

**GEF SAP II PROJECT:
NATIONAL PROJECT PREPARATION REPORTS**
Cook Islands

Foreword

This brief report was prepared by Les Clark and Colin Brown during a visit to Rarotonga from 30 June to 2 July 2004. It aims to assemble information relating to Cook Islands necessary for the preparation of the GEF SAP II Project.

The main aims of the report are:

- To make an assessment of the implications of the WCPF Convention for Cook Islands
- To identify possible interventions to support implementation by Cook Islands of the WCPF Convention
- To make an analysis of the incremental costs to Cook Islands of activities related to the Convention
- To undertake an analysis of stakeholders in Cook Islands with interests in the regional oceanic fisheries resources
- To identify relevant consultative mechanisms in Cook Islands for the GEF SAP II Project
- To collect information relating to available indicators of performance in areas related to the WCPF Convention and to the financial sustainability of Cook Islands' participation in the Commission and implementation of the WCPF Convention

The report is based on available published information and information provided in the consultations with stakeholders listed in Annex 3.

1. Background

1.1 Status of Oceanic Fisheries

The Cook Islands EEZ measures 1.8 sq km and borders with French Polynesia to the east, Kiribati in the north and Tokelau, American Samoa and Niue to the west with high seas areas to the north and south. From 1980 to the mid-90s, large scale tuna fishing was conducted by Taiwan and Korean longline vessels through access arrangements. Since 2000 however, a domestic catching and processing capability has evolved.

The Cook Islands commercial oceanic longline fisheries fleet currently numbers 44 licensed vessels ranging in size from 12 meters to 33 meters. The investment in the industry has been sudden and unprecedented. In 2001, only three domestic vessels were operating and this increased to 19 in 2002.

Given the number of vessels licensed, the level of catch has been low due in part to oceanographic conditions that also impacted on the tuna fisheries in Fiji, Tonga and Samoa. In 2002 the catch totalled 1000 tonnes and in 2003 this increased to 2,300 tonnes. The low catch rates from October 2003 to May 2004 led to a number of vessels leaving the fishery and currently 29 vessels remain active in the zone. Recently however, catch rates have improved and it is anticipated that additional longline vessels will enter the fishery and will provide fish for processing in Rarotonga.

Within the Cook Islands zone, two fisheries are exploited: in the Northern Group 11 longliners operate targeting albacore for canning and in the Southern Group vessels are geared for the fresh-fish market. The albacore longliners unload in PagoPago while the fresh fish vessels unload in Rarotonga where the fish is either airfreighted to Japan and the U.S.

mainland, or sold locally. Albacore makes up 70% of total catch for vessels operating in the northern fishery and 55% of the fresh fish vessels operating in the southern zone.

In addition to fishing capacity, major investment has gone into pack-house operations. There are currently six pack-house permits issued, three of which are for relatively large operations. One of these operations has recently entered into a partnership with a China based company with a view to air freighting fish to China.

Inshore fishing remains an important part of economic life for the Outer Islands for subsistence and income supplementation purposes. Small boat operators remain active on Rarotonga but the local market including hotels and restaurants are supplied largely from the pack houses. FADs are well established on Rarotonga and Aitutaki as well as some of the Outer Islands. Small boat operators have, on occasion, had fish exported for the fresh fish market.

A small sports fishery targeting billfish, operates on Rarotonga and Aitutaki catering for the tourist trade.

1.2 Oceanic Fisheries Management

The major objective of the Government is to:

- *Promote a sustainable and regionally compatible fisheries management regime for the local Offshore Fisheries industry including monitoring, control and surveillance of the EEZ.*

In order to achieve this, the Ministry intends to establish a rights based management regime and has a Draft Act and Tuna Management Plan under consideration by the Government. These instruments incorporate provisions set out in the Code of Conduct, Compliance agreement and the WCPF Convention.

In the interim, management remains vessel based although a limited number of rights holders have been identified. Currently 22 rights holders have been identified and 44 vessel licenses issued.

Other key features include:

- exclusion of larger scale commercial vessels from areas within 12 miles around islands
- High seas fishing permits issued to six vessels operating in the high seas: 3 factory trawlers in the Indian Ocean and 3 albacore troll vessels in the Northern Pacific

1.3 Oceanic Fisheries Institutional Arrangements

The Ministry of Marine Resources is the primary agency responsible for oceanic fisheries management. Surface patrols are conducted by the Maritime Division of the Police Department which operates the Patrol Boat .

