



FFA

FORUM FISHERIES COMMITTEE
ONE HUNDRED AND TWENTIETH MEETING

29 OCTOBER 2021

Agenda Item:	3
Paper Number:	<i>FFC120-WP.01</i>
Title:	Outcomes of the Management Options Consultations

Summary:

This paper provides the outcomes of MOC for Members Consideration.

Recommendations:

The Committee is invited to consider the Outcomes from the Management Options Consultations and agree to the following letters:

- i. FFA Letter to the WCPFC 18 Chair;
- ii. FFA Letter to the Technical and Compliance Committee (TCC) Chair; and
- iii. FFA Letter to the CMS-IWG Lead on Risk Based Assessment Framework .

Attachment A: FFA Letter to the WCPFC18 Chair

29 October 2021

Ms Jung-Re Riley Kim
Chair
Western and Central Pacific Fisheries Commission
PO Box 2356, Kolonia
Pohnpei
Federated States of Micronesia

Dear Chair,

FFA MEMBERS POSITIONS ON KEY ISSUES FOR WCPFC18

I write on behalf of the 17 members of the Pacific Islands Forum Fisheries Agency to share our positions on key issues for the 18th session of the Commission. This is without prejudice to positions of FFA members individually or collectively.

Tropical Tuna measure

As we have underlined in the past, FFA members will only support a cautious approach to changes to the current provisions in the CMM because, in addition to meeting its objectives, the current CMM already takes into account the scientific advice that the status of the bigeye and yellowfin stocks is healthy, following the most recent changes that were made to the CMM in 2017 when the 4th month FAD closure was removed and the high seas FAD closure was reduced.

FFA Members have engaged vigorously at the two Tropical Tuna Measure workshops, as would be expected for an issue of such importance to us, and we express our appreciation to you Chair for organizing these important opportunities to discuss the elements of this Commission's key Conservation Measure with other CCMs.

We have made a number of suggestions with regard to revising the Tropical Tuna Measure during the workshop series and details of these can be found collated in the WCPFC Chairs's Consultative Draft of the Tropical Tuna CMM.

Most importantly, in recognition of the sovereign rights of FFA Members who have established national longline limits under national laws with robust monitoring and management systems in place to implement these, bigeye tuna limits within the Measure will no longer apply in the exclusive economic zones of FFA members and the limits within our waters will be managed through zone-based management, including the LL-VDS.

To sum up the basis for our proposed changes, FFA members attach high priority to maintaining the current careful balance of interests between fisheries and CCMs which has been achieved after a lengthy period of careful and considered development. If there are to be changes within the CMM, that balance needs to be maintained. Additionally, we take the advice of the Scientific Committee very seriously and insist on a cautious approach to any changes to the existing measures. We also note that, following the significant technical concerns of the SC, there will be an independent review in 2022 of the stock assessments for bigeye and yellowfin tuna and until the outcomes of this review are available any revisions to the Measure need to be suitably precautionary.

South Pacific albacore

FFA members wish to convey our strong concerns in relation to the situation facing the South Pacific albacore stock. These concerns arise from the following factors:

- The lack of management action by the Commission since the iTRP was adopted in 2018;
- The latest stock assessment for South Pacific albacore which suggests that the stock is not as healthy as previously thought and that, without immediate cuts in catch and effort, the stock will continue to decline, resulting in further declines in catch rates;
- Recent increases in targeting of South Pacific albacore by DWFNs on the high seas due to the relative impacts of the Covid-19 pandemic on the economics of longline fisheries;
- The current measure is not effective in restricting catch and effort for SPA due to ambiguities in the language, as was clearly demonstrated during the CMR process at TCC17.

In light of these factors, FFA members call for immediate action by WCPFC18 to avoid further declines in the South Pacific albacore stock while work continues on a revised CMM for South Pacific albacore. Specifically, FFA members call for an immediate freeze in catch and effort for South Pacific albacore by CCM vessels operating on the high seas south of the equator.

FFA members also wish to signal our intention to bring forward a revised South Pacific albacore CMM for consideration in 2022. We reiterate our commitment to implementation of zone based management arrangements for longline fisheries within our waters and will be seeking compatible limits on catch and effort for South Pacific albacore on the high seas.

