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Briefing

Changing course to safeguard our fisheries and our future

Western & Central Pacific Fisheries Commission

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The Vava'u Declaration¹ issued in October by leaders of the Pacific Forum Island Countries (PIF) called for regional solidarity among member countries and sought the urgent adoption of additional measures by the Western and Central Pacific Fisheries Commission (WCPFC) specifically to address over-fishing of bigeye and yellowfin tuna. The WCPFC must respond to this, and to the statements of deep concern at the state of Pacific tuna stocks. As a recently appointed observer to the Pacific Islands Forum, the WCPFC will be called to account for management of the tuna fisheries in light of Pacific leaders committing to seeking a progress report at their 39th session.

Greenpeace has in past briefings highlighted the decline and overfishing of the bigeye and yellowfin stocks and problems in addressing IUU activities as examples of ineffective management measures. It does not need to be that way. This 4th regular session of WCPFC meeting offers an opportunity to change course and adopt strong and binding measures to implement its mandate. If we do not do this, we are failing in our duty to the Pacific, to our countries, our citizens and future generations.

In the WCPFC and in other tuna Regional Fisheries Management Organisations (RFMOs), consensus decision making has resulted in lowest common denominator positions, allowing countries with the biggest commercial interest in the fisheries to prevent the implementation of measures needed to maintain sustainable fish stocks and profitable fisheries and to preserve the rich marine biodiversity of our oceans. The result is overfishing and other environmental impacts. We cannot allow this to happen any more.

In order to protect our tuna stocks, the Commission must:

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- 1. Implement a 50% reduction in tuna fishing effort across the entire WCPO sector based on the average of 2001-2004 levels and to take a precautionary approach and account for unknowns and uncertainties in the data.**
- 2. Ban all at sea transshipments, with no exemptions granted to any member countries.**
- 3. Establish a no-take marine reserve for species under the competence of the WCPFC in the enclosed high seas area bounded by Palau, FSM, PNG and Indonesia as a fisheries management measure set up as part of an ecosystem approach. A commitment must also be made to establish fully-protected no-take marine reserves in all high seas 'donut holes' in the near future with clear targets and timelines for implementation.**
- 4. Establish a publicly available IUU vessel blacklist. Blacklisted vessels must be barred from any future fishing license in the Convention Area.**
- 5. Establish 100% observer coverage for the entire Convention Area.**
- 6. Adopt a single, centralised, tamper proof, VMS system with real time reporting that is required for all vessels licensed to fish in the WCPFC area (including the high seas areas).**

Since 2001, regional scientists have been warning that the WCPO stocks of bigeye and yellowfin tuna are under pressure. Yet to date, no concrete measures have been agreed or implemented to counter the decline of these two stocks. Worse, the exploitation of bigeye and yellowfin stocks are far higher than the exploitation levels used as inputs to the management models used in these fisheries. This is because the high level of "unknowns" in the data used in scientific modelling and projections is compromised further by the rampant rates of illegal, unreported and unregulated (IUU) fishing occurring in the region.

In the Vava'u Declaration, the Pacific Leaders stated their deep concern on the current state of Pacific fisheries and said that for the region there was an "imperative need for us to take immediate and decisive collective action to ensure that, within the next three to five years, we secure our peoples' future livelihoods, regional food security, and environmental sustainability of our seas and their ecosystems." They called for a long-term strategic approach to tuna species in the Pacific to ensure that these resources are effectively managed so as to provide long-lasting economic, social and cultural benefits. We must see the directives are followed through. We strongly emphasise that the Vava'u Declaration requires "urgent adoption of additional measures by the WCPFC to address over-fishing of bigeye and yellowfin," including a reduction in longline catches and addressing purse seine fishing, as well as specific steps to reduce the catch of juvenile bigeye and yellowfin.

