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**JAPAN'S COMMENTS ON CHAIR'S PROPOSED WAY FORWARD
REGARDING CMM2008-01**

**WCPFC8- 2011-DP/35 Rev 1
9 March 2012**

Paper prepared by Japan

Japan's Comments on Chair's Proposed Way Forward regarding CMM 2008-01

The revision of CMM 2008-01 is the most important and the most complex issue WCPFC is currently facing. Japan would like to express its sincere appreciation to the Chair and those who are striving to solve the issue in a constructive manner. Japan commits itself to make utmost efforts to contribute to a successful outcome through working cooperatively with other WCPFC members. We would like to share our comments regarding Chair's Proposed Way Forward (WCPFC8-2011/31) as follows.

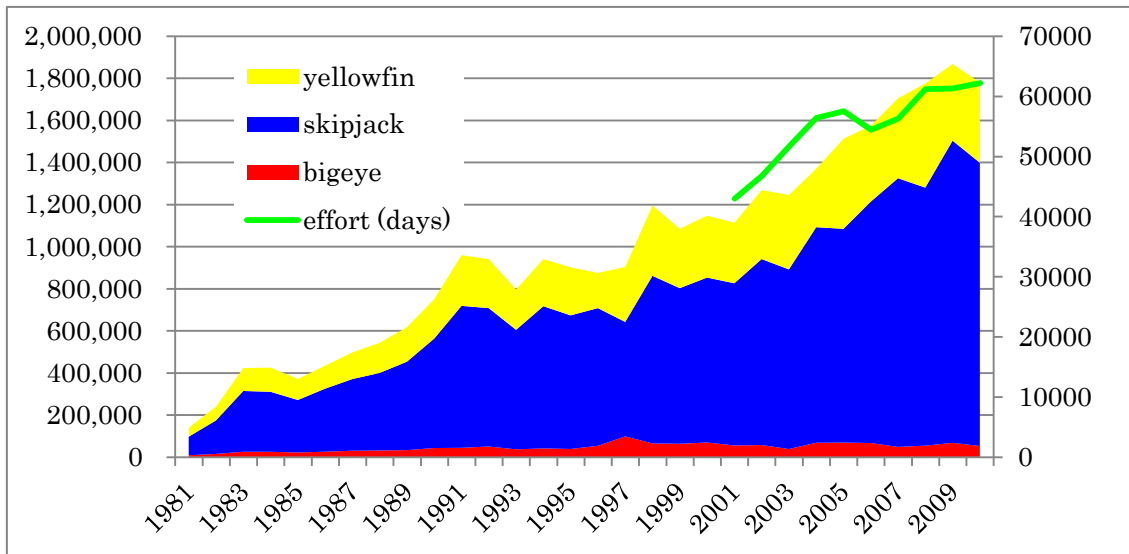
WCPFC adopted CMM 2008-01, which is a comprehensive conservation and management measure for bigeye as well as yellowfin tunas, at the annual meeting in December, 2008. The objectives of the CMM are (i) to reduce fishing mortality for bigeye by 30% from the average level of 2001-2004 or that of 2004, and (ii) not to increase fishing mortality for yellowfin. In order to achieve the objectives, the CMM stipulates specific regulations for tropical (between 20 degree north to 20 degree south) purse seine operation, inter alia, FADs operation closure for 3 months, closure of 2 high sea pockets, and management of VDS to restrict fishing effort in PNA waters at the 2004 level. It also requires 30% bigeye catch reduction of longliners and no increase of fishing capacity of purse seiners outside of the tropical area and other fisheries.

In 2010, longline fishing as a whole reduced its catch by 29.6% compared with 2004 and achieved the objective of the CMM. The effort level of purse seiners in the tropical area on the other hand, has been increasing steadily and the catch in 2009 reached the record high, although it declined slightly in 2010. The tropical purse seine fishery failed to achieve the objective. Purse seiners outside of tropical area maintained the effort level, reduced their catch, and thus fulfilled the objective.

