

In 2013, the tuna fishery in the Western and Central Pacific Ocean (WCPO) was valued at approximately US\$6.3 billion, calculated from a catch of 2.614 million metric tonnes.¹ The majority of the tuna catch was taken by the purse seine fishery that targets skipjack tuna destined for the canned tuna market.

A high proportion of the WCPO tuna catch is taken within the national waters of the Parties to the Nauru Agreement (PNA). The PNA is a sub-regional group, established under the Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest (Nauru Agreement) in 1982. Its membership includes the Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, and Tuvalu. The PNA group is located within the equatorial belt of the WCPO between 10 degrees north and 10 degrees south longitude as shown in Figure 1. This *In Brief* discusses how regional co-operation has served the PNA group in promoting their interests whilst adhering to the international rules/requirements to conserve the key fish stocks.

The Nauru Agreement was a response by a group of Pacific Island states to take advantage of the opportunities following the establishment and endorsement of the Exclusive Economic Zone (EEZ) concept under the United Nations Convention on the Law of the Sea (UNCLOS). The EEZ is defined in Article 57 of the UNCLOS as an area that 'shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured', and the coastal states have sovereign rights over this. The establishment of the EEZ concept effectively extends the rights of the coastal states and, in particular, PNA states, to areas that were regarded as high seas and free for all. By working together and co-operating in the management of their fisheries zones, it was hoped that the citizens of these countries would receive maximum benefits from the tuna resources harvested.

At the time the Nauru Agreement was established, the majority of the PNA states had just obtained their political independence or were in the process of attaining it. Thus, as relatively young states, surrounded by a vast area of ocean, was seen

as an opportunity to capitalise on the fishing resources extended under the UNCLOS. However, while the PNA states were able to declare the EEZs, capitalising on the opportunities was not as easy as it may have been anticipated. Simply put, the PNA states did not have the capacity at the time to enter or participate in the fishery nor the capacity to effectively negotiate with the distant fishing partners.

Since 1982, the PNA group has introduced a number of instruments to be implemented at national levels. Each contributes to the Nauru Agreement's objective of maximising the benefits from the tuna fishery resources. Standing in the way are hinderances such as geographic location, physical infrastructure, dependency on development assistance, and the capacity to maximise the benefits from the tuna fishery. Despite these challenges, the PNA states have strengthened through co-operation, evident in its ability to set the rules of operations for the tuna fishery in the PNA region.² These rules include the Minimum Terms and Conditions for Access, which are agreed at the regional level and implemented at the national level.

The PNA states and the PNA group have faced considerable challenges in implementing the rules and measures they have adopted over the last 30 years. However, as they continue to assert their sovereign rights and become more strategic in their efforts, the PNA states have increasingly taken control of their tuna fishery. In recent years, the PNA group has established two fundamental measures that have changed the dynamics and the way the 'game' in the tuna fishery is played. These measures include the adoption and implementation of the Vessel Day Scheme (VDS) effective in late 2007 and the Third Implementing Arrangements for Nauru Agreement effective from January 2010.

The VDS limits the number of fishing days as a way of control fishing effort. Under the VDS, each PNA state is allocated a number of days (Parties Allocated Effort). These days are then allocated by the PNA states to their fishing partners. Since the establishment of the measure, the PNA states have set a benchmark price on access.³ The current benchmark price for a fishing day is US\$6,000 effective from Janu-

