



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

**Fourth Regular Session**

**Tumon, Guam, USA  
2–7 December 2007**

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

### **Fourth Regular Session**

**2–7 December 2007  
Tumon, Guam, USA**

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### **SUMMARY REPORT**

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#### **AGENDA ITEM 1 - OPENING OF MEETING**

1. The Fourth Regular Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC4) took place from 2–7 December 2007 at Tumon, Guam, USA. The following Members attended: Australia, Canada, People’s Republic of China, Cook Islands, European Community (EC), Federated States of Micronesia (FSM), Fiji, France, Japan, Kiribati, Korea, Republic of the Marshall Islands (RMI), Nauru, New Zealand, Niue, Palau, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America (USA) and Vanuatu.
2. Indonesia participated as a Cooperating Non-member (CNM). Participating Territories were represented by: American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia, Tokelau and Wallis and Futuna.
3. Observers from the following non-member countries attended the Session: Belize, Ecuador, El Salvador, Mexico and Senegal.
4. Observers from the following inter-governmental organizations also attended: the Agreement for the Conservation of Albatrosses and Petrels (ACAP), Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), Inter-American Tropical Tuna Commission (IATTC), International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), Pacific Islands Forum Fisheries Agency (FFA), Pacific Islands Forum Secretariat, Secretariat of the Pacific Community (SPC), and Secretariat of the Pacific Regional Environment Programme (SPREP).
5. Observers from the following non-governmental organizations attended WCPFC4: American Fisheries Research Foundation (AFRF), BirdLife International, Earth Island Institute, Greenpeace, the Marine Stewardship Council, Pacific Island Tuna Industry Association, World Tuna Purse Seine Organization (WTPO), and World Wide Fund for Nature (WWF).

6. A List of Participants is appended (**Attachment A**).

### **1.1 Opening ceremony and welcoming address**

7. A Chamorroan chant was performed to open the meeting. The Honorable Felix P. Camacho, Governor of Guam, delivered a welcoming address.

### **1.2 Opening statements**

8. The Chair presented an opening statement that highlighted the positive developments in the Commission's work over the past year, identified the key challenges for this meeting, and reviewed current challenges facing world tuna fisheries and the implications for the western and central Pacific Ocean (WCPO) (**Attachment B**).

9. In its first statement as a new Member of the Commission, the USA expressed its pleasure at becoming a full Member with the same responsibilities and rights under the Convention as other Members, and the same level of commitment towards its success. The USA also expressed its appreciation for the consideration it had been given by other Members while it completed its ratification processes and pledged to work cooperatively with all Members, Cooperating Non-members and Participating Territories (CCMs) on the critical issues of stock sustainability, bycatch, and monitoring, control and surveillance (MCS). The USA's statement is appended (**Attachment C**).

10. New Zealand, as Chair of FFA, presented an opening statement on behalf of FFA members, thanking the WCPFC Secretariat for its work during the year and urging all CCMs to work together in a constructive manner to implement effective MCS measures and resolve issues related to bigeye and yellowfin tuna conservation and management measures (CMMs). The statement noted the challenges of addressing allocation concerns while acknowledging the sovereign rights of small island developing States (SIDS) to develop their fisheries in a responsible manner. Concern was also expressed regarding the activities of distant-water fishing nations that are not WCPFC Members and whose vessels may be undermining the Commission's efforts to sustainably manage fisheries (**Attachment D**).

11. Other CCMs submitted opening statements in written form (see **Attachment E** – Philippines; **Attachment F** – PNG; **Attachment G** – Korea; and **Attachment H** – New Caledonia).

### **1.3 Adoption of agenda**

12. The Commission adopted the agenda contained in WCPFC4-2007/02 Rev.1 and the provisional schedule of work contained in WCPFC4-2007/04 Rev.1.

### **1.4 Meeting arrangements**

13. The WCPFC Executive Director, Andrew Wright, introduced WCPFC Secretariat technical staff attending the meeting, including Andrew Richards, Compliance Manager; Ken Smithson, Finance and Administrative Officer; SungKwon Soh, Science Manager; Karl Staisch, Observer Programme Coordinator; Ziro Suzuki, Japan Trust Fund Coordinator; Herolyn Movik, Office Manager; and Lucille Martinez, Executive Assistant. In addition to WCPFC Secretariat staff, four meeting participants provided support services: Dr Shelley

Clarke, rapporteur; Iain Hayes, VMS (vessel monitoring system) consultant; Dr Martin Tsamenyi, legal advisor; and Dr John Hampton from the Secretariat of the Pacific Community's Oceanic Fisheries Programme (SPC-OFP), representing the Commission's Scientific Services Provider.

## **AGENDA ITEM 2 - MEMBERSHIP**

### **2.1 Status of the Convention**

14. The depository for the Convention, New Zealand, presented WCPFC4-2007/06, summarizing the status of the Convention as of 27 October 2007. The only change to the Convention since the last Commission meeting in December 2006 (WCPFC3) was a notification that the Convention entered into force for the USA on 27 July 2007. An accompanying declaration from the USA authorized American Samoa, the Commonwealth of the Northern Mariana Islands and Guam to participate in the work of the Commission and its subsidiary bodies, in accordance with Article 43 of the Convention.

### **2.2 Applications for Cooperating Non-members (CNM) status**

15. The Executive Director noted that at WCPFC3, applications for CNM status were received from Belize, Indonesia, Senegal and the USA. Indonesia and the USA were granted CNM status at WCPFC3 and the USA has since become a full member. As described in WCPFC4-2007/07, issues for consideration by WCPFC4 included an application for renewal by Indonesia, and new applications by Belize, Ecuador, El Salvador and Senegal. Each applicant was requested to give a brief presentation.

#### *Indonesia*

16. Indonesia explained that it is in the process of ratifying the Convention and expects to become a full member of the Commission in 2008. Until that time, Indonesia requested permission to continue participating in the work of the Commission, particularly the ongoing data collection and fishery monitoring programme under the Scientific Committee (SC), as a CNM. The Chair noted that Indonesia is a coastal State in the Convention Area, with a long record of cooperation with the Commission.

#### *Belize*

17. Belize highlighted its participation in several regional fisheries management organizations (RFMOs), including the IATTC and the Indian Ocean Tuna Commission (IOTC) as a CNM. In support of its application it has provided information requested by the Commission as well as additional information contained in WCPFC4-2007/OP5. Belize stated that it has a real interest in the WCPFC Convention Area, which dates from before the formation of the Commission. It noted that the United Nations Fish Stocks Agreement (UNFSA) calls upon States to participate in RFMOs and for such participation to be allowed without prejudice.

#### *Ecuador*

18. Ecuador's statement (WCPFC4-2007/OP07) noted that it is a coastal State that has supported tuna fisheries in the WCPO for many years. Ecuador controls its high seas vessels under the international regulatory framework provided for under the UN Convention on the

Law of the Sea (UNCLOS) and is a contracting party of the IATTC. MCS measures, including 100% observer coverage, are applied in international waters outside of the IATTC's jurisdiction. Satellite-based vessel monitoring systems (VMSs) will be made mandatory for its entire fishing fleet.

### *El Salvador*

19. A statement from El Salvador (WCPFC4-2007/OP09) explained that its tuna purse-seine fleet consists of four vessels operating throughout the eastern Pacific Ocean. As a member of IATTC, MCS measures such as 100% observer coverage and VMS are applied. The presence of its fishing vessels in the WCPO dates from 2001. El Salvador expressed an interest in applying for full WCPFC membership, if invited, in the future.

### *Senegal*

20. Senegal (WCPFC-2007/OP08) cited its membership in the International Commission for the Conservation of Atlantic Tunas (ICCAT) and IOTC and the presence of VMSs on every vessel. After Senegal's unsuccessful application for CNM status at WCPFC3, and after the Commission's request for Senegal to remove its vessels from the Convention Area, Senegal noted it withdrew its vessels in March and August 2007.

### *Discussion*

21. New Zealand, on behalf of FFA members, offered a flowchart to clarify the process for evaluating CNM applications (WCPFC4-2007/DP20). It was explained that although new procedures for CNM applications had also been put forward in the form of an FFA proposal for revisions to CMM-2004-02 (WCPFC4-2007-DP11), the flowchart is based on the currently applicable guidance contained in CMM-2004-02 and on the Convention. 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.

22. Several other CCMs noted that while they had no objection to Indonesia's application, it would possibly now be entering its third year as a CNM and that positive progress towards ratification is now necessary. Concerns were also expressed regarding the participatory rights of applicants should CNM status be conferred, possible impacts on the development aspirations of SIDS, potential overcapacity in light of current concerns regarding the status of WCPO tuna stocks, and implications for the Commission's MCS activities. Other CCMs stated the importance of separating issues of membership, participatory rights, fishing capacity in the Convention Area, and compliance issues associated with applicants (e.g. illegal, unreported and unregulated fishing), from the need for transparent and fair application of the process outlined in CMM 2004-02. Still other CCMs noted their view that CMM 2004-02 contains the tools to address these concerns given that all CNMs are obligated to comply with the Convention and all CMMs that are in force.

23. The Commission approved an extension of Indonesia's CNM application for one-year.



24. Chinese Taipei presented statements in support of Belize's and El Salvador's applications, citing a need for RFMOs to be open and inclusive. The statement noted that, since both States have already been fishing in the WCPF Convention Area, Chinese Taipei supported both States' applications, noting that both States are cooperating with other RFMOs.

25. Kiribati presented a statement supporting the applications of Ecuador and El Salvador (WCPFC4-2007/DP29).

26. With respect to considerations for the four other CNM applications, the delegate from FSM recalled the Multilateral High Level Conference (MHLC) on South Pacific Tuna Fisheries experience. He noted that in 1999, the MHLC adopted a resolution that sought to place a moratorium on new participants in the MHLC, in an effort to restrict the future membership of the WCPFC. During the MHLC and PrepCon process, participants that are now WCPFC Members were required to make decisions on legitimate and real interest in this region. Considerations at that time included:

- whether they were a coastal State of the region,
- past fishing activities in the Convention Area,
- level of demonstrated and sustained contribution to domestic and regional fisheries research,
- contributions to management and development in the WCPFC region, and
- demonstrated responsible fishing practices, including effective exercise of responsibility for its vessels and its nationals and compliance with regional and national conservation and management measures.

The delegate from FSM also noted that decisions taken at that time have shaped the WCPFC membership. Furthermore, the the WCPFC Convention was designed to make it harder for new entrants to become Members, because of problems of overcapacity; also, because unlike other tuna regions, most participants are small island countries for which tuna resources are important. Pursuant to Article 35 of the WCPF Convention, MHLC participants can accede to the Convention at any time, whereas other non-MHLC participant States must be invited to become a Member by a consensus decision of the Commission.

27. Because many CCMs requested additional discussion on these issues, the matter was referred to a working group chaired by Sylvie Lapointe (Canada).

28. Subsequent to these discussions, some CCMs noted the importance of supporting the Commission's own priorities of managing overcapacity and promoting SIDSs' development, yet acknowledging the rights of States that are not CCMs to fish on the high seas in a responsible manner. These CCMs believed that some of the issues raised with regards to the applications for CNM status were actually issues relating to whether the implementation of the Commission's management framework was sufficiently robust. Some CCMs articulated the Commission's duty to encourage cooperation in managing stocks, particularly with States that have a history of fishing in the Convention Area, and to follow open and transparent criteria when considering CNM applications.

29. Some CCMs suggested that CNM applications should be considered as an integrated issue, and particular issues of compliance with Commission resolutions and CMMs should be discussed separately.

30. Other CCMs considered whether the Commission's ability to manage fishing capacity in the Convention Area may be jeopardized by denying CNM applications. These CCMs were concerned that the Commission's tools for managing the fishing activities of non-members are not as robust as its tools for managing the fishing activities of CCMs. In this regard, several CCMs stated that the existing regulation of high seas fishing activities is insufficient and is leading to encroachment of fishing rights within exclusive economic zones (EEZs). Consequently, these CCMs opposed actions that could lead to any further increase in high seas fishing activities.

31. Some CCMs stated that CNMs and other non-members should be aware that presently and for the foreseeable future, stocks of yellowfin, bigeye, South and North Pacific albacore, swordfish and striped marlin that are regulated by the WCPFC are fully fished, and that fishing opportunities are therefore limited to new fisheries. In this regard, CNMs and other non-members should note that the WCPFC has agreed to conservation and management measures that limit participation in fisheries for yellowfin, bigeye, South and North Pacific albacore, swordfish and striped marlin.

32. Australia, referring to WCPFC4-2007/DP32, reminded CCMs that participation in existing fisheries, including by CNMs, is limited by CMMs applicable to these stocks. Some CCMs expressed support for the concepts in WCPFC4-2007/DP32, while others commented that the format, the summarized nature of the presentation, the interpretation of some provisions of the CMMs, and the relationship of the paper to the CNM application would require further consideration.

33. Apart from Indonesia, whose application was approved on Monday, final decisions on the applications for CNM status were made on Friday, 7 December.

34. Prior to the consideration of each application, several CCMs, including the USA and Australia, supported a statement by Canada that expressed the view that each application needs to be considered fairly and objectively in light of criteria set out in CMM-2004-02 and that issues of increased fishing capacity and development aspirations, while very important, should be considered separately. Furthermore, it was expressed that the existing CMM was the only standard for assessing applications, and new rules or standards could not be imposed at WCPFC4.

35. Concerning the application for CNM status by Belize, Dr Tsamenyi stated that he had reviewed the application against the legal requirements of CMM-2004-02, and with reference to the insufficiencies of the application identified by the Commission when Belize presented its application for CNM status to WCPFC3. Dr Tsamenyi noted that the application complied with all information requirements but that he was not in a position to comment on the technical quality of the data presented in the application.

36. The Commission granted Belize CNM status for one-year.

37. New Zealand inquired as to whether the Chair intended to address the issue of participatory rights for Belize at that point in the meeting.

38. When the meeting returned to address this issue, Dr Tsamenyi clarified that under CMM-2004-02, once an application for CNM status is granted, the CNM is subject to all the obligations under existing and future decisions of the Commission. There is no basis under these procedures for differential treatment for a newly admitted CNM unless the CNM agrees

to such differential treatment. Dr Tsamenyi noted that amendment to CMM-2004-02 or to CMMs relating to allowable levels of bigeye tuna catches, may need to be undertaken to clarify these issues for future CNM applications but would not apply retrospectively to the decision taken with regards to Belize by WCPFC4.

39. New Zealand, supported by FSM, insisted that given the status of bigeye stocks and the provision in measure WCPFC 2005-01 calling for no increase in overall fishing effort on bigeye and yellowfin tuna, that Belize be required to limit its catches of bigeye tuna to its average catch levels over the period 2001–2004, minus any amount that may have been double counted and attributed to coastal States; and that its fishing activities be limited to a total of five longline vessels in the North Pacific and two longline vessels fishing south of 15°S, which are restricted to catching swordfish.

40. Belize stated that it fully intended to comply with all applicable WCPFC CMMs and would voluntarily limit its annual bigeye tuna catches to 803.25 mt (i.e. its average annual catch over the period 2001–2004). Dr Hampton subsequently confirmed that this figure matched the catch records submitted by Belize to the Commission in support of its application. The Commission noted Belize's commitment to full compliance and its voluntary limit on its bigeye catches. 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).

41. Concerning the application for CNM status by Senegal, Dr Tsamenyi stated that he had reviewed the application against the legal requirements of CMM-2004-02. He stated that the application complied with all information requirements but that he was not in a position to comment on the technical quality of the data presented in the application.

42. Canada, the USA and Vanuatu expressed support for Senegal's application. The EC also spoke in favor of Senegal's application, noting that it is a coastal State with a tradition of fishing, and a record of cooperation with other RFMOs.

43. New Zealand and Niue did not support Senegal's application, citing CMM-2004-02, paragraphs 5a and 5b, and finding that Senegal had failed to fully comply with the Commission's request to remove all of its vessels from the Convention Area; and that the current status of fish stocks cannot support any increase in fishing capacity. New Zealand noted that the meeting had not fully discussed the issue of real interest in the fishery, which was relevant to the issue of a State's right to participate in the fishery. New Zealand considered that there was a clear issue concerning whether Senegal has a real interest in fisheries in the WCPO. In addition, Australia expressed concerns regarding the ability of the Commission to meet the aspirations of new CNMs given the current status of fish stocks and the CMMs currently in place.

44. Samoa noted its dissatisfaction with the development and implementation of CMMs to protect fish stocks, and stated that under such conditions it could not support applications for new CNMs at this time.

45. Since the decision on CNM status could not be made by consensus, Senegal's application for CNM status was rejected. The Commission noted that Senegal may bring forward a new application in the future should it so desire.

46. Concerning the application for CNM status by Ecuador, Dr Tsamenyi stated that he had reviewed the application against the legal requirements of CMM-2004-02. He stated that

the application complied with most of the information requirements but lacked the required information concerning views on ratification of the Convention. He stated that he was not in a position to comment on the technical quality of the data presented in the application.

47. Canada, the EC, the USA, Kiribati and Vanuatu expressed support for Ecuador's application.

48. New Zealand opposed Ecuador's application, citing non-conformance with CMM-2004-02, paras 5, 5c and 9, noting insufficiencies in submitted data; reports by the USA of incursions by Ecuadorian-flagged vessels into the WCPFC Convention Area, including into EEZs; no record of cooperation with WCPFC (e.g. voluntary submission of catch data); an inability of stocks, particularly bigeye tuna, to support additional fishing effort; and failure to demonstrate cooperation with the spirit of IATTC closure periods by simply transferring fishing effort to the same stock in another area.

49. The USA clarified that the cases it had reported to the working group concerning Ecuadorian-flagged vessels had been settled, and that cooperation by Ecuador in investigating additional incidents had been satisfactory thus far. The USA indicated that Ecuador's application should not, therefore, be rejected on this basis.

50. Since the decision on CNM status could not be agreed on by consensus, Ecuador's application for CNM status was rejected. The Commission noted that Ecuador may bring forward a new application in the future should it so desire.

51. Concerning the application for CNM status by El Salvador, Dr Tsamenyi stated that he had reviewed the application against the legal requirements of CMM-2004-02. He stated that the application complied with all information requirements but that he was not in a position to comment on the technical quality of the data presented in the application.

52. Canada, the EC, the USA, Kiribati and Vanuatu expressed support for El Salvador's application.

53. New Zealand opposed El Salvador's application on the grounds that the basis for its application was a situation of overcapacity and overfishing in a neighbouring RFMO. It also noted a failure on the part of El Salvador to demonstrate compliance with WCPFC CMMs. New Zealand also expressed a general concern that through mechanisms such as flags of convenience, some CCMs were, in effect, circumventing CMMs by expanding their fishing effort in the WCPO by fishing under the flag of States seeking CNM status.

54. The EC objected to the reference to a link between flag of convenience issues and CNM applications under consideration by WCPFC4.

55. Since the decisions on CNM status could not be made by consensus, El Salvador's application for CNM status was rejected. The Commission noted that El Salvador may bring forward a new application in the future should it so desire.

56. With respect to the rights of unsuccessful applicants to fish within the Convention Area, Dr Tsamenyi explained that under international law, all States have the right to fish on the high seas as long as they discharge their international law duties to cooperate, fish responsibly, and have adequate measures to control their vessels on the high seas through, for example, authorization to fish and effective MCS measures. These States would only lose

their rights to fish on the high seas if they act in a manner that is inconsistent with Commission measures. Dr Tsamenyi noted that neither Ecuador nor El Salvador is a party to the UNFSA. Ecuador is not a party to UNCLOS and El Salvador has signed but not ratified UNCLOS. Dr Tsamenyi also noted that there are WCPFC CCMs that have not ratified UNFSA and/or UNCLOS.

57. New Zealand proposed that a temporary solution might be to allow vessels of El Salvador and Ecuador to continue fishing pursuant to their licences within the Kiribati EEZ, on the basis that such activity would be consistent with the provisions in CNM-2005-01, relating to the management of purse-seine effort within areas under national jurisdiction.

58. Kiribati requested a special exception from the provisions of CMM-2004-02 in order to continue to authorize the nine purse seiners to continue fishing in Kiribati waters. RMI and New Zealand expressed support for such an exception on the understanding that Kiribati would license the vessels to fish only in the Kiribati EEZ and that no fishing on the high seas in the WCPFC Convention Area would be supported.

59. 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. The Chair requested Kiribati to require these vessels to not fish on the high seas in the WCPFC Convention Area.

60. 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.

61. PNG expressed strong reservations against any actions that would continue to allow fishing in high seas areas just outside EEZs ("high seas pockets"). PNG believes this is leading to illegal incursions into EEZs and loss of coastal State resources, which is preventing the development of SIDS. It requested the Commission to take immediate action to impose compatible management measures on the high seas and in the EEZs of other non-Parties to the Nauru Agreement (PNA) CCMs.

62. 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).

63. In response to the Commission's decisions, Ecuador and El Salvador submitted statements to the Commission as WCPFC4-2007/OP14 and WCPFC4-2007/OP15, respectively.

64. New Zealand clarified that its reference to flag of convenience issues was not linked to the applications from Ecuador and El Salvador, and apologized for any misunderstandings that may have arisen. New Zealand recognized both parties' record of compliance with IATTC.

65. The Chair noted that it is the nature of the WCPFC to engage in frank, but civil, discussions that reflect the accommodations reached between parties as a result of dealing with a number of contentious issues over the years, and any countries seeking to become Members need to understand how the WCPFC operates.

### **2.3 Applications for observer status**

66. The Chair introduced WCPFC4-2007/08, which notes that applications for observer status were received from Chile, Mexico, Thailand, the American Fisheries Research Foundation and Oceana, and that no objections were received to these applications. The Chair noted the terms of participation by these observers under the Commission's Rules of Procedures. Mexico presented a statement (**Attachment I**).

## **AGENDA ITEM 3 - MEMBER REPORTS**

### **3.1 Annual Reports by CCMs**

67. Part 1 of the Annual Report by CCMs — covering fisheries, research and statistics — was submitted to the Commission for 2006 by 24 CCMs, although 6 reports were outstanding at the time of WCPFC4. Part 2 of the Annual Report by CCMs for 2006 was received from 20 CCMs. In addition to these outstanding reports for 2006, 6 CCMs have yet to submit Annual Reports to the Commission for 2005. The Chair urged all CCMs with outstanding reports to submit them to the Secretariat as soon as possible. New Zealand commented that the Secretariat's annual reporting guidelines should be regarded as minimum standards, to allow for additional and contextual information to be added if necessary.

### **3.2 Statements by non-members**

68. The Chair invited non-members and observers to contribute written statements to be distributed by the Secretariat.

## **AGENDA ITEM 4 - SCIENCE ISSUES**

### **4.1 Report of the Third Regular Session of the Scientific Committee**

69. Dr Dae-Yeon Moon (Chair of the Scientific Committee, Korea) presented the summary outcomes of the Third Regular Session of the Scientific Committee (SC3) held in Honolulu, Hawaii, USA from 13–24 August 2007. Dr Dae-Yeon Moon advised that Mr Keith Bigelow was recommended by the SC to serve as Vice-Chair through 2009.

70. The following issues addressed by SC3 were highlighted (SC3 Summary Report, para 2).

- a. A review of fisheries in the WCPO and the eastern Pacific Ocean (EPO);
- b. A review of yellowfin tuna stocks in the Convention Area as well as northern area stocks, including albacore, Pacific bluefin tuna, striped marlin and swordfish;
- c. A review of the report on alternative stock status reference points;
- d. Bycatch mitigation issues and ecological risk assessment;
- e. Issues associated with the Regional Observer Programme, data confidentiality and dissemination, the Indonesia and Philippines Data Collection Project, and WCPFC Regional Tuna Tagging Project;
- f. Cooperation with other relevant organizations;
- g. Special requirements of SIDS and territories;
- h. Future work programme; and
- i. Administrative matters associated with the functioning of the SC.

71. Dr Hampton presented a summary of the status of fisheries for highly migratory species and some of the tuna stocks in the Convention Area (SC3 Summary Report, paras 16–21 and 122–133).

72. Some CCMs raised questions regarding a planned assessment of southwest Pacific swordfish. Australia proposed that this will be a full assessment led by Australia and New Zealand on behalf of the Commission, peer reviewed by SPC, and submitted to SC4 for further review and consideration of management actions. Scientists from all CCMs are encouraged to contribute relevant data analyses and biological insight to the assessment, and an informal workshop is being held at SPC in April 2008 to facilitate this exchange of ideas.

73. The Chair noted that although a bigeye tuna assessment will be conducted next year, clear signals of stock status are already available, and thus a CMM will be considered during WCPFC4.

74. In response to questions regarding bigeye tuna, Dr Hampton explained that the largest impact on the stock is by longlining, and if management actions were to be restricted to purse seiners, an effort reduction of approximately 75% from 2001–2004 average levels would be required to reduce overall fishing mortality to  $F_{MSY}$  levels (MSY=maximum sustainable yields). He also explained that the 2006 stock assessment was based on limited species composition data, particularly with regards to data from Indonesia and the Philippines, and that results may change as data are refined.

75. In relation to this point, Indonesia added that it has already begun reforming and further developing its data collection activities at Bitung in north Sulawesi, and that port sampling will be widened to include Sorong in West Papua during the period 2007–2011.

#### **4.2 Response to CMMs**

76. Dr Dae-Yeon Moon presented eight responses by SC3 to five existing CMMs for consideration by WCPFC4.

- a. Concerning CMM-2006-01, SC3 identified areas of research collaboration with industry on juvenile bigeye and yellowfin tuna issues and is working to progress these.
- b. Concerning CMM-2006-02:
  - i the SC progressed work on minimum technical specifications for seabird mitigation measures (this work was further considered at the Third Regular Session of the Technical and Compliance Committee (TCC3) and WCPFC4; see Agenda Item 8);
  - ii new information on mitigation and interactions was reviewed but resulted in no amendments to existing measures;
  - iii an analysis of seabird interactions and mitigation effectiveness will be included in the 2008–2010 work plan.
- c. Concerning CMM-2006-03, since there was no stock assessment for southwest Pacific swordfish in 2007, no advice was provided (see para. 73 regarding the impending assessment).
- d. Concerning CMM-2006-04, since there was no stock assessment for southwest Pacific striped marlin in 2007, no advice was provided.
- e. Concerning CMM-2006-05:
  - i a list of shark species caught in the WCPFC Convention Area was formulated but identification of “key” species was not possible;

- ii a fin-to-carcass ratio of 5%, as used in CMM 2006-05, was confirmed as reasonable.

