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The relationship with the Forum Fisheries Agency

A one-off event that was to have long-term implications for the Skipjack Programme and subsequent fisheries activities at the SPC was the South Pacific Forum meeting in Niue, from September 16 to 20, 1978. The Leaders' Communiques from that meeting states:

> The Forum had before it a draft Convention to establish a South Pacific Regional Fisheries organisation. The draft Convention had been negotiated at meetings in 1977 and 1978. Participants at those meetings included in addition to the Forum countries; Chile, France, United Kingdom and United States. After a full consideration of Forum countries reasons for wanting a fisheries organisation, *the Forum decided that the organisation envisaged in the draft Convention was not the organisation which Forum countries wanted in the immediate future. The Forum accordingly decided to set up forthwith a South Pacific Forum Fisheries Agency comprising Forum countries and to examine further the more broadly based organisation proposed in the draft Convention*.
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> (From Forum Leaders' Communiques, Ninth South Pacific Forum, September 1978; emphasis added)

This clearly worded communique leaves little doubt that the Forum members would like to get to a more broadly based organisation, but not at this time. As had been apparent at the second Law of the Sea meeting, in 1978, described in Chapter 8, at least some of the Forum members felt that they needed more information and debate with like-minded countries before committing to permanent agreements that included at least one distant-water fishing nation – the United States. The fact that the United

States had 39 people in their delegation at that meeting and tended to dominate the discussion with lawyers' details was a major contributor to their apprehension (see discussion of the meetings that led to the draft convention in Chapter 8). Clearly, at least some Forum members believed that they were not ready for negotiations, or perhaps even discussions, on the bigger political issues with non-'like-minded', much bigger countries, such as the United States.

At the time, I was disappointed, even in the short term annoyed, by the creation of the Forum Fisheries Agency (FFA). I had been championing the broadly based body for more than three years, and the fact that the meetings in Fiji, convened by the Forum Secretariat, had led to a draft convention for such a body based on the principles outlined in my two papers that were the primary discussion documents for those meetings meant that the island countries and territories agreed that good progress was being made. The desire to have such a body was clearly acknowledged in the Forum Communiques, quoted previously. I had been hoping that those at the Niue meeting of the Forum would decide to progress the convention of a broadly based body. I strongly believed that if more debate was required between Forum members before consensus could be reached, this would best be facilitated through the existing Forum Secretariat (the South Pacific Bureau for Economic Co-operation [SPEC]). I thought that the creation of an alternative fisheries body, with less than full membership, would set the plan for a broader-based body back considerably. I was also concerned that if the Forum formed its own fisheries body because they felt they needed more advice on political issues that they did not want to share with non-Forum members, this would diminish the priority that would be given to the importance of science in the cooperative management of the region's resources. I also felt that the creation of a Forum-only body would provoke at least some of the non-Forum countries or territories to form their own group to further their particular interests. Both of these major concerns were proven to be correct: the Parties to the Nauru Agreement (PNA), with participation from some non-Forum and Forum members, was created in 1982. The activation of the convention for the creation of the Western Pacific Fisheries Commission, the broadly based body, was set back considerably. It did not come into force until 2004.

At no stage did I believe that the work proposed for the FFA did not need to be done. Or that the work done by the PNA has not been extremely valuable. But I believed that the work for Forum members that was envisaged in the creation of the FFA was predominantly political, supplemented by legal

and economic concerns, and could have been more efficiently performed by extra staff within the Forum Secretariat (SPEC) in Suva. That body was set up specifically to help Forum members with policy development on issues of political and economic significance. Addressing that function in the name of a fisheries agency that was not a science, research, or fish resource management body certainly took the wind out of the sails of those of us who believed that the region needed a coordinated fisheries research and management capability. The results from the Skipjack Programme had already proven this.

I also strongly believed that the creation of the FFA inadvertently diminished the standing of fisheries issues on the Forum agenda. The 1978 Niue meeting itself was proof that fisheries issues had finally been acknowledged to warrant debate at the highest levels (by heads of government) of Forum members. This was a critical time for fisheries development and Law of the Sea negotiations. The creation of the FFA delegated responsibility for, at least the debate of, these critical issues to a lower level of government than would have been the case if they had remained the responsibility of the Forum Secretariat (SPEC).

I do not question that the FFA has done some particularly valuable work for Forum members. I would contend that this has been most apparent since the creation of the broadly based Western and Central Pacific Fisheries Commission in 2004. The way in which Forum members have adhered to regional solidarity in negotiations with distant-water fishing nations has been impressive and has brought considerable benefits to members. I would contend that had the draft convention for the more broadly based body been enacted at the Niue meeting in 1978, and staffing levels in SPEC been increased by similar levels to those provided to the FFA, these benefits would have been achieved much earlier, and the more broadly based body would have been created much sooner.

