



Recommendations to the 24th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas

10-17 November 2015, St. Julian's, Malta

Overview

The International Commission for the Conservation of Atlantic Tunas (ICCAT) is responsible for conservation and management of the target and non-target species under its jurisdiction. It can do this effectively only if it incorporates sound precautionary science into its decision-making process and acknowledges the ecosystem-wide impact of fishing.

The Pew Charitable Trusts is encouraged by the progress the Commission has made in recent years toward more sustainable management of tunas and improved compliance with existing management measures. Still, additional actions are required to ensure restoration of healthy populations of all managed species across the ICCAT Convention Area.

ICCAT's 24th Regular Meeting represents an opportunity to advance the organization's goals and effectiveness. To do so, the Commission must heed precautionary scientific advice, protect all managed species and mitigate the broad impact of illegal, unreported and unregulated (IUU) fishing.

Pew calls on Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities—collectively known as CPCs—to take the following critical actions:

- Initiate development of harvest strategies for priority species, including Atlantic bluefin tuna, to ensure long-term sustainability and market stability.
- Tighten controls on IUU fishing for Atlantic bluefin tuna by implementing the electronic Bluefin Catch Documentation (eBCD) system without further delay.
- Increase efforts to combat IUU fishing and ensure full transparency and accountability to existing commitments by all members.
- Establish measures to effectively manage the increasing use of fish aggregating devices (FADs) in tropical tuna fisheries.
- Ensure that all sharks are sustainably caught or properly protected by adopting catch limits and retention prohibitions for certain species.
- Improve data collection.
- Modernize the ICCAT Convention text.

Recommendations

Initiate development of harvest strategies for priority species, including Atlantic bluefin tuna, to ensure long-term sustainability and market stability

Fisheries managers have routinely delayed strong corrective actions until a crisis occurs and then moved to relax catch limits upon signs of population growth. However, this boom-and-bust cycle can lead to grave consequences, such as the population lows experienced by Atlantic bluefin in the late 2000s. It also often hurts fishermen, because it can result in significant swings in quotas, which then lead to price instability and reduced profits.

Harvest strategies take the opposite approach. They allow managers to first determine what sustainable fisheries look like and then to agree on the safeguards needed to create stability and keep stocks out of trouble. This approach offers a more effective and efficient way to achieve healthy populations. It also increases predictability, stability and profits over the long term by avoiding major fluctuations in catch, including severe cuts or fishery closures.

The 2014 Atlantic bluefin assessment update pointed to signs of population growth, particularly in the eastern stock, in response to the science-based management actions that followed the 2009 crisis. Now, though, the eastern and western populations are experiencing increased fishing pressure. The Commission's decision last year to raise the eastern quota by more than 70 percent by 2017 could mean that the scientific advice will be easily exceeded if CPCs engage in unauthorized fishing. The western stock, now at only about half of its already depleted 1970 level, is also at risk with the Commission's agreement to increase the quota to 2,000 metric tons annually through 2016. Any declines in the eastern population could reverberate in the west because of population mixing.

The next logical step for Atlantic bluefin management is for the Commission to develop harvest strategies to implement after the next stock assessment. Developing each step of a harvest strategy framework will take time and effort, but the result will be a well-thought-out, transparent system that will help ensure the species' full and verifiable recovery. It also will protect against future depletion and market instability.

In order to support development of a harvest strategy for Atlantic bluefin tuna, Pew urges the Commission to:

- Agree to a timeline to adopt a harvest strategy for Atlantic bluefin tuna by 2017, with intermediate deadlines for defining target and limit reference points, as well as potential harvest control rules.
- Set management objectives through Panel 2 as the critical first step in development of a harvest strategy.
- Require that all Panels set a 90 percent probability of achieving the established target with only a 5 percent likelihood of breaching the limit.
- Make clear that a fishery will be suspended and scientific monitoring instituted when limits are breached. Such action will guarantee that definitions of target and limit reference points are consistent across stocks and ensure that both are enforced.
- Fully support development of a Management Strategy Evaluation (MSE) tool by the Standing Committee on Research and Statistics (SCRS). This should include direct engagement with managers when necessary to ensure that the MSE can be used to inform harvest strategy development.

Recognizing the benefits of harvest strategies, most tuna fisheries management organizations worldwide are developing or implementing this approach. ICCAT can, and should, learn from progress elsewhere and lead the way in creating harvest strategies for the major stocks under its purview.

