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**GREENPEACE BRIEFING TO THE 10<sup>TH</sup> REGULAR MEETING OF WCPFC**

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**WCPFC10-2013-OP02**  
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## Greenpeace Briefing to the 10<sup>th</sup> Regular Meeting of WCPFC

*Cairns, Australia, 2 to 6 December 2013*

### 1. Introduction

Delegates to the Western and Central Pacific Fisheries Commission (WCPFC) have in recent years witnessed very frustrating negotiations: Parties have agreed measures based on lowest common denominators which were satisfactory to no one; they have showed a lack of will to make difficult choices; and worst of all, they have compromised the future of Pacific tuna fisheries. The result has been ineffective conservation measures that were destined to fail. Greenpeace therefore attends this 10<sup>th</sup> Annual Meeting of the WCPFC in the hope that the dynamics of previous meetings will be significantly changed.

The Western and Central Pacific Ocean (WCPO) is in urgent need of fishing capacity reduction and effective controls on fishing effort. Both aspects – capacity and effort limitations – need to work together and parties should recognise they are not mutually exclusive. Precautionary target and limit reference points, required under the Food and Agriculture Organization (FAO) Code of Conduct and the United Nations Fish Stocks Agreement, must be adopted. Some stocks of great importance continue to be managed unsustainably, namely bigeye tuna, yellowfin and Pacific bluefin tuna, with southern albacore fisheries becoming uneconomical as stocks decline. Many shark populations are seriously depleted, or stock levels are extremely uncertain, and they need to be put on the road to recovery.

In summary, Greenpeace urges parties to the WCPFC to collaborate in order to set the foundations for a sustainable future for WCPO tuna fisheries, namely by:

- **agreeing an immediate cap on new built longline and purse vessels in the region by developed parties and a clear time-bound plan to assess and eliminate overcapacity using environmental and social criteria;**
- **putting in place an effort management system which works regionally and includes all gears and waters;**
- **adopting precautionary and ecosystem-based target and limit reference points for all major tuna and billfish species;**
- **closing the loopholes in the fight against Illegal, Unregulated and Unreported (IUU) fishing starting by banning at sea transshipments by all vessels including longliners.**

In addition, Greenpeace calls on WCPFC parties to ensure the following pressing issues are effectively addressed at the upcoming meeting:

- **a strong Conservation and Management Measure (CMM) is agreed that ends bigeye tuna overfishing and ensures tropical tuna fisheries are managed according to precautionary and ecosystem based principles taking into account the conservation of all targeted and associated species;**
- **increases in fishing effort in the southern albacore fishery are immediately halted and precautionary, zone-based catch limits are established by the Commission;**
- **a moratorium on Pacific bluefin tuna fishing is agreed until the stock is recovered and effective management measures are in place;**
- **effective measures to recover depleted shark populations are taken.**

All parties must be prepared to make compromises to reach agreement. What cannot be compromised is the future of Pacific tuna stocks.

## 2. Addressing the most pressing issues

### 2.1. Produce an effective, clear and enforceable CMM for tropical tunas

Although there have been no new tuna stock assessments in 2013 it is clear from the range of fisheries indicators provided for 2012 that the situation for several tuna stocks in the Western and Central Pacific continues to deteriorate as effort increases have resulted in record catches in the region since 2009.<sup>1,2</sup> Overfishing of adult bigeye in the longline fishery, compounded by the increased catches of juveniles as bycatch in purse seine fishing on fish aggregating devices (FADs), has continued to reduce the bigeye stock to worrying levels. The Scientific Committee warned this year that ever-increasing catches are exacerbating this problem.

CMM-2008-01 and subsequent amendments aimed to reduce the high fishing mortality on bigeye tuna by 30 per cent from the 2001–2004 average level and limit yellowfin tuna fishing mortality to its 2001–2004 level. Data presented at Scientific Committee meetings SC7, SC8 and SC9 have made it clear that the CMM-2008-01 was insufficient to achieve these goals.<sup>3,4</sup> Longline catches of bigeye have been reduced from 2001-2004 levels, although they have increased slightly in recent years. In the core area of the tropical longline fishery, catch reductions have occurred alongside a decline in catch-per-unit-effort (CPUE), and therefore recent catch declines may be, at least in part, due to a further decline in the adult bigeye abundance rather than conservation efforts by member States.

