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POSITION
STATEMENT

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WWF Position Statement for the 35th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO)

Halifax, Canada, 23-27 September 2013

At NAFO's 2013 Annual Meeting (AM), WWF will be assessing the success of NAFO's performance as a responsible regional fisheries management organization (RFMO) using four key issues that act as barriers to the long-term sustainability of NAFO managed fisheries resources. The discrepancies between different sources of fisheries data are the most fundamental barrier to the management and conservation of the fishery resources in the NAFO regulatory area. These discrepancies have led to a lack of confidence in the data accuracy. Accurate/verified catch data are critical to the recovery of fish stocks and will ultimately underpin the fishing industry's ability to capitalize on a lucrative sustainable seafood market. NAFO's credibility as a responsible fisheries management organization is at risk because of the long-standing issue of catch data underreporting, as noted by NAFO's independent performance review and subsequently addressed (with no clear outcomes to date) by a follow up panel. Problems related to the catch data include discrepant and/or unverified, untimely and incomplete data collection and reporting. Fixing these problems will require, inter alia, an overhaul of scientific and compliance observer data collection at sea and timely reporting of data, data-flow transparency between member states and NAFO Secretariat, and less patchy controls of compliance – all in accordance with the obligations contained in the 1995 UN Fish Stocks Agreement.

1. Observer Program & Data Sharing

Observers are an invaluable component of fisheries management for gathering fishery operations data, catch and bycatch data, and biological characteristics of key species. NAFO depends on observer data for compliance measures, as well as to make sound, science-based management decisions. WWF urges NAFO to communicate the necessary value of observers to all of the Contracting Parties and make improvements in 5 areas (see Annex 1 for schematic representation of the recommendations below):

1.1 Compliance with 100% Observer Coverage

NAFO has two compliance observer schemes in place (traditional and electronic reporting). All of the vessels fishing in the NAFO Regulatory Area follow the traditional observer scheme, requiring 100% observer coverage. The 2012 Compliance Review suggests that some Contracting Parties are either not submitting observer reports to the Secretariat (as they are required), or some vessels are not employing observers at all. Without adequate observer coverage, NAFO's ability to manage vessel compliance and provide catch data to its Scientific Council is seriously encumbered. **As a matter of highest priority, NAFO's Fisheries Commission and the Standing Committee on International Control (STACTIC) should investigate the cause of fluctuating observer data coming from vessels by the end of 2013. NAFO's Secretariat should ensure that it is receiving 100% observer coverage reports from Contracting Parties' fishing effort.**

1.2 Standardized Observer Reporting & Electronic recording system (E-Logbooks)

At NAFO's 34th Annual Meeting, the recommendation of developing a standardized protocol for observer reporting was adopted.

While some Contracting Parties have been using the standardized catch reporting spreadsheet available on NAFO's website with positive results, others have been using different templates for observer reports, causing inefficiencies for the Secretariat. In order to improve the quality of data being submitted by observers and to facilitate a consistent approach to observation, **the Fisheries Commission should adopt the standardized reporting protocol presented at STACTIC on an interim basis, and ensure that all NAFO observer reports follow this standardized format. Once implemented, FC should ask STACTIC to refine the standardized form by considering best practices from other RFMOs, such as CCMALR's more comprehensive electronic form. Such amendments could then be adopted by the FC in the 2014 AM.**

In conjunction with the development of standardized observer reporting, **NAFO should also consider adopting a system for electronic vessel logbook submissions.** This will allow both observer and vessel master logbooks to be submitted on a daily basis and in a timely manner.

