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**FIRST MEETING  
OF THE  
TECHNICAL AND COMPLIANCE COMMITTEE  
OF THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF  
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL  
PACIFIC OCEAN, POHNPEI, FEDERATED STATES OF MICRONESIA,  
5-9 DECEMBER 2005**

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WCPFC/TCC1/10 Rev.1  
29<sup>th</sup> November 2005

**REVIEW OF STATUS OF MEASURES**

**Paper prepared by the Secretariat**

**Introduction**

1. Article 14 (1) of the Convention describes the functions of the Technical and Compliance Committee (TCC). These include the provision of information, technical advice and recommendations relating to the implementation of, and compliance with, conservation and management measures to the Commission.
2. The Commission has not benefited from a functional Secretariat for the majority of the year. As a result, the capability to coordinate monitoring and reporting on compliance with the conservation and management measures of the Convention (including associated agreements such as UN FSA), or those adopted by the Commission, is at an early stage of being operationalized.
3. The process of monitoring and reporting on measures adopted by the Commission commenced in July 2005 when the Chairman circulated a letter to Members requesting information detailed in Annex I of the Final Report of Working Group (WG) III. The Report of WG. III, which was adopted by the First Session of the Commission in December 2004, is intended to apply equally to Members and Cooperating Non-Members.
4. The information detailed in Annex I is drawn from Part V and Annex IV of the Convention and relates to i) Authorizations to Fish, ii) Members' Record of Fishing Vessels and iii) the WCPFC Record of Fishing Vessels. There are other provisions of the Convention, such as those described in Part IV and VI, which also impose reporting and monitoring obligations on Members.
5. The responses to the Chairman's July letter received by the Secretariat provide a convenient starting point to assess the status of measures. On the basis of responses received, and recalling the functions of the TCC in relation to providing information, technical advice and recommendations to support reporting and monitoring on compliance with conservation, management and other measures or matters that may have

been agreed to further the objective of the Convention to the Commission, TCC1 is invited to:

- i) review the information received in response to the Chairman’s July 2005 letter, and
- ii) consider means to strengthen reporting and monitoring processes and procedures associated with the conservation and management provisions of the Convention.

### **Information Received in Response to the Chairman’s Letter**

6. At the time of preparing this paper seven Members and one participating territory had responded to the Chairman’s letter. Responses were received from:

Philippines	30 <sup>th</sup> June 2005 (updated 12 <sup>th</sup> October)
Japan	1 <sup>st</sup> July 2005 (revised 14 <sup>th</sup> November)
Korea	1 <sup>st</sup> July 2005
New Zealand	8 <sup>th</sup> August 2005,
Cook Islands	20 <sup>th</sup> August 2005
Chinese-Taipei	24 <sup>th</sup> August 2005,
People’s Republic of China	29 <sup>th</sup> September 2005 (updated 26 <sup>th</sup> November)
New Caledonia	13 <sup>th</sup> October, 2005
United States of America	27 <sup>th</sup> October 2005
Federated States of Micronesia	28 <sup>th</sup> November 2005
Australia	29 <sup>th</sup> November 2005

7. Table 1 presents a summary of the information provided. All vessel detail files were submitted in MS Excel in a range of formats. Because of file transfer difficulties not all respondents were able to submit colour photographs of vessels.

#### *Authorizations to Fish*

8. It is not clear which authority is responsible for issuing the WIN or WCPFC Identification Number – the Commission or the local issuing authority? Some respondents have assigned a number whilst others have not. Some respondents used an alphanumeric identifier, others simply a number.

9. In addition to a WCPFC Identification Number, or WIN, Chinese-Taipei refers to an “Authorization Form”, the People’s Republic of China (PRC) refers to a “authorization number”, New Zealand refers to a “High Seas Permit” and the USA to a “High Seas Fishing Permit”. Korea issues authorizations for a period of five years, includes an “authorization number” but makes no reference to a WCPFC Identification Number or WIN.

10. The validity of authorizations from the majority of respondents that provided this information is 12 months. In the case of Korea and the USA, the authorization is valid

for five years and for the PRC, validations range from 12 months to 2, 5 and 6 years. In some cases the period of validity was not specified.

11. Finally, while some respondents provided information on the fishing areas vessels are authorized to operate (some were effectively global), species and time periods for which the authorizations were valid, there was little or no evidence that the other requirements of the Authorization, described in paragraph 3 of Annex I of the Final Report of WG. III, were satisfied (para. 3(b)(c)(d) and (e)).

#### *Members' Record of Fishing Vessels*

12. Records of Fishing Vessels were received from eight Members and one participating territory. A total of 5,111 vessels are included in these Records which cover small, medium and large-scale tuna fishing vessels, vessels targeting tuna and other species, support vessels, research and training vessels, with an additional two purse seine vessels under construction.