77. The Commission endorsed these eight items of advice from SC3.

78. Some CCMs expressed concerns that the CMMs agreed on to date have not resulted in reductions in fishing mortality for bigeye and yellowfin tuna. Concerns were also expressed by FFA members regarding the mixing of politics and science during SC3, and the lack of parity in data provision by some major fishing States in comparison to those being provided by SIDS.

### **4.3 Advice and recommendations of SC3 to the Commission**

#### *Stock status and management implications*

79. Based on the management advice and implications from SC3 on yellowfin (SC3 Summary Report, paras 126–128), the recommendation to reduce fishing mortality rate on yellowfin from the current level was accepted by the Commission. Australia noted that MSY-based reference points are not particularly precautionary and are generally considered to be limited reference points, rather than targets. Australia suggested that a target biomass of 20% above  $B_{MSY}$  should be applied.

80. Management recommendations for bigeye tuna, South Pacific albacore, southwest Pacific swordfish, and southwest Pacific striped marlin from SC2, and for WCPO skipjack from SC1, were considered by SC3 to be still current (SC3 Summary Report, paras 122, 130, 132, 133, 129, respectively), and were endorsed by the Commission to be carried out over the coming year. In response to a question regarding the possibility that high levels of recruitment in bigeye tuna in recent years are an artifact of the stock assessment model, Dr Hampton explained this may be linked to an (as yet) unidentified environmental factor. He noted that similarly high levels of recruitment were found when the IATTC assessed bigeye tuna in the EPO but that a recent series of low recruitment years, and relatively high fishing pressure, have caused the stock status to change considerably. A discussion on the conservation and management measures relating to this stock was deferred to Agenda Item 8.

81. The conservation advice from the ISC that fishing mortality for North Pacific albacore should not be increased from its current level ( $F_{\text{current}}(2002\text{--}2004) = 0.75$ ) and that with the projection based on the continued current high  $F$  the fishing mortality rate will have to be reduced, was recommended to the Commission for endorsement by SC3 (SC3 Summary Report, para 140 and 163). WCPFC4 endorsed this recommendation.

82. The conservation advice from the ISC that fishing mortality for Pacific bluefin tuna should not be increased above recent levels as a precautionary measure until the next stock assessment in 2008, was recommended to the Commission for endorsement by SC3 (SC3 Summary Report, paras 146–152). WCPFC4 endorsed this recommendation.

83. Concerning North Pacific striped marlin, SC3 received the conservation advice from the ISC that the fishing mortality rate of striped marlin should be reduced from the current level (2003 or before), taking into consideration various factors associated with this species and its fishery (SC3 Summary Report, paras 156 and 163). The Chair noted that spawning biomass in 2003 was estimated to be 14–15% of the 1970 level, depending on the model scenario used. The USA explained that while significant reduction in fishing mortality



appears warranted, this issue is complicated for a proper recommendation by the fact that this species is not a target species of the fisheries that catch it, and the fact that it has not been designated as a northern stock. As a solution for the Northern Committee to develop recommendations, this species should be designated as a northern stock for the Northern Committee be tasked to do the work that should then be presented to the SC and the Commission for further consideration. Further discussion of this issue was deferred to Agenda Item 6.

### *Review of reference points*

84. WCPFC's Science Manager, Sung-Kwon Soh, made a summary presentation on the Commission's consultancy report, "Investigation of Alternative Stock Status Reference Points" (SC3-ME-WP-3). The Commission acknowledged and endorsed the recommendations of SC3 with respect to a future work programme on reference points, involving the development of a scoping paper and work plan, and addressing technical and organizational issues associated with implementation (SC3, Summary Report paras 169–170).

85. New Zealand, on behalf of FFA, noted that although FFA members endorse these recommendations, the following issues should be considered by the scoping paper:

- a. The work plan should include a strategy to include wide participation of CCMs, particularly by Pacific Island representatives;
- b. For the development of a management strategy evaluation (MSE), consider performance indicators that are relevant to both stock conservations and socioeconomic benefits derived from fisheries, including the distribution of benefits;
- c. The application of the MSE should be done using a staged approach, first applying to a single species such as North and South Pacific albacore so that CCMs can become familiar with the concepts and issues in a relatively simple case study; and
- d. The scoping paper should include work needed for the preparation of interim management strategies.

86. In addition, New Zealand suggested the need for consideration of revised institutional arrangements for the Commission, such as a fisheries management working group for systematic analyses and discussions focusing on reference points, management objectives, strategies and measures.

87. Some CCMs, while not disputing the usefulness of the report, cited it as an example of a lack of transparency or full participation, and requested the Commission to be fair and transparent in the scientific activities of the Commission. In relation to the second item suggested by New Zealand, two divergent views were expressed on the inclusion or not of the socioeconomic factors in this scoping study as a work of the SC, and in the end no guidelines were offered on this issue by the Commission.

88. The Commission acknowledged and endorsed the recommendations of SC3 with respect to a future work programme on reference points, involving development of a scoping paper and work plan, and addressing technical and organizational issues associated with implementation.

### ***Bycatch mitigation***

89. The Commission endorsed SC3's recommendation to require data collection and reporting, through the Annual Report to the Commission, of shark catches to the lowest possible taxonomic level (SC3 Summary Report, para 197).

90. Palau expressed reservations regarding the practicality of implementing accurate shark catch recording in cases where fins and carcasses are stored separately and DNA testing is not economically feasible. It also offered its view that since its national laws already require this level of specificity for shark recording, in this case, the use of observers would not substantially improve data collection with respect to species identification.

91. The SC assisted with providing information on the specification, further development and refinement of measures to mitigate seabird bycatch (SC3 Summary Report, paras 191 and 192). This work was progressed by the TCC (TCC3 Summary Report, paras 99–106 and Attachment F) and continued under a working group at WCPFC4 chaired by Mr Robert Martinolich (Canada). The outcomes of the small working group are presented under Agenda Item 8.

92. SC3's consideration of strategies to reduce sea turtle interactions resulted in consensus on a list of tools and techniques available for safely releasing hooked turtles (SC3 Summary Report, paragraphs 209–213). A list of measures to reduce the capture or injury of turtles while maintaining target species catches required further discussion under a working group convened at WCPFC4 by Mr Ray Clarke (USA) and presented under Agenda Item 8.

93. Several CCMs commented on the need to maintain consistency between seabird and sea turtle bycatch mitigation measures required by the WCPFC, and those required by other RFMOs. While some CCMs stressed the need to harmonize measures, others advocated a more cautious approach in order to avoid reducing all measures to the lowest common denominator. There was consensus that the specifics of each interaction issue would need to be considered and that a universal solution might not be applicable to all gear types and fisheries.

94. SC3 recommended an eight-part research programme, including industry-associated research, to support measures to reduce mortality of juvenile bigeye and yellowfin tuna (SC3 Report, para 208). The Commission endorsed this recommendation.

95. The SC's recommendation to extend the ecological risk assessment (ERA) project through 2010 (SC3 Summary Report, paras 230–236) was adopted by the Commission.

96. PNG noted that SIDS are not particularly well-informed on this topic. In order to improve understanding and participation, US\$ 50,000 has been granted by PNG for an ERA training programme for FFA members facilitated through the SPC-OFP.

### ***Data and information***

97. SC3 recommended endorsement of six scientific objectives to be considered in the development of the Commission's Regional Observer Programme (ROP) (given in Appendix II of the Statistics Specialist Working Group (SWG) Report, in the SC3 Summary Report). A related recommendation was that Appendix III of the Statistics SWG Report be used as the starting point for future discussions on minimum scientific data to be collected by the ROP,

that these minimum data fields be annotated with their meaning, purpose and format (SC3 Summary Report, paras 237–245). The Commission endorsed these recommendations.

98. Recommendations concerning access to and dissemination of data compiled by the Commission, and immediate implementation of the Information Security Policy, were forwarded to the Commission by SC3 for approval (SC3 Summary Report, paras 250, 251 and 253). These recommendations were also endorsed by the Commission.

99. The SC recommended continued work on the Indonesia and Philippines Data Collection Project (IPDCP), with additional funding support from the Commission for the activities under the IPDCP (SC3 Summary Report, para 255). The Commission endorsed this recommendation.

100. Some CCMs expressed some unease regarding the continued lack of detail in the data from Indonesia and the Philippines. One CCM referred specifically to doubts about the ongoing requirements of the Commission to support data-related work in the Philippines — particularly since it appeared that the Philippines had funds to commit to review data-related issues as indicated in their WCPFC4 Opening Statement (WCPFC4-2007-DP22). Dr Hampton stated that he believes the Commission should continue to support this work in both Indonesia and the Philippines, and that much of the cost was for port sampling and fishery monitoring, rather than merely historical data review. The Philippines noted a savings of US\$ 6,253.66 from the previous budget, which it will carry over to next year as approved by the IPDCP Steering Committee (IPDCP-SC).

101. Following the adoption of the Pacific Tuna Tagging Programme (PTTP) at WCPFC3, and subsequent to the positive review of the Project Document that was prepared for SC3 by the PTTP Steering Committee, the Commission encouraged CCMs to contribute voluntary funding support for Phase II of the PTTP (SC3 Summary Report, para 273). The Commission noted with appreciation, valuable contributions from New Zealand (NZ\$ 5 million) and PNG (an additional US\$ 100,000) to the project. Approximately US\$ 6.4 million has been raised to date, meaning that an additional US\$ 3.4 million is still required. Dr Hampton provided a presentation in which he highlighted that Phase I of the project, which received funding support from Australia, the European Community, France, New Zealand, PNG and the Global Environment Fund, had been an outstanding success, with high release numbers of skipjack and yellowfin (~ 70,000) and more than 7,000 recaptures reported to date. Phase II will focus on tagging in the western tropical Pacific, including, if possible, Indonesia and the Philippines using a pole-and-line vessel appropriately adapted for tagging. Dr Hampton explained that this work is expected to provide excellent information on stock dynamics, recent exploitation levels and, through an archival tagging component of the project, vertical migrations of juvenile bigeye and yellowfin tuna, which could be useful for mitigation of catches of those species.

102. New Zealand commented that while it was pleased to be able to provide significant funding for Phase II of the PTTP, it would like to see WCPFC incorporate the ability to resource such critical research into its core programme and budget, as well as explore ways that costs could be internalized within the fishing industry exploiting the resources.

103. 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.

104. The SC recommended that the guidelines for scientific data to be provided to the Commission be those documented in Appendix IV of the SC3 Statistics SWG Report, with further consideration at the Commission on the one square-bracketed paragraph (SC3 Summary Report, paras 281–282). The Commission agreed all other paragraphs except the square-bracketed paragraph, and agreed to adopt the document “Scientific Data to be provided to the Commission” after the square-bracketed paragraph was resolved before the end of the meeting (see Agenda Item 7, para 235 below).

105. New Zealand, on behalf of FFA members, reiterated concerns regarding a lack of operational level catch and effort, port sampling and observer data provision by some large, developed CCMs when SIDS are able to provide such 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”.

#### *Special requirements of small island developing States (SIDS)*

106. SC3 also recommended the continuation of stock assessment workshops for SIDS provided by SPC-OFP (SC3 Summary Report, para 302). The Commission also endorsed this recommendation.

#### *Administrative matters*

107. SC3 provided advice and received Commission endorsement on five administrative matters (SC3 Summary Report, paras 321, 329, 331 and 332) including :

- 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;
- b. Continue use of the existing format for Part 1 Annual Report pending further consideration of a possible revision at SC4;
- c. Accept PNG’s offer to host SC4 at Port Moresby from 11–22 August 2008;
- d. Fully assess WCPO bigeye tuna (with consideration given to a possible Pacific-wide bigeye tuna stock assessment with IATTC), South Pacific albacore; and WCPO skipjack (2008/2009).

108. With regard to these administrative matters, the Chair noted that the independent review of interim arrangements for the Commission’s science structure and function, once completed, can be used to inform the performance review of the Commission being promoted under the joint tuna RFMO performance review exercise. Some CCMs expressed a view that it will be critical to ensure the reviewers are independent and, thus, preferably not from CCMs.

#### **4.4 SC 2008 work programme**

109. Dr Dae-Yeon Moon presented the SC’s Programme of Work for 2008 (SC3 Summary Report, Attachment O), explaining that out of the original list of 50–60 proposals, nine high priority projects were selected for the Commission’s funding in 2008:

- a. Indonesia and Philippines Data Collection Project;
- b. Publication and distribution of Commission training and educational materials;
- c. Revised stock assessment of southwest Pacific swordfish;
- d. Refinement of bigeye parameters Pacific-wide;
- e. Regional study of the 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 of species, size composition and spatial distribution of tunas aggregating around floating objects using underwater videos and other tools; and
- i. Development of a scoping paper, and draft work plan, on the potential costs, benefits and difficulties of alternative approaches for identification of appropriate reference points and implementation of an MSE within the WCPO.

110. These projects were endorsed by the Commission.

111. One CCM expressed concern regarding the fact that the proposed swordfish and albacore studies, while predominantly supported by external funding from CCMs' individual budgets, required a minor contribution from the Commission budget. It was felt that establishing a precedent for such co-funding was inadvisable, and that if projects have merit they should be carried out even without a Commission contribution. Other CCMs noted that the Commission's contribution was very small relative to the total project budget (6% for swordfish and 12% for albacore), and that such cooperative funding is fiscally wise given the Commission's restricted funding environment.

112. A final item in the SC work plan and budget was the provision of approximately US\$ 60,000 as unallocated budget for unforeseen costs, exchange rate variability and inflation. Some CCMs considered that such unallocated funds are a useful hedge against unanticipated costs, while other CCMs considered it unnecessary and poor practice. The Chair clarified that the unallocated amount does not appear in the 2008 budget and is provisionally allocated for 2009 and 2010.

113. It was also clarified that these projects, once approved, will be subject to decisions in the FAC regarding prioritization and budget limitations. In particular, while it would not be appropriate for the FAC to attempt to revise the individual project budgets, it would be within the FAC's authority to reduce the number of projects in order to meet an agreed budget target. Japan, having expressed continuing concerns regarding budget issues, consented to agree to the list of proposed projects on the understanding that their initiation would be subject to the final deliberations of the FAC and Commission sessions at WCPFC4 (see Agenda Item 10).

114. Finally, several CCMs raised concerns regarding the transparency of the budget and the apparent *ad hoc* nature of its development process within the SC. The Chair asked the SC to address this concern in next year's SC budgeting process.

115. 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.

116. The Commission expressed gratitude and appreciation to SPC for its work over the last 12 months, and thanked the Chairman of the SC, Dr Dae-Yeon Moon.

## **AGENDA ITEM 5 - NORTHERN COMMITTEE**

### **5.1 Report of the Third Regular Session of the Northern Committee**

117. Mr Ben Tabios of the Philippines (Vice-Chair of the Northern Committee) presented a Summary Report of the Third Regular Session of the Northern Committee (NC3), which was held 11–13 September 2007 in Tokyo, Japan. Eight members and several observers attended NC3, including Vanuatu, which was admitted as a member of the NC at the end of NC3. Discussions focused on stock status of North Pacific albacore, Pacific bluefin, North Pacific swordfish, and North Pacific striped marlin as informed by submissions from the Seventh Plenary Session of the ISC (ISC7).

### **5.2 Response to CMMs**

#### *North Pacific albacore*

118. Taking into account the ISC7 report, the NC agreed to maintain the existing CMM that requires CCMs to not increase fishing effort for North Pacific albacore.

119. RMI, on behalf of FFA members, expressed support for the advice of NC3 with regards to North Pacific albacore. The Commission endorsed the recommendation from NC3.

### **5.3 Advice and recommendations of NC3 to the Commission**

#### *Pacific bluefin tuna*

120. Noting the uncertainty in the stock assessment, NC3 advised its members to voluntarily not increase the fishing mortality rate of Pacific bluefin tuna, and to collect and submit data to facilitate the stock assessment.

121. RMI, on behalf of FFA members, expressed support for the advice of NC3 with regards to Pacific bluefin tuna. The Commission endorsed the recommendation from NC3.

#### *North Pacific swordfish*

122. On the basis that a stock assessment is not anticipated until 2009, the NC considered that no action was required with respect to North Pacific swordfish at this time.

#### *Status of striped marlin as a northern stock*

123. NC3 noted SC3's outcome that, based on the lack of presented information on the distribution of the biomass of this stock, it could not support designation of striped marlin as a "northern stock". 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.

124. Several CCMs expressed the view that striped marlin does not appear to meet the criteria for designation as a northern stock.

### *Conservation considerations for striped marlin*

125. Based on the recent ISC stock assessment, NC3 advised its members to make voluntary efforts to avoid increasing current fishing mortality rates on striped marlin.

126. In preparation for developing an effective CMM, NC3 recommended that the Commission task the NC with convening a working group to examine the effects of fishery management measures already taken; spatial and temporal patterns of striped marlin catches and catchability; behavioural and technological methods for reducing incidental catches; methods for reducing catchability; and ways to encourage fishermen to develop and comply with practical measures; all to be considered at the next SC and NC meetings.

127. 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.

128. Some CCMs cited their concerns about the apparent stock status and the lack of conservation and management actions. In addition, 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.

129. Japan considered that this issue is broader than the striped marlin assessment, and instead relates to the planned review of interim arrangements for the science structure and function of the Commission.

#### **5.4 NC 2008 work programme**

130. Mr Tabios noted that existing biological data for North Pacific stocks was old information and that additional biological data are urgently required to reduce uncertainties. Given that Mexico catches a significant number of Pacific bluefin tuna but does not participate in the NC, greater cooperation with IATTC is anticipated for the future.

131. Mexico expressed a strong interest in cooperating with the Northern Committee and in participating in management decisions for northern stocks.

132. The Commission endorsed the work programme to be supported by members of the NC for the period 2008–2010.

## **AGENDA ITEM 6 - TECHNICAL AND COMPLIANCE COMMITTEE**

### **6.1 Report of the Third Regular Session of the Technical and Compliance Committee**

133. The Third Regular Session of the Technical and Compliance Committee (TCC3) was held in Pohnpei, FSM from 27 September–2 October 2007. A summary of the session was presented by Mr Wendell Sanford (Canada) who, as Vice-Chair of the TCC, acted as Chair of the meeting due to the resignation of the Chair Feleti Teo (Tuvalu). At the close of the meeting, Mr Sanford resigned as Vice-Chair and was nominated as Chair. Mr Noan Pakop of PNG was nominated as Vice-Chair.

### ***Regional Observer Programme (ROP)***

134. Dr Charles Karnella (USA) chaired an Inter-sessional Working Group on the ROP (IWG-ROP) prior to TCC3. The report of this working group is contained at WCPFC4-2007/13, Attachment 4, and the output of this working group forms Attachment D to the TCC3's Summary Report. Dr Karnella reported that 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.

135. Mr Sanford highlighted paras 18 and 35 of the TCC3 Summary Report as containing the recommendations in regard to ROP. He noted that pursuant to para 30 of the TCC3 Summary Report, Canada funded the preparation of a legal opinion on liability and insurance issues associated with onboard fisheries observers, which is presented as WCPFC4-2007/IP10.

136. Several CCMs consider the ROP to be a critical element of the Commission's MCS structure; without which, CMMs cannot be monitored or enforced, and IUU fishing activities combated. These parties favor preliminary implementation of the ROP, using existing regional and sub-regional observer programmes as an initial framework for implementation from 1 January 2008.

137. Several other CCMs expressed a differing view regarding the prioritization of the ROP, given other Commission work items, budgetary constraints and the severe time limits of Commission staff. Some of these CCMs consider that there are still significant issues to be resolved, for example the coverage rate and applicability to small-scale vessels before implementation of the ROP can be agreed on.

138. There was, however, consensus that development of the draft CMM should continue on the margins of WCPFC4 via a working group. The Chair tasked Dr Karnella with leading this working group in an attempt to formulate an agreement to implement elements of existing regional or sub-regional observer programmes as a forerunner to the ROP. 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. China and New Zealand indicated a preference for the IWG-ROP to be held immediately prior to TCC4 in September 2008.

139. Further work during WCPFC4 on the development of the draft CMM for the ROP is presented under Agenda Item 8.1.

### ***Vessel monitoring system***

140. Mr Sanford highlighted para 52 of the TCC3 Summary Report, which commits to presenting scenarios for a proposed vessel monitoring system (VMS) budget to WCPFC4. A presentation by Mr Iain Hayes, consultant to the Secretariat, identified two basic scenarios: location of the system at Pohnpei or co-hosting of the system in another fully-supported environment. Within the second scenario, there are three options: a dedicated site (Commission VMS only), a shared site (with another VMS), and co-location with the FFA VMS in Sydney, Australia (the "Pacific VMS" option). Under the assumptions used in the analysis, the Pacific VMS option is significantly less costly to install, saving about US\$



750,000, relative to the Pohnpei option. This saving is equivalent to operating costs for three years.

141. Mr David Marx (New Zealand) presented paras 53–62 of the TCC report, which relate to the Commission’s VMS. The Commission endorsed TCC’s recommendation for formation of a VMS Working Group, using Attachment A to WCPFC TCC3 2007/12 (Supplementary) as its terms of reference, to establish the standards, specifications and procedures for the Commission VMS as called for in the Convention.

142. The Commission endorsed the outcomes of the VMS Working Group to date (Attachment E of TCC3’s summary outcome report) and directed them to continue to work (intersessionally and electronically wherever possible) to develop actual draft standards, specifications and procedures for the consideration of TCC4, and WCPFC5 in 2008. The Commission endorsed a budget of up to US\$ 10,000 for the use of the Secretariat in support of this work. Mr Marx will continue to lead the VMS Working Group in 2008.

143. Mr Marx highlighted that there were two parallel processes currently underway. The first is the domain of the VMS Working Group in developing standards, specifications and procedures for the use of the Commission VMS, and the second is 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.

144. Mr Marx indicated that he intended to circulate a “chair’s draft” early in 2008, articulating potential elements for the remaining terms of reference for the working group, with the view to using this paper to seek comments from the group to develop agreed upon elements that may be used in the formulation of a complete set of draft standards, specifications and procedures by the Secretariat.

145. The material prepared through the Secretariat would then be circulated to the working group for comments, in advance of TCC4. Mr Marx noted that there may be a need for the working group to meet immediately prior to TCC4, and in the margins of that meeting, to work on these documents and that such time should be made available. The Commission endorsed this suggested approach.

146. A small working group, convened by Mr Glenn Joseph (RMI) during WCPFC4, discussed WCPFC4-2007/25 as the basis for selecting the preferred option for the Commission VMS. After careful consideration of the options, it was agreed that the option of co-locating the Commission’s VMS with FFA’s VMS in Sydney, Australia (i.e. the Pacific VMS option) was clearly superior in terms of capital and operating costs, and would meet all performance standards. Therefore, the group recommended selecting the Pacific VMS option as the basis for further development. The report of the working group is appended as **Attachment J**. The Commission endorsed the group’s recommendation.

147. In response to a query from Japan, the Chair and the Secretariat clarified that there is no intention to move any Commission function and staff associated with the VMS (or not) to locations outside of FSM. Japan stated its support for the VMS co-location options with an understanding that they were merely technical outsourcing options and would not change the functioning of the Commission and its Secretariat.

148. On the issue of costs, one CCM questioned why three Commission positions were proposed to support the VMS. The Chair clarified that the volume of vessel reporting will be high and that based on the experience at FFA, one professional and two technical staff will be needed.

149. Several FFA members expressed support for the co-location of the Commission and FFA's VMS, citing its compatibility, cost effectiveness, practicality, and speed of installation. Other FFA members supported co-hosting in general but needed more time to consider the implications of co-locating with FFA's VMS.

150. Some CCMs commented on technical specifications of the VMS, including issues of how to ensure data security and confidentiality, particularly in relation to maintaining completely separate FFA and WCPFC systems; how to prevent vessels from undermining the system; issues associated with non-reporting and whether, under co-hosted options, there would be any problems with remote access to data.

151. With regards to the criteria used to determine which vessels would be required to participate in the Commission's VMS, Indonesia explained that it has required VMS since 2005 but only on those vessels exceeding 60 gross tonnes. Palau considered that the VMS must apply to small vessels since nearly all of its vessels would be below that size. The US stated that VMS units are installed on US vessels as small as 10 m. Guam commented that perhaps vessel range, rather than size, would be a more useful criterion for whether VMS participation should be required.

152. Further work during WCPFC4 on the implementation of CMM-2006-06 for the VMS is presented under Agenda Item 8.1.

#### ***Draft CMM for transshipment monitoring***

153. As a result of intersessional work since TCC3 (see TCC3 Summary Report, paras 74–76), a draft CMM for transshipment monitoring was jointly prepared by Australia and Japan (WCPFC4-2007/DP03 Rev.2). A second proposal, developed by RMI (WCPFC4-2007/DP08), was tabled for consideration at the Commission.

154. CCMs discussed transshipment monitoring in broad terms. Views ranged along a spectrum, from those proposing to ban all transshipment at sea, to those wishing to allow the continuance of all existing transshipment operations.

155. Those CCMs who proposed to allow transshipment at sea looked to the factors defined in TCC3 Summary Report para 75 as elements of a transshipment measure. They cited the importance of compatibility with other RFMOs that allow such activities, and consistency with the WCPF Convention text. These CCMs proposed a variety of MCS tools, including observers and VMS, for verifying transshipment operations. Most stated that requirements to tranship in ports results in fishing operations that are not economically viable. One CCM stated that definitions of "in port" could be problematic when transshipment occurs within reefs or other inland waters rather than in port. Another CCM stated that the Convention does not explicitly call for the banning of all transshipment at sea.

156. CCMs who expressed a strong stance against permitting high seas transshipment varied on whether they might allow transshipment within EEZs or only within ports. However, they shared a scepticism that VMS and observers could be effective in transshipment monitoring,

and believed if verification is not technically possible then bans are an option. Many CCMs believed that a requirement to tranship in port would bring economic benefits to ports and encourage their development.

157. Following permission by the Commission to speak, Greenpeace stated its support for a ban on transhipment at sea, citing it as a major loophole for IUU fishing as shown in their report on FSM and Kiribati.

