



**The Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

**Sixteenth Regular Session of the Technical and Compliance Committee
Electronic Meeting
23 – 29 September, 2020**

SUMMARY REPORT

Issued: 20 November 2020

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AGENDA ITEM 1 — OPENING OF MEETING

1.1 Welcome

1. Dr. Robert Day (Canada), the Acting Chair of the Technical and Compliance Committee (TCC), welcomed delegates and participants to the 16th meeting of the Western and Central Pacific Fisheries Commission (WCPFC) Technical and Compliance Committee (TCC16). The meeting, which was convened remotely via Zoom in response to the coronavirus disease (COVID-19) pandemic, began at 10:00 am Pohnpei time on 23 September, 2020.

2. Mr. Poasi Ngaluafe (Tonga) offered the opening prayer.

3. The WCPFC Chair Ms. Riley Jung-re Kim (Korea), acknowledged the TCC delegates and meeting participants; the TCC Acting Chair; WCPFC Executive Director, Feleti Teo, OBE and his team at the Secretariat, and in particular the Compliance Manager, Dr. Lara Manarangi-Trott and her compliance staff; and the WCPFC Legal Adviser, Dr. Penny Ridings. She also thanked the Secretariat's IT Manager, Tim Jones, and the Administration and Finance Manager, Aaron Nighswander for their assistance with adopting new technological solutions. The Chair also acknowledged Laurence Edwards (RMI) for his prior leadership of TCC, and expressed the Commission's appreciation for his work. She noted the disruption of the work of the Commission by COVID-19, and stated that the Commission, as a group, has been able to carry on its core functions using some innovative approaches while maintaining the integrity of the Commission's rules. She stated she was very proud of how everyone was working together to meet their common objectives, and that she appreciated the hard work of all Members, Cooperating Non-members and participating Territories (CCMs). She stated that it was very important to maintain the Commission's essential work, and expressed her gratitude to the conveners of various working groups who were maintaining a range of important monitoring, control and surveillance (MCS)-related work on electronic reporting and electronic monitoring (ER and EM), transshipment, and fishing aggregating device (FAD) management options. She noted that TCC would be reviewing the Commission's three interim decisions on observers and transshipment, and she looked forward to the advice and recommendations from TCC. She noted that although the agenda had been shortened for TCC16, CCMs had demonstrated their dedication to attaining the Commission's objectives, even in the face of constraints and limitations. She stated that she looked forward to the coming sessions, and offered her best wishes for TCC's deliberations. The WCPFC Chair's full remarks are provided in **Attachment A**.

4. The Executive Director welcomed the delegates to TCC16. He acknowledged the presence of the Commission Chair and the Vice Chair, Dr. Josie Tamate (Niue), and the attendance of representatives of CCMs, as well as representatives of regional and international intergovernmental organizations and non-governmental organizations (NGOs). He remarked on the challenges resulting from the global COVID-19 pandemic, including the technological challenges and constraints of online meetings, and the need to adapt, demonstrate flexibility, and be innovative in how business is transacted. On behalf of the Secretariat the Executive Director thanked the Acting Chair of TCC for his leadership through challenging times and for guiding and working closely with the Secretariat in organizing the arrangements for TCC16, and pledged

the continuing support of the Secretariat. He also expressed gratitude and appreciation to the immediate former TCC Chair Laurence Edwards, and thanked him for his guidance and leadership over previous two years, while assuring Laurence that he and his small and young family would always be in the Commission's thoughts and prayers. The Executive Director expressed his gratitude and appreciation to the Secretariat's compliance team, led by the Compliance Manager, for its work in preparing for TCC despite the challenges and constraints resulting from the COVID-19 pandemic, noting that preparing the draft Compliance Monitoring Report (dCMR) is a major and hugely time-consuming exercise even under normal circumstances. The Executive Director appealed to the Committee to exercise constraint and discipline in committing the Secretariat to undertake new work commitments without proper consideration and discussion of the resource implications of those new commitments and the Secretariat's capacity and capabilities to deliver on those new work commitments. In that context he noted that the Secretariat had initiated a mapping exercise to determine its current work commitments for the MCS and Compliance programme that support the work of TCC, the future incremental work needed to progress those current commitments, and the anticipated new work commitments based on ongoing discussions by relevant working groups. He stated that this preliminary 2–3 year mapping exercise is described in **TCC16-2020-20 Preliminary consideration of anticipated forecast of Secretariat work commitments for TCC in 2021/22**, and would be addressed in greater detail during the meeting. The Executive Director noted changes in the senior staffing in the Secretariat's compliance team, acknowledging with gratitude the services of the former Assistant Compliance Manager Ms Ana Taholo, now serving as compliance policy adviser at the FFA Secretariat, and the new Assistant Compliance Manager Ms Eidge Sharp who is currently working remotely from New Zealand. The Executive Director closed by wishing the TCC Chair and the Committee successful and fruitful deliberations. The Executive Director's full remarks are provided in **Attachment B**

5. The TCC Acting Chair thanked the Executive Director and the Commission Chair for their remarks, and welcomed all participants. He confirmed that COVID-19 posed challenges for all participants, and expressed the hope that everyone could work together in a collaborative spirit while accepting the limitations imposed by the electronic meeting format. He acknowledged the work of the Secretariat and CCMs in assisting with the preparations for TCC16, and took note of the Executive Director's advice regarding the limits to the Secretariat's capacity.

6. The following members, cooperating non-members and participating territories (CCMs) attended TCC16: American Samoa, Australia, Canada, China, Cook Islands, Ecuador, El Salvador, European Union (EU), Federated States of Micronesia (FSM), Fiji, France, French Polynesia, Indonesia, Japan, Kiribati, Republic of Korea, , Republic of the Marshall Islands (RMI), Nauru, New Caledonia, New Zealand, Niue, Nicaragua, Palau, Panama, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, United States (USA), Vanuatu and Vietnam.

7. Representatives from the following regional organisations attended TCC16: the Pacific Islands Forum Fisheries Agency (FFA), the Parties to the Nauru Agreement (PNA), the Secretariat of the Pacific Community (SPC) and the Secretariat of the Pacific Regional Environment Programme (SPREP).

8. Observers representing American Tunaboat Association (ATA), Australian National Centre for Ocean Resources and Security (ANCORS), BirdLife International, International Environmental Law Project, International Pole and Line Foundation (IPNLF), International Seafood Sustainability Foundation (ISSF), Organisation for Regional and Inter-regional studies (ORIS), Pew Charitable Trusts (Pew), Sustainable Fisheries Partnerships (SFP) Foundation, The Nature Conservancy (TNC), The Ocean Foundation, World Tuna Purse Seine Organisation (WTPO), and World Wide Fund for Nature (WWF) also attended TCC16.

9. A full list of participants is provided in **Attachment C**.

1.2 Adoption of agenda

10. The Chair stated that a decision to hold TCC16 as a Zoom meeting was made on 10 August, 2020, with a provisional agenda posted on August 24, and a revised agenda (**TCC16-2020-02_rev1**) posted on 8 September. He noted that the agenda reflected the limitations of the electronic meeting format, with limited opportunity to consider issues other than those deemed the most essential.

11. The agenda was adopted (Attachment D).

1.3 Meeting arrangements

12. The EU commended the Secretariat and Executive Director for their work in organizing the meeting, acknowledged the work of the TCC Chair and Vice-Chair (the current Acting TCC Chair), and recognized the comments by the Commission Chair that offered a positive and optimistic perspective on the Commission's work despite the COVID-19 pandemic. The EU agreed that the COVID-19 situation was unprecedented, and required a response guided by adaptation, cooperation and solidarity; the EU noted that it had responded positively and swiftly to calls for solidarity from WCPFC CCMs affected in the operations of their fisheries sector in the region. However, the EU recorded its disappointment with the proposed working arrangements (and specifically the meeting times) for TCC16, stating that these were not developed in the spirit of collaboration and solidarity required as cornerstones of our collective adaption to the unprecedented circumstances of the pandemic, and only impact the EU by imposing working throughout the night for all meeting sessions. The EU deeply regretted the total lack of flexibility, as well as the fact that no effort was made for sharing, if not equally, at least to some extent the burden among CCMs with respect to the proposed working hours. In light of the restricted time available for the meeting the EU stated it would not seek to delay the start of TCC16, or to pursue possible avenues to address the process by which a decision regarding the meeting arrangements was made, but the EU stated that its delegation would not be in position to agree with so unbalanced arrangements for WCPFC17, or other future key electronic WCPFC meetings.

13. The Chair noted the comments from the EU, and acknowledged the difficulties these working hours would pose for the EU delegation. The Chair stated that he had consulted with the Secretariat and other CCMs to find other workable options, taking into account the breadth of time zones covered by CCMs and the Chair's physical location in Ottawa, Canada.

14. The Chair noted that one SWG (for CNM applications) had been established through the Online Discussion Forum (ODF), and would be discussed under Agenda Item 4.

15. The Compliance Manager provided an update regarding recently posted documents, noting in particular two delegation papers. In response to a question from China seeking clarification on the two late delegation papers, the Compliance Manager clarified that **TCC16-2020-DP04** *Availability of catch estimates from the other commercial fisheries in the Philippines* was prepared to fulfil a task given by the Commission, based on discussions at TCC15. The task for SPC in conjunction with the Philippines and Indonesia was in relation to "other commercial fisheries" for bigeye, yellowfin and skipjack tuna was in an effort to enable the Commission to evaluate compliance with the tropical tuna measure (CMM 2018-01). The paper was previously presented to SC16 as **SC16-2020-MI-IP-17**; a similar paper was submitted by Indonesia **TCC16-2020-DP03** *Availability of catch estimates from the other commercial fisheries in Indonesia*, which was submitted to SC16 as **SC16-2020-MI-IP-18**. The Compliance Manager stated that **TCC16-2020-DP05** *Information paper on a cooperative MCS activity in the WCPFC Convention Area: Operation Nasse 2020* was presented for information. The Chair stated that the papers were for information.

AGENDA ITEM 2 — ANNUAL REPORT OF THE EXECUTIVE DIRECTOR

16. The Chair noted that the Executive Director's Annual Report (**TCC16-2020-05**) was posted on 16 September and provides a consolidated overview of the key issues and challenges confronting each of the compliance tools and programmes that constitute the Commission's integrated MCS and Compliance programme. The details of each of the compliance tools and programmes are the subject of other working papers and required reports. He stated that there was no discussion of the Annual Report in the TCC16 Online Discussion Forum (ODF), and that the paper would be taken as read. The Chair also noted **TCC16-2020-20 Preliminary consideration of anticipated forecast of Secretariat work commitments for TCC in 2021/22**, posted on 22 September, and stated that this should be considered in conjunction with the Executive Director's Annual Report, in particular as CCMs consider the workplan for TCC and any recommendations for the Commission.

17. Regarding **TCC16-2020-RP05 Annual Report for the WCPFC Record of Fishing Vessels**, the EU stated that paragraph 8 noted discrepancies with respect to notified charters, data submissions, and the record of fishing vessels (RFV). The EU inquired whether the discrepancies in notifications for chartered vessels had caused problems for SPC or the Secretariat in terms of properly identifying and allocating the catch and effort of specific chartered vessels. The EU also thanked those CCMs that undertake high seas boardings and inspections (HSBI).

18. The Compliance Manager stated that charter notifications were discussed at SC15 and TCC15, and the outcome from WCPFC is recorded in paragraphs 662 and 663 of the WCPFC16 Summary Report. The Commission encouraged Chartering CCMs to report on their application of the chartering measure to EEZs, high seas, or both EEZ and high seas, and agreed that the Scientific Committee, the Technical and Compliance Committee, and the Commission will continue to consider improvements to the charter notification requirements and/or the treatment of chartered vessels under the Commission's conservation and management measures more generally. If chartering CCMs report on their application of the chartering CMM, best efforts are made by the Secretariat and the Scientific Services Provider to consider this as appropriate. She stated the issue was noted in **TCC16-2020-RP05** to inform CCMs of the discrepancies between what a charter CCM has notified and what the relevant flag State CCM has included in the RFV, and to ask that CCMs take care to ensure updates made by flag CCMs are correct. She stated that SPC uses the official WCPFC charter notification records from CCMs to allocate catch and/or effort, but that this does require some work with the CCMs involved. She noted that it is an ongoing issue.

19. The EU sought an opportunity to discuss the Secretariat benchmarking exercise in relation to the FLUX referred to in **TCC16-2020-RP10, Annual Report on the Performance of the E-reporting standards**. This matter was further considered under Agenda 7.3.

20. TCC16 noted the Annual Report of the Executive Director, an overview report of the MCS and Compliance Programmes (**TCC16-2020-05**).

AGENDA ITEM 3 — IUU VESSEL LIST

21. The Compliance Manager provided an overview of **TCC16-2020-06 Draft IUU Vessel List and Current WCPFC IUU Vessel List**. She noted that the single vessel (the Oryong No. 721) on the draft IUU vessel list is flagged to Korea, and was nominated by RMI; the Secretariat distributed the draft IUU vessel list to CCMs on 29 July (Circular 2020/74). With respect to the current WCPFC IUU list, **TCC16-2020-06** paragraph 8 notes that in April 2020 the Secretariat wrote to all CCMs and relevant RFMOs to request

information about the vessels on the WCPFC IUU Vessel List. In response the Secretariat received a letter from Chinese Taipei providing information related to the master of the Yu Fong 168 at the time of the illegal, unreported and unregulated (IUU) fishing activity (Circular 2020/35).

Draft IUU Vessel List

22. RMI stated that as a coastal State it took action against the Oryong No. 721, specifically for fishing on five occasions in the RMI exclusive economic zone (EEZ) without a valid license. RMI notified the Secretariat of the alleged violation on 27 February, 2020. RMI noted the response by Korea (Circular 2020/112), and stated it was not satisfied in accordance with CMM 2019-07. RMI stated it had been in close contact with Korea since issue was identified, and that the case was still pending before the RMI high court; while RMI and Korea both noted the dismantling of the vessel in question that was underway, RMI emphasised it had not agreed to remove the vessel from the draft IUU list. RMI noted that the name of the vessel master listed in **TCC16-2020-06** (Kim, Jeong Gil) was incorrect, and should be Kim, Tae Sik as had recently been updated in the Record of Fishing Vessels (RFV).

23. Korea thanked RMI for its efforts and actions to deter and eliminate IUU fishing in the region, and for its cooperation with Korea in relation to the Oryong No.721. As the flag State of the vessel, Korea sent a letter to the Executive Director on 17 September (distributed as Circular 2020/112) in accordance with paragraph 11 of CMM 2019-07. Korea made the following statement introducing the letter:

- Following the initial communication from the RMI in February 2020 that the vessel fished in their EEZ without a valid license, the Republic of Korea immediately launched an investigation into the case. At the same time, the vessel was instructed to stop all fishing activities and make a port call at Busan port. The fish products from the alleged illegal activities were seized for investigation and sealed upon the vessel's entry into Busan port, and are now in the custody of relevant authorities of Korea. Although the legal proceedings between the vessel owner and the RMI are ongoing and the investigation into this case by the Korea Coast Guard has not been completed, the Ministry of Oceans and Fisheries of Korea deemed the case very concerning and was determined to take actions rather than just simply waiting for the results of the investigation and judicial proceedings. With the amendment of the Distant Water Fisheries Development Act, Korea has a very robust legislative tool that allows for an administrative body to impose adequate sanctions without having to put the matters through judicial proceedings. However, as this incident took place before the effectuation of the amendment, the Ministry strongly recommended the vessel owner to scrap the vessel, which we believe would address the problem from the roots. The vessel owner started the scrapping process on 19 August, and it is expected to be completed after the end of September. The actions demonstrate Korea's determination to fight against IUU fishing based on its zero-tolerance approach and that Korea has an effective control over any illegal activities committed by its fishing vessels.

24. Korea further noted that the legal proceedings and the investigation had not ended and that it was closely monitoring these, and stressed their importance. However, Korea stated it also believed that the actions it had taken satisfy the criteria set out in paragraph 15 (b) of CMM 2019-07. As well, Korea stated that with the scrapping of the vessel there will be no Oryong No.721 to be listed, and Korea therefore requested that TCC not include the vessel on the Provisional IUU Vessel List. Korea stated that the reason to keep a vessel on an IUU list is so that CCMs are aware that it is an IUU vessel, will refrain from engaging in any activities involving the vessel, will ensure any illegal catches from the vessel are not sold, and will ensure the operator does not derive financial benefit from illegal activities. With the physical vessel no longer in existence and no financial gain from the catch taken through the incident in question, Korea stated it strongly believes that the vessel does not pose any risks, as outlined in the preamble of CMM 2019-07, and that effective action has been taken as envisioned by paragraph 15 (b). Separate from the action already

taken, Korea assured RMI and other CCMs that it would keep CCMs updated with its judicial proceedings, and would continue to fully cooperate with RMI regarding their internal proceedings.

25. FSM, on behalf of FFA members, supported the listing of the Oryong No. 721 on the Provisional IUU Vessel List, based on the suitably documented information submitted by RMI. FFA members stated that fishing without a licence within waters under national jurisdiction is a “serious violation” and, under national laws, serious violations attract the highest penalties. FFA members stated that the satisfaction of the coastal State, in whose waters the violation occurred, is paramount and noted that given the gravity of the violation, the case can only be settled if RMI is satisfied. FFA members noted with concern the discrepancy with the name of the master provided by the flag State for the draft IUU list (Jeong Gil, Kim), and the name of the master in the WCPFC RFV (Tae Sik, Kim).

26. The Compliance Manager stated that the name of the vessel master is based on what was entered on the WCPFC RFV from 2016 until 7 August 2020. The vessel master that has been included on the Draft IUU Vessel List is the one listed in the RFV at the time of the alleged incident.

27. China stated its view that this was a bilateral case that could be settled by RMI and Korea, and its understanding was that the flag and coastal State should both find a satisfactory resolution. China suggested that the case be deferred to TCC17 to provide time to resolve the court proceedings.

28. The EU stated its view that the flag State had taken some action in response to the IUU activities that had been identified and that the legal process was still ongoing, while noting that RMI was not satisfied. The EU asked what action would satisfy the coastal State concerned and inquired whether an IUU list could include a vessel that no longer physically exists?

29. The Commission’s Legal Adviser stated that the draft IUU vessel list includes the name of the vessel and the name of the master and beneficial owners. A number of factors would need to be taken into account in determining whether a vessel still existed including, for example, whether it was on the RFV.

30. New Zealand inquired about the current status of the vessel master.

31. The USA noted the relevant text of paragraph 15 of CMM 2019-07, and the use of the conjunction “or” in that paragraph, indicating that either sub-paragraph (b) (regarding effective action) or sub-para. (c) (regarding satisfaction of the CCM proposing the listing) must be demonstrated. The USA inquired what RMI sought in terms of a solution?

32. Korea thanked CCMs for their comments and questions. Regarding the comments made by FSM, Korea pointed to the intervention made by the USA, and stated that its interpretation was that a vessel would not be included on the Provisional IUU List if any of the conditions outlined in paragraph 15 of CMM 2019-07 applied. Korea stated its position that its actions satisfy the requirement in Paragraph 15 (b), but emphasized it had no intention of seeking to affect the ongoing legal proceedings between the vessel owner and RMI. Regarding New Zealand’s inquiry with respect to the status of the vessel master, Korea stated he is in Korea, not operating a vessel, and is being investigated by the Korean Coast Guard. Korea stated that with regard to the name of the vessel master, the vessel information in the RFV may not have been updated in a timely manner, but that it was looking into the issue, and would provide an update when more information was available.

33. RMI thanked CCMs for their comments, noting that laws were broken in RMI. As a coastal State, RMI would seek to ensure adequate penalties were imposed, stating that even if a vessel was scrapped, that this did not free the vessel owner from liability under the RMI’s laws.

34. Korea reiterated that its intention was not to free the vessel or its captain from the ongoing legal proceedings between RMI and the vessel owner. Korea requested removal of the vessel from the Provisional IUU List because it believes its actions as a flag State satisfied the criteria under paragraph 15 (b) of CMM 2019-07.

35. Palau, on behalf of PNA members, supported RMI's request for the vessel to be placed on the Provisional IUU Vessel List, stating that PNA members did not consider scrapping of an old vessel without prosecution or sanction meets the criteria of effective action by the flag State.

36. The TCC Chair noted that 3 options had been proposed: listing of the vessel on the Provisional IUU Vessel List; not listing the vessel, under the view that effective action has been taken; or deferring action pending resolution by the parties. The Chair noted that RMI's initial intervention stated they wanted to be satisfied that effective action has been taken, and he observed that in the past different views had been recorded with regard to listing of IUU vessels. The Chair indicated his intention to ask for additional interpretation of paragraph 15, and to return to the discussion when additional information was available.

37. Korea provided an update regarding actions taken by Korea after the initial TCC16 discussion with respect to the Oryong No. 721 and referenced a letter to the Secretariat dated 25 September (Circular 2020/114). Korea reiterated its interpretation of paragraph 15 of CMM 2019-07 that TCC shall not include a vessel on the Provisional IUU Vessel List if the flag State demonstrates that at least one condition in the paragraph is met, and that Korea believed that the action taken to scrap the vessel was substantial and met the standard of "effective action ... in response to the IUU fishing activities" as set out in paragraph 15 (b). Korea stated that it would take other necessary actions in accordance with Korean legal proceedings and administrative actions, such as revocation of the vessel's fishing license. Korea stated that it had deleted the vessel from the WCPFC RFV on 23 September, and that it would revoke the fishing license and deregister the vessel from the Korean Register when the scrapping process reached 60% (it was at about 40% during TCC16). Korea stated that the scrapping was expected to be complete after the end of September 2020. Korea stated that the provisions of CMM 2019-07 indicate that the WCPFC IUU Vessel List deals with individual vessels, and technically should not include a vessel that no longer exists, either physically and in the RFV. Korea stated that it fully recognised the rights of the coastal State and did not intend that not including the vessel on the Provisional IUU Vessel List should affect the ongoing legal proceedings in any way, but should be considered strictly from a technical perspective.

38. RMI thanked Korea for providing the letter dated September 25, and acknowledged Korea's efforts to take effective action, while noting that as a coastal State RMI had reviewed Korea's request with respect to paragraph 15 of CMM 2019-07. RMI stated that the scrapping of the vessel did not relieve the vessel master of their obligations relating to the serious contravention, and stressed that the case was still pending in RMI's high court. RMI asked Korea to respect RMI's sovereignty while the case was being resolved.

39. Australia thanked Korea for providing information promptly and stated it appreciated Korea's cooperation in the process. Australia noted that there had been considerable debate over the interpretation of paragraph 15 of CMM 2019-07, and that Korea was claiming that paragraph 15 (b) had been satisfied. Australia stated its view that while Korea had shown itself to be a responsible flag State, this provision had not yet been satisfied in the current case, and in this regard highlighted its understanding that the vessel scrapping process was underway but not yet complete, and that the vessel had been removed from the RFV but was still licensed in Korea. Australia noted that it would appreciate clarification if that was not the case. Australia suggested that some steps should be taken to meet the criteria under paragraph 15 to demonstrate effective flag State action, while observing that RMI was an injured coastal state, and as such had specific concerns, and encouraged both CCMs to continue to work together so that these concerns could be remedied.

40. PNG thanked both RMI and Korea for their contributions to the discussion, and inquired of Korea whether, at the completion of the scrapping process, the owners and operators of the vessel would be allowed to replace the vessel and continue operating?

41. China stated that it was encouraged by the consultations between RMI and Korea. It noted that RMI had informed TCC that the case was pending in RMI's high court, and inquired if that was correct, how RMI could regard this as IUU fishing. China stated that a good solution could possibly be found once the court issued a decision, and fully supported Korea's interpretation that paragraph 15 of CMM 2019-07 required only one option (a, b or c) be satisfied.

42. Tonga stated that while paragraph 15 was structured to allow the flag State to demonstrate that certain action had been taken in a certain context, in these cases coastal States must be satisfied, and stated that in its view the vessel should be listed in the Provisional IUU list until the coastal State was satisfied.

43. RMI thanked Tonga and Australia for their support for its position, confirmed to China that the case was still pending, and suggested that TCC defer to the Commission's Legal Adviser for advice on the interpretation of paragraph 15 of CMM 2019-07.

44. Korea thanked CCMs for their comments. In reply to Australia, Korea confirmed that scrapping of the vessel was ongoing and that the domestic license is yet to be revoked and stated it would continue its consultations with RMI. In reply to PNG, Korea stated that the captain of the vessel was not currently operating any fishing vessel, and that what happened after completion of the scrapping process would depend on outcome of the current investigation by Korea's Coast Guard. Once that was completed Korea would take the necessary actions against the vessel owner, captain and operators. Korea thanked China for its support and reiterated that it would continue discussions with RMI.

45. FSM commented, on behalf of PNA members, stating that it was clear that there was no agreement between RMI and Korea, and observed that listing a vessel on the Provisional IUU List could help to settle such cases. In the view of PNA members, the actions of Korea had not met the test in the CMM of effective action being taken in response to the IUU fishing activities of this vessel, noting there had been no prosecution and no sanctions applied for this very serious incident of IUU fishing. In addition, the case had not been settled to the satisfaction of RMI. PNA members stated that in order to ensure that the effectiveness of the IUU List is not undermined, the vessel should be listed on the Provisional IUU List.

46. PNG noted that it is also a flag State. PNG observed that RMI would not be involved in any punitive action by the Korean Coast Guard against the vessel and stated it was unclear how RMI could achieve satisfaction through other means. PNG stated that on balance it supported RMI's position and looked forward to the issue being resolved amicably.

