

Convener's Report of The Workshop 2 on Capacity

The Convener, Glenn Hurry (Australia) opened the Workshop.

Alan Gray (EC) was nominated as Rapporteur.

The following presentations (annexed) were made:

- *Addressing the Issues of Fishing Capacity in the World Tuna Fleets* – James Joseph
- *Successfully Managing Fishing Capacity* – Rebecca Metzner (FAO)
- *The FFA Experience* – Eugene Pangelinan (FFA)

1. Discussion and Conclusions

Extensive discussions were held between the participants and the main issues raised appear in the **Attachment 1 to Appendix 6**.

The following points were identified as possible outcomes from this workshop.

- Participants re-inforced their commitment to the provision accurate data and in a timely manner, consistent with UNCLOS (Art. 119)
- The tuna RFMO Secretariats continue their collaboration to advance implementation of a combined vessel register that incorporates a unique vessel identifier (UVI). The Secretariats will advance this through meeting of their members and on-going collaboration with Lloyds Register-Fairplay and FAO, as appropriate, to include all tuna fleets, and avoid unnecessary duplication.
- Work should continue between the RFMOs on harmonising the procedures and criteria for the listing and delisting from the respective RFMO IUU list, with the aim of developing a global IUU list. As a first step, an indicative list combining the RFMOs IUU lists should be prepared.
- A freeze by distant water fishing states and entities on the construction of new tuna fishing vessels destined for fishing on the high seas. This restriction will apply to any boat replacement policy where the new vessel enters an EEZ based fishery and the replaced boat moves onto the high seas. This approach should send a clear signal to the international business community that the further expansion of capacity by developed fishing nations should stop.
- Participants agreed that the issue of controlling capacity and effort was not limited to the purse seine fishing fleet, all fishing gears played a part in the issue.
- Agreement that an International Workshop on RFMO Management of Tuna Fisheries including issues relating to allocation, overcapacity and the development aspirations of SIDS, coastal states and territories. The FFA was prepared to look into the possibility of hosting this meeting in the Pacific region. The FFA offered to act as co-Chair to this Workshop. The Terms of Reference of the Workshop and other logistical details are attached as **Attachment 2 to Appendix 6**.

List of Issues raised by Participants

- Commitment to accurate data (Art. 119)
- Establishment of the UVI, an accurate global register of tuna fishing vessels and a global IUU vessel list
- Study into the global level of capacity at MSY
- Move to rights based allocations in all Tuna RFMOs
- Moratoria on new entrants to fisheries
- Moratoria on the construction of new vessels
- Freeze on high seas capacity
- It's not just about purse seining, other fishing gears/types also play a part in capacity issue.
- RFMOs should work together to ensure that the impact of conservation measures do not contribute to overfishing in neighbouring RFMOs.
- Managing a transition of capacity from industrial to developing countries
- What is the most appropriate allocation methods and how do you manage their implementation?
- Capacity as an issue in broader fisheries management
- Subsidies are an issue which can drive the creation of overcapacity and needs to be addressed
- Carry over of uncaught quota? Practice that should not be permitted by RFMOs
- Limits on movements between RFMOs
- Notice to International Business Community that we are serious about capacity limitations
- Global ITQ system based on trading in shares
- Transferability criteria needs defining and elaboration
- Allocation criteria should be examined in RFMOs
- Capacity is only one aspect of a package of measures
- Compliance and MCS important aspect in relation to capacity/effort control
- Effort and capacity control not exclusive
- Consumer resistance to unsustainable product
- National and regional approaches
- Where and why do we have capacity problems?
- Are these capacity problems or compliance issues?
- Delaying tactics
- 60-40
- Artisanal gears (13%)
- Obligation of States to control boats/companies and abide by Conservation Measures
- Link between capacity and allocation
- Terms of Reference for a Workshop

Attachment 2 to Appendix 6

Workshop 1 - An International Workshop on RFMO Management of Tuna Fisheries including issues relating to allocation, overcapacity and the development aspirations of SIDS, coastal states and territories.

Workshop Terms of Reference

The following Terms of Reference were proposed for the Workshop, and agreed by the participants.

