



FFA
Pacific
Islands
Forum
Fisheries
Agency



**Strength through
Cooperation: FFA**

FFA Member Countries



AUSTRALIA



NEW ZEALAND



SOLOMON ISLANDS



COOK ISLANDS



NIUE



TOKELAU



FIJI



PALAU



TONGA



FSM



PNG



TUVALU



KIRIBATI



RMI



VANUATU



NAURU



SAMOA



FOREWORD

To understand where you are going, you have to know where you have come from.

Anyone with an interest in what the Pacific Islands Forum Fisheries Agency is and how it works – and indeed who wish to understand the basis to the successful tuna management in the Pacific Islands region today and in the future- will find this small booklet containing our founding documents very handy.

From our starting point with the August 31, 1977 outcomes of the 8th South Pacific Forum Leaders meeting in Port Moresby, Papua New Guinea, to the opening signatures of founding members to the South Pacific Forum Fisheries Agency Convention in Honiara, Solomon Islands, on July 10th, 1979, the Forum Declaration on the Law of the Sea and a Regional Fisheries Agency and the Convention which followed stand as bold commitments to the words we live by: Strength through Cooperation.

Our founding leaders, many of them emerging into nationhood as sovereign states, made clear their determination to assert and exercise national sovereignty and sovereign rights to manage the resources of their newly established 200 mile Exclusive Economic Zones, including over highly migratory species such as tuna within their EEZs.

Their vision, captured in these founding documents, remains as true now as it did in 1977. What we see now in the increasing effective and powerful tuna fisheries management mechanisms that have been, and are being, developed in the Western Central Pacific region today flow from the basic legal doctrine and framework that Pacific leaders affirmed in 1977 and the mechanisms and principles of regional cooperation and solidarity that they encapsulated in the establishment of the FFA.

These milestone documents provide the fundamental basis on which this region will continue to build for the future.

James Movick
Director-General

DECLARATION ON THE LAW OF THE SEA AND A REGIONAL FISHERIES AGENCY

EIGHTH SOUTH PACIFIC FORUM

Port Moresby, Papua New Guinea

29 - 31 August 1977

The members of the South Pacific Forum meeting at Port Moresby

- 1. Recall** their decisions to coordinate and harmonize their policies on the law of the sea so as to ensure the maximum benefits for their peoples and for the region as a whole and, specifically, to harmonize fisheries policies in the region and to adopt a coordinated approach in their negotiations with distant water fishing countries;
- 2. Note** with appreciation the report on the establishment of a South Pacific Regional Fisheries Agency prepared by the Director of SPEC at their request;
- 3. Recognise** that in the continued absence of a comprehensive international convention on the law of the sea and in view of the action taken by a large number of countries including distant water fishing countries exploiting the valuable highly migratory species in the region, the countries in the region should move quickly to establish fishing or exclusive economic zones and should take steps to coordinate their policies and activities if they are to secure more than a very small part of the benefits from their resources for their peoples;
- 4. Undertake** to complete as early as practicable and, if possible, by 31 March 1978, the legislative and administrative actions necessary to establish extended fisheries jurisdiction to the fullest extent permissible under international law and

to apply within their zones principles and measures for the exploration exploitation, management and conservation of the living resources.

5. **Decide** to enter immediately into consultations at the official level with a view to:
 - (a) agreeing on principles and measures to be applied in the establishment of their extended fisheries jurisdictions,
 - (b) agreeing at least provisionally, on a common basis for negotiations with distant water fishing interests in relations to highly migratory species common to the region; and
 - (c) ensuring that agreements concluded in the near future with distant water fishing interests are compatible with these principles and measures and are so framed as to take account of principles and measures that the coastal state might agree to in future regional arrangements.
6. **Recognise** that the coastal countries of the South Pacific have an immediate and continuing need for information and advice concerning the living resources in the region and the ways and means of securing maximum benefits from them as well as for an effective instrument to coordinate policies in this field, and that management of resources moving over vast areas, control of their exploitation, surveillance and policing and collection of adequate statistical and other information require coordination by a regional agency.
7. **Decide** to establish a South Pacific Regional Fisheries Agency open to all Forum countries and all countries in the South Pacific with coastal state interests in the region who support the sovereign rights of the coastal state to conserve and manage living resources, including highly migratory species, in its 200 mile zone.

