



COMMISSION
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**PROPOSED AMENDMENT TO CMM 2014-06 ON ESTABLISHING A HARVEST
STRATEGY FOR KEY FISHERIES AND STOCKS IN THE WESTERN AND
CENTRAL PACIFIC OCEAN**

WCPFC19-2022-DP06
28 October 2022

FFA Member CCMs

Proposed Amendment to CMM 2014-06 on Establishing a Harvest Strategy for Key Fisheries and Stocks in the Western and Central Pacific Ocean

WCPFC-2022-DPXX

28 October 2022

Submission by FFA Member CCMs

Introduction

This paper explains the proposal by FFA Members to amend CMM 2014-06 on Establishing a Harvest Strategy for Key Fisheries and Stocks in the Western and Central Pacific Ocean. A draft CMM prepared by FFA Members for this purpose is attached.

The paper also assesses the proposal against the requirements of CMM 2013-06 on the Criteria for the Consideration of Conservation and Management Proposals.

Explanatory Note

1. The Marine Stewardship Council (MSC) Fisheries Certification Requirements include a requirement that:

Well defined HCRs are in place that ensure that the exploitation rate is reduced as the PRI is approached, are expected to keep the stock fluctuating around a target level consistent with (or above) MSY, or for key LTL¹ species a level consistent with ecosystem needs.

2. Fisheries that do not have well defined HCRs *in place*, may be certified conditionally and for a limited period if a HCR is considered to be *available*. A HCR may be considered to be available under certain conditions including that:

An agreement or framework is in place that requires the management body to adopt HCRs before the stock declines below BMSY. (MSC SA2.5.3b)

3. In the hearing of a recent objection against the proposed extension of the MSC certification of the PNA Skipjack and Yellowfin Free School Purse Seine fisheries, to include bigeye tuna and fishing in FADs, the Independent Adjudicator decided that the condition in para 2 above “.... *is not met. There is no agreement or framework which requires WCPFC and PNA to have harvest control rules in place before big eye tuna stocks decline below BMSY*”.
4. Over 30 other WCPO fisheries for south Pacific albacore, bigeye, skipjack and yellowfin tunas have already been certified by the MSC on the basis of assessments by Certification Assessment Bodies that the condition in para 2 above is met, with a typical conclusion being that “.... *there is a framework that is in place, expected to develop further that will require the WCPFC to take action on HCRs before there is any detectable, projected risk that skipjack stock status could decline below BMSY*”.

¹ Low trophic level

5. Those assessments are contradicted by the Independent Adjudicator's Decision. That outcome creates a significant risk that existing and proposed certifications of other WCPO fisheries could be affected in the same way, since it seems that in general, the same or similar considerations apply. The MSC has clarified that the recent Decision does not apply to any certifications other than the proposed certification of the PNA bigeye purse seine fishery. However, the decision seems likely to be taken as a precedent in future assessments, audits or objections related to MSC certifications.
6. In particular, the MSC requires the outcomes of assessments of target stock related requirements for fisheries on the same target stock to be harmonised to ensure consistency of assessment outcomes.
7. Against that background, it is proposed to amend CMM 2014-06 by including a new paragraph that states that the Commission shall adopt HCRs before the stocks decline below B_{MSY} . The suggested text is:

“Notwithstanding the workplan and indicative timeframes adopted under para 13, the Commission shall adopt HCRs for skipjack, bigeye, yellowfin and South Pacific albacore tunas before the stocks decline below the levels capable of producing maximum sustainable yield in accordance with the WCPFC Convention Article 5b.”
8. Issues arising with this text include:
 - **The stocks to be covered:** the draft text does not cover the Pacific bluefin and north Pacific albacore tuna stocks because there are HCRs in place for those stocks and so the rationale set out above for the amendment does not apply to them.
 - **Reference to B_{MSY} :** in general, the WCPFC applies depletion-based metrics in its harvest strategy work for the key tropical tuna stocks. The reference to B_{MSY} is taken from MSC guidance so there is no uncertainty about whether the arrangement required by MSC is in place. It will be up to the Commission to decide what basis it uses to determine the status of stocks in relation to B_{MSY} .
9. The proposed amendment to the CMM does not change the broader and more important requirement for the WCPFC to adopt well defined HCRs for each of the tropical tuna stocks. It just allows WCPO fisheries to continue to be MSC certified while the work required to adopt well defined HCRs is undertaken within the timeframe and to a standard required by MSC.

