
ISSUES ARISING FROM WCPFC1

WCPFC2-2005/11
15th November 2005

Paper prepared by the Secretariat

1. Paragraph 7, Annex II of the Summary Record of the First Session of the Commission refers to carry over provisions of previous Resolutions. WCPFC1 agreed that, in addition to the Resolution adopted at WCPFC1, the Resolutions adopted at the fourth and fifth sessions of the MHLC and the Preparatory Conference Resolutions (WCPFC/PrepCon/22 and WCPFC/PrepCon/34) continued to apply.
2. The present paper, at Appendix A, presents a summary of the issues addressed by the Resolutions referred to at Annex II of the Summary Report of WCPFC1. In addition, issues arising from the work of the Preparatory Conference, including the Final Reports of the three Working Groups and the Final Report of the Preparatory Conference, are reviewed.
3. Members are invited to consider the status of issues arising from MHLC, the Preparatory Conference and WCPFC1 that required action. If agreed necessary, Members may propose new strategies, or additional action, to achieve the desired outcome for each action item. Discussion during WCPFC2 may also suggest new action items to be addressed.

Issues Arising From WCPFC1

Source	Issue	Action
MHL CIV [February 1999]		
Resolution, Para. 1	Urge all States and other entities to exercise reasonable restraint in respect of any regional expansion of fishing effort and capacity and to apply the precautionary approach forthwith.	Members and co-operating non-members will be invited to consider the effectiveness of implementing this resolution during WCPFC2.
Para. 2	Exchange information on the activities of fishing vessels which might jeopardize the effectiveness of this resolution.	Members and co-operating non-members will be invited to consider the effectiveness of implementing this resolution during WCPFC2.
Para. 3	...disseminate this resolution widely.	Members and co-operating non-members will be invited to consider the effectiveness of implementing this resolution during WCPFC2.
MHL CV [September 1999]		
Resolution	Recalled the MHL CIV Resolution, in which the participants, <u>inter alia</u> , urged all States and other entities concerned to exercise reasonable restraint in respect of any total expansion of fishing efforts and capacity and to apply the precautionary approach.....	Members and co-operating non-members will be invited to consider the effectiveness of implementing this resolution during WCPFC2.
PrepCon3 [November 2002]		
/PrepCon/22 Para. 1	...exercise reasonable restraint in respect of any expansion of fishing effort and capacity.....and apply the precautionary approach.....	Members and co-operating non-members will be invited to consider compliance with this resolution during WCPFC2.
Para. 2	...take every appropriate measure, in accordance with their international obligations and with the IPOA-IUU and other relevant international instruments, to prevent, deter and eliminate IUU fishing in the Convention Area.	Members and co-operating non-members will be invited to consider compliance with this resolution during WCPFC2.
Para. 3	Promote cooperation .....on IUU fishing	Members and co-operating non-members will be invited to consider the effectiveness of implementing this resolution during WCPFC2.
Para. 4	...disseminate this resolution widely.	Members and co-operating non-members will be invited to consider the effectiveness of implementing this resolution during WCPFC2..
Para. 5	Consider these issues at subsequent meetings of the Preparatory Conference.	Members and cooperating non-members may like to review the extent this was achieved during WCPFC2.

