



**Western and
Central Pacific
Fisheries
Convention**
Preparatory Conference

DRAFT
Final Report of the
Preparatory Conference

Volume I

Final Draft Reports

NOVEMBER 2004

Final Draft Reports

Following is a complete listing of official documents of the Preparatory Conference issued to date:

Information note and schedule PrepCon VII	Information note on matters before the final (seventh) session of the Preparatory Conference	27 Sep 2004
WCPFC/PrepCon/CRP.3/Rev.1	Record of Fishing Vessels and Authorization to Fish	23 Oct 2004
WCPFC/PrepCon/CRP.4	Proposed Specifications for the Marketing and Identification of Fishing Vessels (In the convention Area)	23 Oct 2004
WCPFC/PrepCon/CRP.5	Draft final report of Working Group I	23 Oct 2004
WCPFC/PrepCon/CRP.6	Draft final report of Working Group II	23 Oct 2004
WCPFC/PrepCon/CRP.7	Draft final report of Working Group III	23 Oct 2004
WCPFC/PrepCon/CRP.8	Draft final report of the Preparatory Conference	16 Nov 2004
WCPFC/PrepCon/WP.1/ Rev.5	Revised draft rules of procedure for the Commission	1 Aug 2004
WCPFC/PrepCon/WP.2/ Rev.2	Revised draft financial regulations for the Commission	1 Aug 2004



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Central Pacific
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INFORMATION NOTE ON MATTERS BEFORE THE FINAL (SEVENTH) SESSION OF THE PREPARATORY CONFERENCE FOR THE ESTABLISHMENT OF THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC AND THE INAUGURAL SESSION OF THE COMMISSION

1. The seventh and final session of the Preparatory Conference for the Establishment of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific (PrepCon VII) will be held at Pohnpei, Federated States of Micronesia on 6 and 7 December 2004. The inaugural session of the Commission will take place immediately following PrepCon VII on 9 and 10 December 2004.
2. This information note has been prepared to facilitate the work of the delegations participating in the Preparatory Conference and the Commission. The note identifies the matters that are to be considered by Plenary and working groups of the Preparatory Conference and by the Commission. Because of the number of matters to be dealt with, and their potential complexity, the Chairman of the Preparatory Conference proposes to convene a brief organizational meeting with the Vice-Chairman, Chairs of the Working Groups and heads of delegations on Sunday 5 December. The objective of this informal meeting will be to identify any problems that may need to be resolved and consider how best to utilize the limited time available during the session.
3. An indicative schedule of meetings is included at the end of this note. Delegations are invited to take note of the crowded agenda and are reminded of the very limited time available within which to complete the work of the session. With respect to travel arrangements, delegations are urged to bear in mind the Chairman's proposal for a meeting of heads of delegation on Sunday 5 December. There is also the possibility that the Commission will need to work until quite late on Friday 10 December. Travel should be planned accordingly.

I. PROGRAMME OF WORK FOR THE SEVENTH SESSION OF THE PREPARATORY CONFERENCE

4. The main purpose of PrepCon VII is to formally adopt the final report and recommendations of the Preparatory Conference, conclude the business of the Conference and deal with any unfinished business. The work of the Preparatory Conference is largely determined by resolution I of the MHLC. It is important to bear in mind that the objective of the Preparatory Conference was not to reach a final decision on all matters, but to lay the groundwork for the entry into force of the Convention and a smooth transition to the Convention regime. The priority therefore was to address the organizational and administrative matters necessary to allow the Commission to come into being at an early stage, but to leave more substantive and difficult issues to be discussed in more detail within the Commission. With these considerations in mind, the following programme of work is suggested.
5. Plenary will meet briefly on Monday morning in order to formally adopt the programme of work for the session and to enable the Chairman (or any delegation) to introduce any new matters that require consideration by delegations, or to provide reports on any relevant issue. In view of the short time available, opening statements of a general nature by delegations will not be encouraged.

6. Immediately following the plenary session, Working Group I (organizational and budget matters) will meet to review and adopt its draft final report and to conclude its business.

7. Draft final reports for all working groups, as well as other working documents for PrepCon VII, will be circulated well in advance of the session as official documents of the Conference. In order to complete the work of the PrepCon within the time scheduled, it is **essential that the working groups complete their business within the allocated time.**

8. On Monday afternoon, Working Group II (science) will meet to review and adopt its draft final report and to conclude its business. This will include the adoption of any recommendations that WG.II wishes to make to the Commission concerning the matters within its mandate, for example relating to the role of the SPC-OFP in the scientific work of the Commission during the transitional period and a long-term strategy for building fisheries data collection and analytical capacity in developing States and territories. WG.II is also required to consider the report of the third meeting of the Scientific Coordinating Group (SCG 3) (WCPFC/PrepCon/41). In considering this report, WG.II should bear in mind that the report of SCG 3 will also be formally submitted to the inaugural session of the Commission.

9. Working Group III (MCS) will meet on Tuesday morning. Unlike the other working groups, WG.III has had insufficient time during the Preparatory Conference to prepare final recommendations on all the matters within its mandate. During its meetings, it has considered the following matters:

- a. Draft procedures for boarding and inspection;
- b. Draft Commission record of vessels and fishing authorizations;
- c. Draft scheme for vessel marking;
- d. Draft scheme for gear marking;
- e. Options for the Commission observer programme and VMS; and
- f. Proposals relating to the status of cooperating non-contracting parties.

10. The only one of these matters upon which a draft proposal has been adopted by the working group for consideration by the Commission is item (c), the draft scheme for vessel markings (WCPFC/PrepCon/CRP.4). All other items are work in progress and remain at various stages of ongoing discussion either in the form of draft texts or proposals for consideration. Recognizing that the work of WG.III will continue in the Technical and Compliance Committee of the Commission, WG.III had taken a decision at PrepCon VI to defer discussion of the draft boarding and inspection scheme (item a), proposed gear marking scheme (item d) and options for the Commission's observer programme and VMS (item e) to the Commission.

11. Limited time will be available for detailed drafting work at PrepCon VII, and it may not be possible for WG.III to reach finality on issues related to the draft record of vessels and fishing authorizations during the time available. Nevertheless, every effort should be made to conclude discussions on these matters. New proposals relating to the status of cooperating non-contracting parties have not yet been the subject of full discussion within the group. WG.III should aim to complete its work by adopting a final report and recommendations, including a recommended list of priority work to be taken up by the Technical and Compliance Committee

12. Plenary will resume immediately following WG.III and in any case not later than midday on Tuesday. The Plenary session will:

- a. Review and adopt the final reports of Working Groups I, II and III;

- b. Take up the draft rules of procedure for the Commission (WCPFC/PrepCon/WP.1/Rev.5) with a view to adopting a recommendation for adoption by the Commission at its first session;
- c. Review and adopt the draft final report of the Preparatory Commission on all matters within its mandate.

13. Plenary will be provided with a full report on the status of the Preparatory Conference Organizational Fund, together with information on disbursements made from the Fund and related matters.

14. Plenary will also be required to confirm the precise nature of the interview and decision-making process for the selection by the Commission of the first Executive Director of the Commission. In order to assist this discussion the Chairman, assisted by the delegation of New Zealand, will prepare a paper outlining the proposed process. It will be recalled that PrepCon VI had agreed that the Chairman 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 recruitment process for the Executive Director commenced in July 2004, when the position was advertised internationally. The closing date for applications was 1 September 2004. As agreed by PrepCon VI, the recruitment process is being supervised by the Chairman of the Preparatory Conference, with support from the New Zealand delegation.

15. Plenary will also consider such other proposals and recommendations that may be referred to it as well as any other matters that may require consideration prior to the opening of the inaugural session of the Commission. Among the practical matters that will need to be determined is the provision of secretariat arrangements for the inaugural session.¹

II. PREPARATION FOR THE COMMISSION

16. There will be just one day available (Wednesday 8 December) to complete two key tasks. These key tasks are:

- a. Preparation by the Interim Secretariat of the final report of the Preparatory Conference; and
- b. Interviews of candidates for the position of the Executive Director and preparation of a recommendation for the Commission.

17. It may also be necessary for delegations to hold informal consultations on any outstanding matters prior to the opening of the inaugural session.

III. INAUGURAL SESSION OF THE COMMISSION

18. The inaugural session of the Commission will take place on 9 and 10 December 2004, preceded by a formal opening ceremony. The details of this will be available in due course.

¹ Under the terms of Resolution I, the Preparatory Conference remains in existence until the conclusion of the first meeting of the Commission, at which time its property and records shall be transferred to the Commission. As a practical matter, the PrepCon may wish to recommend that the Interim Secretariat of the PrepCon should serve as the secretariat pro tem for the inaugural session of the Commission.

19. The draft provisional agenda for the session was adopted by PrepCon VI.² The Commission will be invited to adopt the provisional agenda as the basis for its work. It should be emphasized, however, that many of the items on the provisional agenda are of a substantive nature. It will not be possible, in the limited time available, to give full consideration to all items on the agenda. The objective of the inaugural session should be to take decisions on the priority organizational and administrative matters, identified in this information note, which will enable the Commission to start its work without delay. Inevitably, this will mean that discussion of many substantive issues will need to be deferred to 2005.

Agenda item 1

20. The first item of business for the Commission is to elect a Chairman and Vice-Chairman. The Convention, and the draft rules of procedure, requires the Chairman and Vice-Chairman to be elected from among the Contracting Parties to the Convention and to be of different nationalities. Under the rules of procedure they shall hold office for a period of two years.

Agenda item 2

21. The Commission will receive a report on the status of the Convention and any action taken pursuant to article 43 or Annex I of the Convention. As of September 2004, the following 14 States had deposited instruments of ratification, acceptance, approval or accession with the New Zealand Government and will thus be members of the Commission at its inaugural session: Australia, Cook Islands, Federated States of Micronesia, Fiji Islands, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga and Tuvalu. Pursuant to article 35, paragraph 2, of the Convention, the Commission may also consider inviting other States and regional economic integration organizations to accede to the Convention.

Agenda item 3

22. The Chairman of the Preparatory Conference will present to the Commission the final report of the Preparatory Conference on all matters within its mandate, including the status of implementation of the resolutions adopted by the Preparatory Conference. The final report of the Preparatory Conference will include specific recommendations to the Commission on a number of matters contained in the provisional agenda including:

- a. the draft rules of procedure for the Commission;
- b. the location of the headquarters of the Commission;
- c. the scheme of contributions to the budget of the Commission;
- d. the draft Financial Regulations of the Commission; and
- e. The provision of scientific advice to the Commission.

23. The Commission will be invited to take note of the final report of the Preparatory Conference and to take up each of the specific recommendations under the appropriate agenda item.

Agenda item 4

24. The Commission will be invited to adopt the draft rules of procedure for the Commission on the basis of a recommendation by the Preparatory Conference.

25. With respect to the rules and procedures applicable to the Scientific Committee and the Technical and Compliance Committee, it should be noted that draft rule 31 of the rules of procedure of the Commission provides for the application of those rules of procedure to the subsidiary bodies of the Commission until such time as each subsidiary body has formulated such rules as may be necessary for the efficient conduct of its functions. In practice, therefore, it will not be necessary or feasible for the Commission at its first meeting to adopt any additional rules and procedures for its subsidiary

² See Annex II of the Statement of the Chairman on the work of the Preparatory Conference at its sixth session, WCPFC/PrepCon/40. The draft provisional agenda will be circulated again prior to the inaugural session.

bodies. Matters relating to the timing and location of the first meetings of such bodies may be considered under agenda items 9 and 11.

26. In the event that any States situated in the Convention area north of 20° north parallel are members of the Commission by December 2004, the Commission would also be required to consider the question of the establishment of the Northern Committee pursuant to article 11, paragraph 7, of the Convention.

Agenda item 5

27. The Commission will consider and take a decision on the recommendation of the Preparatory Conference relating to the location of the headquarters of the Commission.

28. The Commission will also consider the appointment of the Executive Director of the Commission. It is envisaged that the Chairman of the Preparatory Conference will submit to the Commission the report and recommendation of the interview panel. The Commission will also need to adopt a remuneration package for the Executive Director, or provide direction on the formulation of such a package, in order to enable recruitment of the individual selected to proceed. It is expected that a proposal on this matter will be submitted to the Commission in due course.

29. It is recommended that other matters for consideration under this agenda item, including the terms of service for staff and the emblem and symbol of the Commission, be deferred to the next meeting of the Commission in order to allow the incoming Executive Director sufficient time to draw up detailed proposals for consideration by the Commission, taking into account the guidance on these matters developed by Working Group I of the Preparatory Conference.

Agenda item 6

30. The Commission will be provided with a report on the status of the Preparatory Conference Organizational Fund. The Fund will be formally transferred to the Commission upon the conclusion of the inaugural session.³

31. The Commission will also need to adopt a budget and scheme of assessed contributions for its first year of operation. In order to ensure continuity in the operation of the Commission, the Interim Secretariat will propose a draft budget for consideration by the Commission, taking into account the discussions on the size and scope of the budget in Working Group I of the Preparatory Conference. The draft budget, and a draft scheme of contributions (also based on the recommendations of Working Group I), will be circulated in advance of the meeting.

32. The Commission will also be invited to adopt draft Financial Regulations for the Commission on the basis of the recommendation of the Preparatory Conference and to appoint an auditor for the first year of operation of the Commission.

Agenda item 7

33. The Commission will receive the report of the third meeting of the Scientific Coordinating Group, which took place in August 2004 (WCPFC/PrepCon/41). The report of the meeting will by this stage have been reviewed by Working Group II of the Preparatory Conference. Under this agenda item, the Commission may also wish to take into account any specific recommendations made by WG.II and the Preparatory Conference with respect to the report of the Scientific Coordinating Group and any general recommendations relating to the provision of scientific advice to the Commission. The latter may include recommendations relating to the proposed project to enhance data collection in Indonesia and Philippines.

34. The Commission should also consider the programme of work for the Scientific Committee for 2005. The report of the Scientific Coordinating Group contains recommendations on the establishment of specialist working groups and on the priorities for scientific work. The timing and

³ It should be noted that arrangements will need to be made for audit of the Fund following the conclusion of the inaugural session and prior to its transfer to the Commission.

location of meetings of the Scientific Committee will need to be considered in light of discussions on the budget and overall programme of work for the Commission (agenda items 6 and 9).

Agenda item 8

35. PrepCon VI considered a paper 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). The Scientific Coordinating Group was requested to advise on the technical feasibility of analyzing the management options identified in the paper. The Scientific Coordinating Group carried out such an analysis during its third meeting in August 2004 (WCPFC/PrepCon/41, paras. 20 to 23) and highlighted a number of matters that needed to be considered. The Commission will have an opportunity under this agenda item to respond to the advice provided by SCG 3 on this matter although it is unlikely that time will permit a full debate on the substantive issues.

Agenda item 9

36. Very little time will be available for substantive discussion of agenda items during the inaugural session of the Commission. In order to ensure continuity in the transition from the Preparatory Conference to the Convention regime, it will be important for the Commission to adopt an outline programme of work for 2005. Such a programme of work will also provide necessary guidance to the incoming Executive Director. The programme of work should take into account the anticipated financial situation of the Commission during its first year of operation, as well as inevitable delays in recruitment of core staff. It is expected that priority matters will be primarily organizational in nature, including the establishment of a Commission secretariat, establishment of financial systems, and the implementation of the recommendations of the Preparatory Conference.

Agenda item 10

37. There will be an opportunity for members of the Commission to raise such other matters as may be necessary.

Agenda item 11

38. The Commission will need to take a decision on the date and place of its next meeting, and of its subsidiary bodies, in 2005. In so doing it will need to take into account a range of factors, including the need for continuity from the Preparatory Conference, the uncertain financial and staffing situation of the Commission, the calendar of other international fisheries and related meetings and any recommendations from the Preparatory Conference relating to the timing of the Commission's science process. Particularly bearing in mind the anticipated financial situation of the Commission, it is suggested that it would not be feasible to hold the next session before July 2005.

27 September 2004

NOTE: The full texts of the Convention and related documents, including all Preparatory Conference documents and working papers, are available from the website of the interim secretariat at www.ocean-affairs.com. Information concerning the administrative arrangements for the seventh session of the PrepCon is also available on the website. Participants who have not already done so are urged to request inclusion of their e-mail addresses on the interim secretariat's mailing list.

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

INDICATIVE SCHEDULE OF MEETINGS

27 September 2004

PREP CON VII		INAUGURAL SESSION	
Monday	Tuesday	Wednesday	Thursday
<p>Opening Plenary (a) Adopt programme of work</p> <p><i>Followed by</i> WG.I (Budget) (a) Adopt final report and recommendations (b) Other matters</p> <p style="text-align: center;"><i>Lunch</i></p>	<p>WG.III (MCS) (a) Consider any outstanding issues (b) Adopt final report and recommendations (c) Other matters <i>Followed by</i> Plenary (a) Adopt final reports of WG.I, II and III (b) Draft rules of procedure for the Commission</p> <p style="text-align: center;"><i>Lunch</i></p>	<p>Interview process for Executive Director</p> <p>Preparation of final report (Secretariat)</p> <p>Informal consultations (delegations)</p> <p style="text-align: center;"><i>Lunch</i></p>	<p>Formal opening ceremony</p> <p>Commission (a) Adopt provisional agenda (b) Elect Chairman and Vice-Chairman (c) Report on status of Convention (d) Final report of PrepCon</p>
<p>WG.II (Science) (a) Consider report of SCG 3 (b) Adopt final report and recommendations (c) Other matters</p>	<p>Plenary (continued) (c) Report on status of PCOF (d) Agree procedures for selection of Executive Director (e) Adopt draft final report of PrepCon</p>		<p>Commission (continued) (h) Report on status of PCOF (i) Adoption of budget for 2005 and scheme of contributions (j) Draft Financial Regulations (k) Report of SCG 3</p>
			<p>(l) Consideration of management options (m) Programme of work for 2005 (n) Other matters (o) Date and place of next session (p) Closing</p>

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

Seventh session
Pohnpei, Federated States of Micronesia
6 – 7 December 2004

WCPFC/BP.1/Rev.11
19 November 2004

AGENDA ITEM I : STATUS OF THE CONVENTION

1. It will be recalled that, in accordance with its article 34, the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific was open for signature by the States and entities listed in article 34, paragraph 1, for a period of 12 months from 5 September 2000. As at 4 September 2001, the Convention had been signed by 19 States.
2. In accordance with paragraph 2 of article 36, the Convention entered into force on **19 June 2004**, being six months after the deposit of the thirteenth instrument ratification, acceptance, approval or accession.
3. The annex to the present paper provides information on the status of signatures and ratifications of the Convention as at 19 November 2004. As of that date sixteen States had deposited instruments of ratification, acceptance, approval or accession with the Government of New Zealand.
4. In addition, on 5 September 2000 a representative of Chinese Taipei signed an Arrangement for the Participation of Fishing Entities. On 2 November 2004, in accordance with that Arrangement, Chinese Taipei advised the Depositary that it had fulfilled its domestic requirements and that it agreed to be bound by the regime established by the Convention in accordance with its article 9, paragraph 2, and to participate as a Member in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.
5. After entry into force, and in accordance with paragraph 1 of article 35, the Convention shall remain open for accession by the States referred to in article 34, paragraph 1, and by any entity referred to in article 305, paragraph 1(c), (d) and (e) of the United Nations Convention on the Law of the Sea which is situated in the Convention Area. After entry into force, in accordance with paragraph 2 of article 35, the 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.

Annex

COUNTRY	SIGNATURE	RATIFICATION OR ACCESSION ^(a)
Australia	30/10/2000	22/09/2003
Canada	02/08/2001	
China *		02/11/2004 ^(a)
Cook Islands	05/09/2000	01/10/03
Federated States of Micronesia	05/09/2000	20/12/2002
Fiji Islands	05/09/2000	13/03/2001
France		
Indonesia	31/08/2001	
Japan		
Republic of Kiribati		09/06/2003 ^(a)
Republic of the Marshall Islands	05/09/2000	23/04/2001
Republic of Nauru	18/08/2001	26/08/2003
New Zealand **	05/09/2000	19/12/2003
Niue	30/10/2000	17/12/2003
Republic of Palau	05/09/2000	
Independent State of Papua New Guinea	17/01/2001	17/10/2001
Republic of the Philippines	05/09/2000	
Republic of Korea		26/10/2004 ^(a)
Independent State of Samoa	05/09/2000	09/02/2001
Solomon Islands	23/04/2001	09/06/2003
Kingdom of Tonga	23/04/2001	13/10/2003
Tuvalu	05/09/2000	13/04/2004
United Kingdom of Great Britain and Northern Ireland (for Pitcairn, Henderson, Ducie and Oeno Islands)		
United States of America	05/09/2000	
Republic of Vanuatu	05/09/2000	

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Notes:

* Upon accession, the Government of the People's Republic of China advised that the Convention shall apply to the Macao Special Administrative Region of the People's Republic of China but not to the Hong Kong Special Administrative Region of the People's Republic of China prior to further notice by the Government of the People's Republic of China.

** On 19 December 2003 the Government of New Zealand advised that, in accordance with Article 43, Tokelau is authorised by the Government of New Zealand to participate in the Commission and its subsidiary bodies.

RECORD OF FISHING VESSELS AND AUTHORIZATION TO FISH

Prepared by the Chairman of WG.III

A. Authorization to fish

1. Each member of the Commission shall:

- (a) authorize its vessels to operate in the Convention Area, consistent with article 24 of the Convention, only if it is able to fulfill in respect of such vessels its responsibilities under the Convention, including the application of any conservation and management measures adopted pursuant thereto;
- (b) take necessary measures to ensure that its vessels comply with conservation and management measures adopted pursuant to the Convention;
- (c) take necessary measures to ensure that fishing for highly migratory fish stocks in the Convention Area is conducted only by vessels flying the flag of a Member of the Commission or of a cooperating non-contracting party;
- (d) take necessary measures to ensure that any fishing vessel flying its flag conducts fishing activities in areas under the national jurisdiction of another State only where the vessel holds an appropriate license, permit or authorization, as may be required by such other State;
- (e) undertake to manage the number of authorizations to fish and the level of fishing effort commensurate with the fishing opportunities available to that member in the Convention Area;
- (f) ensure that no authorization to fish in the Convention Area is issued to a vessel that has a history of illegal, unreported or unregulated (IUU) fishing, unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no legal, beneficial or financial interest in, or control of the vessels, or the Member concerned is satisfied that, having taken into account all relevant facts, the vessel is no longer engaged in or associated with IUU fishing;
- (g) withdraw authorizations to fish consistent with article 25(4) of the Convention;

- (h) take into account the history of violations by fishing vessels and operators when considering applications for authorization to fish by fishing vessels flying its flag;
- (i) take necessary measures to ensure that the owners of the vessels on the WCPFC Record of Fishing Vessels flying its flag are citizens, residents or legal entities within its jurisdiction so that any control or punitive actions can be effectively taken against them.

2. Each member of the Commission shall prohibit fishing for highly migratory fish stocks in the Convention Area beyond its area of national jurisdiction, as well as retention on board, transshipment or landing of such stocks, by all vessels flying its flag except pursuant to an authorization issued by the appropriate authority or authorities of that Member in accordance to Article 24 of the Convention.

3. Each such authorization shall set forth for the vessel to which it is issued:

- (a) the specific areas, species and time periods for which the authorization is valid;
- (b) permitted activities by the vessel;
- (c) a prohibition of fishing, retention on board, transshipment or landing by the vessel in areas under the national jurisdiction of another State except pursuant to any license, permit or authorization that may be required by such other State;
- (d) the requirement that the vessel keep on board the authorization issued pursuant to paragraph 1 above, or certified copy thereof; any license, permit or authorization, or certified copy thereof, issued by a coastal State, as well as a valid certificate of vessel registration; and
- (e) any other specific conditions to give effect to the provisions of the Convention and conservation and management measures adopted pursuant to it.