1.3 Observer Manual

In order to help facilitate standardized observer reporting and to maintain an overall consistent approach to observation, WWF encourages **NAFO to develop and adopt in the medium term a standardized observer manual that all observers must adhere to.**

1.4 New Comprehensive Program for Scientific Observers

While NAFO Conservation and Enforcement measures require that compliance-based observers be on board vessels, there are no express provisions that require the use of scientific observers under the current regime. A scientific observer can provide necessary data on the composition of the catch for stock assessments and other purposes, including information on age, growth, recruitment, and distribution of target and non-target species. This information can help promote responsible fisheries management and future economic return on fish stocks. To ensure that high quality scientific data is

consistently collected and utilized by the Scientific Council, **NAFO should consider developing a new comprehensive scientific observer program encompassing all contracting parties, and initially focusing on high priority fisheries to be selected by the Scientific Council (for example yellowtail flounder, Flemish Cap cod and Greenland halibut).**

1.5 Scheme for Verification of Catch Data

Verification of catch data constitutes an obligation under the Fish Stocks Agreement (Arts. 10 (e) (f), 14 (c), 18 (3) (f), and Annex I, Art. 6), as it is a fundamental component of fisheries management.

Verification serves multiple purposes, such as to ensure increased compliance to existing rules, as well as to reduce uncertainties associated with stock assessments. For instance, in 2012 and 2013, NAFO's Scientific Council has only been provided with landing (STATLANT 21) data to complete its assessments. STATLANT 21 A has not been considered a reliable source of catch estimates given the discrepancies previously observed between this database and STACFIS'. To solve this issue, **NAFO should establish a scheme for verification of catch data similar to the EU/French fisheries statistics validation tool (SACROIS) to enable cross-checking data from different sources such as logbooks, forms, VMS data, port sampling, and sales notes. WWF recommends that this work should be performed by a NAFO Secretariat full-time staff.**

2. Minimizing environmental impact of bottom fishing on Vulnerable Marine Ecosystems

NAFO has adopted important measures to protect VMEs such as cold water corals, gorgonians, sponges and seamounts. However, NAFO Conservation and Enforcement Measures (NCEM) contain loopholes with respect to, *inter alia*, the protection of seamounts, and the impact assessment requirement of Article 19 needs to be implemented.

Protection of Seamounts

Seamounts are in theory "closed" to bottom fishing, but exploratory fishing can occur if authorized by the Fisheries Commission (after receiving advice from the Scientific Council and the Working Group of Fisheries Managers and Scientists on VMEs depending on the results of the evaluation of prior impact assessments (using the Annex I.E, part V criteria), as well as the exploratory protocol criteria (parts I- IV of Annex I.E.)).

To date, only one exploratory protocol (Doc. SC WG 13/20) has been submitted to the Scientific Council with respect to the Corner Rise Seamounts. This area, along with the New England Seamount chain, has been listed by NAFO as a VME indicator element; and is located in the Sargasso Sea – an area that meets the ecologically or biologically significant area (EBSA) criteria as described by the Convention on Biological Diversity (CBD). Last year, the Fisheries Commission requested the Scientific Council to comment and advise on whether the Sargasso Sea provides forage area or habitat for living marine resources that could be impacted by different types of fishing; and on whether there is a need for any management measure including a closure to protect this ecosystem. The Scientific Council response was deferred to its September 2013 meeting.

It is important to note, that a relatively small fishery for alfonsino that uses bottom- and mid-water trawls has been occurring in the Corner Rise Seamounts, despite the existing 'closure' and the fact that the required impact assessment (in accordance with Article 19 of the NCEM) has never been conducted by the proponent of the activity or approved by any of NAFO's competent bodies. In light of this, fisheries should not be allowed to proceed on the Corner Rise Seamounts, in accordance with NAFO rules, as well as the relevant UNGA resolutions and FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas (FAO Guidelines).

- 2.1** In the context of the Fisheries Commission request and in light of the above, **WWF strongly recommends a complete fisheries closure of the Corner Rise Seamounts** to allow for the recovery of the respective ecosystem, as indicated by the CBD (CBD COP 11, Decision XI/17, Annex, and supplemented by doc. UNEP/CBD/SBSTTA/16/INF/7), as well as to propitiate an adaptive response to ocean acidification, as seamounts can be refugia for cold water corals in a more acidic environment. Furthermore, WWF expresses concern over the fact that this fishery, which has been unregulated, might

open the precedent for other fleets to engage in similar activities. Given the vulnerable life-history characteristics of alfonsino and other deep-sea species present in the area, precautionary conservation measures should be in place before any fishery is allowed to occur in accordance with the FAO Guidelines and particularly its paragraphs 21-23. It is also noteworthy that 3 Small-tooth Sand Tiger Sharks (weighing ca. 550 kg, 650 kg and 400kg) were caught as bycatch in 3 different hauls in the alfonsino fishery. The Small-tooth Sand Tiger shark is listed as vulnerable under the IUCN Red List for Threatened Species and its population trend is considered to be decreasing.

