



**TECHNICAL AND COMPLIANCE COMMITTEE**  
**Twelfth Regular Session**  
21 – 27 September 2016  
Pohnpei, Federated States of Micronesia

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**PEW STATEMENT FOR TCC12**

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**WCPFC-TCC12-2016-OP01**  
**14 September 2016**

**The PEW Charitable Trusts**



2005 Market Street, Suite 2800, Philadelphia, PA 19103-7077 P +1.215.575.9050 F +1.215.575.4939

901 E Street, NW, 10th Floor, Washington, DC 20004 P +1.202.552.2000 F +1.202.552.2299

The Grove, 248A Marylebone Road, London, NW1 6JZ P +44 (0) 20.7535.4000

**The Pew Charitable Trusts**  
**Statement to the Western and Central Pacific Fisheries Commission**  
**12<sup>th</sup> Regular Session of the Technical and Compliance Committee**  
**Pohnpei, Federated States of Micronesia**  
**21 – 27 September 2016**

The Pew Charitable Trusts (Pew) appreciates the opportunity to participate as an observer at the 12<sup>th</sup> Regular Session of the Technical and Compliance Committee (TCC12) of the Western and Central Pacific Fisheries Commission (WCPFC). The TCC plays an important role in evaluating compliance with, and implementation of, conservation and management measures (CMMs), and providing advice on the development of new CMMs for the WCPFC to consider. Pew urges TCC12 to:

- Provide advice essential to the adoption of the elements of the harvest strategy approach scheduled for 2016 in the agreed-upon WCPFC workplan, which should include specifying that – 1) acceptable levels of risk for breaching limit reference points should not exceed 10 percent and 2) Pacific bigeye should be rebuilt in the shortest time feasible;
- Recommend that the Commission directly act to adopt a workplan for Pacific bluefin that will return the population to a level capable of producing maximum sustainable yield by 2030, in line with CMM 2014-06;
- Endorse the concept of a bridging measure to transition management to the harvest strategies approach when the existing tropical tuna measure expires in 2017, and provide feedback to assist consultations at WCPFC13;
- Provide advice to assist in the development of FAD management options, and recommend the WCPFC continue to support the FAD working group;
- Endorse and forward the draft electronic reporting and electronic monitoring (ER and EM) standards to WCPFC13, and endorse the ER and EM WG Chair’s concept paper as tool to frame the integration of ER and EM into existing WCPFC requirements;
- Review the current observer coverage and recommend the adoption of a ‘No Data, No Fish’ measure for key shark species at WCPFC13;
- Review the SC12 recommendations and recommend implementing a complete ban of wire trace and shark lines in order to reduce fishing-related mortality of silky sharks and oceanic whitetip sharks at WCPFC13;
- Consider the SC12 recommended components of a targeted shark fishery management plan and recommend this list, and a timeline for the review of submitted plans, for WCPFC13 consideration;
- Recommend that the Commission take steps to ban transshipment at sea until it can be assured that transshipment operations cannot facilitate IUU fishing;

- Recommend WCPFC13 adopt a decision to improve transparency by allowing observer access to Compliance Monitoring Review discussions related to the development of Compliance Monitoring Reports.

### **Elements of the harvest strategy approach**

The Commission has committed itself to developing and implementing a six-part harvest strategy approach for each of the key tuna species (i.e. skipjack, bigeye, yellowfin, South Pacific albacore, Pacific bluefin and northern albacore tuna) under its management, in accordance with a process established by CMM 2014-06. At this year's WCPFC meeting, members are to 'record' management objectives for each of the tropical tunas and south Pacific albacore, agree on acceptable levels of risk for breaching limit reference points, and agree on a rebuilding timeline for Pacific bigeye, which, at an estimated depletion ratio of  $0.16SSB_0$ , is below the agreed-upon limit reference point of  $0.20SB_0$ . Pew recommends all Commission Members, Cooperating Non-Members, and Participating Territories (CCMs) discuss these elements at the upcoming TCC meeting to ensure consensus is reached at the WCPFC annual meeting in December 2016.

