



TECHNICAL AND COMPLIANCE COMMITTEE

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RECOMMENDATIONS FROM THE WCPFC PERFORMANCE REVIEW

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This revision is an updated version of the tabular summary of the Performance Review Report recommendations which was circulated to CCMs as WCPFC Circular 2012-54. The order of the paragraphs is based on their order in which they flow in the main part of the report, and not the Executive Summary

Recommendations from the Review of the WCPFC

Secretariat

Section	Recommendation	Action	Committee
Section 3 Convention and supporting Instruments	•	•	•
3.2.5. 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA).	<ul style="list-style-type: none"> • It is recommended that, when developing a CMM on port State measures, members consider the fullest implementation possible of the FAO PSMA and provide for amendments or other clarifications (e.g. through declarations) that address and overcome limitations in the Convention that do not reflect current international law and practice, such as the requirement that vessels be voluntarily in Port before measures can be taken. • In considering Port State Measures, the Commission should take into account minimum standards in the PSMA, measures and practices of other RFMOs, in implementing such standards, and developments in the broader system of Port controls. • WCPFC should consider a recommendation along the lines of the binding resolution adopted by IOTC on Port State Measures, 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • TCC and WCPFC

	including capacity development to implement such measures.		
3.2.6. 1995 FAO Code of Conduct for Responsible Fisheries (Code of Conduct)	<ul style="list-style-type: none"> • The Convention is consistent with the Code of Conduct, in terms of providing for a responsible international fisheries regime in the WCPO. In particular, the functions of the Commission and the Scientific Committee promote the Precautionary Approach to the conservation and management of the living marine resources. 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • WCPFC
3.2.7. 1999/2001 International Plans of Action (IPOAs) elaborated under the Code of Conduct	<ul style="list-style-type: none"> • The Convention, generally addresses IPOAs requirements and WCPFC has already adopted various CMMs to this effect; • The Panel recommends, however, that all IPOAs should be addressed in a more consistent manner, to the extent possible, with consideration being given to their practical implementation. 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • WCPFC
3.2.8. 2003 FAO Technical Guidelines on the Ecosystem Approach to Fisheries (EAF)	<ul style="list-style-type: none"> • The Convention gives ample scope for development and implementation of the EAF. However, the institutional mechanism established to facilitate implementation should be reviewed. Relevant recommendations relating to the need for review of the terms of reference and functions of the EB-SWG are made in Section 3.2.9, also taking into account the issues 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • SC/WCPFC

	<p>relating to bycatch and discards.</p> <ul style="list-style-type: none"> • A technical evaluation of the implementation of the EAF is provided in Section 5.4.2 of this document. Implementation of the EAF for Pacific Island developing States, which are also members of WCPFC, is supported by FFA. The FFA has completed Ecosystem Approach to Fisheries Management (EAFM) reports for Cook Islands, Federated States of Micronesia, Palau, Tonga and Vanuatu. 		
3.2.9. 2010 FAO International Guidelines on Bycatch Management and Reduction of Discards	<ul style="list-style-type: none"> • It is recommended that the terms of reference and functions of the Ecosystem and Bycatch Specialist Working Group should be evaluated with a view to the implementation of the 2003 FAO Technical Guidelines on the Ecosystem Approach to Fisheries and the 2010 FAO International Guidelines on Bycatch Management and Reduction of Discards and that priorities be agreed for the SWG as appropriate. In addition, it is recommended that CMMs should reflect the implementation of these instruments, including provisions on management and reporting. 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • SC/WCPFC
3.2.10. United Nations General Assembly (UNGA) Annual	<ul style="list-style-type: none"> • The Convention is based on the 1982 Convention and UNFSA and is therefore consistent with the 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • TCC/SC/WCPFC

Resolutions on Sustainable Fisheries and the Law of the Sea	objectives of the UNGA Resolutions. Care should be taken in ensuring that the CMMs implement UNGA Resolutions as appropriate.		
3.3. Division of Responsibilities under the Convention for the Commission and for Members	The legal responsibilities of the Commission and of members under the Convention should be made clearer, taking note of the gaps in their responsibilities (e.g. applying principles and measures for conservation and management; applying the precautionary approach), according to international law and practice of other RFMOs. Where gaps are identified, the role and responsibilities of the Commission and members should be clarified and, as appropriate, a mechanism for implementing such role and responsibilities should be identified, including by means of Convention interpretation, for example through the adoption of resolutions, declarations or guidelines.	Policy/Legal	WCPFC
3.3.2. Responsibilities relating to non-Parties to the Convention	<ul style="list-style-type: none"> It is recommended that members review the functions and legal obligations of the Commission and of individual members with respect to non-parties in the Convention under Article 32, including the responsibility to allocate benefits to non-members from participation in the fishery and developing rules relating to the status of and benefits 	<ul style="list-style-type: none"> Legal/Policy 	<ul style="list-style-type: none"> WCPFC

	<p>for cooperating non-members.</p> <ul style="list-style-type: none"> • In terms of applying the provisions of Article 32.4 and relevant CMMs, common standards should be applied to assess the sufficiency of the commitment to comply with CMMs, and/ or the record of compliance, when allocating benefits attached to fishery participation by cooperating non-contracting parties. • A process for inviting non-parties to accede to the Convention should be established, mindful of the requirements in Article 35 of the Convention that Contracting Parties may, by consensus, invite other States and regional economic integration organizations, whose nationals and fishing vessels wish to conduct fishing for highly migratory fish stocks in the Convention Area to accede to the Convention. 		
3.4. Key Convention legal issues			
3.4.1. Area of application/ compatibility of measures	<ul style="list-style-type: none"> • A critical issue for the WCPFC is to develop cooperative management throughout the Convention area, including the rights to tuna resources. Conflicts over interpretation of compatible management must be thus resolved to ensure the ability of WCPFC to 	<ul style="list-style-type: none"> • Policy/Legal 	<ul style="list-style-type: none"> • WCPFC/ Sec/Legal Advisor

	<p>effectively manage and conserve the stocks across their range.</p> <ul style="list-style-type: none"> • It is, therefore, recommended that members cooperate to resolve different legal interpretations of the Convention in relation to the Convention Area and the duty to establish compatible and effective conservation and management measures across the range of the stocks. This could be achieved through agreement on an interpretive declaration.¹ • Due consideration should be given to the need for assistance to developing coastal States, in particular Small Island Developing States, in the application of the provisions of Articles 5, 6 and 7, within areas under national jurisdiction. 		
3.4.2. Conservation and management principles and measures	<ul style="list-style-type: none"> • It is recommended that the legal obligations of members and the Commission with regard to the application of the principles and measures for conservation and management established in Article 5 of UNFSA be made clearer, with an 	<ul style="list-style-type: none"> • Legal 	<ul style="list-style-type: none"> • WCPFC/ Sec/Legal advisor

¹ Article 31.3 of the Vienna Convention on the Law of Treaties acknowledges the practice of States in interpreting a treaty: “There shall be taken into account, together with the context, (a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions; (b) any subsequent practice in the application of the treaty which established the agreement of the parties regarding its interpretation; (c) any relevant rules of international law applicable in the relations between the parties”

	<p>aim to ensuring the maximum application and effectiveness of their implementation.</p>		
3.4.4.1. Allocations	<ul style="list-style-type: none"> • It is recommended that the issues relating to allocation be reviewed and as appropriate prioritized, including the legal aspects concerning the authority of the Commission and the criteria or other requirements for allocations. 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • TCC/WCPFC
3.4.4.2. Catch Attribution	<ul style="list-style-type: none"> • It is recommended that the legal elements of catch attribution be reviewed and further developed, based on international instruments, the WCPFC Convention and national law. • In particular, it is recommended that a process to develop criteria to determine what types of charter arrangements can be covered under particular CMMs be established. The first step could be a study of the different arrangements for “chartering” in different WCPFC members. 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • TCC/WCPFC
3.4.4.3. Monitoring compliance	<ul style="list-style-type: none"> • It is recommended that legally-binding functions of the Commission be clarified, taking into account the functions of the TCC under Article 14 of the Convention as well as its effective discharge of such functions, and the best practices of other 	<ul style="list-style-type: none"> • Legal 	<ul style="list-style-type: none"> • Sec/Legal Advisor and then WCPFC