Scientific advice indicates that a combination of prohibiting FADs in the purse seine fishery and restricting longline fishing in bigeye spawning areas would have the greatest impact on the recovery of bigeye tuna. The FAD closures in 2009–2012 resulted in moderately reduced yellowfin and skipjack catches and strongly reduced bigeye catches during the closure periods. However, despite the closures, the total estimated number of FAD sets made in 2011 was a record high, mainly due to increased purse seine effort overall, with a slight decline in set numbers for 2012.

Any proposed replacement of current FAD measures must take into account the burdens of monitoring and enforcing FAD closures and the impact FADs may be having during the closure period in terms of 'ghost fishing'. Similarly, the drastic reduction in bigeye catches during FAD closure months should be the single most important factor to consider when deliberating the new measure. The FAD ban must be year-round, to ensure that the benefit of reduced bigeye tuna mortality gained during a short-term ban are not lost over the remainder of the year. A full ban will reduce the bycatch of juvenile yellowfin and assist in the overall reduction of shark bycatch, most importantly for depleted oceanic whitetip sharks and silky sharks. This would also most effectively address the unregulated nature of capacity creep in the purse seine fleets due to the proliferation of FAD use.

Measures must be agreed too on the longline fishery, through a combination of prohibiting longlining in bigeye spawning areas, closing the high seas pockets to all longline fishing and further reducing fishing effort and capacity within all longline fleets within the remaining high seas and Exclusive Economic Zones (EEZs).

The following components should be included in the new CMM on tropical tunas:

- an objective to reduce fishing mortality of bigeye by 50 per cent from 2011 levels including further cuts to both longline and purse seine bigeye catches;
- the closure of all four high seas pockets to all fishing as a permanent measure;

1 Harley S, Williams P (2013). *A compendium of fisheries indicators for bigeye, skipjack, yellowfin, and south Pacific albacore tunas*. Ninth Regular Session of the Science Committee, WCPFC, 6–14 August 2012, Pohnpei, Federated States of Micronesia. WCPFC-SC9-2013/SA-WP-06. <http://www.wcpfc.int/node/7487>.

2 Williams P, Terawasi P (2013). *Overview of tuna fisheries in the western and central Pacific Ocean, including economic conditions*. Ninth Regular Session of the Science Committee, WCPFC, 6–14 August 2012, Pohnpei, Federated States of Micronesia. WCPFC-SC9-2013/GN-WP-01. <http://www.wcpfc.int/node/7199>.

3 Hampton J, Harley S, Williams P (2012). *Review of the implementation and effectiveness of key management measures for tropical tuna*. Eighth Regular Session of the Science Committee, WCPFC, 7–15 August 2012, Busan, Republic of Korea. WCPFC-SC8-2012/MI-WP-06. <http://www.wcpfc.int/node/5395>.

4 Pilling G, Williams P, Hampton J, Harley S (2013). *Analysis of the implementation and effectiveness of key management measures for tropical tunas*. Ninth Regular Session of the Science Committee, WCPFC, 6–14 August 2013, Pohnpei, Federated States of Micronesia. WCPFC-SC9-2013/MI-WP-01. <http://www.wcpfc.int/node/3676>.

- application of a revised vessel day scheme (VDS) which includes the longline fleet targeting tropical tunas to ensure an effective reduction and control of fishing effort;
- adoption and implementation of a year-round ban on the use of FADs in association with purse seine fishing in order to help address excess fishing capacity, reduce catches of juvenile bigeye and yellowfin tuna, and reduce bycatch of other vulnerable species.

## 2.2. Safeguard albacore tuna

Greenpeace again reiterates concern over the increasing number of small to medium scale longliners operating only on the high seas targeting albacore. These vessels place an increasing burden on this stock and contribute very little to the economies of adjacent Pacific coastal States as they compete with domestic and locally-owned fleets. Although albacore stocks are still considered to be relatively healthy, the Scientific Committee has consistently cautioned against further increases in catch on the basis that they would reduce vulnerable biomass (larger adults) and therefore decrease catch rates and profitability.

Despite these warnings, both catch and effort have increased significantly in recent years. Stock assessments have shown a declining spawning biomass. Greenpeace urges the Commission to immediately halt any increase in effort in the southern albacore fishery until precautionary, zone-based catch limits, are established by the Commission that takes into account the rights of adjacent small island coastal States whose small economies are dependent on this fishery.

