



**FIFTH REGULAR SESSION
8-12 December 2008
Busan, Republic of Korea**

ISSUES ARISING FROM WCPFC4

**WCPFC5-2008/IP01 Rev.1
14th November 2008**

Summary Report Para. Ref.	Issue	Response
Membership		
16	Indonesia's access to the Convention in 2008: "Indonesia explained that it is in the process of ratifying the Convention and expects to become a full member of the Commission in 2008."	The Commission Chair sent a letter in April 2008 to the Minister of Marine Affairs and Fisheries in Indonesia urging their ratification of the Convention.
21	Review of NZ's proposal on the process of evaluating CNM applications: "New Zealand, on behalf of FFA, stated that the flowchart should be applied such that all applicants undergo an equivalent evaluation and transparent process. New Zealand went on to note that there is no objection to Indonesia's application from FFA members. Some delegations expressed reservations with respect to some of the flowchart's content, and expressed the view that applications should be considered in accordance with CMM 2004-02."	TCC4 reviewed the flowchart and provided it to WCPFC5 for its use as appropriate (TCC4 Report, Attachment I).
40	Evaluation of Belize's bigeye catch estimate:	

	<p>“New Zealand supported this arrangement subject to confirmation that there had been no double counting of Belize’s bigeye catch (to be confirmed by SPC).”</p>	<p><i>Awaiting information – will be updated once the information is received.</i></p>
59	<p>Kiribati’s one year exemption from complying with CMM-2004-02:</p> <p>“The Commission granted a one-year exemption to Kiribati to allow six Ecuadorian, two El Salvadorean and one Panamanian purse seiners to fish within Kiribati’s EEZ.”</p>	
60	<p>Monitoring of nine Latin vessels:</p> <p>“The Commission agreed to a derogation to CMM-2004-01 in order to allow these nine vessels to be placed on the Commission’s Record of Fishing Vessels, and to require that these nine vessels be fully monitored under all applicable WCPFC CMMs for one year.”</p>	<ul style="list-style-type: none"> • The nine vessels were registered on the Commission’s Record of Fishing Vessels. • In April 2008 the WCPFC Secretariat was advised that the Panama-flag vessel had reflagged to Ecuador. In August 2008 the WCPFC Secretariat received information from El Salvador relating to each of the Commission’s CMMs in respect of its fleet, as part of its application for CNM status.
62	<p>Compatible measures on the high seas:</p> <p>The Commission agreed that providing for compatible management measures for fishing on the high seas was a priority area of work over the coming year (see Agenda Item 13).</p>	<p>TCC4 reviewed Chairman’s draft CMM fro bigeye and yellowfin (WCPFC-TCC4-2008/14) which reflects this issue.</p>
Member reports		
67	<p>Submission of outstanding Annual Reports, Part 1 and 2:</p> <p>“The Chair urged all CCMs with outstanding reports to submit them to the Secretariat as soon as possible.”</p>	<p>Required CCMs:</p> <ul style="list-style-type: none"> • Part 1 – 24 members (excluding France), 4 territories (excluding the US territories) and 2 CNMs – a total of 30 CCMs are required • Part 2 – 25 members, 1 territories (excluding French and the US territories) and 2 CNMs – a total of 28 CCMs are required <p>As of 5 November, three CCMs were outstanding for Part 1 and four CCMs for Part</p>

		2.
Science issues		
86-88	Further institutional arrangements for systematic analyses and discussions focusing on reference points, management objectives, strategies and measures:	SC4 recommended to the Commission to endorse two workshops: i) technical workshop on reference points, in conjunction with SPC's pre-stock assessment workshop, and ii) a parallel/joint process including a work shop on management objectives (require separate budget), that will be considered at WCPFC5.
103	Issues on data gaps: "The SC recommended that in order to address important gaps in data submitted to the Commission, a prototype computer program for tracking CCM data submissions be developed and a study into the causes of the gaps be initiated (SC3 Summary Report, para 279). The Commission endorsed this recommendation noting that a prototype system for tracking data submissions is already established on the WCPFC website. The Finance and Administration Committee (FAC) subsequently endorsed an allocation of US\$ 15,000 to support this work."	FishServe (NZ) undertook this consultancy project and the output report will be presented at WCPFC5 (WCPFC5-2008/IP07).
105	Submission of operational level catch and effort data: "The Chair responded that all CCMs are required to provide data to the same standard as described in the SC3 Summary Report, Attachment K 'Standards for the Provision of Operational Level Catch and Effort Data'."	Both the Data Gaps Study (WCPFC5-2008/IP07) and the new facility on the Commission's website (www\wcpfc.int\statistics and data\status of the provision of data to the Commission) provide information on existing data gaps.
107	Administrative matter of the SC: "a) Use a scoping document contained at SC3 Summary Report, Attachment P, to initiate an independent review of science structure and functions of the Commission; and d) Fully assess WCPO bigeye tuna, South Pacific albacore; and WCPO	The report of the Independent Review will be presented at WCPFC5 (WCPFC8-2008/11). Full assessments of the three species were done and presented at SC4.

