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COVID-19 RELATED INTERSESSIONAL DECISIONS

WCPFC-TCC17-2021-14
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Paper by the Secretariat

Purpose

1. This paper responds to the tasking of WCPFC17 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 (WCPFC17 Summary Report, para 120(iii)). This paper also provides background information on the situation with regard to COVID-19 in the region and potential options relating to the Intersessional Decisions relating to COVID-19. It is divided into five sections:

- i. an overview of the current situation with respect to the pandemic, vaccine roll-outs, and the continuation of border and other restrictions;
- ii. an overview of the implementation of the three intersessional decisions;
- iii. an assessment of the implications of continuing the suspension of certain observer and transshipment obligations, both from an MCS and a scientific perspective;
- iv. an analysis of the conditions that will be required in order to lift the suspension of the MCS measures; and
- v. the options for lifting the suspension of obligations due to COVID-19.

2. In summary, the paper suggests the adoption of a phased approach to lifting the suspension of certain obligations due to COVID-19. A phased approach could take into account the significance of the obligation being suspended, the implementation of the intersessional decisions, and the likely risk to the health and safety of observers and crew if the suspension of the obligation was lifted.

Overview of COVID-19 measures

3. Eighteen months ago, COVID-19 was declared a global pandemic by the World Health Organisation (WHO). Due to the potential vulnerability of Pacific Island populations to COVID-19, immediate travel and other restrictions were implemented to prevent the spread of COVID-19 to Pacific Island countries. Secretariat paper [WCPFC17-2020-08](#) of 19 November 2020 provided a review of the measures taken to prevent the spread of the COVID-19 on fishing vessels and on

travel and port entry restrictions in CCMs. That paper is still relevant. In particular, the description of the types of restrictions and border measures in place in CCMs have not changed significantly in recent months.

4. The COVID-19 pandemic continues to impact countries and fishing industries in the region. New, more contagious, variants have resulted in an increase in cases and deaths in unvaccinated populations. Vaccines are rolling out in the region, but the rate of vaccination varies widely between countries. A few countries in the Pacific have vaccination rates of over 90%, while others have much lower rates.

5. Most countries in the region and beyond have maintained border closures or restrictions. While some countries have gradually opened their borders, some restrictions, such as negative PCR tests prior to entry, remain. Mandatory quarantine is still used frequently in the region because of the likelihood that vaccinated persons can spread the virus to unvaccinated persons. The expectation is that restrictions are likely to remain in place at least until 2022 and possibly beyond. The long-term impact of COVID-19 is still unknown.

6. WCPFC17 noted with appreciation the FFA COVID-19 Operating Protocols (Circular No. 2020/97) and encouraged CCMs to share their own national COVID-19 Operating Protocols in order to broaden the database of COVID-19 measures on the WCPFC website.

Implementation of the COVID-19 related Intersessional Decisions

7. This section provides a synthesis of available information on the implementation and impact of the three COVID-19 Intersessional Decisions.

8. Travel restrictions and concerns over the potential impact of COVID-19 on the health and safety of observers were the catalyst for the intersessional decisions of the Commission relating to observers on purse seine vessels, at-sea transshipment for purse seine vessels and at-sea transshipment observers. Three Intersessional Decisions were first implemented in April and May 2020. Since that time, they have been extended for periods of between three and four months. The Chair of the Commission has proposed that they continue in effect until 15 December 2021.

9. WCPFC17 tasked the Secretariat to include in Annual Report Part 2 covering 2020 activities appropriate questions that could suitably support CCMs reporting on their implementation of the Intersessional Decisions taken in response to COVID-19 in order to facilitate a review at TCC17 of the implementation of the COVID-19 Intersessional Decisions (WCPFC17 Summary Report, para 120). This section provides information on the implementation of each of the three Intersessional Decisions, based on the information provided by CCMs in their Annual Report Part 2 responses as well as additional information where available.