B. Members' record of fishing vessels

4. Pursuant to article 24(5) on the Convention, each Member of the Commission shall maintain a record of fishing vessels entitled to fly its flag and authorized to fish for highly migratory stocks in the Convention Area beyond its area of national jurisdiction, and shall ensure that all such fishing vessels are entered in that record;

5. Each Member shall submit, electronically where possible, to the Executive Director by 1 January 2005 the following information with respect to each vessel entered in its record:

- (a) name of the fishing vessel, registration number, WIN number, previous names (if known) and port of registry;
- (b) name and address of the owner or owners;
- (c) name and nationality of the master;
- (d) previous flag (if any);
- (e) International Radio Call sign
- (f) vessel communication types and numbers (Inmarsat A, B and C numbers and satellite telephone number);
- (g) colour photograph of the vessel;
- (h) where and when the vessel was built;

- (i) type of vessel;
- (j) normal crew complement;
- (k) type of fishing method or methods;
- (l) length;
- (m) moulded depth;
- (n) beam;
- (o) gross registered tonnage;
- (p) power of main engine or engines;
- (q) carrying capacity, including freezer type, capacity and number, and fish hold capacity; and
- (r) the form and number of the authorization granted by the flag State including any specific areas, species and time periods for which it is valid.

6. After 1 January 2005, each member of the Commission shall notify the Executive Director, within 15 days, or in any case within 72 hours before commencement of fishing activities in the Convention Area by the vessel concerned, of:

- (a) any vessel added to its Record along with the information set forth in paragraph 5;
- (b) any change in the information referred to in paragraph 5 with respect to any vessel on its record; and
- (c) any vessel deleted from its record along with the reason for such deletion in accordance with article 24 (6) of the Convention.

7. Each member of the Commission shall submit within fifteen (15) days to the Executive Director information requested by the Executive Director with respect to fishing vessels entered in its national record of fishing vessels.

C. WFPFC Record of Fishing Vessels

8. The Commission shall, in accordance with article 24(7) of the Convention and based on the information provided to Commission in accordance with the Convention and these procedures, establish and maintain its own record of fishing vessels authorized to fish for highly migratory fish stocks in the Convention area beyond the national jurisdiction of the member [or cooperating non-contracting party] whose flag the vessel is flying. Such record shall be known as the WCPFC Record of Fishing Vessels.

9. The Executive Director shall ensure that due publicity is given to the WCPFC Record of Fishing Vessels including making its contents available through an appropriate website.

10. In addition, the Executive Director shall circulate an annual summary of the information contained in the WCPFC Record of Fishing Vessels to all Members at least 30 days prior to the annual meeting of the Commission.

11. Members shall review their own internal actions and measures taken pursuant to paragraph 1, including sanctions and punitive actions and, in a manner consistent with domestic law as regards disclosure, report annually to the Commission the results of the review. In consideration of the results of such review, the Commission shall, if appropriate, request that the Flag State or Member of vessels on the

WCPFC Record of Fishing Vessels take further action to enhance compliance by those vessels with WCPFC conservation and management measures.

12. Any vessel not included in the WCPFC Record of Fishing Vessels shall be deemed not to be authorized to fish for, retain on board, transship or land highly migratory fish stocks in the Convention Area beyond the national jurisdiction of its flag State. Each Member of the Commission shall prohibit such activities by any vessel entitled to fly its flag that is not included on the Record and shall treat a violation of this prohibition as a serious violation.

13. Each Member of the Commission shall further prohibit landing at its ports or transshipment to vessels flying its flag of highly migratory fish stocks by vessels not entered on the WCPFC Record of Fishing Vessels.

14. Each member of the Commission shall notify the Executive Director, in accordance with the relevant provisions of article 25 of the Convention, of any factual information showing that there are reasonable grounds to suspect that a vessel that is not on the WCPFC Record of Fishing Vessels is or has been engaged in fishing for or transshipment of highly migratory fish stocks in the Convention Area.

15. If such vessel is flying the flag of a Member of the Commission, the Executive Director shall notify that Member and shall request that Member to take the necessary measures to prevent the vessel from fishing for highly migratory fish stocks in the Convention Area and to report back on the actions taken with respect to the vessel.

16. If such vessel is flying the flag of a non-Party without cooperating status or if the flag of the vessel cannot be determined the Executive Director shall inform all members of the Commission so that they may take appropriate action.

17. The Commission and the Members concerned shall communicate with each other, and make the best efforts with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon fishery resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a movement of IUU fishing vessels between areas covered by other regional fishery management organizations.

D. General

18. The obligations and responsibilities set forth in these provisions for members shall apply equally to any cooperating non-contracting party designated by the Commission.

19. The Commission shall keep these procedures under review and may amend them as appropriate.

PROPOSED SPECIFICATIONS FOR THE MARKING AND IDENTIFICATION OF FISHING VESSELS [IN THE CONVENTION AREA]

1. GENERAL PROVISIONS

1.1 Purpose, basis and scope

1.1.1 These specifications are intended to implement the FAO Standard Specifications for the Marking and Identification of Fishing Vessels for the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC).

1.1.2 These specifications shall apply to the operation of all fishing vessels of members of the Commission authorized to fish in the Convention Area beyond areas of national jurisdiction.

1.1.3 These specifications shall be interpreted and applied in the context of and in a manner consistent with the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

1.2 Definitions

For the purpose of these Specifications:

“Convention” means the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

“deck” means any surface lying in the horizontal plane, including the top of the wheelhouse;

“FAO Standard Specifications for the Marking and Identification of Fishing Vessels” means the Standard Specifications and Guidelines approved by the FAO Committee on Fisheries (COFI) at its 18th Session, Rome, 10-14 April 1989;

“vessel” means any fishing vessel, as defined in Article 1, paragraph (e) of the Convention and authorized by a member of the Commission to fish in the Convention area beyond areas of the member’s national jurisdiction, and includes a boat, skiff or craft (including aircraft) carried on board the fishing vessel and required for fishing operations;

“operator” means any person who is in charge of or directs or controls a vessel, or for whose direct economic or financial benefit the vessel is being used, including the master, owner, and charterer.

2. REQUIREMENTS AND APPLICATION

2.1 General requirements

2.1.1 Each member of the Commission shall ensure that operators of vessels:

(a) are required to mark the vessels for their identification with their International Telecommunication Union Radio Call Signs (IRCS);

(b) are required to mark vessels to which an IRCS has not been assigned, with the characters allocated by the International Telecommunication Union (ITU) to the member of the Commission concerned or such other characters of national identification as may be required under bilateral fishery agreements and followed by, as appropriate, the fishing authorization or vessel registration number assigned to the vessel by the member of the Commission concerned. In such cases, a hyphen shall be placed between the nationality identification characters and the licence or registration number identifying the vessel.

2.1.2 Whichever system is used from 2.1.1. (a) or (b) above, that identifier shall, hereinafter be called the WCPFC Identification Number (WIN).

2.1.3 The members of the Commission shall ensure that:

(a) apart from the vessel's name or identification mark and the port of registry as may be required by international practice or national legislation, the WIN as specified shall be the only other vessel identification mark consisting of letters and numbers to be painted on the hull or superstructure;

(b) the requirement for the marking of fishing vessels with the WIN is a condition for authorization to fish in the Convention Area beyond areas of national jurisdiction;

(c) the following are offences under national legislation:

(i) non-compliance with these specifications;

(ii) non-marking or wrongful marking of vessel;

(iii) deliberate removal or obstruction of the WIN;

(iv) the use of the WIN allocated to another operator or to another vessel; and

(d) offences listed in paragraph 2.1.3.(c) above may be grounds for refusing authorization to fish.

2.2 Markings and other technical specifications

2.2.1 Each member of the Commission shall ensure that the operator displays the WIN in the English language prominently at all times:

(a) on the vessel's hull or superstructure, port and starboard. Operators may place fixtures that are inclined at an angle to the vessel's side or superstructure provided that the angle of inclination would not prevent sighting of the sign from another vessel or from the air;

(b) on a deck, except as provided for in paragraph 2.2.4 below. Should an awning or other temporary cover be placed so as to obscure the mark on a deck, the awning or cover shall also be marked. These marks should be placed athwartships with the top of the numbers or letters towards the bow.

2.2.2 Each member of the Commission shall ensure that that the Operator places the WIN:

(a) as high as possible above the waterline on both sides of the vessel and that such parts of the hull as the flare of the bow and the stern are avoided;

(b) in a manner that does not allow the marks to be obscured by the fishing gear whether it is stowed or in use;

(c) so that they are clear of flow from scuppers or overboard discharges including areas which might be prone to damage or discolouration from the catch of certain types of species; and,

(d) so that they do not extend below the waterline.

2.2.3 Undecked vessels shall not be required to display the WIN on a horizontal surface. However, operators should be encouraged by the member of the Commission, where practical, to fit a board on which the WIN is placed so that it may be clearly seen from the air.

2.2.4 Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same WIN as the vessel concerned.

2.2.5 The members of the Commission shall ensure that operators of vessels comply with the following in placing the WIN on the vessel:

(a) that block lettering and numbering is used throughout;

(b) that the width of the letters and numbers is in proportion to the height;

(c) the height (h) of the letters and numbers is in proportion to the size of the vessel shall be in accordance with the following:

(i) for the WIN to be placed on the hull, superstructure and/or inclined surfaces:

<u>Length of vessel overall (LOA) in metres (m)</u>	<u>Height of letters and numbers in metres (m) is not less than:</u>
25 m and over	1.0 m
20 m but less than 25 m	0.8 m
15 m but less than 20 m	0.6 m
12 m but less than 15 m	0.4 m
5 m but less than 12 m	0.3 m
Under 5 m	0.1 m

(ii) for the WIN to be placed on deck: the height is not less than 0.3 m for all classes of vessels of 5 m and over;

(d) the length of the hyphen is half the height of the letters and numbers;

(e) the width of the stroke for all letters, numbers and the hyphen is $h/6$;

- (f) the space between letters and/or numbers does not exceed $h/4$ nor be less than $h/6$;
- (g) the space between adjacent letters having sloping sides does not exceed $h/8$ nor be less than $h/10$; for example A V.
- (h) the WIN is white on a black background, or black on a white background;
- (i) the background shall extend to provide a border around the WIN of not less than $h/6$;
- (j) good quality marine paint is used throughout;
- (k) the WIN meets the requirements of these Specifications where retro-reflective or heat generating substances are used; and,
- (l) the WIN and the background are maintained in good condition at all times.

3. RECORD OF WCPFC IDENTIFICATION NUMBER (WIN)

3.1 The members of the Commission shall enter the WIN into the Record of Fishing Vessels required to be maintained under article 24, paragraph 4 of the Convention.

4. REVIEW AND AMENDMENT OF SPECIFICATION

4.1 The Commission shall keep these specifications under review and may amend them as appropriate.

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DRAFT FINAL REPORT OF WORKING GROUP I

1. Working Group I was established at the first session of the Preparatory Conference (April 2001) to consider issues relating to the organizational structure of the Commission, its budget and scheme of financial contributions. Ambassador Lucy Bogari (Papua New Guinea) was appointed chairman of WG.I.

2. The present document contains a summary of the discussions in WG.I during the Preparatory Conference and presents the final recommendations of the Group.

I. TERMS OF REFERENCE

3. At its first session, the Conference adopted terms of reference for WG.I (contained in document WCPFC/PrepCon/3, 25 April 2001). Those terms of reference required WG.I to:

- (a) Identify the service needs of the Commission;
- (b) On the basis of the identified service needs develop an appropriate budget structure and prepare financing options;
- (c) Provide, in consultation with other Conference Working Groups, appropriate options for delivering services such as science, data collection and data management, observer services, registry services etc;
- (d) Develop an appropriate Secretariat structure to deliver the functions identified as needed from the Commission Secretariat;
- (e) Develop costing options for the various Secretariat and service provider structures
- (f) Consider appropriate weightings for the three fee components of the funding formula prescribed in Article 18 of the Convention;
- (g) Consider various approaches for the calculation of the national wealth payment and variable fee components of the contributions formula; and
- (h) Consider the issues associated with the administration of the special fund established under Article 30 of the Convention for the funding of participation by developing states.

II. FIRST SESSION OF THE PREPARATORY CONFERENCE

4. At its preliminary meeting during the first session of the Preparatory Conference, WG.I developed a list of the possible service needs of the Commission (set out in paragraph 1 of the summary report of the chair of WG.I, WCPFC/PrepCon/5, 28 April 2001). To assist the working group in considering these items further, the Interim Secretariat prepared documents WCPFC/PrepCon/WP.3 (13 February 2002) on the service needs of the Commission and options for delivery of such services and WCPFC/PrepCon/WP.4 (13 February 2002) on options for funding the service needs of the Commission.

III. SECOND SESSION OF THE PREPARATORY CONFERENCE

5. At the second session of the Conference (February 2002), WG.I held two meetings during which it discussed the working papers that had been prepared by the Interim Secretariat. The group recognized that it faced three main tasks: (a) to further clarify the service needs of the Commission; (b) to elaborate the possible options for the delivery of the identified service needs, including an appropriate secretariat structure; and (c) to begin to identify some of the general issues associated with the development of a future budget structure for the Commission. Discussions took place on each of these items and the group agreed on the following key principles that would guide its work:

- (a) the Commission should, as far as possible be self-reliant with respect to funding;
- (b) an independent and adequately resourced Commission Secretariat is appropriate to ensure an efficient and effective organisation;
- (c) the services procured by the Commission should be sourced at market rates and subject to clear standards and specifications; and
- (d) the need to avoid duplication in the provision of services, ensure compatibility and maintain cost-effectiveness.

6. With these principles in mind, there was broad support for the secretariat structure proposed in WCPFC/PrepCon/WP.3 as an initial structure that could be built upon as additional service needs were identified and required by the Commission. WG.I also adopted a future programme of work for the next two sessions of the Conference (WCPFC/PrepCon/14 (25 February 2002), annex).

IV. THIRD SESSION OF THE PREPARATORY CONFERENCE

7. WG.I held two meetings during the third session of the Conference (November 2002). In accordance with the indicative programme of work adopted at the second session, WG.I considered the following issues:

- (a) the costs of a Commission secretariat to deliver core functions and science;
- (b) the costs associated with the various options for providing additional Commission services;
- (c) possible mechanisms for funding the participation of developing states consistent with article 30, paragraph 3, of the Convention;

(d) the application of cost recovery principles for the provision of specified Commission services.

8. The above issues were considered on the basis of two working papers prepared by the Interim Secretariat (WCPFC/PrepCon/WP.7 (23 October 2002) and WCPFC/PrepCon/WP.8 (31 October 2002)), which provided WG.I with:

(a) information on the various options available for the remuneration of the staff of the Commission secretariat;

(b) the costs associated with a core secretariat structure, on the basis of that proposed in working paper WCPFC/PrepCon/WP.3, together with a science secretariat on the basis of the discussions in WG.II;

(c) estimates of the costs associated with the provision of such additional Commission services as may be required in the medium term, including a comparison between the costs of utilizing existing regional programmes or systems and the 'in-house' provision of these services by the Commission;

(d) estimates of the potential size and scope of the special fund established pursuant to article 30, paragraph 3, of the Convention;

(e) information on the application of cost recovery principles to various Commission services.

9. WG.I considered that, in general, the secretariat structure outlined in WCPFC/PrepCon/WP.7 (annexes I and II) reflected the basic principles that had been agreed at earlier sessions in terms of size, efficiency and cost-effectiveness.¹

10. It was noted that the issue of a fund to facilitate the participation of developing States Parties, particularly small island developing States, and where appropriate, territories and possessions, as provided for in article 30, paragraph 3, of the Convention, was critical to many participants in the Preparatory Conference. In this regard, the delegation of Niue, on behalf of the small island developing States members of the Forum Fisheries Agency, presented a preliminary paper relating to recognition of the special requirements of developing States. However, WG.I was unable to reach agreement on the mechanisms for financing such a fund or as to the size and scope of the fund. The need to develop guidelines and criteria for eligibility for assistance from the fund, as required by the Convention, was noted.

11. Subject to any decision regarding the fund for the effective participation of developing States, WG.I considered that the table of estimated budgetary requirements of the Commission contained in WCPFC/PrepCon/WP.7, annex IV, provided a sound basis for progressing the work of WG.I.² While all components of the provisional indicative budget would be subject to further refinement and detailed discussion, WG.I considered that the budgetary estimates provided a useful indication for participants in the Preparatory Conference of the likely costs associated with

¹ This structure postulated a core secretariat of 10 staff in the first full year of operation increasing to 17 staff after three years.

² The budgetary requirements for the first full year of operation were estimated at US\$ 1 m for the secretariat (increasing to US\$ 1.3 m after three years) and US\$ 1.2 m for external services.

the Commission. In particular, it was considered it was still too early in the process to make assumptions as to the precise nature and extent of the external services that would be required relating to science, data management and the establishment of a vessel register.

12. WG.I briefly considered document WCPFC/PrepCon/WP.8 on the application of cost recovery principles to the provision of Commission services. The working group considered that the paper was a useful introduction to the subject and that, in general, the conclusion in the paper that, in the long term, consideration could be given to funding certain Commission services through cost recovery mechanisms, were acceptable. It was noted that much further work would need to be done to develop cost recovery mechanisms and that this would be an important future task for the Commission.

13. WG.I agreed that, at its next meeting, it would focus its considerations on the development of a funding formula for financing the Commission budget and the development of financial regulations for the Commission, including regulations to govern the administration of the special fund established under article 30, paragraph 3, of the Convention.

VI. FOURTH SESSION OF THE PREPARATORY CONFERENCE

14. WG.I held four meetings during the fourth session of the Preparatory Conference (May 2003). The Working Group focused its attention on the development of a formula for assessment of contributions to the budget of the Commission and on the development of financial regulations for the Commission, including regulations to govern the administration of the special fund to be established under article 30, paragraph 3, of the Convention. To assist its deliberations, WG.I had before it a working paper prepared by the Interim Secretariat on the various options for a formula for assessment of contributions to the budget of the Commission (WCPFC/PrepCon/WP.13, 15 April 2003). That paper also included summary information on the formula used in other comparable regional fishery management organizations.

A. Draft scheme of contributions

15. In discussing the contributions formula, WG.I recalled the provisions of article 18, paragraph 2, of the Convention and emphasized the need for any formula to fully reflect the criteria set out in that paragraph. Extensive discussions took place on the most appropriate methods to be used for calculating the three components of the contributions formula – the base fee, national wealth component and the variable fee. There was general agreement that the base fee should be shared equally among all members of the Commission. The Working Group considered that a base fee equivalent to 10 per cent of the total budget, shared equally between all participants, provided an appropriate basis for further discussion. Several participants, however, noted that the base fee element should be set at the lowest possible level in order to ensure full participation in the work of the Commission. In particular, the need to consider carefully the impact of the base fee on small island developing States was emphasized as well as the need to ensure that such States do not carry a disproportionate burden of the budget.

16. WG.I also considered various suggestions and proposals for the calculation of the national wealth component. The advantages and disadvantages of each potential approach were discussed in detail in a wide-ranging debate, and various alternative formulae were proposed for investigation. It was emphasized that the formula must fully reflect the criteria set out in article 18, paragraph 2, of the Convention, in that as well as reflecting the national wealth of the member concerned, the formula must also make due allowance for the state of development of the member and its ability to pay. It was important also that the formula should not place a disproportionate

burden on any one State. The Working Group felt that further work was needed to progress this issue and requested the Interim Secretariat to make further study as to reliable indices that may be utilized as well as to possible options for applying such indices in a manner that fully reflected the criteria of state of development and ability to pay. The need for any formula to be reviewable after a reasonable period and in the light of changing economic circumstances was also highlighted. The need to avoid a disproportionate impact on small island developing States, especially in terms of ability to pay, was stressed. It was considered that, for the national wealth component, a weighting of 20 per cent of overall budget could be a useful starting point for further consideration.

17. With respect to the variable fee, several participants in the Working Group suggested that the catch statistics used should take into account the catches of all the stocks covered by the Convention throughout the Convention Area. The need to ensure that correct datasets were used was also stressed, although the Working Group noted that the data used in the Interim Secretariat paper were provisional and would require further refinement and verification. It was suggested that a further revision of the paper would examine in more detail the potential for taking catch value into account, although some participants also noted that this may be difficult to achieve in practice and that there was not necessarily any correlation between catch value and the costs of effective management.

B. Draft Financial Regulations

18. WG.I next considered the draft financial regulations of the Commission on the basis of document WCPFC/PrepCon/WP.2 (25 April 2001). It was noted that the working paper had been tabled at the first session but that, owing to lack of time and the need to progress other issues on the agenda, had not been taken up until now. Accordingly, the document in its present form did not necessarily reflect a number of suggestions that had been made at earlier sessions, although such proposals and suggestions remained under consideration. WG.I also took note of the contribution by Korea, presented at PrepCon III and subsequently issued as WCPFC/PrepCon/DP.9 (15 April 2003). An additional proposal, relating to a special requirements fund, was tabled by the members of the Forum Fisheries Committee (WCPFC/PrepCon/DP.10 (9 May 2003)) and it was noted that this was a development of a proposal that had been submitted by the delegation of Niue, on behalf of the members of the Forum Fisheries Committee, during the meetings of WG.I at PrepCon III.

19. Following a preliminary discussion of the FFC proposal, it was agreed that the matter of the special requirements fund would require further and more detailed consideration at PrepCon V. It was also noted that the fund was, in fact, a requirement of article 30, paragraph 3, of the Convention and what was at issue was the method for financing the fund and elaboration of the guidelines for the use and administration of the fund as well as the criteria for eligibility for assistance. In this regard, the Group considered that the proposal and accompanying statement by the Forum Fisheries Committee provided a very useful basis for further consideration of this issue.

VII. FIFTH SESSION OF THE PREPARATORY CONFERENCE

20. During the fifth session of the Preparatory Conference, WG.I held three meetings. The Working Group focused its attention on the development of a formula for assessment of contributions to the budget of the Commission and on the draft financial regulations for the Commission.

A. Draft scheme of contributions

21. In considering the scheme of contributions, WG.I had before it a revised working paper (WCPFC/PrepCon/WP.13/Rev.1, 17 September 2003) prepared by the interim secretariat. The revised working paper provided information on various options for the budget funding formula taking into account the discussions on this matter at PrepCon IV, including a revised methodology for the calculation of the “national wealth” component of the budget of the Commission.

22. In discussing the methodology for calculation of the national wealth component, various suggestions and proposals were put forward. The broad-banding approach suggested by the Interim Secretariat in its revised working paper did not, however, attract broad support. At the same time, WG.I acknowledged the disadvantages of the other indices of national wealth discussed in the revised working paper and noted the difficulty in finding a formula that could satisfy all potential members of the Commission. Participants in WG.I emphasized that, as well as reflecting the national wealth of the member concerned, the formula must also make due allowance for the state of development of the member and its ability to pay. Following a proposal by the delegation of Korea, WG.I considered a revised formula for the national wealth component based upon an equal weighting of gross national income (GNI) per capita and GNI.

23. In considering the overall scheme of contributions, it became apparent that the main area of difficulty was the relative weighting of the three components set out in article 18 of the Convention. Although a preference was expressed for a relative weighting of 10 per cent (base fee), 20 per cent (national wealth component) and 70 per cent (fish production component), some participants considered that the relative weighting should be 10 per cent (base fee), 45 per cent (national wealth component) and 45 per cent (fish production component). In both cases, a discount factor of 0.4 was applied to the catches taken within the exclusive economic zone of a developing State or territory by vessels flying the flag of that developing State or territory. Although a proposal was made to cap the total amount of contributions by any one member of the Commission at 25 per cent, it was noted by others that the level of contributions was largely determined by the level of catch and that a ceiling would not therefore be appropriate.

