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

Sixth Regular Session

Papeete, French Polynesia
7–11 December 2009

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SUMMARY REPORT

AGENDA ITEM 1 - OPENING OF MEETING

1. The Sixth Regular Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC6) took place from 7–11 December 2009 in Papeete, French Polynesia. The session was opened by the Chair of the WCPFC, Ambassador Satya Nandan (Fiji).

2. The President of French Polynesia, Gaston Tong Sang, and the High Commissioner for France in French Polynesia, Adolphe Colrat, both warmly welcomed participants to Tahiti (Attachments A and B, respectively) and expressed their wishes for a productive and enjoyable meeting.

3. The WPCFC Chair thanked both the President and the High Commissioner for their hospitality. He expressed his appreciation to officials from French Polynesia, including the Hon. Temauri Foster (Minister of the Sea-Fisheries and Aquaculture), Bruno Peaucellier (Head of International Relations, Office of the President), Stephen Yen Kai Sun (Director, Fisheries Department) and Dominique Person (Head of Marine Affairs, French Polynesia) for their assistance with meeting preparations and operations.

4. Niue, on behalf of all participants, thanked the governments of French Polynesia and France for their generous assistance in hosting the meeting.

5. The following Members attended: Australia, Canada, People's Republic of China, Cook Islands, European Union (EU), Federated States of Micronesia (FSM), Fiji, France, Japan, Kiribati, Korea, Republic of the Marshall Islands (RMI), Nauru, New Zealand, Niue, Palau, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America (USA) and Vanuatu.

6. The following Participating Territories attended: American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia, Tokelau, and Wallis and Futuna.

7. Indonesia, Belize and El Salvador participated as Cooperating Non-members (CNM).

8. Ecuador, Panama, Thailand and Vietnam participated as observers from non-member countries.

9. Observers from the following intergovernmental organizations attended: Inter- American Tropical Tuna Commission (IATTC), International Scientific Committee for Tunas and Tuna-like Species in the North Pacific Ocean (ISC), Pacific Islands Forum Fisheries Agency (FFA), Pacific Islands Forum Secretariat, Secretariat of the Pacific Community (SPC), and The World Bank.

10. Observers from the following non-governmental organizations attended: Birdlife International, Earth Island Institute, Greenpeace, International Sustainable Seafood Foundation, International Union for the Conservation of Nature (IUCN), Marine Stewardship Council (MSC), Pacific Island Tuna Industry Association, the World Tuna Purse Seine Organisation, and World Wide Fund for Nature.

11. A full list of participants is provided in Attachment C.

1.1 Chair's statement

12. The Chairman's opening statement is appended to this report (Attachment D).

13. The following Members and Participating Territories made opening statements: Cook Islands (Attachment E), Korea (Attachment F), Kiribati (Attachment G), New Caledonia (Attachment H), Niue on behalf of the FFA (Attachment I), Papua New Guinea (Attachment J), Tokelau (Attachment K), Tuvalu (Attachment L) and Chinese Taipei (Attachment M).

1.2 Adoption of agenda

14. The agenda, as amended by the meeting (WCPFC6-2009/02 (Rev. 1), and the associated programme of work (WCPFC-2009/04), were adopted (Attachment N).

1.3 Meeting arrangements

15. The WCPFC Executive Director, Andrew Wright, introduced Secretariat technical staff attending the meeting, including Lucille Martinez, Executive Assistant; Herolyn Movick, Office Manager; Andrew Richards, Compliance Manager; Ken Smithson, Finance and Administrative Manager; Dr SungKwon Soh, Science Manager; and Karl Staisch, Observer Programme Coordinator. In addition to Secretariat staff, Dr Shelley Clarke served as rapporteur, Dr Martin Tsamenyi as WCPFC Legal Advisor, and Dr Ziro Suzuki represented the Japanese Trust Fund, which is administered by the Secretariat.

AGENDA ITEM 2 - MEMBERSHIP

2.1 Status of the Convention

16. New Zealand, as the depository of the Convention, reported that no instrument of ratification, or accession to, the Convention had been received since WCFPC5 (WCPFC6-2009/07).

17. The EU advised that as a result of the entry into force of the Treaty of Lisbon in early December 2009, its delegation would henceforth be referred to as "European Union" and not "European Community" as previously advised. The EU will notify this change shortly to the WCPFC Secretariat by means of an official correspondence.

18. Samoa requested correction of the misprint in the annex to WCPFC6-2009/07 regarding its signature and ratification dates.

19. New Zealand agreed to look into these issues and report back to the Commission.

2.2 Applications for observer status

20. The Executive Director advised that one new request for observer status was received (from the Pew Charitable Trust; WCPFC6-2009/08 [Rev. 1]) in accordance with the Rules of Procedure (Rule 36), and an additional late request was received from The World Bank. While there was no objection to either group being granted observer status, the Executive Director noted that several Members, participating Territories, and Cooperating Non-members (CCMs) had stated that, in future, applicants for observer status should comply with all Commission rules and procedures.

21. New Zealand, on behalf of FFA members, reiterated the above issue and suggested that the Finance and Administration Committee (FAC) consider whether there are any costs to the Commission associated with the participation of observers. The FAC was invited to advise the Commission on the appropriateness and, if necessary, the level of observer registration fees in recognition of the growing number of observers and the costs incurred in catering for them at Commission meetings.

2.3 Applications for cooperating non-member status

22. Applications for cooperating non-member (CNM) status, including applications for renewal of status by Indonesia, Belize, El Salvador, Mexico and Senegal, and new applications for CNM status from Ecuador and Vietnam, were considered by the Fifth Technical Compliance Committee meeting (TCC5) in accordance with procedures specified in CMM 2008-02. The Chair of the TCC, Ambassador Wendell Sanford (Canada), noted that none of the applicants had initially provided all of the required information, and that missing information had been requested via correspondence from the Executive Director (WPCFC-2009/09 [Rev. 1]). The TCC Chair noted that future applicants should be sure to check their submissions against the requirements of CMM 2008-02, thereby expediting TCC's work in processing applications.

23. WCPFC6 noted that in the past, participatory rights were granted based, in part, on voluntary undertakings by CNMs in relation to conservation and management measures (CMMs) and other Commission decisions that were adopted by the Commission at the time CNM status

was conferred. The Secretariat prepared a paper (WCPFC6-2009/09 Suppl.) on previous Commission decisions regarding CNMs' participatory rights.

24. In accordance with the requirement of CMM 2008-02 for the Commission to determine participatory rights for CNMs once CNM status is approved, New Zealand convened a small working group and submitted WCPFC6-2009/28, proposing specific participatory rights for each CNM in 2010.

25. Several members stressed that CNM status should not be seen as a stepping stone to full membership.

26. Papua New Guinea and the Philippines stated that the wording of WCPFC6-2009/28 should not be taken as a precedent for the Commission's right to limit fishing activities in archipelagic waters, or to grant national allocations of fishing effort or national limits on catch. These CCMs also noted with concern that text relating to limits on the number of fishing days, in combination with closing high seas areas (e.g. the two high seas pockets to purse-seine vessels under CMM 2008-01), could lead to an undesirable redistribution of purse-seine fishing effort to the central and eastern areas of the Convention Area.

Belize

27. **WCPFC6 approved the application for renewal of CNM status by Belize with the following participatory rights:**

> Catches of bigeye tuna from Belize are limited to 803.25 mt, its average catch levels over the period of 2001–2004; catches of yellowfin tuna are limited to 2,000 mt; and its fishing activities are limited to:
>
> a. Under CMM 2005-02 in accordance with paragraph 1, Belize is limited to historical catch level for 2004 of two unique longliners in the Convention Area south of 20 degrees south latitude;
>
> b. Under CMM 2005-03 Belize is limited to the 2005 level of five unique longliners in the Convention Area north of the equator; and
>
> c. Under CMM 2006-04, Belize is limited to two unique longliners in the Convention Area south of 15 degrees south latitude.

El Salvador

28. **WCPFC6 approved the application for renewal of CNM status by El Salvador with the following participatory rights:**

> El Salvador's fishing activities are limited to four unique purse-seine vessels in the Convention Area fishing in the EEZs of WCPFC Members subject to those vessels being placed on the WCPFC Record of Fishing Vessels (WCPFC RFV) and such opportunities becoming available. WCPFC6 agreed that in addition, under CMM 2008-01, El Salvador's fishing on the high seas in the Convention Area is limited to 29 days of fishing.

Indonesia

29. WCPFC6 noted both the long history of Indonesia's involvement in the work of the WCPF Convention and the urgent need for further engagement of Indonesia in the work of the Commission, including, in particular, data provision and control of Indonesian-flagged vessels.

30. **WCPFC6 approved Indonesia's application for renewal of its CNM status with the following participatory rights:**

a. WCPFC agreed that Indonesia's fishing activities in the Convention Area would be limited to, in accordance with CMM 2008-01, a longline big eye catch limit of 8,413 mt (less 20% or 6,730.4 mt) and purse-seine fishing on the high seas in the Convention Area is limited to 500 days.

b. WCPFC6 encouraged Indonesia to apply compatible measures within its archipelagic waters given that the significance of these waters for juvenile yellowfin and bigeye catches. WCPFC6 noted that Indonesia is a recipient of the new Global Environment Facility West Pacific East Asia Oceanic Fisheries Management (WPEA OFM) Project, through the Commission, and encouraged Indonesia to work with the Commission particularly in areas of data collection improvement.

31. Indonesia expressed its appreciation to the Commission for the decision to renew its CNM status, reiterating its support for the principles of the Convention and noting benefits, such as capacity building, which accrue to Indonesia through its participation in the WCPFC. Indonesia stated that, consistent with its position throughout the Multilateral High Level Conference (MHLC) and Preparatory Conference, it considers that WCPFC CMMs do not apply to archipelagic waters.

Mexico

32. With regard to the application for renewal of CNM status by Mexico, Japan expressed concern that Mexico did not attend the Fifth Regular Session of the Northern Committee (NC5), particularly given that Mexico catches at least 5,000 t per annum of Pacific bluefin tuna. Japan wished to make it clear that future renewals of Mexico's CNM status could be hampered by a continuing lack of participation in the work of the NC. Japan pointed out that Mexico's participation in the work of the NC should be considered at future renewals of the CNM status.

33. **WCPFC6 approved the application for renewal of CNM status by Mexico with the following participatory rights:**

Mexico's fishing activities in the Convention Area are limited to not more than six unique purse-seine vessels fishing only in the EEZs of WCPFC Members, in accordance with appropriate bilateral agreements. WCPFC6 encouraged Mexico to participate in the work of the NC and cooperate fully with WCPFC Members in the conservation and management of Pacific bluefin tuna.

Senegal

34. One CCM raised a continuing concern regarding species composition issues, including queries about skipjack catch and unusual ratios of swordfish and sharks, in the catch data provided by Senegal as part of its renewal application. The CCM expressed an interest in having these issues satisfactorily resolved by Senegal in the future.

35. WCPFC6 approved the application for renewal of CNM status by Senegal with the following participatory rights:

> Senegal's fishing activities in the Convention Area are limited to one unique longline vessel (the *Robaliera*), which was fishing in the Convention Area in 2005. Noting the concern regarding the species composition of the catches reported by Senegal in WCPFC6-2009/09 (Rev. 1), WCPFC6 tasked the Secretariat to examine the very high catches of skipjack reported by the *Robaliera* in 2006, and inconsistent ratios of reported swordfish to shark catches. In addition, and, in in light of any new information received, the Secretariat will calculate the swordfish catch limits that would apply to Senegal pursuant to the swordfish measure (CMM 2009-03) and will be circulated to all CCMs.

Ecuador

36. With regard to the CNM application by Ecuador, the USA indicated that it was prepared to accept it, but noted that Ecuador has been implicated in a number of illegal, unreported and unregulated (IUU) fishing incidents in recent years. Ecuador's record in this regard will be carefully monitored and scrutinized again at WCPFC7.

37. Kiribati noted that in agreeing to the participatory right granted to Ecuador, it did not recognize the limits placed on Ecuador as any basis for limiting the number of licenses Kiribati issues for fishing in its EEZ.

38. WCPFC6 approved the application for CNM status by Ecuador with the following participatory rights:

> At the time of making the decision, WCPFC6 had not received sufficient data to be able to confirm an applicable purse-seine days limit for Ecuador for the high seas for 2010. Consequently, Ecuador will be limited to zero days during 2010. WCPFC6 noted that as soon as Ecuador provides to the Commission all relevant catch and effort data that would enable the WCPFC Secretariat to calculate and verify an applicable vessel-days limit pursuant to CMM 2008-01 for yellowfin and bigeye tunas, this limit will be appropriately adjusted and circulated to all CCMs.
>
> WCPFC6 agreed to the following conditions for acceptance of Ecuador's CNM status:
>
> a. Participatory rights are limited to no more than ten unique vessels that shall operate exclusively in waters under the jurisdiction of the coastal States from which they receive licenses.
>
> b. All vessels will be equipped with Commission and FFA vessel monitoring system (VMS), which shall be operational at all times while the vessels are in the Convention Area.
>
> **c.** The Government of Ecuador provides assurances that it will comply with all requests from Commission Members for information and documentation to investigate cases of possible illegal fishing.

39. Ecuador thanked the Commission for its favorable consideration of its application.

Vietnam

40. Vietnam made a statement reaffirming the commitments to the Commission made in its written statements, including its acquiescence to data provision, high seas boarding and inspection (HSBI), and participation in the Commission's WPEA OFM Project. Vietnam also stated its desire, as a coastal developing State, to receive an allocation of fishing opportunities.

41. In response to a question, the Executive Director noted that Vietnam catches between 30,000 mt and 40,000 mt of yellowfin and bigeye tuna per year in its coastal waters but reports no catch on the high seas of the Convention Area.

42. The EU explained that a shipment of swordfish from Vietnam was barred from import to the EU on the grounds that Vietnam was not a member of the WCPFC. Once Vietnam articulated to the EU a commitment to join the WCPFC, the shipment was cleared for import. The EU stated its view that Vietnam's fishery has an important effect on WCPFC-managed stocks, and thus it considers that Vietnam is an important collaborator.

43. Concerns were expressed by several CCMs regarding Vietnam's stated aspirations to obtain an allocation for fishing rights within the WCPF Convention Area. One CCM stated that because Vietnam's coastal waters in the South China Sea do not fall within the boundary of the WCPF Convention Area, its catch there does not qualify as historic catch in the WCPF Convention Area.

44. **WCPFC6 approved the application for CNM status by Vietnam with the following participatory rights:**

> Noting the need for cooperation between Vietnam and the Commission to achieve compatibility of fisheries management and conservation, WCPFC6 agreed to grant CNM status to Vietnam for 2010 on the understanding that CNM status would only relate to the acquisition and exchange of fishery information and data and that Vietnam would require assistance in that regard.

45. It was clarified that Vietnam would not be allowed to place vessels on the WCPFC's Record of Fishing Vessels.

46. Vietnam thanked the Commission for its favorable consideration of its application, reiterating that Vietnam will not have any fishing operations in the WCPFC Convention Area during 2010 (Attachment O).

47. Many Members considered that CNMs who do not make a monetary contribution to the work of the Commission, but who gain financially from the fisheries of the Convention Area, are in effect "free riders". Several Members considered that CNMs should contribute in proportion to the benefits they receive, with some of these suggesting that CNMs contribute in equal proportion to Members of the Commission. Many of these Members noted with concern the expanding budget for Commission work, and the increasing burden this is placing on small island developing States (SIDS), as creating even more urgency for equitable cost sharing.

48. Other CCMs supported the current situation of encouraging CNMs to make voluntary contributions, citing in particular the fact that CNMs do not have full participatory rights. These CCMs expressed concerns about setting a precedent in other regional fisheries management organizations.

49. After further discussion, WCPFC6 adopted an amendment to CMM 2008-02 regarding financial contributions from CNMs (WCPFC6-2009/25, Attachment P). As a consequence, CMM 2008-02 is replaced by CMM 2009-11.

AGENDA ITEM 3 - MEMBER REPORTS

3.1 Annual Reports by the CCMs

50. The WCPFC Compliance Manager, Andrew Richards, presented WCPFC6-2009/IP03 and WCPFC6-2009/IP06 (Rev. 1) on CCMs' compliance with Part 1 and Part 2 reporting. The first paper notes the number of Part 1 and Part 2 reports that have been received by the Secretariat, and the number of outstanding reports, for each year that the Commission has been operational (2005–2008). Most Part 1 and Part 2 reports are eventually received from CCMs, although the Secretariat's compliance reporting has, at times, been hampered by delayed submissions by some CCMs. At the request of TCC5, the Secretariat prepared the latter paper summarizing responses from CCMs to reporting obligations associated with CMMs and Commission decisions. It was noted that some CCMs had pointed out minor errors in the table and that corrections would be made in response.

51. The EU noted that the ratification of the Lisbon Treaty has changed the fisheries decision-making process to a co-decision process between the Council of the European Union and the European Parliament. This change is likely to make the process of implementing WCPFC CMMs into EU legislation a more lengthy and time-consuming process than before

52. One CCM suggested that the deadline for submission of Part 2 of the Annual Report be changed from 31 July each year to one month prior to the meeting of the TCC. This deadline would be consistent with the deadline for Part 1 of the Annual Report, which is due one month prior to the meeting of the Scientific Committee (SC).

53. WCPFC6 agreed to revise the deadline for Part 2 of CCMs' Annual Reports from 31 July to one month prior to the meeting of the TCC.

3.2 Statements by non-members

54. No statements of non-members were provided to WCPFC6.

AGENDA ITEM 4 - SCIENCE ISSUES

4.1 Report of the Fifth Regular Session of the Scientific Committee

55. The Chair of the Scientific Committee, Dr Naozumi Miyabe (Japan), provided a summary of the Fifth Regular Session of the Scientific Committee (SC5), which was held 10–21August, 2009 at Port Vila, Vanuatu.

56. Dr John Hampton from SPC's Oceanic Fisheries Programme (SPC-OFP, which is also the scientific services provider), made a presentation on an overview of the fisheries and the status of the stocks as discussed at SC5. The provisional total Western Central Pacific Convention Area (WCPCA) tuna catch for 2008 was estimated at 2,426,195 t, the highest annual catch recorded, but only 26,000 t higher than the previous record in 2007. During 2008, the purse-seine fishery accounted for an estimated 1,783,669 t (74% of the total catch, and a record for this fishery), with the pole-and-line taking an estimated 170,805 t (7%), the longline fishery an estimated 231,003 t

(10%), and the remainder (10%) taken by troll gear and a variety of artisanal gears, mostly in eastern Indonesia and the Philippines. The WCPCA tuna catch (2,426,195 t) for 2008 represented 81% of the total Pacific Ocean catch of 3,009,477 t, and 56% of the global tuna catch (the provisional global estimate for 2008 is just over 4.3 million t).

57. The skipjack stock assessment undertaken in 2008 indicates that the skipjack stock is not in an overfished state, nor is overfishing occurring. The yellowfin tuna stock assessment undertaken in 2009 indicates that overall, the stock is not in an overfished state, nor is overfishing occurring; however, there is heavy exploitation in the western equatorial Pacific where 95% of the fishery occurs, and the current status is due to the buffering that occurs as a result of low levels of exploitation in adjacent subtropical areas. The streamlined bigeye stock assessment undertaken in 2009 indicates that the stock is nearing an overfished state and that overfishing is occurring. The South Pacific albacore assessment undertaken in 2009 indicates that the stock is not in an overfished state, nor is overfishing occurring, however there is a moderate level of depletion of the portion of the stock targeted by the longline fisheries active within the exclusive economic zones (EEZs) of several countries.

58. In response to questions, Dr Hampton provided the following additional information:

a. Although fishing mortality for bigeye is much greater than the fishing mortality at maximum sustainable yield (MSY), stock biomass has not declined as might have been expected because recruitment during the last decade has been higher than average. If recruitment were to fall, the stock biomass would decline to levels below current levels (estimated to be 20% of unfished biomass). Biomass trajectories of tuna populations at such low stock sizes are not well known but such a situation could lead to rapid and cascading further declines.
b. No specific assumptions are made in the models for unreported catches, although the models do take into account illegal or unregulated catches.
c. Sets on unassociated yellowfin tuna usually catch larger-sized individuals.Thus, if a fish aggregation device (FAD) closure leads to more sets on un-associated schools, yellowfin catches would be expected to increase.
d. In the forthcoming (2010) stock assessment for skipjack, SPC will work with Japanese scientists to expand the model area and incorporate information on regional migration patterns.
e. It is not clear whether inward migration from other areas of the western and central Pacific Ocean (WCPO) compensate for the estimated stock declines in the western portion of the WCPO (Region 3), but new tagging information should indicate whether such a buffering effect may occur.
f. The significantly increasing number of yellowfin catches in recent years is due to a large reported increase in medium to large un-associated purse-seine sets. The increased number of skipjack catches are part of a pattern of increasing catches in the early 1980s and since 2000; these will be further investigated.
g. The WCPFC and IATTC stock assessments assume that there are separate stocks of bigeye in the WCPO and eastern Pacific Ocean (EPO). This assumption has been tested in several ways over the years and the results support the conclusion that stock assessment results based on this assumption are not dissimilar to those based on a single-stock hypothesis.
h. The stock assessments make good use of a long and detailed historical dataset on yellowfin length and weight extending back to 1950.

i. Because the stock assessments presented were conducted in early 2009 and based on data through 2008, they are not able to assist in evaluating CMM 2008-01. Results of an evaluation of CMM 2008-01 are discussed in detail under Agenda Item 9.1.

59. WCPFC 6 accepted the following recommendations and findings from the SC on status of the stock and management advice and implications as contained in the SC5 Summary Report:

a. Yellowfin exploitation rates differ between regions, and exploitation rates continue to be highest in the western equatorial region. It is recommended that there be no increase in yellowfin fishing mortality (F) in the western equatorial region (para. 180 of the SC5 Summary Report);
b. The recommendations and work plan items relevant to FAD marking and monitoring are supported (para. 188);
c. There is a role for the SC to consider scientific elements of capacity monitoring and measurement which is included within the terms of reference of the Fishing Technology Specialist Working Group (para. 215);
d. Because no new information on the stock status of skipjack was presented to SC5, the management recommendations from SC4 are maintained (para. 216);
e. There is no indication that current catch levels of South Pacific albacore are not sustainable with regard to recruitment overfishing (para. 221);
f. On the basis of the 2008 stock assessment, it was recommended that the catch limits specified in CMM 2008-05 for South Pacific swordfish be carried forward to future years as a continuing measure (para. 224);
g. Because no stock assessment was conducted for southwest Pacific striped marlin in 2009, the stock status description and management recommendations from SC2 are still current (para. 225);
h. The fishing mortality rate of striped marlin in the North Pacific Ocean should be reduced from the current level (2003 or before). Noting that this is a bycatch species, mitigation methods should be explored in order to achieve the necessary reductions in fishing mortality (para. 234);
i. Until the Commission identifies and formally adopts appropriate reference points for northern stocks, the performance of the fishery against MSY-based reference points should be evaluated (para. 239);
j. The previous recommendation for North Pacific albacore of not increasing F from current levels ($F_{current(2002-2004)} = 0.75$) is still valid; however, with the projection based on the continued current high F, the fishing mortality rate will have to be reduced (para. 245);
k. Regarding Pacific bluefin tuna (para. 259 and 263):
    i. If F remains at the current level and environmental conditions remain favorable, the recruitment should be sufficient to maintain current yield well into the future.
    ii. A reduction in F in combination with favorable environmental conditions, should lead to greater spawners per recruit (SPR).
    iii. Increases in F above the current level, and/or unfavorable changes in environmental conditions, may result in recruitment levels that are insufficient to sustain the current productivity of the stock.
    iv. Given the conclusions of the May–June 2008 stock assessment with regard to the current level of F relative to potential target reference points (TRPs) and limit reference points (LRPs), and residual uncertainties associated with key model parameters, it is important that the current level of F is not increased.

v. Given the conclusions of the July 2009 ISC Pacific Bluefin Tuna Working Group, the current level of F relative to potential biological reference points, and increasing trend of juvenile F, it is important that the current level of F is decreased below the 2002–2004 levels on juvenile age classes;

l. The preferred hypothesis for North Pacific swordfish is that there are two stocks, one in the WCPO and the other in the EPO, with little or no mixing between them (paras. 264–267);

m. Both stocks of swordfish in the North Pacific Ocean are healthy and well above levels required to sustain recent catches; therefore, no management advice was provided (para. 268).

60. The following recommendations of SC5 relating to status of the stock and management advice and implications as contained in the SC5 Summary Report were deferred to other items of the WCPFC6 agenda for discussion:

a. While SC recommends a 30% reduction in F of bigeye from the 2001–2004 levels to return to FMSY, recent assessment indicates that a 34–50% reduction in F from the 2004–2007 levels would be required to reduce F to sustainable levels (para. 175, i-iii—deferred to Agenda Item 9.1);

b. Assessment of bigeye stock status and evaluation of CMMs should be undertaken on an annual basis (para. 175, iv-vi—deferred to Agenda Item 9.1);

c. CMM 2008-01 is likely to achieve its objective for yellowfin, but extremely unlikely to achieve its most important objective for bigeye. The SC requested the science service provider (SPC) to assess potential measures to reduce F on bigeye to 30% below 2001–2004 levels (para. 210—deferred to Agenda Item 9.1);

61. Findings and recommendations of SC5 as contained in the SC5 Summary Report on the following topics were also accepted by WCPFC6:

a. Ecological risk assessment and SEAPODYM projects (para. 283);
b. Seabirds (para. 286);
c. Sharks (para. 288);
d. Sea turtles (para. 290);
e. Small tuna on floating objects (paras. 312-314);
f. Data gaps and progress toward addressing them (para. 321, item i-v; item vi discussed under WCPFC6 Agenda Item 9.4);
g. Indonesia and Philippines Data Collection Project /WPEA OFM Project (para. 360);
h. Tagging initiative (paras. 361–362);
i. Unloading data (para. 367);
j. Review of the memorandum of understanding (MOU) with SPC and relations to other organizations (paras. 371–372 and discussed under WCPFC6 Agenda Item 13);
k. Development of new MOUs (para. 375);
l. Special requirements of developing states (para. 385);
m. Next meeting (para. 408);
n. Election of SC's Vice-Chair (para. 409);
o. Meeting of the five tuna regional fisheries management organizations (RFMOs) (para. 411).
p.

62. With regard to the recommendation in SC5 Summary Report, para. 321, item ii, one CCM suggested that the work should not be limited to charter arrangements. The Executive

Director clarified that the work pertains to vessels under "charter, lease or other arrangements". This work was further discussed under Agenda Item 9.1.

63. Also with regard to para. 321, one CCM stated that catch in zones should be attributed to the charter State, whereas catch on the high seas should be attributed to the flag State rather than the charter State.

64. Again with regard to para. 321, FFA members stated that catches should be attributed to the chartering country, including in high seas waters. FFA members also underscored the importance of ensuring that all CCMs abide by the mandatory rules of data provision as agreed on by the Commission, noting that deferments based on domestic legal constraints cannot be invoked indefinitely. In the case that such deferments continue, a comprehensive update on means and timeframes for overcoming the constraints should be requested by the Commission.

65. The Commission noted that there was some misunderstanding among CCMs at SC5 in relation to the SC's ability to provide advice to, make requests of, and seek expert advice from the NC, the ISC and the TCC. The Commission noted its common understanding on this issue, as contained in Article 11(5) of the Convention, which states that: "In the exercise of their functions, each Committee may, where appropriate, consult any other fisheries management, technical or scientific organization with competence in the subject matter of such consultation and may seek expert advice as required on an *ad hoc* basis."

4.2 Independent Review of Interim Arrangements for Science Structure and Function

66. Three recommendations from the SC5 Summary Report were presented by the SC Chair and agreed by WCPFC6 on the following topics:

a. Obtaining ISC data (refer to para. 336 of the SC5 Summary Report);
b. Peer review of stock assessment (para. 399);
c. Future operations of the SC (paras. 404 and 407);

67. With regard to peer review of stock assessments, WCPFC6 agreed that the bigeye stock assessment should be the target of the peer review exercise. In order to achieve the maximum benefit from such a peer review, it was agreed that the peer review should be timed so as to ensure that the latest, full bigeye stock assessment for the WCPO (i.e. the 2010 WCPO bigeye assessment) is reviewed. It was noted that IATTC was also planning a peer review of a planned 2010 assessment for bigeye in the EPO and that the outcome of that review could usefully inform the bigeye assessment in the WCPO. The results of the peer review for the WCPO bigeye assessment should be reported to the WCPFC no later than WCPFC8 (December 2011).

4.3 Reference Points

68. The recommendation from the SC5 Summary Report concerning reference points (para. 277) was discussed.

69. Several FFA members spoke in support of the capacity building elements of the reference point work plan, in particular the workshop and ensuring that future work take full account of the multi-species nature of the fishery. However, some of these CCMs noted that capacity building needs may be broader than simply the topic of reference points (e.g. management procedures for multi-species fisheries, socioeconomic factors, harmonizing in zone and high seas management, etc.).

70. A number of CCMs voiced their concerns about endorsing proposals for technical work without full consideration of whether there will be adequate funding available as determined by the outcomes of the FAC meeting. Other CCMs expressed concerns about personnel workloads and intersessional meeting schedules.

71. Three CCMs noted that the work on reference points would facilitate informed decision-making on a revised CMM for bigeye, if necessary, at WCPFC7.

72. WCPFC6 endorsed both the short- and medium-term work plans on reference points recommended by SC5, with the proviso that adequate funding support will be secured.

4.4 Programme of work for the Scientific Committee in 2010

73. The SC Chair noted that the proposed budget for the science programme of work for 2010 was increased by US$ 150,000 over the 2009 budget. The indicative budget for 2010 was US$ 700,000. Funding support for science services contracted from SPC-OFP and independent projects carried over from previous years (US$ 216,500) resulted in a small unallocated amount of US$ 12,050 to support other activities. The total science budget proposed by SC5 for 2010 was US$ 928,550.

74. Projects within the SC's work programme are either already funded by the Commission or another party; require external funding or support from individual CCMs or groups of CCMs; or are requesting Commission funding under the budget to be agreed at WCPFC6. The following projects, which are recommended for the consideration of the Commission by SC5, include:

a. Project 14. (Priority = High) Indonesia and Philippines Data Collection Project (IPDCP) – now WPEA OFM Project: US$ 75,000;
b. Project 35. (Priority = High) Refinement of bigeye parameters Pacific-wide: a comprehensive review and study of bigeye tuna reproductive biology: US$ 30,000;
c. Project 39. (Priority = High) Regional study of the stock structure and life-history characteristics of South Pacific albacore: US$ 25,000;
d. Project 42. (Priority = High) Pacific-wide tagging project: US$ 10,000;
e. Project 56. (Priority = Medium) Use of underwater videos and other tools to characterize species, size composition and spatial distribution of tunas aggregating around floating objects: US$ 2,000;
f. Project 57. (Priority = High) Identifying Provisional Limit Reference Points for the key target species in the WCPFC: US$ 20,000; and
g. Project 60. (Priority = High) Collection and evaluation of purse-seine species composition data: US$ 54,500.

75. Some CCMs requested detailed budget breakdowns in order to justify the costs and determine whether any cost savings could be achieved.

76. These and other queries caused some CCMs to question the process by which i) the SC prioritizes projects, ii) the Commission approves the projects, and iii) the FAC allocates funding for these projects. These CCMs were concerned that prioritization of projects is not the responsibility of the FAC, yet there was no clear process by which limited funding is allocated among competing priority projects. This is particularly of concern when the budget is not sufficient to support all projects recommended as high priority by the Commissions' subsidiary bodies.

77. While noting that the SC follows a rigorous prioritization process, other CCMs called for a more formalized strategic planning process to guide project prioritization by the Commission. On this basis, a draft strategic plan, which had been under consideration by the Commission since WCPFC2 in Samoa, was further refined by FAC3 during WCPFC6 (WCPFC6-2009/27).

78. WCPFC6 approved the seven priority projects listed above (para. 74) subject to confirmation of available budget by the FAC.

79. WCPFC6 approved SC5's recommendation that the science services provider conduct assessments of WCPO bigeye and skipjack for consideration at SC6.

80. FFA members made some general comments concerning stock assessments prepared by the science services provider. The need to assess scenarios relevant to the baseline and other measures specified in the CMMs was stressed. In addition to quantifying uncertainty, it was suggested that specific recommendations about the required magnitude of management intervention should be provided. Finally, these CCMs expressed concerns about the labelling of stock assessments as "streamlined" and using this to dilute the scientific advice derived from these assessments.

AGENDA ITEM 5 - NORTHERN COMMITTEE

5.1 Report of the Fifth Regular Session of the Northern Committee and Issues Arising

81. The Chair of the Northern Committee, Masanori Miyahara (Japan), introduced the outcomes of the Fifth Regular Session of the Northern Committee (NC5) held 7–10 September 2009 in Nagasaki, Japan.

82. With regard to formulating management measures for striped marlin in the North Pacific, the NC Chair explained that although a 2007 stock assessment indicated that a reduction in fishing effort for this species is required, it has not been designated as a northern stock and thus the NC was constrained in developing a draft CMM. However, efforts toward a draft CMM for North Pacific striped marlin were pursued in the margins of WCPFC6 and are discussed further under Agenda Item 9.4.

83. FFA members called attention to the need to scrutinize reference points for northern stocks before such reference points are applied, and stated that since striped marlin in the North Pacific has not been designated as a northern stock, it would be inappropriate for the NC to lead the development of a CMM for this species. However, these CCMs welcomed the development of a management measure for striped marlin in the North Pacific in the margins of WCPFC6 and encouraged compatibility in management measures between WCPFC and IATTC for northern stocks.

84. With regard to a draft CMM for Pacific bluefin tuna (WCPFC-2009/DP07, discussed further under Agenda 9.4), the NC Chair noted that good progress was made with the exception of obtaining consensus from Korea, which requested more time to study the species in its own waters. A draft CMM providing for total fishing effort for Pacific bluefin tuna not to be increased from 2001–2004 levels and reduced fishing mortality on Pacific bluefin tuna juveniles, with a one-year exemption for the Korean EEZ, was agreed by the NC. The NC Chair expressed his expectation that Korea would join in the management measures for this species after the one-year exemption expires.

85. Four CCMs, two of whom are also members of the NC, joined the Chair in expressing their concern regarding the exemption for the Korean EEZ and the need to implement the management measures across all fisheries catching Pacific bluefin tuna as of 2011.

86. Korea stated that the catch of Pacific bluefin, most of which occurs around Cheju Island, is mainly bycatch and amounts to less than 1,500 t. Korea is undertaking a research programme costing over US$ 1 million to understand more about the status and catch of the species in Korean waters.

87. In response to the preceding intervention by Korea, Japan queried the characterization of Korea's Pacific bluefin tuna catch as bycatch based on a comparison with its own records from the area. Korea corrected its statement on bycatch by saying that, in Korean law, there is no concept of bycatch or target species. Fishing licenses are permitted by fishing gear type and purse-seine vessels mainly targeting mackerels take Pacific bluefin tun,a which accounts for less than 1% of total catch by the purse-seine vessels.

88. In response to a separate question regarding catches of juvenile Pacific bluefin tuna by purse-seine vessels, Japan explained that it has implemented a voluntary minimum fish size limit of 2 kg for purse-seine vessels. Japan also explained its intention to introduce a programme to collect information on Pacific bluefin tuna imported from Korea. Comments regarding the importance of Mexico in developing management measures for this species were reiterated (see Section 2.2).

89. The IATTC informed WCPFC that its staff will soon recommend a similar management measure for Pacific bluefin tuna for IATTC adoption. The IATTC holds substantial observer data on Pacific bluefin tuna catches and these data, and IATTC expertise, are being shared with the ISC for scientific purposes.

90. The NC Chair announced that a joint meeting between the NC and IATTC is planned in order to discuss Pacific bluefin tuna management measures across the North Pacific and that CCMs and scientists will be invited to attend.

91. With regard to the NC's recommended revised CMM for North Pacific albacore (WCPFC-2009/DP06 which, if adopted, would replace CMM 2005-03), the NC Chair highlighted that concerns expressed by other CCMs, which are not members of the NC, centre on the southern extent of the applicable area of the CMM: either north of 20^{o} north latitude or north from the equator. This issue is further discussed under Agenda Item 9.1.

92. Two CCMs, who are also NC members, noted that the last assessment for North Pacific albacore was conducted in 2006 based on data from 2005 and expressed concern that the next assessment is not scheduled until 2011. It was considered by these CCMs that a stock assessment should occur at least every third year.

93. The Chair of the ISC stated that constraints on staffing and funding prohibit more frequent stock assessments being carried out. In addition, much of the biological data necessary for the assessments is old and needs to be re-assessed. ISC also needs to find time to progress development of reference points. For these reasons, ISC will progress stock assessments in as timely and responsive a manner as possible given the substantial constraints.

94. FFA members stated that all scientific advice should be channelled to the Commission through the SC in order to promote consistency of standards and processes.

95. At the request of Japan, the Secretariat agreed to establish a voluntary fund for contributions to the NC to support the work of the ISC, particularly on updating biological data for stock assessment species. Contributions by NC members to the fund are encouraged.

96. The USA requested further investigation into whether the ISC has the appropriate international agency to receive such funding.

5.2 Programme of work for the Northern Committee in 2010

97. The NC Chair referred to the programme of work contained in Attachment E of the NC5 Summary Report. He also noted the following current and future work items arising from NC5:

a. Based on the results of the 2009 North Pacific swordfish stock assessment, NC5 found that no management measures are necessary;
b. NC5 notes SC5's recommendation to include silky sharks in the key of key shark species (WCPFC6-2009/IP14);
c. NC5 acknowledges the importance of shark issues and an intention to study northern shark species and report to the Commission in future;
d. Biological data are very old in some cases and should be updated through collaborative work between NC5 and ISC;
e. The MOU with ISC should remain unchanged;
f. While needs for peer review will continue to be discussed, it was considered that the ISC already incorporates a built-in peer review process; and
g. Revision to the MOU between WCPFC and SPC that was reviewed by NC5, awaits a decision by the Commission (see Agenda Item 13).

98. The WCPFC Chairman thanked the Chair of the NC for his efforts.

99. WCPFC6 accepted the report of NC5.

AGENDA ITEM 6 - INTER-SESSIONAL WORKING GROUP – REGIONAL OBSERVER PROGRAMME

6.1 Report of the Third Meeting of the Intersessional Working Group

100. The Chair of the IWG-ROP, Dr Charles Karnella (USA), presented the Summary Report of the Third Meeting of the Regional Observer Programme's Intersessional Working Group (ROP-IWG3) (WCPFC6-2009/13).

101. The Chair noted agreement was reached on the following issues: minimum standards; vessel safety checks; observer trainer qualifications; liability and insurance; Standard Operating Procedures (SOPs) for observer deployment; and authorization of de-briefers and requirements for de-briefing. The ROP-IWG also agreed: that observer placement costs would be borne by the observer provider; the fisheries to be monitored and coverage levels; to establish a cadre of observers (to serve the Secretariat in special situations), and on the use of ROP workbooks.

102. Consensus was not reached on vessel size limits (i.e. whether small vessels can carry observers); the source of observers (i.e. a definition of the hybrid approach); and definitions of "adjacent", "occasional", "principally", "independent" and "impartial", and "observer trip".

103. Other items for which work is still ongoing include costs associated with data management; ROP requirements for at-sea transhipment; technological solutions as an alternative to observers; special requirements for developing States; the ROP website; and WPCFC/IATTC observer cross-endorsement. Data forms are also needed for observer monitoring of FAD closure periods as well as a practical, working definition of a "FAD set" (see further discussion under Agenda Item 9.1).

104. The Chair of the ROP-IWG proposed that as the IWG had progressed matters as far as it could at this point in the evolution of the Commission's observer programme the IWG should be disbanded and become an *ad hoc* advisory group. The ROP-IWG recommended that a technical advisory group be established to provide the Commission's Observer Programme Coordinator (OPC) with continuing support in the development and implementation of the ROP.

105. The WCPFC Chairman thanked Dr Karnella and the ROP-IWG for their contributions to the development of the Commission's observer programme during the last two years.

106. FFA members spoke in favor of adopting the Parties to the Nauru Agreement (PNA) definition of FAD set within the WCPFC to ensure consistency. FFA members opposed the creation of an ROP-Technical and Operational Advisory Group (TOAG) as discussed at TCC5 citing concerns regarding cost and time, and the availability of other means of obtaining *ad hoc* advice for the ROP.

