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**FFA members – Comments on analysis of reporting requirements and Compliance Monitoring
Report**

**WCPFC9-2012-DP06
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Dear Professor Hurry,

FFA Member's Comments on analysis of reporting requirements & Compliance Monitoring Report

I write in my capacity as the Chair of the Forum Fisheries Committee on behalf of the 17 FFA Members.

FFA members wish to propose: (1) a comprehensive analysis and review of the WCPFC reporting requirements and their link to the compliance monitoring process; and (2) additional information for inclusion in the 2012 Final Compliance Monitoring Report (CMR) prior to its adoption by WCPFC9.

Analysis of Reporting Procedures

FFA members are of the view that a holistic and integrated analysis of our reporting procedures is required. One of the aims of this review would be development of an integrated information management system.

A consultant should be engaged to undertake this work, under terms of reference which capture the following principles:

- Clarity with respect to reporting obligations that fall on flag States, coastal States, port States etc.
- Filtering reporting requirements to avoid CCMs having to report on obligations that do not apply to those CCMs e.g. those that have no flagged vessels.
- Merging of the Part I and Part II Annual Reports into a single annual report.
- Integration of validation mechanisms using other data sources such as VMS and ROP data.
- Options for the routine provision of CCM information to the Secretariat, such as to allow changes made to a national vessel register to be transferred to the WCPFC RFV through automated means
- Development and testing environment has equal attention devoted to the needs of CCMs and those of the Secretariat including the Science Provider (SPC).

An objective of this work would be to generate an integrated reporting framework for the Commission, including one that contributes to the development of the Draft CMR with minimum human intervention.

FFA members are aware that this will be a significant undertaking that will take time to progress and may not be completed in 2013. We propose that WCPFC9 create a small Working Group to assist the Secretariat in preparation of the draft CMR for 2013, should this be required.

This body of work would occur in parallel to the Commissions existing reporting requirements.

Compliance Monitoring Report (additional information).

FFA members participated actively in the CMR small working group at TCC8 and endorsed the provisional CMR. However, noting the role of WCPFC is to consider the pCMR and then adopt a final, we see it as appropriate that the Commission consider additional information.

As such, FFA members propose additional information for the Final Compliance Monitoring Report (Attachment A), by way of explanation:

- Insertion of text to address the more serious instances on non-compliance, such text is required to maintain the legitimacy of the compliance measure and the Commission. The gravity of repeated non-compliance with provision of scientific data and effort levels must be distinguished.
- Deletion of text to address non compliance of data gaps by a mechanism external to the compliance monitoring process.
- Insertion of text to widen the scope of the 2013 compliance monitoring process to include the Eastern High Seas Pocket CMM and the Transshipment CMM both of which are under review in 2013.

FFA members would also like to take the opportunity to acknowledge the Secretariat and TCC participants, especially the TCC Chair and small group co-Chairs for their efforts in developing the 2012 provisional CMR. This effort has WCPFC9 placed well for adopting a Final 2012 Compliance Monitoring Report.

Yours Sincerely



Dr Sione Vailala Matoto
Chair
Forum Fisheries Committee

Provisional Compliance Monitoring Report for the activities in 2011 Executive Summary

FFA Members Proposed Additional Information

The TCC8 reviewed summaries of dCMR of CCMs prepared by the Secretariat. Each summary was evaluated in 5 categories as specified in the CMS CMM2011-06 by using 3 criteria; a) compliant, b) not applicable, and c) potential compliance or implementation issue identified. Then they were rated as either “compliant” (no compliance issue was identified) or “compliance review” (at least one of 5 categories was evaluated as “potential compliance or implementation issue identified”).

As the result of the review, the TCC8 concluded that the following CCMs are considered to be “compliant” under the provisions of CMM2011-06: Australia, Canada, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Republic of Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Chinese Taipei, Tonga, Tokelau, Tuvalu, Panama and Vietnam.

Also, the TCC8 concluded that the following CCMs are considered to be “compliance review” under the CMM; China, European Union, Japan, Kiribati, Korea, Philippines, Solomon Islands, United States of America, Vanuatu, Belize, Ecuador, El Salvador and Indonesia.

WCPFC9 recommends that TCC9 assign a Compliance Status of no less than Compliance Action Plan” for ongoing non-compliance with effort limits and provision of scientific data.

The summaries of dCMR of each CCM, including its evaluations, are attached to this provisional CMR as Annex I. If any new information is provided until WCPFC9 by CCMs which necessitates the revision of the evaluation contained here, it can be reviewed at WCPFC9.

For the following CCMs, the TCC8 could not conduct review of dCMR due to the lack of sufficient information; Wallis & Futuna, Mexico, Senegal and Thailand. The SWG concluded that those CCMs should be rated as “compliance review”. The TCC8 also recommended that no further CMR review work be conducted in this year’s CMS for those CCMs, since it is considered impracticable to complete the process before WCPFC9.

