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BRIDGING CMM FOR TROPICAL TUNA

**WCPFC14-2017-DP17
4 November 2017**

Paper by PNA member CCMs and Tokelau



3 November 2017

Rhea Moss-Christian
Chair
Western and Central Pacific Fisheries Commission
PO Box 2356 Kolonia
Federated States of Micronesia

Dear Rhea

Bridging CMM for Tropical Tuna

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. This letter is without prejudice to future positions of PNA Members and Tokelau, individually and collectively.

PNA Members support the efforts of the Commission Chair to achieve a successful outcome to our collective efforts to develop a Bridging CMM for Tropical Tuna as described in Circular 2017/83.

PNA Members also support the proposals put forward by the FFA in the letters of 3 November from the FFC Chair.

In Honolulu PNA indicated that figures would be provided for:

- a) The Longline VDS effort limit to be included in Para 41 of Rev5.¹ The limit is 123,535 days at sea. This limit has been determined by the Parties taking into account:
 - Historical patterns of longline fishing
 - The importance of longline tuna fisheries to the sustainable development of longline VDS participants
 - The contribution of Longline VDS participants to the conservation and management of bigeye
 - Misreporting of tropical longline tuna catch and effort

- b) The proposed quarterly high seas purse seine effort limit to be included in para 27. With respect to this proposal, as advised in the letter from the FFC Chair, improvements to high seas management of both the purse seine and longline fisheries remains a high priority for FFA members. In this regard, PNA and other FFA members are committed to establishing a robust framework within WCPFC that will

¹ This limit does not include Kiribati, which is establishing a national longline catch limit

allocate limits for the purse seine fishery amongst all relevant CCMs. Such a process will need to take Articles 10(3) and 30 into account and deliver results that allow WCPFC to meet its obligations to assist developing States to participate in high seas fisheries. Such a framework is in the interests of sustainability as it will allow for a hard limit on high seas purse seine effort. It will also be a significant step forward for the Commission in living up to Article 30 and CMM 2013-07.

FFA members have made good progress on developing a single common proposal for the management of purse seine fishing in the high seas that adequately balances the intentions of the proposals in paragraphs 23 and 27 of Rev5. FFA members are united in seeking an arrangement that paves the way for appropriate levels of SIDS participation in the high seas fishery while also providing the basis for a hard limit on the high seas.

In addition, please find attached an Analysis of PNA Proposals for the Bridging Tropical Tuna CMM for the purpose of enabling the Commission to address the questions set out in CMM 2013-06 in relation to the PNA proposals.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Glen Joseph', written in a cursive style.

Mr Glen Joseph
Chairman
Parties to the Nauru Agreement

cc: Mr. Feleti P. Teo, OBE
Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356 Kolonia
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ANALYSIS OF PNA PROPOSALS FOR THE BRIDGING TROPICAL TUNA CMM FOR THE PURPOSE OF CMM 2013-06.

A. Overview

There are 9 PNA proposals included in Rev5 of the Bridging Tropical Tuna CMM that can be expected to have significant impacts on CCMs. These are briefly explained below. Information relating to the nature and extent of the impact of the proposals on SIDS and territories in the Convention Area is included in section B of the Paper.

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, 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).

This proposal reduces the FAD closure to 3 months and tightens the description and scope of the FAD closure to include support vessels that are engaged with FAD-related activities as well as purse seine vessels. The removal of the 4th month is designed to reduce the disproportionate burden transferred onto FFA SIDS by the current CMM, noting that the FAD closure is estimated to have cost over \$400 million in reduced purse seine earnings in FFA waters since it was introduced.

26. There shall be no fishing by purse seine vessels in the high seas within the Convention Area south of 20°S. CCMs shall restrict the level of purse seine effort in the high seas within the Convention Area north of 20°N to 2010 levels.

This proposal tightens the existing para 9 on transfer of effort. The proposal will limit purse seine fishing north of 20°N and south of 20°S to levels compatible with those applying across the major part of the purse seine fishery. The proposal is designed to specifically protect small scale and artisanal fishers of skipjack in the area north of 20°N. There is not expected to be significant impact from the ban on fishing in high seas south of 20°S because there is no record of significant historical purse seine effort in this area.

18. Effort in the high seas shall be limited to [xxx] 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.]

This proposal is designed to improve the effectiveness of tropical purse seine fisheries management by replacing the current flag-based effort limits and the associated SIDS exemption with a hard limit on high seas purse seine effort.

32. CCMs shall support their fleets to adjust to the changes in the structure of regional purse seine fleets as SIDS fleets expand and replace some existing fleets, including ensuring that displaced vessels do not contribute to IUU fishing.]

This proposal is designed to replace the current limits on fleet sizes in CMM 2016-01. These limits are no longer needed in the purse seine fishery where capacity is effectively controlled by the PNA Vessel Day Scheme. The limits now serve largely to protect existing non-SIDS fleets from competition among themselves for access to fishing grounds that are largely in FFA Members' waters and serve no fisheries management purpose.

41. Participants in the PNA Longline Vessel Day Scheme shall restrict the level of longline effort in their EEZs to [xxxx]² days.

This proposal implements the PNA Longline Vessel Day Scheme, setting a fixed limit for longline effort in the EEZs of participants in the PNA Longline VDS without the current SIDS exemption from longline limits.

43. Effort in the high seas shall be limited to [xxx] fishing days annually. The Executive Director shall notify CCMs when the level of effort in the high seas is estimated to have reached 80% of the limit, and at that time, shall notify CCMs that longline fishing on the high seas shall close at a date when the annual 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 longline purse seine limits in the high seas areas adjacent to the Kiribati exclusive economic zone.