47. The Commission's Legal Adviser referenced the process for placing a vessel on the Commission's IUU vessel list and TCC's role in that process through inclusion of a vessel on the Provisional IUU Vessel List. She noted that paragraph 15 of CMM 2019-07 states that TCC shall not include a vessel on the Provisional IUU Vessel List if the vessel's flag State demonstrates that one of the three actions specified in paragraph 15 (a)-(c) have occurred; 15 (b) specifies that "Effective action has been taken in response to the IUU fishing activities in question ...". She suggested that, setting aside the interpretation of paragraph 15, it appeared that some CCMs took the view that effective action had been taken, while a majority were of the view that the flag State had not yet demonstrated this. She stated that the Commission would receive the Provisional IUU Vessel List and then makes its own determination on whether to place the vessel on the WCPFC IUU Vessel List. If all efforts to reach conclusion at TCC were unsuccessful, a decision on the Provisional IUU list could be made on a majority/minority basis.

48. Korea stated that if TCC was to retain the vessel on the Provisional IUU Vessel List, Korea's understanding as to the reason was that Korea had not satisfied the criteria in paragraph 15 (b) (regarding effective action) and for no other reason. Korea stated it did not agree with the interpretation of some CCMs that a settlement between the flag State and coastal State, or satisfaction of the coastal State, were the only ways to ensure a vessel was not placed on the Provisional IUU Vessel List. Korea stated it would continue to work with RMI, fully respected the ongoing legal proceedings in RMI, and would continue its investigation and associated legal proceedings. Korea posed the question of what would happen if the scrapping process was completed and Korea revoked the domestic fishing license of the vessel—could the vessel then be deleted from the Provisional List based on paragraph 15 (b)? Korea emphasised that the answer to this question was very important to enable it to move forward on this very important issue.

49. The Chair noted that a majority/minority position was emerging on the issue among TCC members.

50. RMI stated that in 2008, TCC approved the Provisional IUU Vessel List on a majority/minority basis and asked that this precedent be used to enable a decision at TCC16. RMI also stated it was open to working with Korea, and assured it would continue to cooperate on the issue, noting it was also pursuing the legal process in RMI, and stated that it hoped a resolution could be reached before WCPFC17.

51. The USA reiterated that CMM 2019-07 clearly uses the conjunction “or” in paragraph 15 (i.e., that conditions (a), (b), or (c) must be met). The USA stated that it did not oppose inclusion of the vessel on the Provisional IUU Vessel List given that relevant actions were still underway. However, it stated that if it was clear at WCPFC17 that effective action had been taken, the USA would not support the vessel's inclusion on the Commission's IUU Vessel List. It encouraged the parties to continue working on the issue.

52. The EU agreed that paragraph 15 clearly states “or” with respect to the three conditions. The EU suggested that for the Commission's deliberations in December, it would be useful to have more updated information on the legal actions taken by the flag State to inform the final decision.

53. Tonga stated that it had brought the case in 2008 that was referenced by RMI, where a majority of TCC members supported the vessel's inclusion, with a minority opposed, and referenced the TCC4 Summary Report, paragraph 73. Tonga suggested that the precedent and language from that report could be used in this case.

54. The Chair agreed that there was a precedent and proposed that TCC16 follow it.

Current WCPFC IUU Vessel List

55. With regard to the Current IUU List, the TCC Chair stated that new information had come in from Chinese Taipei in respect to one vessel, as noted in Circular 2020/35.

56. New Zealand stated on behalf of FFA members that they supported the retention of the three vessels on the current IUU Vessel List. With the exception of the name of the master for Yu Fong 168 provided by Chinese Taipei, no new information had been provided in accordance with CMM 2019-07. FFA members stated that the vessels have been on the IUU Vessel List for over 10 years and continue to be a serious concern to FFA members, especially as these vessels have been listed in other RFMO Lists. FFA members asked what further actions the Commission could take, and whether the three vessels should remain listed in perpetuity? FFA members recalled that WCPFC13 tasked TCC with investigating options to address the circumstances of vessels remaining on the WCPFC IUU Vessel List for several years, and observed that they had stated many times the need to collectively think of innovative ways to deal with the issue so that it does not become routine to simply roll over this IUU Vessel List each year.

57. Niue, on behalf of FFA members, stated they continued to call on the cooperation of all CCMs to actively work to locate these vessels so that their illegal activities could be stopped. As requested at TCC15, FFA members sought an update from the Secretariat on any information received from communications with the former flag States of Georgia and Chinese Taipei, as well as other RFMOs regarding these vessels. FFA member noted the previous response from the Secretariat regarding the lack of response to the Secretariat's communications, while proposing that the TCC recommend to the Commission to task the Executive Director to:

- seek the former flag States' cooperation to provide any information on these vessels, including their respective masters' names and nationalities;
- write to all CCMs requesting them to provide information to the Commission if the vessels are located, or if there are any known changes to name, flag or registered owner, including any action that port States have taken such as denial of port entry and services to those vessels or any information from cannery States of any landings made by these vessels; and
- write a letter to other RFMOs conveying this same message for cooperation to locate these vessels.

FFA members also proposed that any information received by the Executive Director is reported promptly to CCMs.

58. The Executive Director confirmed the comments provided by New Zealand and observed that the tasking requested by Niue had been the same for the last few years. He stated that the Secretariat was fortunate to have an update this year in response to the letter, and that he would update the communication, while noting there may be limited chance of a substantive response from the recipients of those communications.

59. TCC16 recommended to WCPFC17 that the three fishing vessels **NEPTUNE**, **FU LIEN No.1** and **YU FONG 168** on the WCPFC IUU Vessel List in 2020 remain on that list for 2021, noting the inclusion of the updated information from Chinese Taipei to confirm the master of the **YU FONG 168** which has been included in the list.

60. TCC16 recommended the Commission task the Executive Director to:

- a. seek the former flag States' cooperation to provide any information on these vessels, including their respective masters' names and nationalities;
- b. write to all CCMs requesting them to provide information to the Commission if the vessels are located, or if there are any known changes to name, flag or registered owner, including any action that port States have taken such as denial of port entry and services to those vessels or any information from cannery States of any landings made by these vessels;
- c. write a letter to other RFMOs conveying this same message for cooperation to locate these vessels; and
- d. propose that any information received by the Executive Director is reported promptly to CCMs.

61. TCC16 noted that consensus was not reached on the inclusion of the **ORYONG No.721** on the Provisional IUU List with the majority of TCC members supporting its inclusion, whilst a minority of TCC members did not support its inclusion. TCC16 agreed to place the vessel on the Provisional IUU Vessel List with a note to WCPFC17 that consensus was not reached on this vessel.

AGENDA ITEM 4 — CNM REQUESTS

4.1 Assess applications for CNM status and provide recommendations and advice on CNM applications

62. In accordance with CMM 2019-01, TCC16 considered the applications for Cooperating Non-Member (CNM) status for 2020, as summarised in **TCC16-2020-07_rev1** *CNM Requests in 2020*. The Secretariat received ten requests for granting of CNM status in 2021. Five of these CNMs participated in TCC16: Ecuador, El Salvador, Nicaragua, Panama and Vietnam. The Compliance Manager noted that two CNM applications are new for 2020 — Bahamas and the Democratic People’s Republic of Korea (DPRK) — and that some CCMs made comments in the ODF, which are contained in **TCC16-2020-21**. TCC16 established a CNM SWG (led by Emily Crigler from the USA) to develop draft recommendations and technical advice for TCC to consider for recommendation to the Commission.

63. Following its deliberations, the Chair of the CNM SWG provided a report from the CNM SWG.

64. RMI noted the need for the CNM application process to be reviewed to ensure it is aligned with Article 35, paragraph 2 of the Convention, and stated it would bring a proposal to WCPFC17 for the Commission’s consideration.

65. TCC16 provided the following decisions and recommendations to WCPFC17 on Cooperating Non-Member (CNM) requests:

- a. TCC16 has reviewed the following applications for renewal of CNM status and is forwarding them to WCPFC17 for consideration: Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and Vietnam. TCC16 has also reviewed new applications for CNM status by the Bahamas and Democratic People’s Republic of Korea (DPRK) and is providing advice and recommendations to the Commission to inform consideration of those requests.
- b. TCC16 noted with appreciation the attendance and participation of Ecuador, El Salvador, Nicaragua, Panama and Vietnam at this year’s meeting.
- c. TCC16 reminded CNM applicants of the obligations included in CMM 2019-01, particularly paragraph 11(a), which states that CNMS shall “comply with all conservation and management measures adopted by the Commission.”
- d. TCC16 further reminded CNM applicants of the considerations specified in paragraph 3(a) of CMM 2019-01, which include “the attendance by an applicant for CNM status at

the TCC meeting where its application is considered, subject to the applicant being able to attend the meeting as an observer.”

- e. For those CNM applicants that have expressed interest in becoming a full member of the Commission, TCC16 noted that the issue of membership was not considered, as it is outside the mandate of TCC. This is a matter for further consideration by the Commission, which may invite States to accede the Convention.
- f. For the eight applications for renewal of CNM status, from Curacao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand, and Vietnam, TCC16 noted the following gaps or issues for individual applicants:
 - **Curacao:** TCC16 noted that Curacao had not yet made a financial contribution for 2020 at the time of TCC16, and encouraged it to submit any outstanding contributions in advance of WCPFC17. TCC16 requested a clear statement from Curacao on whether any vessels flagged to Curacao were the subject of IUU fishing allegations, as well as any actions taken in the event of such allegations.
 - **Ecuador:** TCC16 noted that Ecuador had submitted its financial contribution for 2020, had met all of the data provision requirements, and had no potential compliance issues listed for the current period.
 - **El Salvador:** TCC16 noted that El Salvador had submitted its financial contribution for 2020, had met all of the data provision requirements, and had no potential compliance issues listed for the current period.
 - **Liberia:** TCC16 requested additional information from Liberia, in advance of WCPFC17, on two of its vessels included on the IUU vessel lists of other RFMOs, including: i) *New Bai I No. 168*, listed by ICCAT; and (ii) *Labiko 2*, listed by NEAFC. TCC16 noted that Liberia had not yet made a financial contribution for 2020 at the time of TCC16, and encouraged it to submit any outstanding contributions in advance of WCPFC17. TCC16 also noted potential ongoing compliance issues for Liberia and encouraged it to fulfil any pending obligations in advance of WCPFC17.
 - **Nicaragua:** TCC16 noted that Nicaragua had not yet made a financial contribution for 2020 at the time of TCC16, and encouraged it to submit any outstanding contributions in advance of WCPFC17. TCC16 also noted potential compliance issues for Nicaragua and encouraged it to fulfil any pending obligations in advance of WCPFC17.
 - **Panama:** TCC16 noted that Panama had not yet made a financial contribution for 2020 at the time of TCC16, and encouraged them to submit any outstanding contributions in advance of WCPFC17. TCC16 also noted potential ongoing compliance issues for Panama and encouraged it to fulfil any pending obligations in advance of WCPFC17.

- **Vietnam:** TCC16 noted that Vietnam had not yet made a financial contribution for 2020 at the time of TCC16, and encouraged it to submit any outstanding contributions in advance of WCPC17.

g. For the two new CNM applications from the Bahamas and DPRK, TCC16 included the following advice and recommendations:

- **Bahamas:** TCC16 requested additional information from the Bahamas on the participatory rights it would be seeking as a CNM, including: the number of refrigerated cargo ships for which it would be seeking participatory rights and the proposed types of activities that these ships would undertake in the Convention Area. TCC16 requested a clear statement from the Bahamas on whether any vessels flagged to the Bahamas were the subject of IUU fishing allegations, as well as any actions taken in the event of such allegations.

- **DPRK:** TCC16 expressed strong concerns regarding DPRK's application. TCC16 noted DPRK's failure to comply with WCPFC CMMs during previous periods when it held CNM status in WCPFC (2012-2014). TCC16 noted in particular non-payment of financial contributions in any of the years for which DPRK was previously granted CNM status and data gaps, including missing data submissions for current and historical fishing data related to catch, effort, and operational information. TCC also noted the lack of sufficient information on the participatory rights sought by DPRK, as well as information on the effectiveness of the MCS capabilities of the applicant. TCC16 noted with concern reports of IUU fishing by DPRK vessels in the region and expressed a lack of confidence in DPRK's willingness and ability to act as a responsible flag State. Some members also noted the relevance of UN Security Council resolutions and sanctions to the consideration of DPRK's application. TCC16 recommends that the Commission deny CNM status for DPRK at WCPFC17.

AGENDA ITEM 5 — COMPLIANCE MONITORING SCHEME (CMS)

5.1 CMS Process

66. The Chair opened the discussion on the TCC16 Compliance Monitoring Report (CMR) review process (**TCC16-2020-09_rev1**) and initially asking for deliberation on whether the CMR review process should be open to observers. He reminded CCMs about Rule 15 of the Commission's Rules of Procedure, which holds that meetings will be open unless the Commission or its subsidiary body (i.e., TCC) decides the discussion will be held in closed session.

67. The EU stated that consistent with its position across all RFMOs, it supported that the session be open to ensure full transparency of the proceedings.

68. The USA stated that as in the past it favours transparency and supported the participation of observers, but understood that consensus was needed to disclose non-public domain data. The USA stated it looked forward to the agreement on guidelines for participation of observers as outlined in paragraph 46(v) of CMM 2019-06.

69. Japan stated it also generally supported the participation of observers in the CMS process in the mid- to long-term and noted that the protocols for observer participation were under discussion through the

TCC workplan. Japan stated that until the protocol is agreed by CCMs, the CMS discussion would, by necessity be held in closed session.

70. Cook Islands on behalf of FFA members thanked the Secretariat for its continued improvement of the online tools including the streamlined Annual Report Part 2 and encouraged the Secretariat to continue improving the system, budget permitting. On whether the CMR review would be in closed or open session, FFA members noted that the CMR review uses non-public domain data and in line with the Data Rules and Procedures, consent must be acquired from the data providers, in this case CCMs, to release those data. FFA members stated their understanding that this had not been done. In addition, the work on the guidelines for participation of observers had not concluded. On that basis, FFA members stated that their view remained unchanged and supported the past practice of having the review in closed session.

71. China stated that other RFMO meetings are open, but that the Commission had decided that the meeting should be closed, and that a decision of the Commission would be needed to open the discussion.

72. The Ocean Foundation, on behalf of The Pew Charitable Trusts, WWF, International Sustainable Seafood Foundation (ISSF), and Birdlife International, thanked CCMs who provided supportive comments with respect to opening the CMS discussion, but stated they remained concerned that TCC holds discussions on its draft and provisional CMRs in closed session. In light of the need for brevity, they referred members to a number of observer interventions at prior TCC and Commission meetings, stating that greater transparency in the CMR process by allowing observer participation supports the objectives of the Convention and can result in a more effective compliance process. They urged members to take up the tasks still outstanding in the CMS, including developing the risk-based assessment process, responses to non-compliance, and the guidelines for observer participation in the closed sessions of the TCC. With respect to the TCC closed sessions, at WCPFC16 a number of observer organizations made suggestions to the draft observer participation guidelines tabled by the United States. They encouraged members to consider paper WCPFC16-2019-OP13, which balances the concern for members' confidentiality with the need for a fair and equitable process with respect to observer participation. They stated they looked forward to collaborating with CCMs to progress this work.

73. TCC16 agreed on the proposed CMS process which was amended from that outlined in **TCC16-2020-WP09_rev1** to follow the practice of past years of considering compliance issues raised from the floor that had not been previously identified by the Secretariat.

74. TCC16 agreed not to consider the aggregate tables summarizing the information on alleged infringements drawn from the online compliance case file system as per Paragraph 26 (ii) of CMM 2019-06 due to time constraints, the anticipation that the virtual meeting modality was not suitable for this kind of analysis, and the absence of an agreed process for the consideration of these tables. TCC16 agreed to consider this information during TCC17 alongside the draft CMR.

75. TCC16 submitted the Provisional CMR, containing its provisional compliance assessment, and recommends the report to WCPFC17 for its consideration and final assessment.

5.2 Provide advice on CMMs that need revision to improve compliance and monitoring, including those for which interpretation issues have been identified through the CMS process (TCC Workplan 2019-2021)

76. The EU stated that during the discussion of the dCMR, it had expressed some doubts whether all CCMs interpret some key provisions in the tropical tuna CMM (2018-01) in the same way, in particular footnote 1 to paragraph 16 on purse seine FAD set management:

Members of the PNA may implement the FAD set management measures consistent with the Third Arrangement Implementing the Nauru Agreement of May 2008. Members of the PNA shall provide notification to the Commission of the domestic vessels to which the FAD closure will not apply. That notification shall be provided within 15 days of the arrangement being approved.

The EU stated that in its view there is a difference between CMM 2016-01 and CMM 2018-01 in relation to the attribution of the catch of purse seine vessels operating under charter, which could have a significant impact on the assessment of the dCMR, or at least on the assessment of some provisions. The EU stated that it was important to compare the provisions related to the chartering arrangements in CMM 2016-01 and 2018-01. CMM 2016-01 paragraph 5 specifically references various sections of the CMM (transfer of effort, FAD measures, high seas purse seine limits, the longline fishery and capacity management), and links these to the attribution of catch to the chartering member. In contrast, in CMM 2018-01, paragraph 8, there is reference only to the CMM 2018-01 sections on the longline fishery and capacity management in relation to the attribution of the catch to the chartering member. In the EU's understanding, the aim of the change from CMM 2016-01 to CMM 2018-01 was to avoid the misuse of exemptions granted to SIDS for the benefit of fleets of DWFNs under chartering agreements, rather than benefitting SIDS' domestic fisheries. The EU understood the spirit of this change was that the purse seine vessels flagged to non-SIDS CCMs and operating under chartering arrangements could not fish on FADs during the FAD closure using footnote 1 of CMM 2018-01 and could also not fish for tropical tuna on the high seas beyond their effort limit set in Attachment 1, Table 2 of CMM 2018-01. In the notifications received by the Secretariat relevant to footnote 1 (i.e., those vessels that do not apply the FAD closure) as of end October, 2018, there were 12 fishing vessels flagged to non-SIDS CCMs, and in notifications received in August of 2020 there were 16 such vessels. The EU stated that if purse seine vessels flagged to non-SIDS CCMs were fishing during the FAD closure this would, in their view, be a very serious violation of CMM 2018-01 which does not seem to be identified under the CMR process. The EU noted that it also raises questions regarding the allocation of fishing days for chartered purse seine vessels in the high seas which if confirmed, could also be a violation, if the EU's interpretation is correct. The EU stated that these two issues had the potential to dramatically undermine the effectiveness of CMM 2018-01, and sought clarification from the Legal Adviser whether their interpretation of paragraph 8 was correct. The EU also sought input on the interpretation of footnote 1 from (i) CCMs that have purse seine vessels flagged to non-SIDS CCMs listed in the notification, as well as (ii) the flagged CCMs of these vessels. The EU further sought input from the Secretariat and SPC as to how the attribution of the purse seine catch is done for vessels that operate under charter arrangements. The EU noted that this could affect both the dCMR and the effectiveness of CMM 2018-01.

77. China noted that this was a very important issue for SIDS and China. China recalled HOD discussion on footnote 1 during WCPFC14 in 2017, where a clear understanding was that if a non-SIDS vessel was chartered by a SIDS, it should be considered a domestic SIDS vessel and thus the non-SIDS closure would not apply to these chartered vessels. China noted that this interpretation led some vessels to enter into charter arrangements with SIDS. China stated that the question of whether those chartered vessels could operate on the high seas is an open one; its understanding is that if a vessel is chartered and considered a SIDS vessel, catches should be counted against the SIDS quota, not those of the flag State, but the area should be limited to that adjacent to the SIDS national jurisdiction (EEZ).

78. FSM on behalf of PNA members associated with the comments by China. FSM stated that it believed that the change reflected in CMM 2018-01 paragraph 8 was negotiated in good faith with respect to high seas effort limits. PNA members stated that they did not necessarily agree with the interpretation that the change to the charter provision is relevant to footnote 1, which allows SIDS to exempt domestic vessels including foreign charter vessels from the FAD closure. That footnote made reference to domestic vessels rather than flag vessels; FSM stated that charter vessels are a commercial arrangement for SIDS and any vessel that is chartered is a domestic vessel; comments about FAD closures are not relevant to this.

79. The USA thanked the EU for its comments and agreed that this was somewhat complicated. The USA stated it was important to acknowledge that the reference in CMM 2018-01 was purposeful with respect to how catches and fishing activities are attributed, but that complications arise when it comes to the implications for the different provisions such as FAD closures, and high seas limits. The USA supported further consideration and discussion of the issues raised.

80. SPC stated that in the tables produced in **TCC16-2020-IP05** *Catch and effort tables on tropical tuna CMMs (update of SC16-MI-19) - revision 1*, the attribution takes into account the chartering arrangements. The EU asked how these data are attributed; to the flag State or the chartering members? The EU suggested comparing paragraph 5 of 2016-01 and paragraph 8 of 2018-01, which it stated could also help in understanding the intent of the change. SPC clarified that the attribution in the tables in IP05 is to the chartering nation.

81. The Secretariat stated that, with respect to the notifications that are provided in relation to footnote 1 of CMM 2018-01, **TCC16-2020-IP04** *Summary of the Reports received under Tropical Tuna CMMs from 2018 to 2020* refers to Circular 2020/80 dated 3 August 2020 and Circular 2020/94 dated 31 August 2020 which together provide the list of notifications that have been received by WCPFC to date in reference to CMM 2018-01 footnote 1. Regarding the CCFS, the Secretariat does duly consider those notifications when determining whether to issue notifications of alleged FAD sets within a coastal State's waters. Thus, if a CCM has made a notification to WCPFC under footnote 1 with respect to a vessel, be it their own or a chartered vessel, that vessel would be considered to be operating under the 3rd PNA Implementing Arrangement during the 3-month FAD closure period within the notifying CCMs waters.

82. In subsequent discussion the EU spoke further regarding the attribution of purse seine catch with respect to flag State vs. chartering State. It related that CMM 2016-05 (replaced by CMM 2019-08) concerning the Charter Notification Scheme, paragraph 7 states

Unless specifically provided in other CMMs, catches and effort of vessels notified as chartered under this CMM shall be attributed to the chartering Member or Participating Territory. Unless specifically provided in other CMMs, the chartering Member or Participating Territory shall report annually to the Executive Director catch and effort of chartered vessels in the previous year.

In CMM 2018-01 there is a section on chartering arrangements which the EU stated in its view overrides the blanket application of CMM 2016-05, and clarifies when catch and effort should be attributed to the flag State and when to the chartering State for the purposes of 2018-01. According to this provision, the only cases where the catch and effort should be attributed to the chartering State is for paragraphs 39-41 (regarding the longline fishery) and paragraphs 45-49 (regarding capacity management for purse seine and longline vessels). Given that, the EU stated its view that normally it should not be possible for vessels that are flagged to non-SIDS CCMs to fish on FADs during the FAD closure, or to use the SIDS exemption for fishing in the high seas beyond their limits in Attachment 1 to CMM 2018-01. The EU acknowledged varying views were expressed on the interpretation of this issue, and stated that in its opinion, the issue

should be clarified by the Commission. The EU requested that the Secretariat provide data for the years 2008-2018 to WCPFC17 to enable better understanding of the implications.

83. The Compliance Manager further addressed the queries raised by the EU with respect to 2018-01 paragraph, 8 and footnote 1 and how these were considered in the preparation of **TCC16-2020-IP05** (*Catch and Effort Tables on Tropical Tuna CMMs*). She stated that the Secretariat and SPC had issued **TCC16-2020-IP05_rev1**, which includes a new Table 2 (*Purse seine days fished in international waters in the WCPFC-CA between 20°N and 20°S, by flag, based on available operational data*). The table includes (i) a correction to the USA high seas purse seine effort limit for 2018, to reflect the understanding of paragraph 29 of CMM 2017-01; and (ii) to correct an oversight made in the application of CMM 2017-01 and CMM 2018-01 to high seas purse seine effort limit attribution. The Compliance Manager noted that high seas days attribution is based on flag. In relation to footnote 1 of CMM 2018-01 and CMM 2017-01, the Compliance Manager stated that a list of notifications were provided to CCMs in Circular 2020/80 and Circular 2020/94, which are summarised in **TCC16-2020-IP04** (*Summary of the Reports Received under Tropical Tuna CMMs from 2018 to 2020*). Footnote 1 of these CMMs is a provision that allows PNA members to notify the Commission of the vessels for which each PNA member has applied the 3rd PNA Implementing Arrangement exemption. The Compliance Manager stated that when this occurs, it applies to the 3-month FAD closure, and only applies within the individual PNA member's EEZ. Each PNA member determines which vessels this will be applied to and based on their definition of what constitutes a domestic vessel for this purpose. The Secretariat clarified that footnote 1 would seem to apply only in each notifying PNA member's waters and therefore any non-SIDS vessels that are chartered by a PNA member would also need to comply with the high seas FAD closure. The only exception for the high seas FAD closure is provided under paragraph 17, which provides a special exemption for Kiribati because of the multiple EEZs that Kiribati has, and allows Kiribati flagged vessels to fish in the adjacent high seas. When this provision was adopted, it was clarified that it would only apply to Kiribati-flagged vessel, and not chartered vessels. For the CCFS, where any flagged vessels is reported to be fishing in the high seas during the 3 month FAD closure, be they SIDS flag vessels or other CCM vessels, any alleged FAD sets as reported by ROP observers would be highlighted as being potential alleged infringements which would need to be investigated by the flag State (CMM 2018-01 paragraph 16). Similarly, if any non-Kiribati flag vessels (irrespective of whether they are chartered) fish on the high sea on FADs during either of their flag nominated high seas FAD closure period, they would also be notified to the flag State and other relevant CCMs as potential violations of the high seas FAD closure (CMM 2018-01 paragraph 17). The Compliance Manager noted that Table VI (page 26) of **TCC16-2020-RP02** (*ROP Annual Report*) has a public-level summary of alleged FAD sets (the paragraph 17 references are alleged non-compliant FAD sets); she indicated that the 2019 data were not 100% complete when the table was prepared, but that the coverage represents almost complete coverage of 2019 ROP trips.

