



TECHNICAL AND COMPLIANCE COMMITTEE

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POSITION STATEMENT TO TCC17

**WCPFC-TCC17-2021-OP03
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Paper by The Pew Charitable Trusts



2005 Market Street, Suite 2800, Philadelphia, PA 19103-7077 P +1.215.575.9050 F +1.215.575.4939
901 E Street NW, 10th Floor, Washington, DC 20004 P +1.202.552.2000 F +1.202.552.2299
Avenue des Arts 40, 1040 Brussels, Belgium P +32.2.274.1620 F +32.2.274.1630
The Grove, 248A Marylebone Road, London, NW1 6JZ P +44 (0) 20.7535.4000

The Pew Charitable Trusts
Statement to the Western and Central Pacific Fisheries Commission
17th Regular Session of the Technical and Compliance Committee
September 22-28, 2021, online

The Pew Charitable Trusts welcomes the opportunity to participate as an observer at the 17th Regular Session of the Technical and Compliance Committee (TCC17) of the Western and Central Pacific Fisheries Commission (WCPFC). We appreciate the work of the Chair, Members and Secretariat to again convene TCC virtually due to the continuing situation stemming from the COVID-19 pandemic.

Given the ongoing impacts of the pandemic, we urge all members to consider how to hasten the introduction of new approaches to provide greater resilience and stability to the region's fisheries, such as electronic monitoring and harvest strategies. In relation to the limited agenda before TCC17, we urge members to:

Recommend the Commission adopt a multi-year Compliance Monitoring Scheme (CMS) that ensures Conservation and Management Measures (CMMs) are not undermined. With CMM 2019-06 expiring in 2021, WCPFC must take action to ensure a CMS is in place. A robust CMS that contributes to the achievement of sustainable fisheries should ensure flag States are accountable for meeting their obligations; provide assistance for members to improve compliance, which should include penalties to deter instances of persistent or serious non-compliance; identify whether measures require amendments to be fully implemented; improve clarity in CMMs; and promote transparency in the compliance assessment process and outcomes. WCPFC has already tasked itself to a schedule of 'future work' that would improve the effectiveness of the CMS, but the pace has lagged and needs to be accelerated.

As immediate steps, TCC17 should set a schedule for the Compliance Monitoring Scheme working group to complete the 'future work' tasks. These actions include developing the risk-based framework to identify which obligations are priorities for assessment; identify clearly understood audit points for use in assessing compliance with CMMs; agree on corrective actions to encourage compliance; and provide for the participation of observers in the review of members' compliance monitoring reports. TCC17 also should provide advice to enable compliance reviews to consider the aggregated reports drawn from the online compliance case file, which could identify anomalies or patterns in the implementation of obligations by a member, based on responses to alleged violations by their flagged vessels.

Recommend the ERandEM Working Group finalize the Electronic Monitoring (EM) standards for presentation to TCC18. The effects of COVID-19 have reduced purse seine observer coverage to 45-55 percent in 2020, while longline coverage is estimated to be just 3 percent in WCPFC waters. The number of high seas boardings and inspections also have been significantly reduced. It is becoming increasingly clear that a Commission-wide Electronic Monitoring program is urgently needed to address this shortcoming. Therefore, the work of the ERandEM Working Group on EM standards must be finalized without delay and results presented to the TCC18 for its review, and then to the annual Commission meeting in 2022.

Recommend the Commission adopt the USA proposal on Regional Observer Program (ROP) minimum data fields for transshipment observer reports (TCC17-2021-DP01). It is imperative that at-sea

transshipment reporting be improved to enable appropriate verification and eliminate the risk of transshipment being an avenue to launder illegal, unreported and unregulated (IUU) fishing. The proposal would implement a standardized reporting format for transshipment data collected by observers and remind members of a mandated deadline for reports to be sent to the Secretariat, increasing the usefulness and timeliness of the collected information.

Recommend the Commission revise the ROP data fields to ensure information collected by observers is adequate to support the monitoring of current CMMs. In its annual report on the observer program (TCC17-2021-RP02), the Secretariat notes that the data fields given to observers need adjusting to enable observers to collect information more pertinent to monitoring provisions of the whale sharks, seabirds, sea turtles, cetaceans, marine pollution and mobulid CMMs.

Provide advice to support the draft measure for the safety of fishing vessel crews. Development of a draft CMM on improving crew labor standards (TCC17-2021-DP05) is a laudable step. TCC17 should provide advice to resolve outstanding elements of the co-chairs' draft to enable a measure to be adopted this year. TCC17 also should call attention to links with the 2012 Cape Town Agreement. Adopted by the International Maritime Organization, the agreement outlines fishing vessel standards and includes other regulations to protect the safety of crews and observers and provide a level playing field for industry. The agreement, which applies to vessels 24 meters and longer, ensures fishing vessels are given the same level of safety as merchant vessels. Noting that more than 10 WCPFC members have committed to take action to ensure the agreement enters into force by 2023, TCC17 should recommend that other members ratify the agreement and note how its provisions complement the draft CMM on labor standards.

Recommend the Commission adopt the EU proposal to incorporate vessels named on the IUU Vessel Lists of other RFMOs into a new annex of the WCPFC IUU Vessel List (TCC17-2021-DP03). The cross listing of IUU Vessel Lists will minimize opportunities for recognized illegal fishers to fish in other areas and will reduce the administrative burden on members, especially small island developing States in the fight against IUU fishing.

Lastly, we urge TCC17 members to consider how to make progress on other matters, particularly to prioritize a review of CMM 2017-02 on the Minimum Standards for Port State Measures for next year's meeting and, in doing so, develop the funding mechanism to assist Small Island Developing States to implement the measure.