



COMMISSION
ELEVENTH REGULAR SESSION
Faleata Sports Complex, Apia, SAMOA
1 - 5 December 2014

Greenpeace briefing paper for WCPFC11

WCPFC11-2014-OP11
20 November 2014

Paper by Greenpeace

Western and Central Pacific Fisheries Commission
Eleventh Regular Session of the Commission

Apia, Samoa, 1 – 5 December, 2014

1. Summary

Greenpeace welcomes the opportunity to attend the 11th meeting of the Western and Central Pacific Fisheries Commission (WCPFC) as an observer. The outcome of the recent WCPFC Science Committee meeting, in particular the poor state of bigeye and Pacific bluefin stocks, is the predictable result of the failure of members of this Commission to uphold the mandate stipulated under Articles 5 and 6 of the Convention to apply the precautionary approach, including through acting upon the best available scientific advice, in adopting conservation and management measures (CMMs) for key tuna species.¹ The overfishing occurring on these critical tuna stocks is a direct result of the continued expansion of fishing fleets, increasing fishing capacity and effort, through the use of FADs in particular, and increasing non-compliance.

Two of the Pacific's vital tuna stocks are now at dangerously low levels: the Pacific bluefin tuna population is estimated to be at 4.3% and bigeye tuna at 16% of its original spawning biomass². The Commission must prioritise efforts towards rebuilding these stocks. While the other tuna species, skipjack, yellowfin and albacore, are at somewhat higher biomass levels there are warning signs that all three of these stocks are also in trouble; from observed localised depletion or range contraction of skipjack and yellowfin to widespread economic deterioration of domestic fisheries for South Pacific albacore. The commission can't afford to be the ambulance at the bottom of the cliff, and must develop precautionary targets and harvest control rules to restore all the fisheries in its mandate to full health and productivity.

Greenpeace therefore calls on the members of the WCPFC to urgently adopt the following measures:

1. **Ensure full compliance with data provision requirements as a fundamental basis for the work of the Commission and agree on decreased fishing opportunities in 2015 for those parties failing to comply with these provisions.** Greenpeace welcomes the FFA proposal for a Conservation and Management Measure for the Provision of Operational Level Data by all CCMs and hopes that WCPFC parties will go further and act strongly on this fundamental issue. Greenpeace urges China, Japan, Korea and Taiwan to remedy their non-compliance on this issue;
2. **Adopt interim target reference points (TRPs) of 50% $SB_{F=0}$ for skipjack, bigeye and yellowfin, and 70% for albacore** until final TRPs are agreed by the Commission no later than 2017. Greenpeace supports the FFA proposed replacement for the conservation and management measure on establishing a harvest strategy for key tuna species in the Western and Central Pacific Ocean;

¹ WCPFC Convention Article 5. Principles and measures for conservation and management; Article 6. Application of the precautionary approach. <https://www.wcpfc.int/system/files/text.pdf>

² WCPFC (2014). Summary Report. Scientific Committee Tenth Regular Session, 6–14 Aug 2013, Majuro, Republic of the Marshall Islands. <https://www.wcpfc.int/node/19472>

3. **Adopt a moratorium on targeted fishing for Pacific bluefin tuna;**
4. **Agree a new recovery plan for bigeye tuna** that brings existing fishing capacity and effort in line with precautionary mortality limits to end overfishing and allow for the quickest possible recovery of the stock. Greenpeace believes that in order to achieve such objectives a full ban on the use of FADs, a reduction in both longline and purse effort, and closure of the high seas pockets to all tuna fishing is required;
5. **Adopt a Conservation and Management Measure for South Pacific albacore that sets the basis for reducing capacity in the fishery and puts catches in line with precautionary mortality levels.** Greenpeace believes such measure could build on the FFA proposal and must ensure that both fishing capacity and catches are brought down to biologically and economically sustainable levels. Greenpeace recommends that in agreeing the necessary reduction in total catches in the albacore fishery, priority should be given to reducing fishing opportunities available to CCMs that are not complying with data provision requirements.
6. **Strengthen the Commission's response to non-compliance and IUU fishing** in particular by urgently adopting a Compliance Monitoring Scheme (CMS) and ensuring that transparency is restored to this process in line with that of other RFMOs, particularly regarding the public availability of compliance documents. Greenpeace recommends that the annual assessment of obligations is focused on priorities identified using a risk based approach. For the 2015 assessment of compliance, we suggest prioritising:
 - a. Failure to provide operational level data
 - b. Repeated non-compliance
 - c. Violation of the FAD closure period
 - d. Exceeding catch and effort limits
 - e. Transshipment
7. **Adopt a strengthened CMM for sharks** to eliminate shark targeting techniques and other fishing methods with high shark bycatch, and follow international best practice (fins naturally attached landings) to combat shark fining.

