



## PARLIAMENT OF THE COOK ISLANDS

30 August 2016

Honourable Speaker  
Office of the Speaker of Parliament  
Parliament of the Cook Islands  
Nikao, Rarotonga  
COOK ISLANDS

### **RE: PURSE SEINING SPECIAL SELECT COMMITTEE REPORT, AUGUST 2016**

Honourable Speaker

As you know, the Purse Seining Special Select Committee was established by Parliament on 13 June 2016 to:

- consider the genuineness and grievances of the petitioners relating to Purse Seining in the Cook Islands EEZ, and all other related issues, and
- to report these and the Committee's findings and conclusions to Parliament by the end of July 2016.

Pursuant to the Committee's Terms of Reference, it is my honour and privilege as Chair of the Committee to present to you this final report on the work of the Committee, for tabling in the House at the upcoming sitting of Parliament.

Please accept, Honourable Speaker, the assurances of my highest consideration.

Hon. Mark Brown  
Chairman  
Purse Seining Special Select Committee



## PARLIAMENT OF THE COOK ISLANDS

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### REPORT OF THE PURSE SEINING SPECIAL SELECT COMMITTEE, AUGUST 2016

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## TERMS OF REFERENCE

1. The Purse Seining Special Select Committee was established by Parliament on 13 June 2016, to:
  - Consider the genuineness and grievances of the petitioners relating to Purse Seining in the Cook Islands EEZ, and all other related issues; and to
  - Report these and the Committee's findings and conclusions to Parliament by the end of July 2016.

## MEMBERSHIP

2. The Committee comprised of the following members:

Hon. Mark Brown	-	Chairman
Hon. Albert Nicholas	-	Member
Mr Toka Hagai	-	Member
Mr Willie John	-	Member
Mr William Heather	-	Member
Mrs Ngamau Munokoa	-	Member
Mr James Beer	-	Member
Mr Tangata Vavia	-	Member - <i>withdrew from the Committee</i>
Mr Tamaiva Tuavera	-	Member - <i>replacement for Mr Tangata Vavia.</i>

## SECRETARIAT

3. The Clerk of Parliament Mr John Tangi managed the public liason and administrative requirements of the Committee while the Executive Director of the Pacific Legislatures for Population and Governance (PLPG) Mr Tangata Vainerere served as Committee Secretary responsible for the production of the Committee's final report to Parliament.

## TECHNICAL SUPPORT

4. The Secretary of the Ministry of Marine Resources (MMR) Mr Ben Ponia and other MMR staff provided technical support and guidance to the Committee where required.
5. The Office of the Editor of Debates of Parliament led by Mr Isaac Solomona and his staff team of sub-editors, stenographers and technician provided the communications and editorial support to the Committee.
6. The Corporate Services Division staff under the leadership of Deputy Clerk Mrs Helen Maunga and Director of Corporate Services Mrs Ina Pierre provided the administrative support and financial services to the Committee.

## THE COMMITTEE PROCESS

### CONSULTATIONS WITH LOCAL STAKEHOLDERS

7. The Committee began its work in the Parliament Chamber at 10.00am on Monday 11<sup>th</sup> July 2016 through the hearing of a presentation on behalf of the petitioners -Te Ipukarea Society (TIS) led by TIS Technical Director Mr Kelvin Passfield and supported by TIS President Mr Ian Karika, TIS Board Members Mr Avaiki Mataio and Mrs Teina Mackenzie and TIS Staff Member Ms Alana Smith. The TIS submission is available by request to the Clerk of Parliament.

8. In its second meeting held at 1.00pm on Tuesday 12<sup>th</sup> July 2016 the Committee heard a presentation on behalf of Government through the Ministry of Marine Resources - (MMR) led by MMR Secretary Mr Ben Ponia supported by MMR Staff Members Ms Helen Greig and Latisha Maui. The MMR submission is available by request to the Clerk of Parliament.

9. Consultations with other Rarotonga-based core agencies and relevant stakeholders were also held in the Parliament Chamber where all interactions were recorded for the Hansard reports. These reports are available to the general public on request. Agencies and individuals who took up the opportunity to meet with the Committee include:

- Koutu Nui, represented by President Terea Mataiapo - Mr Paul Allsworth, Executive Member Tairi-te-rangi Rangatira - Mr Tupe Short, Komono o Tiikura Mataiapo - Doreen Boggs while Tiikura Mataiapo - Tai Kavana observed from the public gallery;
- Aronga Mana, represented by Kauono o Apai Mataiapo - William Framhein, Makea Vakatini Joseph Ariki, Vaa Tuatua o Tinomana Ariki - Mr Tere Taio, and Apai Mataiapo - Tekeu Framhein; and
- Ministry of Foreign Affairs, represented by Secretary of Foreign Affairs, Ms Tepaeru Herman and Director of UN & Treaties - Mr Joshua Mitchell.
- Transcripts of these presentations are available by request to the Clerk of Parliament.

10. The Committee also conducted three Skype consultations with international experts in the fisheries industry namely, Dr John Hampton, Manager, Oceanic Fisheries Programme of the Noumea-based Secretariat of the Pacific Community (SPC), Mr Wes Norris, Deputy Director of the Honiara-based Forum Fisheries Agency (FFA) and Ms Lara Manarangi-Trott, Head of Compliance and Management of the Pohnpei-based Western Pacific Tuna Commission (WPTC). Transcripts of these skype sessions are included in this report and are also available by request to the Clerk of Parliament.

11. The Committee also witnessed a demonstration at 1.00pm on 13 July on the Vessel Monitoring System operated by the Ministry of Marine Resources which was conducted on site at MMR Premises by MMR Technical Staff Andrew Jones and Latisha Maui.

12. The Committee also received written copies of various documents and reports submitted by several individuals within the Cook Islands including:

- Dr Michael White (Tongareva);
- Mrs Jackie Rongo (Rarotonga); and
- Mrs June and Andrew Hosking on behalf of the kiaTAERIA Family (Mauke).

Copies of these submissions are available by request to the Clerk of Parliament.

13. The Committee held its final meeting on Tuesday 30 August 2016 to adopt its final report.

## CONSULTATIONS WITH INTERNATIONAL EXPERTS

14. On the matter of international experts in the Fisheries Sector responding to questions from Committee Members on areas of concern regarding purse seining, the Committee conducted three skype sessions as follows:

**SKYPE SESSION 1: Dr John Hampton, Secretariat of the Pacific Community, Noumea - Skype Session, 1.00pm, Tuesday 12 July 2016**

### *Highlights from the SPC Written Submission*

1. Purse seine catches in the Cook Islands EEZ have historically been low, and predominately through fishing by the US fleet. The catch increased since 2012, and markedly so in 2015 to a record level for the Cook Islands EEZ of about 17,000 t1, with Korean purse seiners fishing in the northern sector of the EEZ for the first time.
2. Skipjack tuna has made up >85% of the catch in recent years. Catches of bigeye and yellowfin tuna have been relatively low, despite a high usage of drifting fish aggregation devices (dFADs).
3. While additional purse seine fishing by Spanish vessels might be expected to increase the catch of bigeye tuna to some extent, it is unlikely to significantly exacerbate the current stock status.
4. Catches by small-scale artisanal fishers in the Cook Islands are dominated by yellowfin tuna. Given the low catch of yellowfin tuna by purse seiners in the Cook Islands EEZ, the risk of negative impacts on the performance of small-scale fisheries by increased purse seining are not likely to be great. It is understood that Cook Islands has already prohibited purse seining within 24 nmi of islands in the north of the EEZ, and this would afford additional protection to small-scale fisheries. If negative impacts are detected, extending these closed areas out to 50 nmi could be considered.
5. We note that having additional purse seine fishing in “fringe” areas such as the northern Cook Islands provides scientific benefits through the additional data that are generated. Such data would improve understanding in an incremental way of the distribution and dynamics of tuna resources in these areas, and the extent to which such areas are suitable for purse seine fishing.

### *Skype Session Transcript*

**MR CHAIRMAN (MARK BROWN):** Kia Orana John, I am Mark Brown the Chairman of the Select Committee that's before you here. We have some Members of Parliament that have been selected to sit on this Committee to view and provide a report back to Parliament on a Petition that was placed before Parliament regard the purse seine fishing in the Cook Islands.

The Petition essentially is asking for a ban on the purse seining on the basis essentially that it affects the over fishing of bigeye tuna stocks in the Pacific and also a ban because in the absence

of banning the use of fads by purse seining vessels this Petition has asked for a total ban on purse seining altogether.

I'll introduce to you to Members of the Committee that are here with us today. We have the Hon. James Beer, we have Willie John a Member from one of our Northern Group islands of Penrhyn, Tama Tuavera Member for Ngatangia on Rarotonga, Ngamau Munokoa another Member from the village of Nikao, Rarotonga, we have the Leader of the Democratic Party and member for Ruaau on Rarotonga William Heather and at the end of the table there our Member of Parliament from the island of Rakahanga in north, Toka Hagai. Present here with us today is the Secretary of the Select Committee, he was responsible for recording our discussions and debates and also some staff members from the Parliament and also we have the Secretary of Marine Resources facilitating this meeting here through skype with you.

The Committee Members have had your reports that have been submitted from the SPC and also reports that you yourself have compiled. We have had a chance to have a look through them and what I would like to do is provide an opportunity for Members to ask you some questions and maybe engage with you in some discussion on the issues that are before us and also to clarify I guess some issues regarding information which is quite a lot of information that has been put before this Committee.

So with those words of introduction John I welcome you to give some opening remarks to us and then we will open up the floor for discussion.

**MR JOHN HAMPTON:** Thank you Chair, I guess I will introduce myself. I am John Hampton as you noted, I am the Chief Scientist of the Oceanic Fisheries Programme at SPC. I have been in that position now for about 14 years so quite a long while by SPC standards and I guess you would also be aware that the Oceanic Fisheries Programme here is the regions scientific advisers on Oceanic fisheries. We have a service agreement to provide scientific and technical services through the WCPC and we also have a Memorandum of Understanding with fisheries PNA and others to support their work in the area of tuna fisheries management.

With those words to introduce myself I would like to say how pleased I am to be able to speak to you and good to see some old SPC faces in the audience. I am glad that you had a chance to take a look at the reports that I sent through the other day and as you noted I will be happy to answer any questions that arise out of those and any other questions that you might ask of a scientific and technical nature that you might be wishing to ask. So, I am in your hands Chair.

**MR CHAIRMAN (M. BROWN):** Thank you very much John I am very mindful of some of the comments that have been made but I will open the floor up for the Members who may wish to have some questions before we start so Members you are welcome to speak freely.

**MR J. BEER:** John, just looking at the summary you have produced here from the SPC I am just going to read you that particular part of the summary which I want to ask a question of you about that is summary number 2. Skipjack tuna has made up greater than 85% of the catch in recent years. Catches of bigeye and yellow fin tuna have been relatively low despite a high usage of drifting fish aggregational devices or fads. My question John is you say it's been a relatively low in comparison to what?

**MR J. HAMPTON:** Thanks James for the question, the catch in the Cook Islands EEZ reached round about 17 to 18 thousand tons in 2015 which is the highest that it has been and that's likely to be due to they have had higher level of fishing in 2015 it is likely due to the al nino phenomenon that is occurring in 2015 and 14 as well and what we normally see during al nino is that this same fishery in the east the areas normally operates Papua New Guinea, Solomons, Nauru and so on

further to the west. During al nino events like to have had in the last year the fishery expands to the east and part of that expansion like you would have seen slightly increased fishing in the northern part of the Cook Islands EEZ.

Now in terms of your question when I say relatively small that 17 thousand tons in 2015 is one of the highest ever level that we have for the Cook Islands EEZ it is still only around one percent of the regional purse seine catch. So that's really what I mean by relatively low.

**MR J. BEER:** Is it fair to say that if we were to increase that catch would the proportion of bigeye tuna and yellow fin tuna caught as a bi-catch increase as well or would that percentage remain the same.

**DR J. HAMPTON:** Well if there is more fishing purse seine fishing in the EEZ that fishing activity is presumably going to be coming from elsewhere either from fishing that would otherwise have occurred on the high seas or in other EEZ. So I wouldn't necessarily assume that if you allowed an increased level of purse seine fishing in the Cook Islands area that that is going to be an incremental increase in the regional level, in fact it will more likely the fishing would have occurred in the absence of any increase in the Cooks. This is fishing that would have occurred somewhere else probably on the high seas to the north or perhaps in some other EEZ.

In terms of the percentages on yellow fin and bigeye, these are pretty low historically in the Cook Islands and this is mainly with the fishing activity having come from the US purse seine fleet and any fishing from Korean purse seine fleets.

Now I think it is fair to say that it is fairly well known that the Spanish purse seine vessel do tend to have a somewhat higher level of bigeye tuna in their purse seine catch. So if this additional activity as I understand is coming from the Spanish purse seiners then we might see some fairly minor increase in bigeye catch as a proportion of the total. It might go from around 2% to maybe around 3 or 4 or 5 %, something like that. These things you never know until you have it so it will be something that needs to be monitored.

