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WCPFC17 POSITION STATEMENT

**WCPFC17-2020-OP07
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Submitted by World Wide Fund for Nature (WWF)



WWF

POSITION

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Global Oceans Practice

WWF POSITION

17th Regular Session of the Western Central Pacific Fisheries Commission (WCPFC17): Remote Online Meeting via Zoom – December 7 – 15, 2020

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 17th 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 SC16, NC16, TCC16, and WCPFC16. WWF would like to note that this Position Statement is not comprehensive, but that fact does not mean that WWF does not believe that other issues are not important. WWF wishes to reiterate its position offered in Port Moresby, Papua New Guinea, in December 2019 (WCPFC16) 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.

COVID-19

The COVID-19 pandemic has created legitimate concerns over the potential exposure of observers, fishers, port workers, and other communities to the virus. As such, WWF recognises the unprecedented challenges presented by COVID-19 and the need to ensure the health and safety of those working in the fishing industry. In particular, WWF understands the difficulties with meeting human observer coverage requirements at this time, given widespread travel restrictions in many regions and the very real and legitimate concern for the virus to be transmitted and then brought onshore to vulnerable populations. WWF remains supportive of the proposals contained in the letter delivered by Pew on behalf of the NGO community in support of interim alternative measures and the full reinstatement of observer requirements at the earliest available opportunity.¹

Nonetheless, in light of the continuing risks of COVID-19 transmission to susceptible communities, we support FFA's proposed extension of the intersessional decisions relating to the temporary suspensions with the associated goal to ensure observers may safely return to fishing vessels after 15 February 2021, subject to national assessments. Additionally, WWF commends the FFA and PNA for the development of the FFA COVID-19 Operating Protocols as guidelines to minimise the risk of transmitting COVID-19 in the fisheries sector and support the proposal to formally recognise the FFA COVID-19 Operating Protocols as best practice voluntary guidelines within existing international frameworks.

WWF recommends that the WCPFC:

- **Ensure continuing and robust interim alternative monitoring, control, and surveillance methods until the full reinstatement of the observer programme is appropriate; and**
- **Support the adoption of the FFA COVID-19 Operating Protocols as best practice guidelines.**

Tropical Tunas Measure (CMM 2018-01)

WWF agrees with several CCMs that the constraints of negotiating via online platforms frustrate any meaningful review of CMM 2018-01 during WCPFC17. We also agree with statements of some CCMs in support of precaution given the increased assessment uncertainty and the pending stock assessment reviews and that the absence of a measure would be worse than maintaining the status quo. Therefore, we support "rolling over" the existing measure for one year, noting that it is scheduled to lapse on February 21, 2021, with the provision that work proceed intersessionally under an agreed process.

WWF recommends that the WCPFC:

- **Roll over CMM 2018-01 for one year with an agreed process for progressing work intersessionally.**

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 WCPFC17 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. Notwithstanding impacts of COVID-19, WWF again notes that the original agreed timelines have significantly lapsed while some components have effectively stalled and, for the first time, at least one appears to be moving backward.

Specifically, WWF is disappointed that the existing CMM for the interim TRP for skipjack (SKJ) has lapsed without an agreed replacement. WWF believes that establishing a agreed replacement CMM for the TRP should be a priority for WCPFC17 to ensure that necessary work on an HCR for SKJ may move forward and that previous hard work is not wasted. Furthermore, recognising that the profitability of the domestic Pacific Island fisheries will be critical for the economic recovery post COVID-19, WWF also supports FFA recommendations for the adoption of a TRP for South Pacific Albacore (SP ALB) and emphasis on the important work of the South Pacific Albacore Roadmap Intersessional Working Group to define various methodologies to achieve and maintain the TRP.

