

7th Meeting of the WCPFC Technical and Compliance Committee (TCC7)

Strengthen Conservation and Management Measures: Full High Seas Pocket Closures and FAD ban

*Pohnpei, Federated States of Micronesia (FSM),
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Introduction

Findings presented this year at the WCPFC Scientific Committee (SC) meeting highlighted that despite current measures being taken, Pacific bigeye has reached an overfished state and the status of yellowfin tuna is also of concern. It is therefore clear that key conservation and management measures – in particular the Conservation and Management Measure agreed in 2008 (CMM-2008-01) – that specifically focuses on addressing the overfishing of bigeye tuna stocks and ensuring yellowfin tuna stocks are managed sustainably, is not going far enough to protect these precious marine resources. Only through swift action to strengthen this measure, will we be able to avoid a fisheries management disaster waiting to happen.

A precautionary and ecosystem-based approach to fisheries management requires the rejection of unsustainable fishing practices, the selection of both limit reference points and precautionary target reference points for all stocks (as required by the UN Fish Stocks Agreement), and the use of area-based management tools such as well enforced marine reserves. For the West and Central Pacific Fisheries Commission (WCPFC), the closure of the four high seas pockets is integral to stopping illegal, unreported and unregulated (IUU) fishing, protecting stocks and implementing the ecosystem approach. According to the SC, such closures may have potential economic benefits to the countries surrounding these closed areas, as well as to the stock conservation benefits for tuna. However, this year's SC meeting concluded that in order for these closures to be effective, especially in relation to bigeye tuna, fishing effort needs to be cut not simply displaced, closures should be extended to more areas and to long-line fisheries and the highly unsustainable practice of using fish aggregating devices (FADs) should be banned for purse seine fisheries because of the high catch rate of juvenile tuna and the significant levels of bycatch including endangered species.

When reviewing CMM-2008-01, Greenpeace believe that many of the measures still apply and are in fact even more relevant as tuna stocks continue to be under threat. It is important in any agreement going forward (either as a new measure, extension or supplementary to the existing one) key measures are retained, and further built upon in order to help restore and nurture this valuable marine resource.

As an urgent rescue effort for the WCPO, Greenpeace calls on TCC7 to recommend the following key issues to the 8th Annual session of the WCPFC:

- the closure of the four high seas pockets to all fishing as a permanent measure;
- a total ban on the use of FADs with purse seine fishing; and
- immediately implement a precautionary 50% effort reduction across all fisheries based on average 2001-2004 levels.

Overfishing Crisis Continues: Bigeye in Big Trouble

The provisional catch of tuna for 2010 was the 2nd highest annual reported catch (2,414,994 metric tonnes) for the Western and Central Pacific Ocean (WCPO), just 80,000 metric tonnes less than 2009's record-breaking catch. This also represents almost 60% of the global tuna catch.¹ Of particular concern is the upward and record setting trend of the purse seine fishery: 2010 levels of purse seine fishing effort are significantly higher than in previous years.

Provisional estimated catch for bigeye tuna in 2010 (the adjusted catch used in the assessment was 116,868 metric tonnes) was the lowest since 2000, mainly due to a drop in 2010 provisional estimates for the longline fishery. Real catches are likely to be higher as catch data are incomplete. However, despite this drop it was concluded that the current levels of catch and the increase in catch of juvenile bigeye have resulted in a considerable reduction in the potential yield of the WCPO bigeye stock - SC7 concluded that the stock is undergoing overfishing. Furthermore, taking into account the average recruitment in recent years, scientists are concluding that the bigeye tuna stock is also in an overfished state.

The SC meeting recognised that it is currently too early to quantitatively conclude whether CMM2008-01 has reduced fishing mortality for bigeye tuna to the levels specified in the CMM. Incomplete and insufficient data has also meant that fisheries models for 2010 are still uncertain and inconclusive.² However, SC7 did recommend that the WCPFC adopt additional measures to ensure further reductions in fishing mortality above those expected at the current CMM in order to remove the risk that the stock is being overfished.³

In particular, the scientists recommended that there should be a minimum of a 32% reduction in fishing mortality from the average levels for 2006–2009 to return the fishing mortality rate to FMSY. This is the equivalent to a minimum of a 39% reduction of the 2004 level in fishing mortality, and a 28% reduction of the average 2001–2004.