The Ministry has a staff of 44, and an annual operating budget of NZ\$1.05million allocated across five divisions: International/Legal, Aquaculture and Inshore Fisheries, Offshore Fisheries, Extension Services and Corporate Services. Responsibilities for oceanic fisheries include:

- Offshore Fisheries Division: responsible for licensing, compliance, monitoring and offshore fisheries data management;
- International/Legal: responsible for legal and policy advice and supporting participation in national, regional and international fisheries initiatives;
- The office of the Secretary, which provides overall management input.

Overall, oceanic fisheries is a secondary focus of the Ministry which puts more resources to supporting Inshore Fisheries activity including the important black pearl industry. This situation is expected to change however, since it is apparent that to adequately support the

developing domestic offshore fishing industry and to comply with the WCPF Convention, management capacity will need to be enhanced.

To go some towards achieving this, MMR has established capacity building projects funded by NZAid aimed at strengthening the Ministries management, law, compliance and data analysis capabilities.

The other agency of Government with a significant involvement in offshore fisheries management is the Maritime Division of the Police Department which operates the Patrol Boat “Te Kukupa”.

Consultation with stakeholders is currently undertaken on an ad hoc basis and usually involves members of the Rarotonga Fishermen’s Association, pack-house operators and license holders.

Under the draft Marine Resources Act, a Fisheries Management Advisory Committee will be established, with provision for management committees for individual fisheries to be established in fishery plans. The draft Tuna Management Plan provides for the establishment of a Tuna Management Committee.

1.4 Donor Involvement

A major institutional strengthening project funded by NZAid, is currently being scoped. The project is anticipated to include the following elements: a review of MMR’s objectives, goals and mission statement; a review of the organisation structure to reflect any changes to current objectives etc; a HR plan to suit any new structure (together with a TNA and HR development plan – this would also include training for senior and middle managers); a review of financial management and asset management systems; a review of current legislation; a review of policy analysis and monitoring; a review of operational policies and procedures; a review of procurement and contract procedures.

1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues which arose in the mission to Cook Islands include:

- A requirement for fisheries management technical assistance, particularly given the entering into force of the WCPF Convention and the transition of the tuna industry towards rights based management.
- High seas surface patrols particularly along the Northern boundaries would prove beneficial to Cook Islands since longline vessels are known to operate in those areas.
- Delimitation of maritime zones; Cook Islands has delineated boundaries with French Polynesia and Tokelau but will require to settle boundary claims with Niue, Kiribati and American Samoa. Indeed, high seas boundaries will also need to be confirmed and coordinates deposited with the UN, for management purposes

2. Cook Islands and the WCPF Convention

2.1 Overview

With a tuna industry based on longlining, Cook Islands’ primary aims in the MHLC and Prep Con process have been:

- i) to ensure the application of measures to ensure the sustainability of the region’s tuna stocks and fisheries. Key elements of this for Cook Islands have been:
 - implementing controls on the impact of purse seine fishing on juvenile bigeye and yellowfin because of the effects this could have on catches by Cook Islands’ longline fleet; and

- ensuring the long term sustainability of the longline fishery targeting albacore, but with important catches of bigeye and yellowfin
- ii) to ensure that Cook Islands secures at least a fair share of access to the region's tuna resources

As a Member of the Commission and a Party to the WCPF Convention, four major short term areas of implications for Cook Islands are seen as follows:

- i) legal reforms, which are in draft form awaiting Cabinet approval;
- ii) strengthened arrangements for management of fishing by the Cook Islands' fleet, particularly enhanced monitoring and control efforts to address IUU fishing;
- iii) the introduction of new arrangements for management of Cook Islands vessels outside Cook Islands' waters, including the high seas and the waters of other States; and
- iv) participation in the processes related to the Commission, including involvement of non-government organisations.

Cook Islands is making substantial progress towards developing the capacity to implement decisions adopted by the Commission, but in the short term, will need to continue to strengthen its fisheries management capacity.

2.2 *Implications of the Convention*

2.2.1 *Legal*

The draft Marine Resources Act is currently under consideration by Cabinet. It includes all necessary powers for implementation of the UN Fish stocks Agreement and the WCPF Convention. Developing regulations and implementing the draft Tuna Management Plan, will require additional legal assistance.

