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A RISK-BASED FRAMEWORK FOR THE WCPFC COMPLIANCE MONITORING SCHEME

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Paper by the CMS-IWG Lead on RBAF

A Risk-Based Framework for the WCPFC Compliance Monitoring Scheme

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Objective

The objective of a risk-based assessment framework (RBAF) for the Compliance Monitoring Scheme (CMS) is:

- to **assist** CCMs to **prioritise obligations** to be assessed as part of the annual compliance monitoring process. Prioritisation is based on the risk that non-compliance with obligations poses to achieving the objectives of specific Conservation and Management Measures (CMM) and to the broader objectives of the Convention.

Background

The annual list of obligations for the Compliance Monitoring Report

1. For each year's Compliance Monitoring Report (CMR) process, there is an assessment of CCMs' compliance with a *selection* of obligations from within Conservation and Management Measures (CMMs). The selection of this list of obligations is agreed by WCPFC each year.
2. The following table sets out the number of obligations in the annual list since 2015. Note that at WCPFC 12 (2015), there was agreement to a list of obligations to be assessed for the Compliance Monitoring Report (CMR) for the next three years and the frequency of assessment of each obligation (with 93 obligations assessed annually, 25 obligations assessed every two years, and 18 obligations assessed every three years).

Annual WCPFC list of obligations adopted	Covers activities in Year	WCPFC Summary Report Attachment	No. of Obligations
WCPFC 12	2015	Attachment O	118 (93 + 17 + 8 + driftnets)
	2016		109 (93 + 8 + 8)
	2017		112 (93 + 17 + 2 + data buoys)
WCPFC 15	2018	Attachment V	83
WCPFC 16	2019	Attachment R	85
WCPFC 17	2020	Attachment M	70
WCPFC 18	2021	Attachment S	60
AVERAGE NUMBER OF OBLIGATIONS 2015-2021			91

3. As set out in paragraph 6 of CMM 2021-03, the WCPFC will update each year the list of obligations to be assessed in the annual CMR process, using a "risk-based approach". Until this "risk-based approach" is developed, in considering the obligations to be assessed in the following year, the WCPFC shall take into account:

- i. the needs and priorities of the Commission, including those of its subsidiary bodies;
- ii. evidence of high percentages of non-compliance or persistent non-compliance by CCMs with specific obligations for multiple years;
- iii. additional areas identified through the risk-based approach to be developed; and
- iv. the potential risks posed by non-compliance by CCMs with CMMs (or collective obligations arising from CMMs) to achieve the objectives of the Convention or specific measures adopted thereunder.

Enhancing the Compliance Monitoring Scheme

4. Under paragraph 46 of CMM 2021-03, the WCPFC committed to a multi-year work programme to enhance the CMS with the aim of making it more efficient and effective by streamlining processes. This includes the development of “a risk-based assessment framework to inform compliance assessments and ensure obligations are meeting the objectives of the Commission”.
5. Since July 2021, CCMs have provided a range of feedback on five Discussion Documents relating to the development of a Risk-Based Assessment Framework (RBAF) for the Compliance Monitoring Scheme (CMS)¹. Feedback has been provided through several rounds of email consultations, a dedicated workshop on 10 November 2021, and discussions during the development of the list of obligations in the margins of WCPFC18 in 2021.

Risk rating of all relevant obligations

6. In order to prioritise obligations from WCPFC Conservation and Management Measures which are potentially assessed in the annual CMR process, it has been proposed to risk rate all relevant obligations.

Number of obligations in RBAF spreadsheet (excluding Convention obligations)	225
Exclude Convention obligations The Convention is legally binding. But, for the most part, the 18 Convention obligations have already been incorporated as specific requirements into relevant CMMs. None of the Convention obligations have been assessed in the CMR since 2016.	-18
Removed Obligations <ul style="list-style-type: none"> • 6 x non-binding: <ul style="list-style-type: none"> ○ CMM 2009-09 01 – 05: Vessels w/o nationality; ○ CMM 2017-02 18: Port State Measures; ○ CMM 2017-04 01; CMM 2017-04 03-07; CMM 2017-04 11: marine pollution; ○ CMM 2019-04 06: sharks; • 1 x covered in Annex C 06 or TTM: CMM 2018-05 08: ROP; 	-10

¹ See References at the end of this document.

<ul style="list-style-type: none"> • 1x duplication of sci data: CMM 2019-04 22: sharks; • 1x consolidated R/DL: CMM 2021-04 07: Charter Notifications; • 1x consolidated I/R: CMM 2018 05 14: ROP 	
<p>Obligations which require further consideration – these obligations also have no compliance history.</p> <ul style="list-style-type: none"> • CMM 2013-07: Special Requirement of SIDS: paras 1-3, 4-5, 7, 9, 11, 18 (6 obligations) • CMM 2017-02: Port State Measures: paras 2 (b), 5, 6, 8, 9-10, 11-12, 13-14, 15, 16, 17, 19, 20, 21, 22, 23-24, 26, 27 (17 obligations) 	-23
<i>1 x new obligation (CMM 2021-02 04 Pacific bluefin tuna)</i>	+1
Total number of obligations with no compliance history (23 obligations which require further consideration + further 46 obligations).	[69]

7. The risk rating of obligations takes into account **likelihood** of non-compliance with the obligation. This is based on compliance history. In the absence of compliance history for an obligation, likelihood could be based on a precautionary “moderate” rating or the likelihood rating of a similar obligation.

