

Baseline Scores for the Cook Islands Longline Bigeye Tuna Fishery Improvement Project (FIP)
Prepared by Fishing & Living (Anova Food, LLC)
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Start Date	February 2017
Predicted End Date	February 2020
Fleet	SZLC, CSFC & FZLC Cook Islands EEZ South Pacific albacore & yellowfin longline
Target Species	Albacore (Thunnus alalunga), Yellowfin Tuna (Thunnus albacares), Bigeye Tuna (Thunnus Obesus)
Gear	Longlines
Location	Southwest Pacific, Cook Islands EEZ
Catch (2015)	<ul style="list-style-type: none">- Albacore: 2,688 MT (average: 61.9%)- Yellowfin: 1,108 MT (average: 20.0%)- Bigeye: 312.8 MT (average 6.41%)

This fleet is MSC certified for its Albacore and Yellowfin catch. The full assessment reports can be found [online](#). The Cook Islands Albacore was certified in June 2015 and the Cook Islands Yellowfin was certified in February 2017 as part of an expedited assessment.

1. Summary of baseline scores

Principle	PI #	PI	Score	Source
Principle 1				
Outcome	1.1.1	Stock Status	60-79?	Micronesia FIP PA (2016)
	1.1.2	Stock Rebuilding	<60	Micronesia FIP PA (2016)
Management	1.2.1	Harvest Strategy	60-79	Micronesia FIP PA (2016)
	1.2.2	Harvest Control Rules	60-79	Micronesia FIP PA (2016)
	1.2.3	Information & Monitoring	>80	Micronesia FIP PA (2016)
	1.2.4	Stock Assessment	>80	Micronesia FIP PA (2016)
Principle 2				
Retained Species	2.1.1	Outcome	80	Cook Islands Yellowfin Expedited Assessment (2017)
	2.1.2	Management	80	Cook Islands Yellowfin Expedited Assessment (2017)
	2.1.3	Information	80	Cook Islands Yellowfin Expedited Assessment (2017)
Bycatch Species	2.2.1	Outcome	80	Cook Islands Yellowfin Expedited Assessment (2017)
	2.2.2	Management	80	Cook Islands Yellowfin Expedited Assessment (2017)
	2.2.3	Information	80	Cook Islands Yellowfin Expedited Assessment (2017)
ETP Species	2.3.1	Outcome	75	Cook Islands Yellowfin Expedited Assessment (2017)
	2.3.2	Management	75	Cook Islands Yellowfin Expedited Assessment (2017)
	2.3.3	Information	75	Cook Islands Yellowfin Expedited Assessment (2017)
Habitat	2.4.1	Outcome	100	Cook Islands Albacore FA (2015)
	2.4.2	Management	80	Cook Islands Albacore FA (2015)
	2.4.3	Information	95	Cook Islands Albacore FA (2015)
Ecosystem	2.5.1	Outcome	80	Cook Islands Albacore FA (2015)
	2.5.2	Management	80	Cook Islands Albacore FA (2015)
	2.5.3	Information	85	Cook Islands Albacore FA (2015)
Principle 3				
Governance and Policy	3.1.1	Legal and customary framework	85	Cook Islands Albacore FA (2015)
	3.1.2	Consultations, roles and responsibilities	75	Cook Islands Albacore FA (2015)

	3.1.3	Long term objectives	90	<i>Cook Islands Albacore FA (2015)</i>
	3.1.4	Incentives	60	<i>Cook Islands Albacore FA (2015)</i>
Fishery-specific management system	3.2.1	Fishery specific objectives	90	<i>Cook Islands Albacore FA (2015)</i>
	3.2.2	Decision making processes	75	<i>Cook Islands Albacore FA (2015)</i>
	3.2.3	Compliance and enforcement	85	<i>Cook Islands Albacore FA (2015)</i>
	3.2.4	Research plan	90	<i>Cook Islands Albacore FA (2015)</i>
	3.2.5	Management performance and evaluation	80	<i>Cook Islands Albacore FA (2015)</i>

2. Details of baseline scores

Principle 1

The western and central Pacific Bigeye Tuna Stock was most recently (July 2015) pre-assessed against the MSC standard under the Federated States of Micronesia (FSM) FIP. Principle 1 scores tend to be the same across countries since it assesses the status of the stock (and not of the population present in national waters) and the management system at the regional level (in this case the Western and Central Pacific Fisheries Commission) since Harvest Control Rules and Harvest Strategies still remain to be developed at that level (and subsequently implemented in national jurisdictions). Therefore, the baseline Principle 1 scores for the Cook Islands Bigeye Tuna FIP are based on the FSM Bigeye Tuna FIP pre-assessment.

Table 1. Principle 1 pre-assessment scores adapted from the FSM pre-assessment available online:

<https://sites.google.com/site/fsmlonglinefip/>

Principle 1	PI #	PI	Score	Harmonized scores ref.	Rationale
Outcome	1.1.1	Stock Status	60-79?	<60	Bigeye is at or below limit reference point. Score of 60 vs. >60 depends on whether you equate limit reference point with 'point of recruitment impairment'.
	1.1.2	Stock Rebuilding	<60	<60	Bigeye has no formal rebuilding plan: CMM 2014-01 not likely to be considered sufficient
Management	1.2.1	Harvest Strategy	60-79	60-79	CMM 2014-01 can be considered a (limited) harvest strategy, meeting the requirements of SG60. Note that if the bigeye harvest strategy is not improved in the next few years, the performance for bigeye and perhaps also yellowfin against this PI will likely get worse
	1.2.2	Harvest Control Rules	60-79	60-79	Hard-won consensus that the HCRs in 2014-01 are sufficient to meet the 60 level but no better. Again, if there is no action on bigeye this may not be sustained.
	1.2.3	Information & Monitoring	>80	>80	Sufficient data available for the stock assessment
	1.2.4	Stock Assessment	>80	>80	Stock assessment is state of the art – limitations come from the data
Likely Outcome for P1					Bigeye Fail

Principle 2 and 3

With regards to Principle 2 and 3, the Cook Islands Longline fishery went through a recent MSC assessment for the Yellowfin component (February 2017) as well as yearly certification surveillance audits for the Albacore component. In these assessment, Bigeye is considered a “main retained species” therefore the scores for P2 may change slightly but given the fact that the scores for retained species are above 80 (including Bigeye as a main retained), the “Retained species” PI should still pass when Bigeye is considered a target species. The scores for Principle 3 will be identical because P3 PIs are only concerned with the management system.

