



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

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**WCPFC17 ONLINE DISCUSSION FORUM SUMMARY**

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**WCPFC17-2020-09**  
**9 December 2020**

**Introduction**

1. In Circular 2020/68, the Chair of the Western and Central Pacific Fisheries Commission (WCPFC) noted the general support from the WCPFC Heads of Delegation meeting (held 15 July 2020) for the Commission to make use of online discussion forums (ODFs) to support exchange of views on issues prior to the start of the Commission's regular meetings in 2020 (as a result of the COVID-19 pandemic, these meetings have necessarily been conducted electronically). The WCPFC17 ODF was established to support the WCPFC17 electronic meeting by enabling an exchange of views prior to the formal start of the meeting, including to address outstanding issues, and to help identify recommendations for consideration by the plenary via Zoom. Summaries of the ODFs held to support the Scientific Committee (SC) meeting and the Technical Compliance Committee (TCC) meeting are contained in **WCPFC-SC16-ODF-01** and **WCPFC-TCC16-2020-21**, respectively.

2. **WCPFC17-2020-ODF\_rev1** contains a list of agenda items from the WCPFC17 provisional Agenda earmarked for discussion via the WCPFC17 ODF and those papers/reports to be taken as read and that will not be presented in plenary; however, as noted below, some topics were not opened for discussion in the ODF. CCMs with proposals for WCPFC17 were invited to indicate their wish to have their proposal placed on the ODF to initiate preliminary discussion.

3. All WCPFC17 ODF topics were closed at 1800 on 08 December 2020 (Pohnpei time) following the Heads of Delegation meeting.

**Topic A: Annual Report of the Executive Director**

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**Background**

**Supporting paper:** WCPFC17-2020-04: *The 2020 Annual Report of the Executive Director*

**Purpose:** This report is provided pursuant to Rule 13 of the Commission's Rules of Procedure. It highlights the main work programmes and activities of WCPFC and the WCPFC Secretariat in 2020. The report has a new structure that describes the work of the Commission (i) through engagements by Members, Cooperating Non-Members and Participating Territories (CCMs); (ii) undertaken by the Commission's subsidiary bodies; and (iii) through activities attributable directly to the Commission Secretariat. The new structure also allows the Secretariat to report on implementation of the Secretariat's Corporate Plan, which was accepted by the Commission at WCPFC16 as an internal planning document to guide the work of the Secretariat.

**Virtual eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 2

**Recommendations in supporting paper:** WCPFC17 is invited to discuss and note the report

**Key Questions and Comments:**

4. There was no discussion under this topic.

**Topic B: Report on the Status of the Convention**

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5. This topic was not opened for discussion. Addressed in Plenary under Agenda Item 3.1.

**Topic C: Update on Observer Status**

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6. This topic was not opened for discussion. Addressed in Plenary under Agenda Item 3.2.

**Topic D: COVID-19-related Intercessional Decisions**

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**Background**

**Supporting paper: WCPFC17-2020-08: COVID-19 related Intercessional Decisions**

**Purpose:** The paper is divided into four sections. The first discusses the WCPFC COVID-19 Decisions and their consideration by TCC16. The second provides a snapshot as of 10 November 2020 of the travel and other restrictions that CCMs have imposed in order to address the COVID-19 pandemic. The third section provides a synthesis of relevant information on the implementation of the WCPFC COVID-19 Decisions. The final section provides some suggestions for how the issues might be taken forward at WCPFC17.

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 5

**Recommendations in supporting paper:** WCPFC17-2020-08 suggests that WCPFC17 (i) consider a framework for the COVID-19 decisions that addresses the health and safety of observers and the need for appropriate monitoring, control and surveillance of the WCPO fisheries; and (ii) consider a process for extending COVID-19 Decisions into 2021. These are addressed in paras. 25 - 27 of WCPFC17-2020-08

**Key Questions and Comments:**

7. There was no discussion under this topic.

**Topic E: CCM Reports on Implementation of Article 30 and CMM 2013-07**

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**Background**

**Supporting paper: WCPFC17-2020-IP01 Summary from Part 2 of CMM 2013-07 annual reports - RY2019 (TCC16-2020-11\_rev1)**

**Purpose** The reports are identified in the WCPFC17 Provisional Annotated Agenda to be taken as read.

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 6.1

**Key Questions and Comments:**

8. There was no discussion under this topic.

**Topic F: Updated Strategic Investment Plan**

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**Background**

**Supporting paper: WCPFC17-2020-10 1 Updated Strategic Investment Plan**

**Purpose:** The purpose of this paper is to present the updated Strategic Investment Plan for consideration by the Commission. A brief report on implementation of the Plan is also provided.

