



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

Fifth Regular Session

**Busan, Korea
8–12 December 2008**

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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

SUMMARY REPORT

AGENDA ITEM 1 - OPENING OF MEETING

1. The Fifth Regular Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC5) took place from 8–12 December 2008 at Busan, Korea. The session was opened by the Chair of the Commission, Glenn Hurry (Australia).
2. The following Members attended: Australia, Canada, People's Republic of China, Cook Islands, European Community (EC), 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.
3. Participating Territories that attended included American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia and Tokelau.
4. Indonesia and Belize participated as Cooperating Non-members (CNMs).
5. Observers from the following non-member countries attended: Ecuador, El Salvador, Mexico, Panama, Senegal, Thailand and Vietnam.
6. 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, and Secretariat of the Pacific Community (SPC).

7. Observers from the following non-governmental organizations attended: American Fishermen's Research Foundation, Birdlife International, Earth Island Institute (EII), Greenpeace, International Sustainable Seafood Foundation (ISSF), International Union for the Conservation of Nature (IUCN), Marine Stewardship Council (MSC), Pacific Island Tuna Industry Association, and World Wide Fund for Nature (WWF).

8. A full list of participants is provided in Attachment A.

1.1 Welcome address and Chair's statement

9. An opening address was delivered by Park Deok-Bae, Vice Minister from the Korean Ministry for Food, Agriculture, Forestry and Fisheries (MIFAFF) (Attachment B). Samoa, on behalf of Commission members, thanked the host country for its hospitality.

10. The Chair made an opening statement (Attachment C), highlighting four key items before the Commission at WCPFC5, including a conservation and management measure (CMM) for bigeye and yellowfin tuna, a CMM for transshipment, compatible measures between exclusive economic zones (EEZs) and the high seas, and decisions on the application process for CNMs.

1.2 Adoption of agenda

11. The Commission adopted the agenda contained in WCPFC5-2008/03 Rev.3 and the provisional schedule of work contained in WCPFC5-2008/04 Rev.4.

1.3 Meeting arrangements

12. The WCPFC Executive Director, Andrew Wright, introduced Secretariat technical staff attending the meeting, including Andrew Richards, Compliance Manager; Ken Smithson, Finance and Administrative Officer; SungKwon Soh, Science Manager; Karl Staisch, Observer Programme Coordinator; and Ziro Suzuki, Japan Trust Fund Coordinator. In addition to Secretariat staff, Shelley Clarke served as rapporteur; Campbell Davies, Iain Hayes and Graeme Parkes participated as technical advisors on various subjects; and Martin Tsamenyi attended the meeting as the legal advisor. Herolyn Movick and Lucille Martinez of the WCPFC Secretariat, supported by Jeanny Relations (Busan), handled administrative arrangements.

AGENDA ITEM 2 - MEMBERSHIP

2.1 Status of the Convention

13. The depositary for the Convention, New Zealand, presented WCPFC5-2008/07, summarizing the status of the Convention as of 10 November 2008. New Zealand noted that since its last report at WCPFC4, it has not received notification of any instruments of ratification of or accession to the Convention.

2.2 Applications for Observer status

14. Observer status was granted to the following four new applicants: Liberia, Vietnam, International Sustainable Seafood Foundation, and the International Union for the Conservation of Nature (IUCN).

2.3 Applications for Cooperating Non-member status

15. The Commission considered applications from Belize and Indonesia for the renewal of their CNM status, and new applications from Ecuador, El Salvador, Mexico and Senegal. Documentation supporting these applications was distributed to delegations as WCPFC5-2008/08, and a summary of these materials was provided as WCPFC5-2008/IP10.

16. Indonesia presented a statement summarizing its application for renewal of its CNM status for 2009 (Attachment D).

17. WCPFC5 approved Indonesia's application for CNM status for 2009.

18. Belize presented a statement summarising its application for renewal of its CNM status for 2009 (Attachment E).

19. Some CCMs, while not opposing Belize's application, expressed concern about the beneficial ownership of some fishing vessels flagged to Belize and currently operating in the WCPF Convention Area, **and the extent to which** Belize could exercise control over its vessels, and currently operating in the WCPF Convention Area. One member noted the relevance of "real interest" and the need to ensure that States are not able to come into the region, fish in an illegal, unreported and unregulated (IUU) fashion, and then claim CNM status. Concern was expressed that the failure of other regional fisheries management organizations (RFMOs) was leading to an increase in capacity in the WCPFC region, and that only applicants that could demonstrate a past presence in the region should receive CNM status. It was incumbent on the Commission to place limits, in line with those of past efforts, and accept applicants but limit capacity effort.

20. Belize asked that the focus remain on the compliance record of the beneficial owner, not simply the State from which the beneficial owner operates. Belize also noted the desirability of maintaining consistent standards with regard to beneficial ownership for both members and CNMs.

21. Other Cooperating Non-members and participating Territories (CCMs) fully supported Belize's application, acknowledging its record of compliance with CMMs developed by the WCPFC and information requests over the past year.

22. In response to Belize's stated intention to seek full membership in the Commission, some FFA members noted that the granting of CNM status should not be viewed as conferment of a right to become a Commission Member, or to seek an allocation that could lead to overcapacity and overfishing. Clarification was also sought as to whether ratification of, or accession to, the United Nations Convention on the Law of the Sea (UNCLOS) and the UN Fish Stocks Agreement (UNFSA) should be necessary requirements for CNM status.

23. Martin Tsamenyi explained that CMM 2004-02 does not require ratification of, or accession to, the UNCLOS or UNFSA as prerequisites for CNM status. He noted that there are some Commission Members who are not parties to both treaties.

24. Some FFA members stated their support for CNM applications, which provide opportunities for small island developing State (SIDS) members of the Commission and participating territories to maximize economic benefits from the sustainable management of the tuna resources in the Convention Area.

25. *WCPFC5 approved Belize's application for CNM status for 2009, with the understanding that Belize will cooperate with WCPFC Members in the monitoring and control of its longline vessels.*

26. The Chair noted that Belize had written to contracting parties requesting an invitation to accede to the Convention, and asked the Executive Director to progress this matter inter-sessionally.

27. El Salvador presented a statement supporting its application for CNM status (Attachment F). El Salvador committed to limiting its fishing in the Convention Area to two vessels that were granted licenses to fish in Kiribati's EEZ, although El Salvador noted an interest in entering into further licensing arrangements with coastal State Commission Members should such opportunities become available under the vessel day scheme (VDS).

28. Representatives of the FFA Secretariat and Kiribati stated that the two El Salvadorean vessels fishing in Kiribati's EEZ in 2008 complied with vessel monitoring system (VMS) requirements for part of the time: one vessel reported from July to the present, and the other reported in April–May and in October–November. It was noted that reporting began in April 2008 because up until that time, these vessels were not on the WCPFC Record of Vessels and, thus, could not be entered into the FFA vessel registry.

29. In response to a request for clarification, Martin Tsamenyi explained that, under CMM 2004-01, Commission Members have agreed not to license non-members of the Commission or CNMs to fish in the Convention Area. Therefore, unless CMM 2004-01 is amended, coastal State Commission Members would be in violation of CMM 2004-01 if they license non-CCMs to fish in their EEZs.

30. In response to a question regarding its accession to UNCLOS and UNFSA, El Salvador responded that its accession was complicated by domestic legal issues but that its status with regard to these treaties notwithstanding, its intention in applying for CNM status was to comply with all applicable WCPFC CMMs.

31. With regard to El Salvador's history of fishing on the high seas in the Convention Area in 2001–2004, 29 days of fishing had been recorded in the data available to the Commission.

32. *Following reaffirmation from El Salvador that it would operate only two purse seiners in the WCPF Convention Area, and that its operations on the high seas would be in accordance with existing CMMs adopted by the Commission, WCPFC5 approved El Salvador's application for CNM status for 2009.*

33. Ecuador, Senegal and Mexico presented statements supporting their applications for CNM status (Attachments G, H and I).

34. It was agreed that these three applications would be evaluated against a flowchart, based on CMM 2004-02, developed at Fourth Regular Session of the Technical and

Compliance Committee (TCC4 Summary Report, Attachment I) by a small group consisting of representatives from the USA and PNG. In addition to applying the flowchart to the applications, the USA and PNG co-facilitators met with applicants to clarify any outstanding issues; to confirm their understanding of how CMMs will apply to their existing or proposed fishing activities; and to explore whether each applicant was proposing any voluntary agreements to limit its catch or effort in the Convention Area given the status of the stocks.

35. Regarding Ecuador, the USA and PNG found that the application generally met the criteria for CNM status, but that there remained issues regarding the provision of operational data. In particular, due to gaps in the VMS record for seven Ecuadorean vessels fishing under license to Kiribati, there were questions regarding whether the operations of all of these vessels were conducted wholly within Kiribati's national waters. It was noted that at WCPFC4, Kiribati committed to including a requirement for the Ecuadorean vessels to refrain from fishing on the high seas as a condition on their licenses.

36. In addition to the concerns raised by the group about possible unauthorized fishing on the high seas of the Convention Area by Ecuador over the past year, the USA stated that the historical data provided by Ecuador in support of its CNM application, indicated that there had been illegal operations conducted in the USA's EEZ. In addition, the USA stated that it has sought information and cooperation from Ecuador over the past 18 months regarding additional illegal fishing activity by Ecuadorian-flagged vessels in the USA EEZ and in other Member's national waters. Despite attempts to settle this issue with Ecuadorean representatives, the USA noted that its concerns remain unresolved and, thus, it could not support Ecuador's application.

37. Ecuador responded that it is investigating the issues raised by the USA through its own internal procedures. A legal opinion has been sought from the Ecuadorian Attorney General and matters cannot proceed until this opinion is provided.

38. Other CCMs agreed that if Ecuador fished in the Convention Area outside of Kiribati's EEZ in 2008, then i) such operations were clearly unsanctioned by the Commission; ii) Ecuador's application for CNM status should not be approved due to failure to demonstrate a favourable record of compliance with Convention provisions and WCPFC CMMs adopted under para 5 of CMM 2004-02; and iii) punitive measures should be considered.

39. Kiribati spoke in favour of Ecuador's application, emphasizing the importance of the existing Ecuadorean licenses to its economy. Kiribati asserted that issues with implementation of the VMS are being handled by FFA and that reports from Kiribati's observers on board two of the Ecuadorean vessels will be provided to the Commission. Kiribati stated that according to its understanding, the Ecuadorean vessels were not fishing on the high seas.

40. Tuvalu also expressed its support for Ecuador's application. Tuvalu reminded the Commission that it will be necessary to enter into bilateral arrangements with countries such as Ecuador in order to develop its fishery and realize the economic benefits of that development. Tuvalu therefore supported Ecuador's application. As a further step, Tuvalu requested that CMM 2004-01 and CMM 2004-02 be amended to allow SIDS to license non-Members to fish in their national waters on the understanding that such fishing would comply with all WCPFC CMMs.

41. *WCPFC5 agreed to approve Ecuador's CNM status for a one-year period beginning 15 February 2009, subject to the following conditions (WCPFC5-2008/IP15):*

- a. *Ecuador is granted Cooperating Non-member status for 2009, contingent upon satisfactory resolution of the USA's concerns over the provision of necessary information relating to alleged violations in its EEZ. If Ecuador does not provide all requested information to the satisfaction of the USA by 15 February 2009, its Cooperating Non-member status will be null and void. If the USA's concerns have been addressed by 15 February 2009, it will certify to the WCPFC Secretariat its satisfaction with the information provided.*
- b. *The exemption granted to Kiribati at WCPFC4, allowing it to license fishing vessels from non-CCMs, will expire on 15 February 2009.*
- c. *If Ecuador's Cooperating Non-member status becomes null and void, Kiribati, Tuvalu and Nauru will be given an exemption for 2009 from CMM 2004-01 to allow seven Ecuadorian vessels to fish in waters under their national jurisdiction. It shall be a term and condition of the licenses for those vessels to fish in Kiribati, Tuvalu and Nauru waters that those vessels are not authorized to fish on the high seas of the Convention Area. In addition, this exemption is granted with the understanding that no other Ecuadorian-flagged vessels will fish on the high seas of the Convention Area. Such activities will be considered as undermining the intent and effectiveness of WCPFC conservation and management measures.*
- d. *Should Ecuador's Cooperating Non-member status become effective, the following provisions would apply.*
 - i. *Ecuador commits that it will submit to high seas boardings and inspections in accordance with the Commission's High Seas Boarding and Inspection procedures.*
 - ii. *Noting that at the time of making the decision, the Commission had not received sufficient data to be able to confirm the applicable purse-seine days limit for Ecuador on the high seas for 2009. Consequently, Ecuador will be limited to zero days during 2009. The Commission noted that as soon as Ecuador provides to the WCPFC all relevant catch and effort data that would enable the WCPFC Secretariat to calculate and verify an applicable days limit pursuant to the new CMM for yellowfin tuna and bigeye tuna, this limit will be appropriately adjusted. If this is not able to be verified to the satisfaction of all members, Ecuador shall not fish on the high seas of the Convention Area in 2009.*
 - iii. *Ecuador is willing and able to ensure full compliance by all its vessels with the conservation and management measures of the WCPFC and to respond to any alleged unauthorized activities by vessels flying its flag that have been brought to its attention.*
 - iv. *Ecuador commits to provide all fishery data required by the Commission in a timely manner.*
 - v. *Ecuador commits to comply with appropriate bilateral agreements and national laws and regulations of coastal States.*
 - vi. *Ecuador commits to have observers on board Ecuadorian-flagged vessels during all trips in the Convention Area, including high seas and EEZs.*

42. All CCMs and CNM applicants were reminded that because the official language of the Commission is English, all documents submitted to the Commission must be prepared in English, or accompanied by an English translation.

43. Regarding Senegal's application for CNM status, the working group found that it met the criteria of CMM 2004-02.

44. Senegal committed to limiting its fishing activities in the WCPF Convention Area to one longline vessel, the *Robaleira*, which was fishing in 2005. This represents a reduction in Senegal's fishing capacity in the Convention Area since 2007 when both the *Robaleira* and the *Vieirasa* fished in the Convention Area (WCPFC-2008/OP10 (Rev.1)).

45. One CCM questioned the data provided in Senegal's supplemental documentation, in particular the very high catches of skipjack reported by the *Robaleira* in 2006, and inconsistent ratios of reported swordfish to shark catches, and asked that this be examined and that the Commission revisit how the proposed measure on swordfish would apply to Senegal.

46. *Noting the concern regarding the species composition of the catches reported by Senegal to the Commission in WCPFC5-2008/OP10 (Rev. 1), and Senegal's commitment to limit fishing activity to one longline vessel, WCPFC5 agreed to grant CNM status to Senegal for 2009.*

47. Regarding Mexico's application for CNM status, the working group found that it met the criteria in CMM 2004-02.

48. Mexico committed to the following (WCPFC5-2008/OP06):

- a. Submission of all data required by the Commission in a timely manner;
- b. Full participation in the Commission VMS programme;
- c. Applicable requirements pertaining to WCPFC observer programmes;
- d. Limiting its fishing effort to not more than six purse-seine vessels fishing only in the EEZs of WCPFC Members, in accordance with appropriate bilateral agreements and pursuant to the VDS;
- e. Ensuring there is no transfer of effort from the IATTC area into the WCPF Convention Area during any IATTC closures;
- f. Abiding by all of the WCPFC CMMs, consistent with the above and with all relevant rights and duties under international law;
- g. Full cooperation with WCPFC Members in the conservation and management of Pacific bluefin tuna; and
- h. Full cooperation with WCPFC Members, particularly with SIDS.

49. Chinese Taipei and Japan spoke in support of Mexico's application, citing its long history of fishing and good record of compliance in other RFMOs.

50. In response to a question, Mexico clarified that it is not currently a party to any bilateral access agreements in the WCPF Convention Area, as it did not yet have CNM status, but that if its CNM application is successful it may consider such arrangements.

51. *Noting a number of compliance commitments and a voluntary agreement to limit fishing effort to no more than six purse-seine vessels fishing only in waters under*

national jurisdiction of EEZs of WCPFC members, WCPFC5 agreed to grant CNM status to Mexico for 2009.

AGENDA ITEM 3 - MEMBER STATEMENTS

3.1 Statements by CCMs

52. French Polynesia formally offered to host the Sixth Regular Session of WCPFC (WCPFC6) in Tahiti (Attachment J). Statements were also made by Kiribati, New Caledonia, Chinese Taipei, Palau (on behalf of FFA members), Tokelau, FSM and the Philippines. These statements are contained in Attachments K through Q.

AGENDA ITEM 4 - SCIENCE ISSUES

4.1 Report of the Fourth Regular Session of the Scientific Committee

53. The Chair of the Scientific Committee (Dae-Yeon Moon, Korea) presented the summary outcomes of the Fourth Regular Session of the Scientific Committee (SC4) held in Port Moresby, Papua New Guinea from 11–22 August 2008.

54. The matters considered by the Scientific Committee (SC) and its six Specialist Working Groups included:

- a review of the fisheries in the western and central Pacific Ocean (WCPO) and the eastern Pacific Ocean (EPO);
- a review of stock status of bigeye tuna, skipjack tuna and southern albacore in the Convention Area; swordfish and striped marlin stocks in the South Pacific; and northern area stocks, including albacore, Pacific bluefin tuna, striped marlin and swordfish;
- a review of a research proposal on Pacific-wide bigeye tuna biology, and a project report on reference points and management strategy evaluation (MSE);
- bycatch mitigation issues and ecological risk assessment (ERA);
- issues associated with data available to the Commission and initiatives to address data gaps, the status of the Indonesia and Philippines Data Collection Project, and the Pacific Tuna Tagging Programme;
- cooperation with other organizations;
- the special requirements of SIDS and territories;
- the process for developing the SC work programme and the 2009–2011 SC work programme; and
- administrative matters associated with the functioning of the SC.

55. John Hampton (SPC-Oceanic Fisheries Programme, SPC-OFP), Scientific Services Provider) made a presentation on the status of the stocks as discussed at SC4 in August 2008. This presentation highlighted that the latest stock assessments had determined that for yellowfin tuna, there is a relatively high possibility that overfishing is occurring and that there is a small probability that it is in an overfished state; for bigeye tuna overfishing is occurring in the WCPO with a high probability that both adult and total biomass are predicted to become over-fished at 2003–2006 levels of fishing mortality and long-term average levels of recruitment.

56. In response to questions, John Hampton made the following points:
- a. Declines in the number of skipjack migrating toward the coast of Japan as reported by Japanese fishermen might be a cause for concern if they represent a range contraction. While Japanese data are used in assessments, most data derive from equatorial areas.
 - b. Above-average bigeye tuna recruitment since 1985 has allowed the stock to remain above maximum sustainable yield (MSY) levels despite high levels of fishing mortality.
 - c. Catch data for the purse-seine fishery may underestimate the actual catch of bigeye tuna by a substantial amount. If so, the results of the stock assessment would be more pessimistic, and a greater proportion of stock depletion would be attributed to the purse-seine fishery.
 - d. The recent assessment of South Pacific swordfish conducted by the Commonwealth Scientific and Industrial Research Organisation (CSIRO, Australia) and the National Institute of Water and Atmospheric Research (NIWA) in New Zealand focused on the southwestern portion (west of 180°) of the WCPO. Attempts were made to construct a model, including the south-central Pacific, however there were problems with this approach due to the relatively weak data available for the assessment for the south-central area. There was also a suggestion of relatively low mixing of swordfish between the southwest and south-central areas.
 - e. Critical uncertainties in some bigeye tuna data remain, particularly estimates for the purse-seine and Indonesian and Philippines domestic fisheries. The regional observer programme and the Indonesia-Philippines Data Collection Project are expected to improve data quality.
 - f. Emerging evidence from IATTC tagging studies show limited movement of bigeye tuna from the EPO to the WCPF Convention Area, but movements of bigeye tuna from the Central Pacific are less well known. Although separation of the stock into the IATTC and WCPFC areas is problematic, it is still feasible to manage bigeye in the two areas separately. SPC and IATTC routinely discuss and compare stock assessments of bigeye tuna, including comparison with a Pacific-wide model.
 - g. The results of the southern swordfish assessment are based on data for the southwest areas and, thus, apply only to that portion of the stock.
 - h. SPC regularly produces statistics on the rate of bycatch and discards in the purse-seine fishery. The rate is generally low (<5%).

4.2 Review of transitional arrangements for science structure and function

57. Graeme Parkes (Marine Resources Assessment Group – MRAG) presented a report on the Independent Review of the Commission’s Transitional Science Structure and Functions (WCPFC5-2008/11). The review encompassed an evaluation of scientific data and information functions; science functions; and institutional analysis. A number of recommendations were made with regard to data submission; data management and confidentiality; data custodianship services; contracting of research; standards for contracted research; conflicts of interest; cost effectiveness of contracted research; presentation of CCM research at the SC; review of ISC assessments; resourcing in the Secretariat; the relationship between the SC and the ISC; and organization of the SC.

58. In discussion, one CCM raised the need to provide a quantitative cost comparison of various options for data custodianship, and expressed a desire to see a quantitative evaluation of the performance of different RFMO models for research, assessment and data analysis.

59. Another CCM reiterated concerns about one of the issues presented in the report (i.e. the lack of access to background material, such as data and papers, used in the ISC assessments).

60. Other CCMs suggested that the report could usefully elaborate on other issues, such as the need for economic and social data relating to fishing capacity; the potential for political interference in scientific work; and the possibility of reciprocal peer review arrangements between WCPFC and other RFMOs, in particular the IATTC.

61. Concerns were raised that the report's proposal to require that participants in SPC's preparatory stock assessment workshops have scientific credentials may discriminate against FFA members.

62. Several CCMs made statements in support of the report and its proposals, including statements of appreciation for the high quality and cost-effective work of SPC as the WCPFC Science Services Provider. Many of these statements, however, suggested that the issues in the report should be discussed by the ISC, SC, Northern Committee (NC) and/or the Ad Hoc Task Group–Data before drawing any conclusions about the way forward.

63. *WCPFC5 agreed that the Independent Review of the Commission's Transitional Science Structure and Function:*

- a. Be finalized by the consultant following the receipt of any additional comments from CCMs by 1 March 2009;*
- b. Be considered at the 2009 sessions of the ISC, SC, NC and/or Ad Hoc Task Group–Data;*
- c. Be further considered at WCPFC6, taking into account the advice and recommendations of the ISC, SC, NC and/or Ad Hoc Task Group–Data.*

64. *In addition, WCPFC5 requested:*

- a. CCMs to actively work toward removing domestic barriers to data submission;*
- b. The Secretariat work with ISC, SPC-OFP and relevant CCMs to develop a strategy for the incorporation of ISC data into the Commission's data holdings; and*
- c. The Secretariat prepare for consideration of the 2009 sessions of the ISC, NC and Commission, a proposal that would support the periodic peer review of ISC and SC stock assessments.*

4.3 Reference points

65. Campbell Davies (CSIRO) presented work designed to identify the potential costs, benefits and difficulties of alternative approaches for identification of appropriate reference points within the WCPO (WCPFC5-2008/12). The presentation covered the

background to reference points, decision rules and risk; default reference points for WCPFC; and management strategy evaluation.

66. Work programme recommendations presented in the paper included:

- A small technical workshop (or discussion paper) to consider the technical definition of alternative limit reference points and make specific recommendations to SC and WCPFC6 on the range of potential reference points;
- Single- and multi-species case studies using short-term constant catch projections and current assessment models (southern swordfish or albacore and the tropical tuna species mix, respectively, were recommended);
- A capacity building workshop(s) for CCMs on reference points and MSE convened as a special workshop under the Methods Working Group at SC5.
- A management objectives workshop for discussion and recommendations to the Commission on technical interpretation and specification of fisheries management objectives.

67. Several CCMs stated their strong support for articulation of the Commission's fisheries management objectives and the development of reference points as tools for effective implementation of these objectives.

68. Some of these CCMs, in addition to stating their general support for ongoing work, expressed a desire for more capacity building and a more inclusive and collaborative approach to development of WCPFC management objectives and reference points. It was acknowledged that it would take time for all parties to gain a detailed understanding of the issues.

69. The Commission agreed that SC5 should convene a seminar under the Methods Working Group on technical issues associated with reference points.

70. The Commission agreed that WCPFC6 should consider the possibility of holding a dedicated workshop on management objectives in 2010.

4.4 Allocation

71. The Chair introduced a paper on allocation (WCPFC5-2008/20), reminding the Commission that this issue was raised at WCPFC3, but following limited discussion at WCPFC4, it was deferred to WCPFC5.

72. Several CCMs, including FFA members, noted that although allocation issues are important, work on these issues is not a high priority task for the Commission at present. It was considered that discussion of allocation would be best conducted as a component of an overall strategic management plan once management objectives, reference points and total allowable catch (TAC) and/or total allowable effort (TAE) are identified and agreed on by the Commission.

73. Some CCMs representing FFA members clarified that long-term management of the resources in their EEZs is now being undertaken through the VDS, and that allocations in EEZs are decided upon by the coastal States.

74. *The Commission agreed that consideration of allocation issues should be merged with the Commission's consideration of management objectives and reference points. Therefore, discussions of allocation issues at WCPFC6 will be guided by the outcomes of work on reference points and management objectives by SC5 and TCC5.*

4.5 Issues from the SC4 Summary Report

75. The Chair of the SC presented the following new recommendations of SC4 with regard to key stocks of highly migratory species in the region:

- a. For WCPO bigeye tuna, a minimum 30% reduction in fishing mortality from the average levels for 2003–2006 was recommended, with the goal of returning the fishing mortality rate to F_{MSY} . Additional reductions will be required in fishing mortality in the future if assessments indicate that fishing mortality is greater than F_{MSY} (SC4 Summary Report, para 143);
- b. For WCPO skipjack tuna, the high recent catches are considered to be sustainable unless recruitment falls persistently below the long-term average (SC4 Summary Report, para 150);
- c. For South Pacific albacore, catches should remain at current levels (SC4 Summary Report, para 154);
- d. For South Pacific swordfish, due to the uncertainty in the assessment, no further increase in catch or effort was recommended (SC4 Summary Report, para 161);
- e. For Pacific bluefin tuna, it was recommended that there be no further increase in fishing mortality from the current level (SC4 Summary Report, para 171); and
- f. For North Pacific striped marlin, the fishing mortality rate should be reduced from the current level (to 2003 or before) (SC4 Summary Report, para 188).

76. *WCPFC5 adopted the recommendations of SC4 regarding bigeye tuna, skipjack tuna, South Pacific albacore, South Pacific swordfish, Pacific bluefin tuna and North Pacific striped marlin.*

77. Other SC4 recommendations provided in the SC4 Summary Report and presented to WCPFC5 included:

- a. Seabirds (para 213);
- b. Sharks (paras 215, 218 and 220);
- c. Small tuna on floating objects (para 223);
- d. Sea turtles (para 227);
- e. Ecological risk assessment (para 247);
- f. Data gaps (paras 253 and 257);
- g. Catch sampling (paras 264 and 265);
- h. Seabird mortality (para 268);
- i. Data elements of the Regional Observer Programme (para 272); and
- j. Data confidentiality, security and dissemination (paras 295 and 296).

78. *WCPFC5 adopted the recommendations of SC4 regarding bycatch mitigation and data and information, noting that several of these recommendations will be addressed in CMMs currently under discussion at WCPFC5.*

4.6 Programme of work for the Scientific Committee in 2009, 2010 and 2011

79. The Chair of the SC presented the recommendations of SC4 with regard to its proposed programme of work for 2009–2011 (SC4 Summary Report, paras 314–324). This programme includes:

- a. The Indonesia and Philippines Data Collection Project (IPDCP);
- b. Publication and distribution of the Commission's training and educational materials;
- c. Refinement of bigeye tuna parameters Pacific-wide: A comprehensive review and study of bigeye tuna reproductive biology;
- d. Regional study of the stock structure and life history characteristics of South Pacific albacore;
- e. Pacific-wide tagging project;
- f. Use underwater videos and other tools to characterize species, size composition and spatial distribution of tunas aggregating around floating objects;
- g. A technical workshop to consider suitability of MSY-based reference points as default limit reference points and how they may be operationalized;
- h. Collection and evaluation of purse-seine species composition data; and
- i. North Pacific striped marlin mitigation methods.

80. The Chair noted that the proposed expenditure has grown from US\$ 745,000 last year to US\$ 795,000 this year, an increase of 6%. Nevertheless, this amount represents less than 0.02% of the estimated US\$ 4 billion value of the fishery.

81. FFA members reiterated their concern that holding a workshop on reference points in 2009 would be premature. Therefore, in accordance with WCPFC5 agreements under Section 4.3 above, the technical workshop on reference points (g, above) will be replaced with a seminar on the same topic at SC5, and a possible workshop on management objectives in 2010.

82. PNG drew attention to its contribution of US\$ 100,000 to the scientific work of the WCPFC, stating that this funding should not be used to fund work on reference points. Rather, it should be allocated to tuna tagging and to supporting SIDS participation in technical workshops.

83. In response to a question regarding item h above, in particular how the sampling objectives and designs will be determined, the Executive Director indicated that sampling at ports will be conducted in American Samoa (Pago Pago), FSM (Pohnpei), RMI (Majuro), Solomon Islands (Honiara), PNG (Wewak and Madang), Indonesia and the Philippines. John Hampton (SPC, Science Services Provider) explained that the research would focus on onboard sampling by observers, specifically to address concerns regarding purse-seine catches, which are sorted on board before transhipment.

84. One CCM requested bigeye and yellowfin tuna stock assessments be conducted every year in order to support ongoing management efforts.

85. Another CCM noted with appreciation the Commission's efforts to move toward a more strategic approach to its research planning, thereby allowing it to anticipate issues that will require focused scientific input.

86. *WCPFC5 adopted the report of SC4 and thanked outgoing Chair Dae-Yeon Moon for his dedicated efforts to progress the work of the Scientific Committee over the past three years.*

AGENDA ITEM 5 - NORTHERN COMMITTEE

5.1 Report of the Fourth Regular Session of the Northern Committee

87. The Chair of the Northern Committee, Masanori Miyahara (Japan), summarized the outcomes of the Fourth Regular Session of the Northern Committee (NC4), which met in Tokyo, Japan, 11–13 September 2008. NC4 considered the advice received from the 8th meeting of the ISC and the status of northern stocks. The report of the NC4 included reference to:

- the NC's establishment of an interim management objective for North Pacific albacore;
- the NC's recommended CMM for Pacific bluefin tuna, contingent on Korea lifting its reservation;
- the progress of the NC Working Group (WG) on striped marlin, and the NC's recommendations regarding the work of the WG;
- the NC's recommendation regarding large-scale driftnets on the high seas in the Convention Area;
- the NC's consideration of improvements to the North Pacific albacore CMM, which it plans to revisit at NC5.

88. The management recommendation for North Pacific albacore is that fishing mortality should not be increased.

89. The recommendations for Pacific bluefin tuna are:

- That the current level of fishing mortality not be increased;
- If fishing mortality remains at the current level and environmental conditions remain favorable, then recruitment should be sufficient to maintain current yields well into the future; and
- Increases in fishing mortality 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.

90. Although scientific advice regarding northern striped marlin was provided to the NC by the ISC, there has not yet been a recommendation by the SC that northern striped marlin is a northern stock, therefore no management advice was proposed.

91. The NC noted the importance of ensuring that any reductions on fishing effort resulting from the CMM for bigeye and yellowfin tuna not be transferred to northern stocks.

92. The NC expressed its support for amending the CMM for sharks (CMM 2006-05) to apply to all vessel sizes.

5.2 Issues from the NC4 Report

93. The NC Chair explained that Korea had entered a reservation to the management recommendation for Pacific bluefin tuna. The reasons for this reservation have been thoroughly explored with Korea, which has indicated it has no intention to increase its effort in 2009.

94. Korea stated that it is requesting a postponement, during which it will work to improve a statistical system on the northern Pacific bluefin tuna, study the distribution of Pacific bluefin in its coastal waters, and explore mechanisms for controlling effort given existing national laws and regulations.

95. Given Korea's reservation, the Chair of the NC suggested that Commission Members may wish to implement the recommendation on a voluntary basis and report their efforts in this regard to NC5. The recommendation can be reconsidered by NC5 and potentially developed into a draft CMM to be considered at WCPFC6. In 2009, the Chair of the NC will meet with representatives of Mexico to begin a dialogue on cooperative Pacific bluefin tuna management.

96. One CCM expressed concern that the management recommendation for Pacific bluefin: i) is not adequately precautionary; ii) is premised on an assumption that environmental conditions remain favorable; and iii) does not define current effort.

97. Gary Sakagawa, Chair of the ISC, informed the Commission that the ISC is currently holding a workshop designed to clarify points of uncertainty in the Pacific bluefin stock assessment. More informative scientific advice is expected to be available for WCPFC6.

98. Two CCMs expressed their concerns about the status of the Pacific bluefin stock, urging the ISC and the NC to work toward a revised management recommendation next year.

99. *WCPFC5 agreed that CCMs are requested not to increase the level of fishing mortality on Pacific bluefin in 2009 on a voluntary basis and tasked the NC to work toward developing a draft CMM for Pacific bluefin for consideration at WCPFC6.*

5.3 Programme of work for the Northern Committee in 2009, 2010, 2011

100. The NC Chair presented the NC work programme for 2009–2011, which outlines projects under four main headings: northern stocks; non-target, associated and dependent species; review of the effectiveness of decisions; and cooperation with other organizations (Report of the NC4, Attachment L).

101. The Chair noted that an interim management objective for North Pacific albacore was established, which states that spawning stock biomass should be maintained above the level represented by the average of the lowest 10 years in the stock's 40-year data history. The NC plans to consider the need for management action in 2009, and anticipates a new stock assessment from the ISC in 2010.

102. The work programme for Pacific bluefin tuna is referred to in Section 5.2 above.

103. A stock assessment for North Pacific swordfish is expected in 2009.

104. One CCM expressed concern that the interim management objective for North Pacific albacore is not sufficiently precautionary. Clarification was requested as to how this objective relates to levels of un-fished biomass.

105. Representatives of the NC and the ISC responded that the interim management objective is simply designed to prevent the stock from falling below its lowest documented levels. Work to develop more permanent fisheries management reference points is ongoing and will inform future evaluation of stock status and formulation of conservation and management recommendations.

