



Article 30 Workshop
6 May 2026
(0830 – 1200 NZ time)

AGENDA ITEM 4:	Disproportionate Burden: Examples and impact
PAPER NUMBER:	WP.03
<p>Summary</p> <p>This paper builds on previous work on Article 30 and CMM 2013-06 to strengthen Members’ shared understanding of disproportionate burden (DB) in the WCPFC context. It draws on past discussions, in particular, FFA Members’ 2014 contributions, subsequent TCC21 (2025) outcomes, WCPFC22 paper on Commission’s implementation of Article 30 and issues for the Article 30 independent review to clarify how DB is identified, assessed, and addressed. The paper highlights that DB should ideally be addressed at the design stage of CMMs but that it may still be present in adopted CMMs and Commission processes. It also presents practical examples and preliminary Secretariat analysis to support Members’ consideration of where DB may exist and how it may be mitigated or avoided.</p> <p>Recommendations:</p> <p>Participants are invited to:</p> <ul style="list-style-type: none">• Discuss and consider the views presented on DB.• Discuss the examples provided in Table 1 and provide any additional examples of DB for consideration.• Consider whether, in addition to CMMs, Commission processes and activities may also transfer DB to SIDS, and if so, identify what these are and how they could be addressed.	

Introduction

1. At MOC (2025), one of the recommendations arising from the work undertaken regarding Article 30 and CMM 2013-06 (MOC21-WP.05) is that FFA members consolidate and strengthen their ability to articulate their respective special requirements and cases of disproportionate burden (DB) through targeted briefings and a dedicated workshop.
2. This paper aims to enhance understanding of DB in preparation for, and to support effective engagement in, the Article 30 independent review scheduled for the second half of this year. It also seeks to assist Members build understanding in identifying, avoiding and mitigating the direct or indirect transfer of DB in the negotiation of new CMMs and Commission decisions. Further, it is intended to support Members' discussion and engagement at TCC on the assessment of paragraphs 2 and 4 of CMM 2013-06.

Background

3. The paper draws on FFA Members' submission to the WCPFC DB Workshop in 2014 (see [WCPFC11-2014-DBW-05](#)) which is still quite relevant today. Some of the key outcomes of the 2014 workshop include:
 - *That CMM 2013-06 will continue to be [a] the preliminary basis for the Commission to assess whether a proposed CMM will create and/or avoid a DB on one or more SIDS.*
 - *That the Commission will need to determine on a case by case basis whether a DB potentially exists, and if so, how it can be addressed.*
 - *That formal impact assessments, including independent evaluation is one tool that may be available to the Commission, but that such a degree of formality may not be required.*
 - *That the Commission should maintain a flexible suite of tools to address, remedy or mitigate DB, including regulatory approaches such as rights based management, financial instruments and assistance, infrastructure or capacity building.*
4. At TCC21 (2025), discussions on assessment of 2013-06 paragraphs 2 (ensure no DB on SIDS) and 4 (where DB is demonstrated, CCMs shall cooperate to mitigate it through phased/delayed implementation, exemptions, proportional or rotational approaches, or compensatory funding mechanisms) led to the following:

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.

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. The TOR for the independent review include two specific outputs relevant to DB, with the second added by the EU:

- *Analysis of the specific ways the Commission has institutionally and operationally ensured that CMMs do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing states, in particular SIDS;*
- *Analysis of methodologies for the evaluation of disproportional burden of conservation action onto developing states, in particular SIDS;*

Key questions and answers critical in understanding Disproportionate Burden (DB)

6. The discussion on DB within the WCPFC, including FFA Members' views on the issue is set out in WP.01 (paragraphs 21 - 28). This section however, reproduces FFA Members' views in 2014 ([WCPFC11-2014-DBW-05](#)) in a question-and-answer format, which remain relevant and critical to understanding the issue at hand.

