



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

Seventh Regular Session

**Honolulu, Hawaii, USA
6–10 December 2010**

SUMMARY REPORT

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

Seventh Regular Session

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SUMMARY REPORT

AGENDA ITEM 1 - OPENING OF MEETING

1. The Seventh Regular Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC7) took place from 6–10 December 2010 at Honolulu, Hawaii, USA. The session was opened by the Chairman of the WCPFC, Ambassador Satya Nandan (Fiji).
2. Dr Charles Karnella warmly welcomed participants to Hawaii and the seventh session of the Commission and expressed his wishes for a productive and enjoyable meeting. His statement is appended as Attachment A. The pre-recorded speech by Senator Daniel Inouye (Hawaii) on the importance of fish and the Commission to the Pacific was received by all, and the Chairman expressed the Commission's thanks to Senator Inouye.
3. The WCPFC Chair thanked the people of Hawaii, and the government of the USA, for their welcome and providing the venue for the meeting. He noted the support of Senator Daniel Inouye for the work of the Commission, and acknowledged the work done by Kitty Simonds and the WPRFMC to organize the meeting and provide the facilities. He observed that the return to Hawaii was significant, and marked 10 years since the signing of the Convention. His statement is appended as Attachment B.
4. The following Members attended: Australia, Canada, People's Republic of China, Cook Islands, European Union (EU), Federated States of Micronesia (FSM), Fiji, France, Japan, Kiribati, Korea, Republic of the Marshall Islands (RMI), Nauru, New Zealand, Niue, Palau, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America and Vanuatu.
5. The following Participating Territories attended: American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia, and Tokelau.
6. Belize, Ecuador, El Salvador, Indonesia, Senegal, and Vietnam participated as Cooperating Non-Members (CNM).
7. Thailand participated as an observer.
8. The following intergovernmental organizations attended as formal observers to the meeting: Inter- American Tropical Tuna Commission (IATTC), International Commission for the Conservation of Atlantic Tunas (ICCAT), International Scientific Committee for Tunas and

Tuna-like Species in the North Pacific Ocean (ISC), Northern Pacific Anadromous Fisheries Commission, Organization for Promotion of Responsible Tuna Fisheries (OPRT), Pacific Islands Forum Fisheries Agency (FFA), Pacific Islands Forum Secretariat, Parties to the Nauru Agreement (PNA), the Secretariat of the Pacific Community (SPC) and the World Bank.

9. Observers from the following non-governmental organizations attended: Agreement on the Conservation of Albatrosses and Petrels (ACAP), American Fishermen's Research Foundation (AFRF), Birdlife International, Greenpeace, Hawaii Longline Association, International Sustainable Seafood Foundation (ISSF), International Union for the Conservation of Nature (IUCN), Marine Stewardship Council (MSC), Pacific Island Tuna Industry Association, Pew Charitable Trusts, Sea Turtle Restoration Project, Shark Advocates International, the World Tuna Purse Seine Organization (WTPO), and World Wide Fund for Nature (WWF).

10. A full list of participants is provided in (Attachment C).

1.1 Chair's Statement

11. The Chairman made an opening statement (Attachment D).

1.2 Adoption of agenda

12. The agenda (WCPFC7-2010-02 (Rev. 1)) and associated programme of work (WCPFC-2010-04) were adopted (Attachment E).

1.3 Meeting arrangements

13. The WCPFC Executive Director, Glenn Hurry, reviewed the administrative arrangements and meeting schedule. Secretariat technical staff attending the meeting including Donald David, ROP Data Quality Officer, Glenn Jano, Compliance Officer; Lucille Martinez, Executive Assistant; Herolyn Movick, Office Manager; Peter Flewwelling, Compliance Manager; Ken Smithson, Finance and Administrative Manager; Dr SungKwon Soh, Science Manager; Karl Staisch, Observer Programme Coordinator, and Sam Taufao, IT Manager. In addition to Secretariat staff, Dr Martin Tsamenyi served as the WCPFC Legal Advisor, Mark Smaalders as the Rapporteur and Dr Ziro Suzuki represented the Japanese Trust Fund which is administered by the Secretariat.

1.4 Action Items from WCPFC6

14. The Executive Director indicated that most action items had been addressed, and that any exceptions would be noted and addressed during the course of the meeting.

15. FSM, on behalf of FFA members, commented on para. 384 in the WCPFC6 report, which relates to the Commission noting that the WCPFC and ISC MOU is to be reviewed at WCPFC7. On behalf of FFA members, they requested an opportunity to discuss the review of the WCPFC and ISC MOU, during agenda item 3.4.1 dealing with Cooperation with other organisations, and specifically when WP12 is considered.

16. Palau commented on behalf of FFA members regarding paragraph 395 in the WCPFC6 report, and specifically on access to Commission VMS information under Article 24(8), which FFA members continue to support; they indicated they would elaborate on this point later in the week.

17. Nauru commented on behalf of FFA members regarding paragraph 391 in the WCPFC6 report, and specifically on the responses to the Chairs priorities. Regarding SC6 priorities, FFA members drew CCM's attention to the North Pacific striped marlin proposal from FFA members (WCPFC7-2010-DP-07). Regarding data gaps, they noted that there were constructive discussions during SC6 and TCC6 regarding data gaps and encouraging CCMs to fulfill their commitments and obligations to provide data, which are reflected in the strong recommendations in the TCC6 report encouraging CCMs to fulfill their obligations to provide data; they expressed the hope that the Commission would consider these positively. Regarding TCC6 priorities, FFA

members proposed to establish a working group and TORs on a Catch Documentation Scheme (WCPFC7-2010-DP-18).

AGENDA ITEM 2 - MEMBERSHIP

2.1 Status of the Convention

18. New Zealand, as the depositary of the Convention, reported that no instrument of ratification or accession to the Convention had been received since WCFPC6 (WCPFC7-2010-08). It noted that on (i) 28 January 2010, the General Secretariat of the Council of the European Union advised that, as of 1 December 2009, the European Community has been replaced and succeeded by the European Union in respect of the Convention; and (ii) on 7 February 2010, the then-WCPFC Executive Director, on behalf of New Zealand as depositary, circulated notification of several corrections to the date of entry into force of the Convention for countries whose ratification or accession date fell within a calendar month that contains 31 days.

19. Fiji thanked New Zealand for the update and requested clarification from Indonesia on the status of its internal ratification process.

20. In a response to an inquiry Indonesia provided an update on the status of its internal Convention verification process. Indonesia confirmed their interest in becoming a member of the Commission and asked that the Legal Advisor visit to discuss the legal details and requirements with Indonesian officials.

21. Samoa requested clarification of the effective date of entry into force for parties to the Convention, noting apparent discrepancies between the effective date and the date of ratification among some CCMs. It was noted by the Chair that the Convention enters into force for parties 30 days after deposit of their articles of accession; New Zealand indicated it would investigate and provide clarification direct to Samoa.

2.2 Applications for Observer Status

22. The Executive Director stated that the Secretariat had received eight applications for observer status. He advised that the following additions were made to the list of observers to the Commission: (i) Democratic Peoples Republic of Korea (DPRK), Thailand, and Panama (all included for 2010 in accordance with their request to become a CNM); (ii) the Parties to the Nauru Agreement and the World Bank (both included under their status as intergovernmental organisations); and (iii) Shark Advocates International, Hawaii Longline Association, and Environment Hawai'i (all were accepted as NGOs, following no receipt of objection from members within 20 days before the start of the session).

23. Samoa inquired how future media accreditation was to be handled, given that Korea Munhwa TV Broadcasting Corporation (MBC) had been given special permission to film during some sessions of WCPFC7.

24. The Chair noted that under the Commission's rules of procedure all meetings are open. Press representatives are asked to register. Problems may arise if media activities (e.g. taking photos or filming) disturbs the proceedings, but all meetings are open unless the Commission decides otherwise.

25. Kiribati spoke on behalf of FFA members, noting that they had previously submitted that observers should pay to participate in meetings of the Commission and its subsidiary bodies, and that at WCPFC6 the FAC was invited to advise the Commission on the appropriateness and, if necessary, the level of observer registration fees in recognition of the growing number of observers and the costs incurred in catering for them at Commission meetings. FFA members also noted that the observer contribution scheme is included in the TOR of the Cost Recovery Study,

and that they look forward to working with other delegations on the appropriateness of the observer financial contribution, the categories of observers to which the contribution would apply and the respective amount(s).

26. WCPFC7 noted the revised list of observers as presented by the Secretariat, and tasked the Secretariat with developing a proposal for media access.

2.3 Applications for cooperating non-member status

27. Ten applications for CNM status were received by TCC6 for review, including renewal of status by Belize, Ecuador, El Salvador, Indonesia, Mexico, Senegal, and Vietnam and new applications for CNM status from Democratic People's Republic of Korea, Panama, and the Thailand; all except for Panama were considered by TCC6 in accordance with procedures specified in CMM 2009-11. The ED noted that all CNM applications, except that of Panama, were endorsed by TCC6 to the Commission subject to provision of additional data required by CMM 2009-11, as detailed in WCPFC7-010-10. The Secretariat received responses from 5; those responses were posted on the WCPFC website. The application from Panama was lodged in Spanish originally, but was subsequently lodged in English (following a communication from the Secretariat at the direction of TCC6); there was no recommendation from TCC on how to proceed regarding Panama's initial (Spanish) application.

28. Dr John Hampton (SPC Oceanic Fisheries Programme Manager) stated that the responses from CNM applicants indicate that they had provided most of the data that they could; many of the data gaps identified by TCC during its review occurred before the CNM applicants had comprehensive data collection mechanisms in place.

29. Several CCMs spoke on behalf of FFA members regarding their expectations of all CNM applicants, indicating that Paragraph 2 of CMM 2009-11 lists the expectations agreed to by the Commission for CNM applications. FFA members stressed that CMM 2009-11 clearly states that all applications should include commitments regarding high seas boarding and inspection acceptance and making a financial contribution similar to that made by members; if some of the explicit commitments that WCPFC has requested be provided are missing, the application is incomplete. It was further noted that fairness required that all participants in the fishery share in the costs of management and conserving the stocks. FFA members referenced working paper FAC4/14, which proposed a unique level of contributions for each CNM that reflects their circumstances, and is in general comparable to the contribution by the smallest Pacific Island members. FFA members noted that determining participatory rights for CNMs should be considered on a case-by-case basis for CNM applicants, in accordance with CMM 2009-11(12). They stressed that such determination was without prejudice to the sovereign rights of coastal States, and that limits placed on CNMs could not be used to constrain the domestic development of PICTs (CNMs represent development partners for many PICTs, and the Commission should not have a role in determining the nature of any bilateral relationship).

30. The EU agreed that CNM applicants should respect the reporting requirements, while cautioning that requiring an excessive financial contribution from developing states could discourage their participation as CNMs. The EU underlined that RFMOs should be open to all those states that have stakes in the relevant fishery.

31. The Commission determined that, in accordance with provisions of the WCPF Convention and CMM 2005-2, CMM 2005-3, CMM 2006-04, CMM 2008-01 and CMM 2009-11, the following conditions apply to the participatory rights granted to all Cooperating Non-Members (CNMs) for fisheries in the high seas within the Convention Area:

- i. All vessels will be equipped with the Commission's vessel monitoring system (VMS), which shall be operational at all times while the vessels are in the Convention Area.**

- ii. **The CNMs identified below (in paras 31–60) provide assurances that they will comply with all requests from Commission Members for information and documentation to investigate cases of possible illegal fishing.**
- iii. **In addition, unless otherwise specified below, CNMs may fish in waters under the national jurisdiction of other CCMs, in accordance with appropriate bilateral arrangements. Such CNMs shall ensure vessels flying their flags comply with all provisions of the WCPF Convention and WCPFC CMMs. In addition, such CNM vessels will be placed on the WCPFC Record of Fishing Vessels (WCPFC RFV). CCMs shall ensure that CNM fishing activities that are conducted in waters under their national jurisdiction in accordance with bilateral arrangements are consistent with all relevant CMMs and provisions of the WCPF Convention. Renewal of CNM status by the Commission will be conditional on full compliance with the national laws and regulations of any licensing CCM, all CMMs and provisions of the WCPF Convention. CCMs shall identify any violations by vessels flagged to a CNM and report on any investigations of such violations to the TCC.**

Belize

32. WCPFC7 approved the application for renewal of CNM status by Belize with the following participatory rights:

Catches of bigeye tuna from Belize are limited to 803.25 mt, its average catch levels over the period of 2001–2004; catches of yellowfin tuna are limited to 2,000 mt; and its fishing activities are limited to:

- a. Under CMM 2005-02 in accordance with paragraph 1, Belize is limited to the historical catch level for 2004 of two unique longliners in the Convention Area south of 20 degrees south latitude;
- b. Under CMM 2005-03 Belize is limited to the 2005 level of five unique longliners in the Convention Area north of the equator; and
- c. Under CMM 2006-04, Belize is limited to two unique longliners in the Convention Area south of 15 degrees south latitude.

Democratic Peoples Republic of Korea

33. Korea indicated that DPRK's participation and cooperation as a CNM could be seen to have some positive aspects, with respect to transparency of fishing operations. However, before granting CNM status to DPRK, Korea urged CCMs to recall that DPRK had been involved in IUU practices in 2003 and 2004, when they allowed two IUU vessels to fly the DPRK flag; they were at that time on the CCAMLR IUU list. Korea expressed its doubt that DPRK could carry out CNM responsibilities, and noted that DPRK had also failed to provide full WCPFC fisheries data, despite being requested to do so.

34. The USA concurred that granting of CNM status was premature. It noted questions regarding the DPRK's ability and willingness to follow through with respect to WCPFC-related commitments. It also noted additional IUU activities by DPRK vessels, some as recent as April 2008. The CCAMLR Secretariat has sought more information about these activities. Para 7 of CMM 2009-11 indicates that 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 in making a determination on a CNM application. The USA indicated it had little confidence that DPRK would follow through on its commitments.

35. Australia noted it had a similar view to that expressed by Korea and the USA, noting particular concerns about DPRK's willingness and ability to exercise flag State control. Australian patrol vessels have taken part in some IUU-related actions mentioned by the USA. CMM 2009-11, para. 3(c) notes that an applicant's record of responding to any IUU actions by vessels flying its flag is one of the issues to be considered. Australia indicated that paras 3(c) and 7 of CMM 2009-11 have not been met by DPRK.

36. WCPFC7 did not approve the application for CNM status by Democratic Peoples Republic of Korea.

Ecuador

37. Noan Pakop (TCC6 Chair) indicated TCC6 recommended Ecuador for CNM status subject to additional information being provided. The Executive Director indicated that Ecuador responded to the Secretariat's request for additional information by providing catch data for 2010, and by specifying its willingness to make voluntary financial contributions to the Commission and to accept high seas boarding and inspections. Dr John Hampton indicated that Ecuador had provided the necessary data for 2010, and had agreed to allow IATTC to provide any requested data in their possession to SPC. The Chair of IATTC confirmed IATTC's willingness to cooperate with WCPFC and SPC in resolving any outstanding issues related to historical data.

38. The USA indicated that it took a specific interest in the previous (2009) application from Ecuador. It indicated that SPC was still examining the data that had been received, and noted that according to the information in WCPFC7-2010-20, no annual report (Part 1 or 2) had been submitted. It raised this concern, and noted that while it would not block a renewal of the CNM application in 2010, it encouraged Ecuador to submit all required elements in a timely fashion in the future. The USA stressed that it would look at the issue closely in 2011, and might take a stronger position if compliance did not improve.

39. One CCM shared similar sentiments to those expressed by the USA and previously by FFA members, and inquired whether Ecuador had met VMS data requirements.

40. Ecuador indicated their willingness to accept boarding and inspection of their vessels, and to make a financial contribution in accordance with the decision to be taken by WCPFC7.

41. WCPFC7 approved the application for CNM status by Ecuador with the following participatory rights:

The participatory rights of Ecuador for fishing in the WCPO are limited to purse seine fishing only. Purse-seine vessels of Ecuador shall not fish on the high seas.

El Salvador

42. El Salvador indicated it has participated in the Commission for the last 3 years, and had supplied all requested data. Following TCC6 the Commission requested that El Salvador supply historical size data, but El Salvador noted that the historical information was not available in the format required. Data collection at the point of unloading began in November 2010, and that data will be provided in 2011. El Salvador explained its national laws prevented it from making an explicit commitment to providing a financial contribution as a non-member. El Salvador committed to providing a voluntary contribution as a CNM, and committed to making a regular financial contribution if invited to be a member. It asked for clarification regarding the process of becoming a full member, noting it had submitted previous requests to be considered for membership.

43. The Legal Adviser noted that Article 35(2) of the Convention regulates accession to the Convention by non-contracting parties.

44. Several CCMs expressed support for future consideration of El Salvador as a full member of the Commission, while noting the need to consider how such an invitation would be extended.

45. WCPFC7 approved the application for renewal of CNM status by El Salvador with the following participatory rights:

The participatory rights of El Salvador for fishing in the WCPO are limited to purse seine fishing only. The total level of effort by purse seine vessels of El Salvador vessels on the high seas shall not exceed 29 days.

Indonesia

46. WCPFC7 discussed Indonesia's long history in the work of the Commission, its ongoing contributions and efforts with respect to data collection and provision, and the internal legal constraints it faces in contributing financially as a CNM.

47. Indonesia indicated its intention to work with the Commission in resolving the issues that have prevented Indonesia from becoming a full Commission member.

48. The Legal Advisor noted Indonesia's special case status and its rights to become a Member whenever it wished due to its full participation in all meetings leading up to the establishment of the Commission and its long standing history of fishing in the Convention Area.

49. WCPFC7 approved Indonesia's application for renewal of its CNM status with the following participatory rights:

Indonesia's fishing activities in the Convention Area are limited to a longline bigeye catch limit of 8,413 mt (less 20% or 6,730.4 mt) and purse-seine fishing on the high seas in the Convention Area is limited to 500 days.

50. WCPFC7 encouraged Indonesia to apply compatible measures within its archipelagic waters given the significance of these waters for juvenile yellowfin and bigeye catch.

51. Indonesia noted that it is participating in the new Global Environment Facility (GEF) West Pacific East Asia Oceanic Fisheries Management (WPEA OFM) project and cooperating with the Commission, particularly in areas of data collection improvement. Indonesia expressed its appreciation to the Commission for the decision to renew its CNM status and reiterated its intention to become a full member of the Commission. Indonesia stated that, consistent with its position throughout the Multilateral High Level Conference (MHLC) and Preparatory Conference, it considers that WCPFC CMMs do not apply to archipelagic waters.

Mexico

52. WCPFC7 approved the application for renewal of CNM status by Mexico with the following participatory rights:

- i. The participatory rights of Mexico for fishing in the WCPO are limited to purse seine fishing only. Purse seine vessels of Mexico shall not fish on the high seas.
- ii. Noting the need for cooperation with the work of the Northern Committee (NC), particularly in regard to Pacific bluefin tuna, Mexico is encouraged to participate in NC7 and is advised that future renewals of Mexico's CNM status could be hampered by a continuing lack of participation in the work of the NC.
- iii. Mexican participation in the WCPO tuna fisheries may not begin until all requested information and commitments have been provided to the WPFC Secretariat in accordance with Commission requirements.

Senegal

53. Senegal indicated it had supplied all available data, and asked for a temporary exemption on supplying a financial contribution, particularly as Senegal did not fish during 2008–2010. Senegal indicated it would endeavor to supply all relevant data should it commence fishing operations in the Convention Area, and was investigating the Commission’s query regarding the catch ratio of swordfish and sharks. It requested that the participatory rights that apply to Senegal be modified to allow another vessel with the same characteristics to replace the *Robaleira* should that vessel not be operational.

54. WCPFC7 approved the application for renewal of CNM status by Senegal with the following participatory rights:

The participatory rights of Senegal for fishing in the WCPO are limited to one unique longline vessel (the *Robaleira*). This vessel may only target swordfish. WCPFC7 tasked the Secretariat to calculate the swordfish catch limits that would apply to Senegal pursuant to the swordfish measure (CMM 2009-03) and to circulate this to all CCMs.

55. The Commission requested that Senegal state in writing that it would accept boarding and inspection on the high seas.

Vietnam

56. Vietnam indicated it does not fish in Convention Area, but is cooperating in providing the information and data requested by the Commission, will cooperate with boarding and inspection requests, and is ready to make a financial contribution if the Commission so decides.

57. WCPFC7 approved the application for renewal of CNM status by Vietnam with the following participatory rights:

Noting the need for cooperation between Vietnam and the Commission to achieve compatibility of fisheries management and conservation, WCPFC7 agreed to grant CNM status to Vietnam for 2011 on the understanding that CNM status would only relate to the acquisition and exchange of fishery information and data and that Vietnam would require assistance in that regard. Vietnam has no participatory rights for fishing for highly migratory fish stocks in the high seas of the Convention Area.

Panama

58. WCPFC7 approved the application for CNM status by Panama with the following participatory rights:

The participatory rights of Panama in the WCPO are limited to the provision of carrier and bunker vessels only.

Thailand

59. Thailand indicated it was approached by the Commission in 2009 regarding cooperation with the WCPFC, in particular regarding cannery landing data. It was agreed that initial data would focus on bigeye tuna, and data on other species would be compiled as possible. Thailand noted it could face some difficulty in compiling data from small packers and canneries, but that its two main canneries already submit voluntary information to all RFMOs, including the WCPFC. Thailand is still awaiting a submission from tuna packers regarding whether all data can be collected. Internal consultations regarding budgetary contributions are ongoing.

60. The Chair noted that Thailand’s request for CNM status was unusual, in that the WCPFC approached Thailand seeking cooperation regarding data, and that the relationship benefits the WCPFC. WCPFC members expressed broad support for extension of CNM status to Thailand.

The EU noted that the provision of such key data should be facilitated by a Catch Documentation Scheme.

61. WCPFC7 approved the application for CNM status by Thailand with the following participatory rights:

Noting the need for cooperation between Thailand and the Commission and the commitment from Thailand to provide data from canneries located in Thailand to assist in the work of the Commission, WCPFC7 agreed to grant CNM status to Thailand for 2011 on the understanding that CNM status would only relate to the acquisition and exchange of fishery information and data. Thailand has no participatory rights for fishing for highly migratory fish stocks in the high seas of the Convention Area.

2.3.1 Draft schedule of Contribution for CNMs

62. WCPFC6 decided (in CMM 2009-11) to request contributions from CNMs, and tasked the Secretariat to make an estimate of their likely contributions if they were to contribute in accordance with para 2(g) of CMM 2009-11; the results were provided in WCPFC7-2010-FAC4/14 (Rev 1), which includes Thailand.

63. In reviewing the document the Chair noted there could be special circumstances in which the Commission may wish to dispense with the CNM contribution requirements. He asked that the Commission consider this in its deliberations of CNM contributions, noting that such discretion was not possible under the proposal before WCPFC7.

64. The recommendations of FAC4 were presented in WCPFC7-2010-32 (Rev 1), and the following decision was taken by WCPFC7 (under Agenda Item 10):

- i. all CNMs should make an annual contribution that is 50% of the amount that would be payable if the CNM was a member. This contribution formula is to be reviewed by the FAC in 2011.**
- ii. the Executive Director shall inform CNMs and Members of the level of their recommended and assessed contributions as soon as practicable after each Annual Session with the amounts payable within 60 days of receipt of that notification. Contributions received from CNMs are to be used to reduce the assessed contributions of Members in the year following receipt.**

AGENDA ITEM 3 - MEMBER REPORTS

3.1 Annual Reports by the CCMs

65. The following members and participating territories provided statements: Marshall Islands (on behalf of the PNA, Attachment F), Nauru (Attachment G), New Caledonia (Attachment H), Niue (Attachment I), Papua New Guinea (Attachment J), Philippines (Attachment K), Tokelau (Attachment L), Tuvalu (Attachment M) and Vietnam (Attachment N).

3.2 Statements of Non-Members

66. The North Pacific Anadromous Fisheries Commission (Attachment O) and Greenpeace (Attachment P) also made statements.

3.3 Special requirements of Developing States

67. PNG spoke on behalf of FFA members, and in its role as the FFC Chair, and introduced WCPFC7-2010-DP-10, which sets out the views of all 17 FFA members on the areas that capture the intent of Article 30 and Resolution 2008-01. PNG noted that in 2010 Pacific Leaders tasked

the regional agencies (FFA, SPC and the PNA) to explore options for optimising fisheries commercialisation to increase fisheries revenue beyond licensing fees, and highlighted the position of FFA members that the fleets of developed CCMs must be reduced or restructured so as to accommodate the aspirations of PICs to develop their own fisheries.

68. Niue continued the presentation by FFA members of WCPFC7-2010-DP-10, and stressed the ongoing need for SIDS to receive assistance from developed partners in support of conservation and management, and acknowledged appreciation for the funding and support currently received from developed partners, bilaterally, through the WCPFC and through regional institutions. Niue (i) indicated that short-term training and longer-term academic scholarships, particularly in the areas of stock assessment and fisheries science, remain an important priority; (ii) encouraged that funding to be provided to the Special Requirements Fund or from other funds to support possible funding shortfalls in the 2011 SPC stock assessment workshops for Pacific Islands scientists; and (iii) encouraged that attachment opportunities be provided to Pacific Island nationals with the WCPFC Secretariat, with regional agencies, and well-established national fisheries administrations/research agencies.

69. FSM, concluded the presentation by FFA members of WCPFC7-2010-DP-10, noting that the outcomes and discussions during the Kobe II Workshop on RFMO Management of tuna fisheries (hosted by FFA in June/July 2010) clearly articulate the importance of rights-based management as a means to address the interests of developing coastal States, particularly SIDS, in fisheries, including high seas fisheries. FSM noted that the Bellagio Framework for Sustainable Tuna Fisheries provides tuna RFMOs with examples of ways rights-based management can be used to accommodate the aspirations of SIDS while addressing overfishing and overcapacity, including through transfers of vessels and/or quotas, which could assist SIDS and other small economically vulnerable states in development of their fisheries. Transfers could be facilitated by issuing time-limited rights to current users that revert to developing coastal states on expiration; landing taxes or annual fees on current fishers; and property rights on the high seas that are allocated to developing coastal states where the corresponding use rights can be rented, leased or fished. FFA members also suggested that a Tuna Corporation (similar to the “Enterprise” established in UNCLOS for deep sea mining) could be established in which individual countries hold shares. The corporation would contract with the lowest cost fleets to capture the tuna quotas and distribute the rents among its “shareholders.” Zone-based management arrangements are being developed for longline fisheries to replace the current flag-based allocations. Rights-based regimes that first recognise the zone-based management arrangements, and secondly facilitate the participation of SIDS in high seas fisheries are priorities for FFA members, and will be considered in future CMMs.

70. The Marshall Islands noted that including the special requirements of developing states as a regular item on the agenda was a positive step, and indicated that all measures should always consider the needs of SIDS first; it indicated that there were no “historical fishing industry rights”. RMI thanked members for the assistance provided to it and looked forward to reports in 2011 that described real economic investments.

71. Solomon Islands voiced support for the statement made by Marshall Islands, noting that the development of national flag fishing fleets is an important aspiration of SIDS, and consistent with Resolution 2008-01, and article 30 of the Convention. Solomon Islands stated it will increase its nationally flagged and managed purse-seine fleet, and looked forward to the support and encouragement of its development partners.

72. Tuvalu expressed support for previous comments made by FFA members. Tuvalu thanked those who had contributed to the special requirement fund, and provided assistance with short-term training in stock assessment, data workshops, observer activities and other related training.

However, Tuvalu expressed concern with poor progress in implementing the special requirements for developing states to help foster domestic development, including through assistance and support to build and expand its domestic fleets and onshore development, pursuing realistic projects with significant economic impact, and crewing and certifications initiatives similar to that pursued by the PNA. Tuvalu also sought a long-term commitment by the Commission and developed CCMs to provide opportunities for Pacific Island scientists and fisheries managers to pursue relevant academic qualifications, internships and fellowships. Tuvalu noted its intent to expand its domestic operations through partnership arrangements and to increase its participation in both its in-zone and the high seas fisheries, including through acquisition of vessels from some CCMs.

73. Japan outlined the assistance it provides for SIDS, including through improvement of infrastructure of SIDS, for fisheries and other activities. During 2004–2008 Japan spent over \$2 billion on assistance to Pacific Island states, including over \$7 million in construction of fishing ports and markets in PNG and RMI, constructing a fishing port in Tuvalu, and fishery facilities in Kiribati. Japan noted that the construction would benefit all parties, and not just Japan, indicating a Chinese company was using a fishing port and airport Japan constructed in FSM. Japan noted that capacity-building efforts had involved some 200 experts over a 5-year period, and that experts were also involved in maintaining fishing vessels. In addition to providing fishing vessels, Japan provided promotional funds to FFA that can be used for international meeting attendance. Japan has also established a trust fund for the WCPFC. Japan expressed its intention to extend and intensify this type of cooperation for developing states.

74. The EU noted its support for the SIDS reporting process. The EU presented a preliminary report at TCC6, and has produced a new version of that report for WCPFC7 (WCPFC-2010-DP33). The EU aims to reinforce the role of PICs in organisations such as the WCPFC, noting that effective multilateral cooperation benefits all participants, especially in terms of effective resource management. The EU's main support comes from the European Development Fund, which provides \$42 million explicitly for fisheries projects in 2008–2012. The goal is sustainable management, and maximization of economic benefits for the region. One of the EU programs funds most of the research underpinning the work of the WCPFC Scientific Committee. Most EU-funded projects are implemented by FFA and SPC. There are also direct contributions made by some EU member states. The EU provided specific details on several projects, and reiterated its support for reviewing steps taken for addressing the rights and aspirations of SIDS, and reporting regularly on new initiatives that arise.

75. Tonga noted the importance of the issue, and acknowledged the assistance provided by developed members, but joined other FFA members in calling for full recognition of the needs of SIDS. Tonga stressed the need to enhance its capacity to manage fishery resources, through financial and other means.

76. The USA referred to a paper it presented at TCC6 (TCC6-2010-DP-17), noting it had contributed to the Commission's Article 30 fund, and devoted significant time, energy and funds in building observer programme capacity; in enforcement-related activities; in supporting regional fisheries enforcement efforts; and on fish and turtle tagging studies. Recently the USA sent staff members to work in RMI and FSM to undertake port sampling; and the USA provides capacity building support to Palau, FSM, and RMI through its Compact arrangements. The USA offered to provide additional information, and to discuss internship opportunities with interested members.

77. New Zealand fully supported the proposals made by Pacific SIDS, and recognized the importance of fisheries for economic growth in the Pacific. New Zealand is working more closely with SIDS to understand what is wanted and needed, and is providing assistance with a focus on

tangible results. New Zealand outlined a range of training programs that it is providing, and its efforts to strengthen linkages with industry, and encourage the development of a developed states reporting template.

78. Korea noted the aspirations of SIDS for achieving these through fishing industry development. Korea is assisting with infrastructure in Solomon Islands, including a tuna processing plant and associated industry; the joint venture is scheduled to commence in 2011, and will be followed by cooperation between Korea and other SIDS. Korea is also providing funding for tagging, and assisting with crew training for SIDS.

79. Chinese Taipei indicated it supported capacity building through a regional observer training programme, and has some nationals from island states in its vessel crews. Support was also provided for fisheries development projects proposed by SIDS, and for the special requirements fund (40,000 USD). Chinese Taipei also assists SIDS to obtain fishing vessels and investment, in keeping with Resolution 2008-01. The investment in onshore facilities by private sector is helping SIDS to develop their fisheries in conjunction with acquisition of purse seine fishing vessel was consistent with resolution 2008/01 in assisting SIDS in the development of their fisheries, despite the criticism of by some members of creating overcapacity in the region, resulting the adoption of 2005-02”

80. Vanuatu fully supported the statements made by other FFA members, and acknowledged assistance provided to it by Japan, the EU, USA, China, Australia, New Zealand and France.

81. The Philippines noted the various types of assistance given to developing nations, and encouraged developed CCMs to provide assistance in the form of investment as well, as it has done.

82. RMI thanked those CCMs that had provided reports. In particular RMI thanked developed CCMs for the various assistance currently being provided in the region including non-fisheries assistance. RMI also referred to Resolution 2008-01 and Article 30 of the Convention and encouraged CCMs to also focus future reports on implementation of those provisions.

83. The Chair looked forward to future reports describing more targeted cooperation.

3.4 Annual Report of the Work of the Commission

84. The Executive Director presented WCPFC7-2010-11, which presents a profile of the Commission’s work during 2010. The report summarizes the work of the WCPFC subsidiary bodies, the Secretariat, contracts and consultancies, relations with other organizations and emerging issues. The Executive Director noted staff changes during 2010, and that the VMS audit would be undertaken in cooperation with FFA, and utilise CCM staff members rather than consultants.

85. WCPFC7 took note of the annual report of the work of the Commission.

3.4.1 Cooperation with other Organisations

86. The Executive Director noted the continued support from and cooperation with SPC, FFA, the new PNA office, ISC, and IATTC, and the value of internships and secondments to the work of the Commission. He noted in particular:

- a) the proposed amendment to the WCPFC/SPC MOU on data sharing to permit SPC access to VMS data for compliance and science purposes;
- b) the Chair’s signing of the MOU between WCPFC and the North Pacific Anadromous Fish Commission;

c) IATTC's proposed changes to the IATTC/WCPFC ROP Cross Endorsement Memorandum of Cooperation (MOC), and ongoing efforts by the EU with regard to this MOC (WCPFC7-2010 DP-25); and

d) the need for discussion with IATTC regarding a joint management plan for the overlap area, noting the recommendations from TCC6 that the Heads of the WCPFC and IATTC secretariats meet to develop a Joint Management Scheme. The Secretariat invited WCPFC7 to provide guidance to the Executive Director as to the minimum criteria for the joint management scheme.

87. The Commission directed the Executive Director to work with the IATTC Director in development of draft TORs for a Joint Management Scheme proposal, and to present those TORs to the Commission intersessionally in mid-2011.

88. The EU introduced WCPFC7-2010 DP-25 on the cross endorsement of observers.

89. PNG, on behalf of FFA members thanked the EU for their efforts in progressing the issue since TCC6. While supporting the Memorandum of Cooperation (MOC) as proposed, FFA members sought clarification from the Legal Adviser regarding whether a cross-endorsed IATTC observer on a vessel that moves out of the high seas and commences fishing in an EEZ would be required to stop recording data in the EEZ.

90. FFA members sought assurance of the Commission that if it transpires that cross endorsed observers that are not FFA observers continues to record when vessels are moving from high seas to EEZs of FFA states, then FFA members will have the ability to initiate an immediate review or termination by the Commission. FFA members recommended that WCPFC7 approve the draft MOC and direct the Secretariat to consult with IATTC with a view to signing the MOC as soon as possible. FFA also recommended that WCPFC7 agree that the WCPFC Secretariat would issue a notice of intention to terminate the MOC immediately upon request of three or more CCMs.

91. Other CCMs voiced support for developing and signing an MOC as soon as possible, to facilitate the operation of vessels that operate in both convention areas; they voiced support for a precautionary approach that ensures effective conservation measures are in effect in the overlap area, and for exploring ways in which the two RFMOs can work together more closely and effectively. The Director of the IATTC gave his assurance that all members of the IATTC would be open to cooperation with the WCPFC, but noted there were complex issues to be addressed.

92. WCPFC7 adopted WCPFC7-2010 DP-25 (Rev. 2) on Cross Endorsement of Observers (Attachment Q) noting the recommendations of FFA in para 90.

3.4.2 Future work of the Commission

93. Australia noted, on behalf of FFA members, that the current MOU between the ISC and WCPFC includes in Part 4 a clause that stipulates a full review of the MOU will be undertaken every three years. At WCPFC6 FFA members proposed the review be undertaken during 2010. Australia noted FFA members remain supportive of the recommendations of the Independent Review of Science Structure and Function, adopted by WCPFC6, and strongly believe that (i) the role of the ISC should be primarily in relation to the three northern stocks; (ii) SC must be able to directly request advice from the ISC on the status of North Pacific stocks; and (iii) the suggested changes to the MOU proposed by the Secretariat in 2009 are a helpful basis for revising the MOU between ISC and WCPFC. They emphasized there should be a single stream of scientific advice coming to the Commission through the SC, and a closer working relationship between the SC and the ISC, to allow the SC to directly request advice from the ISC.

94. The Executive Director indicated that proposed changes to the MOU were considered at NC6.

95. The NC Chair indicated that NC6 agreed no changes were required.

96. FSM, on behalf of FFA members, supported the comment by Australia, and stressed that scientific advice should come through the SC, irrespective of the region it relates to, to enable the Commission to receive scientific advice of a consistent standard and subject to the same standard of scientific scrutiny and review by the SC for the entire Convention Area.

97. FFA members recommended that the Commission agree to a decision that “the MOU between WCPFC and ISC should be revised to better align it with the Convention and to ensure a single stream of scientific advice comes to the Commission through the Scientific Committee. There should be a closer working relationship between the SC and the ISC, specifically to allow the SC to directly request advice from the ISC.”

98. Japan indicated that the MOU derived from the special history of the NC, and indicated its support for enhancing the cooperation between the SC and ISC, while stressing there was no need to amend the MOU.

99. The Chair noted the issues had been raised in the SC meeting, and that there appeared to be some unease in the relationship between the two bodies: it was felt there should be some standardization in scientific advice received by SC and NC. He expressed concern that there should be a standard approach to scientific advice, so that members are sure that the basis for scientific advice is the same. This has also been addressed in other bodies.

100. Several CCMs noted that a useful minimum improvement would be to have ISC stock assessments presented to the SC in full.

101. WCPFC7 directed that the Secretariat undertake a review of the MOU between WCPFC and ISC in 2011, and that it be addressed at WCPFC8. The MOU is to be modified to expressly address (i) participation by the WCPFC Science Provider in the 2011 north Pacific striped marlin assessment, and (ii) presentation of the assessment to SC7 for review.

102. In response to a query regarding information presented in p. 6 of WCPFC7-2010-11, the Executive Director indicated the Secretariat was exploring ways to improve reporting to CCMs on activities (e.g. meetings and consultations) undertaken by Secretariat staff, including via a quarterly newsletter.

AGENDA ITEM 4 - PROPOSED CMMs FOR CONSIDERATION AT THIS MEETING

103. CMMs are addressed under Agenda Item 9.

AGENDA ITEM 5 - SCIENCE ISSUES

5.1 Report of the Sixth Regular Session of the Scientific Committee

104. The Chair of the Scientific Committee, Dr Naozumi Miyabe (Japan), provided a summary of the Sixth Regular Session of the Scientific Committee (SC6) which was held 10–19 August, 2010 at Nuku’alofa, Tonga.

5.1.1 Stock status of key tuna species and evaluation of CMM 2008-01

105. Dr John Hampton (SPC Oceanic Fisheries Programme Manager) presented an overview of the WCPO fisheries stock status for skipjack, yellowfin, bigeye and South Pacific albacore. The total 2009 catch of 2.48 million mt was a record, and dominated by skipjack and yellowfin. The

catch was driven by the purse seine fishery, with skipjack being the predominant species taken. The purse seine catch in 2009 had a typical equatorial distribution. In 2009 the catch included a strong eastern component, as is typical of El Niño years. Purse seine effort has continued to increase over time. There are two key components: associated sets and unassociated sets; both have continued to increase over time in roughly equal amounts. Bigeye tuna catch by purse seine is concentrated in associated sets. The longline catch in 2009 showed strong concentration of albacore tuna, to about 66,000 mt. There is also decline in tropical longline fishery targeting bigeye tuna and yellowfin; that is consistent with information to be reported on effort in the longline fishery. The highest longline effort is between 20°N to 10°S. The skipjack catch has continued to increase rapidly, and reached approximately 1.7 million mt in 2009, dominated by purse seine catch. The pole and line contribution continues to decline.

106. The WCPO skipjack stock is decreasing slowly, and is now about 50% depleted from an unexploited level. This is a moderate level of depletion: the stock is not overfished, and there is no overfishing. However, at some time in the near future a decision will have to be made as to the acceptable level of depletion and future harvest strategies for this stock.

