

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

*NIUE*

**Foreword**

This brief report was prepared by Les Clark and Colin Brown during a visit to Niue from 14 to 18 June 2004. It aims to assemble information relating to Niue 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 Niue
- To identify possible interventions to support implementation by Niue of the WCPF Convention
- To make an analysis of the incremental costs to Niue of activities related to the Convention
- To undertake an analysis of stakeholders in Niue with interests in the regional oceanic fisheries resources
- To identify relevant consultative mechanisms in Niue 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 Niue's 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 Niue EEZ measures 390,00sq.km. and is bordered by Cook Islands to the east, Tonga to the west, American Samoa to the north, and high seas areas to the south.

There are three components to the oceanic fisheries of Niue:

- a) small scale fishing for subsistence and small scale commercial purposes conducted by local vessels; currently estimated at around 120 traditional one-man outrigger canoes and a small motorised dinghy fleet of 50 active boats. Fishing is generally confined to within a few kilometres of the coastline for canoes. The nearshore pelagic fishery is currently estimated to take a catch of around 100-120 tonnes of pelagic fish species annually, of which 40-60% is estimated to be sold on the local market, and the balance for subsistence consumption;
- b) a small but significant sports fishery, mainly for tourists, which is one of Niue's major tourist attractions; and
- c) offshore fishing by foreign vessels targeting albacore tuna which land their catch outside Niue, mostly at Pago Pago. Catches from these vessels have ranged over time up to 500-600 tonnes. Currently, the US Multilateral Fisheries Treaty is the major source of fisheries revenue for Niue.

A fish processing facility is currently under construction. This will be the starting point for a new domestic oceanic fishing and fish processing industry that holds the

promise of great benefits for Niue, but will bring a requirement for additional fisheries management effort, especially in monitoring fishing and landings.

### ***1.2 Oceanic Fisheries Management***

The major objectives of tuna management and development policy set out in the Niue Tuna Management and Development Plan are:

- ensure that the utilisation of the tuna, billfish and wahoo stocks in the waters of Niue is consistent with the sustainable utilisation of these stocks in their entirety;
- eliminate illegal fishing activity in the waters of Niue;
- maximise benefits to Niue, including economic and social benefits, from the long term sustainable utilisation of its tuna and billfish resources;
- minimise any adverse interactions between fisheries, in particular, between the large scale commercial industry and the small scale commercial, subsistence, charter or recreational fisheries;
- minimise the impact of target fishing on both the marine environment and bycatch species; and
- assist to fulfil regional and international obligations regarding conservation and management of highly migratory species in Niue's fishery waters.

The commercial tuna longline fishery is managed under a system involving an initial sustainable catch limit of 3,000 mts, and of licences currently limited to 20 vessels over 12 metres. Vessels fishing in Niue waters are now required to land their catch in Niue.

The other key feature is the closed areas around the island and important reefs.

The 2003 Niue Tuna Longline Feasibility Study laid out a new oceanic fisheries management and development strategy for Niue.

### ***1.3 Oceanic Fisheries Institutional Arrangements***

The Fisheries Division of the Department of Agriculture, Forests and Fisheries is the central agency responsible for oceanic fisheries management. The Division has a staff of 6, and an annual operating budget of NZ\$70,000. Overall, oceanic fisheries is a major focus of the work of the Division, because of the importance of offshore oceanic fisheries for government revenue estimated at NZ\$495,000 in 2003/04. This emphasis will become more pronounced once the processing plant becomes operational and locally-based longline vessels become more active in the zone.

The Police Department is also involved in off-shore fisheries management but this is minimal and confined to enforcement activities.

### ***1.4 Donor Involvement***

New Zealand Aid funded the 2003 Niue Tuna Longline Feasibility Study, but there is no current donor involvement in oceanic fisheries management activities.

### ***1.5 Other Oceanic Fisheries Management Issues***

There are going to be a range of issues associated with the new processing facility, including the infrastructural needs and possible social impacts from the visits by fishing vessels. On this mission, the main issue raised was the potential impact of

landed bycatch on the local fish market and livelihoods of those involved in small scale fishing.