The SC meeting provided data to show that WCPO yellowfin is not experiencing overfishing or in an overfished state based on management targets. However, exploitation rates were the highest in the western equatorial region, which accounts for more than three quarters of the total yellowfin catch, and spawning biomass is estimated to have declined to less than a third of its unexploited levels. It was recommended that there not be any further increase of fishing mortality in this region. In addition, New Zealand has reported a decline in catches which may indicate range contraction as the stock declines in size.

Skipjack catches in 2010 were the 2nd highest recorded. While the stock is not described as being overfished there are concerns that increases in catches in other regions may be having a significant impact on stock size, especially in the western equatorial region, which will affect catch rates. Australia, New Zealand, Japan and Hawaii all reported reduced availability of skipjack to their fisheries. The precautionary approach must be applied in setting management targets to ensure these relatively abundant fish stocks are not jeopardised.

It is important to reverse the ever-deepening unsustainable exploitation of the region's tuna stocks, to ensure that the Pacific will not be robbed of its opportunity to reap large economic benefits from the tuna resource and lose its edge in marketing these products under better environmental credentials. The underlining issue to all these management challenges continues to be the fact that there is simply too much fishing capacity operating in the region chasing rapidly declining stocks. The efficiency of the purse seine vessels is further increased by the widespread use of FADs. A capacity reduction scheme which results in a significant

1 Summary Report of Scientific Committee's 7th Regular Session to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, 2010, page 6

2 Ibid, page 38

3 Ibid, page 39

reduction of pressure on these stocks and improves the profitability of the fishery is urgently needed. Radically reducing fishing capacity and effort, following environmental and social criteria, would not only ensure sustainability but also improve the economic performance of the fleets.

It is clear that existing measures are not going far enough to avert a fisheries crisis. We must take action and ensure that during the review of CMM 2008-01, further necessary steps are taken to strengthen the measure. Greenpeace is therefore calling for a 50% reduction in tuna fishing effort across the WCPO fisheries based on the annual average 2001-2004 fishing mortality levels and a full ban for the use of FADs in purse seine fisheries.

FAD ban – no more excuses

Evidence provided to the SC noted that while it was still early days to fully assess the impact of the FAD closure, trends are encouraging. As was illustrated again in 2010, the three-month ban on the use of FADs was found to be effective in significantly reducing the catch of bigeye tuna compared to the other months of the year.

Overall, total catch was below average during the FAD ban period in 2009 and 2010. Purse seine catch of bigeye tuna was significantly reduced⁴ during these closure periods compared to other months of those years. The SC also recognised the effectiveness of banning FADs in reducing the mortality of overfished bigeye tuna, particularly on juveniles.

However, total purse seine effort increased between 2008 to 2010 with 2009 being a near record high for associated school effort in spite of the two month FAD closure. It is clear from the preliminary results that FAD bans are effective for the time that they are in effect. However, if purse seine effort is increasing outside the three-month FAD closure, and exemptions still exist to the CMM, any benefits accrued during the ban period are being offset in the rest of the months, therefore rendering the short ban ineffective. It is also difficult to get a full picture due to lack of relevant data, as data was presented for the area 20N and 20S only, and did not include the purse seine catches outside this area, nor did it include catches from the Indonesian and Philippine fleets where catch of juvenile tuna is known to be particularly high.

Given the scientific recommendation for bigeye mortality reduction is a 39% reduction on 2004 levels,⁵ it is clear that the WCPFC urgently needs to extend the FAD ban measure for bigeye as an effective means of reducing the mortality of the species. The SC made the conclusion that **“Limitation of FADs use would have a strong positive impact on bigeye stock conservation.”** A total FAD ban in purse seine fisheries would clearly be the best means of reducing the bigeye purse seine catch as well as bycatch of threatened and endangered marine life such as sharks and to some extent turtles that are known to be attracted to FADs and get caught up in purse seine nets.

