



**COMMISSION
SEVENTEENTH REGULAR SESSION**
Electronic Meeting
8 – 15 December 2020

FFA KEY PRIORITIES FOR THE WCPFC17

**WCPFC17-2020-DP01
6 November 2020**

Submission by FFA Member CCMs



FFA

6 November 2020

Jung-Re Riley Kim
CHAIR
Western and Central Pacific Fisheries Commission
PO Box 2356, Kolonia
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Dear Riley,

FFA MEMBERS' KEY PRIORITIES FOR WCPFC17

I write on behalf of the 17 Members of the Forum Fisheries Agency. As we represent the majority of members to this Commission in our region, the Commission and its processes are extremely important to us. Unfortunately, COVID-19 has presented us with unprecedented challenges in progressing key Commission issues during 2020, in particular the difficulties many Members face with online connectivity and participation in discussions which may have significant outcomes for their national interests.

The formulation of our key priorities for WCPFC17 reflect these ongoing challenges. FFA Members have met together at several points throughout the year to discuss and refine our shared priorities, and we are pleased to present these for consideration in the lead up to the WCPFC17 meeting.

The views expressed are without prejudice to the positions of FFA Members, individual or collective, at WCPFC17.

CMM 2018-01 (CMM For Bigeye, Yellowfin And Skipjack Tuna In The Western And Central Pacific Ocean

1. The CMM for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean, aka the Tropical Tuna Measure, is an essential component of WCPFC's fisheries management framework. We note that this measure is due to expire in Feb 2021 but that the constraints of negotiating via online platforms preclude any review of the measure at the forthcoming Commission meeting.
2. FFA Members note that the stated aims of CMM 2018-01 for bigeye and yellowfin are to maintain spawning biomass at or above the average $SB/SB_{F=0}$ for 2012-15. FFA Members seek confirmation from the science services provider that the estimated $SB_{recent}/SB_{F=0}$ from the updated 2020 stocks assessments accords with this objective. Similarly, FFA will look to ensure those objectives are met under the projections of CMM 2018-01 performance that WCPFC17 will consider. We note that, based on advice from SC16, neither stock is overfished or subject to overfishing and neither is at significant risk of breaching the LRP. However we recognise the need for some precaution given the increased assessment uncertainty and the pending stock assessment reviews. For skipjack tuna, under 2013-15 average fishing levels and 'long term' recruitment, the skipjack stock is projected to stabilise at 41% $SB/SB_{F=0}$ with no risk of breaching the LRP.
3. FFA Members therefore propose the Commission facilitates a roll-over of the measure to ensure this critical CMM does not lapse and the current objectives for yellowfin and bigeye tuna are maintained until such time as TRPs can be agreed following the appropriate level of discussion. We note this approach to deferring substantive negotiations is consistent with that taken by other RFMOs this year and will be familiar to WCPFC CCMs who are also members of those organizations.
4. However, we acknowledge that restrictions on travel may continue for some considerable time and that this should not preclude all discussion of issues relevant to a review of CMM2018-01. Therefore we highlight the importance of WCPFC 17 agreeing to a process, including intersessional work if possible, which takes into account ongoing Covid-19 impacts, through which the deferred revision of this measure may be progressed at WCPFC18.

Review of the Skipjack Target Reference Point

5. CMM 2015-06 provided for a review of the skipjack TRP at WCPFC16. Regrettably no agreement was reached on a new TRP and as a result we no longer have a TRP for Skipjack to guide management of this key tuna species. FFA Members note with serious concern the consequences of no agreed Skipjack tuna TRP. In particular this

situation will slow the progress of developing the Skipjack Harvest Strategy and make renewing the tropical tuna measure in 2021 very difficult.

