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**A Proposal to Address the Current Imbalance in Enforcement Monitoring *Without* the Use of
Sub-Sampling**

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Submitted by the United States of America

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A PROPOSAL TO ADDRESS THE CURRENT IMBALANCE IN ENFORCEMENT MONITORING WITHOUT THE USE OF SUB-SAMPLING

I. INTRODUCTION

The United States appreciates the work of the Technical and Compliance Committee (TCC) and the Secretariat to strengthen the Compliance Monitoring Scheme (CMS), particularly as it relates to the disparate observer coverage rates between the purse seine (PS) and longline (LL) fisheries in the Convention Area.

This paper seeks to further refine the discussion on compliance by distinguishing between monitoring rates and enforcement outcomes, reiterating the TCC21 discussion of the use of subsampling for compliance, and proposing a necessary structural revision to the Compliance Case File System (CCFS) to ensure fairness and accurate tracking of alleged infringements.

II. DISCUSSION

A. IMPLEMENTING SUB-SAMPLING FOR COMPLIANCE PURPOSES IS PREMATURE AND MAY ULTIMATELY PROVE UNNECESSARY.

1. There is a significant imbalance in current enforcement outcomes for the longline (LL) and purse-seine (PS) fleets.

Despite the current requirements for high observer coverage in the purse seine (PS) fishery (100% coverage for vessels operating between 20°N and 20°S¹) compared to the minimum rate for longline vessels (5%²), an imbalance in *enforcement* remains, but in the opposite direction.

For example, approximately 90–100% of High Seas Boarding & Inspections (HSBI) involve longline vessels.³ And these Inspection-Sourced CCFS cases are prosecuted at a much higher rate than Observer-Sourced⁴ CCFS cases. As a result, LL vessels are being prosecuted at

¹ See [WCPFC-TCC21-2025-RP02_rev1](#) at ¶ 5.

² See [WCPFC-TCC21-2025-TCC21_FINAL](#) at ¶ 116 (*TCC21 Summary Report*; discussing [WCPFC-TCC20-2024-09_rev1](#) and [WCPFC-TCC21-2025-RP02_suppl](#)).

³ See [WCPFC-TCC21-2025-RP04](#) at ¶ 17.

⁴ At present, the Secretariat has created two general categories of CCFS cases based on the method of initiation. So-called “Article 25,” “Article 25(2),” or “CCM-Initiated” cases are created when an initiating CCM requests a flag (or other responsible) CCM investigation pursuant to Convention Article 25(2) and are generally supported by direct surveillance (e.g., via the Vessel Monitoring Scheme (VMS)) or inspection (e.g., High Seas Boarding & Inspection (HSBI)). See [Overview of the CCFS and linkage to Convention Article 25\(2\) \(07 Jun 2023\)](#). The other category of cases created by the Secretariat based on observer-generated data are confusingly referred to as “Observer-Initiated” even though observers personally lack authority to initiate CCFS cases. In light of the discussion at TCC21 (e.g., [WCPFC-TCC21-2025-TCC21_FINAL](#) at ¶ 101, 214, 217, and 219) and the plain language of

a much higher rate than PS vessels, notwithstanding the number of alleged infringements by each. The low prosecution rate for Observer-Sourced cases correlates to the low number of observer reports being made available to assist responsible CCMs in their investigations.⁵ This low prosecution rate suggests that, even with high coverage, the lack of supporting documents and refined process flows hinders successful enforcement of alleged infringements.

Because the ROP-IWG is tasked with addressing some of the process flow issues between the ROP and the creation of CCFS cases, the U.S. believes that a subsampling approach for compliance purposes would be premature at this time, before that work is complete. Further, the U.S. has concerns about the potential burden on SPC and the Secretariat, and would seek guidance towards understanding the tradeoffs in SPC and Secretariat resources and staffing in carrying out the subsampling exercise in the compliance context.⁶

2. Bias in the Compliance Case File System (CCFS) structure should be addressed.

The current CCFS structure contains an inherent reporting bias that inflates the

the Convention and other Commission measures, the U.S. proposes that moving forward, these cases be instead referred to as “**Inspection Sourced**” and that those CCFS cases previously identified as “Observer-Initiated” should instead be referred to as “**Observer Sourced**,” in order to avoid confusion.