## 2.3. Conserve shark populations

Greenpeace calls on the Commission to urgently address the status of shark populations including by addressing impacts on them by all gears. Although sharks are often described as 'bycatch' in longline fisheries, it is clear from the common use of practices that deliberately increase shark catches that more longline fisheries should be described as 'mixed fisheries' targeting tuna, sharks and billfish. These include the use of wire tracers, shark lines, and bait that attracts sharks<sup>5</sup> and crew payment structures that incentivise shark finning.<sup>6</sup>

Oceanic whitetip sharks and silky sharks, despite the poor data available, are likely to be in a very poor state, with fishing rates well in excess of the  $F_{MSY}$  and with stocks declines to well below  $SB_{MSY}$ .<sup>7,8</sup> In the case of silky sharks, the greatest impact on the stock is attributed to bycatch from the longline fishery, but there are also significant impacts from the associated purse seine fishery which catches predominantly juveniles. The fishing mortality from the associated purse seine fishery is itself above  $F_{MSY}$ . Initial attempts to provide stock assessments for blue sharks this year have again highlighted extremely poor data available on shark catches. Even then, several models do indicate that this heavily exploited North Pacific stock may be in an overfished state.<sup>9</sup> SC9 recommended that a revised assessment be presented at SC10 and, in the interim, the Commission should adopt the precautionary approach when considering potential management measures for this stock.<sup>10</sup>

Given the importance of sharks in the Pacific ecosystem, and the continuing poor availability of data, this Commission should agree on:

- a total prohibition of the retention, transshipment, storage, on-board sale and landing of silky

5 Bromhead D, Rice J, Harley S (2013). *Analyses of the potential influence of four gear factors (leader type, hook type, "shark" lines and bait type) on shark catch rates in WCPO tuna longline fisheries*. Ninth Regular Session of the Science Committee, 6–14 August 2013, Pohnpei, FSM. WCPFC-SC9-2013/EB-WP-02 rev 1. <http://www.wcpfc.int/node/7581>.

6 Turagabeci I (2013). *Sharks are target fisheries*. The Fiji Times Online. 24 June 2013. <http://bit.ly/1eiFovL>.

7 Rice J, Harley S (2012). *Stock assessment of oceanic whitetip sharks in the western and central Pacific Ocean*. Ninth Regular Session of the Science Committee, WCPFC, 6–14 August 2013, Pohnpei, Federated States of Micronesia. WCPFC. WCPFC-SC-2012/SA-WP-06. <http://www.wcpfc.int/node/3235>.

8 Rice J, Harley S (2013). *Updated stock assessment of silky sharks in the western and central Pacific Ocean*. Ninth Regular Session of the Science Committee, WCPFC, 6–14 August 2013, Pohnpei, Federated States of Micronesia. WCPFC-SC9-2013/SA-WP-03. <http://www.wcpfc.int/node/3236>.

9 Rice J, Harley S, Maunder M, Da-Silva AA (2013). *Stock assessment of blue shark in the north Pacific Ocean using Stock Synthesis*. Ninth Regular Session of the Science Committee, WCPFC, 6–14 August 2013, Pohnpei, Federated States of Micronesia. WCPFC-SC9-2013/SA-WP-02. <http://www.wcpfc.int/node/7483>.

10 See paragraphs 270–3: SC9 (2013). *Summary Report. Scientific Committee Ninth Regular Session*, 6–14 August 2013, Pohnpei, FSM. Western and Central Pacific Fisheries Commission (WCPFC). <http://www.wcpfc.int/node/4914>.

- sharks, and blue sharks, as well as for oceanic whitetip sharks, until such time that stock assessments are of sufficient quality to demonstrate healthy stock levels;
- the prompt and careful release of any captured silky sharks, oceanic whitetip sharks, and blue sharks;
  - a ban on the use of wire tracers on longlines, as well as a ban on the use of short branch lines set directly from longline floats;
  - a ban on the use of FADs in association with purse seine fishing in order to help address bycatch of silky sharks and oceanic whitetip sharks;
  - measures to urgently improve the quality and quantity of data for all sharks, including animal condition on release (dead, injured, alive);
  - the development of reference points, best practice bycatch mitigation measures, and management goals for all non-target species, especially sharks;
  - a requirement to land all sharks with fins naturally attached as recommended by the Memorandum of Understanding on the Conservation of Migratory Sharks.<sup>11</sup>

