



**COMMISSION
FIFTEENTH REGULAR SESSION**
Honolulu, Hawaii, USA
10 – 14 December 2018

POSITION STATEMENT TO WCPFC15

**WCPFC15-2018-OP02
7 November 2018**

International Seafood Sustainability Foundation (ISSF)

WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION (WCPFC) MEETING, DECEMBER 10-14, 2018

Tuna Conservation

SKIPJACK, YELLOWFIN & BIGEYE TUNA

What are the issues?

Effective management measures — consistent with advice from the WCPFC Scientific Committee — are needed to ensure bigeye, yellowfin and skipjack tuna fishing mortality and biomass are maintained at sustainable levels.

Why are we concerned?

The 2018 WCPO bigeye updated stock assessment shows that there is a 0% probability that the stock is below the adopted Limit Reference Point (LRP). However, the Scientific Committee noted a number of issues in relation to patterns of growth and stock structure across the Pacific Ocean. There were no new stock assessments of the yellowfin and skipjack tuna stocks in 2018. The 2017 yellowfin assessment indicated that the stock is not overfished or being overfished. Regarding skipjack tuna, the 2016 reference case assessment showed that the stock is around the interim Target Reference Point (TRP) adopted by WCPFC. However, without an effective means for limiting fishing capacity, fishing effort could increase in the near future.

Our Top Asks for WCPFC in 2018:

- 1** Adopt an unambiguous, effective and enforceable tuna conservation measure for all fleets that avoids increasing fishing mortality for bigeye and yellowfin.
- 2** Accelerate the development of harvest strategies for all key tuna species per the WCPFC Harvest Strategy Work Plan.
- 3** Increase the level of longline human observer coverage to 20%, and finalize the development of the EMER standards for both longline and purse seine so that EM can be used to ultimately achieve 100% observer coverage in longline fisheries consistent with the requirements for the purse seine fishery.
- 4** Adopt science-based FAD management measures, including the mandatory use of non-entangling FAD designs, FAD marking and tracking and a specific timeframe for a transition to biodegradable FADs.
- 5** Undertake a thorough review of the transshipment CMM a matter of priority in 2019 to address the significant gaps in its effectiveness.
- 6** Reform the WCPFC compliance assessment process to ensure an effective assessment of CCMs implementation of their obligation and that provides for accredited observer participation.

While all stocks are classified as healthy, it is important to ensure that measures clearly articulate the prescribed management measures, including how and when they apply. It is also essential that WCPFC measures apply to all sources of mortality and are enforceable, including through the Compliance Assessment Scheme.

What is ISSF asking WCPFC to do?

Consistent with the advice of the Scientific Committee,

- (1) Ensure the new tuna conservation and management measure:
 - (i) implements bigeye and yellowfin tuna management arrangements that limit fishing mortality to the current levels thereby maintaining or increasing spawning biomass until the Commission can agree on appropriate TRPs;
 - (ii) reduces fishing mortality in fisheries that take juvenile bigeye and yellowfin tuna;
 - (iii) adjusts fishing effort (fishing days) in the purse seine fishery to levels that will maintain skipjack around the TRP, preferably through a Harvest Control Rule, and
 - (iv) removes any ambiguity and clearly articulates the obligations that CCMs are required to meet.

- (2) Approve funding for research to:
 - (i) clarify the cause of the difference of bigeye tuna growth between EPO and WCPO; and
 - (ii) refine the tagging dataset in the WCPO to assist validating age estimates of bigeye in the WCPO.

Fish Aggregating Devices (FADs)

MONITORING & MANAGEMENT

What are the issues?

More data needs to be collected regarding the number of FADs being used and the details of fishing operations on individual FADs to better understand fishing capacity changes and likely impacts on WCPFC-managed stocks. That data should be used to develop science-based FAD management measures. In preliminary analyses, tracking data from FAD buoys has proven highly valuable for estimating the number of active FADs and to determine FAD fate (in recent years an estimated 25% of the FADs drifted out of main fishing areas and a minimum of 5% were beached¹). Also, supply vessel activities related to drifting FADs increase the efficiency of the purse seiner by reducing the time needed by the purse seiner to search for or maintain FADs. Noting this preliminary research outcome, greater data collection is required particularly from supply vessels, coupled with improved regulation and monitoring. Further, ISSF welcomed the creation of a WCPFC Working Group on FAD management options in 2014 and is pleased to regularly participate in its meetings. We appreciate the progress made under the leadership of the FAD Management Options Working Group Chair and look forward to further progressing these issues in the region.