Likelihood	Description
Rare	Experience indicates that non-compliance with a CMM is <i>rare</i> (<1% of non-compliance from “recent” assessments)
Unlikely	Experience indicates that non-compliance with a CMM is <i>unlikely</i> (1-5% of non-compliance from “recent” assessments)
Moderate	Experience indicates that non-compliance with a CMM is <i>moderate</i> (6-20% of non-compliance from “recent” assessments)
Likely	Experience indicates that non-compliance with a CMM is <i>likely</i> (21-50% of non-compliance from “recent” assessments)
Almost certain	Experience indicates that non-compliance with a CMM is <i>almost certain</i> (51-100% of non-compliance from “recent” assessments)

8. The risk rating of obligations also takes into account **consequence** (or impact) of non-compliance with the obligation on achieving the specific objective of the CMM and the broader objectives of the Convention.

Consequence	Description
Minor	The consequence of non-compliance presents a <i>minor threat</i> to the objective of the CMM
Moderate	The consequence of non-compliance <i>may undermine</i> the objective of the CMM
Major	The consequence of non-compliance <i>will probably undermine</i> the objective of the CMM
Serious	The consequence of non-compliance <i>will seriously undermine</i> the objective of the CMM

9. The following matrix provides a way to risk rate each obligation by combining an assessment of likelihood against an assessment of consequence.

- Risk = Likelihood X Consequence

		CONSEQUENCE →			
		Minor	Moderate	Major	Serious
LIKELIHOOD	Rare	Low	Low	Moderate	High
	Unlikely	Low	Moderate	High	High
	Moderate	Moderate	Moderate	High	Severe
	Likely	Moderate	High	Severe	Severe
	Almost Certain	High	Severe	Severe	Severe

FFA, Philippines and EU have risk rated all relevant obligations

10. In July 2021, the Forum Fisheries Agency (FFA) provided their risk ratings of 191 obligations considered to be relevant to the CMR process. In order to test what an RBAF might look like and how it might work in practice, the FFA ratings were used as a basis for initial analysis, since no other CCM had provided risk ratings and these ratings reflected the collective views of 17 members of WCPFC.

But the risk ratings are different.....

11. Subsequently, the Philippines (November 2021) and the European Union (July 2022) contributed risk ratings of obligations. The FFA, Philippines and EU have risk rated obligations differently from one another.

12. The FFA, Philippines and EU have shared risk ratings for only 77 obligations (from 191 considered to be relevant to the CMR process).² Of these 77 obligations, there is agreement on 8 “severe” risk obligations; 32 “high” risk obligations; 31 “moderate” risk obligations and 6 “low” risk obligations (see Chart 1 below).

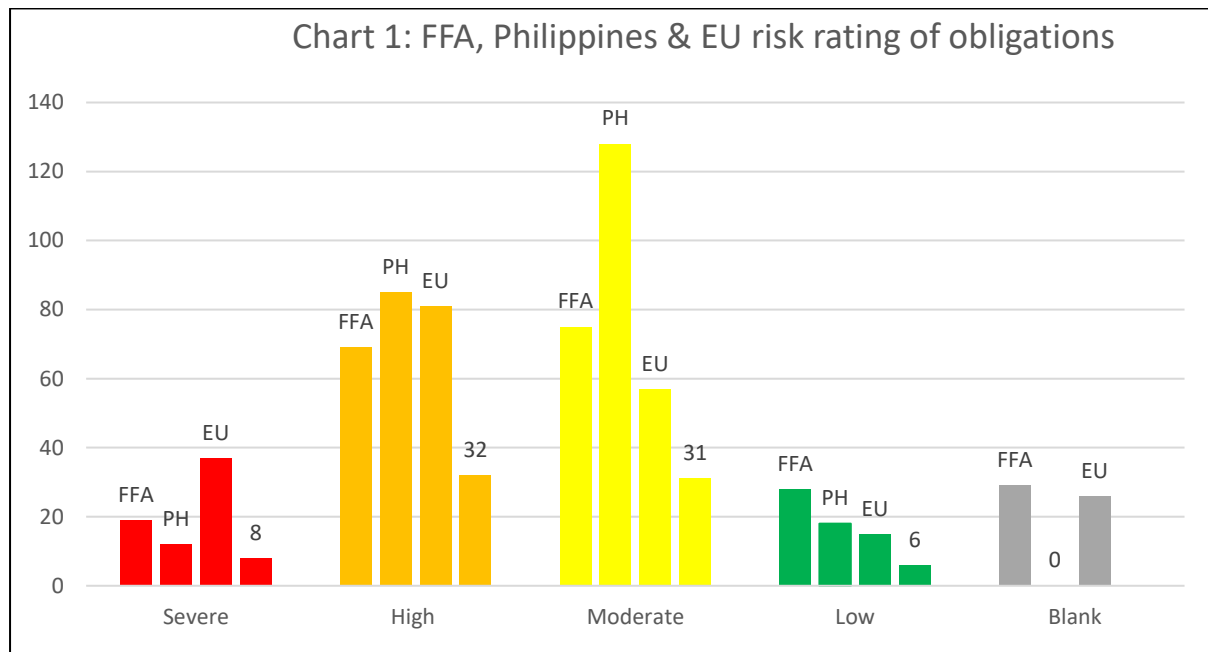
13. These differences are likely to reflect different interests in the fisheries and different concerns about the relative impacts of non-compliance in the region. There has been feedback and discussion amongst CCMs that the assessment of “consequence” is relatively subjective and it would be difficult to achieve WCPFC consensus on a risk rating for each and every obligation.

² Note: FFA rated 191 obligations: *excludes* 18 Convention + 10 removed obligations + 23 obligations for further consideration + 1 new PBF CMM 2021-02 04 obligation (not yet rated).

PH rated 243 obligations: *includes* 18 Convention + 10 removed obligations + 23 obligations for further consideration; *excludes* 1 new PBF CMM 2021-02 04.

