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## **Charting A Course Towards Sustainable Pacific Tuna Fisheries**

**Western & Central Pacific Fisheries Commission (WCPFC)  
7<sup>th</sup> Regular Session  
Honolulu, Hawaii, 6 – 10 December 2010**

### ***Introduction***

The 7<sup>th</sup> meeting of the WCPFC has the opportunity to show global leadership in precautionary and ecosystem-based tuna management by agreeing to implement a number of key measures that will address the deepening crisis facing the region's tuna stocks from overfishing and fleet overcapacity. These measures will need to build on and complement the actions that have been taken multilaterally by the WCPFC or unilaterally by the Parties to the Nauru agreement (PNA), that so far have not been far-reaching enough to avert an impending fisheries crisis.

This year, the WCPFC Scientific Committee (SC) reported that measures agreed in 2008 do not go far enough to halt overfishing in the region, and the crisis facing especially bigeye and yellowfin stocks continues to deepen. Bigeye tuna spawning biomass is now at 17% of its original biomass<sup>1</sup> – very close to the level that would make it eligible for listing under the Convention protecting species threatened by international trade, CITES, as was recently the case with Atlantic bluefin tuna – the poster child of poor fisheries management. Signs of decline in even the once robust skipjack stock are now starting to appear as a result of massive fishing capacity and deadly efficiency. These declines are placing great threats on the region's food security and economic prosperity, and the current mismanagement is undermining the marine ecosystem and the fishing industry itself.

This is a huge wake-up call for the region. Time and tuna are running out. The Commission continues to fail in its mandate to conserve the region's precious tuna resources, and unless firm decisions are taken in Hawaii, it is on a path to repeat the same mistakes of other failed Tuna Commissions. The WCPFC needs to build on the measures agreed in 2008, that closed off two high seas pockets to purse seine fishing as well as banning of fish aggregating devices (FADs) for certain periods of time. These measures are shown to be effective but are not adequate enough both temporally and spatially to respond to the crisis in the region.

**Greenpeace therefore urges the WCPFC to consider the following recommendations as a matter of priority:**

- 1. *Extend the closure of the current two high seas pocket to all types of fishing.***
- 2. *Adopt and implement the closure of the further two (Eastern) high seas pockets to all fishing. This will complement the benefits derived from the existing high seas pockets closures and will prevent any transfer of high seas fishing effort, in particular IUU fishing effort, from the closed pockets into other high seas areas.***
- 3. *Adopt and implement a complete year-round ban on the use of FADs in association with purse seine fishing.***
- 4. *Implement an immediate and necessary 50% reduction in tuna fishing effort across the entire WCPO fisheries based on the average 2001-2004 levels.***
- 5. *Support the continuation of Conservation and Management Measure 2008-01 on the high seas closures.***

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<sup>1</sup> Harley S, Hoyle S, Williams P, Hampton J, Kleiber P. (Eds). Stock Assessment of Bigeye Tuna in the Western and Central Pacific Ocean. Paper presented at: SC6: Proceedings of the 6th Regular Session of the Scientific Committee for the Western and Central Pacific Fisheries Commission. 10 – 19th August 2010, Nukualofa, Tonga.

6. **Fast track fishing capacity reduction and re-allocate the remaining fishing opportunities in a way that is environmentally and socially responsible.**
7. **Reject a proposal to impose fees on civil society participation at meetings.**
8. **Support Canada's proposal on establishing a formal process that NGOs can submit compliance information to the Technical and Compliance Committee.**