106. The issue of the NC's inability to propose a management measure for North Pacific striped marlin in the absence of its designation as a northern stock was raised. However, it was noted that a North Pacific striped marlin management recommendation was agreed on as part of the adoption of the report of SC4.

107. *WCPFC adopted the NC4 Summary Report.*

AGENDA ITEM 6 - TECHNICAL AND COMPLIANCE COMMITTEE

6.1 Report of the Fourth Regular Session of the Technical and Compliance Committee

108. Wendell Sanford (Canada), Chair of the TCC, presented the outcomes of TCC4, which was held in Pohnpei, FSN, 2–7 October 2008. The following recommendations from the TCC4 Summary Report were adopted by the Commission:

- a. TCC4 recommended to the Intersessional Working Group on the Regional Observer Programme (IWG-ROP) that crew nationality was not an essential data field, but that verification of fish hold capacity should be included as a data field for the ROP (para 15);
- b. TCC4 recommended that the Commission approve the collection of data listed in Attachment C to the TCC4 report (para 23).
- c. TCC4 recommended to WCPFC5 that the mandate of the IWG-ROP be extended for a period of one year (para 34).
- d. TCC4 recommended to WCPFC5 that it authorize the IWG-ROP to continue its work on outstanding items contained in CMM 2006-07, a non-exhaustive list of which is attached at Attachment D to the TCC4 Summary Report (para 35).
- e. TCC4 recommended that the Secretariats of the WCPFC and FFA enter into discussions with a view to preparing a draft VMS service level agreement for consideration by the Commission at WCPFC5 (para 40).
- f. With respect to costs for the Commission VMS, TCC4 recommended to WCPFC5 that CCMs will assume costs for their vessels. Costs for Secretariat operations of the Commission VMS will be borne by the Commission budget (para 56).
- g. TCC4 recommended to WCPFC5 that the activation date for the WCPFC VMS be 1 April 2009 (para 58).

- h. Regarding TCC4's discussions of para 3(j) of CMM-2007-03, the majority favored retaining this paragraph while the minority favored its removal. CCMs agreed to recommend to the Commission not to apply para 3(j) of CMM-2007-03 as a criterion for IUU listing in developing the Draft IUU Vessel List in 2009. During this period, the Secretariat, in consultation with interested CCMs, will develop additional procedures to give effect to this paragraph for discussion at TCC5 (para 115).
- i. TCC4 recommended participation of CCMs and the WCPFC Secretariat in the Second Meeting of International Tuna RFMOs (para 118).
- j. TCC4 recommended consideration of IUU lists developed in other RFMOs as a criterion in the development of the WCPFC IUU Vessel List. In doing so, WCPFC should take into account the processes used within other RFMOs and characteristics of the area for IUU listing (para 119).
- k. TCC4 noted that in the future, the development and implementation of a measure in this Commission might be required to sanction CCMs that frequently have their vessels nominated for IUU listing, especially if any CCM fails to effectively monitor, control and sanction offending vessels and vessel operators. Noting this point, TCC4 suggested that any potential measure should take into account actions taken to impose sanctions in other RFMOs. TCC4 recommended that this issue be taken up by the Compliance with Conservation and Management Measures (CCMM) Working Group facilitated by Australia (para 121–123).
- l. TCC4 recommended that WCPFC5 agree that for the purpose of the High Seas Boarding and Inspection Procedures, CCMs shall provide to the Secretariat the contact information for the authorities of their fishing vessels (para 167).
- m. TCC4 recommended to WCPFC5 that the Secretariat, in consultation with CCMs, develop a web-based system for vessel record information (para 172).
- n. TCC4 recommended to WCPFC5 that the exemption for non-CCM carrier and bunker vessels be extended for a further year (para 175).
- o. TCC4 recommended to WCPFC5 that, depending on the response [of CCMs to a call to bring their reporting up to date in advance of WCPFC5] the Commission may wish to consider remedial action, including sanctions, for failure to comply (para 209).
- p. TCC4 recommended to WCPFC5 that [the TCC4] budget and work plan be approved (para 234).
- q. TCC4 recommended deferral of the issue of port State measures for WCPFC until conclusion of the FAO process (para 246).
- r. TCC4 recommended to WCPFC5 that it should clarify that with respect to the seabird CMM, different measures must be taken from each column [of CMM 2007-04, Table 1: Mitigation Measures (for seabirds)] when weighted branch lines are under consideration (para 275).
- s. TCC4 discussed the technical specifications for seabird mitigation measures provided as Attachment O, Annex 1 and recommended to WCPFC5 that further review of these specifications should take place at SC5 and TCC5, drawing on the most recent decision by the Indian Ocean Tuna Commission (IOTC) on this matter (para 276).

109. In response to a question regarding high seas boarding and inspection procedures, it was clarified that under para 6 of CMM 2006-08, these procedures apply between a Contracting Party and a Fishing Entity subject to a notification to that effect to the

Commission from the Contracting Party concerned. With regard to Chinese Taipei, the Secretariat reported receiving such notifications from New Zealand and Cook Islands.

110. Regarding the extension of the exemption for non-CCM carrier and bunker vessels for another year (item n above), FFA members stated that in some cases, such vessels are vital for continued operation of the fishery and that a more considered solution to this ongoing problem should be made a priority work item for TCC5.

111. It was noted that in order to be consistent with the respective roles and responsibilities of TCC4 and WCPFC5, the recommendation in paras 275 and 276 of the TCC4 report should read “recommended to WCPFC5”. These changes have been incorporated into items r and s above.

6.2 VMS standards, specifications and procedures

112. The Chair of the TCC presented the latest draft of the WCPFC VMS standards, specifications and procedures (SSPs) produced by TCC4 (WCPFC5-2008/16 Suppl.). Although the TCC4 draft was nearly complete, agreement was not reached on text in paras 5.3, 5.4, 5.5 and 7.3.6.

113. In response to comments from Chinese Taipei (WCPFC5-2008/DP-25) with respect to the application of procedures to contact vessels that fail to report at agreed intervals, it was agreed that the WCPFC Secretariat and the flag State will use all practical means, including radio from and to the flag State, to re-establish and maintain contact with the vessel in question.

114. In discussion of the text in para 5.3 of the SSPs, one CCM suggested that “before entry” be replaced with “upon entry” and “high seas of the” be inserted before “Convention Area is exited” in the second sentence.

115. Despite lengthy discussion, agreement on paras 5.4 and 5.5 of the SSPs could not be reached. CCMs’ views ranged from a desire to allow 30 days for re-establishing the functioning of a vessel’s automatic location communicator (ALC) with an 8-hour interim manual reporting interval in para 5.4 (15 days and 8 hours in para 5.5), to immediate return to port in the event of ALC malfunction with manual reporting every hour. Arguments were also made for a 10-day re-establishment limit with 4-hour manual reporting intervals. It was stated that other RFMOs have re-establishment limits of 30–60 days and that the FFA VMS requires manual reporting at 4-hour intervals.

116. It was observed that based on a minimum number of reporting vessels (e.g. 200 vessels), 216,000 polls would be expected per year, with the number of missed polls expected to be 21 given a failure rate of 1:10,000. A considerably larger number of missed polls during the initial months of Commission VMS operation will perhaps indicate a need to re-visit discussions surrounding the bracketed text in paras 5.4 and 5.5 of the SSPs.

117. In discussion of para 7.3.6 of the SSPs, one CCM considered that this text would be more appropriately placed in the Rules and Procedures for Protection, Access to and Dissemination of Data. It was agreed that this text would be considered for inclusion in the Rules and Procedures for Protection, Access to and Dissemination of Data but unless and until incorporated therein, the text should remain in the VMS SSPs.

118. *WCPFC5 adopted the VMS SSPs produced by TCC4 with agreed amendments to paras 5.3 and 7.3.6. WCPFC5 recommended that CCMs work to resolve issues relating to bracketed text in paras 5.4 and 5.5 of the VMS SSPs prior to TCC5.*

6.3 Draft FFA/WCPFC VMS Service Level Agreement

119. The Executive Director presented the draft Service Level Agreement (SLA) between the FFA and WCPFC Secretariats to support implementation of the VMS (WCPFC5-2008/16 Suppl., Attachment B). This was prepared subsequent to discussions at TCC4 with the assistance of FFA. WCPFC5's attention was drawn to Schedule 2, which provides a description of services, and Schedule 3, which contains payments and charges. It was highlighted that selection of the Pacific VMS option by WCPFC4 avoids substantial capital costs. The current estimate of total costs per vessel per month is approximately US\$ 28. Charges associated with Communication Service Providers (Iridium, Inmarsat-C, Argos) can not yet be precisely estimated. However, assuming that 150 vessels report directly to the Commission in the first year (plus an additional 450 vessels reporting through FFA); reporting every four hours at a cost of five cents per report; and polling once per week, costs will be on the order of US\$ 15 per month. In addition, as the number of vessels reporting increases, reporting costs per vessel will decrease.

120. In response to questions, the Executive Director clarified that VMS data reported from vessels on the high seas will be directly transmitted to the Commission through the Pacific VMS Data Centre and will not pass through the FFA. Also, the US\$ 1,250 fee to a CCM to access its own data through the system was confirmed to be a one-time charge.

121. Two CCMs questioned whether the assumed number of vessels reporting to the Commission's VMS was realistic, as the number of vessels could possibly be substantially higher. These CCMs recommended budgeting for a greater number of vessels reporting in the first year.

122. It was noted that the number of vessels likely to be reporting is difficult to estimate. Assuming a low number of vessels produces a worst-case per vessel cost estimate but under-estimating the number of vessels may result in under-estimating fixed costs.

123. One CCM inquired about the incremental cost to the Commission if vessels are already reporting to the FFA. The Executive Director replied that because the FFA will not pass on the charges from the Communication Services Provider, the incremental cost should be low.

124. *WCPFC5 accepted the estimates of the VMS cost structure and adopted the WCPFC-FFA VMS Service Level Agreement.*

6.4 Issues from the TCC4 Summary Report

125. It was noted that a number of additional items discussed at TCC4 will be taken up under other agenda items in this meeting.

126. The EC provided a report on progress with developing a WCPFC Catch Documentation Scheme for bigeye tuna. After raising the issue for discussion at WCPFC4, the EC attempted to progress a draft CMM intersessionally, and discussed the issue at TCC4. The EC committed to continuing their work on this issue in 2009,

including the possibility of convening an intersessional workshop, perhaps in conjunction with the IWG-ROP and/or the Ad Hoc Task Group–Data.

6.5 Annual Report by CCMs (Part 1 and Part 2 Reports)

127. The Executive Director presented a paper summarizing CCMs submission of Part 1 and Part 2 of the Annual Report to the Commission (WCPFC5-2000/IP02 (Rev.1)). As of the date of this paper, 30 Part 1 reports had been submitted to the Secretariat. It is understood that information for the three participating territories who have not submitted Part 1 reports has been provided in the Part 1 reports submitted by the USA and France. As of the date of the paper, 28 Part 2 reports had been received and one report is outstanding. CCMs were urged to adhere to the deadlines for Part 1 and Part 2 reports as receipt of these reports during or after the SC or TCC meetings hinder compilation of the submissions by the Secretariat, and effectively prevent review of the reports by other CCMs. CCMs were invited to note the summary of outstanding submissions in WCPFC5-2008/IP06, Table 3, and submit any outstanding Part 1 and Part 2 information to the Secretariat.

128. The Executive Director also presented enhanced guidelines for CCMs' Part 2 of the Annual Report (WCPFC5-2008/IP-07, Appendix B). An example submission using the new template is attached as Appendix C to that information paper.

129. In response to a question regarding a master list of reporting deadlines, the Executive Director drew CCMs' attention to the ongoing improvements to the Commission's website, which will include a page showing all reporting deadlines and CCMs' submissions to date at a glance. The Chair suggested that the Executive Director provide a reminder to all CCMs regarding the website's new functions.

130. One CCM suggested that in order to avoid showing failure to submit a nil response (e.g. no data submitted because no fishery operated) as non-compliance, that the Secretariat notify all parties via correspondence of any non-compliances and provide an opportunity to respond.

131. WCPFC5 agreed to accept the Secretariat's report on CCMs' Annual Report, Part 1 and 2 submissions and adopted the enhanced guidelines for Part 2 submissions contained in WCPFC5-2008/IP-07, Appendix B. CCMs should use these guidelines for all future submissions of Part 2 reports.

6.6 Review of CCMs' implementation and compliance with CMMs

132. In response to a request from TCC4, the Executive Director presented, in tabular form, the compliance of individual CCMs against more than 20 CMMs (WCPFC5-2008/IP06 [Rev.1]). This paper incorporates feedback from CCMs in response to the initial version of the paper. Another paper (WCPFC5-2008/18) provides a descriptive overview of CMM implementation and compliance similar to that presented to the Commission in previous years. The Executive Director, on behalf of the Commission, expressed appreciation for the work of SPC data managers who handle the Commission's data.

133. Belize noted that although the papers show three instances of non-compliance by Belize, in fact all of these data have been submitted.

134. FSM also noted some discrepancies between its data holdings for longline catches of bigeye tuna and data held by SPC. FSM and SPC will work to resolve these issues.

135. In order to cope with the substantial time required to track compliance issues as the number of CMMs increases, New Zealand suggested that Secretariat staffing be augmented to include an additional compliance officer. New Zealand also supported the continued provision of information like that in WCPFC5-2008/IP06 (Rev.1) as it appears to be effective in prompting additional data submissions to the Secretariat.

136. WCPFC5 noted two papers (WCPFC5-2008/18 and WCPFC5-2008/IP06.Rev.1) evaluating the compliance of CCMs with the Commission's CMMs.

6.7 Programme of work for the Technical and Compliance Committee in 2009, 2010 and 2011

137. WCPFC5 discussed the proposed TCC work programme for 2009-2011 contained in the TCC4 Summary Report, Attachment M.

138. In discussion, the following items were identified as priorities for the coming year (2009):

- a. Finalising and implementing the regional observer programme;
- b. Developing a measure on transshipment;
- c. Revising procedures for granting CNM status;
- d. Improving / elaborating IUU listing procedures;
- e. Developing a measure regarding control of nationals;
- f. Determining a more lasting solution to the issue of non-CCM flagged carriers and bunkers;
- g. Developing Port State measures pursuant to the outcome of the FAO consultations;
- h. Developing a Catch Documentation Scheme;
- i. Developing a Vessel Day Scheme for the high seas;
- j. Defining guidelines for chartering arrangements;
- k. Finalizing the Rules and Procedures for the Protection, Access to and Dissemination of Data; and
- l. Developing a process of monitoring compliance by CCMs.

139. WCPFC5 adopted the TCC4 Summary Report

6.8 WCPFC IUU Vessel List

140. In October 2008, TCC4 agreed to include the *Jing Chuen No. 68* on the Provisional IUU Vessel List, noting that the vessel shall be subsequently removed from the list once France confirms that the payment of assessed fines is complete (TCC4 Summary Report, paras 94–97). France reported to WCPFC5 that the payment is now complete (WCPFC5-2008/IP08).

141. WCPFC5 agreed by consensus not to list the *Jing Chuen No. 68* on the WCPFC IUU Vessel List.

142. The other vessel on the 2008 Provisional IUU Vessel List prepared by TCC4 is the *Chu Huai No. 638*, a Chinese Taipei-flagged fishing vessel originally nominated for listing by Tonga (TCC Summary Report paras 65–73).

143. Tonga reported to WCPFC5 that the case had been satisfactorily settled and thanked representatives from Chinese Taipei for their assistance in this matter. Tonga reiterated the gravity with which it treats IUU fishing incidents in its national waters.

144. WCPFC5 agreed by consensus not to list the *Chu Huai No. 638* on the WCPFC IUU Vessel List.

145. With regard to two vessels placed on the WCPFC IUU Vessel List at WCPFC4, the government of Venezuela requested the WCPFC5 remove the *Athena F* and *Daniela F* from the WCPFC IUU Vessel List.

146. Cook Islands reported that subsequent to listing of the *Athena F* on the WCPFC IUU Vessel List in 2007, it had received helpful and responsive cooperation from the Venezuelan government, indicating that the vessel has been prosecuted under Venezuelan law and the vessel master has been prosecuted by the vessel owner. In Cook Islands view, the applied sanctions are adequate, and Cook Islands supported Venezuela's request to remove the *Athena F* from the list. Cook Islands noted that the WCPFC IUU Vessel List is a valuable tool in assisting coastal States with large EEZs to control IUU activities.

147. WCPFC5 agreed by consensus to remove the *Athena F* from the WCPFC IUU Vessel List.

148. Concerning the *Daniela F*, France stated it had been asked by Venezuela to provide additional documentation of the violation, and France had done so but there has been no further response from Venezuela. France considers that because:

- a. the infringements by the *Daniela F* (i.e. fishing without a license and use of purse seine gear) are serious ones, which targeted small fish and had a high potential to damage coastal resources;
- b. the response from Venezuela to date is insufficient; and
- c. the case is currently proceeding through their national judicial system;

France does not support Venezuela's request to remove the vessel from the WCPFC IUU Vessel List.

149. WCPFC5 did not achieve consensus on removal of the *Daniela F* from the WCPFC IUU Vessel List, therefore this vessel shall remain on the list.

150. Regarding another vessel placed on the WCPFC IUU Vessel List by WCPFC4, TCC4 agreed to recommend to WCPFC5 the removal of *Jinn Feng Tsair No. 1* from the WCPFC IUU Vessel List if a satisfactory settlement was reached by the time WCPFC5 met.

151. Chinese Taipei explained that it has suspended the vessel's fishing license for one year, suspended the captain's license for one year, and required the vessel to remain in port during the course of the investigation. It has also thoroughly investigated ownership issues and found no evidence that the existing owner of the vessel has any linkage with the owner of the vessel at the time of the violation. Chinese Taipei believes that these

actions satisfy two (sub-paras a–c and d) of the three criteria in CMM 2007-03 para 25, and that compliance with any one of these criteria (i.e. either sub-paras a–c, or d, or e) is sufficient to support removal of this vessel.

152. FSM informed WCPFC5 that the case of the *Jinn Feng Tsair No 1* is pending in FSM's Supreme Court, and unless negotiations between involved parties result in resolution before 1 January 2009, FSM will move for summary judgement. FSM reiterated its view of the seriousness of the case, in particular that the vessel fled FSM jurisdiction and has not responded to the action taken against it in FSM courts, and has failed to settle the case through mediation. In this sense, FSM considers that the requirement to settle the case to the satisfaction of the CCM that originally submitted the vessel for listing under CMM 2007-03, para 25e has not been met. FSM therefore maintains that the *Jinn Feng Tsair No 1* should remain on the WCPFC IUU Vessel List until the vessel submits to FSM laws and regulations.

153. WCPFC5 did not achieve consensus on removal of the Jinn Feng Tsair No 1 from the WCPFC IUU Vessel List. Therefore this vessel shall remain on the list.

154. The WCPFC IUU Vessel List adopted at WCPFC5 is:

- a. *Jinn Feng Tsair No. 1*, and
- b. *Daniela F*

155. Chinese Taipei argued that a sanction of effective severity has been imposed upon *Jinn Feng Tsair No. 1* in accordance with CMM 2007-03. Chinese Taipei argued that there is ample evidence to prove that the previous owner has no current interest or connection with that vessel and thus the *Jinn Feng Tsair No. 1* should be removed from the current IUU List as a matter of law.

156. Some CCMs noted that the current IUU listing procedures (CMM 2007-03) require consensus for both listing and de-listing of vessels. It was further noted that such requirements are difficult to achieve since either the flag State of the vessel nominated for listing or the coastal State nominating the vessel can unilaterally block a consensus decision. For this reason, it was suggested that the Commission specify procedures that do not allow the flag or coastal States involved in the listing case to block a consensus of the remaining CCMs.

157. Several CCMs, including FFA members, stated the view that evaluating whether an effective action has been taken by a flag State, as required by CMM 2007-03 para.15(b), is a matter for consideration of the Commission, rather than just the flag State, and that it is important that the satisfaction of the coastal State be factored into making such considerations. These CCMs suggested that the following criteria should be considered when determining whether a satisfactory settlement has been reached.

- a. The potential penalties imposed by the coastal State;
- b. The number of violations committed;
- c. The quantity, species and value of fish taken whilst the violations were being committed;
- d. The potential loss of licensing revenue incurred;
- e. The cost for carrying out monitoring, control and surveillance activities to detect the violation;
- f. The cost of the investigation of the IUU matter;

- g. The ongoing cost of sending staff to WCPFC meetings to ensure that the vessel is placed on the IUU list; and
- h. The need to set a penalty that acts as an effective deterrent so as to secure compliance with coastal State laws and WCPFC measures.

158. Some CCMs advised against formalizing provisions for mandatory involvement of the flag State in settlements, warning that such provisions could lead to double punishment of the vessel. It was also noted, however, that there are practical reasons why the flag State may be best placed to prosecute the vessel (e.g. when the vessel has fled the waters where the violation occurred).

159. Other CCMs stated the importance of requiring a settlement that is satisfactory to the coastal State whose resources were damaged by the violation, and urged that coastal State settlement take priority over a settlement imposed by the flag State. These CCMs noted that it would be unfair for the flag State to benefit (e.g. receive fines) when its vessels engage in IUU fishing activities, yet the coastal State where the violation occurs receives nothing.

160. Some CCMs suggested that in the first instance, and unless extenuating circumstances exist, settlement of IUU fishing incidents between the offending vessel and the coastal State should be given precedence.

161. WCPFC5 agreed that further development of guidelines for how the Commission should consider and assess the adequacy of any actions taken, or sanctions imposed, in relation to CMM 2007-03 should be a priority work item and referred the matter to TCC5. It was noted that work on a control of national measures may inform this process.

AGENDA ITEM 7 - CONSERVATION AND MANAGEMENT MEASURES

7.1 Bigeye and yellowfin

a. Presentation from industry

162. Michael McGowan (Bumble Bee Foods) made a presentation entitled “Market and Cannery Overview”. Global catch increased rapidly through the late 1990s but has since flattened out. Growth in global catch of tuna has been driven by catches in the WCPFC Statistical Area. Estimates of world population growth will continue to place pressure on world fish supplies. Even with aquaculture, supply will not be able to keep pace with demand. Increases in tuna supply have supported the development of a global market for canned tuna, with revenues estimated at about US\$ 7.5 billion. Global processing tends to be aligned around key tuna fishing grounds near the equator. Tariff structures and labor rates are also key factors. There are about 56 tuna processing facilities that rely predominantly on the WCPFC fishery, and about 36 processing facilities that rely predominantly on the eastern Pacific fishery, with production at about one-half the WCPFC level. There are a smaller number of Indian Ocean processing facilities with annual production estimated at about 272,000 tons. Most of the Atlantic production capacity is in Spain and western Africa. Skipjack prices have shown a steady increase over recent years as demand has outpaced supply. Between January 2007 and March 2008, eastern Pacific prices were significantly above western Pacific prices, reflecting

fishery closures and a strong Euro. The effect of escalating skipjack prices is lower demand and a shift to higher quality, value added products. Going forward, skipjack prices are expected to remain firm as demand outpaces supply. Sustainable fisheries management will be a key challenge.

b. Parties to the Nauru Agreement Report: Implementation of VDS

163. The Parties to the Nauru Agreement (PNA) presented a paper on implementing the VDS (WCPFC5-2008/25). As this is the first year of the scheme, issues with implementing it are expected to arise and will be handled in order to allow the VDS to operate effectively. Effort is being limited to 2004 levels according to CMM 2005-01, with a provision to allow transfer of days between PNA members. For these limits to be effective in reducing fishing mortality on the stocks, it will be important for the Commission to adopt compatible measures for high seas areas and other areas not covered by the Third Implementing Arrangement of the Parties to the Nauru Agreement.

164. Attention was also drawn to WCPFC5-2008/18 Attachment 1, Table 1, which presents a summary of purse-seine effort for individual PNA member countries, similar to tables presented previously but with a new format showing effort for individual PNA member countries, effort in archipelagic waters and effort by PNA domestic vessels.

165. One CCM noted that the VDS is an important step in controlling overall fishing effort on bigeye tuna and expressed its intention to cooperate with PNA members on VDS implementation through bilateral agreements.

c. Compatibility: High Seas VDS

166. WCPFC4 tasked the Executive Director to commence a process to support the adoption of measures similar to the VDS to limit purse-seine effort on the high seas, consistent with para 9 of CMM 2005-01, and in waters under the national jurisdiction of non-PNA members of the Commission, consistent with para 10(ii) of CMM-2005-01. WCPFC5-2008/13 presents several options for managing purse-seine effort on the high seas, noting that access to the high seas pockets can be, and in some cases already is, controlled through EEZ access agreements with PNA members.

167. FFA members noted their support for a high seas VDS and the establishment of compatible arrangements for controlling purse-seine effort. These members suggested that the issue be referred to SC5 and TCC5 for further consideration.

168. The Commission agreed to refer the issue of a high seas VDS to SC5 and TCC5 for further discussion.

169. The Commission encouraged CCMs to provide comments on the recommendations contained in WCPFC5-2008/13 to the Secretariat prior to SC5.

170. The Commission agreed to designate the issue of a high seas VDS as a high priority issue for consideration at WCPFC6.

d. Draft CMM for bigeye and yellowfin

171. The Chair of the Commission introduced his draft measure for the conservation and management of bigeye and yellowfin tuna (WCPFC5-2008/DP-01), reiterating that he considered agreement on such a measure to be the top priority for WCPFC5. Many other CCMs also stated that this issue was their key concern for the meeting.

172. John Hampton (SPC-OFP) summarized the results of the 2008 stock assessment for WCPO bigeye tuna and 2007 stock assessment for yellowfin tuna, with respect to the evaluation of management options. The latest stock assessment for WCPO bigeye tuna (2008) indicates that overfishing is occurring and there is a possibility that the stock is overfished. Historically, catches have been dominated by the longline fishery but some juveniles are taken by purse-seine fisheries, particularly those on floating objects. The recommendations from SC4 are to reduce fishing mortality by 30%. In order to achieve this, reductions will be necessary across a range of fisheries. While reducing fishing mortality by longlines will have the greatest effect, with the rapid increase in purse-seine fisheries, particularly in Indonesia and the Philippines, reductions will also be needed in purse-seine fisheries.

173. Regarding yellowfin tuna, John Hampton explained that the latest stock assessment (2007) indicates there is a possibility that the stock is being subject to overfishing but the probability that the stock is in an overfished state is low. Even though effort and efficiency have increased, catch levels have remained relatively constant since the early 1990s, signalling that a limit has probably been reached. Yellowfin spawning stock biomass depletion is attributed primarily to catches of small individuals by the domestic purse-seine fisheries (both associated and unassociated sets) in the Philippines and Indonesia. The impact of longline fisheries on yellowfin tuna is considered to be modest.

174. Martin Tsamenyi provided an introduction to WCPFC5's consideration of compatibility issues. Article 8 of the Convention requires that "conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of highly migratory stocks in their entirety". In his presentation, Tsamenyi considered that, because the term "areas under national jurisdiction" is not defined in the Convention or UNFSA, that the Rules of Treaty interpretation under the Vienna Convention on the Law of Treaties may provide for this term to be interpreted in several ways, including: i) literally to include the EEZ, territorial sea, archipelagic waters and internal waters; and ii) in the context of the fisheries provisions under the 1982 Convention to refer only to the EEZ. Tsamenyi noted that consistent with the objective to manage the stocks in their entirety, Commission Members are obliged to seek a cooperative approach to the requirement under the Convention for compatibility of measures between the high seas and areas under national jurisdiction. In the discussion that followed, it was apparent that there were many differences of view among Members as to how the term "areas under national jurisdiction" should be interpreted and applied with respect to implementation of the WCPF Convention. The issue will require further consideration and clarification among Members.

175. With the permission of the Chair, Japan made a presentation describing their port sampling programme for purse-seine landings. Because Japanese regulations prohibit transshipment at sea from purse seiners, almost all purse-seine catches are landed

domestically. Due to market requirements, all landed fish are sorted by species and size category. Japan believes that this situation represents an opportunity for purse-seine catch monitoring.

176. Extensive discussion of the proposed bigeye and yellowfin CMM continued throughout WCPFC5, resulting in the circulation of several new drafts by the Chair, with the assistance of Australia, information papers from the Science Services Provider, and delegation papers by CCMs. Major issues raised and debated by CCMs during these discussions included, *inter alia*:

- a. Relative reductions in fishing mortality in purse-seine versus longline fisheries, given that a balance was desirable but some CCMs considered that their purse-seine fisheries had a minimal effect on bigeye stocks;
- b. Whether the proposed measure would provide for measurable and credible conservation benefits, an equitable conservation burden among CCMs, effective implementation and monitoring, and an ability to evaluate and adjust controls;
- c. The potential for flexibility in implementation, for example, by area or time period, or the possibility to trade reductions between different fisheries under the same flag;
- d. The potential for phased implementation of the measure over the proposed three-year timeframe;
- e. Whether the measure as drafted was sufficiently precautionary given the SC's recommendation to reduce fishing mortality for bigeye tuna by 30%, and whether it was likely to achieve the desired result;
- f. Whether explicit provisions should be included for yellowfin tuna or whether by achieving reductions in fishing mortality for bigeye, that yellowfin would necessarily benefit as well;
- g. Whether it would be more practical and effective to mandate a closure of fish aggregating device (FAD) fisheries or a total closure of all purse seine operations, and the duration and locations of such closures;
- h. The importance of clearly reflecting and maintaining the limits on fishing effort specified by CMM 2005-01;
- i. The geographic applicability of the measures (i.e. their applicability to archipelagic waters and territorial seas, and to areas of the far western Pacific);
- j. The desirability of closing the high seas pockets between the EEZs of PNA member States and the relationship between such a closure and the development of a high seas VDS;
- k. The potential to consider exemptions from the measures on the basis of economic impacts either to SIDS, other developing States or developed States;
- l. Ways of avoiding displacement of effort to other areas during times of proposed closures;
- m. Necessary levels of observer coverage;
- n. Options for different management measures in 2009 and 2010–2011 (before and after the Third Implementation Arrangement for the Parties to the Nauru Agreement goes into effect on 1 January 2010);
- o. The growing contrast between flag-based and zone-based catch and effort limits; and
- p. The measures for the purse-seine, longline and other fisheries shall be reviewed annually to assess whether it would provide an equitable conservation burden among fisheries and to consider whether equitable

contributions to the Commission's conservation goals are achieved by these fisheries.

177. WCPFC5 adopted a conservation and management measure for bigeye and yellowfin tuna in the WCPO by consensus (Attachment R).

178. New Zealand and other FFA members requested that the meeting record clearly specify that SIDS are exempt from the effort limits imposed by CMM 2005-01, and there is no requirement on SIDS to submit development plans.

179. RMI asked that the meeting record reflect that Attachment F to the adopted CMM 2008-01 consists of provisional data, and will be revised through cooperative efforts between the Executive Director and CCMs.

180. USA wanted the record to note that the effort limits referenced by the adopted CMM 2008-01 are found in Attachment F of CMM 2008-01 in the column labelled as "Av. 2001-04 or 2004*".

181. RMI requested that the following footnotes be added to Attachment B of CMM 2008-01:

- a. "the column labelled as CMM 2005-01 does not take into account para 6 and footnote 1 of CMM 2005-01."
- b. "the column labelled as CMM 2006-01 does not take into account para 6 and footnote 1 of CMM 2005-01."

182. Japan asked that the meeting record reflect the fact that, pursuant to para 15 of the adopted CMM 2008-01, Japan has been identified by the Commission as having the capacity to implement a 10% reduction in purse-seine catches through Member-specific catch limits as an alternative to a high seas FAD closure. The Chair noted that, in order for this to happen, it was now incumbent upon Japan to submit the full details of its intended measures, 2001–2004 operational catch and effort data, and its port monitoring programme to the Commission by 31 January 2009, as required by para 16 of the CMM 2008-01.

183. Chinese Taipei indicated that the number of purse seiners in its fleet is 34 rather than 33 as shown in Schedule 7, Attachment C of Attachment R of CMM 2008-01.

184. Indonesia read a statement provided as Attachment S to this Summary Report emphasizing the need for the Commission to incorporate needs for environmental services into its CMMs and to develop such mechanisms in order to ensure that the benefit of its application will be distributed in a fair and equitable manner, taking into consideration the special characteristics of the coastal State which provide a conducive and dynamic environment for juvenile tuna to grow.

7.2 Transshipment

185. RMI summarized its progress on a draft CMM on transshipment (WCPFC5-2008/DP-02 (Rev 2)). The objective of the draft measure presented is to allow transshipment on the high seas in cases where it would be impractical to conduct operations without transshipment. Under the draft measure, CCMs would make such determinations using guidelines developed by the Secretariat and approved by the

Commission, and these determinations would be reviewed by the Commission. Provisions for observer coverage, accounting for more stringent national laws, prohibition of transshipment at sea by purse-seine vessels unless exempted by the measures, and reporting requirements for transshipment outside of the Convention Area of WCPO-caught fish are also included in the draft measure.

186. During an initial discussion, some CCMs posed questions on the proposed measure, including WCPFC competency to require documentation of transshipment outside the Convention Area; the differing responsibilities of flag and chartering States; provisions for longline transshipment; the application of certain provisions of the measure only to those areas between 20°N and 20°S; and the relationship between this measure and port State controls. Some of these CCMs referred to transshipment procedures in other RFMOs, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT) and IOTC, and cited the need for consistency.

187. Other CCMs expressed a preference for a total ban on high seas transshipments, citing the potential complexity of implementing and enforcing the proposed measure. It was noted that ICCAT recently adopted a total ban on at sea transshipment of bluefin tuna for both longliners and purse seiners.

188. One CCM highlighted the importance of elaborating procedures for controlling and/or sanctioning carrier vessels which may be facilitating IUU fishing, thereby addressing the issue in a vessel-specific manner.

189. The draft measure was further discussed in a small working group (SWG) led by the RMI. However, after several sessions, this SWG remained unable to achieve consensus on aspects of the proposal that placed any restrictions on currently allowable transshipment activities. As a result, the agreed provisions of the measure were considered an insufficient basis for a new CMM.