Data on Purse Seine in the Tropical Area (catch in 1000mt)

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
No. of vessels	184	199	205	190	178	192	192	218	215	221
Days fished	43,016	46,808	51,653	56,414	57,508	54,424	56,298	61,218	61,301	62,199
Catch (SKJ)	770	883	853	1,024	1,015	1,146	1,276	1,226	1,435	1,345
Catch (BYT)	56	58	39	69	70	68	50	56	69	54
Catch (YFT)	287	327	353	278	428	360	380	494	364	381

(source:WCPFC Secretariat, SPC year book 2010, National Research Institute of Far Seas Fisheries)



The WCPFC Scientific Committee this year again concluded that overfishing is occurring in bigeye and recommended a reduction of at least 32% in fishing mortality from the average levels for 2006-2009 (which is equivalent to 28% reduction from average 2001-2004 levels or 39% reduction from 2004 levels) to return the fishing mortality rate to Fmsy. It was also pointed out that “exploitation rates and depletion rates were highest in equatorial regions, which accounts for 88% of the total bigeye tuna catch”.

In case of yellowfin, the SC concluded that the WCPO yellowfin appears to be capable of producing MSY, but also noted that “exploitation rates were highest in the western equatorial region”.

For skipjack, it is concluded that the stock is currently only moderately exploited but the SC also concerned that “high catches in the equatorial region could result in range contractions of the stock, thus reducing skipjack availability to higher latitude”.

The fishing grounds in the tropical region are located almost entirely in the EEZs of coastal countries including FFA (PNA) members. Thus the Commission decided in 2008 to incorporate the decisions by FFA (PNA) into WCPFC CMM upon the adoption of CMM 2008-01. Unfortunately, however, it is now apparent that this part of CMM 2008-01 did not function effectively enough to achieve its objective.

Japan supports the approach taken by WCPFC which recognizes the initiative of FFA

(PNA) in managing resources in tropical region and strongly hopes that FFA (PNA) member countries would come up with more effective management measures in this area to fulfill the objectives of the CMM 2008-01.

We would also like to make the following suggestions on specific issues related to the CMM 2008-01.

1. High Level Objective

Japan supports the Chair's suggested reference points for 2 tropical tuna species (skipjack: fishing mortality does not increase beyond the current (2006-2009) level, yellowfin: fishing mortality does not go beyond the level specified in CMM 2008-01). However, the reference level for bigeye should more accurately reflect the recommendation from the SC7 by use of the phrase "ensure that the fishing mortality rate for bigeye tuna be reduced by 28% from average 2001-2004 levels or by 39% from 2004 levels".

2. Measures for Tropical Purse Seiners

(i) Catch Management Measures

In accordance with the recommendations from the SC, the revised measure should ensure that the fishing mortality rate for bigeye tuna be reduced by 28% from average 2001-2004 levels or by 39% from 2004 levels. As mentioned above, Japan respects the initiative of FFA (PNA) members in decision making on how to achieve this objectives in the tropical area. Therefore, we would refrain from making specific suggestions.

One item we would like to make a general comment is, however, the issue of FAD closure v.s. total closure. Japan is conscious that FAD closure sometimes poses significant difficulty for monitoring and implementation. Therefore, total closure as proposed by EU might have some merit for further consideration.

In addition, whichever closure is adopted, a shift of fishing effort from closure to open period would cut its effectiveness. To avoid this problem, a tighter control of fishing effort (vessel days) than the current one and/or direct catch limit would need to be associated with the closure.

(ii) Night Setting Ban

Purse seiners do not operate without daylight. However, purse seine vessels usually start their operation soon after it is getting brighter, sometimes before the actual

sunrise time. Therefore, Japan cannot support the proposal by the Chair saying that “there shall be no purse seine sets made between the hours of sunset and sunrise” because it may cause unnecessary restrictions on legitimate fishing operations.

(iii) High Seas Closure

The closure of 2 high seas pockets stipulated in CMM 2008-01 apparently resulted in mere shift of fishing effort into the EEZs. The SC also concluded that the closure without consideration of the fate of displaced fishing effort will not be effective. The effectiveness of this measure should be carefully examined in light of the objectives of the whole package of the measures in respect of reduction or management of fishing mortality of tropical tunas.