	<p>RFMOs, with the aim of improving the Commission’s authority and ability to monitor and take action in relation to compliance by members and non-parties with measures and activities under the Convention. Alternatively, CMMs should address this issue but ensure that the Commission has such authority and ability for an effective period of time.</p>		
<p>3.4.4.4. WCPFC IUU Vessel List and the Record of Fishing Vessels (RFV)</p>	<ul style="list-style-type: none"> • It is recommended that legal requirements for inclusion of vessels on the Record of Fishing Vessels and the IUU Vessel List be reviewed and amended with an aim of securing maximum legal effectiveness, consistency and fairness, including, as appropriate: <ul style="list-style-type: none"> ✓ procedures to deal with a vessel on the RFV (preferably by removal) if it is on an IUU vessel list of another RFMO; ✓ procedures that treat as a stand-alone issue actions to be taken upon the settlement of a case where IUU fishing was alleged; ✓ action available to a listed vessel where the CCM or non-CCM takes no action to remove it where, for example, there has 	<ul style="list-style-type: none"> • Legal 	<ul style="list-style-type: none"> • TCC/WCPFC

	<p>been settlement; and</p> <p>✓ procedures to ensure consistency in vessel listing procedures between the RFV and the IUU vessel list so that a vessel does not appear on both lists.</p>		
3.4.4.5. Data collection and sharing	<p>✓ The legal basis and constraints for data collection should be reviewed and addressed as appropriate.</p>	Policy	TCC/WCPFC
3.4.5. Subsidiary bodies of the Commission	<p>✓ It is recommended that terms of reference be developed for the Northern Committee which, <i>inter alia</i>, align the scope of responsibilities for the Committee and the Commission in respect of applicable stocks and species, as well as promote the consistency of management approaches with those of the Commission.</p>	Policy/Legal	WCPFC
3.4.6. Special requirements of developing States	<p>The terms of reference for the Special Requirement Fund, established pursuant to Article 30.3 of the Convention and Financial Regulation 7.1, should be clarified to ensure it addresses the priorities identified by the Commission and possibly expanded in its scope, if necessary.</p>	Legal/Policy	SEC/Legal Advisor/WCPFC
3.4.7. Process for adopting CMMs	<p>It is recommended that a process be established for consideration and adoption of CMMs to ensure that they are technically sound from a</p>	Legal/Policy	TCC/WCPFC

	<p>legal point of view and consistent with other CMMs and instruments of WCPFC.</p>		
<p>4. Rules of Procedure, Decision-Making and Dispute Settlement</p>	<p>The Panel suggests that the Rules of Procedure should be included in the printed version of the basic texts;</p> <p>It is recommended that Rule 2(2) be amended to require the agenda to include the “Report of the Finance and Administration Committee”;</p> <ul style="list-style-type: none"> • The WCPFC is encouraged to ensure that its available list of official contacts is up-to-date and continues to be used in providing the best possible flow of information between the Secretariat, the Commission and CCMs; • The Panel recommends that the Rules of Procedure be amended in order to limit the terms of office for the Chairman and Vice-Chairman to one re-election only; • The Commission may wish to confirm that elected office bearers should assume office at the end of the session at which they are elected, as outlined in Rule 8. This interpretation should then supersede Rule 22(4); 	<p>Policy</p>	<p>Sec/Legal advisor/ WCPFC</p>

	<ul style="list-style-type: none"> • The Commission may wish to clarify procedures and considerations relating to the taking of intersessional decisions; • The Commission may wish to explore the possibility for voting by electronic means; • The Panel recommends that the term ‘contributor’ in Rule 34 be changed to ‘member’; • The Panel recommends that, where there are objections to granting observer status, the reasons for the objection be provided to the applicant organization; • The Panel notes that academic or research institutions, as well as individual experts, whose work is relevant to the Commission, are not specifically addressed by the provisions of Rule 36. The Panel, further notes that allowing such participation would enhance the expertise, information and external resource availability to support the Commission’s work. 		
4.1. Rules of Procedure and Decision-Making			
4.2. Use of language	<ul style="list-style-type: none"> • It is recommended that the Rules of Procedure be generally reviewed 	Legal	Sec/WCPFC

	and updated or clarified as appropriate to reflect the concerns expressed in this report.		
4.4. Legal basis for cooperation with other organizations and institutions	<ul style="list-style-type: none"> • The WCPFC is to be commended for its effort to forge cooperative arrangements with various RFMOs and associated institutions. It is also encouraged to continue developing such arrangements where required, particularly when such bodies are able to contribute to meeting the Convention's objectives or to participate in the Commission's work. 	<ul style="list-style-type: none"> • Operational 	<ul style="list-style-type: none"> • Secretariat/WCPFC reporting
5. Conservation and Management			
Southern Albacore	<ul style="list-style-type: none"> • Other explanations are possible for observed southern albacore biomass trends and further analyses appear justifiable; • Despite the apparent appropriateness of the 2011 southern albacore assessment, the resultant conclusions are somewhat more pessimistic than previous assessments (i.e. B/B_{MSY} closer to 1). Uncertainty still surrounds the current levels of fishing mortality and there appears to be justification for further research to improve the assessment model, as well as a need for an updated assessment in 2012; 	<ul style="list-style-type: none"> • Science/Management 	<ul style="list-style-type: none"> • SC/TCC/WCPFC

	<ul style="list-style-type: none"> • The South Pacific albacore stock is neither currently overfished, nor is overfishing occurring. Current biomass levels appear sufficient to support contemporary catch levels. However, any catch or effort increases are likely to result in declining catch rates, especially for longline catches of adult albacore. This will not only affect vessel profitability, but will also mandate management of vessels in strict conformity with CMM 2010-05; and • There is probably a need to focus more on albacore longline fisheries north of 25°S, where considerable biomass depletion appears to be occurring with obvious implications for management. 		
Bigeye	<ul style="list-style-type: none"> • The WCPFC is to be commended for the several improvements forthcoming from the 2011 bigeye assessments compared to previous years; • Such improvements would benefit further through the tabulation of annual bigeye Purse Seine catch estimates, along with the estimation methods used; • Continued research on tuna, particularly bigeye, life history characteristics should be 	<ul style="list-style-type: none"> • Science/Management 	<ul style="list-style-type: none"> • SC/WCPFC

	<p>encouraged. The importance of including scientists from the WCPFC region is recognised and should also be encouraged;</p> <ul style="list-style-type: none"> • The Commission should encourage the SC to continue its research-focused work on bigeye as outlined in paragraph 133 of the <i>Summary Report for the Seventh Regular Session of the Scientific Committee</i>; • The SC and Commission should be encouraged to actively address concerns attached to the possibility that the Bigeye is approaching, or is already in, an overfished state; • Bigeye MSY levels could rise if the fishing mortality of small fish is reduced. An added concern in this regard is that the harvesting of juvenile fish has led to a greater than 50% reduction in MSY from pre-1970 levels. While a reduction in the catch of small bigeye will allow more sustainable overall yields, recent overfishing will lead to further potential yield losses in the future. The priority attention of both the SC and Commission should be focused on this situation; • There is some indication that 100% observer coverage of the bigeye 		
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	<p>Purse Seine fleet will allow for fishery discards to be better assessed in the future. The SC and Commission are encouraged to give this notion serious operational consideration;</p> <ul style="list-style-type: none"> • Recently-developed, operational Longline indices for bigeye have provided more optimistic perceptions of stock status than using aggregated Longline data. A formal analysis of this observation should be encouraged to ensure that it is in fact appropriate and that it does not further stress a bigeye stock close to being overfished; • Indonesia and the Philippines are encouraged to submit complete 2010 data for their bigeye surface fisheries. These should include Purse-Seine effort data; • The Commission is encouraged to consider using a spatial management approach for measures aimed at ensuring sustainable bigeye fishing mortality levels, exploitation rates and depletion from various regions within the WCPFC Regulatory Area; • The Commission should consider 		
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	<p>adopting additional measures above those expected from the current CMM so as to secure further reductions in bigeye fishing mortality, to ensure the return of the mortality rate to F_{MSY}.</p> <ul style="list-style-type: none"> • All Members, Cooperating Non-Members and Participating Territories (CCMs) are encouraged to provide data in strict accordance with the WCPFC data rules for scientific data. 		
Skipjack	<ul style="list-style-type: none"> • The WCPFC is to be commended for the several improvements forthcoming from the 2011 skipjack assessments compared to previous years; • The Commission is encouraged to again address concerns raised by the 2010 and 2011 SC statements² on reduction of skipjack availability at high latitudes as a result of high catches in the equatorial region; • The Panel notes the relatively healthy nature of the skipjack stock; • The SC's ongoing efforts to improve the skipjack assessment model, aimed at enhancing understanding 	<ul style="list-style-type: none"> • Science/Management 	<ul style="list-style-type: none"> • SC/WCPFC

