



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Eighth Regular Session**

27 September- 2 October 2012

Pohnpei, Federated States of Micronesia

---

**WWF – POSITION STATEMENT FOR TCC8**

---

**WCPFC-TCC8-2012/OP05**

**26 September 2012**



POSITION

SEPTEMBER

2012



© Gregg Yan/ WWF

## Smart Fishing Initiative

### WWF POSITION

Technical and Compliance Committee (TCC) of the Western Central Pacific Fisheries Commission (WCPFC)

#### Introduction

The World Wide Fund for Nature (WWF) would like to thank the Western and Central Pacific Fisheries Commission (WCPFC) for the opportunity to address the Technical and Compliance Committee (TCC) of the WCPFC on the very important role that it plays in the proper management of the (Western Central Pacific Ocean) WCPO fisheries. Conservation of these ecologically and economically important fishery resources depends heavily on the ability of the WCPFC to effectively manage compliance with established conservation and management measures. The compliance and monitoring measures reviewed and recommended by the TCC represent one of the legs of the three-legged stool of successful fisheries management, with the other two legs consisting of the Science provided by the Scientific Committee (SC) and the regulatory measures provided by the WCPFC. Without firm support on each one of those three components, the stool falls over and fisheries management fails.

WWF once again calls on members of the TCC to address the recommendations raised at TCC7, SC8, WCPFC8 as well as observe the experience of other RFMOs in their own efforts to achieve and maintain improved measures for monitoring and surveillance. WWF wishes to reiterate its position offered in Guam in March 2012 (WCPFC8) and, taking into account the WCPFC related meetings held since, the recommendations contained below.

#### Bigeye Tuna

WCPFC8 previously adopted CMM 2011-01 to ensure that measures remain applicable for 2011 under CMM 2008-01 (with several noted exemptions) until 28 February 2013.<sup>1</sup> Assisted by the Scientific Services Provider (Secretariat of the Pacific Community; SPC), SC8 reviewed the effectiveness of CMM 2011-01 to reduce fishing mortality of bigeye tuna (BET), the effectiveness of CMM 2008-01, and provided scientific advice to the WCPFC for the development of a revised CMM for bigeye, yellowfin, and skipjack tuna stocks. SPC also approximated the impact of the various exemptions contained within CMM 2008-01, estimating that if the CMM was implemented without exemptions, approximately half of the overfishing that is estimated could occur under the CMM as written could be removed (reduction of BET F/FMSY from 1.35 to 1.17).<sup>2</sup>

Since a reduction in fishing mortality on BET has not reached the intended level, additional targeted measures to reduce the fishing mortality on BET must be considered for all gear types. Indeed, the FFA member states emphatically support the need for additional or alternative targeted measures to reduce the fishing mortality on BET.<sup>3</sup> In the event that these additional measures continue to fail to adequately address BET mortality, the WCPFC must consider even stronger measures and/or fewer exemptions to the rules.

If overfishing of BET continues to occur, the WCPFC must consider more extreme measures, including a complete periodic closure to all purse seine fishing with no, or at least very minimal, exemptions. For the closure to be meaningful, the WCPFC must impose the closure around the time of the greatest catch/catch rates of juvenile BET and over a length of time sufficient to bring BET mortality near the reference point. While it may seem drastic, another RFMO has previously successfully used a complete periodic closure to control BET mortality. The IATTC successfully implemented a similar measure to control the BET mortality within a small percentage of the reference point used in their management, thereby proving its efficacy in an analogous situation. WWF acknowledges that this action could potentially have significant adverse socioeconomic impacts, particularly on Small Island Developing States (SIDS), and recommends exploring mitigation measures as part of the consideration of such a measure. Furthermore, the complete closure would need to coincide with additional measures imposed on other gear types as well.

