Finding Sustainability

Recommendations to the International Commission for the Conservation of Atlantic Tunas (ICCAT): 17th Special Meeting of the Commission

November 17-27, 2010 Paris, France

THE PEW ENVIRONMENT GROUP

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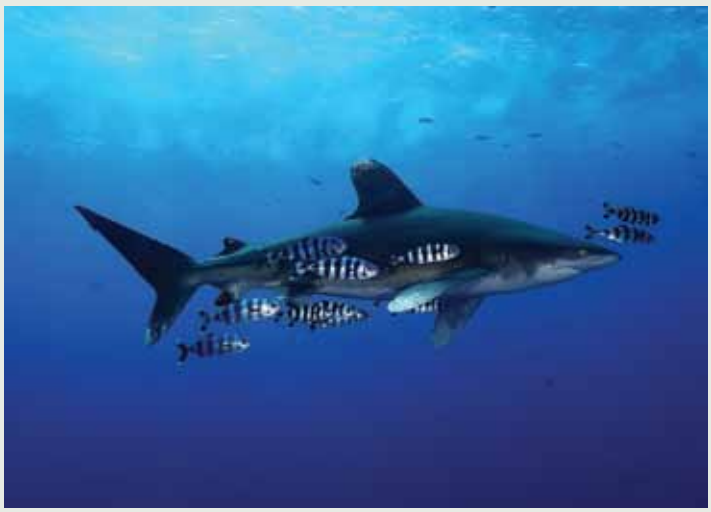

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ABOUT THE PEW ENVIRONMENT GROUP

The Pew Environment Group is the conservation arm of The Pew Charitable Trusts, a non-governmental organization that applies a rigorous, analytical approach to improving public policy, informing the public and stimulating civic life.

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Executive Summary

The ICCAT 17th Special Meeting of the Commission should take strong and meaningful action to ensure a future for Atlantic bluefin tuna and sharks through the implementation of clear science-based conservation and management measures (CMMs), as well as decisive action to implement port State measures to combat illegal fishing.

The Atlantic bluefin tuna was proposed for inclusion in Appendix I under the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) at the 15th meeting of the Conference of the Parties, due to the status of the stock and the role of international trade in driving declines in the species. An Appendix I listing would have prohibited international commercial trade in the species and, had it been adopted, would have given the species time to recover. At the CITES meeting in March 2010, many Contracting Parties to the Commission (CPs) made a commitment that ICCAT would take strong action at its 17th Special Meeting in November 2010.

As the intergovernmental body responsible for the conservation and management of Atlantic bluefin tuna, ICCAT must take clear and strong action to ensure the necessary measures are in place to enable this species to recover. Such measures must be based on adequate data and sound science, as well as a clear commitment to making decisions on a precautionary basis. **Based on available data and information on the status of Atlantic bluefin tuna, we recommend an immediate suspension of the fishery and no take of bluefin tuna on their spawning grounds.**

As the first of the Regional Fisheries Management Organisations (RFMOs) to take formal measures to conserve shark populations, ICCAT has shown leadership on this issue. Immediate action is needed now to save a number of species of sharks that remain significantly threatened by

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Executive Summary

tuna fisheries in ICCAT's Convention Area. Specifically, its CMMs need to be strengthened to ensure there are no further declines in shortfin mako and oceanic whitetip sharks.

Further, illegal, unreported and unregulated (IUU) fishing remains a critical threat, with illegal fishing contributing significantly to the challenges of overfishing in the Convention Area. If implemented well, port State measures can be an effective and cost-efficient tool, used to ensure harmonisation and sufficient scale of efforts to combat IUU fishing and leading to reduced impact on the species and greater opportunities for legal fisheries in the future.

Therefore, the Pew Environment Group calls on ICCAT to take the necessary steps to bring about sustainable high seas fisheries by strengthening the current high seas governance system, taking clear action to secure the sustainability of Atlantic tunas and sharks, and improving ICCAT performance and accountability.

Specifically, we recommend that ICCAT take the actions listed below.

1 Conserve Tuna Stocks

- Suspend the fishery for Atlantic bluefin tuna until strong management and enforcement measures are in place, and the species shows signs of recovery.
- Create permanent Atlantic bluefin tuna sanctuaries in their spawning grounds in the Mediterranean Sea and the Gulf of Mexico.
- Implement precautionary quotas for bigeye and yellowfin tuna.
- Drastically improve compliance, in particular data reporting.
- Implement sound management regimes based on the best available science for all species of tuna within the ICCAT Convention Area.