² These statements read: "There is concern, yet to be substantiated, that high catches in the equatorial regions could result in range contraction of the stock, thus reducing skipjack availability to higher latitude (e.g. Japan, Australia and New Zealand) fisheries"

	<p>of stock status changes, are much appreciated;</p> <ul style="list-style-type: none"> • The Commission is encouraged to closely monitor future increases of WCPO fishing effort on skipjack to mitigate catch rate declines associated with further biomass declines; • The Commission is also encouraged to manage total Purse-Seine fishing effort in the WCPO as a matter or priority to limit increased fishing mortality of bigeye and yellowfin. Improving estimates of Purse-Seine catch species composition is very much supported, as are other associated sampling and data collection efforts. 		
Yellowfin	<ul style="list-style-type: none"> • The WCPFC is to be commended for the several improvements forthcoming from the 2011 yellowfin assessments compared to previous years; • The Commission is encouraged to give serious consideration to the WCPFC SC's advice that yellowfin fishing mortality in the western equatorial region should not increase; • The Commission is encouraged to consider ways to reduce yellowfin 	<ul style="list-style-type: none"> • Science /Management 	<ul style="list-style-type: none"> • SC/TCC/WCPFC

	<p>juvenile fishing mortality;</p> <ul style="list-style-type: none">• Projections for the yellowfin stock are essentially 'optimistic' and that fishing mortality should remain below F_{MSY} until 2021 and spawning biomass should remain above SB_{MSY}. The Commission is encouraged to give this situation serious attention; and• Noting the highly positive results of the external review of the yellowfin tuna assessment by the Center for Independent Experts, the Panel is very much in sympathy with the view that such external reviews should be undertaken subject to terms of reference agreed by the Scientific Committee. In that respect, any independent review that does not access all available and relevant information, and/or operates under its own terms of reference, could seriously undermine the WCPF SC's provenance. The Commission is therefore encouraged to reinforce the standing of the SC as the source of the Commission's scientific advice and to ensure that this advice is not challenged by inappropriate, unclear or independently-driven terms of reference that have not been agreed		
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	<p>by the SC itself (Further Panel comments on the issue of independent assessments of the SC's work is provided in Section 5.6).</p>		
Bigeye and Yellowfin Fishing Effort	<ul style="list-style-type: none"> • The WCPFC is encouraged to urge CCMs to provide annual bigeye and yellowfin catch and effort, and size composition, data for all fleets in the format required by the rules and requirements adopted by WCPFC as “<i>Scientific Data to be Provided to the Commission</i>”. • To the extent possible, the Commission should also consider to request members to provide data by end of April after each fishing year so that the SPC can have sufficient time to redo its models if necessary. 	<ul style="list-style-type: none"> • Science and reporting 	<ul style="list-style-type: none"> • SC/WCPFC
SPO Swrodfish	<ul style="list-style-type: none"> • The on-going shortage of data on which to base a comprehensive assessment of SPO Swordfish is a matter of concern; • WCPFC is encouraged to urge the EU and SPC to devote all efforts to improving the WCPFC SPO swordfish data holdings; • The SC should be encouraged to undertake analysis of SPO swordfish fishery indicators for SC8; and • Using information forthcoming 	<ul style="list-style-type: none"> • Science 	<ul style="list-style-type: none"> • SC/WCPFC

	<p>from the above, and contained in Williams et al. (2011), the SC should formally assess SPO swordfish as soon as possible, taking into account TCC data and statistical advice.</p>		
Southwest Pacific Striped Marlin	<ul style="list-style-type: none"> • The only available assessment for Southwest Pacific Striped Marlin is now five years old. A new assessment, and utilization of any new information on the stock, are strongly encouraged and should be done as a matter of urgency. 	<ul style="list-style-type: none"> • Science/management 	<ul style="list-style-type: none"> • SC/WCPFC
North Pacific Striped Marlin	<ul style="list-style-type: none"> • Concerns expressed over the continued lack of an assessment for the North Pacific striped marlin stock appear justified; • The Panel was concerned by the fact that information on the assessments undertaken by the ISC was not readily available or accessible, and, therefore, recommended that transparency in this regard be considerably improved. Most noticeably, and ideally, all assessments undertaken by the ISC should be peer reviewed and the results of these reviews made readily available for scrutiny by both the SPC and WCPFC SC; • The ISC, SPC and SC should be strongly encouraged to ensure that 	<ul style="list-style-type: none"> • Science/Management 	<ul style="list-style-type: none"> • SC/WCPFC

	<p>such an assessment is collectively undertaken in 2012;</p> <ul style="list-style-type: none"> • This assessment should be undertaken in conjunction with that recommended for the Southwest Pacific striped marlin; and • To achieve, and expedite, the above, the Commission's attention is drawn to a need to clarify the ISC's standing in respect of North Pacific striped marlin, as well as in relation to relevant provisions of the Convention and WCPFC Rules of Procedure. 		
North Pacific Albacore	<ul style="list-style-type: none"> • Note should be taken of the current situation regarding assessment of North Pacific albacore, particularly the independent review of the current North Pacific albacore measure by the ISC; and • It may be worth considering that current North Pacific albacore measure be reviewed to ensure that it is able to actually restrain fishing mortality, particularly in light of past data shortcomings. 	<ul style="list-style-type: none"> • Science/Management 	<ul style="list-style-type: none"> • SC/WCPFC
Pacific Bluefin Tuna	<ul style="list-style-type: none"> • Note should be taken of the current situation regarding assessment of Pacific bluefin tuna; and • The WCPFC is encouraged to update its Pacific bluefin 	<ul style="list-style-type: none"> • Science/management 	<ul style="list-style-type: none"> • SC/WCPFC (NC)

	assessments, reduce Pacific bluefin fishing mortality to 2002/2004 levels and provide for monitoring of fishing mortality for age 0 to 3 fish.		
North Pacific Swordfish	<ul style="list-style-type: none"> • Note should be taken of the current situation regarding assessment of North Pacific swordfish; and • The WCPFC is encouraged to update its North Pacific swordfish assessments in 2013 at the latest. 	• Science/Management	• SC/WCPFC
5.3. Management Issues: the Precautionary Approach and Limit Reference Points			
5.3.3. Limit Reference Points	<ul style="list-style-type: none"> • Compared to other tuna RFMOs, the WCPFC is among the leaders in advancing development of a formalized PAF; • WCPFC should continue to pursue its work program aimed at: (a) a consultative process to develop formal management strategies for a small number of representative case studies for the entire range of WCPFC fisheries, and (b) a technical process to evaluate the robustness of current and alternative assessment, and/or reference, points so as to determine specific technical requirements and costs associated with undertaking a 	• Management/Science/Policy	• MOW/WCPFC/TCC/SC

	<p>MSE process for specific fisheries;</p> <ul style="list-style-type: none"> • Other key issues to be addressed in moving towards more formal implementation of the precautionary approach should include development of a reliable fishery data collection program³ and a research program to address priority information gaps; • The development, and implementation, of future work on stock reference points and MSE processes should be undertaken with due recognition of the priorities attached to, and the resources available for, other precautionary approach elements, essential for the approach's practical implementation in a management context; • In the above terms, the Panel notes that application of a WCPFC PAF has not yet appeared to take into account formal consideration of potential ecosystem effect in the taking of management decisions – for example in the application of bycatch trigger levels to limit fishing when bycatch thresholds are exceeded; 		
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³ This must include appropriate levels of independent verification

