



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

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**POSITION STATEMENT FOR TCC12**

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**WCPFC-TCC12-2016-OP02**  
**15 September 2016**

**The World Wide Fund for Nature (WWF)**



POSITION

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## Global Marine Programme

### WWF POSITION

12<sup>th</sup> Regular Session of the Technical and Compliance Committee (TCC) of the Western Central Pacific Fisheries Commission (WCPFC): Pohnpei, Federated States of Micronesia – September 21-27, 2016

### Introduction

The World Wide Fund for Nature (WWF) would like to again thank the Western and Central Pacific Fisheries Commission (WCPFC) Technical and Compliance Committee (TCC) for the opportunity to attend the 12th Regular Session of the TCC (TCC12) 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. The conservation and management of these important resources is dependent on the TCC's ability to consider, implement, assess, and monitor Conservation and Management Measures (CMMs). WWF supports the efforts of the TCC to forward recommendations for CMMs for consideration by the WCPFC as well as its role in ensuring compliance by member states with those measures.

WWF would like to offer the following position and recommendations to the TCC regarding significant management and compliance issues that WWF deems important. WWF wishes to reiterate its position offered in Bali, Indonesia, in December 2015 (WCPFC12) and, taking into account the WCPFC-related meetings held since, offer the recommendations listed below.

### 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 for the adoption of Harvest Strategies under CMM 2014-06. Consistent with previous WWF position statements and recommendations, WWF continues to encourage TCC12 to further endorse and support the adoption of explicit Limit and Target Reference Points (LRP/TRP), HCRs, and HSs for all WCPO fishery stocks under

WCPFC authority. To that end, WWF strongly encourages TCC12 to meet or exceed the deadlines proposed for specific measures under the Harvest Strategy Workplan.

WWF commends the adoption of a conservative TRP for skipjack at WCPFC12. Consistent with the precedent demonstrated by setting a bioeconomic TRP for skipjack, WWF encourages the adoption of a similar conservative bioeconomic TRP for South Pacific albacore in accordance with the recommendation and supporting analysis provided by the Pacific Islands Forum Fisheries Agency (FFA). WWF also strongly supports further consideration and development of a well-defined HCR for the PNA skipjack fishery that ensures absolute compatibility throughout the entirety of the WCPFC CA and avoids a disproportionate burden on the Small Island Developing States (SIDS). WWF notes the strong support for these important management measures, specifically the adoption of TRPs and HCRs for the key target species..

**WWF recommends that the TCC:**

- **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;**
- **Endorse further HCR development and implementation for the SKJ PS fishery;**
- **Endorse the FFA TRP proposal for the SP ALB LL fishery;**
- **Support the continued development and implementation of LRPs and TRPs as a priority for proper management of *all stocks*, including sharks; and**
- **Support implementation of interim precautionary TRPs for BET and YFT.**

## Sharks and Rays

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

Although WWF supports the previous minor action taken by the WCPFC in *CMM 2014-05 Conservation and Management Measure for Sharks*<sup>3</sup>, WWF continues to support recommendations made previously by the SC and drawn from the discussion regarding a proposed comprehensive and integrated shark CMM.<sup>4</sup> By way of reference, we again endorse the recommendations contained in sections 4.1 and 4.2 of the paper previously presented by Dr. Shelley Clarke in addition to measures recommended below.<sup>5</sup>

Furthermore, WWF endorses the recent action taken by the Inter-American Tropical Tuna Commission (IATTC) to support best practices for safe handling and release manta rays (genus *Mobula* and *Manta*) aboard purse seiners. WWF encourages the WCPFC to pursue equivalent or consistent measures for mantas in the WCPFC.

**WWF recommends the TCC:**

- **Develop, endorse, and recommend adoption of a Comprehensive Shark CMM that includes efforts to:**
  - **Mandate bycatch best practices consistent with those found in the Compendium of Best Practice of Conservation and Management Measures (CMMs) for the of Species Bycatch in Tuna RFMOs;**
  - **Implement the recommendations for bycatch that were endorsed at Kobe III and adopt an annually updated report card system against these recommendations for all of the WCPFC fisheries;**
  - **Require, through data collected from observer programs and other means, estimation of the number of captures and releases of all sharks and rays, including the status upon release (dead or alive), and reporting of this information to the WCPFC; and**
  - **Require, through observer programs, recording what gear is used in longline activities including the use of wire traces and any multi-monofilament traces in order to avoid bite-off by sharks;**
- **Provide definitions for mobula and manta rays to be considered as a key shark species;**
- **Encourage the development of reference points and management for non-target species, including all shark and ray species, as envisaged under Articles 5 and 10 of the WCPF Convention;**
- **Encourage CCM's to report all shark and ray catches from domestic fleets operating in territorial and archipelagic waters.**

