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ACT NOW! Stop Overfishing and Reduce Overcapacity

Pohnpei, Federated States of Micronesia (FSM), 27th September – 2nd October 2012

Introduction and summary of recommendations

The failure of parties to this commission to negotiate and implement at its 8th Annual Session in Guam an effective conservation and management measure for bigeye and yellowfin replacing CMM 2008-01, must not be repeated. Unwillingness for determined action and continued failure to follow scientific advice and the precautionary principle is not acceptable.

Greenpeace believes that certain key components of CMM 2008-01, particularly those with spatial and temporal management dimensions, remain appropriate and even more relevant as tuna stocks continue to be under threat. It is important in any future agreement that these key tools are retained and strengthened in order to help restore and nurture this valuable marine resource.

As an urgent rescue effort for the WCPO, Greenpeace calls on TCC8 to recommend that the following key components be included and adopted as part of the measure to replace CMM 2008-01 and CMM 2011-01 at its upcoming annual session in December:

- **The closure of the four high seas pockets to all fishing as a permanent measure, in order to strengthen the benefits derived from existing closures, complement initiatives to create a network of marine reserves in adjacent waters, and to eradicate IUU fishing.**

- **The adoption and implementation of a complete year-round ban on the use of FADs in association with purse seine fishing in order to help address excess fishing capacity, reduce catches of juvenile bigeye and yellowfin tuna, and reduce bycatch of other vulnerable species including oceanic whitetip and silky sharks.**

- **Measures aimed at reducing fishing mortality of bigeye by 50% from 2011 assessment levels to reflect both the uncertainty in those assessments and the need to avoid B_{MSY} and F_{MSY} stock indicators with a high degree of probability.**

WCPFC list of mismanaged species is growing

Although no new assessments for the main commercial species of tuna, namely skipjack, yellowfin or bigeye tuna were presented at this year's Scientific Committee meeting (SC8), there remains a growing concern for the state of these stocks, as well as those of other 'tuna-like' and bycatch species.

Based on previous assessments, skipjack and albacore tuna stocks are considered 'healthy', however, a potential skipjack range contraction and the corresponding decline in catches for some nations – such as the Japanese pole-and-line fleet – would mean that 'healthy' is a relative term. Similarly, the trends in CPUE of some fleets targeting albacore, are a source of concern for the continuing commercial viability of albacore fisheries, particularly the domestic longline fleets of the southern Pacific Island nations. Both these factors highlight the need for the WCPFC to develop precautionary reference points and harvest control strategies for all fisheries under its mandate.

Assessments for two key shark species, oceanic whitetip sharks and silky sharks, show that these populations are in a dangerously poor state. They are most often caught as bycatch in the Pacific tuna fisheries. For silky shark, the greatest impact on the stock is attributed to bycatch from the longline fishery, but there are also significant impacts from the associated purse seine fishery which catches predominantly juvenile silky sharks. The fishing mortality from the associated purse seine fishery alone is well above sustainable levels. These two shark species are being exploited at unsustainable fishing rates (as much as five times greater than F_{MSY}), and stocks have dramatically declined.

Indicators of Poor Tuna Management Progress – Bigeye and Yellowfin

Of particular concern to this Commission should be the levels of fishing on bigeye and yellowfin. Current conservation and management measures are doing little to address the problems with bigeye and yellowfin management as members have punched too many (loop) holes making them literally ineffective.

Yellowfin stock indicators determined in 2011 are already close to F_{MSY} and B_{MSY} reference points which at best should be considered limits to avoid with high probability. In one region where fishing is concentrated, the stock may already have gone below a safe biomass level. Furthermore there are significant uncertainties involved in assessments. The high mortality rate of juvenile yellowfin, primarily due to purse seine FAD fisheries is of particular concern, with scientists concluding the productivity of the stock would be significantly increased if juvenile catches were decreased.[i]

Overfishing including the increased catches of juveniles has significantly reduced the bigeye stock.[ii] Scientists have concluded that the bigeye tuna stock has fallen below safe levels – breeding population is now below a quarter of the unfished size.[iii] If left unmanaged, the increasing fishing effort and increasing use of FADs in purse seine fisheries will have catastrophic results for the stock.

CMM 2008-01 aimed to reduce the high fishing mortality on bigeye tuna by 30% from the 2001–2004 average level and limit yellowfin tuna fishing mortality to its 2001–2004 level, in order to ensure sustainable fishing. A combination of measures were agreed including longline catch limits, purse seine effort limits, a partial ban on purse seine fishing using fish aggregation devices (FADs), and a closure of two high-seas pockets to purse seine fishing. Most of these measures, however, have various exemptions or alternatives built in and were to be phased in over the period 2009–2011.

Data presented at last year's scientific committee meeting (SC7) made it clear that the CMM-2008-01 was unlikely to achieve its goals, and more recent fisheries data, presented at this year's SC8, have confirmed this. Notably, the studies confirm the findings from SC7 that even if CMM-2008-01 was implemented without exemptions, the reduction of overfishing on bigeye would still not be great enough to end the overfishing of this species and recover the stock to safer levels.

