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POSITION

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Smart Fishing Initiative

WWF POSITION

9th Regular Session of the
Western Central Pacific Fisheries Commission (WCPFC)
Manila, Philippines – 2-6 December 2012

Introduction and Summary

The World Wide Fund for Nature (WWF) would like to thank the Western and Central Pacific Fisheries Commission (WCPFC)¹ for the opportunity to address the 9th Regular Session of the WCPFC on its critically important role in the adequate 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 members of the WCPFC to collaboratively work together to develop and implement successful conservation and management measures. The regulatory measures proposed and implemented by the WCPFC represent one of the legs of the three-legged stool of successful sustainable and responsible fisheries management, the other legs consisting of the science provided by the Scientific Committee (SC) and the compliance measures provided by the Technical and Compliance Committee (TCC). 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 WCPFC to address the issues and recommendations raised at SC8, TCC8, and 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 listed in bullets below. For more detail and background on each position, please reference the associated Appendix for this document.

Conservation and Management Measures

Reference Points

WWF recommends that the WCPFC must:

- Adopt precautionary B-based Limit Reference Points (preferably based on Spawning Biomass) for all WCPO fishery stocks under its authority;
- Adopt precautionary F-based Limit Reference Points as an *interim* measure to attempt to control the exploitation rate;
- Direct the SC to develop a range of alternatives for precautionary Target Reference Points for consideration in 2014; and
- Consider risk probability levels of breaching the Limit Reference Points of 10% or less as a precautionary measure.

Harvest Control Rules

WWF recommends that the WCPFC must:

- Thoroughly review the SC8 recommendations for HCRs and the outcomes of the Management Objectives Workshop; and
- Urgently pursue development and implementation of Harvest Control Rules for all stocks under its authority to be achieved by 2015.

Harvest Strategies

WWF recommends that the WCPFC must:

- Develop strong, science-based Harvest Strategies to be implemented simultaneously with the development of precautionary Reference Points and Harvest Control Rules.

High Seas Closures

WWF recommends that the WCPFC should:

- Develop a program to treat the HSPs as “Special Management Zones” (SMZ) subject to mutually agreed rules and measures contingent upon strict reporting and observation requirements by the WCPFC;
- Consider a Vessel Days at Sea (VDS)-type scheme specific to HSPs which would count against the overall effort of the CCM;
- Rescind the waiver of the FAD closure on the domestic purse seine fisheries offered to CCMs displaced from the HSP closure areas upon transition of those areas to SMZs; and
- Require all CCMs allowed to re-enter the HSPs to implement complementary measures to the revised CMM 2008-01 (enacted at WCPFC9) in addition to an equivalent compliance and monitoring scheme applicable to the domestic purse seine fisheries.

Tuna Species

Bigeye Tuna

WWF supports the SC8 recommendation for development of a revised CMM for BET, YFT and SKJ tuna stocks. Consistent with this recommendation, the WCPFC must:

- Adapt and adopt management measures that apply to all sectors of the fishery;
- Further strengthen the control of FAD activities;
- Build 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;
- Implement an absolute reduction of the total number of FAD sets to the levels no greater than those in the fishery in 2010;
- Clearly define limits on purse seine effort that are applicable in different areas;
- Implement measures which reduce fishing mortality on BET from the longline fishery; and
- Consider 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.

Yellowfin Tuna

WWF recommends that the WCPFC take proactive and precautionary measures to prevent any further decline of the YFT stock and that WCPFC must:

- Implement the SC7 recommendation to the WCPFC to limit YFT fishing mortality to its 2001-2004 level in the western equatorial region.

Pacific Bluefin Tuna

WWF recommends that the WCPFC must:

- Revise CMM-2010-04 and remove all current exemptions from CMM-2010-04; and
- Encourage all member states to implement the substantial management measures for juvenile (age 0-3) PBT to keep fishing mortality less than its 2002-2004 level.

South Pacific Albacore Tuna

WWF recommends that the WCPFC must:

- Introduce effective capacity and effort controls for management of the South Pacific ALB stock; and
- Encourage domestic fisheries managers to implement Tuna Management Plans that freeze licenses for ALB at current levels and seek to reduce that number to a level that achieves Maximum Economic Yield.

Bycatch

Whale Sharks

WWF recommends that the WCPFC should:

- Acknowledge the SC8 conclusion that whale sharks meet the criteria for consideration as a key shark species and define whale sharks as a key shark species.
- Adopt Australia's Proposal to Address the Impact of Purse Seine Fishing Activity on Whale Sharks, which includes a specific prohibition for 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.

Oceanic Whitetip and Silky Sharks

Based on the recommendations of the SC8 regarding oceanic whitetip and silky sharks, the WCPFC must:

- 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.
- Develop and implement reference points for non-target species, including oceanic whitetip sharks and silky sharks, as envisaged under Articles 5 and 10 of the WCPFC Convention.[¶]

Shark Finning

WWF recommends that the WCPFC must:

- Focus more discretely on the overall management of shark harvests including the development and implementation of reference points for non-target species as envisaged under Articles 5 and 10 of the WCPFC Convention;
- Support and promote the collection of species-specific shark catch data in the WCPO through observer records and logbooks;
- Implement a requirement for all sharks be landed whole with their fins naturally attached, allowing for a "partial cut method" to facilitate safety and storage; and
- Until such time a "fins attached" policy is enacted, implement a prohibition on the transfer of any unattached shark fins at sea.