	skipjack.”	
109	<p>Nine high priority projects from the SC3 Work Programme:</p> <ul style="list-style-type: none"> a. Indonesia and Philippines Data Collection Project; b. Publication of Commission training and educational materials; c. Revised stock assessment of southwest Pacific swordfish; d. Refinement of bigeye parameters Pacific-wide; e. Stock structure and life history characteristics of South Pacific albacore; f. Pacific-wide tagging project; g. ERA, including a productivity and susceptibility assessment (PSA); h. Characterization .. and spatial distribution of tunas around FOs; and i. Scoping paper and work plan for reference points and MSE. 	<p>Process:</p> <ul style="list-style-type: none"> a. In progress b. In progress c. Completed d. Completed e. To be contracted in last quarter of 2008 f. Completed g. In progress h. Completed i. Completed
114	<p>Guidelines for the formulation of the SC work programme:</p> <p>“Finally, several CCMs raised concerns regarding the transparency of the budget and the apparent <i>ad hoc</i> nature of its development process within the SC. The Chair asked the SC to address this concern in next year’s SC budgeting process.”</p>	<p>The SC4 adopted a new process, “Guidelines outlining the process for formulating the work programme and budget of the Scientific Committee”.</p>
115	<p>SC budget for the 2009 and 2010 fiscal year:</p> <p>“PNG, on behalf of FFA, suggested that the budget of US\$ 650,000 for 2008 be used as a minimum budget for the 2009 and 2010 fiscal years.”</p>	<p>The proposed SC budget for 2009 is USD 795,000, where the indicative budget was 745,500.</p>
Northern Committee		
123	<p>Status of striped marlin as a northern stock:</p> <p>“NC3 requested that the Commission renew its request to the SC to review all available information on this issue. The ISC is invited to provide relevant information to the SC in relation to this matter.”</p>	<p>ISC provided information on the concentration of the stock biomass to SC4.</p>
126, 127	<p>NC’s working group on striped marlin:</p> <p>“The Commission requested that the NC form such a working group with a view towards developing a draft CMM, with SPC and FFA input, for consideration by the SC at SC4.”</p>	<p>The working group was established but no progress was made for the draft CMM.</p>
128, 129	<p>Transparency of the ISC assessment:</p>	<p>In relation to Pacific bluefin tuna assessment,</p>

	<p>“New Zealand and the Chair raised questions as to the transparency of the ISC assessment and lack of review of the actual assessment by the SC, with New Zealand emphasizing the importance of ISC assessments being presented in full to the SC for review.”</p>	<p>“The Pacific Bluefin Working Group will review the biological hypotheses as well as several problems encountered during the assessment in a planned series of workshop beginning in December 2008. An invitation was extended to SC participants to become involved in the next assessment. (para 174, SC4 Summary Report)”</p>
Technical and Compliance Committee		
134, 138	<p>Progress of the ROP:</p> <p>“...although there are many areas of progress on the ROP, an implementation schedule has yet to be formulated, costing arrangements were yet to be agreed upon, and the types and sizes of vessels to be included in the scheme have yet to be defined.”</p> <p>“It was noted that a further physical meeting of the IWG-ROP, perhaps in April or May, 2008 might be necessary to begin integrating other elements of the ROP.”</p>	<p>Results of discussion on ROP at IWG-ROP2 and TCC4 will be presented at WCPFC5 (WCPFC5-2008/15).</p>
141-143, 150, 151	<p>VMS:</p> <ul style="list-style-type: none"> a. VMS working group – i) standards, specifications and procedures for the use of the Commission VMS, and ii) the physical development of the Commission VMS. The Commission noted that in accordance with CMM 2006/06, both processes will be concluded and the Commission VMS should be in a position to be operable 60 days after WCPFC5. b. Technical specifications of the VMS c. Vessels to be participating in the Commission’s VMS 	<p>Results of discussion on VMS at VMS working group and TCC4 will be presented at WCPFC5.</p>
158, 304	<p>Draft CMM for the transshipment monitoring:</p> <p>“It was noted that in the absence of a CMM on transshipment, under the Convention a ban on purse-seine transshipment on the high seas will apply except for a one-year exemption for the Philippines and FFA members.”</p>	<p>TCC4 agreed that ongoing discussions on the draft measures should be undertaken by CCMs led by Marshall Islands and assisted by Australia with comments to Marshall Islands by 20 October. CCMs are encouraged to bring</p>

