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INFORMATION PAPER TO SUPPORT THE COMMISSION'S REVIEW OF EXISTING CONSERVATION AND MANAGEMENT MEASURES

**WCPFC4-2007/13
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Paper prepared by the Secretariat

Introduction

1. The Commission's Conservation and Management Measures (CMMs) that apply equally to Members, Cooperating Non-Members and Participating Territories (CCMs), are listed in Table 1. It is the role of the Technical and Compliance Committee (TCC), as described at Article 14(1) of the Convention, to provide the Commission with information, technical advice and recommendations relating to the implementation of, and compliance with, CMMs.

2. Progress with implementation of CMMs is monitored through the reporting provisions within the CMMs themselves or the Annual Reports by CCMs to the Commission. The Third Regular Session of the TCC (TCC3), 28 September-2 October 2007 at Palikir, Federated States of Micronesia, reviewed the obligations of CMMs associated with the existing Measures and Decisions of the Commission.

3. This paper has been prepared by the Secretariat to support discussion during the Fourth Regular Session of the Commission (WCPFC4) on the advice and recommendations of TCC3 in relation to the implementation of CMMs under Agenda Item 6 and the Commission's further review of existing CMMs provided for at Agenda Item 8.1.

Resolution on Conservation and Management Measures [Resolution-2004-04]

4. This Resolution proposes a series of options that the Commission was to consider in developing a Conservation and Management Measure at the Second Regular Session of the Commission, 12-16 December 2005. The Resolution also provided that the Resolutions of the MHLC and the Preparatory Conference (adopted at the fourth and fifth sessions of the MHLC and Preparatory Conference resolutions WCPFC/PrepCon/22 and WCPFC/PrepCon/34) calling for measures including reasonable restraint in the expansion of fishing effort and capacity in the Convention Area, continue to apply.

Resolution on the Incidental Catch of Seabirds [Resolution-2005-01]

5. This Resolution has been replaced by CMM-2006-02

Resolution on Reduction of Overcapacity [Resolution-2005-02]

6. This Resolution requires CCMs whose nationals are beneficial owners of purse seine vessels that entered the WCPFC Convention Area after the MHLC and PrepCon resolutions (1999 to 2005) and other concerned CCMs to work together to ensure that the beneficial owners reduce, by 31 December 2007, such over capacity as created by those fishing vessels through reduction of equivalent capacity of other fishing vessels operating in the Convention Area.

7. Noting the deadline provided for in this Resolution, WCPFC4 may receive reports from CCMs whose nationals were beneficial owners of such capacity, and other concerned CCMs, in relation to this initiative to reduce such overcapacity created.

Resolution on Non-target Fish Species [Resolution-2005-03]

8. This Resolution imposes no reporting obligations on CCMs.

Resolution to Mitigate the Impact of Fishing for Highly Migratory Fish Species on Sea Turtles [Resolution-2005-04]

9. This Resolution encourages CCMs to implement the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and collect, and provide to the Commission, research and other available information on sea turtle research and sea turtle interactions in fisheries managed under the Convention. The Resolution forecast that the Commission would consider a Measure relating to the use of circle hook technology at its 2006 Session. The Technical and Compliance Committee was charged with monitoring progress of CCMs in applying this Resolution and to develop strategies for further consideration of the Commission in 2007.

10. The Commission may reflect on the work of the Third Regular Sessions of the Scientific and Technical and Compliance Committees in respect of sea turtle research and mitigation initiatives and consider strategies to reduce the interaction of sea turtles in WCPO tuna fisheries.

Record of Fishing Vessels and Authorization to Fish [CMM-2004-01]

11. Under this Measure, each CCM was required to submit to the Executive Director, by 1 July 2005, particular information with respect to each vessel listed in its national record of fishing vessels entitled to fly its flag and authorized to fish in the Convention Area beyond its area of national jurisdiction. From 1 July 2005, each CCM is required to notify the Executive Director within 15 days, or in any case within 72 hours before commencement of fishing activities in the Convention Area of:

- a. any vessel added to its Record along with the information set forth in paragraph five (5) of Conservation and Management Measure-2004-01;
- b. any change in the information referred to in paragraph five (5) with respect to any vessel on its Record; and
- c. any vessel deleted from its Record along with the reason for such deletion in accordance with Article 24 (6) of the Convention.

12. At the time of preparing this paper, 21 CCMs had provided records of their respective fishing vessels, a summary of which is presented in Table 2. Vessel details were submitted as MS Excel and pdf files in a range of formats. Only nine CCMs – EU, Federated States of

Micronesia, Japan, Kiribati, Korea, New Caledonia, New Zealand, Philippines and the U.S. - have submitted legible colour photographs of vessels as stipulated in paragraph 5(g) of CMM-2004-01.

Authorizations to Fish

13. Although the WCPFC Record of Fishing Vessels database uses a vessel's International Radio Call Sign (IRCS) as the default WCPFC Identification Number (WIN), in cases where an IRCS has not been supplied, CCMs are expected to provide a WIN for those vessels. As reported to TCC2, some CCMs have assigned a number for the WIN while others have not.

14. Some CCMs provided information on the fishing areas in which vessels are authorized to operate. However, because several CCMs authorize vessels to fish on the high seas globally, the WCPFC Record of Fishing Vessels is not an accurate indicator of active fishing capacity in the WCPO because it may include vessels that have never operated, or never plan to operate, in the WCPO. To address this issue, CCMs may wish to consider the addition of an 'active/inactive vessel in the Convention Area' status in respect of each fishing vessel entered in the record required to be maintained under Article 24(4).

15. The Commission may recall the advice and recommendations of TCC3 in relation to the addition to the WCPFC Record of Fishing Vessels of an "active/inactive vessel in the Convention Area" status [paragraph 138 of the Summary Report].

16. While some respondents provided information on species and time periods for which the authorizations were valid, there was little or no evidence that the other authorization requirements were satisfied (paragraph 3, CMM-2004-01). These requirements include:

- a. permitted activities by the vessel;
- b. a prohibition of fishing, retention on board, transshipment or landing by the vessel in areas under the national jurisdiction of an other State except pursuant to any license, permit or authorization that may be required by such other State;
- c. the requirement that the vessel keep on board the authorization issued; and
- d. any other specific conditions to give effect to the provisions of the Convention, and conservation and management measures adopted pursuant to it.

17. WCPFC3 endorsed a TCC2 confirmation that only vessels flagged to CCMs may be licensed to operate in the WCPO, an agreement that there should be no amendments to CMM-2004-01 and a recommendation for a one-year phase-out period for those identified bunker and carrier vessels flagged to non-CCMs currently operating in the WCPO. WCPFC3 agreed on a set of requirements to be applied to such bunker and carrier vessels during this one-year period, including the maintenance by the Secretariat of a temporary register of carriers and bunkers. The Secretariat has maintained a temporary register of carriers and bunkers since February 2007. WCPFC3 also agreed that the TCC shall further consider issues surrounding beneficial ownership, and control of carriers and bunkers listed on the temporary register.

18. The Commission's attention is drawn to the advice and recommendations of TCC3 in relation to non-CCM flag carriers and bunkers [paragraph 151-153 of the TCC3 Summary Report].