- What is the definition of a disproportionate burden: broadly categorised into two types: **administrative burden and outcome burden** (see paragraph 26 - 28 of WP.01 for details);
- How can disproportionate burden be identified?: As a general principle, FFA Members advocate that an assessment must be conducted of the flow of costs and benefits to each CCM, or group of CCMs. Once that has been done, even at a broad or qualitative level, it is easier to draw a picture of whether the measure will come at a net loss to SIDS, and therefore whether there is a Disproportionate Burden.
- What does "disproportionate" mean – or how is proportionality assessed? Some examples may include:
 - The costs to SIDS compared to the benefits that they reap from the conservation action (proportionality in cost/benefit to SIDS);
 - The costs/benefits to SIDS compared to the costs/benefits to non-SIDS (proportionality in WCPFC wide distribution of cost/benefit);
 - The net burden borne by SIDS and their total benefit from and reliance on fisheries compared to that for non-SIDS (proportionality in affordability between SIDS and non-SIDS); or
 - Numerous other possibilities.

- Who are we assessing? The very important distinction is that the assessment must be at the CCM level. Discussions have fallen, particularly in the tropical tuna management, to comparing costs and benefits at the fleet level (purse seine vs longline). While this will sometimes be necessary for quantification purposes, it must be then translated to the impact on CCMs themselves in order to assess whether there is a Disproportionate Burden on SIDS or not.
- What are examples of disproportionate burden? Two examples were articulated in the 2014 paper:
 - FFA members have actively avoided implementation of the FAO Port State Measures Agreement through a WCPFC CMM as it would place a **disproportionate administrative burden** on SIDS. Such a CMM would impose high costs on SIDS to train port inspectors and develop processes and systems to guide inspections and comply with reporting obligations. While there are some benefits to SIDS through reduced IUU fishing, these are largely intangible and are shared by all Commission members, including those who do not face the burden of implementation.
 - The FAD restrictions in CMM 2013-01 place a **disproportionate outcome burden** on SIDS. This is because they impose direct and substantial costs on SIDS by reducing the profitability of purse seine vessels that fish in EEZs and therefore result in decreased ability for SIDS to capture rent. There is also an indirect disproportionate outcome burden through reduced ability to develop domestic fleets in circumstances of management driven inefficiency. In contrast to these costs, most SIDS do not gain commensurate benefits from bigeye conservation, because the majority of the bigeye-targeting fishery is foreign flagged vessels, fishing on the high seas and servicing markets in highly developed countries. *This example is further discussed in Table 1 based on the current measure.*
- What should be done if there is a disproportionate burden? Disproportionate burden should be removed at the design phase by tailoring measures to better balance costs and benefits for SIDS. Example is strict measures for purse seine and longline vessels in the high seas, achieving the dual goal of sustainability and reducing disproportionate burden on SIDS. If tailoring is not sufficient, mitigation measures should be included which could include exemptions (limited use), transfer payments (less preferred), and technical support and capacity-building.
(excerpt from [WCPFC11-2014-DBW-05](#))

Disproportionate Burden: examples and impact

7. DB should ideally be identified at the development stage of a CMM, together with appropriate mitigation measures to address it. However, this has not always occurred, and adopted CMMs may still, in practice, result in the direct or indirect transfer of DB to SIDS.
8. Drawing on the policy considerations outlined in the questions and answers section above and in FFA Members views in paragraph 26 - 28 of WP.01, the Secretariat has provided a list of

non-exhaustive examples in **Table 1** of potential disproportionate burden transferred to SIDS as a result of specific CMMs, that currently persist, or that have been addressed by including mitigation provisions. It is intended to facilitate and initiate discussion and consideration. The full list of CMMs is provided in **Table 2** for ease of reference and to assist Members in identifying other CMMs may transfer DB to SIDS.

9. In addition, [WCPFC22-2025-IP01](#) Attachment B provides a list of CMMs with explicit Article 30/SIDS clauses, some of which are intended as mitigation measures for potential impacts on SIDS. It is therefore useful to consider that information in conjunction with this paper.

Can DB arise outside CMMs?

