

GREENPEACE

Briefing

Western & Central Pacific Fisheries Commission – Technical Compliance Committee (TCC)

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Tuna RFMOs have a track record of failures and toothless consensus decision making, allowing countries with the biggest interest in the fisheries to prevent the implementation of the measures required to not only maintain sustainable fish stocks and profitable fisheries, but also to protect and preserve the rich marine biodiversity of our oceans.

The slow development of technical and compliance aspects of the WCPFC in light of the continuous decline in bigeye and yellowfin stocks, the ongoing observation of IUU activities in the WCPO area, and the failure to establish the Commission registry of IUU vessels means the WCPFC risks becoming just another failing tuna RFMO. It does not need to be that way.

This meeting offers an opportunity for the WCPFC to change course and adopt strong and binding measures to implement its mandate. In order to do this, the TCC must:

- 1. Ban all at sea transshipments, with no exemptions granted to any member countries;**
- 2. Establish 100% observer coverage for the entire Convention Area;**
- 3. 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)**
- 4. As a matter of priority, immediately establish the Commission Fishing Vessel Registry with no extensions given to member countries that have yet to submit their vessel details;**
- 5. Establish a publicly available IUU vessel blacklist. Blacklisted vessels must be barred from any future fishing license in the Convention Area;**
- 6. Adopt a mandatory Port State Scheme that allows coastal states to exercise controls over fishing vessels in their ports, regardless of whether the vessel is licensed to fish in their EEZ;**
- 7. Establish a electronic catch and trade verification scheme;**
- 8. Establish stringent boarding and inspection rules and sanctions for vessels found violating Commission rules;**

Greenpeace 2006 surveillance in the WCPFC area yields boatloads of information of irregular practices

In 2006 for a period of seven weeks, 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 Exclusive Economic Zones (EEZs). We observed a range of irregular and unreported practices including:

- 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.

- 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.
- The strong indication that transshipping at sea is prevalent, with ships inspected having less than 200 tons on board when they had been at sea for over a year.

This evidence provides us with firsthand 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. Attached is the report "Plundering the Pacific" – a summary of our findings from the ship tour.

Recently, Greenpeace have 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 legally (coastal states still issuing them licences) and illegally. Vessels continue plundering the WCPO area because of the weak management framework and the availability of ports of convenience. The TCC must develop measures for adoption by the Commission to comprehensively address this.

AGENDA ITEM 2 PRIORITY MONITORING, CONTROL AND SURVEILLANCE (MCS) ISSUES BEFORE THE COMMISSION

2.1 CMM for the Regional Observer Programme

The rights, duties and responsibilities of Observers are fundamental to ensuring compliance with the Conservation and Management Measures of the Commission.

Greenpeace recommends:

- 100% [24 hour] observer coverage in the Convention Area (WCPFC_CA). An observer must be placed on every fishing vessel operating in the WCPFC_CA. The costs and welfare of observers operating under the auspices of the Commission must be the responsibility of the vessel owners: *a self recovery and self financing scheme*.
- The TCC must promote complimentary and compatible national, sub-regional and regional observer Programs for the region.
- The Commission must scrutinize past practice with respect to the use of observer schemes by other RFMOs so as to learn from their experiences and ensure a comprehensive and effective observer scheme that takes best practice, learns from past problems, and improves upon it.

2.2 CMM for transshipment monitoring

WCPFC3 agreed that transshipment guidelines are adopted at WCPFC4.

Greenpeace recommends TCC3 propose to WCPFC4:

A total BAN of ALL at-sea transshipment, effective immediately. Given the Greenpeace at-sea findings in 2006 (see above) no exemptions should be granted to vessels from any countries.

2.3 Draft CMM on harmonized port State standards

Pacific Island States must ensure that Port State Measures developed by the Commission reflect the needs, aspirations and physical realities of the Pacific. Greenpeace welcomes the 2005 FAO Model Scheme and the Commission's efforts to undertake a 'gap analysis' between existing port State schemes. Greenpeace believes that such a port state scheme should be adopted as a mandatory measure by members of the Commission.

Greenpeace recommends that:

- Pacific Island States exercise controls over fishing vessels in their ports, regardless of whether the vessel is licensed to fish in their EEZ.
- Port State measures adopted by the Commission should cover elements such as reciprocal rights to inspect documents, logbooks, and licenses, and the catch onboard. They must also include the ability to enforce conservation and management measures adopted by the Commission and strongly encourage the establishment of rules and regulations that are standardised to apply across the region, or are at minimum, sub-regional in scope. They should provide for enforcement action against fishing vessels that infringe the laws of the coastal State when the flag State fails to do so within a specific, limited time period.
- In particular, Pacific Island States should prohibit landings and transshipments in their ports by vessels where it has been established that the catch has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission as stipulated in *Article 27(3)* of the Convention.
- IUU vessels including support vessels such as tankers, reefers and factory ships should be prevented from bunkering and discharging their catches.
- The TCC should promote and provide guidelines or a template for national legislative reforms that reflect the conservation and management measures and requirements of the Commission in enhancing port state controls.
- The Commission should focus on effectively addressing capacity and infrastructure problems to facilitate port State controls across the region, taking into account the special requirements of small islands and developing states.

The TCC should study facilitating or developing a regional verification and action repository on matters relating to flag State responsibilities.

2.5 Trade Documentation Schemes

WCPFC3 agreed that discussion at TCC3 will focus on proposals for Statistical Documentation Schemes and Catch Documentation Schemes prepared by interested CCMs for subsequent consideration of WCPFC4.

Greenpeace believes that establishing a catch and trade documentation scheme so as to track the chain of custody for Bigeye and Yellowfin tuna is essential and must be a key priority for the Commission.

