



COMMISSION
ELEVENTH REGULAR SESSION
Faleata Sports Complex, Apia, SAMOA
1 - 5 December 2014

**PROPOSAL FOR A CONSERVATION AND MANAGEMENT MEASURE ON OPERATIONAL
DATA**

WCPFC11-2014-DP06
3 November 2014

Paper submitted by FFA Members



1st November 2014

Dr SungKwon Soh
Interim Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356, Kolonia
Federated States of Micronesia

Dear SungKwon,

Proposal for a Conservation and Management Measure on Operational Data

I write in my capacity as the Chair of the Forum Fisheries Committee on behalf of the 17 FFA Members.

Over past decade, FFA members have sought to assist WCPFC to work its way through the increasingly pressing issue of obligations and domestic legal constraints to the provision of fisheries operational data to the Commission, including by tabling a proposal for data improvement plans at TCC7 and WCPFC8 as a way to avoid further argument and encourage CCMs to comply with their agreements.

In the meantime, the science, management and compliance processes of the WCPFC have been almost entirely reliant on the operational data being provided by SIDS and other compliant CCMs who have invested heavily on data collection systems. SIDS have developed their capacity, with assistance from SPC, in recognition of the vital nature of this information to all members of the Commission. CCMs will note that in relation to the criteria specified by CMM 2013-06 (attached), our view is that this represents a real and tangible disproportionate burden on SIDS as well as those other CCMs that have done the right thing and removed their domestic constraints to providing such information.

As discussed at SC10 and tabled substantively at TCC10, I am pleased to submit a definite proposal to WCPFC11 for a brief CMM to address the problem. This has been discussed by all CCMs that are members and observers of the Forum Fisheries Committee, and has also been the subject of discussion with several other CCMs.

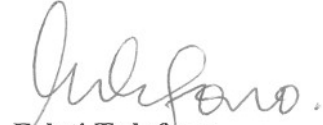
The approach of the proposed CMM is simple – it seeks to clarify the obligations of all CCMs to provide detailed data on their fishing operations in accordance with the Convention. We believe this clarification will assist those CCMs that have had difficulties in the past by providing a clearer basis for the domestic legal changes will need to be made in order to become fully compliant with obligations that were agreed when they became parties to this Convention.

FFA members trust that this proposal, which would allow CCMs to meet their obligations under Article 5 (i) of the Convention, as well as addressing the current contravention of Article 30, will be accepted by all CCMs at WCPFC11.

The submission of this proposal is without prejudice to the further development of positions by FFA Members individually or collectively.

We look forward to constructive and productive deliberations at WCPFC11.

Yours Sincerely

A handwritten signature in cursive script, appearing to read 'Tulafono'.

Feleti Tulafono

Chair

Forum Fisheries Committee

FFA member CCMs proposal for a Conservation and Management Measure on the Provision of Operational Data

Explanatory Note

Purpose

1. The purpose of this note is:
 - a) to inform discussion on the draft Conservation and Management Measure on Provision of Operational Data; and
 - b) to provide information for the Commission to meet the requirements of CMM 2013-06 in respect of this draft CMM.

Overview

2. It is now 10 years since the Convention came into force through which Commission Members agreed to cooperate, including in the provision of necessary data. It is nine years since the Commission's Data rules were adopted, requiring the provision of operational catch and effort data. And still the CMMs of the major longline fleets continue to withhold data on the operations of their fleets in the high seas, in ways that damage the quality of the scientific information and advice available to the Commission, undermine efforts of the Commission to deter illegal, unreported and unregulated fishing, and reduce the effectiveness of measures adopted by the Commission for the conservation, management and sustainable use of highly migratory fish stocks and protection of associated and dependent species.

Background

3. Article 5 (b) of the Convention requires Members of the Commission to "ensure that such measures are based on the best scientific evidence available ..."
4. Article 5 (i) requires members of the Commission to "*collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort*".
5. At its first meeting in 2005, the Scientific Committee concluded that "*access to operational level data was absolutely necessary to interpret historical changes in the longline fishery*", and recommended Data Rules including standards for operational data that were adopted by WCPFC2.
6. The Scientific Committee has since continued to advise the Commission on the importance of operational data to ensure that the scientific advice it provides is the best available. This year, SC10 recommended "that all operational data including high seas, should be available for future stock assessments." The Committee also noted that "*The current lack of operational data for some fleets, and in particular the lack of operational longline data on the high seas hampered the 2014 assessment in a number of ways (e.g. the construction of abundance indices) and consequently hindered the SC from achieving "best practice" in the 2014 stock assessment.*"
7. SPC as the Data Services Provider for the Commission has reported again in the Annual Data Gaps Report that operational catch and effort data has still not been provided for the four major longline fleets.

Approach

8. Section 3 of the Commission's Rules for Scientific Data to be Provided to the Commission are relating to Operational Data recognises that some CCMs may have domestic legal constraints to overcome before they can provide operational data to the Commission, but does not provide any timeframe for the application of this provision.