190. Acknowledging that a CMM on transshipment had been one of the top priorities for this meeting, WCPFC5 requested RMI to continue to lead development of a draft CMM, based on the progress achieved at WCPFC5 (WCPFC5-2008/DP02 [Rev. 3], Attachment T) with the objective of discussing a new draft as a priority issue at TCC5.

191. As noted in para 108 (n) of this report, WCPFC5 extended the exemption for non-CCM carrier and bunker vessels for another year, however, it was agreed that it would be critical to adopt a transshipment measure at WCPFC6, as it would be unacceptable to further extend the exemption currently in place.

7.3 Cooperating Non-member application process

192. Sylvie LaPointe (Canada) presented a paper providing a draft measure concerning applications for CNM status designed to replace CMM 2004-02 (WCPFC5-2008/DP-03). It was explained that the draft measure's new features included: four criteria for evaluating applications; a mechanism by which the recommendations from TCC's review of the application are communicated to applicants to allow them to submit other information; a caution against contributing to overcapacity; provisions from the UNFSA for granting participatory rights; and an invitation for CNMs to make a financial contribution to the work of the Commission.

193. FFA members stated that while some CNM applicants have interpreted CMM 2004-02 to confer a right to become a full member, FFA members do not accept this interpretation. FFA members tabled a revised version of a draft measure (WCPFC5-2008/DP-03 [Rev.1]).

194. In response to a question, it was clarified that Canada's draft measure did not include any special provisions for taking account of the beneficial owners of the CNM applicant's flagged vessels.

195. Some CCMs raised points regarding how to handle applicants which are actively fishing in the Convention Area versus those which have only historical fishing operations.

196. Some CCMs stated that CNM applicants should not be held to a higher standard than those to which members are held.

197. It was suggested that CNM applicants be asked to provide a statement agreeing to be subject to high seas boarding and inspection procedures in order to remove any doubt regarding whether these procedures apply to CNMs as well as Members. This point was incorporated into revised text.

198. As a result of further discussions outside of plenary sessions, Canada tabled a new version of the measure as WCPFC5-2008/DP03 (Rev 2).

199. *WCPFC5 adopted WCPFC5-2008/DP03 (Rev 2) as a CMM governing the process of considering CNM applications from 2009 onward (Attachment U).*

200. As a follow-on comment to adopt the measure, one CCM noted that the flowchart based on CMM 2004-02, developed by TCC4 (TCC4 Summary Report, Attachment I), and used at WCPFC5 to evaluate applications for CNM status, was helpful. It was therefore suggested that this type of flowchart be amended to reflect the processes contained in the new measure and incorporated into the measure itself.

201. *WCPFC5 agreed that incorporating a flowchart illustrating the process into the new measure on CNM applications would be useful and referred the matter to TCC5 for action.*

7.4 Process for monitoring compliance

202. Australia presented a proposal (WCPFC5-2008/DP-09) for the development of a WCPFC scheme for monitoring compliance with CMMs. The paper, which was prepared in response to a recommendation to the Commission from TCC4 to develop a compliance monitoring scheme, includes objectives and a structure for the scheme; information, process and response components of the scheme; a comparison with current practices in other RFMOs; and draft terms of reference for a Compliance with Conservation and Management Measures (CCMM) Working Group. Australia suggested that this issue be progressed intersessionally, using email and/or fax, with a goal of conducting a more developed discussion of the topic at TCC5.

203. Some CCMs, including FFA members, stressed the importance of holding CCMs accountable for their compliance records and for developing mechanisms to resolve non-compliance issues beyond that provided by the IUU Vessel Listing process. These CCMs thus strongly supported the formation of a CCMM working group.

204. Other CCMs were not comfortable with the terms of reference currently proposed for the group. Key concerns included the large amount of additional resources likely to be necessary to support the new working group as well as the potential for it to duplicate some of the work of the TCC.

205. Some CCMs also stressed the importance of having the Secretariat notify CMMs of non-compliances and allowing for a response before listing any CCM as non-compliant. It was therefore agreed that the WCPFC Secretariat, pending the adoption of a proper compliance review within the organization, through official correspondence, should notify CCMs of any instances of non-compliance requesting a swift follow up by the concerned CCM.

206. There was some support expressed for developing a compliance process that not only provides for punitive measures but also includes incentives for compliance. It was noted that the latter will be particularly important to acknowledge incremental improvements in reporting and compliance by less developed CCMs.

207. Following up on an offer made at TCC4, New Zealand undertook to complete a legal analysis of issues associated with compliance with measures, and make this available to any inter-sessional working group convened to further consider the matter of compliance monitoring by mid-February.

208. Australia convened a small working group which discussed the terms of reference for the proposed CCMM working group, but did not reach consensus (WCPFC-2008/DP38).

209. WCPFC5 agreed that further discussions of the terms of reference for a CCMM working group would occur through electronic means with a view toward holding more focused discussions on the topic at TCC5.

7.5 SIDS' aspirations

210. RMI delivered a statement (Attachment V) to introduce and present WCPFC5-2008/DP-05 on the aspirations of SIDS. The paper states that there are recurring difficulties in the development of SIDS' fishing fleets and that some Commission Members are not cooperating in the provision of development assistance. It also calls for a reduction in the sizes of fleets from distant water fishing nations fishing in the Convention Area in order to realize fishing capacity and allow SIDS development aspirations to be acknowledged and fulfilled. It was noted that the paper could be adopted as a Commission resolution.

211. Several FFA members voiced strong support for the ideas contained in the paper and the presentation. A request was made to include discussion of how implementation of Commission CMMs is impacting SIDS development aspirations as a standing item on the Commission meeting's agenda.

212. Some CCMs, speaking in support of the resolution, suggested that its scope could be broadened to include participating territories and other developing States.

213. Another CCM, also speaking in support of the resolution, noted inconsistencies in the phrasing regarding compatible measures, and suggested that this phrasing be aligned with Article 8, para 1 of the Convention.

214. Some CCMs, while supportive of the ideas in the paper, were troubled by the proposal that by 2018, SIDS could account for 70% of all highly migratory fish caught in the Convention Area, since some of these CCMs also have traditional fisheries or aspirations in their coastal zones. In this regard, it was suggested that the reference to 70% catch in the “Convention Area” either be changed to the “FFA area” or to “a greater share of the benefit than currently realized”. It was also noted the provision as currently phrased would likely be difficult to implement by the Commission even though it could be recognized as an aspiration.

215. The text was subject to extensive discussions in a small working group convened by RMI, ultimately resulting in WCPFC5-2008/DP05 (Rev. 8).

216. WCPFC5 adopted the Resolution on Aspirations of Small Island Developing States and Territories (Attachment W).

217. The Chair noted his surprise that the intention of the decision in relation to the acquisition and construction of vessels in Chinese Taipei for RMI and Tuvalu raised at the Commission meeting in 2007 had not been resolved. In his brief remarks on the issue, the Chair made reference to the current situation involving procurement of purse-seine vessels from Chinese Taipei by developed CCMs, and the inability of developing CCMs, in particular SIDS, to do the same. The Chair further noted the clear lack of fairness and disproportionate burden associated with the current situation and the difficulties for SIDS to effectively develop their domestic fisheries. While it is not the intent of the 2007 decision to increase capacity in the fishery it is also not the intent to limit SIDS to have to purchase existing second hand capacity belonging to other CCMs for their domestic fisheries development.

7.6 Sea turtles

218. USA presented a proposal for a CMM for sea turtles (WCPFC5-2008/DP08). It was noted that this proposal has been coordinated with the SC and TCC, and is supported by the results of scientific studies in the WCPO, but that there may remain some uncertainty about the specific mitigation measures required for shallow sets in longline fisheries by some CCMs.

219. One CCM supported adoption of the text as a CMM without the specified mitigation measures, citing scientific papers questioning the effectiveness of circle hooks in mitigating sea turtle bycatch. As these studies were unfamiliar to several CCMs, it was requested that they be made available to the meeting.

220. Most other CCMs supported adoption of the text, including the mitigation measures, but requesting further details on these measures, such as the specifications of the gear and bait, educational materials for fishermen, and the ability to submit a mitigation plan for SC and TCC review in lieu of the use of circle hooks or whole finfish as bait.

221. In response to a comment regarding its practicality, the requirement to report sightings of sea turtles to the relevant authority of each CCM was removed from the text.

222. Consultation on the draft text continued in the margins of the meeting and in a small working group chaired by USA, resulting in a revised draft measure (WCPFC5-2008/DP08 (Rev 2)). This revision addressed three key points of concern as follows:

- a. For shallow-set swordfish fisheries, providing for the use of any other measure, for submission of a mitigation plan or activity capable of reducing sea turtle interactions, that has been reviewed by SC and TCC and approved by the Commission, in lieu of the use of circle hooks or whole finfish for bait;
- b. For shallow-set swordfish fisheries, providing an exemption from the use of circle hooks, live bait or provision of mitigation plan if the SC determines such fisheries have a minimal observed sea turtle interaction rate over a three-year period (to be determined by SC5), and at least 10% observer coverage during each of those three years;
- c. Inclusion of a statement clarifying that nothing in the measure prejudices the sovereign rights of coastal States including the right to pursue traditional fishing activities.

223. *WCPFC5 adopted the text of WCPFC5-2008/DP08 (Rev 2) as a CMM for sea turtles, noting that a definition of “minimal” observed interaction rates of sea turtles (para 7b) is to be determined by SC5 (Attachment X) .*

224. After adoption of the measure, the EC clarified its position on sea turtles and circle hooks for the record. The EC remains unconvinced of the effectiveness of circle hooks in reducing sea turtle interactions, citing a lack of scientific evidence. For this reason, the EC does not consider that the adoption of this CMM for sea turtles should set any precedent for similar measures in other RFMOs.

225. Other CCMs expressed their disagreement with this position, stating that there is ample scientific evidence of the effectiveness of circle hooks in the WCPO, and that such evidence has been reviewed by the SC and TCC, both of which recommend their use.

226. Australia made an additional point regarding the procedures for exercising the provisions in para 7.a.iii of the measure regarding mitigation plans. While Australia fully supports the intent of the measure and welcomes its prompt implementation on 1 January 2010, it noted with concern that this date is only a few weeks after the close of WCPFC6. Therefore, if changes are required to a mitigation plan presented by Australia to WCPFC6, Australia requested a grace period of six months to address practical issues involved in implementation before achieving full compliance.

7.7 Driftnets

227. The USA introduced a draft CMM prohibiting the use of large-scale driftnets on the high seas in the WCPF Convention Area (WCPFC5-2008/IP-07). It was noted that such gear is subject to a global moratorium on the high seas, and that its use may undermine the Commission’s CMMs.

228. In response to a comment on the draft, it was agreed to remove the phrase “within areas under their national jurisdiction” so as to allow for a potentially broader application of more stringent measures by CCMs, such as those already in place to implement the Wellington Convention.

229. *The Commission encouraged NC5 to begin establishing a cooperative framework with the North Pacific Anadromous Fisheries Commission (NPAFC) and initiate, as soon as possible, a process to exchange information on North Pacific large-scale driftnet fishing activities between NPAFC and WCPFC members.*

230. *WCPFC5 adopted WCPFC5-2008/IP07 (Rev. 1) as a new CMM restricting the possession of large-scale driftnets and prohibiting their use on the high seas of the Convention Area (Attachment Y).*

7.8 Swordfish

231. New Zealand introduced a draft measure (WCPFC5-2008/DP-04) designed to replace CMM 2006-03 for swordfish. The draft measure is based on the results of a stock assessment undertaken for swordfish in the southwest Pacific, and presented to SC4. Although the assessment did not indicate that overfishing is occurring or that the stock is in an overfished state, there was considerable uncertainty in the assessment due to data quality concerns. In addition, although CMM 2006-03 sets limits on vessel numbers, it does not restrict catch or effort, and has failed to control fishing mortality. For this reason, the draft measure incorporates the recommendations from SC4 that there be no further increase in catch or effort by limiting catches in 2009 to the maximum amount caught in any one year from 2000–2006. The measure is designed to be reviewed by WCPFC6.

232. Some Members considered that the assessment did not indicate any problem with the stock, since the stock was neither overfished nor in an overfished state. In addition, one CCM **considered** there was a need to ensure that the WCPFC is consistent in its management approach towards the different stocks, noting that there were tuna stocks in the WCPFC Convention Area, which were considered to be in a worse condition than the swordfish stock but for which no longline measure unfortunately was envisaged. It would therefore be unfair if additional measures would be imposed on some fleets while less restrictive measures would apply to other fleets. For those reasons, it was considered and that the current measures in place (CMM 2006-03) could be rolled over in its present format unless effective longline measures were also introduced for the stocks considered to be in a worse condition than the swordfish stock. Other developing States and participating territory CCMs expressed concerns about a rapid increase in effort and catch in the southwest Pacific swordfish which may adversely impact their development aspirations in the fishery.

233. One CCM stated that the fact that a stock was not determined to be overfished or subject to overfishing was not a suitable basis for taking no management action. They noted that the objective of the Commission is for the long-term conservation and sustainable use of fish stocks and that this requires that management action is taken before stocks are overfished and is consistent with good fisheries management and the precautionary approach.

234. One CCM also expressed concerns that catch limits could lead to greater discard rates. That CCM also considered that the proposal to place a disproportionate burden on their fishing activities compared to other CCMs with high catches in earlier years would not lead to any effective catch restriction of the activities of these fleets. This was because these fleets had since restructured and reduced. Their suggestion was to continue to apply CMM 2006-03 while working to improve data and revisiting the measure in

2009. This CCM noted that it had faithfully maintained the vessel limits imposed by CMM 2006-03.

235. In discussions of the draft measure held in small working group sessions and otherwise in the margins of WCPFC5, it was learned that one of the CCMs fishing in this area, which is responsible for the majority of the catch, has revised its catch estimates for 2005 to be two to four times higher than the catches used in the stock assessment. According to data provided by that CCM to the Busan meeting, its catch figures for that given year were considerably higher than those figures that were available to SPC. On this basis it was also considered that the spatial extent of the stock assessment (it had been confined to the southwest Pacific) might have been able to be extended toward the EPO if better data from this CCM had been forthcoming in advance of the assessment.

236. Most CCMs believed this situation cast doubt on the stock assessment results and created an urgent need to verify the data provided by this CCM. Despite the increased uncertainty, these CCMs still believed it was necessary to limit fishing mortality on the stock due to increasing catches, reported targeting of sharks and high reported interactions with sea turtles and vulnerable seabird species such as albatrosses, in this fishery. Some of these CCMs, including SIDS such as Niue, and the participating territory, French Polynesia, expressed a strong desire for conservation and management of the stock in order to support their future development aspirations.

237. There was considerable discussion regarding the appropriate means of verifying the catch data of the CCM in question. Most CCMs stated that the original logbook and VMS data would be needed to verify the catch figures. However, the CCM responsible for reporting the data stated that such data could not be provided under its national data confidentiality policy. Several options were proposed, including the hiring of an independent reviewer to inspect the data *in situ* (e.g. in the lab where it is held), requesting SPC to review data or releasing data under a special data confidentiality agreement. In all cases, the CCM was still unable to guarantee that the original data could be made available.

238. While willing to submit all the necessary data required by WCPFC,¹ and pursuant to national legislation² for verification of South Pacific swordfish catch data for 2005, this CCM also stated its view that the verification process, as proposed, was excessive, disproportionate and punitive.

239. A revised draft of the swordfish measure was tabled as WCPFC5-2008/DP04 (Rev. 1), and debate on this draft continued until the close of the meeting. In discussion of this draft, it was agreed that Annex 1 should be replaced with the original Annex 1 from WCPFC5-2008/DP04, with the addition of the annotation “bycatch” under the New Caledonia heading.

240. The CCM whose data requires verification maintained that data confidentiality rules would prevent it from sharing original logsheets and VMS records and thus it could not accept para 5 as drafted in WCPFC5-2008/DP04 (Rev. 1). Nevertheless, this CCM reiterated its willingness to submit to data verification for 2005 swordfish catch data only,

¹ Scientific Data to be Provided to the Commission and data and information associated with CMMs and other decisions of the Commission.

² See paragraph 64 above.

and agreed to provide all relevant data, including bycatch and observer reports, which can be released under its national legislation. This CCM agreed to use of the term “operational data” to characterize the nature of such data.

241. The Commission agreed that in order to reconcile significant changes in catch of swordfish south of 20°S by swordfish vessels reported to the Commission, all operational level catch and effort data, including bycatch data, for swordfish vessels flagged to the relevant CCM, shall be subject to a catch verification review funded by the CCM to whom the data relates, and carried out in 2009. The verification review will be undertaken by SPC-OFP in cooperation with the flag State’s relevant authority and in accordance with national legislation regarding confidentiality. The results of the verification review shall be reported to the SC and TCC, and taken into account by the Commission in determining any future catch limits.

242. *WCPFC5 adopted the new CMM for swordfish, contained in WCPFC5-2008/DP04 (Rev. 1) as amended (Attachment Z).*

7.8 Sharks

243. The USA presented a draft CMM (WCPFC5-2008/IP06) designed to replace CMM 2006-05 on sharks. This new measure is based on the findings of SC4, which reaffirmed the shark fin to carcass ratio of 5%, and substantiated the lack of a difference in shark catches by vessels greater than and less than 24 meters in length. New elements of the measure include reference to the FAO International Plan of Action – Sharks (IPOA-Sharks); the identification of key shark species; assistance to SIDS for data collection and implementation of the IPOA-Sharks; reporting on implementation of the CMM in CCMs’ Annual Reports to the Commission; cooperation with IATTC on shark stock status; application of the measure to all vessels regardless of size; and reflection of concerns about artisanal and subsistence fisheries.

244. One CCM asked that more specific guidance be provided on which part of the Annual Report should be used to report shark data.

245. PNG, on behalf of FFA members, spoke in favor of the measure, but requested more explicit references to traditional fishing activities and asked that references to the “WCPFC Convention Area” be modified to read “high seas and EEZs”. PNG also suggested that blue, shortfin mako, oceanic whitetip and thresher sharks be explicitly listed as key shark species. This CCM also called for a shark stock assessment in 2010 and noted that it is the only country with a commercial shark fishery operating in its EEZ under a shark management plan.

246. Amendments to the text of the measure were made in response to PNG’s concerns. In particular, text pertaining to sovereign rights and traditional fisheries, which was included in the shark CMM, was identical to that included in the sea turtle CMM. The desirability of making use of consistent language with regard to these issues throughout Commission documents was noted.

247. *WCPFC5 adopted the text of WCPFC5-2008/DP06 (Rev. 3) as a CMM for sharks, replacing CMM 2006-05 (Attachment AA).*

248. The USA noted for the record that the new reporting requirements for sharks contained in para 4 of the new measure will require modification of existing data forms and protocols, and thus may require time to implement.

AGENDA ITEM 8 - INTERSESSIONAL WORKING GROUP — REGIONAL OBSERVER PROGRAMME

249. The Chair of the Intersessional Working Group – Regional Observer Programme (Charles Karnella, USA) presented the results of the work of the second meeting of the IWG-ROP (WCPFC5-2008/16), which was held from 7–10 July 2008 in Nadi, Fiji. At IWG-ROP2, there was a consensus on 11 interim minimum standards covering: Data Fields; Observer Guides and Manual; Observer Training; Code of Conduct; Safety; ROP National Coordinators; Briefing and Debriefing; Equipment and Materials; Communications; Measuring Performance; and Dispute Settlement. During the year, IWG-ROP2 also reached agreement on an authorization process for national observers; the role and function of audits; data fields to be collected by observers; and data management.

250. TCC4 recommended to the Commission that the work of the IWG-ROP be extended for another year in order to progress work on priority issues, which include definition of terms; costs; the minimum size of vessels that can accommodate an observer; and vessel and observer safety. There is also a substantial list of other issues that require further discussion.

251. The Chair of the IWG-ROP requested that, in accordance with previous agreements, CCMs submit all relevant data pertaining to existing national, sub-regional and regional observer programmes to the Secretariat.

252. *WCPFC5 adopted the contents of the IWG-ROP2 Summary Report, encouraging CCMs-to continue to discuss outstanding ROP issues, as provided for in CMM 2007-01 (Attachment K, Annex C) intersessionally.*

253. *WCPFC5 extended the mandate of the IWG-ROP for an additional one-year period to continue to progress the priority work items identified [at para 248 above and in the report of the second meeting of the IWG-ROP.*

254. *WCPFC5 agreed that the Third IWG-ROP meeting will be held in Guam, USA, from 16–20 June 2009.*³

AGENDA ITEM 9 - RULES AND PROCEDURES FOR THE PROTECTION, ACCESS TO AND DISSEMINATION OF DATA

255. The Chair of the Ad Hoc Task Group–Data (Holly Koehler, USA) presented outcomes from the work of this Task Group in 2008 (WCPFC5-2008/17). The primary focus of the Task Group has been to work toward finalization of the “Rules and

³ Post script added by the Secretariat: Following WCPFC5 at Busan it was suggested that, because of the impending need for ROP observers for the closure starting 1 August 2009, an IWG-ROP3 meeting should be convened earlier in the year. Taking advantage of the annual consultation between the USA and FFA members scheduled for Palau in March, it has been suggested that IWG ROP3 meet in Guam from 18–21 March. As proposed at WCPFC5, it is suggested that the Ad Hoc Task Group–Data then convene 23 and 24 March.

Procedures for the Protection, Access to and Dissemination of Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Compliance and Enforcement Activities on the High Seas and Scientific Purposes”. The Chair noted these Rules and Procedures contain detailed, special provisions governing the use of VMS data.

256. The latest draft of the Rules and Procedures was circulated on 14 November 2008. Remaining issues are expected to centre on VMS issues, including linkages with the VMS SSPs. As it was considered impractical to attempt to finalize the draft at WCPFC5, a timetable was set by which CCMs would comment on the latest draft by mid-February 2009. The Task Group envisages working electronically during part of 2009 but it was stressed by the Chair that one or two face-to-face meetings during 2009 would be necessary to finalize the draft ROPs. It was suggested that such possible meetings could be held in conjunction with another WCPFC body (e.g. IWG-ROP3 or SC5) in order to have a well developed draft of the Rules and Procedures available for discussion at TCC5, which could then be submitted for consideration and adoption at WCPFC6.

257. One CCM queried whether the existing draft Rules and Procedures provide for data that are not required to be submitted to the Commission but which are submitted on a voluntary basis (e.g. scientific data collected by coastal States). Specifically, it was queried whether there could be a provision by which the submitting coastal State could place greater restrictions on the dissemination of voluntarily provided data, as opposed to data that are required to be submitted to the Commission.

258. Another CCM stressed the importance of appropriately balancing the rights and responsibilities of data providers and data users. This CCM also considered that an additional section covering sanctions for inappropriate use or unauthorised release of data should be incorporated into the draft.

259. *WCPFC5 recommended that the Ad Hoc Task Group–Data, request comments on the latest draft of the Rules and Procedures by mid-February 2009, and work electronically, and potentially meet in conjunction with IWG-ROP3 or SC5, to produce a final draft Rules and Procedures document for discussion at TCC5, with a view that such ROPs be submitted for consideration and adoption at WCPFC6.*

AGENDA ITEM 10 - ADMINISTRATIVE MATTERS

10.1 Annual Report on the Commission’s work

260. The Executive Director presented the Annual Report on the Commission’s work Commission (WCPFC5-2008/21), including its six subsidiary bodies (i.e. SC, TCC, NC, IWG-ROP, AHTG–Data, and the VMS Technical Working Group). The report also covered Secretariat activities, relationships with other organizations, emerging issues and acknowledgements. Occupation of the new headquarters building in Kolonia, Pohnpei, was cited as one of the highlights of 2008.

261. The Chair acknowledged the volume and quality of work produced by the Secretariat in the past year and thanked the Executive Director for his productivity and commitment.

AGENDA ITEM 11 - SPECIAL REQUIREMENTS OF DEVELOPING STATES

262. The Chair noted that the current balance of the Special Requirements Fund stands at US\$ 140,000.

263. Tokelau, on behalf of FFA, expressed appreciation to the USA for contributions to the Fund, and to Japan for contributions to the Japan Trust Fund in fulfilment of Part VIII of the Convention, which requires creation and disbursement of the Fund to support the development of capacity to manage fish stocks by developing States in the region.

264. Another FFA member stressed the importance of cooperation of Commission Members on a wide range of fronts, including not only the Special Requirements Fund, but also the development of equitable and compatible management measures and issues of vessel provision and licensing.

265. The Chair noted that the issue of the provision of vessels by Chinese Taipei to RMI and Tuvalu was also discussed under a separate agenda item (Agenda Item 7.5).

AGENDA ITEM 12 - COOPERATION WITH OTHER ORGANISATIONS

266. The Executive Director presented WCPFC5-2008/24 (Rev. 1), detailing activities of the Commission with regard to other organisations. The revision to the paper was necessary to reflect recent developments concerning an MOU between WCPFC and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Key issues raised for CCMs' consideration included:

- a. A recommendation that the Commission enter into three-year agreements with SPC as the Science Services Provider, as recommended in the recent review of the Commission's science structure and function;
- b. Review, amend as necessary, and consider for adoption or otherwise, the proposed memorandum of understanding (MOU) with CCAMLR;
- c. Revise, if necessary, the existing MOU between WCPFC and ISC in order to allow the SC to directly request advice from ISC on the status of North Pacific stocks;
- d. Consider establishing a formal relationship with the NPAFC; and
- e. Review, amend as necessary, and endorse the proposed data exchange agreement with SPC.

267. Japan queried whether the automatic provision of WCPFC data supplied by Japan to SPC will still allow Japan to access the data from SPC even though it is not a member of SPC.

268. John Hampton (SPC-OFP) replied that access by CCMs to SPC data is covered by para5 of the existing data Rules and Procedures.

269. In response to a query regarding whether aggregated catch data would reflect the three vessel rule (i.e. data must be aggregated in a manner that no fewer than three vessels are represented in each data point), the Executive Director clarified that the three vessel rule is protected under the Commission's Rules and Procedures for data.

270. One CCM thanked the Secretariat for their impressive and diligent work on formalizing arrangements with other organizations.

271. *WCPFC5 adopted the recommendations to enter into a three-year arrangement with SPC as the Science Services Provider; adopt the MOU with CCAMLR; revisit the MOU with ISC; begin work to establish a formal relationship with NPAFC; and adopt the Data Exchange Agreement with SPC.*

AGENDA ITEM 13 - 2009 WORK PROGRAMME PRIORITIES

272. The Commission identified the following work priorities for 2009:

- a. Further development and implementation of the Regional Observer Programme;
- b. Implementation of the Commission's vessel monitoring system;
- c. Complete outstanding work on MCS data (by AHTG-Data);
- d. Review of IUU vessel listing procedures;
- e. Consider means to avoid annual extension of the waiver for non-CCM flag carrier and bunkers;
- f. Adopt a CMM to monitor and regulate transshipment activities;
- g. Further work on a high seas VDS;
- h. Develop a proposal for the control of nationals;
- i. Further develop the process for monitoring compliance; and
- j. Develop a charter arrangements scheme for consideration at WCPFC6.

AGENDA ITEM 14 - REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

273. The Co-Chair of the Finance and Administration Committee (FAC), Tapusalaila Terry Toomata (Samoa), presented the Committee's report to WCPFC5 (WCPFC5-2008/22). Highlights of the report included an agreement to re-appoint the Executive Director for a new four-year term beginning September 2009, and setting a timetable for developing a draft strategic plan for the Commission. It was reported that Toomata and Liu Xiaobing (China) were elected Co-Chairs of the FAC for 2009–2010. Dean Swanson (USA) was thanked for his efforts as Co-Chair over the past two years.

274. The generous contribution by PNG of US\$ 100,000 of furnishings for the Commission headquarters building in Pohnpei, was gratefully acknowledged. Appreciation was also expressed to RMI for a contribution of artefacts to the Commission.

275. The FAC Chair noted that two additional items need to be incorporated into the Commission's budget:

- a. An allowance of US\$ 20,000 to support the participation of the Commission Chair at TCC5 and WCPFC6;
- b. Provision for an additional compliance officer position as suggested by CCMs at WCPFC5.

276. *WCPFC5 adopted the recommendations of the FAC with regard to the assessment and expenditure of contributions for 2009, and an indicative budget for 2010 and 2011 as contained in WCPFC5-2008/22 (Attachment BB)*

AGENDA ITEM 15 - WORK PROGRAMME AND BUDGET FOR 2009 AND INDICATIVE WORK PROGRAMME AND BUDGET FOR 2010 AND 2011

277. The 2009 work programme and budget and indicative budgets for 2010 and 2011, as recommended by the Finance and Administration Committee, were adopted by the Commission.

AGENDA ITEM 16 - ELECTION OF OFFICERS

278. The Commission agreed by consensus to elect Ambassador Satya Nandan (Fiji) as Chair of the Commission for a term of two years. At the expiry of this term, non-FFA States will provide a candidate or candidates for the position of Chair for the consideration of the Commission.

279. Ambassador Nandan made a brief statement expressing appreciation to CCMs for allowing his candidacy to go forward. He congratulated Chair Hurry for his wise leadership and guidance in establishing both foundations for effective management and a strong spirit of cooperation in the Commission over the past five years, and expressed his hope that the same level of cooperation will be realized in the coming years.

280. Sylvie LaPointe (Canada) was elected, by consensus, to serve as Vice-Chair of the Commission for a term of two years. The efforts of outgoing Vice-Chair, Liu Xiaobing, were acknowledged with appreciation.

281. Naozumi Miyabe (Japan) was elected by consensus to be the new Chair of the Scientific Committee.

282. Masanori Miyahara (Japan) was re-elected as Chair, and Benjamin Tabios was re-elected as Vice-Chair, of the Northern Committee.

AGENDA ITEM 17 - OTHER MATTERS

17.1 Performance review

283. The Commission Chair introduced the topic of an independent performance review for the Commission, indicating that it would require approximately US\$ 100,000 of funding but that this amount has not been provided for in the 2009 budget. Therefore, the earliest the review could take place would be 2010.

284. Some CCMs stated that conducting the review in 2010 would be preferable since many of the Commission's CMMs are relatively new.

285. Other CCMs, including FFA members, considered that the review should take place as soon as possible. These CCMs referred to a paper (WCPFC4-2007/DP05) prepared by Australia for WCPFC4 in 2007, which can be used as a basis for scoping the review.

286. *WCPFC5 agreed that a WCPFC4 paper prepared by Australia be used as basis for TCC5 to develop recommendations for a structure and budget so that an independent performance review of the Commission can be conducted in 2010.*

17.2 Second meeting of Tuna RFMOs

287. *WCPFC5 noted that the second meeting of Tuna RFMOs is scheduled for mid-2009 in Europe, and encouraged the active and constructive participation of CCMs and the Secretariat.*

AGENDA ITEM 18 - CLOSE OF MEETING

288. Chair Glenn Hurry thanked the Commission for its support over the past five years.

289. Provisional dates for meetings in 2009 were outlined as follows:

- a. IWG-ROP3 scheduled for 16–20 March, in Guam, USA (possibly in conjunction with the Ad Hoc Task Group–Data)⁴;
- b. SC5 scheduled for 10–21 August, in Port Vila, Vanuatu;
- c. NC5 scheduled for 8–10 September in Japan;
- d. TCC5 scheduled for 1–6 October, in Pohnpei, FSM; and
- e. WCPFC6 scheduled for 6–11 December, in Papeete, French Polynesia.

290. *WCPFC5, noting its commitment to provide Pohnpei, FSM the option to host the Commission meeting every second year, agreed that Pohnpei, FSM, has first call for the 2010 Commission meeting.*

291. French Polynesia stated that it is privileged and honored to be granted the opportunity to host WCPFC6, and reaffirmed its commitment to demonstrate its support for the Commission through hosting the meeting and other means.

292. The Executive Director, on behalf of the Commission, acknowledged the outstanding efforts of Chair Glenn Hurry, and expressed a heartfelt gratitude to the Government of Korea for hosting WCPFC5.

293. The Chair closed WCPFC5 at 19:15 on Friday, 12 December 2008.

⁴ Post script added by the Secretariat: Following WCPFC5 at Busan it was suggested that, because of the impending need for ROP observers for the closure starting 1 August 2009, an IWG-ROP3 meeting should be convened earlier in the year. Taking advantage of the annual consultation between the USA and FFA members, scheduled for Palau in March, it has been suggested that IWG-ROP3 meet in Guam, 18–21 March. As proposed at WCPFC5, it is suggested that the Ad Hoc Task Group- Data then convene 23 and 24 March.



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

Fifth Regular Session

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Busan, Korea

ATTACHMENTS

Attachment	TITLE
A	Participants List
B	Welcome address by Deok-Bae Park, Vice Minister for Food, Agriculture and Forestry, Korea
C	Opening statement, Glenn Hurry, Chair of the Commission
D	Statement by Indonesia on its CNM application
E	Statement by Belize on its CNM application
F	Statement by El Salvador on its CNM application
G	Statement by Ecuador on its CNM application
H	Statement by Senegal on its CNM application
I	Statement by Mexico on its CNM application
J	Opening statement by French Polynesia
K	Opening statement by Kiribati
L	Opening statement by New Caledonia
M	Opening statement by Chinese Taipei
N	Opening statement by the chair of the Forum Fisheries Committee
O	Opening statement by Tokelau
P	Opening statement by the Federated States of Micronesia
Q	Opening statement by the Philippines
R	CMM for bigeye and yellowfin tuna
S	Statement by Indonesia on the adoption of a CMM for bigeye and yellowfin tuna
T	Draft CMM on the regulation of transshipment
U	CMM on the process for considering applications for CNM status
V	Statement by the Marshall Islands on the aspirations of small island developing states
W	Resolution on the aspirations of small island developing states
X	CMM on sea turtles
Y	CMM on large-scale driftnets
Z	CMM on swordfish
AA	CMM on sharks
BB	Summary report of the second meeting of the Finance and Administration Committee



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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

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**WCPFC5-2008
8 December 2008**

Honorable Chairman Glenn Hurry,
Distinguished delegates, and Ladies and Gentlemen,
It is my honor to address the Fifth Regular Session of the Western and Central Pacific Fisheries Commission held in Busan, the largest port city in Korea and the logistic hub of North East Asia.

