



**TWELFTH REGULAR SESSION**  
Bali, Indonesia  
3 - 8 December 2015

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**PROPOSED REVISIONS TO THE TROPICAL TUNA MEASURE  
(CMM 2014-01)**

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**WCPFC12-2015-DP12  
3 November 2015**

**Proposal by PNA Members and Tokelau**



29 October 2015

Mr. Feleti P. Teo, OBE  
Executive Director  
Western and Central Pacific Fisheries Commission  
PO Box 2356 Kolonia  
Federated States of Micronesia

Dear Feleti

I am writing, in my capacity as the Chair of the Parties to the Nauru Agreement, on behalf of the 8 members of the PNA, and Tokelau. Please find attached, a proposal prepared by PNA members and Tokelau for revisions to the Tropical Tuna measure, CMM 2014-01, for distribution to other CCMs as a Delegation Paper for WCPFC12.

Yours Sincerely,

Mr Eugene Pangelinan  
Chairman  
Parties to the Nauru Agreement

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## PROPOSAL FOR REVISIONS TO CMM 2014-01

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WCPFC11-2015-DPXX

### Paper by PNA Members and Tokelau

#### Background

1. PNA submitted to WCPFC11 a draft text for revisions to CMM 2013-1. Discussion on the PNA proposals at WCPFC12 focussed on a set of major proposals extracted from that draft.
2. For WCPFC12, PNA has prepared a set of proposals for revision of CMM 2014-01 which is similar to that discussed at WCPFC11.
3. The updated proposals are described below. They do not include some of the more detailed elements in the PNA draft from last year, which are still supported by PNA.
4. Additional details including indicative proposed texts are set out in the Attachment.

#### Outline

5. The 3 elements of the PNA proposals are:
  - a) Hard limit for high seas purse seine effort;
  - b) Package of longline and purse seine measures;
  - c) Capacity management.

#### Effectiveness of the CMM

6. The effectiveness of the CMM falls short of what is needed and what was expected. In response, SC11 advised the Commission as follows:

*“Noting the longline bigeye catch and the total number of FAD sets in 2014 was still higher than in 2010 (taken as a reference year for the current CMM), and the number of FAD sets was 5% above the mean total number for the 2005-2014 period, SC11 recommends the need for additional or alternative targeted measures to reduce the fishing mortality on bigeye tuna, as seen as appropriate by the Commission.*”

#### Hard Limit for High Seas Purse Seine Effort

7. The high seas purse seine effort provision is set out in Para 25 of the CMM. Limits are set out in Attachment D of CMM 2014-01, based on historical effort. Because these limits are based on historical effort, SIDS are exempt. The limits are only for one year, currently expiring in December 2015. .
8. This provision has allowed large increases in high seas purse seine effort, undermining:
  - a) measures in place in EEZs,
  - b) management of the overall purse seine fishery; and
  - c) conservation of bigeye, noting that purse seine catches of bigeye in the high seas have increased by over 30% from 2012 to 2014, with further large increases in high seas effort

observed by VMS in 2015, and now make up 15% of purse seine bigeye catches in the WCPO.<sup>1</sup>

9. PNA continues to support the proposal in the PNA/Japan Joint Draft of 2013 and the PNA Draft of 2014 for a **hard limit for high seas purse seine effort**, based on the 2010 level, compatible with the PNA limit, applied as 4 quarterly limits. The proposed language for revision of para 25 of the CMM is as follows:

**25 Effort in the high seas shall be limited to 531 fishing days quarterly, with any unused days from one quarter carried into the next quarter within the same year. The Executive Director shall notify CCMs when the level of effort in the high seas is estimated to have reached 80% of the quarterly limit, and at that time, shall notify CCMs that purse seine fishing on the high seas shall close at a date when the quarterly limit has been reached, based on the best available information. CCMs shall ensure that their vessels do not fish in the high seas after the date notified by the Executive Director. Kiribati flagged vessels shall be exempt from the high seas purse seine limits in the high seas areas adjacent to the Kiribati exclusive economic zone.**

#### **Package of Longline and Purse Seine Measures**

10. PNA proposes a balanced package of measures to reduce fishing mortality on bigeye tuna from the longline and purse seine fisheries. The package is summarised below.
11. Broadly, the proposals aim to:
- a) **Longline fishery:** improve control over high seas based longline vessels in ways that reduce tropical longline effort and create benefits for SIDS as a contribution towards offsetting the disproportionate burden on SIDS from bigeye conservation measures, especially the FAD closure, which mainly benefit the tropical longline fishery outside PNA waters
  - b) **Purse seine fishery:** improve the effectiveness of the FAD closure.