**MR J. BEER:** Thanks John, I have another question. I notice also that we are having a bit of an arm wrestle here as to whether or not 24 nautical miles from the islands would be an exclusive area to exclude commercial fishing practices to save some of our artisanal fishermen the space. The question I want to ask is you have made a comment there if I can read that comment – “if negative impacts are detected extending these closed areas out to 50 nautical miles could be considered” – would there be negative impacts if there was only a 24 nautical mile radius based on the data that you have provided in terms of the distance from each island how much of the artisanal catches are being caught. Is there going to be, would conservation measures in terms of having a 24 nautical mile as opposed to a 50 nautical mile, would that make a difference to the artisanal fishermen?

**DR J. HAMPTON:** Thanks for the follow-up question. It's quite a difficult one to answer as you will probably appreciate. I think one of the other reports that I have provided the analysis was done a couple of years ago (not clear). I think the main point is the species that your artisanal fisherman fish is tuna and pretty small category of the purse seine catch and seeing the graph the one in red, catches in recent years in yellow fin tuna has been about around a thousand mark and yellow fin and with those levels of catch affecting artisanal fisheries it's pretty hard to say without quite data from those fisheries and I am not sure that we quite have that yet the small scale fisheries in the Cook Islands so I think you'd need to be asking our fishermen in those Northern areas particularly the island groups in the north-western part of the EEZ where most of this purse seine fishing has been occurring and the 24 nautical mile exclusion is certainly going to prevent this sort of interaction where you have purse seiners operating close to the 12 mile limit

presumably without that and that might cause some kind of direct conflict with artisanal boats from getting out off shore to those sort of places. So I would imagine that 24 nautical miles would prevent that sort of more direct inter-action but of course there is always potential for fish to move about and the fish to come from off shore into the areas where artisanal tuna fisherman tend to fish and 50 nautical miles would logically provide more protection from any such inter-action if they were to exist but it's quite difficult to say categorically that that would be a significant risk.

I think if it were me I would be trying to monitor and document pretty carefully the artisanal fishing performance in those northern islands just to see it is likely that there has been some inter-action occurring as a result of catches outside of the 24 but further away and if we act accordingly, if you think and if the local think that there are these inter-actions occurring and their performance is not guarded then yes you can institute a great distance closure around those islands. But there is no certain answer to that question at this point.

**MR J. BEER:** Because of the uncertainty John, would it be better for us to err on the side of caution and provide 50 nautical miles before we start reducing it to 24 nautical miles.

**DR J. HAMPTON:** Well I guess it depends on what the cost and benefits of that action would be and I haven't gone into that very much. I think that's more covered in the FFA paper in terms of what the overall benefits to the Cook Islands on purse seine fishing might be. So it is a question of cost and benefit. Let's say if it were me I think I would going for 24 miles and increase the monitoring in the artisanal fisheries in those islands and if it is an effect then react to that.

Having said that, there are in other places of the Pacific have introduced closures of 50 nautical miles or thereabouts around the islands to limit what industrial fishing activities so there is precedent for closures at scale being applied to protect artisanal fisheries in other areas. I guess it depends on what overall proportion of that northern area that is subject to purse seine fishing that's going to close off and whether that's going to jeopardize the whole commercial arrangements allowing purse seiners to fish there in the first place. So it will be a judgment they would have to make.

**MR J. BEER:** You have also just said John, if you don't mind me saying so, is that when you try and introduce new measures after you have discovered a problem, would it be fair to say it would be more difficult to increase an exclusive zone rather than to try and decrease it, it will be more difficult to increase it than it would be to decrease it.

**DR J. HAMPTON:** I would imagine that through your domestic license and law making processes you would be able to increase it but I am not really in a position to judge whether that would be more difficult or less difficult than reducing so I think it is how you operate those things.

I just wanted to say that these sort of inter-actions that we are talking about we have fairly small Catches from year to year and if a motion is presented, to be able to categorically document an effect increase in purse seining on catches can be quite small is a very difficult thing to do just from a physical point of view and attribute of course the fact when you have got all this background variability that happen in any case each year and places.

**MR J. BEER:** Thanks John, just a final question for the current time- we have been asking a number of questions in relation to other countries in the region that don't do purse seine fishing and one of them of course that we understood is Tahiti because of its location, they are not in that belt that ten degree belt where a lot of that skipjack tuna is breeding or spawning. Would there be any other reason as to why Tahiti does not engage in purse seine fishing, however it does engage in pole and line fishing for skipjack tuna. Why would they be engaging in pole line fishing as opposed to purse seine fishing for skipjack tuna?

**DR J. HAMPTON:** I am not a hundred percent sure of the origin of their not allowing purse seine fishing and to be honest I'm not sure about how much interest has been shown whether there has ever been any direct approaches to French Polynesia to allow purse seine fishing. If there was to be purse seine fishing there it would be the situation like in the Cook Islands where it would only be the northern part in their case the Marquesas islands that would probably be suitable for purse seine fishing. But I guess they have not a long history of tuna fishing up in those areas and they have made it a full and not interested in having purse seining and as I said I am not sure how much interest has been shown by distant fleets to fish there.

To try and do some research on that if there was a particular point that you want to go into but at this point I am not too sure of the origin.

**MR J. BEER:** It would be quite important for us John, if you don't mind me saying so, particularly that we hear a lot about Tahiti, they are one of our neighbours and we seem to be getting the impression that their fishing industry seems to be able to supply quite adequately their tourism market and feed a much larger population given the fact also that they have a much larger EEZ than the Cook Islands. It will be interesting to find out exactly why they have not engaged in purse seine fishing but they do still continue to use pole and line. Are there any other countries you know of in the Pacific region that don't engage in purse seine fishing?

**DR J. HAMPTON:** There are certainly other countries in which not much purse seining occurs and this is mainly because of the geographical construct because purse seine fishery mostly occurs 10 north and 10 south in terms of the range and it's practised more in the western part because that tends to be where skipjack tuna are more confined. I think it is also a question of proximity to the main unloading ports influence where purse seiners fish. It would also be an influence they choose areas that are suitable for purse seine fishing, the prevalence of cyclones in areas when you get a little bit further south or indeed north; summer time obviously they pick up on going purse seine fishing but it's simply a matter of where the core areas for catching skipjack primarily they tend to be in the equatorial band and typically to the west.

**MR J. BEER:** Thanks John and maybe if anyone else hasn't got any other question or while they are thinking about any other potential questions or comments.

**MR W. JOHN:** I have some observations to make John, just following on from what you have just said I just wanted some assurance as you mentioned that the zone 24 nautical miles and 50 are really dependent on the amount of data available to assess the effectiveness of deciding on these limitations. For people to say that purse seine is damaging or destroying when the data do not allow us to actually and truthfully base our arguments is just not I believe once that is done that's a more meaningful way of determining these demarcations. Would that be a fair comment to make?

**DR J. HAMPTON:** I think it is a fair comment to make and you know SPC is working with a number of countries at the moment on trying to get better catch statistics for artisanal and small tuna fisheries and we'd be happy to work with MMR in that endeavour in the Cook Islands as well. It is important to be able to document these fisheries both from the point of view of ensuring that you are not suffering as an impact but also ensuring that reasonable amounts of commercial activity are not being fore-gone and the economic benefits that might ply through them for not being fore-gone through unreasonable fears. So it is important to document the small scale fisheries for sure.

**MR W. JOHN:** There is also the point of northern islands fishing no more than five nautical miles away from our islands and if we are not able to produce the data readily or to that effect but we are fishing then we cannot rightly say that it's depleting our fishing waters.

**DR J. HAMPTON:** I think it's a valid zone you are worried about the impacts of lots of fishing but we simply must have the statistics.

**MR J. BEER:** John, just coming back to your report I see that it's done in conjunction with the European Union, there was a question that we were trying to find an answer to. First of all you know about, does SPC engage with Kiribati at all.

**DR J. HAMPTON:** Yes, certainly in terms of our regular programme assistance in terms of fishery monitoring and stock assessment and Kiribati is certainly a major stakeholder for us.

**MR J. BEER:** My question is why did the Spanish purse seiners depart Kiribati, were they told to leave or did they leave of their own free will because it wasn't economically viable for them.

**DR J. HAMPTON:** I think it was mainly the decision of Kiribati in a way that they are managing their vessel days allocation within the PNA at least that's my understanding and as a science and technical people we are not intricately involved with access negotiations and the like but I think it's mainly it's economic (not clear) to not have that agreement prolonged.

**MR J. BEER:** Thanks John.

**MR CHAIRMAN (M. BROWN):** Thank you John, I am going to direct my question back to the Petition that has been put before Parliament to ban purse seining on the basis that the use of fads by purse seiners leads to an increased percentage of bi-catch and in particular the concerns of the Petitioners on the level of bigeye tuna that's been affected as bi-catch as being under threat to the tuna stocks or to the bigeye tuna stocks in the Pacific. Given that the Cook Islands purse seining effort represents about 1% of the total purse seining effort in the Pacific is the level of bigeye bi-catch in the Cook Islands purse seining effort a significant concern to the depletion of the bigeye stocks in the Pacific.

**DR J. HAMPTON:** I guess to start talking about bigeye we certainly need to acknowledge that at regional level there is a concern the status of bigeye stock you will have seen the results of the recent assessments and have the spawning stock of bigeye at a low level. That's an issue that the Western and Central Pacific Fisheries Commission at a regional scale is giving a lot of attention to in developing management measures to address.

So that's the first thing, the second thing is that the impacts of fishing on bigeye tuna are ultimately heavily shared between purse seine fishing and long line. In the case of long line bigeye are the major target species, the tropical long liners they fetch a fairly high price on fresh fish and sashimi markets in different places.

In the case of the purse seine fishery bigeye are a very minor part of the purse seine catch. I wouldn't call them a bi-catch because purse seiners typically fish (not clear) and whatever species composition they catch they sell and the prices they get for bigeye tuna are similar to the prices for skipjack and for yellow fin tuna. So tuna are what's being targeted it just so happens they don't catch bigeye tuna as a proportion of the total catch. However, what bigeye tuna they do catch by purse seine is almost exclusively in fad sets, in fad fishing so that has then led to the Tuna Commission to introduce regulations about limiting the fad fishing per season. There is a three month fad closure extended to four months on some fleets that don't have annual limits on the number of fad sets they unpack. There are regional scale limitations that are constraining the amount of impact purse seining can have on bigeye and hopefully over time that would allow some increase of bigeye tuna stock to occur.

At the moment the Tuna Commission is considering extending the measures that they apply to allow that to happen with a bit more certainty. So it's a regional issue, a regional problem. As I mentioned earlier I don't think it's necessarily and if the Cook Islands allows a certain amount of purse seine fishing to occur in its waters then that would increase the amount of bigeye tuna catch or impact because this fishing is not just going to come out of thin air. These Spanish purse seiners are fishing in this region anyway in the high seas, they also have the capacity to top just over the limit into the area of the Pacific that's under the authority of the American Public Tuna Commission on the eastern side. So they are fishing in this region in any case and so if they are fishing in the Cook Islands some part of the year then obviously that's going to be taken from areas where they would otherwise can fish. I don't think it's necessarily that you are going to get an increase in bigeye tuna catch by allowing this fishing to occur in your EEZ.

**MR CHAIRMAN (M. BROWN):** So just repeating then that the additional purse seine fishing by Spanish fleets would not exacerbate the bigeye tuna stocks.

**DR J. HAMPTON:** I don't believe it would significantly damage bigeye tuna stock or significantly impede the efforts that is being made by the Tuna Commission to help that stock. The purse seiners that would fish in the Cook Islands EEZ would be subject to the same rules and regulations that are implemented across this region so it would really be that the Cook Islands are becoming part of that regional process to conserve the bigeye tuna.

**MR CHAIRMAN (M. BROWN):** If I turn that question around John, and said that if the Cook Islands banned purse seining in its waters would that have a significant impact on conserving the bigeye tuna stocks.

**DR J. HAMPTON:** I don't believe it will as I said these boats would probably find a place to fish anyway. If it wasn't in the Cook Islands they might have a little bit less flexibility on where they might fish at any given point in time but they will find a place to fish that is nearby or in our open region. And the sort of small catch that we are talking about would hardly be measureable in terms of impact.

**MR CHAIRMAN (M. BROWN):** And I guess that really leads me to my initial back to the first question with the such small fishing effort from purse seiners in the Cook Islands waters the content of the bigeye tuna that's caught through purse seining in the Cook Islands waters that would represent a fairly small fraction of the bigeye tuna that's caught in purse seiners across the Pacific.

**DR J. HAMPTON:** Yes, it would, it's probably going to be of the order of one to two percent something like that in terms of the bigeye catch. I already mentioned the fact that the level was small in 2015 that's about one percent of the regional purse seine catch overall both for bigeye, it might be slightly higher we tend to see slightly higher catch rates for bigeye tuna as we move across from the Western Pacific into the central area.