The Environment Act governs environmental activities and the Environment Services is currently developing a GEF funded project towards the establishment of a whale sanctuary in Cook Islands.

The table below summarises the status of Cook Island's adoption of relevant international legal instruments and declarations.

Instrument	Status
WCPF Convention	Ratified
UN Convention on the Law of the Sea	Ratified
UN Fish Stocks Agreement	Ratified
FAO Code of Conduct	Principles included in draft legislation and draft Tuna Management Plan
WSSD fisheries targets	Not formally adopted
Convention on Biological Diversity	Ratified
FAO Compliance Agreement	Accepted
FAO International Plans of Action	Not implemented
FFA Minimum Terms & Conditions	Implemented
Driftnet Convention	Ratified

Cook Islands has recognised the importance of legal issues by establishing an International Legal Division, but will need some external assistance for major technical initiatives. Assistance in the revision of the Marine Resources Act was provided by FFA.

Recent experience has shown a need to build understanding among offices such as Crown Law and Police in order to take account at the local level of the global significance of moves against IUU fishing, including capacity building in the area of prosecution.

The Cook Islands Registrar of Ships (CIRS) maintains a register of vessels primarily to ensure minimum safety standards are met. All fishing vessels over 10 meters that wish to operate in the Cook Islands are required to be registered with the CIRS.

2.2.2 Policy/Institutional

The Cook Islands fisheries administration is in the initial stages of realigning its offshore fisheries management policy framework to be consistent with the WCPF convention and updating it to provide a more effective basis for the development and management of its growing locally-based industry. A key element is the completion of a draft Tuna Management Plan as the key instrument of oceanic fisheries policy. On the basis of the Plan, the Ministry will then need an institutional review to identify the extent to which activities related to oceanic fisheries management need to be restructured and strengthened, and an overhaul of its current approach to licensing.

Cook Islands will need substantial external assistance to complete the draft Plan, undertake the institutional review and implement the Plan and the results of the review. This will include assistance to strengthen the capacity of the private sector to contribute to the review of policies and to implementation of the WCPF Convention.

The cost of financial contributions for Cook Islands to the WCPF commission is expected to be in the range of US\$6-10,000 per year once the Commission is fully established.

2.2.3 Compliance

Compliance activities are carried out by the Off-shore and International/Legal divisions of the Ministry and the Maritime Division of the Police Department. MMR is responsible for vessel licensing and the issuing of processing permits. The FFA VMS is housed at the Maritime Surveillance base and MMR will be establishing a VMS capacity at MMR headquarters funded through NZAid.

The Maritime Division has a staff complement of 18 and is responsible for the operation of the patrol vessel. The vessel is programmed to provide 1100hrs of fisheries patrols each year and in 2004 has an operating budget of \$350,000. Patrols are jointly coordinated by MMR and the Maritime Division and a Fisheries Officer is taken on patrol.

Over the years these entities have developed a good working relationship with clear lines of responsibility. Essentially the Maritime Division is responsible for Patrol Boat management. MMR supplies the Maritime Division with license and fishing activity information and patrols are planned jointly. A Fisheries Officer is required to participate in any fisheries patrol.

Aerial surveillance capacity is provided by the Royal New Zealand Airforce and the French Navy.

Flag State Responsibilities

A major new responsibility for Cook Islands under the Convention will be the need to regulate fishing by Cook Islands vessels outside Cook Islands waters. Currently six Cook Islands vessels fish outside Cook Islands waters, but control over these vessels needs to be strengthened. All have been issued with permits to operate on the high seas and all are VMS compliant. The draft Act includes a requirement for vessels to be authorised to fish outside Cook Islands waters, and this provision will be applied. Cook Islands has also put in place a progressive regime to cover Cook Islands nationals in control of other flag vessels.

A national VMS is being established and it is intended that all Cook Islands flagged vessels will need to be VMS compliant.

2.2.4 Monitoring

Over the last two years Cook Islands Ministry of Marine Resources has conducted its monitoring programme in accordance with its budget output requirements. Features are:

Logsheets: The level of logsheet coverage of the longline fleet in 2003 was 95% for the Northern zone and 100% for the Southern zone.