107. WCPFC6 agreed to discontinue consideration of formation of an ROP TOAG.

AGENDA ITEM 7 - TECHNICAL AND COMPLIANCE ISSUES

7.1 Report of the Fifth Regular Sessions of the Technical and Compliance Committee

108. The Chair of the Technical and Compliance Committee, Ambassador Wendell Sanford (Canada) presented the Summary Report of the Fifth Technical and Compliance Committee meeting (TCC5), held in Palikir, Federated States of Micronesia from 1–6 October 2009.

a. Recommendations contained in the TCC5 report

109. The following recommendations of TCC5 were considered and approved by WCPFC6 (reference to TCC5 Summary Report) without further discussion at WCPFC6:

a. Accept the recommendations of the ROP-IWG3 Summary Report and attachments (para. 14);
b. CCMs should implement the ROP (CMM 2007-01) and report on their progress in Part 2 of their 2010 Annual Reports, including how they will achieve 5% coverage for their longline fleets by June 2012 (para. 15);
c. Adoption of "Minimum Standard Data Fields for Purse-Seine FAD Monitoring" (para. 38);
d. Noted the first annual report of the ROP (para. 48);
e. Task the TCC with assessing the suitability of the CNM application process and CNM status with States with only carriers and/or bunkers and provide recommendations to the Commission as to whether a modified or separate process and/or status should be developed for such States and what the process and status

should be and to complete this work by 2011 (para. 96, incorporated into draft Strategic Plan (Agenda Item 11);

f. Outcomes of the Ad Hoc Task Group (AHTG)–Data relating to supplementary rules and procedures for surveillance and enforcement on the high seas and the use of VMS data for scientific purposes and refinements to provision of data so that the identification of individual vessels is not disclosed (paras. 113–114; see Agenda Item 8);
g. Preliminary assessment of CNM applications (paras. 358–364, Agenda Item 2);
h. The draft work programme and budget, with amendments proposed during TCC5, be considered by the FAC (para. 397, Agenda Item 11);
i. Agree to implement an independent performance review in early 2010 (para. 405, Agenda Item 16.1);
j. Accept the draft MOU with NPAFC (para. 407, Agenda Item 13);
k. Not accept para 1(c) of the draft data exchange arrangement with IATTC (para. 410, Agenda Item 13);
l. Accept the nomination of officers for the positions of Chair and Vice-Chair (para 413, Agenda Item 15);
m. Accept the recommendation for date and place of TCC6 (para. 415, Agenda Item 17).

110. In noting the TCC Summary Report, para. 388, regarding the aspirations of SIDS, Palau on behalf of FFA members thanked those CCMs who contributed to monitoring, control and surveillance (MCS) discussions under the special requirements agenda item at TCC5. Palau, on behalf of FFA members, also proposed that development CCMs report on their progress in implementing Article 30 of the Convention and Resolution 2008-01 to each WCPFC session.

b. Items from TCC5 subject to further discussion under Agenda Item 9 (CMMs)

111. Other proposals considered by TCC5 and discussed by WCPFC6 under Agenda Item 9, as indicated, include those involving FAD closure and catch retention for the high seas (para. 30, Agenda Item 9.1), cross endorsement of observers (para. 65, Agenda Item 9.4), draft CMM on regulation of transhipment (para. 83, Agenda Item 9.4), revision of CMM 2004-01 concerning carriers and bunkers (para. 95, Agenda Item 9.1), draft CMM on charter notification (para.105, Agenda Item 9.4), control of nationals (para. 248, Agenda Item 9.4), draft CMM on IUU Vessel Listing (para. 254, Agenda Item 9.1), Stateless vessels (para. 259, Agenda Item 9.4), Data buoys (para. 287, 9.4), Compliance with CMM Working Group (para. 328, Agenda Item 9.4), Seabird By-catch Mitigation (para. 336, Agenda Item 9.1), Port Sampling and Monitoring (para. 346, Agenda Item 9.1), Sea Turtle Mitigation (para. 351, Agenda Item 9.1), and Port State Measures (para. 370, Agenda Item 9.4).

c. Issues arising from TCC5 for discussion at WCPFC6 which were not deferred to Agenda Item 9 (CMMs)

<u>2009 FAD Closure Report (TCC5 Summary Report, para. 36)</u>

112. It was noted that a report requested from the Secretariat on the 2009 FAD closures (para. 36) could not be prepared as the data were received only within the week leading up to WCPFC6. WCPFC6 agreed that a full report on the 2009 FAD closures will be prepared for discussion at TCC6.

<u>ROP Data Management Options (TCC5 Summary Report, para.56)</u>

113. Various options for managing ROP data were discussed, including a hybrid option that the Secretariat was requested to prepare following discussions at TCC5 (WPCFC6-2009/IP-08).

114. Some CCMs, including FFA members, favored ROP data management Option 5.1, stating that cost-effectiveness and using existing regional institutions were important considerations. Economies of scale between the ROP and the FFA observer programmes, data validation benefits, and the long, existing and strong relationship between SPC and WCPFC, were cited as three additional reasons to involve SPC in this task.

115. Other CCMs considered the WCPFC, as an independent organization, should establish its own data management capabilities, and noted that the cost for this option was lower than the option of using SPC's facilities in Noumea. Some of these CCMs expressed concerns regarding a potential conflict of interest between SPC as data manager for SPC members and SPC as the science services provider to WCPFC.

116. One CCM, who is also an FFA member, noted the desire of FFA members to develop their own domestic data entry capabilities over time.

117. WCPFC6 agreed that a draft transitional plan for consideration of financial aspects be prepared for the consideration of TCC6.

VMS Implementation (TCC5 Summary Report, paras. 115–143)

118. In response to a question from the TCC Chair regarding implementation of the VMS in the northwest quadrant of the Convention Area by Japan, Japan responded that the issue is under consideration but it is not in position to confirm the details at this time.

119. A revised draft of the VMS SOPS was produced and circulated by the Secretariat after TCC5 (WCPFC6-2009/IP-11).

120. Subsequently, WCPFC6 agreed the proposed amendments to Sections 4.5 and 4.8 of the VMS SOPs as contained in WCPFC6-2009/29 (Attachment Q).

121. FFA members called for a review of cost recovery options for VMS costs to be prepared by the Secretariat for discussion at TCC6.

122. With regard to further work on VMS SSPs, CCMs including the USA and FFA members who have been working on this issue, reported several outstanding issues, such as manual reporting in the event of VMS failure, remain to be settled.

IUU Vessel Listing Procedures regarding ownership and associated vessels (CMM 2007-03, para. 3j) (TCC5 Summary Report, paras.230–238).

123. The TCC Chair summarised the issue relating to para. 3j as discussed at TCC5.

124. Korea made a statement against the use of para. 3j claiming that it could lead to unfair punishment of owners of related vessels and could promote the splintering of corporate structures in order to avoid potential liabilities.

125. Several CCMs spoke in favor of elaborating on the process for applying para. 3j and then discussing this issue again at TCC6.

126. FFA members and the USA reiterated that deferral of the application of para. 3j for one year would be the last deferral and was only to allow time to develop procedures for applying it.

127. FFA members suggested that the procedures need to account for application to chartered and co-owned vessels.

128. WCPFC6 agreed that specific procedures for applying CMM 2007-03, para. 3j would be developed for discussion at TCC6 to be facilitated by the USA.

Annual Report Templates and Reporting Data Gaps (TCC5 Summary Report, para. 292)

129. The Executive Director introduced a revised template for the Annual Report, Part 2 (WCPFC-2009-TCC5/19), noting that the template must be updated every year to account for new CMMs.

130. FFA members stated they would propose revisions to the Annual Report, Part 2 template for discussion at TCC6 noting that CCMs wish to improve their capacity to complete the template themselves.

131. Several CCMs echoed the recommendation of TCC5 (TCC5 Summary Report, para. 325) stating that reporting gaps identified in Secretariat summaries of the CCM Annual Reports should be attributed to individual CCMs.

132. WCPFC6 agreed the revised Annual Report, Part 2 template (Attachment R) for use in 2010, noting that the deadline was revised to one month prior to the meeting of the TCC (Agenda 3.1).

Catch Documentation Schemes (TCC5 Summary Report, para. 376)

133. FFA members stated that they did not support holding an intersessional workshop on developing a catch documentation scheme (CDS), however they plan to apply to the Japan Trust Fund to obtain funding to develop a CDS prior to TCC6. FFA members also noted that CDS and related issues may be discussed at the Kobe2 workshop on monitoring, control and surveillance to be held in the EU in June 2010.

134. The EU had submitted a proposal for CDS in 2006 and recommended that any other proposed CDS be developed with an awareness of the data requirements of catch certificates associated with the EU IUU fishing regulation being implemented on 1 January 2010 and the new FAO Port State Measures Agreement.

135. WPCFC6 agreed in principle on the need for a CDS, and taking note of an offer by Niue as FFC Chair to lead the process, called for a proposal to be brought forward for discussion at TCC6.

CNM Procedure Flowchart (TCC5 Summary Report, para. 381)

136. The USA informed WCPFC6 that a revised flowchart on CNM procedures (WCPFC6-2009/DP37) had been circulated incorporating the comments received from one CCM at TCC5.

137. The revised flowchart is appended as Attachment S.

d. WCPFC IUU Vessel List

138. WCPFC6 considered the Provisional IUU Vessel List prepared by TCC5.

139. Regarding the *Lina*, an Indonesian-flagged vessel, the USA and France summarized their respective nomination information as presented in detail at TCC5. The USA stated that the *Lina* was documented fishing in the WCPFC Convention Area without being on the WCPFC RFV and without having been authorized by Indonesia to fish in the Convention Area. France stated that the vessel had conducted fishing operations in the Convention Area without being on the WCPFC RFV.

140. Subsequent to TCC5, Indonesia responded to a letter from the Executive Director notifying it that the *Lina* had been placed on the Provisional IUU Vessel List, stating that the owners of the vessel had admitted to the violations and would accept the sanction of the Indonesian government but that investigation of the incident was still underway.

141. At WCPFC6, Indonesia stated that it had sent a letter of warning to the vessel, but because the *Lina* was still at sea, more time was needed to complete its investigations of the incident. It stated its strong commitment to combating IUU activities, noting extenuating circumstances surrounding TCC5, which occurred at the time of the Indonesian presidential elections. Indonesia noted that the *Lina* is now on the WPCFC RFV (as of October 2009), and is also on the Organization for Promotion of Responsible Tuna Fisheries (OPRT) vessel list.

142. Some CCMs spoke in support of Indonesia on the basis that the violation occurred due to an administrative error, rather than any action by the fishing master, and stating that because Indonesia is a developing State it should be given special consideration.

143. During WCPFC6, and after consulting with officials in Jakarta, Indonesia issued letters to the USA and France, and informed WPCF6 of the content of these letters (Attachment T).

144. The USA stated that because the letter maintains that sanctions will be imposed in the future, and because it is not clear what rights the owner or master may have to appeal the sanction under Indonesian law, the USA intended to carry through with the listing of the *Lina*. If documentation is provided showing that the sanction was imposed, procedures for de-listing intersessionally will be considered.

145. France stated that the IUU listing procedures under CMM 2007-03 must be followed. These procedures require that until material warranties are provided showing appropriate actions have been taken, listing is the appropriate action, and once such warranties are received, and if sanctions are applied effectively, de-listing can be initiated.

146. WCPFC6 agreed by consensus to list the *Lina* on the WCPFC IUU Vessel List.

147. Concerning *Senta*, a Panamanian-flagged vessel nominated by France, France explained that the *Senta* is a carrier vessel found with fish in its hold from the *Minako*, an Indonesia-flagged fishing vessel. Neither the *Senta* nor the *Minako* were on the WCPFC RFV at the time of the incident.

148. Subsequent to TCC5, Panama did not respond to a letter from the Executive Director informing it that the *Senta* had been placed on the Provisional IUU Vessel List.

149. Dr Tsamenyi, WCPFC Legal Advisor, advised that Panama is not a member of the WCPFC and therefore not bound by the CMMs adopted by the Commission. However, Panama is a party to the UN Fish Stocks Agreement, and is thereby obliged to ensure that its flagged vessels do not undermine the CMMs adopted by the WCPFC.

150. WCPFC6 agreed by consensus to list the *Senta* on the WCPFC IUU Vessel List.

151. The *Minako*, an Indonesian-flagged vessel nominated by France, was found to have transhipped catch to the *Senta* within the WCPF Convention Area. The *Minako* was not on the WCPFC RFV at the time of the incident. In listing the *Minako* on the Provisional IUU Vessel List, TCC5 considered that the *Minako* had fished in the WCPF Convention Area.

152. Dr Tsamenyi explained that under para. 3(a) of CMM 2007-03, any fishing vessel that harvests species covered by the WCPFC Convention in the Convention Area, and is not on the WCPFC RFV, or is not fishing exclusively in waters under the jurisdiction of its flag State, can be considered to be conducting IUU fishing activities.

153. Subsequent to TCC5, Indonesia responded to a letter from the Executive Director notifying it that the *Minako* had been placed on the Provisional IUU Vessel List, stating that the owners of the vessel had admitted to the violations and would accept the sanction of the Indonesian government but that an investigation of the incident was still underway.

154. As with the *Lina*, some CCMs spoke in favor of granting leniency to Indonesia on the grounds that it is a developing country.

155. During WCPFC6, and after consulting with officials in Jakarta, Indonesia issued a letter to France concerning the *Lina* and the *Minako* (Attachment U).

156. France maintained the same position regarding the *Minako* as it did regarding the *Lina*, and stated that given the currently available evidence, listing is required. Once material warranties are provided documenting the effective imposition of the sanction, de-listing can be considered.

157. WCPFC6 agreed by consensus to list the *Minako* on the WCPFC IUU Vessel List.

158. Regarding the *Chia Shun Hsing No. 6*, a Chinese Taipei-flagged vessel, it was noted at TCC5 that settlement negotiations were underway but an agreement had not yet been reached. Subsequent to TCC5, the USA informed WCPFC6 that the matter had been settled to its satisfaction.

159. WCFPC agreed by consensus not to list the *Chia Shun Hsing No. 6* on the WPCFC IUU Vessel List.

160. Regarding the *Maan Feng Yu No. 36*, a Chinese Taipei-flagged vessel, it was noted at TCC5 that settlement negotiations were underway but an agreement had not yet been reached. Subsequent to TCC5 the USA informed WCPFC6 that the matter had been settled to its satisfaction.

161. WCFPC agreed by consensus not to list the *Maan Feng Yu No. 36* on the WPCFC IUU Vessel List.

162. New Zealand summarized its case for nominating the China-flagged vessels *Rong Yuan Yu 86, Rong Yuan Yu 87, Rong Da Yang No.6, Rong Da Yang No.7, Rong Da Yang No.8* and *Rong Da Yang No.9*. hese vessels were fishing in the WCPF Convention Area but were not on the WCPFC RFV due to communication issues between China and the WCPFC Secretariat. The vessels were, however, authorized to fish in the Convention Area by China.

163. In discussions with China subsequent to TCC5, China stated that it had taken steps to reinforce its vessel authorization procedures. Specifically, China will henceforth require that all vessels are listed on the WCPFC RFV before they are authorized to fish in the Convention Area.

164. New Zealand, noting China's actions, and China's support for an amendment to CMM 2004-01 specifying the responsibility of flag States to ensure their fishing vessels have been placed on the WCPFC RFV before they commence fishing (see Agenda Item 9.1a), stated that the matter had been settled to its satisfaction.

165. WCFPC agreed by consensus not to list the *Rong Yuan Yu 86, Rong Yuan Yu 87, Rong Da Yang No.6, Rong Da Yang No.7, Rong Da Yang No.8* and *Rong Da Yang No.9* on the WPCFC IUU Vessel List.

166. With regard to the *Yuh Chang No. 3*, a Chinese Taipei-flagged vessel, New Zealand reported that some information on the vessel had been provided to the Secretariat in January 2008, but that at the time of sighting, in September 2008, the vessel was not on the WCPFC RFV, even though it was authorized to fish by Chinese Taipei. New Zealand noted that this incident highlighted the need for more clarity in the administrative process by which the Secretariat places vessels on the RFV (e.g. Secretariat acknowledges receipt of information, notifies the flag State when the vessel is placed on the RFV, and the flag State verifies that the information on the Commission's website is correct).

167. New Zealand, noting the circumstances of the incident, as well as Chinese Taipei's improved administrative procedures and support for an amendment to CMM 2004-01 (see Agenda Item 9.1a), stated that the matter had been settled to its satisfaction.

168. **WCFPC agreed by consensus not to list the *Yuh Chang No. 3* on the WPCFC IUU Vessel List.**

169. Concerning the *Yu Fong 168*, a Chinese Taipei-flagged vessel, the nominating State, RMI summarized that the vessel had seen sighted fishing inside RMI's EEZ but fled, causing damage to an FSM patrol boat in pursuit. The vessel, owner, master and crew have not been located.

170. Chinese Taipei stated that it had revoked the license for this vessel and removed it from the WCPFC RFV. Chinese Taipei welcomes cooperation from other CCMs to prevent this vessel from continuing to fish illegally.

171. WCPFC6 agreed by consensus to list the *Yu Fong 168* on the WCPFC IUU Vessel List.

172. With regard to the *Daniela F*, a Venezuela-flagged vessel, on the WCPFC IUU Vessel List through nomination by France, WCPFC6 was informed that a French court in Papeete has made a judgement and the vessel has paid the fine. France therefore requested that the *Daniela F* be removed from the WCPFC IUU Vessel List.

173. WCPFC6 agreed by consensus to remove the *Daniela F* from the WCPFC IUU Vessel List.

174. FSM informed WCPFC6 that the incident involving the *Jinn Feng Tsair #1* has not yet been settled to its satisfaction as the vessel has not yet submitted to justice in the FSM and has not paid any penalty to the FSM. However, dialogue with the flag State, Chinese Taipei, continues and FSM looks forward to resolving this issue in the near future.

175. Chinese Taipei committed to continuing to try to resolve the incident.

176. WCPFC6 agreed by consensus to retain the *Jinn Feng Tsair #1* on the WCPFC IUU Vessel List.

177. Thailand informed WCPFC6 that it had distributed RFMO IUU Vessel Lists to its traders and asked them not to purchase any products from these vessels. In addition, Thailand is amending its fisheries law to prohibit landing of IUU fishing products.

178. WCPFC6 discussed issues raised at TCC5 (TCC5 Summary Report, para. 221) concerning alleged incidents of IUU fishing that occurred after 120 days in advance of the TCC meeting, and thus were unable to be brought before TCC5 for consideration as the deadline for CCMs to transmit nominations for the Provisional IUU Vessel List had already passed.

179. Reports provided by New Zealand concerning the *Ta Chuan 101*, Tokelau concerning the *Zhao Yuan Yu*, and Palau concerning an unnamed vessel indicated that investigations were still underway.

180. FSM reported that prosecution of an unnamed vessel accused of unauthorized operations within FSM's EEZ is proceeding, and if the case is satisfactorily settled, FSM may not proceed with nomination of the vessel for the WCPFC IUU Vessel List.

181. These and other CCMs noted their concern with the existing provisions of current listing procedures that would appear to allow vessels to continue fishing on the high seas until the Commission considers whether to list them at WCPFC7 (i.e. potentially for up to 18 months).

182. One CCM stated that the 120-day rule is necessary for due process, however, it noted that the WCPFC IUU Vessel List was designed to sanction those vessels that were not sanctioned by their flag States in response to notification of the incident. Thus, if the flag State responds promptly, the vessel can be sanctioned shortly after the incident occurs.

183. New Zealand informed WCPFC6 that it is considering proposing revisions to CMM 2007-03 for consideration at TCC6 to deal with sanctions for flag States that repeatedly fail to take appropriate actions in response to notification of IUU fishing incidents; improved use of other regional tools to deal with IUU fisheries issues; and an enhanced process for dealing with incidents that occur after the current deadline for nominating vessels for IUU listing of 120 days in advance of the TCC meeting.

e. Adoption of the TCC5 Summary Report

184. WCPFC6 adopted the TCC5 Summary Report.

185. The WCPFC Chair expressed his appreciation to outgoing TCC Chair, Ambassador Wendell Sanford, for his valuable contributions to the WPCFC. He noted with gratitude Canada's agreement to allow Ambassador Sanford to complete his term as TCC Chair after taking up his appointment in Brunei late last year.

AGENDA ITEM 8 - RULES AND PROCEDURES FOR THE PROTECTION , ACCESS TO, AND DISSEMINATION OF DATA COMPILED BY THE COMMISSION

186. The Chair of the AHTG–Data, Holly Koehler (USA) presented a report on the work of the task group since WCPFC5 (WCPFC6-2009/15 [Rev. 1]). After several further iterations, a set of data rules and procedures were brought to TCC5 for discussion and were agreed on. In addition, the task group examined an issue arising from the Commission's 2007 Rules and Procedures, involving data associated with strata of time and area involving three vessels or less. The task group prepared a recommendation that was agreed on by TCC5. Having accomplished these tasks, the AHTG–Data Chair requested guidance on the need for continued work of the task group.

187. **WCPFC6 adopted the *Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control of Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes* (WCPFC6-2009/15 (rev. 1), Attachment B) and appended hereto at Attachment V**.

188. WCPFC6 agreed, as advised by the AHTG–Data and recommended by TCC5, that the Commission amend its *Procedures and Standards for Scientific Data to be Provided to the Commission* to include in Section 4 (Catch and effort data aggregated by time period and geographic area) the following new paragraph: "CCMs are to provide, to the extent possible, the number of individual vessels per stratum and area covered by their operational data with the aggregated catch and effort data they submit to the Commission".

189. RMI, on behalf of FFA members, suggested that the work of the AHTG–Data should continue on an *ad hoc* basis. Several issues potentially requiring the attention of the AHTG were identified, including provision of monitoring, control and surveillance data by chartered vessels; procedures for routine dissemination of the Commission's data; and ongoing advice and recommendations on data rules and procedures. The first of these issues was suggested as a priority for 2010 at TCC6.

190. WCPFC6 agreed that the work of the AHTG–Data should continue on an *ad hoc* basis with an initial focus at TCC6 on considering the issue of data provision by chartered vessels.

191. The Chair thanked the Chair of the AHTG–Data, Ms Holly Koehler (USA) for the pioneering work of the AHTG–Data, and for her dedicated efforts toward realizing these achievements.

AGENDA ITEM 9 - CONSERVATION AND MANAGEMENT MEASURES

9.1 Review of existing conservation and management measures

a. CMM 2004-01 and carriers and bunkers flagged to non-CCMs

192. RMI and Nauru introduced WCPFC6-2009/DP04, regarding a proposed amendment to CMM 2004-01 on the treatment of carriers and bunkers flagged to non-CCMs. The key outstanding issue concerned the existence of an Interim Register during a transition from the current system to one in which all carriers and bunkers would need to be flagged to a CCM (including CNMs) before being placed on the WCPFC RFV.

193. This amendment was supported by FFA members who stated that a strong impetus would be needed to encourage non-CCMs to become CNMs, and that alternative means for encouraging this, as proposed by other CCMs, would not be sufficient.

194. Some CCMs noted a potential connection between non-CCM flagged carriers and bunkers and IUU fishing activities, and thus supported a prompt solution to the existing situation of the WCPFC Temporary Register of Carriers and Bunkers.

195. Some CCMs requested flexibility for extraordinary circumstances that might arise when, for example, catches are very large and additional carrier vessels are required for short-term duty.

196. A concern was also raised that the amendment should also clarify situations arising from chartering, particularly in terms of whether the flag State or the chartering State takes the lead on registration and reporting.

197. After further discussion during WCPFC6, RMI and Nauru presented a revised version of the measure (WCPFC6-2009/DP04 [Rev. 2]).

198. The Executive Director requested guidance on the amount of the nominal registration fee, and it was noted that the FFA fee for inclusion of a vessel on the FFA Register is US$ 2,500 per vessel.

199. China explained that it, and perhaps other CCMs, may require flexibility in the application of the requirement under para. 23 to revoke the vessel's authorization to fish because it does not currently have the capability under national law to do so.

200. WCPFC6 adopted the amendment to CMM 2004-01 regarding carriers and bunkers as contained in WCPFC6-2009/DP04 (Rev. 2) (appended as Attachment W) with the amount of the nominal registration fee (para. 31) of US$ 2,500.

201. Recognizing that a number of other CMMs refer to CMM 2004-01, New Zealand suggested that work be initiated prior to TCC6 to prepare amendments necessary to reflect the changes.

202. Niue, on behalf of FFA members, proposed an additional amendment to CMM 2004-01 clarifying that flag States are responsible for ensuring that their vessels are on the RFV before commencing fishing operations in the area (WCPFC6-2009/DP10).

203. Some CCMs expressed concerns about administrative issues that have hindered prompt placement of vessels on the RFV, but stated that improvement in procedures is expected, and thus the amendment could be supported.

204. Two CCMs pointed out that the identification of minimum standard data fields for the RFV (i.e. those would need to be provided to the Secretariat before the vessel could be placed on the RFV) was an important outstanding issue. One of these CCMs considered that it was impractical

for the Secretariat to require data for all of the RFV data fields for the initial placement on the RFV.

205. WCPFC6 approved the amendment to CMM 2004-01 contained in WCPFC6-2009/DP10 clarifying that flag States are responsible for ensuring that their vessels are on the RFV prior to commencing operations in the WCPFC Convention Area.

b. CMM 2005-03 North Pacific albacore

206. The NC Chair presented a proposal to revise CMM 2005-03 on North Pacific albacore (WCPFC-2009/DP06). The NC Chair acknowledged the concerns of FFA members regarding the authority of the NC for the Convention Area north of 20° north latitude only, but highlighted the importance of a CMM that covered the entire distribution of the stock, which in the case of North Pacific albacore extends to the equator. It was noted that IATTC has in place a similar measure that covers all of its Convention Area north of the equator. The NC Chair proposed that the Commission adopt the proposed CMM under its mandate to manage stocks in the Convention Area over their entire range.

207. FFA members stated they could not support the measure because it exceeded the area of competence of the NC, and consultation within the Commission had been insufficient to generate the required understanding of the proposal among non-NC members.

208. Several CCMs, while noting that the proposal covered an area for which the Commission, rather than the NC, was responsible (i.e. 0–20° N), stated that they would be comfortable with a Commission decision to support the proposed CMM because it is important to cover the entire range of the stock.

209. After subsequent discussion in the margins of WPCFC6, there appeared to be consensus support for the application of the measure north of 20° degrees north latitude, but not in waters between the equator and 20° N.

210. WCPFC6 agreed to postpone further consideration of the measure until next year.

c. CMM 2005-03 IUU listing procedures

211. Tonga, on behalf of FFA members, presented WCPFC6-2009/DP11, which contained a proposal to amend CMM 2007-03, para. 15. The intent of the amendment is to require that sanctions for IUU fishing violations that occur in national waters be resolved to the satisfaction of the coastal State in whose waters they occurred. The amendment thus makes separate provisions for violations that occur in national waters and those that occur on the high seas.

212. Some CCMs did not support the amendment because, according to their interpretation, international law requires that sanctions be imposed by the flag State. These CCMs considered that the cooperation of the flag State is an important element of deterring IUU fishing.

213. Some of these CCMs noted that flag State penalties will vary according to their national legal systems, and this context needed to be appreciated when considering whether the penalty was of adequate severity.

214. One CCM suggested that the proposed amendment to CMM 2007-03 be modified to include the requirement that penalties imposed by the coastal State not be discriminatory.

215. FFA members and some other CCMs voiced their strong support for the amendment. These CCMs pointed out that the current WCPFC IUU vessel listing procedures do not assist coastal States in bringing IUU vessels to justice under their own legal systems, and thus do not assist coastal States in obtaining compensation for damages incurred.

216. Because agreement could not be reached, further discussion was deferred until TCC6.

217. New Zealand again noted its interest in proposing a number of revisions to CMM 2007-03 for discussion at TCC6 (see Agenda Item 7d).

d. CMM 2007-04 Seabirds

218. The Executive Director introduced WCPFC6-2009/IP05, which contains a comparison of Indian Ocean Tuna Commission (IOTC) seabird mitigation measures and those contained in CMM 2007-04. It was noted that CMM 2007-04 requires annual consideration of revisions to the specified mitigation measures but that neither SC5 nor TCC5 produced recommendations on amendment of seabird mitigation measures for the Commission this year.

219. Several CCMs welcomed the comparison with IOTC's new measures for further consider at SC6 and TCC6, and suggested that the Kobe2 workshop on bycatch issues to be held in the USA in 2010 will also inform this process.

220. Australia indicated that it had a range of comments on the paper that it would pass on directly to the Secretariat. One of these comments suggests incorporating a diagram similar to IOTC's into CMM 2007-04.

221. WCPFC6 agreed to task TCC6 with considering updates to CMM 2007-04 and making a recommendation to WCPFC7 in this regard.

e. CMM 2008-01 Yellowfin and bigeye

<u>Evaluating the effectiveness of CMM 2008-01 and additional proposals to close high seas areas</u>

222. John Hampton (SPC-OFP) presented two papers (WCPFC6-2009-IP17 and 18) that relate to CMM 2008-01, and an assessment of the potential effectiveness of this measure. A large part of this work involved determining the limits that apply to various fisheries under the measure. The projections showed that CMM 2008-01 is highly unlikely to meet its objectives of a 30% reduction in bigeye fishing mortality from 2001–2004 levels, and maintenance of the bigeye stock at a level capable of producing MSY over the long term. The measures are predicted to result in little if any reduction in bigeye F/F_{MSY} from the high levels in excess of 2.0 estimated for 2007–2008, and accordingly, biomass is predicted to fall to around 0.4–0.6 of biomass at MSY. The main reasons for the lack of effectiveness of the measure are the:

a. reductions in longline catch do not result in the required reduction in fishing mortality on adult bigeye;
b. increase in purse-seine effort allowed under the measure, and the increase in purse-seine catchability (fishing mortality per unit of effort) that has occurred since 2001–2004, is not sufficiently offset by the FAD and high seas pocket closures to reduce purse-seine fishing mortality below 2001–2004 average levels; and
c. exclusion of archipelagic waters, which encompass most of the fishing activity of the Indonesian and Philippines domestic fleets and significant amounts of purse-seine effort in Papua New Guinea and Solomon Islands.

223. Additional requests were made at SC5 for further analyses, particularly in relation to the various exemptions and special provisions of CMM 2008-01, but due to limited resources it was not possible to complete this work in its entirety. Analyses showed that removal of all exemptions and special provisions should result in a more effective management measure with respect to reductions in fishing mortality, but that alone was insufficient to meet the objective of CMM 2008-01.

224. Some CCMs expressed disappointment that the scenarios modeled in the papers did not follow the requests of SC5 and that some of them are closely connected with possible allocation of fishing opportunities, which is beyond the mandate of SC and SPC, and is a matter for the Commission. They also expressed concern that the baseline in the scenarios was changed from 2001–2004 to 2007, which was inconsistent with the request by SC5 (WCPFC6-2009/IP22).

225. Dr Hampton responded that some scenarios were composites of individual exemptions because there was not sufficient staff time available to model all individual exemptions separately. Regarding the change in the baseline, Dr Hampton explained that although CMM 2008-01 refers to a baseline of 2001–2004, management scenarios need to be framed in terms of reducing fishing effort from current levels. This is because effort has continued to increase since the baseline.

226. Some CCMs expressed surprise at the model results, which showed that a) closure of the two high seas pockets in 2010 would have almost no effect on the stock; and b) the bigeye stock is depleted to the extent that the allowable catch of bigeye by longliners is unlikely to be attained regardless of how much effort is expended. Given the lack of effectiveness of the closure, these CCMs questioned the fairness of imposing the provisions of CMM 2008-01.

227. Some CCMs attributed the likely failure of CMM 2008-01 to meet its objectives to the number of exemptions that were granted to various CCMs' fisheries. Some of these CCMs called for all provisions of CMM 2008-01 to be applied consistently and fairly throughout the Convention Area.

228. In responding to these points, Dr Hampton clarified that the effect of the 2010 pocket closure depends on whether the fishing effort that would have been expended there is cancelled or simply moved to another area. He also noted that if all exemptions to the measure were removed this would reduce the amount of overfishing by 55% (i.e. F/F_{MSY} would fall from 2.09 to 1.49).

229. Several CCMs expressed support for a seasonal closure of appropriate duration of the entire purse-seine fishery in the WCPO rather than just a seasonal closure for purse-seine fishing on FADs. One CCM added that the purse-seine fishery could be made subject to a time/area closure when and where juvenile tuna catch rates are particularly high. One CCM also proposed identification and protection of tuna spawning and nursery areas.

230. Dr Hampton responded that since tropical tuna spawning grounds vary with water temperature over a very wide area, identifying discrete nursery and spawning areas would be difficult.

231. One CCM suggested that the impacts of CMM 2008-01 on skipjack fisheries should be considered.

232. Dr Hampton responded that a skipjack stock assessment would be conducted in 2010. Initial indications are that CMM 2008-01 did not have a negative effect on skipjack fisheries.

233. Most CCMs agreed that while it is not acceptable to do nothing in response to the SPC report, it was not practical to amend CMM 2008-01 at WCPFC6. These CCMs also agreed that a strong package of revised measures is clearly needed and should be progressed as soon as possible.

234. Some CCMs noted that empirical data from the two-month 2009 FAD closure was not used in the SPC analyses, but that once it becomes available it should inform both SPC and SC and provide a better scientific basis for the evaluation of the current measure and consideration of new provisions for a future measure.

235. Dr. Hampton responded that observer data are critical to obtaining better spatial distribution data for purse-seine catches; port sampling cannot achieve this objective due to the potential for transhipment to occur between the catch location and port.

236. Two CCMs requested an immediate review of CMM 2008-01 and adoption of revised provisions by WCPFC6.

237. WPCFC6 accepted the recommendation of WCPFC6-2009/IP18 (i.e. that CMM 2008-01 will not achieve its stated objective of a 30% reduction in bigeye fishing mortality from 2001-2004 or 2004 levels). It was agreed to consider the issues raised in the discussion at WCPFC6 through the 2010 SC and TCC forums with a view to bringing forward a new package of measures for consideration at WCPFC7.

238. The Philippines presented a proposal limiting the intended closure of the two western high seas pockets provided for in CMM 2008-01 (WCPFC6-2009/DP13 Rev.1). The Philippines maintained that adopting the provision would place a disproportionate burden on the Philippines, thereby causing significant negative social and economic disruption, and would potentially displace the Philippine high seas fleet into areas closer to the Philippines that are recognized tuna spawning and nursery areas. These areas support high catches of juvenile yellowfin and bigeye tuna, which the Philippines has pledged to protect under the Coral Triangle Initiative. This would result in adverse impacts on the stock throughout its range.

239. Japan, on behalf of Asian fishing nations, expressed concern over the unfair nature of CMM 2008-01, and stated that they are not in a position to accept any further reduction on their side unless the unfairness is resolved (Attachment X). Japan also called on the USA to increase its efforts to mitigate the catch of small bigeye by their fleets.

240. The USA replied that it was making its best efforts to do so, noting that the solution to mitigating juvenile bigeye mortality was likely to be found in cooperation with industry. The USA also stated that the reported high proportion of bigeye in the catch of purse seiners operating in the central Pacific region may be a reflection on a history of robust catch sampling of vessels operating in that area, and that with improved sampling of vessels in the western tropical Pacific, it is possible that increased proportions of bigeye in the catch of purse seiners in that region will be reported.

241. A proposal was made by Cooks Islands, and supported by several CCMs, including FFA members, to close two additional high seas pockets (located between Fiji, Solomon Islands and Vanuatu; and the Cook Islands, French Polynesia and Kiribati) to purse-seine fishing. Cook

Islands noted that Article 8 (4) of the Convention gives special attention to management of such pockets, and stated that its proposal was based both on biological conservation needs as well as the need to reduce safe havens for IUU fishing activities. It was also noted that the Commission is required to consider closure of these two additional high seas pockets by CMM 2008-01, para. 22.

242. Fiji requested special consideration for its domestic longline fleet, which it noted was required to operate in the high seas pocket west of Fiji in order to maintain viable operations. Fiji wanted to avoid the possibility that its longline vessels would be nominated for IUU fishing if the pocket was closed and its vessels were detected operating in it.

243. Some CCMs stated that they considered the 2010 high seas pocket closures ineffective and unfair, and therefore could not support the proposal by Cook Islands.

244. Greenpeace stated that high seas pocket closures are critical to protecting areas that are highly vulnerable to IUU fishing. Greenpeace also called for a ban on FAD fishing.

245. Papua New Guinea, supported by several CCMs, including FFA members, raised concerns regarding a potential shift in effort to model region 4 — where catch per unit of effort was reported to be 40 times greater than in other areas — that may result when the two western high seas pockets are closed on 1 January 2010. These concerns echo the PNA's Bikenibeu Declaration, which notes the serious impact of high seas, distant-water longline and purse-seine operations on bigeye stocks. In order to avoid having the 2010 high seas pocket closures result in a greater impact on the stocks (i.e. through effort shifts), Papua New Guinea called for a closure of the high seas areas of the Convention Area east of 170° E between 10^{o} N and 20^{o} S to purse-seine fishing (WCPFC6-2009/DP-41).

246. The CCMs who did not support Cook Islands' proposal also did not support the proposal by Papua New Guinea. In addition to their previously stated reasons, these CCMs noted the lack of a clear biological basis for the proposal.

247. Other CCMs asked for clarification on the proposal, including issues of whether there could be more specific area closures identified within the vast area proposed, and for further consideration of potential impacts to fleets operating out of American Samoa.

248. The IATTC observer noted that Papua New Guinea's proposal covered some areas that will also be subject to IATTC measures, and this overlap could create confusion.

249. WCPFC agreed to maintain its intention to close the two western high seas pockets to purse-seine fishing on 1 January 2010 as agreed on at WCPFC5, and deferred the Philippines' proposal to TCC6 for further discussion. Proposals to close two additional high seas pockets, or the entire high seas portion of the Convention Area between 20^{o} N and 20^{o} S to purse-seine fishing were not adopted.

250. Cook Islands stated that it remained deeply concerned about the issue, and planned to bring forward a similar proposal to TCC6 for further discussion.

251. Several CCMs highlighted the connection between conservation and management of bigeye and yellowfin resources and the issue of capacity. These CCMs suggested that the former cannot be achieved without due regard to addressing the latter.

252. Chinese Taipei stated that it is willing to assist developing countries, particularly SIDS, to develop their fisheries so that they can make use of the marine resources in their waters for the development of their economies. In this connection, Resolution 2008-01 was adopted last year urging developed CCMs to render assistance to SIDS in this respect. After the adoption of this resolution, Chinese Taipei was approached by many officials and entrepreneurs requesting the building of purse-seine vessels in its shipyards. As previously mentioned in different fora, Chinese Taipei has domestic legislation to regulate the building of fishing vessels for export and the export of second hand vessels with the objective of avoiding an increase in fishing capacity in the region. Chinese Taipei is somewhat puzzled as to whether or not such building of purse-seine vessels is consistent with Resolution 2008-01, and will not be taken as increase in fishing capacity by Chinese Taipei. Chinese Taipei asked for guidance from the Commission on which it will consider an adjustment to its policy.

253. FFA members noted that they cooperate with CCMs as a means of participating in the management of shared stocks but that they have their own tools (e.g. the Third Implementing Arrangement of the Parties to the Nauru Agreement and the Vessel Day Scheme) to manage fishing effort. FFA members stated that they approach issues related to managing capacity with caution, and reject any suggestion of further controls on vessel acquisition from distant-water fishing States.

254. Some FFA members also reminded WCPFC6 that the aspirations of SIDS need not necessarily result in catching more fish; rather, the goal would be to add value to and maximize the benefits from fish that are already being caught. The ongoing assistance of some distant-water fishing States in this regard (e.g. onshore processing) was noted. It was also emphasized that maximizing value in this way could generate additional financial resources to sustain the Commission's work.

255. The Chair noted that in order to support the legitimate aspirations of SIDS to develop and benefit from their resources, while at the same time conserve and manage fish stocks in an effective manner, the transfer of fishing capacity to developing countries should be accompanied by a reduction in the fishing capacity of distant-water fishing States.

256. The EU requested that the record state that their understanding with regard to observers and the cross-endorsement procedures as articulated under Agenda Item 9.4c below also applies to CMM 2008-01.

<u>High seas alternative to FAD closure</u>

257. The Executive Director introduced WCPFC6-2009/IP12, which reports on the alternative measures taken by Japan, New Zealand and the Philippines under paras. 15 and 16 of CMM 2008-01. In July, New Zealand decided it would not pursue the alternative measures and would participate in the FAD closures. Data submitted by these three CCMs are profiled in the paper.

258. New Zealand explained that it withdrew from its intention to apply the alternative measures due to higher bigeye catches than anticipated and because of difficulties in reconciling the outcomes of port sampling with the historical estimates of bigeye catch used to set their bigeye catch limit. New Zealand reported that it is continuing with sampling work and trials of methods to reduce catches of juvenile bigeye by purse-seine vessels, and hopes to report the results to future meetings of the SC.

259. Japan informed WCPFC6 that it does not wish to apply the alternative measures in 2010 and will participate in the FAD closure.

260. Several CCMs raised concerns that the 2009 FAD closure had not been applied uniformly in the EEZs of some PNA members that had provided additional exemptions for at least one distant-water nation fishing partner. Some CCMs suggested that a full set of information should be available to TCC6 in 2010 to allow a full assessment of the implementation of each provision of CMM 2008-01 in 2009, and to review its application by individual fleets and coastal States.

