



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Tenth Regular Session**

25 - 30 September 2014

Pohnpei, Federated States of Micronesia

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**GREENPEACE – BRIEFING TO TCC10**

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**WCPFC-TCC10-2014-OP07**

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Paper submitted by GREENPEACE

Western and Central Pacific Fisheries Commission

## Tenth Regular Session of the Technical and Compliance Committee (TCC10)

*Pohnpei, Federated States of Micronesia, 25 September – 29 September, 2014*

### 1. Introduction

Greenpeace welcomes the opportunity to attend the 10th meeting of the Western and Central Pacific Fisheries Commission's Technical and Compliance Committee (TCC) as an observer. Following the outcomes of the last WCPFC Scientific Committee meeting, in particular the decline of the bigeye tuna stock and the appalling status of Pacific bluefin tuna, Greenpeace expects TCC10 to recommend a strong set of conservation measures. This critical decline of Pacific tuna stocks is a direct result of the continued expansion of fleets, fishing effort and FAD use, by parties to this Commission.

Overfishing in the region is not only an environmental disaster, it is economically self-defeating. An initial bioeconomic analysis of the region's fisheries indicates that the maximum long-term value from Western and Central Pacific Ocean (WCPO) tuna fisheries would be achieved by substantially reducing the fishing effort of tropical and southern longline and associated purse seine fisheries, in the region of 50%<sup>1</sup>. If the status quo continues, tropical longline fishing will soon become unprofitable, following the fate of the southern longline fishery, where local longline fleets are laid up and for sale, and where fishery workers are being laid off, with operations cutting back or closing down.

### **Greenpeace calls on the WCPFC Technical and Compliance Committee to recommend the following measures for consideration at the WCPFC 11th Regular Session in Samoa in December 2014:**

- Strengthen the Commission's response to non-compliance and IUU fishing, in particular by ensuring public access to all relevant information on IUU cases, investing more resources in analysing compliance information and developing, and enforcing, sanctions for non-compliance.
- Reduce longline fishing effort, improve compliance of the sector and ensure higher revenues for Pacific Island States by closing the Pacific commons (areas of high seas) to all fishing, banning transshipment at sea by all vessels and enforcing minimum requirements for observer coverage.
- Decrease fishing capacity and effort on the bigeye tuna stock, and improve the selectivity of the purse seine fishery, by adopting a permanent year-round ban on the use of FADs.
- Adopt interim target reference points of 50% for bigeye, yellowfin and skipjack, and 70% for albacore until final TRPs are agreed by the Commission.
- Agree a Conservation and Management Measure (CMM) for South Pacific albacore, based on the work of FFA members under the Atafu declaration and Tokelau Arrangement, as an urgent priority.
- Develop a new CMM for sharks to eliminate shark targeting techniques and other fishing methods with high shark bycatch, and follow international best practice (fins naturally attached landings) to combat shark finning.

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<sup>1</sup> Kirchner C. H. et al (2014). Developing a bioeconomic model for WCPO tuna fisheries to assess potential economic outcomes under alternative management options. WCPFC SC10 MI-IP-04. Available online at: <http://www.wcpfc.int/node/19018>

## 2. Compliance

The size of the WCPFC's IUU list, just three vessels, and the absence of new cases of IUU fishing on the agenda of TCC10, does not reflect the situation at sea. Cases of non-compliance abound, sometimes by repeat offenders, yet the politicised process of IUU blacklisting means that despite clear evidence of IUU fishing many vessels avoid the WCPFC's IUU list. Recent examples include the illegal high seas transshipment between Cambodian flagged reefer and Philippine and Indonesian purse seiners in 2012<sup>2</sup> and last year's IUU activity by Albacora Uno<sup>3</sup>, where a \$1 million fine was paid, but no official record lodged on the WCPFC IUU list.

A paper by Gilman and Kingma (2013)<sup>4</sup> provides insight into the major deficiencies in the WCPFC's transparency regarding compliance by CCMs *"The lack of a WCPFC process to respond to non-compliance by Members and Cooperating Non-members, a prohibition on States from using information on non-compliance with WCPFC obligations unilaterally, in combination with a substantial lack of transparency in information on compliance, including due to lax reporting, collectively are inadequate incentives for compliance."*

The lack of an adequate response to non-compliance has most recently been used as an investment basis for a company on the Hong Kong Stock Exchange. Tuna fishing company China Tuna Industry Group Holdings Limited provided information to potential shareholders in its Initial Public Offer, stating that: *"The catch volume of vessels in WCPO under the Chinese flag exceeded the catch limit allocated to China by the WCPFC in 2006, 2009, 2010 and 2012"* and that *"the IATTC and the WCPFC do not currently have any mechanism pursuant to which they would be able to impose any sanction against China if China were to exceed catch limits in the future"*. It goes on; *"we thus believe that the risk that the WCPFC or IATTC impose any sanction pursuant to any sanction mechanism which may be implemented in the future against the PRC government in respect of the catch limit regime would be remote in the near future"*.<sup>5</sup>

All member states must ensure that their obligations under the Convention and agreed CMMs are translated into national legislation. They must further ensure that their fishing fleets and companies are complying with those regulations to enable CCM-level compliance with the rules and measures of the WCPFC. Sanctions should be developed, both at national and Commission level, to respond to serious and repeat non-compliance. Those sanctions already agreed, such as deductions when CCMs exceed their catch limits for bigeye tuna under CMM 2013-01, must be strictly enforced.

