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**CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE, YELLOWFIN
AND SKIPJACK TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

WCPFC-TCC8-2012/27

14 September 2012

Paper prepared by the WCPFC Chair and WCPFC Vice-Chair

This is the latest iteration of a draft CMM to replace CMM 2008-01 and CMM 2011-01 which has been progressed by the WCPFC Chair and WCPFC Vice-Chair following WCPFC8.

It is proposed that this iteration of a draft CMM would be the main basis of discussions during TCC8, Agenda 4. *Discussion of a replacement CMM for CMM 2008-01 and CMM 2011-01*, which is currently scheduled to be considered during the 8.30 – 10.30am timeslots on Saturday 29th September and Tuesday 2nd October.



**COMMISSION
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**CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE,
YELLOWFIN AND SKIPJACK TUNA IN THE WESTERN AND CENTRAL
PACIFIC OCEAN**

WCPFC9-2012-01

Conservation and Management Measure 2012-01

The Western and Central Pacific Fisheries Commission (WCPFC):

Recalling that since 1999, in the Multilateral High Level Conferences, the Preparatory Conferences, and in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Commission), a number of resolutions and Conservation and Management Measures (CMMs) were developed to mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean and that these measures have been unsuccessful in either restricting the apparent growth of fishing capacity or in reducing the fishing mortality of bigeye or juvenile yellowfin tuna;

Recalling that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention) is to ensure through effective management, the long-term conservation and sustainable use of the highly migratory fish stocks of the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement;

Recalling further the final statement of the Chairman of the Multilateral High Level Conferences in 2000 that: “It is important to clarify, however, that the Convention applies to the waters of the Pacific Ocean. In particular, the western side of the Convention Area is not intended to include waters of South-East Asia which are not part of the Pacific Ocean, nor is it intended to include waters of the South China Sea as this would involve States which are not participants in the Conference” (Report of the Seventh and Final Session, 30th August- 5 September 2000, p.29);

Recognising that the Scientific Committee has determined that the bigeye stock is subject to overfishing, and that yellowfin stocks are currently being fished at capacity, reductions in fishing mortality are required in order to reduce the risks that these stocks will become overfished;

Recognizing further the interactions that occur between the fisheries for bigeye, yellowfin and skipjack tuna;

Noting that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular small island developing States and Territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries on such stocks, including the provision of financial, scientific and technological assistance;

Noting further that Article 30(2) of the Convention requires the Commission to take into account the special requirements of developing States, in particular small island developing States and Territories. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, Parties and Territories;

Taking note of Article 8(1) of the Convention requiring compatibility of conservation and management measures established for the high seas and those adopted for areas under national jurisdiction;

Recalling Article 8(4) of the Convention which requires the Commission to pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones (EEZs);

Adopts, in accordance with Article 10 of the Convention, the following Measure with respect to bigeye, yellowfin and skipjack tuna, in particular.

OBJECTIVES

The objectives of this Measure are to ensure that:

General

1. compatible measures for the high seas and EEZs are implemented so that bigeye, yellowfin and skipjack tuna stocks are, at a minimum, maintained at levels capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention Area as expressed by Article 5 of the Convention.

Skipjack

2. the average Fishing Mortality Rate (F) for 2006- 2009 for skipjack is not exceeded and that the total annual catch of skipjack does not exceed 1,650,00 mt.

Bigeye

3. the fishing mortality rate for bigeye tuna is returned to a level consistent with the maximum sustainable yield (Fmsy), which requires a 28 percent reduction in the level of fishing mortality rate from average level for 2001-2004 or a 39 percent reduction from the 2004 level and that the total annual catch of bigeye tuna is reduced from current levels to the maximum sustainable yield (ca.77,000 mt) by 2018.

Yellowfin

4. that the fishing mortality rate is not greater than 2001-2004 or 2004 levels and that the total annual catch of yellowfin tuna does not exceed 538,500 mt.

RULES OF GENERAL APPLICATION

Charter Arrangements

5. For the purposes of this Measure, catch and effort by vessels operated under charter, lease or other similar mechanisms as an integral part of the domestic fleet of the host State or territory, shall be counted against the catch/and or effort limits that apply to the host State or territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known illegal, unreported and unregulated (IUU) vessels. This paragraph is without prejudice to the rights and obligations of flag States under international law.

Non-Parties

6. In giving effect to CMM 2009-11 or its replacement the Commission shall advise non-Parties to the Convention wishing to acquire Co-operating Non Member (CNM) status as follows: (a) that for bigeye tuna the current fishing mortality rate is above that associated with MSY; yellowfin tuna is not being overfished but current F is close to Fmsy; (b) that the Scientific Committee recommends no increase in F for yellowfin tuna; (c) that skipjack tuna is not being overfished and that the Scientific Committee recommended that the Commission consider adopting limits on fishing for skipjack tuna and noted that additional purse seine effort on skipjack tuna will yield only modest long term gains in catches. Therefore, where necessary, the limits that apply to CNMs, particularly on the high seas, will be determined by the Commission in accordance with CMM 2009-11 or its revision.