	<ul style="list-style-type: none"> • Another key aspect currently being overlooked in the WCPFC’s development of precautionary and reference point based management approaches is the need for rules to be in place for developing new and exploratory fisheries, as well as for re-opening previously closed fisheries; • The Commission and SC are to be commended on progress made in developing limit reference points, particularly for bigeye, skipjack and yellowfin; • The holding of a Management Objectives Workshop in early 2012 will undoubtedly assist the process of developing limit reference points; • The Commission should review the current situation regarding ISC’s development of reference points, including for North Pacific albacore; and • The WCPFC is encouraged to adopt a working definition for LRPs based on the principles outlined by SC7, including clear Harvest Control Rules. 		
5.3.4. The Management Objectives Workshop	<ul style="list-style-type: none"> • The Commission and SC are to be commended for sanctioning the Management Objectives Workshop. 	<ul style="list-style-type: none"> • Management and Science 	<ul style="list-style-type: none"> • MOW/WCPFC

	<p>It is noted that the attendance of (an) independent international expert(s) will serve to provide guidance on the use of reference points and other relevant issues important to identifying management objectives.</p>		
5.4. The Ecosystem Approach			
5.4.2. Key Developments	<ul style="list-style-type: none"> • WCPFC is to be commended for pursuing a pragmatically-focused ecosystem approach built on the ERA of direct linkages between fishing and the WCPO ecosystem(s); • The Commission and SC are also to be commended for developing various mitigating measures to address fishery-species interactions for seabird, turtles and sharks in particular; • WCPFC is encouraged to expand data collection for potential fisheries and ecosystem interactions to provide priority information on such interactions to monitor interaction extent, mitigation effects and interaction effects; • WCPFC is encouraged to further consider other effects likely to arise 	<ul style="list-style-type: none"> • Management 	<ul style="list-style-type: none"> • SC/TCC/WCPFC

	<p>from fishing operations on the WCPO ecosystem. Such effects include lost, or abandoned, fishing gear and potential marine ecosystems⁴ risks. At-sea monitoring may be necessary before such risks are identified;</p> <ul style="list-style-type: none"> • The question of general biodiversity protection does not appear to have been addressed as yet and the WCPF is encouraged to consider ways (e.g. using spatial protection) how this might be achieved; • A number of RFMOs have instituted Scientific Observer Programs to monitor, and gather information on, fisheries-ecosystem interactions/effects. Within the bounds of what may be practicable, the WCPFC is encouraged to consider how such programs⁵ may assist its ecosystem work in terms of promoting an EAFM, and the ERA, approach regionally; • Some other RFMOs (e.g. the North 		
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⁴ For example, such risks include transference of alien and potential damaging species in bilge water. They also include considerations such as light pollution, net entanglements, etc.

⁵ For example, a concern has been raised that the recent observer coverage of 3.6% in Australia’s Eastern Tuna and Billfish Fishery (ETBF) makes estimation of Turtle-Fisheries interactions highly uncertain. The deployment of onboard mounted cameras as a means to collect much of the same data currently collected by observers has been identified as a potential solution

	<p>Atlantic Fisheries Organization-NAFO) put policy guidelines in place for their EAFM approaches. These are sufficiently flexible to include recent 'best practice' developments such as those initiated under UNGA Resolution 61/105. The Commission is encouraged to give the development of such tools serious consideration in the interests of strategically 'mapping out' where it is going with its ERA activities. In these terms a designated area of the WCPFC Website for consolidating discussion on ecosystem issues might also be worth considering; and</p> <ul style="list-style-type: none"> • Following the previous comment, the SC is encouraged to develop 'plausible models' of WCPFC ecosystem to guide strategic development of its EAFM and to focus on key ecosystem components, including by means of a more structured regional plan of action on sharks and seabirds. 		
5.5. Data collection and sharing			
5.5.2. Data submission requirements	<ul style="list-style-type: none"> • To a large measure, information on data submission requirements appear adequate; 	<ul style="list-style-type: none"> • Science/Data 	<ul style="list-style-type: none"> • SC/WCPFC

	<ul style="list-style-type: none"> • However, some Longline catch data are only provided after a lag of several months⁶, some CMMs lack the necessary infrastructure to ensure accurate/timely data submissions and data are sparse for species other than billfish or tuna; • The Commission is urged to encourage the Secretariat to make such information easily accessible, particularly with respect to ensuring that data deadlines are met, and especially for fisheries subject to CMMs in force, and/or requiring assessment; • Serious consideration should be given to providing an enduring, and detailed 'Data Submission' item on the WCPFC Website as a 'one-stop shop' for all data submission information; and • To improve transparency attached to the timely submission of data, submission dates should be monitored by the Secretariat with the attached information being made available on the password protected portion of the WCPFC Website 		
5.5.3. Data holdings	<ul style="list-style-type: none"> • The WCPFC, SPC-OFP and CCMs are to be congratulated on the 	<ul style="list-style-type: none"> • Science 	<ul style="list-style-type: none"> • SC/SPC-OFP/WCPFC

⁶ In some cases in excess of 18 months after fishing has occurred

	<p>comprehensive data holdings now available for WCPFC stocks;</p> <ul style="list-style-type: none"> • Consideration should however be given to ensure that the provenance of the WCPFC data holdings and the data held by the OFP are complementary and compatible; and • On-going and timely publication of the WCPFC Tuna Fishery Yearbook is to be commended. 		
5.5.4. Data gaps	<ul style="list-style-type: none"> • WCPFC is encouraged to give serious consideration to SC7 concerns for data identified in Section 5.5.1, as well other data interests highlighted below; • All CCMs are encouraged to provide data in a timely manner, and in strict accordance, with WCPFC <i>Scientific Data to be Provided to the Commission</i>; • Indonesia and the Philippines are encouraged to submit complete 2010 data for their bigeye surface fisheries, including Purse-Seine effort data; • Continuing difficulties attached to submission of ROP data should be noted, and submission of such data is to be encouraged; • Improving estimates of Purse-Seine catch species composition is very 	<ul style="list-style-type: none"> • Science/data 	<ul style="list-style-type: none"> • SC/WCPFC

	<p>much supported, as are associated sampling and data collection efforts (Section 5.2);</p> <ul style="list-style-type: none"> • WCPFC is encouraged to urge CCMs to provide annual bigeye and yellowfin catch and effort data, as well as size composition, for all fleets in the format required by WCPFC as “<i>Scientific Data to be Provided to the Commission</i>”; • The on-going shortage of data on which to base a comprehensive assessment of SPO swordfish is a matter of concern; • WCPFC is encouraged to urge the EU and SPC to devote all efforts to improving the WCPFC SPO swordfish data holdings; • WCPFC is encouraged to expand data collection for potential fisheries and ecosystem interactions to provide priority information on such interactions, to monitor its extent and effects, as well as the mitigation measures adopted and their results; • Indonesian archipelagic waters catches should be included in the annual catch estimates between 2000 and 2010; • Data inputs into pre-2000 		
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	<p>Indonesian tuna fisheries annual catch estimates should be reviewed;</p> <ul style="list-style-type: none"> • Historical annual catch estimates using data from each of the domestic Vietnamese fisheries should be reconstructed; • Logbook and port sampling data collection for Vietnamese Purse-Seine and Gillnet fisheries should be established; • Vietnamese observer data should be reviewed to ensure their collection is in line with observer data collected elsewhere; • Coastal States, fishing States, Chinese Taipei and Korea should be encouraged to specifically indicate whether double-counting of reported catch is occurring or not; • The four CCMs concerned (Japan, Korea, China, and Chinese Taipei) should be encouraged to notify their intent to provide operational catch/effort data on longline fishing targeting bigeye and yellowfin to the WCPFC; • Submission of aggregated Chinese catch and effort data in the Pacific Ocean for 2003 to 2007 should be encouraged; and 		
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	<ul style="list-style-type: none"> • Capacity building should continue in Philippines, Vietnam and Indonesia, through the WPEA program. 		
5.5.5. Data access and sharing	<ul style="list-style-type: none"> • The WCPFC is to be commended on the way in which it compiles and manages its data and information holdings, particularly in respect to the levels of access it provides, whilst also providing for data confidentiality when necessary; and • The Commission and SC may wish to give thought to protecting the intellectual property contained in various assessment reports in the event of publication of such reports outside the organization (e.g. in scientific journals). 	<ul style="list-style-type: none"> • Science/data 	<ul style="list-style-type: none"> • SC/WCPFC
5.6. Quality and provision of scientific advice	<ul style="list-style-type: none"> • Due recognition should be given to the vibrancy and high quality of scientific advice being provided to WCPFC by the SC and SPC-OFP; • The Commission is also encouraged to formally define the SC's provenance as the key supplier of scientific advice to the Commission; • The Commission is encouraged to resolve the remaining issues still outstanding from the 2008 <i>'Independent Review of the Commission's Transitional Science Structure and Functions'</i>; 	<ul style="list-style-type: none"> • Science/Policy 	<ul style="list-style-type: none"> • SC/WCPFC