	“The (small) group (on transshipment) recommended that an intersessional working group that meets electronically, be established.”	forward a draft measure for WPCFC5 consideration
162	Port State measures: “The Commission agreed to defer consideration of port State measures to TCC4.”	TCC4 recommended deferral of the issue of port State measures for the WCPFC until conclusion of the FAO process.
165	Vessel chartering schemes: “The Commission agreed to defer consideration of vessel chartering schemes to TCC4.”	The Secretariat is directed to produce an analysis of existing draft CMMs by Japan and FFA with respect to chartering for consideration at TCC5.
182	Reporting compliance with CMMs: “TCC3 requested that the Secretariat develop a discussion paper on reporting compliance with CMMs.”	Secretariat produced a document, CCMs’ Implementation of, and Compliance with, CMMs (WCPFC-TCC4-2008-10).
205,206	WCPFC IUU Vessel List: <i>Athena F, Jin Feng Tsair #1, Daniela F</i>	TCC4 recommended that <i>Athena F</i> and <i>Daniela F</i> should remain on the list. TCC4 agreed to recommend to WCPFC5 the removal of <i>Jinn Feng Tsair No.1</i> from the WCPFC IUU Vessel List if a satisfactory settlement is reached by the time WCPFC5 meets.
225	Consideration by TCC of applications for CNM status: “The Chair agreed to postpone a decision on this item until after the CNM application discussions were concluded, and if not resolved by WCPFC4, to defer this issue to TCC4 and WCPFC5.”	TCC4 reviewed the principles contained in “Cooperating Non-Members Proposed Amendments to CMM-2004-02” (WCPFC-TCC4-2008/DP-05). TCC4 agreed that CCMs provide written comments to Canada by 31 October 2008. Canada undertook to provide a revised version of the paper to the Secretariat by 7 November 2008 for distribution to CCMs and consideration at WCPFC5.
Rules and Procedures for the Protection, Access to, and Dissemination of Data compiled by the Commission		
236, 237	AHTG [Data]:	AHTG [Data] will provide a revised version of the rules and procedures well in advance of

	The Commission endorsed TCC's recommendation for continuation of the work, through electronic communication, of the AHTG [Data] to develop the separate rules and procedures for non-public domain data.	WCPFC5.
Conservation and management measures		
247, 253, 254	<p>CMM for YF/BE (CMM-2005-01 and CMM-2006-01):</p> <ol style="list-style-type: none"> a. "FFA members requested that the reference to the footnote be clarified in future reports of this kind, if necessary by quoting the complete text of the footnote instead of part of it." b. "The Chair reminded CCMs that the deadline for submitting FAD management plans to the Secretariat is 1 January 2008, ... Other CCMs were urged to submit their plans before the deadline to avoid contravening the CMM." c. "The deadline for CRPs was September's TCC3 meeting. Australia, New Zealand and Vanuatu are the only CCMs to have submitted CRPs to the Secretariat." 	The Chairman prepared a draft CMM for BET/YFT.
255, 256	<p>CMM for SP albacore (CMM-2005-02):</p> <p>"Therefore, the Secretariat requested CCMs to provide a clear delineation of their catches in this area (catch and number of fishing vessels)"</p>	The SC has received reports from the Secretariat regarding the level of compliance with this requirement – particularly in respect of reporting catches of South Pacific albacore south of 20°S.
257	<p>CMM for NP albacore (CMM-2005-02):</p> <p>Report all catches every six months, and report annually all catches and all fishing effort by gear type.</p>	SC and NC have received reports from the Secretariat regarding the generally low level of compliance with this requirement.
267	<p>CMM for sharks (CMM-2006-05):</p> <p>This measure entered into force on 1 January 2008 for vessels greater than 24m in overall length.</p>	
280, 286.	New CMM for BE/YF:	<ul style="list-style-type: none"> • Tables BET2 and BET3 in Attachment L of