24. Following extensive discussions, including discussion of a possible compromise between the differing positions, it became clear that there was a preponderance of views in favour of a relative weighting of 10/20/70. The delegation of Korea noted that its proposal for a relative weighting of 10/45/45 remained on the table and reserved its position with respect to any possible compromise. Several participants emphasized the need to reach finality on the scheme of contributions, at least for an interim period, so that WG.I could begin to address the other matters on its agenda.

25. The Chair of WG.I proposed that, for the time being, since most delegations supported the Conference proceeding on the basis of the formula that had been discussed during the meeting, with the application of a relative weighting of 10/20/70, the Conference should proceed on that basis, but that the matter of the relative weighting could be revisited should any compromise proposal emerge from further consideration by delegations before the next session of the PrepCon.

26. With respect to the territories and possessions listed in article 43 of the Convention, it was noted that the territories would make independent and voluntary contributions in accordance with the proposed Annex II to the rules of procedure of the Commission and that such contributions would be fixed in accordance with a methodology to be determined, but which

would reflect the extent of the relevant territory's competence. It was noted that the overall budget of the Commission would therefore comprise (a) assessed contributions, and (b) agreed contributions by participating territories. Further work would be needed to determine the appropriate methodology and the way in which it would be reflected in the budget.

B. Draft Financial Regulations

27. Also at the fifth session, WG.I had a second reading of the draft financial regulations contained in WCPFC/PrepCon/WP.2/Rev.1 (25 August 2003). The main issues of substance that were discussed included the fund to be established pursuant to article 30 of the Convention and how it would be financed, and a proposal to establish a standing committee on finance and administration. The Working Group requested the Interim Secretariat to further revise the draft in light of the discussions and proposals that had been made and agreed to take up any outstanding issues at its next session.

C. Other matters

28. WG.I did not have sufficient time to consider the structure of the Commission Secretariat and the provisional budget for the Commission, but noted that, bearing in mind the recommendations regarding the science structure of the Commission which had been formulated by Working Group II during the fifth session, and taking into account the discussions taking place in Working Group III, these matters were now high priority issues and should be taken up at the sixth session.

VIII. SIXTH SESSION OF THE PREPARATORY CONFERENCE

29. WG.I held three meetings during the sixth session. It carried out its deliberations on the basis of a consolidated and updated working paper provided by the Interim Secretariat (WCPFC/PrepCon/WP.20, 1 March 2004), setting out a proposal for the organizational structure of the Commission Secretariat, together with a provisional indicative budget for the early years of operation of the Commission and a scheme of assessed contributions, taking into account the discussions to date in both WG.I and WG.II.

A. Organizational structure for the Secretariat

30. Following consideration of document WCPFC/PrepCon/WP.20, the Working Group decided to recommend the organizational structure and summary of functions for the staff of the Commission as shown in WCPFC/PrepCon/WP.20, annexes I and II.

31. It was emphasized that an evolutionary and flexible approach should be taken to the establishment of the Secretariat, taking into account the availability of a funding base for the Commission as well as the number of members of the Commission. Taking into account the size and composition of the Commission and the complexity of the managerial, administrative and substantive tasks to be completed during the early years of the Commission, it was agreed that it would be necessary to appoint an Executive Director of the highest possible calibre.

32. Several participants stressed the importance of ensuring that the key functions of the Commission became operational as soon as possible. In this regard, it was emphasized that the position of Compliance Manager was a key function and should be given higher priority in the evolution of the Secretariat than suggested in the working paper. It was also recommended that the operation of the vessel register should be considered a core function of the Commission, to be

established as soon as possible. On the other hand, while recognizing the importance of the Science Manager, the Working Group agreed that there was no justification at present for a position of Deputy Director tied to a specific post in the Secretariat, but that the Executive Director should retain the flexibility to designate a senior staff member to deputize for the Executive Director and that the capacity to act in such a position should therefore be reflected in the duty statements of the senior staff members.

33. With respect to the staff of the Commission, the Working Group decided to recommend that 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). It was noted that it had not been possible to date during the Preparatory Conference to develop draft Staff Regulations setting out the terms and conditions of service for the staff of the Secretariat. In this regard, among the urgent tasks for the Executive Director, once appointed, would be the development of detailed duty statements for each of the approved Secretariat positions and the preparation and submission to the Commission of draft Staff Regulations setting out the terms and conditions of the Staff of the Secretariat, as well as the timely recruitment of key staff members.

B. Provisional indicative budget and scheme of contributions

34. The Working Group reviewed the provisional indicative budget of the Commission for its first three full years of operation as contained in WCPFC/PrepCon/WP.20, annex IV. It was noted that, in relation to the provision of scientific services, the budget was also consistent with the recommendations of Working Group II. 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.

35. In light of the need for clarity, and taking into account the provisions of article 18, paragraph 1, of the Convention, the Working Group recommended the adoption of a format for the future presentation of the proposed budget of the Commission.

36. The Working Group continued its discussions on the formula for assessed contributions to the budget of the Commission. It 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.³

C. Budget for 2005

37. 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 members of the Commission and the likely extent of the Commission's activities during 2005.

38. In preparing the budget for 2005, the need to avoid a disproportionate burden of costs falling upon those who had ratified the Convention at an early stage was highlighted, particularly since, at the present time, most of the Parties to the Convention are developing States which lack the capacity to meet the full costs of establishing the Commission. The likely scope of activities for the Commission would depend, *inter alia*, upon the progress made in relation to the appointment of an Executive Director, as well as the status of arrangements for the hosting of the Commission Secretariat. The inevitable time lag in recruitment during the first year of operation of the Commission would also have a significant impact on the actual budgetary requirements for 2005. It was emphasized that in preparing the table of assessed contributions for 2005, the Interim Secretariat should try to update and further refine the statistical information from which the national wealth and fish production components are derived.

39. With respect to the territories and possessions listed in article 43 of the Convention, the Working Group noted that, in accordance with the proposed Annex II to the Rules of Procedure of the Commission,⁴ the possibility would exist for such territories and possessions to make independent and voluntary contributions to the budget of the Commission. The Working Group agreed that such contributions shall be based upon guidelines to be developed by the Contracting Parties concerned for discussion and approval at a later stage.

D. Draft Financial Regulations

40. The Working Group took note of an informal revised text of the draft Financial Regulations for the Commission (WCPFC/CRP.1)⁵ and recommended that the text be taken up by Plenary at PrepCon VII with a view to its adoption as a proposal to the Commission.

IX. SUMMARY OF RECOMMENDATIONS

41. The following **recommendations** are made to the Preparatory Conference by Working Group I:

Recommendations relating to the Secretariat and organizational structure of the Commission

It is **recommended** that:

³ For purposes of illustration only, the summary report of the Chair of WG.I on the work of the Group during the sixth session includes at Annex III an indicative table of the contributions that would be payable by each potential member of the Commission against a budget of US\$1,565,300 in accordance with the agreed formula.

⁴ WCPFC/PrepCon/WP.1/Rev.5.

⁵ Subsequently issued as WCPFC/PrepCon/WP.2/Rev.2, 1 August 2004.

(a) the organizational structure and summary of functions for the staff of the Commission in its early years of operation be as contained in WCPFC/PrepCon/37, Annexes I and II;

(b) subject to the concerns reflected in paragraph 32 of the present document, an evolutionary and flexible approach should be taken to the establishment of the Secretariat, taking into account the availability of a funding base for the Commission as well as the number of members of the Commission;

(c) 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);

Recommendations relating to the budget of the Commission and the scheme of contributions to the budget

It is **recommended** that:

(d) the Commission adopt the format shown in Annex I for the future presentation of the proposed budget of the Commission;

(e) the estimates set out in WCPFC/PrepCon/WP.20, annex IV are likely to be a reasonable reflection of the likely costs involved in conducting the business of the Commission in its formative years, but in preparing a budget for the Commission for 2005 (its first year of operation), the Interim Secretariat and incoming Executive Director should take into account the concerns reflected at paragraph 38 of the present document;

(f) the Commission adopt a scheme of contributions determined according to the following formula:

- (i) a 10 per cent base fee divided in equal shares between all members of the Commission;
- (ii) 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
- (iii) 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.

(g) any independent and voluntary contributions to the budget of the Commission by territories and possessions listed in article 43 of the Convention should be based upon guidelines to be developed by the Contracting Parties concerned for discussion and approval at a later stage;

Recommendations relating to the Financial Regulations

It is **recommended** that:

(h) the draft Financial Regulations contained in WCPFC/PrepCon/WP.2/Rev.2 be proposed to the Commission for adoption at its first meeting.

Annex I

Format for the proposed budget of the Commission

Part 1:	Total expenses to be financed from assessed contributions (article 17, paragraph 1(a))	$X - (a + b + c)$
Part 2:	Total expenses to be financed from voluntary contributions (article 17, paragraph 1(b)) (a) Voluntary contributions (b) Independent and voluntary contributions by participating territories*	 c b
Part 3:	Total expenses to be financed from other funds received pursuant to article 17, paragraphs 1(c) and (d) **	a
	TOTAL BUDGETARY REQUIREMENT	X

* As referred to in annex II to the rules of procedure of the Commission. Such contributions shall be based upon guidelines to be developed by the Contracting Parties concerned for discussion and approval at a later stage.

** In accordance with Regulation 7 of the Financial Regulations, the Executive Director shall report to the Commission separately on the status and use of the Special Requirements Fund.

Annex II

List of documents considered by Working Group I

<i>Symbol</i>	<i>Title</i>	<i>Date of issue</i>
WCPF/PrepCon/BP.4	Draft Rules and Regulations concerning Financial Management and Internal Administration of the Commission	19 April 2001
WCPF/PrepCon/BP.7	Draft Budget for the first financial period of the Commission	19 April 2001
WCPF/PrepCon/BP.8	Draft Scheme of Contributions to the Budget	19 April 2001
WCPFC/PrepCon/3	Terms of Reference for Working Group I: Organizational Structure, Budget and Financial Contributions	25 April 2001
WCPFC/PrepCon/5	Summary report by the Chair of Working Group I at the first session of the Preparatory Conference	28 April 2001
WCPFC/PrepCon/14	Summary report by the Chair of Working Group I at the second session of the Preparatory Conference	25 February 2002
WCPFC/PrepCon/19	Summary report by the Chair of Working Group I at the third session of the Preparatory Conference	22 November 2002
WCPFC/PrepCon/25	Summary report by the Chair of Working Group I at the fourth session of the Preparatory Conference	9 May 2003
WCPFC/PrepCon/31	Summary report by the Chair of Working Group I at the fifth session of the Preparatory Conference	3 October 2003
WCPFC/PrepCon/37	Summary report by the Chair of Working Group I at the sixth session of the Preparatory Conference	23 April 2004
WCPFC/PrepCon/WP.2	Draft Financial Regulations for the Commission	25 April 2001
WCPFC/PrepCon/WP.2/Rev.1	Revised Draft Financial Regulations for the Commission	25 August 2003
WCPFC/PrepCon/WP.2/Rev.2	Revised Draft Financial Regulations for the Commission	1 August 2004
WCPFC/PrepCon/WP.3	Service needs of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and options and secretariat structures for the delivery of such services	13 February 2002
WCPFC/PrepCon/WP.4	Options for funding the service needs of the Commission	13 February 2002
WCPFC/PrepCon/WP.7	WG.I: Indicative costs for a Commission secretariat and related issues	23 October 2002
WCPFC/PrepCon/WP.8	WG.I: Application of cost recovery principles to the provision of Commission services	31 October 2002
WCPFC/PrepCon/WP.13	Formula for assessment of contributions to the budget of the Commission	15 April 2003
WCPFC/PrepCon/WP.13/Rev.1	Formula for assessment of contributions to the budget of the Commission	17 September 2003
WCPFC/PrepCon/WP.20	WG.I: Provisional budget and scheme of contributions for the Commission	1 March 2004
WCPFC/PrepCon/DP.2	Draft Scheme of Contributions to the Budget (Chinese Taipei)	
WCPFC/PrepCon/DP.9	Proposed financial regulations (Korea)	15 April 2003
WCPFC/PrepCon/DP.10	Proposal from FFA Members on recognition of the special requirements of developing States	9 May 2003

DRAFT FINAL REPORT OF WORKING GROUP II

1. The present document contains a summary of the discussions in WG.II throughout the Preparatory Conference and presents the final recommendations of the Group on each of the matters within its terms of reference. A summary of the recommendations made by WG.II to the PrepCon for transmission to the Commission appears in Annex I.

I. TERMS OF REFERENCE

2. Working Group II was established at the first session of the Preparatory Conference (April 2001). Its terms of reference (contained in document WCPFC/PrepCon/4, 25 April 2001) required WG.II to:

(a) Develop a method of work or work programme that will enable issues to be identified and the necessary background information or expert advice sought in order enable decisions to be made as early as possible.

(b) With respect to articles 12 and 13 of the Convention, identify the Commission's needs with respect to:

- (i) Science and in particular stock assessment and advice on stock status in the short term and ongoing;
- (ii) Data requirements, including current gaps in data coverage and standards for data collection and management;
- (iii) Research priorities, and research planning and coordination; and
- (iv) Review of assessments, analyses and other scientific work.

(c) Identify for the Preparatory Conference various options or mechanisms, including the use of existing organizations and arrangements, by which the requirements of articles 12 and 13 can be provided.

(d) Provide provisional advice on the status of the four main tuna stocks (bigeye, skipjack, South Pacific albacore and yellowfin) and determine a process by which the Preparatory Conference can receive and review information on the status of these and northern stocks in an efficient and cost effective manner, including the extent to which existing information can fulfill these needs.

II. ORGANIZATION OF WORK

3. The first meeting of WG.II took place during the first session of the Preparatory Conference. Mr. Peter Ward (Australia) was elected Chairman of the Working Group. Subsequently, at the second session of the Preparatory Conference, Dr John Kalish (Australia) was appointed Chairman of the Working Group. WG.II held formal meetings during the first, second, third, fifth, sixth and seventh sessions of the Preparatory Conference. No formal meetings of WG.II took place during the fourth session of the Preparatory Conference but an informal meeting was held to review progress to date, and the current and future work programme for the Working Group. At the end of each formal meeting, the Chairman of WG.II submitted a summary report to the Preparatory Conference.¹

4. At its first meeting, WG.II identified five principles that would guide its work:²

- The desirability of maintaining a range of options to be evaluated for the provision of scientific services and advice within the scope provided by articles 12 and 13 of the Convention.
- The importance of transparency in deliberations of the working group.
- The need to provide for participation by small island developing States in the scientific work of the Commission and also during the interim period prior to the Commission's establishment.
- To the extent possible, the need to utilize the scientific resources of existing national and regional organizations and arrangements, to avoid duplication of scientific effort and to ensure economy and efficiency.
- The need for close coordination between WG.II and WG.I (Organizational structure, budget, and financial contributions).

5. To facilitate its future work, WG.II requested that a review of the Convention be undertaken to identify science needs, data requirements, priority setting, planning and coordination of research, and the review of scientific work. In accordance with this request, for the second session of the Preparatory Conference, WG.II was provided with a discussion paper prepared for the Interim Secretariat by MRAG (Americas) Inc. entitled *Approaches to Meeting the Science and Data Needs of the Commission* (February 2002). In addition, WG.II was provided with drafts of two commissioned studies, subsequently issued as WCPFC/PrepCon/WP.9, *Review of ecosystem and bycatch issues for the Western Central Pacific* and WCPFC/PrepCon/WP.10, *Review of data standards, technical capabilities and data sharing policies for the Western Central Pacific*.

6. After consideration by the Working Group of document WCPFC/PrepCon/WP.10 during the second and third sessions, the Interim Secretariat was requested to coordinate the preparation of a revised version of the document in order to address specific issues identified by WG.II. As a result, three further working papers were issued for consideration by the Working Group at the fifth session of the Conference: WCPFC/PrepCon/15, *Review of data standards for the Western*

¹ WCPFC/PrepCon/6 (first session), WCPFC/PrepCon/15 (second session), WCPFC/PrepCon/20 (third session), WCPFC/PrepCon/32 (fifth session), WCPFC/PrepCon/38 (sixth session).

² WCPFC/PrepCon/6.

and Central Pacific Region, WCPFC/PrepCon/WP.16/Rev.1, An investigation of technical capabilities and data security and confidentiality policies for the Western and Central Pacific Region, and WCPFC/PrepCon/WP.16/Add.1, Capacity of Pacific Island Countries and Territories to meet the likely data requirements of the Western and Central Pacific Fisheries Commission.

III. SCIENTIFIC COORDINATING GROUP

7. At the second session of the Preparatory Conference, WG.II recommended that, in relation to the provision of interim scientific advice, a Scientific Coordinating Group (SCG) should be established to assist the WG.II and the Preparatory Conference in carrying out those parts of its terms of reference which require special scientific and technical considerations. Terms of reference for the SCG were adopted as follows:³

“The tasks of the SCG include:

Provision of interim scientific advice

1. Providing advice to PrepCon on stock condition and, when requested by PrepCon, provisional conservation and management actions. Information and related conclusions on stock condition produced by existing bodies, including, but not limited to, the SPC OFP, IATTC, SCTB and ISC, will be reviewed and assembled into a convenient format suitable for advising PrepCon on the status of the four primary tuna stocks; and
2. Prioritizing fisheries and scientific data needs in the interim period and providing recommendations to WG.II and the PrepCon on procedures to obtain such data.

Procedures for scientific functions

1. Providing recommendations to WG.II and the PrepCon on longer term data needs, requirements for data collection, verification, analysis and dissemination, and confidentiality;
2. Preparation of draft guidelines and a reporting format for WG.II and the PrepCon for determining and advising on the status of stocks and other key variables and eventually for providing advice to the Commission;
3. Undertaking a review of the available scientific and fishery management data that would include validating and analyzing these existing data in order to provide recommendations to WG.II and the PrepCon on the appropriateness and applicability of these data to the future work of the Commission; and
4. Performing other tasks that may be assigned by WG.II and the PrepCon.”

8. In accordance with those terms of reference the first meeting of the SCG took place at Honolulu, Hawaii, from 29 to 31 July 2002, immediately following the 15th session of the Standing Committee on Tuna and Billfish (SCTB15). The Chairman of WG.II, Dr John Kalish (Australia) acted as Chairman of the SCG for the first meeting.

9. The report of the first meeting of the SCG⁴ was considered and approved by WG.II at the third session of the Preparatory Conference (November 2002). In considering the statements of stock status prepared by the SCG for the four main tuna stocks, bigeye tuna, yellowfin tuna,

³ Annex V of WCPFC/PrepCon/15.

⁴ WCPFC/PrepCon/17.

skipjack tuna and South Pacific albacore tuna, WG.II accepted the general format for reporting to the Preparatory Conference on the status of stocks and other scientific and technical issues but made specific comments on the summary statements as set out in the report of the Chairman of WG.II to the third session of the Preparatory Conference.⁵

10. The second meeting of the SCG took place at Mooloolaba, Australia, from 17 to 19 July 2003 immediately following SCTB16. Dr. Yuji Uozumi (Japan) was appointed Chairman of the SCG for its second and third meetings. WG.II considered and approved the report of the second meeting of the SCG⁶ at the fifth session of the Preparatory Conference (October 2003) and also accepted the summary statements prepared by SCG on the status of skipjack tuna, yellowfin tuna, bigeye tuna, and south Pacific albacore tuna stocks.

11. The third meeting of the SCG took place at Majuro, Marshall Islands, from 19 – 21 August 2004, immediately following SCTB17. At the seventh session of the Preparatory Conference, WG.II considered the report of the third meeting of the SCG⁷ and accepted summary statements on the status of skipjack tuna, yellowfin tuna, bigeye tuna, and south Pacific albacore tuna stocks and other scientific and technical information pertaining to these.

III. SCIENCE STRUCTURE FOR THE COMMISSION

12. At the outset of its discussions on the formulation of recommendations on the science structure for the Commission, WG.II noted that the essential questions it would need to consider were: the desirable structure for the scientific functions, the role of existing regional organizations within such a structure, and the procedures and work programmes for the Commission's Scientific Committee and any subsidiary bodies that might be established.

13. During the second session of the Preparatory Conference, following discussion of various alternative models contained in the discussion document *Approaches to Meeting the Science and Data Needs of the Commission* (February 2002), WG.II developed, on a provisional basis, a revised model for meeting the science and data needs of the Commission.⁸ However, while there was some convergence of views on the overall level of scientific services to be provided to the Commission, some delegations expressed reservations about the revised alternative model and it was noted that further discussions would be required at future meetings.

14. WG.II continued its discussions on alternative models for meeting the science and data needs of the Commission at the third session of the Conference, but no agreement could be reached on the matter and discussions were deferred to the fifth session.

A. Provisional science structure for the transitional period

15. Following further discussions at the fifth session of the Preparatory Conference, WG.II agreed to **recommend** to the Preparatory Conference a provisional science structure for a transitional period (expected to last some 3 to 5 years and representing the period between the Convention coming into force and a fully functioning Commission). During this period the structure and functions of the science secretariat must be flexible and adaptable in order to meet changing needs. An independent review of the transitional structure and function should be carried out two years after entry into force of the Convention, or earlier if required, to determine

⁵ WCPFC/PrepCon/20, paragraphs 5 – 10.

⁶ WCPFC/PrepCon/28.

⁷ WCPFC/PrepCon/41.

⁸ Annexes II and III of WCPFC/PrepCon/15.

the effectiveness of the science structure and to recommend changes as appropriate. For ease of reference, the provisional science structure is shown in Annex II of the present document.⁹

16. WG.II agreed that the Oceanic Fisheries Programme of the Secretariat for the Pacific Community (OFP-SPC) should play a key role in the scientific work of the Commission during the transitional period, including data management. It was suggested that an assessment of the costs and benefits of utilizing the capabilities of OFP-SPC for providing the data management functions of the Commission during the transitional period, and in the long-term, should be provided. The Group also agreed to **recommend** that the Commission stock assessments for the four major species (bigeye tuna, skipjack tuna, south Pacific albacore and yellowfin tuna) be undertaken by scientists from the SPC-OFP, in cooperation with other scientists as appropriate (including those from members), during the transitional period.

17. At the sixth session of the Preparatory Conference, WG.II produced an agreed science structure schematic that illustrated the flow of scientific information and advice in relation to northern stocks from the Interim Scientific Committee (ISC) and discussed the need to develop in the future a Memorandum of Understanding to clarify the relationship between the ISC and the Commission. The agreed schematic is reproduced as Annex III.¹⁰

B. Operation of the Scientific Committee of the Commission

18. With respect to the future operation of the Scientific Committee of the Commission, as a result of its deliberations at the sixth session of the Preparatory Conference, WG.II **recommended** that there should be a single meeting combining the work of the Scientific Committee (SC) and Specialist Working Groups (SWGs). This should be held annually at least two months prior to the annual meeting of the Commission. Some tasks may be carried out by email or other means in order to expedite the work of the SC. WG.II recommended that, in order to take advantage of the most recent stock assessment advice the most appropriate timing for Commission meetings would be in the final quarter of the year. If the stock assessments are based on a yearly cycle, the data for the most recent years become available around the end of April. Consequently, if stock assessments are undertaken from May to July and reviewed by the SWG and SC by the end of August, outcomes from the SC could be delivered to the Commission in September. This would allow time for review and development of proposals by members prior to the Commission meeting. A provisional timeline of the process was provided to illustrate the process.¹¹

19. WG.II noted that its recommendation that a SC meeting be held in advance of the annual Commission would have financial implications. It was therefore proposed that the draft indicative budget for the Commission (considered by WG.I on the basis of WCPFC/PrepCon/WP.20) be revised to reflect funding for participation at the SC by one participant from each developing State member of the Commission and each participating territory, in addition to the costs already identified for funding participation at the Commission meeting.

