
**FIRST MEETING
OF THE
TECHNICAL AND COMPLIANCE COMMITTEE
OF THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL
PACIFIC OCEAN, POHNPEI, FEDERATED STATES OF MICRONESIA,
5-9 DECEMBER 2005**

WCPFC/TCC1/11
5th November 2005

**Background paper on monitoring and reporting on conservation and
management measures that might be adopted by the Commission**

Prepared by the Secretariat

Introduction

1. This background paper, in conjunction with a companion paper, was commissioned by the Secretariat, to assist members in considering Agenda Item 3 (Development of a Structure for Monitoring and Reviewing Compliance with Conservation and Management Measures) on the Provisional Agenda for First Meeting of the Technical and Compliance Committee (TCC1) of the Commission (WCPFC/TCC/2005/02). In accordance with Article 14(1) of the WCP Convention, the TCC is required to “*provide the Commission with information, technical advice and recommendations relating to the implementation of, and compliance with, conservation and management measures*” and to “*monitor and review compliance with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary*”. Pursuant to this, the TCC should then “*report to the Commission on its findings or conclusions on the extent of compliance with conservation and management measures*”

2. The intent of the paper is to inform the TCC on the following aspects of this issue.
- global standards, practice and reporting obligations relating to conservation and management measures for shared fish stocks established by relevant multilateral agreements
 - a review of practices in other RFMOs for monitoring compliance with conservation and management measures (see companion paper)
 - possible guidelines for members and cooperating non-members (CNMs) in order to monitor and report on compliance with conservation and management measures.

The Commission, at its second Meeting, may wish to consider adoption of such guidelines, as discussed and proposed by the TCC1.

Global standards, practice and reporting obligations

3. The relevant multilateral agreements, in consideration of global standards, are the 1982 Convention¹, the Agreement², the FAO Compliance Agreement³ and the WCPF Convention⁴

4. Article 61 of the 1982 Convention provides for the conservation of living resources within the EEZs of coastal States and establishes initial standards for conservation and management, through cooperation. Articles 63 and 64 further provide for such cooperation, through the establishment of sub-regional or regional organizations, to ensure the conservation and management of straddling and highly migratory fish stocks, without specifying any reporting obligations. Article 119 directs that, in establishing conservation measures for living resources of the high seas, based on “*the best scientific advice available to the States concerned*”, “*available scientific information, catch and effort fishing statistics and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations ... with participation by all States concerned*”.

5. The Agreement expands on these statements of broad principle, requiring in:

- Article 5(j) to “*collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target species and non-target species and fishing effort, as set out in Annex 1, as well as information for national and international research programmes*”.
- Article 10 (e) further requires that States, in fulfilling these more stringent obligations to RFMOs and arrangements, shall “*agree on standards for the collection, reporting, verification and exchange of data on fisheries for the stocks*” and under Article 10(f) shall “*compile and disseminate accurate and complete statistical data, as described in Annex 1, to ensure that the best scientific evidence is available, whilst maintaining confidentiality where appropriate*”.
- Article 14(2a) requires, in addition to the requirements of Annex 1 for the collection and sharing of data, including that data be collected in sufficient detail to facilitate effective stock assessment (though only in a timely manner) and that steps be taken to verify their accuracy, that States shall agree, through RFMOs or arrangements, on “*the specification of data and format in which they are to be provided*” to RFMOs, and to “*develop and share analytical techniques and stock assessment technologies*”.
- Article 7 (Compatibility of conservation and management measures) requires that coastal States (Art. 7(1)7) and States fishing on the High Seas (Art. 7(1)8)

¹ United Nations Convention on the Law of the Sea of 10 December 1982

² Agreement for the Implementation of the Provisions of the UNCLOS of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

³ Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas

⁴ Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

- regularly inform other States, direct or through RFMOs, of measures adopted for highly migratory fish stocks.
- Article 18 clearly spells out flag State responsibilities, notably with respect to the establishment of a national record of vessels authorized to fish on the high seas (Article 3c), requirements for recording and timely reporting of position, catch, effort and other relevant fisheries data in accordance with ... global standards for collection of such data (Article 3e), and requirements for verifying the catch of target and non-target species, through various means (Article 3f).