6. FFA Members continue to support the objective of the previous interim TRP which was to maintain the spawning biomass and purse-seine effort around the 2012 levels while achieving a “pretty good yield”. The updated analysis indicates that, with the new assessment model, a spawning biomass depletion ratio of 42% is projected to achieve that desired outcome.
7. However, FFA Members reiterate that it is not sufficient to simply adopt a TRP of 42%. The SC has pointed to the value of using a clearly stated reference period to use as a baseline for a skipjack TRP, comparable to the approach used for the South Pacific albacore TRP agreed in 2018. In that direction, FFA Members maintain our support for a skipjack TRP framed along the following lines:

The target reference point for the WCPO skipjack tuna stock shall be the percentage of the estimated recent average spawning biomass in the absence of fishing, ($SB_{F=0, t1-t2}$), calculated as the median across the grid of models agreed by the Scientific Committee, that is consistent with the level of fishing effort for skipjack in 2012 and the condition of the skipjack stock in 2012. This percentage is estimated in the 2019 assessment at 42%.

8. FFA Members note that, as the interim TRP has lapsed with no agreed replacement, the current CMM 2015-06 is redundant and we recommend removing it from the WCPFC list of active Measures.

South West Pacific Swordfish

9. FFA Members note the ongoing need to strengthen provisions in CMM 2009-03 on Conservation and Management of Swordfish. We urge Commission members to continue to engage in discussions over the next 12 months, including in relation to the suite of technical and review work requested by WCPFC16, which will inform and underpin the development of a revised CMM.

South Pacific Albacore Roadmap and Harvest Strategy

10. FFA Members believe that the Commission must ensure that the stock biomass of South Pacific albacore is restored to the Target Reference Point (TRP) level as soon as is economically possible, so as to promote future profitability of vessels operating in the southern longline fishery, including unsubsidised vessels of FFA Members.
11. Unfortunately COVID-19 travel restrictions have prevented the anticipated face-to-face meetings which had been proposed for 2020. However, Members remain committed to the Roadmap process and look forward to engaging in the scheduled online meeting of the South Pacific Albacore Roadmap Intersessional Working Group on 13th November 2020 where the workplan will be revised to progress this important work during 2021.
12. Further to the adoption of the TRP, SPC presented in WCPFC16-2019-19 an update of WCPFC-SC15-2019/MI-WP-02 detailing alternative trajectories to achieve the South Pacific albacore interim TRP. FFA Members reassert our view that agreeing a pathway to achieving the TRP will be an important first step and we will prioritise engagement with key CCMs throughout 2021 on this issue. We look forward to constructive and productive dialogue with all CCMs on the South Pacific albacore Roadmap throughout 2021.

Compliance Monitoring Scheme

Overall CMS comments:

13. FFA Members note that this is the first year of implementation of the current CMM on CMS and given the virtual nature of the meetings this year, important new aspects of the scheme stipulated under paragraph 33 and 34 of CMM 2019-06 are yet to be implemented. The intersessional work recommended by TCC16, to provide guidance on how TCC17 would consider the aggregate tables alongside the draft CMR, is important for smooth implementation of these paragraphs during TCC17.
14. However, FFA Members are very concerned at what seems to be the systematic manipulation of the CMS by certain CCMs that has the potential to undermine the integrity of the scheme. This is of great concern to FFA Members given the critical importance of the CMS and the tremendous effort and resources that we and the Commission have invested in the development of a scheme that is meaningful, fair, and balanced. Importantly, FFA Members note with concern the situation where some CCMs are not being held to account for their continued non-compliance with their obligations, in particular, those related to the breaching of limits. It is imperative that the key principles and purpose of the CMS are upheld to ensure that no CCMs misuse the CMS to serve their own individual interests or to undermine the integrity of the scheme. Otherwise, this undermines the process that we have collectively worked hard to strengthen over several years and calls into question the

integrity of the Scheme. FFA Members call on the Commission to collectively address these fundamental issues in order to secure the delivery of outcomes that the CMS is specifically designed, used and intended to meet.

15. Additionally, FFA Members are committed to enhancing the CMS by ensuring the focus of TCC's work is prioritised on persistent, high impact non-compliance, informed by risk assessment and the identification of gaps in the Commission's management frameworks. We see the work on audit points and the risk-based assessment framework as potentially addressing some of these issues and we welcome the nominations from RMI and New Zealand to lead these work areas over the coming year.

