



COMMISSION
FOURTEENTH REGULAR SESSION
Manila, Philippines
3 – 7 December 2017

**PROPOSAL FOR CONSERVATION AND MANAGEMENT MEASURE TO LIMIT
MARINE POLLUTION FROM FISHING VESSELS**

WCPFC14-2017-DP15
3 November 2017

Proposal by FFA Member CCMs



3 November 2017

Feleti P. Teo OBE
Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356, Kolonia
Federated States of Micronesia

Dear Feleti,

FFA member proposal for a CMM to limit marine pollution from fishing vessels

I write on behalf of the 17 members of the Forum Fisheries Agency in my capacity as the Chair of the Forum Fisheries Committee.

The attached proposal is the result of discussion by SPREP and the Marshall Islands with CCMs over the last two years, including SC11, TCC11, a side-event at WCPFC12, and TCC13, and is revised from the proposal by the Marshall Islands that was discussed at TCC13. This revision has been now adopted by FFA members as an FFA proposal.

FFA members are aware that at least one CCM has requested additional time to comment on the proposal, and take into account the changes that have been incorporated after review by FFC. We look forward to continued dialogue over the coming month before discussion at WCPFC14 and reserve the right to incorporate any changes that result from this consultation into a revised proposal.

FFC itself did not have the time to fully consider the appraisal of this proposal against the criteria laid out in CMM 2013-06 before the deadline for submission of proposals, and the Attachment 1 below may be subject to amendment before WCPFC14.

Questions and comments should be directed to the Marshall Islands (glenjoseph01@gmail.com) and the FFA Secretariat (wetjens.dimlich@ffa.int and tim.adams@ffa.int)

Yours sincerely

Jenny Baldwin
Chair
Forum Fisheries Committee

ATTACHMENT 1 - **Application of CMM 2013-06 to DRAFT CMM ON MARINE POLLUTION**

The following information is offered to assist the Commission to meet the requirements of CMM 2013-06 in respect of this draft CMM.

a. Who is required to implement the proposal?

All CCMs will be required to implement this proposal in order to take collective action in reducing the detrimental impact of marine pollution on ocean and coastal environments, wildlife, economies and ecosystems. All CCMs are required to cooperate in research into marine pollution related to fisheries in WCPFC fisheries and Convention area.

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

This measure impacts all CCMs equally. There is no mandatory requirement within the measure that requires CCMs to take actions they are not currently readily able to or already required under existing MARPOL requirements.

c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?

Assistance may be available from the International Maritime Organisation and the Secretariat of the Pacific Regional Environment Programme in implementing these requirements.

d. Does the proposal affect development opportunities for SIDS?

The proposal will affect those SIDS which have vessels fishing in the Convention Area, but if the CMM is implemented by all CCMs the impact should not be disproportionate.

e. Does the proposal affect SIDS domestic access to resources and development aspirations?

No.

f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?

SIDS currently will need to deploy technical and legislative resources in implementing the requirements of this proposed measure. In particular, should SIDS choose to develop communications frameworks encouraged by the measure, some development support might need to be sought. Although CCMs are encouraged to ensure port facilities are available to receive waste, this is not mandatory.

g. What mitigation measures are included in the proposal?

Developed CCMs are encouraged to assist SIDS to establish waste reception facilities in their ports.

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

Current and projected programmes of assistance relating to reporting of at-sea activities are expected to meet the needs for technical assistance to SIDS in relation to this measure.

ATTACHMENT 2

FFA Proposal for a:

Conservation and Management Measure on Marine Pollution

CMM 2017-xx

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

Concerned that marine pollution is increasingly recognised as a significant global problem, with detrimental impacts on ocean and coastal environments, wildlife, economies and ecosystems,

Recalling that the need to prevent and significantly reduce marine pollution of all kinds was affirmed at the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 through the adoption of paragraph 13(g) of the ‘Our ocean, our future: call for action’ declaration;

Convinced that certain activities associated with fishing may affect the Western and Central Pacific marine environment and that these activities may play a notable role in WCPFC’s efforts to minimise incidental mortality of non-target species and impacts on marine ecosystems,