WWF requests the WCPFC observe 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 once again strongly encourages WCPFC17 to maintain momentum on implementation of HS elements, and, where necessary, take steps to recover timelines and advance components 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;**
- **Establish a revised replacement TRP for SKJ.**
- **Establish precautionary TRPs for bigeye (BET) and yellowfin (YFT);**
- **Endorse steps toward adoption of an HCR for the SKJ purse seine (PS) fishery and the SP ALB longline (LL) fishery that fluctuates around the established respective TRPs; and**
- **Endorse the continued development and implementation of LRPs and TRPs for proper management of *all stocks*, including sharks as a priority.**

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 continues to emphasise 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 remains politically unlikely, WWF strongly supports the continued work of the Transshipment Intersessional Working Group and associated review and revision of CMM 2009-06 to address deficiencies in the current measure.

WWF supports substantial reforms and improvements for all at-sea transshipments, including:

- 100% monitoring through human observers or EM on all delivering and receiving vessels;
- prompt advance notification of all transshipments;
- timely delivery of all transshipment reports to the WCPFC; and
- strong sanctions for non-compliance.

WWF also recommends that transshipment requirements be buttressed by verification and validation of transshipment activities through redundant systems such as the use of a vessel monitoring system (VMS) supplemented by an operating automated identification system (AIS). If through investigation of suspected unreported transshipment activity indicated supporting procedures and technologies, it is determined that transshipment activity was conducted in violation of transshipment rules, the offending vessel should be subject to sanctions including removal from good standing, license revocation, and listing on the IUU vessel list.

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;**

- **Include bunkering vessels in transshipment management arrangements;**
- **Support 100% observer coverage on delivering and receiving vessels engaged in at-sea transshipment;**
- **Prioritise the development and application of EM for transshipment monitoring;**
- **Support or endorse the use of technology including VMS, AIS, and EM to verify and validate transshipment activity; and**
- **Consider automatically including any vessel that breaches transshipment regulations on the draft IUU vessel list.**

Human and Labour Rights in Fisheries

The International Labour Organization (ILO) has long recognized fishing as one of the world's most dangerous professions. WWF welcomes the international recognition from ILO and other institutions of the dangerous nature of these crucial jobs at sea. Yet instances of fisheries observer deaths, as well as violations of fishing crew welfare, have increasingly been reported to authorities and NGOs in recent years. WWF is disturbed by this trend, takes these reports very seriously, and calls for immediate and urgent action to address these issues.

Crew Welfare

In 2019, just one year after the adoption of Resolution 2018-01 on Labour Standards for Crew on Fishing Vessels, an incident was raised at WCPFC16 describing the abuse of more than 90 Indonesian crew that served on a vessel that was detained in Samoa that year. We specifically note that not only was the name of the vessel not mentioned during WCPFC16, but one of the most important and pertinent aspects of that case, the flag state and country of ownership of the vessel, China, was not cited at the meeting nor recorded in the official summary record of the WCPFC. This is a key piece of material information that should have been discussed publicly and openly, reflective of the need to systematically target and address these issues of labour and rights abuses, consistent with the agreed Resolution.

Additionally, just within the last year, at least 17 Indonesian fishermen have been reported dead or missing in association with work on board fishing vessels operating in the WCPFC Convention Area.² These reports describe horrific working conditions and abuse inflicted by vessel authorities on vulnerable crew. Moreover, multiple crew interviews corroborated these conditions along with video and photographic evidence, resulting in several ongoing investigations.

When these incidents occur, WWF believes direct and decisive action should be taken by those who are responsible for the vessel at sea, government authorities, Regional Fisheries Management Authorities, companies and other institutions to address them through all available means – without exception. When there is a life-threatening injury or death on board a vessel, that vessel should immediately report it to authorities, stop fishing and proceed to the nearest port to submit to further investigation.

Furthermore, WWF believes that vessel operators and managers should provide maximum transparency around all aspects of fishing of public resources, but, particularly, results of investigations into human and labour rights violations should be made public to allow authorities and the public to understand better how the incidents happened and how to prevent them in the future. In addition, authorities that register vessels must ensure that adequate measures are in place to ensure protection fishing crew, and due process is implemented when incidents or allegations emerge. We incorporate by reference our official statement on Human Rights at Sea posted on July 03, 2020, and our letter delivered to the WCPFC on July 20, 2020, in support of these proposed actions.³⁴

Lastly, WWF would like to express emphatic support for statements put forward by New Zealand and Indonesia at TCC16 in support of transitioning Resolution 2018-01 on Labour Standards for Crew on Fishing Vessels into a formal, binding CMM.