Protection of cold water corals and related VME indicator species

With respect to the NAFO fishing footprint area, a number of low fishing effort areas have been identified by the NEREIDA program and other scientific surveys as containing significant aggregations of corals and sponges and related VME indicator species. Considering the scientific results and the discussions held in NAFO meetings, including the WGFMS-VME meeting in April, WWF recommends the Fisheries Commission adopts:

- 2.2 An extension of closed Area 2 (in accordance with FC WP 12/17) to protect significant concentrations of large gorgonians** (Annex II, Map 1).
For areas outside the fishing footprint a threshold of 2kg for large gorgonians, or presence should be adopted in accordance with the best available scientific recommendation.
- 2.3 An extension of closed areas 10, 7 and 8** (FC WP 12/18; FC WG 12/28 Rev) to protect significant concentrations of sea pens and large sea pens (Annex II, Maps 2 and 3).
- 2.4 The creation of closed areas 12, 13 and 14** (FC WP 12/28 Rev.) to protect significant concentrations of sea pens and large sea pens (Annex II, Maps 2 and 3).
- 2.5 The areas known to contain small gorgonians should also be closed to fishing (NAFO SCS Doc. 13/17; Annex II, Map 4)**, given the impracticability to adopt a 200g encounter thresholds and respective move on rules inside the fishing footprint; **and encounter thresholds for areas outside the fishing footprint should be set at 200g or presence, in accordance with the best available scientific information.**
- 2.6 The presence of any VME indicator species within and outside the fishing footprint should always be reported and this information should be made available to the Scientific Council and its working groups in a timely manner.**

3. Responsible Fisheries Management

3.1 Conservation Plans and Rebuilding Strategies

To catalyze the recovery and long-term sustainability of fisheries resources, NAFO has made good progress on developing and implementing conservation plans and rebuilding strategies (CPRS) for two stocks under moratorium, 3NO cod and 3LNO American plaice. In 2012, NAFO committed to the development of four new CPRS (for 3NO witch flounder, 3LN redfish, 3M redfish and 3L shrimp) in addition to strengthening the CPRSs for 3NO cod and American Plaice. During this Annual Meeting, **WWF urges the Fisheries Commission to continue developing CPRS with quantifiable, testable and science-based harvest control rules (HCR) for 3NO cod (under moratorium), 3LNO American plaice (under moratorium), 3NO witch flounder (under moratorium) and 3LN and 3M redfish, and 3L shrimp.**

3.2 Precautionary management of rebuilding stocks

The recovering of some groundfish stocks such as yellowtail flounder, redfish on the Grand Banks and cod on the Flemish Cap is an encouraging sign of progress. However, early stock recoveries are fragile and depend on smart, science-based management to achieve their potential. Since the 3M cod fishery reopened in 2010, the level of fishing mortality often exceeded F_{max} . Scientific Council estimates recruitment to be at its highest level, albeit with high uncertainty. In the short term, the Scientific Council agrees that fishing at the maximum fishing level (i.e. 14,500t) will not cause harm to the stock. However if the fishing mortality continues to exceed F_{max} , which is not in keeping with the precautionary approach, there will be a loss of yield in the stock in the long term. WWF recommends that **the current fishing level for 3M cod is strictly enforced to prevent overfishing the F_{max} (i.e. 14,500t for 2014) and, given the level of uncertainty in the projections, only accept the Scientific Council's recommendations for 2014. Thus the projections should not be used as a basis for management decisions for 2015 and the stock should be reassessed in 2014.**

