



COMMISSION
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**FFA MEMBER'S PROPOSED REPLACEMENT FOR THE CONSERVATION AND
MANAGEMENT MEASURE FOR SOUTH PACIFIC ALBACORE**

WCPFC11-2014-DP05
3 November 2014

Paper submitted by FFA Members



1 November 2014

Dr SungKwon Soh
Interim Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356, Kolonia
Federated States of Micronesia

Dear SungKwon,

**FFA Member's proposed replacement for the
Conservation and Management Measure for South Pacific Albacore**

I write in my capacity as the Chair of the Forum Fisheries Committee on behalf of the 17 FFA Members.

Please find attached a proposal from FFA members for a conservation and management measure for South Pacific Albacore to replace CMM 2010-05.

CCMs will note that there is a cumulative limit in EEZs of Participants and Associate Participants to the Tokelau Arrangement established in paragraph 7b. That limit is not yet specified. This is because the Forum Fisheries Committee finalised and formally adopted the text of the Agreement on 31 October 2014. FFA members and other coastal CCMs are in the process of finalising national approvals to sign the Arrangement. Our intention is to update the limit specified in that paragraph as and when new Participants are able to sign.

We look forward to constructive and productive deliberations at WCPFC11.

Yours Sincerely

Feleti Tulafono
Chair
Forum Fisheries Committee



FFA member proposal for a more comprehensive South Pacific Albacore Conservation and Management Measure

Explanatory Note

CMM 2010-05, although appropriate for achieving one of its purposes – of limiting the number of flag fishing vessels actively fishing for South Pacific albacore in the Convention Area south of 20°S – does not enable cooperation to “ensure the long-term sustainability and economic viability of the fishery for South Pacific albacore”. It does not cover the range of the stock in the WCPO, and it does not take account of recent major increases in catch and effort per vessel.

This proposed replacement CMM provides a framework within which the South Pacific Albacore Tuna stock can be progressively more effectively managed, and defines a starting point for action. It recognises the zone-based management measures and catch limits cooperatively exercised by coastal CCMs, particularly through the Tokelau Arrangement, and provides for flag-based limits on the high seas.

Application of criteria for the consideration of conservation and management proposals¹

1. CCMs shall develop, interpret and apply conservation and management measures in the context of and in a manner consistent with the 1982 Convention and Articles 24, 25 and 26 of the Agreement. To this end, CCMs shall cooperate, either directly or through the Commission, to enhance the ability of developing States, particularly the least developed among them and SIDS and territories in the Convention Area, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.

This replacement South Pacific Albacore CMM provides the fundamental basis for SIDS and territories in the Convention Area to develop their own fisheries for South Pacific Albacore by setting up a framework for limiting exploitation of the stock to levels that can maintain economically viable longline fisheries, including in SIDS and Territories own waters within the range of this stock. It defines catch limits for flag States fishing for albacore on the high seas of the Convention Area south of the Equator, and establishes a binding collective limit on the Participants and Associates of the 2014 *Tokelau Arrangement for the Management of the South Pacific Albacore Fishery* within which they will cooperate directly to manage fisheries taking this stock within their own EEZs.

2. The Commission shall ensure that any conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and territories.

¹ Note: CMM 2013-06 text is in italics

A major outcome of this CMM will be to mitigate the existing burden of conservation on SIDS and Territories in the Southern WCPO. The Tokelau Arrangement is the formal expression of an existing cooperative understanding on individual zone limitations on catch of South Pacific Albacore tuna developed at meetings of the FFA Sub-committee on South Pacific Tuna and Billfish. This Harvest Strategy for the South Pacific Albacore Fishery, with its associated Harvest Control Rules and Business Rules, has been in place for two years, and is being progressively implemented in South Pacific SIDS national fisheries management policies and plans.