Tighten controls on IUU fishing for Atlantic bluefin tuna by implementing the eBCD system without further delay

Difficult policy decisions and technical issues delayed implementation of the eBCD system for years, but it is finally operational, and some Parties are already using the system voluntarily to track Atlantic bluefin landings and trade.¹ The Integrated Monitoring Measures Working Group (IMM) has proposed a draft measure that provides a strong foundation for a final eBCD recommendation.² At the same time, the eBCD Working Group has been addressing remaining policy and technical issues. In order to bring the system into operation, the Commission needs to adopt a comprehensive eBCD recommendation that requires full implementation by March 2016.

The current paper-based system provides opportunities for some to evade controls. The exact extent of illegal fishing for Atlantic bluefin is unknown, but the evidence indicates a continued market for these fish. Since March 2015, there have been at least 28 reported seizures of illegally caught Atlantic bluefin, exceeding 70 metric tons in total, in the waters off Italy alone.³ These seizures probably capture only a portion of the illicit activities occurring in the fishery.

More effective controls, especially in the eastern Atlantic Ocean and the Mediterranean Sea, are needed. A fully implemented and robust eBCD could transform the Atlantic bluefin market. The system would reduce loopholes that permit criminal activity, reward compliant fishermen and support the valuable fishery's long-term sustainable management. Once fully implemented, the eBCD will reduce the time frame for submission of trade data, tightly control who can submit data and allow authorities to quickly halt trade that lacks proper documentation and validation.

In order to substantially reduce illegal catch and trade of Atlantic bluefin, Pew urges the Commission to:

- Set a deadline of March 2016 for full implementation of a comprehensive eBCD system that, as a priority, continues to require validated eBCDs for trade, including that between member States of the European Union.

Increase efforts to combat IUU fishing and ensure full transparency and accountability to existing commitments for all members

Illegal fishing still occurs in the Convention Area, despite ICCAT's important steps to improve compliance with its recommendations to combat IUU fishing. To more effectively manage its marine resources, ICCAT must require complete transparency and accountability to existing commitments for all members. To make progress on this front, ICCAT should improve its Vessel Monitoring System (VMS) requirements, harmonize vessel records, strengthen the IUU vessel list and ban transshipment at sea.

A commonly used and powerful tool, the VMS tracks authorized fishing vessels to determine whether their activities are in compliance with requirements, such as fishing authorizations and time-area closures. Unfortunately, ICCAT's system has significant gaps. It applies only to certain fishing activities in the Convention Area and does not use the data collected effectively for compliance or scientific research purposes. ICCAT should expand its VMS requirements across all managed species to better align them with procedures already in place for eastern Atlantic and Mediterranean bluefin tuna.⁴

New efforts to gather more timely information—such as the addition of a requirement last year that flag States reduce their VMS polling rate from six to four hours and that they share VMS data with coastal States when their vessels are in foreign exclusive economic zones (EEZs)—are signs of progress. More are needed. As recommended by the SCRS in 2014, the Commission should increase the frequency of VMS data polling to one hour or less.⁵ It also should continue to ensure that the data are accessible to other concerned States and ICCAT bodies.

On 1 January 2016, Recommendation 2013-13 will go into force and require that certain vessels 20 meters in length or greater, as well as all vessels fishing for eastern Atlantic and Mediterranean bluefin tuna, have International Maritime Organization (IMO) numbers. CPCs must ensure timely compliance with this requirement. Additionally, while the Secretariat has continued to improve the quality of its Record of Vessels, this tool would be more useful if vessel data requirements were harmonized across all ICCAT vessel records. That would mean mandatory IMO numbers for vessels covered under the recommendations on transshipment⁶ and for chartered vessels.⁷ Finally, all CPCs should be required to provide public information to the Secretariat on any final administrative or judicial actions taken in cases of non-compliance with applicable fisheries regulations by their flagged vessels listed on the Record that operate in the Convention Area beyond their own national jurisdiction. Information should be provided as soon as it becomes available and be published as part of the Record of Vessels.

Placing a vessel on ICCAT's IUU vessel list is essential in deterring unacceptable practices in the Convention Area. However, current rules allow IUU vessels to be added to the list only once a year, diminishing the list's effectiveness and allowing some IUU vessels to operate unhindered until the Commission takes action at its annual meeting. ICCAT has already established procedures that permit delisting of vessels between meetings, so it should amend its procedures so vessels can be listed on an intersessional basis. Furthermore, ICCAT should take steps to ensure that the IUU vessel list is updated whenever a vessel changes its name, flag or other identifying feature.