## 2.4. Rescue Pacific bluefin tuna

This year SC9 had the opportunity to review the 2012 Pacific bluefin tuna assessment<sup>12</sup> presented by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC). The report suggests a catastrophic depletion of Pacific bluefin down to 4 per cent of the unfished biomass, with continued overfishing of all age-classes including an extremely high mortality rate for juveniles of 90 per cent. Although consensus was not reached, the majority of SC9 recommended an urgent reduction of fishing mortality, especially on juveniles, and that limit and target reference points be agreed that are consistent with the Commission's adopted or default reference points. The Inter-American tropical Tuna Commission (IATTC) has adopted a catch limit for the eastern Pacific; however, there have been no limits set by the WCPFC for the western Pacific, where the vast majority of catches are taken.

**Given the dire state of the Pacific bluefin tuna population, Greenpeace calls on the Commission to agree on a moratorium on all directed Pacific bluefin tuna fishing until such time that a management plan is agreed and implemented, and the stock has shown conclusive evidence of recovery to levels above an agreed biomass limit reference point.**

## 3. Building the basis for sustainable tuna fisheries management in the region

Indicators from the 9<sup>th</sup> Regular Session of the WCPFC Science Committee (SC9) have revealed an alarming picture of the current fishing capacity in the convention area.<sup>13</sup> The elimination of fishing overcapacity is one of the most serious challenges facing all tuna Regional Fisheries Management Organisations (RFMOs) – purse seine and longline vessel numbers, capacity and overall fishing effort are at an all-time high in the WCPO.<sup>14,15</sup> Since the introduction of CMM-2008-01 there has been an increase in purse seine effort. Effort peaked in 2011, however VMS data shows that effort in 2012 was 8 per cent higher than 2010 levels, and similar to 2011 effort levels. In addition, the efficiency of the effort has increased and there appears to have been a change in how days are reported – i.e.

11 See <http://sharksmou.org>.

12 ISC Pacific Bluefin Tuna Working Group (2013). *Stock assessment of Pacific bluefin tuna in 2012 (Rev 1)*. Ninth Regular Session of the Science Committee, WCPFC, 6–14 August 2013, Pohnpei, Federated States of Micronesia. WCPFC-SC9-2013/SA-WP-10. <http://www.wcpfc.int/node/3668>.

13 See: Greenpeace (2013). *Greenpeace Briefing to the Ninth Regular Session of the WCPFC Science Committee (SC9)*. Pohnpei, Federated States of Micronesia, 6–14 August 2013. <http://www.wcpfc.int/node/4834>.

14 Harley S, Williams P (2013). *A compendium of fisheries indicators for bigeye, skipjack, yellowfin, and south Pacific albacore tunas*. Ninth Regular Session of the Science Committee, WCPFC, 6–14 August 2012, Pohnpei, Federated States of Micronesia. WCPFC-SC9-2013/SA-WP-06. <http://www.wcpfc.int/node/7487>.

15 Williams P, Terawasi P (2013). *Overview of tuna fisheries in the western and central Pacific Ocean, including economic conditions*. Ninth Regular Session of the Science Committee, WCPFC, 6–14 August 2012, Pohnpei, Federated States of Micronesia. WCPFC-SC9-2013/GN-WP-01. <http://www.wcpfc.int/node/7199>.



days that were previously reported as 'searching days' (counted as fishing days) are now reported as 'transit days (counted as non-fishing days).<sup>16</sup> Overcapacity is a main driver of overfishing. Fishing capacity management schemes mostly deal with amount of capacity (such as vessel numbers and size, engine power), but rarely, if ever, with the type of vessel and its gear and their environmental and social impacts.

### 3.1. Eliminate overcapacity

Greenpeace has just produced the report *Managing Fishing Capacity in the Western and Central Pacific Tuna Fisheries* which outlines a process by which the appropriate amount and type of capacity can be first identified in the WCPO and the least environmentally and socially sustainable capacity can be eliminated.

Work to eliminate overcapacity must provide for the equitable allocation of access to resources using a set of transparent and equitable environmental and social criteria that ensure the rights of developing coastal States and communities to participate in, and benefit from, tuna fisheries. Greenpeace is advocating that coastal States develop domestic tuna fisheries based on selective fishing techniques that are more suitable for use by coastal communities and have a lower impact on the ecosystem in terms of limiting bycatch.<sup>17</sup> In doing so, the rights and needs of developing coastal States could be addressed at the same time replacing more unsustainable distant water fishing capacity in the region.

