



Article 30 Workshop
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AGENDA ITEM 2:	A Review of CMM 2013-06
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Summary This paper was tabled and presented to MOC21 (2025) (as WP.05) and is resubmitt4ed here due to its relevance to the discussions of this workshop.	

CMM 2013-06 (criteria for the consideration of conservation and management proposals)

October 2025

This review has been undertaken by independent consultant, Viv Fernandes, on behalf of the Pacific Islands Forum Fisheries Agency (FFA).

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1 Executive summary

CMM 2013-06 (CMM on the criteria for the consideration of conservation and management proposals) is a central instrument for operationalising Article 30 of the WCPFC Convention. The objective of CMM 2013-06 is to ensure that the special requirements of small island developing States and participating territories (SIDS) are recognised when the Commission develops and adopts conservation and management measures (CMMs). Twelve years since its adoption, this review finds that while CMM 2013-06 has provided SIDS with important leverage in WCPFC negotiations, significant implementation gaps remain.

This report makes the following key findings in relation to CMM 2013-06:

- **Recognition but weak practice:** The requirement to assess SIDS impacts has become standard practice through the ‘13-06 checklist’ required by CMM proponents, however many submissions are incomplete, late, or superficial, therefore limiting meaningful consultation.
- **Commission-level obligations not matched by CCM accountability:** The measure primarily creates obligations for the Commission, with insufficient binding responsibilities on CCM proponents. This limits accountability and operationalisation.
- **Inconsistent linkages:** CMM 2013-06 and CMM 2013-07 were adopted as a package to operationalise Article 30, yet there is little direct connection between the two CMMs in practice, reducing their effectiveness.
- **Compliance challenges:** Assessment of Commission compliance with CMM 2013-06 remains unresolved yet under discussion, with current approaches relying on binary reporting (checklist submitted or not), rather than qualitative evaluation.
- **Positive developments:** The Strategic Investment Plan (SIP), Special Requirements Fund (SRF), and the ‘Capacity Assistance Needed’ status in the Compliance Monitoring Scheme (CMS) provide partial mechanisms to address disproportionate burden, though linkages to 13-06 assessments are weak.
- **Continual engagement:** Continuing meaningful engagement with CMM 2013-06 implementation (both internally within the FFA membership and through WCPFC forums) to further strengthen the implementation of CMM 2013-06, will ensure stronger recognition and responses to SIDS’ special requirements.

For FFA members, CMM 2013-06 remains a critical tool to ensure SIDS’ development aspirations and vulnerabilities are central to WCPFC decision-making and CMM proposals. However, without clearer CCM-level obligations, stronger compliance assessment, and closer alignment with CMM 2013-07, there remains a risk that the measure does not fully recognise the special requirements of SIDS. To address this risk, this report provides specific recommendations for FFA members’ engagement at TCC21 (**Section 4.5**), strategic consideration for FFA members’ engagement at WCPFC22 and beyond (**Section 5.4**), and broader strategic recommendations regarding CMM 2013-06 (**Section 4.3**)

This report concludes that CMM 2013-06 remains broadly fit for purpose but requires targeted strengthening to ensure its intent is fully realised. With focused engagement at TCC, WCPFC and beyond, FFA members have an opportunity to enhance the Commission's implementation of Article 30, secure clearer CCM-level obligations, and provide a more effective framework for ensuring the Commission and CCMs full recognise SIDS' special requirements in practice.

2 Introduction

The full recognition of the special requirements of SIDS and territories is a fundamental principle enshrined in the WCPF Convention. Article 30 of the WCPF Convention requires the Commission to give full recognition to the special requirements of developing States, in particular SIDS and participating territories, in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks. These Article 30 requirements are operationalised through a range of WCPFC instruments, decisions, and work areas. CMM 2013-06 (CMM on the criteria for the consideration of conservation and management proposals) is one of these key instruments and is the subject of this report's analysis.

In 2025, TCC21 and WCPFC22 will consider how to review and assess the Commission's implementation of, and compliance with, CMM 2013-06. This workstream is now a standing agenda item for TCC¹ and stems from the Commission's previous attempts to draft audit points for the obligations contained within CMM 2013-06.

This report provides a detailed review of CMM 2013-06, as well as a strategic analysis, to support FFA members' engagement at both TCC21 and WCPFC22. It includes a strategic analysis of CMM 2013-06, as well as other relevant measures (namely CMM 2013-07) and Commission documents relating to the special requirements of developing States. A copy of the scope of works for this report is provided at **Appendix 4**. A chronology of the evolution of CMM 2013-06 is provided at **Appendix 1** to provide historical context and to support the analysis.

This report provides recommendations for FFA members regarding their engagement in relation to CMM 2013-06 at both TCC and WCPFC meetings. This includes a proposed approach for FFA members' engagement at:

- a) TCC21 in relation to assessing the Commission's compliance with CMM 2013-06; and
- b) WCPFC22 in relation to FFA's strategic engagement with CMM 2013-06 to continue to improve the measure and ensure it remains fit for purpose, aligned to FFA members' needs, and ensures accountability among CCMs.

3 Objectives

This report's objective is to provide advice, guidance, and a proposed approach for FFA members' engagement with CMM 2013-06. In particular, this includes recommending an approach for assessing the Commission's implementation of, and compliance with, CMM 2013-06. This report also provides recommendations for FFA members' strategic engagement with

¹ WCPFC20 Summary Report paragraph 754.

CMM 2013-06 for consideration during FFA's Management Options Consultation (MOC) in October 2025.

4 Review of CMM 2013-06

4.1 Overview

CMM 2013-06 reflects the Commission's commitment to recognising the special requirements of SIDS when carrying out its function of developing and adopting CMMs.² The measure is designed to reflect and operationalise Part VII of the UN Fish Stocks Agreement (UNFSA)³ concerning the 'Requirement of Developing States'.⁴ In this regard, Part VII of the UNFSA includes Articles 24 (Recognition of the special requirements of developing States), 25 (Forms of cooperation with developing States) and 26 (Special assistance in the implementation of this Agreement). These elements of Part VII of the UNFSA are enshrined in Article 30 of the WCPF Convention.

To operationalise Article 30 of the WCPF Convention, CMM 2013-16 provides a mechanism for:

- a) CCMs and the Commission to recognise the special requirements of developing States when developing and implementing CMMs⁵; and
- b) Operationalising CCMs' requirement to cooperate to both assist developing States to develop their fisheries, and to prevent the transfer of disproportionate burden of conservation action onto SIDS.⁶

Since its adoption, CMM 2013-06 has played a valuable and important role in elevating the Commission's, and individual CCM's, consideration of the special requirements of developing States within WCPFC forums. The application of paragraph 3 of CMM 2013-06 (referred to as the '13-06 checklist or assessment') has led to SIDS special requirements being front of mind when proponents are developing measures. It has also provided SIDS with considerable leverage during the negotiation of a new measure, either through providing grounds for not engaging with a proposal (where no 13-06 checklist is completed) or grounds to reject a proposal (where the proponent or Commission has not sufficiently acknowledged or addressed SIDS special requirements). CMM 2013-06 has also been an effective tool for FFA members to draw out their needs and priorities during bilateral engagements with CCMs prior to, and during, WCPFC meetings. It is important for FFA members to keep these positive elements in mind when analysing the efficacy of CMM 2013-06 over time.

The Commission's engagement with, and implementation of, CMM 2013-06 has progressively improved since its adoption, largely due to FFA members' efforts and advocacy. Notwithstanding

² Article 10, WCPF Convention.

³ Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

⁴ Paragraph 1, CMM 2013-06.

⁵ Paragraph 3, CMM 2013-06.

⁶ Paragraphs 2 and 4, CMM 2013-06.

this progress, CMM 2013-06 still has various areas needing improvement in order to fully operationalise the Commission's Article 30 requirements, in particular through effectively creating CCM-level obligations and ensuring that the Commission (and particularly non-SIDS) takes the measure seriously.

4.2 Key elements of CMM 2013-06

CMM 2013-06 operationalises the Commission's Article 30 obligations to give full recognition to the special requirements of SIDS when developing, adopting and implementing CMMs. This stems from Article 30(1) (conservation and management of fish stocks and development of fisheries) and then, more prescriptively, through the elements of Article 30(2)(a),(b) and (c) (taking into account vulnerability; avoiding adverse impacts; and avoiding disproportionate burden).

Paragraph 2 requires the Commission to ensure that CMMs 'do not result in transferring, directly or indirectly, a disproportionate burden of conservation action' onto SIDS. This requirement is further actioned through paragraph 4 which outlines a non-exhaustive list of potential mitigation responses for CCMs to use where a SIDS has demonstrated a disproportionate burden of conservation action in implementing specific obligations. These mitigation responses are:

- a. Phased or delayed implementation of specific obligations;
- b. Exemption of specific obligations;
- c. Proportional or rotational implementation;
- d. Establishment of a compensatory funding mechanism in accordance with the financial regulations of the Commission.

In practice, the Commission has partially provided for the specified mitigation measures outlined in paragraph 4 (a) and (b)) through the introduction of 'Capacity Assistance Needed' compliance status within the Compliance Monitoring Scheme (CMS). The establishment of the Special Requirement Fund (SRF) and related Article 30 funds established by CCMs has, in part, addressed paragraph 4(d), however the SRF is broader in intent and operation than the funding mechanism contemplated under paragraph 4(d). To date, the Commission has not implemented paragraph 4(c) (Proportional or rotational implementation of specific obligations) a mitigation measure to alleviate disproportionate burden.⁷

Over the past 12 years, paragraph 3 of CMM 2013-06 has generated the most discussion within WCPFC forums, particularly from FFA members. Paragraph 3 requires the Commission to identify SIDS impacts and associated special requirements, including through proposing potential mitigation measures and/or assistance mechanisms. This identification process is prescribed through a set of nine questions (i.e. the '13-06 checklist') that the Commission must apply when considering any new proposal. This set of questions seeks to 'to determine the nature

⁷ Rotational application of specific obligations to be assessed as part of the Compliance Monitoring Scheme has been considered and implemented by the Commission. However, this does not equate to 'rotational implementation' as the implementation requirements remain (they are just not assessed in a particular year), and the rotational implementation applies to all CCMs and not just SIDS.

and extent of the impact of the proposal on SIDS and territories in the Convention Area'.⁸ The questions which comprise the 13-06 checklist are:

- a. Who is required to implement the proposal?*
- b. Which CCMs would this proposal impact and in what way(s) and what proportion?*
- c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?*
- d. Does the proposal affect development opportunities for SIDS?*
- e. Does the proposal affect SIDS domestic access to resources and development aspirations?*
- f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?*
- g. What mitigation measures are included in the proposal?*
- h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?*

The 13-06 checklist is intended to be the culmination of a process. It is a tool that should document the outcome of the process of meaningful consultation with SIDS about the 'disproportionate burden' or onus the proposal may place on them. FFA members have previously described two different types of disproportionate burden – an administrative burden and an outcome burden.⁹ An administrative burden describes administrative requirements to implement the proposed CMM, including related costs, while an outcome burden is linked to issues arising from the implementation of a CMM such as catch reduction. This distinction between types of disproportionate burden is useful and FFA members would benefit from maintaining this distinction in its WCPFC engagement.

FFA members have repeatedly stressed their concern with CCMs submitting proposals either without 13-06 checklists, or where 13-06 checklists are submitted very late and therefore limiting SIDS' ability to engage with them.¹⁰ An analysis of available past checklists indicates that proponents' 2013-06 checklists are often incomplete, lacking detail and/or incorrect. In particular, 13-06 checklists are deficient in identifying SIDS impacts and, particularly, in identifying and proposing resources, mitigation measures, or assistance mechanisms. These deficiencies are caused by a range of factors, including:

- a) poor, minimal or non-meaningful consultation with SIDS;
- b) lack of understanding of the realities and special requirements of SIDS;
- c) the design of the 13-06 assessment and lack of accountability in relation to its completion – and incorporation of the results into a proposal; and
- d) the minimal direct connection between the 13-06 checklist and the operationalisation of special requirements as outlined in CMM 2013-07.