The TCC must promote and establish such market related measures to prevent IUU catches from being traded or imported. A catch and trade verification scheme that distinguishes between authorised catches and IUU catch, developed by the WCPFC, must be binding on all members and make it illegal to import, export or otherwise trade in IUU caught fish or with blacklisted vessels. Domestic legislation should also actively discourage banks, insurers, re-suppliers and other services from dealing with IUU vessels and include penalties for such actions.

Greenpeace recommends:

- All tuna catches must be checked against the vessel registry, national authorisation, VMS record and other relevant monitoring, control and surveillance measures to ensure the catch is in accordance with WCPFC measures and all relevant MTCs.
- An electronic catch verification scheme monitored by the WCPFC secretariat should be established that certifies catches that have passed these checks, have been unloaded at an identified port and inspected by a government official.

- WCPFC member states should only import, export or otherwise trade in products that are properly certified. Other non-member states should be encouraged to participate in the catch and trade documentation scheme.
- States should be strongly encouraged to develop domestic legislation to confiscate all non-certified catches and to apply deterrent sanctions those engaged in the trade in such products.

AGENDA ITEM 5 ADDITIONAL MONITORING, CONTROL AND SURVEILLANCE (MCS) ISSUES BEFORE THE COMMISSION

5.1 High Seas Boarding and Inspection Procedures

Based on the adopted 'WCPFC Boarding and Inspection Procedures', Greenpeace recommends that:

- Member States ensure that boarding and inspection schemes are stringent and that the political interests of Distant Water Fishing Nations do not compromise this.
- Boarding and inspection powers are available to all Members of the Commission.
- Convention members are empowered to board and inspect any fishing or fishing support vessel operating in the Convention Area.
- The Commission also take account of and act upon intelligence or information provided by non-state and non-member entities.
- The TCC generates a publicly accessible list of vessels in compliance with *Article 26(1)* of the Convention.
- Any violation by a fishing vessel substantiated by boarding and inspection should result in the privileges and fishing rights of the vessel and its owner being withdrawn and subsequently blacklisted by the Commission.
- The immediate application of Articles 21 and 22 of the UN Fish Stocks Agreement as an alternative mechanism should the Commission fail to agree to boarding and inspection procedures at the December meeting.

5.3 Authorization to fish

Establishing a Record of Fishing Vessels is a matter of priority. The late establishment of the Commission Fishing Vessel Registry is unacceptable as the lack of a registry impedes the successful implementation of any of the Conservation and Management Measures (CMM) agreed to by the Commission. How can the Commission expect to faithfully implement any CMM measures if it has no idea who it is managing?

As such, all CCMs must submit all vessel details that they have authorized to fish beyond their areas of national jurisdiction. Withholding information or a delay in submitting vessel details to the Secretariat by CCMs will seriously undermine the effectiveness of the Convention. The lack of knowledge about which vessels are authorized to operate within the Convention area by CCMs severely undermines the implementation of conservation and management measures.

Greenpeace recommends:

- No further extension or special exemptions be given to CCMs for submitting details of fishing vessels they have authorized to fish beyond their areas of national jurisdiction.
- Caveats relating to changes in the information contained in a Member's Record of Fishing Vessels be fully implemented and operational prior to the 4th regular session of the Commission in December.

- A report to the 4th Commission meeting in December (WCPFC3) to include a final list of fishing vessels authorized by its members to fish within the Convention area.

5.4 Draft WCPFC IUU Vessel List

Greenpeace looks forward to the Provisional list of IUU vessels.

Greenpeace recommends:

- Vessels with any current or past connection to IUU fishing should be banned from the registry. Vessels on the WCPFC IUU vessel blacklist (see below) or which have appeared on any other RFMO blacklist in their own or other guises should also be banned.
- The registry should include the vessel history, beneficial owners and senior officers. WCPFC members should cooperate and share this information.
- The Commission should follow the lead of IATTC and include the capacity of the vessel in the registry
- The Commission should establish a Blacklist or a Violations Database of IUU fishing vessels. A publicly available online (Internet) list would allow licensed fishing vessels to report sightings of IUU vessels to the relevant MCS authorities. All fishing vessels caught at sea fishing without a licence should be on the blacklist.
- A vessel inspected in port with IUU catch on board should be blacklisted. This blacklist should be updated regularly and include all vessels on other relevant RFMO blacklists.
- Blacklisted vessels must be barred from any future fishing licence in the Convention Area. This would not only help to reduce the over-capacity of fishing fleets but act as a significant deterrent to IUU activity.

Greenpeace recently launched the first ever public global database on IUU:

<http://blacklist.greenpeace.org/>

Greenpeace has compiled this database from existing official registries of Illegal, Unregulated and Unreported (IUU) vessels and companies. Industrial fishing vessels and fishery support vessels, including motherships, refrigerated carriers and supply vessels, may be included on the database.

The purpose of this blacklisted vessels and company database is to provide a single database tool with convenient search functions for national fisheries administrators, particularly from developing countries, and others to quickly check on the compliance status of foreign vessels trying to unload its catch in port, seeking services in port, seeking a fishing license or to register or flag in a country. It is also hoped that the database will serve as tool for retailers and suppliers to ensure the fish they source do not come from pirate fishing vessels or from companies involved in such activities.

At a later stage the database will also hold information of irresponsible fishing vessels and companies that fish without a license or are in breach of management and conservation measures that Greenpeace comes across during it's time at sea or in monitoring well known ports of illegal fish landings, or is reported from other reliable sources. It is hoped that this information will further assist authorities to deal adequately and in timely and efficient manner with pirate fishing.

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