## **High Seas Pocket Closures – Creating Tuna Sanctuaries**

The high seas pockets are havens for illegal, unregulated and unreported (IUU) fishing activities. Greenpeace has been defending Pacific tuna stocks from plunder for many years, and our ship expeditions and partner patrols with Pacific Island Countries have exposed criminal activity in the form of IUU fishing activity. During 2008 and 2009, Greenpeace surveillance activities in the high seas pockets revealed continued IUU activity and compliance irregularities.<sup>2</sup> In particular Greenpeace documented illegal fishing and transshipping activities by Philippine purse seine vessel in the most western high seas pocket in 2008 and again illicit activities were recorded there by Taiwanese longline vessels in 2009. Similarly, a joint regional surveillance operation coordinated by the Forum Fisheries Agency (FFA) in August this year called 'Operation Island Chief' found two Philippine flagged vessels fishing illegally on the high seas in the Pacific. The vessels were not registered with the WCPFC and were not carrying WCPFC authorised vessel monitoring systems.<sup>3</sup>

It is clear that the high seas pockets present a major loophole in the regulation of fishing for the WCPO<sup>4</sup>. The industry players that have been most negatively affected by the closure of these areas to date are those that have been most involved in IUU activities<sup>5</sup>. Further closures of the high seas pockets would make it significantly harder for IUU fishing vessels to operate and trade their products. Greenpeace is therefore campaigning for the closure of all four high seas pockets to all fishing, including long-lining, and to deter and eliminate IUU fishing in the region.

The closure of two of these high seas pockets to purse seine fishing from January 1, 2010 under Conservation and Management Measure 2008-01 began to address both IUU fishing in these zones and overfishing of bigeye and yellowfin tuna. This measure was reviewed by the SC and was found to be effective in reducing bigeye mortality when adequately applied, i.e. capacity is removed. Yet the area closures remain too small and hence inadequate to respond to the complexity and scale of the crisis in the region. The SC advised again this year that additional measures are necessary to conserve bigeye tuna. They expressed concern at the possible effects of a transfer of purse seine effort from the two closed western high seas pockets to other areas of high seas in the east where bigeye tuna generally form a greater proportion of the catch. Analysis by the SC shows that the daily catch rate of bigeye by purse seine vessels in the east, including most of the area proposed for closure, is two to five times higher than in the west.

In order to further prevent use of the high seas pockets from IUU vessels, to increase the conservation benefits of closure of the high seas pockets and to prevent relocation of effort from existing closures, Greenpeace is calling for the additional closure of the two eastern high seas pockets to both purse seine fishing and long-lining. Greenpeace applauds the decision by Parties to the Nauru Agreement (PNA) to close off these high seas pockets including additional open high seas areas to purse seine fishing and urges CCMs to adopt PNA's proposal for the Commission to implement compatible measures. Greenpeace also recommends that the current fisheries closure in the two western high seas pockets be extended to include long-lining. This would provide a first step towards establishing fully protected high seas marine reserves in the four high seas pockets.<sup>6</sup>

<sup>2</sup> See *Plundering the Pacific* <http://www.greenpeace.org/australia/resources/reports/overfishing/defending-our-pacific-2008-su> and <http://www.greenpeace.org/international/en/publications/reports/defending-our-pacific2009-summaryreport/>

<sup>3</sup> FFA's beefed up fisheries surveillance hits illegal fishing: Radio Australia's Pac Beat, 2010, radio programme, Australian Broadcasting Corporation, Sydney, 24<sup>th</sup> August.

<sup>4</sup> Flothmann S. et al. 2010. Closing Loopholes: Getting Illegal Fishing Under Control. Scienceexpress. 20 May 2010.

<sup>5</sup> This is especially so as the reported catches from all high sea areas in the convention area have been estimated to be around 20%. Yet the reported declines in landing after the high seas closures, for example in General Santos appear to be proportionally much higher.

<sup>6</sup> Further Consideration Of CMM 2008-01 With Respect To Bigeye Tuna. SPC Paper presented to the SIXTH REGULAR SESSION of the Western and Central Tuna Commission Papeete, Tahiti, French Polynesia 7-11 December 2009.