⁸ Paragraph 3, CMM 2013-06.

⁹ FFA members - Submission of two working papers for Disproportionate Workshop. <https://meetings.wcpfc.int/node/8903>.

¹⁰ Paragraph 153, WCPFC21 Summary Report.

The minimal direct connection between the 13-06 checklist and the special requirements identified in CMM 13-07 (point (d)) is discussed further below. **Section 5.2** below provides further discussion of CMM 2013-06's strengths and weaknesses.

4.3 CMM 2013-07

In 2013, the Commission adopted CMM 2013-06 and CMM 2013-07 together as a package to give operational effect to Article 30 of the WCPF Convention. CMM 2013-06 canvasses the identification of SIDS impacts and the potential alleviation of disproportionate burden. CMM 2013-07 focuses on conservation and management initiatives that recognise the development aspirations and special requirements of SIDS, including measures to strengthen their capacity to participate in fisheries development, science, monitoring, business, and trade.

CMM 2013-07 outlines a comprehensive suite of SIDS' special requirements and provides clear directives for CCMs to support and/or cooperate with SIDS in relation to these requirements. These special requirements canvass the following six categories:

- a) General;
- b) Capacity development of personnel;
- c) Technology transfers;
- d) Fisheries conservation and management;
- e) Monitoring control and surveillance; and
- f) Support for the domestic fisheries sector and tuna-fisheries related businesses and market access.

The obligations within each paragraph of CMM 2013-07 vary, ranging from binding to non-binding, general to specific, and CCM and/or Commission obligations. FFA members designed CMM 2013-07 to be broad, to allow it to provide a platform for the provision of comprehensive special requirements to SIDS.¹¹ Notably, despite the Commission adopting CMM 2013-06 and CMM 2013-07 as a package to operationalise Article 30 requirements, CMM 2013-07 makes no direct link or reference to CMM 2013-06 and its SIDS impact assessments. While the two CMMs share actual and thematic provisions (e.g. the general provisions in each), the lack of connection between the two measures contributes to the Commission's treatment of special requirements of SIDS in general, rather than specific, terms.

4.4 Analysis of past assessments

There are several publicly available 13-06 assessments provided as part of CMM proposals on the WCPFC website from 2014-2020.¹² WCPFC15 tasked the Secretariat to include the CMM 2013-06 template and assessments to date in the dedicated Article 30 section of the WCPFC website. CCMs' annual reporting also provides useful information regarding CMM 2013-06 implementation. Reporting against paragraph 1 of CMM 2013-06 has been included in Annual Report Part 2 since 2015, covering reporting year 2014. As noted at TCC20, 'in the absence of a

¹¹ FFA member consultation.

¹² As noted in TCC20 paper WCPFC-TCC20-2024-30: 'The Article 30 webpage on the WCPFC website, contains copies of past CMM 2013-06 template assessments. The update of the list of past CMM 2013-06 templates is a work in progress.' <https://www.wcpfc.int/past-cmm-2013-06-submissions>

reporting template, responses have varied widely'.¹³ In 2023, the Commission adopted the first audit point for CMM 2013-06 to cover the Reporting (RP) obligation contained in paragraph 1 of the CMM.

CMM proposals with 13-06 assessments include answers to the nine (a to h) requisite questions that the Commission will use to determine the impact of the proposal on SIDS and territories (paragraph 3). Of note, a number of these submissions include self-referential answers to other questions within the submitted 13-06 assessment. This potentially indicates inadequacies or inefficiencies in this key set of questions in assessing SIDS impacts, as well as inadequacies in the responses to those questions.¹⁴ At other times, proposals provide an answer to question (a) with a rationale as to why SIDS are not affected by the proposal and hence the 13-06 assessment in full is not required and left unanswered.¹⁵

Overall, there has been a steady improvement on 13-06 assessments in the years since its adoption. However, very few of the completed 13-06 checklists make explicit, direct linkages to the suite of special requirements outlined in CMM 2013-07. This leads to a narrow interpretation of potential SIDS impacts and, consequentially, a less prescriptive identification of potential mitigation measures to address those impacts. This is a key issue that should be addressed to strengthen CMM 2013-06 to ensure the Commission is fulfilling the intent of these two CMMs, along with Article 30 requirements.

Proposals submitted by FFA member CCMs or PNA and Tokelau are often intended to address SIDS concerns from the outset. From that respect, these 13-06 assessments are drafted to directly address these impacts. Some FFA/PNA proposals are accompanied by clear 13-06 assessments that enunciate the scope and severity of SIDS impacts. However, these proposals also suffer from a lack of detail regarding SIDS' impacts and appropriate mitigation measures.

Broadly speaking, the past 13-06 assessments publicly available fall into 3 categories:

1. No SIDS impacts have been either identified or demonstrated by the proponent, SIDS or the Commission. However, it is not always clear whether meaningful and genuine consultation has occurred, or to what extent.
2. Impacts partially or potentially identified but poor clarification of mitigation measures or assistance to be provided.
3. Impacts identified and/or demonstrated and clear actions required to be taken.

Ultimately, the strategic gap within past 13-06 assessments is the limited operationalisation of impact and mitigation measures. The following table (**Table 1**) covers new proposals submitted to the Commission at WCPFC21 in 2024, along with the status of submission of a completed 13-06 checklist, and the relevant discussions and outcomes as captured by the meeting report. It is

¹³ Ibid.

¹⁴ See, for example, Proposal on Tropical Tunas by USA, WCPFC17-2020-DP02.

¹⁵ See, for example, Proposal for Amending CMM for Pacific Bluefin Tuna (CMM 2017-08) by Japan, WCPFC15-2018-DP25.

intended to reflect the similar table of 2023 tables provided paragraph 28 of the WCPFC Secretariat's TCC20 paper (WCPFC-TCC20-2024-30).

If current binary methods of compliance assessment are undertaken (i.e. was a 13-06 checklist submitted or not), eight out of nine submitted proposals assessed here met the criteria. However, as discussed, this approach requires broadening to incorporate a qualitative assessment of the checklist.

Table 1: Evaluation of select CMM proposals from WCPFC21, 2024.

#	CCM	Proposal summary	13-06 checklist (Y/N)	Discussions and/or Outcome
1	Philippines	Philippines', in its effort to optimise the limited access in HSP1, informs the Commission of its intention for a pilot program to explore the benefits of using freezer carriers in High Seas Pocket No. 1 (HSP-1). This initiative aims to evaluate the impact of freezer carriers on fish quality preservation and post-harvest loss reduction, aligned with sustainable fishing practices.	Y	13-06: Completed in full however stated that 'the proposal places no direct burden on SIDS' (h). No support from FFA CCMs, arguing the proposal contravened specific provisions of Attachment 2 of the Tropical Tuna Measure (TTM), undermined the exception intended for traditional fisheries, and conflicted with HSP1's Special Management Area (SMA) status. Lack of consensus to proceed with margins discussions invited however revisit of the issue not pursued by the Philippines.
2	Canada	Canada proposes to amend CMM 2017-04 (marine pollution) to strengthen the existing provisions and expand the scope of the measure to include additional prohibitions (abandonment and discard of fishing gear, all pollutants, open burning), and additional reporting requirements.	Y	13-06: Completed in full. Delayed implementation timeline (2026) to 'provide CCMs with enough time to implement necessary regulations and legislation to comply'. Concerns raised about the proposal extending 'beyond the existing MARPOL Convention (Japan, China). Strong support for reviewing the CMM on marine pollution next year with a focus on the practicalities and implementation in preparation for a new proposal to amend CMM 2017-04 for submission to TCC22 in 2026 with a view to adopt a measure by WCPFC23.
3	Canada	Canada proposes revisions to the Sharks CMM (2022-04) eliminate the alternatives to fins naturally attached listed in paragraph 9.	Y	13-06: Completed in full. No impact on SIDS identified or mitigation measures required. Discussions continued in Sharks SWG with CMM 2024-05 adopted. TCC21 tasked with considering necessary information to include in AR P2 to determine effectiveness of the alternatives

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4	Japan	Amendments to CMM 2018-05 (Regional Observer Programme)	Y	13-06: Completed with no impacts to SIDS CCMs. Japan withdrew proposal.
5	Indonesia	Proposal to revise CMM2023-01 related to the high seas purse seine effort limit adjustment for Indonesia. Indonesia proposes to set a high seas purse seine effort limit as much as 500 days.	Y	13-06: Completed in full but brief as no impacts to SIDS (only Indonesia) identified. No support for discussion this year, with a revisit under the TTM in 2026.
6	United States	Proposal for amendments to the North Pacific Striped Marlin (CMM 2010-01) addressed an overfished stock and ongoing overfishing, based on the best available scientific advice and this proposal was in response to their commitment to develop a rebuilding plan.	Y	13-06: Completed in full with 'requested input from SIDS on this 13-06 analysis' and that this input was still 'pending' at proposal submission. 'Authors believe that... no, this proposal does not affect SIDS'. Note, revised papers don't include original 13-06 assessments. Commission adopted CMM 2024-06 Conservation and Management Measure for the North Pacific MLS. Requested reviews at SC22.
7	United States and Korea	The existing cetacean CMM (CMM 2011-03) and the proposed amendments to the cetacean CMM include requirements related to reporting interactions with fishing gear, including details regarding species identification, if known.	Y	13-06: Completed in full but 'pending requested input from SIDS'. In discussions, FFA members 'highlighted that reporting burdens on small administrations, mainly SIDS, had been raised but not captured in the 2013-06 assessment. FFA CCMs requested USA and Korea to include this challenge in the 2013-06 assessment, emphasising the importance of addressing SIDS challenges and requirements for future measure implementation' (para 656). 13-06 checklists amended accordingly. The Commission adopted CMM 2024-07 and agreed to take into consideration SC recommendations regarding observer coverage.
8	South Pacific Group and Australia	Proposal for a management procedure for south Pacific albacore	Y	13-06: Completed in full with the proposal identified as having the 'greatest impact on SIDS in whose waters fishing for South Pacific Albacore Tuna partly takes place'. Mitigation measures identified. Substantive discussions identifying need for a dedicated SP-ALB management workshop (SPAM-WS) to expedite the progress of implementation on the Indicative Workplan for the Adoption of Harvest Strategies under CMM 2022-03.
9	EU	Proposal is to contribute to the establishment of effective regional	N	Discussed in the context of the Northern Committee report and EU intention to withdraw proposal.

		monitoring, control and surveillance (MCS) requirements for Pacific bluefin tuna (PBT) fisheries in WCPFC		
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4.5 TCC21 considerations

WCPFC21 tasked TCC21 to ‘review and assess the Commission’s implementation of, and compliance with, CMM 2013-06 for the previous calendar year’ as a standing agenda item.¹⁶ This agenda item provides the Commission an opportunity to continue discussions on approaches to assessing CMM 2013-06’s obligations with a view to strengthening its implementation. This discussion is primarily a compliance one. In this respect, CMM 2023-04 (Compliance Monitoring Scheme) refers to Commission’s implementation of Article 30 requirements, as well as expressly referring to implementation of both CMM 2013-06 and CMM 2013-07.¹⁷

FFA members’ position at TCC21 should strategically consider the history and evolution of CMM 2013-06 (and, in practice, CMM 2013-07), including previous suggestions proposed by the WCPFC Secretariat and CCMs regarding how to assess the Commission’s compliance with CMM 2013-06. In particular, the WCPFC Secretariat provided a range of constructive suggestions as to how to assess CMM 2013-06 in its paper [WCPFC-TCC20-2024-30](#) (Implementation of CMM 2013-06 on the criteria for the consideration of conservation and management proposals) – referred to in this report as TCC20 WP30.