High seas pocket closures - closing the loop on pirate fishing

Currently the WCPFC agreed to close two of the four high seas pockets in the WCPO to purse seine tuna fishing in 2010 as part of CMM2008-01. However, Greenpeace does not believe that this alone will achieve full benefits as both legitimate and illegal fishing operations would simply transfer to the open pockets and increase effort in this region to make up for opportunities lost elsewhere. As recognised within the SC, if fishing effort is simply deployed elsewhere, there are no benefits to the stocks. Closures are only effective, in particular with regards to bigeye tuna stocks, if displaced fishing effort is cut, the closures include longline

4 Summary Report of Scientific Committee's 7th Regular Session to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, 2010

5 WCPFC Scientific Committee 2010, Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. Summary Report.

fisheries as well as other conservation measures such as a ban on the use of FADs are put into place inside EEZs.

There is therefore a need to close the net on IUU fishing and to prevent fishing effort being redeployed in other areas by closing fishing in the two remaining high seas pockets. To make sure the closures bring about desired conservation and management benefits a full closure to all gear types including long-lining is also needed. This is especially necessary given the continued practise of transshipments at sea by the region's long-line vessels. This will yield both economic and ecological benefits for the region.

IUU fishing activities are estimated to cost the Pacific region up to \$1.7 billion per year.⁶ Greenpeace ship expeditions in 2006,⁷ 2008⁸ and 2009,⁹ repeatedly demonstrated the extensive and pernicious nature of IUU fishing in the region and the role that these high seas areas play in facilitating these illegal activities. From an economic perspective the closure of the high seas enclaves will have a lasting and positive effect on the outlook and prospects of regional fisheries supplying the skipjack, albacore and yellowfin raw material for the canning industry and market and will result in a significant increase in the value of the overall fishery.¹⁰

Closing areas of importance to fish stocks and other marine life allows the complete ecosystem to be protected in a marine reserve. Marine reserves are known to increase the abundance, size and diversity of species within them, and also have positive benefits outside of the reserves themselves. Greenpeace produced a proposal for the Convention on Biological Diversity (CBD) highlighting the ecological values of the four high seas pockets.¹¹ This report shows that here is a strong biological case for making the areas fully protected marine reserves as the areas meet a number of the key criteria adopted by the CBD for identifying priority areas for protection.

Additional measures were agreed last year in the eastern high seas pocket (pocket 3) Special Management Area, which surrounds French Polynesia, Kiribati and Cook Islands. This high seas area has long been a playground for IUU fishing vessels, seriously affecting the ability of these surrounding countries to sustainably manage their shared fish stocks. This "entry-exit notification scheme" requests flag states to report the entry and exiting of their fishing vessels into the high seas pocket. Greenpeace believes that this measure should be implemented across the region to help enforce extended high seas closures to purse seine and long-line fishing. However, we do not believe that this type of measure should replace the need for complete area closures, because without full protection of these areas the benefits to the tuna stocks and ecosystem in general will be lost.

Following the review of CMM 2008-01, it is clear that a comprehensive ecosystem based approach to marine conservation is imperative to protect vulnerable tuna stocks from overfishing. Fundamental to the success of the closures is the removal of this effort from the fishery upon the closure. Establishing fully protected marine reserves in the four high seas pockets is an effective tool for maintaining a healthy Pacific ecosystem. Therefore, Greenpeace is calling on TCC7, as a priority, to recommend an extension of the closures to also include the two eastern high seas pockets (see Map 1) at WCPFC7 and to include all gear types.

In addition Greenpeace strongly supports the actions of the eight Pacific Island countries making up the Parties to the Nauru Agreement (PNA)¹² - that closed 4.5 million square km of international waters in the Pacific off-limits to purse seine fishing for tuna in 2010. We fully

⁶ Forum Fisheries Agency (email 15 July 2010).

⁷ <http://oceans.greenpeace.org/raw/content/en/documents-reports/plundering-pacific.pdf>

⁸ <http://www.greenpeace.org/raw/content/australia/resources/reports/overfishing/defending-our-pacific-2008-su.pdf>

⁹ <http://www.greenpeace.org/raw/content/international/press/reports/defending-our-pacific2009-summaryreport.pdf>

¹⁰ Economic outlook and prospects for the tuna fisheries; Paper presented to Officials Forum Fisheries Committee Seventy Fourth Meeting (FFC74) 10-13 May Honiara Solomon Islands.

¹¹ <http://www.greenpeace.to/publications/Pacific-CBD-report-August-2009.pdf>

¹² The Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu

support the proposal by the PNA to include these purse seine closures in the open high seas to be included in the review of the CMM-2008-01.