107. Yellowfin was assessed in 2009. Catch increased in 2008 after a period of stability, but there has not been the same growth in the yellowfin catch as has been seen for skipjack. There is evidence that the full exploitation potential of yellowfin has been reached. The yellowfin stock has decreased steadily, and it is now around 50% of the unexploited biomass. This is considered to be a moderate level of depletion. Depletion is much stronger in the western equatorial zone, where 90% of the catch occurs. In this region there is much steeper decline in biomass, and much larger impacts of fishing.

108. Bigeye was assessed in 2010. The catch has been stable for the past 10 years. The longline catch is mainly of adults, but there is a recent increase in the purse seine catch following FAD introduction. The purse seine catch reported in statistical bulletins is probably underestimated, an issue which is being addressed through ongoing work on purse seine species composition by various methods (grab vs. spill sampling). Bigeye biomass has declined steadily over a long period of time. In the absence of fishing, the assessment suggests that biomass would have increased strongly due to increased recruitment in last 20 years. There is an element of uncertainty in this result, and early stock size and recruitment may be underestimated. In recent years there has been a very high level of depletion compared to what it would be in the absence of fishing.

109. South Pacific albacore was assessed in 2009. The fishery is composed almost entirely of longline vessels catching adult albacore. The catch has doubled since the mid-1990s, and is now in excess of 60,000 mt. There is also a small troll fishery in New Zealand. The South Pacific albacore assessment shows biomass has declined steadily since the mid-1970s. The current level of depletion of the stock due to fishing is ~ 30% (a moderate level of depletion), and current catches are sustainable. The stock is not overfished, and there is no overfishing.

110. In summary, a composite Kobe Plot of spawning biomass shows concerns for bigeye tuna, and for yellowfin in the western equatorial area.

111. Kiribati spoke on behalf of FFA members, and accepted the conclusions and recommendations on the management of the various stocks as outlined, and proposed that the SC advice on stock status be adopted by the Commission as the basis for work on stock management by the Commission. FFA members noted (i) that the bigeye assessment was more optimistic than the 2009 assessment, but that the status of the stock would have been worse and the recommended reductions greater if the model run with a different value for steepness was used as a basis for the advice; and (ii) the increase in the impact of fishing on the skipjack stock, pointing to the need to give greater priority to addressing skipjack stock status in the Commission's work.

112. Several CCMs noted with concern the condition of bigeye tuna, western yellowfin, and skipjack stocks, and the need for action to preserve stocks.

113. In response to queries from CCMs, Dr Hampton provided the following additional information:

- i. in conducting stock assessments SPC makes many model runs using different model configurations, with some much simpler than others. Where possible parallel assessments are also conducted using different modeling platforms;
- ii. a rapid change in skipjack biomass is possible, depending on recruitment, as most skipjack fisheries focus on 1 or 2 age classes. A decline in skipjack fisheries has been observed off Japan, which may reflect reduced availability of skipjack in peripheral areas due to high exploitation in the core equatorial area. There is a need to better understand the links between stocks, and tagging programs should assist in this regard;
- iii. the recruitment trend in bigeye tuna is a particular concern, and is driven by a relatively flat or slowly declining longline CPUE trend in combination with the rapid expansion in the catch of juvenile bigeye tuna since the mid-1990s. The credibility of the estimated recruitment trend is therefore related to the credibility of the longline CPUE, particularly in the 1960s and 1970s. This is an issue that needs to be addressed with some urgency;
- iv. the bigeye tuna stock assessment indicates that a 29% reduction in fishing mortality is needed to reduce fishing mortality to F_{MSY} .
- v. caution is needed when comparing skipjack MSY and catch levels, as there is large variability in recruitment. Recent skipjack recruitment is somewhat higher than the long-term average, which can result in high catches in relation to equilibrium yield;
- vi. availability of skipjack in the South Pacific varies significantly from year to year, especially in Australian and New Zealand waters, making it hard to detect long-term trends. SPC is currently examining the issue of possible range contraction in skipjack and other tuna stocks.

114. The Commission accepted the following SC6 recommendations and findings on the status of the key tuna stocks:

- i. A minimum 29% reduction in bigeye tuna fishing mortality from the average levels for 2005–2008 with the goal of returning the fishing mortality rate to F_{MSY} .
- ii. There was no new information on the stock status of yellowfin tuna in 2010, and management recommendations from SC5 are to be maintained.
- iii. There was no new information on the stock status of South Pacific albacore tuna in 2010 and management recommendations from SC5 are to be maintained.
- iv. The management advice from SC5 on South Pacific swordfish is to be maintained pending a new assessment or other new information.
- v. A new stock assessment was not conducted for southwest Pacific striped marlin and the stock status description and management recommendations from SC2 are to be maintained.
- vi. Adoption of the conservation advice provided by ISC9 on North Pacific albacore.
- vii. Adoption of the conservation advice provided by ISC10 on Pacific bluefin tuna (that the level of F be decreased below the 2002–2004 levels, particularly on juvenile age classes).

- viii. Adoption of the conservation advice provided by ISC10 on North Pacific swordfish stocks (that both swordfish stocks in the North Pacific are healthy and above the level required to sustain recent catches).
- ix. For North Pacific striped marlin:
 - a) develop/adopt an interim CMM for 2011;
 - b) request that the ISC provide estimated catch levels corresponding to average fishing mortality during 2001–2003 and fishing mortality reference points including F_{msy} and F at various spawning potential ratios; and
 - c) that the Scientific Services Provider participate in the north Pacific striped marlin assessment led by the ISC and that the assessment be presented to SC7 for review .

115. The Commission also accepted the following SC6 recommendations and observations:

- i. the continuation of the bigeye tuna age and reproductive biology study;
- ii. the work plan of the Fishing Technology theme;
- iii. a review of South Pacific swordfish data during 2011, will be presented to SC7.
- iv. collation of southwest Pacific striped marlin data for a planned stock assessment in 2012;
- v. full stock assessments of WCPO bigeye, skipjack and yellowfin tuna, and an update of south Pacific albacore, while noting that the USA facilitated an independent peer review of the 2009 WCPO yellowfin tuna assessment and the review will be forwarded to the Scientific Services Provider for use in the April 2011 stock assessment preparatory workshop;
- vi. the recommendations of the Management Issues theme regarding:
 - a) continuation of limit reference points identification;
 - b) further analyses of the effectiveness of the FAD closure, including through examination of observer reports; and
 - c) implementation of Kobe II joint RFMO workshop outcomes;
- vii. the recommendations of the Ecosystem and Bycatch Mitigation theme, noting the various research findings relating to seabirds;
- viii. that the budget for the collection and evaluation of purse-seine species composition data be increased by US\$30,000;
- ix. that SC strategic plan contains no requirement for a mandatory external peer review; and
- x. the new SC meeting structure.

116. The WCPFC7 discussed the timing of and required data for a south Pacific swordfish stock assessment. It was noted that a further stock assessment would be difficult to progress until operational level catch and effort and size data was available from vessels fishing in the South Central Pacific area, particularly a fleet flying the flag of one of the EU member States, as well as issues with fleets of some other CCMs. The EU drew attention to the suggestions for improving the SC work and structure submitted in intersessional EU correspondence to WCPFC CCMs (WCPFC-2010-IP10)

117. The Commission directed the Secretariat to make written requests to members seeking the cooperation of all CCMs that fish for the species in providing detailed size data and operational-level logsheet data specifying catch and effort, in order to enable a full assessment to be undertaken in 2012.

Management Objectives Workshop

118. CCMs supported the holding of the proposed Management Objectives Workshop as an important necessary step towards the analysis of management strategies and adoption of reference points. They requested that the WCPFC Secretariat ensure in its workshop planning that management objectives are firmly based on and reflect the full range of considerations related to stock management provided for by the Convention. In addition, members noted it was essential that the work on management objectives should also reflect multi-species considerations. It was proposed that the workshop also explore a pilot programme for applying the Kobe II Strategy Matrix for bigeye tuna.

119. The EU requested clarification on how the proposed independent international experts would be selected, suggesting this should be done under the direction of the Commission, and how members and their scientists and managers would be involved in the preparatory work, including in the preparation of TOR. A CCM also indicated limits on the catch of adult bigeye tuna should also be considered.

120. In response to a CCM's question on the impacts of longline catch on bigeye tuna stock, the SC chair noted that SPC, through its analysis, was seeking to capture information on the impact of CMM 2008-01 on adult bigeye catch, and stressed the need to ensure effective measures to reduce juvenile bigeye catch, as it could result in rapid reduction in MSY. He noted that purse seine fishing in association with FADs was impacting spawning stock biomass, and agreed that protection of adult bigeye would also be beneficial.

121. The Executive Director noted that the selection of independent international experts was normally done in consultation with the WCPFC Committee chairs and Members, to reflect a good balance between the interests in the Commission. He also indicated that there was a strong link between management objectives and science, and that both scientists and managers should attend the workshop, but this should not interfere with setting of science-based objectives.

122. The Commission directed the Secretariat to prepare TORs for the Management Objectives Workshop, which is to be held in 2012.

Paired spill / grab experimental sampling

123. CCMs strongly supported the SC recommendation that further work be done to extend paired spill/grab experimental sampling and verify this data against cannery, unloading and port sampling data. Members noted the importance of improving purse-seine species composition data for the assessments of several major species, and the need to increase the budget for this project in the SC work programme. Some CCMs voiced concern regarding the setting of budget priorities, suggesting a need to periodically reassess Commission funding allocation, and to seek to avoid budget increases.

124. PNG inquired how national-level ROP data from port sampling could be utilized.

125. Dr Hampton (SPC) supported the interventions calling for more work on paired spill/grab experimental sampling, indicating the work was of a very high priority. He noted good prior cooperation from some CCM industries, and requested that such cooperation be extended in the future when paired sampling trials were conducted aboard member's vessels. In response to the query from PNG he noted the desire to use port sampling data collected by members through national programs to the extent possible, but indicated that the best way to determine purse seine species composition is through sampling at sea by observers, as fish may be transshipped and mixed onboard vessels.

126. The Commission agreed to increase the budget for the spill/grab sampling project from \$60,000 to \$90,000.

Peer review of the bigeye stock assessment

127. The SC Chair recommended that a budget be provided for a peer review of the 2010 bigeye tuna stock assessment in 2011, if required.

128. The USA advised the review deadline for bigeye tuna had passed, and could not be done in 2011.

129. At the FAC4 meeting, it was proposed to conduct a workshop-style review, rather than a desk study review, in early 2012 based on the 2011 bigeye assessment; this will provide an in-depth review that interacts with the stock assessment scientists. The workshop-style review of the 2011 bigeye stock assessment will be convened in early 2012, in consultation with SPC; a relevant budget will be proposed by SC7 to WCPFC8.

130. The Commission endorsed undertaking a workshop-style peer-review of the 2011 bigeye stock assessment in early 2012.

Administration: Outstanding issues from the Independent Review

131. WCPFC7 took note of the responses by SC6 to the issues to be addressed from the Independent Review of the Commission's Transitional Science Structure and Functions including the endorsement of the revised TOR for the Stock Assessment Preparatory Workshop (Attachment L of the SC6 Summary Report).

5.1.2 Shark Assessment and Research Plan

132. Dr Shelley Clarke (SPC) presented WCPFC7-2010-16, summarizing progress toward shark assessments. She noted that the Shark Research Plan (endorsed by SC6) is designed to lay a scientific foundation for further consideration by WCPFC of stock status and sustainability of key shark species within the Convention Area. The information presented in WCPFC7-2010-16 reflects the exploratory analyses of available data initiated as preliminary steps toward stock assessments. While some interesting trends were identified, ongoing data gaps and biases have yet to be fully addressed and conclusions about stock status would be premature. SPC will continue analyses based on existing data, but it is becoming increasingly clear that better information is required. Without additional research and data contributions, it is likely that stock assessments for some species will be severely compromised. She highlighted the importance of decisions to be made by WCPFC7 with respect to:

- i. approval of the Shark Research Plan
- ii. reallocation of existing funds within the Scientific Services Provider's budget to support shark assessment through 2012, thereby enabling three shark stock assessments (silky, oceanic whitetip and blue) to be completed by the end of 2012; and
- iii. inclusion of the eight key shark species listed in CMM 2009-04 in catch reporting to the Commission, including annual catches, operational level data (where applicable), and recreational catch and effort data (where possible), as recommended by SC6, which would greatly expand the logsheet data available for the shark assessments.

133. The USA noted that undigitized historical data on shark catches from the early days of the observer programme may contain information on haulback fate and mortality and may be made available.

134. Palau, on behalf of FFA members, supported enhancement of the Commission's shark management activities as a high-priority activity, and adoption of the Plan. FFA members also welcomed the review of information on shark stock status requested by the Commission in CMM

2009-04, which illustrates the work needed by the Commission prior to conducting formal stock assessments of key shark species, and supported making use of the available information while the arrangements are put in place to improve data. They supported SC recommendations on improving data for key shark species, which will be assisted by implementation of ROP requirements for observer coverage on longline vessels. FFA members indicated that assessment of shark stocks will need to depend on existing data for the near future, and thanked CCMs for making the data available.

135. A CCM expressed concerns that some longline fishermen had trouble in accurately identifying shark species. It suggested silky shark should not be a priority for data collection.

136. The EU supported the approach outlined, including the reporting requirements, and agreed hammerheads and porbeagles should be added to the list of key shark species. . The EU has adopted an action plan for sharks, and is implementing a project that seeks to improve the provision of scientific advice for that action plan, including collation and examination of historical catch and effort data by shark species for EU vessels in all oceans. Once available, the results will be shared with all RFMOs.

137. Japan confirmed that shark data had been submitted to SPC and invited SPC scientists to conduct joint shark data analyses with Japan. They noted with concern a large amount of unreported shark catch by small-scale longliners belonging to one CCM. Japan encouraged the Commission to adopt a CDS to assist with such issues in relation to sharks. Japan requested that the SC address hammerhead sharks, as it is the most prized species in shark fin markets.

138. China supported the need to collect data on shark species, including possibly through a CDS. China noted the need to identify different species, possibly through a genetic database.

139. Australia supported Palau's intervention, and noted the usefulness of observer coverage on longline vessels (from 2012). It suggested that further action by the Commission on mitigation practices relating to sharks, for example consideration of the use of wire traces, need not wait for the outcomes of the shark research plan. Australia proposed adoption of the recommendation of the SC regarding key shark species by amending CMM 2009-04 to include porbeagle and hammerhead sharks.

140. Korea noted the importance of shark research, but advocated prioritizing SC projects within the Commission budget. Korea also urged careful consideration of whether a CDS would be applied to all shark species, and how it could be made cost effective.

141. New Zealand supported the research plan, noting the work was constrained by the low quality of available data. New Zealand supported data reporting requirements for sharks, addition of porbeagles and hammerheads to the list of key shark species, and the need for minimum standards for collection of bycatch data.

142. PNG supported the shark research work, indicating it has a shark fishery that makes use of the entire shark, and has had a management plan in place for the last 10 years. Data is supplied to SPC.

143. The Secretariat noted that expansion of the list of key shark species in CMM 2009-04 would result in expansion of the list of species that CCMs are asked to report on from 8 to 13 species. However, assessments under the Shark Research Plan would for the time being be limited to the original 8 key species, until such time as additional funding is agreed by the Commission.

144. WCPFC7 approved the shark research plan and the reallocation of existing funds within the Scientific Services budget to support shark assessments during 2011 and 2012. WCPFC7 agreed to add porbeagle and four species of hammerhead sharks to the

Commission's key shark species in CMM 2009-04 (Attachment DD). This amendment raises the number of key shark species to be reported to the Commission to 13 but maintains the original 8 key species as the focus of the Shark Research Plan until further funding is made available.

5.2 Kobe II Workshop recommendations on Science and Bycatch

145. The Commission accepted the Kobe II science and bycatch recommendations (as contained in Attachment M of the SC6 Report), and recommended that the WCPFC Secretariat take the lead in working with the other tuna RFMOs to establish a bycatch working group to meet at the earliest opportunity. Kobe III may present an opportunity for a meeting of this group. The Secretariat will consult with members on the representation on this working group.

5.3 Programme of Work for the Scientific Committee in 2011

146. The SC Chair presented the programme of work for the Scientific Committee in 2011, with a total proposed budget of US\$1,066,000. Within the proposed work programme, the work on seabirds to continue the ERA analysis of areas of high seabird interactions (US\$10,000) was deferred. The FAC approved funding for a workshop on management objectives for 2011 however subsequent discussion in WCPFC7 decided that due to a heavy schedule of meetings the workshop should be deferred to 2012. The secretariat has noted the need to quarantine the funding for use in 2012.

147. Tonga spoke on behalf of FFA members and thanked Dr Miyabe and his Vice Chair and team of conveners for the SC6 report and for the efficient conduct of the SC meeting. FFA members noted the benefits of the new meeting structure, and the clarity of the summary report, and drew attention to the continuing advice from the SC that data deficiencies are affecting the quality of the scientific analysis and advice, and the WCPFC7 working papers that demonstrated the implications of incomplete, late or inaccurate data for the production of timely and reliable stock assessments. FFA members requested WCPFC7 record its concern regarding the continuing failure of CCMs to provide timely complete and accurate data and the effect of this failure on the Commission's scientific advice.

148. The Commission approved the 2011 SC work programme, and total budget of US\$1,086,000, including the following specific elements, noting that \$30,000 will be carried forward to fund the management options workshop in 2012:

- i. three full stock assessments of bigeye, yellowfin and skipjack tuna, one updated assessment of south Pacific albacore, and key shark stock assessments (to be conducted by the Scientific Services Provider [SPC-OFP], in addition to other regular services as described in the previous services agreement), noting that if the yellowfin assessment does not occur \$70,000 would need to be carried forward till 2012.;
- ii. continuation of the WPEA OFM Project;
- iii. refinement of bigeye parameters Pacific-wide;
- iv. continuation of the Pacific-wide tagging project;
- v. identification of provisional reference points work for key tuna species;
- vi. collection and evaluation of purse-seine species composition data
- vii. collation of South Pacific striped marlin data for a planned stock assessment in 2012; and
- viii. support for the 2012 Management Options workshop.

AGENDA ITEM 6 - NORTHERN COMMITTEE

6.1 Report of the Sixth Regular Session of the Northern Committee

149. The Chair of the Northern Committee, Masanori Miyahara (Japan) introduced the outcomes of the Sixth Regular Session of the Northern Committee (NC6) held from 7–10 September 2010 in Fukuoka, Japan. He also briefly introduced WCPFC7-2010/35 (discussed under Agenda item 9.3.5) and WCPFC7-2010-35 (discussed under Agenda item 9.3.9)

6.2 Programme of Work for the Northern Committee in 2011–2013

150. The NC Chair referred to the programme of work contained in Attachment E of the NC6 Summary Report. He also stated that in 2011 the ISC will conduct a full stock assessment for northern albacore tuna, and will recommend a new CMM for northern albacore tuna; in 2012 a full assessment for Pacific bluefin tuna will be undertaken, and additional CMMs for this stock considered. Swordfish stocks are in good condition; a full assessment will be done in 2013, and CMMs addressed at that time. The NC Chair referred to the NC voluntary fund commenting that NC members are expected to make contributions as agreed at NC6.

151. WCPFC7 accepted the report of the Northern Committee and noted its programme of work.

AGENDA ITEM 7 - TECHNICAL AND COMPLIANCE COMMITTEE

7.1 Report of the Sixth Regular Session of the Technical and Compliance Committee

152. The Chair of the Technical and Compliance Committee, Noan Pokap, presented the Summary Report of the Sixth Technical and Compliance Committee meeting (TCC6), held in Palikir, Federated States of Micronesia from 30 September–5 October 2010.

153. The following recommendations from TCC6 were approved by WCPFC7:

- i. On the ROP from the TCC report (TCC 6 report para 31),**
- ii. For the release of ROP data (TCC 6 report para 35).**
- iii. On data gaps and ROP efficiency (TCC 6 report para 42),**
- iv. task the Secretariat to develop further work on SSPs relating to the Commission VMS in light of comments from CCMs, and in the context of the VMS security audit (TCC 6 report para 72),**
- v. task the Executive Director to work with the IATTC on the on the IATTC/WCPFC overlap area.**
- vi. Agreed that fees for non CCM flagged carriers and bunkers should be of \$US 2,500 per annum.**

154. Regarding the ROP, several CCMs noted that CMM 2007-01 is explicit about roles and responsibilities of various parties, including the Secretariat and observer coordinator, and suggested the coordinator should be empowered to progress issues that are highlighted in the ROP Annual Report, with reporting on specific issues to TCC7.

155. WCPFC7 agreed that the Final ROP Audit Report be provided to the CCM involved, with notification only relayed to the TCC and Commission when a programme fully complied with the Commission standards.

156. A CCM noted it could be helpful if reports from successful audits were made available on the secure portion of the WCPFC website as is the case of annual reports.

157. FFA members stressed the importance of data to the work of the Commission, for both science and compliance, and noted that several additional FFA members had provided authorisation to treat relevant national data held by them as Commission data under the ROP. The Parties to the FSM Arrangement and US Treaty will be asked to provide similar authority for release of data from those sub-regional programmes at their next annual meetings in early 2011.

Operation of Commission VMS

158. The EU stressed the importance of conducting an independent review of the Commission VMS, and noted paper WCPFC7-2010-DP-29, containing EU proposals addressing VMS audit TORs and cost savings. CCMs note the importance of conducting a broad, independent audit as soon as possible, and voiced support for integration of elements of the EU proposal into the TORs developed by the WCPFC and FFA secretariat.

159. WCPFC7 tasked the Secretariat with incorporating significant elements from WCPFC7-2010-DP-29 into the draft VMS audit TORs and circulating the revised version to members for their review and approval, with a view to conducting an audit in the first quarter of 2011.

CMM 2007-03 Review of outstanding issues from WCPFC6 and operational issues

160. Addressed under agenda item 9

Boarding and inspection

161. Cook Islands noted that boarding parties rely heavily on language cards to assist in communication and ensure positive outcomes from their inspections. Those language cards are now several years old; given the number of new measures agreed to by the Commission, they require update urgently. FFA members fully support the recommendation that the Commission Secretariat lead the process of updating the cards, and that CCMs participate actively in this review to ensure the accuracy of the information that is used, and to manage the cost of the process.

162. WCPFC approved that the Secretariat prepare updated language cards for use in high seas boarding and inspections and requested that CCMs assist the Secretariat with the translation of the updated cards to manage the cost process. .

Transshipment

163. WCPFC7 discussed the application by New Zealand for exemptions for particular purse-seine vessels under para. 26 of CMM 2009-06 (WCPFC-TCC6-2010/DP-02) and the recommendation made by TCC6 in its report (**TCC 6 report** para. 239) that such an exemption be granted. A CCM offered its interpretation that New Zealand could apply for a multi-year exemption under CMM 2009-06, and encouraged New Zealand to do so in the future.

164. WCPFC7 adopted New Zealand's application for exemption under para. 26 of CMM 2009-06 for 2011.

7.1.1 Update of Submission of Annual Reports Parts 1 and 2

165. The Chair made reference to WCPFC7-2010-19 (Rev 1) on compliance by CCMs with Part 1 and Part 2 reporting, and informed members that the Secretariat had received only 30 of the 35 expected Part 1 annual reports, and 26 part 2 reports. He noted that the request made previously to simplify the Part 2 annual report formatting would be addressed under Agenda Item 7.2.5

166. Palau, on behalf of FFA members, noted the growing burden of annual reports, and particularly the Part 2 reports, stressing that the limited capacity, time and resources available to small island administrations to compile, verify and complete these reports. FFA members noted

that Part 2 reports to be submitted in 2011 will be even more onerous as they will include the 11 CMMs that were agreed by WCPFC6. On a more fundamental note, the information provided in the annual reports is not well suited for the primary purpose, which is to gauge implementation of CMMs. FFA members noted the close linkages between the streamlining of reports and agenda item 9.3.4 (proposed Compliance Monitoring Scheme (CMS)).

167. WCPFC7 approved the template for Part 2 Reporting, as revised in WCPFC7-2010-19 (Rev 1) (Attachment R), noting that work will be progressed during 2011 on a streamlined Part 2 Report (see agreement at para 229).

7.1.2 Update of CCM compliance with CMMs

168. The WCPFC Compliance Manager, Peter Flewwelling, presented WCPF7-2010-20 (Rev 1). He highlighted:

- i. the complexity and delays in submission of Part 2 Annual Reports;
- ii. 2009 fishing effort and catches compared to the 2000–2004 average or 2004 limit for bigeye and yellowfin tuna;
- iii. the lack of data on vessel numbers and catches for other large pelagic species.

169. FFA members highlighted the importance of WCPF7-2010-20, as the only systematic documentation of CCM compliance with CMMs. Para. 27 of the paper reports that many CCMs have failed to provide operational catch and effort data as required under the Commission's scientific data rules. FFA members stressed the apparent systematic overfishing in 2009 of the high seas purse seine limits in CMM 2008-01 (Table 2 (a) of Attachment 5 of WCPF7-2010-20), suggesting CCMs identified as overfishing their high seas effort limits should provide an explanation to the Commission. FFA Members further proposed that the Commission consider adopting the following elements into this proposed conservation measure. CCMs who are not providing operational-level catch and effort data to the Commission in accordance with requirements in the WCPFC data rules on scientific data should provide reasons in their Annual Report Part 2. Additionally those CCMs who have domestic legal constraints that are preventing them from providing operational-level catch and effort data to the Commission in accordance with WCPFC requirements should also provide information on steps they are undertaking to overcome these constraints. Other CCMs, who are also SPC members, that have not yet done so, should also provide information on the constraints and steps that they are undertaking to overcome these constraints that are preventing them from authorising SPC-OFP to provide to the Commission on their behalf operational level catch and effort data that CCMs are required to provide to the Commission

170. Japan provided clarifications regarding data they had submitted to the Commission, noting that during 2009, Japan implemented the high seas alternative measure. Japan stressed that the objective of CMM 2008-01 was to reduce the catch of bigeye tuna, and that Japan reduced its bigeye tuna purse seine bycatch by 26%. Japan also noted the need to consider data quality and accuracy, and the potential for data to be used for scientific analyses such as CPUE series.

171. The EU noted it has submitted a FAD management plan, which was not mentioned in the WCPF7-2010-20 (Rev 1). The EU said it was working with its members to satisfy its data commitments.

172. Australia noted that attachments 2 and 3 of WCPF7-2010-20 omitted data contained in its Part 2 report.

173. WCPFC7 acknowledged the importance of providing complete and accurate data in a timely way and urged CCMs to improve the provision of data to the Commission. WCPFC7

requested that CCMs that have issues in providing accurate and complete data in a timely manner should identify those issues clearly to the Commission. At TCC7 CCMs should provide a draft plan of how impairments to the provision of data will be dealt with as rapidly as possible. CCMs are encouraged to assist others as they are able to do so and the Commission should continue to evaluate methods to assist in this matter.

7.2 Intersessional reports developed from TCC6

7.2.1 Cost Recovery Terms of Reference

174. The USA was asked at TCC6 to facilitate a process to develop Cost Recovery TORs. TCC6 recommended that CCMs provide comments on the draft terms of reference (WCPFC-TCC6-2010-35) to the USA (serving as coordinator of the small WG) by Oct 31 2010. Two CCMs provided comments. TCC6 requested that the coordinator provide a revised draft of the TORs to CCMs prior to WCPFC7 (provided as WCPFC7-2010-DP-21) so that the TORs could be considered by the FAC and the Commission. The TORs were amended during WCPFC7 on the basis of discussion and consultation.

175. WCPFC 7 adopted the TORs for a consultancy study on optimization of WCPFC programme operational costs, including through cost recovery, as amended (WCPFC7-2010-DP-21 (Rev 3)) (Attachment S).

7.2.2 IUU Vessel List for 2011

176. WCPFC7 considered the Provisional IUU Vessel List prepared by TCC6.

177. Regarding the *Neptune*, France reviewed that the *Neptune*, a Georgia-flagged vessel, was inspected twice in the port of Papeete. Log sheets show the *Neptune* was fishing in both WCPFC and IATTC Convention Areas, but was not on the WCPFC RFV. It had 160 mt of albacore onboard. Georgia was contacted in relation to this incident (15 June 2010) but did not respond.

178. A CCM requested clarification on whether Georgia was obligated to enforce specific conditions required by WCPFC, given that Georgia is a party to UNCLOS, but not to the 1995 HMFSA, or Commission.

179. Dr Tsamenyi (WCPFC Legal Advisor) noted that the key issue was whether Georgia, not being a member or CNM, has any duties with respect of its vessels, and whether the vessel had violated any CMMs. He noted Georgia is a party to the United Nations Convention on the Law of the Sea, but not the UN Fish Stocks Agreement. As a party to the Law of the Sea Convention, Georgia has two specific obligations: cooperate to conserve and manage highly migratory fish stocks, and take measures to regulate the fishing activities of its nationals on the high seas. Georgia issued a high seas fishing license to the *Neptune*, which states the vessel should not fish in a manner that undermines international conservation and management measures. Dr. Tsamenyi noted that Georgia was not eligible to place its vessels on the RFV, and that its absence from the RFV might not be a valid cause for IUU fishing. He indicated the basic issue was whether the *Neptune* had fished in a manner that violates specific CMMs.

180. France indicated that CMM 2007-03 requires there should be a prompt response by the flag State. Georgia failed to comply with CMM 2007-03. The *Neptune* was an otherwise unknown fishing vessel, operating in the WCPO without reporting its catch, and without cooperation by the flag State. France considered this is evidence of being engaged in activities that undermine the Convention and WCPFC CMMs, and thus maintained the *Neptune* should be placed on the WCPFC IUU list.

181. New Zealand proposed the Secretariat write to all non-member flag registries explicitly seeking their cooperation with WCPFC, so that in future there will be a basis for saying WCPFC

has sought the cooperation of all States, and in addition, it can be determined if non-members are fulfilling their duty to cooperate. They suggested also describing the WCPFC CNM process, and advocating using this process if they intend to fish in the Convention Area.

182. The EU indicated the *Neptune* had been listed by IATTC in relation to the incident described by France, and noted that Georgia had responded in relation to another vessel but not the *Neptune*. Several CCMs joined the EU in supporting New Zealand's suggestion as well as listing of the *Neptune*.

183. In response to an inquiry, the Legal Adviser stated members can implement legislation to prosecute non-members caught fishing in their waters; their ability to extend such national legislation to address the high seas in the Convention Area was less clear.

184. WCPFC7 agreed by consensus to list the *Neptune* on the WCPFC IUU Vessel List.

185. Regarding the *Fu Chun No 126*, a Vanuatu-flagged vessel, it was noted at TCC6 that settlement negotiations were underway but an agreement had not yet been reached.

186. New Zealand indicated a mutually satisfactory solution had been reached, and it no longer sought to pursue listing. New Zealand stated that considerable resources were required from both parties, and acknowledged Vanuatu for taking its flag-state responsibilities seriously.

187. Vanuatu indicated the matter had been resolved, and indicated it had informed the vessel owner and company of the IUU activities, restricted the vessel to port in Suva, and appointed two independent investigators. An observer was placed on the vessel for six months, and a process invoked to prosecute the *Fu Chun No 126* in the Vanuatu courts. Vanuatu acknowledged New Zealand for its cooperation and assistance in resolving the case, and thanked the vessel owner (located in Chinese Taipei) for their assistance.

188. WCPFC7 agreed by consensus not to list the *Fu Chun No 126* on the WCPFC IUU Vessel List.

189. Regarding the *Liao Da Gan Yu 55049*, it was noted at TCC6 that settlement negotiations were underway but an agreement had not yet been reached.

190. Solomon Islands indicated the matter had not been resolved to its satisfaction.

191. China indicated that the *Liao Da Gan Yu 55049* had operated in Solomon Islands for 3 years under license, had paid an access fee to harvest for 2010, and had received an oral commitment from the Solomon Islands that the vessel could fish; a letter of comfort was granted two days after fishing activities began. In response to the incident the vessel was recalled to China and the license withdrawn for 3 months. China asked that the *Liao Da Gan Yu 55049* not be listed, and that efforts to resolve the case be allowed to proceed intersessionally prior to TCC7.

192. Tuvalu indicated that the *Liao Da Gan Yu 55049* violated its national laws shortly after TCC6, and was arrested, but that the case had been settled.

193. In response to a query from PNG, Solomon Islands confirmed that a license fee had been paid, and remained lodged with its central bank, but stressed that its procedures with respect to a development agreement had not been followed.

194. PNG noted that someone in Solomon Islands must have directed the vessel owners how to pay the license fee, and issued the authority to fish. While sympathizing with the efforts by Solomon Islands to combat corruption, PNG stressed that Commission should not be used to address internal problems.

195. New Zealand noted that TCC6 considered the facts carefully, made a recommendation to place the *Liao Da Gan Yu 55049* on the provisional IUU list. From a procedural point of view, it

asked what new facts had been raised that affect the Commission's position on the vessel; in the absence of new information, WCPFC7 may be undermining the process the Commission has established.

196. Some CCMs encouraged the parties to work bilaterally to resolve the issue. Other CCMs supported listing, and commended Solomon Islands for bringing the issue to the Commission and confronting the issue of corruption.

197. WCPFC7 failed to reach consensus and the *Liao Da Gan Yu 55049* was not placed on the WCPFC IUU vessel list.

198. The USA inspected the *Fu Lien No 1* when it came into port to offload. It determined the *Fu Lien No 1* was without nationality and had been fishing for WCPF covered species on the high seas of the Convention area. The vessel has since been reflagged by Georgia and continues to fish in the regions.

199. Australia supported inclusion of the *Fu Lien No 1* on the IUU list, as under CMM 2007-03 vessels without nationality are presumed to have carried out IUU fishing. It asked how such a vessel could be removed once listed.

200. The Legal Adviser noted that under CMM 2007-03 removal of a vessel must be initiated by the flag State. Georgia became the flag State after the incident in question, but it is the flag State at the time of the contravention that is responsible. He suggested it would be appropriate to include in the record a procedure to remove the *Fu Lien No 1*, or create an opportunity for the owner to remove the vessel, noting this was the first time this had arisen in the Commission.

201. WCPFC7 agreed by consensus to place the *Fu Lien No 1* on the WCPFC IUU vessel list. WCPFC7 additionally noted that the procedures for de-listing an IUU vessel under CMM 2007-03 require action by the flag State. However, in the case of the *F/V Fu Lien No. 1*, it was listed for being without nationality and harvesting species covered by the WCPF Convention while on the high seas of the Convention Area. Therefore, the process for de-listing the *F/V Fu Lien No. 1* requires special arrangements. Accordingly, the Commission agreed:

- i. that the Secretariat will write to the vessel's current flag State in order to seek its assistance in resolving this matter. The Commission further agrees that in the event that the current flag State of Georgia determines that this matter is outside its jurisdiction, then the following actions by the owner of the *F/V Fu Lien No. 1* will be deemed sufficient for the purpose of removing the vessel from the IUU list. Those actions are:**
 - a. payment of voluntary contribution to the Commission in an amount deemed satisfactory by the Commission;**
 - b. ensuring that the vessel is flagged to a responsible flag State; and**
 - c. a written commitment by the vessel owner and flag State that it will comply with the WCPF Convention and its conservation and management measures.**

202. FSM informed WCPFC7 that the incident involving the *Jinn Feng Tsair #1* had not yet been settled to its satisfaction as the vessel has not yet submitted to justice in the FSM and has not paid any penalty to the FSM. However, dialogue with the flag State, Chinese Taipei, continues and FSM looks forward to resolving this issue in the near future.

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

204. WCPFC7 agreed by consensus to retain the *Jinn Feng Tsair No.1*, the *Senta* and the *Yu Fong 168* on the WCPFC IUU vessel list.

205. WCPFC7 agreed that the Secretariat should write to all non-member countries' flag registries seeking their cooperation with WCPFC management measures.

7.2.3 KOBE II Workshop Recommendations on MCS and Management

206. The ED introduced WCPFC7-2010-23, noting that two KOBE II meetings focused on Management and MCS in 2010. The recommendations from these workshops were discussed and responses developed at SC6 and TCC6.

207. FFA members recommended that the Commission adopt the recommendations from TCC6 relating to the Kobe Management Workshop. FFA members provided detailed comments on specific recommendations, and voiced support for:

- i. defining and developing a list of “active” vessels, noting there are binding requirements, in CMM 2009-01, for flag States to advise the Commission each year of their active vessels;
- ii. considering a freeze on fishing capacity on a fishery by fishery basis that should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States, on the basis (a) that the sovereign rights of FFA members to determine who they will license in their waters and their right to participate in high seas fishing is recognized, and (b) the FAO definition of capacity, which is broader than vessel numbers alone;
- iii. developing a consistent, enforceable regime for sanctions and penalties to be applied to WCPFC members and non-members and their vessels that breach the rules and regulations developed and implemented by WCPFC (addressed by the proposed CMS proposed by Australia in WCPFC7-2010-DP-12);
- iv. developing management arrangements that provide tangible opportunities for the domestic fisheries development of SIDS and Territories, including participation in high seas fisheries, and complement FFA members' initiatives to implement zone-based management arrangements;
- v. using the FAO definition of capacity “The amount of fish (or fishing effort) that can be produced over a period of time (e.g. a year or a fishing season) by a vessel or a fleet if fully utilised and for a given resource condition” until the Commission develops its own definition;
- vi. reviewing and developing management regimes, based *inter alia* on the concept of fishing rights, and including rights-based regimes that recognize the rights of coastal States over EEZs, and some special recognition of SIDS in high seas fisheries.
- vii. ensuring a constant exchange of information with tuna RFMOs;
- viii. establishing a joint tuna-RFMO technical working group to promote greater cooperation and coordination among RFMOs, and having the WCPFC Secretariat take a lead role in coordination of the working group between RFMOs.

208. The EU noted its support for the Kobe process, and noted that a number of issues relating to the Kobe outcomes would be addressed under Agenda Items 7.2.4 and 9.

209. WCPFC7 approved the recommendations contained in WCPFC7-2010-23.

210. The USA noted that the Kobe III meeting will be held 11–15 July 2011 in La Jolla California, with pre-Kobe III workshops discussions on 11 and 15 January. The USA welcomes participation by Commissioners from all tuna RFMOs, and funds will be made available for travel costs for developing country participants. A steering committee has been established that

includes members from WCPFC CCMs, and a draft agenda will be posted in early 2011 at www.tuna-org.org. An information session will be held during the FAO COFI meeting in February; registration will be available in mid-January. The USA welcomes contributions from countries wishing to assist in supporting the workshop.

7.2.4 CDS Scheme

211. The EU proposed a CDS in paper WCPFC7-2010-DP-18, proposing a CMM to implement a CDS for bigeye, yellowfin and skipjack tuna and swordfish. It noted the proposal is intended to support implementation of CMMs, and reflects the scheme applied in the EU which can facilitate after adoption in WCPFC the replacement of the EU catch certificate with the WCPFC catch certificate. The scheme is applicable to the main target species in the WCPO, and could be expanded to additional species in the future. It also provides for a simplified catch certificate to cater for small vessels and reduce the related administrative burden. The validating authority is the flag State, which is a non-negotiable issue for the EU. The EU stressed the effectiveness of such a CDS in fighting IUU fishing.

212. Japan noted that it presented a proposal of a CDS to the TCC6, which it requested remain under consideration. The Japanese proposal addresses skipjack taken by the purse seine fishery, and it authorizes port states to issue certificates. It also addresses shark as there are growing concerns in CITIES. PNG spoke on behalf of FFA members noting that at TCC6, the discussion on CDS was based around four papers presented by the EU, Japan, PNG and the WCPFC Secretariat. The outcome of that discussion was that FFA agreed to lead a working group to progress work on a WCPFC CDS guided by the four reports (proposal set forth in WCPFC7-2010 DP-22). The paper includes a draft terms of reference with an outline of the operations of an intersessional working group, and a set of proposed guiding principles for the establishment of a WCPFC CDS. The process aims to develop a CDS that meets the aims of the four papers presented to TCC, and the interests of all Commission Members. The proposal reflects that the bulk of catches in the WCPO are made in the waters of developing coastal states.

