



TWELFTH REGULAR SESSION
Bali, Indonesia
3 - 8 December 2015

**PROPOSAL FOR MANAGEMENT OF ENCLOSED AND SEMI-ENCLOSED HIGH
SEAS AREAS**

WCPFC12-2015-DP05
31 October 2015

Proposal by FFA Members



FFA

31 October 2015

Feleti P. Teo OBE
Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356, Kolonia
Federated States of Micronesia

Dear Feleti,

Management of Enclosed and Semi-enclosed High Seas Areas

I write on behalf of the 17 members of the Forum Fisheries Agency in my capacity as the Chair of the Forum Fisheries Committee. I am pleased to attach a draft proposal to establish special management arrangements for a number of high seas areas that are completely or partially enclosed by Exclusive Economic Zones.

FFA members have been raising serious concerns about IUU fishing in high seas pockets for a number of years and have consistently sought action in this regard. Recently, the regional operation "Kurukuru" administered by the FFA Regional Fisheries Surveillance Centre was successful in detecting and filming not one, but two vessels in the high seas pocket north of the Solomon Islands EEZ that were not reporting to any Vessel Monitoring System, and in one case were not listed on any regional vessel list. This follows from a similar detection of a fishing vessel by Greenpeace in the high seas pocket near Nauru a few months ago of a vessel that was not on the WCPFC RFV.

The attached proposal therefore seeks to impose additional measures that will increase monitoring and control of vessels fishing in these sensitive areas.

It should be noted that much of the wording in this proposed CMM is drawn from the existing Eastern High Seas Special Management Area CMM (2010-02).

FFA members look forward to discussing this proposal in Bali and would welcome any inquiries, which should be directed to the FFA Secretariat (ian.freeman@ffa.int or wez.norris@ffa.int).

Yours Sincerely

Samasoni Finikaso
Chair
Forum Fisheries Committee

**CONSERVATION AND MANAGEMENT MEASURE FOR THE
SPECIAL MANAGEMENT OF CERTAIN HIGH SEAS AREAS**

The Western and Central Pacific Fisheries Commission (WCPFC):

Recalling that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention) is to ensure through effective management, the long-term conservation and sustainable use of the highly migratory fish stocks of the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement;

Concerned that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the WCPFC.

Conscious of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities from enclosed and semi enclosed high seas;

Determined to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels in enclosed and semi enclosed high seas, without prejudice to further measures adopted in respect of CCMs and non-CCMs under the relevant WCPFC instruments;

Recognising Article 8.1 of the Convention requiring compatibility of conservation and management measures established for the high seas and those adopted for areas under national jurisdiction;

Recalling Article 8.4 of the Convention which requires the Commission to pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones (EEZs);

Noting that Article 30.1 of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular small island developing States and territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries on such stocks;

Noting further that Article 30.2(c) of the Convention requires the Commission to ensure that conservation and management 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 Article 10 of the Convention, the following Measure which shall be implemented from 1 July 2016.

AREA OF APPLICATION

1. This measure applies to the following High Seas Areas (HSAs):
 - a. **I1** - the area of high seas bounded by the Exclusive Economic Zones of Palau and Indonesia to the west, Indonesia and Papua New Guinea to the South, Micronesia and PNG to the east and Micronesia to the north;
 - b. **I2** - the area of high seas bounded by the Exclusive Economic Zones of PNG, Micronesia, Marshall Islands, Nauru, Kiribati, Tuvalu, Fiji, and Solomon Islands;

- c. **I8** - the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north;
 - d. **I9** - the area of high seas bounded by the Exclusive Economic Zones of Vanuatu, Solomon Islands and Fiji; and
 - e. **H4** – The area of high seas bounded by the equator and the Exclusive Economic Zones of Kiribati, Tokelau, Tuvalu, United States of America and Wallis and Futuna.
2. A map showing these HSAs is attached (attachment A).