The Tokelau Arrangement has no influence on high seas southern albacore fisheries however, which are subject only to CMM 2010-05 which limits the number of flag fishing vessels actively fishing for South Pacific albacore in the Convention Area south of 20°S above 2005 or 2000-2004 levels, and which requires CCMs to report the bycatch and catch of albacore by vessels fishing in the Convention area south of 20°S – something which is required anyway. Currently there is no limitation on albacore catch on the high seas between the equator and 20°S, and major increases in efficiency and the number of set hooks means that the purpose of the limit on vessel capacity south of 20°S is severely compromised.

3. In considering any new proposal the Commission shall apply the following questions to determine the nature and extent of the impact of the proposal on SIDS and territories in the Convention Area:

a. Who is required to implement the proposal?

All developed CCMs with flag vessels which fish for albacore on the high seas of the WCPO south of the equator would be required to implement flag catch limits on the high seas, and all CCMs whose Exclusive Economic Zones include waters south of the equator would be required to implement catch limits for their zones.

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

The imposition of limits – even if the eventual result will be to sustain and add value to a fishery that is currently in economic decline – could be viewed as impacting all participating CCMs. However given that the fishery is already economically impacted, and given that the interim total catch limit for the stock – initially set at the level of maximum sustainable yield – is higher than the current total catch from the stock, the CMM should not constrain current fisheries, including the SIDS fisheries that need to be considered under CMM 2013-06 criteria.

With the adoption of a Target Reference Point for the South Pacific Albacore stock, the eventual improvement in the status of the portion of the stock vulnerable to economically-viable fishing will benefit all CCMs with an interest in the fishery, both in terms of the increased value of zone-based fishing opportunities, and the profitability of fishing.

c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?

There is a direct linkage to Tokelau Arrangement – a new management arrangement that implements catch limits for South Pacific albacore by zone and provides a formal framework for the implementation of the Harvest Control Rules developed by participants to the FFA Sub-Committee on South Pacific Tuna and Billfish. FFA secretariat services will substantively assist SIDS in implementation of these zone-based measures and the existence of the Tokelau

arrangement itself will assist in the mobilization of resources for implementation at the national and territorial level.

The CMM also requires dialogue with IATTC and relevant IATTC members in order to take account of the smaller proportion of the stock that occurs within the IATTC Convention area.

d. Does the proposal affect development opportunities for SIDS?

The **non**-implementation of the proposal will affect development opportunities for SIDS, since the lack of an effective region-wide measure to control catch or effort creep in south Pacific albacore has reduced the biomass of longline-vulnerable fish to economically sub-optimal levels.

e. Does the proposal affect SIDS domestic access to resources and development aspirations?

Moving towards binding limits has obvious implications in terms of capping the development opportunities that SIDS have in their waters and on the high seas. However, as described above, that ability has already been severely impinged by the state of the fishery, and so this limitation is essential. The proposal promotes SIDS domestic access to resources, and provides a better enabling framework for SIDS development aspirations. If progressively implemented in the manner expected, it should help mitigate disproportionate burdens of conservation in the southern albacore longline fishery. If this proposal is not agreed, the only cooperative management measures in place will be the cap on the number of increasingly efficient vessels fishing south of 20° South and the Tokelau Arrangement limits on catch implemented by SIDS in SIDS zones.

f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?

One of the main requirements for effective implementation of this proposal will be timely reporting of the exact catch of South Pacific albacore to responsible authorities (flag States for high seas vessels and coastal States for zones), and its location, particularly when limits are being approached. This highlights the importance of the WCPFC process for establishing SSPs for E-reporting and for assistance to SIDS to participate in that process and take up the resulting opportunities. In the meantime, VMS days at sea multiplied by average albacore catch per day by different classes of vessel can be applied as a proxy for catch for precautionary purposes

g. What mitigation measures are included in the proposal?

Paragraph 10 of the measure provides for the transition towards economic target reference points, which are essential to allow SIDS to make the most of their development opportunities. The inclusion of the standard SIDS exemption in Paragraph 5 also provides opportunities for SIDS to develop their participation in fishing for albacore on the high seas of the South Pacific.