158. The Chair urged parties to work towards a consensus proposal during WCPFC4. It was noted that in the absence of a CMM on transhipment, under the Convention a ban on purse-seine transhipment on the high seas will apply except for a one-year exemption for the Philippines and FFA members.

159. Further work during WCPFC4 on the development of the draft CMM for transhipment is presented under Agenda Item 8.1.

#### ***Port State measures***

160. Mr Sanford referred to para 82 of the TCC3 Summary Report, which notes that FAO is developing an international port State measures instrument that, as part of the process, will include a technical consultation on port State measures in 2008. Partially for this reason, TCC3 recommended deferring this issue to TCC4.

161. Without objection to the recommendation, several CCMs who are also FFA members, voiced their support for port State measures and urged the TCC's work not be slowed by any delays that might be associated with an attempt to align with the FAO process.

162. The Commission agreed to defer consideration of port State measures to TCC4.

#### ***Vessel chartering schemes***

163. CCMs were reminded that the recommendation of TCC3 was to defer action on this issue to TCC4 (TCC Summary Report, para 87).

164. Japan considered that charter arrangements could be important development tools for SIDS. However, it noted that, without charter guidelines approved by the Commission, it faces difficulties to supporting efforts by the Japanese fishing industry to promote charter arrangements in the WCPO because of the issues associated with ensuring compliance with applicable CMMs.

165. The Commission agreed to defer consideration of vessel chartering schemes to TCC4.

#### ***Catch documentation schemes***

166. The final MCS item discussed by TCC3 was catch documentation schemes (CDSs) (see TCC3 Summary Report, para 91). In support of this topic, FFA circulated WCPFC4-2007/DP24, which contains a proposal on harmonization and improvement of trade tracking programmes by Canada, the EC and the USA from the RFMO technical working group in Raleigh, North Carolina. Commenting on this proposal, Canada noted that WCPFC is the only RFMO with no tuna document programme.

167. Australia, on behalf of FFA, noted that previous proposals submitted to WCPFC on this topic have not been sufficiently comprehensive nor integrated with other essential MCS components. These CCMs support the formation of an interessional working group to examine the experience of other RFMOs and how it can be applied to the WCPFC.

168. The EC introduced its new proposals for trade tracking and legal provenance verification of fish products,<sup>1</sup> stating that the goal of these procedures is not to restrict trade but to discourage IUU fishing. The EC offered to develop a proposed CDS for bigeye tuna based on the joint proposal submitted to the Raleigh meeting by Canada, the USA and the EU. In response to a question from the Chair regarding whether the EC's new measures will apply to EC vessels' landings, the EC clarified that products generated by EC fishing operations will be regulated under a separate revised control regulation.

169. Japan voiced its doubt regarding the need for and effectiveness of CDSs in the WCPO, adding that the specific points raised in Japan's paper (TCC3-2007/DP-06) need further consideration.

170. Further work during WCPFC4 on the development of a CDS is presented under Agenda Item 8.1.

## **6.2 Response to CMMs**

### ***Record of Fishing Vessels and Authorization to Fish (CMM-2004-01)***

171. TCC3 made several recommendations to the Commission regarding vessel information provided to the Secretariat as part of the Commission's Record of Fishing Vessels. One recommendation was for CCMs to provide all the required information and advise the Executive Director of changes to their respective Records of Fishing Vessels as required in CMM 2004-01. Another recommendation was to add an "active/inactive vessel in the Convention Area" field in the Record of Fishing Vessels (TCC3 Summary Report, paras 136–138). The Chair noted the particular importance of the latter recommendation in providing an accurate measure of existing activity.

172. Most CCMs expressed general support for the TCC3 recommendations for both administrative and scientific reasons. They acknowledged the need to distinguish between those vessels that are authorized to fish, and those that are actually active in the Convention Area. Australia announced that it had prepared a proposal to establish a list of such active vessels. Discussion of this occurred under Agenda Item 8.

173. Several CCMs indicated concerns with the potential for the Record of Fishing Vessels to be used to determine capacity, calculate operational days, or provide other management input. These CCMs believe that the details of how, and which data to be used in such management considerations, should be deferred for later specification.

174. Further work during WCPFC4 on the development of revisions to CMM-2004-01 on the Record of Fishing Vessels and Authorization to Fish is presented under Agenda Item 8.1.

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<sup>1</sup> See [http://ec.europa.eu/fisheries/cfp/external\\_relations/illegal\\_fishing\\_en.htm](http://ec.europa.eu/fisheries/cfp/external_relations/illegal_fishing_en.htm)

***Temporary Register of Carrier and Bunker Vessels (CMM-2004-01)***

175. The TCC recommended that the temporary register of non-CCM flag carrier and bunker vessels be extended until 31 December 2008 (TCC3 Summary Report, paras 151–153). The Chair noted that a draft CMM on this issue will be presented by RMI (WCPFC4-2007-DP09) under Agenda Item 8.1.

***Fishing Activities of non-CCM Flagged Vessels in the Convention Area (CMM-2004-01)***

176. The matter of non-CCM flagged vessels fishing in the Convention Area was discussed by TCC3 but not resolved (TCC3 Summary Report, para 141).

177. Kiribati stated that its decision to license non-CCM flagged vessels to fish in Kiribati waters was taken under circumstances of extreme economic hardship and was not intended to flaunt the regulations of the Commission. To remedy the situation, Kiribati asked the flag States and owners to join the Commission as CNMs. Kiribati noted the vessels have shown good compliance with license requirements.

178. The Kiribati-licensed vessels consist of six Ecuadorian vessels, two El Salvadorean vessels and one Panamanian vessel, all of which are purse seiners. Because Ecuador's and El Salvador's applications for CNM status were unsuccessful, none of these States will be CNMs during 2008.

179. Dr Tsamenyi explained that UNCLOS grants sovereign rights to all coastal States to decide which parties they allow to fish within their EEZs, provided the fishing activities are not inconsistent with the conservation and management obligations of the coastal State. However, CMM 2004-01, under which CCMs have committed to allowing only CCMs to fish in their EEZs, has limited those sovereign rights. Therefore, CCMs that allow a non-CCM to fish in their EEZ are in violation of Commission measures and the Convention.

180. New Zealand noted that as Chair of the Forum Fisheries Committee (FFC), the New Zealand Minister of Fisheries had written to Kiribati to highlight the importance of regional solidarity and express concern that Kiribati's actions undermine effective management of the resources by both FFA members and by WCPFC, which will result in a loss of economic benefits to the whole region.

***Bigeye and Yellowfin Tuna in the WCPO (CMM-2005-01 and CMM-2006-01)***

181. TCC3 recommended that in 2008, the Secretariat include in its Annual Report compliance with all data reporting obligations, and noted the information provided by the Commission Data Manager in relation to CMM-2005-01 and CMM-2006-01.

***Annual reports to the Commission***

182. TCC3 requested that the Secretariat develop a discussion paper on reporting compliance with CMMs. Several FFA member CCMs, including the Cook Islands, PNG, Samoa and Australia, spoke in favor of improved compliance reporting.

183. China and the EC expressed their view that the responsibility for evaluating compliance should lie with the TCC rather than the Secretariat.

184. In response to comments from Samoa that reporting can sometimes be troublesome for CCMs, it was noted that the SPC-OFP will hold a workshop on Part 1 reporting next year.

### **6.3 Advice and recommendations of TCC3 to the Commission**

#### ***Seabird mitigation***

185. The results of the small working group meetings to finalize the text of minimum technical specifications for seabird mitigation measures under CMM-2006-02, were presented by the chair of the small working group, Mr Martinolich. Consensus was reached on suitable text and editing to remove all bracketed text remaining from deliberations held during TCC3. The revised text was presented as WCPFC4-2007/22.

186. Australia, on behalf of FFA, spoke in support of adopting the new specifications, citing the need for collaborative monitoring and research between CCMs in order to assess the effectiveness of key measures and further develop them as required.

187. The USA noted that once the new specifications are adopted, some of the language of CMM-2006-02, such as that referring to the need to adopt such specifications and the guidelines the use of which was encouraged until adoption of such specifications, will need to be revised. The USA offered to lead this re-drafting and the Commission accepted this offer. The revised CMM was considered under Agenda Item 8.1.

#### ***Sea turtle mitigation***

188. Development of a draft CMM for sea turtle mitigation progressed at TCC3 (TCC3 Summary Report, paras 113–121) and underwent further discussions in the margins of WCPFC4 via a small working group under the leadership of Ray Clarke (USA). Given that there are still several major issues to resolve, the Commission agreed to refer the matter to TCC4 but asked the working group to map out a process through which momentum can be maintained to bring a draft measure to WCPFC5.

189. Several CCMs, including Australia, China, the EC, Japan and the USA noted that circle hook trials were recently completed, underway or planned in their fisheries.

190. These CCMs and FFA members noted the importance of making progress not only with the draft CMM but also with planning for implementation, including understanding spatial and temporal interaction patterns, consulting and informing fishermen, and developing monitoring measures.

#### ***Juvenile bigeye and yellowfin tuna***

191. The Chair of the TCC referred to the discussion of mitigation measures for juvenile bigeye and yellowfin tuna taken around fish aggregation devices (FADs) (TCC3 Summary Report, para 131–133). TCC3 recommended that an intersessional group work towards tabling a draft CMM at WCPFC4. An FFA member's proposal for a draft CMM was discussed under Agenda Item 8.1.

### ***High seas boarding and inspection***

192. TCC recommended a number of specifications related to high seas boarding and inspection procedures to the Commission for approval (TCC3 Summary Report, para 168–178). The acting Chair of the TCC thanked Canada and French Polynesia for providing a French version of the procedures. It was proposed that if Korea wished to develop a draft inspection checklist, the TCC could consider this matter at a subsequent meeting.

193. In response to a comment from Fiji, it was clarified that there is no intention to maintain a register of inspection officials, only of inspection vessels (TCC3 Summary Report, para 172).

194. Chinese Taipei and Palau requested that a common format identity card be used by all inspection personnel. However, other CCMs believed this would be impractical and the acting Chair of TCC explained that this is why such a card was not proposed by TCC3.

195. The Commission agreed to endorse TCC3's recommendation that the information in Attachment A to WCPFC-TCC3-2007/11 (Rev.1), including photos of individual inspection vessels, but excepting information regarding individual inspection officers and vessel contact details, should be posted for public access and circulated to CCMs.

196. Regarding samples of inspection personnel identity cards (TCC3 Summary Report, para 173), the Commission endorsed TCC3's recommendation that future review of a universal format for CCM inspection identity cards may be desirable.

### ***WCPFC IUU Vessel List***

197. Mr Sanford noted that the TCC prepared its first Provisional IUU Vessel List at TCC3. It considered six vessels and placed five of these on the Provisional List (TCC3 Summary Report, paras 190–198).

198. Cook Islands provided additional background on the provisional listing of the Venezuelan purse seiner *Athena F*, noting that this vessel was again detected within the EEZ of Cook Islands without a license to fish from 14–15 November 2007. It noted that since the vessel had not yet been placed on the Commission's IUU Vessel List, the sanctions contained in CMM-2006-09 do not yet apply. Cook Islands requested the assistance of the Commission in bringing this vessel and its owner before the courts, and in prohibiting the provision of port services to this vessel.

199. The EC inquired as to whether there have been any communications from the Venezuelan Government regarding this matter. The Secretariat clarified that two letters have been sent to the Venezuelan Government but there has been no response.

200. The Commission adopted the TCC's recommendation to place the *Athena F* on the IUU Vessel List for unauthorized fishing by a vessel flagged to a non-CMM in the Convention Area.

201. Chinese Taipei provided an update on the status of the incident involving the *Jinn Feng Tsair No.1*, a longliner flagged to Chinese Taipei. This vessel was apprehended in FSM's waters but fled to Chinese Taipei where it was sold. Chinese Taipei officials were not informed of the incident by FSM officials until after the vessel had been sold. Subsequently,

Chinese Taipei suspended the license of the vessel's captain for one year. Although the current owner claims no knowledge of the incident, judicial proceedings to determine whether there was any link between the former and current owners were continuing. Chinese Taipei requested that the *Jinn Feng Tsair No. 1* should not be included on the IUU Vessel List since the procedures in the Commission had not been followed by the other related State.

202. FSM acknowledged that discussions with Chinese Taipei regarding this incident were unresolved but were continuing. Given this, FSM maintained its request for WCPFC4 to place the vessel on the IUU Vessel List. If the matter is successfully resolved (i.e. if Chinese Taipei imposes sanctions of adequate severity or establishes that the previous owner no longer has any real interest, CMM-2006-09, para 20), the vessel may be removed from the list intersessionally.

203. Several CCMs supported FSM's position, stating that the incident is a serious one, and that the burden of proof lies with the current vessel owner to demonstrate there is no link with the vessel at the time of the incident.

204. Japan noted that procedural issues relating to communication between the CCMs involved in this incident have contributed to difficulties in resolving it, and that a mechanism should be developed to avoid such issues in the future.

205. The Commission endorsed the TCC's recommendation to list the *Jinn Feng Tsair No. 1* on the IUU Vessel List, noting that the vessel can be removed from the list intersessionally upon an exchange of letters between the involved CCMs and the Commission, stating that the issue has been resolved.

206. FSM and Chinese Taipei agreed to resolve the matter of the *Jinn Feng Tsair No. 1* in this manner.

207. France provided further information relating to TCC3's placing of the *Vieirasa Cinco* and the *Robaleira* on the Provisional IUU Vessel List for unauthorized swordfish operations on the high seas between French Polynesia and New Zealand. France clarified that it, rather than French Polynesia, nominated these two Senegalese longline vessels to TCC3 for inclusion on the Provisional List. One distinction between the two vessels concerns the timing of inspections. The *Vieirasa Cinco* was inspected in Papeete in November 2006 and on the basis of this inspection it was proposed for the Commission's IUU Vessel List. France reported that the vessel was again sighted in the area in August–September 2007. The *Robaleira* was inspected at the end of March 2007.

208. One CCM questioned the basis for nominating the *Vieirasa Cinco* because:

- a. the request to Senegal to remove its vessels from the Convention Area, subsequent to its unsuccessful application for CNM status at WCPFC3 in December 2006, was made in February 2007 (i.e. after the inspection);
- b. CMM-2006-03, concerning swordfish, did not enter into force until 15 February 2007; and
- c. CMM-2006-09 also did not enter into force until 15 February 2007.

209. Dr Tsamenyi cautioned that due process and careful consideration of evidence are required when making decisions about the IUU Vessel List. If the vessel in question was fishing illegally in an EEZ, then under international law, there is a clear violation of the coastal State's laws and regulations. However, if the vessel was detected fishing on the high



seas, it can only be considered to be undertaking an IUU fishing activity if it is flagged to a State that is not discharging its flag State responsibility of cooperating with the Commission. Cooperation by a flag State with the Commission may be demonstrated by, *inter alia*:

- a. joining the Commission as a CCM (including cooperating as a CNM); or,
- b. agreeing to mirror the CMMs of the Commission.

210. Dr Tsamenyi noted further that the key question in relation to the IUU listing of these vessels relates to whether they were authorized to fish. It is not sufficient to conclude that these vessels were not authorized to fish by CCMs of the Commission, since they may have been authorized to fish by Senegal according to its rights under the UNFSA. During the inspection, Senegalese high seas permits were not found onboard the vessel. However, these permits were produced and sent to the Commission after TCC3's decision to place the vessels on the Provisional IUU Vessel List. It is not clear whether the vessels' failure to carry the permits onboard while fishing is a violation of Senegalese law. The permits provided by Senegal appear to be valid fishing permits. In determining whether any specific violations of Commission CMMs occurred, the Commission could view its decision to refuse CNM status to Senegal at WCPFC3 in December 2006 as a reflection of its non-cooperation, specifically since inadequate data on fishing activities had been provided. The Commission may then determine that the flag State is not cooperating with the Commission and on this basis, ask the flag State to withdraw its vessels from the Convention Area.

211. Vanuatu offered additional information on the conduct of these two vessels in Vanuatu's waters. Beginning in April 2006, one-year fishing licenses were granted by Vanuatu to these two vessels. When these licenses expired, they were not renewed but Vanuatu is satisfied that both vessels complied with its requirements.

212. Cook Islands noted that it had exercised port State measures against the two vessels (based on the decisions at TCC3) by refusing port services to both vessels in September 2007.

213. Dr Tsamenyi said that in the case of the *Vieirasa Cinco*, the alleged violation occurred prior to the implementation of the CMMs, which are not to be applied retroactively, and prior to the request to Senegal to withdraw its vessels from the Convention Area. In the case of the *Robaleira*, the violation occurred after Senegal had been requested to withdraw its vessels from the Convention Area and after the CMM on swordfish and IUU had come into force. Although the *Robaleira* is not authorized to fish by the Commission's CCMs, valid fishing permits have been provided by Senegal.

214. The Commission agreed not to place the *Vieirasa Cinco* and the *Robaleira* on the IUU Vessel List.

215. France reviewed the information pertinent to the case of the *Daniela F*, a Venezuelan flagged purse seiner found to be engaging in unlicensed fishing for tuna in France's EEZ in April 2007. Subsequent to the inspection, the vessel's captain admitted the offence, and France imposed appropriate penalties on the vessel under French law.

216. Several CCMs questioned whether the vessel should be listed given that the violation occurred within France's EEZ and France had already imposed penalties on the vessel.

217. Other CCMs noted that if the full range of offending behaviors has not been punished, then listing the vessel by the Commission on its IUU Vessel List may still be warranted.

218. Dr Tsamenyi advised that one of the important considerations under CMM-2006-09 is whether the flag State has taken effective action in response to the alleged violation, such as removing the vessel from its registry or taking other actions to ensure that further IUU fishing by the vessel does not occur.

219. The Commission adopted the TCC's recommendation to place the *Daniela F* on the IUU Vessel List for unauthorized fishing in France's EEZ. It was agreed, however, that an appropriate response by Venezuela concerning the exercise of its flag State responsibilities may provide grounds for intersessional deletion of the vessel from the list.

220. Mr Sanford noted that TCC3 recommended that work on revisions to CMM-2006-09 continue intersessionally, with a view to presenting a draft proposal to WCPFC4. Submissions on this topic were received from the USA (WCPFC4-2007/DP15), Korea (WCPFC4-2007/DP16) and Chinese Taipei (WCPFC4-2007/DP19) and are presented under Agenda Item 8.1.

#### ***Data issues***

221. TCC3 made several recommendations to the Commission in relation to data access, dissemination and security (TCC3 Report, paras 214–217). Discussion of these issues was deferred to Agenda Item 7.

#### ***Consideration by TCC of applications for CNM status***

222. TCC3 recommended to the Commission that it require CNM submissions to be received 30 days in advance of the annual TCC meeting, so as to allow TCC to review applications and provide technical advice (TCC3 Summary Report, para 229).

223. The EC noted that TCC's workload was already too great and, thus, it should not be further burdened with reviewing CNM applications. It was suggested that an *ad hoc* working group of the Commission would be better suited to the task.

224. Some CCMs, including the USA, Australia and New Zealand, disagreed, noting the existence of relevant expertise of the TCC in these issues and the fact that forming an *ad hoc* working group would not necessarily relieve resource constraints.

225. 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.

#### ***Dates for TCC4***

226. The EC stated that the agreed upon dates for the next TCC meeting (TCC3 Summary Report, para 242) would conflict with the meeting of the Northwest Atlantic Fisheries Organization (NAFO) and recommended a slight postponement of the dates.

227. Japan and New Zealand, however, indicated existing commitments conflict with the EC's proposed dates.

228. The Chair noted the need to resolve such conflicts, to find a suitable timeframe for the TCC, and to hold the meeting in that period each year.

#### **6.4 TCC 2008 work programme**

229. It was noted that the TCC had approved the four primary elements of the technical and compliance programme budget for 2008 as being the VMS, including funding to support the VMS Working Group; funding for regional liaison by the Observer Programme Coordinator; Boarding and Inspection implementation; and implementation of website design work on the bycatch mitigation component. Costing proposals for the VMS were discussed in a small working group chaired by Glenn Joseph of RMI. The latter three items were discussed in the FAC.

230. New Zealand commented that the process employed by TCC3 to develop the programme of work was considerably more informal than that by the SC. In their view technical priorities should be agreed before the budgets are discussed in the FAC.

#### **AGENDA ITEM 7 - RULES AND PROCEDURES FOR THE PROTECTION, ACCESS TO, AND DISSEMINATION OF DATA COMPILED BY THE COMMISSION**

231. Ms Holly Koehler (USA), who chaired a small working group on data at TCC3, presented recent progress on the refinement of existing rules and procedures for access to, and dissemination of, data compiled by the Commission (WCPFC4-2007/12). The underlined text in this document represents the outcome of discussions held at SC3 and TCC3 on revisions to the rules and procedures that were adopted at WCPFC3 as a “living document”. The revised rules and procedures contained as Attachment C in this paper were recommended for WCPFC4 endorsement by TCC3.

232. The Commission adopted the rules and procedures as contained in WCPFC4-2007/12, Attachment C.

233. Ms Koehler then introduced a draft framework for access to different types of non-public domain data, a draft data request form and a draft confidentiality agreement (WCPFC4-2007/12 Suppl.). Progress on these supplemental documents was initially impeded by lack of agreement on the rules and procedures document (described above in para 231), but was progressed during and subsequent to TCC3. Since TCC3, comments were received from Japan and Korea (WCPFC4-2007/12) and incorporated by the Secretariat in the form of underlined text in WCPFC4-2007/12 Suppl., Attachment A.

234. The Commission adopted the documents following a minor refinement proposed by the USA that the Framework, Data Request Form and Confidentiality Agreement be incorporated in the newly adopted “Rules and Procedures for the Protection of, Access to, and Dissemination of, Data Compiled by the Commission”.

235. Mr Keith Bigelow (USA), Vice-Chair of the SC, presented a residual issue regarding the provision of catch and effort data east of the eastern boundary of the Convention Area (as contained in SC3 Report, Attachment K, Appendix 4, part 4). As described in WCPFC4-2007/21, a small group recommended that the brackets be removed from the text as it stands and this was endorsed by the Commission. The SC’s Vice-Chair noted that discussion of this issue could continue through consultation with IATTC including the WCPFC-IATTC consultation held during WCPFC4.

236. The USA presented TCC3's recommendation to the Commission that the Ad Hoc Task Group–Data be resumed to develop the separate rules and procedures for the protection of, access to and dissemination of non-public domain data for the purpose of compliance and enforcement activities on the high seas, as well as to consider the other data security and exchange issues noted by the VMS working group (TCC3 Summary Report, para 215). New Zealand supported the TCC's recommendation.

237. The Chair, noting previously expressed concerns by CCMs regarding the workload of the TCC and its working groups, recommended that work on this issue be progressed electronically. The Commission endorsed TCC's recommendation for continuation of the work, through electronic communication, of the Ad Hoc Task Group–Data.

## **AGENDA ITEM 8 - CONSERVATION AND MANAGEMENT MEASURES**

### **8.1 Conservation and management measures**

#### *Review of existing measures*

##### *Resolution on the Reduction of Overcapacity (Resolution-2005-02)*

238. This resolution calls upon CCMs — whose nationals are beneficial owners of purse seiners that entered the WCPFC Convention Area after the MHLC and PrepCon resolutions and other concerned CCMs — to work together to ensure that the beneficial owners reduce, by 31 December 2007, such overcapacity as created by those fishing vessels through the reduction of equivalent fishing capacity of other fishing vessels operating in the Convention Area. Given the impending deadline for the resolution, CCMs were invited to comment on their progress.

239. Chinese Taipei reported that, in order to support its commitment to WCPFC to maintain purse seiners at levels not exceeding 34 vessels, it has abolished the licenses of 8 vessels. In addition, it has scrapped 35 large-scale tuna longliners with ultra low-temperature freezers operating in the Convention Area during 2005–2007, resulting in a 41% reduction from the original number of 86. With these two actions, Chinese Taipei feels it has fully implemented the resolution. Japan and China expressed appreciation for Chinese Taipei's efforts in reducing overcapacity. There were no objections from other members.

240. The Philippines reported that of the original number of purse-seine vessels of 3,500–5,000, only 1,200 vessels remained in 2006. A moratorium on new vessels has been in place since October 2003.

##### *Specifications for the Marking and Identification of Fishing Vessels (CMM-2004-03)*

241. This measure provides the specifications for marking fishing vessels. It was noted that the clarity of photos submitted as part of the Record of Fishing Vessels are often unclear and need to be improved in order to illustrate markings.

***Resolution to Mitigate the Impact of Fishing for Highly Migratory Fish Species on Sea Turtles (Resolution-2005-04)***

242. This resolution encourages CCMs to implement the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and to compile data and conduct research on this subject. This work will be progressed by an intersessional working group led by the USA. The working group will communicate electronically.

***Record of Fishing Vessels and Authorization to Fish (CMM-2004-01)***

243. Proposals from RMI and Australia to revise this CMM were considered under Agenda Item 8.1, New Conservation and Management Measures.

***Cooperating Non-members (CMM-2004-02)***

244. WCPFC4 received new applications from Belize, Ecuador, El Salvador and Senegal for CNM status and an application from Indonesia to renew its CNM status. These decisions in relation to these applications are presented under Agenda Item 2.

***Conservation and Management Measures for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean (CMM-2005-01 and CMM-2006-01)***

245. These CMMs provide for registration of existing regional or bilateral fisheries partnership agreements or arrangements; effort limits for purse-seine fisheries between 20°N and 20°S; bigeye tuna catch limits for the longline fishery; capacity limits for other fisheries excluding artisanal fisheries; conditions for exemptions for certain developing skipjack purse-seine fisheries; and the development and submission to the Commission of FAD management plans and catch retention plans (CRPs) for purse-seine vessels. With regards to FAD management plans and CRPs, TCC3 has made various recommendations for concerted action by CCMs, liaison with other RFMOs on experience and research, and the importance of the Regional Observer Programme in supporting these plans.

246. The Secretariat noted that although CMM-2005-01 required information to be submitted by the time of WCPFC3 in December 2006, several CCMs had submitted the required information at different times during 2007. At the time of WCPFC4, 13 bilateral agreements, including a recent submission by Korea regarding a bilateral agreement with Tuvalu, had been received. These are summarized in WCPFC4-2007/13 (Table 4).