In TCC20 WP30, the WCPFC Secretariat suggested some options for how the Commission can undertake compliance assessments of CMM 2013-06 obligations.¹⁸ Specifically, it considered approaches to reviewing compliance with paragraphs one to four of CMM 2013-06. At TCC20 and WCPFC21, FFA members were not fully prepared to engage with the substantive detail of the Secretariat’s proposed options. In many ways, this was a lost opportunity for the FFA membership as the proposed options were constructive and largely favoured existing SIDS/FFA positions.

Table 2 below provides a summary of the nature of the obligation presented by each paragraph of CMM 2013-06, the WCPFC Secretariat’s proposed approach in TCC20 WP30, and recommendations for FFA’s engagement on the CMM moving forwards. This section **4.5** and **Table 2** were prepared prior to TCC21 to inform FFA members’ position at TCC21. Section **5.3** provides a summary of TCC21 outcomes.

A draft paper for FFA members’ consideration for submission to TCC21 based on the below section and its recommendations has been provided in **Appendix 2**.

¹⁶ Agenda Item 5.5 Review and assess the Commission’s Implementation of CMM 2013-06. See WCPFC20 Summary Record, paragraph 753(a).

¹⁷ CMM 2023-04, preambular paragraphs.

¹⁸ See also paragraph 522, TCC20 Summary Report.

Table 2: CMM 2013-06 summary, analysis, and proposed approaches

CMM 2013-06 paragraph	Nature of obligation	Secretariat approach (TCC20 WP30)	Analysis and Recommendation
1. <i>'CCMs shall develop, interpret and apply [CMMs] in the context of and in a manner consistent with the 1982 Convention and Articles 24, 25 and 26 of the Agreement. To this end, CCMs shall cooperate, either directly or through the Commission, to enhance the ability of developing States, particularly the least developed among them and SIDS and territories in the Convention Area, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.'</i>	<p>Binding obligation on CCMs (Reporting in AR P2 since 2015 - covering reporting year 2014, and ongoing).</p> <p>In 2023, Commission adopted audit point as a reporting obligation: <i>Secretariat confirms receipt of a report outlining efforts by the reporting CCM to cooperate, either directly or through the Commission, to enhance the ability of developing States, particularly the least developed among them and SIDS and territories in the Convention Area, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.</i></p>	<p>Create a 'standard reporting template or reporting template' to further strengthen this element of the CMM.</p> <p>Concerns with how 'potentially vast' and variable this template may be with general questions potentially geared to seek further details on key areas (laws, regulations, policies, projects, activities, partnerships).</p>	<p>The Secretariat's approach is constructive however, recommend that <i>both</i> a standard reporting template <i>and</i> reporting guidelines be developed.</p> <p>The guidelines can provide instructions on how to complete the template, including through giving possible examples. Recommend leveraging the Secretariat's category suggestions (paragraph 13, TCC20 WP30) as well as the FFA members' annotated checklist submitted at WCPFC15 (see WCPFC15-2018-DP12_rev1). (Note: In 2024, FFA agreed with Secretariat approach as per TCC20 Summary Report paragraph 530).</p> <p>Recommend FFA members, at TCC21:</p> <ol style="list-style-type: none"> Support the existing audit point for paragraph 1 (RP) with a minor amendment to reference a template for reporting i.e. '...a report consistent with the agreed template outlining...'; and Seek a TCC recommendation tasking the WCPFC Secretariat to develop a template with associated reporting guidelines to strengthen and streamline CCM reporting on paragraph 1. The template should include, at a minimum, reporting on each of the applicable special requirement categories contained in CMM 2013-07. A draft proposed template is included at Appendix 3 for FFA members' consideration.
2. <i>'The Commission shall ensure that any conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and territories.'</i>	<p>Binding implementation obligation (IM) on Commission.</p> <p>Enshrines key element of Article 30 in the measure.</p>	<p>Obligation is a 'collective one' to be taken 'by the Commission as a whole, including SIDS and territory CMMs', however it is dependent on whether a SIDS CCM determines that a</p>	<p>Generally, the Secretariat's approach is pragmatic, however there are concerns that the burden is largely, if not entirely, on SIDS to identify the impacts (see para 530, TCC20 Summary Report).</p> <p>FFA members may consider whether this needs to be 'demonstrated' (linked to paragraph 4 language) and the mechanisms employed for</p>

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	<p>Links to paragraph 4 where SIDS 'demonstrates' a disproportionate burden.</p>	<p>disproportionate burden exists.</p> <p>Apply a parallel application of CCM implementation criteria to assess how the Commission addressed the adoption of measures where a SIDS or territory demonstrated a transfer of disproportionate burden.</p> <p>The assessment would be focused on the mitigating action/s taken by the Commission in response to a demonstration of disproportionate burden.</p> <p>The Secretariat stresses that 'clarity in the demonstration of disproportionate burden would contribute to more effective mitigating outcomes'.</p>	<p>demonstration. This point is expanded in the recommendations section below.</p> <p>In practice, paragraph 4 of CMM 2013-06 outlines the measures to be taken where disproportionate burden has been demonstrated by a SIDS/territory, however, paragraph 2 is broader and should place the onus on the 'Commission as a whole' - including all CCMs - rather than just SIDS, to identify and proactively take or prepare to take measures to prevent the occurrence of disproportionate burden.</p> <p>Recommend FFA members:</p> <ol style="list-style-type: none"> a. At TCC21: <ol style="list-style-type: none"> i. In general engagement across the floor, including in any high-level talking points, support the principle that the Commission (and not just SIDS) have a responsibility to identify potential disproportionate burden, where feasible; ii. Propose that TCC annually assess the Commission-level obligation outlined in paragraph 2 by undertaking an assessment of how the Commission addressed and avoided any potential or actual disproportionate burden in the previous year. This assessment should be conducted under the plenary CMS agenda item at TCC. FFA members should propose that this assessment be informed by the Secretariat compiling any mitigation action(s) taken by the Commission to any identified disproportionate burden in the previous year. b. Consider additional strategic ways to assess the Commission's performance regarding Article 30 and CMM 13-06 implementation beyond the CMS process. See Section 5 'Strategic Analysis'.
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CMM 2013-06 Review

<p>3. <i>'In considering any new proposal the Commission shall apply the following questions to determine the nature and extent of the impact of the proposal on SIDS and territories in the Convention Area:</i></p> <p><i>a) Who is required to implement the proposal?</i></p> <p><i>b) Which CCMs would this proposal impact and in what way(s) and what proportion?</i></p> <p><i>c)...</i></p>	<p>As written, this is a binding Commission-level obligation.</p> <p>In practice, the Commission has applied this at the CCM level by considering whether a proponent has submitted a '13-06 checklist'. However, the Commission/TCC has undertaken little or no assessment of the substance and quality of completed 13-06 checklists, leading to concerns about its efficacy and operational implementation.</p>	<p>Apply one of the following proposed audit points, treating the obligation as a CCM-level obligation:</p> <p>a. A CCM submitting a new proposal has also submitted a completed '13-06 checklist'.</p> <p>b. A CCM submitting a new proposal has also submitted a completed '13-06 checklist' AND has consulted with FFA members and territories in the completion of the checklist.</p> <p>c. A CCM submitting a new proposal has also submitted a completed '13-06 checklist' AND FFA members and territories have reviewed and concurred with the information in the checklist.</p>	<p>Previously FFA members noted that Secretariat's audit points partially reflect the draft audit points submitted by FFA members in 2021 (see p.13 WCPFC Draft Audit Points, Compliance Monitoring Scheme, May 2022).</p> <p>Recommend that FFA members advocate for CCM-level audit points – largely aligned to those discussed in 2024 and previously proposed by FFA members. If any opposition from CCMs, then FFA should note that these audit points merely prescribe the existing process currently applied by CCMs (i.e. maintaining the status quo).</p> <p>If no agreement to CCM-level audit points, FFA members should flag the need to review CMM 2013-06 and may propose amendments to ensure it is clear and transparent for all CCMs regarding the process for identifying and responding to special requirements of developing States.</p> <p>Given the iterative nature of proposals as they progress through to adoption or rejection, the use and application of 13-06 assessments may require further review as measures are negotiated in meetings and discussions (i.e. after proponents submit 13-06 assessments) (see paragraph 20 TCC20 WP30). This could be captured through amending 13-06 to require a revised 13-06 assessment once a new or amended CMM is adopted in the context of the complete suite of negotiated provisions (see recommendation 2 in Section 5 'Strategic Analysis' below).</p> <p>Recommend FFA members:</p> <p>a. At TCC21 propose the following audit point for paragraph 3, aligned to the existing agreed Commission practice:</p> <p><i>'A CCM submitting a proposal has also submitted a completed '13-06 checklist' AND has consulted with FFA members and territories in the completion of the checklist.'</i></p> <p>b. If no agreement to the above audit point, then flag FFA members' intention to revise CMM 2013-06 to clarify CCMs</p>
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			<p>responsibilities regarding the process for identifying and responding to special requirements of developing States.</p> <p>c. In preparations for WCPFC22, consider strategic amendments to CMM 2013-06 to embed and clarify the concept of ‘meaningful consultation’, require a qualitative assessment of the 13-06 checklist, and to provide a clearer linkage between CMM 2013-06 and CMM 2013-07 (see Section 5 ‘Strategic Analysis’).</p>
<p>4. <i>‘In cases where the transfer of a disproportionate burden of conservation action has been demonstrated by a SIDS or territory, CCMs shall cooperate, to mitigate the burden for the implementation by the relevant SIDS and territories of specific obligations including through:</i></p> <p><i>a. Phased or delayed implementation of specific obligations;</i></p> <p><i>b. Exemption of specific obligations;</i></p> <p><i>c. Proportional or rotational implementation;</i></p> <p><i>d. Establishment of a compensatory funding mechanism in accordance with the financial regulations of the Commission.’</i></p>	<p>Binding CCM-level obligation ‘to cooperate’ to mitigate disproportionate burden.</p> <p>This obligation only applies in cases where SIDS/T have demonstrated transfer of disproportionate burden.</p>	<p><i>‘In practice, the demonstration of disproportionate burden is in the first instance undertaken through the negotiating process that follows the introduction of proposals to amend existing CMMs or of new CMMs. The extent to which the burden from an individual obligation or from a CMM is mitigated, can in some cases be seen in the final recorded outcomes from a Commission meeting, which can also include the rejection of a new measure.’</i></p> <p>Applied also through Capacity Assistance Needed status within the Compliance Monitoring Scheme.</p>	<p>FFA members previously agreed to the proposed assessment approach. In addition, the FFA view was that mitigation measures could also be considered in response to an obligation where a SIDS or Territory had been non-compliant over time. FFA saw that as a possible indication of a transfer of a disproportionate burden onto that SIDS or Territory.</p> <p>This paragraph should directly link to the special requirements of 2013-07. This would assist in aligning mitigation measures with prescriptive special requirements and create a more cohesive package with the CMS Capacity Assessment Needs to better inform the Strategic Investment Plan and deliver on those objectives.</p> <p>Refer to Section 5 ‘Strategic Analysis’ for further discussion and recommendations regarding amendments to CMM 2013-06.</p> <p>Recommend FFA members:</p> <p>a. At TCC21, seek a recommendation that TCC annually assess the Commission’s compliance with paragraph 4 through consideration of any identified or ‘demonstrated’ cases of disproportionate burden. This assessment should, consider:</p> <p>i. what mitigation measures or special requirements the Commission has implemented to address the disproportionate burden, including para 4(a),(b),(c) and (d) actions, as well as any special requirement categories outlined in CMM 2013-07; and</p>

CMM 2013-06 Review

			<ul style="list-style-type: none"><ul style="list-style-type: none">ii. the efficacy of any mitigation measures.b. In preparations for WCPFC22, consider strategic amendments to CMM 2013-06 to provide a better linkage between CMM 2013-06 and CMM 2013-07 (see Section 5 ‘Strategic Analysis’).
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4.6 Strategic Investment Plan (SIP)

The WCPFC Strategic Investment Plan (SIP) is a critical supporting tool for operationalising the special requirements of SIDS. It provides a mechanism to identify, prioritise, and coordinate assistance needs, and as such, deserves explicit recognition as part of the broader framework enabling effective implementation of Article 30 of the Convention. The SIP therefore collates valuable information regarding SIDS' impacts and special requirements relevant to the implementation of CMM 2013-06, CMM 2013-07, and the CMS.

