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

Sixth session
Bali, Indonesia
19 – 23 April 2004

WCPFC/PrepCon/40
23 April 2004

**STATEMENT OF THE CHAIRMAN ON THE WORK OF THE PREPARATORY
CONFERENCE DURING ITS SIXTH SESSION**

1. The sixth session of the Preparatory Conference for the Establishment of the Commission on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean took place at Bali, Indonesia, from 19 to 23 April 2004. The Conference was attended by representatives from Australia, Canada, China, Cook Islands, European Community, Federated States of Micronesia, Fiji, France, French Polynesia, Indonesia, Japan, Kiribati, Republic of Korea, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America, Vanuatu and Wallis and Futuna. Observers from the South Pacific Forum Fisheries Agency (FFA), the Forum Secretariat, the Inter-American Tropical Tuna Organization (IATTC), the Pacific Community (PC), the South Pacific Regional Environment Programme (SPREP), and the University of the South Pacific (USP) also attended.

2. The session was opened by Dr Rokhmin Dahuri, Minister of Marine Affairs and Fisheries of the Republic of Indonesia.

3. During the sixth session, the Conference considered the following matters:

- (a) the status of the Convention;
- (b) the status of the Preparatory Conference Organizational Fund and related matters;
- (c) the procedures for the appointment of the first Executive Director of the Commission;
- (d) the draft provisional agenda for the first session of the Commission;
- (e) the reports and recommendations of Working Groups I, II and III; and
- (f) the date and place of the final session of the Preparatory Conference and the inaugural session of the Commission.

Status of the Convention

4. The Conference received a report on the status of the Convention by the delegation of New Zealand (WCPFC/BP.1/Rev.10). It was noted that, as at 19 April 2004, following

ratification by the Cook Islands, fourteen instruments of ratification or accession had been deposited. The States that had ratified the Convention were Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga and Tuvalu. It was noted therefore that, in accordance with paragraph 2 of article 36, the Convention will enter into force 30 days after the deposit of instruments of ratification, acceptance, approval or accession by three of the States situated north of the 20° parallel of north latitude, or on 19 June 2004, being six months after the deposit of the thirteenth instrument ratification, acceptance, approval or accession, whichever is the earlier.

5. The Conference noted that, in the course of general statements, several additional delegations indicated their intention to become members of the Commission. These included China, European Community, France, Indonesia, Japan, Chinese Taipei, Republic of Korea and the United States.

6. The French language translation of the Convention, approved by the French speaking delegations, was circulated to the participants (WCPFC/PrepCon/DP.31).

Status of the Preparatory Conference Organizational Fund and related matters

7. The Interim Secretariat provided a report on the status of the Preparatory Conference Organizational Fund and related matters as contained in document WCPFC/PrepCon/WP.11/Rev.1/Add.2. Following consideration of the report, the Conference decided to:

(a) express its appreciation to those participating governments that have contributed to the PCOF or otherwise contributed financially and in kind to the Preparatory Conference;

(b) invite those participants that have not already done so, as well as to intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions to make voluntary contributions to the Preparatory Conference Organizational Fund;

(c) note the status of the Fund as at 31 December 2003;

(d) note and reaffirm the existing arrangements with respect to the Interim Secretariat and Chairman.

8. The Conference also took note of the report of the auditor of the Fund dated 1 April 2004.

9. The Conference noted with concern that there was an urgent need for further contributions to the Fund in order to complete the work of the Preparatory Conference in 2004 and provide for a smooth transition to the Convention regime.

Procedures for the selection of an Executive Director

10. The Conference considered the matter of the appointment of an Executive Director for the Commission. A person specification was agreed and is attached as Annex I. It was agreed that article 15 of the Convention and other articles of the Convention were suitable as a job specification for the position.

11. It was agreed that the process of recruiting an Executive Director for the Commission should commence as soon as possible, so that the Commission could be in a position to decide on an appointment at its first meeting. The Chair of the Preparatory Conference will supervise the recruitment process, with support from the New Zealand delegation. The Chair was authorized to engage external consultants to assist in advertising the position, receiving applications and providing comment on the candidates. Costs for this process will be funded from the Preparatory Conference Organizational Fund. The advertisement and information pack for applicants would be based upon the person specification and article 15 of the Convention respectively.

