



COMMISSION SIXTEENTH REGULAR SESSION

Port Moresby, Papua New Guinea

5 – 11 December 2019

PROPOSED CHANGES TO THE RULES FOR FAD CLOSURE

WCPFC16-2019-DP16_rev1

7 December 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 15th 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 assistant 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.

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III. Commission Decision

A. The Western and Central Pacific Fisheries Commission (WCPFC), at its 16th 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~~ involving only 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 inactive gear, marine debris, bamboo, garbage, rubbish, litter, waste, paper, pollution, bag, wrapper, leaf, chopstick, rope, and seaweed, provided no tracking buoy is attached, and the greatest horizontal linear dimension and the area of the object(s) at the water surface do not exceed 2 meters and 1 square meter, respectively.”~~

~~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, and to revise paragraph 4 of CMM 2009-02 as follows:-

4. During the FAD closure period specified in CMM 2008-01, no purse seine vessel shall conduct any part of a set within one half a nautical mile of a FAD. That is, at no time may the vessel or any of its fishing gear or tenders be located within one half a nautical mile of a FAD while a set is being conducted.

C. The Commission also agrees to explore the possibility of revising the meaning of a FAD for the purpose of FAD closures (or limits on numbers of FAD sets) such that only floating objects with tracking buoys attached are subject to the restrictions. To inform this exploration, the Commission requests the Science Provider to evaluate the degree to which the Commission’s restrictions on setting on FADs would have to be adjusted to achieve the same outcomes in terms of bigeye and yellowfin mortality if the restrictions did not apply to floating objects without tracking buoys attached, and the changes in fishing patterns that might result from such adjustment. The evaluation should take into account, to the degree possible and among other relevant factors, differences in catch rates between sets on artificial objects and natural objects, temporal and spatial gradients and variability in the density of natural objects, and any increased incentive

to fish on, or place, natural objects that might result. This evaluation is to be provided to SC16 for its consideration and recommendations to the Commission.