

FOURTH ANNUAL CONSULTATION MEETING

RECORD OF PROCEEDINGS

**Suva, Republic of Fiji
6 - 13 December 1991**

FFA Report

91/81

SOUTH PACIFIC FORUM FISHERIES AGENCY
FOURTH CONSULTATION ON ARRANGEMENTS FOR SOUTH PACIFIC
ALBACORE FISHERIES MANAGEMENT

INTERNAL MEETING

Suva, Republic of Fiji
16-18 December, 1991

BACKGROUND PAPER

SOUTH PACIFIC ALBACORE FISHERIES INTERACTIONS
AND ITS IMPLICATIONS FOR MANAGEMENT

A REPORT ON INFORMATION RESULTING FROM THE
FAO EXPERT CONSULTATION ON PACIFIC TUNA FISHERIES INTERACTIONS
(Noumea, New Caledonia, 3-11 December, 1991)

Introduction

Three general categories of fisheries interaction are recognised in tuna fisheries; interactions occur between fisheries when:

- the catch in one fishery directly affects the potential catch in another fishery;

Examples include the interactions between the driftnet and troll fisheries for albacore in the South Pacific and the interaction between the surface fisheries (driftnet and troll combined) on the longline fishery operating in subtropical waters.

- the gear used by one fishery physically interferes with the operation of another fishery;

Examples include the entanglement of troll vessels fishing for albacore in driftnets in the South Pacific.

- the production of one fishery depresses the profitability of another.

Examples include the drop in price to troll vessels when the market was flooded with driftnet caught albacore. An index of the effect of this is the increase of well over \$US 500 per tonne for the troll fleet following the announcement that Taiwan and Japan would cease driftnet fishing.

Interactions between fisheries pose serious management issues with implications for the basis of allocations of access or quota between fisheries. To date the focus of attention on

interactions between fisheries for South Pacific albacore has been the degree of interaction between driftnet and troll fleets. Less attention has been given to the interaction between surface fisheries (driftnet and troll fisheries combined) and the DWFN longline fishery. No consideration has yet been given to the potential interaction between the surface fishery and locally based longline fleets (eg, vessels from Fiji, Tonga, New Caledonia, and elsewhere) or between the DWFN longline fleets licensed to fish within Pacific Island 200 mile zones and artisanal and subsistence fisheries catching albacore (eg, French Polynesia, Tokelau, Tuvalu, Solomon Islands, Papua New Guinea, Cook Islands, and others).

While scientists are still working to estimate the maximum sustainable yield from the combined surface and longline fisheries, increasing attention will need to be given to the interaction between the fisheries for albacore in the South Pacific. Effective management of the South Pacific albacore resource will certainly require that the major industrial scale troll and longline fisheries harvest within sustainable limits and that whatever the estimated joint MSY is, that this tonnage optimises the return from the resource. In developing the allocations for an optimum return from all fisheries sectors, it is also important that the developmental aspirations of industrial, artisanal and small scale locally based South Pacific fisheries are satisfied and that the needs of all existing local fisheries are considered. Consideration of the returns from industrial and artisanal fisheries will also likely require a better understanding of the socio-economic factors linked with South Pacific fisheries catching albacore.

Distribution of the South Pacific Albacore Stock and Fisheries

Albacore are believed to constitute a single stock in the South Pacific Ocean that is completely isolated from stocks in the North Pacific and Indian Oceans during larval and juvenile stages. The barriers for larvae and juveniles result from unsuitable temperature and oxygen conditions in equatorial surface waters with limited possibilities for movement between stocks during adult stages in deeper waters. Low catch rates by longline in equatorial waters and south of Tasmania, suggest that little exchange of adults occurs between stocks. The single South Pacific albacore stock, inferred from catches in all fisheries and the distribution of larvae is believed to extend from the equator to at least 45° S (from tropical into subantarctic surface waters) and from the coastlines of Papua New Guinea and Australia in the west, eastward to the coast of South America.

The waters through which the stock migrates clearly encompass nearly all South Pacific countries and territories and most of the area of the stock supports some level of industrial fishing. Albacore in the South Pacific are predominantly exploited by industrial fisheries operating both in the EEZs of coastal States and in high seas areas. Small scale commercial and subsistence fisheries also exist in a number of coastal States

EEZs (French Polynesia, New Caledonia, Tonga, Fiji, New Zealand, Tokelau, Tuvalu, Solomon Islands, Papua New Guinea and others). Relatively small recreational catches of albacore are also made in Australian and New Zealand waters. Although broadly distributed geographically, South Pacific albacore fisheries operate within a limited portion of the range of the stock.

Surface fisheries are restricted to austral summer months, primarily December to April. The geographical extent of effective surface fishing areas is further limited to mid-temperate latitudes where sea surface temperatures tend to be 17° to 19° C. In the South Pacific Ocean (including the Tasman Sea) surface fisheries operate primarily between 39° and 41°S. Within this narrow latitudinal band, surface fisheries occur from the Australian coast eastward to at least 140°E. A surface fishery of unknown size is also reported to operate along the Chilean coast.

In contrast, the albacore longline fishery operates year round, moving from north to south seasonally. These patterns are described by Wang (1988) for the Taiwanese fleet and Wetherall and Yong (1989) for the Korean fleet. The seasonal movement of the Korean fleet is less distinct than for Taiwan and some fishing occurs throughout the South Pacific in most months. A similar pattern to that of Korea is assumed for the Japanese fleet although fishing activity extends further east (Polacheck 1987). However, the general pattern of fleet movement for longliners targeting albacore is southwards from January to April into subtropical waters north of the Subtropical Convergence Zone (the boundary layer where subtropical waters mix with Subantarctic Surface waters) and then returning northwards from July to October. Most longline fishing appears to be from 5° to 45°S west of 120°W with relatively little effort in the Tasman Sea or the area around New Zealand.

Components of the Fishery

The surface fishery began in 1968 in New Zealand waters, where a troll fleet continues to operate off the west coast of the South Island from January to April. The fleet consisting of over 200 vessels in some years, has variable catches ranging from less than 1000 t to over 4000 t of juvenile albacore annually. The driftnet fishery composed of fleets from Taiwan and Japan, expanded rapidly during the mid- to late 1980s to an estimated 136 vessels in 1988/89 (SPC, in press). The estimate of the 1988/89 driftnet catch was nearly 22,000 t, with total surface fishery catches reaching almost 31,000 t in that year. Following this peak season when catches more than tripled the previous peak annual surface fishery catch, driftnet fleets and catches declined. Driftnet fishing in the South Pacific ended in June 1991 in accordance with United Nations resolutions 44/225 and 45/197. While the driftnet fishery was developing, another major surface fishery, the high seas troll fishery developed in the same area (Subtropical Convergence Zone or STCZ) and operated during the same season. The STCZ troll fishery increased from 2 vessels in 1985/86 to more than 70 vessels in

1991, with a catch of about 5400 t. There have also been some indications during 1991 of some pole-and-line vessels fishing in the Tasman Sea in the area and season where driftnet vessels operated. The target species of this small pole-and-line fleet is unknown, but some albacore catch is expected.

Japanese longlining began in the South Pacific during the early 1950s. Korean longliners joined the fishery in 1958 and Taiwanese vessels in 1967. Catch has ranged between about 20,000 t and 40,000 t. Japanese activity peaked in 1962 and then declined with a change in target species. The catch by Korean longliners has varied from about 6000 t to almost 19,000 t in recent years, also declining since 1986 with changes in target species. The Taiwanese longline catch has been less variable (averaging around 13,500 t each year since 1980) with most of the fleet targeting albacore. In recent years some Taiwanese longline vessels may also have changed target fishing to other tunas. Since the mid-1980s, limited but increasing longline activity by several South Pacific countries (Australia, Tonga, Fiji, New Caledonia, New Zealand and others) has developed with 1990 catches of less than 2,000 t, mainly from waters in or adjacent to their EEZs. Total catches by all fleets have averaged 29,300 t per year, ranging from about 21,000 t to 39,000 t since 1980.

