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BIRDLIFE INTERNATIONAL STATEMENT: VERIFICATION OF COMPLIANCE WITH CMM 2018-03: SEABIRD BYCATCH MITIGATION URGENTLY NEEDED

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Birdlife International

BirdLife International Statement:

Verification of compliance with CMM 2018-03: Seabird Bycatch Mitigation urgently needed

18th session of the WCPFC Technical and Compliance Committee – Sept 21-30th 2022, online.

BirdLife International thanks the WCPFC Secretariat for continuing progress to improve fisheries management in the WCPO. We recognise the ongoing difficulties of the circumstances caused by COVID-19 and sincerely appreciate the efforts that have been made to continue work and hold meetings.

BirdLife International re-emphasizes the responsibilities of the WCPFC Members to minimise bycatch of seabirds as established under the United Nations Fish Stocks Agreement and committed to in member's National Plans of Actions for Seabirds. The members' 2021 fishing year annual reports highlight worryingly low levels and poor spatial representation of observer coverage, which is severely impacting the ability of the Commission to verify compliance with all Conservation and Management Measures (CMMs), including CMM2018-03. Without observers or electronic monitoring, there is no way to verify if Members are meeting their obligations to minimise impacts on ecologically related species. This is an ongoing issue in the WCPFC, and the COVID pandemic has further demonstrated the urgent need to address compliance monitoring of CMM obligations.

BirdLife once again emphasizes that electronic monitoring (EM) is an important tool in the suite of compliance and data collection tools to overcome the challenges that COVID-19 has presented. This pandemic highlights the importance of taking urgent action to increase EM in the fleets operating in the WCPO to ensure that compliance monitoring occurs.

BirdLife notes that without verification through human observer reported data, electronic monitoring (EM), or high seas and portside inspections, self-reported data by Members remain questionable.

Compliance with CMM2018-03

We appreciate the reporting of seabird bycatch by Members fleets as per obligations in CMM2018-03. This information is critically important to understand if WCPFC fisheries are having an impact on seabird populations.

BirdLife International are concerned that seabird bycatch remains extremely high. For example, New Zealand continues to report captures of highly threatened seabirds in its long line fleet operating in the WCPO (a total of 53 birds (0.296 birds/1000hooks) including 21 white-capped albatross, 8 black petrels, 5 Westland petrels, 5 Buller's albatross, and 2 unspecified mollymawks). Despite this, compliance of seabird bycatch mitigation measures is reported as being high.

- **What actions are New Zealand taking to address the issue of seabird bycatch and to verify that the current mitigation measures are fit for purpose?**

Members annual reports included the high use of 2/3 measures (Table 1). This requires further verification given our prior knowledge of seabird bycatch implementation rates among some WCPFC fleets, and from evidence of direct engagement with vessels operating south of 25˚S the WCPO. Port-based engagement with vessels flagged to some Members who report high compliance in fact identified that some captains are not even aware of the required seabird mitigation measures when fishing south of 25˚S in the WCPO. Crew and captains also indicated that the number of bycaught birds is greater than the number of birds reported in these Member's annual reports for all their flagged vessels.

With such low levels of observer coverage in areas of high seabird density, we seriously question the reliability of these data. For example, China reported 100% compliance of 2/3 seabird mitigation measures across all areas; however, China had no observer coverage during 2021, and we have confirmed through port-based engagement that Chinese flagged vessels operating south of 25˚S (using Global Fishing Watch (GFW): https://globalfishingwatch.org/map) are operating without the appropriate seabird bycatch mitigation equipment (e.g., tori lines/branch line weights), are not night setting, and are discarding offal during the set and haul in some cases, the latter of which is not an acceptable mitigation measure, for southern latitudes, as per CMM2018-03. Further, these reports indicate that seabird bycatch is significantly greater than what is reported to the Secretariat. Therefore, the reporting of 100% compliance with these measures and bycatch rates should not be considered accurate until it is otherwise verified.