List of obligations to be assessed under the CMS in 2021:

16. FFA Members recognized that this is a priority item on which the Commission will need to take a decision in December. To this end, FFA Members wish to submit the proposal in Attachment 1, for WCPFC17 consideration. The proposal takes into consideration, in the absence of the risk based assessment approach, the factors identified in CMM 2019-06 paragraph 6, the proposal tabled by the United States at TCC16 (WCPFC-TCC16-2020-DP02), members' views expressed on this issue at TCC16, as well as the need to be mindful of the volume of obligations to be assessed on an annual basis, given the burden it will put on CCMs, the WCPFC Secretariat and TCC. FFA Members welcome views from members on this proposal leading up to the Commission meeting in December.

Electronic Monitoring and Electronic Reporting

17. FFA Members participated in the 4th EM-ER Working Group meeting in October and we thank the Chair of the Working Group and members for the work on this issue thus far. While we recognise this is not a priority item for WCPFC17, FFA Members take this opportunity to reiterate key principles that must be taken into account in the implementation of E-Monitoring at the Commission level:
 - a. any decisions regarding E-Monitoring at the Commission level shall not result in the transfer of disproportionate burden to SIDS and Territories;
 - b. E-Monitoring is a complementary tool to human observers;
 - c. WCPFC15 (2018) agreed to prioritise E-monitoring in areas where independent data collection and verification is currently low. Project 93 has highlighted where these areas are which is in the longline fishery, and primarily on the high seas.
18. Regarding the views expressed by some CCMs at ERandEM WG4, that high seas transshipments are already monitored by observers, we note that there are currently no data obligations required to be submitted by observers in relation to high seas transshipments. As such, there is no independent data source for this activity, hence why Project 93 identified this as one of the areas where data collection and verification is low. FFA Members reiterate that this is one of the priority areas for E-Monitoring.

Safety of crew and observers

19. FFA Members highlight the critical importance of these issues. It is simply unacceptable that observers continue to suffer serious injuries and even death in the course of their work, and that human rights abuses are suffered by crew working on fishing vessels operating in our region.
20. FFA Members are committed to addressing these issues and are taking measures to improve standards in relation to fishing within our waters, and to create a "safety culture" around the role of observers. It is imperative that the Commission collectively commits to implement such standards on the high seas. We look forward to working with CCMs and with committed partner organisations to advance this work in the Commission as a matter of priority over the coming year.

IUU Listing of Oryong No. 721

21. The statements made by Korea at TCC16 on the scrapping of the vessel as effective action by the flag State are noted. However, FFA Members do not consider that the mere action of scrapping the vessel, if that has occurred, is a satisfactory response to IUU fishing. We remain mindful of the full suite of criteria to be considered to make a recommendation but we also draw the Commission's attention to Article 25(7) of the Convention which refers to sanctions being adequate in severity to be effective in ensuring compliance and to discourage violations wherever they occur and to deprive offenders of the benefits accruing from their illegal activities.
22. FFA Members reiterate that fishing without authorisation in waters under the jurisdiction of a coastal State is a serious offence. It is our view that in circumstances where the national law of a coastal State has been contravened the flag State must take steps to resolve the issue to the satisfaction of the coastal State.

23. FFA Members intend to support the listing of the Oryong No. 721 on the WCPFC IUU List if the flag State's effective action does not include the satisfaction of the coastal State.

Intersessional decisions in response to COVID-19

24. As stated in our letter to the WCPFC Chair dated 20 October 2020 in response to Circular 2020/122 to extend the intersessional decisions relating to the temporary suspensions, FFA Members reiterate that our end goal is to ensure that observers can safely return to fishing vessels after 15 February 2021, subject to national assessments of the situation with respect to COVID-19.

25. We continue to encourage other CCMs to engage with us regarding consideration and possible use of the FFA COVID-19 Operating Protocols as guidelines to minimise the risk of transmitting COVID-19 in the fisheries sector. We also continue to encourage CCMs to work with observer providers to operationalise these protocols.

26. FFA Members restate our proposal for the Commission to consider formally recognising the FFA COVID-19 Operating Protocols as best practice voluntary guidelines that have been developed taking into account existing international frameworks.

