



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

POSITION STATEMENT TO WCPFC

**WCPFC15-2018-OP07
29 November 2018**

Submission by World Wide Fund for Nature (WWF)



Global Oceans Practice

WWF POSITION

15th Regular Session of the Western Central Pacific Fisheries Commission (WCPFC15): Honolulu, Hawaii, United States – December 9-14, 2018

Introduction

The World Wide Fund for Nature (WWF) would like to again thank the Western and Central Pacific Fisheries Commission (WCPFC) for the opportunity to attend the 15th Regular Session as an observer and to address the critically important role that it plays in the proper management of the (Western Central Pacific Ocean) WCPO fisheries.

WWF once again calls on members of the WCPFC to address the issues and recommendations raised at SC14, NC14, TCC14, and WCPFC14 as well as observe the experience of other RFMOs in their own efforts to achieve and maintain improved measures for monitoring and surveillance. WWF would like to note that this Position Statement is not comprehensive, but that fact does not mean that WWF does not think that other issues not included herein are not important. WWF wishes to reiterate its position offered in Manila, Philippines, in December 2017 (WCPFC14) and, taking into account the WCPFC-related meetings held since, the recommendations listed below as well as other documents submitted to the WCPFC for review as Observer Papers.

Reference Points, Harvest Control Rules, and Harvest Strategies

WWF remains supportive of the work of the WCPFC and subsidiary bodies in pursuing the implementation of a Harvest Strategy (HS) approach as agreed under CMM 2014-06 and Supplementary Information on Workplan (workplan) for the adoption of Harvest Strategies. Consistent with previous WWF position statements and recommendations, WWF continues to encourage WCPFC14 to further endorse and support the adoption of explicit Limit and Target Reference Points (LRP/TRP), Harvest Control Rules (HCRs), and HSs for all WCPO fishery stocks under WCPFC authority.

This year the WCPFC should clarify and confirm management objectives for bigeye (BET) and yellowfin (YFT) as it prepares to adopt TRPs for those stocks next year. In doing so, members must also specify that the acceptable risk of breaching the limit reference point (LRP) should be 5 per cent or less, in keeping with the United Nations Fish Stocks Agreement. WWF also urges WCPFC15 to adopt risk-based methods for assessing non-target shark species with a view to adopting and implementing reference points for associated species.

WWF again notes the importance of and strong support for these important management measures, specifically the adoption of TRPs and HCRs for the key target species, particularly from industry participants with Marine Stewardship Council (MSC) certification and many end markets. Therefore, WWF encourages WCPFC15 to maintain momentum on implementation of HS elements, and, where necessary, take steps to recover timelines under the workplan.

WWF recommends that the WCPFC:

- **Support and endorse further implementation of CMM 2014-06 on Establishing a Harvest Strategy for Key Tuna Species in the WCPO consistent with proposed timelines;**
- **Confirm that the acceptable risk of breaching an LRP is 5 per cent or less:**
- **Establish a TRP for the South Pacific albacore (SP ALB) longline (LL) fishery;**
- **Endorse further HCR development and implementation for the skipjack (SKJ) purse seine (PS) fishery;**
- **Support further development of interim precautionary TRPs for BET and YFT; and**
- **Support the continued development and implementation of LRPs and TRPs as a priority for proper management of *all stocks*, including sharks.**

Sharks and Rays

Many shark species in the WCPO remain subject to high levels of fishing mortality that current stock assessment trends suggest could be unsustainable.¹ Sharks play a critical role in the WCPO marine ecosystem as apex predators and indicators of ecosystem health.² WWF is concerned with shark conservation and sustainability in the WCPFC region as a whole and considers responsible management, trade, and consumption where shark mortality occurs in all fishing activities, not just in circumstances where tuna fishing is occurring. Therefore, WCPFC must also recognise the needs of coastal States in the WCPFC region to manage their shark populations.

The assessment for bigeye thresher shark indicates that management action is necessary for this vulnerable species. Given the poor stock status and equivalent position to oceanic whitetip and silky sharks, a retention prohibition of these sharks would be consistent with prior WCPFC action while also assisting member States in meeting their requirements under Appendix II of CITES.

