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The Pew Charitable Trusts Statement to TCC13

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Paper submitted by The Pew Charitable Trusts

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Statement to the Western and Central Pacific Fisheries Commission
13th Regular Session of the Technical and Compliance Committee
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The Pew Charitable Trusts appreciates the opportunity to participate as an observer at the 13th Regular Session of the Technical and Compliance Committee (TCC13) of the Western and Central Pacific Fisheries Commission (WCPFC). The TCC plays an important role in evaluating compliance with, and implementation of, conservation and management measures (CMMs), and providing advice on the development of new CMMs for the WCPFC to consider. Pew urges TCC13 to:

- Provide advice essential to the adoption of a bridging measure for tropical tunas that charts and operationalizes a transition to the harvest strategy approach;
- Provide advice to ensure strong Monitoring, Control and Surveillance elements are contained in that bridging measure;
- Review Compliance with Pacific Bluefin Catch and Reporting Regulations;
- Provide advice to enable adoption of improved data collection procedures on Fish Aggregating Devices (FADs) and recommend establishment of a clear process to improve the management of FADs;
- Recommend the Adoption of Electronic Reporting and Monitoring Guidelines
- Recommend a Ban on Transshipment at Sea until Proper Monitoring is in Place; and
- Recommendations to improve the transparency and effectiveness of the Compliance Monitoring Scheme.

Bridging Conservation and Management Measure

With the conservation and management measure (CMM) for tropical tunas expiring in 2017, Pew welcomes the development of a bridging CMM to chart and operationalize a transition to the harvest strategy approach for skipjack, bigeye and yellowfin tunas. The implementation of harvest strategies is a core piece of Commission business, supported by Article 6 of the WCPFC Convention and CMM 2014-06. The discussion at the August intersessional meeting in Honolulu was encouraging. (An intersessional meeting will be held Oct. 4 to negotiate a separate bridging measure for south Pacific albacore). TCC13 members should take the opportunity to continue to make progress in negotiating unresolved issues, and ensure steps critical to the success of the measure are incorporated, including:

- **Incorporating in the measure prior Commission decisions on limit reference points ($0.20SB_{\text{current}, F=0}$), and the approach to evaluate harvest control rules (the Commission would determine the acceptability of HCRs where the estimated risk of breaching the limit reference point is between 0 and 20%);**
- **Linking to the WCPFC harvest strategy workplan while prioritizing the development of a bigeye target reference point, given the concern and uncertainty**

surrounding the stock, and maintaining a commitment to develop a yellowfin target reference point.

- **Ensuring the purse seine fishery is managed to achieve the interim target reference point of $0.50SB_{F=0}$; and**
- **Ensuring that overall fishing mortality on bigeye is not increased, in accordance with the scientific advice, and that spawning biomass is increased to reduce the probability the stock is below the limit reference point**
 - **To do that, best practices suggest science-based catch limits should be set for the longline fishery that encompass all areas of the Convention and FAD set limits should be the management control in the purse seine fishery.**

Treatment of MCS Elements in the Bridging Measure

The existing tropical tuna CMM includes language on VMS manual reporting procedures and polling frequency, charter notifications, application of the Regional Observer Program, and other Monitoring, Surveillance and Control (MCS) measures. One proposal has been to transfer these elements to other existing CMMs and requirements. However, several CCMs at the intersessional meeting in Honolulu stated they prefer to retain those controls in the bridging measure. **TCC13 should provide advice to ensure the strongest possible MCS measures are carried forward in the bridging measure.** In particular, Pew recommends urgent reforms to longline observer coverage and at-sea transshipment (see below).

Ensure that all CCMs Submit Pacific Bluefin Catch Data and Comply with Catch Limits

CMM 2016-04 (and several previous Pacific bluefin CMMs) requires that all CCMs:

“report their 2002–2004 baseline fishing effort and <30 kg and \geq 30 kg catch levels for 2013 and 2014, by fishery, as referred to in paragraphs 2 and 3, to the Executive Director by 31 July 2015. CCMs shall also report to the Executive Director by 31 July each year their fishing effort and <30 kg and \geq 30 kg catch levels, by fishery, for the previous 3 year, accounting for all catches, including discards.”

However, according to the report submitted by the Secretariat to the 2017 Northern Committee (WCPFC-NC13-WP-02), very few members have submitted the required data. TCC13 should:

- **Review the submitted data and catch reports for Pacific bluefin tuna;**
- **Identify CCMs that have not complied with the data reporting requirements; and**
- **Identify CCMs that have not complied with the catch limits contained in CMM 2016-04**

Fish Aggregating Devices (FADs)

The purse seine fishery catches more than 20 times as much bigeye tuna per set on average on drifting Fish Aggregating Devices (FADs) compared to unassociated schools.¹ Fishing on FADs is also associated with greater levels of bycatch of certain non-target species and contributes to marine debris. Developing appropriate management of FADs is an urgent priority, and should be informed by the collection of data on FAD use. The Commission lacks the ability to understand how many FADs are used, and their fates (lost, abandoned etc). Based on outputs from the WCPFC FAD Working Group, the Scientific Committee in August (SC13) recommended the

¹ Calculated average tons per set from 2011-2015 data listed in the Western and Central Pacific Fishery Commission Tuna Fishery Yearbook - 2015.

