



**COMMISSION
THIRTEENTH REGULAR SESSION**
Denarau Island, Fiji
5 – 9 December, 2016

**PROPOSAL FOR CMM FOR THE SPECIAL MANAGEMENT OF CERTAIN HIGH SEAS
AREAS**

**WCPFC13-2016-DP14
4 November 2016**

Proposal from FFA Member CCMs



FFA

4 November 2016

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

Dear Feleti,

Management of Enclosed and Semi-enclosed High Seas Areas

I write on behalf of the 17 members of the Forum Fisheries Agency in my capacity as the Chair of the Forum Fisheries Committee. I am pleased to attach a revision of the proposal that we submitted last year to establish special management arrangements for a number of high seas areas that are completely or partially enclosed by Exclusive Economic Zones.

FFA members have been raising serious concerns about IUU fishing in high seas pockets for a number of years and have consistently sought action in this regard. We consider that coordinating the management of fishing for highly migratory fish stocks on the high seas of the Western and Central Pacific Ocean to be one of WCPFC's highest responsibilities, alongside fostering the implementation of the Harvest Strategy Approach across the entire range of the stocks.

We would draw the attention of the Commission to Article 8.4 of the Convention which provides for the case of areas of high seas that are entirely surrounded by the exclusive economic zones of members of the Commission, where the Commission shall,

“in giving effect to this article, pay special attention to ensuring compatibility between conservation and management measures established for such high seas areas and those established in respect of the same stocks in accordance with article 61 of the 1982 Convention by the surrounding coastal States in areas under national jurisdiction”

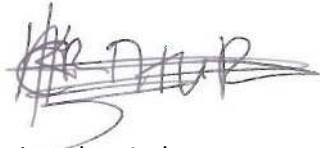
The attached proposal increases monitoring and control of vessels fishing in the high seas areas of our region that are of greatest importance to Small Island Developing States. These are the 6 fully or semi-enclosed high seas pockets areas adjacent to our EEZs – the areas of the high seas where poorly reported and regulated fishing poses the greatest threat to the sustainability of the EEZ fisheries upon which our economies rely. FFA members strongly encourage Commission members to review the comprehensive report that FFA released earlier this year on the nature and magnitude of IUU fishing in the region (available at <https://www.ffa.int/node/1672>). This proposal is in direct support of addressing the highest IUU risks identified in that report, those being the misreporting/underreporting of catch and effort and associated post-harvest risks.

It should be noted that most of the wording in this proposed CMM is drawn from the existing Eastern High Seas Special Management Area CMM (2010-02), with the addition of a prohibition on transshipment in these areas. The proposed CMM would substantially

strengthen the management of the longline fishery and should be viewed as complementing the arrangements already in place for purse seine vessels, which include prohibition of all transshipment at sea and the PNA licensing conditions that prevent licensed vessels from fishing in the two western high seas pockets.

FFA members look forward to discussing this proposal in Denarau and would welcome any inquiries, which should be directed to the FFA Secretariat (tim.adams@ffa.int or wez.norris@ffa.int).

Yours sincerely

A handwritten signature in black ink, appearing to read 'CHRISTOPHER ARTHUR', with a large, stylized flourish extending to the right.

Christopher Arthur

*Chair
Forum Fisheries Committee*

**CONSERVATION AND MANAGEMENT MEASURE FOR THE
SPECIAL MANAGEMENT OF CERTAIN HIGH SEAS AREAS**

The Western and Central Pacific Fisheries Commission (WCPFC):

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;

Concerned that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the WCPFC.

Conscious of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities from enclosed and semi enclosed high seas;

Determined to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels in enclosed and semi enclosed high seas, without prejudice to further measures adopted in respect of CCMs and non-CCMs under the relevant WCPFC instruments;

Recognising 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); *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;

Noting further that Article 30.2(c) of the Convention requires the Commission to ensure that conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions;

Taking particular note of Article 10.3(i) of the Convention, requiring the Commission to take account of the geographical situation of a small island developing State which is made up of non-contiguous groups of islands having a distinct economic and cultural identity of their own but which are separated by areas of high seas;

Adopts, in accordance with Article 10 of the Convention, the following Measure which shall be implemented from 1 July 2016.

AREAS OF APPLICATION

1. This measure applies to the following High Seas Areas (HSAs):
 - a. **11** - the area of high seas bounded by the Exclusive Economic Zones of Palau and Indonesia to the west, Indonesia and Papua New Guinea to the South, Micronesia and PNG to the east and Micronesia to the north;

- b. **I2** - the area of high seas bounded by the Exclusive Economic Zones of PNG, Micronesia, Marshall Islands, Nauru, Kiribati, Tuvalu, Fiji, and Solomon Islands;
 - c. **I8** - the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north;
 - d. **I9** - the area of high seas bounded by the Exclusive Economic Zones of Vanuatu, Solomon Islands and Fiji; and
 - e. **H4** – The area of high seas bounded by the equator and the Exclusive Economic Zones of Kiribati, Tokelau, Tuvalu, United States of America and Wallis and Futuna.
 - f. **I7a** – that part of high seas area I7 bounded by the Exclusive Economic Zones of New Caledonia, FFA members and the line of longitude 177°W
2. A map showing these HSAs is attached (attachment A).