The TCC8 further prepared a matrix of the CMMs and their implementation status (Annex II) for the reference of the TCC and the Commission when new measure or revision of a measure to be conducted.

In addition, the TCC8 noted the followings through the discussion with no specific order. TCC8 suggested that they are duly taken into account at the discussion of a succeeding CMS measure.

- The CMS is still in a development phase and the succeeding measure, if there is, should take into account the experience of trial period of two years.
- Summary dCMR prepared by the Secretariat for the work of the TCC8 was very useful to conduct the review. This experience should be taken into account in discussing a succeeding CMR measure. Current time frame of the process is doable, provided that every step is taken as specified. However, since the process has little slack, a small delay in one step could disrupt the whole process.

- Many CCMs, expressed their difficulty to keep up with CMS process as well as reporting requirements from various CMMs. However, it was also made clear that late submission or no submission of required information, particularly Part 1 and Part 2 reports, made CMR review for those CCMs impracticable. CCMs were again encouraged to comply with their reporting obligations. In particular, SIDS CCMs expressed concern with the increasing reporting obligations which was becoming an undue burden on their small administrations. SIDS CCMs also wanted to ensure that the CMS process does not further marginalize them given their struggle to meet the Commission's obligations. It was recognized that the reporting obligations need to be revisited to ensure that they are streamlined to ease this burden, particularly for SIDS CCMs.
- Capacity building, in particular for SIDS is crucial in order for these CCMs to fulfill their obligations. To this end, common areas identified where capacity building maybe needed is the VMS MTU/ALC audit and inspection; shark species identification and reporting; estimates of discards; and data collection in particular for Philippines and Indonesia.
- CCMs continue to have difficulty complying with particular CMMs, such as data provision of by-catch species including sharks. For sharks, it was also noted that for some CCMs, implementation of reporting requirements relating to specific species is done on a regional basis and as a result, there can be time delays associated with implementation by CCMs across the region. It was also noted that data requirement for artisanal fisheries such as paragraph 39 of CMM2008-01 is difficult to comply, particularly for developing CCMs.
- It was noted that certain CCMs report on behalf of their territories, but that separate compliance monitoring reports are not prepared with respect to these territories.
- Ambiguities in some CMMs were noted, such as whether the SIDS exemption in paragraph 3 of NP Striped Marlin CMM (2010-01) applies to its data reporting requirement in paragraph 7. In addition, some CCMs noted the potential implementation issue with CMM 2010-01 with regards to the applicability of how to apply reductions set out in paragraph 5 of the measure to those who only catches North Pacific striped marlin as by-catch. The ambiguity in CMMs should be minimized to the extent possible.
- Responses to possible non-compliance including a weighting scheme of the seriousness of non-compliance would be desirable for the CMS to be more effective and complete. The CCMs evaluated as "compliance review" are strongly encouraged to address their implementation issues even without response procedure.
- The issue of operational data provision was raised, ~~but it was noted that the issue was better discussed under data gaps agenda.~~ In relation to this, it was also noted that the Scientific Committee 8 recommended that those CCMs who have yet to provide operational level catch and effort data should provide annual catch estimates by gear and species for waters under national jurisdiction and high sea areas separately as per the scientific data provision rules. The TCC8 suggested that the Secretariat include this in a future CMR.
- Since the current CMR review is conducted in a country by country basis, it was not possible to evaluate the implementation of the CMMs which are managed under multilateral framework, such as VDS in PNA waters or operation conducted under USA-FFA treaty.

- Through the discussion at TCC8, several possible compliance issues were noted, such as FADs operation during FAD closure period, ALC's not reporting in accordance with the VMS CMM, VMS manual reporting and transshipment in Eastern High Seas Pocket, and issues suggested through GEN-3 observer reports. TCC8 expressed its concern that the current CMS does not adequately address these some of possible compliance issues. Given the importance of these CCMs and that the transshipment and E-HSP will be reviewed in 2013 it is recommended that the 2013 compliance assessment process, assess every obligation contained within these measures.
- Many CCMs advised that they submit required information to SPC but not to the Secretariat despite the requirement under some CMMs. Although such reporting was evaluated as "compliant" at the TCC8, all CCMs were encouraged to submit the required information to the designated recipient.
- The evaluation of the implementation in the overlap area between WCPFC and IATTC was difficult since the participatory rights given to CNMs at WCPFC7 and the basic approach for the management of the area adopted at WCPFC8 are sometimes contradictory. The TCC8 made its preliminary evaluations for such operation in this provisional CMR but they should be carefully reviewed by the Commission.
- With respect to effort limits, some CCMs noted that the metric for measuring vessel days is still varied in the region and that this may need to be taken into consideration when assessing effort by CCMs.