



**The Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

**Special Session of the Commission to discuss the
COVID-19 Decisions Relating to Purse Seine Observer Coverage
and At-Sea Transhipment Observers**

**Electronic Meeting
9 June 2022**

SUMMARY REPORT

Issued: 23 August 2022

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SUMMARY REPORT

AGENDA ITEM 1 — OPENING OF MEETING

1. The Special Session (SS4) of the Western and Central Pacific Fisheries Commission (WCPFC) to discuss the coronavirus disease (COVID-19) decisions relating to purse seine observer coverage and at-sea transshipment observers was held on 9 June, 2022 (Pohnpei time) as an electronic meeting. The WCPFC Chair, Ms. Jung-re Riley Kim, called the meeting to order at 10:03 am.
2. The following (CCMs) attended SS4: this included the following Members and Participating Territories, American Samoa, Australia, Canada, the People’s Republic of China, the Cook Islands, the Federated States of Micronesia, Indonesia, Japan, the Republic of Korea, the Republic of the Marshall Islands (RMI), Nauru, New Caledonia, New Zealand, Niue, Palau, the Philippines, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, the United States of America (USA) and Vanuatu; and the following non-party countries attending as Cooperating Non-Members (CNMs): El Salvador and Thailand.
3. Observers from the following intergovernmental organizations attended SS4: Pacific Islands Forum Fisheries Agency (FFA), Parties to the Nauru Agreement, and the Pacific Community (SPC).
4. Observers from the following non-governmental organizations attended SS4: The Global Law Alliance, International Seafood Sustainability Foundation, and The Ocean Foundation
5. A full list of all participants is provided in **Attachment A**.
6. The WCPFC Vice-Chair Dr. Josie Tamate offered the opening prayer.

7. The Chair welcomed all participants to SS4 to consider specifically the future of the two WCPFC COVID-19 decisions relating to purse seine observer coverage and at-sea transshipment observers.

8. The Chair noted that at the commencement of the pandemic in 2020, the Commission decided intersessionally to suspend the operation of three sets of obligations relating to: observers on purse seine vessels ([Circular 2020/24](#)), at-sea transshipment for purse seine vessels ([Circular 2020/28](#)), and at-sea transshipment observers ([Circular 2020/38](#)). The suspensions were extended for periods of between three and four months throughout 2020 and 2021. The suspensions continued until 15 March 2022, when it was decided that the suspension of one of the obligations, that relating to at-sea transshipment for purse seine vessels would not be extended ([Circular 2022/11](#) of 14 March 2022 as corrected in [Circular 2022/12 of 15 March 2022](#)). The suspension of the remaining two obligations, that of observers on purse seine vessels and at-sea transshipment observers was scheduled to remain in effect until 15 June 2022, when both would expire without further extension or other action by the Commission. The Commission agreed intersessionally to a Special Session to consider these two remaining intersessional decisions relating to COVID-19 (through [Circular 2022/24](#) of 5 May 2022 and [Circular 2022/29](#) of 17 May 2022)

AGENDA ITEM 2 — ADOPTION OF AGENDA

9. The agenda was adopted (Attachment B).

10. The Chair reviewed the meeting arrangements and stated that an Outcomes Document containing the decisions of the meeting would be issued shortly after the conclusion of the meeting, with a Summary Report to be issued thereafter.

AGENDA ITEM 3 — IMPLEMENTATION OF THE COVID-19 INTERSESSIONAL DECISIONS RELATING TO PURSE SEINE OBSERVER COVERAGE AND AT-SEA TRANSHIPMENT OBSERVERS and

AGENDA ITEM 4 — DISCUSSION ON THE WAY FORWARD FOR THE COVID-19 INTERSESSIONAL DECISIONS RELATING TO PURSE SEINE OBSERVER COVERAGE AND AT-SEA TRANSHIPMENT OBSERVERS

11. The Chair stated that Agenda Items 3 and 4 would be considered jointly.

12. The WCPFC Legal Adviser, Dr. Penny Ridings, introduced [WCPFC-SS4-2022-02](#). *COVID-19 Intersessional decisions relating to purse seine observer coverage and at-sea transshipment observers*. She noted that the COVID-19 situation in the region had changed significantly during the first half of 2022. In particular, increased vaccination and the prevalence of a new, more contagious but milder variant of COVID-19 has enabled countries in the Pacific to relax border and other restrictions. While restrictions such as negative COVID tests prior to entry remain, many countries have opened their borders, and mandatory quarantine requirements are being used to a lesser extent. The relaxation

of restrictions is expected to continue as countries adapt to the fact that COVID-19 is quickly becoming endemic in the community.