## **2. Niue and the WCPF Convention**

### **2.1 Overview**

With a population of around 1500, Niue is the smallest state participating in the WCPF process. Key issues for Niue have been:

- i) to ensure that the work of the WCPF Commission is structured in such a way that Niue can participate effectively in the Commission's work, since the oceanic fisheries stocks are critically important to Niueans;
- ii) to ensure that the cost of participating in the Commission and fulfilling obligations arising from the Convention is not unduly burdensome on the small population of Niue;
- iii) to protect Niue's interests in the development of its oceanic fishery resources for economic gains;
- iv) to ensure that the work of the Commission takes into account the status of bycatch species such as wahoo which are important to the people of Niue
- v) to ensure that Commission decisions take account of the position of Niue which does not have its own vessel registry or flag.

As a Member of the Commission and a Party to the WCPF Convention the major areas of implications for Niue as follows:

- i) the additional workload involved in participation in the work of the Commission with a small fisheries staff
- ii) legal reforms, particularly a new licensing arrangement:
- iii) improved monitoring programmes
- iv) enhanced arrangements for consultation between the governments and those whose livelihoods depend on the oceanic fish resources

## **2.2 Implications of the Convention**

### **2.2.1 Legal**

Niue is in a unique position in respect of the legal requirements of the WCPF Convention because it does not operate its own vessel registry, and so is not subject to the range of new requirements for flag states which are at the core of the new Convention. Against this background the Territorial Sea and Exclusive Economic Zone Act 1996 already includes sufficient powers to make regulations to implement WCPF Commission decisions. However, Niue needs to change its approach to control of vessels in its own waters. Currently, these are all managed under access agreements, but in future Niue needs to move away from access agreements towards more direct control of fishing vessels through appropriate Regulations and licence conditions. This will require a systematic review of existing legislation and drafting of regulations and licence conditions.

Environmental management in Niue is governed by the Environment Act 2004. The involvement of the Department of the Environment in marine conservation is focused on education and awareness-raising activities..

The table below summarises the status of Niue’s adoption of relevant international legal instruments and declarations.

<b>Instrument</b>	<b>Status</b>
WCPF Convention	Ratified
UN Convention on the Law of the Sea	Ratified
UN Fish Stocks Agreement	Ratified
FAO Code of Conduct	Not formally adopted
WSSD fisheries targets	Not formally adopted
Convention on Biological Diversity	Acceded
FAO Compliance Agreement	Not adopted
FAO International Plans of Action	Not implemented
FFA Minimum Terms & Conditions	Implemented
<b>Driftnet Convention</b>	Ratified

There are only four qualified lawyers in the Niue Public Service. None is specifically committed to fisheries, and the capacity in fisheries is building slowly. For this reason, Niue will continue to depend on long term legal assistance to participate in regional-level arrangements, to prepare its national positions on matters coming before the WCPF Commission, and to amend its national legislative framework; and sees short term training in relevant aspects at the regional level as important.

Specific assistance needed includes:

- review of Fisheries Acts and Regulations
- establishment of a new licensing regime
- regional training for legal staff

### ***2.2.2 Policy/Institutional***

Key policy decisions on oceanic fisheries issues are made by Cabinet on the basis of ad hoc consultations with stakeholders in the close-knit Niue community, and often with substantial advice from regional organizations.

Niue needs to strengthen its institutional capacity in oceanic fisheries management, but resources are scarce. The institutional capacity development needed includes additional equipment and improved office facilities.

The size of Niue’s financial contribution for the Commission has been a major issue for Niue throughout the WCPF process. Under the proposed formula for the Commission, the financial contribution for Niue is expected to be US\$5-10,000. Niue considers this level of contribution to be appropriate and sustainable.