Table 2. Principle 2 scores based on the Albacore MSC full-assessment (June 2015, available [online](#)) and the Yellowfin expedited assessment (February 2017, available [online](#)).

Principle 2	PI #	PI	Score	Rationale
Retained Species	2.1.1	Outcome	80	Main retained species are blue marlin and indian oil sardine (bait). The blue marlin stock in the Pacific Ocean currently is not being overfished and is not in an overfished state. Regarding Indian oil sardine, analysis of catch data for 2010 - 2011 indicates that the average length at capture exceeded the size at maturity and optimum size for exploitation for the species. This, in addition to the life history characteristics (broadcast spawner, fast growth and short life span) suggests that the Indian oil sardine is highly likely to be within biologically safe limits. Furthermore, the use of <i>S. longiceps</i> as bait in the fishery under assessment represents a fraction of the total landings at less than 1%.
	2.1.2	Management	80	There is no management strategy for Blue marlin, but since it is not overfished and overfishing is not on-going, a management strategy is not deemed necessary. Indian oil sardine: management in India is supported in terms of science by the CMFRI, who monitor stock status through proxies based on fishery output and size composition data. While the species remains above biologically based limits, the monitoring activities at the core of the stock in Indian west coast waters can be regarded as constituting a partial strategy. As previously mentioned, the fishery's use of <i>S. longiceps</i> as bait also corresponds to less than 1% of the total catch of this species and is unlikely to cause the species to be outside biologically based limits or hinder its recovery. There has been no review of the effectiveness of the management strategy for the bait species, <i>S. longiceps</i> . The fact that the species is currently considered to be within biologically based limits provides some confidence that management is working.

	2.1.3	Information	80	<p>For blue marlin, although there have been significant advances in understanding the species' biology and ecology, historically there has been a lack in biological, ecological and fisheries-dependent data at regional level. Furthermore, the identification issues present in the fishery under assessment also affect fisheries at a regional level. Although a good deal of quantitative information is available, the accuracy of those data could be improved</p> <p>For Indian oil sardine, the amount of bait used in the fishery annually is known. For blue marlin, the lack of sex-specific size data and the simplified treatment of the spatial structure of Pacific blue marlin population dynamics are considered important sources of uncertainty. As for oil sardine, the available information on the species, stemming mainly from India has so far indicated whether it is likely to be within biologically based limits.</p>
Bycatch Species	2.2.1	Outcome	80	None of the bycatch species could be qualified as 'main'. The 2005 Resolution on Non-Target Fish Species (Resolution-2005-03) encourages CCMs to "avoid to the extent practicable, the capture of all non-target fish species that are not to be retained. Although rather generic and non-binding, this measure is expected to result in the fishery not causing bycatch species to be outside biologically based limits.
	2.2.2	Management	80	The 2005 Resolution on Non-Target Fish Species (Resolution-2005-03) is the main instrument through which bycatch is managed. This measure however is very generic and does not constitute a real strategy.
	2.2.3	Information	80	None of the bycatch species could be qualified as 'main'. However, bycatch is not consistently reported by the crew in logbooks and observer coverage is relatively low (<20%). Information is therefore not available for all bycatch species.
ETP Species	2.3.1	Outcome	75	<p>Seabirds: no seabirds were mentioned in the observer reports for any of the UoAs. Information held by the MMR based on observer data, interviews with vessel operators and the risk assessment conducted by Filippi et al. (2010) suggests that known effects of the fishery are likely to be within international requirements for the protection of ETP bird species. However, interactions with ETP species are rarely recorded by crew and observer coverage is considered too low to preclude the possibility of highly threatened seabird populations being impacted by the fishery.</p> <p>Turtles: based on observer data, interactions with sea turtles are also relatively rare (5 specimens encountered in 2014/2015 by observers) and the impacts are likely to be significantly less than those caused by traditional practices in the Cook Islands which includes their consumption. Known effects of the fishery are therefore likely</p>