**MR J. BEER:** One final question for now, John just to clarify that position first, two things that you mentioned to us that I had not heard prior is that bigeye tuna despite long liners going for albacore is a target species.

**DR J. HAMPTON:** There are two kinds of long line fishing that occur in the Western and Central Pacific, the tropical long liners that tend to fish in the sectorial zone north of 10 degrees and south of 10 degrees north or thereabouts typically targeting bigeye tuna and yellow fin tuna. Long liners that are fishing further to the south are typically targeting albacore. There are two different types of long line fishing.

**MR J. BEER:** The statistics you just mentioned in terms of our being fairly low in comparison in terms of bigeye catch with purse seiners, is it with or without fads?

**DR J. HAMPTON:** Well the amount of purse seine fishing that has occurred in the Cook Islands has a fairly high level of fad usage associated with it. I think you can see that in figure 5 of my Paper where we formed an associated and un-associated level of the fad sets so in the upper column (not clear) So fads typically generates a more effect and that is particularly so in these areas.

**MR J. BEER:** The Western Central Pacific Fisheries Commission I understand is also looking at banning fads altogether by 2018. Do you think that's going to be achievable in terms of regional agreements?

**DR J. HAMPTON:** Well, I have not seen a serious proposal in the WPFC to ban fads in purse seine altogether. There is a seasonal fad closure of three months generally but my knowledge there is no serious proposal to 100 percent ban. It is acknowledged that the use of fads it's pretty much an integral part of purse seine fisheries. It allows the fleet to operate more profitably than they otherwise would be able to do. And when you have proper fishing from an island you are able to capture a greater economic benefit in terms of things that you might be able to get when you have profitable fisheries. So on the one hand you have to manage the impacts on resource using fads but on the other hand you have to acknowledge that the industry using these fads is a big component of their profitable operations and that has been an official consequences for everybody.

**MR J. BEER:** I understand.

**MR T. TUAVERA:** Good morning John, my name is Tama and I'm asking about the drift fads because it says in your report here that the Spanish love the drift fads and you also mentioned here that with the drift fad there will be a big catch of bigeye tuna, is that correct?

**DR J. HAMPTON:** With drifting fads there will be a larger catch of bigeye tuna than if the vessels were just doing sets without any fads whatsoever.

**MR T. TUAVERA:** But we are talking about the Spanish here, you say here that they love the drift fads, would that increase the catch of bigeye.

**DR J. HAMPTON:** To some extent it will inevitably increase the catch of bigeye, yes.

**MR T. TUAVERA:** Ok, now if you can answer me this because we have been going through this the last couple of days and we were told that the bigeye is a bi-catch for long liners, is that true because the percentage of tonnage is quite high for bigeye catch by long liners. One would think that any fish caught in the sea by long liner is a targeted fish.

**DR J. HAMPTON:** I would never call bigeye tuna a bi-catch for long line fishery even the long liners that are targeting primarily albacore, they will also catch certain quantities, small quantities of bigeye and yellow fin tuna but those bigeye and yellow fin tuna are obviously kept and sold at higher prices than typically that you get for the albacore. So it certainly is not a bi-catch in the terms that that term is usually used.

**MR T. TUAVERA:** So bigeye is not a bi-catch for long liners.

**DR J. HAMPTON:** I wouldn't term it like that.

**MR T. TUAVERA:** Because that's what's been drummed to us in the last couple of days that bigeye was a bi-catch for long liners.

**DR J. HAMPTON:** It's a smaller part of the catch but long liners are targeting albacore but we typically use the term bi-catch when the fish is discarded and there is no economic value and probably not the case for bigeye.

**MR T. TUAVERA:** Also John there's two big or four hungry boats coming down our way, the Spanish Armada you might as well say and I would say that they are going to be using a lot of drift fads as you put down in your report and what's scaring me is that the bigeye catch would be much higher even though you do say here that it could be smaller but with the effort they are going to put in to maximise their profits within say the eight months they can fish in our waters then one would say that this is a dangerous thing for us to be agreeing to.

**DR J. HAMPTON:** Well I mean as I said if they are not fishing in your waters they are going to be fighting for those fads to drift out to the Cook Islands (not clear) and they will be catching the bigeye tuna to the extent that they do elsewhere.

**MR J. BEER:** John one question from me finally, are fads sustainable or unsustainable for the fishing industry?

**DR J. HAMPTON:** Well I think they can be sustainable, it's a question of balance and if we could get a solution to managing the extent to which they are used and the extent to which they are producing bigeye, then yes they are sustainable. As I said they are in integral part of this.

**MR J. BEER:** In the absence of proper monitoring and compliance, are fads sustainable?

**DR J. HAMPTON:** No, if there were no regulations about usage and vessels just don't deploy as many as they want to and fish exclusively on fads then that would produce sustainability of some species notably bigeye, not the skipjack I would think.

**MR T. TUAVERA:** John it's Tama again. I look at your figure 4 the bottom graph which shows the catch percentage, I am looking at this as we get closer to making a decision on purse seine fishing in our waters, there seems to me that the skipjack have suddenly just taken over the graph from bigeye and yellow fin. Is there any reason for that – if you follow through from 1997 through to 2006/8 and then we start to decrease on the yellow and the bigeye, is there any reason or is the catch ratio starting to favour the purse seining?

**DR J. HAMPTON:** Well I mean it's a bit hard to say. If you look at the upper graph you will see that it hasn't really been in 2012 that catches were sort of a higher level over 10,000 tons. So what was happening in terms of catch competition in those early years when the catches were very small, it's difficult to say with any authority whether those changes are a part of a trend or just a statistical anomaly because the catches anyway was so low back then. I wouldn't be aspiring too much to those changes to be honest.

**MR T. TUAVERA:** Ok, we have to find out the facts so that our decisions are based on facts, John so thank you for that.

**MR W. JOHN:** John, it's Willie here, I am getting confused regarding an earlier matter regarding bi-catch from long line. As mentioned long liners are targeting whether it be bigeye or yellow fin tuna or albacore for that matter and then you are saying or it has been alleged that long liners these fishes are bi-catch, how come, how are they bi-catch when in the first instance that's what

they are going to fish from long liners. I thought bi-catch are from purse seiners. These are the other fish that are being caught on the drift nets. Can you elaborate more on this.

**DR J. HAMPTON:** Ok to elaborate a little there are purse seine fisheries that typically purse seine tend to release, so most of the long lining occurs in the Cook Islands EEZ would be targeting albacore as the principal target species but that long line activity in the Cook Islands would also catch some smaller quantities of bigeye tuna and yellow fin tuna. I would characterise those as secondary target species. Albacore is fairly the primary target species but the small amounts of bigeye and yellow fin that would be caught in those long line operations are of considerable economic value and can enhance the profitability of long liners even when they are targeting albacore. You move up into the equatorial area north of 10 degrees around the equator, this long lining that occurs there where bigeye tuna and yellow fin tuna are the target species. They make up 60/70 percent of the catch of long liners in those regions whereas further south they are much smaller percentage. It is just a question of where the boats are fishing, how they are deploying their long line gear to target these different species in the way that they can make the most money, that's what's it's all about.

**MR W. JOHN:** I think that's my point John, purse seiners has been accused of this bi-catches when in fact it is the long liners they should be targeting.

**DR J. HAMPTON:** All types of fishing need to be controlled and managed, there's no doubt about that. As I said regionally for bigeye tuna about half of the impacts are on the stock from long line and about half are from purse seines. So you can't just manage one and not the other.

**MR CHAIRMAN (M. BROWN):** Thanks John, I just have a couple more points to raise with you. It was brought up that is the use of fads sustainable and I take note of your answer that as long as it is properly managed and monitored and regulated it can be sustainable. Is it your opinion that the current management framework that it's place across the Pacific and particularly in the Cook Islands can be called a well-managed and regulated management framework for the purse seine fishery?

**DR J. HAMPTON:** I think it's got a little way to go yet and it's certainly getting there through the processes taking place (not clear)

**MR CHAIRMAN (M. BROWN):** I think we are just cutting off your sound there a bit, John that's better you are back.

**DR J. HAMPTON:** Ok, I think management of the purse seine fishery has made a lot of very good stride in recent years. A lot of that is through the initiative of the PNA. There are pretty hard limits on fishing efforts, the total amount of purse seine fishing regionally that takes place. PNA (not clear) many fad closures and other regulations associated with that to try and limit the consequences of purse seine fishing on bigeye tuna in particular. Hopefully there are ways in which we can further strengthen those measures to provide even more protection to bigeye tuna. So I don't think we have finished totally yet there is still more to do in terms of bigeye observation but I think we have to acknowledge there have been some pretty good strides made in recent years.

With respect to the Cook Islands, I think the Cook Islands has declared I think a total effort purse seine effort to limit part of the regional offset for limiting purse seine fishing within the EEZ. I think the FFA report makes some commentary about that. I think it's not an unreasonable limit. I think the Cook Islands has every right to participate in this fishery as developed Pacific Island countries through the activities that they manage in their EEZ.

So, yes I would say the Cook Islands has a respectful approach to purse seine fishing as far as I can tell.

**MR CHAIRMAN (M. BROWN):** In terms of the EU Agreement John, one of the proposals that has been put forward is to cap the tonnage of fish caught through by the purse seiners at 7 thousand tons. Now that being the case, we could expect then that the amount of bigeye that would be caught as a consequence of the purse seining would also be capped to if we use the average I guess that the EU catches that have been provided to us about 16% would be just around a thousand tons of bigeye tuna. Would that be in the I guess looking at the perspective of the Pacific region would that be a significant amount or a significant contribution to the amount of bigeye that's caught across the Pacific from purse seining?

**DR J. HAMPTON:** Well if it were that level, the purse seine catch of bigeye is in the region of 50 to 60 thousand tons typically so it would be somewhere between one and half to two percent total catch if they did catch a thousand tons of bigeye. I think one of the other points that I have made in the paper is that there's obviously uncertainty as to what these catch levels would actually be when we are getting down to individual species. I think we can say with some certainty that skipjack would continue to be the dominant species but what exactly would be the bigeye catch, we just have to wait and see. We need to carefully monitor, we need to have observers on those boats during the catch sampling, etc, and they need to be observers in my opinion.

**MR CHAIRMAN (M. BROWN):** So in your opinion would it be worthwhile for the Cook Islands to continue purse seining for a number of years to be able to develop sufficient time span to enable more accurate data collection to be captured to enable us to make better long term decisions in terms of our purse seine fishery.

**DR J. HAMPTON:** Certainly, having seen the increase in the amount of fishing taking place would certainly give you better data, better insights into what the species compositions would be, how fads have been used and what they produce in Cook Islands waters. I mean we are talking about an area that's been extremely lightly fished as far as purse seining is concerned historically and to be honest we don't know much about the stocks occur in Cook Islands waters that might be fishable by purse seine so this would create extra information, it could be of scientific purpose and also for your own in learning responsible policies. So, I will answer yes to that question.

**MR CHAIRMAN (M. BROWN):** Ok thank you very much any other questions.

**MR J. BEER:** One last question. John, James again, the Chairman has asked you a question in terms of the significance of 16% of bigeye tuna being caught by the Spanish purse seiners, you said that it wasn't that significant however would 16% caught by Spanish purse seiners if they are juvenile stocks, would that be a significant impact on bigeye tuna stocks around the Pacific area given that we are being told that bigeye spawn in the Northern Cook Islands waters.

**DR J. HAMPTON:** They certainly will be juvenile bigeye, purse seiners do catch smaller sized bigeye tuna so they almost certainly will be almost all of the juvenile pre adult size range and fairly small fish typically. I don't know you are saying that spawning is occurring in the Northern part of the Cook Islands, I think bigeye tuna spawning can occur potentially over a very wide area of the tropical Pacific when conditions are right. I think I would add that the quota of 16% bigeye have actually been (not clear) in the most recent years.

**MR CHAIRMAN (M. BROWN):** Sorry the answer was what John?

**DR J. HAMPTON:** I think the Spanish (not clear)

**MR J. BEER:** Thanks John, one last and final question from me. Dr Patrick Lahody was commissioned to write a report in 2012 and this is what he was quoted as saying in that report – “since this region is also one of the most favourable spawning habitat known for Pacific bigeye tuna the development of a skipjack fishing using free school nets rather than fad sets should be a priority to sustain the WCPFC effort for reducing juvenile bigeye mortality”. How do you respond to that?

**DR J. HAMPTON:** Well I mean I certainly agree that if you can catch tuna economically using free school fishing then that’s a good thing to do. Anything that encourage that, that should be done. If you take from Dr Lahody’s words that purse seine fishing on fads should be banned, I am not sure whether he was really saying that or not but anything that can be done free school fishing is obviously a good thing too. A number of fleets in the West Pacific have been doing that to make free school fishing more viable.