On behalf of the Korean government, I would like to extend my warmest welcome to the delegates from the Commission Members, Cooperating Non-Members and Participating Territories and observers from home and abroad.

Honorable Chairman and Ladies and Gentlemen,

Since its establishment in 2004, the Western and Central Pacific Fisheries Commission has taken a wide range of measures for ensuring the long-term conservation and sustainable use of the tuna resources. In particular, Chairman Glenn Hurry's expert leadership laid the foundation for a new fishery management system at its initial stage.

Distinguished delegates,

Despite its relatively short history, the WCPFC has made significant achievement. However, we all appreciate there is much yet that needs to be done. We are all proud of the fact that the WCPO now supports the largest tuna fishery of any ocean — with a reported harvest of 2.4 million tons in 2007.

In addition to further development and implementation of our Monitoring, Control and Surveillance scheme, we also now must take action to secure the long term sustainability of WCPO tuna resources.

As you already know, we have witnessed the commercially important tuna stocks overfished in other oceans and now we see overfishing is occurring on bigeye tuna in the Western and Central Pacific Ocean. According to the recommendation of the Scientific Committee, we need to make an extra effort to conserve the bigeye tuna stock through adopting necessary measures.

On the way to implementing those measures, we may have to shoulder some burdens, and sacrifice will be asked for.

However, the burdens should be shared by all with special consideration for the Small Island Developing States.

Distinguished delegates, and Ladies and Gentlemen,

In the distant waters, Korea's fishing fleets and its catch have been rapidly reduced after the introduction of the 200 miles exclusive economic zone by the coastal states in the mid-1970s.

Experiencing this regime change in the international fisheries, Korea, as a party to the United Nations Fish Stocks Agreement (UNFSA) and many Regional Fisheries Management Organizations' conventions, has fully cooperated with other nations for the conservation and sustainable use of marine living resources.

In this regard, Korea would like to play a more active role in the international framework. We are well aware of the strong desire of the Small Island Developing States to develop their own fisheries and will spare no efforts in supporting them in a number of areas. For this process, Korea expects close cooperation between the developed fishing nations and the Small Island Developing States.

And also, Korea would like to strengthen its effort to contribute to the conservation of the tuna resources. As part of this effort, Korea has decided to make a financial contribution to the WCPFC Pacific Tuna Tagging Program over the next five years, and plans to further contribute to the WCPFC in various ways.

Honorable Chairman, and Ladies and Gentlemen,

We are here to contribute to long-term conservation and sustainable use of the tuna resources. The approach may vary according to the situation that each State faces. However, I am sure we could narrow our differences through close consultation and compromise. I hope this meeting will serve as a milestone for future development of the WCPFC with constructive outcomes.

Once again, I would like to express my deepest gratitude to all of you for attending the Fifth Regular Session of the WCPFC. I hope you have a pleasant stay in Busan.

And I sincerely welcome all of you again and wish you good health and every success. Thank you.



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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

OPENING STATEMENT BY GLENN HURRY, CHAIR OF THE COMMISSION

**WCPFC4-2008
8th December 2008**

Vice Minister Mr Deok-Bae Park, representatives of the Korea government Ministers and officials representing the Members, Cooperating Non-members and Participating Territories (CCMs) of the Commission, Korean officials, Observers from other inter-governmental organisations and non-government agencies, the WCPFC Secretariat, industry, media representatives and guests.

It is a pleasure for me to welcome you all to the Fifth Regular Session of the Western and Central Pacific Fisheries Commission.

Before handing over to the Vice Minister Park can I firstly, on behalf of all the members of the Commission, Mr Park, extend to you and the Korean people my appreciation for our warm welcome to Korea and for the excellent logistical and administrative support arranged for this meeting through your office. In addition to thanking the staff of the Ministry for Food, Agriculture, Forestry and Fisheries for the Korean government, can I also thank the staff at the Busan Lotte Hotel for their excellent support. Busan is a very pleasant setting for the opening of this important meeting. I will after the Minister speaks return to the business of the meeting.

Vice Minister Deok-Bae Park

Thank you Vice Minister, could I call on the distinguished delegate from Samoa for the response please.

Thanks Terry can I now turn to the business of this important commission meeting, there are three areas I want to cover with you. They are the positive developments in the Commission during the year and the difficulties and challenges that we face for this meeting and the general state of world tuna fisheries.

Let me then start with progress in the Commission in 2008. And we continue to make real progress

During 2008 we took possession of the HQ building in Kolonia Town in Pohnpei in the Federated States of Micronesia. The new HQ became the focus of our business while we were at the recent TCC meeting. Last year I suggested that members might want as a gesture of good will to furnish a room at HQ that they could use as a meeting room in the future. The only country to take this up has been PNG who can use the whole building and charge the rest of you rent because this year in a significant contribution to the Commission PNG have donated some \$100,000 worth of furniture including a full conference room setting of furnishings, paintings and wall hangings to the headquarters. So on behalf of all of us PNG my heart felt thanks you continue to be the quite benefactor of our new Commission. Recently the Marshall Islands have also donated artifacts to the Commission and this will no doubt enhance the look of our HQ building.

The only other contribution of note is that of the Australian government who are in the process of donating 2 equipped banana boats to the Commission HQ staff for work and no doubt some recreational use.

During the year we have supported important work in the subsidiary bodies of the Commission. These Committees will table information, advice and recommendations for our consideration here this week. I'd like to thank the Chairs of those bodies and all those who provided support and input to these meetings for the impressive amount of work that was undertaken.

There have been a number of working groups this year on Regional Observers, Transshipment, Data and VMS and all of these have worked to put us in a position today where we can go a long way towards agreeing to these proposals. So thank you to the Chairs of these working groups for helping us advance our work.

The funding contributions to support the Regional Tuna Tagging Project have been well utilized. Last year saw contributions from New Zealand of NZD 5 million and USD100,000 from PNG and support secured from the SPC towards the program. Dr Hampton has advised that to date some 160,000 fish have been tagged and this will make a significant difference to our ability to be able to access the stocks.

Can I thank Drew and the Commission staff for their hard work all year. They continue to do a wonderful job for such a small office, thanks to all of you for the continued effort.

The year in review

This year has seen a significant shake down in the world's financial markets and the fishing industry has not been isolated from the impacts of these changes. High oil prices in the first 3 quarters of the year had a significant impact on profitability of fleets. For the purse seine sector this was offset in part but skipjack prices reaching as high as above USD1800 per tonne. While the price is now down but so are the oil prices so purse seining continues to be profitable. The market and oil changes have probably had the biggest impact on the world's longline fleets with a number of fleets fighting to stay profitable in this tough economic climate.

The Western and Central Pacific Ocean continues to have the world's best stocks of tuna. The status of the tuna stocks in our oceans while requiring careful management are in far better shape

that those in other oceans. This stock status is not lost on the worlds high seas fishing nations and countries continue to seek access to our valuable resources.

Proper management of our stocks in the WCPFC is essential as the future livelihoods and wellbeing of the people of some 17 small island nations in the pacific are intricately tied to the decisions that are taken in this Commission. To some of you this may not be a consideration but as I have said to you many times we welcome you as our guests in the Pacific but we expect that you will take responsible decision in relation to our fish.

The WCPFC remains unique, where some 85% of our fish are taken from the EEZs of member countries, largely the FFC bloc, Indonesia the Philippines and Japan. However this year the WCPFC becomes the first RFMO to move from flag based towards zone based control for purse seine fisheries. This is a realisation that the WCPFC members will need to come to grips with. This move driven in part by arrangements instituted to take place in 2010 by the P and A bloc will have significant impact on how countries gain access to the tuna resources in our zone.

Now to the challenges in front of us for this meeting.

Last year I asked that at this meeting we gave priority to four key issues. A CMM for bigeye and yellowfin tuna, transshipment, compatible measures and cooperating non-members. These remain the key initiatives for this meeting and the agenda has been structured that we will be able to achieve results on all of these proposals.

There are however a number of other key decision items on issues such as Observers, VMS, CNMs, the future science structure, reference points, turtles, and sharks to mention just a few.

Importantly we look to have time to consider and progress quite a number of these issues.

Those of you who are applying for co-operating non member status with this Commission and those of you who are first time observers...as I said last year this is a new Commission and we are determined to make it work. 85% of the stocks are taken in the EEZ's of the member countries and as such there is a strong expectation from all of us that all members and co-operating non members will behave appropriately in the Commission area.

As has been the case in each of the previous four annual sessions of the Commission that have met we again have a full agenda. I look forward to working with you all during the coming 5 days to make sure we move through the program of work before us as constructively and as productively as possible and get some real results for the Commission.

Thank you again Vice Minister Park and my thanks to all of you for your attention. We will now break.



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

STATEMENT BY INDONESIA

**WCPFC5-2008/OP03
8 December 2008**

Mr Chairman,
Distinguished delegates,

Allow me at the outset, on behalf of my delegation, to thank you for allowing Indonesia to participate at this organization as Cooperating Non-Member. I want to thank also the Government of the Republic of Korea for its hospitality extended to my delegation, and arrangement for the meeting. Let me assure you of my delegation's cooperation and full support for the success of the meeting.

Mr Chairman,

Ever since the Honolulu Convention was adopted in 2000, Indonesia has been taking considerable efforts to facilitate the ratification process for the Convention. A number of studies have been conducted to meet this objective.

Likewise, various policies for the conservation and sustainable management on fisheries resources have been introduced at national level. This is to comply with the recommendations and decisions of the Commission for WCPFC Convention Area; thus demonstrating our commitment for responsible fisheries.

Together with 11 countries in the region, we also promote the adoption of this management measures in the Bali Regional Plan of Action (RPOA) in 2007.

We believe we need support from stakeholders if we want to promote the effective implementation of such measures. And for this reason, we invite the participation of the Indonesian Tuna Commission, and officials from Association of Tuna Fishing Companies to join the Indonesian delegation in this meeting.

Mr Chairman,

There shall be no doubt, therefore, on the genuine intention of Indonesia to become party to this organization. It is because of our geographical location whereby some parts of Indonesia's EEZ is situated in the Pacific Ocean, and the study indicating that spawning ground of certain species of tuna is located in the waters of this area.

Following the historical meeting in Honolulu — which paved the ways for the establishment of new RMFO to cover the vast region of Western and Central Pacific — we offered Bali as venue for the preparatory conference in 2004.

We believe that by joining this Organization, we would be able to further promote sustainable fisheries management of the highly migratory species in the region. Thus, complementing our endeavors in IOTC and CCSBT for management fisheries resources in some parts of Indonesia's waters, which we are pleased to join them, in 2007 and in this year, respectively.

In light of this, we would like to inform the meeting on the problem we have constantly encountered in the ratification process of the Honolulu Convention, in particular with reference to Article 3 on the Convention Area. This is particularly relevant as the Organization has, in the promotion of sustainable fisheries management and ecosystem approaches, further introduced several measures which eventually affects Indonesia's archipelagic waters.

The introduction of area convention for statistic purpose in 2007, and the proposal for new conservation management measure in the area located between 20° North and 20° South are to name a few in this regard.

Mr Chairman,

It is indeed general understanding of the Conference that the areas application of the Convention applies only to the waters of the Pacific Ocean, and does not included waters in South China Sea and South-East Asia which are not part of the Pacific Ocean. This was emphasized by the Ambassador Satya Nandan, then the Chairman to the Seventh Session of Multilateral High Level Conference, in his closing remarks.

And this is consistent with the title of the Convention.

We are aware that Article 38 provides mechanism which allows Indonesia to submit declaration reflecting our interpretation on this matter. In this Declaration, we could make our interpretation with regard to the area of Convention.

And should we choose to this approach, Article 37 poses quandary for us, namely whether this declaration would not be interpreted to modify the legal effects of the application of the Convention as stipulated in Article 38.

For this reason, we seek the guidance of the Chairman on the legal impact of such declaration on this nature. Or alternatively, by revisiting this Article for the purpose of clarification its interpretation. Thus, responding to one of the outstanding challenges facing this Organization, namely in determining the western boundary of Convention area.

Now let me share some of the progress at our national level, with regard to the implementation of conservation and management measures of straddling and highly migratory fish stocks pursuant to the recommendations and decisions of the Commission.

Record of Vessel and Authorization to fish

Under the existing management framework, Indonesia put mandatory requirement for fishing vessels to operate in waters within national jurisdiction to register in order to get fishing permit. This licensing system is an important instrument, which together with mandatory reporting requirement, serves to monitor the sustainability management of the fisheries resources.

Such requirements apply to fishing activities in all of Indonesia's fishing zone, including in the provincial levels for fishing vessels under 30 GT. And that central authority retains its authority for vessels beyond 30 GT for activities in the EEZ. With increase coordination, we manage to collect information on the fishing activities; thus allowing the effective control.

In the area of the Conference, we need to improve our data collection in order to reflect correctly Indonesia's efforts. This is because the existing data still combines fishing vessels operated in the Indonesian EEZ in Sulawesi Sea and those in the Pacific Ocean Indonesian EEZ Fisheries Management areas. This Fisheries Management Area (FMA) number 8 has a total number of 374 vessels consisting of 94 purse seiner, 199 long liners and 81 pole and liner.

For this reason, we are now revising the regulation concerning the fisheries management areas to split this management area into two different areas.

Conservation and Management Measures for Big-eye and Yellow-fin Tuna in the Western and Central Pacific Ocean

Our fisheries management areas, including area number 8 as mentioned previously, is managed through input control. We introduce also limitation based on resource capacity which is evaluated periodically. This measure is taken using precautionary approach.

Specification for the Marking and Identification of Fishing Vessels

While preparing to become full member of the WCPFC, Indonesia introduces new regulation which requires all fishing vessels to have marking and identification.

Currently, we — Indonesia in cooperation with IOTC — impose requirement for Indonesia's fishing vessels operating in the Indian Ocean to join vessels marking programs. We hope this type of cooperation could be explored in the near future with the WCPFC for vessels operating in the Pacific Ocean of Indonesian EEZ.

Resolution on the Incidental Catch of Seabirds

Indonesia has been initiating on observation of incidental catch of seabirds through the implementation of observer program in fishing operation. To promote awareness and to reduce potential incidental catch, we conduct workshop involving all stakeholders, including publications and posters.

Resolution on Non-Target Fish Species

Rich abundance of tropical waters produces numbers of species taken as incidental catch to almost all type of fishing gears. To reduce the number of incidental catch, mitigation step have been taken in form of education and training to fishery operator in collaboration with SEAFDEC Training Department in Bali on 2006.

Two methods have been introduced to fishery operator, namely circle hooks and quick sinking methods in fishing. In addition, the National Plan of Action for Shark is established to identify and collect all information for mitigation of incidental of shark species.

Resolution to mitigate the impact of fishing for Highly Migratory fish Species on Sea Turtles

Indonesia has invested amount of effort to protect sea turtles presence. This range from establishing protected nesting habitat to prohibition of trade of any part of sea turtles.

To reduce the impact of fishing on sea turtles, circle hook is been introduced.

Promotion to reduce incidental catch of sea turtles are made through seminar, publications and posters.

COMPLIANCE ACTIVITY

Vessel Monitoring System

We put in place the requirement for installation of VMS transmitter in fishing vessels operating in Indonesia's waters.

This is stipulated in Ministerial Decree No: KEP.29/MEN/2003 concerning Vessel Monitoring System. Initial implementation of VMS focused to cover fishing vessel greater than 100 GT operated in Indonesia EEZ.

Catch Documentation System

Indonesia log book system is part of compliance implementation system. Requirement to complete log book is stipulated in Ministerial decree No. 17/2006, which was revised by Ministerial decree No. 05/2008. Beside log book, requirements to complete catch documentation also requested under capture fisheries business regulation in forms of quarterly catch report system base on log book data.

Transshipment at sea

Based on Ministerial Decree No. 17/2006 which was revised by Ministerial decree No. 05/2008, transshipment activities are prohibited in Indonesian waters. Indonesia designated certain ports to each vessel to load and unload their caught.

In port, every vessel is compulsory reporting any catch loading or unloading activity to port authority. The two major designated ports for vessel operated in Indonesia Fisheries Management Area VIII of the IEEZ Sulawesi Sea and IEEZ Pacific Ocean are Bitung and Biak fishing ports.

SURVEILLANCE ACTIVITY

Finally, on surveillance program, our office has appointed a dedicated unit responsible for conducting extensive control towards Indonesian fishing vessels. We also strengthen the implementation of surveillance program through disseminations programs, publications, posters, training, and coordinated patrol. Likewise, the government also introduces *fisheries court* to deal exclusively with problems relating to illegal fishing.

With the persistent problem of illegal fishing worldwide, we believe that the Commission should also explore alternative measures to complement the existing sustainable fisheries management approach.

With this, I conclude my statement.

I thank you.



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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

OPENING STATEMENT BY BELIZE

As you will have observed from our application for renewal of our Cooperating non-Member Status dated 5th September 2008, we continue to make progress in attaining our objective of becoming a Contracting Party of all RFMOs in whose Convention area we have an operational presence. Currently, we are a Contracting Party of ICCAT and IOTC.

We are Cooperating non-Contracting Party of IATTC and will become a Contracting Party thereof when the “Antigua Convention” to which we have acceded on 12th June 2007 comes into force, which is expected in 2010. We are a Cooperating non-Contracting Party of NEAFC and as you are aware, we are a Cooperating non-Member of WCPFC.

We are also engaged in the negotiations for the formation of SPRFMO.

You will also have observed that we have made our detailed submissions in accordance with Article 24 of WCPFC’s Convention and have responded to the Commission’s requests for data. Our submissions and our actions are evidence of our expressed commitment to cooperate fully in the implementation of conservation and management measures adopted by the Commission and to ensure that our fishing vessels which operate in the Convention area comply with the provisions of the Convention and the conservation and management measures adopted under it. This is part of an overall policy of compliance in all RFMOs which, inter alia, is reflected in the fact that Belize has no fishing vessels on any RFMO IUU Lists.

Belize has ratified/accepted the FAO Compliance Agreement, the UN Fish Stocks Agreement as well as the IPOA IUU. Our Ship Registry re-qualified for the third year in succession for the U.S. Coast Guard’s Quality Shipping for the 21st Century (QUALSHIP 21) Program. Furthermore, our Quality Management System which encompasses Ship Registration, Certification of Seafarers, Statutory Certification and Fishing Vessel Administration is certified in accordance with the latest Quality System Standard ISO 9001-2000 and is audited annually by external auditors.

It is important to note that Belize has had and continues to have a real interest in the WCPFC Convention area and the presence of its fishing vessels in this area pre-dates the formation of this Commission. Back in 2001, we had 44 longliners operating in this area and in 2004 we had 24 longliners. Currently, we have 6 longliners operating exclusively in the WCPFC Convention area. However, due to the high cost of fuel earlier in 2008, 4 of these vessels have been laid up for over 6 months in 2008 and the remaining 2 vessels have only recently commenced fishing operations. We have submitted our Catch and Effort data for all our fishing vessels for 2004, 2005, 2006 and 2007 together with a Summary of our historical fisheries in the WCPO and details of all fishing vessels operating in the area since 2001. All our vessels which operated in WCPFC area in 2007 have fished within the catch limits set by the Commission for Belize at the 4th Regular Session of WCPFC.

These limits are as follows:

- **Under CMM 2006-01:** You will recall that we voluntarily waived our right to 2000 tons of bigeye and agreed to a limit of 803 tons based on our average catches for 2001-2004. As for yellowfin tuna, our limit is 2000 tons.
- **Under CMM 2006-04 for striped marlin in the Southwest Pacific** south of 15 degrees South, we are limited to 2 longliners.
- **Under CMM 2005-02 for South Pacific albacore** in accordance with Para 1, in the Convention area south of 20 degrees South, we are limited to our historical catch level for 2004 of 2 longliners.
- **Under CMM 2005-03 for North Pacific albacore** in the Convention area north of the equator, in accordance with Paragraph 1, we are limited to our 2005 level of 5 longliners.
- **Under CMM 2006-03** we have had no vessels which fished for swordfish during the years 2003-2005 in this Convention area south of 20 degrees South.

We kindly request the Commission to set the same limits for 2009.

Belize wishes to play a constructive role in the work of the Commission and to contribute financially thereto, commensurate with its small participation and allocation in its resources. At the same time, we require the security of Contracting Party Status and the right to draft proposals/Conservation and Management Measures/Resolutions and/or to assist other States in the promulgation thereof, thus ensuring a meaningful participation.

Therefore, on 15th August 2008, pursuant to Article 35(2) of the WCPFC Convention, the Government of Belize applied to all Contracting Parties for an invitation to become a Party to the Convention through accession thereto. Upon being invited, we will proceed to accede to the Convention, a process which should be completed within 3 months. In the interim, we believe that our submissions to the Secretariat have addressed all the issues required in support of our Application for Renewal of our Cooperating non Member Status.

Belize is a small developing nation which wishes to maintain a meaningful participation in this important industry. In so doing, you may rest assured that we are totally committed to ensuring the effectiveness of WCPFC's Conservation and Management Measures and maintaining excellent cooperation with all its Members.



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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

STATEMENT BY EL SALVADOR

**WCPFC5-2008/OP04
8 December 2008**

Thank you Chairman.

I have left a copy of the video that we showed you on Saturday for every delegation on the table in case you wish to see it again.

For those that don't know me yet, my name is Sonia Salaverria and I work for the Ministry of Agriculture and Livestock, the governmental institution in charge of fisheries in El Salvador.

In the name of the government of El Salvador, I would like to thank the government of Korea for the hospitality they have given us since we arrived. I would also like to thank all the commission members for the openness they have shown to consider El Salvador's request to become a Cooperating Non-Member of WCPFC.

We have felt very welcome.

As you could see from the video, El Salvador's difficulties resemble many of your countries in as much as the need to develop our fisheries as a way of addressing food security and to be able to offer desired employment for a poverty, overpopulated land.

As a small developing coastal state to the Pacific Ocean whose fisheries are predominately artisanal, developing El Salvador's high sea fisheries has been a challenge, it is an ongoing experience. It is our view that the right to fish must only be done in complete compliance with all international laws. In that sense, for the last year we have worked hard to try to fulfill all of WCPFC's dispositions, in order to demonstrate to the member countries El Salvador's willingness and continued desire to cooperate in this organization, providing as much information as possible to demonstrate our compliance.

We emphasize that our request is based on historical fishing we have in the WCPFC since the start of this fishery in El Salvador in 2001. We underscore that our total fishing capacity consists of four purse seiners, of which only two have fished in the Western Central Pacific area during 2008, within the Kiribati EEZ and not in the high seas in accordance to last year's disposition. In addition, our small longline vessels do not have the ability to be able to come to the WCPF. We do not foresee expansion of our capacity in the near future.

El Salvador has also submitted all Scientific Data to the WCPFC:

1. Set by set operational level data,
2. Aggregated data and
3. Annual catch estimates from 2001-2008.

We were assisted in preparing this data by the scientific staff of the IATTC to which El Salvador is a high contracting Party. This is possible as the IATTC has all the data of all our purse seine vessels which carry 100% observers on all the trips. These vessels are also monitored by VMS Systems by both El Salvador and the FFA.

Finally, we stress that El Salvador's level of effort in the WCPFC will only be two vessels, the same ones which are currently fishing within Kiribati and maybe any other opportunity that we could have through the vessel day scheme of the Parties of the Nauru Agreement, fishing in observance of all WCPFC Conservation Management Measures in effect of which we submitted a complete report of for 2007.

I would appreciate if any member still has any concerns in relation to El Salvador's participation and full compliance within the WCPFC to please approach me and I will gladly try to respond to these.

I can assure the members that if accepted as a Cooperating Non-member, El Salvador will cooperate to sustainably manage highly migratory resources of the Pacific Ocean.

Thank you.

Busan, Korea, 8 December 2008



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

STATEMENT BY ECUDADOR

WCPFC5-2008/OP05

8 December 2008



Members and Cooperating Non-Members of WCPFC5

On behalf of the Republic of Ecuador, we want to thank you for letting us express our views on our application to become Cooperating Non Party (CNM) of this organization. I also would like to take the opportunity to thank the government of Korea for their warm hospitality.

According with the provisions established in article 32 of the Convention on the Conservation and Management of Highly Migratory Fishes Stocks in the Western and Central Pacific Ocean, and the relevant CMM-2004-02 Cooperating Non Member Resolution, we have submitted for the second consecutive year our application for CNM status attaching all the information requested.

The Ecuadorian fleet has been operating in the Central Pacific Ocean way before WCPFC was created and has been an active member of IATTC since 1963. At this moment there are 7 vessels licensed to operate by some WCPFC Members and about 10 more vessels fishing in international waters. Ecuadorian vessels do not fish permanently in the Central Pacific, but rather move in and out from the Eastern Pacific. All Ecuadorian vessels licensed to fish in WCPFC's members have complied the commitment of no fishing in highs seas pockets.

Ecuador has shown commitment not only with the conservation of tuna, but all marine resources. After a hard process that started 2 years ago, since November 30th Ecuadorian Maritime Authority started the obligatory use of Vessel Monitoring System (VMS) for the whole fishing fleet, regulation that will strengthen in a meaningful way the control of the fisheries, especially in the high seas. This has been a very difficult process that started 2 years ago. All vessels 400 TM capacity and over, carry observers on board, provided by the International Agreement for Dolphin Conservation Program (AIDCP), managed by the IATTC.

Also the Under Secretariat of Fisheries has started to take actions to change the Fisheries Law.

We understand the concerns that some members might have about Ecuador's application. However, it is important to be aware that we are fishing in high seas of the central Pacific, according to international law since many years ago, when WCPFC did not exist and IATTC area had no boundary. So our application is based in historical rights. There is no real increase of capacity. The amount of vessels fishing in the area is not higher than we have had historically.

Even though we have been fishing for many years in the central Pacific Ocean, which has been part our natural fishing areas, we were not invited to HMLC negotiation process, and it would make more sense to let us participate actively in the organization rather than keeping us out.

Dear delegates, we reiterate our wish to belong and support this organization. We are sure that the acceptance of our application will strengthen WCPFC.

Busan, December 8th, 2008



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

STATEMENT BY SENEGAL

**WCPFC5-2008/OP07
8 December 2008**

I wish to thank WCPFC to allow me once again, to take part in its fifth meeting in Korea. It is also an opportunity for me to thank the authorities of Korea and all the honourable delegates. This fifth annual meeting of the WCPFC gives us the opportunity to defend our request for the cooperating membership status. Of course, we have always expressed ourselves in the past on this issue. This present participation being the third one of its kind.

Senegal is a small coastal country. It is a maritime country, highly concerned with sustainable exploitation of resources backed by the respect of international law. As such, Senegal is working actively with the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Commission of the Indian Ocean Tuna (IOTC) of which it is a member and which pursue the same objectives as the WCPFC.

Senegal was operating in Pacific international waters since 2005, in accordance with the principle of freedom of fishing on the high seas. In 2007, Senegal has withdrawn all its vessels out of WCPFC areas, on behalf recommendation of WCPFC at the third meeting of the Commission in Samoa. I won't come back on the details of this event because it has been solved. Our presence in the Pacific was done in full transparency because Senegalese' vessels were registered in the records of the FFA which is a regulatory body prior to the establishment of the WCPFC and vessels involved had a legal and economic link with some coastal Pacific States. All statistical information on fishing operations, catches and fishing efforts have been communicated to the FFA.

After TCC4 data information were communicated in the good template.

Senegalese vessels have also complied with the obligation of monitoring system called "Caisse bleue" in addition to the surveillance system by Argos beacon (VMS) mandated by the Senegalese legislation since 2003.

Senegal recognizes the primacy of coastal States in their EEZs, areas of geographical and fishing competence as defined in the international regulation which emphasizes the centrality of the coastal state over ocean space adjacent to it and all the fishermen are subject to this recognition of the prerogatives of coastal States. For this reason, Senegal attempts, since 2006, to become a cooperating party to the WCPFC to contribute, by virtue of cooperation, both for conservation and for management of fisheries resources.

1. Senegal believes that access to living resources of the high seas is governed by international law, including the United Nations Convention on the Law of the Sea and the 1995 Agreement relating to the conservation and management of straddling and highly migratory fish stocks.

Senegal has implemented all the necessary mechanisms to observe the national and international instruments on the conservation of stocks and the fight against illegal unreported and unregulated fishing.

All the conventions, declarations and international agreements relating to the regulation and management of fish stocks among which: the United Nations Convention on the Law of the Sea, the Code of Conduct for Responsible Fisheries of FAO relationship with the Cancun Declaration, the Rio Declaration on Environment and Development, led the State of Senegal, to vote in 1998 at the National Assembly, the Law on new Code of fishing.

With the laws and conventions voted and / or adopted by Senegal and on the oceans, sustainable development, integrated management and the precautionary approach, all decisions on fisheries management, fall within the strict observance of these standards.

Senegal has signed and ratified all international conventions related to global environmental protection and natural resources (Convention on International Trade in Endangered Species of wild flora and fauna CITES), Bonn Convention relative to the Protection of Migratory Species of Wild Animals, United Nations Convention on the Law of the Sea (UNCLOS), Convention on Migratory Species (CMS), United Nations Convention on Climate Change (UNFCCC), Convention on Biodiversity.

Considering this, the approach of Senegal, regarding the management of fisheries resources and marine migratory species, is a concern of WCPFC. Indeed, in its motives and particularly in Article 2, the WCPFC Convention indicates that "for effective conservation, the administrative measures in terms of migratory fish stocks management should be enforced through an international cooperation between coastal States and states fishing in the region.

Senegal has incorporated into its law the principles and conservation measures, the prevention approach and the adequacy between conservation and exploitation of resources (Article 5, 6, 7, 8 of WCPFC). In this context, the laws in force in the management of fishery resources and regulation of fisheries activities in Senegal are adequacy with the management and conservation in force in the WCPFC Convention.

2. Research programs are conducted by the Center for Oceanographic Research Dakar Thiaroye (CRODT) and help to direct the policy of the State of Senegal and its implementation through fisheries administration.

Senegalese membership at the ICCAT of which it is a founding member, allows CRODT to develop several research activities on tuna and tuna-like species in particular. The CRODT also

works with several research institutes, and as such, capitalizes a huge worldwide known experience-scientific work on the high seas pelagic resources are predominantly conducted in the framework of the ICCAT. In addition, CRODT is involved in collecting and analyzing statistical and biological data of tuna resources in the West African region.

3. Senegal participates in the activities of cooperation in the structures and organizations working in fisheries. This participation aims, among others, measures on the following issues:

- i) cooperation in fisheries, mostly joint management of stocks;
- ii) harmonization and coordination of systems management and resource management
- iii) determining conditions of access to fishery resources, and
- iv) adopting coordinated measures for monitoring and controlling the activities of fishing vessels.

Senegal has adopted the VMS and all industrial fishing vessels are equipped with this monitoring system. Different types of authorization are implemented according to fishing types, and allowing a zoning of fishing maritime space.

The wcpfc should continue to be a normative framework of the basis needs of the sustainable exploitation resources and Senegal hopes that at the end of this meeting, will be accepted in wcpfc as a cooperating member while wishing to be in a very short time a contracting party.



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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

STATEMENT BY MEXICO

**WCPFC5-2008/OP06
10 December 2008**

During the 5th Regular Session of the Western and Central Pacific Fisheries Commission, here in Busan, Mexico requested to be accepted as a Cooperating Non-Member, CNM, of this organization.

In addition to having previously presented the information required, Mexico would like to share with the Members of the Commission the following information, and assumes the following commitments if accepted as a CNM in 2009:

1. Mexico's record both domestically and internationally of fisheries management and conservation is highly satisfactory, and well documented.
2. Mexico is willing and able to ensure full compliance by all its vessels with the conservation and management measures of the WCPFC and has an excellent record of compliance with international conservation measures. Strong compliance is made possible by, among other things, strict domestic legislation, detailed catch documentation schemes, 100% observer coverage and VMS for all large purse-seine vessels.
3. Mexico is prepared to submit all data required by the Commission in a timely manner, and is prepared to participate fully, as required, in the Commission's VMS Programme.
4. Mexico will abide by the applicable requirements pertaining to the observer programs of the WCPFC.
5. Mexico commits that not more than six purse-seine vessels shall fish in the WCPFC area only in the EEZ's of the WCPFC members in accordance with appropriate bilateral agreements and pursuant to the VDS scheme. In accordance with CMM 2006 01, Mexico does not have any record of fishing days in the high seas.
6. During any closures that may be established by the IATTC that pertain to Mexican purse-seine vessels, Mexico shall ensure that there is no transfer of effort from IATTC into the WCPFC area.
7. Consistent with the above, and with all relevant rights and duties under international law,

Mexico commits to abide by all of the conservation and management measures adopted by the WCPFC.

8. Mexico commits to cooperating fully with the members of the WCPFC in the conservation and management of northern bluefin tuna.
9. Mexico stands ready to cooperate fully with the members of the Commission, particularly with the small island developing states.

10 December 2008

Busan, Korea



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

STATEMENT BY FRENCH POLYNESIA

**WCPFC5-2008/DP14
8 December 2008**



Mr Chairman,
Honourable Ministers,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

First of all, on behalf of the government of French Polynesia, I would like to express our appreciation and gratitude to the government and the people of the Republic of Korea for their warm welcome and hospitality. I would also like to thank the organizing committee and the Secretariat staff for their hard work and excellent meeting arrangements.

This is the first time a French Polynesian delegation is led by a minister for fisheries and I am honoured to represent my country at this very important meeting.

The main purpose of the Western and Central Pacific Fisheries Commission is to ensure the long term conservation and sustainable management of the fishing resources in the Pacific Ocean, which are the only resources, we, Pacific islanders, have truly in common. I can assure you that French Polynesia is committed to this aim and will actively collaborate with others CCMs in a responsible manner.

We do face difficulties and challenges in protecting and managing our tuna fisheries and I hope that we will be able to reach a consensus on the main issues identified for this meeting, such as the adoption of the bigeye and yellowfin tuna measure and the need to progress on the issues of transshipment, VMS and Regional Observer Programme. On this later issue, I would like to stress the importance of finding adequate financial resources for small island developing States and territories.

Fisheries are particularly important to French Polynesia. My country has been developing its long line fishing industry since the middle of the nineties. Today, there are about seventy active longliners, which are fishing about six thousand metric tons per year, mostly albacore tuna.