Similarly, Chinese Taipei also reports near perfect compliance with CMM 2018-03 across all areas for the 2021 fishing year, yet with very low observer coverage. As with the Chinese fleet, information from Chinese Taipei flagged vessels known to be fishing south of 25˚S (using Global Fishing Watch (GFW): https://globalfishingwatch.org/map) suggests that this rate of implementation is not the case. As above, the reported compliance should not be considered accurate until it can be otherwise verified.

BirdLife strongly encourages accurate and verified reporting of compliance with CMM2018-03 for all CCMs as the management of the fishery and impacts to ecologically related species relies on accurate data submission to the Secretariat.

SOLUTIONS FOCUS

BirdLife is committed to collaborative efforts to improve the implementation of seabird bycatch mitigation measures in WCPFC fisheries. This commitment is demonstrated by our vessel-based work – not as enforcement but rather to support captains and crew to implement effective mitigation measures. For example, in response to information provided by crews of vessels visited through the port-based work, BirdLife International has contracted a local Women's group to construct tori-lines and in the last 5 years the program has given out 56 tori lines to vessels that did not have them but were operating south of 25˚S.

We note that some vessels in this engagement were compliant with seabird bycatch mitigation measures and that compliance has improved over the time that port-based engagement has occurred. Indeed, this year, one operator requested 12 tori-lines for 6 of their vessels that would be operating south of 25˚S.

This work along with the years of experience in the Albatross Task Force means BirdLife International has on-deck experience working with skippers, crew, and operators to share knowledge about bycatch and mitigation measures. This also means working with captains and crews to find solutions when modifications are needed because of vessel configuration that effectively minimise seabird bycatch.

BirdLife International invites WCPFC Members to collaborate on further port-based work where feasible to support the improvement of implementation of seabird bycatch mitigation measures to meet Members obligations under CMM2018-03.

Independent compliance monitoring

Advances in remote technology and alternative tools to on-board observers for monitoring high seas fishing operations, such as Illegal, Unregulated and Unreported (IUU) activities, have accelerated in recent years. The Pacific Islands Fisheries Forum Agency (FFA) are leading WCPFC Members in trialling satellite-based monitoring. For example, Tuvalu is engaging with the private company Starboard Maritime Intelligence from New Zealand to satellite monitor fishing activities in its EEZ to detect IUU vessels. This work, funded by the World Bank, identifies dark vessels and then in collaboration with the NZ Defence Force verifies the results through air and sea patrols.

Another, the Joint Analytical Cell (JAC), aims to "harness innovative technology and fisheries expertise to increase data sharing and collaboration among governments and non-state actors in the fight against IUU". The JAC will utilise existing tools such as the Global Fishing Watch's vessel-tracking map, carrier vessel portal, and a Fisheries Analytical Capacity Tool built by Trygg Mat Tracking, which is a "fisheries intelligence management system" that keeps track of details on the movements and ownership of vessels suspected of IUU activities by compiling IUU lists from all RFMOs, satellite tracking and coordinating with Interpol.

These developments, in addition to the existing EM in the Australian fleets that are aimed at improving the transparency of commercial fishing operations are indicative of the direction of compliance monitoring in fisheries globally. As these tools advance, the ability to detect compliance with CMMs, including those related to ecologically related species, is within reach.

BirdLife International looks forward to productive discussions and effective outcomes to improve compliance of CMM2018-03 at the 18th meeting of the Technical and Compliance Committee.

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Table 1: Bycatch mitigation compliance in 2018 -2021. Years and areas where the CCM failed to meet the 5% observer coverage, thus where reported interactions with seabirds are unreliable, are highlighted in red. The fishing year 2021 is shaded in green.