261. RMI, on behalf of FFA members, expressed appreciation for the data generated through the application of the alternative measures, and stated that it remains open to incentive-based approaches in the future. However, it does not support application of the alternative measures for 2010 and 2011.

262. WCPFC6 agreed that alternative measures for the high seas were only available in 2009 and that no alternative measures would apply in 2010.

FAD closures and catch retention

263. Kiribati, on behalf of PNA members, presented a proposal (WCPFC6-2009/DP14) that would apply PNA provisions for FAD closures and catch retention to the high seas in the area between 20^{o} N and 20^{o}S where FAD closures and catch retention by purse-seine vessels are called for under CMM 2008-01.

264. Some CCMs raised questions or concerns about the PNA provisions, including the definition of FADs, which covers living marine organisms and the term "unfit for human consumption"; and the specification of seven-day and 50-mile buffers during the FAD closure.

265. One CCM suggested that rather than attempting to define "unfit for human consumption" that para. 27(b) of CMM 2008-01 be deleted.

266. One CCM suggested waiting until more information is available on the 2009 FAD closure from observer reports before agreeing on detailed rules.

267. PNA members noted that the proposal represents a potential extension to the high seas of rules, which are already applicable inside PNA waters and which contain the majority of tropical tuna catches. These CCMs stated that if compatibility is to be ensured, the high seas rules should conform to the PNA rules. It was also pointed out that compatibility of rules will benefit the ROP.

268. One CCM, supported by several others, stated a preference for a seasonal closure of the entire purse-seine fishery rather than just a seasonal FAD closure.

269. One CCM explained that because these PNA rules were in some cases different to the specifications in CMM 2008-01, which had formed the basis for national legislation now being implemented, it would be difficult to adopt new rules at this point.

270. After an initial discussion, most CCMs supported initial implementation of the proposal on an interim basis with a full review after one year.

271. WCPFC adopted the PNA's proposal for FAD closure and catch retention rules on the high seas as contained in WCPFC6-2009/DP14 as a CMM (CMM 2009-02 FAD Closure

and Catch Retention) (Attachment Y). The measure is to be reviewed by TCC6 and the results reported back to WCPFC7 for further consideration.

272. On the understanding that some CCMs' domestic regulations are compatible with, but not identical to, the PNA rules, and that those CCMs will submit copies of these regulations to the WCPFC Secretariat prior to the 2010 FAD closure, WCPFC6 agreed to permit some flexibility in the implementation of the measure for 2010 for those CCMs.

Japan's port monitoring, capacity reduction and purse-seine fleet growth papers

273. Japan presented WCPFC6-2009/IP19 on port monitoring experience in Japan, WCPFC6-2009/IP20 on the scrapping of 87 Japanese longliners, and WCPFC6-2009/IP21on growth of the WCPO purse-seine fleet by several Members.

274. WCPFC6 noted the papers. The issue of Japan's port monitoring is further discussed under Agenda Item 9.4.

Proposal for a CMM on banning FAD sets at night during the FAD closure period

275. Korea introduced a proposal to ban purse-seine sets between midnight and sunrise local time during the FAD closure. The motivation for the proposal was a finding presented at SC5 that 95% of FAD sets occurred before sunrise but only 3% of unassociated sets occurred before sunrise. Korea stated that banning purse-seine sets at night during the FAD closure would strengthen implementation of the closure.

276. Three CCMs commented that because FAD sets are already banned during the FAD closure period, the imposition of a ban on FAD sets is duplicative and unnecessary. One of these CCMs suggested that the definition of "sunrise local time" could be problematic.

277. Two CCMs stated that the proposal was appealing and worthy of further consideration.

278. Korea agreed to elaborate the proposal for further discussion at SC6.

f. CMM 2008-03 Sea Turtles

279. Australia requested WCPFC6's approval of its sea turtle mitigation plan (WCPFC6-2009/IP16) as required under CMM 2008-03, noting that both SC and TCC had recommended Commission approval of the plan.

280. WCPFC6 approved Australia's sea turtle mitigation plan (WCPFC6-2009/IP16).

g. CMM 2008-05 Swordfish

281. Australia, on behalf of FFA members, presented WCPFC6-2009/DP09 (Rev. 1) containing a proposal to amend CMM 2008-05 concerning swordfish. The proposal is in response to a requirement under CMM 2008-05 that the Commission review the measure at WCPFC6.

282. The EU reported that it had provided a report on an audit of its swordfish data to the Executive Director, and that SPC has taken account of the information. Other information has also been provided, including bilaterally. The EU thus considers that all outstanding issues from WCPFC5 have been settled.

283. Chinese Taipei requested that the data on vessels smaller than 100 GRT in Annex 1 of the proposed CMM be adjusted to reflect a new figure provided by Chinese Taipei of a total of 84 vessels in 2003.

284. Two CCMs requested that the date of review of the measure be moved forward from 2012 to 2011.

285. With incorporation of the above two changes, WCPFC6 adopted WCPFC6-2009/DP09 (Rev. 1) as a new CMM for swordfish (CMM 2009-03 Swordfish) (Attachment Z).

h. CMM 2008-06 Sharks

286. The Executive Director presented WCPFC6-2009/IP14, which on the basis of recommendations from SC5 and NC5, incorporates silky shark in the list of key shark species in CMM 2008-06.

287. Australia suggested that WCPFC6 task SC6 with the following:

a. Consider adding porbeagle to the list of key shark species on the basis that it is a CMS Appendix II species;
b. Consider information contained in the Pacific Islands Regional Plan of Action for Sharks (WCPFC6-2009/IP13);
c. Review the list of shark species identified for stock assessment and for annual reporting by CCMs to ensure it includes species at highest risk; and
d. requested that WCPFC7 review the shark measure taking into account the Kobe2 bycatch workshop to be held in 2010.

288. Japan suggested that hammerheads and porbeagle also be reviewed by SC6 for possible inclusion in the list of key shark species.

289. Palau informed WCPFC6 that it has established the world's first nationwide shark sanctuary and encouraged other CCMs to join in efforts to assess and manage shark species and work toward their conservation (Attachment AA).

290. WCPFC6 adopted a revised CMM to include the silky shark as a key shark species in CMM 2008-06 (CMM 2009-04) (Attachment BB) and the suggestions by Australia and Japan to task SC6 and WCPFC7 with the above items concerning shark stocks.

9.2 Report by PNA members on the implementation of the vessel day scheme

291. Kiribati, on behalf of PNA members, presented a report on the vessel day scheme (VDS), which has now been in operation for just over two years (WCPFC6-2009/DP21). For the first Management Year (1 December 2007 to 30 November 2008) 31,431 days were used and for the second Management Year (partial period: 1 January to 31 October 2009, 11 months) 30,029 days were used.

292. One CCM asked for more detail on the operation of the scheme to be provided in future reports.

293. Kiribati, on behalf of PNA, noted the request.

9.3 Response to the Commission's request in respect of a high seas VDS

294. The Secretariat prepared WCPFC6-2009/17 in response to the requirement of CMM 2008-01, para. 21 for the Commission to consider development of a VDS for the high seas, which would be compatible with the PNA VDS. Efforts by the Philippines to provide catch and effort data for the high seas were acknowledged. Because no substantive comments on the issue were provided by SC5 or TCC5, the Commission was invited to consider recommendations for any further work necessary for a high seas VDS in 2010.

295. **WCPFC6 noted WPCFC6-2009/17, which was on the development of a high seas VDS.**

9.4 Consideration of new measures and other conservation requirements

a. Data buoys

296. The USA introduced WPCFC6-2009/DP01 concerning a new CMM on data buoys. This CMM was discussed at TCC5, which recommended forwarding it to WCPFC6. The USA noted a recent United Nations General Assembly resolution to protect ocean data buoys, and the fact that half of all buoy arrays are out of service due to damage.

297. Several CCMs expressed concerns regarding how fishermen can be made aware of the location of data buoys and how they can distinguish between data buoys and other floating objects. These CCMs requested that the Secretariat provide links to further information about data buoys on the WCPFC website.

298. Some CCM suggested that standard marking be required for data buoys, particularly non-governmental data buoys, but this was noted to be beyond the control of the Commission.

299. Some CCMs suggested that the buffer area around the buoys be reduced from 1 nm to 500 nm on the basis that the United Nations Convention on the Law of the Sea (UNCLOS) requires a 500 nm buffer around research facilities.

300. Other CCMs noted that data buoys are being used as FADs, therefore it is appropriate that a similar distance be maintained from data buoys as from any other object being used as a FAD (i.e. 1 nm).

301. While supporting the measure, Australia noted it may need more time to implement it than current Commission timeframes allow but would do so as expeditiously as possible.

302. WPCFC6 adopted WCPFC6-2009/DP01, as revised, as a new CMM (2009-05) entitled "Prohibition of Fishing Activities on Data Buoys" (Attachment CC).

b. Transhipment

303. RMI and Nauru presented WCPFC6-2009/DP03 containing a proposal for a CMM on transhipment. This proposal represents the outcome of extensive negotiations over several years but still contains a few outstanding issues for further discussion at WCPFC6.

304. Some CCMs advocated limiting the application of the measure to the Convention Area, suggesting that cross-endorsement of observers between IATTC and WCPFC would handle cases in which vessels cross from one Convention Area to the other in the eastern Pacific.

305. Some CCMs noted their general opposition to allowing transhipment on the high seas but stated their willingness to support the measure as a first step.

306. Some CCMs expressed concern about special provisions for particular types of fisheries as provided for in the draft measure.

307. After further discussion in the margins of WCPFC6, Nauru and RMI produced WCPFC6-2009/DP03 (Rev. 2).

308. Discussions continued regarding the provisions of the proposed text in WCPFC6-2009/DP03 (Rev. 2) resulting in the following revisions:

a. Although the implementation date for the new provisions is 1 July 2010 (para. 1), the effective date for para. 13(c) is 1 January 2011.
b. In para. 38, "Members of the Commission" should be changed to "Members of the Commission and participating territories".
c. Correction of minor cross-referencing errors in the text is necessary and will be done by the Secretariat.

309. On the understanding that the above points a, e, and f will be reflected in the measure, WCPFC6 adopted the text in WCPFC-2009/DP03 (Rev. 2) as a new conservation and management measure (CMM 2009-06 Regulation on Transhipment) (Attachment DD).

310. WCPFC6 was also noted that:

a. the conclusion of data exchange and observer cross-endorsement procedures with IATTC is considered critical for smooth and effective implementation of this measure;
b. as required under PNA arrangements, all vessels in PNA waters are required to carry PNA observers, and PNA observers can serve on the high seas if they have been authorized under the Regional Observer Programme; and
c. the provisions in para. 13 apply throughout the Convention Area.

311. The EU stated its understanding that, as agreed at WCPFC5, until provisions for cross-endorsement of observers are agreed between WCPFC and IATTC, vessels crossing from the IATTC Convention Area into the WCPFC Convention Area will take a WCPFC observer at the first entry into port within the WCPFC Convention Area.

312. Vanuatu stated that it supports the proposal but has some reservations concerning the effect of the proposal on Vanuatu's existing transhipment operations in the high seas pocket between Vanuatu, Fiji and Solomon Islands. Vanuatu stated that given the importance of transhipment in this high seas pocket to its industry, it wished to reserve the right to object to renewal of this measure when it is next considered by the Commission.

313. China agreed to work with the Secretariat on proposals for cost recovery from other RFMOs who use WCPFC observers and to ensure that all appropriate procedures are in place for the smooth implementation of the measure in 2011.

314. WCPFC6 approved a proposal by the USA for an addendum to the monitoring, control and surveillance data provision rules regarding the treatment of transhipment data (WCPFC6-2009/DP34) (see Attachment EE).

c. Port monitoring

315. In accordance with para. 43 of CMM 2008-01, Japan presented WCPFC6-2009/DP05 (Rev. 2) describing port sampling and monitoring of purse-seine catches to determine species composition. The findings of the studies indicated that even for those vessels with observers, only 77% of the purse-seine bigeye tuna bycatch is reported. Based on this finding, Japan advocated greater efforts toward port sampling by CCMs, including monitoring of canneries in Bangkok, which take most of the purse-seine catches, and other high volume transhipment ports. Japan considers these types of programmes essential in documenting catches, thereby avoiding allegations that the fish are products of IUU (particularly unreported) fishing activities.

316. One CCM requested more details on Japan's port sampling protocols, including minimum sample sizes and sampling of split catches. This CCM requested Japan to develop a training programme for other CCMs on sampling methodologies.

317. Japan agreed to host a symposium or workshop on the subject in 2010 to consider the possible establishment in 2010 of an arrangement with non-CCMs to enable the collection of species and size composition data from canneries in non-CCM ports. Progress with this work will be reported to the 2010 annual session of the Commission.

318. Some CCMs supported immediate implementation of Japan's proposals.

319. Several CCMs, including FFA members, welcomed the information provided by the port sampling and noted that it can assist in reducing uncertainty. However, these CCMs requested more time to consider the proposals and their linkages to other instruments such as port State measures, transhipment, catch documentation schemes and the EU IUU regulation; and to consult with Thailand.

320. The USA noted that its decades-long port sampling programme for both purse seiners and longliners in American Samoa might serve as a good model in that it contains elements such as stratified sampling, accounting for at-sea sample sorting bias, and at-sea spill sampling. The USA recommended that this programme, along with others, be reviewed by SC and TCC before adopting a WCPFC port sampling programme.

321. As a compromise, Japan asked for endorsement to proceed with a cannery sampling programme in Thailand.

322. WCPFC6 adopted an abbreviated form of the proposal calling for a cannery sampling programme to be initiated (WCPFC6-2009/DP05 (Rev. 3), CMM 2009-10) (Attachment FF). WCPFC6 recognized the importance of port sampling for species composition and called for the issue to be further progressed through the SC and TCC.

d. North Pacific albacore

323. Further consideration of this measure was deferred until 2010 (see para. 211).

e. Pacific bluefin tuna

324. The Chair of the NC presented a draft CMM for Pacific bluefin tuna (WCPFC6-2009/DP07) (see Agenda Item 5.1). The measure provides for holding fishing effort to levels no greater than the 2002–2004 levels for 2010, with the Korean EEZ being exempt from this measure.

325. While welcoming a CMM for Pacific bluefin tuna, some CCMs expressed concerns about the exemption of the Korean EEZ from the measure and urged the NC to work toward applying the measure throughout the entire area north of 20°N from 2011 onward.

326. One CCM questioned the definition of "artisanal fisheries" and "2002–2004" level.

327. Tokelau, on behalf of FFA members, requested that the NC continue to monitor fishing mortality on age 1–3 fish as this is of particular concern.

328. WCPFC6 adopted WCPFC6-2009/DP07 as a new CMM for Pacific bluefin tuna for 2010 (CMM 2009-7) with the request of CCMs that the measure also apply to the Korean EEZ after 1January 2011 (Attachment GG).

f. North Pacific striped marlin

329. Efforts in the margins of WCPFC6, led by the USA, progressed a draft CMM for striped marlin in the North Pacific through four versions but did not reach agreement (WCPFC6-2009/24 [Rev. 4]).

330. WCPFC6 agreed that further work to develop a CMM for North Pacific striped marlin should be discussed at WCPFC7.

g.Chartering notification scheme

331. Fiji, on behalf of FFA members, presented a draft CMM on chartering notification arrangements (WCPFC6-2009/DP08). This draft had been discussed at TCC5 and was subsequently subject to some minor amendments. FFA members supported the current draft text.

332. Several CCMs called for a requirement within the draft measure for notification of the flag State when charter arrangements are entered into.

333. FFA members explained that the charter arrangements are business partnerships that cannot be regulated. Concerns were also expressed that flag State notification could be abused with the end result being that the development of SIDS is restricted.

334. Dr Tsamenyi advised that the purpose of the charter notification scheme is not to address the process of chartering vessels, which is regulated by flag State laws and subject to commercial negotiation among the parties, but to promote transparency in the use of charters by requiring notification of specified information to the Commission.

335. The USA highlighted catch attribution under charter arrangements and flag States/chartering member responsibilities over the chartered vessels and offered to produce a paper on this topic for consideration at TCC6.

336. Through further discussion in the margins of WCPFC6 and across the floor, CCMs agreed to modify the draft text to include a requirement for the Executive Director to immediately notify the flag State once the charter notification is received. An expiry date of 31 December 2011, with an option to renew, was also inserted to the text.

337. WCPFC6 adopted the new CMM on charter arrangements (CMM 2009-008 Charter Notification Scheme) (Attachment HH)

338. Fiji, on behalf of FFA members, stated that nothing in the measure should be considered to provide any basis for flag States to interfere in charter arrangements between SIDS and their vessels.

h. Stateless vessels

339. The USA presented WCPFC6-2009/DP15 (Rev. 1) containing a proposal for a new CMM on Stateless vessels, which had been discussed at TCC5 and forwarded to WCPFC6 for consideration. The USA explained that para. 5 had been deleted in the revision because the high seas boarding and inspection measure, and provisions it contained, were already authorized under UNCLOS.

340. WCPFC adopted the Stateless vessels proposal (WCPFC6-2009/DP15 [Rev. 1]) as a new CMM (CMM 2009-09, Vessels without nationality) (Attachment II).

341. On the adoption of this CMM, Chinese Taipei stated its understanding of the CMM as follows:

a. *"A vessel not flying the flag of their flag State" should be defined as those vessels that refuse to show their flag; and*

b. *Vessels not registered on the shipping registry of a State should be regarded as vessels without nationality unless the circumstances as envisaged in Article 6(2) the 1958 High Seas Convention or Article 92(2) of the 1982 UNCLOS are fulfilled.*

i. Control of nationals

342. New Zealand submitted WCPFC6-2009/DP16 to provide an update on the process of developing a CMM on the control of nationals. Comments on a draft CMM prepared by New Zealand were received from Japan, Chinese Taipei and the PNA.

343. Tuvalu, on behalf of FFA members, expressed concern that the measure not be used to prevent development of SIDS' domestic fisheries.

344. Given that the issues raised in these comments were substantive, New Zealand offered to work with CCMs in the coming months to prepare a revised draft CMM for consideration at TCC6.

j. Compliance with Conservation and Management Measures Working Group

345. Australia presented (WCPFC6-2009/DP17), which contains draft terms of reference for the Compliance with Conservation and Management Measures (CCMM) Working Group. It is proposed that the working group develop compliance monitoring structures and processes for consideration by the Commission, and represent the results of three previous submissions to the Commission.

346. Several CCMs spoke in support of efforts to form a CCMM Working Group, but none of them favored an intersessional meeting. Some of these CCMs suggested a special session be held during TCC6 to advance discussions on this topic, whereas others supported electronic intersessional discussions prior to TCC6.

347. One CCM recommended deletion of the last portion of para. 4 of the Terms of Reference regarding a non-compliant party blocking punitive action.

348. Some CCMs stated that they support the CCMM Working Group only as subsidiary body to the TCC.

349. **WCPFC approved Australia's proposal to convene discussions on the formation of a CCMM Working Group in accordance with the terms of reference in WCPFC6-2009/DP17.**

k. Port State measures

350. The EU presented WCPFC6-2009/DP19 on implementing the minimum technical standards of the new FAO Port State Measures Agreement within the WCPFC.

351. Fiji, on behalf of FFA members, expressed support for the FAO Port State Measures Agreement but noted that FFA standards are stricter than those in the agreement and will be applied if appropriate. FFA members are concerned that there is no transfer of the burden of combating IUU fishing to SIDS.

352. **WCPFC6 noted that implementing the provisions of the Port State Measures Agreement is a priority for the Commission, and decided that the matter be progressed through electronic means for further discussion at TCC6.**

353. Parties were invited to submit a first round of comments on the EU proposal to the Secretariat by 1 March 2010. The EU will soon thereafter circulate a revised proposal on which Parties will be invited to comment before 1 June 2010. The EU will thereafter further revise the proposal and present it to TCC6.

l. Draft CMM on aspirations for developing states

354. A draft CMM on aspirations for developing States (WCPFC6-2009/DP24) tabled by RMI was withdrawn.

m. Kobe matrix

355. Canada introduced WCPFC6-2009/DP31, presenting a strategy matrix that can serve as a harmonized format for standardizing scientific advice, and a first step toward depicting stock status against reference points to clearly communicate risk. It was noted that the concept was presented at and endorsed by the Kobe2 meeting. The paper contains a proposal for a pilot project applying the matrix within the WCPFC as workloads allow (i.e. probably in 2011).

356. WCPFC6 tasked the management objectives workshop with determining the elements of the matrix with subsequent forwarding of the material to SC7 (2011) for further consideration.

n. NGO information for compliance

357. Canada presented WCPFC6-2009/DP33, concerning procedures for the submission and actioning of reports from non-governmental organizations on non-compliance with the Commission's CMMs.

358. Due to time constraints, WCPFC6 was unable to discuss this issue and it was referred to TCC6 for further consideration.

AGENDA ITEM 10 - ANNUAL REPORT ON THE WORK OF THE COMMISSION

359. The Executive Director presented WCPFC6-2009/19, which presents a profile of the Commission's work during 2009. The report summarizes the work of the WCPFC subsidiary bodies, the Secretariat, contracts and consultancies, relations with other organizations and emerging issues. An annex details the progress in implementing the functions of the Commission as assessed by the Secretariat.

360. WCPFC7 took note of the report and the WCPFC Chair expressed his particular appreciation for the dedication of the Secretariat staff.

AGENDA ITEM 11 - REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

361. The Chair of the Finance and Administration Committee (FAC), Ambassador Terry Toomata (Samoa), presented the report of FAC3 (WCPFC6-2009/27) (Attachment JJ). Highlights of the report included a likely cash flow problem for the Commission resulting from extra-budgetary VMS expenses; preparation of a draft Strategic Plan; appointment of a new Executive Director; new rules for contributions from those CCMs fishing in the area of overlap between the WCPFC and IATTC Convention areas; and the proposed budget for 2010 and indicative budgets for 2011 and 2012. The FAC Chair noted that the proposed 2010 budget has been reduced through cost cutting to US$ 5.4 million, and thanked New Caledonia for its generous, voluntary contribution of €115,000 to the Regional Observer Programme (ROP) Support Fund, and offer to explore means to provide ongoing support (WCPFC6-2009/DP39). Nevertheless, undesirable budget cuts still needed to be made and it was recommended that a cost recovery study be undertaken to identify means of gathering additional funds for the work of the Commission, for example, through cost recovery for air time costs associated with the Commission VMS, financial contributions from CNMs and/or a registration charge for observer delegations.

362. New Caledonia sought explicit confirmation of the decision to implement Option 5.1 for ROP data management (WPCFC6-2009/IP-08; also see Agenda Item 7).

363. Several CCMs, noting a previously stated and clear preference for Option 5.3 in relation to ROP data management (see Agenda Item 7), agreed to accept Option 5.1 for an initial one-year period.

364. Several CCMs stated that, given the limited time available for review, it would be inappropriate to include the Strategic Plan as part of the endorsement of the report of FAC3.

365. Two CCMs suggested that if any surplus funding becomes available that the ROP should be allocated the additional funds as observer data is critical to robust scientific and management advice.

366. Two CCMs and the WCPFC Chair suggested that surplus funding should be allocated to rapporteuring services because it is an important element of meeting support that cannot be provided by Secretariat staff without compromising other Secretariat services to the meeting.

367. The Executive Director clarified that security concerns have recently been heightened at Pohnpei, thus requiring some security expenditures by the Commission. He explained that a Commission contribution to some projects has been necessary to leverage large amounts of donor

funds; these funds can be shown in future budget spreadsheets as income from other sources. In response to concerns raised regarding the extra-budgetary VMS costs, the Executive Director noted that the additional cost was incurred because nearly double the forecast number of vessels had reported to the Commission's VMS in 2009. He also indicated that it was estimated that approximately 127 carriers and bunkers would be listed on the WCPFC RFV and charges accrued from those listings would be set aside in a special fund awaiting an allocation decision by the Commission at WCPFC7.

368. Noting that the Strategic Plan is a draft document requiring further consideration before Commission endorsement, WCPFC6 adopted the FAC3's report, including the amended Commission Budget and Work Programme.

369. In response to the decision to appoint an interim Executive Director from within the existing Secretariat staff, the WCPFC Chair announced the appointment of Dr Sung-Kwon Soh. It was noted that when assuming the duties of interim Executive Director, the Secretariat's capacity to service the 2010 meeting of the SC will be affected. CCMs were encouraged to consider secondments to fill this interim need.

370. FFA members announced that a workshop hosted by FFA on fisheries management arising from the Kobe2 joint tuna RFMO meeting, will be held from 29 June to 1 July 2010 in Brisbane, Australia. It was suggested that a special WCPFC meeting be held on Friday, 2 July 2010 to discuss applications for the Executive Director position.

AGENDA ITEM 12 - SPECIAL REQUIREMENTS OF DEVELOPING STATES

371. Tuvalu, on behalf of FFA members, made a statement reminding CCMs of the provisions of Resolution 2008-01, regarding cooperation of developed CCMs with SIDS and territories to increase the share of benefits from the fish stocks of the Convention Area received by SIDS and territories. Developed CCMs were encouraged to fully implement Resolution 2008-01 in accordance with Article 30 of the Convention and as called for by agreed immediate action (j) at the Kobe2 meeting.

372. RMI, also on behalf of FFA members, noted with regret that SIDS-supported proposals on revising the IUU listing/de-listing procedures and on development aspirations had not been supported by some CCMs. These and other experiences were causing concern among SIDS that constraints to their development were ongoing and increasing. While acknowledging with sincere appreciation the receipt of financial and in-kind contributions, RMI, on behalf of FFA members, urged developed CCMs to take the opportunity to inform the Commission of their implementation of Article 30 of the Convention.

373. Kiribati, supporting the statements of Tuvalu and RMI, noted that during WCPFC5 it had taken difficult decisions to continue to support arrangements that it considered impinged on their sovereign rights with regard to licensing. Kiribati expressed great concern regarding an incident in which one of its joint ventures has been blocked by the actions of another CCM, and stated that such situations were unacceptable impediments to SIDS' development aspirations.

374. Samoa supported the statements by FFA members, and recognized assistance from the USA under the special requirements fund, from Japan under the Japan Trust Fund, and other development assistance being provided by China.

375. New Zealand stated that this issue warranted a high priority on the agenda of future Commission meetings and urged CCMs to report to the Commission on their implementation of Article 30 of the Convention.

376. Papua New Guinea supported the views of other SIDS and noted the progress being made by the PNA on developing management measures for PNA waters.

377. The EU stated that the development of coastal States is a priority for the EU, as witnessed by the European Development Fund contributions to the region, particularly with regard to combating IUU fishing.

378. The USA highlighted its shiprider agreements with six SIDS and territories: Cook Islands, FSM, Kiribati, RMI, Palau and Tonga, as well as their recent cooperative enforcement exercises (Operations Bigeye and Island Chief), which resulted in the detection of a number of fisheries management infractions.

379. Japan restated its view that it will be necessary for developed CCMs to find a real mechanism for transferring capacity to developing countries and ensuring that real benefit accrues to SIDS rather than to irresponsible foreign investors.

380. France noted their commitment to combating IUU fishing activities.

381. The WCPFC Chair, noting the proposal by FFA members (see Agenda 7.1 [a]), suggested that a separate item be added to the agenda of future meetings to allow developed CMMs to report to the Commission on their implementation of Article 30.

AGENDA ITEM 13 - COOPERATION WITH OTHER ORGANISATIONS

382. WCPFC6 was invited to consider four memoranda of understanding: revisions to the existing memoranda of understanding with the SPC-OFP, ISC, and IATTC and a proposed new memorandum of understanding with the North Pacific Anadromous Fisheries Commission (NPAFC), respectively as contained in WCPFC6-2009/22.

383. WCPFC approved the draft MOU between WCPFC and SPC-OFP, which is contained in WCPFC6-2009/22, Attachment A (see Attachment KK to this report).

384. With regard to the MOU between the WCPFC and ISC, WCPFC6 agreed to retain the existing MOU without amendment until review at WCPFC7.

385. Further discussions in the margins of WCPFC6 led by the EU produced text addressing the issue in paragraph 1(c) of the draft Memorandum on Cooperation (MOC) on the Exchange and Release of Data between WCPFC and IATTC (WCPFC6-2009/22, Attachment D).

386. The USA proposed adding "inter alia" before the list of "mammals, turtles, sharks and billfish" in para. 2 of the draft MOC.

387. WCPFC6 approved the data exchange arrangement with IATTC (Attachment LL).

388. Concerning the MOU between WCPFC and NPAFC, the Executive Director noted that NPAFC has requested additional time to review the document, and suggested that the issue be revisited at TCC6.

389. WCPFC6 agreed to further consider the MOU with NPAFC after receipt of comments from NPAFC.

AGENDA ITEM 14 - WORK PROGRAMME AND BUDGET FOR 2010 AND INDICATIVE WORK PROGRAMME AND BUDGET FOR 2011 AND 2012

390. The WCPFC Chair listed the following accomplishments of WCPFC6:

a. updating of the IUU vessel list;

b. approval of CNM applications and new procedures;

c. improvements to the RFV (carriers and bunkers);

d. agreement to apply the Kobe2 strategy matrix;

e. agreement of a definition for a FAD set; and

f. new CMMs on chartering, transhipment, South Pacific swordfish, Pacific bluefin, data buoys and stateless vessels.

391. While recognizing that the degree of priority will vary among CCMs, the priorities for the Commission, SC and TCC were identified by the WCPFC Chair for CCMs' consideration as follows:

a. WCPFC7

i. reducing mortality of juvenile bigeye and yellowfin tuna;

ii. working on development of management objectives;

iii. compliance monitoring;

iv. implementing Article 30 of the Convention; and

v. the strategic plan and budgeting.

b. SC6

i. stock assessments for skipjack and bigeye tuna, and advice on management options;

ii. ongoing assessment of CMM 2008-01;

iii. purse-seine species composition research;

iv. shark stock assessments,

v. data and data gaps including port monitoring; and

vi. a draft CMM for striped marlin in the North Pacific.

c. NC6

i. updates to CMMs for Pacific bluefin tuna and North Pacific albacore; and

ii. implementing the ROP.

d. TCC6

i. implementing CMM 2008-01, including a high seas VDS;

ii. port sampling;

iii. implementing effective port State measures under the November 2009 FAO binding agreement on port state measures to combat IUU fishing;

iv. further work on monitoring compliance with CMMs;

v. reviewing the ROP and VMS programmes, including cost recovery;

vi. developing a catch documentation scheme;

vii. further discussing IUU provisions regarding ownership (3j), 120 days submission deadline and criteria for satisfactory settlement; and

viii. best practice in seabird mitigation measures.

AGENDA ITEM 15 - ELECTION OF OFFICERS

392. WCPFC6 approved the nominations by SC5 and TCC6 for the following officers: Noan Pakop (Papua New Guinea) as Chair of the TCC; Dr Charles Karnella (USA) as Vice-Chair of the TCC; and Pamela Maru (Cook Islands) as Vice-Chair of the SC.

AGENDA ITEM 16 - OTHER MATTERS

16.1 Performance review

393. WCPFC6 noted that because there is no budget for a performance review to be undertaken in 2010, the review will need to be postponed for future consideration.

16.2 Extension of VMS to waters under national jurisdiction

394. Under Article 24(8) of the Convention, any Commission Member may request that waters under its national jurisdiction be included within the area covered by the Commission VMS. WCPFC6 was invited to consider the proposed application of the Commission VMS by a CCM wishing to obtain position information for a vessel inside its waters under national jurisdiction that is not part of its national VMS.

395. WCPFC6 agreed that this was essentially a bilateral issue between the CCM and the Secretariat, and that an agreement to extend the VMS to waters under national jurisdiction in this case in no way undermines the exclusive control of coastal States over their national waters.

16.3 WCPFC5 Summary Report

396. PNG expressed grave disappointment in the WCPFC Secretariat in allowing certain CCMs to manipulate the opinion of the WCPFC Legal Advisor regarding the application of the Commission's CMMs to archipelagic and internal waters, and changing the initial draft of the WCPFC5 Summary Report, as it was further noted that the Commission's area of competence is the EEZs and the high seas, not territorial seas and archipelagic waters, quoting Article 56 of UNCLOS.

397. The WCPFC Chair agreed that the issue of application of CMMs to support sustainable use of the stock throughout their range remained open for discussion. The Chair also noted that the purpose of the Convention is to establish a framework for cooperation between coastal States' management and high seas management, and to harmonize the interests of all parties while implementing best practices.

398. There was consensus that CMMs are required in both EEZs and high seas waters, and that these should be compatible in order to effectively manage fisheries resources throughout their range for sustainable benefit.

AGENDA ITEM 17 - NEXT MEETING

399. FSM confirmed its interest in holding WCPFC7 in Palikir, Pohnpei State, Federated States of Micronesia, noting the standing arrangements for the Commission sessions to be held at Pohnpei every other year.

400. The Chair of the FAC reminded CCMs that since the Secretariat's budget for 2010 has been reduced, support for Commission meetings held in Pohnpei that has in the past been provided by the Secretariat (e.g. hospitality, transport, supplemental staffing) may require support from other CCMs.

401. Provisional dates for the 2010 meetings of the Commission and its subsidiary bodies are as follows:

a. SC6: Nuku'alofa, Tonga (9–20 August 2010)
b. NC6: (to be confirmed), Japan (8–11 September 2010)
c. TCC6: Pohnpei, FSM (30 September–5 October 2010)
d. FAC4: Pohnpei, FSM (5 December 2010)
e. WCPFC7: Pohnpei, FSM (6–11 December 2010)

402. Korea indicated its intention to offer to host either the TCC or the Commission meeting in Seoul or Cheju in either 2011 or 2012.

403. Japan requested that CCMs send officers involved in fisheries management to the Convention on the Trade in Endangered Species (CITES) COP15 in Doha, Qatar in March 2011.

404. Two CCMs suggested the seating arrangements, rather than being alphabetical, be rotated from year to year.

405. Subsidiary bodies were encouraged to format and present their reports so as to avoid duplication and spending time on issues that do not require discussion at Commission meetings.

AGENDA ITEM 18 - SUMMARY REPORT

406. A summary report was prepared by the rapporteur and the Secretariat, and circulated to CCMs for comment.

AGENDA ITEM 19 - CLOSE OF MEETING

407. PNG made a closing statement, indicating its general satisfaction with the meeting outcomes, in particular agreements reached on carriers and bunkers, charters and multi-species

analysis with regard to reference points. However, concern was expressed about insufficient effort directed toward high seas area closures and support for the development aspirations of SIDS. Points regarding PNG's reservations on the granting of CNM participatory rights for 2010 were reiterated (see Agenda Item 2).

408. A closing statement by Greenpeace called for a closing of the two additional high seas pockets and for harnessing market information and consumer preferences to reinforce sustainable fisheries management. The Executive Director was thanked for his efforts.

409. Several CCMs expressed their sincere appreciation to the departing Executive Director, and to the Government of French Polynesia for hosting the meeting.

410. The Government of French Polynesia declared that it was an honor and a pleasure to host the meeting, in particular given the important transhipment agreement and the other improvements to CMMs that were decided at WCPFC6.

411. The WCPFC Chair thanked the Government of French Polynesia for their generous contributions to the work of the Commission at WCPFC6. He also expressed his appreciation to the Commission's Vice-Chair Sylvie LaPointe (Canada) and all of the outgoing and new officers of the Commission's subsidiary bodies. Secretariat staff, including Dr Martin Tsamenyi and Dr Shelley Clarke, were also thanked. The WCPFC Chair presented the Executive Director with a Tahitian *to'ere* as a token of appreciation for his energy, vision and dedication.

412. The Executive Director thanked all those that had assisted him in the work of the Commission over the last 4.5 years: former WCPFC Chair Glenn Hurry; the current Chair; SPC-OFP Manager Dr John Hampton; officers of the subsidiary bodies; staff of various CCMs; the Secretariat staff, including Drs Tsamenyi and Clarke; and his family. He thanked the Government of French Polynesia for their support for WCPFC6, and paid a special tribute to Compliance Manager Andrew Richards who is also leaving the Secretariat in early 2010 and who has been instrumental in supporting the activities of the TCC.

413. The Chair closed WCPFC6 at 19:55 on Friday, 11 December 2009.

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

Sixth Regular Session

Papeete, French Polynesia
7–11 December 2009

ATTACHMENTS

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A	Opening Address By Mr Gaston Tong Sang, President of French Polynesia
B	Opening Remarks by Mr Adolphe Colrat, High Commissioner of the French Republic in French Polynesia
C	List of Participants
D	Opening Statement, Ambassador Satya N. Nandan, Chair of the Commission
E	Opening Statement – Cook Islands
F	Opening Statement – Korea
G	Opening Statement – Parties to the Nauru Agreement
H	Opening Statement – New Caledonia
I	Opening Statement – Niue on behalf of FFA members
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N	Agenda
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Q	Amendments to the Standard Operating Procedures for the Commission's VMS
R	Annual Report Part 2 – Revised Template
S	Revised Flowchart for Cooperating non-Member Application Procedures
T	Letters from Indonesia to the USA and France regarding the Indonesian flag vessel, *Lina*
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V	Rules and Procedures for the Protection, Access to, and Dissemination of High

	Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control of Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes
W	CMM 2009-01 (WCPFC Record Of Fishing Vessels And Authorization To Fish [Revised])
X	Statement by Japan on behalf of five Asian nations regarding CMM 2008-01
Y	CMM 2009-02 (FAD Closure and Catch Retention)
Z	CMM 2009-03 (Swordfish)
AA	Statement by Palau on Sharks
BB	CMM 2009-04 (Sharks)
CC	CMM 2009-05 (Prohibition of Fishing Activities around Data Buoys)
DD	CMM 2009-06 (Regulation on Transhipment)
EE	Data Rules Regarding the Treatment of Transhipment Data
FF	CMM 2009-10 (CMM Monitoring Landings of Purse-Seine Vessels at Ports to Ensure Reliable Catch Data by Species)
GG	CMM 2009-07 (Pacific Bluefin Tuna)
HH	CMM 2009-08 (Charter Notification Scheme)
II	CMM 2009-09 (Vessels Without Nationality)
JJ	Summary Report – Third Session of the Finance and Administration Committee
KK	Revised MoU between WCPFC and SPC
LL	WCPFC and IATTC memorandum of Cooperation on the Exchange and Release of Data

Attachment A

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

OPENING ADDRESS BY MR GASTON TONG SANG

PRESIDENT OF FRENCH POLYNESIA

Honourable Adolphe Colrat, High Commissioner of the French Republic in French Polynesia,
His Excellency Ambassador Satya Nandan, Chairman of the Western and Central Pacific Fisheries Commission,
Honourable Ministers, Excellencies and Heads of Delegations,
Distinguished Delegates of Member Countries, Participating Territories, Cooperating Non-Members and Observers,
The Executive Director and members of the WCPFC Secretariat,
Dear guests,

Dear friends of the maritime world,

It is an honour and privilege for me to deliver, on behalf of the Government and the people of French Polynesia, this welcome address on the occasion of the opening ceremony of the 6th Regular Session of the Western and Central Pacific Fisheries Commission, here in Tahiti at the heart of the Pacific Ocean.

To you all, I warmly say: IA ORANA, MAEVA E MANAVA.

Holding this important event in Tahiti results from a carefully thought-out approach that was initiated more than a year ago by the authorities of French Polynesia, along with the approval and support of France. In Pusan, for the 5th Conference, I had appointed the Minister of Marine Resources, Mr Temauri FOSTER, in order to propose French Polynesia as the future host for the 6th Conference to be held in 2009.

I would like here to say "thank you" again for your trust and enthusiasm towards us by accepting to entrust us with this important responsibility. I hope we will come up to your expectations regarding this event and that you will congratulate yourselves on your choice.

Our hosting of this event reflects our interest for the work of WCPFC and our commitment for sustainable and responsible fishing in the Pacific. Stakes and challenges are huge, at every level: in French Polynesia, in the Pacific and in the whole world.

French Polynesia stretches over a maritime area of 5,500,000 km², which is as vast as Europe. Polynesians are intimately, historically and culturally connected to the sea. They arrived from the sea and depend on the sea for their survival in many instances. Fishing is the third provider of revenues in our country, after tourism and cultured pearls, and the proper management of that resource, which is indispensable for our economic development, is amongst the priorities of my Government. Our responsibility towards future generations is to find the right balance between preservation and exploitation of our stocks of highly migratory fish.

In this regard, I want to express my concerns regarding the continued increasing fishing effort in our large Ocean. In 2008, tuna catches reached a record high of 2,426,125 (two millions four hundred and twenty-six thousand one hundred and twenty-five) tonnes in the Western and Central Pacific Ocean, which corresponds to 56% of global tuna catches.

In spite of the courageous conservation and management measures adopted in Pusan last year, bigeye tuna stocks are still overfished, which actually threatens the very existence of that resource, and yellowfin tuna stocks are just below the overfishing threshold. It is our duty to pursue our efforts in order to reduce the fishing pressure on certain species, while ensuring that we are not adversely affecting the specific needs and legitimate aspirations of Pacific developing island states and territories.