CCMs' Records of Fishing Vessels

19. A total of 8,595 vessels are included in the records submitted to the Executive Director by CCMs since 1 July 2005. These cover small, medium and large-scale tuna fishing vessels (Table 3), vessels targeting tuna and other species, support vessels, and research and training vessels.

20. While it has not been possible to verify the information contained in each CCM's Record, it is clear that not all the information required in CMM-2004-01 has been provided by all of those CCMs that submitted vessel records. During 2007 the Commission Secretariat worked collaboratively with several CCMs to remedy deficiencies in their respective vessel records.

WCPFC Record of Fishing Vessels

21. As a result of the Executive Director's international request in early 2007 for expressions of interest in refining and web-enabling the database for the WCPFC Record of Fishing Vessels (Record), MRAG Ltd., London, United Kingdom was contracted to undertake this work. The outputs of this consultancy have assisted the Secretariat to:

- a. make the Record available through the WCPFC website;
- b. make the Record available through the Global Vessel Database being developed by five tuna RFMOs; and
- c. store historical information following changes to individual records.

22. The online version of the WCPFC Record of Fishing Vessels is available at <http://www.wcpfc.int/vrecord/search.php>

23. The Commission's attention is drawn to the advice and recommendations of TCC3 in relation to the Commission's Record of Fishing Vessels and Authorizations to Fish [paragraph 136-138 of the Summary Report] in consideration of these issues noting that TCC3 referred the matter of fishing by non-WCPFC CCM flag vessels in the Convention Area to WCPFC4 for resolution.

Cooperating Non-members [CMM-2004-02]

24. Consistent with paragraph 12 of this Measure, the Executive Director publicizes the decisions of the Commission on the Commission's website and circulates related information to non-members. WCPFC4 will consider applications from Belize, Ecuador El Salvador and Senegal and for Cooperating Non-member status and an application from Indonesia to re-new its Cooperating Non-member status.

Conservation and Management Measure relating to the Specifications for the Marking and Identification of Fishing Vessels [CMM-2004-03]

25. No CCM has reported on the implementation of this Measure. The Measure provides for the specifications to be kept under review and amended as appropriate.

Conservation and Management Measures for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean [CMM-2005-01 and CMM-2006-01]

26. Paragraph 1 of CMM-2005-01 states, among other things, that "Through the adoption of necessary measures, the total level of fishing effort for bigeye and yellowfin tuna in the

Convention Area shall not be increased beyond current levels.” A footnote to this paragraph required CCMs to register their existing regional or bilateral fisheries partnership arrangements or agreements with the Commission in advance of WCPFC3 in 2006. At the time of writing this paper, the Commission Secretariat had received information on 12 existing regional or bilateral fisheries partnership arrangements or agreements, a summary of which is appended at Table 4.

27. Subject to other provisions in the Measure, CMM-2005-01 establishes effort levels for purse seine fisheries between 20°N and 20°S (paragraphs 7 to 10) and catch limits for the longline fishery (paragraph 17 to 19). CMM-2006-01 establishes capacity limits for fisheries not addressed in CMM-2005-01, excluding artisanal fisheries. Information relating to these provisions compiled by the Commission’s data manager, SPC-OFP, and presented to SC3 at Honolulu, Hawaii, 13-24 August 2007, is appended at **Attachment 1**¹.

28. Paragraph 16 of CMM-2005-01 grants an exemption from the measure for developing skipjack purse seine fisheries, between 20°N and 20°S, that can provide verifiable evidence of minimal yellowfin and bigeye catch, with 100 per cent observer coverage, and with a legitimate development plan. This paragraph further states that existing plans shall be tabled at the Commission for information. As noted in Table 5, no CCMs have provided development plans for developing skipjack fisheries to the Commission Secretariat to date.

29. Paragraph 4 of CMM-2006-01 states that CCMs whose vessels fish in areas beyond national jurisdiction shall develop management plans for the use of FADs (anchored and drifting) in areas beyond national jurisdiction which shall be submitted to the Commission by 1st January 2008. As noted in Table 5, no CCMs have formally provided FAD management plans to the Commission Secretariat to date.

30. Paragraph 6 of CMM-2006-01 advises that, recognizing the urgent need to reduce fishing mortality of juvenile bigeye and yellowfin tuna from fishing on FADs, the Commission will adopt a Measure at its next Session to reduce juvenile bigeye and yellowfin mortalities from fishing effort on FADs, taking into account any existing Measures.

31. Paragraph 9 of CMM-2006-01 states that prior to TCC3, CCMs with purse seine vessels fishing in the Convention Area are required to develop and provide to the Executive Director, plans to require all purse seine vessels to retain on board, and then land, all skipjack, yellowfin and bigeye tuna, except fish unfit for human consumption for reasons other than size, including provisions outlining how such plans would be implemented and enforced (Catch Retention Plans). To assist CCMs with purse seine vessels in the Convention Area to complete Catch Retention Plans pursuant to CMM-2006-01, on 26 June 2007 the Secretariat circulated to all CCMs a suggested set of guidelines for the preparation of such plans. As noted in Table 5, three CCMs (Australia, New Zealand and Vanuatu) have provided Catch Retention Plans to the Commission Secretariat.

32. The Commission’s attention is drawn to the advice and recommendations of TCC3 in relation to Catch Retention Plans [paragraph 96-98 of the Summary Report] in consideration of this matter. Further, in relation to the development of a Measure aimed at reducing the mortality of juvenile bigeye and yellowfin taken in association with FAD sets, the Commission may refer to paragraph 131-133 of the Summary Report of TCC3.

¹ WCPFC-SC3-ST-IP 04

Conservation and Management Measure for South Pacific Albacore [CMM-2005-02]

33. Subject to the provisions of paragraph 2, 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.

34. Following review at WCPFC2 at Apia, Samoa, the Commission decided to continue the application of this Measure with no amendment.

Conservation and Management Measures for North Pacific Albacore [CMM-2005-03]

35. Conservation and Management Measure-2005-03 states that all CCM shall report:

- a. all catches of North Pacific albacore to the WCPFC every six months, except for small coastal fisheries which shall be reported on an annual basis. Such data shall be reported to the Commission as soon as possible and no later than one year after the end of the period covered; and
- b. annually to the WCPFC all catches of albacore north of the equator and all fishing effort north of the equator in fisheries directed at albacore. The reports for both catch and fishing effort shall be made by gear type. Catches shall be reported in terms of weight. Fishing effort shall be reported in terms of the most relevant measures for a given gear type, including at a minimum for all gear types, the number of vessel-days fished. The first report was due on April 30, 2006 covering calendar year 2004.

36. At the time of writing of this paper the Commission Secretariat has received information on estimated catches of North Pacific albacore covering recent activities for the following fleets:

- a. Canada Troll (2004-2006);
- b. Chinese Taipei distant-water and offshore longline (2004-2006);
- c. Cook Islands troll (hard-copy only);
- d. Japan longline (2004-2005);
- e. Japan pole-and-line (2004-2005);
- f. Japan purse seine (2004-2006);
- g. Korea longline (2004-2006);
- h. USA troll (2004-2006);
- i. USA longline (2004-2006); and
- j. Vanuatu longline (2004-2006).

37. In its report to TCC3, the Secretariat noted that while some elements of the reporting obligations associated with this Measure were being met by most CCMs but reports for other elements (such as six-monthly reports of catch and annual reports of effort) were generally poor.

