



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

**Seventeenth Regular Session of the Commission
Electronic Meeting
8–15 December 2020**

SUMMARY REPORT

AGENDA ITEM 1 — OPENING OF MEETING

1. The Seventeenth Regular Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC17) took place from 8–15 December 2020 as an electronic meeting.
2. The following Members and Participating Territories attended WCPFC17: American Samoa, Australia, Canada, the People's Republic of China, the Commonwealth of the Northern Mariana Islands (CNMI), the Cook Islands, the European Union (EU), the Federated States of Micronesia (FSM), Fiji, France, French Polynesia, Guam, Indonesia, Japan, Kiribati, the Republic of Korea, the Republic of the Marshall Islands (RMI), Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea (PNG), the Philippines, Samoa, the Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, the United States of America (USA), Vanuatu and Wallis and Futuna.
3. The following non-party countries attended WCPFC17 as Cooperating Non-Members (CNMs): Curaçao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam.
4. The following non-party State observers attended WCPFC17: the Bahamas.
5. Observers from the following intergovernmental organizations attended WCPFC17: Agreement for the Conservation of Albatross and Petrels (ACAP), International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), North Pacific Fisheries Commission (NPFC), Pacific Islands Forum Fisheries Agency (FFA), Pacific Islands Forum Secretariat (PIFS), Parties to the Nauru Agreement (PNA), Secretariat of the Pacific Community (SPC), and Secretariat of the Pacific Regional Environment Programme (SPREP).
6. Observers from the following non-governmental organizations (NGOs) attended WCPFC17: American Tunaboat Association (ATA), Association for Professional Observers (APO), Australian National Centre for Ocean Resources and Security (ANCORS), Birdlife International, Human Rights at Sea (HRAS),

International Pole and Line Foundation (IPNLF), International Seafood Sustainability Foundation (ISSF), Korean Federation for Environmental Movement (KFEM), Marine Stewardship Council, Organisation for the Promotion of Responsible Tuna Fisheries, Pew Charitable Trust, Sustainable Fisheries Partnership Foundation, The Global Tuna Alliance, The Ocean Foundation, World Tuna Purse Seine Organisation (WTPO), World Wide Fund for Nature (WWF).

7. A full list of all participants is provided in **Attachment A**.

8. The Commission Chair Jung-re Riley Kim opened the Seventeenth Regular Session of the WCPFC, held as an electronic meeting, at 10:00am on Wednesday, 9th December 2020, Pohnpei time.

9. Poi Ekesene (Niue Head of Delegation) offered a prayer.

10. The Chair welcomed all participants to the meeting. She stated that CCMs would be well aware of her priorities, which she had set out in advance of the meeting in **WCPFC Circular 2020/138**, and thus she would keep her remarks brief in recognition of the limited meeting time for WCPFC17. She observed that the coronavirus disease (COVID-19) pandemic had affected all CCMs, though to varying degrees, and that the Commission had faced unprecedented challenges since its last meeting in Port Moresby, PNG in 2019, which required close engagement among CCMs. She expressed pride that the Commission had been able to address urgent issues intersessionally while abiding by its rules and demonstrating a spirit of cooperation and solidarity. She expressed appreciation to all CCMs for their flexibility, compromise, patience and effort that enabled the Commission to carry on its work leading up to WCPFC17. She stated that the limited agenda for WCPFC17 included those items considered essential for maintaining the Commission's core functions. She observed that despite limitations—such as the lack of breakout sessions and late-night meetings—at WCPFC17 the Commission would work to maintain momentum on its important tasks, including the tropical tuna measure, improvement of the compliance monitoring scheme (CMS), harvest strategy, electronic monitoring (EM), South Pacific albacore roadmap, transshipment, vessel monitoring system (VMS), fish aggregating device (FAD) management, and observer and crew safety. She emphasised the uncertainty facing the Commission in 2021 with regard to COVID-19, which might require working in a similar manner as in 2020. She encouraged CCMs to work together and find innovative, realistic ways to move the Commission's important tasks forward. She emphasized that members must keep in mind the special requirements of small island developing states (SIDS), which are more vulnerable to challenges and difficulties stemming from the global COVID-19 pandemic, and she expressed special appreciation to SIDS for their efforts to support the Commission's work. She also commended the Secretariat for its work, and noted that she had engaged particularly closely with the Secretariat during 2020, when she witnessed first-hand their professionalism and competence. In closing she wished all participants good health and safety. The Chair's remarks are included as **Attachment B**.

11. The WCPFC Executive Director, Feleti P Teo, OBE welcomed delegates to the virtual meeting of the 17th regular annual session of the WCPFC. He noted that when delegates met in 2019 in Port Moresby, PNG no one thought that 2020 would turn out as it has, and stated that 2020 would find a special place in the annals and historical records of the Commission. He observed that 2020 completely upended the way WCPFC normally transacts business — it has challenged everyone to be more innovative, adapt to new norms, and search for innovative responses and solutions to address the challenges confronting the Commission. The Executive Director stated that despite the enormous disruptions caused by the global COVID-19 pandemic, 2020 was reasonably successful, both from the viewpoint of the Secretariat and the Commission. Unlike a number of other regional fisheries management organizations (RFMOs), in 2020 WCPFC was able to convene all of its scheduled meetings for its subsidiary bodies, most of its intersessional working groups, and its annual session. Although all meetings were convened virtually, the substance of the outcomes of these Commission-related meetings bear testament to the commitment, dedication and

resilience of the Commission members and stakeholders and their desire to ensure that the work of the Commission should continue to progress and not be halted or regressed simply because members were not able to meet physically as they usually do. The outcomes of the 16th regular meetings of the Scientific Committee (SC16), Northern Committee (NC16) and Technical and Compliance Committee (TCC16) and working groups that were all held virtually provided the requisite technical and scientific advice, information and opinions needed to inform the deliberations and key decisions of the Commission at WCPFC17. The Executive Director stated that it is very gratifying and uplifting to witness and be part of the collective efforts of members and stakeholders working diligently and industriously to furnish the Commission with the necessary advice and information to enable it to continue its work. He expressed thanks to the Chair for her guidance and leadership to the Secretariat; CCMs for their resilience and patience in their dealing with the Secretariat; and the chairs and vice chairs and officers of the subsidiary bodies and working groups for their commitment, support and cooperation. He also acknowledged the work of SPC, FFA and ISC and other services providers, and publicly thanked and commended the Secretariat staff for their commitment and dedication. He closed with wishing the Commission well in its deliberations. The Executive Director's remarks are included as **Attachment C**.

1.1 Adoption of Agenda

12. The Chair presented the revised Provisional Agenda (**WCPFC17-2020-01 rev1**) for consideration and adoption by the Commission. She noted the addition of Agenda Item 7.5 on North Pacific striped marlin to the original agenda at the request of the USA.

13. The Agenda was adopted (Attachment D).

1.2 Statements from Members and Participating Territories

14. The Chair, mindful of the time constraints, encouraged CCMs to avoid presenting lengthy statements but to provide copies of statements to the Secretariat for distribution.

15. American Samoa stated that it is a United States territory and depends on the USA for its diplomatic relationships. As permitted by Article 43 of the WCPFC Convention, the USA has authorized American Samoa to participate in the WCPFC. In that capacity, and as provided in Article 30 of the Convention, American Samoa is entitled to all the rights and privileges of other SIDS and territories that participate in the Commission. American Samoa stated that its participation is critically important to it for reasons that it has often explained, namely that its economy is dependent on tuna. It asserted that the rules that apply to other SIDS in recognition of their dependence on their fisheries and the vulnerability of their small island economies have not been afforded to American Samoa. American Samoa stated that it does not have a registry for the tuna boats based in the territory which fly the USA flag and are subject to the USA's regulations and their compliance with the Commission is measured according to their flag, not where they are based. These boats are therefore subject to stricter regulations and enforcement actions than other fishing fleets. The result is increased cost and lost fishing time. American Samoa stated that USA-flagged purse seiners are rendered uncompetitive with other fleets because of higher operating and compliance costs and reduced fishing opportunities; this is especially true in comparison with SIDS fleets, which have exemptions from FAD closures and fish without limits on the high seas. American Samoa stated that the USA-flagged purse seiner fleet is in decline, with vessels changing flag to escape the high cost of compliance and to increase their fishing opportunities. In 2014 there were 40 USA-flagged purse seiners operating in the Convention area, which declined to 31 in 2019, 24 in 2020, and as few as 18 in 2021. American Samoa stated that this is alarming because it cannot simply switch the source of supply from USA-flagged boats to

non-USA-flagged purse seiners. In 2019, 95% of the purse seiners calling to American Samoa were USA-flagged vessels; non-USA flag purse seiners are unwilling to call to American Samoa out of fear of being inspected and fined by government agencies such as the United States Coast Guard and the Environmental Protection Agency. American Samoa stated that the future of its economy is unnecessarily at risk unless something is done, and asked for the Commission's understanding and support to reverse this devastating trend. It suggested two actions to help remedy this disaster. One is to clarify that fishing effort by purse seiners in the high seas and in domestic zones can be managed together, especially in the case of combining the domestic EEZ days with the high seas days, as this will help make their boats more operationally efficient. The other is to recognize the USA-flagged purse seiners based in American Samoa, as documented by the American Samoa Board of Marine Inspectors, is indeed a SIDS fleet entitled to the same rules as other SIDS fleets when it comes to the application of CMMs, as provided in Article 30. This would help remove an incentive for vessels to change their flag and leave American Samoa.

16. The Philippines stated that it supports the consensus among CCMs to roll over CMM 2018-01 to the year 2021, and to fully engage during the intersessional discussions to progress work so that stocks of bigeye, yellow fin and skipjack tuna are maintained at sustainable levels. The Philippines recommended amending Attachment 2 of CMM 2018-01 by removing the adjective, "traditional fresh/chilled" preceding the word, "fishing vessels" in Section 1, with the objective of significantly reducing post-harvest losses, improving quality, and increasing the market value of the Philippine tuna catches from High Seas Pocket No. 1, noting this is also in accordance with the Philippines' Republic Act No. 10611 (An Act to Strengthen the Food Safety Regulatory System in the Country). The proposed deletion seeks to conform with the Philippines' regulation requiring the use of refrigerated vessels to ensure food safety, and minimize waste from fish spoilage. The use of refrigerated vessels will further enable the Philippines to comply with its treaty obligation under the United Nations Fish Stocks Agreement (UNFSA) on the prevention of fish waste. The Philippines further supported progressing the discussions on purse seine effort limits in the high seas during the review of CMM 2018-01, on labour standards for crews in fishing vessels, and stands committed to sustaining efforts and initiatives to further improve its level of compliance with its obligations under the Convention. The Philippines congratulated the Commission for successfully convening all meetings and discussions in 2020 through innovative approaches and flexibility in responding to the challenges of the COVID-19 pandemic.

17. PNG congratulated the WCPFC Executive Director and his staff for their efforts in facilitating the arrangements for WCPFC17 during these unprecedented and difficult times, noting that despite the COVID-19 pandemic members must continue to work to address the critical issues at hand, and expressing confidence that the Commission could achieve successful outcomes during WCPFC17. PNG also thanked CCMs for respecting and upholding the spirit of the Convention through solid consensus on critical issues. PNG stated it sincerely appreciated the active dialogue with developed CCMs in recognizing the special and unique circumstances of SIDS, stating that this is essential to achieving mutually beneficial outcomes. PNG also stated that SIDS, as leaders of their respective countries, representatives of the people of the Blue Pacific, and custodians of the Pacific Ocean collectively envisioned a healthy, productive, resilient, safe, and thriving ocean, while recognizing this cannot be achieved alone. PNG stated that meetings such as WCPFC17 establish a platform for effectively managing the region's fisheries and marine resources while supporting CCMs in deriving optimal value from the fishery within sustainable limits. Nationally, PNG has refocused its attention to developing its natural resources closely guided by its domestic development and strategic plans. Various advancements have been made to strengthen revenue generation and add greater value to PNG's fisheries industrialization aspirations. PNG noted the need for SIDS to gain real and lasting benefits to enable them to address various levels of "disproportionate burden" in fisheries development and management, and appealed to other members to respect these developments and work in close partnership with SIDS to advance them for greater mutual benefit. PNG further drew the attention of delegates to the following points:

- (i) Obligations under the UNFSA, which enables membership to interested parties wishing to participate in fishing activities in the Convention Area, are already being met under WCPFC's CNM status. PNG stated that the issue it has with granting full membership is that it diminishes the influence SIDS have over their resources.
- (ii) Reaching consensus at multilateral negotiations is difficult, and PNG commended all CCMs for the tough decisions that were made by each CCM on the tropical tuna measure, despite their respective views. PNG expressed confidence in the Commission's ability to uphold the integrity of the CMMs agreed to during WCPFC17. PNG stated it recognizes the importance of the tropical tuna measure and the role it plays in the livelihoods of their people, and stated that discussing the issue virtually was not the most practicable and effective means of discussing such as critical issue, based on shared past experience. PNG stated that the only way to effectively discuss the CMM is face-to-face, and that a rollover of CMM 2018-01 would be appropriate.
- (iii) PNG re-affirmed its position on issues relating to its archipelagic waters and the use of zone-based management that has contributed to national economic development for its people. PNG additionally affirmed its sovereign right to develop its domestic fisheries, a position echoed by all SIDS to address their development aspirations, and stated that the proposals presented by FFA members are closely aligned to those principles, endorsed by their leaders, and given in the spirit of the Convention.

PNG stated its awareness that no country or entity can do what is required alone, and stated that the difficult discussions that sometimes take place have one goal: to protect and preserve the region's ocean and marine resources. PNG called on CCMs to work together and demonstrate to the world that the WCPFC is second to none.

1.3 Meeting Arrangements

18. The Commission reviewed the meeting arrangements and indicative meeting schedule, and confirmed decisions made at the Heads of Delegation meeting, held the previous day on 8th December 2020.

19. The EU thanked the Secretariat for the meeting arrangements, and expressed its appreciation for the meeting schedule, which took into account members concerns and tries to share the burden that CCMs face with the meeting schedule. The EU wished all CCMs a fruitful online meeting.

1.3.1 Online meeting protocols

20. The Secretariat's IT Manager, Tim Jones, summarized the key online meeting protocols, which are detailed in **WCPFC17-2020-protocols** *Virtual Meeting Protocols*.

1.3.2 Establishment of small working groups (CNMs, CMR, others)

21. The Commission agreed to establish the following small working groups:

- Cooperating Non-Members (CNMs), chaired by Emily Crigler (USA), and addressed under Agenda Item 3.3.1.
- Compliance Monitoring Report (CMR), chaired by Acting TCC Chair Dr. Robert Day, and addressed under Agenda Item 10.1.
- List of obligations to be considered by the Compliance Monitoring Scheme (CMS) in 2021, chaired by Mat Kertesz (Australia), and addressed under Agenda Item 10.2.

AGENDA ITEM 2 — ANNUAL REPORT OF THE EXECUTIVE DIRECTOR

22. The Executive Director's Annual Report (**WCPFC17-2020-04**), which is a requirement under Rule 13 of the Commission's Rules of Procedure, was issued on 28 October 2020, and was taken as read. The Executive Director advised that the report was posted on the WCPFC17 Online Discussion Forum (ODF) (as Topic A), where no comments were received, but that he had direct input via email from some CCMs, which the Secretariat has responded to.

23. The EU thanked the Executive Director and the Secretariat staff for the comprehensive report, and stated its appreciation for the new format which follows the Secretariat Corporate Plan (**WCPFC-2019-32**), and links objectives with activities and outputs. The EU stated that it was impressed by the quantity and quality of the work undertaken as outlined in the report.

24. The Commission adopted the 2020 Annual Report of the Executive Director (**WCPFC17-2020-04**).

AGENDA ITEM 3 — MEMBERSHIP AND OTHER APPLICATIONS

3.1 Status of the Convention

25. New Zealand's report as the Depositary on the status of the WCPF Convention (**WCPFC17-2020-05 Status of the Convention**) was taken as read.

26. The Commission noted with appreciation the report on the Status of the Convention (**WCPFC17-2020-05**).

3.2 Update on Observer Status

27. The Chair noted with appreciation the contributions of the observers to the work of the Commission. The Secretariat's updated report on observer status (**WCPFC17-2020-06_rev1 List of Observers**) was taken as read.

28. The Executive Director stated that the updated list of accredited observers has applied for the first time the new rule that enables the Commission to revoke observer status for those that were unable to attend a meeting in the preceding three years. Observers whose status has been revoked are listed in paragraph 3 of **WCPFC17-2020-06_rev1**.

29. The Chair noted that the Bahamas had requested CNM status for 2021, and had also requested permission to attend WCPFC17 as an observer, which was supported by CCMs at the Heads of Delegation meeting. There were no objections from the Commission, and the Chair requested that the Secretariat invite the Bahamas to attend WCPFC17 as an observer.

30. The Commission accepted The Bahamas as a Non-Party State Observer.

31. The Commission noted the updated list of observers to the Commission (**WCPFC17-2020-06_rev1**).

3.3 Applications for Cooperating Non-Member (CNM) status

32. The Commission considered applications for CNM status for 2021 in accordance with CMM 2019-01, including recommendations from TCC16. As outlined in **WCPFC17-2020-07: Cooperating Non-Member Requests for 2021**, there were ten applications for CNM status in 2021 received from the Bahamas, Curaçao, Democratic People's Republic of Korea (DPRK), Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam. All applicants except the Bahamas and DPRK are CNMs; the Bahamas attended WCPFC17 a non-party State observer.
33. The Commission discussed the process by which CNM applications would be reviewed. The Chair noted that normal practice was to discuss the CNM applications during plenary, and then task the SWG to consider any outstanding issues and the issue of participatory rights. Because of WCPFC17's format and time constraints, the SWG would consider both the applications and the participatory rights, and present recommendations to plenary for decisions.
34. The USA advocated that the Commission not accept the application by the DPRK, which would make consideration of the DPRK's CNM application by the SWG unnecessary. It noted that TCC16 had made a very clear recommendation to the Commission to deny CNM status to DPRK. The comments from the USA were supported by Australia, EU, New Zealand and France.
35. The Commission agreed that it would not accept DPRK's application.
36. The Bahamas stated that it had provided the additional information requested by TCC16 to the Secretariat, and would provide any additional information to the Commission that might be needed. It confirmed its interest to be included in the CNM SWG to facilitate provision of information.
37. Ecuador thanked the Commission for its invitation to WCPFC17. It stated it had complied with all requirements, and invited CCMs to consider its application for CNM status and also for full membership. It also confirmed its interest to participate in the CNM SWG.
38. The Commission forwarded the applications for CNM status in 2021 submitted by the Bahamas, Curaçao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam Ecuador, El Salvador, Liberia, Thailand and Vietnam to the SWG for further review.
39. Following further deliberations, the CNM SWG Chair confirmed that all information requested by TCC had been submitted to the Secretariat.
40. The EU raised a concern, based on very recent information, regarding the possible inclusion on the North East Atlantic Fisheries Commission (NEAFC) Illegal, Unreported and Unregulated (IUU) Vessel List of a vessel from Panama. The EU stated that it had been unable to raise the issue with Panama and suggested that the Commission request clarification.
41. China suggested the information was not relevant as it pertained to activities in the current year, and the Commission was reviewing information relating to fishing activities in 2019. China stated the hope that Panama's application could be approved in conjunction with those of other applicants.
42. The EU noted that CMM 2019-01 on CNMs states that the Commission shall consider certain criteria outlined in paragraph 3 of the CMM; these include its record of responding to any IUU activities by vessels flying its flag and its record of compliance with CMMs of other RFMOs. The EU stated that it was therefore fully relevant to consider a possible IUU listing by NEAFC.

43. Panama stated that it was discussing the issue with NEAFC, that the case was ongoing, and that it would seek to provide more information to the Commission. The EU stated it appreciated the response from Panama, and suggested Panama could provide further information to the CNM SWG Chair.

44. The Commission approved the CNM applications from the Bahamas Curaçao, Ecuador, El Salvador, Liberia, Nicaragua, Thailand and Vietnam. It also tasked the CNM SWG to consider the specific participatory rights to be granted those CNMs. The Commission further tasked the CNM SWG to additionally consider the CNM application of Panama.

45. Following further consultations, the EU provided additional details on the F/V Boyang Capella, which it stated was flagged to Panama and appeared to be registered on the WCPFC RFV, with an active authorisation. The EU stated that the Boyang Capella was apparently listed on the NEAFC provisional IUU list in early November of 2020, and that as a result of this listing Panama did not obtain CNM status for 2021 in NEAFC. The EU stated it appreciated the efforts of Panama for providing at short notice additional information on the Boyang Capella issue, while expressing regret that the information was not proactively brought to the attention of WCPFC by Panama ahead of WCPFC17. The EU stated that it appeared that Panama's failure to provide adequate information to NEAFC on the Boyang Capella issue before the 2020 meeting of the NEAFC Permanent Committee on Monitoring and Compliance resulted in (i) the listing of the vessel on NEAFC's provisional IUU list, and (ii) in Panama's application for Cooperating Non-Contracting Party status not being supported by NEAFC Members. The EU stated that to its knowledge to date no additional information had been submitted by Panama to NEAFC.

46. Panama informed the WCPFC CNM SWG that a Sanction Administrative Process had been opened against the Boyang Capella. The EU urged Panama to urgently address this outstanding issue in NEAFC and to keep WCPFC members abreast during the coming weeks of the result of this administrative process, including any relevant action for the Boyang Capella, noting that to its knowledge the vessel remained on the WCPFC's RFV. In addition to the NEAFC case, the EU noted its concern over several repeated issues of non-compliance with the WCPFC's obligations that were identified again during the 2020 CMR process for Panama. As the EU highlighted in 2019, while recognizing improvements made by Panama on the management of its fishing fleet, it noted with concern that Panama has been again identified as priority non-compliant, especially for obligations related to the Transshipment CMM. The EU stated that transshipment at sea must be strictly monitored and controlled so as to mitigate the risks of facilitating IUU fishing operations that undermine sustainable fisheries. Therefore, the EU stated that it strongly believes that Panama must achieve clear and concrete progress in addressing the shortcomings in compliance with WCPFC transshipment rules as matter of priority and urgency. In conclusion, the EU stated that if in light of the above CCMs supported the granting of CNM status to Panama for 2021, the EU would not oppose this decision, but that in the absence of tangible progress by Panama, it would be very difficult for the EU to support an application for the renewal of Panama's CNM status in 2022.

47. China thanked the EU and stated it would like to see that Panama's CNM status be continued for 2021. China urged Panama to carefully note the EU's statement and ensure it made significant progress on the issues raised in the near future.

48. Panama stated that it had provided detailed explanations on the issues raised in the CNM SWG. It stated that it was complying with the requirements of NEAFC, which would include a fine to the Boyang Capella, suspension of the vessel's license, and withdrawal of the vessel from the RFVs of all RFMOs. Panama acknowledged past difficulties in meeting certain deadlines, including with regard to the Boyang Capella, but stated its understanding that all supporting documents would be available in January 2021. Panama noted some improvements made during 2020, and stated it would strive to do even better in 2021.

49. The Commission approved the CNM application from Panama, and referred it to the CNM SWG to consider the participatory rights to be granted to Panama.

50. The CNM SWG presented its report to the Commission, including recommended limits to be applied to the participatory rights of each CNM in 2021. During the CNM SWG Ecuador had reiterated their interest in becoming a full member of the Commission, and the SWG had noted that the issue of membership would be taken up by the Commission, and was outside the mandate of the SWG.

51. The Commission discussed the participatory rights to be granted to CNMs, and whether any limits should be placed on the number of carrier vessels. The Bahamas stated that it had indicated in comments submitted to the Commission in October 2020 that it would have 30 carrier vessels in 2021. China stated that it would support the wording regarding participatory rights agreed to in the CNM SWG, but stated its view that in the future the Commission should give consideration when granting participatory rights to specifying the number of carrier vessels for each CNM.

52. The EU stated that many years after entry into force of the Convention the Commission still lacked a procedure for consideration of applications for full membership. It referenced a paper submitted by the USA in 2017 (**WCPFC14-2017-DP18** *Membership Process in WCPFC*) that contained an overview of other RFMOs' membership processes, and the benefits to the Commission of a more open approach to membership. The EU stated that no progress had been made since then, and raised the issue as an outstanding item that should be duly addressed.

53. Japan supported the EU intervention. It noted the concerns expressed by some CCMs, while stating that WCPFC should at a minimum have a process for discussing applications from potential members.

54. Palau on behalf of FFA members reiterated the FFA position expressed at WCPFC15 and WCPFC16 that the application for CNM status is not a stepping stone to becoming a full member of the WCPFC. It requested deletion of the inclusion of a question in the CNM application form on whether an applicant wants to become a member, stating it is not a relevant consideration for the granting of CNM status. It noted that Article 35.2 of the Convention sets out the procedural requirements for membership.

55. FSM on behalf of PNA members, stated that under the Convention, WCPFC has a different and less open process for considering new members compared to other fisheries Commissions. In the WCPFC, new members can only join by invitation, and that invitation has to be decided by consensus. PNA members further stated that the process reflects the nature of the Commission where over 85% of the catch is made in the waters of developing countries, especially SIDS, who are highly dependent on those resources. PNA members stated that the CNM process provides adequate opportunities for participation by countries, other than those who were engaged in the process of drawing up the Convention. PNA members stated they do not support the EU proposal for an additional process relating to Commission membership.

56. Ecuador expressed its appreciation to the WCPFC by accepting Ecuador as a CNM since 2009. Ecuador noted it had committed to fully comply with the WCPFC's CMMs and administrative and financial obligations, and had done so over the years. Ecuador stated it had expressed its desire to become a "full member" of WCPFC at several WCPFC annual meetings, but unfortunately, Ecuador's official request had not received a positive response. Given this, Ecuador stated it was officially requesting once again what the legal procedure would be to achieve that objective, suggesting that it should be clear, fair, and transparent. Ecuador recalled that at WCPFC14 the USA delegation delivered a discussion document on this issue (**WCPFC15-2017-DP18**), and that it had been raised again by the EU. Ecuador stated that these analyses could facilitate consideration of this important matter. It noted that in 2015 WCPFC took a first step by implementing a change in the "CNM application form", in which candidate countries were asked whether

they would like to become full members. In this regard, Ecuador inquired as to the benefit of this question, and if there has been any follow-up. Ecuador noted that the general framework of RFMOs states that no State or group of States that have a real interest in the fisheries should be discriminated against, and that Ecuador and most WCPFC members are members of the United Nations Convention on the Law of the Seas (UNCLOS), as well as the UNFSA, which are the foundation of the international legal framework for oceans and fishing. In this regard, Ecuador stated it considers that having officially and repeatedly expressing to WCPFC its interest in becoming a “full member” without even receiving a response constituted discrimination and a violation of the UNCLOS and UNFSA rules. Finally, it noted that the foregoing contrasts with the treatment that has been given in other RFMOs. By way of example, since the new IATTC Convention was adopted in Antigua, Guatemala in 2003, IATTC opened its door for several coastal states not located in the Eastern Pacific Ocean, such as Belize, the People's Republic of China, and Kiribati, to become full members, without any barrier. Ecuador reiterated its request that the Commission consider establishing a framework and conditions to allow interested countries with CNM status to become full members. Ecuador closed by reiterating its interest in becoming, and requested to be accepted as, a full member of the WCPFC.

57. The Commission noted the strong concerns from TCC16 regarding DPRK’s application and decided to deny CNM status for DPRK.