**MR J. BEER:** What about the comment that he’s made here “most favourable spawning habitat known for Pacific bigeye tuna”.

**DR J. HAMPTON:** I don’t know I would necessarily agree with that. I have to see why he was saying that, certainly the bigeye tuna spawning in the Central of the Pacific the equatorial area are also further to the west in the vicinity of PNG, Solomons, all of these areas are favourable spawning habitat so I just leave it at that. Yes, there is spawning that occurs in the northern part of waters around the equator.

**MR W. JOHN:** John, Willie John again, I note from your graphs and you have already said that purse seining is done in our Northern Cook Islands in the north-west area. I am just wondering why has purse seine not been done around Manihiki north of Manihiki and Penrhyn whether fish don’t come due south from those areas and purse seining is just carried in the north-west of our waters? Since you also mentioned that in the report that this is a migratory fish that moves, so from the way I look at it they swim diagonally from the north-west into our waters. I wonder why is this so.

**DR J. HAMPTON:** I think the larger amount occur in the north-west area is simply because that fishing activity is pretty continuous as you move back to the west from that area and it drops off pretty rapidly as you move to the east and there are many reasons why that’s the case. Vessels will have their preferred areas fishing that closer to the ports that they use so a lot of these boats unload in Pago Pago in American Samoa so the closer they can fish to those sorts of areas then the better off they are. They don’t have to make such long transits when their boats are full. But it may well be that there’s good purse seine fishing to be had in those other areas, it’s just the way the fishing activity works with primarily being a western Pacific type activity but spill over into the North-west out of your zone that’s the way it’s been historically.

**MR W. JOHN:** Perhaps that should also answer the question about Tahiti, French Polynesia not doing any purse seining because they are just east of us, Cook Islands.

**DR J. HAMPTON:** That’s a good point.

**MR T. TUAVERA:** So, if we were to open up a fishing port in Penrhyn fishing would be more regular around that area then, wouldn’t it, wouldn’t you agree with that John because our Member from Penrhyn is complaining why there’s not much fishing around his island, is that because there’s no fish or they need a port over there.

**DR J. HAMPTON:** I think it would certainly be good to get some more data on catches might be distributed through that northern area (not clear)

**MR CHAIRMAN (M. BROWN):** John just a last mention from me in terms there was a comment you made in regards to the Spanish fleet figures on their bi-catch of bigeye and just looking at some of the information that we have, could this be a result of the Spanish fleets catch record activity over the last four or five years be attributed to its fishing in the area that it's been licenced to fish in the Kiribati islands and that that is the reflection of why their bigeye catch is so high compared to other fleets fishing around the rest of the Pacific.

**DR J. HAMPTON:** That's a very good question, it's one that we are trying to do some analysis on at the moment, we do see high bigeye catch rate by purse seine when you get into this sort of specific area say east of (not clear) that also happens to be the area where Spanish boats tend to fish more than others. So it's always been a question is the bi-catch rates in those areas a product of the areas themselves that bigeye are abundant there or is it more a Spanish effect. The Spanish boats are simply faithful of its food catch via CPE. I think its probably a combination of both because in 2015 we saw a lot of other fleets the Koreans specifically fished further west fishing out in the central Pacific and their catch rates for bigeye were not as high as we have seen from the Spanish fleet. They were higher than when they were fishing in the west but not as high as the Spanish so I think it's probably a combination.

**MR CHAIRMAN (M. BROWN):** Thank you, do we have any other questions from Members, no great thank you very much for your time John, we really appreciate you making yourself available to answer the questions of the Members of the Select Committee and I hope that our discussion today has been very useful to our Members and on behalf of all of them I'd like to extend our very grateful thanks to you for making yourself available.

**DR J. HAMPTON:** Thank you I hope it's useful if follow-up questions come up you can have MMR direct those to me and I will respond.

**MR CHAIRMAN (M. BROWN):** Excellent, thank you. That was a pretty good session I think Members so really appreciate that. Our next Skype call that will be available is to the FFA the Deputy Director General West from FFA because he is in Rome right now it means the best time for us to call him is tomorrow morning which would be 9 a.m. which is 9 p.m. in Rome. So if we can have an early session tomorrow it would be good then I'll try and ensure that we can finish off early as well. But 9 am will enable us to talk to the FFA Deputy Director and ask the questions. They have their report that's submitted to us and we will meet over here again.

**SECRETARY (B. PONIA):** The WCPFC that's the Tuna Commission have suggested that they will make themselves available for a Q and A session. We would either be talking to Feleti Teo who is the Executive Director, he was the former FFA Director, he was a former Deputy Secretary General for the Forum Secretariat but he has a very high policy setting and if not Feleti then we will be talking to Lara Manarangi-Trott who is Head of Compliance and Management of WCPFC.

**MR CHAIRMAN (M. BROWN):** So if we wanted to we can talk with them tomorrow as well?

**SECRETARY (B. PONIA):** Quite likely yes, I guess it's an ideal time.

**CLERK (J. TANGI):** Can we do FFA tomorrow at 9 am and set aside maybe two hours roughly.

**MR CHAIRMAN (M. BROWN):** We can then meet with the other Petitioners who wanted to make a presentation Koutu Nui and William.

**CLERK (J. TANGI):** The order of business tomorrow will be 9am FFA and after that we will go back to Parliament and we will have the Koutu Nui present their submission to the Committee and after that we will have lunch and then we will come back for the Tuna Commission.

*[End of skype transcript]*

**SKYPE SESSION 2: Mr Wes Norris, Forum Fisheries Agency, Honiara - Skype Session, 10.00am, Wednesday 14 July 2016.**

### *Highlights from the FFA Written Submission*

#### **Purse seining in general**

1. Overall the Forum Fisheries Agency is highly supportive of Cook Islands endeavours to increase participation in the tropical purse seine fishery. Cook Islands stands to benefit greatly from this initiative, primarily through enhanced Government revenues which will further diversify Government income and mitigate the risk of revenue disruption as a result of tourism declines around natural disasters.

2. An increase of purse seine fishing in the Cook Islands EEZ would be compliant with international law and the relevant conservation and management measures that Cook Islands is obliged to implement.

3. The effort limits declared by Cook Islands for the purse seine fishery are reasonable and defensible. Fishing at those levels would not compromise the sustainability of the target species (skipjack and yellowfin tuna).

4. Forgoing a purse seine fishery would not contribute significantly to the conservation of bigeye tuna, and in fact Cook Islands best prospects to influence the development of measures to create a sustainable bigeye stock is probably to do so as a participant to the fishery.

5. This logic also applies to the ability of Cook Islands to play a leadership role in research and negotiation of measures for sustainability of bycatch and associated species.

6. Cook Islands has the technical, legal and enforcement capacity to properly manage an expanded purse seine fishery.

#### **The Sustainable Fisheries Partnership Agreement with the European Union**

7. The financial returns that could be delivered under the FPA are adequate and fairly reflect the status of Cook Islands as a developing fishery. If fishing under the FPA is successful, financial returns could and should be dramatically increased over time.

8. There are, however two specific areas of concern with the EU as a fishing partner:

- a. Spanish vessels that would be involved in the FPA have some history of non-compliance. Cook Islands has the tools and capability to address this risk, but should insist on approving observers to be placed rather than allowing vessels to select from available programs (which could include observers from the Eastern Pacific) at their discretion.

b. The EU fleet is highly reliant on FADs and catches far more bigeye per set than other fleets. The FPA therefore has the potential to increase the purse seine catch of bigeye disproportionately to the small increase in effort.

Both of these issues are raised as areas for cooperation between Cook Islands and the EU in the FPA and associated Protocol and Annex. It would be useful to develop specific plans for improvement in advance of fishing.

9. There are provisions in the FPA, Protocol and Annex on Electronic reporting, data sharing and inspection reports that do not appear to be in Cook Islands interest and would require a departure from current practice in the Cook Islands and the region. Those provisions should be reviewed.

### *Skype Session Transcript*

**MR CHAIRMAN (M. BROWN):** We have the FFA Deputy Director Wez Norris waiting for us in Rome it's 9.15 am there now and if you are in agreement we will get on to our Skype session and give us plenty of time to ask him some questions.

Thank you very much for taking the time to wait up for us for our Select Committee. We have met before, I'm Mark Brown, I am the Chairman of the Select Committee that has been established to consider the Petition that's been placed before Parliament by Petitioners calling for a ban on purse seining in the Cook Islands waters and the basis for the bans of the catch of bigeye tuna as a part of the purse seining effort.

I will introduce the Members of our Select Committee to you and what I will do then is open up the floor for discussion. We have received the report from the FFA on purse seine fishing specifically particularly in the Cook Islands and the Members have some questions that they would like to pose to you.

Firstly we have the Member for Murienua, Arorangi James Beer, next to him the Member for Ngatangia Tama Tuavera, at the end of the table is our Member from Penrhyn in the northern group Willie John and on this side of the table we have our Member from Nikao, Rarotonga Mau Munokoa and next to her is the Member from Ruaau, Rarotonga William Heather and at the end of that side of table the Member for Rakahanga, Toka Hagai. We have members of the support group our Secretary for the Select Committee, the Clerk of Parliament and also the Secretary of Marine Resources Ben Ponia to assist in facilitating this Skype session.

The Members have received the report that was compiled by FFA and put to us, what I will do now I guess is maybe give you some opening comments if you like and then I will open up the floor to Members to ask some questions.

**MR W. NORRIS:** Thank you very much Minister and kia orana and good morning to all the Members of the Committee. I guess to start off thank you very much for the opportunity to participate in this process.

The FFA has actually in a couple of public meetings in Rarotonga over the last couple of years on this issue and actually I myself have had the opportunity to participate in too. So it's very good to still be involved towards the decision making end of what has been a very long and quite transparent process I think.

I hope that the Members found the written submission that we provided useful and I'd like to make apologies on behalf of the Director General that neither of us could actually be there in person to

talk to the submission. But I think if before I take any questions that the Committee that the Committee has if I can just offer some of the key findings of our consideration of it. Certainly the primary message is that the Forum Fisheries Agency is very highly supportive of efforts to develop a purse seine fishery in the Cook Islands EEZ. We generally set a fairly high standard when we consider development proposals in terms of assessing those proposals against international legal obligations, sustainability qualifications, the capacity and institutional set up of the management agency and the nature of benefits that are likely to flow to the country. And so that's what we have looked at in the context of the Cook Islands purse seine fishery and I am very happy to say that we are supportive of efforts to increase your participation in the purse seine fishery.

Minister, just picking up on your comments about the importance of the bigeye tuna bi-catch issue, that certainly is a very fundamental issue that's facing the whole of the Western and Central Pacific Fisheries Commission at the moment.

Bigeye tuna is now in a status that we call over-fished meaning there's less fish in the water than we have said that we will be prepared to accept and over fishing is occurring which means it's still being removed too fast. But that's an issue that is shared amongst all of the 32 participants in the Western and Central Pacific Fisheries Commission. It's an issue that's shared between the purse seine fishery, the long line fishery and a whole range of what we call the small gear fisheries particularly in Indonesia and the Philippines.

I think the key message in our submission about that is no one country can fix the bigeye tuna problem. Were a country like the Cook Islands to cease all purse seine fishing and long line fishing for that matter it would likely have a very negligible impact on the status of bigeye tuna and so it really does come down to collective action through the WCPFC and one of the best ways that Cook Islands can influence that collective action is by being a participant in the fishery and being a beneficiary from the fishery. So again Minister thank you very much for the opportunity and I will be very happy to answer any questions.

**MR CHAIRMAN (M. BROWN):** Thanks a lot for that Wez I now open up the floor to Members if they would like to ask any questions.

**MR J. BEER:** Just for my benefit can you just give me a quick explanation as to the role of FFA in the Cook Islands fisheries, what is the relationship there?

**MR W. NORRIS:** Thank you very much for the question. Before I answer the question can I just ask are you under any time constraints for this Session just so I know whether to be very quick or very detailed in my answers?

**MR CHAIRMAN (M. BROWN):** Just up to your normal bed time Wez.

**MR W. NORRIS:** By way of background the FFA was formed in 1979 and that's quite significant because it's when the UN Convention on the Law of the Sea was being finalised and that UN Convention is what establishes the concept of the economic zone and so the Pacific Island Forum leaders at the time recognised that with the concept of the EEZ came huge opportunities but also huge responsibilities and so they wanted to form a specialized fisheries agency to provide assistance and advice to all of the Pacific island countries.

Obviously, we have evolved over time since 1979 when we were established with three staff, we now are centred around 100 staff. We have a very large donor provided budget and so we provide a lot of services.

I think broad scale our services and our relationship with the countries can be broken down into a couple of key components. We provide a lot of capacity building and capacity supplementation services and with the most noticeable or notable is in the field of monitoring, controlling develops where we have very large training programme both for your Maritime Police type people who are on board your Patrol Boat but also for fisheries staff who work in the fields of vessel monitoring systems, licencing and so on.

