



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Seventh Regular Session**

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Pohnpei, Federated States of Micronesia

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**SECRETARIAT PAPER ON CMM 2008-01**

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**WCPFC-TCC7-2011-IP/04**

**8 September 2011**

**Paper prepared by Secretariat**

**TO ALL COMMISSION MEMBERS, COOPERTING NON-MEMBERS AND  
PARTICIPATING TERRITORIES**

**29 June 2011**

**RE: CMM 2008-01**

G'Day All,

Please find attached the discussion paper on 2008/01. This paper is not a "strawman" document but one that reflects the views and suggestions of members on how we might move forward. This paper will form the basis of the discussion between members and the Chair at Kobe 3. Any comment or suggestions you have are as always welcomed and should be forward to the Commission Secretariat. I look forward to seeing you in La Jolla.

A handwritten signature in black ink, appearing to read "Glenn Hurry".

Professor Glenn Hurry  
Executive Director  
Western and Central Pacific Fisheries Commission

## **Review of CMM 2008/01**

The earlier memo sent to you on this issue highlighted the process that we would follow to conclude the review of the measure at WCPFC8. Following comments received from a number of members in response to the initial memo, suggesting that it would be better not to present an initial strawman document prior to Kobe 3 that process has been reconsidered. In discussion with the Chairman and Deputy Chairman it has been agreed that this paper should reflect the views and suggestions of the members relating to the review of 2008/01 and then following the discussion at Kobe 3 the first “strawman “ document would be prepared for members consideration.

Therefore this paper reflects your comments noting that more detailed suggestions are included in the three papers submitted by the US, EU, and FFA that have been previously circulated to you and by the Philippines in a paper to be circulated shortly. Specifically the FFA member’s comments that include suggested text for the new document will need to be considered in the development of the first “strawman” document. Other comments in this paper are taken from discussions with member countries.

In order to give the paper some structure and provide for discussion we have grouped the comments under a number of headings. Members should not assume that this is a guide to the structuring of the final paper it is to guide discussion on the issues.

### **Key background points for consideration.**

- WCPFC5 in 2008 constructed CMM2008/01 to address the overfishing of bigeye tuna and to restrain the fishing mortality of yellowfin tuna to sustainable levels.
- The measure was first applied in full in the 2010 fishing season although some elements were implemented in 2009.
- In taking the decision to review CMM2008/01 WCPFC7 agreed to include skipjack tuna in the review, and to also consider the six proposed draft CMMs that were discussed but not adopted at WCPFC 7 but which were relevant to the review of 2008/01.
- CMM 2008/01 includes paragraph 46. “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.”

## **Comments received for consideration in reviewing 2008/01.**

### **1. Is this to be a new measure or supplementary measure? (What parts of 2008/01 stay? Is everything up for renegotiation or do some parts of 2008/01 stay, if so what parts?)**

- The issue of whether this should be a supplementary measure has been raised a couple of times with views expressed that it might be easier to develop a supplementary measure than rewrite 2008/01. However others have been very strong in their belief that the Commission needs to stay faithful to 2008/01 and that this must be the base for any future discussions.
- A number of members feel strongly that paragraph 46 protects the core elements of 2008/01 and that the elements that are open for discussion are those that were time limited in the measure and the additional measures for skipjack. Other members have flagged that they wish to discuss the effectiveness of and potential reopening of the highseas pockets and in particular pocket 1.
- It has been suggested that if no agreement is reached on 2011/01 it is important that WCPFC 8 be prepared to roll over the provisions of 2008/01 for a further year.
- This suggestion is not unanimously supported with strong alternative suggestion that if 2008/01 is not meeting its objectives then a different type of arrangement should be developed. (See EU paper for suggested criteria).