Turtles

WWF recommends that the WCPFC must:

- Formally acknowledge the deficiencies of CMM 2008-03;
- Adopt the sea turtle conservation and management measures proposed by WWF in the Compendium of Best Practice of Conservation and Management Measures (CMMs);
- Develop and implement CMM revisions aimed at:
 - Strengthening key language and reducing the ambiguity in desired outcomes of the CMM, thereby enabling not only stronger conservation measures but also better monitoring of CMM effectiveness;

- Committing explicitly to a goal of *zero mortality* of sea turtles and catch rates *as close to zero as possible*;
 - Introducing new interim binding measures including mandatory adoption of bycatch reduction gear (e.g. circle hooks) and other mitigation techniques, conducting research on mitigation techniques, and reporting on sea turtle impacts, with a goal of later implementing a consolidated optimal bycatch mitigation package;
 - Setting an appropriate interim catch rate that would trigger move-on provisions; and
 - Taking appropriate actions to ensure observer coverage in the longline fleet reaches recommended minimum levels with a view to progressively phase in 100% observer coverage.
- Revive efforts to ensure the appropriate monitoring and documentation of compliance with CMM 2008-03 9 and any revisions to the CMM) ensuring that member countries are meeting minimum data collection and surveillance requirements; and
 - Reconstitute efforts to clearly communicate the ecological and economic benefits of circle hook adoption and sea turtle mitigation techniques to CCMs and their fleets.

Seabirds

WWF recommends that the WCPFC should:

- Adopt the seabird conservation measures recommended by ACAP as the best practice for longline operations, including the use of weighted branch lines, night setting, and bird scaring (tori) lines;
- Endorse the use of 2 out of 3 of the seabird bycatch best practices on all longline vessels fishing south of 25°S; and
- Consider implementation of the seabird bycatch best practices throughout the WCPFC CA where incidence of seabird interaction warrants mitigation measures.

Monitoring and Compliance

Catch Documentation System

As part of the CDS development, WWF requests that the WCPFC consider certain key features of a good CDS system, including:

- A requirement for electronic documentation to accompany all catch harvested, landed, transhipped, traded domestically, exported, processed, imported and re-exported;
- 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.

Regional Observer Programme

With respect to the continued implementation and operation of the ROP, the WCPFC must:

- Implement a binding, consistent, and consolidated set of standards for the ROP;
- Conduct a phased implementation of 100% observer coverage on all fishing and support vessels;
- Revise the Observer Provider Code of Conduct to create more substantive requirements on Observer Providers and recipients, including the implementation of a schedule of fines and sanctions for non-compliance to be applicable to throughout the WCPFC CA;
- Develop and implement strong set of Minimum Observer Health, Safety, and Welfare Standards to be applicable to all vessels operating throughout the WCPFC CA;
- Develop and implement a standardized administrative review system to address observer grievances that is empowered to impose sanctions and/or penalties on offending vessel owners, captains, masters, and/or crew, who engage in bribery, threats, intimidation, or harassment of any kind against an observer which would otherwise impede them from conducting their official duties; and

- Implement a Conservation and Management Measure stating that any finding from an administrative review that confirms an instance of bribery, threats, intimidation, or harassment of an observer constitutes an IUU violation resulting in the vessel on which the offense occurred being placed on the IUU list.;
- Consider EM in situations deemed appropriate for enforcement and monitoring goals specific to those vessels;
- Reconstitute the Data Consultative Committee (DCC) to address current data issues in the ROP, including consideration of:
 - Revisions of data fields for non-target species to include detailed entries for seabirds, turtles, and sharks, broken out by species, in all observer reporting submissions; and
 - Removal of redundant, duplicative, or otherwise obsolete data fields; and
- Develop a more comprehensive analysis and design plan for spatially and temporally representative observer coverage of each fishery operating in the WCPFC CA.

IUU Measures

The WCPFC must maintain strong procedures for identifying, listing, and retaining IUU vessels on IUU Lists to ensure that the integrity of the WCPO fisheries including:

- Ensuring the burden of proof must always remain with the IUU offender to explicitly prove through appropriate documentation (WCPFC CMM 2010-06 paragraph 25 a-e) that all obligations have been met before being removed from an IUU list;
- Maintaining the current definition of IUU fishing for the purpose of the IUU list; and
- Ensuring that “sanctions of adequate severity” are always onerous enough to prevent, deter, and eliminate any future IUU conduct and not just a “cost of doing business.”

Data and Statistics

WWF recommends that the WCPFC should:

- Repeat the request for CCMs who have yet to provide operational level catch and effort data provide Data Improvement Plans to the WCPFC; and
- Request that, until operational catch/effort data are provided, non-compliant CCMs must provide annual catch estimates by gear and species for waters of national jurisdiction and high seas areas separately, as per the scientific data provision rules of the WCPFC.

Miscellaneous

Cost Recovery and Optimization

WWF recommends that the WCPFC must:

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

Conclusion

WWF once again calls on the WCPFC 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 WCPFC9 Regular Meeting, the commission delegates 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 decision-making 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.

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.

	<p>Why we are here To stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature.</p> <p>panda.org</p>
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Appendix: WWF Position Discussion

9th Regular Session of the Western Central Pacific Fisheries Commission (WCPFC) Manila, Philippines – 2-6 December 2012

Conservation and Management Measures

WWF applauds the recent efforts of managers to seek the development and implementation of effective, science-based Harvest Strategies, Harvest Control Rules, and Reference Points (HS/HCR/RP). Stock assessments used to estimate the amount of fish in a particular stock and the rate of fishing on that stock throughout the region has continually improved. WWF encourages the WCPFC to urgently pursue the implementation of these management measures as a way to reduce the logistical burden on managers while streamlining the management process and, in turn, ensuring the sustainability of WCPO fisheries. To assist this effort, WWF has created a simplified explanation of these basic management measures for distribution at this meeting.