We also provide some direct services to the Members and the most notable one I understand that the Committee had the opportunity to view regional surveillance picture yesterday which is the vessel monitoring system that shows the location of all the vessels and the risk assessment. So that's a service that we provide directly.

I think relevant to the discussion that we are having now two of our largest programmes are on fisheries management and that's the sort of basic level policy legislation assistance to assist countries to make sure that you have the right regulatory environment to create sustainable fisheries. And then attached to that we have our fisheries development programme which then says what are our opportunities that arise out of having these sustainable fisheries in our EEZ and what development can we bring to bear so that we can extract a greater degree of the returns from our fisheries.

Mixed up in all of that we also spend a lot of time in the context of the Western Central Pacific Fisheries Commission. Even though it's been around for ten years it's still a process that consumes a lot of time and effort for all of the FFA Member countries. This is some of the smallest countries in fisheries administrations in the world going toe to toe with some of the largest with the European Union, with the United States, Japan, Korea, Taiwan and so we spend a lot of time preparing regional positions that will bring about the best national responses for that.

**MR J. BEER:** Thanks Wez, that's a good discussion point to start off with. The bone of contention at the moment in relation to this petition has primarily been as a result of what your report starts off with is the Spanish purse seining and the European Union involvement in that and the concern that has come out over and over again by many of the Petitioners in this particular case, we are a small country, how do we go about dealing with such a large group of countries particularly the European Union and in particular the Spanish who have a history as your report says of non-compliance and have the history of probably being the most notorious raiders of countries like the Cook Islands with limited resources poaching, stealing, non-reporting large catches of fish that is basically stolen. How do you think based that scale, small Cook Islands dealing with the European Union a country with purse seiners who have got a history of being notorious on the high seas, how do you think we can manage that particular process with these guys.

**MR W. NORRIS:** Thanks very much. It's a really good question. I guess first of all I would say that we shouldn't lose sight of the fact that there are some elements of the operation and behaviour of the Spanish vessels that is exemplary, that is far better than other fleets and I think our submission points to the fact that in terms of their level of catch and effort reporting, it's a lot more accurate than we see in some of the other fleets. So I would start off by saying there is good with the bad. They do have a checked past as we say in the submission. In the course of the last few years there's been prosecutions and Court cases brought about by the US, by Nauru and the Marshall Islands and by countries in other parts of the world.

I would say that of all the FFA Members, Cook Islands has one of the best records of detecting and adequately responding to illegal fishing incursions into your EEZ. In the early years of the Western and Central Pacific Fisheries Commission 2006 to 2009 there was several high profile cases where Cook Islands did detect illegal fishing and took action and held large companies and

large countries to account. So there's quite a lot of experience within MMR and within your judicial process for this.

Added to that the monitoring control and surveillance frame work throughout the whole of the region is far more advanced now than it has been in the past. One of the biggest benefits is the 100% independent purse seine coverage on purse seine vessels. This is an element that we pick up in the written submission. The Fisheries Partnership Agreement recognises a 100 percent coverage. We think Cook Islands should be quite explicit in pushing for the fact that you would select or dictate where those observers come from. As the thing stands it could be possible for the Spanish vessels to bring an IATTC observer in so it's an observer from the Eastern Pacific Ocean. They are very well trained and they are independently accredited and so on. So I don't take anything away from them. But there is the opportunity for Cook Islands to say, well we would like to have an observer from either the Cook Islands programme or from another Pacific Island country's programme.

Added to that I think one of the greatest benefits of the Sustainable Fisheries Partnership Agreements with the EU is forming a commercial relationship between the Cook Islands and these companies and therefore both having an incentive, or providing them an incentive to do the right thing because they are buying in a very valuable access and so you are giving them an incentive not to do anything that they are going to lose that.

**MR J. BEER:** Before I pass the microphone out to everyone else that is going to ask some questions I just want to read from your report the line on page 2 "there are provisions in the FPA protocol and annex on electronic reporting data sharing and inspection report that do not appear to be in the Cook Islands interest and would require departure from current practice in the Cook Islands and the region those provisions should be reviewed". Can you expand a little bit about that please?

**MR W. NORRIS:** Yes, certainly thanks. I would preface my remarks by saying I'm here in Rome at the FAO Committee on fisheries and the European Union ran a side event on Tuesday where they explained their Fisheries Partnership Agreements and I took the opportunity to ask the EU Delegation and it was their most Senior Officials that deal with these, whether these provisions are set in stone or whether there's the opportunity to negotiate around specific cases and they answered quite clearly that yes, there is the opportunity to negotiate. They do try to keep things as standard as possible but they recognise that what's in place in the Cook Islands is a little bit different than what is in place in Namibia for example.

So to answer your question about the specific issues that we think are perhaps less than ideal the first one is in the protocol to the Agreements. You have the Agreement and then the Protocol and then the Annex. In the Protocol there's some confidentiality provisions and what they say is that data that is collected from the Spanish vessels will be managed in accordance with the WCPFC rules. What that means is that Cook Islands if you wanted to share that data with the FFA or with Kiribati or anyone else, you would have to secure the agreement of the European Union. That's what the WCPFC data rules say. That's different from the way that we manage and countries manage the catch and effort data that they collect. FFA Members have always said this is our data, we collect it and we will do with it whatever we want and what that is, is a very open degree of sharing amongst the Pacific Island countries. Because that really adds value to the data if you can share it and if your next door neighbour is looking into an issue and they can obtain extra information that will support them in their investigation then they get extra power.

So that's the first one and to be honest I think it's probably a lack of awareness of the FFA arrangements within the EU that's lead to that. I don't think it's a sort insidious attempt to try and restrict data sharing.

The second one is about catch and effort reporting. We are as a region we are very committed to moving towards what we call e-reporting. So instead of the fishing vessel Captain filling out paper log sheet and then posting that off to Rarotonga or Noumea fifteen days after they get to port, having an electronic system where they will report it every single day and it will get automatically sent and uploaded to a data base.

The Annex to the Agreement does contemplate that and it sets it as an area where Cook Islands and the EU will co-operate but it has a little hook in there. It says that any electronic reporting system would have to be agreed between the EU and the Cook Islands. And again that's different in the way that we are progressing it. We are looking at building a regional set of standards that all the countries will then apply to all foreign fishing vessels and so it's not about securing their agreement or the agreement of the flag States, it's about developing a system that is fit or for its own purposes or the Pacific point of view and then imposing that.

So those are the two main areas that I think are slightly different than the way that other fleets would be dealt with.

The final one, sorry for the long answers to all of these questions. In the Annex to the Protocol there's a requirement that if a Cook Islands Inspector goes on board a vessel they will complete their report and give it to the vessel Captain to sign before they get off board and that's not, I have checked around and that's not the way that it's done at the moment and that's because once the Inspector gets off the boat they will go and investigate other things. They will look into the licencing history of the boat or they will access the catch and effort history or they will go and interview the Observer that was on board last week or whatever the case may be and so it's a sort of general standard of policing that you don't give your suspect a report until you are ready to so we recommend some discussions with the EU on that to ascertain exactly what it is that they are trying to do (break in transmission) do they just want a record that there was an Inspector on board and an inspection was done in which case that's fine or did they want an assurance that everything was ok when we inspected it. Those are the three things.

**MR J. BEER:** Wez is it possible we lost you for about two or three seconds and you may have been saying something quite important in relation after the reference that you make a report to a suspect, can you recall back what you just said after that please.

**MR W. NORRIS:** I think I was saying I think it would be very useful for Cook Islands to have a discussion with the EU to find out what it is that they are actually trying to achieve from that provision. Are they simply wanting some sort of full record that an inspection was carried out in which case that's probably perfectly acceptable or are they wanting some sort of definitive statement on the outcomes of the inspection in which case we would recommend that that's not very good practice.

**MR J. BEER:** Thanks Wez on that particular note, I think we should be taking notes of what you have just said. I think that's quite important stuff there particularly that this Contract or this Agreement which recently started to negotiate is negotiable. There is no set in stone deal in place here and there needs to be of course and our opinion as well and I think they share your sentiments a lot more sharing in terms of that information which is vital for the industry. Does anyone else want to ask questions of Wez or can I carry on?

**MR CHAIRMAN (M. BROWN):** Carry on.

**MR J. BEER:** I am looking at the key message that you have sent through here and number 4 I have underscored a couple of words here I will read that to you "foregoing a purse seine fishery

would not contribute significantly to the conservation of bigeye tuna and in fact Cook Islands best prospects influence the balance of measures to create a sustainable bigeye tuna stock is probably to do so as a participant of the fishery". When you say that you are obviously referencing the entire purse seine fishing industry but in particular you have noted some concerns about the purse seine fishing of the Spanish vessels and particularly that they have the highest catch of bigeye tuna amongst all purse seine fishing in the region.

**MR W. NORRIS:** Yes, thanks very much. So first of all what we tried to do in the written submission was to separate the general concept of fishery expansion from is the three partnership agreement the right vehicle to do that fisheries expansion and so speaking generally and as I said in my introductory remarks if Cook Islands said tomorrow no purse seining in our EEZ and even if you shut down the long line fishery chances are that would have a very negligible impact on the sustainability of bigeye because those vessels would still be out there and they would fish elsewhere and in a lot of cases they would probably fish on the high seas where there's a lot less regulatory control, a lot less monitoring surveillance and so on than they will be subject to if they fish in the Cook Islands. So that's what they key message is trying to say. You are better off being a participant in the fishery which means you are a beneficiary and you have got a vested interest in trying to influence the way that the wider fishery works.

To be honest the Cook Islands is a relatively small player in the purse seine fishery even if you are fully developed because you are one country out of 32.

Switching to the Spanish vessels, yes it's a fact that they are amongst the most fad dependent vessels in the world. They certainly not the only ones. Also fishing in the region are fleets from Ecuador and El Salvador who operate in very similar manners with very high degrees of fad reliance.

They also because they are large vessels they fish with larger gear and so their nets go deeper and that's where the bigeye are, unfortunately they are deeper in the water column so they are catching proportionately more bigeye tuna.

In terms of how to manage that issue, again I think there is some logic that says well if you can work with them and you can encourage them towards better fishing practices well then that's probably a net benefit compared to them sitting in the Eastern Pacific right on your boarder or right on the boarder of French Polynesia and operating without much management or oversight.

I understand again just in the last couple of days there has been a number of meetings that the Spanish industry have held here on their plans for what we call an FIP a Fisheries Improvement Programme. To be honest I don't know the details of what they have been discussing but if they are looking at renewing their research because they have been quite active in this field on what we call mix generation fads so can you design fads in a way that they don't attract bigeye tuna or can you fish on fads in a way that you don't catch the bigeye tuna that's aggregated to them and so on.

If they are going to renew their efforts into that, well then there's fishery wide benefits that could accrue so while we tend to sort of bag them out so to speak because they are very heavily reliant and they are catching more than anyone else, they are also quite active in trying to seek a resolution.

And if I may just as an aside, the parties to the Nauru Agreement are implementing a measure that they call fad charging. So any day a vessel goes out and fishes on a fad they will have to pay an additional fee and that's intended to be a sort of output tax an incentive not to do it so to speak and that's a huge, the fleet that will be impact the most directly on by that is the Spanish fleet so they will have a huge incentive to try and find ways to catch less bigeye.

**MR CHAIRMAN (M. BROWN):** Just going on that question Wez, we were talking to John Hampton yesterday and he indicated as well that the result of the Spanish catching a higher percentage of bigeye than other fleets was maybe a consequence of where they were catching and where the data for their catches was being recorded from which is an area that they were saying is known to have high volumes or higher catches of bigeye tuna. He did indicate that more later data suggest that the catch rates of bigeye tuna by Spanish fleets are actually significantly less than what has previously been recorded. Would you agree with that?

**MR W. NORRIS:** Thanks very much Minister sorry I am just scrolling through our submission. I think on page 11 we have made reference to this that the data that we have presented is based on the historic data and in fact it's 2009-2013 because that's the most reliable data that we had at our disposal. And yes as you say that was from fishing in the area that we call the Eastern high seas which is ironically to the West of Cook Islands and then for various reasons but primarily the depth of the thermocline the abundance of juvenile bigeyes and catch of juvenile bigeye is far higher than we have experienced in most of the fishery.

So it's while we have tried to draw some inferences as to what they may catch in the Cook Islands EEZ, it does remain to be seen.

The US vessels that fish in the Cook Islands are also relatively fad dependant, nowhere near as much as the EU but they catch quite a deal less bigeye than what we have estimated for the EU fleet.

**MR CHAIRMAN (M. BROWN):** Any other questions?

**MR J. BEER:** Wez, another question from James again, I am glad that you pointed that out. It says here each EU fad set catches just 12 tons of juvenile bigeye compared to approximately 3.7 tons per fad set by other fleets. Obviously this is an issue for us, it is an issue that has been raised by the Petitioners is that the Spanish, and I am assuming just for clarification when you say EU in your report, are you referring to EU as in Spain or is that EU in terms of everyone in the EU are there other fishing companies from the EU other than Spain.