	<ul style="list-style-type: none"> • Notable issues to be assessed include those highlighted above, namely: <ul style="list-style-type: none"> • The need to strengthen confidence in data custodianship service so as to improve data submission shortfalls; • Update guidelines⁷ for processing the WCPFC SC work program; • Provide a mechanism to allow the SC to request scientific information directly to the ISC; • Clarify the respective roles of the WCPFC SC and ISC in providing advice to the NC and SC. As the statutory WCPFC scientific advisory body, the SC should lead endorsement of work done by the Commission's scientific advisors (see above); and • Establish an <i>Ad Hoc</i> Group on Socio-Economic Issues; • Subject to the above, the Commission is encouraged to clarify the role of the ISC, and its associations with the Commission and the SC, particularly in respect to direct exchanges of scientific information and advice; • To encourage scientific 		
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⁷ Appendix M of the SC4 Report. (At: <http://www.wcpfc.int/meetings/2008/4th-regular-session-scientific-committee>)

	<p>transparency with respect to assessments being undertaken the same rigor should be applied to all the scientific advice provided to the Commission, to extent possible, in a standardized manner;</p> <ul style="list-style-type: none"> • The SC is encouraged to continue developing a WCPFC Strategic Research Plan; • The SC is also encouraged to develop a summary document (i.e. 'Blind Freddy's Guide') which provides information on the assessment it undertakes, as well as on the underlying science being pursued. This document should be produced in lay and easy-to-follow language aimed at enhancing understanding across all WCPFC participants (not just scientists); and • The question of broadening scientific capacity available within CCMs should be considered further, possibly with a view to developing a WCPFC institutional policy on the matter, which would identify ways how such capacity could be grown within the region. It is noted that a number of RFMOs (e.g. CCAMLR, ICCAT) have such policies in place to augment 		
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	<p>scientific capacity and build scientific expertise available to members from developing countries (as per the 1995 United Nations Fish Stocks Agreement⁸ Articles 25.1(c) and 25.2).</p>		
5.7. Adoption of conservation and management measures			
5.7.1. Conservation and management measures for target species	<ul style="list-style-type: none"> • Considering that the stock of the South Pacific albacore has been assessed and is presently not overfished nor suffering overfishing (see Section 5.2), the present measure (2010-05), limiting the level of fishing capacity, in terms of the number of vessels allowed to actively fish for the species, seems adequate and commensurate with the status of the stock, provided that fishing effort is indeed managed in strict conformity with this measure. 	<ul style="list-style-type: none"> • Management 	<ul style="list-style-type: none"> • TCC/WCPFC
Bigeye	<ul style="list-style-type: none"> • Since the bigeye tuna is addressed in conjunction with yellowfin tuna, in CMM 2008-01, Panel assessment and recommendations with regard to this measure are included after yellowfin tuna below. 	<ul style="list-style-type: none"> • Management 	<ul style="list-style-type: none"> • TCC/WCPFC
Yellowfin	<ul style="list-style-type: none"> • The yellowfin tuna is addressed in conjunction with the bigeye tuna, in Panel assessment and 	<ul style="list-style-type: none"> • Management 	<ul style="list-style-type: none"> • TCC/WCPFC

⁸ At: http://www.un.org/depts/los/convention_agreements/convention_overview_fish_stocks.htm

	<p>recommendations related to CMM 2008-01, below.</p>		
<p>Review of CMM-2008-01</p>	<ul style="list-style-type: none"> • The Commission and SC are to be commended for the review process attached to implementation of CMM 2008-01 and encourages further reviews of this kind; • In the process of reviewing 2008-01, serious consideration should be given to the multispecies nature of the purseseine fishery, so that an eventual displacement of fishing effort from one area or for one species, will not result in undesirable impacts on another area and/ or species.; • Noting that CMM 2008-01 will be reviewed, every effort should be made to clarify and simplify its various requirements, in order to ensure compatibility of measures for the EEZs and the High Seas, particularly in respect to bigeye tuna fishing mortality. • Commission is encouraged to consider additional provisions above thos in the current CMM 2008-01 to secure further reductions in bigeye tuna fishing mortality; • The Commission is encouraged to seriously consider limiting yellowfin 	<ul style="list-style-type: none"> • Management 	<ul style="list-style-type: none"> • Chair/TCC/SC/WCPFC

	<p>fishing mortality in the western equatorial region to current levels;</p> <ul style="list-style-type: none"> • The Commission is also encouraged to consider provisions aimed at reducing yellowfin juvenile fishing mortality. 		
Skipjack	<ul style="list-style-type: none"> • The Panel notes that the skipjack stock is healthy, but that concerns have been expressed about high catches in the equatorial region, which could lead to a reduction in the availability of the species in the high latitudes. • It should also be noted that CMM 2008-01, although directed to bigeye tuna and yellowfin tuna, as above discussed, since it imposes limits on total purse seine fishing effort, also indirectly positively affects the skipjack stock. • Considering the multispecies natures of the purseine fishery, the Panel welcomes the revision of 2008-1 currently scheduled for WCPFC 8, with the expectation that skipjack stock will be addressed by it in a more direct way. 	<ul style="list-style-type: none"> • Management/Science 	<ul style="list-style-type: none"> • SC/WCPFC
South Pacific Swordfish	<ul style="list-style-type: none"> • Although the south Pacific swordfish stock was assessed not to be overfished or suffering from overfishing, in the last assessment, 	<ul style="list-style-type: none"> • Science/Management 	<ul style="list-style-type: none"> • TCC/WCPFC

	<p>done in 2008, the condition of the south-central Pacific stock could not be evaluated. As the last assessment was done 4 years ago, it should be urgently updated. To this aim it is crucial that CCMs do provide the data necessary for such assessment.</p> <ul style="list-style-type: none"> • The Panel notes with concern that CMM 2009-03 does not impose an actual limit on the number of vessels actively fishing for swordfish to the south of 20°S, it just requires CCMs to exercise restraint through limiting the number of their vessels fishing for the species and the amount of swordfish caught by them. • With a continuing lack of an updated assessment, in accordance with paragraph 9 of CMM 2009-03, the interim measure shall continue to be applied in a manner that does not allow any increase in the fishing mortality of the species. 		
Southwestern Pacific Striped Marlin	<ul style="list-style-type: none"> • Considering that: a) 6 years have already passed since the first attempt to assess the condition of the Southwest Pacific striped marlin stock, b) the significant uncertainties regarding the parameters used in the model; and, even more so, c) its results, indicating that the levels of fishing mortality might be 	<ul style="list-style-type: none"> • Science Management 	<ul style="list-style-type: none"> • SC/TCC/WCPFC

	<p>approximating or have already exceeded F_{MSY} and that current spawning and biomass levels were likely close or already below B_{MSY}, the Panel strongly urges that a new assessment of this stock be undertaken as a matter of priority. To this aim, any new information available should be taken into account.</p> <ul style="list-style-type: none"> • Considering the species is taken almost exclusively as a bycatch, the measure in place for this stock (2006-04), limiting the number of fishing vessels fishing for striped marlin in the Convention Area south of 15°S, is ineffective, because it does not address the actual catch taken. The Panel, therefore, urges the Commission, on the basis of the new stock assessment to be done as matter of priority, to adopt and implement clear measures to limit fishing mortality. 		
North Pacific Striped Marlin	<ul style="list-style-type: none"> • The Panel urges that a new assessment of the stock be done as a matter of priority; • Despite the measure 2010-01 is a positive step to reduce fishing mortality for the species, the panel noted that the stipulation of a 	<ul style="list-style-type: none"> • Science 	<ul style="list-style-type: none"> • SC/WCPFC