6. The earlier FAO Compliance Agreement (Article III (7)) required only that flag vessels will make available “*information pertaining to its area of fishing operations and to its catches and landings*”, as well as maintaining a record of authorized fishing vessels (Art. IV). The voluntary FAO Code of Conduct provides little guidance in addition to this.

7. The growing obligation to report in greater detail, in accordance with global standards, is taken further in the WCPF Convention. While Article 5 proposes the same guiding principles as the Agreement, Article 10 (Functions of the Commission) requires the Commission to “*adopt standards for the collection, verification and for the timely exchange and reporting of data on fisheries for highly migratory fish stocks in the Convention area in accordance with Annex 1 of the Agreement, which shall form an integral part of this Convention*” (1d), “*compile and disseminate accurate and complete statistical data, to ensure the best scientific advice is available, while maintaining confidentiality, where appropriate*” (1e), and “*obtain and evaluate scientific advice, review the status of stocks, promote the conduct of relevant scientific research and disseminate results thereof*” (1f). The Commission was thus positioned to adopt minimum standards for the collection, sharing, analysis and dissemination of data necessary to develop and apply appropriate conservation and management measures.

Data standards and procedures applying to the WCPFC

8. During the course of the Preparatory Conferences, Working Group II (and the SCG) spent considerable time identifying the Commission’s needs with respect to data requirements, including gaps in data coverage and standards for data collection and management. The Statistics WG, during the first meeting of the Scientific Committee, has now developed Recommendations on Scientific Data to be provided to the Commission (SC1-ST-1), Standards for the Provision of Operational Level Catch and Effort Data to the Commission (SC1-ST-2) and Principles and Procedures for the Dissemination of Scientific Data by the Commission (SC1-ST-3), the last named recommending that the Commission establish an *ad hoc* task group to identify types of data that must be regarded as confidential and then develop draft rules and procedures to govern the security and confidentiality of data collected and held by the Commission. These data recommendations will be considered by the Commission during WCPFC 2.

9. Under Articles 12(2)(f), 14(2)(c) and 14(2)(f), the Scientific Committee is required to consult with the Technical and Compliance Committee on the regional

observer programme, and on fishing gear and technology. The TCC will be informed of SC outcomes, especially with regard to data issues, and of the recommendation to establish the *ad hoc* group. The TCC may also wish to consider that terms of reference be developed to establish principles of cooperation between the SC and the TCC.

Possible guidelines for members to report on conservation and management measures

10. To recapitulate, Parts IV (Obligations of Member of the Commission), V (Duties of the Flag State), VI (Compliance and Enforcement) and VII (Regional Observer Programme and Regulation of Transshipment) of the Convention specify the reporting and compliance obligations of Commission Members, Flag States and Cooperating Non-Members, with Annex 1 of the Agreement, as provided for in Art 23(2)(a) of the Convention, as the appropriate starting point. The attached table (Table 1) sets out the main elements of reporting on compliance with conservation and management measures that might be adopted by the Commission, and suggests time frames for such reporting and subsequent application of such reporting. The TCC is invited to comment on these guidelines.

11. The TCC may additionally wish to develop a template for an Annual Compliance Report which would include elements of fishery data, vessel details and authorizations, infraction reporting, surveillance and inspection information and compliance with management measures. A possible draft is attached as Table 2.

12. Appendix 1 provides additional detail on these reporting requirements with respect to Annex 1 of the Arrangement and relevant WCP Convention requirements, and identifies specific issues to be addressed by the Commission and its members.

Conclusions

13. The scope and detail of monitoring and reporting requirements for Members and CNMs to the Commission are likely to be onerous initially, until regular procedures become established. This will be particularly the case for developing States and territories, for whom assistance and some latitude may be required. Even for developed States, it is assumed that a formal contact point for reporting to the Commission will be established. The TTC may wish to consider how the monitoring and reporting requirements for the Commission might be most effectively dealt with as the Commission achieves functionality.