⁵ Indeed, although the number of “completed” Observer-Sourced CCFS cases “aligns closely with the number of observer reports received,” “overall few ROP observer reports have been received by flag CCMs to support investigations.” [WCPFC-TCC21-2025-08](#) at ¶ 16 (acknowledging that this issue has become prevalent since 2019) & Table 4 (revealing that as of TCC21, the most recent Observer-Sourced “NEW CASE” was created in 2023).

In fact, based on an analysis of Secretariat data from 2023, fewer than 6% of Observer-Sourced CCFS referrals were supported by observer records; of all Observer-Sourced cases that were assigned an Investigation Status of “Closed – INFRACTION” in 2023, approximately 98% were supported by observer records; and conversely, only about 20% of cases with a status of “Closed – Investigation NOT COMPLETED” in 2023 were similarly supported. These numbers are based on the Observer-Sourced CCFS data found in [WCPFC-TCC21-2025-RP02_suppl](#) at pp. 13–14 (data for FAD-related alleged infringements (**FAI**)), 15–16 (for observer obstruction-related alleged infringements (**OAI**)), 17–18 (shark-related alleged infringements (**SHK**)), 19–20 (marine pollution (**POL**)), 23–25 (cetaceans and whale sharks (**CWS**)), and 26–27 (pre-notification of alleged infringements (**PAI**)):

Case Types	[Observer-Sourced cases with status: “NEW CASE” or “Investigation IN PROGRESS”] # Reports Received / # Reports Requested (%)	[Observer-Sourced cases with status: “Closed – INFRACTION”] # Reports Received / # <i>Infraction</i> Outcomes (%)	[Observer-Sourced cases with status: “Closed – INVESTIGATION NOT COMPLETED”] # Reports Received / # <i>Incomplete</i> Outcome (%)
FAI	3/110 (2.7%)	23/23 (100%)	9/15 (60%)
OAI	0/13 (0%)	67/70 (95.7%)	4/30 (13.3%)
SHK	0/8 (0%)	82/82 (100%)	3/13 (23.1%)
POL	6/126 (4.7%)	8/9 (88.9%)	21/81 (25.9%)
CWS	12/143 (8.4%)	39/39 (100%)	19/136 (13.97%)
PAI	N/A (no data on reports received)	N/A (no data on reports received)	N/A (no data on reports received)
TOTALS	21/400 (5.25%)	219/223 (98.2%)	56/275 (20.3%)

⁶ See [WCPFC-TCC21-2025-TCC21_FINAL](#) at ¶ 123.

perceived number of alleged infringements originating from observer-sourced data (primarily purse seine) compared to inspection-sourced data (primarily longline).

The CCFS includes records of HSBI events that resulted in a request for flag CCM investigation pursuant to Articles [23\(5\)](#) and [25\(2\)](#) of the [Convention](#). Until March 2024, a single boarding and inspection event could yield multiple alleged infringements, which were “collected in a single case file in CCFS corresponding to the HSBI event.”⁷ However, since the release of the upgraded CCFS in March 2022, “the alleged infringements associated with a single HSBI event now appear as individual cases.”⁸ Additionally, it appears that annual records do not differentiate whether a case is new in that year or is pending from a prior year. As a result, cases pending over multiple years may inappropriately be double-counted.

To further improve the CCFS and streamline the process of analyzing data extrapolated from it, the U.S. proposes the standardization of CCFS Case ID nomenclature to indicate both the **Method of Detection** and the **Subject Matter** of the alleged infringement. This will allow for more accurate comparison of compliance records across different monitoring regimes. For example:

Current Example Case Type (Secretariat Naming)	Current Example Case ID (Conceptual)	Proposed Revised CCFS Case ID Structure	Proposed Example Case ID (Conceptual)
Inspection-Sourced (HSBI)	US-HSBI-123	CCM-[Detection Method]-[Subject Matter]-[ID]	US-HSBI-SHK-123
Inspection-Sourced (HSBI)	US-HSBI-456	CCM-[Detection Method]-[Subject Matter]-[ID]	US-HSBI-CWS-456
Inspection-Sourced (PORT)	US-PORT-789	CCM-[Detection Method]-[Subject Matter]-[ID]	US-PORT-SHK-789
Observer-Sourced (SHK)	US-SHK-123	CCM-[Detection Method]-[Subject Matter]-[ID]	US-OBS-SHK-123
Observer-Sourced (CWS)	US-CWS-456	CCM-[Detection Method]-[Subject Matter]-[ID]	US-OBS-CWS-456
Observer-Sourced (POL)	US-POL-789	CCM-[Detection Method]-[Subject Matter]-[ID]	US-OBS-POL-789