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

38. Paragraph 6 of CMM-2006-02 states that “For research and reporting purposes, CCMs that fish in the area south of 30°S and north of 23°N shall submit, to the Commission by 30 November 2007, the specifications of the mitigation measures listed in Columns A and

B, that they will require their vessels to employ.” As noted in Table 5, no CCMs have provided such specifications to the Commission Secretariat at the time this paper was prepared.

Conservation and Management Measure for Swordfish in the South West Pacific [CMM-2006-03]

39. Paragraph 4 of CMM-2006-03 states, in part, that “...CCMs shall provide information to the Commission, by 1 May 2007, on the number of their vessels that have fished for swordfish in the Convention Area south of 20°S, during the period 2000-2005, and in doing so, nominate the maximum number of vessels that shall continue to be permitted to fish for swordfish in the area south of 20°S.” As of the 3rd November 2007 the Commission Secretariat has received this information from Australia, EU, Korea, New Caledonia, New Zealand and Chinese Taipei. A summary of the responses relating to CMM-2006-03 received by the Commission Secretariat is presented in **Attachment 2**.

40. In relation to CMM-2006-03, Vanuatu has provided monthly longline catches (mt) of swordfish taken south of 20°S for the period 2002-2005 but not the number of vessels involved.

41. Also in relation to CMM-2006-03, the USA has provided the following information. “Swordfish may be targeted or caught incidentally in the Convention area south of 20 degrees South latitude by U.S. flag longline vessels operating out of the U.S. Territories of American Samoa and Guam, or the Commonwealth of the Northern Mariana Islands. Swordfish, striped marlin and other associated pelagic species are important economic components of the overall catch composite landed by U.S. longline vessels fishing in the Convention Area. Longline vessels operating out of American Samoa are required to have an American Samoa Limited Entry Permit, or alternatively, a vessel may fish on the high seas under a Western Pacific General Longline Permit. Currently there are 60 vessels in the American Samoa limited entry program and 14 vessels hold General Longline Permits. Therefore we expect no more than 74 longline vessels will continue to be permitted to fish for swordfish in the area south of 20 degrees South latitude. This will allow fishers in these U.S. territories and the commonwealth to continue to pursue a responsible level of development in these nascent fisheries consistent with paragraph 2 of the measure.”

Conservation and Management Measure for Striped Marlin in the Southwest Pacific [CMM-2006-04]

42. Paragraph 4 of CMM-2006-04 states, in part, that “...CCMs shall provide information to the Commission, by 1 July 2007, on the number of their vessels that have fished for striped marlin in the Convention Area south of 15°S, during the period 2000-2004, and in doing so, nominate the maximum number of vessels that shall continue to be permitted to fish for striped marlin in the area south of 15°S.” As of the 3rd November 2007 the Commission Secretariat has received this information from Australia, New Caledonia, Korea and Chinese Taipei. A summary of the responses relating to CMM-2006-04 received by the Commission Secretariat is presented in **Attachment 3**.

43. In relation to CMM-2006-04, Vanuatu has provided monthly longline catches (mt) of striped marlin taken south of 15°S for the period 2002-2005 but not the number of vessels involved.

44. Also in relation to CMM-2006-04, the USA has provided the following information. “Swordfish may be targeted or caught incidentally in the Convention area south of 20 degrees South latitude by U.S. flag longline vessels operating out of the U.S. Territories of American Samoa and Guam, or the Commonwealth of the Northern Mariana Islands. Swordfish, striped marlin and other associated pelagic species are important economic components of the overall catch composite landed by U.S. longline vessels fishing in the Convention Area. Longline vessels operating out of American Samoa are required to have an American Samoa Limited Entry Permit, or alternatively, a vessel may fish on the high seas under a Western Pacific General Longline Permit. Currently there are 60 vessels in the American Samoa limited entry program and 14 vessels hold General Longline Permits. Therefore we expect no more than 74 longline vessels will continue to be permitted to fish for swordfish in the area south of 20 degrees South latitude. This will allow fishers in these U.S. territories and the commonwealth to continue to pursue a responsible level of development in these nascent fisheries consistent with paragraph 2 of the measure. We expect that the same number of vessels authorized to fish for swordfish in the area south of 20 degrees South latitude will be the maximum number of vessels that will be permitted to catch and land striped marlins as called for in Conservation and Management Measure 2006-04 for striped marlin in the Southwest Pacific.”

45. The attention of the Commission is drawn to the provisions of paragraph 4 of both CMM-2006-03 and CMM-2006-04 wherein CCMs are invited to provide information to the Commission, by 1 May 2007, on the number of their vessels that have fished for swordfish and striped marlin respectively in the Convention Area (south of 20°S in respect of swordfish and south of 15°S in respect of striped marlin). It is noted that for swordfish, the applicable period is 2000-2005 whereas for striped marlin it is 2000-2004.

Conservation and Management Measure for Sharks in the Western and Central Pacific Ocean [CMM-2006-05]

46. This Measure provides for the voluntary implementation of the FAO International Plan of Action (IPoA) for the Conservation and Management of Sharks by CCMs and for CCMs to report to the Commission annually on the implementation of this IPoA and/or NPoAs, as appropriate.

47. The implementation of the Measures, which has an objective of full utilization of retained sharks, required the Scientific Committee to identify key shark species to be included under the Measure and to review the ratio of fin weight to body weight that vessels fishing in the Convention Area be permitted to retain.

48. SC3 identified a list of key shark species to be included in this Measure and recommended maintenance of the 5 per cent fin weight to body weight ration.

49. The requirement of the Measure, to be implemented by 1 January 2008, and initially applied only to vessels greater than 24m in overall length, includes requirements for CCMs to advise the Commission annually on the implementation of this Measure, review its effectiveness and cooperate in the development of stock assessments for key shark species.

Conservation and Management Measure for the Commission Vessel Monitoring System [CMM-2006-06]

50. This Measure provides for a review two years after implementation.

Conservation and Management Measure for the Regional Observer Programme [CMM-2006-07]

51. This Measure has no annual reporting requirements.

52. The Commission is referred to the Summary Reports of TCC3 and the Inter-sessional Working Group for the Regional Observer Programme (IWG-ROP) to support discussion on the ROP (Attachment 4 and posted on the Commission's website).

Conservation and Management Measure for the Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures [CMM-2006-08]

53. This Measure provides for CCMs to submit an annual report to the Commission on boarding and inspections carried out by its authorized inspection vessels, as well as possible violations observed.

54. The Commission is referred to the advice and recommendations of TCC3 in relation to the work requested of the Secretariat during 2007 to support the implementation of the Boarding and Inspection Procedures.

Conservation and Management Measure to Establish a List of Vessels Presumed to Have Carried out Illegal, Unreported and Unregulated Fishing Activities in the Western and Central Pacific Ocean [CMM-2006-09]

55. The Commission is referred to the Summary Report of TCC3 to support discussion on the Commission's IUU Procedures.

Annual Report to the Commission

56. The Second Regular Session of the Commission, 11-15 December 2005 at Palikir, Federated States of Micronesia, adopted a recommendation from the First Regular Session of the Scientific Committee, 8-19 August 2005, at Noumea, New Caledonia regarding Scientific Data to be Provided to the Commission and Standards for the Provision Operational Level Catch and Effort Data to be Provided to the Commission. The deadline agreed for the submission of this data is April 30 of each year.

