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Setting the limits on Western and Central Pacific tuna fisheries

Manila, Philippines, 2nd – 6th December 2012

Introduction

This year's annual meeting of the Western and Central Pacific Fisheries Commission (WCPFC) has the important task of putting in place new, more effective conservation and management measures (CMMs) to correct past mistakes and return the tuna fisheries of the Western and Central Pacific Ocean (WCPO) to sustainability and economic viability for the long-term. The failure of parties to this Commission to negotiate and implement an effective replacement CMM for bigeye and yellowfin tuna at its 8th Annual Session in Guam must not be repeated. Greenpeace urges that the Commission take into account first and foremost the precautionary approach when deliberating over new conservation and management measures for tuna and other species. The future consequences of our failure to act effectively today must not be underestimated.

It is important to note that the current reference points used by the WCPFC for determining the 'relative health' of tuna fisheries – the maximum sustainable yield (MSY) and the corresponding biomass (BMSY) and fishing rate (FMSY) – should be, at best, treated as limit reference points (to be avoided) according to the FAO Code of Conduct for Responsible Fisheries¹ and UN Fish Stocks Agreement². The Commission's science provider (SPC-OFI) notes that: "given the uncertainties in assessing stock status and natural stock variability, practical experience and scientific analysis has shown that treating FMSY as a target often results in depletion of fish stocks, and that recovery from over-depletion is difficult. The use of MSY as a target is also often sub-optimal economically."

Greenpeace calls on WCPFC9 to follow the precautionary approach and adopt the following combination of measures in order to reduce fishing mortality of bigeye by 50% and reduce the threat of overfishing to yellowfin, skipjack, and albacore tuna including other vulnerable and endangered species in the region.

- 1. Permanent closure of the four high seas pockets to all forms of fishing.**
- 2. Total ban on the use of FADs by purse seine fishing vessels.**
- 3. Ban all at-sea transshipments.**
- 4. Ban purse seine sets on whale sharks.**
- 5. Immediately halt any increase in effort in the southern albacore fishery until precautionary catch limits are established by the Commission.**
- 6. Adopt precautionary limit reference points recommended by SC8 for all target tunas.**
- 7. Adopt an unconditional ban on shark finning at sea in the WCPO through a requirement that shark be landed with fins naturally attached.**

¹ See Article 7.5.3 of FAO (1995). Code of conduct for responsible fisheries. Rome, Italy: Food and Agriculture Organisation of the United Nations. Available at www.fao.org/fi/agreem/codecond/codecon.asp

² Anon. (1995). Agreement for the implementation of the provisions of The United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks.

Going, Going, Almost Gone: Why Greenpeace is concerned about the state of fishing in the WCPFC

Levels of fishing effort and catch for bigeye, yellowfin and skipjack tuna over the past few years have been at an all-time high. Overfishing of adult bigeye in the longline fishery, compounded by the increased catches of juveniles as by-catch in purse seine FAD fishing has drastically reduced the bigeye stock.³ Based on the average recruitment in recent years, scientists concluded that the bigeye tuna stock is also likely to have dropped below B_{MSY} and the spawning biomass is as low as 23% of its potential spawning level.⁴

Greenpeace believes that the current 30% reduction in bigeye fishing recommended by the scientific committee is not precautionary as it does not take into account uncertainties attached to the key parameters and assumptions used as inputs for the management models.

Greenpeace calls on the WCPFC to follow the precautionary approach and reduce fishing mortality of bigeye by 50%.

For yellowfin tuna, the threat of overfishing is extremely high, bearing in mind there are significant uncertainties involved in the assessments and in one region of the WCPO where the fishery is concentrated there are already signs of rapid depletion. The high mortality rate of juvenile yellowfin, primarily due to purse seine FAD fisheries is of particular concern.⁵

The occurrence of range contraction for skipjack and possibly also for yellowfin tuna⁶, together with the corresponding decline in catches for some fleets – such as the Japanese pole-and-line fleet – is revealing the intensive nature of fishing taking place in the tropical regions. Increasing effort for southern albacore by China's and Taiwan's subsidised distant water fishing fleets is placing pressure on the stock and crowding out a fishery, which the smaller domestic longline fleets of the southern Pacific island nations⁷ are reliant on.⁸

Beyond tuna, oceanic whitetip sharks and silky sharks are in a dangerously poor state. Sharks are both targeted and caught as by-catch in the longline fishery. For silky sharks, the greatest impact on the stock is attributed to catches from the longline fishery; however there are also significant impacts from the FAD-associated purse seine fishery where catches are predominantly juvenile silky sharks.

