



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Fourteenth Regular Session**

26 September – 2 October 2018  
Majuro, Republic of Marshall Islands

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**POSITION STATEMENT**

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**WCPFC-TCC14-2018-OP02**

**20 September 2018**

**Paper submitted by Pew Charitable Trusts**



**The Pew Charitable Trusts**  
**Statement to the Western and Central Pacific Fisheries Commission**  
**14<sup>th</sup> Regular Session of the Technical and Compliance Committee**  
**26 Sept. to 2 Oct. 2018, Majuro, Republic of the Marshall Islands**

The Pew Charitable Trusts appreciates the opportunity to participate as an observer at the 14<sup>th</sup> Regular Session of the Technical and Compliance Committee (TCC14) of the Western and Central Pacific Fisheries Commission (WCPFC). Pew urges TCC14 to:

- Advise on steps to advance the development of harvest strategies in accordance with the Commission workplan;
- Advise on the implementation of requirements to use non-entangling and biodegradable material in FADs and recommend the Commission investigate measures on FAD control and retrieval;
- Recommend a ban on at-sea transshipment until proper monitoring is in place;
- Recommend 100 percent observer coverage on all longline operations, through human observers and electronic systems;
- Recommend use of IMO numbers be expanded to all motorized fishing vessels, down to 12 meters in length overall, authorized to operate in waters outside the jurisdiction of the flag State;
- Recommend every port State designate a port or ports for the purposes of inspection; and
- Recommend the new Compliance Monitoring Scheme include provisions to set penalties for serious non-compliance, ensure flag State accountability, and provide observer participation to ensure its effectiveness.

**Harvest Strategies**

The Commission has made some progress in developing elements of harvest strategies for tuna stocks in the Western and Central Pacific Ocean (WCPO) in accordance with CMM 2014-06. At this year's annual Commission meeting, the harvest strategy workplan calls on members to agree on a target reference point (TRP) for south Pacific albacore, and further discuss management objectives for bigeye and yellowfin tunas, with an eye to agreeing on TRPs for those species in 2019. The Scientific Committee last month also recommended WCPFC establish a dialogue group of scientists and managers, called the Harvest Strategy Development Working Group. Pew recommends all Commission Members, Cooperating Non-Members, and Participating Territories (CCMs) use the opportunity of TCC to discuss these matters, with a view to clarifying unresolved issues to achieve consensus at the Commission in December. Specifically, Pew urges:

- **Adoption of a precautionary target reference point for south Pacific albacore, even if only on an interim basis;**
- **Further discussion of management objectives for bigeye and yellowfin tunas, including agreement that the acceptable risk of breaching the limit reference point should be 5 percent or less for these species, as that level of risk would be in keeping with the UN Fish Stocks Agreement; and**

- **Creation of the Harvest Strategy Development Working Group with terms of reference that includes the use of informal sessions to allow open dialogue and capacity building in addition to formal sessions to develop recommendations to the Commission.**

### **Fish Aggregating Devices**

The use of Fish Aggregating Devices (FADs) is an important component of the WCPFC's tropical tuna fisheries. However, fishing on FADs is associated with greater levels of bycatch of certain non-target species, such as sharks and turtles, due to entanglement, and unrecovered FADs become marine debris and a source of pollution, given the use of synthetic and plastic components. CMM 2017-01 directs TCC to provide advice on the implementation of non-entangling and biodegradable FAD designs to the Oct. 3 meeting of the FAD Management Options Working Group. Use of non-entangling and biodegradable materials is a best practice identified by the 2017 Global FAD Science Symposium.<sup>1</sup> An SPC review of the materials in use in the WCPO found "natural and non-entangling dFAD materials appear seldom used in the WCPO. Non-entangling dFAD designs are well known and biodegradable dFAD designs are currently on trial at sea in other oceans..."<sup>2</sup> The Scientific Committee last month recommended the use of biodegradable FADs, non-entangling, non-entrapping, and environmentally-friendly FAD designs, and better measures for FAD control and retrieval. Given the clear scientific advice, Pew urges TCC to:

- **Provide advice to the FAD Working Group on how to implement a measure that requires use of non-entangling and biodegradable FAD materials; and**
- **Recommend the Commission investigate better measures for FAD control and retrieval as a priority for next year, in addition to alternative options to manage FAD-associated tuna catch in the tropical tuna fishery, and task the FAD Working Group with providing advice on those matters in 2019.**

### **Transshipment at Sea**

Transshipment at sea in the WCPO 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 km<sup>2</sup> goes unreported. In addition, activities in EEZs 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, 55 percent 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 is not properly or fully monitored or regulated, the resulting gaps can easily be used to facilitate misreporting or laundering of illegal

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<sup>1</sup> The Global FAD Science Symposium (WCPFC-SC13-2017/MI-WP-06), held March 20-23, 2017, in Santa Monica, Calif., involved more than 30 experts who participated without affiliation.