Compliance Monitoring Scheme

FFA Members have expressed significant concerns regarding the operation of the Compliance Monitoring Scheme for a number of years now. These concerns include:

- The imbalance in the operation of the CMS between purse seine and longline obligations - an imbalance arising from the overall imbalance in the Commission's management frameworks for these fisheries;
- The significant amount of time spent on the CMR process each year, but without a lot to show for our efforts due to weaknesses and loopholes in the measure;
- The distortion of the CMS as a vehicle for prosecuting individual vessel infringements rather than for its intended purpose of identifying gaps and failures in the implementation of CMMs and putting in place steps to address those issues.

FFA Members have also taken the lead in seeking to address these concerns. We have invested significant time and effort to lead work on audit points and the development of risk based assessment framework, and we have championed the development and use of aggregated tables with the support of the WCPFC Secretariat. But we are not there yet and much work remains to be done. In this context, and in light of the clear ineffectiveness of the CMS in its current form, FFA members suggest the WCPFC focuses its collective efforts on addressing the problems with the current measure rather than investing further time in the implementation of what is, to us, a flawed process.

Labour Standards

The issue of crew safety, including poor working conditions, mistreatment of fishing crew and allegations of forced labour has remained in the spotlight throughout 2021. The development of a CMM on labour standards for fishing crew remains a priority for FFA Members as reflected by our

active participation in the inter-sessional working group. While FFA Members recognise that a significant amount of work has been done to finalise the CMM, we are hopeful that further progress can be made at WCPFC18 and call on CCMs to work with FFA Members to refine the current draft text.

Nomination of Officers

FFA Members have the honour to nominate Dr. Tuikolongahau Halafihi, Chief Executive Officer of the Ministry of Fisheries of the Kingdom of Tonga as the Chair of the Scientific Committee.

Chair, we stand ready to work with you and other CCMs to ensure that the Commission progresses conservation and management efforts at its meeting this year.

Your sincerely,

G. P. N. Baleinabuli
Chair
Forum Fisheries Committee

cc: Mr Feleti Teo, WCPFC Executive Director.

Attachment B: FFA Letter to the Technical and Compliance Committee (TCC) Chair

29 October 2021

Mat Kertesz,
Technical and Compliance Committee (TCC) Chair
Western and Central Pacific Fisheries Commission

Dear Mat,

Recalling the outcome from TCC17, FFA Members reiterate our views on key elements of the intersessional work required on a revised process to implement paragraph 26(ii) of CMM 2019-06 for the consideration of the aggregate summaries of information drawn from the online Compliance Case File System, as follows:

- i. Developing a clear pathway for using the aggregated tables to identify potential anomalies and then for such anomalies to be reviewed using the processes trialed by TCC17 to implement paras 33 and 34, noting that these seek to identify implementation challenges and systematic failures to take flag State action in relation to alleged violations.
- ii. Addressing the difficulties with utilization of ROP pre-notifications and cetacean and whale shark cases, along with any other issues related to data inputs for this process.
- iii. Developing guidelines on how the review of outstanding CCFS cases (the para 34 process) may consider situations where single or very low numbers of cases remain outstanding, noting that the purpose of the CMS is also to assess flag CCM action in relation to alleged violations by its vessels, not to assess compliance by individual vessels (CMM 2019-06 para 1).
- iv. Develop a clear process for how the aggregated information will be considered in the development of the pCMR.

We look forward to further considering this matter at WCPFC18.

Yours sincerely,

G. P. N. Baleinabuli
FFC Chair

Attachment C: FFA Letter to the Lead of the RBAF

28 October 2021

Heather Ward
WCPFC Lead on the RBAF
New Zealand

Dear Heather,

FFA Members thank you for the paper *WCPFC-TCC17-2021-13B_rev2* tabled at TCC17 which is seeking comments on the discussion document and the Risk Based Assessment Framework (RBAF) spreadsheet by 1 November 2021.

At the outset, we recall paragraph 46 of the CMS measure whereby the Commission committed to a multi-year workplan that included the Risk based assessment framework (RBAF). The objective of the RBAF is to make the CMS more efficient and effective by streamlining processes, targeting assessments and strengthening transparency.