213. Korea supported the development of a CDS which is one of the most effective measures to prevent IUU fishing. It stressed the need to consider the cost effectiveness and practicability of a CDS, and said the system should be applied to major target species before extending to other species. Korea supported the EU on issuance and validation in the CDS, which should be responsibility of the flag State rather than the coastal State.

214. Chinese Taipei supports the development of CDS in combating IUU fishing. It has applied voluntarily the CDS measure on pacific Bluefin Tuna as from 2010. Chinese Taipei supported the approach in WCPFC7-2010 DP-22, and noted the importance of considering cost-effectiveness.

215. The Cook Islands spoke on behalf of FFA members and suggested a WCPFC CDS could broadly serve the three objectives in the MRAG paper provided to TCC6 (provide information to improve understanding of resources and fisheries, verify and validate catches to assist monitoring of compliance and deter IUU fishing, and trace from vessel to market in a way that serves the needs and interests of all those involved in the catching, trading, marketing and management processes). FFA members view a CDS as a component of an overall fisheries monitoring system, one that builds on, and adds value to existing monitoring systems including existing documentation schemes.

216. The EU reiterated that flag States were under its legislation as well as under international legislation, the only entities able to control a vessel; provision for control by coastal or chartering States were not acceptable. The EU introduced a statement on the matter (Attachment EE).

217. China supported the Japan and EU proposals, noting that China was the biggest exporter to the EU market. China noted difficulties in including shark species due to problems with identification, and the need to establish a DNA data bank.

218. Several CCMs supported a CDS in principle, but indicated a CDS was just one aspect of broader monitoring and control measures. They stressed the need to focus primarily on species with significant IUU fishing and data problems and supported the proposal in WCPFC7-2010-DP-22.

219. The Marshall Islands spoke of behalf of FFA members and indicated that the approach sought to develop a CDS from first principles, as was done in development of the transshipment CMM, using a decentralized model that could cater for a range of different coastal State responses to market requirements. It would also rely on some form of summary reporting from CCMs on catches in national waters covered by national CDSs. The effectiveness of such a decentralized CDS scheme would be in having a strong component of end-use reporting, to enable coastal States and the Commission to reconcile catches with market consumption.

220. France expressed strong support for the EU CDS, as it is a powerful tool to fight IUU activities. It noted the importance of taking into account regional characteristics, and ensuring consistency between systems used in various RFMOs.

221. Differing views were expressed by CCMs on the issue of flag State vs. coastal or chartering State responsibility with regard to catch documentation. Several CCMs noted that, while desirable, extension of a CDS to shark species should not be seen as a substitute for CMMs on sharks.

222. One CCM noted that any CDS which does not cover all catches, including domestic landings, would not be acceptable. CCMs also stressed the need for an open and transparent process, and compatibility with measures taken by other RFMOs.

223. WCPFC7 agreed to form an intersessional CDS Working Group, to be coordinated by PNG, to progress work on an inclusive WCPFC CDS that includes flag, coastal and market States, and enables certification and export. It was agreed that the first consultation would involve the development of Terms of Reference (TORs) for the CDS Working Group.

7.2.5 Streamline Annual Report-Part 2 Report to WCPFC7

224. The WCPFC Compliance Manager, Peter Flewwelling, presented WCPFC7-2010/25, containing general criteria provided to the Secretariat by a TCC6 small working group for streamlining the Annual Report – Part 2. The main criteria contained in the paper are:

- i. Cost effectiveness for CCMs and the Commission;
- ii. A clear role for the Secretariat;
- iii. Basing the reporting on fisheries management needs and priorities;
- iv. A reporting format that is flexible and relevant to individual CCMs, while retaining consistency;
- v. Efficiency – avoiding duplication and repetition;
- vi. Transparency (noting relevant data confidentiality rules);
- vii. Allows for effective monitoring of compliance with measures.

225. The Compliance Manager suggested the Commission's new Information Management System (IMS) could be used to streamline reporting, thereby allowing CCMs to focus on actual compliance with CMMs. In the future all CCMs would have access to enable them to track their reporting progress. He indicated initial costs could possibly be absorbed in the current budget.

226. CCMs commented on the desirability of streamlining the annual report, but several expressed concern with proposed costs associated with modification to the IMS, and possible associated costs that would have to be borne by developing CCMs in ensuring the compatibility of their IT systems.

227. Several CCMs indicated that the most useful first step would be to enable online input of Part 2 annual reports, as outlined by the TCC recommendation, and sought confirmation this would be done in the first year. CCMs also asked for a breakdown of any associated costs, and suggested an IMS could be helpful in compliance monitoring.

228. FFA members supported the ongoing work to review the Part 2 template, and the development of the IMS. They supported the Secretariat developing the work intersessionally, with subsequent review by the Commission. FFA members also suggested the budget for SIDS IT system testing should be increased, and noted required reporting by CCMs should be limited to the CMMs and Commission decisions of relevance to them. FFA members suggested several fishery categories to be included (longline fishery, purse seine fishery, pole and line fishery, or a combination of these), with CCM compliance performance under the relevant categories related to the status of the relevant fishery and stocks at a given time. They furthermore requested that automated reminders be sent out frequently (30 days, 14 days, 7 days and 3 days) prior to a reporting deadline.

229. The Executive Director indicated the Secretariat would work intersessionally with any interested parties to further review and streamline the Part 2 reports. The Secretariat will report on the issue to WCPFC8.

230. WCPFC7 noted the initiatives taken to streamline and automate reporting systems for the Part 2 Annual Reports and other Commission reporting processes. The WCPFC Secretariat was encouraged to work with interested CCMs during 2011 to further review and streamline the Part 2 reports mindful of SIDS IT constraints and the lack of budget.

7.3 Regional Observer Programme

231. Karl Staisch (Observer Programme Coordinator) introduced WCPFC7-2010-26. He noted that most issues addressed in the paper were addressed under other agenda items, except:

15. Detection of possible violations during ROP-observed Trips particularly during FAD Closure

- h) During analysis and checking of ROP observer data there may be indications that a vessel may have breached the CMMs of the Commission. However, there are no agreed procedures in place for the Secretariat to report to the flag states these breaches detected by ROP observers for the high seas.

16. Data required by Vessel Flag States

- n) Vessel Flag States have requested copies of data collected by ROP observers, and clarification on what data should be released by the Commission data provider is required by the Secretariat and SPC.

232. He noted that additional countries had agreed to allow data to be sent to the Secretariat from SPC, requested that CCMs coordinate with the Secretariat regarding ROP audits, and asked CCMs to provide data on catch retention and vessel discards.

233. CCMs voiced support for the ROP noting its importance with respect to compliance and for collecting data for scientific analysis. CCMs discussed the process for approval of issues raised in the report, and suggested (i) that the Commission empower the ROP Coordinator to take action, in close coordination with the national and sub-regional observer programs, to address

technical issues, and report to TCC7 on progress; and (ii) focus Commission attention on higher-level policy issues. The EU noted that the process needs to be transparent and that regular updates should be given to members through the ROP contact points or in the case of the EU through correspondence to the Head of Delegation to the WCPFC. Several CCMs also noted that some ROP-related issues would be discussed under separate agenda items.

234. FFA members stated that there were a number of elements regarding the flow of ROP data that require additional clarifications, which is related to an issue in the ROP annual report about reporting on incidents. Actions are clear when they relate to alleged offences within the EEZ of the observer provider, but less clear in other cases. FFA members supported the recommendation from the Secretariat to develop guidelines about information flow and again look forward to reviewing outputs at TCC7. In addition, FFA members provided the following detailed comments:

- i. Data Management and Costs (recommendations (p) and (q)): support that data entry and management be undertaken by SPC in Noumea with support from FFA and relevant national programmes;
- ii. ROP Observers (recommendations (a) to (e)): support that the Secretariat prepare more formal advice on the issues raised for consideration at TCC7, noting that the Pacific Island Regional Fisheries Observer Standards that FFA-member national and sub-regional observers are trained under are very well developed and adhered to.
- iii. Definitions and Standards (recommendation k): support that the issue be deferred until after the programme audits being undertaken by the Secretariat, while noting with great concern that the liberal interpretation of these terms by some CCMs and their flagged vessels has extended into activities within FFA-member waters. FFA members noted some vessels are of the opinion that it is acceptable to carry an observer from their own national programme including when fishing in FFA EEZs; this constitutes a disregard of domestic legislation for most FFA members and will not be tolerated. It is a significant undermining of the hybrid approach, which is the fundamental principle upon which the ROP is built. FFA members sought the responsible cooperation of other CCMs to advise all vessels that when fishing in FFA EEZs observers must be sourced in accordance with the approved hybrid approach, sub-regional policy and national law. FFA members also noted they expect the highest degree of cooperation in prosecuting vessels that contravene this requirement. FFA members suggested that before entering an EEZ, vessels be required to report the nationality of the observer on board.
- iv. Observer Reports (recommendation h): note that the responsibilities for provision of data and reports from ROP trips is less clear in the CMM than would have been desirable. Regarding the issues of how and when vessel operators would have access to observer reports, FFA members noted the issue should be part of the work undertaken by the Secretariat in accordance with the TCC6 recommendation for a report to improve efficiency of the ROP from both the observer and the vessel perspective, and be considered at TCC7.
- v. Observers for Special Situations (recommendations i and j): support the need for provision of this nature and discretion for the Executive Director to manage such “special situations”; budgetary provision for this activity should be considered by the FAC.
- vi. Data Required by Flag States (recommendation (t): rules and procedures for access to data are relatively clear in terms of the access that is provided to CCMs for non-public domain data relating to vessels flying their flag. If needed, draft guidelines should be developed for consideration at TCC7 to address specific operational uncertainties.
- vii. ROP Working Group (recommendation (r): Do not support the proposal for creation of a ROP-Technical and Operational Advisory Group (TOAG).

235. Japan noted that, since the issue of data access by operators and flag states are important both for scientific and monitoring purpose, discussion should not be postponed to the next Commission meeting but should be discussed at this meeting under Agenda 9.

236. Korea noted the significant improvements related to compliance and implementation of CMMs through the operation of the ROP. They noted the ROP data indicated many infringements of the FAD closure and asked the Secretariat to provide more information.

237. Concerns were raised over observer quality, debriefing standards, and regarding the behavior of crews and masters.

238. China indicated an arrangement was needed for large-scale longline transshipment on the high seas, and observer cross-endorsement with IATTC. They also indicated that they had trained 13 regional observers, who current have had no opportunity to work onboard vessels.

239. The ED indicated that FFA members had rules in place regarding the use of FFA member-based observers on their vessels, but that Chinese observers can work on vessels in the high seas.

240. Chinese Taipei noted that that the data rules clearly indicate that flag States should have access to non-public domain data, and suggested there was no need to discuss guidelines.

241. WCPFC7 reviewed and discussed the report as presented, taking note of comments by members at TCC6 and WCPFC7 and directed the Secretariat to undertake informal consultations as it proceeded to implement the recommendations made by TCC6, and to keep all CCMs informed of progress.

7.4 Vessel Monitoring System

242. The ED indicated that issues raised in WCPFC7-2010-27 had largely been addressed at TCC6, or through recommendations adopted through the TCC6 report. He raised the issue of procedures and protocols for high seas monitoring and reporting anomalies.

243. CCMs, including FFA members, voiced their broad agreement, and suggested providing the Secretariat with a mandate to move ahead on the issues, with the details to be discussed at TCC.

244. Several specific issues of concern were raised: boundaries, which some CCMs sought to have published on the WCPFC website, the VMS audit (addressed under Agenda Item 7.1), and the need for coastal States to be informed by the Commission when potentially relevant infringements occur in their jurisdiction, as well as the responsible Flag State. The EU suggested it would be useful to have information on the WCPFC website about actual grey areas where boundaries are not yet defined.

245. The Chair noted that boundary determination is beyond the mandate of the Commission, and suggested the Commission direct the Secretariat to provide a link on its website to the UN website, to simplify access by CCMs to that information.

246. WCPFC7 noted WCPFC7-2010/27 and its content, and directed the Secretariat to provide a link on its website to facilitate access to boundary information on the UN website.

7.5 Programme of work for the Technical and Compliance Committee 2011–2013

247. The TCC Chair presented WCPFC7-2010-28.

248. A CCM discussed the need, when adopting new CMMs, to consider the work requirements of TCC and other subsidiary bodies, and the potential additional costs to the Secretariat noting that the work programme determined by TCC6 could be impacted by decisions taken by WCPFC7.

249. WCPFC7 approved the TCC work programme subject to the budget report, and with the understanding that the programme may be expanded to include some other items as decisions are made at WCPFC7.

Adoption of the TCC6 Summary Report.

250. Two CCMs addressed the issue of how CCMs are referenced in the report. It was agreed that the Secretariat would examine the report and make any needed changes to ensure consistency with the precedent established over the previous 7 years.

251. WCPFC7 noted the TCC6 Summary Report.

AGENDA ITEM 8 - AD HOC TASK GROUP — DATA

252. The coordinator of the Ad Hoc Task Group (AHTG) — Data, Holly Koehler (USA), provided a brief report on the work of the AHTG during 2010 noting that WCPFC6 agreed that the work of the AHTG-Data should continue on an ad hoc basis with an initial focus at TCC6 on considering the issue of data provision by chartered vessels. TCC6 recommended to WCPFC7 that the AHTG-Data should also consider:

- i. the right of chartering states to access data;
- ii. that the process for data release takes into account the right of the chartering state with respect of data it has provided for chartered vessels.

253. The coordinator also noted the Secretariat paper WCPFC7-2010-29. The Secretariat noted that no work was undertaken on attribution of catches under charter arrangements but the consultant (Gillett, Preston and Associates) is expected to provide a preliminary report on the subject by mid-December 2010. On behalf of FFA Members, the Marshall Islands requested correction of two items in WCPFC7-2010-29:

- i. The statement in WCPFC7-2010-29, para 1 (that WCPFC6 agreed that the work of the AHTG Data should include the issue of attribution of catches under charter arrangements) is incorrect. The WCPFC6 discussion on the future scope of work of the AHTG (paras. 189 and 190 of the WCPFC6 report) does not mention catch attribution.
- ii. The scope of work for the AHTG (WCPFC7-2010-29, para 5) does not accurately reflect the discussion at TCC6 and the recommendation of TCC6 on this matter. At TCC, the AHTG Chair asked for clarification of the request to WCPFC6 by FFA members for further work by the AHTG. In response, the Marshall Islands spoke on behalf of FFA members and pointed out a gap in the Commission rules on access to non-public domain data by chartering CCMs. The two sets of rules governing access to data are clear about the rights of flag States, coastal States and port States to access Commission data, but do not consider the rights of chartering States to access Commission data, which is a gap that needs to be addressed. In addition, the rules require the consent of the source of data for certain data releases. For some datasets, it may not be clear whether the data involved has been provided by the flag State or the chartering State. FFA members want to ensure that rights of the chartering State in respect of data that it has provided for chartered vessels are properly taken into account in the ‘consent process’ for data release. As a result, it was recommended in para 54 of the TCC6 report that the AHTG-Data should consider the two items in WCPFC7-2010-29 5b) and 5c). TCC6 did not recommend that the AHTG-Data should consider the broader issue of data provision by chartered vessels referred to in WCPFC7-2010-29 5a).

254. The FFA members offered to provide a brief paper on the issues of the right of chartering states to access data, and the process for taking into account the right of chartering states with

respect of data it has provided for chartered vessels as a starting point for the work of the AHTG Data on these issues.

255. WCPFC7 noted WCPFC7-2010-29, while acknowledging the corrections provided by the Marshall Islands in para. 253 above. It was agreed the AHTG-Data would continue its intersessional work on the items identified in para 252 above, and report to TCC7.

AGENDA ITEM 9 - CONSERVATION AND MANAGEMENT MEASURES

9.1 CMMs listed for discussion at TCC6 and requiring further discussion

9.1.1 CMM 2007-03 — IUU Listing and Removal

(i) Amendments to para. 3(j) procedures

256. The USA introduced WCPFC7-2010-DP-16, containing proposed amendments to procedures for applying para. 3(j) of CMM 2007-03 for the IUU vessel list. This paper took into account comments that had been provided intersessionally since TCC6 by two CCMs.

257. Fiji on behalf of FFA members noted concerns regarding risks associated with the proposal, including the impact on domestic processing plants supplied by vessels under common ownership. FFA members also noted that it remains very difficult to determine “common ownership”, indicating vessels are already owned via shelf or shell companies, subsidiaries, trading names etc and the adoption of these procedures and application of 3(j) is expected to raise the complexity of corporate structures and ownership.

258. Working on the margins of WCPFC7, the USA developed revised text to address these concerns. In response CCMs expressed their support for the procedures, which will be annexed to CMM 2007-03 while noting the following:

- i. Marshall Islands noted their intention to propose a “deeming procedure” in the future to address remaining ownership concerns;
- ii. the EU noted the potential for para. 11 to serve as a loophole; and
- iii. New Zealand indicated its desire to develop mechanisms to address control (as distinct from ownership) of vessels.

259. The Chair noted that 3(j) is part of CMM 2007-03, and that the Commission would issue a revision to 2007-03, including a revision of the timelines (see para 268 below), and with the 3(j) procedures in WCPFC7-2010-DP-16 (Rev 1) appended as an attachment.

260. WCPFC7 adopted procedures related to para. 3(j) of CMM 2007-03 as set forth in WCPFC7-2010-DP-16 (Rev 1) (Attachment T).

(ii) Amendments to paras. 15 and 25

261. Tonga introduced WCPFC7-2010-DP-11, proposing amendments to para. 15 of CMM 2007-03 with the intent of (i) distinguishing between fishing violations that occur in a coastal State’s waters and those that occur on the high seas, (ii) requiring that fishing violations that occur in a coastal State’s waters be resolved to the satisfaction of that coastal State, and (iii) affirming the sovereignty and the exercise of sovereign rights of the coastal State.

262. Several CCMs stated they could not support the amendment.

263. FFA members voiced their support, and noted that the Convention Area differs from that of other RFMOs, due to including the EEZs of many Pacific Island countries. Several FFA members related problems they had experienced with IUU fishing vessels, stressing that the current paragraph did not effectively address situations where a vessel had fled their jurisdiction.

264. The EU has tabled a proposal by adding the coastal states in para 15 c) of CMM 2007-03 as follows.....”the case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CCM that originally submitted the vessel for listing, of the Coastal State (if different from the former) and of the flag State involved”.

265. The Chair summarized the issues, noting that if violations take place in an EEZ, and the vessel leaves, and the flag State does not take adequate measures, then the coastal State has no recourse. He suggested members develop a mechanism to get flag States to take action to punish violations in a way that is commensurate with the violation.

266. Tonga, on behalf of FFA members, thanked members who participated in the discussion, and proposed that the Commission revisit the decision taken by WCPFC5 with regard to application of IUU conservation and management measures: “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” (WCPFC5 Report, para 161). FFA members noted that the TCC5 summary report contains no evidence the issue was considered, and urged that the decision be revisited and TCC7 be directed as a matter of priority to consider the matter, and consider the issues in para 157 of the WCPFC5 report.

267. WCPFC7 directed TCC7 to satisfy the following request made by WCPFC5: “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’s measure may inform this process.

(iii) 120-day rule

268. New Zealand introduced WCPFC7-2010-DP-05, which is the result of intersessional work from TCC6 on the issue of the 120-day rule in CMM 2007-03. The paper includes a summary from New Zealand, and a comparative table of dates and suggestions received from Japan, Chinese Taipei and FFA members for consideration by WCPFC7.

269. CCMs voiced support for the measure, with Japan noting the difficulty it experienced in proposing a vessel for IUU listing in 2010 because of the timing restriction. FSM, on behalf of FFA members, indicated their interest in pursuing an intersessional listing process in the future.

270. WCPFC7 adopted WCPFC7-2010-DP-05 amending the 120-day rule in CMM 2007-03 to the 70 day rule (Attachment U).

9.1.2 CMM 2008-01 — para 46 Extension of CMM 2008-01 and others

(i) High seas pockets special management area

271. The Philippines introduced WCPFC7-2010-DP-01, recommending (a) thorough consideration and discussion of the extension of closures of high seas pockets 1 and 2; (b) designation of high seas pocket 1 as a special management area for small and medium fresh/ice-chilled fishing vessels; (c) implementation of proportionate reduction of fishing effort (reduction of national fleet capacity); and (d) implementation of proportionate bigeye tuna catch limits for all fleets (purse seine, longline, etc).

272. CCMs expressed sympathy with the socioeconomic difficulties faced by the Philippines, and noted the importance of reducing the impacts of fishing in the western tropical areas of the WCPO to ensure stock sustainability.

273. Several CCMs voiced support for the request by the Philippines to establish a special management area, noting the vital role played by such fisheries in local communities. Other

CCMs noted that WCPFC7-2010-15. Rev 1 made it clear that the closure of high seas pockets provided no conservation benefit, with purse-seine effort about 10% higher than the previous record level in 2008-2009, and voiced support for review of CMM 2008-01 in its entirety by WCPFC7. FFA Members stated they were not able to support the proposal to amend CMM 2008-01 as proposed by the Philippines at WCPFC7, and did not support a comprehensive review of CMM 2008-01 by WCPFC7, but welcomed consideration of the Philippines proposal as part of a review of CMM 2008-01 in 2011.

274. The Philippines further introduced WCPFC7-2010-DP-24, containing a proposed amendment to CMM 2008-01, and proposed DP-24 serve as a working paper for discussion by the proposed WG on CMM 2008-01. The Philippines informed the Commission that there was an understanding between the Philippines and PNA countries to have further discussions on the high seas pockets special management area as soon as possible to work out arrangements for remedial measures to be implemented in early 2011.

275. The Marshall Islands on behalf of the PNA stated “ Some PNA parties have met informally with the Philippines delegation on the issue of the High Seas pockets access. We sympathise with their situation domestically and note the many commonalities with Philippines, Indonesia and PNA parties in the areas of domestic capacity, aspirations and the impact of conservation measures on our domestic industries.

276. Mr Chairman, we wish it to be noted that in the new year PNA, and we would hope broader FFA, will work closely with the Philippines government and industry to come to amicable solutions to this without undermining the measures in place”.

277. WCPFC7 noted the agreement reached between the Philippines and the PNA to further discuss the proposal and if possible present a mutually agreeable solution to the Commission intersessionally. WCPFC7 agreed to also consider WCPFC7-2010-DP-01 and WCPFC7-2010-DP-24 as part of the CMM 2008-01 review process (para. 308, below).

(ii) Preliminary Analysis of Purse Seine Increase

278. Japan spoke to WCPFC7-2010-DP-02, proposing a new CMM addressing purse seine fishing capacity and effort, explaining it was an emergency step to stop the increase in purse seiner catch during 2011, while the Commission considers revision of CMM 2008-01. Japan commented that in their view:

- i. the unforeseen expansion of purse seine fishing activities while other fishing activities decline. Purse seine effort increased 30%–40% over the last 3 years, the inverse of the expected reduction in fishing effort over 2008–2011. The bigeye tuna catch by purse seine fleet increased by 40%, while longline catch decreased by 20%, and will decrease by a further 10% in 2011. Japan noted the situation created under CMM 2008-01 was unfair.
- ii. Japan believes that the scientific analysis indicates bigeye tuna are in trouble, yellowfin is close, and skipjack is declining rapidly. The skipjack analysis was based on 2009 data, and the situation may be worse in 2011. Japan noted the purse seine catch of skipjack exceeded 1 million mt in 2002, and reached 1.6 million mt in 2010, a 60% increase over 8 years. The rapid increase in purse seine skipjack catch reflects a rapid increase in the activities of purse seine fishing vessels.
- iii. Japan noted that the Convention calls for application of an ecosystem and precautionary approach, but that current fishing operations were in direct opposition to that approach. Japan stated that the rapid increase in fishing activities causes difficulties for coastal fishing operations, and noted clear declines in coastal waters.

- iv. Japan warned the Commission that actions were being taken by members to promote their own interests, with almost no corrective action taken in timely manner. It noted investors were looking for opportunities to build large US\$20 million purse seine vessels, and seeking short term profits; the ensuing struggle between members prevents Commission members from stopping the uncontrolled increase in the fishing cap.
- v. Japan noted its strong support for Pacific Island development and protection of small-scale sustainable fisheries, noting significant reduction in its own long line fleet, and urged members to halt the introduction of additional purse seine vessels to the Convention Area, except for replacement of existing vessels.
- vi. Japan noted that coastal states should decide who should fish and how much in their waters. If coastal states want to increase their own fleet then they have to exclude distant water fishing nations from their zones. Coastal states have to show their strong will to control fishing in their zones. Unfortunately current situation is like a too crowded bus passengers are coming and coming but nobody is getting off.

279. China thanked Japan, and stated that it encouraged its industry to establish processing plants, and reflag its vessels to PICs. China noted that a number of vessels were planned or under construction, and could not be halted by China's national legislation or WCPFC CMMs; such pressures would place additional pressure on bigeye and skipjack stocks. China agreed with Japan to ban any growth in the purse seine fleet in the Convention Area.

280. The EU voiced support for the Japanese proposal, noting the EU had maintained its effort at the same level for many years, and Japan's proposal was an emergency measure that would be added to other elements.

281. The Philippines noted that it had a moratorium on new fishing vessels in place since 1998, with new vessels allowed only to replace existing larger or equivalent vessels.

282. Palau speaking on behalf of FFA members noted they remained committed to basing the management of the tropical purse seine fishery on effort limits through the PNA Vessel Day Scheme, and indicated interest in the scope for a system of purse seine capacity limits to complement and support the VDS, and indicated they would consider Japan's proposal in their work during 2011 on measures to replace CMM 2008-01.

283. The USA supported Japan's proposal, and further noted that capacity should be reduced, through work by the Commission that identifies a proper level of purse seine capacity, and respects the aspirations of SIDS through reductions in distant water fishing nation (DWFN) capacity.

284. France supported limits on capacity and the entry of new vessels.

285. Korea noted its support for the general concept in principle, but emphasized that better techniques were needed for reducing the bigeye tuna purse-seine catch through CMM 2008-01, rather than through limits on capacity that would affect skipjack and yellowfin catches, which it viewed as stable. Korea advocated implementing limits on SIDS gradually, to allow them to develop their fisheries and capacity.

286. Nauru spoke on behalf of the PNA and noted that capacity limits had been used by the PNA for many years, but were considered to be a very blunt tool; the PNA instituted effort limit instead to provide more control over who fishes in their waters. It noted that any scheme should not limit the rights of coastal states to choose and should complement more advanced limit approaches.

287. Marshall Islands agreed with Nauru, and stated that PNA would impose tighter control of its VDS in 2011. It urged developed members to undertake voluntary capacity reduction.

288. FFA members stated that they assumed that under para 1 the high seas capacity limit in para 3 would not apply to SIDS' domestic purse-seine development, and would enable SIDS to participate in the high seas purse seine fishery. They agreed with Japan that greater attention be given to skipjack management in accordance with SC advice, and noted they were considering additional measures to complement the VDS, potentially including purse seine capacity limits

289. Guam supported the proposal by Japan, and asked that CCMs recognize the importance of fish stocks to SIDS communities and the role of artisanal fisheries as they were striving to maximize the economic benefits of the fishery. It noted the poor state of fish stocks in Guam.

290. Canada noted it shared concerns with the overcapacity of the purse-seine fleet in the WCPO. In the Kobe II workshop efforts were made to include language on capacity, and such a freeze should not constrain access to fisheries by developing states. Canada noted that the Japanese proposal was long overdue, and expressed the hope that members would agree to a significantly strengthened measure to replace CMM 2008-01 in 2011.

291. PNG stated that DWFNs should cut their effort.

292. New Zealand shared the concerns raised by Japan, and noted the results of the most recent skipjack stock assessment. It stated it would be difficult to reduce capacity if it increases further, but observed that Japan's proposal lacked the flexibility called for by the PNA and FFA.

293. Japan voiced appreciation for the support expressed by members, and expressed willingness to work with FFA to implement effort or capacity controls in conjunction with PNA measures, while urging the Commission to agree to the principle of implementing a fishing effort or capacity cap.

294. Nauru stated it was committed to halting or reversing the expansion of purse seine capacity, but that PNA members would not agree to freeze capacity in its current balance, in which most vessels are from DWFN.

295. Chinese Taipei noted that CMM 2008-01 was effective for longliners, but not for purse seine vessels, and urged all delegates to consider how to more effectively conserve bigeye tuna. It advocated an interim freeze, and introduction of a comprehensive replacement of CMM 2008-01 in 2011.

296. The Cook Islands, on behalf of FFA members, reiterated their support for capacity fishery limits that do not constrain access to, development of, and benefits from sustainable tuna fisheries by developing countries, on the basis that FFA members' sovereign rights to determine who they will license in their waters and their right to participate in high seas fishing are recognized. They also noted the FAO definition of capacity, which was endorsed by the WCPFC: "The amount of fish (or fishing effort) that can be produced over a period of time (e.g. a year or a fishing season) by a vessel or a fleet if fully utilized and for a given resource condition."

297. Samoa thanked Japan for its proposal, noting FFA members supported the development by DWFNs of proposals that complement actions taken by SIDS in their EEZs.

298. A number of CCMs indicated they had vessels under construction or in the planning stage. Several FFA members noted that some CCMs have suggested that all new builds need prior approval by Commission members. Those FFA members noted that actions taken by the Commission or its members must not impact or limit development of their fisheries, including building new vessels. It was noted by the Chair that Resolution 2008-01, Article 30 of the Convention and various SIDS provisions in individual CMMs make it clear that there is no need for Commission approval and in fact provide an obligation on members to commit to assisting SIDS develop their fisheries.

299. A lengthy discussion focused on the continuation of elements of CMM 2008-01 beyond 2011 if no agreement was reached on a replacement. The USA reminded the Commission of a decision taken by TCC6 (**TCC 6 report** para 234) that recommends that such a decision be made. At TCC differing views were expressed on the meaning of para 46 of CMM 2008-01. The USA stated its view that CMM 2008-01 should persist if not replaced.

300. The Legal Adviser stated that CMM 2008-01 required annual review, but would remain in place unless an alternate measure is adopted. The overall measure will not expire, but there are specific time-bound actions. Thus specific provisions on purse seine measures and longline measures are time-bound, with some set for 2009, and others for 2010 and 2011. Those actions would terminate as indicated in 2011. One measure relating to the high seas closure will not expire, because of a paragraph at the end indicating it will continue after a review in 2009.

301. FFA Members stated they were committed to adopt a comprehensive CMM at WCPFC8 to replace CMM 2008-01, but urged the Commission to take a decision that all the provisions of the CMM will continue to apply, as they apply in 2011, until they are replaced to avoid a situation in 2011 where partial arrangements would continue to apply in an unfair or ineffective manner. FFA members also noted that CMM 2008-01 (para 36) states that 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 SIDS. The paragraph is silent about any limit for China for 2011, but in the view of FFA members anticipates that the Commission will establish a bigeye longline catch limit for China for 2011 consistent with the 30% reductions being applied to the catch limits of other large longline fleets. FFA estimates the bigeye catch by Chinese longline vessels operating as part of the domestic fleets of several SIDS in 2004 at 1,824 mt; the limit established for China for 2009 and 2010 in Attachment F of CMM 2008-01 was 9,314 mt. Thus the applicable baseline catch for China would have been 7,490 mt; with a 30% reduction the limit for China for 2011 would be 5,243 mt. FFA members noted it was appropriate that a reduction be applied to the catch limit for China for 2011 because the difficulty with establishing an appropriate catch limit arises from the failure of China to provide operational level data as required under the Commission's Data Rules.

302. China noted the need to consider the issue with FFA.

303. The Philippines noted it would be premature to consider an extension of CMM 2008-01 without a review, and noted that Article 46 states that decisions must be taken in light of scientific advice.

304. Nauru noted its reservations regarding a piecemeal management through various CMMs, and urged the Commission to develop a strategic approach to management; it also suggested that work on reference points should be fast-tracked.

305. Several CCMs agreed CMM 2008-01 needs improvement, with ambiguities removed and effectiveness reinforced, and noted some 80% of the bigeye catch in the WCPO is in national waters, and only 20% in the high seas.

306. The Chair stated that the concerns expressed by Japan were backed by analyses of the Scientific Services Provider. He noted that the proposed or ongoing construction of some 40 new purse-seine vessels, all larger than those that are currently fishing now, posed a significant problem. He reviewed the declining status of available resources, and noted that — having failed to reduce the purse seine catch — the Commission's credibility was at stake, and it needed to take urgent measures to address the situation for specific stocks. He noted PNA attempts to reduce effort through the VDS, but observed that regional capacity was already sufficient, and efforts must be made to limit overall capacity in conjunction with managing effort. He observed that further delay would result in construction of additional vessels and increased fishing effort, with

likely increases in IUU fishing on the high seas if in-zone fishing is controlled. He noted the need to transfer capacity from DWFNs to SIDS, and reminded members of their responsibility to promote sustainable use of the region's fishery resources through a precautionary approach.

307. WCPFC7 agreed to consider WCPFC7-2010-DP-02, WCPFC7-2010-DP-03 and the issues raised during the discussion through the "CMM 2008-01 review process" described in para. 308 below.

308. WCPFC7 adopted WCPFC7-2010-DP-32 (Rev 3), regarding a process for 2011 to develop an enhanced conservation and management measure for tropical tunas (bigeye, skipjack and yellowfin) in the WCPO (Attachment V), as follows:

- i. At its 8th session in December 2011, the Commission will adopt an enhanced measure to conserve and manage tropical tunas on the basis of the advice provided by SC7 and the recommendations of TCC7. The CMM will be based upon the most recent scientific advice, and be designed to deliver a substantial improvement in the status of the WCPO bigeye stock, and promote the conservation and management of skipjack and yellowfin in accordance with the WCPF Convention.**
- ii. The CMM will apply to all commercial tuna fisheries (purse seine, longline and other commercial tuna fisheries) in the WCPO.**
- iii. The advice and recommendations will, *inter alia*, include consideration of the status and distribution of stocks, fairness, equity, enforceability, compatibility, multi-species effects, socio-economic factors involved and the special requirements of developing members, SIDS and territories.**
- iv. CCMs are encouraged to take voluntary steps to mitigate the impact of their fishing activities on the sustainability of bigeye, skipjack and yellowfin tuna and to report back on the steps they take.**
- v. Kobe 3 (11-15 July 2011) may present an opportunity for an initial discussion on the development of an enhanced measure for conservation and management of tropical tunas.**
- vi. SC7 shall consider updated assessments for bigeye, yellowfin and skipjack and the results of the evaluation of the measure and projections undertaken at the request of SC6, and will provide advice and recommendations that will support the development of an enhanced measure for conservation and management of tropical tunas. On the basis of the advice provided by SC7, the Chair and the Vice-chair of the Commission, assisted by the Executive Director and other Commission subsidiary body Chairs as appropriate, will prepare a preliminary document containing a possible approach and options for the enhanced measure to be considered by TCC7.**
- vii. TCC7 will consider the preliminary document prepared by the Chair and Vice-Chair and provide advice and recommendations, for consideration by WCPFC8.**
- viii. All CCMs are encouraged to share proposals with other CCMs and with the Commission Chair as early as possible in 2011, to maximize the opportunity for developing options for an enhanced measure for consideration at WCPFC8.**
- ix. CCMs are encouraged to reflect on Resolution 2008-01 in the preparation of proposals for an enhanced measure.**

9.1.3 CMM 2009-06 — Conservation and Management Measure on the Regulation of Transshipment

309. The Compliance Manager summarized the questions that the Secretariat had received regarding implementation of CMM 2009-06. These include: confusion regarding the observer provisions and lack of clarity of where to submit the transshipment declarations.

310. Solomon Islands on behalf of the FFA stated that CMM 2009-06 needs to be read in conjunction with 2009-01- WCPFC Record of Fishing Vessels and Authorization to Fish. CMM 2009-01 indicates in para. 30 that once a CNM vessel is on the vessel register, it is equivalent to a CCM-flagged vessel, and must comply with all relevant CMM's. Thus the transshipment observer provisions of CMM 2009-06 apply to carriers on the interim register.

311. In accordance with CMM 2007-01 and the decision of WCPFC2, carriers, like other vessels, are free to choose ROP observers of non nationals of the flag state from the authorized national observer programs, or from the existing sub-regional programs, except for vessels covered by para 14 (ii) of CMM 2007-01. FFA members noted that if a bunker vessel did receive fish from another vessel, it would be a "receiving vessel" and therefore subject to 2009-06 the whole measure in the same way that other vessels are. FFA members also noted that the reporting requirements of the measure (in paras. 10, 11 and 12) also apply in cases where WCPO-caught fish is transshipped elsewhere.

312. Japan noted while, who is responsible for funding is an issue to be addressed, practical approach can be taken in operations because no transshipment can be allowed without observers on board.

313. China noted the urgent need to allocate funds to pay observers and resolve proposals for cross-endorsement of observers.

314. The USA and FFA members stated that CMM 2009-06 could be implemented without further clarification, while the EU stated that the measure was not clear. The Chair advised the USA to provide clarification to the EU.

315. Noting that they were already in force, the Commission agreed with the Executive Director's suggestion that the issues raised by WCPFC7-2010-13 and WCPFC7-2010-30 be addressed intersessionally and brought to TCC7 to ensure consistent application.

9.1.4 CMM 2007-04 — Seabird By-Catch Mitigation

316. ACAP advised CCMs that considerable progress had been made in recent years in respect to mitigation of longline impacts on seabirds. He indicated that ACAP hoped a new set of guidelines on mitigation measures would be available in 2011, and noted progress on safety aspects of using leads on branch lines, which should result in much safer operations. ACAP sought support for having these items reviewed by the SC at its next meeting.

317. ACAP commented that there had been numerous references to the lack of data hampering the Commission's work, and said that a similar lack of data on seabird bycatch hampered ACAP's ability to advise the Commission. ACAP noted that the ecological risk assessments presented and discussed at the SC over the previous few years enabled the Commission to undertake a very targeted observer programme that focused on areas of highest seabird interaction and need. ACAP proposed that a targeted observer programme be undertaken in one of the hot spots identified in the Tasman Sea to assist in the review of CMM 2007-04, and indicated it would consult with relevant parties who fish in that region in the coming months to identify data gaps, and develop approaches to cooperation.

318. New Zealand stated that the approach of a targeted observer programme as proposed by ACAP could be very cost effective and useful, and indicated this could be further considered by the Commission at TCC and SC. It encouraged other fishing nations to get involved.

319. The USA suggested that the design of the ROP should be guided by advice from the SC, and should work to implement the plan proposed by the SC and agreed to by the Commission.

9.1.5 Others to be discussed

CMM 2005-02 — South Pacific Albacore

320. PNG introduced WCPFC7-2010-DP-08 on behalf of FFA Members, requesting that CMM 2005-02 be clarified and require that CCMs report to the Commission the total number of vessels that caught South Pacific albacore, and the total catch in tonnes for vessels catching albacore south of 20°S.

321. A number of CCMs expressed support for the proposal. Some concerns were expressed about reporting thresholds for South Pacific albacore bycatch, and for application of the measure to vessels that do not target south Pacific albacore.

322. WCPFC7 adopted WCPFC7-2010-DP-08 (rev 1) to revise CMM 2005-02 (Attachment W) with the understanding that some CMMs may not be able to provide separate data for bycatch and targeted catch of South Pacific albacore prior to 2005. CCMs shall make their best efforts to do so, and post 2005 catch data for South Pacific albacore must distinguish between targeted catch and bycatch.

CMM 2007-01 — Regional Observer Programme

CCM data flow obligations

323. The Secretariat spoke to the data flow obligations of CCMs under CMM 2007-01, as addressed in WCPFC7-2010-13. It noted that the poor provision of ROP data to the Secretariat and its Scientific Services Provider (SPC) negatively impacts the Commission's ability to carry out its work and receive appropriate reports for sustainable and responsible fisheries management. There is a need to clarify the definition of the ROP and the obligations of Members with respect to the security and timely flow of data to both the Secretariat and SPC, with a mechanism to assist members who have difficulties meeting the ROP data criteria.