84. The EU stated that their understanding of the catch and effort attribution on the high seas appeared to agree with that of the Secretariat. The EU stated that it had raised the issue under Agenda Item 5.2 because it was clear that differences of opinion existed with respect to interpretation of the CMMs under discussion relevant to the CMS process. The EU proposed adding "CMM 2018-01 08: in relation to the attribution of purse seine catch (flag State vs. chartering State) under relevant paragraphs of this CMM" to the outcome for Agenda Item 5.2, and stressed that its goal was not to impose its interpretation regarding the issue, but to raise it for consideration by the Commission.

85. China stated that it was not appropriate to raise this question and put such language forward to TCC, noting that the practices under discussion had been ongoing for some years. China suggested that no other CCMs shared the EU's view regarding attribution of purse seine catch and charter notification, and that the EU's views on the issue had changed over the prior 3 years. China stated that it was inappropriate to request that WCPFC17 consider the issue.

86. Palau stated that PNA members understood the issue as explained by the Secretariat, and that the charter paragraph was revised specifically to remove the possibility that chartered vessels would operate in the high seas under the SIDS exemption from the high seas limit, and that the exemption did not apply to the high seas FAD closure; SIDS may exempt foreign flag vessels operating as part of their domestic fleet from the 3-month FAD closure under footnote 1 in their EEZ. PNA members however did not support any reference to the issue, which they stated was raised by one CCM, in the outcome document.

87. The EU stated that it clearly did not agree with the PNA's interpretation, and that it did not share Palau's understanding of the HOD discussion at WCPFC14. The EU stated it had consistently disagreed with such exemptions, and that it understood that CMM 2018-01 was removing the exemption, including for the FAD closure. The EU emphasised the risks associated with exemptions related to CMMs for tropical tuna and observed that there were now over 110 vessels notified, or 1/3 of the purse seine vessels operating in the WCPFC. The EU also noted a dramatic increasing trend in recent years in effort on the high seas, by vessels flagged to CCMs not bound by the limits established in CMM 2018-01. The EU considered that both issues are likely to undermine the effectiveness of the tropical tuna measure.

88. The United States reminded members that SC15 (Summary Report, paragraph 71) and TCC15 (Workplan 2019–2021) identified potential issues with the management of chartered vessels under the current charter notification scheme which at that time, was CMM 2016-05. The USA stated that WCPFC16 agreed to extend the charter notification CMM for two years (via CMM 2019-08) to allow time to identify and fully consider these issues. The United States noted that WCPFC16 also agreed that SC and TCC should consider improvements to the charter notification requirements and/or the treatment of chartered vessels under the Commission's conservation and management measures more generally.

89. TCC16 noted for WCPFC17 that there were recommendations in the Provisional CMR relating to the revision of existing Conservation and Management Measures. TCC16 recommends that WCPFC17 consider approaches to address challenges identified for the following obligations, noting that more information related to these recommendations is contained in the Provisional CMR:

- a. **CMM 2005-03 04:** for North Pacific albacore annual catch and effort reporting;
- b. **CMM 2018-01 51:** for relevant CCMs where there are difficulties in terms of the scope of other commercial fisheries.

90. TCC16 noted the work to progress the development of audit points as a priority. This could assist in clarifying some CMM obligations and how they are to be assessed.

91. TCC16 also recommended that WCPFC17 task the VMS SWG to consider approaches to address challenges identified for the following obligation:

- **CMM 2014-02 para 9(a) VMS SSP 2.8:** in relation to the interpretation and link between data gaps in year (x) and ALC activation ahead of TCC in year (x + 1).

5.3 Enhancing the CMS (CMM 2019-06 para 46, TCC Workplan 2019-2021)

92. The Chair referred participants to the *Overview Report of Compliance Monitoring Scheme matters for TCC16 (TCC16-2020-08A)*. The Chair noted that it had been important to see the timely annual reports from CCMs that allowed the Secretariat to prepare the dCMR.

93. The Compliance Manager noted that the purpose of the CMS — to ensure CCMs implement and comply with CMMs and Convention obligations — had remained largely unchanged over the nine years of the CMS. Over the past two years new language had been added to the purpose statement to clarify how information about alleged violations was considered through the CMS. The CMS is to focus on flag State actions first to investigate, respond and where appropriate prosecute alleged violations. The CMS should not examine individual alleged infringements by individual vessels. There are four guiding principles for the operation of the CMS: effectiveness, efficiency, fairness and cooperation towards compliance. The Commission continues to refine the CMS. WCPFC16, agreeing to CMM 2019-06, removed “Flag State Investigation” as one of the scores that can be assessed in the Compliance Monitoring Report, and specified the format for aggregate summary tables to be prepared by the Secretariat based on the online CCFS data. It also specified how TCC is to consider and present the findings in the final CMR and agreed the current CMM would apply until 31 December 2021. In 2020-21 it is intended that work to further enhance the CMS and to make the CMS more efficient and effective by streamlining processes would continue through the CMS-IWG.

(a) Update on Streamlining of Annual Reporting

94. The Compliance Manager noted that work to streamline annual reporting commenced in 2019 supported by a discussion paper from the Secretariat that comprehensively reviewed all the annual reporting requirements and collated suggestions about how the reporting might be streamlined and duplicative reporting removed (**TCC15-2019-10** *Update on Streamlining of Annual Reporting Initiatives*). Some of the key findings related to Annual Report Part 2 were in regard to reporting on quantitative limits and reporting on implementation-type obligations. The Compliance Manager noted that in preparing the Annual Report Part 2 online interface used in 2020, the Secretariat incorporated some streamlining suggestions, including the “hold on file” of CCMs responses to implementation-type obligations that applied in prior years. Secondly, the key finding related to streamlining scientific data and Annual Report Part 1 was that there have been significant improvements in operational level catch and effort data submissions, and it should be possible for the Secretariat/SPC-OFP to jointly do more based on these submissions. The Compliance Manager noted that the Commission approved the trial of WCPFC Annual Catch and Effort Estimate (ACE) Tables to allow CCMs, through SC and TCC, to explore a streamlining suggestion for the Annual Report Part 1. Updates on the annual reporting streamlining initiatives in **TCC16-2020-10** were also submitted to SC as **SC16-2020-GN-IP-07**. SC16 agreed the following outcomes:

- noted the updates on streamlining of annual reporting requirements implemented in 2020 that were provided in SC16-2020-GN-IP-07;
- noted that SC16-2020-GN-IP-07 reviewed the experiences and outcomes of the trial ACE Tables and has provided information that the cost and resources implications of this trial were modest;
- recommended to WCPFC17 that the approach of publishing the ACE tables based on the April 30 Scientific Data submissions and subsequent updates and revisions from CCMs be continued; and
- recommended that SPC be tasked to review the feasibility of expanding the ACE Tables, to include additional estimates of effort where practicable to be derived based on the April 30 scientific data submissions from CCMs and provide an update to SC17.

95. The Compliance Manager noted that **TCC16-2020-10** sought support for the SC16 recommendations related to streamlining annual reporting initiatives, and for approval of an additional recommendation related to exploring work to include estimates of quantitative limits under CMMs where it is practicable for the estimate to be derived from data submitted in response to the annual deadline of April 30 for scientific data submissions.

96. Japan stated that the streamlining of annual reporting is an important task to reduce the workload on CCMs, but that the submission of annual reports is an obligation stipulated under the Convention. Japan

suggested that CCMs could use ACE tables or other streamlining tools on a voluntary basis to reduce the workload to produce annual reports, and software could be configured to automatically provide some data in a format suitable for annual report submission. Japan also noted the role played by SPC in assisting with the compilation of data, but stressed that final annual reports should be submitted by CCMs themselves, and that each CCM was responsible for explaining their own data.

97. Fiji, on behalf of FFA members, stated that they appreciated the effort the Secretariat and SPC have put into this work, observing that the publishing of the ACE tables and the streamlining of Annual Report Part 2 have directly addressed SIDS concerns regarding the burden of reporting obligations on small administrations. On this basis, FFA members supported the recommendations in the paper to continue publishing the ACE tables based on the April 30 scientific data submissions, and subsequent updates and revisions from CCMs, and suggested that SPC be tasked to review the feasibility of expanding the ACE tables to include additional estimates of effort where it is able to be derived from the April 30 scientific data submissions from CCMs, and to provide an update to SC17.

98. Palau stated that the PNA response to **TCC16-2020-10** was set out in the ODF. PNA members noted the survey provided valuable feedback on the trial use of the ACE tables and Part 2 streamlining, and the survey response indicated very strong support among CCMs for the development of the ACE tables as an alternative to reporting this data in Part 1 Reports. Palau stated that providing the data in this way is more valuable to most CCMs and reduced the reporting burden, which is particularly important to small administrations such as Palau. On that basis PNA members supported further development of the ACE Tables as an alternative to reporting the data in Part 1 Reports. PNA members also supported expansion of the ACE Tables, where practicable, to include estimates of annual specific area-based CMM quantitative limits, which would remove the need for reporting this data in Part 1 Reports. On the streamlining of Part 2 reporting, PNA members stated they greatly appreciated the effort by the Secretariat to develop the List approach for Part 2 reporting, noting it had been a valuable step in streamlining reporting and reducing the burden on small administrations, and they supported the recommendations in the paper.

99. TCC16 noted the positive effect of improvements made to streamline annual reporting requirements set out in **TCC16-2020-10** that were implemented in 2020 and supported their continuation.

Trial of Annual Catch and Effort (ACE) tables

100. TCC16 noted that **TCC16-2020-10** reviewed the experiences and outcomes of the trial of ACE tables and that the cost and resource implications of the trial were modest.

101. TCC16 noted the SC16 recommendations to WCPFC17 (SC16 draft Summary report, paragraphs 294 - 297) and recommended the Commission task the Scientific Services Provider with reviewing the feasibility of expanding the ACE tables to include:

- a. additional estimates of effort where it is practicable to be derived based on the April 30 scientific data submissions from CCMs and provide an update to SC17; and
- b. estimates of annual area-based CMM quantitative limits where it is practicable for the estimate to be derived based on the April 30 scientific data submissions from CCMs and to provide an update to TCC17.

(b) Explore feasibility and costs of suggestions from CCMs to facilitate improvements to the online Compliance Case File System

102. Mr. Kim Duckworth, WCPFC consultant, presented **TCC16-2020-12** *Review of the WCPFC Online Compliance Case File System*. In 2019, and specifically during TCC15, some CCMs expressed concern that the CCFS was not adequately meeting their needs. Subsequently, WCPFC16 tasked CCMs to provide the Secretariat with suggested improvements to the online CCFS (TCC15 Summary Report, paragraph 175). In response, in early 2020 Kim Duckworth led a review of the CCFS with input from the WCPFC ICT Manager, WCPFC Compliance Manager and IT Contractor Nesh Petrovic (Taz-E Ltd). To facilitate the collation of CCMs' views, in March 2020 CCMs were invited to answer a 32-question survey about the CCFS. Twenty-one CCMs (or 97% of flag CCMs responsible for cases in the CCFS) responded to the survey. The survey identified a widespread desire among CCMs to have the CCFS enhanced to better meet their needs. The Review Report presents the analysis and findings of the survey results and a recommended work programme of enhancements to the CCFS. The cost of implementing the first three recommendations in the report was estimated at about \$50,000. The fourth recommendation suggests some further work by CCMs and TCC to review and provide guidance to the Secretariat. The report recommendations were summarized as follows:

- 1) Undertake the ten actions (a-j) identified in Table 1 of the Review Report (**Attachment E**) to enhance the CCFS, to automatically notify people within the CCM when a single case is created or updated, make the CCFS easier to use, allow CCMs to browse a single list containing all cases, enhance the aggregated summary tables produced by the CCFS, improve communication with CCMs regarding which internet browsers the CCFS works best on, improve the CCFS quick guide and offer CCFS training to CCMs (combined cost about \$30,000);
- 2) Undertake the one action (k) contained in Table 1 of the Review Report (**Attachment E**) to implement a proof of concept online graph / table creation tool for CCFS data (cost about \$10,000).
- 3) Undertake the three actions (l-n) contained in Table 1 of the Review Report (**Attachment E**) to clarify CCM expectations, investigate realistic options, and if possible produce a proof of concept of a tool which would allow CCMs to bulk upload comments that they had drafted offline (cost about \$10,000).
- 4) WCPFC to review and provide guidance to the Secretariat on:
 - a. The case Status / Outcome ontology used in the CCFS (Review Report, p. 31);
 - b. The level of aggregation at which Article 25-2 alleged infringements are recorded in the CCFS (Review Report, p. 32); and
 - c. The range of questions that they want addressed through the aggregated summary tables (contained in the Summary Tables of Flag CCM Responses document produced yearly for TCC) (Review Report, p. 30).

103. FSM, on behalf of FFA members, thanked the Secretariat for its work to improve the online CCFS which it stated would help make the system easier to use and proposed that the Secretariat progress this work intersessionally. They also noted that a number of action items related to Recommendations 1 in Table 1 of the paper could be considered normal routine work that should be part of maintaining and enhancing the system, including:

- simplifying the interface (including removing elements that are unnecessary to the user), improving the language used, consistently formatting links and adding screen-specific help pages;
- expanding the range of information that is shown in the six single case screens to include: observer trip data, vessel trip ID, infringement ID, trip number and provider trip number;
- providing training to CCM users, either in the form of (i) training on the margins of other WCPFC meetings, or (ii) an online course, or (iii) a downloadable training video (or videos); and

- improving and updating the system user guide to cover all the features present in the enhanced system, and additionally improve how this is named and stored on the WCPFC intranet.

104. China inquired whether the costs being discussed were one-time or recurring annual costs, and made the following suggestions: (i) currently the CCFS has no feedback as to whether information was received properly or not, and China suggested this could be one function in the exchange with the CCFS manager; (ii) to address past problems, China stated it hoped the CCFS could become a platform for exchanges between observer providers, flag State investigators and data monitors; and (iii) China also welcomed the concept of training, but hoped this would include both SIDS and non-SIDS.

105. The Compliance Manager thanked CCMs for their consideration of the report and clarified that the \$50,000 figure mentioned in the presentation related to the one-off cost for implementing Recommendations 1, 2 and 3 in the paper. Ongoing costs would be absorbed in the routine IMS budget. The Compliance Manager also confirmed that training was envisaged for all CCMs, especially those that have or can view cases within the CCFS.

106. PNG asked for clarification with respect to the reference to risk and whether this referred to cost or satisfaction of requirements. PNG, on behalf of FFA, also stated it could see the merits in improvements to the aggregate table to enable the data to be further interrogated, and supported that consideration be given to using an Excel or similar format. PNG also supported the idea of a proof of concept with regard to graphing or charting of data, which could help in communicating concepts to managers.

107. The IT Manager stated that risks (in terms of software issues or cost escalation) were low with regard to Recommendation 1 in the paper and included the risk of side effects when software is modified. He also noted that support requests that had come from CCMs since the review was completed were largely to do with access to the CCFS, and involved user-name and password issues. He encouraged CCMs to contact the Secretariat to address those types of issues.

108. Japan stated that it supported Recommendation 1 in **TCC16-2020-12**, which would serve to enhance communication, but that it was unsure of the effectiveness and usefulness of the Recommendations 2 and 3, and suggested that TCC focus first on Recommendation 1, and proceed on a step by step basis on 2 and 3.

109. The USA stated that Recommendation 1 would have a large impact and supported PNG's comments in potential improvements to the aggregate summary tables and the benefits of being able to interrogate the data. The USA noted that it would also support implementation of Recommendation 4, that recommendations included in the TCC Observer WG also relate to the CCFS, and that Recommendations 2 and 3 could be considered later in conjunction with that work.

110. RMI on behalf of PNA members supported the comments by FFA. In addition to the enhancements considered, PNA members addressed the scope of the CCFS, which includes six types of compliance cases. PNA members stated they haven't been able to find a rationale for identifying which types of compliance cases should be included and suggested that while the current scope has been well shaped to meet the information needs of the CMS as it developed, there is a need to look at the scope of the CCFS in the future. In particular, there seems to be a case for including compliance cases based on observer reports related to the seabird and sea turtle CMMs, and the transshipment CMM.

111. The EU stated it generally supported continuation of the work, and that there would be value in producing tables that are less aggregated than those currently produced.

112. The Compliance Manager thanked CCMs for the positive responses for what is being considered over the coming year. In response to the suggested delay for Recommendation 2 to 2022, it was noted that CCMs had requested that the aggregate summary tables be made more interactive, and Recommendation 2 in the paper was intended to provide the Secretariat with a better understanding of the tools that could be used to develop that capability. Completion of Recommendation 2 in 2021 would allow the Secretariat to provide TCC17 with suggestions and possibly a model of how to do this. The recommendation for a bulk upload facility (Recommendation 3) would require more input from CCMs and could be started later. The Compliance Manager stressed that Recommendation 4 was a process that should be driven by CCMs and the Secretariat was also seeking input from CCMs regarding their priorities from the aggregate summary tables so as to improve their utility. It was suggested that perhaps the CMS IWG could consider facilitating such a process.

113. The EU inquired, in relation to the output tables derived from the CCFS, whether it was possible to provide information that enables identification of the obligations linked with each case, or whether additional development was needed, and if work was needed, whether this was captured in Table 1 of **TCC16-2020-12**?

114. The Compliance Manager replied that regarding the aggregate summary tables currently prepared in response to Annex 2 of CMM 2019-06 (**TCC16-2020-dCMR02**): (i) half are based on the CMM and the relevant list within the CCFS (i.e., obligation by obligation, by CMM, and paragraph); and (ii) half provide a summary by flag CCM, with a breakdown of obligations at the level of a CMM. She stated this could be broken down further when country-level summaries are provided if CCMs preferred. She noted these types of comments were the type of feedback that the Secretariat was seeking to receive through Recommendation 4, noting this is the first year of implementing CMM 2019-06 which directed that TCC consider the aggregate summary tables alongside the dCMR. She also observed that the aggregate tables take a lot of time to prepare in their current form, and that Recommendation 2 in **TCC16-2020-12** was focussed on developing a proof-of-concept to allow TCC to consider ways simplify the preparation of the tables, while trying to improve the usability of the tables for CCMs and TCC.

115. The Chair stated that there was general agreement among CCMs on Recommendation 1, and that Recommendation 4 centred on a need to have a forum for the discussions on direction and priorities, and for CCMs to provide direct feedback to the Secretariat as done to date through various questionnaires. He requested that CCMs consider their positions on Recommendation 2, in light of the clarifications provided by the Secretariat.

116. In response the EU supported Recommendation 2, noting that the tables were very informative but that the format could be improved, and that this could be facilitated through this work. Japan stated that it was unsure about the effectiveness of the proposal, and following discussions with other CCMs, it remained doubtful, but would support the measure if all other CCMs were supportive. PNG reiterated its support for Recommendation 2 on behalf of PNA members, and FSM voiced its support on behalf of FFA members.

117. TCC16 noted the findings and recommendations of the Review of the WCPFC online Compliance Case File System (**TCC16-2020-12**) which confirmed a widespread desire among CCMs to have the CCFS enhanced to better meet their needs.

118. TCC16 tasked the Secretariat, subject to available budgetary resources, to prioritize in its work planning for 2021 to implement recommendation 1 and 2 of **TCC16-2020-12** as follows:

- a. undertake the ten actions identified in Table 1 of the Review Report (**Attachment E**) to enhance the CCFS, to automatically notify people within the CCM when a single case is created or updated, make the CCFS easier to use, allow CCMs to browse a single list containing all cases, enhance the aggregated summary tables produced by the CCFS, improve communication with CCMs regarding which internet browsers the CCFS works best on, improve the CCFS quick guide and offer CCFS training to CCMs; and
- b. undertake the one action contained in Table 1 of the Review Report (**Attachment E**) to implement a proof of concept online graph / table creation tool for CCFS data.

119. TCC16 deferred for consideration at TCC17, recommendation 3 of **TCC16-2020-12** as follows:

- a. undertake the three actions contained in Table 1 of the Review Report (**Attachment E**) to clarify CCM expectations, investigate realistic options, and if possible, produce a proof of concept of a tool which would allow CCMs to bulk upload comments that they had drafted offline.

120. TCC16 noted the Secretariats' advice that to further improve the usability of the Compliance Case File System and the aggregate summary tables, further guidance from TCC, as outlined in recommendations under Agenda 5.3 (c) (paragraph 129 (c) and 131), would be useful on:

- a. a. the case Status / Outcome ontology used in the CCFS (refer page 31 of **TCC16-2020-12**);
- b. the level of aggregation at which Article 25-2 alleged infringements are recorded in the CCFS (refer page 32 of **TCC16-2020-12**); and
- c. the range of questions that they want aggregated summary tables (as contained in the Summary Tables of Flag CCM Responses document produced each year at TCC) to address (refer page 30 of **TCC16-2020-12**).

121. TCC16 tasked the Secretariat to provide an update to TCC17 on progress on the implementation of the proposed CCFS enhancements.

c) Continuation of Compliance Monitoring Scheme Intersessional Working Group to progress the CMS Future Work tasks in 2021

122. The Chair referenced CMM 2019-06, sec IX, paragraphs 46-48, addressing the development of audit points and a risk-based framework. He noted that in the ODF, one CCM and one NGO provided comments, and invited comments from CCMs on how this could be progressed in the coming year.

123. Solomon Islands on behalf of FFA members noted that there had been very limited progress on the work areas to date. They recognized the importance of the work on audit points, the risk-based assessment framework, corrective actions, and the guidelines for participation of observers, noting that the Secretariat is advancing the work on improvements to the CCFS. FFA members noted that these are large areas of work that require commitment and dedicated time and effort. To help advance these four areas of work, FFA members stated they could see merit in nominating a lead for each of the elements of the CMS future work. On this basis, FFA members nominated Ms. Heather Ward of New Zealand to lead the work on risk-based assessment framework and Ms. Rhea Moss-Christian of RMI to lead the work on audit points. They stated that in separating these work areas, the sequencing and timing of when these elements are carried out will be important, noting for example, that they envisaged the work on corrective actions commencing after audit points and the risk-based assessment framework were finalised.

124. The USA echoed many of the sentiments expressed by FFA members, and stated it would like to see this progress in 2020 and 2021, and that nominating leads for many of these elements would help. The USA stated it was important to determine a process to proceed, and suggested considering updating the CMM if there was to be an updated timeline.

125. New Zealand stated it supported the comments made by Solomon Islands, adding that sequencing would be important and that there was a need to progress elements of the work program before looking at the matter of participation of observers at this stage. New Zealand stated it was keen to advance work to improve the CMS, and expressed disappointment that less progress had been made than was hoped at WCPFC16. It also stated that work on the risk-based assessment is a priority, noting that while this is a complex issue, it is essential to have a methodical and transparent process to select the obligations to be reviewed each year as envisaged in paragraph 6 of CMM 2019-06. It voiced support for an outcome that enables TCC to identify the most important compliance issues, how often these are to be assessed, and the implications for future work. New Zealand stated it would be happy to progress some initial work on this in the coming weeks.

126. The Chair summarised that three of the five elements in the CMS Future Work had been identified by TCC as priorities to be progressed in 2021, and that proposed sub-leads had been identified for development of audit points and the risk-based assessments. The development of corrective actions would be sequenced to commence later. It was acknowledged that the recommended timing and sequencing differed slightly from what is set out in Section IX of CMM 2019-06, and it was expected that work on the CMS Future Work would occur intersessionally through the CMS IWG process and supported by sub-leads on certain elements.

127. The United States noted that this year TCC was unable to consider the aggregate tables during its consideration of the draft CMR, and proposed that it would be important to ensure that some preparatory work can be undertaken intersessionally to develop a process for the aggregate tables to be considered by TCC17. The Chair suggested that this could be a fourth element to be progressed intersessionally through the CMS IWG process, under leadership of the new TCC Chair. The EU supported the Chair's proposal. The United States added that because TCC did not consider the aggregate tables this year, they saw it as important for both the 2019 and 2020 alleged violations to be considered as part of this work.

128. TCC16 noted that at WCPFC16 the Commission had established a CMS IWG, under the leadership of the TCC Vice-Chair, intended to work virtually to progress work intersessionally to undertake the CMS Future Work tasks (set out in paragraph 46 of CMM 2019-06).

129. TCC16 affirmed the importance of all the future work called for in section IX of CMM 2019-06 and supported the prioritisation of four streams of intersessional work for the CMS IWG in 2020/21 and recognised that some elements may extend until 2022:

- a. the development of a risk-based assessment framework to inform compliance assessments and ensure obligations are meeting the objectives of the Commission;
- b. the development of audit points to clarify the Commission obligations assessed under the CMS, as well as a checklist to be used by proponents of any proposal to include a list of potential audit points for the consideration of the Commission;
- c. the development of a process for TCC to consider the aggregate tables alongside the draft CMR (paragraph 33 and 34 of CMM 2019-06); and
- d. the development of guidance on the participation of observers in the CMS process as outlined in CMM 2019-06.

130. TCC16 recommended that Ms. Heather Ward from New Zealand would lead the risk-based assessment framework task and Ms. Rhea Moss-Christian from Marshall Islands would lead the development of audit points in support of the CMS IWG Chair.

131. TCC16 recommended that the TCC Chair lead work intersessionally prior to TCC17, with a view to providing guidance on how TCC17 would consider the aggregate tables alongside the draft CMR.

