



SEVENTH REGULAR SESSION
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**CONSERVATION AND MANAGEMENT MEASURES WITH IMPLEMENTATION
ISSUES**

WCPFC7-2010/13
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Prepared by the Secretariat

ISSUES:

1. The following CMMs have proven problematic for CCMs and Non-CCMs in their interpretation for implementation:
 - i. CMM 2007-01 – ROP – data flow obligations of CCMs for ROP collected data
 - ii. CMM 2007-03 – IUU
 - a. Requirements of listing and coastal States for listing and removal;
 - b. 120 day rule
 - c. Removal from RFV when listed
 - d. Permissible activities between removal decision and it's coming into effect.
 - iii. CMM 2009-01 RFV
 - a. Data requirements prior to posting and authority of Secretariat;
 - b. Time line for posting;
 - c. Authority of Executive Director re vessels found, or notified about an RFV vessel being on another RFMO IUU list.
 - iv. CMM 2009-06 (linked to CMM 2007-01 and CMM 2009-01)
 - a. Carriage of ROP Observers for high seas transshipments - timeline for 100% coverage, costs, responsibilities and data flow for both Member and Non Member vessels;
 - b. Notices to the Secretariat – pre-notices and declarations, timelines, member and non-member vessels, and clarification of rules for outside the Convention Area.

ADVICE AND RECOMMENDATIONS

2. WCPFC7 is invited to provide clarification and direction on the revision or interpretation of these critical CMMs to facilitate their implementation.

DETAILS:

CMM 2007-01 [ROP]

3. The dearth of ROP data to SPC and the Secretariat negatively impacts on the Commission being able to do its work and receive appropriate reports for sustainable and responsible fisheries management. There is a need for clarification of the definition of the ROP and the obligations of Members for the security and flow of data to both the Secretariat and its science provider, SPC, with timelines with a mechanism to assist Members who have difficulties meeting these criteria for ROP data.

CMM 2007-03 [IUU]

4. The requirement for an indication of satisfaction with the resolution of the case *prior* to the state with an IUU listed vessel requesting removal from the list is not clear in the wording of Paragraph 25 of the CMM.

5. The requirement for the involvement and satisfaction of a coastal state in whose waters an infraction may have occurred respecting the listing and removal of the vessel from the IUU list is an outstanding issue. Tonga is expected to present a paper on this issue.

6. The 120 day prior to TCC notice for listing an IUU vessel delays timely justice and appropriate sanctions of an IUU vessel. New Zealand is expected to present a paper on this issue.

7. It is suggested that the Commission consider that when a vessel is listed as IUU by the WCPFC Commission it be automatically removed from the RFV when that decision comes into effect so that a vessel cannot simultaneously be on the RFV/Interim Register and IUU list.

8. There is a requirement for clarification of permissible activities of a vessel that has been removed from the IUU list between the time of the decision for removal and the decision coming into effect (60 days), OR consideration for a change in the time for such decisions for IUU removal to come into effect.

CMM 2009-01 [RFV/Interim Register]

9. There are no directions or clear authority for the Secretariat with respect to minimum data requirements prior to posting a vessel on the RFV, nor for timelines for posting. The issue for the Interim Register is clear – all data in para 6 of the measure are required prior to the Secretariat to being posting, and the vessel must then be posted within 7 business days. It is suggested that the Commission consider harmonization of these requirements for data requirements for the RFV as per the Interim Register, OR another listing of minimum data for listing be determined without which the Executive Director will not post the vessel on the RFV.

10. The Measure does not allow for any action by the Executive Director when a vessel on the RFV is found on another RFMO IUU list. There are clear guidelines for the Executive Director with respect to removal of such a vessel is currently on the Interim Register for Non-Member Carriers and Bunkers. It is suggested the Commission consider, in the spirit of global cooperation to eliminate IUU fishing, that Para 37 of the Measure for vessels on the interim register found on another RFMOs IUU list apply equally for vessels on the WCPFC RFV.

CMM 2009-06 [Transshipment]

11. There is a requirement for all transshipments on the high seas to be monitored by an ROP observer from the receiving vessel by 1 January 2011. The Measure is unclear as to applicability

of the requirements and regulations for non-Member carriers and bunkers. The Commission is invited to provide advice and direction as to who will be responsible for providing the ROP observer, who will pay, and at what rate for Non-Member carriers and bunkers. The matter of the requirement for ROP Observers for Bunkers during transshipment is also unclear.

12. There have been queries as to the applicability and requirements in the Measure for pre-notice and declarations for transshipments outside the Convention Area for both Member and Non-Member carriers and bunkers. The Commission is invited to clarify these practical elements of the Measure.