

**COMMISSION**

**FIFTEENTH REGULAR SESSION**

Honolulu, Hawaii, USA

10 – 14 December 2018

**DRAFT FINAL COMPLIANCE MONITORING REPORT**

**WCPFC15-2018-draftFinalCMR**

**10 December 2018**

**From the Provisional CMR SWG**

**2018 FINAL COMPLIANCE MONITORING REPORT**

**(COVERING 2017 ACTIVITIES)**

**Executive Summary**

**I. INTRODUCTION**

1. WCPFC15 undertook its eighth annual review of compliance by CCMs against an updated priority list of Commission obligations agreed to at WCPFC14 for 2018.

2. WCPFC15 and TCC14 conducted their review in accordance with the extended Compliance Monitoring Scheme (CMS) adopted at WCPFC14 – CMM 2017-07.

3. Consistent with recent versions of the CMS, the current CMS does not require an overall assessment of each CCM, but only asks WCPFC to identify a compliance assessment for each specific obligation.

4. In accordance with Annex I of the CMS CMM, the following statuses were considered in making the assessments: Compliant, Non-Compliant, Priority Non-Compliant, Capacity Assistance Needed, Flag State Investigation and CMM Review.

**II. DEVELOPMENT OF THE PROVISIONAL COMPLIANCE MONITORING REPORT BY TCC14**

5. TCC14 reviewed the draft Compliance Monitoring Report (draft CMR) for thirty-seven (37) CCMs and one (1) collective group of Members in a closed working group session. The draft CMR is classified as non-public domain data and some CCMs were not able to agree to release their non-public domain data, therefore the decision was made to close the session. There continues to be interest among some CCMs and Observers (who were not able to attend the closed session) in finding a way to address the confidentiality concerns of CCMs so that Observers can more fully and effectively participate in the CMS. It was noted that this should be part of the discussion on the revised CMS CMM.

**III. COMPLIANCE REVIEW PROCESS AND ASSESSMENTS**

6. TCC14 agreed to a CMR Review Process in advance of conducting its review (WCPFC-TCC14-2018-09).

7. Consistent with its practice last year, TCC14 received reports from CCMs on the progress of capacity development plans and flag state investigations. The outcomes are in the tables below.

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| --- | --- | --- |
| CMM | Capacity Assistance Needed (CMR RY2016) Ongoing | Capacity Assistance Needed (CMR RY2016) Completed |
| 2014-02 9a VMS SSPs 7.2.2 |  | Tuvalu |
| SciData 03 | Indonesia[[1]](#footnote-1) |  |

|  |  |  |
| --- | --- | --- |
| CMM | Flag State Investigation (CMR RY2015) Ongoing | Flag State Investigation (CMR RY2015) Completed |
| 2007-01, para 14 (vii) | China, Japan, Korea, Papua New Guinea, Philippines, Chinese Taipei | Marshall Islands, Papua New Guinea |
| 2010-07, para 9 | China, Korea, Philippines |  |
| 2013-08, para 1 | China, Japan, Korea, Philippines, Chinese Taipei |  |
| 2014-01, para 14 | Japan, Philippines, Chinese Taipei | Marshall Islands |

|  |  |  |
| --- | --- | --- |
| CMM | Flag State Investigation (CMR RY2016) Ongoing | Flag State Investigation (CMR RY2016) Completed |
| 2007-01, para 14 (vii) | China, Japan, Korea, Philippines, Chinese Taipei | Federated States of Micronesia, Kiribati, Papua New Guinea |
| 2010-07, para 9 | Japan, Kiribati, Korea, Philippines |  |
| 2011-03, para 1 | China, Japan, Korea, Philippines, Chinese Taipei, United States | Solomon Islands, Tuvalu |
| 2012-04, para 1 | China, Japan, Philippines, Chinese Taipei | Kiribati, Solomon Islands |
| 2015-01, para 16 |  | Solomon Islands |

8. TCC14 noted that although there has been improvement in the ability of flag CCMs to obtain observer reports relevant to investigate alleged violations, there is clear need for improvement both in the way that some flag CCMs request information and the response from some observer providers, so that flag CCMs can complete investigations. TCC14 urged flag CCMs and ROP observer providers to engage while here at TCC and in the margins of other meetings to facilitate the provision of observer reports.

9. TCC14 noted that the practice of limiting verbal interventions to clarifications was useful in streamlining the CMS process at TCC.

10. There were two obligations that WCPFC15 was not able to assess due to a lack of consensus as to the compliance status. Therefore, these obligations are noted as not assessed.

a. CMM 2016-04, para 3(2) – WCPFC15 took no assessment for Japan. The difference of opinion relates to the reporting period for the measure.

b. CMM 2016-01, para 22 – WCPFC15 took no assessment for the Philippines.