Recent Developments in Fisheries

Driftnet Fisheries

South Pacific States have worked hard to end the practice of driftnet fishing both in regional fora and in the United Nations. South Pacific countries first brought the issue of driftnet fishing to the attention of the international community with considerable evidence compiled from South Pacific albacore fisheries. The resulting commitment by the international community to end this fishing practice was set forward in the consensus United Nations resolutions 44/225 and 45/197, a third resolution is currently before the 46th UN General Assembly. The resolutions from the 44th and 45th General Assemblies call for an end to driftnet fishing in the South Pacific from June 1991 and a progressive decrease in driftnet fishing effort globally to June 1992, when driftnet fishing will cease.

DWFN fishing interests using driftnets (with the exception of the Republic of Korea) have recently indicated that they will abide by the UN resolutions. Taiwan which ceased driftnet fishing in the South Pacific in June 1991, will cease driftnet fishing everywhere else in June 1992. Taiwan has announced a vessel buy-back scheme and low interest loans to encourage conversion of driftnet vessels to other fisheries. Their announcement was followed by an announcement during the 4th Meeting of SPAR that half of the existing driftnet fleet of 200-400 vessels would either be sold for scrap metal or sunk as artificial reefs. Remaining vessels would be converted to a variety of other fisheries including bottom longlining, squid jigging and tuna longlining. Recently Japan also announced that

after stopping driftnet fishing in the South Pacific in June 1990, they would cease driftnet operations globally in December 1992. To date the Republic of Korea has not announced its intentions with regards to the UN resolutions.

Displacements of Vessels from the North to the South Pacific

Since albacore remains Taiwan's primary focus and high catches continue in the South Pacific relative to other oceans with suitable support facilities, and since several bases exist for the Taiwanese fleet, the potential for increased Taiwanese longline fishing for albacore appears high. The announcement by Taiwan that a portion of the existing driftnet fleet would be converted back to tuna longlining (possibly 50 vessels) suggests that there is a reasonable chance of increased longline fishing for albacore in the South Pacific.

Not only longline fleets but also troll fishery expansion seems likely given the low North Pacific catches in recent years (only about 1700 tonnes in 1991 as opposed to several thousand tonnes a decade ago). Since North Pacific albacore troll vessels are unable to make economically viable catches in the North Pacific and high catches are possible in the South Pacific it seems likely that more troll vessels will change their area of operation (the fleet has increased from less than 50 vessels three years ago with more than 80 expected to fish in 1991/92). Further incentive for troll fishery expansion results from the announcement that canneries will raise the price paid to fishermen for their catch with the expected declines in driftnet caught albacore.

A further, but unknown, source of potential surface fishery expansion is the possible development of pole-and-line fishing for albacore. While the plans of the Japanese fleet in the South Pacific are unknown, the development of a Japanese pole-and-line fishery in the South Pacific has been under consideration since the late 1970s. Recent discussions between New Zealand and Japan have highlighted the interest by Japanese vessels to start pole-and-line fishing for albacore and skipjack tuna in the New Zealand EEZ. The sighting during the 1990/91 summer of five Japanese pole-and-line vessels in high seas areas of the Tasman Sea where catches of albacore are expected, suggests that exploratory fishing may already be underway.

Changes in Target Species for Longline Vessels

A further threat of increased fishing effort for albacore relates to the ease of changing target species when market prices make it profitable. With regards to albacore, all that is required is a change in geographical area for albacore to change from a by-catch species to a target species. The patterns of movement and relative catch rates of albacore are well known to fleets operating in the South Pacific. Therefore, all that is required now for Japanese and Korean fleets to revert to albacore as the main target is a change in either market value of albacore or decreased abundance of higher valued species.

While it is impossible to gauge the likelihood of such a change, the potential could be high.

Scope for Interactions

The driftnet and troll fisheries catch similar sizes of juvenile albacore in the same areas and season, suggesting a high potential for interaction. The longline fishery exploits predominantly adult albacore throughout the year over a broader area north of the surface fishery region. The spatial separation of fleets and size differences in the catch suggest that most surface and longline interaction would occur after some time lag. However, some longline operations immediately north of, and following the troll fishery season occur. In temperate and subtropical waters north of the area of troll fishing, there is also an overlap in the size composition of the longline and surface fisheries catches. The timing, proximity of areas of operation and size composition of catches suggest there is potential for interaction between the surface and longline fisheries without a substantial time lag.

Information on Interactions

Based on estimated catch rates (CPUE) (SPC, in press), there does not appear to be a clear correlation between driftnet and troll CPUE (see figure 1). Driftnet CPUE generally increased until 1987/88 but dropped in 1988/89 when driftnet catch increased sharply. Subsequently, driftnet catch declined abruptly in 1989/90, CPUE increasing again. Troll fishery CPUE showed a less marked trend during the period, and in fact declined in 1990/91 when driftnet catch was low. Subsequently as driftnet fleets were reduced, catch rates of the remaining driftnetters and of the troll fleet improved. US trollers have also reported incidents involving gear conflict, where fishing was hampered by the risk of troll vessel entanglements in driftnets. Some fishers also claim that albacore behaviour changes (equivalent to declines in catch rates) in the vicinity of driftnet operations causing them to move away from areas of driftnet fishing.

Spatial and temporal patterns of driftnet damaged albacore subsequently caught by the troll fishery indicate the highest incidence of net-marked fish in the vicinity of the driftnet fleet, declining incidence to the east and low incidence to the west. Similar indicators were evident in the New Zealand troll fishery where incidence of net-marked fish increased from about 1% to 7% during the 1989/90 season when driftnetters operated in the Western Tasman Sea (i.e. west of the New Zealand surface fishery). Observations of driftnet marked fish in longline catches off New Zealand, indicated net marks on a substantial portion of fish in size categories caught by surface fisheries.

In contrast, observations in the Australian Fishery Zone to the west of the Tasman Sea driftnet fishing area did not show any net-marked fish in longline catches. These observations suggest a direction of surface albacore movements and implies a trans-

Tasman spatial scale of interaction between fisheries in the Tasman Sea and New Zealand area.

There are other indications of surface and longline fishery interaction from longline catch rates. Longline catch rates in sub-equatorial latitudes, where large adult albacore are the main catch component, were fairly stable through the 1980s. Further south, (20-30°S) more variability in CPUE and a decline since 1986 is evident. Variability in CPUE and the magnitude of the CPUE decline is greatest in the latitude band immediately north of the STCZ troll fishery, where juveniles are more strongly represented in the longline catch. The most recent longline CPUE in this region is at a similar level to the period before the development of the surface fishery. While the link between surface catches and declines in the longline fishery is rather tenuous, the catch rate in the 30-40°S band declined after 1986.

Movement patterns inferred from parasite studies and tagging experiments are consistent with the patterns suggested by net-marked fish and longline fishing patterns. The parasite studies confirmed the tropical origin for recruitment of juveniles to the New Zealand troll fishery with a parasite unique to the tropics. Subsequent prevalence of the parasite declined suggesting movement eastward and also with increasing albacore size until about the size of female maturity, after which prevalence increased again. This pattern of parasite prevalence is consistent with juveniles remaining in temperate waters until the first spawning migration to the tropics and a subsequent return to temperate waters. So far, only 11 tagged albacore have been recovered from more than 10,000 releases of juveniles in the troll fishery. However, the movements were consistent with either short term west-to-east movements or movement northwards. Nine of the recoveries were by longline after periods of a few months to several years, providing direct indication of interaction between the surface and longline fishery.

Summary

Although driftnet fishing has ended in the South Pacific and Japanese and Korean fleets are now primarily targeting species other than albacore, the potential for increased effort is still present. Further surface fishery expansion appears likely at least for the high seas troll fishery because of high catch rates, improved prices following the end of driftnet fishing, and low catch rates elsewhere. The potential for the development of a surface fishery using pole-and-line also exists. Increase in effort in the longline fishery is very likely as former driftnet vessels are converted to longlining and the potential exists for existing Japanese and Korean vessels to change their target species back to albacore in response to improved market prices.

To date it has not been possible to estimate the impact of the high surface fishery catches (both driftnet and troll fisheries)

on the longline fishery because of inadequate data from the latter fishery and the likely non-reporting of tagged fish from surface fisheries. While this precludes estimating the seriousness of interactions between these fisheries, clear evidence of interactions exist from the recovery of albacore with fresh driftnet marks in both the troll fishery and the longline fishery. Further evidence of interactions between the troll and longline fisheries comes from tag recoveries in the latter.