13. The Legal Adviser provided an update with respect to implementation of the two COVID-19-related intercessional decisions still in effect, and the implications of their continued suspension on monitoring, control and surveillance (MCS) and stock assessments. The update is outlined below:

- (i) **Suspension of purse seine observer coverage.** Although the requirement for 100% observer coverage on purse seine vessel has been temporarily suspended, the Legal Adviser noted that some observer programmes have maintained or reintroduced placement of observers on their vessels, usually when a trip begins and ends in a vessel's home port; countries include China, the European Union (Portugal), New Caledonia, New Zealand, Papua New Guinea, Philippines, Solomon Islands and Tonga. Some CCMs have indicated they are considering deploying observers later in 2022. The Legal Adviser noted that SPC provided data regarding observer coverage in [WCPFC-SS4-2022-02 suppl rev1](#), which indicates a very low level of observer coverage for most fleets.
- (ii) **At-sea transshipment observers.** The Legal Adviser stated that there has been a reduction in the number of observed transshipment events on the high seas, from 1472 in 2019, to 1172 in 2020, 1008 in 2021, and 348 to date in 2022. Few observers are being deployed on carrier or offloading fishing vessels, with 12% of transshipment observed in 2021 and 7% 2022. She stated that the WCPFC Secretariat had also looked at observer coverage in the Inter-American Tropical Tuna Commission (IATTC), where the structure of the observer programme is quite different from that in the WCPFC. The IATTC observed 94% of transshipments in 2021 (including those in the overlap area) through a combination of national and IATTC Secretariat placements.
- (iii) **MCS Implications.** The Legal Adviser noted that the absence of observers on vessels may affect compliance with certain obligations such as FAD closures and bycatch of billfish, sharks and manta rays, sea turtles, marine mammals and seabirds. The lack of observer data will also impact development and interpretation of aggregate tables and the ability of TCC to identify implementation challenges, as addressed in Conservation and Management Measure (CMM) 2021-03 relating to the compliance monitoring scheme. The reduction in the percentage of observed high seas transshipments will impact the quality of catch and effort data collected at the point of transshipment
- (iv) **Implications for stock assessments.** The Legal Adviser noted that the lack of observer data significantly affects the precision of the purse seine bigeye tuna catch estimates in the aggregate data used for stock assessments. SPC has previously advised in [WCPFC-SC17-2021/ST-WP-01 \(Rev.01\)](#) that if the reduced observer coverage continues beyond 2021, there will be increased uncertainty in estimation of management reference points for bigeye and yellowfin.
- (v) **Options for lifting the suspension of obligations due to COVID-19.**
The Legal Adviser reviewed several possible approaches to addressing the observer coverage suspensions. She emphasised that these were intended to illustrate possible approaches and were provided to assist the Commission with its deliberations as follows:
 - (a) **Option One:** At-sea transshipment observers suspension allowed to lapse on 15 June 2022; extension of suspension of purse seine observers' obligation until 15 September 2022, with

a decision on a further extension. This would require another intercessional decision, and gives higher priority to transshipment observers.

- (b) **Option Two:** Lift suspension of the requirement for at-sea transshipment observers on a specific future date (e.g., 1 August 2022); and lift the suspension of the requirement for observers on purse seine vessels on a specific future date (e.g., 1 January 2023). Under this option there would be no review mechanism; it would give a clear indication of when observers need to be back, but would put the onus on vessel operators to meet the given deadline.
- (c) **Option Three:** Agree to a phased approach to the implementation of the lifting of the suspensions. By way of example, require 50% coverage of at-sea transshipments by 15 July 2022 and 100% by 1 August 2022, and 50% purse seine observer coverage by 1 October 2022 and 100% by January 2023. The decision would not provide for potential intercessional extensions of the suspension of obligations. The conditions set out in the current intercessional decision would continue until the suspension of the obligation was lifted. This would give more flexibility to take into account different fisheries and situations, but is more complicated.