I was not present at the Niue meeting, but my colleagues who were there told me that the suggestion for the creation of the FFA came personally from the Australian prime minister, Malcolm Fraser. At the time, Australia was keen to demonstrate support for the recently created Forum. At least some of the Australian delegation that the prime minister had to advise him at the Niue meeting were not on top of international fisheries issues. The prime minister himself correctly formed the opinion from the discussion in Niue that several Forum members were reluctant to immediately push ahead with the creation of the broad-based fisheries organisation because

of their fear that the outputs from the organisation would be dominated by the bigger, non–Pacific Island countries. Several of the Forum members had aired their displeasure with the domination of discussions on non-fisheries issues within the SPC by the 'colonial powers' (see Chapter 8). The dominant presence at the Law of the Sea meetings in Fiji by the United States, in particular, but also France, had unfortunately transferred these same concerns to the debate on marine issues, which were at that time dominated by fisheries.

It appears that the composition of the Australian delegation to the Niue meeting was such that the prime minister would not have had the benefit of a quality briefing on the current feelings of Pacific Island people on fisheries issues. It also appears that the prime minister's advisers at that meeting did not adequately understand the differences between a body that would do the research, including the stock assessments that were essential for management of oceanic fisheries, and a body that provided political and economic advice to members on issues such as regional cooperation and the licensing of distant-water fishing vessels. In the absence of this understanding, Fraser's suggestion was logical for an Australian prime minister who wished to be seen as actively supporting the Forum. In my view, however, it was poorly informed and, as a result, unfortunate.

I did not doubt that Australia intended to support the pursuit of the aspirations of Pacific Island countries and territories. The generous contribution by Australia to the funding of the Skipjack Programme was the most recent demonstration of this intent. Australia contributed $996,331; the second highest contribution, $726,533, came from Japan. However, the frequent lack of understanding of Pacific Island fisheries issues by Australia's delegations to regional fisheries meetings created a severe handicap for the efficient achievement of Australia's intentions.

As an Australian fisheries scientist, I took great interest in my country's performance at fisheries meetings. I was frequently embarrassed by the performance of Australian delegations at regional meetings in the South Pacific. At one such meeting, the Australian spokesperson provoked Pacific Island delegates, led by the Solomon Islands, to move a motion that the delegate from Australia no longer be heard. I shared the concerns of the island delegates. This was the only time I witnessed such a motion at a South Pacific meeting, where consensus and collegiality are so respected. The substance of the particular complaint at the meeting in question was that the delegate in question continued to ask an inordinate number of

inadequately informed questions, to which most people in the room knew the answers. His interventions seriously disrupted the flow of the meeting. When I confronted him with this, he stated, 'But I am enjoying this. I am learning so much'. When I pointed out to him that he was supposed to have learnt about the issues before he represented Australia at such meetings, he seemed genuinely surprised.

Also of immediate importance at the time, to me personally, was that following the Niue meeting, I was offered the job as the first director of the FFA. What to do?

Of relevance to my decision on this issue was that a day or so after I was offered the job, I was approached by a senior member of the New Zealand delegation to the Niue meeting. He wanted to advise me firsthand that in the Forum's debate on the subject of the position of director of the FFA, New Zealand had not supported my nomination that had been proposed by Papua New Guinea; in fact, they had opposed it. They wanted me to hear this, and the reasons for it, from them directly before I got a distorted version that might come through the 'rumour mill'.

I was told that New Zealand believed that the new FFA, as had just been created, was more a political, legal and economic advisory institution than a fisheries research and management body. Its primary task would be to foster understanding of the political and legal issues impacting regional cooperation and to maintain cohesion on agreements that were to be reached, particularly in relation to the Law of the Sea. Therefore, it would be better if the director were a diplomat, or perhaps a lawyer, or even an economist, rather than a fisheries scientist. Although he certainly did not state it (he was a diplomat, after all), I formed the definite opinion that New Zealand did not support the Australian prime minister's suggestion to create the FFA in the form in which it had been constituted.

He stated that New Zealand's decision not to support me for the position of director was not against me personally. He reminded me, not that I needed reminding, that New Zealand had strongly supported me in my quest for funding for the Skipjack Programme (they had actually been my strongest supporter; see Chapter 7), and they continued to do so. They accepted that a fisheries scientist would likely be appropriate to be the director of the broadly based fisheries management institution, once it was created, and in their opinion, I would be a strong contender for that position.

Again, the Kiwis understood the issues better than most. I completely agreed with their logic and could not fault the decision they had come to. But the position of being the director of the FFA did have some appeal to me, and I had been offered it. It would be rude not to at least think about it. Furthermore, lately I had been more of a salesman and a banker than a fisheries scientist anyway: why not try being an economist? I asked SPEC for a week to consider the offer: they agreed.