ROP report release

324. Japan introduced WCPFC7-2010-DP-19 on behalf of the EU, Japan, Korea and Chinese Taipei, in relation to release of ROP reports. They proposed that Annex A of CMM 2007-01 be modified, and specify that observer providers be responsible for ensuring (i) timely provision of draft observer reports to vessel operators/captains as well as to the competent authority in the flag CCM upon completion of their observer trips, and (ii) the opportunity for vessel operators/captains to review and comment on the observer reports under paragraph 1.c), Annex B." They noted that the data was very useful for compliance as well as scientific research, and this would be facilitated through the proposed modification to CMM 2007-01.

325. Some CCMs indicated that the issues raised needed to be considered further to determine their impact on observers and national observer programs, and suggested the proposal be deferred to TCC7. Other CCMs noted the proposal was essentially a guideline for existing para 1(c) of Annex B implementation, and could be implemented without delay, stressing the need for flag States to receive observer reports as soon as possible in order to be able to exercise their duty of responsible control over own flagged vessels. One CCM stressed the need to set forth the rights and responsibilities of the various parties more clearly, and another indicated the information would be useful should legal action be required. A CCM noted the proposed paragraph should indicate why the competent authority should receive the observer report, and noted it should be made available to all those who should receive it at the same time.

326. The Observer Programme Coordinator indicated that there were operational difficulties raised by the proposal, highlighting costs, reporting delays due to travel delays, the possible need for observer debriefing, and problems that could arise if an observer made multiple trips on the same vessel.

327. He also noted that the Secretariat was currently receiving no data, and that no funds were available to enter data in 2010.

328. FFA noted that there were significant differences between ROP data and observer reports, and that captains were able to review but not keep observer reports, while Flag states could receive ROP data.

329. The EU confirmed not having been able to access any observer data and that masters of EU flagged vessels had never received reports for review.

330. WCPFC7 failed to reach consensus on WCPFC7-2010-DP-19, and directed TCC7 to consider the issues raised in the paper.

CMM 2007-02 — VMS

331. The USA introduced WCPFC7-2010-DP-14, regarding the need for Commission consideration and approval of requests by CCMs to include waters under their national jurisdiction within the area covered by the Commission VMS, as specified in CMM 2007-02, para. 6(c). The USA outlined its concern that such requests and approvals were characterized in the WCPFC6 meeting record as being a bilateral issue, while CMM 2007-02 is clear that they require Commission consideration and approval; the USA stressed that CMMs should be implemented in the specified manner.

332. The USA suggested that the Commission approve the application of CMM 2007-02 to all CCMs' waters as a whole if requested by a CCM. The Secretariat would advise the Commission if a request was made by a CCM for application of the VMS to its waters. A proposed template of terms and conditions would be developed by the Secretariat for this purpose.

333. In response to a query, the Compliance Manager indicated that the VMS currently collects data regarding EEZs, and the Commission pays for that data, but the data is quarantined, and countries and the Commission do not see it. The proposed access arrangement would enable members to see data of Commission vessels in their EEZ. There would be costs associated with data access only if a member requested an increase in the polling rate for vessels. He noted that of the approximately 1,500 vessels registered exclusively on the Commission VMS, only 20%-30% are on high seas; about 70% are in member EEZs, but that data is not visible, despite being paid for by the Commission.

334. China noted that for some coastal states maritime boundaries have not been finalized, and suggested a conflict could occur if several Commission members asked that their EEZs be included, and those did not agree on the boundaries. The Chair noted that language could be added to the effect that exercise of the Commission VMS would neither determine disputed boundaries nor prejudice the establishment of maritime boundaries of states.

335. WCPFC7 adopted WCPFC7-2010-DP-27 (Rev 1) (Attachment X), while noting that the inclusion of waters under the national jurisdiction of a member of the Commission within the area covered by the Commission VMS will not determine any disputed boundary and will be without prejudice to the final determination of such boundaries.

CMM 2009-06 — Transshipment

336. Discussed under agenda item 7.1 and Item 9.1.3.

9.2 Report by PNA Members on implementation of the Vessel Day Scheme

337. Marshall Islands presented WCPFC7-2010-DP-23 (Rev 1), on implementation of the Vessel Day Scheme.

338. In response to a query, Marshall Islands indicated that 8 PNA members had amalgamated their zones to the VDS. Implementation and monitoring is undertaken in conjunction with the FFA, using the VMS to monitor all fleets in PNA waters. All bilateral agreements are taken into account in the VDS. In the future tighter control will be exercised with fewer vessel days. The VDS includes domestic vessels under the FSM arrangement.

339. New Zealand commended the PNA for its report, for the forecast operational improvements, implementation of fixed limits, and restrictions on the transfer of days between management years.

340. The EU suggested that future reports could address the effectiveness of VMS implementation on conservation of tropical tuna stocks.

341. The Marshall Island noted this could be addressed by SPC, and that future limits would remove some effort, or 15%-20% of vessels.

342. PNG stressed that the PNA had additional measures under its third implementing arrangements, and was the first to achieve 100% observer and VMS coverage. It noted that in 2011 PNG was spending \$1 million per year on its observer programme, and building a web-based VMS.

343. WCPFC7 noted the Report by PNA Members on implementation of the Vessel Day Scheme

9.3 Consideration of new measures and other conservation requirements

9.3.1 North Pacific Striped Marlin

344. PNG, in its capacity as chair of the FFC, and on behalf of FFA members, introduced WCPFC7-2010-DP-07, which proposes a CMM calling for a phased reduction by all CCMs in their longline catch of North Pacific striped marlin, such that their annual catches starting from 1 January 2013 are 80% of their highest annual catches between 2000–2003.

345. Japan, speaking on behalf of the northern Asian countries, supported the proposal.

346. The USA noted its concern that members would take as their allowable catch 80% of the highest level in the reference period, which could increase the average catch overall, relative to the reference period, meaning the measure would have little if any conservation benefit. It asked for confirmation on this from SPC. It noted declines in striped marlin catch, and the expected availability in 2011 of a stock assessment for striped marlin. The USA expressed its support for a measure for 1 year, with consideration of a revised CMM when the stock assessment results are available.

347. Several CCMs supported the position taken by the USA.

348. A CCM voiced support for passage of the measure, noting that not all CCMs were likely to catch their full allocation. It indicated the measure was designed around percentage reductions, and could be easily revised on the basis of a stock assessment.

349. Dr. John Hampton (SPC) noted total catch had declined quite rapidly since the early 2000s. The allocations to members under the measure would allow a total catch of some 2,400 mt, somewhat higher than the current level. Reducing the catch relative to recent years would necessitate using a more recent base year or increasing the percentage reduction.

350. Following further discussion CCMs agreed to a measure for North Pacific Striped marlin subject to the text including consideration of the following proposed amendments:

- i. the measure will be amended in 2011 on the basis of the 2011 stock assessment results;

- ii. the measure will eliminate references to fishing using longline gear and apply to all gear types;
- iii. the measure will call for a 10% reduction in 2011, 15% in 2012, 20% in 2013 and beyond subject to amendment in 2011;
- iv. members will be encouraged to implement and test gear modifications that may assist with reduction of north Pacific striped marlin catch and inform amendment of the measure in 2011.

351. WCPFC7 adopted WCPFC7-2010-DP-07 Rev 2 as amended as a CMM (CMM 2010-01) (Attachment Y).

9.3.2 Port State Measures

352. The EU introduced WCPFC7-2010-DP-13, proposing a new CMM intended to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures (PSM) to control the harvest of fish caught in the WCPF Convention Area. The EU noted it had received various comments from members on an earlier draft presented to TCC6 and intersessionally.

353. Fiji and Niue on behalf of FFA members thanked the EU and indicated the revised CMM took into account the concerns raised regarding the protection of the sovereignty of the port State and the exercise of sovereign rights over EEZs. They noted the significant implications for national institutions and resources, and the effects that capacity and resource constraints can have on implementation of port State measures, and sought clarity regarding the provision of financial and other assistance. They noted their view that a PSM should not apply to (i) foreign fishing vessels already licensed by the relevant port State CCM; and (ii) vessels fishing solely in waters under the sovereignty of the relevant port State CCM.

354. France strongly supported the PSM as a tool to combat IUU fishing, stating that most notifications come from inspections in the ports in their territories. Another CMM also commented on the effectiveness of PSMs in combating and eliminating IUU fishing.

355. The Chair stated that there are a number of CMMs that had been adopted that refer to port state responsibilities, which must all be reconciled. He observed that the EU proposal incorporated the essence of the FAO Port State Agreement, which had been agreed to by the broader international community, into a WCPFC CMM, and noted the need to address: (i) possible discordance between the proposal and existing WCPFC CMMs; (ii) exemptions for certain kinds of vessels; (iii) costs borne by CCMs; (iv) differences in definitions (e.g. what constitutes “fishing” and “fishing related activities”).

356. The EU noted that the PSM proposal contains specific references to funding to support implementation capacities of SIDS. Some flexibility would be possible to adjust the proposal to the specific regional context. But there are some fundamental basic principles that stem from the PSM Agreement adopted by consensus at FAO and those cannot be modified. The EU agreed to progress the work intersessionally, while being faithful to what was achieved through the FAO process.

357. WCPFC7 directed TCC7 to consider the issue of Port State Measures, and any progress made intersessionally by the EU and other CCMs on the issue.

9.3.3 Eastern High Seas Pocket Special Management Area-

358. Cook Islands introduced (i) WCPFC7-2010-DP-04, proposing a new CMM intended to reduce IUU fishing in the eastern high seas pocket of the Convention Area, including through specific vessel reporting requirements and provision of near real-time VMS information related to

the eastern high seas pocket to adjacent coastal states/territories for monitoring purposes, and (ii) WCPFC7-2010-IP-07, supporting the proposal in DP-04.

359. Several CCMs strongly supported the proposal by Cook Islands, noting their concern with what is happening in this area, where there is significant fishing effort. They noted fleets must transit through coastal State waters, leaving those waters vulnerable to IUU fishing activities, and that it was essential to develop additional MCS tools, such as that proposed by the Cook Islands. One CCM further noted that poaching was occurring in many other areas as well, including targeting of sharks by small longline vessels, and proposed application of the measure to high seas areas adjacent to EEZ areas.

360. FFA members supported the proposal, noting that the role of high seas pockets as a haven for IUU fishing and as a base for incursions into EEZs had been discussed repeatedly, and that the measure addressed the specific objective of enhancing MCS opportunities without overly impacting upon vessels legitimately fishing in the eastern high seas pocket. They indicated that the additional requirements were not onerous and represent a practical solution to an issue that has resulted in significant losses to the neighboring coastal States, which include two SIDS and one Territory.

361. One CCM supported the proposal in principle but called for further consideration of a ban on transshipment in the area, and indicated they would need precise coordinates for the area attached to the CMM if adopted. Another CCM did not support the proposal, indicating concern that the request would interfere with freedom of navigation and the high seas as enjoyed by all members, and noted there was no justification to require notification by all fishing vessels prior to entry. It expressed concern that enforcement of such a measure would require significant human resources on the part of the Commission and flag CCMs.

362. Several CCMs suggested the proposal by Cook Islands be put in place and monitored for effectiveness prior to extension to other areas. It was noted that the VMS programme could be used more widely by members in this regard, and that a provision allowed VMS data to be made available within 100 miles outside the EEZ of a coastal state on request to the Secretariat.

363. New Zealand supported the proposal as a very effective mechanism for combating IUU fishing while still allowing legitimate fishing to occur. New Zealand stated it spends considerable funds in air surveillance, including in this area, and conducts patrol activities, and that activities in the eastern high seas pocket place a burden on members seeking to manage the area effectively. It suggested examining the expansion proposal at TCC7.

364. A CCM voiced the concern that that it was difficult for vessels to report operational plans 12 and 6 hours before arrival and departure, and proposed modifying the reporting time frame. It also suggested that CMM 2009-06 effectively addresses transshipment.

365. Japan noted that at present without flag State permission coastal states could not use VMS data in the buffer zone (a 100-nautical mile area extending from the outer limit of the EEZ up to 100 nautical miles into the high seas). It indicated it had significant difficulties with poaching, particularly by small longline vessels targeting sharks and other species. Japan supported a strong measure to monitor activities in the buffer zone.

366. Marshall Islands supported the proposed measure, and noted that the area is closed to purse seine activities as a condition of access to vessels licensed to fish in PNA waters.

367. Chinese Taipei stated that the Commission VMS provided near real-time data for vessels entering and leaving EEZs, and that use of the VMS data would provide the needed information without the proposed additional reporting, which would be a burden on fishing vessels.

368. The Philippines noted the similarity between the proposals by Cook Islands and that made by the Philippines and asked for support for its proposal for a special management area in the western closed high seas pocket No. 1.

369. Following further discussion and amendment, the Commission adopted the measure, noting that the extension of the Special Management Area to buffer zones would be revisited by TCC7.

370. WCPFC7 adopted WCPFC7-2010-DP-04 (rev 1) as a CMM (CMM 2010-02) (Attachment Z), and directed TCC7 to consider extension of the Special Management Area to buffer zones.

9.3.4 Committee on Compliance with Conservation Measures

371. Australia introduced WCPFC7-2010-DP-12, proposing a new CMM to implement a compliance monitoring scheme (CMS). At WCPFC6, the Commission approved Australia's proposal to convene intersessional discussions on a CMS through the Compliance with Conservation and Management Measures (CCMM) Working Group, in accordance with TORs in WCPFC6-2009-DP-17. In 2010, Australia developed a working paper outlining options for a structure and process for the Compliance Monitoring Scheme (WCPFC-TCC6-2010-21) which was circulated to the CCMM Working Group, and discussed at TCC6; the latter recommended that the Commission continue to progress work on the CMS through the CCMM Working Group, with Australia to lead the process and develop a draft CMM for WCPFC7 consideration. Australia noted that the structure and process of the CMS in the draft CMM is based on the principles and graduated approach described in WCPFC-TCC6-2010-21 and discussed at TCC6, and based on the framework adopted by the Commission in 2006; and that the proposed CMS builds on existing structures and processes in place in the Commission.

372. Following initial discussion at WCPFC7, Australia presented a revised version as WCPFC7-2010-DP-28 (rev 2).

373. Fiji on behalf of the FFA members noted their full support for the Australian proposal.

374. Most CCMs voiced support for the proposal, with some concern expressed over (i) increased workload on the Secretariat, which could be addressed through an IMS or similar means; and (ii) the reliability of information from NGOs, and problems that could arise from allowing NGO participation as proposed in the CCMM CMM. One CCM suggested adopting a phased approach to implementation.

375. The Chair summarized the discussion and acknowledged that involvement by NGOs was a delicate issue. He reflected on his past experience in various committees and governance bodies and suggested that the benefits of allowing interested parties to make information available outweighed the drawbacks. He noted that NGOs ultimately did not make decisions in bodies such as the Commission, but that they could submit very constructive suggestions, and allowing NGOs to make contributions could diffuse many problems; he cited the effectiveness of this approach in development of the UN Fish Stocks Agreement.

376. The Commission requested Australia to continue to work intersessionally through the Compliance with Conservation and Management Measures Working Group to develop a process that will identify a range of possible responses to non-compliance (as provided in paragraph 23 of CMM 2010-03), and report to TCC7.

377. WCPFC7 adopted WCPFC7-2010-DP-28 (Rev 2) as CMM 2010-03 (Attachment AA).

9.3.5 Pacific Bluefin Tuna

378. Japan, on behalf of the NC, introduced WCPFC7-2010-35, proposing a new CMM to replace the existing one, seeking to ensure that the level of Pacific bluefin tuna fishing mortality does not increase above 2002–2004 levels.

379. CCMs discussed WCPFC7-2010-35, One CCM with domestic fisheries for the stock expressed difficulty to withdraw its reservation made in the NC meeting in September. Concern was expressed that failure to adopt a new CMM could result in CITES listing of Pacific bluefin, as was proposed for Atlantic bluefin in 2010. FFA members noted their desire to see the stock assessment of Pacific bluefin reviewed in full by the SC. FFA members also indicated that in the event that the proposed CMM failed to meet the objective of reducing fishing mortality to 2002–2004 levels, the need for stringent alternative measures — such as direct control of catches, particularly of juvenile fish — be noted when the measure is reviewed in 2012. Northern Committee meetings were held twice at the margin of the Commission meeting and finally reached consensus on measures as WCPFC-2010-35 (Rev1).

380. WCPFC7 adopted WCPFC7-2010-35 (Rev. 1) as a CMM (CMM 2010-04) (Attachment BB).

381. Japan noted that Mexico was a CNM and also fishes for Pacific bluefin tuna. It indicated that the NC intends to establish a joint working group or hold a meeting with IATTC on Pacific bluefin tuna, prior to NC7, to pursue development of a management measure for the eastern Pacific.

9.3.6 Large-Scale Purse Seine Fishing Capacity and Effort

382. Discussed under agenda item 9.1.2 (ii).

9.3.7 Closure of Additional Purse Seine Areas

383. Marshall Islands, on behalf of the PNA, introduced WCPFC7-2010-DP-06, proposing a new CMM that would close all high seas areas located within 10°N and 20°S latitude and 170°E and 150°W longitude, including those already closed to purse seine fishing by virtue of para. 22 of CMM 2008-01, to all purse seine fishing from 2011 onwards. They noted concern about the transfer of effort to the east with the closure of western high seas pockets, particularly if eNino conditions were experienced in the next few years, which have traditionally seen a shift of effort into these areas where bigeye catch is known to be significantly higher than in western areas. .

384. A number of CCMs, including FFA and PNA members, supported the proposal as complementary to actions taken by the PNA with respect to high seas closures for vessels licensed to fish in PNA waters.

385. Several CCMs opposed the measure. It was noted by individual CCMs that (i) high seas closures were not effective; (ii) WCPFC-2010-15 (Rev. 1) indicated that removal of exemptions and exclusions in CMM 2008-01 was the most effective means of reducing catch of juvenile bigeye; and (iii) with implementation of CMM 2008-01, effort had shifted to EEZs, necessitating a reduction in capacity or effort.

386. Kiribati voiced its general support, but also raised concerns regarding the proposal's economic impact, noting there are 3 high seas areas between its island groups. It asked that the measure's economic impacts be assessed.

387. WCPFC7 noted PNA members have already agreed to implement the closure of the additional high seas areas located within 10N and 20S latitude and 150W longitude to purse seiners that are licensed to fish in the waters of PNA from 1 January 2011. WCPFC7 agreed

that the proposal in WCPFC7-2010-DP-06 be further considered through the “CMM 2008-01 review process” set forth under 9.1.2 (ii), para. 308 (above).

9.3.8 Prohibition of Purse Seine Fishing Associated with Whale Sharks and Mitigating Impact of Fishing on Cetaceans

388. Australia on behalf of FFA members, introduced (i) WCPFC7-2010-DP-09, proposing a CMM to prohibit purse seine fishing associated with whale sharks; and on behalf of Australia and New Zealand introduced (ii) WCPFC7-2010-DP-17, proposing a CMM to mitigate fishing impacts on all cetaceans through a prohibition on knowingly setting purse seine nets around cetaceans, whether alive or dead, and requiring that specific steps be taken should a cetacean be encircled. Australia noted that both measures derived from observations made during periods of increased observer coverage as a result of the FAD closure.

389. Japan spoke on behalf of the six Asian CCMs, noting they could not support the prohibition on setting on whale sharks, as this was an established traditional practice by their fishermen, and the measure would be difficult to enforce. Japan stated that cetacean interactions with the Japanese purse seine fleet were rare, and noted the need to consider what CMMs are applied by IATTC in the overlap area.. It stated that cetaceans were a sensitive issue for the Japanese government, and asked to defer the discussion to WCPFC8.

390. In relation to WCPFC7-2010-DP-09, Japan on behalf of the 6 Asian CCMs indicated that they would support the proposal if paragraphs 1-4 were removed. These paragraphs prohibit the setting of nets on whale sharks and, if they were removed, only the paragraphs referring to the steps to be taken in the event of a whale shark being inadvertently encircled would remain. FFA members did not accept this change, stating doing so would fundamentally alter the measure.

391. Several CCMs voiced support in principle for the proposals, and indicated that their laws prohibited setting on marine mammals and referring to WCPFC7-2010-IP-01 which indicates that intentional and unintentional encirclement of both cetaceans and whale sharks do occur in the fishery, resulting in a degree of mortality.

392. FFA members noted the vulnerability of whale sharks to fishing pressure and stated that they deserved extra protection from the Commission, and that the language used in the measure was consistent with provisions for release of sea turtles in CMM 2008-03.

393. Greenpeace noted its support for the proposals and indicated it would undertake market engagement work in support of the measures.

394. One CCM indicated the proposal on cetaceans should be dealt with by the International Whaling Commission, and not by the Commission.

395. Several CCMs stressed that the Convention provided the Commission the mandate to adopt measures mandating conservation of non-target and associated species, as already undertaken through measures on seabirds and turtles.

396. Australia noted that best practice guidelines for the safe handling and release of encircled animals should be considered by SC7. The USA emphasized that in developing these best practices the Commission consult closely with industry.

397. The Commission noted the PNA members have agreed to adopt measures to mitigate the impacts of purse seine fishing on whale sharks, including banning setting on whale sharks from 1 Jan 2011 in their waters. The Commission took note of the advice in WCPFC7-2010-IP-01, which highlighted that there are incidental and inadvertent interactions with whale sharks and cetaceans in purse-seine sets. The Commission requested SC7 to develop best practice guidelines for the safe release and handling of encircled animals and advise on practical ways to make these available to fishing vessels, for

consideration by WCPFC8, taking note that the safety of the vessel crew will also be fully considered. These best practice guidelines should be guided by collaborative research between the SC, TCC and industry. The use of ROP reports and experience of senior ROP observers should be considered in seeking practical, cost-effective mitigation procedures.

398. The Commission agreed to address the issues raised by WCPFC7-2010-DP-09 and WCPFC7-2010-DP-17 at SC7, TCC7, and WCPFC8.

9.3.9 Implementation of the ROP for Fresh-fish Fishing Vessels North of 20°N

399. Japan, on behalf of NC, introduced WCPFC7-2010-36, proposing a CMM setting forth requirements for implementation of the ROP for fresh-fish, fishing vessels north of 20°N latitude.

- i. FFA members raised several concerns, including:
- ii. their own domestic longline vessels will be subject to a minimum 5% observer coverage rate by 2012, and they are unwilling to accept final observer requirements for northern vessels that differ from the conditions imposed on other longline vessels;
- iii. provisions of the proposal allow the NC to issue further exemptions from observer coverage until the end of 2018, potentially allowing a large number of vessels a 5.5-year window, and transferring a disproportionate conservation burden onto SIDS;
- iv. considering specific and individual applications is well beyond the mandate of the NC under the Convention rules of procedure and CMM 2007-01. Any exemption applications would have to be considered by the TCC and the Commission, not the NC;
- v. there are no criteria that CCMs would have to meet or satisfy in order to apply for an exemption, and no guidance to the TCC and Commission in considering these applications, meaning that every vessel could apply and there would be no grounds to refuse applications;
- vi. provisions in the measure appear to provide permission for vessels to carry observers from their flag State, which is directly inconsistent with the hybrid approach upon which the ROP is built. FFA members acknowledge that there is ongoing disagreement about the terms “principally” and “occasionally”, but the proposed language goes far beyond that and provides blanket authority to carry an “own observer”.

400. Japan, on behalf of the NC, agreed to reconsider the proposal.

401. WCPFC7 directed the NC to submit a revised recommended CMM on implementation of the ROP for fresh-fish fishing vessels north of 20°N to TCC7 for consideration.

9.3.10 Implementation of an EEZ Entry and Exit Notification Scheme

402. France introduced WCPFC7-2010-DP-15, proposing a CMM to establish an EEZ entry and exit notification scheme. France noted the proposal aims to add a reporting scheme when entering and exiting an EEZ, would not add a large burden to vessels and states, and does not limit right of passage.

403. A number of CCMs voiced support for the proposal, and noted it complemented the proposal by Cook Islands (WCPFC7-2010-DP-04, under agenda item 9.3.3).

404. Several CCMs opposed the proposal, noting the right of innocent passage was established under UNCLOS, and suggested it could be addressed through national legislation.

405. FFA members indicated the proposal complemented some measures already put in place and stated the CMM would greatly assist their efforts to monitor waters under national jurisdictions. FFA members have compulsory reporting requirements under their Harmonised Minimum Terms and Conditions of Access, and are amending national legislation to make it

compulsory for non-licensed fishing vessels to report to national surveillance authorities when transiting waters under national jurisdictions. FFA members also proposed that vessels be required to notify the nationality of the observer onboard when providing entry notifications under the measure.

406. In response to a query regarding the Commission's mandate to require entry and exit reporting into areas of national jurisdiction, the Legal Adviser stated that all areas involved were within the Convention Area, and thus MCS measures could be applied to both the high seas and EEZs. He noted that many countries already require entry and exit notification as part of fisheries jurisdiction under international law, and the proposal would apply this to all Commission members.

407. Several CCMs suggested members could use the Commission VMS to address many of the concerns raised. Other CCMs raised concerns that a VMS could not be used to give prior notice of entry or exit, unless a buffer arrangement through the 2009 high seas MCS data rules was in place that would enable this.

408. France agreed that the Commission VMS could be used to address the issue, but noted only three members had asked for inclusion of their EEZs inside the VMS, meaning there are large parts of the Convention Area where vessels can transit without notification. France noted it was possible to address at the national level, but more effective if done using a multilateral approach. France tabled WCPFC7-2010-DP-15 (rev 3), which sought to address a number of the concerns raised.

409. In the course of further discussion, some members reiterated their support for, and others their opposition to, the proposal.

410. WCPFC directed TCC7 to consider the proposal in WCPFC7-2010-DP-15 (Rev 3), and to provide recommendations to WCPFC8.

9.3.11 Mitigating Fishing Impacts on Cetaceans

411. Discussed under agenda item 9.3.8.

9.3.12 Catch Documentation Scheme (CDS)

EU proposal

412. Discussed under agenda item 7.2.4.

FFA members CDS guiding principles and working group TORS

413. Discussed under agenda item 7.2.4.

9.3.13 Prohibition of Night Setting During the FAD Closure

414. Korea introduced WCPFC7-2010-DP-20, proposing a CMM to prohibit night setting during FAD closures, with the intent of ensuring FAD closures are effective in avoiding juvenile bigeye catches, and minimizing the impact of FAD closures on skipjack. Korea's proposal also required fishers to release fish when any object not identified by the observer onboard nor the master before a set was conducted is inadvertently encircled in the purse seine net, and would allow fishers to continue operations in cases when objects not previously identified by the observer onboard or the master are found drifting around a purse seine net while the net is being retrieved.

415. Japan spoke on behalf of Asian countries except Korea, and stated they could not agree to the proposal because they had concerns that the proposal would create additional loophole and make implementation difficult at sea. .

416. FFA members noted their support for a ban on night setting to improve the effectiveness of the FAD closure, but did not support the proposal for greater flexibility with respect to daylight sets due to concerns that the greater flexibility would allow abuse of the FAD closure, and the need to give further consideration to how the proposed approach will be effectively monitored by observers. FFA members (i) voiced interest in ensuring that the FAD closure is not unnecessarily burdensome for vessel operators, (ii) hoped it would be possible to develop appropriate procedures to ensure that the approach proposed by Korea to deal with inadvertent circling of floating objects can be effectively applied and monitored, and (iii) sought to work with other CCMs, including Korea, in testing the proposed approach.

417. Kiribati supported previous interventions by FFA members and noted that the economics of the purse seine fishery are very important to Kiribati because of the large contribution of purse seining to government revenue and the domestic economy. They supported the idea of studying more closely how Korea's proposed approach could be made to work in practice without putting unwelcome pressure on observers.

418. WCPFC7 agreed to include consideration of the proposal in WCPFC7-2010-DP-20 in the CMM 2008-01 review process (addressed under 9.1.2, para. 308).

9.3.14 CMM for Tropical Tunas in the Convention Area

419. The EU introduced WCPFC7-2010-DP-26, proposing a new CMM related to CMM 2008-01, calling for replacement of the FAD closure with a full closure of purse seine fishing during 1 July – 30 September. The EU made reference to discussion that occurred under other agenda items, noting (i) CMM 2008-01 is not particularly effective in achieving conservation outcomes, as illustrated in WCPFC7-2010-15; (ii) alternatives need to be developed that do not include exemptions; (iii) there is insufficient monitoring capacity to cover the entire Convention Area.

420. FFA and PNA members stated they prefer a FAD closure to a total closure of the purse seine fishery, because a total closure:

- i. involves substantially greater economic losses to purse seine fleets fishing mainly in FFA waters, especially domestic vessels that have no other alternative fishing grounds;
- ii. disrupts supplies to local processing facilities, sustaining rather than removing excess capacity;
- iii. undermines the sovereign rights of coastal states to decide how to secure reductions in fishing mortality from fishing in their waters.

421. FFA members said that a FAD closure is a more targeted species-specific measure for bigeye conservation. PNA members indicated they could support a total closure of the high seas and a FAD closure in their EEZs, and will reduce effort in 2011.

422. Japan raised the concern that the proposal constituted an indirect measure. Fishing effort may increase in other months, and some fleets may move from west to east and continue fishing and catch the same stocks. Japan supported a catch limit for the purse-seine fleet.

423. WCPFC7 agreed to consider WCPFC7-2010-DP-26 through the CMM 2008-01 review process (para. 308).

424. The following list of papers considered at WCPFC 7 was referred to TCC7 and as appropriate SC7 for further discussion and development:

Document Number	Title
WCPFC-2010-DP-13	EU letter, explanatory notes and proposed CMM on Port State Measures
WCPFC-2010-DP-09	FFA members proposed CMM to prohibit purse seine fishing associated with Whale sharks
WCPFC-2010-DP-15 (Rev 3)	Proposal for the implementation of an EEZ entry and exit notification scheme
WCPFC-2010-DP-17 (Rev 1)	Proposed CMM mitigating fishing impacts on cetaceans
WCPFC-2010-DP-11	Proposal by Tonga to amend paragraph 15 of CMM 2007-03 including the decision reflected in para 265.
WCPFC-2010-13	Current CMMs with implementation issues
WCPFC-2010-30	Current CMMs requiring further discussion
WCPFC 2010-DP-22 (Rev 1)	WCPFC Catch Documentation Scheme including FFA proposed guiding principles and terms of reference.
WCPFC 2010-DP-29	EU proposal on operation of Commission VMS, including Audit, TOR and Cost Savings
WCPFC 2010-DP-19	EU, Japan, Korea and Chinese Taipei proposal on ensuring the opportunity for vessel captain / operators to review and comment on the Commissions ROP report.

425. The following list of measures is referred to TCC7 for inclusion in the discussion on an enhanced CMM 2008-01 (WCPFC 2010-DP-32 (Rev 3)):

Document Number	Title
WCPFC 2010-DP-01	Philippines discussion paper for the annual review of CMM 2008-01
WCPFC 2010-DP-02	Japan proposal on large scale purse seine fishing capacity and effort
WCPFC-2010-DP-06	PNA proposal on closure of additional high seas to purse seine fishing
WCPFC 2010-DP-03	Japan analysis of purse seine increase
WCPFC 2010-DP-20	Korean proposed CMM to prohibit night setting during FAD closure

(Rev 1)	
WCPFC 2010-DP-24	Philippines proposed amendment to CMM 2008-01
WCPFC 2010-DP-26	EU proposal for CMM of tropical tunas (bigeye, yellowfin and skipjack) in the convention area.

AGENDA ITEM 10 - REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

10.1 Review of the Committee Meeting

426. The Chair of the Finance and Administration Committee (FAC), Ambassador Terry Toomata (Samoa) presented the report of FAC4 (WCPFC6-2010-32, (Rev 1)) (**Attachment CC**). Highlights of the report included ongoing arrears (the Chair noted recent contributions and thanked members, and SIDS in particular, for their contributions); the draft strategic plan; staff salary increases, linked to CROP staff salary scales; addition of an assistant science manager position; and the proposed budget and work programme for 2011. The FAC Chair noted certain reductions in the proposed 2011 budget, as put forward by the FAC, and the need to agree on a formula for CNMs; the FAC recommended that all CNMs be asked to contribute 50% of the amount that would be due if that CNM was a member.

427. A CCM noted that there are outstanding unpaid dues, and encouraged members to address their arrears.

428. Canada introduced the draft strategic plan (WCPFC7-2010-FAC4/15 (Rev 15)), noting that a template was under development that could be used by members when nominating CMMs so that their strategic impacts can be better evaluated; FAC-4 recommended adoption of the plan.

429. CCMs discussed the calculation of contributions by members. The Finance and Administration Officer clarified that the catch figures in calculating member contributions are based on an average of the most current 3-year catch figures as compiled by SPC. The catch tables are included in the budget tables, and circulated to members 45 days prior to the meeting to allow for review.

430. CCMs noted the significant budget increases in the 2012 indicative budget, and the need to contain costs and address cost recovery. Some CCMs noted the high per capita contributions they make to the Commission. Concerns were raised over the increase in the wealth component contribution, and some CCMs suggested the Commission should consider capping this.

431. CCMs agreed on the importance of conducting a yellowfin stock assessment in 2011, to inform the Commission's review of CMM 2008-01, and decided to retain US\$70,000 in the 2011 budget for that assessment, with the understanding the funds would be carried over to 2012 should SPC find it was not feasible to conduct the assessment in 2011 as scheduled.

10.2 Budget Approval for 2011

432. WCPFC7 accepted the recommendations of FAC4 as set out in the report of FAC4 (WCPFC6-2010/32, Rev 1), specifically noting that it:

- i. accepted the audited financial statements for 2009 as set out in paper WCPFC7-2010-FAC4/04, and encouraged all members to pay their contributions on time and in full;
- ii. adopted salary increases from 1 January 2011 as follows: 3% for Grade I; 4% for Grade J; 10% for Grade K; and 15% for Grades L and M; and noted, in respect of support staff,

- the statutory increase of 1% in employer social security contributions introduced by the Government of the Federated States of Micronesia and accordingly increased its employer contribution figure by 1%, which will be reflected in its Staff Regulations; established a new Grade J position with the terms of reference at Attachment 3 to FAC-4;
- iii. adopted the Commission Budget and Work Programme as contained in the FAC4 report;
 - iv. agreed that all CNMs should pay an annual contribution that is 50% of the assessed contribution amount that would be payable if the CNM was a member, and that the Executive Director will inform CNMs and Members of the level of their recommended and assessed contributions as soon as practicable after each Annual Session and the amounts should be payable within 60 days of receipt of that notification. Contributions received from CNMs will be used to reduce the assessed contributions of Members in the year following receipt.
 - v. adopted the strategic plan as a living document that will incorporate the ongoing work of the Commission subsidiary bodies and Annual Sessions; and
 - vi. endorsed the report of FAC-4.
433. The Commission thanked Ambassador Toomata for his work in co-chairing the FAC, and expressed its appreciation to Ken Smithson, WCPFC Finance and Administration Officer, for his support to the Secretariat and the FAC.

AGENDA ITEM 11 - PERFORMANCE REVIEW

434. The Secretariat presented WCPFC7-2010-34, explaining that the RFMO Performance Review for the Commission was deferred in 2010 due to lack of funding. TCC6 recommended that after five years it was time to conduct such a performance review. The previous terms of reference for the Commission Performance Review (noted in WCPFC6-2009-IP-07) are attached to WCPFC7-2010-34. Funding for the review was included in the draft budget for consideration by the Commission at WCPFC7.
435. In the ensuing discussion, CCMs supported the need for a review, and agreed that (i) the review should include both independent experts (support was variously raised for inclusion of legal, general fisheries, scientific and civil society experts) and members of the Commission, including SIDS representation; and (ii) should be undertaken in 2011.
- 436. WCPFC7 agreed that a performance review of the Commission would be undertaken in 2011, and tasked the Executive Director with (i) developing criteria for the review based on input received from members, and reflective of characteristics of WCPFC; and (ii) proposing a review panel to members for their approval that reflects the input received.**

AGENDA ITEM 12 - ADMINISTRATIVE MATTERS

12.1 Election of Officers

- 437. WCPFC7 approved the nominations by FAC4, SC6, TCC6, and the NC for the following officers: (i) Mr Charleston Deiye (Nauru) for a two year term (2011 and 2012) and Mr Liu Xiaobing (China) for a further two year term (2011 and 2012) as co-chairs of the FAC; (ii) Dr. Naozumi Miyabe (Japan) to continue his service as Chair of the SC for a further period of 2 years; (iii) Ms. Holly Koehler (USA) to serve as vice-chair of the TCC for an initial period of 2 years; and Mr. Masanori Miyahara (Japan) to continue his service as Chair of the NC.**
- 438. WCPFC7 approved the nominations of Dr Charles Karnella (USA) to serve as Chair of the Commission, and of Mr. Matthew Hooper (New Zealand) to serve as vice chair.**

12.2 Next Meeting

439. Palau confirmed its interest in holding WCPFC8 in Koror, Palau.

440. FSM offered to host the seventh meeting of the TCC, and, subject to confirmation, the seventh meeting of the SC. Korea offered to host SC7 should FSM not be able to do so.

441. Provisional dates for the 2011 meetings of the Commission and its subsidiary bodies are as follows:

- i. SC7: Pohnpei, FSM (to be confirmed) (9–17 August 2011)
- ii. NC7: (to be confirmed), Japan (6-9 September 2011)
- iii. TCC7: Pohnpei, FSM (28 September–4 October 2011)
- iv. FAC5: Koror, Palau (4 December 2011)
- v. WCPFC8: Koror, Palau, (5–9 December 2011)

AGENDA ITEM 13 - OTHER MATTERS

442. No other matters were raised.

AGENDA ITEM 14 - SUMMARY REPORT

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

AGENDA ITEM 15 - CLOSE OF MEETING

444. A statement by Greenpeace noted its disappointment with the efforts of some CCMs to block conservation measures, and congratulated PNA and FFA members on their conservation efforts.

445. Korea thanked members for adopting a number of proposals, and looked forward to discussion of the proposal in WCPFC7-2010-DP-20 at TCC7 or WCPFC8.

446. Japan spoke on behalf of Asian CCMs, and expressed gratitude to the Secretariat for their hard work; warm appreciation to the USA, Hawaii and the WPRFMC for hosting the meeting; and thanks to the Chair for his contributions over the previous two years.

447. Several CCMs expressed appreciation to the USA for hosting the meeting in Honolulu, to WPRFMC for their support, and to the Secretariat for their hard work in preparing the meeting documents. They congratulated the newly elected chair, noting his knowledge and experience would be important in leading the Commission in the future, and extended gratitude to Commission's retiring Chair. They also acknowledged the work of Ms. Sylvie Lapointe (Canada), outgoing vice chair of the Commission, and thanked Canada for making her available to support the Commission.

448. FFA and PNA members expressed their disappointment with the progress achieved at the meeting, and concern that some members were being threatened in response to possible license closures. They looked forward to future development of conservation measures by the Commission compatible with measures adopted by the PNA and FFA.

449. FSM supported the comments made by the FFA and PNA, and gave particular acknowledgement to the USA Hawaii and WPRFMC for hosting the meeting on short notice. They also thanked members for their contributions to the Bernard Thoulag scholarship fund.

450. Dr Charles Karnella, on behalf of the USA, thanked WPRFMC and members of his delegation for their work in handling the meeting arrangements, the Secretariat for its support,

and the Chair for his leadership and guidance for last 2 years. He thanked his fellow Commission members for giving him the honor of chairing the Commission for the next two years.

451. The Chair Ambassador Nandan thanked members for their support, and the USA and Hawaii for hosting the meeting. He noted that by far the greatest challenge for the Commission now and in the future is taking effective measures to ensure the conservation of highly migratory fish stocks in the Convention Area, in association with consideration of the impact on developing CCMs. He remarked on the cooperative spirit that prevails in the Commission, while noting the failure to pass measures on capacity limits, and to reduce the mortality of bigeye and yellowfin. He indicated he was confident the Commission had agreed to an effective strategy for amendment of CMM 2008-01. He thanked the current and previous Executive Directors and Secretariat staff for their help, and acknowledged the work of the Commission Vice Chair. He offered advice to guide future deliberations, noting the need to develop priorities, spend less time on procedural matters, and consider innovative approaches to streamline the work of the Commission. He suggested giving more responsibility to TCC, and avoiding repeating work and discussions undertaken in Committees during the Commission sessions. He also noted the expanding Commission membership, and the increased number of attendees, with attendant impacts on the meeting organization, cost and venue. He stated that he was leaving the Commission with a sense of pride and gratitude, and the hope that members would keep alive the fundamental objective of the Convention, as expressed in Article 2, so that future generations will continue to enjoy the benefits of the region's fisheries resources. He closed by warmly congratulating the new Commission Chair.