Application of CMM 2013-06

The following information is offered to assist the Commission to meet the requirements of CMM 2013-06 in respect of this draft CMM.

a. Who is required to implement the proposal?

All CCMs will be required to implement this proposal in their cooperation to apply harvest strategies to key tropical tuna stocks.

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

This proposal will impact all CCMs involved in fisheries for WCPO south Pacific albacore, bigeye, skipjack and yellowfin tunas by requiring them to support the adoption by the Commission of HCRs for the key stocks before the stocks decline below B_{MSY} in proportion to their engagement in those fisheries as coastal and flag states. Any impacts will be positive.

c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation? No.

d. Does the proposal affect development opportunities for SIDS?

The proposal will enhance development opportunities for SIDS by underpinning the sustainability of the tropical tuna stocks in a way that is designed to remove the short term risk that has arisen to the MSC certifications of WCPO tropical tuna stocks.

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

The proposal can be expected to enhance SIDS domestic access to resources and promote development aspirations by removing a potential risk.

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

No additional resources should be needed by SIDS, except in the very unlikely event that the Commission needs to speed up work to adopt HCRs because stocks are at risk of falling below B_{MSY} .

g. What mitigation measures are included in the proposal?

No mitigation measures are needed.

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

No disproportionate burden is expected for SIDS.

Attachment



COMMISSION ~~ELEVENTH~~ NINETEENTH REGULAR SESSION

CONSERVATION AND MANAGEMENT MEASURE ON ESTABLISHING A HARVEST STRATEGY FOR KEY FISHERIES AND STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN

Conservation and Management Measure ~~2014-06~~ 2022-xx

The Western and Central Pacific Fisheries Commission (WCPFC):

Noting 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 *United Nations Convention on the Law of the Sea* (the 1982 Convention) and the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* (the UN Fish Stocks Agreement);

Recalling Article 6 (3) of the UN Fish Stocks Agreement and Article 6 of the Convention, which call for the establishment of precautionary stock-specific reference points to implement the precautionary approach, as well as action to be taken if such points are exceeded;

Further recalling that Article 6(1)(a) of the Convention provides that the guidelines set out in Annex II of the UN Fish Stocks Agreement form an integral part of the Convention and shall be applied by the Commission. These guidelines provide guidance on the application of precautionary reference points in the conservation and management of straddling fish stocks and highly migratory fish stocks, including the adoption of provisional reference points when information for establishing reference points is absent or poor;

Further recalling Article 5b of the Convention establishing MSY among the principles for guiding science-based conservation and management of fish stocks under the purview of the Commission;

Noting that Article 7.5.3 of the *FAO Code of Conduct for Responsible Fisheries* also recommends the implementation of stock specific target and limit reference points, inter alia, on the basis of the precautionary approach;

~~**Concerned** that fishing mortality for some tuna stocks in the Western and Central Pacific Ocean is in excess of the range of maximum sustainable yield;~~

Recalling the recommendations from the Performance Review of the WCPFC on the Precautionary Approach and Limit Reference Points, which the Commission considers to be a high priority;

Mindful of the work underway on the development of reference points and harvest control rules for a number of highly migratory fish stocks in the Eastern Pacific Ocean by the Inter-American Tropical Tuna Commission (IATTC).

Adopts, in accordance with Article 10 of the Convention, the following conservation and management measure with respect to establishing harvest strategies for key fisheries in the Western and Central Pacific Ocean:

Objective of this measure

1. To agree that the Commission shall develop and implement a harvest strategy approach for each of the key fisheries or stocks under the purview of the Commission according to the process set out in this conservation and management measure (CMM).