A week later, I declined the offer. My reasons were multiple. Firstly, I agreed with the New Zealanders that the job was really for a diplomat. The second was that I did not want to desert the Skipjack Programme halfway through; the third was that as the director of the FFA, it may not be good if I continued to support the creation of the broader-based body that I truly believed in; and finally, and I would like to think most importantly, my wife was very happy in Noumea, and we now had two very young children – moving our family to another country was not a great idea, at this time.

But I accepted a compromise. I agreed to undertake a three-month consultancy to outline the fisheries issues that I thought would be of immediate concern to the FFA. To ensure that my time was free of Skipjack Programme commitments during this task, I carried it out at the CSIRO Fisheries and Oceanography laboratories in Cronulla. The report of that consultancy was subsequently published by SPEC (Kearney 1979).

Looking back on the broad issue of the creation of the FFA, 46 years later, I have come to the conclusion that had Malcolm Fraser not made what I believed to be a poorly informed decision, the SPC would not be enjoying the prominence in fisheries research that it currently does. Had the FFA not been created, the countries and territories of the central and western Pacific, including the members of the South Pacific Forum, would likely have carried on with the progress towards the creation of the broadly based fisheries commission for which a draft convention had already been developed by the Forum Secretariat (discussed previously). Had that happened while the Skipjack Programme, or possibly even the Tuna and Billfish Assessment Programme, was still in operation as an externally funded add-on to the SPC, the whole of the skipjack and other tuna research would likely have been moved to the new commission. This move had been anticipated, even considered a goal, by the donors to the Skipjack Programme and numerous Pacific Island countries (see Chapter 9 and Judd [2016]). It would have

provided the perfect platform for ensuring broad membership of the new commission. It would have given the new body a fully functional work program and a broad-based regional fisheries database to build on.

Had the SPC lost the biggest and most famous component of its work program in the late 1970s, when it was in great financial trouble and not popular with most of its island members and its major donors, the SPC would likely be a totally different organisation than what it is today. I believe that the loss of its most successful program while the Forum was in the ascendency, including taking the running of marine issues such as fisheries, may even have been fatal for the SPC.

I was to maintain a good working relationship with the FFA throughout the remainder of my tenure at the SPC, even though this was a little difficult during the short tenure of the first director, whose time in the position was, fortunately for at least most interested parties, rather short. The agreement that the Skipjack Programme would stick to the scientific aspects of fisheries research and management while the FFA concentrated on the political, legal and economic components was logical, and generally adhered to.

I particularly enjoyed working with the deputy director, Les Clark, and after Phillip Muller took up the position of director, he and I formed a firm friendship that was to last for years after I left the SPC. One area where there was some contention, and even dispute, that was to continue for quite some time, was that of the collection and control of the catch and effort data from the distant-water and domestic fishing fleets. The analyses of these data were of vital interest to both organisations.

As discussed in Chapter 15, once it was obvious that the Skipjack Programme would have the computing capability to compile and process the very large amounts of data on the western Pacific tuna fisheries that would be forthcoming, I was determined to have the primary control of that data rest with the body that was responsible for the scientific assessment of the status of the resources. If the primary use of the data was to be for science and the wise conservation of the resources, then the moral imperative to have the data provided by fishing vessels correct and accurate would be more defensible by the agency responsible for collecting it. This has been proven to be the case (discussed further later in this chapter).

Even though the creation of the broad-based fisheries organisation may have been set back by the creation of the FFA, I took some comfort in the final statement on this subject in the Forum communique of September 20, 1978, which stated the intention 'to examine further the more broadly based organisation proposed in the draft Convention'. As the director of, effectively, the only international tuna research program/organisation in the South Pacific at the time, I believed that I had a heavy responsibility to foster and maintain continuity in that data and ongoing research until a more permanent, broadly based research capability was established.

I do not have an accurate recall of the time, but it was shortly after the departure of the first director of the FFA that I received a request from the acting director, Dick James (formerly the Solomon Islands' director of fisheries), for a meeting to discuss responsibility for collecting and processing tuna fisheries data. A time was agreed for a two-day meeting in Noumea.

Dick brought with him to the meeting Dr Mike Sheppard, a well-respected Canadian international fisheries expert. I had briefly worked with Mike before in dealings with the Food and Agriculture Organization of the United Nations. I had been impressed with his ability and was pleased that he would be participating in this meeting, even though I knew he was a strong supporter of the FFA.

