

**6th Meeting of the Technical and Compliance Committee (TCC6)
of the Western and Central Pacific Fisheries Commission**

**Weak Management Measures and Unhealthy Fish Stocks:
Time to Ban the FADs and Close the High Seas Pockets**

*29th September – 5th October 2010
Pohnpei, Federated States of Micronesia (FSM)*

Introduction

The picture presented by the WCPFC Scientific Committee last month was an ever deepening crisis of Pacific bigeye and reported declines in the even once resilient skipjack tuna stocks. The reality facing this Committee is that of all the major fisheries under its mandate are veering out of control under increasing fishing capacity and efficiency. As a clear example, the 2009 catch of bigeye was the second highest on record and around 40% higher than the average over the period 2001–2004, despite management measures established in 2008 to achieve a reduction for the said year.¹ The socio-economic implications of such on going management failure are huge, with recent forecasts predicting large economic losses of approximately USD 3.4 billion if current overfishing trends continue in the region.²

A precautionary and ecosystem-based approach to fisheries management requires the rejection of unsustainable fishing practices, the use of selective fishing techniques and area based management such as well enforced marine reserves to ensure the sustainability of fisheries. For the WCPFC, the closure of the four high seas pockets is integral to stopping IUU fishing, protecting stocks and to begin to implement the ecosystem approach.

As the new record haul in the WCPO shows fish aggregation devices (FADs) have again increased purse seine catches of skipjack and juvenile bigeye and yellowfin tunas. FADs are not a sustainable means of purse seine fishing because of the high catch rate of juveniles and the significant levels of bycatch including endangered species. The 2009 two-month ban on the use of FADs was found to be effective in reducing the catch of bigeye tuna compared to catches 10 years previously,³ but the huge fishing effort and the use of FADs outside of this ban rendered the short ban ineffective.

1 Williams P. Terawasi S. 2009. Overview of Tuna Fisheries in the Western And Central Pacific Ocean, Including Economic Conditions – 2008. WCPFC-SC5-2009/GN WP-1. At <http://www.wcpfc.int/doc/gnwp-01/williams-p-and-p-terawasi-overview-tuna-fisheries-western-and-central-pacific-ocean-inc>.

2 Yellowfin catch for 2008 (539,481 mt – 22% of total catch) was the highest on record and nearly 77,000 mt (17%) higher than the previous record in 1998 (462,786 mt). The WCP–CA bigeye catch for 2008 (157,054 mt – 6% of total catch) was the second highest on record (slightly lower than the record catch taken in 2004 – 157,173 mt). Final Report of The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. Scientific Committee Fifth Regular Session, 10-21 August 2009, Port Vila, Vanuatu. <http://www.wcpfc.int/>

3 Harley, Williams and Hampton 2010, Characterization of purse seine fishing activities during the 2009 FAD closure. WCPFC-SC6-2010/MI-WP-03.

As an urgent rescue effort of the WCPO Greenpeace calls on the 6th session of the Technical and Compliance Committee (TCC6) of the Western and Central Pacific Fisheries Commission (WCPFC) to recommend to the 7th Annual session of the WCPFC:

- the closure of the four high seas pockets to all fishing;
- a ban on the use of FADs with purse seine; and,
- to immediately implement a 50% effort reduction across all fisheries based on average 2001-2004 levels.

Overfishing Crisis Deepens

Last year, a record breaking 2,467,903 tonnes of tuna were taken from the Western and Central Pacific Ocean (WCPO). This was the third year in a row that record catches have been set. Of particular concern is the upward and record setting trend of the purse seine fishery, which took 77% of the total WCPO catch.