Source	Issue	Action
PrepCon5 [October 2003]		
/PrepCon/34 Para. 1	... requested the Interim Secretariat to prepare a paper on management options in respect of bigeye and yellowfin	This was completed and presented to the 6 th session of the Preparatory Conference at Bali in 2004.
Para 2	The Commission, at its first session, to consider management options in respect of bigeye and yellowfin.	Annex II of the Summary Record of WCPFC1 details the outcomes of WCPFC1's consideration of this issue. Further consideration of this matter will take place during WCPFC2.
Para. 3	Encouraged participants to consider financing proposals to improve the collection of catch and effort and size composition data, especially for the domestic fisheries of Indonesia and Philippines.	The United States of America and Chinese-Taipei contributed funds to the Indonesian Philippine Data Collection Project established during the Preparatory Conference. The first meeting of the Scientific Committee at Noumea in August 2005 urged continued support for this initiative.
Para. 4	Strongly urged participants to implement previous resolutions of MHLC and the Preparatory Conference.....in relation to fishing effort and capacity.....noting continued breaches of these resolutions.	Members and co-operating non-members will be invited to consider compliance with this resolution during WCPFC2.
Para. 5	Urged participants.....to take measures to prevent their nationals from building and operating new purse seine vessels in the Convention Area under foreign flags, unless those vessels have been constructed to operate under legitimate licenses.	Members and co-operating non-members will be invited to consider compliance with this resolution during WCPFC2.
Para. 6	Strongly urged States, territories, fishing entities and other entities who have continued to breach these resolutions since the original MHLC IV resolution to reduce any overcapacity they have created.	Members and co-operating non-members will be invited to consider compliance with this resolution during WCPFC2.
Para. 7	Urged that any information on activities contrary to this resolution should be reported to the next session of the Preparatory Conference and circulated to all participants.	In July 2004, the Government of Japan hosted a workshop on compliance with MHLC and WCPFC Resolutions at Sapporo, Japan. The Report of the Workshop was tabled at PrepCon7 (WCPFC/PrepCon/DP.33)
PrepCon7, Working Group 1 Final Report [December 2004]		
Para. 33	... urgent task for the Executive Director, once appointed, would be the development of detailed duty statements for each of the approved Secretariat positions.....	In consultation with the Chairman, duty statements for the posts of Science Manager, Compliance Manager, Finance and Administration Manager and Secretary to the Executive Director were prepared by the Executive Director designate in August.

Source	Issue	Action
Para. 33	...urgent task for the Executive Director, ...preparation and submission to the Commission of draft Staff Regulations.....as well as the timely recruitment of key staff members.	WCPFC2 will consider the draft Staff Regulations prepared by the Executive Director designate, in consultation with the Chairman, in August.
Para. 38	In preparing the budget for 2005, the need to avoid a disproportionate burden of costs falling upon those who had ratified the Convention.....	WCPFC2 may like to consider this matter. The Secretariat of the Commission effectively became operational in October with the recruitment of one member of staff, the Executive Director. Throughout 2005 the office of the Chairman supported activities that would have been undertaken by an operational Secretariat. Among other items, the office of the Chairman generously supported the Executive Director's participation in the Scientific Committee at Noumea in August, the reconnaissance visit to Pohnpei in late August and two visits to Canberra.
Para. 39	...in accordance with Annex II of the Rules of Procedure, the possibility exists for territories and possessions to make independent and voluntary contributions to the budget of the Commission. Working Group I agreed that such contributions shall be based upon guidelines to be developed by the Contracting Parties concerned for discussion and approval at a later stage.	WCPFC2 may wish to consider a process by which the guidelines referred to may be developed.
Para. 41	Recommended ...the organisational structure and summary of functions.....contained in WCPFC/PrepCon/37, Annex I and II	WCPFC2 will consider this matter under Agenda Item 6, Administrative Issues.
Para. 41	Recommended ....subject to the concerns expressed in paragraph 32 of the Final Report of Working Group I, an evolutionary and flexible approach should be taken to the establishment of the Secretariat....	WCPFC2 will consider this matter under Agenda Item 6, Administrative Issues.
Para. 41	Recommended....the Commission develop and adopt a system of salaries and allowances related to that applied by agencies of the Council of Regional Organisations of the Pacific (CROP).	WCPFC2 will consider this matter under Agenda Item 6, Administrative Issues.
Para. 41	Recommended.....adopt the format shown in Annex I of the Final Report of Working Group I for the future presentation of the proposed budget of the Commission.	WCPFC2 will consider this matter under Agenda Item 13, Proposed Work Programme and Budget for 2006.

