



**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,
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TRANSHIPMENT

Paper prepared by the Secretariat

Introduction

1. The issue of transshipment while raised was not fully considered during the Preparatory Conference. The Final Report of Working Group III, however, recommended that one of the priorities of the Technical and Compliance Committee during its First Meeting would be the development of guidelines on transshipment.
2. Article 29 and Article 4 of Annex III of the Convention requires the Commission to develop procedures for transshipment and to obtain and verify data on the quantity and species transhipped both in port and at sea within the Convention Area. At-sea transshipment by purse-seine vessels within the Convention Area is generally prohibited.
3. Under the Convention all transshipment vessels operating within the Convention Area are required to be duly authorised and recorded on the Commission's vessel register.
4. In addition to transshipment of purse seine caught tuna, at-sea transshipment by long-liners targeting high value species of tuna such as bigeye and yellowfin in the Western and Central Pacific Ocean is an important component of the infrastructure supporting tuna fishing within the Convention Area.
5. This paper has been prepared to support discussion during the First Regular Session of the Technical and Compliance Committee on in-port and at-sea transshipment in the Convention Area. It is also to support the development of advice to the Second Annual Session of the Commission in relation to the development of guidelines on transshipment.

* Re-issued to include document title.

Background

6. The viability of IUU fishing, like legal fishing, requires infrastructure and support services as well as access to markets. A number of the provisions of the *UN FAO International Plan of Action to Prevent, Deter, and Eliminate, Illegal, Unreported and Unregulated Fishing* (IPOA IUU) recognise this fact. Paragraphs 73 and 74 of the IPOA IUU call upon states to deter importers, transhippers, buyers, consumers, equipment suppliers, bankers, insurers and other service suppliers within their jurisdiction from doing business with vessels engaged in IUU fishing, including adopting law to make such business illegal.

7. It is accepted that a common means of conducting IUU fishing is the unreported or misreported transhipment of fish in port or at sea. At-sea transhipment of fish is particularly difficult to monitor.

8. A major component of the supporting infrastructure for distant water fishing fleets on the high seas consists of at-sea transhipment. Many high seas distant water fishing vessels stay at sea for long periods of time. At-sea transhipment allows these vessels to continue to fish without the need to make costly returns to port when their holds are full.

9. In recognition of the essential role played by at-sea transhipment to the operation of IUU fleets paragraph 48 of the IPOA IUU calls on Flag States to ensure that their vessels do not tranship fish to or from vessels engaged in IUU fishing. Paragraph 49 of the IPOA further calls on Flag States to ensure that their vessels have prior authorisation to tranship at sea.

10. The importance of regulating transhipment at sea was further emphasized by the UN General Assembly in its resolution on fisheries adopted in November 2004. The resolution “*Recognizes that common means of conducting illegal, unreported and unregulated fishing involves the unreported or misreported transhipments of fish at sea and urges States, either directly or through relevant subregional and regional fisheries management organisations and arrangements, to establish comprehensive systems, where appropriate, for monitoring and control of transhipments on the high seas*”.

11. As well as supporting IUU fishing, poorly regulated at-sea transhipment compromises capacity reduction measures, limits economic benefits to developing States derived from in-port transhipment of fish, and compromises the veracity of catch data. In recognition of the problems raised by at-sea transhipments the Convention encourages Members to conduct transhipment in ports.

12. The issue of at-sea transhipment is still to be fully addressed by many of the established Regional Fisheries Management Organisations. Under the Commission for the Conservation of Southern Bluefin Tuna all vessels engaged in at-sea transhipment must be registered on the Commission’s register, however, no actual management measures are in place to regulate at-sea transhipments. The International Commission for the Conservation of Atlantic Tunas (ICCAT), Inter-American Tropical Tuna Commission and the Indian Ocean Tuna Commission have developed lists of vessels authorised to fish in their respective areas of competence,

however, transshipment vessels operating in these RFMOs are not necessarily included on these lists and do not require an authorisation to tranship at-sea. Recently ICCAT has considered detailed proposals that seek to develop protocols to ensure effective monitoring and control of transshipment activities.

13. The Pacific Islands Forum Fisheries Agency (FFA) has established minimum terms and conditions for at-sea transshipments by foreign fishing vessels within the EEZs of member states. Under these terms and conditions foreign fishing vessels are not permitted to tranship at-sea unless transfer of the catch is undertaken by a licensed group seiner to its licensed carrier vessel, which is in good standing on the FFA Vessel Register. There is agreement that these vessels will not tranship on the high seas. Although there is no mandatory requirement for observers to witness at-sea transshipments a member may decide to deploy observers to witness the transfer of catch from a licensed group seiner to its licensed carrier vessels.

Issues

14. The Commission is instructed by the Convention to develop guidelines to address transshipment. In developing guidelines in accordance with Annex III, Article 4(2) consideration should be given to:

- encouraging in-port rather than at-sea transshipments;
- identifying the quantities and species transhipped within the Convention Area;
- the existing transshipment terms and conditions of the FFA;
- identifying the types of vessels that the transshipment guidelines will apply to;
- the requirement for all transshipment vessels operating within the Convention Area to be beneficially owned and controlled by a Member;
- establishing observers on all authorised transshipment vessels to monitor and report on all transshipments but particularly at-sea transshipments where they are permitted;
- the mandatory installation of a vessel monitoring system on all transshipment vessels authorised to operate within the Convention Area;
- establishing a transshipment documentation scheme to monitor the movement of all transshipments within the Convention Area;
- reporting requirements for in-port and, where they are permitted, at-sea transshipments, by the participating vessels;
- the capacity of developing States to monitor transshipments within areas of national jurisdictions and, where they are permitted, the adjacent high seas; and
- the beneficiaries of in-port and, where it is permitted, at-sea transshipments, contributing, on a cost recovery basis, to compliance and monitoring costs associated with transshipment activities.

Recommendation

15. That the Secretariat, in consultation with contracting parties, develop draft procedures for in-port and at-sea transshipment for the consideration of the second meeting of the Technical and Compliance Committee.