<b>Longline</b>	<b>Purse Seine</b>
<ul style="list-style-type: none"> <li>• High seas closure equal to the FAD closure for high seas vessels</li> </ul>	<ul style="list-style-type: none"> <li>• Ban on pre-dawn sets</li> </ul>
<ul style="list-style-type: none"> <li>• No transhipment of frozen bigeye at sea 30N – 20S</li> </ul>	<ul style="list-style-type: none"> <li>• Ban on FAD deployment etc by tender vessels during the FAD closure,</li> </ul>
<ul style="list-style-type: none"> <li>• No manual reporting 30N - 20S for vessels with bigeye catch history</li> </ul>	<ul style="list-style-type: none"> <li>• Tender vessels servicing FADs to carry independent* ROP observers</li> </ul>
<ul style="list-style-type: none"> <li>• 20% high seas independent * ROP observer coverage</li> </ul>	<ul style="list-style-type: none"> <li>• No servicing FADs during the closure</li> </ul>

\* Independent means from another national programme or sub-regional programme

#### **Capacity Management**

12. The PNA proposal for capacity management has 3 elements:

<sup>1</sup> Source: 2014 WCPO Yearbook data

- a) **Fixing the abuse of Capacity Limits:** PNA members remain deeply concerned at the abuse of paras 49-55 of the CMM to obstruct the development of SIDS domestic fleets. When this is fixed PNA will consider any further work on capacity management. At WCPFC11, PNA proposed the following amendment to para 55:  
*55 Nothing in this measure shall restrict the ability of SIDS to construct or purchase vessels from other CCMs for their domestic fleets. **CCMs shall not require any action by the WCPFC Secretariat or WCPFC Members for the construction or purchase of vessels for SIDS. The Executive Director shall inform the CCMs involved of any actions that do not comply with this provision.***<sup>2</sup>
- b) **Capacity Management Work Plan:** PNA is ready to work on *capacity measurement* when the abuse of the current capacity limits is fixed. In any discussions on purse seine capacity, capacity will continue to be managed in PNA waters through the VDS and the price of VDS days.
- c) **SIDS Fleet Development Mechanism**

#### **Application of CMM 2013-06**

13. For the purpose of this analysis, it should be noted that:
- a) the proposals by PNA and Tokelau in this paper are not a new CMM but they do include revisions to CMM 2014-01 that constitute a new proposal, and CMM 2013-06 is applicable on that basis;
  - b) There are several elements to the revisions proposed which are intended as a balanced package, and the revisions are therefore considered as a single proposal on that basis.
14. Responses to the questions in CMM 2013-06 are set out below:
- a. **Who is required to implement the proposal?**  
 All CCMs engaged in the tropical tuna fisheries will be required to implement elements of the new proposal.
  - b. **Which CCMs would this proposal impact and in what way(s) and what proportion?**  
 The largest impacts from this proposal will fall on:
    - i) CCMs with fleets engaged in the tropical distant water longline fishery because the proposed revisions require strengthening of control over in those fleets, especially in the high seas. These fleets will also be the major beneficiaries of all the measures being taken, including by the purse seine

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<sup>2</sup> *For the avoidance of doubt, this clause reiterates equivalent provisions contained in previous CMMs, including CMM 2005-01 (para 6), CMM 2008-01 (para 6), CMM 2012-01 (para 7) and CMM 2013-01 (para 55).*

fisheries, because they will harvest the benefits of improvements in the bigeye stock, and so should be substantial net beneficiaries of the measures being proposed;

- ii) CCMs in whose waters the FAD closures apply and CCMs with fleets engaged in the tropical purse seine fishery that will be required to apply the additional measures to improve the effectiveness of the existing measures to reduce FAD use and juvenile bigeye fishing mortality. The impacts of the measures to reduce FAD use can be expected to cause economic and financial and economic losses to many SIDS in terms of foregone government revenue and reduced viability of domestic purse seine fleets. SIDS will also benefit from some of the elements including benefits from bigeye conservation, but these benefits will be relatively small in relation to costs, creating a potential disproportionate burden on SIDS with purse seining in their waters.

**c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?**

No

**d. Does the proposal affect development opportunities for SIDS?**

Yes, without appropriate mitigation measures, the proposal would reduce the government revenues and associated sustainable development opportunities, and sustainable tuna development opportunities of many SIDS.

**e. Does the proposal affect SIDS domestic access to resources and development aspirations?**

Yes, without appropriate mitigation arrangements, the proposal will adversely affect SIDS domestic access to resources and development aspirations.

**f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?**

The impacts of the proposal on SIDS relate to the economic costs of elements of the proposal rather than the additional capacities needed to implement the proposal. There is a range of additional requirements on SIDS to implement the proposal, including the additional measures required for the few SIDS flag states affected by the ban on high seas transshipment of frozen bigeye and the other longline control measures that are proposed. Additional resources are not expected to be needed for SIDS to implement these requirements.

**g. What mitigation measures are included in the proposal?**

A number of elements in the proposal can contribute to mitigating the potential disproportionate burden transferred to SIDS by the measures to reduce FAD use. These elements include the ban on transshipment of bigeye at sea, the high seas longline closure and the proposed hard limit on high seas purse seine effort.

