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DRAFT FINAL COMPLIANCE MONITORING REPORT FOR 2010

**WCPFC8- 2011-51
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Small CMS Working Group Chair's proposal

DRAFT FINAL COMPLIANCE MONITORING REPORT FOR 2010

1. The Compliance Monitoring Scheme (the Scheme) established in CMM 2010-03 *Conservation and Management Measure for Compliance Monitoring Scheme* was implemented for the first time during 2011 as an initial trial period.
2. During this trial period of the Scheme, a number of challenges and difficulties were encountered which the Commission will need to address both by amending the framework of the Scheme established in CMM 2010-03, and by developing additional guidelines to aid in the implementation of the Scheme.
3. The Scheme will evolve over time, and the process and format that was used to prepare the 2010 Report will need significant improvement and development and does not in any way constitute a precedent for the future operation of the Scheme. In 2011, the Commission 'learned by doing' and developed formats, processes and criteria to give effect to the provisions of CMM 2010-03 in an *ad hoc* fashion. It is recognized that the process will need to be further refined.

2010 Compliance assessment

4. Under CMM 2010-03, the Commission must adopt a Compliance Monitoring Report that includes:
 - (i) a Compliance Status for each CCM (in accordance with Annex I to CMM 2010-03); and
 - (ii) recommendations for any corrective action needed, based on non-compliance identified with respect to that CCM.

Compliance Status

5. Due to limitations on time at WCPFC8, the Draft Compliance Monitoring Reports for seven CCMs were not evaluated and a Provisional Compliance Monitoring Report could not be completed for these CCMs. Therefore, in light of the time and information available to the Commission in this initial trial period, the 2010 Compliance Monitoring Report covers 27 CCMs (Australia, Canada, China, Cook Islands, European Union, Federated States of Micronesia, Fiji, French Polynesia, Japan, Kiribati, Korea, Marshall Islands, New Caledonia, New Zealand, Niue, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, United States, Vanuatu, Belize, El Salvador and Indonesia). Of these CCMs, one was assessed as 'Compliant', and the others 'Compliance Review'.

Recommendations for corrective action

6. For this initial trial period, four broad categories were used to describe the level of compliance with, and implementation of, obligations by CCMs, in order to make a recommendation about the corrective action needed. The criteria used to assign the categories, and the corrective actions recommended for each category are as follows:

- (i) ***Implemented:*** based on the information provided or available, the CCM has fully implemented the obligation.

No corrective action needed

- (ii) ***Potential implementation issue and explanation provided:*** based on the information

provided or available, there has not been full implementation, but the CCM has provided information or an explanation about the obstacles to implementation or the steps being taken for implementation (such as capacity issues, passing domestic regulations, a data provision plan or providing training)

Recommendation: *the CCM is to identify assistance needed to overcome obstacles to implementation and/or progress the steps being taken for implementation*

- (iii) **Potential implementation issue and more information needed:** based on the information provided or available, it is not clear whether or not there has been full implementation or where there has only been partial implementation, so further information is still needed (for example, a data provision requirement has been only partially fulfilled)

Recommendation: *the CCM is to provide any further information needed, or implement outstanding requirements*

- (iv) **Implementation needed:** based on the information provided or available, there is no information showing that there has been any implementation (for example, no reporting at all against a data provision requirement) *and* no additional information has been provided to explain or rectify the non-implementation, so implementation is needed.

Recommendation: *the CCM is to provide the information required or fully implement requirements.*

7. CCMs with a status of 'Compliance Review' will undertake the corrective action as set out in **Attachment 1** to this report, and provide a report on progress in their Part 2 Report for 2011. Where an action cannot be undertaken, an explanation of obstacles to implementation and a plan or expected timeframe for undertaking the required action will also be provided.

Challenges to be addressed in implementing the Scheme

8. The assessment of compliance and implementation, and development of the Compliance Monitoring Report is a process that will evolve over time. Particular challenges noted during this initial trial period that will need to be addressed in the future include:

- The 2010 Compliance Monitoring Report was developed using the time and information that was available, which didn't include information from all possible sources in this first year of implementation. In future years it would be useful if additional information were available to enable some issues to be more comprehensively evaluated (for example, observer and VMS data)
- The evaluation of some measures was difficult because of the lack of clarity about exactly how or to which CCMs particular aspects of measures apply (eg whether requirements apply to CCMs as flag States, coastal States or port States) or what level of reporting or verification is required (for example, some aspects of CMM 2007-01 *Regional Observer Programme* and CMM 2009-02 *FAD Closures and catch retention*).
- There are a range of important issues for which clear guidelines or procedures should be developed to guide the Secretariat, CCMs, the TCC and the Commission in implementing or giving effect to the Scheme. In particular, clear and objective formats and criteria should be developed for reviewing the Compliance Monitoring Reports, to promote accurate assessment of and distinction between different levels of compliance.

Recommendations regarding conservation and management measures

9. Paragraph 1 of CMM 2010-03 provides that the purpose of the Scheme includes identifying aspects of conservation and management measures which may require refinement or amendment for effective implementation. In addition, paragraph 21 of CMM 2010-03 provides that the Commission will consider any recommendations or observations from TCC regarding amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by CCMs.