This proposal is designed to improve the effectiveness of tropical longline fisheries management by avoiding flag-based bigeye catch limits with the associated SIDS exemption and applying a hard limit on high seas longline effort.

[PNA: Transshipment

47. There shall be no transshipment of frozen bigeye tuna at sea from longline vessels between 30°N and 10°S.]

[PNA: VMS

48. 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.]

[PNA: Observer Coverage

² Notified in the accompanying letter from the PNA Chair as 123,535 days

49. 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. The TCC will advise WCPFC14 on the staging over time of the increase in observer coverage in the high seas to 20%.]

The three proposals above are all aimed at securing more effective control over high seas longline operations. The proposals simply apply, wholly or partially, forms of control that are already applied in the purse seine fishery and have proved effective in that fishery.

B. Impact of New Proposals on SIDS and Territories

a. Who is required to implement the proposals?

All coastal state and flag State CCMs engaged in the tropical tuna fisheries, including SIDS, will be required to implement elements of the proposals.

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

The largest impacts of the proposals would be on CCMs that are substantially engaged in the tropical longline fisheries, especially the high seas longline fisheries. Taken together the proposals for implementation of the Longline VDS and Olympic effort limits for the high seas represent a substantial reform of the tropical longline fisheries that would improve the effectiveness of the management of the tropical longline fisheries by greatly reducing the scope of the current SIDS exemption and creating a fairer basis for management of high seas longline fisheries. There would be a similar but lesser impact on CCMs engaged in high seas purse seine fisheries because of the removal of the SIDS exemption. In addition, there will be:

- i) The impacts of tighter regulation of transshipment and other controls on the longline fishery on CCMs engaged in the tropical longline fishery; and
- ii) The impacts of the proposed tightening of the FAD closure arrangements.

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

The proposal for implementation of the Longline VDS in the CMM is linked to the implementation of the Purse Seine VDS by the PNA Office. Arrangements and mechanisms are already in place for the Longline VDS based on the successful implementation of the Purse Seine VDS so there is little incremental cost associated with the implementation of the Longline VDS in the CMM. In this respect the VDS participants are already bearing substantial costs to ensure effective management of the longline and purse seine fisheries in their waters.

d. Does the proposal affect development opportunities for SIDS? The proposals will have a range of effects on the development opportunities for SIDS. The proposals will remove some current exemptions for SIDS which will clearly constrain development

opportunities for SIDS. That will be broadly balanced in part at least by the contribution of healthier tropical tuna stocks overall to SIDS development opportunities. In addition:

- i) the implementation of the Longline VDS will strengthen the quality and therefore the value of the participatory rights of SIDS in the longline fishery; and
- ii) the proposed tightening of regulation of transshipment is expected to create development opportunities through increased use of SIDS ports

Overall, therefore, the proposals are expected to expand development opportunities for SIDS.

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

The proposals constrain the achievement of some SIDS aspirations for domestic development by removing the current SIDS exemptions from the high seas purse seine effort limits and replacing the current bigeye catch limits applying to non-SIDS only with new arrangements for managing the tropical longline fisheries within which there will be no SIDS exemptions. On the other hand, the increased robustness of management arrangements for all three major tropical tuna stocks targeted by the reforms in these PNA proposals can be expected to increase the scope for SIDS domestic access to resources and opportunities for SIDS domestic development aspirations. In addition, as noted above, the expected improved quality of participatory rights in the tropical longline fishery and increases in use of SIDS ports can be expected to enhance SIDS domestic access to resources and increase the scope for achieving SIDS domestic development aspirations.

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

In general, there will be relatively few additional resources needed by SIDS to implement these proposals. Arrangements for implementation of the Longline VDS are already in place. However, the additional longline observer requirements proposed in para 49 would require additional resources for some SIDS. The proposed consideration by TCC of the staging of this process is expected to take into account the need for additional capacities.

g. What mitigation measures are included in the proposal?

There are three measures designed to mitigate the burden of the Tropical Tuna CMM overall on SIDS:

- i) The removal of the 4th month of the FAD closure contributes to mitigating the disproportionate burden transferred onto some SIDS by the current FAD closure.
- ii) The implementation of the Longline VDS in the CMM contributes to mitigating the disproportionate burden transferred onto some PNA SIDS by the current measures for reducing juvenile bigeye and yellowfin mortality by increasing the value of the participatory rights of those CCMs in the longline fishery, also incentivizing support from those CCMs for measures to conserve and manage bigeye tuna.
- iii) The high seas longline transshipment ban proposal will result in some transfer of unloading to the ports of SIDS CCMs, which will provide benefits that contribute to mitigating the disproportionate burden transferred onto some FFA SIDS CCMs by the

current measures for reducing juvenile bigeye and yellowfin mortality in the purse seine fishery.

- iv) The improvements in control of the high seas longline fishery contribute to mitigating the disproportionate burden of bigeye conservation on SIDS in the current situation where there are relatively comprehensive and costly controls on the purse seine fishery and lesser controls on the longline fishery, especially in the high seas.

See WCPFC10-2013-DP01, WCPFC10-2013-DP33 and WCPFC11-2014-DBW-05 for further explanation of how these measures contribute to mitigating the disproportionate burden transferred onto some FFA SIDS CCMs by measures in the Tropical Tuna CMM, especially the FAD closure.

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

There are no proposals for assistance mechanisms. The emphasis instead is on addressing the broader economic effects of the proposals through compensatory arrangements. As noted, there will be a requirement for additional resources for some SIDS to meet the need for additional observers under para 49. Current and projected programmes of assistance are expected to meet the needs for training and technical assistance, provided the current priority is maintained.