their countries would simply support FFA and PNA positions at international meetings. Some other interviewees commented that they would support FFA positions along as it did not patently contradict their national interest.



One interviewee noted that their delegations did not always necessarily agree with all FFA consensus positions, but at times would “go with the FFA flow, mindful of the big FFA countries within the FFA”. He noted that this was a big problem for some countries and noted that FFA positions would be consistent or compatible with their national interests roughly 60% of the time. In the 40% of times where it was not, his delegation would not block consensus and would report back to government that the position was an FFA position. Other interviewees complained of similar problems where some FFA positions did not set well with their national interest, or even undermined it. In these situations, they would abstain from active discussions or would concede to consensus, always be mindful of the need for regional solidarity.

Some interviewees from one member noted that their national positions and interests were usually quite different from other FFA members given their domestic operations. However, in most cases this member was compelled to vote with other FFA members to support solidarity. One interviewee noted that one had to be mindful of the need to maintain solidarity of the members as they negotiate against the better resourced DWFN.

Some interviewees noted that in cases where there was no FFA or PNA consensus position, the delegation would decide on the spot what their national interest was. This would be considered without consultation with capital or the Minister. One interviewee suggested that in theory, perhaps in future, they would ring the department head or Minister regarding big decisions.

One interviewee noted that different members had different needs and aspirations and because of their differences, group negotiating positions were weaker.

Some interviewees noted that their involvement in the FFA sometimes led to their country supporting weaker positions in the name of consensus than they might otherwise have taken.

Some interviewees thought that the FFA batting order of speakers and support for statements encouraged more people to participate in discussions. Other interviewees expressed concerns that the FFA speaking points and briefs did little to build engagement or capacity of FFA members to speak on their own behalf at international meetings.

One interviewee suggested that some delegation problems were caused by the tradition of foreign affairs leading delegations. He argued that foreign affairs usually don't have any appreciation, or in-depth knowledge, of the issues discussed at fisheries meetings. He was further concerned that foreign affairs officials were overly concerned with protocols and lost sight of the real issues at the meeting.

POST-MEETING REPORTING, EVALUATION, ANALYSIS AND IMPLEMENTATION

Some interviewees noted that implementation of the WCPFC was a weakness.

Many interviewees noted the lack of any reporting back from delegations that had attended international meetings. This lack of reporting prevented other departments from understanding, implementing or engaging in international agreements and their obligations. Officials also noted that there would rarely (if ever) be any post-meeting reports that would include analysis of the implications of WCPFC decisions and measures.

Some interviewees noted the lack of any systemic post meeting internal debriefing or analysis apart from the preparation of meeting reports.

Some interviewees suggested a gap in their administration was the lack of debriefings by those who have attended meetings to the relevant staff on their return from a meeting. Such post meeting debriefings would help inform key staff of the main issues discussed at the meeting and any outcomes that may require action. They noted there was concern in their administration about this lack of information flow.

Some interviewees noted that their delegations were required to write reports on meetings and distribute to heads of departments within set time requirements. However this was not always



undertaken and in some/many/most cases this was not usually followed through. In one case, delegations were only required to produce a report for cabinet on the outcomes of the meeting but there was little critical analysis of the decisions taken at the meeting.

One interviewee commented: “We get back home and immediately get involved in day to day work which makes it hard to write any follow up analysis’ and reports.”

One interviewee commented: “After WCPFC meetings, we haven’t been very good at writing reports. It is a weakness but people are tired, its xmas, there is other work to do.”

One interviewee noted that they have a general government policy requiring all delegations to meetings to provide meeting attendance reports. If a report is not provided, subsequent travels would be held up until the report is submitted. The substance of these reports however do not analyse the decisions taken at the meeting, especially WCPFC meetings.

One interviewee noted that all relevant departments should sit together after a meeting and then write a collective report. However, this never happens and instead fisheries and foreign affairs might write their own internal reports independent of each other.

One interviewee noted that their country had the intellectual capacity to analyse WCPFC matters and adopt national positions on these, and other regional issues. However, he commented: Making the effort to write this down when delegations return home is a problem. Normally our summary report is essentially a brief explanatory summary of the WCPFC report from the WCPFC secretariat.”

Some interviewees noted that they have little understanding of what is occurring within the WCPFC and what it all means nor do they have the capacity to do any post-meeting analysis.

Many interviewees noted that they had limited or zero capacity to undertake detailed analysis of the issues and decisions following a WCPFC.

One interviewee commented: “Even after the meeting, there is no capacity to analyse the outcomes of the Commission meeting and thus our lack of compliance with obligations under Commission decisions.”

Some interviewees noted that their country lacked an assessment or understanding of all the various obligations that have arisen through recently signed international agreements.

Some interviewees noted that the WCPFC summary record offered no explanatory guidance on implementation.

EXAMPLE BOX – REPORTING BACK AND IMPLEMENTATION

One interviewee noted that they had probably not implemented any of the WCPFC obligations because there was no reporting back from meetings to inform whole of government of any obligations nor enable whole of government to take any action to implement their obligations. Another interviewee commented: “We go to these meetings and come back and nobody talks about it and then we go to the next meeting.”

FFA AND SPC SUPPORT AND CO-ORDINATION FOR WCPFC

Many interviewees noted that they were generally satisfied with support from the FFA and SPC. One interviewee commented that the FFA has “... done a lot for the members. Policy advice, operational and practical information, MCS, data management.”

One interviewee commented that the FFA preparatory meetings prior to WCPFC meetings were very helpful in enabling members to consider issues before negotiating with DWFNs.



Some interviewee commented that the Management Options Workshops were an important and effective tool to prepare FFA members for WCPFC meetings. The workshop was useful in developing a collective understanding and appreciation of the issues coming up at the WCPFC and allowed members to understand the positions and concerns of other members. However, one interviewee pointed out that the problem with the workshop was that most members turned up at the workshop not knowing where their national interests lay. Some interviewees noted that the FFA was trying to address this gap in part through the development of a new series of sub-regional workshops that would build a more strategic/policy focus into the build up to the Management Options workshop. These sub-regional workshops would inform members of their WCPFC obligations and discuss the ramifications of past Commissions, and then prepare for the next management options workshop through the development of national plans of action.

One interviewee noted that the FFA pre-scientific committee meetings are useful and raise questions in a less intimidating atmosphere that might not otherwise be asked during the scientific committee.

FFA BRIEFS

Many interviewees noted that they used FFA and SPC reports and briefs to help analyse and develop national policies and were generally satisfied with these reports. Some commented that the FFA briefs provided a good overview and analysis of the issues arising at the WCPFC and that the WCPFC3 and TCC briefs were particularly informative.

One interviewee noted that some members relied on the FFA briefs as they did not take their own briefs.

Some interviewees admitted that they had no capacity to analyse the FFA brief in terms of their national interest and position.

Many interviewees thought the FFA brief was good but noted that the positions in the brief were not always consistent with their country's national interests.

One interviewee suggested that the FFA briefs, while not necessarily consistent with all the member's national positions, provided a good starting point from which to develop a consensus position.

Some interviewees felt that the FFA should attempt to better synchronise the FFA brief's general positions with the national interests of members. They expressed general satisfaction with the FFA handling of briefs except when it came to identifying positions to take to WCPFC meetings.

Some interviewees expressed concerns that the FFA briefs for international meetings were too general and did not adequately support national positions. Some officials noted that the briefs provided good overviews of the issue and historical context but were not as helpful in promoting individual national interests because the brief always had to please everybody and therefore promoted common and weak positions that all were comfortable with.

One interviewee commented: "The FFA brief should restrict its scope to providing a general brief and leave the FFC to set the directions and strategies on how to progress the issues and where a collective stand would be warranted."

Some interviewees questioned the value of the FFA brief when the time came to negotiate positions and measures because of the different interests and views held by various FFA members.

One interviewee commented: "Sometimes the FFA writes great briefs with great detail, but then the negotiations don't go in the forecast direction and the brief is suddenly worthless leaving everybody to wing it."

One interviewee noted their country did not feel constrained by FFA briefs, but supported.



One interviewee commented “The FFA brief is very helpful in providing an analytical overview of the issues and focusing attention on the key issues that the Commission is likely to dedicate much discussion. But in most cases the brief is received just a few weeks before the meeting and because of other work commitments there is no time to undertake internal discussion and analysis of the issues and the brief itself. In most cases the main preparation and internal discussions of the issues take place when on the road to the meetings.”

Some interviewees commented that there seemed to be an over-reliance on the FFA brief by FFA members at WCPFC meetings. One commented: “Members tend to rely too much on the FFA brief and failed to provide their own analysis of the issues.”

PNA VDS AND THE WCPFC

Some interviewees noted that they were struggling to implement and/or understand the full implications of the VDS. Particularly in regard to its impact on existing access agreements.

Some interviewees noted that the PNA VDS is due for implementation in December 2007 as a WCPFC measure. They expressed concern that it appears that PNA members, with the exception of PNG, were far from ready to implement the VDS.

Some interviewees expressed concern that any failure of VDS would cast doubt over the integrity of the PNA and undermine their influence and commitment in the broader WCPFC context.

Some interviewees argued that the PNA, as the major resource owner, should play a more effective role in regional fisheries management and a more proactive role in leading discussions on management options relating to the skipjack fisheries. This viewpoint argues that the FFA should potentially be a subsidiary of the PNA. They suggested that the PNA should meet separately to co-ordinate their inputs into the WCPFC process before the collective FFA briefing session. One interviewee firmly iterated the significant importance of the PNA grouping and their support for strengthening the PNA meetings and exploring the feasibility of establishing a PNA secretariat. One of these interviewee lamented that despite these views, the PNA group have so far not been exemplary nor as effective as they should be.

One interviewee lamented: Unfortunately, the FFA has recently been getting too political with the competing interests of the PNA.”

Some interviewees expressed concerns about the usefulness of the FSM arrangement to their country. They noted that the arrangement seemed to benefit only a few PNA members but not the rest.

FFA GENERAL

One interviewee suggested that the FFC Ministerial Meeting was not effective because Ministers were not exposed to the technical issues despite the briefing provided by their officials.

Some interviewees noted that the location of the FFA secretariat in Honiara was a huge problem and constraint on recruitment and retention of staff. One commented: “If you want secretariats to establish the best organisations, you establish the organisation somewhere where it can get the best staff.”

One interviewee noted that core policy work is almost always going to need regional institutional support due to a broad lack of resources from micro-States.

Some interviewees suggested that often, it is the more engaged and most capable FFA members who are the first to ask for assistance as they have the capacity to monitor capacity building and funding opportunities and develop proposals for assistance. In some cases, the most at need simply do not have the capacity to be aware of opportunities nor develop proposals.

One interviewee expressed concern regarding the inclusion of non-FFA industry representatives on national delegations to FFC and PNA meetings.



One official expressed serious concerns regarding the recent attitude and approach by one of the FFA members who he accused of acting more like a DWFN than a coastal State, just for the sake of protecting its small distant water fishing fleet.

Some interviewees expressed concern that the FFA had become too centralised.

One interviewee expressed concern that the FFA had become very technically focused on stocks and was losing sight of the broader strategic picture.

One interviewee expressed concern that the FFA and SPC had both become too top-focused – focusing on its activities and programs that self-perpetuate – rather than focusing directly on the needs of its members.

One interviewee expressed concern that much of the international focus has been on agreements and details that aren't necessarily national priorities.

One interviewee commented: “There has been a real disengagement between the FFA and its members. The FFA used to be out there – in its members. The link the past has depended on the individuals from the FFA going out to the members.”

FFA STRATEGY DEVELOPMENT – ROLE AND PURPOSE

Some interviewees argued that the highest objective of the FFA is to maximise the value of the fisheries.

Some interviewees suggested that a key gap throughout the region was the lack of strategy development, setting of national objectives and national planning.

Some interviewees expressed concern that there was no consensus regarding whether the FFA has a role to develop strategy for the region. One commented: “There is no formal development for this in the FFA – reflecting differing views on whether this was FFA core business. Consequently, regional strategy development occurs through informal channels.”

Some interviewees suggested that the FFA was the only forum that allows for the development of regional strategies. One commented that this was “... core business...” while another commented: “the FFA role is to develop regional strategy.”

Some interviewees noted criticism that the FFA was driving the agenda too much. However, one commented that this was due to a lack of capacity within members to drive the development of FFA positions and instead had to rely on the FFA briefs to drive positions.

One interviewee noted the conflicting views on the role of the FFA secretariat. He noted that some members very strongly view the secretariat as “just a secretariat” that is there to service the needs of its members and does not advocate or push decisions. Others think there is a strategic role for the secretariat to support the development of regional and national strategies to achieve specific outcomes.