**Greenpeace is calling on the Commission to urgently agree to cap the number of longline and purse seine vessels in the fishery and prioritise the development of a clear, time-bound plan to assess and eliminate overcapacity in the WCPO that takes into consideration social and environmental criteria for reducing overcapacity in tuna fisheries.**<sup>18</sup> This process should identify the most environmentally and socially appropriate type and amount of fishing capacity that should be allowed in a given fishery so as to manage it sustainably. This could constitute the basis for a scheme which would grant preferential access to vessels and gears which score the highest. Further allocation of the right to fish to individual operators should be based on a participatory and transparent decision-making framework, and should exclude those with poor records of reporting and compliance. Local fishing communities fulfilling the criteria should have primary access.

Greenpeace recommends that the following criteria be adopted within the plan to eliminate overcapacity from WCPO tuna fisheries, to guide decisions on which vessels and fleets should be granted the fishing opportunities available under a precautionary management model:

- **Selectivity** – fishing methods with low by-catch;
- **Environmental impact** – less destructive fishing methods;
- **Energy consumption** – vessels and fishing methods consuming less energy per tonne of fish caught;
- **Employment and working conditions** – fishing methods that provide more and better employment conditions, compliant with international standards;
- **Socio economic benefits** – greater direct income to and investment in the region derived from the fishing operations;
- **Quality of product** – gear types providing the best quality of fish for human consumption;
- **History of compliance** – past compliance with applicable rules, including quality of data provided by fishers as well as member states should be considered when granting access to a fishery.

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<sup>16</sup> Pilling G, Williams P, Hampton J, Harley S (2013). *Analysis of the implementation and effectiveness of key management measures for tropical tunas*. Ninth Regular Session of the Science Committee, WCPFC, 6–14 August 2013, Pohnpei, Federated States of Micronesia. WCPFC-SC9-2013/MI-WP-01. <http://www.wcpfc.int/node/3676>.

<sup>17</sup> Greenpeace (2013). *Transforming Tuna Fisheries in Pacific Island Countries*. <http://bit.ly/19B8tQ>.

<sup>18</sup> These include selectivity; environmental impact; energy consumption; employment and working conditions; socioeconomic benefits; quality of the product; and history of compliance, among others.

### 3.2. Ensure effective effort management

Limits to both capacity and effort are required. As long as excess fishing capacity in terms of physical assets (vessels, etc) exists, vessels owners and companies will continue to exert political pressure to ensure that they obtain maximum fisheries access to remain financially viable, and will maintain a situation where breaking the rules is seen as a necessary risk.

Currently the main tool to manage fishing effort in the WCPO is the Parties to the Nauru Agreement (PNA) Vessel Day Scheme (VDS). Due to several exemptions to the system as well as its current scope (it only applies to the EEZs of PNA members), the VDS has not managed, to date, to prevent an expansion of both fishing capacity and effort in the region. Greenpeace believes that in order to be effective as a fisheries management tool<sup>19</sup> the VDS must be expanded in its scope and include all fishing effort in the region (including all gears and all waters).<sup>20</sup> A stringent monitoring and penalty system must also be put into place and enforced.

In addition, Greenpeace warns that a well-functioning VDS doesn't remove the need for capacity management. In the absence of capacity management consistent with environmental and social access and allocation criteria, a reduced number of days available under the VDS alone would expel the least financially strong operators, potentially benefiting the most industrial or heavily subsidised operations that can bid at higher prices for VDS days.

To avoid such an outcome, the VDS should be applied after preferential access has been granted to local fishing communities operating in a sustainable manner. Greater economic benefits for coastal states can be derived from their own local fisheries, as opposed to foreign access fees, making this an even more economically beneficial option in the long term. Following allocation of local fishing opportunities, any remaining vessel days could be sold to operators best fulfilling the environmental and social criteria and contributing the most to sustainable livelihoods in the region, as opposed to simple financial contribution of access fees as is the current practice.