**MR W. NORRIS:** Yes, thanks very much that's a good question. During the time period that our data is based on the 2009-2013 there was one Portuguese vessel fishing as well but they are all owned by the same suite of companies so they are all operating in very similar ways. If I understand correctly I think all four of the vessels are covered by your FPI articles.

**MR J. BEER:** So based on that then we were told yesterday that new legislation have been passed in the EU that allowed for far greater opportunity for small countries like the Cook Islands to be able to take these people to Court if they transgress the laws or broke the Agreement or the Contract Agreement we have got with them. Do you agree with that has that happened, we have heard it but we haven't actually seen it. I think it's in relation to the flagging of the vessel, where it is flagged.

**MR W. NORRIS:** Yes, thank you. All I can reference to answer that question is what I heard in the side event that I participated in the other day with Senior European Commission bureaucrats and they certainly highlighted that as a difference between their old what was called fisheries Partnership Agreements and the new what they call Sustainable Fisheries Partnership Agreements and they highlighted what its changed between the old agreement and the new and one of them was a far greater degree of flag state responsibilities needing to hold their vessels to account for coastal state laws.

But if I can be honest while under International law the flag state is required to hold its vessels to account, we have spent 35 years in the Pacific building capacity so that Pacific island countries can hold the vessels to account in their own right rather than having to rely on Spain doing the right thing or Ecuador or Japan or whoever and again Cook Islands has got a very good record of being able to do that.

**MR T. TUAVERA:** Kia orana Wez, Tama here. My concern here is that the temptation that's come through is about the fad and then I hear that there is also a drift fad and going through your report here everything points back to the Spanish overfishing using fads. Now my question is that I am also reading what you are saying that they are catching this fish because they can go deeper, correct?

**MR W. NORRIS:** Yes, they use bigger nets that fish deeper.

**MR T. TUAVERA:** Ok, I did ask this question to the Secretary because these boats that are coming are very hungry boats, they are bigger and as you just pointed out their nets are bigger and they are going to catch anything that's in the water correct?

**MR W. NORRIS:** Yes, anything that's aggregated around the fads, yes.

**MR T. TUAVERA:** Right throughout your report here you are always pointing back to the Spanish Armada as I call it and it's pointing back to them that their catch ratio is always higher than all fleets put together, is that correct?

**MR W. NORRIS:** So what the table there on page 11 show is that the proportion of bigeye that they catch in fad sets is higher than the average of all the others that's right.

**MR T. TUAVERA:** You pointed that out in your report, thank you for that. I'm quite happy with the report that you put out because now it is telling me that the Spanish is coming down here and they are reliant on fads and drift fads, yes?

**MR W. NORRIS:** The whole fishery uses drifting fads. There's only very limited places like the arcaptive waters of Papua New Guinea and Solomon Islands that vessels rarely use anchored fads.

**MR T. TUAVERA:** Yes, thank you for that. I have made my mind up then thank you very much.

**MR W. JOHN:** I just want to underline and make this bold view understandable. You have said that being a private and small player we are in the Cook Islands we are better off fighting as part of the team than being by ourselves on our own, is that a true statement?

**MR W. NORRIS:** Yes, I very firmly believe that and if you have a look at the successes that have been achieved by the Pacific Island countries over the last 35 years they all come down to the single message that, I don't want to sound corny but strength through co-operation. That's the motto of FFA and it didn't evolve by chance.

If I can Committee Members, I had the opportunity to go to the Republic of Iran earlier this year and run a workshop for Coastal States and developing States in the Indian Ocean and they have never worked together and the difference is absolutely stark. They are completely dominated by flagged States, they don't have a good understanding of the vessels that are fishing in their waters, they don't have an ability to enforce their own rules, they don't even collect their own data. All of that is different in the Pacific because countries got together in 1979 and said right we are going to do this together as a single block.

**MR W. JOHN:** What I really meant there was by being ourselves we are depriving ourselves of benefits of this whole programme.

**MR W. NORRIS:** Absolutely, the view of the FFA is that were Cook Islands to decide not to pursue a purse seine fishery you would be foregoing sustainable benefits that you could otherwise be enjoying.

**MR J. BEER:** Wez, James again therefore in relation to the PNA where the Cook Islands is not a body of how do you respond to that and why aren't we a body of that, why aren't we part of that body?

**MR W. NORRIS:** Thank you very much for the very difficult question. Let me before I

**MR J. BEER:** Do you want Ben to leave the room? (laughter)

**MR W. NORRIS:** I think while Cook Islands is not a part of the Vessel Day Scheme all the work that has been done to get that scheme recognised and use it to dominate management in the Western and Central Pacific Fisheries Commission has been done through the FFA Membership so while the PNA is a very strong group and very, very lucrative benefits they have done so because of the strength and co-operation of the whole 17 Members when it comes to going toe to toe with the other Commission Members.

In terms of why the Cook Islands is not a participant to the Vessel Day Scheme, let me answer it by first saying our advice if anyone asks us is that you should be, your participation in the VDS would provide additional benefits to you but it would also provide additional strength to the Vessel Day Scheme itself because the more of the overall fishery it covers the more powerful it is.

In terms of why the Parties have decided not to do it, there are a couple of reasons and some of them are valid and some of them I think perhaps less so. The biggest one is probably fear of change. The PNA have a little plumb so to speak. They are all used to working with each other and dealing with each other and the concept of expanding their club is perhaps a threatening one.

I must say I don't think the level of public outcry against purse seine fishing makes it very easy for the PNA to say yes, this is going to be the Cook Islands would be a good participant in VDS. It's caused problems in other places Palau for example went through a very difficult period around the declaration of its marine sanctuary and what that meant in terms whether it would still be entitled to vessel days and so on. So it has been quite a bit of money in the waters I think.

**MR CHAIRMAN (M. BROWN):** Wez, if I can go back to a question that was raised by our Member here Tama in terms of the EU's catch of bigeye that's been recorded. We have the percentage numbers but in terms of actual volumes noting that the EU represents four boats out of a fleet I am not sure how many, significantly more what volumes of bigeye would the EU be catching compared to say the regional catch or even in the Cook Islands waters where we have got the US, the Koreans and other boats that are fishing?

**MR W. NORRIS:** I think it has changed very dramatically in the last couple of years. The EU has decreased its effort in this part of the world quite dramatically and that gives the answer. They had a fisheries partnership agreement in Kiribati which is now expired they also had private licencing arrangements in Nauru and Tuvalu that have now expired. So there is not a recent data to really be able to compare that. I think though the key answer to this is in the number of days that we are talking about here. We are talking about somewhere around 146 to 150 vessel days that the EU

vessels would be using in your waters and so compared to the 50 thousand odd fishing days that are in the wider fishery, it's obviously a very small component.

I don't say that to try and shy away from the fact that they catch more bigeye per set than anyone else, but again I think both for the Fisheries Partnership Agreement and the wider Cook Islands fishery we have to deal with it in the context of this being a small component of a very large picture.

**MR CHAIRMAN (M. BROWN):** Thank you very much for that Wez.

**MR T. TUAVERA:** Just on that Wez, your report here says that the EU catches are 1,500 tons of juvenile bigeye compared to any other fleet at 300 tons. Now again this thing is pointing back to that hungry Armada coming down to us. Now what is your feeling because you are saying from 2009-2013 that's where you got this catch ratio from. I'm starting to think then that the Spanish is coming down here to fish our waters out.

I have no question I am just saying this for the benefit of the Committee that's here to think about this because what people are against is the fad and the amount of bi-catch that's coming through and this Armada to me is coming through as an Armada with the highest bi-catch compared to any other fleet, what do you say to that?

**MR W. NORRIS:** I would say the numbers are there in the submission so I don't shy away from that reliance from the bigeye catch. It is balanced to some extent by the fact that they are also the fleet that has participated most actively in fad related research so that's in terms of the design of fads to reduce entanglement of sea turtles and things like that and also in active research on sonar technology. So that's being able to try and determine the species composition of a school underneath the set before you decide to set on it.

So again there are benefits to having a pro-active relationship with them. I would say more generally and I have made this comment in public meetings in Rarotonga before – developing a fishery or exploring a fishery is a very risky thing to do because what you try and do is you try and look at well did it work over there and then have a guess about how it's going to work over here. And that's exactly what the figures in our submission do. They look at well when they fished in the eastern high seas this happens, what if that happened here.

Unfortunately, if Cook Islands is looking to develop a fishery then at some point it becomes a matter of faith and it becomes a matter of putting in place stringent monitoring arrangements to be able to detect if there are high levels of bi-catch and communication protocols in place so that you can have a meaningful dialogue with both the EU and with the vessel operators if that is indeed becoming the case.

**MR T. TUAVERA:** I am happy with the monitoring system that we have here they have shown it to us yesterday and there's no problems with monitoring the ship but when I look at your report I start to cringe when I see that this particular EU, I think it's four, is it four vessels coming down – there are four vessels coming into our waters from the EU and it seems to me that these four vessels actually over fish every other, out fish every other fleet that I see in the reports. So four boats compared to a whole lot of boats is catching more bi-catch and also more fish than anybody else. That's the scary part I am starting to look at this EU.

Now with the monitoring how do you think then that ok you have already said this but how do you think for us as a new fishing country joining up, how can we keep the EU the Spanish Armada in check every day. You are saying you can put observers on board, they have cameras on board we are assured but the camera and that is not going to stop them catching bi-catch and more fish

than anybody else so what do we do? I know we are going to set a seven thousand cap and then there was also a comment that if they do go with the seven thousand they will ask for permission to go over the seven thousand, is that correct – they must ask for permission.

**MR W. NORRIS:** Of your initial question what can you do to try and hold them to account. I think the first point to make is while the Cook Islands is relatively new in terms of participating in purse seine fishery, you have been a major player in the long line fishery for quite a long time.

**MR T. TUAVERA:** Thanks Wez.

**MR W. NORRIS:** You have had foreign long line vessels coming into Cook Islands waters and taking fish and transhipping and so on.

What we are turning our minds to now is I guess if I can summarize it very simply is try and better integrate all of the monitoring capabilities that each country has. So for a long time we have put observers on boats, for a long time we collected catch and effort information, for a long time we have done boarding and inspections on boats. In this day and age of information technology, we can now put all of that information together in very easy way.

For example if a purse seiner came and fished in the Cook Islands EEZ then every day you should be able to get a report from the observer. In real time this is what the vessel did today and this is what it caught. You should also be able to get a report from the vessel Captain, this is what I did today and this is what I caught. You can then combine that with the vessel monitoring system and you can look at the track and say well does it look as though they did actually do that – yes, ok and so on. So now in very easy time you can put together that information and get a really good picture on what's happening.

And the same goes with fads I've got to say. The cases with the Spanish vessels in the US and Nauru I am not so sure about the Marshalls, we are about fad deployment so the vessels didn't actually fish in their EEZ they just went into the EEZ and deployed fads and then the fads drifted out of the EEZ.

These days fads are tracked as well. Every fad has a satellite transmitter on it and it reports and so on. So now we can even bring that in. The surveillance picture you looked at yesterday we can put the 60,000 fads on that as well and so on. So basically what I am saying is the time has never been better for coastal states to be able to get a much better handle on what the fleet is doing.

Just lastly if I can say we have got the absolute unprecedented opportunity at the moment, Australia has just announced that it will be providing 15 million dollars a year for aerial surveillance. So that will be aerial surveillance assets controlled by the FFA, deployed at the request of Member countries. Fifteen million dollars buys a lot of flying time and it's something that we'd never experienced before so that's going to be a huge boom to us.

**MR W. JOHN:** One final comments from me Wez regarding what you have said in regards to this Spanish fishing in our waters. Whilst you mentioned in your report that they have been doing some illegal fishing but you also mentioned the new systems monitoring procedures that are taking place which brings these Spanish vessels to account. For our purpose, the Cook Islands for me anyway I am happy that these procedures are being put there to get all these fishing vessels accountable in our waters. Is that a fair reflection?

**MR W. NORRIS:** Yes, thanks very much and this obviously goes beyond Cook Islands and it goes well (break) beyond the Spanish fleet. We had a very major report delivered in February this

year or March this year that actually set about to quantify illegal fishing in the region. So to say what are our illegal fishing risks, are there these pirate vessels out there marauding our waters and if so how many and things like that.

And what it found was actually very encouraging. It found that sort of classic pirate vessels there's a very small risk in this part of the world, it's about four percent of the illegal fishing risk. By far the biggest risk was licenced vessel or authorised vessels mis-reporting or under reporting their catch or using non prescribed gear.

And that encouraging I guess for two perspectives. At the regional perspective it's encouraging because that's exactly where this new technology steps in being able to as I say get a real time handle on what the vessel is doing from multiple sources. So we don't just trust the vessel operator when we finally get his written log sheet three months later, we don't just trust that he did the right thing. We have the ability to do it on a day to day check and want to make a check actually.