³ Paragraphs 10 & 18 of Executive Summary, & paragraph 141: SC (2011). Summary Report. Seventh Regular Session of the Science Committee, WCPFC. 9–17 August 2011, Pohnpei, Federated States of Micronesia.

⁴ See paragraph 141. SC (2011). Summary Report. Seventh Regular Session of the Science Committee, WCPFC. 9–17 August 2011, Pohnpei, Federated States of Micronesia. Available at <http://www.wcpfc.int/node/3961>

⁵ Paragraphs 27 & 31 of Executive Summary: SC (2011). Summary Report. Seventh Regular Session of the Science Committee, WCPFC. 9–17 August 2011, Pohnpei, Federated States of Micronesia. Available at <http://www.wcpfc.int/node/3961>

⁶ Harley S (2010). A proposal to investigate range contraction in for tropical tunas in the WCPO. Eighth Regular Session of the Science Committee, WCPFC. 7–15 August 2012, Busan, Republic of Korea. WCPFC-SC8-2012/GN-IP-03. Available at <http://www.wcpfc.int/doc/GN-IP-03/proposal-investigate-range-contraction-tropical-tunas-WCPO>

⁷ South Pacific coastal state participants in the southern albacore fishery include Solomon Islands, Samoa, Fiji, Vanuatu, French Polynesia, Cook Islands, American Samoa, Niue, PNG, Tokelau, Tonga, Tuvalu, New Caledonia and Wallis et Futuna..

⁸ Banks, R., Short, K. and Tuqiri, S (2012). South West Pacific Longline Caught Albacore: Going, Going, Gone? WWF Policy Brief to the Western and Central Pacific Fisheries Commission Meeting Guam, March 25-29th 2012.

A BIG mistake at WCPFC8: Why the high seas pockets must be closed to all 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.⁹ This report shows that there 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 (see figure 1) to all forms of fishing would also complement and strengthen initiatives and measures in adjacent Exclusive Economic Zones (EEZs), in particular recently established marine reserves and protected areas in a number of Pacific Island Countries.¹⁰ In addition, the Parties to the Nauru Agreement (PNA) have, as a condition of its licensing arrangements, closed off a large area of international waters including the high seas pockets to purse seine fishing.¹¹

Pacific Island leaders called for the further closure of high seas pocket three (Eastern High Seas Pocket see figure 1; Pocket 3) in a bid to tackle overfishing and Illegal, Unreported and Unregulated (IUU) fishing activities at the Forty Third Pacific Island (Leaders) Forum held this year in the Cook Islands.¹² The loss from IUU fishing in the Western and Central Pacific (WCPO) region has been estimated to be in the vicinity of 21-46% of reported catch and is valued at US \$0.7 - \$1.5 billion.¹³ Greenpeace ship expeditions in 2006¹⁴, 2008¹⁵, 2009¹⁶, and 2011¹⁷ 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. According to the Eastern High Seas Pocket (EHSP) Analysis by Cook Islands, the EEZs adjacent to the EHSP have experienced several IUU cases over the past ten years.¹⁸ The pocket is a major entry and exit point for its EEZ and it was being used as a platform for IUU fishing activity being carried out in its waters. Data from Vessel Monitoring Systems (VMS) under CMM 2010-02¹⁹ revealed that many of the vessels operating in the EHSP and other international waters are not reporting to the Commission and these vessels are operating in these waters without being monitored by anybody.

Furthermore, increased migration of longline capacity from the Indian Ocean and North Pacific to both tropical tuna fisheries (i.e. bigeye and yellowfin) and to the southern albacore fishery is placing additional stress on the stocks and adjacent economies. These vessels operating solely on the high

⁹ Available at <http://www.greenpeace.to/publications/Pacific-CBD-report-August-2009.pdf>

¹⁰ Pacific Islands Marine Portal, Marine Protected Area. Available at http://www.pimrisportal.org/index.php?option=com_content&view=article&id=71&Itemid=65

¹¹ PNA Amended Third Implementing Arrangement (3IA)

¹² Forum Communiqué (Paragraph 23). Forty-Third Pacific Islands Forum Rarotonga, Cook Islands 28 - 30 August 2012. Available at <http://www.forumsec.org/pages.cfm/documents/forum-communications/>