Map 1: The highlighted areas 1, 2 and 3 and 4 are the high seas pockets. Pockets 1 and 2 are closed to purse seine fishing from 2010 as per WCPFC decision in December 2008 and supported by various sub-regional agreements.¹³

Summary of Greenpeace Priority Recommendations to TCC7

In order to ensure the sustainability of stocks, Greenpeace urges the TCC to make the following recommendations to the Western and Central Pacific Commission when reviewing CMM-2008-01:

1. Extend the current high seas pocket closures to include all types of fishing;
2. Adopt and implement the closure of the additional 2 high seas pockets further east to all fishing in order to strengthen the benefits derived from the existing high seas pockets closures and to prevent any transfer of high seas effort, in particular IUU effort, from the closed pockets into new areas;
3. Support the PNA proposal for the closure of the open high seas area to purse-seine fishing;
4. Adopt and implement a complete year-round ban on the use of FADs in association with purse seine fishing;;
5. Support the inclusion of skipjack tuna in future measures to ensure an ecosystem-based approach to the management of tuna resources within well- defined precautionary limits;
6. Implement an immediate and necessary 50% effort reduction in tuna fishing effort across the entire WCPO fisheries based on the average 2001-2004 levels.

¹³ As per PNA 3rd implementing arrangement.

ANNEX TO THE GREENPEACE BRIEFING TO TCC7 ANALYSIS AND RECOMMENDATIONS LISTED BY AGENDA ITEMS

AGENDA ITEM 2 PRIORITY ISSUES FOR TCC

2.4 Optimisation of Cost of Commission Operations Consultancy Report

The consultancy report on the optimisation of cost of the commissions operations submitted as WCPFC-TCC7-2011/09 concerning *observers at meetings* provides a positive way forward for accommodating observer participation at the commission's meetings. The proposal to allow observers to attend meetings free of charge is a positive step.

Observers play a number of beneficial functions for the commission and its members as exemplified by Non-Governmental Organisations (NGO's) and Civil Society Organisations (CSOs) that are existing observers of the commission. Observers are, to an extent, additional representatives of the 'civil state' that official delegations represent thus providing the commission a mechanism for transparency and accountability.

Transparency and accountability within the proceedings of the Commission's undertakings must be constantly pursued by the WCPFC and not restricted. The imposition of an attendance fee undermines these principles, and would be a step in the wrong direction for a Commission that proclaims inclusive policies. A mandatory fee on civil society to observe and participate in the work of the WCPFC would result in restricted participation of this sector, which often operates on limited budgets, running the risk that the Commission's meetings would become an exclusive club of industry and Governments.

Fees charged to NGOs would not bring in significant funds to the Commission. They would merely serve to restrict participation. If the Commission is to recoup costs, it should consider a user-pays fee levied to the industry that is making money from exploitation of the fishery resource in question.

Observers are involved in a number of additional activities that bring benefits to the commission and its members including awareness raising; presentation of analysis and information on issues relevant to the mandate of the Commission; dissemination of outcomes through NGO, CSO and media networks, to society at large thus improving the commission's transparency and accountability; ensuring participation of local level fish producers; assisting individual members to fulfill MCS obligations; and working with commission members to implement WCPFC policies.

Greenpeace urges the WCPFC to consider the recommendation of the consultant in their report on the optimisation of cost of the commissions operations concerning *observers at meetings*. Greenpeace urges the WCPFC to consider the functions that NGO and CSO observers provide and to therefore ensure that such observers are encouraged to participate at the various meetings of the commission through a registration system that, at a minimum, ensures NGO and CSO observers are admitted to such meetings without the imposition of a fee.

2.5 Compliance with Conservation and Management Measures

c) Enhanced Compliance Monitoring Scheme (CMS)

Greenpeace commends efforts by the Commission to establish an enhanced compliance monitoring scheme to ensure compliance with CMMs.

At WCPFC7 an initial proposal put forward by Australia included the participation of NGOs in such a measure to provide information to the commission on instance of non-compliance by CCMs. The Commission Chair, after reflecting on past experience in various committees and governance bodies, suggested that the benefits of allowing interested parties to make information available outweighed the drawbacks citing the effectiveness of this approach in development of the UN Fish Stocks Agreement and had at the time recommended was agreed by the Commission to include NGOs in such a scheme.

