



**COMMISSION
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WCPFC9-2012-DP31 Japan's comments on Chair draft CMMs

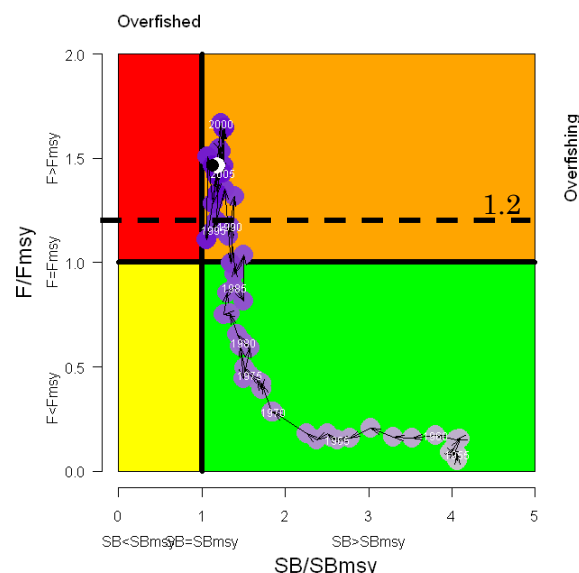
**WCPFC9-2012-DP31
19 November 2012**

Japan appreciates the effort of Chairman and vice Chairman to revise the proposal yet again since last year. Japan is also prepared to make its utmost effort to contribute constructively to solve the most important outstanding issue the WCPFC is facing. Our preliminary comments to the proposal at this stage are as follows and we would appreciate it if they are duly considered, together with our alternative proposal which is already submitted to the Commission as **WCPFC9-2012-DP 23**.

OBJECTIVES

Japan supports paragraphs 2 (skipjack) and 4 (yellowfin).

On the other hand, we do not support paragraph 3, which is to set the target of the bigeye management to achieving $F/F_{msy} \leq 1.2$. We should remind ourselves that the CMM2008-01 was developed to achieve $F/F_{msy} \leq 1$. However, this proposal means giving up the original target and allowing 20% overfishing for another five years. Japan advocates to set the target of bigeye also to achieving $F/F_{msy} \leq 1$ as is the cases for skipjack and yellowfin.



RULES OF GENERAL APPLICATION

Attribution and Charter Arrangements

Japan is of the view that the catch attribution issue of chartered vessels should be discussed separately from this particular measure from legal point of view. In addition, Japan opposes to an arbitrary approach to attribute only purse seine catch within EEZs to the coastal states.

Area of Application

WCPFC has competency only on activities in EEZ and high seas. Therefore, it is not only a statement of the obvious but also misleading to state that “the measure is applied to EEZ and high seas” since it may give an impression that other CMMs which do not state that they are applied to EEZ and high seas are applicable to areas other than EEZ or high seas. Therefore, it should state that “unless otherwise specified, this measure applies to all areas in the Convention Area”.

Duration of the Measure

In order to allow a proper revision depending on stock status, the measure should be terminated and revised after 3 years.

PURSE SEINE FISHERIES

As noted, Japan has made an alternative proposal for purse seine fisheries management framework as **WCPFC9-2012-DP 23** which includes (i) total FAD set limit, (ii) high sea pocket operation under PNA VDS and (iii) capacity control. In addition we have following comments to the Chair's proposal.

High Seas

Paragraph 13

The basis for the proposed fishing days on high seas (6,660 days) as well as 4,659 days for the Philippine vessels needs to be further explained. The most of the effort in the high sea pocket is considered to have shifted into PNA EEZs after high sea pocket closure in 2009. Therefore, if the effort limit within the PNA EEZs are to be set at the level of 2010, high sea pocket operation should be permitted within that limit. The limit for eastern high sea operation should be established based on the level of 2010 in the area.