Suspension of purse seine observer coverage and repatriation of observers

10. The Decision of the Commission temporarily suspends the requirement for all purse seine vessels to carry observers. The suspension applies to new trips after a vessel operator has met any requirement for repatriation of observers currently on board a vessel. During the period of purse

seine observer coverage suspension, purse seine vessels are to increase MTU VMS reporting interval to every 30 minutes and are not to operate under manual reporting.

11. CCMs reported that they had implemented these provisions and that observers had been repatriated. A few CCMs noted that they had maintained national observer coverage on their fleets.

12. The Scientific Services Provider estimates, based on observer placement information, that the observer coverage for 2020 on purse seine vessels (when all observer data are provided) is expected to be at best 45–50% (**WCPFC-SC17-2021/ST-WP-01 (Rev.01)** para 13). The implications of this reduction are addressed in the following section.

13. The latest information available to the Secretariat, via a survey of all Authorised ROP Observer Programmes, confirmed that all Pacific Island Observers that were stranded in foreign ports have been repatriated. China has advised that they have fifteen (15) of their observers that remain on vessels and are still to be repatriated. Some ROP programmes have recently advised the Secretariat that they are maintaining placements of observers, and these generally begin and end in a vessel's home port. This includes China, the European Union (Portugal), New Caledonia, New Zealand, Philippines, Solomon Islands and Tonga. In addition, for part of 2021, SPC data indicates that Fiji, Papua New Guinea and Vanuatu had some observer placements, although more recently these programmes have confirmed that they currently have no observer placements.

14. Most purse seine vessels operating in the tropical region (between 20N and 20S) meet their WCPFC VMS requirements through the FFA VMS. Based on a review of WCPFC VMS positions since the first COVID-19 decision to date, MTU VMS reporting interval on purse seine vessels has been at least every 30 minutes (> 48 positions per day). There are also no indications of VMS Manual reporting conducted by purse seine vessels. This information indicates that these aspects of the Intersessional Decision are being implemented.

Suspension of obligation to prohibit transshipment at sea by purse seine vessels

15. The Intersessional Decision on at-sea transshipment for purse seine vessels, provides that “without prejudice to the provision that ‘transshipment at sea by purse seine vessels shall be prohibited’ as stipulated by paragraph 25 of CMM 2009-06, if it is not feasible for a purse seine vessel to transship in port despite its best efforts due to port closures and relevant access restrictions related to the prevention of COVID-19, that particular vessel may transship at sea in an area under the jurisdiction of a Port State”. It also provides that the flag State CCM of any such authorised purse seine vessel is to notify the Executive Director that the vessel is authorised to engage in transshipment outside of port.

16. The responses from CCMs in their Annual Part 2 Reports indicate that most flag and port States did not seek to suspend this obligation. Most flag States with purse seine fleets continued to prohibit their vessels from transshipping at sea or did not authorise any such transshipments in 2020. Most coastal States required any transshipments within their jurisdiction to take place in their ports. There were three CCMs that required transshipments to take place elsewhere: one in designated areas of the territorial sea; one in designated areas of archipelagic waters; and one in a

designated area within port boundaries. Of the two CCMs that indicated that they authorised transshipment in designated areas of the port State, both conducted verification of logbook and catch and effort data. No suspicious activity was found.

17. A review of information held by the Secretariat shows that two CCMs have listed a combined total of 46 purse seine vessels that are authorised for transshipment at sea on the Record of Fishing Vessels. Of these 46 purse seine vessels, 15 were authorised after the Commissions COVID-19 decision took effect in late May 2020.

18. In addition, the Secretariat has received notifications of individual out of port transshipments from another three CCMs. In Annual Report Part 2 two CCMs advised that verification of catch and effort and logbook and VMS data was undertaken in 2020 of relevant transshipments, and another two CCMs advised that their flagged vessels did not engage in transshipment at sea within the Convention Area in 2020. There is no other information in the notifications or Annual Reports Part 2 to assess whether these transshipments were observed or if any additional monitoring requirements were implemented, aside from additional verification of logbook and catch and effort data (as noted in para 16 above).