We should pay special attention to the most destructive fishing methods for fish stocks and the whole marine ecosystem, including non-target species. Most of all, we must relentlessly fight the looting of our resources by taking any useful measures to combat illegal, unreported and unregulated (IUU) fishing. French Polynesia will support any measure that is likely to help achieve such goal. I refer more specifically to the closing of the high seas pockets, which too often serve as refuges for IUU vessels; I refer to reinforced controls of high-sea transhipments, to the improvement of Vessel Monitoring System (VMS) and the extension of the scope of the Regional Observer Programme.

WCPFC is the latest tuna Regional Fisheries Management Organisation, but as talent does not depend upon age, it has already shown its determination and sense of responsibility when the circumstances require it. As French Polynesia has made the choice of a reasoned and sustainable exploitation of its fishery resources, with the aim of an environment-friendly development, we can identify with WCPFC's work and with the efforts made by its members to preserve and best manage the resource.

I also would like to pay tribute to the remarkable work done in so few years by the management and the staff of the Secretariat, in difficult circumstances sometimes. At the time when the executive director, Mr Andrew Wright, has just announced that he would soon be leaving in order to get closer to his family in Tasmania, I would like to pay a special tribute to him. I think you will join me in acknowledging that he has all the qualities of a great director, a blend of professional skills and human qualities. We will regret him and we wish him all the best in his new occupation.

It is my wish that these days of work be fruitful and bring hope for the future of this shared resource which we only borrow from our children.

I also hope that you will find some time, in your busy agenda, to discover the hospitality and beauty of Tahiti and her islands.

To you all, I wish a very pleasant stay in our FENUA,

Te aroha ia rahi e māuruuru.

Attachment B

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

OPENING REMARKS BY MR ADOLPHECOLRAT

HIGH COMMISSIONER OF THE FRENCH REPUBLIC IN FRENCH POLYNISIA

Ministers, Mr Ambassador, Representatives of Member States' Delegations, of Participating Territories, of Co-operating Non-member Countries and of Observers,

France and French Polynesia are particularly happy to welcome you to Tahiti, which is central to the island groups of French Polynesian and also to the Pacific, the world's biggest tuna fishery.

The dynamism of the Western and Central Pacific Fisheries Commission (WCPFC) should be emphasised, as should the commitment and engagement of its participating members, who have taken the lead by adopting courageous tuna fishery management measures for the central and western Pacific area.

May I also stress the significance of the discussions and measures adopted within this regional fisheries organisation for the well-being and the development of island countries and the three French territories in the Pacific. *Their e*conomies are highly dependent on revenue from the fishery resources in their exclusive economic zones and on the high seas and the related processing activities.

French Polynesia, at the heart of the Pacific, has an exclusive economic zone which comes within the ambit *of your commission* and the Inter-American Tropical Tuna Commission (IATTC) and we can note, with considerable satisfaction, the significant progress made by *your* young regional fisheries organisation, established in 2000, which has already adopted management and monitoring measures equal to, or even improving upon, those adopted by the IATTC.

This is an incentive for the continuation of discussions here in Papeete and the adoption of the measures on the agenda of this 6th plenary meeting, such as the establishment of the regional satellite-based fishing vessel monitoring system, supervision of high seas transhipments and any

measures making the fight against illegal, unreported and unregulated (IUU) fishing more effective.
France attaches particular importance to this fight against illegal fishing (IUU), which represents one of the most serious threats to the sustainable management of living aquatic resources and jeopardises the rational management objective of this regional fisheries management organisation.

This commitment was clearly confirmed by the President of the Republic in his speech at Le Havre last *16th* July. The fight against IUU fishing is currently a national priority and today France is engaged in strengthening its maritime policies.

At the same time, the protection of fisheries resources using an eco-system based approach is essential in order to guarantee the development of dynamic fisheries based on the resource conservation principle.

It was in this spirit that French Polynesia hosted the first regional conference on marine protected areas.

We would like to wish all our participants a constructive plenary meeting and hope for the adoption of shared and effective measures for tuna management which will, we hope, after five days of solid discussion, be followed by some time for relaxation to let you discover the beautiful islands and archipelagos of French Polynesia.

I wish you all a productive meeting and hope that you enjoy your time in our Pacific Islands.

Attachment C

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

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Attachment D

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

ATTACHMENT D - CHAIR'S OPENING STATEMENT

7 December 2009

His Excellency Gaston Tong Sang, the President of French Polynesia.
The Honorable Adolphe Colrat, High Commissioner for the French Republic in French Polynesia.
Honorable Ministers and members of the parliament of French Polynesia.
Honorable Ministers representing WCPFC Members, Cooperating Non-members and Participating Territories,
Observers from other international and non-government organizations and associations.
The Executive Director and members of the WCPFC Secretariat.
Ladies and gentlemen

Good morning to you all.

President Tong Sang and High Commissioner Colrat, thank you very much for spending time with us at the opening of this important meeting and in welcoming us all to French Polynesia. It is a real pleasure to be here in Papeete for the sixth annual session of the Western and Central Pacific Fisheries Commission.

On behalf of the Commission, through you Mr President, and you My High Commissioner, I would like to extend my deep gratitude and appreciation to the Governments of French Polynesia and the Republic of France for the warm welcome and excellent arrangements for our meeting here in beautiful Papeete. It is an amazing place for a meeting. I know that I am among many here who look forward to next week when we will travel to some of your beautiful islands and try and recover from what is bound to be a demanding week ahead of us.

This Commission is responsible for the world's largest tuna fishery – with 2.4 million tonnes harvested in 2008. This week we will review the status of tuna fisheries in the Western and Central Pacific Ocean; assess the conservation and management measures that we have already put in place in an effort to secure sustainability; consider what additional measures are required; review arrangements for monitoring the fishery; acquiring data that will support assessments of the status of stocks; and address threats to resource sustainability, particularly through IUU

fishing and non-compliance. We have a busy week ahead and I look forward to working with you all to ensure that the meeting is productive and that we achieve meaningful outcomes.

Before closing, I would like to extend my special thanks to the Minister of Fisheries, Temauri Foster, who conveyed last year your invitation for us to hold our 2009 annual session in French Polynesia. I would also like to thank Mr Bruno Peaucellier, Mr Stephen Yen and Mr Dominique Person for the efficient way in which they and their staff have dealt with the various logistical and administrative demands associated with preparations for this meeting. This extends back to May when planning for this session started. I know that the Secretariat is particularly grateful for the relatively stress free lead into this meeting resulting from the hard work and effort by all those associated with preparations for the meeting here in Tahiti. This includes the Management and staff of the Hilton Hotel. Please convey our appreciation to all those involved.

Now, a few words in Tahitian for our hosts…..

Thank you again Mr President and My High Commissioner.

BREAK

It is with humility and deep gratitude that I wish to thank you all for electing me in Busan to chair this Commission. After my first year, I understand more the significance and the onerous and time consuming nature of this post. I am appreciative of the confidence you have shown in me with the appointment.

As you are all aware, I had the pleasure of working with many of you as Chair of MHLC. It is therefore very rewarding to be given the opportunity to work in the evolving institutional process that I had a role in designing.

Of course, I have watched with a great deal of interest, the last four and a half years of your work to operationalise the WCPFC. In that time I believe you have achieved a great deal which you can all be truly proud. In a relatively short period you have achieved much which other, longer established RFMOs, have been struggling to achieve for years; some for decades.

The achievements that stand out for me include the elaboration and implementation of the high seas boarding and inspection provisions of the Convention, which in turn are drawn from Articles 21 and 22 of the UN Fish Stocks Agreement; the rules for the protection and access to data, including the latest development to be considered here for adoption at WCPFC6, concerning high seas data for the purposes of surveillance and enforcement on the high seas; the genuinely centralized vessel monitoring system that became operational during 2009 and the enormous challenges associated with the implementation of the regional observer programme.

However, there is also an increasing number of issues confronting this Commission, about which all of us should be very concerned.

I will touch on two or three key points for you to reflect on. This Commission is increasingly becoming a high seas organisation. This is not consistent with either the intent of those who negotiated the Convention nor does it support the principle, enshrined in the WCPF Convention, the Fish Stocks Agreement and in Article 64 of the UN Convention on the Law of the Sea, of an institutional arrangement to promote the conservation and management of tuna stocks – throughout the Convention Area or the region.

Until now, the Commission has generally sought to harmonise conservation and management arrangements throughout the Convention Area, in many cases using in-zone arrangements as the de facto standard to develop measures put in place by the Commission for the high seas.

However, the experience of the last 4 years has proven that the in-zone arrangements are subject to continual revisions, which are not transparent to the broader Commission and detract from efforts at harmonisation. While in no way seeking to impose the Commission on the sovereign rights to implement conservation and management measures that aspire to achieve equivalence, as provided for under Article 8, there is an urgent need for improved monitoring of the conservation and management arrangements we adopt for all fisheries in the Convention Area. This includes fisheries that are currently subject to exemptions, so that all of the effort in the Convention Area is managed within the limits we have adopted. While the fishery can support exemptions for developing States – these exemptions need to be monitored, reported upon and rigidly regulated so that the effort available to other components of the fishery can be managed within sustainable limits.

The urgency of addressing this matter is underscored by the advice that we are yet again receiving from our Scientific Committee. Not only does the SC assess that CMM 2008-01 will not achieve by end of 2011 the target we set for ourselves at Busan, but because of a continued escalation of effort since 2004, the mortality reduction for the bigeye stock required to re-establish the fishery at sustainable levels now exceeds 30% from the 2005-2007 effort levels.

Additionally, bigeye is no longer our sole concern. At its meeting this year, the Scientific Committee confirmed that yellowfin is also subject to overfishing with the real likelihood that the stock is overfished in the western tropical Pacific, where 95% of the mortality for yellowfin occurs. A significant contributor to this situation is the continued growth of the WCPO purse seine fleet.

While coastal States increase the number of vessels operating under their flag the fleets of distant water fishing nations are not being reduced proportionally, as is required to secure sustainability, and so overall effort in the fishery continues to increase.

We should all be supportive of the efforts of national fisheries administrations in developing coastal States to promote domestic fisheries development through genuine investment and partnerships. However, the likelihood that national treasuries and finance departments of coastal States will accept the reduced revenue flows that will result if bilateral and multilateral access arrangements are phased down, is unlikely.

So, unfortunately, it appears to me, that the sustainability of the region's shared tuna resource will continue to be put under pressure. It is conservatively estimated that various initiatives being pursued in several coastal States will result in the further growth of the WCPO purse seiner fleet by 40 vessels in the next 5 years.

I can understand why the distant water fishing partners of CCM coastal States in the Commission may be reluctant to broach these issues with coastal States – at least in a public forum such as this Commission meeting. They are understandably reluctant to alienate those countries on whom their industries rely for access. However, unless we find a way to support open and honest dialogue on this matter in this Commission, the situation will continue to deteriorate.

So, my assessment overall is not as optimistic as it should be. Unless the situation changes quite dramatically in the near term, this organization will face similar challenges as are currently being

faced by ICCAT and CCSBT, much sooner than any of us could have foreseen at the time we negotiated the Convention. In fact, at that time we hoped that we would never face such a situation in this Commission. If we allow this to happen, we will expose ourselves to international condemnation. The alternative to that is to phase down effort and establish this fishery on a sustainable basis.

Although it may be more appropriate to outline our collective priorities for the next year towards the end of this session, which I will do, at this time I would like to invite the Commission to consider the issues that should have priority in the 2010 programme of work. In considering this we will benefit from the deliberations and advice of our subsidiary committees which met during 2009.

Candidate priorities for 2010 can be drawn from a range of issues, including implementation of meaningful conservation and management measures for stocks in the north Pacific Ocean, particularly bluefin and striped marlin; further implementation of the regional observer programme, including data administration, catch documentation and port State measures; and further development of processes to promote compliance and deter non-compliance particularly during future FAD closures. I look forward to the discussion on other issues during the week so that we can set ourselves some targets for our work in 2010.

While on priorities, I would like to take this opportunity to touch on a special need in this Commission – and that is the effective engagement of Indonesia in our work. This MHLC participant supports significant tuna fisheries and is a key player in our efforts to establish sustainable fisheries for these shared resources. After four years, the Commission can no longer simply provide a forum to recognize the significance of Indonesia in our collaborative efforts to address overfishing threats. We need a proactive and strategic effort, involving diplomatic engagement, for the meaningful participation of Indonesia in our efforts to establish sustainable fisheries for mutual benefit.

Distinguished Commissioners, ladies and gentlemen. It is with great regret that last month I accepted the resignation of Mr Andrew Wright as the Executive Director of the Commission. Drew came to the Commission during its infancy 4½ years ago. These were crucial formative years for the Commission which required a dedicated, inspirational and visionary leader to set it on the right path. Drew proved to be all of that, and more. Good institutions don't just happen – they are made by the right kind of leadership at the head of the secretariat. It is they who are responsible for providing critical support to assist members with the implementation of the decisions of the Commission; it is they who make things work. Drew has been an excellent manager of the Commission. Indeed he has been an outstanding Executive Director.

Of course, the performance of the Secretariat depends on the staff the Executive Director has to work with him. In this respect there is no doubt that we have a dedicated and professional team working for us in Pohnpei. Unfortunately, at the same time Drew departs, our Manager for Monitoring, Control and Surveillance, Andrew Richards, will also leave. He has been equally dedicated and productive during his 4 year term and there is no doubt that the work of our technical and compliance programme would be less advanced but for his professional management and oversight.

We owe both these staff members a debt of gratitude and deep appreciation for their service. On behalf of you all I wish them every success in their future endeavors.

As a result of Drew's departure we are now faced with the challenge of appointing a competent, skilled and experienced replacement. I have already informed you that I have taken the first step in advertising the post for applications. We need to agree on the procedures for short listing, interviewing and appointing a new Executive Director. I stand to be guided by you on this during this session. The essential thing is that the process is efficient, inclusive and transparent and it should be completed within a reasonable time frame. We can not leave the organizations secretariat without a substantial head for a prolonged period.

Thank you for this opportunity to outline some of the key issues before this Commission as I see them. I would now like to proceed with our agenda.

Attachment E

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

COOK ISLANDS – OPENING STATEMENT

WCPFC6-2009/DP25
7 December 2009

Mr Chairman, fellow delegates

Iorana

May I first of all express our sincere gratitude to the People of French Polynesia for hosting us in this beautiful part of Polynesia.

Fortunately, the Cook Islands delegation will have an opportunity after this meeting to see more of Tahiti and indeed be able to visit our cousins and other family before returning to Rarotonga.
Mr Chairman, as everyone is well aware, the Cook Islands is a small island country responsible for the management of a large and important part of the South Pacific Ocean and its related fisheries.

We are increasingly challenged by the fact that we are situated at the Eastern boundary of the Commission Area and that we are part of the last remaining great tuna fishery. Even though we expend enormous energy and resources to try to ensure our stocks are responsibly managed, it seems greater resources are being used to thwart this responsible management effort.

Mr Chairman last year in Pusan we reported two incidents of IUU fishing in our waters and subsequently negotiated resolutions for both. At that time we resolved that any further cases of illegal fishing would need to be dealt with in a much more severe manner. As it has turned out, at the very time we were resolving the two aforementioned cases, vessels belonging to member countries sitting around this table, had just begun an extensive campaign of illegal fishing in our zone.

This type of systematic, cynical and orchestrated plundering cannot and must not continue. It represents a direct affront to the People of the Cook Islands who depend on fish as a source of protein, undermines our management efforts and in short amounts to "stealing the food off the table of not only today's generation but also tomorrow's children".

Mr Chairman, our aim in fisheries management is to ensure sustainable exploitation and to ensure that benefits from this, are maximized for our people. We want to develop a fishing industry and we consider that developing strategic relationships with foreign partners is an important way to achieve this. Therefore Mr Chairman we are quite open to foreign partners operating in our waters, but only ask that they knock and come in through the front door, rather than sneaking in through the back window.

And, Mr Chairman, while I'm on the issue of high seas pockets, the Cook Islands will be seeking firm restrictions on fishing access to the eastern pocket at this meeting, in order to effectively combat the increasingly prevalent IUU fishing activity generated from this enclave. We will also be seeking full VMS coverage of our EEZ in particular with respect to Commission vessels that enter our zone. We are also interested Mr Chairman, in exploring a system of applying sanctions by the Commission on members whose vessels repeatedly violate established management measures.

In closing Mr Chairman when we started out on this journey of shared responsibility in the management of tuna resources, we fully expected this Commission to be strong and effective to ensure the resources which are so important to us all, are properly managed. Mr Chairman it is our hope that in the course of this week, this Commission is able to take decisions that live up to our expectations for the benefit of all that sit around this table.

We are here to play our part, and look forward to working with you and fellow members, in meeting our responsibilities for our mutual benefit.

Thank you Mr Chairman.

Attachment F

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

KOREA – OPENING STATEMENT

WCPFC6-2009/DP30
8 December 2009

Good Morning!

Mr President of French Polynesia, Gaston Tong Sang, Mr Adolphe Colrat, High Commissioner of the French Republic in French Polynesia, Ambassador Satya Nandan, Chairman of the Commission, Distinguished Delegates, Ladies and Gentlemen!

First of all, on behalf of the Korean government, I would like to express my deep appreciation to the French Polynesian Government for hosting this important meeting in this beautiful island of Tahiti. Taking this opportunity, I would like to thank those who did not spare their effort for this Commission, Mr Glenn Hurry, the former Chairman, and Mr Andrew Wright, the Executive Director.

Korea, as a responsible member, has committed to cooperate to ensure the long-term conservation and sustainable use of highly migratory fish stocks in accordance with the provisions of the Convention. Recognizing such duties to cooperate in managing resources, I would like to express Korea's view on the agenda of the Commission meeting.

Firstly, Korea appreciates all the CCMs' efforts to conserve and manage the tuna stocks in the Convention Area. Nevertheless, we are concerned about the report of the Scientific Committee that current measures in CMM2008-01 on bigeye and yellowfin could not achieve its own objective, minimum 30% reduction of bigeye fishing mortality within three years. Korea would like to further discuss on what kind of element has given a negative impact on stocks and what additional measures would be needed to recover the stocks to reach the target level.

Secondly, with respect to CMM2008-01, the current conservation measures on the bigeye and yellowfin which was adopted at Busan meeting should be implemented in a transparent manner. We found that there were many cases on non-compliance through the discussions at the fifth TCC meeting. Any measure would be meaningless when we fail to comply.

Thirdly, I would like to express our serious concern on the rapid increase of the purse seine fleet. We don't know exactly how many new vessels have entered into this region, and worse yet, we cannot predict how many more vessels we will have in the coming years. This increase in the number of fishing vessels should be closely monitored by the Commission. It requires us to do more work to maintain the number of purse seine vessels at a sustainable level.

I wish this meeting to provide us with a great window of opportunity to strengthen our cooperation and to promote co-prosperity of all CCMs. Korea would cooperate in further developing the conservation measures which will bring benefit for all of us here.

When we met in Busan last December it was so cold even snowing. On the contrary, this year we gather in Tahiti where it is so hot and so beautiful that it is difficult to focus on working because of the beautiful scenery.

Thank you very much.

Attachment G

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

PARTIES TO THE NAURU AGREEMENT – OPENING STATEMENT

WCPFC6-2009/DP23
7 December 2009

Statement by Chair of the PNA, Honourable Taberannang Timeon,
Minister for Fisheries and Natural Resources Development, Kiribati

1. Mr Chairman, distinguished Commission Members, Observers,

2. It is my privilege to make this statement on behalf of the 8 members of the Parties to the Nauru Agreement, also known as the PNA.

3. Allow me to convey warm greetings from the governments and the people of the eight member countries of the Parties of the Nauru Agreement to Commission members and extend to our brothers and sisters from these isles of French Polynesia, our sincere appreciation for their generous hospitality.

4. Mr Chairman, congratulations on your election as Chair of the Commission. We have no doubt you will guide our journey well over the years. As a well travelled son of the Pacific, you bring to the position enormous experience and wisdom. We certainly look forward to working closely with you and Commission members to arrive at mutually acceptable outcomes.

5. We thank your predecessor, Glen Hurry under whose leadership the Commission was able to develop robust measures to discharge its responsibilities. We are deeply appreciative of his efforts.

6. Mr Chairman, times have changed and we are working towards reshaping our fisheries relations. We have had a long relationship with many of the flag States, associations and vessel operators represented here. However, the economic benefits from the use of our increasingly valuable resources have been declining and our participation in the fishery has been limited

7. For these reasons, the PNA has changed its approach to the development of our tuna industry and its relationship with flag States, vessel operators and associations, focusing on processors and trading companies in recognition of their key role in this global tuna industry. We have seen little benefit accruing from our long term relationship with flag States, fishing associations, and vessel operators. Traditional development partners have shown little interest in developing our fisheries, employing our nationals on their vessels, and landing their catch in our ports and processing plants in order for us to maximise the economic gains from this fishery. Mr Chairman, we strongly believe that the status quo is neither equitable nor sustainable. The PNA will develop more innovative relationships with processors and generally broaden our relationships.

8. In order to facilitate this new approach, we agreed to establish the PNA Office which will begin operations in Majuro, Marshall Islands on 1 January 2010. The PNA Office will enhance the role of the PNA in developing strategic fisheries conservation and management initiatives, and also develop initiatives to maximise the sustained direct and indirect benefits to us.

9. Mr Chairman, we have been at the forefront of the development of conservation and management measures even before this Commission was established. These include the Palau Arrangement for the Management of the Western Pacific Purse Seine Fishery under which the Vessel Day Scheme was developed. Following the failure of the Commission to adopt conservation and management measures for bigeye and yellowfin tuna in December 2007, we agreed to the 3rd Implementing Arrangement through which measures, in respect of purse seine vessels, were prescribed for a 3 months FAD Closure, 100% observer coverage, retention of all fish caught, and the closure of the two high seas pockets in the central Pacific. In this respect, we continue to be concerned about the ongoing impact of high seas fishing on bigeye stocks by distant water longliners and purse seiners. We are also concerned that the high seas continue to provide a safe haven for IUU fishing. To respond to these concerns we have agreed to undertake further work to close additional high seas areas and are working on the development of a longline VDS which will be implemented by the end of 2010, as stated in the Bikenibeu Declaration.

10. Mr Chairman, we want to see the Commission focus its application of measures on the high seas. It is our understanding following the discussions at WCPFC5 on jurisdictional matters, combined with clear advice from the Commission's Legal Adviser that a large part of this issue had been resolved. Unfortunately, the record of that meeting was amended to change the advice and the outcome of the discussion. We are therefore keen to ensure that our views are well understood and accurately reflected in the record of this meeting.

11. Mr Chairman, we believe the Commission's mandate is not in areas under sovereignty. We view this as being consistent with the legal advice that was provided to the Commission. We are not prepared to accept any attempt to apply Commission measures to archipelagic waters or territorial seas, with the possible exception of port State measures, which we will assess on a case by case basis.

12. Article 7 of the Convention clearly states that the principles and measures for conservation and management shall be applied by coastal States within their EEZs in the exercise of their sovereign rights. In this regard, we believe that several measures impinge on those sovereign rights in ways that are neither appropriate, nor necessary, and we will be taking steps to redress these in the future. For instance, CMM 2004-01 could be interpreted as removing our ability to license alternative development partners to fish in our EEZs in a way that is inconsistent with those sovereign rights and this is an issue that we will be giving attention to in the near future.

13. In turn Mr Chair, we will continue to work with the Commission to play an effective role in such areas as research and stock assessment, high seas management and the development of effective and robust high seas monitoring, control and surveillance measures.

14. Mr Chairman, we look forward to working with you and other Commission members at this session of the Commission.

15. In closing, let me bestow upon us all on behalf of all the eight PNA member countries, my country's traditional blessing of Te Mauri, Te Raoi ao, Te Tabomoa, translated as Health, Peace and Prosperity.

Attachment H

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

NEW CALEDONIA – OPENING STATEMENT

WCPFC6-2009/DP26
7 December 2009

Mr Chairman, distinguished delegates, ladies and gentlemen,

On behalf of the New Caledonia government, I would like to thank the government and the people of French Polynesia for their warm welcome in Tahiti and to express my sincere gratitude to all for their efforts in the preparation of this meeting.

Last year in Pusan, the Commission reached a consensus to adopt new conservation and management measures for the most threatened stocks in the region, namely bigeye and yellowfin, but the effects of these measures will not be seen after a while.

As the depletion of these stocks has an impact on the pelagic ecosystem as a whole, New Caledonia would like to stress again the importance of adopting efficient measures for its conservation. To reach this goal the Commission members have to fulfil their duties with regard to the implementation of the conservation and management measures and to adopt the necessary tools to help monitor this implementation by the Commission.

The Vessel Monitoring System and Regional Observer Programme of the Commission are essential in this regard. During the last couple of years the progress made by the Commission in these fields are especially impressive and I like to thank the secretariat for these achievements.

We are now facing the challenge of using these tools as efficiently as possible. With regard to the ROP the issue of data management must be treated carefully as the related information is of great importance.

Recently, in a letter to the Commission, New Caledonia expressed its views for a high involvement of the Oceanic Fisheries Programme of the Secretariat of the Pacific Community into the management of these data, taking advantage of the existing Memorandum of Understanding with the SPC and the expertise developed by the OFP on matters related to the observers programmes, particularly on data quality.

Given the high standard of professional support given to the Commission by the SPC-OFP, the government of New Caledonia considers that the adoption of the draft 3-year umbrella arrangement for the provision of data administration and science services with the SPC-OFP would greatly help the Commission manage these data efficiently and, more generally, have the best information available to adopt appropriate measures. Our understanding is that data administration by the SPC-OFP must include the management of observer data for the WCPFC.

Merci, Monsieur le Président.

Attachment I

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

NIUE — OPENING STATEMENT

(FFA MEMBERS)

Chair, I am making this opening statement on behalf of the 17 members of the Forum Fisheries Agency.

At the outset, we would like to congratulate you on your election as Chair of the Commission. We have no doubt that with your experience, you will be able to guide the Commission to ensure that it achieves the long-term conservation and management objectives of the Convention. We look forward to working with you and other members of the Commission to arrive at mutually acceptable outcomes at this Session

We would also like to express our sincere appreciation to the Government and people of French Polynesia for the generous hospitality they have rendered to us since our arrival and also for the meeting arrangements and support that they have offered so far.

We come to this meeting as custodians of the tuna resource and our interest is in sustainable fishing for the benefits of Pacific Islanders. We also seek to make sure the rights and interests of small island developing states are respected by the Commission as we sit together with fishing nations and discuss the fisheries management rules for the Western and Central Pacific Ocean.

Chair, the Commission has evolved rapidly in a few short years and the progress that has been made on a number of fronts is a credit to its members. FFA members did say that we wanted a Commission that is effective, and able to arrive at decisions that ensure the long-term conservation and management of the region's highly migratory fish stocks. In this respect, we are heartened by the progress that has been made to date in respect of the Commission VMS, Commission Regional Observer Programme, High Seas Boarding and Inspection Procedures, IUU Listing Procedures, and stock based conservation and management measures. Although it would appear we have not gone far enough to reduce fishing mortality on bigeye tuna, we have nonetheless achieved some progress where there has been previously been none.

Having said that Chair, FFA members like others, have been signalling for sometime that the pace of change we have instituted may not be sustainable in the long term. 2009 has been a taxing year especially in trying to meet the burgeoning reporting requirements, attend to a growing number of intersessional meetings, prepare proposals for the Commission and still find time to implement decisions we have adopted. In this respect Chair, FFA members have no intention of reducing the effectiveness of the Commission, but would like to see some rationalisation of the meetings of the Commission, the consideration of its agenda items, and work programme in order to manage this workload to allow greater focus on priority issues.

Although these have been discussed in the past, unfortunately almost all the issues canvassed by the Commission have been identified as priority. FFA members sincerely believe that it is now time for the Commission to be more discerning in the amount of work it assigns to its subsidiary bodies and attempt to deal with issues in shorter meetings. We note that the development of a Strategic Plan for the Commission would assist us in this regard.

We reiterate the importance of the full recognition of the special requirements of small island developing States and territories, including Sovereignty and Sovereign Rights by the Commission. Many of us continue to work hard towards expanding our fisheries-related opportunities, and it is essential that the Commission supports and enhances that development. Resolution 2008-01 provides an excellent basis for this consideration and we look forward to hearing later how CCMs intend to implement it.

Chair, the priorities for this meeting revolve largely around the Commission's Monitoring Control and Surveillance framework and we keenly anticipate resolving the long standing issues of transhipment and charter notification while also finalising the excellent work of the data group by adopting the rules and procedures it has developed. Finalising implementation details for the Regional Observer Programme and Commission Vessel Monitoring System are also of key importance for us, as is resolving the outstanding issue of non-CCM carriers and bunkers, and ensuring the ongoing conservation of swordfish in the south Pacific.

Some of this MCS workload will continue into 2010 and this is necessary to support good fisheries management. However, FFA members also note that there are several stocks in the convention area that require our focus in the years to come. Not the least of these is bigeye tuna. FFA members intend to develop a range of management measures that will ensure sustainability of this and other stocks while protecting and enhancing our domestic development opportunities. We look forward to the cooperation of others in that endeavour.

Chair, there is obviously a range of other important issues before us and we are committed to moving though them in good faith with other CCMs under your esteemed leadership over the next week.

Lastly, FFA members greeted the news of the impending departure of the Executive Director, Andrew Wright, with a degree of sadness. Drew has been instrumental in building this Commission from humble beginnings, and under his leadership, the Commission Secretariat has managed to provide outstanding support to the Commission and you will be sorely missed. I'm sure more will be said on this matter, but needless to say both Drew and Andy Richards, who is also departing, leave big shoes to be filled. FFA members look forward to the Secretariat continuing to match the strong performance we have seen to date.

Thank you for allowing me to raise the issues about priorities for the Commission now and in the future and we look forward to a good week.

Attachment J

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

PAPUA NEW GUINEA – STATEMENT

WCPFC6-2009/DP40
11 December 2009

Thank you Mr Chairman

1. Chair I also wish to join others in congratulating you in your election to the chair of the Commission. With your long and distinguished experience in fisheries, and most notably your involvement in the MHLC process in setting up the WCPF Commission, we are confident that you will provide the insight and foresight into the many issues that affect us as members to this Commission. I wish to also acknowledge the tireless effort of the outgoing Chairman, Prof. Glenn Hurry. The rapid pace at which we have achieved Commission measures under his chairmanship is a testimony to his astute leadership.

2. I wish to also extend my delegation's gratitude to the government and people of French Polynesia for the warm welcome and hospitality accorded to us since our arrival.

3. Chairman, it is important to note that our RFMO, the WCPFC is quite unique compared to other RFMOs, in that we have exclusive economic zones (EEZ) of coastal states and high seas pocket onclaves that spreads through out the Western and Central Pacific Ocean (WCPO), with these coastal states having sovereignty and sovereign rights over their respective EEZs and other waters that directly come under their national jurisdiction. This unique situation has served us well in regards conservation and management of the resources. I am sure the active participation of coastal states in the WCPFC Convention is an envy and example to other coastal states under other RFMOs.

4. It is in this regard Mr Chairman, that I wish to call on all CCMs and those who wish to fish in our waters to respect the exercise of our sovereign rights and sovereignty in our EEZs on how we wish to manage and develop the common stocks that straddle the high seas and our in zones. To our extreme disappointment as you will recall, we continue to debate areas under national jurisdiction with regards to the application of the Convention and Commission measures to archipelagic waters. A classical example is paragraph 174 of WCPFC5 Record of Proceedings which we believe is being manipulated by some CCMs and WCPFC secretariat after the Bussan meeting. It is our understanding that the WCPFC5 record is not yet cleared, and we wonder when

it would be cleared. We further note that the text of this particular paragraph as revised does not in our opinion reflect clarification provided by the Commission Legal Counsel and consensus reached in Bussan. We still maintain that areas under national jurisdiction within the context of WCPFC refers to the EEZs, and as stipulated under Art56 of UNCLOS does not apply to territorial or archipelagic waters. Having said this, we see that this debate will however continue as some CCMs have not ratified UNCLOS, UN Fish Stock Agreements and others have vested interest in trying to deprive our rights.

5. We therefore call on members to cooperate by way of accommodating the varying and competing interests of members, as we all have the "duty to cooperate". In noting this, we however do not want to see development aspirations of Small Island Development States (SIDs) and territories is undermined through abuse of WCPFC measures. We do not accept, MrChairman, the fact that certain CCMs can continue to enjoy exemptions at our expense to conserve resources for the development of their industries whilst exemptions afforded to SIDs come under continued scrutiny. I wish to remind members that exemptions to SIDs are an expression of our sovereignty and sovereign rights to participate in the development of tuna resources that straddle our waters. Members, especially the fishing states and development partners should know that we are now at the threshold of effecting drastic change to our relations with them, and that it would be in their interests to seriously consider cooperating with coastal states to assist with their development aspirations, if they have not done yet.

6. It is no denying Mr Chairman that as coastal states we have taken the lead in our in zones in this Commission in coming up with conservation measures to addressing concerns on the depletion of the region's tuna stock, particularly bigeye and yellow fin tuna. Though we understand that certain aspects of CMM 2008-01 would be re-looked at this meeting, we maintain that we have to allow sufficient time for this measure to be implemented so that we can thoroughly assess its impact. We therefore do not envisage additional measures, but should there be any; it should only serve the purpose of strengthening the measure further, including closing additional areas both closed and semi enclosed high seas. Maybe the Commission should seriously consider bringing in the long line vessels into the equation as well, instead of focusing its attention on the purse seine fishing operations only, especially when it is now common knowledge that long line vessels are also a significant contributor in the high seas.

7. We like to see that the high seas pocket closure is maintained, as we note that Commission measures for high sea is still a work in progress. In further noting that the high seas are the area of competence of the Commission, we would like to encourage the Commission to focus its efforts in addressing the high seas pockets and the high seas areas within the Convention area. We say this in acknowledgement of in zone measures we have in place, and the resources we have invested in ensuring that the tuna stocks are managed and harvested in a sustainable manner.

8. Chair, in this connection, we recognize the paramount importance of the ROP and VMS. We like to see that these are given high priority and that any outstanding issues be resolved as soon as practicable. Without this we can not see how Commission measures can be implemented and monitored effectively. Also, it is important that we look at ways in which we can improve reporting whereby we can reduce cost of data management amongst others.

9. Chair, we strongly discourage the formation of intersessional working groups, as we believe it just takes up what little time and resources we have, let alone the potential for issues not to be fully debated. There is a tendency that decision made in these small groups may have serious ramification for us, when we may not have the opportunity to fully participate in the process.

10. Chair, I shall stop here as time is of essence, but before I do so, on a personal note, my delegation wish to acknowledge the outgoing Executive Director of the Commission Mr Andrew Wright. We would like to thank him for his exemplary leadership at the helm at the secretariat.

We also acknowledge invaluable contributions to the Commission made by Mr Andy Richards, outgoing Compliance manager.

Thank you Mr Chairman

Hon. Ben Semri

Minister for Fisheries

Independent State of Papua New Guinea

Attachment K

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

TOKELAU – OPENING STATEMENT

WCPFC6-2009/DP28
7 December 2009

STATEMENT BY HONOURABLE KURESA NASAU, MINISTER OF ECONOMIC DEVELOPMENT NATURAL RESOURCES AND ENVIRONMENT

Honourable Chair His Excellency Ambassador Satya Nandan

Honourable Ministers and Excellencies

Distinguished Members of the Commission, the Secretariat, Ladies and Gentlemen;

Greetings and Malo ni from Tokelau. Please accept our greetings from the people, the elders and the Government of Tokelau.

Mr Chairman,

Firstly, we continue to acknowledge and give thanks to the Almighty for His continuing protection and guidance that has enabled all of us to be here today.

Tokelau would like to join with others to congratulate you in your role as Chair of the Commission and wish you well in your task ahead steering our canoe in the next few days.

I wish to thank the Government and people of French Polynesia for their hospitality in hosting this 6th Annual Session of the Tuna Commission.

Mr Chairman, I wish to convey to the Commission today three main messages. These are:

Tokelau as a Participating Territory to the Commission is committed to the work of the Commission;

Tokelau does not condone illegal fishing in Tokelau EEZ and we will take all necessary steps to address and resolve the issue of illegal fishing in our fisheries waters; and

Tokelau's EEZ is a major part of sustainable development for Tokelau under our National Strategic Plan for 2010 – 2015 therefore we look forward to the Commission for support and help Tokelau as a small island territory meet her development needs and aspirations.

Mr Chairman,

Tokelau is the smallest island territory participating in the work of the Commission, hence active participation to the annual meetings of this Tuna Commission provides a platform for Members of the Commission to raise and address our concerns and aspirations towards improving our efforts to effectively implement the management and conservation measures we put in place to manage and maximise benefits from our fisheries resources for sustainability and economic benefits for present and future generations.

As Minister for Fisheries, I travelled here with my delegation Mr Chairman to address and resolve the cases of illegal fishing in Tokelau EEZ as this is of the utmost importance for Tokelau. IUU fishers continue to pick on the small island developing countries such as Tokelau in the hope that they are not detected. These are serious violations and illegal fishers must be punished. Tokelau will comment further on this issue when we get to the agenda on IUU listing.

As the smallest member of the Commission, Tokelau fully supports effective MCS tools that assist even our small administrations and the assistance of other CCMs to protect our waters against IUU activities. Given our limited resources, Tokelau is heavily dependent on our fisheries resources for food security for our livelihood. Plundering our resources undermines Tokelau's efforts to effectively conserve, manage and develop its fisheries resources for present and future generations likewise the work of the Commission and FFA Secretariat.

Monitoring Control and Surveillance activities of Secretariat, as well the Conservation Management Measures of the Tuna Commission to combat IUU Fishing operations in our waters is critical and must continue. Tokelau believes that fishing vessels that deliberately and illegally fishing within our EEZ must be punished, and we greatly value the opportunities to pursue them including through the Commission.

Tokelau is committed to work co-operatively with other small island developing states and territories in promoting national and regional activities in the area of fisheries. The development aspirations of Small Island states and territories is paramount and Tokelau looks towards the Commission members to fulfil this obligation under the Convention. I urge that members of the Commission, to move forward together to manage our resources effectively and honour the conservation and management measures put in place. I believe we are all responsible to effectively manage our resources for our future generation. In this regard, I urge that the Commission take practical and immediate steps to assist small island states and territories in achieving their development aspirations.

I wish to also take this opportunity to join others to thank and acknowledge Mr Andrew Wright, Executive Director of the Commission for his hard work and dedication to the work of the Commission. May God bless you and your family with your future endeavours.

Finally, but certainly not the least, I would also like to acknowledge those that have made this trip a success for me while here in Papeete especially to FFA Secretariat and the Commission Secretariat..

May the Almighty God bless you all in your work and guide your deliberations accordingly.

Fakafetai lahi

Attachment L

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

TUVALU – OPENING STATEMENT[1]

WCPFC6-2009/DP36
10 December 200

1. Chairman, Honorable fellow Ministers, distinguished Commission members, observers, ladies and gentlemen.

2. Allow me to convey warm greetings from the government and people of Tuvalu to all Commission members and to all the people of French Polynesia.

3. First of all let me congratulate you for assuming the Chairmanship of the WCPFC. I can assure you that my delegation and officials will cooperate fully with you during your tenure as Chair of the WCPFC. Allow me also to thank the Government of France and the people of French Polynesia for the wonderful arrangements and the splendid venue provided for this meeting and the warm welcome and courtesies that has extended to my delegation and others since our arrival in this beautiful country.

4. My delegation would also like to register our appreciation and congratulation to the Executive Director and his staff for the excellent preparation of meeting materials and papers and for the logistical support to the meeting.

5. Tuvalu would also like to associate and render its support to the Opening statement presented by the distinguished Minister of Marine Resources of Niue and Chairman of FFC on behalf of the FFA, and the statement presented by the distinguished Minister of Marine Resources of the Republic of Kiribati on behalf of the PNA.

6. My delegation acknowledged the achievements of the Commission in only its fifth year of existence. There are already significant progress made in terms of conservation and management measures adopted by the Commission. There are also new proposed management

[1] Presented by the Tuvalu Deputy Prime Minister and Minister of Natural Resources and Environment.

measures that the Commission will consider in this session which if adopted would significantly enhance the conservation and management framework for the Western and Central Pacific Ocean.

7. I am mindful of the time Mr Chairman and the need to get to the substantive issues on the agenda but I would like to raise here a couple of points that are pertinent and of critical importance to Tuvalu's aspirations to develop its fisheries resources and maximize economic returns from its utilization.

8. Tuvalu, Mr Chairman and distinguished colleagues, has limited or no land based resources and rely heavily on the sustainable development of its marine resources, in particular, its fisheries resources.

9 In that regard, Mr Chairman, the government of Tuvalu is continuing to explore avenues to maximize the economic returns from its marine resources and at the same time mindful of the long term sustainability of the fisheries resources. This year Tuvalu has achieved one of its development aspirations in terms of acquiring of our Purse seine vessels under a Joint Venture arrangement with one of the Commission member. This, as far as my government is concern is just the beginning for a new era in our effort to develop our own domestic tuna fisheries and the fisheries sector in Tuvalu.