Finally, transshipment at sea continues to provide opportunities to avoid proper catch reporting and to launder illegally caught fish. ICCAT should take steps to ban transshipment at sea until it can be ensured, through proper and effective monitoring, that transshipment operations cannot facilitate IUU fishing.

In order to better combat IUU fishing and ensure full transparency and accountability to existing commitments for all members, Pew urges the Commission to:

- Require all authorized fishing vessels to have fully operative, tamper-proof vessel monitoring systems and create a centralized system for transmitting required data to the Secretariat. All VMS data should be available to relevant states and ICCAT bodies.
- Harmonize vessel data requirements across all ICCAT vessel records. IMO numbers should be required for vessels covered under recommendations on transshipment as well as for chartered vessels. Additional information, such as public specifics on any final administrative or judicial action taken on a vessel, should be reported by members and reflected on vessel records as soon as available.
- Establish a procedure that permits the listing of IUU vessels intersessionally, and require that the IUU vessel list be updated whenever a vessel changes its name, flag or any other identifying element.
- Ban all forms of transshipment at sea until the Commission can verify that transshipment operations do not assist IUU fishing.

Establish measures to effectively manage the increasing use of fish aggregating devices (FADs) in tropical tuna fisheries.

The growing reliance on FADs has changed purse seine fisheries for tropical tunas in the Atlantic. In addition, the number of vessels that fish primarily with FADs—and the total number of FADs deployed in these waters—continues to increase. FADs are widely seen as a growing factor in the overfishing of some tropical tuna stocks.

At its October 2015 meeting, the SCRS reported that Atlantic bigeye tuna is both overfished and experiencing overfishing; the primary driver is the catch of juvenile fish around FADs.⁸ The removal of these juveniles from the water means that the maximum sustainable yield (MSY) for bigeye in the Atlantic is steadily decreasing. Atlantic yellowfin tuna is overfished as well, and MSY for this population has decreased significantly, again because of the targeting of juveniles with FADs.⁹ ICCAT's Ad Hoc Working Group on FADs is now analysing available data so it can make science-based policy recommendations to the full Commission.

In order to take meaningful steps to reduce the impact of FADs on continued overfishing of tropical tunas in the Atlantic Ocean, Pew urges the Commission to:

- Recognize that FAD time-area closures have not been effective in preventing the continued decline of bigeye and yellowfin tunas. Task the Ad Hoc Working Group on FADs to recommend new, precautionary management measures to ensure that FADs do not contribute to overfishing of target or non-target species or lead to long-term ecological changes in the open ocean. Among the measures that should be considered are:
 - Limits to FAD fishing capacity (the number of FADs and satellite tracking buoys deployed).
 - Limits to FAD fishing effort (the number of sets on FADs by vessels) in purse seine fisheries in the tropical Atlantic.
 - A plan to track and monitor FADs in real time to better understand how the fishery works, what happens to deployed FADs and how best to diminish their impact on target and associated stocks.
- Investigate CPC compliance with ICCAT Recommendation 2014-01, which requires development of FAD management plans and submission of data on FAD deployment, design and use. Also explore opportunities to include FAD data requirements in ICCAT's "No data, no fish" policy.

Ensure that all sharks are sustainably caught or properly protected by adopting catch limits and retention prohibitions for certain species.

Every year about 100 million sharks, an unsustainable number, are caught and killed in commercial fisheries.¹⁰ Whether this catch is highly sought after or unintended and unwanted, managers must take immediate action to counter declining shark populations and stem the damage that causes to marine ecosystems.

Until measures are in place to ensure that both targeted and incidental catch is sustainable, harvest of sharks should be avoided, and sharks should be released alive whenever possible. Fishing gear that increases shark catch, such as wire leaders and shark lines, should be prohibited. Further research should be conducted to determine the best means of avoiding incidental catch of sharks.

If CPCs continue to target sharks, or to catch sharks as bycatch, then management measures must be enacted that take into account the precautionary principle. That would ensure that all sharks in the Convention Area are sustainably caught and that ICCAT fisheries are not contributing to the global overfishing of sharks.

ICCAT must take immediate action to protect sharks in the Convention Area. As a matter of priority, the Commission must agree on strong measures to safeguard porbeagle, shortfin mako and blue sharks. It also must act to protect vulnerable or at-risk species for which data to set sustainable catch limits is unavailable, until scientific advice is in hand. That includes protections for longfin mako, common thresher, and night sharks.