Reference Points

The WCPFC must formally adopt explicit Limit and Target Reference Points (LTRP's) for all WCPO fishery stocks under its authority. Implementation of these formally designated LTRP's represents an absolute priority for the sustainable management of the fishery resources in the WCPO. Existing science supports the implementation of well-defined and precautionary biologically-based Limit Reference Points and WWF generally supports the recommendations of the SC. While Target Reference Points require additional consideration of socio-economic considerations, current understanding of the biological and socio-economic conditions does not prevent the implementation of sufficiently precautionary interim Target Reference Points at this time. While LTRPs are needed in all fisheries, the WCPFC should prioritise the implementation of LTRP's in at least the four key tuna species, including skipjack (SKJ), albacore (ALB), bigeye (BET), and yellowfin (YFT), at this time.

Very simply, reference points provide management decision-makers an objective tool to determine whether a fish stock size is becoming too small or fishing pressure is becoming too great. WWF notes that the WCPFC has discussed and considered reference points since 2006 and that, while the SC has made several recommendations to the WCPFC on appropriate reference points, the WCPFC has failed to adopt formal explicit reference points. Nonetheless, while stock assessments conducted by SPC use B_{MSY} and F_{MSY} as Limit Reference Points and provide advice to the WCPFC, more explicit reference points are justified based on the available scientific information.

At the recent SC8 meeting in Busan, one CCM expressed a preference for fishing mortality-based (i.e. F-based) Limit Reference Points, justified by the perception that: (1) fishing mortality is a parameter that the WCPFC controls; (2) they are more likely to be robust against changes in recruitment; and (3) they require less information about the biological responses of tunas especially at lower biomass.² While this may be relevant to tunas in this region which have not been fished down to very low levels, it fails to recognize inherent vulnerabilities to the application of such a measure despite perceived above-average resilience and associated %SPR values. While simply managing to a default MSY as a natural Limit Reference Point may seem appealing because it results in a perceived optimum level of depletion, it also results in a potential failure of the management system to respond in a timely and effective way.

An F-based Limit Reference Point is indeed designed to control fishing capacity or, in other words, the rate at which the harvest influences the stock size. However, under the existing management regime, managing solely under an F-

based model leaves too much room for delay in action and, as a result, fails to respond adequately to changes in stock size or fishing pressure. For example, there is typically two years between stock assessments in all WCPO fisheries. In that two year time period, assume that the fleet capacity, either through size or efficiency, expands substantially. Due to the timing of the stock assessments and data availability for the meetings, it could be three years or more before the WCPFC will be capable of addressing the unsustainably increased fishing mortality. This dynamic can result in a severe overshoot of mortality resulting in the need for substantial painful retractions of effort and significant rebuilding measures.

While the uncertainties associated with biomass (B-based) Limit Reference Points make them a less attractive option to some stakeholders, they constitute a critical tool to ensure that stock sustainability is ensured. F-based Limit Reference Points are important and useful, but not as critical as a B-based limit because a B-based limit ensures a biological floor that the fishery cannot go below.

In March 2012, WCPFC8 endorsed the hierarchical approach to identifying Limit Reference Points and tasked the Scientific Services Provider with preparing proposed Limit Reference Points for the consideration of SC8. As stated in WWF's Position Statement to WCPFC-8, 2012, WWF strongly urges the WCPFC to formally adopt Limit and Target Reference Points. The adoption of explicitly determined Limit and Target Reference Points for at least the four key tuna species, namely SKJ, ALB, YFT, and BET, is an absolute priority for the sustainable management of these resources in the WCPO.

WWF recommends that the WCPFC must:

- Adopt precautionary B-based Limit Reference Points³ (preferably based on Spawning Biomass)⁴ for all WCPO fishery stocks under its authority;
- Adopt precautionary F-based Limit Reference Points as an *interim* measure to attempt to control the exploitation rate;⁵
- Direct the SC to develop a range of alternatives for precautionary Target Reference Points for consideration in 2014; and
- Consider risk probability levels of breaching the Limit Reference Points of 10% or less as a precautionary measure.

Harvest Control Rules

Under the 1995 UN Fish Stocks Agreement Convention, article 5(c), the precautionary approach⁶ became a basic element of sustainable fisheries management. Globally, countries and regional organizations have adopted the measure as a matter of domestic and international law supporting prudent fisheries management. The measure was also specifically included in the FAO Code of Conduct for Responsible Fisheries, serving as a guidepost for sustainable fisheries management. Furthermore, the measure appears prominently in the FAO Guidelines for ecolabelling, and is a critical element for consideration in ecolabelling certification schemes such as the Marine Stewardship Council (MSC).

It is possible to make the implementation of a precautionary approach operational through pre-agreed management actions, or specifically, Harvest Control Rules, that trigger management actions when stock status indicators reach pre-defined Reference Points.

Currently, no explicit Harvest Control Rules exist in the WCPFC. The WCPFC currently bases management on implied reference points informed by basic catch and effort data, length-frequency and tagging data. Limited management actions include limiting fishing effort through various *ad hoc* input controls such as the PNA's Vessel Day Scheme (VDS), closure of high seas pockets, FAD closures, and implementation of capacity limits (primarily driven by concerns for BET and YFT). Therefore, the absence of formally agreed Harvest Control Rules is necessary for the WCPFC to fully implement management best practices.