Specific assistance needed includes:

- an institutional strengthening review
- review of the Tuna Management and Development Plan
- ongoing technical assistance from SPC/OFP and FFA in policy formulation and advice.
- strengthening of fishermen’s associations to allow greater participation in the management process

### **2.2.3 Compliance**

Niue's MCS capacity is limited to the work of one person, half-time. IUU fishing in Niue waters is an issue because Niue does not have its own sea or air patrol capacity, but it is assisted by overflight patrols by New Zealand and the United States. Niue sees regional cooperation in MCS as important, and has authorised Fiji and New Zealand navies to undertake MCS operations in Niuean waters. Since Niue will not be able to afford to operate its own patrol vessel, Niue supports the wider use of Implementing Arrangements under the Niue Treaty to improve coordination of regional MCS services.

Niue applies the FFA Harmonised Minimum Terms and Conditions., and requires the FFA VMS on foreign vessels.

Specific assistance needed includes:

- assistance for staff strengthening
- training at the regional level in boarding and inspection
- assistance with the VMS system to ensure it is fully operational and able to monitor vessels licensed to fish in Niue
- support for coordination of MCS activities between countries under the Niue Treaty

### **2.2.4 Monitoring**

With the assistance of the SPC/OFP, Niue has developed procedures for the collection and processing of tuna fisheries data. These procedures will be used for the monitoring of the joint venture longline operation to be established in Niue following completion of the tuna processing plant. It is anticipated that up to 20 vessels will be licensed to fish in Niue waters, all of which will be off-loading to the plant.

Logsheets: Catch and effort logsheets from vessels fishing in Niue are forwarded to SPC. The target for logsheet coverage is 100%. Niue does not maintain its own catch and effort database.

Observers: Niue does not have an observer programme, but is planning to develop one with the assistance of SPC/OFP and FFA in order to develop a capacity to attain 20% coverage of the new joint venture longline fishing operation. Four observers have been trained as purse seine observers and one of these has undertaken longline observation. Three trainees will participate in the upcoming sub-regional observer training course to be held in Tonga.

Port Sampling: there is no port sampling programme but the plan is to develop a capacity to allow 20% coverage for vessels landing fish to the new processing facility.

Specific needs include:

- a plan of action for establishing observer programme and port sampling programmes, with funding support to get them established and a plan for transfer of costs to Niue
- equipment, including computers and office space for additional monitoring staff
- training for observers and port sampling staff
- continuing assistance from SPC/OFP for the processing of catch and effort data and preparation of catch and effort estimates that will be required by the Commission.

### **2.2.5 Science**

### *Scientific Analysis*

Niue currently has virtually no capacity for statistical or scientific analysis, and the scope for developing this capacity is very limited. This means that Niue will continue to rely to a great extent, on the SPC/OFP for stock assessment, ecosystem analysis and other scientific aspects of tuna fisheries into the long term. In this respect, the flow of information from regional stock assessment work in a form useful for national fisheries management has improved, but there will be a continuing need for assistance in interpretation of the regional analyses.

Specific needs include:

- training for managers aimed at developing a better understanding of stock assessment
- continuing assistance from SPC/OFP in the interpretation of regional stock assessment analyses

### *Ecosystem Analysis*

The species taken as by-catch in oceanic fisheries are important in Niue as major target species of the small scale fisheries. It is likely that the by-catch issue will become more significant as the offshore longline industry becomes established.

Large scale oceanographic changes appear to have had big impacts on the fisheries of neighbouring zones and it is probable that the Niue zone also felt this impact. The improving understanding of these through SPC is valuable, and continuing that research is important.

### 3. **Potential Contribution of SAP II Project**

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

<b>Activity</b>	<b>Incremental Actions</b>	<b>Possible Interventions</b>
<b>Legal</b>		
Revise Legal framework	Revise the Territorial Sea & EEZ Act, prepare new regulations and Licencing Conditions	Legal/Fisheries Management Technical Assistance
Support Commission participation	Provide legal advice	Regional Legal Workshops, continuing advice from FFA
Implement Commission decisions	Provide legal advice,	Legal/Fisheries Management TA
<b>Policy</b>		
Participate in Commission	Institutional Strengthening	TA for Institutional Strengthening Review/equipment/facilities
Realign National Policy	Regional Policy Formulation National policy formulation	Regional Workshops/Attachments Fisheries Management Technical Assistance (medium term) Institutional strengthening for Associations, regional networking Regional study tour
	By-product /by-catch Plan	Technical Assistance
<b>Compliance</b>		
Increase IUU deterrence in-zone	Improve licensing, vessel register Improve effectiveness of patrol, inspection, investigation,	Regional MCS Meeting/ participation In-country assistance with regional VMS