- Objective: To ensure the long term sustainability of the world's tuna fisheries, resolve within the tuna RFMOs the core issues of allocation, the management of harvesting capacity in a way that retains the profitability of the world's tuna fleet and accommodates the aspirations and entry of small island developing, coastal states and territories into these fisheries.
- Develop measures to continually improve the overall management of global tuna resources including the appropriate management of fishing capacity.
- Develop measures that allows for the development and aspirations of SIDS, coastal states and territories with the orderly transition of fishing effort/capacity.
- The workshop should focus on future management options and initiatives and not on the symptoms causing overcapacity.
- This process is time limited and is to be developed through an international workshop in 2010 and completed prior to Kobe 3 in 2011.

Draft Agenda

Improving Fisheries Management including Managing overcapacity

- Define the capacity debate (what are we actually talking about) it's not just about boats.
- Identify where the overcapacity resides
- Consider the impact that effort or technology advances contributes to overcapacity
- Consider criteria for allocation for all tuna stock fished by all gear types
- Determine if trading of allocated shares be allowed
- Discuss and develop criteria for the transferability of vessels within or between TRFMOs
- Develop mechanisms to eliminate the opportunity for displaced capacity in one fishery to fish IUU in another RFMO.
- Depending on the success of these measures consider whether a freeze, reduction, or cap on tuna fishing capacity is required. If so then the appropriate measures should be developed immediately by individual TRFMOs for implementation.
- Ensure any measures adopted by TRFMOs to cap or reduce capacity translate into real changes in the fishery and that the impact is not just absorbed by IUU or non cooperating members.
- Implementing science based fisheries management decisions
- Adopting ecosystem based approaches to fisheries management
- Consider the long-term implications to TRFMO stock management of Article 116 of UNCLOS freedom to fish on the high seas
- Consider and develop a binding legal regime to deal with non compliance and bad behaviour and practice in TRFMOs including tough sanctions for non compliance with RFMO regulations

Balancing development aspirations with transition in historical fisheries

- Consider the legal framework in which this can be achieved
- Work out a fair, equitable and transparent allocation method including mechanisms for new entrants and aspirations of developing countries
- What is capacity at MSY what can be allocated
- The haves and the have nots
- Determine mechanisms for the permanent funding to meet the special requirements of SIDS and territories to engage in all aspects of the TRFMO process;

Supporting documentation

The following topics were identified as possible elements that could developed into pre meeting papers to contribute to the debate. These papers should be as pragmatic as possible and provide options for solutions, where possible, and take into account all ongoing work and current papers in the international fora.

1. Where is overcapacity and how has it been allowed to develop?
2. Criteria and models for allocation
3. What is the harvest level in all tuna fisheries considering all gear types at MSY?
4. What harvest strategies and policies should be applied to tuna fisheries for sustainable fisheries management.
5. How to deal with overcapacity including the orderly transition of fishing effort?
6. Examination of options and the development of rules for moving harvesting effort (boats) between RFMOs and between developed and developing countries (transferability/buyback)?
7. Defining a common understanding of aspirations/aspirational rights?

Coordination Process

- The meeting is scheduled to be held mid 2010
- The FFA have asked to be allowed to investigate their potential to host the meeting in the Pacific.
- The current Kobe Chair will arrange for the distribution of the meeting outline to all TRFMOs to the Secretariats for consideration out of session.
- Comments will be provided to the Kobe Chair by end October 2009 so the agenda can be finalized.
- In providing comments the TRFMOs will each nominate a member for a steering committee.
- The Kobe Chair and the host country will investigate funding opportunities and will create a secretariat to organize the workshop.
- Once the agenda is finalized the Kobe chair through the TRFMOs will facilitate the development of the papers to support the workshop
- All arrangements and planning for the meeting is to be conducted in an open and transparent manner and all parties to the TRFMOs are to be kept informed regularly of developments.
- International financial institutions and other appropriate industry, inter-governmental and non government organizations should be informed and invited to attend.
- In developing papers and strategies, conveners should work closely with other international meetings or workshops to allow them, where possible, to contribute to the development of the papers and strategies of the workshop.