(iv) Purse Seiners outside of Tropical Area

As stated above, these purse seiners outside of tropical area not only accomplished the objectives of the CMM, but are suffering from poor migration of tunas from the tropical region. The CMM 2008-01 manages the fishing activities in high latitude regions by restricting the transfer of effort from equatorial region. Japan believes this provision is essential to the conservation of the resources in high latitude regions and should be retained. If new measures are to be applied to the regions, they should not weaken the current measure, which is working effectively.

3. Measures for Longliners

(i) Catch Levels

Japan supports the Chair’s proposal in principle, which maintains the levels stipulated in CMM 2008-01. The longliners have achieved the management target of CMM 2008-01 and we do not accept to move the goalposts beyond the existing position.

(ii) Catch Retention

The purpose of the catch retention provision for purse seiner was to prevent the discard of bigeye, which is a by-catch species under strict control for purse seiners. However, bigeye is the very species that longliners target and its discard is economically unimaginable. Also, the necessity of retaining other by-catch species by longliners is not scientifically demonstrated. In addition, the retention of all catch would pose a significant difficulty to longline fishing operations by occupying their limited fish wells. Therefore, Japan does not support the catch retention provision for longliners proposed

by the Chair.

4. Other Commercial Fisheries

Japan does not see the merit or necessity to change the management tool from capacity control to effort control and shift the reference year from 2001-2004 to 2006-2009 as stated in CMM 2008-01 for other commercial fisheries. Other commercial fisheries are currently managed properly. Japan supports to maintain the provision contained in paragraph 39 of CMM 2008-01, which requires CCMs to ensure the total capacity of other commercial fisheries not to exceed the average level for the period 2001-2004 or 2004.

5. Capacity

Japan supports the EU proposal, which freezes the number of active purse seiners at the level of 2012. In addition, WCPFC should introduce a management framework for construction and export/import of purse seine vessels. The framework should include a freeze of purse seine capacity (replacement of equivalent vessel should be permitted) and development capacity reduction plan in non-SIDs countries that would allow SIDs countries to develop their domestic fleet without an increase of purse seine capacity in the WCPO as a whole.

APPENDIX: Japanese Proposal on the Management of Purse Seine Fishing Capacity

The Western and Central Pacific Fisheries Commission (WCPFC);

Acknowledging the legitimate rights of developing States, in particular SIDs, to develop and manage their domestic tuna fisheries;

Noting that paragraph 2, Resolution 2008-01 stipulates that “**developed CCMs shall make concerted efforts and consider innovative options to reduce and or restructure their fleet so as to accommodate aspirations of SIDs and Territories in the Convention Area to develop their own fisheries**”;

Recognizing that almost all the major tropical fishing grounds for purse seine fishery are formed within the EEZs of SIDs; and

Being Concerned that the fishing capacity and effort of large-scale purse seine fishing vessels in the WCPO region have increased drastically during the last decade and that such increase is still continuing;

Also Concerned that the increasing fishing capacity and effort significantly diminishes the effectiveness of the Commission’s existing CMMs;

Noting that SC7 recommended a reduction of at least 32% in fishing mortality for bigeye from the average levels for 2006-2009 (which is equivalent to 28% reduction from average 2001-2004 levels or 39% reduction from 2004 levels) to return the fishing mortality rate to F_{msy} and maintenance of current fishing mortality for yellowfin and skipjack;

Also noting that Kobe III recommended that developed fishing members freeze large scale purse seine capacity under their flag and each tRFMO should consider a scheme for reduction of over capacity and transfer of capacity;

Noting also that no CMM shall prejudice the sovereign rights of coastal states granted under UNCLOS; and

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

Non-SID CCMs

1. Non-SID CCMs shall freeze at the current level (May 2012) the number of its large

scale purse seine fishing vessels authorized to fish for tunas (hereinafter “LSPS”).

2. Non-SID CCMs shall not authorize an introduction of a new LSPS, whether it is newly constructed or secondhand, unless it will replace authorized tuna fishing vessel(s) with the capacity equivalent to that of the new vessel. The authorization of the replaced vessel(s) shall be revoked immediately.

3. When a replaced vessel is exported to another non-SID CCM, the importing CCM shall follow the procedure described in paragraph 2.