247. FFA members noted that access agreements are only required to be registered with the Commission under the footnote to CMM 2005-01 if a CCM wants them taken into account for the purpose of establishing limits under CMM 2005-01. 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.

248. PNG emphasized the need for more to be done to stop overfishing of juvenile bigeye and yellowfin tuna, in particular, closing areas of high seas “pockets” that are being exploited by IUU operations.

249. New Zealand raised concerns that tables in Attachment A of WCPFC4-2007/13 were being presented in a way that suggested certain CCMs were in breach of their obligations under WCPFC 2006-01 when the data included in those tables were for periods before that

measure was adopted by the Commission, and that the table made interpretations with regards to measurement of fishing effort that went beyond those in the measure itself. The Secretariat explained that the purpose was simply to provide an indication of how recorded levels of fishing effort compared with those provided for in the measures.

250. The EC noted that Attachment A of WPCFC4-2007/13 shows zero catch for the EC, although there are EC vessels operating in the Convention Area.

251. The Secretariat noted that a skipjack fishery development plan has been received from Australia (WCPFC4-2007/DP06). One Member expressed concern in light of excessive fishing capacity over resources as well as developing perspectives of SIDS.

252. PNG stated its opinion that it was inappropriate for the Secretariat to require CCMs to submit skipjack fishery development plans for within their own EEZs, as developing such fisheries is a sovereign right of CCMs.

253. The Chair reminded CCMs that the deadline for submitting FAD management plans to the Secretariat is 1 January 2008, and that thus far PNG is the only CCM to have submitted a FAD management plan. Other CCMs were urged to submit their plans before the deadline to avoid contravening the CMM. Australia submitted a FAD management plan to the Secretariat during WCPFC 4.

254. 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.

***Conservation and Management Measure for South Pacific Albacore (CMM-2005-02)***

255. This measure provides that CCMs shall not increase the number of their fishing vessels actively fishing for South Pacific albacore in the Convention Area south of 20°S above 2005 levels or historical (2000–2004) levels. The Executive Director noted that there is currently no means to measure active fishing above the 2005 level or the recent historical 2000–2004 levels because the level of effort south of 20°S is not reported on by fleets active in that area. Therefore, the Secretariat requested CCMs to provide a clear delineation of their catches in this area.

256. Tonga, on behalf of FFA members, noted the concerns raised at the SC3 about potential loopholes that could limit the effectiveness of the South Pacific albacore CMM. They requested the Commission to require CCMs to submit data on their catch of albacore, and the number of vessels fishing for albacore, south of 20°S. The Commission agreed that CCMs must submit this information.

***Conservation and Management Measures for North Pacific Albacore (CMM-2005-03)***

257. This measure requires CCMs to report catches of North Pacific albacore. The first report was due on 30 April 2006 for the calendar year 2004. Catch reports have been received for 10 CCM fleets. The Secretariat noted that the SC, TCC and NC all suggest that data gaps are a problem. Seven CCMs have reported data covering 10 gear types, but most cover annual catches and there is very little six-month reporting as is required under the measure. The Chair reminded parties to ensure compliance with the reporting requirements.

***Conservation and Management Measures to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds(CMM-2006-02)***

258. Under this measure, CCMs fishing in the area south of 30°S and north of 23°N shall submit specifications of seabird mitigation measures by 30 November 2007. Only the USA and Australia have submitted this information.

***Conservation and Management Measure for Swordfish in the Southwest Pacific (CMM-2006-03)***

259. CCMs were required to report, by 1 May 2007, the number of vessels that had fished for swordfish in the Convention Area south of 20°S during the period 2000–2005, and thus to nominate the maximum number of vessels that may continue to be permitted to fish for swordfish in this area. Six CCMs have provided this information to the Commission and two other CCMs, Vanuatu and the USA, have provided other related information.

260. Samoa stated that it has not nominated an applicable limit for its vessels fishing for swordfish because, in accordance with paragraph 2 of CMM-2006-03, as a SIDS, it considers Samoa to be exempt from such a limit. It was suggested that this point should be clarified for future reference.

261. Some CCMs expressed concerns about the impact on swordfish data arising from the various landing practices by EC vessels. The EC clarified that regardless of landing location, all relevant data were reported to SPC, which is the Commission's data manager.

***Conservation and Management Measure for Striped Marlin in the Southwest Pacific (CMM-2006-04)***

262. CCMs were required to report, by 1 July 2007, the number of vessels that have fished for striped marlin in the Convention Area south of 15°S during the period 2000–2004, and thus to nominate the maximum numbers of vessels that may continue to be permitted to fish for striped marlin in this area. Four CCMs have provided this information to the Commission and two other CCMs, Vanuatu and the USA, have provided other related information.

263. The USA clarified that the fleets listed in their submissions under CMM-2006-03 and CMM-2006-03 were catching these species in small numbers as bycatch.

264. Japan explained that it did not submit the information pursuant to CMM-2006-03 and CMM-2006-04 because any swordfish or striped marlin caught by Japanese fishing vessels in these areas is bycatch.

265. French Polynesia also said their swordfish and striped marlin catch is bycatch but they offered to submit the data to the Commission's data manager, SPC-OFP, for their records.

266. FFA members noted that the comment by Samoa in relation to swordfish (see para 255 above) also applied with respect to striped marlin.

***Conservation and Management Measure for Sharks in the Western and Central Pacific Ocean (CMM-2006-05)***

267. This measure calls for voluntary implementation of the FAO's International Plan of Action-Sharks, and initiated work by the SC to identify key shark species and review the fin-to-body weight ratio that vessels fishing in the Convention Area are allowed to retain. The measure will be implemented by 1 January 2008 for vessels greater than 24 m in overall length.

268. The USA drew CCMs' attention to recent developments at the UN General Assembly regarding shark conservation and management. The Commission noted that States and RFMOs will increasingly be called upon to adopt measures to manage both directed and non-directed shark fisheries.

***Other conservation and management measures***

269. CMMs pertaining to the Vessel Monitoring System (CMM-2006-06), the Regional Observer Programme (CMM-2006-07), Boarding and Inspection Procedures (CMM-2006-08) and the IUU Vessel List (CMM-2006-09) underwent further development at WCPFC4 and are reported on in the following section.

270. Dr Tsamenyi advised that the failure by CCMs to implement CMMs adopted by the Commission may result in their vessels being considered as undertaking IUU fishing activities under the international plan of action (IPOA)-IUU. A vessel flagged to a CCM may be considered to be fishing illegally if it is fishing in contravention of the CMMs adopted by the Commission. A vessel flagged to a CCM may be considered to be engaged in unreported fishing if it does not report, or if it mis-reports its catches in contravention of the Commission's CMMs. A vessel flagged to a CCM may be considered to be undertaking unregulated fishing if the Commission fails to develop appropriate CMMs.

***Consideration of new measures and other conservation requirements***

***New CMM for the reduction of mortality of juvenile bigeye and yellowfin tuna***

271. Discussions on developing a new CMM for reduction of fishing mortality for juvenile bigeye and yellowfin tuna were initiated based on a proposal tabled by FFA members (WCPFC4-2007/DP12). The proposal contained three major elements: full catch retention requirement in purse-seine fisheries, a three-month fixed period purse-seine FAD closure, and a 25% reduction in fishing mortality for bigeye tuna catches in longline fisheries based on recommendations of the SC.

272. Many FFA-member CCMs, along with Greenpeace, voiced their support for the proposal.

273. Tuvalu expressed concerns about the impacts of a FAD closure on its economy.

274. Palau noted that mandatory reductions in fishing mortality based on historical catches in the longline fishery would pose serious problems because it estimates that its catches were actually double those reported due to illegal transshipment activities.



275. Some CCMs, including Australia and the EC, believed that the FFA proposal did not go far enough toward conserving bigeye and yellowfin tuna stocks, and suggested that further and stricter measures would be required in addition to the proposal.

276. Other CCMs, including China, Japan and Chinese Taipei, were of the view that exemptions requested by various coastal States would result in a FAD closure only on the high seas area and a catch reduction of 25% for bigeye tuna in the longline fishery did not seem to fairly balance the interests of different CCMs. Those CCMs felt that the impact of the implementation of CMM-2005-01 was not yet known and that scientific information currently available, was not enough to warrant action at this time. These CCMs suggested deferring the issue to WCPFC5 when the results of a new stock assessment for bigeye tuna will be available and further results of the IPDCP will have been reported.

277. Mr Paul Dalzell (USA) and Mr Augustine Mobiha (PNG) co-chaired a working group aimed at reaching consensus on a draft CMM to supplement CMM-2005-01 and CMM-2006-01 on bigeye and yellowfin tuna in the WCPO. After several rounds of discussion, the chairs produced WPCFC4-2007/27 (Rev.4) as a co-chair's summary of the output of the working group. The working group could not reach agreement on the terms of FAD closures, specifically whether the closure should be one or three months and at a fixed or flexible time. There were also a number of exemptions proposed, including Philippine purse seiners operating on the high seas and small domestic vessels (< 50 m) in FFA member countries. In terms of bigeye tuna catch reductions in longline fisheries, a number of options for exempting fisheries with relatively smaller catches were discussed. The Chair noted that considerable additional work will be required during the coming year to support efforts at WCPFC5 to adopt a suitable CMM for reducing bigeye and yellowfin tuna catches.

278. Japan presented the results of two research projects related to the reduction of juvenile bigeye and yellowfin tuna mortality in purse-seine fisheries (WCPCF4-2007/DP17 [rev. 2]). Although the research showed no significant relationship between bigeye catches and the depth of the underwater structure of FADs, using large sized mesh (> 300 mm) in part of the body of nets in the tropical WCPO was suggested as a means of reducing mortality of juvenile bigeye tuna. Japan also noted that since its purse seiners spend a greater amount of time in transit to fishing grounds, its effort is effectively only 60–70% that of other fleets.

279. Dr Hampton prepared a paper to assist the working group in evaluating management options. In SPC-OFP's view, a one-month FAD closure would lead to little, if any, reduction in fishing mortality of juvenile yellowfin and bigeye tuna because vessels would probably be able to coincide such a closure with routine downtime related to unloading and/or vessel maintenance.

280. Some CCMs noted that information in the form 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.

281. Supported by China and Australia, French Polynesia suggested a compromise position of a two-month FAD closure. Japan, Korea and Chinese Taipei supported a one-month FAD closure. Most FFA-member CCMs and the EC supported a three-month FAD closure.

282. The USA stated that any measures proposed must be enforceable under current MCS measures. It cited the example of IATTC catch retention measures that show less than 40% compliance even under conditions of 100% observer coverage.

283. Recognizing the failure of WCPFC4 to adopt a measure to address concerns relating to overfishing of bigeye and yellowfin tuna, particularly in relation to purse-seine fishing on FADs as agreed on at WCPFC3 in December 2006, the Commission agreed that, at its meeting in December 2008, it would adopt a supplementary and/or revised CMM for bigeye and yellowfin tuna.

284. The CMM will be based upon the most recent scientific advice. The Chair stated that future or pending scientific studies will not be used as an excuse to delay the adoption of the measure. The CMM must have the potential to deliver tangible results in terms of an improvement in the status of the WCPO stocks of bigeye and yellowfin.

285. The CMM will apply to purse seining, longlining and other commercial fisheries that catch yellowfin and bigeye tuna in the Convention Area.

286. 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.

287. The advice and recommendations will, *inter alia*, include consideration of the status of stocks, the potential for technological solutions to maximize the selectivity of fishing gear for juvenile yellowfin and bigeye tuna while minimizing the impact on the skipjack fishery, fairness and equity and enforceability including the status of the implementation of MCS measures in the Commission, particularly the ROP and VMS.

288. The Commission committed to the implementation of the ROP and VMS during 2008 as critical elements that are required to support the implementation of the new measure. In preparation for the implementation of this measure in 2009, CCMs will implement these measures in their purse seine and longline fleets during 2008.

289. The development of the draft CMM will include consultation with industry, particularly the WTPO, and will identify research currently being conducted that will improve our understanding of how to deal with this conservation challenge.

290. 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

#### ***CMM for the implementation of the Regional Observer Programme***

291. A small working group, convened by Dr Karnella during WCPFC4, produced WCPFC4-2007/23 (Rev.2), which proposes a framework for implementing the ROP. 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.

292. This outcome, along with a slightly amended version of the measure forwarded from TCC3, was adopted by the Commission as a new CMM for the ROP, CMM-2007-01 (**Attachment K**).

*Amendments to the CMM for the Commission Vessel Monitoring System  
(CMM-2006-06)*

293. Pursuant to a concern raised at TCC3 (TCC3 Summary Report, para 50), the USA proposed an amendment to CMM-2006-06, requiring that vessels in the Convention Area be required to maintain VMS transmission when they move into the part of the Convention Area bounded by 20°N and 175°E (the area for which a VMS implementation date has yet to be established) from elsewhere in the Convention Area (WCPFC4-2007/DP31). Japan expressed support for the USA's amendment. The revised measure is appended as **Attachment L**.

294. The Commission adopted the amendment as contained in WCPFC4-2007/DP31. It was accepted that CMM-2006-06 would be revised to reflect this amendment. 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.

*New CMM for a catch documentation scheme*

295. A small working group, convened by Mr Wez Norris (Australia) during WCPFC4, developed terms of reference for an intersessional working group to examine the idea of a CDS for fisheries in the Convention Area. Divergent opinions were expressed by CCMs participating in the small working group. These opinions ranged from strong support to doubts about the practicality of a CDS and about CCM capabilities to cope with the increased workload a CDS would impose. The Commission was not able to adopt terms of reference for this work during WCPFC4.

296. The EC, noting its experience with CDS issues in this and other RFMO forums (e.g. see WCPFC4-2007/DP24), 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. This intersessional working group will operate independently from the TCC in order to reduce the TCC's workload. The report of the working group will be tabled at TCC4 for review, possible refinement, and adopting for forwarding to WCPFC5.

*New CMM(s) for Record of Fishing Vessels and Authorization to Fish*

297. Following TCC3's recommendations regarding 1) whether or not (and how) to allow the operation of non-CCM flagged carrier and bunker vessels on the high seas in the Convention Area (TCC3 Summary Report, paras 151–153), and 2) tracking the active/inactive status of vessels on the Record of Fishing Vessels (TCC3 Summary Report, para 138), a small working group was convened at WCPFC4 under the leadership of Mr Norris. This small working group considered a proposal on the second issue by Australia (WCPFC4-2007/DP04) and a proposal on the first issue by RMI (WCPFC4-2007/DP09). The report of the small group is appended as **Attachment M**.

298. RMI explained that many of the bunker and carrier vessels in its waters are flagged to non-CCMs. This was the basis for their proposal to amend CMM 2004-01 so as to allow the operation of such vessels and to do so through establishment of a separate registry for bunkers and carriers flagged to non-CCMs. This would in effect make the temporary register of carrier and bunker vessels a permanent register.

299. Australia's proposal would call for a list of each CCM's active fishing vessels to be submitted each July, based on the previous year's data. Its proposal would also provide for information to be submitted on the number of days fished by each vessel, with the purpose of facilitating the evaluation of CMMs.

300. The Commission adopted the following recommendations of the small working group:

- 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.

301. The Commission noted that some CCMs will not be able to provide full information in 2008.

302. The Commission noted a suggestion to establish a real-time active vessel list at some stage in the future as part of an integrated MCS package.

#### *New CMM for transshipment*

303. Following discussions under Agenda Item 6.1, proposals submitted by RMI, Australia and Japan were considered as the basis for a consolidated proposal by a small working group during WCPFC4.

304. After several meetings, the small working group on transshipment agreed that further progress on a measure at WCPFC4 would not be possible. The group recommended that an intersessional working group that meets electronically, be established. The intersessional

working group may consider the following issues, noting the requirements under Convention Article 29:

- a. identifying characteristics of fisheries engaged in transshipment in the WCPFC Convention Area as called for in Article 29(4);
- b. identifying areas of application to which procedures allowing and regulating transshipment under Article 29(3) would apply, taking into account the characteristics identified above;
- c. developing procedures to obtain and verify data on the quantity and species transhipped, both in port and at sea in the Convention Area (including reviewing the current Annual Report template if necessary);
- d. developing further procedures to determine when transshipment covered by this Convention has been completed; and
- e. developing guidelines to be applied if CCMs choose to designate ports for transshipment.

***Revision of CMM on IUU Vessel List (CMM-2006-09)***

305. Papers relating to the amendment of the current CMM on establishing an IUU Vessel List were submitted by the USA (WCPFC4-2007/DP15), Korea (WCPFC4-2007/DP16) and Chinese Taipei (WCPFC-2007/DP19). The USA proposal, which contains draft text for a revised CMM, was tabled at TCC3 where it was agreed that discussions should continue through an intersessional working group and the USA would bring a revised proposal to WCPFC4.

306. Korea's proposal sought to remove a provision contained in CMM-2006-09, which calls for the description of IUU activities to include vessels that "are under the control of the owner of any vessel on the WCPFC IUU Vessel List". Korea pointed out that para 3j is not a relevant example of IUU fishing activities as defined in the FAO's International Plan of Action on IUU fishing, and that other RFMOs other than IATTC and South East Atlantic Fisheries Organisation (SEAFO) have not adopted such a provision. Korea also stated that the level of sanction on the owner of the vessel on the WCPFC IUU Vessel List should be decided by flag States themselves, not the Commission.

307. Dr Tsamenyi clarified that this provision is not contained in the IPOA-IUU, which focuses on vessel activity rather than on the owner of the vessel. Dr Tsamenyi also noted that the inclusion of the provision is a policy issue for Members, which has to be considered in terms of domestic legal and constitutional requirements rather than international law. Korea asked if it would be more precise to use the word "defined" as opposed to "described", as proposed by the USA, in reference to the use of the phrase "as described in the IPOA on IUU fishing". Dr Tsamenyi explained that since FAO's IPOA on IUU does not define IUU fishing, but simply "refers" to a list of activities that may constitute IUU fishing, it is more appropriate to use the term "described", as is the case with CMM-2006-09.

308. Chinese Taipei proposed three points for consideration in the new CMM:

- a. Reversion to the term "evidence", rather than "suitably documented information";
- b. Provision for IUU fishing incidents that have been settled to the satisfaction of the involved CCMs to be excluded from the draft list;
- c. Provision for a requirement that inclusion in the IUU Vessel List cannot occur without there having been notification to the flag State prior to its submission to the Secretariat for inclusion on the draft list.

309. In discussion, the EC raised comments concerning the role of the Commission's Executive Director in the listing process; provisions for port State measures; procedures to be followed if the flag State is not notified of the incident; and mutual recognition of IUU lists of other RFMOs.

310. A small working group, convened under the leadership of Ms Koehler produced a further revision to CMM-2006-09 WCPFC4-2007/DP15 (Rev.2). This document embodies some points of agreement reached during WCPFC4 but does not represent consensus on other points, *inter alia*, the provision to extend the list to other vessels of the same owner (paragraph 3j) amendments to paragraph 22 regarding measures to be taken by CCMs and mutual recognition of IUU lists of other RFMOs.

311. The Commission agreed to adopt WCPFC4-2007/DP15 (Rev.2) as a revised measure, CMM-2007-03, which will replace the current text of CMM 2006-09 in its entirety (**Attachment N**). 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.

312. 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.

313. New Zealand stated its intention to work with FFA members to draft a CMM — for the control of nationals — for TCC4's consideration, and welcomed contributions from other interested CCMs in this regard.

#### ***Revision of CMM on Mitigating the Impact of Fishing on Seabirds (CMM-2007-03)***

314. The USA led a small drafting group to amend CMM-2006-02 to reflect the new minimum technical specifications produced by a small working group (WCPFC4-2007/24). The amended CMM was tabled as WCPFC4-2007/24 (Rev.2).

315. In response to a question from the EC regarding the scientific rigor of the specifications, the USA explained that the specifications were developed with input from BirdLife International, and that the CMM will be reviewed annually, and that further work on fishery–seabird interactions is proposed under the SC's 2008 work programme.

316. In response to a question from the Chair, ACAP expressed support for the measure, on the basis that CCMs worked together to further test some aspects.

317. The Commission adopted the revised CMM for mitigating the impact of fishing on seabirds as CMM-2007-03 (**Attachment O**).

#### ***New CMM on the aspirations of small island developing States***

318. RMI introduced WCPFC4-2007-DP07, which calls on the Commission to develop and implement measures supporting fishery development in SIDS, while recognizing the principles contained in Resolution 2005-02. In addition, developed CCMs were requested to

reduce or restructure their fleets to accommodate the aspirations of SIDS. RMI advised that while it was receptive to suggestions to refine its proposal, it was past the time for the Commission to honor the rhetoric of supporting fisheries development in SIDS CCMs, support the provisions of the CMMs that have been adopted without prejudice to the legitimate rights and obligations of coastal States in relation to the development of their fisheries, and develop a clear strategy to support SIDS in their individual and collective development aspirations. RMI recalled the Vava'u Declaration on Pacific Fisheries Resources agreed at the recent meeting of Pacific Islands Forum Leaders in Tonga, which while recognizing the need for Pacific Islands to become more proactive in promoting sustainable development of Pacific tuna fisheries, also committed Forum Island countries to further strengthening the WCPFC's CMMs. RMI further stated their disappointment in that the Commission is considering new applicants, which will ultimately add capacity into the region, and that this is supported by Members who have not supported the Marshall Islands and Tuvalu in their pursuit of fishery development. RMI raised further concerns of fairness and priority, as it felt left behind on its issue of fishery development (SIDS aspirations), as a founding Member of the Commission, while the Commission deliberates upon and contemplates accommodating applications of new entrants. RMI, in submitting its draft resolution, sought clarification of the Commission's interpretation of the intent of Resolution 2005-02 (para 2), CMM-2005-01 (para 6) and CMM-2005-01 (paras 7–10) with regards to the development aspirations of SIDS as partially reflected in the Summary Record of WCPFC3 at para 88.

319. In relation to Resolution-2005-02, para 2:

*Paragraph 1 above shall be implemented to ensure that no adverse effect is given to the coastal processing and transshipment facilities and associated vessels of developing island coastal states and territories, and would not affect investment that has occurred legally in FFA member countries, and*

CMM-2005-01, para. 6:

*Nothing in this decision shall prejudice the legitimate rights and obligations of those small island state Members and participating territories in the Convention Area seeking to develop their own domestic fisheries.*

320. Dr Tsamenyi responded that the interpretation of these provisions is not a legal issue, rather CCMs should clarify what they intended these provisions to mean, including with respect to the definition of "domestic" fisheries. He noted that a number of resolutions were agreed on during PrepCon to address fleet capacity expansion in the period after 1999, and that these applied before the Commission was operational. CMM-2004-04, which was adopted at WCPFC1, acknowledges that all resolutions adopted during PrepCon would continue to apply until the Commission decided otherwise. He also noted that in accordance with the "Nomenclature Decision" taken at WCPFC2, CMM-2005-01 takes precedence over the Capacity Resolutions adopted by the Commission. The Chair further noted that, if the vessels that RMI and Tuvalu are seeking to import enter the fishery, then they would be administered under the Vessel Day Scheme as provided for at paragraphs 9 and 10 of CMM-2005-01.

321. Several FFA members expressed disappointment, saying that they felt discriminated against in efforts to pursue their fisheries development aspirations. They noted that while developed CCMs were expanding their fishing capacity, SIDS-CCMs were being constrained by the Commission's interpretation of Resolution 2005-02 and domestic laws enacted by some Members. To further clarify, Chinese Taipei advised that the principles applied in its

domestic regulations on restrictions on the export of fishing vessels in force is not to increase capacity. The spirit of the regulations is intended to ensure that existing capacity not be increased.

322. While acknowledging the efforts of Chinese Taipei to address these real threats to sustainable fisheries development and management, some CCMs advised that they did not want a recurrence of the capacity expansion experienced in the late 1990s and early 2000s. On the other hand, all FFA members, along with the EU and China, supported RMI's draft proposal, in particular, SIDS' aspirations to develop their fisheries.

323. Dr Tsamenyi subsequently advised that he considered the intent of the provisions for developing SIDS members of the Commission in Resolution 2005-02 and CMM-2005-01 was to protect Pacific Island domestic fisheries aspirations. Since these decisions, RMI and Tuvalu have applied to develop their fisheries as they understood was their right to do. These applications have been denied, which has caused great concern about the implications of their rights. One significant issue relates to para 7–10 of CMM-2005-01 and the implementation of the VDS. The VDS applies to purse-seine capacity in the EEZs of PNA Member CCMs. Further, the Commission is required to implement compatible measures on the high seas and in waters under the national jurisdiction of non-PNA CCMs to control total capacity and total fishing effort in the Convention Area. He stated that with the full implementation of the VDS from 1 December 2007, capacity can theoretically be managed to ensure that the provisions of CMM-2005-01, at least in respect to fishing effort in the national waters of PNA CCMs, can be fully met. This then frees the Commission to allow Tuvalu and RMI to manage their purse-seine fishing capacity under the VDS. If that is accepted, then it becomes an issue for Chinese Taipei whether it will permit export of the vessels to fish in these areas.

324. RMI agreed fully with the analysis and interpretations in relation to the implementation of the VDS and the subsequent removal of restrictions on its acquisition of vessels. With the implementation of the VDS, the number of vessels is no longer relevant and, in the view of Tuvalu and RMI, the reasons for not permitting export of the vessels by Chinese Taipei are no longer valid. RMI stated that in order to achieve some economic independence and reduce the country's reliance on foreign aid and development assistance, it was critical that the Commission support Marshall Islands' efforts to develop its local tuna fisheries. The Commission's developed CCMs cannot encourage SIDS such as RMI to develop its economy on one hand but then restrict its efforts to do that by placing unreasonable constraints on its ability to use the only economic resource it has, tuna. Many FFA and non-FFA CCMs expressed support for this aspiration. Niue, in supporting RMI, expressed its grave concern of the applications of new entrants, particularly while CCMs' support for SIDS is questioned.