452. The Chair closed WCPFC7 at 19:35 on 10 December 2010.



**Seventh Regular Session
Honolulu, Hawaii, USA
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LIST OF ATTACHMENTS

Attachment	Title
A	Welcoming Address by Dr Charles Karnella, United States of America
B	Welcoming Address by Ambassador Satya Nandan, Chair of the Commission
C	List of Participants
D	Opening Statement by Ambassador Satya Nandan, Chair of the Commission
E	Agenda and References
F	Statement of the Parties to the Nauru Agreement (PNA)
G	Nauru Statement
H	New Caledonia Statement
I	Niue Statement
J	Papua New Guinea Statement
K	Philippines Statement
L	Tokelau Statement
M	Statement by Tuvalu
N	Vietnam Statement
O	North Pacific Anadromous Fisheries Commission Observer Statement
P	Greenpeace Observer Statement
Q	MOC for Cross-Endorsement of Observers (Final)
R	Summary of Annual Reports (Part 1 and Part 2) and Revised Template for the Annual Report Part 2 for Report on 2010
S	TORs for Consultancy on Optimization of WCPFC Program Operational Costs, Including through Cost Recovery
T	CMM 2010-06 (Procedures for applying paragraph 3(j) of WCPFC CMM 2007-03)
U	CMM 2010-06 (New Zealand Possible Amendments to CMM 2007-03 to Address the 120 Day Issue)
V	Report Language for Process in 2011 to develop an enhanced Conservation and Management Measure for Tropical Tunas in the WCPO—(Enhanced CMM 2008-01)
W	CMM 2010-05 (Conservation and Management Measure for South Pacific Albacore)
X	US Proposal for the Application of the Commission VMS to National Waters of CCMs
Y	CMM 2010-01 (Conservation and Management Measure for North Pacific Striped Marlin)

Z	CMM 2010-02 (Conservation and Management Measure for the Eastern High Seas Pocket Special Management Area)
AA	CMM 2010-03 (Conservation and Management Measure for Compliance Monitoring Scheme)
BB	CMM 2010-04 (Conservation and Management Measure for Pacific Bluefin tuna)
CC	Summary Report and Recommendations of the Fourth Session of the Finance and Administration Committee (FAC4)
DD	CMM 2010-07 (Conservation and Management Measure for Sharks)
EE	EU Statement on CDS



**Seventh Regular Session
Honolulu, Hawaii, USA
6–10 December 2010**

**WELCOMING ADDRESS BY DR CHARLES KARNELLA
UNITED STATES OF AMERICA**

Welcome to the 7th regular session of the Western and Central Pacific Fisheries Commission. The United States Government is honored to host this year's session. You have traveled long distances to attend and participate here in our Hawaiian Islands.

Today we have witnessed Hawaiian protocols and symbols. We were called to order by the conch shell, the *kanipu*.

Today's prayer called upon *Akua* to be present at this meeting, to watch over the proceedings, to protect all of the participants, and to set the tone for our discussions so they will be conducted in a peaceful and cooperative way so that the tasks set before us are achieved. Our chanter and dancer also welcomed you with a traditional Hawaiian hula.

Today we celebrate the 10th anniversary of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, signed in Honolulu on the 5th of September 2000.

The logo honoring the Convention has two concentric circles with 10 marks. The concentric circles signify a journey, and the 10 marks represent the number of years we have journeyed since the signing of the Convention.

From the beginning of our journey, a canoe has guided our deliberations. Today we have Prince Jonah Kuhio Kalaniana'ole's koa canoe, the `A, which was built in 1902 in Kona, Hawaii. Inside the canoe are the tools to construct the canoe and to catch fish.

Like the navigators of the canoe of old, we must allow our journey to be guided by our common goodwill and commitment. In this way, our negotiations will adhere to the basic tenets of our Convention so we in the Pacific can have fish forever. We look forward to working with all of you this week. Mahalo.



**Seventh Regular Session
Honolulu, Hawaii, USA
6–10 December 2010**

**WELCOMING ADDRESS BY AMBASSADOR SATYA NANDAN
CHAIR OF THE COMMISSION**

People of Hawaii, Admiral Kitty, Ministers, Dignitaries, members of the WCPFC, ladies and gentlemen. Thanks you to the people of Hawaii and our hoists for this meeting the US government for the welcome ceremony and for providing a wonderful venue for this important meeting of the Commission. My thanks on behalf of all of us here to Senator Daniel Innonye for his encouraging words. The Senator has been a keen supporter of this Commission for many years.

Throughout the process of developing the Convention for the management of these tuna stocks, we often met here in Hawaii and Kitty always provided an appropriate and interesting opening ceremony. It is great to see that some things never change. Kitty, I thank you and your people for the organization that has gone into this meeting especially at short notice and for the warm traditional welcome to all of us this morning. I would like to thank all your compatriots who participated in the proceeding. We are very appreciative of their performance.

You know this meeting is important as it is now 10 years since the Convention to manage the highly migratory fish stocks of the Western and Central Pacific Ocean was signed here in Hawaii at the Convention Centre in Honolulu. From that important instrument came the creation of the WCPFC, an organization that has been driven to maturity at an early age because of the necessity to ensure sustainable long-term management of these important tuna resources of the Western and Central Pacific.

This Commission is now responsible for the management and harvesting of some 58% of the world's tuna catch which in turn provides ongoing financial and economic benefits for all countries and industries involved. As we have said many times at this point in our meetings the responsibilities are on all of us to make sure that these catches remain sustainable into the long term. These tuna are of critical importance to the small island developing states in this region whose economies are largely dependent on these resources.

More and more civil society is looking for the international fisheries commissions to provide effective leadership and sustainable management of the world's fisheries resources. The Commission must adopt sound scientific advice in setting harvesting levels and must ensure that all members of these Commissions implement and enforce the conservation and management measures that are adopted at annual meetings. This stock of fish, often described as the last good

stock of fish left anywhere in the world is in our hands and our task is to ensure it stays sustainable for future generations of our people to both utilize and enjoy.

So with those few words ladies and gentlemen thank you for the warm welcome to Hawaii and we look forward to a busy but constructive meeting and I trust that we will be able to deliver the best possible outcomes for this important fishery.



**Seventh Regular Session
Honolulu, Hawaii, USA
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**Seventh Regular Session
Honolulu, Hawaii, USA
6–10 December 2010**

**OPENING ADDRESS BY AMBASSADOR SATYA NANDAN
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Ladies and gentlemen welcome to this the 7th annual meeting of the WCPFC hosted this year by our friends the US government. My thanks also to the people of Hawaii and Kitty Simonds and her staff at the WPFMC for their help and support for the meeting.

As we begin our meeting, I have to note that sadly this year also marks the passing of one of our great friends and supporters in Bernhard Thoulag who was the head of fisheries in the Federated States of Micronesia and a strong supporter of the FFC, the Commission and of sustainable fisheries management. Many of us over the years enjoyed and benefited from his wise council and he will be greatly missed in his passing. Also since our last Commission meeting we lost another great stalwart of Pacific fisheries, namely Phillip Mueller who passed away last December. Phillip was well known as the Director of Forum Fisheries Agency and his contribution to the island countries of the region are legendary. He will be missed.

As I mentioned in opening this year marks the 10th anniversary of the signing of the convention and as such it is an important milestone for us and worthy of some reflection that we have in the intervening years managed to successfully conclude the PrepCom process under the astute direction of Chairman Michael Powles from New Zealand and then successfully build one of the world's great fisheries management organizations in a very short period of 7 years. All of you who have been involved in delivering us to this point after only 7 years deserve to be congratulated. The framework necessary for the successful management of these stocks is clearly in place and it is now up to each of us to contribute to the delivery of sound sustainable fisheries management for all stocks in the convention area.

This year we have had three meetings so far. The first the Special commission meeting in Brisbane to elect the new Executive Director and I must say I am pleased to see Professor Hurry now safely amongst us on his new capacity after having served as the Commission Chair at its most formalities period. Given his extensive background in both the Commission and in fisheries management more broadly we look forward to his contribution to the Commission in the years to come.

The second meeting was the regular Scientific Committee meeting hosted this year by the government of Tonga. The meeting progressed well with Chairman Miyabe providing very able leadership and guidance to the group. This meeting reviewed the performance of the key tuna stocks noting that the past year delivered the highest catches ever taken in the WCPO of 2.45 mill

metric tonnes up some 70,000 tonnes from the previous year and well above 2004 levels. The group noted that bigeye was not over fished at this stage however, mortalities from fishing need to be reduced by 20 to 30% below current rates and this remains a key challenge for this Commission. The Committee reviewed and adopted the Kobe 11 recommendations and prepared a budget for consideration at this commission meeting. The Committee also considered and recommended to the Commission the adoption of a shark research program through the SPC that will be presented and discussed further at this meeting.

I noted in my opening statement that the world looks to fisheries Commissions for the responsible management of fisheries stocks an important part of this is what Commissions must be prepared to accept and act on sound and well researched scientific advice. The SPC has a long history in providing sound and unbiased advice on the status of the pacific fisheries stocks and in particular the pacific tuna stocks. If the Commissions do not accept and act on this advice then there will be ongoing calls for the international community monitored through other international fora. We have already had a warning from this monitor and act this last summer in respect the Atlantic Blue fin tuna.

This year's TCC meeting was as is the practice, of the Commission, hosted by the government of FSM in Pohnpei. This practice I know was an agreement between the past Chair of the Commission and the late head of FSM Fisheries, head Bernhard Thoulag and I think it is a very good practice. As FSM have provided the Commission with a home and while currently lacking the facilities to host a full Commission meeting I think we should also consider holding the scientific committee meetings in Pohnpei to benefit from the Commission facilities and allowing the main Commission meeting to move around each year. The TCC meeting was again successful under the Chairmanship of Mr Noan Pakop from PNG. The Commission delivered a number of recommendations for the Commission to consider on IUU listings, cooperating non-members, VMs, Observers. These issues will require some discussion and decision at this meeting.

This then brings us to the Seventh Session of the Commission here in Honolulu. I have been through the agenda last night with the Head of Delegations. One of our challenges this session is the 23 new and existing CMM's that have been proposed for adoption or review. The agenda allows us to take a first look at these this afternoon and then to come back to them on Wednesday. I will be asking those members who have proposed these CMMs to take courage of them and if they look as though they have little chance of getting adopted by Wednesday afternoon we are going to have to put aside those that we do not think will get adopted and focus on those we think will. The rest of the meeting should progress to schedule and I look forward to your input and interventions. Could I ask participants to try to keep our interventions short and to the point, not because I don't like hearing your voices but because we have a lot of work to get through this week.

Having said that I should take a cue from my own injunction and stop here and begin this fist session of the 7th meeting of the WCPFC.



SEVENTH REGULAR SESSION
Honolulu, Hawaii, USA
6-10 December 2010

PROVISIONAL AGENDA AND REFERENCES

WCPFC7-2010/02 (Rev 11)

3 December 2010

AGENDA ITEM	REFERENCE
1. OPENING OF THE MEETING	
1.1 Welcoming addresses	
1.2 Adoption of agenda	WCPFC7-2010/02 Rev 10
1.3 Meeting arrangements	
1.4 Action items from WCPFC6	WCPFC7-2010/07
2. MEMBERSHIP	
2.1 Status of the Convention	WCPFC7-2010/08
2.2 Applications for Observer status	WCPFC7-2010/09 Rev 1
2.3 Applications for cooperating Non-Members status	WCPFC7-2010/10
2.3.1 Draft Schedule of Contributions for CNMs	WCPFC7-2010-FAC4/14
3. MEMBER REPORTS	
3.1 Annual reports by the CCMs	
3.2 Statements of Non-Members	
3.3 Special Requirements of Developing States	
3.3.1 CCMs Reports on the Implementation of Article 30 of the Convention	WCPFC7-2010-DP/10
3.4 Annual Report of the Work of the Commission	WCPFC7-2010/11
3.4.1 Cooperation with other Organizations	WCPFC7-2010/12; WCPFC7-2010-DP/25
3.4.2 Future Work of the Commission	WCPFC7-2010/11
4. PROPOSED CMMS FOR CONSIDERATION AT THIS MEETING	

<p>4.1 <u>Listing of CMMs expected</u> North Pacific Striped Marlin Port State Measures Committee on Compliance with Conservation Measures (CCMM) Pacific Bluefin Tuna Large Scale Purse Seine Fishing Capacity and Effort Eastern High Seas Pocket Special Management Area Closure of Purse Seine Fishing in Additional Areas Prohibition of Purse Seine Fishing Associated with Whale Sharks Implementation of the ROP for Fresh Fishing Vessels North of 20N Implementation of an EEZ Entry and Exit Notification Scheme Mitigating Fishing Impacts on Cetaceans Catch Documentation Scheme ROP Report Prohibition for Night Setting During FAD Closure Conservation Measures for Tropical Tunas in the WCPFC Convention Area</p>	<p>WCPFC7-2010-DP/07 WCPFC7-2010-DP/13 WCPFC7-2010-DP/12 WCPFC7-2010/35 WCPFC7-2010-DP/02 WCPFC7-2010-DP/04 WCPFC7-2010-DP/06 WCPFC7-2010-DP/09 WCPFC7-2010/36 WCPFC7-2010-DP/15 WCPFC7-2010-DP/17 WCPFC7-2010-DP/18 WCPFC7-2010-DP/19 WCPFC7-2010-DP/20 WCPFC7-2010-DP/26</p>
<p>4.2 List of CMMs for which the Secretariat Requests Clarification CMM 2007-01 ROP CMM 2009-01 RFV CMM 2009-06 Transshipment CMM 2007-03 IUU Listing and Removal Para 3(j) Para 15 120 day rule</p>	<p>WCPFC7-2010/13 WCPFC7-2010-DP/19 WCPFC7-2010/30 - WCPFC7-2010-DP16 WCPFC7-2010-DP/11 WCPFC7-2010-DP/05</p>
<p>4.3 Others for Consideration CMM 2005-02 SP Albacore CMM 2007-02 VMS CMM 2007-04 By-Catch Mitigation CMM 2008-01 Big Eye and Yellowfin Tuna</p>	<p>WCPFC7-2010-DP/08 WCPFC7-2010-DP/14 WCPFC7-2010/30 WCPFC7-2010-DP/01; DP/02; DP/03; DP/24; DP/26</p>
<p>5. SCIENCE ISSUES</p>	
<p>5.1 Report of the Sixth Regular Session of the Scientific Committee</p>	<p>WCPFC7-2010/14</p>
<p>5.1.1 Stock status of key tuna species and evaluation of CMM-2008-01</p>	<p>WCPFC7-2010/15 Rev 1</p>
<p>5.1.2 Shark Assessment and Research Plan</p>	<p>WCPFC7-2010/16</p>
<p>5.2 KOBE II Workshop Recommendations on Science and By-catch</p>	<p>WCPFC7-2010/14</p>
<p>5.3 Programme of work for the Scientific Committee in 2011-2013</p>	<p>WCPFC7-2010/14</p>
<p>6. NORTHERN COMMITTEE</p>	
<p>6.1 Report of the Sixth Regular Session of the Northern Committee</p>	<p>WCPFC7-2010/17</p>
<p>6.2 Programme of work for the Northern Committee in 2011-2013</p>	<p>WCPFC7-2010/17</p>
<p>7. TECHNICAL AND COMPLIANCE COMMITTEE</p>	
<p>7.1 Report of the Sixth Regular Session of the Technical and</p>	<p>WCPFC7-2010/18</p>

Compliance Committee	
7.1.1 Update of submission of Annual Reports Part 1 and Part 2.	WCPFC7-2010/19
7.1.2 Update of CCMs Compliance with CMMs	WCPFC7-2010/20 Rev 1
7.2 Intersessional Reports Developed From TCC6	
7.2.1 Cost Recovery Terms of Reference	WCPFC7-2010-DP/21 (USA)
7.2.2 Provisional IUU Vessel List for 2011	WCPFC7-2010/22 (Secure Web)
7.2.3 KOBE II Workshop Recommendations on MCS and Management	WCPFC7-2010/23
7.2.4 CDS Scheme	WCPFC7-2010-DP/22 (FFA Members) WCPFC7-2010-DP/18 (EU)
7.2.5 Streamline Annual Report-Part 2 Report to WCPFC7	WCPFC7-2010/25
7.3 Regional Observer Programmes	WCPFC7-2010/26
7.4 Vessel Monitoring System	WCPFC7-2010/27
7.5 Programme of work for the Technical and Compliance Committee in 2011-2013	WCPFC7-2010/28
8. AD HOC TASK GROUP – DATA	WCPFC7-2010/29
9. CONSERVATION AND MANAGEMENT MEASURES	
9.1 The following CMMs listed were for discussion at TCC6 and require further discussion and decisions at WCPFC7	WCPFC7-2010/13 WCPFC7-2010/30
9.1.1 CMM 2007-03 IUU i) Para 3(j) (USA) ii) Paras 15 and 25 (Tonga/FFA) iii) 120 Day Rule (NZ)	WCPFC7-2010-DP/16 WCPFC7-2010-DP/11 WCPFC7-2010-DP/05
9.1.2 CMM 2008-01 – Para 46 Extension of CMM 2008-01 and others - CDS Scheme (FFA) - measures for non-compliance	WCPFC7-2010-DP/01; DP/02;DP/03; DP/24; DP/26 WCPFC7-2010-DP/18; DP/22 -
9.1.3 CMM 2009-01 – Annual Fee for Non-Member Carriers and Bunkers, and allocation of funds - minimum data requirements for posting - EVR update - UVI update	WCPFC7-2010/13 WCPFC7-2010/30
9.1.4 CMM 2007-04 – Recommend that SC6 provide advice re Deep Setting Longline Shooters	WCPFC7-2010/30
9.1.5 <u>Others to be discussed</u> • CMM 2005-02 SP Albacore • CMM 2007-01 ROP	WCPFC7-2010-DP/08 WCPFC7-2010/13 WCPFC7-2010-DP/19

<ul style="list-style-type: none"> • CMM 2007-02 VMS • CMM 2009-06 Transshipment 	WCPFC7-2010-DP/14 -
9.2 Report by PNA Members on the implementation of the Vessel Day Scheme	WCPFC7-2010-DP/23 (PNA Group)
9.3 Consideration of new measures and other conservation requirements	
9.3.1 Pacific Striped Marlin	WCPFC7-2010-DP/07
9.3.2 Port State Measures	WCPFC7-2010-DP/13
9.3.3 Eastern High Seas Pockets Special Management Area	WCPFC7-2010-DP/04
9.3.4 Committee on Compliance with Conservation Measures CCMM	WCPFC7-2010-DP/12
9.3.5 Pacific Bluefin Tuna	WCPFC7-2010/35
9.3.6 Large Scale Purse Seine Fishing Capacity and Effort	WCPFC7-2010-DP/02
9.3.7 Closure of Purse Seine Fishing in Additional Areas	WCPFC7-2010-DP/06
9.3.8 Prohibition of Purse Seine Fishing Associated with Whale Sharks	WCPFC7-2010-DP/09
9.3.9 Implementation of the ROP for Fresh Fishing Vessels North 20N	WCPFC7-2010/36
9.3.10 Implementation of an EEZ Entry and Exit Notification Scheme	WCPFC7-2010-DP/15
9.3.11 Mitigating Fishing Impacts on Cetaceans	WCPFC7-2010-DP/17
9.3.12 Catch Documentation Scheme	WCPFC7-2010-DP/18; DP/22
9.3.13 Prohibition for Night Fishing During the FAD Closure	WCPFC7-2010-DP/20
9.3.14 Conservation Measures for Tropical Tunas in the Convention Area	WCPFC7-2010-DP/26
10. REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE	
10.1 Review of Committee Meeting	WCPFC7-2010/32
10.2 Budget approval for 2011	WCPFC7-2010/33
11. PERFORMANCE REVIEW	
11.1 Approval of TORs for Performance Review	WCPFC7-2010/34
12. ADMINISTRATIVE MATTERS	
12.1 Election of officers	
12.2 Next meeting	
13. OTHER MATTERS	
14. SUMMARY REPORT	
15. CLOSE OF MEETING	



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**PARTIES TO THE NAURU AGREEMENT – OPENING STATEMENT
By Chair of the PNA**

1. Mr. Chairman, I am delivering this statement on behalf of the Parties to the Nauru Agreement.
2. At the outset, let me congratulate Professor Glen Hurry on your appointment as Executive Director of the Commission. We have no doubt that the four years during which you served the Commission with distinction as founding Chair gives you considerable advantage to lead the Commission. We look forward to working constructively with you over the next few years and assure you of our co-operation.
3. At the same time, It would be remiss of me not acknowledge the contribution of your predecessor, Mr. Andrew Wright to the work of the Commission and the region.
4. May I also take this opportunity to thank our hosts, the Government of the United States and the Western Pacific Fisheries Management Council for their hospitality and for being gracious hosts.
5. Mr. Chairman, after 6 years since the establishment of this Commission, we are concerned that this RFMO will go the same way as other RFMO's globally, as we are seeing the commercial interests of some industrialized nations, defer precautionary action aimed to conserve and manage. We cannot afford to wait until it is too late. Further, the increasing costs of meetings and the organization is putting a disproportionate burden on Small Island Developing States to participate equally, despite the assurances we have been getting otherwise. We are not prepared to see this happen here, as we see the tuna resource as our islands heritage and our future.
6. In addition, there are extra layers of meetings that have been imposed on top of the already busy schedule of meetings that we have to participate. We are concerned about the Kobe process and the additional responsibilities that attending to that process has imposed, in particular, the fact that we do not see it achieving much beyond exhausting our meager resources in participating especially with our small administrations. Mr. Chairman, "clearly one size does not fit all", and the endeavors to have a homogenous system of fisheries management across the

globe just does not work as our fishery is not primarily high seas fishery, but largely zone based, unlike other RFMOs.

7. In the WCPFC, bigeye tuna is our prime species of concern; clearly the conservation exemptions previously given to large fleets, the growing efficiency of such fleets, growing capacity, and other discriminatory abuse of measures to undermine our efforts to conserve and manage our fisheries in zone, cannot continue.

8. We continue to see tuna resources being globally depleted, yet distant water fleets continue to grow capacity. We are not prepared to see the same fleets ignoring our Convention, all resolutions of this commission, our regional and national laws and to continue to impede and deny our legitimate sovereign rights to develop our capacity and participate on equal terms as coastal island States to help fish tunas in our EEZs.

9. PNA is not prepared to see our tuna fishery decline like other RFMO areas. In this regard, the PNA will continue to act decisively to protect our broader regional interests.

10. In 2008, through the adoption of the 3rd Implementing Arrangements, PNA closed the 2 western high seas pockets, imposed a 3 months ban on FAD fishing, required 100% observers on all purse seine vessels operating in PNA waters, and required all tuna caught by purse seiners to be retained. These measures were intended to complement the VDS and minimum terms and conditions.

11. Mr. Chairman, we have and will continue to take action to conserve tunas in line with the best scientific advice. Bigeye must be conserved and other stocks managed to see them sustained and maximizing economic benefits in so doing.

12. Further to the existing measures, we have amended the 3IA this year, and have closed additional high seas to purse seine between 10⁰N and 20⁰S, effective from 1 January 2011, as a condition for fishing in PNA waters, and we have implemented a ban of targeting of whale sharks, and the introduction of the longline VDS.

13. We are looking at continuing with the development of other measures in 2011, these include exploring a purse seine capacity cap to compliment the VDS., Hard limits on days, possible additional FAD closures, crewing measures, PNA observer schemes, Fad tracking and registration, upgraded VDS trading and management, e-forms, CDS, and reference points, amongst others.

14. We urge those genuine development Partners interested in working with PNA for the long term to support these moves and look forwards to cooperative future relations.

15. PNA's position on the package of measures for the management of the tropical tuna fishery is to maintain CMM 2008-01 in its entirety. We do not believe that elements of the measure are time bound, but as I said earlier, we believe that it behoves us to strengthen the measure, not weaken it, only two years after key elements of the measure became operational. PNA is making a contribution to this endeavor by closing off additional high sea areas. PNA is also considering additional FAD closures, and working with the United States to apply the VDS under the U.S. Treaty.

16. Mr. Chairman, PNA is concerned about the continual abuse of Commission measures and resolutions by some CCMs. In this respect, we wish to raise our concern about how one CCM has endeavored to use a Commission measure to violate the national laws of one of our members. This is a flagrant abuse of the measure, and shows a lack of respect for coastal State laws. If this

attitude persists, we will insist that none of the Commission measures apply in our EEZs. It is unacceptable.

17. PNA is also disappointed at the ongoing lack of respect for the Commission Resolution on SIDS aspirations. We are still blocked in our endeavors to develop our fisheries by developed CCMs. This too is a blatant disregard for the Resolution. This is an issue that we have raised previously. If this issue cannot be resolved, we will ensure that these developed CCMs vessels are not licensed to fish in our waters.

18. This year, PNA Leaders met for the first time in Koror, Palau to discuss fisheries issues. This was a ground breaking gathering, unprecedented in the history of the PNA, in which a clear political mandate was given to PNA to work constructively to conserve and manage the tuna stocks.

19. Mr. Chairman, I wish to inform the Commission of three new initiatives which PNA Ministers at their 31st Special Meeting in Majuro, Marshall Islands two weeks ago approved.

20. The first is for mandatory crewing by PNA nationals on all purse seine vessels fishing in PNA waters from 1 January 2012. This requirement will be for all vessels to have a minimum of 10% PNA nationals as crew on vessels. This will increase to 20% over five years. If vessels are unable to meet this requirement, there is a waiver fee which is to be increased each year vessels are not able to fulfill the requirement. This requirement is in keeping with the PNA goal of maximizing economic opportunities across all facets of the fishery including crewing on fishing vessels.

21. The second is for the development of a PNA programme for electronic FAD registration, monitoring and management. In this respect, PNA Ministers approved the establishment of a Technical Working Group to be coordinated by the PNA Office with support from FFA and SPC to develop options for FAD management through electronic monitoring and regulation schemes. It is intended that we will be implementing trials from 2012.

22. The third is the approval for trial of the Longline VDS from 1 January 2011. A more comprehensive report on this will subsequently be presented by the Chair of the PNA Technical Working Group that developed the scheme. However, it is suffice to point out that this is part of PNA's endeavours to augment the management of this fishery.

23. Lastly Mr. Chairman, we note and encourage the ongoing work done by the Commission and SPC in assisting Philippines, Indonesia and other SE Asian nations in data collection to assist with the overall understanding and governance of the regional tuna resources. We also support the work ongoing on regional tuna tagging, sharks and other incidental species.

24. We look forward to frank discussions and a fruitful meeting



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NAURU – OPENING STATEMENT

By Hon. Roland Kun, Minister for Fisheries of the Republic of Nauru

The following statement was delivered by the Hon. Roland Kun, Minister for Fisheries of the Republic of Nauru, to the 7th Meeting of the Western and Central Pacific Fisheries Commission on Monday 8th December 2010 in Ko Olina, Hawaii.

Mr Chairman, as one of the smallest members of the Western and Central Pacific Fisheries Commission, Nauru wishes to reaffirm its commitment to the fundamental principle of the Commission – that of ensuring that tuna stocks remain sustainable.

Distinguished Colleagues, I do not intend to speak at great length. I just want to emphasise that Nauru is living up to its commitments, and to urge other members to do the same, particularly in controlling their vessel's activities on the high seas. It is not a matter of a few fishing companies being impacted - the very future of Nauru's economy is immensely affected by the collective decisions that we make here. We take the whole tuna fishery management process very seriously.

Mr Chairman, Nauru and other coastal states have made the point many times in the past, that the Western Pacific purse-seine fishery is unusual in comparison to other regional fisheries because fishing occurs mainly within national exclusive economic zones rather than on the high seas. We have national laws that we apply to control fishing effort much more strongly than in other regions, and there is a duty for coastal states to take much greater responsibility for the management of highly migratory fisheries. As such Nauru will continue to support efforts that develop measures for the sustainable utilisation of tuna stocks in the region.

In this region, Parties to the Nauru Agreement are applying their national laws in a harmonised manner to uphold our WCPFC commitments. The level of tuna fishing effort in Nauru's EEZ was below 2004 levels in 2009. This year, we made the significant step of closing Nauru's EEZ to bilaterally-licensed purse-seine fishing because we had reached our allowable effort before the end of the licensing period. Mr Chairman, as you would understand this was not an easy decision for our small administration, nonetheless it was a decision made for the benefit of the tuna stocks and our commitment to the principles of this Commission.

Mr Chairman, if the VDS effort limits are treated as hard limits, we feel that the VDS is the most appropriate way of controlling the catch of tuna fisheries in our part of the region – a region

where most of the fishing takes place in national waters of developing small-island states. Of course we would prefer catch limits, but they would be too difficult to implement at our current stage of development and thus would run the risk of being ineffective.

Nauru does not favour capacity limits. We have been down that road in the past and the Parties to the Nauru Agreement moved towards effort limits when they adopted the Vessel Day Scheme.

Mr Chairman, I could expound at length about our position on all the issues under consideration here this week, but in the interests of time I will leave it there. My delegation wishes you the best of good fortune in achieving definite agreements by the end of this critically important meeting.



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NEW CALEDONIA – OPENING STATEMENT

Mr Chairman, distinguished delegates, ladies and gentlemen,

First of all, on behalf of the New Caledonia government I would like to warmly thank the United States for its friendly welcome to this annual meeting of the Commission here in Hawaii.

Ten years ago, in September 2000, the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean was adopted here in Honolulu after six years of intensive and fruitful negotiations by the Multi-Lateral High Level Conference.

Our regional management fisheries organisation within which 25 members and 7 participating territories work together towards better conservation and management of the migratory species in the region, has achieved many important goals since its inaugural session in December 2004.

Among all the conservation and management measures currently applicable it should be pointed out the importance of all these adopted for monitoring, control and surveillance.

Mr. Chairman, we are all aware of the negative impact of IUU fishing on our migratory resources in the western and central Pacific which undermines their conservation and sustainable exploitation. In this context, every decision which aims to enhance the monitoring of fishing activities in the region has to be supported.

New Caledonia is therefore strongly in favour of the development of the Commission's VMS and ROP and thanks the secretariat for its efforts on their implementation.

This position is the reason why the New Caledonia government made a voluntary contribution of 115,000 Euros to the ROP fund in 2010 for the entry of observer data into the Commission database by the SPC/OFP.

As stated at last year's meeting, should the Commission decide to extend the option adopted in Papeete for one more year which involves the SPC-OFP in the ROP data management, New Caledonia would be in a position to continue to financially support this data entry process with another voluntary contribution of 115,000 Euros in 2011.

Mr. Chairman, I would also like to draw the attention of all the CCMs to the provision of accurate data to the Commission secretariat in a timely manner which is one of the CCMs duties in the WCPFC. In particular, the stock assessments mostly depend on fishing data whose quality is essential to provide adequate advice for decision-making.

Let me finish by recalling the importance of the stocks covered by the WCPFC, in particular albacore, to the peoples and economies of the small island states and territories in the region. In particular, many of the domestic fleets in the Pacific islands consist of small vessels which cannot stay at sea for months and, therefore, are dependent on those parts of the stocks encountered within their national waters. This pattern has to be duly taken into account by the Commission to avoid the adoption of CMMs which would be unfair to our small developing fisheries.

Thank you, Mr. Chairman.



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**NIUE – OPENING STATEMENT
By Niue’s Minister**

Fakalofa lahi atu and ALOHA to you all. On behalf of my delegation, I would like to extend my appreciation for the hospitality accorded to us since our arrival in Honolulu. The warmth and the fresh breeze from the Pacific Ocean certainly make us feel very much at home. I note that we have a very tight schedule for the week ahead and a rather comprehensive agenda, however we look forward to the deliberations to assure the long sustainability of our oceanic and tuna fishery resources.

Chair, this year marks the 10th anniversary of the conclusion and the subsequent signing of our Convention. And looking back, we have come a long way since the early discussions which started in the early 1990s on the need to manage the tuna fishery. Pacific peoples not only rely on tuna resources as a food source, but the fishery also provides an opportunity for Small Island Developing States to attain economic benefits from its utilisation. Therefore long term sustainability is fundamental for our region. Today, Niue as a Small Island Developing and coastal State, continues to assert our sovereignty and sovereign rights as provided for under the 1982 Law of the Sea Convention for the declaration of our EEZ.

Niue is pleased with the progress of the work undertaken by the Commission to date and we look forward to continue our participation and cooperation towards the achievement of the overall objectives of the WCPFC.

Chair, as stated by my good friend from Tokelau, Niue is a member of the newly established subregional group, Te Vaka Moana. I would like to share further with you some of the group’s work plan for the coming years. Essentially, there are four major things that the group is currently focussing on.

Firstly, identifying ways to enhance the economic returns from the fisheries to the TVM economies by way of access, harvesting, supply, processing, transportation, marketing, creation of employment opportunities or otherwise.

Secondly, exploring the implementation of zone based limits for albacore, skipjack, bigeye and yellowfin tunas and swordfish, to preserve and protect TVM participants’ interests in these fisheries and to fulfil our international obligations. The group’s obligations include a requirement to develop compatible measures in 2008-01 for Bigeye and Yellowfin, and that 05-02 for South Pacific Albacore, 06-03 for Striped Marlin, 08-01 and 09-03 for Swordfish contain exemptions for our development. Furthermore, the in-zone measures that will be developed and implement

will lay the framework against which the Commission can develop and implement compatible measures.

Thirdly, progressing a draft sub-regional Niue Treaty Subsidiary Arrangement called Te Vaka Toa Arrangement (TVTA). This MCS and Enforcement Arrangement will be a significant tool to step up our efforts to better protect and manage southern fisheries, and combat illegal unreported and unregulated (IUU) fishing. We hope to finalise and implement this by the middle of next year.

And last but not the least, establishing a website that will transparently set out information about TVMA and act as a means for communicating with others.

Chair, we recognise and welcome the cooperation of others, to assist in advancing the TVM work plan. Niue hopes that this cooperation accorded to TVM and its work plan will also extend to identifying ways that the WCPFC costs imposed on small island developing States to be minimised to the extent possible, particularly those that don't have substantial populations or fishing fleets, like my country and neighbours such as Tokelau and the Cook Islands,

Chair, Niue recognises the importance of the work of the Commission, and the need to have effective measures and MCS tools to assist in managing and protecting our fish stocks, however, we strongly believe the budgetary costs should not prevent or preclude our participation in this work.

Distinguished delegates, let me leave you with this thought to ponder on how the Niuean population is contributing towards the work of the Commission - based on our assessed contribution, every man, woman and child in Niue contribute more than \$20 to the work of this Commission. This we view highly. We look forward to the discussions on how we can address this issue during our deliberations in the week.

We look forward to working with you all, and wish the Chair well in making this meeting a success.

Thank you Mr Chair



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PAPUA NEW GUINEA – OPENING STATEMENT

By Hon. Ben Semri, MP, Minister for Fisheries

1. Mr. Chairman, I wish to firstly record our sincere appreciation to our host, the Government of United States, the State of Hawaii and the Western Pacific Fisheries Management Council for the wonderful Hospitality that was extended to us since our arrival on the beautiful Honolulu shores.
2. I also join others in congratulating Professor Glenn Hurry on your appointment as Executive Director of the Commission.
3. Mr. Chairman, as all around this table know, PNG is blessed with abundant resources one of which is Tuna which accounts for approximately 500,000mt of catch within our EEZs each year or 10 per cent of world tuna catch. More than 80 per cent of this catch comprises of skipjack. This sustainable tuna resource is very important to our people and economy. Through partnership with our private sector partners PNG continues to build a strong national tuna fishing and processing industry that utilizes tuna caught within our EEZ.
4. The sustainable management of the tuna resource is of paramount importance to PNG. We have continued to implement management measures and put in place tools to ensure the sustainable management of tuna for our future generations is maintained at high levels.
5. Mr. Chairman, to illustrate our commitment to management measures I wish to inform this Commission of four (4) key activities that we will undertake:
 - i. Vessel Monitoring System - we are developing a new VMS platform through a PNG based subsidiary of a leading Australian satellite communications company that will give us the data ownership and access to verify V DS data.

We are also developing FAD tracking and e-forms which will be incorporated into our VMS next year. Data derived from FAD tracking will not be limited to tracking but also be useful for science, environmental and economic purposes. A

total of USD 4million has been budgeted for next year for the purchase of electronic echo-sounder buoys and enhanced mobile terminal units for vessels. We have commenced installation of ALCs on light boats this year.

- ii. Tuna tagging – PNG National Fisheries Authority has signed an MOA with the Secretariat of the Pacific Community in August this year for tuna tagging to be carried out in our waters. To observe the biomass of Tuna we have committed USD 3 million over three years, with the project commencing next February. Our young scientists will also benefit especially in gaining experience from the project by working with SPC.
 - iii. Port sampling - We will continue to carry out port sampling with US\$500,000 budgeted for next year and are looking at developing partnership with some Commission members, especially Japan to carry out port sampling in major ports and markets.
 - iv. Observer Programme - We have a permanent section within NFA comprising of 10 staff and have built observer numbers to 202 that are working towards building this to a target of 400 observers. These observers are not only for tuna vessels but also for our other domestic fisheries operations. We have an established observer trainer training unit at the PNG National Fisheries College that delivers the observer competency based training. We are more than willing to share our experience in provision of training to other WCPFC members.
6. Mr. Chairman, these are some of the activities that we are implementing for the sustainable management of tuna stocks within our EEZ. We will be listening carefully in this meeting to learn more about what others are doing.
 7. Importantly though, Mr. Chairman, we wish to remind members of this Commission that unlike other RFMOs this Commission is very special and unique because most of the productive waters within the Western and Central Pacific Commission Convention area are found within the EEZs of coastal states. This Commission was established purposely to put in place compatible measures in the high seas, so we preserve our fish for our future generations going by the theme of the PIF Leaders meeting in Vava'u, Tonga, "Our Fish Our Future"
 8. Mr Chairman if, this Commission cannot do its functions and want to interfere with measures that we as sovereign coastal states implement within our EEZ then we would be left with no option but to consider closing our EEZs to all foreign flagged vessels that are licensed under bilateral and multilateral arrangements.
 9. Thank you, Mr. Chairman.

original signed by



**Seventh Regular Session
Honolulu, Hawaii, USA
6–10 December 2010**

PHILIPPINES – OPENING STATEMENT
By Secretary Luwalhati R. Antonino, Chairperson, Mindanao Development Authority

The Commission Chairman, Ministers and officials representing the Cooperating Commission Members (CCMs), Cooperating Non-members (CNMs) and Participating Territories of the Commission, Hawaiian officials, Observers from other inter-governmental organizations and non-government agencies, the ever hardworking WCPFC Secretariat, industry representatives, guests, a pleasant morning.

In behalf of the Philippine delegation, I wish to express our deep appreciation and gratitude to the State Government of Hawaii for the warm welcome and for hosting the 7th Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC), giving us the opportunity to experience the beauty and splendour of this famous place.

With me is the biggest delegation the Philippines had since the founding of the Commission. We come here to reassert and reassure the Commission that the Philippines is serious and working hard in doing its part in the conservation and management of tuna resources in the Western and Central Pacific Ocean (WCPO), particularly the bigeye tuna (BET). We have resolved to greatly contribute to a lasting solution of the BET problem. This year, we made big strides towards this effort and we will continue to do so in the years to come. Among these are the establishments of our Regional Observer Program (ROP) and catch documentation scheme (CDS). We have intensified our monitoring, control and surveillance (MCS) operations with good results.

For the immediate time frame, we are now finalizing our Fish Aggregating Device (FAD) Management Plan and a Fisheries Administrative Order (FAO) that will implement a moratorium on the building of new fishing boats. We are also reviewing our Tuna Management Plan, with the end view of enhancing it and attuning it with the global as well as local realities on the ground so that implementation can be smooth and successful.