Fisheries development including Industry Development, Infrastructure, Labour, Markets and Finance

GENERAL

One interviewee noted that there are some FFA members who clearly have a strategic capacity to develop their own fisheries. Another interviewee noted that the southern albacore group lacks sub-regional leadership.

One interviewee noted that foreign investment often worked best but that this didn't necessarily reflect local aspirations which wanted locally owned vessels.



One interviewee commented that blanket initiatives in fisheries development often resulted in disaster.

Some interviewees noted the importance of consistency and certainty to investment and development. One commented: “Lack of security is a critical stumbling block to development. Whether it be land tenure, political stability, policy certainty and consistency, political and government guarantees of support.” One interviewee reflected on the Fiji coup and noted the negative impacts this was having on industry as there was now little certainty for the fishing industry following the coup.

One interviewee noted that decision making processes were very slow and this adversely impacted upon business. He suggested that government needs to streamline its operations because they were very inefficient.

One interviewee noted that the element of corruption was an important concern for industry.

Some interviewees noted that a major obstacle to fisheries development was the lack of appropriate legislation.

One interviewee noted they lacked a legislative framework for the creation of a competent authority to sanction the quality of product for export.

Some interviewees noted geographic, remoteness, fresh water, shipping, air transport, communications and infrastructure constraints as serious obstacles to their development.

Some interviewees noted there were important social implications to some fisheries development. Particular reference was made to active transshipment ports which generated revenue but also generated social concerns encountered with foreign fishing crews interacting with local women and increases in prostitution.

Some interviewees from the Marshall Islands and Tuvalu noted that an ongoing constraint on their development was caused by the Taiwanese restrictions on exports of fishing vessels which continued to strand three fishing vessels in Taiwanese shipyards that were to join the Marshallese and Tuvaluan fleets.

One interviewee suggested that a big problem was the unreasonable expectations for resource rents. He argued that focus on best immediate price did not necessarily achieve the best outcome for members and that criteria should not just be immediate price, but should also consider compliance history. Best immediate price rewarded the cheapest players (lower operating costs meant they could afford higher fees) who had much higher hidden compliance costs due to their poor history of compliance. The industry interviewee argued that his strong compliance record should be considered when negotiating licensing. While his higher operating costs meant that his business could not compete with the licensing fees paid by some of the Asian DWFN vessels, his better compliance meant a better return in long term as his compliance costs were far lower and there was no fraudulent misreporting of catch.

CAPACITY, SKILLS AND KNOWLEDGE

Some interviewees expressed concern that member governments seemed to have no understanding of basic business principles and the fundamentals of development. One interviewee suggested that there was a widespread lack of conceptual understanding within FFA members on how wealth was created out of a resource. Another noted that the fisheries department was staffed by scientists and managers who lacked an understanding or vision for fisheries development. Another interviewee commented that his fisheries department was out of touch and “... don’t know what is required to improve the operating environment for the fishing industry.” Another interviewee commented: “There is simply a lack of skills to get things done in government at the moment.”

One interviewee noted that development requires in-country officials and industry to recognise and develop what is commercially viable and ensure that it is good for local people, not just for the foreign end. The problem is that the bureaucracy responsible for initial establishment of ventures tends to be



fisheries people who often do not have the necessary business and development skills. It was noted that PNG was an exception as PNG had now developed a critical mass in this area.

Some interviewees noted a lack of interest in fisheries development by their citizens and a lack of knowledge within their country on how to identify and develop domestic fishing opportunities.

One interviewee noted that there was very little support for business mentoring or training.

One interviewee noted that many within the industry lack necessary business and political skills.

One interviewee noted that fisheries was a significant development opportunity at the provincial level but that the provincial government's fisheries departments lacked capacity and were heavily reliant on the central government's fisheries department.

CAPITAL, FINANCE, TAXES AND FEES

One interviewee noted that their citizens did not have the capital to buy fishing vessels and banks did not support local development and would not approve loans to citizens to buy vessels.

Some interviewees noted that the complicated and convoluted processes to approve foreign investment were an obstacle to development. One interviewee noted that the existing rules and policies did not provide incentives for foreign investment in the fishing industry. Another interviewee suggested that the foreign investment board in his country had failed to effectively provide incentives to attract foreign investors.

One interviewee commented that one member was "... doing ok considering that their investment climate could barely be worse (i.e uncertainty, red tape, lack of bureaucratic action). If it wasn't for the poor investment climate, they would be the albacore capital of the south Pacific".

Some interviewees noted that short term licenses (i.e 1 year) were an obstacle to investment and undermined security. They noted that banks were reticent to lend money to fishers with no guarantee that the fisher would have a license beyond 1 year. Furthermore, they noted that their fisheries planning was based on a 5 year cycle that allowed for good and bad years and suggested that 1 year licensing cycles did not work well within this planning.

Some interviewees expressed serious concerns about national taxation regimes undermining fisheries development. One suggested that it was killing off local fisheries companies and that most of the local fishing vessels were tied up because the financial operating circumstances made it unsustainable. Some interviewees expressed concerns about delays in receiving tax rebates back from government with one interviewee complaining that his company was owed \$80,000 in tax rebates. Another interviewee noted problems with, or the lack of, tax treaties. This gap created obstacles for industry in some members where the local tax rate was higher than elsewhere (particularly the HQ country) and meant that industry had to pay higher salaries (to compensate for the higher tax rate) to attract and retain qualified staff. Another interviewee noted that high taxes on boats and fuel for locals was a significant obstacle to development. While there were some exemptions, these weren't widely available.

LOCAL INVOLVEMENT

Some interviewees noted that their communities were not generally interested in commercial fisheries development. This lack of interest meant that there was no real national ownership of fishing industry. Partially as result, the led to the establishment of "front companies" that operated on behalf of foreign ventures with no real "genuine link" nor local engagement nor value adding.

Interviewees suggested that foreign joint ventures operating through domestic front companies corrupted local politics.

One interviewee commented that there was a natural progression towards joint ventures: "however, in the cold light of reality, the history of joint ventures is not good – failures litter the region."



Some interviewees supported charters as important because they were often the only way that locals could get fishing vessels.

One interviewee noted that overcapacity of vessels beyond a fisheries maximum economic yield hurt local operators earlier and harder than Chinese/Taiwanese operators. This was because local operators had higher operating and labour costs and were less resilient to a reduction in CPEU than foreign operators with lower labour costs.

One interviewee suggested that 'rules of origin' have been an issue for local operators.

One interviewee suggested that an obstacle to expansion into high seas fisheries was created by their country's ratification of STCW-95 which imposed higher certificate requirements for crews operating on the high seas, regardless of distance from land (i.e some high seas areas were far closer to port than some EEZ areas). The lack of suitably qualified local crew prevented some trips on the high seas. These rules disadvantaged local vessels competing with foreign vessels as the rules only applied to locally flagged vessels but did not apply to foreign flagged locally operated vessels.

One interviewee noted that local small scale fishing industries were undermined by government commercial operations which undercut their domestic market through selling fish from foreign vessels at very low prices. Another interviewee suggested that the main issues impacting on the small scale fishing industry included: high fuel prices, expensive bait and fishing gear; utility costs; and high interest rates on loans.

One interviewee noted that land-based activities are all losing money and are done primarily to anchor activities. He noted that setting up shore operations is sometimes seen as the cost of doing fisheries business in the Pacific. He stated that the more capable officials and Ministers know that the shore based operations will lose money but viewed this as part of the price: "... give us a factory and we'll give you access."

EXAMPLE BOX ON INDUSTRY

Some interviewees from one country discussed a litany of multiple industry bankruptcies and failures (including both government owned fisheries companies) in one of the richest fishing grounds within the FFA membership. "The main fishing is done by foreign interests as most, if not all, the local operators are being tied up or have gone bankrupt." Interviewees included officials, industry representatives and appointed trustees of bankrupt companies. It was noted that local fishing ventures were in a downward decline with most local vessels tied up at the wharf and not operational while foreign owned locally operated vessels continued to operate and seemingly profitably. Various reasons were given for these failures – externally, lack of support infrastructure and poor workforce was blamed – internally, poor communication and management was blamed. Other factors included: inefficient government services and very slow government decision making with adverse impacts upon business. "There is simply a lack of skills to get things done in government at the moment. There is also a lack of engagement of stakeholders in decision making processes." Other factors in failure include: "The other main impediment to fisheries industry development was the fact that the government has always been a competitor with the private sector ... another government company would be given priority on air freight space. Also lost employees to government companies because of salary levels and assurance of support from government." Industry complained that the fisheries department had no sense of partnership with industry. Industry noted a lack of regulation in some areas but in other areas there seemed to be over regulation. "Foreign operators seem to get better treatment than local companies. There was an incident where the local company permit was approved but the printing of the permit was held up unreasonably." Unpaid debts were also referred to as a problem for industry. In the case of the bankrupt government owned fisheries company, most of the debt owed to the company was by the government. Industry noted that the main impediments to industry development in their case included: high fuel costs, lack of support facilities, no direct assistance provided to industry, and inefficient government services. "There is a lack of communication flow between (the fisheries department) and the rest of industry. There are no regular updates or briefs from (the fisheries department) on the key regional fisheries issues that may impact upon the industry." "The main problem with the domestic



fleet is resistance and lack of co-operation from local operators. They tend to give (the fisheries department) more problems than foreign operators. This may just be an attitudinal problem or mentality by local operators that they should not be bound by the same rules and management measures that foreign vessels are subjected to.” It was noted that these vessels carry the same reporting obligations as foreign vessels but do have lighter conditions in other respects than foreign vessels. One interviewee noted strong concerns in their country about the lack of consultation and transparency. A Special Committee on Fisheries established by their legislature has pressuring for more open discussions of fisheries issues, particularly WCPFC issues.

POLITICAL AND NATIONAL SUPPORT

Some interviewees criticised their governments for not having any sense of vision for the fisheries industry. Another interviewee lamented the lack of any whole-of-government approach to fisheries development.

One interviewee noted that despite its importance, fisheries was a low domestic priority. Another interviewee complained that government red tape and bureaucracy was continuing to undermine progress to provide incentives for tuna fishing, despite public statements by their head of fisheries identifying tuna as their country’s main hope for economic growth.

One interviewee noted: “There is simply no support from the government, especially the fisheries department. The government investment and development environment is not conducive for investors in the fisheries industry.”

One interviewee discussed an example of a joint venture between a foreign company and a member government (with funding by a donor agency) where the brunt of the work fell on the industry partner, with seemingly little engagement from the government partner. The interviewee suggested that industry had to find solutions to any problems that occurred that didn’t require assistance from the government administration – “... as they clock off at 4pm...” Examples were noted where there seemed to be a lack of “... buy-in...” or “... genuine sense of ownership...” by the government in the joint venture, despite them being a 50% partner and owner. Responsibility fell on the industry partner to fix all problems. “There is a frightening level of inertia or even hostility towards the joint venture”.

One interviewee noted that the main obstacles to development in their experience included: the government bureaucracy in the fisheries department; fisheries not being regarded as a primary producer industry like agriculture; and high fuel costs.

One interviewee expressed concern that the government should be an impartial enforcer of regulations and believed that – “... a sense of priority is given to the foreign vessels”.

One interviewee suggested that their federation set-up was not conducive to national co-operation in fisheries development. Problems were cited where the state government collected fees for port transshipments but the federal government monitored and regulated such transshipments. Transshipments in harbour were in decline and there was a serious need to improve facilities to attract transshipment back but there were questions of funding, responsibility and co-ordination.

One interviewee noted strong domestic concerns that fisheries development does not adversely impact upon tourism. These officials noted that tourism was the dominant industry with influential representative and that some previous fisheries development proposals have been refused because of potential impacts upon tourism.

CO-ORDINATION, COMMUNICATION AND CONSULTATION

Some interviewees noted problems with developments where provincial governments were involved. In most cases, representatives of provincial governments are not brought into the project discussions early enough and are usually only consulted at the end of negotiations. Similarly, problems arise where developments are approved by the provincial government with no consultation with the capital. One development was discussed where a Taiwanese developer had dealt directly with a provincial



government with no consultation with capital and outside of the fisheries management act. The issues that had arisen through this development were yet to be resolved and the development had now become a political issue in the lead up to elections.

One interviewee noted that poor governance and lack of consultations for development can bite back as local landowners become antagonistic to the development and create opposition.

One interviewee noted obstacles to development where member governments have a tendency to focus narrowly on a single vision in isolation (i.e. development of air travel focusing on passengers without adequate consideration of the needs for industry to move air freight such as fresh fish).

An industry interviewee from one member declined to support the new Pacific Industry Association because things were working well in his country and he did not need the association.

One interviewee expressed concern at the lack of cohesion amongst national operators and suggested this undermined their ability to present a united front in consultations with government.

The Fiji Offshore Fisheries Association noted that it was established due to concerns by its members that the Fijian fisheries department was not very conversant with the deep sea industry.