Key findings of CMM 2008-01 presented to SC8 included: [iv]

- Rather than a reduction in purse seine effort, there has been an increase since the introduction of CMM-2008-01. Effort in 2010 increased by about 18% from 2004 levels, and VMS data for 2011 indicates a further increase of 11% above 2010 effort levels and 31% over 2004 levels.
- The FAD closures did result in moderately reduced yellowfin (and skipjack) catches and strongly reduced bigeye catches during the closure periods. The average size increased for all species during the closures as well. However, despite the temporal closures, the total estimated number of FAD sets made in 2011 was a record high, due to increased purse seine effort and use of FADs.
- The closures of high seas pockets to purse seine fishing since 1 January 2010 has largely been respected, and the effort has remained concentrated in EEZ, without transferring to eastern high seas. However, scientists remain concerned that purse seine effort could move east with the predicted shift from *La Niña* to neutral or *El Niño* environmental conditions.
- Longline catches of bigeye have been reduced – the 2010 catch was 79% of the average catch for 2001–2004, and in 2011, reported catch fell slightly to 76% of the 2001–2004 level. However, for some flag states, current catches are lower than their agreed limits and there is, therefore, potential

for their longline catches to increase again. In addition, in the core area of the tropical longline fishery, catch reductions have occurred alongside a decline in catch-per-unit-effort (CPUE), and therefore recent catch declines may be, in part, due to a further decline in the bigeye stock. Longline catches of yellowfin for 2010 and 2011 are close to the 2001–2004 average.

The concerning results presented highlight the urgent need for WCPFC to adopt precautionary ecosystem-based management reference points and harvest control rules for all key target and bycatch species. The scientific advice and recommendations presented by the SC8 must be heeded by this Commission – the window of opportunity to deliver on conservation and management objectives to the world is rapidly closing.

A Practical Expression of the Precautionary Approach – Setting Reference Points

This session of the TCC must respond to the concerns and recommendations of the scientific committee (SC) and other stakeholders by developing a practical and effective management system that incorporates the precautionary and ecosystem-based approaches if the region's tuna fisheries and dependent livelihoods are to have a secure and sustainable future. A precautionary and ecosystem-based approach to fisheries management requires:

- the elimination 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),
- the development of harvest control strategies to ensure target references points are achieved and maintained and not exceeded,
- and the use of temporal and area-based management tools such as well enforced marine reserves

In its deliberation on the replacement conservation and management measure for CMM 08-01 the commission must include time-bound goals for the setting of limit reference points[v] (that correspond to the state of a stock that must be avoided), target reference points[vi] (that indicate the ideal state in which a stock should be maintained according to a set of biological, ecological, economic and social goals) and the harvest control rules[vii] that define what actions must be taken to ensure that there is a very low risk that the fishery will exceed the limit reference points for each of the stocks concerned. Setting strong fisheries reference points and harvest control rules are a key part of implementing the FAO Code of Conduct for Responsible Fisheries[viii] and the UN Fish Stocks Agreement.[ix]

The current practice of simply using maximum sustainable yield (MSY) and the corresponding biomass (B_{MSY}) and fishing rate (F_{MSY}) should be, at best, treated as limit reference points (to be avoided) according to the FAO Code and UN Fish Stocks Agreement.

Greenpeace urges the Commission to set the limit reference points recommended by SC8 this year, and to insist that the remaining recommendations are finalised by SC9 next year. Greenpeace also supports recommendations made by the majority of scientists at SC8 that the risk of exceeding limit reference points must be set at not more than 10%, with a lower, more conservative risk level of 5% for skipjack and south Pacific albacore given the importance of both of these species to developing island nations. Greenpeace notes that ultimately the assurance that limit reference points are not breached by fisheries depends on choosing good target reference points and effective measures, including harvest control rules, which ensure that these limits are not exceeded and urges that the Commission sets time-bound goals for agreeing these key management measures.

Replacement Measure for Bigeye, Yellowfin and Skipjack Tuna Must Measure Up

The WCPFC Chair and Vice-Chairs proposed draft replacement measure for CMM-2008-01 and 2011-01 provide a number of valid starting points for the all-important discussion and deliberations for reversing the overfishing occurring to bigeye and yellowfin and halting increasing effort and catches for skipjack tuna.

The preamble text recognises the failure of the commission to address overcapacity and reduce catch to sustainable levels and that both catches and capacity have rapidly increased. In the development of a revised CMM for bigeye, yellowfin and skipjack tuna stocks the SC8 recommendations to limit the use of FADs are a clear way forward.

FADs – Ban its use with purse seine fishing

As illustrated during the FAD ban period (July – September) total catch was below average during the FAD ban periods. Purse seine catch of bigeye tuna was significantly reduced 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 has increased despite the two and three month closures, to a record high in 2011. It is clear from the preliminary results that FAD bans are effective for the time that they are in effect. Given the scientific recommendations for bigeye mortality reductions[x], and the recommendations above from the SC clearly pointing to increasing limitations on FAD use in the purse seine fishery, 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 this species.