Although the SIP is a valuable high-level tool for capturing general capacity development needs, its effectiveness in relation to CMM 2013-06 would be significantly enhanced by more direct identification of capacity needs by SIDS themselves, on a measure-by-measure basis. This is not a criticism of the SIP itself, but rather the scope and availability of data sources the Secretariat has available to populate it. One approach to improve SIDS-identified capacity needs could be to require CCM annual reporting, through specific and targeted questions, on CCM's respective operational, technical, and institutional needs or gaps for CMM implementation. FFA members should consider giving closer attention to the SIP, including the data sources from which the Secretariat can populate it with SIDS' capacity needs and special requirements. This would promote greater coherence, transparency, and accountability regarding identification and implementation of SIDS' special requirements, while also supporting CMM 2013-06 implementation.

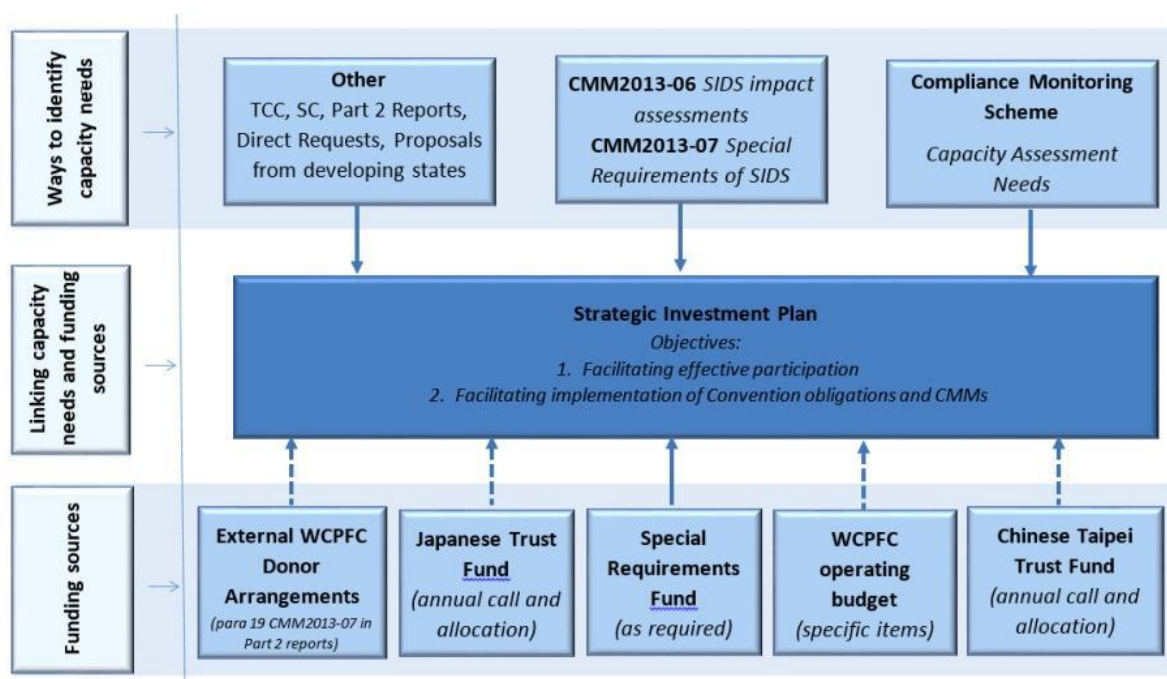


Figure 1: Visual representation of the integration of 2013-06 with the larger framework for supporting SIDS development objectives.¹⁹

5 Strategic analysis

¹⁹ 2024 Strategic Investment Plan (<https://www.wcpfc.int/doc/strategic-investment-plan-2024>).

5.1 Overview

This section provides a strategic analysis of CMM 2013-06 including targeted recommendations to further strengthen the measure in fulfilling the requirements of Article 30 of the Convention. This strategic lens evaluates the measure's effectiveness, relevance, and alignment with FFA members' priorities and position within the WCPFC. The recommendations propose ways to strategically strengthen key aspects to address implementation challenges, promote greater transparency and accountability.

5.2 Strengths and weaknesses

Since its adoption, CMM 2013-06 has been a valuable and important tool for SIDS to advocate for, and to ensure the Commission is recognising, the special requirements of developing States. On balance, its strengths have outweighed its weaknesses, largely due to the ongoing advocacy and engagement from FFA members. However, the strengths of the measure's design (operationalising Article 30, creating binding obligations on the Commission, requiring SIDS impacts to be front of mind for any new proposal) have been undermined by a lack of CCM-level engagement and implementation of the CMM 2013-06 requirements. This lack of CCM-level engagement has primarily been from non-SIDS, however FFA members have also, at times, had limited detailed engagement with 13-06 assessments (e.g. articulating SIDS impacts or necessary special requirements). There is an opportunity now to learn from the past 12 years of CMM 2013-06 implementation and further strengthen some of its operational weaknesses in identifying and responding to SIDS impacts and special requirements. The below section outlines the various strengths and weaknesses of CMM 2013-06. This review is based on consideration of both the content of the measure and the way the Commission and CCMs have implemented it since its adoption.

Strengths

- **Engagement mechanism:** CMM 2013-06 compels CCM proponents to engage in consultation with SIDS prior to, and during, the development of a new CMM or CMM amendment. This gives primacy to Article 30 requirements, realigns CCMs' perspectives on new proposals towards SIDS impacts and interests. The CMM also provides a pathway for CCMs and the Commission to operationalise SIDS special requirement provisions. In this respect, CMM 2013-06 is a powerful tool for ensuring that Convention obligations are operationally implemented rather than just generally considered.
- **Binding obligations:** CMM 2013-06 places a binding obligation on the Commission to consider new or amended CMMs in the light of potential special requirements for SIDS and ensure they have been adequately considered within the context of the new or amended CMM.
- **Binary evaluation criteria:** The current 13-06 assessment checklist has no qualitative assessment criteria, instead requiring SIDS to vocalise any support, objection, or omissions to the assessment. This is both:
 - a strength (allows FFA members to exploit the 13-06 checklist as a means for blocking or delaying proposals – i.e. through claiming 13-06 assessments are insufficient); and

- a weakness (does not result in SIDS special requirements being operationally or effectively addressed or catered for in a measure) – see below.

Weaknesses

- **Lack of CCM-level obligations:** CMM 2013-06 contains predominantly Commission-level binding obligations with respect to specific actions. Although the evolution of the Commission's CMM 2013-06 implementation has led to CCM specific actions (such as the completion of 13-06 assessments), the lack of express CCM-level obligations has limited the Commission's ability to hold CCM's to account for proper and full implementation of the measure. This weakness is partially due to the design and content of the measure, in particular the wording of paragraph 3 relating to 13-06 assessments. It is also partially due to the lack of Commission-level agreement as to how to assess the Commission's compliance with the measure.
- **Inconsistent application:** 13-06 assessments are not always adequately completed or sufficiently detailed, and at times are not completed at all. This can be due to a number of reasons, however the intent of the checklist being the outcome of a process of meaningful consultation is not explicit and therefore, not adhered to by CMM proponents. As such, incomplete or poor quality 13-06 checklists mean that SIDS special requirements are not being properly addressed in proposals. This is particularly the case regarding the inclusion of specific mitigation measures or assistance mechanisms for SIDS.
- **Meaningful consultation:** Similarly, meaningful consultation is a critical element of CMM 2013-06 that is required to be engaged with by both SIDS and developing states. If this does not occur, prescriptive identification and operationalisation of special requirements (and informed utilisation of other key mechanisms such as the SIP) cannot be appropriately employed. Articulation of required SIDS support to leverage these tools could be greatly improved through this process.
- **SIDS' articulation of impacts:** CMM 2013-06 requires the Commission, and through practice proponents, to consider potential SIDS impacts and associated special requirements. This is a dual responsibility on both SIDS and non-SIDS/proponents, requiring articulation of SIDS impacts and any necessary special requirements in order to address those impacts. Further, paragraph 4 expressly requires SIDS demonstration of disproportionate burden to trigger CCMs to cooperate to mitigate that burden. Although SIDS (including FFA members) continue to engage regarding their special requirements and the implementation of Article 30, SIDS' advocacy and articulation of specific impacts and disproportionate burden could be strengthened. This ties into the process for 'meaningful consultation', as well as requires a balance of SIDS' capacity when engaging with non-SIDS' proposals (i.e. without requiring SIDS to be pseudo-proponents for every proposal).
- **Difficulty in assessing compliance:** The Commission's compliance with paragraph 3 of CMM 2013-06 to date has not been assessed because the Commission has not been able to agree on an approach for this Commission-level compliance assessments. This challenge is compounded by the focus of the CMS on assessing CCMs' compliance rather than the Commission's. Although, some Commission-level obligations do indeed

flow down to CCM-level implementation – this is largely actioned through prescriptive provisions within a CMM itself.

- TCC21 is considering how to assess the Commission’s compliance with this obligation, and this issue is a standing agenda item for TCC moving forward.
- Even if the Commission’s compliance can be assessed, the current 13-06 still doesn’t properly bind CCMs to meaningfully take into account SIDS special requirements – particularly at the implementation stage of a CMM.

5.3 TCC21 outcomes

TCC21 considered how to assess the Commission’s compliance with paragraphs 1 to 4 of CMM 2013-06. FFA members’ engagement and positions at TCC21 in relation to CMM 2013-06 were drawn directly from the recommended approaches outlined in **Table 2** of this report. FFA members submitted these recommended approaches in written form to TCC21 (WCPFC-TCC21-2025-DP13).

The above TCC21 recommendations aligned to FFA members’ positions for paragraphs 1, 2 and 4. However, TCC21 could not agree to a recommendation for paragraph 3 due to disagreements between CCMs on the incorporation of prescriptive consultation elements within the audit point. On balance, the TCC21 outcomes were very positive for the FFA membership and met, if not exceeded, expectations.

The TCC21 outcomes are outlined below (WCPFC-TCC21-2025-outcomes).

a) Paragraph 1, CMM 2013-06

TCC21 recommended to WCPFC22 that it agree an amendment to the audit point of paragraph 1 of CMM 2013-06 so that it read: ‘Secretariat confirms receipt of a report consistent with the agreed template outlining efforts by the reporting CCM to cooperate, either directly or through the Commission, to enhance the ability of developing States, particularly the least developed among them and SIDS and territories in the Convention Area, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.’

TCC21 recommended that WCPFC22 task the WCPFC Secretariat to develop a template, that includes associated reporting guidelines, to strengthen and streamline CCM reporting on paragraph 1 of CMM 2013-06, as proposed by the WCPFC Secretariat in TCC20-2024-WP30, while ensuring that there is no duplication with other reporting requirements (e.g. obligations under CMM-2013-07).

b) Paragraph 2, CMM 2013-06

TCC21 supported TCC assessing the Commission-level obligation in paragraph 2 of CMM 2013-06 by TCC assessing how the Commission addressed and avoided any potential or actual disproportionate burden in the previous year. This assessment will be conducted under the

plenary CMS agenda item at TCC and be informed by the Secretariat compiling any mitigation action taken by the Commission to any identified disproportionate burden in the previous year.

c) Paragraph 3, CMM 2013-06

TCC21 acknowledged the importance of CMM 2013-06 and invited CCMs to continue informal dialogue on the proposal related to paragraph 3 in Delegation Paper WCPFC-TCC21-2025-DP13 in the lead up to WCPFC22.

d) Paragraph 4, CMM 2013-06

TCC21 recommended that in order to support the assessment of paragraph 4 of CMM 2013-06, TCC annually assesses the Commission's compliance with paragraph 4 through consideration of any identified or demonstrated cases of disproportionate burden. TCC shall conduct this assessment in plenary session under the CMS agenda item and shall consider: - what mitigation measures or special requirements the Commission has implemented to address the disproportionate burden, including para 4(a), (b), (c) and (d) actions, as well as any special requirement categories outlined in CMM 2013-07; and - the efficacy of any identified mitigation measures.