Suspension of at-sea transshipment observer coverage

19. The requirement to have an observer on board either the carrier vessel or the fishing vessel to observe transshipments has been temporarily suspended as a result of the COVID-19 related decisions. CCMs are encouraged to implement additional MCS measures and follow-up applicable transshipments through inspection or observation or electronic monitoring during the period at-sea transshipment observer coverage was suspended.

20. It is apparent from CCM replies in their Annual Part 2 Reports that some at-sea transshipment events took place in 2020 which were not observed. Secretariat information shows that vessels from eight CCMs participated in transshipments at-sea, some of which were observed, and some not. Most CCMs either prohibited at-sea transshipments in 2020, or only participated in observed transshipment events. It is not clear from the responses whether additional MCS measures were applied to non-observed transshipments, although one CCM noted the additional checking of logbooks and catch and effort data.

21. The information contained in the Annual Report on WCPFC Transshipment Reporting (**WCPFC-TCC17-2021-RP03**) indicates that between 27 May 2020 and 31 December 2020, 33% of the 576 total transshipment events on the high seas did not carry a ROP observer on either the carrier or fishing vessel. As expected, the number of observed transshipments reduced in 2021 as ROP observers placed on carrier vessels were repatriated and not replaced. In 2021 (1 January to 24 July), 83% of the 539 transshipment events had no observer on either the carrier or fishing vessel.

22. It has also been estimated that the observer coverage on longline vessels is 3% in 2020 and will not reach the 5% coverage set out in CMM 2018-05 Annex C, para 6 (**WCPFC-SC17-2021/ST-IP-02**, para 23). At WCPFC17, the list of obligations approved by the Commission to be assessed through the Compliance Monitoring Scheme in 2020 omitted this obligation.

Implications of continued suspension of observer coverage and transshipment requirements

23. This section provides an assessment of the implications of the continued suspension of observer coverage and transshipment requirements from both a MCS and a scientific perspective.

MCS Implications

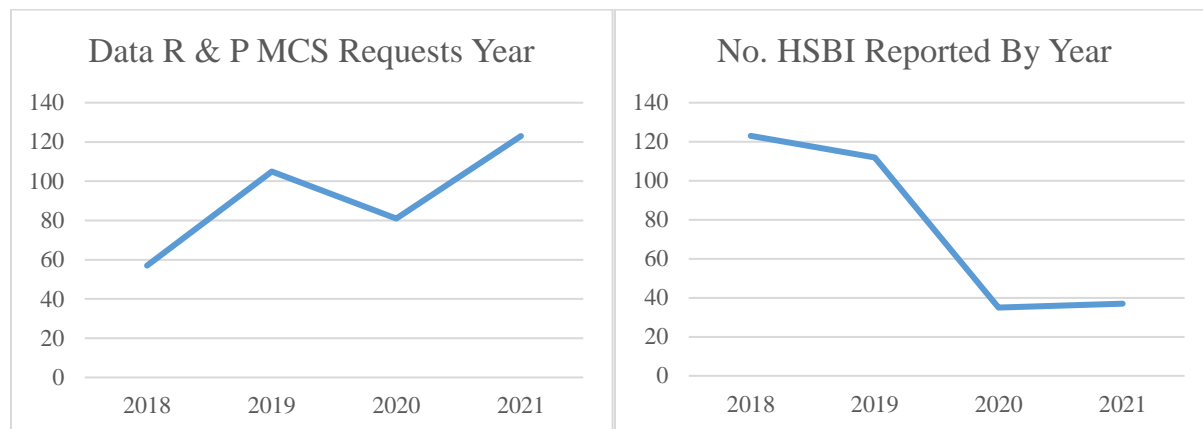
24. The absence of observers on purse seine vessels and the reduction of observed transshipment events, as well as the national COVID-19 protocols in place to stop the spread of COVID, are expected to have an impact on monitoring, control and surveillance of tuna fisheries in the WCPO Convention Area. The main impacts relate to the use of observers on purse seine vessels to verify compliance by vessels with certain obligations, observed transshipments, and high seas boarding and inspections (HSBI). These are considered in turn.