Why are we concerned?

The WCPFC, where FAD sets account for about 30% of tropical tuna catches, has yet to adopt binding regulations for the use of non-entangling or lower entangling FAD designs. Given the high risk of ecosystem impacts from FADs, including beaching, marine debris, cryptic mortality of sharks and turtles, it is essential to require the use of lower - entangling FAD designs and

¹ WCPFC SC14 2018/MI-WP-09

start moving towards requiring fully non-entangling FAD designs and biodegradable FADs. It is also important to consider effective FAD marking and monitoring through proven FAD tracking mechanisms.

What is ISSF asking WCPFC to do?

- (1) Adopt the Scientific Committee recommendations to add a new section of “FAD Information” in the ROP Minimum Standard Data Fields that will include inventories of the FAD buoys on board at the start and end of each trip and field for FAD Identification;
- (2) Strengthen conservation and management of FADs either through 2009-02 or 2017-01 to:
 - i. require the mandatory use of lower entangling FAD designs and include a specific timeframe for a transition to non-entangling FAD designs and biodegradable FADs, noting that further research into biodegradable materials is required;
 - ii. adopt science-based limits on FAD deployments and/or FAD sets, and require that complete FAD buoy tracking data (e.g. removal of any geo-fencing) be provided to the Scientific Committee with appropriate time lags to ensure confidentiality if applicable; and
 - iii. Ensure measures are also applicable to supply and tender vessels:
 - (a) ensure any FAD management measures, including data collection and reporting, also apply to supply and tender vessels together with fishing vessels;
 - (b) collect data on the number and use of supply vessels, including identifying which particular purse seine vessels each support, and the number of FADs being deployed and serviced by such vessels;
 - (c) identify on the Record of Fishing Vessels what activities supply vessels are engaged in, whether they are working as bait boats, servicing FADs, or engaging in fishing; and
 - (d) ensure observer coverage requirements apply to supply vessels so data from these fishing activities are collected and reported.

Harvest Strategies

What are the issues?

WCPFC needs to further accelerate the development of species-specific harvest strategies because, although progress has been made, the timeframes in the original agreed Work Plan have lapsed. This year’s Scientific Committee recognized the need for a dedicated Science-Management Dialogue process as there is in other tuna RFMOs, and recommended that the WCPFC 15 implement such a process in the appropriate format to expedite progress consistent with the agreed Harvest Strategy Work Plan. We applaud the Secretariat’s work in developing the Harvest Strategy pages on the WCPFC website which brings together all of the relevant Commission work into a single location.

Why are we concerned?

Harvest Strategies — which include target and limit reference points together with harvest control rules — provide pre-agreed rules for managing fisheries resources and acting in response to stock status changes. It is important to ensure that these pre-agreed rules are robust because these rules and strategies help to rebuild stocks or avoid overfishing. They reduce the need for protracted negotiations and delays that can lead to further stock declines.

What is ISSF asking WCPFC to do?

ISSF urges the Commission to:

- (1) Agree to the establishment of a Science-Management Dialogue, including adopting the Terms of Reference proposed by the Scientific Committee to expedite this work.
- (2) Expedite the progress of harvest strategy work plan and take the action necessary this year (e.g., a target reference point for yellowfin tuna and south Pacific albacore) to allow MSE and other work to proceed as scheduled in 2019.

Bycatch and Sharks

SHARKS, RAYS, SEA TURTLES & SEA BIRDS

What are the issues?

At WCPFC 14 the Commission agreed to an intersessional working group to develop a comprehensive shark management measure that would combine the existing measures and introduce other scientifically proven mitigation measures. We are pleased at the progress made throughout 2018, but we note key issues such as requiring sharks to be landed with their fins naturally attached remain under discussion. The Scientific Committee also adopted the Safe Release Guidelines for Sharks and Rays.

