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**Ocean Friends Against Driftnets (OFAD)** was formed to alert and educate the public about the destruction from ongoing international driftnet activities.

Our goal is to teach & establish **sustainable fishing** methods internationally, and promote the benefits of a world-wide **BAN** on "high seas" driftnets.

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### **High Seas Driftnet Moratorium has been abused**

Submitted to: the WCPFC TCC7 by: OFAD president John Harder.

TO: The Chair, Mr. Noan Pakop, and to all distinguished delegates of the WCPFC's TCC7.

Dear Chairman Mr. Noan Pakop and distinguished delegates to the TCC,

My name is John Harder and I am writing on behalf of Ocean Friends Against Driftnets. OFAD is mainly made up of 140 registered and permitted US Albacore Troll Vessels and their owners. Many of these vessels, including myself, have fished or are interested in fishing for Albacore Tuna inside the CA of WCPFC. We also share the interest of some 40 other vessels from Canada and other States that all request a world- wide BAN on high Seas driftnets.

***In understanding*** that the objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean in accordance with the 1982 United Nations Convention on the **Law of the Sea** and the 1995 UN Fish Stocks Agreement.

***In reference to:*** The Law of The Sea, *Article 87, Freedom of the High Seas.*

1. The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, inter alia, both for coastal and land-locked States:

***(e) freedom of fishing, subject to the conditions laid down in section 2;***

*2. These freedoms shall be exercised by all States with **due regard for the interests of other States in their exercise of the freedom of the high seas, and also with due regard for the rights under this Convention with respect to activities in the Area.***

OFAD feels that any driftnet activity, including any driftnet treaties between any States, targeting or otherwise the taking of highly migratory species, especially Albacore Tuna, would be violating the rights of the sustainable Troll and Pole, or hook and line, fishery's **freedom of the high seas**.

***In further noting Article 88, of the Law of the Sea, the Reservation of the high seas for peaceful purposes.*** "The high seas shall be reserved for peaceful purposes".

OFAD would like to bring to the attention of the WCPFC, that having two conflicting gear types, fishing for the same North Pacific Albacore Tuna stocks creates a "War Zone" that ends up in a slaughter.

This is Not peaceful, nor reflects good conduct.

***In observing Article 117 of the Law of the Sea Convention, Duty of States to adopt with respect to their nationals, measures for the conservation of the living resources of the high seas.***

***All States have the duty to take, or to cooperate with other States in taking, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.***

OFAD would like to say that, keeping in mind of some states that curb their nationals on a stringent margin with VMS, mandatory catch documentation or data input, port registrations, other states do not regard or enforce infractions seriously, or just turn a blind eye to conservation measures. This should not be so one sided, but rather unified.

***With great respect to Article 118, Cooperation of States in the conservation and management of living resources:***

States shall cooperate with each other in the conservation and management of living resources in the areas of the high seas. States whose nationals exploit identical living resources, or different living resources in the same area, shall enter into negotiations with a view to taking the measures necessary for the conservation of the living resources concerned. They shall, as appropriate, cooperate to establish sub-regional or regional fisheries organizations to **this end**.

OFAD feels that all states involved in the WCPFC must keep working together on the emphasis of conservation of living resources and refrain from concentrating on what states control the stocks. It is vital to the WCPFC that all states, throw the commission, recognize their shortcomings and help each other overcome them without giving into the greed and power of the industry.

***In regards to Article 119, Conservation of the living resources of the high seas:***

***1. In determining the allowable catch and establishing other conservation measures for the living resources in the high seas, States shall:***

(a) take measures which are designed, on the best scientific evidence available to the States concerned, to **maintain or restore** populations of harvested species at levels which can produce the **maximum sustainable yield**, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account **fishing patterns**, the **interdependence of stocks** and any generally recommended international minimum standards, whether sub-regional, regional or global;

(b) take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.

2. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether sub-regional, regional or global, where appropriate and with participation by all States concerned.

3. States concerned shall ensure that conservation measures and their implementation **do not discriminate** in form or in fact against the fishermen of any State.

OFAD does not believe that the United Nation's intent, in paragraph 3," *States concerned shall ensure that conservation measures and their implementation do not discriminate in form or in fact against the fishermen of any State*", was to protect the rights of driftnet fisherman. The United Nations condemned the driftnet fishery in 1989 deeming it "destructive" and therefore already discriminated against such fishing gear type. OFAD understands this paragraph to mean that science based conservation measures should go hand in hand with fishing effort and not under-mind the fishermen without reason. To over regulate such a fishery, especially one proven sustainable, would jeopardize the fishery's existence. Common sense must set president.

As for driftnets vs. trolling: We cannot all go fishing with driftnets or there will be no fish left in the ocean. We can all go fishing with jigs and there will always be fish to catch. In the use of only one fishing gear type, there cannot be any discrimination between fishermen.

**In Conclusion**, ODAD would like to bring to the attention of the WCPFC the **CODE of CONDUCT for Responsible Fisheries** Article 6- General Principles

6.6 **Selective and environmentally safe fishing gear and practices should be further developed and applied**, to the extent practical, in order to maintain biodiversity and to conserve the population structure and aquatic ecosystems and protect fish quality. Where proper selective and environmentally safe fishing gear and practices exist, they should be recognized and accorded a priority in establishing conservation and management measures for fisheries. States and users of aquatic ecosystems should minimize waste, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species.

After noting this, OFAD would like to offer, to the WCPFC, an open hand and an open heart, to assist in any way possible in further developing the sustainable Troll fishery for harvesting Albacore Tuna in both the North and South Pacific, in particular, inside the CA.

***OFAD Recommendations to the WCPFC:***

1. Ban all driftnets, including any sort of gill net, used to target highly migratory species in the WCPFC's CA. After reviewing the list of vessels registered to fish in the CA, OFAD noticed only one vessel, from the EU, that was listed as using gill net. This would be an opportune time to adopt such a ban.
2. Ban all manufacturing of driftnet web. Each state would be responsible for their nationals that manufacture, distribute, or the sales of such gear type. This would include a recall, and destroy all stocks of gear at hand of all mesh sizes used for taking highly migratory species. Only allowing manufacturers to sale netting to authorized permit holders for regulated fisheries outside of the CA, or otherwise inside such state's EEZ. No un-authorized sales of gill netting permitted.
3. One million US dollar fine to the state of any IUU high seas driftnet vessel. The flag state can impose a fine on the owner or captain of such vessel however they deem fit, but will pay a fine of 1 million USD to the WCPFC regardless. Proceeds will go to help further the development of sustainable fishing inside the CA.
4. Help to establish, support, and encourage an international Troll fishing association and foundation for harvesting albacore tuna. For example, Albacore Trollers International (ATI) to be centered where all states (and fishing associations) interested in the taking of Albacore Tuna inside the CA, would prefer. This would include funding for educational and research vessels to help assist scientific studies as well as promote sustainable fishing practices. OFAD has this very thing written in our by-laws and is our intentions as future projects. OFAD intends to be a part of this process, unfortunately lacks the resources to make this a reality.

Thank you for your time and consideration in this matter,

Regards to all. OFAD president, John Harder