REPORTING

3. Flag States shall require their vessels to submit reports directly, or through such organisations designated by the flag state to the Commission, at least 6 hours prior to entry and no later than 6 hours prior to exiting any one of the HSAs.
4. Such reports shall also contain estimated catch (kilograms) on board. This information shall immediately be transmitted by the Commission Secretariat to the adjacent coastal states/territories, and shall be considered non-public domain data.
5. The report shall be in the following format:

VESSEL NAME¹/VID/Entry/Exit: Date/Time²; Lat/Long³;
YFT/BET/ALB/SKJ/SWO/SHK/OTH/TOT(kgs) /
6. CCMs shall encourage their flagged vessels operating in the HSAs to report sightings of any fishing vessel to the Commission Secretariat. Such information should include: date, time, position, bearing, markings, speed, and vessel type. Vessels should ensure this information is transmitted to the Secretariat as soon as practicable, but not later than 30 days after the trip completion.

VMS

7. Adjacent coastal states/territories shall receive continuous near real-time VMS data pursuant to paragraph 22 of 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; and through a standing request under paragraph 50 of these Rules and Procedures

VESSEL LIST

8. The Commission Secretariat shall maintain a 'live list' of all fishing vessels present in the HSAs, based on near-real time VMS information. This list will be made available to Commission Members through the WCPFC website.