Country	Year	Observed effort (% of total hooks)	Has mitigation use been reported according to area fished?	South of 30˚S (% observed effort using 2/3 mitigation measures)	25˚S – 30˚S (% observed effort using 1/2 mitigation measures)	North of 23˚N (% observed effort using 2/3 mitigation measures)	Total birds caught
Australia	2018	11.4 (south of 30° S) / 10.7 (23˚N- 30˚S)	No	100		N/A	92
	2019	12.1 (south of 30° S) / 11.5 (23˚N- 30˚S)	No	100		N/A	101
	2020	9.8 (south of 30° S) / 10.2 (25˚S- 30˚S) / 9.8 (23˚N- 25˚S)	No	100		N/A	29
	2021	**9.4 (south of 30° S) / 10.2 (25˚S- 30˚S) / 9.6 (23˚N- 25˚S)**	**No**	**100**		**N/A**	**45**
China	2018	3.48 (south of 30° S) / 4.59 (23˚N-30˚S) / 15.15 (north of 23° N)	Mitigation not reported	Unknown	Unknown	Unknown	7
	2019	0 (south of 30° S) / 6.3 (23˚N-30˚S) / 15.15 (north of 23° N)	Mitigation not reported	Unknown	Unknown	Unknown	6
	2020	8.97 (south of 30° S) / 9.19 (23˚N-30˚S) / 0 (north of 23° N)	Yes	100	100	100	6
	2021	**9.42 (south of 30° S) / 7.06 (23˚N-30˚S) / 0 (north of 23° N)**	**Yes**	**100**	**100**	**100**	**0**
Chinese Taipei	2018	3.3 (south of 30° S)/ 4.72 (23˚-30˚S) / 5.5 (north of 23° N)	Yes	93.6	100	87.6	14
	2019	5.6 (south of 30° S) / 7 (23˚N-30˚S / 2.2 (north of 23° N)	Yes	70	91.1†	87.5	21

	2020	5.0 (south of 30° S) / 7.4 (25˚S-30˚S / 4.3 (north of 23° N)	Yes	59.1	100	97	46
	2021	**0.4 (south of 30° S) / 5.4 (25˚S-30˚S / 1.3 (north of 23° N)**	**Yes**	**90**	**100**	**98.7**	**10**
Japan§	2018	2.4 (south of 30° S) >24 GRT only / 3.6 (23˚S-30˚S) * / 1.9 (north of 23° N)	No	Unknown	Unknown	Unknown	160
	2019	17.9 (south of 30° S) / 19.5 (25˚S-30˚S) / 0.05 (north of 23° N)	Yes	42.0	6.4	74.8	1665
	2020	5.5 (south of 30° S) / 8.5 (25˚S-30˚S) / 0 (north of 23° N)	Yes	76.4	100	5.4	43
	2021	**0 (south of 30° S) / 0 (25˚S-30˚S) / 0 (north of 23° N)**	**Yes**	**Unknown**	**Unknown**	**Unknown**	**0**
New Zealand	2018	13.1 (south of 30° S)	Yes	95	N/A	N/A	98
	2019	8.4 (south of 30° S)	Yes	100	N/A	N/A	56
	2020	9.9 (south of 30° S)	Yes	97.8	N/A	N/A	24
	2021	**11.7 (south of 30° S)**	**Yes**	**93**	**N/A**	**N/A**	**53**
USA*	2018	20.4 (across all areas)	Combined	N/A	100		249
	2019	21.03 (across all areas)	Combined	N/A	100		226
	2020	15.87 (across all areas)	Combined	N/A	100		188
	2021	**19.12 (across all areas)**	**Combined**	**N/A**	**100**		**184**

* Reports effort north of 23° N and 23° N – 30° S areas combined.

† Total reporting only equalled 91.1% of observed effort

§ Combined for vessels >24 GRT and <24GRT

Table 2. Effort observed and reported seabird captures in 2018 - 2021 [South of 30˚S]. Entries in red do not meet WCPCF observer coverage requirements for spatial representation.