58. The Commission accepted the report of the Cooperating Non-Member Small Working Group (SWG) and noted that:

- i. The SWG had noted with appreciation the attendance and participation of The Bahamas, Curaçao, Ecuador, El Salvador, Liberia, Panama, Nicaragua, Thailand and Vietnam.
- ii. The SWG confirmed that all CNM applications were complete and all additional information requested by TCC16 had been submitted.
- iii. SWG participants expressed concern surrounding the recent listing of two Panamanian flagged vessels on the IUU Fishing Vessel Lists of NEAFC and CCAMLR. One participant noted that Panama’s application for Cooperating Non-Contracting Party status in NEAFC for 2021 was denied by the organization. Panama acknowledged the concerns expressed by members and submitted additional information on the actions taken by Panama to address the issues, which included sanctions and the revocation of vessel licenses. Panama confirmed that the vessels included in NEAFC IUU List A would be removed from the vessel registers of all RFMOs, including WCPFC until the process is concluded. In relation to the vessel included in CCAMLR Non-Contracting Party IUU Vessel List, Panama informed that this vessel was self-reported by Panama and it no longer flies the Panama flag since March 2020.
- iv. The SWG supported the application of Panama for CNM status in 2021, but encouraged Panama to continue to make improvements to the management of vessels, both in the WCPFC and in other RFMOs. The SWG noted that in the absence of tangible progress and improved compliance with WCPFC management measures, it would be difficult for the Commission to support an application from Panama for CNM status in 2022.

59. The Commission approved the applications for CNM status for 2021 from The Bahamas, Curaçao, Ecuador, El Salvador, Liberia, Nicaragua, Panama, Thailand and Vietnam.

3.3.1 Participatory rights of CNMs

60. The Commission reviewed the limits of participatory rights of CNMs under various CMMs in accordance with paragraphs 12 and 13 of CMM 2019-01.

61. The Commission agreed that the following limits be applied to the participatory rights of CNMs, pursuant to the WCPF Convention and CMM 2019-01:

- i. In accordance with the WCPF Convention and WCPFC conservation and management measures and resolutions, the following participatory rights apply to CNMs for fisheries in the high seas within the WCPFC Convention Area;
- ii. In addition, unless otherwise specified below, CNMs may fish in waters under their national jurisdiction or other CCMs' national jurisdiction, in accordance with appropriate bilateral arrangements;
- iii. CNMs shall ensure vessels flying their flags comply with all provisions of the WCPF Convention and the WCPFC conservation and management measures. In addition, CNM vessels will be placed on the WCPFC Record of Fishing Vessels (WCPFC RFV);
- iv. CCMs shall ensure that CNM fishing activities that are conducted in waters under their national jurisdiction in accordance with bilateral arrangements are consistent with all relevant conservation and management measures and provisions of the WCPF Convention; and
- v. Renewal of CNM status by the Commission will take into account compliance with the national laws and regulations of any licensing CCM, and all conservation and management measures and provisions of the WCPF Convention. CCMs shall identify any violations by vessels flagged to a CNM and report on any investigations of such violations to the Secretariat for attention by TCC.

Participatory rights of each CNM in 2020

62. **The Bahamas:** The participatory rights of the Bahamas are limited to carrier vessels to engage in transshipment activities in the Convention area.

63. **Curaçao:** The participatory rights of Curaçao are limited to carrier vessels to engage in transshipment activities in the Convention area.

64. **Ecuador:** The participatory rights of Ecuador for fishing in the WCPO are limited to purse seine fishing, with no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area. Any introduction of purse seine fishing capacity is to be in accordance with paragraph 12 of CMM 2019-01 and CMM 2018-01 or its replacement measure.

65. **El Salvador:** The participatory rights of El Salvador for fishing in the WCPO are limited to purse seine fishing only. The total level of effort by purse seine vessels of El Salvador on the high seas shall

not exceed 29 days in the Convention Area. Any introduction of purse seine fishing capacity is to be in accordance with paragraph 12 of CMM 2019-01 and CMM 2018-01 or its replacement measure.

66. **Liberia:** The participatory rights of Liberia are limited to carrier vessels to engage in transshipment activities in the Convention area.

67. **Nicaragua:** The participatory rights of Nicaragua are limited to purse seine fishing for one vessel, with no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area. Any introduction of fishing capacity is to be in accordance with paragraph 12 of CMM 2019-01 and CMM 2018-01 or its replacement measure.

68. **Panama:** The participatory rights of Panama in the WCPO are limited to the provision of carrier and bunker vessels. Panama's participatory rights also apply to vessels that supply food, water and spare parts to carrier vessels that engage in transshipment activities, provided that these vessels do not engage in activities supporting fishing vessels, including providing and/or servicing FADs.

69. **Thailand:** The participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.

70. **Vietnam:** The participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only.

WCPFC/IATTC Overlap Area

71. In accordance with the decision of WCPFC9 regarding the management of the overlap area of 4°S and between 130°W and 150°W, vessels flagged to Ecuador, El Salvador, Nicaragua and Panama will be governed by the IATTC when fishing in the overlap area.

72. In accordance with the Data Exchange MOU agreed by both Commissions, fishing vessels flying the flag of a member of either the IATTC or WCPFC shall cooperate with the RFMO to which they are not a member by voluntarily providing operational catch and effort data for its fishing activities for highly migratory species in the overlap area.

73. For the purpose of investigation of possible IUU fishing activities and consistent with international and domestic laws, vessels flying the flag of a CNM that is a Contracting Party to the IATTC will cooperate with those coastal State members of the WCPFC whose EEZs occur in the overlap area by voluntarily providing VMS reports (date, time and position) to those coastal States when operating in the overlap area.

AGENDA ITEM 4 — NEW PROPOSALS

DP01

74. On behalf of FFA members, New Zealand presented **WCPFC17-2020-DP01** *FFA Key Priorities for the WCPFC17*, referring in particular to Attachment 1 *Proposed List of Obligations to be assessed under the Compliance Monitoring Scheme in 2021*. FFA members stated they recognized the list of obligations for assessment by the Compliance Monitoring Scheme (CMS) as a priority item for the Commission at WCPFC17, and in that context submitted the proposal in Attachment 1 for WCPFC17 consideration. New Zealand stated that in the absence of the risk-based assessment approach, the proposal takes into consideration:

- the factors identified in CMM 2019-06 paragraph 6;
- the proposal tabled by the United States at TCC16;
- members' views expressed on this issue at TCC16;
- obligations assessed under the CMS and the percentage of past non-compliance;
- the need to be mindful of the volume of obligations to be assessed on an annual basis, given the burden it will put on the WCPFC Secretariat, TCC and CCMs, in particular SIDS; and
- ensuring that the CMS is effective and efficient, balanced and fair amongst the different fisheries within the Commission.

75. New Zealand noted that the Secretariat submitted to FFA and through the ODF its views on the proposed list with regards to the obligations related to the WCPFC Decisions under the context of COVID-19 (**WCPFC17-2020-09**, *WCPFC17 Online Discussion Forum Summary*, Topic K1). In particular, the Secretariat noted they may not have enough information to be able to review each CCM's implementation of these requirements. FFA members therefore agreed to remove these obligations from the list to be assessed in 2021, but stated they would seek a decision under Agenda Item 5 for CCMs to report in 2021 on their implementation of these decisions in their Annual Part 2 reports and for the Secretariat to prepare a paper on this for TCC17's consideration. FFA members also received and responded to comments and questions from the United States through the ODF, and looked forward to working with all CCMs towards an agreed list for 2021. FFA members further proposed that an SWG be established to discuss and agree on the list of obligations to be assessed under the CMS in 2021, and nominated Mat Kertesz from Australia to lead this SWG.

76. The EU thanked FFA for the proposal, and for addressing some of its comments made at TCC16.

77. The list of obligations to be assessed under the CMS was discussed further under Agenda Item 10.2.

DP02

78. The United States stated it had withdrawn a previously submitted proposal to revise several aspects of the tropical tuna measure (**WCPFC17-2020-DP02** *Proposal for a CMM for Tropical Tunas*). This followed discussions during 2020 with a number of other CCMs to understand their positions and expectations for WCPFC17. It recognized that the challenges in meeting electronically would make substantive discussions and consensus-building difficult. In light of this, and as explained in its message circulated on December 7, the United States has decided, pending review of the precise language of the CMM, to support a rollover of the tropical tuna measure. It stated its understanding that a rollover is the expectation of most, if not all, other CCMs. Although the USA would support a rollover at WCPFC17 because of the extraordinary circumstances and limited time available, it emphasized that its proposal in DP02 reflects important issues and objectives for the United States and its stakeholders, and that it remained

committed to looking for equitable solutions to stakeholder interests and concerns, and looked forward to engaging on those issues in 2021. The USA stated it recognizes that the fisheries managed through the measure are very important to all CCMs, including SIDS and territories that are particularly dependent on fisheries, and as such, all CCMs deserve the opportunity to work through these issues in a spirit of cooperation. The USA stated that its proposal highlights the important issues that will need to be addressed in developing future versions of the measure, specifically noting the following:

- Some open-ended exemptions undermine the effectiveness of WCPFC's conservation regime.
- USA-flagged vessels in both the longline and purse seine sectors are hamstrung by allocations that are much more restrictive than necessary to meet the Commission's conservation objectives, and despite often applying monitoring, control, and surveillance measures that exceed those that apply to other fleets.
- American Samoa, as a small island Participating Territory, is suffering a disproportionate conservation burden from the measure and continues to push the United States to insist on changes that will support its fisheries-dependent economy.

The USA stated that WCPFC17 needs to agree on a clear intersessional process, with a timeline, to make progress on improving the measure in 2021, including to address the outstanding work identified in CMM 2018-01 and to conduct good faith negotiations on the priorities raised. It stated its openness to different ways of progressing that work, and that it envisions the Commission Chair and/or Vice Chair leading the intersessional work, which could be done through email correspondence and virtual meetings until WCPFC can again meet in person. The USA stated that progress made intersessionally will inform its ability to agree on a measure in 2021, when CCMs must be prepared to make needed adjustments to the CMM. The USA stated its recognition that its proposal conflicted with the views of some other members on how the region's collective fisheries should be managed. It noted its intent was not to inflame, but to reflect that its industries feel disadvantaged and are concerned about their very survival. It observed the need to respect the needs and interests of other members, including in particular the SIDS and territories, and stated it was willing to work hard towards a CMM that works for all CCMs. While that has not been possible in 2020 as CCMs adjust to the new virtual format, the USA stated it hoped and expected all CCMs would be in a better position to do that hard work in 2021.

79. The intersessional process for developing a new tropical tuna measure was further discussed under Agenda Item 7.2.

DP06

80. The Philippines introduced **WCPFC17-2020-DP06** *Request to amend Attachment 2 of CCM 2018-01*. It stated the objective was to significantly reduce post-harvest losses, improve quality, and increase the market value of the Philippine tuna catches from the High Seas Pocket No. 1 and to comply with Republic Act No. 10611 to strengthen the food safety regulatory system. The Philippines recommended that Attachment 2 of CMM 2018-01 be amended by removing the adjective "traditional fresh/chilled" preceding the word "fishing vessels" in Section 1. The recommended amendment would allow the use of freezers in carrier boats or refrigerated vessels, thereby significantly reducing post-harvest loss, and ensuring catch quality.

DP08

81. The USA introduced **WCPFC17-2020-DP08** *Conservation and Management Measure for North Pacific Striped Marlin Consultative Draft Proposal*. It recalled that in 2010, WCPFC adopted a CMM establishing catch limits for CCMs that had historically caught North Pacific striped marlin; however,

reductions in CMM 2010-01 were inadequate to eliminate overfishing or rebuild the stock (stock assessments conducted in 2015 and 2019 found the stock to be overfished and experiencing overfishing). In 2019 WCPFC adopted an interim rebuilding plan with an interim rebuilding target of 20%SSBF=0 to be reached by 2034 with at least 60% probability; the plan includes the following rebuilding strategy:

Beginning in 2020, and based on the best scientific information available, members will develop measures to rebuild the stock in accordance with the rebuilding objective, with the aim of adopting revised conservation and management measures for North Pacific striped marlin at WCPFC17. Members should consider reduced catch limits and retention, release, and gear requirements, among other potential tools.

The USA stated that its consultative draft revised CMM for North Pacific striped marlin was designed to ensure that the interim rebuilding target is met according to the specifications of the interim rebuilding plan adopted in 2019 (Attachment 1 to **WCPFC17-2020-DP08**). It noted that it investigated the efficacy of requiring live release of all captured striped marlin, elimination of the shallowest hooks on deep sets, and the use of circle hooks as potential mitigation methods. The USA stated that while none of these measures would meet the rebuilding target as stand-alone requirements, they could help to reduce catch if used with other mitigation options. The USA proposed that CCMs consider the consultative draft revised CMM as a basis for intersessional consultations, with the aim of adopting a revised CMM at WCPFC18. The USA also noted some discrepancies between ISC stock assessment catch estimates of striped marlin in the Convention Area north of the equator and WCPFC catch estimates for that area, by CCM, and stated it was working with SPC to improve the WCPFC estimates and better understand reasons for the differences.

82. The proposal was further addressed under Agenda Item 7.5.

DP09

83. Indonesia introduced **WCPFC17-2020-DP09** *Proposal for a CMM on Labour Standards for Crews on Fishing Vessels*. Indonesia noted cases and disputes had taken place over several years with regards to crew welfare on fishing vessels operating within the Commission Area. In the spirit of responsible fisheries management and common decency, Indonesia considers these disputes to be labour abuse issues. It stated that fishing crews have been subjected to abuse, forced labour, and human trafficking because of the absence of proper labour and wellbeing standards, training, and insufficient language aptitude, and that workers exploitation, forced labour, and human trafficking in capture fisheries are connected to transnational crime and corruption. The expanding worldwide interest to harvest more fish far from national waters and the need for cheap workers to ensure these fishing operations are profitable also leads to labour abuse. Vessel owners and operators can have a competitive advantage by crewing their vessels with cheap labour. Indonesia stated that under WCPFC Resolution 2018-01 (*Resolution on Labour Standards for Crew on Fishing Vessels*), CCMs are encouraged to make every effort to ensure that their relevant national legislation fully extends to all crews working on fishing vessels flying their flag in the Convention Area, and where appropriate and applicable, CCMs are encouraged to adopt measures into their national legislation to establish minimum standards regulating crew labour conditions. Furthermore, CCMs are encouraged to implement measures consistent with generally accepted international minimum standards for the crew on fishing vessels, where applicable, to ensure fair working conditions on board for all their flagged vessels operating within the Convention Area. However, cases of labour abuse are nonetheless continuing in the region. As a member of WCPFC, Indonesia acknowledged that the issue of labour rights for the crews of fishing vessels needs broader attention, particularly with respect to making and implementing binding regulations, and stated that it therefore submitted the draft proposal on the issue in DP09, which proposes improved measures on tackling labour abuse through the implementation of law and policy; comprehensive research on the effect of labour abuse for fisheries as a system; more knowledge sharing among members handling similar cases;

increased communication and awareness among stakeholders, including media, government, inter-government agencies, fishing operators, migrant workers, and consumers, and representatives of fishing industry employees and workers; and improved cooperation and coordination among WCPFC CCMs. Indonesia welcomed any input from CCMs and proposed to have an Intersessional Working Group draft a CMM during 2021 for submission to TCC. Indonesia underlined its willingness to work constructively and cooperatively with other delegations.

84. Vanuatu, on behalf of FFA members, thanked Indonesia for bringing forward its proposal on this very important matter. As noted at previous meetings, FFA members are appalled by the continued instances of crew abuse in the region, including towards Indonesian nationals. FFA members have approved an amendment to the minimum terms and conditions on labour standards for fishing crews, and stated it is appropriate that the Commission begins work on a compatible measure for the high seas. The draft CMM proposed by Indonesia provides a basis to begin that process and FFA members congratulated Indonesia for bringing this forward. They noted that considerable work would be required to develop a practical CMM, but FFA members believe it essential that the Commission instigate a process to move forward. FFA members supported the establishment of an IWG on crew labour standards, and stated their strong position that that the Commission is the right place to address this issue.

85. New Zealand expressed support for the comments by Vanuatu on behalf of FFA, and by Indonesia. It agreed that the establishment of an IWG is appropriate, and that it is appropriate and essential that the Commission consider these issues. New Zealand acknowledged that other regulatory agencies also have a role, but that this does not preclude efforts on the part of WCPFC.

86. The Philippines stated that it fully supports formation of an IWG, and that it would fully engage in the process. It noted that it already has domestic regulations that addresses labour standard on fishing vessels.

87. The USA supported Indonesia's intervention, aligned with the comments by New Zealand and FFA, and supported the formation of an IWG.

88. China stated that it did not support the proposal, and would not support the formation of an IWG.

89. Korea thanked Indonesia, noting that the issue of rights and welfare of crew is very important, and that calls to address the issue were increasing. It stated that it had been closely working with industry stakeholders to prevent possible incidents on Korean fishing vessels, and would join the IWG if it is established, and would cooperate fully on the issue.

90. The proposal was further discussed under Agenda Item 9.3.

Revision to CMM 2019-02

91. Masanori Miyahara, the Chair of the Northern Committee (NC), introduced the revised CMM for Pacific Bluefin Tuna, as contained in Attachment B of **WCPFC17-2020-18 Reference Document for the Review of CMM 2019-02 and Development of Harvest Strategies (Pacific Bluefin Tuna)**. The NC Chair stated that NC16 agreed on the recommendation, which would allow a one-year rollover of CMM 2019-02. He also stated the revised measure would delete the previously allowed catch limit transfer from Chinese Taipei to Japan.

92. The proposal was further addressed under Agenda Item 7.4.1.

DP11

93. The EU introduced **WCPFC17-2020-11rev_1**, *Discussion Paper on IUU Vessel Cross Listing Procedures – revision 1*, noting that a full proposal was tabled at WCPFC16, and a range of concerns were expressed by FFA members. The EU stated it had reflected on these concerns and provided additional insights in the hope of addressing the points made by FFA members. The EU stated that in light of the reduced agenda of WCPFC17, it did not intend to table a proposal for adoption in 2020, but rather sought to collect views, comments and inputs from CCMs with the objective of continuing the discussion intersessionally ahead of WCPFC18, and in the hope of working toward adoption of cross-listing measures.

94. Tuvalu on behalf of PNA members requested the WCPFC Secretariat to advise, intersessionally, how many vessels would be on an expanded IUU List under the cross-listing proposal, noting that this information would help in assessing any burden associated with the proposed measure.

95. The proposal was further addressed under Agenda Item 11.

DP12

96. The EU introduced **WCPFC17-2020-DP12** *Discussion paper on Improving the Effectiveness of CMM 2018-01*. The EU stated that the aim was to address the unintended effect of the exemptions in CMM 2018-01 and to better understand how these exemptions are used, and to take into account the full range of implications and potential impacts deriving from their use on the effectiveness of the CMM for tropical tunas and/or its successor CMMs. The paper has three sections (i) the effects of the FAD closure; (ii) the trend of increasing effort by CCMs that are not bound by limits in the high seas; and (iii) and the potential for use of exemptions beyond their intended purpose through misinterpretation of the attribution of catch and effort under paragraph 8 of CMM 2018-01. The EU stated that these issues, in particular the use of exemptions, potentially make TCC assessments difficult and most importantly, might severely weaken the effectiveness of CMM 2018-01 in the near future. The issues were further discussed under Agenda Item 7.2.2.

AGENDA ITEM 5 — INTERSESSIONAL DECISIONS IN RESPONSE TO COVID-19

97. The Secretariat's discussion paper **WCPFC17-2020-08** *COVID-19 Related Intersessional Decisions*, was presented by the Legal Adviser, Dr. Penny Ridings. The paper updates **WCPFC-TCC16-2020-14**, provided to TCC16, on the measures taken (as of 10 November) to prevent the spread of the COVID-19 on fishing vessels and on travel and port entry restrictions in CCMs. The Legal Adviser highlighted some of the context and the questions posed for WCPFC17.

- (i) The Legal Adviser first reviewed the Intersessional Decisions.
 - The Commission's first Intersessional Decision temporarily suspended the 100% observer requirement on purse seine vessels. She noted that most ROP observers have been repatriated, with the exception of 23 observers. Of those the majority remain on board vessels, including carrier vessels, either to continue their duties, or pending suitable arrangements for repatriation. Some observers are awaiting repatriation in another country.
 - The second Intersessional Decision states that where it is not feasible to tranship in port, CCMs may authorise their purse seine vessels to tranship at sea in areas designated by port States within its jurisdiction. Assessing the implementation of this decision has proven difficult. She stated that it

appears most purse seine transshipments are taking place in an area designated by the port State: at the wharf or within the general area of the port, even if not at the wharf. One port State has designated an area beyond three Nautical miles for this purpose, but this appears rare. Five CCMs have notified the Executive Director of their authorised vessels but have implemented the Decision in different ways: either by way of a blanket authorisation, or by notification of individual transshipment events on a vessel-by-vessel basis.

- The third Intersessional Decision suspended the requirement to have at-sea transshipment observers on either the fishing or carrier vessel. Of reported transshipments between 1 April and 23 October 2020, approximately 9% of transshipments were not observed. The relatively high rate of observations results from some observers on carrier vessels not yet being repatriated. There are likely to be fewer observed transshipments in 2021 until observers on carrier vessels are redeployed.
- (ii) The Legal Adviser noted that assessing implementation was difficult, and stated that to facilitate a review at TCC17 of the implementation of the Intersessional Decisions, the Commission could consider the following, as suggested by the Secretariat in comments to **WCPFC17-2020-DP01 (WCPFC17-2020-09)**, discussion under Topic K): (a) CCMs could be required to provide in Annual Report Part 2 covering 2020 activities, a specific report on their implementation of the Intersessional Decisions taken in response to COVID-19; (b) task the Secretariat to include in Annual Report Part 2 covering 2020 activities appropriate questions that can suitably support CCMs reporting on their implementation of the Intersessional Decisions taken in response to COVID-19; and (c) task the Secretariat to prepare a paper for TCC17, that provides a summary of the available information on the implementation of the COVID-19 Intersessional Decisions in 2020/21.
- (iii) The Legal Adviser made the following observations in describing the context of the Commission's consideration of the Intersessional Decisions: it is not clear when a return to normal observer requirements will be feasible; while some observer data is still coming in, SPC has indicated that the prolonged suspension of observer requirements could compromise certain scientific assessments; TCC16 noted the importance of placing observers safely back on vessels and referred to the possible use of the FFA COVID-19 Operating Protocols; and to date the COVID-19 decisions have been temporary – usually of 3 or 4 months duration to enable periodic assessments of the situation to be made.
- (iv) The Legal Adviser encouraged the Commission to consider the following issues:
- The appropriate timeframes for lifting of the suspension of obligations under the three Intersessional Decisions, whether priority should be given to reinstatement of at-sea transshipment observers on carrier vessels, and the necessary conditions for this to occur.
 - Implementation issues associated with the suspension of the prohibition of at-sea transshipment for purse seine vessels, the lack of clarity on the number of port States that are undertaking transshipments outside the general area of their ports and within their internal waters, and whether the suspension should be tightened and its implementation clarified.
 - Challenges associated with redeployment of observers on purse seine vessels to once again meet the 100% observer coverage requirement, whether a staged approach to redeployment is feasible, and the conditions under which redeployment should occur.
 - The Commission's position on the FFA Operating Protocols.
- (v) The Legal Adviser also encouraged the Commission to consider preparing and circulating a draft decision prior to expiry of the current Intersessional Decisions on 15 February 2021. Given the continued uncertainty over what the situation will be in 2021, an indication of the period of validity

of any Decision would be useful. It would also be useful if WCPFC17 could agree to use the same expedited decision-making process as used for the original COVID-related Intersessional Decisions.

98. RMI, on behalf of FFA members, noted that they proposed in **WCPFC17-2020-DP01** a list of obligations to be assessed under the CMS in 2021, of which six are related to decisions taken in response to COVID-19. They noted the views from the WCPFC Secretariat posted to the ODF regarding review of implementation of intersessional decisions (**WCPFC17-2020-09**, Topic K). Upon consideration of these views, FFA members suggested that the Commission:

- task CCMs to provide in their 2021 Annual Report Part 2 covering 2020 activities a specific report on their implementation of the Intersessional Decisions taken in response to COVID-19;
- task the Secretariat to include in 2021 Annual Report Part 2 (covering 2020 activities) appropriate questions that can suitably support CCMs reporting on their implementation of the Intersessional Decisions taken in response to COVID-19; and
- tasks the Secretariat to prepare a paper for TCC17 providing a summary of the available information on the implementation of the COVID-19 Intersessional Decisions in 2020.

FFA members stated that CCMs' full and effective implementation of the Intersessional Decisions remained critical, including ensuring all reporting requirements are clear and consistently applied to allow the Commission to assess the impacts of the decisions and guide future decisions.

99. The EU stated it could support the proposal but suggested that when considering future decisions that the Commission include better guidance on how it expected CCMs to implement and assess its decisions.

100. Tuvalu, on behalf of FFA members, thanked CCMs and vessel operators for their assistance in safely repatriating observers to their home countries during the temporary suspension of observer coverage requirement for purse seine vessels and at sea transshipment. They reiterated that their end goal is to ensure that observers can safely return to fishing vessels after 15 February 2021. To support this end goal of deploying observers, FFA members encouraged all CCMs to implement the FFA COVID-19 Operating Protocols and for the Commission to recognise them as voluntary best practice guidelines to minimise COVID-19 transmission on fishing vessels. They stated their understanding that no alternate COVID-19 Protocols for fishing vessels had been put forward to the Commission and stressed that the protocols are extremely important for helping prevent COVID-19 transmission. FFA members highlighted that they are considering requirements to be met by vessel operators in order for FFA members to be comfortable deploying observers on purse seine vessels again. FFA Members noted the WCPFC Secretariat's suggested framework, elements and process which is a useful way forward for the COVID-19 Intersessional Decisions, in particular the staged approach to redeploying observers, and the emphasis on Article 29(5) should there be any dispensation due to the COVID-19 on at-sea transshipment, except where a port State designates an area within its territorial sea for transshipment purposes.

101. The EU observed that the absence of observers for long periods may impact the collection of scientific data, but that it was difficult to assess the impact without more information, and inquired regarding (i) the rate of observations in 2020, noting that some CCMs have embarked observers throughout their operations; (ii) how observer data gaps could impact the work of SPC in the short term; and (iii) whether the Secretariat or SPC have suggestions on how to compensate for the lack of observers. The Compliance Manager, Dr. Lara Manarangi-Trott stated the Secretariat would consult with SPC and seek to provide an answer to these questions.

102. PNG stated that the observer program is essential to provide and verify data and compliance relating to a number of WCPFC CMMs. It inquired how the lack of observers impacted assessment of WCPFC stocks. PNG also noted that the ability to safely place observers on vessels during the COVID-19 pandemic would be different for domestic and international operations, as the latter presented logistical issues, and required resumption of international flights.

103. The USA supported extension of the Commission's Intersessional Decisions until observers can be placed safely on the vessels without increased risk from COVID-19. It noted that the USA's industry went to great length and expense to repatriate all observers from its vessels, and remained concerned that some observers have not yet been repatriated. It noted that timely repatriation of all observers, where requested, is a requirement of the Commission's Intersessional Decisions, and urged all CCMs to implement the decisions quickly and equitably. The USA stated it would support discussion of proposed frameworks for continuing to make intersessional decisions related to COVID-19, and generally supported implementing an expedited intersessional process for expedited review of the suspension of purse seine observer coverage to ensure that the suspension does not become the norm. Given the rapid evolution of information and best practices related to COVID-19, the USA stated that it would be impractical to implement regional guidelines or protocols months ahead of a vaccine and observer deployment. Further, given that COVID-19 related decisions are likely beyond the authority of most fisheries officials, the USA stated it would not support adoption of binding COVID-19 guidelines through WCPFC.

104. The EU sympathized with all observers that are still stranded, and noted that the safety of observers and crew is of paramount importance. It affirmed PNG's statement that the current problem was more related to the logistics and the risk related to bringing observers aboard and then repatriating them, rather than to the risks to observers while onboard. It noted that the FFA Operating Protocols included guidelines for onboard safety, but the issue was how to come up with options for getting observers to vessels. The EU suggested that before simply renewing its Intersessional Decisions the Commission could consider alternatives that could compensate for the lack of data. The EU made several suggestions: have vessels call in at ports that have strong observer programs; have SPC possibly develop a stratified sampling program, and have certain vessels collect a minimum amount of data; and possibly rely on port sampling while waiting for the situation to return to normal. It stressed that any decisions adopted intersessionally should be accompanied by clear reporting requirements, which is not currently the case.