	<p>proportionate reduction in paragraphs 4 and 5 of the measure makes it difficult to figure out what is the actual catch limit for the species. This measure, including eventual catch limits, shall be revised upon the results of the new assessment to ensure that fishing mortality for the species is compatible with Convention objectives.</p>		
North Pacific Albacore	<ul style="list-style-type: none"> • Considering that the stock of the North Pacific albacore has been assessed and is presently not overfished nor suffering overfishing (see Section 5.2), the present measure (2005-03), limiting the level of fishing effort to the one in 2005, despite old, seems to be adequate and commensurate with the status of the stock. • The Panel welcomes the independent review of the current ISC North Pacific albacore CMM, to ensure that fishing mortality is restrained in any future formulation of the measure. 	<ul style="list-style-type: none"> • Science 	<ul style="list-style-type: none"> • SC/WCPFC
Pacific Bluefin Tuna	<ul style="list-style-type: none"> • The present status of the Pacific Bluefin tuna stock is not clear from available documents, particularly with respect to specific biological Reference Points, including present fishing mortality in relation to F_{MSY} 	<ul style="list-style-type: none"> • Management 	<ul style="list-style-type: none"> • TC/WCPFC

	<p>or $F_{0.1}$, for instance. This limitation makes it very difficult for the Panel to assess the status of the stock and the adequacy of current CMM;</p> <ul style="list-style-type: none"> • It is noted that CMM 2010-04 will be reviewed by the NC on 2012 based on new ISC stock assessment for the Pacific Bluefin tuna; • In respect of the above, the Panel notes that the SC has repeatedly advised a reduction of Pacific Bluefin Tuna fishing mortality to 2002/2004 levels or below. In particular, the reduction of juvenile (0-3 year) fishing mortality has also been advised, and the NC has been requested to monitor it; • The Panel urges the Commission to take account of the results of the new stock assessment and to develop biological reference points and clear harvest rules for this species as a matter of priority; 		
North Pacific Swordfish	<ul style="list-style-type: none"> • Although the North Pacific swordfish stock was assessed not to be overfished or suffering from overfishing, in 2009, the Panel encourages the Commission to consider advice offered by SC 9 on the scheduled NC assessment of North Pacific Swordfish in 2013. 	<ul style="list-style-type: none"> • Science 	<ul style="list-style-type: none"> • SC/WCPFC
5.7.2. Conservation and management measures	<ul style="list-style-type: none"> • The Panel Assessment and Recommendations relevant to 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •

supporting protection of non-target species and the marine environment	Section 5.4.2 apply here as well.		
5.8. Capacity management	<ul style="list-style-type: none"> • The Panel encourages the Commission to continue its work and dialogue concerning capacity management, including strategies to reduce overcapacity; 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • TCC/WCPFC
Conservation Measures (Section 5)	<ul style="list-style-type: none"> • The Panel was unable to determine exactly to what extent the WCPFC receives and uses social, economic, or other data in the formulation of scientific advice and the Commission's execution of its management responsibilities/policies; • The Commission is encouraged to continue promoting the timely submission of relevant data, the submission of outstanding data and the resolution of all data gaps, as highlighted, to ensure up-to-date and timely assessments essential for good management of the stocks it is responsible for; • In assessing the effectiveness of Conservation and management measures, the Panel notes that there are two considerations to be pursued. The first relates to compliance with such measures. In 	<ul style="list-style-type: none"> • Management /Policy 	<ul style="list-style-type: none"> • TCC/WCPFC

	<p>this regard, the Panel commends the Commission for the Compliance monitoring scheme outlined in CMM 2010-03. The second consideration requires assessing the effectiveness of a specific CMM. This necessitates some agreed standards against which ‘effectiveness’ can be assessed. The Panel suggests that the Commission and the SC may wish to develop standards for assessing the effectiveness of CMM along lines similar to those addressed with respect to monitoring compliance, in CMM 2010-03.</p> <ul style="list-style-type: none"> • WCPFC's conservation and management practices appear to be largely in keeping with 'international best practice'. 		
6. Compliance and Enforcement			
6.1.5. Control of Flag State nationals	<ul style="list-style-type: none"> • The Panel does not see evidences of particular serious problems in Members’ implementation of their flag State duties in the area of (i) control of fishing vessels/cargo vessels/suppliers flying their flag and (ii) marking and identification of their fishing vessels. With regard to the latter, however, WCPFC should assess whether the relevant CMM has been effectively 	<ul style="list-style-type: none"> • Management/Policy 	<ul style="list-style-type: none"> • TCC/WCPFC

	<p>implemented and whether and how the FFA’s register and the WCPFC’s register become consistent with each other.</p> <ul style="list-style-type: none"> • Members are encouraged to submit all necessary vessel marking and identification data to the WCPFC <u>before</u> their vessels commence fishing; • Panel recommends that the maintenance and provision of RFV be improved, including, as appropriate, the introduction of a Lloyd’s Fairplay Unique Vessel Identifier (UVI/ IMO) for large vessels of 24 meters or more in length. • The Panel considers that the lack and/or lateness of providing, on the part of many Members, scientific/fishery operational data and of submitting their Part 2 Annual Reports on compliance, before the required deadlines and in a manner and format as required by the Convention and CMMs concerned, was and remains a serious problem which should be corrected as a matter of urgency. 		
6.2. Port State Measures	<ul style="list-style-type: none"> • At this time the WCPFC is lagging behind other RFMOs in developing port State measures; 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • TCC/WCPFC

	<ul style="list-style-type: none"> • Given that globally-shared view that port State measures are a useful tool to combat IUU fishing, the Panel is encouraged that the WCPFC has afforded the issue a priority; • It is recommended that a new CMM on port State measures be adopted and implemented within the Convention Area at the earliest opportunity; • Furthermore, it is recommended that the training and technical assistance for island CCMs should be provided where needed to facilitate implementation of WCPFC-wide port State measure scheme; • To address concerns that may arise in adopting, and/or implementing, a CMM on port State measures, a cost-benefit analysis of such measures should be undertaken. This analysis should take into account the effectiveness of port State measures in combating IUU fishing, the benefits of global international minimum standards (taking into account the terms and effectiveness of related instruments such as the 1982 Paris Memorandum of Understanding on 		
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	<p>Port Controls, as well as port State measures schemes in other RFMOs), the costs of alternative controls (such as use of patrol vessels) and the legal basis for linkages with other compliance tools (such as observer programs and VMS); and</p> <ul style="list-style-type: none"> • As appropriate, regional special assistance mechanisms could be developed to support the implementation by developing States parties of the Port State Measures Agreement. As such, access to Article 21 funds should be facilitated once these funds are made available. 		
6.3. Monitoring, Control and Surveillance (MCS)			
6.3.1. Vessel Monitoring System (VMS)	<ul style="list-style-type: none"> • The Panel commends the WCPFC for setting up an electronically-based VMS to monitor the location of authorized vessels fishing in the Convention Area, although there appears to be some implementation problems; • The Panel recommends that WCPFC follow up the recommendations of the FFA & WCPFC VMS Review as prioritized by TCC 7 (Attachment F, WCPFC TCC7/2011/ 33) for the purpose of establishing more efficient and cost effective VMS system. In this 	<ul style="list-style-type: none"> • Policy/Management 	<ul style="list-style-type: none"> • TCC/WCPFC

	<p>regard, the Panel welcomes the information received from the Secretariat that VMS costs have already been substantially reduced;</p> <ul style="list-style-type: none"> • It is recommended that ways should be explored and established for VMS information within EEZs to be shared by the WCPFC Secretariat with appropriate confidentiality requirements; • It is recommended that the Northern Committee (NC) resolves a VMS implementation date for the Convention Area north of 20°N and west of 175°E. Not only should a fixed date be proposed for consideration by the TCC and the Commission, but any phased approach or any suggested exemptions should only be considered if strong justification for such deviations is provided; and • It is also recommended that any other outstanding policy and technical issues relating to the VMS regime should be expeditiously resolved. 		
6.3.2. High Seas Boarding and Inspection	<ul style="list-style-type: none"> • Although serious problems on this subject are not evident from the reports available to the Panel, the Panel does not have sufficient information and data to judge that 	<ul style="list-style-type: none"> • Management 	<ul style="list-style-type: none"> • TCC/WCPFC