This year's Scientific Committee also considered research related to seabird and turtle bycatch best practices. These species are highly vulnerable to the impact of fishing as they have long lives and low reproductive rates. The Scientific Committee noted that the hook shielding devices are considered to be an effective mitigation measure and for it to be included in the conservation and management measure along with the extension of the measure to cover all waters south of 25 degrees South. For turtles, following a thorough review of all available data and literature, the Scientific Committee noted that the current measure only applies to 1% of longline effort in the WCPO and that expanding the measure to require the use of mitigation measures in all longline fisheries would significantly reduce the impact on turtle populations.

Why are we concerned?

WCPFC, as one of the most recent RFMO treaties, has a clear mandate to manage shark fisheries together with mitigating the impact of tuna fisheries on shark populations. To date there are no management arrangement for shark fisheries, and the conservation and management measures for minimise shark bycatch do not reflect the scientific advice nor are they best practice. In fact, all of the WCPFC conservation and management measures for bycatch mitigation fall short of the scientific advice: turtle mitigation measures only apply to a small proportion of the longline fishery and seabird mitigation measures need to be extended to 20 degrees South – up from the 30 degrees South consistent with all other RFMOs.

WCPFC needs to adopt scientifically proven bycatch mitigation measures for all species. For sharks, there must be a requirement to land sharks with fins naturally attached. For turtles, circle hooks need to be used in all longline fisheries, not just the shallow set fisheries as in the existing measure, which account for less than 1% of the longline effort. For seabirds, the measure must apply to all longline fisheries south of 25 degrees South and the hook shielding devices should be included as a possible mitigation method.

What is ISSF asking WCPFC to do?

- (1) Adopt a comprehensive CMM for sharks as recommended by SC14, which includes:
 - (i) mandatory use of all scientifically proven shark mitigation measures by longline fishing vessels;
 - (ii) a requirement that sharks be landed with fins still naturally attached to enable effective monitoring of the measure and species-specific data collection; and
 - (iii) a requirement, that when an observer or electronic monitoring is in use, for non-retention and/or unwanted sharks to be hauled alongside the vessel before being cut free in order to facilitate species identification.
- (2) Adopt the SC14 recommended Shark Research Plan and future work plan and the safe release guidelines for sharks and rays, as endorsed by the Technical and Compliance Committee.
- (3) Amend CMM 2008-03 on turtle mitigation to have it apply to all longline fisheries and improve the minimum data observer data requirements for turtles.
- (4) Amend CMM 2017-06 on seabird mitigation to include hook shielding devices on the list of possible mitigation measures and expand the application of the measure to all longline fisheries operating in areas south of 25 degrees South.

Monitoring, Control and Surveillance

OBSERVER COVERAGE AND ELECTRONIC MONITORING

What are the issues?

Comprehensive observer coverage is a critical component of monitoring and management of fisheries. For large-scale purse seiners, WCPFC implemented a 100% observer coverage requirement 20 degrees north and south of the equator. Yet the requirement for longline fisheries is only a minimum of 5%. The science committees for IATTC and ICCAT have recommended 20% longline observer coverage, a level appropriate to provide reasonable estimates of bycatch for most species (for rare events, even higher coverage rates may be necessary). Recognising that electronic monitoring is not a replacement for onboard human observers, this technology can be used where placement of human observers is not possible, for example, for certain fleets or vessel sizes, including longliners. Guidelines for using electronic monitoring, including review rates by dry observers, should be adopted. ISSF is pleased to see continued progress on the electronic reporting standards during the intersessional period.

Why are we concerned?

Compliance data on observer coverage rates in longline fisheries shows some fleets continue to fail to meet the required minimum 5% observer coverage that was adopted in 2007 – 11 years ago. Observer data is used for monitoring vessel compliance with management measures and is essential for independent verification of catch, effort and interactions with associated species (e.g. whale sharks). The paucity of data from longline fisheries hinders scientific assessment and recommendations regarding effective conservation and management measures.

In addition, WCPFC needs to agree to amendments to the minimum data fields for the Regional Observer Program and address ongoing concerns about the timeliness of observer reports being provided to relevant CCMs. Furthermore, WCPFC needs to address conduct issues to ensure a safe working environment so observers can continue to provide rigorous independent data to the Commission.