¹ Exactly as it is written in the Record of Fishing Vessels

² Of anticipated point of entry or exit, reported in UTC 24 hour format

³ Of anticipated point of entry or exit, reported in true degrees

TRANSHIPMENT

9. Transshipment activities in the HSAs shall be prohibited.

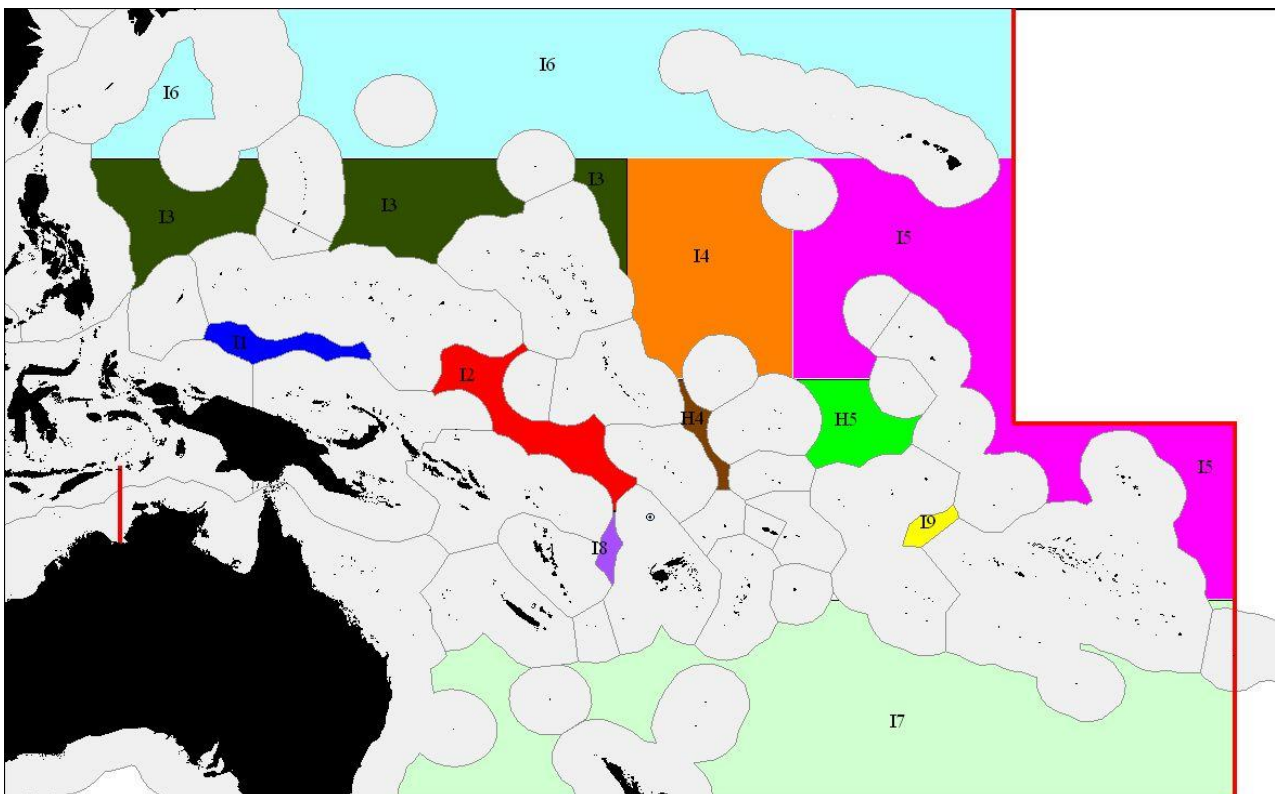
COMPLIANCE

10. Vessels found to be non-compliant with this measure shall be dealt with in accordance with CMM 2010-06, and any other applicable measures adopted by the Commission.

REVIEW OF MEASURE

11. The measures described above shall be reviewed every two years, in conjunction with the relevant advice from the 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 and fishing sectors are contributing to achieving the Commission's conservation objectives.
12. In implementing and reviewing this measure, the Commission shall pay attention to the geographical situation of a small island developing State which is made up of non-contiguous groups of islands having a distinct economic and cultural identity of their own but which are separated by areas of high seas.
13. This measure shall remain in place until such time as the Commission adopts an alternative measure for the HSAs.

ATTACHMENT A: *(To be based on the following)* map of SPC-OFP high seas fisheries statistical areas



(Areas in km²: I1:396,200 I2:797,100 I8:75,800 I9:103,300 H4:133,600 tot:1,456,000)

Application of CMM 2013-06

The following information is provided to assist the Commission to determine the nature and extent of the impact of this draft CMM on SIDS and territories in the Convention Area as per the requirements of CMM 2013-06.

a. Who is required to implement the proposal?

All CCMs will be required to cooperate in implementing this proposal to designate the HSAs as special management areas.

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

This proposal will have an impact on all CCMs involved in fisheries for WCPO tuna, and in particular, CCMs that have flagged vessels fishing in the HSAs.

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

Yes, there are linkages to the existing measure for special management in the high seas pocket in the East of the Convention Area. There are also links to the prohibition on high seas fishing by purse seiners licenced by CCMs and Participating Territories that implement the Third Implementing Arrangement of the Nauru Agreement, which is a measure applied by a sub-regional fisheries management organization under Article 8 of the Convention.

d. Does the proposal affect development opportunities for SIDS?

Restriction in the HSAs impact the ability of SIDS to participate in high seas fisheries under Article 35 of UNFSA. However, this is outweighed by the fact that by applying the special management arrangements to vessels that access the HSAs, SIDs have more opportunity to strengthen MCS measures and address IUU fishing. By allowing greater control of activity in the HSAs, this proposal actually provides a benefit to domestic development.

Having said that, the FFA preferred approach to this issue would have been a total closure of the HSAs to all vessels as this removes the competitive fringe and IUU fishing problems that have been very apparent in the HSAs.

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

No, but again, neither does the proposal contribute to achieving development aspirations as much as it could were WCPFC to agree to a total closure of the HSAs.

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

SIDS will need assistance in the monitoring of the HSAs and will require growth in financial and human capacity to ensure these measures are obeyed. Combating IUU fishing is a high priority in the WCPO, with assistance already being provided by the FFA and the WCPFC, through a range of training workshops, enforcement operations and technical advisory activities.

Ongoing activities to combat IUU will need to continue to be recognised as a priority if this CMM is to achieve its objectives.

FFA members recall that when WCPFC agreed to open the western HSP to Philippine group seiners (2012-01), several CCMs offered additional resources and assistance to address what FFA members noted as compliance concerns. None of those offers have been lived up to and FFA members reiterate their call that the HSA are the responsibility of all CCMs, not just those surrounding.

g. What mitigation measures are included in the proposal?

Review clauses

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

There is nothing specific in the proposal to cause a disproportionate burden on SIDS in the short term, providing all CCMs contribute to MCS. These measures will provide long term benefits to SIDS as they will assist to secure stronger access rights over their own EEZs and adjacent high seas.

Current and projected programs of assistance are expected to meet the needs for training and technical assistance, provided the current priority on combatting IUU is maintained.