105. China stated it appreciated the Commission's actions with respect to the Intersessional Decisions, and noted it was uncertain when the situation would return to normal, and suggested the Commission carefully consider the situation and then extend the current decisions intersessionally. China stated that it had been very difficult to meet the 5% observer coverage requirement on longline vessel on the high seas in 2020, and hoped that TCC17 could consider not assessing this requirement in 2021.

106. The Ocean Foundation, on behalf of The Pew Charitable Trusts, WWF and the International Pole and Line Foundation (IPNLF) thanked the Legal Advisor and CCMs for their contributions, and urged CCMs to commit to redeploying observers as soon as it is safe, in order to ensure that the necessary data on fishing and transshipment operations are collected. They also noted the urgent need to progress work on electronic monitoring (EM) standards and develop a draft CMM on EM, as a comprehensive EM program would be a key way to increase the resiliency of the observer program and reduce impacts of any future shocks to the fisheries management system.

107. The Chair asked the Commission to consider the process for addressing the Intersessional Decisions, noting that the current COVID-19 Intersessional Decisions expire on 15 February 2021 and the constraints of virtual meeting made it difficult to address these decisions at WCPFC17. She suggested the Commission could consider whether a draft Decision could be prepared based on discussions at WCPFC17 and circulated

in good time prior to the expiry of the current Intersessional Decisions; WCPFC17 could give an indication of the period of validity of any Intersessional Decision; and WCPFC17 could agree that this and any subsequent Intersessional Decisions be subject to the same 7-day expedited decision-making process as used for the original Intersessional Decisions.

108. Japan supported the suggestion made by the Chair regarding the process, and stated its understanding that in light of the deadlines a draft decision would by necessity be circulated by early February. It suggested a short extension (possibly 2 months) would be appropriate with a 7-day decision process. Regarding the FFA Operating Protocols, Japan thanked FFA members for formulating these, but noted that its authority had also issued guidelines, and that each CCM faces a different situation related to COVID-19. Therefore, recognizing the FFA operating protocols as best-practice guidelines would be difficult for Japan; it stated its respect for the efforts of FFA members, but could not support the recognition by the Commission of the voluntary Operating Protocols as best-practice guidelines.

109. China supported the statement by Japan with regard to the FFA COVID-19 Operating Protocols.

110. Chinese Taipei expressed its appreciation to FFA members for tabling the COVID-19 Operating Protocols. It reflected on the effort taken by CCMs to protect the safety of observers and crew, and noted the need to respect that different members have different measures. It noted that it would accept if the FFA protocol is voluntary for other CCMs. In terms of the process for extension of the Intersessional Decisions, it supported circulation of a draft by early February as suggested by Japan. It also noted the need to have a grace period for the industry when reinstating observer requirements, as restrictions may differ among ports, and it takes time for the vessels to carry observers back onboard fishing vessels.

111. The USA supported the interventions by China, Japan, and Chinese Taipei. It stated its appreciation for the FFA Operating Protocols, while noting that the USA had continued to place its observers on vessels during the COVID-19 pandemic. It maintained 100% observer coverage in the swordfish fishery, and 15% in its longline fisheries, but had challenges in the fishery in American Samoa because of flight restrictions. The USA stated it is important that all measures that were not suspended be assessed, including observer coverage, as this was not waived unilaterally, stressing that it was important to understand the reasons for any non-compliance, and the resultant impact.

112. FSM stated it was encouraged that many CCMs supported the Operating Protocols, and encouraged that CCMs are developing their own guidelines. At TCC16 CCMs were encouraged to share any protocols to ensure there is consistency of applications, so the Commission can ensure that safety of observers and crew as observers are redeployed. FSM asked that all CCMs to share their protocols and guidelines.

113. Pew (on behalf of Pew, The Ocean Foundation, Birdlife, WWF, Marine Stewardship Council, ISSF and IPNLF) stated that to date WCPFC had handled the chaos of the COVID-19 pandemic relatively well as noted by the discussions at WCPFC17, but had done so in part by delaying some decisions that otherwise would have been made in 2020. Development of an effective vaccine provides hope of a return to face-to-face meetings where discussions can be more productive, but the logistics and efficacy of a vaccine program makes it uncertain whether WCPFC will be able to return to “normal” meetings in 2021, as noted by the Chair in her opening remarks. As such, they urged WCPFC to dedicate some time to discussing how it can make progress in such a circumstance, stating that the recent developments in IATTC—where it appears there may be no measure managing tropical tunas as of January 2021—was a stark reminder of an unwanted outcome from ineffective negotiations in a virtual environment. Pew stated that 2020 has involved a steep learning curve and everyone had gained insight into what works and what doesn’t under travel restrictions, within WCPFC as well as other RFMOs, and urged all CCMs to build on that knowledge to ensure that 2021 is not another year to delay progress.

114. FSM suggested that the Commission could request that the Secretariat could develop COVID-19 best practices based on the FFA Operating Protocols and those developed by other CCMs. In reply, the Executive Director referenced the Secretariat's dedicated COVID-19 webpage, and its standing request to all CCMs to provide any relevant information regarding COVID-19 for posting and information sharing. He suggested that WCPFC17 task CCMs with providing pertinent COVID-19 information to the Secretariat for posting.

115. Japan stated it supported the dissemination of information related to COVID-19 protocols or guidelines, and would consider providing its information to the Secretariat for posting on the WCPFC webpage. Regarding the FFA proposal, it stated the situation relating to COVID-19 differs among CCMs, and that best practice may vary.

116. China stated it understood that the FFA Operating Protocols could be applied for vessels fishing in FFA waters, and entering ports of FFA member countries, but noted that many vessels fish far from FFA members' EEZs, where those protocols should not be required. It also stated it was very difficult to provide comprehensive documents related to its own COVID-19 protocols in English to WCPFC. China suggested simply recognizing that the FFA protocols are one of the best and apply voluntarily to operations in FFA waters.

117. Australia stated it was encouraging to hear so many CCMs taking the issue so seriously. It noted that the FFA Operating Protocols were the result of a collective regional effort to address COVID-19. Australia referenced the susceptibility in the Pacific to COVID-19, stating that this was why FFA members had been asking CCMs to cooperate. It stated that any protocols must be appropriate for the region, and must be adequate to keep the Pacific Islands and observers safe, and for that reason sought to have CCMs share their protocols.

118. The USA stated it recognized that the CCMs that had developed the FFA Operating Protocols considered them appropriate. The USA recognized that when observers return to vessels various issues would need to be considered, including the need to conform to certain regional terms and conditions, and that discussion of those issues would need to be held in the future. The USA stated that it had recorded no cases on vessels in the Convention Area, including vessels operating from American Samoa, Hawaii, Guam and Saipan, but that the USA had experienced cases in other areas, such as Alaska. For that reason, it did not support a single approach to COVID-19 as being appropriate for all vessels in all areas.

119. The Commission noted the paper on COVID-19 related Intersessional Decisions prepared by the Secretariat (**WCPFC17-2020-08**).

120. To facilitate a review at TCC17 of the implementation of the COVID-19 Intersessional Decisions, the Commission agreed to:

- i. require CCMs to provide in Annual Report Part 2 covering 2020 activities, a specific report on their implementation of the Intersessional Decisions taken in response to COVID-19;
- ii. task the Secretariat to include in Annual Report Part 2 covering 2020 activities appropriate questions that can suitably support CCMs reporting on their implementation of the Intersessional Decisions taken in response to COVID-19; and

iii.	further task the Secretariat to prepare a paper for TCC17, that provides a summary of the available information on the implementation of the COVID-19 Intersessional Decisions in 2020/21.
121.	The Commission:
i.	noted the importance of placing observers safely back on vessels;
ii.	agreed to work intersessionally on a process so that observers can be redeployed safely on vessels;
iii.	agreed that a draft COVID-related Intersessional Decision will be circulated at the end of January/early February 2021 for decision by the Commission under the 7-day expedited decision-making process for COVID-19 Decisions;
iv.	tasked the Secretariat to follow-up the discussion at WCPFC17 and assist in the development of future COVID-19 Decisions; and
v.	noted with appreciation the FFA COVID-19 Operating Protocols and encouraged CCMs to share their own national COVID-19 Operating Protocols in order to broaden the database of COVID-19 measures on the WCPFC website.

AGENDA ITEM 6 — SPECIAL REQUIREMENTS OF DEVELOPING STATES

6.1 Implementation of Article 30 of WCPF Convention and CMM 2013-07 (SIDS special requirements)

122. The Chair noted that paragraph 20 of CMM 2013-07 requires an annual review of implementation of this measure, and referenced **WCPFC16-2020-IP01: Summary from Part 2 CMM 2013-07 paragraph 19 annual reports (WCPFC-TCC16-2020-11_rev1)** and the EU posted **WCPFC17-2020-DP10: Report of the European Union on Article 30 of the Convention and Resolution 2008-01 of WCPFC (EU)**; both papers were taken as read.

123. Japan stated it fully recognizes the importance of the criteria in CMM 2013-06, and carefully considers the checklist contained in the CMM when submitting a proposal. Japan agreed with FFA members that CMM 2013-06 can only be effectively addressed by consulting with SIDS, either individually or through FFA. Japan further considered that multiple consultations are required, because the position of both sides on important issues usually develop gradually towards annual meetings. Japan stated that unfortunately it could not have physical meetings with FFA and PNA members in 2020 due to COVID-19, but that it did hold several virtual consultations. Japan urged other members to contact FFA and PNA members, and stated it hopes to visit Honiara and Majuro to meet physically in 2021. Japan stated it has been providing SIDS with assistance for infrastructure and capacity building through the Japan International Cooperation Agency and Overseas Fishery Cooperation Foundation (OFCF). During 2009 to 2018 Japan provided about ¥180 billion in development assistance to the Pacific islands, including fishery-related projects. Fishery-related projects cover conservation and management of highly migratory species and assistance to small-scale fishermen. At the Eighth Pacific Leaders Meeting held in Japan in 2018, Japan pledged to implement development cooperation over the three years with particular focus on human resource development; to date, approximately ¥61 billion has been contributed in development assistance. Japan has also carried out human resource development and people-to-people exchanges for about 6,500 people. In addition, in 2008 Japan

established the Japan Trust Fund (JTF) within WCPFC, which has been assisting capacity building of SIDS for fishery statistics and fishery management. Japan reminded CCMs that a call for proposals for the JTF was sent to CCMs on November 17 through WCPFC Circular No 2020/135, and encouraged SIDS CCMs to apply by the deadline of 22 December. In addition, Japan stated it has supported SIDS since 2008 through the Japan Promotion Fund via OFCF, and that SIDS can utilize this fund for various purposes including enhancement of management capacity. In November 2017, in response to the strong request from SIDS, OFCF signed a 10-year renewal of its agreement with FFA. Also, in 2020 OFCF increased the size of its Promotion Fund. Japan stated its hope that these programs and funds will contribute to fishery development of SIDS.

124. The EU stated it submitted a comprehensive report of its assistance to SIDS in **WCPFC17-2020-DP10**. It remarked that it had received no comments on the report, and requested feedback from CCMs regarding the utility of the report and the usefulness of the actions it describes.

125. RMI thanked Japan for its comments regarding CMM 2013-06, and thanked Japan for their continued support. RMI noted that the requirements of CMM 2013-06 are simple. It stated that the analysis of impacts on SIDS was inconsistent in new proposals, and that CMM 2013-06 analyses must be implemented in the manner that was envisaged by the measure, and that this should be a strict requirement for proposals in the future.

126. The USA thanked CCMs who intervened on the issue, stating that it understands the importance of the agenda item to all SIDS and territories. The USA stated it reports on its support (provided through the WCPFC and outside WCPFC) through an attachment to its annual report Part 2, and inquired whether it should continue this approach in the future. It noted that it had assumed that such reports were accessible to other CCMs, but that it had trouble finding these. The USA stated that the process under CMM 2013-06 for assessment and consultation was very important as the Commission engages on CMM 2018-01 update, and that this applied to all SIDS and territories. The USA encouraged CCMs to ensure their consultations also covered American territories, including American Samoa.

127. The EU stated its understanding that RMI had suggested the EU's discussion paper **WCPFC17-2020-DP11_rev1** *Discussion paper on IUU Vessel Cross Listing Procedures* did not follow CMM 2013-06 as FFA members would have expected. The EU noted that the paper is not a proposal, but aims to address the concern expressed by FFA members regarding the impact proposals have on SIDS.

128. The Compliance Manager stated that the CMM 2013-07 provided by each CCM in Annual Report Part 2 are accessible on the Article 30 page on the Commission website. She stated in response to the query from the USA that the Secretariat would ensure that any attachments are also included.

129. WCPFC17 continued to recognise the importance of assessing the impact of proposals on SIDS in accordance with CMM 2013-06.

6.2 Updated Strategic Investment Plan

130. The Chair noted the Secretariat's report on the updated status of the Strategic Investment Plan (**WCPFC17-2020-10**) which was taken as read.

131. The Commission noted with appreciation the update provided by the Secretariat on implementation of the Strategic Investment Plan (**WCPFC17-2020-10**).

132. The Commission approved the updated 2020 Strategic Investment Plan (**Attachment E**).

AGENDA ITEM 7 — WCPO TUNA AND BILLFISH STOCKS

7.1 General overview of stock status (bigeye, skipjack, South Pacific albacore, yellowfin, Pacific bluefin, North Pacific albacore)

133. Dr. John Hampton (SPC) presented an overview of the stock status of bigeye, skipjack, South Pacific albacore and yellowfin tuna, including an update on recent events in the fisheries focussing on longline and purse seine activity, and a summary of the stock status of the major species; as references he noted **WCPFC17-2020-IP02** *The Western and Central Pacific Tuna Fishery: 2019 Overview and Status of Stocks* and the **WCPFC Tuna Fishery Yearbook 2019**. The 2019 total catch of 3.0 million mt was the highest recorded; the purse seine catch of 2.11 million mt was also a record. Total effort (in effort days) in the purse seine fishery by the large international fleet declined since peaking in 2011, indicating that a day of purse seine effort today is more effective than it was 7–8 years ago. Regarding the use of FADs and unassociated set types by the purse seine fleet, there was an increase in unassociated sets and a slight decline in FAD sets, but total catch was split fairly equally between these set types, although in 2019 there was a strong increase in catch attributed to unassociated sets. Preliminary data on effort (in fishing days) in 2020 shows it to be slightly higher than average for the last 10 years. Tropical purse seine CPUE has increased somewhat over the last decade. In 2020 there was a decline in CPUE as indicated by VMS data (which show longer trips) but further analysis will be possible once more log sheet data has been received by SPC. The longline fishery has had fairly stable catch around 250,000 mt over the last 20 years. Species composition is also relatively stable, with a slight decline in bigeye in recent years. There was a significant increase in effort in the late 1990s. In 2019 longline effort was fairly high but short of the record — VMS data shows 2020 longline effort was the highest since 2012. The tropical longline fishery (20°N to 10°S) shows variable total effort over the last 20 years, with no strong trend; the same is true of bigeye and yellowfin catch. Bigeye and yellowfin CPUE shows some decline since the early 1990s but has been stable over the last decade. The southern longline fishery (south of 10° S) targets south Pacific albacore; it shows a strong increase in effort up to early 2000s, with some recent increase. The catch is fairly constant since 2010, while CPUE has declined moderately over some years; CPUE in 2019 was close to the lowest overall since 1990. In terms of stock status, all major tuna stocks are in good condition, with 0% probability of breaching the TRP. In comparison with other tuna RFMOs, the WCPFC's Convention Area is the only ocean area and WCPFC is the only tuna RFMO whose key tuna stocks not overfished or experiencing overfishing. With regard to levels of spawning biomass depletion: the spawning biomass depletion ratio has declined over time for the four major stocks, but the ratios (including the uncertainty boundaries) are all well above the LRP of .20%SB/SB_{F=0}. Projections (25 year) of spawning biomass depletion (which use recent levels of catch and effort) indicate bigeye, yellowfin, skipjack all remain well above the LRP for all bounds of uncertainty. For South Pacific albacore the uncertainty is much greater: if current levels of catch and effort are maintained, the median level of spawning biomass depletion shows some chance of exceeding the LRP in the future. Among other species, southwest Pacific striped marlin is likely overfished; North Pacific striped marlin, oceanic whitetip shark and Pacific bluefin tuna are likely overfished and experiencing overfishing; and Pacific silky shark is likely experiencing overfishing. All other species are either not overfished or experiencing overfishing, or data are inconclusive. Regarding the El Nino Southern Oscillation, the current La Nina will continue through the second quarter of 2021. The current negative sea surface temperature anomaly should ease in next few months. There is currently a westward intrusion of cold water, which pushes the purse seine fishery to the west, and this is confirmed by recent VMS data.

134. Japan requested clarification on four issues: (i) purse seine effort trend; (ii) whether the increase in purse seine CPUE and trip length in recent years indicates vessels must spend more time to find fish, and

whether the number of set per day has increased; (iii) whether SPC incorporates any efficiency increase when conducting stock projections, given that catch efficiency appears to have increased in the past; and (iv) what accounts for the larger uncertainty in the projection of South Pacific albacore stock, compared with other 3 main tuna species?

135. Dr. Hampton replied as follows: (i) regarding purse seine effort, effort as measured in days fished showed a decline, while effort in terms of the number of sets was fairly constant. He indicated that there has been a gradual increase in the number of sets per day, and thus the overall number of sets has remained fairly constant, and referred to a paper on effort creep submitted to SC16 (**SC16-MI-IP-15** *Examining Indicators of Technological and Effort Creep in the WCPO Purse Seine Fishery*); (ii) there is a gradual increase in purse seine CPUE for a given trip length (from CVMS data); (iii) regarding future catchability increases, it is hard to foresee how effort may evolve, and thus all projections assume constant catchability. SPC does advocate for harvest strategy approaches, which can better respond to increases in catchability. This is examined in more detail in SPC's harvest strategy work, and details are available on WCPFC's website; and (iv) the uncertainty for South Pacific albacore is greater because of the strong variability in growth across all models. There is a recommendation that SPC conduct a new stock assessment for South Pacific albacore in 2021, and SPC will examine growth in connection with that stock assessment. He noted that recruitment variability also contributes to the wider confidence intervals.

136. Dr. John Holmes (ISC Chair) made a presentation on the stock status of North Pacific albacore and Pacific bluefin tuna, and provided an update on Western and North Pacific striped marlin. For North Pacific albacore, a benchmark assessment was conducted using fishery data from 1994 to 2018. Total biomass (age 1+) has declined from 916,529 mt (1995) to 641,391 mt in 2018. Total and spawning biomass increased between 2016 and 2018. $SSB_{2018}/20\%SSB_{current, F=0} = 2.30$. The ISC concluded that the stock is likely not overfished relative to the limit reference point. Although no F-based reference points have been adopted to evaluate overfishing, current fishing intensity ($F_{2015-2017}$) is likely at or below seven potential reference points. Two harvest scenarios were considered: constant $F_{2015-2017}$ and constant catch. The constant catch scenario was found to impact uncertainty estimates in projections. If a constant fishing intensity is applied to the stock, then median female spawning biomass is expected to increase to 62,873 mt and there will be a low probability of falling below the $20\%SSB_{current, F=0}$ LRP by 2028. Furthermore, if a constant average catch ($C_{2013-2017} = 69,354$ t) is removed from the stock in the future, then the median female spawning biomass is also expected to increase to 66,313 mt and the probability that SSB falls below the LRP by 2028 will be slightly higher than the constant fishing intensity scenario. A benchmark assessment was conducted for PBF using 1952-2018 fishery data. SSB declined from 62,784 mt (1995) to 10,837 mt (2010) and has slowly increased to 28,228 mt (2018). The estimate of SSB_{2018} is 3,000 mt greater than SSB_{2016} due to increase in young fish (0-2 years). The below-average recruitment for 2010-2014 was a concern in the 2016 assessment. The 2017 and 2018 recruitment estimates are also below average. There has been a substantial decrease in F for ages 0-2 in 2016-2018 relative to previous years. As for the stock status, no biomass-based reference points have been adopted for PBF. However, the PBF stock is overfished relative to potential biomass-based reference points (SSB_{MED} and $20\%SSB_{F=0}$) adopted for other tuna species by the IATTC and WCPFC. The recent (2016-2018) $F\%SPR$ is estimated to produce $14\%SPR$. Although no fishing mortality-based limit or target reference points have been adopted for PBF, recent fishing mortality is above the level producing $20\%SPR$. However, the stock is subject to rebuilding measures including catch limits, which do not compromise the capacity of the stock to rebuild, as shown by the projection results. Under all examined scenarios, rebuilding to SSB_{MED} by 2024 with at least 60% probability, is reached and the risk of SSB falling below historical lowest observed SSB at least once in 10 years is negligible. The projection results assume that the CMMs are fully implemented and are based on certain biological and other assumptions. Given the low SSB, the uncertainty in future recruitment, and the influence recruitment has on stock biomass, monitoring recruitment and SSB should continue so that the recruitment level can be understood in a timely manner. In response to a request from NC15 that the ISC provide advice on which future recruitment

scenario is the most likely one over the near term for striped marlin, the ISC found that there is a linearly decreasing trend in estimated recruitment with time. If the long-term recruitment scenario is used for future projections, then the observed long-term recruitment time series requires the assumption that there is no time trend. The ISC concluded that the short-term recruitment scenario is most appropriate for conducting MLS projections. In response to a request from NC15 that the ISC explain why the striped marlin stock decreased and the fishing mortality increased after a drastic decrease in fishing effort by high seas driftnet fisheries in the early 1990s, the ISC could not provide a straightforward explanation at present in part because it is difficult to identify explanatory factors due to uncertainties in assessment model. The ISC Billfish Working Group will attempt to address this issue in the next assessment of this stock. ISC concluded that there is no change to the stock status of striped marlin. As for conservation information, if the stock continues to experience recruitment consistent with the short-term recruitment scenario (2012-2016), then catches must be reduced to 60% of the WCPFC catch quota from CMM 2010-01 (3,397 mt) to 1,359 mt in order to achieve a 60% probability of rebuilding to $20\%SSB_0=3,610$ mt by 2022. This change in catch corresponds to a reduction of roughly 37% from the recent average yield of 2,151 mt. In addition, retrospective analyses (**ISC/19/ANNEX/11**) show that the assessment model appears to overestimate spawning potential in recent years, which may mean the projection results are ecologically optimistic.

137. The USA stated that the information provided would support adopting the rebuilding plan approved by WCPFC16 for North Pacific striped marlin and removing the “interim” designation.

138. The EU referenced discussions at SC16 regarding the status of Pacific bluefin tuna and the decision by ISC to not use a grid approach to structural uncertainty; the EU suggested that resulting projections are therefore relatively optimistic. The EU inquired why the ISC continued to use this approach, and whether it could be envisaged to undertake a benchmark exercise the results and compare the robustness of the two approaches. In relation to North Pacific striped marlin, the EU referenced that the WCPFC Convention defines MSY as a default target reference point for all stocks. The ISC Chair stated that ISC was optimistic on the probability of achieving rebuilding of the stock. The Chair of the ISC Pacific Bluefin Tuna Working Group, Dr. Shuya Nakatsuka, noted that SPC, in conducting analyses for WCPFC, had only recently started employing structural uncertainty grids, which were used mainly to address data inconsistencies. There are very detailed data available for Pacific bluefin tuna which clearly shows the biomass trend of the stock, and the data are very consistent. For that reason, the Working Group has adopted a best-case approach to find the best model to fit the data. He stated that sensitivity tests are also used to check if the current model has the best fit. He stated that they were aware of the issues raised by the EU but did think the results generated were necessarily optimistic. He stated the various points that had been raised would be considered for the next stock assessment. The ISC Chair concurred regarding the default TRPs mentioned by the EU, and stated that they sought to illustrate that these defaults may not be the best choices for particular stocks.

139. Korea noted its concern regarding the stock status of North Pacific striped marlin, and expressed interest in working with the USA on their proposal (detailed in **WCPFC17-2020-DP08**) in 2021. Korea inquired why the initial rebuilding target ($20\%SSB_{F=0}$) used a timeframe of 2022. The ISC Chair stated that this date was set in CMM 2010-01, when 2022 presumably seemed to be far into the future.

140. The Commission noted the stock status of bigeye, yellowfin, skipjack and South Pacific albacore as presented by the Scientific Services Provider (SPC).

141. The Commission noted the stock status of North Pacific albacore, Pacific Bluefin tuna, and North Pacific striped marlin as presented by the International Scientific Committee for Tuna and Tuna-like Species in the Northern Pacific Ocean (ISC).

7.2 Bigeye, Skipjack and Yellowfin

7.2.1 Harvest Strategy Issues

7.2.2.1 Review of target reference point for skipjack

142. Dr. Graham Pilling (SPC) presented **WCPFC17-2020-11** *Updates to WCPO Skipjack Tuna Projected Stock Status to Inform Consideration of an Updated Target Reference Point*, which is an update of **WCPFC16-2019-14/SC16-2020-MI-WP-02** and made the following points:

- (i) The paper presents the results of analyses requested by WCPFC16 and SC16 to assist WCPFC17 in its review of the performance of the interim skipjack tuna TRP, in particular examining candidate revised interim skipjack TRPs of 42%, 44%, 46%, 48% and 50% of $SB/SB_{F=0}$. It also provides further requested information to aid WCPFC17 (paras 258 and 259 of the WCPFC16 Summary Report) on:
 - the formulation of TRPs for skipjack tuna, noting:
 - SC15 advice on a skipjack tuna TRP “that the Commission may identify a reference year, or set of years, which may be appropriate to use as a baseline for a skipjack TRP”; and
 - the approach to the formulation of a skipjack tuna TRP proposed in **WCPFC16-2019-DP01**; and
 - [the impact of] effort creep estimated in relation to the TRPs.
- (ii) The WCPO skipjack tuna assessment agreed at SC15 incorporated new information on the biology of the stock (e.g. the pattern of maturity-at-length), a new spatial structure, and new model settings. In a similar way to the assessment of WCPO bigeye tuna performed in 2017, this changed the perception of the status of the stock and its productivity compared to the model upon which decisions on the skipjack TRP was based (CMM 2015-06). The paper compares the results of the 2014, 2016 and 2019 assessments to illustrate this. As requested by WCPFC16, the paper also presents a comparable analysis to that of WCPFC-MOW-WP-03, using the agreed 2019 skipjack assessment, and indicates changes in effort and biomass (depletion) from 2012 and recent (2015–2018 average) levels, and median equilibrium yield (as a proportion of MSY) associated with strategies that maintain a median of spawning biomass depletion ($SB/SB_{F=0}$) at WCPFC16-specified depletion levels. These are compared to the results under 2012 ‘baseline’ fishing levels (2012 effort levels in the purse seine fishery and recent catch levels in Indonesia/Philippines/Vietnam domestic fisheries). Under baseline (2012) fishing levels the stock is predicted, on average, to fall slightly compared to ‘recent’ (2015–2018) levels (44% $SB_{F=0}$), to 42% $SB_{F=0}$. This is very slightly below 2012 depletion levels, but is an equivalent % $SB_{F=0}$ value at 2 decimal places. Examining the four other median depletion levels requested by WCPFC16 (50%, 48%, 46% and 44% $SB_{F=0}$), these levels imply reductions in purse seine effort from 2012 levels of 7% to 25%, lead to predicted increases in spawning biomass from 2012 levels of 3%–18%, and either maintained biomass at recent levels, or predict an increase by 5%–13%. Total equilibrium yield is predicted to reduce compared to that under 2012 ‘baseline’ levels, to 69%–78% of MSY. There was no risk of falling below the LRP associated with any of these depletion levels based on the current uncertainty framework.
- (iii) SC16 requested additional information comparing TRP levels to baseline years used for other tropical tuna stocks in CMM 2018-01 (2012–2015 average conditions), and an indication of the recent effort levels relative to the 2012 baseline used here. For the former, a column has been added to the results table. For the latter, recent effort levels in terms of numbers of sets in the tropical purse seine fishery have been 87% (2015–2018 average) and 98% (2019 levels) of those in 2012. SC16

also requested an analysis of the TRP where fishing mortality (rather than fishing effort/catch) was maintained. The results of that analysis are presented in Annex 3 of **WCPFC17-2020-11**.