For a period of seven weeks in 2006, Greenpeace undertook a joint surveillance exercise with the governments of the Federated States of Micronesia and Kiribati. With fisheries officers from these States, we boarded and inspected fishing vessels inside their respective EEZs. Our report ⁱⁱ "*Plundering the Pacific*" summarises our findings from the ship tour.

We observed a range of irregular and unreported practices including that 80% of the vessels boarded had Vessel Monitoring System (VMS) problems and had failed to

notify the licensing coastal state that they were fishing inside their waters, or send catch reports. It was not uncommon for this joint enforcement task-force to inspect ships that had less than 200 tons of tuna on board when they had been at sea for over a year—a strong indication that transshipment at sea is extensive. One vessel was boarded which had been at sea for up to two years without submitting any verifiable records on the actual tonnage of tuna harvested during this period.

This evidence provides us with first-hand experience of the extent of the problems of IUU fishing at-sea. It also points to certain management loopholes that still exist and need to be urgently addressed. Recently, Greenpeace has also observed numerous non-Commission member vessels still operating in the Convention area. In particular, vessels flagged to Panama and some Latin American countries are still operating both with and without licences. Where they have been issued with licences, they should not have been. Vessels continue plundering the WCPO area because of the weak management framework and the availability of ports of convenience. The Commission will be called upon to be serious and fair in dealing with these.

Keeping Pacific Solidarity firmly on the Agenda

Agenda Item 4: Science Issues

The Greenpeace briefing paperⁱⁱⁱ to the third regular session of the Scientific Committee meeting of the Commission in Honolulu outlined our grave concern regarding the status of the tuna stocks specifically the constant decline in the bigeye and yellowfin stocks and the use of the now discredited concept of maximum sustainable yield (MSY).

Reports from Science Committee meetings SC1, SC2 and SC3 have been increasingly more pessimistic.

SC3 this year concluded that the WCPO yellowfin tuna fishery can be considered to be fully exploited, that both the 2006 and 2007 assessments indicate that there is a high probability that overfishing of yellowfin is occurring, and that reductions in the fishing mortality rate are required to maintain average biomass at levels greater than 5% above B_{MSY} ^{iv}.

In 2006, SC2 found that models indicated that there is a high probability that overfishing of bigeye has been occurring in the WCPO^v.

While SC1 in 2005 the SC assessed that 'overfishing is likely occurring' and that reduction of fishing mortality is needed^{vi}. SC1 noted that the assessment moved from overfishing was 'possibly' occurring in 2004 to 'likely' occurring in 2005^{vii}.

The question must therefore be asked: if reductions are required, how can we fail to make those reductions?

We also note the uncertainties in light of IUU fishing. Recent media reports of southern bluefin tuna from Australia illegally caught by Japanese fishers totalling billions of dollars serve as a warning. Reported methods that were used to hide the overcatch include evasion of on-shore inspections, under-reporting of amounts caught, and importation as different tuna species, either trans-shipped at sea from foreign vessels or in containers.^{viii} Given these uncertainties and indeterminacies, the measures proposed to address this unsustainable fishery fall far short of what is necessary to assure that the current situation is checked and reversed. The 2006

SC2^x recommendations in fishing of 25% for bigeye and 10% for yellowfin tuna not only have not been acted upon but are far below the reductions required in the application of a precautionary management regime. The scientific work of fisheries organisations should be moving towards ecosystem based fisheries management.

The Greenpeace Science report to the second regular session of the Scientific Committee in Manilla in 2006 outlined the scientific basis of the catch and effort measures needed to salvage the overfished bigeye and yellowfin stocks. We must take account of and act on the high levels of uncertainties and indeterminacy. History shows that this is fundamental to ensuring that overfishing does not occur.

Greenpeace therefore continues to press that the precautionary approach must be applied by way of a 50% reduction in tuna fishing effort across the entire WCPO sector.

