SCIENTIFIC COMMITTEE
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APPLICATION OF CONVENTION LANGUAGE TO STOCK ASSESSMENT ADVICE

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Submitted by the WCPFC Secretariat and the SPC-OFP

A. INTRODUCTION

1. At its Twenty-Second Regular Session (WCPFC22), the Commission requested the Scientific Committee (SC22) to consider whether scientific advice for stocks whose catches are retained could explicitly address whether the use of those stocks is sustainable using the language of the Convention (paragraph 261(b), WCPFC22 Summary Report):

> *"to advise whether the advice from the Committee on stocks whose catches are retained could explicitly address whether the use of a stock is sustainable using the language in the Convention."*

2. Although this recommendation appears to concern the wording of Scientific Committee advice, it raises a broader issue regarding the relationship between scientific advice and the legal framework established by the Convention. The recommendation provides an opportunity for the Scientific Committee to consider whether the Committee's existing scientific advice can be communicated in a manner that more directly reflects the terminology and objectives of the Convention without altering the underlying scientific assessments.

3. The objective of the WCPFC Convention is established in Article 2, which states that the Convention seeks to ensure, through effective management, "the long-term conservation and sustainable use of highly migratory fish stocks." This objective is reinforced in the Convention Preamble, where the Contracting Parties declare their determination to ensure the "long-term conservation and sustainable use" of highly migratory fish stocks, particularly for human food consumption, for present and future generations.

4. Accordingly, the Convention establishes two complementary objectives. The first is the long-term conservation of highly migratory fish stocks, and the second is the sustainable use of those resources. Conservation and sustainable use are therefore not competing objectives but mutually supporting principles that underpin the management framework established by the Convention.

B. CURRENT SCIENTIFIC ADVICE FROM THE SCIENTIFIC COMMITTEE

5. The Scientific Committee currently provides scientific advice based on quantitative stock

assessments using internationally recognized biological reference points. Stock status advice typically includes indicators such as spawning biomass relative to the biomass capable of producing maximum sustainable yield (SB/SB_{MSY}), fishing mortality relative to the fishing mortality associated with maximum sustainable yield (F/F_{MSY}), and evaluations against agreed limit and target reference points. Within the WCPFC, $SB/SB_{F=0}$ is used to represent the ratio of the estimated current (or recent) spawning biomass (SB) relative to the estimated average spawning biomass that would exist in the absence of fishing ($SB_{F=0}$) over a specified recent period.

6. Consequently, SC advice generally concludes whether a stock is overfished, whether overfishing is occurring, and whether the stock is above or below agreed biological reference points. These conclusions represent objective scientific evaluations of stock status and provide the scientific basis upon which the Commission develops conservation and management measures.

7. However, while these assessments clearly describe the biological condition of the stock, they do not necessarily state explicitly whether the current use of the stock is considered sustainable within the meaning of the Convention. As a result, there remains a distinction between the scientific description of stock status and the Convention's broader objective of ensuring sustainable use. Against this background, this paper has been prepared to support SC22's consideration of Recommendation 261(b) by examining how existing stock assessment advice may be interpreted and communicated more explicitly using the terminology and objectives of the Convention.

C. BACKGROUND TO THE WCPFC22 RECOMMENDATION

8. During discussions at WCPFC22, Nauru, speaking on behalf of PNA+, observed that although the Convention identifies sustainable use as one of its principal objectives, the Scientific Committee's advice does not always explicitly indicate whether the use of retained stocks is sustainable (paragraph 234, WCPFC22 Summary Report):

> *Nauru, speaking on behalf of PNA+, thanked the SC Chair and expressed appreciation for the increased clarity of advice associated with the new template for reporting on stock assessments. Referencing para 23 in WP08, Nauru noted that the Convention objective includes the sustainable use of fish stocks and observed that there was sometimes uncertainty as to whether the SC's advice explicitly indicated whether the "use" of a stock was sustainable, particularly for retained bycatch species assessed as overfished or subject to overfishing but with fishing mortality below LRPs. Nauru requested SC advice on this issue, including whether the advice from the SC on stocks whose catches are retained could explicitly address whether the use of a stock is sustainable using the language in the Convention. In response to a clarification from the Chair, Nauru confirmed that this request was intended as a tasking to the SC.*

9. The intervention noted that this question could arise particularly for retained bycatch species that may be assessed as overfished or subject to overfishing, while fishing mortality remains below agreed biological reference points. Nauru therefore requested that the Scientific Committee consider whether its advice could explicitly address the sustainability of stock use using the language of the Convention. The Commission subsequently adopted Recommendation 261(b), requesting SC22 to examine this issue further.