Although WWF supports the continued efforts toward the development of a Comprehensive Shark CMM, we believe that specific components should be maintained or strengthened to ensure that the measure is ultimately effective. WWF again commends the previous efforts and recommendations made by the ABNJ Common Oceans project in support of a proposed comprehensive and integrated shark CMM³.

WWF recommends the WCPFC:

- **Adopt a Comprehensive Shark CMM that includes a new framework incorporating existing CMMs, but also providing for national contributions toward commonly agreed goals for shark stocks, including:**

- **Mandate bycatch best practices consistent with those found in the Compendium of Best Practice of Conservation and Management Measures (CMMs) for the of Species Bycatch in Tuna RFMOs;**
 - **Implement the recommendations for bycatch that were endorsed at Kobe III and adopt an annually updated report card system against these recommendations for all of the WCPFC fisheries;**
 - **Require, through data collected from observer programs and other means, estimation of the number of captures and releases of all sharks and rays, including the status upon release (dead or alive), and reporting of this information to the WCPFC;**
 - **Require, through observer programs, recording what gear is used in longline activities including the use of wire traces and any multi-monofilament traces in order to avoid bite-off by sharks; and**
 - **Adopt the Draft Best Handling Practices for the Safe Release of Sharks and Draft Guidelines for Best Handling Practices for the Safe Release of Mantas and Mobulids.**
- **Adopt the risk-based method for shark stock assessment presented by the ABNJ Common Oceans project;**
 - **Consider a non-retention CMM for bigeye thresher shark (*Alopias superciliosus*) within the WCPO;**
 - **Establish Fins Naturally Attached (FNA) as the most effective means to address shark finning in the WCPO consistent with the best available science;**
 - **Encourage the development of reference points and management for non-target species, including all shark and ray species, as envisaged under Articles 5 and 10 of the WCPF Convention;**
 - **Encourage CCMs to report all shark and ray catches from domestic fleets operating in territorial and archipelagic waters.**

Sea Turtles

Sea turtles are some of the most endangered species interacting with tuna fisheries, with six out of seven species of sea turtles considered threatened with extinction according to the IUCN Red List. WWF is very encouraged that the WCPFC, under leadership from the U.S., indicates renewed interest in addressing the effectiveness of *CMM 2008-03 for the Conservation and Management of Sea Turtles*. We again acknowledge the best available scientific information compiled by the Joint Analysis of Sea Turtle Mitigation Effectiveness in Longline Fisheries in 2016 and the work of the Common Oceans (ABNJ) Project to assess effectiveness of current sea turtle mitigation measures in the WCPO.

It is clear there remains no new evidence that CMM 2008-03 has demonstrably reduced bycatch impacts on threatened and endangered sea turtles in the region with an estimation of only 1% of WCPO longline effort currently subject to mitigation, and thus, WWF maintains that this CMM must be revised immediately with interim measures.

Accordingly, WWF proposes a revision/replacement of CMM 2008-03 in order to:

- (1) ensure requirements for the determination of optimal bycatch mitigation packages (*i.e.* circle hooks and/or other measures, such as finfish bait) are undertaken for individual fisheries;
- (2) reduce the ambiguity in language; and

- (3) improve the definition of the desired outcomes of the CMM. Moreover, 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.”⁴

The majority of CCMs either have not fully reported on compliance with CMM 2008-03 or have not met 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).

Thus, WWF again urges WCPFC to support the revision or replacement of CMM 2008-03, to include stronger and clearer requirements for adoption of mitigation measures and their specifications. We also note the lack of inclusion in the scientific data standards of any data related to sea turtle encounters, despite the scope of CMM 2015-7 includes “reporting...with respect to implementation of measures for non-target species” and given the major gaps in annual reporting against CMM 2008-03. We suggest that such information should be specifically included in assessment criteria and in data standards, including where appropriate data on sea turtle encounters, including data on hook rates, type and other factors comparative to hook type and bait.