Transfer of Effort

7. Members, Cooperating Non-Members and Participating Territories (CCMs) shall ensure that the effectiveness of this Measure is not undermined by a transfer of effort into other areas in the Convention Area.

Small Island Developing States

8. Unless otherwise stated, nothing in this measure shall prejudice the rights of those small island developing State Members and participating Territories in the Convention Area seeking to develop their domestic fisheries.

Area of Application

9. This Measure applies to all areas of high seas and all EEZs in the Convention Area except where otherwise stated in the Measure.

Duration of the Measure

10. This Measure shall remain in force until the Commission decides otherwise.

PURSE SEINE FISHERY

Effort Levels

EEZs

11. Coastal States within the Convention Area that are Parties to the Nauru Agreement (PNA) shall restrict the level of purse seine effort in their EEZs to 2010 levels, recognizing that consideration may need to be given to how this effort is expended in light of the objectives for bigeye and yellowfin tuna. The provisions of paragraph 8 shall not apply to this limit.
12. Other coastal States within the Convention Area shall establish effort limits for purse seine fisheries within their EEZs that reflect the geographical distributions of skipjack, yellowfin and bigeye tuna, and are consistent with the objectives for those species. Limits established pursuant to this provision shall be provided to the Commission by the relevant coastal States no later than 16 November 2013.

High Seas

13. The total level of purse seine effort on the high seas shall be the equivalent of 10,000 vessel days. Once this level is reached the high seas shall be closed to further fishing.
14. CCMs shall take necessary measures to ensure that total purse seine effort does not exceed this level by reporting the effort expended by their flagged vessels each month to the Secretariat not later than the 15th day of the next month.
15. The Secretariat will, to the extent possible, verify these reports through the use of any available data or information, for example vessel monitoring system and/or observer records, and notify CCMs of the date that the total purse seine effort reaches the limit specified above.

Discussion

The Commission must consider what framework it will apply to the management of the purse seine fishery on the high seas. The Commissions should include in its deliberation on this matter the following language from paragraph 21 of CMM 2008-01: “The Commission shall consider the development of a high seas vessel day scheme (HS VDS) to be compatible with the PNA VDS to provide a common currency for managing purse seine effort”. Relevant considerations include:

- a) Will high seas pockets be open or closed;
- b) Will the commission allow the provisions of 2011-01 for Philippine effort in the westernmost high seas pocket to continue;
- c) How would any allowable effort be allotted/allocated; equal shares, allocation scheme, will any allotted/allocated effort be free or will there be a payment to the Commission, if there is a payment for fishing on the high seas how is it to be used, etc;
- d) How will the high seas pockets be managed? No fishing, limited fishing, extend the eastern pocket approach to all pockets?; and
- e) Other.

Fish Aggregating Device (FAD)¹ Closure

16. A six (6) month prohibition on setting on FADs will be in place each year for all purse seine vessels fishing in EEZs and high seas in the Convention Area between 20 degrees north and 20 degrees south (see paragraphs 3-7 of CMM 2009-02 for the rules for the FAD closure; also need to deal with the language in paragraph 3 referring to 2008-01). No setting on FADs will be allowed during the months of January, February, March, July, August and September. The provisions of paragraph 8 shall not apply to the 6 month FAD prohibition.
17. During the FAD closure no sets shall be made during the time of 1 hour before local sunset and 1 hour after local sunrise.
18. CCMs shall report to the Technical and Compliance Committee (TCC) on the steps taken to implement and enforce this measure, including what use was made of observer reports in this effort.

¹ See definition in paragraph 3 of CMM 2009-02.

Observers

19. CCMs shall ensure that purse seine vessels entitled to fly their flags and fishing within the area bounded by 20° N and 20°S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry an observer from the Commission's Regional Observer Programme (ROP).
20. CCMs shall require Observer providers to submit observer data from ROP trips to the Commission within 3 weeks of the end of the trip and that proper debriefing of all observers occur before the observer report is forwarded to the Commission for processing to ensure that all fields are accurate and correctly completed.

Additional Measures

21. CCMs are encouraged to take additional measures either to reduce the use of FADs by their vessels or to develop methods to reduce the catch of juvenile bigeye and yellowfin tuna in purse seine sets associated with FADs, and to report to the Commission whether or not such measures were successful in reducing the catch of juvenile bigeye and yellowfin tuna to the Commission in their Part 2 Annual Reports.

Catch Retention: Follow or amend CMM 2009-02 see paragraphs 8-13 in that CMM and do NOT include in 2012-01.