10. Tuvalu is now seeking and working together with other FFA members and the wider Commission Membership to amend some provision in CMM 2004-01. It is to our view that it is the sovereign right of a coastal state to choose who to fish in it water.

11. Mr Chairman, as part of our legitimate development aspiration, Tuvalu is going to enter into more Joint Venture arrangements and Charter arrangements starting as early as next year. As a way forward, Tuvalu sees that this in the best path to take in our effort to maximize the benefits from our marine resources. Tuvalu is looking at expanding cooperation through JV's and Charter arrangements with some CCM's and at the same time try to phase out fishing in our waters by some CCM's who have failed to cooperate in our domestic development.

12 Mr Chairman, the recognition of the need to provide for and to take into account the special requirements and needs of small island development states, was acknowledged and commended as a significant feature and achievement of the WCPFC. It is in my delegation's view that it is a strict obligation of the Commission, to ensure that those special requirements and needs of small island developing states must be safeguarded in all the conservation and management measures adopted and to be adopted by the Commission.

13. Tuvalu and I believe that we have the same understanding with other Small Islands Developing states, relying heavily on the provision of article 30 of the Convention in becoming a member of the Commission. It is this provision that we genuinely believe will safeguard our special needs and our aspirations to develop our own domestic fisheries given our inherent disadvantages and acute constraints on our capacity to discharge our obligations as members of the Commission.

14. Mr Chairman, these are the position and views of my government on some of these issues and I would reserve our comments on the other issues until they come up in the agenda.

15. Thank you Mr Chairman and I look forward to working with you and the rest of the Ministers and other Commission Members.

Thank you.

Attachment M

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

CHINESE TAIPEI — OPENING STATEMENT

WCPFC6-2009/DP22
7 December 2009

Mr Chairman, distinguished delegates, ladies and gentlemen,

First of all, I would like to extend my appreciation to the government of French Polynesia for hosting this meeting, and Ambassador Nandan, our chair and the Secretariat for their hard work and diligence in preparing the meeting.

There are many outstanding issues to be addressed in the meeting, such as Cooperating Non-Member (CNM) application, Transshipment, IUU vessel listing, Regional Observer Program, IUU fishing vessels list, High seas VDS, Charter Arrangements and WCPFC record of fishing vessels and authorization to fish. I hope that we could fully discuss these issues and reach consensuses.

For those MCS measures already adopted and to be adopted, we believe that they should be reviewed on a periodical basis to ensure their effectiveness and practicability. Chinese Taipei is willing to work with other members to contribute our efforts on these issues. Chinese Taipei is also willing to cooperate with other members to facilitate the enforcement of the current conservation and management measures and to combat IUU fishing, in achieving the goal of conservation of the fish stocks of concern. Such MCS mechanism involves the enforcement agencies of all members of the Commission. We would like to stress that we respect the sovereign right of coastal members in the Convention in conserving and managing the fisheries resources in their waters of jurisdiction, and the process in addressing matters on intrusion of their waters should be dealt with in accordance with the provisions of the WCPF Convention and measures adopted by the Commission. The Commission may think of a way to facilitate solving of such disputes. A mechanism for a standard sanction applicable by coastal States in the region for similar violations could be one of the ways worth thinking by the Commission.
Finally, I wish this session of WCPFC a fruitful result.

Attachment N

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

AGENDA

WCPFC6-2009/02
7th December 2009

AGENDA ITEM 1. OPENING OF THE MEETING
- **1.1 Welcoming addresses**
- **1.2 Adoption of agenda**
- **1.3 Meeting arrangements**

AGENDA ITEM 2. MEMBERSHIP
- **2. 1 Status of the Convention**
- **2.2 Applications for observer status**
- **2.3 Applications for cooperating non-members status**

AGENDA ITEM 3. MEMBER REPORTS
- **3.1 Annual reports by the CCMs**
- **3.2 Statements of non-members**

AGENDA ITEM 4. SCIENCE ISSUES
- **4.1 Report of the Fifth Regular Session of the Scientific Committee**
- **4.2 Independent Review of Interim Arrangements for Science Structure and Function**
- **4.3 Reference points**
- **4.4 Programme of work for the Scientific Committee in 2010**

AGENDA ITEM 5. NORTHERN COMMITTEE
- **5.1 Report of the Fifth Regular Session of the Northern Committee**
- **5.2 Programme of work for the Northern Committee in 2010**

AGENDA ITEM 6. INTER-SESSIONAL WORKING GROUP – REGIONAL OBSERVER PROGRAMME

AGENDA ITEM 7. TECHNICAL AND COMPLIANCE ISSUES

7.1 Report of the Fifth Regular Session of the Technical and Compliance Committee
7.2 Programme of work for the Technical and Compliance Committee for 2009

AGENDA ITEM 8. RULES AND PROCEDURES FOR THE PROTECTION, ACCESS TO, AND DISSEMINATION OF DATA COMPILED BY THE COMMISSION

AGENDA ITEM 9. CONSERVATION AND MANAGEMENT MEASURES
9.1 Review of existing conservation and management measures
9.2 Report by PNA Members on the Implementation of the Vessel Day Scheme (VDS)
9.3 Response to the Commission's Request in Respect of a High Seas VDS
9.4 Consideration of new measures and other conservation requirements

AGENDA ITEM 10. ANNUAL REPORT ON THE WORK OF THE COMMISSION:

AGENDA ITEM 11. REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

AGENDA ITEM 12. SPECIAL REQUIREMENTS OF DEVELOPING STATES

AGENDA ITEM 13. COOPERATION WITH OTHER ORGANISATIONS

AGENDA ITEM 14. WORK PROGRAMME AND BUDGET FOR 2010 AND INDICATIVE WORK PROGRAMME AND BUDGET FOR 2011 AND 2012

AGENDA ITEM 15. ELECTION OF OFFICERS

AGENDA ITEM 16. OTHER MATTERS
16.1 Performance review
16.2 Application of the Commission's VMS to waters under national jurisdiction
16.3 WCPFC5 Summary Report

AGENDA ITEM 17. NEXT MEETING

AGENDA ITEM 18. SUMMARY REPORT

AGENDA ITEM 19. CLOSE

Attachment O

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

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Papeete, Tahiti, French Polynesia

VIETNAM — STATEMENT

By means of this statement, Vietnam wants to express its appreciation for the decision of the WCPFC to grant Vietnam CNM status. We understand that the purpose of the CNM status for Vietnam is for fishery information and data only, for the benefit of both the Commission and Vietnam. Vietnam will not have any fishing operations in the WCPFC Convention Area during 2010.

Vietnam regards itself as a responsible fishing state and an active actor in the implementation of the FAO Code of Conduct for Responsible Fisheries. Vietnam is a signatory to the Bali Plan of Action against Illegal, Unreported and Unregulated Fishing (RPOA-IUU), makes extensive efforts to implement it and took part in the negotiation-process of the recently adopted FAO Port State Measures Agreement. Vietnam regards its CNM status as further evidence of Vietnam's preparedness to comply with its obligations under international fisheries law. We look forward to enhancing cooperation with the WCPFC and its Members in the future.

Attachment P

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

COOPERATING NON-MEMBERS

Conservation and Management Measure 2009-11[2]

REAFFIRMING the objective of the WCPF Convention is to ensure through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific Ocean in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement on the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;

RECALLING the 1999 MHLC Resolution on Future Participation in the Conference placed a limit on the number of participants in the Multilateral High Level Conference on the Conservation and Management of Highly Migratory Fish Stocks (MHLC), and confirmed the eligibility of MHLC participants to become members of the WCPFC;

RECALLING the Conservation and Management Measure 2004-02 on Cooperating Non-Members adopted at the inaugural session of the WCPFC December 9-10, 2004;

RECOGNIZING the continuing need to encourage non-Parties with vessels fishing for WCPFC species in the Convention Area to implement WCPFC conservation measures;

RECALLING Article 32(4) of the WCPF Convention that provides for members of the Commission to request non-Parties to this Convention whose vessels fish in the Convention Area to cooperate fully in the implementation of conservation and management measures adopted by the Commission;

TAKING INTO ACCOUNT the status of highly migratory fish stocks in the WCPF Convention Area and the existing level of fishing effort in the WCPF Convention Area;

[2] Replaces CMM 2008-02

REAFFIRMING that the Commission shall give full recognition to the special requirements of developing States Parties to this Convention, in particular small island developing States, and of territories and possessions, in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks; and

GIVING EFFECT to Article 32 of the WCPF Convention:

1. A non-member of the Commission, with an interest in the fishery, or whose vessels fish or intend to fish in the Convention Area, may request the Commission for the status of Cooperating non-member (CNM). Any such request and supporting information shall be in English and shall be received by the Executive Director at least 60 days in advance of the annual meeting of the Technical and Compliance Committee meeting at which the request will be considered. The Executive Director shall notify all members of the Commission of any such request and circulate the full application to all members.

2. A non-member seeking the status of CNM shall include with its request:
    a. its reason for seeking CNM status,
    b. a commitment to cooperate fully in the implementation of conservation and management measures adopted by the Commission and to ensure that fishing vessels flying its flag and fishing in the Convention Area and, to the greatest extent possible, its nationals, comply with the provisions of the Convention and conservation and management measures adopted by the Commission;
    c. an explicit commitment to accept high seas boarding and inspections in accordance with the Commission's procedures on high seas boarding and inspection;
    d. full data on its historical fisheries in the Convention Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
    e. all the data and information members of the Commission are required to submit, in accordance with the recommendations adopted by the Commission; details of its current fishing presence in the Convention Area, including the number of its vessels and their characteristics; results from research programmes it has conducted in the Convention Area;
    f. any further relevant information as determined by the Commission; and
    g. an explicit commitment to make financial contributions commensurate with what it would be assessed should it become a Contracting Party or a Member, pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention. This provision shall not apply to a State or entity that is not eligible to become a member of the Commission.

3. The Technical and Compliance Committee (TCC) shall assess applications for CNM status and provide recommendations and technical advice to the Commission, which shall consider, *inter alia*:
    a. whether the CNM application includes all information required under paragraph 2;
    b. in the case of renewal, the record of compliance of the applicant with the provisions of the Convention and the conservation and management measures adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area;
    c. its record of responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 25 of the Convention;

d. as appropriate, the record of compliance of the applicant with conservation and management measures of other Regional Fisheries Management Organizations (RFMOs); and
e. in the case of applications for renewal of CNM status, whether the applicant is meeting all paragraph 11 requirements for CNM.

4. The Executive Director shall forward a copy of the relevant TCC recommendations and advice to the non-member applicant as soon as practicable.

5. The non-member applicant shall have the opportunity to consider the recommendations and advice of the TCC, and to submit additional information if necessary in advance of the Commission's decision on its application.

6. The Commission shall, in determining whether a non-party is accorded CNM status have regard to the criteria outlined in paragraph 3.

7. The Commission shall also consider information available from other RFMOs relating to non-members seeking CNM status, as well as data submitted by such non-members to the Commission. Caution shall be used so as not to introduce into the Convention Area excess fishing capacity from other regions or IUU fishing activities in granting CNM status to such non-members.

8. The Commission shall accord CNM status on an annual basis. It may renew the CNM status subject to a review of the CNM's compliance with the Convention's objectives and requirements.

9. CNMs seeking to renew their status as a CNM shall comply with other requirements the Commission may prescribe to ensure compliance with conservation and management measures adopted by the Commission.

10. CNMs are entitled to participate at meetings of the Commission and its subsidiary bodies as Observers.

11. CNMs shall:
    a. comply with all conservation and management measures adopted by the Commission;
    b. provide all data members of the Commission are required to submit, in a timely manner, in accordance with the format and standards adopted by the Commission;
    c. inform the Commission annually of the measures it takes to ensure compliance by its vessels with the Commission's conservation and management measures;
    d. respond in a timely manner to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag , as requested by a member of the Commission or determined by the appropriate subsidiary bodies of the Commission and communicate to the member making the request and to the Commission, the actions it has taken against the vessels in accordance with the provisions of Article 25 of the Convention;
    e. accept boardings in accordance with Commission high seas boarding and inspection procedures.

12. Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas under national jurisdiction, and following the granting of CNM status, the Commission shall, where necessary, determine how the participatory rights of CNMs will be limited by the conservation and management measures adopted by the Commission.. In giving effect to this paragraph, the Commission shall take into account *inter alia*:
    a. the status of the highly migratory fish stocks and the existing level of fishing effort in the fishery;
    b. the special requirements of developing States in the Convention Area, in particular small island developing States, and of territories and possessions, in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks;
    c. the respective interests, fishing patterns and fishing practices of new and existing members or participants;
    d. the respective contributions of new and existing members or participants to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;
    e. the needs of coastal fishing communities which are dependant mainly on fishing for the stocks;
    f. the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources; and
    g. the interests of developing States from the subregion or region in whose areas of national jurisdiction the stocks also occur.

13. The limits determined for CNMs under paragraph 12 may be reviewed by the Commission from time to time in accordance with this measure and other conservation and management measures adopted by the Commission.

14. The Commission shall monitor the activities of nationals and fishing vessels of CNMs, including their record of compliance with the provisions of the Convention and conservation and management measures adopted by the Commission.

15. CNMs that fail to comply with any of the conservation and management measures adopted by the Commission shall be deemed to have undermined the effectiveness of the conservation and management measures adopted by the Commission. The Commission shall take appropriate action, which may include revocation of CNM status and/or sanctions and penalties against such CNMs, in accordance with the Convention and adopted conservation and management measures.

16. The members of the Commission shall, individually or jointly, request non-parties to this Convention whose vessels fish in the Convention Area to cooperate fully in the implementation of the conservation and management measures adopted by the Commission and urge them to apply for the status of CNM.

Attachment Q

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

AMENDMENTS TO THE STANDARD OPERATING PROCEDURES

FOR THE COMMISSION VMS

WCPFC6-2009/29
11 December 2009

4.5 Vessel Activation Procedure

The FFA Secretariat will update the vessel table in the VMS database and activate the vessel on the system.

The FFA Secretariat will then advise if activation is successful or not.
If activation was not successful then advise CCM Official of why the activation was unsuccessful, this may include:

- DNID sent to vessel, but vessel did not send acknowledgement to Commission VMS;
- Program sent to vessel but vessel did not send acknowledgement to Commission VMS; or
- Start Command sent to vessel but vessel did but send acknowledgement to Commission VMS.

Request the CCM official to check the vessel's MTU/ALC, rectify any anomalies with the MTU/ALC and inform the WCPFC Secretariat of when the vessel is ready for activation.

On receipt of the advice by the CCM that the MTU/ALC is ready for a second attempt of activation, attempt to activate the vessel on the system again.

(Note: This will enable the vessel to be ready for the activation, ensuring the vessel will receive optimum reception and transmission)

Para 4.8 Manual Reports

The manual report will consist of the following:

- •Vessel Name
- •IRCS
- •UTC Date (dd-mm-yy)
- •UTC Time 24 hour format (hh:mm:ss)
- •Latitude (in degrees minutes, seconds N or S)
- •Longitude (in degrees minutes, seconds E or W)
- •Course[#]
- •Speed (in knots) [#]
- •Activity at the time of report. (e.g. Fishing, in port, etc.) [#]

Footnote:
These requirements will come into effect from 1 July 2010.

Attachment R

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

Sixth Regular Session

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REVISED TEMPLATE FOR THE ANNUAL REPORT (PART 2)

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10 December 2009

TEMPLATE

ANNUAL REPORT TO THE COMMISSION

1 JANUARY – 31 DECEMBER 2009

PART 2. MANAGEMENT AND COMPLIANCE

2.1 IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

Report on CCM steps to implement conservation and management measures in the Convention area (Article 23(2)c)	**Implemented (yes/no) (If no, explain why not)**							**Measures in place**
CMM 2004-01: Record of Fishing Vessels and Authorization to Fish	A.1. (a) (b) (c) (d) (e) (f) (g) (h) (i)	A.2.	A.3. (a) (b) (c) (d) (e)	B.4.	B.5. (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r)	B.6. (a) (b) (c)	B.7.	
CMM 2004-03: Specifications for the Marking and Identification of Fishing Vessels	2.1.1 (a) (b)	2.1.3 (a) (b) (c) (d)	2.2.1 (a) (b)	2.2.2 (a) (b) (c) (d)	2.2.3	2.2.4	2.2.5 (a) (b) (c) (d)	3.1	

							(e) (f) (g) (h) (i) (j) (k) (l)		
CMM 2005-02: Conservation and Management Measure for South Pacific Albacore	1.								
CMM 2005-03: Conservation and Management Measure for North Pacific Albacore	2.		3.		4.		7.		
CMM 2006-04: Conservation and Management Measures for Striped Marlin in the South West Pacific	1.			3.			4.		
CMM 2006-08: WCP Boarding and Inspection Procedures	13.(a)(i)	13.(a)(ii)	13.(a)(iii)	13.(b)(i)	13.(b)(ii)	13.(b)(iii)	14-24.		

CMM 2007-01: Conservation and Management Measure for the Regional Observer Programme.	13.							Attachment K, Annex C, 1.								
CMM 2007-02: Commission VMS (*Revision of CMM-2006-06 to include the requirement that vessels in the Convention Area must maintain VMS transmission even while beyond the Commission boundaries at 20ºN and 175ºE*).	9 (a).															
CMM 2007-03: IUU Fishing (*Replacement of entire text of CMM-2006-09*).	4.			5.			8.			9.			22.			
CMM 2007-04: (*Revision of CMM-2006-02 for mitigating the impact of fishing on seabirds*).	1.		2.		1.		2.		4.		5.		7.		9.	
CMM 2008-01: Conservation and Management	9.	10.	11.	12.	13.	15.	23.	26.	29.	33.	39.	40.	42.	43.	45.	

Measure for Bigeye and Yellowfin Tuna in the WCPO. (*Replaces CMM 2005-01 and CMM 2006-01*).																
CMM 2008-02: Cooperating Non-Members.(*Replaces CMM 2004-02*)	16.															
CMM 2008-03: Conservation and Management for Sea Turtles.	1.		2.		4.		5.		6.		8.					
CMM 2008-04: Conservation and Management Measure to Prohibit the Use of Large Scale Driftnets on the High Seas in the Convention Area.	2.						5.									
CMM 2008-05: Conservation and Management of Swordfish. (*Replaces CMM 2006-03*).																
CMM 2008-06: Conservation and Management for Sharks in the WCPO. (*Replaces CMM 2006-05*).	1.	2.	3.	4.	6.	7.	9.	10.	12.	13.						

Report on CCM measures adopted for conservation and management of HMFS in areas under national jurisdiction (Art. 23(3))	**Action taken**
Brief summary of management methods used for Highly Migratory Fish Species (HMFS) in areas under national jurisdiction.	

Report on CCM measures adopted for regulating the activity of vessels which fish in the Convention Area. (Art. 23(4)) Examples provided below but further fields may be added	**Action taken**
Vessel Registration and Authorisation Procedures.	
Control of fishing vessels.	
Instruction/education/extension programs for industry including vessel owners, operators, crews and fish receivers/buyers.	
Port access and inspections (such as FAO Port Measures where applicable).	

2.2 MONITORING AND INSPECTION ACTIVITIES

The information is to be in a summarized form.

Activity	**Frequency**	**Comment**
VMS		
Transhipments		
Transhipment inspections		
At-sea inspections		
Port inspections		
Observer monitoring		

Monitoring of trade and domestic distribution of HMFS.		
Inspections of domestic-only vessels		
High seas boardings and inspections of flag vessels.		Report observation of alleged violations, including any proceedings instituted and sanctions applied.

2.3 SURVEILLANCE ACTIVITIES

The completion of this section should be in summarized form.

Activity	Frequency	Comment
Seagoing patrols		
Aerial surveillance		

2.4 INVESTIGATIONS AND PROSECUTION ACTIVITY

The completion of this section should be in summarized form to the level of detail that domestic requirements allow

Activity	Number	Reason and summary outcome
Investigations		
Outcomes – penalties or other action		
- No further action		

2.5 FURTHER MCS MEASURES TAKEN AND OTHER RELEVANT INFORMATION

- Inform relevant changes to national legislation.
- Trade measures (if adopted by the Commission).
- Cooperating non-CCMs annual reporting (to maintain cooperating status).
- Prompt IUU fishing activity reporting (Art 25[2,3]); estimated IUU catch within EEZ?
- NPOA reporting/IPOA actions taken through RFMO.

Attachment S

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

CNM PROCEDURE FLOWCHART

Was the application to request CNM status (new or renewal) submitted in English at least 60 days before the TCC? (Para. 1)

Yes **No**

The **TCC considers** all applications that met the deadline. It may consider those that did not, as appropriate.

The **TCC assesses** whether the applications includes all the information required (Para. 3a) and has fulfilled the requirements of paragraph 3.

The **TCC provides recommendations and technical advice** on the applications, using criteria in paragraph 3, to the Commission.

The Ex. Director forwards TCC's recommendations and advice to the applicants (Para. 4)

Applicants consider TCC's advice and recommendations and may submit additional information, as necessary, to the Executive Director in advance of the Annual Commission meeting (Para. 5).

The Commission considers:
(1) TCC's advice and recommendations and criteria in para 3 and any resulting information (para 6);
(2) any additional information provided by the applicant(s);
(3) other information and data (Para. 7); and
(4) In renewing CNM status, **the Commission** also reviews the CNM's compliance with the Convention's objective and requirements (Para. 8).

Yes **No**
Is CNM status renewed or accorded?

CNM status is accorded or renewed for one year.

The Commission may prescribe requirements to ensure compliance with CMMs (para 9) and shall, where necessary, determine how participatory rights of each CNM will be limited by CMMs adopted by the Commission (Para. 12 and 13).

CNM status is not renewed or accorded by the Commission.

CNMs are entitled to participate in Commission and subsidiary body meetings as an observer (Para. 10).

CNMs shall comply with the requirements of Paras. 9 and 11 and be invited by the Commission to make financial contributions (Para. 14).

The Commission shall monitor the activities and compliance of CNMs and shall take appropriate action against CNMs deemed to have undermined CMMs. (Paras. 15 and 16).

Attachment T

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

LETTER FROM INDONESIA TOUSA REGARDING THE VESSEL *LINA*

Attachment T

MINISTRY OF MARINE AFFAIRS AND FISHERIES
OF THE REPUBLIC OF INDONESIA
DIRECTORATE GENERAL OF CAPTURE FISHERIES
Jln. Medan Merdeka Timur Nomor 16 – Jakarta Pusat

December, 10, 2009

USA Delegation
WCPFC – 6 th Regular Session
PAPEETE- TAHITI

Dear Sir

With concern to the issue of Indonesia flag vessel, LINA, that being listed on the WCPFC provisional IUU List, I was reported by Indonesia delegation that detailed interpretation has been made by USA delegation during WCPFC - 6 th Regular Session Meeting in Tahiti. As a follow up to the report, I kindly writing to provide you relevant information concerning the measures that have already been taken and seek your sincere understanding about this matter.

Firstly, as a part of Indonesia commitment to actively take part in eliminating IUU fishing and in order to avoid possible situation occuring where Indonesia flag vessel have been authorized but not finalize its registration procedures, I kindly inform you that Indonesia Governement has made a decision to provide appropriate saction to LINA Indonesia fishing flag, namely (i) We have revoked her fishing License for 3 (three) months commencing from January 1, 2010 and (ii) We also do not allow the master to work in Indonesia fishing flag for 6 (six) months commencing from January 1, 2010. We, today, are sending this notice to the owner of LINA. It's also clearly stated that in case any violation to this notice, Indonesia government will withdraw her fishing license for 1 (one) year and the master will not be allowed to work in Indonesia fishing flag for 1 (one) year. We commit to close monitor on this matter.

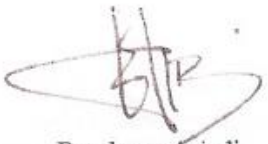
Secondly, to ensure that all Indonesia fishing flag authorized to fish in the WCPFC convention area have been listed on the WCPFC record of fishing vessels, we commit to undertake an overall check that to be carried out vessel by vessel. We will do our best to control and make sure that no fishing license will be issued before registration on the WCPFC record of fishing vessels who intending to fish at the convention area is completed based on the WCPFC procedures.

Thirdly, Indonesia Government, today, will distribute a circular letter to notice this case to all the fishing industry located at the eastern part of Indonesia , and encourage them to learn from this lesson and we also provide them a list of the CMMs adopted by WCPFC that have to be complied with. At the same time, we reiterated that all Indonesia fishing flag have

responsibility to make sure that each vessel(s) has to be listed on the WCPFC fishing vessel record before undertaking fishing operation in the convention area. Furthermore, we also have made a strong notice to fishing industry to fully control their fishing vessels not to undertake a fishing operation at other countries' yurisdiction.

After presenting the above measures that have been taken promtly by Indonesia, we would suggest USA delegation to give due consideration with this issue in a positive and cooperative manner. I believe that a satisfactory settlement could be reahed under your sincere understanding and support. I would be grateful if you could ackowledge receipt of this letter and respond to this issue at this WCPFC - 6 th Regular Session Meeting.

Sincerely Yours
Director General of Capture Fisheries
Director Fisheries Resource Management
On Behalf



Bambang Ariadi
Deputy Director

cc. The Secretariat of WCPFC

Attachment U

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

LETTER FROM INDONESIA TO FRANCE REGARDING THE VESSELS *LINA* AND *MINAKO*

Attachment U

MINISTRY OF MARINE AFFAIRS AND FISHERIES
OF THE REPUBLIC OF INDONESIA
DIRECTORATE GENERAL OF CAPTURE FISHERIES
Jln. Medan Merdeka Timur Nomor 16 – Jakarta Pusat

December, 10, 2009

FRANCE Delegation
WCPFC – 6 th Regular Session
PAPEETE- TAHITI

Dear Sir

With concern to the issue of 2 (two) Indonesia flag vessels, LINA and MINAKO, that being listed on the WCPFC provisional IUU List, I was reported by Indonesia delegation that detailed interpretation has been made by FRANCE delegation during WCPFC - 6 th Regular Session Meeting in Tahiti. As a follow up to the report, I kindly writing to provide you relevant information concerning the measures that have already been taken and seek your sincere understanding about this matter.

Firstly, as a part of Indonesia commitment to actively take part in eliminating IUU fishing and in order to avoid possible situation occuring where Indonesia flag vessel havee been authorized but not finalize its registration procedures, I kindly inform you that Indonesia Goverr.ement has made a decision to provide appropriate saction to LINA and MINAKO Indonesia fishing flag, namely (i) We have revoked her fishing License for 3 (three) months commencing from January 1, 2010 and (ii) We also do not allow the masters to work in Indonesia fishing flag for 6 (six) months commencing from January 1, 2010 . We, today, are sending this notice to the owner of LINA and MINAKO. It's also clearly stated that in case any violation to this notice, Indonesia government will withdraw their fishing license for 1 (one) year and the masters will not be allowed to work in Indonesia fishing flag for 1 (one) year. We commit to close monitor on this matter.

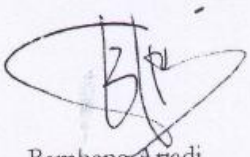
Secondly, to ensure that all Indonesia fishing flag authorized to fish in the WCPFC convention area have been listed on the WCPFC record of fishing vessels, we commit to undertake an overall check that to be carried out vessel by vessel. We will do our best to control and to make sure that no fishing license will be issued before registration on the WCPFC record of fishing vessels who intending to fish at the convention area is completed based on the WCPFC procedures.

Thirdly, Indonesia Government, today, will distribute a circular letter to notice this case to all the fishing industry located at the eastern part of Indonesia , and encourage them to learn from this lesson and we also provide them a list of the CMMs adopted by WCPFC that have to be

complied with. At the same time, we reiterated that all Indonesia fishing flag have responsibility to make sure that each vessel (s) has to be listed on the WCPFC fishing vessels record before undertaking fishing operation in the convention area. Furthermore, we also have made a strong notice to fishing industry to fully control their fishing vessels not to undertake a transhipment against the procedures adopted by WCPFC.

After presenting the above measures that have been taken promtly by Indonesia, we would suggest FRANCE delegation to give due consideration with this issue in a positive and cooperative manner. I believe that a satisfactory settlement could be reahed under your sincere understanding and support. I would be grateful if you could ackowledge receipt of this letter and respond to this issue at this WCPFC - 6 th Regular Session Meeting.

Sincerely Yours
Director General of Capture Fisheries
Director Fisheries Resource Management
On Behalf



Bambang Ariadi
Deputy Director

cc. The Secretariat of WCPFC

Attachment V

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

RULES AND PROCEDURES FOR THE PROTECTION, ACCESS TO, AND DISSEMINATION OF HIGH SEAS NON-PUBLIC DOMAIN DATA AND INFORMATION COMPILED BY THE COMMISSION FOR THE PURPOSE OF MONITORING, CONTROL OR SURVEILLANCE (MCS) ACTIVITIES AND THE ACCESS TO AND DISSEMINATION OF HIGH SEAS VMS DATA FOR SCIENTIFIC PURPOSES

11December 2009

Section I: Definitions

For the purpose of these Rules and Procedures, unless specifically defined herein, words and terms have the same meaning as in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ("the Convention"), the Commission Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), adopted by the Commission at its Fourth Annual Session in December 2007 ("the 2007 Rules and Procedures") and any conservation and management measures or decisions adopted by the Commission.

Section II: Scope and Purpose

1. The scope of these Rules and Procedures is non-public domain[3] data and information covering high seas fishing activities in the Convention Area held by the Commission, including service providers or contractors acting on its behalf. Such data will be made available, principally by electronic means, for the purposes of fisheries monitoring, control or surveillance (MCS) activities in the high seas, the conduct of MCS activities by Members in areas under its national jurisdiction, and supporting an investigation, judicial or administrative proceeding, only

[3] As defined in Section 4.1 of the Commission's Rules and Procedure for the Protection, Access to, and Dissemination of Data Compiled by the Commission.

in accordance with the 2007 Rules and Procedures and these Rules and Procedures. Vessel Monitoring System (VMS) data will also be made available, principally by electronic means, for scientific purposes in accordance with these Rules and Procedures.

2. Notwithstanding paragraph 1 above, paragraphs 17, 18, 19, 22, 29, 30, 31, and 32 of the 2007 Rules and Procedures apply to the protection, dissemination and access to, non-public domain data covered by these Rules and Procedures.

Section III: General principles and Obligations

3. Non-public domain data and information held by the Commission and by service providers, or contractors acting on their behalf, contracted by the Commission shall be released only for the purposes described in Section II of these Rules and Procedures, and only in accordance with these Rules and Procedures; which reflect the policies of confidentiality and security of data and information adopted by the Commission.

4. Any data received from another RFMO will be considered WCPFC data once received and will be protected, accessed and disseminated pursuant to the 2007 Rules and Procedures and these Rules and Procedures.

5. Unless otherwise decided by the Member of the Commission responsible for its external affairs, a Participating Territory shall have the same access rights, confidentiality and security obligations and reporting requirements in respect of data and information compiled under these Rules and Procedures as Members.

6. Members of the Commission shall maintain the confidentiality and security of data received in accordance with these Rules and Procedures in a manner no less stringent than the security standards established by the Commission for the Secretariat in its Information Security Policy (ISP).

7. In accordance with procedures to be developed by the Commission, a Member of the Commission that has not fulfilled its obligations to provide data, as specified in *Scientific Data to be Provided to the Commission* or data obligations pursuant to conservation and management measures (CMMs) or other decisions of the Commission, to the Commission for two consecutive years shall not be granted access to non-public domain data and information in accordance with these Rules and Procedures until all such matters are rectified.

8. A Member of the Commission that has failed to comply with these Rules and Procedures shall immediately lose the ability to access non-public domain data and information in accordance with these Rules and Procedures until appropriate remedial actions have been taken by the Member and reported to the Commission in accordance with procedures to be developed by the Commission. The Secretariat will notify other Members of any Member(s) who no longer have access to non-public domain data pursuant to this paragraph.

9. The Secretariat and service providers contracted by the Commission shall provide data to Members in a timely manner.

10. Service providers and authorized sub-regional and national observer programs will provide data, excluding near-real time VMS data, to the Secretariat in accordance with reporting requirements adopted by the Commission.

Section IV: Provisions for Access and Dissemination

11. Members of the Commission shall notify the Secretariat of their MCS entities authorized to receive non-public domain data and information in accordance with these Rules and Procedures. Such notification shall include:

A. all relevant contact information for the entity or entities (Authorized MCS Entities); and
B. official point(s) of contact for each entity or entities, including telephone, facsimile numbers and email addresses (Authorized MCS Personnel).

12. The Secretariat shall maintain a register of Authorized MCS Entities and Personnel and the contact information provided. Members and the Secretariat shall ensure the register is kept up to date. The Secretariat shall make the register available to Members of the Commission **on** the secure section of the WCPFC website. Only the Authorized MCS Entities and Personnel recorded on the Commission's register are authorized to receive non-public domain data and information for MCS purposes in accordance with these Rules and Procedures. Members of the Commission shall ensure that data and information received pursuant to these Rules and Procedures may only be further disseminated by Authorized MCS Personnel to other personnel within Authorized MCS Entities responsible for fisheries MCS activities in the Convention Area, unless the data and information is being used in an investigation, judicial or administrative proceeding.

13. Authorized MCS Entities and Personnel may request and shall receive data covered by these Rules and Procedures for vessels that fish in waters under their jurisdiction and vessels applying to fish in their national waters, unload in their ports or transship within waters under their jurisdiction, except where paragraph 24 is applicable.

Commission Regional Observer Programme

14. The Executive Director, or designee, shall make available, upon written request, to Authorized MCS Personnel copies of observer reports for the high seas submitted to the Commission pursuant to the Commission's Regional Observer Programme (ROP), provided that the identity and contact information of individual observers is not revealed.

15. For the purpose of an investigation, judicial or administrative proceeding of an alleged violation of the provisions of the Convention, any conservation and management measures or decisions adopted by the Commission or applicable domestic laws and regulations, Authorized MCS Personnel may request and receive the identity and contact information for individual observers, if it is necessary to interview the observer to corroborate statements, have the observer serve as a witness, or to obtain additional information for that investigation, judicial or administrative proceeding.

16. Prior to contacting the observer, the Authorized MCS Personnel shall coordinate with the Member or sub-regional observer program responsible for the observer. Prior to initiating a judicial or administrative proceeding that may necessitate disclosure of the observer's identity or the observer serving as a witness in such proceeding, the Authorized MCS Personnel shall inform in advance the Member or sub-regional observer program responsible for the observer.

High Seas Boarding and Inspection (HSB&I)

17. The Executive Director, or designee, shall make HSB&I reports submitted to the Commission by Contracting Parties available, upon written request, to Authorized MCS Entities and Personnel of Contracting Parties, and, subject to paragraph 5 of these Rules and Procedures, Authorized MCS Entities and Personnel of Participating Territories.

18. When, in accordance with the Commission's High Seas Boarding and Inspection Procedures, a Contracting Party has notified the Commission that those Procedures apply in their entirety as between that Contracting Party and a Fishing Entity, the Executive Director, or designee, shall make HSB&I reports submitted to the Commission regarding high seas boardings and inspections undertaken pursuant to paragraph 6 of the Commission's High Seas Boarding and Inspection Procedures by those Members available upon request to Authorized MCS Entities and Personnel of the Contracting Party concerned and a Fishing Entity.

High Seas VMS Data

19. The Executive Director, or designee, shall make available upon request to Authorized MCS Entities and Personnel VMS data received by the Commission pursuant to decisions of the Commission and the Commission's VMS Standards, Specifications, and Procedures (SSPs) for the planning and execution of MCS activities, as specified below.

20. VMS data other than near real-time may be made available to Authorized MCS Entities and Personnel upon request for MCS activities in high seas areas.

21. The Executive Director shall make near real-time VMS data[4] (ALC/static unique identifier, vessel identity (vessel name and WCPFC Identification number), current geographical position (in latitude and longitude) of the vessel, and date and time of the fixing of the position of the vessel) available to Authorized MCS Entities and Personnel for MCS activities in the high seas in accordance with the following provisions:

A. Only Authorized MCS Entities and Personnel from Members of the Commission with a MCS presence or capability[5] in the high seas areas within the Convention Area will be able to obtain near-real time VMS data.

B. Authorized MCS Entities or Personnel will request near real-time VMS data for the intended area of high seas MCS activities and provide the geographic area (in multiples of 10 degrees latitude and longitude with a north and south latitude boundary and an east and west longitude boundary) for such activities.

C. Authorized MCS Entities or Personnel shall advise the Secretariat at least 48 hours if possible in advance of the commencement of MCS activities in the notified geographic area of the high seas areas of the Convention Area. In the event that the MCS activities will no

[4] For the purposes of these Rules and Procedures, "near real-time VMS data" means VMS data that are contemporaneous with the vessel's activity.

[5] For the purposes of these Rules and Procedures, "a MCS presence or capability on the high seas of the Convention Area" includes monitoring, compliance and enforcement opportunities under regional cooperative enforcement arrangements, such as, but not limited to, ship-rider agreements, reciprocal arrangements under the Niue Treaty, or other bilateral arrangements.

longer take place or if the notified geographic area of the high seas has changed, the Secretariat will be notified at least 48 hours in advance if possible.

D. The Executive Director or service providers contracted by the Commission shall then provide near real-time VMS data only for the notified geographic area of the high seas in the Convention Area.

E. In the event of an ongoing, real-time MCS action, Authorized MCS Entities and Personnel may request the Secretariat to provide near real-time VMS data for a specified geographic area (as outlined in B above) with less than 48 hours notice. The Executive Director or service providers contracted by the Commission shall make their best effort to comply with this request.

F. Service providers contracted by the Commission shall release near real-time VMS data to Authorized MCS Entities and Personnel only if authorized to do so by the Executive Director.

G. Authorized MCS Entities and Personnel shall notify the Secretariat 24 hours prior to the completion of the high seas MCS activities for which near real-time VMS data has been provided. The Executive Director shall not release, or authorize service providers contracted by the Commission to release, near real-time VMS data after the 24 hours have elapsed.

22. Authorized MCS Entities and Personnel may request and shall receive near real-time VMS data for high seas areas adjacent to and not more than 100 nautical miles from their exclusive economic zones (EEZs) for the purpose of conducting MCS activities, including in areas under their national jurisdiction.

23. Authorized MCS Entities and Personnel may request and shall receive VMS data other than near real-time for high seas areas adjacent to and not more than 100 nautical miles from their exclusive economic zones (EEZs) for the purpose of conducting MCS activities, including in areas under their national jurisdiction.

24. In activating the Commission VMS for the area of high seas in the Convention Area north of 20°N and west of 175°E, the Commission will agree on the scope of application of the VMS portion of Section IV of these Rules and Procedures to this area. In the interim, these Rules and Procedures apply to VMS data generated by any vessel fishing for highly migratory fish stocks in the high seas of the Convention Area north of 20°N and west of 175°E, only with the consent of the flag State. However, nothing in this paragraph will constrain access to VMS data identified in paragraphs 22 or 23 for the Exclusive Economic Zones that straddle the boundaries of this area.

25. Authorized MCS Entities and Personnel may request and shall receive near-real time VMS data and VMS data other than near real-time for MCS activities in specific high seas areas which the Commission has closed to fishing, such as high seas pockets. Access to such data shall be limited to the time and area of the closure as specified in conservation and management measures or decisions adopted by the Commission.

Transhipment Notices and Declarations

26. Pre-transhipment notices and WCPFC Transhipment Declarations, which, in accordance with the 2007 Rules and Procedures are non-public domain data, will be made available to Members for the purposes of fisheries monitoring, control or surveillance in accordance with these Rules of Procedure, with the exception of paragraphs 14-25 and Section VI.

27. The Executive Director, or designee, shall make available, upon written request or pursuant to a standing request established in accordance with paragraph 50, to Authourized MCS Entities and Personnel copies of pre-transhipment notices and WCPFC Transhipment Declarations.

Section V: Retention and Destruction Requirements

28. Subject to paragraph 29, Authorized MCS Entities and Personnel shall destroy any non-public domain data received under these Rules and Procedures, including any copies or derivatives of such data, including full erasure of all electronic data, within:

(a) 168 hours or 7 days following the completion of its MCS activities on the high seas per paragraphs 21 and 25 above; or

(b) 168 hours or 7 days following the completion of MCS activities, including in areas under its national jurisdiction per paragraphs 13, 22 and 23 above; or

(c) 72 hours or 3 days following the receipt of data not related to current MCS activities covered by subparagraphs (a) and (b) above

Members of the Commission shall ensure that their Authorized MCS Entities develop and maintain internal administrative procedures to track and document compliance with this paragraph.

29. Authorized MCS Entities and Personnel may retain non-public domain data received under these Rules and Procedures for longer than the periods specified in paragraph 28 only if it is part of an investigation, judicial or administrative proceeding of an alleged violation of the provisions of the Convention, any conservation and management measures or decisions adopted by the Commission, or domestic laws and regulations.

