



**FOURTH REGULAR SESSION  
Tumon, Guam, USA  
3-7 December 2007**

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**Communication from Australia**

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**WCPFC4-2007/DP01  
5<sup>th</sup> November 2007**



**Australian Government**

**Department of Agriculture, Fisheries and Forestry**

Mr Andrew Wright  
Executive Director  
Western and Central Pacific Fisheries Commission  
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Dear Mr Wright

**Australian Delegation Proposals to the fourth regular session of the Commission**

I am writing to submit various proposals by Australia for consideration by the fourth regular session of the Western and Central Pacific Fisheries Commission on 3-7 December 2007 in Guam. These proposals include:

- Australia's comments on the draft Terms of Reference for the Standing Committee for Finance and Administration;
- a draft conservation and management measure (CMM) on transshipment procedures;
- proposed amendments to CMM2004-01 regarding the addition of an active category for vessels on the WCPFC Record of Fishing Vessels;
- a proposed decision by the Commission on the implementation of the performance review of the Commission; and
- Australia's development plan for the development of a skipjack purse seine fishery north of 20°S.

Further details on these proposals are provided below.

**Draft Terms of Reference for the Standing Committee for Finance and Administration (FAC)**

I have enclosed Australia's comments on the draft Terms of Reference for the FAC as proposed in Attachment 2 of WCPFC4-FAC1-2007/01, which I understand includes Japan's comments.

In our view, it is important to nominate a minimum number of FAC members to represent a quorum as the recommendations to be made to the Commission meeting by the FAC are of great significance to the work of the Commission and we should ensure that an adequate number of views are represented in these recommendations. As such, we would like to keep the sentence that refers to the requirements for a minimum attendance of 10 FAC members to form a quorum.

Like other subsidiary bodies of the Commission, FAC meetings should be open to Commission observers as we should maintain efforts to ensure that the Commission's work is transparent.

Each meeting of the FAC should always produce a summary report and we suggest that the report can include reservations by members.

Our suggestions for paragraph 6, was to clarify the procedure for the development of rules of procedure for the FAC if required.

On a separate matter, related to the FAC's meeting on 2 December 2007, we have not seen any information on the decision of the third meeting of the Scientific Committee (SC3), to have the WCPFC Secretariat review the cost structure of the independent review of the Commission's transitional science structure and functions and present an estimate to the Finance and Administration Committee between SC3 and WCPFC4 (as agreed in page 244 of the SC3 Record). I would be grateful for your confirmation if it's still the intention of the Secretariat to provide this information in advance of the FAC meeting.

#### Draft CMM on transshipment procedures

The enclosed draft CMM was developed by Australia as agreed at the third meeting of the Commission Technical and Compliance Committee (TCC3) on 27 September to 2 October 2007 in Pohnpei. The draft CMM builds on the transshipment CMM proposal by Japan at TCC3 (WCPFC-TCC3-2007/DP-13).

Australia is still in dialogue with others including Japan on the content of the proposed CMM and as such the proposal may be subject to change. If we are able to conclude our discussions with Japan by 9 November 2007, we would like to re-lobby it as a revised Australia-Japan joint proposal. I would be grateful for your assistance to facilitate this if possible.

The draft CMM applies to transshipment by all longline vessels, with the exception of vessels engaged in the transshipment of fresh fish. The activity of vessels engaged in the transshipment of fresh fish will be reported to the Commission via CCM's Annual Reports (Part 2). The CMM will apply from 1 July 2008 and shall be reviewed in 2010.

Only vessels on a WCPFC Register of Carrier Vessels will be authorised to receive fresh fish at sea. By 1 July 2008, each CCM shall submit to the Commission the list of carrier vessels to be authorised (this may include non-CCM carrier vessels). All carrier vessels shall be required to have onboard an observer, install and operate a VMS and be subject to the WCPFC boarding and inspection procedures in the high seas.

The observer requirements for the CMM are described in Annex 2 of the CMM. These requirements create a process for the appointment and deployment of observers specifically for the purpose of observing transshipment operations.

#### Proposed amendments to CMM2004-01

Australia proposes amendments to CMM2004-01 to progress the agreement by TCC3 to create an 'active list' of vessels within the WCPFC Record of Fishing Vessels. Information on authorized fishing activities in the Convention Area is fundamental to meeting the provisions of Article 24 of the Convention. However, it's not currently possible to determine the total number of vessels actively fishing in the Convention Area. This is required so that the Secretariat can report on compliance with CMMs and identify illegal, unreported and unregulated fishing.

The proposed amendments also provide a role for the Executive Director to use the information supplied in this measure to assist in the assessment of CMM's implementation of relevant conservation and management measures and resolutions for the consideration of the TCC each year.

Implementation of the WCPFC performance review:

At the first joint meeting of tuna RFMOs, held in Kobe, Japan from 22-26 January 2007, a commitment was made to review the performance of the five tuna RFMOs using common criteria and methodology. To implement the Kobe commitment, a common set of criteria was developed under the lead of the United States to support the performance review of the five tuna RFMOs. This builds on criteria used by North East Atlantic Fisheries Commission (NEAFC) and draft criteria suggested for the International Commission for the Conservation of Atlantic Tunas (ICCAT).

The 27<sup>th</sup> FAO Committee on Fisheries (COFI) Session was held in Rome from 5-9 March 2007. Members of COFI emphasised the importance of conducting performance reviews, stressing the need to develop common criteria to evaluate the core functions and obligations of RFMOs. The Committee also noted the need to be flexible and have a transparent process.

At its 11th Session on 13-18 May 2007, the Indian Ocean Tuna Commission (IOTC) agreed to implement a process of performance review. Based on the draft performance criteria developed as a result of the Kobe meeting, the IOTC adopted a set of criteria and agreed to set up a performance review panel comprised of an independent expert scientist and representatives of six IOTC Members.

Australia proposes that WCPFC4 should commit to undertake a review of the WCPFC's performance as a key priority of the Commission's work programme and to be completed by the 5<sup>th</sup> regular session of the Commission. It is Australia's view that this review must be conducted in a transparent manner and with a degree of independence that will give the results the necessary credibility.

Australian skipjack development plan

CMM2005-01 provides a special provision for the development of skipjack fisheries between 20 degrees north and 20 degrees south, that can provide verifiable evidence of minimal yellowfin and bigeye bycatch, with 100% observer coverage and a legitimate development plan. CCMs are required to table any new plans at the Commission before Government approval is provided. The Commission is to be given the opportunity to comment on the plan before its approval.

I have attached Australia's development plan for its skipjack purse seine fishery between 20 degrees north and 20 degrees south for comment by the Commission at WCPFC4.

Yours sincerely

Simon Veitch  
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Fisheries and Forestry

November 2007