325. Recalling the discussion at WCPFC3 in December 2006, which is reflected in para 88 of WCPFC3's Summary Record, WCPFC4 agreed that:

- a. in relation to para 2 of Resolution-2005-02 and para 6 of CMM-2005-01, the Commission confirmed the understanding of SIDS members that these provisions had been accepted by SIDS on the basis that the legitimate right of SIDS to develop their domestic fisheries was not constrained by these provisions;
- 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;



- c. in relation to the request by RMI and Tuvalu to acquire new boats for their domestic development, the overcapacity resolution, as it relates to purse-seine fishing effort in the waters of PNA members has to be interpreted and applied by reference to CMM-2005-01, in particular the implementation of the VDS as provided for in CMM-2005-01, and not the 1999, 2002 and 2005 capacity resolutions;
- 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.

326. Tuvalu, on behalf of developing State CCMs, thanked the Commission for its understanding and noted its understanding that the resolution on overcapacity cannot be used as a tool for developed CCMs to obstruct developing State CCMs from acquiring new purse-seine vessels. Tuvalu noted that as a result of the decision in relation to the development aspirations of SIDS at WCPFC4, efforts by RMI to have its two purse-seine vessels released by Chinese Taipei and the application from Tuvalu cannot be refused on the basis of the Resolution on Overcapacity (Resolution 2005-02). The Chair responded that it was his understanding that the issues for Tuvalu and RMI was resolved, and that this was subsequently reflected in para 325. Further, the Commission recognized the importance of SIDS development aspirations, and the need for sustainable management measures for the regional tuna stock.

## **8.2 Allocation**

327. The Executive Director presented WCPFC4-2007/14, which summarizes the history of consideration of the allocation issue by WCPFC. Two CCMs provided comments on a discussion paper presented at WCPFC3 (WCPFC3-2006/15) in 2007. WCPFC4 was invited to discuss options for further consideration of the allocation issue in the coming year.

328. New Zealand stated that it felt holding an allocation workshop in 2008 would be premature.

329. New Zealand, on behalf of FFA-member CCMs, stressed the critical nature of determining equitable allocation arrangements for the development of SIDS, for the implementation of effective CMMs and for economic security for all CCMs. However, given the other priority issues facing the SC, TCC and Commission, it has not been possible to undertake the work programme outlined in WCPFC3-2007/15. Nevertheless, these CCMs will certainly be working to advance this issue over the next year.

330. Tuvalu echoed the points made by New Zealand, stating their expectation that the Commission will develop total allowable catch and effort limits for the high seas but will not prescribe allocations within EEZs.

331. 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.

## **AGENDA ITEM 9 - ANNUAL REPORT ON THE WORK OF THE COMMISSION**

332. The Executive Director presented WCPFC4-2007/15, which summarizes the work of the Commission during the past year. He expressed his sincere appreciation to Bernard Thoulag and the staff from the National Oceanic Resource Management Authority (NORMA), FSM during the last 12 months for their support in establishing the Secretariat's office in Pohnpei.

333. The Chair congratulated the Executive Director on the excellent work of the Secretariat over the last year. He noted, in particular, the opening of the new Secretariat headquarters building at Pohnpei and reiterated a request for each CCM to consider furnishing a room in the headquarters building, using elements of their own national style.

334. Canada, on behalf of other CCMs, thanked the People's Republic of China for their significant contribution to the new headquarters building.

## **AGENDA ITEM 10 - REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE**

335. Mr Terry Toomata (Samoa), Co-Chair of the Finance and Administration Committee (FAC), presented FAC's Summary Report (WCPFC4-2007/16) (**Attachment P**).

336. The Chair acknowledged the cooperative nature of the discussion of budget issues at WCPFC4 and thanked all participants for their cooperation.

337. Vanuatu noted, and the Commission confirmed, that its contribution has been received.

338. WCPFC4 adopted all the recommendations of the FAC without refinement.

## **AGENDA ITEM 11 - SPECIAL REQUIREMENTS OF DEVELOPING STATES**

339. Noting that this is a standing agenda item, the Chair acknowledged a proposal put forward by RMI on this issue (WCPFC4-2007/DP07) as a positive step.

340. Tokelau, on behalf of FFA, expressed appreciation for the Secretariat's management of the Commission's Special Requirements Fund, which allows for the continued participation of these States in the work of the Commission, and encouraged CCMs to contribute to this fund.

341. The contributions of the USA and FSM to this fund were acknowledged with appreciation, along with the requirement for ongoing contributions to this fund.

## **AGENDA ITEM 12 - COOPERATION WITH OTHER ORGANISATIONS**

342. The Executive Director presented a paper on the Commission's efforts to date, and activities planned for 2008, to strengthen cooperation, consultation and collaboration with other RFMOs and relevant national and international organizations (WCPFC4-2007/18). The following items were raised for the Commission's consideration:

- a. authorization of a schedule of work, defined through the work of SC3, FAC and WCPFC4 (see Agenda Items 4.4 and 10) to be offered to SPC-OFP as the provider of scientific services to the Commission;

- b. advice and recommendations in relation to the development of a formal understanding for cooperation, consultation and collaboration with the UN FAO, the North Pacific Marine Science Organization (PICES) and ICCAT;
- c. provide any additional appropriate advice and recommendations in respect of the relationship with IATTC;
- d. review, refine as considered necessary, and endorse the proposed memorandum of understanding (MoU) with FFA;
- e. review, refine as considered necessary, and endorse the proposed MoU with CCAMLR;
- f. review, refine as considered necessary, and endorse the proposed MoU with IOTC;
- g. review, refine as considered necessary, and endorse the proposed MoU with the ACAP;
- h. review, refine as considered necessary, and endorse the proposed MoU with the SPREP; and
- i. provide advice and recommendations in relation to the possible development of collaborative relations with other organisations or institutions.

343. The Executive Director introduced a correction to para 15 of WCPFC4-2007/18, noting that the MoU with FFA has been signed by both parties. The priority items were identified as being the MoU with SPC; advice on the relationship with IATTC; progressing the MoU with CCAMLR upon receipt of comments on the draft MoU from CCAMLR; finalization of the MoU with ACAP; and adoption of the MoU with SPREP.

344. Vanuatu, on behalf of FFA members, stressed the importance of data sharing, including data on vessels, vessel owners and management measures, as a critical component of cooperation with other organizations.

345. Some CCMs stressed the importance of the relationship between WCPFC and IATTC, noting that the common boundary between the two RFMOs highlights issues of mutual interest such as authorization to fish and IUU fishing, potential double counting of catch, and the need for harmonized management frameworks.

346. Chinese Taipei suggested that special provisions governing the co-location of the Commission's VMS with the FFA's VMS should be developed as an Annex to the MoU with FFA.

347. The USA provided the following comments:

- a. MoUs with FAO, PICES and ICCAT should not be pursued formally given time constraints, but informal contact should be maintained;
- b. Opportunities to coordinate with the North Pacific Anadromous Fish Commission (NPAFC) should be considered given the interaction of these fisheries with albacore fisheries in the North Pacific;
- c. WCPFC should participate in a workshop being held by FAO next year on port State measures;
- d. WCPFC should be aware of, and strive to assist in, CCAMLR's efforts to reduce seabird mortality by using CCAMLR's measures as reference documents in SC and TCC deliberations, particularly where seabird species' distributions overlap the Convention Areas of both the WCPFC and the CCAMLR.

348. New Zealand explained that its minor proposed amendments to the MoU with ACAP (WCPFC4-2007/18 Rev.1, Attachment H) are designed to re-cast the language of the document as an arrangement rather than an agreement (or MoU). This was necessary because WCPFC is entering into a non-legally binding relationship with ACAP.

349. Australia noted the need for a special relationship not only with IATTC but also with IOTC due to a shared boundary in the WCPO. Support for assisting CCAMLR in seabird mortality reduction efforts was also expressed.

350. Canada noted that it is hosting a tri-party workshop between NPAFC, WCPFC and North Pacific Coast Guard Forces in connection with the next meeting of the NPAFC in order to promote cooperation and effective use of resources.

351. The Commission adopted the MoU with IOTC (WCPFC4-2007/18 Rev.1, Attachment G), the MoU with SPREP (WCPFC-2007/18 Rev. 1, Attachment I), and the MoU with ACAP as modified by New Zealand (WCPFC4-2007/18 Rev.1, Attachment H).

### **AGENDA ITEM 13 - WORK PROGRAMME AND BUDGET FOR 2008 AND INDICATIVE WORK PROGRAMME AND BUDGET FOR 2009 AND 2010**

352. WCPFC4 adopted the recommendations of the FAC with regards to the 2008 work programme and budget as revised, and an indicative budget for 2009 and 2010.

353. The Chair identified the priority issues for the Commission in 2008 as:

- 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.

354. 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.

355. The USA suggested that further measures to reduce sea turtle bycatch might also be considered a priority.

### **AGENDA ITEM 14 - ELECTION OF OFFICERS**

356. WCPFC4 confirmed the election of Keith Bigelow (USA) as Vice-Chair of the SC; Wendell Sanford (Canada) as Chair of the TCC; Noan Pakop (PNG) as Vice-Chair of the TCC; Charles Karnella (USA) as chair of the Interim Working Group on the Regional Observer Programme; Masanori Miyahara (Japan) as Chair of the Northern Committee; Terry Toomata (Samoa) and Dean Swanson (USA) as Co-Chairs of the FAC.

## **AGENDA ITEM 15 - OTHER MATTERS**

### **15.1 Outcomes of the joint meeting of tuna RFMOs, Kobe, Japan, 22–26 January 2007**

357. The Executive Director noted a proposed meeting of the Chairs and Executive Directors of the tuna RFMOs to be held in the USA in early 2008.

358. The USA and New Zealand encouraged the Commission to continue to progress on key issues identified as priorities in the course of action recommended by the Kobe meeting.

359. WCPFC4 adopted the proposed roadmap developed by the Kobe meeting and agreed to cooperate with other RFMOs toward standardization of performance reviews.

### **15.2 Proposed performance reviews of tuna RFMOs**

360. Australia proposed that the WCPFC undertake a performance review consistent with the recommendations of the Kobe meeting, and offered specific guidance on the issue in WCPFC4-2007/DP05.

361. Japan agreed that the performance review is important, but suggested it be postponed until 2009 due to a lack of time to fully consider the issue. In this way, the results of the science structure review to be conducted in 2008 can be incorporated into the broader Kobe review in 2009.

362. The Commission agreed to defer further consideration of the WCPFC performance review to WCPFC5.

### **15.3 Other issues**

363. The USA noted recent positive developments at the United Nations regarding shark conservation and management. In informal consultations to negotiate the annual United Nations general Assembly (UNGA) Sustainable Fisheries Resolution this year, participating States agreed by consensus to new text that includes strong calls to States and RFMOs, such as the WCPFC, to adopt measures to manage both directed and non-directed shark fisheries, and, where scientific information is uncertain or inadequate, not increasing fishing effort in directed shark fisheries until conservation and management measures have been established. In addition, the resolution calls for concerted action to improve the implementation of and compliance with existing RFMOs and national measures that regulate shark fisheries.

364. The USA also highlighted the problems of marine debris and derelict fishing gear (WCPFC4-2007/IP11), and suggested that this issue should be considered in future by the WCPFC.

365. The Chair raised the issue of unregulated drift net fishing in the North Pacific in the areas fished under the NPAFC. Robert Martinolich, Chair of NPAFC's Enforcement Committee noted that illegal drift netting occurs in the area but that there is no real link between these activities and tuna. Some of the apprehended vessels were found with albacore comprising up to 3% of their catch onboard although their main target was squid.

366. The Chair tasked the TCC with looking into a possible connection between illegal drift netting and impacts on northern stocks of albacore, and providing a report to WCPFC5 on the matter.

#### **AGENDA ITEM 16 - NEXT MEETING**

367. Korea offered to host WCPFC5 in Busan from 8–12 December 2008.

368. Guam thanked the Commission for choosing Guam as the venue for WCPFC4 and offered its support for future meetings.

369. The EC expressed its concern that meetings of the Commission and its committees and working groups be coordinated and rationalized with meetings of other RFMOs.

#### **AGENDA ITEM 17 - SUMMARY REPORT**

370. A draft version of the WCPFC4 Summary Report was prepared by the rapporteur and finalized by the Secretariat. It was circulated to CCMs for comment on 14 December 2007. After the 30-day comment period elapsed, comments were incorporated into the WCPFC4 Summary Report and finalized and posted on WCPFC's website on 18 February 2008.

#### **AGENDA ITEM 18 - CLOSE OF MEETING**

371. The Executive Director thanked all of the staff who supported the smooth running of the meeting, including the Governor and Vice-Governor of Guam, John Calvo of the Western Pacific Regional Fisheries Management Council office at Guam, Guam-based volunteer support staff, and staff of the Hyatt Regency Guam. Manny Duenas of the Guam Fishermen's Cooperative Association graciously hosted nightly hospitality functions throughout the meeting. Emmanuel Schneiter (SPC) was acknowledged for his work on the Commission's website, and Secretariat staff, Shelley Clarke, Iain Hayes and Martin Tsamenyi were thanked for their efforts.

372. RMI thanked the Commission for its assistance in resolving issues associated with SIDS but expressed its disappointment that more progress was not made on other CMMs.

373. New Zealand, on behalf of FFA-member CCMs, acknowledged progress made by the working groups on the ROP and the VMS, but regretted the failure of the Commission to agree on more effective management measures for critical fish stocks. These CCMs promised to advance the issues of allocation and MCS issues over the coming year.

374. The Chair closed WCPFC4 at 18:45 on Friday, 7 December 2007.



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

**Fourth Regular Session**

**2–7 December 2007  
Tumon, Guam, USA**

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**ATTACHMENTS**

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<b>Attachment</b>	<b>TITLE</b>
<b>A</b>	List of Participants
<b>B</b>	Opening Address, Mr Glenn Hurry, Chairman of the Commission
<b>C</b>	Opening Statement – USA
<b>D</b>	Opening Statement – FCC Chair to WCPFC4
<b>E</b>	Opening Statement – Philippines
<b>F</b>	Opening Statement – Papua New Guinea
<b>G</b>	Opening Statement – Korea
<b>H</b>	Opening Statement – New Caledonia
<b>I</b>	Opening Statement – Mexico
<b>J</b>	Small group report on Commission VMS cost estimates 2008/2009
<b>K</b>	CMM-2007-01 — Regional Observer Programme
<b>L</b>	Revised CMM-2006-06 — Commission Vessel Monitoring System (CMM-2007-02)
<b>M</b>	Chair’s report on small working group on CMM-2004-01 (Record of Fishing Vessels and Authorization to Fish)
<b>N</b>	Revised CMM-2006-09 — CMM-2007-03 IUU Procedures
<b>O</b>	Revised CMM-2006-02 — CMM-2007-04 Seabird bycatch
<b>P</b>	Report of the Finance and Administration Committee to WCPFC4



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

**Fourth Regular Session**

**Tumon, Guam, USA  
2–7 December 2007**

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**OPENING STATEMENT BY  
MR GLENN HURRY  
CHAIR OF THE COMMISSION**

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**WCPFC4-2007/IP05  
3 December 2007**

1. Your Excellency the Hon. Felix P. Camacho, Governor of Guam, members of the diplomatic community on Guam, dignitaries from the Chamorro community, Ministers and officials representing the Members, Cooperating Non-members and Participating Territories (CCMs) of the Commission, Guamanian officials, Observers from other inter-governmental organisations and non-government agencies, the WCPFC Secretariat, industry and media representatives and guests.
2. It is a pleasure for me to welcome you all to the Fourth Regular Session of the Western and Central Pacific Fisheries Commission.
3. Firstly, on behalf of all the members of the Commission, Governor, may I extend my appreciation for our warm welcome to Guam and for the excellent logistical and administrative support arranged for this meeting through your office. In addition to thanking Carlotta Leon Guerrero and her capable staff for the support they have provided I would particularly like to thank the members of the Chamorro community for the very memorable opening chant that they have just delivered. It certainly sets a very pleasant tone for the opening of this important meeting.
4. Turning to the business of this important commission meeting, there are three areas I want to cover with you to set the agenda for this meeting. They are the positive developments in the Commission during the year and the difficulties and challenges that we face for this meeting and the general state of world tuna fisheries.

5. Let me then start with progress in the Commission. It is fair to say that we have made progress over the last 12 months in the Commission.

6. We now have thanks to the Government of the Federated States of Micronesia an impressive new headquarters building for the Commission that was opened with great ceremony in October this year. This is a great outcome because now you all have a second home thanks to Bernard and the address for the next 100 years is Kaselehlie St Kolonia Town Pohnpei, FSM. Thanks FSM and congratulations to all of you.

7. I would like to congratulate the United States on successfully completing the ratification process for our Convention – and importantly bringing with them the territories of American Samoa, Commonwealth of Northern Mariana Islands and, of course Governor, your own territory of Guam into the Commission. You are all most welcome. The USA has already made a valuable contribution to the work of the Commission during its formative stages and that now, with full membership, all Members of the Commission look forward to working with you, and moving this Commission forward.

8. During the year we have supported important work in the subsidiary bodies of the Commission. These Committees will table information, advice and recommendations for our consideration here this week. I'd like to thank the Chairs of those bodies and all those who provided support and input to these meetings for the impressive amount of work that was undertaken.

9. The funding contributions to support the Regional Tuna Tagging Project have been terrific. The proposal for this initiative was only finalised during the Third Regular Session of the Scientific Committee in Honolulu in August. Then, in October, at the 38th Pacific Islands Forum in Tonga, New Zealand announced a contribution of NZ\$ 5 million towards this project. This adds to the very generous contribution of US\$ 100,000 from Papua New Guinea and the support already secured by the SPC-Oceanic Fisheries Programme through other multilateral partners at SPC. I congratulate all those involved in this work and extend particular thanks to those who have made financial contributions. I also appeal to others to contribute to this important initiative as it will be of benefit to all of you.

10. Can I thank Drew and the Commission staff for their hard work all year. They continue to do a wonderful job for such a small office, thanks to all of you for the continued effort.

11. Now to the challenges in front of us for this meeting.

12. The key deliverables for this meeting and the outcomes on which we will be judged include the implementation of the regional observer programme, VMS, the transshipment measure, improving the accuracy of operational level catch and effort data, and by-catch mitigation will all add to the credibility of our work. Overlaying all of these are a Conservation measure on bigeye and yellowfin tuna and our ability to deal with applications from non members for membership or co-operating non members status.

13. Those of you who are applying or thinking of applying for co-operating status with this commission...this is a new Commission and we are determined to make it work. 80% of the stock are taken in the EEZ's of the member countries and as such there

is a strong expectation for all of us that all members and co-operating non members of appropriate behaviour.

14. Of real concern to me is the lack of success to date in stabilising fishing capacity in the WCPO tuna fishery — we undertook to do so during the MHLC — and again in PrepCon and then again in the WCPFC. In our Conservation and Management Measures we agreed to constrain fishing mortality levels in the Commission. Last year you applied judgement to applications from two original members, Tuvalu and the Marshall islands and effectively limited their opportunities to develop their domestic fisheries.

15. This year however, still saw a significant increase in fishing capacity in the region largely because fleets have fished down the resources in other oceans and have been brought here to get fish to meet the shortfall in cannery processing capacity in foreign countries. Our apparent inability to prevent an ongoing increase in capacity through full implementation of these Conservation measures and the fundamental commitments we make to each other must surely be a concern to civil society who should by any standard judge us quite harshly.

16. In this regard, at Apia last year we undertook to develop a Measure at this Session that addresses concern about the mortality of juvenile yellowfin and bigeye tuna. The scientific advice in relation to the stocks has not changed: we are still over fishing big-eye and yellow fin and we have to find a way at this meeting to resolve the issue.

17. I note we have one proposal, submitted on behalf of FFA members, that targets this aspiration. It is my intention that we will leave this meeting with an agreed Measure that, consistent with the best available scientific knowledge available here, will achieve the objective of reducing the mortality of juvenile bigeye and yellowfin tuna and reducing the threat of over-fishing these resources.

18. Several outstanding issues from previous Sessions require our further consideration here in Guam. Among those is the important matter of the aspirations of developing States and strategies to be able to support the legitimate development of fisheries by developing States without threatening resource sustainability. I am personally disappointed that I was not able to make the progress I had hoped for in respect of this matter during 2007. I still strongly believe that resolving this issue is central to the long-term success of this Commission. I remain committed to working with all interested CCMs to find a fair means to progress this critical element of our work.

19. Let me now turn briefly to the general state of world tuna fisheries and I do this deliberately to make a point to you. Let me tell you about the tuna fishing in two Commissions IATTC and ICCAT that you know very well.

20. In IATTC the peak catch of yellowfin was in 2002 at 443,000 tonnes in 2006 it was down to 174,000 tonnes a reduction of 61%. Skipjack holds stable at 322,000 tonnes but bigeye peaked at 147,000 tonnes in 2000 and is now 103,000 in 2006, a reduction of 30%.

21. In ICCAT bigeye peaked at 132,000 tonnes in 1991 and is now 72,000 tonnes, a reduction of 45%. Yellowfin peaked in 1980 at 192,000 tonnes and is now 104,000, a reduction of 46%, and NBT peaked in 1993 at 53,000 tonnes and is now 29,000, a reduction of about 40%. I have left out the IOTC as I am not confident that we know the

real status of Indian oceans stocks but anecdotal information from industry is not encouraging.

22. Apart from the tuna fisheries in the WCPFC area all tuna stocks around the world managed in the three major tuna Commission are under serious fishing pressure and are not showing signs of recovery. The figures above speak for themselves.

23. I am genuinely concerned for our tuna stocks they are in reasonable shape....but the question you have to face at this meeting is where do you want this fishery to end up...in the same place as the others? There are now more vessels coming here because the other stocks are over fished. Some 80% of the fisheries resources of this region are taken from the EEZs of members. I know that the leaders of the Pacific Island Communities care -- it is written in their Forum Leaders Declaration this year from Tonga, their message to all of us is clear. I also understand the importance that Japan, Indonesia and the Philippines attach to their individual domestic EEZ based fisheries.

24. For those of you who come from distant shores to visit and are made welcome in our countries....you should by now know enough about us and about this fishery to understand its importance for the Pacific.... and you should also care.

25. This is as I have said on many occasions the world's last great fishery it would be nice to think that here in Guam we can finally draw a line in the sand and save this great fishery for this and future generations. However, as always the decisions that you take are your collective responsibility..... my responsibility is to guide your discussion and to hold you to account for your actions and decisions under the terms of the Convention for this Commission.

26. As has been the case in each of the previous three annual sessions of the Commission that have met we again have a full agenda. I look forward to working with you all during the coming 5 days to make sure we move through the program of work before us as constructively and as productively as possible and get some real results for the Commission.

27. Thank you Governor Camacho and my thanks to all of you for your attention. We will now break.



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

**Fourth Regular Session**

**Tumon, Guam, USA  
2–7 December 2007**

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**OPENING STATEMENT BY  
THE UNITED STATES OF AMERICA**

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**WCPFC4-2007/DP21  
3 December 2007**

This is the first session of the Commission at which the United States is participating as a full member. The United States is very pleased to join the other members at this table with the same responsibilities and rights as all other members have under the Convention, and the same level of commitment towards its success. We are also pleased to have been able to authorize the participation of Guam, CNMI, and American Samoa, for whom the health of our shared HMS fisheries resources is vital, to participate in the work of the Commission in accordance with Article 43 of the Convention.

We also appreciate very much the consideration we have been given by the other members while we completed our ratification processes.

Although our status in the Commission has changed, our objectives and priorities have not. We continue to believe that the top priority of the Commission right now should be the establishment of effective monitoring, control and surveillance mechanisms. Only then will the Commission have the tools it needs to formulate conservation and management measures that can be effectively and fairly implemented by all members in order to achieve the objective of the Convention — the long-term conservation and sustainable use of highly migratory fish stocks and associated resources in the western and central Pacific Ocean.

We are pleased with the progress of the Commission on some MCS issues, particularly its adoption of the high seas boarding and inspection procedures last year in Apia, Samoa. But we are concerned about the slow pace of implementing the Regional Observer Programme and the vessel monitoring system. The basic provisions for both of these programs were established in the Convention nearly eight years ago. And while we have discussed their components and mechanisms for implementation for the past several



years, these critically important tools have still not commenced. We understand that some still have concerns over these programmes, and we also recognize that they may require some level of phased implementation. However, it is our strong view that we must take the first step and begin both the ROP and VMS programs in some capacity next year. We are prepared to work with all delegations this week in good faith to overcome the remaining concerns so that the Commission can make the decisions necessary to see both these programs implemented next year.

We also hope to see improvements made this week to the IUU Vessel List measure that was adopted last year. We would like to thank all those CCMs who worked intersessionally with the United States on this issue. We also look forward to progress on regulating transshipment, and we appreciate the work of other CCMs in crafting various proposals on that issue.

Although we believe this Commission meeting should be especially focused on MCS issues, of course there are pressing issues with tunas, sea turtles, and other resources that cannot be postponed. We are impressed with the level of effort that the members of the Commission and its subsidiary bodies have devoted to the complex issues of conserving and managing resources such as bigeye and yellowfin tuna, albacore, billfish and sharks, as well as reducing or mitigating the bycatch of sea turtles and seabirds. We hope that this week we can make further progress on these issues, particularly with respect to bigeye tuna and yellowfin tuna and adopting a conservation and management measure for sea turtles.

Finally, the United States strongly believes that the WCPFC Secretariat should be adequately funded to carry out all of the tasks assigned to it by the Commission. In particular, it is critical that the budget allow the Secretariat to operationalize important MCS tools, such as the ROP and VMS, as well as to develop and support the infrastructure necessary to operate effectively. We look forward to working with all delegations on these important issues.



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

**Fourth Regular Session**

**Tumon, Guam, USA  
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**OPENING STATEMENT BY  
FCC CHAIR TO THE  
FOURTH SESSION OF THE WCPFC**

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**WCPFC4-2007/DP28  
5 December 2007**

Mr Chairman, distinguished delegates and representatives from members of the Commission, representatives from Observer and Non-Government Organisations and the Secretariat of the Western and Central Pacific Fisheries Commission, I am making this statement on behalf of the seventeen members of the Pacific Islands Forum Fisheries Agency.

Mr Chairman, let me first of all thank you for your leadership in directing the work of the Commission over the past 12 months. We would also like to thank the Executive Director and Staff of the Secretariat for your hard work throughout the year in servicing the meetings of our Commission and its subsidiary bodies and for producing high quality papers to advance our work.