5.4 List of obligations to be reviewed by the CMS in 2021 (WCPFC16 Summary Report paragraph 572)

132. The Chair noted that CMM 2019-06, paragraph 6 addresses the factors to be considered in determining what CMMs to assess in the following year.

133. The USA introduced **TCC16-2020-DP02** *List of Obligations to be Assessed in the Compliance Monitoring Scheme in 2021*. The USA recalled that in 2019 “The Commission noted that this is the third time the list of obligations is being rolled over and tasked the TCC16 to recommend a proposed list of obligations to be assessed in 2021 (covering 2020 activities) for consideration at WCPFC17 in 2020” (WCPFC16 Summary Report, paragraph 572). The USA noted that there were many measures that had not been reviewed for at least 3 years, and being cognizant of the Secretariat and TCC workload, they recognized that not all of those measures could be added back in at once. They suggested adding a few CMMs for review in 2021, noting the need for future review of CMMs on cetaceans, whale sharks, seabirds and turtles. The USA suggested that because the cetacean measure was last reviewed in 2014, and the whale shark measure has never been reviewed, those would be two measures that might be worth prioritizing for review next year, as proposed in **TCC16-2020-DP02**.

134. Nauru, on behalf of FFA members, stated that this is one of the essential items that the Commission needs to take a decision on at WCPFC17. FFA members stated that the obligations to be assessed should be informed by the risk-based approach as required by paragraph 6 of CMM 2019-06 but that this work has yet to commence. Paragraph 6 also provides guidance on factors to consider when determining this list, in the absence of a risk-based approach. In addition, FFA members' are concerned that any expansion to the

list in terms of the total number of obligations be assessed to ensure that the workload for TCC, Secretariat and CCMs remains manageable. To this end, FFA members suggested considering that any proposed addition to the current list of obligations be accompanied by a deletion from the list. In addition, FFA members stated they want to ensure that the CMS review is conducted across all fisheries covered by the Commission and not heavily focused on a specific fishery, which is largely the case to date. FFA members stated that they have specific views on the obligations to be assessed in 2021 and would be preparing a proposal in consultation with CCMs prior to WCPFC17.

135. New Zealand stated its agreement with the comments by Nauru, and suggested the list proposed by the USA was a good basis for discussions on the obligations to be reviewed in 2021, while noting that in the future a risk-based assessment framework would be a more objective way to determine the list of obligations and the frequency of assessment. New Zealand stated that it would like to see seabird mitigation obligations included in the list of obligations for 2021, noting that the seabird CMM was last reviewed in 2016 and was supposed to be reviewed every 3 years - but this had not happened. New Zealand stated that a review was timely, especially in light of from the new obligations in CMM 2018-03. It also noted that **TCC16-2020-OP01** submitted by Birdlife International indicated that CCMs are not complying with the CMMs relating to seabirds, meaning there is continuing risk with respect to the impact of longline fishing on seabirds.

136. The EU stated it was supportive of the proposal from the USA in principle, and that until another approach is developed all quantitative limits, spatiotemporal closures, and all non-retention species should be assessed every year. The EU suggested including assessments of CMMs relating to South Pacific swordfish, South Pacific striped marlin, seabirds, and sea turtles. It stated it would be happy to discuss the issue with FFA. It also highlighted that in recent years, TCC had become more efficient in undertaking the CMR, and that the level of compliance was improving each year, which suggested more obligations could be addressed. It emphasised it was open to increasing the number of obligations being assessed. The EU provided the following list of obligations it proposed to be added to that proposal by the USA:

- CMM 2006-04 (South Pacific striped marlin): paras 1, 4;
- CMM 2009-03 (swordfish): paras 1, 2, 3, 8;
- CMM 2008-03 (sea turtles): para 5b & c;
- CMM 2018-03 (sea birds): paras 1, 2, 3, 6, 7, 13;
- CMM 2018-01 (tropical tuna): paras 19 (non-entangling FADs) & 46 (capacity); and
- CMM 2019-03 (Pacific bluefin tuna): paras 5, 7, 11

137. RMI, on behalf of PNA Members, supported the FFA position that further consideration of this issue should be deferred until later in the year. PNA members also supported the FFA position that this is not the time to be expanding the scale of the CMS. They would be looking to keep the scope of the CMS for 2021 at the same level as for 2020 in terms of the number of obligations, and stated that priority in 2021 should be given to obligations for which the information is not completely based on reports from observers, because of the low level of observer data likely to be available relating to 2020.

138. China thanked the USA for its proposal and requested clarification from the EU regarding its intent with respect to CMM 2018-01 paragraph 19 regarding the use of non-entangling FADs, noting that in its view the CMM was unclear as to whether paragraph 19 is obligatory. China stated it supported in general, the approach of FFA and PNA to delay a decision on the list of obligations to WCPFC17. On the suggestions to assess seabird and sea turtle CMMs, China stressed the need to avoid a reporting requirement on a vessel by vessel basis stating the need to identify the observer reporting obligation. In reply, the USA noted that it was looking for a balance between existing and new obligations, and suggested that Members could certainly consider the addition of paragraph 19 of CMM 2018-01 the list. China clarified that it was not suggesting that paragraph 19 be added as, in its opinion, this is not an obligation at present.

139. Japan stated its view was similar to that of the PNA and FFA. It stated that much time was used to conduct assessment of the CMS process at TCC16 and that future obligations should not be expanded as this would require even more time. It sought to understand which items in the USA proposal were new and which were assessed only in the previous year. It agreed with the EU that TCC should prioritize quantitative limits and must assess these. In response to Japan, the USA clarified that **TCC16-2020-DP02** included an asterisk beside the additional obligations, and a footnote for measures that were removed.

140. PNG spoke on behalf of PNA members, stating that they were disappointed that the very clear and valuable information provided by SPC and the WCPFC Secretariat showing the high degree of effectiveness of the cetacean CMM and the high degree of compliance with it was being misunderstood. The PNA stated its view that the cetacean cases in the CCFS are not alleged infringements. PNG stated that papers **TCC2016-2020-RP02** and **RP12** make clear that these cases include all interactions reported by observers and not just those interactions that might involve an infringement. In terms of the effectiveness of the CMM, the data in Table 14 shows that the number of cetacean interactions has been reduced by around 75% from 2013-2014 to 2018-2019, indicating that the cetacean CMM is the most effective bycatch mitigation measure the Commission has adopted. In terms of compliance, **TCC16-2020-RP02** shows that from the 357 investigations into reported cetacean interactions completed from 2016 to 2019, only 15 infractions were identified and 9 of these were in 2016. This indicates also a very high degree of compliance with this CMM, as confirmed by the Secretariat comment on page 12 of RP02. On this basis, PNA members consider that a very low priority should be attached to consideration of the cetacean CMM in the CMS. PNA members stated they did not support the inclusion of the cetacean CMM in the CMS List of Obligations for review in 2021, and requested SPC and WCPFC to simplify the presentation of data on cetaceans in future ROP Annual Reports to avoid such misunderstandings in the future. PNA offered two suggestions in that regard: (i) the report sometimes refers to the reported cetacean (and whale shark) interactions as alleged infringements, which they are not, but which was quoted by the USA; and (ii) in paragraph 33, it says that “purse seine vessels are the most prolific catcher of these animals”, which isn’t correct if the low level of longline observer coverage is taken into account noting that with 4.6% coverage and the number of interactions, approximately half of the interactions are reported from the purse seine fishery with 100% observer coverage. This means it is reasonable to expect that longline vessels have far greater interactions than the purse seine fishery. PNA members also noted that Table 14 of the Annual Report on the ROP indicates that it is likely that the longline fishery now causes more interactions with cetaceans and more cetacean deaths than the purse seine fishery. On this basis, the key priority for the cetaceans CMM is to extend it to cover the longline fishery.

141. The USA stated that in relation to the comment by PNA members, it agreed on the need to expand the cetacean measure to longline fisheries, and that it hoped to see a proposal forthcoming from the PNA in this regard in the near future. The USA reminded Members that TCC16 was tasked by the Commission to develop a list of obligations to be assessed in 2021. The proposal from the USA was simply seeking to help inform that work. Given that FFA Members have stated their intention to prepare a proposal for WCPFC17, the USA did not intend to carry this proposal forward.

142. China clarified that regarding the PNA’s cetacean suggestion, it could support only the PNA’s comments related to the purse seine fishery and could not agree with extension of the CMM to the longline fishery.

143. The Chair noted that the discussion underscored the importance of paragraph 46 of the CMS measure and the need for a structure to identify CMMs that should be assessed. He noted that the proposal from the USA was providing a basis for discussion with **TCC16-2020-DP02**. He also noted the risk-based framework suggested by New Zealand, and China’s query of whether paragraph 19 in CMM 2018-01 is an actual obligation.

144. The Secretariat recalled **TCC16-2020-20** and limitations of the Secretariat and observed that while there had been some increased efficiency in TCC's consideration of the CMR, preparing the annual reporting that underlines the CMS remained a significant task for the Secretariat and also needs to be a consideration as CCMs consider the range of obligations to be assessed.

145. Noting the task from the Commission (WCPFC16 Summary Report paragraph 572) and considering paragraph 6 of CMM 2019-06, TCC16 discussed a paper by the United States containing a proposed list of obligations to be assessed in 2021 (**TCC16-2020-DP02**). Noting the need for further time to consider the list of obligations, CCMs intend to work intersessionally to advance a proposed list for consideration and adoption at WCPFC17.

146. TCC16 noted that the development of a risk-based assessment framework under the CMS IWG work programme (Agenda Item 5.3(c)) was expected to provide a basis for determining the list of obligations to be reviewed by the CMS in the future.

AGENDA ITEM 6 — TECHNICAL AND COMPLIANCE MATTERS ARISING UNDER INTERSESSIONAL DECISIONS IN RESPONSE TO COVID-19

147. The Chair remarked on the impact COVID-19 has had on all CCMs, and their ability to undertake work related to compliance monitoring. He noted that TCC had been asked to review the decisions taken to date by the Commission in relation to COVID-19 and provide relevant advice.

148. The Legal Adviser introduced **TCC16-2020-14 COVID-19 Related Intersessional Decisions**, stating that it responded to the tasking in the COVID-19 Decision contained in Circular No. 2020/71 that the Secretariat prepare a note for the consideration of TCC16, particularly on the measures taken to prevent the spread of the COVID-19 on fishing vessels and on travel and port entry restrictions in CCMs. The paper is divided into three sections, providing (i) the context and objectives for the three decisions, (ii) a snapshot as of 1 September 2020 of the travel and other restrictions that CCMs have been imposed in order to address the COVID-19 pandemic, and (iii) a synthesis of relevant information set out in other Secretariat papers relating to the implementation of the WCPFC COVID-19 Decisions. She noted the restrictions in place related to COVID-19 among CCMs, and that these are unlikely to ease these restrictions for some time. She noted that the WCPFC COVID-19 related decisions would expire on 31 October. She briefly reviewed the implementation of those decisions:

- Purse seine observer coverage has been temporarily suspended. Most ROP observers have been repatriated, except for 72, most of whom remain on board vessels either to continue their duties or pending suitable arrangements for repatriation. Others are in another country awaiting repatriation, some for lengthy periods.
- Transshipment by purse seine vessel outside port must be authorised by the flag State; five have provided notification of authorisation.
- Only 3% of at-sea transshipments were not observed, but this is expected to decline as the number of observers on carrier vessels declines as a result of COVID-19.
- There has been a decline in HSBI and port inspections.

149. Korea commented regarding at sea transshipment for purse seine vessels, and referenced paragraph 21 of **TCC16-2020-14**, which states that only 5 CCMs have notified the Executive Director of their vessels that are authorized to tranship outside of port. Korea inquired whether it was assumed that others continue

to do this in port, noting its concern that there should be strict and systematic monitoring to ensure the compliance of CCMs with this requirement. Korea suggested this could be achieved by comparing the records of port State or coastal State CCMs with the records of the Secretariat, if the CCMs concerned could provide a list of vessels that transhipped in their national jurisdictions. If feasible this could be reviewed in terms of compliance at TCC17. The Compliance Manager stated the Secretariat would value the views of other CCMs on the issue, while noting this would add another layer of reporting for CCMs. Korea clarified its intervention, stating that coastal State and port State CCMs probably have a list of purse seine vessels that transhipped at sea in their own waters and proposed that those CCMs provide these lists to the Secretariat, to allow cross-checking of those lists with Secretariat records to ensure full compliance.

150. Australia, on behalf of FFA members, introduced the COVID-19 Operating Protocols for the Fishing Sector in the Pacific, developed collaboratively which were distributed via Circular 2020/97, dated 5 September. The work was led by Australia and informed by technical experts from PNAO, SPC and FFA. Australia noted that the three WCPFC intersessional decisions relating to temporary suspension of observer coverage, at-sea transhipment for purse seine vessels, and at-sea transhipment observers would expire on 31 October 2020 and that they would provide views on these ahead of the expiry date. Australia stressed the need to start a discussion to consider minimum requirements that will enable observers to be safely placed on fishing vessels again and to guarantee the health and safety of inspectors and crew alike, and in this regard highlighted the COVID-19 operating protocols for the fishing sector. They stated that the health, safety and welfare of observers is of paramount importance to FFA Members during the pandemic and called on CCMs and observer providers to prioritise the safe and timely repatriation of observers to their home country when requested by the observer or the relevant national, sub-regional or regional observer programme. Due to the impacts of COVID-19 on observer livelihood, FFA members stated they proactively sought options to address the issue and encouraged the Commission and CCMs to also consider options to address this issue in the context of the ROP. FFA members encouraged CCMs to use the COVID-19 Operating Protocols for the Fishing sector in the Pacific as guidance to prevent and manage the risk of COVID-19 transmission on fishing vessels and highlight the critical need for information sharing during this time to effectively implement these Protocols and enable the tracing and analysis of vessels that may carry a higher risk of COVID-19 transmission. FFA members also reiterate that electronic monitoring (EM) can play an important role during the suspension of certain MCS tools during the pandemic and highlighted the need to progress this work as a priority. Australia also noted that HSBI had been continued, with good safety protocols, and stated that the aerial surveillance programme, coordinated by FFA, continues to be an important part of the enforcement framework.

151. The USA stated that it is prioritising EM as an MCS tool and looked forward to working with CCMs on improving and integrating EM as an MCS tool, including on vessels of all gear types and for transhipments in the Convention area. The USA noted that it also recognised that repatriation of observers had been a top priority for FFA members throughout the COVID-19 pandemic, which had created unprecedented challenges for the Commission and its members, and the Pacific region generally. The USA commented that repatriation of observers was also one of its top priorities, and that all FFA observers serving on U.S. flagged purse seine vessels had been repatriated to their home countries; these repatriations were successful only because of the hard work and cooperation of US industry, Pacific island countries, the FFA, and US government agencies and territories. The USA highlighted that this was a testament to regional cooperation in a crisis, and thanked FFA and regional observer programs for working together towards a solution. The USA particularly thanked American Samoa for providing a COVID-safe haven for observers during the repatriation process.

152. American Samoa stated that it did not hesitate to welcome fellow Pacific Islanders during the observer repatriation process and to keep them safe from COVID-19. It recognized the trust and embraced the responsibility placed on American Samoa, while noting that the repatriation efforts created significant logistical challenges and imposed substantial costs on the industry, including through vessels travelling

thousands of extra kilometres and organizing a charter flight to repatriate observers, and in the form of indirect costs of lost fishing time. American Samoa recognized the efforts of U.S. flagged vessel owners, and their efforts to protect the health and safety of observers in communities across the Pacific.

153. Kiribati, on behalf of PNA members, supported the extension of the WCPFC decisions while noting the need to find ways to maintain data reports and monitor implementation of the related CMMs. PNA members supported the use of observers still onboard vessels to continue in their role of collecting data and other duties. PNA members also supported the development of measures to cater for those that were suspended, e.g. by requiring vessels to report additional information.

154. Tonga, on behalf of FFA members, noted with concern the inconsistent interpretation and application of the intersessional decision on at-sea transshipment for purse seine vessels by CCMs, and suggested that TCC give clear guidance to CCMs on implementing this decision.

155. China supported the extension of the three COVID-19 decisions to the end of 2020.

156. RMI thanked the USA, China, Japan, Chinese Taipei, Korea; and the domestic purse seiners of PNA and FFA members who have observers and have dealt with COVID-19 related repatriations since February. RMI stated that it had accounted for all the observers in its programme, and thanked CCMs for their assistance. RMI stated that it was necessary to consider the absence of observers on vessels and the resulting lack of data. RMI emphasised the need to consider observer safety, including with respect to COVID-19, and more generally, noting some observers had lost their lives. With regard to data provisions, the RMI supported the USA proposal on EM, suggesting that the priority be on longline vessels and on transshipment activities in the high seas, and extending to all fisheries in the future. With regard to Korea's suggestion on transshipment reporting, RMI stated it needed to further consider the proposal, and requested that Korea document this for future discussion.

157. Canada stated that COVID-19 has had a huge impact on MCS efforts in many parts of the world, including on inspection programmes and crew safety. It supported the comments by Australia on the utility of EM and ER, adding that any increased usage of this very effective tool would be welcome as a response to COVID-19.

158. Korea reiterated its concern that currently there is no mechanism to monitor CCMs' compliance with the notifying requirement in the COVID-19 related WCPFC decision on at-sea transshipment by purse seine vessels. Korea explained that earlier during the Agenda Item 6 discussion it had proposed some specific ways to deal with this issue, but that some coastal States required additional time to review the specific proposal and were not in agreement, and made the following proposal in an effort to reach agreement on the issue.

- Korea suggested that TCC recommend that the Commission consider this issue and amend the existing decision text as appropriate in its next review of the COVID-19 related WCPFC decisions to address the issue. Korea also suggested that TCC encourage the relevant responsible flag CCMs who have yet to fulfill the notifying requirement to notify the Executive Director of the vessels authorized to engage in transshipment outside of port.

159. FSM stated it was allowing transshipment in its territorial waters (3-12 nm) as a result of the COVID-19 pandemic and on behalf of PNA members, stated that the proposal by Korea that addressed transshipment had not been widely supported in the preceding discussion.

160. The EU stated it supported Korea's suggested text, and that their recollection was that most members who provided views were generally supportive.

161. Kiribati supported the statement by FSM that Korea's recommendation was not reflective of the discussion, noting that Kiribati is also involved in transshipment activity, and that, as a small administration, the suggested reporting would constitute an additional burden on Kiribati.

162. In response to a request for clarification by the USA, Korea stated that the notification requirement referred to in its suggested recommendation was in reference to the WCPFC interim measure for transshipment by purse seine vessels. They noted that paragraph 21 of **TCC16-2020-14** states that "As only five CCMs have notified the Executive Director of their vessels which are authorised to tranship outside of port, it is assumed that other flag CCMs are continuing to tranship in port." Korea stated it raised the issue for this reason.

163. The Chair recommended that discussions among CCMs on the transshipment notification issue should continue. He noted that the intersessional decisions expire at the end of October, and the Commission is expected to consider through the intersessional decision-making process whether to extend the COVID-19 related measures.

164. Australia referred to **TCC16-2020-DP05** *Information paper on a cooperative MCS activity in the WCPFC Convention Area: Operation Nasse 2020*, which details cooperative multilateral activities undertaken by Australia, France, New Zealand and the USA in the Convention Area during the COVID-19 pandemic. It stated that Operation Nasse has been conducted annually since 2015 and expressed gratitude to its partners for the collaborative work, including the FFA Secretariat and Fiji, which provide crucial support. Australia stated that physical boardings were not conducted in 2020 because of COVID-19, but that the operation was effective, and used effective safety measures and protocols, stressing that education was an essential component of the operation. It noted the cooperation of flag States and fishing vessel crews. The information paper included key observations: (i) the benefits of sustained cooperative high seas operations to facilitate improved compliance with CMMs; (ii) the renewed focus on transshipment activity and the importance of accurate transshipment reporting; (iii) the importance of timely and reliable information to inform MCS operations, especially VMS data; (iv) the observable improvements in the design and use of seabird mitigation devices.

165. NZ thanked its partners in Operation Nasse, stating that the aim was both to monitor compliance and collect valuable information that supports effective fisheries management. It noted that VMS compliance had increased markedly, in part because of flag State implementation, but also the investment by the Secretariat in VMS. It stated that the 2020 activities demonstrated that even under COVID-19 some monitoring of the Southern albacore fishery could be undertaken.

166. TCC16 noted the intersessional process led by the Chair of the Commission to review the COVID-19 related intersessional decisions set out in Circular No. 2020-71 which expire on 31 October 2020 unless extended.

167. TCC16 noted with concern the different ways in which flag CCMs have implemented the authorisation of at-sea transshipment for purse seine vessels and recommended that this be clarified to ensure the consistent application of the Decision, if extended. TCC16 noted the importance of ensuring consistent application of intersessional decisions.

168. TCC16 acknowledged the importance of placing observers safely back on vessels, and the need for establishing guidelines that could inform ROP providers' decisions on deploying observers on vessels with appropriate protection for observers and crew, and flexibility for national laws. TCC also acknowledged the role ER and EM can play in the absence of on-board

observers and the importance of progressing the intersessional work of the ER/EM WG as a priority.

169. FFA Members encouraged other CCMs to engage with FFA Members regarding consideration and possible use of the FFA COVID-19 Operating Protocols as guidelines to minimize the risk of transmitting COVID-19 in the fisheries sector at sea or in ports in the Pacific. This discussion would include consideration of aspects from the COVID-19 protocols of other members.

170. TCC16 acknowledged the current difficulty with deploying observers and recommended that the Commission consider extending the three COVID-19 related Intersessional Decisions.

AGENDA ITEM 7 — TECHNICAL MATTERS REQUIRING TCC ADVICE

7.1 Support efforts by CCMs and the Secretariat to continue technical work intersessionally to optimize TCC’s efficiency evaluating CCM’s Vessel Monitoring System compliance – (TCC Workplan 2019-2021) & to address the VMS Gap and improve the number of vessels reporting to the Commission VMS (TCC15 Summary Report paragraph 211)

171. Mr. Terry Boone (USA), VMS SWG Co-Chair, introduced **TCC16-2020-16_rev1** (*VMS Small Working Group (SWG) Status Report*), which provides a summary of work done by the SWG in 2020. He stated that the IWG has 51 participants from 29 CCMs and observers. The SWG was formed in February 2020 with broad-based participation, and that the robust engagement was much appreciated by the Co-Chairs in light of COVID-19. He stated the SWG Co-Chairs were optimistic that by TCC17, they will be able to provide specific recommendation to address the frustrating gaps that TCC has identified.

172. TCC16 noted the report on progress from the VMS-SWG (**TCC16-2020-16_rev1**). TCC16 recommends that WCPFC17 continue the work of the VMS SWG in 2021 and develop recommendations for TCC17’s consideration to address VMS data gaps and improve the number of vessels reporting to the Commission.

7.2 Develop improved mechanisms for the flow of observer information from ROP Providers to CCMs needing such information for their investigations (TCC Workplan 2019-2021)

173. TCC Observer WG Chair Mr Tom Graham (USA) provided a report on progress **TCC16-2020-17** (*Recommendations Prepared by the Working Group on the Flow of Observer Reports and Observer Conduct*). He stated that the Observer WG had completed its work on observer conduct and that at the advice of the Commission, the Observer WG had concentrated largely on (a) improvements to the tracking of observer report requests and responses in order to better identify impediments to the flow of observer reports; and (b) methods to filter out “false positive” and *de minimis* violations to reduce the number of observer report requests and the associated workloads for ROP Providers and CCMs. The Observer WG Chair reviewed the specific recommendations outlined in **TCC16-2020-17**.

174. The USA thanked the Observer WG Chair for his efforts and fully supported the recommendations, stating that these provided a helpful way forward for the two specific tasks assigned to

the WG by WCPFC15. The USA echoed the Working Group Chair's observation that these recommendations alone were unlikely to resolve the issues of the flow of observer reports between the ROP providers and CCMs that depend on these for their investigations. The USA commented that it was very impressed by the quality of the work product produced by the observers and observer providers, stating that the WCPFC observers were clearly well trained, independent and articulate under what were necessarily very challenging circumstances. They also noted that the clear independence of these observers, which is reflected in their work product, makes them very influential when in courts in the USA. The USA reminded TCC of its significant concern that complete observer information is not being provided to CCMs, which would enable them to complete investigations. At TCC15 the USA noted that there were thousands of cases in the system listed as flag CCM notified, or flag State investigation underway. The USA stated its understanding that a primary problem facing CCMs is in obtaining observer data on the trip they are attempting to investigate. They further stated that if a CCM requests the observer data from an ROP for a case, the complete information from the trip should be provided if that is what the CCM needs to complete the investigation. The USA stated that CCMs are in the best position to determine what is relevant and necessary under their own national laws to successfully enforce the CMMs the Commission has passed. Given the current situation, the USA questioned the Commission's strong reliance on using observer data as its primary compliance monitoring mechanism. The USA stated it would be unlikely to support future CMMs that rely on observers for compliance monitoring and also noted concern about the ongoing use of observers for compliance monitoring in many current CMMs. The USA noted that almost half of current WCPFC measures rely on observer data for compliance monitoring and expressed hope that the Commission, CCMs and ROPs would find a way to resolve these issues so that all of the information requested by a CCM was provided as that is the only way to ensure the measures the Commission passes are meaningfully implemented.