One interviewee noted poor consultation in the early stages of development of their new management plan resulted in a document that did not adequately consider existing fisheries activities.

INFRASTRUCTURE, LABOUR AND LAND

Some interviewees noted that the lack of infrastructure in some FFA members was an obstacle to fisheries development and management. One interviewee identified the lack of maritime infrastructure (i.e. navigation, wharves, slipways etc) as a specific problem and commented that the "... maritime industry is at the stone age..." in his country.

Some interviewees suggested that difficulties finding skilled labour and arranging for visas for foreign workers and crews was a key obstacle to the development of a local industry.

Some interviewees suggested that land disputes were a major obstacle to developments not only for fisheries development but also generally. Their national fisheries agency seeks to engage provincial governments when considering development, but this is not always the case.

Some interviewees noted that fuel shortages were undermining local fishers.

REGIONAL CO-OPERATION (MARKETS AND TRADE)

Some interviewees expressed strong concern that the negotiations for the European Partnership Agreement (EPA), particularly the Fisheries Partnership Agreement (FPA), were critical for access for their products into the European Community. Concerns were expressed that ForSec, who are co-ordinating negotiations, may not be able to successfully negotiate an agreement by the end of 2007 which is the deadline for negotiations. Further concerns were expressed that the EC would push an agreement on PICs at the end of the year which PICs would have little choice but to accept otherwise all access to the EC would be lost. The FFA was blamed in part for the lack of co-ordination and input into the EPA/FPA and some interviewees suggested that the FFA should have taken a lead role in negotiations. Interviewees noted that PNG and Fiji would be most heavily affected if negotiations failed.

Some interviewees noted that negotiations for an economic partnership with the EC were slow and unwieldy and that nobody within the Pacific seemingly had a clear mandate to lead. This is compared with the EC negotiators who have a clear mandate and the competence to negotiate.



One interviewee suggested that market access could be a critical obstacle to the development of its fisheries industry. His country identified the EPA and FPA negotiations as more important than the US multi-lateral treaty which it considered useless as it did not provide any access to US markets.

Some interviewees expressed concern regarding the difficulties members faced maintaining accreditation to satisfy EC import requirements. The interviewee thought it unfair that the EC treated developed and developing states the same, particularly given the lack of capacity and resources within members to maintain and upgrade to meet the new requirements.

One interviewee commented that the FFA rules were too rigid for local fishing vessels who wished to fish in other member's waters.

Access Agreements and Aid Partners

GENERAL

One interviewee suggested "Almost everybody would be better served if they just got rid of their agreements. They don't because they don't have the capacity to develop and implement other tools. Some people just find it easier to just take out last year's agreement and renew it."

One interviewee noted that "Government to Government agreements such as the USMLT and the EC bi-laterals have other incentives."

Some interviewees noted the importance for the fisheries data unit/section to function well in order to provide important information to support access negotiations. However, interviewees noted that a lack of capacity, high staff turnover and a lack of political have all undermined the effective establishment and operation of data reporting, collection and analysis programmes.

ACCESS NEGOTIATIONS

One interviewee suggested that FFA members negotiate from a 'poor' perspective and don't have the necessary resources to best negotiate their interests.

Some interviewees suggested that negotiating delegations to access agreements were very weak.

Many interviewees noted that negotiating delegations to access agreements often only include fisheries representatives with no input or advice from finance or treasury. In some cases, this was despite stated interest from treasury and/or finance to participate.

Some interviewees noted that economic analysis preparation for access negotiations was often poor. One interviewee commented: "There has not been any proper economic analysis of the fee levels. So far it is purely a matter of negotiation with little consideration given to the economic value of the fee as a resource rent." Another interviewee stated that he was not aware of any economic analysis done recently to assess appropriate license fees. This was despite continuous requests from the legislature for justifications and assessments of license fees. This interviewee suggested that the fisheries department normally provide an initial brief for access negotiations that may include some license fee comparisons and analysis but there is no serious economic analysis undertaken to assess the appropriate rental value.

Some interviewees from one member noted that, despite having the capacity to undertake economic and financial analysis of access agreements and their economic rental, there was no systematic preparation for briefs for access agreement negotiations that incorporated this information. One of these interviewees however thought their thought that their government normally undertook a prize analysis with assistance from the FFA prior to access negotiations.

Some interviewees suggested that their national economic planning division would not be capable of providing an analysis of the markets and fee levels.



Some interviewees stated that they may sometimes request briefings from the FFA on market prices and fee analysis and from the SPC on assessing the performance of foreign fleets to support access fee negotiations. However, many of these statements were contradicted by other interviewees from the same country who commented that there had not been any proper detailed economic analysis of the fee levels used for access agreements. One interviewee suggested that only one FFA member has recently requested assistance from the FFA in regard to access fee negotiations. It was noted that such support from the FFA was more prevalent during the 1980s and 1990s but stopped during the latter 1990s.

Some interviewees noted the problems with the often secretive nature of access agreement negotiations, with most access agreements not being publicly available. As a consequence, it was difficult to know exactly how much fees were collected through access agreements (i.e one-off fees plus subsequent percentage payments). This lack of data was a critical gap that undermined the ability of FFA member States and the FFA secretariat to properly brief negotiating delegations and provide a comprehensive economic analysis to support FFA member's negotiations for the best returns.

Some interviewees noted that the secrecy surrounding access agreements disadvantaged FFA members and undermined competition between fishing States for access to fishing grounds. One interviewee suggested that the entry of the EC into WCPO fisheries should have resulted in an increase in competition with subsequent hikes in licensing/access fees, but that this affect may have been neutralised by the secrecy surrounding access agreements.

Some interviewees suggested that this secrecy further disadvantaged FFA members when negotiating with DWFNs, as DWFNs already held most of this data through their regional negotiations.

One interviewee suggested that some members are reluctant to release access agreement data due to a perception that this information might be used against them to undercut their fees, rather than reward them by increasing competition for their fish.

One interviewee noted that the above lack of transparency meant that most people and industry are never too sure how many vessels are licensed and to whom.

Some interviewees noted that PNG had addressed past corruption and transparency concerns relating to access agreements by requiring that access agreements can only be signed in the capital, Port Moresby. Some other interviewees noted other FFA members had attempted to put in place similar restrictions as PNG. However, in on case these restrictions collapsed after one year when the Minister signed an agreement overseas. In another case, despite statements from their legislature that access negotiations should occur in-country, negotiations often occurred in a convenient middle ground or in the DWFN due to a reluctance on the DWFN's behalf to fly to the coastal State.

One interviewee noted that his cabinet once endorsed a policy requiring all gifts to delegations and Ministers to be declared (particularly those targeted at fisheries delegations). Implementation of this policy later collapsed. The interviewee noted that certain foreign delegations would regularly offer incentives to access negotiating delegations, including cash payments, school tuition costs, etc. The foreign delegations knew that the high turnover of staff meant that they often did not even have to follow through with personal payments after agreements were signed.

One interviewee noted that there was always pressure from the Minister to readily agree to access fee levels because of demand to secure early payment of access fees to support cash flows. "Sometimes the ROC (Taiwan) was asked to advance the following years license fee, thus locking us in to agree to previous limits because Taiwan already has advanced those fees."

EXAMPLE BOX – ACCESS NEGOTIATIONS

One interviewee noted that they very much need support from the FFA to assist with access agreement negotiations. She discussed a recent round of negotiations where they had received economic analysis support from the FFA for access agreement negotiations with Taiwan, Korea and Japan. A FFA economist accompanied their delegation overseas to negotiations in these three countries. This was very helpful in Taiwan and Korea, however Japan objected to the economist being on the delegation



and requested that he be removed from the meeting. The delegation acceded to the request: "... out of diplomacy, sensitive to the Japanese request". The interviewee suggested: "... that Japan is getting more than we know from the access agreement and the support from the FFA might reveal this". The interviewee commented: "We should not continue to accept that kind of response" (Japan dictating who can and cannot be national delegations). The interviewee noted that their country had requested the FFA to review their bilateral access agreements. Another interviewee commented on the importance of Japan to the FFA member as a donor: "Its easy to get on the high horse but at the end of the day, its their relationship with Japan ..."

TIED AID AND DONOR INFLUENCE

Some interviewees noted problems with tied aid and the problems that arise with the bundling of access fees with aid programs.

One interviewee commented: "There is a weakness in how much influence fisheries weigh upon foreign affairs and aid (in regard to Japan)."

One interviewee noted that some access agreement partners will begin negotiations with a recital of all the aid projects that the partner might currently be funding in-country. Under this pressure, the member will then agree to access agreements that exempt these vessels from general licensing requirements (such as Shark-finning bans, compliance with FFA MTCs, etc). Another interviewee noted that concerns with the VDS were raised during access negotiations.

One interviewee noted that while their delegations may have a background analysis of fee levels done before negotiations begin: "... these data tend to be set aside during negotiations and other non-economical factors tend to outweigh economic considerations – diplomatic and historical factors."

FINANCIAL REPORTING

Some interviewees noted gaps in financial record keeping in some members where government revenue is not recorded upon receipt in separate and detailed revenue sources (i.e everything goes into fisheries revenue, rather than getting broken down into Japanese LL, Korean PS, etc). One interviewee noted that as a result of poor financial reporting practices and poor inter-departmental co-ordination, some fisheries departments do not know how much their government receives in real terms from access agreements. He commented: "Negotiations over agreements with fisheries departments focus on percentages, conditions etc but do not set specific amounts. Japanese boat owners then buy licenses under the agreement and pay cheques directly to central revenue which is recorded on their finance computer system. Fisheries are then informed that payment has been made and instructed to issue a license." In some cases, this can leave a gap where it is not possible to break down the payments to central revenue to determine the actual value received from each fleet.

Political Engagement

POLITICAL ENGAGEMENT AND SUPPORT

Some interviewees suggested that lack of political will was a critical obstacle.

Some interviewees suggested that the lack of political engagement in fisheries by the wider government undermines the ability of FFA members to effectively resource, implement and follow through with fisheries management.

One interviewee commented: "Political support is imperative. The Minister who makes decisions isn't in the loop about what is current or significant."

Some interviewees lamented that the lack of leadership from whole of government on good governance was a critical obstacle. One commented: "There is a lack of real leadership from heads of government to support good governance throughout all its departments. There has to be the political will to support departments carrying through with their responsibilities."



One interviewee noted with concern that the first draft of the Pacific Plan did not directly refer to fisheries despite its critical importance and the topic was only inserted after a push by some FFA members.

One interviewee commented: “Political engagement needs to be broad due to the high turnover of parliament and the high turnover of Ministers.”

One interviewee noted that they currently have a good level of political engagement due to the relative stability of the government and their fisheries minister. He noted that previously this could be a problem when the Minister changed every year.

Some interviewees noted that fisheries are a low priority in some FFA members, despite its critical socio-economic importance.

One interviewee noted that it was very difficult to get adequate funding for fisheries management, even in parts where fisheries are a key part of the economy.

MINISTERIAL AND CABINET UNDERSTANDING

One interviewee suggested that political appreciation and knowledge of fisheries issues was very important in order to get the political support for fisheries development. Another interviewee argued that the Whole of Government, not just the fisheries department, needs to understand the importance of fisheries to their national economies and the importance of their sustainable management. He noted that he had met many Prime Ministers and Presidents who were unaware of the many of the key issues confronting regional fisheries managers and who pay little attention to ensuring that fisheries are managed sustainably. Another interviewee noted that there was no clear understanding of fisheries issues at the national level. He commented: “Whatever is known in the fisheries department is not known within Cabinet or by the Prime Minister.”

Some interviewees noted that politicians did not have an either an adequate understanding or the focus to develop, debate and pass fisheries legislation.

One interviewee noted the low level of education and knowledge amongst politicians and the very limited understanding of fisheries issues within Cabinet.

Policy and Legislation Frameworks

GENERAL

Some interviewees noted that they lacked a policy framework with a clear vision for fisheries that was practical to their national needs.

Some interviewees noted that there was no effective domestic framework, or the existing framework was inadequate, to properly manage fisheries and that both a legal framework and further legal expertise were needed to support effective fisheries management.

Some interviewees described examples where some members were licensing vessels without the necessary legal framework, or outside the existing framework. Sometimes this was blamed on hold ups at the political level (i.e parliament yet to endorse legislation due to lack of priority or opposition).

One interviewee noted weaknesses within legal systems that did not effectively address IUU fishing. He noted problems with inadequate penalties, lack of forfeiture provisions and a need for improved definitions within legislation (trips, species, etc). Another interviewee referred to their new Fisheries Act as being too open: “There are so many loopholes there, we (industry) can almost do anything we want”.



One interviewee noted that they cannot easily amend their fisheries management act due to their bureaucratic structures. This has resulted in a long list of urgent recommended changes to their act that they have been unable to progress.