Therefore, WWF supports the SC8 recommendation for development of a revised CMM for bigeye, yellowfin and skipjack tuna stocks. Consistent with this recommendation, WWF requests that TCC and WCPFC consider:

- Further strengthening the control of FAD activities;
- Building on the apparent success of some fleets in reducing their dependence on FADs to achieve greater control of FAD activity outside the closures, including control of the number of FADs set throughout a year instead of FAD time closures;
- An absolute reduction of the total number of FAD sets to the levels no greater than those in the fishery in 2010;
- Clearly defined limits on purse seine effort that are applicable in different areas;
- Reductions in fishing mortality on BET from the longline fishery;
- Adoption of management measures that apply to all sectors of the fishery; and
- A complete closure of the purse seine fishery for a defined period of time during the highest catch or catch rates of juvenile BET, including any mitigation measures necessary to address adverse socioeconomic impacts.<sup>¶</sup>

## Whale Sharks

The whale shark is a tropical and warm temperate species, the world's largest living chondrichthyan, and justifiably considered a "charismatic megafauna." Although scientists currently understand relatively little of its life history, it is known to be highly fecund and to migrate extremely large distances. However, populations of whale shark continue to show a declining trend globally and the species is listed in Appendix II to the Convention for International Trade in Endangered Species of Wild Fauna and Flora (CITES), Appendix II to the Convention for Migratory Species of Wild Animals (CMS), and as "vulnerable" in the International Union for the Conservation of Nature's (IUCN) Red List. The whale shark's high value in international trade, a K-selected life history, highly migratory nature, and normally low abundance make this species especially vulnerable to commercial fishing activities. Therefore, the WCPFC must take steps to restrict activities that are detrimental to the continued health of the whale shark population in the WCPO.

It is well known that whale sharks are particularly vulnerable to being encircled by purse seine nets, due to the propensity of tuna to form schools around them. Additionally, it has become well known that observer reports on fishing activities by vessels flagged to Members, Co-operating Non-Members, and Participating Territories (CCMs) indicate numerous instances of interactions with whale sharks in addition to high mortality rates for encircled whale sharks and instances of misreporting whale shark interactions in vessel logbook.<sup>4</sup> At least 75 whale sharks were recorded as mortalities in the purse seine fishery in 2009 and 2010 alone.<sup>5</sup>

Thus, measures should be taken by the WCPFC to protect this ecologically important and vulnerable shark species. Consistent with the recent actions of the Parties to the Nauru Agreement (PNA) to prohibit setting of purse seines on cetaceans and whale sharks in their waters and Australia's recommendation for a similar provision, the TCC should recommend an explicit prohibition on the setting of purse seines on whale sharks.

Therefore, with respect to whale sharks, WWF recommends the TCC:

- Acknowledge the SC8 conclusion that whale sharks meet the criteria for consideration as a key shark species.
- Adopt and recommend for approval to the WCPFC, AUSTRALIA'S PROPOSAL TO ADDRESS THE IMPACT OF PURSE SEINE FISHING ACTIVITY ON WHALE SHARKS,

which includes a specific prohibition for intentionally setting purse seines on whale sharks.

- Support procedures for the careful and safe release of whale sharks inadvertently captured in purse seines.
- Recommend requirements for logbook and observer reporting of all interactions with whale sharks for submission to the flag State and to the WCPFC.
- Encourage the development of reference points for non-target species, including whale sharks, as envisaged under Articles 5 and 10 of the WCPF Convention.<sup>¶</sup>

## Oceanic Whitetip and Silky Sharks

---

At SC8 in Busan, Korea, the Scientific Services Provider offered strong scientific evidence that both oceanic whitetip sharks and silky sharks are currently *overfished* and subject to *overfishing*.<sup>6</sup> Thus, existing management measures to reduce fishing mortality have insufficiently addressed the continuing decline of oceanic whitetip and silky sharks.

WCPFC has taken efforts to rebuild spawning biomass of oceanic whitetip sharks as agreed under CMM 2011-04. However, managers and scientists note that additional mitigation measures to avoid capture and mortality of oceanic whitetip and silky sharks is warranted.<sup>7</sup>

Based on the recommendations of the SC8 regarding oceanic whitetip and silky sharks, WWF recommends the TCC:

- Endorse additional mitigation measures and maintain existing measures in an effort to improve the status of the WCPO oceanic whitetip and silky shark stocks including:
  - prohibit the retention, transshipment, storage, on-board sale, and landing of oceanic whitetip and silky sharks in all fisheries managed by the WCPFC;
  - mandate the prompt and careful release of any captured oceanic whitetip and silky sharks; and
  - ensure that all interactions with oceanic whitetip and silky sharks are reported in terms of number and status of animals through logbooks and observer records.
- Encourage the development of reference points for non-target species, including oceanic whitetip sharks and silky sharks, as envisaged under Articles 5 and 10 of the WCPF Convention.<sup>¶</sup>

## Shark Finning

---

The controversial and wasteful practice of shark finning continues to gain a higher profile globally. Additionally, recent research indicates that previous efforts to adequately assess and account for shark removals in the WCPO fisheries are largely inadequate because the practice of calculating a “fin to carcass” ratio, which allows fishermen to retain more of the high value fins while discarding the carcass, fails to address the necessary management needs of many of the shark species which are currently subject to overfishing.