30. Notwithstanding paragraphs 28 and 29 above, all VMS data received by the Commission pursuant to conservation and management measures adopted by the Commission, other decisions of the Commission and the Commission's VMS SSPs shall be retained by the Commission, or service providers contracted by the Commission, in accordance with the SSPs and any other procedures agreed by the Commission.

Section VI: Provisions for Access and Dissemination of high seas VMS data for Scientific Purposes

31. The Executive Director, or service providers contracted by the Commission, shall make available high seas VMS data for scientific purposes, as described in paragraph 35 below, to Members of the Commission. However, VMS data for the area of high seas in the Convention Area north of 20°N and west of 175°E shall be made available only with the consent of the Member(s) who provided the data to the Commission.

32. Members of the Commission shall notify the Secretariat of the Management entities authorized to receive high seas VMS data for scientific purposes in accordance with these Rules and Procedures. Such notification shall include:

A. all relevant contact information for the entity or entities (Authorized Management Entities); and
B. point(s) of contact for each entity, including telephone and facsimile numbers and email addresses (Authorized Management Personnel).

33. The Secretariat shall maintain a register of Authorized Management Entities and Personnel and the contact information provided. Members of the Commission and the Secretariat shall ensure the register is kept up to date. The Secretariat shall make the register available to Members on the secure section of the WCPFC website. Only the Authorized Management Entities and Personnel recorded on the Commission's register are authorized to receive high seas VMS data for scientific purposes in accordance with these Rules and Procedures.

34. Authorized Management Personnel will be required to submit a Data Request Form at annex 1 of appendix 3 and sign the Confidentiality Agreement at annex 2 of appendix 3 of the 2007 Rules and Procedures.

35. High seas VMS data shall be made available for the following scientific purposes:

(a) Estimating fine-scale distribution of fishing effort for use in oceanographic research.
(b) Planning tagging programmes;
(c) Estimating or validating the recapture positions of tag returns;
(d) Modeling the special dynamics of fishing effort for use in the operational models associated with any future management strategy evaluation (MSE) work;
(e) Estimating abundance indices using effective effort from fine-scale vessel specific data.
(f) Validating logbook data; and
(g) Any other scientific purposes as decided by the Commission.

36. Except for sub-paragraph (b), VMS data described in paragraph 35 shall be made available to Authorized Management Entities with a two-year time lag.

37. Near-real time high seas VMS data will be made available to Authorized Management Entities and Personnel for the specific scientific purpose identified in sub-paragraph 35(b), in accordance with these Rules and Procedures, and only with the consent of the Member(s) who provided the data to the Commission.

38. High seas VMS data may also be shared with other regional fisheries management organizations (RFMOs), if the Commission decides to enter into agreements for the exchange of such data with other RFMOs. Such agreements must include requirements that the other RFMO provide comparable VMS data on a reciprocal basis and maintain the data provided to it in a manner no less stringent than the security standards established by the Commission for the Secretariat in its Information Security Policy (ISP). At each annual session the Executive Director will provide copies of VMS data exchange agreements that exist with other RFMOs and a summary of the data exchanges that occurred during the previous 12 months under such agreements.

39. The Executive Director, or service providers contracted by the Commission, on authorization by the Executive Director, may make high seas VMS data available to other persons for scientific purposes in accordance with Section 4.6 of the 2007 Rules and Procedures.

Section VII: Data Provided to the Commission Voluntarily

40. Non-public domain data and information not required to be provided to the Commission by the provisions of the Convention, CMMs adopted by the Commission, or other decisions of the Commission shall not be considered held by the Commission and covered by the 2007 Rules and Procedures and these Rules and Procedures.

41. When such data and information is voluntarily provided the Commission, the Secretariat shall only release such data and information to Members, other than the Member that voluntarily provided the data and information, in accordance with protocols established between the contributing Member and the Secretariat.

42. Notwithstanding paragraph 41, the Secretariat and service providers contracted by the Commission shall have access, in accordance with Section 4.3 of the 2007 Rules and Procedures, to data and information covered by this section in order to perform their WCPFC duties and responsibilities.

Section VIII: Periodic Review and Reporting

43. The Commission shall periodically review these Rules and Procedures, and any subsidiary documents, and amend these if necessary.

44. Members of the Commission shall include in their Part 2 Annual Report to the Commission information on the domestic measures that they have taken to ensure the confidentiality of the data and information received pursuant to these Rules and Procedures. Members of the Commission shall provide in their Part 2 Annual Report to the Commission a statement affirming that they have complied with the data retention and destruction requirements of Section V of these Rules and Procedures. In addition, Members of the Commission shall include a summary report of the status of any investigation, judicial or administrative proceedings in Part 2 of its Annual Report to the Commission at the next session of the Technical and Compliance Committee (TCC) until the conclusion of the investigation, judicial or administrative proceedings.

45. The Secretariat will also report on any communications with States that are not Members of the Commission to the next session of the TCC in relation to any matter that a Member has requested its assistance with under these provisions of these Rules and Procedures.

Section IV: Final Clauses

46. These Rules and Procedures do not prevent a Member of the Commission from authorizing the release of any data it has provided to the Commission.

47. These Rules and Procedures do not prevent or restrict a Member of the Commission from access to data from VMS, HSB&I, and high seas trip reports of observers (minus identity and contact information, except in accordance with paragraph 16) covered by these Rules and Procedures for vessels flying its flag in the Convention Area, except where paragraphs 7 and 8 are applicable.

48. These Rules and Procedures do not prevent or restrict a Member of the Commission from access to data from VMS, HSB&I, and high seas trip reports of observers (minus identity and contact information, except in accordance with paragraph 16) covered by these Rules and Procedures for a vessel that is alleged to have or has engaged in fishing activities in areas under that Member's national jurisdiction in violation of that Member's domestic laws and regulations, for the purpose of an investigation, judicial or administrative proceeding related to that violation, except where paragraphs 7 and 8 are applicable. In this case, the Member shall notify the flag State concerned in accordance with paragraph 10 of Article 25 of the Convention.

49. These Rules and Procedures do not prevent a Member of the Commission from establishing agreements or arrangements with other Members regarding the release of non-public domain data it has provided to the Commission, or utilizing existing agreements or arrangements, for the purpose of MCS activities or scientific purposes, including developing standing authorizations for such releases of data between such Members.

50. In giving effect to these Rules and Procedures, the Secretariat may develop mechanisms to facilitate standing requests from Members for data and information covered by these Rules and Procedures, such as to cover established time periods.

Attachment W

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

WCPFC RECORD OF FISHING VESSELS AND AUTHORIZATION TO FISH (Revised)

Conservation and Management Measure 2009-01[6]

A. Authorization to fish

1. Each member[7] of the Commission shall:

(a) authorize its vessels to fish in the Convention Area, consistent with article 24 of the Convention, only where it is able to exercise effectively its responsibilities in respect of such vessels under the 1982 Convention, the Agreement and this Convention;

(b) take necessary measures to ensure that its vessels comply with conservation and management measures adopted pursuant to the Convention;

(c) take necessary measures to ensure that fishing for highly migratory fish stocks in the Convention Area is conducted only by vessels flying the flag of a member of the Commission, and in respect of non-member carriers and bunkers, in accordance with Section D of this Measure;

(d) take necessary measures 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 license, permit or authorization, as may be required by such other State;

(e) undertake to manage the number of authorizations to fish and the level of fishing effort commensurate with the fishing opportunities available to that member in the Convention Area;

[6] This Measure replaces CMM 2004-01
[7] The term "member" when used in this measure includes cooperating non-members.

(f) ensure that no authorization to fish in the Convention Area is issued to a vessel that has a history of illegal, unreported or unregulated (IUU) fishing, unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no legal, beneficial or financial interest in, or control of the vessels, or the member concerned is satisfied that, having taken into account all relevant facts, the vessel is no longer engaged in or associated with IUU fishing;

(g) withdraw authorizations to fish consistent with article 25(4) of the Convention;

(h) take into account the history of violations by fishing vessels and operators when considering applications for authorization to fish by fishing vessels flying its flag;

(i) take necessary measures to ensure that the owners of the vessels on the Record flying its flag are citizens, residents or legal entities within its jurisdiction so that any control or punitive actions can be effectively taken against them.

2. Each member of the Commission shall take necessary measures to ensure that its fishing vessels, when in the Convention Area, only tranship to/from, and provide bunkering for, are bunkered by or otherwise supported by:

(a) vessels flagged to members, or
(b) Other vessels flagged to States not members of the Commission only if such vessels are on the WCPFC Interim Register of non-Member Carrier and Bunker Vessels established under section D below (the "Register"); or
(c) Vessels operated under charter, lease, or similar mechanisms in accordance with paragraphs 41 to 43 of this measure.

3. No member of the Commission shall allow any fishing vessel entitled to fly its flag to be used for fishing in the Convention Area beyond areas of national jurisdiction unless it has been authorized to do so by the appropriate authority or authorities of that member.

4. Each such authorization shall set forth for the vessel to which it is issued:

(a) the specific areas, species and time periods for which the authorization is valid;

(b) permitted activities by the vessel;

(c) a prohibition of fishing, retention on board, transshipment or landing by the vessel in areas under the national jurisdiction of another State except pursuant to any license, permit or authorization that may be required by such other State;

(d) the requirement that the vessel keep on board the authorization issued pursuant to paragraph 1 above, or certified copy thereof; any license, permit or authorization, or certified copy thereof, issued by a coastal State, as well as a valid certificate of vessel registration; and

(e) any other specific conditions to give effect to the provisions of the Convention and conservation and management measures adopted pursuant to it.

B. Members' record of fishing vessels

5. Pursuant to article 24(4) on the Convention, each member of the Commission shall maintain a record of fishing vessels entitled to fly its flag and authorized to fish in the Convention

Area beyond its area of national jurisdiction, and shall ensure that all such fishing vessels are entered in that record.

6. Each member of the Commission shall submit, electronically where possible, to the Executive Director by 1 July 2005 the following information with respect to each vessel entered in its record:

(a) name of the fishing vessel, registration number, WCPFC Identification Number (WIN), previous names (if known) and port of registry;
(b) name and address of the owner or owners;
(c) name and nationality of the master;
(d) previous flag (if any);
(e) International Radio Call sign
(f) vessel communication types and numbers (Inmarsat A, B and C numbers and satellite telephone number);
(g) colour photograph of the vessel;
(h) where and when the vessel was built;
(i) type of vessel;
(j) normal crew complement;
(k) type of fishing method or methods;
(l) length (specify type and metric);
(m) moulded depth (specify metric);
(n) beam (specify metric);
(o) gross registered tonnage (GRT) or gross tonnage (GT);
(p) power of main engine or engines (specify metric);
(q) carrying capacity, including freezer type, capacity and number, fish hold capacity and capacity of freezer chambers (specify metric); and
(r) the form and number of the authorization granted by the flag State including any specific areas, species and time periods for which it is valid.

7. After 1 July 2005, each member of the Commission shall notify the Executive Director, within 15 days, or in any case within 72 hours before commencement of fishing activities in the Convention Area by the vessel concerned, of:

(a) any vessel added to its Record along with the information set forth in paragraph 6;

(b) any change in the information referred to in paragraph 6 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,

8. Each member of the Commission shall submit to the Executive Director, information requested by the Executive Director with respect to fishing vessels entered in its national record of fishing vessels within fifteen (15) days of such request.

9. Before 1 July of each year, each Member shall submit to the Executive Director a list of all vessels that appeared in its record of fishing vessels at any time during the preceding calendar year, together with each vessel's WCPFC identification number (WIN) and an indication of

whether each vessel fished for highly migratory fish stocks in the Convention Area beyond its area of national jurisdiction. The indication shall be expressed as (a) fished, or (b) did not fish.

10. Members that operate lease, charter arrangements or similar arrangements that result in data reporting obligations being conferred to a party other than the flag State will make arrangements to ensure that the flag State can meet its obligations under paragraph 9.

C. WCPFC Record of Fishing Vessels

11. The Commission shall, in accordance with article 24(7) of the Convention and based on the information provided to the Commission in accordance with the Convention and these procedures, establish and maintain its own record of fishing vessels authorized to fish in the Convention Area beyond the national jurisdiction of the member of the Commission whose flag the vessel is flying. Such record shall be known as the WCPFC Record of Fishing Vessels (the "Record").

12. The Record shall include for each vessel an indication of whether or not it was active in the Convention Area beyond its flag State's area of national jurisdiction in each of the preceding years starting in 2007, consistent with the information provided by Members under paragraph 9.

13. The Executive Director shall ensure that due publicity is given to the Record and the Register including making its contents available through an appropriate website.

14. In addition, the Executive Director shall circulate an annual summary of the information contained in the Record and the Register to all members and participating territories (CCMs) of the Commission at least 30 days prior to the annual meeting of the Commission.

15. CCMs shall review their own internal actions and measures taken pursuant to paragraph 1, including sanctions and punitive actions and, in a manner consistent with domestic law as regards disclosure, report annually to the Commission the results of the review. In consideration of the results of such review, the Commission shall, if appropriate, request that the Flag State, or member, of vessels on the Record or the Register take further action to enhance compliance by those vessels with WCPFC conservation and management measures.

16. Any vessel not included in the Record or the Register shall be deemed not to be authorized to fish for, retain on board, transship or land highly migratory fish stocks in the Convention Area beyond the national jurisdiction of its flag State. Each member of the Commission shall prohibit such activities by any vessel entitled to fly its flag that is not included on the Record or Register and shall treat a violation of this prohibition as a serious violation.

17. Each CCM shall further prohibit 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 Record or the Register.

18. Each CCM shall notify the Executive Director, in accordance with the relevant provisions of article 25 of the Convention, of any factual information showing that there are reasonable grounds to suspect that a vessel that is not on the Record or the Register is or has been engaged in fishing for or transhipment of highly migratory fish stocks in the Convention Area.

19. If such vessel is flying the flag of a member of the Commission, the Executive Director shall notify that member and shall request that member to take the necessary measures to prevent the vessel from fishing for highly migratory fish stocks in the Convention Area and to report back on the actions taken with respect to the vessel.

20. Paragraphs 16 to 18 do not apply in respect of vessels that operate entirely in the Exclusive Economic Zone of a CCM and that are flagged to that CCM.

21. If such vessel is flying the flag of a non-member without cooperating status or if the flag of the vessel cannot be determined, the Executive Director shall inform all CCMs so that they may, in addition to measures specified in paragraph 15, take appropriate action consistent with the Convention.

22. The Commission and the CCMs concerned shall communicate with each other, and make the best efforts with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon fishery resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a movement of IUU fishing vessels between areas covered by other regional fishery management organizations.

23. If, through a decision of the Commission, a vessel that is contained on the Record is included on the WCPFC IUU List, the flag State or responsible State shall revoke, consistent with applicable national law, the vessels' authorization to fish beyond the national jurisdiction of its flag State. Executive Director shall remove that vessel from the Record as soon as practicable after being notified under paragraph 7(c).

D. WCPFC Interim Register of non-Member Carrier and Bunker Vessels

24. The Commission encourages all flag states of carrier and bunker vessels that operate in the Convention Area and have been listed on the Temporary Register of Non-CCM Carrier and Bunker Vessels to apply for Cooperating Non-Member (CNM) status as soon as possible. Towards that end, the Secretariat will share copies of this conservation and management measure with appropriate contacts in all such flag States as soon as practicable.

25. The Commission shall consider all such applicants in accordance with the conservation and management measure, noting its ability to grant CNM status to an applicant subject to the restriction that it may only provide carrier and bunker vessels to the fishery.

2010 to 2012

26. The Commission hereby establishes an Interim Register of Non-Member Carrier and Bunker Vessels (the "Register").

27. Vessels that are included by the Commission on the Register in accordance with the provisions of this section shall be authorised to be used in the Convention Area to receive transhipments of highly migratory fish stocks and to bunker or otherwise supply CCM-flagged fishing vessels used to fish for highly migratory fish stocks in the Convention Area.

28. Any Member of the Commission may at any time submit to the Executive Director, in electronic format if possible, a list of any carrier vessels and bunker vessels that it wishes to be

included on the Register. This List shall include the information described at paragraph 6 above as well as the flag State of the vessel.

29. The CCM(s) recommending vessels to be included on the Register shall attest that the vessel or vessels being recommended are not vessels:

(a) with a history of illegal, unreported or unregulated (IUU) fishing, unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no legal, beneficial or financial interest in, or control of the vessels, or the CCM concerned is satisfied that, having taken into account all relevant facts, the vessel is no longer engaged in or associated with IUU fishing; or
(b) that are currently listed on any of the IUU vessel lists adopted by regional fishery management organizations (RFMOs); or
(c) that were removed from the Register pursuant to paragraph 38 within the one-year period prior to the receipt of the information under paragraph 4.

30. It shall be a condition for inclusion on the Register that the owner or manager/operator of the vessel provides a written undertaking, addressed to the Commission, that the owner, manager/operator and master of the carrier or bunker vessel will fully comply with all applicable decisions of the Commission, including conservation and management measures. Any reference in Commission decisions to member-flagged vessels shall be construed to include non-member flagged-vessels for the purposes of these written undertakings. These undertakings shall include an explicit commitment to allow any inspection duly authorized under the Commission's High Seas Boarding and Inspection Procedures to board and inspect the vessel on the high seas. These undertakings shall also include an agreement to cover the costs associated with complying with Commission decisions, such as the costs of VMS registration and observer placement.

31. Until such time as the Commission undertakes a review to determine vessel specific costs relevant to paragraph 30 above, vessels operators shall commit to pay a nominal fee to contribute to the work of the Commission.

32. It shall be the responsibility of the owner or manager/operator to ensure that any such undertaking is compliant with national laws of its flag State. In addition, the owner or manager/operator of the vessel is encouraged to obtain a statement of support from the flag State, including an explicit statement of its position in respect of high seas boarding and inspection.

33. The Secretariat will post on the Commission website a list of all the applicable conservation and management measures and oth er applicable Commission decisions that the written undertaking must cover. It will also be a condition that the owner, manager/operator or master of the carrier or bunker vessel will notify the Secretariat of any changes to the information provided under paragraph 28 within 15 days of the change.

34. Failure by the owner, manager/operator or master of a vessel on the Register to fully comply with applicable decisions of the Commission, including conservation and management measures, shall constitute an appropriate basis for placement of such vessel on the Commission's Draft IUU Vessel List in accordance with the relevant conservation and management measure for establishing the WCPFC IUU Vessel List.

35. Within 7 business days of receipt of complete information for a carrier or bunker vessel under paragraphs 28 to 30, the Secretariat will include the vessel on the Register and within 7

business days of receipt of any changes to such information, the Secretariat will include the updated information in the Register. For each vessel, the Register will include all the information listed in paragraph 5, a copy of the written undertaking provided under paragraph 30, and the CCM(s) that requested inclusion of the vessel on the Register.

36. As soon as possible after receipt of complete information for a carrier and Bunker vessel under paragraphs 28 to 30, the Secretariat shall notify the flag State and provide an opportunity for the flag State to convey its position, including an explicit statement or position in respect of high seas boarding and inspection if not already done so under paragraph 30.

37. The Commission will periodically monitor the IUU vessel lists maintained by RFMOs. At any time that a vessel on the Register is also on one of those IUU vessel lists, the Secretariat will:

(a) notify Members and the owner of the vessel of its finding and that the vessel will be removed from the Register, effective 30 days from the date of the notice; and
(b) 30 days from the notice given under sub-paragraph (a), remove the vessel from the Register.

38. The Commission shall monitor the performance of the vessels on the Register with respect to the written undertakings submitted under paragraph 30. If at any time a Member of the Commission finds evidence that the owner, manager/operator or master of a vessel on the Register has failed to fully discharge those undertakings:

(a) the Member of the Commission shall immediately submit such evidence to the Secretariat;
(b) the Secretariat will immediately circulate such evidence to the CCMs of the Commission;
(c) the Commission shall review the evidence and decide whether or not to remove the vessel from the Register. If the Commission is to next meet between 14 and 60 days after the circulation made under paragraph 38(b), such decision shall be made in the next session of the Commission, otherwise it shall be made in accordance with the Commission Rules of Procedure as they relate to inter-sessional decision-making;
(d) if the Commission decides to remove a vessel from the Register, the Secretariat will notify the owner of the vessel of the decision within 7 days and remove the vessel from the Register 60 days after the Commission's decision.
(e) The Executive Director shall advise all CCMs and the flag State of the completion of action taken under paragraph 38(d).

39. The Register shall expire 60 days after the Annual Regular Session of the Commission in 2012 unless the Commission decides otherwise at its Regular Annual Session in 2012. The TCC will conduct a review in 2011 and 2012 of the non-CCM flagged fleet including an assessment of potential economic impacts to HMS fisheries in the Convention Area and unforeseen circumstances that could arise through prohibition of non-CCM carriers and bunkers.

2013 and beyond

40. Noting paragraphs 24 and 25 above the Commission expects that after the annual regular session of the Commission in 2013, the majority of carrier and bunker vessels will be flagged to Members.

41. Notwithstanding this expectation, a carrier or bunker vessel flagged to a non-member but operated under charter, lease or other similar mechanisms as an integral part of the fishery of a CCM shall be considered to be vessels of the host CCM and, where the vessel shall be operating in waters under the jurisdiction of more than one CCM, must be included in the CCM's record of fishing vessels under section B accordingly. In such case, the Record shall distinguish between vessels flagged to the CCM and vessels affiliated through this provision.

42. Such a charter, lease or other arrangement shall provide for the host Member to conduct Monitoring, Control and Surveillance activities relevant to the vessel at any time and allow the Commission to place responsibility on the host Member for ensuring the vessel's compliance with conservation and management measures. Such charter, lease or other arrangement shall include an explicit condition that the vessel will fully comply with all applicable decisions of the Commission, including conservation and management measures. Any reference in Commission decisions to member-flagged vessels shall be construed to include non-member flagged-vessels for the purposes of these conditions. These conditions shall include an explicit commitment to allow any inspection duly authorized under the Commission's High Seas Boarding and Inspection Procedures to board and inspect the vessel on the high seas.

43. Such arrangements may only authorize non-member carrier and bunker vessels to operate in ports and waters under the jurisdiction of a member, as duly authorized by the host Member and the coastal State. The host Member acknowledges that failure by the vessel to comply with conservation and management measures will result in penalties that could include IUU listing, refusal to register other vessels of the same flag and sanctions against the host Member.

E. General

44. The Commission shall keep these procedures under review and may amend them as appropriate.

Attachment X

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

STATEMENT BY JAPAN ON BEHALF OF FIVE ASIAN NATIONS REGARDING CMM 2008-01

Mr Chairman,

On behalf of five Asian members (China, Philippines, Korea, Chinese Taipei and Japan), I would like to explain our common position on Bigeye and Yellowfin CMM (2008-01). We are not in a position to accept any further reduction on our side unless the unfair nature of CMM 2008-01 is resolved. To clarify this point, I must raise one example among the many unfair elements while feeling great hesitation to do so. Nobody was brave enough to raise this example but I cannot overlook this unfairness, though I do not have any intention to blame any member. Under CMM2008-01, a member with the most developed economy does not make sacrifice for conservation of bigeye tuna. Instead, this member increased its purse seine vessel days by 3.5 times for the last three years while other developed members reduced fishing activities. 3.5 times, not 3.5%, not 35%, it is 350%. We do not intend to challenge their legitimate right to maintain a number of fishing licenses under the multilateral access treaty. But how to exercise this right is up to the member. Is it unreasonable to expect more consideration on conservation in exercising this right? Moreover, this member enjoys another exemption for its longline vessels. In 2010 and 2011, only Japan, Korea and Chinese Taipei have to reduce longline catch by 10% each year. I am not accusing this member, but would rather beg this member to develop technology to reduce bigeye mortality in purse seine fishery. They have the most developed economy with high-techs as well as rich human and financial resources. We would urge them to take leadership in this field.

The issue here is not limited to bigeye conservation. It has a disasterous dimension of purse seine fishery vs other fisheries. In particular, the rapid expansion of purse seine fishing capacity in the Convention area is affecting adversely the small coastal fisheries. Japan has 100 thousand coastal fishermen. Their lives are heavily dependent on fishery. Around Japan, lots of small islands and remote fishing villages exist. Those fishermen are suffering from unusually low catch of skipjack this year. During this week I had a chance to talk with small island friends. They informed me of low or even no catch of tunas in their small coastal fisheries. Longline and pole and line fisheries are also suffering from low catch rates. As shown in the Information Paper prepared by SPC,

longline vessels would not reach their catch limits in the near future however hard they work. Those fisheries may be dying in future.

Lastly, I would like to express again our grave concern over the unfair nature of CMM2008-01. We are not in a position to accept any further reduction on our side unless the unfair nature is resolved. And I would once again beg the most developed member to work on technology to reduce bigeye mortality in purse seine fisheries. We know they can do it. Japan has been spending millions of dollars annually for development of such technology, but almost no progress was achieved yet. In this sense, I beg the member to work in this field as a matter of priority.

Thank you.

Attachment Y

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

CONSERVATION AND MANAGEMENT MEASURE ON THE APPLICATION OF HIGH SEAS FAD CLOSURES AND CATCH RETENTION

Conservation and Management Measure 2009-02

Recalling that CMM 2008-01[8] provides for a FAD closure and catch retention by purse seine vessels in the area bounded by 20ºN and 20ºS;

Concerned to ensure clear rules for the application of the provisions relating to the FAD closure and catch retention;

Concerned to ensure compatibility of measures established for the high seas with those already adopted for areas under national jurisdiction in accordance with Article 8 (1);

Conscious that incomplete or inconsistent application of the elements of CMM 2008-01 will undermine the effectiveness of the Measure;

Recalling that the PNA have developed detailed Regulations for the implementation of FAD closures and catch retention in their EEZs;

Concerned at reports by the WCPFC Secretariat and Members about cases of inconsistent application of the two month FAD closure in the high seas in 2009;]]

Adopts, in accordance with Article 10 of the Convention, the following Measure to be read as a part of CMM 2008-01:

OBJECTIVES

[8] Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean

1. The objectives of this Measure are:

   a. to ensure consistent and robust application of FAD closures and catch retention in the high seas between 20^0S and 20^0N through the specification of minimum standards.

   b. to apply high standards to the application of the FAD closure and catch retention in order to remove any possibility for the targeting of aggregated fish, or the discard of small fish.

2. Each CCM shall take the necessary measures to ensure that purse seine vessels flying its flag on the high seas comply with these rules in the application of the provisions of CMM 2008-01 relating to a FAD closure and catch retention.

Rules for FAD Closure

3. The definition of a FAD in footnote 1 to CMM 2008-01 shall be interpreted as including:

   "any object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with"

4. During the FAD closure period specified in CMM 2008-01, no purse seine vessel shall conduct any part of a set within one nautical mile of a FAD. That is, at no time may the vessel or any of its fishing gear or tenders be located within one nautical mile of a FAD while a set is being conducted.

5. The operator of a vessel shall not allow the vessel to be used to aggregate fish, or to move aggregated fish including using underwater lights and chumming.

6. A FAD and/or associated electronic equipment shall not be retrieved by a vessel during the period of a FAD closure unless:

   a. the FAD and/or associated electronic equipment are retrieved and kept on board the vessel until landed or until the end of the closure; and

   b. the vessel does not conduct any set either for a period of seven (7) days after retrieval or within a fifty (50) mile radius of the point of retrieval of any FAD.

7. In addition to paragraph 6, vessels shall not be used to operate in cooperation with each other in order to catch aggregated fish. No vessel shall conduct any set during the prohibition period within one nautical mile of a point where a FAD has been retrieved by another vessel within twenty four (24) hours immediately preceding the set.

Rules for Catch Retention

8. Where the operator of a vessel determines that fish should not be retained on board for reasons related to the size, marketability, or species composition, the fish shall only be released before the net is fully pursed and one half of the net has been retrieved.

9. Where the operator of a vessel determines that fish should not be retained on board because they are "unfit for human consumption", the following definitions shall be applied:

   a. "unfit for human consumption" includes, but is not limited to fish that:

i. is meshed or crushed in the purse seine net; or

ii. is damaged due to shark or whale depredation; or

iii. has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch and efforts to release the fish alive; and

b. "unfit for human consumption" does not include fish that:

i. is considered undesirable in terms of size, marketability, or species composition; or

ii. is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.

10. Where the operator of a vessel determines that fish should not be retained on board because it was caught during the final set of a trip when there is insufficient well space to accommodate all fish caught in that set, the fish may only be discarded if:

a. the vessel master and crew attempt to release the fish alive as soon as possible;

b. no further fishing is undertaken after the discard until the fish on board the vessel has been landed or transhipped.

11. Fish shall not be discarded from the vessel until after an observer has estimated the species composition of the fish to be discarded.

12. The operator of the vessel shall submit[to the Executive Director a report that includes the following information within forty-eight 48 hours after any discard:

a. Name, flag and WCPFC Identification Number of the vessel;

b. Name and nationality of master;

c. Licence number;

d. Name of observer on board;

e. Date, time and location (latitude/longitude) that discarding occurred;

f. Date, time, location (latitude/longitude) and type (drifting FAD, anchored FAD, free school etc) of the shot;

g. Reason that fish were discarded (including statement of retrieval status if fish were discarded in accordance with paragraph 6);

h. Estimated tonnage and species composition of discarded fish;

i. Estimated tonnage and species composition of retained fish from that set;

j. If fish were discarded in accordance with paragraph 10, a statement that no further fishing will be undertaken until the catch on board has been unloaded; and

k. Any other information deemed relevant by the vessel master.

13. The operator of the vessel shall also provide a hard copy of the information described in para 12 to the WCPFC Observer on board.

Attachment Z

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

CONSERVATION AND MANAGEMENT FOR SWORDFISH

Conservation and Management Measure 2009-03[9]

The Commission For The Conservation And Management Of Highly Migratory Fish Stocks In The Western And Central Pacific Ocean

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the provisions of UNCLOS:

Noting that the stock assessment undertaken for swordfish in the South Western Pacific region indicated an increase in south-west stock abundance in recent years and the model projections predict further increase at current levels of fishing mortality. Plausible assessments indicate that overfishing is not occurring and the south western Pacific swordfish stock is not in an overfished state;

Noting that due to the uncertainty in the 2008 stock assessment for south-western Pacific swordfish, the SC recommended that there be no further increase in catch or effort in order to keep the stock above its associated reference points;

Further noting that the Scientific Committee has recommended that there be no increases in fishing mortality for south-central Pacific swordfish as a precautionary measure given the lack of a formal assessment and that constraining fishing mortality to current levels is recommended until there is a better understanding of fishing impacts in the south-central Pacific stock and the relationship between this stock and other south Pacific stocks is more certain;

Acknowledging IATTC's recognition of the importance of establishing complementary conservation and management measures for species of mutual interest, and that swordfish stocks in the central Pacific are likely to occur in waters under the competence of both the WCPFC and IATTC;

[9] Replaces CMM 2008-05

Recognising the need for both IATTC and WCPFC to adopt conservation and management measures to provide for the sustainable management of swordfish stocks across the Pacific Ocean.

Recognising that well managed stocks of swordfish in the central south Pacific represent an important source of long-term economic opportunities for the domestic fisheries of small island development States and participating Territories;

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

1. Commission Members, Cooperating Non-Members and participating Territories (CCMs) shall exercise restraint through limiting the number of their fishing vessels for swordfish in the Convention Area south of 20°S, to the number in any one year between the period 2000-2005 (listed in Annex 1).

2. In addition to vessel limits established under paragraph 1, CCMs shall exercise restraint through limiting the amount of swordfish caught by fishing vessels flagged to them in the Convention Area south of 20°S to the amount caught in any one year during the period 2000 – 2006.

3. CCMs shall not shift their fishing effort for swordfish to the area north of 20°S, as a result of this measure.

4. No later than 30 April 2010 CCMs shall nominate the maximum total catch of swordfish that it shall continue to be permitted to fish in the area south of 20°S. This amount shall be no more than their maximum verified catch declared to the Commission for any one year in the period 2000-2006.

5. Paragraphs 1 to 4 and paragraph 9 shall not prejudice the legitimate rights and obligations under international law of small island developing State and participating Territory CCMs, in the Convention Area who may wish to pursue a responsible level of development of their own fisheries in the Convention Area.

6. For the purposes of these measures, vessels operated under charter, lease or other similar mechanisms as an integral part of the domestic fleet of a coastal State, shall be considered to be vessels of the host State or Territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known IUU vessels.

7. CCMs shall cooperate to protect the long-term sustainability and economic viability of the fisheries for swordfish in the Southwest Pacific, and in particular shall cooperate on research to reduce uncertainty with regard to the status of swordfish stocks.

8. CCMs shall report to the Commission the total number of vessels that fished for swordfish and the total catch of swordfish for the following:

a. vessels flying their flag anywhere in the Convention Area south of 20°S other than vessels operating under charter, lease or other similar mechanism as part of the domestic fishery of another CCM;
b. vessels operating under charter, lease or other similar mechanism as part of their domestic fishery south of 20^{o}S; and

c. any other vessels fishing within their waters south of 20°S.

This information shall be provided in Part 1of each CCM's annual report. Initially, this information will be provided in the template provided at Annex 2 for the period 2000-2009 and then updated annually.

9. As an interim measure, and without prejudice to future decisions of the Commission relating to monitoring and responding to compliance with conservation and management measures, until the Commission adopts a scheme relating to compliance with CMMs which includes responses when a flag State exceeds any limits assigned to it, if it is determined by the Commission that the catch of vessels flying the flag of a CCM exceeds the total catch specified for them under paragraphs 2 and 4 above, that CCM will be subject to a reduction in their catch limit equal to the exceeded amount. The reduction will apply in the year immediately after it has been determined that the catch limit has been exceeded.

10. The Executive Director shall compile and disseminate the information provided to the Commission by CCMs in accordance with paragraph 8 above to the Technical and Compliance Committee each year. The Technical and Compliance Committee shall monitor and review compliance with this measure and make recommendations to the Commission as may be necessary.

11. This measure will be reviewed in 2011 by the Commission, including on the basis of advice from the Scientific Committee based on future stock assessments of South Pacific swordfish.

12. This measure replaces CMM 2008-05.

ANNEX 1

NUMBERS OF CCM-FLAG VESSELS THAT HAVE FISHED FOR SWORDFISH IN THE CONVENTION AREA SOUTH OF 20°S DURING THE PERIOD 2000 – 2007 (Maximum number of vessels per CCM are indicated in **Bold)**

(Source: WCPFC-TCC4-2008/10 (Rev.3) 30 September 2008Attachment 2)

Year	**Australia**	**Belize**	**Cook Islands**	**EU**	**Korea**	**New Caledonia (bycatch)**	**New Zealand**	**Chinese Taipei**			**USA**
								Seasonal >100GRT	**By-catch >100 GRT**	**By-catch <100 GRT**	
2000	140	0		0	22	15	103	10	41	17	
2001	**159**	0		0	22	12	132	10	41	17	
2002	144	0		0	22	11	**151**	10	42	17	
2003	134	0	**16**[#]	0	**24**	15	132	**12**	**55**	**17**	
2004	121	0	15	8	22	**25**	99	8	39	17	
2005	100	0	6	**14**	23	15	57	6	40	19	
2006	55	0	8		6			4	27	26	2
2007	54	1^		15*	4		74^^	3	16	30	2

*See EU Annual Report (Part 1) for the period 1 January – 31 December 2007
^See Belize catch and effort data (by-catch) reported to the Commission on 29 April 2008.
^^See New Zealand Annual Report (Part 2) for the period 1 January-31 December 2007
Note application of paragraph 5; this figure is without prejudice to the Cook Islands right to develop its domestic fishery

ANNEX 2

REPORTING FORMAT FOR THE CATCH OF SWORDFISH PER FLAG CCM AND COASTAL CCM (TO BE SUBMITTED IN EACH CCMS ANNUAL REPORT (PART 1))

Year	CCM-flagged[#] vessels south of 20S		Chartered vessels[*]		Other vessels fishing within the CCM's waters south of 20S		
	Catch (tonnes)	Vessel numbers	Catch (tonnes)	Vessel numbers	Flag	Catch (tonnes)	Vessel numbers
2000							
2001							
2002							
2003							
2004							
2005							
2006							
2007							
2008							
2009							

- In accordance with paragraphs 6 and 8 a, Flag CCMs are not to report against chartered vessels.
* In accordance with paragraphs 6 and 8 b, chartering CCMs must report against chartered vessels.

Attachment AA

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

STATEMENT BY PALAU ON SHARKS

Chair, the conservation and management of sharks is an issue that is deeply important to Palau. As many many be aware, in September this year, our President Johnson Toribiong, announced to the United Nations General Assembly that Palau will become the world's first nation-wide shark sanctuary. Palau already has measures in place to end all commercial shark fishing in our Exclusive Economic Zone of 237,000 square miles and complements the ban on shark finning.

In addition, Chair, Palau is a small island developing State and while we are proud to take the lead in ensuring that these species, which are critical to the marine ecosystem at large, we reiterate our call for others to join us in our efforts.

Palau applauds the commission for CMM 2008-06, which is a strengthening of the management measures in place. Having said that, it obviously falls well short of the national standard that we have set for ourselves.

As such we will continue to work within the Commission and the Scientific Committee to advocate for sound stock assessments and robust management responses as this is the only way forward for many of these species.

Thank you.

Attachment BB

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

CONSERVATION AND MANAGEMENT FOR SHARKS

Conservation and Management Measure 2009-04[10]

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

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

Recognizing the ecological and cultural significance of sharks in the western and central Pacific Ocean (WCPO);

Recalling that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks calls on FAO members, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt National Plans of Action for the conservation and management of sharks;

Recognizing the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, to enable effective shark conservation and management;

Recognizing further that certain species of pelagic sharks, such as basking shark and great white shark, have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Resolves as follows:

1. Commission Members, Cooperating non-Members, and participating Territories (CCMs) shall

[10] Replaces CMM 2008-06

implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA Sharks).

2. CCMs shall advise the Commission (in Part 2 of the annual report) on their implementation of the IPOA Sharks, including, results of their assessment of the need for a National Plan of Action and/or the status of their National Plans of Action for the Conservation and Management of Sharks.

3. National Plans of Action or other relevant policies for sharks should include measures to minimize waste and discards from shark catches and encourage the live release of incidental catches of sharks.

4. Each CCM shall include key shark species[11], as identified by the Scientific Committee, in their annual reporting to the Commission of annual catch and fishing effort statistics by gear type, including available historical data, in accordance with the WCPF Convention and agreed reporting procedures. CCMs shall also report annual retained and discarded catches in Part 2 of their annual report. CCMs shall as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and rare earth metal shark deterrents).

5. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of the IPOA and collection of data on retained and discarded shark catches.

And adopts, in accordance with Articles 5 and 10 of the Convention, that:

6. CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing or transshipment.

7. CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.

8. As finer resolution data become available, the specification of the ratio of fin weight to shark weight described in paragraph 7 shall be periodically reviewed by the Scientific Committee (SC) and the SC will recommend any appropriate revisions to the Commission for its consideration. The SC and the Technical and Compliance Committee (TCC) are directed to consider if additional appropriate measures that give affect to paragraph 7 are required.

9. CCMs shall take measures necessary to prohibit their fishing vessels from retaining on board, transshipping, landing, or trading any fins harvested in contravention of this Conservation and Management Measure (CMM).

10. In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.

[11] The key shark species are blue shark, silky shark, oceanic whitetip shark, mako sharks and thresher sharks.

11. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional artisanal fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plans of action for the conservation and management of sharks, within areas under their national jurisdiction.

12. CCMs shall advise the Commission in Part 2 of the annual report on the implementation of this CMM and any alternative measures adopted under paragraph 11.

13. On the basis of advice from the SC, the TCC and the Commission, CCMs shall review the implementation and effectiveness of this measure, and any alternative measures applied under paragraph 11 above, and shall consider the application of additional measures for the management of shark stocks in the Convention Area, as appropriate.

14. In 2010, the SC, and if possible in conjunction with the Inter-American Tropical Tuna Commission, provide preliminary advice on the stock status of key shark species and propose a research plan for the assessment of the status of these stocks.

15. This CMM shall apply to sharks caught in association with fisheries managed under the WCPF Convention, and to sharks listed in Annex 1 of the 1982 Convention.

16. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of this measure, including, in accordance with Article 7 of the Convention, in areas under national jurisdiction.

17. This CMM shall replace 2008-06.

Attachment CC

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

CONSERVATION AND MANAGEMENT MEASURE PROHIBITING FISHING ON DATA BUOYS

Conservation and Management Measure 2009-05

The Western and Central Pacific Fisheries Commission:

Aware that many nations, including Commission Members, operate and deploy data buoys throughout the Convention Area and oceans worldwide to gather information used to make improved weather and marine forecasts, provide assistance to fisheries by generating data on sea surface and subsurface measurements, provide assistance to search and rescue efforts at sea, and collect critical data used to conduct research on meteorological and oceanographic topics and climate prediction;

Knowing that highly migratory species, in particular tuna species, aggregate in the vicinity of data buoys.