WWF recommends the WCPFC:

- **Endorse revising or replacing CMM 2008-03 to include interim measures that would require members to determine optimum bycatch mitigation via use/testing of alternative hooks and/or bait, and to report on these results, as well as reducing the technical vagueness in desired outcomes of the CMM;**
- **Encourage member state involvement and participation in the research conducted under the analysis of sea turtle mitigation measure effectiveness in tuna longline fisheries; and**
- **Support the inclusion of sea turtle data in monitoring scheme assessment criteria and related data standards.**

Regional Observer Programme

Information collected as part of an appropriate observer programme is critically important to the proper management of a fishery. Data collected by observers plays a central role in informing fisheries scientists on everything ranging from stock assessments to non-target species impacts. Furthermore, observers play an indispensable role in monitoring and enforcing very important CMMs in the WCPO. Indeed, observers represent the vanguard of fisheries management through the science and service that they provide. Consequently, observer safety and security as well as appropriate observer coverage must be considered a top priority and greater support must be provided to the relevant authority to see that the capacity of the WCPFC Regional Observer Programme (ROP) is strengthened.

Observer Safety and Security

WWF commends the WCPFC’s previous actions to address issues with observer safety and security through the adoption of the observer safety and security provisions as well as the flag and coastal state requirements. However, WWF continues to strongly believe that more needs to be done to fully address observer safety and security.

Specifically, WWF maintains that there is a need for a full and transparent documentation and catalogue of observer incidents. One of the outstanding gaps in observer safety and security is represented by the lack of information available to address observer incidents through proper followup and documentation. A requirement for full and transparent reporting will allow for identification and understanding of potentially dangerous situations for future observers. Until the

WCPFC can fully understand the circumstances surrounding these incidents, it cannot hope to properly address them.

The ROP Annual Report as it currently exists does not provide the necessary level of detail to properly address these issues. Thus, WWF recommends establishing a required comprehensive and transparent reporting procedure for observers and observer programmes to report instances of threats, harassment, intimidation, assault, or death that national programmes and the ROP could then use to determine solutions to prevent future instances. This procedure must include an annual, publicly available, consolidated, detailed, and fully transparent report of all infractions against observers.

Observer Coverage on Longline Vessels

WWF notes that observer coverage on longline vessels operating in the WCPO, regardless of the metrics used to calculate it, remains substantially less than 5% region-wide. Moreover, WWF wishes to emphasise that the 5% observer coverage value identified by the WCPFC represents an arbitrary benchmark that was never intended to represent an “end goal,” but rather a minimum starting point toward appropriate observer coverage. Even a consistently applied level of 5% coverage is statistically and practically useless for most management or monitoring, control, and surveillance (MCS) purposes. Moreover, after more than 10 years of the enactment of the requirement, many CCMs still have not achieved the required 5% coverage. Therefore, WWF strongly supports efforts to improve the observer coverage of all longline fisheries in the WCPO.

Under the WCPFC Convention, CCMs are obliged to use the best available scientific evidence.⁵ However, the WCPFC cannot develop the best available science if the underlying data is poor, leading to the problem of “garbage in, garbage out.” As such, while WWF supports calculating observer coverage according to the proposed hierarchy of four metrics for assessing observer coverage, we note that best practice as defined by the scientific services provider would be to use “number of hooks deployed,” which would also lead to the production of the best available science.

WWF also notes that different levels of observer coverage may be required for management or compliance purposes, depending on specific identified objectives, and recommends that appropriate analyses be conducted to determine each of those levels respectively in the context of identified objectives. However, peer-reviewed research that constitutes the best available science indicates a minimum of 20% observer coverage is necessary to secure an appropriate level of statistical significance for stock assessment purposes.⁶ As evidenced by some CCMs ability to achieve it, 20% coverage is not only the best available science, but is also a reasonable and achievable minimum level to aim for.

WWF also believes that Electronic Monitoring (EM) is an important tool to help CCMs meet their observer coverage obligations. WWF appreciates and even shares some concerns with some CCMs regarding the equivalency of data collected by EM versus human observers and that those differences could further complicate how we assess the level of observer coverage. However, existing scientific assessment suggests that EM can currently produce many of the important ROP data fields for longline fisheries and that those fields that EM falls short on may be dealt with over time. Thus, where information collected by EM is potentially equivalent, EM should be considered in the ROP coverage metrics, with the understanding that analyses should be conducted to help standardise the approach.