Source	Issue	Action
PrepCon7, Working Group II Final Report [December 2005]		
Para. 15	Recommended .....a provisional science structure.....	Subject to the decisions of WCPFC2 the Secretariat will implement the proposed structure and functions as recommended.
Para. 15	.....an independent review of the transitional structure and function should be carried out two years after entry into force of the Convention, or earlier if required,	The report, advice and recommendations of the Scientific Committee will be considered by WCPFC2.
Para. 16	....suggested that an assessment of the costs and benefits of utilizing the capabilities of SPC-OFP for providing the data management functions of the Commission, .....should be provided.	SPC-OFP presented an initial costing to the PrepCon4 at Manila. The Secretariat, working with the Scientific Committee, and subject to the decision of the Commission, will support the proposed review of scientific services, tentatively scheduled for early 2007.
Para. 16	....recommended.....stock assessments for the four major species (bigeye, skipjack, south Pacific albacore and yellowfin) be undertaken.....	The report, advice and recommendations of the Scientific Committee will be considered by WCPFC2.
Para. 18	....a single meeting combining the work of the Scientific Committee and the Specialist Working Groups be held annually at least two months prior to the annual session.....preferably in the final quarter of each year.	The first meeting of the Scientific Committee was jointly hosted by the Government of New Caledonia and SPC at Noumea in August 2005. The report, advice and recommendations of the Scientific Committee will be considered by WCPFC2.
Para. 19	....budget of the Commission reflects the costs of supporting the participation of one participant from each developing State member and each participating territory.	The Commission provided US\$75,000 to support the first meeting of the Scientific Committee, including the participation of representatives from developing State members and participating territories. The total cost of the Noumea Scientific Committee exceeded US\$90,000 with the balance of support (US\$20,000) being donated by New Caledonia.
Para. 20	Recommended.....the first meeting of the Scientific Committee be in December 2004.....with the purpose of electing a Chairman and Vice-Chairman....	WCPFC1 convened as the Scientific Committee. Dr. Sung Kwon Soh (Korea) was elected Chairman. Selection of other officers of the Committee was deferred.
Para. 21	..... recommended a work plan or the Scientific Committee for 2005.	This will be considered under Agenda Item 7 during WCPFC2.
Para. 22	..... recommended that the stock assessment, statistics, methods, fishing technology, biology, ecosystems and by catch be established as subsidiary bodies of the Scientific Committee and that working groups meet in conjunction with the Scientific Committee.	This will be considered under Agenda Item 7 during WCPFC2.

Source	Issue	Action
Para. 25	.....recommended operational level data be collected by all fleets and be made available to the Commission for stock assessment and other scientific analyses, with appropriate arrangements for data security and confidentiality.	WCPFC2 is referred to the Report of the Scientific Committee in respect of the collection of operational level data (and the work of the Statistics Working Group). The Commission's capacity to receive data, maintain its security and confidentiality, and make it available for approved assessment and analyses, will be a priority during 2006. See also comments with respect to Para. 30 below.
Para. 26	...recommended annual catches by species, gear and fleet in the Convention Area be reported by flag States and coastal States.	Although a priority for future years, the Commission Secretariat was not able to receive and process this information in 2005. Members' representatives at the Scientific Committee in August may wish to comment on the quality of reports received from flag States and coastal States and apparent gaps for non-reporting.
Para. 27	...recommended that size composition data should be collected at the operational level.....	This will be considered under Agenda Item 7 as part of the report of the Scientific Committee to WCPFC2.
Para. 28	...recommended flexibility in establishing the data reporting requirements for the Commission and that coastal States and flag States cooperate to ensure that the Commission receives data in a timely fashion.	WCPFC2 may wish to consider options for implementing this recommendation.
Para. 30	...recommended the Preparatory Conference establish an <i>ad hoc</i> task group, composed of the Chairs of WG.I, WG.II, WG.III and the SCG, and other experts to identify types of data that must be treated as confidential and develop draft rules of procedure to govern the security and confidentiality of scientific data and other information...	WCPFC2 may wish to consider further work on this issue as part of the 2006 work programme.
Para. 31	...recommended the development of a long term strategy to address the provisions of Article 30 with respect to the data requirements and technical capacities of Pacific Island countries and territories.....	This was considered during the Scientific Committee (August 2005) and Technical and Compliance Committee (December 2005) meetings. WCPFC2 will discuss this matter further under Agenda Items 7, 8 and 11.
Para. 33	...the Scientific Committee, once established, would need to develop a research plan .....and cooperation issues before the Commission. A number of specific research projects were identified as priorities.....	This will be considered under Agenda Item 7 as part of the report of the Scientific Committee to WCPFC2.