As was recently reaffirmed in Nagoya, Japan in October 2010, the parties to the Convention on Biological Diversity (CBD) remain committed to establishing a worldwide network of marine protected areas, including in the high seas by 2012. To date progress has been regrettably slow. The Pacific high seas pockets meet a number of criteria set by the CBD for ecologically and biologically significant areas on the high seas<sup>7</sup>. In addition, they include tuna spawning and migration areas. By closing all four high seas pockets to all fishing, the WCPFC could show global leadership in battling IUU fishing and ecosystem based management, make progress towards the CBD commitments and create sanctuaries for the region's threatened tuna stocks.

## ***Ban FADs - The Scourge of Overfishing***

In 2008, WCPFC member countries agreed to reduce fishing effort by 10 per cent per year over three years in order to curb the overfishing of bigeye and yellowfin tuna. At the time it was recognised that this measure would not be sufficient to achieve the 30% minimum and immediate reduction in bigeye mortality that was recommended by scientists. An important portion of the agreed 30% reduction was to come from banning the use of purse seine fishing with FADs for two months in 2009 and three months in 2010.

However, it has become clear that the agreed measures to decrease overfishing have not been strong enough to meet their objectives. In 2009 a record catch of 2,467,903 tonnes of tuna was caught in the WCPO. The top five fishing nations were Japan, Philippines, Indonesia, Korea and USA. The use of FADs by the purse seine fleets of all these countries continues to be widespread and in some cases has continued to expand. The amount of purse seine caught bigeye in 2009 was 118,657 tonnes – the second highest catch on record and around 40% higher than the average over the period 2001–2004.<sup>8</sup>

The use of FADs in purse seine tuna fisheries significantly undermines the sustainability of these fisheries because of the high levels of juvenile bigeye tuna, as well as bycatch of non-target (and vulnerable) species such as sharks, turtles and other fish species. Evidence provided to the WCPFC SC in August 2009 confirms this fact showing that the use of FADs resulted in increased catches of juvenile tuna compared with fishing by free school sets.

It is clear that banning the use of FADs is an effective conservation measure. During the two month FAD ban period in 2009 the purse seine catch of bigeye tuna was the lowest level for a decade, despite the number of fishing days and sets not being lower than in previous months. The SC recognised the effectiveness of banning FADs in reducing the mortality of overfished bigeye tuna<sup>9</sup>. However, the fact that this ban is temporary means that, overall, fleets simply make up for lost FAD fishing time in the months that this type of fishing is allowed.<sup>10</sup> The increased overall fishing effort during the whole of 2009 resulted in the purse seine fleet making a record number of FAD sets outside of the ban period, therefore undermining any potential benefits from the short two-month FAD ban.

There can be no more excuses for the use of FADs in the Pacific Ocean when their impacts are being felt on the region's most vulnerable tuna stocks. Agreeing to a temporary ban on their use in 2008 was a positive step by the WCPFC to enable scientists to assess the effectiveness of this approach. Catch data from 2009 has demonstrated not only the effectiveness of banning FADs, but also that the short seasonal closure will not achieve the objectives of the Commission to reduce the mortality of bigeye and yellowfin tuna. Given the scientific recommendation to reduce the bigeye mortality by up to 50% compared to 2004- 2007 levels it is clear that the WCPFC urgently needs to extend the FAD ban as an effective means of reducing the mortality of these species.<sup>11</sup>

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<sup>7</sup> <http://www.greenpeace.org/raw/content/international/press/reports/pacific-enclaves.pdf>

<sup>8</sup> Williams and Terawasi 2010, Overview of tuna fisheries in the Western and Central Pacific Ocean including Economic Conditions – 2009. WCPFC-SC6-2010/GN WP-1.

<sup>9</sup> Harley, Williams and Hampton 2010, characterization of purse seine fishing activities during the 2009 FAD closure. WCPFC-SC6-2010/MI-WP-03.