The Secretariat for the Pacific Community (SPC), tasked with assessing the likelihood of CMM 2008-01 in achieving a 30% reduction on bigeye mortality, concluded that **more effective** management measures were required to reverse the current overfishing on this stock.⁴

The 2009 catch of bigeye (43,580 tonnes) was the second highest on record and around 40% higher than the average over the period 2001–2004, despite management measures established to achieve a reduction for the said year.⁵ The spawning population of bigeye is now down to 17% of the unfished levels and the species is listed as vulnerable to extinction and sits alongside the Mediterranean bluefin tuna, which is down to less than 15% and was considered for an Appendix 1 listing at the Convention for the Illegal Trade in Endangered Species (CITES) earlier this year.⁶

Although the 2009 purse-seine catch of yellowfin tuna demonstrated a significant reduction on the record catch taken in 2008, it was still the fourth highest on record. Even the region's once robust skipjack tuna stocks were reported showing declines in Japan, Indonesia, NZ and Australia as the range of the species contracts, a well known phenomena in declining fisheries elsewhere. In addition the catch of skipjack dangerously exceeded that of MSY (MSY 1.35 MT catch 2009 1.8 MT) fuelled by the growing purse seine capacity and the silent capacity increases by the ever growing dependency of these fisheries on FADs. This now sets the long-term sustainability of even the Pacific skipjack stocks under a question mark.

Unless this ever deepening unsustainable and uncontrolled exploitation of region's tuna stocks is addressed the region will be robbed from its opportunity to reap large economic benefits from the tuna resource and lose its edge in marketing these products under better environmental credentials.

⁴ Hampton, J., and Harley, S., 2009, Assessment of the potential implications of application of CMM 2008-01 to bigeye and yellowfin tuna. WCPFC-SC5-2009/GN-WP-17.

⁵ Williams P. Terawasi S. 2009. Overview of Tuna Fisheries in the Western And Central Pacific Ocean, Including Economic Conditions – 2008. WCPFC-SC5-2009/GN WP-1. At <http://www.wcpfc.int/doc/gnwp-01/williams-p-and-p-terawasi-overview-tuna-fisheries-western-and-central-pacific-ocean-inc>.

⁶ International Union for the Conservation of Nature (IUCN) Red List of Threatened Species (available at www.iucnredlist.org/apps/redlist/details/21863/0).

FAD ban – no more excuses

Once again evidence provided to the WCPFC SC in August 2009 showed that the use of FADs resulted in increased catches of juvenile tuna compared with free school sets. During the FAD ban period in 2009 the purse seine catch of bigeye tuna was significantly reduced⁷ to the lowest level of FAD-caught bigeye tuna for a decade during this period. The SC recognised the effectiveness of banning FADs in reducing the mortality of overfished bigeye tuna.

However, the increased overall fishing effort during 2009 resulted in the purse seine fleet making a record number of FAD sets outside of the ban period which undermined any benefits from the short two month FAD ban. The ban in 2009 was further compromised by compliance problems. 504 FADs were set during the ban period as Japan had an exemption from this ban. 287 of the reported FAD sets during this ban were illegal.⁸ Greenpeace also documented 10 FADs during the ban period on our Defending the Pacific ship tour in the high seas.⁹

Given the scientific recommendation for the bigeye mortality reduction is a 34–50% reduction on 2004–2007 levels,¹⁰ it is clear that the WCPFC urgently needs to extend the FAD ban measure for bigeye as an effective means of reducing the mortality of the species. A total FAD ban in purse seine fisheries would clearly be the best means of reducing the bigeye purse seine catch as well as bycatch of endangered marine life such as sharks and turtles that are known to be attracted to FADs and get caught up in purse seine nets.

High seas closures - closing the loop on pirate fishing

The proposed closure of the four high seas pockets is integral to stopping IUU fishing, protecting stocks and to begin to implement ecosystem approach to fisheries management. IUU fishing activities are estimated to cost the Pacific region up to \$1.7 billion per year.¹¹ Greenpeace ship expeditions in 2006,¹² 2008¹³ and 2009,¹⁴ repeatedly demonstrated the extensive and pernicious nature of IUU fishing in the region and the role that these high seas areas play in facilitating these illegal activities. For example, in 2008 we documented an illegal Philippine vessel, an illegal pole and line vessel and an array of vessels that were predominately accessing the high seas only leaving room for laundering and unregulated activities. In 2009 Greenpeace observed *Koyu Maru 3*, a Japanese flagged longliner, hauling in her longline in the EEZ of the Cook Islands. *Koyu Maru 3* did not hold a fishing licence with the Cook Islands but have been straddling between the high seas and the EEZ of Cook Islands. The vessel owners later settled the case with the Cook Islands government after paying a sum of \$NZ 1M based on the surveillance information provided by Greenpeace.