20. WG.II further **recommended** that the selection of the location of SC meetings should be influenced by cost-effectiveness and efficiency. The first meeting of the SC should be in December 2004 in conjunction with the first meeting of the Commission. The purpose of this SC meeting would be to elect a Chairman and Vice-Chairman for the SC for 2005, and to make necessary recommendations for the establishment of SWGs, so that meetings for 2005 can be

⁹ The model originally appeared as Annex III of WCPFC/PrepCon/32.

¹⁰ The schematic originally appeared as Annex III of WCPFC/PrepCon/38.

¹¹ Annex II of WCPFC/PrepCon/38.

organized. With respect to the process for elections, it was noted that the draft rules of procedure for the Commission would be taken up by the Commission at its first session and that rule 31 of the draft rules provided that, pending the approval by the Commission of rules for the efficient conduct of meetings of the subsidiary bodies of the Commission and except as otherwise provided in the Convention, the rules of procedure for the Commission would apply, *mutatis mutandis*, to the proceedings of the SC.

21. WG.II also **recommended** a work plan for the Scientific Committee work plan for Year 1 (2005). This is reproduced in Annex IV of the present document.¹²

22. Following on the recommendations of the third meeting of the SCG, WG.II agreed that the latest structure of WGs used in SCTB17 was very effective. To minimize costs and promote effective participation of developing States and territories, it was recommended that meetings of the SWGs should be held in conjunction with SC meetings. WG.II **recommended** that the following SWGs be established as subsidiary bodies of the Scientific Committee: stock assessment; statistics; methods; fishing technology; biology; ecosystem and bycatch. A brief outline of the types of work each group might cover is given in Annex IV of the present document, acknowledging that the SC is responsible for the development of the terms of references of the SWGs.¹³

C. Role of the Standing Committee on Tuna and Billfish from 2005 onwards

23. WG.II noted that in 2005 SCTB is likely to cease to exist and therefore the tasks completed by that body will be carried out by the Scientific Committee through its Specialist Working Groups. WG.II recognised the important scientific contributions of the SCTB over the past 17 years to the development of an understanding of the fishery resources of the Western and Central Pacific Ocean, and the contribution made by the SCTB to the Preparatory Conference. WG.II identified the likely need for assistance from the OFP-SPC with the organization of the first meeting of the SWG in 2005.

IV. DATA REQUIREMENTS AND SPECIFICATIONS

24. Throughout the course of its work, WG.II adopted a range of recommendations on preferred scientific approaches and processes, and the data requirements and specifications which were expected to be relevant to the ongoing scientific activities and requirements of the Commission. In particular, WG.II attempted to identify the Commission's needs with respect to data requirements, including current gaps in data coverage and standards for data collection and management as well as research priorities, and research planning and coordination.

A. Data requirements of the Commission

25. WG.II discussed the issues raised in document WCPFC/PrepCon/WP.10 relating to the Commission's data requirements, including current gaps in data coverage and standards for data collection and management, data security, and data confidentiality at the second and third sessions of the Conference. It was agreed however that the detailed technical work in relation to these matters should be handled by the SCG. In the meantime, the Working Group requested the Interim Secretariat to coordinate the preparation of a revised version of document WCPFC/PrepCon/WP.10 to address specific issues identified by WG.II.

¹² See WCPFC/PrepCon/38, paragraph 9.

¹³ See WCPFC/PrepCon/38, paragraph 10 and WCPFC/PrepCon/41, Report of the third meeting of the SCG.

26. This issue was taken up again by WG.II at the fifth session of the Conference. Continuing the work it had commenced at the third session, and taking into account the comments made by the SCG (PrepCon/28), WG.II discussed the revised working paper prepared for it by the Interim Secretariat, WCPFC/PrepCon/WP.16, *An investigation of technical capabilities and data security and confidentiality policies for the Western and Central Pacific Region*. It was noted that the collection and management of operational level data raises questions of data confidentiality and security. WG.II recommended that Preparatory Conference establish an *ad hoc* task group, composed of the Chairs of WGI, WG.II, WG.III and the SCG, and other experts to identify types of data that must be treated as confidential and to develop draft rules and procedures to govern the security and confidentiality of scientific data and other information collected and held by the future Commission.

27. WG.II also considered the question of the special requirements of developing States and territories with respect to data requirements and technical capacities in the light of document WCPFC/PrepCon/WP.15/Add.1, *Capacity of Pacific Island Countries and Territories to meet the likely data requirements of the Western and Central Pacific Fisheries Commission*. It **recommended** that the Preparatory Conference should include in its report to the Commission the development of a long term strategy for building fisheries data collection and analytical capacity in developing states and territories; the development within the Commission science and data programmes of the capacity to provide advice and assistance to FFA members in respect of data and other technical areas; and the establishment of a broader process of consultation and a programme of cooperation to build FFA member capabilities in areas related to the Convention, including data and other technical aspects.

28. Specific recommendations on data standards, to be addressed by the Scientific Committee of the Commission are set out in Annex IV of the present document.

B. Research priorities, planning and coordination

29. The question of interim, transitional and longer term research planning, priority setting and coordination was discussed. It was noted that in the transitional and longer-term the Scientific Committee, once established, would need to develop a research plan and also address cooperation issues for the Commission. A number of specific research projects were identified as priorities (WCPFC/PrepCon/32, paragraph 35), including:

- (a) Better characterisation of current catch and catch composition from Indonesia, Philippines, and for Vietnam as they impact on the stocks in the Convention Area;
- (b) Reconstruction of early catch history (catch, effort, size composition) for all fisheries;
- (c) Further development of methods to standardise effort, including the better use of vessel operational details, environmental data and archival tagging data;
- (d) Ongoing efforts to reduce uncertainty in assessments, through improved data inputs, sensitivity analysis and simulations;
- (e) Evaluation of possible regime shifts/changes in productivity and development of improved/alternative estimates of recruitment where possible; and
- (f) Large scale tagging experiments for the main target tuna species in the WCPO.

30. With respect to stock assessment research WG.II **recommended** (WCPFC/PrepCon/38) that stock assessments be undertaken for all tuna species in 2005. In the event that this is precluded by limited resources, the WG.II recommended the following priority for the major tuna assessments 2005: 1. Bigeye – including a Pacific wide assessment in collaboration with IATTC; 2. South Pacific Albacore and/or Yellowfin; and 3. Skipjack. WG.II also recognized that assessing the status of billfish stocks within the Pacific is an important issue for the Commission. Blue marlin is considered as a high priority to be assessed because of concerns about the stock being fully exploited and as it thought to be a single stock in the Pacific.

C. Improvements in data quality and coverage

31. At the third session of the Preparatory Conference, in response to the concerns raised by the SCG, WG.II also made a number of recommendations aimed at improving the quality and coverage of the data available for stock assessment, including strengthening of data collection from Indonesian and Philippine domestic fisheries and improved sampling of the proportion of bigeye and yellowfin tuna in purse seine catches.

32. At the fifth session of the Preparatory Conference a specific proposal relating to strengthening data collection from the domestic fisheries of the Philippines and the Pacific Ocean waters of Indonesia was considered by WG.II, taking into account the comments on this issue made by SCTB16 and the SCG.¹⁴ It was noted that this proposal stemmed from one of the recommendations aimed at improving the quality and coverage of the data available for stock assessment that had been made by WG.II during the third session. WG.II agreed that, in cooperation with Indonesia and the Philippines, the proposal be further developed and that participants in the Preparatory Conference further consider how they might assist this initiative, through services or financial support.

33. At the sixth session of the Conference, a revised draft proposal, prepared by OFP-SPC, for monitoring the catches of highly migratory species in the Philippines and the Pacific Ocean waters of Indonesia, was considered further by WG.II. To this end a Steering Group was formed that included representatives from Indonesia, the Philippines, the two current donors (Chinese Taipei, United States of America), the OFP-SPC, and the Chairman of WG.II. This group was tasked with implementing the project to the extent possible with available funds. The total funding required for two years of port sampling in each of Indonesia and the Philippines, and associated activities, is USD 292,000.¹⁵

34. At the seventh session of the Preparatory Conference, WG.II was informed that project activities in the Philippines had commenced in August 2004 with a review of the tuna fisheries and the current statistical system in the Philippines. A workshop was held in Manila from 20 to 21 October 2004 to consider the recommendations from the review and to plan port sampling, which commenced following the workshop. It was noted that Australia had funded the review of the tuna fisheries and the current statistical system in the Philippines and will also fund a similar review in the Pacific Ocean waters of Indonesia in 2005. The Project has so far been managed by OFP-SPC; however, this has been problematic. Neither Indonesia nor the Philippines are SPC members, and management of the Project is not part of the regular OFP work programme; therefore, OFP involvement has been limited.

¹⁴ The draft proposal is at Annex IV of WCPFC/PrepCon/32.

¹⁵ The first meeting of the Steering Group was held after the WG.II meeting. See WCPFC/PrepCon/38, Annex IV, Report of the First Meeting of the Indonesia and Philippines Data Collection Steering Group.

35. With respect to the Indonesia and Philippines Data Collection Project (IPDCP), WG.II therefore **recommended** that:

(a) The Commission adopt the Project and assume responsibility for its management as soon as possible;

(b) The Commission transfer those funds from the PCOF that have been contributed for the Project to the Special Requirements Fund of the Commission ;

(c) the Commission establish the IPDCP Steering Committee to monitor project activities and developments in regard to funding, and to report thereon to the Scientific Committee; and

(d) Commission members and potential members contribute, as soon as possible, the balance of the funds required to implement the Project.¹⁶

V. OTHER SCIENTIFIC ISSUES

36. WG.II took note of the discussions that had taken place in the SCG with respect to advice on the further analyses to support the consideration by PrepCon VII and the first session of the Commission of management options and how these analyses can be carried out in a timely and effective manner.

37. WG.II also took note of the discussions in the SCG on the use of the management strategy evaluation approach using operational models and on ecosystem and bycatch issues for the Western and Central Pacific. It was noted that consideration of these matters would be continued in the Scientific Committee.

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¹⁶ In this regard, the Chairman of WG.II also referred to the Executive Summary of SCTB17, which “strongly encouraged potential donors to contribute funds for the balance of the Project, i.e. a second year of port sampling in the Philippines and two years of port sampling in Indonesia.”

Annex I

SUMMARY OF MAJOR RECOMMENDATIONS FROM WG.II

Recommendation	
A	Science structure of the Commission
1	That the provisional science structure for the transitional period (expected to last some 3 to 5 years and representing the period between the Convention coming into force and a fully functioning Commission) be as set out in Annex II.
B	Organization of the Scientific Committee
1	That the work plan for the Scientific Committee for Year 1 (2005) be as shown in Annex IV of the present document
2	That the following Specialist Working Groups (SWGs) be established as subsidiary bodies of the Scientific Committee: stock assessment; statistics; methods; fishing technology; biology; ecosystem and bycatch.
3	That there should be a single meeting combining the work of the Scientific Committee (SC) and SWGs. This should be held annually at least two months prior to the annual meeting of the Commission. Some tasks may be carried out by email or other means in order to expedite the work of the SC.
4	That, in order to take advantage of the most recent stock assessment advice, the most appropriate timing for Commission meetings would be in the final quarter of the year.
5	That the selection of the location of SC meetings should be influenced by cost-effectiveness and efficiency.
6	That the first meeting of the SC should be in December 2004 in conjunction with the first meeting of the Commission. The purpose of this SC meeting would be to elect a Chairman and Vice-Chairman for the SC for 2005, and to make necessary recommendations for the establishment of SWGs, so that meetings for 2005 can be organized.
C	Stock assessments, data requirements and research
1	That stock assessments be undertaken for all tuna species in 2005. In the event that this is precluded by limited resources, the WG.II recommended the following priority for the major tuna assessments 2005: 1. Bigeye – including a Pacific wide assessment in collaboration with IATTC; 2. South Pacific Albacore and/or Yellowfin; and 3. Skipjack.
2	That the Commission stock assessments for the four major species (bigeye tuna, skipjack tuna, south Pacific albacore and yellowfin tuna) be undertaken by scientists from the SPC-OFP, in cooperation with other scientists as appropriate (including those from members), during the transitional period.
3	With respect to the Indonesia and Philippines Data Collection Project (IPDCP), that: (a) the Commission adopt the Project and assume responsibility for its management as soon as possible; (b) the Commission establish a trust fund for the Project and transfer to the trust fund those funds from the PCOF that have been contributed for the Project; (c) the Commission establish the IPDCP Steering Committee to monitor project activities and developments in regard to funding, and to report thereon to the Scientific Committee; and (d) Commission members and potential members contribute, as soon as possible, the balance of the funds required to implement the Project.
4	That the data-related tasks and policies that need to be addressed by the SC are as set out in Annex IV.

Annex II

STRUCTURE FOR THE SCIENTIFIC FUNCTIONS OF THE COMMISSION DURING THE TRANSITIONAL PERIOD¹⁷

This annex outlines key features of the structures required for the scientific functions of the Commission during the transitional period (3 to 5 years). During this period the structure and functions of the science secretariat must be flexible and adaptable in order to meet changing needs. An independent review of the transitional structure and function should be carried out two years after entry into force of the convention, or earlier if required, to determine the effectiveness of the science structure and recommend changes as appropriate.

SCIENCE DATA FUNCTIONS

Personnel

Secretariat database and data management function

- One database manager (senior with high level qualifications in database management and information technology)
- One observer coordinator (half time as science observer coordinator and half time as monitoring, control and surveillance observer coordinator; senior level with extensive at sea experience, organizational skills, contract development and management)

Science data management

Contract data managers (Oceanic Fisheries Programme (OFP) during the transitional period) to be determined by the Commission with contractual arrangements.

Principles and procedures relating to data compilation and dissemination will be established by the Commission. These principles and procedures could be derived from the current working model used by the OFP and described in the report of the 11th meeting of the Statistics Working Group of the Standing Committee on Tuna and Billfish (1998).

The types of data to be compiled to include the following:

- annual catch estimates, by species and gear type;
- size composition;
- operational catch and effort data;
- unloadings or transshipment data;
- port sampling data;
- observer data;
- gear and vessel attribute information;
- other types of data as required for research purposes.

¹⁷ Taken from Annex III of WCPFC/PrepCon/32.

SCIENCE FUNCTIONS

Personnel

Secretariat science management function

- One science manager (senior with high level qualifications including broad experience in fisheries science and project management)

Contracted research (e.g. stock assessment)

Example of primary stock assessment contracted to external provider (e.g. OFP during the transitional period).

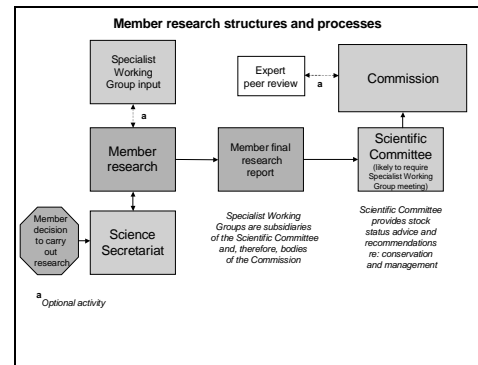
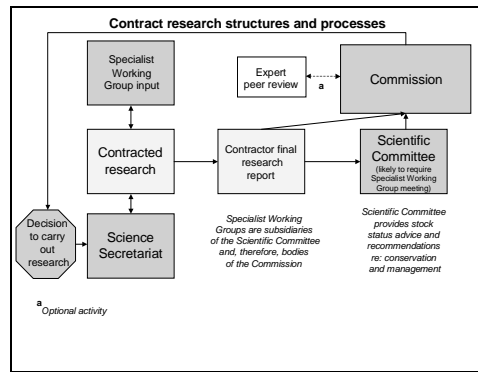
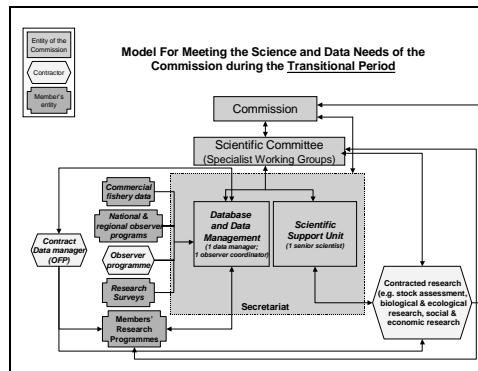
- Scientific research (including outputs and timing) to be determined and initiated by the Commission (science manager in Secretariat to facilitate)
- Data required for stock assessments to be provided by the contract data manager under direction from the Commission as per principles and procedures for data dissemination
- Research contractors will meet with the Science Secretariat and may meet with the Specialist Working Group during early phase of research to consider and collaborate on technical details of contracted research. The nature and extent of any interaction will require consultation between the contractors and the Commission (Science Secretariat to facilitate)
- Outputs from contracted scientific research to be provided to the Scientific Committee and to the Commission
- Expert peer review may be required by Commission
- Scientific research provided to the Scientific Committee will be reviewed and discussed by a Specialist Working Group of the Scientific Committee (open to member scientists, and interested parties by application or invitation)
- Specialist Working Group of the Scientific Committee to meet (e.g. one week) and prepare advice to the Scientific Committee, as required
- Scientific Committee to meet (e.g. three days) and formulate recommendations to the Commission based on advice from the Specialist Working Group
- Scientific Committee chair, contracted stock assessment scientist and external expert peer reviewer (as required) present reports to meeting of the Commission

Members' research

- Members to communicate to Secretariat regarding their intentions to carry out self-initiated research activity to be presented to the Scientific Committee at a future date (science manager in Secretariat to facilitate)
- Data required for research to be provided by the contract data manager under direction from the Commission as per principles and procedures for data dissemination (science manager and data manager in Secretariat to assess the request)
- Scientific research provided to the Scientific Committee to be reviewed and discussed by a Specialist Working Group of the Scientific Committee (open to member scientists, and interested parties by application or invitation)

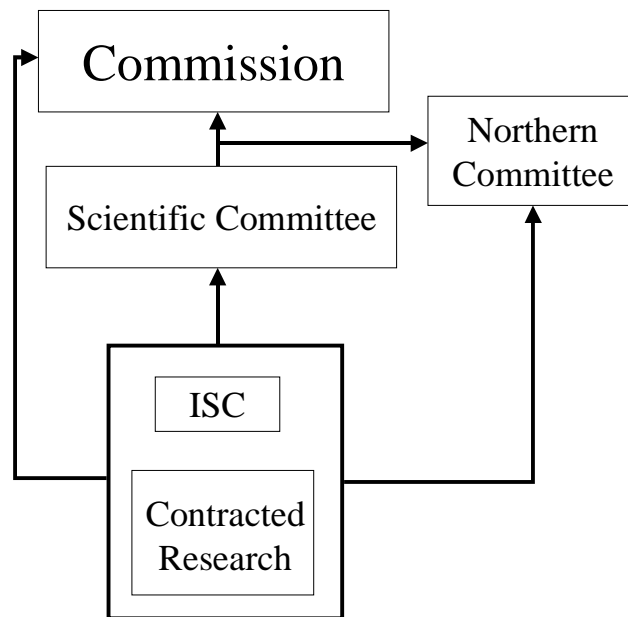
- Specialist Working Group of the Scientific Committee to meet (e.g. one week) and prepare advice to the Scientific Committee
- Scientific Committee to meet (e.g. three days) and formulate recommendations to the Commission based on advice from the Specialist Working Group
- Scientific Committee chair presents report to meeting of the Commission

Scientific Committee functions are as defined in Article 12 of the Convention. Specialist Working Groups are subsidiary bodies of the Scientific Committee. Terms of reference will be required for the Specialist Working Groups, and their functions will include in-depth review of stock assessments and identification of research needs.



Annex III

**POSSIBLE SCHEME FOR FLOW OF SCIENTIFIC INFORMATION AND ADVICE IN
RESPECT TO THE NORTHERN STOCKS¹⁸**



¹⁸ Taken from Annex III of WCPFC/PrepCon/38.

I. SCIENTIFIC COMMITTEE WORK PLAN FOR YEAR 1 (2005)

WG.II recommended the agenda for the meeting of the SC in 2005 should, *inter alia*, include:

- (a) Provision of stock status advice to the Commission on the target stocks, notably bigeye tuna and yellowfin tuna, arising from the stock assessments covered by SC in 2005;
- (b) Other scientific matters, including the provision of advice on ecosystem and bycatch issues as required under article 12 of the Convention;
- (c) Research priorities, research planning, and coordination (standing item);
- (d) Special needs of developing States and territories relating to scientific matters (standing item).

II. RECOMMENDED SPECIALIST WORKING GROUPS

Stock assessment - reviews recent developments in fisheries including trends in catch and effort, with emphasis on four major tuna species, including key attributes of the stock, trends in catches, CPUE, fish size, and information on recruitment, biomass, fishing mortality and stock status

Statistics - to coordinate the collection, compilation and dissemination of fishery data for all major gear types and fleets.

Methods - reviews statistical, analytical and modelling approaches and seeks to identify ways to improve stock assessments.

Fishing Technology - reviews developments with respect to fishing vessel, gear and operational procedures in order to characterize changes in fleets and gear and to provide data to inform a range of topics such as the standardization of CPUE, and evaluating changes in fishing efficiency.

Biology - reviews studies of basic biology (including growth, mortality, etc) of the key stocks of tuna, billfish, other highly migratory species, especially with respect to biological studies supporting stock assessment.

Ecosystem and Bycatch - includes ecosystem modelling and bycatch research, with particular attention to bycatch mitigation, effects of fishing on species other than the main tuna target species as well as studies of the effect of environment on highly migratory fish stocks.

III. ADVICE ON DATA STANDARDS AND OTHER DATA RELATED ISSUES

WG.II noted the following data-related-tasks that need to be addressed by the Commission's Scientific Committee:

- Draft the terms of reference of the Statistics Working Group

¹⁹ Adapted from WCPFC/PrepCon/38, paragraphs 9 and 10 and WCPFC/PrepCon/41 (Report of the third meeting of the SCG).

- Draft a resolution on the scientific data to be provided by members of the Commission under Article 23 of the Convention
- Draft a resolution on the principles and procedures for the dissemination of scientific data by the Commission
- Advise the Commission regarding the contents of an annual report on the status of the collection, compilation and dissemination of data to be provided by the Commission's data managers
- Monitor the status of data collection in the Philippines and the Pacific Ocean waters of Indonesia
- Develop a strategy for improving the capacity of members to meet the data requirements of the Commission
- Establish standards for the collection of scientific data, including operational catch and effort data, port sampling data and observer data
- Advise the Commission regarding the scientific aspects of the regional observer programme to be developed under Article 28 of the Convention
- Establish procedures for evaluating the quality of the scientific data compiled by the Commission
- Harmonize data collection standards for the Western and Central Pacific Ocean and the Eastern Pacific Ocean in collaboration with the Inter-American Tropical Tuna Commission
- Establish an agreement on the exchange of tuna fisheries data between the Inter-American Tropical Tuna Commission and the Commission
- Harmonize the procedures for the compilation and dissemination of data by the Commission and the Interim Scientific Committee for Tuna and Tuna-Like Species in the North Pacific Ocean
- Recommend that the Commission become a member of the Coordinating Working Party on Fishery Statistics
- Recommend that the Commission become a partner in the Fisheries Resources Monitoring System

The major issues raised during discussions included criteria defining public domain data; confidentiality of data; the geographic area for which data should be compiled by the Commission; the need for the best scientific data; the use of data by the Commission for compliance purposes; and the need to avoid burdening developing states in regard to data.

WG.II recommended that the Commission take into consideration the following when it establishes data-related policies and develops work programmes:

- SCTB17 WP SWG-8 (legal aspects governing fisheries data);
- SCTB17 WP SWG-6 (information regarding anticipated data-related tasks for the WCPFC Scientific Committee);
- The report of the Statistics Working Group meeting to consider anticipated data related tasks for the Commissions Scientific Committee;
- This report of SCG 3.