This industry is our third most important, after tourism and pearl farming. Our effort is focussed on creating conditions for the sustainability of fish stocks and protection of the environment.

As an example, purse seine activities are prohibited in French Polynesia since 1997 and no purse seine fishing vessel is allowed to operate in our Exclusive Economic Zone. With this respect, I would like to clarify that the purse seine fishing vessel registered in the Commission's database as operating in French Polynesia doesn't actually exist. It was supposed to be part of a tuna farming project and to catch juvenile yellowfin tunas, but this project never started.

We are preoccupied by the increasing number of purse seine vessels fishing along our EEZ or even crossing it, showing that the fishing effort is now transferring from the east to the west, in the WCPFC Convention Area, which is certainly a threat for the western and central Pacific stock management.

We pay particular attention to IUU fishing activities and transshipment at sea and we strongly support the Commission's efforts to prevent or regulate those activities.

Due to its unique geographical position, French Polynesia being the only CCM located in the overlapping IATTC and WCPFC area, I would also like to recall the importance of information exchange and measures harmonization between both Commissions.

French Polynesia is fully committed to fulfil its obligations under the Convention and is ready to play its modest but full part in the work of the Commission.

As a signal of our commitment and as a token of appreciation for the role of the Commission, I have the honour and privilege to formally announce that French Polynesia, in accordance with France, would like to host in Tahiti the 6th WCPFC regular session in December 2009.

We wish for this meeting fruitful discussions and efficient measures and we hope to see you all next year in Tahiti and its beautiful islands.

I thank you for your attention.



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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

OPENING STATEMENT BY KIRIBATI

**WCPFC5-2008/DP21
8 December 2008**

Chairman, please allow me to join the other delegations in expressing our sincere thanks to the Korean Government and people of Korea for hosting this important meeting and the very warm welcome we have been accorded since our arrival in Korea and this beautiful city of Busan.

Chairman, on behalf of my delegation I would like to raise certain issues which we believe are of crucial importance to Kiribati and this meeting. I know some of these have been alluded to in previous meetings of the Commission and preparatory meetings and will again be explored at this meeting.

Kiribati has signed up to the PNA Third Implementation Arrangements on the Conservation and Management of Bigeye and Yellowfin and we are proud to be associated with this initiative. The measures to be undertaken under this initiative although could be painful for us smaller island developing states who depend very much for revenue and economic development on the harvest of these tuna species, this is the sacrifice that we have taken to ensure the long-term security of the species and future of the industry. We encourage members of the Commission to consider and endorse compatible measures for the high seas. The burden of conservation measures should be shared in an equitable manner in order to work.

Kiribati maintains the belief of coastal states' sovereign right over their 200 mile EEZ and we believe that the Commission's responsibility on matters of conservation and management of any species, should be for the high seas and that such measures should be no less stringent or effective as those measures that are in place in-zone.

As we expressed in the last meeting of the Commission and related meetings, Kiribati associates itself with other Pacific Island states in the application of the Vessel Days Scheme for the conservation, management and control of efforts in our EEZ. We still hold firm to limit fisheries access in our EEZ according to that principle. After all it is our moral responsibility to the people

of Kiribati and Pacific nations to sustain the tuna resource, which has carried us well in the past and hopefully into the future.

Kiribati unlike most members of the Commission, depends very much on fisheries access revenue to deliver basic services for its people and therefore sustainability of the tuna resource is of primary concern to us. Therefore any decision taken on the issue of access, we would always consider in relation to its implications on our revenue source.

I know that had been controversies before on account of allowing new entrants into our waters, and we would like to thank members of the Commission for their understanding and positive support in this regard. This demonstrated your practical commitment in part to the principle of supporting the development aspirations of small islands developing states.

We would like to inform members of the Commission of Kiribati's intention to operate more tuna boats in Commission's area in the future and we hope that in the spirit of promoting the development aspirations of small island developing states that you will give this your blessing in due course. I would like to assure members that this will be done without undermining established processes of the WCPFC and without prejudice to the conservation and management efforts.

We would also like to inform members that as part of our in-zone conservation effort, Kiribati is implementing the Phoenix Island Protected Area, which closes a large portion of the Kiribati EEZ and one of the richest fishing and spawning ground for the tuna especially, bigeye and yellowfin. We hope our sacrifice will contribute towards more sustainable resource management in the region.

With your indulgence Mr Chairman, and given our close interest in the outcome of any decision that may be made in relation to Ecuador's application to be a cooperating non-member of the Commission that Kiribati participate in the working group to assess the eligibility of the applicants.

Lastly, Mr Chairman, we pledge to you the Kiribati delegation's support in your conduct of the meeting and we look forward to the successful and favorable outcomes of the meeting.

Thank you.



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Fifth Regular Session

**8–12 December 2008
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OPENING STATEMENT BY NEW CALEDONIA

**WCPFC5-2008/DP15
8 December 2008**

Mr Chairman, distinguished delegates, ladies and gentlemen,

On behalf of the New Caledonian government, I would like to thank the government and the people of Korea for welcoming us in Busan and to express my gratitude to you, Mr Chairman, and to the Secretariat of the commission for all the efforts made during this year to prepare for a successful meeting.

This session must be a successful one. In Guam last year, the Commission could not reach a consensus to adopt new conservation and management measures for bigeye and yellowfin tuna, which are being overfished, at a threatening level in the case of bigeye.

As the RFMO has to manage the largest tuna stocks in the world, which account for more than 50% of the world's catch, there is an urgent need for the WCPFC to achieve management measures capable of ensuring the sustainable use of these stocks. In saying that, New Caledonia is especially mindful of the major role of these resources in the Pacific Island countries and territories, whose tuna fleets entirely depend on the regional stocks.

As stated in our annual report to the commission New Caledonia has a fleet of about 25 longliners which catch 2,500 tonnes of tuna annually. Only a very small proportion of the catch is composed of bigeye and yellowfin, South Pacific albacore being the target species of these vessels. Like other neighbouring CCMs in the South Pacific, New Caledonia's concerns about the status of the stocks are not only driven by fishing views, but also by ecosystem approach since the depletion of the bigeye and yellowfin stocks may impact the pelagic ecosystem in general.

I would also like to point out that, despite the small quantities of bigeye and yellowfin caught, our small longline fishery draws a substantial benefit from these stocks because a significant

proportion of these fish is sold on the sashimi market, with a much better added value than cannery fish.

In 2008, good work was achieved within the commission's subsidiary committees and working groups, in particular on issues related to the regional observer programme and the VMS. Now, in the plenary, we must agree to put in place tools like the ROP and the VMS so that the conservation and management measures are efficient.

Several times in the past New Caledonia expressed its concerns about the expansion of unregulated fishing in the southwest Pacific Ocean. Unfortunately, a foreign vessel was apprehended last year and fined for illegal fishing in the EEZ around New Caledonia and for not complying with the order to stop from the patrol boat.

Therefore, Mr Chairman, I would like to express once again our commitment to combating against these activities, and ask all fishing countries to responsibly regulate the activity of their respective vessels in the Convention Area.

Thank you, Mr Chairman



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OPENING STATEMENT BY CHINESE TAIPEI

**WCPFC5-2008/DP16
9 December 2008**

Mr Chairman, distinguished delegates, ladies and gentlemen,

First of all, I would like to extend my appreciation to the government of Korea for hosting this meeting, the Secretariat and Mr Glenn Hurry, our chair 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, the bigeye and yellowfin tuna conservation and management measures, Regional Observer Programme, IUU fishing vessels list, transshipment monitoring, and Commission VMS. I hope that we could fully discuss these issues and reach consensuses.

For those MCS measures 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 and maritime zones. Chinese Taipei would like to stress that the states in the Convention area shall claim the rights, jurisdiction, and duties in the manner consistent with international law and the UN Law of the Sea Convention.

Over the past years, Chinese Taipei has done a lot for improving its fisheries management. Among the work we have done, the one worth highlighting this year is that a bill drafted to require our nationals who intend to operate foreign flag fishing vessels on the high seas to acquire prior approval from the fisheries authorities, has just been adopted by our Parliament. The bill also requires nationals who operate foreign flag vessels to observe the relevant international conservation and management measures in force, violations of which may be liable to criminal

prosecution. We believe, with these new regulations, the Fisheries Agency is equipped with an effective tool to ensure the compliance of our nationals with the conservation and management measures adopted by our government and the Regional Fisheries Management Organizations.

The issues of fishing capacity and aspiration of developing island nations in the development of their fisheries are matters of great concern to us. We have been criticized of indulging our people in expanding fishing capacity in the region. To prevent expansion of fishing capacity, we have established the Regulation on Permission for the Export of Fishing Vessels, to regulate building of foreign flag fishing vessels in our shipyards. We must emphasize that this regulation is in no way intended to discourage the aspiration of developing island nations in the development of their fisheries. With some of the stocks not in good shape, we hope the Commission can have guideline to the extent of the fisheries developments of developing island nations in order that both their aspirations and fishing capacity can be adequately addressed.

Finally, I wish this session of WCPFC a fruitful result.



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OPENING STATEMENT BY THE CHAIR OF THE FORUM FISHERIES COMMITTEE

**WCPFC5-2008/DP17
8 December 2008**

1. Mr Chairman, distinguished Members and Observers of the Commission. I am making this statement on behalf of the 17 Members of the Pacific Islands Forum Fisheries Agency.
2. At the outset, we wish to express our appreciation to our gracious hosts, the Government and people of Korea for their kindness and the warm reception we have enjoyed since our arrival. The beautiful setting of Busan provides the right backdrop for us to make far reaching decisions on the sustainability of the region's tuna stocks.
3. Mr Chairman, we sincerely hope we will leave Busan with a conservation and management measure for bigeye and yellowfin. At the conclusion of the 4th Session in Guam, we expressed disappointment at the Commission's failure to adopt a conservation and management measure for bigeye and yellowfin. We remain concerned that this Commission could become as ineffective as other tuna RFMOs. Thus, it is incumbent on Members to make this Commission work. The negotiators of the Convention intended that this Commission would be different from other tuna RFMOs. This is reflected in the prescriptive nature of the Convention, which is founded on the principles enshrined in the 1995 UN Fish Stocks Agreement. The Agreement reflects the international community's expectation that highly migratory fish stocks would be managed through the application of the precautionary approach and in accordance with the principles for conservation and management so comprehensively set out in the Agreement.
4. The failure of the Commission to adopt a measure for bigeye and yellowfin in Guam prompted the development of the Third Implementing Arrangement by the Parties to the Nauru Agreement. The Implementing Arrangement was endorsed by Fisheries Ministers of the Forum Fisheries Agency at their Annual Meeting in May and also supported by Forum Leaders at their Summit Meeting in August. These actions reflect our ongoing efforts to manage and conserve the tuna stocks in the region. It also reflects the fact that the Convention was not negotiated in a vacuum. It was done against the backdrop of a long history of intra- and inter-regional

cooperative arrangements amongst FFA members, which include the development of harmonized minimum terms and conditions of access for foreign fishing vessels, the FFA Vessel Monitoring System, and Regional Observer Programmes under the Treaty on Fisheries with the United States and the FSM Arrangement. Commentary by some Commission Members implies that coastal States should not adopt measures for their EEZs in respect to tuna. Perhaps this reflects some discomfort with the idea that FFA members have been proactive. We do not believe that FFA members should be precluded from taking measures for their EEZs to ensure that stocks remain sustainable and will continue to develop appropriate measures as necessary.

5. Mr Chairman, we have been saying since the MHLC and PrepCon process that the western and central Pacific region is different from other regions. In our region, a large proportion of the Convention Area is in the EEZs of FFA members. Further, a number of FFA members are overwhelmingly dependent on tuna for their economic development. There are also pockets of high seas surrounded exclusively by the EEZs of FFA members. These factors alone differentiate this Commission from other tuna RFMOs.

6. Mr Chairman, notwithstanding these issues, we are pleased with the progress the Commission has made. We have the framework for a Regional Observer Programme and a Commission VMS, and have agreed to high seas boarding and inspection procedures. We also believe that we can make progress on other issues such as transshipment and the development of reference points.

7. However, at present, these gains are being undermined by the misapplication of the overcapacity resolution which, despite the decision of this Commission in Guam, continues to prevent Tuvalu and the Marshall Islands from receiving their purse-seine vessels. FFA members attach great importance to their aspirations to participate in the fishery. We do not wish to be bystanders in this fishery.

8. Another issue that FFA members are adamant about is that this Commission will not be an improvement over other RFMOs unless we as the members display an absolute commitment to not only make conservation and management measures, but also to implement them. There are a number of very concerning issues relating to CCMs' failure to comply with measures or reporting obligations that must be addressed in order for us to move forward together. Please be rest assured that we will explore all opportunities to ensure these failures are dealt with by the Commission.

9. Mr. Chairman, we have specific issues we will raise when they arise during the week. In closing, it would be prudent to remind ourselves of the high expectation that this Commission will adopt a bigeye and yellowfin measure at this meeting. The international community is following this meeting with keen interest. We will be held accountable to future generations if we fail at this meeting to agree to effective conservation and management measures for bigeye and yellowfin. Given the publicity which followed the recent meeting of ICCAT, we sincerely hope that we will leave these shores with a better outcome. We look forward to working closely with you and other delegations to ensure a successful meeting.



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OPENING STATEMENT BY TOKELAU

**WCPFC5-2008/DP18
8 December 2008**

Mr Chairman, I thank you for this opportunity to address the Commission. Let me begin by thanking the government and people of Korea for their magnificent hospitality in hosting this 5th Session of the WCPFC Commission. This is my delegation's first visit to Korea and we have been received with great warmth and courtesy. I would also like to acknowledge you Mr Chairman for your energetic and wise leadership in this critical early period of the Commission.

Mr Chairman, Tokelau is the one of the smallest island developing states. To participate in this Commission is very important to us but it is also very difficult. To us it requires a major commitment of resources to meet the reporting requirements, to work through the documents and get to meetings when we can.

We have been making that commitment because of the importance we attach to the Commission's work. We believe in the Convention because it reflects many of our own values — we depend on tuna and the other creatures that are affected by tuna fishing.

Domestic tuna development is the single most important opportunity we have for sustainable development and improved economic welfare. We value the tuna resources, we harvest them cautiously and we don't waste them. We are looking to the Commission to bring these values to bear in its work.

We understand that some Commission Members, especially some of the largest, have huge economic interests in the region's tuna fisheries, and it is difficult for your businesses to adjust to new ways of being involved in these fisheries and to downscale. However, for Tokelau, it is essential to ensure that the Commission is effective in avoiding depletion of the region's tuna stock on which Tokelau depends. At the same time, we will manage the resources in our own waters in ways that encourage domestic tuna development and to create opportunities for the people of Tokelau in tuna fisheries.

Thank you, Mr Chairman.

Hon. Kuresa Nasau
Minister of Economic Development, Natural Resources and the Environment



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

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Busan, Korea

OPENING STATEMENT BY THE FEDERATED STATES OF MICRONESIA

WCPFC5-2008/DP19

8 December 2008

Mr Chairman, I would like to add my thanks to our host government, echoing what other speakers have said before me. I also want to add my support to the Chairman of the FFC in his statement on behalf of the FFA member countries.

Mr Chairman, I know that this Commission Plenary will be a very busy and intense meeting as we focus to ensure that we emerge with a comprehensive conservation and management measure for bigeye and yellowfin tuna by the end of the week.

I do not want to take time with platitudes Mr Chairman but I do need to make a very special plea and a point of principle to the Commission. The basic point of principle for the Government of the Federated States of Micronesia (and I believe for many of our Pacific Island neighbors) is that the role and purpose of this Commission is not only to conserve and manage our regional tuna fisheries resources, but also to do so in a manner that preserves the heritage and fulfills the legitimate development aspirations and rights.

Mr Chairman, the Government of the Federated States of Micronesia has joined with our Pacific friends in the Forum Fisheries Agency and in the Parties to the Nauru Agreement to bring forward to this meeting a package of bold, balanced and effective measures, some of which you have seen fit to use within your proposed draft measure on bigeye and yellowfin tuna. We have looked hard to ensure that we can support the other elements of the inter-linked package that you have so masterfully crafted to address the different perspectives in this Commission and we will continue to work with you on that throughout this week.

In this context Mr Chairman, the Federated States of Micronesia is mindful that the pursuit of development aspirations within our sovereign rights cannot be limitless or irresponsible. In the adoption of the PNA Third Implementing Arrangement and in our approach to your draft measure, we have agreed to take actions in the purse seine fishery that will constrain our own

national fleet to some extent. More generally we have also committed to an effort-based limitation on overall purse-seine catches in our zone through the PNA VDS Scheme.

We will also continue to nurture and expand our existing investments and development in the tuna longline fishery in a responsible manner. We do not intend that exemptions provided to the small island developing states to pursue our development aspirations and needs in the longline fishery, should be undertaken irresponsibly so as to threaten the sustainability of the tuna stocks or to undermine the integrity of this Commission. Our national aspirations and plans will be premised on the fishery that has and continues to exist in our exclusive economic zone, within the overall sustainability limits set for the Commission area as a whole.

While conservation measures for the longline fishery will hopefully commence in 2009, we will also join with our Pacific Island neighbors and with this Commission to work toward a Zone based management regime for the longline fishery as alluded to earlier by you Mr Chairman. The resources of our EEZ must be accessible to our own national efforts to the fullest extent of our capability and sovereign rights and we will, as provided for in the 1982 Law of the Sea Convention, be happy to share the surplus fish stocks of our EEZ with distant water fishing nations that have not been able to join with us in our shore-side and other national fisheries development efforts.

Mr Chairman, I am moved to speak here now about our sovereign rights and our legitimate and responsible development aspirations because my government is seriously embarked on a process of commercial tuna industry revival and expansion of financial benefits from access to the resources in our zone.

Finally, as host for the Tuna Commission headquarters, I would like to thank you Mr Chairman for your leadership, and Mr Wright and the staff of the Secretariat, as well as all members of the Commission, for your hard and support.

Thank you.

Honorable Lorin Robert
Secretary for Foreign Affairs
Government of the Federated States of Micronesia



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OPENING STATEMENT BY THE PHILIPPINES

**WCPFC5-2008/DP20
8 December 2008**

The Chairman, distinguished delegates and representatives from members of the Commission, representatives from observer and non-government organizations and the Secretariat of the Western and Central Pacific Fisheries Commission, ladies and gentlemen, Good Morning!

On behalf of the Philippine delegation, I would like to express our deepest appreciation and sincere gratitude to the Korean Government for hosting this 5th Regular Session of the WCPFC, and to the people of Busan for their warm welcome and hospitality.

Mr Chair, I will be brief and will focus on major issues confronting the Philippines, which we believe are vital to the sustainability of the country's tuna industry.

While the Philippines agrees to some of the conservation and management measures to ensure the sustainability of tuna stocks and its associated species in the Western and Central Pacific Ocean, we feel that the proposed three-month annual ban on FAD fishing in EEZs and high seas, and the total closure of the high seas unduly constrain the Philippine fleets, comprising mostly of small- and medium-scale purse seines. These vessels have always contributed substantially to our nation's socioeconomic development, have generated national income and employment, and most importantly have been indispensable in providing the protein requirements of millions of Filipino people. The proposed measures will not only have adverse economic effects on our fishing industry, but will also disrupt our food and nutritional needs. We strongly request for the Commission to ensure that the impacts of proposed measures are carefully analyzed prior to its implementation, without undermining the food and job security requirements of CCMs.

The Philippines strongly supports the reduction in fishing effort through the rational use of fish aggregating devices (FADs). As a responsible member of the Commission, the Philippines is already in the process of developing and implementing its FADs management plan, which contains some of the following provisions: the conduct of FADs inventory, limiting FADs

deployment from 100 units to 25 units per vessel, and the removal of excess FADs. We are developing a program to reduce our bigeye tuna catch by 30%. In fact, we stopped issuing new licenses for catchers since 2004 and we intend to keep this.

The Philippines also supports the Commission's plan to develop high sea vessel day scheme (HS VDS), which will limit the total number of fishing days for purse-seine fishing vessels in the high seas. The Philippines believes that the introduction of VDS will not only ensure the biological sustainability of the tuna stocks, but will also provide a more genuine and quantifiable economic benefits by providing fishermen with flexibility over the rate and timing of their fishing.

The Philippines welcomes the draft conservation and management measures (CMM) on regulation of transshipment at sea. The draft reflects our previous concern to regularize and institutionalize the exemption granted by the Commission to the Philippines and to other similar countries from the ban on at-sea transshipment. Rest assured that we will actively participate in shaping a final agreement on the regulation of transshipment.

The Philippines is highly interested in establishing vessel monitoring system (VMS) as a tool to effectively support monitoring, control and surveillance activities, and in compliance with CMM 2007-02. We have commenced the implementation of national program for the implementation of VMS. Consultations have been conducted to inform fishing operators about the implementation of VMS, and initial support to ICT infrastructure and facilities are now in place. We are currently waiting for the approved standards and specifications guidelines to further operationalize our system and to ensure compatibility with the standards set by the Commission. Thus, it is our hope that at the course of the meeting, we would be able to forge an agreement on the proposed draft on VMS standards, procedures and specification.

The Philippines recognizes the importance of Regional Observer Programme (ROP) in the provision of reliable and timely scientific data, as well as in monitoring the implementation of conservation and management measures adopted by the Commission.

It is for this reason that the Philippines is fervently pursuing for the implementation of the ROP. We noted that discussions on the status and outstanding issues contained in CMM 2006-07 are progressing, however, we would like to request the Commission to include capacity-building programs for regional observers as part of the discussion of the Intersessional Working Group on a Regional Observer Programme (IWG-ROP).

Finally, we hope that this meeting will provide meaningful results on some of our main concerns.

Thank you.



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CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE AND YELLOWFIN TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN

Conservation and Management Measure 2008-01

The Western and Central Pacific Fisheries Commission (WCPFC):

Recalling that since 1999, in the Multilateral High Level Conferences, the Preparatory Conferences, and in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Commission), a number of resolutions and Conservation and Management Measures (CMMs) were developed to mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean and that these measures have been unsuccessful in either restricting the apparent growth of fishing capacity or in reducing the fishing mortality of bigeye or juvenile yellowfin tuna;

Recalling that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention) is to ensure through effective management, the long-term conservation and sustainable use of the highly migratory fish stocks of the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement;

Further recalling the final statement of the Chairman of the Multilateral High Level Conferences in 2000 that: "It is important to clarify, however, that the Convention applies to the waters of the Pacific Ocean. In particular, the western side of the Convention Area is not intended to include waters of South-East Asia which are not part of the Pacific Ocean, nor is it intended to include waters of the South China Sea as this would involve States which are not participants in the Conference" (Report of the Seventh and Final Session, 30 August-5 September 2000, p. 29).

Recognising that the Scientific Committee has determined that there is a high probability that the bigeye stock is subject to overfishing, and that and yellowfin stocks are currently being fished at capacity, reductions in fishing mortality are required in order to reduce the risks that these stocks will become overfished;

Conscious that the Commission, at its regular sessions in December 2005 and 2006 adopted CMMs for bigeye and yellowfin tuna and agreed to review annually those measures;

Aware that the Commission committed itself, in 2006 and 2007, to adopt a measure at its next session to reduce juvenile bigeye and yellowfin tuna mortalities from fishing effort on Fish Aggregating Devices (FADs)⁵;

Noting that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular small island developing States and territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries on such stocks;

Noting further that Article 30(2)(c) of the Convention requires the Commission to ensure that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions;

Taking note of Article 8(1) of the Convention requiring compatibility of conservation and management measures established for the high seas and those adopted for areas under national jurisdiction;

Recalling Article 8 (4) of the Convention which requires the Commission to pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones (EEZs);

Noting the Parties to the Nauru Agreement (PNA) have agreed to implement the Third Arrangement of the Nauru Agreement of May 2008 (Appendix A);

Also noting that the Pacific Islands Forum Fisheries Agency (FFA) Members will be adopting a system of zone-based longline limits to replace the current system of flag-based bigeye catch limits within their EEZs.

Noting further paragraph 19 of CMM 2005-01 which states that: “Any future reduction in catch levels shall take into account increases in the levels of such catches by each CCM in recent years.”

Adopts, in accordance with Article 10 of the Convention, the following Measure to be implemented over a three-year period with respect to bigeye tuna and yellowfin tuna, in particular.

OBJECTIVES

1. The objectives of this measure are to:

⁵ For the purposes of these measures, the term fish aggregation device (FAD) means any human-made device, or natural floating object, whether anchored or not, that is capable of aggregating fish.

- Ensure through the implementation of compatible measures for the high seas and EEZs that bigeye and yellowfin tuna stocks are maintained at levels capable of producing their maximum sustainable yield; as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention area as expressed by Article 5 of the Convention.
- Achieve, through the implementation of a package of measures, over a three-year period commencing in 2009, a minimum of 30% reduction in bigeye tuna fishing mortality from the annual average during the period 2001–2004 or 2004;
- Ensure that there is no increase in fishing mortality for yellowfin tuna beyond the annual average during the period 2001–2004 average or 2004; and
- Adopt a package of measures that shall be reviewed annually and adjusted as necessary by the Commission taking account of the scientific advice available at the time as well as the implementation of the measures. In addition, this review shall include any adjustments required by Commission decisions regarding management objectives and reference points.

GENERAL RULES OF APPLICATION

2. For the purposes of these measures, vessels operated under charter, lease or other similar mechanisms by developing island States and participating territories, as an integral part of their domestic fleet, shall be considered to be vessels of the host island State or territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known illegal, unreported and unregulated (IUU) vessels. The Commission shall consider the implementation of a Charter Arrangements Scheme at its 6th Session in 2009.

3. In giving effect to CMM 2004-02, the Commission shall advise non-Parties to the Convention wishing to acquire Co-operating Non-member (CNM) status that there is a high probability that overfishing is currently taking place in respect of bigeye and yellowfin and tuna in the Convention Area. Therefore, where necessary, the limits that apply to CNMs, particularly on the high seas, will be determined by the Commission in accordance with CMM 2004-02 or its revision.

4. The Commission will not delay the adoption of precautionary measures while research to reduce the fishing mortality on juvenile bigeye and yellowfin tuna is being undertaken by CCMs.

5. The Commission encourages CCMs to ensure that the effectiveness of these measures is not undermined by a transfer of effort into archipelagic waters and territorial seas.

6. Unless otherwise stated, nothing in this measure shall prejudice the legitimate rights and obligations of those small island developing state members and participating territories in the Convention Area seeking to develop their own domestic fisheries.

7. In the determination of levels of effort for the purpose of implementing this Measure current levels of fishing effort shall include, as applicable, fishing rights organized under existing regional or bilateral fisheries partnership arrangements or agreements previously registered with the Commission by December 2006 in accordance with CMM2005-01, provided that the number of licences authorized under such arrangements does not increase and noting that the registration

of bilateral agreements or arrangements does not provide a basis for establishing effort levels on the high seas.

PURSE-SEINE FISHERY

8. The purse-seine fishery provisions of this measure herein apply to the Convention Area bounded by 20°N and 20°S with the objective of achieving over a three-year period commencing from the date this measure comes into effect in 2009, a 30% reduction in fishing mortality on bigeye tuna in the purse-seine fishery in that area and a reduction in the risk of overfishing yellowfin tuna.

9. CCMs shall ensure that the effectiveness of these measures for the purse-seine fishery are not undermined by a transfer of effort in days fished into areas within the Convention Area south of 20°S. In order to not undermine the effectiveness of these measures, CCMs shall not transfer fishing effort in days fished in the purse-seine fishery to areas within the Convention Area north of 20°N.

10. CCMs shall take necessary measures to ensure that the level of purse-seine fishing effort in days fished⁶ by their vessels in areas of the high seas does not exceed 2004 levels or the average of 2001–2004. In accordance with paragraph 6 this measure, this paragraph shall not apply to small developing state members and participating territories.

Measures for 2009

EEZ and high seas

11. For the members of the FFA who belong to the PNA, this measure will be implemented through their domestic processes and legislation, including the vessel day scheme (VDS), which limits total days fished in the EEZs of PNA members to no greater than 2004 levels (Appendix C). The purse-seine fishery in EEZs in the area bounded by 20°N and 20°S shall be closed to fishing on FADs between 0000 hours on 1 August and 2400 hours on 30 September. During this period all purse-seine vessels are required to carry an observer from the Regional Observer Programme on board, and without such an observer on board, will cease fishing and return directly to port. During this period, a vessel may only engage in fishing operations if the vessel carries on board an observer from the Regional Observer Programme to monitor that at no time does the vessel deploy or service any FAD or associated electronic devices or fish on schools in association with FADs.

12. Other non-PNA CCMs shall implement compatible measures to reduce purse-seine fishing mortality on bigeye tuna in their EEZs.

13. The purse-seine fishery on the high seas in the area bounded by 20°N and 20°S shall be closed to fishing on FADs between 0000 hours on 1 August and 2400 hours on 30 September. During this period all purse-seine vessels without an observer from the Regional Observer Programme on board will cease fishing and return directly to port. During this period, a vessel may only engage in fishing operations if the vessel carries on board an observer from the

⁶ In the case of small developing fleets, of four vessels or less, that legitimately entered the fishery after 2000 but before 2004, the baseline level of effort shall be a year in the period 2001–2004 in which its full vessel complement was active in the fishery.

Regional Observer Programme to monitor that at no time does the vessel deploy or service any FAD or associated electronic devices or fish on schools in association with FADs.

14. Vessels seeking an observer from the Regional Observer Programme for the period of the closures identified in paragraphs 12 and 13 above shall notify the Regional Observer Programme Coordinator 21 days in advance. If the lack of an available observer from the Regional Observer Programme would prevent a vessel from being able to fish during the period in question, the flag State may place an observer from its national program on the vessel to monitor compliance with these measures with approval from the Regional Observer Programme Coordinator and, in respect to fishing in EEZs, the approval of the relevant national authority.

High seas alternative to paragraph 13 (catch limits)

15. As an alternative to the high seas FAD closure established pursuant to paragraph 13, Members may adopt measures to reduce their catch by weight of bigeye tuna in the purse-seine fishery in the area between 20°N and 20°S by a minimum of 10 percent relative to 2001–2004 average levels through a Member-specific catch limit to achieve this goal. This alternative shall only be available to Members identified by the Commission in advance as having demonstrated a functioning capacity to implement such measures in an effective and transparent manner, including through: an established and functioning port monitoring programme that allows monitoring of bigeye landings for each trip by each vessel; a commitment to carry on board observers from the Regional Observer Programme, including upon return to port so that the observer can view the port monitoring program for each trip; a commitment to provide data for each trip by each vessel to the Commission within 30 days from the completion of the trip; having provided operational catch and effort data at least for the period 2001–2004 to substantiate the base level catch and effort; other such conditions as the Commission may determine. Any such programme will be open to audit by the Commission to review the effectiveness of the programme.

16. Once identified by the Commission as having met the requirements outlined above, the Members in question shall submit the full details of their intended measures and their port monitoring program to the Commission by 31 January 2009. The Commission will review these submissions and take them into account when assessing the effectiveness of the measures.

Measures for 2010–2011

EEZs

Waters under the jurisdiction of PNA members

17. For the members of the FFA who are members of the PNA, this measure will be implemented through their domestic processes and legislation, including:
- a. the VDS which limits total days fished in the EEZs of PNA members to no greater than 2004 levels (Appendix C); and
 - b. the Third Arrangement Implementing the Nauru Agreement of May 2008 which comprises a three-month FAD closure period in the EEZs of the PNA member countries from 0000 hours on 1 July each year until 2400 hours on 30 September each year; full catch retention and other conditions for the purse-seine fleet in national waters.

Waters under the jurisdiction of non-PNA members

18. Other non-PNA CCMs shall implement compatible measures to reduce purse-seine fishing mortality on bigeye tuna in their EEZs.

High seas

19. The purse-seine fishery on the high seas in the area bounded by 20°N and 20°S shall be closed to fishing on FADs between 0000 hours on 1 July and 2400 hours on 30 September. During this period all purse-seine vessels without an observer from the Regional Observer Programme on board will cease fishing and return directly to port. During this period, a vessel may only engage in fishing operations if the vessel carries on board an observer from the Regional Observer Programme to monitor that at no time does the vessel deploy or service any FAD or associated electronic devices or fish on schools in association with FADs.

20. Alternative measures may be set to reduce bigeye catch by a further 20% as a result of the review by the Commission of the 2009 alternative measure.

21. The Commission shall consider the development of a high seas vessel day scheme (HS VDS) to be compatible with the PNA VDS to provide a common currency for managing purse-seine effort. Based on the advice and recommendations of the Scientific Committee and the Technical and Compliance Committee, the Commission shall consider such a scheme at its annual session in 2009 with a view to adoption at its annual session in 2010 with a view to ensuring that reductions in fishing effort on the high seas and in adjacent EEZs are compatible.

22. The high seas pockets indicated in Appendix D will be closed effective from 1 January 2010 unless the Commission decides otherwise at its sixth annual meeting in December 2009. At this meeting the Commission will also consider the closure of all high seas pockets in the Convention Area between 20°N and 20°S.

FAD management plans

23. By 1 July 2009, CCMs fishing on the high seas shall submit to the Commission Management Plans for the use of FADs by their vessels on the high seas. These Plans shall include strategies to limit the capture of small bigeye and yellowfin tuna associated with fishing on FADs, including implementation of the FAD closure pursuant to paragraphs 13 and 19 above. The Plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans for each CCM (Appendix E).

24. The Commission Secretariat will prepare a report on additional FAD management options for consideration by the Scientific Committee, the Technical and Compliance Committee and the Commission in 2009 including:

- a. Marking and identification of FADs;
- b. Electronic monitoring of FADs
- c. Registration and reporting of position information from FAD-associated buoys; and
- d. Limits to the number of FADs deployed or number of FAD sets made.

Juvenile tuna catch mitigation research

25. The Commission will work with CCMs, regional tuna commissions and industry to develop and implement a three-year programme to explore methods to reduce catches of juvenile bigeye and yellowfin tuna caught in association with FADs.

26. CCMs, working independently or collaboratively with industry, and reporting through the Scientific Committee and the Technical and Compliance Committee at each regular session, shall explore and evaluate mitigation measures for juvenile bigeye and yellowfin taken around FADs and present the results annually to the Commission.