7 Harley, Williams and Hampton 2010, characterization of purse seine fishing activities during the 2009 FAD closure. WCPFC-SC6-2010/MI-WP-03.

8 Ibid.

9 Greenpeace 2009. Defending Our Pacific[®] Expedition 23 August – 19 October 2009. Summary report.

10 WCPFC Scientific Committee 2009, Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. Summary Report.

11 Forum Fisheries Agency (email 15 July 2010).

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

13 <http://www.greenpeace.org/raw/content/australia/resources/reports/overfishing/defending-our-pacific-2008-su.pdf>

14 <http://www.greenpeace.org/raw/content/international/press/reports/defending-our-pacific2009-summaryreport.pdf>

Similarly, a recently concluded joint regional surveillance operation – “Island Chief” – apprehended Philippine flagged vessels engaged in IUU activity on the high seas. The vessels are suspected of also carrying out illegal fishing in adjacent EEZs of Pacific Island countries as in addition to not being on the WCPFC registry (and therefore not entitled to fish in the WCPFC CA) the vessels did not have WCPFC vessel monitoring systems.¹⁵

From an economic perspective the closure of the high seas enclaves will have a lasting and positive effect on the outlook and prospects of regional fisheries supplying the skipjack and yellowfin raw material for the canning industry and market and will result in a significant increase in the value of the overall fishery.¹⁶

Closing areas of importance to fish stocks and other marine life allows the complete ecosystem to be protected in a marine reserve. Marine reserves are known to increase the abundance, size and diversity of species within them, and also have positive benefits outside of the reserves themselves. Greenpeace produced a proposal for the Convention on Biological Diversity (CBD) highlighting the ecological values of the four high seas pockets. This report shows that here is a strong biological case for making the areas fully protected marine reserves as the areas meet a number of the key criteria adopted by the CBD for identifying priority areas for protection.

The closing of only two of the four high seas pockets would not achieve full benefits as both legitimate and illegal fishing operations would simply transfer to the open pockets and increase effort in this region to make up for opportunities lost elsewhere. There is clearly a need to close the net on IUU fishing by closing to fishing the two remaining high seas pockets. To make sure the closures bring about desired conservation and management benefits a full closure to all gear types including long-lining is needed. This is especially so given the lax transshipment regulations for long-liners in place in the high seas.

Following the review of CMM 2008-01, it is clear that comprehensive ecosystem based approaches to marine conservation are imperative to protect vulnerable tuna stocks from overfishing. Fundamental to the success of the closures is the removal of this effort from the fishery upon the closure. Establishing fully protected marine reserves in the four high seas pockets is an effective tool for maintaining a healthy Pacific ecosystem. Therefore, Greenpeace is calling on TCC6, as a priority, to recommend an extension of the closures to include the two eastern high seas pockets (see Map 1) as proposed by the Cook islands, French Polynesia and supported by most Pacific Island Countries (PICs) at WCPFC6. To ensure the effectiveness of this measure, Greenpeace is calling on the TCC6 to also extend all the closures to include all fishing, not just purse seining.

15 FFA's beefed up fisheries surveillance hits illegal fishing; (Interview by Australian Broadcasting Corporation, Radio Australia with Martin Campbell)
<http://www.radioaustralia.net.au/pacbeat/stories/201008/s2992224.htm>.

16 Economic outlook and prospects for the tuna fisheries; Paper presented to Officials Forum Fisheries Committee Seventy Fourth Meeting (FFC74) 10-13 May Honiara Solomon Islands.