				<p>to be within limits of international requirements for the protection of sea turtles. However, at least 2 Regional Management Units (RMUs – loggerhead and olive ridley) overlap entirely with the Cook Islands EEZ and are considered to be at high risk from bycatch in longlines. Some turtle populations may be sufficiently depleted that apparently small levels of bycatch may have an impact at the population level. On that basis, the available data were not sufficient to ensure that effects are highly likely to be within limits of national and international requirements for protection.</p> <p>Sharks: within the Cook Islands EEZ all shark species have to be discarded in accordance with the 2012 Shark Sanctuary regulations. Key discarded shark species are blue shark, oceanic whitetip shark, thresher sharks (not identified to species level), longfin and shortfin mako shark, and silky shark. The 2014/2015 observer data also identified 2 additional shark species (albeit in low numbers): blacktip shark and great white shark. As of 2013, discards are supposed to be recorded in logsheets as well as during observer trips; however comparison of both datasets revealed discrepancies, with logsheets likely underestimating shark discards and underrepresenting some species due to identification issues – this issue was first highlighted during the initial assessment and continues to be the case. Observer records, however, present an indication of likely shark discards.</p>
2.3.2	Management	75	<p>Seabirds: a new CMM has come into force for seabirds: CMM 2015-03. The Cook Islands' National Plan of Action for Reducing Incidental Catch of Seabirds (NPOA-Seabirds) continues to be implemented through the Cook Islands Large Pelagic Longline Fishery Plan, in combination with the CMM – both of which were considered to constitute a strategy (see MEC, 2015). The Cook Islands' NPOA however does not go above and beyond the CMM requirements on the basis that the EEZ is situated in a low-risk zone.</p> <p>Turtles: the same CMM applies as during the initial assessment (CMM-2008-03). This CMM, in combination with the Cook Islands' NPOA-Sea Turtles constitutes a strategy which is highly likely to achieve international requirements for the protection of sea turtles. SG100 requires a comprehensive strategy which aims to go further than the international protection requirements for sea turtles which the team felt that this was not the case. All measures mentioned have been shown to reduce sea turtle interactions in longline fisheries significantly without compromising catch rates of target species (FAO, 2009). There is therefore an objective basis for confidence that the management strategy will work. Based on the risk-based</p>	

				<p>analysis carried out by Filippi et al. (2010) there is an objective basis for confidence that the management strategy will work.</p> <p>Sharks: for the fishery under assessment, there are four management levels for sharks: 1) at WCPFC level: CMM-2014-05 (on the prohibition of wire traces and/or shark lines), CMM-2010-07 (on inter alia the implementation of the IPOA Sharks, reporting requirements, shark finning; shark retention on board); CMM-2011-04 on oceanic white-tips; and CMM-2013-08 on silky sharks; 2) at national level via the overarching Shark Sanctuary Regulations; 3) at national level via the NPOA-sharks and 4) at company level through the LTFV policy on sharks. In combination, these measures aim at zero capture and retention of any shark or ray species, with maximisation of the survival of any shark that does get caught. The team considers this to be comprehensive strategy which goes above and beyond national and international requirements. There is therefore an objective basis for confidence that the strategy will work.</p>
	2.3.3	Information	75	<p>For all ETP species concerned, information gathered through observer reports is sufficient to enable a qualitative evaluation of fishery-related mortality – SG60 is met. The observer data provide some quantitative estimate of the fishery’s interactions with ETP species, albeit with a high degree of uncertainty: the low level of observer coverage (<20%) and particularly the problems with reporting of interactions with sea turtles and sharks by UoA crew means quantitative estimates for this fishery are likely to be highly uncertain. Some shark species including makos, threshers and silky sharks continue to be significantly underrepresented in the logbook data</p>
Habitat	2.4.1	Outcome	100	<p>The longline fishery takes place predominantly in the northern EEZ where the plateau rises from a depth of over 4,000 m to approximately 2,000 m and is therefore highly unlikely to interact with benthic features. Lost gear may consist of monofilament and/or hooks and is only likely to continue to fish as long as bait remains on the hooks. Bait is stripped relatively quickly off the hooks and as such, the mortality rate associated to lost longlines is low</p>
	2.4.2	Management	80	<p>The fishery takes place in deep oceanic waters as confirmed by VMS data for the fleet as well as observer reports. As this fishery does not interact directly with any benthic habitats</p>
	2.4.3	Information	95	<p>The presence of seamounts throughout the area fished is known and these are in any case highly unlikely to interact with the pelagic fishing gear. VMS and observer data provide reliable data on the spatial extent of the fishing operations – SG80 is</p>

				therefore met. However, LTFV currently does not monitor the amount of fishing gear lost. Impacts can therefore not be quantified fully
Ecosystem	2.5.1	Outcome	80	The main retained species are within biologically-based limits and a strategy is in place to protect the most commonly caught ETP species (sharks). SG80 is therefore met. There is however limited evidence supporting this conclusion, in terms of direct information about the ecosystem and the impact of albacore longlining upon it.
	2.5.2	Management	80	The WCPFC's application of the FAO code extends to the highly migratory fish species including tuna through CMM-2013-01 on the management of bigeye, yellowfin and skipjack and CMM-2010-05 on the management of albacore (the harvest strategies for albacore and bigeye in particular have been discussed in detail under Principles 1 and 2, see Sections 3.3.6 and 3.4.1.1), as well as to the management of non-target species, in particular through Resolution 2005-03 on Non-Target Fish Species. Work is also underway via in-country EAFM work which is also ongoing in the Cook Islands. The team considered that all the CMMs and NPOAs in conjunction with the Shark Sanctuary constituted at least a partial strategy and that SG80 was therefore met. Although work on the EAFM approach for the Cook Islands is ongoing a plan has yet to be put in place.
	2.5.3	Information	85	There is increasing effort by a range of organizations to collect detailed data on the structure of the Pacific Ocean pelagic ecosystem. Trophic structure of pelagic ecosystems in the Pacific, including the WCPO, has been characterised using Ecopath and Ecosim models based on diet data. The dynamic system model SEAPODYM, is a model developed for investigating spatial tuna population dynamics, under the influence of both fishing and environmental effects (Lehodey et al., 2013). The continued development and application of the SEAPODYM model to the work of the WCPFC Scientific Committee, including its application to albacore fisheries in the South Pacific, is facilitated through Project 62 which affiliates the independently funded work on SEAPODYM into the SC's work programme (Lehodey et al., 2013). A list of current projects is given in Lehodey et al. (2013). Main interactions between the fishery and the ecosystem have been and are being investigated.