2 Implement port State measures (PSMs) to combat IUU fishing

- Improve ICCAT PSMs so that they achieve the minimum standards of the recently adopted FAO Port State Measures Agreement (PSMA).
- Urge ICCAT Contracting Parties and Cooperating Non-Contracting Parties (CPCs) to sign and ratify this Agreement as soon as possible.
- Improve the quality of ICCAT's IUU vessel list to ensure that IUU-listed vessels can be tracked and their beneficial owners effectively sanctioned.
- Improve mechanisms to control compliance by CPCs with those PSMs that are already in force.

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3 Conserve Sharks

- Adopt concrete, precautionary catch limits to significantly reduce fishing pressure so as to stop overfishing of North Atlantic shortfin mako sharks (*Isurus oxyrinchus*).
- Agree to implement precautionary size restrictions for oceanic whitetip sharks (*Carcharhinus longimanus*), which will help prevent overfishing of juveniles of this species.

Overcoming Challenges: Toward Sustainability

Despite efforts by the 18 RFMOs and individual governments to manage fisheries, a 2010 peer-reviewed evaluation of RFMO performance determined that two-thirds of stocks fished on the high seas and under RFMO management are either depleted or overexploited[1]. Similarly, according to the United Nations Food and Agriculture Organization (UN FAO): "In the case of straddling stocks and of other high seas fishery resources, nearly two-thirds of the stocks for which the state of exploitation can be determined were classified as overexploited or depleted."[2]

These data confirm that RFMOs are not sustainably managing the high seas fisheries for which they are responsible and for which they should be held accountable.

As the tuna RFMO with the most contracting parties, ICCAT has a wealth of unique challenges and opportunities. These include its responsibility to implement the ecosystem approach and precautionary principle through its management decisions, in accordance with the United Nations Fish Stocks Agreement.

In moving to implement both precautionary and ecosystem approaches, it is critical that ICCAT maintain a strong and transparent process, seek out and act on credible scientific advice and data, and ensure that national and ICCAT Secretariat efforts are focused on addressing the greatest challenges to achieving sustainability. ICCAT has the ability, if the CPCs choose, to take strong and meaningful action to improve the management of tuna and shark species within its mandate and clear steps to reduce IUU fishing and ensure all ecosystem impacts are effectively managed.

This document sets out the Pew Environment Group's recommended actions on: 1. Atlantic bluefin tuna conservation; 2. the reduction of IUU fishing via implementation of stronger port State controls; and 3. the critical conservation management needed for sharks.

The Pew Environment Group looks forward to providing scientific and technical information and working closely with governments to help ensure sustainable, legal fisheries and healthy populations of tunas, sharks and other species.

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1 A Return to Healthy Bluefin Tuna Stocks

1.1 Suspend the fishery for Atlantic bluefin tuna until strong management and enforcement measures are in place and the species shows signs of recovery

The science is clear. As confirmed by ICCAT scientists in October 2009, it is virtually certain that both stocks of Atlantic bluefin tuna (*Thunnus thynnus*) are below 15 percent of the unfished historical baseline. In addition, an independent review of ICCAT found that a collapse of the Atlantic bluefin tuna fishery could be a "real possibility". ICCAT scientists, the UN FAO's Expert Advisory Panel, the IUCN (International Union for the Conservation of Nature), the CITES Secretariat, and many governments and conservation groups all found that the species fully qualified for inclusion in CITES Appendix I. While the required two-thirds of CITES Parties did not agree to include Atlantic bluefin tuna in Appendix I at the CITES meeting in March 2010, the status of this species remains perilously depleted. The world is looking to ICCAT countries to make the common sense decisions required to set the species on a path to recovery, as promised by Japan, the United States of America and a number of other countries after the March 2010 CITES meeting. Indeed, several ICCAT CPs, including Japan, the European Union and its Member States, the USA, and others, made public commitments at the CITES meeting to take strong, meaningful action at the November 2010 ICCAT Special Meeting. A suspension of the fishery, which ICCAT countries have already agreed to if populations become at imminent risk of collapse, is needed immediately if populations are to recover.