EU rated 190 obligations: *excludes* 18 Convention + 10 removed obligations + 23 obligations for further consideration + DL for CMM 2018-05 Annex C 06 + CMM 2017-04 08; *includes* 1 new PBF CMM 2021-02 04.

14. As noted in Discussion Document # 5, to attempt to achieve WCPFC consensus on risk ratings of each and every obligations would be a detailed and time-consuming process. A regular review of the risk rating of these obligations would also be required to ensure the ratings remained current.



Risk rating does not account for the lack of compliance data

15. Moreover, some CCMs highlighted the imbalance between the monitoring of the purse seine and longline fisheries, noting that the major difference in observer coverage for these fisheries could result in bias in the CMR process.

16. As noted in Discussion Document #5, the relative lack of observer data from the longline fishery makes it difficult to identify non-compliance and inform the likelihood ratings for non-compliance. That means the risk rating of obligations for the longline fishery could be artificially low.

Some discussion about prioritising certain groups of obligations

17. Some CCMs emphasised the need to prioritise obligations relating to target stocks. CCMs also advocated that **quantitative limits** (i.e. catch, effort, capacity limits), as well as **spatial or temporal limits** and **non-retention requirements** should be prioritised for the CMR process, given their fundamental importance to the Convention’s objectives. A number of CCMs suggested that prioritised obligations, such as quantitative limits, could be “baked in” or automatically included in the list of obligations each year.

18. There has also been discussion about the value of **clustering obligations** in groups in order to help prioritise them for the CMR process. This could be by **type of obligation**

(i.e. Limit; Implementation; Report; Deadline) or by **thematic groups** (such as the nine thematic groups proposed by the WCPFC Secretariat³).

19. Note that the thematic groups used below have been amended from the thematic groups proposed by WCPFC Secretariat as a “work in progress”. The adjustments relate to the proposed grouping of limit and reporting obligations for the main tuna species; and the proposed grouping of limit and reporting obligations for other tuna and billfish. The table below illustrates the difference between these two approaches (with the number of obligations for each thematic group in brackets).

20. CCMs may wish to consider the merits of the thematic groups. If there is interest in using the thematic groups (e.g. to assist with prioritisation of obligations for the RBAF or to group obligations for Audit Points etc), then it would be preferable to have a common approach to thematic groups across the CMS.

WCPFC Sec proposed themes	Proposed revised themes
<ul style="list-style-type: none"> Quantitative Limits for Tuna & Billfish (32) 	<ul style="list-style-type: none"> Quantitative Limits & reporting related to managing catch of main tuna species (28)
<ul style="list-style-type: none"> Additional Measures for Pacific Bluefin Tuna (6) 	<ul style="list-style-type: none"> Quantitative limits & reporting related to managing catch of other tuna & billfish (21)
<ul style="list-style-type: none"> Additional Measures for Tropical Tuna (11) 	
<ul style="list-style-type: none"> Annual Fishing Activity Related (37) 	<ul style="list-style-type: none"> Annual Fishing Activities (37)
<ul style="list-style-type: none"> Inspection activity (26) 	<ul style="list-style-type: none"> Inspection activity (26)
<ul style="list-style-type: none"> Mitigating impacts of fishing on species of special interest (49) 	<ul style="list-style-type: none"> Mitigating impacts of fishing on species of special interest (49)
<ul style="list-style-type: none"> Observer related (20) 	<ul style="list-style-type: none"> Observer related (20)
<ul style="list-style-type: none"> Operational requirements for Fishing Vessels (24) 	<ul style="list-style-type: none"> Operational requirements for Fishing Vessels (24)
<ul style="list-style-type: none"> Overarching requirements (10) 	<ul style="list-style-type: none"> Overarching requirements (10)

Implementation obligations “held on file” and not assessed annually?

21. A range of other options have been canvassed as a way to streamline the number of obligations assessed as part of the CMR process.

22. There is potential agreement that “implementation” obligations should be “held on file” (i.e. the information provided by a CCM on national policy, regulations or legislation and,

³ See Annex 1 in WCPFC18-TCC17-2021-08A [Overview of Compliance Monitoring Scheme matters for TCC17 | WCPFC Meetings](#)

as appropriate, processes for enforcement, which give effect to the “implementation” obligations should be retained on record by the WCPFC Secretariat).

23. In this case, there may be no need for annual assessment unless a CCM has not provided this information or it is deemed that the CCM’s response is inadequate. There may need to be verification, for example through the Audit Points work, as to which “implementation” obligations are relevant for this different treatment and what constitutes an adequate response from a CCM.
24. There are 102 “implementation” obligations, of which 77 are currently “held on file”. The remaining 25 “implementation” obligations have no compliance history or have not been assessed since 2015, 2016 or 2017. This includes 13 “implementation” obligations in the “requires further consideration” category.
25. There are, however, certain “implementation” obligations which, despite information being “held on file”, have still been subject to regular assessment. Given the nature of these obligations, there appears to be value in regularly or annually assessing whether CCMs are carrying out these obligations. For the most part, these obligations have been risk rated “high” or “severe” by FFA, EU and the Philippines. This includes:

Obligations		When assessed?	Risk Rating FFA/EU/PH		
CMM 2009:06 13	Requirement for ROP observer for at sea transshipments.	2013,14,15,16,17,18,19, 21			
CMM 2014-02 9(a)	Vessels to comply with WCPFC VMS and ALC/MTU requirements.	2013,14,15,16,17, 18,19, 21			
CMM 2014-02 SSP2.8	Vessels provide ALC/MTU VTAF data to WCPFC.	2013,14,15,16,17, 18,19, 21			
CMM 2018-05 10	CCMs explain observer duties relevant to WCPFC CMMs to vessel captain.	2013,14,15,16,17,18,19, 21			
CMM 2018-05 15 (g)	Ensure vessel operators comply with Guidelines for vessels/crew (Annex B).	2013,14,15,16,17,18,19, 21			
CMM 2018 -05 Annex C 06	Minimum 5% coverage for non-PS fisheries.	2013,14,15,16,17,18,19			
CMM 2018-06 02	Ensure vessels only tranship/bunker/support from authorised vessels.	2013, 14,15,16,17,18,19			
CMM 2018-06 03	Prohibit fishing beyond national jurisdiction without CCM authorisation.	2013,14,15,16,17,18,19			
CMM 2018-06 04	CCM authorisation sets out permissions for vessels beyond national jurisdiction.	2013,14,15,16,17,18,19			

CMM 2018-06 07	Notify changes to CCM's authorised vessels within 15 days/72 hours of fishing.	2013,14,15,16,17,18,19	
CMM 2018-06 17	Ensure authorised vessels on RFV/prohibit activities by non-authorised vessels.	2013,14,15,16,17,18,19	
CMM 2021-01 14	3-month FAD closure (July-Sept) for PS vessels in EEZ and HS.	2013, 14, 15, 16, 17, 18, 19, 21	
CMM 2021-01 32	100% PS observer coverage (HS, HS+1+EEZs, or 2+EEZs).	2013,14,15,16,17,18,19, 21	
CMM 2021-01 33	100% PS observer coverage (national only) (20°N-20°S).	2013,14,15,16,17,18,19, 21	
CMM 2021-01 Att 2 05- 06	PH to have 100% observer coverage for vessels in HSP1.	2013,14,15,16,17,18,19, 21	

26. There would be value, in conjunction with the Audit Points work, to consider which “implementation” obligations should continue to be regularly assessed for the CMR and which should be “held on file” and treated differently in the CMR process.

Consolidate some obligations?

27. Some CCMs acknowledged that there may be value in **consolidating obligations in certain cases** (for example, combining some report and deadline obligations). But CCMs generally indicated that this should be considered on a case by case basis – combining obligations should not be automatic.

28. As noted in Discussion Document #5, following feedback from some CCMs, ten obligations have been “removed” from the RBAF spreadsheet:

Removed “obligation”	Why?
CMM 2009-09 01 – 05: Vessels without Nationality	Non-binding
CMM 2017-02 18: Port State Measures	Non-binding
CMM 2017-04 01: Marine pollution	Non-binding
CMM 2017-04 03-07: Marine pollution	Non-binding
CMM 2017-04 11: Marine pollution	Non-binding
CMM 2018-05 08: Regional Observer Programme	Covered elsewhere (i.e. Annex C 06 or tropical tuna CMM)
CMM 2018 05 14: Regional Observer Programme	Consolidated I/R
CMM 2019-04 06: Sharks	Non-binding
CMM 2019-04 22: Sharks	Duplication of SciData
CMM 2021-04 07: Charter Notification Scheme	Consolidated R/DL

A schedule of obligations?

29. A number of CCMs have called for a multi-year schedule which ensures that all relevant obligations are assessed on a regular basis. In addition to proposals to “bake in” certain obligations, there appears to be general agreement that obligations which are severe or high risk should be assessed more frequently than obligations rated as moderate or low risk. The problem, however, is that there is no agreement, yet, on the risk rating of obligations.
30. At the same time, CCMs emphasised the need to **improve the efficiency of the CMR** process so that more obligations can be assessed within the time available at the annual meeting of the Technical and Compliance Committee.

RBAF is a tool – it does not automatically determine the list of obligations

31. CCMs have emphasised that a RBAF should be a tool to *guide* the prioritisation of obligations within CMMs for assessment as part of the annual CMR process. It does not *automatically* determine the list of obligations.
32. The RBAF may help CCMs, however, to provide a rationale for the selection of particular obligations for assessment. It may assist CCMs to articulate their case for the prioritisation of an obligation based on their perspective of the risk of non-compliance. In addition, CCMs may also link their risk-based prioritisation of obligations to the location of obligations within certain groups (for example, limit obligations; targeted species obligations; or other thematic groups of obligations for which a case can be made for prioritisation).

The Risk-Based Assessment Framework: The Tools

Risk-rated obligations

33. By using language related to “risk” (i.e. likelihood of non-compliance and consequence of non-compliance), including with reference to the risk-ratings provided by FFA, Philippines and EU, CCMs can make a case for the prioritisation of obligations for assessment in the CMR.