12. Participants in the Preparatory Conference would be invited to rank candidates (if possible a secure website would be used for this purpose). Up to five candidates would be invited to take part in an interview on the day prior to the first meeting of the Commission.

13. The Chair of the Preparatory Conference would lead an interview panel comprising all Commission members and those reasonably expected imminently to become members. The interview panel would then make recommendations to the Commission. The precise nature of the interview and decision-making process would be confirmed by the seventh session of the Preparatory Conference. In order to assist this discussion the Chair and the delegation of New Zealand will prepare a paper outlining the proposed process for consideration at PrepCon VII.

14. The Conference accepted with appreciation Australia's offer to carry out a job-sizing exercise for the Executive Director position and develop a remuneration package related to what is commonly called the CROP system.

Working Group reports

15. WG.I held three meetings during the session. As agreed at the fifth session, the main objectives for the Working Group were to address in more detail matters relating to the organizational structure of the Commission Secretariat and to finalize its recommendations relating to the budget for the early years of the Commission and the way in which that budget will be financed. The summary report of the chair of Working Group I on its work during the session is contained in document WCPFC/PrepCon/37.

16. The Working Group decided to recommend the organizational structure and and summary of functions for the staff of the Commission in its early years of operation as contained in WCPFC/PrepCon/37, Annexes I and II. It also decided to recommend that, with respect to the staff of the Commission, the Commission develop and adopt a system of salaries and allowances related to that applied by the agencies of the Council of Regional Organizations of the Pacific (CROP).

17. Working Group I took note of the provisional indicative budget of the Commission for its first three full years of operation as contained in Annex IV of the Secretariat's working paper (WCPFC/PrepCon/WP.20). The Group considered the proposed budget to be conceptually acceptable subject to the need to further refine the cost estimates for each line item as further information became available. In general, it was considered that the overall size of the budget (US\$1.5 - \$1.8 m) was likely to be a reasonable reflection of the likely costs involved in conducting the business of the Commission in its formative years.

18. The Group considered that it would be necessary to consider the actual budget for the first year of operation of the Commission (2005) at PrepCon VII, when more information was available concerning the number of Parties to the Convention and the likely extent of the Commission's activities during 2005. The Working Group recommended a format for the future presentation of the proposed budget of the Commission (WCPFC/PrepCon/37, paragraph 9).

19. Working Group I decided to recommend the adoption of a scheme of contributions determined according to the following formula:

(a) a 10 per cent base fee divided in equal shares between all members of the Commission;

(b) a 20 per cent national wealth component based upon an equal weighting of proportional gross national income (calculated on a three-year average) per capita and proportional gross national income (calculated on a three-year average); and

(c) a 70 per cent fish production component based upon a three-year average of the total catches taken within exclusive economic zones and in areas beyond national jurisdiction in the Convention Area of all the stocks covered by the Convention for which data are available (including the main target tuna species, as well as the four main billfish species (black marlin, blue marlin, striped marlin and swordfish)), subject to a discount factor of 0.4 being applied to the catches taken within the EEZ of a member of the Commission which is a developing State or territory by vessels flying the flag of that member.¹

20. Working Group I completed its work on the draft Financial Regulations of the Commission (WCPFC/PrepCon/CRP.1) and decided to recommend that the draft be taken up by the Conference at its final session.

21. The Conference adopted the recommendations contained in the report of the Chair of Working Group I.

22. Working Group II held two meetings during the session. The Working Group considered and made specific recommendations on:

(a) the future operation of the Scientific Committee

(b) Scientific Coordinating Group, 2004 agenda

(c) further development of the proposed initiative to enhance data collection in Indonesia and Philippines;

(d) the provision of scientific advice in relation to northern stocks as related to the activities of the Northern Committee; and

(e) further development of the strategies for meeting the special requirements of developing States and territories with respect to data requirements and technical capabilities.

¹ For the reasons noted in WCPFC/PrepCon/WP.13/Rev.1, paragraphs 14 – 16, it is to be noted that catch datasets for this purpose will for the time being be compiled by OFP-SPC.