¹³ MRAG and University of British Columbia (2008) The Global Extent of Illegal Fishing, April. Available at www.mrag.co.uk/Documents/ExtentGlobalIllegalFishing.pdf

¹⁴ Available at <http://oceans.greenpeace.org/raw/content/en/documents-reports/plundering-pacific.pdf>

¹⁵ Available at <http://www.greenpeace.org/raw/content/australia/resources/reports/overfishing/defending-our-pacific-2008-su.pdf>

¹⁶ Available at <http://www.greenpeace.org/raw/content/international/press/reports/defending-our-pacific2009-summaryreport.pdf>

¹⁷ Available at <http://www.greenpeace.org/international/Global/international/publications/oceans/2012/410-DefendingOurPacific.pdf>

¹⁸ EHSP Analysis paper by Cook Island WCPFC-TCC8-2012-DP03 27 September 2012

¹⁹ CMM 2010-02: Conservation and Management Measure for the Eastern High Seas Pocket Special Management Area.

seas and flagged to Asian fishing powers are poorly regulated, highly mobile and have been documented operating in the high seas pockets and in high seas areas adjacent to EEZs. In a recently published report, it was shown that a closure of the high seas pockets three and four and an additional area of high seas immediately north of Cook Islands EEZ (see figure 1) to longline fishing, while also banning FADs, would have a tremendous conservation benefit on bigeye stocks.²⁰

Domestic longline fleets have indicated their concern over international fleets operating solely on the high seas and using these pockets as platforms to tranship catch out of the region. This also underlines the continued need to ban all at sea transshipments. Unreported fishing resulting from at sea transshipments causes economic harm to the region as well as undermines the scientific analysis and management effort in the region.

Greenpeace believes that the decision to reopen the pockets at the WCPFC8 was a very short-sighted mistake. The opening of the high seas pockets also came with a number of pre-conditions including the need for better monitoring of fleets and strict implementation of and compliance with monitoring, control and surveillance (MCS) measures. The reporting on compliance by flag States at the recent the TCC8 revealed that the pre-conditions for reopening the closures are not being met.

The benefits of area closures often take several years to detect 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 and hence any argumentation that the closures are not an effective conservation measure is based on rushed and short-sighted interpretations and influenced by vested interests to maintain high seas freedom and gain short term economic benefits from the areas. Moreover it should be noted the Pacific high seas pockets are not ordinary high seas, they are high seas enclaves and should as such be treated as special.

Greenpeace is calling on WCPFC9 to close all 4 high seas pockets to all forms of fishing, as part of a new measure for skipjack, yellowfin and bigeye. The closure of the four high seas pockets to all fishing must be made 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.

Unsustainable Tuna Lures – Why a ban on Fish Aggregation Devices (FADs) must be implemented

FADs have increased purse seine catches of skipjack and juvenile bigeye and yellowfin tunas and are not a sustainable means of purse seine fishing because of the high catch rate of juvenile tunas and the significant levels of by-catch of other species including vulnerable species of sharks. The difference between the composition of a catch between FAD associated and free schooling tuna is dramatic.²¹ Juvenile fish are found in higher numbers in FAD associated sets including juvenile bigeye.

It is clear that banning the use of FADs is an effective conservation measure. As illustrated during the temporary FAD-ban months (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 when the ban was in effect. However, total purse seine effort had increased despite the two and three month closures, to a record high in 2011 since purse

²⁰ Siberta, J., Senina, I., Lehodey, P., & Hampton, J. (2012, October). Shifting from marine reserves to maritime zoning for conservation of Pacific bigeye tuna (*Thunnus obesus*). Proceedings of the National Academy of Sciences of the United States of America.

²¹ Miquel, A. Delgado de Mol Molina, J. Ariz, R. Delgado de Molina1, S. Déniz, N. Díaz, M. Iglesias, J.C. Santana y P. Brehmer 2006, Acoustic Selectivity in Tropical Tuna (Experimental Purse-seine Campaign in the Indian Ocean) WCPFC-SC2-2006/FT WP-8.

seine vessels would make up for time lost during the FAD ban months thereby undermining any conservation gains from the closure months. 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 reductions²², and the recommendations above from the Scientific Committee (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.