Summary of Greenpeace Priority Recommendations to TCC6

- TCC6 recommends that the Commission urgently adopts and implements the closure of additional high seas pockets further east to all fishing in order to strengthen the benefits derived from the existing high seas pockets closures and to prevent any transfer of high seas effort, in particular IUU effort, from the closed pockets into new areas.
- TCC6 recommends that the Commission adopts and implements a **100%** full ban on the use of FADs in association with purse seine fishing.
- Greenpeace recommends that the Commission implements an immediate and necessary 50% effort reduction in tuna fishing effort across the entire WCPO fisheries based on the average 2001-2004 levels.



Map 1: The highlighted areas 1, 2 and 3 and 4 are the high seas pockets. Pockets 1 and 2 are closed to purse seine fishing from 2010 as per WCPFC decision in December 2008 and supported by various sub-regional agreements.¹⁷

¹⁷ As per PNA 3rd implementing arrangement.

ANNEX TO THE GREENPEACE BRIEFING TO TCC6 ANALYSIS AND RECOMMENDATIONS LISTED BY AGENDA ITEMS

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

2.1. Cost Recovery for Commission Operations

The proposal to restrict participation of observers, particularly non-governmental organizations (NGOs) and civil society organizations (CSOs), at the commission and its subsidiary meetings through the imposition of a fee should be reconsidered in light of the purpose and role of observers participating at the commission, let alone widely recognized obligations to ensure the participation of civil society in decision making processes.

Observers play a number of beneficial functions for both the commission and its members as exemplified by NGO's and CSOs that are existing observers of the commission. These include awareness raising; presentation of analysis and information on issues relevant to the mandate of the Commission; ensuring participation of local level fish producers; assisting individual members to fulfill MCS obligations; providing an opportunity for increased information dissemination of the commission's work for improved transparency, as well as working in partnership with commission members to implement WCPFC policies.

Greenpeace draws the Commission's attention to the functions of observers and urges that the commission reconsider the imposition of a blanket participation fee for observers, in particular on NGO's and CSOs, which will restrict participation of such groups in the Commissions deliberations. In addition if restrictions to delegation sizes of observers are made these should be also implemented to other delegations. WCPFC has many member countries and to effectively work within the commission framework NGOs also need different nationality and language skills presentation in the meeting in order to be effective.

IUU Vessel List and IUU Listing Procedures

Greenpeace commends the work done by the WCPFC in establishing the IUU vessel list and enabling its online access. As highlighted by the recent joint surveillance exercise in the WCPO and the resulting arrest of unauthorized and unlicensed vessels fishing in the high seas, IUU fishing remains a salient issue. There is a need to bolster existing IUU measures as well as ensure adequate sanctions are imposed in order to deter IUU fishing in the region. In order to achieve this:

Greenpeace recommends that vessels and companies with any current or past connection to IUU fishing should be denied access into the WCPO region until such time effective measures have been undertake.

As advised by WCPFC 6 the issue of paragraph 3(j) must be resolved by this session of the TCC. There are numerous examples in which shipowners use networks of both licensed and illegal vessels operating together in order to launder illegal catches.

Greenpeace recommends that Paragraph 3(j) of CMM 2007-03 should be retained and applied without amendment to serve as a much needed and cost effective deterrent against IUU fishing.

There is a need to ensure that the crew of a vessel is held accountable for their actions. Within the framework of the IPOA-IUU, there is a need to ensure that nationals of CCMs do not engage in IUU activity.

Greenpeace recommends that the Commission adopt a resolution that encourages CCMs to work together to implement national legislation prohibiting its nationals from engaging in IUU fishing in the WCPO.

Currently the WCPFC IUU list is only listing five vessels. This is obviously a misrepresentation of the importance and extent of IUU fishing in the region. Previous discussion on IUU listing and its procedures within TCC and the Commission has been heavily politicized which undermines the intention of any IUU measure in eliminating IUU operations.

Other RFMOs are increasingly looking at different sources of information in order to address IUU activities. As an example, the ICCAT Recommendation [08-09] to Establish a Process for the Review and Reporting of Compliance Information lay out rules to submit information in relation with IUU activities and specifically establishes a process so that information presented by NGOs can be considered and officially presented at the Commission's annual meeting.

