



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Eleventh Regular Session**

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Pohnpei, Federated States of Micronesia

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**WWF Position Statement for TCC11**

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**WCPFC-TCC11-2015-OP01**

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POSITION

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## Smart Fishing Initiative

### WWF POSITION

11<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 23-29, 2015

#### 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 10th Regular Session of the TCC (TCC11) 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 Apia, Samoa, in December 2014 (WCPFC11) 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 Reference Points (RP), Harvest Control Rules (HCR), and Harvest Strategies (HS). Consistent with previous WWF position statements and recommendations, WWF continues to encourage TCC11 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.

Therefore, WWF supports the continued efforts of Australia and the FFA to establish a harvest strategy for key tuna species in the WCPO. Specifically, WWF supports the approach the draft CMM to seek the Commission's agreement to formally develop a HS approach to fisheries for the major tuna stocks under the Commission's purview with a goal toward achieving individual harvest strategies for specific fisheries developed in accordance with this CMM that, in turn, set out the management actions necessary to achieve defined biological, economic, and social objectives for each fishery.

Furthermore, WWF also strongly supports adoption of a conservative TRP for skipjack at WCPFC12 consistent with recommendations made previously by the Parties to the Nauru Agreement (PNA). WWF notes the strong support for these important management measures, specifically the adoption of TRPs and HCRs for the key target species. Lastly, WWF supports and encourages the further development of the next Management Objectives Workshop (MOW) along with further analyses required to inform the Commission's consideration and adoption of a TRPs and HCRs at WCPFC12.

WWF recommends that the TCC:

- Support and endorse further development of the Draft CMM on Establishing a Harvest Strategy for Key Tuna Species in the WCPO;
- Support the organisation and execution of an MOW prior to WCPFC12;
- Support the continued development and implementation of LRPs and TRPs as a priority for proper management of *all stocks*;
- Support implementation of interim precautionary TRPs as a benchmark for further consideration by the WCPFC in 2015; and
- Support and endorse the continued development and implementation of HCRs that ensure the transparent and efficient management of stocks in relation to LRPs and TRPs.

## 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 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. Consistent with additional calls from

CCMs during the SC11 meeting, WWF encourages the WCPFC to pursue equivalent or consistent measures for mantas in the WCPFC Convention Area.

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;
  - 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;
  - Introduce a scheme to document the capture and trade of sharks whereby it allows for traceability through to the final market state; and
  - Ensure the implementation requirements for CITES listed sharks are undertaken by CITES Parties and Non-Parties trading with CITES Parties where they are required to make non-detriment and legal findings in order to issue export permits for trade in these species.<sup>6</sup> Where WCPFC members make non-detriment findings for shark species they should share with the WCPFC details of those findings so that the WCPFC Secretariat can provide information to the CITES Standing Committee working group on sharks before January 2016.<sup>7</sup>
- Develop, endorse, and recommend safe handling and release practices for manta rays (genus *Mobula* and *Manta*) aboard purse seiners;
- 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; and
- Endorse recommendations made in EB-WP-03, EB-IP-05, EB-WP-06, and EB-WP-08 submitted for SC11, including;
  - Introducing safe handling practices for whale sharks (*Rhincodon typus*) caught within WCPFC purse seine fisheries; and
- Revise and amend the shark reporting processes to WCPFC to streamline shark-related data and to close data gaps.

## Sea Turtles

WWF continues to believe 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. The cumulative impact of increasing numbers of longline vessels in the WCPO on sea turtles remains problematic, and there has been insufficient uptake of proven bycatch mitigation measures such as circle hook and/or finfish bait. All 6 species of sea turtles in the WCPO remain threatened or endangered. 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 to demonstrate that sea turtle bycatch impacts in tuna operations are being minimized, and to take stronger measures if they are not being minimized.

WWF believes that there exists a strong basis for revising CMM 2008-03 to: (1) ensure more suitable requirements for the determination of optimal bycatch mitigation packages (*i.e.* circle hooks and/or other measures, such as finfish bait) 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>8</sup> While CMM 2008-03 requires all longline vessels to carry turtle de-hookers and line cutters, WCPFC has provided no monitoring and evaluation of the effectiveness of this requirement, and only a small fraction of member countries have conducted dedicated research on sea turtle mitigation techniques.<sup>9</sup> Indeed, as recently as 2010 over three quarters of CCMs either did not report on compliance with CMM 2008-03 or did not meet 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).

The precautionary principle requires that all CCMs must determine optimal bycatch mitigation strategies based on research and sound science. Most importantly, WWF believes that the WCPFC should reconsider CMM 2008-03 in light of new information available regarding fisheries impacts on sea turtles and the impacts of various mitigation measures on turtle bycatch.<sup>10</sup> Specifically, recent studies in the Eastern Pacific Ocean, as well as at-sea trials by WWF in Vietnam and Papua New Guinea, further confirm the positive impact of turtle bycatch mitigation using circle hooks, thereby indicating a need for further consideration and adoption of circle hooks in the WCPO longline fisheries.<sup>11</sup>

WWF recommends the TCC:

- Consider and develop revisions of CMM 2008-3 aimed at:
  - 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;
  - 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;
  - introducing 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
- o setting an appropriate interim catch rate that would trigger move-on provisions.
- Encourage member state involvement and participation in the research conducted under the analysis of sea turtle mitigation measure effectiveness in tuna longline fisheries described in EB-WP-05 presented at SC11.

### 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 5 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 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 Programme Management and Administration

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. Within that consideration, the TCC should endorse an analysis that considers and presents not only a cost-benefit analysis of the observer programme in the context of proper management, but also different funding models that CCMs could consider for ensuring proper administration and management of the observer program at a national level, including those that incorporate sustainable financing through a valid and functional cost recovery system. In any event, more attention must be given to the development and full funding of minimum standards that ensure a national programme can perform to ROP standards, including such efforts as continued annual reviews of the national programs under pre-agreed performance standards as well as continued regular training for all regional and national observer programme staff.

### 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 point out 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 unlikely at this point, WWF supports an unequivocal 100% observer monitoring requirement for all transshipments.

WWF further encourages the Commission to consider the recommendations of the IWG-ROP to adopt the proposed amendments to CMM 2009-06, to establish additional reporting requirements for receiving vessels operating in the Convention Area.<sup>12</sup> WWF also supports the guidelines and suggested format for reporting to the Secretariat, although WWF would also encourage the development of fully electronic templates.<sup>13</sup>

WWF also recommends that transshipment requirements be buttressed by verification and validation of transshipment activities through the use of a vessel monitoring system (VMS) and 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 up to and including 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:

- Further implementation of a binding, consistent, and consolidated set of standards for the ROP;
- Developing an analysis of the observer programme in the context of proper management, including an analysis of different sustainable funding models;
- Endorsing 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;
- Supporting or endorsing 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;
- Developing and implementing a comprehensive analysis and design plan for spatially and temporally representative observer coverage of each fishery operating in the WCPFC CA., including thorough consideration and assessment of EM as a component of full observer coverage; and
- Supporting or endorsing a peer review process for the various EM programs in progress or currently planned for implementation in the WCPO.

### 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.



**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.

[panda.org](http://panda.org)

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