Country		*Fishing effort*			*Observed seabirds hooked*	
	Year	Number of vessels	Number of hooks ('000s)	% hooks observed	Capture number	Capture rate (birds/1000 hooks)
Australia	2018	37	3,084	11.4	8	0.023
	2019	33	2,537	12.1	8	0.026
	2020	30	1,721	9.8	9	0.005
	2021	**29**	**1,801**	**9.4**	**7**	**0.004**
China	2018	19	5,025	3.48	0	0
	2019	22	2,312	0	0	0
	2020	26	3,121	9.42	1	0.003
	2021	**23**	**6,511**	**8.97**	**0**	**0**
Chinese Taipei	2018	44	6,508	3.3	0	0
	2019	41	9,577	5.6	7	0.013
	2020	58†	10,172	5.0	4	0.008
	2021	**32†**	**4,852†**	**0.4†**	**0†**	**0.000†**
Japan	2018	27	7,003	2.4*	37	0.217
	2019	27	5,388	17.9	1140	1.185
	2020	21	3,705	5.5	13	0.063
	2021	**23**	**4,036**	**0**	**Unknown**	**Unknown**
New Zealand	2018	33	2,233	13.1	98	0.34
	2019	28	1,978	8.4	56	0.34
	2020	28	1,949	9.9	24	0.124
	2021	**28**	**1,535**	**11.7**	**53**	**0.296**

*Observer coverage may be low due to some data having been removed.
† Preliminary data

Table 3. Effort observed and reported seabird captures 2018- 2021 [between 25˚S - 30˚S]. Entries in red do not meet WCPCF observer coverage requirements for spatial representation.

Country		*Fishing effort*				
	Year	Number of vessels	Number of hooks ('000s)	% hooks observed	Capture number	Capture rate (birds/1000 hooks)
Australia	2018	27	2,917	10.2	5	0.017
	2019	26	3,264	12.0	3	0.008
	2020	22	3,990	10.2	2	0.005
	2021	**20**	**2,600**	**10.2**	**1**	**0.000**
China	2018	335	140,011	4.59	1	0.00015
	2019	339	159,311	6.3	6	0.0006
	2020	349	152,900	7.06	5	0.00046
	2021*	**308**	**140,511**	**9.19**	**0**	**0**
Chinese Taipei*	2018	870	148,857	4.72	8	0.008
	2019	45	6,637	12.5	11	0.013
	2020	99	15,393	7.4	0	0
	2021	**38†**	**4,672†**	**5.4†**	**1†**	**0.004†**
Japan§	2018 *	232	42,938	3.6	7	0.00
	2019	9	844	19.5	0	0.00
	2020	14	1,563	8.5	0	0.00
	2021	**12**	**938**	**0.00**	**Unknown**	**Unknown**

* Combined data for 23˚N – 25˚S and 25˚S – 30˚S
† Preliminary data

§ combined data for vessels larger than 20GRT (>=24m) and less than 20GRT (<24m)

Table 4. Effort observed and reported seabird captures in 2018 - 2021[North of 23˚N]. Entries in red do not meet WCPCF observer coverage requirements for spatial representation.

Country	*Fishing effort*				*Observed seabirds bycaught*	
	Year	Number of vessels	Number of hooks ('000s)	% of hooks observed	Capture number	Capture rate (birds/1000 hooks)
China	2018	10	779	15.15	6	0.05
	2019	9	144	8.33	0	0
	2020	10	745	0	0	0
	2021	**17**	**959**	**0**	**unknown**	**unknown**
Chinese Taipei	2018	521	26,173	5.5	3	0.002
	2019	603†	31,762†	2.2†	2†	0.003†
	2020	205	28,843	4.8	42	0.031
	2021	**109†**	**16,724†**	**1.3†**	**9†**	**0.041†**
Japan§	2018	245	62,523	2.25	116	0.125
	2019	244	60,926	3.08	520	0.266
	2020	256	70,905	0.06	28	0.703
	2021	**211**	**49,840**	**0**	**Unknown**	**Unknown**
USA* (Hawai'i only)	2018	142	54,482	20.40	249	0.02
	2019	146	63,350	21.03	226	0.02
	2020	143	58,763	15.87	188	0.02
	2021	**143**	**64,985**	**19.12**	**184**	**0.01**

* Reports effort north of 23° N and 23° N – 30° S areas combined.

† Preliminary data

§ combined data for vessels larger than 20GRT (>=24m) and less than 20GRT (<24m)