In future, the continuing problem of provision of adequate data from fisheries and the likely non-reporting of tags will need to be corrected if realistic estimates of the interactions between fisheries are to be made. Specific tagging experiments will also be necessary to estimate interactions between industrial and artisanal or subsistence fisheries. The issue of interactions between fisheries will continue to be a significant issue, particularly with regard to allocation of effort or of quota between fisheries.

References

- SPC. (In Press). Report of the Fourth South Pacific Albacore Research Workshop, November, 1991, National Taiwan University, Taipei.
- Hampton, J. 1990. Simulations of the South Pacific albacore population: effects of rapid developments in the surface fishery. Third South Pacific Albacore Research Workshop, Information Paper no. 1.
- Polacheck, T. 1987. Atlas of longline catch rates by Japanese longliners in the Pacific Ocean - 1962 to 1985. SPC Tuna and Billfish Assessment Programme Tech. Rept. 21.
- Wang, C.-H. 1988. Seasonal changes of the distribution of South Pacific albacore based on Taiwan's tuna longline fisheries, 1971-1985. Acta Oceanographica Taiwanica 20:13-40.
- Wetherall, J.A. and M.Y.Y. Yong. 1989. Use of longline catch rate statistics to monitor the abundance of South Pacific albacore. SPAR 2 Working Paper no. 11.

prepared by: Dr. Talbot Murray
MAF Fisheries
New Zealand

Figure 1. Trends in surface and longline catches (upper graph) and catch rate in driftnet and troll fisheries (lower graph) for South Pacific albacore.

Figure 2. Trends in longline catch rate by latitudinal band corresponding approximately to tropical waters (upper graph), subtropical waters (middle graph) and temperate waters (lower graph).

INTERNAL MEETING OF THE FOURTH ANNUAL CONSULTATION

**PARTIES TO THE TREATY ON FISHERIES BETWEEN THE
GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA**

6 - 13 December 1991

Suva, Republic of Fiji

RECORD OF PROCEEDINGS

1. Representatives from the sixteen Pacific Island Parties; Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Western Samoa met to review the operation of the Treaty on Fisheries with the United States of America. A list of Pacific Island participants is appended as **Attachment A**.

STATEMENT BY THE DIRECTOR

2. The Director of FFA, Sir Peter Kenilorea, K.B.E. opened the meeting and made a brief statement drawing the attention of the participants to the major issues to be addressed. The Director's statement is appended as **Attachment B**.

CHAIRMAN

3. Mr. Philipp Muller AM was unanimously elected chairman of the meeting. Mr Muller congratulated Sir Peter Kenilorea on his appointment as Director of FFA and expressed his confidence in him and best wishes for his stewardship.

APOLOGIES

4. No apologies were received.

AGENDA

5. The agenda appearing as **Attachment C** was adopted.

STATEMENTS BY PACIFIC ISLAND PARTIES

6. The following statements by Pacific Island parties were delivered. The meeting congratulated Sir Peter Kenilorea on his appointment as Director and expressed appreciation to the outgoing Director, Mr Muller, on his commitment to regional fisheries affairs during his term as Director.

(a) Cook Islands congratulated Sir Peter Kenilorea on his new appointment as Director of FFA, and expressed satisfaction with progress in the development of marine resources in the region. Cook Islands also expressed appreciation to the outgoing Director.

(b) Papua New Guinea delivered a statement which is appended as **Attachment D**. In addition Papua New Guinea distributed a paper setting out and explaining its policy with regard to access to its archipelagic waters. This paper is appended as **Attachment E**.

(c) Kiribati congratulated Sir Peter Kenilorea on his new appointment and expressed gratitude to Mr. Philipp Muller for his work over the past 10 years. Kiribati Government considered that the Treaty had been successful during the last licensing period. However, some problems had been experienced in implementation. Concern was expressed over unlicensed transshipment activity taking place within Kiribati' EEZ. Also, problems were noted concerning the reporting requirements; in particular the requirement that reports should give GMT, and the timeliness of weekly reports to national authorities.

(d) Tuvalu delivered a statement which is appended as **Attachment F**.

(e) New Zealand presented a statement which is appended as **Attachment F1**.

(f) Marshall Islands presented a statement which is appended as **Attachment F2**.

REPORT OF THE ADMINISTRATOR

7. The Deputy Director delivered the report on behalf of the Administrator. The report noted that fishing activity had moved to the Eastern part of the Treaty area, and there had been fluctuations in species composition. Meanwhile the number of vessels was down to 47, and the total revenue had declined by 3% between the third and fourth Licensing Periods.

8. Greater cooperation on the part of the US was noted, with general compliance with most of the new MTCs. Although there were still some difficulties, the standard of weekly reporting was generally satisfactory. Misunderstandings as to the requirement of reporting total catch on board, rather than total catch for the entire trip, had been clarified. The revised catch report form was now in use, and the standard and level of data reporting was described as excellent when compared to other distant water fleets.

9. It was noted that extra-budgetary aid for the observer programme had ceased, but that the budget for the 5th licensing period showed an overall decrease in real terms owing to decreased

staff costs.

REVIEW OF THE TREATY IMPLEMENTATION

(a) Observer Programme and Budget

10. The Treaty Manager reviewed the operation of the observer programme and noted a significant improvement in the quality of observer reports. In some cases the scientific data being provided by observers was of better quality than port sampling data.

11. Observer coverage in the third licensing period was 15%. It is expected that it will be possible to achieve the targeted 20% coverage during the fourth licensing period.

12. Issues raised concerning observers included the provision of better accommodation and working facilities on board. After discussion it was agreed that the Administrator should use his discretion to authorise payment of up to US\$35 per day to observers, depending upon their level of skill and experience, and the quality of reporting. It was also agreed to put the matter of improved accommodation facilities to the US.

13. The budget for the observer programme was reviewed. It was pointed out that there would no longer be any extra-budgetary funding of the observer programme. In principle, it was agreed that the Parties should insist that the US meet the full cost of the observer programme. This would be a condition of any extension of the Treaty arrangement, and could be raised with the US as a proposal for the fifth licensing period. In view of the budgetary constraints, the consensus was to retain observer coverage at a target of 20% for the time being, rather than the 24% proposed in the draft budget.

(b) Administration Costs/Budget

14. The Finance and Administration Officer presented and summarised the audited Treaty accounts. It was explained that there had been some over expenditure caused by: (i) the end of contract entitlements of the Treaty Manager, (ii) the need to make up the costs of the observer programme, and (iii) the costs of the special working group meeting in June 1991.

15. The Parties expressed concern over the possibility of increasing administration costs, and the need to budget for a senior accounts clerk. In particular the delegate from Western Samoa asked that in future, the Parties and FFC be given full details of costs and other implications of any proposals relating to staffing or meetings at the time decisions are taken. The delegate from Federated States of Micronesia also expressed concern on the additional staff of senior Accounts Clerk on the principle of minimising administration costs of the Treaty.

16. It was agreed that the cost over-run on the budget for the third licensing period should be carried over to the fifth licensing period. In principle the suggested ways of containing observer costs outlined in paper PTF4/3b/2/rev.1 were endorsed by the meeting.

17. The budget for the fifth licensing period was introduced. After examining all possible savings in budgeted expenditure, including a reduction in the observer coverage to 20%, a

revised budget of US\$216,123 was approved, which included the over-run from the third licensing period.

18. The Parties agreed that this be budget expenditure for the fifth licensing period. Should an extension to the Treaty be finalised and observer costs covered by US industry this budget expenditure would accrue as savings.

19. The Parties agreed to provide funding if necessary from within the Treaty funds if no alternatives are identified to meet the costs of further negotiations of the Treaty extension. Approval for this will be sought by the Parties prior to expenditure.

(c) Status of Data Provision / Reporting

20. The Treaty Manager introduced a paper on data provision. It was pointed out that there had been a problem in linking data to particular vessels and trips. This would be overcome by amending the telex reporting requirements to include details of the regional register number and the trip commencement date. All other data forms would be revised to include the same unique identifiers.