The western Atlantic bluefin tuna population crashed 30 years ago and was listed by the IUCN in 1996 on its Red List of Threatened Species as Critically Endangered. Even with drastic quota cuts and the establishment of a recovery plan by ICCAT member countries, along with strong monitoring and enforcement, the western population has not rebuilt. To compound the problem, on 20 April 2010 the Deepwater Horizon oil platform exploded in the Gulf of Mexico and the wellhead spewed millions of barrels of oil into the only known spawning grounds for the western population of the species during its peak spawning season. The effects of the oil, combined with millions of litres of dispersants on the surface, in the water column and on the seafloor of the Gulf of Mexico, are currently being analysed. There is reason for serious concern about the impact on bluefin eggs and larvae: exposure to dispersants could break down the natural oils present in bluefin eggs, further reducing their already low survival rate.

Although the eastern Atlantic bluefin tuna population is crashing, ICCAT CPs have yet to take any meaningful steps to halt its precipitous decline. CPs regularly ignore scientific advice; meanwhile, rampant illegal fishing and under-reporting continue to plague the Mediterranean fishery. In 2009, 42 out of 48 ICCAT CPs were identified for not reporting their catches properly, thereby showcasing the need for urgent reform. Until countries fishing for bluefin clamp down on illegal and unreported fishing, and there is full compliance with ICCAT reporting requirements, this fishery must be suspended. Only then will this severely depleted species have the chance to recover.

1.2 Create permanent Atlantic bluefin tuna sanctuaries in the spawning grounds of the Mediterranean Sea and the Gulf of Mexico

As a permanent safeguard for both populations, the known Atlantic bluefin tuna spawning grounds in the Gulf of Mexico and Mediterranean Sea should be fully protected. While there is not a directed fishery in the Gulf of Mexico, observer data indicate that the surface longline fishery for yellowfin tuna (*Thunnus albacares*) and swordfish (*Xiphias gladius*) catches, on average, 224 large bluefin spawners every year, approximately 20 percent of which are retained for sale, while 72 percent of those remaining are discarded and die. This same gear is also responsible for the bycatch of other ecologically and economically important species in the region such as marlin, sailfish and sea turtles. It is time for ICCAT to turn the Gulf of Mexico into a legitimate sanctuary for the seriously threatened bluefin

tuna by prohibiting the take of any bluefin in their known spawning grounds.

In the Mediterranean, the Standing Committee on Research and Statistics (SCRS) has preliminarily identified six bluefin tuna spawning grounds. These areas should immediately be set aside as spawning sanctuaries, where the take of bluefin tuna is prohibited and which should be modified in accordance with the most up-to-date scientifically validated information. Spawning ground sanctuaries are a common tool deployed by fisheries management bodies, and one which ICCAT countries need to fully endorse to ensure the future of this majestic species and the livelihoods of those that depend on it.

1.3 Implement sound management regimes based on the best available science for all species of tuna within the ICCAT Convention Area

We cannot let the other species of tuna in the Atlantic follow the same path as the bluefin. To ensure all ICCAT species are managed sustainably, CPs must agree to implement sound management regimes that incorporate the best available science and a robust monitoring, control and surveillance system.

As a minimum, CPs should agree to catch limits in line with the best available science. Fishing capacity should also be evaluated for every fishery. In cases where capacity is greater than the scientifically based catch limits, capacity should be reduced to a level commensurate with fishery resources. Catch limits must also be enforced, which requires functioning catch-document schemes, appropriate levels of observer coverage, and effective port-sampling programmes.

Additionally, CPs must be fully accountable for their fishing activities and cooperate through the Compliance Committee to adopt clear and targeted sanctions for CPs that violate their ICCAT obligations. In 2009, more than 90 percent of CPs were cited for non-compliance, most for non-submission or late submission of data, a serious issue that has continued to hamper ICCAT in its scientific work, particularly in the setting of accurate quotas. ICCAT should implement precautionary quotas for bigeye and yellowfin tuna, considering assessments were completed using 2006 data and do not account for increased capacity in the purse seine fishery. In addition, just as for bluefin tuna, spawning ground and nursery ground areas for other species of tuna should be identified and protected as a matter of priority.