WWF recommends the WCPFC:

- **Endorse further observer safety and security measures, including fully transparent documentation and catalogue of observer incidents and persons involved; and**
- **Endorse an analysis of levels of observer coverage required to achieve management or compliance purposes while ensuring that the metrics and methodologies used support development of appropriate comparative analyses that meet the needs of the Scientific Services Provider and any MCS objectives.**

Transshipment Monitoring

Transshipment remains one of the most prominent weaknesses in catch documentation and verification that leads to Illegal, Unreported, and Unregulated (IUU) catch in the WCPO. WWF notes that the most simple, efficient, and effective solution to the challenges of transshipment-related IUU is to simply prohibit all at-sea transshipment and require all fishing vessels to either tranship or land their catch at the nearest available designated port in the WCPO following the conclusion of fishing activity. However, acknowledging that a prohibition on transshipment is politically unlikely at this time, WWF supports the review and revision of CMM 2009-06 to address deficiencies in the current measure.

There are currently ten countries that permit their flag vessels to conduct at-sea transshipment. While at-sea transshipment is permissible if a member country states that it is “impractical” to conduct transshipment in port, ambiguity in CMM 2009-06, particularly requirements around proving “impracticability,” have resulted in an increasing number of vessels conducting at-sea transshipment on the high seas of western and central Pacific Ocean. While it was intended to be an exception to in-port delivery, at-sea transshipment has become the rule.

100% observer coverage of at-sea transshipment on carrier vessels represents a critical monitoring feature of the at-sea transshipment regulations in the WCPO. Yet some CCMs are consistently non-compliant with these regulations. For instance, the WCPFC Secretariat received only one carrier observer report for the 2,045 high seas transshipments reported in the Convention area in 2016 and 2017. Along with failing to provide observer reports to WCPFC, these CCMs are also not providing basic reporting requirements such as advance notification of the intention to tranship nor transshipment events themselves.

WWF also recommends that the WCPFC adopt real-time or near real-time electronic reporting requirements for transshipment notification. These requirements should be buttressed by electronic verification and validation tools such as redundant AIS or VMS transponders and EM. If through investigation, suspected unreported transshipment activity is detected and corroborated by these additional tools and authorities determine that the transshipment activity was conducted in violation of transshipment rules, the offending vessel(s) should be subject to strong sanctions including listing on the draft IUU vessel blacklist.

The Technical and Compliance Committee (TCC14) identified the review of the CMM 2009-06 transshipment requirements as a priority. Therefore, we strongly recommend the WCPFC undertake a thorough review of CMM 2009-06 in 2019 and adopt substantive improvements as recommended by TCC14.

WWF recommends the WCPFC:

- **Implement real time, or near real-time, reporting requirements for all components of transshipments, including electronic verification and validation tools;**
- **Review and revise CMM 2009-06, including replacing the ‘impracticability’ test and unfettered flag State authorization with clear criteria and a process for the WCPFC to review issued flag State authorizations against those criteria to ensure compliance; and**
- **Consider automatically including any vessel that breaches transshipment regulations on the draft IUU vessel list.**

Pacific Bluefin Tuna

Technical reports of all scientific and management bodies responsible for management of the Pacific bluefin tuna stock, including the International Scientific Committee for Tuna and Tuna-like Species in

the North Pacific Ocean (ISC) and the Inter-American Tropical Tuna Commission (IATTC), indicate that the Pacific Bluefin (PBF) tuna stock remains in extremely poor condition. The ISC and Scientific Committee (SC14) both note that the stock is both overfished relative to the potential biomass-based reference points evaluated (SSB_{MED} and $20\%SSB_{F=0}$) as well as subject to overfishing relative to most of potential fishing intensity-based reference points evaluated.⁷ Furthermore, even though the spawning stock biomass is only at 3.3% of its unfished level, some CCMs were unable to reduce pressure on the stock as recommended in 2017, leading to a catch increase of 11% from 2016 to 2017.