This is the fourth time we have met as a Commission since its establishment three and half years ago. We would like to take this opportunity to congratulate the United States and welcome them to the Commission this year as a full member. The work to get a regional fisheries management framework in place for the region really began 31 years ago when at their 6<sup>th</sup> Meeting in Port Moresby in 1977, leaders of the South Pacific Forum issued a Declaration on the Law of the Sea calling on Pacific Island Countries to take advantage of international developments by claiming exclusive economic zones. The Commission therefore represents the latest chapter in regional co-operation and a new threshold in international fisheries management.

Mr Chairman, FFA Members feel that some members of the Commission have not engaged in the Commission's work to date in the most constructive manner. This has delayed us making progress on an effective and robust MCS framework and on

conservation and management measures that respond to the recommendations of our Scientific Committee, particularly with regard to bigeye and yellowfin tuna.

FFA Members fervently believe that if the Commission is to achieve its objectives, some real and tangible progress towards the finalisation of the MCS framework must be made at this Session of the Commission. We note that for us this means agreement on a Conservation and Management Measure for the Regional Observer Programme and an associated implementation plan consistent with the Convention text, as well as real progress on the final steps to implement the Commission's VMS.

Mr Chairman, fisheries has many important dimensions for the livelihoods and cultural heritage of Pacific Islanders and members of the Commission. We must work constructively to ensure that we can address the many critical issues before us that beset the effective management and long-term future of our fisheries resources.

Mr Chairman, with stocks declining elsewhere in the world the fishery in this region faces the real prospect of becoming oversubscribed. This underscores the need for the Commission to make some real progress with regards to the issue of allocation, and the manner in which we address the issue of non-members is a key component of this issue. Only then will our Commission have a sound basis on which to develop and implement effective conservation and management measures.

Mr Chairman, in May this year Pacific Fisheries Ministers met in Wellington and amongst the decisions they adopted in terms of the development aspirations of small island States included confirming "the long standing position of FFA members that the right to determine who fishes in our waters and to develop our domestic industries within sustainable limits, is the most basic exercise of sovereign rights and we will not consider any outcomes that prejudice that right".

In this regard, Fisheries Ministers called for an "orderly restructuring and reduction of distant water fleets" and "expressed concern that at a time when some fishing States are using their economic power to block the domestic development aspirations of Pacific Island Members, cooperating non-member status in the Commission could be abused by fishing companies using Flag States with no connection to the region, to undermine the efforts of FFA members to ensure long-term conservation and sustainable use of the tuna resources".

Most recently Mr. Chairman, Pacific Forum Leaders at their 37<sup>th</sup> Summit adopted the Vava'u Declaration on Pacific Fisheries Resources entitled "Our Fish, Our Future" in which they committed FFA Member Governments to the conservation and sustainable management of highly migratory tuna resources by amongst other things:

- Fully implementing without delay the conservation and management measures developed and endorsed by the Western and Central Pacific Fisheries Commission (WCPFC);
- Seeking the urgent adoption of additional measures by the WCPFC to address over-fishing of bigeye and yellowfin, including a reduction in longline catches and addressing purse seine fishing, and specific steps to reduce the catch of juvenile bigeye and yellowfin;

- Recognising the aspirations of small islands developing states to develop their domestic fisheries and calling on developed member countries of the Commission to implement measures to support such endeavours.

At the conclusion of the Forum Leaders meeting this year, the Vava'u Declaration was conveyed to high level representatives of many of the other countries seated around this table. The Declaration, along with other relevant considerations, will inform our engagement in the work of the Commission this week and beyond.

Mr Chairman, FFA Members have come to this Session of the Commission with a commitment to make real progress on the issues before us. The international community is watching with keen interest to see whether we will live up to the commitment we have made to be responsible stewards of the world's largest tuna stocks. This Session of the Commission will represent a watershed for us all and test our resolve as to whether we can fulfil our responsibilities and obligations. In this vein, we would like to work with you Mr Chairman and other members of the Commission with a sense of urgency and in the spirit of trust to make real progress.

Thank you Chairman.



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**OPENING STATEMENT BY  
THE PHILIPPINES**

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**WCPFC4-2007/DP22  
3 December 2007**

The Chairman, Heads of Delegations, Observers, other participants, good morning. Before anything else I would like to express in behalf of the Philippine Delegation, our appreciation and gratitude to the Government of Guam, USA for hosting this 4<sup>th</sup> Regular Session of the WCPFC, in this very peaceful and beautiful venue.

The Philippines strongly support a reduction in fishing effort (CMM 2005-01) and rational use of FADs (CMM 2006-1). However, we feel that the proposed measures on transshipment and FAD fishing, as drafted, disproportionately penalize the Philippine fleets. Compared to capital-intensive modern vessels, the Philippine purse seiners are older, smaller and less efficient and labor intensive. These vessels must rely on FAD fishing and transshipment to operate successfully.

With regard to the proposed three-month annual ban on FAD fishing in EEZs and high seas, the major impact will be on small and medium Philippine purse seiners and ringnetters which provide fresh fish to the wet market. These vessels fish in the Celebes sea and the high seas east of the Philippines. This proposed regulation will not only affect the economics of the vessels, but will also affect the flow of an important protein source to Filipinos throughout the country.

We understand that the proposed FAD closure intends to reduce, in part, the effort of the Philippine-Indonesia purse seine fishery because of the perception that this fishery has a great impact on bigeye and yellowfin resources. With regard to this conclusion, the Philippine Government commissioned an independent scientist who concluded that prior to 2000 statistical data underestimated actual landings by 60%, while post-2003 catches were overestimated substantially. In fact this study showed a decline in both fisheries effort and catch since 2000. For example, the 2005 data states handline landings of

almost 70,000 mt yellowfin and 11,000 mt bigeye. The recent analysis of data revised the total handline catch to below 30,000 mt, of which less than 1,000 mt is bigeye. We suspect similar problems with the ringnet catches. Some of the problem stems from the sampling regime which counts all landings in Philippine ports, even those from foreign vessels. We would point out that the provisional 2006 handline fleet catches of yellowfin and bigeye are even more flawed, since the handline fleet declined from 3,000 vessels to less than 1,500 in the past two years due to high cost of fuel cost. We suspect that a correction in the yellowfin and bigeye catch data may result in different conclusions regarding most effective management measures.

The point here is that the Philippine-Indonesia fishery was at its peak long before yellowfin and bigeye resources became over-stressed, and perhaps we should be looking at recent expansion by other countries as the real cause of excess fishing effort. The Philippines is concerned that management measures that have a disproportional effect on its fleet do so without regard to historical considerations.

We note that, in part, the proposed FAD closure was selected because it will have the least economic impact on the Island States of the four effort-reduction measures under consideration. The Philippines will be undertaking a similar study to determine economic impact of the proposed FAD closure, and would favor alternative proposals until the study is completed.

The Philippine Government is aware of the negative impact of catching small juveniles around FADs. This is a major problem in the Celebes Sea, a yellowfin and bigeye spawning area that has a preponderance of small juveniles. The Philippines, through its National Tuna Management Plan, is introducing several measures that will lead to increased escapement of juveniles out of the Celebes Sea. However, if we are doing our part as responsible resource managers to increase escapement to other fisheries, we would ask for a system of *quid pro quo*, perhaps preferential access to these fish as they grow older.

With regard to transshipment, we favor a system of regulated at-sea transshipment. Virtually the entire Philippine tuna fleet operates as group seiners with one or more carriers servicing each catcher vessel. This is necessary because the catchers are small, old, and not very fuel-efficient. The only significant problem with transshipment at-sea is the possibility of under-reporting of landings and an unacceptable stress on tuna stocks. We believe this problem can be solved by a combination of partial observer coverage and careful monitoring of carrier offloadings, and have made submissions to this effect at the TCC meetings. Although this puts more burden on the Flag State than does in port transshipment, the Philippines will undertake this at-sea monitoring to assure accurate reporting. We feel we have no choice since we will not subsidize the fuel costs of the Philippine tuna fleet nor will we subsidize the building of high-capacity purse seiners.

We further point out that the Convention, in Article 29 (5), allows the Commission to make specific exemptions to the ban on at-sea transshipment to reflect existing operations. The Philippine purse seine fleet certainly qualifies for such an exemption as at sea transshipment has been a standard practice for the past thirty years, and in fact the Philippines has been granted a temporary exemption. We ask that this exemption be regularized.

As a final note, we emphasize that the convention, in Article 5 (b), states that “such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing states. We believe that the measures so far proposed will unfairly impact on the Philippines, and that alternative proposals should be considered.



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**OPENING STATEMENT BY  
PAPUA NEW GUINEA**

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**WCPFC4-2007/DP23  
3 December 2007**

Mr Chairman,

I join the other speakers in expressing my delegation's appreciation to our host — the Government and people of Guam for their kind hospitality.

We acknowledge also the tremendous work of the Commission Secretariat in putting together the meeting documents as well as ensuring meeting arrangements and logistics are in place for this meeting.

Mr Chairman, Papua New Guinea has very strong views on a number of issues that will be deliberated during this Session. Our interventions on these issues will be made as and when they come up for discussions.

Mr Chairman before I highlight some of these issues, Papua New Guinea is increasingly concerned about the direction in which this Commission is being steered in terms of the application of conservation and management measures.

Mr Chairman, the UNCLOS, and in particular provisions relating to the conservation and management of marine resources and the UN Fish Stocks Agreement, we see that it relates more directly to conservation and management of fish stocks occurring, including activities occurring beyond areas of national jurisdiction or the high seas.

Whilst this is so, it is unfortunate that there is yet to be robust and articulated measures established for the conservation and management of fish stocks in high seas. The Commission has instead continued to focus discussions on in-zone management



throughout the past three Sessions and we do not expect much change during this Session.

Article 4 of the WCPF Convention provides for the convention to be applied and interpreted in the context and manner that is consistent with UNCLOS and UNFSA. Whilst these two documents require us to deal with high seas conservation and management, we seem to be going the opposite direction by protracting and delaying measures for the high seas and instead dominate discussions on measures that apply in areas under our national jurisdiction.

This has continued to be stressed despite the fact that there are measures already in existence in the in-zones of Pacific Island countries that has been proven to be effective.

Our in-zone has now become so congested with management measures to such an extent that we are now feeling the burden of management and conservation measures, which affects our legitimate development aspirations and our sovereignty. For instance, we have:

- implemented 25% reduction in anchored FADs, including a total ban on FAD deployment south of 6 degree south covering all of the Solomon and Coral Seas,
- implemented area closer including a 50 nautical mile corridor along PNG/Indonesia border up to the high seas,
- banned fishing by distant-water fishing nations vessels within the Modargo Square, and
- as of 1<sup>st</sup> December 2007 implemented the VDS with limited number days with some of our traditional partners not able to catered for thus resulting in loss of revenue.

Mr Chairman, is this the way we want things to turn out to be, that is, for more and more focus to be on areas that are under national jurisdiction and burden the small island developing states with measures so as to derailed their legitimate development aspirations whilst delaying implementation measures for the high seas?

Mr Chairman it is now time for genuine and more significant actions to be taken by the Commission on management measures for the high seas. Some of these measures are:

- Area closures,
- Moving swiftly to adopt the Regional Observer Programme,
- Establishment of VMS, and
- High Seas Boarding and Inspection procedures.

Mr Chairman, these are the genuine and immediate conservation and management measures that this Commission needs to have in place in order to complement the overwhelming and often onerous management and conservation measures that we have already established in areas under our national jurisdiction.

We see more and more non-Commission Members applying to join the WCPF Commission without the Commission first putting in place measures compatible with our in-zone measures, which have been in place since 2004 but so far were not adequately

implemented in the high seas because MCS measures for the high seas were never put in place to ensure compliance.

With these remarks, Mr Chairman we thank you for the leadership that you have provided for the work of this Commission and are confident in your able guidance in our deliberation this week.



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**OPENING STATEMENT BY  
THE REPUBLIC OF KOREA**

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**WCPFC4-2007/DP26  
4 December 2007**

Mr Chairman, Distinguished Delegates, Ladies and Gentlemen!

We are very honored and pleased to meet all of delegations at this great event. First of all, we would like to express our deep gratitude to the US government and the people of Guam for their warm welcome and hospitality. We also thank Mr Glenn Hurry, Chairman of the Commission for his excellent leadership in organizing this meeting and Mr Andrew Wright, Executive Director of the Secretariat and his staff for their hard work and great effort for the meeting preparation.

The founding purpose of the Western and Central Pacific Fisheries Commission to ensure the long-term conservation and sustainable use of highly migratory fish stocks in the region has major importance to the Korean government and its industry as it has to other CCMs. As a responsible member of the commission, Korea will closely cooperate with other CCMs in the Fourth Commission Meeting to achieve the purpose. The main areas of our interests are as follows:

Firstly, Korea is focused on strengthening conservation measures on bigeye and yellowfin tuna, which have been assessed unsustainable by the Scientific Committee. Current measure to freeze the total fishing effort is not enough to achieve our goal. In this regard, Korea considers the FFA member's proposal as a good starting point to discuss this matter.

Secondly, Korea is highly interested in establishing Monitoring, Control and Surveillance (MCS) measures including regional observer program, transshipment at sea and VMS. While we need effective MCS measures to implement and enforce the conservation and management measures, it is also important to recognize that we have

limited resources such as human resources and budget which are crucial to operate those MCS measures. Therefore, cost effectiveness and practicability should be taken into consideration in the course of developing MCS measures.

Thirdly, Korea strongly supports Commission's efforts to prevent IUU fishing activities in the Convention Area. We need strict sanctions on the vessels on the IUU list while protecting legitimate fishermen. Since this matter would be top of the Commission's main agenda, we need a careful consideration on the procedure to draw up the IUU Vessel List.

Lastly, Mr Chairman, we would like to mention budget issue. Korea welcomes the establishment of Finance and Administration Committee at the last Commission meeting and we are confident that it would effectively contribute to the Commission's works and will be operated in cost effective and transparent manner.

Korea hopes this meeting will produce fruitful results on our main concerns. Thank you for your attention.



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**OPENING STATEMENT BY  
NEW CALEDONIA**

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**WCPFC4-2007/DP27  
4 December 2007**

Mr Chairman, distinguished delegates, ladies and gentlemen,

On behalf of the New Caledonian government, I would like to thank the authorities and the people of Guam for their warm welcome here in Tumon and to express my gratitude to you, Mr. Chairman, and to the Secretariat of the Commission for having provided to us the necessary background information for a successful meeting.

Among all the outstanding issues still before us is the allocation of fishing rights. This issue is due to be addressed in the forthcoming years and we look forward to exchanging views with the other participants on this matter. In this regard I have read with great interest the comments provided by some delegations and share the concern expressed that we should not wait for bad stock status before agreeing on the rules on allocation.

Our approach on this issue is to give adequate weight to the historical fishing activity (both effort and catch) of each participant to the commission without ignoring the need to take account of its commitment to a better assessment of the stocks (data provision, scientific programmes, etc.). This should not result, however, to an unfair situation for island States and territories which have limited resources, in particular to undertake research activity.

The importance to reach a consensus soonest on allocation strengthens the need to progress adequately on the issues of the regional observer programme and the regional VMS. During this year's meetings of the WCPFC subsidiary bodies we faced some difficulties to move forward with these issues. It is unlikely that our recently created commission will be regarded with more indulgence than the other tuna RFMOs with

regard to performance since the WCPFC is in charge of managing the largest tuna resources in the world.

Mr Chairman, this is our responsibility as participants to the WCPFC, to cooperate to put in place the necessary measures and tools to achieve adequate management and conservation of our highly migratory fish stocks. In particular, each CCM has to work transparently so that all relevant information is provided to the commission in a timely manner. This is especially important for some fisheries where the fishing activity is changing very rapidly (increasing effort, new technologies and strategies which impact on fishing efficiency).

Before finishing I would like to confirm that New Caledonia is about to make a voluntary contribution of about US\$ 12,500 to the WCPFC budget for the current year.

Thank you.



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**DECLARATION OF MEXICO  
AS AN OBSERVER TO  
THE FOURTH SESSION OF THE WCPFC**

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**WCPFC-2007/OP17  
7 December 2007**

Mexico appreciates the opportunity to be present in this fourth Regular Session of the Western and Central Pacific Fisheries Commission and extends to all its members its regards and high consideration.

For Mexico, the conservation of the tuna resources as well as the conservation of the marine ecosystem is a high priority. As a coastal state of the Pacific and a fishing nation that has harvested tuna in the Pacific since early nineteen hundreds, we attach a major importance to the management of the resources recognizing the need to do it in close cooperation with the nations that harvest the same resources. In the tuna fishery, as well as all other fisheries whether regulated at national or at multilateral level, the guiding criteria for Mexico, is the sustainability of the resources.

Along with its right to fish, as recognized by numerous instruments of international law, particularly the United Nations Convention on the Law of the Sea, Mexico fully recognizes its duties and obligations established in several instruments and conventions to fish in a responsible manner, giving particular attention to its obligation to cooperate with other States in the conservation and management of living resources, particularly when they are the same, as prescribed in Article 118 of UNCLOS. Mexico is also a strong supporter of undertaking multilateral cooperation under high standards of fairness, transparency and participation, as enunciated in the Code of Conduct of Responsible fisheries, as we believe they enable effective and successful cooperation for the management of the fisheries.

It is with this understanding and as call for by multiple international instruments that Mexico continues to respectfully express its interest in the work and responsibilities of

the WCPFC. Mexico has historically participated in the fishery in the Convention area since the early eighties, harvested the shared resource since decades earlier, and participated in the road to the creation of the Commission since 1994. Mexico participated as Observer since the fifth and subsequent sessions of the Conference, and has continued to follow the development of its works since then. As a member of the IATTC, Mexico strictly observes the conservation and management measures in place that protect the same stocks of concern to the WCPFC as regulated by the IATTC.

Bearing in mind its historical rights to harvest tuna in the Convention Area, Mexico is conscious of the recent developments in the region to manage the resource, by the WCPFC and the management measures that have been put in place by this organization and its member states. Mexico firmly supports these endeavors. As a developing country whose fleet is owned by nationals, who support hundreds of families that depend on this resource and provide it for domestic consumption as highly valuable protein, Mexico fully recognizes the special condition of the small island developing states and stands ready to further multilateral cooperation. Given its own experience and as a matter of principle, Mexico strongly recognizes the right of coastal developing states to develop its own fisheries.

Given the dependence of the resource of several Pacific nations in the West and the East, and the imperative need to manage it under sound scientific basis, Mexico is ready to fully cooperate with the WCPFC and all of its members thru the appropriate mechanisms by amongst others, sharing information of its corresponding fishing operations, research programs, conservation measures, relevant enforcement activities pertaining to its fleet, or any other that may proceed.

With the believe that cooperation between IATTC and the WCPFC is critical in as much as direct presence, participation and cooperation among their members, Mexico is also considering whether to initiate a request to the Commission to become a Cooperating Non-Member for this next year 2008.

This request will be conducted in close adherence to Article 32 of the Convention, the requirements established for that purpose under the corresponding resolutions and measures emanated from the Commission, as well as the Code of Conduct for Responsible Fisheries and the mandate of international fisheries instruments, and customary international law. Most importantly, Mexico believes that this will contribute to the sustainability of the shared tuna resources.

We respectfully request the Chair of the Commission to include this Declaration, as appropriate, in the proceedings of this session of the Commission.





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**SMALL GROUP REPORT ON COMMISSION VMS CAPITAL AND  
OPERATING COST ESTIMATES IN 2008/2009 FOR THREE SCENARIOS**

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**WCPFC4-2007/29  
6 December 2007**

**Introduction**

The small group on the Commission VMS Capital and Operating Cost Estimates considered WCPFC4-2007/25, “Commission VMS — Capital and Operating Costs in 2008/2009 for Three Scenarios”. The three scenarios considered were:

1. “Pohnpei Turn-key”,
2. “Contracted Data Centre”, and
3. “Pacific VMS”.

**Outcomes**

Factors considered by the small group in reaching its recommendation included:

- (a) capital expenditure cost estimates;
- (b) operational expenditure cost estimates;
- (c) system functionality;
- (d) system availability and stability;
- (e) system confidentiality and security;
- (f) system access integrity;
- (g) data exchange with other RFMOs;
- (h) system independence; and
- (i) future-proofing.

The small group agreed that the “Pacific VMS” scenario was clearly superior to the other two scenarios in respect of capital and operating cost estimates. All the remaining factors were common standards and requirements applied across all three scenarios.

In considering the operational expenditure cost estimates, the small group noted that the cost model for automatic location communicator (ALC) reporting may vary depending on the number of active ALCs and the mandated reporting rate for compliance reporting, or any additional reporting required is yet to be decided by the Commission.

Also in relation to costs, the small group noted:

- (a) that the Commission will not be charged any extra fee by the FFA in addition to the cost- recovery of costs related to maintaining the Pacific VMS; and
- (b) vessels already reporting high seas VMS data to the FFA VMS would not incur any additional charge to vessels.

The small group noted that for the Pacific VMS scenario, the VMS technical expert confirmed that although the Commission and the FFA will share common data centre infrastructure, the Commission VMS and FFA VMS will be operated completely independent of each other. Thus the operators of one system cannot gain access to the data of the other system and the Commission VMS data will be secure. These elements shall be the basis for the future framework of the Commission VMS

In relation to the Commission VMS overview as depicted in WCPFC-TCC3-2007/12, the small group noted that the Pacific VMS scenario will maintain the same core design.

The small group recommended the Pacific VMS scenario as the preferred option for implementing the Commission VMS in 2008/2009.



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**CONSERVATION AND MANAGEMENT MEASURE FOR THE  
REGIONAL OBSERVER PROGRAMME**

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**Conservation and Management Measure  
2007-01**

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

*Recalling* Article 28(1) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention), which requires the Commission to develop a Regional Observer Programme to, among other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission;

*Further recalling* Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme;

*Cognizant* of Conservation and Management Measure 2006-07, which established the procedures to develop the WCPFC Regional Observer Programme;

Adopts, in accordance with Article 10 of the WCPFC Convention the following Conservation and Management Measure for the establishment of the WCPFC Regional Observer Programme (Commission ROP).

**Establishment of the Commission ROP**

1. There is hereby established the Commission ROP, which shall be coordinated by the Secretariat of the Commission.

2. The ROP shall be implemented on a phased basis. The implementation schedule is attached as Annex C.

3. The Secretariat of the Commission shall provide an annual report to the Commission with regard to the Commission ROP and on other matters relevant to the efficient operation of the programme.

### **Objectives of the Commission ROP**

4. The objectives of the Commission ROP shall be to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

### **Scope of the Commission ROP**

5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measures 2004-01:

- i) vessels fishing exclusively on the high seas in the Convention Area, and
- ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.

### **Functions of observers**

6. The functions of observers operating under the Commission ROP shall include collecting catch data and other scientific data, monitoring the implementation of the conservation and management measures adopted by the Commission and any additional information related to the fishery that may be approved by the Commission. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the Commission ROP shall not undertake any of these functions in waters under national jurisdiction of the flag State without the consent of the flag State.

### **Obligations of CCMs of the Commission**

7. Each CCM of the Commission shall ensure that fishing vessels fishing in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the Commission ROP if required by the Commission.

8. Each CCM of the Commission shall be responsible for meeting the level of observer coverage as set by the Commission.

9. CCMs shall source observers for their vessels as determined by the Commission.

10. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.

### **Role of the Commission and its subsidiary bodies**

11. The Commission shall, through its subsidiary bodies within their respective mandates, monitor and supervise the implementation of the ROP, develop the priorities and objectives of the ROP, and assess the results of the ROP. The Commission may provide further direction concerning the operation of the ROP, as necessary. The Commission shall ensure the administration and coordination of the ROP is adequately resourced. The Commission may enter into contracts for the provision of the ROP.

### **Role of the Secretariat**

12. Consistent with Article 15(4), the role of the Secretariat will be to:

- a) coordinate ROP activities, including, *inter alia*:
  - i) maintaining the ROP Manual and the ROP Observer Workbook;
  - ii) so that existing national programmes and sub-regional programmes participating in the ROP maintain standards as adopted by the Commission;
  - iii) receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
  - iv) coordinating ROP activities with other RFMOs as directed and appropriate;
  - v) facilitating the use of authorized observers in the ROP;
  - vi) monitoring observer trainers and observer training courses for ROP observers to promote the maintenance of standards adopted by the Commission;
  - vii) that the ROP addresses the data and monitoring requirements of the Commission's CMMs;
  - viii) that appropriate information and data for the monitoring of the implementation of CMMs as adopted by the Commission are collected, compiled, stored and disseminated by the ROP in accordance with procedures adopted by the Commission;
  - ix) managing and administering observers for special situations as directed by the Commission; and
  - x) support staff necessary to effectively administer the ROP.
- b) authorize observer providers to the ROP.

### **Role of coastal States**

13. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP.

## Guiding principles for operation of the Commission ROP

14. The Commission ROP shall operate in accordance with the following principles:
- i) The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;
  - ii) Vessels that operate principally in coastal waters, but occasionally venture on to the adjacent high seas or into the waters under the jurisdiction of a neighboring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat;<sup>2</sup>
  - iii) The Commission ROP shall be organized in a flexible manner that takes into account the nature of the fishery from the Convention Area and any other relevant factors the Commission may consider appropriate;
  - iv) To ensure cost effectiveness and to avoid duplication, the Commission's ROP shall be coordinated, to the maximum extent possible, with other regional, sub-regional and national observer programmes; and to this extent the Commission may enter into contracts or appropriate arrangements for the provision of the ROP.
  - v) The Commission ROP shall provide a sufficient level of coverage as approved by the Commission to ensure that the Commission receives appropriate data and information on catch levels and any additional information related to the fisheries within the Convention Area, taking into account the characteristics of the fisheries;
  - vi) Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in Annex A — Guidelines for the Rights and Responsibilities of Observers.
  - vii) The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in **Annex B** — Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew.
  - viii) The Commission ROP shall ensure the security and confidentiality of non-aggregated data and other information which the Commission deems to be of a confidential nature; the release of data and other information collected by the Commission ROP shall be in accordance with guidelines set out in the

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<sup>2</sup> See TCC2 Summary Report, para 54ii: “the need to integrate existing national and regional observer programmes into the Commission programme and “to allow CCMs to continue to deploy national observers on vessels that principally operate in coastal waters and that occasionally extend their fishing operations on to the high seas.”