Source	Issue	Action
Para. 34	...recommended that stock assessments be undertaken for all tuna species in 2005. In the event that this was precluded by limited resources.....priority.....1. bigeye...including a Pacific-wide assessment in collaboration with IATTC, 2. South Pacific albacore and/or yellowfin, and 3. skipjack. WG. II also recognised that assessing the status of billfish stocks.....is an important issue.....	This will be considered under Agenda Item 7 as part of the report of the Scientific Committee to WCPFC2.
Para. 39	With respect to the Indonesia and Philippines Data Collection Project....WG.II recommended that: (a) The Commission adopt the Project... (b) ..transfer funds from the POCF to the Commission's Special Requirements Fund; (c) the Commission establish the IPDCP Steering Committee.....and report thereon to the Scientific Committee; and (d) Commission Members and potential members contribute, as soon as possible....	This will be considered under Agenda Item 7 as part of the report of the Scientific Committee to WCPFC2. The Commission has adopted the Project and funds held in respect of the Project at FFA have been transferred to the Commission's account. The Scientific Committee recommended the IPDCP Steering Committee include representatives from Indonesia, the Philippines, donors, the Chairman of the Scientific Committee and the SPC OFP.
PrepCon7, Working Group III Final Report [December 2005]		
Para. 22	.....work programme for the TCC....contained in Annex III.....	TCC1 and WCPFC2 (under Agenda Item 8) will review and report on the status of the programme of work described in Annex III.
Para. 23	Recommends adoption... (a) ... of the vessel marking scheme (WCPFC/PrepCon/47.. (b) ...procedures for the record of vessels and authorisations to fish contained at Annex I. (c) ...the draft decision relating to cooperating non-members contained at Annex II. (d) ...the TCC adopt the draft programme of work contained at Annex III.	WCPFC1 adopted the procedures for its record of fishing vessels, authorisations to fish, specifications for the marking and identification of fishing vessels, and procedures for operating non-members (Para. 20 to 22 inclusive, Summary Record of WCPFC1). The report of TCC1, under Agenda Item 8, will consider the status of the programme of work.

Source	Issue	Action
Para. 24	.....recommended TCC1 convene a meeting in 2005, in association with the SC. ....priorities.....to develop the Commission's VMS, development of the observer programme and guidelines on transshipment, the preparation of a standard for national reports to monitor compliance by Commission members and Cooperating non-members.	Although TCC1 was not convened in association with the SC, the Chairman of the TCC participated in the SC. The Chair of the SC also participated in TCC1. Agenda Item 8 provides an opportunity to discuss progress in respect of addressing the priorities and recommendations contained in the Final Report of WG. III.
Annex I, Para. 1	Authorisations to fish	TCC1 and WCPFC2 will discuss monitoring and compliance with the provisions of Annex I relating to authorisations to fish.
Para. 4	Members' record of fishing vessels	TCC1 and WCPFC2 will discuss monitoring and compliance with the provisions of Annex I relating to authorisations to fish. The Secretariat will also report on information received in accordance with paragraph 5 of Annex I prior to 1 July 2005 and, in accordance with paragraph 6, any additional information received from members after 1 July 2005.
Para. 8	WCPFC Record of Fishing Vessels	The Secretariat provided a summary of information contained in the WCPFC Record of Fishing Vessels 30 days prior to WCPFC2. Web-based servicing for the WCPFC Record of Fishing Vessels will be advanced in 2006. The Secretariat will provide a summary of information received in relation to annual reviews undertaken by Members in relation to paragraph 1 of Annex I, including sanctions and punitive actions.
Para. 18	...obligations and responsibilities shall apply equally to ay cooperating non-member....	TCC1 and WCPFC2 will discuss monitoring of, and compliance with, the provisions of Annex I by cooperating non-members.
Annex II, Para. 1	A non-member of the Commission, whose vessels intend to fish in the Convention Area, may request the Commission for the stats of Cooperating non-member.	WCPFC2 will review requests received 90 days in advance of WCPFC2 and compliance by Cooperating non-members in accordance with the provisions of Annex II.
Annex III	....programme of work....	See the comment (above) relating to paragraph 22 of the Final Report of WG. III.