## Sea Turtles

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WWF is very encouraged that the WCPFC indicates renewed interest in addressing the effectiveness of *CMM 2008-03 for the Conservation and Management of Sea Turtles*. In particular, we acknowledge the outcomes of the first workshop on Joint Analysis of Sea Turtle Mitigation Effectiveness in Longline Fisheries, held in Honolulu, Hawaii, USA, from 16-19 February 2016, and support the proposed sea turtle analysis initiative.

However, while further analysis is important, there remains no new evidence that CMM 2008-03 has demonstrably reduced bycatch impacts on threatened and endangered sea turtles in the region, and thus, WWF maintains that this CMM must be revised immediately with interim measures.

We note with interest the commentary in the WCPFC-SPC report following the Hawaii workshop that *“most of the evidence suggests that circle hooks, particularly those which have large minimum widths and are large relative to mouth size of susceptible sea turtles, can reduce hooking interactions or mortality or both. Use of finfish bait, rather than squid bait, is also a promising mitigation technique”*.

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

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

- (3) improve the definition of the desired outcomes of the CMM. Moreover, evidence suggests that the WCPFC and member states have not suitably monitored the CMM for effectiveness with some parts of the CMM distinguished as providing “excessive room for creative compliance.”<sup>6</sup>

The majority of CMMs either have not fully reported on compliance with CMM 2008-03 or have not met all the CMM measures. Furthermore, only a small fraction of member countries have conducted dedicated research on sea turtle mitigation techniques, and current observer coverage falls well below the recommended level for effectively determining optimal mitigation approaches (*i.e.* 10% coverage over 3 years).

WWF thus urges TCC to support the revision/replacement of CMM 2008-3, to include stronger and clearer requirements for adoption of mitigation measures and their specifications. We also note the lack of inclusion in the scientific data standards of any data related to sea turtle encounters, despite the scope of CMM 2015-7 includes “reporting...with respect to implementation of measures for non-target species” and given the major gaps in annual reporting against CMM 2008-3. We suggest that such information should be specifically included in assessment criteria and in data standards, including where appropriate data on sea turtle encounters, including data on hook rates, type etc. comparative to hook type and bait.

#### **WWF recommends the TCC:**

- **Endorse revising or replacing CMM 2008-03 as outlined in WWF’s Position Statement to the 12th Regular Session of the Commission<sup>7</sup>, including interim measures that would require members to determine optimum bycatch mitigation via use/testing of alternative hooks and/or bait, and to report on these results, as well as reducing the technical vagueness in desired outcomes of the CMM;**
- **Encourage member state involvement and participation in the research conducted under the analysis of sea turtle mitigation measure effectiveness in tuna longline fisheries described previously in EB-WP-05 and further proposed in the Workshop on Joint Analysis of Sea Turtle Mitigation Effectiveness; and**
- **Support the inclusion of sea turtle data in monitoring scheme assessment criteria and related data standards.**

#### **Compliance Monitoring Scheme (CMS)**

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WWF, along with other NGO and IGO participants, regrets that it must once again express concern regarding the issue of transparency in the CMS process. The principle of transparency is a fundamental hallmark of responsible collective management and all other tuna RFMOs allow accredited observers to attend their compliance committees, including making appropriate materials under discussion available either in advance of or during these sessions. The WCPFC has a responsibility, under international law and under its own Convention, to promote transparency in its work and decision-making. We strongly encourage the WCPFC to urgently and clearly resolve the issues surrounding transparency and participation of observers in the CMS process.

One of the arguments used to justify the exclusion of observers is that the Compliance Monitoring Review (CMR) process remains in a “draft” state, with criteria and sensitivity of

information under review. WWF notes that the CMR has been considered “draft” for 6 years now and that it is time for the TCC and WCPFC to finalise the process. To that end, WWF supports a fully independent and transparent audit of the CMS, including the elements of the CMR, following which the CMR must be considered agreed and final.