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

As with the Tropical Tuna measure, this South Pacific albacore CMM proposal, once fully implemented in a way that effectively limits the regional South Pacific albacore longline catch and achieves a Target Reference Point that takes reasonable economic viability for SIDS-based vessels into account, will eventually remove a disproportionate burden of conservation on SIDS.

Assistance to SIDS and territories will be needed in the immediate future to fully implement domestic measures under the (or compatible with the) Tokelau Arrangement, but some of this is already in the pipeline through projects designed to assist Pacific SIDS with the national implementation of cooperative regional and subregional fisheries management arrangements.



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Apia, Upolu, Samoa
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CONSERVATION AND MANAGEMENT MEASURE FOR SOUTH PACIFIC ALBACORE

Conservation and Management Measure 2014-xx

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean:

Endorsing the advice of the Scientific Committee that fishing mortality and catch of south Pacific albacore be reduced to avoid further declines in vulnerable biomass and possibly exceeding the biomass limit reference point;

Mindful that the stock assessment for south Pacific albacore includes both the WCPFC and Inter-American Tropical Tuna Commission;

Noting with concern the recent significant expansion in catch of south Pacific albacore both in the WCPFC Convention Area and in the IATTC Area;

Further noting that projections demonstrated that longline exploitable biomass, and hence CPUE, would fall sharply if catch and effort were increased to MSY levels. Therefore, the economic consequences of any such increases should be carefully assessed beforehand;

Recognizing the overwhelming dependence on this species in the fisheries of Small Island Developing States and Territories, and the need to maintain and protect the profitability of these fisheries;

Desiring to implement Articles 10.3 and 30 of the Convention in a tangible way to increase the participation of Small Island Developing States in WCPO tuna fisheries;

Aware that the current state of south Pacific albacore prevents Small Island Developing States and Territories from increasing their participation in, and benefits from fisheries for resources in

their exclusive economic zones and in the high seas and therefore represents a disproportionate burden stemming from the lack of conservation action.

Noting that the Participants to the 2014 Tokelau Arrangement for the Management of South Pacific Albacore are implementing a cooperative management arrangement for this stock in their exclusive economic zones; and

Fully aware of the requirements of Article 8 of the Convention for compatibility of conservation and management measures, and 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.

Adopts, in accordance with the Articles 10 and 30 of the WCPFC Convention that¹:

Objectives

1. The purpose of this Conservation and Management Measure is to:
 - a. Implement interim measures that regulate further expansion of the fishery, using Maximum Sustainable Yield as a starting point;
 - b. Implement zone based measures that optimise economic benefits to the economies of small Island Developing States and Territories (SIDS);
 - c. Provide the basis for an orderly and cooperative increase in participation in the fishery for south Pacific albacore by SIDS; and
 - d. Provide a foundation for future management of the fishery for south Pacific albacore including the implementation of economic based target reference points and harvest strategies to implement them.

General Provisions

2. This measure applies to all catch of albacore tuna in Exclusive Economic Zones and High Seas in the Convention Area south of the equator. There are some provisions that relate to cooperation with IATTC given that this stock is distributed in both convention areas.
3. For the purpose of paragraph 7a attribution of catch and effort shall be to the flag state, except that catches and effort of vessels notified as chartered under CMM 2012-05 shall be attributed to the chartering CCM. For the purpose of the coastal State and Territory limits defined in paragraphs 7b and 7c, all catch in the EEZ shall be attributed to the coastal State or Territory.
4. The Commission encourages CCMs to work individually and collectively to develop and implement additional measures in pursuit of the objectives of this CMM.
5. The provisions of paragraph 7a shall not prejudice the rights and obligations under international law of SIDS in the Convention Area to develop their fisheries for South Pacific albacore on the high seas,

¹ This CMM replaces CMM 2010-05

nor abrogate the duties on WCPFC members under Article 25 of the UN Fish Stocks Agreement to facilitate such participation.