### 3.3. Adopt precautionary target and limit reference points

Setting strong fisheries reference points and strict harvest control rules is a key part of implementing the FAO Code of Conduct for Responsible Fisheries and the UN Fish Stocks Agreement. Some of the work carried out so far at the WCPFC on choosing and setting target and limit reference points is described in more detail in the Greenpeace submission to the SC9.<sup>21</sup>

Greenpeace considers progress in this area to be crucial for the future success of the Commission. Both target and limit reference points need to be precautionary and the risk of breaching a reference point needs to be very low. While ultimately the assurance that limit reference points are not breached by fisheries depends on choosing good target reference points and strong harvest control rules, and on swift action by management, Greenpeace also believes that a 'sea change' in how managers (and industry) perceive and understand target and limit reference points is key to gaining agreement for significantly improving management of Pacific fisheries.

The Commission has previously adopted the biomass limit reference points (LRPs) for tuna and striped marlin recommended by the Scientific Committee in 2012 (SC8). Greenpeace urges the Commission to adopt the recommendations of SC9 to select fishing mortality limit reference points for each species that ensure a high probability that biomass LRPs will not be breached.<sup>22</sup> Greenpeace supports the selection of a 5 per cent acceptable risk level for all species (i.e. 95% probability of maintaining the stock above biomass LRPs). Greenpeace further urges the Commission to set limit and target reference points for all species managed by the WCPFC.

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19 The VDS has been undoubtedly effective as a tool to increase the revenue obtained by PNA countries from the tuna resources in their EEZs.

20 This is in addition to solving some known issues such as the definition of fishing days.

21 Greenpeace (2013). *Greenpeace Briefing to the Ninth Regular Session of the WCPFC Science Committee (SC9)*. Pohnpei, Federated States of Micronesia, 6–14 August 2013. <http://www.wcpfc.int/node/4834>.

22 See paragraphs 367–73: SC9 (2013). *Summary Report. Scientific Committee Ninth Regular Session*, 6–14 August 2013, Pohnpei, FSM. Western and Central Pacific Fisheries Commission (WCPFC). <http://www.wcpfc.int/node/4914>.

### 3.4. Tackle illegal, unreported and unregulated (IUU) fishing

At-sea transshipments continue to represent one of the most important loopholes assisting IUU operations. Greenpeace ship expeditions in 2006, 2008, 2009, 2011 and 2012 repeatedly demonstrated the extensive and pernicious nature of IUU fishing in the region and the role that these high seas areas play in facilitating illegal fishing.

Following the closure of two high seas pockets (HSPs) to purse seine fishing since 1 January 2010, purse seine fishing effort remained largely concentrated in EEZs until 2012. In 2012 there was an increase in the amount of purse seine effort in the HSPs attributed to transit activity and/or to effort by the Philippines vessels permitted under CMM 2011-01. Governments and domestic longline fleets in the central Pacific have indicated their concern over international fleets operating solely in the eastern high seas pocket and using this as a platform to tranship catch out of the region.

In 2012, a high seas boarding and inspection patrol boarded 11 vessels in this pocket and detected violations on six of these, including non-reporting of entry.<sup>23</sup> In 2013, 11 vessels were boarded again and six of these vessels were found in violation of existing CMMs again including for non-reporting of entry into the high seas pocket, as required under the special management measure.

The re-opening of high seas pockets 1 and 2 at WCPFC-8 came with a number of pre-conditions including the need for better monitoring of fleets and strict implementation of and compliance with monitoring, control and surveillance (MCS) measures. Subsequent activities by Philippine vessels in high seas pocket 1 and neighbouring EEZs reveal a number of concerning issues.

Since the Technical and Compliance Committee's meeting TCC-8 in 2012, Greenpeace documented a raft of IUU activities and other anomalies by vessels fishing in high seas pocket 1, including Philippine flagged vessels. These were reported to the Commission<sup>24,25</sup> in Manila in December 2012. However, despite the clear documentation, those cases somehow did not prevent the Philippines from receiving a good rating for compliance at TCC-9. The activities documented included an unlicensed Philippine fishing vessel Sal 19 transshipping illegally on the high seas, failure by a licensed high seas seiner Geneviva to report via VMS to the adjacent coastal states as required under Philippine regulations and no VMS reporting at all by Sal 19. Upon approach by Greenpeace, the IUU transshipment was halted and three of the vessels involved fled into Indonesia's EEZ, Sal 19 was spotted eight days later in Palau's EEZ with its name painted over, not reporting on either VMS or AIS and with no log book or other fishing or transshipment records. Furthermore, Greenpeace and Palauan authorities, while on joint patrol of Palau's EEZ in November 2012 discovered a number of illegally deployed anchored FADs within Palau waters near the high seas border, similar in construction to those being deployed by the Philippine purse seiners on the high seas.