Pacific Leaders themselves have directed “the urgent adoption of additional measures by the WCPFC to address over-fishing of bigeye and yellowfin, including a reduction in longline catches and addressing purse seine fishing, and specific steps to reduce the catch of juvenile bigeye and yellowfin” given that the leaders were “seized by the scientific advice that over-fishing of two key regional tuna species – bigeye and yellowfin tuna – now places stock levels in jeopardy^x.”

(1) Agenda Item 6: Technical and Compliance Issues

The Greenpeace briefing paper³ to the third regular session of the Technical and Compliance Committee (TCC) of the Commission in Pohnpei, FSM made recommendations on the proper functioning and implementation of Conservation and Management Measures (CMMs) of the Commission.

On technical and compliance issues, Greenpeace recommends that the Commission:

- Ban all at sea transshipments, with no exemptions granted to any member countries.
- Establish 100% observer coverage for the entire Convention Area.
- Urgently adopt a single, centralised, tamper proof, VMS system with real time reporting that is required for all vessels licensed to fish in the WCPFC area (including the high seas areas).
- Immediately establish the Commission Fishing Vessel Registry as a matter of priority, with no extensions given to member countries that have yet to submit their vessel details.
- Establish a publicly available IUU vessel blacklist. Blacklisted vessels must be barred from any future fishing license in the Convention Area.
- Adopt a Port State Scheme that enables coastal states to exercise effective control over fishing vessels in their ports, regardless of whether the vessel is licensed to fish in their EEZ.
- Establish an electronic catch and trade verification scheme.
- Establish stringent boarding and inspection rules and sanctions for vessels found violating Commission rules.

(2) Agenda Item 8: Conservation and Management Measures

Greenpeace proposes refinements to the following Conservation and Management Measures.^{xi}

Record of Fishing Vessels and Authorization to Fish (CMM-2004-01):

This measure is an important measure to combat IUU fishing in the Pacific and should be supported. The Secretariat's Information paper^{xii} addresses this resolution in paragraphs 11-23.

CMM 2004-01 establishes a record of fishing vessels and authorizations to fish. Paragraph A(1)(c) requires CCMs (Members, Co-operating Non-Members and Participating Territories) to ensure that fishing for tuna in the Convention Area is conducted only by vessels flying the flag of a member of the Commission. What this means is that vessels that are flagged to countries that are not CCMs cannot be licensed by CCMs.^{xiii} Vessels flagged to non-CCMs or CNMs (Co-operating Non-Members) which operate vessels in the Convention area may be IUU.^{xiv} The Commission addressed the issue of non-CCM flagged vessels by establishing a temporary register of carriers and bunkers. It is clear that if a vessel is not on the temporary register of carriers and bunkers, or added to the temporary register, then it would be in breach of CMM-2004-1.

This measure also means that Pacific Islands States should no longer be licensing these non-CCM flagged vessels.

Greenpeace therefore draws this to the attention of CCMs and calls on all CCMS to cease to issue licences to non-CCM flagged vessels which do not have a temporary exemption.

Greenpeace opposes transshipment at sea for the reasons given above. Greenpeace also opposes bunkering at sea for similar reasons. Bunkering at sea allows IUU vessels to stay at sea longer and facilitates illicit transshipment and other evasion of port state controls.

Conservation and Management Measures for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean (CMM-2005-01 and CMM-2006-01):

CMM 2006-01 recognises that the Scientific Community has recommended reductions in fishing, but does not follow up the recommendation with action. Focusing on FADs and juvenile bigeye and yellowfin tuna is nowhere near enough to protect the stocks. This must be addressed in Guam. We recommend a new measure to require proportionate reductions not at 2001 or averaged 2001-4 levels but at half those levels, taking into account the deep concern expressed in the Vava'u Declaration and for the reasons discussed in this briefing paper.

As far as FADs (floating platforms that seine fleets place on the ocean surface and to which tuna are instinctively drawn) go, the draft measure proposed by FFA Members does not go far enough. The proposed FAD closure is welcome, but the closure should be permanent. In targeting skipjack schooling under FADs, seiners also catch large amounts of immature bigeye and yellowfin, who school together with skipjack as well as indiscriminately scoop up other associated marine life such as sharks and unwanted fish species.