Specifically, Pew urges TCC12 to:

- **Recommend the Commission specify measurable management objectives for each tuna species, including that target reference points be met with 80 percent or greater likelihood;**
- **Recommend adoption of acceptable levels of risk for breaching limit reference points that should not exceed 10 percent<sup>1</sup> – and in the case of Pacific bigeye, which is experiencing a rate of juvenile fishing mortality twice that of adult fishing mortality<sup>2</sup>, 5 percent;**
- **Recommend Pacific bigeye be rebuilt to its limit reference point in the shortest time feasible, as determined by the stock's biological characteristics<sup>3</sup>, and specify this as an interim step to rebuilding the stock to a target reference point that is scheduled to be agreed upon in 2017;**
- **Recommend adoption of a precautionary target reference point for south Pacific albacore, even if only on an interim basis; and**
- **Provide advice on structuring and funding the stakeholder involvement process planned for Management Strategy Evaluation of each harvest strategy.**

### **Harvest Strategies for Northern Stocks**

CMM 2014-06 also tasked the Northern Committee with developing and recommending a workplan and indicative timeframes to adopt or refine harvest strategies for northern albacore and Pacific bluefin tuna by no later than the 2015 Northern Committee meeting. However, a year after the deadline, the Northern Committee has still not fulfilled this mandate and the requirements of the CMM remain unmet. Development of a strategy is vital for the Pacific bluefin population that has suffered a 97 percent decline due to nearly a century of overfishing. It is time for the full WCPFC Commission to take action to ensure that effective conservation measures are implemented for Pacific bluefin tuna. TCC12 should:

- **Note the continuing failure of the Northern Committee to meet the obligation of CMM 2014-06; and**
- **Recognizing the urgent plight of Pacific bluefin, recommend that the Commission directly act to adopt a workplan for Pacific bluefin that will return the population to a level capable of producing maximum sustainable yield by 2030.**

### **Bridging Conservation and Management Measure**

At TCC12, the WCPFC Chair will introduce a draft bridging CMM intended to chart and operationalize a transition from the tropical tuna measure that expires in 2017 (CMM 2015-01) to the implementation of harvest strategies for skipjack, bigeye, yellowfin and south Pacific albacore. Pew strongly supports development of the bridging measure as a positive step to ensuring the continuation of responsible marine stewardship of tunas. Pew recommends TCC12:

- **Endorse the concept and approach of the proposed bridging measure, and provide feedback to WCPFC to assist in the elaboration of the details that need to be included in the measure, such as the sequence and timing of decisions.**

### **Fish Aggregating Devices (FADs)**

The WCPFC FAD Management Options Working Group held its first meeting prior to the 2015 WCPFC annual meeting in Bali and will meet immediately following TCC12 to discuss matters that include development of a research plan and a chair's draft of a management options paper. A report on the progress of the group will be presented to TCC12. Pew recommends TCC12:

- **Provide advice on how to implement alternative FAD management options with respect to measuring compliance; and**
- **Note the progress of the working group so far and recommend WCPFC continue support for the working group to fulfill its terms of reference that include recommending a way forward on FAD management options and recommending a firm timeline be set for final recommendations to be reported to the WCPFC.**

### **Electronic Reporting and Electronic Monitoring**

The WCPFC Electronic Reporting (ER) and Electronic Monitoring (EM) Working Group has developed draft ER and EM standards for consideration by TCC. These standards, although not novel, digitize existing analog reporting and observing requirements. Further, these standards accommodate only those CCMs seeking to report or monitor electronically to be aligned with existing WCPFC requirements, while do requiring the implementation of these technologies of CCMs.

In addition to these standards, the ER and EM Working Group Chair is developing a concept paper that outlines key issues related to the integration of ER and EM into existing WCPFC systems (e.g., Regional Observer Program, among others), including whether electronic monitoring coverage is equal, on a one-to-one percent observer coverage level, to monitoring by human observers. This concept paper is a key accompaniment to the ER and EM standards. It will also likely serve a similar purpose to the Purpose and Principles document that was developed for the WCPFC vessel monitoring system and could provide a basis for framing the integration of ER and EM into existing WCPFC requirements.