5.4 Proposed FFA strategy for WCPFC22 and beyond

Following TCC21, FFA members will caucus at the FFA MOC in October 2025 prior to WCPFC22. This report proposes the following strategic approach for FFA members' engagement at, and following, WCPFC22.

Recommendations for WCPFC22 engagement

1. Consolidate FFA's progress at TCC21 through ensuring that WCPFC22 adopts the TCC21 recommendations (i.e. proposed method for assessing compliance with paragraphs 1, 2 and 4 of CMM 2013-06).

The TCC21 recommendations in relation to paragraphs 1, 2 and 4 are entirely FFA members' proposals for each paragraph. If adopted by WCPFC22, the Commission's implementation of these recommendations will:

- a) streamline CCM reporting on CMM 2013-06 implementation to better facilitate the Commission's awareness of how each CCM is implementing CMM 2013-06 (and related Article 30) requirements;
- b) establish a process, informed by targeted data and information, for the assessment of the Commission's implementation of CMM 2013-06 (paragraphs 2 and 4); and
- c) formalise linkages between CMM 2013-06 and CMM 2013-07 through more robust CMM 2013-06 reporting and compliance assessment.

TCC21 could not agree on a recommended approach for assessing compliance with paragraph 3 of CMM 2013-06. This report proposes that FFA members engage in WCPFC22 discussions on this issue by delivering positions and talking points as follows:

- a) FFA members support the adoption of a clear audit point for paragraph 3, CMM 2013-06 that expressly includes a consultation requirement.
- b) FFA members stress the importance of formalising appropriate and meaningful consultation with SIDS and territories in the development of any proposal.
- c) Consultation with SIDS and territories on 13-06 assessments is the current Commission practice, and FFA members are merely trying to formalise this process.
- d) The Commission has acknowledged that SIDS must be consulted in order to undertake an accurate SIDS impact assessment. Non-SIDS have repeatedly mentioned that they need guidance from SIDS with respect to this and including a consultation element in this paragraph's audit point would support that.
- e) The completion of the 13-06 checklist cannot be done without meaningfully consulting SIDS. Where the checklist is completed without meaningful SIDS consultation, it fails to meet the requirements in both CMM 2013-06 and also Commission obligations under Article 30.

2. FFA members advocate at WCPFC22 for a Commission decision to require any new CMM to contain a SIDS Special Requirements review clause.

This is a specific element of the report's recommendation 2 and will provide a solid platform within any new CMM to require the Commission to review and assess how the CMM fully recognises the special requirements of SIDS and whether any existing special requirement provisions remain fit for purpose. This can be achieved through a Commission decision.

3. FFA members advocate for a formal review of the Commission's implementation of Article 30 through a dedicated independent process.

FFA members should request a dedicated and independent review of the Commission's implementation of Article 30, similar to the 2017–18 independent review of the CMS. Any such review would be a valuable opportunity to showcase the Commission's positive work in implementing Article 30 requirements, while usefully identifying areas for improvement and further strengthening – including of CMM 2013-06 and CMM 2013-07.

This is recommendation 1 of the report (**Section 5.5**). A formal review would provide a valuable and strategic basis for any future and targeted amendment of CMM 2013-06. If appropriately managed, including with detailed FFA-member input, this would also provide the benefit of shifting advocacy for CMM 2013-06 improvements from FFA member proposals to the Commission's collective implementation of an independent analysis.

Key potential elements of any draft terms of reference for this work are outlined below.

Objective: Review of the Commission's recognition of the special requirements of developing States enshrined in Article 30 of the WCPF Convention and related WCPFC instruments, activities and processes.

Scope of Review: The Review shall be conducted by a Panel and assess how the Commission implements Article 30 of the WCPF Convention. It shall review all current and past activities, instruments and processes that the WCPFC has developed and implemented to recognise the special requirements of developing States, with a particular focus on the special requirements of small island developing States and territories.

Methodology: The Review shall prepare a report that responds to the prescribed outputs, including providing targeted recommendations for the enhancement of the Commission's implementation of Article 30 requirements. In conducting the Review, the Panel shall consult with, at least, the WCPFC Secretariat, CCMs (both developing and developed CCMs), WCPFC observers (past and present) and regional organisations or partners that support developing State CCMs in the WCPFC.

Outputs:

- a) A chronological history of the Commission's implementation of Article 30, including:
 - a. how it has been operationalised through CMMs, Commission decisions, tools, processes and activities;
 - b. what the Commission has done to date to support the special requirements of SIDS and territories.
- b) Analysis of how Article 30, CMM 2013-06 and CMM 2013-07 is reflected in the Commission's work (aligned to its mandate and the Convention);
- c) Analysis of the specific ways the Commission has institutionally and operationally ensured that conservation management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions;
- d) Identification of gaps or weaknesses to the Commission's implementation of Article 30; and
- e) Recommendations for how the Commission can enhance its implementation of Article 30 requirements and associated CMMs.

Composition of Review Panel

The Review Panel shall comprise 3 independent experts, one of whom will be assigned the role of Chair. Panel representatives shall have a detailed understanding of, and direct experience working on:

- a) developing State interests and the implementation of measures to avoid or mitigate disproportionate burden of fisheries conservation action onto developing State CCMs.
- b) WCPFC processes and conservation measures,

At least one panel representative shall have worked within a SIDS or territory fisheries administration. The Review Panel shall be established by the WCPFC Executive Director based on nomination and ranking by WCPFC Members, and taking into account the availability of any candidates, a balance of experiences which would be relevant to the review.

Recommendations for post-WCPFC22 engagement

4. FFA Members strengthen regional implementation and associated processes regarding identification and advocacy for SIDS special requirements through dedicated FFA workstreams.

To achieve this recommendation, FFA members should implement recommendations 4, 5, 6 and 7 of this report. This covers the following recommendations:

- a) At each Commission meeting, FFA members acknowledge any good examples of 13-06 assessments and request that the WCPFC Secretariat highlight these on the Article 30 section of the WCPFC website.
- b) FFA Secretariat, in consultation with FFA members, develop an FFA internal checklist to assess the adequacy of 13-06 assessments and facilitate structured SIDS feedback aligned to Article 30, CMM 2013-06 and CMM 2013-07.
- c) Ensure FFA Secretariat's engagement on SIDS special requirements and completed 13-06 assessments includes all divisions, with the fisheries management and development divisions playing a leading role for Secretariat input.
- d) FFA members consolidate and strengthen their ability articulate their respective special requirements and cases of disproportionate burden through targeted briefings and a dedicated workshop.

5. FFA members submit a proposal to WCPFC to amend CMM 2013-06.

This report concludes that submission of a FFA proposal to amend CMM 2013-06 at WCPFC22 (December 2025) is premature. FFA members should implement this recommendation at WCPFC23 at the earliest, but ideally following the completion of an independent review of the Commission's implementation of Article 30. If WCPFC21 does not agree to the independent review proposal, then FFA members could seek to amend CMM 2013-06 at WCPFC23 taking on board the 2025/6 improvements and developments relating to compliance assessments of CMM 2013-06. FFA should continue to implement internal recommendations made in this report (i.e. recommendations 4,5,6 and 7 of this report).

5.5 Recommendations

This report provides the below set of recommendations as part of a broader strategic analysis of CMM 2013-06. These recommendations relate to FFA members' strategic engagement with CMM 2013-06, including recommendations on how to improve both its content and implementation. MOC's consideration of the timing and sequencing of these recommendations is detailed in **Section 5.4** above.

Recommendation 1: FFA members advocate for a formal review of the Commission's implementation of Article 30 through either the performance review or a dedicated independent process.

FFA members should advocate for a formal review of the Commission's implementation of Article 30, including the application of CMM 2013-06 and CMM 2013-07 to fully recognise the special requirements of SIDS and avoid any transfer of disproportionate burden of conservation effort. This type of formal review could be incorporated into the next WCPFC performance review (although none currently planned or budgeted, and the last performance review was in 2012). A better option is for FFA members to request a dedicated and independent review of the Commission's implementation of Article 30, similar to the 2017–18 independent review of the CMS. Any such review would be a valuable opportunity to showcase the Commission's positive work in implementing Article 30 requirements, while usefully identifying areas for improvement and further strengthening – including the nature and implementation of CMM 2013-06 and CMM 2013-07. The critical elements in any terms of reference for this work are outlined in **Section 5.4**.

The annual SIP usefully compiles SIDS' capacity needs and available funding mechanisms to support those needs (largely drawn from the CMS, reporting on Article 30 funds and CMM 2013-07). However, the capacity assistance information, in particular the exact SIDS special requirements, lacks specific detail and focus due to the general nature of the CMM 2013-07 obligations, and the lack of reporting on the key categories of special requirements (i.e. linked to SIDS' implementation of individual CMMs and their provisions). See **Recommendation 3** below.

Recommendation 2: FFA members advocate at WCPFC22 for binding requirements in every CMM to fulfil and operationalise the Commission's Article 30 obligations.

FFA members should advocate for a Commission decision (or similarly binding approach) requiring that all new and amended CMMs include a section on the special requirements of developing States that contains:

- a) Binding obligations on CCMs to meet Article 30 requirements, ideally through dedicated operational provisions of a CMM;
- b) A special requirements review clause requiring the Commission to review and assess how the CMM fully recognises the special requirements of SIDS and whether any existing special requirement provisions remain fit for purpose. This could be achieved through the Commission completing another 13-06 assessment after a CMM has been adopted and is in force; and
- c) Requirement for CCMs to annually report on the implementation burden or impacts of any newly adopted CMM's obligations.
 - While this would be an additional reporting burden, this would provide a direct means for SIDS to report on any administrative or outcome burden it is (or may) experience regarding implementation of a CMM. Currently, CCM-level reporting on SIDS impacts in relation to CMM implementation is very high level (i.e. through Part 2 reporting on CMM 2013-07 or CMM 2013-06 paragraph 1 reporting), or only reactive in the context of compliance assessments (i.e. through attainment of Capacity Assistance Needed status in the CMS).

- The Secretariat could then compile all responses made through this reporting requirement to inform the Commission's 'special requirements' review of a measure.

The inclusion of a special requirements section would ensure that SIDS' impacts and needs are considered in detail with respect to individual measures (once adopted), while providing another means for SIDS to demonstrate disproportionate burden. It would also provide an opportunity for the Commission to consider the changing special requirements of SIDS over time and provide a potential mechanism for supporting SIDS' needs.

Recommendation 3: FFA members submit a proposal to WCPFC to amend CMM 2013-06 to strengthen the measure.