The first half day was spent with Dick James explaining that he had authorisation from the Forum to make whatever arrangements were necessary to ensure the FFA had all the data needed to fulfil its mandated responsibilities to its members. In discussions, I was subjected to repeated reminders that the Forum was the new regional body, and it had been created specifically because many of its members believed that the SPC no longer met their needs on major regional issues, which now included the Law of the Sea. He made it clear that, in his opinion, if he and Mike advised the Forum members that the FFA should take over responsibility for the tuna database, at least for its member countries, it would happen. Unfortunately, for the reasons outlined in Chapter 8, I felt that there was a high degree of probability that this assumption was correct. I had a day and a half to convince him and Mike not to advise the Forum to that effect. Dick's view was obvious, and he appeared intransigent on the subject. Mike was the technical expert, so what chances I had rested with me convincing him and then him convincing Dick.

We then had a lengthy discussion around my assertion that it would be much easier to convince fishing companies to provide accurate and complete data if such data were demonstrably used for science and research on issues such as resource abundance and sustainability, rather than how much the licence fee could be increased. I also stressed that the FFA did not need all the data that we did – for example, it did not need, but may like, the data for non-Forum countries. Whether these non-Forum countries would agree to provide the raw data to the FFA was unknown.

The fact that the FFA was deliberately created to serve the members of the Forum, and there were quite a few Pacific Island entities that were not, currently at least, members of the Forum, was prominent in my comments. I stressed that if the Skipjack Programme continued to collect and process all the data for the region, it would be a relatively simple process for us to create a subset of that data for Forum members and provide that to the FFA. Obviously, the avoidance of duplication in data collection and processing was a major issue. If the researchers and the FFA were working with even marginally different datasets, this would spell enormous problems for all concerned. Researchers and managers had to be looking at the same data, and disputes over its authenticity and accuracy had to be avoided.

We spent the last two hours of the afternoon with Skipjack Programme staff demonstrating the use of our facilities for data handling and analysis. Mike was particularly impressed with our team of people, which included Dr Meryl Williams as the overall data manager, senior scientists Dr Pierre Kleiber and Sandy Argue, and other members of staff, including the growing local contingent led by Helene Ixeko (Helene was to spend the next 42 years in uninterrupted service to the SPC and the people of the Pacific). Mike spent considerable time inspecting our computer facilities, including the data processing programs that had been developed by Meryl, Pierre and others to handle our data and analysis needs.

The next morning's discussion began with Mike asking a hypothetical question of me: 'If the FFA was to accept that the Skipjack Programme was to continue to be the repository of all the basic data, would you be prepared to create subsets of individual Forum members' data, and collective data for all Forum members, according to specifications determined by FFA?' He added that a suitable schedule for the timeliness of the FFA receiving that data would also have to be agreed.

In principle, this was what I had always thought was the logical solution. The only reason I could not be more definite than in principle agreement at this time is that we would like to have the agreement include inputs from Skipjack Programme staff into the specifications that were to be determined by the FFA. It was logical to assume that there would be a benefit to both parties in having the people doing the data compilations and extractions involved in determining the format of such presentations.

It was agreed that the FFA would, as soon as practical, draw up a draft schedule of specifications for the data summaries that they would require. After that, the appropriate technical people from our two institutions would meet to agree on final specifications and a timetable for their delivery.

In a private discussion with Mike, he told me that the two issues that he used to convince Dick to accept this arrangement were, firstly, that the FFA did not have the facilities or staff in Honiara to do what we were doing in Noumea, and it would almost certainly take them at least several years to get up to the same standard. The second major issue was that if they did the compilation of the Forum members' data and the Skipjack Programme continued to do the analyses for the non-Forum members, the FFA's data analysis would inevitably be compared to ours. In all likelihood, it would be quite some time before they achieved our standard, assuming that they eventually did so. We were not going to slow down our development so they could catch up. Mike said he pointed out to Dick that our staff were highly qualified, experienced and actually very good at their jobs. It may well be difficult to recruit staff of that quality in Honiara. It would be wise to avoid comparison when it is not necessary. It would, of course, be cheaper for the FFA to have us do the work anyway. Why not give the agreed arrangements a year or two as a trial? Mike completely agreed with my assertion that having the researchers and political advisers working from different datasets would be a disaster.

In essence, Mike and I agreed that there had to be only one master dataset, and for the next few years at least, the Skipjack Programme, and the Tuna and Billfish Programme that was to follow, represented the only functioning option.

This temporary solution was to stand for the remainder of my time in Noumea. However, I understand that the debate between the two institutions on data processing issues was to continue for at least several years after I left the commission. Timely access to a comprehensive set of data on

the tuna fisheries in the broader central and western Pacific was to grow in importance to the work program of fisheries research and management carried out at the SPC. Rather strangely, I thought, it was to continue even after the creation of the broader-based body, the Western and Central Pacific Fisheries Commission. I was advised by several of my colleagues who remained at the SPC that this was primarily because of the excellent reputation for high-quality fisheries science, including data collection and processing, that had been developed at the SPC since the beginning of the Skipjack Programme.

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