- (iv) Regarding the additional two requests from WCPFC16: SC15 advised that WCPFC16 might “identify a reference year, or set of years, which may be appropriate to use as a baseline for a skipjack TRP”. WCPFC16-2019-DP01 called for a TRP “that is consistent with the level of fishing effort for skipjack in 2012 and the condition of the skipjack stock in 2012”. The text defining a TRP should refer to the management objectives that the TRP is designed to achieve. The formulation as specified in WCPFC16-2019-DP01 does that and is suitably explicit in that it allows the technical re-estimation of the appropriate TRP-consistent stock depletion value when new knowledge of the stock is obtained (as for skipjack here). It is broadly consistent with the approach adopted for South Pacific albacore. However, SPC notes two things:
- The assumption has been made that 2012 fishing effort levels are those in the purse seine fishery specifically, as this is not specified within the TRP text.
 - As examined within this paper, this formulation is consistent (2012 fishing conditions lead to an ‘equilibrium’ stock status equal to that in 2012), but care must be taken if the incorporation of increased biological or fishery understanding within the skipjack assessment meant this consistency was then lost. Therefore, the weighting of each objective (the fishing effort and 2012 stock status) should be specified.
- (v) WCPFC16 requested advice on whether effort creep should be considered when identifying TRP levels. In theory, where the primary management objective was to maintain a level of CPUE within the fishery, this might need to be considered. In practice, this is not feasible as the future level of effort creep within the purse seine fishery is not known. Estimates of historical trends (if available) do not necessarily indicate future fishery performance, while assuming some arbitrary level of effort creep within an analysis could lead to an inappropriate TRP level if that effort creep assumption were to prove incorrect. Therefore, effort creep within the purse seine fishery has not been assumed in these analyses. To ensure objectives are met if effort creep occurs, an adaptive approach where the management settings are reviewed as required over time is suggested as the most appropriate. This would occur automatically within the harvest strategy framework, where management procedures robust to effort creep can be identified, and the monitoring strategy can identify whether the adopted management procedure is effective.

143. Japan stated that this issue had been discussed for several years, whether $42\%SB_{F=0}$ is equivalent to $50\% SB_{F=0}$ based on the latest stock assessment. Japan made the following points: (i) inquired regarding the comparison of depletion trajectories (Figure 2 in **WCPFC17-2020-11**) and asked for clarification regarding the fluctuations in these trajectories for the 2014, 2016 and 2019 stock assessments; (ii) noted that calculating an interim TRP based on a new stock assessment differed from establishing a TRP for skipjack, as the latter must take into account biological and socioeconomic factors; and (iii) regarding effort creep, noted that SPC suggests adaptive management, which would be incorporated into management procedures, but inquired how this would be done, and what parameter would be put into the management model?

144. In response to (i), SPC clarified that the 2014 and 2016 stock assessments had very similar spatial structures with 5 regions. The 2019 model has an 8-region structure, and the model must then fit to all the data within it, using different maturity-at-length data and spatial structure. This can account for some differences between the 2019 and other trajectories. However, in the recent period (post- about 2007) the 2019 stock assessment depletion trajectory is below those for 2014 and 2016. Regarding (ii), SPC stated that in the future the 2019 stock assessment would be the basis of its assessment and harvest strategy work, and ensuring management reference points are consistent with that perception of the stock would be helpful.

Regarding (iii), SPC stated that in the stock assessment it assumes that catchability is constant. In the harvest strategy operating model SPC can assume that effort does not remain constant, SPC can adjust the effective effort to try and capture the range of uncertainty and effort creep, and then see how effective the management procedure is at dealing with this, and whether the stock remains around the TRP over time.

145. PNG, on behalf of FFA members, noted the work by SPC in support of the discussions relating to the TRP for skipjack and thanked SPC and all CCMs for work in support of the development of a harvest strategy for skipjack. However, FFA members stated their concern that these efforts may be at a risk of being delayed if the Commission is not able to agree to a TRP. FFA members stated they have carefully considered the results of the analysis requested by WCPFC16 from SC16 on the formulation of a skipjack TRP and understand that a depletion ratio of 42% $SB_{F=0}$ is consistent with the objectives for the fishery that defined the previous interim TRP. FFA members stated that this should be adopted by this Commission, noting that:

- the assumption has been made that the 2012 fishing effort levels are those in the purse seine fishery specifically, and
- that the weighting of each objective (the fishing effort and 2012 stock status) should be specified.

If the Commission is unable to agree on a TRP for skipjack at WCPFC17, and to aid in ongoing discussions on the TRPs in 2021, FFA members requested that SPC provide additional analysis on the options of 36%, 38% and 40% depletion ratio TRPs. FFA members stated they look forward to re-engaging with all CCMs during 2021 and hope for a productive discussion of a new TRP for skipjack at SC17 and WCPFC18.

146. The USA stated its view that the interim skipjack TRP of 50% remains in effect; the fact that the Commission did not adopt a new TRP does not mean the interim TRP lapsed. It suggested that a rollover of the tropical tuna measure should maintain the text in paragraph 13 which refers to the interim TRP. The USA stated it was open to revising the interim TRP, noting two approaches had been suggested: by decreasing it (noting that SPC's work provides the information needed to do that), or by expressing the TRP so it is directly tied to conditions in 2012 or another baseline year (this would require deciding whether to link to the stock size, level of effort, CPUE, or both, and then weight in some specific way). The USA noted this was addressed in **WCPFC17-2020-11**, and advocated by FFA members. The USA suggested that if the Commission ties the TRP to a specific level of effort or CPUE, it need not translate that to a specific stock size. It could simply say "2012 level of fishing effort" for example. The USA looked forward to further discussion on this in 2021.

147. Indonesia inquired (i) whether the decrease in the depletion trajectory using the 2019 stock assessment reflected biological parameters used in the analysis, or was because of the new regions, or other factors, such as the increase in the purse seine catch in 2019; and (ii) regarding the level of risk beyond 2019? In reply, SPC stated regarding (i) that it would have to review the impact of the change in regional structure and the biological information. Regarding (ii), in terms of risk of being below the 42%, there is no risk of falling below the LRP if the stock is on average at 42%, based on the current risk framework used in the current projection work. If the TRP was 42%, then on average there is a 50% risk of being above or below the TRP at any time.

148. Solomon Islands, on behalf of PNA members, supported the FFA statement and maintained support for a skipjack TRP, as formulated by FFA in **WCPFC17-2020-DP01**. PNA members stated that deciding on a revised skipjack TRP is critically important to maintain the momentum of the Commission's work on Harvest Strategies, and they looked forward to a revised TRP being adopted when circumstances allow.

149. Chinese Taipei commented regarding effort creep, that fishing effort showed a substantial decline since 2011, while catch has increased, indicating there is clear effort creep in the fishery. Chinese Taipei stated they understood that it is difficult to predict effort creep in the future, but suggested estimates for past effort creep could be made, to gain an appreciation of how large it is. Chinese Taipei stated its understanding that effort creep was not included in the skipjack stock assessment, and inquired whether the current stock status would be more pessimistic if effort creep was included?

150. SPC stated that effort appears to have declined, while catch is fluctuating but is relatively stable overall. It stated that its preference would be to be able to estimate how much of that is due to biological factors and how much to effort creep. SPC noted it examined factors such as sets per day for SC, but that these are simply indicators. SPC has a staff member dedicated to getting results on this issue. Regarding the effect on the skipjack stock assessment, abundance is based on the pole and line fishery; and SC is looking at using purse seine information in region 8. SPC noted that the pole and line industry is changing rapidly, and SPC is looking at transferring to a purse seine-based abundance index in the future.

151. The EU noted that prior to 1990 the depletion trajectories for $SB/SB_{F=0}$ exceed 1 and asked (i) how this is possible, and inquired (ii) whether the median depletion level of 42% in 2018 based on the 2019 assessment was correct? The EU stated that the Harvest Strategy concept is new for all CCMs, noting that when the TRP was adopted it was not expected that changes in the stock assessment could have such an impact on the TRP. The EU supported defining the TRP so that the Commission does not have to face a similar situation for other species in the future, and noted the useful proposals in the SPC and FFA papers. The EU also noted the need for fairness. It stated that while it would agree that the measure that was adopted for the SKJ TRP was aiming at maintaining the status quo of the reference period, it has not expired, observing that other measures have similar provisions, and these have not expired just because they have not been reviewed. The EU agreed with the USA that the CMM is still in place, and that there was a need to revise the CMM to reflect the Commission's intent. SPC replied regarding (i) that over a 10-year period it was possible to have the spawning biomass exceed the unfished spawning biomass, leading to a ratio greater than 1.0, as seen in the late 1980s in the 2019 skipjack projections; and (ii) that the figure of 42% $SB_{2018}/SB_{F=0}$ is specific to 2018, and calculated in the same way as LRPs, and differs from the $SB_{recent}/SB_{F=0}$ that appears in some stock assessments or SC reports.

152. RMI on behalf of PNA members supported the view in **WCPFC17-2020-DP01** that the CMM 2015-06 is redundant and should be removed from the WCPFC list of active CMMs. The CMM states in paragraph 2 that the interim TRP set out in the CMM "shall be an interim target reference point until it is reviewed". Last year the Commission reviewed the interim TRP and could not agree on a revised TRP. On that basis, PNA considers that there is no interim TRP in place and supported the FFA proposal for CMM 2015-06 to be removed from the WCPFC list of active measures.

153. Japan agreed with the USA and the EU that unless the Commission agreed to eliminate CMM 2015-06 it remained in force. Japan noted that the CMM does not state it will expire in the absence of an agreement in 2019. Japan noted that it had consulted with the Legal Adviser on the issue of the interim TRP and confirmed that Japan's understanding is correct. Japan also observed that the CMM 2015-06 TRP is an interim TRP; changing the 50% to say 42% is one thing, but did not address the TRP that needed to be selected for use in the harvest strategy or management strategy for tropical tuna.

154. USA observed that there was a consensus that the TRP needed to change. Regarding whether the interim TRP remained in effect the USA noted that no member had made a proposal to change CMM 2015-06, which is directly referenced in other CMM (e.g., paragraph 13 of CMM 2018-01), and that as such the CMM would by necessity remain in force.

155. RMI on behalf of PNA members requested that a note be placed on the List of Active Measures to indicate that most CCMs consider that CMM 2015-06 is not active. In response the USA objected to the inclusion of such a note, noting there was no consensus regarding the CMM's current status, or changing its status.

156. The Legal Adviser confirmed that CMM 2015-06 provides (in paragraph 8) for a review in 2019 and thereafter whenever relevant information may be made available. She stated there is no indication in the measure of an intent for CMM 2015-06 to expire if no agreement on a review was reached before 2019. In addition, the context of CMM 2015-06 as a whole, and the fact that it is referred to in other CMMs, indicates there is no automatic expiry of CMM 2015-06 if the 2019 review produced no result.

157. The Commission noted the presentation by SPC of the results of analyses it undertook to assist WCPFC17 in its review of the performance of the interim skipjack tuna TRP.

158. The Commission agreed to continue intersessional work to review and revise, as appropriate, a TRP for skipjack in the future.

159. The Commission requested SPC to update the skipjack TRP work by including additional candidates, including 36%, 38% and 40% in the median depletion table.

7.2.1.2 Target reference point for bigeye and yellowfin

160. Dr. Steven Hare (SPC) presented **WCPFC17-2020-12_rev1** *SC16-Requested Analyses to Inform WCPFC17 Discussions on Candidate Target Reference Points for WCPO Bigeye and Yellowfin Tuna*. New stock assessments for WCPO bigeye and yellowfin tuna, agreed to by SC16, indicated that both stocks are on average not overfished nor subject to overfishing. This paper presents results of analyses requested by SC16 to assist WCPFC17 in the identification of interim target reference points for WCPO bigeye and yellowfin tuna stocks (Tables 1 - 3 in **WCPFC17-2020-12_rev1**). It presents the stock and fishery consequences of SC16-defined stock depletion levels ($SB/SB_{F=0}$) consistent with specified historical conditions and stock risk levels (**SC16 Outcomes Document**, paragraphs 76–78). For each depletion level, results are presented comparably to those in **WCPFC16-2019-14** for skipjack tuna, indicating changes in biomass from both 2012–2015 and recent (2015–2018 average) levels, changes in fishing from baseline (2016–2018 average) levels, median equilibrium yield (as a proportion of MSY), risk relative to the agreed limit reference point, and SC16-requested per-recruit metrics. Steven Hare made the following points:

- (i) Tables 1 - 3 in **WCPFC17-2020-12_rev1** indicates that under baseline (2016-2018 average) fishing conditions, both bigeye and yellowfin stocks were projected to increase relative to 2012-2015 average levels, and either remain at recent (2015-2018 average) levels (yellowfin) or increase (bigeye). For both bigeye and yellowfin, CMM 2018-01 specifies that pending agreement on a TRP, the spawning biomass depletion ratio ($SB/SB_{F=0}$) is to be maintained at or above the average $SB/SB_{F=0}$ for 2012-2015. Achieving that depletion level for bigeye implied increases in fishing from 2016-2018 levels by 38% (recent recruitment) and 22% (assuming long-term recruitment) and resulted in a calculated risk of falling below the LRP of 3% (recent recruitment) or 14% (long-term recruitment). For yellowfin, it also implied increased fishing by 29%, and no calculated risk of falling below the LRP.

- (ii) The implications of achieving depletion levels +/- 10% from the 2012-2015 average levels are also presented in Tables 1 - 3 in **WCPFC17-2020-12_rev1**. An alternative SC16-specified candidate reference point was equivalent to 2000-2004 average depletion levels. For bigeye, this depletion level required fishing to be reduced by 4% (recent recruitment) or 17% (long-term recruitment), and resulted in no, or a minimal (1% assuming long-term recruitment patterns) risk of falling below the LRP. For yellowfin, 2000-2004 average depletion levels implied increasing fishing by 34% from baseline levels, and there was no risk of falling below the LRP calculated at that level. Final SC16-specified depletion levels related to those equivalent to a 10% and 20% risk of falling below the LRP. For bigeye, this implied increases in fishing by 55% and 70% (recent recruitment) and 12% and 33% (long-term recruitment), respectively. Under recent recruitments, those risk levels were achieved at stock sizes 12%-23% lower than 2012-2015 levels. Under the less productive long-term recruitment assumption those risk levels implied a 6% less depleted stock and 10% more depleted stock respectively, relative to 2012-2015 average depletion. For yellowfin, 200% greater fishing than baseline levels (a scalar of 3) was required to achieve a 10% risk level; these were considered unrealistic, and a 20% risk-based depletion level was therefore not pursued further for this stock.
- (iii) With reference to the risk-related depletion levels, which represent 'minimum' TRP values consistent with those risk levels, as noted in previous papers the choice of a TRP can be based on a combination of biological, ecological and socio-economic considerations, which would likely imply higher TRP levels than the 'minimum' TRPs calculated. As agreed at SC16, within this analysis purse seine effort and longline catch are 'scaled' equally relative to baseline levels. Scalars are applied to overall purse seine effort i.e. both associated and unassociated sets are increased or decreased, with the relative pattern reflecting that over the 2016-18 baseline period. Results will therefore generally differ from that in the CMM 2018-01 evaluation being presented to WCPFC17. It should be noted that candidate TRP levels can be achieved under different combinations of future purse seine and longline levels, which will have implications for the other metrics calculated. If desired, identification of a limited sub-set of candidate interim TRP levels is strongly recommended before that style of analysis is undertaken. As noted in previous papers discussing TRP formulation, there is a need to have specific language defining the TRP level, based upon the management objective that the TRP is designed to achieve. That language needs to be suitably specific so that the TRP can be recalculated in the case that in the future, new biological or fishery knowledge leads to an updated perception of stock status from the stock assessments. The new information incorporated within the 2020 yellowfin tuna stock assessment implies a more robust stock than estimated previously, as seen by the minimal risks of falling below the LRP identified at the levels identified here. It should be noted that key areas for further work on the yellowfin assessment were identified for the coming year, and an external review of the assessment is planned for 2022. While the assessment is viewed as the best scientific information currently available, the further work underway may lead to changes in the perception of stock status and robustness.

161. PNG on behalf of PNA members stated that the analysis indicates CMM 2018-01 is working well and is projected to achieve its objectives. At this point, the major concern of PNA members is the recovery in purse seine effort in 2020 shown in the SPC presentation, and PNA members are interested in seeing whether this would affect the conclusions of the paper when the full 2020 data become available. SPC stated that as these new data come in and a better estimate of the purse seine effort is available SPC will revisit the TRP calculations for both species.

162. Kiribati on behalf of FFA members stated that is a substantive issue that requires significant time and effort to discuss. They stated their understanding that there will be an external review of the stock assessment for bigeye and yellowfin tuna over the next few years, although that should not prevent progressing the Commission's work on developing potential TRPs. FFA members stated they will consider

the results of SPC's analysis and the outcomes of the assessment review process (when these become available) with the intention of making a decision on the TRPs in the near future and within the time frames under the Harvest Strategy Work Plan.

163. Indonesia indicated that it found it difficult to consider the results for yellowfin and bigeye when combined, and requested that these two species be treated separately in future to make it easier to follow the outcomes.

164. Japan inquired whether skipjack could be included when producing tables to show the depletion ratios in different scenarios, acknowledging that this would be complicated because the longline fishery does not target skipjack. SPC stated that it could add skipjack to the analysis, and could separate the various analyses in the future.

165. The Commission noted the presentation by SPC of the results of analyses it undertook on candidate TRPs for bigeye and yellowfin (**WCPFC17-2020-12_rev1**).

166. The Commission agreed it would be difficult to identify TRPs for bigeye and yellowfin during WCPFC17 and to continue its consideration in the future.

167. The Commission requested SPC to include skipjack equivalent depletion levels and to provide separate TRP presentations for bigeye and yellowfin in the future to aid the Commission's consideration of candidate TRPs for bigeye and yellowfin.

7.2.2 Review of CMM 2018-01

168. Dr. Paul Hamer (SPC) presented **WCPFC17-2020-14** *Evaluation of CMM 2018-01 for Tropical Tuna: 2020 Update*, which evaluates the potential for CMM 2018-01 to achieve its objectives for bigeye, yellowfin and skipjack stocks as specified in paragraphs 12-14 of CMM 2018-01. The evaluations are based on the most recent SC-agreed stock assessments, and for all three tropical tuna stocks these now include data through 2018. The evaluation applies a two-step approach consistent with recent tropical tuna CMM evaluations: first, quantify provisions of each option such that translate each specified management option into future potential levels of purse seine effort and longline catch; and second, evaluate potential consequences of each option over the long-term for bigeye, yellowfin and skipjack tuna, against the aims specified in CMM 2018-01. Paul Hamer made the following points:

- (i) **Step 1.** For the evaluation, assumptions are required regarding the impact that the FAD closure period and/or high seas effort limits will have on FAD-related effort, and the potential future catches of longline fleets. These assumptions are consistent with those made in previous CMM evaluations and include whether effort and catch limits specified within the CMM are taken by a flag CCM, particularly where those limits are higher than recent fishing levels. Under these assumptions, SPC defines three scenarios of future purse seine effort and longline catch, based upon a baseline average period of 2016-2018, the most recent period available in the latest assessments for all three key tropical tuna. In calculating the implications of CMM 2018-01, SPC calculated adjusted 'CMM equivalent' catches and effort for each baseline year and then averaged those adjusted values, due to differences in annual management arrangements across 2016-2018. The scenarios are summarised as:

- **‘2016-2018 average’**: purse seine effort and longline catch levels are maintained at the average levels seen over the years 2016-2018, providing a ‘baseline’ for comparison.
 - **‘Optimistic’**: under a 3 month FAD closure, purse seine CCMs make an additional 1/8th FAD sets relative to the number in 2016 and 2017, when a 4 month closure was in place (i.e. 8 months FAD fishing in those years). The additional 2 month ‘high seas’ FAD closure (5 months in total on the ‘high seas’) reduces the number of FAD sets by 1/8th of those made on the ‘high seas’ in 2016 when the 4 month closure was in place. In 2017, when the high seas were closed to FAD fishing all year, an additional 7 months of high seas FAD sets (based on average monthly high seas FAD set levels in 2016 and 2018) were assumed to be made. In 2018, purse seine effort was not adjusted as management arrangements were consistent with those under CMM 2018-01. CCMs with longline limits take their specified catch limit or 2016-2018 average level if lower, and other CCMs take their 2016-2018 average catch.
 - **‘Pessimistic’**: every CCM fishes the maximum allowed under the CMM. Purse seine CCMs undertake an additional 1/8th FAD sets relative to the number over 2016 and 2017 when the 4 month closure was in operation. The additional 2-month ‘high seas’ FAD closure reduces the number of sets by 1/8th of those set on the high seas in 2016, but increases them by the equivalent of 7 months for 2017. Where specified ‘high seas’ effort limits allow additional fishing relative to actual annual levels in 2016, 2017 and 2018, additional FAD sets are assumed on a proportional basis. Limited longline non-SIDS CCMs take their entire specified/2000 mt limits, and U.S. Territories take the 2000 mt limit applied in USA domestic legislation, 2016-2018 average level assumed for other SIDS.
- (ii) Based on these scenarios and the most recent catch and effort data (October 2020), catch and effort scalars were calculated relative to the 2016-2018 baseline and these were applied in the stock projections in step 2. The ‘Optimistic’ and ‘Pessimistic’ scenarios assume the change in FAD closure periods under CMM 2018-01 equates to a proportional increase/decrease in FAD sets (see also Appendix 1 of **WCPFC17-2020-14**). Other key assumptions across stocks were that total purse seine effort remained constant (increases in FAD sets led to a decrease in free school sets), while for yellowfin, longline catch changes were assumed to proportionally match those evaluated for bigeye tuna. ‘Other fisheries’, which have a notable impact on yellowfin stock status, were assumed to remain constant at 2016-2018 average levels within the analysis.
- (iii) **Step 2.** SPC uses 30-year stochastic stock projections to evaluate potential long-term consequences of resulting future fishing levels under each scenario, in comparison to 2016-2018 average conditions for each of the three tropical tuna stocks. For each, projections were run across the grid of models agreed by SC as the basis for advice. WCPFC16 (Summary Report, paragraphs 275), considered the development of TRPs for bigeye and yellowfin and agreed that in the interim, paras. 12 and 14 of CMM 2018-01 be retained and therefore continue to apply to this evaluation. However, SPC notes that the interim TRP for skipjack (CMM 2015-06, referenced in CMM 2018-01, paragraph 13) was expected to be reviewed no later than 2019. Formal review and a decision on the skipjack TRP are not yet complete. **WCPFC17-2020-14** therefore does not presume a TRP for skipjack, but expresses spawning biomass depletion relative to 2012-2015, consistent with bigeye and yellowfin.
- (iv) The potential long-term performance of the CMM against those objectives varied between stocks. For bigeye tuna, performance of CMM 2018-01 was influenced by the assumed future recruitment levels (Table 1 in **WCPFC17-2020-14**). If recent above-average recruitments continue into the future, all scenarios examined achieve the aims of the CMM, in that median spawning biomass is projected to remain stable or increase slightly relative to 2012-2015 levels, and the median fishing

mortality is projected to decline slightly for the 2016-2018 average and ‘optimistic’ scenarios but increase for the ‘pessimistic’ CMM scenario, although still remaining below F_{MSY} . If the less positive, long-term average recruitment continues into the future, spawning biomass depletion also improves relative to 2012-2015 levels for the 2016-2018 average and ‘optimistic’ scenarios, but declines under the ‘pessimistic’ scenario. Under that recruitment assumption, future risk of spawning biomass falling below the LRP ($SB/SB_{F=0} = 0.2$) increases to between 5% and 19%, dependent on the CMM scenario. In turn, all three future fishing scenarios imply increases in fishing mortality under the long-term recruitment conditions, and for the ‘pessimistic’ scenario, F exceeds F_{MSY} at the end of the projection period. For yellowfin and skipjack, ‘long-term’ historical recruitment patterns were assumed to hold into the future. Results for skipjack (Table 2 in **WCPFC17-2020-14**) were consistent across the different CMM 2018-01 scenarios, as overall purse seine effort was assumed to remain constant at 2016-2018 average levels, and the impact of longline catch is negligible. Under 2016-2018 average fishing levels and ‘long term’ recruitment, the skipjack stock is projected to stabilise at 43% $SB/SB_{F=0}$, around 10% lower than the average depletion over 2012-2015, while F increases slightly to around 70% F_{MSY} . There was no risk of breaching the adopted LRP, but a 16%-18% risk of F exceeding F_{MSY} by the end of the projection period. Results for yellowfin tuna, under all scenarios produced similar results (Table 2 in **WCPFC17-2020-14**), with the stock stabilising at 57%-59% $SB/SB_{F=0}$, a slight increase above the target levels in 2012-2015, and F remaining well below F_{MSY} . For all scenarios there was a 0% risk of breaching the adopted LRP or F exceeding F_{MSY} .

- (v) Examining the levels of fishing in 2019, the first year in which CMM 2018-01 applied, purse seine FAD effort levels were lower than those anticipated under the ‘optimistic’ CMM scenario. The total number of FAD sets decreased by 3% compared to the baseline average. The total 2019 longline bigeye catch was 17% higher than the 2016-2018 baseline average, producing a scalar somewhat higher than the ‘optimistic’ scenario, but lower than the ‘pessimistic’ scenario. Similarly, for yellowfin the catch was higher than that anticipated under the ‘optimistic’ scenario for longline. The longline yellowfin catch was 37% higher than the 2016-2018 baseline, a level still within the range estimated for the ‘optimistic’ and ‘pessimistic’ longline scenarios. The new information incorporated within the 2020 yellowfin tuna stock assessment implies a more robust stock than estimated previously, as seen by the zero risks of depletion falling below the LRP and F increasing above F_{MSY} . It should be noted that key areas for further work on the yellowfin assessment were identified for the coming year, and an external review of the assessment is planned for 2022. While the assessment is viewed as the best scientific information currently available, the further work underway may lead to changes in the perception of stock status and the implications of CMM 2018-01. Appendices 2 to 4 of **WCPFC17-2020-14** present the results of additional analyses requested by CCMs at previous Commission meetings and subsidiary body meetings.

169. The Chair drew CCMs’ attention to the specific recommendations from SC16 and TCC16 that relate to the review of the CMM 2018-01, as set forth in **WCPFC17-2020-13 rev1** *Reference Document for the Review of CMM 2018-01* and Development of Harvest Strategies under CMM 2014-06 (Bigeye, Yellowfin and Skipjack Tuna), **WCPFC17-2020-IP03** *Summary of the Reports Received Under Tropical Tuna CMMs 2018-2020*, and **WCPFC17-2020-IP04** *Catch and Effort Tables on Tropical Tuna CMMs*.

170. Dr. Graham Pilling (SPC) presented **WCPFC17-2020-16**, *Additional SC16 requested analyses of relevance to CMM2018-01 review*. SC16 requested that SPC provide information to inform the Commission of options for the tropical tuna CMM (SC16 Outcomes Document paragraph 79; see Appendix 1). Following agreement with the latest stock assessments for WCPO bigeye and yellowfin tuna at SC16, the SC called for updates to specific plots in **SC15-MI-WP01** (Figures 2 and 3 for yellowfin and bigeye tuna, respectively), with further summaries of the implications of different fishing levels on these stocks. To this

end, stochastic projections from the latest bigeye and yellowfin stock assessments have been performed, where future fishery conditions are defined under the specified grid elements of fishing effort (purse seine) and catch (longline) multipliers. The resulting levels of bigeye and yellowfin equilibrium stock depletion ($SB/SB_{F=0}$) have been estimated. The following procedure was used:

- Stochastic projections were run for 30 years into the future from each 2020 stock assessment model within the agreed structural uncertainty grid for the bigeye or yellowfin stock.
- Sufficient projections were performed from each grid model to approximate 1000 simulations for each purse seine effort/longline catch fishing combination for a stock.
- Each future purse seine/longline fishing level combination was defined as a multiplier (scalar) relative to a baseline average period of 2016-2018.
- Future recruitments to the stock were defined by the estimated stock recruitment relationship, with variability around it defined by recruitment estimates from the stock assessment over the most recent 10 years ('recent' recruitment; bigeye only) or the long-term (1962–2016; both stocks).
- Catchability was assumed to remain constant into the future (i.e. no effort creep).
- The 'equilibrium' depletion level under the specified purse seine/longline fishing combination was calculated as the median $SB_{2048}/SB_{F=0}$, 2038-2047; after 30 years, the median level had reached equilibrium with the future fishing conditions assumed.
- Risk of the stock falling below the limit reference point (LRP) under the specified purse seine/longline fishing combination was calculated as the proportion of depletion outcomes across the projections under the specified purse seine/longline fishing combination that in 2048 were below 20% $SB_{F=0}$.