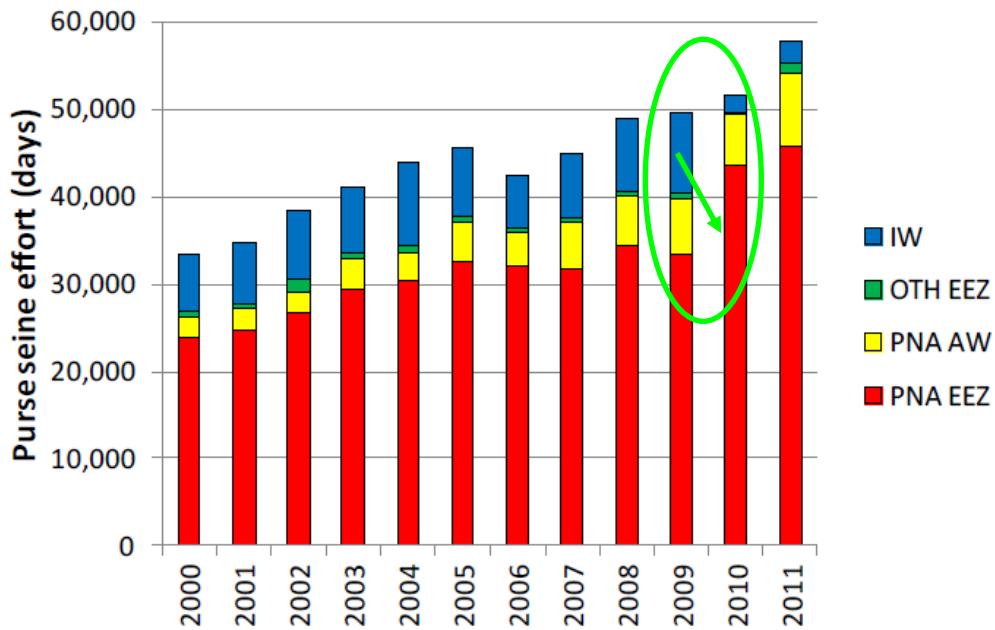
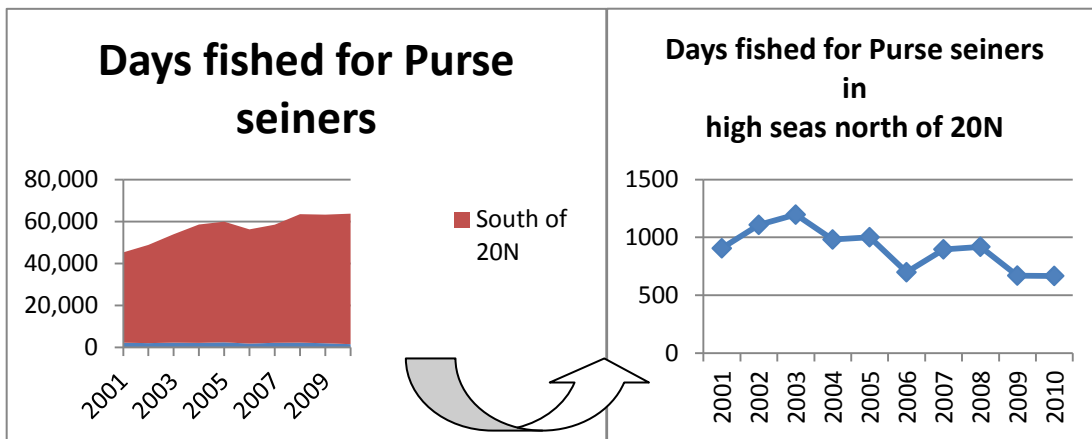


Figure 1. Purse seine effort (days fishing and searching) in the WCPFC Convention Area between 20°N and 20°S, excluding domestic purse seine effort in Philippines and Indonesia. Estimates are based on raised logsheet data.

Further, it should be noted that purse seiners outside the tropical area not only accomplished the objectives of the CMM2008-01, but are suffering from poor tunas migration from the tropical region. The CMM2008-01 manages the fishing activities in high latitude regions by restricting the transfer of effort from equatorial region in Paragraph 9 as follows: *“CCMs shall ensure that effectiveness of these measures for the purse seine fishery are not undermined by a transfer of effort in days fished into areas within the Convention Area south of 20S. In order to not undermine the effectiveness of these measures, CCM shall not transfer fishing effort in days fished in the purse seine fishery to areas within the Convention Area north of 20N”*. Japan believes this provision is essential to the conservation of the resources in high latitude region.

In addition, since the purse seine fishery in the area north of 20N is a seasonal fishery starting only from late April to early October with fluctuating fishing effort in high seas year by year from 667 days to 1,197 days depending on the migration of tunas, a separate effort limit for the area should be set at the maximum level between 2000 to 2010.



Paragraph 14

How PNA countries count Vessel Days is not necessarily transparent to non PNA countries. Therefore, the WCPFC should have its own procedure to count a fishing day in HS, such as that one fishing day means a day when at least one purse seine set is made.

Paragraph 16

Olympic system for counting fishing days makes the operation very unpredictable for the industry and managers. In particular, those in Northern area cannot fish at all if all fishing days are consumed in tropical area before the commencement of fishery in Northern area. Rather than an Olympic system, a framework should be developed that allows flag CCMs to control its vessels so as not to exceed the certain level. Also separate days should be set in Northern area as explained above. Therefore, Japan cannot support establishing High Seas VDS by introducing current PNA VDS excepting High Seas Pocket 1 and 2.

Fish Aggregating Device (FAD) Closure

Paragraph 17

Scientific explanation is necessary why the original proposal of 6 months FAD closure can be shortened to 4 months without sacrificing the conservation effect. In addition, in our view, the biggest flaw the CMM2008-01 was the unclear relationship between the objective and its specific measures, particularly those for purse seiners. Therefore, in considering the new measure, it is essential to clarify if the 4 months FAD closure would really achieve the proposed modest target of $F/F_{msy} \leq 1.2$, supposing the Commission would agree with this target.