10. In relation to the 2010 Compliance Monitoring Report:

- (i) there are some CMMs for which there appear to be implementation issues, or which are not currently fully implemented by many CCMs
- (ii) there are some CMMs for which there appear to be reporting issues, or for which the reporting requirement is not specified or is unclear, and
- (iii) there are some CMMs with which it is difficult to assess compliance.

11. A non-exhaustive list of measures that fall within one or more of these categories includes:

- *CMM 2007-01 Regional Observer Programme*
- *CMM 2007-04 Seabird Mitigation*
- *CMM 2008-03 Conservation and management of sea turtles*
- *CMM 2008-04 Driftnets*
- *CMM 2009-02 FAD Closures and catch retention*
- *CMM 2009-04 Sharks: in particular, the 5% fin to weight ratio*
- *VMS SSPs: in particular, the VMS MTU audits and conduct and reporting of MTU/ALC inspections*
- *Scientific data to be provided to the Commission: particularly with respect to estimates of annual catches for sharks, estimates of discards, and size composition data.*

Capacity building issues identified

12. In the development of the Compliance Monitoring Report, some instances were identified in which SIDS CCMs noted that capacity building would assist them to improve their implementation of CMMs. The Commission notes that the special requirements and circumstances of SIDS need to be borne in mind in the implementation of the Scheme.

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		Implemented	Potential Implementation issue and explanation identified	Potential implementation issue and more information needed	Implementation needed	Not applicable
(i) catch and effort limits;	<i>CMM 2005-02 - South Pacific Albacore</i>	8		1		18
	<i>CMM 2005-03 – North Pacific Albacore</i>	5		2		20
	<i>CMM 2006-04 - Striped Marlin in the Southwest Pacific</i>	6		1		20
	<i>CMM 2008-01 – Bigeye and Yellowfin</i>	11		8	1	7
	<i>CMM 2009-03 – South Pacific Swordfish</i>	7		3		17
	<i>CMM 2009-04 – Sharks</i>	14	2	6	1	4
	<i>CMM 2009-07- Pacific Bluefin</i>	4		1		22
(ii) catch and effort reporting;	<i>CMM 2005-02- South Pacific Albacore</i>	9		2	1	15
	<i>CMM 2005-03 - North Pacific Albacore</i>	7		1		19
	<i>CMM 2007-04 – Seabird Mitigation</i>	15	1	4	5	2
	<i>CMM 2006-04 – Striped Marlin in the Southwest Pacific</i>	13		3	1	10
	<i>CMM 2008-01 – Bigeye and Yellowfin</i>	16		8	2	1
	<i>CMM 2008-03 – Conservation and Management of Sea Turtles</i>	15	2	5	4	1
	<i>CMM 2009-02 – FADs and Catch Retention</i>	4	2	7	2	12
	<i>CMM 2009-03 – Swordfish</i>	12			2	13
	<i>CMM 2009-04 – Sharks</i>	14	3	6	3	1
<i>CMM 2009-07- Pacific Bluefin Tuna</i>	4		1		22	
(iii) spatial and temporal closures, and gear restrictions	<i>CMM 2007-04 – Seabirds</i>	13		5		9
	<i>CMM 2008-01- Bigeye and Yellowfin</i>	9	1	8		9
	<i>CMM 2008-03- Conservation and Management of Sea Turtles</i>	18		7	1	1
	<i>CMM 2008-04 - High Seas Driftnets</i>	14		5	1	7
	<i>CMM 2009-02- FADs and Catch Retention</i>	10	2	4		11
(iv) observer and VMS requirements	<i>CMM 2007-01 - Regional Observer Program</i>	10	2	8	1	6
	<i>CMM 2007-02- Vessel Monitoring System</i>	16		5	1	5
	<i>VMS SSPs</i>	3	1	15	1	7
	<i>CMM 2008-01- Bigeye and Yellowfin</i>	13		3		11

		Implemented	Potential Implementation issue and explanation identified	Potential implementation issue and more information needed	Implementation needed	Not applicable
	<i>CMM 2009-02- FAD Closure and Catch Retention</i>	7	2	8		10
	<i>CMM 2009-06 -Transshipment</i>	12	1	2		12
(v) scientific data provision, reporting and handling.	<i>Estimates of annual catches for the calendar year</i>					
	<i>-- Bigeye, skipjack, yellowfin tuna & blue and black marlin</i>	21	1	1	2	2
	<i>-- Albacore and Pacific bluefin tuna, striped marlin and swordfish</i>	22	1		2	2
	<i>-- Sharks</i>	13		8	4	2
	<i>Estimates of discards</i>	13	1	3	8	2
	<i>Number of vessels active for the calendar year for each gear type</i>	23			2	2
	<i>Operational level catch and effort data</i>	22		1	3	1
	<i>If coverage rate of operational level catch and effort level data is less than 100%: catch and effort data aggregated by time period and geographic area</i>	19		2	2	4
	<i>Size composition data</i>	19	1	2	4	1