Porbeagle sharks (*Lamna nasus*) remain vulnerable to fishing and have poor conservation status in the ICCAT Convention Area.¹¹ The International Union for Conservation of Nature (IUCN) Red List of Threatened Species has assessed porbeagles as Critically Endangered in the northeast Atlantic and Mediterranean, Endangered in the

northwest Atlantic, and Vulnerable globally. In March 2013, porbeagle sharks were added to Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Shortfin mako sharks (*Isurus oxyrinchus*) are also vulnerable because of their low productivity and high susceptibility to catch, according to results from the most recent ecological risk assessment conducted by members of ICCAT's Shark Species Group.¹² Since 2012, the SCRS has recommended as a precautionary approach no further increase in the fishing mortality of shortfin mako sharks until more reliable stock assessment results are available for northern and southern stocks. Unfortunately, the Commission has not yet taken action on this recommendation. The SCRS reiterated the need for this mortality limit in the 2014-15 report.¹³

The blue shark (*Prionace glauca*) is one of the most susceptible to capture in ICCAT fisheries.¹⁴ It is both targeted and caught as bycatch in these waters. Targeted and incidental catch in ICCAT fisheries has resulted in significant increases in mortality since the last full assessment—from about 54,000 metric tons in 2008 to over 62,000 metric tons in 2012. The 2015 assessment reported a high degree of uncertainty, particularly for the southern stock. The SCRS recommended as a precautionary approach that catch levels should not increase beyond those of recent years for the southern stock. No management recommendation, precautionary or otherwise, was made for the northern stock.¹⁵

All shark species need precautionary management or protection because of their inherent vulnerability. Data to establish sustainable catch limits is unavailable for several species that ICCAT ecological risk assessments have identified as being highly impacted by ICCAT fisheries, or as having exceptionally high biological vulnerability. Among those are longfin mako (*Isurus paucus*), common thresher (*Alopias vulpinus*) and night sharks (*Carcharhinus signatus*). All retention of these species should be prohibited until improved scientific advice is developed.

In order to make progress on adopting scientifically sound conservation and management measures to protect sharks, Pew urges the Commission to:

- Establish concrete, precautionary catch limits for shortfin mako and blue sharks to ensure that their populations are not overfished, and prohibit the retention of porbeagle, longfin mako, night and common thresher sharks.
- Prohibit the retention of all shark species caught in ICCAT fisheries if scientific data is not available to guarantee sustainability of targeted or incidental shark catch.
- Shark capture in fishing gear should be minimized through bans on wire leaders and shark lines.

Improve data collection

In 2011, ICCAT adopted Recommendation 2011-15, which established a “No data, no fish” policy to hold accountable any countries that fail to report catch data for particular species, including sharks. CPCs that do not report data for one or more species would be prohibited from retaining or landing those species until they provide the data to the ICCAT Secretariat. This recommendation has been considered an exemplary management model, but it has not been fully implemented almost four years later.

In order to improve data reporting by all CPCs, Pew urges the Commission to:

- Ensure clarity and transparency regarding implementation of this recommendation during this year's Commission meeting and ensure full implementation of and compliance with the “No data, no fish” policy.

Modernize the ICCAT Convention text

During this year's Convention Amendment Working Group meeting, members made significant progress in efforts to modernize the ICCAT Convention text. Although this is to be commended, Pew supports amending the text further to include all elasmobranchs that are oceanic, pelagic and highly migratory in the definition of official ICCAT-managed species. This would allow for proper management of sharks caught in all gear types in the Convention Area—whether targeted or as bycatch.

To truly modernize and bolster the ICCAT Convention, the amendment should include the principles of ecosystem-based management and the precautionary approach, as outlined in the United Nations Fish Stocks Agreement and the Food and Agriculture Organization Code of Conduct for Responsible Fisheries. Ecosystem-based management is a scientifically grounded, holistic approach to fisheries management that accounts for the broader impact on key ecosystem components, such as non-target species and habitats, as well as the target species. The precautionary approach strives for cautious management in the face of uncertainty, such as limited data on stocks, to avoid irreversible harm to ecosystems and target stocks.

The Working Group also agreed that the Commission should make decisions whenever possible by consensus. In cases where there is no consensus, a two-thirds majority of the Contracting Parties present and voting would be needed to adopt a measure. In special cases, a higher threshold would be needed. Pew supports this acknowledgement that a lack of consensus should not impede progress, especially when proposed steps are in line with Convention objectives.