At least four independent studies show that a fin to carcass ratio fails to accurately assess removals and largely prevents the effective identification of shark species.<sup>8</sup> Furthermore, the ultimate conclusion of a 2006 assessment of the validity of the 5% fin-to-carcass ratio from a collective volume of scientific papers produced by the International Commission for the Conservation of Atlantic Tunas (ICCAT) states that, “The only guaranteed method to avoid shark finning is to land sharks with all fins attached.”<sup>9</sup>

The TCC should take its compliance role very seriously with respect to sharks and should strongly support the “fins naturally attached” method as the most reliable means for enforcing a shark finning ban. A prohibition of at-sea fin removals under a “fins naturally attached” policy:

- Greatly reduces enforcement burden;
- Substantially improves information on species and quantities of sharks landed;
- Virtually eliminates the practice of “highgrading” where bodies and fins from different animals are mixed, conflating prohibitions on the retention of certain species; and
- Increases the value of the finished product.

Furthermore, making a partial cut that allows fins to be folded against the body has been proven to address industry concerns about safety and storage. Because of the numerous practical advantages associated with the fins naturally attached method, the policy has been mandated for most Central American and U.S. fisheries, and internationally.

Thus, with respect to the wasteful practice of shark finning, WWF recommends the TCC:

- Support and promote of the collection of species-specific shark catch data in the WCPO through observer records and logbooks;
- Promote a requirement for all sharks be landed with their fins naturally attached, allowing for a “partial cut method” to facilitate safety and storage; and
- Promote a prohibition on the transfer of any unattached shark fins at sea.<sup>¶</sup>

## Turtles

---

WWF believes that CMM 2008-03 for the Conservation and Management of Sea Turtles has not demonstrably reduced bycatch impacts on threatened and endangered sea turtles in the region, and that the cumulative impact of longline vessels in the WCPO on sea turtles remains problematic. Furthermore, evidence suggests that the WCPFC and member states have not suitably monitored the CMM for effectiveness with some parts of the CMM distinguished as providing “excessive room for creative compliance.”<sup>10</sup>

Although CMM 2008-03 requires all longline vessels to carry turtle de-hookers and line cutters, and to foster the animal’s recovery according to WCPFC handling and mitigation guidelines, WCPFC has provided no documentation of the effectiveness of (or compliance with) this requirement, despite the explicit identification of data collection and minimum surveillance resources.<sup>11</sup> Indeed, in 2010 over three quarters of CCMs either did not report on compliance with CMM 2008-03 or did not meet all the CMM measures. Furthermore, only a small fraction of member countries have conducted dedicated research on sea turtle mitigation techniques, and current observer coverage falls well below the recommended level for effectively determining optimal mitigation approaches (i.e. 10% coverage over 3 years).

The precautionary principle requires that all members must determine optimal bycatch mitigation strategies based on research and sound science. With no evidence of CMM 2008-03 having slowed or reversed negative trends on threatened and endangered sea turtle populations, the burden of proof remains on the WCPFC and the CCMs to demonstrate that bycatch impacts in longline operations are being minimized.

The best way to improve substantive compliance with the CMM is to revise the CMM to not only ensure more suitable requirements for the determination of optimal bycatch mitigation packages for individual fisheries, but also to reduce the ambiguity in language and improve the definition of the desired outcomes of the CMM.

Thus, with respect to sea turtles, WWF recommends the TCC:

- Revive efforts to ensure the appropriate monitoring and documentation of compliance with CMM 2008-03, ensuring that member countries are meeting identified minimum data collection and surveillance requirements.
- Endorse the consideration of CMM revisions aimed at:
  - reducing the ambiguity in language, strengthening key language and reducing the vagueness in desired outcomes of the CMM, thereby enabling better monitoring of CMM effectiveness.
  - introducing new binding measures, including stronger measures for conducting research on mitigation techniques and reporting on sea turtle impacts, to be implemented on an interim basis pending the determination of optimal mitigation packages.
  - setting an appropriate interim catch rate that would trigger move-on provisions.”