FFA members should consider submitting a proposal to WCPFC to amend to CMM 2013-06 to address existing deficiencies within the measure, including existing issues regarding the nature and scope of CCM versus Commission-level obligations. As noted in **Section 5.4**, ideally FFA members should submit this proposal following the completion of an independent review and following the completion of the proposed dedicated FFA work on SIDS special requirements. When this occurs, FFA members should take into account any risks associated with opening up the measure and, if any proposal is submitted, state from the outset that members will not accept any watering down of the measure. Waiting for the outcome of an independent review will assist in mitigating this risk. At a minimum, FFA members should consider including the following amendments:

- a) Introduce a CCM-level binding obligation requiring CMM proponents to complete a 13-06 assessment and meaningfully consult with SIDS and developing States in its preparation.
 - This could be achieved through amending paragraph 3 chapeau to include 'and CCM proponents' or, preferably, by adding a new paragraph that refers to CCM proponents applying the checklist.
 - A non-exhaustive list of appropriate ways to 'meaningfully consult' should be included (e.g. proponents preceding any consultation with a good faith attempt to identify potential SIDS impacts, consultation in the margins of subsidiary body meetings, holding online dialogue sessions, engaging with FFA Secretariat and PNA Office to assist with SIDS engagement).
- b) Amend paragraph 3 questions (i.e. 13-06 checklist) to strengthen the existing impact assessment:
 - Include a specific reference and linkage to CMM 2013-07 (noting that CMM 2013-07 already outlines a comprehensive range of potential SIDS special requirements). This could be achieved by the inclusion of an additional question such as 'Which of the categories of support outlined in CMM 2013-07 will SIDS require to implement the proposal?'. It may also be preferable to include a list of the CMM 2013-07 capacity building categories so avoid any uncertainty.²⁰

²⁰ See Section 3.3 of this report.

- c) Consider including a requirement for any adopted CMM to have a special requirements section. Note that **Recommendation 2** above proposes to include this special requirements section via a Commission decision, however if this does not eventuate FFA members should include this in a proposal to amend CMM 2013-06.

The existing Commission-level obligation in relation to 13-06 assessments should be retained (with minor potential amendments to the questions in paragraph 3). This will ensure the responsibility to address special requirements remains with the Commission as a whole, not solely with SIDS or proponents.

Recommendation 4: At each Commission meeting, FFA members acknowledge any good examples of 13-06 assessments and request that the WCFPC Secretariat highlight these on the Article 30 section of the WCFPC website.

This recommendation will ensure that any positive CCM engagement on SIDS impacts is acknowledged, whilst promoting high-quality, well-documented examples of 13-06 assessments. This will help proponents understand expectations and improving the quality of future assessments. It will also provide clear reference material for FFA members to use if/when presented with inadequate 13-06 assessments.

Recommendation 5: FFA Secretariat, in consultation with members, develop an FFA internal checklist to assess the adequacy of 13-06 assessments and facilitate structured SIDS feedback aligned to Article 30, CMM 2013-06 and CMM 2013-07.

FFA Secretariat should create an internal review checklist to evaluate the adequacy of proponents' 13-06 assessments. This would provide a means for FFA members to prepare structured and targeted responses to any 13-06 assessment, including through drawing on the CMM 2013-07 list of SIDS' special requirements. This would still allow FFA members to respond to 13-06 assessments bluntly (e.g. 'this is insufficient, try again'), while providing the detail and content for FFA members to effectively negotiate a measure upon consideration of identified SIDS impact and potential mitigation measures to those impacts. In the preparation of this checklist, the Secretariat can draw from the FFA paper on [views on implementation of 13-06](#).

Recommendation 6: Ensure FFA Secretariat's engagement on SIDS special requirements and completed 13-06 assessments includes all divisions, with the fisheries management and development divisions playing a leading role for Secretariat input.

It is difficult for FFA Secretariat staff to fully know members' national priorities of their respective fisheries, including specific development aspirations. As a result, any appraisal of a SIDS impact assessment requires FFA members' direct input and cannot be conducted by the FFA Secretariat alone. To support the FFA Secretariat's engagement on proponents' 13-06 assessments, FFA Secretariat should ensure that its fisheries management and fisheries development advisers play a key role in any initial review of a 13-06 assessment (including completion of the internal checklist outlined in **Recommendation 5**). Where this practice is currently occurring within the FFA Secretariat, it should be maintained.

In some cases, the Secretariat's Operations and Legal divisions would likely be better placed to identify potential SIDS impacts (e.g. administrative burdens, or impacts associated with MCS measures), however the Fisheries Development and Management divisions are likely to have greater insight into members' strategic fisheries development and management aspirations (e.g. through assistance in developing tuna management plans and/or fisheries development initiatives).

Recommendation 7: FFA members consolidate and strengthen their ability articulate their respective special requirements and cases of disproportionate burden through targeted briefings and a dedicated workshop.

FFA members have had significant successes over the past two decades in advocating for the full recognition of SIDS special requirements. This report notes that FFA members' more recent engagement on their special requirements (particularly in relation to new proposals) is often, but not always, kept to general or high-level statements regarding disproportionate burden. This can lead to CCMs' lack of understanding or appreciation of SIDS impacts and the Commission implementing less effective mitigation measures.

FFA members, through their national work and regional FFA/PNA briefings and engagements, continue to review and discuss how best to articulate and address their special requirements. To support this ongoing work, now is an opportune time for the FFA membership to revisit some of the key elements of Article 30, specifically understanding the various components of disproportionate burden and how to avoid them (including through CMM 2013-06). The FFA Secretariat, working with the PNA Office, should convene a disproportionate burden workshop for members to revisit this work area.

In 2014, WCPFC held a workshop on CMM 2013-06 and disproportionate burden to seek an understanding of what disproportionate burden is and how to avoid it. FFA members caucused prior to this workshop and clarified its views on the issues including the proposed implementation of CMM 2013-06, and scope of disproportionate burden and ways to mitigate it. This recommendation proposes the FFA membership to convene a similarly themed workshop to ensure that current member representatives are able to articulate their special requirements in relation to any new or existing measure, and the FFA membership maintains its targeted advocacy regarding Article 30 implementation. Valuable concepts could be refreshed and clarified, such as those mentioned above regarding the distinction between types of disproportionate burden, and FFA members would benefit from maintaining this distinction in its WCPFC engagement. The workshop would also help align all members on the meaning, consequences and mechanisms of CMM 2013-06 (and CMM 2013-07) and assist in stronger implementation moving forward. FFA members should consider holding this workshop soon (potentially prior to submission of an amendment to CMM 2013-06) to ensure the membership is equipped to effectively engage in any CMM 2013-06 discussions or negotiations.

Recommendation 8: FFA members to engage at TCC21 and WCPFC22 to achieve consensus on how to assess the Commission's compliance with CMM 2013-06.

As detailed above in **Section 4.5**, ‘TCC21 Considerations’, the report recommends that FFA members continue their engagement on how to assess the Commission’s implementation of, and compliance with, CMM 2013-06. While FFA members have provided general position statements on this topic previously, the Commission has yet to reach consensus on an approach. Considering the specific attention given by TCC and WCPFC to this issue this year, it would be a lost opportunity for FFA members to not push for consensus, aligned to FFA members’ priorities. TCC21 Outcomes have progressed FFA’s position on paragraphs 1,2 and 4 of CMM 2013-06, whereas paragraph 3 remains unresolved. **Section 5.4** contains a proposed strategic approach for FFA members’ engagement at WCPFC22.

FFA members advocacy at TCC21 was aligned to the draft TCC21 submission paper contained at **Appendix 2**.

5.6 Conclusion

CMM 2013-06 remains broadly fit for purpose when considered alongside the Commission’s continued implementation of Article 30, CMM 2013-07 and related instruments. However, FFA members would benefit from progressing dedicated regional work and then advocating for targeted improvements to CMM 2013-06, both regarding its content and implementation. These improvements will enhance CCMs’ and the Commission’s practical implementation of CMM 2013-06 through facilitating the identification and treatment of the special requirements of developing States.

Strengthening the alignment between intent and delivery, particularly in terms of capacity support and equitable participation of SIDS, is critical to fully realising the objectives of Article 30. FFA members’ strong and targeted engagement on CMM 2013-06 at both TCC and WCPFC will facilitate the strengthening of the measure and its implementation. This report’s analysis and recommendations are intended to support FFA members and the wider WCPFC in refining current approaches and advancing a more effective, inclusive, transparent, and accountable conservation and management regime that caters for, and enhances, the special requirements of SIDS.

6 Appendices

6.1 Appendix 1: Evolution and History of the discussion relating to CMM 2013-06

2006

WCPFC3 - Principles, guidelines and operational procedures for the Commission's Special Requirements Fund (SRF) established. The purpose of the Fund, as laid out in the Financial Regulations of the Commission, is to:

- assist developing States Parties, Small Island Developing State members of the Commission and, where appropriate, territories and possessions, with human resources development, technical assistance and transfer of technology in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks; and
- build capacity for activities in key areas such as effective exercise of flag State responsibilities, monitoring, control and surveillance, data collection and scientific research relevant to highly migratory fish stocks on a national and/or regional level.

FFA members tabled paper 'Principles, guidelines and operational procedures for the Commission's Special Requirement Fund' (<https://meetings.wcpfc.int/node/5653>).

2008

WCPFC5 - Adopted the Resolution on Aspirations of Small Island Developing States and Territories (Resolution 2008-01), with commentary from the chair that 'noted the clear lack of fairness and disproportionate burden associated with the current situation and the difficulties for SIDS to effectively develop their domestic fisheries' (para 216-217, WCPFC5 Summary Report).

Resolution 2008-01 reiterated that 'the Commission shall give full recognition to the special requirements of developing states, in particular SIDS and territories' and importantly acknowledged that developing States have 'unique needs which require special attention and consideration in the provision of financial, scientific and technological assistance' (preamble). The resolution notes to be 'mindful that fifteen of the twenty-five members of the WCPFC area SIDS and territories...in whose waters a significant proportion of the catch of highly migratory fish stocks...are taken'. The resolution, in accordance with Articles 4, 8, 10 and 30 of the Convention resolves that CCMs must cooperate 'either directly or through the Commission' to enhance the ability of developing states' (para 1), as well as 'cooperate in investments ... directly linked to the onshore development of domestic fishing industries established in SIDS' (para 3). The longer-term goal of ensuring that by 2018 the domestic fishing and related industries of developing states... accounts for a greater share of the benefit that what is currently realized of the total catch and value of highlight migratory fish stocks' (para 4).

As it relates to CMMs 2013-06 and 2013-07, paragraph 5 establishes 2 key principles to be considered when adopting CMMs:

- a) CCMs shall ensure that measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and territories.
- b) CCMs shall implement measures, including through direct cooperation with SIDS and territories that enhances the ability of developing states, particularly the least developed SIDS, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.

Resolution 2008-01 underpinned the Commission's development of mechanisms to operationalise Article 30 requirements, particularly through the development and adoption of CMMs 2013-06 and 2013-07.

2009

WCPFC6 - FFA member statement reminding CCMs of the provisions of Resolution 2008-01 was made with 'encouragement' to 'fully implement' the requirements 'as called for by agreed immediate action (j) at the Kobe2 meeting' (para 371, WCPFC6 Summary Report). It was 'noted with regret that SIDS-supported proposals on revising the IUU listing/de-listing procedures and on development aspirations had not been supported by some CCMs. These and other experiences were causing concern among SIDS that constraints to their development were ongoing and increasing. Discussions highlighted the lack of implementation (or reporting thereof to the Commission) of Article 30 by developed CCMs (para 372).

2010

WCPFC7 (December 2010) - Agenda Item 3 (specifically, 3.3. Special Requirements of Developing States) provides CCM reports on the implementation of Article 30 of the Convention. *'PNG spoke on behalf of FFA members, and in its role as the FFC Chair, and introduced WCPFC7-2010-DP-10, which sets out the views of all 17 FFA members on the areas that capture the intent of Article 30 and Resolution 2008-01'* (para 69, WCPFC7 Summary Report). Discussion of special funds, 'rights-based management' and inclusion of the special requirements of developing states 'as a regular item on the agenda was a positive step and indicated that all measures should always consider the needs of SIDS first' (paras 68, 69, 70).