<sup>10</sup> "We are certainly seeing increases in effort and the number of vessels in the fishery so, even though during periods of the FAD closure we are seeing evidence of reduced activity on FADs, it seems possible that during the rest of the year they are more than able to make up for it." Shelton Harley, Principal Fisheries Scientist, Secretariat of the Pacific Community

To have a fighting chance to avoid the severe overfishing and further depletion and future collapse of the regions' bigeye tuna, Greenpeace is calling on the commission to extend the 3-month restriction to a full and permanent ban on the use of all FADs in association with purse seine fishing for 2011 and beyond.

## ***Follow Science: Reduce Effort by 50%***

The urgent need to reduce fishing effort and capacity on Pacific tuna stocks managed by the WCPFC, particularly bigeye tuna and yellowfin tuna, is widely recognised.

The Commission's independent science advisory body of the Secretariat of the Pacific Community (SPC) confirmed that the conservation and management measure CMM-2008-01 is failing to meet its objective to achieve a reduction in fishing pressure on bigeye tuna. They recommend that a 50% reduction in longline catches from 2007 levels, an 80% reduction in Fish Aggregating Devices (FAD) effort from 2007 levels, and a 50% reduction in effort from the domestic fisheries in Indonesia and the Philippines for 2007 levels are required in order to restore bigeye populations.<sup>12</sup>

Radically reducing fishing effort would not only ensure sustainability but also improve the economic performance of the fleets and returns to coastal States from the access agreements.<sup>13</sup> A necessary sharp reduction in fishing capacity provides an opportunity to negotiate access agreements that value the resource and transfer the food security and socioeconomic and political risks associated with overfishing to flag States. Greenpeace is therefore calling for a 50% reduction in tuna fishing effort across the WCPO fisheries based on the annual average 2001-2004 fishing mortality levels.

## ***Continue Existing Conservation and Management Measures***

In regards to current CMMs such as the CMM 2008-01, Greenpeace draws the attention of the Commission to the fact that the decision on the high seas closures in the text agreed to by consensus was not bound by a time limit or expiry date.

The review clause in CMM 2008-01 reads:

*“46. The measures described above for the purse seine and longline fisheries shall be reviewed annually in conjunction with the scientific advice to measure the impact and compliance with the measure. The measure shall remain in place unless the Commission adopts alternative measures. This review shall consider, inter alia, whether the measures are having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission's conservation goals.”*

This specific measure reads:

*“22. The high seas pockets indicated in Attachment D will be closed effective from 1 January 2010 unless the Commission decides otherwise at its 6th annual meeting in December 2009. At this meeting the Commission will also consider the closure of all high seas pockets in the Convention Area between 20 north and 20 south”*

It is clear that this measure does not expire unless it is replaced by an alternative measure for the high seas that has been agreed to through a consensus decision of the Commission. This is made clear in both paragraph 46 and paragraph 22.

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<sup>11</sup> WCPFC Scientific Committee 2009, Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. Summary Report.

<sup>12</sup> Further Consideration Of CMM 2008-01 With Respect To Bigeye Tuna. SPC Paper presented to the Sixth Regular Session of the Western and Central Tuna Commission. Papeete, Tahiti, French Polynesia 7-11 December 2009.

<sup>13</sup> Bertignac M. 2001. Maximizing Resource Rent From the Western and Central Pacific Tuna Fisheries. Marine Resource Economics, Volume 15, pp. 151-177.

## ***Fast-track Capacity Reduction and Allocation in the WCPFC***

There are simply too many vessels operating in the region chasing declining stocks. A significant capacity reduction scheme is urgently needed. As mandated by the Kobe joint RFMO programme the WCPFC must address and deliver meaningful solutions to the most pressing issue of reducing tuna fishing capacity to ensure the environmentally sustainable exploitation of tuna stocks in the long-term while, at the same time, allocating the remaining fishing opportunities in a way that is environmentally and socially responsible.