### **2. Suggested Principles to guide the development of 2011/01**

- 2008/01 should form the basis of a new measure and should be built on and strengthened.
- The objectives for the new measure should be stated clearly in the front of the document.
- An objective developed for skipjack tuna may need to be described as maximising economic yield.
- FFA members support the retention of the existing paragraph 6 relating to SIDs exemptions.
- The new measure should provide clarity on the WCPFC/IATTC overlap area.
- The skipjack addition should apply to the full range of the fisheries not just 20 N and 20 S.
- Members attached great importance to issues such as the status of the stock, equity amongst members and fishing sectors, and enforceability.
- The measures adopted need to be able to be assessed for effectiveness.

- There should be transparency and accountability in terms of how members are implementing and reporting on the measures.
- No one country or countries should be expected to carry an unfair burden of the cost of implementing a measure for the protection of migratory stocks.
- Industry should be encouraged to bring forward potential mitigation measures to prevent the take of juvenile bigeye tuna.
- The beneficiaries of any extended Purse Seine measure should contribute to a compensatory fund to mitigate the cost of Pacific island countries in implementing purse seine closures.
- There is a view that it is an issue of international goodwill in leaving the HSP closed.

### 3. Species and gear coverage

- Noting the WCPFC7 acceptance of the inclusion of skipjack tuna in the measure, some members were nervous about this inclusion of skipjack as it will mean that the new measure includes the management of the WCPFC fishery for all species and wondered if it made it too large.
- A number of members are concerned about the status of skipjack and were pleased it was included in a rewrite.
- There were a number of suggestions that the measure should cover all fisheries and gear types in all areas.

### 4. Capacity

- Capacity continues to be a major issue for discussion when redrafting 2008/01 and the Japanese proposal to WCPFC7 will be considered in the rewrite.
- A number of both distant water and coastal states have expressed a desire for the WCPFC to find an effective way to manage capacity.
- A number of members have noted that some CCMs had taken their agreed longline bigeye catch reduction but that some CCMs had expanded their catch. Some of this reduction is for economic reasons but the effect has been an overall reduction with issues with certain fleets as noted.
- Some members asked whether all exemptions were necessarily beneficial to fisheries management under this measure.
- Parties noted a need to agree on charter catch attribution rules so that they apply consistently to all members.

## 5. Observations on impact of 2008/01

- A number of members have requested that the advice of the SC meeting in August 2011 be used to guide the WCPFC decision making in respect of the success of 2008/01 and any changes made need to reflect this advice.
- A member indicated that their review of the FAD closure shows a spike in the purse seine catch of big yellowfin and noted that this does not help the fishery at all. So not a real supporter of a further FAD closure.
- The FAD closure is working but needs more rigor in it. If it is extended what sort of extension should be agreed? Total closure to all purse seine fishing? Extension in duration of the FAD closure? Some members thought that the measure should consider looking at zones that are causing the bigeye catch problems and target these. Noting that a general measure may not work and disadvantage some parties where a targeted measure would be more effective.
- A number of members continue to raise concerns about the closure of the high seas and the impact this has on their industries. Other commentators note a willingness to close further areas and the PNA has now moved to do this.
- Questions were raised about how the High Seas closures work with the increase in effort moving into zones and if this has delivered the desired impact.

## Considerations/ Options in developing 2011/01

### 1. Structure

- A review document should include annual reviews and 3 year time groups .
- 2011/01 could have specific sections dealing with (1) Tropical purse seine fisheries, (2) longline fisheries and (3) "other" commercial fisheries.
- A view that a new measure should be a living measure and be built on and refined as we move forward.
- Depending on the outcome of the SC discussion if the measure is not meeting the SC recommendations for the species, consideration should be given by members to developing a different type and structure of a document that will better deliver the outcomes needed for the species (see EU paper for suggested criteria).
- Note FFA paper includes a suggested structure modeled on 2008/01 and suggested text.