Results are presented in terms of the equilibrium depletion level and level of risk of falling below the LRP resulting from each gear combination for bigeye tuna (shown in Figures 1-4 in the paper for recent and long-term recruitment assumptions) and yellowfin tuna (Figures 5 and 6). Levels of future fishing anticipated under CMM 2018-01 scenarios, relative to the 2016-2018 'baseline' period is summarized in Table 1 in **WCPFC17-2020-16**. The presentation also briefly addressed (a) the relative contribution of purse seine and longline gears to the change in stock depletion, and the approximation of the absolute quantities that correspond to the scalars (for each purse seine scalar, numbers of both associated sets and unassociated sets, and for each longline scalar, longline species catch in mt; SC16 paragraph 79, 1a) and (b) fishery impact on WCPO bigeye tuna SSB, by fishery sector (for just the diagnostic case model, and including: longline, purse seine associated, purse seine unassociated, pole-and-line, and other). As noted within other SPC-OFP papers to WCPFC17, the new information incorporated within the 2020 yellowfin tuna stock assessment implies a more robust stock than estimated previously, as seen by the minimal risks of falling below the LRP identified at the levels identified here. It should be noted that key areas for further work on the yellowfin assessment were identified for the coming year, and an external review of the assessment is planned for 2022. While the assessment is viewed as the best scientific information currently available, the further work underway may lead to changes in the perception of stock status and robustness.

171. France stated its support for a rollover of CMM 2018-01, and for improvement of the current measure, noting that the virtual meeting would not allow negotiations regarding the CMM in 2020. France stated that the priority is to avoid any gap in management. In identifying priorities to be given consideration in 2021, France recalled the concerns expressed in relation to maritime pollution by FADs, stating that French territories were impacted on a daily basis by FAD-related pollution. France reiterated its growing concern on the increase in the use of FADs; the cost to local authorities associated with the recovery of discarded FADs; and the increase of fishing effort in the high seas, and called for the adoption of measures to address these in 2021.

172. Pew observed, in reference to SPC's projections related to CMM 2018-01, that the "pessimistic" scenario assumes SIDS fleets maintain their catch at current levels in the future, and inquired whether it would not be reasonable to assume some arbitrary levels of growth in those fleets, in light of SIDS' aspirations. SPC replied that it did not know what level of catch should be assumed, and therefore within the analysis catch levels are maintained at current levels.

173. The EU observed, in reference to the exemptions in CMM 2018-01 and their impact on the CMM's effectiveness, that the number of vessels that benefit from footnote 1 in CMM 2018-01 increased from about 50 in 2018 to about 150 in 2020 that were notified to the Commission, and suggested this was more than 50% of the total that could potentially benefit in 2020. The EU inquired if the following questions could be addressed in similar future work by SPC to help clarify the impact of the exemptions: (i) Are all the notified vessels setting on FADs during the closure? (ii) What is the number of sets on FADs from these vessels during the closures? (iii) Are those sets taken into account in scientific analyses (e.g., evaluation of the performance of CMM 2018-01)? (iv) Do these vessels use these exemptions on the high seas? (v) Do these vessels use compatible measures and have those been tested to demonstrate their compatibility in terms of conservation benefits? (vi) Does the FADs closure exemption affect the robustness of the regular simulations of future scenarios for purse seine effort when projecting the status of the tropical tuna stocks into the future and in that case, what is the scale of the bias introduced and how can this be overcome in future evaluations? The EU also requested clarification regarding the calculation of purse seine scalars in Table 14 of **WCPFC17-2020-14**.

174. SPC stated that there is some confusion regarding the approach to estimating the number of vessels that fall under this exemption. SPC's calculations finds that there were 49 distinct vessels in 2018, 58 for 2019, and 92 in 2020, with a total of 95 distinct vessels over the 3-year period operating under CMM 2018-01 footnote 1 based on data from WCPFC Circulars. Data for the catch and effort for the 92 vessels in 2020 were not yet available. Regarding the scalars, in Table 14 of **WCPFC17-2020-14** the potential impact of each SC15 additional request has been expressed as the potential change in the overall number of FAD sets. SPC subtracted or add those estimated FAD sets to the overall number under the CMM 'optimistic' and 'pessimistic' scenarios, and re-calculated the purse seine scalars. Based upon the assumed impact of a month of FAD closure on the purse seine effort scalar (a month's closure being equivalent to a scalar of 0.12, relative to the 2016-18 baseline), SPC related the number of FAD sets thus estimated to the equivalent primary FAD closure period.

175. EU thanked SPC, and stated that it hoped its other questions (i-vi), which were also listed in **WCPFC17-2020-DP12**, could be captured in future SPC work on this issue. Regarding high seas purse seine effort limits, the EU note this is related to the recent trend in fishing effort of CCMs that are not bound by effort limits, which increased from 243 fishing days in 2012 to over 3000 fishing days in 2019 (**WCPFC17- 2020-IP04_rev1 Catch and effort tables on tropical tuna CMMs**). This additional effort appears to exceed by 50% the total allowable fishing effort of all CCMs listed in Attachment 1, Table 2 of CMM 2018-01. The EU had requested that SPC evaluate the impact of this effort that was not accounted for in the CMM, but stated it was unsure that the evaluation was undertaken in the way it had hoped. It compares the actual levels of effort with those expected in the various scenarios, which shows the global level of effort is slightly underestimated, but the EU noted that it is important to note that the effort by the CCMs not bound by limits is buffered by the overall trend in the fishery. The EU stated the analysis should take into account that the effort of those CCMs not bound by limits has increased in recent years. The EU stated its hope this could be addressed in the future, and asked if figures based on the data in **WCPFC17-2020-IP04** could be added in the future to allow better visualization of trends. SPC stated regarding the issue of non-constrained flags fishing on the high seas, that effort is included in the baseline period of 2016-2018, but SPC stated it now realized that the EU was seeking to address the particular impact of that change on the scalars.

Regarding data visualization, SPC stated this was possible, but there are significant notes that must be appreciated when viewing trends in the data.

176. The USA acknowledged SPC's efforts to provide updates to help in designing a better measure, and the EU for submitting DP12, and agreed it is very important to take into account all aspects of the measure, including the lack of limits and exemptions, and noted SPC's efforts to address those. The USA stated it was important to take into account all those effects and do a thorough analysis when revising the measure.

177. Australia, on behalf of FFA members, stated that exemptions in CMMs were there to protect the development aspirations of SIDS, and that FFA members shared the EU's goal of removing these, but that this would only be possible when SIDS' development aspirations were catered to in a CMM framework through agreed limits and allocations that recognize the rights of SIDS as provided for under the Convention. FFA members looked forward to addressing these issues in 2021.

178. EU stated that having the exemptions without a framework leads to results that are detrimental to the goals of the CMM, which is why having an analysis is important, as it allows the exemptions to be framed rather than open ended. The EU stated it was seeking to avoid the use of some exemptions beyond their initial intent, observing that it seemed that under some circumstances exemptions granted for SIDS for the development purposes referenced by Australia are used by non-SIDS, which does not in any way facilitate the development of SIDS' domestic fisheries. The EU noted that this was the type of deviation from the intent of the exemptions that should be addressed.

179. Korea recognized the importance of Article 30 of the Convention, and stated that the Commission should give due consideration to the requirements of SIDS but agreed that the exemptions in CMM 2018-01 may undermine the intent of the measure. Korea stated that the Commission should address the issue urgently (in 2021, by WCPFC18), based on the best scientific information, together with the issue of chartered vessels. It stated that in any event the scope of the exemption should not be broadened further.

180. RMI, on behalf of PNA members, stated that the exemption was not the problem, and highlighted the efforts of SIDS to ensure the sustainability of the stock. They stated most SIDS exemptions are in place because larger developed CCMs insist on flag-based limits based on historical fishing patterns that serve their interests. The SIDS exemptions are there, in those cases, to protect the interests of SIDS to be able to exercise their sovereign rights in respect of developing fisheries in their own waters and to participate fairly in high seas fisheries in accordance with international law. The problem in managing high seas purse seine effort and longline bigeye fishing is the flag-based limits based on historical fishing, as shown in the analysis in Appendix 3 in **WCPFC17-2020-14**. PNA members stated that is why the Commission agreed in paragraphs 28 and 44 of the CMM to work on sorting out the outdated flag-based arrangements so that hard limits, without exemptions, can be adopted for high seas purse seine effort and for longline bigeye fisheries.

181. China noted that in 2017 the Commission, in a closed meeting, addressed the issue of chartering arrangements, and that these have become part of the domestic fleet of SIDS. China stated its understanding that the current issue is that charter vessels do not implement the 3-month FAD closure. China inquired what the result was for the bigeye catch, noting that if it had increased too much it could be a serious issue. It looked forward to addressing these issues in 2021.

182. PNG stated it wanted to see the removal of exemptions but referenced the issue of capacity, and noted the avenues for cooperation that are developed through charters and other mechanisms. PNG stated it looks forward to the point where it can fully utilize the resources at its disposal, and urged all CCMs to avoid using provocative language in addressing the issue.

7.2.2.1 Purse seine effort limits for the high seas

183. The USA stated it had been looking forward to a robust discussion and negotiations on the tropical tuna measure, but accepted this was not possible in 2020. It remarked on the improvements in video technology, and the fact that online meetings may be the new norm for a few years, and suggested the WCPFC could not delay adopting a new measure for too long. The USA stated its ongoing concern about the structure of CMM 2018-01 and how it drives financial dynamics for CCMs. With regard to longline catch limits, it stated the Commission should use the available stock for those CCMs that can add quota without adding capacity so that the risk of overfishing remains low. With regard to the purse seine fishery, the USA expressed concern about the viability of its fleet, and stated it has proposed some measures to bring equity to the CMMs. The USA also stressed its responsibility for its territories. The USA stated that although it had withdrawn its proposal (in **WCPFC17-2020-DP02**), it had concerns with the current tropical tuna measure, and sought to engage with CCMs in the future through a process that would enable all CCMs to help shape a CMM that is viable, ensures stewardship, and provides a structure that allows reasonable economic viability for fishing vessels. The USA offered several suggestions for a process that would ensure that all CCMs have a voice during the upcoming intersessional work: (i) create a series of working groups addressing an aspect of the issues under consideration (purse seine effort, longline quotas, FAD management), which would enable continuing progress even if roadblocks were encountered in one area; (ii) leave WCPFC17 with a clear timetable for starting these workshops (the USA suggested the first quarter of 2021); and (iii) have the workshops led by the WCPFC Chair and Vice Chair. The USA stated the goal of holding an intersessional meeting in May or June of 2021.

184. American Samoa agreed there is much work to be done intersessionally to enable the Commission to develop a successor to CMM 2018-01. It agreed that working groups could be organized and convened around those issues that are most contentious so those working groups could bring ideas and hopefully some degree of consensus regarding the issues to the intersessional meeting. It stated it would support a working group on the high seas, as this is an important issue to American Samoa because of the relatively small size of the United States EEZ around American Samoa. The fleet of USA-flagged purse seine vessels based in American Samoa to serve the raw material needs of its canneries have historically fished primarily in neighbouring EEZs and high seas areas. When the high seas are unavailable for fishing because of the high seas limits, purse seiners have to operate in fishing grounds more distant from American Samoa, and the boats sometimes find it uneconomical to return to American Samoa to unload their catch. In August 2016, NOAA published a report analyzing closures to purse seiners, which indicates the very costly impacts from the closure on the American Samoa's economy and highlights the strong connection between USA-flagged purse seine vessels and the broader American Samoa economy. American Samoa noted it depends on USA-flagged purse seiners for over 95% of the purse seine caught raw material supply needed by its canneries. When those vessels cannot fish in the high seas near American Samoa, they must change their fishing grounds. While this has no true conservation benefit, it does affect where the fishing vessels unload their catch, placing a significant conservation burden on American Samoa. The loss of fish supply caused by boats changing fishing grounds is compounded by the loss of supply resulting from boats changing from USA flag to non-USA flag in pursuit of increased fishing opportunities in the absence of FAD closure exemptions and high seas limits, and expectations of a less rigorous compliance regime.

185. Kiribati, on behalf FFA members, remarked on the importance of the tropical tuna measure and the fact that all the key tropical tuna stocks managed by WCPFC are considered to be biologically healthy. FFA members observed that through successive tropical tuna measures the Commission is improving the management of these fisheries that support economic development in Pacific SIDS and provide an important source of food for the world. Looking to 2021 and the development of the next tropical tuna measure, FFA members will focus on closing gaps in CMM 2018-01, particularly with respect to the setting of limits for fishing on the high seas and ensuring that the rights of developing CCMs, in particular SIDS, to participate

in high seas fisheries are given effect, as envisaged in paragraphs 28 and 44 of CMM 2018-01. FFA members stated they will continue to strengthen the management of tropical tuna fisheries within their EEZs, and emphasised their commitment to the Harvest Strategy workplan and the need to work towards agreed harvest strategies for tropical tuna fisheries, and to ensure that a revised tropical tuna measure helps in this effort.

186. China stated its view that a new tropical tuna CMM should be for three years, and suggested that the longline catch limit be returned to 2014 level, while noting it was uncertain what the impact would be on the tuna stock.

187. CNMI supported the principles behind the USA proposal, notably the need to revise the bigeye catch limits. CNMI commented on the need for a transparent process to develop a tropical tuna measure, and advocated for a series of workshops in 2021.

188. Niue on behalf of FFA members recognised the need for a structured intersessional process in 2021, particularly in the latter part of the year, to make progress before WCPFC18, and stated they would bring forward specific proposals for consideration as part of this process. They stated that SPC would need to be tasked with supplying a range of analyses to support decision making, particularly in relation to the impacts of different management options in relation to overall management objectives. With regards to the process, FFA members proposed that WCPFC hold a series of workshops in July and October 2021 to discuss proposals relating to the tropical tuna measure. The workshops would discuss proposals put forward by CCMs and make progress towards a new CMM; they suggested proposals would have to be accompanied by a complete and accurate 2013-06 SIDS assessment if they were to be discussed, and should be shared with SIDS in advance to maximise the benefits of the process. Should physical meetings prove viable, a sufficient budget should be allocated to ensure SIDS can attend. FFA members noted their commitment to cooperative engagement on these issues stated they would schedule regular bilateral discussions with CCMs in 2021.

189. Guam supported the USA's request for workshops leading up to an intersessional meeting; and noted the need for a more transparent process. Guam stated that in the past it was an integral location for tuna fisheries and that it looked forward to regaining that status.

190. The EU agreed on the need to undertake intensive intersessional work, and stated that the earlier this could start the better. The EU noted COVID-19 restrictions could require using electronic means to initiate meetings, but expressed the hope for an in-person meeting. It reiterated its earlier recognition of legitimate aspirations for domestic fisheries development, and concerns with the broad use of open-ended exemptions, stating that it would aid discussions if exemptions could be clearly documented with clear indications who would be entitled to use them, their scale, and time frames. The EU also suggested CCMs should have the ability to make requests to SPC for analysis of relevant issues.

191. Tokelau, on behalf of PNA members, stated it was supportive of the interests of American Samoa in terms of access to the region's tuna resources, stating they had worked with American Samoa previously to meet that need, and were prepared to do so again. They noted their surprise that only a small proportion of the catch by the United States fleet based in the region and vessels of the cannery owner is landed in American Samoa, and stated they would be happy to work with American Samoa to improve that outcome.

192. French Polynesia expressed its view that it was unlikely travel would be possible in 2021, and supported holding a series of online workshops, as soon as possible, and noted that attention should be given to FAD management, including better marking, monitoring and reporting of FADs, whether through the tropical tuna measure or a specific FAD CMM.

193. China suggested that the issue raised by the EU regarding the impact on fish stocks of non-SIDS fleets chartered by SIDS could possibly be addressed through work by SPC.

194. RMI, on behalf of the PNA members, suggested using CMM 2018-01 as a starting point for a process, and stated that PNA members looked forward to reshaping the measure in ways that retain its strength but fill existing gaps. RMI noted that moving from flag-based limits to zone-based limits would remove the need for exemptions, and supported the FFA proposal for workshops to advance the process. PNA members stated they would develop proposals to contribute to the discussion on strengthening the CMM.

7.2.2.2 Longline bigeye catch limits

195. The Chair noted that despite paragraph 44 of CMM 2018-01 and due to the constraints of online meetings, the Commission would instead focus its attention on developing of a process to address the limit and allocation issues in paragraph 44; the decision regarding that process is captured under Agenda Item 7.2.2.4.

7.2.2.3 Other commercial fisheries for bigeye, skipjack and yellowfin

196. The Compliance Manager noted that the issue of paragraph 51 of CMM 2018-01 is addressed by **WCPFC17-2020-DP04** and **WCPFC17-2020-DP05**, regarding the availability of catch estimates from the other commercial fisheries in Indonesia and Philippines, respectively, and there is also a TCC recommendation in the *2020 Final Compliance Monitoring Report, covering 2019 activities*. The two delegation papers were circulated to SC16 and TCC16 but there was insufficient time in those virtual meetings for detailed review. TCC16 therefore recommended that the Commission task TCC17 and SC17 to review the papers to help facilitate a decision.

197. Australia, on behalf of FFA members thanked Indonesia and the Philippines for their papers on the application of paragraphs 50 and 51 of the tropical tuna measure. FFA members welcomed the effort that these CCMs have put into these papers to provide clarity on this important issue, and acknowledged the support of SPC on the issue. FFA members supported the proposed approach.

198. The Commission noted that in recommending a status of “CMM Review” to paragraph 51 of CMM 2018-01, TCC16 had recognized the difficulty of the application of this paragraph in terms of the scope of “other commercial fisheries” in Indonesia and the Philippines.

199. The Commission noted that Indonesia and the Philippines had submitted delegation papers to SC16, TCC16 and WCPFC17 (**WCPFC17-2020-DP04** and **WCPFC17-2020-DP05**) in response to the request from TCC15 to inform a Commission discussion on the application of paragraph 51 of CMM 2018-01. However, the virtual format of these meetings made it difficult to consider these papers at SC16 and TCC16.

200. The Commission agreed to task SC17 and TCC17 to review these papers and provide advice to the Commission to facilitate a decision by WCPFC18 on the application of paragraph 51 of CMM 2018-01.

7.2.2.4 New CMM for tropical tunas

201. The Chair referenced **WCPFC17-2020-15 Draft CMM 2018-01 Roll-Over**. The Commission discussed approaches to updating CMM 2018-01, and agreed to a simple rollover of the measure for 2021, taking into account the time and other constraints imposed by the virtual meeting protocol at WCPFC17. During their discussion, CCMs agreed that all aspects of CMM 2018-01 that applied in 2020 should remain in force in 2021, and that where CMM 2018-01 calls for completion of specific tasks by 2020, this should be read through application of CMM 2020-01 as 2021.

202. The Chair outlined the discussions regarding a way forward to developing a new tropical tuna measure in 2021, noting that CCMs had generally agreed that a series of virtual workshops would be held, chaired by the Commission Chair, to which CMMs could submit proposals for discussion. She reviewed the divergent views expressed on the timing of the tropical tuna measure workshops, and sought further input from CCMs.

203. Korea supported holding the meetings in the first half of 2021, as the latter half of the year is typically very busy with many meetings. Korea suggested that if the tropical tuna measure meetings must be held in the second half of 2021, the timing should be adjusted to avoid meeting in parallel with meetings of other RFMOs.

204. The USA echoed Korea's intervention that the fall (September - December) is busy for RFMOs, noting that some CCMs' heads of delegations would attend several RFMO meetings. The USA also expressed concern about starting the tropical tuna measure meetings too late in the year, and referenced the outcome at IATTC, which failed to provide adequate time to resolve outstanding issues and thus failed to reach consensus at its 2020 annual meeting. The USA noted the need to respectfully weigh and consider all CCMs' views and encouraged Commission members to meet early in the year to enable full discussions.

205. Japan agreed with Korea and the USA in terms of the difficulties in coordinating the various RFMO meetings, and suggested the Commission recognize the varying situation of each member, agree when timing meetings to give consideration to avoiding conflict with other RFMO meetings as much as possible (and thus make small schedule changes if needed to avoid direct conflicts), and recognize that if a CCM is unable to fully participate in a meeting, they will reserve the right to return to an issue at a later stage.

206. The EU agreed that 2021 would prove difficult because additional meetings would be held as a result of the postponement of many meetings in 2021. The EU suggested that delaying intersessional work until later in the year could make it more difficult to schedule, while meetings held early in 2021 would necessarily be virtual, although this which would provide challenges for the EU in terms of the daily meeting times. The EU stressed that the work is very important and needs to be initiated during the first quarter of 2021.

207. The Cook Islands stated that virtual meetings do not provide a platform for side discussions, which are an important complement to plenary discussions. It also referenced the need to allow time for bilateral discussions, and referenced FFA processes, in which the 17 FFA members needed to determine their collective positions, stating that many of the FFA's timing considerations were based on the need for FFA members to meet ahead of the WCPFC meetings.

208. FSM supported the comments by Cook Islands. It stated that development of the tropical tuna measure would involve balancing various issues, and that discussions would be very challenging. FSM agreed that the timing was critical, and noted that half of WCPFC CCMs are not members of other RFMOs.

It stated that the focus at WCPFC was on the WCPO, and that CCMs needed to set aside the time to have the necessary discussions.

209. The EU suggested the strawman approach previously used by WCPFC in developing the tropical tuna measure, where key elements were listed, and CCMs could provide their views and suggestions on these options could be useful.

210. The USA acknowledged the comment by the FFA regarding timing and the logistics of dialog among FFA members, and suggested as a compromise starting the meetings in April.

211. The Commission discussed how to determine what analyses to request from SPC. The EU noted the difficulty CCMs would face in developing meaningful science-based proposals in the absence of support from SPC, and suggested the need to build consensus regarding the support different members might need. China commented regarding information requests to SPC, and referenced the need for additional information on specific issues that may not be typically addressed such as (i) the issues related to vessel charters raised by the EU, and (ii) issues raised by the USA with regard to EEZ and high seas fishing effort. SPC stated it would provide analyses as requested by CCMs, but would ask that CCMs agree on the analyses they want SPC to perform based on a realistic suite of options.

212. The Commission agreed on a simple rollover of CMM 2018-01 for one year and accordingly adopted CMM 2020-01 *Conservation and Management Measure for bigeye, yellowfin and skipjack tuna in the Western and Central Pacific Ocean*. (**Attachment F**)

213. In terms of the process for developing the CMM 2021-01 Tropical Tuna Measure, the Commission agreed:

- i. to convene at least two week-long workshops, one to be held in April 2021 and another one to be held in June/July 2021 prior to WCPFC18 to discuss any proposals to develop a CMM 2021-01 tropical tuna measure. All efforts would be made to avoid conflict of timing with Pacific fisheries meetings and other RFMO meetings. The workshops would be chaired by the Chairperson of the Commission.
- ii. that the tropical tuna measure should continue to support the pathway for the adoption of harvest strategies, in accordance with the work plan and indicative timeframes set out in the Agreed Indicative Work Plan for the Adoption of Harvest Strategies under CMM 2014-06. To this end, the first workshop would focus in particular on a discussion on the objectives and scope of a new measure.
- iii. that the first workshop would provide clarity on the information needed by the Commission, including the analyses required from the Scientific Services Provider (SSP), for a CMM 2021-01 on tropical tuna.
- iv. that given the likelihood that some or all of these workshops would be virtual, and given the challenges already identified with this format, it is essential for CCMs to engage cooperatively in the intersessional period between workshops to provide the best possible opportunity for a CMM 2021-01 on tropical tuna.
- v. that proposals or other supporting papers to support discussions should be to the extent possible submitted 30 days in advance of the date fixed for the opening of each workshop to ensure all Members and the SSP have adequate time to review the information.

- vi. that the workshops would aim to discuss all proposals made by Members and make progress towards CMM 2021-01 on tropical tuna. Proposals must be accompanied by a 2013-06 SIDS' and territories' impact assessment as is required by CMM 2013-06.
- vii. If sufficient progress is made, the Commission Chairperson, with the assistance of the Secretariat, will prepare a draft CMM 2021-01 for discussion at WCPFC18 based on the discussions at the workshops, without prejudice to any Member's right to make proposals to WCPFC18.
- viii. that any new CMM shall be fully consistent with the WCPF Convention, in particular Articles 10 and 30 of the Convention and CMM 2013-07. As part of the preparation for the WCPFC workshops, early consultation with all SIDS and participating territories is encouraged taking into account the obligations reflected in CMM 2013-06.
- ix. that it was essential to avoid a situation in which the WCPFC had no tropical tuna CMM.

7.3 South Pacific Albacore

7.3.1 Roadmap for effective conservation and management of South Pacific albacore

214. Fiji, on behalf of the Chair of the South Pacific Albacore Roadmap IWG, provided a summary of the 13 November 2020 meeting of the South Pacific Albacore Roadmap IWG, referencing **WCPFC17-2020-SPALB-Roadmap-IWG**. The IWG is considering amendments to the CMM, or a new CMM, which will be a comprehensive measure to address all occurrence of the species (in EEZs and the high seas; and including the entire area south of the equator, including the IATTC Convention Area). It also recognised the need to address the TRP, and improve monitoring of the southern longline fishery.

215. New Zealand on behalf of FFA members thanked the IWG Chair for convening the IWG despite the challenges in 2020. FFA members stated they are fully committed to the objectives and work of the IWG and progressing the three key work streams identified by the IWG namely the setting of limits and allocations for South Pacific albacore, the achieving of the TRP, and the development of a new CMM for South Pacific albacore are all very important. FFA members stated they look forward to cooperative engagement with other CCMs for 2021.

216. New Caledonia stated it is highly dependent on South Pacific albacore, both economically and in terms of self-sufficiency, as this is a major source of protein for New Caledonia. It noted it has developed a sustainable approach to managing its South Pacific albacore fishery, which comprises 65% to 70% of the total tuna catch, and is carried out by domestic vessels and local crews only. It noted that decreasing yields are affecting economic profitability, and stated it supports to establishing a TRP in the near term. New Caledonia noted that as shown in **WCPFC17-2020-IP05**, half the catch volume is in the high seas pocket of the Convention Area, and supported monitoring transshipment, especially in the high seas.

217. Niue on behalf of FFA members reiterated that this is a critical fishery and prioritised improved management of the fishery by achieving the South Pacific albacore TRP on the agreed timing, setting a total allowable catch/effort, and setting high seas limits. In addition, FFA members stated they are developing management arrangements to apply within their collective EEZs based on agreed zone-based limits and would inform the Commission accordingly.

218. China supported the work of the IWG and stated it would cooperate with CCMs to make progress on South Pacific albacore management.

219. French Polynesia stated that South Pacific albacore is a very important stock and comprises more than half its tuna catch, and is important for food security, particularly given the ongoing increase in ciguatera. It stated that its catch is exclusively from its EEZ, and is sustainable, but that French Polynesia is surrounded by high seas areas, and it is concerned about the high catch levels in those waters. French Polynesia is also located in the WCPFC–IATTC overlap area, and thus appreciates efforts to address the stock on a Pacific-wide basis. French Polynesia stated its hope that the Commission could adopt the same approach as will be used to develop the tropical tuna measure, and that the issues could be progressed in 2021 through online workshops.