2. Violation of the convention: non-provision of operational level data

Commission members agreed 10 years ago to cooperate, including through the provision of necessary data, as an obligation to being a party to the Convention. To date, four CCMs namely China, Japan, Korea and Taiwan, continue to withhold data on the operations of their fleets in the high seas. This is an unacceptable situation that undermines the work of the scientific community and the credibility of management advice made available to the Commission and thwarts efforts to combat IUU fishing. In summary, it makes a mockery of this Commission. This is a serious breach in the obligations of CCMs as stipulated under article 5(b) & article 5(i) of the Convention.

The first meeting of the Scientific Committee of the Commission in 2005 concluded that “access to operational level data was absolutely necessary to interpret historical changes in the longline fishery” and recommended data rules including standards for operational data that were adopted by WCPFC2. CCMs have now had nine years in which to address any domestic legal constraints to apply these measures, and there is simply no plausible excuse for any CCM that has failed to do so.

The Commission must ensure full compliance with data provision requirements as a fundamental basis for its work and agree on decreased fishing opportunities in 2015 for those parties failing to comply with these provisions. Article 20 of the Convention gives guidance to the Commission exercising its decision-making provisions in order to improve CCM compliance. Article 10 Paragraph 3 (e) of the Convention requires the Commission to take into account data provision by CCMs in determining criteria for the allocation of TACs or TAEs. The Commission should also look at the option of imposing mandatory regional observer coverage as a mitigating measure to gather the necessary operational data. Greenpeace supports the adoption of the FFA proposal for a Conservation and Management Measure for the Provision of Operational Data.

3. Target Reference Points and Harvest Control Rules

The Commission agreed to use a hierarchical 3-level framework to define appropriate limit reference points (LRPs) for stocks based on the level of biological information available. For skipjack, albacore, yellowfin and bigeye tunas, and striped marlin, the current agreed biomass limit reference point is 20% $SB_{F=0}$ based on recruitment conditions for the most recent 10 years of assessment (excluding the final year of assessment when recruitment is poorly estimated). The Commission has also since decided not to adopt an equivalent F-based reference point, as this was seen as redundant given the adoption of a biomass-based LRP.

The continued failure of current CMMs to address the issue of increasing capacity and declining stocks adds urgency to the need to adopt TRPs and harvest control rules. These TRPs must ensure, at a minimum, a low risk of stocks dropping below the biomass LRPs. The majority of CCMs at SC8 recommended that the 'low risk' level for stocks dropping above these LRPs should be 10% for yellowfin and bigeye, and 5% for albacore and skipjack.

However, in some cases, such as in considering the economic viability of the Pacific Island albacore fleets, a higher TRP is indicated. For example, two papers presented at SC10 showed that for south Pacific albacore:

- There is a 5% risk of LRP being breached if the goal is to maintain the stock at 59% $SB_{F=0}$ and 10% risk if the stock is maintained at 55% $SB_{F=0}$. Both these levels are below the current level (63% $SB_{F=0}$) where some south Pacific longline fleets are already struggling to make a living.³
- The biomass of albacore that will provide the MEY for albacore is estimated to be much higher than the level required to maintain the MEY.⁴

For these reasons, Greenpeace is urging the Commission to:

Adopt interim target reference points (TRPs) of 50% $SB_{F=0}$ for skipjack, bigeye and yellowfin, and 70% $SB_{F=0}$ for albacore until final TRPs are agreed by the Commission no later than 2017. Greenpeace supports the FFA proposed replacement for the conservation and management measure on establishing a harvest strategy for key tuna species in the Western and Central Pacific Ocean.