Those blatant IUU activities highlight the need to phase out the exemption for Philippine purse seiners to fish in the high seas, and call into question the rigour of the compliance assessment process being followed by TCC. At the very least, compliance discussions should be open to accredited observers; and the country whose compliance is being discussed – while having the opportunity to respond to issues raised – should not be able to block consensus on a poor score. Furthermore, all reported IUU incidents from any source should be included in the next TCC compliance discussion, and placed on a public record.

Greenpeace calls on the Commission to recommend that all four high seas pockets be permanently closed to all forms of fishing, as part of a new conservation measure for skipjack, yellowfin and bigeye. This must include a phase out of the Philippine purse seine fleet from the high seas pocket during the life-time of the tropical tuna CMM as part of a national plan to reduce overcapacity and ensure sustainable fisheries also inside Philippine EEZ. Bunkering and at-sea transshipments should be banned. In addition the Commission's Compliance Monitoring Scheme (CMS), currently in its third trial year, must be strengthened and a strict penalty and sanctions regime must be applied in all

23 TCC (2013). Annual Report on Eastern High Seas Pocket Special Management Area Reporting. Technical and Compliance Committee Ninth Regular Session, 26 Sept–1 Oct 2013, Pohnpei, Federated States of Micronesia. WCPFC-TCC9-2013-RP07. <http://www.wcpfc.int/node/5055>.

24 Pirate report: Illegal transshipment in high seas pocket 1 <http://bit.ly/Syxxi2>.

25 Greenpeace International findings at sea, November 2012 <http://bit.ly/Vj8637>.



cases of non-compliance. Failure to comply must be linked to loss of access, thereby contributing to the process of reducing fishing capacity.

In addition to closing the high seas pockets to fishing and banning transshipments at sea, the WCPFC must also act to create a meaningful disincentive to IUU fishing. It is of extreme concern that some vessels and fleets appear to have made IUU fishing part of their business model, despite repeated settlement payments. In many cases, the value of the tuna catch and level of subsidies received by the vessel or company mean that those settlements, although significant, are not alone enough to change behaviour.

The WCPFC must remove the secrecy surrounding compliance discussions, and place all IUU activity from the past year onto the public record, regardless of whether settlement has been reached or a vessel is blacklisted. This enables legal and ethical traders to avoid buying fish that may have been stolen from Pacific Island countries. Furthermore, IUU compliance records must be a criterion within a transparent system of evaluating vessels and companies before fishing access is granted. When capacity reduction is a critical task ahead of the Commission, those vessels that have repeatedly violated CMMs should be the first to be removed from the fishery.

### **3.5. Operate with transparency**

Greenpeace, together with other non-government organisations, has expressed its concern at the disturbing trend regarding the level of transparency and openness in WCPFC meetings and information sharing by the Commission. This includes the increasing number of closed sessions, documents being posted on the secure website unavailable to organisations with accredited observer status, and draft meeting reports being sent only to member states and not to other organisations that attended and contributed to those meetings.

We recognise the need, under exceptional circumstances, for documents or discussions to be restricted – as provided for under the WCPFC's rules. However we believe that currently much of this information is unnecessarily limited and too many discussions are inappropriately designated as confidential. The WCPFC is no longer following best practice by RFMOs with regards to transparency, and we urge an improvement at WCPFC-10 and in future meetings and working groups.

### **3.6. Share the burdens and benefits**

The WCPFC Convention Article 30 states “*the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions*” and this issue has been raised in regard to the replacement measure for 2008-01. In order to address this, a compensation payment has been suggested by Pacific Island States. Greenpeace urges all Parties:

- to ensure that this discussion does not delay the agreement of a strong replacement measure to protect tropical tunas, from which all parties will share the benefits;
- to approach the discussion of a new measure for tropical tunas prepared to accept cuts and to seek compromise for the long-term benefit of the fisheries.

Any compensation arrangement agreed should be adopted only as a step towards ultimately ensuring that the benefits of all sectors of the fishery, and therefore the benefits from stock conservation, are better directed towards Small Island Developing States. An alternative model for the development of such an arrangement is outlined in the Greenpeace report *Transforming Tuna Fisheries in Pacific Island Countries*.

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