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 6.2

**Recommendations in supporting paper:** WCPFC17 is invited to note the report and approve the updated Strategic Investment Plan (Attachment 1).

**Key Questions and Comments:**

9. There was no discussion under this topic.

## Topic G: Science -Management Dialogue

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### Background

**Supporting paper:** WCPFC17-2020-21 Science Management Dialogue

**Purpose:** The purpose of this paper is to re-submit for the further consideration of the Commission the proposal to convene a Science-Management Dialogue to facilitate the expeditious implementation of the Indicative Harvest Strategy Workplan (Attachment H of the WCPFC16 Summary Report).

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 8.2

**Recommendation:** The Commission is invited to consider the proposal to convene a Science-Management Dialogue to facilitate the expeditious implementation of the Indicative Harvest Strategy Workplan.

### Key Questions and Comments:

10. There was no discussion under this topic.

## Topic H: Reports of Subsidiary Bodies and Intersessional Working Groups

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### Topic H1: SC16 Summary Report

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#### Background

**Supporting paper:** WCPFC17-2020-SC16. *SC16 Summary Report*

**Purpose:** This report is identified in the WCPFC17 Provisional Annotated Agenda to be taken as read.

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 9.1 During Agenda Item 9.1 recommendations from the SC16 report not addressed under other agenda items will be considered. A reference paper (WCPFC17-2020-22) will be prepared to provide a list of such recommendations.

### Key Questions and Comments:

11. There was no discussion under this topic.

### Topic H2: NC16 Summary Report

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#### Background

**Supporting paper:** WCPFC17-2020-NC16 *NC16 Summary Report*

**Purpose:** This report is identified in the WCPFC17 Provisional Annotated Agenda to be taken as read.

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 9.2. During Agenda Item 9.2 recommendations from the NC16 report not addressed under other agenda items will be considered.

### Key Questions and Comments:

12. There was no discussion under this topic.

### Topic H3: TCC16 Summary Report

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#### Background

**Supporting paper:** WCPFC17-2020-TCC16 *TCC16 Summary Report*

**Purpose:** This report is identified in the WCPFC17 Provisional Annotated Agenda to be taken as read.

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 9.3. During Agenda Item 9.3 recommendations from the TCC16 report not addressed under other agenda items will be considered. A reference paper (WCPFC17-2020-23) will be prepared to provide a list of such recommendations

**Key Questions and Comments:**

13. There was no discussion under this topic.

**Topic H4: ERandEM WG4 Summary Report**

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**Background**

**Supporting paper:** WCPFC17-2020-ERandEMWG4 *ERandEMWG4 Summary Report*

**Purpose:** This report is identified in the WCPFC17 Provisional Annotated Agenda to be taken as read.

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 9.4.1

**Key Questions and Comments:**

14. There was no discussion under this topic.

**Topic H5: FAD Management Options IWG Summary Report**

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**Background**

**Supporting paper:** WCPFC17-2020-FADMgmtOptions *FAD Management Options IWG Summary Report\_November 2020*

**Purpose:** This report is identified in the WCPFC17 Provisional Annotated Agenda to be taken as read.

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 9.4.2

**Key Questions and Comments:**

15. There was no discussion under this topic.

**Topic I: Conservation and Management Measures on Tropical Tunas - proposal by the United States**

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**Background**

**Supporting paper:** WCPFC17-2020-DP02 *Conservation and Management Measures on Tropical Tunas - proposal submitted by the United States*

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 4 and 7.2

**Purpose:** The United States has proposed revisions to CMMs 2009-02 and 2018-01 on the conservation and management of the tropical tuna stocks, and welcomes initial comments and questions through the online discussion forum.