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

A recently published report revealed that a ban on FADs and/or shift of FAD purse seine effort to 'free' schools as well as the removal of longline fishing from known bigeye spawning areas would have a beneficial effect on the bigeye population.²³

To have a fighting chance to avoid the severe overfishing and further depletion and future collapse of bigeye tuna, Greenpeace is calling on the Commission to implement a full and permanent ban on the use of all FADs in association with purse seine fishing.

Closing the Loopholes for Pirate Fishers – Why all at-sea transshipments must be banned

Evidence from the recent TCC8 continues to show how transshipment at sea plays an integral role in laundering illegally caught fish. Fish caught in an area can be transferred to another vessel at sea, and not be landed until the catch is far from the vessel that caught it and the fishing grounds in which it was caught. This enables vessels to hide illegal catch, catch much greater amounts than they report, or catch fish in one area and report it as caught in another. Under WCPFC current transshipment rules, fishing vessels are required to notify the secretariat if transshipping tuna; however, evidence shows that this is not taking place and that a large number of transshipments are occurring on the high seas in direct contravention of the Commission's rules. Transshipment and bunkering at sea are supporting the plunder of the region's tuna stocks. Given the inadequate capacity of the Commission VMS system to monitor high seas activities, a more effective solution must be put in place.

Greenpeace calls on all CCMs and CNMs of the WCPFC to ban all at-seas transshipments and to alternatively require transshipments in port in order to close the net on IUU fishing in the WCPFC convention area.

Capacity Migration - Why effort for southern albacore must be immediately halted

Greenpeace notes with concern the increasing number of small to medium scale longliners migrating to the WCPO from the Indian Ocean and Northern Pacific. Of particular concern are those vessels operating only on the high seas. These vessels place a severe burden on already fragile tuna stocks and contribute very little to the economies of adjacent Pacific coastal states.

Given that they operate only on the high seas, have limited vessel monitoring system and observer coverage and are highly mobile and supported by at sea transshipments – these vessels are prone to IUU fishing. Greenpeace reiterates its concern over the increasing longline capacity and effort

²² SC (2011). Summary Report. Seventh Regular Session of the Science Committee, WCPFC. 9–17 August 2011, Pohnpei, Federated States of Micronesia. Available at <http://www.wcpfc.int/node/3961>

²³ (see 21.)

particularly in the southern albacore fishery. Poorly regulated fleets operating solely on the high seas are placing increasing and possibly excessive pressure on a fishery that is integral to the fledgling economies of the small island Pacific states that this Commission is obligated to consider in managing the stock. High seas longline vessels in the albacore fishery are competing with domestic and locally-owned fleets and undermine the development rights of small island coastal State members that are safeguarded by the WCPFC convention. Although albacore stocks are seen as healthy, stock assessments have consistently cautioned against further increases in catch on the basis that they would reduce vulnerable biomass (larger adults) and therefore decrease catch rates and profitability. Despite these warnings, both catch and effort have increased significantly in recent years. Stock assessments have shown reductions in spawning biomass.

Given the dependence of coastal states and absence of appropriate data on the stock Greenpeace urges the Commission to immediately halt any further increases in catch and effort for the southern albacore fishery until precautionary limits are established.

Taking the bite out of shark finning

Greenpeace fully supports the FFA proposal to amend CMM 2010-07 to improve the conservation and management of sharks to a complete ban on shark finning at sea through a fins naturally attached approach. This approach is recommended internationally as the best practice to improve data gathering and identification of shark catches, create a disincentive to targeting and killing sharks for their fins alone, and to ensure compliance. It is the approach recommended by the Convention on Migratory Species through its MOU on Sharks, which is now supported by 50 countries internationally. The status and health of these species is currently unknown however it is estimated that shark populations have declined by as much as 70 to 80 percent and that 30 percent of all shark species are threatened or near-threatened with extinction.

Greenpeace draws the Commissions attention to recent decisions by several of its Pacific Island members and territories to ban altogether commercial shark finning including possession, sale and distribution and to create shark sanctuaries that outlaw unconditionally the targeting of sharks. A number of other Pacific Island countries are in the process of creating shark sanctuaries and or strengthening legislation to ban the commercial exploitation of sharks.

Greenpeace is calling on the Commission to place an unconditional ban on commercial shark finning in the WCPO through a requirement that sharks be landed with fins naturally attached in a bid to safeguard the future of one of the oceans oldest known species and to support the efforts of those member countries that have already created shark havens in their waters.

Figure 1: Map of high seas pockets 1 – 4; High seas enclaves require special attention under international law.