SEVERE FFA: 19 EU: 37 PH: 12	<p><i>Non-compliance with severe risk-rated obligations is moderately likely to almost certain to happen. When non-compliance occurs, there is a severe impact on the fulfilment of the objectives of the relevant CMM, and it may undermine core components of the WCPFC Convention.</i></p> <p><i>A severe risk arises when non-compliance with obligations can result in a critical impact on the long-term conservation and sustainable use of highly migratory fish stocks, for example through fishing beyond catch, effort or capacity limits for target and bycatch species; fishing in a closed</i></p>
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	<p>area or during a closed period; or use of prohibited gear. This is particularly serious in relation to species which are considered overfished and subject to overfishing or are under-going a rebuilding plan.</p> <p>A severe risk also arises where non-compliance with obligations can have a long-term or irreversible impact on marine biodiversity and the ecosystem, particularly where non-compliance affects endangered or vulnerable species.</p> <p>A severe risk may arise when non-compliance with obligations undermines fundamental WCPFC mechanisms for monitoring, control, and surveillance of fishing operations. This includes non-compliance which enables vessels to fish without authorisation; prevents transparency or independent verification of fishing operations, particularly vessel monitoring and transshipment reporting; and fails to ensure vessels provide for the safety and protection of observers on board fishing vessels with implications for human life.</p>
<p>HIGH</p> <p>FFA: 69 EU: 81 PH: 85</p>	<p>High risk-rated obligations include those instances where non-compliance is almost certain, even if it has a minor impact on the fulfilment of the objectives of the relevant CMM. On the other hand, high risk-rated obligations also include those instances where there may be a rare to moderate chance of non-compliance, but if it occurs, there is a major or severe impact on the fulfilment of the relevant CMM, and it is highly inconsistent with the objectives of the WCPFC Convention.</p> <p>Non-compliance with high-risk rated obligations can have significant implications for the status of stocks, protection of vulnerable species, human life or control of fishing operations.</p>
<p>MODERATE</p> <p>FFA: 75 EU: 57 PH: 128</p>	<p>Non-compliance with moderate risk-rated obligations is rare to likely. In the event of non-compliance, there is a minor to moderate impact on the fulfilment of the objectives of the relevant CMM and the objectives of the WCPFC Convention.</p> <p>In general, moderate-risk rated obligations are important for the effective management and monitoring, control and surveillance of the fishery (for example, obligations relating to annual reporting requirements). But if non-compliance occurs, there may not be a direct impact on the status of stocks, protection of vulnerable species, human life or control of fishing operations.</p>
<p>LOW</p> <p>FFA: 28 EU: 15 PH: 18</p>	<p>Non-compliance with low risk-rated obligations is rare or unlikely. In the rare or unlikely event that non-compliance with low risk-rated obligations occurs, it will have only a minor or moderate impact on the fulfilment of the objectives of the relevant CMM, and negligible consequences for the WCPFC Convention.</p>

Low-risk rated obligations such as reporting, deadline and implementation obligations, are generally adhered to by CCMs. If there is non-compliance, there is little direct impact effect on the status of stocks, vulnerable species, human life or control of fishing operations.

Risk-rated types of obligations: Limit/Implementation/Report/Deadline

34. Combining risk-based language with the categorisation of obligations into types (Limit/Implementation/Report/Deadline), provides another means for CCMs to articulate a case for the prioritisation of obligations for assessment in the CMR.

<p>Limits (21 obligations)</p> <p>SWP striped marlin; swordfish; transshipment; NP striped marlin; SP albacore; transshipment in EHSP; NP albacore; tropical tuna (PS EEZ and HS limits; LL BET limits; PS vessel capacity; LL vessel capacity; other commercial fisheries); Pacific bluefin.</p>	<p><i>Limit obligations relate to effort and catch limits for fishing, capacity limits for vessels, and limitations on transshipment.</i></p> <p><i>Failure to comply with the obligations in this group can have a significant impact on the long-term conservation and sustainable use of the key four tuna species and other highly migratory species managed by WCPFC. See also thematic groups for main tuna and other tuna and billfish.</i></p> <p><i>It is proposed that these 21 obligations are “baked in” to the annual priority list of obligations.</i></p>
<p>Implementation (83 obligations + 19 for further consideration)</p> <p>WIN vessel ID; HSBI; driftnets; data buoys; T/S observers; cetaceans; observers N 20 N; daily catch and effort reporting; VMS; RFV; observer safety; marine pollution; seabirds; turtles; observers; RFV and authorisation; sharks; mobulids; IUU list; tropical tuna; Pacific bluefin.</p>	<p><i>Implementation obligations relate to the requirement of CCMs to put in place national procedures, policies, regulations or legislation and, as appropriate, processes for enforcement, to give effect to the implementation of obligations.</i></p> <p><i>As set out in paragraph 1 of CMM 2021-03, the focus of the CMR is to assess flag CCM action in relation to alleged violations by its vessels, not to assess compliance by individual vessels. Once a CCM has satisfactorily put in place national procedures, policies, regulations or legislation, and the WCPFC Secretariat holds this information on file, then there may be no need for these implementation obligations to be subject to annual assessment in the CMR.</i></p> <p><i>But this may not be the case for all implementation obligations. As noted above, around 15 implementation obligations have been regularly or annually assessed in the CMR. For the most part these obligations carry a high or severe risk (as rated by FFA, EU & PH). They relate to on-going operational requirements such as observers</i></p>

	<p><i>on transshipment vessels; operation of VMS; observer programme and coverage; transshipment; fishing authorisation; and FAD closures. CCMs may consider that there are additional implementation obligations of high priority that require regular assessment.</i></p>
<p>Report (46 obligations + 4 for further consideration)</p> <p>SWP striped marlin; driftnets; swordfish; transshipment; vessels w/o nationality; NP striped marlin; cetaceans; daily catch and effort; VMS, SP albacore; seabirds; turtles; RFV and authorisation; NP albacore; sharks; CMS; charter; tropical tuna; Pacific bluefin; sci-data.</p>	<p><i>Failure to comply with some reporting obligations can pose a severe or high risk to fulfilment of the objectives of the relevant CMM and the objectives of the WCPFC Convention.</i></p> <p><i>This includes reporting obligations related to transshipment (notification of transshipment authorisation; provision of advance notification; and provision of declaration after transshipment); provision of sci-data (particularly catch and effort data, and size composition); high seas daily log reporting; monthly reporting of longline bigeye catch; reporting relating to sharks (oceanic whitetips & silky sharks, whale sharks, and alternative measures to ensure no shark finning); and reporting in relation to high seas pocket one.</i></p> <p><i>Most other reporting obligations are annual reporting requirements. These are important CCM responsibilities ensuring flag State accountability and enabling appropriate data collection. Failure to comply with reporting obligations, particularly if widespread amongst CCMs, could diminish the effective performance of WCPFC as a regional fisheries management organisation.</i></p>