Catch retention

27. In order to create a disincentive to the capture of small fish and to encourage the development of technologies and fishing strategies designed to avoid the capture of small bigeye and yellowfin tuna, CCMs shall require their purse-seine vessels fishing in EEZs and on the high seas within the area bounded by 20°N and 20°S from 1 January 2010, subject to the Commission implementing the programme in Paragraph 28 for 100 percent coverage on purse-seine vessels by the observers from the Regional Observer Programme, to retain on board and then land or transship at port all bigeye, skipjack and yellowfin tuna. The provisions of this paragraph shall not prevent the PNA from implementing the catch retention requirement in their EEZs in accordance with the Third Implementing Agreement. The only exceptions shall be:

- a) when, in the final set of a trip, there is insufficient well space to accommodate all fish caught in that set noting that excess fish taken in the last set may be transferred to and retained on board another purse-seine vessel provided this is not prohibited under applicable national law; or
- b) when the fish are unfit for human consumption for reasons other than size; or
- c) when serious malfunction of equipment occurs.

Monitoring

28. Purse-seine vessels fishing within the area bounded by 20°N and 20°S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry effective 1 January 2010, an observer from the Commission's Regional Observer Programme.

29. In 2009 vessels fishing in the area described above will carry observers compliant with licensing arrangements and on the high seas will have a minimum of 20% observer coverage drawn from the Regional Observer Programme. The level of coverage achieved will be monitored and reported through TCC. The Secretariat, in conjunction with the Inter-American Tropical Tuna Commission (IATTC), will develop a cross-endorsement arrangement in order to allow vessels operating within IATTC and Commission areas on the same fishing trip to use the same observer.

Other considerations for purse-seine measures

30. Developing skipjack purse-seine fisheries, between 20°N and 20°S that can provide verifiable evidence of minimal yellowfin and bigeye bycatch (cumulative <2%), with 100% observer coverage, and with a legitimate development plan, will be exempted. Any such plan shall restrict the use of FADs and implement other such management measures necessary to minimize impacts on bigeye and yellowfin tunas. These measures must be supported by adequate monitoring, control and surveillance to ensure their effective implementation. Existing plans shall be tabled at the Commission for information. The Commission is to be given the opportunity to comment on the plan before its approval. This measure does not apply to the domestic purse-seine fisheries of small island developing states.

LOGLINE FISHERY

31. The total catch of bigeye tuna by longline fishing gear will be subject to a phased reduction such that by 1 January 2012 the longline catch of bigeye tuna is 70% of the average annual catch in 2001–2004 or 2004 (Appendix F).⁷ The catch of yellowfin tuna is not to be increased in the longline fishery from the 2001–2004 levels.

32. Paragraph 31 does not apply to members and participating territories that caught less than 2,000 tonnes in 2004. Each member that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next three years (2009, 2010 and 2011). Consistent with paragraph 3 opportunities for non members will be decided by the Commission on a case by case basis.

33. Each member or cooperating non-Member that caught an average of more than 2,000 tonnes of bigeye shall be subject to the following catch limits for bigeye tuna for the years 2009 to 2011 inclusive:

2009: 10% reduction of the catch specified in Appendix F;

2010: 20% reduction of the catch specified in Appendix F;

2011: 30% reduction of the catch specified in Appendix F.

34. In accordance with paragraph 6, the limits for bigeye tuna established in paragraphs 31–33 above, shall not apply to small island developing State members and participating territories in the Convention Area undertaking responsible development of their domestic fisheries.

35. Further to paragraph 34, the reductions specified in paragraph 33 for 2010 and 2011 shall not apply to fleets of members with a total longline bigeye tuna catch limit as stipulated in Appendix F of less than 5,000 tonnes and landing exclusively fresh fish, provided that the details of such fleets and their operational characteristics are registered with the Commission by 31 December 2008 and that the number of licenses authorized in such fisheries does not increase from current levels. In such cases, catch limits specified in Appendix F shall continue to be applied.

36. The catch limit for China for 2009 and 2010 will remain at 2004 levels pending agreement being reached to develop an arrangement for the attribution of Chinese catch taken as part of domestic fisheries in the EEZs of Pacific Island countries.

37. If such reductions would result in a catch limit less than 2,000 tonnes for a Member, then a catch limit of 2,000 tonnes shall apply to that Member or cooperating non-member.

OTHER COMMERCIAL TUNA FISHING EFFORT RESTRICTIONS

38. Beginning in 2009, CCMs shall take necessary measures to ensure that the total capacity of their respective other commercial tuna fisheries for bigeye and yellowfin tuna, including purse seining that occurs north of 20°N or south of 20°S, but excluding artisanal fisheries and those fisheries taking less than 2,000 tonnes of bigeye and yellowfin, shall not exceed the average level for the period 2001–2004 or 2004. CCMs shall provide the Scientific Committee with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2009 and future years.

⁷ The year 2004 shall apply only to China, the United States and Indonesia.

DATA PROVISION

39. CCMs shall provide within the agreed timeframes each year, catch and effort data and size composition data for all fleets in the format required by the rules and requirements adopted by WCPFC as “Scientific Data to be Provided to the Commission”.

40. The Commission shall take into account the level of compliance by CCMs to the data reporting requirements in paragraph 40 in implementing any additional reductions in fishing mortality that may be required to give effect to the precautionary approach.

PORT CONTROLS

41. Each CCM shall prohibit landings, transshipment and commercial transactions in tuna and tuna products that are positively identified as originating from fishing activities that contravene any element of the Commission’s CMMs.

42. Monitoring shall be conducted at landing and transshipping ports to assess the amount of catch by species. The outcomes shall be reported annually to the Commission.

CAPACITY

43. Drawing on work that has been completed by CCMs, the Commission Secretariat shall present a report on measuring and monitoring fishing capacity in the Western and Central Pacific Ocean for consideration at the Fifth Regular Session of the Technical and Compliance Committee.

REPORTING

44. All CCMs will report to each regular session of the Technical and Compliance Committee, through their Annual Report Part 2, on the implementation of this Measure for their fishing vessels operating on the high seas and/or in waters under national jurisdiction. The Technical and Compliance Committee will prepare a template for reporting this requirement for the consideration of the Commission.

REVIEW OF MEASURES

45. The measures described above for the purse-seine and longline fisheries shall be reviewed annually in conjunction with the scientific advice to measure the impact and compliance with the measure. The measure shall remain in place unless the Commission adopts alternative measures. This review shall consider, inter alia, whether the measures are having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission’s conservation goals.

FINAL CLAUSE

46. This measure replaces CMM 2005-01 and CMM 2006-01.

APPENDICES

Appendix A: Third Arrangement of the Nauru Agreement of May 2008

Appendix B: Baseline Effort Levels for Purse-seine Fisheries

Appendix C: Vessel Day Scheme limits on Total Days Fished

Appendix D: Map showing EEZs and the High Seas Pockets

Appendix E: Suggested Guidelines for Preparation of FAD Management Plans (WCPFC Circular 2007/14 Attachment 2)

Appendix F: Baseline Catch Levels for Longline Fisheries

**A THIRD ARRANGEMENT IMPLEMENTING THE NAURU AGREEMENT
SETTING FORTH ADDITIONAL TERMS AND CONDITIONS OF ACCESS TO
THE FISHERIES ZONES OF THE PARTIES**

Pursuant to Articles I, II, III, and IX of the Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest, hereafter referred to as the "Nauru Agreement", wherein the Parties thereto agreed to conclude arrangements to facilitate the implementation of the Nauru Agreement, the Federated States of Micronesia, the Republic of Kiribati, the Republic of the Marshall Islands, the Republic of Nauru, the Republic of Palau, Papua New Guinea, Solomon Islands and Tuvalu,

HAVE AGREED AS FOLLOWS:

ARTICLE I
Licensing Terms and Conditions

In addition to those terms and conditions provided in Article II of An Arrangement Implementing the Nauru Agreement Setting Forth Minimum Terms and Conditions of Access to the Fisheries Zones of the Parties, and Article I of A Second Arrangement Implementing The Nauru Agreement Setting Forth Additional Terms and Conditions of Access to the Fisheries Zones of the Parties, the Parties shall establish the following minimum terms and conditions in all of their subsequent foreign fishing agreements and their licensing requirements for vessels fishing the common stocks of fish within the Fisheries Zones and shall not issue licences unless the minimum terms and conditions are accepted and observed:

1. *Catch retention*

All bigeye, skipjack and yellowfin tuna taken by a purse-seine vessel shall be retained on board and then landed or transhipped, except for:

- (a) fish clearly and demonstrably unfit for human consumption; and
- (b) the final set of a trip when there may be insufficient wellspace to accommodate all fish caught in that set.

The Parties shall adopt appropriate procedures for the implementation of this measure, including reporting.

2. *FAD closure*

There shall be no deployment or servicing of fish aggregating devices and associated electronic equipment, or fishing by purse-seine vessels on floating objects, between 0001 hours GMT on 1 July and 2359 hours GMT on 30 September each year, except that:

- (a) a Party may exclude all or part of its fisheries zone from the closure if it determines that it has suffered a disproportionate burden from application of the closure and advises the depositary accordingly; and
- (b) a Party may apply appropriate arrangements set out in a management plan to meet the requirements of domestic vessels that are highly dependent on fishing on floating objects within the fisheries zone.

3. *Closure of high seas areas*

A vessel shall not fish in the areas listed below during the period of validity of a licence issued by a Party:

- (a) the area of high seas bounded by the national waters of the Federated States of Micronesia, Indonesia, Palau and Papua New Guinea; and
- (b) the area of high seas bounded by the national waters of the Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Papua New Guinea, Solomon Islands and Tuvalu.

4. *Monitoring*

- (a) In order to monitor compliance with the catch retention and FAD closure requirements, all foreign purse-seine vessels shall carry at all times an observer from either the national observer programme of a Party or an existing sub-regional observer programme; and
- (b) The owner, charterer, operator, master or any other person responsible for the operation of a licensed vessel shall ensure that the automatic location communicator⁸ of the vessel is switched on and is operating properly at all times during the period of validity of a licence issued by a Party.

ARTICLE II
Review and Implementation

Review

1. The Parties shall review the implementation of these measures at the annual meeting of the Parties, and decide on the future application of these measures, taking into account:

- (a) the effectiveness of the measures in reducing fishing mortality, especially on juvenile bigeye and yellowfin tuna; and
- (b) the extent to which compatible measures are being applied on the high seas and in the waters of other Members of the Western and Central Pacific Fisheries Commission.

⁸ automatic location communicator is also known as mobile transmitting unit.

Implementation

2. These measures shall be implemented in accordance with a programme adopted by the Parties.

ARTICLE III
Signature and Effect

1. This Arrangement shall be open for signature by the Parties to the Nauru Agreement.
2. This Arrangement shall take effect 30 days following the signing of the Arrangement by at least five of the Parties to the Nauru Agreement. Thereafter, it shall take effect for any signing Party 30 days after its signature of the Arrangement.
3. This Arrangement shall be deposited with the Government of the Solomon Islands.
4. Reservations to this Arrangement shall not be permitted.

ARTICLE IV
Amendment and Withdrawal

1. Any Party may withdraw from this Arrangement by giving written notice to the Depositary. Withdrawal shall take effect one year after receipt of such notice.
2. Any amendment to this Arrangement proposed by a Party shall be adopted only by unanimous decision of the Parties to this Arrangement.

ARTICLE V
The Nauru Agreement

This Arrangement is subordinate to and governed by the Nauru Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments have signed this Agreement.

DONE at Koror, Palau this 16th day of May 2008

Federated States of Micronesia _____

Republic of Kiribati _____

Republic of the Marshall Islands _____

Republic of Nauru _____

Republic of Palau _____

Papua New Guinea _____

Solomon Islands _____

Tuvalu _____

Attachment R, Appendix B

Table 1: Estimates of purse-seine effort (days fished) in exclusive economic zones.

EEZ	2001	2002	2003	2004	Av. 2001- 2004	CMM 2005- 01	2005	2006	2007 (prov.)
COOK ISLANDS	46	232	8	6	73	73	4	8	2
FIJI	9	5	9	27	13	27	36	7	7
INDONESIA ¹	4,270	4,316	4,978	6,522	5,022	6,522	6,580	6,808	6,498
NIUE	0	0	1	0	0	0	0	0	0
PHILIPPINES ¹	3,620	3,861	5,367	5,603	4,613	5,603	5,255	5,290	5,787
SAMOA	7	12	3	4	7	7	3	1	4
TOKELAU	99	401	27	67	149	149	127	34	37
TONGA	2	0	0	1	1	1	1	0	0
USA	388	595	279	346	402	402	185	237	110
VANUATU	2	2	0	23	7	23	1	1	0
PNA EEZs ²	23,902	26,304	28,438	29,144	26,947	29,144	32,028	31,600	29,881
TOTAL	32,345	35,728	39,110	41,743	37,232	41,950	44,220	43,986	42,326

1. Estimates for Indonesian and Philippines EEZs have been estimated as described in Attachment A of WCPFC-2008-13. These estimates may include effort in archipelagic waters.
2. Effort in PNA EEZs does not include effort in the archipelagic waters of Papua New Guinea or Solomon Islands.
3. The column labelled as CMM 2005-01 does not take into account Para. 6 and footnote 1 of CMM 2005-01.
4. Noting paragraph 5 of CMM 2005-01 and paragraph 2 of CMM 2008-01, the data reflected in the table is provisional. Pacific Island States and territories will work with the Executive Director and SPC-OFP to clarify the catch and effort that relates to fishing activities of foreign flagged vessels operating as an integral part of the domestic fleet and so should be considered vessels of the host State or Territory, particularly during the period 2001-2004.

Table 2: Estimates of purse-seine effort (days fished) in the high seas, by vessel flag (including relevant charter arrangements).

Flag	2001	2002	2003	2004	Av. 2001- 2004	CMM 2006-01	2005	2006	2007 (prov.)
CHINA	95	126	149	428	200	428	494	230	367
EUROPEAN COMMUNITY ¹	38	63	86	103	73	103	52	135	245
FSM	241	228	175	383	257	383	222	63	169
INDONESIA	500	500	500	500	500	500	500	500	500
JAPAN	1,793	1,589	2,093	2,321	1,949	2,321	1,832	1,535	1,317
KIRIBATI	40	52	40	35	42	42	46	53	22
MARSHALL ISLANDS	173	208	435	398	304	398	400	154	194
NEW ZEALAND	23	323	342	210	225	225	98	291	180
PAPUA NEW GUINEA	382	570	580	1,005	634	1,005	1,240	405	700
PHILIPPINES ²	13	55	435	452	239	452	306	153	17
REPUBLIC OF KOREA ³	1,307	1,226	1,152	1,234	1,230	1,234	1,071	741	1,397
SOLOMON ISLANDS	32	37	0	0	17	17	16	15	11
CHINESE TAIPEI	1,969	1,865	1,487	1,913	1,809	1,913	1,262	1,238	1,493
USA ³	968	1,333	863	987	1,038	1,038	771	534	782
VANUATU	66	163	181	571	245	571	376	392	361
TOTAL	7,640	8,338	8,518	10,540	8,759	10,629	8,686	6,439	7,755

1. VMS-based estimates for the European Community were provided by email subsequent to SC4, and 1 degree square aggregate fishing data were provided in December 2008. The aggregate catch and effort data were used as the basis for EC estimates in this table to provide consistency with the other flag estimates also based on operational or 1 degree square aggregate fishing data.
2. Estimates for Philippines are based on high-seas estimates for PNG-based or licenced vessels as described in Attachment A of WCPFC-2008-13. Philippines have provided an estimate of high-seas effort for 2004 only of 7,140 days but no supporting data have been provided.
3. Republic of Korea and USA have provided independent estimates that vary slightly from the figures shown here. These estimates will be reconciled between the WCPFC Scientific Services Provider and the national fisheries authorities of those CCMs. Table entries may be adjusted following the reconciliation process.
4. The column labelled as CMM 2006-01 does not take into account paragraph 6 and footnote 1 of CMM 2005-01.
5. Noting paragraph 5 of CMM 2005-01 and paragraph 2 of CMM 2008-01, the data reflected in the table is provisional. Pacific Island states and territories will work with the Executive Director and SPC-ONP to clarify the catch and effort that relates to fishing activities of foreign flagged vessels operating as an integral part of the domestic fleet and so should be considered vessels of the host state or territory, particularly during the period 2001–2004.

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN
PACIFIC PURSE SEINE FISHERY -
MANAGEMENT SCHEME
(VESSEL DAY SCHEME)**

(as amended by VDS Working Group, Honiara, Solomon Islands, 7 and 13 October 2005)

Article 1

Definitions

1.1 In this management scheme:

- (i) *ALC* means automatic location communicator.
- (ii) *Adjusted PAE*, in relation to a Party, means that Party's PAE as adjusted pursuant to Article 6, 7 or 10.
- (iii) *Fishing activities* includes the following:
 - (a) searching for, catching, taking or harvesting fish;
 - (b) attempting to search for, catch, take or harvest fish;
 - (c) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish for any purpose;
 - (d) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons, or any other equipment used in the control, support or assistance of fishing operations of any description;
 - (e) any operations at sea directly in support of, or in preparation for, any activity described in paragraphs (a) to (d);
 - (f) use of any vessel in connection with any activity described in paragraphs (a) to (e), except for emergencies involving the health and safety of the crew or the safety of a vessel.
- (iv) *Fishing day* means any calendar day, or part of a calendar day, during which a purse seine vessel is in the waters of a Party outside of a port, but does not include a calendar day, or part of a calendar day, referred to in Article 5.1(iii).
- (v) *Length overall*, in relation to a vessel, means the distance in metres (with an accuracy of two decimal places) in a straight line between the foremost point of the bow and the aftermost point of the stern, provided that the bow shall be taken to include the watertight hull structure, forecastle, stem and forward

bulwark, and the stern shall be taken to include the watertight hull structure, transom, poop, skiff ramp and bulwark.

- (vi) *Management period* means a period of three management years.
- (vii) *Management year* means a period of one calendar year commencing on the date of commencement of the vessel day scheme.
- (viii) *Palau arrangement* means the Palau Arrangement for the Management of the Western Pacific Purse-Seine Fishery.
- (ix) *Party allowable effort (PAE)*, in relation to a Party, means the total number of fishing days for a management year allocated to that Party calculated pursuant to the formula at Article 12, and presented to the Parties each year in accordance with the table at Schedule 1.
- (x) *Total allowable effort (TAE)* means the maximum number of fishing days by all licensed purse-seine vessels in the waters of the Parties to the Palau Arrangement in any management year.
- (xi) *VDS (vessel day scheme) Register* means the register established and maintained pursuant to Article 8.
- (xii) *VDS management area* means the waters of the Pacific Ocean bounded as follows:
 - (a) In the north by the 20° parallel of north latitude;
 - (b) In the south by the 20° parallel of south latitude; and
 - (c) In the east by a line due north along the 130° meridian of west longitude to its intersection with the 4° parallel of south latitude; thence due west along the 4° parallel of south latitude to its intersection with the 150° meridian of west longitude; thence due north along the 150° meridian of west longitude.

Article 2

Objectives and description

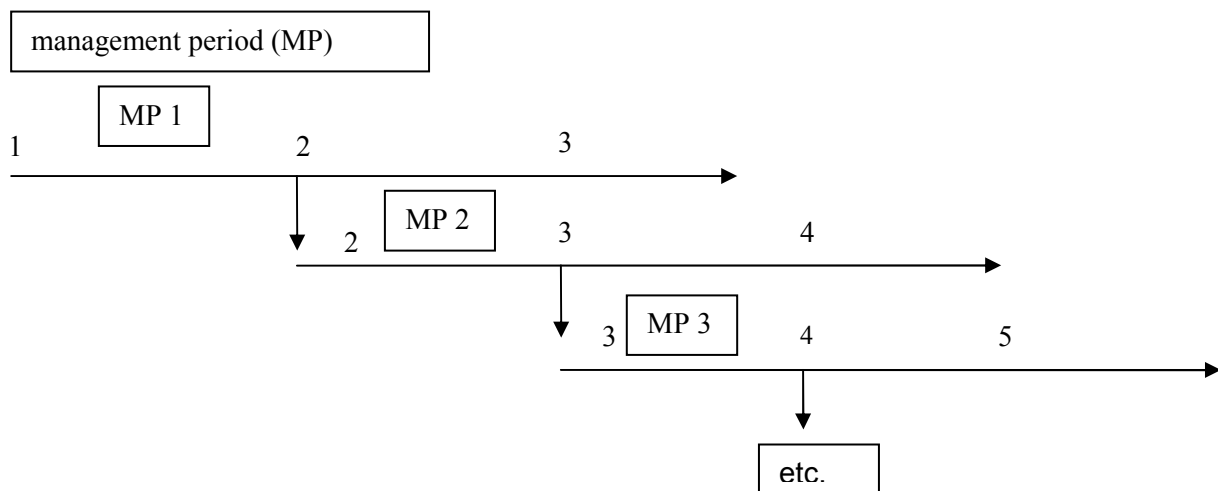
2.1 This management scheme is made pursuant to the Palau Arrangement for the management of purse-seine fishing effort of the western and central Pacific. The objective of this management scheme is to enhance the management of purse-seine fishing vessel effort in the waters of the Parties by encouraging collaboration between all parties, and:

- i) promoting optimal utilization and conservation of tuna resources;
- ii) maximizing economic returns, employment generation and export earnings from sustainable harvesting of tuna resources;
- iii) supporting the development of domestic locally based purse-seine fishing industries;
- iv) promoting effective and efficient administration, management and compliance.

2.2 Through this management scheme the Parties shall seek to limit the level of fishing by purse-seine vessels in the waters of the Parties to the levels of total allowable effort agreed by the Parties to the Palau Arrangement.

2.3 The management scheme will have a management period of three management years. At the end of each management year a new three-year management period will commence. management years and management periods will be numbered sequentially. At the beginning of the scheme a total allowable effort will be set by the Parties for each of the first three years. Prior to the end of the first year of the management scheme the Parties will meet to set the TAE for the fourth management year, as illustrated in Figure 1. Prior to the end of the second management year, and prior to the end of each subsequent management year, the Parties will meet to set the TAE for the fifth management year, and thereafter for each new management year. In the event that a TAE is not set for a new management year, the TAE for the previous management year will apply.

Figure 1: Rolling three-year management period.



2.4 At the end of each management year any unused PAE from the corresponding management period may be carried forward to the new management period. In this respect the Parties to the Palau Arrangement may agree rules about the maximum number or maximum proportion of days that may be carried forward.

Establishment of a VDS Committee

2.5 Oversight of the management scheme will be the responsibility of a Vessel Days Scheme Committee (VDSC) comprising a nominee of each of the Parties to the Palau Arrangement. The VDSC will be a sub-committee of the Palau Arrangement Parties and will be subject to their absolute control. The VDSC will meet as required and be subject to the following general procedures:

- i) The VDSC will appoint a Chair and vice Chair for a period of no more than three years. At the end of the Chair’s term the vice Chair will assume the Chair’s role. Initial and ongoing appointments will be made in a manner that provides for the

terms of the Chair and vice Chair to be staggered to provide continuity of experience.

- ii) The VDSC may consider, discuss and make recommendation to any meeting of the Parties to the Palau Arrangement on any matter related to the administration of the VDS, and make decisions on matters delegated to them by the Parties to the Palau Arrangement.

Meeting procedures

- iii) The committee can adopt meeting procedures as it sees fit from time to time bearing in mind that in establishing the VDSC it is the intention of the Parties to the Palau Arrangement that it operate in a manner that is as informal as is practical in order to conduct its business efficiently. In the event of any dispute over meeting procedures and in the absence of any otherwise agreed meeting procedures the meeting procedures that apply to the meetings of the Forum Fisheries Committee will apply. The Administrator will maintain a record of meeting procedures as agreed to from time to time.

Observers

- iv) Observer status will only be granted to government officials representing members of the Forum Fisheries Agency. Any member wishing to attend as an observer will provide advice to the Chair of their intention to attend any meeting. As meetings of the VDSC will be informal and may be called at short notice, there may be no general notice of intended meetings to observers.

Guests

- v) Any other person may be invited by the VDSC to attend certain sessions of the VDSC as a guest, on an agenda item by agenda item basis.

Confidentiality

- vi) Other than for the purposes of official reporting within government observers and guests shall be bound to keep any matter discussed by the VDSC confidential other than where agreed on a case by case basis by the Chair.

Meeting agenda and record

- vii) An agenda shall be prepared for each meeting. A record of each meeting shall be kept by the Administrator and cleared by the VDSC before it concludes any meeting. The record shall be brief and only record the broad points of discussion by the VDSC, along with any viewpoint expressly requested by any VDSC member to be formally recorded and the precise outcome of any discussions whether they be in the form of a recommendation to a meeting of the Parties to the Palau Arrangement, or a decision.

Annual meeting of Parties to the Palau Arrangement

2.6 The annual meeting of the Parties to the Palau Arrangement will consider matters relating to the administration of the VDS. In particular, but without limiting the matters the meeting can consider, it will be a function of the annual meeting to:

- i) Consider any matter referred to it for decision by the VDSC.
- ii) Receive a briefing from the administrator on catch and effort levels and any observed or potential increase in average effective fishing effort for each fishing day since the introduction of the vessel day scheme (effort creep):
 - a. In respect of any observed effort creep the Parties shall take the necessary management action to ensure such effort creep is not detrimental to the fishery.
 - b. Options for management action by the Parties shall include controls on vessel length, vessel capacity, well size, the use of fish aggregating devices or any other necessary measure.
- iii) Receive a briefing from the administrator on any transfer of fishing days between Parties and between management periods.
 - a. In respect of any transfer of fishing days between management periods the Parties may agree on any future restrictions that may apply to the proportion of fishing days that may be borrowed from or carried forward to future years.
 - b. In respect of any deliberation on this matter the Parties will take into account the need to ensure that such transfers are not detrimental to the fishery or the fishery management scheme.
- iv) Set the TAE in accordance with the provisions of this management scheme.
- v) Consider the need to establish procedures to consult with distant water fishing nations, fishing parties, fishing organizations, and other relevant organizations and provide direction to the administrator in that respect.
- vi) Determine controls on high seas fishing to be applied to fishing parties operating under the VDS or other arrangements, treaties or agreements.

Article 3

Non-application to certain purse-seine vessels

3.1 For clarification this management scheme does have effect with respect to fishing activities by a purse-seine vessel operating under a valid license issued under the Federated States of Micronesia Arrangement for Regional Fisheries Access (FSMA) while it is in the national waters of the licensing home Party.

3.2 This management scheme shall not apply to or affect:

- (i) fishing activities by a purse-seine vessel while it is in the national waters of a Party, other than as described in clause 3.1, under a valid license issued under FSMA; or

- (ii) fishing activities by a purse-seine vessel while it is operating under a valid license issued under the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (UST);

3.3 Clause 3.2 does not apply to the deliberations of the Parties to the Palau Arrangement when calculating the TAE when it will be necessary to consider the catches of FSMA and UST fleets and make adjustments to the TAE in accordance with the TAE setting process.

3.4 Clause 3.2 does not apply where agreed to by the Parties to the FSMA or the UST.

Article 4

Obligation to limit fishing days

4.1 Each Party shall take all necessary measures to ensure that the number of fishing days by purse-seine vessels in its waters does not exceed that Party's PAE or adjusted PAE in any management year other than in accordance with Article 3.

Article 5

Calculating fishing days

5.1 The following provisions shall govern the calculation of a Party's use of its PAE or adjusted PAE during a management year, and shall be applied by the administrator:

- (i) If a purse-seine vessel reports during any fishing day from positions in the waters of two or more Parties, that fishing day shall be apportioned between those Parties according to the distribution of reported positions of that vessel;
- (ii) If a purse-seine vessel reports during any fishing day from positions in the high seas or in the waters of non-Parties, and in the waters of one or more Parties, that fishing day shall be apportioned according to the distribution of reported positions;
- (iii) If a Party has advised the administrator, using the form in Schedule 2, that a purse-seine vessel will be in its waters but will not be undertaking fishing activities, the days or parts of days spent by the vessel in that Party's waters will not be counted as fishing days provided the vessel does not undertake fishing activities during the period identified in the form. For that purpose, a vessel shall be deemed to be undertaking fishing activities during any time that its fishing gear is not completely stowed.
- (iv) every fishing day by a purse-seine vessel with a length overall of less than 50 metres shall equate to a deduction of one half of a fishing day;
- (v) every fishing day by a purse-seine vessel with a length overall of between 50 metres and 80 metres shall equate to a deduction of one fishing day;
- (vi) every fishing day by a purse-seine vessel with a length overall in excess of 80 metres shall equate to a deduction of one and one half fishing days.

- (vii) there shall be no deduction of fishing days in respect of any period spent by a purse-seine vessel within a port of a Party.

Article 6

PAE adjustments: Transfers between Parties

6.1 Any two Parties may agree to a transfer between themselves of all or part of their PAE for a management year, provided that

- (i) A Party may not agree to transfer to other Parties more than 100% of its PAE;
- (ii) A Party may not agree to transfer any part of its PAE which that Party has already used at the time the request is made.

6.2 A Party that proposes to receive a transfer of PAE pursuant to an agreement under Article 6.1 must provide a transfer notification to the administrator, using the form set out in Schedule 3 (a) and according to any transfer administration procedures that have been agreed by the Parties on the recommendation of the administrator, no later than 31 January of the management year following the management year that the proposed transfer relates to. The transfer will be approved by the administrator providing it meets the requirements of the VDS.

6.3 If the administrator is satisfied that the Parties have complied with the requirements of Articles 6.1 and 6.2, the administrator shall adjust the PAE of the relevant Parties in accordance with the transfer notification.

Article 7

PAE adjustments: Transfers between management years and management periods

7.1 A Party may instruct the administrator to adjust its PAE for any management year in a management period by transferring to that management year up to 100% of its PAE from another management year of the same management period.

7.2 A Party may instruct the administrator to adjust its PAE for the first management year in a management period by transferring to that management year up to 30% of its PAE from the final management year of the preceding management period.

7.3 An instruction under Article 7.1 or 7.2 is valid only to the extent that it relates to a Party's PAE which the Party has not already used at the time the request is made.

7.4 The Party instructing the administrator to adjust its PAE under this Article must provide a transfer notification to the administrator, using the form set out in Schedule 3 (b) and according to any transfer administration procedures that have been agreed by the Parties on the recommendation of the administrator, no later than 31 January of the management year following the management year that the proposed transfer relates to.

7.5 If the administrator is satisfied that the Party has complied with the requirements of this Article, the administrator shall adjust that Party's PAE in accordance with the transfer notification.

Article 8

Register of purse-seine vessels

8.1 The administrator shall establish and maintain a Register of Purse-seine Vessels under the Palau Arrangement Purse-seine Fishery Vessel Day Scheme (the VDS Register).

8.2 A purse-seine vessel must be registered on the VDS Register in order to undertake fishing activities pursuant to this management scheme. Each Party shall ensure that every license of a purse seine vessel includes a condition that no fishing activity may be undertaken pursuant to the licence during any period when the vessel is not registered on the VDS Register.

8.3 A purse-seine vessel may only be registered on the VDS Register if:

- (i) An application for the vessel to be registered on the VDS Register is made to the administrator using the form set out in Schedule 4; and
- (ii) The application form is accompanied by payment of the registration fee set out in Schedule 5; and
- (iii) The administrator is satisfied that the vessel will be able to comply with the requirements of this management scheme; and
- (iv) The vessel is in good standing on the FFA Vessel Register

8.4 The administrator must register a purse-seine vessel on the VDS Register if the requirements of Article 8.3 have been satisfied in relation to that vessel. Upon a purse-seine vessel becoming registered on the VDS Register, the administrator must notify the vessel owner and the relevant Party of that fact, and of the commencement date of the registration.

8.5 Subject to Article 8.6, the registration of a purse-seine vessel on the VDS Register shall remain in effect until the end of the management period. A purse-seine vessel that is registered on the VDS Register at the end of a management period shall be entitled to have its registration continued for the following management period, provided that the vessel fulfils the registration requirements, set out in Article 8.3, no later than 30 days prior to the commencement of that following management period.

8.6 The administrator must delete a vessel from the VDS Register if:

- (i) The vessel owner requests the administrator to delete the vessel from the VDS Register; or,
- (ii) A Party requests that a vessel be deleted from the VDS Register; or
- (iii) The administrator is satisfied that the vessel has failed to comply with the requirements of this management scheme.

8.7 The Administrator shall not delete a purse seine vessel from the VDS Register pursuant to Article 8.6 unless the administrator first consults with the Parties about the proposed deletion, and no Party objects to the proposed deletion of the vessel from the VDS Register. If the administrator deletes a vessel from the VDS Register, the administrator must notify the vessel owner and any relevant Party of the fact and date of the deletion. A purse-seine vessel that has had its registration on the VDS Register deleted must satisfy the requirements of Article 8.3 in order to be registered again on the VDS Register.

8.8 The administrator shall provide monthly notifications to all Parties of changes to the VDS Register, including details of new vessel registrations and deletions of vessel registrations. The administrator shall also maintain the VDS Register on a secure Internet website that is accessible only by the Parties and the administrator.

Article 9

Monitoring

9.1 A purse-seine vessel must have an ALC operating at all times of a management period during which it is registered on the VDS Register and within the VDS Management Area, and must ensure that the ALC provides location transmissions at intervals of at least every four hours.

9.2 If the administrator does not receive either an ALC transmission from a purse-seine vessel to which Article 9.1 applies, or a transmission failure report from a purse-seine vessel pursuant to Article 9.3, the administrator shall notify the vessel of the transmission failure no later than 12 hours after the ALC transmission was due, and require the vessel to submit transmission failure reports to the administrator pursuant to Article 9.3.

9.3 If a purse-seine vessel becomes unable to transmit by ALC for any reason, the operator of the vessel shall, as soon as practicable, submit a transmission failure report, in the form set out in Schedule 6, to the administrator and to any Party in whose waters the vessel is undertaking fishing activities. The first transmission failure report shall account for the period from the time of the ALC transmission failure to the time of submission of the report. Subsequent transmission failure reports shall be submitted at intervals of four hours.