13. It has not been possible to verify the information contained in each Record. Preliminary review suggests that not all the information identified at Annex IV of the Convention and in Annex I of the Final Report of WG. III has been provided by all of those Members that responded. In some cases information relating to authorizations has not been provided, freezer information and information relating to communications equipment is lacking or incomplete and name and/or nationality of the master is not always provided. In some cases where photographs were provided, clear identification of the vessel was not possible because of poor quality of the photograph.

#### *WCPFC Record of Fishing Vessels*

14. Apart from a consolidated list of vessels provided by Members, and summarized above, a formal WCPFC Record of Fishing Vessels is yet to be established.

15. WCPFC1 approved funding of US\$40,000 to assist with the development and implementation of the Commission's "vessel register" during 2005. It was not possible to start this activity in 2005. Subject to the direction of the TCC and the Commission, this activity will be commenced early in 2006. Assuming this proceeds, consideration of a standard format and details for the provision of vessel record and authorization information by Members and Cooperating Non-members will be prioritized. This will assist future consolidation and analysis of the information provided and also posting on the Commission's website.

**Table 1.** Summary of information relating to Vessel Records and Authorizations to Fish, as of 26<sup>th</sup> November 2005.

Member	Gear or type of vessel	Number of Vessels reported on the Member's Record	Number of Vessels with an Authorization number (WIN, WCPFC # or similar)	Species
Australia	Longline	197		
	High Seas Non- Trawl	8		
	High Seas Trawl	16		
	<b>Total</b>	<b>221</b>		
Cook Islands	Longline	26		Tuna
	Longline/bottomfish	1		Tuna
	<b>Total</b>	<b>27</b>		
Chinese Taipei	Longline	1,851	1,830 <sup>B</sup>	Tuna /tuna-like
	Longline	43	0 <sup>B</sup>	Shark / tuna-like
	Purse seine	32 (1) <sup>A</sup>	32	Tuna /tuna-like
	Carrier	25	25	
	<b>Total</b>	<b>1,951 (1)</b>		
Federated States of Micronesia	Purse seine	4		
	Longline	6		
	<b>Total</b>	<b>10</b>		
Japan	Small/medium longline and pole-and-line	465	465	
	Large longline/pole-and-line	468	468	
	Single purse seine	35	35	
	Group purse seine	187	187	
	Troll/harpoon	308	308	
	Research	15	15	
	Training	36	36	
	<b>Total</b>	<b>1,514</b>		
Korea	Deepsea longline	201	201	Tuna /tuna-like
	Deepsea purse seine	28 (1) <sup>A</sup>	28	Tuna /tuna-like
	Offshore purse seine	30		Tuna /tuna-like
	<b>Total</b>	<b>259 (1)</b>		
New Caledonia	Tuna longliner	14		Tuna/assoc. spp.
	<b>Total</b>	<b>14</b>		
New Zealand	Purse seine	4	4	
	Surface longline	5	5	
	Surface/bottom l/l	1	1	
	Surface troller	1	1	
	<b>Total</b>	<b>11</b>		
Philippines	Catcher - longline	23		
	Catcher - purse seine	84		
	Catcher - unspecified	3		
	Ranger/surveyor boats	27		
	Light/skiff/sonar boats	151		
	Carrier boats <sup>C</sup>	126		
	Tanker	2		
	<b>Total</b>	<b>416</b>		
People's Republic of China	Longline	211	122 <sup>D</sup>	Tuna
	Purse seine	8	5	Tuna
	Fishing boat	1	1	"kinds of tuna"
	<b>Total</b>	<b>220</b>		

United States of America	Tuna purse seine/purse seine nei	16,2	18	
	Tuna longliner/longliners	73,35	108	
	Pole-and-line	11	11	
	Trollers	182	182	
	Jigging liners/liners	45,11	56	
	Multi-purpose	35	35	
	Unspecified	58	58	
	Total	<b>468</b>		
	<b>Grand Total</b>	<b>5,111 (2)</b>		

A. One purse seiner under construction

B. 89 vessels without “authorization form” or “authorization number” (43 identified as targeting “shark and tuna-like species” and 21 targeting “tuna and tuna-like species”). A “WIN” was provided for these vessels.

C. Includes brine boats, fish reefers, freezer carriers, ice carriers, reefer boats, refrigerated carriers and one water carrier

D. 121 vessels either without “authorizations” or with incomplete information (fishing area, species, authorization number or period of authorization validity not provided).

## Previous decisions

16. Paragraph 7, Annex II of the Summary Record of the First Session of the Commission referred 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. The Resolutions are paraphrased in Table 2.