57. At TCC1 CCMs agreed to provide an Annual Report to the Commission, the purpose of which is to report relevant information to the Commission on their respective fishing activities during the preceding calendar year, and management and compliance issues during the present year.

58. In 2007, Part 1 of the Annual Report, relating to information on fisheries, research and statistics, was to have been submitted by 13 July or one month before the Third Regular Session of the Scientific Committee (SC3). While many of the Part 1 reports were submitted well after the due date, the Commission Secretariat has now received Part 1 reports from 24 CCMs. Not including the three USA territories, which were included in the 2007 Part 1 Report of the USA, six Part 1 Reports were outstanding at the completion of SC3. This remained the situation at the time of preparation of this paper.

59. SC3 recommended that, within the next 12 months, the Secretariat deploys, on the WCPFC website, a prototype computer programme that would allow gaps in data to be easily identified. In response to this recommendation, the Secretariat, working with the Commission's Scientific Services Provider and Data Manager (SPC-OFP) has developed an additional facility on the Commission's website titled: *Status of the Provision of Data to the*

Commission. Based on information available to the Commission's Data Manager, the following reporting categories for the relevant CCMs can now be reviewed on the website:

- Scientific Data - Annual Catch Estimates
- Scientific Data - Aggregated Catch and Effort Data
- Scientific Data - Operational Catch and Effort Data
- CMM 2005-03 - North Pacific Albacore
- CMM 2006-03 - Swordfish in the South-west Pacific
- CMM 2006-04 - Striped Marlin in the South-west Pacific

60. Part 2 of the Annual Report relating to management and compliance covering the period 1 January-31 December 2006 was to be submitted by 31 July 2007. The Secretariat reported to TCC3 that 17 Part 2 reports had been received in respect of 2006. At the time of preparation of this information paper no additional reports had been received.

61. At WCPFC3, the Chair noted that six (6) CCMs were yet to comply with the decision of WCPFC2 regarding Annual Reports to the Commission for 2005. WCPFC3 encouraged those CCMs with outstanding Part 2 reports to submit them to the Secretariat by 31 January 2007. The Secretariat did not receive any outstanding reports by this date.

Table 1 Conservation and Management Measures of the Western and Central Pacific Fisheries Commission, as of 27 August 2007

Conservation and Management Measure	Title	Date Adopted	Date Entered into Force
Record of Fishing Vessels and Authorization to Fish	CMM-2004-01	8 Dec. 2004	8 Feb. 2005
Cooperating Non-Members	CMM-2004-02	8 Dec. 2004	8 Feb. 2005
Specifications for the Marking and Identification of Fishing Vessels	CMM-2004-03	8 Dec. 2004	8 Feb. 2005
Conservation and Management Measures for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean	CMM-2005-01	16 Dec. 2005	16 Feb. 2006
Conservation and Management Measure for South Pacific Albacore	CMM-2005-02	16 Dec. 2005	16 Feb. 2006
Conservation and Management Measure for North Pacific Albacore	CMM-2005-03	16 Dec. 2005	16 Feb. 2006
Conservation and Management Measures for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean	CMM-2006-01	15 Dec. 2006	15 Feb. 2007
Conservation and Management Measure to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds	CMM-2006-02	15 Dec. 2006	15 Feb. 2007
Conservation and Management Measure for Swordfish in the South West Pacific	CMM-2006-03	15 Dec. 2006	15 Feb. 2007
Conservation and Management Measure for Striped Marlin in the Southwest Pacific	CMM-2006-04	15 Dec. 2006	15 Feb. 2007
Conservation and Management Measure for Sharks in the Western and Central Pacific Ocean	CMM-2006-05	15 Dec. 2006	15 Feb. 2007
Commission Vessel Monitoring System	CMM-2006-06	15 Dec. 2006	15 Feb. 2007
Conservation and Management Measure for the Regional Observer Programme	CMM-2006-07	15 Dec. 2006	15 Feb. 2007
Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures	CMM-2006-08	15 Dec. 2006	15 Feb. 2007
Conservation Measure to Establish a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the Western and Central Pacific Ocean	CMM-2006-09	15 Dec. 2006	15 Feb. 2007

Table 2	Date of submission of national vessel record information by CCMs	
CCM	Date of first submission	Dates of further submissions
Australia	29 Nov. 2005	02 Oct. 2007
Canada	31 May 2007	
China	29 Sep. 2005	26 Nov. 2005 12 Jun. 2006 23 Jun. 2006 06 Jul. 2006 13 Feb. 2007 04 Oct. 2007
Chinese Taipei	24 Aug. 2005	18 Oct. 2006 27 Aug. 2007
Cook Islands	20 Aug. 2005	18 Oct. 2005 15 Aug. 2007
European Union	05 Jul. 2006*	14 Jul. 2006 26 Oct. 2006 21 Dec. 2006* 22 May 2007* 26 Jul. 2007
Federated States of Micronesia	28 Nov. 2005	31 Jul. 2007*
French Polynesia	19 Sep. 2006	
Fiji	01 May 2006	
Japan	01 Jul. 2005	14 Nov. 2005* 09 Jun. 2006 23 Jun. 2006 10 Jul. 2006 24 Apr. 2007* 19 Jun. 2007 18 Aug. 2007
Kiribati	22 Aug. 2007	30 Aug. 2007 03 Sep. 2007 13 Oct. 2007*
Korea	01 Jul. 2005	09 Jun. 2006*
Marshall Islands	01 Jun. 2006	
New Caledonia	13 Oct. 2005	25 Nov. 2005* 26 Jun. 2006* 14 Jul. 2006 30 Aug. 2006 28 Sep. 2007*
New Zealand	08 Aug. 2005	31 Oct. 2005 04 Sep. 2006 29 May 2007 7 Aug. 2007*
Papua New Guinea	26 Apr. 2006	27 Jun. 2007
Philippines	30 Jun. 2005	12 Oct. 2005* 24 Apr. 2007*
Solomon Islands	31 Oct. 2006	31 Jul. 2007
Tonga	25 Feb. 2006	27 Jul. 2007
United States of America	27 Oct. 2005	06 Dec. 2006* 20 Apr. 2007*
Vanuatu	09 May 2006	28 Aug. 2006

*Legible colour photographs provided

Table 3 Summary of information relating to vessel records and authorizations to fish submitted by CCMs, as of 26 October 2007

CCM	Total	Longline		Pole & Line		Purse Seine		Troll		Reefer		Other	
		>=24	<24	>=24	<24	>=24	<24	>=24	<24	>=24	<24	>=24	<24
Australia	202	13	57			8	2			1		109	12
Canada	2884	6	1				8		118			48	2703
China	226	200	13			10				3			
Chinese-Taipei	1978	648	1179			34				25		92	
Cook Islands	49	24	22					1	1				1
European Union	109	48				33		1		13		14	
French Polynesia	95	14	81										
FSM	27	16	7			4							
Fiji	37	36	1										
Japan	1529	576	243	121	1	227	1					9	351
Kiribati	3					1				2			
Korea	262	202				58						2	
Marshall Islands	5					5							
New Caledonia	28	7	21										
New Zealand	10	4	2			4							
PNG	29	12	8			6						3	
Philippines	577	21				108				131	1		316
Tonga	6	5	1										
U.S.A	451	36	100	17	1	13	3	10	201			6	64
Vanuatu	88	52	9	2		23	1						1
Total	8595	1920	1745	140	2	534	15	12	320	175	1	283	3448
Equal / Greater than 24m	3064	1920		140		534		12		175		283	
Less than 24m	5531		1745		2		15		320		1		3448