11. There were some obligations that WCPFC15 assessed as CMM Review. The CMS working group noted that in some cases, such as in relation to CMM 2016-01, the obligations in question have already been revised in CMM 2017-01, but encourages the Commission to consider whether additional revision is needed to resolve the difficulties in assessment. WCPFC15 assessed the following obligations as CMM Review:

a. CMM 2014-02, para 4

 b. CMM 2016-01, paras 14, 16 and 18

12. As noted in the paper on the CMR Review Process, WCPFC-TCC14-2018-09, there were a number of alleged violations from 2015 and 2016 that were not included in last year’s CMS because the information came in after the CMS was completed. WCPFC15 and TCC14 reviewed the outstanding alleged violations from 2015 and 2016. The table below reflects the status of that review.

| CMM | Non-Compliant | Flag State Investigation (RY 2015[[2]](#footnote-2) and 2016) | Compliant |
| --- | --- | --- | --- |
| CMM 2007-01, para 14 vii | Chinese Taipei | China, Korea | Marshall Islands, Papua New Guinea, United States, Vanuatu |
| CMM 2011-03, para 1 | Philippines, Solomon Islands, Chinese Taipei | China, Federated States of Micronesia, Japan, Kiribati, Korea, Papua New Guinea, United States | Marshall Islands, Tuvalu |
| CMM 2012-04, para 1 | Philippines, Solomon Islands, Chinese Taipei | China, Federated States of Micronesia, Japan, Korea, Papua New Guinea, United States | European Union, Marshall Islands |
| CMM 2013-08, para 1 |  | Korea, Papua New Guinea | Tuvalu |
| CMM 2014-01, para 14 |  | Japan |  |
| CMM 2015-01, para 14 | Philippines, Chinese Taipei | Korea, United States |  |

13. As noted in the paper outlining the TCC CMR process (WCPFC-TCC14-2018-09), and consistent with the recommendation from TCC13 and the decision from WCPFC14, WCPFC15 and TCC14 did not consider the information contained in the ROP Pre-notification List for the purpose of assessing any obligations for which it was relevant.

14. Consistent with the Final Compliance Monitoring Reports from 2012 – 2017, CCMs evaluated as “non-compliant” for obligations are strongly encouraged to address their implementation issues even without a response procedure.

## **IV. ISSUES RELATED TO SPECIFIC CMMs OR OTHER OBLIGATIONS**

## 15. The European Union expressed concerns over the process on reporting back on ongoing Flag State Investigations and suggested that criteria should be developed for this process. The PNA noted that they would like to eliminate the entire Flag State Investigation process.

16. Canada and China noted that CMM 2005-03 (North Pacific Albacore), paragraph 3, will be considered at NC15 in 2019 to change reporting from every 6 months to annually for all CCMs. The proposed revision will bring the CMM’s reporting requirement into alignment with the recently revised IATTC resolution on the same issue. The proposed revision is advanced in the absence of any apparent scientific benefit for 6-month reporting.

17. WCPFC15 and TCC14 noted with concern that despite some improvement some CCMs still do not comply with the requirement under CMM 2007-01 Attachment K Annex C paragraph 6 (minimum 5% ROP longline coverage rate).

## 18. There was a discussion about whether a WCPFC14 decision regarding reports against CMM 2009-06 (transshipment), paragraph 13 was binding. The Legal Advisor noted that decisions of the Commission could be binding (if the language so indicated), but that the WCPFC decision regarding reports against paragraph 13 of CMM 2009-06 was not included in the items against which CCMs would be assessed this year. Some CCMs recommended that the Commission clarify the specific case of Philippines vessels that operate in the high seas pocket related to this measure.

19. The European Union expressed concern that TCC was not assessing paragraph 7 of CMM 2010-07 (Sharks) in conjunction with paragraph 9 of the same CMM, and requested that this is included in the future assessments of this measure.

20. For CMM 2011-04 (Oceanic Whitetip Sharks), FFA members raised a concern about their members being assessed for data inconsistencies with numbers that had been revised since the submission of their Annual Reports. FFA members noted that CCMs should be assessed as compliant where they have provided all available data at the time of submission, even if new data comes in later.

21. The United States and the European Union expressed concern that we were not assessing paragraph 1 of CMM 2011-04 and noted it should be included in future assessments of this measure.

22. Paragraph 4 of CMM 2014-02 (Vessel Monitoring System) was deemed CMM Review, but Japan and the United States thought that this paragraph may be obsolete and suggests the Commission consider revising this measure to remove or revise this paragraph.

23. TCC14 noted that unlike last year, this year TCC14 was able to take assessments against CMM 2014-02, paragraphs 9a and SSPs 2.8. TCC14 noted that in 2017 and 2018, the Secretariat was making improvements to the VMS and that while these improvements are in process, assessments remain challenging.