Observer Safety and Security

WWF also remains very concerned that, despite measures taken by the WCPFC to ensure the safety and security of fisheries observers that began in 2015, there have been multiple observer casualties since. This is starkly evidenced by the loss of yet another fisheries observer, Eritara Aati of Kiribati, in March of this year.⁵ The deaths of fisheries observers, regardless of the circumstances, MUST STOP.

The recent findings published by the NGO Human Rights at Sea in their report “Fisheries Observer Deaths at Sea, Human Rights and the Role and Responsibilities of Fisheries Organisations” has chronicled the ongoing occurrence of human rights abuses and deaths of fisheries observers at sea. This report and two follow up reports highlight the worrying number of cases within the Western and Central Pacific fishery and raises questions about the roles of vessel owners, government authorities, certification schemes and Regional Fisheries Management Organisations (RFMOs) in safeguarding observers and dealing with cases of human rights abuse, but also provide a series of recommendations to improve conditions for fisheries observers.⁶

Furthermore, WWF has been reliably informed that several CCMs are not meeting their obligations under CMMs 2017-03 and 2018-05 to ensure the safety and security of fisheries observers. As reported independently by multiple observers, several observer programmes are failing to provide the required safety equipment to observers upon deployment and, even prior to COVID-19, failing to meet obligations for repatriation of observers following completion of their assignments. As a matter of health and human safety that the WCPFC has clearly committed to address through the respective CMMs, this failure must be urgently remedied and compliance breaches must be thoroughly discussed, investigated, and addressed as part of the Compliance Monitoring Review process. WWF recommends taking the opportunity during the current stand down for observers to ensure that they have met all appropriate conditions under the relevant observer safety and security provisions of the CMMs.

Additionally, similar to reporting requirements for crew mentioned above, 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 follow-up and documentation. A requirement for full and transparent reporting will allow for identification and understanding of potentially dangerous situations for future observers across all RFMOs. Until the WCPFC can fully understand the circumstances surrounding these incidents, it cannot hope to properly address them.

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 Regional Observer Programme (ROP) could then use to determine solutions to prevent future instances as well as share that information with other RFMOs. This procedure must include an annual, publicly available, consolidated, detailed, and fully transparent report of all infractions against observers.

WWF recommends the WCPFC:

- **Review and acknowledge the recommendations contained in the reports from Human Rights at Sea;**
- **Establish requirements for comprehensive and transparent reporting of all life threatening injuries or deaths that occur on fishing vessels operating in the WCPFC CA; and**
- **Adopt a formal, binding CMM on Crew Welfare based on Resolution 2018-01 on Labour Standards for Crew on Fishing Vessels.**

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¹ Nickson, Amanda, 07 August 2020, Joint Letter on COVID-19 Response in Commercial Fisheries.

² Hammond, David. *Reports of human rights abuse towards Indonesian fishers increasing*. Human Rights at Sea (September 21, 2020) retrievable at <https://www.humanrightsatsea.org/2020/09/21/reports-of-human-rights-abuse-towards-indonesian-fishers-increasing/>.

³ WWF Statement on Human Rights at Sea. (July 03, 2020), retrievable at https://wwf.panda.org/wwf_news/press_releases/?364599/WWF-Statement-on-Human-Rights-Abuses-at-Sea.

⁴ Tanzer, John, 20 July 2020, Letter in Support of Human Rights at Sea.

⁵ Vance, Andrea. *UN Asked to Step In After Mysterious Death Of Fisheries Observer*. Stuff (July 13, 2020) retrievable at <https://www.stuff.co.nz/environment/122112141/un-asked-to-step-in-after-mysterious-death-of-fisheries-observer>.

⁶ Hammond, David. *Pacific Fisheries Observer Safety, Security and Well-being Reports*. Human Rights at Sea (September 21, 2020) retrievable at <https://www.humanrightsatsea.org/2020/11/11/pacific-fisheries-observer-safety-security-and-well-being-reports-published/>.



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.

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