Table 4: Regional or bilateral fisheries partnership arrangements or agreements, pursuant to CMM-2005-01, 9 August 2007

No.	Name of Arrangement or Agreement	Information Source	Date Submitted	No. of vessels	Type of vessels
1.	Parties to the Federated States of Micronesia Arrangement For Regional Fisheries Access	Mr Afelee Pita Chair Parties to the FSM Arrangement	18 Sep. 2006	36 (Partly subject to the Vessel Days Scheme)	Purse Seine
2.	The Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America	Mr Kila Karo Acting Secretary Department of Foreign Affairs and Immigration Port Moresby Papua New Guinea	25 Sep. 2006	USA – 40 (As of Sep. 2006 only 12 licences utilised)	Purse Seine
3.	Partnership Agreement between the European Community and Solomon Islands on fishing off Solomon Islands	Mr John Spencer Head of the EC Delegation to WCPFC Brussels Belgium	21 Nov. 2006	Spain – 3 France – 1	Freezer Tuna Seiners
				Spain – 6 Portugal – 4	Surface Longliners
4.	Partnership Agreement between the European Community and the Republic of Kiribati on fishing within the Kiribati fishing zone	Mr John Spencer Head of the EC Delegation to WCPFC Brussels Belgium	21 Nov. 2006	Year One – 6 Following Years – 4	Purse Seine
				Year One – 12 Following Years – 12	Longline
5.	Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia	Mr John Spencer Head of the EC Delegation to WCPFC Brussels Belgium	21 Nov. 2006	First 3 Years - 6	Purse Seine
				First 3 Years – 12	Longline
6.	Bilateral Agreement between Korea and the Federated States of Micronesia	Mr Chiguk Ahn MOMAF Seoul Korea	4 Dec. 2006	Up to maximum of 27	Purse Seine
7.	Bilateral Agreement between Korea and the Republic of the Marshall Islands	Mr Chiguk Ahn MOMAF Seoul Korea	4 Dec. 2006	Up to the number allowed under the Palau Arrangement	Purse Seine
8.	Bilateral Agreement	Mr Chiguk Ahn	4 Dec. 2006	28	Purse Seine

	between Korea and the Republic of Nauru	MOMAF Seoul Korea			
9.	Bilateral Agreement between Korea and Papua New Guinea	Mr Chiguk Ahn MOMAF Seoul Korea	4 Dec. 2006	27 plus additional vessels provided for under the Palau Arrangement	Purse Seine
10.	Bilateral Agreement between Korea and Solomon Islands	Mr Chiguk Ahn MOMAF Seoul Korea	4 Dec. 2006	Unlimited	Purse Seine
11.	Bilateral Agreement between Korea and the Republic of Kiribati	Mr Chiguk Ahn MOMAF Seoul Korea	4 Dec. 2006	87 plus additional vessels (unlimited)	Purse Seine
12.	Tokelau's Bilateral Agreement with Far Seas Tuna Fisher's Association of New Zealand	Mr Mose Pelasio Acting Director Economic Development, Natural Resources and Environment Tokelau	8 Dec. 2006	Not Supplied	Purse Seine

Table 5 Summary of CCMs' compliance with reporting obligations under WCPFC Measures

Conservation and Management Measure	Title	Reporting obligation	Number of reports received in 2007
CMM-2004-01	Record of Fishing Vessels and Authorisation to Fish	Additions and deletions to National Record	7
CMM-2005-01	Conservation and Management Measures for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean	Regional or bilateral agreements or arrangements	12
		Development plans for developing skipjack fisheries	0
CMM-2005-03	Conservation and Management Measure for North Pacific Albacore	Six-monthly reports of all catches	2
CMM-2006-01	Conservation and Management Measures for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean (to be read as part of CMM-2005-01)	FAD Management Plans*	0
		Catch Retention Plans	3
CMM-2006-02	Conservation and Management Measure to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds	Specifications of mitigation measures**	0
CMM-2006-03	Conservation and Management Measure for Swordfish in the South West Pacific	Reports of vessel numbers that fished from 2000-2005	7
CMM-2006-04	Conservation and Management Measure for Striped Marlin in the South West Pacific	Reports of vessel numbers that fished from 2000-2004	5

* 1 January 2008 deadline

** 30 November 2007 deadline

Table 1. Purse seine days fished in waters under national jurisdiction in the WCPFC-CA between 20°N and 20°S.

EEZ	2001	2002	2003	2004	Av. 2001- 2004	2005	CMM 2005/01	2006 (prov.)
Cook Islands	46	232	8	6	73	4	73	7
Fiji	9	5	9	27	13	37	27	8
Indonesia				?				
Philippines				?				
Samoa	7	12	3	4	7	3	7	1
Tokelau	98	401	27	67	148	127	148	35
USA	394	594	283	344	404	176	404	230
Vanuatu	2	2	0	23	7	1	23	0
PNA	26,423	28,304	32,234	32,033	29,749	35,289	32,033	35,876
TOTAL	26,979	29,550	32,564	32,504	30,399	35,637	32,715	36,157

Notes:

Source: Raised logsheet data.

The column labeled “CMM-2005-01” does not take into account paragraph 6 and footnote 1 of CMM 2005-01

Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 5 of CMM 2005-01 using the best information available to SPC-OFP.

Table 2. Purse seine days fished in international waters in the WCPFC-CA between 20°N and 20°S, by flag.

Flag	2001	2002	2003	2004	Av. 2001- 2004	2005	CMM- 2006-01	2006 (prov.)
China	95	124	149	434	201	428	434	227
European Community	0	0	0	0	0	0	0	0
FSM	238	161	169	275	211	191	275	124
Japan	1,802	1,584	2,090	2,341	1,954	2,290	2,341	1,692
Kiribati	40	52	40	37	42	45	42	40
Korea	1,297	885	1,153	1,236	1,143	837	1,236	706
Marshall Is	169	206	431	377	296	375	377	147
New Zealand	23	132	334	199	172	65	199	240
PNG	377	465	583	1,003	607	1,166	1,003	366
Philippines	13	52	128	364	139	303	364	167
Solomon Is	32	37	0	0	17	16	17	41
Chinese Taipei	1,901	1,669	1,484	1,900	1,739	1,227	1,900	1,204
USA	850	478	825	673	707	528	707	492
Vanuatu	59	131	181	551	231	305	551	312
TOTAL	6,896	5,976	7,567	9,390	7,457	7,776	9,446	5,758

Notes:

Source: Raised logsheet data.

The column labeled “CMM-2006-01” does not take into account paragraph 6 and footnote 1 of CMM 2005-01

Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 5 of CMM 2005-01 using the best information available to SPC-OFP.

Table 3. Reported longline catches of bigeye tuna in the WCPFC-CA, by flag. Numbers in red indicate estimates carried forward from the previous year.