A total FAD ban in purse seine fisheries would clearly be the best means of reducing the juvenile 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 or the FAD itself.

Based on the apparent success of the prohibition of FADs in purse seine fisheries in reducing especially bigeye mortality Greenpeace urges WCPFC to implement and immediate, year-round ban on the use of fish aggregating devices (FADs) in purse seine fisheries.

High Seas Pockets are <u>not Just High</u> Seas – Respect Pacific Leaders Vision

Pacific Island leaders have a vision for ensuring that the region's fisheries resources including its tuna are sustainably managed for all Pacific peoples, as detailed under the 2007 Va'vau declaration (Our Fish, Our Future). Pacific Island leaders reiterated this call at the recently concluded Pacific Island Leaders Forum Summit in August which made special mention of the need for further ACTION in the Pacific Commons, in particular high seas pocket three, beyond that of a Special Management Area (SMA) as detailed in leaders Communique:

> ***"Leaders expressed concern over ongoing illegal, unreported, and unregulated (IUU) fishing in the Special Management Area of the eastern high seas pocket and the exclusive economic zones of the Cook Islands, French Polynesia and Kiribati. Leaders commended the efforts undertaken thus far by both Forum Fisheries Agency (FFA) members and DWFNs to adhere to the principles of ensuring the long term sustainability of the highly migratory fish stocks in the Western and Central Pacific ocean, and urged continuation of such efforts. In that connection, closing off the Eastern high seas pocket to any form of fishing activity by the DWFNs in the foreseeable future would be a significant step in that direction." (Paragraph 23)***

This request acts as precedent for how members of this commission, particular those who recognise and respect the interests of Pacific Island countries as developing members, must approach all high seas pockets that are enclosed by PIC EEZs as special areas of high seas in the convention area that must be given special

management attention as prescribed under international law. Greenpeace extrapolates further on the leader's request and urges all members of the commission to immediately close all four high seas pockets to all forms of fishing.

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.[xi] This report shows that here is a strong biological case for making the areas fully protected marine reserves as they meet many of the key criteria adopted by the CBD for identifying priority areas for protection.

The closure of the four high seas pockets will complement and strengthen initiatives and measures in adjacent EEZs, in particular recently established marine reserves and protected areas in a number of Pacific Island Countries.

The WCPFC had 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 in a bid to prevent and deter IUU fishing in the region. IUU fishing activities are estimated to cost the Pacific region up to $1.7 billion per year[xii]. Greenpeace ship expeditions in 2006[xiii], 2008[xiv], 2009[xv], and 2011[xvi] 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.

Greenpeace believes that the decision to reopen the pocked at the WCPFC 8th session was premature and hasty. The benefits of area closures often take several years to detect with current scientific instruments and need to be complemented with appropriate action to take care of displaced effort. Area closures also need to be coupled with other management measures to decrease overfishing.

Greenpeace acknowledges the seriousness of overcapacity present in Philippine tuna purse seine fleets and the catastrophic decline of tuna resources in its EEZ over several decades. However the solution to these domestic problems does not lie in unravelling regional progressive conservation measures but in action at domestic level addressing the core elements of this crisis in the Philippines. In addition the long term benefits of having large scale marine reserves is well documented and given the proximity of the Philippines EEZ to these waters, spill-over effects will eventually outweigh the short term conservation burdens of the closure. Greenpeace urges the Philippine government to in the meantime openly, transparently and inclusively begin work to reduce its excess industrial fishing capacity and to urgently establish marine reserves in its domestic waters. Aside from providing replenishment for fish stocks that are important for millions of people in coastal communities, these marine reserves should especially aim to protect juvenile bigeye and yellowfin tunas.

Greenpeace does not believe that the current closure of pockets one (partial) and two will achieve full benefits as both legitimate and illegal fishing operations may simply transfer to the open pockets and increase effort in this region to make up for opportunities lost elsewhere.

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.

Greenpeace is calling on TCC8, in its deliberations on a replacement CMM for 2008-01 and 2009-01 for skipjack, yellowfin and bigeye, to recommend a closure of all 4 high seas pockets to all forms of fishing.

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[iii] See paragraph 141. SC (2011). Summary Report. Seventh Regular Session of the Science Committee, WCPFC. 9–17 August 2011, Pohnpei, Federated States of Micronesia.

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[xiii] http://oceans.greenpeace.org/raw/content/en/documents-reports/plundering-pacific.pd f

[xiv] http://www.greenpeace.org/raw/content/australia/resources/reports/overfishing/defending-our-pacific-2008-su.pdf

[xv] http://www.greenpeace.org/raw/content/international/press/reports/defending-our-pacific2009-summaryreport.pdf

[xvi] http://www.greenpeace.org/international/Global/international/publications/oceans/2012/410-DefendingOurPacific.pdf