

FFA DIRECTOR-GENERAL DR MANUMATAVAI TUPOU-ROOSEN
WELCOME REMARKS
JUDICIAL SYMPOSIUM ON “RESPONSIBILITY IN FISHERIES”,
5 – 8 AUGUST 2019, HONIARA, SOLOMON ISLANDS

Honourable Chief Justice Sir Albert Palmer

Honourable Chief Justice Sir John Muria

Honourable Chief Justice Vincent Lunabek

Judge Tomas Heidar of the International Tribunal for the Law of the Sea and President of the Fisheries Chamber in this eminent Tribunal

Honourable Justices of Supreme Courts and National Courts

Distinguished representatives of the Magistracy

Valued colleagues

Good morning.

It is a great honour to welcome you to our Judicial Symposium in the home of the Pacific Islands Forum Fisheries Agency.

I would like to express our sincere gratitude to each of you for being here, particularly the Chief Justices and our Judge of the International Tribunal, given the imposts on your time. We are conscious of the workload you carry, so thank you.

This year's symposium is occurring at a landmark time for FFA – in the very week of our 40th anniversary, as we reflect on the Agency's history, its contemporary contribution and its future goals.

The Secretariat has been called on to advise on a vast array of issues since it was established in 1979 but what has remained consistent over four decades is **our mission**:

- to provide a forum for regional cooperation that ensures Pacific nations fully leverage their fisheries resources for the economic and social benefit of our people.

The two pillars on which effective fisheries management is built are sound scientific advice and sound legal advice. They are equally important.

Over the past 40 years, the law has been a fundamental step in our fisheries work – to give domestic legal effect to major achievements such as:

- the multilateral Treaty with the United States in the 1980s
- the establishment of Minimum Terms and Conditions for access including the Vessel Monitoring Scheme and the Regional Register of Fishing Vessels
- the establishment of the Western and Central Pacific Fisheries Commission in 2004

- the Niue Treaty in the early 1990s and its multilateral subsidiary agreement which entered into force in 2014 that allows for closer collaboration and sharing of assets and information in further combatting IUU fishing.

Here in the Secretariat, our legal work takes many forms including:

- advising Member countries on fisheries and related legislation, with a focus on regional harmonisation of fisheries regimes; and
- advising on broader legal, policy and management issues.

Of course, FFA's own legal terrain is part of a much larger legal landscape and that's the context in which we come together this week.

This year's symposium is themed **Responsibility in Fisheries**.

As we know, fisheries plays a central role for Pacific Islands people – in our culture, food security and economic development.

It is for these fundamental reasons that our FFA Members take their responsibility in fisheries very seriously and continue to set world-leading standards. And it's fitting that our Members hold this symposium, which of is an expression of that commitment.

Responsibility by its nature requires balance.

What would the ancient Greek figure of Lady Justice make of the challenges we face today in the law of the sea and fisheries law?

Like the scales of justice, the equilibrium we strive for is between **economic and social leverage** of fisheries resources on one side and **sustainability** on the other.

This issue of balance will no doubt be illuminated by our discussions this week on matters such as due diligence, arbitration and dispute resolution; flag, port and coastal States responsibilities; the role of RFMOs; the role of FFA; and responsibility under international law.

This symposium is an opportunity to share our knowledge and commitment to a sustainable development agenda, as we drive towards higher fisheries standards in our region.

Illegal fishing will also take a lead role this year, as a key driver for ensuring responsibility in fisheries.

While it remains a challenge, I think we'd all acknowledge that our region is more committed than ever to combatting IUU fishing and addressing the related human rights issues.

And let me add here that protecting human rights has benefits at a number of levels.

At an individual quality-of-life level, certainly. But it also has broader societal benefits.

As U.S. academic, Dr Edward Allison, noted in an article some time back on rights-based fisheries governance:

“Embedding the fisheries governance challenge within a broader perspective of human rights enhances the chances of achieving both human development and resource sustainability outcomes in fisheries of developing countries.”

The decision taken at our Governing Council meeting this year to give domestic legal effect to minimum working conditions for crew on fishing vessels was a proud moment for all FFA members.

But as we know, that’s only part of the equation.

Because whenever legislation is enacted, or conditions are put in place, it’s judges and arbitrators who are tasked with making the new laws **effective**.

Indeed, the protection of our fisheries resources – and the people who work in the industry – would be impossible without the **judiciary**.

Chief Justice Palmer remarked some years ago in this very forum that when matters get to court, judges must be provided with **sufficient, admissible evidence** so that where a conviction is made, adequate penalties can be imposed.

Sufficient, admissible evidence.

That phrase stuck in my mind when I first heard it and remains an eloquent summation of what Pacific nations and fisheries organisations must focus on to support the courts.

In closing, allow me to return for a moment to Lady Justice.

You'll recall that in ancient mythology she holds not only scales but a sword. Well, I believe **our** sword is **cooperation**.

The close relationships within the Pacific are the strongest weapon we have in the protection and management of our fisheries resources.

In fact, cooperation is a theme that Sir Albert has often spoken of and his words have never failed to inspire me, so I very much look forward now to his opening remarks.

Can I ask you to please join me in welcoming Solomon Islands Honourable Chief Justice, Sir Albert Palmer.