Table 1. Elements of reporting on compliance with conservation and management measures, with suggested time frames and application

Reporting activity	By whom	Submission timeframe	Recipient and subsequent action to be taken
Statistical, biological data and other data, in accordance with Annex 1 of the Agreement (Art. 23(2) a)	Members	Annual – by April 30 th , to enable updated stock assessments to be undertaken, for consideration by SC meeting in July/August	Commission secretariat, via SPC/OFP as interim data manager and science provider Submission in agreed format
Information on fishing activities (catch and effort data) in the Convention Area (Art. 23(2)b)	Members	Annual – by April 30 th , to enable compilation of reliable catch and effort statistics	Commission secretariat, via SPC/OFP as interim data manager
Inform Commission on measures adopted for conservation and management of HMFS in areas under national jurisdiction (Art. 23(3))	Members	Annual – by July 1 st of the following year	Report to Commission and TCC Periodic circulation to members by the Commission secretariat (semestral ?)
Information on steps taken to implement conservation and management measures adopted by the Commission (Art. 23(2)c)	Members	Annual – by July 1 st of the following year	Report to Commission and TCC Periodic circulation to members by the Commission secretariat (semestral ?)
Fishing vessel information (members record), as prescribed in Annex 4 of the Convention (Art. 24(4,5,6))	Flag state members	Member compilation by January 1 st each year	Commission secretariat, by July 1 st ; member to update with additions/deletions
Authorization to fish beyond national waters (Art. 24(2))	Flag states	Annual	Commission secretariat
WCPFC record of fishing vessels (Art. 24(7))	Commission secretariat	After receipt of information from members and authorizations (July 1 st ?)	Circulate 30 days prior to Commission meeting (October 31 st); make available through

			website
Inform Commission of flag state measures adopted (Art. 24)	Flag state members	By July 1 st	Commission secretariat to circulate compiled information annually
Annual statement of compliance measures taken, including reports on violations by own vessels, actions taken and any sanctions applied (Art. 25(8))	Flag state members	Within two months of report of violation ; statement by July 1 st	Commission and TCC
Surveillance activity report (Arts. 25,26,27,29)	Flag state members	Annual – by July 1 st ; summary of all activity by flag state	TCC
Regional observer programme (Art. 28(7) a,b)	Commission Secretariat	Compiled data by April 30 th ; scientific data and monitoring information	Commission to disseminate information to members, under agreed confidentiality rules
Status of national legislation	Member	Annual report	Commission and TCC
Application for cooperating non-member status (WG III, Annex II (2))	Non-members	90 days prior to Commission annual meeting	Commission; full data on historical fisheries, details of current fishing activity, results form research programmes, other data as supplied by members
Cooperating non member reporting (WG III, Annex II (3))	Cooperating non-members	July 1 st ; consideration for annual renewal of CNM status	Commission; all data as provided by members; compliance report

Table 2 Suggested Template for Annual Compliance Report by Members to TCC
(to be submitted by July 1st of the following year)

MEMBER: **REPORTING PERIOD:**

FISHING ACTIVITY AND DATA

Dataset	Date submitted	Details
Statistical, biological and other data, (Annex 1), including port sampling, transshipment and observer data for verification	(prior to April 30 th)	Provided to SPC on quarterly basis in agreed electronic or hard copy format; standard data formats used
Fishing activity reports	(prior to April 30 th)	As above; regional logsheets or national variations generally used
Fishing vessel report (members record)	(prior to July 1 st)	Format as per Annex 4 of Convention; regular updates also needed
Record of authorizations to fish beyond national jurisdictions	(prior to July 1 st)	

IMPLEMENTATION OF MANAGEMENT MEASURES

Describe actions taken to

- implement management measures in waters under national jurisdiction
- implement Commission management measures proposed at previous meeting

Describe changes in national legislation to give effect to the Convention and any measures recommended

Describe any new flag state measures undertaken, particularly to comply with any WCPFC measures adopted for the Convention area

COMPLIANCE MEASURES

Statement of compliance measures taken, including reports on violations by own vessels, actions taken and any sanctions applied

Surveillance report, listing all surveillance activity carried out by the member in the Convention area, including high seas and waters under national jurisdiction; this could include details of seagoing patrols, aerial surveillance, VMS summaries and links to the regional VMS, list of inspections carried out (transshipment, at-sea, in-port), national observer participation in the regional observer programme.

STATUS OF NATIONAL LEGISLATION

List any changes to national legislation to give effect to the Convention or WCPFC management measures