WCPFC7-2010-DP-10 (FFA member suggestions for reporting against Article 30 and resolution 2008-01), highlights FFA member suggestions at TCC6 and provides 'three areas that broadly capture the intent of Article 30 and Resolution 2008-01', excerpted here in part:

1. Reduction and restructure of fleets to accommodate aspirations of SIDS and Territories to develop their own fisheries, cooperate in investments in fishing vessels and other fishing related activities and facilities in SIDS and Territories.
2. Enhancing the capacity for conservation and management of fisheries by SIDS, through funds such as the SRF, bilateral assistance to SIDS and other forms of assistance funded through regional organisations including FFA and SPC.
3. Broader consideration of the importance of rights-based management as a means to address the interests of developing coastal States, in the way that was supported by Kobe Workshop on RFMO Management and Bellagio outcomes.

TCC6 noted that the issues addressed by Resolution 2008-01 were important for the effectiveness of WCPFC CMMs and Article 30 of the Convention, and that criteria for implementation and possible strengthening to a CMM were under consideration by CCMs (para 204, TCC6 Summary Report). TCC6 discussions in Agenda Item 5 (Special Requirements of Small Island Developing States) importantly highlighted the need to improve the operationalisation of Article 30 of the Convention and Resolution 2008-01.

2012

WCPFC8 (March 2012) - Agenda Item 3 (specifically, 3.3. Special Requirements of Developing States) provides CCM reports on the implementation of Article 30 of the Convention. 'Some CCMs, including FFA members, expressed a desire to see a more genuine commitment to the development of SIDS fishing and fish processing capabilities, and to receive assistance that responds to the needs articulated by SIDS (para 64, WCPFC8 Summary Report). Also, 'Some CCMs suggested that reiterating descriptions of ongoing assistance projects is not a useful exercise'. FFA members recommended that the most robust way of recognising the special requirements of SIDS would be to make explicit allowance concerning these special requirements as an integral part of each CMM' (para 72).

WCPFC8 - FSM noted that the Bellagio Framework for Sustainable Tuna Fisheries provides tuna RFMOs with examples of ways rights-based management can be used to accommodate the aspirations of SIDS while addressing overfishing and overcapacity, including through transfers of vessels and/or quotas, which could assist SIDS and other small economically vulnerable states in development of their fisheries. Transfers could be facilitated by issuing time-limited rights to current users that revert to developing coastal states on expiration; landing taxes or annual fees on current fishers; and property rights on the high seas that are allocated to developing coastal states where the corresponding use rights can be rented, leased or fished. FFA members also suggested that a Tuna Corporation (similar to the 'Enterprise' established in UNCLOS for deep sea mining) could be established in which individual countries hold shares. The corporation would contract with the lowest cost fleets to capture the tuna quotas and distribute the rents among its 'shareholders.' Zone-based management arrangements are being developed for longline fisheries to replace the current flag-based allocations. Rights-based regimes that first recognise the zone-based management arrangements, and secondly facilitate the participation of SIDS in high seas fisheries are priorities for FFA members, and will be considered in future CMMs.

WCPFC9 (December 2012) – 'Pacific Island small developing states presented WCPFC9-2012/DP-32 which requests that developed CCMs target their assistance to SIDS in the three areas of: i) increased commercialism of tuna fisheries and related industries; ii) enhanced capacity for conservation and management of fisheries by SIDS; and iii) broader cooperation on the importance of rights-based management. Eleven specific needs and priorities were identified (para 83, WCPFC9 Summary Report). In addition, 'FFA members asked that each proposal brought before the Commission include a section analysing how the proposal responds to Article 30 of the Convention, and to Resolution 2008-01' (para 84, WCPFC9 Summary Report).

2013

WCPFC10 - A number of key discussion papers presented including 'FFA Members: Discussion Paper on Avoiding Disproportionate Burden' (WCPFC10-2013-DP01) and 'FFA Members: Letter on Special Requirements of Small Island Developing States' (WCPFC10-2013-DP02). These papers lay the grounds for operationalising Article 30 of the Convention through a CMM, and delve deeper into the meaning of 'disproportionate burden' and the processes by which the Article could or should be enacted, stating that 'part of the failure to respect Article 30 to date stems from the lack of a process by which the Commission would assess a proposal or measure against Article 30'. In WCPFC10-2013-DP01, it is advised 'the relative 'burden' of a conservation and management measure is best assessed through examining the flow of costs and benefits to individual or groups of CCMs' and that the onus on developing states to 'prove' this disproportionate burden without adequate support and processes from the Commission is in itself a disproportionate burden.

'FFA members introduced a proposal for a new CMM containing the principles previously expressed in Resolution 2008-01 (WCPFC10-2013/DP-36 (rev 1)). The proposed CMM contains sections on capacity development of personnel, technology transfer, fisheries conservation and management, MCS, and support for SIDS' domestic fishing industries. The proposal would also require that developed CCMs report against the new CMM in Annual Reports-Part 2. CCMs were encouraged to support this binding measure in order to avoid a situation in which SIDS are overwhelmed by the rising obligations of the Commission' (para 100, WCPFC10 Summary Report).

WCPFC 10 adopted CMM 2013-06 and 2013-07 in December 2013.

2014

2013-06 and 2013-07 effective from 4 February 2014.

WCPFC held a workshop on CMM 2013-06 and disproportionate burden to seek an understanding of what disproportionate burden is and how to avoid it. FFA members caucused prior to this workshop and clarified its views on the issues including the proposed implementation of CMM 2013-06, and scope of disproportionate burden and ways to mitigate it.

WCPFC11 - Continued Commission discussion on the standing agenda item regarding implementation of Article 30. A paper summarising CCM Annual Report Part 2 reporting under CMM 2013-07 paragraph 19 made accessible to CCMs on the secure side of the website (WCPFC11-2014-10) (para 171, WCPFC11 Summary Report). Also noted that the delegation paper 'WCPFC11-2014-DP20' would be treated as a 'living document' (para 177). Importantly, referring to WCPFC-TCC10-2014-10, 'FFA members noted that out of the 11 received from developed CCMs, only 5 (which included two FFA members) provided detailed responses. This reporting is required of all developed CCMs to enable an assessment of whether assistance is being provided as required by the measure and Article 30. FFA members suggested the Secretariat be tasked to put together a reporting template for CMM 2013-07 para 19 in the Annual Report Part 2 which is based on the categories in CMM 2013-07, to facilitate analysis of the types of assistance provided and highlight gaps. FFA members also drew participants' attention to

WCPFC11-2014-DP23, which proposes a new approach to how SIDS will be assessed in the CMS' (para 178).

In general, more time was required by delegations to fully comprehend the paper, with a revised paper being tabled by FFA members (WCPFC11-2014-DP20_rev2). This paper consisted of 'setting out an evaluation of SIDS special requirements and the respective status of assistance, and agreed to take into consideration the checklist as a guide to assist developed CCMs to assess the status of assistance to SIDS. (Attachment D) (para 197). Also, 'WCPFC11 tasked the WCPFC Secretariat to put together a reporting template for paragraph 19 of CMM 2013-07, which incorporates the various categories in that measure. It was noted that this will facilitate the analysis of the types of assistance provided by developed CCMs to implement CMM 2013-07 as a whole, and highlight any gaps in such assistance' (para 198).

Attachment D 'Guide to assist developed CCMs to assess the status of assistance to SIDS – checklist from FFA members (WCPFC11-2014-DP20_rev2)' provided identified clear priority areas for SIDS needs with most with a status of not currently being met.

2015

Reporting against paragraph 1 of CMM 2013-06 has been included in Annual Report Part 2 since 2015, covering reporting year 2014.

WCPFC12 - FFA members submitted WCPFC12-2015-DP01 as an updated list. Consultation with SIDS advised to help progress comprehension of the implementation of Article 30 with a note that there was 'room for improvement' on 2013-06 reporting in Annual Report Part 2: 'very few responses clearly articulated the assistance provided; several CCMs repeated their statements against a number of provisions; some did not provide any details, and; two CCMs provided no response at all' (para 147, WCPFC12 Summary Report). In addition, RMI noted significant improvements were required in terms of consultation as part of the implementation of 2013-06 and 2013-07, and that in the 2 years the CMMs had been in effect they had not been sufficiently implemented by the Commission (para 149).

2016

WCPFC13 – FFA members laid out in WCPFC13-2016-DP16 updated 'views on... the checklist to make it an effective and efficient tool' with it continuing to 'set out SIDS' needs, especially as arising out of the CMR discussions' (para 229, WCPFC13 Summary Report). Again, it was noted that 'many of the reports did not provide sufficient information on targeted assistance under the categories in CMM 2013-07 or the SIDS Checklist' which 'made it difficult to properly review the implementation of the measure' (para 231).

FFA members noted that 'several WCPFC13 proposals do not include a CMM 2013-06 SIDS' impacts assessment or only cursorily attempted to complete the assessment' (para 233). FFA members proposed this as a breach of CMM 2013-06 and that new proposals which do not have an assessment provided in advance of the meeting not be considered and the proponent considered non-compliant (para 233). Confusion continues from CCMs on how to establish criteria or a clear mechanism for CCMs to follow (para 234).

Continued discussion on transitioning the voluntary special requirements fund to mandatory, though a lack of consensus on this point.

2017

WCPFC14 - FFA members introduce [WCPFC14-2017-DP07](#) relating to the Special Requirement Fund. The paper reiterated the need to ensure its sustainability as a high priority. Continued requests for deeper engagement and consultation with SIDS prior to submission of 2013-06 assessments within proposals.

At WCPFC14, FFA members tabled its views on best practice implementation/completion of the 13-06 checklist to provide guidance to CCMs (<https://meetings.wcpfc.int/node/10463>).

2018

WCPFC15 – Discussion on improvements in how CMM proponents complete CMM 2013-06 impact assessments (para 105, WCPFC15 Summary Report). FFA members submitted paper [WCPFC15-2018-DP12_rev1](#) providing its views on the implementation of CMM 2013-06. In this paper, FFA members provided an annotated 2013-06 checklist to give further guidance on FFA's expectations regarding SIDS' impact assessments and the questions in paragraph 3 of CMM 2013-06. These are considered as 'guiding questions, not obligations' (para 108).

A report from the Chair of the Special Requirements Fund Intersessional Working Group to FAC outlined work that had been done on a Strategic Investment Plan to better support capacity needs of developing States and territories (para 134).

Paragraphs 154-157 cover critical developments regarding SIDS special requirements, including Commission approval of the 2018 Strategic Investment Plan as a means to target investment to address the priority needs as identified by developing states, including effective participation; annual updates of the Plan; publicising capacity assistance needs identified in the provisional CMR and Part 2 reports, as well as reports against implementation of 2013-07; and the development of a webpage dedicated to the implementation of Article 30 of the Convention.

2019

WCPFC16 – Secretariat provided Paper 'WCPFC16-2019-IP01: Summary from Part 2 CMM 2013-07 paragraph 19 annual reports (WCPFC-TCC15-2019-11)'. Development of the dedicated webpage by the Secretariat noted and appreciated by CCMs and observers. Desire for a 'standardized reporting format' and that FFA members would 'seek to provide some guidance at WCPFC17' (para 123, WCPFC16 Summary Report). Japan's SIDS consultation efforts noted, with encouragement for all CMMs to do the same. Emphasis that 2013-06 implementation was 'not a checklist but a process' (para 125). Again, it is noted that there is a need 'for a procedure for how an assessment is carried out' (para 127).

An updated 2019 Strategic Investment Plan approved by the Commission.

2020

WCPFC17 – Again, there is general discussion on the inconsistency of 2013-06 assessments in new proposals.

2021

WCPFC18 – ‘From 2022 FFA members stated they would not entertain any proposal that does not have a CMM 13-06 assessment that was developed in consultation with them’ (para 78, WCPFC18 Summary Report). Appreciation of the direct benefits to SIDS provided by, in particular, the Special Requirements Fund, the Japan Trust Fund, and the Chinese Taipei Trust Fund (para 78).

The Commission adopts an updated 2021 Strategic Investment Plan.

2022

WCPFC19 – Another annual review of implementation of 2013-07 in WCPFC19-2022-IP01. General appreciation of the efforts CCMS have taken to provide ‘comprehensive 2013-06 assessments to accompany proposals to WCPFC19’ (para 121). Commission approves updated SIP for 2022.

