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Statement to TCC15

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The Pew Charitable Trusts
Statement to the Western and Central Pacific Fisheries Commission
15th Regular Session of the Technical and Compliance Committee
25 September – 1 October 2019
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The Pew Charitable Trusts appreciates the opportunity to participate as an observer at the 15th Regular Session of the Technical and Compliance Committee (TCC15) of the Western and Central Pacific Fisheries Commission (WCPFC). Pew urges TCC15 to:

- Support the review of the transshipment measure including by recommending funding for the necessary analyses;
- Recommend amendments to strengthen the measure on port State inspection minimum standards to ensure illegally caught fish does not enter the market;
- Provide advice to enhance the effectiveness of the Compliance Monitoring Scheme by recommending the inclusion of provisions that ensure flag State accountability, set penalties for non-compliance and provide for observer participation;
- Recommend 100% observer coverage on all longline fishing operations, through human observers and electronic systems, and provide advice to facilitate implementation of those electronic systems; and
- Encourage compliance with the updated IMO number requirement.

Transshipment at Sea

Transshipment at sea in the western and central Pacific Ocean continues to provide opportunities for unscrupulous operators to avoid proper catch reporting and to launder illegal, unreported and unregulated (IUU) catch. The current WCPFC transshipment measure (CMM 2009-06) includes several exemptions and loopholes that make monitoring of catch and enforcement of regulations ineffective. The 2019 annual report on WCPFC transshipment reporting (WCPFC-TCC15-2019-RP03) indicates that the number of reported high seas transshipment events has increased more than 155 percent between 2014 and 2018 (from 552 to 1,409 events); with a 29 percent increase in reporting occurring between 2017 and 2018. A Pew analysis submitted to TCC ([WCPFC-TCC15-2019-OP05](#)) found that transshipment in WCPFC-managed waters is compromised by a lack of reporting information, non-compliance with reporting requirements, and non-standardized reporting responses. As such, the regulatory framework requires significant strengthening, standardization, and harmonization, regardless of whether current reporting requirements are being met. Last year, TCC14 and the Commission recognized the need to review how transshipment is managed and monitored by forming an intersessional working group (IWG) to study the effectiveness of CMM 2009-06. TCC15 should further the efforts of the group by:

- **Requesting that funds be provided to carry out the analysis identified in section 5(a) of the IWG Terms of Reference;**
- **Requesting the Secretariat assist in carrying out the analysis by compiling and reviewing data in conjunction with SPC-OFP; and**
- **Encouraging all CCMs to fully participate in the work of the IWG.**

Port State Measures

Illegal, unreported, and unregulated (IUU) fishing is a global threat that also affects the western and central Pacific Ocean. A recent study on port activity and risk indicates that 10 WCPFC CCMs fall in the top 25% of States that are most at risk of having illegally caught fish passing through their ports¹.

In 2017, the Commission adopted minimum standards for port State measures (PSMs). This measure, CMM 2017-02, encourages CCMs to designate ports where inspections can be conducted on foreign vessels, if they are suspected by that port CCM or another CCM of engaging in IUU fishing-related activities, and establishes inspection and information-sharing procedures. However, only 5 out of almost 40 port CCMs have designated ports and contact points, and no reports were received by WCPFC related to port inspection activities undertaken pursuant to CMM 2017-02. **TCC should urge implementation of the measure across all port CCMs and comprehensive reporting.**

Although CMM 2017-02 represents an important first step for PSMs in the region, it falls short of internationally recognized minimum standards. Consequently, WCPFC is falling behind international best practices of other RFMOs as they adopt increasingly stronger PSMs. CMM 2017-02 specifies that it shall be reviewed within two years of its entry into force on 6 February 2018. Canada has put forward proposal WCPFC-TCC15-2019-DP04 to amend and incrementally strengthen this measure. Considering that many WCPFC CCMs have committed to more stringent port States measures through the FAO Port State Measures Agreement and in other RFMOs, TCC should recommend that the Commission adopt the proposal put forward by Canada and:

- **Require prior notification from vessels wishing to use ports, for port CCMs to verify submitted information and conduct a risk assessment;**
- **Allow for the possibility of denial of entry into port, or use of port, with denials to be reported to the WCPFC Secretariat;**
- **Require that vessels previously denied access to port be inspected; and**
- **Consider steps toward eventually mandating implementation of the measure by requiring States designate ports for use by foreign fishing vessels.**

Compliance Monitoring Scheme

A robust Compliance Monitoring Scheme (CMS) can help the Commission fulfill its obligations under the WCPFC convention. The CMS is designed to assess CCMs' compliance with conservation measures and identify areas where technical assistance or capacity building may be needed to help boost compliance and identify aspects of conservation measures that may require refinement or amendment for effective implementation. An effective CMS levels the playing field for the fishing industry, while ensuring that conservation measures are not undermined. Last year, WCPFC adopted a new CMS that includes a list of outstanding tasks. This year, TCC should

¹ The Pew Charitable Trusts, "Study measures countries' exposure to illegal catch, actions to keep it from markets." Available at: <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2019/07/study-measures-countries-exposure-to-illegal-catch-actions-to-keep-it-from-markets>; and