At its most basic, a Harvest Control Rule is simply a pre-agreed action, or set of actions, to be taken by a management body that are designed to achieve a medium or long-term Target Reference Point while avoiding reaching a Limit Reference Point. Simple Harvest Control Rules can be described as an "*if, then*" statement. An example of a very simple Harvest Control Rule would be "*if* the fishery stock level falls below the target level, *then* the level of fishing must be reduced by 20%." Managers may also agree in advance what the specific management actions are to reach that 20% reduction in the level of fishing, such as a regional closure or gear restriction.

Implementing Reference Points as part of Harvest Control Rules puts in place clear decision rules which minimize excessive debate and allow managers to act quickly and decisively when the fishery reaches a pre-defined threshold (e.g. Limit or Target Reference Point). Furthermore, Harvest Control Rules lay the foundation for developing well-defined fisheries management plans that are grounded in sound science.

The WCPFC must develop and implement Harvest Control Rules (HCR's) consisting of explicit, pre-agreed actions designed to achieve a medium or long-term Target Reference Point and avoiding reaching a Limit Reference Point while explicitly defining intended responses to changes in stock status. Well-defined HCR's must seek consistency with the Harvest Strategy and ensure that the exploitation rate is reduced as a Limit Reference Points are approached while also considering a wide range of uncertainties in their design.

WWF recommends that the WCPFC must:

- Thoroughly review the SC8 recommendations for HCRs and the outcomes of the Management Objectives Workshop; and
- Urgently pursue development and implementation of Harvest Control Rules for all stocks under its authority to be achieved by 2015.

Harvest Strategies

A Harvest Strategy represents the basic guidelines that stipulate how managers go about setting general harvest levels or allowable fishing levels. The choice of Harvest Strategy affects the yield from the fishery and the risk of overfishing. Efforts to define Reference Points and Harvest Control Rules help to clearly inform the Harvest Strategy. The current rudimentary Harvest Strategy employed in the WCPFC does not contain any Harvest Control Rules and, as such, does not reflect best practice.

The WCPFC must develop well-defined Harvest Strategies or Policies based on distinct, pre-agreed Reference Points and Harvest Control Rules. The Harvest Strategies should reflect clear guidelines that stipulate how managers set general harvest levels or allowable fishing levels. Any Harvest Strategy considered must contain strong, precautionary directives to ensure that stock size stays above the Limit Reference Point and, ideally, a Target Reference Point set to achieve Maximum Economic Yield. A well-developed Harvest Strategy should also consider details of a rebuilding plan should a stock go below the Limit Reference Point.

WWF recommends that the WCPFC must:

- Develop strong, science-based Harvest Strategies to be implemented simultaneously with the development of precautionary Reference Points and Harvest Control Rules.

High Seas Closures

In general, WWF supports the implementation of conservation and management measures where the science indicates those measures represent important contributors to tuna conservation and the health of the ecosystem they depend upon. However, at this time, there is insufficient scientific evidence to indicate the High Seas Pocket (HSP) closures in the WCPO have effectively contributed to tuna conservation and management. Furthermore, contrary evidence suggests that effort is ultimately displaced from the HSP closure areas where bycatch rates tend to be lower and into the nearshore EEZ areas where bycatch tends to be higher. WWF notes the very limited impact of the high seas closures on the overall management of tunas in the WCPO, as evidenced by the overall failure of CMM 2008-01 despite good adherence to the HSP closure reported by the SC8⁷

WWF agrees with the SC8 recommendation that closing areas/time entirely to purse seine fishing without consideration of the fate of displaced fishing effort will not be effective for BET conservation and less profitable to purse seine operations as a whole.⁸ The High Seas Pockets (HSPs) require a unique approach that is applicable to all Members, Co-operating Non-Members, and Participating Territories (CCMs).

WWF recommends that the WCPFC should:

- Develop a program to treat the HSPs as "Special Management Zones" (SMZ) subject to mutually agreed rules and measures contingent upon strict reporting and observation requirements by the WCPFC;
- Consider a Vessel Days at Sea (VDS)-type scheme specific to HSPs which would count against the overall effort of the CCM;
- Rescind the waiver of the FAD closure on the domestic purse seine fisheries offered to CCMs displaced from the HSP closure areas upon transition of those areas to SMZs; and
- Require all CCMs allowed to re-enter the HSPs to implement complementary measures to the revised CMM 2008-01 (enacted at WCPFC9) in addition to an equivalent compliance and monitoring scheme applicable to the domestic purse seine fisheries.

Tuna Species

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 2013.⁹ Assisted by the 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 BET, YFT, and SKJ 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).¹⁰ The SC8 maintains that the catch of small BET, YFT and SKJ can be significantly reduced by purse seines switching from FAD sets to unassociated sets.¹¹

Nonetheless, the SC8 specifically noted that CMM-2008-01 has not reduced the fishing mortality for BET to the level intended and supports the need for additional or alternative targeted measures to reduce the fishing mortality on BET.¹² 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.¹³ 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.

The WCPFC must support the SC8 recommendations for development of a revised CMM for BET, YFT and SKJ tuna stocks. Specifically, the SC8 notes that the catch of small BET, YFT and SKJ can be significantly reduced by purse seines switching from FAD sets to unassociated sets.

WWF supports the SC8 recommendation for development of a revised CMM for BET, YFT and SKJ tuna stocks. Consistent with this recommendation, the WCPFC must:

- Adapt and adopt management measures that apply to all sectors of the fishery;
- Further strengthen the control of FAD activities;
- Build 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;
- Implement an absolute reduction of the total number of FAD sets to the levels no greater than those in the fishery in 2010;
- Clearly define limits on purse seine effort that are applicable in different areas;
- Implement measures which reduce fishing mortality on BET from the longline fishery; and
- Consider 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.

