

## DRAFT

### Possible Coordination and Cooperation between IATTC and WCPFC (Discussion paper)

#### 1. Conservation and management measures applied in the overlapping area

##### **Issues**

There is an area where the jurisdictions of IATTC and WCPFC are overlapping, bounded by 150 degrees longitude W, 130 degrees longitude W, 4 degrees latitude S, and 50 degrees of latitude S. In this area, yearly 7,000-8,000MT of bigeye tuna, 3,000MT-5,000MT of yellowfin tuna and 4,000-5,000MT of skipjack are harvested.

Although both Commissions have clear obligation under their Conventions to cooperate with each other to avoid the duplication of measures in the overlapping area, IATTC and WCPFC so far have been establishing their own measures independently except for several cases, creating potential confusion about the implementation of management measures in the area.

The issues in relation to the overlapping area should be discussed, having in mind the following three (3) categories of vessels: A) vessels authorized to fish in the IATTC area only (IATTC vessels) ; B) vessels authorized to fish in the WCPFC area only (WCPFC vessels); and C) vessels authorized to fish in both areas (IATTC/WCPFC vessels).

##### **[IATTC vessels]**

IATTC vessels must comply with IATTC management measures, whereas they have no such obligation in the overlapping area in the context of WCPFC management measures. From the standpoint of WCPFC members, this is fishing activities by non-members in the Convention Area, which have duty to cooperate with WCPFC.

##### **[WCPFC vessels]**

WCPFC vessels must comply with WCPFC management measures, whereas they have no such obligation in the overlapping area in the context of IATTC management measures. From the standpoint of IATTC members, this is fishing activities by

non-members in the Convention Area, which have duty to cooperate with IATTC.

**[IATTC/WCPFC vessels]**

IATTC/WCPFC vessels must comply with both IATTC and WCPFC management measures. Unless measures are harmonized, these vessels are to implement two different management measures in the overlapping area at the same time, which could impose a disproportionate burden if IATTC vessels or WCPFC vessels implement only one of the measures.

**Case study**

The following examples demonstrate where disharmonized management measures could create unfair or confused situation in the overlapping area.

**(Case 1) Closure for purse seiner fisheries**

IATTC is implementing a 62-day closure, either “July 29 to September 28” or “November 18 to January 18,” applied to the entire eastern Pacific, including the overlapping area. On the other hand, WCPFC is implementing a 3-month FAD closure from July 1 to September 30.

	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan
IATTC				Total Closure(1)				Total Closure(2)	
WCPFC			FAD Closure						

- IATTC vessels that have chosen to implement the Total Closure(2) are allowed to conduct FAD fishing in the overlapping area even during the WCPFC FAD closure period, whereas WCPFC and IATTC/WCPFC vessels must stop the use of FADs in the same fishing ground.
- WCPFC vessels are allowed to operate year around with the restriction of the FAD use in a certain period in the overlapping area, whereas IATTC and IATTC/WCPFC vessels must completely stop their fishing IATTC waters and return to port or otherwise leave IATTC waters during the IATTC total closure period. The IATTC total closure is designed for reducing bigeye and yellowfin catches, plus it also has an effect to reduce skipjack catch, whereas the WCPFC FAD closure is solely for reducing juvenile bigeye catch. In this sense, there may be some argument that IATTC and IATTC/WCPFC vessels are paying higher conservation efforts than

WCPFC vessels in the overlapping area.

- IATTC/WCPFC vessels must comply with both the IATTC total closure and the WCPFC FAD closure, which, in the severest case, could be as long as over 5-month restriction in the overlapping area.

### **(Case 2) Capacity control of purse-seiners**

IATTC has been controlling the total capacity of purse seiners in the eastern Pacific, including the overlapping area, with the target level of 158,000 cubic meters. IATTC members and cooperating non-members are prohibited from introducing new vessels except to replace existing vessels having the same or larger capacity. On the other hand, WCPFC has not yet introduced a mechanism to control capacity, although it has management measures aimed at controlling fishing effort. If investors could build purse seiners as WCPFC vessels without limits and operate in the overlapping area, the conservation efforts by IATTC members would be significantly undermined.

### **Possible solutions**

#### **(Option 1)**

Establish, on an ad hoc basis, a joint working group between IATTC and WCPFC to consider harmonized management measures for the overlapping area.

#### **(Option 2)**

All the vessels implement measures of higher standard if it is clear which measure has higher standard. If it is not clear, IATTC vessels or WCPFC vessels should not undermine measures adopted by another RFMO, and IATTC/WCPFC vessels implement both measures.

#### **(Option 3)**

IATTC and WCPFC come to an agreement, possibly formalized in a MoU, according to which they commit themselves to: 1) informally split the overlapping area among the two Organisations; 2) explicitly limit the scope of application of their adopted measures to a 'limited' area. This is explicitly mentioned in each measure adopted.

#### **(Option 4)**

Either one or both Organisations amend their Convention in order to split the overlapping area and definitively solve the problem

## **2. Conservation and management of stocks migrating across IATTC and WCPFC areas**

### **Issues**

Certain stocks, including Pacific bluefin tuna, albacore, swordfish and some species of sharks, are highly migratory and frequently span across both the IATTC and WCPFC areas. For such species, it is essential for sound and management measures to be implemented throughout the Pacific in a timely manner. Taking Pacific bluefin tuna as an example, WCPFC members are now making efforts to reduce the catch of juvenile fish to the 2002-2004 level, which is equivalent to 30% reduction in juvenile catch. On the other hand, IATTC has not yet introduced any management measure. Under this circumstance, unlimited catch in the eastern Pacific could undermine the conservation efforts by WCPFC members. In this regard, there is a critical need to enhance cooperation between IATTC and WCPFC so as to ensure the effectiveness of conservation and management measures for such trans-Pacific migratory species.

### **Possible solutions**

#### **(Option 1)**

Establish a joint working group between IATTC and WCPFC members with a real interest so as to draft conservation and management measures for trans-Pacific migratory species, for consideration and adoption by both organizations.

#### **(Option 2)**

Establish a general agreement such as MOU between IATTC and WCPFC that both organizations will take equivalent measures based on the best available scientific information.

In both options, scientific advice to both organizations on trans-Pacific species would need to be harmonized through relevant means.

## **3. Harmonization of MCS measures**

## **Issues**

A number of fishing vessels and tuna carriers often cross back and forth over the boundary between IATTC and WCPFC, or operate in the overlapped area. For such vessels, differences in MCS measures between the two Commissions could hamper the efficiency of their fishing operation. One example is when a purse seiner fishing in the IATTC area with an IATTC observer onboard intends to move to the WCPFC area, the purse-seiner needs to enter a port for observer replacement. The same is true about transshipment observers on board carrier vessels. Such arrangement could be often significantly time/cost consuming without providing any conservation benefit.

Another example is that the two Commissions have different transshipment management measures for large-scale longliners. For example, the formats for transshipment declaration and the notification requirements are different even when fishing vessels and carrier vessels are same in the two areas. This could confuse not only fishermen but also flag-State authorities.

## **Possible solutions**

### **(Option 1)**

Promote cross-endorsement arrangements for the mutual or harmonized use of specific MCS measures (i.e. Memorandum of Cooperation on Cross-endorsement observers).

### **(Option 2)**

Establish a joint working group between IATTC and WCPFC to consider harmonization of MCS measures.<sup>1</sup>

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<sup>1</sup> One joint working group could handle multiple tasks.