Interim Catch Limit

6. As an interim management arrangement, while alternative target reference points are being developed and implemented, members of the Commission shall cooperate to ensure that total catch of albacore in the South Pacific Ocean does not exceed the maximum sustainable yield determined by the Scientific Committee.
7. This interim catch limit shall be implemented as follows:
 - a. Each CCM shall limit catch by their vessels in the high seas to their average recorded catch in 2006 to 2013 as per Attachment 1.
 - b. Coastal States and Territories that are Participants or Associate Participants to the “Tokelau Arrangement for the Management of the South Pacific Albacore Fishery” shall cooperate to ensure that total catch of albacore in their EEZs shall not exceed a combined total of **X** thousand metric tonnes per year.
 - c. Coastal States and Territories not participating in the Tokelau Arrangement, shall implement compatible measures, including catch or equivalent effort limits for south Pacific albacore tuna within their EEZs and shall notify the Commission of those measures.
 - d. Members of the Commission, particularly those who are members of both WCPFC and IATTC shall work with the IATTC to encourage relevant IATTC members to limit catch of south Pacific albacore in the IATTC area to the average recorded catch between 2006 and 2012.
8. As fisheries are developed in the EEZs of SIDS and if required to continue to meet the interim catch limit described in paragraph 6, and to facilitate participation in the fishery for south Pacific albacore on the high seas, members of the Commission shall cooperate to reduce the limits established under paragraph 7 a. and d. in a way that promotes cooperative implementation of the limits exercised by SIDS.
9. The Limit in para 7b shall be updated annually if new CCMs become a Participant or Associate Participant to the Tokelau Arrangement.

Longer Term Reference Points

10. In accordance with CMM 2014-xx, CCMs shall cooperate to develop a formal Harvest Strategy for south Pacific albacore including agreeing on Target Reference Points and Harvest Control rules to move away from the interim catch limit toward a reference point that better accounts for the economic considerations of the south Pacific albacore fishery.

Monitoring and Implementation

11. Each CCM listed in Attachment 1 shall provide a quarterly report (March, June, September and December) based on all available data on catch of south Pacific albacore on the high seas against the limits established in paragraph 7a.

12. The Director-General of the Forum Fisheries Agency shall provide a quarterly report based on all available data on catch of south Pacific albacore in the EEZs of Participants to the Tokelau Arrangement against the collective limit in paragraph 7b.
13. The Executive Director shall provide to each regular session of the Technical and Compliance Committee a report on the profile and operation of the fishery, including catch against the limits established by this CMM, particularly on the high seas using all available information, including from observers, transshipment and unload monitoring, VMS and catch and effort data.
14. The Commission shall monitor the implementation of this measure through the Compliance Monitoring Scheme described in CMM 2014-xx or replacement, using the quarterly reports, the annual report described above and operational data provided by each CMM as required under Scientific Data to be provided to the Commission.

Review

15. The level of implementation of this CMM, and its relative success in meeting the objectives specified in paragraph 1 shall be reviewed by the Commission at its regular session in 2017 and with ongoing reviews biennially.

Attachment 1 – Applicable interim high seas limits (longline and troll)

Flag	AU	BZ	CN	EU	JP	KR	CT	US	Total
2006	65	0	5126	0	1938	308	3214	655	11306
2007	58	19	4387	0	1764	452	2557	600	9837
2008	21	0	12402	33	1404	419	1437	417	16133
2009	52	2	15031	35	1580	580	3035	400	20715
2010	39	0	9642	6	948	531	4163	596	15925
2011	26	0	6260	7	1673	246	5001	663	13876
2012	43	0	15997	3	1156	456	2899	640	21194
2013	48	0	14154	69	1217	514	7088	569	23659
Avg	44	3	10375	19	1460	438	3674	568	16581

Source: SPC Annual Catch Estimates for South Pacific Albacore tuna on the high seas south of the Equator as reported in WCPFC SC10-SA-WP-07