



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Seventeenth Regular Session**

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**POSITION STATEMENT TO TCC17**

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Paper submitted by the International Pole and Line Foundation (IPNLF)



## Western and Central Pacific Fisheries Commission

*17th Regular Session of the Technical  
Compliance Committee, September 22-28, 2021*

### IPNLF POSITION STATEMENT

The International Pole and Line Foundation (IPNLF) welcomes the opportunity to participate as an observer at the 17th Regular Session of the Technical Compliance Committee (TCC17) of the Western and Central Pacific Fisheries Commission (WCPFC). Despite the unusual circumstances, we would like to thank the Commission and all those involved to help convene the meeting online and for all the provisions that have been provided.

Because many of the pole-and-line, handline and troll line (aka one-by-one) tuna fisheries within the Commission represent local coastal and community fisheries we would also like to keep **Article 30** top of mind when making fishery management decisions, in particular paragraph 2:

*2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for highly migratory fish stocks, the Commission shall take into account the special requirements of developing States Parties, in particular small island developing States, and of territories and possessions, in particular:*

- (a) the vulnerability of developing States Parties, in particular small island developing States, which are dependent on the exploitation of marine living resources, including for meeting the nutritional requirements of their populations or parts thereof;*
- (b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and fishworkers, as well as indigenous people in developing States Parties, particularly small island developing States Parties, and territories and possessions; and*
- (c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions.*

#### **Minimum Requirements for Drifting Fish Aggregating Devices (dFADs)**

IPNLF would like to acknowledge the efforts of the Commission and its members to manage the environmental and ecological impacts that drifting FADs pose to our shared tuna resources, which include (but are not limited to) FAD closure periods, limits on the number of FADs to be deployed, adoption of non-entangling and/or biodegradable materials for FAD construction, and even the implementation of MARPOL with regards to Marine Pollution, which also has significance in this discussion. Despite these efforts we still fail to see any comprehensive mechanism to verify and hold those accountable who would perpetrate infringements of these measures. For example there's no verification that any dFADs that have been deployed in the commission have been constructed with non-entangling and/or biodegradable materials, and furthermore that over 90% of these dFADs have not been recovered and have caused beaching events that harm our coastal reefs, contribute to



marine pollution - directly in conflict with MARPOL, and aid in IUU and ghost fishing. It's therefore the purview of IPNLF to recommend minimum requirements for the responsible use of dFADs as follows:

#### FAD CONSTRUCTION

- All FADs should be non- entangling and constructed without using mesh materials (such as shade cloth or netting).
- All FADs should be 100% biodegradable, with the exception of materials used for the instrumented buoys.
- FAD design and materials used should be confirmed by the vessel observer prior to deployment.

#### FAD OPERATION

- FADs should be marked and ownership of FADs clarified by complying with the FAO Voluntary Guidelines on the Marking of Fishing Gear, enabling all FADs to be traced back to their owners.
- The raft and the substructure of the FAD should have a permanent label showing the unique vessel identifier (UVI) and the unique ID number of the satellite buoy attached to it
- 100% observer coverage should be in place on all vessels involved in FAD fishing, maintenance or retrieval. No FAD should be deployed or retrieved without the presence of an observer.
- FAD owners should be fully compliant with international marine pollution law (MARPOL Annex V, UNCLOS, London Convention etc).
- The implementation of management measures such as time-area closures, limits on FAD deployments and avoidance of bycatch hotspot areas should be supported and adhered to.
- The use of supply vessels and other support vessels should be phased out as soon as possible.

#### FAD OWNERSHIP & TRANSPARENCY

- Ownership of a FAD should be assigned to the vessel that deploys it, must count towards its FAD deployment limit, and must remain the responsibility of that FAD owner until it is retrieved and suitably disposed of.
- The practice of buoy exchanges, whereby purse seiners and their supply vessels attach their own satellite buoys to FADs they encounter belonging to other vessels, should be prohibited.
- All FAD ownership data, including the unique satellite buoy ID, should be part of the mandatory information collected by the relevant RFMO. RFMOs should publish FAD ownership information to maximise transparency and establish responsibility for lost and abandoned FADs. This could ultimately be incorporated into a global FAD register.
- All FAD operational data, including positional data, unique satellite buoy ID, date and time data and FAD ownership data (vessel name and registration number) should be reported to the fisheries manager/ RFMO in near real-time.
- All FAD operational data should be independently verified, removing reliance on self-reporting by satellite buoy service providers and vessel owners.

- All FAD operational data should also be made available on publicly accessible platforms.
- All FAD operational data should be made available for scientific analysis.

#### FAD RETRIEVAL

- Abandonment of FADs should be strictly prohibited, and every effort should be made to retrieve FADs before they risk beaching.
- If a FAD becomes lost as a result of technical failure, its time of loss, last known position and the circumstances in which it was lost should be reported immediately to the fishery manager/RFMO.
- If a FAD cannot be retrieved, the “polluter pays” principle should apply. If such an event occurs within the exclusive economic zone of a coastal state, agreement on compensation should be reached between the FAD owner and coastal state. If the event occurs on the high seas, FAD owners should pay compensation into a liability fund established at the relevant RFMO.
- Repeated failure to retrieve FADs should lead to sanctions against vessel operators, including potential placement on RFMOs’ IUU lists.

#### **Expedite the adoption CMMs that safeguard all workers at sea**

Forced labour, crew abuse, crew abandonment, unpaid wages, and murders at sea continue to plague our fisheries that operate in the Commission, particularly those that rely on migrant workers and operate in distant waters. Furthermore, the perpetrators of these abuses still have not been brought to justice. IPNLF recommends that a binding CMM or CMMs be adopted on labour standards and crew welfare for all those working on fishing vessels, which include onboard observers, as soon as possible.