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PHILIPPINES DISCUSSION PAPER FOR THE ANNUAL REVIEW OF CMM 2008-01

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Paper prepared by the Philippines



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Federated States of Micronesia

Subject: Philippine Discussion Paper to Annual Review of CMM2008-01

Dear Prof. Hurry:

In connection with the review of all Conservation and management Measures under Agenda Item 9.1, the Philippines is submitting its discussion paper on CMM 2008-01, hereto attached as Attachment "A".

Best regards.


MALCOLM I. SARMIENTO, Jr
Director



PHILIPPINE POSITION ON THE PROPOSAL TO EXTEND ALL THE PROVISIONS OF CMM 2008-01 BEYOND 2011

The Philippines expresses its grave and serious concern over the proposed extension beyond 2011 of the provisions of CMM2008-01, particularly the Closure to Purse Seine Fishing of High Seas Pocket (HSP) No. 1 and 2. Under the terms of the CMM, it was clearly the intention that the closure would only be for 2010-2011 with a condition that the various measures for purse seine and longline fisheries should be reviewed annually in combination with the best scientific advice to determine the real and actual impact of the said measure. This condition is in consonance with Art. 5(b) of the WCPFC Convention which provides that the Commission would need to ensure that CMMs are based on best scientific evidence available.

Thus, it would not only be premature but also precipitate to consider any extension of the said measure without first determining the results of the annual scientific review of this specific time-bound measure as to its effectiveness in attaining the objectives for which it was created.

At this point, it may be noted that under various Philippine management measures, our domestic unloading and vessel arrival data at the General Santos Fish Port Complex (GSFPC), where the majority of the Philippine tuna landings are made, from 2001 to present reveal the following highlights:

- Compared to 2001-2004 levels (whichever is higher of the period average or 2004), the unloaded volume and vessel arrivals in 2009 decreased by 53% and 46% respectively.
- In the last three years (2007-2009), the volume offloaded and vessel arrivals reduced by 52% and 42% respectively.
- With data for September already accounted for, the projection for 2010 shows that unloading volume and vessel arrivals will decline by 50% and 56%, respectively, compared to 2007 figures.
- In 2009, the BET landings decreased by 62% from the 2004 level.

Our position on the matter of the proposed extension of CMM2008-01 is anchored on the following arguments:

*** CMMs Should be Science-based**

It can be gathered from the paper of Williams and Terawasi (2010) [WCPFC-SC6-2010-GN-WP-01; “*Overview of Tuna Fisheries in the Western and Central Pacific Ocean, Including Economic Conditions – 2009*”] that about 80% of the BET catch in WCPO happened in national waters and only about 20% occurred in the high seas. Furthermore, in the paper “*Assessment of the Potential Implications of Application of CMM-2008-01 for Bigeye and Yellowfin Tuna*” by Hampton and Harley (2009) [WCPFC-SC5-2009-GN-WP-17], it was shown that the objectives of CMM2008-01 would not be met due to the following reasons:

1. The reductions in longline catch do not result in the required reduction in fishing mortality on adult bigeye tuna;
2. The increase in purse seine effort allowed under the measure, and the increase in purse seine catchability (fishing mortality per unit effort) that has occurred since 2001-2004, is not sufficiently offset by the FAD and HSP closures to reduce purse seine fishing mortality below 2001-2004 average levels; and
3. The exclusion of archipelagic waters from the measure effectively quarantines an important source of fishing mortality on juvenile bigeye tuna.

The foregoing analysis was further evaluated by and supported in the paper WCPFC-SC6-2010-SA-WP-05 (“*Further Analysis of CMM-2008-01*”) by Hampton and Harley (2010). The key conclusion then is that those fishery sectors with significant bigeye catches must be controlled and managed very well. It can be deduced that the Commission must instead implement proportionate BET catch limits for fishery sectors that catch big amounts of bigeye tuna.