- 8. Request** the Director of SPEC to convene and service not later than the end of November 1977 a meeting of officials of all interested coastal states in the region.
- (a) to prepare a draft convention establishing a South Pacific regional fisheries agency;
 - (b) to make arrangements for the setting up of an interim agency office and for the appointment of a core staff for a period of one year;
 - (c) to discuss and prepare guidelines for the activities of the agency which should include:
 - (i) collection, analysis and evaluation of statistical and other biological and economic information relating to the conservation and utilisation of living resources to assist member governments in the development of policies aimed at securing maximum benefits for their peoples;
 - (ii) assistance, if requested, in negotiations with distant water fishing nations and other extra-regional interests;
 - (iii) facilitation, without detriment to the sovereign rights of coastal countries, of a regional approach to management and to licensing including agreement on generally applicable policies and measures, pooling of information and standardization of procedures and forms;
 - (iv) facilitation of collaboration among coastal countries and of cooperation by others in surveillance and enforcement;
 - (v) provision of advice on necessary conservation measures including the need for a widely based organization envisaged in the Informal Composite Negotiating Text;

(vi) technical advice;

(vii) execution of agreed administrative activities

In preparing these guidelines the officials should take into consideration the suggestions contained in the annex to the Director's Report to the Forum.

- 9. Welcome** the offer of the Government of the Solomon Islands that the permanent headquarters of the Agency be located in Honiara, Solomon Islands.
- 10. Invite** the Government of Australia to agree to the Agency office being located on an interim basis in Cronulla, New South Wales, pending its establishment on a permanent basis in Honiara, Solomon Islands.
- 11. Request** the Director of SPEC to seek funds from governments and international agencies for the operation of the Agency until such time as it is self-supporting and to recommend an equitable formula for the costs to be levied on participating governments.
- 12. Draw** the attention of the South Pacific Conference to this Declaration and invite the members of the Conference to consider arrangements whereby governments and territories in the region with a common interest as coastal states can participate with members of the Forum in the conservation and management of the living resources of the region.

PORT MORESBY

31 August 1977



Photo Credit: F. Blaha

SOUTH PACIFIC FORUM FISHERIES AGENCY CONVENTION

THE GOVERNMENTS COMPRISING THE SOUTH PACIFIC FORUM

Noting the Declaration on Law of the Sea and a Regional Fisheries Agency adopted at the 8th South Pacific Forum held in Port Moresby in August 1977;

Recognising their common interest in the conservation and optimum utilisation of the living marine resources of the South Pacific region and in particular of the highly migratory species;

Desiring to promote regional co-operation and co-ordination in respect of fisheries policies;

Bearing in mind recent developments in the law of the sea;

Concerned to secure the maximum benefits from the living marine resources of the region for their peoples and for the region as a whole and in particular the developing countries; and

Desiring to facilitate the collection, analysis, evaluation and dissemination of relevant statistical scientific and economic information about the living marine resources of the region, and in particular the highly migratory species;

HAVE AGREED AS FOLLOWS:

ARTICLE I – AGENCY

1. There is hereby established a South Pacific Forum Fisheries Agency.
2. The Agency shall consist of a Forum Fisheries Committee and a Secretariat.
3. The seat of the Agency shall be at Honiara, Solomon Islands.



ARTICLE II – MEMBERSHIP

Membership of the Agency shall be open to:

- (a) members of the South Pacific Forum
- (b) other states or territories in the region on the recommendation of the Committee and with the approval of the Forum.

ARTICLE III – RECOGNITION OF COASTAL STATES' RIGHTS

1. The Parties to this Convention recognise that the coastal state has sovereign rights, for the purpose of exploring and exploiting, conserving and managing the living marine resources, including highly migratory species, within its exclusive economic zone or fishing zone which may extend 200 nautical miles from the baseline from which the breadth of its territorial sea is measured.
2. Without prejudice to Paragraph (1) of this Article the Parties recognise that effective co-operation for the conservation and optimum utilisation of the highly migratory species of the region will require the establishment of additional international machinery to provide for co-operation between all coastal states in the region and all states involved in the harvesting of such resources.

ARTICLE IV – COMMITTEE

1. The Committee shall hold a regular session at least once every year. A special session shall be held at any time at the request of at least four Parties. The Committee shall endeavour to take decisions by consensus.
2. Where consensus is not possible each Party shall have one vote and decisions shall be taken by a two-thirds majority of the Parties present and voting.



REGIONAL
FFA SURVEILLANCE



3. The Committee shall adopt such rules of procedure and other internal administrative regulations as it considers necessary.
4. The committee may establish such sub-committees, including technical and budget sub-committees as it may consider necessary.
5. The South Pacific Bureau for Economic Co-operation (SPEC) may participate in the work of the Committee. States, territories and other international organisations may participate as observers in accordance with such criteria as the Committee may determine.

ARTICLE V – FUNCTIONS OF THE COMMITTEE

1. The functions of the Committee shall be as follows:
 - (a) to provide detailed policy and administrative guidance and direction to the Agency;
 - (b) to provide a forum for Parties to consult together on matters of common concern in the field of fisheries;
 - (c) to carry out such other functions as may be necessary to give effect to this Convention.
2. In particular the Committee shall promote intra-regional co-ordination and co-operation in the following field:
 - (a) harmonisation of policies with respect to fisheries management;
 - (b) co-operation in respect of relations with distant water fishing countries;
 - (c) co-operation in surveillance and enforcement;
 - (d) co-operation in respect of onshore fish processing;
 - (e) co-operation in marketing;
 - (f) co-operation in respect of access to the 200 mile zones of other Parties.