It is encouraging for the second reason because as I mentioned in the outset while they have some issues, the Spanish vessels are actually better at providing their catch and effort reporting than quite a lot of other foreign fleets.

**MR J. BEER:** Wez, James again. I don't have a question more a comment. Let me say first that I found your submission your answers to questions credible, honest, open and frank and I appreciate that, we all appreciate that. We are also encouraged by your report and I am personally encouraged by the fact that European Union and the Spanish fleet have been expired in a number of areas and I am encouraged also by the fact that we can re-negotiate the terms with the Spanish and particularly as a result of the expiration of their agreements with various other Pacific Island nations but it gives us the opportunity to be able to do this with them if we do decide on a better playing field from our perspective and I am really encouraged by your comments and appreciate the report and thank you very much.

**MR CHAIRMAN (M. BROWN):** Thanks a lot Wez, just one comment or question I'd like to raise, there's been a bit of emotional language that's been used in terms of the Spanish fleet being called an Armada when I think we have got something like 17 boats that fish in our waters purse seine, 17 vessels and an Armada of 4 and of pirates coming to raid our fish, just using your figures that you have got on Table 11 here in terms of the percentages, the good thing with our agreement with the EU is that we have capped the catch quota to seven thousand tons. So the expected level of bi-catch would be restricted by that volume that we have allowed them to catch. So using the figures that we have for the bi-catch of 19 percent for bigeye tuna we would then expect out of that seven thousand tons, a thousand three hundred if the bi-catch was at that level of bigeye tuna and with the other fleets average of 9 percent they would be catching around 630 tons of tuna.

So my point here is from a aggregate perspective or from a volume based perspective is that a reasonable number that the Cooks can I guess forego or the Cooks can accept in return for the benefits that we are going to accrue from the licencing agreement.

**MR W. NORRIS:** Thanks very much Minister, I meant to raise this point earlier. While we can look at catching a fish as a negative thing in terms of bigeye, it's obviously a very positive thing in terms of the economics of developing a fishery. The skipjack which is entirely sustainable that these four vessels would catch you would probably need six vessels from another fleet to be out there catching and so you have a whole range of environmental impacts from those additional vessels in terms of the initial fuel that's burnt in terms of (break) initial bi-catch and so on.

So the fact that these are efficient vessels makes them a very attractive development partner as well and as you say the critical point is that the overall catch is capped and if the EU fleet through their sort of mode of operation use up a lot of that cap by catching bigeye well then that's really their problem.

Again I will come back to the fact, and I think this is raised in the submission, the management of bigeye has to be a communal job amongst all of the countries that participate in the WCPFC. There can be no insinual motion that because there's a problem with bigeye, developing states have to forego development opportunities. What it means is that we have to sit down and work out how we are going to managing these stocks so that developing states can develop (break) and so that there can be fair equitable allocation between other countries.

**MR CHAIRMAN (M. BROWN):** Thank you very much Wez, I don't know if the members have any other queries, no but we appreciate very much your time Wez making it available to answer the questions of the Select Committee and as you have heard from some of the Members the discussions that we have had have been very, very fruitful to help us understand in a bit more depth the report that has been provided by your Office. So from us thank you very much and have a good night.

**MR W. NORRIS:** Thank you very much Members of the Committee.

*[End of skype transcript]*

**SKYPE SESSION 3: Ms Lara Manarangi-Trott, Western and Central Pacific Tuna Commission, Pohnpei - Skype Session, 3.30pm, Wednesday 14 July 2016.**

**MR CHAIRMAN (M. BROWN):** This is the beginning of the Skype Session.

**MR J. BEER:** Are you of the same mind as Dr Patrick Lehody that the bigeye tuna that we are catching currently comes from the favourable or spawning habitat in the Northern Cook Islands, underscoring the word "favourable"?

**LARA TROTT:** I actually don't know the answer to your question. There has been work that's been undertaken and there's some further work that's ongoing in trying to look at ways alternatives to just simply (not clear) of extending the fad quota and some of the aspects that we have been looking at have been the behaviour of certain vessels. Certain vessels catch a lot more bigeye than others and so it's trying to better understand what different vessels or captains or masters are doing that is affecting the catches of bigeye.

We also have been looking at hot spots in science committee where what you have described as more favourable conditions and there is some evidence that fishing that occurs over the eastern side of the Pacific tends to have larger tuna in their schools and also has there's evidence there is more bigeye that is caught relative to the other side of the Pacific. It is circumstantial but you can see it in the data and it's something that people have thought would be worth looking at in terms of possibly providing a mechanism to improve management.

At this stage it's not really my area of expertise to know whether or not, to be able to answer your question with any more specific. My area is looking at the way the measures are implemented which the Commission has agreed whereas Patrick Lehody and John Hampton is very much at the cold phase of the science and understanding of those aspects. They are better qualified than I am to provide with you with something a bit more certain.

**MR J. BEER:** Just one more then from me Lara, we do have a report here from the Western and Central Pacific Tuna Fishery which is handed out to the Select Committee and whether you have a copy of that or I will just ask you a brief question – it's the overview and status of stocks that was put together by Shelton Harvey, Peter Williams, Simon Nichol, John Hampton and Steven Brower. The Tuna Fisheries Assessment Report No.15.

**LARA TROTT:** I have a copy in front of me.

**MR J. BEER:** If you can assist us in alleviating our concerns in relation to this, I would appreciate it. It does say in here that the 2014 purse seine catch of yellow fin tuna of 354,000 tons was a 4% increase from the 2013 period. The purse seine catch estimate for bigeye tuna for 2014 of 67,000 was lower than the 2013 period so in other words the bigeye tuna they were catching from purse seiners was lower in 2014 than it was in 2013. Is it plausible to say that a combination of factors and I am probably answering the questions rather than stating it, is it plausible to say then that is this a result of better monitoring or is it because of a higher mortality rate of bigeye tuna as a result of using fads.

**LARA TROTT:** The answer is yes, it's probably a bit of both. Again this is sort of an area that the scientists are much more qualified to answering these questions because they are dealing with data all the time. So I think there is an aspect of better monitoring. A lot of the fleets are moving towards electronic reporting of their catches and those sorts of mechanisms that are improving the quality of the data and there is more sampling happening.

There is also a difference between considering what are catches and what is an impact of fishing in terms of fishing mortality. What we are trying to achieve is a reduction in the fishing pressure which equates to some levels of catch that in different years because the stock isn't always the same every year. It varies, the fluctuation, the numbers and the difference in the numbers might be a true effect of fishing or it could also mean just a natural fluctuation in the status of the stocks. That's why we are looking at management measures. We don't just look at total catches, we actually look at a unit called fishing mortality and that's what we try to do because that's been standardized for both the level of fishing and these environmental impacts that fact can cause these fluctuations.

There's a whole lot of science that goes into it and John Hampton is the main person that does a lot of that science which is being reviewed by our Committee that will be meeting next month. So a reduction in overall catches is one indicator that it may not be a true indicator of how effective management actions have been or whether there are greater or lesser impacts on fishing of stocks. That's at least as I understand it from that report.

**MR J. BEER:** Thanks Lara. I think the other point that I completely overlooked was that there's the possibility of climate that would also affect the rate of catches.

**LARA TROTT:** Yes, (not clear) has a really big impact on catches and distribution of catches.

**MR CHAIRMAN (M. BROWN):** Any other questions?

**MR J. BEER:** It's a fairly robust report and perhaps if we get a chance to go through it and then Chairman if we do have any further questions I am sure we will have some we can fire off an email to Lara and maybe get some ideas before we make up our report for Parliament.

**MR CHAIRMAN (M. BROWN):** It is a very good report, having a look through particularly the stock assessments of the various species yellow fin in particular and bigeye as a result of both purse seining and long line fishing. It gives us an indication of the health of the stocks across the

Pacific but I don't think anybody else has any further queries so as James has indicated if we do have any further queries we will fire them off to you by email for you to be able to query back but we would like to take this opportunity to thank you very much for making the time to talk to us. It's great to see you, one of our Cook Islanders out there doing her job in the region so on behalf of the Committee, thanks again very much and we look forward to hearing from you in the future.

**MR J. BEER:** Kia orana e kia manuia.

**LARA TROTT:** The Commission appreciated the opportunity to talk to your esteemed Select Committee and wish you well in your deliberations and in formulating that report but certainly if there are questions that you have I will do my best to get them back to you quickly and I know that you probably got a deadline. So thank you very much.

*[End of Skype Session]*

## THE FINDINGS

### THE PETITIONERS GRIEVANCES

15. On the matter of the grievances of the petitioners, the Committee responds as follows:

#### GRIEVANCE 1: OPPOSITION TO PURSE SEINING

***“That the vast majority of Cook Islanders are fundamentally opposed to purse seining”***

1. Fundamentally this would be correct. This opposition is widely known and has been reported upon throughout the country and has been expressed many times in the form of protest marches and public opinion in all forms of media. That approximately 4000 people who signed the anti-purse seine petition who were of eligible voting age is testimony to that. There were many more who were ineligible to sign the petition (below voting age) but engaged in the 3 protest marches held on Rarotonga. All submissions made by members of the public to the Committee did NOT support purse seine fishing, including those from the Aronga Mana and NGO's and private citizens both on Rarotonga and some Pa Eヌua. However, the representatives of the Koutu Nui in responding to the question of how Government can proceed with addressing the issue of purse seining suggested that if purse seining is to continue Government should develop our own local fleets to engage in this sector. It is also acknowledged that the proponents of the petition (Te Ipukarea Society) did not oppose purse seining per se but opposed to the use of FADs in purse seining.
2. The committee acknowledges that while a number of our people are opposed to purse seining, it further acknowledges that some people have also changed their views and now do not oppose purse seine fishing. Both viewpoints have been influenced by the various levels of information made available using either public meetings, TV and newsprint media and social media using confronting imagery. Reports to the committee suggest that the opinions of people have changed depending upon level of engagement and the perspectives presented.
3. The MMR advised the committee that it had conducted 45 formal consultations since 2011 to explain purse seine fishing; it had also advised the Committee that “in all cases the audiences were sympathetic if not fully supportive of the MMR's purse seine intentions”. Figure 8 MMR Report. It should be noted that the Select Committee is not able to unanimously verify this statement; however, if the signing of the petitions occurred in

2015 (four years after MMR's initial consultation) and produced a very large public backing opposing it then the 'supporting' position maintained by MMR is questioned.

4. MMR maintains that the March 2016 consultation held on Rarotonga referred to in the Petition was an exception and the proceedings were dominated by the TIS members who were outspoken and emotive to MMR's presentation.
5. In public meetings since the Petition persons have declared that they signed the Petition under duress and at the time the proponents failed to provide a balanced view.
6. In a visit to the Northern Cook Islands in March 2016 the vast majority of persons consulted were appreciative of MMR's intentions on how it intends to develop the purse seine fishery and if not were outright supportive.
7. It is the opinion of MMR that the vast majority of Cook Islanders are concerned that purse seining as with any other form of fishing, be done in a sustainable manner, and are not fundamentally opposed to purse seining per se.
8. The views of the Committee on this grievance remains unresolved and it may require a non-binding referendum to determine this question.

#### GRIEVANCE 2: COMMITMENT TO GLOBAL MARINE CONSERVATION GOALS

***“That the Cook Islands commitment to global marine conservation goals, through Marae Moana, will lose all credibility if the Cook Islands increases its contribution to the overexploitation of bigeye tuna by purse seine fishing”***

1. The Marae Moana Oceans Policy 2016-2020 “Promotes conserving biodiversity and natural assets in the oceans, reefs and islands while ensuring the sustainable development of the economic growth interests”. The Committee notes that the Marae Moana promotes conserving bio-diversity. By-catch from purse seiners using FAD's is the biggest concern. The statistics continue to demonstrate that FAD usage with purse seining has the effect of increasing the catch of juvenile Big Eye Tuna and other species.
2. The purpose of the *Marae Moana Oceans Policy 2016-2020, An Ocean Policy Framework for the Cook Islands: an emerging Ocean State* is to: “Promote conserving biodiversity and natural assets in the oceans, reefs and islands while ensuring sustainable development of economic growth interests”. This commitment specifically allows for the multiple-use of our oceans including commercial fisheries and seabed minerals.
3. It is important to recognize that the Cook Islands “Ocean State” is a modern creation of the United Nations under the 1982 United Nations Convention on the Law of the Sea (UNCLOS) known as the Law of the Sea. This Treaty establishes EEZ borders and conservation of the living resources of the oceans.
4. A subsidiary agreement, the 1995 United Nations Fish Stocks Agreement, divided up the world's ocean and established regional fisheries bodies to manage migratory tuna stocks across different EEZs. In the Pacific the UN fisheries body is the Western Central Pacific Fisheries Commission (WCPFC) better known as the “Tuna Commission”.
5. The Select Committee notes the comments made by the SPC and the FFA that the MMR has been a leader in marine conservation and its efforts to develop a sustainable

commercial fishery including purse seining are commendable and highly credible within the framework of *Marae Moana*.