10. For many target tuna stocks, stock assessment outcomes indicating that a stock is not overfished and that overfishing is not occurring are generally straightforward to interpret in relation to the

Convention's objective of sustainable use. The issue was raised particularly in relation to retained bycatch species because they may present situations where different biological indicators reflect different aspects of stock status. For example, a retained stock may remain classified as overfished as a consequence of historical depletion, while current fishing mortality is below agreed biological reference points and overfishing is no longer occurring. In such circumstances, uncertainty may arise as to whether the current use of the stock can be regarded as sustainable within the meaning of the Convention. Recommendation 261(b) therefore seeks to clarify whether existing scientific advice can explicitly address this distinction by applying the terminology and objectives of the Convention. Although the discussion at WCPFC22 arose from questions relating to certain retained bycatch species, the Commission framed Recommendation 261(b) more broadly to apply to stocks whose catches are retained, recognising that the same interpretative issues may arise across a wider range of retained stocks.

D. SUSTAINABLE USE WITHIN THE CONVENTION FRAMEWORK

11. Recommendation 261(b) requires consideration of the concept of sustainable use as expressed in the Convention. Although the Convention does not provide a separate definition of that term, its meaning is reflected throughout Article 5, which establishes the principles for conservation and management. Article 5 requires members of the Commission to adopt measures that ensure the long-term sustainability of highly migratory fish stocks, promote their optimum utilization, maintain or restore stocks to levels capable of producing maximum sustainable yield, and prevent levels of fishing effort that exceed those consistent with sustainable use. Taken together, these provisions associate sustainable use with several interrelated biological and management elements, including the maintenance of productive stock biomass, the prevention of overfishing, and the adoption of management measures consistent with long-term sustainability.

12. Many of the biological considerations relevant to these provisions are already evaluated through the Scientific Committee's existing stock assessments and supporting scientific advice. Recommendation 261(b) therefore does not necessarily require additional stock assessment analyses. Rather, it asks whether the existing scientific findings can be interpreted and communicated more explicitly in relation to the Convention's terminology and objectives. Where broader Convention concepts are considered, the Scientific Committee may also need to consider the scope of the available scientific evidence and any associated uncertainties.

E. APPLICATION OF CONVENTION LANGUAGE TO SCIENTIFIC ADVICE

13. Recommendation 261(b) requests the Scientific Committee to consider whether its advice for stocks whose catches are retained could explicitly address whether the use of those stocks is sustainable using the language of the Convention. The Convention does not separately define the term "sustainable use," nor does it prescribe specific wording for scientific advice. Article 2 establishes the objective of "the long-term conservation and sustainable use" of highly migratory fish stocks, while Article 5 elaborates this objective through related terminology, including "long-term sustainability," "optimum utilization," maintaining or restoring stocks at levels capable of producing maximum sustainable yield, preventing or eliminating over-fishing, and ensuring that fishing effort does not exceed levels commensurate with the sustainable use of fishery resources. **Table 1** identifies the principal Convention terminology potentially relevant to scientific advice.

Table 1. Principal Convention terminology potentially relevant to scientific advice

Convention terminology	Article
“long-term conservation”	Article 2
“sustainable use”	Article 2
“long-term sustainability”	Article 5(a)
“optimum utilization”	Article 5(a)
“maintain or restore stocks at levels capable of producing maximum sustainable yield”	Article 5(b)
“apply the precautionary approach”	Article 5(c)
“assess the impacts of fishing”	Article 5(d)
“minimize waste, discards, catch of non-target species”	Article 5(e)
“protect biodiversity”	Article 5(f)
“prevent or eliminate over-fishing”	Article 5(g)
“ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources”	Article 5(g)

14. The relevance of these terms to particular scientific advice will depend on the nature and scope of the assessment, as some relate directly to stock status while others concern broader ecosystem or management considerations.