Commission adopt changes to data collection procedures by vessel operators and observers, pending review by TCC. SC13 also recommended WCPFC consider a FAD buoy identification scheme that requires the registration of all buoys attached to FADs. Finally, SC13 reviewed the agreed points of the independent FAD Science Symposium² and recommended WCPFC take into consideration the examples of best practices from the symposium. Pew recommends TCC13:

- **Support SC13's recommended changes to the Regional Observer Program minimum data fields and the additional FAD data fields to be provided by vessel operators to ensure the collection of data from all vessels involved in FAD activities. This will help understand the number of FADs used by each vessel, their fates, construction methods, and allow scientists to estimate the effective level of FAD-associated effort;**
- **Support SC13's recommendation that the Commission consider a FAD buoy ID scheme, and recommend the Commission also institute a physical marking scheme for the raft of the FAD, recognizing that buoys are often swapped among rafts; and**
- **Given SC13's recommendation that the Commission consider the examples of best practices from the independent FAD Science Symposium, recommend the Commission establish a clear process to develop a comprehensive approach to the management of FADs, taking into consideration examples of best practices identified by the symposium, including:**
 - **The importance of agreeing to management objectives for FAD use;**
 - **Shifting some effort to free school fishing, through market (e.g. certification schemes), policy (e.g. FAD set limits) or other incentives, positively impacts juvenile tunas and certain non-target species;**
 - **Such a shift requires a cap on the number of FADs in the water to avoid cherrypicking FADs, and reduces marine pollution, breaching or grounding of FADs; and**
 - **Use of non-entangling FADs results in little to no risk of entangling sharks and turtles without decreasing catches of tunas.**

Make Progress on Adoption of Electronic Reporting and Monitoring Guidelines

Promising new technologies can make required reporting and monitoring much faster and more effective. Information on catches can be relayed in near real-time in more standardized formats using electronic reporting (ER) systems. In addition, observer coverage can be improved with limited additional onboard personnel by using proven electronic monitoring (EM) technology. While draft guidelines from ER and EM have been developed, the WCPFC ERandEM Working Group has not met in 2017, and progress towards adoption of the guidelines has been stalled. Taking into account the discussion and recommendations of the 2017 Scientific Committee, TCC13 should recommend that:

- **The WCPFC ERandEM Working Group convene prior to SC14; and**
- **The Commission adopt the latest draft version of the WCPFC E-Reporting observer data standards.**

² The Global FAD Science Symposium (WCPFC-SC13-2017/MI-WP-06), held March 20-23, 2017, in Santa, Monica, California, involved more than 30 experts who participated without affiliation.

Ban Transshipment at Sea until Proper Monitoring is in Place

Transshipment at sea in the western and central Pacific Ocean continues to provide opportunities to avoid proper catch reporting and to launder illegal, unreported and unregulated (IUU) catch. The current WCPFC transshipment measure (CMM 2009-06) includes several exemptions and loopholes that make monitoring of catch and enforcement of regulations weak and ineffective. Activities in archipelagic waters are exempted from reporting requirements, meaning that transshipment from an area larger than 139,000 km² goes unreported. In addition, activities in EEZ's are governed by national legislation, which can be weaker than WCPFC reporting requirements. Finally, even though transshipment at sea is banned by CMM 2009-06, 56% of non-purse seine vessels currently on the WCPFC Record of Fishing Vessels are allowed to transship on the high seas because of loopholes found in the measure.

When transshipping activity isn't properly or fully monitored or regulated, the resulting gaps can easily be used to facilitate misreporting or laundering of illegal catches. **TCC13 should recommend that the Commission take steps to ban transshipment at sea until the following actions are taken:**

- **Extend transshipment reporting requirements to all vessels and areas within the Convention area.**
- **Develop and adopt strict guidelines that limit the number of vessels that can transship under the “impracticable” exemption;**
- **Require that regional authorities review, cross-verify and validate transshipment reports; and**
- **Mandate electronic submission of transshipment declarations and reports**

Compliance Monitoring Scheme

The Commission is scheduled to receive a final report in 2018 on the results of an independent audit of the Commission's Compliance Monitoring Scheme (CMS). An update on the progress of the audit will be presented to TCC13. A robust CMS is a key accountability tool and integral to the effective functioning of the Commission. The CMS is designed to assess CCM's compliance and identify areas where technical assistance or capacity building may be needed to help boost compliance with Commission obligations and identify aspects of conservation and management measures that may require refinement or amendment for effective implementation. To date, however, the CMS has consisted of short-term measures which require significant investment of time for CCMs to review the content of the terms of the measures themselves. In addition, the CMS lacks tangible penalties for non-compliance with Commission obligations, and been implemented in a manner that has prohibited observers from even being present during CMS reviews and discussions. To ensure the CMS can fully and transparently support the Commission in achieving its conservation and management objectives and as the body that implements the CMS, Pew urges TCC13 to:

- **Recommend the CMS be established as a permanent measure to ensure greater predictability and certainty, and allow TCC to devote more time to reviewing issues of compliance, rather than the CMS itself;**
- **Recommend penalties be implemented for non-compliance to establish a more effective and efficient scheme with the proper level of deterrence; and**

- **Recommend observers be permitted in CMS discussions in accordance with the WCPFC Convention's language on transparency, practices of other tuna regional fishery management organizations, and recognizing that transparency is critical to accountability and a fundamental principle of good practice in public resource management.**