CCM	2001	2002	2003	2004	Av. 2001-2004	2005	CMM-2005-01	2006 (prov.)
Australia	1,307	1,002	1,024	892	1,056	791	2,000	437
China	2,227	2,312	8,965	9,314	5,705	6,399	9,314	6,399
Cook Is	1	58	198	295	138	214	2,000	186
European Community				42	42	17	2,000	62
FSM	651	759	656	542	652	182	2,000	182
Fiji	662	853	889	1,254	915	423	2,000	587
French Polynesia	745	649	439	495	582	606	2,000	498
Indonesia	659	711	625	7,603	2,400	7,719	2,400	7,719
Japan	27,466	29,574	26,023	29,348	28,103	24,257	28,103	24,257
Kiribati	0	0	0	0	0	0	2,000	0
Korea	22,172	28,533	17,151	17,941	21,449	15,622	21,449	12,489
Marshall Is	0	0	0	1	0	0	2,000	0
Nauru	6	3	10	0	5		2,000	
New Caledonia	128	189	142	90	137	76	2,000	35
New Zealand	481	201	204	177	266	175	2,000	177
Niue	0	0	0	0	0	10	2,000	0
Palau	21	1	1	7	8		2,000	
PNG	240	318	390	392	335	211	2,000	135
Philippines	264	310	394	403	343	729	2,000	445
Samoa	185	137	109	103	134	64	2,000	128
Solomon Is	187	393	967	357	476	357	2,000	357
Chinese Taipei	12,435	16,645	13,345	20,992	15,854	15,498	15,854	14,295
Tonga	191	215	94	40	135	125	2,000	117
USA	2,493	4,592	3,860	4,408	3,838	4,571	4,408	4,562
Vanuatu	17	396	841	1,862	779	1,558	2,000	2,145
Total	72,538	87,851	76,327	96,558	83,350	79,604	119,528	75,212

Notes:

Source: Annual catch estimates, WCPFC Tuna Fishery Yearbook 2006.

Catch estimates in red have been carried over from previous years.

Indonesia has recently revised the proportion of catch taken by gear type for their domestic fisheries which has resulted in a much larger allocation to their longline (at the expense of catches in the “unclassified” fisheries) since 2004 than has been reported in previous years.

The column labeled “CMM-2005-01” does not take into account paragraph 6 and footnote 1 of CMM 2005-01.

Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 5 of CMM 2005-01 using the best information available to SPC-OFP.

Table 4. Estimates of total annual catches of bigeye tuna in the WCPFC Statistical Area for fisheries other than longline and tropical purse seine.

GEAR	FLAG	BIGEYE							
		2001	2002	2003	2004	Av. 2001-2004	2005	CMM-2006-01	2006 (prov.)
Handline	Indonesia	881	951	835	835	876	835	2,000	835
	Philippines	4,008	4,610	5,909	5,811	5,085	10,774	5,811	10,774
	Total	4,889	5,561	6,744	6,646	5,960	11,609	7,811	11,609
Pole-and-line	Fiji	0	0	0	0	0	0	2,000	0
	Indonesia	972	1,048	921	5,350	2,073	5,432	5,350	5,432
	Japan	1,377	1,757	857	3,393	1,846	1,322	3,393	1,322
	French Polynesia	1	2	2	2	2	0	2,000	0
	Solomon Islands	0	0	0	0	0	0	2,000	0
	USA	0	0	0	0	0	0	2,000	0
Total	2,350	2,807	1,780	8,745	3,921	6,754	16,743	6,754	
Purse seine	Japan	801	963	1,341	1,110	1,054	538	2,000	584
Ringnet	Philippines	1,235	159	1,665	1,346	1,101	1,455	2,000	1,455
Troll	USA	226	586	237	521	393	246	2,000	222
Unclassified	Indonesia	6,275	6,768	5,945	12,391	7,845	8,013	12,391	8,013
	Japan	211	162	142	109	156	109	2,000	109
	Philippines	117	140	190	174	155	316	2,000	316
	Total	6,603	7,070	6,277	12,674	8,156	8,438	16,391	8,438
Total "other fisheries"		16,104	17,146	18,044	31,042	20,584	29,040	46,945	29,062
Percentage of total WCPFC-SA		14	13	16	20	16	21		22

Notes:

Catch estimates in red have been carried over from previous years.

French Polynesia 'pole-and-line' catches include the *bonitier* and *poti marara* fleets; both use various gear types (pole-and-line, troll, handline, harpoon, gill net).

Japan purse seine is north of 20°N.

Reference to the level of "less than 2,000 tonnes" mentioned in CMM-2006-01 paragraph 1 has been assumed to mean that fisheries taking less than 2,000 t. of bigeye should not exceed 2,000 t. of bigeye.

The column labeled "CMM-2006-01" does not take into account paragraph 6 and footnote 1 of CMM 2005-01

Table 5. Estimates of total annual catches of yellowfin tuna in the WCPFC Statistical Area for fisheries other than longline and tropical purse seine.

GEAR	FLAG	YELLOWFIN							
		2001	2002	2003	2004	Av. 2001-2004	2005	CMM-2006-01	2006 (prov.)
Handline	Indonesia	9,368	10,104	8,875	1,041	7,347	1,057	7,347	1,057
	Philippines	47,818	55,354	70,317	72,073	61,391	69,841	72,073	69,841
	Total	57,186	65,458	79,192	73,114	68,738	70,898	79,420	70,898
Pole-and-line	Fiji	44	44	44	44	44	44	2,000	44
	Indonesia	8,744	9,432	8,285	11,449	9,478	11,623	11,449	11,623
	Japan	3,136	3,375	2,868	3,040	3,105	3,600	3,105	3,600
	French Polynesia	348	406	280	509	386	344	2,000	545
	Solomon Islands	153	405	655	257	368	196	2,000	734
	USA	2	2	23	23	13	68	2,000	3
	Total	12,427	13,664	12,155	15,322	13,392	15,875	22,554	16,549
Purse seine	Japan	2,549	2,289	3,555	2,668	2,765	3,110	2,765	1,523
Ringnet	Philippines	11,803	8,635	16,738	19,739	14,229	25,881	19,739	25,881
Troll	USA	865	630	723	744	741	649	2,000	439
Unclassified	Indonesia	56,472	60,913	53,504	18,215	47,276	18,492	47,276	18,492
	Japan	3,137	2,841	3,065	2,594	2,909	2,594	2,909	2,594
	Philippines	1,236	1,420	1,798	1,849	1,576	1,775	2,000	1,775
	Total	60,845	65,174	58,367	22,658	51,761	22,861	52,185	22,861
Total "other fisheries"		145,675	155,850	170,730	134,245	151,625	139,274	178,663	138,151
Percentage of total WCPFC-SA		34	38	39	35	37	31		33

Notes:

Catch estimates in red have been carried over from previous years.

French Polynesia 'pole-and-line' catches include the *bonitier* and *poti marara* fleets; both use various gear types (pole-and-line, troll, handline, harpoon, gill net).

Japan purse seine is north of 20°N.

Unclassified Indonesian catches of yellowfin in 2004 are considerably reduced because these catches were attributed to other gear types, mainly purse seine. This may suggest that unclassified catches prior to 2004 also contain large components by purse seine.