1.4 Urgent Action required by ICCAT

ICCAT has the following clear opportunities for action:

- Suspend the fishery for Atlantic bluefin tuna until strong management and enforcement measures are in place and the species shows signs of recovery.
- Create permanent bluefin tuna sanctuaries in the spawning grounds of the Mediterranean Sea and the Gulf of Mexico.
- Implement precautionary quotas for bigeye and yellowfin tuna.
- Drastically improve compliance, in particular in data reporting,
- Implement sound management regimes based on the best available science for all species of tuna within the ICCAT Convention Area.

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2 Port State Measures to combat Illegal Unreported and Unregulated (IUU) Fishing

IUU fishing continues to be a matter of concern in the ICCAT Area, particularly because the eastern Atlantic/Mediterranean Sea bluefin tuna stocks are on the brink of collapse, and has contributed considerably to overfishing. A combination of efforts is required to tackle this problem. While ICCAT has taken a number of important steps towards combating this issue in recent years, further action is needed to effectively end IUU fishing in the ICCAT Convention area.

2.1 A Close Look at Port State Measures

If well implemented, PSMs can be an efficient and cost-effective tool, which can be used to combat IUU fishing as part of a broader set of instruments. The Pew Environment Group is committed to enhancing the effectiveness of PSMs both globally and at the regional level. As part of our efforts towards this end, we have conducted two studies that help explain the changes that need to take place, particularly in the framework of RFMOs, to improve PSMs and their implementation. More detailed documentation about these two studies is provided separately and is available at: **www.pewenvironment.org/iuufishing**.

The first study concerns the performance of port States in implementing PSMs directed at IUU-listed vessels and shows that the current global system of port State controls has significant loopholes, which are to the benefit of IUU operators. We have researched the movements of vessels included in ICCAT's IUU vessel list in the period 2004 to 2009, as they could be tracked by publicly available databases. The study detected very low visibility of IUU vessels, particularly as they were not identified by International Maritime Organization (IMO) numbers. In addition, we recorded eight visits of ICCAT IUU-listed vessels into ports of ICCAT CPCs, in contravention of ICCAT PSMs, indicating implementation failures in relation to port controls. Consequently, a system with greater transparency, accountability and global cooperation is needed.

The second study, a gap analysis that compared PSMs developed by 10 RFMOs with the minimum standards of the PSMA, identifies which aspects need to be further developed by each RFMO in order to align their measures with the new Agreement. Our preliminary findings indicate that whilst ICCAT has a developed set of PSMs, its regime is neither as comprehensive nor as effective as that of the PSMA. ICCAT has developed PSMs mostly on an ad hoc basis, resulting in a number of vessels carrying certain species, or flying a certain flag, being subject to less stringent controls. Although ICCAT has adopted a general port inspection scheme, it does not cover important aspects such as port entry authorisation or action to be taken by port States following an inspection. Other poorly regulated aspects are prohibition of entry and denial of services.

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2.2 How ICCAT port State measures can be strengthened

ICCAT must address four aspects of particular importance.

1. ICCAT should improve its PSMs in line with the recently adopted PSMA. By adopting such an improved PSM regime, ICCAT CPCs would not only reduce IUU fishing in the ICCAT Area but would also support global coverage of consistent and strict measures across different RFMOs to close ports to all IUU fishing vessels. In this regard, the EU proposal 'Draft Recommendation by ICCAT on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing' (MON-07C/2010) provides a good basis for discussion. In considering this proposal at this meeting, ICCAT CPs should seek to agree on substantial improvements to ICCAT's PSMs. Special attention should be paid to the need for mechanisms to address implementation challenges faced by developing countries.
2. ICCAT should urge its CPCs to sign and ratify the PSMA as soon as possible. The prompt entry into force and broad implementation of this Agreement is the highest priority in the global fight to combat IUU fishing.
3. ICCAT should improve the quality of its IUU vessel list and ensure that the obligation to include IMO numbers in the IUU lists is implemented at all times. This would ensure that IUU-listed vessels can be tracked and sanctioned. All CPs should be strongly encouraged to require that vessels flying their flags have IMO numbers.
4. ICCAT should strengthen its mechanisms to control compliance by its CPCs with PSMs that have already been adopted by ICCAT.

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3 Impacts on Sharks

3.1 Sharks need attention now

Sharks caught in high-seas fisheries are among the oceans' most vulnerable animals. Their low reproductive rates make them particularly susceptible to overfishing in the face of increased demand for shark products. Up to 73 million sharks are killed annually to support the global shark fin trade[3]. More than one-half of the shark species taken in high-seas fisheries are classified as Endangered, Vulnerable or Near Threatened by the IUCN Red List[4].