Table 3. Principle 3 scores based on the Albacore MSC full-assessment (June 2015, available [online](#)) and the Yellowfin expedited assessment (February 2017, available [online](#)).

Principle 3	PI#	PI	Score	Rationale
Governance and Policy	3.1.1	Legal and customary framework	85	<p>Cook Islands has a well-developed national legal system, which closely reflects that of New Zealand and most other English Common Law jurisdictions. A comprehensive national legal framework governing the work of MMR and regulating the longline fishery is provided through the 2005 Fisheries Act, the 2008 Longline Fisheries Plan and the 2013 Regulations. There is some lack of clarity concerning the links between the 2008 plan and the current (2012) regulations which will be addressed under a new Longline Plan that is currently under development.</p> <p>There is an established framework for cooperation with other states and territories, primarily through active membership by Cook Islands of regional (SPC, FFA, TVM and the Southern Committee) and international (WCPFC) fisheries management and research organisations. Effective regional cooperation occurs via SPC and FFA, where regionally (and sub-regionally) supported management initiatives are developed and promoted at the WCPF Commission. Support for management outcomes are provided through i) the collection and sharing of scientific data via a regional logbook and observer programme ii) regular stock assessments carried out by SPC iii) the development and consideration of scientific advice, primarily through the Scientific Committee of the WCPF Commission iv) agreement on matters of common interest between states fishing for albacore, initially at FFA/FFC and then promoted via the WCPF Commission and v) regional MCS initiatives, including a regional VMS and vessel register. While providing for the development of cooperative and compatible regional fisheries management approaches, this framework of cooperation also effectively overcomes the capacity and resource constraints facing the MMR. Cooperation through FFA and the WCPFC has allowed for the development and implementation of sustainable management arrangements for the south pacific albacore fishery as required under the obligations of UNCLOS Articles 63(2), 64, 118, 119, and UNFSA Article 8. The work of SPC as the science provider and the Commission as coordinating secretariat provides a strong framework for cooperation as required under UNSFA Article 10.</p> <p>Cook Islands has signed/ ratified UNCLOS and the UN Fish Stocks Agreement,</p>

			<p>and was present at the 1995 FAO Conference, during which the FAO Code was unanimously adopted, including the Compliance Agreement. These treaties/agreements are consistent with the current international fisheries law and standards for the management of highly migratory species and ecosystems. Cook Islands has also signed regional agreements, including the FFA Convention and the Niue Treaty, which deals with MCS cooperation.</p> <p>Binding legislation relating to comprehensive international cooperation for the management of the albacore stock exists through the WCPF Convention and the associated CMMs developed by the Commission. Cook Islands has committed to, and has in place, an effective process to give national effect to CMMs developed at the Commission. Through cooperation, a range of Commission committees and processes have been formed to deliver the outcomes under Article 10 of UNSFA and the Convention, including CMMs. Allocation of TACs and TAEs as envisaged under Article 10.3 of the Convention has been partially achieved.</p> <p>Article 31 of the WCPF Convention provides for adoption of the procedures for the peaceful settlement of disputes laid out in Part VIII of UNSFA and Part XV of UNCLOS. Annex 2 of the WCPFC Convention allows for the establishment of a Review Panel to review decisions of the Commission. The dispute resolution provides for a transparent mechanism for dispute resolution at the Commission. National disputes relating to the fishery can be dealt with through the provisions of the Cook Islands Arbitration Act 2009 which is considered to be effective. This Act has been developed in accordance with international arbitral regimes, encourages the use of arbitration as an agreed method of resolving commercial and other disputes and redefines and clarifies the limits of judicial review. An appeals process is provided in the 2008 Longline Management Plan in the event of a dispute over fishing licenses.</p> <p>While the mechanisms for dispute resolution at national and regional level are considered to be sufficiently transparent and effective for SG80 to be met, the mechanisms, including reviews of Commission decisions, under Articles 20, 31 and Annex II of the WCPF Convention have yet to be tested and proven effective. The Marine Resources Act 2005 provides for the maintenance of traditional forms of sustainable fisheries management; protection of the interests of artisanal fishers, subsistence fishers and local island communities, including ensuring their</p>
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				<p>participation in the management of fisheries and of aquaculture; and broad participation by Cook Islanders in activities related to the sustainable use of marine resources.</p> <p>The 2005 Fisheries Act allows for local authorities to take measures for the conservation, management and development of any fishery of local interest within its area of authority in accordance with the principles and provisions of the Act. Further, the Secretary of MMA is required to consult with a local authority on any matter of fisheries conservation, management or development which may affect the local authority or environment, and the local authority is required to consult with the Secretary on issues of mutual importance, which could include any impacts of the albacore longline fishery on artisanal/subsistence fisheries.</p> <p>The WCPFC Convention provides for recognition of the interests of small scale and artisanal fishers within the overall framework for sustainability in the WCPFC Convention. The Convention further requires that the needs of SIDs, territories and possessions and coastal communities dependent on stocks including those taken in the fishery be recognised in the allocation of catch or effort (Art 10 (3)). To date, the Commission has not allocated fishing rights but has sought and received external advice on allocation mechanisms and options. Further, Article 30 of the Convention provides for recognition of the interests of small scale and artisanal fishers within the overall management framework in the WCPFC Convention. The Convention explicitly recognizes the rights of artisanal and subsistence fishers and the dependence of coastal States and States fishing on the high seas on the stocks concerned.</p> <p>The Cook Islands Offshore Fisheries Policy 2013 includes a specific development action to ensure the interactions between offshore fisheries, artisanal and sports fishing are minimised through demarcated exclusion areas, and, where appropriate, market controls. There is, however, no mandated legal basis where rights are fully codified within the fishery management system and/or its policies and procedures.</p>
3.1.2	Consultations, roles and responsibilities	75		Organisations and individuals directly involved in the management process and their roles are identified in the 2005 Marine Resources Act. Other interested parties, including eNGOs, commercial entities, charter and recreational fishers have been identified as demonstrated by engagement with MMR on a range of