Yellowfin Tuna

Although the SPC did not conduct a stock assessment for YFT this year, anecdotal accounts of continued declining CPUE indicate a corresponding decline in stock status warranting action to halt and reverse the declining trend. WCPFC should observe the precautionary approach and support the SC7 recommendation to the WCPFC to limit YFT fishing mortality to its 2001-2004 level. The conclusion provided in the SC7 Summary Report based on the most recent assessment of YFT (2011) in the WCPO indicates that overfishing is not occurring and that the stock is not in an overfished state. However, the stock assessment does continue to indicate a negative trend towards an

overfished state that warrants a precautionary approach to the management of the stock. Additionally, reduced catch levels support additional measures as the WCP-CA YFT catch for 2011 (430,506 mt – 19%) was the lowest since 1996.¹⁴ WWF recommends that the WCPFC take proactive and precautionary measures to prevent the further decline of the YFT stock.

WWF recommends that the WCPFC take proactive and precautionary measures to prevent any further decline of the YFT stock and that WCPFC must:

- Implement the SC7 recommendation to the WCPFC to limit YFT fishing mortality to its 2001-2004 level in the western equatorial region.¹⁵

Pacific Bluefin Tuna

CMM 2010-04 for Pacific Bluefin tuna requires member states to ensure that the total fishing effort by their vessels stays below the 2002-04 level for 2011 and 2012. This measure might be successful, but for all of the exceptions carved out, such that the exceptions become the rule. While a minor exception for artisanal fisheries likely has a negligible effect, the additional exceptions to the measures intended to reduce juvenile Bluefin tuna mortality to 2002-2004 levels confound the success of the CMM. The WCPFC must remove all current exemptions from CMM-2010-04 and encourage all fishing nations to implement the substantial management measures for juvenile (age0-3) PBT to keep fishing mortality of PBT to no more than its 2002-2004 fishing mortality level.

WWF recommends that the WCPFC must:

- Revise CMM-2010-04 and remove all current exemptions from CMM-2010-04; and
- Encourage all member states to implement the substantial management measures for juvenile (age 0-3) PBT to keep fishing mortality less than its 2002-2004 level.

South Pacific Albacore Tuna

The SC7 noted in 2011 that harvest levels of the exploitable biomass has increased sharply in recent years, raising concerns of potential overfishing in the near future and the need for additional restrictions of fishing mortality. WWF remains concerned about the recent rapid and uncontrolled growth in the longline fleet throughout the WCPO. Particularly, this growth appears to be contributing to several adverse impacts to Southern ALB tuna and possible localised depletion of the adult stock in some areas. Furthermore, verifiable increased effort south of 20°S on the juvenile migrating stock appears to be contributing to a reduction in biomass, which is also resulting in the stock rapidly approaching MSY.

The SC8 confirmed that the WCP-CA ALB longline catch for 2011 was the second highest on record (96,219 mt), but represents a 6,000 mt decline from the 2010 record (102,763 mt). Meanwhile, all fleets are reportedly currently experiencing significant reductions in catch per unit effort (CPUE) in response to the increase in adult fishing mortality, thereby providing a strong indication of a drop in biomass. Therefore, the effectiveness of the WCPFC CMM 2005-02, as amended in 2010, to conserve the Southern ALB stock, remains questionable. While the current state of the Southern ALB stock remains within biological limits, the goal of the WCPFC should be to keep it there rather than to allow a continued trend of decline in the fishery. Furthermore, WWF maintains substantial concerns that the persistent increase in ALB effort will also significantly impact other target species facing conservation concerns such as BET and YFT as well as sharks.

WWF supports the efforts of the Secretariat of the Pacific Community (SPC), Forum Fisheries Agency (FFA), Te Vaka Moana (TVM), the Parties to the Nauru Agreement (PNA), the Melanesian Spearhead Group (MSG), other Pacific Island Countries (PICs) with target ALB fisheries, the Pacific Islands Tuna Industry Association (PITIA) and other non-aligned parties to strengthen the management strategy for the ALB longline fishery and to address the related species interaction issues. WWF would specifically like to reemphasize the concerns expressed by the FFA at SC8 regarding the doubling of catch since 2000, declining CPUE, and increase in effort (including influx of vessels from the Indian Ocean, increase in domestic fleet size, and more high seas fishing) for South Pacific ALB.¹⁶ Measures aimed at introducing effective capacity limits and effort management must be urgently addressed by WCPFC and the region's domestic fisheries managers. The following recommendations are consistent with the policy paper commissioned by WWF regarding South Pacific ALB tuna that was submitted to the WCPFC in March 2012.¹⁷

WWF recommends that the WCPFC must:

- Introduce effective capacity and effort controls for management of the South Pacific ALB stock; and

- Encourage domestic fisheries managers to implement Tuna Management Plans that freeze licenses for ALB at current levels and seek to reduce that number to a level that achieves Maximum Economic Yield.

Bycatch

WWF believes that WCPFC must take decisive management action to avoid and mitigate bycatch in all WCPO fisheries and ensure the relevant scientific body is able to improve bycatch related information through such tools as the Bycatch Management Information System (BMIS). WWF further recommends that the WCPFC strengthen the long-term management of bycatch levels and mitigation options, including to review and revise management actions on bycatch as information increases as well as take action to strengthen capacity to manage and monitor compliance with conservation and management measures.

A group of environmental NGOs (including WWF and TRAFFIC) developed a Compendium of Best Practice of Conservation and Management Measures (CMMs) for the bycatch species taxonomic groups in 2011.¹⁸ The NGOs prepared four CMMs on the basis of the best available scientific advice and taking into account current practice within tuna RFMOs. The proposed CMMs cover the following four taxonomic groups including seabirds, sharks, sea turtles, and marine mammals. WWF encourages the WCPFC to consider these proposed CMMs in its own approach to addressing bycatch issues.