Photo Credit: F. Blaha

ARTICLE VI – DIRECTOR, STAFF AND BUDGET

1. The Committee shall appoint a Director of the Agency on such conditions as it may determine.
2. The Committee may appoint a Deputy Director of the Agency on such conditions as it may determine.
3. The Director may appoint other staff in accordance with such rules and on such conditions as the Committee may determine.
4. The Director shall submit to the Committee for approval:
 - (a) an annual report on the activities of the Agency for the preceding year;
 - (b) a draft work programme and budget for the succeeding year.
5. The approved report, budget and work programme shall be submitted to the Forum.
6. The budget shall be financed by contributions according to the shares set out in the Annex to this Convention. The Annex shall be subject to review from time to time by the Committee.
7. The Committee shall adopt financial regulations for the administration of the finances of the Agency. Such regulations may authorise the Agency to accept contributions from private or public sources.
8. All questions concerning the budget of the Agency, including contributions to the budget, shall be determined by the Committee.
9. In advance of the Committee's approval of the budget, the Agency shall be entitled to incur expenditure up to a limit not exceeding two-thirds of the preceding year's approved budgetary expenditure.

ARTICLE VII – FUNCTIONS OF THE AGENCY

Subject to direction by the Committee the Agency shall:

- (a) collect, analyse, evaluate and disseminate to Parties relevant statistical and biological information with respect to the living marine resources of the region and in particular the highly migratory species;
- (b) collect and disseminate to Parties relevant information concerning management procedures, legislation and agreements adopted by other countries both within and beyond the region;
- (c) collect and disseminate to Parties relevant information on prices, shipping, processing and marketing of fish and fish products;
- (d) provide, on request, to any Party technical advice and information, assistance in the development of fisheries policies and negotiations, and assistance in the issue of licences, the collection of fees or in matters pertaining to surveillance and enforcement;
- (e) seek to establish working arrangements with relevant regional and international organisations, particularly the South Pacific Commission; and
- (f) undertake such other functions as the Committee may decide.

ARTICLE VIII – LEGAL STATUS, PRIVILEGES AND IMMUNITIES

1. The Agency shall have legal personality and in particular the capacity to contract, to acquire and dispose of movable and immovable property and to sue and be sued.
2. The Agency shall be immune from suit and other legal process and its premises, archives and property shall be inviolable.
3. Subject to approval by the Committee the Agency shall promptly

conclude an agreement with the Government of Solomon Islands providing for such privileges and immunities as may be necessary for the proper discharge of the functions of the Agency.

ARTICLE IX – INFORMATION

The Parties shall provide the Agency with available and appropriate information including:

- (a) catch and effort statistics in respect of fishing operations in waters under their jurisdiction or conducted by vessels under their jurisdiction;
- (b) relevant laws, regulations and international agreements;
- (c) relevant biological and statistical data; and
- (d) action with respect to decisions taken by the Committee.

ARTICLE X – SIGNATURE, ACCESSION, ENTRY INTO FORCE

1. This Convention shall be open for signature by members of the South Pacific Forum.
2. This Convention is not subject to ratification and shall enter into force 30 days following the eighth signature. Thereafter it shall enter into force for any signing or acceding state thirty days after signature or the receipt by the depositary of an instrument of accession.
3. This Convention shall be deposited with the Government of Solomon Islands (herein referred to as the depositary) who shall be responsible for its registration with the United Nations.
4. States or territories admitted to membership of the Agency in accordance with Article II(b) shall deposit an instrument of accession with the depositary.
5. Reservations to this Convention shall not be permitted.

ARTICLE XI – WITHDRAWAL AND AMENDMENT

1. Any Party may withdraw from this Convention by giving written notice to the depositary. Withdrawal shall take effect one year after receipt of such notice.
2. Any Party may propose amendments to the Convention for consideration by the Committee. The text of any amendment shall be adopted by a unanimous decision. The Committee may determine the procedures for the entry into force of amendments to this Convention.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Convention.

- The FFA Convention was opened for signature at Honiara on 10 July 1979. The original parties to the FFA Convention were Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Solomon Islands, Tonga, Tuvalu, and Western Samoa.
- Papua New Guinea acceded to the Convention on 13 September 1979.
- Niue acceded to the Convention on 18 October 1979.
- Vanuatu acceded to the Convention on 9 March 1981.
- Palau acceded to the Convention on 14 April 1986.
- Marshall Islands acceded to the Convention on 27 March 1987.
- Federated States of Micronesia acceded to the Convention on 10 August 1982
- Tokelau acceded to the Convention on 17 August 2002





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Photos by F. Blaha & FFA Media.