Source	Issue	Action
WCPFC1 Summary Record [December 2004]		
Para. 10	Establishment of the Northern Committee.	To be considered by WCPFC2
Para. 13	Negotiate a contract of employment with the preferred candidate for the position of Executive Director.	A contract of employment was successfully negotiated with an alternate candidate.
Para. 14	Staff Regulations	To be considered by WCPFC2
Para. 15	Refine background data and information used to calculate assessed contributions.	Taken into account during preparation of the draft schedule of contributions for 2006 to be considered by WCPFC2
Para. 15	Greater transparency in costing of external services	Taken into account during preparation of the draft budget for 2006 to be considered by WCPFC2
Para. 16	To wind up the PCOF by January 31 2005.	The PCOF was wound up in September 2005 with the balance of funds transferred to the Commission's accounts in Pohnpei.
Para. 16	Auditor's statement in relation to the PCOF.	FFA commissioned an audit of the PCOF for the period 1 st January 2004 to 28 th February 2005.
Para. 17	Financial Regulations (and paragraph 40 of the Final Report of Working Group I)	Correct version of the Financial Regulations will be considered by WCPFC2
Para. 19	Deferred the question of the election of other officers to the Scientific Committee.	To be considered by WCPFC2 during the report of the Scientific Committee chairperson.
Para. 19	New Zealand's support for an interim scientific adviser.	Excellent support was provided by Neville Smith, New Zealand, during the preparations for, and conduct of, the Scientific Committee in August 2005 at Noumea.
Para. 21	Cooperating Non-members to advise the Commission that it undertakes to advise the Commission that it undertakes to comply with the obligations listed in paragraph 3 of the procedures for Co-operating non-members.	The majority of countries identified at paragraph 21 ratified or acceded to the Convention during the year. The Secretariat will update Members on submissions received in respect of this paragraph of the Summary Record from WCPFC1 at WCPFC2.
Para. 22	Officers of the Technical and Compliance Committee	The first meeting of the Technical and Compliance Committee (TCC1) considered the issue of selection of other officers of the Committee.
Para. 23	Conservation and management options.	Refer to Annex II actions described below.

Source	Issue	Action
Para. 24	<p>...took note of the work programme for the Secretariat proposed in WCPFC/Comm.1/5. It was noted that a more detailed work programme would be formulated once the necessary administrative arrangements had been made. In relation to the draft programme of work proposed in WCPFC/Comm.1/5:</p> <p>3(a) Develop detailed duty statements for the approved Secretariat positions.</p> <p>3(b) Prepare and submit draft staff regulations for the consideration of WCPFC2.</p> <p>3(c) Commence recruitment for key staff positions.</p> <p>3(d) Establish financial management systems</p> <p>3(e) Prepare, organise and service meetings of the Commission and its subsidiary bodies.</p> <p>3(f) Develop a comprehensive multi-year work programme for adoption of the Commission in 2005.</p>	<p>Duty statements have been prepared for the three senior managers.</p> <p>Draft Staff Regulations submitted to WCPFC2.</p> <p>Advertising for the three senior managers commenced September 2005 and closed on 14th October. Following short-listing a selection panel will convene during WCPFC2.</p> <p>Draft Terms of Reference to establish the Commission's finance management systems have been prepared and are waiting on the recruitment of a Finance and Administration Manager prior to implementation.</p> <p>Due to a delay in the appointment of the Executive Director the Secretariat of the Pacific Community, with assistance provided by New Zealand, undertook most of the planning and preparatory work for the first session of the Scientific Committee in Noumea.</p> <p>Preparation for the first session of the Technical and Compliance Committee and the second session of the Commission was undertaken by the Secretariat with the support of the Chair's office.</p> <p>The programme of work and budget for the Commission will be considered under Agenda Item 13 at WCPFC2.</p>