290	<p>“Some CCMs noted that information in the form (evaluation of management options) provided by Dr Hampton was very useful to the Commission and requested that the information be passed to the SC for review, and that the SC should provide similar analysis on relevant management options next year.”</p> <p>“The Commission tasked the Fourth Regular Sessions of the SC and TCC to provide advice and recommendations that will support the development of the CMM.”</p> <p>“The Commission called on CCMs to take voluntary steps to mitigate the impact of their fishing activities on the sustainability of bigeye and yellowfin tuna and to report back on steps taken, as part of their Part 2 Annual Reports.”</p>	<p>the SC4 Report contain information on the impact of fishing effort reductions by the main categories of fishing fleets on F/F_{MSY} and B/B_{MSY}.</p> <ul style="list-style-type: none"> • SC4 produced detailed advice on the stock status and management implications on BET/YFT.
291	<p>New CMM for ROP:</p> <p>“Implementation is based on the use of existing regional, sub-regional and national programmes already operational in the region when the CMM enters into force on 15 February 2008, and provides for gradual development of the programme through 2012. The minimum size of vessels requiring an observer, as well as other operational aspects of the ROP, was deferred for consideration under the intersessional working group (IWG)-ROP and its recommendation to the Commission on this matter in 2008.”</p>	<p>TCC4 recommended that WCPFC5 approve the contents of the IWG-ROP2 report, the collection of the data listed in Attachment C of the TCC4 Report, and the mandate of the IWG-ROP be extended for a period of one year. TCC4 also recommended to WCPFC5 that it authorize the IWG-ROP to continue its work on outstanding items contained in CMM-2006-07, a non-exhaustive list of which is attached at Attachment D of the TCC4 Report.</p>
294	<p>New CMM for VMS:</p> <p>“The Commission noted that the NC is responsible for developing proposals for VMS implementation in the area north of 20°N and west of 175°E.”</p>	
296	<p>New CMM for CDS:</p> <p>“The EC... volunteered to lead an intersessional working group (operating electronically) to work toward designing an appropriate CDS for the region that focuses on the most critical species. ... The report of the working group will be tabled at TCC4 for review, possible refinement, and adopting for forwarding to</p>	<p>TCC4 recommended formation of a working group, coordinated by the European Community, to discuss this matter based on the EC draft CMM and the intervention by Fiji on behalf of the FFA which is attached as Attachment M of the TCC4 Report.</p>

	WCPFC5.”	
300	<p>New CMM for record of fishing vessels and authorization to fish:</p> <ol style="list-style-type: none"> a. The Commission should defer consideration of establishing a record of non-CCM carrier and bunker vessels. b. The Commission should refer the original proposal from RMI, as amended in paragraphs 1(c), 1(d), 11–16, and 19–22 of WCPFC4-2007/28 should be referred to TCC4 for consideration. c. The Commission should encourage interested CCMs to work together before TCC4 to continue to develop this measure for adoption in 2008. d. The Commission should extend the current exemption for non-CCM carrier and bunker vessels for 2008 pending the work recommended above. e. Before 1 July of each year, each Commission Member shall submit to the Executive Director a list of all vessels that appeared in its record of fishing vessels at any time during the preceding calendar year, together with each vessel’s registration number, the WCPFC identification number (WIN), and an indication of whether each vessel fished for highly migratory fish stocks in the Convention Area beyond its area of national jurisdiction. The indication shall be expressed as (a) fished, or (b) did not fish. f. Members that operate joint-venture or charter arrangements that result in data reporting obligations being conferred to a party other than the flag State will make arrangements to ensure that the flag State can meet its obligations under para 300(e). g. The WCPFC Record of Active Fishing Vessels shall identify those fishing vessels so listed that were active in the Convention Area in the preceding year, consistent with the information provided by Members under para 300(e). h. The Executive Director shall use available information, including the information supplied by Members under para 300(e) to assist in the assessment of the implementation of relevant CMMs and resolutions for the annual consideration of the TCC. 	<ul style="list-style-type: none"> • TCC4 recommended to WCPFC5 that the exemption for non-CCM carrier and bunker vessels be extended for a further year. • TCC4 noted that only 7 Members (Australia, Canada, EC, Japan, Korea, New Zealand and the United States) plus CNM Belize, had submitted their list of fishing vessels active in the WCPFC Convention Area in accordance with the requirement of WCPFC4 para. 300.