220. The EU acknowledged the efforts made by FFA to move the work forward, noting its importance for SIDS and territories. It stated that SC indicated that South Pacific albacore catch in the Eastern Pacific Ocean had recently increased significantly, and that a stock assessment is scheduled for 2021. The EU stated it was important to include all available population dynamics in this work, and suggested that could possibly enable WCPFC and IATTC to have compatible measure.

221. Canada supported the roadmap, and stated it would take part in any intersessional work in 2021.

222. France stated the stock is very important, as highlighted by French Polynesia and New Caledonia, and looked forward to the adoption of a new CMM in 2021.

223. Chinese Taipei stated that South Pacific albacore is very important to its fisheries, and committed to working with the IWG Chair and CCMs on the management of the stock.

224. The Commission noted the report of progress from the SP Albacore Roadmap Working Group (WCPFC17-2020-SPALB-Roadmap-IWG).
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7.3.2 Review of CMM 2015-02 (South Pacific albacore)

225. The Chair noted **WCPFC17-2020-17**, *Reference Document for the Review of CMM 2015-02 and Development of Harvest Strategies under CMM 2014-06 (South Pacific Albacore)*.

226. Samoa on behalf of FFA members noted they had called for revision of the measure over a number of years due to its ineffectiveness. FFA members stated they would like a CMM with a clear direction on setting limits, particularly on the high seas and compatible with the in-zone limits; improved monitoring; and a commitment to achieve the TRP via an agreed trajectory, including a requirement to transition management to the harvest strategy when that work is completed. FFA members stated they would be contributing to work in the IWG.

227. American Samoa strongly supported revising CMM 2015-02 as soon as possible, and referenced its fishery aspirations and economic development under Article 30. It looked forward to consultation with other CCMs on the disproportionate burden American Samoa faces in this fishery, a fishery with strong historical significance to the people, culture, and economy of American Samoa. It highlighted that similar to the USA-flagged purse seiners operating out of its port, its longline vessels are also in dire straits. It stated that unless CMM 2015-02 is revised to achieve the interim TRP for south Pacific Albacore in less than 20 years, its fleet and the indigenous fleets of other SIDS face a perilous future, and that immediate action is needed to ensure that its fleets have a future in the fishery.

228. The Commission noted that the review of CMM 2015-02 *Conservation and Management Measure for South Pacific Albacore* is ongoing as part of the work of the SP Albacore Roadmap Working Group.

7.4 Pacific bluefin tuna

7.4.1 Review of CMM 2019-02

229. The USA referenced the presentation by the ISC Chair (under Agenda Item 7.1), and stated that latest stock assessment indicates the spawning biomass is increasing and the stock is rebuilding. It supported the NC's recommendations for the CMM, stating that this would support rebuilding the stock while enabling greater management flexibility.

230. RMI on behalf of PNA members supported a 1-year rollover of the CMM. However, they noted that SB remained at less than 5% of $SB_{F=0}$, suggesting overfishing is continuing, and suggested the fishery may need to be limited or closed.

231. The EU support the rollover of the CMM, and while recognizing the efforts of CCMs that are involved in the fishery, reminded the Commission that the stock was still at very low biomass levels and under overfishing; the EU stated that it hoped the recent slight increase in biomass would continue.

232. Japan supported the rollover of the CMM. It noted that in 2020 the ISC conducted a new stock assessment indicating a steady increase in spawning biomass, more than expected when implementing the rebuilding targets. A proposal to increase the catch limit based on the harvest control rule (HCR) was proposed but not adopted at NC16, mainly because of difficulties resulting from the virtual setting. Japan stressed that the difficulties faced by coastal fisherman were increasing every year, noting that when they cannot catch (and must release) bluefin tuna, they must sometimes sacrifice other species. These coastal fishermen face increasing problems, and Japan asked other CCMs to understand the situation. Responding to RMI and the EU, Japan acknowledged that the stock status is below the WCPFC standard, but stated that the HCRs are based on the understanding that stock status is low, and that these rules should allow for increase in catch even though status is below the standard. Japan asked CCMs to recall that the Commission adopted HCRs that enable consideration of a catch increase. Japan noted that the species migrates deeply into the coastal waters, and inquired how it could close the fisheries that catch bluefin tuna, especially those that use traps catching other fish, as this would have a drastic impact on coastal fisheries.

233. PNG stated that it understands that the spawning stock biomass increase is in line with the rebuilding target. However, it still considers the level to be quite low, and supported a rollover of the CMM to see that additional rebuilding does occur.

234. Korea supported a 1-year rollover of the CMM. It stated it would welcome discussion regarding revision of the measure and possible increase of the total allowable catch based on best available science and management advice.

235. The Commission adopted CMM 2020-02 *Conservation and Management Measure for Pacific Bluefin Tuna (Attachment G)*.

7.5 North Pacific striped marlin

7.5.1 Interim Rebuilding Plan

236. The USA noted that WCPFC16 adopted an interim rebuilding plan for North Pacific striped marlin (WCPFC16 Summary Report, Attachment L), and that ISC provided no advice to WCPFC in 2020 on North Pacific striped marlin. The USA's Consultative Draft Proposal on a CMM for North Pacific striped marlin (**WCPFC17-2020-DP08**) notes that stock assessments conducted in 2015 and 2019 continued to find the stock to be overfished and experiencing overfishing. The USA stated its consultative draft CMM for North Pacific was designed to ensure that the interim rebuilding target is met according to the specifications of the interim rebuilding plan adopted in 2019. The USA also stated its understanding that some CCMs may be hesitant to discuss revision of the North Pacific striped marlin proposal at WCPFC17, and asked CCMs to consider the consultative draft revised CMM as a basis for intersessional consultations, with the aim of adopting a revised CMM at WCPFC18. The USA also noted some discrepancies between ISC stock assessment catch estimates of striped marlin in the Convention Area north of the equator and WCPFC catch estimates for that area, by CCM, and stated it was working with SPC to improve the WCPFC estimates and better understand reasons for the differences. The USA proposed that WCPFC17 task SPC to examine the differences between the ISC stock assessment catch estimates of striped marlin in the Convention Area north of the equator and the WCPFC catch estimates for that area, by CMM, and provide an assessment to SC17 of any shortcomings in, or notable uncertainties associated with, the WCPFC estimates, with the aim of allowing CCMs to improve their estimates, where appropriate.

237. FSM, on behalf of FFA members, stated that in discussions at WCPFC16 two Commission members (Japan and USA) clarified that striped marlin in the North Pacific is not designated as a northern stock, but is managed by WCPFC. FFA members stated that the correct terminology to be used when referring to this stock is "striped marlin in the North Pacific" and not "North Pacific striped marlin".

238. Korea stated that North Pacific striped marlin is a bycatch species for many CCMs, including Korea, and noted it is very concerned about the stock's status, and supported work to reconcile differences and uncertainties in catch estimates between ISC and WCPFC. It looked forward to working with the USA on the issue in 2021.

239. The EU stated it appreciated the efforts and leadership of the USA in addressing this important issue, which is pending since 2010 when the Commission first expressed its concerns for the stock, which had been assessed to be in a very poor conservation status since 2011. The latest assessment indicated again that the stock was overfished and subject to overfishing, and that under recent recruitment, catches needed to be reduced to 60% of the catch quota in CMM 2010-01 to achieve a 60% probability of rebuilding to 20%SSB_{F=0} by 2022. The EU stated it understands that the stock assessment was affected by several uncertainties and data conflicts: there was uncertainty in the catch amounts in the beginning of the series, in the level of gillnet catches, and in life history parameters such as growth, which significantly impacted the assessment results. In addition, there was a retrospective pattern suggesting that the projections might have been too optimistic. Given this context, the EU stated the need to improve, if possible, the model and the data inputs used in the assessment. The EU fully agreed with the USA proposal to task SPC to examine the differences between ISC and WCPFC catch estimates and to provide an assessment on the uncertainties. However, the EU stated that for this stock it would be central to assess the potential of catch limits to achieve mortality reductions (that is, noting the bycatch nature of most of the catches, catch limits might result in lower landings, but not in a reduction of fishing mortality if it is offset by a higher level of dead discards). Therefore, the EU recommended that SPC also be tasked with an assessment of the potential for mortality reductions through estimations of at-vessel mortality and post-release survival, and that ISC be tasked to develop a roadmap to address the issues identified in the latest stock assessment, with special emphasis on

revisiting the growth estimates, the reconstruction of catch time series, and model development. Despite these technical limitations, the EU supported the intersessional work that should allow development of a CMM for WCPFC17 and called on CCMs involved in the fisheries that harvest North Pacific striped marlin to contribute to this endeavour. While supporting the USA proposal to task ISC, SPC, SC and TCC to provide advice for the development of the CMM, the EU asked that it be clarified what each of these bodies should be doing and ensure the appropriate sequence and timing of these tasks to avoid losing more time.

240. Chinese Taipei agreed on the need to strengthen management of North Pacific striped marlin to rebuild the stock. It noted the importance of accurate catch estimates, and supported close communication between ISC and SPC to resolve the catch estimate discrepancies. Regarding the rebuilding plan it supported the approach of intersessional consultations. Chinese Taipei stated its understanding that the intent is to improve the existing CMM 2010-01, and stated that the new plan should be based on the existing CMM when considering catch reduction. It stated any revised CMM should be reviewed by SC.

241. RMI, on behalf of FFA members, stated they supported the rebuilding plan for this stock at WCPFC16 and had considered the draft consultative proposal submitted by the USA. It noted the following concerns:

- the proposal is based on flag-based limits and it is a longstanding FFA position that it does not support flag-based limits that cover the EEZs, especially if they are based on flag-based catch history in their waters. This proposal removes SIDS exemptions and is encroaching on the sovereign rights of SIDS who are responsible for managing stocks within their EEZs;
- in terms of Article 30 of the Convention and Article 25 of the UNFSA, SIDS need to have access to the high seas and this proposal severely limits SIDS access to the high seas;
- WCPFC lacks an effective longline monitoring regime for the high seas and is therefore unable to monitor flag-based catch limits effectively. Until such time that there is a robust high seas monitoring regime with integrity in place, it will be difficult to enforce this CMM. Robust monitoring includes electronic monitoring, a catch documentation scheme with independent verification, and robust port inspections and transshipment regimes; and
- the CMM2013-06 assessment attached with the proposal is unsatisfactory as the USA failed to consult with SIDS to understand the true implications of the proposal on SIDS. This is a significant fishery for FFA members north of the equator and the proposal may have significant implications for them and their management of this species. Unfortunately, no FFA members were consulted in compliance with the requirements of CMM 2013-06.

For these reasons, FFA members stated they did not support the proposal, while noting their commitment to ensuring that this stock is rebuilt. FFA members stated they would continue to work constructively with CCMs to improve bycatch management and mitigation for the stock, including considerations of live release and removal of shallow set hooks. In this respect, FFA members hoped to develop a more appropriate CMM that takes into account SIDS needs, aspirations and sovereignty and ensure that the stock of striped marlin in the North Pacific is rebuilt.

242. Japan thanked the USA, and agreed that all CCMs have the obligation to use this stock sustainably. It noted that the interim rebuilding plan stated the rebuilding objective would be subject to revision at WCPFC17. Japan stated that until the early 1990s, Japan operated 500 vessels that used 50-60 km-long drift nets per vessel, most of which targeted squid, but some of which also targeted billfish. This fishery ended as a result of a UN moratorium, but the ISC stock assessment indicates that following the end of this fishery, fishing mortality increased and biomass decreased. Japan has queried ISC as to possible causes, and ISC is

studying the issue. Japan stated it would be very difficult to consider amendments to the CMM until this issue had been resolved. Japan also noted the need for a review of the science underlying the conclusions in **WCPFC17-2020-DP08**, and asked that the USA's scientists share their data with ISC; if the latter approved the conclusions these could then be sent to the WCPFC. Japan noted this process should take place before WCPFC considers an amendment to the CMM. It summarized that to consider the USA paper it would require the underlying scientific evidence and justification, which it hoped could be provided to ISC in 2021.

243. Palau on behalf of PNA members thanked the USA for providing a consultative draft proposal to strengthen CMM 2010-01, but did not support the approach in the draft, noting that as FFA members had also stated, the PNA did not support current flag-based catch limits; it stated these should be replaced with a system of zone-based management arrangements, which include allocations by zones without regard to flag, and arrangements for high seas fishing that provide fair opportunities for CCMs to participate in high seas fisheries. This approach would remove the need for the current SIDS exemption. Palau stated that improvements are also needed to the monitoring and verification of any catch limits that are implemented. PNA members stated that moving striped marlin management in the direction of zone-based management would take time. In the meantime, given the urgent need for stronger measures to reduce fishing mortality, PNA members suggested that the Commission look at alternative measures to reduce targeting of striped marlin in the North Pacific, such as non-retention. PNA members encouraged the USA to look to developing its proposal in that direction.

244. The EU again noted with concern the stock's very poor conservation status. It stated that many CCMs were advocating broad principles, but stressed CCMs' responsibility to rebuild the stock with some urgency. The EU noted that the USA proposal suggested tasks for SPC, TCC, SC and ISC, and encouraged CCMs to support this work.

245. Recalling the comment by FSM on behalf of FFA members, the USA noted that the use of the term "North Pacific striped marlin" was in no way intended to suggest that the stock is not managed by the Commission as a whole. It agreed on the need for significant work, and suggested that SC be requested to resolve some of the outstanding issue. It noted that the stock is overfished, and that all CCMs are responsible for rebuilding the stock. It noted that it had put forward a consultative draft proposal, and looked forward to intersessional discussions. The USA stated it realizes that discussion was needed in ISC and SC, and that additional scientific discussion would help inform the Commission's options. It noted that live release may be helpful, and suggested that tasking ISC and SPC could be helpful. The USA stated that the Commission needs to take action, and asked CCMs to commit to action.

246. The Ocean Foundation, on behalf of The Pew Charitable Trusts, Sustainable Fisheries Partnership and WWF, thanked the USA for its consultative draft proposal to rebuild North Pacific striped marlin. They stated that although this stock is often described as a bycatch species, WCPFC's mandate requires managing this stock just as strongly as it manages targeted tunas, and that North Pacific striped marlin has significant ecological importance, as well as considerable value for commercial and recreational fisheries. This stock has been overfished continuously since the early 1990s and experienced overfishing during most of that period, relative to MSY reference points. They encouraged all members with an interest in this stock to collaborate with a view to agreeing at WCPFC18 on a measure that rebuilds this stock in accordance with the target and timeline agreed last year. Precautionary management of billfish should include setting and enforcing science-based catch limits, and implementing additional protections that include measures to mitigate catch and minimize mortality when striped marlin are encountered. These strategies should be tested, ideally via Management Strategy Evaluation, and put in place via a fully specified harvest strategy, to ensure they will achieve the rebuilding target and timeline and maintain sustainability once secured. The stock is just one of several billfish and swordfish stocks that deserves greater attention from managers, and

they urged CCMs to consider in 2021 how to follow the advice of the SC to improve the management of this stock, as well as Southwest Pacific swordfish, and Southwest Pacific striped marlin.

247. RMI stated that its concern regarding the reference to ISC stock assessment catch estimates by CCM and WCPFC catch estimates, noting the RMI is a member of the WCPFC in the North Pacific but is not a member of the NC or the ISC, and does not look to them for stock assessments, relying instead on the WCPFC SSP (SPC-OFP).

248. The EU stated that despite a willingness to progress the scientific work, the significant efforts by the USA to propose a more ambitious way forward to address the very dire status of the stock had largely come to naught. The EU stated that the outcome fell short of its expectations, but more importantly of the Commission's obligations to take due consideration of the very poor status of the stock. The EU stated its hope that in 2021 CCMs could resume the work needed to develop a framework to allow rebuilding of the stock. The EU expressed the hope that the outcome at WCPFC17 would prove useful, but stated it was definitely inadequate given the very poor conservation status of this stock.

249. The USA stated it would continue seek to make progress by working intersessionally in 2021.

250. The Commission requested the ISC to:

- i. examine differences between ISC stock assessment catch estimates by CCM and WCPFC catch estimates, and work with the Scientific Services Provider to provide an assessment of the shortcomings;
- ii. provide explanation why the striped marlin stock decreased and the fishing mortality increased after a drastic decrease in fishing effort by high seas driftnet fisheries in the early 1990s; and
- iii. develop a roadmap to address the issues identified in the latest stock assessment by ISC.

AGENDA ITEM 8 — HARVEST STRATEGY

8.1 Review of Indicative Work Plan

251. At the request of the Chair, Dr. James Larcombe (Australia), presented a summary of the Indicative Work Plan for the Adoption of Harvest Strategies Under CMM 2014-06 (**WCPFC17-2020-20**), noting the actions for 2020–2022 as contained in pages 8 to 10 of the working paper. He stated that the technical and management strategy evaluation (MSE) work being conducted by SPC is proceeding well, noting progress with regard to: the candidate harvest control rule (HCR) designs for both skipjack and South Pacific albacore; communication of MSE results for decision makers; calculation of performance indicators for the skipjack monitoring strategy; uncertainties included in the skipjack and South Pacific albacore MSE framework; and a range of other technical work. However, SC16 could not discuss most of the work in detail because of its very limited virtual meeting, and he observed that the same was likely to be true at WCPFC17. He also noted much remains to be done in terms of CCM capacity building. In summary, Dr. Larcombe stated that there had been delays in some very important areas, meaning it was likely the overall schedule would not be met.

252. Korea stated it generally supported the revised workplan, and expressed its hope that the Commission would be able to make more progress on the harvest strategy work in 2021, and that Korea would do what it could to progress the work.

253. Kiribati, on behalf of FFA members, noted **WCPFC17-2020-20** and emphasized their commitment to the successful implementation of the Harvest Strategy Workplan, and stated that they were encouraged by the plan's particular focus on the need for more time and more work on the multispecies framework for all tuna species, which they stated is critical. They also noted the recognition of the need for more time to build capacity, particularly for SIDS, on understanding how harvest strategies function, and their implications. FFA members stated they would continue to encourage a focus on the capacity building workshops that will assist CCMs, particularly SIDS, to participate fully in this complex process, and thereby increase confidence in the harvest strategy development process and its outcomes when implemented.

254. PNG stated it understanding that the work is quite substantive, noted the complexity for multispecies is challenging, and called for capacity building (including on a virtual basis) for CCMs, including PNG, to enable full participation.

255. The EU agreed that harvest strategy issues are complex and that capacity building for all CCMs is needed to enable them to fully engage, observing that this was one reason they had supported a science–management dialogue. The EU stated that given the complexity of the process, and the need to ensure it is conclusive, it is important that there is an opportunity for CCM scientists to engage with SPC intersessionally, in the same way that they participate in the pre-stock assessment workshops, and encouraged that such a process be adopted for the harvest strategy work.

256. Japan agreed regarding the complexity and the need for capacity building for all CCMs. Japan stated that based on its experience in other RFMOs, communication between scientists and managers is very important. Japan inquired whether SPC had an updated plan for holding capacity building workshops, whether in-person or virtually? It also agreed with the EU that a more inclusive process should be established to increase cooperation between SPC and CCM scientists when doing stock assessments and other analyses, and asked SPC to consider how to establish such a process. Japan also noted its concern regarding adopting a staggered schedule for skipjack, bigeye and yellowfin under a multispecies approach, as this would not enable taking into account complex multispecies issues, especially in the purse seine fishery. Dr Larcombe noted Japan's comment about staggering some harvest strategy development (specifically addressing skipjack before bigeye and yellowfin). He observed that this illustrated why the multispecies framework is so important, as it could enable all CCMs to have an understanding of what the management system looks like and the implications for the four main tuna species. Japan noted that it would be happy to see a staggered approach as long as the harvest strategy would be applied jointly to skipjack, bigeye and yellowfin, as was confirmed by the Chair at WCPFC16.

257. China stated its support in principle for the workplan, and stated that it hoped WCPFC would be able to establish a harvest strategy in 2022. It noted that capacity building was important for all CCMs to help establish a dialog between scientists and managers.

258. New Zealand stated it remained committed to progressing the important work on harvest strategies to ensure science-based management of the four primary tuna species. It acknowledged the need for on-going capacity building by SPC to enable CCMs, particularly SIDS, to fully participate in this process. Despite delays as a result of COVID-19, good progress has been made on South Pacific albacore, with management procedures for both scheduled to be agreed by 2022. It noted that ultimately, the Commission needs to develop a multi-species approach to harvest strategies - this will be complex work. New Zealand stressed the collective interest of members in making progress on harvest strategies, in order to drive best

practice fisheries management and be recognised for our sustainable fisheries, including through Marine Stewardship Council certification.

259. France acknowledged the complexity of the issues, and the need to ensure full participation by all CCMs, as noted by the EU and FFA.

260. SPC stated it would be working to provide capacity building to all CCMs that requested it, hopefully through face-to-face meetings, but stated it was also developing online approaches. Regarding transparency with respect to SPC's work, it noted that its work on albacore was being reviewed by a well-known expert, and stated there was a request from SC to hold an intersessional technical working group in 2021.

261. The Commission adopted the updated Indicative Workplan for the Adoption of Harvest Strategies under CMM 2014-06 (Attachment H).

8.2 Science-Management Dialogue

262. The Chair referenced **WCPFC17-2020-21 Science-Management Dialogue**, which she noted reviews prior Commission efforts to develop a Science-Management Dialogue, and resubmits **WCPFC15-2018-20 Key Decisions For Managers and Scientists Under the Harvest Strategy Approach For WCPO Tuna Stocks And Fisheries** and **WCPFC15-2018-21 Terms of Reference for the Science-Management Dialogue**. She stated that SC16 indicated a strong preference for such a dialog, and observed that there was no discussion on the issue in the WCPFC17 ODF.

263. Tonga on behalf of FFA members noted the importance of the dialogues in expediting the development of the harvest strategies, but stated the dialogue would be best served when all CCMs agree on what the dialogue requires of members (i.e., when there are agreed TORs). FFA members stated that if circumstances permit physical WCPFC meetings in 2020 those meetings will be extremely time-challenged due to the backlog of work from 2020 due to the pandemic; and further extending those meetings to accommodate the science-management dialogue may not be feasible. However, should SC17 be a virtual meeting, FFA members stated their openness to the idea of holding a 'trial run' of the dialogue immediately after SC17 for FFA members to get the benefit of additional capacity building, which could be the focus. They welcomed the views of other CCMs.

264. PNG on behalf of PNA members supported the FFA statement, and stated they had been prepared to support a science-management dialogue on a trial basis to be held after SC. However, capacity building activities planned for 2020 were disrupted by COVID-19, and PNA members stated they were not ready to participate in what seemed likely to be a virtual science-management dialogue in 2021, especially given the work needed on the revision of the tropical tuna measure.

265. French Polynesia thanked Australia for its comprehensive overview of the harvest strategy status under Agenda Item 8.1, and noted in particular its comments on the need for capacity building. In that context, the science-management dialog would be a good way to enable progress on the harvest strategy work. French Polynesia supported convening a science-management dialog, and stated it is flexible as to its scheduling.

266. The USA stated it is open to and interested in establishing the science-management dialogue. It recalled the management options workshops, which essentially served as a precursor to the dialogue. The USA also recalled that in 2018 there was good agreement on the science-management dialogue TORs, but that CCMs were unable to agree on the timing (whether the dialogue should be held in association with SC

or with the Commission meeting). The USA suggested that the situation in 2021 would be different if meetings (in particular SC) would be held virtually, and that holding SC virtually would remove the obstacle for the USA to holding the science–management dialogue meeting in conjunction with SC, or another agreed upon time, as there would be no cost implications. However, the USA also noted that the tropical tuna measure discussions were a higher priority for the Commission in 2021 and acknowledged the difficulties the Commission would face in finding time for both. The USA closed by stating it was flexible as to how the science–management dialogue is addressed in 2021.

267. Nauru, on behalf of FFA members, stated that their concern with having the science–management dialogue meeting in conjunction with WCPFC related to the fact that delegations come to the Commission with their national positions already determined. Having the science–management dialogue immediately after the SC meeting, in their view, would enable use of updated knowledge from SC to discuss the science and the management applications, and could help shape recommendations or discussions for decision making at the following Commission meeting.

268. PNG, on behalf of PNA members supported the FFA member statement that having a science–management dialogue associated with the Commission meeting would not allow for constructive dialogue, as delegations arrive there with their national positions already determined, whereas a meeting held immediately before the Commission does not provide time for delegations to reflect on and take into account the discussions prior to the Commission meeting. They stated that a meeting associated with SC would be better to inform the managers.

269. Chinese Taipei supported holding the science–management dialogue. If the meeting would be held physically, Chinese Taipei stated it should be prior to the Commission meeting, to facilitate the involvement of a greater number of managers. However, if it is a virtual meeting Chinese Taipei stated it was flexible as to the timing.

270. The EU stated the science–management dialogue is important and needed, and also supported holding it in conjunction with the Commission meeting if it is a physical meeting, and stated it was flexible on the timing if the meeting was held virtually.

271. France supported the comments of Chinese Taipei and the EU.

272. RMI supported holding the science–management dialogue in conjunction with the SC meeting. In response to the comments from the USA it stated that the prior management options workshop process was useless, as CCMs arrived with their positions known and established, and that to then go into discussions on those issues had no benefit. It emphasized the need to engage on the scientific issues, and agreed that COVID-19 has slowed capacity building efforts, which could make holding a science–management dialogue, even on a trial basis, impossible in 2021.

273. Ocean Foundation, also on behalf of The Pew Charitable Trusts, Sustainable Fisheries Partnership, ISSF, the IPNLF, and WWF, observed that it had been six years since WCPFC committed itself to developing harvest strategies for key stocks or fisheries, and these discussions actually began prior to the adoption of CMM 2014-06. They stated that as 2020 has demonstrated, there is a need to ‘shock proof’ these fisheries to ensure management decisions can happen even during disruptive events like the one caused by COVID-19. They also noted that the experience of IATTC offers a cautionary story, as IATTC ended its 2020 annual meeting without agreeing on a tropical tuna measure, leaving no international management in place, and stated that this is another example of the value of harvest strategies, because they would set up more predictable, clearly defined rules for fishing. Despite some initial progress and productive discussions

in the WCPFC over the years, they expressed concern that momentum for developing and agreeing harvest strategies has stalled, as illustrated by the following:

- The WCPFC has yet to agree on a fully-tested harvest strategy for any of its tuna species.
- The Scientific Committee (at SC14, 15 and 16) recommended creating a science-manager dialogue working group. Harvest strategy work requires frank and open discussions between scientists and managers. A busy plenary meeting, whether in-person or virtual, is not conducive to progressing these discussions.
- A dialogue group could ease some of the difficult negotiations anticipated over the next year. They stated they were encouraged by some flexibility over the floor and a 2021 virtual meeting could be used as a trial run and allow for greater participation.

They further noted that the Secretariat had introduced a document that presents a clear path forward for establishing a dialogue group. They stated their understanding of the constraints of WCPFC17's virtual format, but urged members to seize the opportunity to create the science-management dialogue working group without any further delay, noting that another year of inaction would send the wrong message about the Commission's intent to undertake this work, which is fundamentally about ensuring the future sustainability of its fisheries. They stated this also has implications for the industry and public-private efforts (via international ecolabels such as the Marine Stewardship Council Standard program), with fisheries in the region relying on the Commission to move forward with this work to maintain their certifications.

274. The Chair observed that in 2018 the only issue that CCMs failed to resolve regarding the science-management dialogue was the timing, and noted that the issue remained unresolved. She stated that CCMs were open to holding a virtual science-management dialogue meeting in conjunction with a virtual SC17, but that many CCMs were concerned that this may not be viable. She suggested that the Commission seek to progress the science-management dialogue in 2021.

275. The Commission acknowledged the utility of a science-management dialogue in progressing the implementation of the Indicative Workplan for the Adoption of Harvest Strategies but was unable to agree on the staging of such a dialogue. The Commission agreed to continue to explore in 2021 options to convene a science-management dialogue.