9.4 If at any time a purse-seine vessel is unable to comply with the requirements of this Article, the master of that vessel must immediately stow the vessel's fishing gear and take the vessel directly to the nearest port, or such other port as the administrator directs, and immediately report to the administrator of its actions under this Article.

Article 10

Compliance

10.1 Each Party shall take all necessary measures to ensure that every purse-seine vessel that is licensed to fish in its waters, and every purse-seine vessel that is entitled to fly its flag, comply with the requirements of this management scheme.

10.2 If a Party exceeds its PAE or adjusted PAE at any time during a management year, the administrator shall, within seven days, notify the Party of that fact. That Party shall report to the administrator within 21 days on its measures to ensure adherence to its PAE or adjusted PAE, including any arrangements for transfer of PAE pursuant to Article 6 or Article 7.

10.3 If the level of purse-seine fishing in the waters of a Party exceeds its PAE for a management year, that Party's PAE for the following management year shall be adjusted by deducting:

- (i) If the excess is less than 100 days: the amount of the excess;
- (ii) If the excess is 100 days or more: 120% of the excess.

10.4 The administrator shall promptly provide a report to all Parties with details of any PAE adjustment pursuant to this Article, and a statement of that Party's adjusted PAE for any management year affected by the adjustment.

Article 11

Administrator

11.1 The administrator of this management scheme shall be the Director-General of the Forum Fisheries Agency.

11.2 The administrator shall have the following functions:

- (i) performing any function that this management scheme requires the administrator to perform;
- (ii) receiving information and documents from the Parties;
- (iii) receiving registration application fees pursuant to Article 8.3(ii);
- (iv) convening meetings of the Parties pursuant to this Article;
- (v) performing any function that the Parties direct the administrator to perform;
- (vi) performing any function that is necessary for the effective administration of this management scheme.

11.3 The administrator shall perform their functions consistently with any direction given by the Parties. The administrator shall consult with the Parties as required and take all necessary steps to ensure that reports and information required to be provided by Parties are provided on time.

11.4 The administrator shall apply fees collected pursuant to this management scheme as directed by the Parties. The administrator shall prepare an annual budget for this management scheme, for consideration and approval by the Parties at the annual management meeting under the Palau Arrangement.

11.5 The Administrator shall convene a special meeting of the Parties to consider the operation of this Management Scheme if the Administrator receives a written request for such a meeting, and where that request is supported by a minimum of three additional Parties.

Article 12

Calculating TAE and PAE

12.1 The TAE is the maximum number of fishing days undertaken by all licensed purse-seine vessels in all waters of the Parties to the Palau Arrangement in any management year.

Calculating TAE

12.2 The TAE will be set by the Parties at their annual meeting or at such other time agreed to by the Parties having regard to:

- i) the best available scientific, economic, management and other relevant advice and information;
- ii) the provisions of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;
- iii) the objectives of the VDS; and,
- iv) any submission on this issue from any party, individual or organization.

Allocating TAE among Parties

12.3 Prior to the allocation of the TAE among the Parties, the TAE shall be adjusted by making a deduction from the TAE in accordance with clause 12.7.

12.4 The adjusted TAE shall be allocated among the Parties as their PAE.

12.5 The PAE for each Party shall be expressed as a percentage. The formula for calculating the PAE of each Party shall be that 50 percent of the PAE is based on the distribution of the assessed relative biomass of skipjack and yellowfin within the waters of the Parties. For this purpose, the average shall be taken over a ten-year period using the most recent available data; and 50 percent on the average of the annual distribution of the number of vessel days fished in the waters of the Parties. For this purpose, the average shall be taken over a seven-year period using the most recent available data.

12.6 The Parties may have regard to the special circumstances of any member and agree to a temporary increase in the PAE on an annual basis. Such temporary increases shall not automatically be granted in the following year.

Allocating TAE for the FSMA and US Treaty Fleets

12.7 Prior to allocating the TAE among Parties, an amount of fishing days will be allocated to each of two pools of fishing days. One pool will be maintained for the FSMA, and one pool for the Treaty on Fisheries between the governments of certain Pacific Island states and the Government of the United States of America (US Treaty). These pools of fishing days will be calculated on the basis of the average number of days fished by these fleets over a seven-year period using the most recent available data.

Updating of PAE

12.8 Each PAE shall be updated every year using the formula described in clause 12.5 using the most recent data.

Article 13

Amendment to the VDS

13.1 This VDS may be amended in any respect by the agreement of the Parties to the Palau Arrangement.

Article 14

Fees for administration of the VDS and charges for vessel days

14.1 The Parties to the Palau Arrangement may, at any meeting, agree upon or vary any fees to be charged by vessels registered to operate under the VDS and the scheme for administration of any such fees.

14.2 The Parties to the Palau Arrangement may, at any meeting, agree upon a scheme for standardizing fees for the sale of vessel days.

Article 15

Transitional provisions

15.1 At the commencement of the management scheme the Parties agree that the management scheme be applied on a provisional basis for an agreed period which shall be known as the transitional period, for the purposes of providing time for negotiations with fishing parties, and to monitor and to trial the implementation. The Parties may extend the transitional period for a further duration if the Parties consider it necessary.

15.2 The first management period would commence at the end of the agreed transitional period.

15.3 The Parties agree to maintain Schedule 7 of the management scheme during the transitional period.

15.4 During the transitional period of the management scheme, decisions pertaining to the implementation of the management scheme may only be made by Parties who have agreed to apply the scheme.

**PALAU ARRANGEMENT FOR MANAGING THE WESTERN PURSE- SEINE FISHERY
MANAGEMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 1

Management Scheme Details			
Management period: (#)			
First management period: (<i>date commencing</i>)			
Total allowable effort (TAE) for each year of first management period: (<i>as agreed to by the Parties</i>)			
Party	Annual percentage party allowable effort (PAE) for # management period		
	Year #	Year #	Year #
Federated States of Micronesia			
Kiribati			
Marshall Islands			
Nauru			
Papua New Guinea			
Palau			
Solomon Islands			
Tuvalu			

The formula for calculating the PAE of each party shall be that 50 percent of the PAE is based on the distribution of the assessed relative biomass of skipjack and yellowfin tuna within the waters of the Parties. For this purpose, the average shall be taken over a ten-year period using the most recent available data; and 50 percent on the average of the annual distribution of the number of vessel days fished in the waters of the Parties. For this purpose, the average shall be taken over a seven-year period using the most recent available data.

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 2

**REPORT TO ADMINISTRATOR ON VESSELS IN ZONE NOT ENGAGED IN FISHING
ACTIVITIES**

Party submitting report: _____

Zone: _____

Name of vessel: _____

Vessel's international call sign: _____

Vessel's VDS Register Registration No (if applicable): _____

FFA Vessel Register No. (if applicable): _____

Date and time of entry into Party's waters: _____

Date and time of proposed exit from Party's waters: _____

Date and time of cessation of fishing activity: _____

Date and time of recommencement of fishing activity: _____

State reason for vessel's presence in the Party's waters:

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 3 (a)

PART A

**PAE TRANSFER NOTIFICATION:
PARTY-PARTY TRANSFER**

[Name of Party from which PAE to be transferred] notifies the Administrator to effect a transfer of
fishing days of its PAE for Management Year 20.. to [name of Party to receive transfer].

Amount of PAE to be transferred

(in fishing days):

.....

[Authorized Officer]

Name:

Telephone:

Facsimile:

Email:

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 3 (b)

PART B

**PAE TRANSFER NOTIFICATION:
TRANSFER BETWEEN MANAGEMENT YEARS**

[Name of Party requesting transfer] notifies the Administrator to effect a transfer of fishing days of its PAE for Management Year 20.. as follows:

**Management year to which
fishing days to be transferred:**

**Amount of fishing days to be
transferred (tick relevant box):**

- Total fishing days available for transfer
- fishing days

.....
[Authorized Officer]
Name:
Telephone:
Facsimile:
Email:

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PACIFIC PURSE
SEINE FISHERY – MANAGAMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 4

APPLICATION FOR REGISTRATION



Vessel Days Scheme Register
APPLICATION FOR REGISTRATION

VID Number - FFA use only

Vessel

Name of vessel

Flag of vessel

International Radio Call Sign

Flag State Registration Number

FFA Vessel Monitoring System Details

FFA VMS type-approved ALC installed?

No

Yes

Inmarsat number

Vessel Specifications

Vessel Length (please complete all lengths for which information is available)

Length Overall

Registered Length

Length between perpendiculars

Length specified as:

metres

feet

Please send your completed form to:

Forum Fisheries Agency

1 FFA Road, Kola'a Ridge

P.O. Box 629

Honiara

Solomon Islands

Phone: (+677) 21124

Fax: (+677) 23995

E-mail: mcs@ffa.int

Privacy and your information

Information provided to the Forum Fisheries Agency on this form is confidential. Further information about VDS Registration, including instructions regarding remittance of VDS Registration fees, will be provided in a separate notice.

Applicant details

Name

Mailing address

Phone number

Fax number

E-mail address

Tick the box that applies to you

Owner

Charterer

Authorised agent

Application period

from

Month

Year

to

Month

Year

Applicant declaration

I hereby apply for good standing of the (name of vessel)

on the Vessel Days Register maintained by the Forum Fisheries Agency.

I declare that, to the best of my knowledge, there are no outstanding matters pending in relation to this vessel or its use.

I declare that the information provided in this Application for Registration, signed by me, is true and complete.

Signature

Date

Day

Month

Year

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 5

**SCHEDULE OF FEES PAYABLE PURSUANT TO THE MANAGEMENT SCHEME
(all fees are stated in United States dollars)**

Fee Description	Amount
Registration Fee	\$2,400.00*

* The Registration Fee is for the three-year management period and may be paid in equal annual instalments of \$800, provided that each instalment must be paid in advance of the commencement date of the management year. Late payments will attract a 10% penalty charge. There will be no pro-rata reduction of fees for late payments or payments received part way through a fishing year.

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 6

INFORMATION FOR INCLUSION IN A TRANSMISSION FAILURE REPORT

**THE FOLLOWING INFORMATION MUST BE INCLUDED IN ANY
TRANSMISSION FAILURE REPORT:**

Date (dd/mm/yyyy):

Vessel name:

Call sign:

ALC make and model:

ALC serial number:

Position of last ALC transmission (at four -hour intervals):

Position of last manual transmission:

Operator/Captain's name:

Observer's name (if applicable):

PURSE-SEINE LICENCE NUMBERS
(Revised May 2006)

SCHEDULE 7

Category	Agreed, June 2005	Reported May 2006	Agreed May 2006	Variance
1. Multilateral Access				
U.S. Treaty	40	13	40	-27
2. Bilateral Foreign Access				
Japan	35	34	35	-1
Taiwan	33	33	33	0
South Korea	27	27	27	0
Philippines	10	6	10	-4
China	4	4	4	0
European Union	4	2	4	-2
Sub-total (1+2)	153	119	153	-34
3. Domestic / Locally-based				
All parties	52	52	52	0
Total ((1+2) + 3)	205	171	205	-34

*Note: Fleets that fail to fully utilise their allocation will be liable to forfeit their unused allocation.

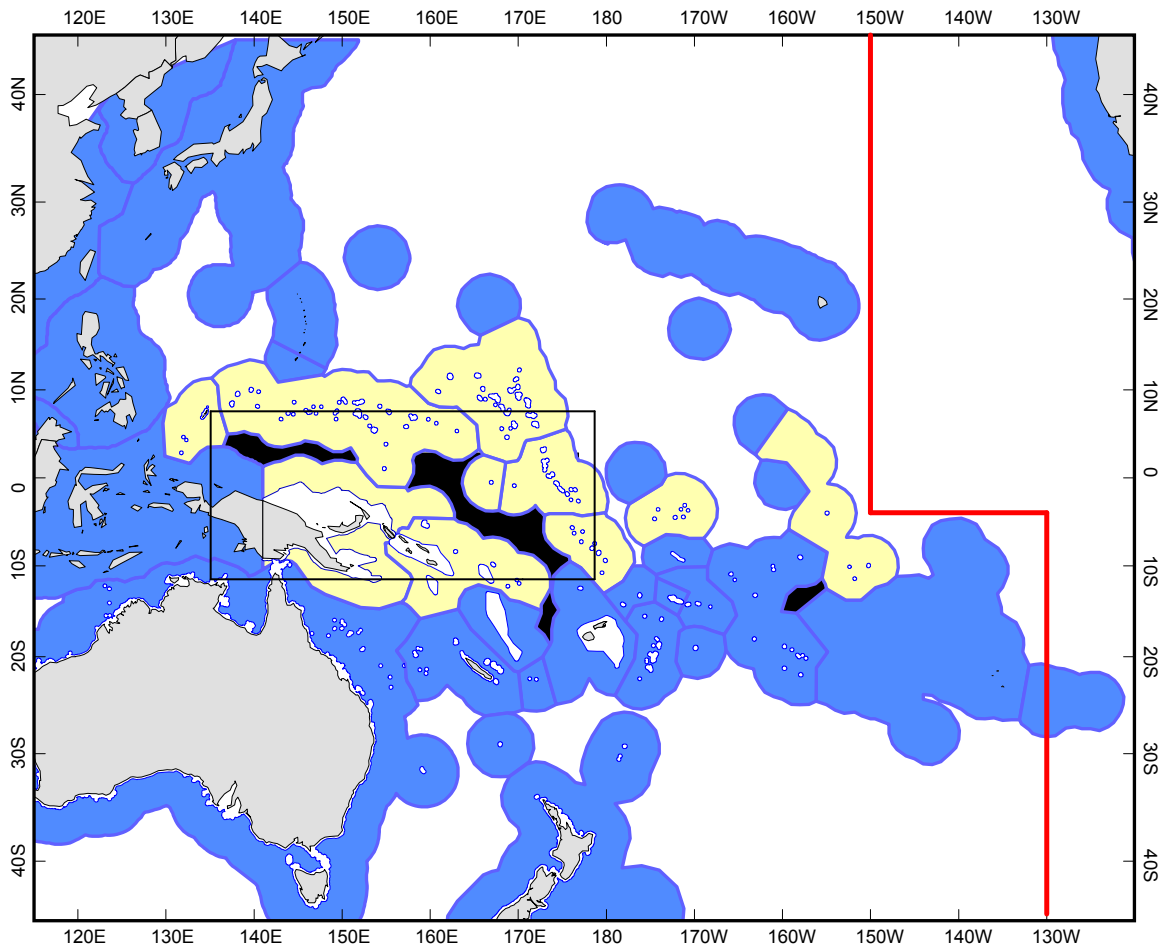
Special Arrangements⁹

Category	Agreed, June 2005	Reported May 2006	Agreed May 2006	Variance
1. EU vessels part-time in Kiribati waters only	2	0	2	-2
2. Domestic/Locally Based	15	13	15	-2
3. China	4	5	5	0
4. South Korea	1	0	1	-1
5. Philippines	1	0	1	-1
6. Taiwan	1	0	1	-
Totals	24	18	25	-7

⁹ This category will remain in force as long as the number of US vessels is below its maximum allocation of 40 vessels.

Attachment R, Appendix D

The WCPFC Convention Area. The PNA Exclusive Economic Zones (EEZs) are shown in yellow (light), archipelagic waters and territorial seas for Pacific Island countries and territories, Australia and New Zealand are shown in white within the EEZs. Coordinates for archipelagic waters and territorial seas for other CCMs were not available and are not shown. The high seas pockets wholly enclosed by EEZs between 20°N and 20°S are shown in black. The two high seas pockets referred at paragraph 22, to be closed effective from 1 January 2010, unless the Commission decides otherwise at its sixth annual meeting in December 2009, are framed within the black rectangle. At this meeting the Commission will also consider the closure of all high seas pockets in the Convention Area between 20°N and 20°S.



This map displays indicative maritime boundaries only. It is presented without prejudice to any past, current or future claims by any state. It is not intended for use to support any past, current or future claims by any state or territory in the western and central Pacific or east Asian region. Individual states are responsible for maintaining the coordinates for their maritime claims. It is the responsibility of flag states to ensure their vessels are informed of the coordinates of maritime limits within the Convention Area. Coastal states are invited to register the coordinates for their negotiated and agreed maritime areas with the Commission secretariat

GUIDELINES FOR PREPARING FAD¹⁰ MANAGEMENT PLANS

To support obligations in respect of FADs in CMM-2008-01, the FAD Management Plan (FAD-MP) for a CCM purse seine fleet to be submitted to the Commission could include, for example:

- An objective
- Scope:
 - Description of its application with respect to:
 - Vessel-types and support and tender vessels,
 - FAD types [anchored (AFAD) and drifting (DFAD)],
 - maximum FAD numbers permitted to be deployed [per purse seine or ring net vessel per FAD type],
 - reporting procedures for AFAD and DFAD deployment,
 - catch reporting from FAD sets (consistent with the Commission's Standards for the Provision of Operational Catch and Effort Data),
 - minimum distance between AFADs,
 - incidental bycatch reduction and utilization policy,
 - consideration of interaction with other gear types,
 - statement or policy on "FAD ownership".
- Institutional arrangements for management of the FAD Management Plans
 - Institutional responsibilities,
 - application processes for FAD deployment approval,
 - Obligations of vessel owners and masters in respect of FAD deployment and use,
 - FAD replacement policy,
 - reporting obligations,
 - observer acceptance obligations,
 - relationship to Catch Retention Plans,
 - conflict resolution policy in respect of FADs.
- FAD construction specifications and requirements
 - FAD design characteristics (a description),
 - FAD markings and identifiers,
 - Lighting requirements,
 - radar reflectors,
 - visible distance,
 - radio buoys [requirement for serial numbers],
 - satellite transceivers [requirement for serial numbers].
- Applicable areas
 - Details of any closed areas or periods (e.g. territorial waters, shipping lanes, proximity to artisanal fisheries)
- Applicable period for the FAD-MP
- Means for monitoring and reviewing implementation of the FAD-MP.
- Means for reporting to the Commission

¹⁰ Fish aggregating devices (FAD) are drifting or anchored floating or submerged objects deployed by vessels for the purpose of aggregating target tuna species for purse seine or ringnet fishing operations.

Attachment R, Appendix F

BASELINE LONGLINE BIGEYE TUNA CATCHES, BY FLAG

CCM	2001	2002	2003	2004	Average 2001-04 or 2004*	2005	2006	2007 (prev.)
AMERICAN SAMOA				227	185	134	181	198
AUSTRALIA	1,307	1,002	1,024	892	1,056	791	563	777
BELIZE	1,322	812	782	297	803	425	254	158
CHINA	2,227	2,312	8,965	9,314	9,314	6,399	9,790	7,821
COOK ISLANDS	1	56	204	394	164	220	166	189
EUROPEAN COMMUNITY	0	0	0	42	11	17	62	0
FIJI	662	853	889	1254	915	423	771	639
FRANCE (FRENCH POLYNESIA)	745	649	439	502	584	606	498	481
FRANCE (NEW CALEDONIA)	128	189	142	90	137	76	35	53
FSM	651	759	656	542	652	182	172	1,394
INDONESIA	659	711	625	8413	8,413	7707	10,317	10,197
JAPAN	27,466	29,574	26,110	29,248	28,100	23,020	26,876	26,876
KIRIBATI	0	0	0	0	0	0	0	0
MARSHALL ISLANDS	0	0	0	1	0	0	0	3
NAURU	6	3	10	0	5	0	0	0
NEW ZEALAND	481	201	204	177	266	175	177	213
NIUE	0	0	0	0	0	10	0	0
PALAU	21	1	1	7	8	0	0	0
PAPUA NEW GUINEA	240	318	390	392	335	211	134	144
PHILIPPINES	264	310	394	403	343	729	804	927
REPUBLIC OF KOREA	22,172	28,533	17,151	17,941	21,449	15622	12,489	10,054
SAMOA	185	137	110	104	134	64	128	101
SOLOMON ISLANDS	187	393	967	357	476	357	357	357
CHINESE TAIPEI	12,435	16,645	13,345	20,992	15,854	15498	14,295	14,760
TONGA	191	215	94	40	135	125	117	129
USA	2,418	4,396	3,618	4,181	4,181	4,462	4,381	5,416
VANUATU	17	396	841	1,862	779	1,558	2,145	1,574
Total	73,860	88,661	77,203	97,672	94,294	78,811	84,712	82,461

*2004 only applies to China, Indonesia and USA

Notes:

1. Source: Annual catch estimates, WCPFC Tuna Fishery Yearbook 2006.
2. Underlined catch estimates have been carried over from previous years.
3. Indonesia has recently revised the proportion of catch taken by gear type for their domestic fisheries which has resulted in a much larger allocation to their longline (at the expense of catches in the “unclassified” fisheries) since 2004 than has been reported in previous years.
4. Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 5 of CMM 2005-01 using the best information available to SPC-OFP.



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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

**STATEMENT BY INDONESIA
ON THE ADOPTION OF A
CONSERVATION AND MANAGEMENT MEASURE FOR
BIGEYE AND YELLOWFIN TUNA IN THE WESTERN AND CENTRAL
PACIFIC OCEAN**

Mr Chairman,

Let me first congratulate you for your able stewardship which produces the final text on the CMM. We thank your efforts to accommodate our concern in relation to the need to identify the western boundary of the bounded areas for Convention Area.

We consider this is important not only to clarify the scope application of the CMM, but also for the purpose of legal certainty for future activities of the Commission.

Mr Chairman,

The CMM describes what would be the best measures to address the problem of depletion tuna stocks because of potential overfishing in the high seas in the Convention Area and the adjacent EEZ.

Likewise, the CMM acknowledges the need to avoid measures that would create disproportionate burden of conservation action onto developing countries. It will also take serious consideration to avoid its adverse impacts, among others, on small-scale and artisanal fishers.

These are mandated by the Honolulu Convention. And it serves as general principle of international law as the recognition of the special requirements of developing countries derives from the UNCLOS and UN Fish Stocks Agreement.

We believe this is the right direction for the Commission in order to ensure long-term use of these tuna stocks for the benefit of future generations. And we will strive to implement the CMM, and improve domestic system in place so as to meet this noble objective.

Mr Chairman,

While we translate this principle into program of action of CMM, we should not overlook the urgency for the Commission, at the same time, to provide incentive to developing coastal states that having special characteristic which provide dynamic and appropriate environment condition for juvenile stocks to grow.

This is pertinent question in order to distribute that the benefit of the conservative measures to be distributed in equitable manner.

Mr Chairman,

It is timely for the Commission to incorporate rewards for environmental services into any CMMs. This concept has been introduced in various fora to address issues of shared concern, particularly on environmental protection. Carbon trade mechanism, for instance, has been set up to give incentive for states that apply measures consistent with the regulations.

The rewards for environmental services will create a balance between the projected outcome of reducing the pace of depletion of fish stocks, target for creating conducive environment for the fish stocks, activities-centered incentive, and supportive to the concern of coastal community that may be affected directly.

In essence, it creates a trust amongst all stakeholders that will be affected by the introduction of CMM; that such measure will give benefit to all, in equitable manner, as rewards for environmental services acknowledge the potential of environmental variability and change.

We believe that the Commission has the mandate to explore innovative measures to counterbalance disproportionate burden that may be incurred by developing coastal states in that particular situation.

We have no doubt on the Commission's ability to respond to it.

The proposal for temporary closure of high seas pockets in the corridor of 20°N and 20°S for FAD fishing practices is a perfect example in this regard.

Some might wonder whether such closure does not contravene with the freedom of the high seas, guaranteed by the customary of international law.

We believe it is not the case, Mr Chairman, since the CMM still allows vessels to continue fish free schools during this closure upon the presence of RFMO's observer on board, and because of non permanent nature of such closure.

Similarly, the Commission has also the capacity to create innovative scheme to rewards the environmental services provided by the coastal states that give benefit to fish stocks in its entirety.

None in the Convention prevents the Commission to do so for the promotion of sustainable use of fishing resources on highly migratory species. On the other hand, international community will applaud the Commission for its visionary approach that weighing the legitimate interest of developing countries with specific characteristic into its decisions.

For the above consideration, Mr Chairman, my delegation wishes the Commission, in its next session, to elaborate the scheme to value the environmental services in relation to the conservation of highly migratory fish species.



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

DRAFT CONSERVATION AND MANAGEMENT MEASURE ON THE REGULATION OF TRANSHIPMENT (Revision from WCPFC-TCC4-2008/DP-06)

WCPFC5-2008/DP02 (Rev.3)

12 December 2008

Changes to DP02 from discussions in the Small Working Group on Transshipment that will be used to progress a Transshipment Measure in 2009

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 transshipment of catches of highly migratory fish stocks at sea, in particular on the high seas contributes to distort 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 transshipment in port.

Recalling also Article 29(2) and (3) of the Convention that transshipment 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 transshipment covered by the Convention has been completed;

Recalling further Article 29(4) of the Convention that Transshipment 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 transshipping 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 transshipment activities in the convention area before they occur.

Adopts in accordance with Article 10 of the WCPFC Convention:

SECTION 1: GENERAL RULES

1.1(new) This Measure will commence on 1 January 2010.

- 1.1 The provisions of this Measure shall apply to all transshipment of highly migratory fish stocks in the Convention Area, and will apply to the transshipment outside the Convention Area of highly migratory fish stocks taken in the Convention Area.
- 1.2 The provisions of this Measure shall not apply to transshipment of highly migratory fish stocks where fish is taken and transhipped wholly in archipelagic waters or territorial seas.
- 1.3 Each CCM shall take necessary measures to ensure that vessels it is responsible for comply with this Measure. For the purposes of this Measure, CCMs are responsible for 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 shall be the CCM responsible for the vessel. 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.
- 1.4 CCMs shall report on all transshipment activities covered by this Measure as part of their Annual Report in accordance with guidelines established by the Executive Director. In doing so, CCMs shall take all reasonable steps to validate and where possible, correct information contained in the declarations using all available information such as catch and effort data, position data, observer reports and port monitoring data.
- 1.5 The Commission shall provide appropriate financial and technical assistance to developing states, in particular small island developing states, in the implementation of this Measure.
- 1.6 A WCPFC transshipment declaration, including the information set out in Annex I shall be completed for each transshipment in the Convention Area, and each transshipment of catch taken in the Convention Area. Where required in this Measure, the transshipment declaration shall be sent to the Executive Director. Annual reporting on this Measure by flag, chartering, port and coastal state CCMs shall be based on information compiled from the transshipment declarations.
- 1.7 The Executive Director, in conjunction with other RFMOs shall develop a cross-endorsement arrangement to be approved by the Commission in order to allow vessels operating between RFMOs to use the same observer. For the purposes of this measure, references to an observer from the WCPFC Regional Observer Programme includes an observer from another RFMO endorsed under the arrangement.

- 1.8 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.

SECTION 2: HIGH SEAS TRANSHIPMENT

2.1bis Except where otherwise stated, this section applies to transshipment in the high seas of fish taken using all gear types, noting the specific exemptions to reflect existing purse-seine operations in section 4.

- 2.1 There shall be no transshipment on the high seas except where a CCM has determined, in accordance with the guidelines described in paragraph 2.2 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.

In these cases:

- a) the CCMs responsible for both the offloading and receiving vessels shall, as appropriate:

i) advise the Commission of its procedures for monitoring and verification of the transshipments;

ii) indicate vessels to which the determinations apply.

iii) notify the following information to the Executive Director at least [24/48] hours prior to each transshipment.

- a. the name and WCPFC identification number (WIN) of the offloading vessel,
- b. the name and WIN of the receiving vessel,
- c. the product (including species and its processed state) to be transhipped,
- d. the tonnage by product to be transhipped,
- e. the date and location of transshipment, and
- f. the geographic location of the highly migratory fish stock catches¹¹.

[CCMs shall provide an amended report of the above information if there are any changes between the initial report and the actual transshipment.]
The Executive Director shall ensure that these notifications are made available to other CCMs for compliance activities;

iv) provide the Executive Director with a WCPFC Transshipment Declaration within 15 days of completion of each transshipment. The Executive Director shall ensure that these Transshipment Declarations are made available to CCMs in a timely manner in accordance with the Commission's Rules and Procedures for Access to and Dissemination of Data; and

- b) each CCM shall ensure that there is 100% coverage on receiving vessels by observers from the WCPFC Regional Observer Programme of all transshipments from purse-seine vessels and on all transshipments of frozen fish from longline vessels. The WCPFC observer shall monitor implementation of this Measure, and notably that the transhipped quantities are consistent with information available to the

¹¹ Not required for receiving vessels.

observer, as prescribed by the Regional Observer Programme, which may include any of the following:

- i) the catch reported in the WCPFC transshipment declaration;
- ii) catch and effort logsheets, including catch and effort logsheets reported to coastal waters in waters from which fish being transhipped has been taken; and
- iii) position data; and
- iv) the intended port of landing.

c)

- d) vessels shall be prohibited from commencing transshipping on the high seas in the Convention Area without a WCPFC observer on board the receiving vessel, except in cases of force majeure. In such cases, the Executive Director must be notified of the transshipment within (12 hours) of the completion of transshipment. The CCM responsible for, or in the case of a non-CCM carrier vessel that is on the WCPFC Temporary Register of Bunkers and Carriers, the [nominating CCM¹²] shall provide the Executive Director with a WCPFC Transshipment Declaration consistent with the requirement under paragraph 2.1(a)(iv);

e)

- f) the Commission through the TCC shall review each vessel determination as appropriate but at least every two years to establish whether monitoring and verification has been effective. After review, the Commission may prohibit transshipment on the high seas by any vessel or vessels in relation to which monitoring and verification of transshipment on the high seas is proven to have been ineffective, or establish or vary any conditions for transshipping on the high seas; and

g)

2.2 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 2009. In the meantime, CCMs shall use the following guidelines when determining the practability of high seas transshipments

- a) The prohibition of transshipment on the high seas would cause a significant economic hardship, which would be assessed by comparing the average value of the catch to be transhipped with the average cost that would be incurred to move into waters under the national jurisdiction of a CCM; 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 transshipment in the high seas;

2.3 Notwithstanding paragraph 2.1 above:

¹² See paragraph 7.3

- [a] there shall be no transshipment on the high seas of frozen fish taken by longliners within the area bounded by 20°N and 20°S.]
 - [b] there shall be no transshipment in any area of the high seas within the area bounded by 20°N and 20°S that are entirely surrounded by exclusive economic zones] [other than by any vessels approved by the Commission under paragraph 4.4 below.]
- 2.4 In the case of a serious mechanical breakdown, transshipment will be permitted on the high seas only in accordance with the following:
- a) the CCMs responsible, or in the case of non-CCM carriers listed in the WCPFC Temporary Register of Bunkers and Carriers, the [nominating CCMs] for both the offloading and receiving vessels authorize the transshipment; and
 - b) the Executive Director is notified, no later than 12 hours after commencing the transshipment; and
 - c) both CCMs provide the Executive Director with a WCPFC Transshipment Declaration consistent with the requirement under paragraph 2.1(a)(iv).

SECTION 3: TRANSHIPMENT IN NATIONAL WATERS AND IN PORT

- 3.1 Transshipment in a port or in waters under the national jurisdiction of a CCM shall take place in accordance with applicable national laws. Nothing in this Measure shall prejudice the application of national laws when transshipment occurs in areas under the national jurisdiction of a CCM, including the application of more stringent requirements.
- 3.2 A CCM may notify the Executive Director of its designated port or ports for transshipment. The Executive Director shall circulate periodically to all members a list of such designated ports. "Port" is defined as an onshore area used for landing, transshipping, processing, refueling or resupplying, or an offshore terminal, area of water not immediately adjacent to land, or other installation used for those purposes.
- 3.3 Each CCM shall monitor and verify, inter alia, the type of information described in Annex I for catches transhipped from each vessel in its ports or waters. In doing so, CCMs shall take all reasonable steps to validate and where possible, correct information contained in the declarations using all available information such as catch and effort data, position data, observer reports and port monitoring data. [Question – is this required now that it is reflected in the general rules?]
- 3.3bis Each CCM shall ensure that all transshipment at sea of frozen longline caught fish shall be in the presence of a nationally approved observer.
- 3.4 If the catch transhipped includes catch taken on the high seas or in waters under the national jurisdiction of another CCM, WCPFC Transshipment Declarations shall be sent to the Executive Director within 15 days of completion of each transshipment operation by:
- a) the coastal or port state CCM; and
 - b) the CCM responsible for the vessel.

SECTION 4: PROHIBITION OF TRANSHIPMENT AT SEA BY PURSE SEINE VESSELS

4.1 In accordance with Article 29 (5) of the Convention, transshipment at sea by purse seine vessels shall be prohibited except in respect of exemptions granted by the Commission for:

- a) [existing group seine operations of Papua New Guinea and Philippines composed of small purse-seine boats [600 mt or less] 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 transshipment when refrigerated or other ice carrier boats dock alongside catcher boats and tranship fish from the catcher boats]
- b) [transshipment activities involving New Zealand flagged domestic purse-seine vessels where the fishing activity, transshipment 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 transshipment activity and the verification of catch, and in accordance with the provisions of Section 3 above.]
[Debate ongoing whether to specifically list relevant fleets as above, or prescribe criteria that they would meet]

4.2 CCMs seeking an exemption for a vessel that meets the conditions set out in paragraph 4.1, in accordance with Article 29(5) of the Convention, 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) The name of the purse-seine vessel, its registration number, international radio call sign and its WIN, if any,
- b) The characteristics of the vessel, including GRT and fish hold capacity,
- c) The vessel's history of prior transshipment exemptions,
- c) The main species and product forms that would be transhipped,
- d) The areas where transshipments would take place, to as much detail as possible,
- e) The period of exemption being requested, and
- f) An explanation for the exemption request.

4.3 The Executive Director shall compile all requests for transshipment 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 exemptions.