Additionally, WWF supports the development of a systematic analysis, prioritization and response mechanism for non-compliance consistent with the TCC’s Workplan 2013-15 and CMM 2014-07. Thus, WWF strongly encourages the TCC to finalise a CMR that includes an assessment of each CCM’s Compliance Status as well as recommendations for any corrective action using the criteria for assessing Compliance Status set out in Annex I of CMM 2014-07.

#### **WWF recommends the TCC:**

- **Develop clear standards to allow transparency through participation of NGO and IGO observers in the CMR process; and**
- **Finalise and implement a CMR process that includes systematic analysis, prioritization, and response mechanisms for non-compliance.**

### **Regional Observer Programme**

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

#### **Observer Safety and Security**

WWF commends the WCPFC’s swift and decisive action to address issues with observer safety and security through the adoption of several provisions during WCPFC12. WWF supports further efforts to ensure observer safety and security through the full and transparent documentation and catalogue of observer incidents. One of the outstanding gaps in observer safety and security is represented by the lack of information available to address observer incidents through proper followup and documentation that will allow for identification of repeat offenders or potentially dangerous situations for future observers. Thus, WWF recommends establishing an immediate and transparent reporting procedure for observers to report instances of threats, harrassment, intimidation, or assault that national programmes and the ROP could then use to determine future observer placement. This procedure must include an annual, publicly available, consolidated, detailed, and fully transparent report of all infractions against observers.

Another procedural issue that TCC12 must consider is endorsement of an absolute right of refusal of an observer to accept a placement based on safety and security concerns. For instance, if a vessel does not meet the minimum SOLAS standards of the Vessel Safety Checklist *or* if an observer can show cause to believe that their health and safety is otherwise threatened, then the observer may refuse that assignment with the full confidence that there will be no consequence or reprisal against them for doing so. Moreover, the deficient vessel

must be detained and must correct any identified safety issues prior to departing, subject to sanctions, until such time as they can safely carry an observer.

WWF also welcomes the clarification and proposal on flag state responsibilities in the event of alleged observer safety concern offered by the United States. This proposal helps ensure that flag and coastal states fully understand their roles and responsibilities in the event of an observer safety and security concern.

### Observer Coverage on Longline Vessels

WWF notes that observer coverage on longline vessels operating in the WCPO, regardless of the metrics used to calculate it, remains substantially less than 5% region-wide. Moreover, WWF wishes to emphasise that the 5% observer coverage value identified by the WCPFC represents an arbitrary benchmark that was never intended to represent an “end goal,” but rather a minimum starting point toward appropriate observer coverage. Even a consistently applied level of 5% coverage is statistically and practically useless for most management or monitoring, control, and surveillance (MCS) purposes. Therefore, WWF supports efforts to improve the observer coverage of all longline fisheries in the WCPO. As such, WWF supports calculating observer coverage according to the proposed hierarchy of four metrics for assessing observer coverage, but notes that best practice would be to use “number of hooks deployed” as an appropriate metric. If other metrics for calculating coverage are used, terms must be very clearly defined in advance and each metric must be calculated in a way to be comparable to the other metrics.

WWF also notes that different levels of observer coverage may be required for management or compliance purposes, depending on specific identified objectives, and recommends that appropriate analyses be conducted to determine each of those levels respectively in the context of identified objectives. Most importantly, the TCC must demand that the ROP and national observer programmes receive full funding and support to ensure their continued operation and that the level of observer coverage on longline vessels be increased immediately to achieve management and compliance objectives.

### Transshipment Monitoring

Transshipment remains one of the most prominent weaknesses in catch documentation and verification that leads to Illegal, Unreported, and Unregulated (IUU) catch in the WCPO. WWF notes that the most simple, efficient, and effective solution to the challenges of transshipment-related IUU is to simply prohibit all at-sea transshipment and require all fishing vessels to land their catch at the nearest available designated port in the WCPO following the conclusion of fishing activity. However, acknowledging that a prohibition on transshipment is politically unlikely at this point, WWF supports an unequivocal 100% observer monitoring requirement for *all* transshipments, in *all* WCPFC CA waters, subject to strong sanctions for non-compliance, including the potential revocation of any license.