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 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.¹⁹ At least 75 whale sharks were recorded as mortalities in the purse seine fishery in 2009 and 2010 alone.²⁰

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

WWF recommends that the WCPFC should:

- Acknowledge the SC8 conclusion that whale sharks meet the criteria for consideration as a key shark species and define whale sharks as a key shark species.
- Adopt Australia's Proposal to Address the Impact of Purse Seine Fishing Activity on Whale Sharks, which includes a specific prohibition for 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.[¶]

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*.²¹ 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.²²

Based on the recommendations of the SC8 regarding oceanic whitetip and silky sharks, the WCPFC must:

- 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 WCPFC Convention.[¶]

Shark Finning

Shark finning is defined as the practice of removing the fins from a shark and discarding the carcass. The WCPFC has already taken initial steps to regulate shark finning. However, recent research indicates that these efforts are largely inadequate as the practice of calculating a “fin to carcass” ratio allows fishermen to retain more high value fins through highgrading and hence 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.²³ 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.”²⁴

The WCPFC 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.

Additionally, 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.

More importantly, WWF maintains concerns that too much focus is placed on finning measures. WWF believes that finning prohibitions tend to divert attention from assessing the overall sustainability of shark harvests and that shark management should not be based on seemingly simple measures that lack even the potential for proper evaluation and enforcement.²⁵

WWF recommends that the WCPFC must:

- Focus more discretely on the overall management of shark harvests including the development and implementation of reference points for non-target species as envisaged under Articles 5 and 10 of the WCPFC Convention;
- Support and promote the collection of species-specific shark catch data in the WCPO through observer records and logbooks;
- Implement a requirement for all sharks be landed with their fins naturally attached, allowing for a “partial cut method” to facilitate safety and storage; and

- Until such time a “fins attached” policy is enacted, implement a prohibition on the transfer of any unattached shark fins at sea.¶

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.”²⁶

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.²⁷ 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.²⁸ 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 minimization of bycatch impacts in longline operations. The best way to improve compliance with the CMM is to revise the CMM to ensure more suitable requirements for the determination of optimal bycatch mitigation packages for individual fisheries, reduce the ambiguity in the language, and improve the definition of the desired outcomes of the CMM. WWF maintains that revisions to the CMM are necessary to better enable compliance and because we believe that substantial evidence exists that current measures have failed to minimize impacts on sea turtles under the current CMM, thereby further obligating implementation of stronger measures. Therefore, 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.

Thus, with respect to sea turtles, the WCPFC should:

- Formally acknowledge the deficiencies of CMM 2008-03;
- Adopt the sea turtle conservation and management measures proposed by WWF in the Compendium of Best Practice of Conservation and Management Measures (CMMs);²⁹
- Develop and implement CMM revisions aimed at:
 - Strengthening key language and reducing the ambiguity in desired outcomes of the CMM, thereby enabling not only stronger conservation measures but also better monitoring of CMM effectiveness;
 - Committing explicitly to a goal of *zero mortality* of sea turtles and catch rates *as close to zero as possible*;
 - Introducing new interim binding measures including mandatory adoption of bycatch reduction gear (e.g. circle hooks) and other mitigation techniques, conducting research on mitigation techniques, and reporting on sea turtle impacts, with a goal of later implementing a consolidated optimal bycatch mitigation package;
 - Setting an appropriate interim catch rate that would trigger move-on provisions; and
 - Taking appropriate actions to ensure observer coverage in the longline fleet reaches recommended minimum levels with a view to progressively phase in 100% observer coverage.
- Revive efforts to ensure the appropriate monitoring and documentation of compliance with CMM 2008-03 (and any revisions to the CMM) ensuring that member countries are meeting minimum data collection and surveillance requirements; and
- Reconstitute efforts to clearly communicate the ecological and economic benefits of circle hook adoption and sea turtle mitigation techniques to CCMs and their fleets.

Seabirds

WWF supports the advice from delegates of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) that the following seabird bycatch mitigation measures represent the current best practices:

- weighted branch lines
- night setting
- bird scaring (tori) lines

The International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Indian Ocean Tuna Commission in November 2011 and April 2012 respectively, passed new conservation measures that required member states to use 2 out of 3 seabird bycatch mitigation measures south of 25°S in their areas of competence, choosing between night setting, bird-scaring (tori) lines and line weighting. The greatest areas of risk of the adverse effects of fishing mortality on seabird populations in the southern hemisphere of the WCPFC area occur from 25 to 50°S, particularly in the Tasman Sea.³⁰

WWF supports the SC8 recommendation that a combination of techniques should be used, especially those including the best practices listed above that have proven most effective for reducing seabird bycatch of the prevalent seabirds in the regions of concern. Additionally, WWF supports the SC8 recommendation to include observer data fields on: the mass of weight added to branch lines, distance between weight and hook (in meters), the fate (dead, alive or injured), and number of seabirds by species in each of these categories.³¹

The WCPFC should reconsider analysis on the impacts of implementing seabird avoidance gear on vessels less than 24 meters as it would be largely redundant in lieu of considerable research that has been conducted in other longline fisheries which proves vessels as small as 8 meters can successfully and economically deploy seabird avoidance gear.³²

As a bycatch species of concern in the WCPO, WWF remains committed to reducing the capture and mortality of seabirds in the tuna longline fisheries. WWF supports the recommendations of the Agreement on the Conservation of ACAP and the SC8 regarding seabird conservation.