Some interviewees noted their current legislation did not reflect UNFSA or WCPFC nor address fishing on the high seas and required amendment.

Some interviewees noted the lack of appropriate legislation to regulate and support fisheries development. In some cases, this gap was caused in part by hold-ups in legislative drafting due to problems with process legislation. One interviewee suggested that a constraint on development was the lack of regulation in some areas, while in other areas there seemed to be over regulation.

One interviewee noted their new act designated the Minister as final decision maker but did not include any requirements for consultation nor the establishment of a board.

Some interviewees noted they lacked fisheries legal advice and had problems finding and/or financing qualified legal staff. Some interviewees complained of being forced to rely on Attorney Generals which did not have an adequate understanding of fisheries law.

One interviewee noted that the lack of consultation in the early stages of development of their new management plan resulted in a document that did not adequately consider the existing fishing activities and appeared more focused on establishing good systems and processes for the administration, rather than good management and support for fisheries development.

IMPLEMENTATION

Many interviewees noted the existence of fisheries acts or management plans that had not been effectively implemented.

One interviewee commented: “If you’re going to get a fisheries management plan implemented, you have to have a strong stakeholder group.”

One interviewee noted that his country had undertaken repeated reviews of the implementation of their management plan with continuously revised schedules for implementation - yet nothing continues to happen. He suggested this was because: “The Department doesn’t feel like the plan belongs to the Department because it was not done by the Department”. He noted that the plan had been in existence for almost a decade. Yet another donor was just initiating a new review of the plan’s implementation.

Some interviewee noted examples where implementation of management plans had failed. They blamed these failures on the following: the process for developing these plans was too complex; they were not ‘owned’ by stakeholders and officials; and the plans were too large and complex.

Some interviewees noted that their tuna management plan had been established in 2000 but had not had a review since then and required one and that this should closely involve industry in that process.

One interviewee noted that their fisheries act had been reviewed in 2005 through ADB funding. The proposed amendments had yet to be processed, but this was likely to be due to the forthcoming election. The main criticism was that the act focused too heavily on management and not enough on development.

One interviewee commented: “There is a tuna management plan that is not functioning due mainly to the inadequacies of the department of fisheries.”

One interviewee noted problems when Management plans are only policies and are not supported by legislation and have no legal authority.



Some interviewees noted that new management plans often had requirements to establish Consultation committees but there was often a failure to establish these.

One interviewee noted problems where legislation was often written in different times with different requirements and objectives to today.



Section B2 Capacity Building Responses

One interviewee suggested: “The region has to become passionate and engaging. Many of the members don’t have a good understanding, and therefore appreciation, of the issues and their importance.”

Some interviewees suggested that capacity building should focus on two areas: whole of government capacity building; and regional technical capacity.

One interviewee noted the dramatic improvement in capacity during the life of the FFA. It was noted that during the early FFC meetings, there might only be 3 members represented by indigenous citizens – all other representatives were likely to have been ex-pats. “Since then there has been a dramatic improvement in capacity, particularly in law and compliance programmes, with a lack of progress in science and economics.”

One interviewee noted that there has been a rise in regional expertise amongst the FFA members and that this offers opportunity for regional co-operative capacity building between members. He noted the example of Tonga asking the Cook Islands for assistance in management planning.

Some interviewees suggested that there needs to be a reconciliation between long term strategic objectives and short term implementation. Capacity building needs to work within this context.

Some interviewees supported the need to boost strategy development amongst members across the region and sub-regions. One commented: “There is a need to develop mechanisms and processes to support strategic development throughout the membership.”

Some interviewees suggested that this study should support a greater national and regional understanding of fisheries and their opportunities.

Some interviewees suggested that the CROP agencies need to more sharply focus their work on members. One commented: “Country has to be the reference point around which the (CROP) agencies work”.

Some interviewees suggested that the success of donor projects depends in part upon having a strong ‘champion’ in the receiving government.

Some interviewees suggested that continuity of donor/support personnel is a critical factor in the success and effectiveness of aid projects.

One interviewee commented: “Australia is our own worst enemy because they try to do everything for us”. Other interviewees raised concerns that some of the assistance provided by the FFA and SPC secretariats (i.e briefs, data analysis, etc) undermined any motivation for FFA members to develop their own internal capacity as they could always rely on the FFA secretariat to undertake such work.

One interviewee suggested that this report’s recommendations should go to a FFA workshop to discuss and advise upon how best to be implemented and prioritised. The outcome of this workshop could then be incorporated in the final report and this could then inform funders.

One interviewee suggested that member governments should be making more use of FFA staff.

Some interviewees had different priorities in regard to short term training as opposed to long term training. Some supported long term training and secondments (such as 6 month secondments in the SPC to follow their data through the chain and learn data analysis skills. Other supported short term training to quickly get officials up to speed, arguing that the priority was more generalists over specialists.



One interviewee expressed concern that FFA members still did not seem to be fully aware of opportunities for capacity building through the GEF program (such as the example of Tuvalu contracting Feleti Teo to boost their delegation capacity through GEF funding).

Some interviewees suggested that new MTCs for fisheries management, access agreements, biodiversity conservation should be developed. One commented: “The region needs a standardised policy that it can refer to for minimum requirements for good fisheries policy – not just MCS matters.”

One interviewee suggested there was a need for a regional institutional study that investigated needs and capacities to meet core business skills (specialists, lawyers, fisheries managers, economists, etc).

One interviewee supported the development of ‘best practice’ ambassadors or champions from the region that show-off and demonstrate successful management (i.e licensing, management plans, fisheries development, co-ordination, international negotiations).

One interviewee suggested members further develop internal networks between governments to facilitate increased sharing of information and experiences between members.

One interviewee suggested that assistance should be targeted to those who need it most.

Some interviewees proposed an analysis and understanding of the consequences of not doing something (i.e not implementing management plans or conservation measures).

Some interviewees made references to the Paris Declaration of Aid Effectiveness recommending co-ordination amongst donors.

One interviewee commented: “At the end of the day, we’re trying to lift the economic development of the region.”

Fisheries Conservation and Management

SKILLS AND KNOWLEDGE

Some interviewees supported further training on fisheries management and suggested it would be helpful to develop a relevant short course in fisheries management. One interviewee suggested that FFA members needed multi-skilled fisheries managers with a broad knowledge. Some interviewees suggested that fisheries training should be relevant to the local concerns and context of the Pacific. Fisheries managers should have a history of what has, and hasn’t, worked, a broad understanding of stock assessments and science, social and economic understanding, negotiation skills, legal and marine policy.

One interviewee suggested that the FFA should run more fisheries management training courses.

One interviewee suggested that the FFA and SPC should focus more actively develop and distribute materials on regional fisheries management and contemporary concerns. These should be produced by managers in accessible language and format in different formats (such as DVDs) that people can easily and readily engage with.

IMPLEMENTING CONSERVATION LIMITS

One interviewee proposed a study of gear and effort creep to determine the ramifications for conservation and management.

One interviewee suggested developing a workshop or some other mechanism within the PNA and FFA to further discuss developing area closures of the high seas doughnut holes to reduce overfishing.



Some interviewees from Fiji and Vanuatu supported developing closer co-operation between these two countries to better manage fishing capacity and catches.

Some interviewees described a successful response to problems implementing fisheries management of inshore fisheries in outer-islands. Increasing commercialisation and weakening of traditional hierarchies was undermining the effectiveness of traditional management tools, such as taboo areas. The growth of a market for a particular seafood product in Rarotonga was driving overfishing in the outer islands which management was failing to address due to the poor compliance with traditional management measures. Previously, these products had only been harvested at sustainable levels for local consumption by the local community. In response to the compliance failure, the central government in Rarotonga enacted market prohibitions in Rarotonga on the sale of these products. This removed much of the commercial pressure in the fishery and supported the traditional management measures.

WORKING WITH STAKEHOLDERS

One interviewee noted the success of co-operative inshore fisheries management projects with NGOs and expressed support for the development of comprehensive inshore fisheries management strategies with NGO support and involvement of other relevant government departments.

Vessel Registration, Licenses and Permits

PROCESS FOR ISSUING LICENCES/PERMITS

One interviewee suggested that there was a need to review licensing procedures to combat opportunities for corruption and improve transparency and accountability.

Some interviewees suggested that the period for which licenses are issued should be extended to somewhere between 3 and 5 years. This was because the common license period, 1 year, offered too little certainty and created obstacles to investment.

Some interviewees supported the negotiation of a regional arrangement for albacore that would allow vessels from each member to fish throughout each member's EEZs and avoid need for individual vessels requiring multiple licenses for each EEZ. The proponent was particularly interested in an agreement between Solomons, Vanuatu and Fiji.

PROCESS FOR SETTING THE AMOUNT OF LICENSE FEES

Some interviewees supported the development of a proposal for a regional workshop on setting license fees. This workshop could address what factors to consider and how (i.e cost recovery, resource rent) and discuss the current economics of licensing fees in the Pacific region.

One interviewee supported assistance with undertaking detailed economic analysis of licensing fees.

MONITORING AND ENFORCING LICENSE/PERMIT REQUIREMENTS

One interviewee supported increasing control of fishing vessels through only licensing local vessels, domestically flagged vessels (on local open registers) and bareboat chartered vessels.

One interviewee suggested that they needed to improve their ability to audit charter arrangements and revenue returns.

PROCESS AND REQUIREMENTS FOR FLAGGING VESSELS

Some interviewees argued that vessel registry regulations should be changed to require genuine links between flagged vessels and their country (i.e port visits and landings, employment, offices and corporate presence, etc). These interviewees suggested that licensed and/or locally flagged (open register) foreign owned vessels must have some real presence in their country so that vessels which do not comply with license conditions can have action taken against their "real presence" in country.



One interviewee suggested that vessels should be required to include citizens from the flag state within their crew.

One interviewee noted the significant costs in flagged and authorising vessels to fish in the WCPO and other oceans (reporting, monitoring compliance with RFMO measures, attending Commissions, enforcing conservation and management measures). He noted that their country was in the process of developing a cost recovery process for vessels fishing in distant waters under other RFMOs.

One interviewee suggested that it was important that charter arrangements must be transparent.

Science and Economics - Data and Reporting

SCIENTIFIC AND ECONOMIC SKILLS AND KNOWLEDGE

One interviewee suggested that there is a need to improve the capacity of FFA members and the regional agencies to undertake analysis of stocks and C&M ramifications at the national level, rather than just regionally. This would address a lack of analysis and interpretation of scientific and economic data, in the context of determining national interest.

Many interviewees suggested that there is a need to improve the scientific capacity of FFA members. Increased scientific capacity would support national and regional management objectives and improve FFA members 'ownership' of the WCPFC science and its recommendations. They identified a strong need for data analysis and scientific skills and knowledge to be improved. It was suggested that this required improved training and resourcing (including more staff). One interviewee suggested that they needed to improve their scientific capacity to enable TAC setting with confidence. While some interviewees thought that the SPC stock assessments were good, they suggested that further follow up training was required and would such training would improve national management and engagement in regional management.

Some interviewees suggested that there is a need to develop the economic analysis capacity of FFA members to undertake cost/benefit studies of management actions and non-actions. Furthermore, one interviewee suggested that further economic analysis and advice is needed to support "buy-in and engagement". He supported further work to develop a conservation sales pitch (from economic analysis of data) that identified the economic costs and benefits of various options and which proposed potential models for consideration by FFA members.

DATA

Some interviewees suggested that FFA members needed to build their own data analysis capacity as they were too heavily dependent upon SPC for data and analysis. Some interviewees suggested that they needed the capacity to be able to formally review data, science and recommendations undertaken by SPC and the WCPFC scientific committee.

One interviewee suggested that more resources should be applied to the development of the FFA's and SPC's capability to manage and verify data and the speeding up of their data management and verification programmes.

Some interviewees proposed establishing a pilot study on historical and current catch data. Various issues were identified for the pilot study to consider. These included: identify gaps and weaknesses in historical and current catch data; determine their level of accuracy; determine levels of compliance by fleet and by EEZ; determine levels of misreporting across EEZ/high seas boundaries; and consider the scientific, economic and geo-political ramifications of the study's findings. The pilot study would develop a methodology for such a study through cross verification of VMS data, observer data, landings data, market data, export sheet data and catch logbooks. It was noted that some FFA members are already cross verifying data and are finding evidence of misreporting and inconsistencies. Some interviewees who supported the pilot study expressed reservations that such a project should not discourage members from undertaking cross-verifications regularly as a matter of course.



One interviewee suggested further work on the development of integrated data management that would better link and utilise data across range of science and compliance sources. Data integration should start off at a basic level.

One interviewee suggested that FFA members should establish their own centralised databases.

REPORTING

One interviewee suggested that FFA members should report unloading at processing factories and transshipments at the individual vessel level.