175. PNG on behalf of PNA members noted the importance of the issues considered by the Observer WG and supported the recommendations on the flow of observer reports and observer conduct to develop and improve the capability of CCFS to communicate with CCMs and ROP providers in the process of assessing possible violations and assisting in cases, for example, through alerts, obtaining relevant information from observer reports, and tracking of requests/responses. PNA members also supported the recommended revisions to the Minimum Standards and Guideline of the Regional Observer Programme to develop and improve the debriefing and pre-notification processes, stating that the debriefing process plays an important role in data quality control and it is important that debriefing is completed prior to submitting the relevant data to the Commission Secretariat. Parties are supportive of prioritizing debriefings of trips for which the observer has noted a "YES" in the WCPFC Observer Trip Monitoring Summary. In the longer term, PNA members supported moving towards a more effective pre-notification type system so that serious offences can be acted on as soon as practical by relevant CCMs. PNA members acknowledged the recommendation for ROP providers to provide a succinct summary of relevant information in observer reports associated with cases in the CCFS to help assess whether a possible violation(s) has occurred, but stated that ROP providers should not be asked to judge whether an offence has been committed – this should be done by trained compliance staff who have a good understanding of their own legal frameworks. The ROP providers should simply assist with providing a very succinct summary of the evidence available to allow relevant CCM's trained compliance staff to make a judgement on what to do with the case. PNA members noted that this would be a large undertaking for many parties and CCMs should be practical about the timeframe under which this can be completed. PNA members also supported a review of the minimum data fields in GEN-3 (the observer trip monitoring form), to maximize their relevance and effectiveness in the context of WCPFC/ROP objectives. Consideration of the implications of any changes should be broader than just the cost/logistics of ROP providers having to change forms with any process considering the full spectrum of implications (e.g., on observer workload and safety, impacts on existing time series, and costs of new paper/e-reporting forms).

176. TCC16 noted the report on progress from the TCC Observer WG (TCC16-2020-17).

Improvements to the tracking of observer report requests and responses in order to better identify impediments to the flow of observer reports

177. TCC16 recommended that the Secretariat be provided with the budgetary resources to further develop the Compliance Case File System (CCFS) such that it has the capabilities of automatically notifying relevant CCMs and ROP Providers of additions of cases and changes to cases (as outlined in recommendations under Agenda 5.3 (b) (paragraph 118(a)).

178. TCC16 recommended that the Commission task the Secretariat to provide a paper for TCC17 that outlines the feasibility and costs of further developing the CCFS such that it has the ability to: (1) serve as a messaging tool through which CCMs can request observer reports and ROP Providers can respond to requests; and (2) keep track of such requests and responses. In particular, it should be developed so that, to the extent possible:

- a. Requests and responses for observer reports are tied to specific cases in the CCFS, but also can include requests and responses related to investigations of possible violations other than those identified in the CCFS.
- b. From the perspective of the Secretariat, the messaging and tracking functions are automated, and do not increase the ongoing workload of Secretariat staff.
- c. It can handle bulk requests for observer reports and responses to bulk requests (i.e., multiple cases), provided that sufficient details are included by the requesting CCM.

179. TCC16 recommended that the Commission agree that once the CCFS's messaging tool is fully functional and the Secretariat has successfully trialled it with a subset of CCMs for a period of three months, all requests for observer reports, and all responses to such requests, should be sent through the CCFS's messaging tool so they can be tracked.

Methods to filter out "false positive" and de minimis violations to reduce the number of observer report requests and the associated workloads for ROP Providers and CCMs

180. TCC16 recommended that the expectations under the ROP Minimum Standards on "Briefing and Debriefing" and "The Pre-Notification Process" be revised as shown in **Attachment F**, such that any time a "YES" is noted on the Observer Trip Monitoring Summary (e.g., Form Gen-3) with respect to a WCPFC obligation, indicating a possible violation, the ROP Provider is expected to prioritize debriefing of the observer and not transmit the pre-notification to the Secretariat until:

- a. Debriefing of the observer has been completed and the information in the observer report has been finalized accordingly; and
- b. The observer or ROP Provider includes comments on the Observer Trip Monitoring Summary that give sufficient detail as to why the "YES" was noted, references to other parts of the observer report that contain information relevant to the possible

violation, and, where relevant, an indication of the magnitude of reporting discrepancies or the number of instances of the possible violation.

181. TCC16 recommended that ROP Providers be requested to review observer reports associated with cases in the CCFS that are generated by queries by the Secretariat of the ROP database, to help assess whether the possible violation(s) identified through the Secretariat's screening is supported by the information in the observer report, and to provide in the "CCM comments" box for the consideration of the relevant CCM(s) a succinct summary of the relevant information in the observer report.

182. TCC16 recommended that the Commission (possibly through work of the ROP IWG) review the minimum data fields associated with the Observer Trip Monitoring Summary and make updates to those data fields to better reflect the Commission's priorities and the types of violations that are amenable to yes/no indications by the observer. Any such recommendations should take into account their implications (e.g., on observers' workloads, in terms of ROP Providers having to revise their forms, etc.).

183. TCC16 requested that the TCC Working Group on the Flow of Observer Reports and Observer Conduct continue to serve-in-a-consultative-role to the Secretariat on the implementation of recommendations and continue to pursue TCC13's initial tasking, as appropriate.

7.3 Continue the development of standards, specifications and procedures for e-technologies (TCC Workplan 2019-2021)

184. The ERandEM WG Chair, Ms. Kerry Smith (Australia) provided a brief update on progress with reference to **TCC16-2020-18** (*ERandEM WG Report*). She noted that there were three areas of work: the draft CMM; the accreditation process including minimum standards, and the implementation plan. She stated that some work had been done on the CMM through a drafting group, and thanked CCMs for their comments. She noted more discussion was needed, and looked forward to the virtual ERandEM WG meeting on 14 October 2020.

185. China stated that a lack of available staff precluded it from being involved in all WG processes, but emphasised that this did not reflect a lack of interest in the results and reserved its right to comment at a later stage. China stated it would try to attend the October 14 meeting.

186. Japan stated it looked forward to the ERandEM WG discussions.

187. FSM on behalf of FFA members stated that this was important work with the pandemic highlighting the importance of EM in particular in areas where independent data collection and verification is low such as the high seas longline fishery. FFA members stated they remain committed to working with the Chair and other CCMs to progress the Commission's work on EM in the knowledge that it is not a case of "if" but "when" EM will become an integral component of fisheries management frameworks in the WCPO. In this regard, FFA members advised of the adoption of the FFA Regional Longline Electronic Monitoring Policy by FFC in June 2020, and stated they are now working on the development of standards for the rollout of integrated EM programmes across FFA members' EEZs. They noted that development of

compatible standards by WCPFC will be essential to ensure the effective implementation of EM by longline vessels operating on the high seas in the region.

188. New Caledonia provided an update of its ER coverage recalling that in 2019, 3 vessels were using ER. New Caledonia stated it had worked with SPC to implement ER with funding from the government of New Caledonia, and that by the end of 2020, coverage should be complete across all vessels. New Caledonia thanked SPC for its technical support and the fishing industry for their cooperation.

189. The EU inquired about **TCC16-2020-RP10**, *Annual Report on the Performance of the E-reporting Standards*, noting that the Secretariat has undertaken a benchmarking exercise in relation to the FLUX standard proposed by the EU. They stated that while the paper addressed testing of the standard in relation to the WCPFC-managed high seas transshipment E-reporting system and recommended not directly adopting the FLUX standard for such reporting in the future, the EU indicated that their preference would be to continue working on the standard, although not specifically on high seas transshipment, and to leave open the possibility for future adoption of the FLUX standard for other reporting. The EU also reiterated its view that compatibility of EM and ER standards was a prerequisite.

190. The Compliance Manager stated the Secretariat had initiated a discussion with the EU and would work with the EU intersessionally to review the outcomes from the proof of concept with a view to better understand the options for further consideration of FLUX. She stated that updates would be provided to TCC17 and the ERandEM WG, as appropriate.

191. TCC16 noted the report on progress from the ER and EM WG (**TCC16-2020-18**).

192. TCC16 noted that a meeting of the ER and EM Working Group would be held virtually on 14 October 2020 and confirms the importance of progressing this work.

7.4 Continuation of IWG to review CMM 2009-06 (Transshipment CMM) in 2021

193. Dr. L. Alex Kahl, Co-Chair of the IWG on Transshipment provided an update on progress as outlined in **TCC16-2020-19** (*Transshipment IWG Status Report to TCC16*). He stated his intention to reconvene the IWG via email to conclude the scope of work for the analysis of transshipment information, in particular to take into account some of the COVID-19 impacts discussed at TCC16. He noted that a number of issues raised at TCC16 could be discussed by the IWG to the benefit of the Commission.

194. USA expressed strong support for continuing the work of the IWG through 2020 and 2021, in particular for completing the scope of work for the consultancy. The USA noted that it made a voluntary contribution of \$74,000 to support analysis of the transshipment measure and looked forward to its completion.

195. The EU thanked the Co-chairs and supported the recommendation.

196. WWF, on behalf of ISSF, Pew, Birdlife International, and The Ocean Foundation stated that the COVID-19 pandemic had laid bare some of the deficiencies in the ability to conduct important independent oversight of tuna fisheries across the WCPFC Convention Area. However, they noted that it had also demonstrated that where there is a will and desire, great things can be achieved, such as the monumental successful effort of the USA to repatriate all of the fisheries observers serving on their flagged vessels to their respective home countries. They stated that if not well-managed, transshipment at-sea can be a conduit for IUU fish to enter the supply chain and that this risk has been exacerbated by the impact of and response

to COVID-19, which has driven the overall reduction in independent oversight and information regarding at-sea transshipment. While understanding and appreciating the conditions that have resulted in some delays, they remain concerned that the work of the Transshipment IWG has languished, stating that the impact of COVID-19 has only emphasised the urgency and need for improvements to at-sea transshipment monitoring. WWF stated that given that the length of this impact is uncertain and could go on for at least a year until a vaccine is broadly available, work to address this important issue must be progressed. Therefore, they requested that the WCPFC prioritise the work of the Transshipment IWG and give clear direction to the IWG for progressing this work.

197. Tonga, on behalf of FFA members, stated their commitment to working with the Co-chair to ensure a framework is developed to better manage transshipment activities in the high seas of the Convention Area, and stated they looked forward to engaging in this work with a view to finalizing the scope of work for analysis of the transshipment information. FFA members noted the departure of Co-chair Sam Lanwi (RMI) because of his change of duty with RMI. They thanked him for his efforts and contribution to this work and fisheries in the region and wished him the best in his new role. They noted that the Annual Report on Transshipment shows the number of high seas transshipment events continue to increase and mainly took place in the high seas just outside EEZs. They advised CCMs that Article 29 of the Convention requires members to encourage their fishing vessels, to the extent practicable, to conduct transshipment in port. The fact that the majority of the high seas' transshipment events took place just outside EEZs indicates that it is not impracticable for these vessels to tranship in port.

198. RMI, speaking on behalf of FFA members, stated that notwithstanding the recommendation, it has high-level concerns regarding the effective monitoring of high seas transshipment as stated by others, and in light of the suspension of observers as a result of COVID-19. RMI highlighted the issue of impracticability, where transshipment activity could potentially be occurring in coastal States waters and stated FFA would do its own assessment based on analysis of the vessel movements. FFA members noted that SC Project 93 results concluded that monitoring needs to be prioritized in areas where independent data collection and verification is low, and high seas transshipment falls in that category. RMI stated that the monitoring gap should be addressed through EM and ER of transshipment activity. While agreeing with the recommendation, RMI expressed its interest in seeing the work progress and not wait until December and the appointment of a second co-Chair. RMI stressed the need to progress the issue before 2021.

199. TCC16 noted the report on progress from the IWG Transshipment (**TCC16-2020-19**).

200. TCC16 acknowledged the current difficulty in deploying observers and recommended that the IWG Transshipment give this priority consideration.

201. TCC16 recommended that the Commission seek a nomination for an IWG Transshipment Co-Chair at WCPFC17 and that it reaffirm its tasking of the IWG Transshipment to continue and complete its work.

AGENDA ITEM 8 — SPECIAL REQUIREMENTS OF DEVELOPING STATES

8.1 Monitor obligations relating to, and support building the capacity of, SIDS and territories – (TCC Workplan 2019-2021)

202. The Chair noted the following relevant documents: **TCC16-2020-11** *Summary from Part 2 of CMM 2013-07 annual reports - RY2019*, which is an extract of what CCMs provided as response in their Annual Report Part 2 for CMM 2013-07 paragraph 19; and **TCC16-2020-08B** *List of Capacity Assistance Requests and Capacity Development Plans*, which also summarises the Capacity Development Plans submitted by CCMs pursuant to CMM 2019-06 or its predecessor.

203. Tokelau, on behalf of FFA members, reiterated that the principles in Article 30 of the Convention must be at the forefront of all Commission processes and decisions. FFA members sought to ensure that Commission processes including the scheduling of meetings, support the capacity needs of SIDS and that SIDS needs are reflected in the relevant workplans. They thanked the TCC Acting Chair for taking this important principle into account when scheduling the TCC meeting as many FFA members have been challenged by the digital divide that COVID-19 creates. FFA members stated that they consistently remind the Commission of Article 30 which recognises the uniqueness of this Commission in largely being made up of small island developing States coastal waters with the need to recognize special requirements of developing States, in particular small island developing States. These principles are further articulated in CMM 2013-06 on the criteria for the consideration of conservation and management proposals and CMM 2013-07 on the special requirements of developing States. FFA members thanked the Commission for the initiative thus far, including the Strategic Investment Plan and the amendment of the financial regulations last year to fund participation of subsidiary body Chairs and the Commission Vice Chair from SIDS at the Annual Session. They stated they appreciated the reports from CCMs in the Annual Report Part 2 against CMM 2013-07 but noted that the level of detail and information reported differed amongst CCMs. To this end, a standardized reporting format would be helpful in standardizing the reports from CCMs.

204. TCC16 noted the importance of continuing to consider the capacity assistance needs of SIDS and Participating Territories, including as set out in paragraph 38(ii) of CMM 2019-06, and the Strategic Investment Plan.

AGENDA ITEM 9 — ADMINISTRATIVE MATTERS

9.1 Update of TCC Workplan

205. The Chair noted that WCPFC15 adopted the TCC Workplan 2019-2021 (WCPFC15 Summary Report Attachment R), and that the Commission noted that the update of the TCC Workplan would be progressed electronically during 2020. He stated that the work under the TCC working groups makes up a significant portion of the components of the TCC workplan, in addition to elements taken up under Agenda item 5, and activities referenced in **TCC16-2020-20** *Preliminary Consideration of Anticipated Forecast of Secretariat Work Commitments For TCC in 2021/22*.

206. Tonga, on behalf of FFA members, stated that the current workplan is valid until the end of 2021, and suggested that updating of the workplan continue to be pursued intersessionally for TCC consideration in 2021.

207. TCC16 noted that the TCC Workplan 2019-2021 adopted at WCPFC15 continues until 2021 and recommended that the TCC Vice Chair continue progressing intersessional work on the TCC work plan for consideration by TCC17 and WCPFC18 in 2021.

9.2 Update on WCPFC IT/VMS Security Audit

208. The IT Manager stated that the final draft audit report evaluating the infrastructure supporting the VMS, the information management system, the RFV and CMS had just been received following delays related to a shutdown in Guam as a result of COVID-19. He stated it would be published on the WCPFC website within a few days of the end of TCC16. He noted that from an IT perspective there were no outstanding issues for 2020.

209. TCC16 noted the delay in finalizing the 2019/20 IT/VMS Security Audit report due to COVID-19 travel restrictions. TCC16 requested that the Secretariat circulate the Audit report, when available, and seek CCMs feedback intersessionally.

9.3 Election of Officers – TCC Chair and TCC Vice-Chair

210. The Chair noted that Mr. Laurence Edwards (RMI) resigned as TCC Chair in 2020, and that he (Dr. Robert Day, Canada) was elevated from TCC Vice-Chair to Acting TCC Chair pursuant to the Rules of Procedure until the end of the expired term (until the end of December 2020); both individuals commenced their service in December 2018 (WCPFC15).

211. Palau, on behalf of FFA members, asked that discussion be deferred to WCPFC17, stating that FFA members may propose a nomination at that meeting.

212. TCC16 took note of this issue and sought to indicate the importance that Members placed on this issue to WCPFC17.

9.4 Next meeting

213. TCC16 recommended that TCC17 be held in Pohnpei, Federated States of Micronesia, from Wednesday 22 September to Tuesday 28 September 2021.

AGENDA ITEM 10 — OTHER MATTERS FOR TCC ADVICE

HSBI Pennant size

214. The USA introduced **TCC16-2020-DP01** *Safety Concerns on the Size Requirement of the High Seas Boarding and Inspection Pennant*, noting that HSBI inspectors have reported the pennants on boarding vessels are oversized. In order to address the potential safety hazards described in the paper, the United States proposed that TCC16 recommend to the Commission, a minimum pennant size requirement for boarding vessels: 44 centimetres (cm) by 66 cm (height by length)

215. During the ensuing discussion of the proposal, the following points were clarified: the proposed pennant size is a minimum and does not preclude CCMs from using larger, existing pennants; and the proposal applies only to boarding vessels and not to larger inspection vessels, for which the existing minimum flag pennant size and display agreed at WCPFC4 would continue to apply.

216. TCC16 recommended to WCPFC17 that the minimum pennant size for use by the boarding vessel, transiting from the inspection vessel, be 44 centimetres (cm) by 66 cm (height by length). Inspection flag usage and display for the inspection vessel itself would not change from what was agreed at WCPFC4. This recommendation only updates information on pennant dimensions contained in Attachment G, Annex 2 of TCC3 that was adopted at WCPFC4.

Recommendations related to the WCPFC Approved ALC/MTU List (VMS SSPs Section 2.7)

217. The VMS Manager introduced **TCC16-2020-15** *Recommendations related to the WCPFC Approved ALC/MTU List*, and provided the following background.

- On 28 February 2020 (WCPFC Circular 2020/11), the Secretariat advised CCMs that it received a written objection from Japan to the Secretariat's assessment and proposal to include the SRT VMS-100 on the Approved List of ALC/MTU to TCC16, resulting in deferral of the decision to TCC16 for its consideration.
- At the request of the Philippines, in December 2018, WCPFC15 approved the addition to the list of Approved ALC/MTUs of the following ALC units: SkyWave IDP-690 and ORBCOMM ST6100. The Secretariat found that while these units meet minimum standards for the Commission VMS as set out in Annex 1 of CMM 2014-02 (or its successor measure) and WCPFC SSPs, as relevant, as a result of delays in WCPFC Trackwell receiving necessary technical information from the ALC/MTU manufacturer, a VMS Gateway has not been completed between WCPFC Trackwell and ORBCOMM/SkyWave for ORBCOMM ST6100 and SkyWave IDP-690 services, and consequently these two MTUs lack the ability to successfully report to the Commission VMS. Given the difficulties the Secretariat and the VMS service provider faced with the lack of response from the manufacturer/MTU provider ORBCOMM, the Secretariat recommended in **TCC16-2020-15** that the two ORBCOMM/SkyWave MTUs be removed from the approved list of ALC/MTUs.
- During the ODF, three CCMs (United States, Philippines and Japan), the FFA Secretariat, and WWF provided comments in relation to these issues. Those comments and replies by the Secretariat are provided in **TCC16-2020-21** *TCC16 Online Discussion Forum Summary*.

218. The Philippines stated that it was seriously committed to addressing IUU fishing, and has invested ₱1.6 billion in the integrated marine environment monitoring system (IMEMS), the most critical component of which is the upgrading of the vessel monitoring system. The SRT VMS-100 accreditation is key to progressing the IMEMS and in improving compliance with the Philippines' obligations. Its coverage includes the Philippines' domestic fleet over 2020-2021. Philippines noted that the Secretariat recommended the unit be included in the WCPFC list of approved ALC/MTUs, that it has met the minimum standards of the Commission VMS in Annex 1 of CMM 2014-02, and that it can report to the Commission VMS. Philippines sought support from CMMs for the unit's approval.

219. Japan stated that its technical experts had concerns about the ability of the SRT VMS-100 to transmit its position data stably on an hourly basis because it uses AIS 1 and AIS 2 wave channels. They were concerned data transmission via AIS wave channels is not stable because of the typically very busy traffic. Japan stated that it may sometimes work effectively in some areas, but it is impossible to ensure stable data transmission on an hourly basis for a long period. This concern has led to Japan's ongoing technical discussion with the Secretariat over this MTU, but to date Japan stated it remained unsure the unit could transmit this data reliably on a long-term basis. Japan stated its concern that, if approval was granted, it could create long-term future data gaps, and that it would be difficult to have fishermen discontinue using the unit in the future if performance problems emerged. For these reasons Japan stated it could not agree to approval of the unit at TCC16 and would continue to work with the Secretariat to validate the technical specifications of the unit.

220. Chinese Taipei stated it was flexible on the removal of the ORBCOMM ST6100 unit from the WCPFC approved List. Regarding the SkyWave IDP-690 Chinese Taipei stated that it had worked with Trackwell to resolve the gateway issue which appeared to be successful. Chinese Taipei requested that removal of the SkyWave IDP-690 from the Approved List be deferred for one year as, if no issues were identified, it might withdraw its request to remove the SkyWave IDP-690 from the Approved List. Regarding the SRT VMS-100, it stated that it was not comfortable that it could fully conform with the Commission SSPs and noted possible issues regarding the correct identification of the model.

221. Samoa, on behalf of FFA members, noted that there are current inefficiencies in the process of adding new MTUs to the WCPFC approved list, leading to situations where the WCPFC VMS is not able to receive positional data from the relevant MTUs due to the necessary gateways not being established. It should be noted that establishing the required gateways with the relevant Mobile Communications Service Providers (MCSPs) is a key requirement for the approved MTUs to successfully report to the WCPFC VMS. During TCC15 (Summary Report, paragraph 217), FFA members recommended that section 4.6 of VMS SOPs be modified to require the Secretariat establish a physical MTU testing process and a checklist as part of the WCPFC MTU Type Approval. FFA members reiterate their recommendation made at TCC15 and further recommend that the VMS SWG review and where necessary recommend updates to the VMS SOPs to clearly explain the necessary steps the Secretariat needs to undertake when making the assessment to confirm that an MTU meets the minimum standards as set out in Annex 1 of CMM 2014-02 and the VMS SSPs and that it has the ability to successfully report to the Commission VMS.

222. Cook Islands, on behalf of FFA members, noted that the Secretariat has carried out the assessment of the SRT VMS-100 device based on the revised Section 2.7 of the VMS SSPs and has concluded that this unit meets the Commission VMS requirements. However, from all the information made available, including that provided through the ODF (TCC16-2020-21), FFA members are unclear how the position data from these units will be provided to the WCPFC VMS to meet the direct reporting requirement. FFA members sought more clarity on the pathway of the position data reported from the SRT VMS-100 unit installed on a fishing vessel to the WCPFC VMS. FFA members stated they did not support the removal of the SkyWave IDP-690 and Orbcomm ST6100 from the Approved List as the issues are not related to the

units but related to the required gateways not being established, noting other service providers may be able to provide the MCSP services for these MTUs.

223. The VMS Manager stated that the Secretariat tested the SRT VMS-100 on a vessel operating in High Seas Pocket 1 and that the transmissions were received; the vessel was also reporting using another unit and there was no latency of the SRT VMS-100 signal. He stated that for other technical details regarding the actual pathway and how the signal is sent to the Commission, additional information would be required from the service provider.

224. The Philippines stated it would continue to engage with CCMs on the issue and that it would arrange for more information to be shared by the service provider (SRT Marine Systems). It stated the goal was to achieve full implementation in 2021. It stated its hope that pending the resolution of the clarifications, TCC could recommend a probationary status to facilitate testing of the SRT VMS-100.

225. The Compliance Manager stated with regard to SRT VMS-100 it was unclear what further actions should be followed by the Secretariat. She also noted the findings noted in **TCC16-2020-15** regarding the SkyWave IDP-690 and Orbcomm ST6100, and stated that, although the Secretariat was able to develop temporary solution that allows a partial gateway for the SkyWave unit for Chinese Taipei, this solution was not necessarily available to other members. She stated that she understood the views expressed and welcomed further guidance from TCC.

226. The United States suggested that the issues with regard to the SRT VMS-100 be the focus of additional discussion and information sharing, and possible testing by CCMs prior to WCPFC17.

227. Japan concurred, suggesting that the VMS SWG could help to facilitate this process.

228. Australia suggested that as part of that process, it could be useful if the Secretariat's assessment report for the SRT VMS-100 could be shared with members. Australia suggested that the SWG could also hold discussions with regard to the two units slated for delisting. It also noted the prior interventions by FFA members regarding the MTU approval process, in particular in regard to mobile communication service providers and establishing contracts, and referenced the difference between determining technical feasibility and establishing a required connection, and the resulting difficulties experienced by the Secretariat.

229. The Philippines expressed its appreciation for the comments by CCMs, and looked forward to resolving the questions regarding the SRT VMS-100 during WCPFC17.

230. TCC16 noted **TCC16-2020-15** and recommended that discussions amongst interested CCMs, the Secretariat and other technical experts occur through the VMS SWG, and that consideration be given to advancing the issues identified in **TCC16-2020-15** for WCPFC17.

Treatment of Crew on Fishing Vessels and Observer Safety

231. The USA raised the issue of the treatment of crew members on fishing vessels, stating that it remained concerned about continuing reports of forced labour in the fishing industry. The USA referenced recent cases brought to the attention of the Commission by Indonesia in May as troubling examples, and stated that it looked forward to further discussions by the Commission at WCPFC17 of this important issue.