23. The summary report of the chairman of Working Group II is contained in document WCPFC/PrepCon/38. The Conference took note of the recommendations contained in the WG.II report and noted that substantive work relating to the provision of scientific advice and the further development of strategies for meeting the special requirements of developing States and territories would be continued through the relevant bodies once the Commission came into being. The Conference decided to consider the issue of the sequence and timing of Commission meetings, as well as the budgetary implications of any decision on this matter, during PrepCon VII with a view to making a clear recommendation to the Commission. The Conference approved the proposal to hold the third meeting of the Scientific Coordinating Group (SCG) in Majuro, Marshall Island from 19 - 21 August 2004, immediately following SCTB 17. The meeting will be chaired by Dr Yuji Uozumi (Japan). The Conference noted the need to find a source of funding to assist with participation in SCG 3 by developing States and territories.

24. Working Group III held three meetings during the session. The Group identified the Commission's record of fishing vessels and fishing authorization and the scheme for vessel and gear marking as the most urgent matters for discussion. WG.III was able to produce a first draft of the Commission's record of vessel and fishing authorizations on the basis of proposals that had been submitted by the European Community, Japan and the FFA. It recommended that this draft should be further discussed and finalized at the next session as a recommendation to the Commission. Some participants in the Working Group reserved the right to further consider certain specific provisions of the draft Chairman's text.

25. WG.III also agreed on a draft proposal for the Commission's vessel marking scheme prepared by the Chairman which could be submitted to the Commission.

26. Owing to lack of time, WG.III was not able to consider proposals on options for the Commission's observer programme and VMS and the status of cooperating non-contracting parties. It was noted by the Chairman of WG.III that the Group will meet for the last time at PrepCon VII. As limited time will likely be available for active deliberations, the work of the group may best be focussed on completing work on the draft document related to the Commission's record of fishing vessels and authorization to fish and on adopting standards for cooperating non-contracting parties, which many delegates viewed as closely linked to the vessel record. The other items on the WG.III agenda will necessarily be passed to the Commission for further consideration.

27. The summary report of the Chairman of Working Group III is contained in document WCPFC/PrepCon/39.

Management options for bigeye and yellowfin tuna

28. In response to operative paragraph 1 of the resolution adopted by the fifth session of the Conference, the Conference considered a paper prepared by the Interim Secretariat on management options on how the Commission could respond to sustainability concerns in respect of bigeye and yellowfin identified by the second meeting of the SCG (WCPFC/PrepCon/WP.24). PrepCon VI recognized that the full range of options provided in the working paper should be available for consideration by the Commission at its first meeting. The Conference also noted that the paper outlined two broad groups of management measures that could be appropriate and feasible in the short term. Taking into account the unique aspects of the tuna fisheries in the WCPO and that recent stock assessments for bigeye and yellowfin tuna indicate that these stocks are in or may be approaching an overfished state, and the relevant elements raised in the

discussions during PrepCon VI, the Conference decided that further analysis to support consideration by PrepCon VII and the first meeting of the Commission of options in these two broad groups (national capacity, catch and effort limits and a range of technical measures) should be undertaken.

29. Therefore, PrepCon VI requested SCG 3 to provide advice, through the Interim Secretariat, on the analyses that should be undertaken and how these analyses can be carried out in a timely and effective manner.

Draft provisional agenda for the first session of the Commission

30. The Conference considered the matter of the agenda for the first session of the Commission and decided to recommend to the Commission the draft provisional agenda contained in Annex II. The Chairman urged all delegations to give early consideration to the matter of the selection of a Chair for the inaugural session of the Commission, as well as the chairmanship of the Commission for 2005.

Date and place of next session

31. PrepCon VII, which will immediately precede the inaugural session of the Commission, will be held in the week commencing 6 December 2004 in Pohnpei or an alternative site designated by the Federated States of Micronesia.

32. The main purpose of PrepCon VII would be to formally adopt the final report and recommendations of the Preparatory Conference, conclude the business of the Conference and deal with any unfinished business. Present tentative planning is that PrepCon VII would meet on 6 and 7 December 2004 and the Commission on 9 and 10 December, with a possible meeting on 11 December if necessary.