Pew recommends that TCC12:

- **Endorse the draft ER and EM standards and forward them to the Commission for consideration**
- **Endorse the ER and EM WG Chair's concept paper as a living document and as a tool to frame the integration of ER and EM into existing WCPFC requirements.**

### **Strengthening conservation and management for sharks**

Limited data availability for shark species remains an ongoing concern for the WCPFC. Stock assessment analyses of shark species are often limited by inadequate datasets, ultimately impeding the formulation of comprehensive scientific advice. For example, the recent assessment for the South Pacific blue shark was severely constrained by the quantity of datasets. As a result, SC12 noted that no management advice could be provided for this stock. Improving data recording and reporting on the catch of shark species is an important step towards sustainably fished stocks. Expanding observer coverage for longline fleets operating in the Convention area and adopting a ‘No Data, No Fish’ measure would serve to improve the data available to the SPC and WCPFC to improve stock assessment analyses and formulate science-based management decisions. CCMs that do not submit landing data on key shark species should not be allowed to retain shark catches. **TCC12 should recommend reviewing the current observer coverage and recommend the adoption of a ‘No Data, No Fish’ measure for sharks at WCPFC13.**

Under the current conservation measures of CMM 2013-08 and CCM 2011-04, the retention of silky sharks and oceanic whitetip sharks are prohibited. These measures were implemented to protect these highly vulnerable species from experiencing continued fishing pressure. However, the choice of using either wire trace or shark-lines offered in CMM 2014-05 undermines these conservation efforts. If the choice of fishing gear was removed, fishing-related mortality would be reduced by 24 percent and 37 percent for silky shark and oceanic whitetip shark, respectively<sup>4</sup>. **TCC12 should review the SC12 recommendations and recommend implementing a complete ban of wire trace and shark lines in order to reduce fishing-related mortality of silky sharks and oceanic whitetip sharks.**

Having a clearly defined suite of management components in a shark management plan can safeguard highly vulnerable stocks, and ensure an acceptable level of fishing mortality for all shark species caught. **Pew urges TCC12 to consider the SC12 recommended components of a targeted shark fishery management plan and recommend this list, and a timeline for the review of submitted plans, for WCPFC13 consideration.**

### **Adopt Minimum Standards for Port Inspections**

Port State measures (PSMs) are cost-effective tools to monitor compliance with management arrangements and prevent illegal fish from entering the market. This is a measure recommended by the Performance Review, which has been considered for adoption by WCPFC for several years. Although not all CCMs supported recent efforts within the Commission to adopt a proposal for a Conservation and Management Measure on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, the recent entry into force of the international Port States Measures Agreement coupled with discussion of the Secretariat paper<sup>5</sup> providing a summary of Port State Measures adopted by regional fishery management organizations (RFMOs) should provide a strong basis for establishing a regional scheme of PSMs for WCPFC. Pew urges tangible progress be made by the Commission to adopt a formal PSM proposal within WCPFC. **TCC12 should recommend WCPFC13 establish a small working group of CCMs to work intersessionally in 2017 to develop text on Port State Measures that can be agreed so that a CMM Port State Measures proposal can be adopted at WCPFC14.**

### **Enhance the Effectiveness of the IUU Vessel List**

Placing a vessel on WCPFC's IUU vessel list is a necessary step to highlight and ultimately deter unacceptable practices in the Convention area. However, the effectiveness of this list is diminished due to the fact that IUU vessels can only be added to the list once a year. As a result, IUU vessels are able to operate unhindered until the Commission meets and agrees to place them on the list. WCPFC has established a procedure that permits the removal of vessels from its IUU vessel list intersessionally. In the same spirit, CCMs should establish a similar procedure that permits the listing of IUU vessels intersessionally. **TCC12 should recommend that the Commission establish a procedure that permits the listing of IUU vessels intersessionally.**