Greenpeace is calling on the WCPFC to urgently adopt a system that:

- sets fishing mortality and fishing capacity limits and composition based on the precautionary and ecosystem-based approaches;
- provides a common definition of what constitutes fishing capacity;
- requires the timely submission of accurate and detailed data to measure fishing capacity on a regular basis;
- provides for an equitable allocation of access to resources using a set of transparent environmental and social criteria, that respects the rights of developing coastal States and small-scale fishing communities to participate in and benefit from tuna fisheries and that would lead to positive competition to improve the standards and practices in the fishery.

Such criteria should apply equally to all Contracting Parties and Cooperating non-Contracting Parties (CPCs) and their operators and should include:

- environmental impacts: level of by-catch; damage to the marine environment, including impact on species composition and the marine food web;
- history of compliance/flag State performance;
- amount and quality of data provided;
- energy consumption per unit of fish caught;
- quality of the fish produced and delivered to market;
- socio-economic benefits provided, especially to coastal fishing communities.

## ***Promote NGO Participation to Ensure Transparency and Accountability***

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 proposed \$ US 500-700 fee per delegate per meeting, to recover costs associated with the attendance of these observers must be reconsidered.

While Greenpeace understands concerns of FFA members with increasing burdens on hosting States, it believes that a proposal to charge observers fees is (1) incompatible with international law on transparency and with the WCPFC Convention itself; (2) would dissuade observers from participation, to the detriment of the Convention; (3) would bring in very small amounts of revenue and (4) is an inappropriate response to the increasing size of WCPFC meetings, since NGO observers are a small number of delegates and cost the WCPFC very small amounts.

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. All these services are provided without cost to the WCPFC and its Members, and at considerable cost to the observers, without any financial benefit or reward.

Transparency and accountability within the proceedings of the Commission's undertakings must be constantly pursued by the WCPFC and not restricted. The imposition of an attendance fee undermines these principles, and is a step in the wrong direction for a commission that proclaims inclusive policies. A mandatory fee on civil society to observe and participate in the work of the WCPFC would result in restricted participation of this sector, which often operates on limited budgets, running the risk that the Commission's meetings would become an exclusive club of industry and Governments.

Fees charged to NGOs would not bring in significant funds to the Commission. They would merely serve to restrict participation. If the Commission is to recoup costs, it should consider a user-pays fee levied to the industry that is making money from exploitation of the fishery resource in question.

### ***Adopt Canada's Proposal to allow NGO Information on Compliance***

Greenpeace is supportive of Canada's proposal for the use of NGO information for Compliance. The Commission should be made aware of any and all available information that may be relevant to the work of the Commission in identifying and holding accountable instances of non compliance with conservation and management measures. The Commission has historically suffered from a lack of information as well as data deficiencies that has resulted in a reduced ability to identify relevant instances of non-compliance with conservation and management measures. The proposal to allow NGO's to submit information on non-compliance to the commission would only add strength to the WCPFC's monitoring, control and surveillance (MCS) obligations.

We draw attention to the reporting of FADs during the 2009 FAD ban, the IUU fishing of the Koyu Maru fleet documented by Greenpeace and resulting in \$1.4 million compensation to the Cook Islands and Tokelau, and the joint patrols conducted with the Federated States of Micronesia and Kiribati in 2006<sup>14</sup> as examples of the value of compliance information contributed by NGOs.

Such practice is already formalised in other tuna RFMOs such as ICCAT.<sup>15</sup> Observers, in particular environmental NGOs are playing an increasingly participatory role in the Commission's MCS responsibilities particularly with regards to the maritime surveillance of both high seas managed areas and national waters. A formal process for the submission and consideration of such information has substantial benefits for the effective operation of the Commission, and to help achieve the objectives of the WCPFC convention.

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<sup>14</sup> <http://oceans.greenpeace.org/raw/content/en/documents-reports/plundering-pacific.pdf>

<sup>15</sup> Recommendation 08-09, Paragraph 5. Entered into force: June 17<sup>th</sup> 2009. Recommendation by ICCAT to Establish a Process for the Review and Reporting of Compliance Information