Even in the absence of national or Commission-level sanctions for non-compliance, market players can create a disincentive to IUU and non-compliance by refusing to trade with vessels, companies or states responsible. This requires transparent information from the WCPFC on compliance and on IUU cases. All cases, whether they are settled before TCC deliberations or not, should be included on a public record.

When it comes to submitting operational level data, members have had ten years to make whatever domestic legislative changes are necessary to provide operational level data to the Commission. There is absolutely no excuse for any CCM to fail to do so after this length of time. Those CCMs not providing such data should be clearly identified as non-compliant.

**The WCPFC TCC must recommend measures to strengthen the Commission's response to non-compliance and IUU fishing, in particular, by ensuring public access to all relevant information on IUU cases, investing more resources in analysing compliance information and developing and enforcing a scheme of sanctions for non-compliance.**

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<sup>2</sup> Greenpeace International (2012). Findings at sea, November 2012. Submitted to WCPFC9. Available online at: <http://wcpfc.int/node/3532>

<sup>3</sup> Greenpeace Australia Pacific (2013). Blog post: Real Pirates Plunder and Steal. October 21, 2013. Available online at: <http://www.greenpeace.org.au/blog/real-pirates-plunder-and-steal/>

<sup>4</sup> Gilman, E. and Kingma, E. (2013). Standard for assessing transparency in information on compliance with obligations of regional fisheries management organizations: Validation through assessment of the Western and Central Pacific Fisheries Commission. *Ocean & Coastal Management* 84. <http://dx.doi.org/10.1016/j.ocecoaman.2013.07.006>

<sup>5</sup> China Tuna Industry Group Holdings Limited (2014). Application Proof, PHIP and Related Materials. 20 June 2014. Available online at: <http://www.hkexnews.hk/APP/SEHK/2014/2014061601/Documents/SEHK201406200005.pdf>

### 3. Bringing longline fisheries into line

The WCPFC vessel list includes over 3,500 longline fishing vessels. Very few of those vessels have observers onboard, many fish exclusively on the high seas (avoiding paying license fees to Pacific Island nations) and most call into Pacific ports rarely, if ever. The task of monitoring and managing these vessels is immense.

It is clear there is an urgent need to reduce longline capacity, both in the southern longline fishery (already economically unprofitable) and in the tropical fishery targeting bigeye tuna (now overfished, reduced to just 16% of its unfished biomass). An assessment of the fishing capacity in WCPFC fisheries is needed and a mechanism must be put in place so that overcapacity is eliminated where it has been identified. Countries should give preferential access to those fishers with a lower environmental impact and that provide higher social benefits.<sup>6</sup>

High seas fishing by longline fishing vessels is probably the least regulated element of the region's fishery, with scant operational level data submitted to the Commission, and repeated cases of CMMs being flouted – the Eastern High Seas Pocket Special Management Area as a case in point. Since it was established, neighbouring countries have reported ongoing non-compliance from longline vessels fishing in the area, and have raised the need for a complete closure of these waters. In 2013, more than half the vessels inspected in the Eastern High Seas Pocket were found to be in violation of WCPFC CMMs. Time is up for longline fleets to keep abusing the trust of the Commission and coastal states, and **Greenpeace urges TCC to recommend the closure of the Pacific Commons (high seas areas) to all fishing;** thereby bringing longline fleets under greater control and surveillance within the region.

Article 29(1) of the Convention states: "In order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transshipment in port." Despite this, transshipment at sea remains a widespread practice in longline fleets in the WCPO, and the modus operandi of IUU fishers. The longline fishery must be brought up to the same standards as the purse seine fishery, where all transshipments take place in port.

**TCC must recommend a ban on at-sea transshipment by longline fishing vessels, bringing it in line with the existing ban on purse seine transshipment at sea.**

In addition to the lack of controls in longline fisheries, particularly on the high seas, observer coverage on longline vessels, at only around 2%, is woefully inadequate. Efforts to clarify observer requirements for longline fisheries and record CCM compliance with those requirements are important. Developments in electronic monitoring are promising, but this must not be considered a substitute for the obligation of 5% coverage by onboard observers. Instead, e-monitoring provides opportunities to extend longline observation to a more acceptable level (well above 5%), and provides additional evidence and safety to observers working aboard vessels.