The UN has passed eight Resolutions calling on RFMOs to improve the management of shark fisheries. The International Plan of Action for the Conservation and Management of Sharks called on RFMOs more than a decade ago to develop regional plans of action to conserve sharks. In 2010, the international community focused much attention on the plight of sharks. In March, at the 15th CITES Conference of the Parties, four Appendix II listing proposals narrowly missed receiving the number of votes required to give these species the protections needed to ensure sustainable international trade. In May, the resumed Review Conference on the United Nations Fish Stocks Agreement called on countries to implement 'fins naturally attached' provisions.

Sharks are both targeted and caught as bycatch in ICCAT fisheries. However, as 2010 draws to a close, there are still virtually no international limits on high-seas shark catch rates, and loopholes still hamper the enforcement of international bans on 'finning' – the wasteful practice of slicing off a shark's fins and discarding the body at sea. Species such as the scalloped hammerhead (*Sphyrna lewini*) have been found to be depleted by up to 98 percent in the northwest Atlantic, yet have been afforded NO international conservation or management measures. Because there is a paucity of focused management and shark populations are vulnerable to becoming overfished at even very low levels of fishing, sharks should not be retained until science-based management plans are developed and in place. Until robust stock assessments are available, CMMs should be developed and implemented based on ecological risk assessments. The existing ban on finning can be strengthened by prohibiting the removal of shark fins at sea which will also facilitate collection of species-specific catch data.

Depletion of these key predators risks the health of entire ocean ecosystems and action is urgently needed. The life history characteristics of sharks makes them extremely vulnerable to fishing pressure and the recovery potential for depleted sharks species is significantly less than that of species such as tuna. Precautionary measures to protect these species need to be taken now.

3.2 Bycatch - Part of the Problem

Participants in the Kobe II Bycatch Workshop[5] supported bringing a number of recommendations forward to respective RFMOs for sharks and other bycatch species.

Recommendations from the Kobe II Bycatch Workshop include the following.

- *"For populations of concern including those evaluated as depleted, RFMOs should develop and adopt immediate, effective management measures, for example, prohibition as appropriate on retention of such species where alternative effective sustainability measures are not in place."*
- *"[RFMOs should] seek binding measures or strengthen existing mitigation measures, including the development of mandatory reporting requirements for bycatch... across all gear types and fishing methods where bycatch is a concern."*
- *"Due to the conservation status of certain populations and in accordance with priorities in the RFMO areas, [RFMOs should] expedite action on reducing bycatch of threatened and endangered species."*

Whether unintended, unwanted or highly sought after, shark bycatch and the impact of shark removals on wider ecosystem stability needs urgent attention. For example, until science-based management plans exist for sharks taken in longline fisheries, gear modifications such

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as the compulsory use of monofilament nylon traces should be mandated.

3.3 Urgent action needed from ICCAT

ICCAT was the first RFMO to ban shark finning, mandate shark catch data reporting and convene international shark stock assessments. With more than a dozen species of sharks commonly targeted or taken as wanted bycatch in ICCAT fisheries, the advice of the SCRS should be followed and precautionary management measures put in place. The 2010 ICCAT Special Meeting provides an important opportunity to improve the outlook for Atlantic sharks by agreeing to concrete measures that will limit their direct exploitation, and by implementing measures to reduce bycatch of sharks as called for by the ICCAT SCRS.

Specifically, at this year's ICCAT Special Meeting, the Pew Environment Group calls on ICCAT Parties to:

- put in place concrete, precautionary catch limits to significantly reduce fishing pressure to stop overfishing of North Atlantic shortfin mako sharks (*Isurus oxyrinchus*); and
- agree to implement precautionary size restriction (a minimum size of 200cm total length) for oceanic whitetip sharks (*Carcharhinus longimanus*), which will help prevent overfishing of juveniles of this species.

Endnotes

1. Cullis-Suzuki, S. and Pauly, D. (2010). Failing the high seas: A global evaluation of regional fisheries management organizations. *Marine Policy* **34**: 1036–1074.
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5. Kobe II Bycatch Workshop, Brisbane, Australia 2010.

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