## Catch Documentation Scheme

---

WWF continues to believe that an efficient and comprehensive catch documentation scheme (CDS) is a necessary part of a well-managed fishery. Good catch documentation is essential to proper fisheries management, providing the data necessary for analyses as basic as stock assessments to the product traceability that seafood markets are increasingly demanding. WWF supports the development and implementation of a comprehensive CDS and encourages the finalization of the Terms of Reference for the CDS working group at the TCC8 meeting.

Overall, WWF wishes to note that any CDS considered by the CDS working group must be fully comprehensive to be effective, including documentation of all catches, landings, transfers, and trade. Other RFMOs provide relevant examples of CDS schemes that were not robust enough to provide adequate documentation. For instance, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) switched from a purely trade-based scheme to a more comprehensive CDS because the initial program allowed for substantial overharvest by one of its members resulting from the trade-based scheme not being inclusive of all catches, landings and trade. Thus, any CDS considered by the CDS working group must include all catches, landings, transfers, or trade part of the framework for the documentation schemes, not just the trade-based information.

As part of the CDS WG discussions, WWF requests that the TCC consider certain key features of a good CDS system, including:

- A requirement for documentation to accompany all catch harvested, landed, transhipped, traded domestically, exported, processed, imported and re-exported and which relies on electronic documentation.
- Complementary measures to maximize the effectiveness of the CDS through:
  - ensuring that transshipment at sea does not compromise the effectiveness of the CDS;
  - adopting Port State Measures implemented simultaneously with the CDS; and
  - adopting trade restriction measures against flag States with vessels on the IUU list.
- Parameters that include all species of tunas, billfish, and sharks managed by the WCPFC;
- A commitment to continuous improvement of the CDS by investigating the benefits and feasibility of verification systems such as electronic tagging and the use of biotechnology;
- Establishment of a capacity development fund to provide a cost-sharing mechanism that enables progressive cost sharing among member states; and
- Maximizing retailer and public access to data through modern electronic tools.

## Cost Recovery and Optimisation

---

WWF is concerned that the proposal to enact additional costs on non-government observers could impose an undue financial hardship on prospective attendees of the WCPFC official meetings. At a cost of US\$500 per meeting for two attendees as well as a US\$350 per person fee for each additional attendee as proposed in the COST RECOVERY AND THE OPTIMISATION OF COMMISSION SERVICE COSTS Report (WCPFC-TCC8-2012/IP12), this could effectively make attendance prohibitively expensive for many non-government and community service organizations. In effect, this action would disenfranchise many stakeholders who have direct economic and social interests in the sustainable management of the WCPO fishery resources.

We wish to note that the report acknowledges that the additional costs imposed by attendance of non-government organizations are “relatively minor” and should not justify an imposition of those fees on less financially capable stakeholders. Additionally, the WCPFC is not subject to the same level of expense as other RFMOs where such fees are in place to support a high degree of interpretation and translation costs. Some observers also provide additional independently funded research and analysis to the WCPFC, contributing to new knowledge and understanding of complex issues. Furthermore, the report also notes that “Observers have the opportunity to observe the Commission, participate in meetings, and to put forward their views [while] the Commission gains credibility from having transparent processes at its meetings and a chance to receive and respond to observers’ view.” This transparency is critical to the commission’s operation and credibility. By imposing such an undue financial burden on observers – the public stakeholders – WCPFC only serves to diminish the effectiveness and reputation of the RFMO process and, in the end, the outcomes that result.

Thus, regarding the Cost Recovery and Optimization considerations, WWF recommends the TCC:

- Oppose the implementation of a fee for observers to attend WCPFC meetings.

## Conclusion

WWF once again calls on the TCC participants to look carefully at our collective conduct as nations with a responsibility for managing fishery resources in the WCPFC CA. With respect to each of the agenda items addressed at the TCC8 meeting, the TCC members must genuinely consider whether previous actions have been responsible and commendable in achieving the overarching goal of fisheries sustainability in the WCPO.

The WCPFC shares the distinction as the youngest RFMO, but is also regarded as arguably the most effective. However, we all must constantly guard against the complacency and greed that leads to poor decisionmaking resulting in the collapsing fish stocks in other regions. Unfortunately, with some stocks in the WCPO, such as bigeye tuna and oceanic whitetip sharks, we are treading dangerously down a path leading to trouble.