	<p>the WCPFC High Seas Boarding and Inspection Scheme is being effectively implemented. The assessment should be done at a later stage when more information becomes available as a result of more extensive implementation of the Scheme.</p>		
6.3.3. Regional Observer Programme (ROP)	<ul style="list-style-type: none"> • Panel recommends that all outstanding issues related to the effective implementation of the ROP (i.e. data flow, access to observer data, draft observer report submission and reduction in cost) should be expeditiously resolved; and • It also recommends that a ROP should be agreed at WCPFC 8 as a matter of priority for vessels fishing exclusively for fresh fish in the area north of 20°N. • The Panel commends the audit of national observer programmes as a significant development. 	<ul style="list-style-type: none"> • Management 	<ul style="list-style-type: none"> • TCC/WCPFC
6.3.4. Transshipment verification and regulation	<ul style="list-style-type: none"> • The Panel commends the WCPFC for developing a transshipment regime; • Every encouragement is given to both the WCPFC and Members to ensure that the transshipment regime is consistently and universally applied within the 	<ul style="list-style-type: none"> • Management/Policy 	<ul style="list-style-type: none"> • TCC/WCPFC

	<p>Convention area, and to all WCPFC-regulated fish stocks;</p> <ul style="list-style-type: none"> • The WCPFC and Members are encouraged to review whether or not the current scheme on transshipment verification and regulation is adequate or needs improvements, including reporting and monitoring of transshipment. The Panel noted that the Commission may wish to consider the issue of in port transshipment. 		
6.3.5. Other standards for verification of fisheries data	<ul style="list-style-type: none"> • The Panel notes, with concern, that several requirements with regard to data provision established in various CMM, including timeliness, are not being adequately observed by CCM; • It is unclear to the Panel to what extent the Secretariat validates the fisheries data submitted to it and the steps adopted to rectify obviously incorrect data (e.g. fishing taking place on land, due to misreporting of geographic position) 	<ul style="list-style-type: none"> • Science/Management 	<ul style="list-style-type: none"> • SC/TCC/WCPFC
6.4. Other enforcement-related issues (including infringement follow-up)	<ul style="list-style-type: none"> • The Panel recommends that clearer mechanisms be established to ensure that CCMs follow-up on CMM infringements, and that CCMs regularly submit information on actions taken; and • It also recommends that the Commission establish guidelines for 	<ul style="list-style-type: none"> • Management 	<ul style="list-style-type: none"> • TCC/WCPFC

	a range of penalties to be applied to various infringements, for example, consideration of a need for equity in the value of fines being applied.		
6.5. Cooperative mechanisms for detecting and deterring non-compliance			
6.5.1. The Technical and Compliance Committee (TCC)	<ul style="list-style-type: none"> • The Panel commends the TCC for the work it does and encourages it to continue striving to fulfill its mandate; and • The Panel recommends that a common understanding be sought among CCMs on the TCC's priorities. The Committee's agenda should then be adjusted accordingly and its working schedule carefully tailored to ensure that it provides all its required outputs. 	<ul style="list-style-type: none"> • Management 	<ul style="list-style-type: none"> • TCC
6.5.2. The IUU Vessel List	<ul style="list-style-type: none"> • Panel recommends that IUU Vessel List continue to be compiled, and utilized as part of the WCPFC's efforts to combat and eliminate IUU fishing; and • The IUU Vessel List should be shared and, to the extent possible, harmonized with other RFMO list as recommended by KOBE III. 	<ul style="list-style-type: none"> • Policy/Management 	<ul style="list-style-type: none"> • TCC/WCPFC
6.5.3. Catch documentation	<ul style="list-style-type: none"> • The intersessional Working Group is encouraged to complete the TOR for a WCPFC CDS as soon as 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • TCC/WCPFC

	<p>possible;</p> <ul style="list-style-type: none"> • It is recommended that a WCPFC CDS be established as soon as possible. This establishment should unroll in phases which would commence with a limited number of species in terms of concerns attached to their impending sustainability, e.g. bigeye tuna. 		
6.5.4. Port monitoring of purse seine vessel landings	<ul style="list-style-type: none"> • Panel recognizes the importance of port sampling for proper identification of species composition and recommends that a cannery sampling programme be initiated based on the CMM 2009-10. 	<ul style="list-style-type: none"> • Science/Data/Compliance 	<ul style="list-style-type: none"> • SC/TCC/WCPFC
6.5.5. Chartered vessels	<ul style="list-style-type: none"> • The Panel recommends that CCMs review if the current CMM is adequate to address the issue of charter vessel arrangements and, if they conclude it is not, establish additional measures, including a new CMM, e.g. Charter Arrangement Scheme, to address pending issues. • It is recommended that WCPFC should solve the issue of attribution of catch caught by chartered vessels as soon as possible. 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • TCC/WCPFC
6.5.6. Compliance Monitoring Scheme	<ul style="list-style-type: none"> • The Panel recommends that CMM 2010-03 be faithfully implemented as a top priority and that a process that will identify a range of possible 	<ul style="list-style-type: none"> • Compliance 	<ul style="list-style-type: none"> • TCC/WCPFC

	<p>responses to non-compliance be added, as appropriate, to a revised CMM;</p> <ul style="list-style-type: none"> • The Panel also recommends that CCMs and the Secretariat review if there is room for improvement in the Compliance Report prepared by the Secretariat, which may contribute more effectively to compliance issues without giving excessive burden on CCMs reporting. 		
6.6. Market-related measures	<ul style="list-style-type: none"> • The Panel is unable to make a concrete recommendation on the potential efficacy of WCPFC market-related measures at this time. However, the Commission is encouraged to continue considering the role that such measures may play in addressing IUU and unsustainable fishing. 	•	•
7. International cooperation			
7.1.1. Transparency of WCPFC decisions and work	<ul style="list-style-type: none"> • The Commission is to be commended on its efforts to engage with a wide range of Observers and the general public. It is encouraged to continue its efforts to promote transparency and to solicit broad input in the interests of improving the representativeness, and ownership, of decisions. Wide spread availability of contextual 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • WCPFC

	<p>information on inputs used for decisions is also advocated; and</p> <ul style="list-style-type: none"> • The Commission is therefore encouraged to continue promoting transparency in its work and to explore suitable mechanisms/processes to achieve maximal access to important information used for the decision making. 		
7.1.2. Public availability of relevant information	<ul style="list-style-type: none"> • The Panel commends the WCPFC, especially the Secretariat, on its efforts to make information available to Members, Observers and the public in a timely manner; • The Panel, however, encourages, wherever possible, that all input information and the context of some outcomes be made publicly available; and • The WCPFC's Website content, structure and accessibility should be kept under constant review to ensure that the Commission's work is supported and that the Website continues to serve as a useful tool for educational and broader outreach purposes. 	<ul style="list-style-type: none"> • Policy/Information 	<ul style="list-style-type: none"> • WCPFC
7.2. Relationships with Cooperating Non-Members (CNMs)	<ul style="list-style-type: none"> • The Commission is encouraged to maintain a proactive approach in engaging with CNMs, particularly in relation to ensuring the 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • WCPFC

	<p>effectiveness of CMMs and the meeting of the Convention’s objectives, including by establishing a clear process to invite non-Parties to accede to the Convention.</p>		
<p>7.3. Relationship with Non-Cooperating Non-Contracting Parties</p>	<ul style="list-style-type: none"> • The Commission may wish to ensure that details of engagements with third-party States under Article 32 of the Convention are formally brought to the attention of FAO and any other relevant international organisation or State, on a regular basis; • The Panel notes that direct approaches, such as diplomatic demarches, to NCP Flag States whose vessels are involved in IUU fishing have been successful in other RFMOs to combat this kind of practice. WCPFC is, therefore, encouraged to adopt such approaches wherever necessary in the Convention Area; and • The Commission is encouraged to develop strategies and policy outlining a common approach to be followed in promoting the cooperation with Convention non-parties. 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • WCPFC
<p>7.4. Cooperation with other international organizations</p>	<ul style="list-style-type: none"> • The WCPFC should consider critically re-examining its relationship with a range of 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • WCPFC