<p><i>Establish Cooperative anti- IUU arrangements Monitoring</i></p> <p>Improve at-sea data</p>	prosecution	National VMS start-up Regional Inspection, VMS staff training Support coordination of MCS activities between countries (Niue Treaty implementing arrangements)
	Enhance Coordination against IUU fishing	
	Establish Observer programme	Technical assistance, start-up funding, equipment and facilities for monitoring staff
	Establish Port sampling programme	Training of port samplers by SPC and observers by FFA/SPC
Improve catch composition data	Establish database	TA, training equipment to establish database
Provide data to the Commission		Support from SPC/OFP for calculation of catch and effort estimates for the Commission
<p><b>Science</b></p> <p>Improve understanding of oceanic resources and ecosystem</p>	Strengthen national capacity to analyses national data	Short term training in stock assessment methods for managers
	Strengthen national capacity to interpret regional analyses	Ongoing support from SPC in interpretation of stock assessment analyses and oceanographic information

## ANNEXES

- Annex 1 Incremental Cost/Co-financing Analysis
- Annex 2 Stakeholder Inventory and Analysis (including consultative mechanism inventory)
- Annex 3 Record of Stakeholder Consultation
- Annex 4 Indicator Availability
- Annex 5 Sustainability Analysis

## Annex 1 - Incremental Cost/Co-financing Analysis

### Summary

National Funding		
Theme	Total 2005-2009 Baseline	Total 2005-2009 Incremental
	(NZ\$ 000)	
<b>1 Law</b>	0	0.0
<b>2 Policy/Management</b>	120.7	375.8
<b>3 Compliance</b>	17.3	45.0
<b>4 Monitoring</b>	17.3	119.0
<b>5 Science</b>	0	15.0
<b>Total</b>	155.3	554.8

With a major investment in fish processing expected to increase fishing activity in Niuean waters and especially lead to landings on Niue for the first time, Niue is planning an expansion of its oceanic fisheries management programmes that is very significant within the small overall budget of the Government of Niue. This additional activity, plus the costs of participation in the Commission, will increase the commitment of Niue to oceanic fisheries management from what is currently a low level

Note: co-financing estimates are based on

**Policy/ Management:** participation in Commission activities, annual contribution to the Commission

**Compliance:** MCS enhancement including activation of the FFA VMS node

**Monitoring:** establishment of port sampling and observer programmes with cost recovery

**Science:** increased priority attached to oceanic fisheries analysis



**Annex 1 - Incremental Cost/Co-financing Analysis**

<b>Donor Funding</b>				
<b>Theme</b>	<b>Donor</b>	<b>Project</b>	<b>Total 2005-2009 Baseline</b>	<b>Total 2005-2009 Incremental</b>
				<b>(NZ\$ 000)</b>

# Annex 1 - Incremental Cost/Co-financing Analysis

Base Data

Institution	Programme Theme	2004 Budget	%OFM	2004 OFM Budget
Fisheries D	Policy/Mgmt	69	70%	48.3
Fisheries D	Monitoring	69	25%	17.25
	Science	0	0%	0
Fisheries D	Compliance	69	5%	3.45
Police	Compliance	0	0%	0
Minister	Policy/Mgmt	30	100%	30
A.G.	Law	0	0%	0
<b>Total</b>				99