AGENDA ITEM 9 —REPORTS FROM SUBSIDIARY BODIES AND WORKING GROUPS

276. The reports of the subsidiary bodies were taken as read by the Chair and were not presented to the Commission. However, recommendations of subsidiary bodies not addressed under other agenda items were considered under this agenda item.

9.1 SC16

277. The SC Chair, Ueta Fa'asili Jnr referred the Commission to **WCPFC17-2020-SC16: SC15 Summary Report**, and **WCPFC17-2020-22 Reference Document on other recommendations from SC16 for Agenda Item 9.1**. He noted that the following recommendations required consideration by the Commission: endorsement of the 2021-2025 Shark Research Plan; adoption of the proposed work programme and budget for SC; and endorsement of recommendations relating to publication of annual catch and effort estimate tables and the hosting of the SC17 and SC18 meetings.

278. Tuvalu, on behalf of PNA members, stated that some PNA members were disadvantaged at times in participating in the virtual SC16 session, but appreciated the effort that went into ensuring that the core business of the Committee was addressed. PNA members stated that the invitation to the Commission (in paragraph 90 of the Summary Report Executive Summary) to hold an intersessional scientific technical workshop to provide feedback to SPC on technical issues relating to the development of the harvest strategy framework was not supported by PNA members at SC16 and was not supported at WCPFC17 because of their concerns about their effective participation. PNA members supported the adoption of the Harvest Strategy Workplan on the basis that the activities in the workplan could be undertaken within the existing Commission structure and schedule without additional bodies or meetings and that they continue to hold that view. PNA members also requested that SC and SPC develop a screening process to ensure that vessel-related research activities within the SC Workplan are undertaken with vessels that are complying with Commission measures, stating that in their view, it was important to ensure that Commission funds are not used for activities involving vessels that fail to comply with Commission measures.

279. The Commission endorsed the *2021-2025 Shark Research Plan* (SC16 Summary Report paragraph 261).

280. The Commission approved the SC16 proposed work programme and budget for 2021 and indicative budgets for 2022 and 2023.

281. The Commission endorsed the SC16 recommendation that the approach of publishing the ACE tables based on the April 30 Scientific Data submissions and subsequent updates and revisions from CCMs is continued (SC16 Summary Report paragraph 296).

282. The Commission adopted the SC16 Summary Report (**WCPFC17-2020-SC16**), with some CCMs expressed reservations regarding paragraph 255(d) in the SC16 Summary Report.

9.2 NC16

283. The Chair referred the Commission to **WCPFC17-2020-NC16: NC16 Summary Report**.

284. The NC Chair, Masanori Miyahara reviewed NC16's recommendation regarding Pacific bluefin tuna, and noted that NC and IATTC would hold the 6th Joint IATTC and WCPFC-NC Working Group Meeting on the Management of Pacific Bluefin Tuna, tentatively in July 2021 hosted by Japan; and that Japan had also offered to host NC17 if an in-person meeting was feasible, tentatively in September.

285. Fiji on behalf of FFA members supported the recommendations made by NC16, thanked Japan for its offer to host NC17, and looked forward to participating in the meeting. FFA members also noted the officers recommended by NC16 for further terms as Chair and Vice Chair, and supported those recommendations.

286. The Commission adopted the report of NC16 (**WCPFC17-2020-NC16**).

9.3 TCC16

287. The Chair referred the Commission to **WCPFC17-2020-TCC16: TCC16 Summary Report and WCPFC17-2020-23 Reference Document on other recommendations from TCC16 for Agenda Items 9.3 and 9.4**.

North Pacific Albacore CMM

288. The Chair referred to **WCPFC17-2020-23**, paragraph 2 (i): Review of North Pacific albacore CMM:

*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; (TCC16 Summary Report para 89)

289. FSM, on behalf of FFA members, supported TCC's recommendation for WCPFC17 to provide clear approaches to address challenges identified in assessing compliance with the North Pacific Albacore CMM, noting TCC had previously raised issues with the ambiguity of language used, such as "fishing for" or "directed at" in some CMMs, including this measure.

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

290. With respect to the recommendation for ROP providers to provide a succinct summary of relevant information in observer reports associated with cases in the compliance case file system (CCFS) to help assess whether a possible violation(s) has occurred, FSM, on behalf of FFA members, stated that ROP providers should not be asked to judge on whether an offence has been committed, this should be done by trained compliance staff who have a good understanding of their own legal frameworks.

Labour Standards for Crew on Fishing vessels

291. The Chair referred to **WCPFC17-2020-23**, paragraph 2 ix) *Treatment of Crew on Fishing Vessels*:

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

292. Indonesia referenced its earlier remarks on **WCPFC17-2020-DP09**, made under Agenda Item 4, and suggested that because the meeting format at WCPFC17 prevented in-depth discussion, that the Commission hold an intersessional working group during 2021, prior to WCPFC18. Indonesia stated it would be pleased to lead the work along with a co-chair from among the FFA members.

293. China expressed its respect and sympathy to laborers referred to by Indonesia in DP09. China recalled its statement under Agenda Item 4 that it did not support the proposal on establishing a binding measure on labour standards for crew on fishing vessels or establishment of an intersessional working group as suggested by FFA. It stated that Indonesia's proposal was incomplete as it lacked CMM 2013-06 criteria for assessment, while seeming to add a number of unreasonable obligations for CCM, which were impossible to discuss at WCPFC17. China further offered a position statement on labour standards for crew, noting the following:

- The Fisheries Authority of China attaches great importance to crew safety and protection, and supports WCPFC giving due attention to the issue.

- Labour safety and protection should be the responsibility of the relevant authorities, and the relevant issues should be resolved by the relevant authorities through domestic legislation, bilateral consultation or discussion in the relevant international organizations. In fact, the ILO and IMO already have relevant rules, and China has some domestic law and regulations.
- Crew employment is a commercial activity and should be conducted under the management of relevant international rules and domestic laws, and in accordance with commercial contracts. Violators shall be held liable in accordance with the above-mentioned international rules, domestic law and contracts, but they shall not exceed the existing international rules and shall not bear unreasonable obligations.
- WCPFC is a tuna RFMO, not an organization to deal with labour issues, which are very complicated. The fishery sector should focus on resource conservation and management, otherwise the main duty of the organization will be affected. China also stated that WCPFC lacks a mandate to deal with labour issues in a compulsory manner based on the WCPFC Convention; China's delegation has no authorization to agree to any compulsory decision by the Commission on labour issues.
- Some delegations may argue that FAO Code of Conduct on responsible fisheries can be a basis to allow WCPFC to deal with the labour issue. China agrees the FAO Code of Conduct can be a basis for WCPFC to deal with labour issue on a voluntary basis, and the Commission adopted a Resolution on labour standards in 2018, but the code of conduct cannot be used to justify a compulsory CMM.
- China did not agree to establish an intersessional working group because terms of reference had not been established. These must be clearly defined. If the mandate of the IWG is to develop a non-mandatory resolution for labour standard for crew on fishing vessels by means of strengthening the existing resolution, China stated it would actively support and participate in the discussion in the IWG.
- China also stated that there were various labour issues that deserved study and proposed a 1-year independent study, to support further consideration of the issue in 2021.

294. The EU thanked Indonesia for raising the issue, and noting its importance, stated that the EU would be happy to engage intersessionally. The EU stated consistency with ILO and IMO requirements and mandates was essential.

295. France thanked Indonesia for the proposal, and stated that France supports improvement in labour standards and would be supportive of intersessional work, tackling legal issues, and working with the IMO and ILO.

296. New Zealand thanked Indonesia for the proposal and stated it is appropriate and essential that WCPFC consider crew safety. The safety and conditions of fishing vessel crew are critical to the reputation of the Commission and its members; that reputation will be undermined by cases of human rights abuse in the Convention Area. New Zealand acknowledged that other organisations also have responsibilities in this respect, but that does not preclude the WCPFC taking responsibility for the safety of crew on fishing vessels in this region. Under the Convention, the WCPFC has a mandate to adopt minimum standards for the responsible conduct of fishing operations. In New Zealand's view, eliminating the most egregious abuses of human rights against fishing vessel crews is clearly within the purview of establishing standards for the responsible conduct of fishing operations. New Zealand supported an intersessional process, and acknowledged the suggestion by China to undertake a study, and suggested this could be usefully included in the intersessional process.

297. The Philippines stated it supports the discussion on the improvement of labour standards and volunteered to join the IWG.

298. The USA stated that the issue was long overdue to be discussed. It noted that fishing involves gear and people, and the Commission has CMMs regarding gear type, and it was time to consider the fishers. The USA observed it is difficult to separate the gear from the humans who are operating it. The USA further observed that vessels using forced labour puts others at a significant disadvantage from a financial standpoint, but that the most important aspect was the human rights issues associated with forced labour. The USA noted the need for a robust discussion on labour standards, which can be subjective, and the need to enforce labour contracts and other arrangements, as also referenced by China. The USA looked forward to robust discussion on labour issues in 2021.

299. Korea recognized the importance of the issue and thank Indonesia for submitting the proposal. It looked forward to working with Indonesia and other CCMs through an IWG or other means as appropriate.

300. RMI supported Indonesia's proposal. It noted that FFA has agreed minimum terms and conditions in relation to crew employment in the region, independent of WCPFC. It noted that RMI aspires to have its citizens crewing on ships and involved in the industry, and supported additional work on the safety of observers and fishers.

301. French Polynesia supported the proposal by Indonesia and joined the support expressed by other CCMs. It stated that is of a high importance in its own fleet, and that French Polynesia has had regulations in place since 2013.

302. New Caledonia fully supported the proposed intersessional discussion.

303. FSM echoed the support for the effort proposed by Indonesia, and stated that this is an important matter for FSM, noting issues of social responsibility and stewardship. FSM suggested the type of study suggested by China could be part of the work proposed for the IWG. Given the importance, FSM suggested the IMO and ILO could be invited to be part of the process.

304. China reiterated that if an IWG was established it would require TORs, and suggested referring to "international work" or "a workshop", and welcomed inclusion of its proposed study, and involvement of officials from IMO and ILO. China also suggested the need for possibly involving an independent consultant.

305. Japan acknowledged the issues are very complex. Japan stated that its fishing agency does not necessarily address all issues covered by Indonesia in DP09. It suggested calling the intersessional work a "process", if that was acceptable to CCMs, but noted that clarifications were still needed in terms of what this involved, and what the project suggested by China would entail.

306. The Chair suggested that CCMs begin through an information sharing process, and if needed invite experts. She further suggested that the Commission agree that intersessional work be led by Indonesia and an FFA member, with all interested parties to collaborate to facilitate the work.

307. Chinese Taipei thanked Indonesia for the proposal that gave special attention to this issue. It supported the intersessional process and that this work be led by co-chairs, who could facilitate information collection and sharing so that CCMs might share with each other experiences and difficulties regarding the implementation of relevant measures in the process, and so that there will be more robust materials for the discussions next year.

308. Indonesia thanked CCMs for the support and China for the suggested study. It stated it would consult with the Chair to map out the work for 2021.

309. The Chair stated that the intersessional arrangement would be established by Indonesia and the FFA co-lead and intersessional discussion would take place virtually.

310. Human Rights at Sea (HRS) referenced **WCPFC17-2020-OP06** *Draft Proposal for Model WCPFC Conservation and Management Measure on Human Rights and Labour Rights Protections for Fisheries Observers' Safety, Security and Well-Being*; **WCPFC17-2020-OP17** *Information Statement on CMM 2013-06 addressing potential burdens and/or requirements imposed on Small Island Developing States (SIDS) as a result of the proposed HRAS Model WCPFC CMM for Fisheries Observers*; the Commission's previous and ongoing work in respect of CMM 2017-03 on the Protection of WCPFC Regional Observer Programme Observers; and Resolution 2018-01 on Labour Standards for Crew On Fishing Vessels. HRS highlighted the various issues addressed in its report, and suggested that CCMs (i) consider and accept the proposed model CMM for detailed consideration by CCMs during 2021, and (ii) give due consideration to fundamental human rights standards and protections across all applicable CMMs. HRS asserted that there is no reason in international law, including established human rights and labour rights law, that State obligations cannot be applied at sea equally as they are on land, stating that this naturally means that the protection of and respect for human rights at sea for all workers, including crew and observers, must be addressed by WCPFC in terms of revised and new policy implementation backed by CCM State legislation, as applicable.

311. Korea Federation for Environmental Movements (KFEM), on behalf of Environmental Justice Foundation, the IPNLF, the Association of Professional Observers, and WWF, supported the proposal provided by Indonesia, as well as HRS's statement and the statements made by all delegations in support of a WCPFC process regarding providing protection for fishing vessel crew members. It reported that on April 26, 2020, Advocates for Public Interest Law (APIL) interviewed Indonesian crews on a Chinese flagged fishing vessel Longxing 629 quarantined at Busan port in South Korea who reported multiple incidents of abuses of labour and health working conditions they were subjected to working on the vessel. KFEM stated that at WCPFC16, there was also the reported case of more than 90 Indonesian workers abandoned in Apia, without pay, who were also working on Chinese longline vessels. KFEM stated that the Longxing 629 case illustrates why WCPFC needs to establish protection measures for the fishers onboard. The close relationship between IUU fishing and human rights abuse at sea is evident. KFEM addressed the already established international legal instruments that mandate the obligation to protect human rights at sea, noting the Universal Declaration on Human Rights and International Covenant on Economic, Social and Cultural Rights, and the resultant (i) obligations to respect, protect and fulfil the realization of fishery workers' human rights; (ii) right to just and favourable conditions of work, including the right to a living wage, the right to rest and the right to reasonable working hours; and (iii) right to adequate safe and hygienic conditions, adequate food and drinking water and safe working conditions. However, they noted that different regulations in each country allow human traffickers and exploiters to evade legal repercussions. KFEM therefore urged WCPFC to protect the human rights of fishing crew members, stating that IUU fishing and human rights abuse at sea transcend national borders and call for regional measures, and strongly urged the Commission to protect the human rights of fishing crew members.

Trial of Annual Catch and Effort (ACE) tables

312. The Commission endorsed the TCC16 recommendation in paragraph 101 of the TCC16 Summary Report and tasked the Scientific Services Provider with reviewing the feasibility of expanding the ACE tables to include:

- i. 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
- ii. 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.

Improving the online Compliance Case File System (CCFS)

313. The Commission endorsed the TCC16 recommendation in paragraph 118 of the TCC16 Summary Report and tasked the Secretariat to prioritise in its work planning for 2021 to:

- i. undertake the ten actions identified in Table 1 of the Review Report (**Attachment I**) 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;
- ii. undertake the one action contained in Table 1 of the Review Report (**Attachment I**) to implement a proof of concept online graph / table creation tool for CCFS data; and
- iii. to provide an update to TCC17 on the progress on the implementation of the proposed CCFS enhancements.

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

314. The Commission endorsed the TCC16 recommendation in paragraph 178 of the TCC16 Summary Report and tasked 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:

- i. 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.
- ii. from the perspective of the Secretariat, the messaging and tracking functions are automated, and do not increase the ongoing workload of Secretariat staff.
- iii. 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.

315. The Commission endorsed the TCC16 recommendation in paragraph 179 of the TCC16 Summary Report and agreed 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

316. The Commission endorsed the TCC16 recommendation in paragraph 180 of the TCC16 Summary Report and agreed that the expectations under the ROP Minimum Standards on “Briefing and Debriefing” and “The Pre-Notification Process” be revised as shown in TCC16 Summary Report 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:

- i. debriefing of the observer has been completed and the information in the observer report has been finalized accordingly; and
- ii. 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.

The revised ROP Minimum Standards as amended by WCPFC17 is provided in **Attachment J**.

317. The Commission endorsed the TCC16 recommendation in paragraph 181 of the TCC16 Summary Report and requested 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.

318. The Commission noted the TCC16 recommendation in paragraph 182 of the TCC16 Summary Report 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.).

HSBI Pennant size

319. The Commission agreed that the minimum pennant size for use by the boarding vessel, transiting from the inspection vessel, be 44 centimeters (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 decision only updates information on pennant dimensions contained in Attachment G, Annex 2 of TCC3 that was adopted at WCPFC4.

TCC workplan 2019-2021

320. The Commission noted that the *TCC Workplan 2019-2021* adopted at WCPFC15 continues until 2021 and endorsed the TCC16 recommendation that the TCC Vice-Chair continue progressing intersessional work on the TCC workplan for consideration by TCC17 and WCPFC18 in 2021.

Labour Standards for Crew on Fishing Vessels

321. The Commission noted the TCC16 recommendation in paragraph 236 of the TCC16 Summary Report that had recommended consideration by WCPFC17 regarding the treatment of crew on fishing vessels and to further strengthen observer safety.

322. The Commission agreed to intersessional work to be led by Co-Leads Indonesia and an FFA Member through various means to promote discussion among members and enable the sharing of information, with initial discussion points to be developed in consultation with the Commission Chair and the Secretariat.

323. The Commission adopted the report of TCC16 (**WCPFC17-2020-TCC16**).

9.4 Intersessional Working Groups

9.4.1 E-Reporting and E-Monitoring Working Group (ERandEMWG)

324. Kerry Smith (Australia), Chair of the ERandEMWG, referenced **WCPFC2020-2020-ERandEMWG4** *Final ERandEMWG4 Summary Report*, stating that the ERandEMWG agreed that more work was needed, with a draft CMM on Electronic Monitoring (EM) to be finalized early in 2021. She noted the need to work closely with the transshipment IWG.

325. Kiribati on behalf of FFA members acknowledged efforts of the Chair of the ERandEM-WG to progress the EM and ER work, given its complexity and technical nature. FFA members reiterated their views with regards to EM as stated in **WCPFC17-2020-DP01**, specifically that decisions regarding EM at the Commission level should not result in the transfer of disproportionate burden to SIDS and territories, and monitoring is a complementary tool to human observers. FFA members noted that WCPFC15 agreed to prioritise EM in areas where independent data collection and verification is currently low. SC Project 93 has highlighted where these areas are (in the longline fishery, and primarily on the high seas), and stated high seas transshipment is also a priority area. FFA members are progressing the issue of ER and EM through initiatives such as: (i) adoption of a FFA Regional Longline Fisheries Electronic Monitoring Policy in June 2020 as a guide for FFA members in support of the development of their national EM programme; and (ii) commitment to progressively adopting ER for fishing vessels operating within FFA members' EEZs and the high seas with a view to achieving 100% adoption by 2022, noting the need to cater for special circumstances of small domestic vessels operating solely within EEZs. FFA members stated they would seek to establish compatible measures for ER in the high seas as well, and would seek to bring a proposal to WCPFC18. FFA members stated their support for continuation of the work of the ERandEM-WG in 2021.

326. Korea addressed the statement by FFA members, noting the following in regard to the issues raised in **WCPFC17-2020-DP01**:

- Korea will consult with FFA members and others regarding the definition of “disproportionate burden” so it can effectively discuss this issue in the future;
- where no human observers can be deployed, EM should be used as an independent tool to monitor or collect scientific information;
- the Commission should apply the ERandEM standards throughout the Convention Area once developed; and
- longline vessels operate throughout the Convention Area, and vessels can fish in both EEZs and the high seas in a single trip; if EEZs are treated separately from the high seas, it can complicate the operation of the ERandEM process.

327. The EU supported the comments by Korea, stating that although it makes sense to prioritize areas with low coverage, a lesson from the pandemic for the purse seine fleet is that having EM systems can compensate for loss of observer data, as has occurred in 2020. The EU stated that consideration should be given to the usefulness of implementing EM across all fleets, and throughout the Convention Area.

328. China looked forward to participating in the working group in 2021. It agreed with the EU and Korea that ER and EM should be applied as matter of principle to all WCPFC fisheries, while noting that priority should be given to the longline fishery.

329. Pew, on behalf of the Ocean Foundation, Birdlife International, WWF, ISSF, KFEM Sustainable Fisheries Partnership, and the Association of Professional Observers, stated that although they had hoped for more progress, agreement among CCMs on the goals and objectives of the EM Observer Program is vital to ensure that design and implementation of the system is successful in the future. They stated that a robust yet flexible EM system will allow the Commission to complement its current observer program, and ensure that the necessary data will always be collected, even in challenging times such as the present. They urged CCMs to commit to further discussions in 2021 that will move towards agreement on a set of clear standards and an implementation plan, and continue that work that has made the Commission a leader among the RFMOs.

330. The EU thanked the Secretariat for having undertaken intersessional work regarding the FLUX standard, noting that it would continue discussions to identify how this exploratory work could be continued in 2021, and looked forward to developing specific suggestions in 2021, and finding resources to undertake the work.

331. The Commission noted the intersessional progress report by the ERandEMWG (WCPFC17-2020-ERandEMWG4).

9.4.2 FAD Management Options IWG

332. Mr. Jamel James (FSM), Chair of the FAD Management Options IWG (FADMO-IWG), referenced **WCPFC17-2020-FADMO-IWG4-01 Summary Report**, and noted the two recommendations in the summary report.

333. Tokelau, on behalf of FFA members, acknowledged that the views and comments of FADMO-IWG participants had been accurately summarized in the report. FFA members reiterated their view, expressed in the report, that they have reservations about the participation in the joint tuna RFMO Working Group on FADS (JWG) as they consider that recommendation 1 of the report from the 2nd JWG is not relevant to the WCPFC. FFA members supported the suggestion by the FADMO-IWG that the review of the revised guidelines for non-entangling and biodegradable FADs drafted by the FADMO-IWG be undertaken by SC17 and TCC 17.

334. EU expressed regret that FFA members did not support WCPFC participation in the JWG, and asked that FFA members reconsider this position.

335. Kiribati, on behalf of PNA members, supported the FFA statement, and supported adoption by the Commission of the proposal that SC17 and TCC17 be tasked to review the draft guidelines on non-entangling and biodegradable FADs.

336. France stated that FAD management involves a number of technical issues, and that involvement in the JWG could be very useful, and supported WCPFC involvement.

337. French Polynesia stated that the FADMO-IWG had produced worthwhile outcomes, and had developed a good working dynamic. It noted the need to ensure that the issue of worsening marine pollution is addressed, and sought to have a clear idea of the next steps to address it.

338. Tuvalu, on behalf of PNA members, stated they continued to support the position expressed by PNA and FFA Members at previous Commission meetings on collaboration with the JWG, noting that PNA members were working to develop high standards of FAD management in the tropical WCPO area, and that their experience was that participation in global dialogues on FADs resulted in pressure for lower standards in the WCPO designed to assist FAD-dependent fleets at the expense of bigeye and other bycatch stocks. PNA members stated they did not support WCPFC participation in the JWG.

339. The USA acknowledged that in many respects the WCPFC is ahead of others on FAD management, and suggested that CCMs, and PNA members in particular had much to offer other nations, while noting that some RFMOs may have learned certain lessons and also have good ideas. For those reasons the USA stated it continues to support regular participation by WCPFC in the JWG.

340. The Commission considered the following suggested tasking for the FADMO-IWG in 2021 proposed by the EU:

- Define minimum standards for data collection, including buoy data, by vessel operators;
- Continue work in the development of guidelines for non-entangling and biodegradable FADs, as called for in paragraph 22 of CMM 2018-01, and explore additional measures to reduce the impact of abandoned and lost FADs on the ecosystem;
- Explore consistency and harmonization, to the extent possible, in FAD-related definitions and measures with IATTC;
- Explores the development of a FAD and buoy marking system;
- Assess the convenience of establishing mandatory or voluntary protocols for the transmission of high-resolution buoy position and echosounder data for scientific research; and
- Foster the involvement of the industry and fishermen in future meetings of the FADMO-IWG and subsidiary bodies (e.g., SC).

341. Japan stated that the proposed tasking contained some technical issues that would require additional consideration and discussion, beyond what was possible at WCPFC17.

342. The EU commented that the suggestions, which emerged from the FADMO-IWG, had been discussed for some time, and encouraged that more work on specific issues be undertaken.

343. The USA supported the comment by the EU, stating that the text was not controversial. It observed that FADs could be considered a violation of MARPOL, as they are not composed of natural materials and often become discarded. The USA stated that there are hundreds of thousands of FADs deployed, and that vessel owners were also aware of the need to address issues with FADs. The USA encouraged CCMs to support further work on the issues.

344. RMI agreed with the need for intersessional work, and stated that on that basis it had supported having FSM lead the FADMO-IWG work. RMI stated it would support continuing work regarding advice on non-entangling and biodegradable FADs, but agreed with Japan on the need to have time to consider other issues, in part because of the extensive work already facing the Commission in 2021.

345. French Polynesia encouraged that the other issues suggested by the EU also be captured for the record, and encouraged adopting language to the effect that the FADMO-IWG would also address these.

346. PNG referred CCMs to the bolded outcomes in the FADMO-IWG Summary Report (**WCPFC17-2020-FADMO-IWG4-01**) and suggested that the language be adopted.

347. The Commission noted the Report of the FAD Management Options IWG and accepted its recommendations to continue to engage intersessionally to progress outstanding work (**WCPFC17-2020-FADMgmtOptions**).

348. The Commission noted that the FAD Management Options IWG had prepared a revised set of draft guidelines for non-entangling and biodegradable FADs as reflected in the FADMO-IWG-04-2020/WP-02 (**Attachment K**).

349. Noting that the SC16 and TCC16 could not complete the task in paragraph 22 of CMM 2018-01 due to the limited agenda resulting from COVID-19, the Commission tasked SC17 and TCC17 to review the draft guidelines for non-entangling and biodegradable FADs prepared by the FAD Management Options IWG (**Attachment K**). The FAD Management Options IWG should revisit the draft guidelines based on input from those bodies as well as any additional scientific and technical information on non-entangling and bio-degradable FADs.

9.4.3 VMS Data Gap Review

350. Mr. Terry Boone (USA), co-Chair of the VMS-SWG, referenced **WCPFC17-2020-VMS-SWG VMS SWG Report to WCPFC17**, and noted the need for more time to complete the work of the SWG, and requested that the Commission endorse the continuation of the SWG's work in 2021 to develop recommendations for TCC17's consideration to address VMS data gaps and improve the number of vessels reporting to the Commission VMS.

351. Tuvalu, on behalf of FFA members, supported the TCC16 recommendation that WCPFC17 task the VMS SWG to consider approaches to address challenges identified for the CMM 2014-02 paragraph 9(a) and the VMS SSP 2.8 obligations. FFA members stated they supported the TCC16 recommendation 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 VMS.

352. The Commission noted the intersessional progress report by the VMS Data Gaps Review SWG (**WCPFC17-2020-VMS-SWG**).

9.4.4 Review of the Transshipment Measure (CMM 2009-06) IWG (Transshipment IWG)

353. The Chair referenced **WCPFC17-2020-TS-IWG Transshipment IWG Report to WCPFC17**, which was taken as read.

354. Cook Islands on behalf of FFA members noted the departure of the IWG Co-Chair Mr. Sam Lanwi (RMI) and thanked him for his effort and contribution to this work and fisheries in the region. FFA members nominated Mr. Felix Toa Ngwango (Vanuatu) as a new Co-Chair of the Transshipment-IWG. FFA stated

they remain committed to the review of the transshipment CMM to ensure a framework is in place to better manage transshipment activities in the high seas of the Convention Area. Given the importance of the work, they urged the work be expedited in 2021. FFA members registered concern with the proposed removal of Annual Report Part 2 in the latest version of the Scope of Work as one of the sources of information for the study, noting the Annual Report Part 2 is valuable and the main source of information where CCMs report, on an annual basis, on how they have implemented CMM 2009-06. They suggested the Annual Report Part 2 be used as one of the sources of information in the review. FFA members also: urged that the Scope of Work for analysis of transshipment information be finalized so that the work can start; sought an update on concerns raised at TCC16 regarding the effective monitoring of high seas transshipment and the difficulty in deploying observers, in the review of CMM 2009-06 and how this is intended to be taken up by the IWG; sought an update on the additional funding needed to complete the analysis of transshipment information (phase 1 -3); and supported TCC16's recommendation that WCPFC17 reaffirm its tasking of the Transshipment-IWG to continue and complete its work.