**Table 2.** Summary of Resolutions adopted during the Multilateral High Level Conference and the Preparatory Conference relating to conservation and management measures.

MHLCIV [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.
Para. 2	Exchange information on the activities of fishing vessels which might jeopardize the effectiveness of this resolution.
Para. 3	...disseminate this resolution widely.
MHLCV [September 1999]	
Resolution	Recalled the MHLCIV Resolution, in which the participants, <i>inter alia</i> , 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.....
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.....
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.
Para. 3	Promote cooperation .....on IUU fishing .....
Para. 4	...disseminate this resolution widely.
Para. 5	Consider these issues at subsequent meetings of the Preparatory Conference.

17. The TCC may wish to consider means to receive and disseminate reports relating to the monitoring and reporting on compliance with these commitments.

## Summary of measures

18. The Convention provides for the development and implementation of a range of measures to support conservation and management. The Record of Fishing Vessels and Authorization to Fish found in Part V (Duties of the Flag State), and elaborated at Annex I of the Final Report of WG. III, are but two of them. Other measures that the Commission may develop means to monitor and report on include:

#### *Record of Fishing Vessels*

- that responsibilities in respect of its vessels on the Commission's Record of Fishing Vessels can be demonstrated to be exercised effectively under the 1982 Convention, the Agreement and the Convention;
- that any changes to a Member's Record of Fishing Vessels or Authorization to Fish, or any requests from the Executive Director for information in respect of vessels on its national record of fishing vessels, are communicated to the Executive Director within the time frame prescribed;

#### *Compliance with conservation and management measures*

- That measures to ensure that vessels comply with conservation and management measures pursuant to the Convention have been adopted and applied. Such measures may include the Resolutions adopted during the Multilateral High Level Conference, the Preparatory Conference and the Annual Sessions of the Commission.
- The number of authorizations to fish and the level of fishing effort is commensurate with the fishing opportunities available to that Member in the Convention Area.

#### *Flag State responsibility*

- The means to ensure that any fishing vessel flying its flag conducts fishing in areas under the national jurisdiction of another State only where the vessel holds an appropriate licence, permit or authorization, as may be required by that other State.
- The means to ensure that fishing for highly migratory fish stocks in the Convention Area is conducted only by vessels flying its flag as a Member of the Commission.
- The means to ensure that the owners of vessels on the WCPFC Record of Fishing Vessels can, if necessary, be prosecuted under national law.

#### *Authorization to Fish*

- That Members do not issue an Authorization to Fish to a vessel with a history of violations, or a history of IUU fishing, subject to the conditions stipulated in paragraph 1(f) of Annex I of the Final Report of WG. III being satisfied.
- That reports on any withdrawal of an Authorization to Fish is available to Members.

#### *VMS*

- Establish a VMS for all vessels that fish for highly migratory species on the High Seas in the Convention Area.

#### *Observers*

- Implement a regional observer programme to collect and verify catch data and other scientific data and monitor implementation of conservation and management measures.

### *Boarding and inspection*

- Establishment of procedures for boarding and inspection on the high seas.

### *Monitoring of transshipment*

- Establishment of procedures to verify transshipment.

### *Violations*

- That alleged violations on the high seas or in areas under national jurisdiction (such as a vessel that is not on the WCPFC Record of Fishing Vessels is or has been engaged in fishing for or transshipment of highly migratory fish stocks in the Convention Area) are investigated pursuant to Article 25.
- The means to monitor responses by Members to information circulated by the Executive Director relating to incidents involving vessels flying the flag of a non-member without cooperating status or, or vessels of indeterminate flag.

### *Port State measures*

- The means to ensure that landing at its ports or transshipment to vessels flying its flag of highly migratory fish stocks caught in the Convention Area by vessels not entered on the WCPFC Record of Fishing Vessels is prohibited.
- The means to report and monitor measures adopted and implemented by port State Members in accordance with international law, sub-regional, regional or global conservation and management measures.

### *Data*

- Annual catch estimates, the number of vessels active, operational level catch and effort data, aggregated catch and effort data, size composition data, the geographic area covered by operational catch and effort data, target coverage rates for operational level catch and effort data and procedures for verification for operational catch and effort data (refer to Annex VII of the Report of the First Regular Session of the Scientific Committee. Also the Report recommends the procedures be developed in consultation with the Secretariat *sic.* and the TCC?).

## **Conclusion**

19. The format, information detail and an agreed process for monitoring and reporting on compliance with measures pursuant to the Convention and the decisions of the Commission are a priority task for the Commission. To assist with consideration of this at TCC1 the Secretariat provided guidelines to Members (WCPFC-TCC1-09).



20. The TCC is invited to propose a process, for implementation in 2006, to meet the monitoring and reporting obligations of Members consistent with the Convention and the decisions of the Commission.

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