## Annex 1 - Incremental Cost/Co-financing Analysis

Details

Theme	Institution Programme	2004 OFM budget	2004 WCPF Increment	2004 Non-WCPF Baseline	2005-2009 Baseline	New WCPF Increment						Total Incr
						2005	2006	2007	2008	2009	Total	
1 Law	A.G.	0	0	0	0	0	0	0	0	0	0	0
2 Policy/Mgmt	Fisheries D	48.3	24.15	24.15	120.75	34	34	34	34	34	170	291
	Minister	30	30	0	0	10	10	10	10	10	50	200
3 Compliance	Fisheries D	3.45	0	3.45	17.25	9	9	9	9	9	45	45
	Police	0	0	0	0	0	0	0	0	0	0	0
4 Monitoring	Fisheries D	17.25	13.8	3.45	17.25	10	10	10	10	10	50	119
5 Science	Fisheries D	0	0	0	0	0	0	5	5	5	15	15
		99	67.95	31.05	155.25						330	670

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

### Stakeholder inventory data sheet *[and preliminary participation plan]*

Country: Niue  
 Date: 17 June, 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]
Department of Agriculture, Forestry & Fisheries	Brendon Pasisi, Deputy Director	Tel: 4032	National Fisheries Authority	X		
Premier's Department	Crossley	Tel: 4200	GEF Focal Point	X		
Department of the Environment	Haden Talagi		National Environmental Authority	X		
Fishing Associations	Tau Pasisi	Tel: 4106	Aritisanal & Sports fishers	X		
Treasury	Jacqui Mitimeti	Tel: 4122			X	
Processing Plant Operator					X	
Vessel Operators					X	
Village Councils					X	
General Public						X

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

## Inventory of Project-related national consultative mechanisms

There are no current Project-related consultative mechanisms. Niue is giving consideration to the establishment of an appropriate project consultative mechanism.

Consultative body	Parent/host body	Representative/contact details	Area(s) of interest	Frequency of meetings	Members and affiliations

*GEF SAP II Country Mission*

**Niue**

Thursday 17 June, 2004

Public Forum

The mission to Niue held a public forum at the Niue Sports Club to discuss the development of the WCPF Convention and the support provided by GEF in this process. Those present included: Hon. Bill Motufoou, Minister responsible for Fisheries; Ernest Nemaia Director, Department of Agriculture, Forestry and Fisheries (DAFF); Brendon Pasisi Deputy Director DAFF; Fiafia Rex, Fisheries Officer; Tau Pasisi, President, Niue Fishermen's Association; Graham Marsh, President Niue Game Fishing Club; Jacqui Mitimeti, Budget Manager, Treasury; Sione Leolahi, National Coordinator, IWP; Taumaifai Fuhinui, Canoe Fishermen's Association; Charles Funaki, Marketing Officer, DAFF; Muiaki Makani; Haden Talagi, Research & Development Officer, Department of Environment, Aviu Tauueihi, Premier's Department; Billy Talagi, Avatele Village Council; Taumafai Fuhinui; Iavano Heaki, Hikutavake Village Council; Kala Talaiti, Vaiea Village Council; Moka Talaiti, Vaiea Village Council; Hakemofu Laufoi, Avatele Village Council.

The Minister of Fisheries, Hon. Bill Motufoou opened the meeting with a presentation on the development of the WCPF Convention and the role that Niue played in this. This was followed by a presentation from Brendon Pasisi, the Deputy Director of DAFF, on tuna fisheries developments in Niue including management matters and the joint venture fishing and processing venture with Reef Shipping scheduled to be operational in August. This was followed by a presentation by Les Clark on the Convention and the likely impacts for the Niue situation. The presentation also included a brief review of tuna stock status. A two-day workshop on the Convention and its implications had been held with stakeholders in Niue two years earlier with GEF IW Project support. This Workshop had been part of a stream of work in Niue, which had resulted in Niue ratifying the WCPF Convention, so the Forum was a chance to update those earlier discussions since the Convention was coming into force 2 days later.