<p>Deadline (36 obligations)</p> <p>HSBI; driftnets; swordfish; transshipment; NP striped marlin; cetaceans; VMS; seabirds; turtles; observers; RFV and authorisation; NP albacore; sharks; charter; tropical tuna; Pacific bluefin; sci-data.</p>	<p><i>The WCPFC has agreed that the WCPFC Secretariat’s assessment of whether a deadline has been met should be automatically accepted by the TCC in its review of the draft CMR.</i></p> <p><i>Under para 37 of CMM 2021-03, “where a CCM has missed a reporting deadline, but has submitted the required information, this obligation will be accepted by TCC, unless a CCM has a specific concern or if there are updates from the Secretariat based on new information received”.</i></p> <p><i>At the same time, however, the timeliness of some reporting deadlines is critical to effective monitoring within the Convention Area. Failure to comply with some deadline obligations can pose a severe or high risk to fulfilment of the objectives of the relevant CMM and the objectives of the WCPFC Convention.</i></p> <p><i>This includes deadlines for advance notifications of transshipment; for notification of charter arrangements; for reporting changes to fishing authorisation; entry/exit reporting from high seas pocket one; for HSBI reports to be submitted to flag CCM and WCPFC Secretariat; for flag CCMs to investigate HSBI notifications about a vessel; for monthly reporting of longline bigeye catch; provision of catch, effort and size composition sci-data; and notification of in-zone purse seine limits.</i></p>
<p>Combined (6 obligations):</p> <p>3 x R/DL; 2 x I/R; 1 x I/R/DL</p> <p>SIDS; VMS; turtles; observers; sharks; charters.</p>	<p><i>These are primarily report and/or implementation obligations and should be considered in that context.</i></p>

“Baked-in” Obligations

35. In light of the above, CCMs may wish to consider categories of obligations to be “baked in” or automatically incorporated into the annual list of obligations for assessment in the CMR process. There appears to be agreement that the “Limit” obligations (21) should be “baked in”.
36. CCMs may also wish to consider whether there are critical obligations in the implementation, report and deadline categories. Based on the risk-rating of obligations to date, some suggestions for consideration are listed below for these categories of obligations.

All Limit Obligations (21)		Risk rating FFA/EU/PH		
18 x Quantitative Limits for tuna and billfish				
CMM 2006-04 01:	Striped Marlin in SW Pacific: Limit number of vessels fishing for STM S 15oS to any one year in 2000-2004			
CMM 2009-03 01:	Swordfish: Limit vessels fishing for SWO S 20oS to # in any one year between 2000-2005			
CMM 2009-03 02:	Swordfish: Limit catch of SWO S 20oS to amount in any one year between 2000-2006			
CMM 2009-03 03:	Swordfish: No shift in effort N 20oS as a result of SWO CMM			
CMM 2010-01 05:	NP striped marlin: Limit catch of NP striped marlin to specified levels			
CMM 2015-02 01	South Pacific albacore: Limits no of vessels actively fishing for ALB S 20oS (2005 or 2002-2004 levels)			
CMM 2019-03 02	North Pacific albacore: Not increase fishing effort for NP ALB beyond annual average 2002-04 levels			
CMM 2021-01 24	TT: Restrict PS effort/catch within EEZ as notified in Table 1			
CMM 2021-01 25	TT: Restrict high seas purse seine effort (20°N-20°S) - Table 2			
CMM 2021-01 37	TT: Restrict LL BET catch to limits set in Table 3			
CMM 2021-01 40	TT: CCMs not exceed 2,000t BET limit (if less 2,000t BET catch in 2004)			
CMM 2021-01 42	TT: CCMs not increase no of PS vessels > 24m capacity limits			
CMM 2021-01 44	TT: CCMs not increase no of LL freezer vessels targeting BET			
CMM 2021-01 45	TT: CCMs not increase no of LL ice-chilled vessels targeting BET			
CMM 2021-01 47	TT: Other commercial fisheries not exceed average 2001-2004/2004 catch			
CMM 2021-02 02	Pacific Bluefin: Limit effort for Pacific bluefin N 20oN < 2002-04 average levels			

CMM 2021-02 03	Pacific Bluefin: JP, RoK, CT reduce catch <30kg and >30 kg Pacific bluefin			
CMM 2021-02 04	Pacific Bluefin: Other CCMs limit PBF to 15% above 2002-2004 average or not > 10t per year			
3 x Other Limits				
CMM 2009 -06 29	Transshipment: Limit on PS transshipment outside of port			
CMM 2009 -06 34	Transshipment: Ban on HS transshipment unless authorised			
CMM 2016 -02 06	EHSP: Prohibition of T/S in the EHSP			

Key Implementation obligations: For example: (16)		Risk Ratings FFA/EU/PH		
CMM 2009:06 13	Transshipment: Requirement for ROP observer for at sea transshipments			
CMM 2014-02 9(a)	VMS: Vessels to comply with WCPFC VMS and ALC/MTU requirements			
CMM 2014-02 SSP2.8	VMS: Vessels provide ALC/MTU VTAF data to WCPFC			
CMM 2018-05 10	Observers: CCMs explain observer duties relevant to WCPFC CMMs to vessel captain (high/moderate/moderate risk)			
CMM 2018-05 15 (g)	Observers: Ensure vessel operators comply with Guidelines for vessels/crew (Annex B)			
CMM 2018 -05 Annex C 06	Observers: Minimum 5% coverage for non-PS fisheries			
CMM 2018-06 02	Authorisation to fish: Ensure vessels only tranship/bunker/support from authorised vessels			
CMM 2018-06 03	Authorisation to fish: Prohibit fishing beyond national jurisdiction without CCM authorisation			
CMM 2018-06 04	Authorisation to fish: CCM authorisation sets out permissions for vessels beyond national jurisdiction			
CMM 2018-06 07	Authorisation to fish: Notify changes to CCM's authorised vessels within 15 days/72 hours of fishing			