21. The Treaty Manager also introduced a paper on catch effort and prices data, pointing out that, while it was difficult to discern any pattern, it appeared that average catches per vessel were increasing, while the average price had decreased in each of the first three licensing periods. Fishing activity had shifted recently to the eastern part of the zone, though activity remained fairly constant in Papua New Guinea and FSM.

(d) Port Sampling and Observer data

22. The findings of the study of port sampling and observer data were briefly introduced by the Treaty Manager. It was noted that coverage had been better than expected, and that the data supplied by observers had improved compared to previous years.

(e) Provisional Treaty Lines / Final Distribution of Shares

23. The Coordinator of the Delimitation Programme introduced a paper summarising progress on boundary delimitations to date, noting the omission of some boundaries relating to Kiribati was an oversight. The time constraints on the availability of the Coordinator were pointed out, and Parties were invited to ensure that requests for his services are made as early as possible. It was noted that the Coordinator will be available only to the end of January 1993 and that requests for his services be made as early as possible.

24. The final distribution of the shares was approved.

(f) Claims / Violations

25. The Legal Counsel presented a paper on alleged treaty violations, noting that only two violations had been reported in the third licensing period, and that most of the earlier violations had been settled to the satisfaction of the Parties concerned. The point was made that under the

Treaty the onus is on the Pacific Island Party to initiate the violation procedures, and that the Administrator can only assist if a request is made.

26. The Legal Counsel introduced the draft manual on procedures to be adopted in the investigation of alleged violations of the Treaty, which had been requested by the internal meeting at the third annual consultations. The manual was referred to an informal legal working group for consideration and refinement.

(g) Other issues on Administration

27. The Legal Counsel briefed the meeting on the status of proposed amendments to the annexes to the Treaty.

IMPLEMENTATION ISSUES AND STRATEGIES FOR CONSULTATIONS WITH THE UNITED STATES

28. The meeting considered issues to be raised with the US. These were; the question of observer costs and conditions, additional data requirements, problems with other US fleets, and the issue of transshipment at sea, including problems with non-US vessels.

29. Papua New Guinea made clear its position with regard to its archipelagic waters, that it will not impose new restrictions on the US during the current Treaty period, but that future access conditions after that time will be strictly according to the new policy.

MEETING WITH THE UNITED STATES

30. The Parties met with the United States between 9 and 10 December. The list of members of the United States' delegation is appended as **Attachment G**.

31. The meeting with the United States was opened by the Permanent Secretary of the Ministry of Foreign Affairs in Fiji, Mr Robin Yarrow. Mr Yarrow's opening address is appended as **Attachment H**.

32. The opening statement by the Pacific Island Parties is appended as **Attachment I**.

33. The response by the United States of 10 December is appended as **Attachment J**.

34. The second statement by the Pacific Island Parties is appended as **Attachment K**.

35. A written statement by David G. Burney is appended as **Attachment L**.

NEXT ANNUAL CONSULTATION

36. The next consultation was scheduled for March 1993 at a venue to be decided.

RECORD OF PROCEEDINGS

37. The meeting adopted this record of proceedings.

CLOSING

38. The Parties requested the delegate from Western Samoa to convey to the Government their sympathy for the hardships currently being experienced in Western Samoa and American Samoa in the wake of the cyclone.

39. The delegate from New Zealand, on behalf of the Parties, expressed his appreciation to the Director and staff of FFA for their assistance in these meetings, and to Mr Philipp Muller for his advice.

40. The Chairman closed the meeting after thanking delegates for their attendance.

INTERNAL MEETING OF PACIFIC ISLAND PARTIES TO THE
TREATY ON FISHERIES WITH THE USA

Fourth Annual Consultation
Suva, Republic of Fiji

6 - 7 December 1991

LIST OF PACIFIC ISLAND PARTICIPANTS

Australia	Ms. Anastasia Carayanides Legal Office Department of Foreign Affairs and Trade
	Mr. Peter Neave Tuna Fisheries Section Australian Fisheries Service
Cook Islands	Mr. Tuingariki Short Secretary of Marine Resources
	Mr. Aukino Tairea Secretary for Foreign Affairs
FSM	Mr. Peter Sitan Executive Director Micronesia Maritime Authority
	Mr. Bernard Thoulag Deputy Executive Director Micronesia Maritime Authority
	Mr David Panuelo FSM Embassy Suva, Republic of Fiji
Fiji	Dr. Tim Adams Acting Director of Fisheries
	Mr. S. Tuilaucala Principal Fisheries Officer
	Mrs M.M. Rigamoto Chief Administrative Officer Ministry of Foreign Affairs
	Mr. J. Wainibalagi Principal Administrative Officer Ministry of Foreign Affairs

Kiribati
Mr. Kaburoro Ruaia
Assistant Secretary
Ministry of Foreign Affairs and International Trade

Mr. Teekabu Tikai
Chief Fisheries Officer
Ministry of Environment and Natural
Resources

Marshall Islands
Director
Marshall Islands Marine Resources Authority

Mr. Mack Kaminaga
Under-Secretary for Pacific Islands
Ministry of Foreign Affairs

Nauru
Mr. Anthony Detsimea Audoa
Senior Legal Officer
Justice Department

Mr. Peter Jacob
Special Project Officer (Fisheries)
Department of Island Development and
Industry

New Zealand
South Pacific Division
Mr. Robert Hole

MERT

Mr. Mark Edwards
MAF Policy (Fisheries)

Ms. Deborah Geels
South Pacific Division
MERT

Niue
Mrs. Sisilia Talagi
Director of Agriculture
Department of Agriculture Forestry and
Fisheries

Palau
Mr. Victorio Uherbelau
Director
Bureau of Foreign Affairs/
(Member) Palau Maritime Authority

Mr. David Idip
Resources and Development Director/
(Member) Palau Maritime Authority

Ms. Ernestine Rengiil
Acting Attorney General
Bureau of Legal Affairs

Mr. Noah Idechong
Chief of Marine Resources

Mr. Theo Isamu, (graduate student)

Papua New Guinea H.E. Ambassador Maimu Raka-Nou,
Deputy Secretary, Department of Foreign Affairs

Mr. Pochon Lili
First Assistant Secretary
Research Economics and Marketing Division
Department of Fisheries and Marine Resources

Mr. Michael Maue
Director
Multilateral Economic Affairs Branch
Department of Foreign Affairs

Mr Cyprian Warokra
Assistant Secretary
International Law Branch
Department of Attorney-General

Mr. Len Rodwell
Special Projects Officer
Department of Fisheries and Marine
Resources

Mr. Parai Tamei
First Secretary
Papua New Guinea Embassy
Suva, Republic of Fiji

Solomon Islands Mr. Robert Sisilo
Chief of Pacific Section
Ministry of Foreign Affairs and Trade
Relations

Mr. Albert Wata
Chief Fisheries Officer
Ministry of Natural Resources

Tokelau Mr. Foua Toloa
Director of Agriculture and Fisheries

Tonga Mrs V. Tupou
Principal Assistant Secretary
Ministry of Foreign Affairs

Mr. S. Tualau Mangisi
Director of Fisheries
Ministry of Fisheries

Tuvalu

Mr. Leneuoti Maatusi
Assistant Secretary
Ministry of Natural Resources Development

Mr. Sautia Maluofenua
Director of Fisheries
Ministry of Natural Resources Development

Mr. Taukelina Finikaso
Crown Counsel
Attorney-General's Chambers

Vanuatu

Mr. Jean Sese
Assistant Secretary
Economic Cooperation Division
Ministry of Foreign Affairs and
Trade

External

Mr. Wycliff Bakeo
Director of Fisheries
Fisheries Department

Mr. Oliver Saksak
Principal Legal Officer
Attorney General's Chambers

Western Samoa

Mr. F. Vitolio Lui
Deputy Secretary
Ministry of Foreign Affairs

Ms. Andrea Williams
Senior Foreign Affairs Officer
Ministry of Foreign Affairs

Mr. Ueta Fa'asili
Chief Fisheries Officer
Dept of Agriculture, Forestry and Fisheries

Secretariat

Sir Peter Kenilorea K.B.E.
Director

Mr. Andrew Wright
Deputy Director

Mr. Michael W. Lodge
Legal Counsel

Mr. Keith Owen
Senior Economist

Mr. Transform Aqorau
Legal Officer

Mr. Uale Rea
Finance and Administration Officer

Mr. Felix Panjubo
Project Development Officer

Mr. Barerei Onorio
Multilateral Treaty Manager

Mr. Philipp Muller AM
Consultant

STATEMENT BY THE DIRECTOR OF FFA

Distinguished delegates, colleagues and friends,

On behalf of FFA I would firstly like to welcome you all to this series of meetings over the next few days. I trust you have had a smooth journey and have now settled in.