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Annex V

LIST OF DOCUMENTS CONSIDERED BY WORKING GROUP II

<i>Symbol</i>	<i>Title</i>	<i>Date of issue</i>
WCPFC/PrepCon/BP.5	Provision of interim scientific advice	19 April 2001
WCPFC/PrepCon/4	Terms of Reference for Working Group II: Scientific structure and provision of interim scientific advice	25 April 2001
WCPFC/PrepCon/6	Summary report by the Chairman of Working Group II to the first session of the Preparatory Conference	28 April 2001
WCPFC/PrepCon/15	Summary report by the Chairman of Working Group II at the second session of the Preparatory Conference	1 March 2002
WCPFC/PrepCon/17	Report of the Scientific Coordinating Group	6 August 2002
WCPFC/PrepCon/20	Summary report by the Chairman of Working Group II at the third session of the Preparatory Conference	22 November 2002
WCPFC/PrepCon/28	Report of the second meeting of the Scientific Coordinating Group	6 August 2003
WCPFC/PrepCon/32	Summary report by the Chairman of Working Group II at the fifth session of the Preparatory Conference	3 October 2003
WCPFC/PrepCon/34	Resolution in response to the recommendations of the second meeting of the Scientific Coordinating Group on sustainable fisheries management	3 October 2003
WCPFC/PrepCon/38	Summary report by the Chairman of Working Group III at the sixth session of the Preparatory Conference	23 April 2004
WCPFC/PrepCon/41	Report of the third meeting of the Scientific Coordinating Group	16 September 2004
NS	Approaches to meeting the science and data needs of the Commission, MRAG (Americas) Inc.	February 2002
WCPFC/PrepCon/WP.9	Review of ecosystem and bycatch issues for the Western and Central Pacific Region	13 November 2002
WCPFC/PrepCon/WP.10 and Corr. 1	Review of data standards, technical capabilities and data sharing policies for the Western and Central Pacific Region	13 November 2002
WCPFC/PrepCon/WP.15	Review of data standards for the Western and Central Pacific Region	30 June 2003
WCPFC/PrepCon/WP.16 and Rev.1	An investigation of technical capabilities and data security and confidentiality policies for the Western and Central Pacific Region,	September 2003
WCPFC/PrepCon/WP.16/Add.1	Capacity of Pacific Island Countries and Territories to meet the likely data requirements of the Western and Central Pacific Fisheries Commission.	September 2003
WCPFC/PrepCon/WP.22	Provisional agenda and discussion items for PrepCon VI	5 March 2004
WCPFC/PrepCon/DP.4	System for providing interim scientific advice (United States of America)	25 April 2001

DRAFT FINAL REPORT OF WORKING GROUP III

1. Working Group III was established at the second session of the Preparatory Conference (February 2002) to consider issues relating to the monitoring, control and surveillance (MCS) needs of the Commission. Mr. William Gibbons-Fly (U.S.A.) was appointed Chairman of WG.III.
2. The present document contains a summary of the discussions in WG.III on each of the matters within its terms of reference. A summary of the recommendations made by WG.III to the PrepCon for transmission to the Commission appears in Annex I. A proposed future programme of work for the Technical and Compliance Committee of the Commission, based on the MCS issues identified by WG.III is at Annex II.

I. TERMS OF REFERENCE

3. At its second session, the Preparatory Conference adopted terms of reference for WG.III (contained in document WCPFC/PrepCon/13, 1 March 2002). Those terms of reference required WG.III to:
 - (a) identify the needs of the Commission relating to MCS;
 - (b) in consultation with Working Group II, identify the objectives and priorities of the regional observer programme and to develop a scheme to deliver the programme in a manner consistent with the Convention. In addressing this matter, the Working Group should consider, inter alia:
 - (i) the rights, duties and responsibilities of observers and fishing vessel masters; and
 - (ii) the respective roles of the members of the Commission, including the role of the flag state, in the assignment and certification of observers;
 - (c) develop procedures for practical implementation of a boarding and inspection scheme consistent with the provisions of article 26 of the Convention;
 - (d) develop standards, specifications and procedures, consistent with the Convention, including article 24, for the operation of a vessel monitoring system (VMS);
 - (e) provide options in relation to other monitoring, control and surveillance needs of the Commission;
 - (f) consider and provide advice on such other matters as may be referred to it by the Preparatory Conference or by other working groups of the Conference.

II. THIRD SESSION OF THE PREPARATORY CONFERENCE

4. WG.III held two preliminary meetings during the third session of the Preparatory Conference (November 2002). During these meetings, WG.III

(a) developed a list of the possible MCS needs of the Commission;¹

(b) agreed on an indicative programme of work identifying, on a tentative basis, the issues to be addressed by WG.III at each session of the Preparatory Conference and the progress expected on those issues;² and

(c) identified the principal elements for a boarding and inspection scheme and the MCS component of the Commission's observer programme.³

5. WG.III also agreed that, in order to maintain flexibility in its work, its indicative work programme would be re-evaluated periodically and modified as necessary.

III. FOURTH SESSION OF THE PREPARATORY CONFERENCE

6. At the fourth session of the Conference (May 2003), WG.III held three meetings during which it began consideration of the principal elements of a vessel boarding and inspection scheme based on a discussion paper prepared by the Chairman⁴ and the development of the Commission's observer programme on the basis of an informal paper prepared by the Chairman, taking into account the principal elements of the observer programme identified by WG.III at PrepCon III.⁵

7. In its discussion on the Commission's observer programme, WG.III urged that the following matters be considered in development of such a programme:⁶

(a) the usefulness of coordinating and communicating with the Chairman of WG.II on the data collection needs of the Commission in order to determine an effective level of coverage;

(b) the need to consider practical difficulties in implementing the observer programme which has bearing on the design of the observer programmes;

(c) the need for coordination and planning to ensure, to the maximum extent practicable, compatibility with sub-regional and national observer programmes already in place in the region;

(d) the desirability for standardization of data collection including standardized reporting formats for information that is collected;

(e) procedures relating to data confidentiality;

¹ WCPFC/PrepCon/21, Annex I (Summary report of the Chairman of WG.III).

² WCPFC/PrepCon/21, Annex II.

³ WCPFC/PrepCon/21, Annex III.

⁴ WCPFC/PrepCon/WP.14.

⁵ WCPFC/PrepCon/21, Annex III, paragraph B.

⁶ WCPFC/PrepCon/26, paragraph 6.

(f) that the purpose of the observer programme in its initial stages should be to focus on validation of catch but that other useful information such as vessel sightings could also be reported under the programme;

(g) the value of ensuring standardized and quality observer training;

(h) the significance of a phased or incremental approach to the Commission's observer programme; and

(i) cost effectiveness.

8. WG.III agreed that the development of the observer programme should build on the principal elements for the development of the observer programme agreed at PrepCon III, in close coordination with WG II and that a discussion paper be prepared on proposed guidelines for the rights, duties and responsibilities for observers, captains and crew, using similar guidelines adopted by other regional organizations and national governments as a starting point

9. With respect to its work programme for PrepCon V, the Working Group noted that the issues of the Commission's record of vessels and authorization to fish, VMS and vessel and gear markings had not yet been discussed and considered. The Group requested the Interim Secretariat to prepare for it an information paper on vessel and gear markings and, if possible, on VMS. These information papers, together with the draft proposed guidelines on rights and responsibilities of observers would serve as the basis for substantive discussions at the next meeting of WG.III.

IV. FIFTH SESSION OF THE PREPARATORY CONFERENCE

10. WG.III held two meetings during the fifth session of the Preparatory Conference (September 2003). The Working Group focused its attention on the development of a scheme for boarding and inspection, based on a revised draft prepared by the Chairman.⁷ Although work on the draft could not be completed during the session, it was agreed that the document should be further revised in light of the comments made for further consideration at the sixth session of the Preparatory Conference.

11. WG.III also considered its future work programme and priorities for PrepCon VI. The Working Group noted that although it had made substantial progress in elaborating the Commission boarding and inspection scheme, it had not had time to discuss the draft guidelines on the rights, duties and responsibilities for observers captains and crew⁸, proposed vessel and gear marking systems⁹ and the issue of the Commission's vessel monitoring system.¹⁰ WG. III agreed that these matters should be revisited at the sixth session.

12. It was also agreed that, in addition to completing the discussion on the draft boarding and inspection scheme, the following monitoring control and surveillance needs of the Commission were to be discussed in the following order of priority:¹¹

⁷ WCPFC/PrepCon/WP.14/Rev.1.

⁸ WCPFC/PrepCon/WP.17.

⁹ WCPFC/PrepCon/WP.18.

¹⁰ WCPFC/PrepCon/WP.23.

¹¹ WCPFC/PrepCon/WP.6, paragraph 21.

- (a) the Commission's record for vessels and authorization to fish;
- (b) Commission vessel monitoring system;
- (c) the observer programme;
- (d) a vessel and gear marking scheme; and,
- (e) Port State control.

13. The Working Group also agreed to form a small group of volunteers to work inter-sessionally, in cooperation with the Chairman and Interim Secretariat, to begin the process of developing the Commission's record for vessels and authorizations to fish.

VI. SIXTH SESSION OF THE PREPARATORY CONFERENCE

14. During the sixth session of the Preparatory Conference (April 2004), WG.III held three meetings. The Working Group focused its attention on what it considered to be the most urgent MCS needs of the Commission, namely, the Commission's record of fishing vessels and fishing authorization and the scheme for vessel and gear marking.

15. WG.III produced a first draft of the Commission's record of vessels and fishing authorizations¹² on the basis of proposals submitted by the European Community,¹³ Japan¹⁴ and the FFA.¹⁵ WG.III recommended that the consolidated 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.

16. During the course of discussions on the Commission's vessel record two additional informal proposals were presented by the European Community and the United States regarding the status of cooperating non-contracting parties. While there was no time for detailed consideration of these proposals, there appeared to be broad support for an effort to marry the documents of the two delegations into a proposal for future consideration. In addition, WG.III discussed possible linkages between the vessel record and future efforts by the Commission with respect to issues such as IUU fishing and measures to control fishing capacity.

17. WG.III also discussed the Commission's scheme for vessel and gear marking on the basis of the working paper prepared by the Interim Secretariat.¹⁶ It was agreed that the proposal for the Commission's gear marking scheme (Annex B of the Secretariat's paper) was not urgent and could be discussed further either at the next session of the Conference or at the first session of the Commission. The Working Group agreed on a draft proposal for a vessel marking scheme which could be submitted to the Commission in due course.¹⁷

¹² Issued at PrepCon VI as WCPFC/CRP.3.

¹³ WCPFC/PrepCon/DP.28.

¹⁴ WCPFC/PrepCon/DP.26.

¹⁵ WCPFC/PrepCon/DP.30.

¹⁶ WCPFC/PrepCon/WP.18.

¹⁷ Issued at the session as WCPFC/CRP.4. Final official document to be issued in due course.

18. Owing to lack of time, further discussion of options for the Commission's observer programme and VMS was deferred.

19. With respect to the future work programme of WG.III, it was noted that WG.III will meet for the last time at the seventh session of PrepCon. As limited time will likely be available for active deliberations at that session, it was agreed that the Group should try to complete its work on the draft record of fishing vessels and authorizations to fish and on adopting standards for cooperating non-contracting parties, which many participants viewed as closely linked to the vessel record. It was noted that the other items on the WG.III agenda would necessarily be passed to the Technical and Compliance Committee of the Commission for further consideration.

VIII. SEVENTH SESSION OF THE PREPARATORY CONFERENCE

20. WG.III held one meeting during the seventh session of the Preparatory Conference. The Group focused its work on the draft record of vessels and fishing authorizations and further discussion of the issue of co-operating non-contracting parties. In view of the limited time available for substantive discussions, the Group also developed a future work programme for the Technical and Compliance Committee of the Commission, contained in Annex II, and decided to recommend to the Preparatory Conference that it forward this work programme to the Commission for adoption.

21. Insert conclusions on record etc ...

Annex I

SUMMARY OF RECOMMENDATIONS OF WG.III

Working Group III proposes that the Preparatory Conference forward the following recommendations to the Commission at its inaugural session

1. That the Commission adopts the vessel marking scheme contained in WCPFC/PrepCon/...
2. That the Commission adopts the procedures for its record of vessels and authorizations to fish contained in WCPFC/PrepCon/ ...
3. That the Technical and Compliance Committee of the Commission adopts the draft programme of work contained in Annex II of the present document and proceeds to consider the matters listed therein on the basis of the relevant working documents produced for the Preparatory Conference and taking into account the discussions in Working Group III

Annex II

**FUTURE WORK PROGRAMME FOR THE TECHNICAL AND COMPLIANCE
COMMITTEE OF THE COMMISSION**

		<i>Relevant articles of Convention</i>	<i>Working paper</i>
1.	Adopt procedures for creation of the Commission record of vessels and fishing authorizations and transmission of information by Commission members to the Commission.	Articles 24 (4) and 24 (7)	WCPFC/PrepCon/...
2.	Adopt standards for cooperating non-contracting Parties		
3.	Establish procedures for practical implementation of a boarding and inspection scheme.	Article 26	WCPFC/PrepCon/WP.14/Rev.1
4.	Establish standards, specifications and procedures for the operation of a vessel monitoring system.	Articles 24 (8) and (9)	WCPFC/PrepCon/WP.23
5.	Define and establish the MCS component of the Commission's observer programme and develop such a programme consistent with the Convention.	Article 28	WCPFC/PrepCon/WP.17
6.	Develop system for gear markings.	Articles 14 (2) (e) and 24 (5)	WCPFC/PrepCon/WP.18
7.	Consideration of port State measures, and non-discriminatory trade measures.	Articles 27 and 27 (1)	
8.	Consideration of guidelines for port inspections carried out by the port State.	Article 27 (2)	
9.	Develop guidelines for regulating and monitoring transshipment.	Article 29	
10.	Develop procedures for reviewing and assessing implementation of and compliance with conservation and management measures adopted by the Commission.	Articles 14, 23 and 25	

Annex III

LIST OF DOCUMENTS CONSIDERED BY WORKING GROUP III

<i>Symbol</i>	<i>Title</i>	<i>Date of issue</i>
WCPFC/PrepCon/13	Working Group III (Monitoring, Control and Surveillance): Terms of Reference	1 March 2002
WCPFC/PrepCon/21	Summary report by the Chairman of the Working Group to the third session of the Preparatory Conference	22 November 2002
WCPFC/PrepCon/26	Summary report by the Chairman of the Working Group to the fourth session of the Preparatory Conference	9 May 2003
WCPFC/PrepCon/33	Summary Report by the Chairman of the Working Group to the fifth session of the Preparatory Conference	3 October 2003
WCPFC/PrepCon/36	Preparations for the Meetings of Working Group III during the sixth session of the Preparatory Conference (Note by the Chairman of Working Group III)	30 March 2004
WCPFC/PrepCon/39	Summary report by the Chairman of the Working Group to the sixth session of the Preparatory Conference	23 April 2004
WCPFC/PrepCon/WP.6	Needs of the Commission with respect to monitoring, control and surveillance (Proposal by the Chairman)	3 October 2002
WCPFC/PrepCon/WP.14	Draft Procedures for Boarding and Inspection Pursuant to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Working Paper by the Chairman of Working Group III)	24 April 2003
WCPFC/PrepCon/WP.14/Rev.1	Revised Draft Procedures for Boarding and Inspection Pursuant to the Convention on the Conservation And Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Prepared by the Chairman of Working Group III)	10 September 2003
WCPFC/PrepCon/WP.17	Draft Guidelines for the Rights, Duties and Responsibilities for Observers, Captains and Crew (Prepared by the Chairman of Working Group III)	10 September 2003
WCPFC/PrepCon/WP.18	Background Paper on possible components of Regional Vessel and Gear Marking Systems (Prepared by the Secretariat)	10 September 2003
WCPFC/PrepCon/WP.23	Discussion Paper on the Institutional Options for VMS Cooperation among the Parties to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Prepared by the Interim Secretariat)	2 April 2004
WCPFC/PrepCon/DP.26	Proposal on Record of Fishing Vessels (Submitted by the Delegation of Japan)	22 March 2004
WCPFC/PrepCon/DP.28	European Community contribution to the discussions on a Record of Fishing Vessels (Submitted by the Delegation of the European Community)	30 March 2004
WCPFC/PrepCon/DP.30	FFA Members' Contribution To The Commission's Record For Vessels And Authorization To Fish	19 April 2004
WCPFC/PrepCon/DP.31	Options for VMS Cooperation among the Parties to the Convention on the Conservation and the Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Submitted by the Delegation of France)	20 April 2004

DRAFT FINAL REPORT OF THE PREPARATORY CONFERENCE FOR THE ESTABLISHMENT OF THE COMMISSION FOR THE CONSERVATION OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN ON ALL MATTERS WITHIN ITS MANDATE PURSUANT TO PARAGRAPH 9 OF RESOLUTION I

I. INTRODUCTION

1. The Preparatory Conference for the Commission for the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereinafter referred to as “the Preparatory Conference”) was established by Resolution I of the Final Act of the Multilateral High Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western Central Pacific Ocean (MHLC), adopted on 5 September 2000.
2. Pursuant to paragraph 9 of Resolution I, the present document is presented to the Commission as the final report of the Preparatory Conference on all matters within its mandate.

II. SESSIONS

3. In accordance with paragraph 2 of Resolution I, the first session of the Preparatory Conference was convened by the Government of New Zealand, at Christchurch, New Zealand, from 23 to 28 April 2001. At the end of the first session, it was agreed that, subject to the availability of financial resources, further sessions of the Preparatory Conference would be held at intervals of approximately six to nine months, with a view to completing the work of the Conference within an overall time frame of three years.
4. Sessions of the Preparatory Conference were held as follows:
 - First session held at Christchurch, New Zealand, 23 – 28 April 2001
 - Second session held at Madang, Papua New Guinea, 25 February – 1 March 2002
 - Third session held at Manila, Philippines, 18 – 22 November 2002
 - Fourth session held at Nadi, Fiji, 5 – 9 May 2003
 - Fifth session held at Rarotonga, Cook Islands, 29 September – 3 October 2003
 - Sixth session held at Bali, Indonesia, 19 – 23 April 2004
 - Seventh session held at Pohnpei, Federated States of Micronesia, 6 – 7 December 2004
5. In addition, meetings of the Scientific Coordinating Group (SCG) were held as follows:

- First meeting held at Honolulu, Hawaii, 29 – 31 July 2002
- Second meeting held at Mooloolaba, Australia, 17 – 19 July 2003
- Third meeting held at Majuro, Marshall Islands, 19 – 21 August 2004

III. SCOPE AND MANDATE

6. The mandate of the Preparatory Conference is set out in Resolution I. In accordance with paragraph 6 of Resolution I, the Preparatory Conference was required to:

- (a) prepare draft rules of procedure for the Commission;
- (b) prepare draft rules, regulations and procedures, as necessary, to enable the Commission to commence its functions, including draft regulations concerning the financial management and internal administration of the Commission;
- (c) prepare the provisional agenda for the first meeting of the Commission and, as appropriate, make recommendations relating to items thereon;
- (d) make recommendations concerning the Secretariat of the Commission in accordance with the relevant provisions of the Convention;
- (e) make recommendations concerning the establishment of the headquarters of the Commission; and
- (f) make recommendations concerning the budget for the first financial period of the Commission, including recommendations for a scheme for contributions to the budget in accordance with article 18, paragraph 2, of the Convention for the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (“the Convention”).

7. In accordance with paragraph 7 of Resolution I, the Preparatory Conference was also required to endeavour to:

- (a) formulate recommendations for consideration by the Commission concerning:
 - (i) the implementation of articles 11, 12, 13 and 14 of the Convention;
 - (ii) the collection of data and information in accordance with article 23, paragraph 2 (a) and (b), of the Convention;
 - (iii) the establishment of a record of fishing vessels in accordance with article 24, paragraph 7, of the Convention;
 - (iv) the implementation of article 24, paragraphs 8, 9 and 10, of the Convention;
 - (v) the implementation of article 30, paragraph 3, of the Convention;
- (b) make recommendations concerning the relationship between the Commission and existing regional institutions concerned with conservation and management of highly migratory fish stocks; and
- (c) carry out such other functions as the Conference may decide.

8. In accordance with paragraph 10 of Resolution I, the Preparatory Conference was also mandated to seek provisional scientific advice on the status of skipjack, yellowfin and bigeye tuna stocks and the South Pacific albacore stock and, if considered necessary, to recommend such conservation and management measures, including provisional harvest level, as may be necessary pending the entry into force of the Convention to ensure the long-term sustainability of stocks within the Convention Area. For this purpose, the Preparatory Conference was mandated to make use, as appropriate, of existing regional institutions and outside sources of expertise to facilitate its work.

IV. AGENDA

9. At its first session, the Preparatory Conference adopted its agenda (WCPFC/PrepCon/2) consisting of 13 items as follows:

- I. Welcome and opening of meeting
- II. Preparatory Conference Organization
 - election of Chairman
 - election of any other officers
 - adoption of rules of procedure
- III. Draft rules of procedure for Commission
- IV. Draft rules and regulations concerning financial management and internal administration of the Commission
- V. Draft organizational structure of the Commission
- VI. Draft budget for the first financial period of the Commission
- VII. Draft scheme of contributions to the budget
- VIII. Recommendations concerning the establishment of the headquarters of the Commission
- IX. Provision of interim scientific advice
- X. Draft provisional agenda for the first meeting of the Commission
- XI. Mechanisms to promote participation
- XII. Prepare agenda for next meeting of the Preparatory Conference
- XIII. Other Business

10. It was agreed that this agenda would continue to serve as the basis of the work of the Conference in future sessions, subject to such amendments as may be necessary as the Conference progressed.

V. PARTICIPATION

11. In accordance with paragraph 1 of Resolution I, the Preparatory Conference was open to participation by the States referred to in article 34 of the Convention and by the fishing entity referred to in article 9, paragraph 2, of the Convention. The territories referred to in article 43 of the Convention were entitled to participate in the same manner as they participated in the MHLC. Other States and entities that participated as observers in the MHLC were entitled to participate in the Preparatory Conference as observers but were not entitled to participate in the taking of decisions.

12. In light of discussions during the first session on the question of participation in the Preparatory Conference, the Conference agreed to set aside two days immediately prior to the second session for informal consultations on agenda item XI, "Mechanisms to promote

participation,” which would be open to all interested delegations. These informal consultation took place on 21 and 22 February 2002 under the guidance of the Chairman of the Preparatory Conference. The Chairman presented a report to the Conference on the outcomes of the informal consultation¹ and on 25 February 2002, the Conference adopted a draft decision relating to participation in the work of the Conference.²

13. The main purpose of that decision was to provide a mechanism for States and other entities that had participated as observers in MHLIC and that wished to participate more actively in the work of the Preparatory Conference to be seated with other participants of the Preparatory Conference, following the making of an appropriate application to the Chairman of the Preparatory Conference. Paragraph 2 of the same decision enabled States and entities that did not participate as observers in the MHLIC to apply to the Chairman of the Preparatory Conference in order that a decision may be taken by consensus on their attendance to observe the meeting. In adopting the decision on participation, the Preparatory Conference decided to allocate a seat amongst the participating delegations to the European Community, which had submitted an appropriate application, enabling it to take a more active role in the discussions than previously, whilst at the same time maintaining its status as an observer delegation pursuant to Resolution I. The decision also permitted the Conference to decide to permit the delegation of the Russian Federation, which had not been a participant or observer in MHLIC, “to attend to observe the meeting in accordance with paragraph 2 of [the decision].”³

14. The Preparatory Conference was attended by representatives from the following States, territories and fishing entities:

Australia, Canada, China, Cook Islands, Federated States of Micronesia, Fiji, France, French Polynesia,⁴ Indonesia, Japan,⁵ 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.

15. The following participated in the Preparatory Conference as observers:

European Community, the South Pacific Forum Fisheries Agency, the Forum Secretariat, the Food and Agriculture Organisation of the United Nations (FAO), the Inter-American Tropical Tuna Organisation (IATTC), OLDEPESCA, the Pacific Community, the South Pacific Regional Environmental Programme, and the University of the South Pacific.