The volume of this bycatch is significant, given the smaller size and vulnerability of the bigeye and yellowfin stocks. The low-value/high volume skipjack fishery,

therefore, is undermining the more valuable, vulnerable and less resilient bigeye and yellowfin stocks as well as due to the fleet overcapacity and increased efficiency of catching tuna is putting the long-term sustainability of the entire fishery in jeopardy. Based on these concerns and the urgent need to reduce the global tuna catches Greenpeace believes that the use of FADs for industrial tuna fisheries should be universally and urgently banned.

Conservation and Management Measure: Commission Vessel Monitoring System (CMM-2006-06):

We noted in our report on our Pacific tour that 80% of the vessels boarded had VMS problems and had failed to notify the licensing coastal state that they were fishing inside their waters, or send catch reports. This shows that it is critical to get the VMS system right, and to address the inevitable attempts to evade it. Licences must be revoked where vessels are found to have turned off or otherwise tampered with VMS systems and such vessels placed on the IUU list established under CMM-2006-09.

New measures, other conservation requirements and procedural matters

Among considerations that the Commission is due to discuss, Greenpeace would like to comment on the following measures:

Transshipments

The draft Conservation and Management Measure on Transshipment proposed by the Republic of the Marshall Islands (WCPFC4-2008/DP08) paragraph 1 proposes the ban of all transshipment operations of highly migratory fish stocks covered by the Convention at sea or on the high seas, should be supported by CCMs. However, Greenpeace does not support exempting any transshipment within the waters under the national jurisdiction of a CCM. We believe that such an exemption would render the measure open to abuse and evasion.

There are obvious advantages for Pacific Island Countries in banning transshipment. It strengthens the traceability of fish caught, encourages the landing of fish and its subsequent reporting. It can contribute to the development of fishing industries which Pacific Leaders have affirmed as important.^{xv} The banning of transshipments also increases compliance with measures and helps to reduce IUU fishing.

Observers

Greenpeace wishes to record its dismay at the TCC3 Summary Report^{xvi}. The failure to commit to even 20% observer coverage shows a low level of commitment to sustainability. A 5% coverage rate is merely token. As noted by a recent report,^{xvii} partial coverage, defined as the 'usual' 20-30% coverage, may run into problems with bias, arising especially from changes in vessel behavior or the inability to cover all sectors of a fleet equally, and is therefore inadequate for compliance monitoring.

100% coverage, such as is implemented in CCAMLR and NAFO is required for compliance monitoring and provides better data. Even so, true 100% coverage requires more than 1 observer per vessel: one observer may only monitor 30-70% of all hauls.^{xviii} Unwillingness to commit to observer coverage is inconsistent to a commitment to sustainability and should be reflected in allocation decisions.

Allocation

It is time for the Pacific Islands to progress frank discussions about allocation. The overfishing of two important stocks is already occurring, and significant reductions in catch or effort will make allocation more difficult. Allocation can only work if PICs cooperate.

The mechanism for allocation must be one that serves conservation as well as sustainable use: allocation rights must be and are subordinate to the obligation to conserve.^{xix} However, there is little incentive for conservation and resources are depleted without equitable allocation of rights.

Going hand in hand with the allocation issue are access agreements and rights. It is critical that access agreements are negotiated multilaterally, so that sustainability which is the focus of WCPFC, FFA and other regional fora are not compromised by access agreements.^{xx}

Mandatory cohesion of measures

The addressing of IUU fishing is critical to both the enabling of an accurate Total Allowable Catch (TAC) to be set and the avoidance of non-compliance with allocations.

When integrated with related measures such as of observers, VMS and other MCSCE (monitoring, control, surveillance, compliance and enforcement) prerequisites, they all have an impact on the allocation process which gives further rise to equitable, sustainable and a robust Pacific fishery.