25. The absence of observers on purse seine vessels may have an impact on compliance by vessels with certain obligations, particularly in the absence of other MCS measures, such as electronic reporting and electronic monitoring (ER& EM). Several Pacific Island countries have undertaken EM initiatives in the past few years, which have produced useful data (**WCPFC-SC17-2021/ST-IP-02**, Table 8). Observers report on obligations such as FAD closures and by catch of billfish, sharks and rays, sea turtles and marine mammals. Due to the concentration of the compliance monitoring scheme on CCM compliance, this is likely to impact especially on the development and interpretation of aggregate tables from the online Compliance Case File System. It is likely that a continuation of the suspension of observer coverage on purse seine vessels will impact on the ability of TCC to use the aggregate tables to indicate potential anomalies in the implementation of obligations by a CCM, with a view towards identifying implementation challenges for that CCM and identifying systemic failures to take flag state action in relation to alleged violations, as set out in para 26(ii) of CMM 2019-06.

26. The suspension of the requirement to have observation of at-sea transshipments has impacted on the number of transshipment events but particularly the percentage of observed transshipments. The following table shows the number of transshipment events and the percentage of events that were observed. As expected, the observed events have significantly reduced as observers have disembarked during late 2020 and few have been deployed during 2021. As noted at para 13 above, a few CCMs have maintained national observer coverage on their fleets. This is reflected in the small level of transshipment coverage for 2021 (1 Jan – 31 July). Based on this information it is anticipated that there is unlikely to be a significant increase in the level of coverage for the remaining five months of 2021 unless other tools for the safe monitoring of transshipments are able to be developed and implemented by CCMs in the short to medium term.

Year	Total no. of events	% of events observed
2018	1459	100%
2019	1559	100%
2020 (1 Jan -27 May)	523	100%
2020 (27 May- 31 Dec)	648	71%
2021 (1 Jan - 31 July)	555	17%

27. COVID-19 has also had an impact on the level of compliance monitoring occurring. This has been assessed given the number of MCS related requests for non-public domain data and the number of HSBI reports received as shown in the following two figures.



28. The rate of requests for non-public domain data, particularly VMS data and transshipment reports, has increased in 2021 over previous years. In 2018 there were 57 data requests with 105 in 2019, 81 in 2020 and 125 in 2021 (1 Jan – 31 July).

29. Two CCMs conducted HSBI in 2020 and 2021 (1 Jan – 31 July) compared with four CCMs in 2018 and 2019. There were 123 HSBI in 2018 and 112 in 2019. The HSBI dropped to 35 in 2020 but have risen to 37 for 2021 (1 Jan – 31 July). In response to protocols for the health of both crews, some HSBI notifications, particularly in 2020, reported there was no boarding of the vessel and radio communications were used to collect information. For the same reason, the boarding of vessels, that are now increasingly occurring during 2021, are focused on a more limited range of inspection activities to reduce the amount of time the boarding party is on board the fishing vessel or carrier.

30. The Secretariat also notes that during 2019, 2020 and 2021, there were a small number of CCMs who notified the Secretariat of port inspections and the denial of port entry. This may be due to the increasing number of CCMs that have become party to the FAO Port State Measures Agreement and the increasing capacity of CCMs to conduct port inspections. There is also now the occasional request from non-members seeking to confirm the authority of a vessel that is to unload fish caught in the Convention Area.

31. This information shows that MCS monitoring has been maintained over 2020 using a broader range of MCS tools to assess operational activity and analyse information.