VI. OFFICERS

16. At the first session, the Conference elected Ambassador Michael Powles (New Zealand) as its Chairman. Subsequently, at the second session, Mr Liu Xiaobing (China) was elected vice-chairman of the Preparatory Conference.

¹ WCPFC/PrepCon/10.

² WCPFC/PrepCon/12.

³ The Russian Federation attended the second, third, fifth and seventh sessions of the Preparatory Conference.

⁴ French Polynesia did not participate in the second session of the Preparatory Conference.

⁵ Japan did not participate in the first and second sessions of the Preparatory Conference.

17. The Conference established three open-ended working groups to facilitate its work. At the first session, Ambassador Lucy Bogari (Papua New Guinea) was appointed chair of Working Group I (Organizational and budgetary matters) and Mr Peter Ward (Australia) was appointed chairman of Working Group II (Science). At the second session, Mr John Kalish (Australia) was appointed chairman of Working Group II in place of Mr Ward. Also at the second session, Mr William Gibbons-Fly (United States of America) was appointed chairman of Working Group III.

VII. SECRETARIAT ARRANGEMENTS

18. At its first session, the Conference agreed to establish a Preparatory Conference Secretariat to service future meetings of the Conference. The Secretariat would consist of a Head and such technical advisers as the Chairman considered necessary, having due regard to the need for economy and efficiency. It was agreed that the functions of the Preparatory Conference Secretariat would be as follows:

- (a) Preparation of background papers, documents and reports as required;
- (b) Maintaining the official records of the Preparatory Conference;
- (c) Assisting the Chairman and other officers in all tasks to facilitate Preparatory Conference outcomes;
- (d) Transmission of the official communications of the Preparatory Conference;
- (e) Organizational work and liaison with host governments for future sessions of the Preparatory Conference.⁶

19. Pursuant to the above decision of the Conference, in July 2001, the Chairman appointed Michael W. Lodge as Head of the Preparatory Conference Secretariat⁷ for a period commencing one month after the conclusion of the first session and concluding one month after the second session.⁸ This appointment was subsequently renewed with the approval of the Conference. FAO provided an officer, Mr Blaise Kuemlangan, to serve as technical adviser to the Preparatory Conference Secretariat. From the third session, New Zealand provided an officer, Mr Chris O'Brien, to serve as scientific adviser to the Preparatory Conference Secretariat. Additional help for the Chairman, primarily of a secretarial and administrative nature, was provided in kind by the Government of New Zealand.

20. The Conference also agreed at the first session to establish a Preparatory Conference Organizational Fund (PCOF), to be financed through voluntary contributions or funding in kind, to offset the costs of future sessions of the Conference as well as the costs associated with an

⁶ WCPFC/PrepCon/8.

⁷ Mr. Lodge had also served on an *ad hoc* basis as Head of the Secretariat for the first session of the Conference.

⁸ The terms of this appointment were set out in a letter of appointment drawn up by the Chairman after consultation with the governments which contributed initially to the Preparatory Conference Organizational Fund. The arrangements for the appointment of the Chairman were set out in a note dated 30 November 2001 also drawn up after consultation with the governments which contributed initially to the PCOF for the purpose of recording certain understandings regarding the appointment.

interim secretariat.⁹ The PCOF was established in July 2001, under the administration of the Director of the South Pacific Forum Fisheries Agency. In accordance with paragraph 2 of WCPFC/PrepCon/8, the Chairman of the Preparatory Conference and the Director of the South Pacific Forum Fisheries Agency were requested to develop guidelines for the administration of the PCOF, to be applied on a provisional basis pending approval of the Conference. The agreed guidelines, contained in an exchange of letters between the Chairman of the Preparatory Conference and the Director of the South Pacific Forum Fisheries Agency were submitted to the Conference at its second session.¹⁰ The Conference approved the guidelines with minor amendments.¹¹

VII. MAIN DOCUMENTS OF THE PREPARATORY CONFERENCE

21. The document symbol of the Preparatory Conference is WCPFC/PrepCon/-. That symbol appears on all the formal documentation of the Conference, most of which is issued in its final form in the *Official Records of the Preparatory Conference for the Commission for the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Volumes I – IV)*. The formal documents appear in four series, -/1; -/WP.1; -/BP.1; and -/DP.1, corresponding to main documents, working papers, background papers (first session only) and delegation papers. No verbatim or summary records of meetings were made. Accounts of the work of each session of the Conference are to be found in the summary reports of the Chairman of the Conference and the Chairs of the Working Groups respectively.

VIII. THE WORK OF THE PREPARATORY CONFERENCE

22. The following summarizes the work of the Preparatory Conference at each of its sessions. A more detailed summary of the discussions in each of the working groups is contained in the draft final reports of Working Group I, II and III respectively. Most of the detailed work of the Conference was carried out in Working Groups I, II and III. At the end of each session of the Conference, the chairs of the respective working groups reported to the plenary on the work carried out during the session and the Conference provided such direction as appropriate in the light of any interim recommendations made by the working groups. The final recommendations of each of the working groups were then considered by the Conference at the final session.

23. The matters considered by the plenary were the following:

- (a) draft rules of procedure for the Commission;
- (b) the provisional agenda for the first meeting of the Commission;
- (c) the location of the headquarters of the Commission;
- (d) the procedures for the appointment of the first Executive Director of the Commission;
- (e) discussion of management options and capacity etc.

⁹ WCPFC/PrepCon/8.

¹⁰ WCPFC/PrepCon/WP.5, Annex 1.

¹¹ WCPFC/PrepCon/16, Annex II.

- (f) administrative matters relating to the Preparatory Conference.

A. First session

24. The first session of the Preparatory Conference was convened by the Government of New Zealand, as depositary of the Convention, at Christchurch, New Zealand from 23 to 28 April 2001. To guide the Preparatory Conference in its work, a number of background papers had been prepared, based upon the considerations reflected in Resolution I. Much of the work of the first session was organizational in nature. The matters considered and the main decisions taken were:

- (a) the adoption of an agenda¹² which would also serve as the basis of the work of the Conference in future sessions, subject to such amendments as may be necessary;
- (b) the appointment of Ambassador Michael Powles (New Zealand) as Chairman of the Preparatory Conference;
- (c) the establishment of two open-ended working groups to consider issues related to organizational and budget matters and the provision of scientific advice to the Commission respectively; agreement on the terms of reference of the two working groups and adoption of a plan of work for each working group;
- (d) agreement to establish a Preparatory Conference Organizational Fund to finance future sessions of the Conference and an interim secretariat;
- (e) a first reading of the draft rules of procedure for the Commission;
- (f) agreement to the convening of an informal consultation, immediately prior to the next session of the Conference, to discuss mechanisms to promote participation in the Convention;
- (g) tabling of a paper by New Zealand on the participation of territories in the future Commission with a view to further discussion of this issue at future sessions of the Preparatory Conference.

25. To facilitate its work, the Conference established two open-ended working groups to consider matters related to organizational and budget matters and the provision of scientific advice to the Commission respectively.¹³ Ambassador Lucy Bogari (Papua New Guinea) was appointed to chair Working Group I (WG.I) on issues relating to the organizational structure of the Commission, its budget and financial contributions. Mr. Peter Ward (Australia) was appointed as the chairman of Working Group II (WG.II) on the scientific structure of the Commission and the provision of interim scientific advice.

26. WG.I identified an open-ended list of the possible needs of the Commission and agreed that working papers should be developed that would provide information on appropriate options for delivering the identified service needs of the Commission. WG.II concentrated its discussions

¹² WCPFC/PrepCon/2.

¹³ The terms of reference of the working groups are contained in documents WCPFC/PrepCon/3 and WCPFC/PrepCon/4.

during the first session on designing a work plan to obtain the necessary information to enable later decisions to be taken on the development of recommendations for the implementation of articles 12 and 13 of the Convention and paragraph 10 of resolution I. The group recommended that a number of working papers be prepared that would seek to gather information regarding science needs, existing providers of regional science and their activities, and any existing information on the status of tuna stocks in the Convention Area.

27. One of the first matters to be taken up was the draft rules of procedure for the Commission. To facilitate discussion of this matter, the secretariat had prepared a set of draft rules in the form of a working paper,¹⁴ which was considered by the Conference in informal session. A number of proposals for revisions emerged from the discussion of the draft and written suggestions were circulated by the delegation of the United States. The delegation of New Zealand also submitted a paper relating to rules of procedure for the participation of territories.¹⁵

28. With respect to the rules of procedure for the Preparatory Conference itself, it was noted that the rules of procedure used during MHLC offered an informal basis for proceeding until such time as the Preparatory Conference decided otherwise.

29. In order to facilitate the future work of the Preparatory Conference, it was agreed to establish a Preparatory Conference Organizational Fund (PCOF), to be financed through voluntary contributions or funding in kind, to offset the costs of future sessions of the Conference as well as the costs associated with the establishment of an interim secretariat to service the meetings of the Preparatory Conference.¹⁶

B. Second session

30. The second session of the Preparatory Conference took place in Madang, Papua New Guinea from 25 February to 1 March 2002. As had been agreed at the first session, the second session was preceded by two days of informal consultations around agenda item XI: "Mechanisms to promote participation". The outcome of those informal consultations in relation to the question of participation in the Preparatory Conference is noted in paragraphs 11 and 12 above.

31. Other outcomes from the informal consultations, in the form of proposals which were subsequently adopted by the Conference, included an agreement to establish a third working group (WG.III) on monitoring, control and surveillance, as well as agreement on certain specific measures to give full effect to the provisions of article 22 of the Convention related to cooperation with other regional fishery management bodies, in particular the Convention for the Conservation of Southern Bluefin Tuna (CCSBT), the Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC), to avoid duplication of management measures between these organizations.¹⁷

¹⁴ WCPFC/PrepCon/WP.1.

¹⁵ WCPFC/PrepCon/DP.5.

¹⁶ WCPFC/PrepCon/8.

¹⁷ Detailed in WCPFC/PrepCon/16, *Report of Chairman on the work of the Preparatory Conference at its second session*.

32. In addition to these matters, the Conference continued to make progress on the issues identified during the first session and the method of work was substantially the same as that adopted during the first session, i.e. most of the substantive work was carried out by the two open-ended working groups with a report to plenary at the end of the session. At the commencement of the session it was agreed to elect Mr. Liu Xiaobing (China) as vice-chairman of the Preparatory Conference and to appoint Mr. John Kalish (Australia) as chairman of WG.II in place of Mr. Peter Ward. Mr. William Gibbons-Fly (United States of America) was appointed chairman of the new WG.III.¹⁸

33. The Conference was able to complete a second reading of the draft rules of procedure for the Commission and it was agreed that the Interim Secretariat would produce a further revision of the document which could be taken up during the next session of the Conference. The delegation of France submitted a paper entitled *Draft rules of procedure on the participation of territories*.¹⁹

34. WG.I held two meetings during the session. In accordance with its terms of reference, WG.I recognized three main tasks:

- (a) to further clarify the service needs of the Commission;
- (b) to elaborate the possible options for the delivery of the identified service needs, including an appropriate secretariat structure; and
- (c) to begin to identify some of the general issues associated with the development of a future budget structure for the Commission.

Taking account of the need to structure its future in a coherent and effective manner, WG.I adopted a programme of work to guide the work of the group through the next two sessions of the Preparatory Conference.²⁰

35. WG.II held five meetings during the session. Its work included a review of the Commission's needs with respect to data requirements, including gaps in data coverage and standards for data collection and maintenance; science, and in particular stock assessment and advice on stock status in the short term and ongoing; research priorities and research planning and coordination; and review of assessments, analyses and other scientific work.²¹ As an outcome of its work, WG.II developed, on a provisional basis, a revised alternative structure for scientific functions. While there was some convergence of views on the overall level of scientific services to be provided to the Commission, some delegations expressed reservations about the revised alternative structure and it was noted that further discussions on this matter would be required. WG.II also identified a number of tasks to be carried out prior to its next meeting.

36. In order to assist WG.II in carrying out those parts of its terms of reference which require special scientific and technical considerations, WG.II recommended to the Conference that it

¹⁸ WG.III did not meet during PrepCon II although agreement was reached on its terms of reference, contained in document WCPFC/PrepCon/13.

¹⁹ WCPFC/PrepCon/DP.7.

²⁰ WCPFC/PrepCon/14.

²¹ WG.II was provided for this purpose with a discussion paper prepared for the Interim Secretariat by MRAG (Americas) Inc. entitled *Approaches to Meeting the Science and Data Needs of the Commission* (February 2002).

establish a scientific coordinating group as a sub-group of WG.II which would report to both WG.II and the Conference. The Conference adopted this recommendation and decided to establish the Scientific Coordinating Group (SCG) and adopt its terms of reference.²²

37. One of the matters taken up for the first time at the second session was the matter of the establishment of the headquarters for the Commission. At the first session, it had been agreed that this matter would be taken up at a later stage in the Conference at the request of the members of the Forum Fisheries Committee, who wished for more time to consider the matter and to nominate a single candidate from amongst their number. The Conference was informed that the Federated States of Micronesia had been selected by the Committee and was being formally proposed as the location for the headquarters of the Commission. No substantive discussion of this proposal took place at the second session. At the request of several non-FFA delegations it was agreed to defer further consideration of the proposal until there had been time to review it in more detail. In response to the concerns of some delegations, the Conference adopted a set of general principles and criteria to be taken into account in determining the location of the Commission's headquarters as well as a process for the submission of proposals to the Conference as a whole.²³ In accordance with the agreed process, proposals, including accompanying details and documentation, were to be submitted by 1 September 2002.

38. It was also necessary for the Conference to deal with a number of administrative matters in connection with the arrangements that had been adopted at the first session with respect to the establishment of an interim secretariat and a voluntary fund to support the work of the Conference. The Conference was informed that such a fund had been established and that contributions had been made by a number of participating governments. Draft guidelines on the use and management of the voluntary fund had been prepared in the form of an exchange of letters between the Chairman of the Conference and the Director of the South Pacific Forum Fisheries Agency. The Conference reviewed the draft guidelines and adopted them, with minor amendments.²⁴

C. Third session

39. The third session of the Preparatory Conference took place in Manila, Philippines from 18 to 22 November 2002. At the beginning of the session, the Conference agreed to a request for observer status by Permanent Commission for the South Pacific, in accordance with paragraph 2 of its decision of 25 February 2002 relating to participation in the work of the Conference (WCPFC/PrepCon/12). The main substantive matters dealt with by plenary at the third session were the question of the location of the headquarters of the Commission, the draft rules of procedure, and a proposed draft resolution, put forward by the delegation of Japan, relating to illegal, unreported and unregulated (IUU) fishing and limits on fishing capacity.

40. In considering the issue of the location of the headquarters of the Commission, the Conference recalled that three bids to host the Commission were received within the agreed time-frame. Those bids were from the Federated States of Micronesia, Papua New Guinea and Tonga. After the deadline expired, additional bids were received from the Philippines, Fiji, and Samoa. A proposal to waive the time requirement in order to allow consideration of the late bids was defeated by a vote and the Conference therefore proceeded to consider the bids from Federated

²² Contained in WCPFC/PrepCon/15.

²³ WCPFC/PrepCon/16.

²⁴ WCPFC/PrepCon/16, Annex I.

States of Micronesia, Papua New Guinea and Tonga. As it was not possible to reach a consensus, it was decided to proceed to a vote, which took place on 21 and 22 November, by secret ballot. On the seventh round of voting, Federated States of Micronesia gained a three-quarters majority of the vote. The Conference therefore decided to recommend to the Commission that the headquarters of the Commission be located in the Federated States of Micronesia, noting that, pursuant to article 9, paragraph 7, of the Convention, the final decision would be taken by the Contracting Parties to the Convention.

41. The Conference completed a third reading of the draft rules of procedure for the Commission.²⁵ The delegations of France, New Zealand and the United States of America introduced an informal proposal for draft rules of procedure on the participation of territories pursuant to article 43 of the Convention. As there was insufficient time to discuss the proposal, the Conference agreed to consider it in more detail at its next session. Following consideration of the draft, the delegation of Japan introduced two further proposals relating to the rules of procedure. As there was insufficient time to discuss the proposals by Japan, the Conference took note of the proposals and agreed to consider them in more detail at its next session. It was agreed that the Interim Secretariat would produce a further revision of the document for consideration at a later time.

42. The delegation of Japan introduced a draft resolution relating to IUU fishing and limits on fishing capacity. The resolution, which, in its operative paragraphs urges all States and other entities to exercise reasonable restraint in respect of any expansion of fishing effort and capacity in the Convention Area and to apply the precautionary approach and also urges all States and other entities concerned to take every appropriate measure, in accordance with their international obligations and with the FAO international plan of action on IUU fishing and other relevant international instruments, to prevent, deter and eliminate IUU fishing in the Convention Area, was adopted by consensus.²⁶

43. With respect to the PCOF, the Conference took note of the status of the Fund as at 31 October 2002 and also took note of and confirmed the existing arrangements with respect to the Interim Secretariat and Chairman.

44. Other work took place in the main working groups of the Conference, which were able to make substantive progress on a number of important matters.

45. In accordance with the plan of work it had adopted at PrepCon II, WG.I began consideration of the costs of a Commission secretariat to deliver core functions and science, the costs associated with the various options for providing additional Commission services and the application of cost recovery principles for the provision of specified Commission services. WG.I also considered possible mechanisms for funding participation in the work of the Commission by developing States consistent with article 30, paragraph 3, of the Convention.

46. WG.II reviewed the report of the first meeting of the SCG, held in July 2002,²⁷ and took note of summary statements on the status of stocks in the Convention Area prepared by the SCG. WG.II agreed that the detailed technical work in relation to the data requirements of the Preparatory Conference and the Commission, including current gaps in data coverage and

²⁵ WCPFC/PrepCon/WP.1/Rev.2.

²⁶ WCPFC/PrepCon/22.

²⁷ WCPFC/PrepCon/17.

standards for data collection and management, data security, and data confidentiality, should be handled by the next meeting of the SCG. In accordance with a recommendation by WG.II, the Conference decided that the second meeting of the SCG should take place from 17 to 19 July 2003, in Mooloolaba, Australia, immediately following the 16th Meeting of the Standing Committee on Tuna and Billfish. The Conference also decided to appoint Dr. Yuji Uozumi (Japan) as chairman of the SCG.

47. WG.II also discussed the special requirements of small island developing States in relation to data needs and scientific research. As a result, the interim secretariat was requested to prepare a paper, in conjunction with interested parties, on the special requirements of developing States in regard to data requirements and technical capacity. No agreement was reached in WG.II on a model for meeting the science and data needs of the Commission. It was considered that further work would be required to progress this issue and it was suggested that some elements of this work proceed intersessionally under the guidance of the chairman of WG.II with the assistance of the Interim Secretariat.

48. Working Group III met for the first time during the third session. It considered the needs of the Commission with respect to monitoring, control and surveillance, identified by reference to the articles of the Convention, as well as the principal elements of a boarding and inspection scheme and the monitoring, control and surveillance component of the Commission's observer programme. During the consideration of these elements, it was noted that the boarding and inspection scheme is one part of a comprehensive programme for compliance and enforcement that will also include such matters as the observer programme, port state controls, a vessel monitoring system and other components. Several delegations expressed the view that, while there is a general need to ensure that the elaboration of any scheme is closely linked to the broader provisions of article 25 of the Convention, relating to compliance and enforcement, the elaboration of a boarding and inspection scheme should also take into account the provisions of article 21, paragraph 18, of the UN Fish Stocks Agreement. It was felt that an important aspect in the elaboration of the scheme would be guidelines governing the use of force. In particular, there was a general sense that the use of force be limited to situations where the safety of the vessel and members of the boarding and inspection party is threatened.

49. WG.III also adopted an indicative programme of work for future sessions.²⁸ According to that programme of work, at its second meeting WG.III would aim to hold substantive discussions on a draft boarding and inspection plan, establish procedures for the Commission's vessels record and, begin discussions on the observer programme, VMS and vessel and gear markings. At its third meeting it would aim to conclude discussions on the boarding and inspection scheme and adopt, if possible, a draft boarding and inspection scheme to recommend to the Commission.

D. Fourth session

50. The fourth session of the Preparatory Conference took place at Nadi, Fiji Islands, from 5 to 9 May 2003. Most of the work of the session took place in WG.I and WG.III

51. WG.I held four meetings during the session. The Working Group focused its attention on the development of a formula for assessment of contributions to the budget of the Commission and on the development of financial regulations for the Commission, including regulations to govern the administration of the fund established under article 30, paragraph 3, of the

²⁸ WCPFC/PrepCon/21.

Convention. Following its deliberations, WG.I requested the Secretariat to prepare a revision of its working paper,²⁹ for further consideration at the fifth session, taking into account the discussions that had taken place. WG.I particularly emphasized the need to take full account in any formula of the ability to pay of potential members, in particular small island developing States. WG.I also had a first reading of the draft financial regulations for the Commission.³⁰ It was agreed to take this matter up again at its next session.

52. WG.III held three meetings during the session. WG.III discussed in particular draft procedures for boarding and inspection prepared by the Chairman of the Working Group.³¹ Following discussion of the procedures, the Working Group requested the chairman, with the assistance of the Interim Secretariat, to revise the draft for further consideration at the fifth session. The Working Group also held a preliminary discussion of the MCS component of the Commission's observer programme and agreed that the next step would be to build on the elements of the observer programme identified by the Group at the third session. The Chairman of WG.III was requested to prepare a discussion document on proposed guidelines for the rights, duties and responsibilities for observers, captains and crew, using similar guidelines adopted by other regional organizations and national governments as a starting point. In order to facilitate progress on other matters that had not been covered in the present session, the Working Group requested the Secretariat to prepare an information paper on vessel and gear markings. A paper would also be prepared on VMS, if possible. These information papers, together with the draft guidelines on rights and responsibilities of observers would serve as the basis for substantive discussions at the next meeting of WG.III.

53. WG.II met informally in order to receive a briefing and have an exchange of views on the progress of intersessional work required for the second meeting of the SCG and the fifth session of the Conference and to review its work plan for future meetings. The Working Group agreed on a draft work plan for WG.II and for the SCG, including necessary intersessional activities, to be circulated to all participants through the chairman of the Working Group and the secretariat. It was noted that the work plan was intended to be flexible and would be subject to periodic review and adjustment.

54. According to that work plan, the second meeting of the SCG would focus on developing the long-term data needs of the Commission, identifying research priorities and research planning and coordination and on updating the summary stock status statements for the major target species (bigeye, yellowfin, skipjack, South Pacific albacore). At the fifth session, WG.II would aim to finalize the structure for the scientific functions of the Commission, review the role of existing regional organizations in obtaining the best available scientific and other fisheries-related information and consider the special requirements of developing States in relation to data requirements and technical capacity.

55. The Conference met in informal session on 7 May 2003 to review the further revised draft Rules of Procedure for the Commission prepared by the Interim Secretariat on the basis of discussions during the third session.³² In considering the draft, the Conference focused its attention on those rules where specific problems had been identified, namely rules 1, 14, 15, 23, 24, 30, 31, 34 and 35. While it was possible to resolve the outstanding issues in relation to a

²⁹ WCPFC/PrepCon/WP.13.

³⁰ Contained in document WCPFC/PrepCon/WP.2.

³¹ WCPFC/PrepCon/WP.14.

³² WCPFC/PrepCon/WP.1/Rev.3*

number of these provisions, it was noted that considerable differences remained on other provisions. In particular, with respect to the proposal by Japan relating to the Northern Committee, it was agreed to defer further discussion on this issue until the next session of the Conference in order to achieve a consensus consistent with the Convention. The Conference therefore agreed to return to the draft rules of procedure at its next session with a view to consideration of the remaining issues. In further revising the draft, the Secretariat was requested to include in its explanatory memorandum a note of the issues raised in relation to these outstanding issues. The Conference took note of the proposals made in relation to the participation of territories and mail voting procedures, but delegations expressed the wish for more time to study the proposals before more detailed consideration.