It is a privilege for me to be able to join you in what is my first meeting in my association with FFA. I hope to be able to meet with you individually through the next few days to discuss issues of mutual interest. I would also like to thank our former Director, Mr Philipp Muller, for making himself available at this meeting.

May I also take this opportunity to thank the Government of Fiji for their splendid assistance and hospitality in arranging these meetings.

From today to the thirteenth of December, we will focus on the administration and extension of the Treaty on Fisheries with the USA.

I understand that the Treaty has successfully operated over the last three and a half years and that payments of over US\$42 million have been received and distributed to you as Parties.

For the fourth annual consultation meeting, we have a tight schedule. We have one day to cover a comprehensive agenda. I hope you have had time to look at the papers in which you will note we have identified several issues which we need to discuss with the US concerning the administration. The main issues for the consultations among ourselves and with the US concerns the budget, the observer programme and data requirements.

For the meeting on the extension of the Treaty, we hope that the materials provided assist you in your discussions. Again, while I have been given the understanding that the Treaty has served most of our initial needs, this is a time for careful review with frank discussions. There is the real challenge for all of us to ensure that besides increased revenues, the real benefit of such an innovative arrangement also complement our national fisheries development aspirations. Between now and the end of next week, we are going to need your clear directions for appropriate strategies for discussion with the US and on the future of the US fleet in the region.

INTERNAL MEETING OF PACIFIC ISLAND PARTIES TO THE
TREATY ON FISHERIES WITH THE USA

Fourth Annual Consultation
Suva, Republic of Fiji

6 - 7 December, 1991

AGENDA

- a. Statement by the Director
- b. Apologies
- c. Selection of Chairman
- d. Adoption of Agenda

1. Country statements.

2. Report of the Administrator.

3. Review of the Treaty implementation
 - a) Observer Programme & Budget
 - b) Administration Costs / Budget
 - c) Status of data provisions / Reporting requirements
 - d) Port sampling & Observer scientific data
 - e) Provisional Treaty Lines/ Final distributions of shares
 - f) Claims/violations
 - g) Other issues on Administration.

4. Implementation issues and strategies for Consultation with the United States

5. Other matters
 - e. Next consultation meeting
 - f. Record of proceedings
 - g. Press release
 - h. Closing of meeting.

OPENING STATEMENT BY THE NEW ZEALAND DELEGATION

The New Zealand delegation is pleased to be here in Suva for the fourth consultations on the management of South Pacific albacore tuna. Like the other South Pacific parties we have been concerned about the conservation of this species and as a result we have worked in the region and in the United Nations to bring to an end the real threat that driftnet fishing posed. These efforts have been successful in the South Pacific and, more recently, globally. But in spite of these gains the stock remains vulnerable and no management regime for albacore yet exists. The clear signs of continued expansion of surface fisheries mean that we need to continue to press for progress based on the objectives we set in past consultations.

Albacore represents a significant resource for South Pacific economies and we have shown our commitment to cooperate in its responsible conservation and management through our efforts to stop driftnet fishing as well as our contribution to previous consultations. The distribution of albacore fisheries over extensive high seas areas as well as the zones of coastal states introduces different management challenges to those which prevail in the Western Pacific purse-seine fishery, for example. Longline fisheries may be controlled in a similar manner to the Western Pacific fishery as they are also concentrated in EEZs. On the other hand the surface Albacore fisheries, involving juveniles, present us with different problems as they are largely based on the high seas. While we need to manage both it is this latter area where we should focus our attention. It is the control of these high seas fisheries which poses the greatest challenge to this consultation.

Considerable groundwork has already been laid in previous consultations, where proposals for a management regime and a scientific research and advisory body were developed. Pacific Island parties have also agreed on a number of fundamental principles which we believe must be included in a management arrangement. The most important of these principles is the clear recognition of coastal states rights to manage the albacore resource in our fisheries waters and have a significant role in high seas management.

The New Zealand delegation is concerned that some of the impetus behind the initial progress may have been lost as a result of our success in stopping driftnet activity. It appears that the state of the South Pacific albacore resource is, at least for the moment, relatively stable. Although this situation is far preferable to the one we were facing in 1989, there is still a significant amount of work to be done before we can ensure a sustainable fishery in the long term. The conversion of some driftnet vessels to longliners to target albacore could ironically place further pressure on the stock along with the continuous increase we have observed in troll fisheries and increasing interest in pole and line fishing.

A mechanism is required to monitor these developments. We should seek progress in the timely and accurate provision of catch and effort data. Effective management of the resource requires comprehensive data from all fisheries exploiting the stock. This includes data from the high seas as well as from within fisheries waters of South Pacific countries. This information is essential for the scientific advice provided by the SPAR group. We all remember the disadvantaged position we were in with large driftnet fleets exploiting the South Pacific resource and providing no information with which to gauge their impact. Similarly, the lack of adequate, timely and verifiable data hampered the recent SPAR meeting in providing advice. MTCs will provide some real steps forward in this respect and their full implementation should enable us to better manage our tuna resources.

New Zealand believes it is in the best interests of all Pacific Island Parties to work cooperatively towards a management arrangement which will ensure the future of the South Pacific albacore stock and embody the principles important to the regions coastal states. In the shorter term we need to ensure that any expansion of fishing on the stock is monitored and is sustainable. We are hopeful that the discussions to achieve these objectives will proceed with cooperation and that substantive headway can be made towards an acceptable outcome.

COUNTRY STATEMENT BY PAPUA NEW GUINEA

MR CHAIRMAN

ON BEHALF OF MY DELEGATION I WOULD LIKE TO CONGRATULATE YOU ON YOUR UNANIMOUS ELECTION TO PRESIDE OVER THIS IMPORTANT MEETING. WE ARE CONFIDENT THAT WITH YOUR VAST EXPERIENCE AND KNOWLEDGE OF REGIONAL FISHERIES ISSUES YOU WILL GUIDE US IN THE DELIBERATIONS PRIMARILY TO PREPARE FOR OUR CONSULTATIONS WITH THE UNITED STATES ON A SUCCESSOR ARRANGEMENT TO THE CURRENT MULTILATERAL FISHERIES TREATY WE HAVE WITH THEM.

MR CHAIRMAN

MY DELEGATION WOULD ALSO LIKE TO PAY TRIBUTE TO YOU FOR THE INVALUABLE CONTRIBUTIONS YOU MADE TO THE FORUM FISHERIES AGENCY AND THE REGION IN YOUR FORMER CAPACITY AS DIRECTOR OF THE AGENCY FOR OVER A DECADE.

MR CHAIRMAN

MY DELEGATION WOULD ALSO LIKE TO CONVEY THE CONGRATULATIONS OF THE GOVERNMENT OF PAPUA NEW GUINEA TO SIR PETER KENILOREA ON HIS APPOINTMENT AS THE DIRECTOR OF THE FORUM FISHERIES AGENCY. WE LOOK FORWARD TO HIS WISE LEADERSHIP OF THE AGENCY IN IMPLEMENTING THE RESPONSIBILITIES TASKED TO IT BY MEMBER GOVERNMENTS.

PAPUA NEW GUINEA WISHES TO ASSURE THE NEW DIRECTOR THAT IT WILL EXTEND ITS CONTINUED SUPPORT TO HIM AND THE AGENCY. ACCORDINGLY WE LOOK FORWARD TO HIS MAIDEN VISIT TO PAPUA NEW GUINEA AS DIRECTOR OF FFA IN 1992. DURING THAT VISIT WE WILL REASSURE HIM OF OUR COMMITMENT TO THE FFA AND DISCUSS OTHER MATTERS OF IMPORTANCE TO THE AGENCY, PAPUA NEW GUINEA AND THE SOUTH PACIFIC REGION.