Whilst the development of the RBAF would inform compliance assessments under the CMS, we reiterate that it is intended to be used as a guide to decision making on the development of the list of obligations, rather than generating the list automatically by application of the Framework. In that sense, it is separate from the wider decision-making process to determine the list of obligations for consideration at any particular session, which would need to take into account several factors such as timing and resourcing in addition to the RBAF.

In addition, FFA Members have consistently raised in the past that the CMS, by default, is flawed because of the imbalance in the Commission's management framework with regards to the purse seine and the longline fisheries.

Nonetheless, in response to your request for comments on the paper *WCPFC-TCC17-2021-13B_rev2*, please find attached:

1. **Attachment 1:** Preliminary considerations of the 'consequence' and in turn the 'risk' ratings of the obligations provided in the spreadsheet that accompanied the paper tabled at TCC17. We see these as interim and it is without prejudice to our Members' future positions, collectively or individually.
2. **Attachment 2:** Views on specific obligations in the spreadsheet that may warrant further discussion by CCMs in relation to their inclusion in the CMS process.
3. **Attachment 3:** Factors to consider when determining the list of obligations to be assessed under the CMS.

We look forward to the feedback of other CCMs on your discussion document and the RBAF spreadsheet as we work towards agreement on these issues.

Yours sincerely,

FFC Chair

Attachment 1: Spreadsheet with preliminary risk rating

(refer to the spreadsheet)

Attachment 2: Views on specific obligations in the spreadsheet that may warrant further discussion

The WCPFC Secretariat in WCPFC-TCC17-2021-10 recommended that the CMS-IWG could, as part of development of the Audit Points and RBAF, consider recommending that certain obligations be removed from future Annual Report Part 2 and from the list of obligations for potential review through the CMS.

We are mindful and cautious that we do not unintentionally remove any obligations that may need to be assessed through the CMS, but we have identified some preliminary obligations that may warrant further discussion and considerations. These include:

- i. CMM 2009-09 01-05 Vessels without nationality – for further consideration on what and who would be assessed (note, there is a separate line/row in the spreadsheet for paragraph 5 on reporting of sightings)
- ii. CMM 2013-07 (Special requirements of SIDS) para 01-03; 04-05; 07; 09, 11, 18 – for future consideration alongside paragraph 19.
- iii. CMM 2017-02 Port State Measure – for further consideration recognizing that the measure is voluntary in that it encouraged port CCMs to declare ports.
- iv. CMM 2018-05 (ROP CMM) para 8 – requirement to meet the level of observer coverage. The 5% minimum observer coverage for non-purse seine fisheries has been assessed in the past under CMM 2018 -05 Annex C 06 and the 100% observer coverage requirement has been assessed under the tropical tuna measure.
- v. CMM 2018-05 14 – requirement to nominate a NOP Coordinator and keep the Secretariat informed of any change. There are two rows for this (one as implementation and another as report) – for consideration of the possibility of consolidating these under one category.
- vi. CMM 2019-04 22 – requirement to submit key shark species in accordance with the Scientific Data to be provided to the Commission. For further consideration given that the submission of the scientific data is evaluated.
- vii. Obligations from the Convention – for further discussion.

Attachment 3: Factors to consider when determining the list of obligations to be assessed under the CMS

Some of the factors to take into account when considering the list of obligations to be assessed:

- A key factor in determining the List to be assessed at a particular session is the priority in terms of time that CCMs are prepared to give to the CMS. Then it is a matter of agreeing on a List that fits that timeframe. Thus, there is a need to keep the total number of obligations in the list to be assessed under the CMS at a manageable level each year given resource implications and time constraints on CCMs, the WCPFC Secretariat, TCC and the Commission.
- The CMS review process at TCC17 ran over time and took over three days for the CMS review process and adoption of the draft provisional CMR, for a list of 70 obligations. We therefore suggest that the list is limited to a total of 60 obligations for the next CMS review.
- The imbalance between the purse seine and the longline fishery in the suite of obligations contained within the Commission's CMMs.
- Higher risk ratings should be assessed more frequently than those with lower risk ratings.
- A need to have a mix of severe, high, moderate and low risk rated obligations in the annual list of obligations to be assessed.
- Consider treating 'implementation' obligations differently in the CMS process, as suggested in the RBAF paper, particularly for those obligations which have 'hold on file' responses.