Indonesia has recently revised the proportion of catch taken by gear type for their domestic fisheries which has resulted in a much larger allocation to their domestic purse seine and longline (at the expense of catches in the "unclassified" fisheries) since 2004 than has been reported in previous years.

Reference to the level of "less than 2,000 tonnes" mentioned in CMM-2006-01 paragraph 1 has been assumed to mean that fisheries taking less than 2,000 t. of yellowfin should not exceed 2,000 t. of yellowfin.

The column labeled "CMM-2006-01" does not take into account paragraph 6 and footnote 1 of CMM 2005-01

Attachment 2

NUMBERS OF CCM-FLAG VESSELS THAT HAVE FISHED FOR SWORDFISH IN THE CONVENTION AREA SOUTH OF 20°S DURING THE PERIOD 2000 – 2005*

Year	Australia	EU	Korea	New Zealand	New Caledonia	Chinese Taipei	
						Seasonal	By-catch
2000	140	0	22	103	15	10	41
2001	159	0	22	132	12	10	41
2002	144	0	22	151	11	10	42
2003	134	0	24	132	15	12	55
2004	121	8	22	99	25	8	39
2005	100	14	23	57	15	6	40

NUMBERS OF CCM-FLAG VESSELS THAT HAVE FISHED FOR STRIPED MARLIN IN THE CONVENTION AREA SOUTH OF 15°S DURING THE PERIOD 2000 – 2004*

Year	Australia	Korea	New Caledonia	Chinese Taipei
2000	140	22	14	51
2001	159	26	13	51
2002	144	24	24	52
2003	134	28	24	67
2004	121	28	26	47



**Intersessional Working Group
Regional Observer Programme
Pohnpei, Federated States of Micronesia
24-26 September 2007**

SUMMARY RECORD

OPENING OF THE MEETING

1. The Executive Director welcomed participants to the Inter-sessional Working Group for the Regional Observer Programme (IWG-ROP), 24-25 September 2007. He reviewed activities that had been undertaken electronically during 2007 to support the work of the IWG-ROP using the guidance provided in Conservation and Management Measure 2006-07 adopted at the Third Regular Session of the Commission, 11-15 December 2006 at Apia, Samoa.

2. Participants included representatives from Australia, Canada, Federated States of Micronesia, Fiji, Japan, Kiribati, Republic of Korea, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu and the United States of America. The Secretariat of the Pacific Community Oceanic Fisheries Programme (SPC-OFP), the Pacific Islands Forum Fisheries Agency and WCPFC Secretariat also attended. A list of meeting participants is included at Attachment A.

APPOINTMENT OF CHAIR AND RAPPORTEURS

3. Dr Charles Karnella (USA) was selected to chair the IWG. The Secretariat provided rapporteuring services.

ADOPTION OF AGENDA

4. The agenda adopted by the IWG-ROP to guide discussions is at Attachment B.

EXISTING ARRANGEMENTS AND DECISIONS

5. The Executive Director provided a brief overview of the development of the ROP that started in the Multilateral High Level Conference and had since been progressed through two sessions of the Technical and Compliance Committee (TCC) and two sessions of the Scientific Committee (SC). He focused on elements of the hybrid arrangement adopted at the Second Regular Session of the Commission in 2005.

6. The IWG noted that the meeting was not an opportunity to re-negotiate already agreed decisions relating to the basic structure and elements of the ROP and that, as the ROP had been identified as one of the priorities of the Commission for implementation, it should not be delayed nor the purpose diluted.

7. The IWG recalled that the hybrid model will involve the use of existing national and sub-regional programmes that use independent and impartial observers to realize the objectives of the ROP in the Convention Area. The model includes financial support for an administrative function within the Secretariat.

DEVELOPMENT OF THE ROP

Elements of the ToR identified in CMM-2006-07

8. Although the meeting was appreciative of the significant amount of preliminary information provided and document development undertaken by the Secretariat during the year to assist the IWG consider each item described in the Terms of Reference (ToR) contained in CMM-2006-07 it acknowledged that the current 2-day IWG was insufficient time to adequately consider all items. The IWG agreed that of the 16 items listed in the ToR the following items from paragraph 2 of CMM-2006-07 would benefit from priority consideration by the IWG: i), ii), iii), iv), ix), xi), xiii) and xv).

9. In reviewing these priority items, the IWG agreed the following principles would apply:

- i) cost effectiveness;
- ii) consistency of standards with those of existing regional, sub-regional and national programmes;
- iii) flexibility;
- iv) standardized data security; and
- v) avoidance of unnecessary duplication through the use of systems, standards and procedures that are already in existence in the region to the extent possible.

10. The IWG considered that the draft CMM presented in WCPFC/IWG-ROP/2007-04 provided a useful vehicle to consider these items. Without prejudice to further discussion in TCC or the Commission, the IWG agreed to forward the resulting revised draft to the TCC for further consideration (Attachment C). All elements of Annex A and B were discussed and amended during the meeting and, although the majority of participants agreed to revisions, consensus could not be reached on all items. Japan, Korea and Chinese Taipei stated that their concerns need to be addressed in existing or additional parts of the draft CMM, and alternative parts of the draft CMM may be presented if necessary.

Draft ROP documents

11. The IWG reviewed Appendix A of WCPFC IWG-ROP 2007-09 as a basis for identifying fisheries in the Convention Area to be monitored under the ROP as implementation progresses. Noting the need to identify vessels that may be required to accept observers under the ROP, as provided for in Article 28(4 and 5), the IWG considered the design of a table that would assist in reporting vessel monitoring undertaken under the ROP (Appendix D). The IWG agreed that additional information is required to populate a table that would support a process to agree to phased implementation for the ROP and that this additional information include vessel size. Further, the IWG also identified merit in considering fisheries, measures and areas as elements for prioritizing implementation processes. The IWG agreed to recommend to the Commission that SC and TCC use Column 1 and 2 of Appendix A as a starting point to complete the table and recommended CCMs provide information as called for in Article 28(4 and 5).

12. The meeting also noted the recommendations of the Second Regular Session of the Scientific Committee relating to level of observer coverage and data collection requirements

of the ROP (paragraphs 194 to 201 SC2 Summary Report). While some participants considered the recommendations of the Scientific Committee together with compliance issues identified by TCC would provide a good basis for considering matters such as coverage other participants considered that such other matters as logistical, administrative issues, also be taken into account in developing the ROP including achieving the levels of coverage adopted by the Commission. The IWG agreed that the TCC would also need to identify areas of coverage for the ROP.

Cost issues and financial arrangements

13. It was noted by some participants that observers are already successfully deployed on small vessels, including on the high seas. However, some participants noted that observer deployment will present logistical and financial challenges particularly for small vessels. The IWG noted that the identification of the fisheries to be covered (above at paragraph 11) would provide an opportunity to give consideration to such sectors.

14. In considering Annex A of the draft CMM relating to the responsibilities of the observer the IWG discussed liability issues related to carrying an observer, for example in the event of lost fishing time that might result of the premature return of an observer to port. It was agreed that this was an important issue that requires further consideration. Some participants suggested this should be explicitly accommodated in Annex A while others were of the view this should be addressed in arrangements with observer providers which may be required to take out adequate insurance to cover such situations.