MR CHAIRMAN

OUR MEETING OVER THE NEXT TWO DAYS WILL NO DOUBT COVER A NUMBER OF IMPORTANT ISSUES INCLUDING YOUR REPORT AS TREATY ADMINISTRATOR, REVIEW OF THE TREATY IMPLEMENTATION AND STRATEGIES FOR CONSULTATION WITH THE UNITED STATES.

WITH 16 COUNTRIES, EACH WITH ITS OWN NATIONAL INTERESTS, WE WILL NO DOUBT AGAIN DEPEND ON OUR PACIFIC WAY OF CONSENSUS, THROUGH THIS IN-HOUSE CONSULTATION, TO GET AGREEMENT AMONGST OURSELVES ON THE ISSUES AND TO GET COMMON STRATEGIES FOR OUR MEETING WITH U.S.A.

MY DELEGATION HENCE LOOKS FORWARD TOWARDS WORKING WITH YOU MR CHAIRMAN AND WITH OTHER DELEGATIONS IN UNDERTAKING THAT TASK.

MR CHAIRMAN

IT IS WORTHY, AS WE CONSIDER THE ISSUE OF TREATY EXTENSION, TO REFLECT ON THE IMPLEMENTATION OF THE CURRENT TREATY TO DATE.

THE GOVERNMENT OF PAPUA NEW GUINEA BELIEVES THAT PACIFIC ISLAND COUNTRIES ON THE WHOLE HAVE BENEFITTED FROM THE TREATY. APART FROM GETTING OVER THE POLITICAL HURDLES ASSOCIATED WITH EMBARGOES IMPOSED UNDER THE MAGNUSON ACT, PACIFIC ISLAND COUNTRIES HAVE BENEFITTED SUBSTANTIALLY IN ECONOMIC TERMS. IN ADDITION, THE TREATY HAS IMPROVED COMPLIANCE BY U.S. VESSELS WITH PACIFIC ISLAND STATES' LAWS AND REGULATIONS.

MR CHAIRMAN

CIRCUMSTANCES HAVE CHANGED SINCE WE CONCLUDED THE TREATY IN 1986. WE WELCOME THE U.S. GOVERNMENT'S CHANGE IN ITS TUNA POLICY WHEREBY IT NOW RECOGNISES COASTAL STATE JURISDICTION OVER THE TUNA RESOURCES. THIS MAY NECESSITATE AN AMENDMENT TO THE MAIN BODY OF THE TREATY TO EXPLICITLY RECOGNISE THE PACIFIC ISLAND STATES' JURISDICTION OVER TUNA RESOURCES.

PAPUA NEW GUINEA ON ITS PART HAS UNDERTAKEN MAJOR POLICY INITIATIVES AIMED AT ENCOURAGING INVESTMENT IN SHORE BASED FISHERIES INDUSTRY DEVELOPMENT. OUR APPROACHES TO THE TREATY EXTENSION WILL THEREFORE BE SEEN IN THE LIGHT OF THE POLICY.

MR CHAIRMAN

MY DELEGATION IS MANDATED TO NEGOTIATE AN EXTENSION TO THE TREATY. HOWEVER, OUR POSITION ON THE EXTENSION ISSUES WILL BE BASED ON OUR OVERALL POLICY DIRECTION TOWARDS SHORE BASED DEVELOPMENTS.

IN THIS LIGHT WE DO NOT SEE OURSELVES BEING COMMITTED TO A TEN (10) YEAR TREATY AS PROPOSED BY THE U.S. UNDER PURELY ACCESS ARRANGEMENTS.

DURING THE PREVIOUS CONSULTATIONS WE HAVE EXPRESSED OUR DISPLEASURE AT THE LACK OF IMPLEMENTATION OF THE BROADER CO-OPERATION PROVISIONS OF THE TREATY. PAPUA NEW GUINEA HAS OPENED UP ITS ARCHIPELAGIC WATERS BASED ON THE COMMITMENT FROM U.S. TO BROADER CO-OPERATION, IN PARTICULAR SHORE-BASED DEVELOPMENT PROJECTS IN PNG. THIS COMMITMENT HOWEVER HAS NOT BEEN FULFILLED.

DELEGATIONS ARE NO DOUBT AWARE THAT THE GOVERNMENT OF PAPUA NEW GUINEA RECENTLY MADE A DECISION ON THE CLOSURE OF ITS ARCHIPELAGIC WATERS.

INSTEAD OF GOING INTO THE DETAILS OF THAT DECISION MY DELEGATION WOULD LIKE TO REQUEST CIRCULATION OF A PAPER WE HAVE PREPARED ON IT. WE HOPE THIS PAPER WILL BE TREATED AS AN OFFICIAL DOCUMENT OF THIS MEETING.

IN THE TREATY EXTENSION NEGOTIATIONS PNG WILL THEREFORE GENERALLY CLOSE OFF ITS ARCHIPELAGIC WATERS. FUTURE ACCESS FOR

U.S. VESSELS INTO THOSE WATERS WILL ONLY BE ALLOWED TO THOSE VESSEL OWNERS WHO SHOW SOME FIRM COMMITMENT TO SHORE BASED DEVELOPMENT. THIS POLICY IS ALSO BEING EXTENDED TO COVER OTHER DWFN FLEETS.

PNG ALSO WANTS TO SEE FIRM COMMITMENT FROM THE U.S. TOWARDS IMPLEMENTATION OF BROADER CO-OPERATION. WE NOT ONLY WANT TO SEE SOME DEVELOPMENT PROJECTS IMPLEMENTED BUT ALSO FOR PREFERENTIAL ACCESS INTO THE U.S. MARKET OF PACIFIC ISLANDS FISHERIES PRODUCTS.

MR CHAIRMAN

WE WISH TO RAISE ANOTHER ISSUE WHICH IS OF CONCERN TO US. IT RELATES TO THE USE OF EDF FUNDS.

AS YOU KNOW, IN SEPTEMBER THIS YEAR, PNG SUBMITTED A REQUEST TO USAID THROUGH FFA TO UTILISE ITS EDF FUNDS TO MEET TRAVEL COSTS FOR OFFICIALS TO TRAVEL TO SINGAPORE FOR CONSULTATIONS ON BILATERAL ACCESS AGREEMENTS WITH THE SOVIET UNION.

MR CHAIRMAN

WE GOT A POLITE REPLY FROM USAID THAT ITS EDF FUNDS WILL NOT BE RELEASED FOR BILATERAL DISCUSSIONS WITH COMMUNIST COUNTRIES.

MR CHAIRMAN

WE WANT TO SUBMIT THAT EDF IS NOT A GRANT FROM THE U.S. GOVERNMENT BUT ACCESS PAYMENTS REMITTED FROM FISHING IN PACIFIC ISLAND WATERS.

IT IS AN IMPORTANT PRINCIPLE WE WANT TO ESTABLISH THAT SOVEREIGN PACIFIC STATES SHOULD DECIDE ON HOW TO USE ITS EDF FUNDS AND NOT BE DICTATED TO BY USAID.

MR CHAIRMAN

IN CONCLUSION, THIS MEETING WILL COVER A WIDE RANGE OF ISSUES RELATING TO THE TREATY, MANY OF WHICH WILL HAVE IMPLICATIONS ON THE PROPOSED EXTENSION. I WOULD REMIND ALL DELEGATES OF THE SPIRIT OF REGIONAL CO-OPERATION THAT LED TO THE SIGNING OF THE TREATY IN 1987 AND I AM CERTAIN THAT WE CAN APPROACH THIS DISCUSSION IN A SIMILAR MANNER.

PAPUA NEW GUINEA POLICY STATEMENT

ARCHIPELAGIC WATERS CLOSURE

In the NEC Decision 41/91, PNG announced its decision to close its Archipelagic Waters to Foreign Fishing Vessels including fishing under the Multilateral Treaty with the United States. This decision was taken as part of PNG's strategy to develop a domestic tuna industry.

The major rationale behind the decision was that it would provide an element of resource security for companies basing operations in PNG. At present approximately 30% of the catch taken in PNG Declared Fishing Zone is from Archipelagic Waters. This represents about 70,000 tonnes of tuna at current catch levels that will now become available to domestic operators free from competition with other fleets.