10. While the primary focus has been on DB arising from CMMs, DB may be transferred to SIDS, indirectly or directly, through broader Commission processes and activities that impose uneven demands on Members' resources, capacity, and ability to participate.
11. For example, participation in Commission meetings, subsidiary bodies and multiple IWGs can create 'disproportionate administrative burden' on SIDS delegations due to frequency of meetings, heavy agendas and the volume of documents requiring review within limited timeframes. Budgetary constraint is also another example, in particular, where Member/s face challenges in meeting their assessed annual contributions with delay in payment of the contributions evidence of this. Similarly, technical and scientific processes, including contributions to stock assessments or engagement in specialised working groups, may place additional demands on Member/s with limited in-house capacity.
12. These illustrate that DB may be transferred to SIDS not only through adopted CMM, but also from the broader range of Commission processes and activities, underscoring the importance of identifying and appropriately addressing such burdens.

Final Thoughts

13. The reporting template for CMM 2013-06 and 2013-07 adopted at WCPFC22 provides an opportunity for Members to identify areas where assistance is required, including to address any identified DB. In addition to Members completing this as part of their Annual Report Part 2, it would be beneficial to continue the previous practice of tabling a collective FFA Members' proposal outlining SIDS needs and assistance requirements. This could be considered for discussion at MOC.

Table 1: Examples of disproportionate burden and mitigation measures including Secretariat's views

CMM	Potential DBs identified in the CMMs	Mitigation measures/options	Secretariat's views
Examples : species related CMM			
CMM 2025-02 TTM	<p>1). FAD Set Management - FAD closures had huge implications for a number of FFA Members who depended on FAD fishing for revenues.</p> <p>Members dependent on FAD fishing are forgoing millions of revenues during the FAD closure, however the closure was a measure in place for the recovery of the BET tuna when it was experiencing overfishing back in the 2010s. Loss of revenue from those Members heavily depended on FAD fishing for revenue.</p> <p>Since then, the PNA position since the last 10 years is to reduce FAD closures while improving other means that reduce the targeting of juvenile BET (better reporting for one).</p> <p>2). High Seas PS Flag-based limits- This is an 'outcome disproportionate burden' issue for SIDs with this provision in the TTM. Flag-based limits gives the DWFNs the upper</p>	<p>Paras 13 & 14 FAD closure - reduced from 3-4 months to 1.5 months in the current iteration of the CMM.</p> <p>FAD closure does not apply to PNA Domestic vessels.</p> <p>An exemption to Kiribati flagged vessels when fishing in the high seas adjacent to the Kiribati exclusive economic zone is in place for the additional month of closure in the high seas (provision 14, CMM 2025-02).</p> <p>Para 25: SIDs are exempted with effort and or catch limits on the high seas, which are often underrealised due to limited capacities by SIDs. FFA's views</p>	<p>These revised measures mitigate the DBs identified to some degree. However there is a degree of 'sustainability' to be factored in as a trade-off and this is therefore seen as a 'cost of sustainability' rather than a DB.</p> <p>To fully address this DB; the allocation of the high seas must be completed, which would then enable the implementation of a TAC/TAE for the PS within the WCPO. A limit would set the target needed to meet the management objectives. Each CCM could then utilise its limit to maximise returns, and FAD closures will become redundant.</p> <p>Members consider prioritizing the PS allocation for 2027 and aim to have it completed before the renewal of the TTM.</p>