**Key Questions and Comments:**

16. There was no discussion under this topic.

## Topic J: Conservation and Management Measure for North Pacific Striped Marlin - Consultative Draft Proposal by the United States

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### Background

**Supporting paper:** WCPFC17-2020-DP08 *Conservation and Management Measure for North Pacific Striped Marlin – Consultative Draft Proposal submitted by the United States*

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 4 and 7.5

**Purpose:** The United States has developed a consultative draft proposal (WCPFC17-2020-DP08) to revise the CMM for North Pacific striped marlin. The first section of the paper is an explanatory note followed by a proposal for WCPFC action at WCPFC17, the consultative draft proposal (Attachment 1) and an analysis by U.S. scientists on catch scenarios that would achieve the goals of the interim rebuilding plan for North Pacific striped marlin (Attachment 2). The United States encourages CCMs to provide initial views on the consultative draft ahead of a fuller discussion in plenary at WCPFC17. Specifically, the United States welcomes input on the phased approach as well as suggestions on improving WCPFC catch estimates for North Pacific striped marlin

### Key Questions and Comments:

17. There was no discussion under this topic.

## Topic K1: List of obligations to be assessed under the CMS in 2021 - proposal by FFA Member CCMs

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### Background

**Supporting paper:** WCPFC17-2020-DP01 Attachment 1 *Proposed list of obligations to be assessed under the CMS in 2021*

**Electronic eWCPFC17 Meeting:** WCPFC17 Provisional Agenda 4 and 10.2

**Background:** 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.

FFA requested the inclusion of this proposal in the ODF, noting that this is to solicit preliminary views of other CCMs and to answer questions CCMs may have.

### Questions and Comments:

18. The United States thanked FFA members for submitting the proposed list of obligations to be assessed in 2021, and agreed this is a priority item on which the Commission will need to take a decision at WCPFC17. The USA sought additional information from FFA members on the following elements of their proposal:

- While it is clearly indicated with an asterisk (\*) which obligations on the proposed list were not reviewed in 2020, there is no indication of the obligations that were reviewed in 2020 and have been removed from the proposed list. The USA requested that FFA clarify which obligations have been removed and explain the reasoning behind their removal?
- The USA noted that there are a number of bycatch measures that could have been added to the list of obligations to be assessed in 2021 that have not been reviewed in at least the last

three years, including those related to seabirds, sea turtles, whale sharks, and cetaceans. The USA noted, for reference, that both the seabird measure and the sea turtle measure have new requirements that came into force in 2020, and both measures were last reviewed in 2016. They also noted for reference that the cetacean measure was last reviewed by the Commission in 2014, and obligations included in the whale shark measure have never been reviewed by the Commission. The USA requested that FFA provide an indication why the seabird obligations have been prioritized over the others?

19. The USA stated that unless there is a justification for prioritizing seabirds over the other bycatch species, it would request that obligations from the sea turtle measure (CMM 2018-04) be added to the list of obligations to be assessed in 2021, and that obligations from the whale shark measure (CMM 2012-04) also be added to the list of obligations to be assessed in 2021. The USA stated that implementation of CMM 2012-04 has never been reviewed by the Commission, and that fact alone was sufficient reason to place a high priority on conducting an immediate review of these obligations.

- **Reply.** FFA thanked the USA for its comments and queries, and made the following reply:
  - (i) At the outset, FFA members, in developing the list of obligations to be assessed under the CMS in 2021 (in Attachment 1 of WCPFC17-2020-DP01), took into consideration several factors, namely:
    - CMM 2019-06 paragraph 6
    - the USA's proposal tabled at TCC16 (WCPFC-TCC16-2020-DP02)
    - Views expressed at TCC (TCC16 Summary Report para 132-144)
    - Obligations assessed under the CMS & the percentage of non-compliance over the years
    - The workload it will place on the WCPFC Secretariat, TCC & CCMs (and SIDS in particular)
  - (ii) FFA stated that the specific obligations to be added to the list can be taken into consideration in the negotiations of the list during WCPFC17. FFA members would reiterated the concern expressed at TCC16 that any increase in terms of the total number of obligations assessed (compared to the 2020 list) would increase burden on SIDS and the workload on the WCPFC Secretariat, TCC and CCMs, so some obligations may need to be removed from the proposed list if others are added.
  - (iii) In response to the questions raised:
    - The obligations on the 2020 list that are not on the 2021 list are those related to: CMM 2016-05 (charter) and CMM 2018-06 (Record of Fishing Vessels [RFV]), except for para. 9 of 2018-06 and the justifications for this relates to the factors stated above. Specific to the RFV, all paragraphs assessed in 2020 (except para. 9) were implementation-type obligations that have been assessed under the CMS since 2014, with a good compliance track record. In ensuring that the proposed list does not significantly increase as compared to the 2020 list, and given the workload it will place on the WCPFC Secretariat, TCC & CCMs, FFA members removed obligations from the list but left para. 9 on the list, which is proposed to be assessed on an annual basis, given the importance of this report (fish/did not fish) to the development of the Compliance Monitoring Report.
    - Regarding the bycatch measures, the FFA members took into account the factors stated above, and in particular the discussions on these at TCC16 (see paras. 135 and 140 of the TCC16 Summary Report), including ensuring that the CMS is balanced and fair among the different fisheries within the Commission.
  - (iv) FFA members stated they looked forward to working with the USA and all other CCMs on this issue.