Port sampling: Coverage in 2003 for the Southern zone was 56% but vessels operating in the Northern zone and which unload in PagoPago were not covered by MMR. The landings in PagoPago are covered by NMFS port sampling staff and efforts are underway to formalise cooperation between NMFS and Cook Islands, for the exchange of data.

Observers: 10% coverage has been achieved in the past, although with the increase in vessel numbers, this level of coverage is unlikely to be achieved in 2004. Ideally, MMR would like 20% coverage and under an arrangement with the Maritime Division, patrol boat crew are being trained as longline observers so that this coverage target can be achieved.

Overall, MMR will require additional capacity to be able to fulfil expanded monitoring requirements under the WCPF Convention. The area of data processing is being addressed through the NZAID funded capacity building project but the lack of observers and port samplers is a major constraint. In addition, coverage of the albacore longline fleet operating exclusively in the Northern zone, will need to be addressed.

Scientific Analysis

In order to provide sound scientific support to the tuna industry, the Cook Islands intends to further strengthen its scientific analysis capability and has developed a data management project with NZAid funding for this purpose. Three graduates scheduled to return at the end of 2004 will further boost this capability. Support from the SPC/OFP in this area will continue to be sought.

A clearer understanding of oceanographic impacts on Cook Islands oceanic fisheries is essential and the continuing work of SPC in this area is considered important.

In the longer term the Ministry intends to establish a web site for the dissemination of tuna related information.

3. Potential Contribution of SAP II Project

Potential areas in which the SAP II Project could contribute to assisting Cook Islands in the implementation of national activities related to the WCPF Convention are summarised in the table below.

Activity	Incremental Actions	Possible Interventions
<i>Legal</i>		
Revise Legal framework Support Commission participation	Revise Act and Regs (Act in draft) Provide legal advice	Workshop for Cabinet Regional Legal Workshops
Implement Commission decisions	Provide legal advice, change regulations, licences	In-country Prosecution Workshop Technical advice
<i>Policy</i>		
Participate in regional	Commission meeting participation	In-country technical assistance for

policy formulation		Plan & institutional review, licensing overhaul. Regional Fisheries Management Training/Consultations Attachments Strengthen private sector capacity to participate
<i>Compliance</i>	Additional FFA Meeting participation	
Increase IUU deterrence in-zone	Improve licensing, vessel register Improve effectiveness of patrol, inspection, investigation, prosecution	Regional MCS Working Group participation In-country Inspection, VMS staff training
Ensure flag vessel control and compliance	New authorisation process; inform Commission New national VMS Niue Treaty agreements	Regional Training on flag state responsibilities
Surface & air patrols <i>Monitoring</i>		
Improve at-sea data	Expand Observers	Ongoing in-country training of port samplers by SPC and observers by FFA/SPC
Improve catch composition data Provide data to the Commission	Expand Port sampling	
<i>Science</i>		
Improve national statistical info.	Strengthen statistical capacity	Statistical support from SPC
Provide catch/effort estimates to the Commission		
Improve understanding of oceanic resources and ecosystem	Strengthen national capacity to analyse national data Strengthen national capacity to interpret regional analyses Enhanced capacity to interpret oceanographic information Enhance information dissemination	Ongoing support from SPC Training for national scientific staff to interpret stock assessments and oceanographic information Develop website

ANNEXES

Annex 1	Incremental Cost/Co-financing Analysis (not included)
Annex 2	Stakeholder Inventory and Analysis (including consultative mechanism inventory)
Annex 3	Record of Stakeholder Consultation
Annex 4	Indicator Availability (not included)
Annex 5	Sustainability Analysis (not included)

Annex 2 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Country: Cook Islands

Date: 2 July, 2004

Data Recorder: Colin Brown, cibn@oyster.net.ck

Stakeholder	Representative/ post	Contact details	Description of Interests [factors that may influence participation]	Stakeholder analysis and preliminary participation plan		
				1° s/holder [role in decision- making]	2° s/holder [2-way flow of information]	Other [Keep informed]
Ministry of Marine Resources	Secretary	Tel: 28721	National fisheries authority	X		
Ministry of Foreign Affairs	Secretary	Tel: 29347	GEF Focal Point	X		
Marine Division, Police	Commander	Tel: 26018	Patrol Boat		X	
Ports Authority	General Manager	Tel: 21920	National ports authority		X	
Crown Law	Solicitor General	Tel: 29337	Legal authority		X	
Cook Islands Fishermen's Association	President	Tel: 23356	Small boat operators		X	
Fish Processing Plant Operators			Fish Retailers/Exporters	X		
Vessel Operators			Fishers	X		
Environment Services	Director	Tel: 21256	Pollution		X	
General Public			Socio-economic			X

