



**COMMISSION  
THIRTEENTH REGULAR SESSION**  
Denarau Island, Fiji  
5 – 9 December, 2016

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**CONSERVATION AND MANAGEMENT MEASURE FOR THE  
EASTERN HIGH-SEAS POCKET SPECIAL MANAGEMENT AREA**

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WCPFC13-2016-DP02 rev2  
7<sup>th</sup> December 2016

Proposal from Cook Islands and China



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### CONSERVATION AND MANAGEMENT MEASURE FOR THE EASTERN HIGH-SEAS POCKET SPECIAL MANAGEMENT AREA

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Conservation and Management Measure 2016-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;

*Concerned* that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the WCPFC.

*Conscious* of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities from the Eastern High Seas Pocket (the 'E-HSP');

*Determined* to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels in the E-HSP, without prejudice to further measures adopted in respect of CCMs and non-CCMs under the relevant WCPFC instruments;

*Recognising* Article 8(1) of the Convention requiring compatibility of conservation and management measures established for the high seas and those adopted for areas under national jurisdiction;

*Recalling* Article 8 (4) of the Convention which requires the Commission to pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones (EEZs);

*Noting* that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular small island developing States and territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries on such stocks;

*Noting further* that Article 30(2)(c) of the Convention requires the Commission to ensure that conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions;

*Adopts*, in accordance with Article 10 of the Convention:

#### **AREA OF APPLICATION**

1. The E-HSP is the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north. For the purposes of this measure, the precise co-ordinates (geodetic information) shall be that used by the WCPFC vessel monitoring system (VMS) [the co-ordinates is attached \(Attachment A\)](#). A map showing the E-HSP is attached (attachment [BA](#)).

## REPORTING

### Entry and Exit Reports

~~2. Flag States shall require their vessels to submit reports, directly, or through such organisations designated by the flag state to the Commission at least 6 hours prior to entry and 6 hours prior to exiting the E-HSP. Such reports shall also contain estimated catch (in kilograms) on board. This information shall be transmitted by the Commission Secretariat to the adjacent coastal States/Territories, within 12 hours following receipt by the Commission Secretariat, and shall be considered non-public domain data. The report shall be in the following format:~~

~~VID/Entry/Exit: Date/Time<sup>1</sup>; Lat/Long<sup>2</sup>; YFT/BET/ALB/SKJ/SWO/SHK/OTH/TOTAL(kgs)  
/TRANSHIPMENT (Y/N)~~

### Vessel sightings

~~3.2. CCMs shall encourage their flagged vessels operating in the E-HSP to report sightings of any fishing vessel to the Commission Secretariat. Such information should include: date and time (UTC), position (true degrees), bearing, markings, speed (knots), and vessel type. Vessels should ensure this information is transmitted to the Secretariat within 6 hours of a sighting event taking place.~~

## VMS

~~4.3. Adjacent coastal States/Territories shall receive continuous near real-time VMS data pursuant to paragraph 22 of the Commission's 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; and through a standing request under paragraph 5 of these Rules and Procedures.~~

~~5. Before entry in to the E-HSP, vessels shall communicate with the WCPFC Secretariat to ensure their MTU/ALCs are functioning and are being monitored on the WCPFC VMS. Once the Secretariat confirms monitoring on the WCPFC VMS to the vessel and the flag State, the vessel may proceed with entry in to the E-HSP. The Secretariat shall provide contact details for this purpose on the WCPFC website.~~

~~6.4. Flag States shall monitor their vessels operating in the E-HSP, using at minimum the WCPFC VMS, to ensure compliance with this measure.~~

## VESSEL LIST

~~7.5. The Commission Secretariat shall maintain a 'live list' of all fishing vessels present in the E-HSP, based on near-real time VMS information. This list will be made available to Commission Members through the WCPFC website.~~

## TRANSHIPMENT

~~6. All transhipment activities are prohibited in the E-HSP from 1<sup>st</sup> January 2019.~~

~~Until such time the following shall apply:~~

- ~~a. CCMs fishing in the E-HSP shall only conduct High Seas transhipments when there is 100% RFO observer coverage available, where either one observer is based on the catching vessel or the receiving carrier vessel. Observers so deployed shall be boarded and disembarked at the carrier vessel port of call, prior to and following transhipment.~~
- ~~b. CCMs intending to continue fishing in the E-HSP when the transhipment ban takes effect are encouraged to enter into dialog with CCMs adjacent to the E-HSP and particularly SIDS to~~

<sup>1</sup>Of anticipated point of entry or exit, reported in UTC

<sup>2</sup>Of anticipated point of entry or exit, reported in true degrees

~~establish access arrangements for the purposes of transshipments in ports under their jurisdiction.~~

## **COMPLIANCE**

~~7. Vessels found to be non-compliant with this measure shall be dealt with in accordance with CMM 2010-06, and any other applicable measures adopted by the Commission~~

~~8. The Secretariat shall use all available data sources, including but not limited to VMS, communications with flag States and observer programmes, to monitor compliance with this measure.~~

~~9. When vessels are identified as being in non-compliance with CMMs in the E-HSP through MCS activities, including, but not limited to, high seas boarding and inspections, CCMs shall notify flag States and the Executive Director of this non-compliance including provision of relevant information. Flag States shall acknowledge and respond to the notifying CCM and Executive Director, within 14 days of receipt of notification; and may request a review, by the Commission, of the information so provided.~~