4.4 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.
- 4.5 CCMs shall only authorize those of the purse-seine vessels that they are responsible for 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 responsible for the vessel, and shall require that vessel operators carry such authorizations on board at all times.
- 4.6 The CCM responsible for 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.
- 4.7 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.
- 4.8 [Excepting paragraph 3.1], there shall be 100% observer coverage of all transhipments at sea from purse-seine vessels in accordance with the WCPFC Regional Observer Programme. The observer shall monitor implementation of this Measure, and notably that the transhipped quantities are consistent with information available to the observer, which may include any of the following:
- a) the catch reported in the WCPFC transhipment declaration;
 - b) catch and effort logsheets, including catch and effort logsheets reported to coastal waters in waters from which fish being transhipped has been taken; and
 - c) position data.
- 4.9 Vessels shall be prohibited from commencing transhipping on the high seas in the Convention Area without a WCPFC observer on board, except in cases of force majeure. 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 CCM responsible for the vessel shall provide the Executive Director with a WCPFC Transhipment Declaration consistent with the requirement under paragraph 2.1(a)(iv).
- 4.10 Notices to the Executive Director under paragraphs 2.1(d), 2.4 and 4.9 shall be given via a means of two-way communication by data (e.g. telex, facsimile, email) and may be transmitted either from the vessel or the vessel operator. Such notices shall include the information set out in paragraph 2.1 (a)(iii) as well as the nature of the force majeure or breakdown.

SECTION 5: TRANSHIPMENT OUTSIDE THE CONVENTION AREA

- 5.1 CCMs that are responsible for vessels that tranship catch from the Convention Area outside the Convention Area shall provide the Commission with a WCPFC Transhipment Declaration within 15 days of completion of each transhipment.

SECTION 6: TRANSHIPMENT OF FROZEN BIGEYE

Include any specific additional conditions needed for consistency with regulation of transhipment of frozen bigeye by other tuna RFMOs.

[SECTION 7: TRANSHIPMENTS INVOLVING NON-CCM VESSELS

- 7.1 CCMs shall take measures to ensure that vessels they are responsible for 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 non-CCM that is on the WCPFC Temporary Register of non-CCM Carriers and Bunkers.
- 7.2 To retain any authorisation from the Commission relevant to paragraph 7.1, a non-CCM vessel shall not tranship to or from a non-authorized non-CCM vessel.
- 7.3 In cases where transhipment involves a non-CCM vessel, 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 CCM that nominated the non-CCM vessel for authorisation.]
[Proposed text but not discussed]

INFORMATION TO BE INCLUDED IN WCPFC TRANSHIPMENT DECLARATION

- A unique document identifier
- the name of the fishing vessel and its WIN,
- the name of the carrier vessel and its WIN
- the quantity of product¹³ (including species and its processed state¹⁴) to be transhipped
- the state of fish (fresh or frozen)
- the quantity of byproduct¹⁵ to be transhipped,
- the geographic location¹⁶ of the highly migratory fish stock catches
- the date and location¹⁷ of the transhipment
- If applicable, the name and signature of the WCPFC observer
- The quantity of product already on board the receiving vessel and the geographic origin¹⁸ of that product.

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

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)

¹⁷ Location of transhipment is to be in decimal latitude and longitude 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.



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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

PROCESS FOR CONSIDERING APPLICATIONS FOR COOPERATING NON-MEMBER STATUS

Conservation and Management Measure 2008-02¹⁹

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 9–10 December 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;

¹⁹ Replaces CMM 2004-02

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;

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; and
 - f. any further relevant information as determined by 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 invite CNMs to make a financial contribution commensurate with what its obligations would be as a member under Article 18(2) of the Convention. 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.



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

STATEMENT BY MARSHALL ISLANDS ON THE ASPIRATIONS OF SMALL ISLAND DEVELOPING STATES

WCPFC5-2008/DP35

11 December 2008

Statement by Hon. Frederick H. Muller,
Minister of Resources and Development
On Marshall Islands draft proposal
“Aspirations of Small Island Developing States (SIDS)”
WCPFC5/2008/DP05

The draft proposal submitted by the Republic of the Marshall Islands (WCPFC5/2008/DP05) is a duly modified version thereby making it more enhanced and hopefully more acceptable to Members of what we initially proposed at last year’s meeting in Guam.

As members are aware, the Marshall Islands has been having recurring difficulty in our aspirations to further develop our domestic fishery through acquisition of fishing vessels to expand our domestic fleet. In the interest of time and without having to go into details, it is quite clear from our experience during the past 2 ½ years that notwithstanding the sovereign rights of coastal states, in particular SIDS, to exploit, manage, and develop their fisheries within their EEZs, and the specific due process and protection of those sovereign rights explicitly enshrined in the Convention and further embodied in current existing CMMs and Resolutions, some developed Members tend to remain uncooperative or are not too forthcoming in their provision of fisheries development assistance to SIDS in the Pacific.

As one of the Parties to the Nauru Agreement (PNA), the Marshall Islands will continue to strongly advocate these inherent and non-negotiable rights as fundamental pillars that effectively secure and protect our development aspirations and interests. It must be clear that as coastal states, SIDS in the region are allowed to provide some level of food security for our people through optimum utilization as well as economic benefits from the range of highly migratory

stocks that occur within our respective national jurisdictions and including but not limited to the high seas.

To this end, it is equally critical for the Commission to develop and implement compatible measures for areas beyond national jurisdiction of coastal states, particularly SIDS, whose national waters account for a significant proportion of the catch harvested in the WCPO.

Mr Chairman:

The draft proposal attempts to rectify any shortcomings that may have made it difficult for some developed Members to consider adopting at last year's meeting. More critically, it seeks to call once again for an orderly restructuring and reduction of distant water fishing nations (DWFNs) fleets operating in the Convention Area in order to accommodate the increasing interests and needs of SIDS to participate in maximizing economic benefits of the WCPO fishery. Only this time around, there exists a specific timeframe of 10 years for such innovative and cooperative restructuring which we feel as appropriate and sufficient for our aspirations to be fully acknowledged and ultimately fulfilled.

From our perspective, the draft proposal should be viewed with such optimism and even more positively in that we are essentially requesting cooperation and assistance from developed Members with whom we have had fruitful and mutual economic partnerships that have enabled most if not all of the SIDS in the Pacific to pursue more viable and long-term economic goals and associated benefits through domestic fisheries development as we find ourselves today.

Such level of fisheries development support is critical in our efforts to further enhance and complement current existing arrangements in the region. It is quite clear that the shifts in paradigms around the region are indicative of things to come in the near future, that is, the SIDS in the region are intent on further revamping and realigning the current existing arrangements to reflect the impending needs and immediate interests of their people in their pursuit of momentous and mutually beneficial economic partnerships as far as our fisheries are concerned.

The SIDS in the region receive less than five percent of the estimated \$3 billion in annual profits currently being realized by our developed fishing partners. We encourage developed Members to work with us on strategies, which will assist us to improve our economic returns from the fisheries and associated industries. The global challenge for coastal states, and in particular SIDS in the region, is the ability to achieve meaningful benefits from our own resources.

Mr. Chairman:

It is important that we all continue to uphold and acknowledge the long and rich history behind all of this to realize and appreciate the bigger picture as to how far we have come to where we are today at this 5th Regular Session and ultimately where we aspire to be tomorrow and hopefully long into the future.

Likewise, of crucial importance is the high priority that has been placed on the region's fisheries by the Pacific Islands Forum Leaders which I need not reiterate their concerns put forth through the Vava'u Declaration of 2007 and further emphasized by this year's Niue Declaration. In this regard, the Marshall Islands, like the other SIDS in the Pacific, recognizes the importance of fisheries to our livelihood and economy which, while not of comparable scale to others, nevertheless thrives on the current level of existing on-shore fishery development for which we aspire to further develop. To this end, there has been increasing level of interests and needs related to promotion of domestic fisheries, in particular the development of national tuna industries in the context of a phased introduction of rights based management arrangements.

Mr. Chairman:

In keeping with the overall spirit of optimism and significance that Busan has come to symbolize for all of us here thus far, I wish to end my statement on an even positive note by formally extending to the developed Members who are our fishing partners around the table here today to give some serious thoughts and considerations to our invitation for cooperation. On that note, it would be remiss of me not to acknowledge representatives from the Marshall Islands domestic fishing industry as well as those of other Pacific Island countries represented in and around the table who comprise a strong contingent of our delegations and without whom our development aspirations and visions will not be as viable and robust as they are today and hopefully down the line long into the future for generations to come.



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

RESOLUTION ON ASPIRATIONS OF SMALL ISLAND DEVELOPING STATES AND TERRITORIES

Resolution 2008-01

The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean,

Recognizing the sovereign rights of coastal States, in particular small islands developing states (SIDS) and territories in the Convention Area, aspirations to develop and manage their domestic fisheries,

Acknowledging that nothing in the Convention or in measures adopted by the Commission shall prejudice the rights, jurisdiction and duties of states under the 1982 Convention and the Agreement,

Further recognizing that the Commission shall function without prejudice to the sovereign rights of the coastal states, in particular SIDS and territories in the Convention Area, for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas of national jurisdiction,

Conscious of the vulnerability of developing states, in particular SIDS and territories, which are dependent on the exploitation of marine living resources, including for meeting the nutritional requirements of their populations or parts thereof,

Recognizing that the Commission shall give full recognition to the special requirements of developing states, in particular SIDS and territories, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks,

Further recognizing that smaller Island developing states and territories in the Convention Area have unique needs which require special attention and consideration in the provision of financial, scientific and technological assistance,

Mindful that fifteen of twenty five members of the WCPFC are SIDS and territories, and are members of the Pacific Islands Forum Fishery Agency (FFA members), in whose waters, a significant proportion of the catch of highly migratory fish stocks in the Convention Area is taken.,

Noting that these coastal states in the exercise of their sovereign rights have taken measures for the conservation and management of highly migratory fish stocks in the Convention Area, including the monitoring and control of fishing activities in the Convention Area,

Urging the Commission, in accordance with Article 8 of the Convention, to develop compatible measures for areas beyond national jurisdiction, including measures that effectively monitor and control fishing activities on the high seas.

Resolves in accordance with articles 4, 8, 10 and 30 of the Convention that:

1. CCMs will develop, interpret and apply conservation and management measures in the context of and in a manner consistent with the 1982 Convention and the Agreement. To this end, CCMs shall cooperate, either directly or through the Commission, to enhance the ability of developing states, particularly the least developed among them and SIDS and territories in the Convention Area, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.

2. To implement this resolution, developed CCMs shall make concerted efforts and consider innovative options to reduce and or restructure their fleet so as to accommodate aspirations of SIDS and territories in the Convention Area to develop their own fisheries.

3. Developed CCM's shall cooperate in investments in fishing vessels or other fishing related activities and facilities in SIDS and territories, provided that such investments are directly linked to the onshore development of domestic fishing industries established in SIDS and territories in accordance with their legislation.

4. CCM's commit to achieve the goal of ensuring that by 2018, the domestic fishing and related industries of developing states, in particular, the least developed SIDS and territories, accounts for a greater share of the benefit than what is currently realized of the total catch and value of highly migratory fish stocks harvested in the Convention Area.

5. When adopting Commission conservation and management measures the following principles should be taken into account:

a) CCMs shall ensure that measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and territories.

b) CCMs shall implement measures, including through direct cooperation with SIDS and territories that enhances the ability of developing states, particularly the least developed SIDS, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.

6. Developed CCMs shall ensure that conservation and management measures will not be implemented to constrain coastal processing and transshipment facilities and associated vessels of

SIDS and territories, nor shall it be implemented to undermine legitimate investment that has occurred legally in FFA member countries.



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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

CONSERVATION AND MANAGEMENT OF SEA TURTLES

Conservation and Management Measure 2008-03

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 all species of sea turtles in the western and central Pacific Ocean (WCPO);

Further recognizing that the five marine turtle species in the WCPFC Convention Area are threatened or critically endangered;

Considering the adverse effects of fishing for highly migratory fish stocks on some populations of sea turtles in the WCPO through capture, injury and mortality;

Recalling that the United Nations Food and Agriculture Organization (FAO) endorsed Guidelines to Reduce Sea Turtle Mortality in Fishing Operations at its twenty-sixth Session of the Committee on Fisheries, held in March 2005, and recommended their implementation by regional fisheries bodies and management organizations;

Noting that recent international scientific studies using large circle hooks in shallow set pelagic longline fishing targeting swordfish show, when compared with conventional hooks, significantly lower sea turtle catch rates without undue adverse effects on catch rates of target species;

Further noting that scientific studies indicate circle hooks' further mitigative effects for sea turtles and other incidentally caught species in terms of post-release mortality, as the hooking locations tend to be such that resultant injuries are less severe than with conventional hooks;

Further noting that regardless of what hook type is used, international scientific studies using finfish bait show when compared to squid bait, significantly lower sea turtle catch rates in shallow-set pelagic longline swordfish fisheries;

Acknowledging that relatively simple proactive and reactive efforts on the part of fishermen can serve to both avoid sea turtle interactions and minimize the adverse consequences of such interactions when they occur;

Noting that shallow set longline fisheries also pose significant risks to vulnerable seabird populations in higher latitudes it necessary to achieve a balance in mitigation requirements across species vulnerable to longline interactions;

Recognizing that the Inter-American Tropical Tuna Commission (IATTC) adopted, at its 75th meeting, a Resolution to Mitigate the Impact of Tuna Fishing Vessels on Sea Turtles that includes mandatory provisions to apply to purse seine and longline vessels;

Recalling Article 22 of the Convention, which provides for cooperation with other organizations, particularly the IATTC, with a view to avoiding duplication of, and achieving consistency in, conservation and management measures;

Adopts, in accordance with Articles 5 and 10 of the Convention, that:

1. Commission Members, Cooperating Non-members and participating territories (CCMs) will implement, as appropriate the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and to ensure the safe handling of all captured sea turtles, in order to improve their survival.
2. Beginning in 2009, CCMs shall report to the Commission in Part 2 of their annual reports the progress of implementation of the FAO guidelines and this measure, including information collected on interactions with sea turtles in fisheries managed under the Convention.
3. All data collected by the WCPFC Regional Observer Programme (ROP), shall be reported to the Commission as provided in paragraph 2 above or as agreed to under other Commission data collection provisions.
4. CCMs shall require fishermen on vessels targeting species covered by the Convention to bring aboard, if practicable, any captured hard-shell sea turtle that is comatose or inactive as soon as possible and foster its recovery, including giving it resuscitation, before returning it to the water. CCMs shall ensure that fishermen are aware of and use proper mitigation and handling techniques, as described in WCPFC guidelines to be developed and provided to all CCMs by the Secretariat.
5. CCMs with purse-seine vessels that fish for species covered by the Convention shall:
 - a. Ensure that operators of such vessels, while fishing in the Convention Area:
 - i. To the extent practicable, avoid encirclement of sea turtles, and if a sea turtle is encircled or entangled, take practicable measures to safely release the turtle.
 - ii. To the extent practicable, release all sea turtles observed entangled in fish aggregating devices (FADs) or other fishing gear.

- iii. If a sea turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water.
 - iv. Carry and employ dip nets, when appropriate, to handle turtles.
- b. Require that operators of such vessels record all incidents involving sea turtles during fishing operations and report such incidents to the appropriate authorities of the CCM.
 - c. Provide the results of the reporting under paragraph 5(b) to the Commission as part of the reporting requirement of paragraph 2.
 - d. Provide to the Commission the results of any research related to the development of modified FAD designs to reduce sea turtle entanglement and take measures to encourage the use of designs found to be successful at such reduction.

6. CCMs with longline vessels that fish for species covered by the Convention shall ensure that the operators of all such longline vessels carry and use line cutters and de-hookers to handle and promptly release sea turtles caught or entangled, and that they do so in accordance with WCPFC guidelines that are to be developed and provided to all CCMs by the Secretariat. CCMs shall also ensure that operators of such vessels are, where appropriate, required to carry and use dipnets in accordance with these WCPFC guidelines.

7. Starting on 1 January 2010, CCMs with longline vessels that fish for swordfish in a shallow set manner²⁰ shall:

- a. Ensure that the operators of such vessels, while in the Convention Area, are required to employ or implement at least one of the following three methods to mitigate the capture of sea turtles:
 - i. Use only large circle hooks, which are fishing hooks that are generally circular or oval in shape and originally designed and manufactured so that the point is turned perpendicularly back to the shank. These hooks shall have an offset not to exceed 10 degrees.
 - ii. Use only whole finfish for bait.
 - iii. Use any other measure, mitigation plan²¹ or activity that has been reviewed by the Scientific Committee (SC) and the Technical and Compliance Committee (TCC) and approved by the Commission to be capable of reducing the interaction rate (observed numbers per hooks fished) of turtles in swordfish shallow-set longline fisheries.

²⁰ “Shallow set” fisheries are generally to be considered those in which the majority of hooks fish at a depth shallower than 100 meters; however, pursuant to paragraph 7(c) CCMs are to establish and enforce their own operational definitions.

²¹ A mitigation plan details the actions that will be taken to achieve specified reductions in sea turtle interactions.

- b. The requirements of paragraph 7(a) need not be applied to those shallow set swordfish longline fisheries determined by the SC, based on information provided by the relevant CCM, to have minimal²² observed interaction rates of sea turtles over a three-year period and a level of observer coverage of at least 10% during each of those three years.
- c. For the purpose of implementing this paragraph (7), establish and enforce their own operational definitions of shallow set swordfish longline fisheries, large circle hooks, and any measures under 7(a)(iii) or adopted by the Commission under paragraph 12, ensuring that they are as enforceable as possible, and report these definitions to the Commission in Part 2 of their annual reports.
- d. Provide for their longline vessels to record all incidents involving sea turtles during fishing operations and report such incidents to the appropriate authorities of the CCM.
- e. Provide the results of the reporting under paragraph 7(d) to the Commission as part of the reporting requirement of paragraph 2.

8. CCMs with longline fisheries other than shallow set swordfish fisheries are urged to:

- a. Undertake research trials of circle hooks and other mitigation methods in those longline fisheries.
- b. Report the results of these trials to the SC and TCC, at least 60 days in advance of the annual meetings of these subsidiary bodies.

9. The SC and TCC will annually review the information reported by CCMs pursuant to this measure. Where necessary an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for their application will be developed by these committees and provided to the Commission for its consideration and review.

10. This measure authorizes the Secretariat to obligate resources available to the Special Requirements Fund to be used to assist developing state members and territories in implementing the FAO Guidelines to Reduce Sea Turtle Mortality. These funds can be used to train and encourage fishers to adopt appropriate methods and technologies to reduce interactions with sea turtles and to mitigate their adverse effects.

11. The Commission urges CCMs to contribute to the Special Requirements Fund to support eligible members in their efforts to implement this measure, or to provide such support through bilateral arrangements.

12. The Commission will regularly consider additional or new mitigation measures for other longline and purse seine fisheries, based on advice from the SC and TCC and on information provided by CCMs pursuant to this measure.

13. The Secretariat, in coordination with interested CCMs, shall develop guidelines for the handling of sea turtles and distribute them to CCMs no later than 30 June 2009.

²² To be determined by SC5.

14. 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 sea turtles, including any national plans of action for the conservation and management of sea turtles, within areas under their national jurisdiction.



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

**CONSERVATION AND MANAGEMENT MEASURE TO PROHIBIT THE USE OF
LARGE-SCALE DRIFTNETS ON THE HIGH SEAS IN THE CONVENTION AREA**

Conservation and Management Measure 2008-04

The Western and Central Pacific Fisheries Commission (WCPFC)

Recalling that the United Nations General Assembly (UNGA) Resolution 46/215 calls for a global moratorium on large-scale high seas driftnet fishing and the Wellington Convention seeks to prohibit driftnet fishing activities in its convention area;

Noting that a number of vessels continue to engage in large-scale high seas driftnet fishing in the North Pacific Ocean, including within the Western and Central Pacific Fisheries Convention Area (Convention Area);

Mindful that any vessel fishing with large-scale driftnets on the high seas in the Convention Area, or configured to conduct large-scale high seas driftnet operations, has the capacity to take species of concern to the WCPFC and is likely to undermine the effectiveness of conservation and management measures (CMMs) adopted by the WCPFC;

Noting with concern that recent information indicates that such vessels are interacting more frequently with highly migratory species, such as tunas, swordfish, sharks, and other species covered by the Convention; and that associated “ghost fishing” by lost or discarded driftnets have serious detrimental effects on these species of concern and the marine environment;

Aware that the WCPFC Northern Committee in its 4th Regular Session recommended that the WCPFC adopt a CMM prohibiting large-scale high seas driftnet fishing in the Convention Area; Adopts the following CMM in accordance with Article 10 of the Convention:

1. The use of large-scale driftnets²³ on the high seas within the Convention Area shall be prohibited and such nets shall be considered prohibited fishing gear, the use of which shall constitute a serious violation in accordance with Article 25 of the Convention.
2. CCMs shall take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the Convention Area.
3. A CCM-flagged fishing vessel will be presumed to have used large-scale driftnets on the high seas in the Convention Area if it is found operating on the high seas in the Convention Area and is configured²⁴ to use large-scale driftnets or is in possession of large-scale driftnets.
4. Paragraph 3 is not intended to apply to a CCM-flagged vessel that can demonstrate that it is duly authorized to use large-scale driftnets in waters under national jurisdiction and while on the high seas in the Convention Area all of its large-scale driftnets and related fishing equipment are stowed or secured in such a manner that they are not readily available to be used for fishing.
5. CCMs shall include in Part 2 of their Annual Reports a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the Convention Area.
6. The WCPFC shall periodically assess whether additional measures should be adopted and implemented to ensure that large-scale driftnets are not used on the high seas in the Convention Area.
7. Nothing in this measure shall prevent CCMs from applying more stringent measures to regulate the use of large-scale driftnets.

²³ “Large-scale driftnets” are defined as gillnets or other nets or a combination of nets that are more than 2.5 kilometers in length whose purpose is to enmesh, entrap, or entangle fish by drifting on the surface of, or in, the water column.

²⁴ “Configured” to use large-scale drift-nets means having on board gear, either assembled or disassembled, that collectively would allow the vessel to deploy and retrieve large-scale driftnets.



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

Fifth Regular Session

**8–12 December 2008
Busan, Korea**

CONSERVATION AND MANAGEMENT OF SWORDFISH

Conservation and Management Measure 2008-05²⁵

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 southwestern Pacific region indicated an increase in southwest 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 southwestern Pacific swordfish, the Scientific Committee 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;

Further noting that the southeast Pacific swordfish stock is considered by the IATTC scientific Secretariat not to be overfished or in an overfished state;

²⁵ To replace CMM 2006-03

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;

Noting that there is significant uncertainty in the 2005 annual catch of swordfish taken by one of the key fishing CCMs in this fishery;

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 and 2005 (listed in Annex 1). CCMs shall not shift their fishing effort for swordfish to the area north of 20°N, as a result of this measure.

2. In addition to vessel limits established under paragraph 1 (listed in Annex 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 2000–2006.²⁶ CCMs shall not shift their fishing effort for swordfish to the area north of 20°N, as a result of this measure.

3. No later than 30 April 2009 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 in 2009. This amount shall be no more than their maximum verified catch declared to the Commission for any one year in the period 2000–2006.

4. The catch limits established under paragraph 2 will apply for 2009.²⁷

5. In order to reconcile significant changes in catch of swordfish south of 20°S by swordfish vessels reported to the Commission, all operational level catch and effort data for swordfish vessels flagged to the relevant CCM shall be subject to an independent catch verification review funded by the CCM to whom the data relates, and carried out in 2009. The verification review will be undertaken by SPC-OFP in cooperation with the flag state's relevant authority and in accordance with an appropriate confidentiality agreement. The verification review shall occur in the flag state to whom the data relates. The results of the verification review shall be reported to the Scientific Committee and the Technical and Compliance Committee, and taken into account by the Commission in determining any future catch limits.

6. Paragraphs 1 to 4 and paragraph 10 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 south of 20°S.

²⁶ The catch for the European Community shall be limited to a maximum of 3,107 tonnes for 2009.

²⁷ Noting the limits established under paragraph 2, Australia and New Zealand (historically the two largest catchers of swordfish south of 20°S taking around 75% of the catch) have limited their catch for 2009. Australia's domestic total allowable catch for swordfish in the Convention Area is limited to 1,400 tonnes for 2009. New Zealand's domestic total allowable commercial catch within its EEZ is currently limited to 885 tonnes.

7. 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 invite IUU vessels. The Commission shall consider the implementation of a Charter Arrangements Scheme at its 6th Session in 2009.

8. 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.

9. 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;
- b. vessels operating in their EEZ south of 20°S under charter, lease or other similar mechanism; and
- c. any other vessels fishing within their waters south of 20°S.

This information shall be provided in Part 1 of each CCM's annual report. Initially, this information will be provided in the template provided at Annex 2 for the period 2000–2008 and then updated annually.

10. As an interim measure, 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 the catch of vessels flying the flag of a CCM exceeds the total catch specified for them under paragraph 6 above, that CCM will be subject to a reduction in their catch limit in the next year equal to the exceeded amount.

11. The Executive Director shall compile and disseminate the information provided to the Commission by CCMs in accordance with paragraphs 6 and 7 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.

12. The Commission will review this measure at its 6th Regular Session in 2009, on the basis of advice from the Scientific Committee on the implications for a swordfish stock assessment following investigation of data uncertainties

13. This measure replaces CMM 2006-03.

Attachment Z, Appendix 1

Numbers of CCM-flag vessels that have fished for swordfish in the Convention Area south of 20°S during the period 2000–2005 (Maximum number of vessels per CCM are indicated in Bold) [taken from WCPFC-2009/DP04, Annex 1]

Year	Australia	EC	Korea	New Zealand	New Caledonia (bycatch)	Chinese Taipei	
						Seasonal	Bycatch
2000	140	0	22	103	15	10	41
2001	159	0	22	132	12	10	41
2002	144	0	22	151	11	10	42
2003	134	0	24	132	15	12	55
2004	121	8	22	99	25	8	39
2005	100	14	23	57	18	6	40
Limit	159	14	24	151	25	12	55

Attachment Z, Appendix 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 fishing within the CCM's waters south of 20S		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							



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

CONSERVATION AND MANAGEMENT OF SHARKS

Conservation and Management Measure 2008-06²⁸

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:

²⁸ Replaces CMM 2006-05.

1. Commission Members, Cooperating Non-members, and participating territories (CCMs) shall 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 species²⁹, 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

²⁹ The key shark species are blue shark, oceanic whitetip shark, mako sharks and thresher sharks.

measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.

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 2006-05.



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

SUMMARY REPORT AND RECOMMENDATIONS OF THE SECOND SESSION OF THE FINANCE AND ADMINISTRATION COMMITTEE (FAC2)

**WCPFC5-2008/22
12 December 2008**

Introduction

1. The Finance and Administration Committee (FAC) was convened by Chairman Mr Tapusalaia Terry Toomata of Samoa on 7 December 2008, and met again on 10, 11 and 12 December 2008. Representatives of Australia, Canada, China, Chinese Taipei, Cook Islands, European Commission, Federated States of Micronesia, Fiji, France, French Polynesia, Japan, Kiribati, Korea, New Zealand, Palau, Papua New Guinea, Philippines, Samoa, United States of America, and Vanuatu attended the meetings together with Cooperating Non-member Belize, and observers from 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 included as 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. The Agenda attached as Annex I was adopted.

Agenda item 2. Auditor's report for 2007 and General Account Financial Statements for 2007

3. The Committee recommends the Commission accept the audited financial statements for 2007 as set out in paper WCPFC5-2008-FAC2/04.

Agenda item 3. Status of the Commission's Funds

3.1 Report on General Fund Account for 2008 — contributions and other income

4. The Committee accepted the report in WCPFC5-2008-FAC2/05, noted that USD101,895 remained outstanding for 2008 assessed member contributions from three Members, and recommended that all Members pay their contributions on time and in full.

3.2 Report on the status of other funds for 2008

5. The Committee noted the status of the Commission's Funds as set out in WCPFC5-2008-FAC2/06 as well as the approval process for Japan Trust Fund Projects.

Agenda item 4. Draft Strategic Plan for the Commission

6. Following consideration of the paper WCPFC-2008-FAC2/16 "Development of a strategic plan", which is attached as Appendix B, the Committee noted that as a fundamental principle the Plan should state the Commission's priorities and it recommends that the structure set out in that paper is adopted as the appropriate format for the Strategic Plan together with the following time line:

- The WCPFC Secretariat will circulate the revised structure for the draft strategic plan to CCMs by **1 March 2009**.
- CCMs to provide input and comments on the revised structure for the draft strategic plan to the WCPFC Secretariat by **1 May 2009**, and these will be circulated to all CCMs.
- The WCPFC Secretariat will support the redraft of the strategic plan by a CCM to incorporate these comments and recirculate to CCMs by **1 July 2009**.
- If required, final comments on this version will be due from CCMs to the WCPFC Secretariat by **1 September 2009**.
- If required, the WCPFC Secretariat will further revise the draft strategic plan and circulate it by 1 November 2009 for consideration by FAC3, with a view to recommending a final draft to the Commission for consideration at the WCPFC6 in **December 2009**.

7. Canada volunteered to coordinate the redraft of the Strategic Plan in collaboration with the USA, Australia and New Zealand.

Agenda item 5. Business plan for the Secretariat

8. The Committee accepted the revised Business Plan for the Secretariat and provided a number of suggestions for improvement that will be incorporated into the Plan.

Agenda item 6. Headquarters issues, staff establishment and conditions of service

6.1 Headquarters matters

9. The Committee noted the report on the status of the headquarters property, that occupancy was achieved in May 2008, and that Papua New Guinea had made a substantial gift of furniture, artworks and drapes that has greatly improved the building's utility and aesthetics. In addition, the Republic of Marshall Islands has recently provided a range of artefacts to the building.

6.2 Council of Regional Organisations in the Pacific (CROP) — harmonised staff conditions

10. The Committee noted the decisions made by CROP heads to propose salary increases of between 9.5% and 15.5% that would normally also apply to Commission salaries, but recommended that consideration of these decisions be deferred, in light of the global financial crisis and the triennial review of conditions by CROP in 2009. The Committee also recommended that the Secretariat be given a mandate to engage in the next triennial review and to approach CROP accordingly.

11. In order to reflect decisions made at WCPFC4, the Committee recommended the Commission's staff regulations be revised by adopting the wording for the revisions set out in WCPFC5-2008-FAC2/10.

6.3 Staff establishment

12. The Committee recommended:

- the establishment of a second VMS Operator position at support staff level;
- the establishment of a Data Quality Officer post at support staff level;
- the establishment of a position of Director Technical Operations at Professional Grade M; and
- the recruitment schedule in WCPFC5-2008-FAC2/11, noting that the staffing of the Director Technical Operations position is not anticipated to occur before 2011 and that recruitment is subject to funding approval by the Commission on advice from the Committee.

6.4 Executive Director's contract term

13. The Committee noting that the employment contract of the current Executive Director expires on 11 September 2009 and acknowledging the positive comments on his performance recommends that the current Executive Director be offered a further four year contract from 12 September 2009.

14. The Committee considers it desirable that the appointment of an Executive Director is synchronised with the timing of the Commission Annual Sessions and for employment contract periods to overlap with the appointment of the Commission Chair, where possible, to help ensure support for Annual Sessions, continuity of institutional knowledge and to facilitate the Commission's appointment process. The Committee recommends that a process and set of procedures for the selection of an Executive Director should be developed by the Secretariat for consideration by the Commission next year.

6.5 Staff accommodation

15. The Committee noted the ongoing difficulties in securing suitable accommodation in Pohnpei and the Secretariat's efforts to manage the situation on a case by case basis.

Agenda item 7. Proposed budget for the Commission's work programme for 2009 and indicative budgets for 2010 and 2011

16. Following discussion the Committee agreed that:

- the provision for meeting services should be varied from that shown in the proposed budget in light of advice that in 2009 the Scientific Committee meeting is scheduled to be held in the Federated States of Micronesia and the Annual Session is to be held in French Polynesia; and
- the provision for vessel monitoring system (VMS) operating costs should be based on 1,200 vessels in 2009 and for the budget figure to be revised accordingly.

17. In the event the revised amount for VMS operating costs is insufficient the Committee recommended that the Executive Director is authorized to access the Working Capital Fund in 2009 to finance any shortfall.

18. Noting the work required in regard to compliance matters, the Committee also recommended the establishment of a Compliance Officer position for staffing in 2010.

19. The Committee therefore recommended that the Commission adopt the budget set out in Annexes II, III, and IV.

Agenda item 8. Other matters

8.1 Contribution formula

20. 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.

21. As the timing of the request precluded a detailed analysis of its financial impact and the request raises a matter of principle in regard to the treatment of catches in areas where Regional Fisheries Management Organizations overlap, the Committee recommended that the matter be deferred until it meets in December 2009.

8.2 Auditor appointment

22. The Committee recommended

- the reappointment of Deloitte as the external auditor for a further two years to undertake the audit of the 2009 and 2010 financial statements; and
- when that appointment ends, a tender exercise to appoint an external auditor should be undertaken.

8.3 FAC co-Chairs' appointment

23. The Committee elected Tapusalala Terry Toomata of Samoa and Liu Xiaobing of China as co-Chairs of the FAC for terms of two years (2009 and 2010).

Recommendation

24. The Committee invited the Commission to accept this report and to endorse its recommendations as set out above.



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

WCPFC5 AGENDA

AGENDA ITEM 1. OPENING OF MEETING

- 1.1 Adoption of agenda**
- 1.2 Meeting arrangements**

AGENDA ITEM 2. AUDITORS REPORT FOR 2007 & 2007 GENERAL ACCOUNT FINANCIAL STATEMENTS

AGENDA ITEM 3. STATUS OF THE COMMISSION'S FUNDS

- 3.1 Report on General Account Fund for 2008- 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

AGENDA ITEM 6. HEADQUARTERS ISSUES, STAFF ESTABLISHMENT AND CONDITIONS OF SERVICE

- 6.1 Headquarters matters**
- 6.2 CROP harmonised staff conditions**
- 6.3 Staff Establishment**
- 6.4 Executive Director's contract term**
- 6.5 Staff accommodation**

**AGENDA ITEM 7. WORK PROGRAMME AND BUDGET FOR 2009 AND
INDICATIVE WORK PROGRAMME AND BUDGET FOR 2010
AND 2011**

AGENDA ITEM 8. OTHER MATTERS

8.1 Contributions formula

8.2 External Auditor appointment

8.3 FAC Chair and Co-Chair appointments

AGENDA ITEM 9. ADOPTION OF REPORT

AGENDA ITEM 10. CLOSE OF MEETING



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

Fifth Regular Session

8–12 December 2008

Busan, Korea

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