(vi) **Implementing the options.** The Legal Adviser outlined possible conditions for implementation of the options, as in the following examples:

- Observers and fishing vessel and carrier vessel crew to be fully vaccinated, with proof of vaccination possibly required.
- Observers and replacement crew to be tested prior to boarding a vessel.
- All interactions with other vessels and persons be conducted according to national or regional protocols that seek to prevent the spread of the COVID-19 virus.
- All appropriate protocols and procedures be followed on board the vessel to prevent the spread of COVID-19.
- All relevant requirements be followed to ensure that any sick observer or sick crew are cared for in accordance with appropriate protocols and procedures.

14. The Legal Adviser referenced other implementation issues, such as repatriation if required, and what happens if lockdowns and border restrictions are reimposed, and noted that it would likely be necessary to have agreed arrangements between the observer provider and the flag CCM and/or vessel operator.

15. RMI outlined the position of FFA members, as presented in [WCPFC-SS4-2022-DP02](#). *Views on the WCPFC COVID-19 Intersessional Decisions related to purse seine observer coverage and at-sea transshipment observers.* RMI stated that FFA members did not support extending the suspension of the requirement for at-sea transshipment observers, meaning FFA members supported allowing the suspension to lapse on 15 June, 2022. They supported extending the suspension of the requirement for purse seine observer coverage until 31 December 2022, with the understanding that the suspension would then be lifted, and the obligation would come into effect. FFA members stated that redeploying observers safely back to sea is a priority given the importance of the data they collect to the work of the Commission. In light of this, they stated that despite the proposed continued suspension of the requirement for observers on purse seine vessels, they would encourage that those who can, to begin to

redeploy observers. RMI also stated that the use of the FFA operating protocols would be essential to allow safe deployment of observers.

16. The USA presented [WCPFC-SS4-2022-DP01](#) titled *Memorandum sharing comments and views on the working paper WCPFC-SS4-2022-02*. The USA supported the need to resume at-sea transshipment and purse seine observer coverage as soon as possible to provide for data collection and ensure monitoring of the fisheries. However, they acknowledged that there are challenges that may not make this feasible in the short term, and noted their concerns regarding the health and safety of the observers and crew of the vessels, given ongoing uncertainty pertaining to the pandemic. The USA proposed holding a discussion under Agenda Item 3 focusing on enabling issues that may prevent full implementation of the options outlined in [WCPFC-SS4-2022-02](#) by a given date, including entry and exit requirements and limitations; protocols for COVID-19 related border closures; vaccination status requirements; health precautions and protocols; and issues related to sickness, medical evacuations, and access to emergency medical care.

17. The Chair noted the position of FFA members that at-sea transshipment observer requirements should be reinstated as of June 15 and purse seine observer obligations reinstated on 1 Jan 2023, while the USA suggested the need to discuss enabling conditions to enable reinstatement. She also noted the delegation paper prepared by the EU ([WCPFC-SS4-2022-DP03](#) titled *Communication from the European Union regarding the Special Session of WCPFC on COVID-19 decisions*). In addition to supporting reinstatement of observer requirements as soon as feasible, the EU suggested CCMs could commit to deploying observers' onboard vessels that are starting and ending their trips from the same port, and suggested CCMs be allowed to deploy observers from their own national programmes until regional observer programme observers can be safely deployed. The EU also made several data requests, which were addressed by SPC in [WCPFC-SS4-02 suppl rev1](#).

18. China related its experience in seeking to assist Chinese carriers to meet IATTC observer requirements, and stated that it could support reinstatement of the transshipment observer requirement while stressing the need to do so in a way that provides flexibility to allow flag CCMs and observer providers to reach agreement on a case-by-case basis and report the results to the Secretariat. China stressed that any measure should be realistic, and stated that a flexible approach had been adopted by both the Indian Ocean Tuna Commission and the IATTC.