Implications of the absence of observer data on stock assessments

32. The Scientific Services Provider has undertaken an initial study into the impacts of reduced observer coverage in the purse seine fishery resulting from the COVID measures on the precision of tuna catch estimates (Peatman et al., 2021, **WCPFC-SC17-2021/ST-IP-06**). Estimates of

catches of bigeye, and to a lesser extent yellowfin, were the most sensitive to reductions in observer coverage rate (WCPFC-SC17-2021/ST-WP-01 (Rev.01), para 16)

33. The outcomes suggest that, *inter alia*, reduced observer coverage significantly effects the precision of the purse seine bigeye tuna catch estimates in the aggregate data used for the assessments, so a return to 100% purse seine observer coverage is strongly recommended as soon as it is safe and logistically feasible (WCPFC-SC17-2021/ST-WP-01 (Rev.01), para 18).

34. The Scientific Services Provider notes that the bigeye and yellowfin tuna assessment for the WCPFC are to be conducted again in 2023. The assessments will include new data for 2019, 2020 and 2021. (2022 is not included as longline data is incomplete for the calendar year prior to when the assessment occurs). Bigeye and yellowfin catch by purse seine vessels make a significant contribution to fishing mortality for these stocks, and therefore reliable purse seine catch estimates are important. Based on the work of Peatman et al., (2021), the bigeye and yellowfin purse seine catch estimates will be considerably less reliable in 2020 and 2021, than in previous years. This can potentially be accounted for by adding uncertainty to the catch inputs for each assessment, however, the SSP does not expect major impacts on the overall assessments if the observer coverage can be increased from 2022. If the reduced observer coverage continues beyond 2021, the implication will be increased uncertainty in estimation of management reference points. This uncertainty will increase with time until observer coverage is increased.

Consideration of the conditions for the lifting of the suspension of obligations due to COVID

35. COVID-19 has proved to be a difficult coronavirus to contain. The risk to observers from COVID-19 arises particularly in relation to bringing them on board, and repatriating them. The risk to observers while on board vessels arises when that vessel interacts with other vessels or with persons in port.

36. In assessing the conditions under which the suspension of the obligations due to COVID-19 could be lifted, a distinction could be drawn between each of the three Intersessional Decisions based on the significance of the obligation and its implementation.

37. The prohibition of transshipment at-sea by purse seine vessels is set out in the WCPF Convention. It is therefore a significant obligation that has been suspended. An assessment of its implementation indicates that the suspension of the obligation has not been used in many instances. Most port States still require transshipments to take place in port. Those that only permit transshipments in designated areas outside the port, do so under the strict control of the port/coastal State. This suggests that a suspension of the entire obligation for all flag CCMs is not required. Rather, it should be clarified that transshipments at sea will remain prohibited, except in the limited situation where a port State has designated a particular area of the sea outside its internal waters, and within its territorial sea, to be used for transshipment purposes. In that limited circumstance, transshipments at sea by purse seine vessels could take place, provided they are authorised by the flag CCM, take place under the control and of the coastal State, and the Executive Director is notified by the flag CCM of the authorisation. This would preserve the importance that Commission Members have attached in the past to the prohibition of transshipment at sea for purse seine vessels, set out Article 29(5) of the WCPF Convention.

38. The requirement for observed transshipment at sea is also of high priority for Members. In light of the fewer number of observers required for carrier vessels, the suspension of this obligation could be lifted at an earlier date than the obligation relating to 100% observer coverage on purse seine vessels. The full implementation of this latter obligation will require a larger number of observers and therefore a heightened need to ensure their safety.

39. Regarding the safe deployment of observers on fishing vessels, it should be noted that the roll-out of vaccines, which mitigate the worst health impacts of COVID-19, has begun in earnest. The scientific evidence shows that vaccinated persons do not suffer the same adverse symptoms as unvaccinated persons. However, the evidence is that vaccinated persons can transmit the virus to others. There is also the possibility of “breakthrough” infections of vaccinated persons, although these appear to be less severe than infections of unvaccinated persons. This suggests that travel and other restrictions are likely to remain in place until a large majority of a population is vaccinated. Some information also suggests that booster shots may be necessary at some stage to continue immunity.