3.3 Bycatch

Bycatch threatens the long term sustainability of many fisheries. It can delay fisheries recovery, pose direct threats to endangered and vulnerable species and lead to economic losses in future fishing opportunities. Some bycatch is unavoidable but excessive levels are unlikely to be accidental. To ensure that fisheries are managed in a responsible and long-term sustainable manner consistent with an ecosystem approach to fisheries (UNFSA, Art. 5) and the 2011 performance review recommendations, **NAFO should ensure that it is implementing best practices to minimize bycatch, and should also incorporate relevant provisions of the FAO International Guidelines on Bycatch Management and Reduction of Discards and ensure that its bycatch requirements for all fisheries are consistent with these guidelines by the 2014 Annual Meeting.** This includes the adoption of measures to minimize bycatch, such as spatial and /or temporal measures and modification of fishing gear, as appropriate. The Fisheries Commission should also consider revising Article 6 of its Conservation and Enforcement Measures to ensure that the amount of allowable bycatch is not based on the total catch retained on board from different NAFO Divisions, but is based on specific limits resulting from the stock status of the respective bycatch species.

3.4 Shark Fins Naturally Attached Policy

Loopholes exist with regards to the NAFO 5% rule, requiring vessels not to have onboard shark fins that total more than 5% of the weight of sharks. However, requiring sharks to be landed with fins attached is the most straight forward way to ensure finning does not take place and to improve data collection for sharks. The fins naturally attached requirement is also consistent with the UNGA resolutions on sustainable fisheries. **WWF recommends NAFO to implement a shark fins naturally attached policy under Article 12 of the NAFO Conservation and Enforcement Measures, so that no person shall remove the fins from any shark until after the shark is landed.**

4. Ecosystem Approach to Management

4.1 Ecosystem Approach to Fisheries Roadmap

WWF is pleased with last year's decision that the Fisheries Commission (FC) Working Group of Fishery Managers and Scientists on Vulnerable Marine Ecosystems (WGFMS-VME) will become a *de facto* joint Working Group of the FC and the Scientific Council (SC), and that it will have its scope broadened to encompass the ecosystem approach to fisheries. This change is consistent with the 2007 Amendment of the NAFO Convention and a number of other international policy and legal instruments (e.g. UN Fish Stocks Agreement, UN General Assembly Resolutions on Sustainable Fisheries; Decisions of the Convention on Biological Diversity Conference of the Parties; Rio+20 outcome document -The Future

We Want, among others), which have been calling for the implementation of an ecosystem approach to fisheries management for at least the past 18 years. WWF recommends **the endorsement of the Ecosystem Approach to Fisheries (EAF) Roadmap by the Fisheries Commission. In addition, as part of the further development and implementation of the EAF Roadmap, we recommend that the Fisheries Commission launches a pilot EAF project on the Flemish Cap and/or Grand Bank where the concept could be tested and further refined, as appropriate.**

4.2 Integrating climate change to science and management

The effects of ocean acidification are already impacting marine food webs and ecosystems. WWF recommends **the integration of ocean acidification effects (including synergetic effects with factors such as ocean warming) into NAFO's scientific strategies and respective fisheries conservation and management measures.** This could be achieved through enhanced cooperation and information exchange between STACFEN and relevant agencies and initiatives, such as the Ocean Acidification International Coordination Centre (OA-ICC), the Global Ocean Acidification Observing Network, and the CBD Secretariat. As an initial step, STACFEN could invite ocean acidification experts to present in the next meeting of the Scientific Council. Furthermore, we urge NAFO to continue to adopt adaptation measures such as VME protection to increase species' and marine ecosystem's resilience and enhance their capability to adapt to a more acidic environment. This is consistent with the Rio+20 call to enhance the resilience of marine ecosystems, support marine scientific research, monitoring and observation of ocean acidification and particularly vulnerable ecosystems.