Greenpeace encourages parties to the WCPFC to access the database that Greenpeace has put together to identify vessels and companies which have been engaged in IUU fishing and to provide comprehensive and updated information on IUU activity in the region.¹⁸

Greenpeace believes the Greenpeace blacklist is a good example of what could be achieved by parties to this Commission should the adequate level of priority be given to curbing IUU fishing. The WCPFC must make an effort to gather all available information on IUU activities in the Convention area, included that provided by NGOs, and take deterrent actions, including but not limited to, the inclusion of identified vessels in the IUU list.

Committee on Compliance with Conservation and Management Measures

Greenpeace commends efforts by the Commission to establish a committee on compliance with CMMs and stresses the importance of reporting obligations under CMMs. Members are required to submit catch, size, composition and effort data for all fleets in specified format. Similarly, members are obligated to provide specific information regarding vessels listed on its national record of fishing vessels that are entitled to fly its flag, and authorized to fish in the Convention Area beyond its area of national jurisdiction. This information must be received within a specified timeframe for the vessel to be placed on the registry and authorised to fish in the WCPO.

¹⁸ Such database is available at <http://blacklist.greenpeace.org> and is divided in two parts: an Official Database compiled from existing official registries of illegal, unregulated and unreported (IUU) vessels and companies, and a Greenpeace blacklist, which contains information on vessels and companies that have been credibly recorded engaging in IUU activities, but have not for various reasons been blacklisted by an official body. Industrial fishing vessels and fishery support vessels, including motherships, refrigerated carriers and supply vessels, are included on the database.

Overall there has been a lack of urgency in providing obligatory data under management measures to the WCPFC. This has resulted in WCPFC data often being inconsistent and incomplete. It is often submitted late, making it impossible to monitor quotas or accurately determine the status of the stocks. This lack of data contributes to a substantial level of uncertainty, which translates into a reduced lack of confidence in results of fisheries models as well as management measures.

Greenpeace recommends that such a committee effectively ensure data submission obligations are complied with and improved on. The committee must be enabled to recommend severe sanctions on CCMs that default on implementation obligations under CMMs. Such sanctions can be in the form of reduced access and/or quotas and/or trade sanctions

2.11. Advice and recommendations in relation to the implementation of CMMs

f) CMM 2008-01 [Bigeye and Yellowfin]

At WCPFC6 it was accepted that CMM 2008-01 will not achieve its stated objective of a 30% reduction in bigeye fishing mortality from 2001-2004 (or 2004 levels). As a result, it was agreed to consider the issues raised in the discussion in the 2010 SC and TCC meetings and that a new package of measures should be available for consideration at WCPFC7. Additionally, CMM 2008-01 expires in 2011.¹⁹

Evidence made available at SC5 in 2009 showed that the use of FADs results in increased catches of juvenile tuna as compared to sets on free school. In addition, fish are increasingly maturing at an earlier age and becoming comparatively smaller in size as a result of intense fishing pressure.²⁰

During the FAD ban period in 2009 the purse seine catch of bigeye tuna was significantly reduced to record the lowest level of FAD-caught bigeye tuna for a decade in this period. But in turn the purse seine fleet made a record number of FAD sets outside of the ban period which completely undermined any benefits from the two month FAD ban. In doing so, this segment of fleet clearly demonstrated that the closure was not long enough, resulting in the second highest catches for bigeye on record and around 40% higher than the average over the period 2001–2004. This despite the objective of this management measures being to achieve a 10% reduction for the said year!

Greenpeace urges TCC6 to strengthen measures in order to respond to best available scientific advice and in particular recommends that purse seine fishing in association with FADs in all forms be totally and unequivocally BANNED in the Convention area.