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 by VMS and corroborated by AIS, it is determined that transshipment activity was conducted in violation of transshipment rules, the offending vessel should be subject to sanctions including license revocation and listing on the IUU vessel blacklist.

## Electronic Monitoring

WWF generally supports current efforts throughout the WCPO in pursuit of Electronic Monitoring (EM). 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.

### WWF recommends the TCC:

- **Endorse further observer safety and security measures, including fully transparent documentation and catalogue of observer incidents and persons involved;**
- **Endorse an analysis of levels of observer coverage required to achieve management or compliance purposes while ensuring that the metrics and methodologies used support development of appropriate comparative analyses that meet the needs of the Scientific Services Provider and any MCS objectives;**
- **Endorse flag state requirements for observer safety and security;**
- **Support or endorse the use of VMS and AIS to verify and validate 100% observer coverage on all transshipments as well as supporting strong penalties and sanctions for violations; and**
- **Support or endorse a peer review process for the various EM programs in progress or currently planned for implementation in the WCPO.**

## Data Provision and Data Gaps

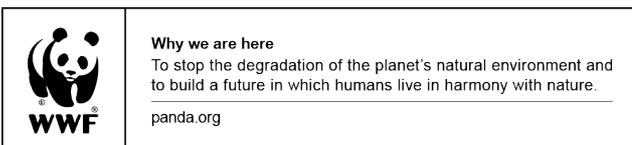
Notwithstanding deficiencies in observer coverage, WWF views the issue of provision of historic and current operational data as critically important for the proper management. Thus, WWF encourages the TCC to review the legal analysis presented at WCPFC12 on the Provision of Operational Data by Japan and Korea. This analysis has since undergone peer review in a prominent legal journal and is available as WCPFC12-2015-OP14 on the Commission website. The conclusions of this analysis very clearly indicate that there is no domestic legal constraint for either Japan or Korea. Therefore, Japan and Korea are obligated to provide both historic and current operational data to the WCPFC consistent with several prior agreed CMMs dating back to 2005.

### WWF recommends the TCC:

- **Review the conclusions of WCPFC12-2015-OP14; and**
- **Request the submission of all current and historic operational data by Japan and Korea.**

## References

- <sup>1</sup> Clarke, Shelley C., *et al.* (2013). Population Trends in Pacific Oceanic Sharks and the Utility of Regulations on Shark Finning. *Conservation Biology*, Volume 27, Issue , pages 197–209, February.
- <sup>2</sup> *See* Stevenson, C., *et al.* (2007). High apex predator biomass on remote Pacific islands. *Coral Reefs* 26: 47-51; *See also* Friedlander, A.M. and DeMartini, E.E. (2002). Contrasts on density, size, and biomass of reef fishes between the northwestern and the main Hawaiian islands: the effects of fishing down apex predators. *Marine Ecology Progress Series* 230: 253-264.
- <sup>3</sup> WCPFC (2014) Summary Report of the Eleventh Regular Session of the Western Central Pacific Fisheries Commission (Adopted version) – 29 July 2015, WCPFC, Apia, Samoa, 1-5 December 2014. Attachment S. p.262.
- <sup>4</sup> Clarke, Shelley C. (2013). Towards an Integrated Shark Conservation and Management Measure for the Western and Central Pacific Ocean. WCPFC-SC9-2013/ EB-WP-08. WCPFC-SC, Pohnpei, Federated States of Micronesia, 6-14 August 2013.
- <sup>5</sup> *Id* at 24-27.
- <sup>6</sup> WCPFC Scientific Committee (2009) Monitoring the Effectiveness of Conservation and Management Measures for Bycatch, EB-WP-09, Port Vila, Vanuatu, 10-21 August 2009.
- <sup>7</sup> Revisions to CMM 2008-3 include: i) reducing the ambiguity in language, strengthening key language and reducing the vagueness in desired outcomes of the CMM, thereby enabling better monitoring of CMM effectiveness; ii) introducing new binding measures for the use of circle hooks in all longline fleets, exempted only if an equally effective solution for the mortality of sea turtles can be demonstrated; iii) introduce stronger measures for conducting research on mitigation techniques and reporting on sea turtle impacts, as a means of determining optimal mitigation packages for individual fleets; and iv) setting an appropriate interim catch rate that would trigger move-on provisions.



### For more information

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