				<p>management-related issues. There are regular discussions with bilateral fishing partners licensed to fish in the Cook Islands EEZ. The level of communication suggests that roles and responsibilities are generally understood. Attendance at WCPFC meetings (including SC and TCC) and through regional cooperation at FFC and the Southern Committee has expanded understanding of the functions, roles and responsibilities of national jurisdictions and WCPF Commission and the components of the management structure. SG60 is met.</p> <p>The WCPF Convention provides information on the functions, roles and responsibilities of member states and the committees formed under Commission control (SC and TCC). The Commission and its committees have well defined operating procedures and terms of reference, and the roles and responsibilities of members and non-members are well defined in the Convention, in the Rules of Procedure and in relevant CMMs. The role and function of MMR and local authorities are clearly described in the Marine Resources Act 2005. The roles and responsibilities of the Minister and Secretary are also explicitly defined, particularly with respect to licensing. The functions, roles and responsibilities of most stakeholder groups at the national level are considered to be well understood but not explicitly defined, particularly in the case of NGOs. SG80 is met.</p> <p>At the international level the roles and responsibilities of CCMs and the Commission Secretariat are explicitly defined within the Convention and, through the effective administration and outputs of the various committees and other consultative arrangements administered by the Commission, there is clear evidence that roles and responsibilities are understood. However, at national level, while being explicitly defined and understood for most areas of responsibility and interaction, there is no explicit definition of the roles and responsibilities of CI Government with respect to consultation, including the sectors/stakeholders with whom consultation should occur, and means whereby it would happen.</p> <p>The MMR provides a range of opportunities for affected parties to have input into the management system, including through public notices in the press and consultation with stakeholders, which have been mostly driven the stakeholders themselves. There is evidence that the Department is willing to engage on issues of concern to stakeholders including bilateral partners and domestic stakeholders. At the international level, the Commission has a comprehensive process for obtaining relevant fisheries, including compliance, information from CCMs, This information is regularly sought from CCMs via Part 1 and 2 reporting (to the Commission) processes.</p>
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	3.1.3	Long term objectives	90	<p>As the fishery falls under dual control, the scoring of this PI is based on the wider organisation, i.e. the WCPF Commission, since this is the management level where the key decisions are taken which affect the stock as a whole (P1), as well as stocks of bycatch species and the wider ecosystem (P2). Long-term objectives for the Commission are found in the WCPF Convention text. Under Article 2 the Commission has the objective to 'ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks' within the Convention area, consistent with UNCLOS and UNSFA. Article 5 provides principles and measures for achieving this conservation and management objective. Article 10(c) provides the explicit long term objective of 'maintaining or restoring populations'... 'above levels at which their reproduction may become seriously threatened'. Article 5 (c) explicitly requires CCMs to apply the precautionary approach and Article 6 outlines the means by which this will be given effect, including through the application of the guidelines set out in Annex II of UNSFA. These guidelines provide additional objectives to guide decision-making, including the use of target reference points to meet management objectives and the adoption of fisheries management strategies to ensure that target reference points are not exceeded on average. Evidence that these objectives are guiding, or are beginning to guide decision-making is provided in various reports of the Commission. Commission reports indicate that explicit action is being undertaken to develop and implement management arrangements to support achievement of objectives. While long term objectives have yet to be explicitly defined in terms of target reference points, the Commission Management Objectives Workshop (MOW) process is working on this issue, as is the FFA Southern Committee and Te Vaka Moana group. The team considered that SG100 was only partially met and a score of 90 has been awarded. At the national level, a system of annual licences for the majority of the fleet within a four-year framework agreement provides an incentive for vessels to fish within the rules, or risk non-renewal. The regional Register of Fishing Vessels, inclusion on which is necessary to fish in the waters of FFA states, provides an incentive for good behaviour given that registration may be withdrawn or suspended if a vessel is involved in a serious violation of the fisheries laws of any FFA member. The system whereby licences to fish in Cook Islands waters are renewed annually, under a multi-year umbrella agreement provides an additional incentive to comply with regulations or risk losing access. CMM 2010-06 establishes a list of presumed IUU vessels relating to the</p>
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			<p>Convention area, This list provides an incentive to comply with the CMMs adopted by the WCPFC or risk a listing.</p> <p>Cook Islands has demonstrated in the past that it will terminate fishing agreements where management arrangements are circumvented. This was the case with vessels issued with experimental/exploratory licenses that failed to operate under license conditions requiring them to not target albacore and as a consequence were not re-licensed. By not renewing licenses (or withdrawing licenses) for vessels which do not comply with fisheries regulations, vessels are encouraged to be compliant in order to have access arrangements renewed. The limits on catch and effort in the Cook Islands EEZ provide some certainty to fishing companies operating in the EEZ and an encouragement to licensed vessels to campaign for effective controls to protect the value of their access to the fishery.</p> <p>The management system therefore provides for some incentives that are consistent with achieving the outcomes expressed by MSC Principles 1 and 2. However, while the status of the southern albacore stock under the last SPC stock assessment (in 2012) was 'not overfished' and 'overfishing is not occurring', effort in the fishery has increased south of 20 degree south in the last 10 years despite CMM 2005-02 and its replacement CMM 2010-05. The expansion of effort in the albacore fishery has been driven in part by the provision of subsidies by the People's Republic of China . PRC has stated its intention to increase its fleet targeting albacore to 400 vessels (noting i) that this is possible while still continuing to respect CMM 2010-05, as long as additional effort is constrained to north of 20oS and ii) the assessment team has no information as to whether these as yet unbuilt vessels will be constructed using, or otherwise benefit from, subsidies). The last available SPC data indicates there are 286 Chinese longline vessels in the Convention area, but it is unclear how many of these are targeting albacore. A paper presented by China at the August 2014 SC confirms significant growth in the Chinese longline fleet, with an increase from 219 vessels in 2009 to 379 in 2013.</p> <p>A recent FFA paper (Ilakini, 2013) identifies a wide range of subsidies, the most significant of which are payments to offset fuel costs and access fees (to PICs' EEZs, including Cook Islands). The Client also acknowledged that Chinese vessels, including client vessels, were in receipt of Chinese Government Subsidies. As effort in the regional fishery has continued to rise, catch rates have fallen in</p>
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				<p>some areas. The increase in effort was last acknowledged at SC 9 where it was emphasised that increasing catch and effort on South Pacific albacore has occurred from 2009 to 2012, and that the current CMM 2010-05 appears not to be effective in constraining effort in the subtropics (south of 20oS). The exemption provision for SIDs within CMM 2010-05 provides no incentive for SIDs to comply with the spirit of the CMM, although this issue has been recognised in attempts to develop a new CMM that will restrict fishing for southern albacore within zones through an allocation process. While there is no TRP in place for albacore, many fleets have tied up and are now unprofitable, indicating that there are severe economic conditions in the fishery. This issue is primarily an economic problem for albacore with which this PI is not concerned and is dealt with under PI 1.2.1, albacore harvest strategy.</p> <p>There is some concern that without an effective control on effort and with the expansionist plans and subsidies of PRC in place, P1 and P2 outcomes may be adversely impacted. In the case of bigeye, it is possible that the limits specified in CMM 2013-01 Appendix F will be met, in which case the subsidies to the PRC fleet may be considered as incentives for unsustainable fishing at the flag state level.</p>
	3.1.4	Incentives	60	<p>At the national level, a system of annual licences for the majority of the fleet within a four-year framework agreement provides an incentive for vessels to fish within the rules, or risk non-renewal. The regional Register of Fishing Vessels, inclusion on which is necessary to fish in the waters of FFA states, provides an incentive for good behaviour given that registration may be withdrawn or suspended if a vessel is involved in a serious violation of the fisheries laws of any FFA member. The system whereby licences to fish in Cook Islands waters are renewed annually, under a multi-year umbrella agreement provides an additional incentive to comply with regulations or risk losing access.</p> <p>CMM 2010-06 establishes a list of presumed IUU vessels relating to the Convention area. This list provides an incentive to comply with the CMMs adopted by the WCPFC or risk a listing.</p> <p>Cook Islands has demonstrated in the past that it will terminate fishing agreements where management arrangements are circumvented. This was the case with vessels issued with experimental/exploratory licenses that failed to operate under license conditions requiring them to not target albacore and as a consequence</p>