Some interviewees suggested that mechanisms should be developed that supported regular cross verification of logsheet, VMS, observer, port landings and other data to verify compliance and determine accuracy of data reports. One interviewee noted that their country already checked logsheet data against VMS fairly often and found this very useful in checking accuracy of reports. Another interviewee noted that they cross-verified catch reports from operators against export sheet data which identified inconsistencies where reported catches were less than fish exported.

One interviewee suggested that electronic catch reporting should be implemented across the region.

One interviewee emphasised the importance of collecting 100% data, particularly port sampling and unloading data.

One interviewee stated that in circumstances where vessels fail to submit catch reports, "... then licenses shouldn't be renewed because it is in contravention of the conditions"

Monitoring and Enforcement

COMPLIANCE BY FOREIGN FISHING VESSELS

One interviewee noted the benefits of providing catch forms in the fishing vessels language (i.e compliance with reporting requirements improved slightly when forms were translated whatever language was primarily spoken by vessel).

One interviewee noted that their country required the posting of a bond under access agreements, from which any fines would be subtracted for infractions.

IMPLEMENTATION OF DOMESTIC MCS

Some interviewees suggested that capacity building should focus on MCS training (i.e boarding and inspections, patrols, etc). One interviewee requested further support to build up their internal capacity for analysing and assessing MCS issues and their national impacts. Other interviewees were satisfied with the MCS training and workshops provided by the FFA and noted that there was a strong sense of ownership by MCS officers within the group – more so than the science working group.

One interviewee supported the development of a MCS procedural manual for MCS staff to guide them in the discharge of their duties and responsibilities.

One interviewee suggested that MTCs should be implemented through legislation, as this is more effective than when they are just implemented through license conditions.

Some interviewees suggested that implementation and the effectiveness of the MTCs should be audited and assessed.

One interviewee suggested that there should be 100% observer coverage on purse seiners.



One interviewee suggested that observer fees need to be increased as current costs cannot sustain an effective observer programme.

One interviewee suggested improving employment conditions for observers to improve retention – observers should be given permanent employment, not only paid on placement.

One interviewee the benefits of negotiating regional agreements to hire observers from other FFA members to fill gaps in observer programmes due to lack of interest amongst local communities.

One interviewee suggested that resolution of boundary conflicts was critical to enable compliance and enforcement actions to be taken at sea with certainty.

Some interviewees suggested improving the ability of members to settle fishing cases out of court and remove some of the prosecution burden on the limited capacity of FFA members. Improvements should allow for more on-the-spot fines which would avoid the need for lengthy prosecutions and allow patrols to do more inspections rather than having to escort non-compliant boats back to harbour. One interviewee argued that penalising infractions with fines was ineffective due to the small size of the penalty. He suggested other punitive measures such as port embargos, forfeitures, and license seizures would be far more effective as a deterrent.

One interviewee suggested that some FFA members might usefully employ an in-house lawyer to assist in prosecutions and enforcement of violations of fisheries regulations and legislation.

One interviewee supported proposals to recruit VMS auditors to continuously inspect all VMS ALCs throughout the region.

One interviewee supported more in country assistance and further training for more VMS staff.

One interviewee supported further sharing of VMS information between members once logistical issues had been resolved.

EXAMPLE BOX – CAPACITY BUILDING INVESTIGATIONS AND PROSECUTIONS

Some interviewees referred to a successful ‘training through doing’ example of capacity building in a Cook Islands prosecution of an illegal fishing vessel. The Cook Islands brought in assistance from a NZ specialist law firm to train local Crown Law, Police and MMR staff on how to investigate and prosecute a fisheries violation. The NZ government also assisted the investigation through the temporary secondment of specialist staff from Mfish who assisted and trained local staff in their investigation of the vessel’s electronics and VMS. All participants in the case stated that they found the exercise very helpful and now felt confident that they could lead most future investigations without further assistance. This case also resulted in the establishment of a co-ordination process agreed by the three relevant agencies (Police, MMR and Crown Law) which has worked well subsequently. Furthermore, investigating and prosecution officials continued to be well supported through informal and formal co-operation from NZ and Australia.

CO-ORDINATION AND CO-OPERATION

One interviewee commented that MCS co-ordination between FFA members, the FFA and the WCPFC will be critical in providing an effective regional MCS regime.

One interviewee supported improving the co-ordination and use of the assets of other agencies, such as Custom, Defence, Ports Authority, and Police to enhance monitoring.

Some interviewees in Samoa and Fiji supported the establishment of inter-departmental co-ordination committees to consider fisheries monitoring, control and surveillance issues and licensing. They noted the existence of a Licence, Enforcement, Surveillance Committee which meets twice a year. The Committee included representatives from the departments of Transport, Ports Authority, Police, Maritime School, and Fisheries. Its Terms of Reference is to look into all license issues and their



enforcement – main focus is on enforcement of license conditions. This is a subcommittee of the CFMAC.

One interviewee supported further regional exercises as an effective way to build up capacity at HQ and encourage and train national officials.

One interviewee suggested that the FFA registry should apply to all fishing vessels, not just foreign fishing vessels.

Governance, Administration, Consistency and Transparency

GENERAL

One interviewee suggested that it was all about capacity building, then governance.

One interviewee suggested that the very basic infrastructure of government (i.e buildings and working conditions) needed to be improved in many countries.

Some interviewees noted that fisheries management reflects the best of governance generally across whole-of-government and is limited/supported by the quality and effectiveness of the rest of government. They noted that there were real limits on how much effective capacity building could occur in a single department when it was surrounded by weak government. In this context, they suggested that capacity building projects needed to consider the limitations/support imposed on fisheries departments by the broader quality and effectiveness of the rest of government. One interviewee commented that projects should consider the "... issues of trying to run a centre of excellence amid a sea of disarray."

Some interviewees noted that capacity building should work with or consider other whole of government capacity building programmes (or lack thereof). They noted that smaller interventions are vulnerable to external factors (i.e whole of government redundancies affecting newly trained fisheries officials).

Some interviewees noted that changes in government and staff turnover can undermine implementation of aid programs and dilute ownership.

One interviewee noted that whole-of-government capacity building can have positive impacts upon fisheries departments through staff turnover into fisheries and other inter-departmental co-ordination and support functions. He noted successful examples in Samoa, Tonga and the Cook Islands.

Some interviewees noted the NZaid focus on institutional strengthening of departments rather than individual capacity building at the individual level.

One interviewee suggested that a new system of governance was required that is better suited to Pacific needs than the present post-colonial systems established by Australia and others (that were ill-suited to the needs of FFA members).

NATIONAL PLANNING

Some interviewees commented that national planning, analysis and strategy development needs to go beyond fisheries and include other departments, such as finance, treasury and environment. Analysis and development of national self-interest, strategies and policies needs to develop a comprehensive and holistic view of development.

CAPACITY AND SKILLS



Some interviewees noted examples where there was simply not enough people – there was a human resources shortage. Some suggested that capacity building should consider the realities of regional population limits and the limited population pool for available recruitment at the national level. In response, some supported considering opportunities for increasing the size of the pool to the regional level. Greater consideration could be given to recruiting across the region and focusing on getting the best people for the job. Flexible mechanisms could be developed to enable skilled staff to progress their career throughout the region, thereby building capacity region-wide and retaining skilled staff within fisheries. One interviewee noted that sometimes there were benefits from hiring non-locals (i.e no local allegiances to particular communities) though equally there could be political concerns which may constrain employing senior officials from foreign countries.

One interviewee suggested developing programs to build the capacity of provincial governments in fisheries management and development.

One interviewee suggested developing programs to provide support to their relatively new senior staff in their ministry and department who had little exposure to the regional and international fisheries issues.

One interviewee suggested that building communication skills was critical to enable enhancing awareness of the key regional fisheries issues.

One interviewee suggested developing programs to train officials in fundamental skills in planning, statistics, finance, etc – not just fisheries management.

One interviewee suggested that governments should consider the importance of relevant expertise when recruiting decision makers.

One interviewee suggested officials should be encouraged and supported to get out of the office and get more field experience and knowledge of industry – through secondments with industry and other such mechanisms. This process should be developed in such a manner so as not to encourage corruption.

Some interviewees suggested that fisheries departments need to be able to offer regionally competitive employment opportunities.

Some interviewees suggested that donors could consider subsidising priority positions within national administrations to attract and retain quality staff. Some interviewees pointed to other programs in education where teachers had been recruited with top-up salaries paid by donor agencies.

One interviewee suggested that the FFA and other organisations should consider the resource implications of member's fisheries departments when scheduling meetings. Invitations should not be addressed directly to the officials but to the official contact so that proper co-ordination and workload planning for participation at international meetings can be effected.

Some interviewees suggested that there is a need to expose more staff to regional fisheries issues to develop their capacity and knowledge. He referred to experiences following the resignation of the previous executive director of fisheries. It took the new executive director some time to catch up with the issues because of a lack of previous exposure. This current executive director has been encouraged to expose as many of his subordinate staff to regional fisheries issues so that a similar problem is not created when he one day retires or moves on. However, despite this encouragement, other interviewees noted that similar problems were occurring with poor communication and information sharing within the fisheries department, and weak mentoring or training of other staff.

One interviewee commented: “The solution is to have good succession planning. Take the junior people and train and mentor them up and get them involved.”

One interviewee suggested reviewing the training needs of fisheries officials to better prepare them for responsibilities in fisheries departments.



One interviewee suggested training was required in international law and foreign diplomacy and that this training should also be given to foreign affairs to improve their skills and ability at negotiating in international fisheries arrangements.

DECISION MAKING PROCESSES AND ACCOUNTABILITY

One interviewee suggested that the establishment of Parliamentary codes of conduct which required declarations of personal interest and investments by all parliamentarians. It was suggested that these were necessary to confront corruption concerns. Examples were cited of various Ministers that held financial interests in commercial activities that resulted in significant conflicts of interest.

One interviewee suggested that the establishment of Independent Commissions against Corruption (as seen in Australia and elsewhere). These commissions would require supporting bureaucracy that was resourced and mandated to investigate allegations or evidence of corruption and to initiate prosecutions. It was suggested that these were necessary to adequately confront corruption and fill the gap that lay in current arrangements between current ombudsman and the courts.

One interviewee suggested the implementation performance based assessments to introduce accountability into staff workplans and performance.

One interviewee suggested that departments should designate specific officials to look after particular fisheries and issues so that where there are queries, there is a specific contact for industry to speak to.

TRANSPARENCY

Some interviewees supported the encouragement of a culture of transparency throughout FFA member governments. They noted that governance arrangements that promoted transparency and accountability were crucial to better manage capacity and resources. Initiatives should include the development of various reporting processes, such as the production and submission of fisheries department annual reports to parliament.

One interviewee suggested that their fisheries department should be more transparent, fair and the service to industry should be timely and effective.

Some interviewees supported the establishment of an advisory board to advise government on fisheries matters. This board would increase transparency and good governance. This board should include representatives from industry, relevant government departments, community groups, artisanal fishers, NGOs.

One interviewee suggested that their consultative taskforce should be moved out from under the control of the fisheries department as they were too busy with work and travelling to co-ordinate and maintain the effective operation of the taskforce.

Some interviewees suggested FFA members should develop processes and programs to significantly improve information flow as this was a major issue that cut across the whole of government, fisheries management and development areas. Implementation would require better information dissemination, increased funding and more personnel.

INTRA AND INTER-DEPARTMENTAL CO-ORDINATION AND COMMUNICATION

Some interviewees noted that their problem wasn't a lack of capacity, but co-ordination and suggested that such countries should develop systems and policies that would improve intra and inter-departmental co-ordination. Those interviewees from members with significant capacity problems also supported the need to improve co-ordination.

Some interviewees noted significant problems with inter-departmental co-ordination but noted that their Fisheries Board was to some extent alleviating these problems due to its broad composition.



Some interviewees noted a lack of formal co-ordination processes between ministries but suggested that this was not necessarily a problem as the informal relationships between the ministries were largely good and enabled good communication when necessary.



BUDGETS AND COST RECOVERY

Some interviewees suggested that FFA members need to improve their revenue reporting to enable detailed reporting and analysis of revenue (i.e Japanese LL and which access agreement) and increased transparency such as annual department reports to parliament detailed revenue sources and amounts.

One interviewee suggested that internal revenue commissions, or other such financial audit bodies, should more proactively regulate the behaviour of customs and export agents.

Some interviewees suggested FFA members should implement cost recovery for fisheries management costs to be included in their fisheries license fee.

Stakeholder Participation and Consultation

Some interviewees suggested the establishment of advisory committees or national consultative forums to encourage full and proper consultation and to oversee the management and development of fisheries. Some of these interviewees suggested that such forums should include all relevant government agencies, stakeholders, industry and NGOs. One interviewee suggested that it was important to engage outsiders in these forums, partly due to cultural concerns which made it difficult for locals to openly contradict each other or debate options.