Thus, with respect to seabirds, WWF recommends the WCPFC should:

- Adopt the seabird conservation measures recommended by ACAP as the best practice for longline operations, including the use of weighted branch lines, night setting, and bird scaring (tori) lines;
- Endorse the use of 2 out of 3 of the seabird bycatch best practices on all longline vessels fishing south of 25°S; and
- Consider implementation of the seabird bycatch best practices throughout the WCPFC CA where incidence of seabird interaction warrants mitigation measures.

Monitoring and Compliance

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 future development of the CDS by the WCPFC.

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 development, WWF requests that the WCPFC consider certain key features of a good CDS system, including:

- A requirement for electronic documentation to accompany all catch harvested, landed, transhipped, traded domestically, exported, processed, imported and re-exported;
- Complementary measures to maximize the effectiveness of the CDS through:
 - ensuring that transhipment 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.

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 conservation and management measures in the WCPO. Indeed, observers represent the vanguard of fisheries management through the science and service that they provide. Thus, 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 ROP is strengthened.

First and foremost, the WCPFC must take steps to actually implement a consistent and consolidated set of standards for the ROP. At this time, despite references to an ambiguous “Hybrid Model,” the WCPFC has no identifiable standards or definitions for the ROP.³³ This leads to variations in interpretation, inconsistency in application of existing measures, and, ultimately, contributes to poor quality, inconsistent, or unreliable data being introduced to the management system. Additionally, as part of developing the standards, the WCPFC must develop clear, unambiguous definitions for subjective terms currently used within the operation of the ROP. The quality of the data produced by the ROP depends heavily on the quality of the program in place. Therefore, the WCPFC must take steps to better refine the standards and operating procedures for the ROP.

Second, the WCPFC must ensure, through appropriate guidance, that national observer programmes administered under the ROP are fully resourced in terms of human and financial capital as well as governed under appropriate administrative and management structures. The WCPFC should consider an analysis that considers and presents different funding models that CCMs could consider for ensuring proper administrative and management of the observer program at a national level. In any event, more attention must be given to the development of minimum standards that ensure a national programme can perform to ROP standards, including such efforts as annual reviews of the national programs under pre-agreed performance standards.

Third, WWF maintains significant concerns regarding the independence of onboard observers from the perspective of data integrity. The independence and the security of the observer must be paramount to ensure data integrity. Therefore, WWF recommends that any observer funding model considered must avoid even the perception of conflict of interest. This means establishing a 3rd party payment system that insulates the observer from direct payment by the vessel owner or operator, which constitutes an unequivocal financial conflict of interest.³⁴ WWF suggests that the WCPFC carefully research funding models that ensure that observer providers can provide timely and secure payments to observers without having those payments made directly to the observer by the vessel owner or operator. Specifically, WWF believes that a “Pre-payment Model” that would require funding observer placement through an independent 3rd party agent could potentially provide the necessary insulation from undue influence by the vessel owner or operator while also ensuring that the observer is properly paid and transported to their home of record at the conclusion of their service. Thus, WWF asks the WCPFC to urgently pursue measures to ensure the independence of observers.

Related to observer independence, WWF insists that the WCPFC implement stronger requirements to ensure the health, safety, and welfare of all observers serving in the WCPFC. Very few measures exist to protect observers from bribery, threats, intimidation, or harassment. Recent anecdotal and documented information confirms that observers are consistently subject to different forms of harassment that impede their ability to properly do their jobs as well as impact their physical safety and well-being while on the vessel. When a vessel operator, owner, fish master, crewmember, or anyone else interferes with the official duties of an observer, they directly obstruct the collection of scientific data that will ultimately decide the sustainable management of their fishery. WWF believes that interference with an observer directly results in *unreported* data subject to sanctions under the UN FAO standards for Illegal, *Unreported*, and Unregulated fishing.³⁵ Therefore, WWF urges not only that the WCPFC put in place discrete provisions to protect observers from interference, but also implement an administrative process that protects both the vessel and the observer through a well-defined and transparent administrative review procedure. Any violation against an observer that is confirmed through the administrative review should result in the offending vessel being placed on the IUU list.

From a technical perspective, WWF previously noted and once again remarks that no current impediment exists for all support vessels to have 100% observer coverage such as the measures currently enforced for purse seine vessels. Furthermore, WWF advocates that 100% observer coverage be phased in for longline vessels, including potential Electronic Monitoring programs to reduce the cost and feasibility of on board observation. WWF continues to call for a 3-year phase in of 100% ROP coverage for all fishing and support vessels including:

- Year 1: In an effort to effectively enforce transshipment requirements, all support vessels (resupply, refueling, reefers) for all high seas fishing must have 100% ROP coverage, which may include an approved equivalent Electronic Monitoring system;³⁶
- Year 1: 20% of all longline vessels (including at least one from each flag state) have an ROP observer or approved equivalent Electronic Monitoring system on board;
- Year 2: 50% of all longline vessels (including more than half of all vessels from each flag state) have an ROP observer or approved equivalent Electronic Monitoring system on board; and
- Year 3: 100% of all longline vessels have an ROP observer or approved equivalent Electronic Monitoring system on board.

Other fisheries around the world have demonstrated varying levels of success using EM in limited circumstances, depending on the goal of the observation and data collection program. Therefore, each application of EM is contextual and must be subject to thorough analysis, comprehensive testing, and careful monitoring to ensure the technology and program is functioning as designed. WWF would like to acknowledge the important role that EM could potentially play in ensuring observer coverage throughout the WCPFC CA, possibly even at a reduced cost, but noting that there will always be a need for human observers to perform certain analytical tasks that a camera, sensor, or computer simply cannot accomplish.