What is ISSF asking WCPFC to do?

- (1) Strengthen CCM compliance with the existing minimum 5% observer coverage requirement, particularly for fleets operating on the high seas, by identifying and sanctioning non-compliance through the WCPFC Compliance Monitoring Scheme;
- (2) Increase the level of longline human observer coverage to a minimum of 20%, a level recommended by the scientific committees of IATTC and ICCAT, to provide reasonable estimates of bycatch and to improve overall monitoring of the fishery;
- (3) Direct the WCPFC Electronic Reporting and Electronic Monitoring Working Group to convene in 2019 to finalize the development of the electronic monitoring and reporting standards for both longline and purse seine to enable electronic systems to be used to achieve 100% observer coverage in longline fisheries and support additional data collection in purse seine fisheries; and
- (4) Adopt amendments to the minimum data fields, and ensure the submission of timely observer reports.

TRANSSHIPMENT

What are the issues?

The annual report presented to this year's Technical and Compliance Committee (TCC14) meeting demonstrates continued non-compliance by the ten CCMs that authorise their vessels, primarily longline vessels, to undertake at-sea transshipment, including on the high seas. CCMs are failing to meet the reporting deadlines for the required reports contained in CMM 2009-06, including the advanced notifications and transshipment event reports. Furthermore, despite CCM self-assessment of compliance with their obligation to have 100% observer coverage of all transshipments, the observer reports have largely not been submitted to the Secretariat as required.

ISSF recognizes that electronic monitoring systems and e-reporting are being tested and developed and that the Commission will also be developing Electronic Reporting Standards for Transshipment, which could potentially be used to address some of these concerns. We also note the progress of the Transshipment Analysis Tool that is helping to match reported transshipment with VMS records.

Why are we concerned?

Under the WCPF Convention, at-sea transshipment was supposed to be the exception not the rule. However, the ten CCMs that authorise at-sea transshipment are in actual practice applying the exception to authorize 3997 vessels and failing to fully comply with WCPFC transshipment rules. As high sea transshipment has been linked to IUU fishing activities, labor abuses, and other illicit activities, ISSF remains very concerned at the ongoing non-compliance with the provisions of CMM 2009-06.

What is ISSF asking WCPFC to do?

Undertake a thorough review of the transshipment measure (CMM 2009-06), as recommended by TCC14, as a matter of priority in 2019 to address these significant gaps in its effectiveness, which affect traceability of the products and could result in IUU fishing.

- (1) Adopt amendments to CMM 2009-06 that include:
 - (i) Implementing real time, or near real-time, reporting for all components of transshipments, particularly with the advent of electronic reporting systems;
 - (ii) Requiring that transshipment be reporting throughout the Convention area including at-sea transshipment conducted inside EEZs;
 - (iii) Extending the transshipment management arrangements to bunkering vessels;

- (iv) Automatically including any transshipment breaches on the draft IUU vessel list; and
- (v) Replacing the clauses regarding the 'impracticability' test and unfettered flag State authorization with clear criteria and a process for the Commission to review issued flag State authorizations against those criteria to ensure compliance.

(2) Adopt the E-Reporting Standards for Transshipment declarations and transshipment notices.

TRANSPARENCY IN CATCH OR EFFORT LIMITS

What are the issues?

WCPFC has adopted catch or effort limits for bigeye, yellowfin, skipjack and albacore tunas. However, during a given year, there is no transparent mechanism for Member reporting when the total and/or allocated catch or effort limits are being approached and if Members are within the prescribed limits. This mechanism would allow RFMO CCMs and markets to make necessary conservation decisions during a given year if quotas are being achieved more quickly than anticipated. Such a mechanism will also strengthen compliance monitoring and will be important for the implementation of future harvest strategies through catch or effort controls. In addition, scientifically designed projections useful for predicting when an overall limit could be achieved may be able to be developed by using historical patterns informed by in-season data.

Why are we concerned?

A lack of monitoring how Members are approaching, or possibly exceeding, annual individual catch or effort limits for particular tuna stocks, or a total allowable catch or total allowable effort for a specific tuna stocks, prevents rapid and precautionary conservation, management and purchasing decisions within a given year. It also undermines rapid detection of non-compliance with catch or effort controls.