Some interviewees suggested that FFA members should improve consultation with industry. One interviewee commented that he "... strongly supports the widest possible stakeholder consultations in fisheries related issues because of the reliance of people on fisheries for their livelihood."

Some interviewees supported industry representatives sitting on governing or advisory boards for fisheries agencies or authorities. In one example, both officials and industry supported amending the fisheries legislation which would be required to enable this to happen.

Some interviewees suggested that communities needed to become better engaged in fisheries management so as to maintain pressure on their governments to fulfil their commitments and responsibilities.

Some interviewees suggested that community education and engagement programs were needed to overcome problems with poor communication and consultation with communities and stakeholders.

Some interviewees suggested that significant improvements were needed in education generally, and civic education particularly, to overcome the general poor level of education across the region which undermines governance and community engagement.

Some interviewees suggested that NGOs could be engaged to facilitate information sharing and involvement/consultation of other stakeholders throughout workshops, media and other mechanisms. One interviewee referred to the GEF funded advocacy and awareness raising program that is working with WWF to raise awareness throughout the region of the WCPFC and regional fisheries issues. This program aims to engage and inform regional communities and NGOs in the issues and will be generating materials and a website to better inform this audience. Another interviewee noted that in the past, there has been some wariness by some members of NGOs.

Some interviewees expressed suggested that governments should allow and encourage the greater participation of NGO and industry representatives on national delegations to international meetings. They suggested that this was a mutually beneficial method of participation, information sharing and capacity building. Some interviewees suggested that there were greater benefits to having these stakeholders on delegation rather than only limiting them to attend international meetings as independent observers. Some NGO and industry interviewees noted past difficulties with joining national delegations to international meetings.

One interviewee suggested that further assistance was required to establish and support industry associations and/or further develop their constitutions and arrangements.



One interviewee supported further encouragement and co-operation with the PITIA (Pacific Islands Tuna Industry Association) as an important mechanism to support development. However, it was noted that the regional industry was more split than their national governments (i.e the differences between the Fijian and FSM industries were greater than between their respective governments.)

EXAMPLE BOX ON CONSULTATIONS

Interviewees from Samoa strongly supported a high level of stakeholder consultation in fisheries management and noted the success of the Commercial Fisheries Management Advisory Committee (CFMAC). This Committee involves representatives from various industry groups and all relevant departments and is chaired by the Fisheries Minister. CFMAC meets quarterly and was created under the Tuna Management Plan as an advisory Committee to the Minister on major issues and policies impacting on the commercial fisheries. CFMAC also provides co-ordination across government and offers industry the opportunity to raise issues of concern directly with the Minister. CFMAC was instrumental in developing assistance from the government to industry during a recent period of low catches – this amounted to \$1.8 million from government to assist industry with interest payments on loans during this period. All government and industry interviewees considered that the Committee was working reasonably well. The only complaints regarding the CFMAC were that it had not met for some time due to the busy schedule of the Minister; that it had lately become more of a forum for government to tell industry what it wants; and that there was no consultation through the CFMAC (or informally otherwise with industry) regarding the recent takeover the fisheries wharf by the Samoan Ports Authority with the consequent increase in expenses and inconvenience for industry.

Regional and International Co-operation, Negotiation and Advocacy

GENERAL

Some interviewees strongly supported capacity building to improve the negotiating ability of FFA members and improve their policy/legal capacity regarding international agreements.

One interviewee noted that some Pacific islanders lack confidence in their communication skills. He commented FFA members: "... must be encouraged to be more vocal at WCPFC meetings in order to communicate and advocate their positions and national interests properly." Another interviewee commented: "Most of us are normally polite and will not shout out our positions. We prefer to grumble slowly and quietly. Sometimes we need to be able to shout."

Some interviewees suggested that regional development needs a better strategic focus that maximises economic returns through co-operative arrangements where relevant (i.e narrowly focused national fisheries development plans and proliferation of multiple canneries are less profitable and efficient than development of sub-regional hubs).

One interviewee suggested organising a WCPFC workshop, working group or new committee on stock assessments immediately prior to the WCPFC as this would give delegates a reasonable understanding of the status of stocks before they consider management responses. It was important to have an overall picture of the inter-relationship between the various factors like EAFM, climate change, allocations, precautionary approach.

Some interviewees cautioned that the WCPFC may not be involved in capacity building activities for some time due to budget and human resource constraints.

BOX ON TUVALU

Some interviewees described a good example of building capacity of delegations to international meetings. In 2006, through GEF funding, the FFA supported the Tuvaluan delegations preparations, participation and reporting back from WCPFC. An experienced consultant, Feleti Teo, worked in-country with the Tuvaluan government. Firstly, preparatory seminar for government officials was convened at which the consultant provided an overview of the key WCPFC issues and challenges.



Following discussions at the seminar, the consultant and delegation members held several internal meetings to develop positions and prepare a written brief for the FFC preparatory meeting. The written brief took into account the FFA brief but provided further analysis from a Tuvaluan perspective of issues of particular interest to Tuvalu. Following the FFC preparatory meeting, the consultant and delegation then prepared a further written brief for the main WCPFC meeting that reflected on the discussions at the FFC and provided guidance for the delegation's interventions and discussions during the WCPFC. Following the meeting, the consultant worked with the delegation to prepare a meeting report that highlighted the key issues of concern to Tuvalu and outlined implications for Tuvalu of the key decisions taken at the meeting. This report was then presented to Cabinet with a list of follow up actions to guide the department of fisheries in what follow up actions are required of Tuvalu. This project has provided guidance to the Tuvaluan fisheries department on potential processes for preparing for WCPFC meetings. Tuvaluan officials commented "The challenge ahead is to have the capacity and resources within the department and ministry that would support and sustain such preparations for meetings. Unfortunately, neither the department nor the ministry have such resources for the mean time and will continue to rely on outside assistance, such as that provided recently by the FFA consultant. In that connection, we would strongly support the notion of the FFA providing specific and targeted assistance through desk officers of consultants to assist Tuvalu, and other countries that need such assistance, to prepare them to participate and contribute constructively to the discussions at the regional and international fisheries meetings."

CO-ORDINATION, COMMUNICATION and CONSULTATION

One interviewee suggested FFA members should develop processes to better engage all relevant departments (i.e fisheries, foreign affairs, environment, finance/treasury, development, prime minister) and other stakeholders in consultations and workshops.

Some interviewees suggested that delegations to WCPFC meetings should include industry representatives to improve their understanding and support of industry concerns. One interviewee suggested that there was a further need to have non-government representation on delegations because of concerns that delegations sometimes return home and don't fully report on everything truthfully. Another interviewee suggested that FFA members needed to develop a more structured approach to preparations for WCPFC meetings and that this should include industry and collect their views and comments. Another interviewee suggested governments should provide regular updates on regional fisheries issues and how they may impact on small and large scale fishing operations, and what regional projects were available that they may access or benefit from.

One interviewee noted that their country held the capacity to undertake analysis of most issues. What was needed was greater co-ordination and guidance on processes to prepare for meetings and access negotiations. Similarly with post meeting processes and reports that analysed and assessed implications of measures and their implementation.

PREPARATION FOR INTERNATIONAL MEETINGS, INCLUDING: ANALYSIS OF NATIONAL INTEREST, STRATEGY DEVELOPMENT AND GAINING A MANDATE

Some interviewees suggested that it was important to build the international negotiating capacity of FFA members to support regional co-operation. They supported national capacity building in preparation and participation in international negotiations, including the development of briefs and whole of government positions, negotiation skills and reporting back and implementation obligations. One interviewee commented: "The FFA members need to take greater responsibility to prepare for FFC and WCPFC meetings and participate constructively in the discussions. There appears to be too much reliance on the FFA brief and too little internal preparation by some delegations. This may be due to a lack of time to consider the issues or a lack of internal capacity to understand and comprehend the implications of those issues."

One interviewee commented: "One weakness for us, and across the region, is our lack of understanding of our opponents and others across the table. We need to focus more on understanding their national interest and their motivations, rather than being reactive and waiting for them to act."



Some interviewees suggested building the capacity of FFA members to produce written briefs for international meetings due to their myriad benefits for negotiating delegations, plus they provide an important record of meetings.

Some interviewees noted that their government's commitment to undertake proper briefings, consultations and preparation in future.

One interviewee commented: "The department of fisheries will definitely need technical back-up in the areas of: capacity to comprehend the issues now considered at WCPFC; capacity to develop meeting briefs; and capacity to provide adequate analysis of the implications of Commission decisions on the interests of Tuvalu."

One interviewee suggested: "One way to strengthen FFA member's ability to determine national interest is to strengthen the Pacific Islands Regional Fishing Association". He suggested that his offers an opportunity to identify common interests and resolve regional conflicts.

One interviewee commented that they found the FFC preparatory meetings prior to Commission meetings very helpful in not only understanding the issues, but also to gauge where other FFA members stand in relation to the issues.

EXAMPLE BOX ON PREPARATIONS

One interviewee stated that their country had the capacity to manage and develop their own fisheries resources and were prepared to assist other members, particularly PNA, to manage and develop theirs. He noted that their own national interest was tied in with the broader interest of other members in developing their fisheries resources and attracting on-shore investment.

NEGOTIATION AND ADVOCACY

Some interviewees who had observed WCPFC meetings suggested that the region needed to improve their 'hard' negotiation skills and take a far stronger stand on most issues. They noted that FFA members were the primary resource owners and suggested that a more militant role at the WCPFC was required. One commented that this new assertiveness should also firmly define the role of the WCPFC – "We're here (at the Commission) to develop compatible measures for the high seas".

Some interviewees suggested the Pacific delegations must speak their minds more. One interviewee noted their delegates speak their minds and are less concerned about other delegation's responses: "... this is partly a result of greater confidence built from greater time in the job and partly an organisational culture thing."

One interviewee suggested that FFA members spend too much time and effort negotiating complicated deals where a simpler template with a "take it or leave it" approach would waste less time and resources and be more effective.

One Interviewee noted the difficulties with co-ordinating a single position through 17 members and suggested that FFA members should consider developing an EC approach to negotiations where preparations amongst members prepare a brief with a preferred option, a compromise position and a 'die-in-the-ditch' position. This approach would develop and appoint the best negotiating team from amongst members with a clear mandate to represent the collective interests of FFA members. Other members would attend and support the negotiating team's efforts.

One interviewee supported further regional and sub-regional inclusive negotiation strategies. He commented: "If one country pushes too hard, then other countries get marginalised and it therefore undermines the purpose of the strategy. (There is a) ... need to share visions and responsibilities. (Its) ... important to share responsibilities across the region."

One interviewee suggested that FFA members should avoid becoming too reliant on the FFA and noted that the Tuvaluan delegation to WCPFC3 supported by Feleti Teo through GEF funding was a good



example of national capacity building for negotiations rather than depending upon wholly upon FFA. The interviewee could not readily think of any other evidence of capacity building and independence.

POST-MEETING REPORTING, EVALUATION, ANALYSIS AND IMPLEMENTATION

Many interviewees requested further support to develop processes and capacity to undertake post meeting debriefings and analyse the ramifications of Commission decisions. Some suggested that they were looking towards the FFA to help them understand what the WCPFC conservation measures actually required and to assist them to implement them domestically. Some interviewees requested assistance to assess all their international obligations that have arisen through recently signed international agreements.

Some interviewees suggested involving forum leaders in making difficult judgements on national, sub-regional and regional self-interest and supporting their implementation.

Some interviewees suggested developing a regional mechanism to support and ensure that members are implementing their obligations under the WCPFC. These interviewees noted the FFA centralised monitoring of the VDS as a potential precedent. These interviewees also suggested developing regional and national responses to implementation failures by WCPFC members.

One interviewee suggested that all relevant departments should sit together after a meeting and then write a collective report. However, this interviewee lamented that in practice this never happens and instead fisheries and foreign affairs, if they produce a report, write their own internal reports independent of each other.

One interviewee noted that the Samoan fisheries department was required to make a presentation to their CFMAC on the major outcomes of the WCPFC and present a joint report with foreign affairs to Cabinet.

FFA AND SPC SUPPORT AND CO-ORDINATION FOR WCPFC

Many interviewees support the FFA continuing to co-ordinate the input and participation by its members in the WCPFC. Some interviewees suggested that the co-ordinating role of the FFA will be critical to success of the WCPFC regime. Some suggested that the FFA needs to be a trusted organisation and should become a centralised depository that manages all relevant information.