The observer program is a critical link to ensure the sustainability of the WCPO tuna fisheries for future generations in the SIDS. In some cases, nations' access to fisheries constitute their only source of revenue and as such must be recognized for its importance to those communities through strong conservation and management measures designed to ensure the long term sustainability of those fisheries. In addition to the benefits of improved compliance and enhanced traceability, a solid, well-functioning observer program can help ensure access by member states to important, high-value markets that seek to source from fisheries with transparent measures conducted in accordance with international best practices.

With respect to the continued implementation and operation of the ROP, the WCPFC must:

- Implement a binding, consistent, and consolidated set of standards for the ROP;
- Conduct a phased implementation of 100% observer coverage on all fishing and support vessels;
- Revise the Observer Provider Code of Conduct to create more substantive requirements on Observer Providers and recipients, including the implementation of a schedule of fines and sanctions for non-compliance to be applicable to throughout the WCPFC CA;
- Develop and implement strong set of Minimum Observer Health, Safety, and Welfare Standards to be applicable to all vessels operating throughout the WCPFC CA;
- Develop and implement a standardized administrative review system to address observer grievances that is empowered to impose sanctions and/or penalties on offending vessel owners, captains, masters, and/or crew, who engage in bribery, threats, intimidation, or harassment of any kind against an observer which would otherwise impede them from conducting their official duties; and
- Implement a Conservation and Management Measure stating that any finding from an administrative review that confirms an instance of bribery, threats, intimidation, or harassment of an observer constitutes an IUU violation resulting in the vessel on which the offense occurred being placed on the IUU list;
- Consider EM in situations deemed appropriate for enforcement and monitoring goals specific to those vessels considered;
- Reconstitute the Data Consultative Committee (DCC) to address current data issues in the ROP, including consideration of:
 - Revisions of data fields for non-target species to include detailed entries for seabirds, turtles, and sharks, broken out by species, in all observer reporting submissions; and

- o Removal of redundant, duplicative, or otherwise obsolete data fields; and
- Develop a more comprehensive analysis and design plan for spatially and temporally representative observer coverage of each fishery operating in the WCPFC CA.

IUU Measures

WWF would like to commend the WCPFC efforts to address IUU listing procedures under WCPFC CMM 2010-06 to ensure effectiveness and harmonization with other RFMO procedures. The IUU list provides an effective deterrent against vessel owners, operators, and companies who would otherwise reap the unjustified benefits of a fishery without being subject to the rules by which the rest of the fishery must abide.

The WCPFC must maintain strong procedures for identifying, listing, and retaining IUU vessels on IUU Lists to ensure that the integrity of the WCPO fisheries including:

- Ensuring the burden of proof must always remain with the IUU offender to explicitly prove through appropriate documentation (WCPFC CMM 2010-06 paragraph 25 a-e) that all obligations have been met before being removed from an IUU list;
- Maintaining the current definition of IUU fishing for the purpose of the IUU list; and
- Ensuring that “sanctions of adequate severity” are always onerous enough to prevent, deter, and eliminate any future IUU conduct and not just a “cost of doing business.”

Data and Statistics

One of the most important features of a fully functioning fisheries management regime is the supply of timely and accurate data for use in stock assessments and decision making processes. The SC8 noted that several CCMs still have not provided operational catch/effort data and none of these CCMs have submitted a Data Improvement Plan, as recommended by WCPFC7.³⁷ To ensure that all fisheries under the WCPFC’s responsibility are sustainably managed, the WCPFC must continually seek improvements in data collection and analysis.

WWF recommends that the WCPFC should:

- Repeat the request for CCMs who have yet to provide operational level catch and effort data provide Data Improvement Plans to the WCPFC; and
- Request that, until operational catch/effort data are provided, non-compliant CCMs must provide annual catch estimates by gear and species for waters of national jurisdiction and high seas areas separately, as per the scientific data provision rules of the WCPFC.

Miscellaneous

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.

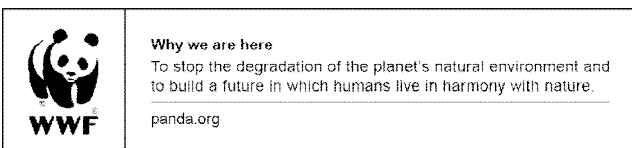
WWF recommends that the WCPFC must:

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

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.



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- ¹ Unless otherwise stated, throughout this document “WCPFC” refers to the Members, Co-operating Non-Members, and Participating Territories (CCMs) of the WCPFC, not the WCPFC Executive or Secretariat.
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- ³ Norris, W. (2009). The Application of Reference Point Management in WCPO Tuna Fisheries: An Introduction to Theory and Concepts. WCPFC-SC5-2005/ME-WP-01. (Biomass (B) represents the weight of all fish in the water.)
- ⁴ *Id.* (Spawning biomass (SB or SSB) is the weight of all mature [reproductive and generally female] fish in the water, or [preferably] the reproductive potential of the population. Gives a better indication than B of the reproductive capacity of the stock, and tends to be more stable.)
- ⁵ *Id.* (Fishing Mortality (F) relates to the proportional impact of fishing on the total deaths in a stock during a given period.)
- ⁶ UNESCO. (2005). The Precautionary Principle. SHS-2005/WS/21 cld/d 20151. pp.12-14.
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- ¹⁰ *Id.* at 36.
- ¹¹ WCPFC Scientific Committee. (2012). Summary Report of the Eighth Regular Session of the Scientific Committee (Adopted version) at p.19.
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