				<p>were not re-licensed. By not renewing licenses (or withdrawing licenses) for vessels which do not comply with fisheries regulations, vessels are encouraged to be compliant in order to have access arrangements renewed. The limits on catch and effort in the Cook Islands EEZ provide some certainty to fishing companies operating in the EEZ and an encouragement to licensed vessels to campaign for effective controls to protect the value of their access to the fishery. The management system therefore provides for some incentives that are consistent with achieving the outcomes expressed by MSC Principles 1 and 2.</p> <p>SG80 requires in addition that the fishery seeks to ensure that perverse incentives do not arise. In relation to Cook-Island registered and flagged vessels rather than Chinese-flagged vessels: effort in the fishery has increased over the last two decades quite considerably. This expansion of effort in the fishery has been driven in part by the provision of subsidies. Although no subsidies are provided by the Cook Islands, neither to flagged vessels, nor to those fishing in their waters, nor to those with Cook Islands ownership, the team has established that under certain circumstances, the vessels remain eligible for Chinese subsidies.</p>
Fishery-specific management system	3.2.1	Fishery specific objectives	90	<p>There are clear objectives that guide decision-making, consistent with MSC Principles and Criteria and the precautionary approach. The principle objective of the Marine Resources 2005 Act is to provide for the sustainable use of the living marine resources for the benefit of the people of the Cook Islands. Part 1(7) of the 2008 Longline Fishery Plan provides more detailed long-term objectives for the fishery. While this PI deals with the fishery-policy context, there is evidence that the overall objectives of the WCPF Convention (Art. 2) to ensure, through effective management the long-term conservation and sustainable use of highly migratory fish stocks in the WCPFO, in accordance with UNCLOS and the Fish Stocks Agreement are implicit in national legislation enacted to ensure Cook Islands obligations under international and regional law are effectively discharged (Art, 3(4) Marine Resources Act 2005).</p> <p>The key long term objectives for the fishery are explicitly described in Part (7) of the 2008 Longline Fishery Plan and include both biological and economic objectives. These include: longer term sustainable use for the benefit of the people of Cook Islands; mitigating impacts on non-target species; to develop and maintain economic viability; to develop a domestic fleet and onshore processing; to meet international obligations; and to protect traditional and small scale commercial</p>