The Philippines remains committed to the basic principles of the Convention, most especially on the sustainable management of tuna stocks in the WCPO. However, there are also concerns by developing States that need to be understood and considered by this Commission, especially relevant environmental and economic factors. This is clearly stipulated in Article 5 (b) of the Convention text, to wit:

*“ (b) ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing sustainable yield, as qualified by **relevant environmental and economic factors**, including the special requirements of developing States in the Convention Area...”*

Moreover, the Convention’s Article 30, paragraph 2(c) guarantees that any measure should not cause a disproportionate burden onto developing States, to wit:

*“the need to ensure that such measures do not result in transferring, directly or indirectly, a **disproportionate burden of conservation action** onto developing States Parties, and territories and possessions.”*

As the Philippine Minister for peace and development in Mindanao, the base of the Philippines’ tuna industry, and having been an elected member of the Philippine Congress for nine (9) years, representing particularly the City of Gen. Santos, known as the “Tuna Capital of the Philippines,” I can attest to the extreme suffering inflicted by the High Seas Closure on my fellow Mindanaoans. Many jobs were lost. Numerous people were socially dislocated and marginalized. The island’s economy took a severe beating. Mindanao’s peace and security situation has been undermined. Moreover, the very resources we are so concerned about, bigeye and yellowfin tuna, have also been negatively impacted. The high seas closure has increased considerably the fishing effort in the very important spawning grounds of the Celebes Sea.

All these concerns, we have submitted to the Commission for your consideration at this 7th Meeting of the Commission.

In relation to this, we will be making a detailed presentation of our proposal later in this meeting on Agenda item 4 which we hope and pray that the Commission will consider favourably during this meeting considering the importance of this concern.

We look forward to a very productive and successful meeting.
Thank you.



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TOKELAU – OPENING STATEMENT

HONORABLE MINISTERS,

DISTINGUISH DELEGATES,

GREETINGS AND MALO NI EVERYONE.

Mr Chairman, I thank you for this opportunity to address the WCPFC 7TH Meeting this morning.

As the leader of Tokelau, I would also like to take this opportunity to join with those who have spoken previously in sharing our heartfelt thanks to our hosts for making us feel so welcome here today.

I would also like to acknowledge you Mr Chairman for your energetic and wise leadership in this critical early period of the WCPFC.

Mr Chairman, Tokelau is the one of the smallest island developing states. To participate in this Meeting 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 regardless of the coincidence with other commitments at the national level.

However, we rank this Commission meeting as a highly important avenue to flag our aspirations and regional obligations to secure protection of our valuable tuna resources in our Exclusive Economic Zones. We are tasked to maintain our sovereignty and sovereign right we have and to sustainably manage our fisheries resource as major income revenue for our people.

For Tokelau territory, we are interested in supporting MCS activities as well the CMMs of the Commission to combat IUU Fishing operations in our waters. My delegation is hoping to co-operatively working together with other Small Island Developing States in promoting national and regional activities that serve the best interest of our people.

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 Secretariat to bring these values to bear in its work.

However, for Tokelau, it is essential to ensure that our FFA body 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.

Fisheries are so important to us, for the economic benefits they bring, and for the food security of our communities.

In the last year, my fisheries administration has been involved in some work, that we hope will step up our engagement in fisheries. I would like to briefly share one of these developments with the Commission.

In late January of this year, not long after the Commission meeting in Tahiti, the Fisheries Administrations of Cook Islands, New Zealand, Niue, Samoa, Tokelau and Tonga signed a cooperation arrangement called "Te Vaka Moana Arrangement".

Te Vaka Moana, in most of our languages could be translated to mean the "Southern Canoe". Fisheries are an economic cornerstone for Te Vaka Moana participants.

Some of our Participants, like Tokelau are the smallest of small island developing states and territories, in the Pacific region, so it's critical that this Commission makes sure that their development rights and interests are protected, and are able to be realised.

We encourage WCPFC Members to look for ways that these interests can be supported, consistent with Resolution 2008-01. We encourage others around this table to work with us over the next year, to help Te Vaka Moana in advancing their work plan. It's important to us that we can realise our development aspirations and interests, and make sure that the food security of our communities remain protected.

Thank you Mr Chair.



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TUVALU – OPENING STATEMENT

Mr Chairman distinguished delegates, Ladies and Gentlemen.

Allow me to join others who have spoken before me to convey our sincere thanks and gratitude to our gracious host the Government of the United States of America for the wonderful and splendid hospitality extended to us since our arrival and for the excellent meeting arrangement. My delegation would also like to register our appreciation and congratulation to Professor Glen Hurry for his new appointment as Executive Director of the Commission and of course his staff for the excellent preparation of meeting materials and papers and for the logistical support to the meeting. Tuvalu would also like to associate and render its support to the Opening statement presented by the Honourable Minister of Marine Resources of the Republic of Marshall Islands on behalf of the PNA.

Tuvalu acknowledges the efforts of the WCPFC so far in reaching consensus and adopting a whole raft of agreed initiatives and strategic frameworks in the form of conservation and management measures. These as we have seen over the years have been negotiated in good faith, and include many compromises, through national, sub regional, regional and Commission processes. We understand that fundamental to debates and forums leading to decisions are concerns primarily over:

- Stocks sustainability
- Environmental & ecosystem health
- Sustainable economic development incl. optimum utilization
- Governance & administration
- Monitoring, Control and Surveillance (MCS) issues & cross boarder security

With the above cross-cutting and underpinning principles, my country signed into the Convention with the understanding that due diligence and consideration of these principles will be applied equally and on the same weighting. This means no one principle has priority over the other. The rationale, we fully understand all too well, given the multi-species, multi-gear, and migratory nature of tunas and tuna fisheries in our convention area. Specific relevant provisions reflecting these are drawn from other related international fisheries instruments including the 1982 UNCLOS, which most of us are also signatories.

As a matter of policy and decisions considered and taken by respective sovereign states, Tuvalu will consider these new management measures proposals on the basis of the above mentioned high level objectives and strategic principles on an equal footing, and in no order of one having priority over another. Some key questions remains however, which form the basis of holistic and equal consideration of the objectives and other related factors:

- a. For many decades, tuna have been traditionally fished by handful of countries in the Commission to the detrimental of the stocks and, in practical terms, to the disadvantage of many Pacific Islands Countries and Territories (PICTs). Large catches of tunas are largely taken from the high seas and international waters; significant increase of in-zone catches has also been observed in recent years. Again the trends show dominance of tuna catches by the same traditional Distant Waters Fishing Nations (DWFNs);
- b. Pacific Islands Countries and Territories build up of domestic vessels, onshore infrastructures and increase participation in tuna fisheries in-zones and in the high seas is often seen as overcapacity and potentially influencing overfishing trends;
- c. Scope and extent of decisions taken from this Commission and non-compliance levels against CMMs continue to increase; a similar trend commonly seen across all other RFMOs as well;
- d. There appears to be an apparent trends towards harmonizing decisions taken across all RFMOs; this appears to be strongly influenced by CCMS who are also signatories in other RFMOs;
- e. Disproportionate burden on PICTs to bear the full brunt of Conservation and Management measures (CMMs) including restraining legitimate development considering relatively low levels of catches and catch rates compare to entire and totals catch allowable in the WCPO and/or migratory range of tunas. As a matter of policy and holistic assessment of all high level objectives and policy directions, it remains valid at least to Small Islands Developing States.

In this meeting I reiterate our positions in the past including our proposal in 2006 in our attempts to secure support from this Commission to purchase our first purse seiner, which of course was not considered. This year, Tuvalu while mindful of current measures will endeavour and continue to develop its domestic fisheries.

Chairman, let me say at this juncture our actions to date simply reflects our intentions towards putting policies into actions. I understand that this is also what all Small Islands Developing States in this meeting have voiced many times, before and after this Commission was established. In this vein, Tuvalu intends to integrate and balance high level strategic objectives as raised earlier in support of our domestic efforts to develop and expand our operations in accordance to our national policies and laws. These are all very well understood and that Tuvalu has captured these operational objectives in our national policies and laws. We acknowledged assistances from the FFA, SPC and PNA Office on these initiatives. However, it is equally important that this Commission also understand national level consequences and the reasons for these actions towards domestic developments.

Chairman, my delegation will reserves its position on any proposals and decisions that would threaten the very survival of our subsistence population and the same time interfere with the integrity and functioning of national processes. In support of FFA & PNA initiatives, Tuvalu will endeavor to increase, not decrease, every efforts to expand its domestic fisheries including tuna operations. Like other Pacific Island Countries and Territories, Tuvalu will strive to reverse the current trends, to allow gradual restructuring and phasing out of foreign fishing in our national fisheries waters. Tuvalu will, in the interim process, enter into partnership arrangements as legitimate developments aspirations to expand our participation in tuna fisheries in-zones and in

the high seas. Tuvalu is simply advancing its domestic aspirations; it is about food security, fair and equitable distribution of wealth and is about putting policies into actions.

In retrospect, my delegation seeks that the meeting considers the integration and balancing of the above principles and other related qualifications, when we debate over these new proposals, in order to reach informed decisions.

Finally, I would like to urge my colleagues in this forum to respect and support these strategic high levels and new management measures as we deliberate these new proposals and other issues this week.

I thank you Mr Chairman



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VIET NAM – OPENING STATEMENT

Mr. Chairman,
Distinguished delegates,

On behalf of my delegation, I want to thank our host - the Government of the United States - for its hospitality extended to our delegation and the excellent arrangements for the meeting. My delegation looks forward to working together with the other delegations to make this 7th Session of the Commission a success.

Mr Chairman,

By means of this statement, Vietnam wants to re-affirm the commitments and considerations laid down in its request to renew CNM status for 2011. Vietnam is committed to fully cooperate with the Commission on all issues. This includes working together on scientific data in the context of the 'West Pacific East Asia Oceanic Fisheries Management' project, accepting high seas boarding and inspection in accordance with Commission's *High Seas Boarding and Inspection* procedures, and making a financial contribution in case the Commission decides this should also apply to Vietnam.

As a party to the United Nations Convention on the Law of the Sea (UNCLOS), Vietnam is fully committed to comply with its obligations on the conservation and management of highly migratory fish stocks, the need to take account of associated and dependent species and the key-role of regional intergovernmental cooperation.

In the near future, Vietnam intends to become a party to the United Nations Fish Stocks Agreement. We regard Vietnam's cooperation with the Commission as a critical process in this regard as the WCPFC is the first regional fisheries management organization (RFMO) with which Vietnam has a formal participatory status. We trust that our participation in the WCPFC will eventually create the necessary confidence and remove obstacles to proceed to formal adherence to the Fish Stocks Agreement.

As has been stated also at earlier occasions, Vietnam expects that its cooperation with the Commission will eventually lead to Vietnam's membership of the Commission. In the not too distant future, Vietnam would therefore welcome an invitation to accede to the WCPFC Convention. We are of course aware that the failure to agree on a northern and western boundary

of the Convention Area means that some CCMs do not regard Vietnam as a coastal State to the WCPF Convention. However, the distributional range of some of the tuna species caught by Vietnamese fishing vessels in Vietnam's own maritime zones also includes waters that are indisputably part of the Convention Area. According to UNCLOS, therefore, Vietnam is a coastal State with respect to these tuna species managed by the Commission. We would highly welcome a dialogue on these issues in order to develop a solution that is acceptable to the Commission and Vietnam and in accordance with international law.

I kindly request that this statement be included in the Summary Report of this Session.

Once again, we look forward to working with you this week and in the more distant future.



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**NORTH PACIFIC ANADROMOUS FISHERIES COMMISSION –OBSERVER
STATEMENT**

By the Executive Director of the NPAFC

Mr. Chairman, Mr. Executive Director, Delegates, Guests, Ladies and Gentlemen.

First of all, on behalf of the North Pacific Anadromous Fish Commission, I would like to thank you, Mr. Chairman, for the Invitation to participate at your 7th Regular Session of the Commission in an observer capacity.

Mr. Chairman, as you are probably aware, our cooperation started almost three years ago: in February 2008 we held the North Pacific IUU Tripartite Meeting between the representatives of the North Pacific Anadromous Fish Commission (NPAFC), North Pacific Coast Guard Forum (NPCGF), and Western and Central Pacific Fisheries Commission (WCPFC) in Vancouver, Canada.

This year, our relationship was strengthened by the recently signed Memorandum of Cooperation between our two Commissions. The Memorandum will allow us to establish and maintain consultation, cooperation and collaboration in respect to matters of common interest to the two organizations.

Taking this opportunity, I would like to invite representatives of the WCPFC to participate at our Enforcement Evaluation and Coordination Meeting (EECM), which will take place here, in Honolulu, at the end of February 2011. It might be the very first practical step of our cooperation in enforcement.

I wish you a very successful meeting.

Thank you.



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GREENPEACE – OBSERVER STATEMENT

By Lagi Toriban, Oceans Team Leader, Greenpeace Australia Pacific

Mr Chairman, the Executive Director, Honorable Delegates, fellow observers, ladies and gentlemen.

Greenpeace would like to extend our gratitude to the state and people of Hawaii for their welcoming hospitality and the government of the United States for hosting this meeting. We would like to welcome Professor Glenn Hurry in his capacity as Executive Director and we look forward to his visionary leadership and expert steering and working with him in the near future.

This 7th Commission meeting is a critical meeting since tuna is increasingly seen around the world as under threat giving this meeting the opportunity to set things right by preventing the fishery from becoming the next casualty of rampant global overfishing.

The future of the Pacific and its people will be in your hands as you make decisions this week.

Greenpeace would like to commend the leadership and continued efforts by all the Pacific Island countries that are members of the Commission to secure and safeguard the future of this fishery. In particular, The Parties to the Nauru Agreement (PNA) for taking the bold and positive step by agreeing to the implementation of the 3rd Implementing Arrangement and we urge this Commission to adopt compatible measures as mandated by the Convention.

This year the WCPFC Scientific Committee (SC) reported that measures agreed in 2008 do not go far enough to halt overfishing in the region, and the crisis facing particularly bigeye stocks continues to deepen. Signs of decline in even the once robust skipjack stock are now starting to appear as a result of massive fishing capacity and deadly efficiency. These declines are placing great threats on the region's food security and economic prosperity, and the current mismanagement in undermining the marine ecosystem and the fishing industry itself. This is a huge wake-up call for the region. Time and tuna are running out. The Commission continues to fail in its mandate to conserve the regions precious tuna resources, and unless firm decisions are taken in Hawaii, it is on a path to repeat the same mistakes of other failed Tuna Commissions and faces the risk of becoming redundant as the competent body for sustainably managing the region's highly migratory fish stocks.

Following the debacle of bluefin tuna under ICCAT's mismanagement, attention is turning to other species of tuna heading to the same fate, especially bigeye and yellowfin tuna of the WCPP. The world's markets are beginning to reject unsustainable tuna, including skipjack originating from purse seine FAD fisheries. Greenpeace will continue to expose to the public the unsustainable and wasteful practices of tuna fishing globally and corporate players responsible for the continued use of these methods. The WCPFC member countries would be wise to embrace the demand for sustainable products and enforce policies that meet the standards of the market place.

The WCPFC needs to build on the measures agreed in 2008 that closed off two high seas pockets to purse seine fishing as well as banning the use of fish aggregating devices (FADs) in purse seine fisheries. These measures are shown to be effective but currently are not adequate enough both temporally and spatially to respond to the level of the crisis in the region.

Greenpeace proposes that WCPFC7 agreed to:

- ❖ Adopt and implement closures of all pockets of high seas to all types of fishing. This will complement the benefits derived from the existing high seas pockets closures and will prevent any transfer of high seas fishing effort, in particular IUU fishing effort, from the closed pockets into other high seas areas.
- ❖ Adopt and implement a complete year-round ban on the use of FADs in association with purse seine fishing.
- ❖ Implement an immediate and necessary 50% reduction in tuna fishing effort across the entire WCPO fisheries based on the average 2001-2004 levels.
- ❖ Support Canada's proposal on establishing a formal process that NGOs can submit compliance information to the Technical and Compliance Committee.

Vinaka Vakalevu



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MOC FOR THE CROSS-ENDORSEMENT OF OBSERVERS (FINAL)

**WCPFC7-2010-DP/25 Rev 2
10 December 2010**

**MEMORANDUM OF COOPERATION (MOC) ON THE CROSS-ENDORSEMENT OF
WCPFC AND IATTC APPROVED OBSERVERS WHEN OBSERVING ON THE HIGH
SEAS OF THE CONVENTION AREAS OF BOTH ORGANIZATIONS**

between

**THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY
MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

and

THE INTER-AMERICAN TROPICAL TUNA COMMISSION

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC):

UNDERSTANDING the value of undertaking cooperative efforts to facilitate the operation of vessels that fish in both Convention Areas during the same fishing trip;

CONSIDERING the Memorandum of Understanding between WCPFC and IATTC signed in 2006 and the Memorandum of Cooperation signed in 2009;

CONFIRM the following conditions for the cross-endorsement of approved observers to operate on authorized vessels that undertake fishing operations in the convention areas of both organizations:

1. The IATTC and the WCPFC recognize the importance of facilitating mutual cooperative participation among the members of both Commissions.
2. The IATTC and the WCPFC recognize that their respective observer programs meet the standards of both Commissions by collecting accurate data on fishing activities essential to the conservation and management of the fish stocks covered by their respective Conventions.
3. Vessels with observers may fish in the IATTC Convention Area only if they are included on the IATTC Regional Vessel Register, or may fish in the WCPFC Convention Area only if they are included on the WCPFC Record of Fishing Vessels.

4. Cross-endorsement for an observer will be given only when the IATTC and WCPFC Secretariats agree that the observer has met the necessary training requirements for operating on vessels that fish on the high seas in both Convention Areas and such requirements will be of the same standard.
5. It is understood that the relevant data and information requirements of each Commission will be met by the cross-endorsed observers when the vessel in question is in the high seas in the respective Convention Areas.
6. All data and information collected by observers operating on trips that extend into the high seas of the Convention Area of the other organization will be provided to both the IATTC and WCPFC Secretariats, in accordance with procedures for the respective Commission and will be considered to be held by the respective Commission.
7. Each Secretariat will identify the data and information required for its Commission and will ensure that observers will be able to meet all such requirements with respect to vessels fishing within the high seas in that Commission's Convention Area.
8. Data and information collected by an observer cross-endorsed by the IATTC and WCPFC Secretariats may be used for compliance purposes and in legal proceedings.
9. The Secretariats may assist in facilitating the training of observers that meet cross-endorsement requirements, with a view towards developing a core group of observers who may be assigned to vessels operating on the high seas in both Convention Areas to meet the requirements of both IATTC and WCPFC with respect to observers.
10. The provisions of this MOC may also apply to specified areas of either organisation which are not high seas, in accordance with relevant approval procedures of each Commission, and when so advised by the Secretariat of the relevant Commission to the other Secretariat that the coastal CCM/CPC in question has requested use of cross-endorsed observers.
11. Cross-endorsement for an observer by the IATTC and WCPFC Secretariats does not affect the application of domestic legislation and procedures of coastal CCM/CPC of either organisation.
12. An observer cross-endorsed by the IATTC and WCPFC remains under the control of the respective national or subregional observer programme and will be made available to fulfil duties in the IATTC Convention Area subject to approval of such programmes. Unless agreed otherwise by such programmes, this MOC does not create any obligation on cross-endorsed observers or programmes.
13. This MOC is subject to periodic review, and may be modified as agreed by both Commissions. Either Commission may terminate this MOC with three months' notice of such intention to the other Commission.

Signed on behalf of the WCPFC and the IATTC:

<p>..... Chairman, WCPFC Date:</p>	<p>..... Director, IATTC Date:</p>
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SEVENTH REGULAR SESSION
6-10 December 2010
Honolulu, Hawaii, USA

**SUMMARY OF ANNUAL REPORTS (PART 1 AND PART 2) AND REVISED
TEMPLATE FOR THE ANNUAL REPORT PART 2 FOR REPORT ON 2010**

WCPFC7-2010/19 Rev 1
1 December 2010

Paper prepared by the Secretariat

Issue

Part 1 and Part 2 Reports

1. At the First Regular Session of the Technical and Compliance Committee (TCC1) in December 2005, Commission Members, Cooperating Non-Members and Participating Territories (CCMs) agreed to provide an Annual Report to the Commission. The purpose of this report is to provide information to the Commission on fisheries research and statistics during the preceding calendar year (Part 1), and management and compliance issues since the previous report (Part 2). Part 1 should be submitted one month prior to SC and Part 2 one month prior to TCC.

Advice and Recommendations

2. A number of these reports continue to be presented late or are still outstanding. The Secretariat is implementing an information management system for improved tracking of correspondence to and from CCMs.
3. WCPFC7 is invited to:
- consider the information provided by CCMs in the Part 1 and Part 2 Reports available to the meeting;
 - note and encourage those CCMs that have not already done so to submit their Part 1 and Part 2 Reports for the 2005, 2006, 2007, 2008 and 2009 activity periods;
 - consider and adopt the attached Part 2 Report template for 2010 reporting with the understanding that a streamlined Part 2 Report linked to the IMS will be tabled for TCC7.

Introduction

4. All CCMs are required to submit part 1 Report except France. The US will report statistics of their territories. Five CCMs submitted Part 1 Reports before the deadline (one month prior to SC6), 16 CCMs before the SC6, 9 CCMs during the meeting.

5. Twenty-five Commission Members, including seven Participating Territories, and seven Cooperating Non-Members were required to submit to the Commission by 31 August 2010 their respective Part 2 Reports on Management and Compliance, for the period 1 January-31 December 2009. As of 31 August the Secretariat had received 14 Part 2 Reports, and at the time of writing of this report the Secretariat has received a total of 26 Part 2 Reports which are available to WCPFC7. These reports were received from:

6. Part 1 Reports are posted on the public domain website. Since Part 2 Reports are regarded as confidential, the Secretariat has posted them in a secure “CCM Section” on the WCPFC website.

Outstanding Reports

7. The following table lists the numbers of Annual Reports that have been provided to the Secretariat to date, with the numbers of outstanding reports in parenthesis.

Annual Report (Part 1)

Submission Date	Reporting Period	No. Of Reports
30 Jun. 2006	Previous year	29 (2)
13 Jul. 2007	1 Jan-31 Dec 2006	29 (3)
11 Jul. 2008	1 Jan-31 Dec 2007	30 (3)
10 Jul. 2009	1 Jan-31 Dec 2008	32 (1)
10 Jul. 2010	1 Jan-31 Dec 2009	30 (5)

Annual Reports (Part 2)

Submission Date	Reporting Period	No. Of Reports
28 Aug. 2006	Previous year	29 (1)
31 Jul. 2007	1 Jan-31 Dec 2006	30
31 Jul. 2008	1 Jan-31 Dec 2007	29 (1)
31 Jul. 2009	1 Jan-31 Dec 2008	29 (5)
31 Aug. 2010	1 Jan-31 Dec 2009	26 (9)

Formats used in the preparation of Reports

8. All CCMS were required to use the newly adopted Part 2 report template for 2009 reports. Of the 26 Part 2 Reports received by the Secretariat, all used the agreed template presented in Appendix B of WCPFC5-2008/IP07, and while most reported on the CMMs applicable for 2009, some reported their compliance with the CMMs that were updated and approved in December 2009.

Template for Annual Report Part 1

9. The current template for Annual Report Part 1 is available on the Commission’s website: <http://www.wcpfc.int/guidelines-procedures-and-regulations> as adopted by SC4.

Draft Template for Annual Reports Part 2

10. Paragraph 45 of CMM 2008-01 states, “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.”

11. A draft revised template for Part 2 of the Annual Reports has been developed according to the newly adopted CMMs from WCPFC6 that came into force on 9 February 2010.

Discussion

12. Judging from the untimely submission of many of the Part 1 and Part 2 Reports by due dates, the reporting obligations associated with complying with the Convention’s principles and implementing the Commission’s decisions are continuing to present significant challenges for many CCMs.

13. The Secretariat is implementing an Information Management System to assist in tracking all correspondence on CMMs received and sent out from the Secretariat.

14. TCC6 discussed the Part 2 reports and agreed to maintain the current report scheme with the updated template for the 2010 reports, but a small working group provided the Secretariat guidelines for the streamlining of the Part 2 Reports (WCPFC-TCC6-2010-36), better incorporating it into the information management system (IMS) and making it available to CCMs for a report on the intersessional work at WCPFC7.

15. The Secretariat can report that if funds are made available the guidelines provided by the small working group will be incorporated in the IMS with a draft streamlined Part 2 Report to be developed and circulated for discussion at TCC7.



TECHNICAL AND COMPLIANCE COMMITTEE

Sixth Regular Session

30 September - 5 October 2010

Pohnpei, Federated States of Micronesia

REVISED TEMPLATE FOR THE ANNUAL REPORT (PART 2)

9 September 2010

TEMPLATE
ANNUAL REPORT TO THE COMMISSION
1 JANUARY – 31 DECEMBER 2010

PART 2. MANAGEMENT AND COMPLIANCE

2.1 IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

Report on CCM steps to implement conservation and management measures in the Convention area (Article 23(2)c)	Implemented (yes/no) (If no, explain why not)								Measures in place
CMM 2004-03: Specifications for the Marking and Identification of Fishing Vessels	2.1.1 (a) (b)	2.1.3 (a) (b) (c) (d)	2.2.1 (a) (b)	2.2.2 (a) (b) (c) (d)	2.2.3	2.2.4	2.2.5 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l)	3.1	
CMM 2005-02: Conservation and Management Measure for South Pacific Albacore	1.								

CMM 2005-03: Conservation and Management Measure for North Pacific Albacore	2.		3.			4.		7.				
CMM 2006-04: Conservation and Management Measures for Striped Marlin in the South West Pacific	1.				3.			4.				
CMM 2006-08: WCP Boarding and Inspection Procedures	7.	13. (a) (i)	13. (a) (ii)	13. (a) (iii)	13. (b) (i)	13. (b) (ii)	13. (b) (iii)	14-24.	30-36.	38.	40-44.	
CMM 2007-01: Conservation and Management Measure for the Regional Observer Programme.	13.							Attachment K, Annex C, 1.				
CMM 2007-02: Commission VMS <i>(Revision of CMM-2006-06 to include the requirement that vessels in the Convention Area must maintain VMS transmission even while beyond the Commission boundaries at 20°N and 175°E).</i>	9 (a).											
CMM 2007-03: IUU Fishing	4.	5.	8.	9.	13.	20.	22.	26.	27.			

<i>(Replacement of entire text of CMM-2006-09).</i>																	
CMM 2007-04: <i>(Revision of CMM-2006-02)</i> Conservation and Management Measure for Mitigating the Impact of Fishing on Seabirds.	1.	2.	1.	2.	4.	5.	7.	9.									
CMM 2008-01: Conservation and Management Measure for Bigeye and Yellowfin Tuna in the WCPO. <i>(Replaces CMM 2005-01 and CMM 2006-01).</i>	9.	10.	11.	12.	13.	15.	16.	23.	26.	28.	29.	33.	39.	40.	42.	43.	45.
CMM 2008-03: Conservation and Management for Sea Turtles.	1.	2.	3.	4.	5. (b) (c) (d)	6.	7. (e)	8. (b)									
CMM 2008-04: Conservation and Management Measure to Prohibit the Use of Large Scale Driftnets on the High Seas in the Convention Area.	2.																
CMM 2009-01: Record of Fishing Vessels and	A.1. (a) (b)	A.2. (a) (b)	A.4. (a) (b)	B.5.	B.6. (a) (b)	B.7. (a) (b)	B.8.	B.9.	C.15	C.18	B.23	D.28	-				

Authorization to Fish (Replaces CMM 2004-01)	(c) (d) (e) (f) (g) (h) (i)	(c)	(c) (d) (e)		(c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r)	(c)						31		
CMM 2009-02: Conservation and Management Measure on the Application of High Seas FAD Closures and Catch Retention	12.	13.												
CMM 2009-03: Conservation and Management for Swordfish. (Replaces CMM 2006-03 and CMM 2008-05).	8. (a) (b) (c)													
CMM 2009-04: Conservation and Management for Sharks (Replaces CMM 2006-05 and CMM 2008-06).	1.	2.	3.	4.	6.	7.	9.	10.	11.	12.	13.			

CMM 2009-05: Conservation and Management Prohibiting Fishing on Data Buoys	1.	3.	5.										
CMM 2009-06: Conservation and Management on the Regulation of Transshipment	5.	7.	10.	11.	12.	13.	14.	22.	24.	26.	29	30	35
CMM 2009-07: Conservation and Management for Pacific Bluefin Tuna	2.	3.	4.										
CMM 2009-08: Charter Notification Scheme	2.	3.											
CMM 2009-09: Conservation and Management for Vessels Without Nationality	5.												
CMM 2009-10: Conservation and Management to Monitor Landings of Purse Seine Vessels at Ports so as to Ensure Reliable Catch Data by Species	1.												
CMM 2009-11: Cooperating Non-Members. (Replaces CMM 2004-02 and CMM 2008-02)	1.	2. (a) – (g)	9.	11.									

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

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

2.2 MONITORING AND INSPECTION ACTIVITIES

The information is to be in a summarized form.

Activity	Frequency/Numbers/% Coverage	Comment
VMS		
Transhipments		
Transshipment inspections		
At-sea inspections		
Port inspections		
Observer monitoring		
Monitoring of trade and domestic distribution of HMFS.		

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

2.3 SURVEILLANCE ACTIVITIES

The completion of this section should be in summarized form.

Activity	Frequency	Incidents/CMM Clause	Comment
Seagoing patrols			
Aerial surveillance			

2.4 INVESTIGATIONS AND PROSECUTION ACTIVITY

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

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

2.5 FURTHER MCS MEASURES TAKEN AND OTHER RELEVANT INFORMATION

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



**Seventh Regular Session
Honolulu, Hawaii, USA
6–10 December 2010**

**TORs FOR CONSULTANCY ON OPTIMIZATION OF WCPFC PROGRAM
OPERATIONAL COSTS, INCLUDING THROUGH COST RECOVERY**

**WCPFC7-2010-DP/21 Rev 3
10 December 2010**

TERMS OF REFERENCE

1. These terms of reference (TORs) are for an independent consultancy to be competitively and transparently tendered by the Secretariat, and supported by the 2011 budget of the Commission. The Secretariat will advise CCMs of the process to tender the consultancy prior to contacting the consultant(s).
2. Recognizing that the following principles will be among the considerations that guide CCMs regarding the issues covered by this consultancy, the contracted consultant(s) shall also, as appropriate, consider the following when undertaking the work outlined in these TORs:
 - a. Fairness and equity across those that use and/or benefit from the services;
 - b. Cost-effectiveness;
 - c. Divisibility of the goods and services provided/resourced;
 - d. Achieving, where possible, cost savings on current services provided;
 - e. Avoiding disproportionate burdens on any CCM, particularly small island developing States and territories;
 - f. Minimizing or avoiding paying for goods and services more than once;
 - g. Enabling cost-recovery programs and the budget of the Commission to evolve and be responsive over time to changing priorities and needs;
 - h. Ensuring regional or national programs do not unduly subsidize the programs of the Commission; and.
 - i. Utilizing the capacity of existing regional, or sub-regional or national programs to perform certain technical secretariat functions for cost savings to minimize costs to members of the Commission, to the extent possible.
3. The scope of the consultancy shall include:
 - a. the Commission VMS;
 - b. the Commission Regional Observer Program;
 - c. the WCPFC Record of Fishing Vessels;
 - d. fees for carrier and bunker vessels; and
 - e. registration fees for observer delegations to Commission meetings.

4. The consultancy shall also analyze overall efficiencies in the Commission programs, with a focus on those items detailed in paragraph 3 above and identify areas where greater efficiencies could be realized. The consultancy shall develop options for such areas that may result in reductions in the overall budget without compromising Commission operations.

5. The consultancy shall also analyze how a cost recovery scheme could result in shifts in contributions among CCMs, taking into account the formula set out Rule 5 of the Commission's financial regulations. In this regard, the consultancy shall analyze how any cost recovery system, besides contribution formulas, is employed by other international organizations.

6. The tasks of the consultancy shall include:

General (to apply to each item identified in paragraph 3)

- a. Identify and break-down the full range of goods and services and associated costs of each program listed in paragraph 3, including services being provided by national programs, other organizations and service providers that are not currently covered by the Commission's budget;
- b. Identify which category of costs (e.g., fixed, variable, indirect and overhead costs) would most appropriate and practical to be fully recovered, partly recovered, or not recovered at all;
- c. Identify users, and the amount of benefits they accrue from the programs identified in paragraph 3 above;
- d. Examine "relative usage" (i.e., not all vessels are „using“ the same amount of services) and identify options for recovery of varying amounts based on such usage;
- e. Develop scenarios for optimization of the services currently being provided;
- f. Develop options for the methods of cost recovery (directly at vessel level or through CCMs, or via fees or levies associated with other activities, such as fishing in high seas of the Convention Area), and whether they will require new services, personnel, or infrastructure (such as accounting and invoicing systems) in the Secretariat and at what cost; and
- g. Examine options for pro-rata arrangements to address partial usage of programs on a vessel and CCM basis.

Vessel Monitoring System

- a. Identify the costs for vessels already on the FFA Vessel Register and what costs are unique to being part of the WCPFC Pacific VMS;
- b. Examine the application of the VMS to different vessel gear types and ALC types and how costs would vary among them;
- c. Determine how fees are charged to fishing vessels or CCMs by other RFMOs or relevant regional, sub-regional or national intuitions or organizations, and how those fees are calculated and assessed; and
- d. Compare the costs of reporting directly to the Commission VMS versus the FFA system.

Regional Observer Program (ROP)

- a. Identify those goods and services that are most appropriate to leave to national or regional programs versus those most appropriately provided by the Commission via the Secretariat;

- b. Identify the potential cost of services of the ROP in the future, and create a funding scheme based on projected higher levels of coverage and the extension of the program to gears or areas of the Convention Area that are not currently covered by the ROP; and.
- c. Determine how fees are charged to fishing vessels or CCMs by other RFMOs or relevant regional, sub-regional or national institutions or organizations, and how those fees are calculated and assessed.

Carriers and bunker registration fees

- a. Examine the costs of observer deployment on such vessels, and how it may be different than for deployments on purse-seine or longline vessels given possible differences in tasks, trip length, etc, and identify how this can best be serviced (e.g., using existing programs, a service provider, etc.);
- b. Examine the costs of participation in the VMS for such vessels; and r. Identify any other “vessel specific costs” that should be captured.

Register of Fishing Vessels

- a. Determine what if any fees are charged by other RFMOs or other relevant regional, sub-regional or national institutions or organizations;

Observer delegations

- a. Determine what if any fee is charged to observer delegations by other RFMOs or other relevant regional, sub-regional or national institutions or organizations, and how those fees are calculated and assessed.

6. With respect to the VMS item, in order to fully understand the impact of VMS costs, the consultants will have full access to all relevant cost information from all WCPFC VMS data providers (e.g., SATCOMS, ARGOS and the FFA) in order to carry out this study.

7. The contracted consultant(s) shall prepare a report in accordance with these TORs that will be provided to Secretariat 75 days prior to TCC7. The Secretariat will review and provide comment on the draft report within 15 days of receipt. The consultant(s) shall provide a revised draft addressing the comments received to the Secretariat within 15 days. The Secretariat shall circulate the report to CCMs at least 30 days in advance of TCC7. TCC7 will provide advice and recommendations to WCPFC8 regarding the report.

8. The Finance and Administration Committee (FAC5) will also review the consultancy report and provide its advice and recommendations to WCPFC8.



**Seventh Regular Session
Honolulu, Hawaii, USA
6–10 December 2010**

PROCEDURES FOR APPLYING PARAGRAPH 3(J) OF WCPFC CMM 2007-03

**Conservation and Management Measure 2010-06
WCPFC7-2010-DP/16 Rev 1
10 December 2010**

These procedures are to be followed by the Commission in applying paragraph 3(j) of WCPFC CMM 2007-03. The procedures must work in concert and not conflict with the procedures outlined in CMM 2007-03, and the rules and responsibilities of TCC and the Commission.

Ownership and control

1. For the purposes of these procedures, the legal or natural person(s) or entity/entities that own and control a vessel (the “owner(s) of record”) are those indicated on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of non-Member Carrier and Bunker Vessels. If a vessel is not on either of those lists, then the owner of record is the owner or owners as indicated on the vessel’s national registration document.
2. For the purposes of these procedures, a vessel shall be considered to have the same owner(s) of record where one or more of the legal or natural person(s) or entity/entities indicated on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of non-Member Carrier and Bunker Vessels is the same. If a vessel is not on either of those lists, then the owner(s) of record is/are the same where one or more of the legal or natural person/s or entity/entities indicated on the vessel’s national registration document is/are the same.
3. For the purpose of considering whether to add or remove a vessel or vessels from the Provisional WCPFC IUU Vessel List or the WCPFC IUU Vessel List pursuant to paragraph 3j and paragraph 25(d) of CMM 2007-03, the owner(s) of record will not be considered to have changed unless the new owner(s) of record provides suitably documented information demonstrating to the satisfaction of the Commission that the ownership of the vessel has changed, that the previous owner(s) of record no longer has any legal, financial or real interests in it, and that the new owner(s) of record has not participated in any IUU fishing activities.

Identification and nomination of vessels

4. For the purposes of these procedures, a vessel may be nominated by a CCM under paragraph 3(j) of CMM 2007-03 if it meets the condition in paragraph (a) below, and the

conditions in either paragraphs (b) or (c) below:

- a. The fishing vessel to be nominated:
 - i. is currently operating in the Convention Area; or
 - ii. has operated in the Convention Area at any time since the date of the infringement(s) that led to the listing of the underlying vessel(s) on the WCPFC IUU Vessel List (as defined below in paragraph (b)); and
 - iii. is, or was at any time since the date of infringement(s) that led to the listing of the underlying vessel(s) (as defined below in paragraph (b)) on the WCPFC IUU Vessel List, on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of non-Member Carrier and Bunker Vessels.
- b. The owner of record is the owner of record of three or more vessels currently on the WCPFC IUU Vessel List (hereafter “the underlying vessel(s)”).
- c. The owner of record has one or more vessels that have been included on the WCPFC IUU Vessel List for the last two years or more (hereafter “the underlying vessels”).

5. For the purposes of these procedures, all additional vessels fully or partly owned by the same owner of record as the underlying vessel(s) that meet condition 4(a) shall be considered together and either all or none will be placed on the WCPFC IUU Vessel List. Similarly, all additional vessels fully or partly owned by the same owner of record as the underlying vessel(s) that meet condition 4(a) will be considered as one and either all or none will be removed from the WCPFC IUU Vessel List.

Information to be provided

6. CCMs shall submit suitably documented information demonstrating that the fishing vessels they wish to nominate under paragraph 3(j) of CMM 2007-03 meet the criteria set out in paragraph 4 of these procedures. CCMs shall submit this information to the Executive Director 80 days before the annual meeting of the TCC along with the list of fishing vessels being nominated (hereinafter “3j” vessels).

7. Before or at the same time as transmitting a list of 3j vessels to the Executive Director, the CCM shall notify, either directly or through the Executive Director, the relevant flag State of the vessels’ inclusion on this 3j list, and provide a copy of the pertinent suitably documented information. The flag State shall promptly acknowledge receipt of the notification. If no acknowledgment is received within 10 days of the date of transmittal, the CCM shall retransmit the notification through an alternative means of communication.

Draft IUU Vessel List

8. The Executive Director shall include on the Draft IUU Vessel List, which is drawn up and circulated in accordance with the provisions of CMM 2007-03, those 3j vessels that have been nominated by CCMs in accordance with these procedures.

9. The Executive Director shall notify the relevant flag states of the inclusion of their 3j vessels on the draft IUU Vessel List and of the consequences of these vessels being confirmed on the IUU Vessel List.

10. As appropriate, relevant flag states with 3j vessels on the Draft IUU Vessel List may transmit to the Executive Director, at least 20 days before the TCC's annual meeting, suitably documented information showing the 3j vessels do not meet the criteria outlined in paragraph 4 of these procedures. The Executive Director shall circulate this information to all CCMs immediately upon receipt of such information.