FOR FFA MEMBERS PARTICIPANTS EYES ONLY

CMM	Potential DBs identified in the CMMs	Mitigation measures/options	Secretariat's views
	<p>hand who can afford to fish on the high seas, to ramp up catch histories with minimum oversight. Setting limits on the HS with accompanying stringent monitoring levels the playing field on robust monitoring carried out in zones (e.g. PNA VDS) and puts in place robust management on the high seas which is the main role of the WCPFC. FFA and like-minded Coastal States continue to push for the removal of flag-based limits instead to set limits for the high seas.</p> <p>3). Flag-based longline limits for BET - Interim flag-based are in place until hard limits for BET are put in place.</p>	<p>on this exemption is, with the time limits being set on the high seas there will no longer be any requirements for exemptions, everyone gets a share of the HS and utilizes those limits.</p> <p>Para 42: Commits the Commission to transition to a more equitable allocation framework by 2026 and taking into account Arts 8, 10.3 and 30 of the Convention, and Commission to adopt hard limits in 2027.</p>	
Examples : by-catch related CMMs			
CMM 2025-06 Shark measure	<p>Whale shark - prohibition of setting a purse seine on a school of tuna associated with a whale shark.</p> <p>This is an example of a 'disproportionate outcome burden' as borne out of implementing separate mitigation measures than what is already bound by the PNA. This provides an additional burden on the PNA PS vessels already implementing similar mitigation measures under the PNA 3rd</p>	<p>Paragraph 25 (3) for the PNA EEZs the prohibition of setting on a school of tuna associated with whale sharks shall be implemented in accordance with the 3rd arrangement Capacity building. Paragraph 31 and 32 on providing support to SIDS on capacity building to implement this measure and any NPOA.</p>	<p>By acknowledging the already in place implementation arrangement by the PNA, paragraph 25 mitigates the DB that otherwise the implementation of the measure would have placed on PNA Member countries.</p>

FOR FFA MEMBERS PARTICIPANTS EYES ONLY

CMM	Potential DBs identified in the CMMs	Mitigation measures/options	Secretariat's views
	Agreement. Thus recognising what is already in place and is working is a mitigation of such potential DB.		
CMM 2025-05 Seabird measure	A disproportionate administrative burden was raised on the area of application for this measure. When negotiating the measure, the administrative burden of implementing, monitoring, and reporting on seabird mitigation obligations to SIDS—particularly in areas where their fleets have virtually no fishing activity— which was considered disproportionate to their extremely limited impact on seabird populations, was taken into account.	<p>Removal of DB on reporting for SIDS: Maintaining exemptions therefore avoids placing unnecessary compliance and reporting burdens on small administrations, while having no meaningful effect on the conservation effectiveness of the measure</p> <p><i>Para 5: Mitigations required between 25S and 30S do not apply to the EEZs of Tonga, Fiji, Cook Islands and French Polynesia.</i></p>	This DB was addressed by using a risk approach and Art 30 to exempt SIDS with EEZs sleeves in areas South of 20S, where minimum LL fishing was occurring and hence minimum interaction with seabirds. The administrative burden of reporting and monitoring was removed by keeping provision 5 of the measure.
Examples : MCS related CMMs			
CMM 2017-02 Minimum Standards for PSM	In 2014, FFA Members identified any measures to actively implement the FAO PSMA in a CMM as a disproportionate administrative burden . FFA Members' view was that any measure that will actively implement the FAO PSMA would impose high costs on SIDS to train port inspectors and develop processes and systems to guide inspections and comply with reporting obligations. While there are some benefits to SIDS through reduced IUU fishing, these are largely intangible and are shared by all	<p>Para 6 - provides an opt-in clause for any member wanting to designate its ports for the purposes of inspection along with the associated requirements that such designation entails.</p> <p>Para 22-27 is specifically about special requirements of SIDS with para 27 providing a general mitigation clause, stating that where a SIDS demonstrates a DB, despite other measures, "CCMs shall cooperate to identify mechanisms</p>	<p>The view in 2014 may still be relevant to those not party to the FAO PSMA but Members should confirm this. There are 9 FFA Members who are party to this instrument.</p> <p>The opt-in clause in para 6 provides flexibility, allowing Members the option to opt in and therefore implement the subsequent requirements in this measure.</p>