311, 312	<p>Revision of CMM on IUU Vessel List (CMM-2006-09, now CMM-2007-03):</p> <p>“The Commission also agreed to defer discussion on other proposed amendments on which consensus had not been reached, including the amendment proposed by Korea in relation to paragraph 3j and the proposal by the EC for mutual recognition of IUU lists of other RFMOs, to the next meeting.”</p> <p>“In relation to issues raised in respect of paragraph 3j, the Commission agreed to task Dr Tsamenyi with preparing a paper on the issues of beneficial ownership and IUU for consideration by WCPFC5. Korea, Japan, and the USA indicated that they wished to revisit next year (at TCC4) some of the issues that could not be resolved.”</p>	<ul style="list-style-type: none"> • Regarding TCC4’s discussions of Paragraph 3(j) of CMM-2007-03, the majority favoured retaining this paragraph while the minority favoured its removal. CCMs agreed to recommend to the Commission not to apply Paragraph 3(j) of CMM-2007-03 as a criterion for IUU listing in developing the Draft IUU Vessel List in 2009. During this period, the Secretariat in consultation with interested CCMs will develop additional procedures to give effect to this paragraph for discussion at TCC5.
325	<p>New CMM on the aspirations of small island developing States:</p> <ul style="list-style-type: none"> b. the VDS was now operational and that the VDS is the measure adopted by PNA members of the Commission for managing capacity and fishing effort in the EEZs of PNA members. It was agreed that the PNA would provide a report to the Commission on the implementation of the VDS at each annual session of the Commission; d. the Executive Director will commence a process in early 2008 to support the implementation of similar measures to limit purse-seine effort on the high seas, consistent with para 9 of CMM 2005-01, and in waters under the national jurisdiction of non-PNA members of the Commission, consistent with para 10(ii) of CMM-2005-01; and e. a consultation for CCMs to further discuss strategies for promoting the development aspirations of SIDS members of the Commission be organized for mid-2008 with the Chair to develop a suitable agenda intersessionally with CCMs. 	<ul style="list-style-type: none"> b. WCPFC5 Agenda Item 9.2 (WCPFC5-2008/25). c. A process was commenced in advance of SC4 to assimilate information that would support consideration of a similar measure to the VDS to limit fishing effort on the high seas. This continued at SC4 and TCC4. Progress will be considered under Agenda Item 9.3 (WCPFC5-2008/26). e. Following discussion between the Chair and SIDS representatives it was decided not to proceed with this suggestion.
see	<p>Allocation:</p> <p>“WCPFC4 agreed to retain allocation as an agenda item for next year’s meeting but noted it is not one of the top priority items for 2008.”</p>	<p>WCPFC5 Agenda Item 9.3 (WCPFC5-2008/20)</p>
<p>Work programme and budget for 2008 and indicative work programme and budget for 2009 and 2010</p>		

353-355	<p>Priority issues for the Commission in 2008:</p> <p>“The Chair identified the priority issues for the Commission in 2008 as:</p> <ul style="list-style-type: none"> a. development of a CMM for bigeye and yellowfin tuna; b. development of compatible measures for the high seas, including development of measures for the high seas and for EEZs of other non-PNA CCMs, which are compatible with those measures applicable to the PNA members of the Commission consistent with paras 9 and 10 of CMM-2005-01; c. development of a CMM that regulates transshipment activities; and d. development of an improved and rationalized process for considering applications for CNM status.” <p>“The EC suggested that development of a CDS be considered as a priority for the coming year. Japan expressed reservations on the priority of developing a CDS, although it noted its willingness to cooperate in discussion on this issue.”</p> <p>“The USA suggested that further measures to reduce sea turtle bycatch might also be considered a priority.”</p>	Chairman’s draft CMM for BET/YFT and the outputs from TCC4 will cover these issues.
Other matters		
362	<p>Performance review:</p> <p>“The Commission agreed to defer further consideration of the WCPFC performance review to WCPFC5.”</p>	