Many interviewees supported the establishment of a regional programme that supported preparation, participation, advocacy and implementation within the FFA, PNA and WCPFC forums and which worked in-country, rather than out of the FFA or SPC. Discussions identified various methods for delivering this programme and a variety of potential outputs. Many interviewees suggested that the programme should support the secondment/employment/contracting of suitably experienced 'national desk officers' who would be located in-country (full time/part time) for a medium term (i.e 1 to 3 years). These desk officers would assist the country with a number of strategic tasks and, in so doing, mentor and build the capacity of local staff to perform these tasks in future. National desk officers would be loyal to their host country and would strive to support the development and achievement of that country's national interest as their key priority. Given the regional dynamics and national limitations, this could quite likely mean pursuing regional and sub-regional co-operative strategies in consultation with other FFA members and distant water fishing States. However, the critical point of focus for this programme would be on 'national interest', in response to the identification through this study's consultations that many members lacked a clear understanding and vision of their national interest and how best to pursue it.

Many interviewees suggested that the National Desk Officers should support some (or all) of the following tasks or outputs:
strategic analysis of fisheries management and development challenges and opportunities addressing national, sub-regional, regional and global matters as they apply to that specific country (i.e SWOT analysis);



facilitate discussions and workshops with relevant government agencies, industry, NGOs, artisanal fishers and communities to discuss and develop SWOT analysis and identify potential goals, objectives, strategies and priorities for that country;
develop a national fisheries/oceans vision and strategy for discussion and endorsement by whole of government (and preferably whole of parliament) which includes a medium to long term strategic roadmap with clear objectives to guide future policy deliberations;
develop a national strategy for engagement in FFA, PNA and WCPFC for future delegations to regional meetings that identifies objectives and proposes specific work (nationally and regionally) to pursue these objectives;
analysis of FFA, PNA and WCPFC papers and FFA briefs;
facilitate national consultation meeting with relevant government agencies, industry, NGOs, artisanal fishers and communities to discuss upcoming regional meetings (such as WCPFC Commissions) and identify concerns, opportunities and immediate priorities;
preparation of written national briefs;
preparation of ministerial/cabinet briefings and endorsement of mandates;
negotiation and advocacy tactics and statements on the floor;
preparation of post meeting reports to minister/cabinet and relevant government agencies that: summarise meeting; analyse outcomes; identify obligations requiring national action or implementation; assess performance of delegation against national brief and national strategy; identify unresolved matters that are likely to carry-over to future meetings;
facilitate national consultation meeting with relevant government agencies, industry, NGOs, artisanal fishers and communities to discuss recent meeting and its national ramifications.

One interviewee suggested that the 'National Desk Officers' could have additional responsibilities to pro-actively research and identify potential donors and funding opportunities to address domestic capacity building needs and to prepare funding submissions to such donors.

One interviewee commented on the 'National Desk Officers' proposal: "The biggest need for desk officer role is on the science side" and suggested that the role should build the scientific capacity of the country.

Some interviewees suggested that a National Desk Officer programme, if established, should be de-centralised from the FFA secretariat through the placement of individual officers in-country in each relevant FFA member. Other interviewees suggested that a sub-regional approach could be adopted where 4 or 5 officers are recruited/contracted/seconded who each have specific responsibility for 3 or 4 countries. These positions could be administered out of the FFA secretariat, but the officers would be placed in-country on a rotating basis. Other interviewees suggested a pilot programme be created which starts in 3 or 4 priority countries.

Some interviewees who supported the National Desk Officer proposal raised some concerns that such a programme might inadvertently change the relationship between the FFA and its members if these roles involved any advocacy/national advisory activities, or create a disincentive for members to build up their own internal capacity and increase member's dependency upon the FFA secretariat if these positions were administered out of the FFA secretariat.

One interviewee who supported the proposal suggested that before national liaison/facilitator roles could be filled, there would need to be a shift in focus within the FFA to become more nationally focused (supported by the interviewer).

One interviewee suggested that any possible National Desk Officer who might be responsible for Melanesian countries would have to be from outside Melanesia as he was concerned that the individual would have problems with bias and favouritism to their own country of origin.

One interviewee who supported the National Desk Officer concept was concerned that the advisor not use their influence to push their own personal views.

Some interviewees suggested that the FFA could develop, either with the WCPFC secretariat or separately, an explanatory memorandum to the WCPFC Summary Report that identifies future



requirements and obligations arising from Commission meetings. Some interviewees suggested that the FFA could then provide assistance to FFA members to analyse the specific impacts and obligations WCPFC decisions at each member's national level.

One interviewee suggested that it would be very beneficial for members to have a full time legal/compliance officer to deal solely with WCPFC.

One interviewee suggested that it would support record keeping and assist co-ordination if all submissions and responses to WCPFC were cc'ed to the FFA secretariat.

FFA BRIEFS

Some interviewees who had previously noted that FFA briefs were perhaps too broad, suggested that the FFA briefs should offer more specific analysis and recommended options for individual countries to adopt that supported their national interest.

Some interviewees suggested that the FFA brief should not be too imposing but should allow members greater leeway to consider their own position to further their national interests. One interviewee commented that the brief should be suggestive and not determinative and "... should focus on the objectives without seeking to promote specific positions". Simultaneously, this interviewee suggested that the FFA brief should be more proactive and less responsive.

One interviewee suggested that the FFA brief needs further work at trying to synchronise national positions and bringing up the capacity of FFA members to analyse issues. Another interviewee noted that if the brief does not adequately promote collective positions then the members run the risk of opposing each other within the Commission, a situation that would readily be exploited by the distant water fishing nations to their advantage.

Some interviewees suggested that the FFA brief needs to be more proactive and forward looking, rather than looking backward and providing such a strong historical overview of the issues.

One interviewee suggested that the FFA and SPC need to get materials out as early as possible in order for members to best prepare for meetings and develop their own analysis and briefs.

Some interviewees suggested that the FFA brief would be more helpful if it provided guidance on the various views of members so that delegates can understand the range of viewpoints and be prepared to discuss them.

One interviewee suggested the FFA brief should place more emphasis on development and trade issues and is focused too heavily on management issues. This interviewee was appreciative of the FFA's change in focus brought on by the FFA Strategic Plan with its emphasis on fisheries development in addition to fisheries management.

PNA VDS & THE WCPFC

Some interviewees suggested that the PNA should be strengthened as a special interest group and as a trading bloc. They suggested that the PNA must work closely together and assist those who may have difficulties implementing the VDS to ensure that the scheme does not fall through.

Some interviewees who were struggling with understanding the implications of the VDS suggested that they needed a workshop on the issue that would support their understanding of the scheme and its practical implementation.

One interviewee recommended that the performance and role of the PNA in FFC meetings should be examined. He commented: "the PNA should be taking the lead in most of the issues given the stake they have in the regional fisheries resources, but they seem to be creating problems for the rest of the FFA membership."



FFA STRATEGY DEVELOPMENT – ROLE AND PURPOSE

One interviewee suggested that the FFA “... should cautiously lead members on ... (and the FFA) ... needs to get the members to understand that this is their core business”.

One interviewee suggested that the FFA needed to review work in the current context. He commented that times change, needs change, members change, consequently the FFA needs to review its focus to continue to be relevant.

Some interviewees suggested that it was important for the FFA secretariat and other regional organisations to have a balance between national and regional capacity building and support. They have to take a regional view, while balancing this with working more effectively in-country of FFA members. One interviewee commented bluntly that “... FFA needs to get in-country”. Another complained of a “... gripe with regional organisations focusing too far on regional work and away from national support.” Another interviewee suggested that the FFA needed to be de-centralised.

One interviewee suggested that FFA regional co-operation should be expanded to give the FFA more oversight and engagement.

One interviewee suggested that FFA should focus regionally on creative mechanisms to regulate fishing (i.e catch and trade schemes, VDS) rather than just a ‘hope’ to stop fishing. He suggested that the FFA should continue its focus on the PNA and key target species and that the Polynesian group needed to built its own support similar to PNA.

One interviewee suggested that there was a need for the FFA to work bilaterally with members on the current state of implementation and their difficulties with implementation.

Some interviewees suggested the FFA needed to develop a forum/mechanism to develop regional and sub-regional strategies. They noted that the FFA strategic plan is for the agency and is not a strategic development plan for the region.

One interviewee suggested that there was a need to build capacity in strategy development amongst FFA staff, and to facilitate strategy development more widely within the FFA membership.

One interviewee suggested that the FFA needed to develop an alternate way of co-operating and co-ordinating their international negotiations. He commented on the need to further develop trust within the membership. The interviewee suggested that collective team work will only become effective when the FFA membership can appoint a small team to consider issues and decide on their behalf. He commented that the current process was creating inertia and impediments to effective decision making.

One interviewee suggested that the provision of training currently performed by the FFA and SPC should be outsourced. He suggested that training service providers should be engaged who have specific expertise in the relevant field. he considered that the FFA and SPC were not good at providing training and not the best choice for training. Furthermore, he noted that training is often organised on an ad hoc basis. However, he noted though that the FFA workshops (GEF legal workshops and management options workshops) were good examples of FFA expertise being used to help develop capacity and support policy development.

FFA GENERAL

One interviewee suggested that the FFA does not need more staff but should look further at outsourcing work to relevant experts. He suggested that the FFA explore fixed term MoUs or Service Level Agreements (SLAs) to develop and retain consultants and experts. He suggested that the FFA could potentially outsource some service provision programs (such as the observer schemes) to enable it to further focus on core business. He considered that the FFA could become a professional service manager and manage terms of reference and contracts for an outsourced expert network. This interviewee previously expressed concerns about the ongoing location of the FFA secretariat in



Honiara and suggested that if it could not be moved, then the FFA should make more effort to develop external consultants and experts.

One interviewee expressed support for more management options workshops to further develop policy and build capacity within FFA members to engage in science.

One interviewee suggested that FFA could do more mentoring of national staff to help build their capacity and assist with undertaking their “homework”.

Some interviewees suggested that the FFA could be more pro-active and start again with each new senior departmental official or Minister – background on regional context and issues, roles and agencies to compensate for the high staff turnover and government changes.

Some interviewee suggested building NIUE type MoUs of MCS that include reporting and transparency requirements such as explanations of actions taken to implement national responsibilities and support/buttrass transparency.

Some interviewees suggested improving regional co-operation and implementation through a greater use of Lacey Act type co-operative measures.

One interviewee commented: “If a country is trying to do something, then the FFA should help the country build, rather than just stick with the FFA position”. He offered the example of the FFA VMS which is often in-operational in his country. He suggested that the FFA should have simply assisted his country to set up their own system.

One interviewee noted an old proposal for the FFA to establish sub-regional offices in Micronesia and Polynesia to promote awareness of the FFA and its programmes. This proposal was never seriously pursued.

One interviewee suggested that the FFA should improve its capacity to co-ordination and communicate with members.

Some interviewees suggested that this study could evolve into some form of annual review of core business for the FFA.

Fisheries development including Industry Development, Infrastructure, Labour, Markets and Finance

GENERAL

Some interviewees expressed their support for limiting licenses and increasing returns from more efficient fewer vessels. One interviewee noted that overcapacity of vessels beyond a fisheries maximum economic yield hurts locally crewed operators earlier and harder than foreign Chinese/Taiwanese locally based operators. This was because locally crewed operators had higher operating and labour costs and were less resilient to a reduction in CPEU than foreign operators with lower labour costs.

One interviewee supported developing benthic fisheries as an opportunity.

One interviewee suggested that development should occur incrementally.

One interviewee suggested that it was important to industry development to improve governance.

One interviewee suggested that in those coastal States where access agreements are the most profitable method for exploiting fisheries, then those coastal States should use access agreements and explore other development opportunities that are not limited by location and specific skill sets. In such cases, access fee returns would be better utilised to fund other ventures that are more viable and profitable and



that utilise skills and networks of local people through individual training and employment. In this context, it was important to foster a business environment in which access fees can foster economic growth and activity.

One interviewee commented: “The ultimate aim for industry development is to do away with access licenses but that may take some time to achieve.”

One interviewee suggested that economic analysis of potential development opportunities needed to be more inclusive and engaging for local communities to maximise returns to the benefit of FFA members. Reference points for such analysis needs to be broader than just GDP but must also consider broader socio-economic indicators.

One interviewee suggested that a broader outlook for development. This should focus on global markets with greater attention given to health and environmental considerations. He commented: “There is a need for a more holistic approach to national issues.”

One interviewee suggested that there is a lot of waste in fisheries resources and the government must focus efforts on how best to use the rejected material for fish meal products.

One interviewee suggested that fisheries development should be supported and focused on areas of maximum opportunity (i.e most productive fishing grounds) rather than focusing on areas of maximum convenience (i.e near capital).

CAPACITY, SKILLS AND KNOWLEDGE

Some interviewees suggested that government officials need to become more skilled in researching and analysing the viability of development opportunities rather than just throwing money into electorates. Another interviewee noted that the institutional knowledge of business needs and realities was improving thanks to the DEVFISH project getting private sector involved in delegations.