9. This CMM is designed to assist those CCMs that have had domestic legal constraints to overcome before they can provide operational data to the Commission, by removing the open-ended nature of the current text and clarifying the obligation to provide operational data. This will assist those CCMs by establishing a clearer legal basis for the provision of operational data.

Penalties for Non-Compliance

10. Paragraph 3 (e) of Article 10 of the Convention requires the Commission to take the provision of data by CCMs into account in determining criteria for the allocation of any total allowable catch or total allowable effort. The failure of some CCMs to provide such important data over a sustained period represents a very clear case for the application of this provision.

11. Paragraph 7 of the Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes Data Rules requires that a Member of the Commission that has not fulfilled its obligations to provide data to the Commission for two consecutive years shall not be granted access to non-public domain data and information in accordance with these Rules and Procedures until all such matters are rectified. The draft CMM clarifies that this paragraph should be applied for any continuing failure to provide operational data.

Application of CMM 2013-06

12. The following information is offered to assist the Commission to meet the requirements of CMM 2013-06 in respect of this draft CMM.

a. Who is required to implement the proposal?

All CCMs will be required to implement this proposal but most are already doing so.

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

This proposal will:

- i. Have the greatest impact on those CCMs failing to provide operational data by clarifying their obligation to provide this data; and
- ii. potentially provide benefits to all participants in WCPO fisheries and the global community from the improvements in scientific advice, compliance and Commission decision-making, and enhancement of the conservation, management and sustainable use of highly migratory fish stocks and protection of associated or dependent species that will flow from large gains in the quality of data available for Commission functions

c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?

No

d. Does the proposal affect development opportunities for SIDS?

Yes, the proposal will enhance development opportunities for SIDS through:

- i. reducing uncertainty in scientific analyses, including stock assessments that is resulting from the lack of operational data potentially resulting in a greater burden of conservation action on SIDS than might be the case if the operational data was available to improve the scientific analysis and advice; and
- ii. Reducing IUU fishing, especially by longliners on the high seas that is damaging south Pacific albacore and bigeye stocks that are important for the development of SIDS' domestic longline fisheries.

e. Does the proposal affect SIDS domestic access to resources and development aspirations?

No

f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?

No resources are needed by SIDS to implement the proposal

g. What mitigation measures are included in the proposal?

Not applicable

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

Not applicable



ELEVENTH REGULAR SESSION

Apia, Upolu, Samoa

1-5 December 2014

CONSERVATION AND MANAGEMENT MEASURE FOR THE PROVISION OF OPERATIONAL DATA

Conservation and Management Measure 2014-xx

The Western and Central Pacific Fisheries Commission (WCPFC):

Recalling that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention) is to ensure through effective management, the long-term conservation and sustainable use of the highly migratory fish stocks of the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement;

Recalling also that Article 5 (b) of the Convention commits members of the Commission to ensuring that conservation and management measures are based on the best scientific evidence available, and that Article 5 (i) commits members of the Commission to collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort;

Recognizing that complete, accurate and timely data is essential for the effective conservation and management of the highly migratory fish stocks of the Western and Central Pacific Ocean;

Recognizing that the Scientific Committee concluded at its first meeting in 2005 that access to operational level data was absolutely necessary to interpret historical changes in the longline fishery, and has since continued to advise the Commission on the importance of operational data to ensure that the scientific advice it provides is the best available;

Recognizing that the Scientific Committee has again advised that the current lack of operational data for some fleets, and in particular **the lack of operational longline data on the high seas** hampered the 2014 assessment in a number of ways and consequently hindered the SC from achieving “best practice” in the 2014 stock assessment;

Recognizing the importance of operational catch and effort data for verification and monitoring of compliance, and for preventing, deterring and eliminating Illegal, Unreported and Unregulated fishing;

Noting that it is now nine years since the Commission adopted Rules for Scientific Data to be Provided to the Commission requiring the provision of operational catch and effort data;

Noting that the Data Services Provider has reported again in the Annual Data Gaps Report that operational catch and effort data has still not been provided for the four major longline fleets

Taking into account that paragraph 3 (e) of Article 10 of the Convention requires the Commission to take the provision of data by CCMs into account in determining criteria for the allocation of any total allowable catch or total allowable effort;

Taking into account also that paragraph 7 of the Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes Data Rules provides that a Member of the Commission that has not fulfilled its obligations to provide data to the Commission for two consecutive years shall not be granted access to non-public domain data and information in accordance with these Rules and Procedures until all such matters are rectified.

Adopts, in accordance with Article 10 of the Convention, the following Conservation and Management Measure on the provision of operational level catch and effort data:

1. Commission Members, Cooperating Non-Members and Participating Territories (CCMs) shall provide operational level catch and effort data to the Commission in accordance with the Standards for the Provision of Operational Level Catch and Effort Data attached to the Rules for Scientific Data to be Provided to the Commission.
2. Section 3 of the Commission's Rules for Scientific Data to be Provided to the Commission Relating to Operational Data is amended to remove the second paragraph referring to domestic legal constraints.
3. The Commission shall apply paragraph 3 (e) of Article 10 of the Convention and paragraph 7 of the Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non- Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes Data Rules to any CCM that does not comply with this CMM.