



**COMMISSION
FIFTEENTH REGULAR SESSION**
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**VIEWS ON THE IMPLEMENTATION OF CMM 2013-06 (CMM CRITERIA FOR THE
CONSIDERATION OF CONSERVATION AND MANAGEMENT MEASURES): REVISION 1**

WCPFC15-2018-DP12_rev1¹
6 December 2018

FFA Member CCMs

¹ Revision 1 replaces the version issued on 13 November 2018, and includes an updated version of Attachment 1.



9 November 2018

Feleti P. Teo OBE
Executive Director
Western and Central Pacific Fisheries Commission
Federated States of Micronesia

Dear Feleti,

FFA Member views on the implementation of CMM 2013-06 (CMM on the Criteria for the Consideration of Conservation and Management Measures)

I am writing to you in my capacity as the Chair of the Forum Fisheries Committee. We discussed the implementation of CMM 2013-06 at our recent meeting in Honiara, and wish to convey the following joint views to the Commission.

CMM 2013-06 provides a regular reminder of the need to mainstream Article 30 of the Convention throughout the work of the Commission, and to develop practical ways of addressing SIDS special requirements. SIDS are not trivial adjuncts in this Commission. They are the majority shareholders in the tropical and southern subtropical tuna fisheries, and the health of these fisheries is overwhelmingly important to their economies and peoples.

At WCPFC14 last year, in Delegation Paper 11, we expressed disappointment at the reluctant level of implementation of CMM 2013-06 attached to some proposals, and suggested mechanisms to improve the situation.

Although we congratulate some CCMs for making greater efforts this year to consult FFA members about how their proposals might affect SIDS, we are very concerned that some responses still do not realistically identify the administrative and economic impact of these proposals on SIDS CCMs. We are also troubled that advice we have provided on avoiding such impacts – in a way that should not compromise the effect of the proposal – has been often ignored.

FFA members will continue to pay particular attention to the process by which CCMs address the requirements of CMM 2013-06. This is a binding measure, and if we consider that its provisions have not been effectively addressed, we may ask that the proposal be held back until an adequate assessment has been provided.

Developed CCMs will be familiar with the process of environmental and/or social impact assessment required in many of their domestic procedures. CMM 2013-06 has a similar basis, but with the purpose of identifying and minimising the burden of implementation on SIDS. It is not onerous compared to some of the national regulatory burdens attached to your domestic fishery management proposals.

Annexed below is an annotated version of the CMM 2013-06 criteria, intended to assist CCMs to address their requirements more effectively. This is a first step, and it may need to be further developed into a formal standard if CMM 2013-06 implementation remains inadequate.

Yours sincerely

Tepaeru Herrmann
Chair, Forum Fisheries Committee

Attachment

Suggestions for the completion of 2013-06 responses¹

In considering any new proposal the Commission shall apply the following questions to determine the nature and extent of the impact of the proposal on SIDS and territories in the Convention Area:

a. Who is required to implement the proposal?

Identify all CCMs the proposal would apply to, with particular consideration of SIDS and territories. This should not be restricted to the CCMs that are primarily responsible (usually flag CCMs), but needs to look deeper to identify others that will have role (for example, whether CCMs undertaking boarding and inspection need to change their training or procedures, whether port States have responsibilities, whether additional data will be collected by the Commission and needs to be managed in some way).

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

This flows directly from the question above – having identified the stakeholders involved, this question allows for consideration of the magnitude of the impacts on them. In some cases, the CCMs discussed under this question may be a larger group than under question a. For example, a proposal may require a certain group of CCMs to do something, and they would be identified as the implementing CCMs in question a; but the proposal may also prevent other CCMs from doing things, and the impact on those CCMs needs to be discussed here.

Clearly outline:

- *which CCMs are impacted by the implementation of the proposal (both positive and negative impacts);*
- *What the impacts are to these CCMs;*
- *What the respective amount/proportion of the impacts to these CCMs.*

Particular attention should be made to impacts on SIDS and territories.

The impacts may be qualitative descriptions with specific examples or quantitative if possible to determine the level of that impact. Where there are uncertainties as to the type or magnitude of impacts this should be acknowledged, and efforts should be taken to consult with the relevant CCMs.

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

Identify existing instruments or proposals linked to the current proposal that may provide assistance to SIDS, in particular to support the implementation of the proposal. Provide demonstrable examples of the linkages between this proposal and other proposals or instruments, and if possible, what extent and in what form the burden of implementation is reduced.

d. Does the proposal affect development opportunities for SIDS?

The development opportunities in this context relates to ~~both~~ harvest, onshore processing and value-adding subsectors. It also extends to the supporting infrastructure and services supporting SIDS fisheries development opportunities, and any other socio-economic development opportunities. If the proposal includes a limitation to the activities of domestic industry then in all likelihood it will have a development impact. Just because there is an impact does not make the proposal invalid, depending on the justification (which should be described here) and the responses to other critical questions below (especially g and h).

¹ Rev.1 includes amendments reflected in text being added or ~~deleted~~.

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

Resources in this context relates to domestic fishery resources, and any other development opportunities throughout the Convention Area. This may include SIDS fleets, onshore processing facilities, and access to fishing grounds.

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

This flows from questions a and b and must consider all resourcing implications for SIDS and territories to implement the proposal, including administrative, operational, legal, training, awareness and education assistance. Any area of work that SIDS and territories will required to implement the proposal.

g. What mitigation measures are included in the proposal?

This is one of the most fundamental aspects of the 13-06 assessment. The purpose of the assessment is to ensure that the Commission can live up to its binding obligation to “avoid” a disproportionate burden on SIDS. In considering disproportionate burden relating to a specific proposal, CCMs should think about how the costs and benefits of a proposal are shared among CCMs, in particular SIDS. The proposal should include ways to address any disproportionate burden and should be reported here. Mitigation measures are measures contained within the proposal that aim to reduce the proposal’s impact on SIDS and territories. Outline the measures and extent of their success mitigating identified impacts. Some examples of mitigating measures in existing CMMs for reference are:

- *The opt-in/opt-out and upfront assistance provisions of the Port State CMM;*
- *The additional 2-month high seas FAD closure in the tropical Tuna CMM; and*
- *The “alternative measures” provision in the shark CMM.*

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

As stated above, the primary objective should be to design measures that do not transfer a disproportionate burden to SIDS, or have implementation costs that SIDS cannot meet, and that is why question g is critical. However, it is acknowledged that some measures will involve increased costs, and this question provides the opportunity for proponents to identify opportunities to assist SIDS to meet those costs. This particular question will require consultation with SIDS and territories.

SIDS Consultation – *Proponents should make every effort to complete this assessment as fully as possible in consultation with SIDS and Territories.*