In addition, noting the lack of progress within the WCPFC process on the development of arrangements to avoid the transfer of a disproportionate burden, PNA Members and Tokelau have worked to identify alternative measures to reduce FAD use in their waters that impose less economic burden than the FAD closures and the FAD set limits in the current CMM. Building on the success of applying fees as a means of managing catches, effort and fleet sizes in their waters, PNA Members and Tokelau are planning to extend the application of economic instruments of this kind to FAD use management. In particular, PNA Members and Tokelau are undertaking a trial of charging for FAD use in the form of a premium on the vessel day charge for a day in which a FAD set is made. These charges are a voluntary measures, starting in 2016, with the intention of reducing FAD use and in time, replacing the current FAD closures. There would still be economic losses to the SIDS involved because the fleets would not be able to use the most efficient methods in order to conserve bigeye largely for the benefit of high seas-based longliners reducing the potential rents to SIDS. However, using charging mechanisms would both be more efficient, leaving more choice to fleets on when they make FAD sets and eliminating vessels that use FADs inefficiently, while at the same time generating a partially compensatory revenue stream for the SIDS involved.

**h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?**

This proposal provides for a range of other measures as noted above that would:

- i) create beneficial development opportunities for SIDS or
- ii) compensate SIDS; or
- iii) implement alternative means of achieving conservation and management objectives in order to avoid a disproportionate burden being transferred to SIDS, rather than assistance mechanisms.

## Attachment - Notes on the Longline and Purse Seine Measures

### A. Longline Proposals

1. **Longline High seas Closure:** Is designed to:
  - a) reduce longline effort and bigeye mortality through greater control of catch limits and improved monitoring of longline fishing in EEZs in a way that creates benefits to SIDS, and
  - b) Increase benefit to SIDS and contribute to addressing the current disproportionate burden from bigeye conservation measures for which the longline fishery targeting bigeye is the major beneficiary.
2. As indicated in the proposed text below, the ban would not apply to vessels with a history of unloading in ports.

**42bis. There shall be no fishing in the high seas between 30N and 20S, during the FAD closure periods set out in paragraphs 14 and 16 by longline vessels which have not unloaded their catch in the previous 6 months in ports of their flag or chartering state or SIDS' ports.**

3. **Longline Transshipment Ban:** Is designed to:
  - a) reduce longline effort because it will require freezer vessels catching bigeye to travel to ports instead of transshipping at sea,
  - b) improve control of high seas longline fishing noting that around 30% of the longline bigeye tuna catch is transshipped,
  - c) generate benefits to SIDS to contribute to addressing the current disproportionate burden from bigeye conservation measures for which the longline fishery targeting bigeye is the major beneficiary.
4. The proposed text for the transshipment ban is as follows:

**44bis. There shall be no transshipment of frozen bigeye tuna at sea from longline vessels.**

5. **Manual Reporting Ban:** Is a response to some longliners operating without VMS in the high seas for extended periods, compounded by the withholding of operational data and lack of observer coverage. The proposed language below is taken directly from para 32 of CMM 2014-01 applying to purse seine vessels.

***44ter. Notwithstanding the VMS SSP, a longline freezer vessel that has caught more than 20 tonnes of bigeye in the previous year shall not operate under manual reporting in the area between 30°N and 20°S, but the vessel will not be directed to return to port until the Secretariat has exhausted all reasonable steps to re-establish normal automatic reception of VMS positions in accordance with the VMS SSPs. The flag State shall be notified when VMS data is not received by the Secretariat at the interval specified in CMM 2011-02.***



6. **20% high seas ROP observer coverage;** is a response to information provided to the Scientific Committee showing a low level of observer coverage on high seas trips. The proposed text is as follows:

*44quater. Each CCM shall achieve a coverage level of at least 20% of fishing on the high seas within the area bounded by 30° N and 20°S by observers from the ROP sourced from either the national observer programs of other Members or from existing sub-regional programs.*

## **B. Purse Seine Proposals**

7. **Ban on pre-dawn sets:** is designed to prevent sets being made on floating objects during the FAD closure. The proposed text is as follows:

*36bis. CCMs shall ensure that no vessel commences a set between the time of midnight (local nautical time) and sunrise during the periods of FAD closure applying to their vessels. The time of sunrise shall be determined in accordance with the nautical almanac. A purse seine set shall be considered to have commenced when the skiff is released from the vessel.*

8. **Ban on FAD deployment etc., by tender vessels during the FAD closure/No servicing FADs during the closure:** CMM 2009-02 will need to be revised as well as CMM 2014-01. The proposed text for the revision to para 14 of CMM 2014-01 is as follows:

*14 A three (3) months (July, August and September) prohibition of deploying, servicing or setting on FADs shall be in place between 0001 hours UTC on 1 July and 2359 hours UTC on 30 September each year for all purse seine vessels and all tender vessels, and any other vessels operating in support of purse seine vessels fishing in EEZs and high seas. (see paragraphs 3 -7 of CMM 2009-02 for the rules for the FAD closure in the high seas).*

9. **Tender vessels servicing FADs to carry independent ROP observers:** The proposed text is as follows:

*33 bis Each CCM shall ensure that tender vessels, and any other vessels operating in support of purse seine vessels, entitled to fly their flag 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 fishing in waters under the jurisdiction of two or more coastal States, shall not deploy FADs unless they carry an observer from the Commission's Regional Observer Program (ROP) sourced from either the national observer programs of other Members or from existing sub-regional programs.* (Could be combined with para 33)