Hosch, G., et al. (2019) "Any Port in a Storm: Vessel Activity and the Risk of IUU-Caught Fish Passing through the World's Most Important Fishing Ports," *Journal of Ocean and Coastal Economics*: Vol. 6: Issue 1, Article 1. Available at: <https://cbe.miis.edu/joce/vol6/iss1/1/>.

provide advice to enable the Commission to complete that outstanding work, which is necessary to further enhance the functioning of the measure. Specifically, TCC should:

- **Recommend that flag States must provide a level of information adequate to ensure accountability in implementing WCPFC obligations and to resolve allegations of non-compliance with those obligations;**
- **Complete work to develop audit points that clarify WCPFC obligations assessed under the CMS and streamline reporting requirements;**
- **Consider the Secretariat’s paper on streamlining reporting requirements (the update of SC15-ST-WP-06) and recommend that applicable portions of Part 2 Annual Reports on CCMs’ implementation of WCPFC measures be reclassified as public domain data;**
- **Recommend a schedule of penalties for serious or persistent non-compliance in order to establish a CMS with the proper level of deterrence;**
- **Recommend guidelines for observers to be permitted in CMS discussions in accordance with the WCPFC Convention’s language on transparency (Article 21); and**
- **Recommend that the Commission adopt a multi-year CMS to give the Compliance Committee time to complete its work plan.**

Longline Observer Coverage

Commission CMMs do not require sufficient and timely submission or verification of critical fishing data, which contributes to ineffective management of the tuna longline fisheries in the Convention area. Promising new technologies can make reporting and monitoring faster, more accurate, and more reliable. The use of electronic monitoring (EM) technology has been shown as an effective option to expand observer coverage requirements — without placing additional personnel onboard. Last year, TCC14 and the Commission agreed to “prioritising E-monitoring in areas where independent data collection and verification is currently low and asked SC15 and TCC15 for advice on priority areas.” In June 2019, Project 93 was launched to review how EM could address data gaps within the Commission. The Project has initially concluded that the main WCPFC data gaps exist where observer coverage is low, particularly in the longline fisheries, and suggested that EM can significantly improve compliance and data verification for longline vessels. EM is particularly valuable for target species caught under catch limits without 100% observer coverage. Based on the initial results of Project 93 and the work of the Electronic Reporting and Electronic Monitoring Working Group, Pew asks that TCC15 recommend that the Commission:

- **Prioritize the development and adoption of the necessary standards and infrastructure needed to successfully implement electronic reporting and monitoring; and**
- **Require 100 percent observer coverage for all longline operations, through a mix of human observers and electronic systems.**

IMO Numbers for WCPFC Vessels

In 2018, the Commission agreed to expand requirements for IMO numbers so that flag CCMs shall ensure all motorized inboard fishing vessels less than 100 gross registered tonnes (or 100 GRT) down to a size of 12 meters in length overall (LOA) that are authorized to be used for fishing in the Convention Area beyond the flag CCM’s area of national jurisdiction have an IMO or LR number issued. Although the requirement takes effect 1 April 2020, CCMs have begun requesting

IMO numbers for their vessels. The following table details the percentage of WCPFC-listed vessels of 100 GT and above with IMO numbers (the original requirement) prior to TCC14, and as of mid-September 2019; and the percentage of WCPFC-listed vessels of 12 meters in length and above with IMO numbers (the expanded requirement) as of mid-September 2019.

Flag	% of vessels meeting original IMO number requirement pre-TCC 2018	% of vessels meeting original IMO number requirement as of Sept. 15, 2019	% of vessels meeting expanded IMO number requirement as of Sept. 15, 2019
Australia	81	85	37
Canada	50	100	33
China	86	87	87
Chinese Taipei	99	100	56
Cook Islands	100	100	100
Ecuador	100	100	100
El Salvador	100	100	100
FSM	N/A	100	88
Fiji	N/A	100	90
France	100	0	0
French Polynesia	0	0	0
Indonesia	0	0	0
Japan	98	100	55
Kiribati	100	100	100
Republic of Korea	99	100	100
Liberia	100	100	100
Lithuania (EU)	100	0	0
Marshall Islands	100	100	100
Nauru	N/A	33	33
Netherlands (EU)	100	100	100
New Caledonia	0	0	0
New Zealand	N/A	100	100
Nicaragua	N/A	100	100
Panama	94	100	100
Papua New Guinea	100	100	100
Philippines	65	76	39
Portugal (EU)	100	20	20
Solomon Islands	100	100	100
Spain (EU)	100	9	9
Thailand	100	100	100
Tonga	N/A	N/A	0
Tuvalu	N/A	67	50
USA	100	100	75
Vanuatu	100	100	100

TCC should encourage CMMs to ensure compliance with the updated IMO number requirement, by requesting IMO numbers for eligible vessels that do not have them, well in advance of April 2020.

IMO numbers are issued for free by IHS Markit on behalf of the IMO. Individual vessel applications can be made online at <http://imonumbers.ihs.com>, using the free registration system. Alternatively, flag CCMs can apply for IMO numbers for multiple vessels at one time by contacting IHS Maritime at ship.imo@ihs.com to receive a multiple IMO request form in spreadsheet format. CCMs are welcome to contact Pew for further information on obtaining IMO numbers, or assistance with getting in direct contact with the managers of the IMO number.