A proposal was made by the Cooks Islands at WCPFC6, and supported by several CCMs, including FFA members, to close two additional high seas pockets (located between Fiji, Solomon Islands and Vanuatu; and the Cook Islands, French Polynesia and Kiribati) to purse-seine fishing. Cook Islands noted that Article 8 (4) of the Convention gives special attention to management of such pockets, and stated that its proposal was based both on biological conservation needs as well as the need to

¹⁹ Ibid.

²⁰ An, D. H. et al (2009) Catch of small-sized tuna by set type of Korean tuna purse seine fishery in the WCPO. National Fisheries Research and Development Institute (NFRDI), Busan, Korea. Available online at: <http://www.wcpfc.int/doc/ft-wp-02/doo-hae-you-jung-kwon-doo-nam-kim-dae-yeon-moon-and-seon-jae-hwang-catch-small-sized-tu>.

reduce safe havens for IUU fishing activities. Although the proposal was not adopted by WCPFC6, Cook Islands stated that it remained deeply concerned about the issue, and planned to bring forward a similar proposal to TCC6 for further discussion.²¹

The closure of the two additional high seas pockets to purse seine fishing must be given top priority given the high levels of illegal, unregulated and unreported (IUU) fishing cases exposed by Greenpeace surveillance expeditions in these areas over the past years and to complement the pockets already closed. The closure of the two high seas pockets to purse seine fishing from January 1, 2009 under Conservation and Management Measure 2008-01 began to address both the incidences of illegal fishing in these zones and overfishing of bigeye and yellowfin tuna. Similarly the recent agreement by The Parties to the Nauru Agreement (PNA) to close off additional high seas areas from January 1, 2010 warrants similar benefits. However, such a measure is not sufficient to tackle the population decline for these species.

Greenpeace urges TCC6 to prioritise action that would eliminate IUU fishing and prevent relocation of effort, both legitimate and IUU, from existing closures. Greenpeace calls for the closure of the two eastern high seas pockets to purse seine fishing by the Commission.

Furthermore Greenpeace urges and recommends that members of the commission support the proposal for the closures of the additional two high seas pockets to purse seine fishing as recommended by SPC and extend the closures to longlining. This would provide a first step towards establishing fully protected high seas marine reserves in the four high seas enclaves.

AGENDA ITEM 3

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

3.5 NGO Information for Compliance WCPFC6-2009/DP33

WCPFC6 was unable to consider Canada's proposal on the use of NGO information for Compliance as per para 358 of the WCPFC6 Summary Report. TCC6 is invited to consider this paper (WCPFC-TCC6-2010/29).

Greenpeace has been defending Pacific tuna stocks from plunder since 2004. Greenpeace's at sea expeditions and partner patrols with Pacific Island Countries have exposed criminal activity in the form of IUU pirate fishing activity on each ship tour.²² Information from Greenpeace expeditions have been used in the past to support legal actions on IUU vessels. For example, the most recent Greenpeace ship tour in 2009, found illegal fishing vessels only authorised to fish on the high seas that were operating out of the high seas pockets and illegally fishing in adjacent EEZs. Greenpeace documented Koyu Maru 3, a Japanese flagged longliner hauling her longline in the exclusive economic zone (EEZ) of the Cook Islands. Koyu Maru 3 did not hold a fishing licence with the Cook Islands. Based on information supplied by Greenpeace, the vessel owners and flag state later settled the case with the Cook Island authorities after paying a sum of \$NZ 1M.

²¹ Harley, Williams and Hampton 2010, characterization of purse seine fishing activities during the 2009 FAD closure. WCPFC-SC6-2010/MI-WP-03 Paragraph 250 WCPFC6 Final Report.

²² Summaries of findings from our past ship tours can be found at <http://www.greenpeace.org/australia/resources/reports/overfishing>.

As outlined above the commission must take advantage of the opportunity to allow NGO's to supply information for compliance given the lack of surveillance capacity in the region.

Greenpeace calls on the WCPFC to approve a resolution establishing a formal process in which parties, non-parties and NGOs can formally submit compliance information to the Compliance Committee for its consideration in timely manner, along the lines of ICCAT Recommendation [08-09]