56. With respect to the PCOF, as at previous sessions, the Conference took note of the status of the Fund and confirmed the existing arrangements with respect to the interim secretariat and Chairman. The Conference also received an audit report on the PCOF to 31 December 2003.

57. In addition to the above, the delegation of Japan introduced papers on fishing capacity and IUU fishing on which there was considerable discussion.³³ The Conference agreed that the chairman of WG.II and the chairman of the SCG would develop a report for the fifth session that would include an assessment of:

- (a) the status of the major highly migratory tuna stocks in the Convention Area;
- (b) the impact of FADs on juvenile stocks in the Convention Area;
- (c) any gaps in current data that need to be improved; and
- (d) implications for sustainability.

This approach should provide the basis for future management action. Notwithstanding this decision, certain delegations considered that further steps should be taken in the near term with a view to restraining any further increase in the capacity in the region.

58. With respect to the programme of work for the fifth session, the Conference recalled that it had agreed at its first session in April 2001 that its objective should be to complete the work of the Preparatory Conference within an overall time-frame of three years; that is, by early 2004. With that in mind, and in light of the possibility that the Convention could enter into force in 2004, the Conference decided that it should take the opportunity at the fifth session to take stock of progress on its agenda to date and to review and prioritize the future work of the Conference. In allocating scarce conference time, it was agreed that priority would need to be given to consideration of the key organizational issues on which the establishment of the Commission depended. It was also recognized that, to the extent possible, it would be necessary to continue the valuable work agreed on in Working Groups II and III.

E. Fifth session

59. The fifth session of the Conference took place at Rarotonga, Cook Islands, from 29 September to 3 October 2003. The session was preceded by a one-day retreat for heads of delegations on the beautiful island of Aitutaki.

³³ See documents WCPFC/PrepCon/DP.11 – DP.15.

60. The session began with discussion of a document prepared by the Chairman as a basis for a review of progress achieved to date in the Conference and identification of priority issues prior to entry into force of the Convention.³⁴ On the basis that it appeared highly likely that the Convention would enter into force by the middle of 2004, the Conference endorsed the suggestion made by the Chairman that two further sessions should be held in 2004. The sixth session, would aim to, *inter alia*:

- (a) finalize recommendations relating to the organizational structure of the Commission Secretariat;
- (b) finalize the budget for the early years of the Commission and the way in which it will be financed;
- (c) draw up the agenda for the first session of the Commission; and
- (d) make recommendations on the procedure for selection of an Executive Director.

61. The seventh session, which would be expected to be the final session of the Preparatory Conference would, if practicable, be held back to back with the inaugural session of the Commission at a time to be determined in due course. The main purpose of the seventh session 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.

62. In terms of the immediate priorities for the fifth session, it was agreed that the objective of the informal plenary should be to conclude its consideration of outstanding issues with respect to the draft rules of procedure, so that they could be adopted at the first session of the Commission itself. Working Group I would consider the revised draft scheme of contributions to the budget of the Commission and the draft financial regulations. Working Group II would consider the scientific structure of the Commission (which was recognized as the most urgent task for Working Group II), the role of existing regional organizations in obtaining information and the special requirements of developing States and territories with respect to data requirements and technical capacities. In addition, if time allowed, Working Group II would also consider approaches to ecosystem and bycatch issues on the basis of the paper prepared by the interim secretariat at the third session.³⁵ Meanwhile, Working Group III would continue its work on the elaboration of a draft scheme for boarding and inspection and would also consider proposed guidelines for the rights, duties and responsibilities for observers, captains and crew and a proposed scheme for vessel and gear markings.

63. The Preparatory Conference also had to consider a draft resolution relating to control of fishing effort and capacity tabled by the delegation of Japan.³⁶ Following intensive discussions, the Conference reached agreement on a revised draft resolution “in response to the recommendations of the [SCG] on sustainable fisheries management” which was adopted by consensus on the final day of the session.³⁷ That resolution, *inter alia*, requested the interim secretariat to prepare a paper on management options as a response to the sustainability concerns identified by SCG in respect of yellowfin and bigeye stocks and in the meantime urged all

³⁴ WCPFC/PrepCon/30.

³⁵ WCPFC/PrepCon/WP.9.

³⁶ WCPFC/PrepCon/DP.16.

³⁷ WCPFC/PrepCon/34.

participants to fully implement previous resolutions of MHLG and the Preparatory Conference calling for the exercise of reasonable restraint in respect of any expansion of fishing effort and capacity in the Convention Area.

64. The Conference met in informal session to review the further revised draft Rules of Procedure for the Commission.³⁸ In considering the draft, the Conference focused its attention on outstanding complex issues, including the rules of procedure relating to the Northern Committee, the proposals made in relation to the participation of territories and proposals relating to intersessional voting procedures. Following intensive discussions, including informal consultations between delegations, it was possible to resolve the outstanding issues in relation to these provisions. The Conference agreed to request the Interim Secretariat to prepare a revised version of the document, taking into account the discussions during the session and noting any remaining issues which would require consideration. It was further agreed that the revised draft of the rules would be taken up at the final session of the Conference with a view to finalizing a recommendation for adoption by the Commission at its first session.

65. Working Group I focused its attention during the fifth session on the development of a formula for the assessment of contributions to the budget of the Commission and on the draft financial regulations for the Commission. The working group considered various options for the budget funding formula taking into account the discussions on this matter at PrepCon IV, including a revised methodology for the calculation of the “national wealth” component of the budget of the Commission. In discussing such methodology, various suggestions and proposals were put forward and the group noted the considerable difficulty involved in finding a formula that could satisfy all potential members of the Commission. Following a proposal by the delegation of Korea, WG.I considered a revised formula for the national wealth component based upon an equal weighting of gross national income (GNI) per capita and GNI. It became apparent that the main area of difficulty was the relative weighting of the three components set out in article 18 of the Convention. Although a preference was expressed for a relative weighting of 10 per cent (base fee), 20 per cent (national wealth component) and 70 per cent (fish production component), some participants considered that the relative weighting should be 10 per cent (base fee), 45 per cent (national wealth component) and 45 per cent (fish production component). In both cases, a discount factor of 0.4 was applied to the catches taken within the exclusive economic zone of a developing State or territory by vessels flying the flag of that developing State or territory. Following extensive discussions, including discussion of a possible compromise between the differing positions, it became clear that there was a preponderance of views in favour of a relative weighting of 10/20/70. The delegation of Korea noted that its proposal for a relative weighting of 10/45/45 remained on the table and reserved its position with respect to any possible compromise. Several participants emphasized the need to reach finality on the scheme of contributions, at least for an interim period, so that WG.I could begin to address the other matters on its agenda. The Chair of WG.I therefore proposed that, for the time being, the Conference should proceed on the basis of a relative weighting of 10/20/70, but that the matter of the relative weighting could be revisited should any compromise proposal emerge from further consideration by delegations before the next session of the Conference.³⁹

66. Working Group I was also able to carry out a second reading of the draft financial regulations for the Commission and was able to reach agreement on most aspects of the draft,

³⁸ WCPFC/PrepCon/WP.1/Rev.4.

³⁹ WCPC/PrepCon/31.

including a new proposal relating to the establishment of a special requirements fund for the purposes identified in article 30 of the Convention.

67. The principal achievement of WG.II at the fifth session was to reach agreement on a science structure for the Commission during a transitional period.⁴⁰ This structure would be reviewed two years after entry into force of the Convention. It was also recommended that the OFP-SPC should play a key role in the scientific work of the Commission during the transitional period and should undertake the stock assessments for the four main tuna species during that period. WG.II also recommended that the Conference should include in its final report to the Commission a long term strategy for building fisheries data collection and analytical capacity in developing States and territories. Working Group II reviewed the report of the second meeting of the SCG, which took place in July 2003, and made a number of recommendations concerning stock assessments and data coverage.

68. Owing to time constraints, WG.III held only two meetings during the fifth session. The working group discussed the revised draft boarding and inspection scheme contained in document WCPFC/PrepCon/WP.14/Rev.1 and requested the chairman of the working group, with the assistance of the interim secretariat, to further revise the draft scheme in light of the proposals and suggestions that had been made. The working group also considered its future work programme and priorities for the sixth session, noting that it had not had time to discuss draft guidelines on the rights, duties and responsibilities for observers captains and crew, vessel and gear marking systems and the Commission's vessel monitoring system. The working group agreed that the issues of the Commission's record for vessels and authorization to fish and port State control should also be discussed at the sixth session in accordance with its agreed work priorities.

F. Sixth session

69. The sixth session was held on the island of Bali, Indonesia, from 19 to 23 April 2004. As agreed at the fifth session, the main business of the plenary was to draw up the agenda for the first session of the Commission and to make recommendations on the procedure for selection of an Executive Director.

70. With respect to the agenda for the first session of the Commission, the Conference decided to recommend to the Commission the draft provisional agenda as contained in Annex II of WCPFC/PrepCon/40. With respect to the matter of the appointment of an Executive Director for the Commission, it was agreed that the process of recruiting an Executive Director 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 Chairman was authorized to supervise the recruitment process, with support from the New Zealand delegation. The Conference also agreed on a person specification for the position.⁴¹ With respect to the procedure for appointment, it was agreed that participants in the Preparatory Conference would be invited to rank candidates in order of preference. Up to five candidates would then be invited to take part in an interview on the day prior to the first meeting of the Commission. The Chairman of the Preparatory Conference would lead the interview panel, which would comprise 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

⁴⁰ WCPFC/PrepCon/32, Annex III.

⁴¹ WCPFC/PrepCon/40, Annex I.

process would be confirmed by the seventh session of the Preparatory Conference. The Conference also accepted with appreciation Australia's offer to carry out a job-sizing exercise for the Executive Director position.

71. Working Group I had as its objectives to finalize recommendations relating to the organizational structure of the Commission Secretariat and to finalize the budget for the early years of the Commission and the way in which it would be financed. The working group held three meetings during the session. With respect to the organizational structure of the Commission, the working group decided to recommend the organizational structure 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. That structure envisaged a total staff of nine in the first year of operation, increasing to 13 after three years. WG.I 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).

72. With respect to the provisional indicative budget of the Commission for its first three full years of operation, WG.I considered the proposed budget contained in Annex IV of the Secretariat's working paper⁴² to be conceptually acceptable, subject to the need to further refine the cost estimates for each line item as further information became available. 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.

73. 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.

74. Working Group I also completed its work on the draft Financial Regulations of the Commission and decided to recommend that the draft be taken up by the Conference at its final session.

⁴² WCPFC/PrepCon/WP.20.

75. Working Group II held two meetings during the sixth 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.

Details of the specific recommendations made by WG.II are contained in document WCPFC/PrepCon/38.

76. The Conference took note of the recommendations contained in the report of WG.II 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 also 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 the seventh session with a view to making a clear recommendation to the Commission.

77. The Preparatory Conference approved the proposal to hold the third meeting of the SCG in Majuro, Marshall Islands from 19 - 21 August 2004 and agreed that the meeting would be chaired by Dr Yuji Uozumi (Japan).

78. Following preliminary discussion of a paper prepared by the Interim Secretariat⁴³ 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, the Conference also requested SCG 3 to provide advice, through the Interim Secretariat, on analyses that should be undertaken of the implications of two broad groups of management options identified in the Secretariat's paper (national capacity, catch and effort limits and a range of technical measures) and how these analyses can be carried out in a timely and effective manner.

79. 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 would take place from 12 to 15 July in Japan as a voluntary intersessional effort.

80. Working Group III held three meetings during the sixth session. The Commission's record of fishing vessels and fishing authorization and the scheme for vessel and gear marking were identified as the most urgent matters for discussion. WG.III was able to produce a first draft

⁴³ WCPFC/PrepCon/WP.24.

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. 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.

81. 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.

G. Seventh session

82. The seventh session of the Conference took place at Pohnpei, Federated States of Micronesia on 6 and 7 December 2004.

83. Working Groups I, II and III met to consider and adopt their final reports and recommendations to the Conference. Plenary took up the further revised draft rules of procedure for the Commission contained in document WCPFC/PrepCon/WP.1/Rev.5 and decided to recommend the draft rules of procedure to the Commission for adoption. The Conference then reviewed and **adopted** the final reports of Working Groups I, II and III.

84. The Conference received a report on the status of the PCOF as at 31 October 2004. It was noted that, in accordance with the guidelines contained in WCPFC/PrepCon/16, Annex I, the PCOF would continue to operate until determined by the Preparatory Conference or by the Commission. On the basis of a recommendation by the Chairman, the Conference decided to recommend to the Commission that the PCOF continue to operate until such time as outstanding commitments arising from the seventh session have been met and the PCOF has been audited by the FFA auditor (March 2005). Thereafter the Conference recommended to the Commission that the balance remaining in the PCOF be transferred to the working capital fund of the Commission.

85. The Conference further decided to recommend that additional contributions to the PCOF made for the purpose of supporting the proposed Indonesia and Philippines Data Collection Project (IPDCP) be transferred to the Special Requirements Fund established under Financial Regulation 7 and administered by the Commission in accordance with the recommendations of WG.II.

86. The Conference noted that some of the interim recommendations it had made in relation to some matters had not been taken up owing to lack of time. These included a number of recommendations relating to the need to give full effect to the provisions of article 22 of the Convention related to cooperation with other regional fishery management bodies, in particular the Convention for the Conservation of Southern Bluefin Tuna (CCSBT), the Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC), to avoid duplication of management measures between these organizations. The Conference recalled that it had decided to:

(a) Establish an understanding between the Interim Secretariat and the Secretariat of the CCSBT that, because CCSBT has competence with respect to southern bluefin tuna throughout its migratory range, the Western and Central Pacific Fisheries Commission recognizes that CCSBT is the appropriate body to develop and implement southern bluefin tuna conservation and management measures;

(b) Appoint a group to work with the IATTC to develop guidelines to give full effect to article 22, paragraph 4, of the Convention, with respect to the need to avoid duplication of management measures and to promote consistent management measures throughout the migratory range of stocks that occur in the areas covered by the two Conventions;⁴⁴ and

(c) and give due consideration to the appropriate mechanism for cooperation between the Western and Central Pacific Fisheries Commission and the IOTC to avoid duplication of measures between those two organizations.

87. It had not been possible to deal with these matters and the Conference therefore decided to recommend that these matters be taken up by the Commission at the earliest opportunity.

IX. FINAL RECOMMENDATIONS OF THE PREPARATORY CONFERENCE

88. A summary of the recommendations made by the Conference in relation to each of the matters listed in paragraphs 6 and 7 of Resolution I, is in the annex to the present document.

89. The Conference decided to recommend to the Commission that it:

(a) adopt the agenda for its first session contained in document WCPFC/PrepCon/40, Annex II;

(b) adopt the recommendations contained in the final report of WG.I (WCPFC/PrepCon/...)

(c) adopt the recommendations contained in the final report of WG.II (WCPFC/PrepCon/...) subject to the recommendation of the Conference contained in paragraph ... below concerning the date and place of the meetings of the Commission and its subsidiary bodies in 2005;

(d) adopt the recommendations contained in the final report of WG.III (WCPFC/PrepCon/...)

(e) adopt the draft rules of procedure of the Commission as contained in document WCPFC/PrepCon/WP.1/Rev.5;

(f) decide that the headquarters of the Commission be in Pohnpei, Federated States of Micronesia.

90. The Conference adopted the present document as its final report on all matters within its mandate and decided to transmit the report to the Commission.

X. CLOSING

91. On 7 December 2004, the Preparatory Conference was adjourned, noting that, in accordance with paragraph 8 of Resolution I, the Preparatory Conference will remain in

⁴⁴ See WCPFC/PrepCon/WP.12.

existence until the end of the first session of the Commission.

Annex

SUMMARY OF DECISIONS AND RECOMMENDATIONS MADE BY THE PREPARATORY CONFERENCE ON OPERATIVE PARAGRAPHS 6 AND 7 OF RESOLUTION I

<i>Resolution I</i>	<i>Summary of action by Preparatory Conference</i>
<p>In accordance with paragraph 6 of Resolution I, the Preparatory Conference was required to:</p> <p>(a) prepare draft rules of procedure for the Commission;</p> <p>(b) prepare draft rules, regulations and procedures, as necessary, to enable the Commission to commence its functions, including draft regulations concerning the financial management and internal administration of the Commission;</p> <p>(c) prepare the provisional agenda for the first meeting of the Commission and, as appropriate, make recommendations relating to items thereon;</p> <p>(d) make recommendations concerning the Secretariat of the Commission in accordance with the relevant provisions of the Convention;</p> <p>(e) make recommendations concerning the establishment of the headquarters of the Commission; and</p> <p>(f) make recommendations concerning the budget for the first financial period of the Commission, including recommendations for a scheme for contributions to the budget in accordance with article 18, paragraph 2, of the Convention for the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (“the Convention”).</p>	<p>The Preparatory Conference decided to recommend to the Commission the adoption of draft rules of procedure contained in document WCPFC/PrepCon/WP.1/Rev.5</p> <p>WG.I adopted and recommended to the Conference draft Financial Regulations contained in document WCPFC/PrepCon/WP.2/Rev.2. The Preparatory Conference decided to recommend to the Commission the adoption of the draft Financial Regulations.</p> <p>The Preparatory Conference decided to recommend to the Commission the adoption of the provisional agenda contained in document WCPFC/PrepCon/40/Annex II. In respect of the agenda item on the appointment of the Executive Director, the Preparatory Conference approved a process which would enable a recommendation to be made to the Commission at its first session.</p> <p>WG.I recommended an organizational structure 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. WG.I also recommended 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).</p> <p>At the third session, following a vote, the Preparatory Conference decided to recommend that the headquarters of the Commission be in Federated States of Micronesia.</p> <p>WG.I recommended an organizational structure and summary of functions for the staff of the Commission in its early years of operation (WCPFC/PrepCon/37, Annexes I and II).</p> <p>WG.I considered the provisional indicative budget (WCPFC/PrepCon/WP.20, Annex IV) to be conceptually acceptable, subject to the need to further refine the cost estimates for each line item as further information became available.</p> <p>WG.I recommended the adoption of a scheme of contributions to the budget in accordance with article 18, paragraph 2.</p>

<p>In accordance with paragraph 7 of Resolution I, the Preparatory Conference was also required to endeavour to:</p>	
<p>(a) formulate recommendations for consideration by the Commission concerning:</p>	
<p>(i) the implementation of articles 11, 12, 13 and 14 of the Convention;</p>	<p>WG.II recommended a science structure for the Commission during a transitional period, to be reviewed two years after entry into force of the Convention (WCPFC/PrepCon/32, Annex III). WG.II also recommended a structure and a work plan for the Scientific Committee and its Specialist Working Groups and recommended that the OFP-SPC should undertake the stock assessments for the four main tuna species during the transitional period.</p>
<p>(ii) the collection of data and information in accordance with article 23, paragraph 2 (a) and (b), of the Convention;</p>	<p>WG.II and the Scientific Coordinating Group adopted specific recommendations on data standards, to be addressed by the Scientific Committee of the Commission Final Report of WG.II, Annex IV of the present document. WG.II also made recommendations aimed at improving the quality and coverage of the data available for stock assessment.</p>
<p>(iii) the establishment of a record of fishing vessels in accordance with article 24, paragraph 7, of the Convention;</p>	<p>WG.III recommended ...</p>
<p>(iv) the implementation of article 24, paragraphs 8, 9 and 10, of the Convention;</p>	<p>No recommendations made. There was insufficient time for WG.III to discuss the matter of vessel monitoring systems. A preliminary discussion paper was prepared by the Interim Secretariat (WCPFC/PrepCon/WP.23).</p>
<p>(v) the implementation of article 30, paragraph 3, of the Convention;</p>	<p>WG.I considered this issue and incorporated specific recommendations relating to article 30, paragraph 3, in the draft Financial Regulations.</p>
<p>(b) make recommendations concerning the relationship between the Commission and existing regional institutions concerned with conservation and management of highly migratory fish stocks; and</p>	<p>The Conference made a number of interim recommendations relating to the need to give full effect to the provisions of article 22 of the Convention related to cooperation with other regional fishery management bodies, in particular the CSBT, the IATTC and the IOTC, to avoid duplication of management measures between these organizations. However, since it was not possible to deal with these matters, the Conference decided to recommend that a number of specific issues described in paragraph 86 (above) be taken up by the Commission at the earliest opportunity.</p>

**REVISED DRAFT RULES OF PROCEDURE OF THE COMMISSION FOR THE
CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS
IN THE WESTERN AND CENTRAL PACIFIC**

Prepared by the Secretariat

1. Draft rules of procedure for the Commission, based on standard rules of procedure for international organizations worldwide and taking into account the considerations identified in document WCPFC/PrepCon/BP.3, were prepared by the interim secretariat for the first session of the Preparatory Conference (WCPFC/PrepCon/WP.1, 25 April 2001). During the first, second and third sessions of the Conference, the draft rules were considered in informal plenary sessions. At the end of each session, the interim secretariat was requested to prepare a revised draft of the rules taking into account the discussions that had taken place in the informal sessions.

2. During the fourth session, the Conference met in informal session on 7 May 2003 to review the further revised draft rules of procedure for the Commission which had been prepared by the interim secretariat on the basis of discussions during the third session and contained in document WCPFC/PrepCon/WP.1/Rev.3*. In considering the draft, the Conference focused its attention on those rules where specific problems had been identified, namely rules 1, 14, 15, 23, 24, 30, 31, 34 and 35. While it was possible to resolve the outstanding issues in relation to a number of these provisions (including revisions to rule 1, paragraph 1, rule 15, and rule 35, paragraph 5) it was noted that considerable differences remained on other provisions. In particular, with respect to the proposal by Japan relating to the Northern Committee (rule 31), it was agreed to defer further discussion on this issue until the fifth session of the Conference in order to achieve a consensus consistent with the Convention. The Conference also agreed to defer discussion of a proposal by the delegations of France, New Zealand and the United States for rules of procedure on the nature and extent of participation by territories (rule 34) as well as proposals developed by a number of interested delegations on procedures for intersessional voting by mail. In the meantime, the Secretariat prepared a further revised draft of the rules of procedure under symbol WCPFC/PrepCon/WP.1/Rev.4.

3. During the fifth session (Rarotonga, Cook Islands, 29 September – 1 October 2003), the Conference met in informal session to consider document WCPFC/PrepCon/WP.1/Rev.4. In considering the draft, the Conference focused its attention on outstanding complex issues, including the rules of procedure relating to the Northern Committee, the proposals made in relation to the participation of territories and proposals relating to intersessional voting procedures. Following intensive discussions, including informal consultations between delegations, it was possible to resolve the outstanding issues in relation to these provisions. It was noted that that the outcome of these discussions, as well as a number of other minor technical revisions, would be reflected in a further revised version of the draft rules of procedure which would be taken up at the final session of the Conference.

4. No formal discussion of the rules of procedure took place at the sixth session of the Preparatory Conference (Bali, Indonesia, 19 – 23 April 2004), although a further revised text of the draft rules, taking into account the discussions at PrepCon V, was circulated to all delegations for comment under symbol WCPFC/PrepCon/CRP.2 (20 April 2004).

5. The present document is a formal re-issue of WCPFC/PrepCon/CRP.2 (with minor editorial revisions suggested by delegations) and represents the outcome of all discussions in the informal plenary on this issue to date. Subject to any further consideration during the final session of the Preparatory Conference, it is proposed that the Preparatory Conference **recommend** the further revised draft rules of procedure contained in the annex to the present document to the Commission for adoption at its first session.