11. Small island developing CCMs may provide additional information to the Executive Director prior to TCC, or anytime before the Annual Commission meeting to advise that the proposed IUU listing of such 3j vessels would constrain the operation of domestic processing, transshipment facilities, or associated vessels of small island developing CCMs, or would undermine existing investment in FFA member countries. The Executive Director shall circulate this information to all CCMs immediately upon receipt of such information.

Provisional and current WCPFC IUU Vessel List

12. At its annual meeting, with respect to 3j vessels that are on the Draft IUU Vessel List, the TCC shall:

- a. consider suitably documented information, if any, provided by a CCM or a non-CCM, as well as any relevant information regarding the status of an investigation, judicial or administrative proceeding related to the underlying vessel(s) and the cooperation and responsiveness of the owner of record in such proceedings;
- b. consider information related to 3j vessels that may be submitted by small island developing CCMs pursuant to paragraph 11: and
- c. following consideration of this information, decide whether to include the nominated 3j vessels on the Provisional IUU Vessel List developed in accordance with the provisions of CMM 2007- 03.

13. As appropriate, relevant flag states with 3j vessels on the current WCPFC IUU Vessel List may transmit, at least 20 days before the TCC's annual meeting, but may submit at any time, to the Executive Director suitably documented information showing the 3j vessels do not meet the criteria outlined in paragraph 4 of these procedures, or any other relevant information, including suitably documented information as provided for in paragraph 1. The Executive Director shall circulate this information to all CCMs immediately upon receipt of such information.

14. The TCC shall not include 3j vessels on the Provisional IUU Vessel List if suitably documented information is provided by any CCM that the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4.

15. At its annual meeting, with respect to 3j vessels that are on the current WCPFC IUU Vessel List the TCC shall:

- a. consider suitably documented information, if any, provided by a CCM or non-CCM, as well as any relevant information regarding the status of an investigation, judicial or administrative proceeding related to the underlying vessel(s) and the cooperation and responsiveness of the owner of record in such proceedings; and
- b. following consideration of the suitably documented information, recommend to the Commission whether or not the 3j vessels should be removed from the WCPFC IUU Vessel List.

16. The TCC shall recommend removal of 3j vessels from the current WCPFC IUU Vessel List if suitably documented information:

- a. is provided that the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4; or
- b. is provided that demonstrates that significant progress has been made to resolve the matter related to the underlying vessel(s) that triggered the nomination of the 3j vessels, and the CCM that originally submitted the 3j vessels for listing is satisfied.

WCPFC IUU Vessel List

17. Once 3j vessels are included on the Provisional IUU Vessel List, they shall be treated as part of that List and, where appropriate, the WCPFC IUU Vessel List, in accordance with paragraphs 20-24 of CMM 2007-03.

Modification of the CPFC IUU Vessel List

18. Relevant flag states may request to remove 3j vessels from the WCPFC IUU Vessel List at any time during the intercessional period by submitting to the Executive Director suitably documented information that:

- a. the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4; or
- b. significant progress has been made to resolve the matter related to the underlying vessel(s) that triggered the nomination of the 3j vessels, and the CCM that originally submitted the 3j vessels for listing is satisfied.

19. Small island developing CCMs may also request removal of 3j vessels from the WCPFC IUU Vessel List at any time during the intercessional period by submitting to the Executive Director information that the listing of such 3j vessels has resulted in a disproportionate burden on the operation of domestic processing, transshipment facilities, or associated vessels of small island developing CCMs, or has undermined existing investment in FFA member countries.

20. Removal requests for 3j vessels shall be treated in accordance with paragraphs 26-29 of CMM 2007-03.

21. If the underlying vessel is removed from the WCPFC IUU List, all additional vessels fully or partly owned by the same owner of record as the underlying vessel(s) and listed pursuant to the 3j procedures contained herein will be automatically removed at the same time.



SEVENTH REGULAR SESSION
Honolulu, Hawaii, USA
6-10 December 2010

**NEW ZEALAND POSSIBLE AMENDMENTS TO CMM 2007-03 TO ADDRESS THE
120 DAY ISSUE**

WCPFC7-2010-DP/05
7 November 2010

Paper prepared by New Zealand

Introduction:

This paper is the result of intersessional work from TCC6 on the above issue of the 120 day rule in CMM 2007-03. The paper includes the summary from New Zealand, a comparative table of dates and suggestions received from Japan, Chinese Taipei and FFA Members for consideration by WCPFC7

6 November 2010

Professor Glenn Hurry
Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356, Kaselehlie Street, Kolonia
96941, Pohnpei
Federated States of Micronesia

Dear Glenn

**POSSIBLE AMENDMENTS TO CMM 2007-03 TO ADDRESS 120 DAY
TIMEFRAME ISSUE**

FFA members and other WCPFC CCMs have previously raised concerns with the present IUU listing procedures. Currently CMM2007-03 requires CCMs to report allegations of IUU fishing to the Executive Director 120 days before the annual TCC meeting in late September, meaning that for vessels detected after that date it may be December of the following year before the vessel can be placed on the Commission's IUU vessel list at the annual Commission meeting. A vessel may be able to fish for 18 months after it has been alleged to have engaged in IUU fishing.

At TCC6 New Zealand agreed to lead a small group and an intercessional process to discuss potential modifications to CMM2007-03 with the objective of reducing the transmittal time for IUU listing nominations. Principles agreed were that the TCC should continue to play a fundamental role in the process and that any amendments should be consistent with requirements in the Convention, particularly Article 25(2). Comments from CCMs were due on 31 October 2010. New Zealand has received written comments on the proposal discussed at TCC6 from Japan and Chinese Taipei, and copies of these are attached.

At their recent meeting in Honiara, Solomon Islands, FFA members also discussed possible timeframes for IUU transmittal dates. The timeframes proposed by FFA members were provided to New Zealand and are set out in Attachment 1 along with the proposals from Japan and Chinese Taipei. All three proposals allow flag States at least two full months to investigate allegations of IUU fishing, and the alleged IUU incidents will continue to be considered at the annual TCC meeting before a final decision is made at the annual Commission meeting.

FFA members have also indicated that they may want to explore a process for listing vessels on the IUU vessel list intercessionally sometime in the future. However, at this stage, FFA members propose that the IUU transmittal dates be amended as set out in the attached table.

Yours sincerely
Matt Hooper
Head of New Zealand Delegation to WCPFC

Attachment 1 – Summary Table

Activity as specified in CMM 2007-03	Current Timeframe in CMM 2007-03	Possible modification from TCC6 small group	Japan	Chinese Taipei	FFA
CCMs submit a list of possible IUU vessels and evidence to WCPFC Secretariat (para. 4)	120 days before TCC	80 days before TCC	90 days before TCC	90 days before TCC	70 days before TCC
Before or at same time nominating CCM notifies flag State (para. 5)	120 days before TCC	80 days before TCC	90 days before TCC	90 days before TCC	70 days before TCC
WCPFC Secretariat compile and send list out (para. 6)	90 days before TCC	70 days before TCC	60 days before TCC	80 days before TCC	55 days before TCC
Flag States investigate and respond (para. 9)	30 days before TCC	20 days before TCC	30 days before TCC	20 days before TCC	10 days before TCC
WCPFC Secretariat recirculate Draft IUU List and other information (para. 10)	14 days before TCC	14 days before TCC	14 days before TCC	7 days before TCC	7 days before TCC
TCC Meeting	0	0	0	0	0

1 Note that there needs to be a minimum period of 60 days from the time the flag State is notified to the time it is expected to report. This complies with Article 25(2) – a maximum period of two months is provided for the flag State to investigate and report on alleged violations of its flagged vessels to a requesting CCM and the Commission

Japan's comments on 12-day transmittal date

Article 25 (2) of the Convention stipulates the obligation of CCMs to provide a progress report on the investigation within two months of a request by other CCMs for an investigation into presumed IUU activity. In other words, the Convention certainly recognizes this particular timeframe as a period necessary for CCMs to investigate and provide a first progress report. Thus, and taking account of Para 5 requiring nominating CCMs to provide flag states with such notification on IUU activity before or at the same time as the notification of Para 4, at least 60 days must be ensured between Para 4 and Para 9.

Bearing this in mind and being mindful of small island countries' serious concern over relentless IUU fishing activities in and adjacent their waters, as the maximum compromise, Japan would suggest following numbers.

4. At least ~~120 days~~ 90 days before the annual meeting of the Technical and Compliance Committee (TCC), CCMs shall transmit to the Executive Director their list of vessels presumed to be carrying out IUU activities in the Convention Area during the current or the previous year, accompanied by suitably documented information, as provided in para 2, concerning the presumption of this IUU activity.

6. The Executive Director shall draw up a draft IUU Vessel List incorporating the lists of vessels and suitably documented information received pursuant to para 4, and any other suitably documented information at his disposal, and shall transmit it, together with all the supporting information provided, to all CCMs, as well as to non-CCMs with vessels on the list, at least ~~90 days~~ 60 days before the TCC's annual meeting.

9. As appropriate, CCMs and non-CCMs with vessels on the list should transmit, at least 30 days before the TCC's annual meeting, their comments to the Executive Director, including suitably documented information, showing that the vessels have fished in a manner consistent with WCPFC conservation measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the WCPFC Convention.

10. The Executive Director shall re-circulate the draft IUU Vessel List, two weeks in advance of the TCC's annual meeting, to the CCMs and the non-CCMs concerned, together with all the suitably documented information provided pursuant to paras 4 and 9 above.



行政院農業委員會漁業署
FISHERIES AGENCY

Council of Agriculture, Executive Yuan

No.2, Chao-chow St. TAIPEI, TAIWAN

TEL: 886-2-3343-6182 FAX: 886-2-23343-6128 <http://www.fa.gov.tw>

October 29, 2010

Mr. David Marx
Senior International Advisor
Ministry of Fisheries
PO Box 1020
Wellington, New Zealand

Re: Written Comments from Chinese Taipei regarding "120-day transmittal date"

Dear Mr. Marx

We would like to appreciate for your efforts to facilitate the discussion of the issue of "120-day transmittal date".

Attached please find our suggestion of revision on the relevant paragraphs and look forward to exchanging views at the upcoming WCPFC7.

Sincerely yours,


Hong-Yen Huang
Director
Deep Sea Fisheries Division
Fisheries Agency

CC: Stephanie Hill, Senior Fisheries Analyst, Ministry of Fisheries, New Zealand;
Secretariat, Western and Central Pacific Fisheries Commission;
Dr. Glenn Hurry, Executive Director, Western and Central Pacific Fisheries Commission

Report of Small Group on 120-day transmittal date (Taiwan)

The general preference of the group was for a one-track process to address this issue on the basis of two key principles:

- (1) that flag states have an obligation in 25(2) of the Convention to report on the outcome of investigations into alleged IUU fishing within 2 months; and
- (2) it is important that alleged cases of IUU fishing are considered at TCC.

The approach followed by the group was to consider reducing the timeframe in paragraph 4 (and other consequential changes in paragraphs 6, 9 and 10). Further discussion will need to take place on the numbers and some delegations will need to consult further, but there was agreement to proceed with bracketed numbers in paragraphs 4, 6, 8 and 10 of CMM2007-03:

There were a range of ideas about what numbers might be included in the brackets. Some CCMs thought that paragraph 4 should read two months consistent with Article 25(2) of the Convention. Others thought time difference provided for in paragraphs 6 and 9 should be two months.

The relevant paragraphs are reproduced here:

4. At least [~~80~~90 days] before the Annual Meeting of the Technical and Compliance committee (TCC), CCMs shall transmit to the Executive Director their list of vessels presumed to be carrying out IUU activities in the Convention Area during the current or the previous year, accompanied by suitably documented information, as provided in paragraph 2, concerning the presumption of this IUU activity.

...

6. The Executive Director shall draw up a draft IUU vessel list incorporating the lists of vessels and suitably documented information received pursuant to paragraph 4, and any other suitably documented information at his disposal, and shall transmit it, together with all the supporting information provided,

to all CCMs, as well as to non-CCMs with vessels on the List, at least [~~90~~80 days] before the Annual Meeting of the TCC.

...

9. As appropriate, CCMs and non-CCMs with vessels on the list should transmit, at least [~~30~~20 days] before the Annual Meeting of the TCC, their comments to the Executive Director, including suitably documented information, showing that the vessels have fished in a manner consistent with WCPFC Conservation Measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the WCPFC Convention.

...

10. The Executive Director shall re-circulate the draft IUU Vessel List, [~~two~~ one weeks] in advance of the Annual Meeting of the TCC, to the CCMs and the non-CCMs concerned, together with all the suitably documented information provided pursuant to paragraphs 4 and 9 above.

There was agreement to work further on this intersessionally in the lead up to WCPFC7. New Zealand is happy to coordinate comments on this proposal.



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**REPORT LANGUAGE FOR PROCESS IN 2011 TO DEVELOP AN ENHANCED
CONSERVATION AND MANAGEMENT MEASURE FOR TROPICAL TUNAS IN THE
WCPO (ENHANCED CMM 2008-01)**

**WCPFC7-2010-DP/32 Rev 3
10 December 2010**

Prepared during Annual WCPFC7

Report language for process in 2011 to develop an enhanced conservation and management measure for tropical tunas (bigeye, skipjack and yellowfin) in the WCPO (enhanced CMM 2008-01).

AS AGREED 10 December 2010 6pm (DP32 rev 3)

1. At its 8th session in December 2011, the Commission will adopt an enhanced measure to conserve and manage tropical tunas on the basis of the advice provided by SC7 and the recommendations of TCC7. The CMM will be based upon the most recent scientific advice, and be designed to deliver a substantial improvement in the status of the WCPO bigeye stock, and promote the conservation and management of skipjack and yellowfin in accordance with the WCPFC Convention.
2. The CMM will apply to all commercial tuna fisheries (purse seine, longline and other commercial tuna fisheries) in the WCPO.
3. The advice and recommendations will, *inter alia*, include consideration of the status and distribution of stocks, fairness, equity, enforceability, compatibility, multi-species effects, socio-economic factors involved and the special requirements of developing members, SIDS and territories.
4. CCMs are encouraged to take voluntary steps to mitigate the impact of their fishing activities on the sustainability of bigeye, skipjack and yellowfin tuna and to report back on the steps they take.
5. Kobe 3 (11-15 July 2011) may present an opportunity for an initial discussion on the development of an enhanced measure for conservation and management of tropical tunas.

6. The SC7 shall consider updated assessments for bigeye, yellowfin and skipjack and the results of the evaluation of the measure and projections undertaken at the request of SC6, and will provide advice and recommendations that will support the development of an enhanced measure for conservation and management of tropical tunas. On the basis of the advice provided by SC7, the Chair and the Vice-chair of the Commission, assisted by the Executive Director and other Commission subsidiary body Chairs as appropriate, will prepare a preliminary document containing a possible approach and options for the enhanced measure to be considered by TCC7.

7. TCC7 will consider the preliminary document prepared by the Chair and Vice-Chair and provide advice and recommendations, for consideration by WCPFC8.

8. All CCMs are encouraged to share proposals with other CCMs and with the Commission Chair as early as possible in 2011, to maximize the opportunity for developing options for an enhanced measure for consideration at WCPFC8.

9. CCMs are encouraged to reflect on Resolution 2008-01 in the preparation of proposals for an enhanced measure.



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**CONSERVATION AND MANAGEMENT MEASURE FOR SOUTH PACIFIC
ALBACORE**

**Conservation and Management Measure 2010-05
WCPFC7-2010-DP/08 Rev 1
9 December 2010**

Amendment to Conservation and Management Measure-2005-02

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:

Recalling that the Scientific Committee notes that there are critical biological uncertainties for South Pacific albacore;

Noting that while current catch levels from the South Pacific albacore stock appear to be sustainable, given the age-specific mortality of the longline fleets, any significant increase in effort would reduce CPUE to low levels with only moderate increases in yields. CPUE reductions may be more severe in areas of locally concentrated fishing effort.

Further noting that while future increases in albacore catch are likely to be sustainable, estimates of MSY are highly uncertain because of the extrapolation of catch and effort well beyond any historical levels. Projections demonstrated that longline exploitable biomass, and hence CPUE, would fall sharply if catch and effort were increased to MSY levels. Therefore, the economic consequences of any such increases should be carefully assessed beforehand.

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

1. Commission Members, Cooperating Non-Members, and participating Territories (CCMs) shall not increase the number of their fishing vessels actively fishing for South Pacific albacore in the Convention Area south of 200S above current (2005) levels or recent historical (2000-2004) levels.

2. The provisions of paragraph 1 shall not prejudice the legitimate rights and obligations under international law of small island developing State and Territory CCMs in the Convention Area for whom South Pacific albacore is an important component of the domestic tuna fishery in waters under their national jurisdiction, and who may wish to pursue a responsible level of development of their fisheries for South Pacific albacore.

3. CCMs that actively fish for South Pacific albacore in the Convention Area south of the equator shall cooperate to ensure the long-term sustainability and economic viability of the fishery for South Pacific albacore, including cooperation and collaboration on research to reduce uncertainty with regard to the status of this stock.

4. CCMs shall report annually to the Commission the catch levels of their fishing vessels that have taken South Pacific Albacore as a bycatch as well as the number and catch levels of vessels actively fishing for South Pacific albacore in the Convention area south of 20° S. Initially this information will be provided for the period 2006-2010 and then updated annually.

5. This measure will be reviewed annually on the basis of advice from the Scientific Committee on South Pacific albacore.



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**US PROPOSAL FOR APPLICATION OF THE COMMISSION VMS TO NATIONAL
WATERS OF CCMs**

**WCPFC7-2010-DP/27 Rev 1
10 December 2010**

Paper prepared by USA

US Proposal for Application of the Commission VMS to national waters of CCMs:

In order to ensure a transparent process in accordance with Article 24(8) of the WCPF Convention and Paragraph 6(c) of CMM 2007-02 we recommend that the following decisions be adopted at this meeting:

1. The Commission approved the application of the Commission VMS, pursuant to Article 24(8) of the WCPF Convention and Paragraph 6(c) of CMM 2007-02, to the national waters of all Commission Members that request such application.
2. A Commission Member's decision to exercise the option to apply the Commission VMS to its waters will not affect, impair or invalidate its participation in any other future or existing national or regional VMS program. Nothing in this decision in any way affects, impairs or invalidates the operation of VMS programs within the waters under national jurisdiction, which, as stated in the SSPs, shall be the exclusive responsibility of the coastal State.
3. The Secretariat will provide notification to all CCMs when any Commission Member exercises the option to apply the Commission VMS to its national waters. The Secretariat will maintain an updated list of all CCMs that have access to Commission VMS data in their waters on the secure area of the WCPFC website.
4. The Secretariat will develop a template agreement, for Commission review and approval, which will be used for all Commission Members exercising this option. The template agreement will address details regarding the application of the Commission VMS to the individual Commission Member's waters, including any costs that may be associated.



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**CONSERVATION AND MANAGEMENT MEASURE FOR
NORTH PACIFIC STRIPED MARLIN**

Conservation and Management Measure 2010-01

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

Noting with concern that the best available scientific advice from the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) on the status of North Pacific Striped Marlin shows that the stock is subject to fishing mortality above levels that are sustainable in the long term;

Further noting the advice from the ISC that fishing mortality on the stock should be reduced from the 2003 levels;

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 arrangements within their Exclusive Economic Zones (EEZs);

Acknowledging the advice from the Scientific Committee that the information provided by the ISC does not support classification of North Pacific Striped Marlin as a “northern stock” under Annex 1 of the WCPFC Rules of Procedure;

Adopts in accordance with Article 10 of the WCPF Convention:

1. This Measure shall apply in high seas and EEZs within the convention area north of the equator.
2. For the purposes of this measure, vessels operated under charter, lease or other similar mechanisms as an integral part of the domestic fleet of a coastal State, shall be considered to be vessels of the host State or Territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known IUU vessels.

3. Nothing in this measure shall prejudice the legitimate rights and obligations of Small Island Developing State Members and participating territories in the Convention Area seeking to develop their own domestic fisheries.
4. The total catch of North Pacific Striped Marlin will be subject to a phased reduction such that by 1 January 2013 the catch is [80%] of the levels caught in 2000 to 2003.
5. Each flag/chartering CCM with vessels fishing in the convention area north of the equator shall be subject to the following catch limits for North Pacific Striped Marlin for the years 2011 and beyond:
 - a. 2011 [10%] reduction of the highest catch between 2000 and 2003;
 - b. 2012 [15%] reduction of the highest catch between 2000 and 2003;
 - c. 2013 and beyond: [20%] reduction of the highest catch between 2000 and 2003;
6. Each flag/chartering CCM shall decide on the management measures required to ensure that its flagged/chartered vessels operate under the catch limits specified in paragraph 5, noting that previous examples of such measures have included effort reductions, gear modification and spatial management.
7. By 30 April 2011, each flag/chartering CCM shall report to the Commission verifiable information regarding its catch of North Pacific Striped Marlin by its flagged/chartered vessels north of the equator.
8. Each year CCMs shall report in their Part 2 annual reports their implementation of this measure, including the measures applied to flagged/chartered vessels to reduce their catch and the total catch taken against the limits established under paragraphs 5 and 7.
9. This measure shall be amended in 2011 based on the revised stock assessment for north Pacific striped marlin.



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**CONSERVATION AND MANAGEMENT MEASURE FOR THE EASTERN HIGH-SEAS POCKET
SPECIAL MANAGEMENT AREA**

**Conservation and Management Measure 2010-02
WCPFC7-2010-DP/04 Rev 1
10 December 2010**

The Western and Central Pacific Fisheries Commission (WCPFC):

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;

Concerned that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the WCPFC.

Conscious of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities from the Eastern High Seas Pocket (the ‘E-HSP’);

Determined to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels in the E-HSP, without prejudice to further measures adopted in respect of CCMs and non-CCMs under the relevant WCPFC instruments;

Recognising 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 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 do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions;

Adopts, in accordance with Article 10 of the Convention, the following Measure shall be implemented from 1 July 2011, with respect to the Eastern High Seas pocket (E-HSP).

AREA OF APPLICATION

1. The E-HSP is the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north. For the purposes of this measure, the precise co-ordinates (geodetic information) shall be that used by the WCPFC vessel monitoring system (VMS). A map showing the E-HSP is attached (attachment A).

REPORTING

2. Flag States shall require their vessels to submit reports, directly, or through such organisations designated by the flag state to the Commission at least 6 hours prior to entry and no later than 6 hours prior to exiting the E-HSP. Such reports shall also contain estimated catch (kilograms) on board. This information shall immediately be transmitted by the Commission Secretariat to the adjacent coastal states/territories, and shall be considered non-public domain data. The report shall be in the following format:

VID/Entry/Exit: Date/Time¹; Lat/Long¹; YFT/BET/ALB/SKJ/SWO/SHK/OTH/TOT(kgs)
/TRANSHIPMENT (Y/N)

3. CCMs shall encourage their flagged vessels operating in the E-HSP to report sightings of any fishing vessel to the Commission Secretariat. Such information should include: date, time, position, bearing, markings, speed, and vessel type. Vessels should ensure this information is transmitted to the Secretariat as soon as practicable, but not later than 30 days after the trip completion.

VMS

4. Adjacent coastal states/territories shall receive continuous near real-time VMS data pursuant to paragraph 22 of the Commission's Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes; and through a standing request under paragraph 5 of these Rules and Procedures

VESSEL LIST

5. The Commission Secretariat shall maintain a 'live list' of all fishing vessels present in the E-HSP, based on near-real time VMS information. This list will be made available to Commission Members through the WCPFC website.

TRANSHIPMENT

6. Any transshipment activities undertaken in the E-HSP shall be in accordance with applicable CMMs. Vessels intending to tranship (either unloading or receiving) in the E-HSP shall indicate this to the Commission, in the reporting format as described in paragraph 2 of this measure.

COMPLIANCE

¹ Of anticipated point of entry or exit.

7. Vessels found to be non-compliant with this measure shall be dealt with in accordance with CMM 2010-06, and any other applicable measures adopted by the Commission.

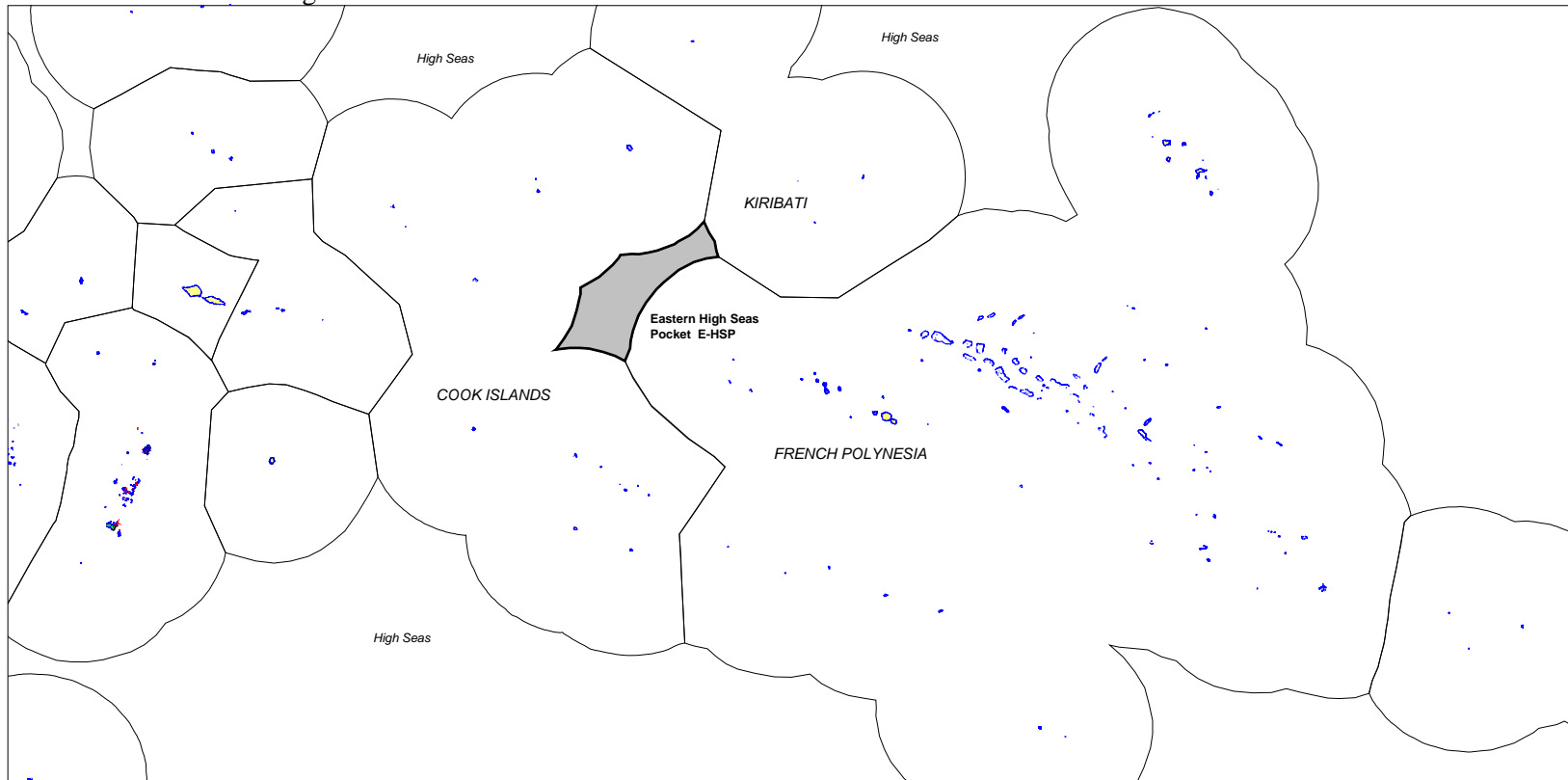
REVIEW OF MEASURE

8. The measures described above shall be reviewed every two years, in conjunction with the relevant advice from the Technical and Compliance Committee (TCC). This review shall consider, *inter alia*, whether the measure is having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission's conservation objectives.

9. The Commission shall consider, at its 8th Regular Session, the expansion of the Special Management Area to the high seas within 100 miles from the EEZ boundaries of coastal states.

10. This measure shall remain in place until such time as the Commission adopts an alternative measure for the E-HSP.

Attachment A: Eastern High Seas Pocket





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**CONSERVATION AND MANAGEMENT MEASURE FOR COMPLIANCE
MONITORING SCHEME**

**Conservation and Management Measure 2010-03
WCPFC7-2010-DP28/Rev 2**

(Formerly WCPFC7-2010-DP12)

10 December 2010

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

In accordance with the Convention on the Conservation and of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention):

Recalling that the Commission has adopted a wide range of conservation and management measures to give effect to the objective of the Convention,

Noting that, in accordance with Article 25 of the Convention, Members of the Commission have undertaken to enforce the provisions of the Convention and any conservation and management measures issued by the Commission,

Noting also that, in accordance with international law, Members and Co-operating Non-Members of the Commission and Participating Territories have responsibilities to exercise effective control over their flagged vessels and with respect to their nationals,

Noting further that Article 23 of the Convention obliges Members of the Commission, to the greatest extent possible, to take measures to ensure that their nationals, and fishing vessels owned or controlled by their nationals, comply with the provisions of this Convention, and that Article 24 of the Convention obliges Members of the Commission to take the necessary measures to ensure that fishing vessels flying their flag comply with the provisions of the Convention and the conservation and management measures adopted pursuant thereto, as well as the obligations of chartering States with respect to chartered vessels operating as an integral part of their domestic fleets,

Noting that, in a responsible, open, transparent and non-discriminatory manner, the Commission should be made aware of any and all available information that may be relevant to the work of the Commission in identifying and holding accountable instances of non-compliance with management measures,

Recalling the recommendation of the second joint meeting of the tuna Regional Fisheries Management Organizations (RFMOs) that all RFMOs should introduce a robust compliance review mechanism by which the compliance record of each Party is examined in depth on a yearly basis,

Recognizing the need to provide such technical assistance and capacity building to developing State Members and Co-operating Non-Members, particularly small island developing State Members and Participating Territories, as may be needed to assist them to meet their obligations and responsibilities, and

Recognizing further the responsibility of Members, Co-operating Non-Members and Participating Territories to fully and effectively implement the provisions of the Convention and the conservation and management measures adopted by the Commission, and the need to improve such implementation and ensure compliance with these commitments,

Adopts the following conservation and management measure in accordance with Article 10 of the Convention, establishing the WCPFC Compliance Monitoring Scheme:

Section I - Purpose

1. The purpose of the WCPFC Compliance Monitoring Scheme (**the Scheme**) is to ensure that Members, Cooperating Non-Members and, where appropriate, Participating Territories (**CCMs**) implement and comply with obligations arising under the Convention and conservation and management measures (**CMMs**) adopted by the Commission. The Scheme is designed to:
 - (i) assess CCMs' compliance with their obligations;
 - (ii) identify areas in which technical assistance or capacity building may be needed to assist CCMs to attain compliance;
 - (iii) identify aspects of conservation and management measures which may require refinement or amendment for effective implementation;
 - (iv) respond to non-compliance through remedial options that include a range of possible responses that take account of the reason for and degree of non-compliance, and include cooperative capacity-building initiatives and, in case of serious non-compliance, such penalties and other actions as may be necessary and appropriate to promote compliance with CMMs;² and
 - (v) monitor and resolve outstanding instances of non-compliance.

Section II - Scope and application

2. The Commission will evaluate CCMs' compliance with the obligations arising under the Convention and the CMMs adopted by the Commission and identify instances of non-compliance.
3. Each year the Commission will evaluate compliance with the obligations in the Convention and CMMs adopted by the Commission with respect to:
 - (i) catch and effort limits;
 - (ii) catch and effort reporting;
 - (iii) spatial and temporal closures, and gear restrictions;

² In accordance with the process for identifying responses to non-compliance adopted by the Commission to complement the Scheme, as provided for in paragraph 23 of this measure.

- (iv) observer and VMS requirements; and
 - (v) scientific data provision, reporting and handling.
4. The Commission may identify additional obligations that will be considered annually or in another specified time period, taking into account:
 - (i) the needs and priorities of the Commission, including those of its subsidiary bodies;
 - (ii) the need to assess and address consistent non-compliance; and
 - (iii) the potential risks posed by non-compliance with particular obligations.
 5. Through the Scheme, the Commission shall also consider and address:
 - (i) compliance by CCMs with recommendations adopted pursuant to the Scheme the previous year, and
 - (ii) responses by CCMs to alleged violations reported under Article 23(5) or 25(2) of the Convention.
 6. The preparation, distribution and discussion of compliance information pursuant to the Scheme shall be in accordance with all relevant rules and procedures relating to the protection and dissemination of, and access to, public and non-public domain data and information compiled by the Commission.
 7. The Scheme shall not prejudice the rights, jurisdiction and duties of any CCM to enforce its national laws or to take more stringent measures in accordance with its national laws, consistent with that CCM's international obligations.
 8. The Commission will engage with and cooperate with developing State CCMs, particularly small island developing State Members and Participating Territories, in order to provide appropriately targeted assistance to improve implementation of, and compliance with, obligations arising under the Convention and CMMs adopted by the Commission, including through consideration of the options for capacity building and technical assistance.

Section III - Draft Compliance Monitoring Report

9. Prior to the annual meeting of the TCC, the Executive Director shall compile information received through Part 1 and 2 Annual Reports, other reporting obligations, the transshipment program, the regional observer program, the Vessel Monitoring System and any other data collection programs of the Commission and, where appropriate, any suitably documented information provided by non-government organisations and shall prepare a Draft Compliance Monitoring Report (**the Draft Report**) containing sections with respect to each CCM.
10. The Executive Director shall transmit the relevant section of the Draft Report to each CCM 5 days after the receipt of the CCM's Part 2 Annual Report or at least 25 days in advance of the annual TCC meeting, whichever is earlier.³
11. Upon receipt of the relevant section of the Draft Report, each CCM may reply to the Executive Director, if possible at least 12 days in advance of TCC, in order to (where appropriate):

³ The timeframes identified in paragraphs 10, 11 and 12 of this measure will be taken into account by TCC in its consideration of the Draft Report and development of the Provisional Report in 2011. TCC may make recommendations in the 2011 Provisional Report regarding the appropriateness of these timeframes.

- (i) provide additional information, clarifications, amendments or corrections necessary to resolve the potential compliance issues identified in the Draft Report or respond to any other information;
 - (ii) identify any particular causes of the potential compliance issues or difficulties with respect to implementation of the obligation in question, or circumstances which may mitigate the potential compliance issues; or
 - (iii) in the case of developing CCMs, particularly small island developing State Members and Participating Territories, identify technical assistance or capacity building needed to assist the CCM to address potential compliance issues.
12. At least 7 days in advance of TCC, the Executive Director will compile and circulate to all CCMs the full Draft Report, including all information provided under paragraph 11 of this measure.
13. The TCC shall review the Draft Report, focusing on any potential compliance issues identified with respect to each CCM, and in particular will consider any information provided by CCMs in accordance with paragraph 11 of this measure. CCMs may provide additional information to TCC with respect to the issues identified.

Section IV – Provisional Compliance Monitoring Report

14. Taking into account any additional information provided by CCMs, and, where appropriate, non-government organisations the TCC shall develop a Provisional Compliance Monitoring Report (**the Provisional Report**) that will include a provisional assessment of each CCM's Compliance Status and recommendations for any corrective action needed, based on potential compliance issues identified in respect of that CCM and using the criteria and considerations for assessing **Compliance Status** set out in Annex I of this measure.
15. The Provisional Report will also include recommendations or observations from TCC regarding:
- (i) recommendations for amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by CCMs, and
 - (ii) additional priority obligations that should be reviewed under the Scheme pursuant to paragraph 4 of this measure.
16. The Provisional Report shall be forwarded to the Commission for consideration at the annual meeting.

Section V - Compliance Monitoring Report

17. At each annual Commission meeting, the Commission shall consider the Provisional Report recommended by the TCC.
18. Prior to or during the Commission meeting, CCMs may provide the Commission with additional advice or information relating to the Provisional Report, including any steps taken to address identified compliance issues.
19. Taking into account any additional information provided by CCMs, the Commission shall adopt a **Compliance Monitoring Report** that includes a Compliance Status for each CCM and recommendations for any corrective action needed, based on non-compliance identified with respect to that CCM.
20. The Commission shall also consider any recommendations or observations made by the TCC pursuant to paragraph 15 of this measure.

21. Each CCM shall include, in its Part 2 Annual Report, any actions it has taken to address its non-compliance in the previous year.

Section VI – Responses to Non Compliance

22. The Commission shall take a graduated response to non-compliance, taking into account the type, severity, degree and cause of the non-compliance in question.
23. The Commission, at its Annual Meeting in 2011, will develop and consider adopting a process to complement the Scheme that will identify a range of responses to non-compliance that can be applied by the Commission through the implementation of the Scheme, including cooperative capacity-building initiatives and, as appropriate, such penalties and other actions as may be necessary to promote compliance with Commission CMMs.
24. Once the Commission adopts a process identifying a range of responses to non-compliance, the TCC will include a recommendation on the response to non-compliance in its Provisional Compliance Monitoring Report for consideration by the Commission. The Commission will identify a response to non-compliance in its Compliance Monitoring Report.

Application and review

25. This measure shall apply for 2011 only.
26. At its meeting in 2011, the Commission will review the operation of the measure during this trial period and, based on this review, consider and decide on a measure that will apply after 2011.
27. This measure will be reviewed and revised, as needed, by the Commission to ensure its effectiveness.

Compliance Status Table

Compliance Status	Criteria for assessing Compliance Status
<i>Compliant</i>	No compliance issues identified with respect to the relevant obligations.
<i>Compliance Review</i> The purpose of a Compliance Review is to identify non-compliance of a technical or minor nature, or which requires the provision of further information, in order to identify implementation gaps and improve compliance.	Non-compliance may be due to: <ul style="list-style-type: none"> (i) insufficient, unclear or incorrect data or information (ii) actions or omissions which constitute a minor violation of relevant obligations, or (iii) ambiguity or misunderstanding of relevant obligations.
<i>Compliance Action Plan</i> The purpose of a Compliance Action Plan is to assist CCMs to actively take steps to respond to and rectify non-compliance, remove obstacles to non-compliance, or improve implementation of relevant obligations, including through the provision of technical assistance or capacity building, as appropriate.	Non-compliance may be due to: <ul style="list-style-type: none"> (i) actions or omissions that constitute a serious violation (ii) non-compliance that has undermined the effectiveness of the Convention or conservation and management measures adopted by the Commission, or (iii) failure to comply with previous Compliance Monitoring Report recommendations after sufficient time and assistance has been provided.
<i>Compliance Remedy</i> The purpose of a Compliance Remedy is to address instances of serious or persistent non-compliance which have not been resolved even after sufficient time and assistance have been provided through a Compliance Action Plan.	Non-compliance may be due to: <ul style="list-style-type: none"> (i) actions or omissions that constitute a repeated serious violation (ii) repeated non-compliance that has undermined the effectiveness of the Convention or conservation and management measures adopted by the Commission, or (iii) repeated failure to comply with previous Compliance Action Plans after sufficient time and assistance have been provided.



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**CONSERVATION AND MANAGEMENT MEASURE FOR
PACIFIC BLUEFIN TUNA**

Conservation and Management Measure 2010-04

The Western and Central Pacific Fisheries Commission (WCPFC),

Recognizing that WCPFC6 adopted Conservation and Management Measure for Pacific bluefin tuna (CMM2009-07);

Recalling that the WCPFC6 requested the Northern Committee to develop a new draft CMM applying to the Korean EEZ for consideration at the WCPFC7;

Taking account of the conservation advice from the 10th meeting of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) on this stock, which highlighted the importance that the level of F is decreased below the 2002-2004 levels, particularly on juvenile age classes;

Also recognizing that the trend of spawning stock biomass has been influenced substantially by the annual level of recruitment and that collecting of fisheries data in an accurate and timely manner is critically important for the proper management of this stock, and;

Further recalling that paragraph (4), Article 22 of the WCPFC Convention which requires cooperation between the Commission and the IATTC to reach agreement to harmonize CMMs for fish stocks such as Pacific bluefin tuna that occur in the Convention Areas of both organizations;

Adopts, in accordance with Article 10 of the WCPFC Convention that:

1. The interim management objective for Pacific bluefin tuna is to ensure that the current level of fishing mortality rate is not increased in the Convention Area. Initially, control over fishing effort will be used to achieve this objective as follows:
2. The Commission Members, Cooperating Non-Members and participating Territories (hereinafter referred to as CCMs) shall take measures necessary to ensure that total fishing effort by their vessels fishing for Pacific bluefin tuna in the area north of the 20 degrees north shall stay below the 2002-2004 levels for 2011 and 2012, except for artisanal fisheries. Such measures

shall include those to reduce catches of juveniles (age 0-3) below the 2002-2004 levels, except for Korea. Korea shall take necessary measures to regulate the catches of juveniles (age 0-3) by managing Korean fishery in accordance with this CMM. CCMs shall cooperate for this purpose.