232. The EU supported the comment by the USA.

233. NZ supported the comment by the USA. It recognized the restricted agenda for WCPFC meetings in 2020, and stated that it nonetheless wanted to raise several issues. In relation to crew safety, as signalled by the FFA statement in 2019, New Zealand called for ways to strengthen the WCPFC support for crew labour and safety standards. New Zealand stated it was appalled at the continuing human rights abuses against crew on fishing vessels operating in the Pacific which it called unacceptable. Following the adoption of the non-binding Resolution 2018-01 on labour standards for crew, New Zealand stated it would like to work with CCMs to propose a binding CMM on this matter, stating that if CCMs agree, New Zealand would be happy to work with them, for example through a SWG. New Zealand stated that the issue is a reputational risk for the WCPFC and the legitimate fishing operators in the region. New Zealand also addressed the mistreatment of observers, which it stated is of major concern. New Zealand noted that it seeks to ensure that there is appropriate support for observers if harmed, including through insurance, and advocated further work to ensure that there are appropriate investigations carried out to ensure justice and consequences where crimes are committed. New Zealand suggested exploring issues such as improving the reporting and recording of evidence in relation to observer incidents; ensuring appropriate investigations, including through INTERPOL if appropriate; determining actions that can be taken with respect to a vessel during an investigation; and determining what actions can be taken against a vessel and master when an offense against an observer is proven. New Zealand stated these are very important issues, and that it sought to raise them for future consideration.

234. WWF associated itself with the preceding comments by the USA, EU, and New Zealand. It stated that prior to COVID-19, the Regional Observer Coordinators Workshop noted persistent and unresolved health and safety conditions on board vessels related to observers. WWF stated that it can generally be expected that those conditions are even worse for crew, and referenced increasing reports of human rights and labour abuses over just the last two years. WWF also stated that in 2019, just one year after the adoption of Resolution 2018-01 on Labour Standards for Crew on Fishing Vessels, an incident was brought to the WCPFC describing the abuse of more than 90 Indonesian crew that served on a vessel that was detained in Samoa that year. WWF noted its concern that the identity of the flag State and country of ownership of the vessel were not recorded in the WCPFC16 Summary Report. WWF noted that this key material information should have been discussed publicly and openly. Moreover, given the gravity of these issues, WWF found it quite disturbing that these issues had not even been mentioned (and much less discussed in open plenary) until almost the end of the TCC16 meeting. WWF stated that at a minimum, in the interests of transparency, full disclosure, and accountability, a full investigation and public report by the WCPFC on such serious alleged violations is warranted. WWF agreed with New Zealand and recommended that the WCPFC take immediate steps to move Resolution 2018-01 toward a formal, binding CMM on Crew Welfare. WWF referenced its position statement and recent reports by the NGO Human Rights at Sea in support of these and additional proposed steps. WWF stated that it and other communities and institutions to whom TCC should be at least responsive if not accountable care about how people are being treated in these fisheries, and asked how, if a vessel cannot comply with laws protecting human rights and dignity, can they possibly be expected to comply with the laws respecting the resource? WWF also questioned the prioritisation of time allocation to matters like flag size compared to far more important issues involving human and labour rights abuses.

235. Indonesia thanked CCMs for their comments and proposals on labour issues. It stated that it was working to develop a proposal for a new CMM with New Zealand, which would be tabled at WCPFC17.

236. TCC16 recommended consideration by WCPFC17 regarding the treatment of crew on fishing vessels and to further strengthen the provisions for observer safety.

Review of CMM 2018-01

237. USA raised the review of CMM 2018-01, which expires in February 2021. It noted that SPC had made available updated analyses to inform consideration of target reference points for bigeye and yellowfin (**TCC16-2020-IP11: Update on progress of analyses to inform WCPFC17 discussions on candidate TRPs for WCPO bigeye and yellowfin tuna**), as recommended by SC16, and stated that the USA appreciated this very rapid update of the paper. The USA also referenced **TCC16-2020-IP04: Summary of the Reports received under Tropical Tuna CMMs from 2018 to 2020**, noting that in Tables 1-3 the number of purse seine vessels notified by PNA members as being exempt from the 3-month FAD closure, increased from 49 in 2018 to 93 in 2020. Interpretation of the FAD closure exemption was discussed under Agenda Item 5.2, but the USA stated it wanted to address under this agenda item the exemption in terms of the effectiveness of the measure. It stated that 93 vessels, fully one third of the entire WCPO purse seine fleet, were exempt in 2020 from the Commission's primary tool to manage the impact of the purse seine fishery on the bigeye tuna stock. That is obviously a large dilution of the management measure, which is not fully accounted for in SPC's latest evaluation of the CMM, and the USA understood from SPC that **TCC16-2020-IP11** would be further updated to take this into consideration. The previous version considered 49 vessels exempt in 2018, half the number exempt in 2020. The USA stated that based on the number of reported exempted vessels, roughly speaking, in 2020 the 3-month FAD closure had the actual effect of a 2-month FAD closure. The USA acknowledged that there is purpose behind the exemption and stated that it was not addressing its purpose here, but that TCC was responsible for assessing the implementation of the Commission's CMMs. As implemented in 2020, the exemption greatly diminished the effectiveness of the FAD closure in terms of the objective of conserving the tropical tuna stocks. The USA stated that in formulating the next version of the tropical tuna measure, the Commission should avoid open-ended exemptions and carefully consider the effects of any exemptions and special provisions with respect to the objectives of the CMM, which are to maintain tropical tuna stocks at sizes that support productive tuna fisheries.

238. American Samoa stressed the importance of the American purse seine fleet to the jobs, income and economy in American Samoa including its cannery and many support services. American Samoa stated that it was difficult to watch as so many of the vessels associated with its Pacific island neighbours are completely relieved of the burden of the 3-month FAD closure, while the vessels associated with American Samoa — a small island developing territory — bear the full cost of those closures. It stated that those costs were borne not just by the fishing companies, but were passed through the supply chain and impacted American Samoa's broader economy. It reminded the Committee that any renewal of the tropical tuna measure must avoid transferring a disproportionate burden from a CMM on to all developing States and territories, not just some of them. American Samoa stated that it would ensure that considerations given to other States and Territories would be used to ensure the competitiveness and viability of the US fleet that operated in direct support of American Samoa as a developing Territory.

239. FSM stated on behalf of the PNA that the same paper quoted by the USA shows that the USA has overfished its high sea effort limit in 4 of the last 5 years, stating that the difference is that the fishing referred to by the USA is in compliance with the CMM, and that the overfishing by the USA is not compliant with the CMM. FSM stated that this outcome deeply undermines the Commission's efforts to ensure tropical tuna stocks are sustainably managed, and that, as shown in the SPC analysis presented to SC16, this IUU fishing by the USA fleet is causing deep damage to the bigeye stock, and is undermining the substantial effort by PNA members and other Pacific islands to ensure that purse seine effort is controlled in their EEZs.

240. The EU reiterated its intervention under Agenda Item 5.2, where it spoke about the use of exemptions generally that ultimately undermine the effectiveness of the measure and indicate its intention to raise the issue at the forthcoming Commission meeting.

AGENDA ITEM 11 — CLEARANCE OF TCC 16 RECOMMENDATIONS

241. The TCC16 recommendations were cleared (**TCC16-2020-outcomes**). The Chair confirmed that the Summary Report would be cleared intersessionally.

AGENDA ITEM 12 — CLOSE OF MEETING

242. The Chair thanked all CCMs and meeting participants for their involvement, and expressed his appreciation and thanks to the Secretariat, stating that their support for the Chair and CCMs throughout the meeting had been highly beneficial and essential to the meeting's success. The Chair closed the 16th session of the Technical and Compliance Committee at 2:30 pm.

ATTACHMENTS

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Attachment D	TCC16 Agenda - as adopted	page 79
Attachment E	Consolidated list of recommended actions for the WCPFC Secretariat as contained in the CCFS Review Report	page 81
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Commission Chair's Remark at TCC 16

Good morning, good afternoon and good evening, I do apologize that my camera is off, I'm currently having some technical problems with my laptop cam.

CCM delegates and observers, Dr. Robert Day, the acting Chair of the Technical and Compliance Committee, Mr. Feleti Teo, the ED and his team, especially our Compliance Manager Dr. Lara Manarangi-Trott and her Compliance team, and our legal advisor Dr. Penny Ridings. I also would like to thank our IT Manager and Finance and Admin Manager on whom we are relying even heavier to navigate through the quite unfamiliar world of technology.

It is a great pleasure and honor for me to address the 16th Regular Session of the Technical and Compliance Committee. Given the very limited time available for the TCC sessions online, I will keep my remarks brief. Before I start, I would like to acknowledge our former Chair, Mr. Laurence Edwards, for his great contribution and leadership as the Chair of the TCC over the last couple of years, carrying on the tradition of excellent chairship of the TCC and I would like to take this opportunity to express my sincere appreciation to you.

It's been several months since the COVID-19 pandemic began to disrupt the Commission's normal business, but I believe the Commission, as a group, have been able to manage to carry on our core functions throughout a number of innovative ways while maintaining the integrity of the rules of the Commission. I am so proud that we are working together to ensure that the Commission meet our common objectives, and I truly appreciate the hard work and flexibility of all CCMs involved.

As we are now into the last quarter of the year, nobody can predict for sure what the next year would look like. Therefore, it is very important to keep momentum going for essential works of the Commission. In this regard, I am also grateful to the convenors of various working groups for your effort to continue important MCS-related works on ER/EM, transshipment and FAD management options. TCC 16 will also reviewing the three interim decisions on observers and transshipment, and I look forward to advice and recommendations from the TCC, which will assist the Commission in gauging our next steps.

Although TCC 16 has truncated agenda and time this year, the delegates have come with the same mission as past years to monitor compliance, explore ways to make necessary improvements and provide advice and recommendations to the Commission. Time and again, CCMs have proven that they are committed to attaining the Commission's objectives even in the face of constraints and limitations, and I am convinced that TCC 16 will serve as yet another example to demonstrate our capabilities.

I'm grateful for the opportunity to be joining you throughout the whole sessions, following important discussions.

Before I close my remarks, I wish our acting TCC Chair and delegates successful deliberations. Thank you.

TCC16 Opening Remarks by the Executive Director

Thank you Chair for this opportunity to provide some remarks at this opening session of this online TCC16 meeting.

Mindful of the time constraints for online meetings, I will be brief.

I acknowledge presence of the Commission Chair Madam Riley Jung-re Kim and her Vice Chair Ms Josie Tamate.

I also acknowledge the attendance of representatives of Commission Members, Cooperating Non-Members and Participating Territories. So as representatives of intergovernmental organizations (regional and international) and those of non-governmental organizations.

Firstly, let me join you and the Commission Chair Madam Riley Kim in welcoming all participants to this online meeting. These are certainly very interesting and challenging times for all of us in this era of the global COVID-19 pandemic.

It has become abundantly clear to your Secretariat that preparations for online meetings are strikingly different to preparations for physical meetings. They present their own technological challenges and constraints that present us with no choice but to adapt, demonstrate some flexibility, and to be more innovative in the manner and way that we transact our ordinary businesses.

So, Chair I wish on behalf of the Secretariat to thank you for taking up the reins of the Chair of the TCC at these challenging times and for guiding and working closely with the Secretariat in organizing the meeting arrangements for this meeting. The Secretariat remains committed and ready to support you and the Committee in your deliberations over the duration of the meeting.

I also wish to go on record to record the Secretariat's acknowledgement of gratitude and appreciation to the immediate former TCC Chair Mr Laurence Edwards of the Marshall Islands. We thank Laurence for the guidance and sterling leadership he rendered in leading the work of the TCC for the last two years. It is unfathomable the circumstances that led Laurence to step down from that role, but we can assure Laurence that he and his small and young family will always be in our thoughts and prayers. And it is our prayer that God Almighty will grant Laurence and his children the strength to heal and to embrace life fully as they come to terms with their tragic loss.

Chair, turning to the substance of the online TCC16 meeting, I wish to publicly acknowledge my high gratitude and appreciation to the Secretariat's compliance team capably lead by the Compliance Manager Dr Lara Manarangi-Trott for taking TCC and us to where we are now.

Despite, the challenges and constraints of the global pandemic, coupled with the turnover in the senior staffing of the compliance team, the team was able to deliver on time (as scheduled)

the draft Compliance Monitoring Report which sits at the heart / core of the work of the TCC. As delegates have come to appreciate, pulling together the draft Compliance Monitoring Report is a major undertaking and a hugely time-consuming exercise in normal circumstances. It requires sieving through mountains of data and information from a multitude of data sources. This work was unfortunately further exacerbated by the constraints and the inability to work more closely with Members through normal and familiar channels due to the impacts of the global pandemic.

With the draft CMR delivered to TCC, the challenge for this meeting is how to manage its assessment using the online meeting functionalities of the Zoom platform, in order, to be able to submit a provisional CMR to the annual meeting of the Commission in December of this year.

Chair, I assure you that the Secretariat will commit all its resources at its disposal to support you and the Committee in achieving that objective by the end of your meeting.

Chair, as we go through the agenda and as TCC, in the course of this meeting, determines and recommends new work commitments for the Secretariat, I would respectfully appeal to the Committee to exercise some constraints and discipline in readily committing your Secretariat to undertake new work commitments without proper consideration and discussion of the resources implications of those new commitments and the Secretariat's capacity and capabilities to deliver on those new work commitments.

The Secretariat for its part, Chair, has initiated a mapping exercise to determine namely i) what are its current work commitments for the MCS and Compliance programme that support the work of TCC, ii) what are the incremental work commitments to progress into the future those current work commitments; and iii) what are the anticipated new work commitments based on the ongoing discussions and conversations at and around TCC in terms of the work of the relevant working groups.

This mapping exercise is at its preliminary stage and is the subject of working paper 20 which was distributed yesterday. This is an attempt by the Secretariat to map out its work commitments over the next two or three years with the view to identify and fill any resource gaps in the delivery of those work commitments. This exercise is preliminary and ongoing and one that has to be managed alongside the conversations around the TCC Workplan. The Secretariat will speak more to this mapping exercise at the appropriate point in the agenda.

Chair, I respectfully bring this to the attention of TCC so that the TCC is mindful of the resource implications of its decisions and avoid the risk of committing the Secretariat to undertake new tasks without equipping the Secretariat with the necessary resources.

Chair, I did earlier allude to the turnover in the senior staffing in the compliance team at the Secretariat. And I think it is appropriate at this juncture to acknowledge with gratitude the services rendered by the former Assistant Compliance Manager Ms Ana Taholo of Tonga who left the Secretariat in May after 7 years of services with the Secretariat. Ana is in attendance at

this meeting in her new role as the compliance policy adviser at the FFA Secretariat. Ana is still a resident in Pohnpei as she is unable to travel to Honiara and we wish her well.

In June of this year we were able to welcome the new Assistant Compliance Manager Ms Eidre Sharp from New Zealand. Eidre comes to the Secretariat with extensive practical experience in fisheries science, management and compliance having worked in the New Zealand Ministry for Primary Industry for 13 years and as a consultant in the fisheries sector for the last 14 years. Eidre is still in New Zealand working remotely from her home in Nelson, New Zealand but she has been very much part of the Secretariat team supporting preparations for this online TCC meeting. We welcome her to TCC and looking forward to her arrival in Pohnpei.

Chair, mindful of the extensive agenda I will stop here. But before I do so, let me wish you Chair and the Committee successful and fruitful deliberations. Your Secretariat remain as always ready to support and facilitate your deliberations.

Thank you.



Meeting Attendees

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TECHNICAL AND COMPLIANCE COMMITTEE
Sixteenth Regular Session
 Electronic Meeting 23 – 29 September 2020

ADOPTED AGENDA

	<i>DOC</i>
AGENDA ITEM 1 OPENING OF MEETING	
1.1 Welcome	
1.2 Adoption of agenda	02_rev1
1.3 Meeting arrangements	protocols
 AGENDA ITEM 2 ANNUAL REPORT OF THE EXECUTIVE DIRECTOR <i>Overview report of the WCPFC MCS and Compliance Programmes, will be taken as read</i>	05 20
 AGENDA ITEM 3 IUU VESSEL LIST	06
 AGENDA ITEM 4 CNM REQUESTS	
4.1 Assess applications for CNM status and provide recommendations and advice on CNM applications	07_rev1 21_eTCC16 B
 AGENDA ITEM 5 COMPLIANCE MONITORING SCHEME	
5.1 Provisional Compliance Monitoring Report and Executive Summary	09_rev1 08A/B
5.2 Provide advice on CMMs that need revision to improve compliance and monitoring, including those for which interpretation issues have been identified through the CMS process (TCC Workplan 2019-2021)	IP01 – IP09 11 dCMR01
5.3 Enhancing the CMS (CMM 2019-06 para 46, TCC Workplan 2019-2021)	
(a) Update on Streamlining of Annual Reporting	10 21_eTCC16 C1
(b) Explore feasibility and costs of suggestions from CCMs to facilitate improvements to the online Compliance Case File System	12 21_eTCC16 C2
(c) Continuation of Compliance Monitoring Scheme Intersessional Working Group to progress the CMS Future Work tasks in 2021	21_eTCC16 C3
5.4 List of obligations to be reviewed by the CMS in 2021 (WCPFC16 Summary Report paragraph 572)	DP02 (U.S.) 21_eTCC16 C4

AGENDA ITEM 6 TECHNICAL AND COMPLIANCE MATTERS ARISING UNDER INTERSESSIONAL DECISIONS IN RESPONSE TO COVID-19	14 21_eTCC16 D
AGENDA ITEM 7 TECHNICAL MATTERS REQUIRING TCC ADVICE <i>will include update reports from the relevant IWG/TCC WGs</i>	
7.1 Support efforts by CCMs and the Secretariat to continue technical work intersessionally to optimize TCC’s efficiency evaluating CCM’s Vessel Monitoring System compliance – (TCC Workplan 2019-2021) & to address the VMS Gap and improve the number of vessels reporting to the Commission VMS (TCC15 Summary Report paragraph 211)	16 21_eTCC16 E
7.2 Develop improved mechanisms for the flow of observer information from ROP Providers to CCMs needing such information for their investigations (TCC Workplan 2019-2021)	17 21_eTCC16 F
7.3 Continue the development of standards, specifications and procedures for e-technologies (TCC Workplan 2019-2021)	18
7.4 Continuation of IWG to review CMM 2009-06 (Transshipment CMM) in 2021	19 21_eTCC16 H
AGENDA ITEM 8 SPECIAL REQUIREMENTS OF DEVELOPING STATES	
8.1 Monitor obligations relating to, and support building the capacity of, SIDS and territories – (TCC Workplan 2019-2021)	08B 11_rev1
AGENDA ITEM 9 ADMINISTRATIVE MATTERS	
9.1 Update of TCC Workplan	20
9.2 Update on WCPFC IT/VMS Security Audit	
9.3 Election of Officers – TCC Chair and TCC Vice-Chair	
9.4 Next meeting	
AGENDA ITEM 10 OTHER MATTERS FOR TCC ADVICE	DP01 (U.S.)
<i>This agenda item is intended to provide a limited opportunity to consider outcomes on other matters</i>	15 21
AGENDA 11 CLEARANCE OF TCC16 RECOMMENDATIONS	
AGENDA 12 CLOSE OF MEETING	

Attachment E - Consolidated list of recommended actions for the WCPFC Secretariat as contained in the CCFS Review Report (Excerpt from TCC16-2020-12 Review of the WCPFC online compliance case file system, Table 1).

ID	Relates to recommendation	Action	Refer to page
a	1	Enhance the CCFS so that it automatically notifies CCMs when a case is created or updated. This notification would be in the form of a daily summary email to a single email address nominated by each CCM. This daily summary email would identify all cases, which the CCM was authorised to view, that had been created or modified (by the Secretariat or another CCM) in the past 24 hours.	18
b	1	Initially, enhance the CCFS to make it easier to use by: simplifying the interface (including removing elements that are unnecessary to the user), improving the language used, consistently formatting links and adding screen specific help pages.	20
c	1	Subsequently, six months after these initial enhancements have been implemented, survey CCMs to verify that an appropriate level of ease-of-use has now been achieved.	20
d	1	Enhance the CCFS to make it easier to use by expanding the range of information that is shown in the six single case screens to include: observer trip data, vessel trip ID, infringement ID, trip number and provider trip number.	20
e	1	Enhance the CCFS to include a screen containing a list of all six types of case (that the user is authorised to see) combined. The primary focus of this screen should be to provide users with access to data columns that are common to most/all types of case. Users should be surveyed to determine what additional columns, that are case type specific, should also be displayed; and what Group By options are required.	26
f	1	Produce an alternative format of the aggregated summary tables in which (i) the tables are in “Classic” pivot table format, and (ii) the sub-totals and expand / contract buttons are removed, and (iii) the columns are centred; then survey CCMs on whether this alternative format is better than the current format. If CCMs prefer this alternative, then enhance the CCFS to implement it.	28
g	1	Enhance the CCFS so that the aggregated summary tables address the full range of questions required by the TCC / Commission.	28
h	1	Enhance communication with CCMs regarding (i) which internet browsers work best with the CCFS and (ii) the known limitations of the CCFS Export to Excel function.	35
i	1	Offer CCFS training to CCM users, either in the form of (i) training on the margins of other WCPFC meetings, or (ii) an online course, or (iii) a downloadable training video (or videos).	41
j	1	Improve and update the CCFS user guide to cover all the features present in the enhanced CCFS, and additionally improve how this is named and stored on the WCPFC intranet.	44

ID	Relates to recommendation	Action	Refer to page
k	2	Implement a limited proof of concept online graph / table creation tool, providing CCM users with access to a small range of graphs / tables which interrogate the CCFS data that all CCMs are entitled to view. This tool should be implemented using software that can subsequently be re-used to provide similar functionality for other types of WCPFC data.	39
l	3	Undertake further consultation to clarify CCM expectations on issues such as (i) does bulk upload include documents, and (ii) what mechanism do CCMs expect to use to capture bulk comments offline, and (iii) must uploaded comments be reflected in the CCFS in real-time, and (iv) what feedback should be provided to the submitting CCM to indicate whether each of their bulk comments was successfully uploaded or not.	33
m	3	Investigate realistic options to allow CCMs to bulk upload comments, on single cases, that they have drafted offline.	33
n	3	If possible - produce a proof of concept of a tool which would allow CCMs to bulk upload comments, on single cases, that they have drafted offline.	33



Agreed Minimum Standards and Guidelines of the Regional Observer Programme¹

The majority of the agreed minimum standards for the ROP were generated and discussed during the IWGROP(1) (2) (3) workshops 2007-2009 since then IWGROP4 2015 has added additional standards, and other standards have been individually discussed at various subsidiary meetings and are also included. The meetings where the standards were discussed recommended and agreed have been included at the end of each standard. Also included at the end of this document are suggested guidelines for ROP's to use as guides; these were agreed to be guidelines rather than agreed minimum standards.

A number of standards were agreed as per the IWG/SC/TCC meetings recommendations with no changes at the annual Commission meetings; Some IWG/SC/TCC recommendations were discussed further and changed at the Commission annual meeting. Therefore the Subsidiary body meeting recommendations may vary slightly in wording from the original recommendation from the Annual Commission meetings. All the agreed standards are required to be maintained by the Commission ROP's. The ROP expectations in these tables are guides unless indicated otherwise on how the minimum standard maybe achieved.

The agreed minimum standards are part of the Commission Audit process of Regional Observer Programmes; questions related to the standards are asked during the audit process to determine if a programme is fulfilling the required standard, or whether the programme may need assistance to help achieve the required standards.