General provisions

2. A harvest strategy is a framework that specifies the pre-determined management actions in a fishery for defined species (at the stock or management unit level) necessary to achieve agreed biological, ecological, economic and/or social management objectives.
3. The Commission agrees that harvest strategies established pursuant to this CMM may be developed for a fishery that targets or catches either a single, or a number of, species (at the stock or management unit level) including as incidental catch, or stocks that are harvested by several fisheries.

Harvest Strategy Principles

4. Harvest strategies are considered to represent a best-practice approach to fisheries management decision making. Harvest strategies are proactive, adaptive and provide a framework for taking the best available information about a stock or fishery and applying an evidence and risk-based approach to setting harvest levels. They provide a more certain operating environment where management decisions relating to the fishery or stocks are more consistent, predictable and transparent.
5. Harvest strategies developed in accordance with this CMM shall set out the management actions necessary to achieve defined and agreed biological, ecological, economic and/or social objectives in the fisheries. Each harvest strategy shall contain a tailored process for conducting assessments of the biological, economic and social conditions of the fisheries and pre-defined rules that manage the fishery or stock in order to attain the objectives.
6. In developing individual harvest strategies for fisheries or stocks within the Western and Central Pacific Ocean, the Commission shall have regard to the principles set out in the

Convention, in particular Articles 5 and 6.

Elements of a harvest strategy

7. Each harvest strategy developed in accordance with this CMM shall, wherever possible and where appropriate, contain the following elements:
 - a. Defined operational objectives, including timeframes, for the fishery or stock ('management objectives');
 - b. Target and limit reference points for each stock ('reference points');
 - c. Acceptable levels of risk of not breaching limit reference points ('acceptable levels of risk');
 - d. A monitoring strategy using best available information to assess performance against reference points ('monitoring strategy');
 - e. Decision rules that aim to achieve the target reference point and aim to avoid the limit reference point ('harvest control rules'); and
 - f. An evaluation of the performance of the proposed harvest control rules against management objectives, including risk assessment ('management strategy evaluation').
8. Further detail on each of these elements is set out in Annex 1 of this CMM.
9. Notwithstanding paragraphs 7 and 8 of this CMM, in developing individual harvest strategies, the Commission may tailor elements on a case by case basis to suit the specific requirements of a particular fishery or stock. This may include agreeing to interim or provisional elements of a harvest strategy. The absence of appropriate scientific information shall not be used as a reason for postponing or failing to adopt harvest strategies.
10. In developing individual harvest strategies, the Commission shall take into account and apply Article 8 of the Convention, on compatibility of conservation and management measures on harvest strategies and elements thereof that have already been implemented in the region.

Special requirements of Developing States

11. In recognition of the special requirements of Developing States Parties to this Convention, in particular Small Island Developing States and of Territories and Possessions, in relation to conservation and management of highly migratory fish stocks in the Western and Central Pacific Ocean, the Commission will facilitate the effective participation of these States, Territories and Possessions in Commission meetings and those of its subsidiary bodies undertaking work on harvest strategies, and will apply the provisions of Article 30(2) of the Convention in the development of CMMs resulting from that work.
12. Harvest strategies shall not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions.

Timelines for the adoption of harvest strategies

13. The Commission shall agree a workplan and indicative timeframes to adopt or refine harvest strategies for skipjack, bigeye, yellowfin, South Pacific albacore, Pacific bluefin and northern albacore² tuna by no later than the twelfth meeting of the Commission in 2015. This workplan will be subject to review in 2017. The Commission may agree timeframes to adopt harvest strategies for other fisheries or stocks.

13bis. Notwithstanding the workplan and indicative timeframes adopted under para 13, the Commission shall adopt HCRs for skipjack, bigeye, yellowfin and South Pacific albacore tunas before the stocks decline below the levels capable of producing maximum sustainable yield in accordance with the WCPFC Convention Article 5b.