FAD Management Plans: Make this a separate effort, noting that the Commission should place high priority on adopting a measure regarding the management of FADs in the Convention Area that would apply to all CCMs.

LONGLINE FISHERY

Catch Levels

22. The catch levels for bigeye tuna will remain as specified for the year 2011 in CMM 2008-01 for all CCMs Attachment X.
23. The catch levels for yellowfin tuna will remain at levels specified Attachment Y.

OTHER COMMERCIAL FISHERIES

24. CCMs shall take necessary measures to ensure that the total effort of their respective other commercial tuna fisheries for bigeye, yellowfin and skipjack tuna but excluding artisanal fisheries and those fisheries taking less than 2,000 tonnes of bigeye and yellowfin, shall not exceed the average level for the period 2001-2004 or 2004.
25. CCMs shall provide the Commission with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2012 and future years.
26. To assist the Scientific Committee, the Technical and Compliance Committee and the Commission in evaluating compliance with this provision, each CCM shall conduct an inventory of vessels flying its flag that operate in fisheries other than purse seine and longline vessels that fish for tuna in the Convention Area. This inventory shall be provided to the Secretariat by 1 July, 2013 and shall include a report of the catch and effort of these vessels.

CAPACITY

(Potential to include further text depending on the outcome of the DWFN small group discussions).

EVALUATION OF EFFECTIVENESS

27. Each year the Scientific Committee (SC) and the Technical and Compliance Committee shall evaluate the effectiveness of each of the measures in this CMM and provide the Commission with recommendations on how the individual measures and the CMM as a whole can be improved taking into account the need for adequate time to appropriately assess the impact of measures.
28. The Commission shall adjust the individual measures or the entire CMM as necessary to meet the goals established. The Commission shall provide its reason(s) for not adopting any measure recommended by both the SC and the TCC.

FINAL CLAUSE

29. This Measure replaces CMM 2011-01.

ATTACHMENT Y. Longline catches and catch limits for bigeye tuna by flag under CMM 2008-01 and the limits agreed under CMM 2011-01.

| CCM | 2009 catch | 2010 catch | 2011 catch | CMM 2008- 01 2009 limits | CMM 2008- 01 2010 limits | CMM 2008- 01 2011 limits | CMM 2011- 01 limits |
|------------------------------|---------------|---------------|---------------|--------------------------------------|--------------------------------------|--------------------------------------|------------------------------|
| AMERICAN SAMOA | 249 | 491 | | | | | |
| AUSTRALIA | 726 | 458 | | 2,000 | 2,000 | 2,000 | 2,000 |
| BELIZE | 43 | 89 | | 803 | 803 | 803 | 803 |
| CHINA | 15,289 | 13,924 | | 11,748 | 11,748 | 8,224 | 8,224 |
| CHINESE TAIPEI | 13,319 | 11,552 | | 14,513 | 12,900 | 11,288 | 11,288 |
| COOK ISLANDS | 217 | 192 | | | | | |
| EUROPEAN UNION | 46 | 15 | | 2,000 | 2,000 | 2,000 | 2,000 |
| FSM | 1,395 | 899 | | | | | |
| FIJI | 689 | 532 | | | | | |
| FRANCE (FRENCH POLYNESIA) | 587 | 436 | | | | | |
| FRANCE (NEW CALEDONIA) | 51 | 44 | | | | | |
| INDONESIA | 4,000 | 1,221 | | 2,000 | 2,000 | 2,000 | 2,000 |
| JAPAN | 16,650 | 14,565 | | 25,290 | 22,480 | 19,670 | 19,670 |
| KIRIBATI | 0 | 3 | | | | | |
| MARSHALL ISLANDS | 381 | 257 | | | | | |
| NAURU | 0 | 0 | | | | | |
| NEW ZEALAND | 253 | 131 | | 2,000 | 2,000 | 2,000 | 2,000 |
| NIUE | 10 | 4 | | | | | |
| PALAU | 0 | 0 | | | | | |
| PAPUA NEW GUINEA | 128 | 39 | | | | | |
| PHILIPPINES | 59 | 59 | | 2,000 | 2,000 | 2,000 | 2,000 |
| REPUBLIC OF KOREA | 15,231 | 13,862 | | 19,304 | 17,159 | 15,014 | 15,014 |
| SAMOA | 117 | 108 | | | | | |
| SENEGAL | 0 | 0 | | | | | |
| SOLOMON ISLANDS | 0 | 412 | | | | | |
| TONGA | 38 | 24 | | | | | |
| USA | 3,741 | 3,576 | | 3,763 | 3,763 | 3,763 | 3,763 |
| VANUATU | 1,300 | 2,060 | | | | | |
| VIETNAM | | 2,441 | | | | | |
| Total | 74,519 | 67,394 | | | | | |