The Commission asked Australia at WCPFC7 to continue to work inter-sessionally to identify a range of possible responses to non-compliance (as provided in Para 23 of CMM 2010-03) and report to TCC7.

As outlined above the commission must take advantage of the opportunity to allow NGO's to supply information for compliance given the lack of surveillance capacity in the region and the additional capacity NGOs would add to the commissions efforts at ensuring compliance with CMMs. Such practice is already formalised in other tuna RFMOs such as ICCAT. Observers, in particular environmental NGOs are playing an increasingly participatory role in the Commission's MCS responsibilities particularly with regards to the maritime surveillance of both high seas managed areas and national waters. A formal process for the submission and consideration of such information has substantial benefits for the effective operation of the Commission, and to help achieve the objectives of the WCPFC convention.

Recalling the advice and recommendation of the WCPFC Chair at WCPFC7 in highlighting the benefits of NGO participation in a compliance monitoring scheme;

Greenpeace calls on the WCPFC to ensure that NGOs are accommodated and included in an enhanced Compliance Monitoring Scheme (CMS) and be allowed to submit information on non-compliance with CMMs for the commission's consideration as agreed at WCPFC 7.

2.7 Eastern High Seas Special Management Area

Para 370 of the WCPFC7 Summary Report tasks TCC7 to consider extension of the Special Management Area to the 100nm buffer zones. TCC7 is invited to consider the extension of the Special Management Area to the 100nm buffer zones outside each EEZ.

The issue of vessels conducting IUU fishing activities in and around the Eastern High Seas Pocket (the 'E-HSP') is reason for the adoption of CMM 2010-02. The measure sets out to address the challenge of IUU fishing activities from vessels in the high seas by way of a mandatory monitoring and reporting scheme in the high seas.

The approach provides a strategy for tightening up MCS and mitigating IUU particularly in EEZs whose borders are adjacent to high seas where poaching by longliners is most prevalent. In these cases, an MCS buffer zone within which monitoring and reporting would be made mandatory must be established and recognised.

Greenpeace calls on the commission to support the establishment of a 100 nautical mile buffer zone around each EEZ in order to further tackle the issue of IUU in other EEZs with adjacent high seas borders.

3.7 Whale Sharks and Cetaceans

Greenpeace shares the concerns of Australia regarding the impacts of purse seine fishing on populations of whale sharks and cetaceans in the Western and Central Pacific Ocean (WCPO).

This commission is obligated under the *United Nations Convention on the Law of the Sea* and the Commission's own framework Convention to conserve and manage these vulnerable species.

Of most concern are discrepancies in reporting sets on cetaceans and whale sharks with observer reports indicating that 3.2% of purse seine sets are **intentionally** set on cetaceans or whale sharks and catch log data recording such targeting as 0.2%. This leaves room for speculation as to the real extent of purse seine fishing around cetaceans and whale sharks.

Observer data also demonstrate that all other set types can encircle whale sharks and cetaceans unintentionally, with 60% of observed whale shark interactions occurring in sets classified as unassociated (i.e. as free schools of tuna) and 38% of toothed cetacean interactions occurring around anchored FADs.

It is abundantly clear that the purse seine fishery although not specifically targeting either cetaceans or whale sharks, are taking advantage of the relationship and aggregating affect cetaceans and whale sharks are having on tuna and are setting purse seine nets around these iconic species in order to catch prized tuna. **The cost of this type of fishing on the non-targeted cetacean and/or whale shark is extremely high and therefore very destructive.**

66% of observed interactions with toothed cetaceans and 12% of interactions with whale sharks resulted in mortality. ***“For 2009, it is estimated that there were 1,323 toothed cetacean deaths and 60 whale shark deaths due to encirclement by purse seine nets”***

The mortality rate of cetaceans and whale sharks, caught as a result of the intentional and inadvertent sets by the purse seine fishery in order to catch tuna, is unacceptable.

Greenpeace expresses its concern to the commission and calls on members to put in place measures that will put an end to this senseless carnage. The commission must ensure that global consumers of Tuna are not inadvertently supporting the destruction of whales, dolphins and whale sharks. Greenpeace urges members of the commission to support Australia's proposal to prohibit setting of purse seine nets around both cetaceans and whale sharks.