To ensure that the effectiveness of Commission-adopted Recommendations is not undermined by objections by a single party or a small number of parties, the Working Group recommended that objecting parties be required to provide justification. This is consistent with requirements in other regional fisheries management organizations responsible for tunas. Pew supports this and strongly recommends that the grounds for raising objections be limited to whether a proposal is inconsistent with the ICCAT Convention or other international laws or whether it discriminates against the objecting party.

In order to better address conservation and management needs in the ICCAT Convention Area, Pew urges that the Convention Amendment Working Group make recommendations to amend the Convention text to:

- Consider all elasmobranchs that are oceanic, pelagic and highly migratory as official species managed under ICCAT.
- Incorporate the concepts of ecosystem-based management and the precautionary approach into a new Convention article on General Principles.
- Provide the Commission with the authority to make recommendations aimed at maintaining or restoring the abundance of ICCAT species above levels capable of producing maximum sustainable yield.
- Allow consensus as a general rule in decision making by the Commission, and, in cases where consensus is not possible, require a two-thirds majority of Contracting Parties present and voting to adopt a measure.
- Require objecting parties to provide explanations for objections based on either inconsistency with the ICCAT Convention or other international laws or discrimination against the objecting party.

Endnotes

- 1 International Commission for the Conservation of Atlantic Tunas, Report of the 10th Meeting of the Working Group on Integrated Monitoring Measures (2015), http://iccat.int/intermeetings/IMM/2015/ENG/2015-IMM-Rep_ENG.pdf.
- 2 Ibid.
- 3 “2015 Bluefin Tuna Seizures in Italy,” Medreact.org, accessed October 12, 2015, <https://medreact.files.wordpress.com/2015/10/2015-bft-seizures-italy.pdf>.
- 4 Among other VMS requirements for eastern Atlantic and Mediterranean bluefin tuna: Tracking is mandatory for vessels longer than 15 meters. VMS data are to be transmitted to the ICCAT Secretariat and made available to Contracting Parties or Cooperating non-Contracting Parties, Entities, or Fishing Entities with an active inspection presence, and also to the Standing Committee on Research and Statistics, even with a three-year delay for the latter. See Recommendations 13-07 and 07-08.
- 5 International Commission for the Conservation of Atlantic Tunas, Report of the Standing Committee on Research and Statistics (2014), http://www.iccat.es/Documents/Meetings/Docs/2014-SCRS-REP_ENG.pdf.
- 6 International Commission for the Conservation of Atlantic Tunas, “Recommendation by ICCAT on a Programme for Transshipment” (Agadir, Morocco: 12-19 November 2012), ICCAT Document No. 12-06, 1-9, <http://www.iccat.int/Documents%5CRecs%5Ccompendiopdf-e%5C2012-06-e.pdf>.
- 7 International Commission for the Conservation of Atlantic Tunas, “Recommendation by ICCAT on Vessel Chartering” (Bilbao, Spain: 28 October-4 November 2002), ICCAT Document No. 02-21, 1-2, <http://www.iccat.es/Documents/Recs/compendiopdf-e/2002-21-e.pdf>.
- 8 International Commission for the Conservation of Atlantic Tunas, Report of the Standing Committee on Research and Statistics (2015), http://iccat.int/Documents/Meetings/SCRS2015/SCRS_PROV_ENG.pdf.
- 9 Ibid.
- 10 Boris Worm et al., “Global Catches, Exploitation Rates, and Rebuilding Options for Sharks,” *Marine Policy* 40 (2013): 194–204, <http://dx.doi.org/10.1016/j.marpol.2012.12.034>.
- 11 E. Cortés et al., “Expanded Ecological Risk Assessment of Pelagic Sharks Caught in Atlantic Pelagic Longline Fisheries,” Standing Committee on Research and Statistics (2012), SCRS/2012/167.
- 12 Ibid.
- 13 International Commission for the Conservation of Atlantic Tunas, Report of the Standing Committee on Research and Statistics (2014).
- 14 International Commission for the Conservation of Atlantic Tunas, Report of the 2015 Blue Shark Data Preparatory Meeting, Standing Committee on Research and Statistics (2015), https://www.iccat.int/Documents/Meetings/Docs/2015-BSH_DATA_PREP_Rep-ENG.pdf.
- 15 International Commission for the Conservation of Atlantic Tunas, Report of the Standing Committee on Research and Statistics (2015).

Contact: Paulus Tak, senior officer, international ocean policy

Email: ptak@pewtrusts.org

Project website: pewtrusts.org/ip

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