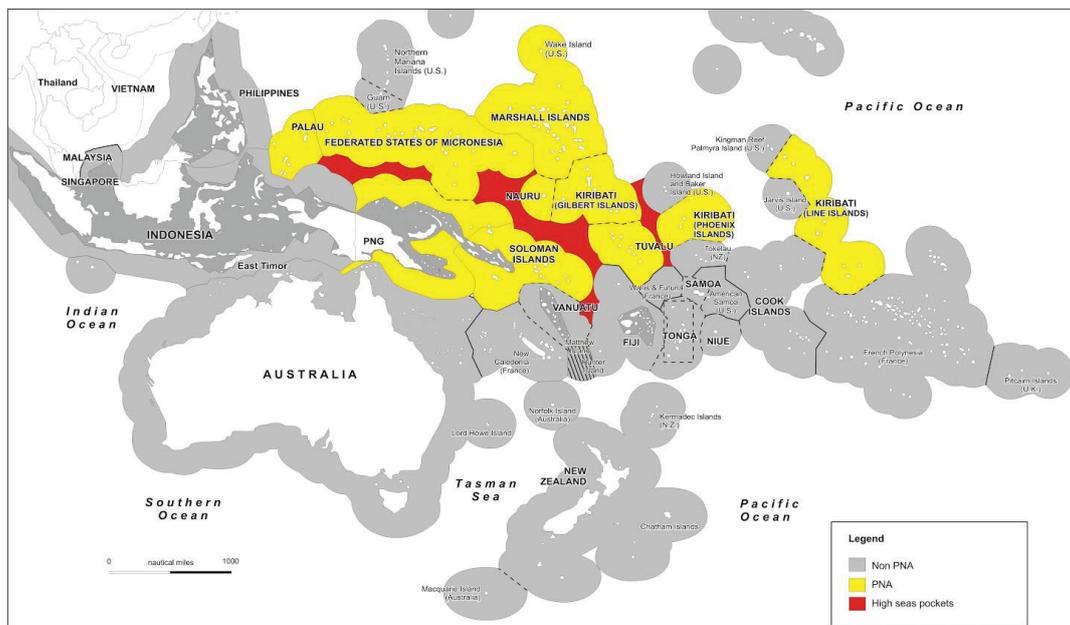


Figure 1: Map of the PNA Region.

ary 2014. A further increase to US\$8,000 per fishing day has been approved to be effective in 2015.

Under the Third Implementing Arrangement (3IA) measure, the PNA states use licensing conditions to assert their control over the tuna fishery. A fundamental aspect under the 3IA is the closure of high seas pockets surrounding the PNA national waters. As stipulated under Article 87 of the UNCLOS, the high seas areas are free for all. However, under the 3IA measure, the high seas pockets adjacent to the EEZs of the PNA states are closed to the licensed vessels. Given the contiguous EEZs of the PNA group (see Figure 1), it is not economically feasible for the fishing fleets to operate solely in the high seas area, and therefore access to the EEZs is necessary.

Co-operation has served the PNA well over the years. There were a number of challenges along the way, but the group has progressed nonetheless. However, as the member states continue to further define their national interests, there is a need to look at options to further harness the co-operation of the PNA group and to maintain their solidarity. Further, the ideals that facilitated the establishment of the Nauru Agreement in 1982 have certainly changed. Some of the members have become flag states as they become active participants in the tuna fishery, while others continue to prefer bilateral access agreements. One option that may be considered is the establishment of a compensation mechanism. Under this mechanism, any state that is adversely impacted as

result of implementing a PNA established measure/instrument is compensated by the group for any loss or burden experienced. This is to ensure that all PNA states adopt the regionally agreed measures in order to maintain the control they have achieved to date. Without a compensating mechanism, the implementation of the PNA measures may be staggered and their effectiveness may not be anticipated.

Author Notes

Dr Josie Tamate is a recent graduate from the Australian National Centre for Ocean Resources and Security, University of Wollongong. Her research discusses the experience of PNA in exercising their sovereign rights for the EEZ to take control of the tuna fishery and reduce the dominance of the distant water fishing fleets.

References

- Tamate, Josie M.M.M. 2013. *Balancing the Scales: The Experience of the Parties to the Nauru Agreement*. PhD thesis, University of Wollongong.
- United Nations Convention on the Law of the Sea. <http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf>, viewed 8/8/2014.

Endnotes

- 1 Source: Forum Fisheries Agency.
- 2 The PNA region is the combination of all EEZs of the PNA membership. It includes the pockets of high seas adjacent to Palau, the Federated States of Micronesia, Papua New Guinea, Solomon Islands, Nauru, Kiribati, and Tuvalu.
- 3 The VDS benchmark price is for the purse seine fishery.

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