4.3 International cooperation to protect the marine environment

The current governance regime for marine areas beyond national jurisdiction is fragmented and requires strong sectoral cooperation in order to achieve long-term sustainability of living resources and protection of critical habitats. WWF strongly supports the negotiations of an implementing agreement to the United Nations convention on the law of the sea on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, where coordination and collaboration mechanisms between sectors can be put in place. However, in the short term and in the absence of such a comprehensive regime, WWF encourages NAFO Secretariat to **take steps to sign Memoranda of Understanding with relevant national and international organizations, such as the Canada-Newfoundland and Labrador Offshore Petroleum Board and the International Seabed Authority, in order to facilitate the implementation of recommendations of NAFO's performance review, and to promote cooperation, exchange of information, and prevent conflicting uses in the NRA as well as cumulative impacts on EBSAs and VMEs.**

4.4 Participation of observers in the WGFMS

NAFO has made significant progress in improving transparency and accountability in the past few years. However, WWF is concerned that observers continue to be excluded from certain working groups, in particular the WGFMS-VME (newly established Joint Fisheries Commission-Scientific Council Working Group on Ecosystem Approach Framework to Fisheries Management) and WGFMS-Conservation Plans and Rebuilding Strategies (newly Joint Fisheries Commission-Scientific Council Working Group on Risk-Based Management Strategies). Key international policy and legal instruments, such as the Fish Stocks Agreement, call for broad participation of observers in RFMO meetings. WWF recommends that **the Fisheries Commission adopts the Terms of Reference of two newly established Joint Fisheries Commission – Scientific Council Working Groups (on Ecosystem Approach Framework to Fisheries Management and on Risk-Based Management Strategy) that allows for the participation of observers in the meetings.**