4. The concerned CCMs shall provide the Secretariat with information that demonstrates the compliance with the above procedures in paragraphs 2 and 3.

SID CCMs

5. SID CCMs who wish to develop their purse seine fishery shall, individually or collectively, submit a purse seine development plan to the Secretariat.

6. In order to enable SIDs to realize appropriate development plans in a sustainable manner, non-SID CCMs shall jointly work out a plan to maintain the total purse seine fishing capacity in the tropical region by reducing their fishing capacity as SIDs increase their capacity. As the first step of the plan, each non-SID CCM shall submit to the Secretariat by WCPFC9 a purse seine fishing capacity reduction plan which achieves at least [XX]% reduction of its fishing capacity. Joint ventures under SIDs flag and charter arrangement by SIDs may be deemed as a part of such reduction.

Members with Vessel Construction Facility

7. CCMs with vessel construction facilities shall ensure no construction to occur in their vessel construction facilities unless it is confirmed that all the necessary procedures in this CMM are complied with and report the Secretariat with the measures taken to implement this measure.

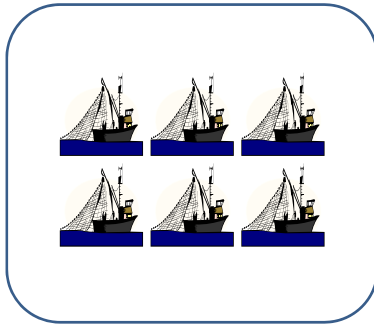
The Secretariat

8. The Secretariat shall set up a website regarding purse seine vessel capacity and made those information provided in accordance with paragraphs 4, 5, 6, and 7 above publicly available.

1. In Case of Non-SID CCMs...

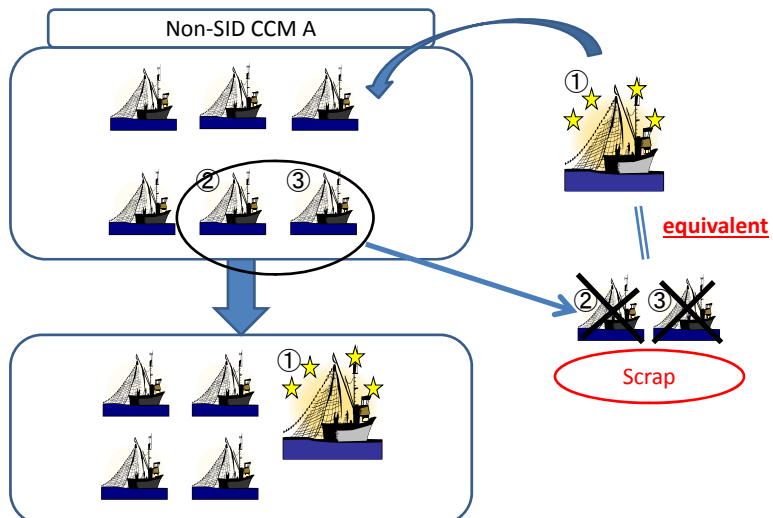
Freeze the number of LSPS at the level of May 2012.

Japan Korea Philippines US EU China
X vessels Y vessels Z vessels XX vessels YY vessels ZZ vessels