355. Dr. Alex Kahl (USA), Co-Chair of the Transshipment-IWG, thanked Cook Islands for nominating a new Co-Chair. He noted the importance of the work of the IWG was underscored by the absence of observers in 2020. He noted the recently posted Transshipment IWG report (**WCPFC17-2020-TS_IWG**) and stated his hope that agreement could be reached soon (within weeks) on the scope of work. He provided an update regarding the funding being provided for the study by the USA, indicating that the voluntary contribution would be used for phases 1 and 2 of the study, while additional funding would be required for phase 3, which would not be required until the second quarter of 2021. He stated that, pending consultations with his new Co-Chair, he hoped to have an intersessional virtual meeting regarding CMM revisions in the absence of observers, probably relying on EM and ER, which would be a priority in 2021. He stated he anticipated WCPFC18 would receive a recommendation from the IWG on the issue.

356. Pew, on behalf of the Ocean Foundation, WWF, ISSF, KFEM and the Association of Professional Observer observed that the pandemic demonstrated the urgent need to strengthen all of the Commission's oversight tools, especially those for transshipment, which is a key link in the supply chain for several of the region's fisheries, but if left unmonitored, can become a conduit for IUU fishing and other crimes. They stated that the transshipment CMM is well overdue for a review, and that they are encouraged that there is now a clear plan on how such an analysis will proceed, and urged all parties to commit to the schedule and to secure the necessary funding. They looked forward to further discussion of the findings over the next year.

357. The Commission noted the intersessional progress report by the Review of the Transshipment CMM IWG (**WCPFC17-2020-TS_IWG**).

358. The Commission also acknowledged the intention of the Transshipment-IWG to finalise in early 2021 the draft Scope of Work for the analysis of transshipment information, to support the review of the Transshipment Measure (CMM 2009-06) through the Transshipment- IWG during the intersessional period in 2021.

AGENDA ITEM 10 — COMPLIANCE MONITORING SCHEME

10.1 Consideration and Adoption of the Final Compliance Monitoring Report (CMR)

359. The Commission, pursuant to CMM 2019-06, considered the provisional CMR recommended by TCC16. A CMR-SWG led by Dr. Robert Day, the Acting TCC Chair, compiled the final CMR for adoption. The Acting TCC Chair provided a report on the CMR-SWG outcomes.

360. FSM on behalf of FFA members reiterated that it is imperative that the purpose and the key principles of the CMS, that it is effective, efficient, fair, and work towards compliance are upheld to ensure that no CCMs misuse the CMS to serve their own individual interests; doing otherwise undermines the process CCMs collectively worked to strengthen over several years and calls into question the integrity of the scheme. FFA members noted that the specific issue they were referencing was found in the public domain in paper **WCPFC17-2020-IP04** Table 2, which shows that a particular CCM has clearly gone over its high seas purse seine effort limit in 2019. FFA members stated that the CCM had done the same (exceeded its limit) in past years and was assessed accordingly with a Priority Non-Compliant status as shown in the 2019 Final CMR. FFA members argued that the approach that was used at WCPFC16 and previously should be used in 2020, but that they did not understand why this was not done, as it undermines the effective operation of the CMS that they consider essential to the effective implementation of the Commission's management framework. FFA members stated that if this obligation is not assessed, it sets a dangerous precedent, and that there is a need to avoid the perception that the Commission accepts that any CCM may unilaterally interpret and develop legislation, in direct conflict with measures adopted in good faith. FFA members sought an explanation from any CCM that does not agree to the consistent interpretation and application of this obligation to explain what is different in 2020.

361. The Commission noted the TCC16 recommendation in paragraph 19 of the Final Compliance Monitoring Report and encouraged CCMs to work closely with the Secretariat to ensure that new information submitted in revised Annual Report Part 1 after the reports have been provided to the CCMs as outlined in paragraph 25 of CMM 2019-06 is brought to the Secretariat's attention for inclusion in the draft CMR, where relevant and in line with paragraph 27 of the same measure.

362. The Commission tasked TCC17 to provide WCPFC18 an update on obligations and other matters which would benefit from further consideration by the Commission to assist in assessing compliance and noted that these concerns may also emerge through the Future Work of the CMS on Audit Points.

363. The Commission adopted the Final Compliance Monitoring Report (**Attachment L**).

10.2 List of obligations to be reviewed by the Compliance Monitoring Scheme in 2021

364. Mr. Mat Kertesz (Australia), Chair of the List of Obligations SWG, provided a summary of the SWG outcomes. He noted that the SWG had reached consensus on all but one issue following extensive discussions. He indicated that WCPFC16 tasked TCC16 to recommend a revised list of obligations to be assessed in 2021 but that TCC16 was not able to agree a list. The SWG used the FFA proposal on a list of obligations (**WCPFC17-2020-DP01-Attachment 1**) as the basis for developing a new list for adoption. SWG participants expressed divergent views on the appropriate length of the list of obligations for assessment in 2021. A majority of CCMs expressed a view that the list should be no longer than the list assessed in 2020, while some CCMs expressed that the length of the list should not be limited to 2020 levels. All participants recognised the importance of ensuring that the list of obligations is manageable given the

broad range of issues that TCC17 will need to address in 2021, including developing and implementing a process to consider aggregated summary tables required under paragraph 26(ii) of CMM 2019-06, ongoing work to develop the CMS, and providing advice related to the development of a new tropical tuna measure. The Chair of the List of Obligations SWG outlined the report of the SWG as follows:

- (i) The SWG agreed on the following in light of the impacts of the COVID-19 pandemic:
 - not to include assessment of the “Intersessional Decisions in response to COVID-19” in the CMR process in 2021.
 - to include the obligations suspended by the “Intersessional Decisions in response to COVID-19” for review in the 2021 CMR for the periods prior to their suspension, noting the importance of these obligations and the duration of their applicable periods.
 - not to include CMM 2018-05 Annex C paragraph 6 (related to longline observer coverage) – the SWG noted that the impacts of the COVID pandemic meant that it was highly unlikely that the CMR would be able to effectively assess this obligation for the year 2020. The SWG expressed that the decision not to include this obligation does not represent a suspension of this obligation; rather this is a recognition of the genuine impact that the COVID-19 pandemic will have on the ability of the TCC to assess this obligation. The SWG noted that the decision not to assess this obligation does not remove CCMs’ obligation to comply with this provision.
 - not to include paragraph 13 of CMM 2018-03 as this obligation is reliant on observer information.
- (ii) The SWG additionally agreed
 - not to include the “comprehensive sharks measure” (CMM 2019-04) in the list of obligations for assessment in 2021, noting that this measure only came into effect on 1 November 2020 and hence the period of application for 2020 was only two months. The SWG also noted that the superseded sharks measure, CMM 2010-07, was included in the list.
 - not to include obligations related to CMM 2011-04 (Oceanic whitetip sharks) and CMM 2013-08 (Silky sharks) noting that these measures have been reviewed consistently over the last three years and CCMs’ non-compliance has been low.
- (iii) However, in recognition of the importance of these measures, the SWG also made several recommendations to the Commission regarding their inclusion in the list of obligations for 2022. The SWG has insufficient time to fully consider a recommendation related to a shortened timeframe for CCM’s Annual Report Part 2 submissions.

365. The EU addressed the SWG recommendation not to include the obligations related to oceanic whitetip and silky sharks, and questioned whether the actual level of non-compliance was low, and stated that the retention ban was not implemented by all CCMs. The EU stated that this recommendation to not assess compliance with these CMMs was not in accord with the spirit and intent of the CMS adopted by the Commission, and encouraged that these CMMs be included in the list to be approved for review of compliance.

366. The SWG Chair stated that while the SWG had held an extensive discussion on shark species and related obligations it did not discuss specifics on compliance with these obligations.

367. RMI supported the list as proposed, and stated that PNA members were concerned with increasing the number of obligations on the list, and could agree to it for 2021 on the basis that it did not establish a precedent to increase the list in the future.

368. Japan supported the list as proposed.

369. The EU agreed to support the consensus on the basis that its views would be reflected in the report. The EU further reflected that FFA members had previously expressed strong concerns regarding these species, and stated that the views expressed at WCPFC17 seemed to conflict with their previous interest in the species' conservation.

370. The Compliance Manager addressed the proposed deadline for CCMs' Annual Report Part 2 of 100 days prior to TCC17. She referenced **WCPFC-TCC16-2020-20**, *Preliminary Consideration of Anticipated Forecast of Secretariat Work Commitments for TCC in 2021/22*, and outlined the significant work the Commission would have to undertake in 2021, much of it related to TCC. In recognition of that work, and to enable the Secretariat to fully support the work of the Commission, the Compliance Manager encouraged that CCMs support the recommendation regarding earlier submission, by mid-June, of the Annual Report Part 2 in 2021.

371. The Commission adopted the report of the List of Obligations SWG and noted that:

- i. WCPFC16 had tasked TCC16 to recommend a revised list of obligations to be assessed in 2021 but that TCC16 was not able to agree to a list.
- ii. The SWG used the FFA proposal on a list of obligations (**WCPFC17-2020-DP01 Attachment 1**) as the basis for developing a new list of obligations for 2021 assessments.
- iii. SWG participants had expressed divergent views on the appropriate length of the list of obligations for assessment in 2021. A majority of CCMs expressed a view that the list should be no longer than the list assessed in 2020. Some CCMs expressed that the length of the list should not be limited to 2020 levels. All participants recognised the importance of ensuring that the list of obligations is manageable given the broad range of issues that TCC17 will need to address in 2021, including developing and implementing a process to consider aggregated summary tables required under paragraph 26(ii) of CMM 2019-06, ongoing Future Work to develop the CMS and providing advice related to the development of CMM 2021-01 tropical tuna measure.
- iv. The SWG recognised the impacts of COVID-19 on the operation of the WCPO tuna fishery and on the operation of the Commission, and the SWG agreed not to include assessment of the "Intersessional Decisions in response to COVID-19" in the CMR process in 2021.
- v. The SWG agreed to include the obligations suspended by the "Intersessional Decisions in response to COVID-19" for review in the 2021 CMR for the periods prior to their suspension, noting the importance of these obligations and the duration of their applicable periods.
- vi. The SWG agreed not to include CMM 2018-05 Ann C 06 (related to longline observer coverage) – the SWG noted that the impacts of the COVID pandemic meant that it was highly unlikely that the CMR would be able to effectively assess this obligation for the year 2020. The SWG expressed that the decision not to include this obligation does not represent a suspension of this obligation; rather this is a recognition of the genuine impact that the COVID-19 pandemic will have on the ability of the TCC to assess this obligation. The SWG noted that the decision not to assess this obligation does not remove CCMs' obligation to comply with this provision.

vii. The SWG agreed not to include the “comprehensive sharks measure” (CMM 2019-04) in the list of obligations for assessment in 2021, noting that this measure only came into effect on 1 November 2020 and hence the period of application for 2020 was only two months. The SWG also noted that the superseded sharks measure, CMM 2010-07, was included in the list.

viii. The SWG recommended that obligations under CMM 2019-04, including measures related to non-retention of silky sharks and oceanic whitetip sharks, and paragraph 13 of CMM 2018-03 be included in the list of obligations for assessment in 2022.

372. The Commission agreed to the List of Obligations to be reviewed by the Compliance Monitoring Scheme in 2021, covering 2020 activities (**Attachment M**).

373. The Commission also agreed that, in 2021, CCMs shall submit their Annual Report Part 2 at least 100 days prior to TCC17.

10.3 Review the workplan of tasks to enhance the Compliance Monitoring Scheme (CMS-IWG)

374. The Chair referenced **WCPFC17-2020-25** *Reference Document on TCC16 Recommendations for Agenda 10* (paragraph 4).

375. Australia on behalf of FFA members reiterated that it is imperative that the key principles and purpose of the CMS are upheld to ensure that no CCMs misuse the CMS to serve their own individual interests or to undermine the integrity of the scheme. FFA members called on the Commission to collectively address several fundamental issues in order to secure the delivery of outcomes that the CMS is specifically designed and intended to meet, and supported recommendations from TCC16 in **WCPFC17-2020-25**, especially those relating to streamlining of annual reporting, including the trial of ACE tables; improving the online Compliance Case File System, and continuation of CMS-IWG to progress the CMS future work tasks in 2021. FFA members also welcomed and supported TCC16’s recommendation for Ms. Heather Ward from New Zealand to lead the risk-based assessment framework and Ms. Rhea Moss-Christian from Marshall Islands to lead the audit point work. They stated their understanding these leads would take charge in progressing these areas and report directly to TCC on the results. FFA members stated their intent to make a dedicated effort in 2021 towards the CMS future work, in particular the development of audit points and risk-based assessment framework.

376. The Commission noted the progress on the Future Work of the CMS tasks, through the CMS IWG established by WCPFC16 under the leadership of the TCC Vice-Chair, and as set out in paragraph 4 of **WCPFC17-2020-25**.

377. The Commission noted in paragraph 129 of the TCC16 Summary Report that TCC16 had 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:

- i. the development of a risk-based assessment framework to inform compliance assessments and ensure obligations are meeting the objectives of the Commission;

- ii. 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;
- iii. the development of a process for TCC to consider the aggregated tables alongside the draft CMR (paragraph 33 and 34 of CMM 2019-06); and
- iv. the development of guidance on the participation of observers in the CMS process as outlined in CMM 2019-06.

378. The Commission endorsed the TCC16 recommendation in paragraph 130 of the TCC16 Summary Report 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.

379. WCPFC17 also noted the delay in advancing the work agreed at WCPFC16 concerning the aggregated tables and tasked the TCC Chair to lead work intersessionally prior to TCC17, with a view to providing guidance on how TCC17 would consider the aggregated tables alongside the draft CMR. This work will also benefit from the TCC16 recommended analytical work that the Secretariat will be undertaking related to the CCFS and approaches to present the data.

AGENDA ITEM 11 — ADOPTION OF THE 2020 IUU VESSEL LIST

380. The Chair introduced **WCPFC17-2020-26: WCPFC IUU Vessel List for 2021**, which presented for the consideration of WCPFC17 the relevant information for a decision on the 2021 WCPFC IUU Vessel List, in accordance with CMM 2019-07.

381. RMI stated its appreciation to Korea and all CCMs for their valuable contributions since TCC16 in terms of placing a vessel on the IUU list. RMI referenced a joint letter from RMI and Korea (Circular 2020/140 of 4th December 2020) agreeing to remove the ORYONG No. 721 from the provisional IUU list. Regarding Korea's flag state responsibility, as outlined to TCC, RMI stated it was pleased to report that Korea had demonstrated its cooperation, willingness and due diligence and that RMI was satisfied. It stated it had no further issues, and requested that the provisional listing of the ORYONG No. 721 be withdrawn.

382. Korea thanked RMI for their cooperation provided to settle the issue by mutual agreement, and appreciated the CCMs that provided useful advice on the issue. Korea reiterated that it has no tolerance for IUU fishing activities, and would work with all CCMs to realize an IUU-free Pacific Ocean.

383. Nauru on behalf of PNA members congratulated Korea and RMI for their successful use of the Commission's IUU process.

384. EU acknowledged that the CCMs had reached a satisfactory agreement, and inquired whether Korea had finalized all its internal procedures with regard to the case, and stated it would be interested in receiving updated information, even if after WCPFC17. Korea stated that its internal process was ongoing, and it would update the Commission when the process is completed.

385. FSM, on behalf of FFA members, supported the retention of the 3 vessels (NEPTUNE, FU LIEN No.1 and YU FONG 168) on the IUU list for 2021. FFA members also affirmed the recommendation from TCC16 to the Commission on the tasks for the Executive Director (set out in paragraph 60 of the TCC16

Summary Report). They also acknowledged with appreciation the actions of the Republic of Korea as the flag State to resolve the case concerning ORYONG NO. 721 to the satisfaction of RMI as the coastal State.

386. The Commission decided not to place ORYONG No.721 on the 2021 WCPFC IUU Vessel List.

387. The Commission agreed to maintain the three vessels currently on the WCPFC IUU Vessel List, and adopted the 2021 WCPFC IUU Vessel List (**Attachment N**).

388. In respect of the WCPFC IUU Vessel List 2021, the Commission approved the TCC16 recommendations in paragraph 60 of the TCC16 Summary Report and tasked the Executive Director to:

- i. seek the former flag States' cooperation to provide any information on these vessels, including their respective masters' names and nationalities;
- ii. 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;
- iii. write a letter to other RFMOs conveying this same message for cooperation to locate these vessels; and
- iv. propose that any information received by the Executive Director is reported promptly to CCMs.

IUU Vessel List Cross Listing Procedures

389. The Chair noted **WCPFC17-2020-DP11rev_1**, *Discussion Paper on IUU Vessel Cross Listing Procedures – revision 1*, which was introduced by the EU under Agenda Item 4.

390. France stated that it conducts surveillance operations in the convention areas of both IATTC and WCPFC. It stated that cross listing would be a useful tool to combat the IUU fishing, and supported efforts to progress this issue.

391. Japan supported cross listing in the WCPFC, noting that other RFMOs had introduced this, and that WCPFC members that are not members of other RFMOs could be unaware of the other IUU Vessel List listings. Japan stated that this was a good tool to combat IUU fishing in the WCPO. However, it suggested the need to be careful about the procedure. It raised the question of whether WCPFC should accept IUU lists of other organisations without considering the contents, and suggested that WCPFC should use a confirmation procedure rather than a blanket acceptance of an IUU list, stating this could give some comfort to WCPFC members. Japan noted that IUU lists from other RFMOs may contain two types of IUU vessel listings: those listed by the RFMO, and those listed through a cross listing procedure, and the need to be clear about which IUU Vessel Lists would be cross-listed by WCPFC. Japan noted that the cross-listing policies of other RFMOs vary: some have agreements with all RFMOs, and some limit the scope to location or species. Japan suggested concerns about workload or unpredictable effect could possibly be addressed through a focus on the Pacific Ocean, and noted cross listing with the other Pacific RFMOs (SPRFMO, IATTC, and NPFC) would be very useful.

392. Korea stated that as a responsible port and flag state, it supported cross listing as it would contribute to effective control and management of IUU fishing globally. It acknowledged some issues with the procedure, but stated the benefits were far greater than the challenges that need to be addressed. It supported the way forward suggested in DP11, and stated it would provide comments to the EU.

393. The USA echoed the comments by Korea, and generally supported cross listing and the proposal, stating that it has some questions on the process, but that these could be addressed intersessionally.

394. FSM on behalf of FFA members stated they indicated in 2019 that this could have significant implications, and stated they looked forward to more information about the number of vessels that are listed by other RFMOs.

395. Chinese Taipei stated it supports combatting IUU fishing and supported the concept of IUU Vessel List cross listing. However, it has some technical concerns regarding the scope and procedure, which could be further discussed.

396. The EU thanked CCMs for their comments, which it found to be largely encouraging and useful, and stated it understood there is work remaining to address the various concerns expressed. The EU stated it would be happy to continue this work if there was agreement from all members that there is value in doing so, and would respond to CCMs intersessionally. Regarding FFA's comments on assessment under CMM 2013-06, the EU stated that a range of issues were addressed in DP09 that are relevant under CMM 2013-06, although DP09 does not follow a certain format. The EU observed that a comprehensive CMM 2013-06 assessment could not be undertaken satisfactorily solely by the EU. It expressed the hope it could engage with FFA members and seek their assistance in this process.

397. The Commission encouraged the EU and other interested CCMs to engage intersessionally on the issue of cross-listing of other RFMOs' vessel lists.

AGENDA ITEM 12 — REPORT OF FAC14

12.1 Report of the Fourteenth Finance and Administration Committee

398. FAC co-chair Mr. Michael Brakke (USA) reported the key highlights and recommendations of FAC14 and referenced the Summary Report (**WCPFC16-2020-FAC14**). Recommendations included a 1.7% increase in professional staff salary in 2021 (excluding the Executive Director), and that any additional resourcing needed to support the Commission's intersessional work be drawn from the working capital fund.

399. The Chair thanked the FAC co-chairs for their work.

12.2 Budget Approval for 2021 and Indicative Budgets for 2022 and 2023

400. The Commission adopted the report of the Fourteenth Session of the FAC (**WCPFC17-2020-FAC14**), including the 2021 budget of \$ **8,190,633** and indicative budgets for 2022 and 2023 of \$ **8,404,595** and \$ **8,146,335** respectively (**Attachments O**).

401. The Commission endorsed the FAC14 recommendation in paragraph 7 of the FAC14 Summary Report, and accepted the audited financial statements for 2019.

402. The Commission endorsed the FAC14 recommendation in paragraph 9 of the FAC14 Summary Report and agreed to reappoint Deloitte and Touche LLP for a further period of two years.

403. The Commission noted that per the Staff Regulations, local staff and the Executive Director would receive an annual increase in 2021 due to inflation and endorsed the FAC14 recommendation in paragraph 21 of the FAC14 Summary Report and approved a 1.7% increase in professional staff salary in 2021 excluding the Executive Director.

404. The Commission endorsed the FAC14 recommendation in paragraph 28 of the FAC14 Summary Report that any additional resourcing needed to support Commission's intersessional work in 2021 may be drawn from the Working Capital Fund.

405. The final adopted 2021 budget and Annexes are provided in (**Attachment P**).

AGENDA ITEM 13 — ADMINISTRATIVE MATTERS

13.1 Election of Officers

406. The Commission made a number of appointments to Commission positions commencing after the end of WCPFC17 (15 December 2020):

- i. Ms. Jung-re Riley (Republic of Korea) was reappointed as WCPFC Chair, and Dr. Josie Tamate (Niue) was reappointed as WCPFC Vice-Chair;
- ii. Mr. Mat Kertesz (Australia) was appointed as TCC Chair, and Dr. Robert Day (Canada) was reappointed as TCC Vice-Chair;
- iii. Mr. Masanori Miyahara (Japan) was reappointed as NC Chair, and Mr. Michael Tosatto (United States) was reappointed as NC Vice-Chair; and
- iv. Mr. Felix Toa Ngwango (Vanuatu) was appointed as co-Chair of the Transshipment Review IWG.

407. In support of 2021 Intersessional Working Group activities, to be progressed electronically, the Commission confirmed the following:

- i. Mr. Tom Graham (United States) would continue to lead the TCC Observer-related WG;
- ii. Ms. Mere Lakeba (Fiji) would continue to lead the South Pacific Albacore Roadmap IWG;
- iii. Ms. Kerry Smith (Australia) would continue to lead the ERandEMWG;
- iv. Dr. Alex Kahl (United States) would continue to co-chair the Transshipment Review IWG;
- v. Mr. Terry Boone (United States) and Mr. Viv Fernandes (Australia) would continue to lead the VMS Data Gaps Review SWG (VMS SWG);
- vi. Mr. Jamel James would continue to lead the FAD Management Options IWG; and

- vii. Dr. Robert Day (Canada) would continue to Chair the CMS IWG to progress work intersessionally under CMS Future Work tasks (set out in paragraph 46 of CMM 2019-06). Ms. Heather Ward (New Zealand) would lead the risk-based assessment framework task and Ms. Rhea Moss-Christian (RMI) would lead the development of audit points in support of the CMS IWG Chair.

13.2 Future Meetings

408. The Commission acknowledged that with the COVID-19 pandemic likely to continue into 2021 it was difficult to predict the feasibility of convening physical meetings next year.

409. In the event that physical meetings for 2021 are feasible the Commission agreed on the following meeting venues and dates:

- i. **SC17** would be held in Palau from 11 – 19 August 2021 and for **SC18** in Tonga in 2022;
- ii. **NC17** would be held in Japan (venue and date to be advised);
- iii. **TCC17** would be held in Pohnpei, Federated States of Micronesia from 22 – 28 September 2021;
- iv. **WCPFC18** would be held in Canada (venue and date to be advised) and noted Vietnam's offer to host WCPFC19 in 2022; and
- v. At least **two workshops for CMM 2021-01 Tropical Tuna Measure** would be held in April and June/July 2021.

410. In the event that physical meetings for 2021 are not feasible the expedited decision-making procedure used in 2020 will also be used to facilitate each decision by the Commission to convene virtual meetings in 2021.

AGENDA ITEM 14 — OTHER MATTERS

14.1 Cetacean release guidelines

411. Ms. Emily Crigler (USA) introduced **WCPFC17-2020-DP03 *Best Handling Practices for the Safe Release of Cetaceans***, noting that the issue was discussed at WCPFC16, but was not raised at SC16 as planned because of the virtual meeting limitations, and suggested approval of a recommendation that the issue be prioritized for discussion during SC17.

412. Korea stated it submitted a proposal to WCPFC16 based on the precautionary approach and stated it would submit a similar proposal to WCPFC18. It fully supported the proposal by the USA.

413. Japan stated it understood the logic of the proposal, but was concerned about how busy SC17 would be, in light of the fact that many aspects of SC's work had been deferred in 2020, and it was thus not convinced that priority should be given to this issue in 2021. Japan stated it did not support the USA's proposal.

414. The EU agreed that the work was important and that SC should be tasked again to undertake it.

415. The USA echoed the remarks by the EU and Korea and sought guidance from the Commission or SC chair regarding the plans for the work that was delayed in 2020.

416. The SC Chair explained the process used to set the SC agenda, which involves the SC Chair, theme conveners and the Secretariat. He stated there were several issues that were deferred in 2020, but it was premature to provide comments on what the priorities would be.

417. Taking into account that that WCPFC16 tasked SC16 to develop and recommend best handling practices for the release of cetaceans but SC16 could not complete not only this task but also many other tasks due to the limited agenda resulting from COVID-19, the Commission requested the Scientific Committee to consider how to handle these outstanding tasks at SC17.

14.2 South Pacific Swordfish

418. Australia stated that in 2019, it proposed to pursue revision and strengthening of CMM 2009-03 (Conservation and Management for Swordfish). As explained at WCPFC16, Australia believes that the CMM fails to provide for the ongoing sustainability of the stock, or protect the economic viability of existing swordfish fisheries or the future development opportunities of SIDS. There are no restrictions on fishing mortality north of 20°S and the limits south of 20°S may not ensure the future sustainability of the stock. Australia stated that it is continuing preparatory work on a revised measure designed around a core set of principles that were outlined at WCPFC16. The revised draft measure will be informed by a range of inputs, including:

- A revised stock assessment in 2021;
 - Two key pieces of technical work tasked to the SC by WCPFC16:
 - a review of potential management provisions for swordfish taken as bycatch, which was discussed in the SC16 Online Discussion Forum (**SC16-ODF-01**, *Summary of Online Discussion Forum*); and
 - an evaluation of the future stock status under a range of catch projection scenarios; and
- Ongoing consultations with members.

Australia thanked all CCMs who engaged on the issue in 2020 and noted that no specific decisions were required at WCPFC17, and encouraged CCMs to continue their constructive input and engagement on the issues to secure better management of South Pacific swordfish.

AGENDA ITEM 15 — SUMMARY REPORT OF WCPFC17

419. The Chair outlined the process for adoption of the Summary Report for WCPFC17, with an Outcomes Document containing agreed decision points to be circulated to the Commission within seven working days following the close of the annual session, and the draft Summary Report to be provided as soon as possible. CCMs would be given thirty working days after circulation of the draft Summary Report to provide any changes. The complete Summary Report would be finalised intersessionally and posted on the Commission website and meeting participants would be advised accordingly.

420. The USA stated it looked forward to working with other CCMs intersessionally, including the opportunity to have focussed discussion with CCMs and others prior to the April workshop. The USA thanked CCMs and the Chair for conducting a very constructive meeting.

421. FSM, on behalf of FFA members, extended their appreciation to the Chair for her leadership, and the WCPFC Secretariat for their excellent work, and wished all attendees a very Merry Christmas and safe and joyous New Year.

422. The Chair thanked CCMs for their confidence and stated she was pleased and honoured to serve the Commission as Chair for another 2 years. She stated she looked forward progressing issues in 2021, and would get started as early as possible. She expressed thanks to the Secretariat and SPC for their support, and the IWG and SWG chairs, and all CCMs for their constructive engagement. She expressed the hope that all participants would stay safe and in good health.

AGENDA ITEM 16 — CLOSE OF MEETING

423. The Chair closed WCPFC17 at 4:50 pm on Tuesday, 15th December 2020 (Pohnpei time).