6. Given that the migratory tuna is not the exclusive property of the Cook Islands EEZ the only means for Cook Islands to be effective in their efforts to advocate for conservation and *Marae Moana* is to utilise our rights to participate in this fishery and demonstrate how to develop a sustainable purse seine fishery.
7. This Grievance is not supported by the Committee in its findings.

### GRIEVANCE 3: USE OF FISH AGGREGATE DEVICES

***“That a scientific report commissioned by the Ministry of Marine Resources (MMR) in 2012 recommended the development of the Cook Islands purse seine fishery should concentrate on free school of skipjack, and not use fish aggregate devices (FADs), to help conserve bigeye tuna, which are overfished and caught in much higher numbers when FADs are used.”***

1. In 2011 the MMR requested Cabinet support to conduct exploratory purse seine fishing to collect scientific catch information in order to develop purse seine regulations and to declare an EEZ catch limit to the WCPFC. Te Ipukarea Society opposed this proposal. With a lack of fishing data to model a catch limit the MMR secured the services of Dr Lehodey from the French Space Agency to assess skipjack abundance using satellite technology and an ecosystem based stock assessment software (SYPODYM) (Figure 9 of the MMR Report).
2. MMR gained from that report the theoretical possibility of a purse seine fishery in the northernmost latitudes of the Cook Islands EEZ. The report included a section which modelled catches based on both FAD and free school sets to assist MMR in determining EEZ catch limits.
3. The report stressed the need for MMR to consider the use of FAD's as the region is a spawning habitat for Bigeye Tuna. Dr. Lehodey went on to say in his report “...since this region is also one of the most favourable spawning habitat known for Pacific bigeye tuna. The development of skipjack fishing using free school sets rather than FAD sets should be a priority to sustain the WCPFC effort for reducing juvenile bigeye mortality”.
4. The Committee notes that this report was an assessment of the Cook Islands purse seine fishing opportunities to target skipjack tuna, Dr. Lehodey's inclusion of the use of FAD's and its effect on juvenile big eye tuna and other non-target species is a concern that was noted by TIS and by Committee members.
5. The report does stress the need for MMR to consider the issue of FAD fishing since the region is a spawning habitat for bigeye. However contrary to the Petition text, Dr Lehodey does not specifically say the Cook Islands should ban the use of FADs or only fish on free schools. Rather his advice is pitched to at the WCPFC level where FAD sets need to be addressed: Quote “the development of skipjack fishing using free school sets rather than FAD sets should be a priority to sustain the WCPFC effort for reducing juvenile bigeye mortality”.
6. Because of the lack of fishing data in 2011 there was an overly optimistic assumption that the majority of fishing in the Cook Islands would be on free school sets. However, since

2012 the MMR is now aware that in fact over 70 per cent of sets are being made on FADs and the Cook Islands are a FAD dependent purse seine fishery.

7. As pointed out free sets also lead to higher per cent of adult yellowfin tuna being caught which impacts catches of the local fishermen. This suggests that a combination of free school and FAD sets is required to balance the by-catch of bigeye and yellowfin tuna.
8. The Committee notes the statement made by the FFA that the Spanish fleets from the European Union have had a chequered past and notes that significant legislative and compliance changes have been made in attempts to stamp out bad behaviour. The EU partnership offers an opportunity to further develop free school and FAD fisheries. The Spanish boats are considered to be amongst the most efficient fishers and are able to target free school. They are also involved in leading edge research in the development of Non-Entangling FADs (NEFs) which further reduce the amount and types of bycatch caught. Moreover a catch based scheme, such as a catch quota system, to impose limits on the by-catch species has been proved in a number of fisheries to be extremely viable and could be a useful model for the WCPFC in implementing the Harvest Strategy approach to Tuna Management.
9. All scientific evidence provided to the Committee note that the use of FAD's increases both the purse seine catch of its target species and exponentially increases by-catch of juvenile Bigeye Tuna and other non-target species.
10. This Grievance is not disputed by the Committee.

#### GRIEVANCE 4:           REDUCTION OF BIGEYE TUNA STOCKS

***“That since 2012, Bigeye tuna stocks have further declined and the scientist tell us the stocks in the region are at 16% of their unfished levels. All attempts at reducing the catch by commercial fishing vessels over the past 7 years have failed. In fact the catch of bigeye tuna by purse seiners in 2013 was the highest on record.”***

1. The Select Committee notes that the Cook Islands through our engagement with relevant international agencies is aware of the threat to big eye tuna stocks and fully supports the regional efforts and initiatives to address the issue.
2. The WCPFC Scientists say Big Eye Tuna is over fished and is down to 16% of its original stock size it is classified as 'vulnerable' on the IUCN Red List of threatened species.
3. Further, the Select Committee notes that the Cook Islands should not wait for the efforts being proposed by regional agencies but taking firm action on our own accord wherever possible on efforts to uphold the integrity of our Marae Moana Oceans Policy and sustaining biodiversity levels within our EEZ.
4. The Committee was told that a WCPFC regulation is in place and is becoming effective. The WCPFC regulation is a combination of cuts to the purse seine and longline fishery. It includes a ban on FAD sets, it should be noted too that in the Pacific there are only 8 countries that have been given the scientific stamp of 'sustainable' purse seining. These countries are members of the Parties to the Nauru Agreement. They have been given MCS -Marine Council Stewardship for fish that are caught without the use of FAD's as a result they are able to receive 20% more revenue than fish caught using FAD's.

5. The Committee notes that a ban on FAD sets that has cost hundreds of millions of dollars in lost revenue to Pacific Island countries and whom argue that it presents a disproportionate burden of conservation on SIDS which is illegal under Article 30 of the UN Law of the Sea.
6. This Grievance is not disputed by the Committee.

#### GRIEVANCE 5: FAILURE TO BAN FISH AGGREGATE DEVICES

***“That MMR has failed to ban the use of Fish Aggregate Devices by purse seine vessels, despite the unacceptable impact on bigeye tuna stocks.”***

1. The Committee was advised by MMR that a ban on FAD’s would make the Purse Seine Fishery unviable and deprive the Cook Islands of revenue and an economic opportunity. Further, MMR says that the revenue would be lost to other countries as the fish stocks swim through our EEZ. The impact of the FAD ban would be to lose our country’s revenue and still not have the conservation impact desired.
2. There is insufficient data to confirm what volume of fish swim through our EEZ at present or how much skipjack tuna play as a food source for birds and other fish species, what we do know is that as a food source skipjack play an important role in the ocean food chain.
3. The Committee heard that Palau have banned purse seining altogether. However it is still able to earn fisheries revenue by selling its allocation of fishing days to other PNA countries.
4. The MMR Act states that a "precautionary approach should be applied" (4 (a)(ii) Marine Resources Act 2005), based on the facts to date; FAD’s have an unacceptably high incidence of non-target species including Big Eye Tuna, and where MMR has direct control on the wording of these draft purse seine agreements it is apparent that the ‘precautionary approach’ has no evidence of having being applied.
5. MMR maintains that purse seining using FADs in the Cook Islands does not harm the regional or national sustainability of the stocks because the Cook Island footprint for bigeye is extremely small and makes no significant contribution to the bigeye mortality in the region. To put this into context the total catches of bigeye tuna from 2010 to 2014 was 700,000 t and the total bigeye tuna caught at FADs in the Cook Islands during this same period of time was 1,600 t or 0.2 per cent of the total bigeye.
6. MMR further maintains that banning Purse Seine fishing would have a negligible conservation impact on bigeye tuna. Purse Seining does not harm the people of the Cook Islands. The real harm is that we have an abundant stock of tuna resources up to 300,000 tonnes at any time and the local fishery only takes 15 tonnes so if we do not choose to fish this resource a most significant economic resource effectively becomes worthless and we severely restrict our future prospects to wealth around a small and fragile economic base around tourism.
7. It is the view of the Committee that this Grievance is not upheld.

#### THE PRAYERS OF THE PETITIONERS

16. On the matter of the two prayers of the petitioners;

1. **That** the Cook Islands Government sells no more fishing days for purse seine fishing as of the public consultation on purse seine fishing on 16 March 2015, and

2. **That** the Cook Islands Government phase out purse seine fishing in the Cook Islands Exclusive Economic Zone when the current licences expire, and at latest by March 2016;

the Government through the Ministry of Marine Resources maintains;

**That** the *Marae Moana Oceans Policy 2016-2020, An Ocean Policy Framework for the Cook Islands: an emerging Ocean State* is to: “Promote conserving biodiversity and natural assets in the oceans, reefs and islands while ensuring sustainable development of economic growth interests”, and

**Therefore**, this commitment specifically allows for the multiple-use of our oceans including commercial fisheries and seabed minerals.

## THE COMMITTEES RECOMMENDATIONS

17. Based on the submissions made to the Committee by concerned petitioners, stakeholders and the scientific community, the Committee recommends:

1. **That** Parliament accept and note the Report of the Purse Seining Special Select Committee;

2. **That** the Government through the Ministry of Marine Resources and relevant stakeholders proceed with great caution in its fisheries development initiatives and mitigation strategies in the following areas:

### 1. Checks and Balances Mechanism

1.1 The MMR update its legislation to include the establishment of Fisheries Management Advisory Councils as oversight mechanisms with representation to include the *Aronga Mana and other stakeholders*.

### 2. Bigeye tuna conservation and FAD mitigation

2.1 MMR prioritise research that will support the purse seine method on free school.

2.2 MMR prioritise research into FAD designs that will have low levels of by-catch.

2.3 MMR consider harmonising the Vessel Day Scheme (to manage effort) for skipjack with a Quota System (to manage catches) for the bigeye tuna to control the level of bigeye tuna catches.

2.4 MMR consider imposing a FAD charge on all purse seine FAD sets to deter FAD sets.

2.5 MMR continue to closely monitor the catches of bigeye tuna in the longline fishery.

2.6 MMR to develop greater e-monitoring and e-observing capacity.

2.7 Cook Islands support stronger and more effective WCPFC bigeye conservation measures.

### **3. The US Treaty**

3.1 The Cook Islands honour its obligations to the US Fisheries Treaty.

### **4. The EU Agreement**

4.1 MMR to monitor closely the levels of bigeye tuna catch of EU vessels using agreed standards.

4.2 MMR prioritise the trials of Non-Entangling FADs (NEFs) with Spanish purse seiner industry (OPAGAC).

4.3 MMR, OPAGAC and WWF undertake a Fisheries Improvement Project (FIP) with the OPAGAC with an aim to have Cook Islands purse seine fishery accredited to the Marine Stewardship Council within 5 years.

4.4 The parties renegotiate the data sharing provisions to include the FFA.

4.5 In future negotiations that government ensure funding resources are available for key agencies in particular finance officials to participate in the upfront negotiations.

4.6 Representation of agencies to the Joint committee meetings held on Rarotonga be expanded.

### **5. Impacts on local fishermen and traditional fishing practices**

5.1 MMR undertake to closely monitor the catches by local fishermen and to publish updated quarterly reports publically.

5.2 MMR closely monitor the level of adult yellowfin caught by purse seine free school sets.

5.3 If purse seine catches are seen to affect the catches of local fishermen then the 24 nmi (50 km) no fishing zone be extended to 50 nmi (100 km).

### **6. Marae Moana**

6.1 The Cook Islands practices and policies towards purse seine fishing in its EEZ will aim to have the highest levels of sustainability and control within the region.

6.2 The Cook Islands aim to achieve Marine Stewardship Council certification of its EEZ within 5 years.

6.3 That Cook Islands provide proactive support at regional and international forums for tuna conservation measures.

### **7. Local economic benefits**

7.1 MMR engage FFA to develop a strategy to domestic purse seine and longline fishing with an aim to encourage greater participation of Cook Islanders in the sector and greater local economic benefits.

7.2 MMR engage the FFA to develop in conjunction with the people of Penrhyn a concept plan for Penrhyn harbour as a hub to encourage greater economic benefits from fishing in the north eastern EEZ.

7.3 Cook Islands seek to get maximum rates of return from the fisheries revenues it collects from licensing fees.

## CONCLUSION

18. The Committee sincerely acknowledges with gratitude the concerns on purse seining raised by the petitioners, local stakeholders, international agencies and experts and the Opposition.

19. The Committee also notes with interest the development of a new Marine Resources Act to replace the Marine Resources Act 2005 and encourage nation-wide consultations on the new Act.

20. With the purpose of the new Act being *to provide the Ministry of Marine Resources with the legal mandate to implement measures for the conservation, management and development of marine resources, fish processing and export, and related matters* the Committee expect that changes arising from the overhaul of the Act will help to greatly improve marine resources management in the Cook Islands in the long term.

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Hon. Mark Brown  
Chairman  
Purse Seining Special Select Committee