Noting that a reduction of fishing around data buoys may assist the Commission in its efforts to reduce the mortality of juvenile bigeye and yellowfin tunas;

Recognizing that the World Meteorological Organization and the Intergovernmental Oceanographic Commission have determined that vandalism and damage to data buoys by fishing vessels are significant problems in the Pacific Ocean and worldwide;

Concerned that vandalism or damage to data buoys results in significant loss of data critical to weather forecasting, to the study of marine conditions, to tsunami warnings, to support for search and rescue efforts at sea, and that Commission Members expend considerable time and resources to locate, replace and repair data buoys damaged or lost by fishing methods or vandalism;

Noting that information about the description, type and location of several data buoy programs is publicly available through the Internet;

Further noting the mandate given to the Commission to adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

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

1. CCMs shall prohibit their fishing vessels from fishing within one nautical mile of or interacting with a data buoy in the high seas of the Convention Area, which includes, but is not limited to, encircling the buoy with fishing gear; tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or cutting a data buoy anchor line.

2. For the purposes of this measure, data buoys are defined as floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organizations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities.

3. CCMs shall prohibit their fishing vessels from taking on board a data buoy unless specifically authorized or requested to do so by the Member or owner responsible for that buoy.

4. CCMs shall encourage their fishing vessels operating in the Convention Area to keep watch for moored data buoys at sea and to take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys.

5. CCMs shall require their fishing vessels that become entangled with a data buoy to remove the entangled fishing gear with as little damage to the data buoy as possible. CCMs are encouraged to require their fishing vessels to report to them all entanglements and provide the date, location and nature of the entanglement, along with any identifying information contained on the data buoy. CCMs shall notify the Secretariat of all such reports.

6. Fishing activities inconsistent with paragraphs 1 and 2 above shall be deemed fishing activities that undermine the WCPF Convention and WCPFC conservation and management measures and shall constitute a serious violation in accordance with Article 25 of the Convention.

7. Notwithstanding paragraph 1, scientific research programs notified to and authorized by the Commission may operate fishing vessels within one nautical mile of a data buoy so long as they do not interact with those data buoys as described in paragraph 1.

Attachment DD

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

CONSERVATION AND MANAGEMENT MEASURE ON THE REGULATION OF TRANSHIPMENT

Conservation and Management Measure 2009-06

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

Acknowledging that effective conservation and management of highly migratory fish stocks is dependent on the provision of accurate reporting of catches of such stocks in the Convention Area;

Recognizing that transhipment at sea is a common global practice, but that unregulated and unreported transhipment of catches of highly migratory fish stocks at sea, in particular on the high seas, contributes to distorted reporting of catches of such stocks and supports IUU fishing in the Convention Area;

Recalling Article 29(1) of the Convention which provides that in order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transhipment in port.

Recalling also Article 29(2) and (3) of the Convention that transhipment at a port or in an area within waters under the national jurisdiction of a member of the Commission shall take place in accordance with applicable national laws, and that the Commission shall develop procedures to obtain and verify data on the quantity and species transhipped both in port and at sea in the Convention Area and procedures to determine when transhipment covered by the Convention has been completed;

Recalling further Article 29(4) of the Convention that Transhipment at sea in the Convention Area beyond areas under national jurisdiction shall take place only in accordance with the terms and conditions set out in article 4 of Annex III to the Convention, and any procedures established by the Commission pursuant to Article 29(3). Such procedures shall take into account the characteristics of the fishery concerned;

Recalling further that Article 29(5) of the Convention prohibits transhipping at sea by purse seine vessels operating within the Convention Area, subject to specific exemptions which the Commission shall adopt in order to reflect existing operations;

Recognizing the importance of economic benefits from port operations to Small Island Developing State CCMs;

Noting that those CCMs with a real interest in undertaking monitoring, control and surveillance activities in the high seas require access to information about transhipment activities in the convention area before they occur.

Desiring to establish procedures to obtain and verify data on the quantity and species transhipped in the Convention Area to ensure accurate reporting of catches, and enhance stock assessments of highly migratory fish stocks.

Adopts in accordance with Article 10 of the WCPFC Convention:

SECTION 1 – GENERAL RULES

1. This measure shall commence as soon as possible and no later than July 1, 2010[12].

2. The provisions of this Measure shall apply to all transhipment in the Convention Area of all highly migratory fish stocks covered by the Convention. CCMs that tranship outside the Convention Area highly migratory fish stocks covered by the Convention taken in the Convention Area shall provide the information related to those activities, as required in paragraphs 10, 11 and 12. Highly migratory fish stocks covered by the Convention shall not be transhipped at sea by purse seine vessels outside the Convention Area consistent with paragraph 25 of this measure.

3. The provisions of this Measure shall not apply to transhipment of highly migratory fish stocks where fish is taken and transhipped wholly in archipelagic waters or territorial seas.

4. Transhipment in a port or in waters under the national jurisdiction of a CCM shall take place in accordance with applicable national laws. With the exception of Section 2 (which applies article 29(5) of the Convention), nothing in this Measure shall prejudice the application of national laws when transhipment occurs in areas under the national jurisdiction of a CCM, including the application of more stringent requirements.

5. A CCM may notify the Executive Director of its designated port or ports for transhipment. The Executive Director shall circulate periodically to all members a list of such designated ports. "Port" includes offshore terminals and other installations for landing, transshipping, processing, refuelling or resupplying;

6. Nothing in this Measure shall derogate the obligations on flag states to ensure compliance by vessels flying their flag while operating on the high seas. Each CCM shall take necessary measures to ensure that vessels flying its flag comply with this Measure.

7. For the purposes of this Measure, CCMs are responsible for reporting against vessels flying their flag except where the vessel is operated under charter, lease or other similar mechanisms, as an integral part of the domestic fleet of a coastal state in the Convention Area. In such case, the chartering state

[12] Except paragraph 13(c) this Measure shall enter into effect 1 January 2011.

shall be the CCM responsible for reporting against the vessel.

8. Pursuant to paragraph 7, chartering CCMs and flag CCMs will cooperate for the appropriate management of the vessel to ensure compliance.

9. For a carrier vessel that is flagged to a non-CCM and is included on the WCPFC Interim Register of non-Member Carrier and Bunker Vessels, the vessel master shall be responsible for reporting against the vessel unless it is operating under a charter arrangement.

10. A WCPFC Transhipment Declaration, including the information set out in Annex I shall be completed by both the offloading and receiving vessel for each transhipment in the Convention Area, and each transhipment of catch taken in the Convention Area. Where required in this Measure the Transhipment Declaration shall be sent to the Executive Director.

11. CCMs shall report on all transhipment activities covered by this Measure (including transhipment activities that occur in ports or EEZs) as part of their Annual Report in accordance with the guidelines at Annex II. In doing so, CCMs shall take all reasonable steps to validate and where possible, correct information received from vessels undertaking transhipment using all available information such as catch and effort data, position data, observer reports and port monitoring data.

12. Notices to the Executive Director under paragraphs 24 and 35.a.iii shall be given via a means of two-way communication by data (e.g., telex, facsimile, email). The CCMs responsible for reporting against both the offloading and receiving vessels are responsible for providing notices, but may authorise the vessel or the vessel operator to provide notices directly. Notices must include the information set out in Annex III.

13. Each CCM shall ensure that vessels they are responsible for carry observers from the WCPFC Regional Observer Programme (ROP) to observe transhipments at sea as follows:

    a. for transhipments to receiving vessels less than or equal to 33 meters in length, and not involving purse seinecaught fish or frozen longlinecaught fish, 100% observer coverage starting on the effective date of this Measure, with the observer(s) deployed on either the offloading vessel or receiving vessel;

    b. for transhipments other than those covered by subparagraph (a) and involving only troll-caught or pole-and-line-caught fish, 100% observer coverage starting 1 January 2013, with the observer(s) deployed on the receiving vessel.

    c. for transhipments other than those covered by subparagraphs (a) and (b), 100% observer coverage starting on the effective date of this Measure, with the observer(s) deployed on the receiving vessel.

14. Observers shall monitor implementation of this Measure and confirm to the extent possible that the transshipped quantities of fish are consistent with other information available to the observer, which may include:

    a. the catch reported in the WCPFC Transshipment Declaration;

    b. data in catch and effort logsheets, including catch and effort logsheets reported to coastal States for fish taken in waters of such coastal States;

c. vessel position data; and

d. the intended port of landing.

15. Observers shall have full access to both the unloading and the receiving vessel in order to ensure that proper verification of catches can occur. The Commission shall develop guidelines for the safety of observers in moving between vessels as part of the ROP.

16. Receiving vessels shall only receive product from one unloading vessel at a time for each observer that is available to monitor the transhipment.

17. Any scheme or process developed and agreed by the Commission for the cross endorsement of observers from other RFMOs as part of the ROP shall apply to this measure.

18. The Commission shall provide appropriate financial and technical assistance to developing states, in particular small island developing states, in the implementation of this Measure including in accordance to Article 30.

19. The measure shall be reviewed periodically in response to other measures and decisions taken by the Commission and taking into account the implementation of this and other measures.

1A – Transhipment to and from non-CCM Vessels

20. CCMs shall take measures to ensure that vessels do not tranship to or from a vessel flagged to a non-CCM unless that vessel is authorized by a decision of the Commission, such as:

    a. a non-CCM carrier vessel that is on the WCPFC Interim Register of non-CCM Carrier and Bunker Vessels established under CMM 2009-01; or

    b. a non-CCM fishing vessel that is licensed to fish in the EEZ of a CCM in accordance with a decision of the Commission.

21. To retain any authorisation from the Commission relevant to paragraph 20, a non-CCM vessel shall not tranship to or from a non-authorised non-CCM vessel.

22. In cases where transhipment involves a non-CCM vessel specified in paragraph ~~18~~ 20.a, any required communications to the Executive Director, including pre-transhipment notices and transhipment declarations that are required under various sections of this measure, shall be responsibility of the vessel master of the carrier vessel or chartering CCM.

1B – Force Majeure or Serious Mechanical Breakdown

23. Unless otherwise stated, the restrictions in this measure shall not prevent a vessel from transhipping in cases of force majeure or serious mechanical breakdown that could threaten the safety of the crew or result in a significant financial loss though fish spoilage.

24. In such cases, the Executive Director must be notified of the transhipment and the circumstances giving rise to the force majeure within 12 hours of the completion of transhipment. The CCMs responsible for each vessel shall provide the Executive Director with a WCPFC Transhipment Declaration consistent with the requirement under paragraph 10 within 15 days of the transhipment.

SECTION 2 – TRANSHIPMENT FROM PURSE SEINE FISHING VESSELS

25. In accordance with Article 29 (5) of the Convention, transhipment at sea by purse seine vessels shall be prohibited except in respect of exemptions granted by the Commission for:

    a. existing group seine operations composed of small purse seine boats (fish hold capacity of 600 mt or less) flagged to Papua New Guinea and Philippines that meet the following conditions:

        i. operate in tandem with freezer carrier boat/s to freeze the catch or if operating closer to base with ice carrier boat/s to store the fish,

        ii. operate as one group together with their support vessels such as freezer carrier boat/s and/or ice carrier boat/s.

        iii. undertake transhipment when refrigerated or other ice carrier boats dock alongside catcher boats and tranship fish from the catcher boats

    b. transhipment activities involving New Zealand flagged domestic purse-seine vessels where the fishing activity, transhipment and landing of fish all take place within New Zealand fisheries waters in accordance with New Zealand's existing legal and operational framework for monitoring and control of transhipment activity and the verification of catch.

26. CCMs seeking to apply an exemption for a vessel(s) that meets the conditions set out in paragraph 25, shall submit a written request to the Executive Director by 1 July of a given year that includes, at a minimum, the following information:

    a. Details about the vessel(s) as they are required to appear on the WCPFC Record of Fishing Vessels under CMM 2004-01;

    b. The vessel's history of prior transhipment exemptions,

    c. The main species and product forms that would be transhipped,

    d. The areas where transhipments would take place, to as much detail as possible,

    e. The period of exemption being requested, and

    f. An explanation for the exemption request.

27. The Executive Director shall compile all requests for transhipment exemptions and circulate them to all CCMs at least 30 days in advance of the regular annual session of the Technical and Compliance Committee (TCC). The TCC shall review the requests and make recommendations to the Commission regarding the application of the exemptions in paragraph 26.

28. Taking into account the recommendations of the TCC, the Commission, during its regular annual session, shall consider each request and may adopt exemptions in accordance with Article 29(5) of the Convention. The Commission may attach to each granted exemption any conditions or requirements that it determines necessary to achieve the objectives of the Convention, such as limitations on areas, time periods or species, the fishing vessels that may be transhipped to, and any additional requirements necessary for the purposes of monitoring, control and surveillance.

29. CCMs shall only authorize those purse seine vessels that that have received an exemption by the Commission to engage in transhipment outside of port. CCMs shall issue vessel-specific authorizations outlining any conditions or requirements identified by the Commission or CCM, and shall require that vessel operators carry such authorizations on board at all times.

30. The flag State CCM of any such authorized purse-seine vessel that is required to be on the WCPFC Record of Fishing Vessels shall notify the Executive Director that the vessel is authorized to engage in transhipment outside of port, in accordance with the Commission-granted exemption and shall indicate in such notification any limitations, conditions or requirements on its authorization.

31. The Executive Director shall maintain and make publicly available, including on the Commission's website, the list of purse seine vessels that have been granted exemptions and are authorized to tranship outside of port, as well as any corresponding conditions or provisions attached to their exemption.

32. All purse seine vessels, including those that receive an exemption to tranship at sea under the process described in paragraphs 26 ~~24~~ to 30 ~~28~~ shall be prohibited from commencing transhipping on the high seas in the Convention Area.

SECTION 3 – TRANSHIPMENT FROM FISHING VESSELS OTHER THAN PURSE SEINE VESSELS

33. Transhipment from longline, troll and pole and line fishing vessels in national waters shall be managed in accordance with relevant domestic laws and procedures pursuant to paragraph 4.

34. There shall be no transhipment on the high seas except where a CCM has determined, in accordance with the guidelines described in paragraph 37 below, that it is impracticable for certain vessels that it is responsible for to operate without being able to tranship on the high seas, and has advised the Commission of such.

35. Where transhipment does occur on the high seas:

    a. the CCMs responsible for reporting against both the offloading and receiving vessels shall, as appropriate:

        i. advise the Commission of its procedures for monitoring and verification of the transhipments;

        ii. indicate vessels to which the determinations apply.

        iii. notify the information in Annex III to the Executive Director at least 36 hours prior to each transhipment.

        iv. provide the Executive Director with a WCPFC Transhipment Declaration within 15 days of completion of each transhipment; and

        v. Submit to the Commission a plan detailing what steps it is taking to encourage transhipment to occur in port in the future.

36. The Commission, through the TCC, shall review the application of the exemptions by relevant CCMs after a period of 3 years and every 2 years thereafter to establish whether monitoring and verification has been effective. After review, the Commission may prohibit transhipment on the high seas by any vessel or vessels in relation to which monitoring and verification of transhipment on the high seas is proven to have been ineffective, or establish or vary any conditions for transhipping on the high seas.

37. The Executive Director shall prepare draft guidelines for the determination of circumstances where it is impracticable for certain vessels to tranship in port or in waters under national jurisdiction. The Technical and Compliance Committee shall consider these guidelines, amend as necessary, and recommend them to the Commission for adoption in 2012. In the meantime, CCMs shall use the following guidelines when determining the practicability of high seas transshipments

    a. The prohibition of transhipment in the high seas would cause a significant economic hardship, which would be assessed in terms of the cost that would be incurred to transship or land fish at feasible and allowable locations other than on the high seas, as compared to total operating costs, net revenues, or some other meaningful measure of costs and/or revenues; and

    b. The vessel would have to make significant and substantial changes to its historical mode of operation as a result of the prohibition of transhipment in the high seas;

38. When adopting the Guidelines referred to in paragraph 37, the Commission shall consider whether to prohibit transhipment in areas of high seas in the Convention Area entirely surrounded by the exclusive economic zones of members of the Commission and Participating Territories. This consideration will include a review of the catch and effort reported for fishing vessels in these areas, the information from Transhipment Declarations in these areas and the role of the areas in supporting IUU activities.

ANNEX I

INFORMATION TO BE INCLUDED IN WCPFC TRANSHIPMENT DECLARATION

1. A unique document identifier
2. the name of the fishing vessel and its WIN,
3. the name of the carrier vessel and its WIN
4. the fishing gear used to take the fish
5. the quantity of product[13] (including species and its processed state[14]) to be transhipped
6. the state of fish (fresh or frozen)
7. the quantity of by-product[15] to be transhipped,
8. the geographic location[16] of the highly migratory fish stock catches

[13] Tuna and tuna-like species
[14] Whole; gutted and headed; gutted, headed and tailed; gutted only, not gilled; gilled and gutted; gilled, gutted and tailed; shark fins.
[15] Non tuna and tuna-like species

9. the date and location[17] of the transhipment

10. If applicable, the name and signature of the WCPFC observer

11. The quantity of product already on board the receiving vessel and the geographic origin[18] of that product.

ANNEX II

TRANSHIPMENT INFORMATION TO BE REPORTED ANNUALLY BY CCMs

Each CCM shall include in Part 1 of its Annual Report to the Commission:

(1) the total quantities, by weight, of highly migratory fish stocks covered by this measure that were transhipped by fishing vessels the CCM is responsible for reporting against, with those quantities broken down by:

a. offloaded and received;
b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
c. transhipped inside the Convention Area and transhippedoutside the Convention Area;
d. caught inside the Convention Area and caught outside the Convention Area;
e. species;
f. product form; and
g. fishing gear used

(2) the number of transhipments involving highly migratory fish stocks covered by this measure by fishing vessels that is responsible for reporting against, broken down by:

a. offloaded and received;
b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
c. transhipped inside the Convention Area and transhipped outside the Convention Area;
d. caught inside the Convention Area and caught outside the Convention Area; and
e. fishing gear.

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[16] Geographic location of catch means sufficient information to identify what proportion of the catch was taken in the following areas: High seas, outside the WCPFC Convention Area, EEZs (listed separately). Location of catches not required for receiving vessel.

[17] Location of transhipment is to be in decimal Latitude and Longitude to the nearest 0.1 degrees and accompanied by a description of the location, such as high seas, outside the convention area or within a named EEZ.

[18] The origin of product shall be reported by RFMO area and will include the quantity of product from each different area.

ANNEX III

INFORMATION TO BE INCLUDED IN NOTICES TO THE EXECUTIVE DIRECTOR

1. the name and WCPFC Identification Number (WIN) of the offloading vessel,

2. the name and WIN of the receiving vessel,

3. the product (including species and its processed state) to be transhipped,

4. the tonnage by product to be transhipped,

5. the date and estimated or proposed location[19] of transhipment (latitude and longitude to a tenth of a degree with a margin of error of 24 nautical miles), and

6. the geographic location of the highly migratory fish stock catches[20] [21]

[19] Location of transhipment is to be in decimal Latitude and Longitude to the nearest 0.1 degrees with a margin of error of 24 nautical miles and accompanied by a description of the location, such as high seas, outside the convention area or within a named EEZ. Notice can be updated if location changes.
[20] Not required for receiving vessels
[21] Geographic location of catch means sufficient information to identify what proportion of the catch was taken in the following areas: High seas, outside the WCPFC Convention Area, EEZs (listed separately). Location of catches not required for receiving vessel.

Attachment EE

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

PROPOSAL ON THE TREATMENT OF DATA COLLECTED BY THE COMMISSION UNDER THE CONSERVATION AND MANAGEMENT MEASURE FOR TRANSHIPMENT

WCPFC6-2009/DP34
9 December 2009

Submitted by the United States of America

It is proposed that the following addendum be made to the MCS Data Rules:

Addendum – transhipment notices and declarations

Pre-transhipment notices and WCPFC Transhipment Declarations, which, in accordance with the 2007 Rules and Procedures are non-public domain data, will be made available to Members for purposes of fisheries monitoring, control or surveillance in accordance with these Rules of Procedure, with the exception of paragraphs 14-25 and Section VI.

The Executive Director, or designee, shall make available, upon written request or pursuant to a standing request established in accordance with paragraph 48, to Authorized MCS Entities and Personnel copies of pre-transhipment notices and WCPFC Transhipment Declarations.

Attachment FF

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

CONSERVATION AND MANAGEMENT MEASURE TO MONITOR LANDINGS OF PURSE-SEINE VESSELS AT PORTS TO ENSURE RELIABLE CATCH DATA BY SPECIES

Conservation and Management Measure 2009-10

The Western and Central Pacific Fisheries Commission (WCPFC),

Recalling that CMM 2008-01 was adopted at WCPFC5 to achieve a minimum of 30% reduction in bigeye tuna fishing mortality for the annual average during the period 2001-2004 or 2004;

Recognizing that, without acquiring reliable species and size composition data of purse seine catch in the region, the effectiveness of CMM 2008-01 cannot be measured;

Noting the high possibility that the reported bigeye catch by purse seine vessels are significantly lower than the actual bigeye catches because of the nature of purse seine operation – huge catches are piled up in a fish hold directly from nets, transshipped and sorted after landed – which causes difficulty in acquiring reliable species and size composition data on board;

Noting also that sorting and sizing at landing sites or canneries have been conducted as common commercial practice and that commercial entities have such species/size data, while the need for improvement of data quality is recognized.

Underlining the possibility to improve the purse seine catch data of bigeye tuna by establishing a mechanism to utilize existing sorting activities at landing sites and data compiled;

Further noting that substantial portion of purse seine catches in the Convention area is landed at ports of non-CCMs such as Thailand;

Recalling that, in accordance with paragraph 43 of CMM 2008-01, CCMs are responsible, where applicable, to conduct monitoring at landing ports and report the outcomes to the Commission annually;

Adopts, in accordance with Article 10 of the Convention that:

1. The Commission and the CCMs concerned shall work together to establish in 2010 an arrangement with a Non-CCM to enable collection of species and size composition data from canneries in the Non-CCM regarding purse seine catch in the Convention area. The progress shall be reported to the Commission.

2. Data obtained under this CMM shall be handled as non-public domain data.

Attachment GG

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

Sixth Regular Session

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CONSERVATION AND MANAGEMENT MEASURE FOR PACIFIC BLUEFIN TUNA

Conservation and Management Measure 2009-07

The Western and Central Pacific Fisheries Commission (WCPFC),

Recognizing that members of the Northern Committee have made an effort, on a voluntary basis, not to increase the fishing mortality rate of northern Pacific bluefin tuna,

Recalling that the WCPFC5 tasked the Northern Committee to work toward developing a draft CMM for the stock for consideration at the WCPFC6;

Taking account of the conservation advice from the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) on this stock which highlighted that the favorable environment conditions and relatively high recruitment in the recent years sustained the current productivity of the stock and that it is important not to increase the current level of F, while reducing juvenile F,

Also recognizing that the trend of spawning stock biomass has been influenced substantially by the annual level of recruitment and that collecting of fisheries data in an accurate and timely manner is critically important for the proper management of this stock, and

Further recalling that paragraph (4), Article 22 of the WCPFC Convention which requires cooperation between the Commission and the IATTC to reach agreement on an adjustment of CMMs for fish stocks such as northern Pacific bluefin tuna that occur in the Convention Areas of both organizations,

Adopts, in accordance with Article 10 of the WCPFC Convention that:

1. The interim management objective for Pacific bluefin tuna is to ensure that the current level of fishing mortality rate is not increased in the Convention Area. Initially, control over fishing effort will be used to achieve this objective as follows:

2. The Commission Members, Cooperating Non-Members and participating Territories (hereinafter referred to as CCMs) shall take measures necessary to ensure that total fishing effort by their vessels fishing for northern Pacific bluefin tuna in the area north of the 20 degrees north shall not be increased from the 2002-2004 level for 2010, except for artisanal fisheries. In taking such measures, CCMs shall take account of the need to reduce the effort on juvenile (age 0-3) to the 2000-2004 level. The measures in this paragraph shall not be applied to the Korean EEZ.

3. CCMs shall also take measures necessary to strengthen data collecting system for the northern Pacific bluefin tuna fisheries in order to improve the data quality and timeliness of data reporting;

4. CCMs shall report to Executive Director by 31 July 2010 measures they implement paragraphs 2 and 3 above. Korea shall provide ISC 10 and NC 6 with a report on its fisheries involving bluefin tuna catches;

5. The Northern Committee shall annually review reports CCMs submit pursuant to paragraph 4 above as well as the ISC advice on fishing mortality and status of the stock and consider, if necessary , further measures with particular attention to the recent trend of increasing fishing mortality rate on ages 0–3 fish;

6. The WCPFC Executive Director shall communicate this Conservation Management Measure to the IATTC Secretariat and its contracting parties whose fishing vessels engage in fishing for northern Pacific bluefin tuna and request them to take similar measures in conformity with paragraphs 2 and 3 above; and

7. To enhance effectiveness of this measure, CCMs are encouraged to communicate with and, if appropriate, work with the concerned IATTC contracting parties bilaterally.

8. The provisions of paragraph 2 shall not prejudice the legitimate rights and obligations under international law of those small island developing State Members and participating territories in the Convention Area whose current fishing activity for northern Pacific bluefin tuna is limited, but that have a real interest in fishing for the species, that may wish to develop their own fisheries for northern Pacific bluefin tuna in the future.

9. The provisions of paragraph 8 shall not provide a basis for an increase in fishing effort by fishing vessels owned or operated by interests outside such developing coastal State, particularly Small Island developing State Members or participating territories, unless such fishing is conducted in support of efforts by such Members and territories to develop their own domestic fisheries.

Attachment HH

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

Sixth Regular Session

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Papeete, Tahiti, French Polynesia

CHARTER NOTIFICATION SCHEME

Conservation and Management Measure 2009-08

The Western and Central Pacific Fisheries Commission (WCPFC)

ACKNOWLEDGING the important contribution of chartered vessels to sustainable fisheries development in the Western & Central Pacific Ocean;

CONCERNED with ensuring that charter arrangements do not promote IUU fishing activities or undermine conservation and management measures;

REALIZING that there is a need for the WCPFC to establish procedures for charter arrangements;

Adopts, in accordance with Article 10 of the WCPF Convention that:

1. The provisions of this measure shall apply to Commission Members and Participating Territories that charter, lease or enter into other mechanisms with vessels eligible under Para.4 flagged to a another State or Fishing Entity for the purpose of conducting fishing operations in the Convention Area as an integral part of the domestic fleet of that chartering Member or Participating Territory.

2. Each chartering Member or Participating Territory shall notify the Commission of any vessel to be identified as chartered in accordance with this measure by submitting electronically where possible to the Executive Director by 1 July 2010 the following information with respect to each chartered vessel:

    a) name of the fishing vessel;
    b) WCPFC Identification Number (WIN);
    c) name and address of owner(s);
    d) name and address of the charterer;
    e) the duration of the charter arrangement; and
    f) the flag state of the vessel.

Upon receipt of the information the Executive Director will immediately notify the flag State.

3. After 1 July 2010, each chartering Member or Participating Territory shall notify the Executive Director as well as the flag State, within 15 days, or in any case within 72 hours before commencement of fishing activities under a charter arrangement of:

a) any additional chartered vessels along with the information set forth in paragraph 2;

b) any change in the information referred to in paragraph 2 with respect to any chartered vessel; and

c) termination of the charter of any vessel previously notified under paragraph 2.

4. Only vessels listed on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of Non-CCM Carriers and Bunkers, and not on the WCPFC IUU vessel list, or IUU List of another RFMO, are eligible for charter.

5. The Executive Director shall make the information required in paragraph 2 and 3 available to all CCMs.

6. Each year the Executive Director shall present a summary of all notified chartered vessels to the Commission for review. If necessary, the Commission may review and revise this measure.

7. The Commission will continue to work on the development of a broader framework for the management and control of chartered vessels. In particular, this work shall cover the issues of attribution of catch and effort by chartered vessels and the relationship between the flag State and the chartering Member or Participating Territory on control of, and responsibilities towards, the chartered vessels.
8. This Measure shall expire on 31 December 2011 unless renewed by the Commssion.

Attachment II

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

CONSERVATION AND MANAGEMENT MEASURE FOR VESSELS WITHOUT NATIONALITY

Conservation and Management Measure 2009-09

The Western and Central Pacific Fisheries Commission:

Recognizing that fishing vessels without nationality operate without governance and oversight;

Concerned that the operations of fishing vessels without nationality undermine the objectives of the Convention and the work of the Commission;

Recalling that the FAO Council adopted an International Plan of Action to prevent, deter and eliminate Illegal Unregulated and Unreported fishing and recommended that States take measures consistent with international law in relation to fishing vessels without nationality involved in IUU fishing on the high seas;

Determined to continue to deter all facets of IUU fishing activities in the Convention Area;

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

1. Declare that fishing vessels determined to be vessels without nationality under the relevant provisions of international law that are used to fish on the high seas of the Convention Area are presumed to be operating in contravention of the Convention and the conservation and management measures adopted thereunder.

2. Further declare that any fishing activities by a fishing vessel without nationality on the high seas of the Convention Area shall be deemed to undermine the Convention and Commission conservation and management measures and shall constitute a serious violation in accordance with Article 25 of the Convention.

3. For the purpose of this measure, vessels without nationality means vessels not flying the flag of any state or vessels flying the flag of two or more states in accordance with Article 92 of UNCLOS.

4. Encourages CCMs to take all necessary measures, including enacting domestic legislation if appropriate, to prevent vessels without nationality from undermining conservation and management measures adopted by the Commission.

5. Any sightings of fishing vessels that appear to be without nationality that may be fishing in the high seas of the Convention Area for species covered by the WCPF Convention shall be reported to the Secretariat as soon as possible by the appropriate authorities of the CCM whose vessel or aircraft made the sighting.

SIXTH REGULAR SESSION
Papeete, Tahiti, French Polynesia
6 -11 December 2009

SUMMARY REPORT AND RECOMMENDATIONS OF THE THIRD SESSION OF THE FINANCE AND ADMINISTRATION COMMITTEE (FAC3)

WCPFC6-2009/27
11 December 2009

Introduction

1. The Finance and Administration Committee (FAC) was convened by Chairman Mr Tapusalaia Terry Toomata (Samoa) on 06-11 December 2009. Representatives of Australia, Canada, China, Cook Islands, Chinese Taipei, European Commission, Federated States of Micronesia, Fiji, France, French Polynesia, Japan, Kiribati, Korea, New Caledonia, New Zealand, Papua New Guinea, Philippines, Samoa, United States of America and Vanuatu attended the meetings together with observers from Greenpeace, the Pacific Islands Forum Fisheries Agency and the Secretariat of the South Pacific Community. Meeting support was provided by the Commission Secretariat. A participants list is at Appendix A. The Committee agreed by consensus to present to the Commission the decisions and recommendations set out below.

Agenda item 1. Adoption of agenda.

2. Samoa asked that the matter of meeting observers be added to the agenda under Other Matters. Accordingly the Agenda attached as Annex I was adopted, as revised.

Agenda item 2. Auditor's report for 2008 and General Account Financial Statements for 2008.

3. The Committee recommends the Commission accept the audited financial statements for 2008 as set out in paper WCPFC6-2009-FAC3/04. It also noted that the current auditor appointment was for the two years, 2009 and 2010, after which the appointment will be subject to an open tender exercise.

Agenda item 3. Status of the Commission's Funds.

3.1 Report on General Account Fund for 2009 – contributions and other income.

4. The Committee accepted the report in WCPFC6-2009-FAC3/05, noting the status of member contributions at the date of the meeting. Subsequently Federated States of Micronesia and Niue advised their outstanding contributions had been paid and as a consequence the level of outstanding contributions is that: USD57,864 remains outstanding for 2009 assessed contributions from four Members and that a further USD24,776 remains outstanding for 2008 from one member. The Committee recommends that all Members pay their contributions on time and in full, otherwise

the Commission will most likely face cash flow problems in 2010 that would adversely impact on the timely delivery of the work programme. It was noted that by the end of 2009 advances from the Working Capital Fund to cover the extra budgetary expenses of the VMS operations would deplete the Fund to an extremely low level and create additional uncertainty for the Commission's cash flow in 2010 if not replenished.

3.2 Report on the Status of Other Funds for 2009.

5. The Committee noted the status of the Commission's Funds as set out in WCPFC6-2009-FAC3/06.

Agenda item 4. Draft Strategic Plan for the Commission

6. The Committee noted the draft strategic plan (WCPFC6/2009-FAC3/07) prepared by the small working group established at WCPFC5 and chaired by Canada, considered it would benefit from further informal small group work at WCPFC6 and following that work and highlighting that the Strategic Plan is a living document that will guide the Commission's work programme, recommends the Commission consider for adoption the draft Strategic Plan at Attachment 1 to this report.

Agenda item 5. Business Plan for the Secretariat.

7. The Committee noted with appreciation the revised Business Plan for the Secretariat and the related implementation report.

Agenda item 6. Headquarters Issues, Staff Establishment and Conditions of Service.

6.1 Headquarters matters

8. The Committee noted the developments set out in WCPFC6-2009-FAC/09.

6.2 Council of Regional Organisations in the Pacific (CROP) – Triennial Review and decisions on harmonised staff conditions.

9. The Committee received the report on the Triennial Review and decisions on harmonised staff conditions. It was noted that the review endorsed the current conditions' frame work and level of entitlements. In regard to CROP Heads decisions, the Committee recommends that the Commission's Staff Regulations be revised to make the freight entitlement for professional staff on recruitment and repatriation equivalent to a 20 foot container. This will be at no additional cost to the Commission as it only recognises current forced practise.

6.3 Executive Director Appointments – Draft Selection Process and Procedures.

10. Following consideration of WCPFC6-2009/DP20 the Committee discussed a small working group proposal for the selection, interview and decision making process for the Commission's Executive Director. The small working group, chaired by the EU, developed the proposal and the Committee now recommends that the Commission adopt the selection process and procedures set out at Attachment 2 to this report and approve the consequential changes to the Staff Regulations. An additional item has been added to the proposed 2010 budget to fund the interview travel of shortlisted candidates.

6.4 Staff establishment and recruitment

11. The Committee considered the proposed recruitment plan set out in WCPFC6-2009-FAC3/11 and endorsed the terms of reference for the Compliance Officer position. In regard to the proposed recruitment schedule, the Committee recommends it be given in principle approval subject to the provision of funds in an approved budget.

Agenda item 7. Proposed Budget for the Commission's Work Programme for 2010 and indicative budgets for 2011 and 2012.

12. The Committee expressed concern about the impact of the cost associated with higher than forecast up take of the Commission VMS and the recommendations of the Technical and Compliance and Scientific Committees on the level of increase in the proposed 2010 budget over the 2010 indicative budget. The Committee also considers that a study should be undertaken to identify opportunities for cost recovery and alternate sources of funding as well as review the possibility of Cooperating Non-Members and Observers making financial contributions.

13. After detailed examination, the provision of a range of supplementary information by the Secretariat, a series of small group reviews of the budget items, as well as reprioritisation and rescheduling of a number of activities by the Committee and taking into consideration a contribution by New Caledonia to Regional Observer Programme data entry support as set out in the advice letter at Attachment 3, it is recommended that the Commission adopt the budget set out in Annexes II, III, and IV.

14. Annex II includes a list of priority activities that were unable to be directly funded by the 2010 budget but which will provide guidance for Members and others in respect of voluntary contributions consistent with the Commission's policies, aims and activities, as well as the redistribution of any savings realised in 2010.

15. It is also recommended that the approval given at WCPFC5 for the Executive Director to draw on Working Capital Funds in the event that VMS costs exceed the budgeted amount be extended.

16. The Committee further recommends that in future each new proposal brought to the FAC by subsidiary bodies should include the detail of the budget implications of those proposals. Decisions of the Commission should also be thoroughly costed so that adequate funds may be secured for their implementation

Agenda item 8. Other Matters

8.1 Contribution formula

17. The Committee received a request from France that the Commission's contributions formula be amended so that where a member belongs to both the Inter-American Tropical Tuna Commission and the Western and Central Pacific Fisheries Commission only 50% of catches in the overlap between the areas be included in the calculation of a member's contributions. This request was subsequently amended to read:

"In the case of a member that has part of its EEZ inside the overlapping area, and is a member of the Inter-American Tropical Tuna Commission and contributes to the budgets of both IATTC and WCPFC, only 50% of catches made by its flag vessels in

the overlap area between the two Commissions shall be included in the calculation of a member's contribution based on catch."

18. After consideration of the catch levels likely to be involved and the impact on other Members' contributions the Committee recommends this change to the contribution formula be approved by the Commission.

8.2 **Meeting Observers**

19. The Committee considered a proposal by Samoa on behalf of the FFA Group that Observers to WCPFC meetings, including subsidiary bodies, be charged a registration fee to offset the additional costs incurred by the Commission as a result of their participation, and recommends this be included in the cost recovery study.

Recommendation

20. The Committee invites the Commission to accept this report and to endorse its recommendations as set out above.

Annex I

SIXTH REGULAR SESSION
Papeete, French Polynesia
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AGENDA

AGENDA ITEM 1. OPENING OF MEETING
1.1 Adoption of agenda
1.2 Meeting arrangements

AGENDA ITEM 2. AUDITORS REPORT FOR 2008 AND GENERAL ACCOUNT FINANCIAL STATEMENTS FOR 2008.

AGENDA ITEM 3. STATUS OF THE COMMISSION'S FUNDS
3.1 Report on General Account Fund for 2009 - contributions and other income.
3.2 Report on the status of other funds.

AGENDA ITEM 4. DRAFT STRATEGIC PLAN FOR THE COMMISSION

AGENDA ITEM 5. BUSINESS PLAN FOR THE SECRETARIAT - IMPLEMENTATION REPORT

AGENDA ITEM 6. HEADQUARTERS ISSUES, STAFF ESTABLISHMENT AND CONDITIONS OF SERVICE
6.1 Headquarters matters.
6.2 Council of Regional Organisations in the Pacific (CROP) – Triennial Review and decisions on harmonised staff conditions.
6.3 Executive Director Appointments – Draft Selection Process and Procedures.
6.4 Staff Establishment and Recruitment.

AGENDA ITEM 7. WORK PROGRAMME AND BUDGET FOR 2010 AND INDICATIVE WORK PROGRAMME AND BUDGET FOR 2011 AND 2012.

