



**COMMISSION**  
**SIXTEENTH REGULAR SESSION**  
Port Moresby, Papua New Guinea  
5 – 11 December 2019

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**PROPOSED CHANGES TO THE RULES FOR FAD CLOSURE**

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**WCPFC16-2019-DP16**  
**6 November 2019**

**SUBMITTED BY REPUBLIC OF KOREA**

## **Proposed Changes to the Rules for FAD Closure**

### **I. Explanatory Note**

Certain periods of FAD closures have been in place in the area between 20°N and 20°S since 2009, following the adoption of CMM 2008-01. Due to the unclear definition of FAD, fisheries managers, observers, observer providers, fishing companies and Captains of many CCMs had to undergo a number of compliance issues in the last 10 years as the observers on board purse seine vessels reported alleged FAD sets during the FAD closures, i.e. the issues of vessels setting on FADs when they assume they were setting on a free school. Once an observer reports such issues, considerable amount of time, effort and possibly money must be spent to address the issues. This kind of practice is absurd and must be rectified.

Other tuna RFMOs such as IATTC and IOTC adopted much clearer definitions of FAD, and Korea believes that these organizations have been able to implement FAD-related measures more effectively and systematically, or, have been able to avoid, at least, many unnecessary disputes which would have arisen if they had not adopted such definitions.

- Definition of FAD in place in IATTC : “Fish-Aggregating Device(FAD) means anchored, drifting, floating or submerged objects deployed and/or tracked by vessels, including through the use of radio and/or satellite buoys, for the purpose of aggregating target tuna species for purse-seine fishing operations.”
- Definition of FAD in place in IOTC : “Fish Aggregating Device (FAD) means a permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed and/or tracked, for the purpose of aggregating target tuna species for consequent capture.”

To rectify the undesirable situation in WCPFC, Korea submitted a proposal to change the existing rules for FAD closure to the 15<sup>th</sup> meeting of the Commission in 2018 and the proposed text was very similar to the definition of FAD in place in IATTC. However, the Commission had to agree with a compromise text which is now the paragraph 18 of CMM 2018-01 as there were diverging views on the proposal. Nevertheless, Korea believes that this is a small but very important step forward although there still remains much room for improvements.

According to the analysis by SPC-OFP(WCPFC-SC15-2019/MI-WP-11), the potential impacts of the paragraph 18 of CMM 2018-01 on the performance of this measure can be assumed to be negligible although it is challenging for SPC to evaluate the impacts precisely as the key words such as ‘garbage’ and ‘small’ in this paragraph are not defined. This is one of the reasons why the Commission should revisit this issue and further refine the paragraph.

Korea still believes that the definition of FAD in place in IATTC is much clearer and enforceable, if not perfect, compared to what we have in WCPFC. However, we had the impression from the discussion of this issue last year that moving on to a definition similar to that of IATTC could be a drastic change to some CCMs and we share their concerns to some extent. So, Korea submits this proposal as an interim measure and looks forward to the adoption by the Commission. In any case, we strongly believe that it is highly inappropriate to regress to the previous definition of FAD or rules for FAD closure, i.e. the provisions in CMM 2017-01 and at least, the current text of the paragraph 18 of CMM 2018-01 must be retained until such time the Commission agrees with and adopts other alternative definition of FAD.

## **II. Consideration of CMM 2013-06**

### **a. Who is required to implement the proposal?**

*All CCMs having vessels deploying, servicing or setting on FADs in the WCPFC Convention Area.*

### **b. Which CCMs would this proposal impact and in what ways and what proportion?**

*All CCMs having vessels deploying, servicing or setting on FADs in the WCPFC Convention Area. To be specific, all CCMs having purse seine vessels, tender vessels and any other vessels operating in support of purse seine vessels fishing in exclusive economic zones and the high seas in the area between 20 °N and 20 °S.*

### **c. Are there linkages with other proposals or instruments in other Regional Fisheries Management Organizations or international organizations that reduce the burden of implementation?**

*Yes. IATTC Resolution C-19-01(On the Collection and Analysis of Data on Fish Aggregating Devices) and IOTC Resolution 19/02(Procedures on a Fish Aggregating Devices(FADs) Management Plan*

### **d. Does the proposal affect development opportunities of SIDS?**

*No, this proposal does not affect development opportunities of SIDS.*

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

*No, this proposal does not affect SIDS domestic access to resources or development aspirations.*

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

*No additional resources are required for SIDS to implement this proposal.*

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

*No mitigation measures are included.*

- 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 does not place a disproportionate burden on SIDS.*

### **III. Commission Decision**

**A. The Western and Central Pacific Fisheries Commission(WCPFC), at its 16<sup>th</sup> Regular Session, agrees to replace the paragraph 18 of CMM 2018-01 with the following texts ;**

*18. In applying the provisions of paragraphs 16 and 17, any set made on tunas aggregated to the following objects shall not be considered to be a FAD set for the purposes of the FAD closure ;*

*[Option 1 : “Branch, piece of plastic, flotsam, detritus, dead animal, lost gear, marine debris, bamboo, garbage, rubbish, litter, waste, paper, pollution, bag, wrapper, leaf, chopstick and seaweed”*

*Option 2 : “Any objects which are not deployed and/or tracked, except for cetaceans, whale sharks and logs”]*

*\* The Commission is invited to select either one of the two options and the one selected by the Commission will be included in the revised CMM.*

**B. The Commission also agrees to revise the relevant provisions of CMM 2009-02 in line with the new paragraph 18 of CMM 2018-01 above.**