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THE PEW CHARITABLE TRUSTS STATEMENT TO TCC18

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The Pew Charitable Trusts



2005 Market Street, Suite 2800, Philadelphia, PA 19103-7077 P +1.215.575.9050 F +1.215.575.4939
901 E Street NW, 10th Floor, Washington, DC 20004 P +1.202.552.2000 F +1.202.552.2299
Avenue des Arts 40, 1040 Brussels, Belgium P +32.2.274.1620 F +32.2.274.1630
The Grove, 248A Marylebone Road, London, NW1 6JZ P +44 (0) 20.7535.4000

The Pew Charitable Trusts
Statement to the Western and Central Pacific Fisheries Commission
18th Regular Session of the Technical and Compliance Committee
September 21-27, 2022, online

The Pew Charitable Trusts welcomes the opportunity to participate as an observer at the 18th Regular Session of the Technical and Compliance Committee (TCC) of the Western and Central Pacific Fisheries Commission (WCPFC). We appreciate the work of the Chair, Members and Secretariat to again convene TCC virtually due to the COVID-19 pandemic. Given the significant impacts of the pandemic, we urge all members to consider how to hasten the introduction of new approaches to provide greater resilience and stability to the region's fisheries, such as electronic monitoring and management procedures. In relation to the agenda before TCC, we urge members to consider the following.

Compliance Monitoring Scheme (Agenda Item 5)

TCC should recommend immediate improvements to the Compliance Monitoring Scheme (CMS) to enhance members' compliance with their obligations. A recent expert panel report highlights the ways a robust CMS can contribute to the achievement of sustainable fisheries by ensuring members are accountable for implementing their obligations; providing assistance for members to improve compliance; including penalties to deter instances of persistent or serious non-compliance; identifying whether measures require amendments to be fully implemented; improving clarity in CMMs; and promoting transparency in the assessment process and outcomes. The report, "[Approaches to Evaluate and Strengthen RFMO Compliance Processes and Performance](#)" (see TCC18-2022-IP01), is the result of three expert workshops on best practices in compliance in RFMOs that were convened by The Pew Charitable Trusts and International Seafood Sustainability Foundation. The participants at these workshops closely examined the major challenges experienced within RFMO compliance review mechanisms and identified potential solutions. Pew urges TCC to ensure these expert recommendations form an integral part of its efforts to improve CMMs' compliance with WCPFC obligations. The CMS 'future work' process should make significant progress this year. Its initiatives align well with the aforementioned recommendations. To this end, Pew urges TCC to:

- **Recommend that the Commission endorse a set of audit points to clarify how obligations are assessed, including at least those obligations to be reviewed in 2023, and agree on a process to finish the remaining points as soon as possible;**
- **Recommend that the Commission endorse the use of the risk-based assessment framework as a guide for members to prioritize obligations for assessment;**
- **Recommend that observers be permitted in CMS discussions in accordance with the WCPFC Convention's language on transparency (Article 21), the conclusion of the independent CMS review panel that recommended a phased approach to include**

observers,¹ and the legal counsel’s advice that “it would be consistent with the WCPF Convention to permit greater transparency in the work of the TCC.”²

- **Identify a lead to develop responses to non-compliance – an agreed task in the workplan – and pair that work with incentives, such as capacity building, to encourage deeper engagement with the compliance process.**

TCC should recommend that the Commission share greater compliance information publicly. Greater openness of information can improve the effectiveness of the management of marine resources and enhance trust in the conduct of the Commission’s fisheries. It also would be in keeping with the practices of other RFMOs. In response to a tasking from TCC17, the TCC Vice Chair reviewed the nature of the data used in the compliance review process (see TCC18-2022-12). Much of the data that has populated the draft compliance monitoring reports is now publicly available outside of the Annual Report Part 2 (AR2). Moreover, as the paper states, “information that is available exclusively in the AR2 is almost entirely related to CMM implementation of obligations, which would otherwise be considered public domain data, as defined in the Data Rules.” This also should alleviate concerns for the participation of observers in TCC’s discussion of compliance monitoring reports.

TCC should recommend that the Commission renew the CMS as a permanent measure, finish the remaining ‘future work’ items and augment the list with new priorities. With the CMS expiring at the end of this year, it is imperative for the measure to be continued. The CMS is an essential component of the overall compliance review process. Other RFMOs do not have a sunset date for their CMS. Committing to a permanent CMS would avoid repeated and protracted debates around its potential renewal, ensuring its longevity. The time saved could be used to cooperatively identify additional improvements. As such, we urge TCC to consider additional priorities that could include, for example: harmonizing reporting and information exchange with RFMOs with overlapping management areas to ensure cross-verification of RFMO data; ensuring responses to non-compliance are clear, automatic and scaled to the infraction (which builds on the completion of the RBAF, audit points, and corrective action pieces of work); and providing a path for the receipt and verification of third-party, non-governmental sources of information pertinent to compliance.

Transshipment at Sea (Agenda Item 7.6a)

TCC should recommend that the Commission adopt improvements to the monitoring of at-sea transshipment. Based on the ongoing work of the Transshipment Intersessional Working Group and the co-chairs’ discussion paper on improving the reporting of at-sea transshipment data (see TCC18-2022-20), Pew urges TCC to:

- **Recommend that the Commission endorse a standardized form for observers to use while reporting on at-sea transshipment activities;**
- **Recommend that the Commission modify the ROP requirements to mandate that the transshipment observer report be sent to the Secretariat within seven days of the return of the observer from their trip, to harmonize requirements across the entire Pacific; and**

¹ “Final Report of the Independent Panel to review the Compliance Monitoring Scheme,” a paper submitted by the panel to WCPFC15, Honolulu, United States, 2018.

² “Review of Observer Participation in the WCPFC,” a paper presented by the Secretariat to WCPFC13, Denarau, Fiji, 2016.

- **Recommend that the IWG convene a series of meetings in 2023 to propose amendments to CMM 2009-06 aligned with the recently endorsed FAO International Voluntary Guidelines for Transshipment.**

Electronic Monitoring (Agenda Item 7.5)

Recommend that the Commission support the development of an overarching framework for the collection of at-sea fisheries monitoring data. At its July meeting, the ERandEM Working Group identified the need for a small working group to draft electronic monitoring standards, specifications, and procedures and a separate group to draft a framework that demonstrates how a regional electronic monitoring program (REMP) would work in concert with existing tools that include the ROP. TCC should endorse the continued development of such a framework and provide advice on the extent of the monitoring, control and surveillance data fields that can be collected by a REMF, as requested by the ERandEM Working Group.

Port State Measures

Lastly, we urge TCC18 to make progress on other matters, including by committing to review CMM 2017-02 on the Minimum Standards for Port State Measures at next year's meeting. In doing so, TCC should develop a funding mechanism to assist Small Island Developing States to implement the measure. In the meantime, Pew strongly encourages members that have not opted in to the PSM CMM to do so as soon as possible to prevent illegally caught fish from entering the market.