AGENDA ITEM 8. OTHER MATTERS
8.1 Contributions formula.
8.2 Meeting Observers

AGENDA ITEM 9. ADOPTION OF REPORT

AGENDA ITEM 10. CLOSE OF MEETING

ANNEX II

Western and Central Pacific Fisheries Commission

General Fund

Summary of budgetary requirements for the period from 01 January to 31 December 2010 & indicative budgets for 2011 & 2012 (United States dollars)

	Approved budget 2009	*Estimated expenditure 2009*	*Indicative budget 2010*	*Proposed budget 2010*	*Indicative budget 2011*	*Indicative budget 2012*
Part 1 - Administrative expenses of the Secretariat						
Section 1 (Item 1)						
Sub-Item 1.1 *Staff Costs*						
Established Posts	1,617,565	1,547,565	2,248,856	1,971,889	2,085,828	2,392,838
General Temporary Assistance	2,000	2,000	2,000	2,000	2,000	2,000
Overtime	5,000	5,000	5,000	5,000	5,000	5,000
Executive Director interview travel				24,000		
Chairman's Expenses	20,000	20,000	20,000	20,000	20,000	20,000
Consultants	200,000	200,000	139,000	84,000	127,000	127,000
Total, sub-item 1.1	*1,844,565*	*1,774,565*	*2,414,856*	*2,106,889*	*2,239,828*	*2,546,838*
Sub-item 1.2 *Official travel*	*186,000*	*200,000*	*186,000*	*200,000*	*200,000*	*200,000*
Sub-item 1.3 *General operating expenses*						
Electricity, water, sanitation	117,300	80,300	117,300	117,300	117,300	117,300
Communications/Courier	30,000	30,000	30,000	53,000	30,000	30,000
Office Supplies & fuel	31,000	31,000	31,000	31,000	31,000	31,000
Publications and printing	27,000	27,000	27,000	27,000	27,000	27,000
Audit	9,000	7,000	9,000	9,000	9,000	9,000
Bank charges	5,200	7,200	5,200	7,200	7,200	7,200
Official hospitality	15,600	15,600	15,600	10,000	15,600	15,600
Miscellaneous services	10,000	10,000	10,000	10,000	10,000	10,000
Security	40,000	60,000	45,000	45,000	45,000	45,000
Training	6,000	6,000	7,000	7,000	7,000	7,000
Total, sub-item 1.3	*291,100*	*274,100*	*297,100*	*316,500*	*299,100*	*299,100*
Sub-item 1.4 *Capital Expenditure*						
Vehicles					30,000	
Information technology	51,000	51,000	40,000	50,200	50,200	50,200
Fencing	50,000	50,000	15,000	15,000	15,000	15,000
Furniture and equipment	25,000	40,000	30,000	30,000	55,000	55,000
Total, sub-item 1.4	*126,000*	*141,000*	*85,000*	*95,200*	*150,200*	*120,200*
Sub-item 1.5 *Maintenance*						
Vehicles	5,000	5,000	5,000	5,000	3,500	3,500
Information and Communication Technology	15,000	15,000	15,000	51,900	51,900	51,900
Buildings & grounds	94,000	166,000	75,000	100,000	173,600	106,800
Insurance	36,000	36,000	36,000	36,000	36,000	36,000
Total, sub-item 1.5	*150,000*	*222,000*	*131,000*	*192,900*	*265,000*	*198,200*
Sub-item 1.6 *Meeting services*						
Annual session	146,001	160,000	122,000	129,000	129,000	129,000
Scientific Committee	151,000	140,000	156,000	158,000	158,000	158,000
Northern Committee	10,000	8,000	10,000	10,000	10,000	10,000
Technical and Compliance Committee	127,000	127,000	127,000	130,000	130,000	130,000
Management Objectives Workshop				90,000		
IWG-ROP	60,000	45,000	60,000			
Total, sub-item 1.6	*494,000*	*480,000*	*475,000*	*517,000*	*427,000*	*427,000*
TOTAL, Section 1/Item 1	**3,091,665**	**3,091,665**	**3,588,956**	**3,428,489**	**3,581,128**	**3,791,338**

ANNEX I I (continued)	Approved budget 2009	Estimated expenditure 2009	Indicative budget 2010	Proposed budget 2010	Indicative budget 2011	Indicative budget 2012
Part 2 - Science &Technical & Compliance Programme						
Section 2 (Item 2)						
Sub-item 2.1 *Scientific services* (SPC)	*550,000*	*550,000*	*605,000*	*700,000*	*720,000*	*792,000*
Sub-item 2.2 *Scientific research*						
Regional tagging	10,000	10,000	10,000	10,000	10,000	
Training publications and education materials	7,500	7,500	7,500			
Refinement of BE tuna biological parameters	30,000	30,000	30,000	30,000	62,000	50,000
Stock structure and life history of S. Pacific Albacore	25,000	25,000	25,000	25,000		
FAD related tuna composition & distribution	2,000	2,000		2,000		
Scoping the use of reference points & MSE	10,000		10,000	20,000	20,000	20,000
Indonesia/Philippines data collection project	100,000	100,000	75,000	75,000	25,000	25,000
High priority project(s) - unallocated			12,050	12,050	280,050	318,556
Collection/evaluation: PS species data	60,500	60,500	54,500	54,500		
Total, sub-item 2.2	*245,000*	*235,000*	*224,050*	*228,550*	*397,050*	*413,556*
Sub-item 2.3 *Technical & Compliance work programme*						
Reg. Observer Programme - audit/remediation	10,000	10,000	10,000		10,000	15,000
Reg. Observer Programme - special circumstances	30,000	30,000	30,000		30,000	30,000
Reg. Observer Programme - Training, assistance & development					20,000	22,000
Reg. Observer Programme - data entry support *	40,000	40,000	40,000	40,000	844,000	730,000
New Caledonia is to contribute 115,000 euros (USD170,000) in 2010 for data entry support provided through SPC Noumea and is prepared to make a longer term commitment for ongoing support. Funds will be contributed to the Commission's Regional Observer Programme Support Fund.						
Record of F/Vessels -database & website	5,000	5,000	5,500	10,000	15,000	15,000
By-catch mitigation - website	7,500	7,500	7,500	7,500	7,500	7,500
Vessel Monitoring System - capital costs	93,290	63,272	35,000	35,000	35,000	35,000
Vessel Monitoring System - operating costs †	382,700	753,500	400,200	659,060	721,080	785,350
Vessel Monitoring System - annual security audit			25,000	25,000	25,000	30,000
CCM VMS Training					100,000	100,000
VMS redundancy provision				30,000	15,000	10,000
Information Management System	60,000	60,000	65,000	20,000	5,000	5,000
Total, item 2.3	*628,490*	*969,272*	*618,200*	*826,560*	*1,827,580*	*1,784,850*
TOTAL, Section 2/Item 2	**1,423,490**	**1,754,272**	**1,447,250**	**1,755,110**	**2,944,630**	**2,990,406**
Total, Parts 1 & 2	**4,515,155**	**4,845,937**	**5,036,206**	**5,183,599**	**6,525,758**	**6,781,744**
Working Capital				230,000		
Total, Parts 1 & 2 and Working Capital				**5,413,599**	**6,525,758**	**6,781,744**

Priority activities currently unfunded but for which voluntary contributions will be sought:

Regional Observer Programme data entry support	190,000
CCM VMS Training	100,000
Study on FAD management and monitoring	25,000
Register of Fishing Vessels	5,000
Network Administrator	174,802
Buildings and grounds - aircondition 50% of headquarters building and repair stand by power system	66,800

ANNEX III

Western & Central Pacific Fisheries Commission

General Account Fund

Proposed financing of the budgetary requirements for the financial period 01 January to 31 December 2010

Proposed budget expenditure total		5,413,599
less		
Estimated interest and other income	36,000	
		(36,000)
Total assessed contributions		5,377,599
(see detailed schedule at Annex III)		

Proposed financing of the budgetary requirements for the financial period 01 January to 31 December 2011

Proposed budget expenditure total		6,525,758
less		
Estimated interest and other income	36,000	(36,000)
Total assessed contributions		6,489,758
(see detailed schedule at Annex III)		

Proposed financing of the budgetary requirements for the financial period 01 January to 31 December 2012

Proposed budget expenditure total		6,781,744
less		
Estimated interest and other income	36,000	(36,000)
Total assessed contributions		6,745,744
(see detailed schedule at Annex III)		

ANNEX IV

Western and Central Pacifc Fisheries Commission

Indicative schedule of contributions based on proposed 2010 and indicative 2010 & 2012 budgets

Member	*2010 Proposed*					*2011 indicative*		*2012 indicative*	
	Base fee component: uniform share 10% of budget	*National wealth component: 20% of budget*	*Catch component: 70% of budget*	*Total of components: 100% of budget*	*% of budget by member*	*Total of components: 100% of budget*	*% of budget by member*	*Total of components : 100% of budget*	*% of budget by member*
Australia	21,510	68,883	14,602	104,996	1.95%	*126,710*	*1.95%*	*131,708*	*1.95%*
Canada	21,510	77,688	126	99,324	1.85%	*119,866*	*1.85%*	*124,594*	*1.85%*
China	21,510	42,233	186,346	250,089	4.65%	*301,811*	*4.65%*	*313,716*	*4.65%*
Cook Islands	21,510	12,064	3,206	36,780	0.68%	*44,386*	*0.68%*	*46,137*	*0.68%*
European Community	21,510	241,649	61,262	324,421	6.03%	*391,515*	*6.03%*	*406,958*	*6.03%*
Federated States of Micronesia	21,510	3,799	29,727	55,036	1.02%	*66,418*	*1.02%*	*69,038*	*1.02%*
Fiji	21,510	5,860	18,946	46,317	0.86%	*55,896*	*0.86%*	*58,101*	*0.86%*
France	21,510	92,261	8,759	122,530	2.28%	*147,871*	*2.28%*	*153,704*	*2.28%*
Japan	21,510	119,784	1,056,204	1,197,498	22.27%	*1,445,157*	*22.27%*	*1,502,160*	*22.27%*
Kiribati	21,510	2,324	11,724	35,559	0.66%	*42,913*	*0.66%*	*44,606*	*0.66%*
Korea	21,510	42,744	652,876	717,131	13.34%	*865,443*	*13.34%*	*899,580*	*13.34%*
Marshall Islands	21,510	4,933	101,198	127,641	2.37%	*154,039*	*2.37%*	*160,115*	*2.37%*
Nauru	21,510	2,528	0	24,039	0.45%	*29,010*	*0.45%*	*30,154*	*0.45%*
New Zealand	21,510	45,766	78,027	145,304	2.70%	*175,354*	*2.70%*	*182,271*	*2.70%*
Niue	21,510	4,144	181	25,836	0.48%	*31,179*	*0.48%*	*32,409*	*0.48%*
Palau	21,510	13,120	0	34,630	0.64%	*41,792*	*0.64%*	*43,441*	*0.64%*
Papua New Guinea	21,510	1,456	271,099	294,065	5.47%	*354,882*	*5.47%*	*368,880*	*5.47%*
Phillipines	21,510	4,367	158,024	183,902	3.42%	*221,935*	*3.42%*	*230,689*	*3.42%*
Samoa	21,510	3,954	3,147	28,612	0.53%	*34,529*	*0.53%*	*35,891*	*0.53%*
Solomon Islands	21,510	1,372	13,546	36,429	0.68%	*43,963*	*0.68%*	*45,697*	*0.68%*
Chinese Taipei	21,510	31,896	633,852	687,259	12.78%	*829,394*	*12.78%*	*862,109*	*12.78%*
Tonga	21,510	3,725	781	26,016	0.48%	*31,396*	*0.48%*	*32,635*	*0.48%*
Tuvalu	21,510	2,408	0	23,918	0.44%	*28,865*	*0.44%*	*30,003*	*0.44%*
United States of America	21,510	243,453	304,741	569,704	10.59%	*687,527*	*10.59%*	*714,646*	*10.59%*
Vanuatu	21,510	3,109	155,944	180,563	3.36%	*217,906*	*3.36%*	*226,502*	*3.36%*
Totals	537,760	1,075,520	3,764,319	5,377,599	100.00%	*6,489,758*	*100.00%*	*6,745,744*	*100.00%*

Attachment 1

STRATEGIC PLAN 2010-2012

Prepared by the Chair of the Strategic Plan Small Working Group (Canada)

1. Introduction

1.1. Context

STRATEGIC VISION:

Effective management, long-term conservation and sustainable use of highly migratory fish stocks in the WCPO for present and future generations through the application of precautionary fisheries management, based on the best scientific information available, while minimizing adverse social and environmental impacts and giving full recognition to the special requirements of developing States Parties to the Convention, in particular of Small Island Developing States (SIDS) and territories.

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Commission) is the custodian of the world's largest tuna fishery. The harvest of tunas from the WCPO in **2008 was 2.426 million tonnes**. This harvest represents just over 81% of the Pacific Ocean tuna catch and supplies approximately 56% of the global demand for canning grade tuna.

The principal fishing methods in this fishery are purse seine (74%), pole and line (7%), and longline (10%). The remainder of the harvest is taken by a variety of commercial and artisanal gears including troll and hand-line principally in eastern Indonesia and the Philippines.

The tuna catch is dominated by skipjack, accounting for approximately 67% of the harvest, yellowfin (17%), bigeye (4%) and albacore (5%). Non-target associated or dependent species taken in association with tuna fishing operations include billfish, turtles, sharks, rays and sea birds.

A substantial portion of the WCPO falls under the national jurisdiction of coastal States that exercise sovereignty over their Exclusive Economic Zones (EEZs). The majority of these coastal States in the WCPO are Small Island Developing States (SIDS) and Territories. Unique among tuna Regional Fisheries Management Organizations (RFMOs), approximately 80% of the catch of species under the purview of the Commission is taken within EEZs.

In addition to national and regional socio-economic importance within the WCPO, the region's tuna resource makes a major contribution to global food security. Since 2000 the tuna harvest from the WCPO has increased by approximately 50% with vessels based

in developing coastal States in the region gradually accounting for a larger proportion of the catch.

The Commission's membership exhibits a range of cultural, social and economic diversity. It includes some of the world's largest industrialized economies and some of the least developed. Coastal States, some with developing fleets and fishing industries, as well as the traditional distant water fishing nations that have operated in the area for many years participate in the Commission on an equal footing. Although the Commission's small island State members are currently reliant on revenue from the licensing of foreign fleets they have aspirations to maximize long term sustainable returns from the harvest of tuna resources, including developing their own domestic fisheries in high seas waters of the WCPO.

1.2. Purpose

This Strategic Plan (the Plan) has been prepared to provide a structured guide that will help both the Commission and the Secretariat to identify how the actions will be taken, tasks accomplished and challenges met in an efficient and timely way so as to provide the best possible support to the Commission and its Members, Cooperating non-Members and Participating Territories (CCMs).

This first Plan has been prepared to guide the development of the Commission and the activities of the Secretariat through until 2012. It describes the priority tasks and principle strategies for the effective and efficient implementation of the Convention. Without prejudice to future decisions of the Commission, it elaborates on the objectives and direction that are necessary to address these priorities, the benchmarks (performance indicators) against which an assessment of progress towards achieving objectives can be measured, and the relationships and partnerships that will assist in achieving the objectives for the successful implementation of the Plan.

2. Strategic Objectives

Table 1 – Planned operational activities and performance measures

Objectives	Operational activities	Measure (PI)
• Conservation and management measures that ensure long-term sustainability and promote optimum utilization of highly migratory fish stocks in the Convention Area	• Adopt enforceable conservation and management measures that reflect the consideration and application of the advice of the Scientific Committee; • Apply the precautionary approach in accordance with articles 5 (c) and 6 and relevant internationally agreed accepted standards, practices and procedures; • Prevent or eliminate overfishing and excess fishing capacity, and to ensure that levels of fishing effort do	• Status of the stocks; • Number of decisions that reflect or apply the advice of the Scientific Committee; • Level of fishing, fishing effort/capacity as related to levels commensurate with the sustainable utilization of fisheries resources; • Incorporation of stock specific reference points

	not exceed those commensurate with the sustainable use of fishery resources; • Obtain and evaluate economic and other fisheries-related data and information; • Take into account the special requirements of developing State Parties, in particular small island developing States, and of territories, including the interests of artisanal and subsistence fishers; • Without prejudice to the sovereign rights of coastal States, agree and implement criteria and procedures for the allocation of total allowable catch or total level of fishing effort.	into management strategies and management strategies implemented; • Level of access by developing State Parties, in particular small island developing States, and of territories, including artisanal and subsistence fishers; • Ensure socio-economic studies and analysis considered by the SC • Number of decisions that reflect agreed to allocation criteria. • Record of Compliance • Adopt reference points
• Conservation and management measures that minimize impacts on non-target species in the Convention Area.	• Fully implement the ROP at levels that provide manageable levels of uncertainty on by-catch numbers and locations. • Collect complete and accurate data on non-target species. • Assess the impacts of fishing on non-target species. • Adopt and implement effective measures to reduce the incidental mortality of other species, particularly, sharks, turtles, birds and mammals.	• Extent to which scientific advice and recommendations provided by the Commission are shown to be in accordance with the ecosystems-based approach, Precautionary Approach and Annex II of UNFSA • Number and effectiveness of measures adopted by the Commission to reduce the incidental mortality of sharks, turtles, birds and mammals and other non-target and associated species • Estimated proportion of fishing effort that uses selective fishing gears that minimize impacts on non-target species. • Record of Compliance • Completion of stock assessments for non-target species
• Collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target	• Adopt standards and decisions for collection, verification and for the timely exchange and reporting of data on fisheries for highly migratory fish stocks in the Convention Area. • Addressing identified data gaps	• Extent to which data provision and reporting decisions are complied with by CCMs • The number and scope of data gaps

species and fishing effort, as well as information from national and international research programmes		
• Effective monitoring, control and surveillance conservation and management measures are adopted, implemented and enforced by the Commission and its members.	• Establish and implement appropriate cooperation mechanisms for effective MCS and enforcement; • Monitor the level of compliance with conservation and management measures adopted by the Commission and develop processes to address non-compliance, including through the use of sanctions;	• MCS tools are adequately funded and operational • Level of non-compliance and trends in contraventions; • Extent of detected IUU fishing activities. • Level of implementation of MCS measures (i.e., number of CCMs conducting port inspections, HSB&Is, etc)
• Full recognition of the special requirements of developing State Parties to the Convention, in particular small island developing States, and of territories in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks .	• The Conservation and Management Measures adopted by the Commission take into account the special requirements of developing State Parties, in particular small island developing States and of territories. • Establish mechanisms for cooperation with developing States and territories, which may include provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology including through joint venture arrangements, and advisory and consultative services. These may be delivered on a bilateral basis with developing States and territories, or through WCPFC Special Requirements or other funds established for this purpose. • Adopt and implement a capacity development strategy, including a fisheries scholarship scheme, for nationals from developing States, particularly SIDS and territories • Distribution of funds available in the Article 30 Fund in accordance with TORs for the full range of allowable activities	• Special Requirements Fund, and other WCPFC funds established for this purpose, assessed for their contribution to capacity building for developing State members ; • SIDS representation among office bearers of the Commission. • The level of funding contributed to the Article 30 Fund or the Commission to assist developing CCMs. • Number of nationals from developing States, in particular from SIDS and territories, who have received scholarships and have completed degrees in the areas of fisheries science, fisheries management, fisheries MCS, fisheries development, and law
• High quality and efficient administrative and technical support to the Commission Members and	• Receive and transmit the Commission's official communications; • Compile and disseminate the data	• Level of satisfaction by CCMs with provision of support by Secretariat. • Ensure pay and

other stakeholders are provided by the Secretariat.	necessary to accomplish the objective of the Convention; • Prepare administrative and other reports for the Commission and subsidiary bodies; • Administer arrangements for monitoring, control and surveillance and the provision of scientific advice; • Publish and promote the decisions of the Commission and its subsidiary bodies; • Provide treasury, personnel and administrative functions that are operational and efficient; • Deliver the agreed annual work program of the Commission within budget; • Manage the logistics of the annual meeting of the Commission and any meetings of the Commission's subsidiary bodies.	renumeration are competitive with other regional organizations. • Ensure housing is of a standard acceptable to Secretariat staff.

Principle strategies (2010-2012)

- **Adopt conservation and management measures for bigeye and yellowfin tunas that will ensure long-term sustainability and promote optimum utilization.**

- **Ensuring that WCPFC conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and Territories.**

- **Ensure that Scientific Committee has appropriate capacity to provide Commission with best scientific advice available.**

- **Adopt measures to ensure that the Commission has the necessary monitoring, control and surveillance tools in place to ensure compliance with CMMs and address illegal fishing.**

- **Manage the impacts of highly migratory species fisheries on vulnerable bycatch species (sharks) and non-fish bycatch (seabirds).**

- **Ensuring that measures adopted permit or promote the development of domestic fishing and related industries of developing States, in particular the least developed SIDS and Territories, year on year, of the total Western and Central Pacific fisheries-associated industry.**

- **Provide the Secretariat with necessary capacity to support the work of the Commission, while recognizing the need for budgetary restraint.**

Table 2 – Associated program of work (2010-2012)

2010	2011	2012
• Obtain and review full assessment for bigeye tuna • Workshop on management objectives (**$**) • Cost recovery options VMS • Control of nationals • Improve procedures for budget approval • Improve procedures for authorizing vessels to fish in Convention Area • Port state measures (**$**) • Consider additional measures for non-target species • Compliance with conservation and management measures (CCMM) working group	• Conservation and management measures for bigeye and yellowfin tunas • External peer review of bigeye tuna (**$**) • Obtain and review full assessment for north Albacore tuna • Obtain and review full assessment for striped marlin • Obtain and review shark assessments • CNM application process for carriers and/or bunkers • Catch documentation scheme (**$**) • Port state measures (cont'd) (**$**) • Performance review (**$**) • ROP fully implemented (**$**) • Development of allocation mechanisms • Consideration of Kobe II • Compliance with conservation and management measures (CCMM) working group	• Obtain and review full assessment for Pacific bluefin tuna (NC) • Adopt management measures for sharks • Adopt reference points for assessing the status of the main multispecies tuna fisheries • Development of allocation mechanisms • Action plan to respond to performance review (**$**) • Compliance with conservation and management measures (CCMM) working group

3. Monitoring and Review

Every other regular session of the subsidiary bodies of the Commission will review the elements of this Strategic Plan that relate to its functions. The outcomes of the review in each subsidiary body will be consolidated by the Secretariat in a concise summary report that identifies the achievements and challenges associated with the implementation of this Strategic Plan. The report will be presented to the next regular session of the Commission.

The report will identify those tasks and strategies described in the Strategic Plan that have been successfully completed, progress with implementation of those tasks that are on-going and those tasks scheduled for future implementation. The Commission will consider options for addressing constraints and challenges associated with implementation of this Strategic Plan.

A comprehensive review of this Strategic Plan will be undertaken by the Commission in the third year of its implementation. The review will assess the content of the Strategic Plan, and progress with its implementation, against international obligations and the provisions of the Convention. On the basis of the review the Commission will adopt a revised Strategic Plan to serve the subsequent 3 years.

Attachment 2

SIXTH REGULAR SESSION
Papeete, Tahiti, French Polynesia
7-11 December 2009

EU PROPOSAL TO AMEND WCPFC STAFF REGULATIONS TO PROVIDE FOR THE SELECTION OF EXECUTIVE DIRECTOR

WCPFC6-2009/DP20 (Rev. 5)
10 December 2009

Submitted by the EU

Regulation 11(a) of WCPFC Staff Regulations provides that the Executive Director is to be appointed by the Annual Session of the Commission. The Staff Regulations do not provide for a detailed procedure for such appointment. Furthermore, the only situation foreseen is how to provisionally fill an unexpected vacant position in between Annual Sessions. In this respect Regulation 11(b) defers to a decision of the Chair of the Commission. This proposal is intended to make detailed provisions to be inserted into the Staff Regulation to address the gap.

It is, therefore, proposed that the following provisions are adopted by the Commission with immediate effect:

i) Article 11 (a) is amended as follows:

The Executive Director is appointed by the Annual Session or by a special session or by intersessional decision under such terms and conditions as the Commission determines. The selection, interview and appointment process for the Commission's Executive Director is contained in Schedule 3 to the Staff Regulations.

ii) Article 11 (b) is amended as follows :

If a vacancy for Executive Director occurs unexpectedly and the new Executive Director cannot be elected before the departure of the incumbent, the Chairperson of the Commission shall, after consultation with Members and Participating Territories, decide on an interim Executive Director, preferably from the existing professional staff of the WCPFC Secretariat, until the earliest time the process under paragraph (a) can be undertaken.

iii) Schedule 3 is added to the Staff Regulations with the following content:

Schedule 3. Selection, interview and appointment process for the Commission's Executive Director

Position documentation and advertisement

1. Prior to advertising the vacancy, the Secretariat will prepare, on the basis of Rule 11 of the Commission's Rules of Procedure, a draft position description for the post of Executive Director and a draft advertisement. These will be provided to the Chair for review and approval in consultation with Members and Participating Territories.

2. The Secretariat will post the approved advertisement and position description on the WCPFC web-site and highlight it on the homepage. The recruitment page on the WCPFC web-site will include relevant information regarding the vacancy and the application process. The deadline for applications to be received by the WCPFC Secretariat shall be no less than 60 days after the advertisement has been placed on the web-site.

3. The approved advertisement will be placed by the Secretariat at the direction of the Chair in national and international publications and web-sites. Members and Participating Territories may also place the advertisement in appropriate national publications and web-sites provided they have coordinated with the Secretariat to avoid duplication of placement. Whenever websites are used, they should be linked to the WCPFC recruitment website page.

Submission of applications

4. Applications, as well as referee comments, must be submitted in English language by eligible persons to the Chair through the Secretariat in electronic format. Applications submitted by mail or in another language will be returned.

Acknowledgement of receipt

5. Each applicant will be notified by the WCPFC Secretariat by electronic means of the receipt of his/her complete application. The WCPFC Secretariat will also request the applicant to acknowledge a receipt of their electronic notification.

Availability of applications

6. Each application, including referee comments, received by the Chair will be made available through a secure section of the WCPFC website to all Members and Participating Territories of the Commission.

Ranking of applicants

7. Each Member and Participating Territory will notify the Secretariat of no more than 5 preferred candidates in order of preference. On receipt of all preferences, the Chair, assisted by the Secretariat, will aggregate individual applicants' rankings, awarding 5 points for a first preference, 4 points for a second preference etc.

Short list

8. The candidates with the five highest aggregate scores will be shortlisted for selection. Should the application of any candidate be withdrawn, the next ranking candidate will be substituted. In case of a tie for the fifth place, all candidates with equal scores will be included in the short list. Candidates not on the short list shall be notified by the WCPFC Secretariat that they have not been selected.

Interview process

9. The short-listed candidates will be notified to the Commission's members and participating territories, and will be invited to the next meeting of the Commission. They will be interviewed by the Contracting Parties during a meeting of their Heads of Delegation, observed by Members and Participating Territories that so desire. The Chair of the

Commission will make such practical arrangements for the interviews as agreed with these Heads of Delegation.

10. Travel and per diem expenses of candidates invited for final selection will be reimbursed by the Commission except where a Member of the Commission pays for these costs directly. Members are strongly urged to assume these costs. A line item has to be included in the budget for these costs. Where Members assume these costs for shortlisted candidates, no draw against this line item will be made.

11. It is proposed that the Heads of Delegation meeting of the Contracting Parties adopts the following procedure for the questioning of the short-listed candidates:

> The Chair will begin each interview by asking the candidate a general question which has been given to the candidate in advance.
>
> The others will follow with questions either of their own or drawn from some draft questions prepared by the Chair and circulated to them in advance. These questions will not have been shared with the candidates.
>
> The duration of each interview shall be no more than 45 minutes.

Appointment Process for the Executive Director

12. After the questioning of all candidates, it is proposed that there should be a general discussion among the Contracting Parties during their Heads of Delegation meeting, which would then adopt the following procedure for the appointment of a candidate:

- Polling will be done by secret ballot by the Contracting Parties represented by Heads of Delegation
- There will be at least four rounds of polling[1]
- In each round each Head of Delegation will select one candidate. The candidate with the lowest number of votes each round will drop out of the ballot process.
- A tie between candidates that affects their inclusion in the subsequent round of voting, including the final round, will result in a re-ballot, which will include only those candidates whose results are tied.

[1] The advantages of proceeding in this way through rounds of polling is to allow the Contracting Parties to adjust their preferences during the process should their most preferred candidate be eliminated. It will also provide a preferred ranking of all candidates to cover the contingency that the top candidate does not, for whatever reason, take up the position.

- The candidate that polls the highest in the final round (including additional rounds needed in the event of a tie) will be offered the position, and the candidate that polls the lowest in the final round will be the second preferred choice.

13. A copy of this Schedule is made available to each of the candidates so that they are aware of the process being followed.

14. The chosen candidate will be notified at the conclusion of the Commission's meeting. Contact negotiations are to be conducted by the Commission's Chair.

Start date

15. If possible, the chosen candidate will report to the Secretariat Headquarters two full weeks before the departure of the incumbent Executive Director in order to allow for a transition.

Attachment 3

SIXTH REGULAR SESSION
Papeete, Tahiti, French Polynesia
7-11 December 2009

NEW CALEDONIA – ROP DATA MANAGEMENT

WCPFC6-2009/DP39
10 December 2009

Submitted by New Caledonia

The New Caledonia delegation would like to comment on the issue of costing in relation to the observer data administration and management within the Commission.

The delegations to this year's SC and the TCC were presented several tables scaling various options for these data entry.

Following the recommendations made, the Secretariat has shortened the list of options to 3 scenarios with the following respective annual costs for data entry in full year:

- Observer Providers, FFA Secretariat and SPC: 692,000 US$ (option 5.1)

- Observer Providers, FFA Secretariat and WCPFC Secretariat: 508,000 US$ (option 5.3)

- Observer Providers, FFA Secretariat, SPC and WCPFC Secretariat: 637,000 US$

The latter is a hybrid of the first two options, based on a 30%-13% sharing of entry activity between the SPC and the Secretariat respectively.

At TCC5, the Executive Director pointed out that the Secretariat's current capability to process raw data is limited.

The New Caledonian delegation believes that the difference in cost between the options should be considered in light of their respective cost-effectiveness and not on raw figures only. This is our understanding of article 13.1 of the Honolulu Convention which reads that the Commission shall, to the greatest extent possible, utilize the services of existing regional organizations, in order to carry out its functions in a cost-effective manner.

With regard to the ROP data management, the New Caledonian delegation is convinced that a high involvement of the SPC-OFP in this data management under option 5.1 would help provide the Commission with best-value data.

To initiate this process, New Caledonia is in a position to contribute voluntarily with a significant amount of 115,000 Euros to the Regional Observer Program Support Fund so as to have the SPC-OFP in New Caledonia participating in the ROP data management. We will work closely with the Secretariat to identify the fields where this contribution could be used at the best in the mutual interest of both the WCPFC and

New Caledonia.

Moreover, New Caledonia is ready for making a similar voluntary contribution on a longer term to ensure that the Commission manage the ROP data efficiently through a constant level of involvement of the SPC-OFP in Noumea.

In recognition of recommendations stated in several WCPFC-FAC papers, notably 2009-FAC3/06, this strong and active participation of New Caledonia to support the work of the WCPFC derives from a voluntary approach of its government in accordance with the policy initiated by France.

SIXTH REGULAR SESSION
FINANCE AND ADMINISTRATION COMMITTEE
Third Session
Papeete, French Polynesia
6 - 11 December 2009

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Attachment KK

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

REVISED MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN AND THE SECRETARIAT OF THE PACIFIC COMMUNITY

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereinafter referred to as "the Western and Central Pacific Fisheries Commission" or "the Commission") and the Secretariat of the Pacific Community (hereinafter referred to as "the SPC"):

Recognising that the Commission is required to, *inter alia*:

- adopt measures to ensure long-term sustainability of highly migratory fish stocks in its Convention Area and promote the objective of their optimum utilisation;
- ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States in the Convention Area, particularly small island developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional, or global;
- assess the impacts of fishing, other human activities and environmental factors on target stocks, non-target species, and species belonging to the same ecosystem or dependent upon or associated with the target stocks;
- adopt measures to minimise waste, discards, catch by lost or abandoned gear, pollution originating from fishing vessels, catch of non-target species, both fish and non-fish species (hereinafter referred to as non-target species) and impacts on associated or dependent species, in particular endangered species and promote the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;
- protect biodiversity in the marine environment;
- take measures to prevent or eliminate over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;

- collect and share, in a timely manner, complete and accurate data concerning fishing activities on, *inter alia*, vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programs;
- establish a committee (the Scientific Committee) to ensure that the Commission obtains for its consideration the best scientific information available through review of research results, encouraging and promoting cooperation in scientific research and assessing status of target or non-target stocks of interest;
- establish a committee (the Technical and Compliance Committee), that is required to collaborate with the Scientific Committee in providing advice and making recommendations to the Commission on conservation and management measures; and
- establish a committee (the Northern Committee) to make recommendations on the implementation of such conservation and management measures as may be adopted by the Commission for the area north of the 20° parallel of north latitude and on the formulation of such measures in respect of stocks which occur mostly in this area;

Noting also that the Commission:

- may engage the services of scientific experts to provide information and advice on the fishery resources covered by its Convention and related matters that may be relevant to the conservation and management of those resources;
- may enter into administrative and financial arrangements to utilise scientific services for this purpose; and
- in order to carry out its functions in a cost-effective manner, shall, to the greatest extent possible, utilise the services of existing regional organisations and shall consult, as appropriate, with any other fisheries management, technical or scientific organisation with expertise in matters related to the work of the Commission;

Recognising that the SPC, through the work of its Oceanic Fisheries Programme (hereinafter referred to as "the OFP"), seeks to:

- ensure that regional and national fisheries management authorities in its region of competence have access to high-quality scientific information and advice on the status of, and fishery impacts on, stocks targeted or otherwise impacted by regional oceanic fisheries;
- ensure that regional and national fisheries management authorities within its region of competence have access to accurate and comprehensive scientific data on fisheries targeting the region's resources of tuna, billfish and other oceanic species including non-target species; and
- improve the understanding of pelagic ecosystems in the western and central Pacific Ocean, with a focus on the western tropical Pacific;

Noting also that the OFP, in pursuing these objectives, has, over a long period of time:

- developed and maintained a comprehensive database of catch, effort, size composition and other biological data from the oceanic fisheries of the western and central Pacific Ocean;
- conducted biological and ecological research on the target and non-target species impacted by the fisheries and their ecosystem;
- conducted regular stock assessments and associated analyses for highly migratory stocks of interest;
- provided a forum for the exchange of knowledge of oceanic fisheries in the western and central Pacific Ocean through the precursor to the Scientific Committee, the Standing Committee on Tuna and Billfish, and thus has an established international and regional network of scientific collaborators; and

- assisted SPC member countries that are also Members of the Commission in the management of oceanic fisheries through the implementation of fishery monitoring and data management systems, the provision of scientific advice and the provision of national capacity building;

Have agreed as follows:

General Co-operation

The Commission and the SPC agree to establish and maintain co-operation in respect of matters of common interest to the two organisations. In particular, the Commission and the SPC will:

i. encourage reciprocal participation in relevant meetings of each organisation;
ii. encourage the collaboration of national scientists in the scientific work undertaken by, or on behalf of, the Commission;
iii. actively and regularly exchange relevant meeting reports, information, project plans, documents, and publications regarding matters of mutual interest, up to the limits allowed by the information-sharing policies agreed by each organisation's members; and
iv. consult on a regular basis to enhance co-operation and minimise duplication.

Provision of Scientific Services to the Commission by the SPC OFP

The SPC OFP will provide scientific services, in cooperation with other scientists, as appropriate, including those from Members of the Commission, as agreed in triennial Service Agreements, specific services of which shall be reviewed on an annual basis. Services may include, *inter alia*, the following:

i. data management services, including, as appropriate, the collection, compilation and dissemination of fisheries data according to agreed principles and procedures established by the Commission, data processing, and database development and maintenance, taking full account of the procedures and policies of both organisations relating to the confidentiality, disclosure and publication of data;
ii. data summaries and analyses that the Commission may routinely require to carry out its functions;
iii. other data summaries and analyses that the Commission may require from time to time;
iv. regional stock assessments of key target and non-target species;
v. ecosystem analyses, including developing ecosystem modelling and application to management, ecological risk assessment and related work;
vi. scientific evaluation of potential management options, agreed conservation and management measures and related work;
vii. scientific advice in relation to the implementation of the Commission's vessel monitoring system, regional observer programme or other initiatives relating to fishing gear and technology, as appropriate; and
viii. design and implementation of biological, ecological or stock assessment research programmes requested by the Commission, including collaborative research programmes with other regional fishery management organisations.

Provision of Assistance to Commission Members

In support of Article 30 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, the SPC will provide assistance to its Pacific Island Members to enhance their participation in the work of the Commission. Assistance may include, *inter alia*:

i. assistance in monitoring the fishing activities of national fleets and foreign fleets fishing within Pacific Island exclusive economic zones;
ii. assistance in data management, and in particular in satisfying the data reporting obligations to the Commission;
iii. auditing of national fishery monitoring and data management systems;
iv. assistance in the interpretation of scientific information being provided to the Commission;
v. scientific advice for the management of national fisheries consistent with the objectives of the Commission; and
vi. assistance in the implementation of management measures adopted by the Commission.

Financial Support

The Commission will provide financial support for the provision of scientific services and for the provision of assistance to Commission members as agreed in this Service Agreement.
In respect of assistance to Pacific Island Commission Members, such assistance will normally be provided by SPC funding sources, or from the Commission's Special Requirements Fund, subject to procedures agreed by the Commission governing the use of that Fund and to the Commission's strategy for capacity building and operationalizing Article 30 of the Convention. Where assistance is to be funded from the Commission's Special Requirements Fund, this shall be included in the Service Agreement. In special circumstances, assistance may also be requested for non-Pacific Island Commission Members. Such assistance will be funded by the Commission (in which case it will be detailed in the Service Agreement) or directly by the countries concerned.

General Administrative Arrangements

i. This MOU becomes effective upon the date of signature of the responsible representatives of both Parties.
ii. This MOU may be modified by written consent of the responsible representatives of both Parties. The modified MOU becomes effective upon the date of signature of such consent.
iii. If any dispute should arise between the Parties on the operation of this MOU, the Parties will make every effort to resolve the dispute themselves, or if necessary, by utilising a mutually-acceptable arbiter.
iv. Either Party may terminate this MOU by providing written notice to the other of its intention to withdraw from the MOU. Termination shall be effective on 31 December of the year in which such notice is given, or 90 days following such notice, whichever is later. Upon termination of the MOU, any uncommitted funds provided for scientific services and assistance shall be refunded to the Commission.
v. A full review of the terms and operation of this MOU and its Annexes will be conducted in concert with any review of the scientific structure and functions of the Commission.

Signature

Signed on behalf of the Western and Central Pacific Fisheries Commission and the Secretariat of the Pacific Community:

Andrew Wright	Dr Jimmie Rodgers
Executive Director, WCPFC	Director-General, SPC
Date:	Date:

ANNEX I

Agreement for the Provision of Scientific Services to the

Commission and Assistance to Members by the Secretariat of the Pacific Community

I. Period Covered by this Agreement

The initial 3-year period covered by this Agreement is 1 January 2010 to 31 December 2012. However, Sections IV and below in this Agreement will be reviewed annually to be extended by one calendar year.

II. Areas for Triennial Scientific Services to be Provided

The scientific services to be provided to the Commission by the SPC OFP during 1 January 2010 to 31 December 2012 are as follows:

1. Data management, statistical analyses and related services
   a) Data management
   b) Compilation of catch and effort estimates
   c) Statistical analyses for catch estimates
   d) Rules and procedures of the Commission's data
   e) Data gaps
   f) Assistance to WPEA OFM Project
   g) Dissemination of data

2. Stock assessment and related analytical services
   a) Stock assessment
   b) CPUE standardization
   c) Sensitivity analysis
   d) Model refinement

3. Management analyses and CMM performance monitoring
   a) Assistance to management related matters
   b) Management options
   c) Appraisal and monitoring of the conservation benefit of proposed and implemented CMMs

4. Ecosystem analyses
   a) Ecosystem, fishery interactions and non-target species assessments
   b) Development of ecosystem modeling and application to management

5. Capacity building of small island developing States
6. Research services
7. Other advisory and technical services

III. Assistance to Commission Members

The SPC OFP will provide services to its membership to assist them to fulfill their responsibilities as Commission members. These services include assistance in the implementation of fishery monitoring programmes, data management systems and the provision of scientific advice for EEZ-based management. The majority of these services will be provided from existing SPC OFP funding sources.

IV. Specific Services and Terms of Reference for the Provision of Scientific Services by for Calendar Year

This section will be reviewed and revised annually as needed according to the requests from the Commission and its subsidiary bodies.

V. Annual Schedule for Payments

The annual schedule of payments shall be as follows:

31 March 2010 (or before)	USD _____
30 June 2010 (or before)	USD _____
30 September 2010 (or before)	USD _____
31 December 2010 (or before)	USD _____

VI. Bank Details for Payments

Name of Bank: Banque de Nouvelle-Caledonie
Address: 25 av Henri Lafleur Victoire, Noumea, New Caledonia
Account name: Secretariat General de la Communaute du Pacifique
Account Number : 14889 00081 01461716025 31

Andrew Wright	Dr Jimmie Rodgers
Executive Director, WCPFC	Director-General, SPC
Date:	Date:

Attachment LL

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

Sixth Regular Session

7–11 December 2009
Papeete, Tahiti, French Polynesia

MEMORANDUM OF COOPERATION ON THE EXCHANGE AND RELEASE OF DATA BETWEEN THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN AND THE INTER-AMERICAN TROPICAL TUNA COMMISSION

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPFC) and the Inter-American Tropical Tuna Commission (hereafter IATTC):

NOW THEREFORE the **WCPFC** and **IATTC** confirm the following conditions for the exchange and release of data from fisheries which capture highly migratory fish species:

1. CONDITIONS FOR THE EXCHANGE OF DATA

(a) Subject to fulfilling internal requirements of each Commission regarding data confidentiality and information security, both Commissions exchange equivalent data on a reciprocal basis, and maintain the data in a manner consistent with the security standards established by each Commission.

(b) The conditions in paragraph (a) above shall apply to all data as specified below to be disseminated to other Commission.

(c) The historical data of fishing activities prior to the date of signature of this Memorandum of Cooperation shall be disclosed, confirmed or used only for scientific purposes.

2. OPERATIONAL LEVEL DATA

Operational-level tuna fisheries data includes catch and effort (including by-catch of *inter alia,* mammals, turtles, sharks and billfish), observer, unloading, transhipment and port inspection data.

3. AGGREGATED DATA

Aggregated catch and effort data includes:

(a) Data for long line gear aggregated by flag State by 5º latitude and by 5º longitude by month;

(b) Data for surface gear (including purse seine) aggregated by flag State by 1º latitude and by 1º degree longitude by month; and

(c) Aggregated observer data (made up of observations from a minimum of three vessels).

4. OTHER DATA

Monitoring, control, surveillance, inspection and enforcement data includes:

(a) The names and other markings of 'Vessels Of Interest' to each organization subject to this memorandum [Colombia]; and

(b) Transhipment verification reports for vessels transhipping in the Convention Area of one RFMO but which have fished within the Convention Area of the other.

5. OTHERS

This cooperation on the exchange and release of data may be modified by mutual consent.

Either Commission may end this cooperation on the exchange of data by giving six months' notice of intention to terminate to the other Commission.

Signed on behalf of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the Inter-American Tropical Tuna Commission:

……	……
Chairman, WCPFC	Director, IATTC
	Date:
Date:	