24. The United States highlighted the importance of CMM 2015-02 (South Pacific Albacore) and noted the need for a rigorous and more meaningful review of this measure in future years, and that WCPFC-TCC14-2018-IP14 reveals a dramatic increase in the number of fishing vessels of certain CCMs actively fishing for South Pacific albacore south of 20S since the measure was first adopted in 2005. Australia and New Zealand noted that the paper WCPFC-TCC14-2018-IP14 from SPC on South Pacific Albacore is very informative and is the kind of information they would like to see every year, as it shows that we are clearly not yet hitting the mark with this measure.

25. As noted in paragraph 12 above, paragraphs 14, 16 and 18 of CMM 2016-01 were deemed CMM Review. CCMs noted that these paragraphs have been revised in CMM 2017-01, but encourages the Commission to review these paragraphs in any revised measure to ensure they are more easily able to be assessed in the future. CCMs also noted that our inability to assess these paragraphs impacts our ability to evaluate the effectiveness of this measure.

26. China noted the need for increased clarity relating to charters in relation to CMM 2016-01 and subsequent versions of this measure.

## **V. REQUESTS FOR ASSISTANCE AND CAPACITY BUILDING**

27. Several areas were identified where targeted assistance is required to assist SIDS and other CCMs in implementing specific obligations.

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| --- | --- | --- | --- | --- |
| CMM | Obligation | CMR section[[3]](#footnote-3) | CCM | Capacity Assistance Needed Score |
| 5% ROP Observer Coverage rate | CMM 2007-01 Att K Annex C  | v |  | Kiribati– Capacity Assistance Needed (CMR RY 2017) |
| CMM 2011-03Cetaceans | CMM 2011-03 02 - 03 |  | Cook IslandsVanuatu |  |
| CMM 2013-08Silky Sharks | CMM 2013-08 01 |  | Cook Islands |  |
| CMM 2014-02 VMS | CMM 2014-02 9aCMM 2014-02 9a VMS SSPs 2.8 | v |  | New Caledonia – Capacity Assistance Needed (CMR RY 2017) |
| Scientific data provision | Scidata 03 | vi | Indonesia | Indonesia – Capacity Assistance Needed (CMR RY 2016 and CMR RY 2017) |

28. Some areas of capacity assistance were identified by certain CCMs in their Annual Report Part 2 covering RY 2017 that were outside the scope of the list of obligations to be assessed in the CMS in 2018.

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| --- | --- | --- |
| CMM | Notes about types of assistance requested | CCM |
| CMM 2006-08 - High Seas Boarding and Inspection CMM 2017-02 - Port Inspections  | Some assistance has been received in work attachments, and supply of boarding gear. Additional assistance is needed in 1) information system (licensing and permitting database); 2) boarding and inspection database; 3) centralized database; 4) more staff for monitoring and data collection.  | Fiji |
| CMM 2013-07 04-05 - Capacity development for personnel  | Some assistance has been received in investigation training. Additional training is needed, including in work attachments, for database and data analysis. Assistance is needed in understanding CMMs.Need additional observer training and coordinationFunding for international meetings | FijiSolomon IslandsVanuatu |
| CMM 2013-07 10-11 - Capacity development for MCS activities  | Some assistance has been received in investigation training and attachments. Additional resources needed for purchase of additional patrol assets (helicopters/aircraft and vessels).Assistance is needed to conduct international compliance inspectionsAssistance and support is needed to recognize the efforts that small islands with limited capacity make to comply with all CMMs and to investigate any alleged infringements by their vessels or occurring in their waters.  | FijiKiribati |
| CMM 2017-06 - Seabird mitigation | Assistance in developing of seabird mitigation plan | Vanuatu |

**Appendix 1 – 2018 Final CMR Matrix covering 2017 activities**

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1. Indonesia noted that the work under this Capacity Development Plan is intended to be conducted in 2019, subject to funding being available. [↑](#footnote-ref-1)
2. All Flag State Investigation assessments are related to RY2016, except CMM 2014-01 14 applied in RY2015. [↑](#footnote-ref-2)
3. CMM 2017-07 paragraph 3: (i) catch and effort limits for target species; (ii) catch and effort reporting for target species; (iii) reporting including with respect to implementation of measures for non-target species; (iv) spatial and temporal closures, and restrictions on the use of fish aggregating devices; (v) authorizations to fish and the Record of Fishing Vessels, observer, VMS coverage, transshipment and the High Seas Boarding and Inspection Scheme; (vi) provision of scientific data through the Part 1 Annual Report (and its addendum) and the Scientific Data to be provided to the Commission; and (vii) submission of the Part II Annual Report, including compliance with the obligations in paragraph 36, and compliance with other Commission reporting deadlines. [↑](#footnote-ref-3)