Issues arising from discussions were:

- concern that fishing vessels operating in Niue are monitored to ensure stocks remain in a healthy state. Accurate catch reporting would be essential and the deployment of observers would be necessary. Such monitoring should be at the cost of the vessel operator
- by-catch is significant in terms of the impact this will have on the ecosystem as well as the domestic market. Although by-catch data for Niue is minimal, there is concern that industrial tuna fishing in Niue will have a serious impact on shark stocks as well as the availability of wahoo and mahimahi to inshore fishers
- concern was also expressed at the likely impact longline fishing will have on birds, dolphins and turtles. It was however considered that such interactions were less of a concern in the tropical Pacific region
- the effect of oceanographic change and possible effects of climate change on fish stocks was highlighted. The meeting was advised that efforts are being made to get a better insight into the ecosystem to aid in more sound tuna management

- Concern was expressed over the likely level of discards and by-catch from vessels expected to be fishing in Niue waters once the processing plant becomes operational
- The additional resources that Niue would have to commit to oceanic fisheries management with the Convention coming into force, and the new processing facility starting up, and strategies for finding and financing those resources

#### *Stakeholder Consultation*

The Mission to Niue held a stakeholders consultation at the Niue Sports Club to discuss the Convention and the development of the SAP II project. Those present were: Ernest Nemaia Director, Department of Agriculture, Forestry and Fisheries (DAFF); Brendon Pasisi Deputy Director DAFF; Fiafia Rex, Fisheries Officer; Tau Pasisi, President, Niue Fishermen's Association; Graham Marsh, President Niue Game Fishing Club; Jacqui Mitimeti, Budget Manager, Treasury; Sione Leolahi, National Coordinator, IWP; Taumaifai Fuhinui; Charles Funaki, Marketing Officer, DAFF; Muiaki Makani; Haden Talagi, Research & Development Officer, Department of Environment.

Mr Les Clark gave a presentation on the GEF SAP II project. Issues raised in discussion were:

- Although it appears that albacore stocks are in a healthy state and that current levels of fishing have minimal impact, there is a need for an improved understanding of stock dynamics, and this is important in a future science programme
- the need for support for the Fishing Associations to enable them to participate in national and regional fisheries management processes
- the constraints faced by Niue's small administration in participating in such a large and complex process as the Commission
- because of its lack of legal capacity, Niue will be need to look to FFA for the provision of sound legal advice particularly during Commission meetings
- Compliance is a capacity that needs strengthening given Niue's lack of surveillance capability. It was noted that subsidiary agreements under the Niue Treaty is an option that should be explored

.Other consultations held were:

Minister of Fisheries Hon. B V Motufoou  
Department of Agriculture, Forestry & Fisheries

- Ernest Nemaia, Director
- Brendon Pasisi, Deputy Director

Department of the Environment

- Haden Talagi, Research and Development Officer

Fishermen's Associations

- Niue Island Fishermen's Association, Tau Pasisi
- Niue Island Sports Fishing Club, Graham Marsh
- Canoe Fishermen's Association, Taumaifai Fuhinui

Premier's Department

- Crossley Tatui (GEF Focal Point)

New Zealand High Commission

- HE Sandra Lee Vercoe, High Commissioner

A small function was held in the evening of 17 June to mark the coming in to force of the Convention on 19 June.

An interview with Les Clark was shown by the Niue Broadcasting Corporation and a report of the Stakeholder Consultation was posted on the Niue Government website.



## Annex 4 – Availability of National Indicators

Indicator	Availability	Current Value, if easily available
1. Coverage of:		
a) catch and effort logsheets: domestic fleet	✓	Around 80%
b) catch and effort logsheets: foreign fleet	Not applicable	
c) port sampling	✓	70-100%
d) observers: domestic fleet	✓	20-30%
2. Levels of budgets and staffing for these programmes	✓	
3. Levels of fleet capacity and fishing effort	×	
4. Catch of target species,	✓	
5. Levels of mortality of related species, including bycatch and seabirds	×	

Note: this analysis does not include a range of national indicators which are known to be available for all countries such as status of legislation, undertaking of national reforms etc.

## Annex 5 - Sustainability Analysis

Annual Government Revenue from Licensing: NZ\$700,000

Annual In-Zone Catch Value:

Annual Domestic Catch Value:

*(Data above to be estimated by FFA)*

Annual Production Value (including value of processing): NZ\$0.5 million

Expected Annual Commission Contributions: US\$6-10,000

Estimated Annual Government Incremental Costs: NZ\$135,000