



**COMMISSION
FIFTEENTH REGULAR SESSION**
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**DISCUSSION PAPER – POTENTIAL FUTURE AMENDMENTS
TO WCPFC CONSERVATION AND MANAGEMENT MEASURE ON MARINE POLLUTION
(2017-04)**

**WCPFC15-2018-DP02
13 November 2018**

Canada

Conservation and Management Measure on Marine Pollution

~~2017-04-~~

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

Concerned that marine pollution is increasingly recognised as a significant global problem, with detrimental impacts on ocean and coastal environments, wildlife, economies and ecosystems,

Recalling that the need to prevent and significantly reduce marine pollution of all kinds was affirmed at the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 through the adoption of paragraph 13(g) of the ‘Our ocean, our future: call for action’ declaration;

Convinced that certain activities associated with fishing may affect the Western and Central Pacific marine environment and that these activities may play a notable role in WCPFC’s efforts to minimise incidental mortality of non-target species and impacts on marine ecosystems,

Noting that abandoned, lost or otherwise discarded fishing gear in the marine environment can damage marine, reef and coastal habitats, be harmful to marine life through ghost fishing, entanglement, ingestion and acting as habitat for the spread of invasive species, and create a navigation hazard,

Convinced that the fishing industry can contribute significantly to reducing the number of lost, abandoned or otherwise discarded fishing gear,

Aware of the need for an obligation for harvesters to not only mark the fishing gear, but also to report it when lost, abandoned or otherwise discarded, as well as to try to retrieve the gear,

Noting that the provisions of Annex V of International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL), prohibit the disposal of all fishing gear and plastics at sea,

Further noting that the provisions of Annex I, Annex IV and Annex VI of MARPOL manage and restrict the discharge of oil, sewage and air pollutants from ships at sea,

Noting that there is limited monitoring and implementation of MARPOL obligations on fishing vessels, and consequently little information exists about illegal pollution activities by fishing vessels at sea,

Further noting that the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and the 1996 Protocol (London Protocol) manage or prohibit through regulation the dumping into the sea of wastes or other matter.

Recalling that information from observer reports suggests that fishing vessels are responsible for significant amounts of marine pollution in the Western and Central Pacific Ocean, even when observers are aboard, and that marine pollution is likely to be even more significant on fishing vessels, particularly longline fishing vessels, where observer coverage is very low,

Recognising that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular the small island developing States (SIDS) and Territories, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks;

Recognising further that Article 30(2) of the Convention requires the Commission to take into account the special requirements of developing States, in particular SIDS and Territories. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and Territories;

Recalling the adoption of CMM 2013-07 which also recognises the special requirements of SIDS and territories;

Adopts, in accordance with Article 5 (d-f) and 10 (1)(h) of the Convention that:

1. Commission Members, Cooperating Non-Members and Participating Territories (CCMs) that are entitled to ratify, accept, approve or accede to the annexes of MARPOL and the London Protocol are encouraged to do so at the earliest possible opportunity if they have not already done so. CCMs that experience difficulties in becoming Parties to the MARPOL or London Protocol are encouraged to inform the International Maritime Organization of the circumstances thereof, so that consideration can be given to take appropriate action in this respect, including providing necessary technical assistance.

2. CCMs shall prohibit their fishing vessels operating within the WCPFC Convention Area from discharging any plastics (including plastic packaging, items containing plastic and polystyrene) but not including fishing gear.

3. CCMs are encouraged to prohibit their fishing vessels operating within the WCPFC Convention Area from discharging:

a) oil or fuel products or oily residues into the sea;

b) garbage, including fishing gearⁱ, food waste, domestic waste, incinerator ashes and cooking oil; and

c) sewage,

except as would be permitted under applicable international instruments.

4. CCMs are encouraged to undertake research into marine pollution related to fisheries in the WCPFC Convention Area to further develop and refine measures to reduce marine pollution, and are encouraged to submit to SC and TCC any information derived from such efforts.

5. CCMs shall ensure that:

(a) vessels fishing in the WCPFC Convention Area, entitled to fly its flag, have equipment on board to retrieve lost gear;

(b) the master of a vessel that has lost gear or part of it shall make every reasonable attempt to retrieve it as soon as possible; and

(c) no master shall deliberately abandon fishing gear, except for safety reasons.