## 2. Management arrangements

- WCPFC is yet to have an explicit discussion on management objectives for any of the three species, especially skipjack.
  - For BET – MSY is considered as a limit reference point for this species and a target reference point will need to be agreed.
  - For YFT –  $B_{MSY}$  and  $F_{2001-2004}$  are also likely to suffice in the interim.
  - For SKJ there will be quite some debate, with a range of views, particularly given the view of the risk of spatial contraction.
- Some members have indicated a likely push for zone based longline limits.
- Consideration should be given to capacity limits, catch limits and full fisheries closures not just FAD closures.
- The PS VDS and the FAD closure should remain the fundamental management measures for purse seine mortality on skipjack and bigeye respectively and should be extended.
- WCPFC needs to transition towards flag based limits for in-zone areas. Could be a flag based measure, or maybe even a flag by country measure.
- There should be zone based LL limits as well
- There are east/west issues with the % of bigeye in purse seine catches being higher in the east. This raises issues of equity in the treatment of fleets and areas.
- Suggestions of considering a purse seine TAC and it might be an overall TAC or a TAC by region or zone but there is an overall catch level. Then you can either close the fishery or fish without FADS when a certain percentage of the TAC has been taken, e.g. 80%..
- Some concern expressed about how 2008/01 has each of the major gear types managed in different ways and maybe the redraft could have discrete sections for purse-seine, longline and other commercial gears.
- 2008/01 beyond 2011 should not apply to the HS pockets unless these are on the basis of best scientific evidence.
- HS pocket No 1 should be under a Special management arrangement to allow for the fishing of wet boats.
- In addition to effort limits and FAD closures the new measure should consider capacity limits, catch limits and full FAD closures.
- Chartering and rules around catch attribution are too loose and must be clarified and strengthened.
- Complimentary high seas measures to the VDS should be developed as a priority.
- Observer coverage – should stay at 100%.

### 3. MCS and Accountability

- US paper 2008/DP13 should be reconsidered on issues of accountability.
- The WCPFC should consider making actual allocations of key species to stop a race to fish under TAC or at least tie TAC into flag based limits.
- WCPFC should have VMS and electronic observer reporting and maintain observer coverage levels with penalties for the poor treatment of observers.
- Some members emphasized that in reviewing and rewriting 2008/01 there should be no exemptions granted to anyone.
- Penalties should be included in the CMM noting the Compliance with Conservation Measures proposal from Australia. The swordfish CMM set a good precedent for this. The following are suggested penalty areas; :
  - To a CCM that over-catches or over-fishes a limit;
  - To a CCM that does not provide the necessary data to determine a limit or to assess whether they have complied with one.
  - Ignoring FAD closures
  - Not carrying an observer
  - Exceeding high seas effort allocation
  - Abuse of observers.

### Summary

These then are the main issues/suggestions that members have raised to date. Some may have been missed in developing this document, others you may have thought of since or will think of before Kobe. Therefore the discussion at Kobe 3 while not formally part of the WCPFC process allows the Chair, Vice Chair and Executive Director an opportunity to hear suggestions on content and structure from members in an attempt to find a way forward prior to TCC7.



**The six (6) proposed CMMs from WCPFC7 to be considered in the discussion when developing 2011/01.**

WCPFC 7 recorded the following decision:

425. The following list of measures is referred to TCC7 for inclusion in the discussion on an enhanced CMM 2008-01 (WCPFC 2010-DP-32 (Rev 3) :

<b>Document Number</b>	<b>Title</b>
WCPFC 2010-DP-01	Philippines discussion paper for the annual review of CMM 2008-01
WCPFC 2010-DP-02	Japan proposal on large scale purse seine fishing capacity and effort
WCPFC-2010-DP-06	PNA proposal on closure of additional high seas to purse seine fishing
WCPFC 2010-DP-03	Japan analysis of purse seine increase
WCPFC 2010-DP-20 (Rev 1)	Korean proposed CMM to prohibit night setting during FAD closure
WCPFC 2010-DP-24	Philippines proposed amendment to CMM 2008-01
WCPFC 2010-DP-26	EU proposal for CMM of tropical tunas (bigeye, yellowfin and skipjack) in the Convention area.