2023

WCPFC20 - CMM 2023-04 on the Compliance Monitoring Scheme (CMS) ensures that CCMS implement and comply with obligations arising under the WCPFC Convention and CCMS adopted by the Commission and commits to the implementation of CMM 2013-06 and CMM 2013-07, as well as Article 30 of the Convention. The CMS-IWG in 2023, through the discussion on development of Audit Points for use in the CMS assessment under CMM 2023-04, recommended that:

- TCC, as a standing agenda item relating to the Special Requirements of Development States, review and assess the Commission’s implementation of, and compliance with CMM 2013-06 for the previous calendar year.
- The Commission considers the obligation outlined in paragraph 1, CMM 2013-06 and whether it is fit for purpose, including whether it requires CCMS to report information already reported in other CCMS or obligations.

WCPFC20 (2023) endorsed the above recommendations (WCPFC20 Summary Report paragraph 753 (a) and (b)).

The depleted state of the SRF was an ongoing area for concern and discussions, with note from the FFC Chair that ‘the rules did not require the SRF to be replenished only through voluntary donations and called upon the Commission to look at additional mechanisms for replenishing this fund’ (paragraph 25, WCPFC20 Summary Report). In addition, ‘the WCPFC continued to receive proposals that were not accompanied by a CMM 2013-06 assessments’.

2024

WCPFC21 – Chair of FFC highlighted concerns about proposals circulated without timely CMM 2013-06 assessments (para 32, WCPFC21 Summary Report). Report on the implementation of the SIP(WP06) accompanied by Attachment 1 reflecting newly identified capacity needs.

Two CMM proposals (on Pacific Bluefin Tuna) emerging from the Northern Committee highlight process issues with 2013-06 assessments, with concern from FFA members about the lack of consultation with SIDS (para 151). Japan addressed this stating it 'had submitted the assessment when they submitted the proposal to the joint working group and the Northern Committee meeting and, after considering advice from FFA members, revised the assessment and submitted it to the Commission as delegation paper 33_Rev02 several days before this meeting' (para 164).

TCC20 (see agenda item 13.2) recommended that the Commission at WCPFC21 task TCC21 to continue discussions on approaches for reviewing and assessing the Commission's implementation of, and compliance with, CMM 2013-06 with a view to finding a way forward. The Commission adopted the report and recommendations of TCC20 (WCPFC21, Summary Report, paragraph 287).

6.2 Appendix 2: Draft Submission Paper for TCC21

[Note – this could be submitted as a paper from FFA members (through FFC chair). Alternatively, FFA Secretariat could submit this paper without prejudice to the positions of FFA members]

FFA member views on TCC21 Agenda Item 5.5: Review and assess the Commission's implementation of CMM 2013-06

In 2024, WCPFC21 tasked TCC21 to continue discussions on approaches for reviewing and assessing the Commission's implementation of, and compliance with, CMM 2013-06.

Agenda Item 5.5 of TCC21 will progress this issue and look to propose an approach to 'review and assess the Commission's implementation of CMM 2013-06'. To assist TCC21's consideration of this issue, [FFA members] have prepared this paper to outline the view of the FFA membership. This paper outlines FFA members' preferred approach for assessing compliance with CMM 2013-06, paragraphs 1, 2, 3, and 4. These positions draw from TCC20's consideration of the WCPFC Secretariat's paper WCPFC-TCC20-2024-30.

CMM 2013-06 reflects the Commission's commitment to recognising the special requirements of developing States, in particular SIDS and participating territories, when carrying out its function of developing and adopting CMMs. FFA members are composed of mainly SIDS. Therefore, FFA members' perspective on issues relating to the special requirements of developing States comes from direct and continued first-hand experience.

Paragraph 1, CMM 2013-06

Paragraph 1 has an existing audit point (RP) adopted in 2023. FFA members support previous discussions on the benefit of supporting this reporting obligation with a standard reporting template that contains reporting guidelines. This template and guidelines will assist CCMs in their annual reporting to ensure consistent and meaningful reporting on this obligation.

As such, **FFA members propose:**

- a) a minor amendment to the adopted paragraph 1 audit point as follows:

'Secretariat confirms receipt of a report consistent with the agreed template outlining efforts by the reporting CCM to cooperate, either directly or through the Commission, to enhance the ability of developing States, particularly the least developed among them and SIDS and territories in the Convention Area, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.'

- b) a TCC recommendation tasking the WCPFC Secretariat to develop a template, that includes associated reporting guidelines, to strengthen and streamline CCM reporting on paragraph 1, as proposed by the WCPFC Secretariat in TCC20-2024-WP30.

To ensure that CCMs providing meaningful support to SIDS and territories are recognised appropriately, the reporting template should include a breakdown of the types of cooperation and support made available to SIDS and territories. This will ensure clear and meaningful reporting, including appropriate attribution of CCMs' efforts to support SIDS and territories. FFA members would be happy to provide further detail on this draft template during TCC.

Paragraph 2, CMM 2013-06

Paragraph 2 of CMM 2013-06 is a Commission obligation to ensure that any CCMs do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and territories. While SIDS undoubtedly have a primary role in identifying instances of disproportionate burden, the Commission (and not only SIDS) carry this responsibility.

In order to assess the Commission's compliance with paragraph 2, FFA members support TCC assessing this Commission-level obligation. **FFA members propose** this being:

- a) TCC assessing how the Commission addressed and avoided any potential or actual disproportionate burden in previous year.
- b) conducted under the plenary CMS agenda item at TCC and be informed by the Secretariat compiling any mitigation action taken by the Commission to any identified disproportionate burden in the previous year.

Paragraph 3, CMM 2013-06

FFA members highlight the fact that CCMs and the Commission have been implementing paragraph 3, CMM 2013-06 for over a decade (i.e. the completion of the 13-06 checklist). Noting that CCM implementation is intrinsic to any Commission action or obligation, in our view, the existing CCM implementation of paragraph 3 should be enshrined within a corresponding audit point for this obligation.

FFA members propose the following audit point for paragraph 3, aligned to the existing agreed Commission practice:

'A CCM submitting a proposal has also submitted a completed '13-06 checklist' AND has consulted with FFA members and territories in the completion of the checklist.'

FFA members note that the proposed audit points merely prescribe the existing process currently applied by CCMs. In this respect, we encourage CCMs to support this proposed audit point.

Paragraph 4, CMM 2013-06

Paragraph 4 places a binding obligation on CCMs to cooperate to mitigate implementation burden on SIDS where a disproportionate burden has been demonstrated. It provides a non-exhaustive list of potential mitigation responses for CCMs to use where a SIDS has

demonstrated a disproportionate burden of conservation action in implementing specific obligations.

To support assessment of this obligation, **FFA members propose** that:

TCC annually assess the Commission's compliance with paragraph 4 through consideration of any identified or demonstrated cases of disproportionate burden. TCC shall conduct this assessment in plenary session under the CMS agenda item and shall consider:

- a) what mitigation measures or special requirements the Commission has implemented to address the disproportionate burden, including para 4(a),(b),(c) and (d) actions, as well as any special requirement categories outlined in CMM 2013-07; and
- b) the efficacy of any identified mitigation measures.

FFA members propose the above ways forward for assessing compliance with CMM 2013-06 and welcomes the constructive engagement of CCMs at TCC21.

6.3 Appendix 3: Draft template for proposed Audit Point for para 1, CMM 2013-06

Report template for CCMs' Part 2 reporting on paragraph 1 of CMM 2013-06, reporting (RP) obligation.

[Note: all fields to have text box to allow CCMs to complete details for any applicable field]

CCM to detail which of the following actions it has taken in the previous reporting year 'to enhance the ability of developing States, particularly the least developed among them and SIDS and territories in the Convention Area, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area':

- a) **Projects or activities that have been completed, or are currently being implemented that enhance developing States/SIDS/Territories in the following areas:** *(Provide detail of any projects or activities in the below categories)*
 - i. **Capacity development of personnel** *(personnel capacity development of nationals of SIDS and territories within the Convention Area in any fisheries or related discipline, including the sponsorship of academic study and training programmes);*
 - ii. **Technology transfers** *(e.g. actively promoting the development and transfer of fisheries science and technology to SIDS, development of fisheries scientific and technological capacity of SIDS);*
 - iii. **Fisheries conservation and management** *(e.g. assisting SIDS and territories in their implementation of Commission obligations; assisting SIDS and territories collect, reporting, verify, exchange and analyse fisheries data and related information);*
 - iv. **Monitoring control and surveillance (MCS)** *(e.g. enhancing the participation of SIDS and territories in MCS through appropriate regional, sub-regional and bilateral arrangements, including training and capacity- building at the local level, development and funding of national and sub-regional observer programmes and access to technology and equipment; enhancing MCS and enforcement through supporting the coordination of inspection vessels, aircraft, equipment and technology);*
 - v. **Support for the domestic fisheries sector and tuna-fisheries related businesses and market access** *(e.g. provision of technical and economic support to assist SIDS and territories to achieve the objective of maximising benefits from the development of their fisheries resources; support investment and collaborative arrangements with SIDS and territories; cooperation with SIDS and territories to support increased employment for nationals, use national fisheries infrastructure and processes located in SIDS and territories);*
 - vi. **Other support areas** *(any other areas of support for SIDS and territories to develop their own fisheries)*

- b) **Adopted any laws, regulations or policies** (*laws, regulations or policies that support SIDS and territories develop their own fisheries within the Convention Area*).
- c) **Partnerships** (*any commercial or non-commercial partnerships that are currently in place to support SIDS and territories develop their own fisheries within the Convention Area*).

6.4 Appendix 4: Scope of Works for the review of CMM 2013-06

The review comprises a desktop review to assess the implementation of and compliance with CMM 2013-06 by the WCPFC. The review will involve analysis of key documents and consultation with relevant stakeholders. Specifically, the consultant will:

Part 1:

- a) Review CMM 2013-06 as well as the relevant Articles of the WCPFC Convention (e.g. Article 30) and relevant CMMs (e.g. CMM 2013-07) and any other relevant documents.
- b) In particular, examine relevant WCPFC documentations, including papers and decisions from the WCPFC and TCC meetings, that relate to the implementation and assessment of CMM 2013-06.
- c) Review relevant Forum Fisheries Committee (FFC) papers and FFA Members briefs to WCPFC-related meetings outlining established FFA positions on this matter.
- d) Consult with the FFA Secretariat, FFA Members and other relevant stakeholders to gather insights and perspectives on this issue.
- e) Prepare and submit a concise yet comprehensive written report based on the findings of the review. This report should include, among other elements, a recommended approach for how TCC21 should review and assess the Commission's implementation of, and compliance with CMM 2013-06, a clear articulation of the preferred outcome from this process, and proposed strategies for FFA Members to advance and secure this outcome at TCC21.
- f) As part of the tasks above, compile a consolidated annex to accompany the final report. This annex should document the evolution and history of the discussions relating to CMM 2013-06 to provide context and support the analysis and recommendations presented in the main report.

Part 2:

- g) Provide a strategic analysis of CMM 2013-06, including an assessment of its strengths and weaknesses, to evaluate the measure's effectiveness, relevance, and alignment with FFA Members priorities and position within the WCPFC.
- h) The analysis should consider, among other aspects, an assessment of how well the measure supports its intended objectives, addresses implementation challenges, ensures transparency and accountability and supports FFA Members position.
- i) Based on this assessment, determine whether CMM 2013-06 remains fit for purpose.
- j) In addition, provide strategic recommendations to better advance FFA Members' strategic interests and the broader goals at the Commission, including through the broader context of Article 30 of the WCPFC Convention - whether through proposed revisions to the text of CMM 2013-06, refinement of the compliance review process, or supporting mechanisms such as capacity building, improved reporting systems or other implementation tools.