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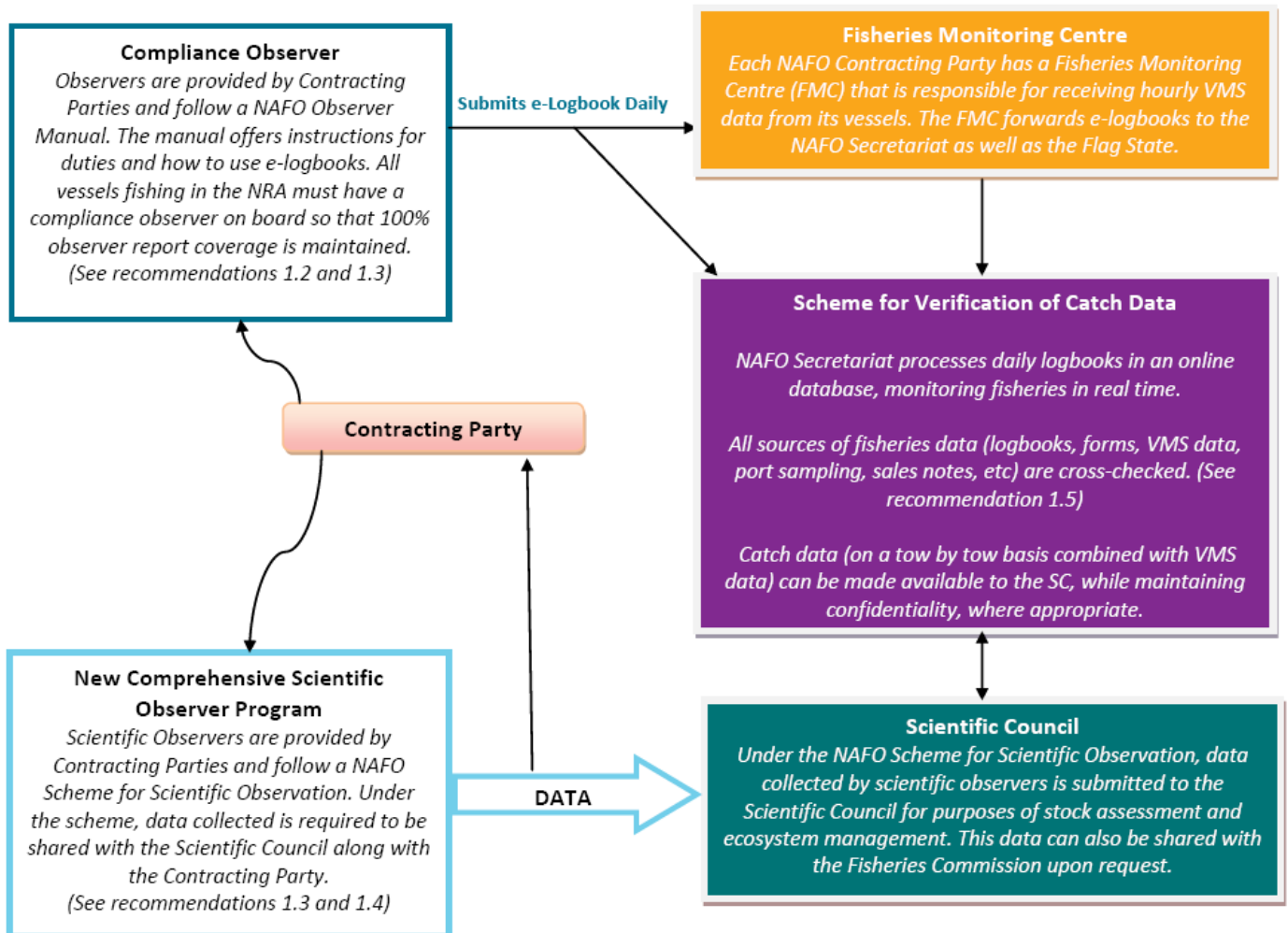
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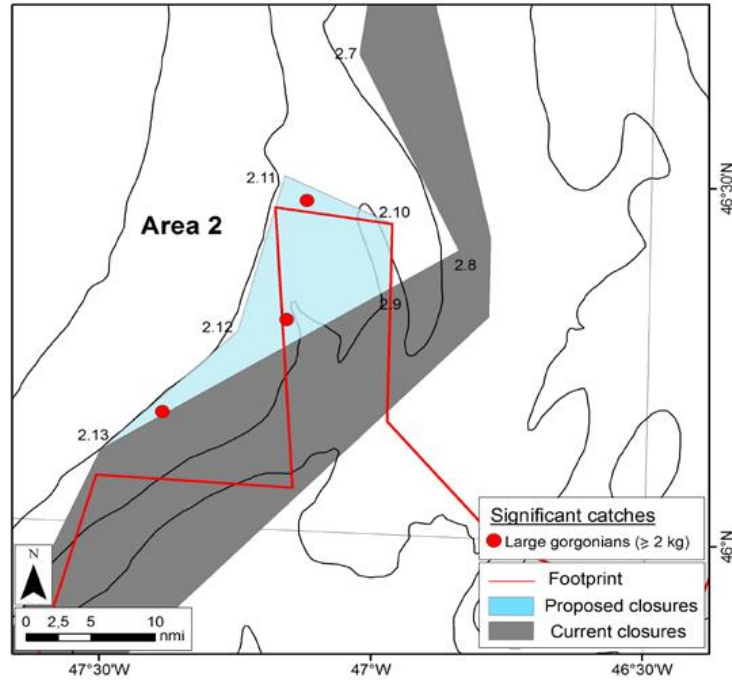
Annex I - Suggested NAFO Data Flow Scheme