Resources

14. In formulating their budget and work programme, the Commission, Scientific Committee and any relevant WCPFC sub-committees are expected to ensure that the tasks listed in this measure are sufficiently resourced in terms of time and budget to achieve the agreed timeframes.
15. The Commission may draw on funds earmarked for this purpose from the Voluntary Contributions Fund to achieve the tasks listed in this measure.
16. In the interests of efficiency and ensuring full participation by all CCMs, the Commission may decide to use existing WCPFC meetings to undertake the work set out in this CMM or convene additional workshops or meetings to consider the tasks set out in this CMM.

² Draft timeframes and harvest strategies for stocks which occur mostly in the area north of 20°N to be developed and recommended by the Northern Committee.

Additional detail on the elements of a harvest strategy and roles and responsibilities of the Commission and its subsidiary bodies

1. This Annex sets out further details on each of the elements to be developed for individual harvest strategies, wherever possible, and sets out the roles and responsibilities of the Commission and its subsidiary bodies.³

Management objectives

2. For each harvest strategy, the Commission shall determine agreed conceptual management objectives for that fishery or stock. In determining these objectives, the trade-offs between each objective, as well as trade-offs between objectives for different fisheries or stocks and harvest strategies shall be considered and any contradictions and tensions between competing objectives should be reconciled to the extent possible.
3. The Scientific Committee, and, where appropriate, other relevant subsidiary bodies shall translate these conceptual management objectives into operational objectives that have a direct and practical interpretation in the context of the fishery or stock and against which performance can be evaluated ('operational management objectives'), if needed.

Reference points

4. To achieve the agreed operational management objectives, the Commission shall, taking into account relevant advice from the Scientific Committee and other relevant subsidiary bodies, as appropriate, establish stock-specific reference points that identify:
 - i. targets intended to meet management objectives ('target reference points'), and
 - ii. limits intended to constrain harvesting within safe biological limits ('limit reference points').
5. Where the Commission has already adopted target or limit reference points for particular stocks, those agreed reference points shall be incorporated into the harvest strategy for that fishery, unless the Commission decides otherwise.

Acceptable levels of risk

6. The Commission shall define acceptable levels of risk associated with breaching limit reference points, and if appropriate, with deviating from target reference points, taking into account

³ For fisheries based on stocks which occur mostly north of 20°N, the roles and responsibilities are to be separately agreed by the Commission

advice from the Scientific Committee and, where appropriate, other subsidiary bodies. In accordance with Article 6(1)(a) of the Convention, the Commission shall ensure that the risk of exceeding limit reference points is very low.

7. Unless the Commission decides otherwise, target reference points shall be conservative and separated from limit reference points with an appropriate buffer, with a view to ensuring that the target reference points are not so close to the limit reference points that the chance that the limits are exceeded is greater than the agreed level of risk.

Monitoring strategy

8. As part of an individual harvest strategy, the Commission may adopt a monitoring strategy for a fishery or stock relying on data provided to the Commission.
9. For each fishery or stock with an established harvest strategy, the Scientific Committee and other relevant subsidiary bodies, as appropriate, shall periodically evaluate the performance of the fishery or stock against the agreed operational management objectives (as specified through the reference points and harvest control rules). The Scientific Committee shall report its findings and advice to the Commission.

Harvest control rules

10. The Commission shall decide, based on the advice of the SC, on a set of clear, pre-agreed rules or actions used for determining a management action response to changes in indicators of stock status or other indicators, as appropriate, with respect to reference points ('harvest control rules').
11. Notwithstanding paragraph 12 of this Annex, the Commission may decide to implement interim harvest control rules prior to a full management strategy evaluation being completed by the Scientific Committee.

Management strategy evaluation

12. Prior to implementation of formal harvest control rules, an evaluation of the likely performance of any proposed harvest control rules in achieving the operational objectives should be undertaken by the Scientific Committee and other relevant subsidiary bodies, as appropriate. These evaluations may be performed through simulation modelling.
13. As part of this process, the Scientific Committee and other relevant subsidiary bodies, as appropriate shall estimate or describe key uncertainties including with respect to stock assessments and available data