³ Pilling GM, Harley SJ, Hampton J (2014). Evaluation of risks of exceeding limit reference points for south Pacific albacore, bigeye, yellowfin and skipjack tunas with implications for target reference points: A case study using south Pacific albacore. WCPFC-SC10-2014/MI-WP-01. <https://wcpfc.int/node/18513>

⁴ Berger A, Reid C, Pilling G, Imo R (2014). Potential target reference points that consider profitability of fleets: South Pacific albacore longlining as an example. WCPFC-SC10-2014/MI-WP-04. <https://wcpfc.int/node/18516>

4. Tropical tunas

The dire state of bigeye tuna indicated by the 2014 stock assessment, now depleted to 16% $SB_{F=0}$, demands immediate and resolute action from CMMs to address the numerous weaknesses of tropical tuna measures adopted to date. Both longline and purse seine fleets must share the responsibility for the demise of the bigeye stock, and reduce their impacts on bigeye tuna in particular.

For purse seine vessels, data has clearly shown that the FAD ban period that has been progressively introduced since 2009 provides the only respite for bigeye tuna throughout the year. Proposed rules such as extending the FAD ban period, banning night setting and capping annual FAD use will go some way to limit FAD impacts. However, the dire state of bigeye tuna and the disproportionate impact of purse seine FAD sets on juvenile bigeye – not to mention the bycatch of threatened species – means that there is simply no justification for allowing the continued use of FADs in purse seine fisheries at all. **A year-round ban on FADs is long overdue, and must be adopted as part of the revised CMM on tropical tunas.**

Longline fisheries stand the most to gain from reversing the decline of bigeye tuna and recovering stocks to a healthy level. Longline fishing nations must fully cooperate in this recovery, starting with providing operational level data from their fleets and agreeing to catch reductions. Those CCMs that fail to comply with either data provision or catch limits should face serious penalties, including the compounding catch limit deductions proposed by the FFA. **Transshipments at sea represent a fundamental loophole allowing IUU fleets to operate. Existing prohibitions to transshipment at sea by purse seiners must be expanded to include all longline fleets. Greenpeace also calls for the closure of the Pacific Commons (high seas pockets) to all fishing, both longline and purse seine.**

5. South Pacific albacore

Agreeing a comprehensive CMM for South Pacific albacore is of absolute urgency for the Commission. Even with the stock at 63% $B_{F=0}$ (range 35-80%), the fishery is becoming unprofitable – particularly for local fleets of Small Island Developing States (SIDs). A TRP is urgently needed for albacore, and must be set at well above the economically and biologically risky MSY level. Greenpeace is therefore recommending that the Commission adopts an interim TRP for albacore of 70% $SB_{F=0}$.

The existing CMM 2010-05 only limits the number of flagged fishing vessels actively fishing for South Pacific albacore in the Convention area south of 20°S. There are no limits on albacore catches on the high seas between the equator and 20°S, and major increases in efficiency and the number of set hooks means that the purpose of the limit on vessel capacity south of 20°S is severely compromised.

We also recognise the motivation by SIDs to develop their own fisheries for South Pacific albacore in line with their development aspiration stipulated under the Convention and in CMM 2013-06.

Greenpeace calls on CCMs to adopt a Conservation and Management Measure for South Pacific albacore which sets the basis for a reduction of fishing capacity in the fishery and puts catches in line with precautionary catch levels and to enable stock recovery to a TRP of 70% $SB_{F=0}$. Greenpeace believes such measure could build on the FFA proposal and must ensure that both fishing capacity and catches be brought down to sustainable levels. Greenpeace recommends that decreased fishing opportunities are allocated in particular to CCMs that are not complying

with data provision requirements.