27. In addition, to support SIDS and territories to strengthen observer safety and sustain their livelihoods, FFA Members wish to advise that we are developing proposals, including for online training, for the funds available under the WCPFC in the Special Requirements Fund, the Japan Trust Fund and the Chinese Taipei Trust Fund. We sincerely appreciate the assistance from CCMs through these funds.

Timing of meetings

28. We thank you for your efforts on the scheduling arrangements for WCPFC17. However, FFA Members wish to strongly reiterate our position that meetings of the Commission and its subsidiary bodies must be held during the normal business hours of the WCPFC Secretariat, based in Pohnpei, FSM. Given that we are working in a period of uncertainty, we would like to avoid setting a precedent that moves us away from this practice, and which would limit the ability of FFA Members to effectively participate in WCPFC meetings.

FFA Members look forward to engaging with other CCMs on these important issues during the upcoming WCPFC17 virtual meeting, under your direction and leadership.

Yours sincerely,



Eugene Pangelinan
FFC Chair

Attachment 1: Propose list of obligations to be assessed under the CMS in 2021

CMMs	CMM/para	Category	CMMs	CMM/para	Category
SciData	SciData01	Report	Oceanic whitetip	2011-04 01	Implementation
	SciData02	Report		2011-04 03	Report
	SciData03	Report	Silky sharks	2013-08 01	Implementation
	SciData05	Report		2013-08 03	Report
TT CMM	2018-01 16	Implementation	Striped marlin *	2006-04 01	Limit
	2018-01 17	Implementation & Report		2006-04 04	Report
	2018-01 23	Implementation	Swordfish *	2009-03 01	Limit
	2018-01 25	Limit		2009-03 02	Limit
	2018-01 26	Limit		2009-03 03	Limit
	2018-01 27	Implementation		2009-03 08	Report
	2018-01 31	Implementation	Seabirds *	2018-03 01	Implementation
	2018-01 33	Implementation		2018-03 02	Implementation
	2018-01 34	Implementation		2018-03 06	Implementation
	2018-01 35	Implementation		2018-03 07	Implementation
	2018-01 39	Limit		2018-03 13	Report
	2018-01 41	Limit	RFV	2018-06 09	Report
	2018-01 43	Limit	ROP	2018-05 10	Implementation
	2018-01 45	Limit		2018-05 15 (g)	Implementation
	2018-01 47	Limit		2018-05 Ann C 06	Implementation
	2018-01 48	Limit	VMS	2014-02 09a	Implementation
	2018-01 51	Limit		2014-02 09a VMS SSPs 2.8	Implementation
	2018-01 52	Report		2014-02 09a VMS SSPs 7.2.2	Report
	2018-01 54	Report	Transshipment	2009-06 11	Report
	2018-01 Att 2 03	Report		2009-06 13	Implementation
	2018-01 Att 2 05-06	Implementation		2009-06 29	Limit
	2018-01 Att 2 08	Implementation		2009-06 34	Limit
PBT	2019-02 02 (1)	Limit		2009-06 35 (a) (ii)	Report
	2019-02 02 (2)	Limit		2009-06 35 (a) (iii)	Report
	2019-02 03	Implementation		2009-06 35 (a) (iv)	Report
	2019-02 05	Report	EHSP *	2016-02 06	Limit
	2019-02 11	Report			
NP ALB	2019-03 02	Limit			
	2019-03 03	Report			
SP ALB	2015-02 01	Limit			
	2015-02 04	Report			
NP striped marlin	2010-01 05	Limit			
	2010-01 08	Report			
Sharks	2010-07 09	Implementation			
	2010-07 12	Report			

WCPFC Decisions in the Context of COVID-19 *		
<i>A. Purse Seine Observer Coverage</i>		
	<i>para 2 & 3</i>	<i>Implementation</i>
	<i>para 4</i>	<i>Implementation</i>
<i>B. At-sea Transshipment for Purse Seine Vessels</i>		
	<i>para 1(1) & (2)</i>	<i>Implementation</i>
	<i>para 1(3)</i>	<i>Report</i>
<i>C. At-sea Transshipment Observers</i>		
	<i>para 1(1)</i>	<i>Report</i>
	<i>para 1(2) & (3)</i>	<i>Implementation</i>

Note: an asterisk () shows that the obligation was not assessed in 2020*