### 4. FADs

Data since 2009 has shown that the months in which purse seine FAD fishing is banned, offer the only respite for bigeye tuna throughout the year. Bigeye is now overfished, with more than half the catch (by weight) taken as relatively low-value bycatch in the purse seine fishery. Furthermore, because this portion of the catch is predominantly juvenile fish, it represents a far greater catch by number than the longline catch of adult bigeye.

This year, vessel-level data revealed an even more alarming picture of how bigeye tuna is being squandered in purse seine fisheries due to FAD use. The International Seafood Sustainability Foundation's

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<sup>6</sup> Greenpeace (2013) Fewer boats, more fish: Towards comprehensive fishing capacity management in the Western and Central Pacific Tuna Fisheries. November 18, 2013. Available online at: <http://www.greenpeace.org/new-zealand/en/reports/Fewer-boats-more-fish/>

latest research results<sup>7</sup> revealed up to 99% of the catch in FAD sets can be bigeye tuna – not the target skipjack. Of 26 FAD sets monitored, four contained over 85% bigeye tuna, and half of sets contained over 50% bigeye tuna. In contrast, the only unassociated set made during the research period consisted of 100% skipjack tuna.

Countries can no longer ignore the devastating impacts that FADs are having on bigeye tuna, and many other species such as silky and oceanic whitetip sharks caught in FAD-associated purse seine sets.

**TCC must urge the Commission to finally adopt a permanent, year-round ban on the use of FADs by purse seine vessels.**

## 5. Target reference points and harvest control rules

The WCPFC is in the process of setting strong fisheries reference points and strict harvest control rules as a key part of implementing the FAO Code of Conduct for Responsible Fisheries<sup>8</sup> and the UN Fish Stocks Agreement.<sup>9</sup>

The Commission agreed to use a hierarchical 3-level framework to define appropriate limit reference points (LRPs) for stocks based on the level of biological information available. For skipjack, albacore, yellowfin and bigeye tunas, and striped marlin, the current agreed biomass limit reference point is 20% of the estimated unfished spawning stock biomass (SB) based on recruitment conditions for the most recent 10 years of assessment (excluding the final year of assessment when recruitment is poorly estimated). The Commission has also since decided not to adopt an equivalent F-based reference point, as this was seen as redundant given the adoption of a biomass-based LRP.

Given the continued failure of current CMMs to address the issue of increasing capacity and declining stocks, the Commission urgently needs to adopt target reference points (TRPs) and harvest control rules to ensure stocks recover to, and are maintained at, TRPs. These TRPs must ensure, at a minimum, a low risk of stocks dropping below the biomass LRPs, in addition to other management considerations such as economic conditions. The majority of CCMs at SC8 recommended that the 'low risk' level for stocks dropping above these LRPs should be 10% for yellowfin and bigeye, and 5% for albacore and skipjack.

Two papers presented at SC10 showed that for south Pacific albacore:

- There is a 5% risk of LRP being breached if the goal is to maintain the stock at 59% of unfished SB and 10% risk if the stock is maintained at 55% of unfished SB, both are below the current level (63%) where some south Pacific longline fleets are already struggling to make a living.
- The biomass of albacore that will provide the maximum economic yield for albacore is much higher than the level required to maintain the maximum sustainable yield.

For these reasons, Greenpeace urges the TCC to:

- Recommend interim target reference points that will maintain the biomass > 50% for bigeye, yellowfin and skipjack, and 70% for albacore.
- Recommend further work in the Management Objectives Workshop 3 to ensure that the WCPFC has a good basis to finalise TRPs.

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<sup>7</sup> Sancristobal, I. et al (2014). International Seafood Sustainability Foundation's Third Bycatch Mitigation Research Cruise in the WCPO. WCPFC SC10 EB-WP-08. Available online at <http://www.wcpfc.int/node/19026>

<sup>8</sup> See Article 7.5.3 of FAO (1995). Code of conduct for responsible fisheries. Rome, Italy: Food and Agriculture Organisation of the United Nations. Available online at: [www.fao.org/fi/agreem/codecond/codecon.asp](http://www.fao.org/fi/agreem/codecond/codecon.asp)

<sup>9</sup> Anon. (1995). 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.

## 6. South Pacific albacore

Agreeing a comprehensive CMM for South Pacific albacore is of absolute urgency for the Commission. Even with the adult spawning stock at 63% (range 35–80%) of the unfished adult biomass, the fishery is becoming unprofitable – particularly for local fleets of Small Island Developing States.

Clearly, as outlined above, a target reference point (TRP) is urgently needed for albacore, and must be set at well above the economically and biologically risky maximum sustainable yield (MSY) level.