Prior to the NEC Decision US Flag vessels fishing under the Treaty had access to Archipelagic Waters. Provision for broader co-operation under the Treaty and a bilateral agreement between PNG and the United States provided the basis for this access. The bilateral agreement set out conditions under which the US fleet could operate in the Archipelagic Waters. Included in these conditions were requirements to utilise PNG shore facilities and assist in the development of the domestic industry. These conditions have not been complied with despite several discussions with US officials.

It is anticipated that the closure of the Archipelagic Waters will stimulate interest in the development of the domestic industry. A recent proposal by the Z Group of companies to transfer operations from Guam to PNG specifically requests access to Archipelagic Waters. The Government has also moved to provide a set of concessions to assist in the establishment of the domestic industry. Included in these concessions is a number of tax and duty exemptions designed to reduce the cost of operations in PNG. Guidelines for investors have also been laid down to assist in the preparation and evaluation of projects. With respect to the Treaty with the US, the broader co-operation aspects of the Treaty and the relevance of this to the establishment of the domestic industry will be stressed. In particular access to Archipelagic Waters for US vessels will depend upon the US fulfilling commitments in this area. It is believed that the recent policy initiatives announced by the government will facilitate progress under broader co-operation and US officials must be informed of the steps taken by PNG, to make it clear that access to Archipelagic Waters will be permitted if the US complies with the bilateral agreement setting out conditions for such access.

COUNTRY STATEMENT - TUVALU

The delegation from the Government of Tuvalu is pleased to be here for the fourth time to consult with the Pacific Island Countries that are party to the Treaty on Fisheries between Governments of certain Pacific Island States and the Government of the United States, on progress made under the implementation of the Treaty over the last 3 year period. My delegation would also like to express its gratitude and appreciation to the Government of the Republic of Fiji for hosting this very important meeting.

I understand the Parties have expressed their satisfaction with the operation of the Treaty over the last three year period of implementation. As we are here in Suva again to discuss issues that will further enhance the operation of the Treaty, my delegation expressed its willingness and eagerness to participate in such discussions.

During the third Annual Consultation in Honiara, Solomon Island, the Tuvalu delegation expressed several concerns that the Government of Tuvalu had in respect to the administration of the Treaty since its first implementation. To reiterate those concerns I would like again to mention and emphasise several of those concerns.

The question on the PTLs should again be readdressed. My Government has agreed in principle to the existing PTLs so as to avoid any further delays in the distribution of the outstanding shares from the Treaty funds. However it is the intention of Tuvalu government to request FFA to again provide assistance in clearing this problem of PTLs namely the boundary between Kiribati and northern Tuvaluan and neighbouring countries before we head into having to extend the Treaty.

The issue on the observer Programme to continue under the Treaty have full support of my Government, however the question my delegation wish to pursue is the incident regarding the harassment of one of Tuvalu's observers on board one of the US vessel this year (1991).

With respect to violation of the Treaty, my delegation wish to have support and assistance of the Treaty Parties for my Government's move to prosecute the US vessel 'Capt M J Souza' that ran ground on the island of Vaitupu, Tuvalu in 1990. It is the view of my delegation that the question of reporting by vessels of their entry, exit and catch positions is still yet to be improved. In particular reporting of position of catch by vessel have led to the dispute between the Tuvaluan observer and the officer of the US vessel which resulted with the observer being harassed.

On the issue of the allocation of shares, Tuvalu has benefitted more from its share of Development Fund portion than the share of the cash benefit portions. As Tuvalu marine resources is vitally of economic benefit to the nation, my delegation wish to readdress the issue on increasing the 15% Portion for equal shares for PTLs from the Treaty Payments to 20% or 25% against 80% or 75% Portion for the shares in accordance to the catch made within its PIP Zones.

To conclude Mr Chairman, my delegation is very pleased to be here for the forth annual consultation and looks forward to a fruitful and successful deliberation and discussions.

Thank you Mr Chairman.

STATEMENT BY THE NEW ZEALAND DELEGATION
INTERNAL MEETING OF THE FOURTH ANNUAL CONSULTATION

6 December 1991

The New Zealand delegation is pleased to be here in Suva for the 1991 annual consultations on the fourth term of operation of the Treaty on behalf of New Zealand and Tokelau. Since the signing of the treaty in 1987 and its effective commencement in 1988, a good spirit of cooperation has developed between the United States and the South Pacific coastal states and territories which are party to the Treaty.

The Treaty has done much to promote and maintain good relations in the South Pacific. On the whole New Zealand has been satisfied with the operation of US vessels in our waters and notes the improvement in some areas. Very little fishing took place in the New Zealand zone or in Tokelau waters during the third licensing period. However, the shipyard and provisioning work carried out by US vessels in New Zealand was of substantial benefit. Although only 212 tonnes of tuna was taken from the New Zealand zone under the treaty in the third period, the treaty continues to emphasize a number of principles important to New Zealand. In particular, the treaty provides that distant water fishing nations recognise the rights of coastal states to manage and conserve highly migratory species occurring within their individual economic zones. This principle is central to discussions on the management of a number of other species in which New Zealand has an interest. Another important component is the timely provision of catch data from zones and high seas which is essential for the rational management of any fishery. New Zealand is also aware of the benefits provided by the Treaty to Tokelau through income and development assistance.

One aspect of the Treaty's operation that continues to require some attention is the incidence of alleged violations of its terms and the way in which these violations are settled. In the first and second licensing periods, a total of 13 violations by US vessels were reported. These involved either fishing in closed areas, poor zone entry reporting, or illegal fishing by non-licensed vessels. It is encouraging to see that fewer violations to date have been reported for the third licensing period. For the purposes of maintaining the integrity of the treaty, these breaches of the treaty's provisions should be promptly and satisfactorily dealt with, and this has generally been the case. The resolution of these issues is important to ensure the maintenance of good relations between the US Government and tuna fleet and the South Pacific parties.

This meeting will also discuss operational issues including data provision, funding of observer programme and the confirmation of provisional Treaty lines. The New Zealand delegation encourages

the satisfactory resolution of these issues so as not to compromise the ability to effectively monitor and enforce the provisions of the Treaty. The New Zealand delegation looks forward to participating in the review of the current operation and administration of the treaty.

LIST OF U.S. PARTICIPANTS

Ambassador David Colson
Deputy Assistant Secretary for Ocean Affairs
Department of State

Brian Hallman
Deputy Director
Office of Fisheries Affairs
Department of State

David Balton
Office of the Legal Adviser
Department of State

Charles Fullerton
Regional Director, Southwest Region
National Marine Fisheries Service
Department of Commerce

Mary Ann Rodriguez
National Marine Fisheries Service
Department of Commerce

Michel Marine
DCM, U.S. Embassy
Fiji

John Woods
Regional Director
A.I.D.
Fiji

Sharon Fee
Agriculture Development Officer
RDU/SP
A.I.D, Fiji

Elisala Pita
Fisheries Advisor
A.I.D., Fiji

Roger Uwate
Marine Resources Advoisor
A.I.D., Fiji

Louis Kuhn
Assistant Director
USAID/ROU/SP/PNG

Lawrence Zuanich
Z Fishing Company
1026 Cabras Hwy
Suite 223
Piti Guam

OR 1300 S.Beacon Street
Suite 228
San Pedro, CA 90732

John Zuanich
Z Fishing Company
1026 Cabras Hwy
Suite 3
Piti Guam

OR 1300 S.Beacon Street
Suite 228
San Pedro, CA 90732

Michael McGowan
Vice President, Resource and Govt Affairs
Bubble Bee Seafoods
San Diego, CA.