Inventory of Project-related national consultative mechanisms

Consultative body	Parent/host body	Representative/ contact details	Area(s) of interest	Frequency of meetings	Members and affiliations
Project Advisory Committee	Fisheries Division	Tel: 28721	Tuna fishery		To be formalised (MMR, GEF focal point, Industry)

Annex 3 Record of Stakeholder Consultation

GEF SAP II Country Mission

Cook Islands

1 July, 2004

Government Agencies Consultation

The Mission to the Cook Islands held a consultation with Government Agencies with an interest in the WCPF Convention. Those present were: Andrew Jones, MMR; Garth Henderson, Maritime Division - Police; Arama Tera, Maritime Division – Police; Mura Moeka'a, Foreign Affairs; Joseph Brider, Environment Service; Vaitoti Tupa, Director Environment; Teina Tuatai, MMR; Sonny Tatuava, MMR; Ian Bertram, Secretary MMR; Peter Graham, MMR; Carl Hunter, Foreign Affairs; Jason Marurai, MMR; Josh Mitchell, MMR; Garth Broadhead, Register of Ships; Janet Maki, Solicitor General.

Les Clark gave a presentation on the development of the WCPF Convention and outlined the obligations Cook Islands will be required to fulfil as a party to the Convention. Mr Clark also discussed some aspects of the draft Marine Resources Act in relation to the Convention.

Stakeholder Consultation

The Mission to Cook Islands held a Stakeholders consultation at the Ministry of Marine Resources training room. Those present were: Fang Fang Yang, Cook Islands Fish Exporters Ltd (CIFEL); Sam Haite CIFEL; Tankman Vitaly, Pacific Islands Pacific Line Fishing; Robert Parkinson, "Golden Rose"; Mary Parkinson, "Golden Rose"; June M Baudinet, Enuamanu Fishing Ltd; Sylvia Craig, Cook Islands Marine Exports Ltd; JOHN Kenning, Latin Enterprises Ltd; Bill Carruthers, Latin Enterprises Ltd; Tony Manarangi, Latin Enterprises Ltd; Greg Gibbs, "Sea Searcher"; Chris Douglas, Blue Pacific Foods Ltd; Nikki Furley, Blue Pacific Foods Ltd; Ulamila Kura-Mamie, Cook Islands News; Charles Pitt, Cook Islands Herald; Brent Fisher, President Cook Islands Fishermen's Association; Mike Carr, Cook Islands Fishing Company Ltd; Matai Price, Lattitude 22 Fisheries Ltd; Navy Epati Te Maroro Fishing Company; Josh Taio, Taio Marine Services Ltd; Francis Garnier, Matira South Fishing Ltd; Garth Broadhead, Maritime Cook Islands (Register of Ships); Tony Short, Cook Islands Development Board; Ian Bertram, Secretary MMR; Sonny Tatuava MMR; Teina Tuatai MMR; Andrew Jones MMR; Josh Mitchell MMR.

The consultation opened with a presentation by Josh Mitchell on the development of the domestic tuna industry. Les Clark then presented an overview of the WCPF Convention, the status of regional tuna stocks and the implications for the Cook Islands of being a party to the Convention.

Issues arising out of the discussion were:

- Concern that the limited surveillance capacity of the Cook Islands would be unfairly burdened by having to deal with the illegal activities of vessels from the major fishing nations.
- The need for the tuna industry to organise itself and to work more closely with MMR in order to contribute to enhanced tuna management
- That the United States now requires vessels calling in to U.S. ports to have a security plan in place. Some vessels have already been refused entry to PagoPago for non-compliance

Other consultations held:

Cabinet

- Prime Minister Robert Woonton
- Deputy Prime Minister Ngamau Munoko
- Minister of Finance Tapi Taio

Foreign Affairs

- Carl Hunter

Maritime Cook Islands

- Registrar of Ships, Garth Broadhead

Ministry of Marine Resources

- Ian Bertram, Secretary
- Peter Graham, Legal Officer
- Josh Mitchell, IT Manager
- Andrew Jones, MCS
- Jason Marurai, MCS