~~5.6. CCMs shall encourage their fishing vessels within the WCPFC Convention Area to retrieve abandoned, lost or discarded fishing gear and retain the material on board, separate from other waste for discharge to port reception facilities. Where retrieval is not possible or does not occur, CCMs shall encourage their fishing vessels to report the latitude, longitude, type, size and age of abandoned, lost or discarded fishing gear.~~

7. If the lost gear cannot be retrieved, the master of the vessel shall notify the flag State CCM within 24 hours of the following: the name and call sign of the vessel, the type of lost gear, the quantity of gear lost, the time when the gear was lost, the position where the gear was lost and the measures taken by the vessel to retrieve the lost gear.

8. Following retrieval of any lost gear, the master of the vessel shall notify the flag State CCM within 24 hours of the following: the name and call sign of the vessel that has retrieved the gear, the name and call sign of the vessel that lost the gear (if known), the type of gear retrieved, the quantity of gear retrieved, the time when the gear was retrieved and the position where the gear was retrieved.

~~6. 9.~~ CCMs are requested to ensure adequate port reception facilities are provided to receive waste from fishing vessels. SIDS CCMs are requested to utilise, as appropriate, regional port reception facilities in accordance with international standards.

~~7. 10.~~ CCMs are encouraged to ensure that fishing vessels flying their flag and operating within the WCPFC Convention Area inform their flag State of ports in countries that are Party to the annexes of MARPOL which do not have adequate port reception facilities for MARPOL wastes.

~~8. 11.~~ CCMs shall cooperate, consistent with national laws and regulations, directly or through the Commission, and in accordance with their capabilities, to actively support SIDS and

Territories through the provision of adequate port facilities for receiving and appropriately disposing of waste from fishing vessels.

~~9. CCMs are encouraged to develop communication frameworks to enable the recording and sharing of information on fishing gear loss in order to reduce loss and facilitate recovery of fishing gear.~~

12. The flag State CCM shall without delay notify the Executive Director of the WCPFC of the information referred to in paragraphs 7 and 8.

13. The Executive Director shall without delay post the information provided by CCMs.

~~10. CCMs are further encouraged to develop frameworks or systems to assist fishing vessels to report the loss of gear to their flag State, relevant coastal States, and the Commission.~~

~~11.~~ 14. CCMs are encouraged to conduct training and awareness programs for the crew and master of fishing vessels flying their flag regarding the impacts of marine pollution and operational practices to eliminate marine pollution caused by fishing vessels.

~~12.~~ 15. This measure will be reviewed by the Commission every 3 years to consider expanding the scope of measure with respect to the elimination of marine pollution caused by fishing vessels.

~~13.~~ 16. The date of implementation for this measure is 1 January 2019

**DRAFT CMM 2013-06 ANALYSIS OF DISCUSSION PAPER ON POTENTIAL
FUTURE AMENDMENTS TO WCPFC CONSERVATION AND MANAGEMENT
MEASURE ON MARINE POLLUTION (2017-04)**

The following information is provided to assist the Commission in meeting the requirements of Conservation and Management Measure (CMM) 2013-06 in regard to the proposed amendments to the current Conservation and Management Measure on Marine Pollution (2017-04).

a. Who is required to implement the proposal?

All CCMs will be required to implement this proposal in order to take collective action in reducing the negative impact of lost, abandoned or discarded fishing gear on marine resources and the marine environment. All CCMs are required to contribute to the research into marine pollution related to fisheries in WCPFC fisheries and the Convention Area.

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

This measure impacts all CCMs equally.

c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?

Assistance may be available from the International Maritime Organisation and the Secretariat of the Pacific Regional Environment Programme in implementing these requirements.

d. Does the proposal affect development opportunities for SIDS?

The proposal will affect those SIDS which have vessels fishing in the Convention Area, but if the CMM is implemented by all CCMs the impact should not be disproportionate. The main objective of the amendments to the CMM is to eliminate lost or abandoned gear. This will in turn have positive direct and indirect contribution on development opportunities for SIDS.

e. Does the proposal affect SIDS domestic access to resources and development aspirations?

No.

f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?

SIDS will need to deploy technical and legislative resources to implement the requirements of the CMM and the proposed amendments. Any increased needs and related costs should be largely offset by the positive consequences of eliminating lost or abandoned gear, which reduces fishing opportunities and represents reduction in revenues for SIDS.

g. What mitigation measures are included in the proposal?

Developed CCMs are encouraged to assist SIDS to establish waste reception facilities in their ports.

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS.

Current and projected assistance programs relating to reporting-at-sea activities identified in support of the original CMM are expected to meet the needs for technical assistance to SIDS.

ⁱ Fishing gear, for the purposes of this measure, that are released into the water with the intention of later retrieval such as FADs, traps and static nets, are not considered garbage.