6. Sharks

Recent studies from the Secretariat of the Pacific Community (SPC) have confirmed the common use of fishing practices that deliberately increase sharks catches. This essentially involves the use of ‘shark lines’ – branch lines that are directly attached directly to the floats (rather than the mainline), with wire traces used to prevent sharks from biting free when hooked, and bait that attracts sharks. Two of the most commonly caught shark species, oceanic whitetip sharks and silky sharks, are targeted in this manner. Recent assessments show that these species are in a very poor state, with fishing rates well in excess of the F_{MSY} and with stock declines to well below SB_{MSY} .^{5 6 7}

It has been known for some time that Pacific blue sharks have been targeted by some longline fleets. There is no assessment for South Pacific blue shark, and while a recent assessment of the North Pacific stock suggests that the stock may not be overfished, the Science Committee expressed concerns that the catch data is poor and there is considerable uncertainty in the assessment.⁸ Therefore, this species should not be targeted until such time as data has improved and assessments show that the stocks are healthy.

Countries can no longer use the excuse that sharks are unfortunate victims of bycatch and must put strong measures in place to prevent sharks from being targeted – gear modifications that target sharks must be banned.

While the greatest impact on silky and oceanic whitetip shark stocks is attributed to bycatch from the longline fishery, the associated purse seine fishery also has a significant impact. The fishing mortality on silky sharks from the associated purse seine fishery alone is above F_{MSY} and these sets catch predominantly juveniles. Furthermore, recent research in the Indian Ocean showed that there are hidden impacts on silky sharks that have not been considered in stock assessments. Silky sharks are entangled and killed in the netting and lines that typically hang below FADs in numbers that may be as much as 5–10 times higher than the known bycatch. It is highly likely that significant mortality from FAD entanglement also occurs in the Pacific Ocean.

Given the importance of sharks in the Pacific ecosystem, and the continuing poor availability of data, the WCPFC must agree a replacement CMM for sharks that focuses on reducing the catch of sharks. Greenpeace urges the adoption of the following rules within a strengthened CMM:

- A ban on the use of shark lines, wire traces and shark bait on longlines.
- A total ban on the use of FADs in association with purse seine fishing in order to help address bycatch of silky sharks and oceanic whitetip sharks.
- The prompt and careful release of any captured silky sharks, oceanic whitetip sharks and blue sharks.
- A total prohibition of the retention, transshipment, storage, on-board sale and landing of silky sharks, oceanic whitetip sharks and blue sharks until such time that stock

⁵ Rice J, Harley S (2012). Stock assessment of oceanic whitetip sharks in the western and central Pacific Ocean. WCPFC-SC8-2012/SA-WP-06. <https://wcpfc.int/node/3235>

⁶ Rice J, Harley S (2012). Stock assessment of silky sharks in the western and central Pacific Ocean. Eighth WCPFC-SC8-2012/SA-WP-07. <https://wcpfc.int/node/3236>

⁷ Rice J, Harley S (2013). Updated Stock assessment of silky shark in the western and central Pacific Ocean. WCPFC-SC9-2013/SA-WP-03. <https://wcpfc.int/node/3685>

⁸ WCPFC (2014). Summary Report. Scientific Committee Tenth Regular Session, 6–14 Aug 2013, Majuro, Republic of the Marshall Islands. <https://www.wcpfc.int/node/19472>

assessments are of sufficient quality to demonstrate healthy stock levels ($>B_{MSY}$ or equivalent).

- The urgent improvement to the quality and quantity of data recorded and reported for all shark catches, including animal condition on release (dead, injured, alive).
- The further development of reference points, best practice bycatch mitigation measures, and management goals for all non-target species, especially sharks.
- Strengthening the current shark finning measure from the 5% fin-to-carcass ratio requirement to a requirement to land all sharks with fins naturally attached. This will enable better data collection and enforcement of prohibitions on the retention of at-risk species, and is the approach recommended by the Memorandum of Understanding on the Conservation of Migratory Sharks.