	<p>organizations providing meeting observers to ensure that the exchange of information with such organizations is maximised and the working relationships with the bodies represented are transparent, effective and dynamic;</p> <ul style="list-style-type: none"> • WCPFC should continue to examine the need for concluding agreements with other organisations to enhance its own effectiveness and the pursuance of Convention objectives. Possible candidates could include environmental organisations such as CITES; • The Commission is encouraged to urgently resolve the outstanding issues relating to cooperation with the IATTC as these issues are extremely important for ensuring harmonious management of an area shared by the two organizations and the cost-effective deployment of observers; and • The Panel suggests that the WCPFC should continue to examine its own regulatory provisions and measures against contemporary developments in other RFMOs. Wherever relevant (e.g. UNGA Resolution 61/015), it should also examine other 		
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	instruments, or agreements, applicable to fisheries, the environment and broader governance to ensure that the WCPFC continues to pursue international best practice.		
7.5. Special requirements of developing States	<ul style="list-style-type: none"> • The Commission is encouraged to continue consideration of the special requirements of developing States and territories with a view to meeting their fishing interests and aspirations. 	<ul style="list-style-type: none"> • Policy 	<ul style="list-style-type: none"> • WCPFC
8. Financial and administrative issues			
8.1. Availability of financial resources			
8.1.1. Background	<ul style="list-style-type: none"> • The various statutory requirements for effective management of the WCPFC's financial and administrative arrangements have been adequately addressed in the documents and procedures outlined above; and • In the interest of financial transparency, the Commission may wish to establish a limit on the number of times the auditors may be reappointed. 	<ul style="list-style-type: none"> • Financial 	<ul style="list-style-type: none"> • SEC/FAC/WCPFC

8.1.2. Financial management	<ul style="list-style-type: none"> • The WCPFC's financial arrangements appear adequate and in keeping with international best practice. 	<ul style="list-style-type: none"> • Financial 	<ul style="list-style-type: none"> • FAC/WCPFC/SEC
8.1.3. Budget	<ul style="list-style-type: none"> • The WCPFC's budget has grown substantially since the Commission assumed its responsibilities. This is largely attributable to the many significant activities that the Organization has initiated since its inception (see Section 8.2 below); • Members appear to be currently providing the necessary financial resources required to achieve the Convention's aims, as well as to implement Commission decisions and to source contemporary scientific advice; • However, potential budgetary instability arising from late contributions is a cause for concern. Therefore timely payment of annual contributions should remain a high priority to ensure that the WCPFC remains cash-stable and that financial support for the Organization's functions are equitably shared as envisaged in the contribution formula (Article 18(2) of the Convention and Financial Regulation 5.2); • The reimbursement of any surplus 	<ul style="list-style-type: none"> • Financial 	<ul style="list-style-type: none"> • FAC/WCPFC

	<p>funds from one year to the next should be discouraged if it rewards those in contribution arrears equally to Members who have paid their contributions on time; <i>Note: Financial Regulation 4.2 “appropriations shall be available for obligation during the financial year to which they relate. Available funds remaining at the end of the financial year will be applied to the working capital fund.”</i></p> <ul style="list-style-type: none"> • The potential, and proportionately significant, impost of new activities on the WCPFC budget is noted; • The WCPFC is commended for considering ways to address budget savings, including cost-recovery, without compromising service delivery. The WCPFC should review the outcomes of the consultancy mentioned above for its decision on how such saving might be achieved without compromising its works; and • The Panel was encouraged by the anticipated savings of more than 50% for the VMS from 2012 onwards. 		
8.1.3.1. Budget contributions			

<p>8.2. Availability of other resources</p>	<ul style="list-style-type: none"> • The various administrative arrangements and structures attached to the Secretariat’s responsibilities and functioning are good. The Secretariat appears to function well and the organization/support of meetings, the production of essential documentation and attached communication are satisfactory; • The increasing Secretariat task list appears to have been well and efficiently handled up to this point. However, it is essential that a 'critical mass' of Secretariat skills be sustained, particularly when senior professional staff leave. The career development of staff is therefore encouraged, as is the sharing of, and cross training in, essential task execution; • Any future reorganization or expansion of the WCPFC’s work is likely to affect how the Secretariat organizes its work so that it continues to sustain a high service-delivery standard. Under such circumstances, clear direction needs to be given so that the Secretariat’s work priorities are clearly identified and that any need for additional resources (human or fiscal) is 	<ul style="list-style-type: none"> • Resources/Secretariat/Policy 	<ul style="list-style-type: none"> • Chair/WCPFC
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	<p>adequately addressed sooner rather than later;</p> <ul style="list-style-type: none"> • The Executive Director's role in disseminating high-quality information about the WCPFC, and its work, should be recognized, along with that of other senior staff. Consideration of an Organizational communications strategy and media policy may also be of merit. In this context, it may be worth clarifying the Executive Director's responsibilities, along with those of other office bearers, for the communication of such information; and • To better determine how well Secretariat staff deliver their required services, metrics should be developed for assessing their various duties/ tasks. These could be based on a schedule of tasks/ activities to be undertaken, the completion of tasks against identified guidelines/ deadlines, and the final service outputs delivered in terms of delivery efficiency/ standards. Such metrics would also serve to identify 'exceptional performance' as well as performance requiring remediation. The former would serve to retain and reward high performing, good 		
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	<p>and efficient staff.</p> <ul style="list-style-type: none"> • The Panel suggests that the Commission may wish to task the Executive Secretary with developing a procedure to target training needs to improve staff performance. • The Panel commends the Secretariat outreach initiatives with regard to the local community and the region. <p>The Panel urges the Commission to develop a formal Communication Policy.</p>		
8.3. Cost-efficiency and effectiveness	<ul style="list-style-type: none"> • Despite an increasing workload, and the increased complexity of WCPFC's scientific advice and fisheries management activities, the Secretariat continues to support the Organization's work in a highly professional and effective manner. • The WCPFC Secretariat is commended for its work in support of the WCPFC. 	<ul style="list-style-type: none"> • Resources 	<ul style="list-style-type: none"> • SEC/WCPFC
8.4. Secretariat and other resources required to continue support of the WCPFC's work	<ul style="list-style-type: none"> • The Executive Director should be commended for facilitating the professional development of Secretariat staff and linking this to assessment of staff performance. It may be worthwhile also encouraging the Executive Director to develop a Professional Internship Program along the lines identified above; 	<ul style="list-style-type: none"> • Resources 	<ul style="list-style-type: none"> • ED/WCPFC

	<ul style="list-style-type: none"> • The Commission’s attention is drawn to the fact that future expansion of WCPFC activities, particularly data collection/sharing and MCS activities, may require the expansion of Secretariat staff capabilities. It may also necessitate the acquisition/ deployment of new communication and information technologies. It is therefore recommended that staff capabilities should be continually monitored and wherever necessary rigorous professional/skills training programs, and/or opportunities for Secretariat staff, should be identified and addressed; • The Panel also draws the Commission’s attention to the fact that any future expansion of the Secretariat’s work will entail timely consideration of attendant staff needs or skills. This implies that adequate planning and priority setting is essential to provide the Secretariat with the necessary human, financial and other resources it may need for its future work; • Following the above, the Panel notes that the matrix currently being developed by the Secretariat for 		
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	<p>FAC's consideration is likely to provide a cost-effective approach to planning the WCPFC's future activities in terms of financial commitments, skills availability and infrastructure implications;</p> <ul style="list-style-type: none"> • The Executive Director should be tasked with developing a generically-based and standardized cross-Secretariat staff performance appraisal system. This would aim to provide stipulated, common-format task lists to facilitate priority setting for individual staff and across the Secretariat. It will also improve monitoring of staff skills and outputs; • Secretariat office space, and the attached infrastructure, appears adequate for current and future needs; and • Consideration needs to be given to producing a meeting schedule, and associated meeting sites, that are convenient for all Members in terms of both available accommodation and convenient accessibility. The Panel understands that a list of requirements for hosting meetings has been compiled. This should form the basis for drawing up the meeting site and schedule referred to 		
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	immediately above.		
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