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PHILIPPINES PROPOSED AMENDMENT TO CMM 2008-01

WCPFC7-2010-DP/24
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Letter and Paper prepared by the Philippines



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Prof. Glenn Hurry
Executive Director
WCPFC
Kaselehlie Street, P. O. Box 2356,
Kolonias, Pohnpei 96941,
Federated States of Micronesia.

Subject: Philippine Discussion Paper to Annual Review of CMM 2008-01

Dear Prof. Hurry,

In connection with the Philippines' submission to the agenda on the review of all Conservation and Management Measures under agenda item 9.1, the Philippines has submitted discussion paper [WCPFC7-2010-DP/01]. In addition thereto, the Philippines is submitting its proposed amendment to CMM 2008-01, hereto attached.

We will appreciate it if this could be circulated to all those concerned.

Best regards.


MALCOLM I. SARMIENTO, JR.
Director



AMENDMENT TO CMM 2008-01 FOR THE CREATION OF SPECIAL
MANAGEMENT AREA FOR THE HIGH SEAS POCKET NO. 1 FOR
TRADITIONAL FRESH/ ICE CHILLED FISHING VESSELS
OPERATING AS A GROUP

The Western and Central Pacific Fisheries Commission (WCPFC):

Recalling that in December 2008, the Commission adopted Conservation and Management Measure (CMM) 2008-01, with the following objectives:

- a. *Ensure through the implementation of compatible measures for the high seas and EEZs that bigeye and yellowfin tuna stocks are maintained at levels capable of producing their maximum sustainable yield; as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention area as expressed by Article 5 of the Convention;*
- b. *Achieve, through the implementation of a package of measures, over a three-year period commencing in 2009, a minimum of 30% reduction in bigeye tuna fishing mortality from the annual average during the period 2001-2004 or 2004, whichever is higher;*
- c. *Ensure that there is no increase in fishing mortality for yellowfin tuna beyond the annual average during the period 2001-2004 average or 2004, whichever is higher; and,*
- d. *Adopt a package of measures that shall be reviewed annually and adjusted as necessary by the Commission taking account of the scientific advice available at the time as well as the implementation of the measures. In addition, this review shall include any adjustments required by Commission decisions regarding management objectives and reference points.*

Recognizing that Article 30(2) of the Convention requires the Commission, in giving effect to the duty to cooperate in the establishment of conservation and management measures for highly migratory fish stocks, to take into account the special requirements of developing States Parties;

Recognizing also the need to ensure that measures adopted by the Commission do not result to a disproportionate burden of conservation action onto developing states parties, territories and possessions in accordance with Article 30(2)(c) of the Convention;

Recognizing further that paragraph 5 of CMM 2008-01 provides the need to ensure that the effectiveness of such measures is not undermined by a transfer of fishing effort into archipelagic waters and territorial seas;

Noting that Article 5(b) of the Convention requires that CMMs should ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the

special requirements of developing States in the Convention Area, and taking into account fishing patterns and special characteristics of the fishery concerned;

Cognizant of the fact that traditional fresh/ice chilled fishing vessels have no refrigeration on board and therefore have limited fishing capacity and efficiency;

Taking into account all these imperatives, a balance can be adopted by establishing a Special Management Area (SMA) for traditional fresh/ ice chilled fishing vessels in High Seas Pocket No. 1;

Adopts, in accordance with Article 10 of the Convention, the following Measure, which shall be implemented starting 1 March 2011.

COVERAGE

1. This CMM shall apply only to CCMs' traditional fresh/ice chilled fishing vessels operating as a group.

AREA OF APPLICATION

2. This measure shall apply only to High Seas Pocket no. 1 (HSP-1), which is the area of high seas bounded by the Exclusive Economic Zones (EEZs) of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south. For the purposes of this measure, the exact coordinates for the area shall be those used by the WCPFC vessel monitoring system (VMS). A map showing the HSP-1 SMA is attached (Attachment A).

REPORTING

3. Cooperating commission members (CCMs) shall require their concerned vessels to submit reports to the Commission at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP-1 SMA. This information may, in turn, be transmitted to the adjacent coastal states/ territories. The report shall be in the following format:

VID/Entry or Exit: Date/Time; Lat/Long

4. CCMs shall ensure that their flagged vessels operating in the HSP-1 SMA report sightings of any fishing vessel to the Commission Secretariat. Such information shall include: vessel type, date, time, position, markings, heading and speed.

OBSERVER

5. Catcher vessels covered by this measure shall employ a regional observer on board during the whole duration while they operate in HSP-1 SMA in accordance with the provisions of CMM 2007-01.

VESSEL MONITORING SYSTEM (VMS)

6. The covered fishing vessel shall be equipped with and operate an automatic location communicator (ALC) pursuant to CMM 2007-02. The Commission shall provide continuous real-time VMS information to the adjacent coastal states/territories for monitoring purposes. Access to VMS and other data related to HSP-1 SMA shall be in accordance with the Commission's Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes.

VESSEL LIST

7. The Commission shall maintain an updated list of all fishing vessels operating in HSP-1 SMA based on the foregoing vessel's entry and exit reports submitted to the Commission. This list will be made available to Commission Members through the WCPFC website.

MONITORING OF PORT LANDINGS

8. CCMs shall ensure that all port landings of their vessels covered by this measure are monitored and accounted for to make certain that reliable catch data by species are collected for processing and analysis.

COMPLIANCE

9. Vessels found to be non-compliant with this measure shall be dealt with in accordance with CMM 2007-03, and any other applicable measures adopted by the Commission.

REVIEW OF MEASURE

10. The measures described above shall be reviewed every three years, in conjunction with the relevant advice from the Scientific Committee (SC) and Technical and Compliance Committee (TCC). This review shall consider, inter alia,

whether the measure is having the intended effect and the extent to which all CCMs are contributing towards achieving the Commission's conservation objectives.

11. This measure shall remain in place until such time as the Commission adopts an alternative measure for HSP-1 SMA.

Attachment A: showing High Seas Pocket No. 1 Special Management Area (SMA)