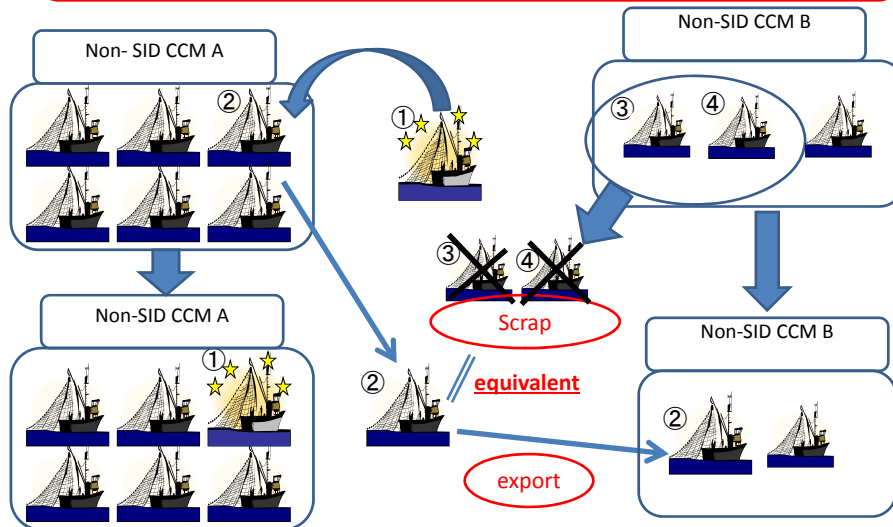
1-(1) Managing Capacity Domestically

No new LSPS shall be introduced unless it will replace vessels with the equivalent capacity.



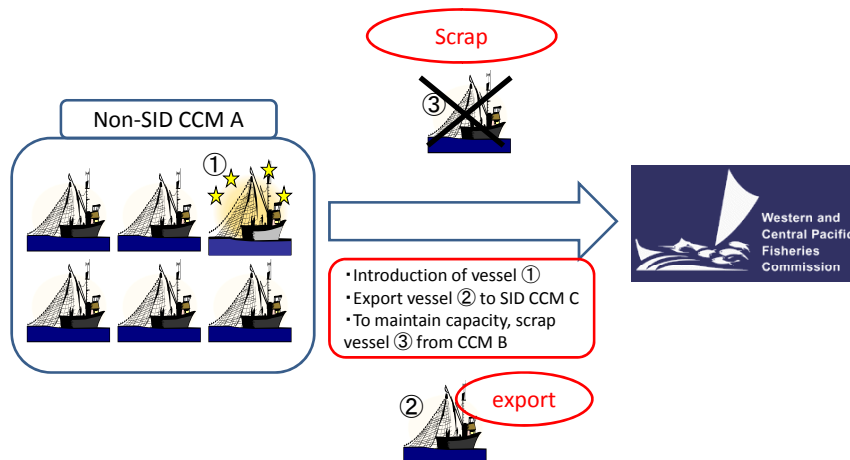
1-(2) When the old vessel is exported to another Non-SID CCM

The importing CCM shall replace fishing vessel(s) equivalent to the importing vessel.



Reporting

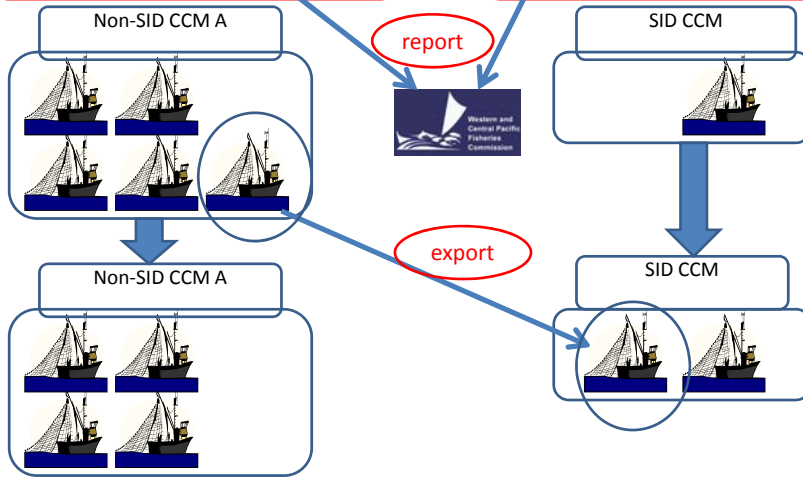
Report the measures taken to prevent an increase of fishing capacity.



Purse Seine Development Plan of SIDs

Non-SID CCM shall prepare a **P/S fishing capacity reduction plan**, which achieves at least [XX]% capacity reduction.

SID CCM shall prepare a **P/S development plan**.



Secretariat and CCMs with ship building facility



The Secretariat shall set up a website regarding purse seine vessel capacity and made those information publicly available.

CCMs with ship building facility



CCMs with vessel construction facilities shall ensure no construction to occur unless it is confirmed that all the necessary procedures in this CMM are complied with.