<sup>2</sup> "Evaluation of dFAD construction materials in the WCPO," a paper presented to the 14<sup>th</sup> Regular Session of the WCPFC Scientific Committee (WCPFC-SC14-2018/EB-IP-01).

catches. **Pew urges TCC to recommend the Commission take steps to ban transshipment at sea until the following actions are taken:**

- **Extend consistent transshipment reporting requirements to all vessels and areas within the Convention Area, including all transshipments that occur in-port, within EEZs, and territorial waters;**
- **Develop and adopt strict guidelines that limit the number of vessels that can transship under the “impracticable” exemption;**
- **Mandate 100 percent observer coverage on all vessels involved in transshipping operations;**
- **Require that independent transshipment observer reports be sent to the Secretariat as well as relevant coastal and port States in near-real time to facilitate the ability for national and regional authorities to review, cross-verify and validate transshipment information;**
- **Mandate the electronic submission of transshipment declarations and reports to all relevant authorities, including the flag States and Secretariat; and**
- **Establish formal transshipping data-sharing procedures with all the RFMOs that share overlapping Convention Areas with WCPFC as well as with the transshipment observer providers of these RFMOs.**

### **Longline Observer Coverage**

Commission policies do not require sufficient and timely submission of critical fishing data or mandate that their accuracy is confirmed, which contributes to ineffective management of the tuna longline fisheries in the Convention Area. Promising new technologies can make reporting and monitoring faster, more accurate, and more reliable. Electronic reporting (ER) systems allow information on catches to be relayed in near real-time in a standardized format. In addition, proven electronic monitoring (EM) technology can be used to expand observer coverage requirements—without additional onboard personnel. Fish caught by longliners in the WCPO have an end value of almost \$4 billion. Given the economic importance of that sector of the fishery and the current data reporting gaps, further requirements are needed to ensure timely and accurate tracking of catch and effort. **Pew urges TCC to recommend the Commission take the following actions to ensure that longline catches are verifiable and legal, and to increase the quality and availability of scientific data:**

- **Require 100 percent observer coverage for all longline operations, through a mix of human observers and electronic systems; and**
- **Adopt the necessary standards and build the infrastructure needed to successfully implement electronic reporting and monitoring.**

### **IMO Numbers**

In December 2017, the IMO expanded eligibility for IMO Numbers to all motorized fishing vessels, including wooden vessels, down to 12 meters in length overall, authorized to operate outside waters under the national jurisdiction of the flag State ((IMO Resolution A.1117(30)). **Pew encourages TCC to recommend the Commission amend Conservation and Management Measure for WCPFC Record of Fishing Vessels and Authorization to Fish (CMM 2017-05)**

**in order to conform to the new IMO standards. Additionally, Pew encourages TCC to support Concept Note WCPFC-TCC14-2018-DP02.**

### **Strengthen Port State Measures**

WCPFC's recently-adopted Conservation and Management Measure on Minimum Standards for Port State Measures (CMM 2017-02) is a welcome step towards strengthening port controls and preventing illegally-caught fish from reaching the market. **Every port CCM is strongly encouraged to designate a port, or ports, for the purposes of inspection and notify the Executive Director of these ports and the national contact point.** CCMs should avail themselves of these processes and procedures to request port inspections where vessels are suspected of having engaged in IUU fishing or fishing related activities in support of IUU fishing. This would allow the port State to obtain evidence, on which the vessel may be investigated and strong action may be taken against operators committing infractions. This would send a clear message that WCPFC CCMs are doing all they can to close this region to illegal perpetrators.

### **Compliance Monitoring Scheme**

A robust Compliance Monitoring Scheme (CMS) is essential to the proper functioning of the Commission. The CMS is designed to assess CCMs' compliance with conservation measures and identify areas where technical assistance or capacity building may be needed to help boost compliance and identify aspects of conservation measures that may require refinement or amendment for effective implementation. With the existing CMS due to expire at the end of this year, a new measure must be agreed by the Commission in December. TCC will receive an update on the progress of the CMS Working Group, which has considered the report of the independent panel to review the CMS and met just prior to TCC to continue work on a CMS proposal. Considering the progress of the working group, Pew urges TCC to:

- **Recommend the Commission not adjourn this December without adopting a CMS measure;**
- **Recommend that in determining CCM compliance, the CMS includes provisions to ensure flag States are accountable in resolving allegations of non-compliance of their vessels with obligations associated with Conservation and Management Measures established by the Commission;**
- **Recommend penalties be implemented for serious 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 (Article 21), and the comments of the independent review panel that closure of these discussions constituted a "major exception"<sup>3</sup> to the implementation of WCPFC obligations with respect to transparency, as well as the legal counsel's advice that "it would be consistent with the WCPFC Convention to permit greater transparency in the work of the TCC."<sup>4</sup>**

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<sup>3</sup> Independent Review of the Compliance Monitoring Scheme: Substantive Progress Report by the Panel. A report submitted to WCPFC14, Manila, Philippines, 2017.

<sup>4</sup> "Review of Observer Participation in the WCPFC," a paper presented by the Secretariat to WCPFC13, Denarau, Fiji, 2016.