The WCPFC possesses the ability and opportunity to chart the course towards sustainable fishery resources, especially tuna, in the WCPO. The WCPFC and its subsidiary bodies must continually promote and adopt strong and effective conservation and management action to maintain and rebuild tuna stocks, implement appropriate monitoring and enforcement measures, promote a viable tuna industry, and support vibrant coastal communities throughout the South Pacific.

<sup>1</sup> WCPFC (2012) Summary Report of the Eighth Regular Session of the Western Central Pacific Fisheries Commission (Adopted version) – 10 August 2012, WCPFC, Guam, USA, 26-30 March 2012. pp. 35.

<sup>2</sup> *Id* at 36.

<sup>3</sup> WCPFC Scientific Committee. (2012). Summary Report of the Eighth Regular Session of the Scientific Committee (Adopted version) – 21 August 2012, WCPFC-SC, Busan, Korea, 7-15 August 2012. p.18.

<sup>4</sup> SPC-OFP. 2012. Summary Information on Whale Shark and Cetacean Interactions in the Tropical WCPFC

Purse Seine Fishery (Rev 1). WCPFC8 -2011-IP-01 (rev. 1).

<sup>5</sup> *Id*.

<sup>6</sup> WCPFC Scientific Committee. (2012). Summary Report of the Eighth Regular Session of the Scientific Committee (Adopted version) – 21 August 2012, WCPFC-SC, Busan, Korea, 7-15 August 2012. pp. 53-60.

<sup>7</sup> *Id* at 60.

<sup>8</sup> Santana-Garcon, J., Fordham, S. and Fowler, S. (2012). Blue shark *Prionace glauca* fin-to-carcass-mass ratios in Spain and implications for finning ban enforcement *Journal of Fish Biology*. DOI:10.1111/j.1095-8649.2012.03233.x; Biery, L. and Pauly, D. (2012). A global review of species-specific shark fin to body weight ratios and relevant legislation. *Journal of Fish Biology*. DOI: 10.1111/j.1095-8649.2011.03215.x; Fowler, S. and Seret, B. (2010). Shark Fins in Europe: Implications for Reforming the EU Finning Ban. At [http://cmsdata.iucn.org/downloads/sharks\\_fins\\_in\\_europe\\_implications\\_for\\_reforming\\_the\\_eu\\_finning\\_ban\\_pdf/](http://cmsdata.iucn.org/downloads/sharks_fins_in_europe_implications_for_reforming_the_eu_finning_ban_pdf/); Hareide N. R., Carlson J., Clarke M., Clarke S., Ellis J., Fordham S., Fowler S., Pinho M., Raymakers C., Serena F., Seret B. and Polti S. (2007). European Shark Fisheries: a preliminary investigation into fisheries, conversion factors, trade products, markets and management measures. European Elasmobranch Association.

<sup>9</sup> Cortes, E. and Neer, J. A. (2006). Preliminary reassessment of the validity of the 5% fin to carcass weight ratio for sharks. ICCAT Collective Volume of Scientific Papers 59, 1025–1036.

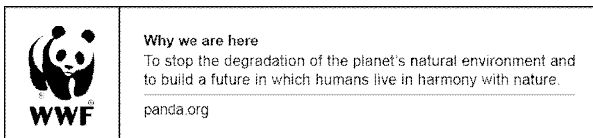
<sup>10</sup> WCPFC Scientific Committee (2009) Monitoring the Effectiveness of Conservation and Management Measures for Bycatch, EB-WP-09, Port Vila, Vanuatu, 10-21 August 2009.

<sup>11</sup> WCPFC (2012) Performance Assessment of RFMO Bycatch Governance: Criteria Suite Design and Results for Assessment of the WCPFC, WCPFC8-2011-OP/02, 10 August 2012, WCPFC, Guam, USA, 26-30 March 2012.)

### Our Smart Fishing Vision and Goals:

**Vision:** The world's oceans are healthy, well-managed and full of life, providing valuable resources for the welfare of humanity.

**2020 Goals:** The responsible management and trade of four key fishery populations results in recovering and resilient marine eco-systems, improved livelihoods for coastal communities and strengthened food security for the Planet.



#### For more information

Alfred "Bubba" Cook  
WCP Tuna Program Officer  
[acook@wwf.panda.org](mailto:acook@wwf.panda.org)  
Tel: +6799035008

WWF Smart Fishing Initiative  
Moenckebergstr. 27  
20095 Hamburg

Tel. +49 40 530 200 310

[www.panda.org/smartfishing](http://www.panda.org/smartfishing)