



FIFTH REGULAR SESSION

8-12 December 2008

Busan, Korea

**PROPOSAL FROM FFA MEMBERS TO REPLACE CMM-2006-03 (Revision to
WCPFC5-2008/DP04**

WCPFC5-2008/04 (Final)

12 December 2008

*The Commission For The Conservation And Management Of Highly Migratory Fish Stocks In
The Western And Central Pacific Ocean*

*In accordance with the Convention on the Conservation and Management of Highly Migratory
Fish Stocks in the Western and Central Pacific Ocean and the provisions of UNCLOS:*

Noting that the stock assessment undertaken for swordfish in the South Western Pacific region indicated an increase in south-west stock abundance in recent years and the model projections predict further increase at current levels of fishing mortality. Plausible assessments indicate that overfishing is not occurring and the south western Pacific swordfish stock is not in an overfished state;

Noting that due to the uncertainty in the 2008 stock assessment for south-western Pacific swordfish, the SC recommended that there be no further increase in catch or effort in order to keep the stock above its associated reference points;

Further noting that the Scientific Committee has recommended that there be no increases in fishing mortality for south-central Pacific swordfish as a precautionary measure given the lack of a formal assessment and that constraining fishing mortality to current levels is recommended until there is a better understanding of fishing impacts in the south-central Pacific stock and the relationship between this stock and other south Pacific stocks is more certain;

Further noting that the south-east Pacific swordfish stock is considered by the IATTC scientific Secretariat not to be overfished or in an overfished state;

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 2000-2005 (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 – 2006.¹ 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 2009.²
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.
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.

¹ The catch for the European Community shall be limited to a maximum of 3107 tonnes for 2009.

² 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 percent of the catch) have limited their catch for 2009. Australia's domestic total allowable catch for swordfish in the Convention Area is limited to 1400 tonnes for 2009. New Zealand's domestic total allowable commercial catch within its EEZ is currently limited to 885 tonnes.

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 swordfish stock assessment following investigation of data uncertainties

13. This measure replaces CMM 2006-03.

ANNEX 1 –

**NUMBERS OF CCM-FLAG VESSELS THAT HAVE FISHED FOR SWORDFISH
IN THE CONVENTION AREA SOUTH OF 20°S DURING THE PERIOD 2000 –
2007** (Maximum number of vessels per CCM are indicated in **Bold**)

(Source: WCPFC-TCC4-2008/10 (Rev.3) 30 September 2008 Attachment 2)

Year	Australia	Belize	Cook Islands	EU	Korea	New Caledonia (Bycatch)	New Zealand	Chinese Taipei		USA
								Seasonal	Bycatch	
2000	140	0		0	22	15	103	10	41	
2001	159	0		0	22	12	132	10	41	
2002	144	0		0	22	11	151	10	42	
2003	134	0	16	0	24	15	132	12	55	
2004	121	0	15	8	22	25	99	8	39	
2005	100	0	6	14	23	15	57	6	40	
2006	55	0	8		6					2
2007	54	1 [^]		15 *	4		74 ^{^^}			2

*See EU Annual Report (Part 1) for the period 1 January – 31 December 2007

[^]See Belize catch and effort data (by-catch) reported to the Commission on 29 April 2008.

^{^^}See New Zealand Annual Report (Part 2) for the period 1 January-31 December 2007

Annex 2 –

REPORTING FORMAT FOR THE CATCH OF SWORDFISH PER FLAG CCM AND COASTAL CCM (TO BE SUBMITTED IN EACH CCMS ANNUAL REPORT (PART 1))

Year	CCM-flagged vessels south of 20S		Chartered vessels 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							