No-Take Marine Reserves

Forum Island Country Leaders had in October also committed “to the protection of high seas biodiversity and the conservation and management of non-highly migratory fish stocks in the Pacific Ocean”^{xxi}. No-take marine reserves in the high seas enclaves that prevents the take of species covered by the WCPFC would be an important step towards achieving a fully protected marine reserves in the high seas pockets which can allow our ecosystems to breed and breathe.

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FOOTNOTES

ⁱ The Vava'u Declaration on Pacific Fisheries Resources "Our Fish, Our Future", in Pacific Islands Forum Communiqué, Thirty-Eighth Pacific Islands Forum, Nuku'alofa, Tonga, 16 -17 October 2007. Copy at

http://www.forumsec.org/_resources/article/files/2007%20Forum%20Comunique%20-%20Tonga1.pdf

ⁱⁱ <http://oceans.greenpeace.org/raw/content/en/documents-reports/plundering-pacific.pdf>

ⁱⁱⁱ Scientific Committee, Third Regular Session Summary Report, 13-25 August 2007 (SC3 Summary Report) At <http://www.wcpfc.int/sc3/pdf/SC3%20Summary%20Report.pdf>, paras. 11, 43. However we must note that MSY is obsolete as a management tool and that instead the approach should be to maintain or restore targeted populations of the tuna species to levels consistent with the precautionary approach while minimizing the impacts of fishing on associated and dependent species and the marine environment, protecting marine biodiversity and applying an ecosystem approach to the management of fisheries in the region. The FAO 2006 Expert Consultation on deep sea fisheries said that:

36. ...adherence to the precautionary approach is required as a precondition for sustainable management of deep-sea fisheries and for deepsea ecosystems and biodiversity to be conserved and protected. Strategies that have been applied to manage deep-sea fisheries need to be evaluated in light of their poor performance to date, particularly for low-productivity species. Regarding Annex II of the UNFSA, which specifies that the "fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points" (Annex II, article 7), target reference points for the management of deep-sea species need to be set conservatively and well below maximum sustainable yield (MSY)-based reference points. In general, targets should be no greater than the estimated or inferred natural mortality rate, and preferably they should be less.

Conclusions and Recommendations from the Expert Consultation on the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, November 21-23, 2006, Bangkok, Thailand. At <http://www.iucn.org/THEMES/MARINE/pdf/ExpertConsul-Bangkok.pdf>, Para 36.

^{iv} Report of the Scientific Committee, 13 October 2004, para. 4.7, 4.8. At http://www.wcpfc.int/sc1/scientific_committee.htm#Report

^v Scientific Committee Second Regular Session Summary Report: 7-18 August 2006, (SC2 Summary Report), para. 7 and 146. At http://www.wcpfc.int/sc2/pdf/SC2_ExecSummary.pdf.

^{vi} Report of the Scientific Committee, 13 October 2004, para. 4.7, 4.8. At http://www.wcpfc.int/sc1/scientific_committee.htm#Report

^{vii} SC1, 4.7.

^{viii} Japanese accused of hiding tuna worth more than \$8b , Sydney Morning Herald, October 24, 2007. Copy at <http://www.smh.com.au/news/environment/japanese-accused-of-hiding-tuna-worth-more-than-8b/2007/10/23/1192941065073.html>

^{ix} See SC2 Summary Report, para. 9 (bigeye) and para. 14 (yellowfin). See also SC3 Report para. 58.