CMM 2018-06 17	Authorisation to fish: Ensure authorised vessels on RFV/prohibit activities by non-authorised vessels			
CMM 2021-01 14	TT: 3-month FAD closure (July-Sept) for PS vessels in EEZ and HS			
CMM 2021-01 15	Additional 2-month FAD closure on high seas (April-May/Nov-Dec)			
CMM 2021-01 32	TT: 100% PS observer coverage (HS, HS+1+EEZs, or 2+EEZs)			
CMM 2021-01 33	TT: 100% PS observer coverage (national only) (20°N-20°S)			
CMM 2021-01 Att 2 05-06	TT: PH to have 100% observer coverage for vessels in HSP1			

Key Report obligations: For example: (17)		Risk Ratings FFA/EU/PH		
CMM 2009-06 11	Transshipment: Report annually on all transshipment activities			
CMM 2009 -06 35 (a) (ii)	Transshipment: Notification to Secretariat of vessels authorised to tranship on HS			
CMM 2009 -06 35 (a) (iii)	Transshipment: HS Transshipment advance notification to WCPFC ED			
CMM 2009 -06 35 (a) (iv)	Transshipment: Declaration to WCPFC ED after transshipment			
CMM 2013-05 01	Daily reporting: Each CCM ensure all flagged vessels maintains high seas daily log			
CMM 2013-05 02	Daily reporting: Information required in high seas daily log reporting			
CMM 2019-04 05	Sharks: CCMs report annually (Part 2) on alternative shark measures in zone			
CMM 2019-04 11	Sharks: Report annually on shark fins attached/alternative measures			
CMM 2019 - 04 21 (4)	Sharks: CCMs implement compatible measures for whale sharks in zone N30N			

2019-04 Annex 2 07	Sharks: Report annually releases/catches/status of oceanic whitetip & silky sharks			
2019-04 Annex 2 09	Sharks: Report annually (Part 2) if whale shark encircled by PS net			
CMM 2021-03 45	CMS: Report annually (Part 2) on actions taken on non-compliance for CMS			
CMM 2021-01 38	TT: CCMs (Table 3) report monthly BET catch			
CMM 2021-01 Att 2 03	TT: PH provide entry/exit reports for vessels in HSP1			
SciData01	SciData: Annual Catch Estimates			
SciData03	SciData: Annual Operational Level Catch and Effort Data			
SciData05	SciData: Annual Size Composition Data			

Key Deadline obligations: For example: (10)		Risk ratings FFA/EU/PH		
2006-08 30	HSBI: Transmit a copy of the report to CCM authorities within 3 days of HSBI			
CMM 2006-08 33 & 36	HSBI: CCM authorities respond to serious violation as in para 33 within 3 days			
CMM 2009 -06 35 (a) (iii)	Transshipment: HS Transshipment advance notification to WCPFC ED at least 36 hours prior			
CMM 2009 - 06 35 (a) (iv)	Transshipment: Declaration to WCPFC ED after transshipment within 15 days			
CMM 2018 -05 Annex C 06	Observers: Minimum 5% coverage for non-PS fisheries no later than 30 June 2012			
CMM 2018-06 07	Authorisation to Fish: Notify changes to CCM's authorised vessels within 15 days/72 hours of fishing			
CMM 2021-04 02	Charters: Notify charter arrangements to ED within 15 days/72 hours of fishing			
CMM 2021-01 24	TT: Notify PS effort/catch limit within EEZ (Table 1) by 31/12/2022			
CMM 2021-01 38	TT: CCMs (Table 3) report monthly BET catch by end of next month			

CMM 2021-01 Att 2 03	TT: PH provide 24 hours entry/6 hours exit reports for vessels in HSP1	
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Risk-rated thematic groups of obligations

37. It may be helpful for CCMs to consider risk-rated obligations in relation to thematic groups as a tool to assist with the prioritisation of obligations for assessment in the annual CMR process.

<p>Quantitative limits and reporting related to managing catch of main tuna species:</p> <p>SP albacore, NP albacore, tropical tuna: catch/effort/capacity limits, incl FAD controls and closures. (28 obligations)</p>	<p><i>Failure to comply with the obligations in this group can have a significant impact on the long-term conservation and sustainable use of the key four tuna species managed by WCPFC. A significant proportion of the catch of the four main tuna species are taken in the waters of SIDS and territories. The Convention recognises the vulnerability of SIDS and territories which are dependent on the exploitation of marine living resources. Currently, none of the four main tuna species are overfished or subject to overfishing. There are instances of exceeding relevant limits contained in CMMs. Given the fundamental importance of these obligations to the objective of the Convention, this thematic group should be prioritised.</i></p>
<p>Quantitative limits and reporting related to managing catch of other tuna and billfish:</p> <p>Pacific bluefin, striped marlin in SW Pacific, swordfish, NP striped marlin: catch and effort limits. (21 obligations)</p>	<p><i>Failure to comply with the obligations in this group can have a significant impact on the long-term conservation and sustainable use of other highly migratory species managed by WCPFC. Currently, Pacific bluefin is subject to a rebuilding programme with spawning biomass at 4.5%; NP striped marlin is considered overfished and subject to overfishing; and there are concerns about the projections for swordfish. Given the fundamental importance of these obligations to the objective of the Convention, particularly in view of the status of the stocks, this thematic group should be prioritised.</i></p>
<p>Annual Fishing Activities:</p> <p>HSBI, data buoys, transshipment, vessels without nationality, daily catch and effort reporting, EHSP, Chartering, IUU Vessel List, TT reporting, sci-data. (37 obligations)</p>	<p><i>This thematic group includes important obligations for CCMs relating to the operations of their flagged vessels. It emphasises obligations relating to the transparency of vessel operations, such as catch and effort reporting, transshipment reporting, chartering notifications. Non-compliance with these obligations can have major consequences. The main compliance concerns have related to transshipment and chartering notifications.</i></p>
<p>Inspection Activity</p>	<p><i>This thematic group includes obligations for CCMs in relation to the independent inspection of flagged vessels, e.g. through high seas boarding and inspections, monitoring by VMS or port inspections.</i></p>