19. Japan stated that it had consulted with Japanese vessel operators with respect to transshipment observers. It stated that some carrier vessel companies had been trying to dispatch Pacific Island observers to carrier vessels but faced problems because of strict border control measures in some countries, and a lack of flights linking the Pacific Islands and some flag states, including Japan. It stated that in order to get observers on board visas were required, but many flag states had faced problems in arranging visas for observers. Japan stated that because of these various challenges vessel operators had not been successful in placing observers on carrier vessels, and that this made it very difficult for Japan to agree to a specific date for reinstatement of the requirement for observers for either at-sea transshipment or generally aboard purse seine vessels. Japan noted that almost all observers are from Pacific Islands states, and that the difficulties in ensuring that these observers can serve is the same for both at-sea transshipment and purse seine vessels, and that it therefore did not support differentiating between the two types of observer requirement suspensions. Japan also noted that WCPFC is unique, so the approach adopted by IATTC and other regional fisheries management organizations (RFMOs) can't be directly applied. Japan noted that other RFMOs had begun convening face-to-face meetings,

while WCPFC had not, and noted that it was not yet possible to travel freely between the Pacific and Asia.

20. Tuvalu raised the issue of observer livelihoods, which it stated needed to be considered in addition to concerns about data loss and impacts on the fishery from the suspension of the observer requirements. It noted that trained observers were being lost as they had to seek other employment. Tuvalu strongly supported the FFA position, and stated the need for the Commission to be on track to reinstate observer requirements aboard purse seine vessels. It noted that the majority of vessels tranship in port, and that some of the problems in sourcing observers could be eliminated if vessels depart and return to the same port.

21. Korea stated that it sympathized with the importance of data collection but that at present it was not possible to ensure the safety and health of crew and observers' onboard vessels. It noted that the situation had not changed very much since March 2022, with continued tightened border control, especially in countries that provide most of the observers, and continued travel restrictions. In light of this Korea stated that immediate lifting of the suspension would be problematic, and suggested a decision be made after a thorough assessment of the situation.

22. RMI stated that travel in the region was becoming possible, and suggested the need to look at the current situation and reevaluate the Commission's approach. It suggested that it should be possible to phase in redeployment of observers with reinstatement of observer requirements by the end of 2022. It noted RMI had kept a number of observers employed, and that some were serving aboard longline vessels fishing in RMI waters, while observers were also ready to redeploy on purse seine vessels.

23. China agreed with Japan's intervention that the Commission should not treat the issue of reinstatement of carrier and transshipment observers and purse seine observers differently. It noted a difficulty it faced with respect to keeping observers on board longline vessels, which leave and return to China, as the observers are from Shanghai, which has experienced COVID-19 lockdowns. It reiterated the need to adopt a flexible approach with decisions made on a case-by-case basis.

24. Indonesia noted that some travel restrictions were being relaxed, but stated that COVID-19 had negatively impacted its budget, and that this would be the case for some time; it also supported the need for flexibility in reinstating observer requirements.

25. In response to a query from Tuvalu, the Chair stated that without action by the Commission both observer requirement suspensions would end as of 15 June 2022. She noted that these obligations are in the relevant CMMs, and thus in the absence of consensus by the Commission to continue to suspend the requirements, the requirements in the CMMs would resume after 15 June. She noted that an immediate full resumption would result in compliance issues arising due to travel constraints and other issues, and that it was important to consider options to ease those problems while maintaining the livelihoods of observers and meeting the data requirements of the Commission. She asked all CCMs to demonstrate flexibility, as without consensus among CCMs on how to proceed, the obligations under the current CMM would be back in force with no phase-in period.

26. Japan stated that it understood the importance of observer deployments for scientific data collection and to ensure compliance with CMMs, and that for this reason it had tried to place observers on transshipment vessels wherever possible, but this had proven very difficult. It noted deployment of

observers to Japan was complicated by the lengthy quarantine periods that applied in Japan in case of a positive COVID-19 test, and remarked on the difficulties this would pose for vessels if fishing trips were delayed because observers were in quarantine. Japan noted the difficult situation faced by many in the fishing and carrier vessel industry, with increasing costs, and stated that WCPFC should set a policy that would enable a majority of stakeholders to comply.

27. China supported the remarks by Japan, and reiterated the need for flexibility as observers are reinstated on vessels.