### **Ban Transshipment at Sea**

Transshipment at sea continues to provide an opportunity to avoid proper catch reporting and to launder IUU catch. The WCPFC should introduce a ban on all forms of transshipment at sea until such a time it can be assured that transshipment operations cannot facilitate IUU fishing. This would, at a minimum, require having a robust monitoring system in place that ensures full transparency, requiring observers and/or fisheries officers on board both the offloading and receiving vessels, and notification requirements to the Commission for all transshipment operations occurring at-sea in the Convention area. **TCC12 should recommend that the Commission take steps to ban transshipment at sea until it can be assured, through proper and effective monitoring, that transshipment operations cannot facilitate IUU fishing.**

### **Compliance Monitoring Scheme and Transparency**

The 2<sup>nd</sup> Joint Meeting of Tuna RFMOs in 2009 recommended that organizations develop robust compliance review mechanisms so that the records of each Party could be examined in depth on an annual basis. As a result, the WCPFC established a Compliance Monitoring Scheme (CMS) to ensure that CCMs comply with their obligations. The CMS is designed to assess CCMs' compliance and identify areas where technical assistance or capacity building may be needed to help boost compliance and identify aspects of conservation and management measures that may require refinement or amendment for effective implementation. In establishing the compliance monitoring scheme, CCMs indicated the process would be conducted in a responsible, open, transparent and non-discriminatory manner so that the Commission could be made aware of all available information relevant to its work in identifying instances of non-compliance and holding parties accountable. To help meet transparency requirements detailed in Article 21 of the Convention and Rule 15 of the Rules of Procedures, it also should allow observer access to Compliance Monitoring Review discussions related to development of both Provisional and Final Compliance Monitoring Reports. **TCC12 should recommend WCPFC12 adopt a decision to improve transparency by allowing observer access to Compliance Monitoring Review discussions related to development of Compliance Monitoring Reports.**

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<sup>1</sup> Both the UN Fish Stocks Agreement and WCPFC Convention recommend the risk of breaching a limit reference point be set "very low," particularly in cases of greater uncertainty. "Very low" has been defined as less than 10 percent probability in other international fora, such as the Commission for the Conservation of Antarctic Marine Living Resources. Davies and Basson in a 2008 paper to the WCPFC (WCPFC-SC4-2008/GN-WP-10) recommended risk levels of 5 or 10 percent "at the most."

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<sup>2</sup> Western and Central Pacific Fisheries Commission, Stock Assessment of Bigeye Tuna in the Western and Central Pacific Ocean, WCPFC-SC10-2014/SA-WP-01 (2014), [https://www.wcpfc.int/system/files/SC10-SA-WP-01%20%5BBET%20Assessment%5D\\_rev1\\_25July.pdf](https://www.wcpfc.int/system/files/SC10-SA-WP-01%20%5BBET%20Assessment%5D_rev1_25July.pdf)

<sup>3</sup> Members of the UN General Assembly, in adopting the outcome document from the Rio Conference, “The Future We Want,” in July 2012, committed to “urgently take measures necessary to maintain or restore all stocks at least to levels that can produce the maximum sustainable yield, with the aim of achieving these goals in the shortest time feasible, as determined by their biological characteristics.”

<sup>4</sup> Harley and Pilling, “Potential implications of the choice of longline mitigation approach allowed within CMM 2014-05,” WCPFC-SC12-2016/EB-WP-06 (2016), <https://www.wcpfc.int/system/files/EB-WP-06%20%20MC%20sharks%20LL%20choice%20REV1.pdf>

<sup>5</sup> WCPFC Secretariat, “Summary of Port State Measures Adopted by RFMOs,” WCPFC-TCC12-2016-22 (2016), <https://www.wcpfc.int/system/files/WCPFC-TCC12-2016-22%20Summary%20of%20Port%20State%20Measures%20adopted%20by%20other%20RFMOs.pdf>