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FFA members – Comments on Conservation and Management Measure for Bigeye, Yellowfin and Skipjack

**WCPFC9-2012-DP03
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02 November 2012

Glenn Hurry
Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356
Kolonias
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Dear Professor Hurry,

FFA Member's Comments on conservation and management measures for bigeye, yellowfin and skipjack tuna

I write in my capacity as the Chair of the Forum Fisheries Committee on behalf of the 17 FFA Members.

FFA Members are pleased to submit the following comments on some issues relating to a new CMM to replace CMM 2008-01 and CMM 2011-01. We note that development of the new CMM is still under way, and the submission of this letter is without prejudice to the further development of positions by FFA Members individually or collectively.

Proposal of Japan for a 15,000 Annual Limit on FAD sets

FFA Members find some strong points in Japan's conceptual proposal for an allocated annual limit on FAD sets as set out in WCPFC-TCC8-2012/DP10. However, the proposal requires substantial effort to develop and implement it, and FFA Members will not be able to agree to adoption of an annual FAD set limit at WCPFC9.

Therefore, FFA Members will continue to support an extension of the FAD closure to four months as part of a package involving compensatory measures and/or additional longline measures.

Improving Monitoring and Data Collection

FFA Members consider that weaknesses in monitoring and data collection are a serious problem for effective implementation of a new CMM. Noting the interest of other CCMs in this area as shown by the various proposals to improve the flow of information in these fisheries from the ROP, VMS and operational data reporting, FFA Members propose consideration of a package of measures that include:

- collection of enhanced operational data relating to FADs
- provision of all operational data
- increased VMS polling during the FAD closure
- agreement on the outstanding issues relating to manual reporting in the VMS Standards, Specifications and Procedures (SSPs)
- agreement on the outstanding definitions in CMM 2007-01 ROP ("principally", "occasionally" and "adjacent")
- improved flow of information from observers

FFA Members believe that, taken collectively, the adoption of this package of improvements would add significant value to the CMM and the overall effectiveness of WCPFC conservation and management efforts in future.

Fishing by Philippines in Western High Seas Pocket

FFA Members appreciate that the conditions relating to this fishing as set out in Attachment 2 to CMM 2011-01 had to be prepared in a short time at WCPFC8. However, we have several concerns about the manner in which we understand these conditions are being interpreted and applied. These concerns include:

- a) On the matter of observer coverage, FFA members are concerned that the independence of observer data being collected is compromised due to the fact that these vessels are apparently carrying Philippines observers. We have been advised that this is a practice accepted by the Secretariat based on legal opinion that it is in accordance with the wording of CMM 2007-01. We wish to note here our serious reservation about any such legal interpretation.

CMM 2007-01 is very clear on the circumstances that apply when a flag State can place observers from its own national program on board its vessels. Those circumstances are described in paragraph 14:

Vessels that operate principally in coastal waters, but occasionally venture on to the adjacent high seas or into the waters under the jurisdiction of a neighboring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat;

There are four issues that result in paragraph 14 not applying to this situation, and therefore require the Philippines to use observers from another national or sub-regional program:

- i) The vessels in question do not appear to operate “principally in coastal waters”, but noting that there is no agreed definition for this term, we would be happy to receive advice from Philippines to suggest otherwise.
- ii) These vessels do “venture...into the waters under the jurisdiction of a neighboring State”, and none of the three FFA neighboring States have agreed as required; and
- iii) The available information suggests that these vessels are planning to fish systematically in the high seas and this does not meet the test of venturing occasionally on to the high seas or waters of a neighbouring state
- iv) The high seas that these vessels operate in cannot be construed as “adjacent” to Philippines on the basis that vessels must travel through at least one other EEZ to reach the fishing grounds.

- b) On the matter of Vessel Monitoring System information, we thank the Secretariat and Philippines for ensuring that the available information is being made accessible to the neighboring coastal States. We do have concerns that some information suggests that some vessels are commencing fishing without active ALCs, and are relying on manual reporting. This is not consistent with CMM 2007-02 or CMM 2011-01. We also note that there may be a very large number of support vessels that are active as part of these operations (carriers and light boats) that do not appear to carry ALCs. Under the Convention, any such vessel is a “fishing vessel” and as such our expectation is that they will carry ALCs and the data will be made available as agreed.

FFA Members consider it important that there should be a clear understanding of the conditions under which this fishing is taking place, and will propose at WCPFC9 that the conditions in Attachment 2 of CMM 2011-01 should be revised, in these directions:

- a) Determining the limit of validated fishing days to be applied to this fleet;
- b) Clarifying the application of CMM 2007-01 on the ROP to the vessels involved
- c) Ensuring the appropriate application of CMM2007-02 on the WCPFC VMS.
- d) Better streamlining the provision and availability of entry and exit reports and active vessel lists as required under CMM 2011-01.
- e) Better understanding the nature of operations of these vessels to clarify the application of CMM 2009-06 on transshipment including its notification and reporting requirements.

Yours Sincerely



Dr Sione Vailala Matoto
Chair
Forum Fisheries Committee