28. New Zealand stated that it would be useful to set a date for resumption of the observer obligations, as that would give CCMs time to work out the specific issues and determine what is needed to ensure the safety of crews and observers. It noted that the situation with respect to COVID-19 had evolved, and stated that it was time to consider new arrangements to maintain CCMs' obligations. It stated that transshipment was the priority, and that specific practical arrangements needed to be in place for transshipment carrier vessels, and that these may differ from those for purse seine vessels. New Zealand stated that it was not unusual for issues to arise with regard to repatriating observers, and observed that **WCPFC-SS4-2022-02** sets out a number of issues and principles that could serve as the basis for a constructive discussion on how to set conditions for resumption of observer requirements.

29. RMI stated that it had been working on the issues under discussion for several years. It noted that its port has been busy with continued transshipment despite the impact of COVID-19. RMI stated it had worked with industry to allow the fleet to clear electronically, and was offering vaccination of crews. It agreed with Japan and China that some consideration needed to be given to how reinstatement of observer requirements would be done, and remarked on the need to work with the fishing industry in devising solutions. RMI observed there might need to be a mechanism to address the situation if vessels are unable to source observers.

30. The USA stated that the two decisions could possibly be separated, and that it could support reinstatement of transshipment observers.

31. Japan stated that in the IATTC, carrier vessel operators need to put in requests for observer deployment to the Secretariat, which will deploy observers if these can be sourced, and stated that while this was not an absolute (100%) obligation, the IATTC had achieved 94% observer coverage of at-sea transshipment. Japan suggested that this approach could be adopted by the WCPFC, noting that the specifics would vary depending on the flag state and observer provider specifics. Japan stated that the issue was logistical, and suggested conducting a trial-and-error feasibility study, with possibly a report at TCC meeting about the outcomes.

32. China inquired why FFA supported extending the purse seine observer suspension to the end of 2022, and ending the transshipment suspension much earlier, in mid-June 2022. Tuvalu replied that the number of observers required for the purse seine fleet is much larger (with over 200 vessels in the fleet, as opposed to some 30 observers needed for longline transshipment). It stated that FFA members recognize that with over 200 purse seine vessels it would take some time to expand observer coverage, and noted that FFA members' intention was to meet the target of full observer coverage by 1 Jan 2023. RMI agreed with Tuvalu on the need to put in place mechanisms that would allow a phase-in over time, with 100% observer coverage by Jan 1 2023.

33. The Chair summarized that all CCMs agreed that they were committed to meeting the observer obligations, and that they could possibly consider a phased approach that could take into the considerations voiced by Japan, China and others. During the phase-in period exemptions could possibly be accepted on a case-by-case basis. The Chair suggested discussing the specifics of the enabling conditions, if CCMs could agree to the general approach.

34. During the ensuing discussion, Japan supported the idea of a transitional period until the end of 2022 during which all CCMs would make every effort to ensure observers were placed on vessels. Japan also stated that it recognized the importance of vaccination, but stated that some individuals can't be vaccinated for medical reasons, but may still need to be able to work onboard ships, and suggested the need for some flexibility on the vaccination requirement. RMI agreed on the need for consideration of these issues, stating that each vessel or company has their own protocol, and that CCMs have varying protocols with regard to vaccination. It noted that in RMI all purse seine crew must be vaccinated in order to be employed. Japan stated that it had no mandatory requirement for vaccination aboard vessels in Japan; the government recommends vaccination as much as possible but can't oblige crew members not to board vessels if they are not vaccinated. China stated the need to be clear regarding any requirements for testing of observers as to the type of test, and suggested any "arrangements between observer providers and flag CCMs" should be coordinated by the Secretariat.

35. CCMs discussed the specific guidelines to be adopted by the Commission. In addition to comments regarding the specific content and wording of the conditions, the following more general points were raised.

- It is important to ensure any changes to existing conditions are justified, proportionate and related to COVID, and do not undermine existing obligations in any way.
- Many of the issues raised fall outside of the scope of fisheries agencies in many CCMs, and could present problems if seen as legally binding, and thus should be adopted as guidelines.
- CCMs agreed that a new obligation should not be created to either tranship in port or pick up and drop off observers from the same port. However, it was also stressed that transhipping in port and departing and returning from the same port should be encouraged, and that vessels unable to observe at-sea transshipment should report to the Secretariat regarding why such options were not feasible.