The SC8 clearly pointed out the problem of periodical FAD closure, that is, however long it is, it cannot control the FAD activity outside the closure period. It is clear that it was the cause of the failure of the CMM2008-01. Therefore, taking account of the SC recommendation which requires the Commission that *“a reduction of the total number of FAD sets to the level no greater than those in 2010”*, Japan believes that the control of total annual FAD sets to 2010 level, 15,000 sets, is more appropriate.

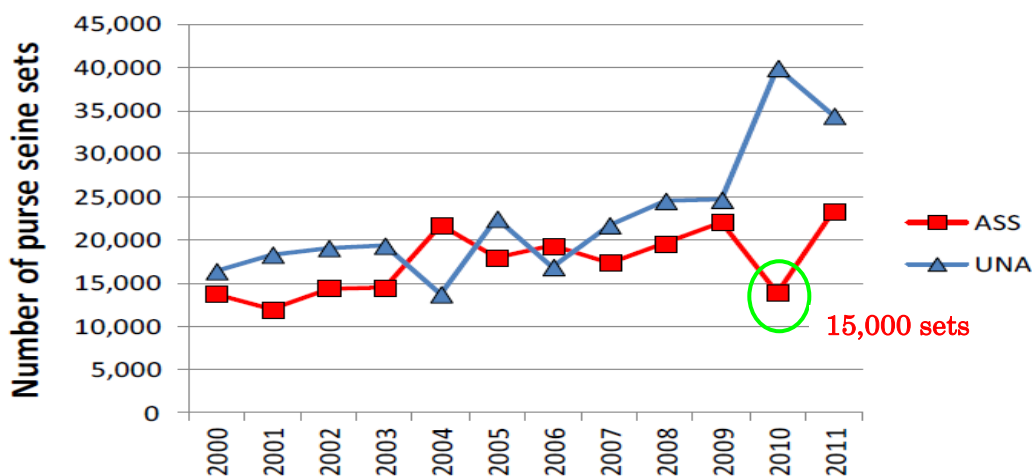


Figure 4. Number of associated (ASS) and unassociated (UNA) sets made in the WCPO tropical purse seine fishery, 2000 – 2011. Activities in the domestic purse seine fisheries of Indonesia and Philippines are excluded.

Paragraph 18

Using underwater lights during FAD closure is already prohibited under paragraph 5 of CMM2009-02 as follows: “*The operator of a vessel shall not allow the vessel to be used to aggregate fish, or to move aggregated fish including using underwater lights and chumming.*” On the other hand, purse seine vessels usually start their free school operation soon after it is getting brighter, sometimes before the actual sunrise time. Therefore, Japan does not support the Night Setting Ban because it cause unnecessary restriction on legitimate free school set.

Observers

Paragraph 20~22

Japan supports the proposed provisions in paragraphs 20-22.

Additional Measures

Although we had a similar provision in CMM2008-01, it did not achieve what it intended to. That is because, in our view, it did not have any incentive for CCMs or fisherman to take voluntary initiatives for additional measures. Therefore, we are afraid that the situation will not change unless we can provide incentives for additional measures.

Catch Retention

Japan supports a catch retention provision for the species covered by this measure, i.e. bigeye, yellowfin and skipjack. On the other hand, catch retention of species such as mahi mahi, rainbow runner, wahoo, and billfish is beyond the scope of the measure and we cannot support it.

LONGLINE FISHERY

Unlike purse seiners, longline vessels have already achieved the target of CMM2008-01, 30% reduction of bigeye catch. Therefore, Japan supports the proposed

paragraph 27. Taking account of the fact that purse seine bycatches of juvenile bigeye in 2011 (77,095 mt) exceeded target catches of the species by longline (67,599 mt), there is a concern that any juvenile recruitment created from the catch reduction of longline fisheries will be bycaught by purse seiners under current 3 month or proposed 4 month FAD closure. Therefore, we should focus on setting effective purse seine measure first. With these reasons, Japan does not support the additional reduction to the longline fishery proposed under paragraph 28.

OTHER COMMERCIAL FISHERIES

Japan supports the Chair's proposal in principle, but “total effort and capacity” in paragraph 31 should be “capacity” in accordance with the provision of CMM2008-01, as other fisheries in high latitude has a high variability caused by migratory situation of tunas. Also, as in the case of CMM2008-01, artisanal fisheries should be exempt in paragraph 31.

CAPACITY LIMITATION

At WCPFC8, EU, Japan and US jointly made a purse seine capacity proposal as WCPFC8-2011-DP-52. This proposal should be further discussed at the WCPFC9.

EVALUATION OF EFFECTIVENESS

As mentioned at paragraph 10, the measure should have an expiration date of 3 years and should be reviewed annually.