- **The WCPFC Secretariat commented as follows:**

- (i) The FFA Secretariat requested that the WCPFC Secretariat share with WCPFC17 participants some comments and suggestions it provided to FFA in late November on their proposed list of obligations for review by the CMS in 2021 as set out in Attachment 1 to WCPFC17-2020-DP01. The WCPFC Secretariat noted that other than these comments, included below at (iii), it had no other issues of note to raise with the other paragraphs/obligations included in WCPFC17-2020-DP01 Attachment 1.
- (ii) As an overview, the comments focus on the implications of the Intersessional decisions taken by the Commission in 2020 due to COVID-19 circumstances, and are divided into three parts. The first section gives consideration to the three obligations included in the proposed list, which were suspended through the Intersessional Decisions. The second part considers the proposed inclusion of certain paragraphs from the Intersessional decisions in the list of obligations to be assessed in the CMS in 2021. The final section provides a suggestion that an annual reporting approach could be useful in supporting the review by TCC17 of the implementation in 2020/21 of the Intersessional decisions.
- (iii) **Thoughts on the FFA proposal in Attachment 1 to WCPFC17-2020-DP01, prepared by the WCPFC Secretariat (20 November 2020)**
  - By their nature the Intersessional decisions taken by the commission in response to COVID-19 circumstances were taken through a novel procedure which responded to the need for urgent decision-making so that CCMs were not put in the position of breaching their international obligations. The decisions were taken as suspensions of the operation of obligations, clarifying the basis on which such suspensions would operate, and by not introducing new conservation and management measures/obligations. This was necessary because otherwise to introduce new obligations the rules of procedure for decision-making, including timelines for intersessional decisions would have needed to be followed, and the new obligations could only become binding 60 days after adoption of the decision.
  - In this context there are two groups of comments the Secretariat has on the FFA proposed list of obligations to be reviewed in the CMS in 2021: **First, three obligations in the list are “implementation-type” obligations, which relate to observer coverage requirements that were suspended through the Intersessional Decisions, so the review of these obligations through the CMS should only relate to the portion of 2020 calendar year prior to the suspension taking effect:**

Obligation	Comment
<b>CMM 2018-01 34 - Implementation: Requirement for purse seine vessels to carry a ROP observer</b>	Through the Intersessional decisions this obligation was suspended effective 8 April 2020. The review of this obligation through the CMS should only relate to the period 1 Jan 2020 - 7 April 2020.
<b>CMM 2018-01 35 - Implementation: 100% purse seine coverage: specific rules for vessels fishing exclusively in areas under its national jurisdiction</b>	Through the Intersessional decisions this obligation was suspended effective 8 April 2020. The review of this obligation through the CMS should only relate to the period 1 Jan 2020 - 7 April 2020.
<b>CMM 2009-06 13 - Implementation CCM shall ensure that vessels they are</b>	Through the Intersessional decisions this obligation was suspended effective 28 May 2020.

<i>responsible for carry observers from the WCPFC ROP to observe transshipments at sea</i>	The review of this obligation through the CMS should only relate to the period 1 Jan 2020 - 27 May 2020.
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- Second, the FFA proposal includes certain paragraphs from the Intersessional decisions that were intended to clarify the basis on which the suspensions of obligations would operate through the Intersessional Decisions. Given the nature of the novel process for taking intersessional decisions due to COVID-19 circumstances, some CCMs may not consider the expectations to be requirements at the level of an obligation, and so their inclusion in the list of obligations to be assessed through the CMS may not be supported. Note, even if there is support from CCMs to include the paragraphs from the intersessional decisions in the list of obligations to be assessed through the CMS in 2021, the Secretariat may not have enough information to be able to review each applicable CCM's individual implementation of these requirements, and so at best it is expected that the review of most paragraphs would only be through reviews of CCMs own reported statements of implementation. For completeness, some specific comments are provided below on each paragraph:

<b>Reference to Intersessional Decision due to COVID-19</b>	<b>Comment</b>
<b>PS obs coverage para 2 &amp; 3 - implementation</b>	Through the Intersessional decisions the requirement for PS observer coverage was suspended effective 8 April 2020. The paragraph references provide clarification on the expectations related to repatriation arrangements for PS observers affected by the suspension. As confirmed by the Chair in the original decision, the decision seeks to support the repatriation of individual observers where appropriate, and it is acknowledged that this is a matter for flag CCMs and observer providers.
<b>PS obs coverage para 4 - implementation</b>	Through the Intersessional decisions the requirement for PS observer coverage was suspended effective 8 April 2020. The paragraph references provide that PS vessels are not subject to manual reporting during the period that they don't have an observer onboard, and polling rates are increased to 30 min. In most instances the practical implementation of the increase in VMS polling rate is a matter for the FFA VMS or other CCMs in whose waters the vessels are operating.
<b>At-sea transshipment for PS vessels para 1(1) and 1(2) - implementation</b>	Through the Intersessional decisions the requirement to prohibit transshipment at sea by purse seine vessels was suspended effective 20 April 2020. The paragraph references provide clarification that vessels are still expected to follow the Port State requirements, and other WCPFC requirements. It is acknowledged that this is a matter for flag CCMs and port States. It appears that for the most part transshipments are taking place in an area designated by the port State as within its jurisdiction for transshipment purposes, either at the wharf or at a designated area within the general area of the port, even if not at the wharf. One port State has designated an area beyond 3 nautical miles for this purpose, but most port States have not adopted this approach.



Reference to Intersessional Decision due to COVID-19	Comment
<b>At-sea transhipment for PS vessels para 1(3) - report</b>	As was noted at TCC16, the notification provision has been implemented differently by different CMMs, with some notifying all purse seine vessels authorised to tranship at sea, and another notifying the particular transhipments which have been authorised under this special COVID-related exemption. One CCM has imposed additional requirements for any such transhipments including specific vessel approval and additional verification through transhipment and landing data. The fact that few CCMs have notified the Executive Director of transhipments that are authorised to take place outside ports but within areas under the jurisdiction of the port State may suggest that most CCMs are not relying on this exemption.
<b>At-sea transhipment observers para 1(1) - report</b>	<p>The requirement to have an observer on board either the carrier vessel or the fishing vessel to observe transhipments was temporarily suspended as a result of the COVID-19 related decisions effective 28 May 2020. The paragraph references provide clarification that flag States are expected to ensure the high seas transhipment declarations indicate whether the transhipment took place under the suspension.</p> <p>As was noted at TCC16, the Secretariat is able to tell from the high seas Transhipment declarations received which vessels are transhipping under the suspension and which are not (between 1 April and 23 October 2020, 57 of 606 transhipment events on the high seas did not carry a ROP observer on either the carrier or fishing vessel.)</p> <p>In this case the Secretariat will have data for relevant CCMs, but given that the report is part of the usual high seas transhipment data fields, there is not expected to be any potential issues of note with the report.</p>
<b>At-sea transhipment observers para 1(2) and 1(3) - implementation</b>	<p>The requirement to have an observer on board either the carrier vessel or the fishing vessel to observe transhipments was temporarily suspended as a result of the COVID-19 related decisions effective 28 May 2020. The paragraph references provide clarification that the vessels are still expected to follow any applicable coastal State requirements, and other WCPFC requirements.</p> <p>It is acknowledged that this is a matter for flag CCMs and coastal States.</p>

- As a way forward the Secretariat suggested that the following alternative approach could be used to facilitate a review at TCC17 of the implementation of the Intersessional decisions:
  1. The Commission decides that CCMs should be required to provide, in their Annual Report Part 2 covering 2020 activities, a specific report on their implementation of the Intersessional decisions taken in response to COVID-19;
  2. The Commission tasks the Secretariat to include in Annual Report Part 2 covering 2020 activities appropriate questions that can suitably support CCMs reporting on their

implementation of the Intersessional decisions taken in response to COVID-19; and  
3. The Commission tasks the Secretariat to prepare a paper for TCC17, that provides a summary of the available information on the implementation of the COVID-19 Intersessional Decisions in 2020/21.