One interviewee suggested improving training for islander crews and officers to improve participation in fishing fleets and observer schemes. It was noted that islander crews bring remittances home.

One interviewee commented: “In terms of support, forget the reports and consultants, we really need one on one support. They know how to fish, what they need is more sophisticated business skills.”

One interviewee supported organising a workshop on pacific fisheries business that went beyond how to catch a fish (something most fishermen already are skilled at) and focused on how to operate, trade, market and expand their business within the Pacific context. This could potentially lead into further workshops and drive discussions and collaboration on developing regional co-operative approaches to implementing MEY and auction models and strategies.

CAPITAL AND FINANCE

One interviewee suggested that local operators needed major support in capitilisation for local operators to start large scale commercial fishing ventures.

One interviewee that governments should create special incentives for fisheries because investing in fisheries was a big risk. Some interviewees noted that the PNG NFA has provided a credit facility of 15 million kina for 3 years to assist fisheries related development. This is provided through the development bank with guidelines provided to guide bank in disbursement of funds.

One interviewee suggested that imports of spare parts and fishing gear should be made tax exempt to encourage local industry.

One interviewee suggested: “The only way to provide incentives for fishing is for the government to relax all taxes.”



One interviewee suggested that foreign investors in fisheries (which brings in additional revenue for government) should be used to strengthen support for infrastructure for the fishing industry.

LOCAL INVOLVEMENT

One interviewee suggested that foreign investors should develop fisheries infrastructure with domestic citizens as joint partners. He noted that this would support transfer of skills and build wealth locally.

Some interviewees suggested a restructure of their government owned/operated fisheries development arm so that it avoids direct competition with other local commercial fisheries operators. Some interviewees commented that they need more support from their government for development, not more competition from government commercial activities.

POLITICAL AND NATIONAL SUPPORT

Some interviewees suggested that government and industry should work towards improving relations between the two and suggested establishing or reviving regular national fisheries summits to enhance exchanges between the government and the industry. One interviewee emphasised the important role for government to play in support of commercial fishing activities given the difficult and disadvantageous commercial fishing environment to sustain commercial operations. Another interviewee suggested that the fisheries department should be driving development and noted that a previous head of fisheries had provided active leadership and had managed to push the fisheries agenda within government. Another interviewee suggested that both industry and government needed to collaboratively build their capacity and understanding to develop fisheries and achieve their vision. One interviewed suggested: “There should be more emphasis on partnership from the government rather than direct competition.”

One interviewee commented that the fisheries department should be receptive to changes and should not be the reason for stalling development of the fishing industry.

One interviewee suggested that the government needs to streamline its operations because they were very inefficient. Decision making processes were very slow which adversely impacted upon business.

Some interviewees in Samoa noted the example where the Government had granted financial assistance to industry during a recent period of low catches – this amounted to \$1.8 million from government to assist industry with interest payments on loans during this period.

CO-ORDINATION, COMMUNICATION AND CONSULTATION

One interviewee noted that cross-sectoral transparency, consistent policy and support and co-ordination between departments is important for development: considerations include: tax implications, environment, human resources, business friendly environment.

One interviewee suggested that further work was required to build up the capacity of industry associations to be able to develop and inform governments of their development needs.

INFRASTRUCTURE, LABOUR AND LAND

Some interviewees suggested that major infrastructural improvements were required to enable commercial fisheries operations to be successful in their country. Suggestions included: improving freight capacity; lowering of fuel costs; ability to tranship and offload catch without need to return to canneries. Some interviewees suggested the government support investment and promote the building of relevant infrastructure to support value adding to fisheries (i.e slipways, storage, etc).

One interviewee suggested that their government could re-establish a workshop in their fisheries department to enable fixing of engines as the only workshop (privately owned) was very expensive.



Some interviewees suggested that remittances were an important development opportunity and that government should encourage development and licensing of vessels that promoted local crews. One interviewee noted that while their crews were more expensive than Asian DWFNs, they included Pacific islanders who were paid well, much of which was sent home as remittances or returned later when crews retired. Savings from these wages and remittances enabled returned crew to invest and establish their own domestic ventures. He argued that this was compared to Asian crews who get paid substantially less and contribute nothing to Pacific economies in terms of remittances or investment.

REGIONAL CO-OPERATION (MARKETS AND TRADE)

Some interviewees suggested that governments should support negotiations for access to markets and arranging appropriate shipment arrangements.

Access Agreements and Aid Partners

One interviewee suggested that the ultimate aim for industry development is to do away with access licenses but, acknowledged that this may take some time to achieve. He noted that some interpreted this goal in the context of licensing vessels directly with no framework agreements, while others looked towards local industry replacing foreign fleets.

One interviewee noted that their country supplied access agreement revenue data to the FFA for analysis and suggested that if other FFA members wanted access to this data to help them to negotiate a better access deal with DWFN, then they would support this.

One interviewee argued suggested that aid agreements needed to be linked to improvements in transparency and governance.

TIED AID AND UNDUE INFLUENCE

One interviewee noted that their country takes a strong line against pressure from access agreement partners and refuses to negotiate weakening of MTC requirements. He noted that Japan recently objected to requirements to report to both the FFA and the national VMS and requested an exemption from the FFA VMS requirements. The country insisted that Japan meet all requirements. Japan then acquiesced. Similarly the official noted with some pride that his country stood up to Taiwan in recent negotiations to achieve its desired access fee.

ACCESS NEGOTIATIONS

Some interviewees suggested that FFA member should co-operate further and develop more united front on access agreement negotiations.

Some interviewees suggested that a systematic way of preparing and co-ordinating inputs from all stakeholders and developing whole of government positions was needed for access agreement. They noted that preparation for access agreement negotiations was traditionally very weak. Some interviewees suggested that members should build their capacity, and fully utilise support mechanisms, to undertake economic analysis of key factors before beginning access negotiations. In so doing, one interviewee suggested that FFA members should make better use of the FFA knowledge and expertise when negotiating access agreements. This could include: economic analysis; preparation of briefs; support for delegations; and on-the-road analysis of proposed agreements.

Some interviewees suggested that access agreement negotiating delegations should include advice and analysis from all relevant departments and stakeholders, not just fisheries. This should include greater participation from finance and treasury, and in some cases, labour, due to the requirements to offer employment opportunities in access agreements.

One interviewee suggested that to tackle corruption, all access negotiations should include large delegations from different parts of government and ideally be held only in the coastal State's capital.



One interviewee suggested that after the PNA VDS settles down, a workshop on access agreements should be held. To maximise its effectiveness, FFA members should be encouraged to bring data and discuss their individual experiences.

One interviewee suggested that their ability to negotiate access agreements would be enhanced if there was better patrolling/surveillance undertaken which would enhance the ability to monitor catch data (but which would require additional patrol boat(s)).

FINANCIAL REPORTING

Interviewees suggested that a critical first step to improving returns from access agreements was to improve transparency in access fee revenues and improve data. One interviewee suggested that the FFC should discuss agreeing to remove all confidentiality provisions from future access agreements (noting that some DWFN and other countries have already done so). Some interviewees suggested that improvements in transparency would support improved economic analysis of access fees and prices, and enable FFA members to inform negotiating delegations to the same level as DWFN delegations (if not more), and introduce more competition between DWFN into negotiations. This information ideally should be fully public and as transparent as possible, but at least should be shared internally within the FFA.

One interviewee suggested that revenue reporting amongst FFA members needed to become more transparent and more detailed in regard to source (i.e Japanese LL, Korean PS, etc). This would improve the ability of governments to undertake further economic analysis of their agreements and licensing revenue and improve accountability and governance.

One interviewee suggested that increases in transparency, regarding domestic fisheries revenue within FFA members, was critical to developing future models, such as auctions or options to fish, that would bring increased revenue to FFA members.

Political Engagement

MINISTERIAL AND CABINET UNDERSTANDING

One interviewee suggested the development of training programmes for politicians and senior bureaucrats on the ecological realities and limitations of fisheries management.

POLITICAL ENGAGEMENT AND SUPPORT

Some interviewees suggested that the FFC Ministerial is a good opportunity to engage Ministers in real fisheries issues. One interviewee noted the poor ministerial turnout in 2007 and suggested that for future FFCs, the FFA Director General should address invitations directly to the Fisheries Minister and describe the importance of the issues under discussions, and the specific importance of their high level engagement. Another interviewee suggested that FFCs need to be better managed to focus on core management and conservation issues.

One interviewee suggested that all levels of government and community to increase their engagement in sustainable fisheries management in order to ensure adequate resourcing and support for due process, strong regulatory schemes and sustainable management practices. He suggested that improving Ministerial engagement would prevent the tendency for governments to not follow through with implementation or to undermine regulations through short term concerns (i.e license too many boats, failure to enforce regulations through concerns about losing recalcitrant vessels to other countries).

One interviewee suggested that the important fisheries issues should be discussed and on the agenda for other relevant departments such as finance/treasury, environment, foreign affairs, investment and development, etc.



Policy and Legislation Frameworks

GENERAL

One interviewee suggested amending legislation (where necessary) to require consultation and transparent governance.

One interviewee suggested tightening foreign investment laws to improve transparency and address foreign companies masquerading as local industry through front companies.

One interviewee suggested that the development of an effective legislative framework for implementing WCPFC and UNFSA measures was a critical priority.

Some interviewees suggested that legislation should support both fisheries management and enforcement.

One interviewee suggested their legislation be amended to allow for on the spot fines as this would avoid need for lengthy prosecutions that prevent patrol boats from multiple inspections and tie up scarce resources.

One interviewee noted that their parliament had recently passed a Marine Resources Act which takes into account some of the major international fisheries instruments and incorporates modern day practices. He suggested: “The challenge is to institute appropriate mechanisms and resources to fully implement the provisions of the act.”

One interviewee suggested that their legislation needed to be amended to increase penalties to an effective level as penalties were currently too low.

One interviewee suggested that legal/policy mechanisms should support reporting requirements. He noted that it was very difficult to enforce reporting requirements without these mechanisms.

One interviewee suggested that development of management plans should engage community consultation during early drafting. One interviewees noted that the Fijian and PNG management plans are being successfully implemented thanks to a high level of (sometimes highly contentious) consultation and engagement during their development. He commented that PNG and Fijian stakeholders: “... take it seriously enough to argue over.” Furthermore, he stated that these plans are focused and relatively short and simple documents.



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Appendix D. Pacific Aid Effectiveness Principles

The Pacific Aid Effectiveness Principles were endorsed at the PIC/Partners meeting held in Koror, Republic of Palau on the 13th July 2007.¹²⁷ The principles were developed through consultations amongst Forum members and with the region's development partners, and are based on the Paris Declaration on Aid Effectiveness.¹²⁸ The Pacific Aid Effectiveness Principles are:

Principle 1: Country leadership and ownership of development through an accountable and transparent national development planning and financial management system/mechanism which is adequately resourced from the national budget - including longer term operation and maintenance of donor sponsored development. (Paris Declaration Section 14, 19; Indicator 1, 2)

Principle 2: Multi-year commitments by development partners and countries aligned nationally identified priorities as articulated in national sustainable development strategies, or the like, with agreement on performance indicators and monitoring and evaluation mechanisms. (Paris Declaration Section 16, 26; Indicators 3, 5, 7)

Principle 3: Greater Pacific ownership of regional development, Development Partners' Pacific Regional Strategies are designed and formulated with the Pacific Plan and other Regional Policies as their corner stone. (Paris Declaration 14, 15; Indicator 1)

Principle 4: Pacific Development Partners and Countries pursue a coordinated approach in the delivery of assistance. Encouraging harmonization will be a priority for both. (Paris Declaration 32 – 42; Indicators 9, 10)

Principle 5: Strengthened institutional mechanisms and capacity in countries to enable increased use of local systems by development partners. (Paris Declaration 17, 21, 22-24, 31; Indicator 4, 6, 8)

Principle 6: (i) Provision of technical assistance (TA), including in aid coordination/management, in such a way that ensures that capacity is built with tangible benefits to the country to support national ownership. Provision of an appropriate level of counterpart resources through established procedures and mechanisms. (ii) Short term TA, that address local skills gaps to conduct studies, are culturally sensitive. (Paris Declaration 22-24; Indicator 4)

Principle 7: Use of an agreed monitoring and evaluation framework that will ensure

¹²⁷ Pacific Islands Forum Secretariat. 2007. Pacific island countries and donor partners endorse aid principles. Press statement (76/07). 18th July 2007
<http://www.forumsec.org/pages.cfm/2007/pic-donor-partners-endorse-aid-principles.html>

¹²⁸ The Paris Declaration (2 March 2005) is an international agreement that supports efforts to increase harmonisation, alignment and management of aid for results.



joint assessments of the implementation of agreed commitments on aid effectiveness.
(Paris Declaration 43-46; Indicator 11)