Commission's Rules and Procedures for Access to, and Dissemination of, Data  
Compiled by the Commission.

## **Attachment K, Annex A**

### **Guidelines on the Rights and Responsibilities of Observers**

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

#### **1. The rights of observers shall include:**

- a) Full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish.
- b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
- d) Access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.
- e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.
- f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
- g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.
- h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

#### **2. The responsibilities of observers shall include:**

- a) Being capable of performing the duties set out by the Commission.
- b) Acceptance and compliance with agreed upon confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners.
- c) Maintenance of independence and impartiality at all times while on duty in the ROP.



- d) Compliance with the ROP protocols for observers carrying out ROP duties on board a vessel.
- e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.
- f) Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.
- g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.
- h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.
- i) Communicating regularly with the vessel captain on relevant observer issues and duties.
- j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel.
- k) Adherence to the ROP Code of Conduct for observers.
- l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

## **Attachment K, Annex B**

### **Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew**

In accordance with Annex III, Article 3, and Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

#### **Rights and responsibilities of vessel operators and captains**

##### **1. The rights of vessel operators and captains shall include:**

- a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.
- b) Expectation that the observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.
- c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.
- d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.
- e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.

##### **2. The responsibilities of vessel operators and captains shall include:**

- a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission.
- b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.
- c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed upon place and time.
- d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
- e) Allow and assist the ROP observer to carry out all duties safely.
- f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying.
- g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.

- i) Allow and assist the ROP observer to remove and store samples from the catch.
- j) The provision to the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- k) The provision to the ROP observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel.
- j) Allow and assist full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties.

**Rights and responsibilities of vessel crew**

**3. The rights of vessel crew shall include:**

- a) Expectation that the ROP observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the Captain.
- c) Reasonable expectation of privacy in crew personal areas.
- d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

**4. The responsibilities of the vessel crew shall include:**

- a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties.
- b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.
- c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas that may be used to hold, process, weigh, and store fish.
- d) Allow and assist the ROP observer to carry out all duties safely.
- e) Allow and assist the ROP observer to remove and store samples from the catch.
- f) Compliance with directions given by the vessel captain with respect to the ROP observers duties.

## **Attachment K, Annex C**

### **Implementation programme for the Regional Observer Programme**

1. When the measure enters into force, CCMs shall commence implementation of the ROP, in accordance with the measure adopted at WCPFC4, by using the sub-regional and national programmes already operational in the region. CCMs are encouraged to submit data from such programmes as soon as possible.
2. At the direction of the Commission, the IWG-ROP shall continue to develop the framework and important elements of the ROP (e.g. determination of minimum vessel size for observer coverage, training and accreditation of observers, roles and responsibilities of observers, data requirements, cost issues, and appropriate effort units for expressing coverage levels).
3. Arrangements in 2008 do not preclude future development of the ROP by the Commission.
4. No later than 31 December 2008:
  - Existing sub-regional programmes and national programmes shall be regarded as a part of the ROP, and shall continue unless otherwise determined by the Commission.
  - Data obtained through these observer programmes shall be submitted to the Commission and shall be considered Commission data.
5. During the period 1 January 2009–31 December 2010:
  - The Commission shall review the recommendations from the IWG-ROP, SC, and TCC and further develop, and refine as necessary, the ROP, including application of the ROP.
6. No later than 30 June 2012, CCMs shall achieve 5% coverage of the effort in each fishery under the jurisdiction of the Commission (except for vessels provided for in paras 9 and 10). In order to facilitate the placement of observers the logistics may dictate that this be done on the basis of trips.
7. At the 2012 annual sessions of the SC and TCC, the data generated by the ROP shall be reviewed and those subsidiary bodies shall make appropriate recommendations to the Commission. Based on the advice and recommendations of the SC and TCC, the Commission shall annually review the ROP and make adjustments as necessary. Among the elements of the ROP to be reviewed are the provisions of para 10 on vessels initially deferred from application of the ROP.
8. CCMs shall also be expected to meet any additional ROP observer obligations that may be included in any measure adopted by WCPFC, such as provisions of a catch retention measure, a FAD management measure or a transshipment measure. Such measures may include observer requirements for freezer longliners, purse seiners and/or carriers.

### **Special circumstances**

9. Fishing vessels used exclusively to fish for fresh fish<sup>3</sup> in the area north of 20 degrees north shall be accorded the following considerations:

- i) At its 2008 annual session, the Northern Committee shall consider the implementation of the ROP adopted by the Commission by vessels fishing for fresh fish in the area north of 20 degrees north.
- ii) At its 2010 annual session, the Northern Committee shall make recommendations to the Commission on the implementation of the ROP by fishing vessels fishing for fresh fish in the area north of 20 degrees north.
- iii) The recommendations of the Northern Committee shall provide a date for implementation of the ROP by vessels fishing for fresh fish in the area north of 20 degrees north no later than 31 December 2014.

10. The implementation schedule for the following vessels shall be deferred:

- i) small vessels, the minimum size of which shall be considered by the IWG-ROP for recommendation to the Commission in 2008.
- ii) troll and pole-and-line vessels used for fishing for skipjack tuna or albacore (to be scheduled for review by the IWG-ROP).

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<sup>3</sup> For the purpose of this measure, “fresh fish” means highly migratory fish stocks that are live, whole or dressed/gutted, but not further processed or frozen.



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

**Fourth Regular Session**

**Tumon, Guam, USA  
2–7 December 2007**

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**COMMISSION VESSEL MONITORING SYSTEM<sup>4</sup>**

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**Conservation and Management Measure 2006-06 (Revised)**

*The Western and Central Pacific Fisheries Commission (WCPFC),*

**Recalling** the relevant provisions of the Convention, in particular Articles 3 and 24 (8), (9) and (10);

**Noting** the importance of the vessel monitoring system as a tool to effectively support the principles and measures for the conservation and management of highly migratory species within the Convention Area;

**Mindful** of the rights and obligations of Commission Members, Cooperating Non-Members and Participating Territories (CCMs) in promoting the effective implementation of conservation and management measures adopted by the Commission;

**Further mindful** of the key principles upon which the vessel monitoring system is based, including the confidentiality and security of information handled by the system, and its efficiency, cost-effectiveness and flexibility.

**Adopts**, in accordance with Article 10 of the WCPFC Convention the following process relating to the implementation of the WCPFC Vessel Monitoring System (Commission VMS):

1. A Commission VMS.
2. The system shall commence, to be activated 1 January 2008, in the area of the Convention Area south of 20°N, and east of 175°E in the area of the Convention Area north of 20°N.
3. With respect to the area north of 20°N and west of 175°E, the system will be activated at a date to be determined by the Commission.

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<sup>4</sup> Revised at WCPFC4, Tumon, Guam, USA, 2–7 December 2007

4. Any fishing vessels fishing for highly migratory fish stocks on the high seas within the areas of the Convention Area described in para 2 above that move into the area north of 20°N and west of 175°E shall keep their ALCs activated and continue to report to the Commission in accordance with this Conservation and Management Measure.

5. Definitions

(a) Automatic location communicator (ALC) means a near real-time satellite position fixing transmitter;

(b) FFA Secretariat means the Secretariat of the Pacific Islands Forum Fisheries Agency based at Honiara, Solomon Islands;

(c) FFA VMS means the vessel monitoring system developed, managed and operated by the FFA Secretariat and members of the Pacific Islands Forum Fisheries Agency;

6. Applicability

(a) The Commission VMS shall apply to all fishing vessels that fish for highly migratory fish stocks on the high seas within the Convention Area.

(b) It shall apply to all vessels in excess of 24 metres in length with an activation date of 1 January 2008, and it shall apply to all vessels 24 metres in length or less with an activation date of 1 January 2009.

(c) Any CCM may request, for the Commission's consideration and approval, that waters under its national jurisdiction be included within the area covered by the Commission VMS. Necessary expenses incurred in the inclusion of such area into the Commission VMS shall be borne by the CCM which made the request.

7. Nature and specification of the Commission VMS

(a) The Commission VMS shall be a stand-alone system;

- developed in and administered by the Secretariat of WCPFC under the guidance of the Commission, which receives data directly from fishing vessels operating on the high seas in the Convention Area; and
- with the added capability that it can accept VMS data forwarded from the FFA VMS, so that the fishing vessels operating on the high seas in the Convention Area will have the option to report data via the FFA VMS.

(b) The Commission shall develop rules and procedures for the operation of the Commission VMS, including, *inter alia*:

- vessel reporting, including the specifications of the data required, its format and reporting frequencies;
- rules on polling;
- ALC failure alternates;
- cost recovery;
- cost sharing;
- measures to prevent tampering; and
- obligations and roles of fishing vessels, CCMs, the FFA Secretariat and the Commission Secretariat.

(c) Security standards of the Commission VMS data shall be developed by the Commission, consistent with the WCPFC Information Security Policy.

(d) All CCM fishing vessels required to report to the Commission VMS shall use a functioning ALC that complies with the Commission's minimum standards for ALCs.

(e) The minimum standards for ALCs used in the Commission VMS are appended at Annex 1.

8. In establishing such standards, specifications and procedures, the Commission shall take into account the characteristics of traditional fishing vessels from developing States.

9. Obligation of CCMs

(a) Each flag CCM shall ensure that fishing vessels on the high seas in the Convention Area comply with the requirements established by the Commission for the purposes of the Commission VMS and are equipped with ALCs that shall communicate such data as determined by the Commission.

(b) CCMs shall cooperate to ensure compatibility between national and high seas VMSs.

10. Review

After two years of implementation, the Commission shall conduct a review of the implementation of this Conservation and Management Measure and consider further improvements to the system as required.



## **Attachment L, Annex 1**

### **Draft Minimum Standards for Automatic Location Communicators (ALCs) used in the Commission Vessel Monitoring System**

Pursuant to Article 24 (8) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), the Commission hereby establishes the following minimum standards for ALCs:

1. The ALC shall automatically and independently of any intervention on the vessel communicate the following data:
  - (i) ALC static unique identifier;
  - (ii) the current geographical position (latitude and longitude) of the vessel;  
and
  - (iii) the date and time (expressed in Universal Time Constant [UTC]) of the fixing of the position of the vessel in para 1 (ii) above.
2. The data referred to in paras 1 (ii) and 1 (iii) shall be obtained from a satellite-based positioning system.
3. ALCs fitted to fishing vessels must be capable of transmitting data referred to in para 1, hourly.
4. The data referred to para 1 shall be received by the Commission within 90 minutes of being generated by the ALC, under normal operating conditions.
5. ALCs fitted to fishing vessels must be protected so as to preserve the security and integrity of data referred to in para 1.
6. Storage of information within the ALC must be safe, secure and integrated under normal operating conditions.
7. It must not be reasonably possible for anyone other than the monitoring authority to alter any of that authority's data stored in the ALC, including the frequency of position reporting to that authority.
8. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorized access to any areas of the ALC that could potentially compromise the operation of the VMS.
9. ALCs shall be installed on vessels in accordance with their manufacturer's specifications and applicable standards.
10. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 square metres Distance Root Mean Squared (DRMS), (i.e. 98% of the positions must be within this range).
11. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.
12. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.
13. In the case that the antenna is mounted separately from the physical enclosure, a single common antenna shall be used for both satellite navigation decoder and

transmitter, and the physical enclosure shall be connected using a single length of unbroken cable to the antenna.



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**CHAIR'S REPORT ON SMALL GROUP ON CMM-2004-01 (RECORD OF  
FISHING VESSELS AND AUTHORIZATION TO FISH)**

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**WCPFC4-2007/32 (Rev.1)  
7 December 2007**

*Recommendations from working group process (noting very low participation in second meeting)*

1. The Commission should defer consideration of establishing a record of non-CCM carrier and bunker vessels.
2. The Commission should refer the original proposal from the Republic of Marshall Islands, as amended in paragraphs 1(c), 1(d), 11 to 16 and 19 to 22 of WCPFC4-2007/28 should be referred to TCC4 to inform consideration.
3. The Commission should encourage interested CCMs to work together before TCC4 to continue to develop this measure for adoption in 2008.
4. The Commission should extend the current exemption for non-CCM carrier and bunker vessels for 2008 pending the work recommended above.
5. The Commission should decide to establish an active vessel list at this meeting. Suggested language for the report of the Commission is:
  - i. Before 1 July of each year, each member of the Commission 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, 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.*

*ii. Members of the Commission 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 paragraph 7 above.*

*iii. 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 of the Commission under para 5i above.*

*iv. The Executive Director shall use available information, including the information supplied by members of the Commission under para 5i above, to assist in the assessment of the implementation of relevant conservation and management measures, and resolutions for the annual consideration of the Technical and Compliance Committee.*

6. The Commission should note that some CCMs will not be able to provide full information in 2008.

7. The Commission should consider the establishment of a real-time active vessel list at some stage in the future as part of an integrated MCS package.



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**CONSERVATION AND MANAGEMENT MEASURE TO ESTABLISH A LIST  
OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL,  
UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE WCPO**

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**WCPFC4-2007/DP15 (Rev.2)  
7 December 2007**

**Revised Proposal to Amend CMM 2006-09  
12.07.07**

*The Western and Central Pacific Fisheries Commission (WCPFC):*

*Recalling* that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) fishing activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way.

*Concerned* that IUU fishing activities in the Convention Area undermine the effectiveness of the conservation measures adopted by the WCPFC.

*Further concerned* that there is a possibility that vessel owners engaged in such fishing activities may have re-flagged their vessels to avoid compliance with WCPFC measures.

*Determined* to address the challenge of an increase in IUU fishing activities by way of measures to be applied in respect to vessels, without prejudice to further measures adopted in respect of CCMs and non CCMs under the relevant WCPFC instruments.

*Considering* the action undertaken in other regional tuna fisheries organizations to address this issue;

*Conscious* of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities;

*Noting* that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments and in accordance with other international obligations, including the rights and obligations established under the World Trade Organization (WTO) Agreement; and

*Recalling* Articles 23 and 25 of the WCPF Convention regarding the obligations of members of the Commission and provisions for compliance and enforcement;

*Adopts the following conservation and management measures in accordance with Article 10 of the Convention:*

#### **Identification of IUU activities**

1. At each annual meeting, the Commission will identify those vessels which have engaged in fishing activities for species covered by the Convention within the Convention Area in a manner which has undermined the effectiveness of the WCPF Convention and the WCPFC measures in force, and shall establish, and, as necessary, amend in subsequent years, a list of such vessels (the IUU Vessel List), in accordance with the procedures and criteria set out in this conservation measure.
2. This identification shall be suitably documented, *inter alia*, on reports from Members, Cooperating Non-Members and Participating Territories (collectively CCMs) relating to WCPFC Conservation measures in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics, as well as any other information obtained from port States and/or gathered from the fishing grounds that is suitably documented. Information from CCMs should be provided in the format approved by the Commission.
3. For the purposes of this conservation measure, vessels fishing for species covered by the WCPFC Convention are presumed to have carried out IUU fishing activities, as described in the IPOA on IUU fishing, in the Convention Area when a CCM presents suitably documented information that such vessels, *inter alia*:
  - a. Harvest species covered by the WCPFC Convention in the Convention Area and are neither on the WCPFC record of authorized vessels nor a fishing vessel fishing exclusively in waters under the jurisdiction of its flag State, or
  - b. Conduct fishing activities in waters under the jurisdiction of a coastal State, without permission of that State, or in contravention of its law and regulations, or
  - c. Do not record or report their catches made in the Convention Area consistent with WCPFC measures, or make false reports, or
  - d. Take and land undersized fish in a way that undermines WCPFC conservation measures, or
  - e. Fish in a closed area or during a closed season in a way that undermines WCPFC conservation measures, or
  - f. Use prohibited fishing gear in a way that undermines WCPFC conservation measures, or
  - g. Tranship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU Vessel List, or

- h. Are without nationality and harvest species covered by the WCPFC Convention in the Convention Area, or
- i. Engage in any other fishing activities that undermine the provisions of the WCPF Convention or any other WCPFC conservation measures, or
- j. Are under the control of the owner of any vessel on the WCPFC IUU Vessel List.

**Information on alleged IUU fishing activities**

- 4. At least 120 days before the annual meeting of the Technical and Compliance Committee (TCC), CCMs shall transmit to the Executive Director their list of vessels presumed to be carrying out IUU activities in the Convention Area during the current or the previous year, accompanied by suitably documented information, as provided in para 2, concerning the presumption of this IUU activity.
- 5. Before or at the same time as transmitting a list of presumed IUU vessels to the Executive Director, the CCM shall notify, either directly or through the Executive Director, the relevant flag State of a vessel's inclusion on this list and provide a copy of the pertinent suitably documented information. The flag State shall promptly acknowledge receipt of the notification. If no acknowledgement is received within 10 days of the date of transmittal, the CCM shall retransmit the notification through an alternative means of communication.

**Draft IUU Vessel List**

- 6. The Executive Director shall draw up a draft IUU Vessel List incorporating the lists of vessels and suitably documented information received pursuant to para 4, and any other suitably documented information at his disposal, and shall transmit it, together with all the supporting information provided, to all CCMs, as well as to non-CCMs with vessels on the list, at least 90 days before the TCC's annual meeting.
- 7. The Executive Director shall request each CCM and non-CCM with vessels on the draft IUU Vessel List to notify the owner of the vessels of their inclusion in that list, and of the consequences of their inclusion being confirmed in the IUU Vessel List.
- 8. Upon receipt of the draft IUU Vessel List, CCMs shall closely monitor the vessels included in that list in order to follow their activities and possible changes of name, flag or registered owner.
- 9. As appropriate, CCMs and non-CCMs with vessels on the list should transmit, at least 30 days before the TCC's annual meeting, their comments to the Executive Director, including suitably documented information, showing that the vessels have fished in a manner consistent with WCPFC conservation measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the WCPFC Convention.
- 10. The Executive Director shall re-circulate the draft IUU Vessel List, two weeks in advance of the TCC's annual meeting, to the CCMs and the non-CCMs concerned, together with all the suitably documented information provided pursuant to paras 4 and 9 above.
- 11. CCMs and non-CCMs may at any time submit to the Executive Director any additional suitably documented information regarding any vessels on the draft IUU Vessel List. The Executive Director shall circulate this additional information to all CCMs and to the non-CCMs concerned immediately upon receipt of such

information.

**Provisional and current IUU Vessel List**

12. The WCPFC's IUU Vessel List adopted during the previous year, as well as any new suitably documented information regarding this list, including intersessional amendments, shall be transmitted to CCMs and the non-CCMs concerned in conjunction with the draft IUU Vessel List and materials outlined in para 6.
13. CCMs and non-CCMs with vessels on the current WCPFC IUU Vessel List should transmit at least 30 days before the annual meeting of the TCC, but may submit at any time, to the Executive Director suitably documented information regarding any of the vessels on the current WCPFC IUU Vessel List, including, where appropriate, suitably documented information as provided for in paragraph 25. The Executive Director shall re-circulate the current WCPFC IUU Vessel List two weeks in advance of the annual meeting of the TCC to the CCMs and non-CCMs concerned, together with all the information provided pursuant to paragraph 12 and this paragraph.
14. At its annual meeting, the TCC shall:
  - (i) following consideration of the draft IUU Vessel List and the suitably documented information circulated under paras 6, 10 and 11, adopt a Provisional IUU Vessel List; and
  - (ii) following consideration of the current WCPFC IUU Vessel List and the suitably documented information circulated under paras 12 and 13, recommend to the Commission which, if any, vessels should be removed from the current WCPFC IUU Vessel List.
15. The TCC shall not include a vessel on the Provisional IUU Vessel List if the vessel's flag State demonstrates that:
  - a. The vessel fished in a manner consistent with WCPFC Conservation Measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the WCPFC Convention, or
  - b. Effective action has been taken in response to the IUU fishing activities in question, such as, *inter alia*, prosecution or the imposition of sanctions of adequate severity; or
  - c. That the case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CCM that originally submitted the vessel for listing and the flag State involved.
16. The TCC shall not include a vessel on the Provisional IUU Vessel List if the notifying CCM did not follow the provisions of para 5.
17. The TCC shall recommend removal of a vessel from the current WCPFC IUU Vessel List only if the vessel's flag State submits to the Executive Director the information provided in para 25 of this measure.
18. Following the examination referred to in para 14, the TCC shall submit the Provisional IUU Vessel List to the Commission for its consideration, and as appropriate, recommend any proposed changes to the current WCPFC IUU Vessel List.



19. The draft IUU Vessel List, Provisional IUU Vessel List, and the WCPFC IUU Vessel List shall contain the following details for each vessel:
  - (i) name and previous names, if any;
  - (ii) flag and previous flags, if any;
  - (iii) owner and previous owners, including beneficial owners, if any;
  - (iv) operator and previous operators, if any;
  - (v) call sign and previous call signs, if any;
  - (vi) Lloyds/IMO number;
  - (vii) photographs, where available;
  - (viii) date first included on the IUU Vessel List; and
  - (ix) summary of activities which justify inclusion of the vessel on the list, together with references to all relevant documents informing of and evidencing those activities.

#### **WCPFC IUU Vessel List**

20. At its annual meeting the Commission shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on the Provisional IUU Vessel List, and any recommendations to amend the current WCPFC IUU Vessel List made pursuant to paragraph 18 above, and adopt a new WCPFC IUU Vessel List. To the maximum extent possible CCMs and non CCMs shall provide any new suitably documented information at least two weeks before the annual meeting of the Commission.
21. Upon adopting the new WCPFC IUU Vessel List, the Commission shall request CCMs and non-CCMs with vessels on the WCPFC IUU Vessel List to:
  - a. notify the owner of the vessels of its inclusion on the WCPFC IUU Vessel List and the consequences that result from being included in the list, and
  - b. take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
22. CCMs shall take all necessary non-discriminatory measures under their applicable legislation, international law and each CCMs' international obligations, and pursuant to paras 56 and 66 of the IPOA-IUU to:
  - a. ensure that fishing vessels, support vessels, mother ships or cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with, support or re-supply vessels on the WCPFC IUU Vessel List;
  - b. ensure that vessels on the WCPFC IUU Vessel List that enter ports voluntarily are not authorized to land, tranship, refuel or re-supply therein but are inspected upon entry;
  - c. prohibit the chartering of a vessel on the WCPFC IUU Vessel List;
  - d. refuse to grant their flag to vessels on the WCPFC IUU Vessel List in accordance with para 1f, Section A, in Conservation and Management Measure 2004-01;

- e. prohibit commercial transactions, imports, landings and/or transshipment of species covered by the WCPFC Convention from vessels on the WCPFC IUU Vessel List;
  - f. encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the WCPFC Convention caught by vessels on the WCPFC IUU Vessel List;
  - g. collect, and exchange with other CCMs, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for species covered by the WCPFC Convention from vessels on the WCPFC IUU Vessel List.
23. The Executive Director shall take any measure necessary to ensure publicity of the WCPFC IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the WCPFC website. Furthermore, the Executive Director shall transmit the WCPFC IUU Vessel List to the FAO and to other regional fisheries organizations for the purposes of enhancing cooperation between the WCPFC and these organizations aimed at preventing, deterring and eliminating IUU fishing.
24. Without prejudice to the rights of CCMs and coastal states to take proper action, consistent with international law, including applicable WTO obligations, the CCMs shall not take any unilateral trade measures or other sanctions against vessels on the draft or Provisional IUU Vessel Lists, pursuant to paras 6 or 14, or that have been removed from the WCPFC IUU Vessel List, pursuant to paras 17 and 20, on the grounds that such vessels are involved in IUU fishing activities.

#### **Modification of the WCPFC IUU Vessel List**

25. CCMs and non-CCMs with a vessel on the WCPFC IUU Vessel List may request the removal of the vessel from the list at any time during the intersessional period by submitting to the Executive Director suitably documented information demonstrating that:
- a) it has adopted measures that will seek to ensure that the vessel complies with all WCPFC measures; and
  - b) it will be able to assume effectively flag state duties with regards to the monitoring and control of the vessel's fishing activities in the Convention Area; and
  - c) it has taken effective action in response to the IUU fishing activities that resulted in the vessel's inclusion in the WCPFC IUU Vessel List, including prosecution or the imposition of sanctions of adequate severity; or
  - d) the vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not participated in IUU fishing activities, or
  - e) the case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CCM that originally submitted the vessel for listing and the flag State involved.
26. The Executive Director will transmit the removal request, with all the supporting information, to the CCMs within 15 days following the receipt of the removal

request. CCMs shall promptly acknowledge receipt of the removal request. If no acknowledgement is received within 10 days of the date of transmittal, the Executive Director shall retransmit the removal request and shall use additional means available to ensure the request has been received.

27. Each Commission Member shall examine the removal request and notify the Executive Director in writing of its decision, and the rationale therefore, regarding the removal of the vessel within 40 days following the notification by the Executive Director. Decisions on the request to remove the vessel shall be made in accordance with Rule 30 of the Rules of Procedure.
28. If Commission Members agree to the removal of the vessel from the WCPFC IUU Vessel List within the period stipulated in para 27, the Executive Director will inform CCMs, non-CCMs, FAO and other regional fisheries management organizations, and will remove the vessel from the WCPFC IUU Vessel List, as published on the WCPFC website.
29. If Commission Members disagree with the request for the removal of the vessel from the IUU Vessel List, the vessel will be maintained on the WCPFC IUU Vessel List and the Executive Director will inform the CCMs and/or non-CCMs that made the removal request.

#### **Review**

30. This Conservation and Management Measure shall be subject to review and, as appropriate, revision by the TCC.



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

**Fourth Regular Session**

**Tumon, Guam, USA  
2–7 December 2007**

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**CHAIR'S CONSOLIDATED TEXT TO INCORPORATE TECHNICAL  
SPECIFICATIONS INTO CMM-2006-02**

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**WCPFC-2007/24 (Rev.2)  
6 December 2007**

**Conservation and Management Measure 2006-02 (revised)**

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

*Concerned* that some seabird species, notably albatrosses and petrels, are threatened with global extinction.

*Noting* advice from the Commission for the Conservation of Antarctic Marine Living Resources that together with illegal, unreported and unregulated fishing, the greatest threat to Southern Ocean seabirds is mortality in longline fisheries in waters adjacent to its Convention Area.