Item	Standard Required
<p><u>Authorization Process</u></p> <p>Authorisation process is the standards required to obtain interim and full authorisation to be part of the ROP.</p> <p>The process of gaining full authorisation is to be carried out following an audit of the programme to ensure that standards are in place or are being developed</p>	<p>The Secretariat will authorize national observer programmes, rather than individual observers; this is consistent with the Convention text. CMM-2007-01 Para 12(b) also states that the Secretariat will authorize observer providers. <i>IWGROP2/TCC4/WCPFC5</i></p> <p>ROP expectation on the authorisation process.</p> <p>Before auditing takes place the programme will have been interim authorised by the Secretariat according to the rules and standards as adopted by the Commission.</p> <p>This will necessitate all programmes to:</p> <ul style="list-style-type: none"> • Supply manuals and guides to the Secretariat • Nominate a National ROP Observer Coordinator • Supply lists of all current observers. • Supply an official letter requesting ROP inclusion. <p>Refer <i>IWGROP2/TCC4/WCPFC5</i></p>

Item	Standard Required
<p><u>Briefing and Debriefing</u></p> <p><u>Briefing</u> of observers is a specially arranged session with the observer and provider endorsed briefing personnel; Briefing is to ensure that the observer understand clearly the roles and duties the observers are expected to carry out on a vessel before a trip.</p> <p><u>Debriefing</u> of observers, is a specially arranged session with the observer and the provider endorsed debriefer to ensure that the data and information collected by an observer is checked for discrepancies and can be corrected before the Information is entered into a data base or used for analysis.</p> <p>It is also a period when the observer can report critical incidents for further attention.</p>	<p>The standard for “Briefing and De-briefing of observers” is that there is a system for briefing and de-briefing of observers in place and documentation describing briefing and de-briefing available to the Secretariat <i>IWGROP2/TCC4/WCPFC5</i></p> <p>ROP Expectation on the “Briefing and Debriefing” of Observers</p> <p>Different stages of briefing may be carried out before an observer departs on their trip</p> <ol style="list-style-type: none"> 1. Observers to be briefed by the provider 2. Observer and vessel briefed together by authorised briefers or officer. <p>* This may be done separately or combined in the one briefing if time does not permit two briefings.</p> <p><u>Briefing</u></p> <ul style="list-style-type: none"> • Observer providers authorised by the Commission ROP are to ensure briefing of their observers is carried out • Briefings must be facilitated by an experienced facilitator and should be conducted at the beginning of an observer trip. • Briefings procedures should follow a consistent format. • Briefing should provide opportunities to ensure that both the captain and observer fully understand the role of the observer on board the vessel, and reinforce the responsibility of the vessel to accommodate and feed the observer to officer standard. • The utmost effort is made to ensure that a new observer should not be placed unless a proper briefing meeting can be arranged. • Providers may wish to have a briefing form that can be read out and agreed by the captain and observer by signing the form that they understand the conditions, roles, etc. when the observer is on board the vessel; a copy should be given to the captain. <p><u>Debriefings</u></p> <p>Debriefing should be carried out at the end of each observer trip by an authorised provider debriefer.</p> <ul style="list-style-type: none"> • Observer providers authorised by the Commission ROP should ensure rigorous debriefing of returning observers data, reports, health and wellbeing is carried out. • Debriefings should be facilitated by an experienced facilitator and should be conducted at the end of an observer trip after the observer leaves the vessel. • Debriefings procedures should follow a consistent format. • <u>Debriefing of critical incidents should be reported immediately to the relevant authority’s as indicated in the provider procedures</u> • <u>Observer providers should prioritize debriefings for trips for which the observer has noted a “YES” in the WCPFC Observer Trip Monitoring Summary or ROP minimum data elements which are included in SPC/FFA General Form 3.</u>

Item	Standard Required
<p><u>Briefing and Debriefing Training</u></p> <p>“Briefing Training” should be training carried out by qualified personnel.</p> <p>“Debriefing Training” will be specialised training by qualified personnel of a group of participants selected by a rigorous selection criteria to become fully authorised observer debriefers of all gear types.</p>	<p>The standard for qualification of observer debriefers is that debriefers will be experienced in observer matters and that CCMs will use existing national and sub-regional programme standards for debriefers. CCMs will prepare qualifications for a debriefer, available for review by the Secretariat.</p> <p><i>IWGROP3/TCC5/WCPFC6</i></p> <p>ROP expectation on the briefing and debriefing training of briefers and debriefers.</p> <p><u>Briefing Training</u></p> <p>Briefers should have undergone training programmes designed to educate them in the techniques of interviewing and they require the knowledge of the roles of an observer and understand the conditions that an observer may experience while at sea on a vessel.</p> <p><u>Debriefer Training</u></p> <p>Debriefer trainers should have undergone training programmes designed to educate them in the techniques of interviewing observers, and to debrief observer collected information and material.</p> <p>Debriefer training instructors should have:</p> <ul style="list-style-type: none"> • an intimate knowledge of observer work, data collections and reporting; • experienced conditions at sea, preferably as an observer, • a good understanding of the fishery and the management of that fishery; • good communication skills that can give clear and understandable messages in a straight forward manner; • good knowledge of the Commission CMM’s relevant to Observers; <p>Note</p> <p>Where practical NOP/SOP Programme Coordinators/ Managers should also take part in the training, in order to develop closer relationships with their potential debriefers and observers.</p>

<p>Item <u>Coordinating Observer Placements and the Deployment of Observers</u></p> <p>The provider of the observers will be responsible for the deployment of the observer and will ensure the selected observer is provided with all possible assistance to board a vessel.</p>	<p>Standard Required</p> <p>The standard for “Coordinating Placement” is the WCPFC National Observer Programme Coordinator should be in place, there should be a system for observer placement administration and documentation describing observer placement should be provided to the Secretariat. <i>IWGROP2/TCC4/WCPFC5</i></p> <p>The standard for deploying ROP observers is that CCMs shall use existing deployment procedures in place for their national and sub-regional programmes. CCMs will develop these procedures, and make them available for review by the Secretariat. <i>IWGROP3/TCC5/WCPFC6</i></p> <p>ROP expectation on Coordinating Observer Placements and the Deployment of Observers:</p> <p>It is the responsibility of the observer provider to administer observer placements, including costs, which may be recovered by various means. Providers should organise the final payment of the ROP observers salary and sea allowances provided all commitments are completed as soon as practical after the observers return to port;</p> <p>The provider is expected to carry out the following functions;</p> <ol style="list-style-type: none"> 1) Communicate to flag State about intending deployments and arrange date and time of boarding’s. 2) Communicate to the ROP observer on the agreed boarding date and time 3) Assist with the procurement of observer visas, entry permits, waivers and any travel documents required to transport the observer to the departure or arrival port of the vessel. 4) Organize all travel arrangements including air, bus or ferry schedules; 5) Brief ROP observer on any prioritized scientific, biological, management and operational data that is required to be collected for each trip; 6) Coordinate a briefing of the ROP observer and the vessel captain or master before departure to advise on the CMM and other obligations regarding the observer and vessel. 7) Check the safety standards of the vessel before the observer departs; 8) Ensure all relevant equipment to the ROP observer for carrying out their duties, including the collection of data and biological sampling is supplied. 9) Supply forms and workbooks in whatever format is used in the national programme, but ensuring that it contain the ROP minimum data standards; 10) Ensure the vessel understands that the observer has to have proper accommodation and bedding; 11) Arrange another vessel for boarding preferably from the same flag State fleet if due to unforeseen circumstances the target vessel becomes unavailable due to mechanical or other problems such as safety, and is not favourable to the placement of an ROP observer; 12) Arrange communication schedules with observers for the time they are on board the vessel; 13) Debrief the ROP observer, using ROP authorised debriefers as soon as possible on their return to port; 14) Collect from the observer all data, images, and reports after their trip; 15) Ensure all data obligations made at WCPFC meetings on ROP data is followed. 16) maintain regular contact with the observer after their return to provide technical support, personal support, and information on new developments, and to assure the ROP observer is in good health after the trip, and to inform the observer of any future boarding’s or relevant issues arising from the trip just completed;
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<p>Item</p> <p><u>Communications</u></p> <p>Communication means that the observer must be aware of the use of communications devices and equipment on board a vessel for their use when required.</p> <p><i>Note that from Jan 1st 2017 a two way texting device or a satellite phone will be communications independent of the vessel communications systems.</i></p>	<p>Standard Required</p>
	<p>The standard for “Communications” is that observers have access to appropriate communication facilities, including emergency communication facilities while on board a vessel. <i>IWGROP2/TCC4/WCPFC5</i></p>
	<p>ROP Expectation on Communications for Observers</p> <ul style="list-style-type: none"> • Providers should have established regular communication procedure with their observers during a trip; • Providers should ensure that observers understand Safety Communication Codes and protocols before boarding a vessel; • Providers should inform the vessel that they must allow the observer to have access to Communications and should assist when required; • Work related communications may be paid for by the provider unless other arrangements are in place. • Private communications should be available but paid for by the observer.

<p>Item</p> <p><u>Conservation and Management Measures - CMM's</u></p> <p>Providers should display the procedures and mechanism in which they keep observers informed on CMM requirements and should have the ability to carry out additional training on a regular basis of the monitoring requirements.</p>	<p>Commission Requirements</p>
	<p>The providers are to ensure that all observers fully understand the *content of the CMM's especially in relation to their roles and tasks in monitoring the CMM,s (<i>Multiple meeting & CMM references</i>)</p>
	<p>ROP expectation on CMM's for observers</p> <p>The observer programme will have in place the following:</p> <ul style="list-style-type: none"> • A system to ensure all the programme and observers are continually updated on the requirements of the CMM's. • Ability to ensure observers can be trained in the monitoring of new tasks and roles brought about by the monitoring provisions of the CMM/s. <p><i>Note* that the WCPFC Secretariat publishes a “Hand book of CMMs for WCPFC ROP observers” these hand books are available in electronic format on the WCPFC Website; or a hard printed copy is sent to all observer providers for distribution to observers. The hand book is updated annually and all providers are to ensure the correct dated copy is given to observers before they depart on a trip.</i></p>

Item	Standard Required
<p><u>Code of Conduct</u></p> <p>Code of Conduct should provide a set of guiding principles relating to accepted behaviour and standards of conduct, while working as an ROP Observer.</p>	<p>The agreed standard for “Code of Conduct” is that each observer provider has a Code of Conduct in place that is readily available to each observer and to the operators of fishing vessels on which observers are deployed, as well as to the Commission through the Secretariat, along with a process for reporting and resolving breaches of the code. <i>WCPFC15</i></p> <p>ROP expectation on Code of Conduct</p> <ol style="list-style-type: none"> 1. The observer provider has a code of conduct for its observers that includes, at a minimum, provisions that address all the following: <ul style="list-style-type: none"> • Protection of confidential information, and avoidance of personal use of confidential information. • Respect for property, workspaces, and personal spaces, as well as for sanitary practices used on the vessel and practices related to the use of substances such as alcohol, tobacco, and betel nut. • Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel. • Respecting the hierarchy and general rules of behavior that apply to all vessel personnel. • Communicating regularly with the vessel captain on relevant observer issues and duties. • Professionalism, such as with respect to maintaining independence and impartiality, and arriving in a timely manner to board the vessel. • Avoiding conflicts of interest, including with respect to the receipt of money, gifts, and other inducements. • Avoiding, and/or the responsible use of, alcohol and other intoxicants. • The period of applicability of each provision, such as in terms of prior to boarding, upon boarding, while on board, upon disembarkation, and while traveling to and from the points of embarkation and disembarkation. 2. The observer provider has processes and procedures through which: <ul style="list-style-type: none"> • Observers are made aware of the importance of adhering to the code. • The performance of observers with respect to the code is monitored. • Possible breaches of the code can be reported by vessel operators or others. • Possible breaches of the code are investigated and resolved. • The outcomes of possible breaches reported by vessel operators, excepting reported possible breaches that are determined to be <i>de minimus</i>, are reported to the flag State of the fishing vessel and to the Secretariat. • There is a time limit, no greater than that set out in any applicable national laws, within which observers may be sanctioned for breaches of the code.

Item	Standard Required
<p><u>Dispute Settlement</u></p> <p>Dispute occurs when two or more parties disagree over matters involving the roles and tasks of the observer, operations of the vessel, or any other issue involving the observer and a second party.</p> <p>The programme will have procedures to prevent the escalation of conflict, through mediation, facilitation, conciliation, and training.</p> <p>Disputes resolution may require the appointment of an appropriately-composed expert or technical panel.</p>	<p>The standard for “Dispute Settlement” is a dispute resolution mechanism in place, and if not in place, to be developed, and a description of the dispute resolution mechanism provided to the Secretariat</p> <p><i>IWGROP2/TCC4/WCPFC5</i></p>
	<p>ROP expectation on Dispute Settlements</p>
	<p>The programme will have in place the following:</p> <ul style="list-style-type: none"> • procedures to report disputes for both the observer and the vessel; • consultations process allowing all parties to make statements; • process to determine a resolution of the problem through mediation, facilitation and conciliation; • process to appoint an appropriately-composed expert or technical panels if required to resolve the dispute;

Item Data Fields	Standard Required
<p>Data Fields and Minimum Data Standards are defined as Minimum Data Fields approved by the WCPFC for collection by ROP observers.</p>	<p>The agreed standard for “Data Fields, Management, Distribution and Use” will be that CCMs will use existing data field formats collected by their national or sub regional observer programmes (<i>SC3/IWGROP2) /TCC4/WCPFC5 – IWGROP3/TCC5/WCPFC6</i> and that also they will ensure that the Commission minimum data standard fields for the ROP are included in their data collection formats.</p> <p>Flag CCMs and observer providers should cooperate to ensure timely access to ROP data and provision of the ROP data to the Commission. <i>IWGROP4/WCPFC12</i></p> <p>ROP data should be submitted to the Secretariat or SPC where possible within 100 days of the observer disembarking purse seine vessels and within 120 days of the observer disembarking longline vessels. <i>TCC9/WCPFC10</i></p> <p>ROP providers which place observers on fish carrier vessels that transship on the high seas should send the completed data forms, workbooks, reports and journals of the observer to the Commission Secretariat where possible within 120 days of the disembarkation of the observer from the carrier. <i>TCC10/WCPFC11</i></p>
	<p>ROP expectation on the collection of ROP Minimum Standard Data fields</p> <p>ROP data includes data collected by an observer when they are on the high seas or in zones other than the flag of the vessel they are aboard.</p> <p>Programmes may continue to use their own formats; however programmes will need to review the data collected by their observers to include the minimum data fields required by the Commission.</p> <p>Data collected by national (NOP) or sub regional observer programmes(SOP) on ROP trips, (original hard copy or unaltered scanned copy) will be sent to the Commission designated data provider (SPC) or to the Commission Secretariat as soon as practical after the return of an observer from their trip. (Within 100 days of the observer disembarking purse seine vessels and within 120 days of the observer disembarking longline vessels and carrier vessels transshipping on the high seas.)</p> <p>All ROP observer data is confidential and may not be distributed or given to any unauthorized organisation or person without going through the Commission data access procedures and approval of the Executive Director of the WCPFC.</p>

Item	Standard Required
<p><u>Equipment and Materials</u></p> <p>Equipment and materials is equipment and materials that an observer will require to safely carry out their roles and tasks on board a vessel.</p>	<p>The standard for “Equipment and Materials” is that observers are provided with appropriate equipment, including safety equipment to carry out their roles and tasks on board a vessel. <i>IWGROP2/TCC4/WCPFC5</i></p> <p>ROP expectation on the equipment and Materials of Observers</p> <ul style="list-style-type: none"> • Equipment and Materials should be dependent of gear type. • Equipment should be dependent on climate area the vessel is fishing. • Safety equipment includes items, lifejackets, hard hats, proper deck working boots or shoes, gloves and protective sun glasses. • Observers should not board vessels until they have been fully kitted out • Equipment for work must be in a good working order and safety gear should have regular checks.

Item	Standard Required
<p><u>Insurance and Liability</u></p> <p>Providers are to ensure that their observers have health, safety and liability insurance available to them before embarking on an observer trip.</p>	<p>The standard for Insurance of Observers for ROP duties is that CCMs will use existing national standards for health and safety insurance. CCM providers of observers will make sure an observer placed on any vessel for ROP duties, has health and safety insurance. <i>IWGROP3/TCC5/WCPFC6</i></p> <p>ROP expectation on Insurance and Liability for observers</p> <p>The observer programme will have in place the following:</p> <ul style="list-style-type: none"> ➤ A national health and safety standard and insurance available for all observers. ➤ A checking system ensuring that Observers are insured at all times during their employment should be in place. Includes insurance onboard a vessel, travel to and from the vessel, and other areas of observer employment i.e “waiting time” etc. ➤ Observers should have regular health checks to ensure they are fit to carry out work on a vessel that could be at sea for long periods.

Item	Standard Required
<p><u>Manuals & Work Books</u></p> <p>Manual is defined as a publication that serves to direct or indicate to an authorised observer by hard copy or electronic copy with information to assist with the roles and duties they are expected to carry out as an observer,</p> <p>Workbook is defined as a book pad or electronic tablet that contains data collection forms, instruction or formats that an observer will be required to complete while carrying out their duties.</p> <p>Manuals and Workbooks may be a series of guides or may be produced as one publication.</p>	<p>The standard agreed by the Commission for ROP “Observer Manual/ Guidelines/Work books will be:</p> <p>CCMs have and use their respective Observer Manual/Guidelines and submit copies of these to the Secretariat.</p> <p>Each CCM National Observer Programme and Sub-Regional Observer Programmes will provide copies of their respective Observer Workbooks to the Secretariat. <i>IWGROP2/TCC4/WCPFC5 & IWGROP3/TCC5/WCPFC6</i></p>
	<p>ROP expectation on the content of Manuals & Work books</p> <p>Observer Manuals and Work books may include a number of publications or formats that an observer will use for guidance when carrying out duties on an observer trip. Manuals will be relevant to, and will contain current requirements and information for the use by the observers of the national programme.</p> <p>Manuals may be inclusive or may be produced individually and should include, but is not limited to; observer operations guides, species ID guides, gear type & electronic guides, guides on reporting and handling species of special interest. Guidelines on collecting, security and handling of data collected by the observer including, photo, videos, digital images and any other form of data collection. General operational guides and data collection guide lines</p> <p>At least one manual/workbooks issued to an observer commencing a Regional Observer Programme (ROP) trip should contain annexes or sections on the requirements of the *Conservation Measures of the Commission (CMMs) and the details of the ROP.</p> <p>Copies of all national Manuals/Work books must be provided to the Secretariat of the WCPFC.</p> <p><i>*Note Handbook of CMMs for WCPFC ROP’s is available to all observers.</i></p>

Item	Standard Required
<p><u>Measuring Performance of Observers</u></p> <p>Measuring Performance of an observer” is a means to report on the performance of the observers with the programme.</p>	<p>The standard for “Measuring Performance” is a means to report on the performance of the observer programme and a means to report on the performance of individual observers as part of the annual reporting requirements established by the Commission. <i>IWGROP2/TCC4/WCPFC5</i></p>
	<p>ROP expectation on performance of observers</p>
	<p>Observers shall be:</p> <ul style="list-style-type: none"> • trained and certified /authorised by their programmes; • trained to acceptable Commission standards; • expected, to collect quality data; • expected to make comprehensive and detailed written reports; • expected to show well-mannered behaviour on trips or when travelling to or from vessels; • clear of any criminal record; • able to travel through or to any country;

Item	Standard Required
<p><u>Observer Coverage</u></p> <p>Observer coverage for each gear type is determined by the Commission.</p>	<p>Purse-seine vessels fishing within the area bounded by 20⁰ N and 20⁰ S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry effective 1 January 2010, an observer from the Commission’s Regional Observer Programme <i>WCPFC5 (CMM 2008-01)</i></p> <p>Observer coverage is 5% annually for long liners determined by Commission to be in place by June 2012. <i>WCPFC4(CMM 2007-01)</i></p> <p>For transshipments on the high seas 100% observer coverage with the observer deployed on the receiving vessel <i>WCPFC6 (*CMM 2009-06)</i></p>
	<p>ROP expectation on observer coverage</p>
	<p>Observer placements information by Commission authorised Regional Observer Programme ROP’s are to be conveyed to the Secretariat.</p> <p>Metrics for coverage for long liners includes, coverage; by trip; hook numbers; number of observer sea days; observed fishing days; observed sets. IWG4</p> <p><i>*CMM 2009-06 paragraph 13 (a) and (b) have indications on the coverage for different types of vessels, however carrier vessels over 33 metres and transshipping from long liners at sea; 100 % coverage is required on the receiving vessel,</i></p>

Item	Standard Required
<p><u>Observer Trainers</u></p> <p>“Observer Trainers” are person who have been authorized by the NOP to train observers on their behalf. Trainers may be internal to the programme or may be specialists brought in from other programmes or organisations.</p>	<p>The ROP standard agreed by the Commission for “Observer forobserver Trainers will be:</p> <p>“CCMs will use existing national and sub-regional training standards. CCMs will develop trainer qualifications, available for review by the Secretariat.” <i>IWGROP3/TCC5/WCPFC6</i></p>
	<p>ROP expectation on the use of trainers</p>
	<p>The best training instructors are those who have</p> <ul style="list-style-type: none"> • an intimate knowledge of observer work, data collections and reporting • experienced conditions at sea as an observer, • a good understanding of the fishery and the management of that fishery, • to be able to communicate training messages in clear and straight forward manner. <p>Observer Trainers should have undergone a series of training programmes designed to educate persons in the training of observers. NOP/SOP Programme Coordinators should also take part in the training, in order to develop closer relationships with their potential observers.</p>

Item	Standard Required
<p><u>Observer Training</u></p> <p>ROP Training should include but not be limited to</p> <ol style="list-style-type: none"> 1. Fisheries management; 2. Understanding MCS; 3. WCPFC Convention and related CMMs; 4. Importance of observer programmes , understanding authority and responsibilities of observers, 5. Safety at sea –emergencies at sea, survival at sea 6. First Aid 7. Species identification, including target, non-target, protected species, etc. 8. Fishing vessel & Gear types 9. Vessel identification & Markings 10. Techniques of verification of catch logbooks 11. Techniques of estimating catch and species composition 12. Fish sampling, Measuring and Weighing techniques. 13. Preservation of samples for analysis; 14. Data collection codes and data collection formats 15. Use of digital recorders, electronic notebooks. 16. Knowledge of navigation including latitude/longitude; compasses; bearings;; chart work; plotting a position; 17. Electronic equipment & understanding their operation 18. The use of radios & communications devices 19. Verbal debriefing & Report Writing 20. Health at Sea issues 	<p>Standard for “Observer Training” is that training programmes should be linked to the Commission’s decisions in place, available for review and training programme materials provided to the Secretariat <i>IWGROP2/TCC4/WCPFC5</i></p> <p>ROP expectation on the Training of Observers:</p> <p>Without specially designed training, an observer programme will suffer from unprofessional behavior, poor data outputs, and lack of respect from the industry and other sections of the fisheries management authorities. Training must therefore be considered as a key element in the development of an observer programme.</p> <p>The qualifications and background of current or potential observers must be analyzed in relation to the objectives of the programme and any proposed programme structure.</p> <p><u>Instructors</u></p> <p>The best training instructors are those who have an intimate knowledge of observer work, have experienced conditions at sea, have a good understanding of the fishery, and can communicate training messages in clear and straight forward manner. NOP/SOP Programme coordinators should also take part in the training, in order to develop closer relationships with their potential observers.</p> <p><u>Venues</u></p> <p>Training should be conducted in suitable training facilities with appropriate equipment. Marine colleges are favorable venues for observer training but are not essential.</p> <p><u>Education/ Entrance</u></p> <p>Qualifications for entry to observer training may vary from programme to programme. Some may require a degree level applicant, others a high school level and others may be required to participate in an entrance exam before being accepted into an observer course. Regardless of the entrance criteria the output of the training is the important result.</p> <p><u>Certification</u></p> <p>Observers will be authorised by these training programmes and must reach a high level of competency. Observer will be required to be categorized as fully trained in one or all of the gear types below</p> <p>a) Purse seine b) Longline c) Pole and Lined) Other gear types Troll, Trawl, hand line etc</p>

Item	Standard Required
<p><u>Pre-notification Process</u></p> <p>The pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels include data being provided to the coastal state when an alleged infringement takes place in a coastal state's waters.</p>	<p>That all ROP authorized observer programmes provide to the Commission Secretariat in a timely manner the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3 as a means of supporting a pre-notification process from observer providers to flag of possible alleged infringements by their vessels. <i>IWG4/TCC11/WCPFC12</i></p> <p>ROP Expectation on Prenotification</p> <ol style="list-style-type: none"> 1. To facilitate the pre-notification process it was recommended that only those data elements answered in the affirmative by observers would be provided to the Commission Secretariat for transmittal to the flag CCM and as appropriate the relevant coastal State for alleged infringements in their waters. 2. To support the pre-notification process, there are two additional fields that should be provided by observer providers to the Commission Secretariat to support a flag CCMs investigations of any possible alleged infringements. These are: <ol style="list-style-type: none"> a. "start date of trip and end date of trip" b. "status of the debriefing process" <ol style="list-style-type: none"> i. e., "debriefed", "pre-debriefed" or "not debriefed" 3. The requirement of providing the pre-notification data elements to the Commission Secretariat may not be required where there are domestic requirements enabling access by vessel operators to observer data. <i>IWG4/TCC11/WCPFC12</i>
<p>(Attachment 7 to IWGROP4 Summary Report),</p> <p>The following procedure is provided as a guide for a proposed pre-notification process from observer providers to flag CCMs of possible alleged infringements by their vessels:</p> <ol style="list-style-type: none"> a) Observer, as part of their usual duties will complete the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3 (see example below), for each trip. <u>Where a "YES" response is given, the observer should provide sufficient additional explanation and information (such as references to other relevant parts of the observer report) to explain why the "YES" was noted, and where relevant, an indication of the magnitude of reporting discrepancies or the number of instances of the possible violation;</u> b) Observer keeps this report/form (and all other data) confidential and returns to home port or disembarkation point; c) Observer fully disembarks the vessel;* d) Observer transmits their data and reports per their standard procedures to an authorized observer provider/person for their national or sub-regional observer programme; e) Observer arriving back from the vessel in observer's home port, or if required, has to travel back to home country & awaits debriefing; f) Observer is debriefed as soon as is practicable after finishing the trip/trips*; <p><u>Pre-Notification Process</u></p> <ol style="list-style-type: none"> g) In the event that there is a "YES" noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3, the observer provider is expected where practicable, to promptly submit the relevant data to the Commission Secretariat (the data may be provided through the Commission data service provider (SPC-OFP) or provided directly to the Secretariat). <u>The data should only be provided after debriefing the observer and finalizing the observer report accordingly.</u> h) In considering the timeliness of the submission of the ROP minimum data elements on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3, the observer provider must ensure the observer is safely disembarked from the vessel and has returned to their home port, <u>and where possible the observer</u> 	

has been fully debriefed.

- i) The observer provider may decide that further investigation of a “YES” noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 (or equivalent) is needed before the relevant data is submitted to the Commission Secretariat.
- j) If there is only “NO” noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 (or debriefing determines there to be only “NO” noted) the ROP data, including WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 would be submitted through usual processes to the Commission Secretariat.
- k) The Commission Secretariat will facilitate the provision of certain data fields in the relevant WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 and the additional supporting fields specified in IWG-ROP4 report para 28*** to the responsible flag CCM. In accordance with the data rules, the information that is provided to flag CCMs will exclude the name of the observer, their nationality and the observer trip ID, but will instead identify the observer provider programme that placed the observer.
- l) The authorised Flag state official contacts can request from the observer provider** further supporting details for their investigations. Vessel captain/owners/point of contact will communicate with flag State official contacts regarding any alleged infringements.
- m) The Commission Secretariat will facilitate the collation of communications related to the outcome of investigations of any “YES” noted in the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3, including from the flag CCMs.