3. CCMs shall also take measures necessary to strengthen data collecting system for Pacific bluefin tuna fisheries in order to improve the data quality and timeliness of all the data reporting;

4. CCMs shall report to Executive Director by 31 July 2011 and 2012 measures they used to implement paragraphs 2, 3, 6 and 7 of this CMM. The Northern Committee shall annually review reports CCMs submit pursuant to this paragraph;

5. The Northern Committee at its Regular session in 2012 shall review this CMM based on the new ISC stock assessment for Pacific bluefin tuna scheduled in 2012 and take appropriate actions;

6. The WCPFC Executive Director shall communicate this Conservation Management Measure to the IATTC Secretariat and its contracting parties whose fishing vessels engage in fishing for Pacific bluefin tuna and request them to take equivalent measures in conformity with paragraphs 2 and 3 above;

7. To enhance effectiveness of this measure, CCMs are encouraged to communicate with and, if appropriate, work with the concerned IATTC contracting parties bilaterally.

8. The provisions of paragraph 2 shall not prejudice the legitimate rights and obligations under international law of those small island developing State Members and participating territories in the Convention Area whose current fishing activity for Pacific bluefin tuna is limited, but that have a real interest in fishing for the species, that may wish to develop their own fisheries for Pacific bluefin tuna in the future.

9. The provisions of paragraph 8 shall not provide a basis for an increase in fishing effort by fishing vessels owned or operated by interests outside such developing coastal State, particularly Small Island developing State Members or participating territories, unless such fishing is conducted in support of efforts by such Members and territories to develop their own domestic fisheries.



**Seventh Regular Session
Honolulu, Hawaii, USA
6–10 December 2010**

**SUMMARY REPORT AND RECOMMENDATIONS OF THE FOURTH SESSION OF
THE FINANCE AND ADMINISTRATION COMMITTEE (FAC4)**

**WCPFC7- 2010/32 Rev 1
10 December 2010**

Introduction

1. The Finance and Administration Committee (FAC) was convened by co-Chairman Ambassador Terry Toomata of Samoa on 05 December and met again on 08, 09 and 10 December. Representatives of Australia, Canada, China, Cook Islands, European Union, Federated States of Micronesia, Fiji, France, French Polynesia, Japan, Kiribati, Korea, Nauru, New Caledonia, New Zealand, Niue, Marshall Islands, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga and United States of America attended the meetings together with 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 at Appendix A. The Committee agreed by consensus to present to the Commission the decisions and recommendations set out below.

Agenda item 1. Adoption of agenda.

2. The Agenda at Attachment 1 was adopted.

Agenda item 2. Auditor's report for 2009 and General Account Financial Statements for 2009.

3. The Committee recommends the Commission accept the audited financial statements for 2009 as set out in paper WCPFC7-2010-FAC4/04.

Agenda item 3. Status of the Commission's Funds.

3.1 Report on General Account Fund for 2010 – contributions and other income.

4. The Committee accepted the report in WCPFC7-2010-FAC4/05, noting that the status of member contributions was that:

- USD52,246 remained outstanding for 2009 from two members; and
- USD106,677 remained outstanding for 2010 from six members.

5. The Committee noted the deteriorating pattern of contribution payments and the negative impact that late payment has on the Commission's operations and financial position. It recommends to the Commission that it encourage all Members to pay their contributions on time and in full.

3.2 Report on the Status of Other Funds for 2010.

6. The Committee noted the status of the Commission's Funds as set out in WCPFC7-2010-FAC4/06 and the more recent changes which included a USD40,000 contribution by Chinese Taipei to the Special Requirements Fund.

Agenda item 4. Draft Strategic Plan for the Commission

7. The Draft Strategic Plan presented to WCPFC6 was again considered by the Committee. Additional comments from Members were compiled by Canada and included into a revised draft that is shown at Attachment 2. The Committee recommends it be adopted by the Commission as a living document that will incorporate the ongoing work of the Commission's subsidiary bodies and Annual Sessions. In order to help link the Draft Strategic Plan to the Commission's work programme the Committee intends to develop a template cover sheet to be used when new initiatives are considered by subsidiary bodies and the Annual Sessions in order that priorities and cost implications are explicitly taken into account. This template will be distributed for comment as soon as practicable.

Agenda item 5. Business Plan for the Secretariat.

8. The Committee noted the Secretariat's Business Plan implementation report in WCPFC7-2010-FAC4/08. As the current plan expires at the end of 2010 a new business plan will be drafted by the Secretariat for consideration by the FAC at WCPFC8.

Agenda item 6. Headquarters Issues, Staff Establishment and Conditions of Service.

6.1 Headquarters matters

9. The Committee noted the report in WCPFC7-2010-FAC4/09 and agreed that the Secretariat should undertake a feasibility study in regard to the provision of a suitable residence dedicated for the occupants, over the long term, of the position of Executive Director. The results of the study are to be presented to the FAC at WCPFC8.

6.2 Council of Regional Organisations in the Pacific (CROP) – harmonised staff conditions and 2010 salary surveys.

10. The Committee accepted the results of the 2010 salary market survey report (WCPFC7-2010-FAC4/10), noted that there had been no movement in salary levels for several years and recommends that the Commission adopt modest salary increases from 01 January 2011 as follows:

3% for Grade I;

4% for Grade J;

10% for Grade K; and

15% for Grades L and M.

11. The Committee also noted, in respect of support staff, the statutory increase of 1% in employer social security contributions introduced by the Government of the Federated States of Micronesia and accordingly recommends the Commission increase its employer contribution figure by 1% and reflect that increase in its Staff Regulations.

12. Provision has been made in the proposed budget for these changes.

6.3 Staff establishment and recruitment

13. Following discussion about the appropriate classification level and terms of reference for a new position of Assistant Manager – Science Programme the Committee recommends the establishment of a new Grade J position with the terms of reference at Attachment 3.

Agenda item 7. Proposed Budget for the Commission's Work Programme for 2011 and indicative budgets for 2012 and 2013.

14. Following extensive discussion the Committee agreed to reduce the draft proposed 2011 budget by removing provisions for: VMS Training (USD110,000); the contingent amount for Argos VMS communication costs (USD153,044); WCPFC boarding and inspection flags (USD25,200) together with the reclassification of the new Science Programme position (USD20,000) and the deferment of the ERA analysis of seabird interactions (USD10,000). The Committee also agreed that if a stock assessment of yellow fin tuna does not proceed in 2011 then the budget for Scientific Services will be reduced by USD70,000. Similarly if the new Chairman is not from a developing country or territory then the USD20,000 for Chairman's expenses is to be removed from the budget figures. As a result the Committee recommends that the Commission adopt the revised budget set out in Annexes I, II, and III.

Agenda item 8. Other Matters

8.1 Election of co-Chairs for the Finance and Administration Committee

15. The Committee recognised the excellent work of retiring co-Chairman Ambassador Terry Toomata and thanked him for his efforts over the four years the Finance and Administration Committee has been in existence and for his earlier work as Chair of the Ad-hoc Committee on Finance and Administration. Following a nomination by Australia which was seconded by New Zealand the Committee elected Mr Charleston Deiye of Nauru for a two year term (2011 and 2012) to replace Ambassador Toomata and re-elected Mr Liu Xiaobing of China for a further two year term (2011 and 2012).

8.2 Cooperating Non-Members' Contributions: Indicative Figures

16. The Committee considered the matter of contributions from Cooperating Non-Members (CNMs) and the establishment of a framework to indicate to CNMs an appropriate minimum annual contribution amount consistent with the provisions of CMM 2009/11. It reviewed the indicative figures in WCPFC7-2010-FAC/14 and established a small working group to consider formula options. As a result the Committee recommends that all CNMs pay an annual contribution that is 50% of the amount that would be payable if the CNM was a member. The Committee considered this formulation balanced CNMs obligations with their status and should contribute over USD200,000 a year to Commission funds. This contribution formula is to be reviewed by the FAC in 2011.

17. In addition it is recommended that the Executive Director should inform CNMs and Members of the level of their recommended and assessed contributions as soon as practicable after each Annual Session and the amounts should be payable within 60 days of receipt of that notification. The Committee further recommends that contributions received from CNMs are used to reduce the assessed contributions of Members in the year following receipt.

Recommendation

18. The Committee invites the Commission to accept this report and to endorse its recommendations as set out above.



**SEVENTH REGULAR SESSION
FINANCE AND ADMINISTRATION COMMITTEE**

Fourth Session

Honolulu, Hawaii USA

05 - 10 December 2010

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**SEVENTH REGULAR SESSION
FINANCE AND ADMINISTRATION COMMITTEE
Fourth Session
Honolulu, Hawaii, USA
05-10 December 2010**

AGENDA

AGENDA ITEM 1. OPENING OF MEETING

- 1.1 Adoption of agenda**
- 1.2 Meeting arrangements**

AGENDA ITEM 2. AUDITORS REPORT FOR 2009 AND GENERAL ACCOUNT FINANCIAL STATEMENTS FOR 2009.

AGENDA ITEM 3. STATUS OF THE COMMISSION'S FUNDS

- 3.1 Report on General Account Fund for 2010 - contributions and other income.**
- 3.2 Report on the status of other funds for 2010.**

AGENDA ITEM 4. DRAFT STRATEGIC PLAN FOR THE COMMISSION

AGENDA ITEM 5. BUSINESS PLAN FOR THE SECRETARIAT – IMPLEMENTATION REPORT

AGENDA ITEM 6. HEADQUARTERS ISSUES, STAFF ESTABLISHMENT AND CONDITIONS OF SERVICE

- 6.1 Headquarters matters.**
- 6.2 Council of Regional Organisations in the Pacific (CROP) - harmonised staff conditions and 2010 salary surveys.**
- 6.3 Staff Establishment and Recruitment.**

AGENDA ITEM 7. WORK PROGRAMME AND BUDGET FOR 2011 AND INDICATIVE WORK PROGRAMME AND BUDGET FOR 2012 AND 2013.

AGENDA ITEM 8. OTHER MATTERS

- 8.1 Election of co-Chairs for the Finance and Administration Committee.**
- 8.2 Cooperating Non-Members' Contributions: Indicative Figures.**

AGENDA ITEM 9. ADOPTION OF REPORT

AGENDA ITEM 10. CLOSE OF MEETING

STRATEGIC PLAN 2011-2013**Prepared by the Chair of the Strategic Plan Small Working Group (Canada)****1. Introduction**

1.1. Context

STRATEGIC VISION:

Effective management, long-term conservation and sustainable use of highly migratory fish stocks in the WCPO for present and future generations through the application of precautionary fisheries management, based on the best scientific information available, while minimizing adverse social and environmental impacts and giving full recognition to the special requirements of developing States Parties to the Convention, in particular of Small Island Developing States (SIDS) and territories.

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Commission) is the custodian of the world's largest tuna fishery. The harvest of tunas from the WCPO in **2009 was 2.468 million tonnes**. This harvest represents just over 81% of the Pacific Ocean tuna catch and 58% of the global tuna catch.

The principal fishing methods in this fishery are purse seine (77%), pole and line (7%), and longline (9%). The remainder of the harvest is taken by a variety of commercial and artisanal gears including troll and hand-line principally in eastern Indonesia and the Philippines.

The tuna catch is dominated by skipjack, accounting for approximately 73% of the harvest, yellowfin (18%), bigeye (5%) and albacore (5%). Non-target associated or dependent species taken in association with tuna fishing operations include billfish, turtles, sharks, rays and sea birds.

A substantial portion of the WCPO falls under the national jurisdiction of coastal States that exercise sovereignty over their Exclusive Economic Zones (EEZs). The majority of these coastal States in the WCPO are Small Island Developing States (SIDS) and Territories. Unique among tuna Regional Fisheries Management Organizations (RFMOs), approximately 80% of the catch of species under the purview of the Commission is taken within EEZs.

In addition to national and regional socio-economic importance within the WCPO, the region's tuna resource makes a major contribution to global food security. Since 2000 the tuna harvest from the WCPO has increased by approximately 50% with vessels based in developing coastal States in the region gradually accounting for a larger proportion of the catch.

The Commission's membership exhibits a range of cultural, social and economic diversity. It includes some of the world's largest industrialized economies and some of the least developed. Coastal States, some with developing fleets and fishing industries, as well as the traditional distant water fishing nations that have operated in the area for many years participate in the Commission on an equal footing. Although the Commission's small island State members are

currently reliant on revenue from the licensing of foreign fleets they have aspirations to maximize long term sustainable returns from the harvest of tuna resources, including developing their own domestic fisheries in high seas waters of the WCPO.

1.2. Purpose

This Strategic Plan (the Plan) has been prepared to provide a structured guide that will help both the Commission and the Secretariat to identify how the actions will be taken, tasks accomplished and challenges met in an efficient and timely way so as to provide the best possible support to the Commission and its Members, Cooperating non-Members and Participating Territories (CCMs).

This first Plan has been prepared to guide the development of the Commission and the activities of the Secretariat through 2013. It describes the priority tasks and principle strategies for the effective and efficient implementation of the Convention. Without prejudice to future decisions of the Commission, it elaborates on the objectives and direction that are necessary to address these priorities, the benchmarks (performance indicators) against which an assessment of progress towards achieving objectives can be measured, and the relationships and partnerships that will assist in achieving the objectives for the successful implementation of the Plan.

2. Strategic Objectives

Table 1 – Planned operational activities and performance measures

Objectives	Operational activities	Measure (PI)
<ul style="list-style-type: none"> • Conservation and management measures that ensure long-term sustainability and promote optimum utilization of highly migratory fish stocks in the Convention Area 	<ul style="list-style-type: none"> • Adopt enforceable conservation and management measures that reflect the consideration and application of the advice of the Scientific Committee; • Apply the precautionary approach in accordance with articles 5 (c) and 6 and relevant internationally agreed accepted standards, practices and procedures; • Prevent or eliminate overfishing and excess fishing capacity, and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources; • Obtain and evaluate economic and other fisheries-related data and information; • Take into account the special requirements of developing State Parties, in particular small island developing States, and of territories, including the interests of artisanal and subsistence 	<ul style="list-style-type: none"> • Status of the stocks; • Number of decisions that reflect or apply the advice of the Scientific Committee; • Level of fishing, fishing effort/capacity as related to levels commensurate with the sustainable utilization of fisheries resources; • Number of CMMs that meet their objectives for sustainable management of fish stocks; • Management strategies are adopted and implemented; • Level of fishing access by developing State Parties, in particular small island developing States, and of territories, including artisanal and subsistence fishers; • Ensure socio-economic studies and analysis considered by the SC; • Number of decisions that reflect agreed to allocation

	<p>fishers;</p> <ul style="list-style-type: none"> • Without prejudice to the sovereign rights of coastal States, agree and implement criteria and procedures for the allocation of total allowable catch or total level of fishing effort in accordance with Article 10(3); • Ensure coverage of all stocks within the competence of the WCPFC; • Development and incorporation of stock specific reference points into management strategies. 	<p>criteria;</p> <ul style="list-style-type: none"> • Record of Compliance; • Adopt reference points.
<ul style="list-style-type: none"> • Conservation and management measures that minimize impacts on non-target species in the Convention Area. 	<ul style="list-style-type: none"> • Fully implement the ROP at levels that provide manageable levels of uncertainty on by-catch numbers and locations; • Collect complete and accurate data on non-target species; • Assess the impacts of fishing on non-target species; • Adopt and implement effective measures to reduce the incidental mortality of other species, particularly, sharks, turtles, birds and mammals; • Conduct stock assessments or ecological risk assessments for non-target species. 	<ul style="list-style-type: none"> • Extent to which decisions on non-target species are taken consistent with the best available scientific advice and in accordance with the ecosystems-based approach, Precautionary Approach and Annex II of UNFSA; • Number and effectiveness of measures adopted by the Commission to reduce the incidental mortality of sharks, turtles, birds and mammals and other non-target and associated species; • Estimated proportion of fishing effort that uses selective fishing gears that minimize impacts on non-target species; • Record of Compliance.
<ul style="list-style-type: none"> • Collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programmes 	<ul style="list-style-type: none"> • Adopt standards and decisions for collection, verification and for the timely exchange and reporting of data on fisheries for highly migratory fish stocks in the Convention Area; • Addressing identified data gaps. 	<ul style="list-style-type: none"> • Extent to which data provision and reporting decisions are complied with by CCMs; • The number and scope of data gaps; • The extent to which data is protected, accessed and disseminated in accordance with Commission rules and procedures.

<ul style="list-style-type: none"> • Effective monitoring, control and surveillance conservation and management measures are adopted and implemented by the Commission and enforced by its members. 	<ul style="list-style-type: none"> • Establish and implement appropriate cooperation mechanisms for effective MCS and enforcement; • Monitor the level of compliance with conservation and management measures adopted by the Commission and develop processes to address non-compliance, including through the use of positive and negative remedies. 	<ul style="list-style-type: none"> • MCS tools are adequately funded and operational; • Level of non-compliance and trends in contraventions; • Extent of detected IUU fishing activities; • Level of implementation of MCS measures (i.e., number of CCMs conducting port inspections, HSB&Is, etc).
<ul style="list-style-type: none"> • Full recognition of the special requirements of developing State Parties to the Convention, in particular small island developing States, and of territories in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks • Enhancing the participation and role of developing State CCMs in the work of the WCPFC. 	<ul style="list-style-type: none"> • The Conservation and Management Measures adopted by the Commission take into account the special requirements of developing State Parties, in particular small island developing States and of territories; • Establish mechanisms for cooperation with developing States and territories, which may include provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology including through joint venture arrangements, and advisory and consultative services. These may be delivered on a bilateral basis with developing States and territories, or through WCPFC Special Requirements or other funds established for this purpose; • Adopt and implement a capacity development strategy, including a fisheries scholarship scheme, for nationals from developing States, particularly SIDS and territories; • Distribution of funds available in the Article 30 Fund in accordance with TORs for the full range of allowable activities. 	<ul style="list-style-type: none"> • Special Requirements Fund, and other WCPFC funds established for this purpose, assessed for their contribution to capacity building for developing State members ; • SIDS representation among office bearers and Secretariat of the Commission; • The level of funding contributed to the Article 30 Fund or the Commission to assist developing CCMs; • Number of nationals from developing States, in particular from SIDS and territories, who have received scholarships and have completed degrees in the areas of fisheries science, fisheries management, fisheries MCS, fisheries development, and law.
<ul style="list-style-type: none"> • High quality and efficient administrative and technical support to the Commission 	<ul style="list-style-type: none"> • Receive and transmit the Commission’s official communications; • Compile and disseminate the data 	<ul style="list-style-type: none"> • Level of satisfaction by CCMs with provision of support by Secretariat; • Ensure pay and remuneration

<p>Members and other stakeholders are provided by the Secretariat.</p>	<p>necessary to accomplish the objective of the Convention;</p> <ul style="list-style-type: none"> • Prepare administrative and other reports for the Commission and subsidiary bodies; • Administer arrangements for monitoring, control and surveillance and the provision of scientific advice; • Publish and promote the decisions of the Commission and its subsidiary bodies; • Provide treasury, personnel and administrative functions that are operational and efficient; • Deliver the agreed annual work program of the Commission within budget; • Manage the logistics of the annual meeting of the Commission and any meetings of the Commission's subsidiary bodies; • Retention of staff. 	<p>are competitive with other regional organizations;</p> <ul style="list-style-type: none"> • Ensure housing is of a standard acceptable to Secretariat staff.
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Principle strategies (2011-2013)

- **Adopt conservation and management measures for bigeye and yellowfin tunas that will ensure long-term sustainability and promote optimum utilization.**
- **Ensuring that WCPFC conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and Territories.**
- **Ensure that Scientific Committee has appropriate capacity to provide Commission with best scientific advice available.**
- **Adopt measures to ensure that the Commission has the necessary monitoring, control and surveillance tools in place to ensure compliance with CMMs and address illegal fishing.**
- **Manage the impacts of highly migratory species fisheries on vulnerable bycatch species (e.g sharks) and non-fish bycatch (e.g. seabirds, turtles).**
- **Ensuring that measures adopted permit or promote the development of domestic fishing and related industries of developing States, in particular the least developed SIDS and Territories, year on year, of the total Western and Central Pacific**

fisheries-associated industry, while also ensuring that such measures do not undermine the conservation and management of HMS stocks.

- **Provide the Secretariat with necessary capacity to support the work of the Commission, while recognizing the need for budgetary restraint.**

Table 2 – Associated program of work (2011-2013)

2011	2012	2013
<ul style="list-style-type: none"> • Obtain and review full assessment for bigeye tuna • Workshop on management objectives (\$) • Complete Cost Recovery Consultancy and consider results • Improve procedures for budget approval • Improve procedures for authorizing vessels to fish in Convention Area • Port state measures (\$) • Consider additional measures for non-target species • Obtain and review full assessment for striped marlin • Pilot program of Compliance with conservation and management measures (CCMM) scheme • Obtain and review full assessment for north Albacore tuna • Conservation and management measures for bigeye and yellowfin tunas • Performance review (\$) • Consideration of Kobe III 	<ul style="list-style-type: none"> • External peer review of bigeye tuna (\$) • Obtain and review shark assessments • CNM application process for carriers and/or bunkers • Cost recovery program • Catch documentation scheme (\$) • Port state measures (cont'd) (\$) • ROP fully implemented (\$) • Development of allocation mechanisms • Obtain and review full assessment for Pacific bluefin tuna (NC) • Adopt management measures for sharks • Action plan to respond to performance review (\$) • Expanded CCMM scheme with established and adopted remedies process. 	<ul style="list-style-type: none"> • Adopt reference points for assessing the status of the main multispecies tuna fisheries • Development of allocation mechanisms.

3. Monitoring and Review

Every other regular session of the subsidiary bodies of the Commission will review the elements of this Strategic Plan that relate to its functions. The outcomes of the review in each subsidiary body will be consolidated by the Secretariat in a concise summary report that identifies the achievements and challenges associated with the implementation of this Strategic Plan. The report will be presented to the next regular session of the Commission.

The report will identify those tasks and strategies described in the Strategic Plan that have been successfully completed, progress with implementation of those tasks that are on-going and those tasks scheduled for future implementation. The Commission will consider options for addressing constraints and challenges associated with implementation of this Strategic Plan.

A comprehensive review of this Strategic Plan will be undertaken by the Commission in the third year of its implementation. The review will assess the content of the Strategic Plan, and progress with its implementation, against international obligations and the provisions of the Convention. On the basis of the review the Commission will adopt a revised Strategic Plan to serve the subsequent 3 years.

**[DRAFT] DUTY STATEMENT: ASSISTANT MANAGER - SCIENCE PROGRAMME
(AMS)**

Professional Grade: Level J

Organizational relationships: The Assistant Manager Science Programme (AMS) reports to the Science Manager. S/he may contact senior members of Member countries, other organizations, consultants and contractors or agencies within the capacity of the position as authorized by the Science Manager.

Key responsibilities: The Assistant Manager Science Programme (AMS) supports the Science Manager in respect of the implementation of the Science Programme.

Duties will include:

- Provision of support to the regular and ad-hoc meetings of the Science Committee, Northern Committee, Technical and Compliance Committee and Annual Session Meetings; in particular by:
 - o the drafting and preparation of selected meeting and briefing papers;
 - o compilation and dissemination of cleared meeting and briefing papers;
 - o planning, coordination and implementation of Science Committee meeting logistical arrangements; and
 - o assistance with the clearance of meeting records.
- Project management responsibility in regard to the day to day administration of Science Programme projects and consultancies including the preliminary assessment of performance against milestones as well as the day to day administration of Science Programme budget management issues including liaison within the Secretariat on finance and administration matters. Provide related reports to the Science Manager;
- In collaboration with the providers of scientific services and the Science Manager, help identify and oversee Science Programme data requirements and coordinate data related work of the Commission with other t-RFMOs and bodies such as the International Science Committee, as appropriate. Provide regular reports to the Science Manager on current data issues;
- Implement activities designed to:
 - o remedy identified data gaps; and
 - o maintain the Science Programme's data quality control processes;
- Respond to routine enquiries from Members and interested parties on matters concerning the Science Programme;
- Compile and disseminate summary data to Members as required;
- Obtain feedback from members in regard to the utility of Scientific advice provided through the Science Programme and analyse and report on responses;

- Maintain Science Programme electronic and hard copy records and publications in appropriate forms ; and
- Otherwise support the work of the Science Programme and the Science Manager.

Qualifications and Experience

- Master's degree in fisheries science or a related field and several years' relevant experience in fisheries science and administration;
- broad knowledge of marine science, fisheries biology, oceanography, socio-economics, international fisheries negotiation and the role of NGOs;
- appreciation for the nature of the Western and Central Pacific Commission, the role of the Secretariat and the aspirations of Commission members and cooperating non-members.
- detailed knowledge and experience in the monitoring and management of oceanic pelagic fisheries related projects, preferably with an emphasis on tuna; this includes strategic planning, budgeting and contract development,.
- demonstrated ability in applicable computer science and in project management.
- communication skills in English of a high order, particularly in written and oral presentation of scientific advice to audiences at many levels;
- willingness to undertake travel in support of the Commission's work.

ANNEX I

Western and Central Pacific Fisheries Commission

General Fund

Summary of budgetary requirements for the period from 01 January to 31 December 2011
& indicative budgets for 2012 & 2013 (United States dollars)

	<i>Approved budget 2010</i>	<i>Estimated expenditure 2010</i>	<i>Indicated budget 2011</i>	<i>Proposed budget 2011</i>	<i>Indicated budget 2012</i>	<i>Indicated budget 2013</i>
Part 1 - Administrative expenses of the Secretariat						
Section 1 (Item 1)						
Sub-Item 1.1						
<i>Staff Costs</i>						
Established Posts	1,971,889	1,858,589	2,085,828	2,365,287	2,782,324	2,819,197
General Temporary Assistance	2,000	2,000	2,000	3,000	3,000	3,000
Overtime	5,000	7,000	5,000	7,000	7,000	7,000
Executive Director interview expenses	24,000	24,000				
Chairman's Expenses	20,000	20,000	20,000	20,000	20,000	20,000
Consultants ** see note #1 below	84,000	84,000	127,000	249,000	127,000	127,000
Total, sub-item 1.1	2,106,889	1,995,589	2,239,828	2,644,287	2,939,324	2,976,197
Sub-item 1.2						
<i>Official travel</i>	200,000	200,000	200,000	200,000	200,000	200,000
Sub-item 1.3						
<i>General operating expenses</i>						
Electricity, water, sanitation	117,300	130,000	117,300	130,000	136,000	140,000
Communications/Courier	53,000	64,000	30,000	68,000	71,400	74,970
Office Supplies & fuel	31,000	31,000	31,000	31,000	32,550	34,178
Publications and printing	27,000	27,000	27,000	27,000	27,000	27,000
Audit	9,000	7,000	9,000	9,000	9,000	9,000
Bank charges	7,200	8,000	7,200	8,000	8,200	8,400
Official hospitality	10,000	10,000	15,600	11,000	11,500	12,000
Miscellaneous services	10,000	10,000	10,000	10,000	10,500	11,000
Security	45,000	45,000	45,000	45,000	45,000	45,000
Training	7,000	7,000	7,000	7,000	7,000	7,000

Total, sub-item 1.3		316,500	339,000	299,100	346,000	358,150	368,548
Sub-item 1.4	<i>Capital Expenditure</i>						
Vehicles				30,000		30,000	
Information technology		50,200	65,000	50,200	50,200	50,200	50,200
Fencing		15,000	15,000	15,000	15,000		
Furniture and equipment		30,000	45,000	55,000	55,000	55,000	55,000
Total, sub-item 1.4		95,200	125,000	150,200	120,200	135,200	105,200
Sub-item 1.5	<i>Maintenance</i>						
Vehicles		5,000	5,000	3,500	5,000	3,500	3,500
Information and Communication Technology		51,900	51,900	51,900	78,500	78,500	78,500
Buildings & grounds		100,000	150,000	173,600	142,000	142,000	142,000
Insurance		36,000	36,000	36,000	36,000	36,000	36,000
Total, sub-item 1.5		192,900	242,900	265,000	261,500	260,000	260,000
Sub-item 1.6	<i>Meeting services</i>						
Annual session		129,000	165,000	129,000	132,000	132,000	132,000
Scientific Committee		158,000	125,000	158,000	135,000	135,000	135,000
Northern Committee		10,000	11,000	10,000	10,000	10,000	10,000
Technical and Compliance Committee		130,000	135,000	130,000	135,000	135,000	135,000
Management Objectives Workshop		90,000	0		90,000		
Total, sub-item 1.6		517,000	436,000	427,000	502,000	412,000	412,000
TOTAL, Section 1/Item 1		3,428,489	3,338,489	3,581,128	4,073,987	4,304,674	4,321,945
				<i>Indicative budget</i>	<i>Proposed budget</i>	<i>Indicative budget</i>	<i>Indicative budget</i>
			<i>Estimated expenditure 2010</i>	<i>2011</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
ANNEX I (continued)			<i>Approved budget 2010</i>				
Part 2 -	Science & Technical & Compliance Programme						
Section 2 (Item 2)							
Sub-item 2.1	<i>Scientific services (SPC)</i>	700,000	700,000	720,000	820,000	792,000	871,200
Sub-item 2.2	<i>Scientific research</i>						
Regional tagging		10,000	10,000	10,000	10,000	10,000	10,000
Refinement of BE tuna biological parameters		30,000	30,000	62,000	31,000	62,000	75,000
Stock structure and life history of S. Pacific Albacore		25,000	25,000	25,000			
FAD related tuna composition & distribution		2,000	2,000				

Scoping the use of reference points	20,000	20,000	20,000	20,000	20,000	
Western Pacific East Asia Oceanic Fisheries Management Project Co-finance	75,000	75,000		25,000	25,000	25,000
ERA analysis: areas of high seabird interactions					10,000	
BET assessment peer review					35,000	
Collation of South Pacific Striped Marlin data				30,000		
Technical support for Management Objectives Workshop				30,000		
High priority project(s) - to be allocated	12,050	12,050	280,050	30,000	110,000	121,000
Collection/evaluation: PS species data	54,500	54,500		90,000		
Total, sub-item 2.2	228,550	228,550	397,050	266,000	272,000	231,000
Sub-item 2.3	<i>Technical & Compliance work programme</i>					
Reg. Observer Programme - audit/remediation				10,000	10,000	15,000
Reg. Observer Programme - special projects and research activities				30,000	30,000	30,000
Reg. Observer Programme - Training, assistance & development				20,000	20,000	30,000
					1,257,0	1,257,0
Reg. Obs. Prog. data entry support see note #2+	40,000	40,000	844,000	334,769	89	89
By-catch mitigation – website	7,500	7,500	7,500	36,075	10,000	10,000
Vessel Monitoring System - capital costs	35,000	35,000	35,000	40,000	40,000	40,000
						1,096,6
Vessel Monitoring System - operating costs	659,060	659,060	721,080	853,252	999,080	60
Vessel Monitoring System - security audit	25,000	25,000	25,000	35,000	37,000	39,000
VMS redundancy provision	30,000	30,000	15,000	15,000	15,000	10,000
Information Management System incl. RFV	30,000	30,000	20,000	35,000	35,000	35,000
			1,727,5	1,409,0	2,463,1	2,562,7
Total, item 2.3	826,560	826,560	80	96	69	49
		1,755,1	2,844,6	2,495,0	3,527,1	3,664,9
TOTAL, Section 2/Item 2	1,755,110	10	30	96	69	49
		5,093,5	6,425,7	6,569,0	7,831,8	7,986,8
Total, Parts 1 & 2	5,183,599	99	58	83	43	94
Working Capital	230,000	230,000				
		5,323,5		6,569,0	7,831,8	7,986,8
Total, Parts 1 & 2 and Working Capital	5,413,599	99		83	43	94

** Note #1: Consultancies proposed are:

Legal support services	64,000
Cost recovery consultancy	50,000
Meetings' rapporteur	35,000

Performance review of the Commission

100,000
249,000

Note #2

The Regional Observer Programme data entry support indicative costs for 2012 and 2013 reflect the full costs of the related activities. 2011 costs reflect the deduction of voluntary contribution funding.

ANNEX II

Western & Central Pacific Fisheries Commission
General Account Fund
Proposed financing of the budgetary requirements for the financial period
01 January to 31 December 2011

Proposed budget expenditure total	6,569,083
less	
Estimated interest and other income	(36,000)
 Fees and charges collected for non member carriers and bunkers	 (125,000)
 Total assessed contributions	 <u>6,408,083</u>
(see detailed schedule at Annex III)	

Proposed financing of the budgetary requirements for the financial period
01 January to 31 December 2012

Proposed budget expenditure total	7,831,843
less	
Estimated interest and other income	(10,000)
 Fees and charges collected for non member carriers and bunkers	 (125,000)
 Total assessed contributions	 <u>7,696,843</u>
(see detailed schedule at Annex III)	

**Proposed financing of the budgetary requirements for the financial period
01 January to 31 December 2013**

Proposed budget expenditure total	7,986,894
less	
Estimated interest and other income	(10,000)
Fees and charges collected for non member carriers and bunkers	(125,000)
Total assessed contributions	<u>7,851,894</u>
(see detailed schedule at Annex III)	

ANNEX III

Western and Central Pacific Fisheries Commission

Indicative schedule of contributions based on proposed 2011 and indicative 2012 & 2013 budgets

Member	2011 Proposed					2012 indicative		2013 indicative	
	Base fee component: uniform share 10% of budget	National wealth component: 20% of budget	Catch component: 70% of budget	Total of components: 100% of budget	% of budget by member	Total of components: 100% of budget	% of budget by member	Total of components: 100% of budget	% of budget by member
Australia	25,632	83,648	14,596	123,876	1.93%	148,790	1.93%	151,787	1.93%
Canada	25,632	92,823	24	118,480	1.85%	142,307	1.85%	145,174	1.85%
China	25,632	59,761	246,164	331,557	5.17%	398,238	5.17%	406,261	5.17%
Cook Islands	25,632	21,813	3,200	50,646	0.79%	60,831	0.79%	62,057	0.79%
European Union	25,632	292,426	82,263	400,321	6.25%	480,832	6.25%	490,518	6.25%
Federated States of Micronesia	25,632	4,190	43,424	73,246	1.14%	87,977	1.14%	89,749	1.14%
Fiji	25,632	7,002	21,126	53,760	0.84%	64,572	0.84%	65,873	0.84%
France	25,632	97,786	10,100	133,518	2.08%	160,371	2.08%	163,601	2.08%
Japan	25,632	136,189	1,177,484	1,339,305	20.90%	1,608,659	20.90%	1,641,065	20.90%
Kiribati	25,632	3,016	25,746	54,394	0.85%	65,333	0.85%	66,650	0.85%
Korea	25,632	50,348	767,530	843,510	13.16%	1,013,153	13.16%	1,033,562	13.16%
Marshall Islands	25,632	5,601	113,560	144,793	2.26%	173,913	2.26%	177,417	2.26%
Nauru	25,632	4,509	0	30,142	0.47%	36,204	0.47%	36,933	0.47%
New Zealand	25,632	51,430	90,741	167,803	2.62%	201,550	2.62%	205,611	2.62%
Niue	25,632	6,432	243	32,307	0.50%	38,804	0.50%	39,586	0.50%
Palau	25,632	15,366	0	40,999	0.64%	49,244	0.64%	50,236	0.64%
Papua New Guinea	25,632	1,904	287,803	315,339	4.92%	378,758	4.92%	386,388	4.92%
Phillipines	25,632	5,407	189,442	220,482	3.44%	264,824	3.44%	270,159	3.44%
Samoa	25,632	4,801	3,750	34,183	0.53%	41,058	0.53%	41,885	0.53%
Solomon Islands	25,632	1,686	15,971	43,289	0.68%	51,995	0.68%	53,043	0.68%
Chinese Taipei	25,632	36,905	696,779	759,317	11.85%	912,026	11.85%	930,399	11.85%
Tonga	25,632	4,852	694	31,178	0.49%	37,449	0.49%	38,203	0.49%
Tuvalu	25,632	3,800	3,131	32,564	0.51%	39,113	0.51%	39,901	0.51%
United States of America	25,632	285,871	537,581	849,085	13.25%	1,019,848	13.25%	1,040,392	13.25%
Vanuatu	25,632	4,051	154,307	183,990	2.87%	220,993	2.87%	225,445	2.87%
Totals	640,808	1,281,617	4,485,658	6,408,083	100.00%	7,696,843	100.00%	7,851,894	100.00%



SEVENTH REGULAR SESSION

Honolulu, Hawaii, USA
6-10 December 2010

CONSERVATION AND MANAGEMENT MEASURE FOR SHARKS

Conservation and Management Measure 2010-07⁴

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

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

Recognizing the ecological and cultural significance of sharks in the western and central Pacific Ocean (WCPO);

Recalling that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks calls on FAO members, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt National Plans of Action for the conservation and management of sharks;

Recognizing the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, to enable effective shark conservation and management;

Recognizing further that certain species of pelagic sharks, such as basking shark and great white shark, have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Resolves as follows:

1. Commission Members, Cooperating non-Members, and participating Territories (CCMs) shall 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.

⁴ By adoption of this CMM (CMM 2010-07) the Commission rescinds CMM 2009-04 which has been revised and replaced.

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 species⁵, as identified by the Scientific Committee, in their annual reporting to the Commission of annual catch and fishing effort statistics by gear type, including available historical data, in accordance with the WCPF Convention and agreed reporting procedures. CCMs shall also report annual retained and discarded catches in Part 2 of their annual report. CCMs shall as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and rare earth metal shark deterrents).

5. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of the IPOA and collection of data on retained and discarded shark catches.

And adopts, in accordance with Articles 5 and 10 of the Convention, that:

6. CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing or transshipment.

7. CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.

8. As finer resolution data become available, the specification of the ratio of fin weight to shark weight described in paragraph 7 shall be periodically reviewed by the Scientific Committee (SC) and the SC will recommend any appropriate revisions to the Commission for its consideration. The SC and the Technical and Compliance Committee (TCC) are directed to consider if additional appropriate measures that give affect to paragraph 7 are required.

9. CCMs shall take measures necessary to prohibit their fishing vessels from retaining on board, transshipping, landing, or trading any fins harvested in contravention of this Conservation and Management Measure (CMM).

10. In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.

11. 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

⁵ The key shark species are blue shark, silky shark, oceanic whitetip shark, mako sharks, and thresher sharks, porbeagle shark (south of 20°S, until biological data shows this or another geographic limit to be appropriate) and hammerhead sharks (winghead, scalloped, great, and smooth).

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 2009-04.



SEVENTH REGULAR SESSION

Honolulu, Hawaii, USA
6-10 December 2010

EU STATEMENT ON CDS

Statement on CDS

It is unfortunate that we did not have the opportunity to have an organised discussion regarding the CDS scheme. The EU expresses its availability to further detail our proposal and explain/answer any potential questions or concerns intersessionally.

As a major market State, the EU believes that a system that is compatible with the EU IUU Regulation is preferable as:

- Countries in this RFMO already have implemented and comply with the EU IUU Regulation or are presently in discussions with the EU seeking to implement and comply with this regulation in order to be able to export to EU;
- This will not duplicate the work of authorities that already perform this exercise for the EU.

Our delegation is willing to discuss any proposal from any party involved and provide our input given our already proven (and operational) experience in this matter. FFA has agreed to share with us the PNG proposal describing their current system. Our understanding is that is a different paper than the general guidelines provided in WCPFC7-2010-22. However, until now, no clear procedure has been put forward to us that will allow us to exercise judgement on its effectiveness or usefulness.