Noting that abandoned, lost or otherwise discarded fishing gear in the marine environment can damage marine, reef and coastal habitats, be harmful to marine life through ghost fishing, entanglement and acting as habitat for the spread of invasive species, and create a navigation hazard,

Noting that the provisions of Annex V of International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL), prohibit the disposal of all fishing gear and plastics at sea,

Further noting that the provisions of Annex I, Annex IV and Annex VI of MARPOL manage and restrict the discharge of oil, sewage and air pollutants from ships at sea,

Noting that there is limited monitoring and implementation of MARPOL obligations on fishing vessels, and consequently little information exists about illegal pollution activities by fishing vessels at sea,

Further noting that the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and the 1996 Protocol manage or prohibit through regulation the dumping into the sea of wastes or other matter.

Recalling that information from observer reports suggests that fishing vessels with observers aboard are responsible for significant amounts of marine pollution in the Western and Central Pacific Ocean, and that pollution is likely to be even more significant in connection with those vessels, particularly longline fishing vessels, where observer coverage is very low,

Recognising that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular the small island developing States and Territories, in relation to the conservation and

management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks;

Recognising further that Article 30(2) of the Convention requires the Commission to take into account the special requirements of developing States, in particular small island developing States and Territories. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and Territories;

Recalling the adoption of CMM 2013-07 which also recognises the special requirements SIDS and territories;

Adopts, in accordance with Article 5 (d-f) and 10 (c) of the Convention that:

1. CCMs that have not already done so are encouraged to consider ratification of, or accession to, the annexes of MARPOL and the London Protocol at the earliest possible opportunity. CCMs that experience difficulties in becoming Parties to the MARPOL or London Protocol are encouraged to inform the International Maritime Organization of the circumstances thereof, so that consideration can be given to taking appropriate action in this respect, including providing necessary technical assistance.
2. CCMs shall prohibit their vessels fishing within the WCPFC Convention Area from discharging:
 - a) oil or fuel products or oily residues into the sea, except as would be permitted under Annex I of MARPOL;
 - b) garbage including food waste, domestic waste, all plastics, incinerator ashes, and cooking oil, except as would be permitted under Annex V of MARPOL;
 - c) fishing gear, except when unavoidable or for safety of life at sea; and
 - d) sewage, except as would be permitted under Annex IV of MARPOL.
3. CCMs shall cooperate to undertake research into marine pollution related to fisheries in the WCPFC fisheries and Convention area and further develop and refine measures to reduce marine pollution, submitting to the SC and TCC any information derived from such efforts.
4. CCMs shall encourage their vessels fishing within the WCPFC Convention Area to retrieve abandoned, lost or discarded fishing gear and retain the material for discharge to port reception facilities. Where retrieval does occur, CCMs are encouraged to report to WCPFC the latitude and longitude of the retrieval event. Where retrieval is not possible or does not occur, fishing vessels are encouraged to report the latitude, longitude, type, size and age of abandoned, lost or discarded fishing gear.
5. CCMs are encouraged to ensure adequate port reception facilities are provided to receive waste from vessels. SIDS CCMs are encouraged to utilise, as appropriate, regional port reception facilities in accordance with the International Maritime Organization circular MEPC.1/Circ.859 Regional reception facilities plan for the small island developing states in the Pacific region.
6. CCMs shall encourage their vessels fishing within the WCPFC Convention Area to inform their flag State of ports in countries Party to MARPOL Annex V which do not have adequate port reception facilities for MARPOL wastes. Skippers should communicate all relevant details using the IMO format for reporting alleged inadequacies of port reception facilities as outlined at Appendix 1 to MEPC.1/Circ.834.

7. CCMs shall cooperate, consistent with national laws and regulations, directly or through the Commission, and in accordance with their capabilities, to actively support SIDS and Territories through the provision of adequate port facilities for receiving and appropriately disposing of waste from vessels.
8. CCMs are encouraged to develop communication frameworks to enable the recording and sharing of information on fishing gear loss where necessary in order to reduce loss and facilitate recovery of fishing gear.
9. CCMs are further encouraged to develop frameworks or systems to assist WCPFC authorised fishing vessels to report the loss of gear to the flag States and the affected coastal state.