40. The health and safety of observers has been a driving motivation for the COVID-19 Intersessional Decisions. In light of the FFA COVID-19 Operating Protocols as well as advice from the WHO and the International Maritime Organisation (IMO), certain conditions could be identified for the safe redeployment of observers on vessels. These include the following:

- The observer is fully vaccinated. An official COVID-19 vaccination certificate may be required to provide proof of vaccination.
- All crew of the fishing vessel or carrier vessel on which the observer is placed are fully vaccinated. An official COVID-19 vaccination certificate may be required to provide proof of vaccination.
- The observer has a negative PCR test prior to boarding the vessel.
- Any replacement crew have a negative PCR test prior to crew changes.
- All interactions with other vessels and persons are conducted according to national or regional protocols which seek to prevent the spread of the COVID-19 virus. This may include the vessel having no contact with another vessel, and being symptom-free, for at least 14 days before interacting with other vessels or with other fishing operations.
- All appropriate protocols and procedures are followed on board the vessel to prevent the spread of the virus.
- All relevant requirements are followed to ensure that any sick observer or sick crew are cared for in accordance with appropriate protocols and procedures.

Options for a phased-in approach

41. In considering options for lifting the suspension of obligations due to COVID-19, it is useful to consider the basic elements that could allow a lifting of the suspension of the obligations due to COVID-19 and the appropriate combination of these elements if a phased approach is to be taken. The basic elements identified in paragraph 40 above show the minimum requirements for lifting all the suspended obligations. The options essentially come down to how quickly the

suspended obligations can be lifted, while still maintaining the safety of observers and crew in accordance with the conditions identified above as well as key MCS provisions.

42. This suggests that there are three main options for lifting the suspension of obligations due to COVID-19.

1. A removal of the suspension of all three obligations early in 2022.
2. A continuation of the suspension of all three obligations until COVID-19 no longer poses a threat to the health and safety of observers or crew. This may be as far in the future as 2023.
3. A phased-in approach which would enable the suspension of the obligations to be gradually lifted, subject to various conditions being met.

43. **Option 1** takes into account the need for observer coverage from both a scientific and MCS perspective, as well as the need to ensure the continuation of the livelihoods of observers. However, it may be considered premature under the current COVID circumstances.

44. **Option 2** is easier to implement but carries with it risks from both a scientific and MCS perspective. It would also continue to affect the livelihoods of observers and in the long term will affect the quality of observer data collected.

45. **Option 3** is more difficult to implement. However, it is a pragmatic and flexible response which may take into account the scientific and MCS needs of the Commission. In order to consider this option further, it is suggested that a “phased in approach” might look like the following:

Immediate: The first phase would be to address at-sea transhipment for purse seine vessels. Information on the implementation of this suspension shows that this operates only in limited situations where a port State has designated a particular area of the sea outside its internal waters and within its archipelagic waters or territorial sea for transhipments to take place. The suspension of the prohibition on purse seine transhipments at sea could apply only in this limited circumstance and provided such transhipments are authorised by the flag CCM, and the Executive Director is notified by the flag CCM of the authorisations. This could be implemented immediately.

April 2022: The second phase could be to address transhipments at sea for non-purse seine vessels. Members of the Commission in the past have expressed concern over at-sea transhipments and it would therefore appear appropriate to give priority to ensuring that transhipment events are observed and to safely redeploy ROP observers on carrier vessels. A phased approach could be to deploy observers on carrier vessels in the first 3 months of 2022, with removing of the suspension of the obligation to take place on 1 April 2022. This recognises that it will take time to redeploy observers.

Later in 2022: The third phase could involve the gradual deployment of observers on purse seine vessels. Deployment in the first 3 months of 2022 could commence, subject to the conditions identified in the previous section. A suggested phased approach could be to require 50% observer by 1 August 2022 for each CCM’s fleet, and 100% coverage by the end of 2022.

This would avoid the suspension of the 100% observer coverage obligation becoming the norm.

46. A phased-in option would need to be implemented flexibly and be subject to a periodic review in light of changed circumstances. This could take place through an expedited inter-sessional decision-making process.

Recommendation

47. TCC17 is invited to note and discuss this paper.