FOR FFA MEMBERS PARTICIPANTS EYES ONLY

CMM	Potential DBs identified in the CMMs	Mitigation measures/options	Secretariat's views
	<p>Commission members, including those who do not face the burden of implementation.</p> <p>Past attempts to amend 2017-02 to achieve this outcome have not been successful for this reason (see DP.04 rev1 submitted by Canada in 2019).</p>	<p>required to mitigate the burdenwhich may include key capacity or resource assistance.”</p>	<p>Para 25 requires the development of a mechanism including through cost recovery “to provide funding support to SIDS” but to-date, this has yet to happen.</p> <p>In addition, the mitigation measure provided in para 27 appears aspirational and does not, in itself, guarantee removal of any identified DB.</p> <p>Thus, any revision of the current measure would need to, as Members have consistently articulated, reflect the unique context of the region and a PSM that balances application of prescriptive PSM against an effective flag state control and importantly, not transfer, directly or indirectly, any DB to SIDS.</p>
CMM 2009-06 Transshipment	<p>The requirement in Section 2 of the measure (transshipment from fishing vessels other than purse seine), whereby longline vessels engaged in high seas transshipment is only relevant to one FFA Member. The question of whether the said Member effectively implements these requirements to determine whether there is a disproportionate administrative burden</p>	<p>Para 34 of the TS measure provides that there shall be no transshipment on the high seas, except where a CCM determines impracticability in accordance with guidelines yet to be developed under para 37, and in the absence of such guidelines, applies the two criteria set out in para 37.</p>	<p>High seas transshipment activities, originally intended to be limited to cases meeting specific criteria, have increasingly become routine practice.</p> <p>As such, there is an opportunity cost for SIDS, which could have benefited from these activities taking place in port, including through the generation of</p>

FOR FFA MEMBERS PARTICIPANTS EYES ONLY

CMM	Potential DBs identified in the CMMs	Mitigation measures/options	Secretariat's views
	<p>transferred/borne by this Member, is a matter for the relevant Member to determine.</p> <p>By contrast, at MCSWG29 (2026), a member (RMI) identified this as a 'disproportionate outcome burden', noting that the allowance of high seas transshipment impact the benefits SIDS would otherwise obtain from having these activities undertaken in port, thereby impacting potential revenue for RMI and other SIDS. This view is consistent with statements made by FFA Members in the past, on record.</p>	<p>The determination of impracticability could potentially serve as a mitigation option if it were undertaken by the Commission, rather than self-determined by flag CCMs, and guided by clear criteria; however, this is not currently the case.</p> <p>Accordingly, there is presently no mitigation measure embedded or implemented to address the DB identified by the RMI.</p>	<p>revenue from port fees and associated services, as RMI stated at MCSWG29.</p> <p>Accordingly, this represents an example of a 'disproportionate outcome burden' for at least one FFA SIDS, as this activity reduces benefits by affecting potential revenue streams.</p> <p>To address this DB, Members' proposals for the Commission to play a role in determining impracticability and to strengthen monitoring of high seas transshipment activities are relevant.</p>

Table 2: List of Conservation and Management Measures - see <https://cmm.wcpfc.int> for the CMM text

Fishery/species related CMMs	MCS/Compliance related CMMs		Others
2025-02 Tropical Tuna CMM 2025-04 HS FAD closures & catch retention 2025-03 MP for SKJ 2022-03 Harvest strategy 2006-04 MLS in SW Pacific 2024-06 NP MLS 2009-03 SWO 2023-03 NP SWO 2019-03 NP ALB 2015-02 SP ALB 2025-01 MP for SPA 2024-02 MCS of PBT 2024-01 PBT	2004-03 Marking & Identification 2018-06 RFV 2013-04 UVI 2022-05 RFV SSPs 2019-07 IUU List 2009-09 FVs without Nationality 2024-03 Charter 2009-10 Monitoring landings of PS-ers at ports 2023-04 CMS	2006-07 Establishment of ROP 2012-03 ROP (N 20 N) 2017-03 Protection of ROP 2018-05 ROP 2009-06 Transshipment 2014-02 Commission VMS 2025-07 HSBI 2008-04 HS Driftnet fishing 2022-06 HS Daily C&E reporting 2016-02 EHSP 2009-05 Fishing on data buoys 2017-02 Port State Measure 2017-04 Marine pollution	2013-06 Criteria for consideration of conservation and management proposals 2013-07 Special requirements of SIDS 2019-01 CNM 2004-03 Resolution on CMMs
By-catch: 2024-07 Cetaceans 2018-04 Sea Turtles	2025-05 Seabirds 2019-05 Mobulid Rays	Sharks 2025-06	2024-04 Labour Standards (effective: 1 Jan 2028)