Furthermore, the Commission must take urgent action to halt the influx of vessels into the South Pacific albacore fishery, and give priority to the future of domestic albacore fisheries of South Pacific countries.

The Commission must prioritise agreement of a strong Conservation and Management Measure for South Pacific albacore, which takes its lead from the Atafu Declaration<sup>10</sup> by Pacific FFA Ministers, and the Tokelau Arrangement that is currently being developed in the region.

**TCC must urge the Commission to adopt a target reference point for albacore (using 70% as an interim target) and agree a Conservation and Management Measure for South Pacific albacore as an urgent priority.**

## 7. Sharks

While it has been suspected for some time, recent studies from the Secretariat of the Pacific Community (SPC) have uncovered the common use of practices that deliberately increase sharks catches. These essentially involve the use of ‘shark lines’ – branch lines that are attached directly to the floats (rather than the mainline), with wire traces used to prevent sharks from biting free when hooked, and bait that attracts sharks. It is now clear that many longline fisheries should be described as ‘mixed fisheries’ targeting tuna, sharks, and billfish.

Two of the most commonly caught shark species, oceanic whitetip sharks and silky sharks, are targeted in this manner. Recent assessments show that these species are in a very poor state, with fishing rates well in excess of the  $F_{MSY}$  and with stock declines to well below  $SB_{MSY}$ .<sup>11 12 13</sup>

It has been known for some time that Pacific blue sharks have been targeted by some longline fleets. There is no assessment for South Pacific blue shark, and while a recent assessment of the North Pacific stock suggests that the stock may not be overfished, catch data is poor and there is considerable uncertainty in the assessment. Therefore, this species should not be targeted until such time as data has improved and assessments show that the stocks are healthy.

Countries can no longer use the excuse that sharks are unfortunate victims of bycatch and must put strong measures in place to prevent sharks from being targeted. Gear modifications that target sharks must be banned.

While the greatest impact on silky and oceanic whitetip shark stocks is attributed to bycatch from the longline fishery, the associated purse seine fishery also has a significant impact. The fishing mortality on silky sharks from the associated purse seine fishery alone is above  $F_{MSY}$  and these sets catch predominantly juveniles. Furthermore, recent research in the Indian Ocean showed that there are hidden impacts on silky sharks that have not been considered in stock assessments. Silky sharks are entangled

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<sup>10</sup> Atafu Declaration signed off by the Forum Fisheries Agency ministers in Tokelau, 3<sup>rd</sup> July 2014.

<http://www.gov.nu/wb/media/Premier%20Talagi%20Press%20Releases/Atafu%20Declaration%20%2334%281%29.pdf>

<sup>11</sup> Rice J, Harley S (2012). Stock assessment of oceanic whitetip sharks in the western and central Pacific Ocean. WCPFC-SC8-2012/SA-WP-06. <https://wcpfc.int/node/3235>

<sup>12</sup> Rice J, Harley S (2012). Stock assessment of silky sharks in the western and central Pacific Ocean. Eighth WCPFC-SC8-2012/SA-WP-07. <https://wcpfc.int/node/3236>

<sup>13</sup> Rice J, Harley S (2013). Updated Stock assessment of silky shark in the western and central Pacific Ocean. WCPFC-SC9-2013/SA-WP-03. <https://wcpfc.int/node/3685>

and killed in the netting that typically hangs below FADs in numbers that may be as much as 5–10 times higher than the known bycatch. It is highly likely that significant mortality from FAD entanglement also occurs in the Pacific Ocean.

Given the importance of sharks in the Pacific ecosystem, and the continuing poor availability of data, TCC should recommend a new CMM for sharks that focuses on reducing the catch of sharks:

- A ban on the use of sharks lines, wire traces and shark bait on longlines.
- A total ban on the use of FADs by purse seine vessels, in order to address the bycatch of silky sharks and oceanic whitetip sharks from this fishing method.
- The prompt and careful release of any captured silky sharks, oceanic whitetip sharks and blue sharks.
- A total prohibition of the retention, transshipment, storage, on-board sale and landing of silky sharks, oceanic whitetip sharks and blue sharks until such time that stock assessments are of sufficient quality to demonstrate healthy stock levels ( $>B_{MSY}$  or equivalent).
- The urgent improvement to the quality and quantity of data recorded and reported for all shark catches, including animal condition on release (dead, injured, alive).
- The further development of reference points, best practice bycatch mitigation measures, and management goals for all non-target species, especially sharks.
- Strengthening the current shark finning measure from the 5% fin-to-carcass ratio requirement to a requirement to land all sharks with fins naturally attached. This will enable better data collection and enforcement of prohibitions on the retention of at-risk species, and is the approach recommended by the Memorandum of Understanding on the Conservation of Migratory Sharks.