REPORTING

- 3. Flag States shall require their vessels to submit reports directly, or through such organisations designated by the flag state to the Commission, at least 6 hours prior to entry and no later than 6 hours prior to exiting any one of the HSAs.
- 4. Such reports shall also contain estimated catch (kilograms) on board. This information shall immediately be transmitted by the Commission Secretariat to the adjacent coastal states/territories, and shall be considered non-public domain data.
- 5. The report shall be in the following format:

VESSEL NAME¹/VID/Entry/Exit: Date/Time²/Lat/Long³;
YFT/BET/ALB/SKJ/SWO/SHK/OTH/TOT(kgs)//
- 6. CCMs shall encourage their flagged vessels operating in the HSAs to report sightings of any fishing vessel to the Commission Secretariat. Such information should include: date, time, position, bearing, markings, speed, and vessel type. Vessels should ensure this information is transmitted to the Secretariat as soon as practicable, but not later than 30 days after the trip completion.

VMS

- 7. The Authorized MCS Entities of adjacent coastal states/territories shall receive continuous near real-time VMS data for the Areas of Application pursuant to paragraph 22 of the Commission’s Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes; and through a standing request under paragraph 50 of these Rules and Procedures. For the members of the Forum Fisheries Agency, this data shall be integrated into the adjacent coastal state/territory view of the FFA Regional Surveillance Picture.

¹ Exactly as it is written in the Record of Fishing Vessels

² Of anticipated point of entry or exit, reported in UTC 24 hour format

³ Of anticipated point of entry or exit, reported in true degrees

VESSEL LIST

8. The Commission Secretariat shall maintain a 'live list' of all fishing vessels present in the HSAs, based on near-real time VMS information. This list will be made available to Commission Members through the WCPFC website.