*If an observer carries out one or more trips consecutively on the same vessel. That vessel cannot request through their official contacts a copy of the WCPFC Observer Trip Monitoring Summary, or ROP minimum data elements which are included in SPC/FFA General Form 3 compiled by that observer until the observer has completely finished all his trips on the vessel and has fully disembarked the vessel.

** Request could be sent via the Commission Secretariat or other sub regional organizations who would verify the persons making the request are genuine official contacts and could act as intermediators between the flag State and the provider if they so wish.

*** as per the ROP Expectations para 2 above;

Item _ _	Standard Required
<p><u>Sea Safety</u></p> <p>Sea Safety involves the training of sea safety procedure observer receive before they are permitted to carry out duties on board a vessel at sea.</p>	<p>The standard for “Sea - Safety” is that all ROP observers must undergo training in sea safety and emergency procedures to an international standard and that such training procedures be made available to the Secretariat. <i>IWGROP2/TCC4/WCPFC5</i></p> <p>ROP expectation on Sea Safety</p> <p>All observers are trained to an international standard on Safety at Sea by a certified person, school, college or maritime authority.</p> <p>Sea safety training should include instructions in the use of life rafts, life vests, first aid, fire extinguishers, rescue protocols and communications and other essential elements of safety.</p> <p>Observers should be made aware that they have the right to refuse to board a particular vessel if they consider it to be un-safe.</p> <p>A vessel safety certificate or form should be filled out by the provider/observer or by the person placing the observer to ensure all equipment is in survey, and there is adequate safety equipment to cater for the extra observer on board.</p>

<u>Item</u>	Commission Requirements
<p><u>Observer Safety at Sea and Emergency Action Plan (EAP)</u></p> <p>As part of responsibility of running and maintaining a ROP authorised national and sub regional observers programme; employers/providers must support observers in their ability to carry out their duties unimpeded and in a safe working environment.</p>	<p>To assist observers with Safety at Sea the following has been made mandatory from Jan 1st 2017.</p> <p>1. Each ROP authorised observer programme shall ensure that observers from their programme will be provided before any boarding for a trip,</p> <ul style="list-style-type: none"> • An approved independent two way communicationsatellite device*; and • a waterproof personal lifesaving beacon. <p><i>*Noting that this may consist of a single device such as “Satellite Emergency Notification Device” or it may be a combination of an independent satellite-based system such as a Sat phone plus a portable lifesaving beacon (PLB).”</i></p> <p>2. Each CCM with an ROP authorised observer programme will ensure that they have an “Emergency Action Plan” (EAP) in place to accommodate any reported observer emergency including interference, harassment, intimidation and other personal safety issues. TCC11/WCPFC12</p>
<p>To ensure that independent communications is available to an Observer; a “Two Way Communication Device” must be issued to all ROP observers on all trips.</p> <p>Observer safety is an issue of the highest and utmost importance and there must be a process in place (Emergency Action Plan (EAP) to handle reports that an observer may make on issue of safety including instances of harassment, intimidation, or assault.</p> <p>Note that the full implementation of this standard was required by Jan 1st 2017</p>	<p>ROP expectation for Observer Providers</p> <p>The Commission relies heavily on the scientific and monitoring data collected by observers in order to meet its objectives and observers must be able to do their jobs unimpeded and in a safe working environment, free from interference, harassment, intimidation, and assault. Each ROP authorised observer programme shall ensure that observers from their programme will be provided before a boarding for all trips, an independent two way communication satellite device and an approved personal lifesaving beacon; noting that both requirements may be combined in one instrument.</p> <p>There shall also be established in each programme a 24 hr emergency contact for the observer. The 24hr service need not be in the “Fisheries Departments” and other services like police, patrol boat bases maybe utilised. A set of procedures for an Emergency Action Plan (EAP) must be explained and fully understood before an observer departs on their trip. The EAP must include communications protocol and appropriate contact information in an emergency and as a minimum will include.</p> <ul style="list-style-type: none"> • When to report: (Generally, observers should be required to report any instance of interference, harassment, intimidation, or assault as outlined in ROP training.) • Who to report to: (Observer programmes must have a “Designated Officer/s” who are responsible for maintaining a device capable of receiving a signal from the approved independent two-way satellite communication device.) • Follow up responses: (Observer programme must have an established procedure to initiate contact with the observer, the vessel, and, if necessary, the appropriate enforcement authority of Flag CCM’s and relevant Coastal CCM’s; this procedure must also include clear procedures that must be taken in the event of various emergencies.) • Remedial action: (Observer programme must establish appropriate measures for addressing violations made against observers.) • Completing the EAP protocols for observer related incident involving observer reporting of Interference Harassment, Intimidation must be resolved through a legal or nationally recognized procedure. <p>TCC11/WCPFC12</p>

Item	Standard Required
<p><u>Vessel Safety Check list</u></p> <p>(VSC) format</p> <p>VSC format should be designed to evaluate the Safety of the vessel before an observer makes a boarding.</p> <p>The Commission has a guideline format on the ROP section of the WCPFC Website and national formats should be similar or the same.</p>	<p>The minimum standard for a Vessel Safety Checklist (VSC) will be that a CCM should have a VSC in place, and to be used prior to an observer boarding a vessel; and if not in place, CCMs may use, as a *guideline, the VSC developed by the Commission. CCM's should submit copies of their VSC to the WCPFC Secretariat. <i>IWGROP3/TCC5/WCPFC6</i></p> <p>ROP expectation on Vessel Safety</p> <p>All programmes will have a vessel safety format that can be used to determine if a vessel is safe for an observer to board.</p> <p>If not using the Commission VSC format, observer programmes should submit copies of their VSC to the Secretariat.</p> <p>A VSC will apply before each boarding of an observer on a vessel.</p> <p>Observer has the right to refuse the boarding if the VSC highlights that the vessel does not comply with expected standards</p> <p><i>* Copy of the guidelines is attached to the end of this document</i></p>

Agreed Guidelines of the Regional Observer Programme

The agreed “Guidelines” for the ROP were mainly generated and discussed during different workshops; Guidelines for some ROP areas were decided, so as programmes still developing in these areas have a guide on the suggested way forward.

These are guidelines and are not binding and are only suggested guidelines for CCM’s or ROP’s to use as a guide to help when developing their programmes or dealing with issues in their programmes.

Observer Identification Cards Guidelines

The current agreed guidelines for the ROP of the Commission are below, it is agreed that all observers should have proper observer identification; as some programmes already have ID for their observers, and they are not exactly the same; no fixed standard was determined. However it was agreed that the following guidelines should be considered when producing Observer Identification for ROP observer.

Noting that the Secretariat should provide assistance to those national observer programmes authorised to be part of the ROP, which need assistance in developing and obtaining observer ID cards for their observers.

Item _____	Standard Requirement
<u>Observer Identification Cards</u>	Observer ID card should be required for participant programmes in the Regional Observer Programme;
The currently agreed WCPFC Guidelines for Observer Identification Cards should continue as guidelines in the ROP <i>IWGROP4/WCPFC12</i>	WCPFC Guidelines For Observer Identification Cards
	Suggested minimum required information on the front of each card: <ol style="list-style-type: none"> 1) Name of the observer 2) Name of the observer provider 3) Nationality of the observer 4) Unique identifying number for the observer 5) Passport style photo of the observer
	Information that could be placed on either the front or back of the card: <ol style="list-style-type: none"> 6) Issue date and Expiry date 7) WCPFC logo to indicate observer is ROP observer 8) Logo of Programme and or Country Flag
	Optional information that could be included on the back of the card: <ol style="list-style-type: none"> 9) Signature of Observer; 10) Status of observer Qualifications.



WESTERN CENTRAL PACIFIC FISHERIES COMMISSION
REGIONAL OBSERVER PROGRAMME
VESSEL SAFETY CHECK

VESSEL INFORMATION				
TYPE OF VESSEL	PS	LL	P&L	OTHER
NAME OF VESSEL				Vessel Size (Length)
FLAG STATE				< 16 metres
VESSEL WCPFC WIN NUMBER				16-25 metres
REGISTRATION NUMBER				26 -39 metres
CALL SIGN				40-65 metres
OWNER/OPERATOR				> 65 metres
MASTER /CAPTAIN				

VESSEL SAFETY CHECK (VSC)

ITEMS TO BE CHECKED	YES	NO	N/A	COMMENTS
1. VESSEL MARKINGS TO WCPFC STANDARDS CMM 2004-03				
2. REGISTRATION DOCUMENTATION IN ORDER				
3. *VESSEL SURVEY DOCUMENTATION CURRENT				
4. *MARINE RADIO HF SSB OR SUBSTITUTE COMMUNICATIONS				
5. *MOUNTED FIRE EXTINGUISHERS (CURRENT CHECKED)				
6. *FIRE FIGHTING EQUIPMENT (IN GOOD ORDER)				
7. *NAVIGATION LIGHTS / VESSEL LIGHTS (WORKING ORDER)				
8. *SOUND PRODUCING DEVICES OR BELL				
9. *DISTRESS SIGNALS AND FLARES				
10. *CORRECT SIZE PERSONAL FLOATATION DEVICES AVAILABLE				
11. * APPROVED LIFE RAFT OR LIFE BOATS UNDER CURRENT SURVEY AND ADEQUATE FOR NUMBER OF CREW & OBSERVER				
12. OTHER WORK RELATED VESSELS ON BOARD THAT COULD BE UTILISED IN CASE OF EMERGENCY				
13. *EPIRBs (CURRENT SURVEY)				
14. * NAUTICAL CHARTS AND NAVIGATION AIDS (GPS/RADAR)				
15. *FIRST AID EQUIPMENT				
16. *SANITATION				
17. PHONE				
18. EMAIL/FAX				
19. * INSURANCE FOR OBSERVER WHILST ON BOARD				

VESSEL AT THE TIME OF CHECKING IS CONSIDERED TO BE UNSAFE FOR AN OBSERVER BOARDING

VESSEL AT THE TIME OF CHECKING MEETS THE REQUIREMENTS OF SAFETY FOR AN OBSERVER BOARDING

NAME OF CHECKER _____ POSITION _____

SIGNED _____ DATE _____

NOTE The Vessel Safety check (VSC) carried out by the "Checker" does not constitute or should be construed as a warranty or guarantee of the seaworthiness of the vessel, or the serviceability or adequacy of equipment on board. There is no assumption of liability of any kind for advice given and opinions expressed in connection to this VSC examination.

EXPLANATION ON VSC REQUIREMENTS

1. VESSEL MARKINGS TO WCPFC CMM 2004-STANDARDS WCPFC markings are the same as FAO standards except that the WCPFC CMM 2004-03 will allow all letters of the alphabet to be used in the callsign.
2. REGISTRATION DOCUMENTATION IN ORDER Flag State Registration documentation papers must be on board and available to be viewed and must show registration number, boats name, country and port of registration.
3. VESSEL SURVEY DOCUMENTATION CURRENT Fishing Vessels and support vessels operating in the WCPFC must comply with their Flag State regulations and Code of Practice for Safety. Ship surveys including condition, safety and security aspects of hull, machinery and on board safety equipment must be available to be viewed.
4. MARINE RADIO HF SSB(WORKING ORDER) Marine SSB (Single Side Band) is a means of communications for many fishing vessels. The radio must be capable of transmitting and receiving frequencies used for emergency marine communications as agreed by the International Telecommunication Union (ITU) or by the Flag State of the vessel.
5. MOUNTED FIRE EXTINGUISHER, Fire extinguishers must be readily available and be of the correct type. Portable extinguishers require periodic maintenance therefore the last inspection date when last tested or refilled should be available. All must be currently serviceable and if possible should be checked to ensure extinguishes have not been fully or partially discharged.
6. FIRE FIGHTING EQUIPMENT Fire fighting must be readily available and be currently serviceable, a minimum standard of fire fighting equipment as designated by the flag state must be on all on all fishing vessels.
7. NAVIGATION LIGHTS AND VESSEL LIGHTS Vessels must be able to display international standard navigation lights between sunset and sunrise and in conditions of reduced visibility. Internal and external vessel lighting must be fully operational. In the case of power failure, battery operated safety lights must be appropriately placed to ensure a safe exit from the vessel.
8. SOUND PRODUCING SIGNALS OR BELLS Vessels must carry a sound producing device (whistle, horn, siren. or bell) capable of a prolonged blast or ringing for distress signaling purposes
9. DISTRESS SIGNAL AND FLARES. Vessels should have on board appropriate pyrotechnics devices that will suitably operate in both day and night emergency situations.
10. CORRECT SIZE PERSONAL FLOATATION DEVICE AVAILABLE Life Jackets must be approved types and in good serviceable condition, Life Jackets of suitable sizes must be readily accessible for the observer and all crew. Life jackets will not be stored away or locked in cupboards or rooms.
11. SOLAS APPROVED LIFE RAFT In addition to meeting the requirements of the (IMO) International Convention for the Safety of Life at Sea (Solas) life rafts must be currently in survey and be adequate to carry the amount of crew including the observer on board the vessel.
12. OTHER WORK RELATED VESSELS Many vessels have auxiliary vessels that can be used in emergency situations. Note these.
13. EPIRBs International Standard 406 MHz EPIRB. The signal frequency (406 MHz) has been designated internationally for use only for distress. Check to see the frequency number and position of these EPIRBs, a few vessels may have the older relatively common type of 121.5/243 MHz emergency beacons, these will be obsolete in late 2008.
14. NAUTICAL CHARTS AND NAVIGATION AIDS Vessel must have a set of appropriate, up to date nautical charts. Check to ensure that the Radar, GPS and any other navigational equipment is in good order and functioning.
15. FIRST AID EQUIPMENT The vessel must have adequate first aid facilities with current "use by dates" on all apparatus, drugs, dressings and other first aid paraphernalia.
16. SANITATION The vessel must have adequate clean, well maintained sanitation and bathing facilities.
17. PHONE EMAIL/FAX If the vessel has a Phone Fax or Email system note the numbers for future reference or emergencies.
18. INSURANCE All vessels must have insurance for the Observer when the observer is on board, often the observer is covered by adding him/her to the crew list, ask to see what insurance the vessel has and ensure adding the observer to the policy is permitted

The explanations in the Vessel Safety check are by no means exhaustive. Checkers should ensure that other aspects of the vessel are considered before an observer is placed aboard, e.g. Accommodation, Fishing strategy, Vessel Size, etc. If vessels are unable to supply some items listed e.g. Fax Phone, etc, it does not mean an observer cannot be placed. The ultimate boarding is in the hands of the observer, however items marked with an asterisk on the form must be adequate

Guidelines on suggested mechanisms to prevent Alcohol related misconduct of observers:

Following a small number of complaints by vessels operators, observer providers and others; the following guidelines were compiled from different regional observer programme responses on the misconduct of observers due to alcohol consumption. The compilation of suggested mechanisms with possible results and possible solutions were presented at the IWGROP4 and then were agreed at WCPFC12 to be used as a guide for programmes, there are a number of scenarios that were proposed in the tables and ROP's are encouraged to consider some of the mechanisms that suite their programme.

Item	Standard Required
<p>Preventing And Detering Misconduct Of Observers</p> <p>Guidelines on Suggested Mechanisms to Prevent and Deter Alcohol-Related Misconduct of Observers –</p>	<p>Agreed that it would be a helpful procedure to ensure that an individual vessels policy on alcohol consumption during a trip was clarified at the time of observer placement.</p> <p>Vessel operators that make alcohol directly or indirectly available to observers have a duty to avoid acts or omissions that reasonably may be foreseen as likely to cause harm to the observer or another person on the vessel.</p> <p>Recognise there may be merit in observer programmes considering a form that provides a mechanism for vessels to report back to the observer programme on the behaviour of an observer following the end of a trip <i>IWGROP4/WCPFC12(para 579 & attachment 4)/WCPFC15</i></p>
<p>ROP Expectation - Suggested Mechanisms to Prevent and Deter Alcohol-Related Misconduct of Observers –</p>	

Suggested Mechanism	Possible result	Suggested Standards of the Commission to be applied
Training		
1	Continually and forcefully emphasize observer Professionalism and pride early and often during training, clearly indicating that an observer is “on the clock” for the entirety of their observer contract and assignment.	This sets the frame for future observer behavior and could help self-select for observers less likely to engage in misconduct.
2	Clearly and explicitly explain the rules, regulations, and Code of Conduct for observers related to misconduct, especially the consequences for violations, at several stages in training.	This should help improve the awareness of potential consequences and help deter some observers from engaging in misconduct.
Observer Training must contain an effective emphasis on the Code of Conduct including a strong emphasis of penalties in relation to drunkenness and other code infringements.	Observer Training must contain an effective emphasis on the Code of Conduct including a strong emphasis of penalties in relation to drunkenness and other infringements.	

3	<p>Clearly and explicitly explain the rules and procedures for documenting potential misconduct violations. There should be a requirement of proof of misconduct which should place the burden on the vessel or vessel agent to provide an affidavit documenting the specifics of the observer misconduct, an opportunity for the observer to provide a response, and a written report summarizing the findings as well as an opportunity for both parties to comment in writing on the report.</p>	<p>This would ensure that the observer understands their rights and what steps they would take should they be accused of misconduct. Providing this information offers an additional incentive to behave while also informing the observer of their right to an unbiased investigation of the accusation.</p>	<p>Observer Training must contain a section on the rights and role of an observer in relations to any accusations made against him or her.</p> <p>Collecting of written affidavits plus substantiated evidence is required before any further undertaking can be made against the accused observer, hearsay and verbal complaints are not sufficient for remedial action or dismissal.</p>
4	<p>Clearly and explicitly explain the penalties schedule for violations, e.g. Arrest for alcohol related assault results in termination. The penalties schedule should include all scenarios, such as, if an observer is found guilty of misconduct that does not rise to the level of termination, the observer provider should provide a progressive performance evaluation that allows an observer to improve, with clear expectations in writing, including, where available, options for counseling and alcohol treatment and recovery programs.</p>	<p>This gives observers a clear understanding of what is at stake if they engage in misconduct and provides an additional deterrent effect, while also indicating to the observer their options for seeking treatment for <u>alcohol problems</u>.</p>	<p>An observer charged with a Code of Conduct infringement must be given every opportunity to defend him/herself against the claims that they have alleged to have committed.</p> <p>Drunkenness can be a problem for some who are normally good workers, all avenues of assistance should be made available to the observer.</p>
5	<p>“3 strikes and you’re out rule” - Clearly and explicitly explain the penalties schedule for violations. If an observer is found guilty of misconduct that does not rise to the level of termination, then the observer should be informed and warned that they are on a “3 strike and you are out rule”. This allows an observer to improve, knowing that if they fail to do so; they will face termination from their observer role.</p>	<p>This gives observers a clear understanding of what is at stake if they engage in continual misconduct and provides an additional deterrent effect.</p>	<p>Observers who have problems with Misconduct /drunkenness that is not considered a major event should be given a chance to redeem themselves.</p> <p>A standard for action for persons that continually offend should be put in place. The “3 strikes and you are out rule” could be applied for minor offences of drunkenness and other infringements.</p>

Assignment			
6	Intervention at the point of assignment where the observer must read aloud the Code of Conduct before the observer provider and initial or otherwise acknowledge provisions specific to alcohol related misconduct.	This will work if the observer commits themselves to not drink alcohol <u>to the point where Code of Conduct infractions occur</u> during his/her stay in the port.	On arriving at a port or on a vessel, observers are given relevant sections to read and note on the Code of Conduct. This is a reminder what lays ahead of them if they infringe with misconduct and or drunkenness.
7	Intervention at the point of disembarking where someone explains the rules and consequences on what will happen if an observer drinks too much.	This will work if the observer commits themselves to not drink alcohol <u>to the point where Code of Conduct infractions occur</u> during his/her stay in the port.	On arriving at a port or on a vessel, observers are given copy of the Code of Conduct and solid verbal explanations' on the relevant sections on the Code of Conduct. With emphasis on the local penalties and consequences if the observer breaches the Code of Conduct.
8	Prohibition on the consumption of alcohol by observers during the term of their trip and return to home country.	Observer will not be permitted to drink any alcohol during their trip and return home subject to sanction. Dismissal as the penalty, regardless of how much is consumed will most likely deter some observers. <u>This is a rigid standard but prone to equitable enforcement.</u>	All Observers are usually considered to be on contract from the start of their trip from their home base until they return to their home base; therefore they should not be permitted to indulge in the consumption of alcohol for the period of their contract.
9	Requirement to remain on board the assigned vessel when in port and only disembark that vessel when the first flight out of the country to the observers homeport after completion of first trip comes available	Cost implications as there would be no second trips, unless observers were not permitted trip and could only leave when departure for home country is organised.to leave the vessel after the first	Observers must stay on board vessels until the point of departure from the port to their home country occurs; also observers must stay on board in the port if they are asked to carry out a second trip on the vessel they are on board.
10	All accommodation etc is organised with meals No alcohol permitted) and paid for by provider if observer lands in foreign port	Observer's accommodation and food (no alcohol permitted) is paid by provider to a set limit, - Small allowance to cover costs if observer has to travel or is going back for 2 nd trip.	Observer's accommodation and food is pre-organised and paid by provider. When an observer lands in a foreign port. This includes banning the sale of alcohol to the observer as part of the costs.

LIST OF ABBREVIATIONS

ALC	–	Automatic Location Communicator
ANCORS	–	Australian National Centre for Ocean Resources and Security
CCM	–	Members, Cooperating Non-members and participating Territories
CCFS	–	Compliance Case File System
CDS	–	catch documentation scheme
CMM	–	Conservation and Management Measure
CMR	–	Compliance Monitoring Report
CMS	–	Compliance Monitoring Scheme
CNM	–	Cooperating Non-Member
CNMI	–	Commonwealth of the Northern Mariana Islands
the Convention	–	The Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean
CPUE	–	catch per unit effort
EEZ	–	exclusive economic zone
EM	–	electronic monitoring
ER	–	electronic reporting
ERandEM	–	electronic reporting and electronic monitoring
ERA	–	ecological risk assessment
EHSP-SMA	–	Eastern High Seas Pocket-Special Management Area
EU	–	European Union
F	–	fishing mortality rate
FAC	–	Finance and Administration Committee
FAD	–	fish aggregation device
FAO	–	Food and Agriculture Organization of the United Nations
FFA	–	Pacific Islands Forum Fisheries Agency
F _{MSY}	–	fishing mortality that will support the maximum sustainable yield
FMA	–	fishery management area
FNA	–	fins naturally attached
FSI	–	Flag State Investigation
FSM	–	Federated States of Micronesia
HSBI	–	high seas boarding and inspection
IATTC	–	Inter-American Tropical Tuna Commission
ICCAT	–	International Commission for the Conservation of Atlantic Tunas
IELP	–	International Environmental Law Project
IGOs	–	intergovernmental organizations
IMO	–	International Maritime Organization
IMS	–	information management system
IOTC	–	Indian Ocean Tuna Commission
IPNLF	–	International Pole and Line Foundation
ISC	–	International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean
ISSF	–	International Seafood Sustainability Foundation
IT	–	information technology
IUU	–	illegal, unreported and unregulated
IWG	–	intersessional working group

JTF	–	Japan Trust Fund
LRP	–	limit reference point
M	–	mortality
MCS	–	Monitoring, control and surveillance
MIMRA	–	Marshall Islands Marine Resources Authority
MOC	–	management options consultation
MOU	–	memorandum of understanding
MP	–	management procedure
MSC	–	Marine Stewardship Council
MSE	–	management strategy evaluation
MSY	–	maximum sustainable yield
mt	–	metric tonnes
MTU	–	mobile transceiver unit
NC	–	Northern Committee
NGO	–	non-governmental Organization
NP	–	North Pacific
OM	–	operating model
PBFWG	–	Pacific bluefin tuna working group (ISC)
pCMR	–	provisional Compliance Monitoring Report
PEW	–	The Pew Charitable Trusts
PI	–	performance indicator
PITIA	–	Pacific Islands Tuna Industry Association
PNA	–	Parties to the Nauru Agreement
PNG	–	Papua New Guinea
PRM	–	post-release mortality
PSMA	–	Port state Measures Agreement
RFV	–	Record of Fishing Vessels
ROP	–	Regional Observer Programme
RFMO	–	regional fisheries management organization
RMI	–	Republic of the Marshall Islands
SC	–	Scientific Committee of the WCPFC
SIDS	–	small island developing states
SIP	–	strategic investment plan
SPC	–	Secretariat of the Pacific Community
SPC-OFP	–	The Pacific Community Oceanic Fisheries Programme
SRA	–	spatial risk assessment
SRF	–	Special Requirements Fund
SRR	–	stock-recruitment relationship
SSI	–	species of special interest
SSP	–	standards, specifications and procedures
SST	–	sea surface temperature
SWG	–	small working group
T	–	metric ton
TCC	–	Technical and Compliance Committee
TNC	–	The Nature Conservancy
TOR	–	terms of reference
t-RFMO	–	tuna RFMO
TRP	–	target reference point
UN	–	United Nations
USA	–	United States of America
USD	–	US dollars

VDS	–	vessel day scheme
VID	–	vessel identification (number)
VMS	–	vessel monitoring system
WCPFC	–	Western and Central Pacific Fisheries Commission
WCPFC Convention Area	–	Area of competence of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, as defined in Article 3 of the Convention
WCPFC Statistical Area	–	The WCPFC Statistical Area is defined in para. 8 of “Scientific data to be provided to the Commission” (as adopted at WCPFC13)
WCNPO	–	Western and Central North Pacific Ocean
WCPO	–	western and central Pacific Ocean
WG	–	working group
WPEA	–	West Pacific and East Asian Seas
WPO	–	Western Pacific Ocean
WPFMC	–	Western Pacific Regional Fishery Management Council
WTPO	–	World Tuna Purse Seine Organisation
WWF	–	World Wide Fund for Nature