Recommended Data Collection Methods – WWF 2013

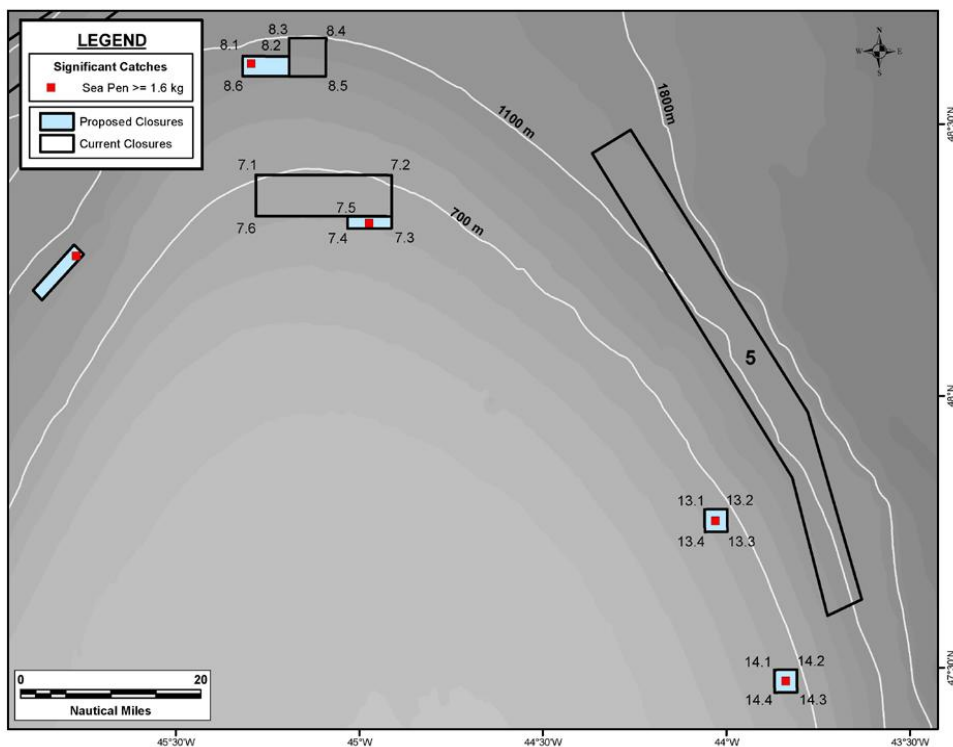


Annex II – Proposed VME closures

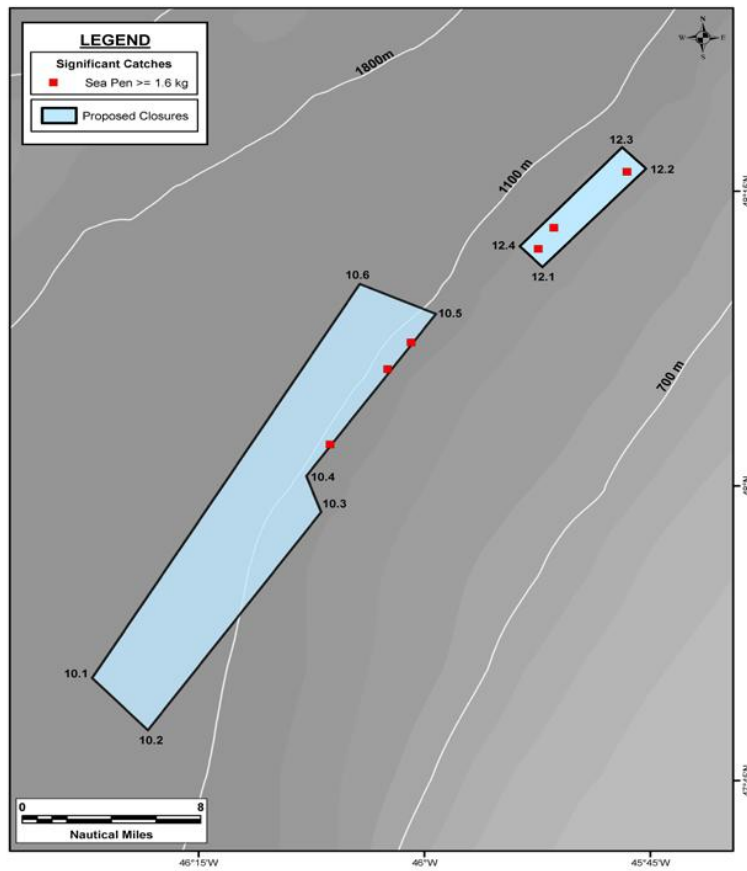
Map 1: Proposed extension of area 2. Proposed extension of existing closures and new closures to protect large gorgonians and sea pens (as per NAFO/FC Doc. 13/3)



Map 2: Proposed extension of Areas 7 and 8 and the Creation of Closed Area 13 and 14 (as per NAFO/FC Doc. 13/3).



Map 3: Proposed extension of Area 10 and the Addition of New Closed Area 12 (as per NAFO/FC Doc. 13/3).



Map 4: Significant concentrations of small gorgonians (as per NAFO SCS Doc. 13/17)