What is ISSF asking WCPFC to do?

- (1) Require CCMs to report their in-season catch or effort status with respect to their Individual catch or effort limits and/or annual TACs or TAEs, where specified; and
- (2) If an in-season reporting requirement is adopted, request the Scientific Committee to develop quality assurance mechanisms for verification of in-season reports, including through the use of electronic reporting technologies, to minimize the risk of misreporting.

Compliance

COMPLIANCE PROCESSES

What are the issues?

A strong compliance process improves fisheries management, but in contrast to the other four tuna RFMOs, the WCPFC Compliance Monitoring Scheme (CMS) working group is closed to accredited observers. The WCPFC has also not adopted a scheme of responses to non-compliance. Further, Members' reports of the implementation of WCPFC measures, known as *Part II reports*, remain confidential and the responses of Members to identified non-compliance are not released *publicly*.

ISSF read with interest the 2018 Report of the Independent Panel Review of the Commission's Compliance Monitoring Scheme, and was pleased to participate in the Intersessional Working Group on the CMS this year that was tasked with the development of a revised CMS CMM. The leadership of the IWG Chair, supported by the Secretariat has made progress on the new scheme, but there are many issues that remain. We call on all members to recall the significant progress on key issues, such as the provision of operational level data, that was only made possible by shining a light on some members non-compliance through the CMS.

We will continue to work to provide creative input to address the remaining issues with the aim of implementing a strong, equitable and effective CMS that seeks to improve the overall compliance by CCMs with their obligations.

Why are we concerned?

The CMS working group, comprised of CCMs, reviews and assesses Members' implementation of critical WCPFC conservation measures and determines if there has been a compliance breach. This group considers if measures are unclear, or if other factors are causing gaps in full implementation by CCMs. CCMs assessing their own compliance behind closed doors is not consistent with best practice. Transparency in this process through the participation of accredited observers is essential for this work to be considered robust, fair and trustworthy. If compliance discussions take place behind closed doors, with no openness or checks on accountability, the public and the market may question the sustainability and effectiveness of the region's fisheries management.

What is ISSF asking WCPFC to do?

- (1) Adopt a durable compliance monitoring measure and reform its CMS process so that accredited observers may attend the working group meetings and information on CCM's plans to address the areas of identified non-compliance be made public;
- (2) Review the elements of the Part II report and make public all elements that can be (i.e. only limit the information which is truly non-public such as VMS data) to provide clear information on how CCMs have given effect to the adopted conservation and management measures; and
- (3) Develop a scheme of responses, for example increased observer coverage, port sampling or limits on the use of specific gears, when a CCM has been assessed as being non-compliant as soon as possible.

Capacity Management

VESSEL REGISTRIES & FLEET CAPACITY

What are the issues?

Experts agree that there is overcapacity, too many vessels, in the global tuna fleets.

Why are we concerned?

ISSF continues to be concerned with the global growth of fishing capacity in WCPFC. Fishing fleet overcapacity increases pressure to weaken management measures, and eventually it leads to stock overexploitation.

What is ISSF asking WCPFC to do?

- (1) Establish limited entry through closed vessel registries, and develop a common currency to measure fishing capacity, such as cubic meters of well volume.

(2) To impose and enforce, as a precautionary measure, measures to limit longliner capacity in the Convention Area and task the SC to make recommendations regarding the levels of longline capacity consistent with sustainable management of target tuna stocks; and

(3) Support the Kobe III call for creating mechanisms to transfer capacity to developing countries.

Did you know?

ISSF is leading research on biodegradable FADs in collaboration with fleets operating in the EPO, coastal nations, and other stakeholders.

ISSF develops resources for the vessel community, including skippers guidebooks on bycatch-mitigation techniques and as well as reports on electronic monitoring and vessel monitoring systems.

ISSF offers guidelines for implementing non-entangling FADs.

ISSF Global Priorities for Tuna RFMOs

Implementation of rigorous harvest strategies, including harvest control rules and reference points.

Effective management of fleet capacity, including developing mechanisms that support developing coastal state engagement in the fishery.

Science-based FAD management & non-entangling FAD designs.

Increased member compliance with all adopted measures adopted, and greater transparency of processes reviewing member compliance with measures.



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