*Noting* scientific research into mitigation of seabird bycatch in surface longline fisheries has showed that the effectiveness of various measures varies greatly depending on the vessel type, season, and seabird species assemblage present.

*Noting the advice of the Scientific Committee* that combinations of mitigation measures are essential for effective reduction of seabird bycatch.

Resolves as follows:

1. Commission Members, Cooperating Non-members and participating Territories (CCMs) shall, to the extent possible, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds) if they have not already done so.

2. CCMs shall report to the Commission on their implementation of the IPOA-Seabirds, including, as appropriate, the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries.

*Adopts*, in accordance with Article 5 (e) and 10( i)(c ) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean the Commission the following measure to address seabird bycatch:

1. CCMs shall require their longline vessels to use at least two of the mitigation measures in Table 1, including at least one from Column A in areas south of 30 degrees South and north of 23 degrees North.

**Table 1: Mitigation measures**

<i>Column A</i>	<i>Column B</i>
<i>Side setting with a bird curtain and weighted branch lines<sup>5</sup></i>	<i>Tori line<sup>6</sup></i>
<i>Night setting with minimum deck lighting</i>	<i>Weighted branch lines</i>
<i>Tori line</i>	<i>Blue-dyed bait</i>
<i>Weighted branch lines</i>	<i>Deep setting line shooter</i>
	<i>Underwater setting chute</i>
	<i>Management of offal discharge</i>

2. In other areas, where necessary, CCMs are encouraged to employ one or more of the seabird mitigation measures listed in Table 1.

3. Minimum technical specifications for measures in Table 1 are provided in Annex 1.

4. For research and reporting purposes, each CCM with longline vessels that fish in the Convention Area south of 30°S or north of 23°N shall submit to the Commission in part 2 of its annual report for 2007 (due in 2008) information describing which of the mitigation measures in Table 1 they require or will require their vessels to use, as well as the technical specifications for each of those mitigation measures. Each such CCM shall also include in its annual reports for subsequent years any changes it has made to its required mitigation measures or technical specifications for those measures.

5. CCMs are encouraged to undertake research to further develop and refine measures to mitigate seabird bycatch including mitigation measures for use during the hauling process and should submit to the Secretariat for the use by the SC and the TCC any information derived from such efforts. Research should be undertaken in the fisheries and areas to which the measure will be used.

<sup>5</sup> This measure can only be applied in the area north of 23 degrees north until research establishes the utility of this measure in waters south of 30 degrees south. If using side setting with a bird curtain and weighted branch lines from column A this will be counted as two mitigation measures.

<sup>6</sup> If tori line is selected from both Column A and Column B this equates to simultaneously using two (i.e. paired) tori lines.

6. The SC and TCC will annually review any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes. Where necessary, an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for areas of application will then be provided to the Commission for its consideration and review as appropriate.

7. CCMs are encouraged to adopt measures aimed at ensuring that seabirds captured alive during longlining are released alive and in as good condition as possible and that wherever possible hooks are removed without jeopardizing the life of the seabird concerned.

8. The intersessional working group for the regional observer programme (IWG-ROP) will take into account the need to obtain detailed information on seabird interactions to allow analysis of the effects of fisheries on seabirds and evaluation of the effectiveness of by-catch mitigation measures.

9. CCMs shall annually provide to the Commission, in part 1 of their annual reports, all available information on interactions with seabirds, including bycatches and details of species, to enable the Scientific Committee to estimate seabird mortality in all fisheries to which the WCPF Convention applies.

10. Paragraph 1 of this Conservation and Management Measure shall be implemented by CCMs in the following manner:

- In areas south of 30 degrees South, no later than 1 January 2008 in relation to large-scale longline vessels of 24 meters or more in overall length, and no later than 31 January 2009 in relation to smaller longline vessels of less than 24 meters in overall length.
- In areas north of 23 degrees North, and in relation to large-scale longline vessels of 24 meters or more in overall length, no later than 30 June 2008.

11. CCMs shall as of 1 January 2007 initiate a process to ensure that vessels flying their flag will be able to comply with the provisions of para 1 within the deadlines referred to in para 10.

12. This Conservation and Management measure replaces Resolution 2005-01, which is hereby repealed.

## **Attachment O, Annex 1**

As the methods below have not all been given due consideration by the SC and TCC all are subject to review and are considered to be provisional. Recognizing that the SC and the TCC will annually review any new information on new or existing mitigation measures or on seabird interactions that indicate their effectiveness in reducing seabird bycatch for that measure, CCMs with longline vessels that fish in the Convention Area shall submit to the Commission detailed information describing the minimum technical specifications being used in fulfillment of this measure as well as any data resulting from research undertaken and/or monitoring measures to further develop and refine measures to mitigate seabird bycatch.

### **Specifications for Column A mitigation measures**

#### **1a) Tori Lines**

- i. Minimum length: 100 m
- ii. Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of the point where the hookline enters the water.
- iii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iv. Streamers must be less than 5m apart, be using swivels and long enough so that they are as close to the water as possible.
- v. If the tori line is less than 150 m in length, must have a towed object attached to the end so that the aerial extent is maintained over the sinking baited hooks.
- vi. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

#### **1b) Tori Line (light streamer)**

- i. Minimum length of tori line: 100 m or three times the total length of the vessel.
- ii. Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of a point where the hookline enters the water.
- iii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iv. Streamers must be less than 1m apart and be 30 cm in minimum length.
- v. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

#### **2. Side setting with bird curtain and weighted branch lines**

- i. Mainline deployed from port or starboard side as far from stern as practicable (at least 1 m), and if mainline shooter is used, must be mounted at least 1m forward of the stern.

- ii. When seabirds are present the gear must ensure mainline is deployed slack so that baited hooks remain submerged.
- iii. Bird curtain must be employed:
  - Pole aft of line shooter at least 3 m long;
  - Minimum of 3 main streamers attached to upper 2 m of pole;
  - Main streamer diameter minimum 20 mm;
  - Branch streamers attached to end of each main streamer long enough to drag on water (no wind) – minimum diameter 10 mm.

### **3. Night setting**

- i. No setting between local sunrise and one hour after local sunset.
- ii. Deck lighting to be kept to a minimum, noting requirements for safety and navigation.

### **4. Weighted branch lines**

- i. Following minimum weight specifications are required:
- ii. Minimum weights attached to all branch lines is 45 g, with the following options:
  - less than 60 g weight attached to within 1 m of the hook or;
  - greater than 60 g and less than 98 g weight attached to within 3.5 m of the hook or;
  - greater than 98 g weight attached to within 4 m of the hook.

## **Specifications for Column B mitigation measures**

### **1. Weighted branch lines**

- i. Following minimum weight specifications are required:
- ii. Minimum weights attached to all branch lines is 45 g, with the following options:
  - less than 60 g weight attached to within 1 m of the hook; or
  - greater than 60 g and less than 98 g weight attached to within 3.5 m of the hook; or
  - greater than 98 g weight attached to within 4 m of the hook.

### **2. Blue dyed bait**

- i. The Commission Secretariat shall distribute a standardized color placard.
- ii. All bait must be dyed to the shade shown in the placard.

### **3. Management of offal discharge**

- i. Either:
  - No offal discharge during setting or hauling; or



- Strategic offal discharge from the opposite side of the boat to setting/hauling to actively encourage birds away from baited hooks.



**FOURTH REGULAR SESSION  
Tumon, Guam, USA  
02 - 07 December 2007**

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**SUMMARY REPORT AND RECOMMENDATIONS OF THE FIRST SESSION  
OF THE FINANCE AND ADMINISTRATION COMMITTEE (FAC1)**

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**WCPFC4-2007/16  
06 December 2007**

**Introduction**

1. The Finance and Administration Committee (FAC) was convened by Mr Tapusalaia Terry Toomata of Samoa on 02 December and met again on 05 and 06 December. Representatives of Australia, Canada, China, Cook Islands, Chinese Taipei, European Commission, Federated States of Micronesia, Fiji, France, French Polynesia, Japan, Korea, New Zealand, Palau, Papua New Guinea, Philippines, Samoa, United States of America and Vanuatu attended the meetings together with observers from the South Pacific Islands Forum Fisheries Agency, the Secretariat of the South Pacific Environment Programme and Greenpeace. Meeting support was provided by the Secretariat. A participants list is at Annex VI. After considerable discussion the Committee agreed by consensus to present to the Commission the decisions and recommendations as set out below.

**Agenda item 1. Appointment of a Chair and Vice Chair and adoption of agenda.**

2. At its initial meeting the Committee appointed Mr Tapusalaia Terry Toomata and Dr Dean Swanson of the United States of America as Co-chairs. The agenda at Annex 1 was adopted.

**Agenda item 2. Terms of reference for the Finance and Administration Committee.**

3. The Committee recommends that the Commission adopt the terms of reference for the FAC attached as Annex II to this report.

**Agenda item 3. Report on headquarters property.**

4. The Committee recommends the Commission note that notwithstanding that a number of important issues remain to be resolved good progress is being made towards an early occupancy of the headquarters building.

**Agenda item 4. Auditor's report for 2006 and General Account Financial Statements for 2006.**

5. The Committee recommends the Commission accept the audited financial statements for 2006 as set out in paper WCPFC4-2007-FAC1/03.

**Agenda item 5. Status of the Commission's Funds.**

6. The Committee, noting the current procedures in place to encourage members to pay contributions, recommends that the Commission:

- defer until further consideration by the Committee a decision to change the zero percentage interest rate applicable to outstanding contributions so as not to cause additional hardship on members that have difficulty paying their contributions;
- urge all members to pay their assessed contributions in full and as early as possible;
- note that the operational ceiling for the working capital fund which was set at WCPFC3 is USD500,000 and that any amount above that figure is to be transferred to the General Account Fund in the following year to offset assessed budget contributions.

**Agenda item 6. Draft Strategic Plan for the Commission.**

7. The Committee recommends the Commission note that a preliminary draft strategic plan was considered. It is recommended that this be refined over the next 12 months by an inter-sessional working group initiated by New Zealand that will communicate electronically and meet opportunistically during that period.

**Agenda item 7. Draft Business Plan for the Secretariat.**

8. The Committee recommends the Commission adopt the Business Plan as revised and note that the FAC will review the document at WCPFC5.

**Agenda item 8. Staff Establishment and Conditions of Service.**

9. The Committee recommends that the Commission:

- *in regard to housing*: note that the availability of suitable housing for Secretariat staff in Pohnpei remains problematic.
- *in regard to establishment matters*: adopt new terms of reference for the established position of Data Administrator and its consequential re-designation as Systems Development Officer as set out in paper WCPFC4-2007-FAC1/12 Rev.1;
- establish two new positions: those of VMS Manager and VMS Operator; and
- note that any position created to manage or operate the Commission's VMS system should be based at the Commission's headquarters.

- *in regard to staff terms and conditions*: note the previous decisions to link the Commission to the harmonized conditions regime applicable to the regional organisations that comprise the Council of Regional Organisations in the Pacific (CROP) and accordingly adopt the following policy positions and changes to staff terms and conditions with the requirement that the consequential changes to the staff regulations be brought to the Committee to consider at its next meeting:

i) that education and housing allowances be regarded as benefits associated with appointment to a professional grade, rather than compensation for staff that relocate in order to take up an appointment with the Commission;

ii) that no change be made to the employment terms and conditions for Support Staff;

iii) that the SDR continue as the international currency standard;

iv) that annual leave for professional staff is increased to 30 days;

v) that in line with CROP agencies, the Commission adopts the following:

- (a) increases in base salary levels from 01 January 2008:- Grade J: 5.9%; Grade K: 9.7%; Grade L: 9.0%; Grades M and ED: 13.3%.
- (b) a change in the education allowance entitlement for professional staff to a total of USD14,800 per annum per dependent child comprising, separately, total tuition fees of USD7,500 and total boarding fees USD7,300 and define each employee's entitlement under the education allowance as the sum of the entitlements due to up to three of the employee's dependent children which the employee nominates, and permitting employees to claim 75% reimbursement of expenses incurred in educating any of his or her dependent children up to the total of his or her entitlement.
- (c) a location allowance to apply to professional staff as follows: 10% from 01 January 2008; 13% from 01 January 2009, and 16.5% from 01 January 2010.

**Agenda item 9. Proposed budget for the Commission's Work Programme for 2008 and indicative budgets for 2009 and 2010.**

10. The Committee recommends that the Commission adopt the budget option provided in Annexes III, IV and V;

**Agenda item 10. External Auditor Appointment.**

11. The Committee noted the reappointment of Deloitte as independent external auditor for the 2007 and 2008 annual accounts.

**Other Matters**

*Contribution formula*

12. The Commission is invited to note that in response to a request from France about the possibility of a variation to the Commission's contribution formula to provide for catches taken in the Commission area that overlaps with IATTC, France was advised that as an initial step a submission should be made to the Commission 30 days prior to WCPFC5.

*Budget process*

13. The Committee noted that it is helpful in instances where a CCM has a major concern with the proposed budget that the concern is communicated to other CCMs and the Secretariat as early as possible, preferably at least 30 days prior to the Annual Session, and that the FAC appreciated that this was the approach taken in 2007.

**Recommendation.**

14. The Committee invites the Commission to endorse its recommendations as set out above and to accept this report.



**FOURTH REGULAR SESSION  
FINANCE AND ADMINISTRATION COMMITTEE  
Tumon, Guam, USA  
02-07 December 2007**

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**AGENDA**

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- AGENDA ITEM 1.            OPENING OF MEETING**
- 1.1    Appointment of a Chair and Vice Chair**
  - 1.2    Adoption of agenda**
  - 1.3    Meeting arrangements**
- AGENDA ITEM 2.            TERMS OF REFERENCE FOR THE STANDING  
FINANCE AND ADMINISTRATION COMMITTEE**
- AGENDA ITEM 3.            REPORT ON HEADQUARTERS PROPERTY**
- AGENDA ITEM 4.            AUDITORS REPORT FOR 2006 AND GENERAL  
ACCOUNT FINANCIAL STATEMENTS FOR 2006.**
- AGENDA ITEM 5.            STATUS OF THE COMMISSION'S FUNDS**
- a)     Report on General Account Fund contributions  
and other income for 2007.**
  - b)     Report on the status of other funds.**
  - c)     Interest rate for outstanding contributions.**
- AGENDA ITEM 6.            DRAFT CORPORATE PLAN FOR THE  
COMMISSION**
- AGENDA ITEM 7.            DRAFT BUSINESS PLAN FOR THE SECRETARIAT**
- AGENDA ITEM 8.            STAFF ESTABLISHMENT AND CONDITIONS OF  
SERVICE**
- a)     Report on the Commission staff terms and  
conditions.**
  - b)     Council of regional Organisations in the Pacific  
(CROP) decisions on harmonised staff conditions**
  - c)     Housing Issues.**
  - d)     Staff establishment.**

- AGENDA ITEM 9.                   WORK PROGRAMME AND BUDGET FOR 2008  
AND INDICATIVE WORK PROGRAMME AND  
BUDGET FOR 2009 AND 2010**
- AGENDA ITEM 10.               EXTERNAL AUDITOR APPOINTMENT**
- AGENDA ITEM 11.               OTHER MATTERS**
- AGENDA ITEM 12.               ADOPTION OF REPORT**
- AGENDA ITEM 13.               CLOSE OF MEETING**



**FOURTH REGULAR SESSION  
FINANCE AND ADMINISTRATION COMMITTEE  
Tumon, Guam, USA  
02-07 December 2007**

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**TERMS OF REFERENCE FOR THE WCPFC STANDING COMMITTEE OF  
FINANCE AND ADMINISTRATION**

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1. The Western and Central Pacific Fisheries Commission (WCPFC) established the standing Finance and Administration Committee (FAC) as a subsidiary body pursuant to Article 11 paragraph 6 of the Convention on the Conservation and management of highly Migratory Fish Stocks in the Western and Central Pacific Ocean at WCPFC3, Apia, Samoa. The purpose of the FAC is to provide advice and recommendations to the Commission on matters related to the budget, finance and administration of the Commission.
2. Membership of the FAC shall be open to each member of the Commission and Participating territories.
3. The FAC shall elect two co-Chairs who each shall serve for a term of two years and shall be eligible for re-election for one additional consecutive term.
4. The Commission requests the FAC to convene in the day or days prior to the commencement of the Annual Regular Session of the Commission. If necessary, sessions of the FAC may be continued or convened during a regular session of the Commission or inter-sessionally, subject to Rule 1 of the WCPFC Rules of Procedure. The meeting will be open to observers unless decided otherwise.
5. The FAC shall make every effort to adopt a summary report of each of its meetings by consensus for transmission to the Commission.
6. The FAC may consider developing its rules of procedure, which must be agreed by the Commission, taking into consideration the rules of procedure of other subsidiary bodies of the Commission. In the meantime a quorum for the FAC shall be 10 Committee members that shall include five members from the Pacific Islands Forum Fisheries Agency, and five non-members of the Pacific Islands Forum Fisheries Agency.

**Western and Central Pacific Fisheries Commission**  
**General Fund**

Summary of budgetary requirements for the period from 01 January to 31 December 2008  
& indicative budgets for 2009 & 2010 (United States dollars)

	<i>Proposed budget 2008</i>	<i>Indicative budget 2009</i>	<i>Indicative budget 2010</i>
<b>Part 1 - Administrative expenses of the Secretariat</b>			
<b>Section 1 (Item 1)</b>			
<b>Sub-Item 1.1</b>	<i>Staff Costs</i>		
Established Posts	1,407,664	1,776,850	1,860,865
General Temporary Assistance	2,000	2,000	2,000
Overtime	5,000	5,000	5,000
Consultants	206,000	139,000	110,000
<b>Total, sub-item 1.1</b>	<i>1,620,664</i>	<i>1,922,850</i>	<i>1,977,865</i>
<b>Sub-item 1.2</b>	<i>Official travel</i>		
	<i>140,000</i>	<i>140,000</i>	<i>140,000</i>
<b>Sub-item 1.3</b>	<i>General operating expenses</i>		
Electricity, water, sanitation	60,000	60,000	60,000
Communications/Courier	30,000	30,000	30,000
Office Supplies & fuel	25,000	25,000	25,000
Publications and printing	31,200	31,200	31,200
Audit	7,000	7,000	7,000
Bank charges	5,200	5,200	5,200
Official hospitality	15,600	15,600	15,600
Miscellaneous services	13,000	13,000	13,000
Security	30,000	30,000	30,000
Training	5,000	5,000	5,000
<b>Total, sub-item 1.3</b>	<i>222,000</i>	<i>222,000</i>	<i>222,000</i>
<b>Sub-item 1.4</b>	<i>Capital Expenditure</i>		
Vehicles			
Information technology	35,000	20,000	20,000
Sound system			
Fencing	50,000	50,000	50,000
Furniture and equipment	25,000	25,000	25,000
<b>Total, sub-item 1.4</b>	<i>110,000</i>	<i>95,000</i>	<i>95,000</i>
<b>Sub-item 1.5</b>	<i>Maintenance</i>		
Vehicles	2,600	2,600	2,600
Information and Communication Technology	15,000	15,000	15,000
Buildings & grounds	40,000	40,000	40,000
Insurance	39,000	39,000	39,000
<b>Total, sub-item 1.5</b>	<i>96,600</i>	<i>96,600</i>	<i>96,600</i>
<b>Sub-item 1.6</b>	<i>Meeting services</i>		
Annual session	139,000	139,000	139,000
Scientific Committee	129,000	129,000	129,000
Northern Committee	10,000	10,000	10,000
Technical and Compliance Committee	130,000	130,000	130,000
IWG-ROP - support for SIDS	60,000		
<b>Total, sub-item 1.6</b>	<i>468,000</i>	<i>408,000</i>	<i>408,000</i>
<b>TOTAL, Section 1/Item 1</b>	<b>2,657,264</b>	<b>2,884,450</b>	<b>2,939,465</b>



	<i>Proposed budget 2008</i>	<i>Indicative budget 2009</i>	<i>Indicative budget 2010</i>
<b>ANNEX III (continued)</b>			
<b>Part 2 - Science &amp; Technical &amp; Compliance Programme</b>			
<b>Section 2 (Item 2)</b>			
<b>Sub-item 2.1</b>	<i>Scientific services</i> <sup>(SPC)</sup>	325,000	357,500
<b>Sub-item 2.2</b>	<i>Scientific research</i>		393,250
Regional tagging		10,000	10,000
Training publications and education materials		7,500	7,500
Revised stock assessment on sthn. Swordfish		7,500	
Refinement of tuna biological parameters		15,000	30,000
Stock structure and life history of S. Pacific Albacore		25,000	25,000
Characterise FAD related tuna composition & distribution		5,000	
Scoping the use of reference points & MSE		10,000	10,000
Biological studies - TDRs and hook timers			
Investigation-alternative stock status reference points			
Ecological risk analysis - including PSA		100,000	100,000
Turtle/seabird interactions and fishery overlaps		30,000	30,000
Independent review of Science structure and functions		see "Consultants" at sub-item 1.1	
Indonesia/Philippines data collection project		115,000	115,000
Data gaps		15,000	
Unidentified			60,500
<b>Total, sub-item 2.2</b>		340,000	388,000
<b>Sub-item 2.3</b>	<i>Technical &amp; Compliance work programme</i>		394,050
Vessel registry			
Observer Programme		see sub-item 1.6	
Port State measures			
High Seas Boarding		0	30,000
Implementation issues - by-catch mitigation		15,000	
Vessel Monitoring System	<b>see note below</b> <sup>∞</sup>	157,000	301,000
<b>Total, item 2.3</b>		172,000	331,000
<b>TOTAL, Section 2/Item 2</b>		<b>837,000</b>	<b>1,076,500</b>
<b>Total, Parts 1 &amp; 2</b>		<b>3,494,264</b>	<b>3,960,950</b>
		<b>4,057,765</b>	

<sup>∞</sup> Without prejudice to decisions that may be made by the Commission, these figures are estimates that include values for CSP service rates and reporting frequency and may be subject to change.

## Western & Central Pacific Fisheries Commission

### General Account Fund

#### Proposed financing of the budgetary requirements for the financial period 01 January to 31 December 2008

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<b>Proposed budget expenditure total</b>		3,494,264
less**		
<b>Estimated interest and other income</b>	25,000	
<b>Estimated available surplus for 2007</b>	334,000	(359,000)
<b>Total assessed contributions</b>		3,135,264
(see detailed schedule at Annex V)		

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#### Proposed financing of the budgetary requirements for the financial period 01 January to 31 December 2009

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<b>Proposed budget expenditure total</b>		3,960,950
less		
<b>Estimated interest and other income</b>	24,000	(24,000)
<b>Total assessed contributions</b>		3,936,950
(see detailed schedule at Annex V)		

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#### Proposed financing of the budgetary requirements for the financial period 01 January to 31 December 2010

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<b>Proposed budget expenditure total</b>		4,057,765
less		
<b>Estimated interest and other income</b>	24,000	(24,000)
<b>Total assessed contributions</b>		4,033,765
(see detailed schedule at Annex V)		

**Western and Central Pacific Fisheries Commission**  
**Indicative schedule of contributions based on proposed 2008 and indicative 2009 & 2010 budgets**

Member	2008 Proposed					2009 indicative		2010 indicative	
	Base fee component: uniform share 10% of budget	National wealth component: 20% of budget	Catch component: 70% of budget	Total of components: 100% of budget	% of budget by member	Total of components: 100% of budget	% of budget by member	Total of components : 100% of budget	% of budget by member
Australia	12,541	39,773	8,627	60,941	1.94%	76,524	1.94%	78,405	1.94%
Canada	12,541	43,965	191	56,697	1.81%	71,195	1.81%	72,946	1.81%
China	12,541	22,167	82,017	116,725	3.72%	146,572	3.72%	150,177	3.72%
Cook Islands	12,541	3,088	2,337	17,966	0.57%	22,560	0.57%	23,114	0.57%
European Community	12,541	130,885	8,177	151,603	4.84%	190,368	4.84%	195,050	4.84%
Federated States of Micronesia	12,541	2,495	34,592	49,629	1.58%	62,319	1.58%	63,851	1.58%
Fiji	12,541	3,399	14,750	30,690	0.98%	38,537	0.98%	39,485	0.98%
France	12,541	55,202	5,159	72,902	2.33%	91,543	2.33%	93,794	2.33%
Japan	12,541	69,715	677,530	759,786	24.23%	954,063	24.23%	977,525	24.23%
Kiribati	12,541	1,369	8,837	22,747	0.73%	28,564	0.73%	29,266	0.73%
Korea	12,541	23,794	352,614	388,949	12.41%	488,404	12.41%	500,414	12.41%
Marshall Islands	12,541	3,123	65,476	81,140	2.59%	101,888	2.59%	104,393	2.59%
Nauru	12,541	725	0	13,266	0.42%	16,659	0.42%	17,068	0.42%
New Zealand	12,541	26,871	40,333	79,744	2.54%	100,135	2.54%	102,597	2.54%
Niue	12,541	725	31	13,297	0.42%	16,697	0.42%	17,107	0.42%
Palau	12,541	8,123	7	20,670	0.66%	25,956	0.66%	26,594	0.66%
Papua New Guinea	12,541	742	170,937	184,220	5.88%	231,325	5.88%	237,014	5.88%
Phillipines	12,541	2,369	80,440	95,350	3.04%	119,731	3.04%	122,676	3.04%
Samoa	12,541	2,200	1,237	15,978	0.51%	20,064	0.51%	20,557	0.51%
Solomon Islands	12,541	660	11,574	24,775	0.79%	31,110	0.79%	31,875	0.79%
Chinese Taipei	12,541	19,965	388,719	421,225	13.44%	528,932	13.44%	541,939	13.44%
Tonga	12,541	2,213	390	15,144	0.48%	19,016	0.48%	19,484	0.48%
Tuvalu	12,541	914	0	13,455	0.43%	16,895	0.43%	17,311	0.43%
United States of America	12,541	160,892	126,236	299,669	9.56%	376,294	9.56%	385,547	9.56%
Vanuatu	12,541	1,682	114,472	128,695	4.10%	161,602	4.10%	165,576	4.10%
Totals	313,526	627,053	2,194,685	3,135,264	100.00%	3,936,950	100.00%	4,033,765	100.00%

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