Other matters

33. The Conference welcomed the initiative taken by Japan to hold a special workshop to discuss possible measures to address the issues of excessive fishing capacity created by some participants during the Preparatory Conference process. This workshop would be open to all the PrepCon participants and will be held from 12 to 15 July in Japan as a voluntary intersessional effort. Japan informed the Conference that it would fund travel expenses for representatives of developing States who wish to attend the workshop. The results of the workshop will be reported to PrepCon VII.

Closing of the session

34. The Conference expressed its deep gratitude and appreciation to the Government of the Republic of Indonesia for the arrangements that had been made for the hosting of the sixth session.

35. The sixth session of the Preparatory Conference was adjourned on 23 April 2004.

— — —

Annex I

PERSON SPECIFICATION FOR EXECUTIVE DIRECTOR

Person specification

1. Demonstrated ability to lead and manage a regional fisheries organization.
2. Demonstrated understanding of Pacific Island and wider regional relations.
3. Demonstrated ability to manage the formulation and implementation of fisheries management policies.
4. Capacity to organize international meetings, including the capacity to prepare budgets, working documents and reports to a high standard.
5. Demonstrated ability to work effectively with persons with different cultural, social and educational backgrounds.
6. Demonstrated ability to manage prudently the budget and finances of a regional fisheries organization.

Job specification

The Executive Director is the chief administrative officer of the Commission, with the specific functions and responsibilities set out in article 15 and other articles of the Convention.

Annex II

**DRAFT PROVISIONAL AGENDA FOR THE FIRST MEETING OF THE
COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY
MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

AGENDA ITEM 1. OPENING OF MEETING

- 1.1 Welcoming address
- 1.2 Election of Chairman and Vice-Chairman
- 1.3 Meeting arrangements
- 1.4 Adoption of agenda
- 1.5 Opening Statements

AGENDA ITEM 2. MEMBERSHIP

- 2.1 Status of the Convention
- 2.2 New parties to the Convention
- 2.3 New members of the Commission

AGENDA ITEM 3. FINAL REPORT OF THE PREPARATORY CONFERENCE

- 3.1 Presentation of the final report of the Preparatory Conference on all matters within its mandate pursuant to paragraph 9 of resolution I.² *

AGENDA ITEM 4. ESTABLISHING RULES FOR MEETINGS AND SUBSIDIARY BODIES

- 4.1 Draft Rules of Procedure for the Commission *
- 4.2 Establishment of the Northern Committee
- 4.3 Rules and procedures for the Subsidiary Bodies of the Commission

AGENDA ITEM 5. LOCATION OF THE HEADQUARTERS OF THE COMMISSION AND ESTABLISHMENT OF THE SECRETARIAT

- 5.1 Location of the headquarters of the Commission *
- 5.2 Appointment of the Executive Director of the Commission *
- 5.3 Consideration of terms of service for the staff of the Commission and the Staff Regulations
- 5.4 Emblem and symbol of the Commission

AGENDA ITEM 6. BUDGET AND FINANCE

- 6.1 Report on the status of the Preparatory Conference Organizational Fund and transfer of financial accountability to the Commission
- 6.2 Adoption of budget for first year of the Commission *
- 6.3 Adoption of the scheme of assessed contributions to the budget of the Commission *

² Including the status of implementation of the resolutions adopted by the Preparatory Conference.

- 6.4 Draft Financial Regulations of the Commission *
- 6.5 Appointment of an Auditor

AGENDA ITEM 7. SCIENCE ISSUES

- 7.1 Report of the third meeting of the Scientific Coordinating Group
- 7.2 Provision of scientific advice to the Commission *
- 7.2 Programme of work for the Scientific Committee in 2005

AGENDA ITEM 8. CONSIDERATION OF MANAGEMENT OPTIONS

- 8.1 Consideration of the need for management measures in respect of bigeye and yellowfin tuna in accordance with the provisions of paragraph 2 of the resolution of the Preparatory Conference dated 3 October 2003

AGENDA ITEM 9. FUTURE WORK PROGRAMME OF THE COMMISSION

AGENDA ITEM 10. OTHER MATTERS

- 10.1 Cooperation with the IATTC and other international organizations

AGENDA ITEM 11. NEXT MEETING

- 11.1 Date and place of next meeting

* Matters upon which a recommendation of the Preparatory Conference is likely to be adopted prior to the first session of the Commission.