	<p>3(g) Prepare a draft budget for the Commission for 2006.</p> <p>4 (a) Establish a Commission website</p> <p>4 (b) Develop cooperative arrangements with IATTC and other relevant organisations.</p> <p>4 (c) Commence work on establishment of a record of fishing vessels and authorisation to fish.</p>	<p>With the assistance of the SPC-OFP, the website that served during the Preparatory Conference has been maintained, on a temporary basis, as the Commission's website.</p> <p>See note (below) relating to paragraph 25.</p> <p>See note (above) relating to the Final Report of WG.III.</p>
Para. 25	Future cooperation with IATTC taking note of the Final Report of the Preparatory Conference <i>vis a vis</i> to appoint a group to work with the IATTC to develop guidelines to give full effect to article 22, paragraph 4, of the Convention, with respect to the need to avoid duplication of management measures and to promote consistent management measures throughout the migratory range of stocks that occur in the areas covered by the two Conventions.	No progress to date. To be considered by WCPFC2 in relation to the 2006 work programme.
Para. 27	Members to designate official contact points.	Some difficulties have been experienced re-establishing and maintaining contact with official contact points. The Secretariat will seek to complete an updated Official Contact database during WCPFC2.
Para. 28	2005 meetings of the Scientific Committee and Technical and Compliance Committee.	The Meetings were held and reports will be considered by WCPFC2.
Annex I	Designate the banks and accounts of the Commission to Members.	The Chair advised Members of Commission account details in his letter of 29 August 2005.
Annex I	Transfer the balance of the Preparatory Conference Organisation Fund to the working capital fund.	Funds were transferred in September 2005.
Annex I	Transfer balance of the Preparatory Conference Organisational Fund for specific purposes, including the Indonesian and Philippines Data Collection to the Special Requirements fund.	Funds were transferred in September 2005.
Annex I	Executive Director to provide advice to WCPFC2 on the appointment of an auditor.	Auditor to be appointed by WCPFC2

Source	Issue	Action
Annex II, para. 1	Advice to WCPFC2 in relation to: (a) Sustainable catch and effort levels for yellowfin, bigeye and south Pacific albacore (b) 5 and 10 year projections for total biomass and spawning stock biomass for bigeye and Yellowfin.....possible scenarios.....including effects of time/area closures... (c) Effects on stocks to mitigate the catch of juvenile bigeye and Yellowfin including controls on setting on floating objects; and (d) Estimates of mortality for non-target species with an initial focus on seabirds, turtles and sharks.	The report, advice and recommendations of the Scientific Committee in relation to these matters has been prepared and will be considered by WCPFC2.
Annex II, para. 2.	Preliminary analysis.....to be made available 60 days in advance of WCPFC2.	The results of the deliberations of the Scientific Committee in relation to these matters were made available to members at least 60 days in advance of WCPFC2 and will be considered under Agenda Item 7.
Annex II, para. 3.	The technical and Compliance Committee to provide advice.....in relation to conservation and management measures... in advance of the Second Annual Session...	The report, advice and recommendations of the Technical and Compliance Committee will be considered by WCPFC2 under Agenda Item 8.
Annex II, para 6	The Technical and Compliance Committee shall consider the regional observer programme as well as the VMS programme as a matter of priority at its 2005 meeting.	The report, advice and recommendations of the Technical and Compliance Committee in relation to these matters will be considered by WCPFC2
Annex II, para 7	The resolutions of the MHLC and the Preparatory Conference ....continue to apply.	Refer to MHLC and Preparatory Conference actions described above.