<p>HSBI, VMS, PSM, Protection of observers (SAR) (26 obligations)</p>	<p><i>Non-compliance impedes the ability to monitor vessels, however, there has been only minor non-compliance recorded in this area.</i></p>
<p>Observer related</p> <p>T/S observers, Observers N 20 N, protection of observers, ROP, TT observers (20 obligations)</p>	<p><i>This thematic group includes obligations for CCMs in relation to support for the role of observers on vessels and their protection. Observers play a significant role in the independent verification of compliance and the collection of data. Non-compliance with obligations relating to the protection of observers can have significant, including fatal, consequences for human life. There have been a number of incidents involving injury or death of observers in the region.</i></p> <p><i>In other respects, there has been only minor non-compliance recorded in this area.</i></p>
<p>Operational Requirements for Fishing Vessels</p> <p>WIN vessel ID, HSBI, VMS, RFV and authorisation, PSM, TT (VMS during FAD closure) (24 obligations)</p>	<p><i>This thematic group includes obligations for CCMs to ensure that their flagged vessels are appropriately identified, authorised to fish, and use VMS appropriately to demonstrate where they are fishing. These are fundamental requirements to prevent IUU fishing, particularly in relation to CCM authorisation of vessels to fish. There has been only minor non-compliance recorded in this thematic group.</i></p>
<p>Impacts of fishing on species of special interest</p> <p>Driftnets, seabirds, sea turtles, cetaceans, sharks, mobulids, TT (FAD non-entangling), marine pollution. (49 obligations)</p>	<p><i>This is the largest thematic group of obligations. It covers the protection of vulnerable species such as seabirds, sea turtles, sharks, cetaceans, and mobulids from the impact of fishing. It includes regulation of certain gear that impacts vulnerable species. This group reflects the Convention's recognition of the need to avoid adverse impacts on the marine environment, preserve biodiversity, maintain the integrity of marine ecosystems and minimise the risk of long-term or irreversible effects of fishing operations. It addresses the requirement of the Convention to minimise impact on associated or dependent species, in particular endangered species. Generally, compliance with these measures is at the moderate level. Non-compliance can result in direct impact on vulnerable species and cumulative impact on marine ecosystems.</i></p>
<p>Overarching Requirements</p> <p>SIDSTs, RFV, CMS (10 obligations)</p>	<p><i>This thematic group includes the obligation for CCMs to support the development of small island developing States and territories, including to report annually on implementation of this support. This group also includes obligations for CCMs to report on actions taken to ensure its vessels are authorised and comply with WCPFC obligations and, in the event of non-compliance, to report on action taken. These requirements are fundamental elements of CCM accountability.</i></p>

Conclusion

38. The above risk-based assessment framework provides some tools to guide CCMs to prioritise obligations for assessment in the annual CMR process. It takes into account the likelihood of non-compliance and the consequence of non-compliance.
39. CCMs can also articulate their risk-rating of obligations with reference to the categories of obligations or the thematic grouping of obligations. This provides a means for CCMs to *compare* the relative importance of obligations from different CMMs, including in relation to the broader objectives of the Convention.
40. It is proposed that, at the least, the 21 Limit obligations are “baked in” to the annual list.
41. In light of the above, CCMs may wish to give further thought as to what might be considered “**mission critical**” obligations in the implementation (as distinct from obligations “held on file”), report and deadline categories. These “mission critical” obligations should be subject to annual or, at least regular, assessment. In general, these obligations would be risk-rated as severe or high risk obligations.

References

- [RBAF Spreadsheet](#) (updated version), August 2022.
 - Discussion Document # 5: Where to Next? Development of a Risk-Based Assessment Framework, May 2022: [Where to next? Development of a Risk-Based Framework for the WCPFC Compliance Monitoring Scheme - Discussion Document #5, May 2022 \(and to access MS Excel supporting spreadsheet file\) | WCPFC](#)
 - Discussion Document # 4: Update to WCPFC18, 25 November 2021: [Compliance Monitoring Scheme: Risk-Based Assessment Framework - revision 2 | WCPFC Meetings](#)
 - Discussion Document # 3: Provided for the workshop on 10 November 2021: [Proposed Development of a WCPFC Risk-Based Assessment Framework for the Compliance Monitoring Scheme \(Discussion Document and supporting spreadsheet for consideration and feedback at workshop on 10 November 2021\) | WCPFC](#)
 - Discussion Document # 2: Provided for TCC, 27 September 2021: [Compliance Monitoring Scheme: Risk-Based Assessment Framework \(TCC17-202-13B rev2\) | WCPFC](#)
 - Discussion Document # 1, 15 July 2021: [Development of a WCPFC Risk-Based Assessment Framework for the Compliance Monitoring Scheme - Proposal for WCPFC members' consideration and feedback | WCPFC](#)
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