*** Area Closures: Ineffective in WCPO**

From a practical viewpoint, area closures for tuna management will not deliver the desired results. We have to look at the situation on a broader perspective considering the unique nature of tuna which is highly migratory.

As is now actually happening with the closure of HSP #1 and 2, these highly mobile species often end up in areas which are open for fishing. Needless to say, this “experiment” has done both the resource and stakeholders more harm than good as problems related to BET fishing mortality persist even as the dislocation of affected fishers continues unabated.

From the foregoing therefore, the best way to solve the BET fishing mortality problem is not the closing of the high seas but to directly deal with its contributing factors: increase in fishing effort and increase in BET catch. The WCPFC has to rein in fishing effort and put proportional catch limits on BET, WCPO-wide. This is easier to measure and monitor.

* High Seas Closure as a Disproportionate Burden to the Philippines

In the Philippine delegation paper (WCPFC6-2009/DP18) submitted in WCPFC6, the Philippines expressed its concern that the high seas closure would adversely affect the country economically and environmentally. It is **a big disproportionate burden to our country**. The Philippines is still a developing country, trying to cope with challenges in order to contribute to the attainment of the Millennium Development Goals (MDG). The high seas closure has already resulted in the loss of about 9,000 jobs, and possible loss of more jobs, for people involved in the fishing industry. This has further led to a social dislocation and marginalization of 45,000 people all over Mindanao, the base of the country’s tuna industry. This has further added to the already big number of unemployed in the island. Sooner or later, this will contribute to the instability of the peace and security situation in the island. On the other hand, the total negative impact to the Mindanao economy has reached US\$ 115 million. This has significantly affected the local economy, prompting the national government to provide emergency assistance to affected families. This clearly runs counter to the principles espoused by the WCPF Convention.¹ Needless to say, the Philippines has paid a very stiff price, economically and socially, for this high seas closure “experiment.”

¹ Article 5 and 30 of the WCPF Convention Text

*** High Seas Closure: Cause of Transfer of Effort into Archipelagic Waters**

We also stated last year that the closure of the high seas would only transfer fishing effort from the high seas to the archipelagic waters and territorial waters resulting to a zero or even negative net effect in the catch of BET tuna, contrary to the objectives of CMM 2008-01. Paragraph 5 of the said CMM clearly stipulates:

“The Commission encourages CCMs to ensure that the effectiveness of these measures is not undermined by a transfer of effort into archipelagic waters and territorial seas.” (emphasis supplied)

Unfortunately, the dreaded “transfer of efforts” which we predicted would happen, is now being experienced across the WCPO. It will be recalled that last year, the Philippines expressed in writing its concern that the displacement of its small and medium fresh/ ice chilled boats from HSP #1 would transfer the fishing effort back into our archipelagic waters and territorial seas where the spawning population and juvenile tuna abound. Recent developments have validated said concern. Clearly, the shift has not only undermined our domestic conservation measures in place, it has also forced our fishers to run afoul with the provisions of CMM 2008-01.

*** Relevant Environmental Factors**

The Philippines maintains that a number of relevant issues have yet to be taken into account in applying paragraph 22 of CMM 2008-01. The first issue is with respect to the environmental and resource management impact of a high seas closure on fishing in the Celebes (Sulawesi) Sea, which is a major spawning ground for BET and YFT. The Philippine Government, for the past 20 years, has been encouraging its fleet to move into the high seas or seek access into the EEZs of Pacific Islands in order to reduce the fishing pressure and protect the tuna resources in the Celebes Sea. While some of our fleet can venture in Pacific Islands’ EEZs, the majority (i.e. small and medium fresh/ ice chilled boats) just do not have the resources to do so. Their range is only up to the HSP #1. The complete closure of the two high seas pocket #s 1 and 2 in the WCPO that started in January 1, 2010 until 2011 per CMM 2008-01 has resulted in the

displacement of these Philippine-flagged boats fishing on the high seas back to the Celebes Sea. This situation will have a negative impact on the BET and YFT stocks managed by the Commission. It will also contravene the commitments of the Philippines with respect to the Coral Triangle Initiative (CTI), which has a similar aim of protecting the resources in the Celebes Sea.