^x Vava'u Declaration

^{xi} Fifteen conservation and management measures and five resolutions relating to the sustainability of highly migratory fish stocks, mitigation of by-catch, elements of the Commission's MCS Scheme and capacity reduction were adopted at the three preceding sessions of the Commission. These were:

Record of Fishing Vessels and Authorization to Fish (CMM-2004-01);
Cooperating Non-members (CMM-2004-02);
Specifications for the Marking and Identification of Fishing Vessels (CMM-2004-03);
Conservation and Management Measures for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean (CMM-2005-01 and CMM-2006-01);
Conservation and Management Measures for South Pacific Albacore (CMM-2005-02);
Conservation and Management Measures for North Pacific Albacore (CMM-2005-03);
Conservation and Management Measures to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds (CMM-2006-02);
Conservation and Management Measure for Swordfish in the South West Pacific (CMM-2006-03);
Conservation and Management Measure for Striped Marlin in the Southwest Pacific (CMM-2006-04);
Conservation and Management Measure for Sharks in the Western and Central Pacific Ocean (CMM-2006-05);
Conservation and Management Measure: Commission Vessel Monitoring System (CMM-2006-06);
Conservation and Management Measure for the Regional Observer Programme (CMM-2006-07);
Conservation and Management Measure: Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures (CMM-2006-08);
p. Conservation and Management Measure to Establish a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the WCPO (CMM-2006-09).

Resolutions

Resolution on Conservation and Management Measures (CMM- 2004-04)
Resolution on Reduction of Overcapacity (Resolution-2005-02);
Resolution on Reduction on Non-target Fish Species (Resolution-2005-03);
Resolution to Mitigate the Impact of Fishing for Highly Migratory Fish Species on Sea Turtles (Resolution-2005-04)

^{xii} WCPFC4-2007-13, Information Paper to support the Commission's Review of Existing Conservation and Management Measures, [http://www.wcpfc.int/wcpfc4/pdf/WCPFC4-2007-13%20\[CMMs%20Implementation%20and%20reporting\].pdf](http://www.wcpfc.int/wcpfc4/pdf/WCPFC4-2007-13%20[CMMs%20Implementation%20and%20reporting].pdf).

^{xiii} In June 2006(WCPFC Circular 2006-03) the Commission Chair wrote to CCMs proposing a temporary waiver of this requirement until the Commission had an opportunity to consider the advice of the TCC2 WCPFC3 in December 2006. At TCC2, the Secretariat reported that only two CCMs had responded to a request to provide a list of non-CCM vessels supporting the fishing operations of their fleets in the Convention Area. TCC2 agreed that the information requested on non-CCM flag bunker and carrier vessels be provided to the Secretariat by 1 November 2006 so that this information could be summarized and made available to WCPFC3. Only vessels on the lists submitted to WCPFC3 would be considered for a waiver.

^{xiv} See WCPFC Summary Report, Third Regular Session, 11—15 December 2006, Apia, Samoa (3rd Summary Report), para. 19.

^{xv} Vava'u Declaration.

^{xvi} Technical and Compliance Committee, Third Regular Session, 27 September – 2 October 2007, Summary Report, at <http://www.wcpfc.int/tcc3/pdf/TCC3%20Summary%20Report%20and%20Attachments.pdf>. New Zealand proposed an interim observer coverage of 5% (para. 21). Australia suggested that 20% was appropriate (para. 22). Japan proposed to progressively build towards 5% coverage by 2014 (para. 24). China cited difficulties in committing to 20% coverage (para. 26).

^{xvii} Marine Resources Assessment Group for WWF, "Observer Programmes: Best Practice, Funding Options and North Sea Case Study." (2006).

^{xviii} Op.cit, 22.

^{xix} M. Lodge and S. Nandan, "Some Suggestions Towards better implementation of the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks of 1995," 20 Int'l Journal of Marine and Coastal Law 345-380 (2005)

^{xx} In this connection, Pacific Leaders directed in the Vava'u Declaration that FFA, supported by the Forum Secretariat, must examine the potential for new multilateral Pacific regional arrangements patterned on the Niue Treaty Subsidiary Agreement model for exchange of fisheries law enforcement data, cross-vesting of enforcement powers, and use of fisheries data for other law enforcement activities.

^{xxi} Vava'u Declaration