Jim Sousa
G.S. Fisheries Inc.
2241 Kettner Blvd # 200
San Diego Calif 92101

George Sousa
G.S. Fisheries Inc.
2241 Kettner Blvd # 200
San Diego Calif. 92101

Manuel A. Silva
Silva Fleet Office
1765 Fourth Ave # 200
San Diego CA. 92101

Joe M. Medina Jr.
Fishing Vessel Manager
2535 Kettner Ave
San Diego CA. 92101
Suite 3A5

William M Sardinha
C and F Fishing Ltd.
2535 Kettner Blvd # 3A5
San Diego, CA 92101

David G Burney
U.S. Tuna Foundation
2040 Harbor Island Drive
San Diego CA 92101

Julius A Zolezzi
Zolezzi Enterprises
1050 Rosecrans St.
San Diego, CA 92106

Peter Von Koschembahr
Star Kist Seafood Company
180 E. Ocean Blvd
Long Beach California 90802

Bernard Fink
Van Camp Seafood Company
4510 Executive Drive, Suite 300
San Diego, CA 92121

MULTILATERAL TREATY ON FISHERIES WITH THE UNITED STATES

**Suva, Republic of Fiji
9-13 December, 1991**

**OPENING ADDRESS By Mr Robin Yarrow,
Permanent Secretary,
Ministry of Foreign Affairs,
Republic of Fiji.**

DISTINGUISHED DELEGATES;

I AM HONOURED TO HAVE BEEN INVITED TO ADDRESS THIS MEETING TODAY AND TO DECLARE IT OPEN.

I AM NO LONGER AS DIRECTLY INVOLVED IN THE FISHERIES SECTOR AS I ONCE WAS BUT I KNOW HOW IMPORTANT THIS TREATY IS TO THE ISLAND COUNTRIES AND, I BELIEVE, TO THE UNITED STATES.

I AM REFERRING, OF COURSE, NOT ONLY TO THE TUNA FISHING BUT TO THE WIDER CONSIDERATIONS OF MUTUAL COOPERATION BETWEEN THE PACIFIC ISLAND STATES AND THE UNITED STATES.

THIS IS NOT TO DETRACT FROM THE IMPORTANCE OF TUNA WHICH, IN THE CASE OF SOME OF THE ISLAND COUNTRIES, REPRESENTS THE VAST MAJORITY OF THEIR TOTAL NATURAL RESOURCES.

WE REALISE THAT WE DO NOT HAVE THE ABILITY, YET, TO HARVEST THE TUNA STOCKS AT OPTIMAL LEVELS AND IN ACCORDANCE WITH OUR RESPONSIBILITIES UNDER THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA WE MAKE THOSE EXCESS RESOURCES AVAILABLE TO DISTANT WATER FISHING NATIONS ON REASONABLE TERMS AND CONDITIONS.

IT IS TO DISCUSS THOSE TERMS AND CONDITIONS THAT YOU HAVE ASSEMBLED IN SUVA THIS WEEK, AS WELL AS TO LOOK BACK ON THE TREATY AS IT HAS RUN TO DATE AND TO SOLVE ANY PROBLEMS OR DIFFICULTIES WHICH MAY HAVE ARISEN.

THE NEGOTIATION OF THE TREATY WAS A LONG PROCESS AND THIS WAS ONLY TO BE EXPECTED WHEN IT WAS NECESSARY TO ARRIVE AT AN AGREEMENT ACCEPTABLE TO SEVENTEEN COUNTRIES. THAT IT WAS POSSIBLE TO DO SO WAS, I BELIEVE, A CREDIT TO ALL OF THOSE COUNTRIES.

THAT IT HAS RUN GENERALLY VERY SMOOTHLY TO DATE IS ALSO A CREDIT AND PROOF OF THE GENUINE SPIRIT OF COOPERATION ON ALL SIDES.

THE SAME SPIRIT OF COOPERATION WILL BE NEEDED THIS WEEK AND I HAVE NO REASON TO BELIEVE THAT IT WILL NOT AGAIN BE IN EVIDENCE.

BEFORE OPENING THE MEETING I WILL TAKE THIS OPPORTUNITY OF WELCOMING YOU OFFICIALLY TO THE REPUBLIC OF FIJI. I REALISE THAT

THIS MAY BE A LITTLE LATE; YOU WILL ALREADY HAVE BEEN WELCOMED.

I HAVE SEEN THE DRAFT AGENDA AND I EXPECT THAT THERE WILL NOT BE A GREAT DEAL OF SPARE TIME BUT I HOPE THAT YOU WILL BE ABLE TO ENJOY SOME OF THIS COUNTRY IN YOUR ALL-TOO-SHORT STAY.

HAVING SAID THAT AND HAVING WISHED YOU SUCCESS IN YOUR FORTHCOMING DISCUSSIONS AND DELIBERATIONS I TAKE GREAT PLEASURE IN DECLARING THIS MEETING OPEN.

VINAKA.

**FOURTH ANNUAL CONSULTATION BETWEEN
CERTAIN PACIFIC ISLAND STATES AND THE UNITED STATES
ON THE TREATY ON FISHERIES**

**Suva, Republic of Fiji
9 December 1991**

OPENING STATEMENT BY THE PACIFIC ISLAND PARTIES

Delegates from the Government of the United States of America, and representatives from the United States tuna industry.

It is a pleasure to be able to meet for the fourth time to discuss the implementation of the multilateral Treaty on Fisheries. It is a particular pleasure to be here in this beautiful capital of Fiji where our earlier negotiations for the Treaty took place. We would like to extend our gratitude to the Government of Fiji for the assistance that it has provided in facilitating this meeting.

Although this Fourth Annual Consultation is occurring earlier than has been the case for previous licensing periods, I am sure that we are well prepared to discuss issues in the atmosphere of cooperation and frankness that has always characterised our discussions. The Pacific Island Parties look forward to continuing the spirit of our earlier negotiations in this consultation and to extending it to subsequent discussions concerning future arrangements for the operation of the US fleet in the region.

The Pacific Island Parties note with satisfaction that the implementation of the Treaty so far has proceeded smoothly; that US vessels continue to benefit from access to the skipjack and yellowfin resource throughout the region and on our part we have derived benefits in economic terms and also with respect to compliance and catch and effort reporting.

We are very pleased that you have shown a strong commitment to the terms of our agreement in your investigations of any matter that we have raised with you during this past year. We are also appreciative of the cooperation we have received from industry in assisting us to monitor fishing activity.

Despite our general satisfaction with the implementation of the Treaty there is still a number of matters that we would like to raise with you during this Consultation.

We note with much satisfaction the revision of the Magnuson Act and would like to discuss with you the premises on which the Treaty was initially negotiated.

An issue we have raised with you in previous consultations, and which we would like to raise with you again, is that of broader

cooperation under Article 2 of the Treaty. We wish to actively pursue the matter of broader cooperation and to hear from you about any initiatives you propose with respect to greater involvement by the Pacific Island Parties in the development of their tuna industry and the access for that industry to your markets.

During our last meeting with you we spent a great deal of time discussing the matter of observer costs. It is our understanding that the US would agree, in the context of an extension of the Treaty, to develop a mechanism whereby all observer costs are covered by the US vessel operators. As a prelude to this, we would like you to consider meeting the costs of the observer programme during the 5th licensing period.

We would like to bring to your attention a developing problem of US flag vessels trolling for albacore in the south of the region and longline vessels operating out of Guam but fishing in the waters of the Federated States of Micronesia and other Parties. We seek your views in anticipating any difficulty that could arise from their disregard for our laws.

At this point, we would also like to advise you that the Pacific Island Parties continue to be concerned about the rapid expansion of purse seine fleets accessing the tuna resources of our Zones. We are actively examining this situation with a view to establishing an effective mechanism to control the size of purse seine fleets in the region.

The matter of transshipment presents Pacific Island Parties with great difficulties. Accordingly we seek your cooperation in voluntarily bringing into force a prohibition so as to assist us in implementing a total prohibition of at sea transshipments by all fleets operating in the region.

On purely technical matters we would also ask that all reports by US vessels make reference to GMT as a standard for all reporting obligations under the Treaty. The Pacific Island Parties continue to require Wednesday reports to be forwarded to the Party concerned. It will also assist us if US vessels conform to accepted marking requirements. This relates particularly to the underside of helicopters which should bear the purse seiner's radio call sign.

To facilitate linking of all data from vessels, we propose that all reports (Telex and CRF) include the Regional Registration Number and Trip Start Date. We also see some mutual benefit in the addition of a column to the catch report form that indicates the cumulative total catch on board.

We look forward to your responses to these issues and to hearing from you with any suggestions you may have for further improving the operation of the Treaty.

Thank you.