TRANSHIPMENT

9. Transshipment activities in the HSAs listed in paragraph 1 shall be prohibited.

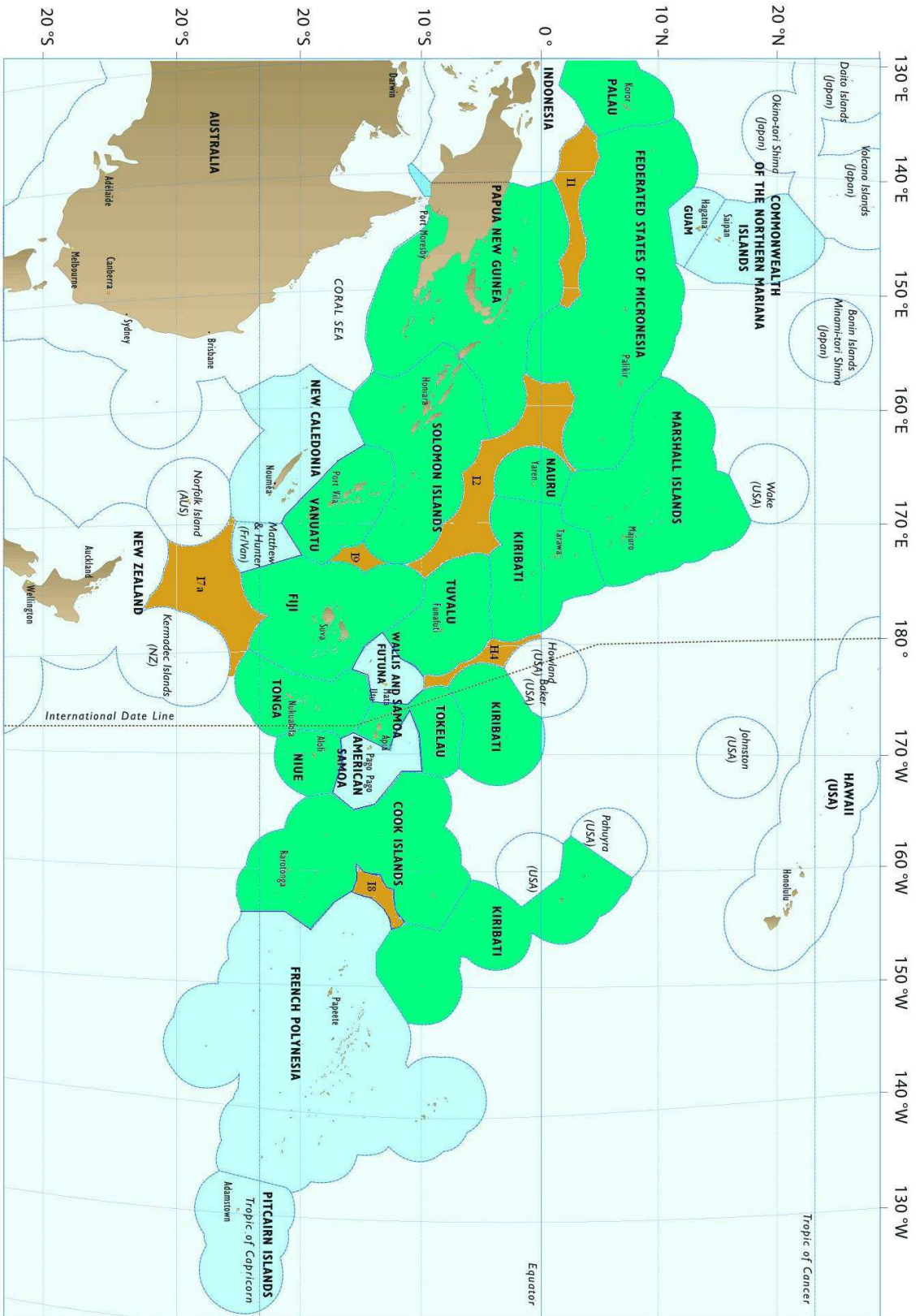
COMPLIANCE

10. Vessels found to be non-compliant with this measure shall be dealt with in accordance with CMM 2010-06, and any other applicable measures adopted by the Commission.

REVIEW OF MEASURE

11. The measures described above shall be reviewed every two years, in conjunction with the relevant advice from the Technical and Compliance Committee (TCC). This review shall consider, inter alia, whether the measure is having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission's conservation objectives.
12. This measure shall remain in place until such time as the Commission adopts an alternative measure for the HSAs.

ATTACHMENT A: Map of high seas enclosed and semi-enclosed areas



Attachment B

Application of CMM 2013-06

(note: the following text has been modified from the previous 2015 proposal)

The following information is provided to assist the Commission to determine the nature and extent of the impact of this draft CMM on SIDS and territories in the Convention Area as per the requirements of CMM 2013-06.

a. Who is required to implement the proposal?

All CCMs will be required to cooperate in implementing this proposal to designate the HSAs as special management areas.

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

This proposal will have an impact on all CCMs involved in fisheries for WCPO tuna, and in particular, CCMs that have flagged vessels fishing in the HSAs as they will carry additional obligations to ensure that their vessels report accurately and to implement the transshipment prohibition in those areas.

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:

- There are linkages to the existing measure for special management in the high seas pocket in the East of the Convention Area.
- The prohibition on fishing in HSAs I1 and I2 by vessels licenced by CCMs and Participating Territories that implement the Third Implementing Arrangement of the Nauru Agreement, which is a measure applied by a sub-regional fisheries management organization referenced by Article 8 of the Convention, reduces the burden of implementation of any new prohibition of transshipment.
- A Roadmap for Sustainable Fisheries has been agreed by the Pacific Island Forum Leaders which recognizes that inadequate controls on tropical high seas fishing undermine Pacific Island fisheries management measures and development initiatives, and which has a workplan to address specific tasks, including:
 - Using in-zone licensing to leverage reduced high seas fishing and increased domestication;
 - Promoting WCPFC measures that recognise zone based management measures, adopt zone limits in CMMs, commitment to skewed reductions from high seas to avoid overall effort growth and consideration of charges for high seas fishing;
 - Cooperative/commercial work with foreign investors to increase opportunities in EEZs;
 - High seas transshipment control (in high seas pockets to start with, progressing to other areas), and enhanced monitoring requirements.

d. Does the proposal affect development opportunities for SIDS?

Restriction in the HSAs impacts the ability of SIDS to participate in high seas fisheries under Article 35 of UNFSA. However, this is outweighed by the fact that by applying the special management arrangements to vessels that access the HSAs, SIDS have more opportunity to strengthen MCS measures and address IUU fishing. The 2016 IUU Quantification Report specifically identifies the need for the current strong MCS arrangements in zone to be mirrored on the high seas to address IUU fishing. This includes stronger monitoring of catch and transshipment activity in HSAs. By allowing greater control of activity in the HSAs, this proposal actually provides a benefit to domestic development.

Having said that, the FFA preferred approach to this issue is a total closure of the HSAs to all vessels as this removes most of the IUU fishing problems that have been very apparent in the HSAs.

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

No, but again, neither does the proposal contribute to achieving development aspirations as much as it could were WCPFC to agree to a total closure of the HSAs.

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

SIDS will need assistance in the monitoring of the HSAs and will require growth in financial and human capacity to ensure these measures are obeyed. Combating IUU fishing is a high priority in the WCPO, with assistance already being provided by the FFA and the WCPFC, through a range of training workshops, enforcement operations and technical advisory activities.

Ongoing activities to combat IUU will need to continue to be recognised as a priority if this CMM is to achieve its objectives.

FFA members recall that when WCPFC agreed to open the western HSP to Philippine group seiners (2012-01), several CCMs offered additional resources and assistance to address what FFA members noted as compliance concerns. None of those offers have been lived up to and FFA members reiterate their call that the HSA are the responsibility of all CCMs, not just those surrounding.

g. What mitigation measures are included in the proposal?

Review clauses

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 is nothing specific in the proposal to cause a disproportionate burden on SIDS in the short term, providing all CCMs contribute to MCS. These measures will provide long term benefits to SIDS as they will assist to secure stronger access rights over their own EEZs and adjacent high seas. Current and projected programs of assistance are expected to meet the needs for training and technical assistance, provided the current priority on combatting IUU is maintained.