36. CCMs discussed the specific actions to be taken by the Commission with respect to the suspension of requirements for observer coverage on board purse seine vessels and observer coverage of at-sea transshipment. In the ensuing discussions, CCMs agreed on the need to make a decision at SS4 that would ensure implementation of the full observer requirements by 1 January 2023, while allowing some flexibility in the interim in light of difficulties faced by some vessels and fisheries in sourcing observers.

37. The Commission decided as follows:

1. The Commission agreed to suspend the requirements for observer coverage on purse seine vessels set out in paragraphs 32 and 33 of CMM 2021-01 and CMM 2018-05 until 31 December 2022 but on 1 January 2023, this suspension must be lifted, and the obligation comes into effect.
2. The Commission agreed to lift the suspension of the requirements in paragraph 13 of CMM 2009-06 from 15 June 2022. Notwithstanding this, from 15 June – 31 December 2022 is a

transitional period during which time CCMs should make best efforts to embark observers following the enabling guidelines in Annex A.

3. During this transitional period, a carrier vessel operator should demonstrate that it has made best efforts to embark an observer or to tranship in port. This includes requesting for an observer from observer provider(s) at least 30 days in advance of the planned trip. In the event that the vessel operator and the observer provider conclude that the observer deployment is not feasible, according to the enabling guidelines in Annex A and in consultation with the Secretariat, the flag State CCM should report the conclusion to the Secretariat. The Secretariat will compile these data for review by TCC18.

4. TCC18 will review information related to observer deployment, including the data provided under paragraph 3, and make recommendations to the Commission on any ongoing guidelines that will enable CCMs to meet full implementation of observer coverage obligations.

5. The Commission may make decisions otherwise depending on the changes in the situation regarding the COVID-19 pandemic.

Annex A

Guidelines to Enable the Placement of Observers on Fishing Vessels and Carrier Vessels

All CCMs have a strong commitment to resuming observer placements for data and compliance and observer livelihoods, while recognising issues relating to the health and safety of observers and crew and the ongoing difficulties and logistical challenges posed by the COVID-19 pandemic. CCMs agreed that the following guidelines are necessary for the full implementation of observer placement obligations:

1. Requirements for entry and exit, including visa requirements, testing timeframes, quarantine time/costs for foreign travelers, and flight frequency and availability should be taken into account in the placement of observers on board vessels.
2. Observers and crew on fishing vessels and carrier vessels on which observers are placed should be fully vaccinated, subject to the granting of exemptions on medical grounds. Proof of vaccination or exemption may be required.
3. Requirements for COVID-19 testing of observers and replacement crew prior to boarding a vessel should be adhered to in line with the regulations applicable to those vessels.
4. All interactions with other vessels and persons should be conducted in a manner that seeks to prevent the spread of the COVID-19 virus.
5. All appropriate protocols and procedures should be followed on board the vessel to prevent the spread of COVID-19.
6. Any sick observer or sick crew member should be cared for in accordance with appropriate protocols and procedures.
7. Where repatriation of observers becomes necessary, all appropriate protocols and procedures should be followed.

AGENDA ITEM 5 — OTHER MATTERS

38. No issues were raised under Agenda Item 5.

AGENDA ITEM 6 — CLOSE OF MEETING

39. The Chair thanked all CCMs for their patience and flexibility in reaching a successful outcome.
40. The Chair closed the meeting at 2:45 pm, Pohnpei time.

ATTACHMENTS

Attachment A SS4 list of Participants

Attachment B SS4 Agenda

Attachment A

Meetings

Attendees - Special Session of the Commission to discuss the COVID-19 Decisions Relating to Purse Seine Observer Coverage and At-Sea Transshipment Observers

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**SPECIAL SESSION OF THE COMMISSION
to discuss the COVID-19 Decisions Relating to Purse Seine Observer Coverage and At-Sea
Transshipment Observers**

Electronic Meeting
9 June 2022 from 10.00am to 2.00pm Pohnpei time

PROVISIONAL AGENDA

**WCPFC-SS4-2022-01
17 May 2022**

- 1. Opening of Meeting**
- 2. Adoption of Agenda**
- 3. Implementation of the COVID-19 Intersessional Decisions relating to purse seine observer coverage and at-sea transshipment observers.**
- 4. Discussion on the way forward for the COVID-19 Intersessional Decisions relating to purse seine observer coverage and at-sea transshipment observers.**
- 5. Any other matters**
- 6. Close of Meeting**