				<p>inshore fishers. The 2013 Offshore Fisheries Policy provides additional objectives including sustainable resource management through sound biological principles.</p> <p>The NPOA for sharks defines the objective in implementing the plan as “seeking and promoting a rational approach, based on scientific evidence and application of the precautionary principle, to the conservation and management of shark resources”. The subsequent declaration of the Shark Sanctuary has further strengthened this objective.</p> <p>Cook Islands has explicitly adopted the measures in place for the conservation and management measures agreed at the WCPF Commission for key target stocks (albacore, bigeye and yellowfin tuna) , as well as resolutions relating to the conservation of non-target species, including sharks, seabirds and turtles.</p> <p>The absence of operational objectives at the Commission has tended to result in a focus on avoiding LRPs rather than developing harvest strategies that would provide guidance on decision making related to the achievement of long term objectives related to TRPs .</p> <p>At the regional level, Cooks Islands reports against a number of indicators as part of the WCPF Commission obligations through Part 2 Reporting.</p> <p>The 2012 Large Pelagic Longline Fishery Regulations provides some well-defined and measureable short-term indicators against which to measure achievement of short and long term objectives. They include: caps on effort (initially 50 vessels, with the provision that if the total catch in the fishery exceeds 8,000 metric tonnes in any four quarter period further management of effort may occur following review, including reducing the number of vessels and time/area closures; a ban on transshipment, shark conservation and management measures (strengthened though the establishment of the Shark Sanctuary). However there is no long-term target catch or catch rate level as represented by a TAC or an MEY-based target reference.</p>
	3.2.2	Decision making processes	75	<p>There are clear requirements on decision under the 2005 Act. Decision-making processes within the MMR are described in the 2008 Longline plan and 2012 regulations, which place certain obligations on the Secretary or his delegate in</p>

				<p>relation to taking decisions on fisheries management measures including the licensing of vessels and vessel caps.</p> <p>WCPFC decision-making processes are open, seek to apply the precautionary approach and best available information and are well documented. Consensus is the general rule for decision-making by Commission Members during their annual meetings. If consensus cannot be reached, voting, grounds for appealing decisions, conciliation and review are all part of the established decision-making process, as described in Article 20 of the Convention. The degree to which the decision-making processes at the Commission result in measures that achieve fishery specific objectives could be questioned in respect of the control of fishing effort in the fishery.</p> <p>Serious issues in the fishery are generally identified by SPC stock assessment and other reports at the regional level, and addressed through decisions taken under national fisheries legislation. The vessel cap and catch monitoring provide evidence that the issue of bigeye overfishing is being addressed and that Cook Islands is displaying 'a responsible level of development of their fisheries for South Pacific Albacore' as required by CMM 2010-05, para 2. For non-target species, the issue of shark mortality has resulted in the establishment of the Shark Sanctuary and the banning of wire traces.</p> <p>The team however was advised by the MMR that in 2012 the vessel cap was exceeded under the authority of the Secretary, without the establishment of the Licensing Committee prescribed under the 2008 Plan and Regulations. Commission decision-making processes are based heavily on Scientific Committee reports on the status of target and non-target species and respond to serious issues, such as the overfishing, and suspected overfished, status of bigeye. However, the primary measure to control catch and effort in the albacore fishery within the WCPF Convention area (CMM 2010-05) 'appears to be not effective in constraining effort' (SC9 Record, para 172).</p> <p>Article 4 (a) i) of the 2005 Act requires that decisions are based on the best scientific advice available in seeking MSY (as qualified by relevant environmental and economic factors) and b) that the precautionary approach should be applied to the management of the fishery. There is evidence that decision-making processes</p>
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				<p>utilise best available information (e.g. in setting the vessel cap) as a trigger point for a review based on best available information).</p> <p>The WCPF Convention (Art. 6) also requires the application of the precautionary approach and the use of a Scientific Committee to ensure that the Commission obtains the best scientific information available for its consideration and decision-making.</p> <p>Quarterly and annual MMR reports provide national stakeholders with information on licensing and fleet structure, catch and effort, catch rates and other key fishery performance information. Information on fishery performance is publicly available through SPC data and Part 1 reports, the latter providing detailed reporting on catch, fleet size and other issues relating to the fishery. MMR produce annual and quarterly reports. Commission, SC and TCC papers and reports on the web provide a high level of public access and transparency, showing how scientific information is used to inform management actions, which are then monitored for effectiveness and discussed at the Commission.</p> <p>Evidence is, however, available to show that the MMR is responsive to requests from information from stakeholders on decisions, but not always to the satisfaction of the latter. The team was made aware by stakeholders in the Cook Islands that there is, at times, a lack of transparency with respect to management decisions, including vessel licensing. It is not always clear to all stakeholders that decisions were arrived at based on available evidence and due process, particularly in relation to vessel licensing.</p> <p>No evidence is available to suggest that the MMR is disrespectful to, or defiant of Cook Islands law, or indeed, legally binding agreements reached at the Commission as they apply to the UoC. To the contrary, Cook Islands has shown considerable responsibility in upholding laws or regulations in respect of ensuring the sustainability of the fishery, including enacting agreements reached at the Commission into national legislation.</p> <p>While there have been no judicial decisions arising from legal challenges associated with the fishery, the management system in Cook Islands has the legal</p>
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				<p>and other frameworks that would enable the MMR to comply with any such decisions in a timely fashion.</p> <p>The management system acts proactively to avoid legal disputes at the regional level by the prompt incorporation of CMMs into national legislation and the implementation of measures to support such legislation. There is some evidence at the national level that the management system could be more proactive in avoiding legal disputes by providing greater transparency through additional collective, participative and publically accountable involvement in the management of the fishery.</p>
3.2.3	Compliance and enforcement	85		<p>A comprehensive MCS system is in place using a modern fisheries patrol vessel for at sea inspections, VMS, port inspections, observers and logbook and other reporting requirements.</p> <p>The FFA has developed a regional monitoring, control and surveillance strategy which includes regional cooperation to control fishing in the region. The strategy was endorsed by Forum Fisheries Committee Ministers in July 2010. Levels of observer coverage in the fishery (~10%) exceed the regional benchmark and MMR and Cook Islands Police carry out regular boarding and inspection and unloading activities.</p> <p>The Cook Islands national fisheries MCS system is linked to regional (FFA and WCPFC) MCS systems including the harmonisation of Terms and Conditions of Access, a regional VMS system and the Regional Register of Foreign Fishing Vessels and a range of regional MCS cooperation programmes, including the Niue Treaty and the Agreed Minute of Cooperation in MCS between the US and FFA member states.</p> <p>Cook Islands have MOU arrangements with the US National Marine Fisheries Service (NFMS) and US National Oceanic and Atmospheric Administration (NOAA) covering compliance cooperation in Pago Pago, American Samoa. MMR has recently established the Cook Islands Fisheries Field Office (CIFFO) in Pago Pago, which will be permanently staffed to enable an expanded programme of port inspections and debriefing of observers. Long-term plans are to have four staff based in the office. Currently around 11% of the LT and other vessels fishing in Cooks Islands waters and landing in Pago Pago are inspected. To date, no</p>