*** Philippine Contribution to Conservation and Management of BET and YFT**

Also, the Philippines' participation in the CTI is accentuated by the enactment of Republic Act Number 10067 entitled "*An Act Establishing the Tubbataha Reefs Natural Park in the Province of Palawan as a Protected Area under the NIPAS Act (RA 7586) and the Strategic Environmental Plan for Palawan (RA 7611), providing for its management and for other purposes.*" This law creates the Tubbataha Reefs Natural Park plus a 10-nautical mile buffer zone around its perimeter as a "no take zone." By its creation, the Philippines has reduced its available fishing grounds to its fisherfolk in order to protect the foodfish of the predatory species such as tunas as well as the tunas themselves from fishing activities. Thus the Philippines has complied with its commitments to "*ensure the long-term conservation and sustainable use, in particular for human food consumption, of highly migratory fish stocks in the western and central Pacific Ocean for present and future generations and in accordance with the 1982 Convention and the Agreement*". Together with this legislation are declarations by local government units reserving certain areas within their municipal waters as fish sanctuaries, smaller in scope but collectively more encompassing in size as these total 4,400 square kilometers all over the country.

Because the Philippines has reduced its vital & rich tuna fishing grounds in order to ensure the viability of small tunas, it is rightful and fair for the Philippine to request for an area in exchange so that its fleet may capture these small tunas when these have grown bigger. This area may be the nearer of the 2 pockets of the high seas which is HSP # 1.

Furthermore, the Philippines has implemented a moratorium on fishing licenses. This has resulted in the decline in the number of active fishing vessels and purse seine effort. An independent estimate of the historical fisheries production of large tuna species by Philippine-flagged vessels

concludes that the decrease in the number of vessels has resulted in a decline of tuna landings (WCPFC-SC3-FT SWG/IP-10). It should be further noted that the number of handline vessels, as well as their catches have significantly decreased over the years due to various management measures and the lack of access to resources. The country is also finalizing its FAD Management Plan which will be implemented through the issuance of a policy instrument called Fisheries Administrative Order (FAO).

*** Disagreement to the Extension of the FAD Closure beyond 2011**

By the same token, the Philippines does not subscribe to any extension of the FAD Closure beyond 2011. We reiterate that any discussion on specific time-bound measures must only be science-based. We should see first the results of the complete assessment of the effectivity of the said measure for 2009 (two months) and 2010 (three months) before any decision can be made. We restate our concern for the BET problem and resolve to directly address it.

Recommendations

In view of the foregoing, we would like to recommend to the Commission the following:

1. Thorough consideration and discussion on the matter of extending the closure of the high seas pocket numbers 1 and 2;
2. Declaration of High Seas Pocket (HSP) # 1 as a Special Management Area (SMA) for small and medium fresh/ ice chilled fishing boats effective January 1, 2011. These particular boats have no refrigeration on board and therefore have limited range and reduced fishing capacity and efficiency. The said SMA will be implemented by the Commission through an enhanced package of monitoring, control and surveillance (MCS) arrangements that would ensure that only legitimate fishing is undertaken in HSP # 1. Among the MCS tools available to the Commission include the Regional Observer Program (ROP), Vessel Monitoring Scheme (VMS), Record of Fishing Vessel (RFV) and high seas boarding and inspection. This special scheme will also encourage other Small Islands Developing States to develop their own similar fleet of small and medium fresh/ ice chilled fishing vessels;

3. Implementation of proportionate reduction of fishing effort (i.e. reduction of fishing capacity of national fleets); and,
4. Implementation of proportionate catch limits for BET for all fleets (purse seine, longline, etc.).