~~10. CCMs may seek to IUU list vessels found to be non-compliant with this measure in accordance with CMM 2010-06 (or its replacement), and any other applicable measures adopted by the Commission, as appropriate.~~

## **IMPLEMENTATION AND REVIEW OF MEASURE**

~~11. The Secretariat shall investigate and develop electronic means to facilitate efficient data capture and management mechanisms, including direct database population, data validation and verification using all available data sources such as the RFV, VMS and observer data. The Commission shall provide the Secretariat the necessary resources to fulfil this requirement.~~

~~12.8.~~ The Secretariat shall prepare a report on the implementation and compliance of this measure to TCC each year.

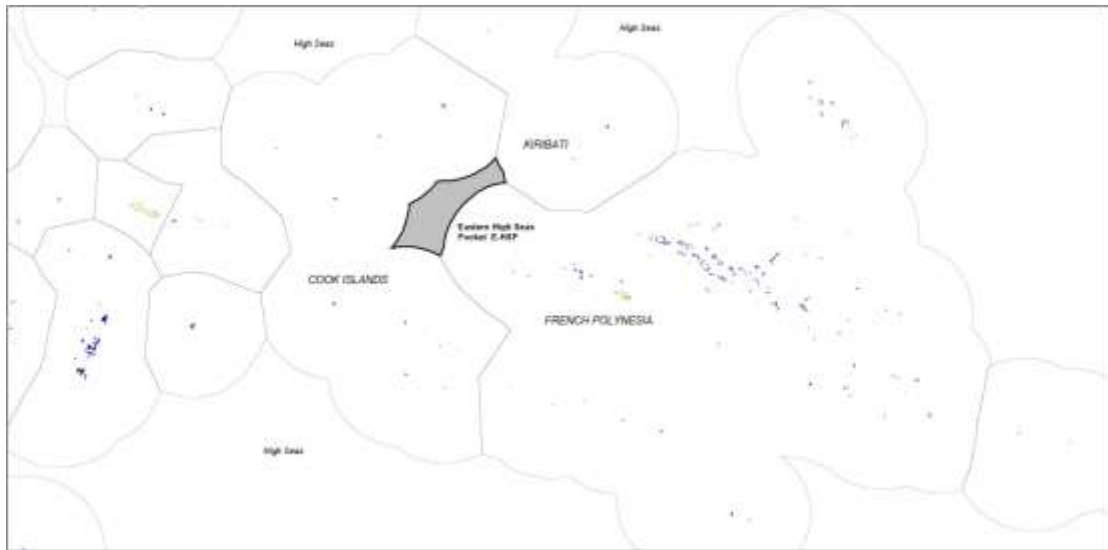
~~9.~~ The measures described above shall be reviewed every two years, in conjunction with the relevant advice from the Technical and Compliance Committee (TCC). This review shall consider, inter alia, whether the measure is having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission's conservation objectives.

~~13.10.~~ This measure shall not constitute a precedent and is restricted to the E-HSP.

~~14.11.~~ This measure shall replace CMM2010-02, and shall remain in force until such time as the Commission adopts an alternative measure for the E-HSP.

| [Attachment A: WCPFC to provide current coordinates](#)

| ATTACHMENT **BA**: Eastern High Seas Pocket



## **Application of CMM 2013-06**

The following information is provided to assist the Commission to determine the nature and extent of the impact of this draft CMM on SIDS and territories in the Convention Area as per the requirements of CMM 2013-06.

### **a. Who is required to implement the proposal?**

All CCMs will be required to cooperate in implementing this proposal.

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

This proposal will have an impact on all CCMs involved in fisheries for WCPO tuna, and in particular, CCMs that have flagged vessels fishing in the E-HSP.

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

There is potential for linkages to the IMO, the FAO and the FAO PSMA that reduce the burden of implementation.

### **d. Does the proposal affect development opportunities for SIDS?**

The restriction on the E-HSP does impact the ability of SIDS to participate in the high seas fisheries.

However the E-HSP is located within the WCPO area where the southern albacore longline fishery actively operates. Strengthening the management within the pocket to combat IUU is regarded as a significant benefit to SIDS whom benefit from the southern albacore fishery, and particularly the SIDS that border the pocket, or SIDS with domestic fleets that target the southern albacore that outweighs the cost.

### **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?**

SIDS will need assistance in particular those whom border the pocket and are directly involved in MCS activities such as monitoring, surveillance and boarding of the vessels.

### **g. What mitigation measures are included in the proposal?**

This proposal provides the opportunity to review its provisions.

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

There is nothing specific in the proposal to avoid a disproportionate burden on SIDS in the short term. Under the current CMM2010-02 the EHSP SMA is already subject to extra-ordinary activities by the surrounding SIDS. If all CMMs contribute to the

compliance of the measure then the burden of implementation by SIDS is reduced greatly.

These measures will provide long term benefits to SIDS as they will assist to secure stronger access rights over their own EEZs and adjacent high seas. Current and projected programs of assistance are expected to meet the needs for training and technical assistance, provided the current priority on combatting IUU is maintained.