			<p>significant breaches by LT vessels of fisheries regulations have been observed. There is evidence of sanctions being applied for breaches of regulations, and no evidence was provided to suggest these sanctions are being applied inconsistently.</p> <p>A range of sanctions to deal with non-compliance exist, and there is evidence that they are being applied (e.g. Shark Sanctuary regulations, see port inspection reports). The team however noted that there was no possibility of administrative penalties – the only route was legal. This makes them more complex, expensive and politically difficult to apply in every case, impacting on their ability to provide effective deterrence.</p> <p>Logbook data has been supplied according to license requirements and the LT fleet has a good track record of compliance with no serious breaches of regulations reported since the establishment of the company. VMS and observer reports add additional confirmation of general compliance with the management system.</p> <p>A review of port inspection reports demonstrated a change in the behaviour of the fishery in response to enforcement of legislation (brought in in 2013) in regard to the shark sanctuary. Sharks were no longer landed, and compliance appeared to be good, with few reports of non-compliance.</p> <p>The current level of observer coverage and at sea/port inspections provides a reasonable level of confidence that operators are complying with the management system. There is a relatively low level of port inspections in American Samoa where the majority of albacore landings from the fishery are landed. This will, however, change in the near future (during 2014) when MMR opens an office in Pago – the assessment team has not yet had the opportunity to review these activities, however. Likewise, the level of observer coverage (~15%) does not provide 'a high degree of confidence'.</p> <p>The MMR has verbally confirmed to the team that there is no evidence of systematic non-compliance in the fishery.</p>
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	3.2.4	Research plan	90	<p>Cook Islands does not undertake research directly related to the tuna fishery. It does ensure the timely provision of catch, effort and related data to SPC, which is responsible for incorporating this information into the regional stock assessments. The SPC stock assessment and other research outcomes are fed back to i) the Cook Islands in a format to inform national fisheries management planning and ii) the WCCFF Commission via the Scientific Committee. Research is driven primarily by the need to maintain target stock, and review the effects of fishing on non-target and dependent species (NTADS) and the marine ecosystem, consistent with P1 and P2. SG60 is met.</p> <p>The WCPFC Strategic Research Plan 2012-2016 addresses four overall research and data collection priorities: monitoring of fishing activities through the collection, compilation and validation of data from the fishery; monitoring and assessment of target stocks; monitoring and assessment of NTADS and of the pelagic ecosystems of the WCPO; and evaluation of existing Conservation and Management Measures (CMMs) and of potential management options. This plan, combined with SPC, FFA and national plans associated with research and monitoring prove a strategic approach to ensuring reliable and timely information is available to inform management decisions.</p> <p>A WCPFC Shark Research Plan (SRP) is now in place. Research under the plan will be led by the Oceanic Fisheries Programme of the Secretariat of the Pacific Community, and will contain assessment, research coordination and fishery statistics improvement components. The overall aim of the plan is to evaluate the status of blue, mako, oceanic whitetip, silky and thresher sharks in the western and central Pacific Ocean (WCPO) and to establish better datasets to support future assessments.</p> <p>SG80 is met; however, given there is no comprehensive research plan across P3, The WCPFC and SPC Plans and results are available to all interested parties in a timely fashion, acknowledging the lag between obtaining logbook data from fleets, in particular DWFN longline fleets, and entry of the data. SG60 and 80 are met.</p> <p>The Working Paper approach in the SC allows preliminary results to get distributed to interested parties more quickly than the full peer-review publication process. The research plan and results are widely and publicly available and are disseminated to all interested parties in a timely fashion</p>
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	3.2.5	Management performance and evaluation	80	<p>In 2013 Cook Islands commissioned FFA to undertake a governance review of MMR. The results of that review are currently confidential to the Ministry.</p> <p>An annual report is provided to the Commission by the Secretariat on compliance of members with the reporting provisions of the Commission. Progress with implementation of CMMs is monitored through the reporting provisions within the CMMs themselves or the Annual Reports by members to the Commission.</p> <p>Commission meetings provide an overall review of processes and outcomes.</p> <p>Stock assessments conducted by the SPC are subject to peer review by other members of the Scientific Committee and occasional external review. SG 80 is met.</p> <p>At this stage, however, there is no regular evaluation of the system as a whole.</p> <p>WCPFC does not have a regular programme of external review. However, in 2008 the Commission agreed that an independent performance review be undertaken which was completed in 2011. A schedule of responses and actions were developed in response the recommendations of the review were considered by WCPFC9 in 2012. A recent Independent Review of the Commission's Transitional Science Structure and Functions suggested periodic external review of the stock assessments. This has been adopted by the WCPFC. SG80 is therefore met. At this stage, however, there is no regular external review. SG100 is not met.</p>
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