15. Current stock assessment advice already provides quantitative scientific evidence through biological indicators such as spawning biomass relative to MSY (SB/SB_{MSY}), fishing mortality relative to MSY (F/F_{MSY}), spawning biomass relative to the unfished level ($SB/SB_{F=0}$), and evaluations against agreed biological reference points. These indicators provide the scientific basis for determining stock status and support the Commission's conservation and management decisions. They also provide much of the scientific evidence relevant to certain Convention's terminology and objectives relating to stock status and fishing mortality.

16. Recommendation 261(b) therefore does not seek to introduce new assessment methodologies, alternative biological reference points, or additional scientific analyses. Rather, it invites the Scientific Committee to consider whether the existing scientific findings can be interpreted and communicated more explicitly using the terminology and objectives already established in the Convention. This reflects the wording of the Commission's recommendation, which refers to the "language of the Convention," rather than to the single concept of "sustainable use." This interpretation is also consistent with the evolution of the Commission's work on biological reference points and acceptable levels of risk, which sought to clarify the scientific implications of existing reference points rather than develop alternative biological reference points or additional assessment metrics.

17. This historical context provides useful background to Recommendation 261(b). During consideration of biological reference points and acceptable levels of risk at WCPFC10, the Commission considered whether additional fishing mortality-based reference points or alternative approaches were required to support management advice. Some CCMs expressed concern that fishing mortality-based limit reference points derived directly from biomass-based limit reference points were not independent and therefore should not form the basis for additional management measures. Rather than adopting additional fishing mortality-based limit reference points, the Commission requested the Scientific Committee to examine the implications of alternative levels of acceptable risk associated with the agreed biomass-based limit reference points and to present those implications in a form readily understood by

managers. Subsequent work by the Scientific Services Provider evaluated these alternative risk levels while retaining the agreed biomass-based reference point framework. This history illustrates that Recommendation 261(b) is directed towards improving the interpretation and communication of existing scientific advice using Convention terminology, rather than revisiting previous discussions on biological reference points or introducing new assessment metrics.

18. Should the Scientific Committee determine that such an approach is appropriate, future stock assessment advice could continue to present the same quantitative indicators, biological reference points and scientific conclusions, while also explicitly describing their relevance in the context of the Convention. For example, in addition to reporting values such as $SB_{current}/SB_{F=0}$ or F_{recent}/F_{MSY}, the Scientific Committee could explain the relevance of the available scientific evidence to Convention terminology and objectives, including long-term conservation and sustainable use, long-term sustainability, the maintenance or rebuilding of stocks, and the prevention of overfishing. Such explanations should be limited to evidence-based scientific interpretation of the assessment results and should clearly distinguish scientific findings from broader legal or management determinations under the Convention. The Scientific Committee's role is to provide independent scientific advice based on the best available scientific information. Accordingly, any statement relating scientific findings to the terminology of the Convention should remain evidence-based and should not be interpreted as a legal determination or a substitute for decisions of the Commission regarding conservation and management measures.

F. SC22 CONSIDERATION

19. Recommendation 261(b) does not assume that existing stock status determinations can automatically be translated into conclusions using the terminology of the Convention. Rather, it invites the Scientific Committee to consider how the Convention's terminology and objectives may appropriately be applied to existing scientific advice. In doing so, the Committee may wish to consider:

- whether existing stock assessment outputs and agreed biological reference points provide a sufficient scientific basis for communicating the biological implications of assessment results using the relevant terminology of the Convention;
- whether concepts such as sustainable use, long-term sustainability, and other relevant Convention terminology can be consistently applied on the basis of existing scientific evidence, or whether additional biological, ecological, or management information or considerations are required; and
- whether standardized and appropriately qualified wording should be developed for future stock assessment summaries to ensure consistent communication of scientific findings in relation to the Convention's objectives, while clearly distinguishing scientific advice from management and legal determinations.