15. The IWG considered that costs would be influenced by the implementation schedule for each element of the ROP and the observer coverage rate set for each fishery and vice versa. Participants from the FFA membership noted that the guidelines for the ROP had been known to all WCPFC members since the adoption of the Convention text. Further, national and sub-regional observer programmes have been successfully implemented by small island developing States in the Convention Area for purse seine fisheries and longline fisheries, both within and beyond EEZs, for many years under bilateral and multilateral agreements. While 20% coverage is not unusual some of these programmes achieve 100% coverage. Other participants expressed concern that as observers covering high seas are not necessarily the same as those in EEZs and other existing fisheries outside of the Pacific Islands region would require considerable time to be able to fully participate in the ROP. In considering the number of vessels that might be required to accept observers from the ROP the IWG noted that while the WCPFC Record of Fishing Vessels provided information on vessels authorized to fish in the Convention Area information was lacking on the number of vessels active in the Convention Area and which of those vessels that each member of the Commission shall ensure are prepared to accept an observer placement as provided for in Article 28(4 and 5). The IWG recommends that the Commission request that CCMs provide this information.

16. The IWG noted that the costs associated with the deployment of observers, including decisions relating to the defrayment of costs, will require further consideration by the Commission.

Work plan

17. The IWG noted that WCPFC4 will adopt a conservation and management measure for the ROP and that WCPFC/IWG-ROP/2007-07 provided guidance on the phased development of the administrative and technical elements necessary to support the ROP.

18. The IWG discussed phased implementation options that ranged from a start in 2008 to a start-up period in 2010/11 with completion of the phase in period by 2012 to 2014.

19. Options tabled for consideration included the need to use 2008 and 2009 to further elaborate the various documents called for in CMM-2006-07 while simultaneously starting voluntary implementation up to 2010. Japan suggested that, from 2010, WCPFC members would work towards achieving a target percentage of perhaps 5% for the major fisheries as decided by the Commission in the period up to 2014.

20. The majority expressed the view that implementation should occur much sooner and looked to begin the programme in 2008. The IWG considered that a phased implementation schedule should identify periodic milestones that serve as a measure towards achieving the coverage target for each fishery agreed by the Commission. It was also noted that some existing national and sub-regional programmes could contribute to the ROP on a voluntary basis almost immediately and that the implementation plan should accommodate this and that the standards used by these programmes could be a basis for moving the ROP forward.

21. The majority of participants considered that a phased implementation of the ROP could commence in 2008 together with the further development of the administrative and technical components of the ROP. At the same time, it was suggested that those CCMs in a position to do so would start contributing their observer national and sub-regional programme data to the ROP on a voluntary basis starting in 2008. Most participants agreed that the coverage level of 5% recommended by the Scientific Committee should be the minimum target although some delegations noted that the TCC may modify this coverage rate.

22. Japan considered that, as many areas of difference still existed, voluntary implementation in 2008 was premature, and invited other CCMs of the Commission to submit their written suggestions for phased implementation to the Commission through the Secretariat.

23. The IWG also noted that data management may initially be supported through the existing service agreement with SPC-OFP and also be subject to the Commission's data management rules. Costs associated with that would require further consideration.

IDENTIFY POLICY ISSUES FOR WCPFC4

Identification of issues

24. Policy issues identified during the work of the IWG throughout the year will be referred to the Commission by individual CCMs concerned.

CMM for the ROP

25. The IWG referred the draft CMM for the ROP presented at Attachment C to TCC3 for further consideration.

OTHER MATTERS

26. The IWG recommends to the Commission that:

- as the IWG was unable to complete all of the tasks outlined in the TOR it be tasked with continuing its work in 2008 in accordance with the ToR and process identified in CMM-2006-07. WCPFC4 may provide further direction in relation to the on-going work of the IWG; and

- the documentation provided to the IWG be maintained as working papers (WCPFC IWG-ROP/2007/05, 06, 07, 09 and 10) and continue to be used as a basis for the work of the IWG.

ADOPTION OF SUMMARY REPORT AND RECOMMENDATIONS

27. This Summary Report was adopted by the IWG.

CLOSING OF THE MEETING

28. The IWG meeting closed on Wednesday 26th September.



**Intersessional Working Group
Regional Observer Programme
Pohnpei, Federated States of Micronesia
24-25 September 2007**

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**Intersessional Working Group
Regional Observer Programme
Pohnpei, Federated States of Micronesia
24-25 September 2007**

AGENDA

- 1. OPENING OF THE MEETING**
- 2. APPOINTMENT OF CHAIR AND RAPORTEURS**
- 3. ADOPTION OF AGENDA**
- 4. EXISTING ARRANGEMENTS AND DECISIONS**
 1. Review of the hybrid arrangement
 - Sub-regional observer arrangements
 - National observer programmes
 2. WCPFC3 decisions (CMM-2006-07)
- 5. DEVELOPMENT OF THE ROP**
 - 1) Elements of the ToR identified in CMM-2006-07
 - 2) Draft ROP documents
 - 3) Cost issues and financial arrangements
 - 4) Minimum standards for observer data (SC3)
 - 5) Roles in the ROP
 - Commission
 - Subsidiary bodies
 - Secretariat
 - 6) Work plan
- 6. IDENTIFY POLICY ISSUES FOR WCPFC4**
 - 1) Identification of issues
 - 2) CMM for the ROP
- 7. OTHER MATTERS**
- 8. ADOPTION OF SUMMAR REPORT AND RECOMMENDATIONS**
- 9. CLOSING OF THE MEETING**



**Inter-sessional Working Group
Regional Observer Programme
24-25 September 2007
Pohnpei, Federated States of Micronesia**

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

9/25/2007 20:37 PM

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 (WCPFC 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 WCPFC 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 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

3. 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

4. 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

5. 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

[6. 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.

7. Each CCM of the Commission shall ensure that it doesn't place a vessel flying its flag on the authorized vessel list that is not prepared to accept a ROP observer.]

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

[9. CCMs shall be free to source observers for their vessels from either the national observer programmes of other CCMs or from sub-regional programmes.]

Role of the Commission and its subsidiary bodies

[10. 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

11. 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; and
 - 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) to support staff necessary to effectively administer the ROP.
- b) authorise observer providers to the ROP.

Role of coastal States

12. 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

13. 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 Secretariat²

iii). The Commission ROP shall be organized in a flexible manner which 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 regional observer programme.

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

² Refer to the Summary Report of TCC2, paragraph 54 ii) ["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."

[ix) Any data collected under the Commission ROP on a vessel bearing the flag of a CCM in addition to the Commission will be provided to that CCM in a disaggregated form.]

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 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 behaviour 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) [Explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.]
- m) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

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 on board 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 place and time.
- d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul on board, 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 on board 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 on board 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 on board the vessel.
- k) The provision to the ROP observer, while on board the vessel, insurance coverage for the duration of the observer's time on board the vessel.
- j) Allow and assist 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. .
- 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 behaviour, 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 on board, and areas which 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.]



**Intersessional Working Group
Regional Observer Programme
Pohnpei, Federated States of Micronesia
24-26 September 2007**

**TABLE TO ASSIST IN REPORTING VESSEL MONITORING UNDERTAKEN UNDER
THE ROP**

Gear Type	Flag	Sector	Catch and Effort				Observer coverage		Implementation status	
			# of vessels active	# trips	Fishing days/hooks set	Tonnes	Year	Rate		