SC14 notes that projections of spawning stock biomass are strongly influenced by the inclusion of a singular anomalous and relatively high, but uncertain, recruitment in 2016. Due to this strong uncertainty in stock projections, the majority of CCMs recommended a precautionary approach to the management of Pacific Bluefin tuna, especially in relation to the timing of increasing catch levels, until the rebuilding of the stock to higher biomass levels is achieved. Without the robust and precautionary long-term rebuilding target, the recovery of the stock may be further delayed if the current scenario of low recruitment continues, which is heavily reliant on a significantly uncertain recruitment cohort.

Furthermore, reports indicate that the member states that catch Pacific bluefin tuna exceeded their catch limits in both 2016 and 2017. As demonstrated by this continued increase in catch despite calls for reductions, some CCMs have proven incapable of acting responsibly to conserve the Pacific bluefin tuna resource. Thus, WWF strongly recommends the WCPFC strengthen its monitoring, control, and surveillance (MCS) and to establish a catch documentation scheme (CDS) by 2020 in accordance with the adopted workplan established at WCPFC14 as well as to improve member state compliance with the management measures, including firm and tangible sanctions for non-compliance.

WWF reiterates its strong disappointment for the reservation made by Japan at NC14. As the most dominant fishing country of the PBF stock, WWF strongly urges Japan to withdraw their reservation and demonstrate their strong commitment to lead the robust rebuilding plan of the PBF stock.

Therefore, WWF continues to urge the WCPFC to adopt a long-term Pacific bluefin tuna recovery plan targeting at least $20\%SSB_0$, and harvest control rules that are well-defined, pre-agreed, and contain mandatory actions for a determined course of management action in response to changes in indicators of stock status with respect to reference points through an ongoing MSE process.

WWF recommends that the WCPFC:

- **Recommend to not increase the catch limit for both juvenile and adult fish until achieving the rebuilding target;**
- **Establish a Catch Documentation Scheme (CDS) for the thorough monitoring of Pacific bluefin tuna by 2020; and**
- **Ensure compliance of management measure for Pacific bluefin tuna by member states.**

¹ Clarke, Shelley C., *et al.* (2013). Population Trends in Pacific Oceanic Sharks and the Utility of Regulations on Shark Finning. *Conservation Biology*, Volume 27, Issue , pages 197–209, February.

² See Stevenson, C., *et al.* (2007). High apex predator biomass on remote Pacific islands. *Coral Reefs* 26: 47-51; See also Friedlander, A.M. and DeMartini, E.E. (2002). Contrasts on density, size, and biomass of reef fishes between the northwestern and the main Hawaiian islands: the effects of fishing down apex predators. *Marine Ecology Progress Series* 230: 253-264.

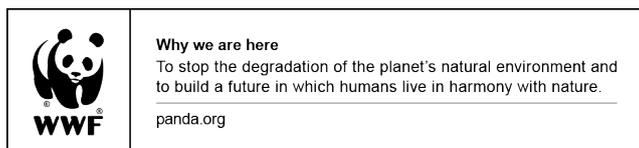
³ Development of a comprehensive shark conservation and management measure for the WCPFC, WCPFC-SC13-2017/EB-WP-06.

⁴ WCPFC Scientific Committee (2009) Monitoring the Effectiveness of Conservation and Management Measures for Bycatch, EB-WP-09, Port Vila, Vanuatu, 10-21 August 2009.

⁵ Convention On The Conservation and Management of Highly Migratory Fish Stocks in the Western And Central Pacific Ocean, Part II, Article 5.

⁶ Babcock, Elizabeth & Pikitch, Ellen & Hudson, Charlotte. (2011). How much observer coverage is enough to adequately estimate bycatch. Pew Institute for Ocean Science, Rosenstiel School of Marine and Atmospheric Science University of Miami.

⁷ WCPFC Scientific Committee (2017) SC14 Summary Report, WCPFC-SC14-Summary Report, Busan, South Korea, 8-16 August 2018.



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