The full revision will align all case ID formats, acknowledging that all compliance cases ultimately fall under Article 25 and are CCM-Initiated.⁹

⁷ [WCPFC-TCC21-2025-RP04](#) at ¶ 24.

⁸ [WCPFC-TCC21-2025-RP04](#) at ¶ 25.

⁹ See [WCPFC22-2025-DP15](#) (U.S. Delegation Paper: *Challenges with Observer-Sourced Enforcement Referrals and Proposed Reforms to Strengthen the WCPFC Compliance Monitoring Scheme (CMS)*).

3. Continued progress towards a robust WCPFC electronic monitoring (EM) program can level the playing field.

At TCC21, “[c]omments by Japan and others reinforced that expanding EM is a priority for the Commission, and if carried out could easily overcome the perceived imbalance” in the CCFS “in an enduring manner that would never be attainable by the subsampling effort.”¹⁰ The U.S. wholeheartedly agrees and notes this is another reason that sub-sampling for compliance would be premature in 2026.

To move beyond the current structural challenges and address data needs, the Commission must adopt a more holistic and modernized approach to monitoring. The WCPFC EMP is being developed to collect verified catch data, other scientific data, “and additional information related to the fisheries . . . and to monitor the implementation of CMMs . . . and support enforcement investigations.”¹¹

This approach should focus on coordinating across monitoring frameworks allowing CCMs to utilize both human observer coverage and Electronic Monitoring (EM) to fulfill overall monitoring objectives. This would be supported by the proposed WCPFC EMP's guiding principles, which state the program “shall be organized in a flexible manner” and “shall be coordinated, to the maximum extent possible, with sub-regional and national EM Programs.”¹²

The USA suggests that 100% monitoring coverage should be viewed as an *aspirational goal* for all WCPFC fisheries. The U.S. consultative draft for the WCPFC EMP proposes to “achieve 100% EM installation coverage for all high seas longline vessels,”¹³ while also noting that achieving this goal would ensure CCMs meet “monitoring levels equivalent to the Commission’s current 5% ROP coverage requirements.”¹⁴ This proposal provides a model for how EM can be used as a key tool in a comprehensive scheme.

The work of the ERandEM-IWG, which is “progressing work to establish EM as a tool to meet WCPFC’s data needs,”¹⁵ should be fully supported as a necessary step toward this future.

¹⁰ See [WCPFC-TCC21-2025-TCC21 FINAL](#) at ¶ 129.

¹¹ See [WCPFC22-2025-DP14](#) at ¶ B(1) (U.S. Delegation Paper: *Consultative Draft CMM for the WCPFC EMP*).

¹² See [WCPFC22-2025-DP14](#) at ¶¶ D(1) & (2) (Guiding Principles).

¹³ See [WCPFC22-2025-DP14](#) at p.2 (Explanatory Note).

¹⁴ See [WCPFC22-2025-DP14](#) at p.2 (Explanatory Note).

¹⁵ See [WCPFC-TCC21-2025-21](#); [WCPFC-TCC21-2025-RP02 suppl](#) at ¶ 16.

B. TO IMPROVE THE CURRENT IMBALANCE IN ENFORCEMENT MONITORING AND OUTCOMES, THE UNITED STATES RECOMMENDS THAT THE COMMISSION:

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IV. CONCLUSION

The United States seeks other members’ feedback and consideration of these proposals with a view to recommending their adoption, either individually or as a package of reforms, to strengthen the CCFS as a cornerstone of the Commission’s compliance framework and improve enforcement outcomes across the WCPFC.

¹⁶ [WCPFC-TCC21-2021-TCC21_FINAL](#) at ¶¶ 116, 120, 122, 126.