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

Prepared by the Secretariat

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I. SESSIONS

REGULAR AND SPECIAL SESSIONS

Holding of regular and special sessions

Rule 1

1. The Commission shall hold a regular annual session.¹ Before the end of each regular annual session, the Commission shall, if possible, decide on the date of commencement and the approximate duration of the next regular annual session. All meetings of the Commission and its subsidiary bodies shall be held within no more than two sessions per year, unless the Commission decides otherwise.

2. The Executive Director shall notify the members of the Commission,² each territory referred to in article 43 of the Convention, and observers referred to in rule 36, of the

¹ In these rules, unless otherwise stated, ‘regular annual session’ means the annual meeting of the Commission specified in article 9, paragraph 3 of the Convention.

² In accordance with article 9, paragraph 2, of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter referred to as “the Convention”), a fishing entity referred to in the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and

date and place and provisional agenda of the session as early as possible but at least ninety days in advance of the opening of a regular annual session.

3. In exceptional circumstances, the Commission may hold special sessions in accordance with this paragraph. Any member of the Commission may request the Executive Director to convene a special session of the Commission. The Executive Director shall immediately inform the other members of the Commission of the request and inquire whether they concur with it. If within thirty days of the date of communication by the Executive Director a majority of the members of the Commission concur in the request, a special session of the Commission shall be convened by the Executive Director and it shall meet no earlier than thirty days and no later than ninety days after the receipt of such concurrence. The Executive Director shall notify the members of the Commission, each territory referred to in article 43 of the Convention, and observers referred to in rule 36, of the date and place and provisional agenda for a special session as early as possible but at least twenty-five days in advance of the special session.

4. The Commission shall meet at the headquarters of the Commission unless it decides otherwise.

II. AGENDA

REGULAR SESSIONS

Drawing up of the provisional agenda

Rule 2

1. The provisional agenda for a regular session shall be drawn up by the Executive Director, in consultation with the Chairman.

2. The provisional agenda of a regular session shall include:

- (a) The annual report of the Executive Director on the work of the Commission;
- (b) Items the inclusion of which has been requested by the Commission at a previous session;
- (c) Items proposed by any member of the Commission;
- (d) Items pertaining to the budget for the next financial year, the report on the accounts for the last financial year and the auditors' report;

Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which has agreed to be bound by the regime established by the Convention in accordance with the provisions of Annex I to the Convention, may participate in the work, including decision-making, of the Commission in accordance with the provisions of article 9 and Annex I and subject to the provisions of article 34, paragraph 4. According to paragraph 2 of Annex I, such fishing entity shall participate in the work of the Commission, including decision-making, and shall comply with the obligations under the Convention. References thereto by the Commission or members of the Commission include, for the purposes of the Convention, such fishing entity as well as Contracting Parties.

- (e) Recommendations of the Scientific Committee and any recommendations of the scientific experts pursuant to article 13 of the Convention;
- (f) Recommendations of the Technical and Compliance Committee;
- (g) Recommendations of the committee established pursuant to article 11, paragraph 7, of the Convention;
- (h) Consideration of the special requirements of developing States pursuant to Part VIII of the Convention; and
- (i) Items which the Executive Director deems it necessary to put before the Commission.

Supplementary items

Rule 3

Any member of the Commission, the Chairman, or the Executive Director may, at least thirty days before the date fixed for the opening of a regular session request the inclusion of supplementary items in the agenda. A request for the inclusion of a supplementary item on the provisional agenda shall be accompanied by a written explanation of the proposed supplementary item. Such items shall be placed on a supplementary list, which shall be communicated to the members of the Commission, to each territory referred to in article 43 of the Convention, and to observers referred to in rule 36 at least twenty days before the opening of the session.

SPECIAL SESSIONS

Drawing up of the provisional agenda

Rule 4

The provisional agenda for a special session shall include only of those items proposed for consideration in the request for holding the session.

REGULAR AND SPECIAL SESSIONS

Adoption of the agenda

Rule 5

At the beginning of each session, the Commission shall adopt its agenda for the session on the basis of the provisional agenda. The Commission may, however, in urgent circumstances, place additional items of an important or urgent character on the agenda at any time during a session.

III. REPRESENTATION

Representation

Rule 6

1. Each member of the Commission, and each territory referred to in article 43 of the Convention, shall be represented by designated representatives and such alternate representatives and advisers as may be required by the delegation.
2. Observers referred to in rule 36 shall be represented by designated representatives and by such alternate representatives and advisers as may be required.
3. The names of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Director if possible not later than twenty-four hours after the opening of the session in such standard form of designation as the Executive Director shall establish.

Official contact

Rule 7

Each member of the Commission, and each territory referred to in article 43 of the Convention, shall, as soon as possible after the adoption of these rules, notify the Executive Director of one or more Official Contacts who shall, for the purposes of official communications between the Commission and the member or territory concerned, including all notifications and communications made pursuant to these rules, be the official points of contact.

IV. OFFICERS

Elections

Rule 8

At its first regular session, and each two years thereafter, the Commission shall elect a Chairman and a Vice-Chairman from among the Contracting Parties to the Convention, who shall be of different nationalities. Except at the first regular session of the Commission, the Chairman and Vice-Chairman shall assume office at the end of the session at which they are elected. Subject to rule 10, they shall hold office for a period of two years and shall be eligible for re-election.

Functions of the Chairman

Rule 9

1. In addition to exercising the powers conferred upon him or her elsewhere in these rules or by the Convention, the Chairman shall declare the opening and closing of each plenary meeting of the Commission, direct the discussions in plenary meeting, ensure observance of these rules, accord the right to speak, announce the list of speakers and, with the consent of the Commission, declare the list of speakers closed, put questions and announce decisions. He or she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat. The Chairman may, in the course of discussion of an item, propose to the Commission the limitation of the time to be allowed to speakers, the limitation of the number of times each representative may speak, the closure of the list of speakers or the closure of the debate. He or she may also propose the suspension or the adjournment of the meeting or the adjournment of the debate on the item under discussion.
2. The Chairman, in the exercise of his or her functions, remains under the authority of the Commission.

3. The Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Replacement of the Chairman or Vice-Chairman

Rule 10

If the Chairman or Vice-Chairman is unable to carry out his or her functions or ceases to be a representative of a Contracting Party, or if a Contracting Party of which he or she is a representative ceases to be a member of the Commission, he or she shall cease to hold office and a new Chairman or Vice-Chairman shall be elected for the unexpired term.

V. SECRETARIAT

Duties of the Executive Director

Rule 11

1. The Executive Director, as the chief administrative officer of the Commission, shall act in that capacity in all meetings of the Commission and of its subsidiary bodies. The Executive Director may designate an officer of the Secretariat to act as his or her representative. The Executive Director shall discharge such other responsibilities as are assigned to him or her under the Convention or by the Commission in the conduct of its business.
2. The Executive Director shall provide and direct, with due regard to principles of economy and efficiency, the staff required by the Commission and its subsidiary bodies.
3. The Executive Director shall keep the members of the Commission informed of any issues or matters which may be of interest to the Commission.

Duties of the Secretariat

Rule 12

The Secretariat shall carry out the duties and perform the functions set out in article 15 of the Convention. In particular, the Secretariat shall receive, reproduce and distribute documents, reports and decisions of the Commission and its subsidiary bodies, prepare and circulate summary reports of the meetings of the Commission in accordance with rule 33; have the custody and proper preservation of the documents in the archives of the Commission; distribute all documents of the Commission to the members of the Commission, the territories referred to in article 43 of the Convention, and observers referred to in rule 36; and, generally, perform all other work which the Commission may require.

Report of the Executive Director on the work of the Commission

Rule 13

The Executive Director shall make an annual report, and such supplementary reports as are necessary, to the Commission at its regular session on the work of the Commission. The Executive Director shall communicate the annual report to the members of the Commission, to each territory referred to in article 43 of the Convention and to observers referred to in rule 36 at least forty-five days before the opening of the regular session.

VI. CONDUCT OF PLENARY MEETINGS

Quorum

Rule 14

The Chairman may declare a meeting of the Commission open and permit the debate to proceed when at least three-fourths of the members of the Commission are present.

Open and closed meetings

Rule 15

1. The meetings of the Commission and its subsidiary bodies shall be open unless the Commission or the subsidiary body concerned decides that exceptional circumstances require that meetings be held in closed session.

2. All decisions of the Commission taken at a closed session shall be announced at an early open meeting of the Commission. At the end of a closed meeting of a subsidiary body, the Chairman may issue a communiqué through the Executive Director.

Speeches

Rule 16

No representative may address the Commission without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak, except that the Chairman of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that body. The Chairman may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Statements by the Secretariat

Rule 17

The Executive Director, or a member of the Secretariat designated by him as his representative, may, at any time with the permission of the Chairman, make either oral or written statements to the Commission concerning any question under consideration by it.

Points of order

Rule 18

During the discussion of any matter, a member of the Commission may rise to a point of order, and the point of order shall be immediately decided by the Chairman in accordance with these rules of procedure. A member of the Commission may appeal against the ruling of the Chairman. In such a case, the appeal shall be immediately put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the members of the Commission present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Procedural motions

Rule 19

1. Subject to rule 18, a member of the Commission may at any time make any of the following procedural motions. Such motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) To close the debate on the item under discussion.

2. Any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Proposals and amendments

Rule 20

Proposals and amendments shall normally be circulated in writing to the Executive Director, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Commission unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though such amendments and motions have not been circulated or have only been circulated the same day.

VII. DECISION-MAKING

Voting rights

Rule 21

Each member of the Commission shall have one vote, unless otherwise provided in the Convention.

Decision-making

Rule 22

1. As a general rule, decision-making in the Commission shall be by consensus. For the purposes of these rules, "consensus" means the absence of any formal objection made at the time the decision was taken.

2. If all efforts to reach a decision by consensus have been exhausted, decisions by voting in the Commission on questions of procedure shall be taken by a majority of those present and voting. Decisions on questions of substance shall be taken by a three-fourths majority of those present and voting provided that such majority includes a three-fourths majority of the members of the South Pacific Forum Fisheries Agency present and voting and a three-fourths majority of non-members of the South Pacific Forum Fisheries Agency present and voting and provided further that in no circumstances shall a proposal be defeated by two or fewer votes in either chamber. When the issue arises as to whether a question is one of substance or not, that question

shall be treated as one of substance unless otherwise decided by the Commission by consensus or by the majority required for decisions on questions of substance.

3. If it appears to the Chairman that all efforts to reach a decision by consensus have been exhausted, the Chairman shall fix a time during that session of the Commission for taking the decision by a vote. At the request of any member, the Commission may, by a majority of those present and voting, defer the taking of a decision until such time during the same session as the Commission may decide. At that time, the Commission shall take a vote on the deferred question. This rule may be applied only once to any question.

4. Elections of individuals shall be conducted in accordance with article 20 of the Convention. In the event of a vote, notwithstanding the provisions of rule 24, the election shall be conducted by secret ballot. If no candidate obtains in the first ballot the necessary majorities of the votes cast, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the balloting shall be continued until one candidate secures the necessary majorities of the votes cast.

5. For the purposes of these rules, and subject to rules 21 and 34, the phrase “those present and voting” means members of the Commission present and casting an affirmative or negative vote. Members of the Commission who abstain from voting shall be considered as not voting.

Decisions requiring a consensus

Rule 23

Decisions on questions of substance arising under the following provisions of the Convention shall be taken by consensus: article 9, paragraph 8 (adoption, and amendment, of rules of procedure), article 10, paragraph 4 (decisions relating to the allocation of total allowable catch or the total level of fishing effort), article 17, paragraph 2 (adoption of financial regulations), article 18, paragraphs 1 and 2 (adoption of the budget and a scheme for assessment of contributions to the budget), and article 40 (amendments to the Convention).

Method of voting

Rule 24

The Commission shall vote by show of hands or by standing, but any member of the Commission may request a roll-call. The roll-call shall be taken in the alphabetical order of the names of the members of the Commission participating in that session, beginning with the member whose name is drawn by lot by the Chairman. The name of each member of the Commission shall be called in any roll-call, and one of its representatives shall reply “yes”, “no” or “abstention”. The result of the voting shall be inserted in the record in the alphabetical order of the names of the members.

Conduct during voting

Rule 25

After the Chairman has announced the commencement of voting, no member of the Commission may interrupt the voting, except that members of the Commission may interrupt on a point of order in connection with the actual conduct of voting.

Explanation of vote

Rule 26

Members of the Commission may make brief statements consisting solely of explanations of their votes before the voting has commenced or after the voting has been completed. The Chairman may limit the time to be allowed for such statements. A member of the Commission sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Division of proposals and amendments

Rule 27

A member of the Commission may move that parts of a proposal or of an amendment should be voted on separately. If objection is made to the request for a division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 28

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Commission shall first vote on the amendment furthest removed in substance from the original proposal and then on to the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of the proposal.

Order of voting on proposals

Rule 29

If two or more proposals relate to the same question, the Commission shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Commission may, after each vote on a proposal, decide whether to vote on the next proposal.

Taking decisions intersessionally

Rule 30

1. When necessary, a matter may be decided during the period between meetings by voting electronically via the Internet (e.g. email, secure Web site) or other means of communication (intersessional vote). Normally, such means of taking decisions shall be applied to matters of procedure, such as in deciding to convene a special session (Rule 3). However, in exceptional circumstances, where an urgent decision is necessary after efforts to reach a decision by

consensus have been exhausted or as otherwise decided, such means of taking a decision may be applied to matters of substance.

2. When it is necessary to decide any matter during the period between meetings, the Chairman, on his or her initiative, or at the request of a member that has made a proposal, may move adoption without delay of such proposal by intersessional vote. The Chairman, in consultation with the Vice-Chairman, shall decide on the necessity of considering the proposal intersessionally, and the Chairman shall decide whether the proposal raises a matter of procedure or a matter of substance.

3. In any case in which the Chairman determines that it is not necessary to consider a motion proposed by a member intersessionally, the Chairman shall promptly so inform that member of such determination and the reasons therefor, at which time the proposer may request an intersessional vote on the Chairman's determination, to be subject to the majority decision rule for questions of procedure set forth in the Convention.

4. In cases in which the Chairman has concurred on the necessity of considering a proposal moved by a member intersessionally, the Executive Director shall promptly transmit the proposal and both determinations made by the Chairman under paragraph 2 to members via the official contacts provided for in rule 7, requesting that responses be returned within 40 days.

5. Members shall promptly acknowledge receipt of any request for an intersessional vote. If no acknowledgment is received within 10 days of the date of transmittal, the Executive Director shall retransmit the request and shall use all additional means available to ensure that the request has been received.

6. Members shall respond within 40 days of the date of transmittal of a proposal, indicating whether they cast an affirmative vote, cast a negative vote, or abstain from voting. If no reply from a member is received within 40 days of transmittal, that member shall be recorded as having abstained.

7. The result of a decision taken by intersessional vote shall be ascertained by the Executive Director at the end of the voting period and promptly announced to all members. If any explanations of votes are received, these shall also be transmitted to all members. Subject to paragraphs 6 and 7 of article 20 of the Convention, if the proposal is adopted, it shall become binding 60 days after its adoption.

8. No proposal transmitted by the Executive Director for an intersessional vote shall be subject to amendment during the voting period.

9. A proposal that has been rejected by intersessional vote shall not be reconsidered by way of an intersessional vote until after the following meeting of the Commission, but may be reconsidered at that meeting.

VIII. RULES OF PROCEDURE OF SUBSIDIARY BODIES

Rules of procedure

Rule 31

1. Subject to the provisions of the Convention, each subsidiary body of the Commission may formulate and submit to the Commission for approval such rules as may be necessary for the efficient conduct of its functions.

2. Pending the approval of such rules, and except as otherwise provided in the Convention, these rules of procedure apply, mutatis mutandis, to the proceedings of subsidiary bodies, including the Scientific Committee and the Technical and Compliance Committee.

The Northern Committee

Rule 32

Notwithstanding all other provisions of these Rules, the committee established pursuant to article 11, paragraph 7, of the Convention, shall function in accordance with the procedures set out in Annex I.

IX. REPORTS OF MEETINGS

Reports of meetings

Rule 33

1. Summary reports of the sessions of the Commission shall be maintained in such form as the Commission shall decide. As a general rule, such reports shall be circulated as soon as possible, to all representatives, who shall inform the Secretariat within thirty working days after the circulation of the summary report of any changes they wish to have made.

2. The Executive Director shall communicate the text of all decisions adopted by the Commission pursuant to article 20 of the Convention to all members of the Commission and to each territory referred to in article 43 of the Convention, and to observers referred to in rule 36, within seven working days following the adoption of such decision.

X. SUSPENSION OF RIGHTS

Suspension of the exercise of voting rights

Rule 34

A contributor to the budget of the Commission which is in arrears in the payment of its financial contributions to the Commission shall not participate in the taking of decisions by the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Commission may, nevertheless, permit such a contributor to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the contributor.

XI. PARTICIPATION BY TERRITORIES

Participation by territories

Rule 35

Notwithstanding all other provisions of these Rules, pursuant to article 43 of the Convention, the nature and extent of the participation of the territories listed in article 43, paragraph 1, of the Convention, shall be governed by the rules set out in Annex II.

XII. OBSERVERS

Observers

Rule 36

1. The following may participate as observers in the Commission and its subsidiary bodies:
 - (a) States, entities and fishing entities that participated in the Multilateral High Level Conference on the Conservation and Management of the Highly Migratory Fish Stocks, which are not members of the Commission;
 - (b) Any entity referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e) of the 1982 United Nations Convention on the Law of the Sea which is situated in the Convention Area, which is not a member of the Commission;
 - (c) Any regional economic integration organization whose nationals and fishing vessels conduct or wish to conduct fishing for highly migratory fish stocks in the Convention Area;
 - (d) Other States and fishing entities with an interest in the work of the Commission, invited by the Commission, which are not members of the Commission;
 - (e) The Food and Agriculture Organization of the United Nations and other relevant intergovernmental organizations and South Pacific regional organizations invited by the Commission;
 - (f) Non-governmental organizations concerned with matters relevant to the implementation of the Convention admitted by the Commission pursuant to paragraph 4 of this rule which have demonstrated their interest in matters under consideration by the Commission.
2. Observers referred to in paragraph 1 (a), (b), (c) and (d) of this rule may participate subject to the provisions of these rules in the deliberations of the Commission and its subsidiary bodies but shall not be entitled to participate in the taking of decisions. Written statements submitted by such observers shall be distributed by the Secretariat to the members of the Commission.
3. Observers referred to in paragraph 1 (e) of this rule may participate in the deliberations of the Commission and its subsidiary bodies upon the invitation of the Chairman on questions within the scope of their competence, but shall not be entitled to participate in the taking of decisions. Written statements submitted by such observers shall be distributed by the Secretariat to the members of the Commission.
4. A non-governmental organization desiring to participate as an observer shall notify the Executive Director in writing of its desire to participate at least fifty days in advance of the session. The Executive Director shall notify the members of the Commission of such request at least 45 days prior to the opening of the session at which the request is to be considered. Non-governmental organizations that have made such notification to the Executive Director shall be

invited to participate in the session as observers unless a majority of the members of the Commission objects to the request in writing at least twenty days before the opening of the session. Such observer status shall remain in effect for future sessions unless the Commission decides otherwise.

5. Observers referred to in paragraph 1 (f) of this rule may sit at meetings of the Commission and its subsidiary bodies and upon the invitation of the Chairman and subject to the approval of the Commission or the relevant subsidiary body may make oral statements on matters within the scope of their activities. Written statements submitted by observers referred to in paragraph 1 (f) of this rule within the scope of their activities which are relevant to the work of the Commission may, subject to the approval of the Chairman, be distributed at meetings of the Commission and its subsidiary bodies.

XIII. AMENDMENTS

Method of amendment

Rule 36

These rules of procedure may be amended by a decision of the Commission, taken by consensus.

Annex I

Rules of procedure relating to the Northern Committee

1. The committee established under article 11, paragraph 7, of the Convention shall be called the Northern Committee. Members situated in the Convention area north of 20° north parallel and members fishing in that area shall be members of the Northern Committee. Any member of the Commission not represented on the Committee may send a representative to participate in the deliberations of the Committee as an observer.
2. The Northern Committee shall, by consensus, make recommendations on the formulation of conservation and management measures* in respect of stocks which occur mostly in the area north of 20° north parallel (hereinafter referred to as “northern stocks”). Such recommendations shall relate to the northern stocks in the area north of 20° north parallel. Such recommendations shall be consistent with the general policies and measures adopted by the Commission in respect of the stocks or species in question and with the principles and measures for conservation and management set out in the Convention. The Commission shall not take a decision with regard to any such measure without a recommendation concerning such measure from the Northern Committee.
3. The Commission may, however, request the Northern Committee to formulate and send back a recommendation on conservation and management measures for a northern stock in such a period of time as the Commission considers appropriate. The Northern Committee shall comply with such request by the Commission.
4. The Northern Committee shall, by consensus, make recommendations on the implementation for the area north of 20° north parallel of such conservation and management measures* as may be adopted by the Commission. Such recommendations shall be consistent with the general policies and measures adopted by the Commission in respect of the stocks or species in question and with the principles and measures for conservation and management set out in the Convention.
5. “Northern stocks” are understood to be northern Pacific bluefin, northern albacore and the northern stock of swordfish. The Commission, based on the advice of the Scientific Committee, shall periodically review and determine whether this list should be revised.

* Conservation and management measures are those provided for in article 10, paragraph 2, of the Convention.

Annex II

Rules of procedure on the nature and extent of participation of territories

1. Territories listed in article 43 of the Convention would be “Participating Territories” once they have the relevant authorization. Such authorization shall be in the form of a declaration, filed with the depositary, by the Contracting Party having responsibility for the international affairs of such Participating Territory.
2. The Declaration would describe the distribution of the Territory’s competencies and the extent of its responsibilities. The Declaration should be updated appropriately as the Participating Territory’s capacities evolve.
3. Participating Territories have the right to be present and to speak at the meetings of the Commission and its subsidiary bodies and to receive all communications in respect of those meetings. Participating Territories would not have rights which are inconsistent with their territorial status (such as being elected Chair or being counted towards a quorum).
4. In relation to matters over which a Participating Territory has competence, such Territory may make proposals and offer amendments.
5. In relation to matters over which a Participating Territory does not have competence, it may, with the specific authorization of the Contracting Party having responsibility for that Territory’s international affairs, make proposals and offer amendments.
6. Additional rights and restrictions on rights shall be determined by the Contracting Parties in rules of procedure, as necessary, consistent with Article 43.
7. In accordance with article 20, of the Convention, the Commission will make all efforts to reach decisions by consensus. Consistent with their full participation in the work of the Commission, all Participating Territories would participate in the Commission’s deliberations to reach consensus. Participating Territories’ views would be properly considered and taken into account in reaching any decision. Seeking a consensus will be especially important in decisions of economic significance to Participating Territories such as:
 - (a) decisions on allocation, where a Participating Territory is responsible for the conservation and management of resources in its waters;
 - (b) decisions on the scale of assessments, where a Participating Territory makes independent and voluntary contributions to the Commission’s budget.
8. Where a consensus could be reached but for the views of a Participating Territory that has full competence over the resources in its waters (in decisions on allocation) or a Participating Territory that contributes to the Commission’s budget (in decisions on budget and the scale of assessments), such a Participating Territory may request an additional period of time of up to twelve hours on the affected agenda item for consultation. Notwithstanding this, a Participating Territory could not block consensus on a proposal.
9. A Participating Territory would need to meet a pre-determined standard in order to acquire or exercise the right to vote within the Commission. The standards and the process and criteria for assessing whether the standards have been met would need further discussion and elaboration by the Contracting Parties.

**FURTHER REVISED DRAFT FINANCIAL REGULATIONS OF THE COMMISSION
FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH
STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

Prepared by the Secretariat

1. Draft Financial Regulations for the Commission were prepared by the Secretariat in 2001 (WCPFC/PrepCon/WP.2, 25 April 2001) on the basis of the financial regulations of intergovernmental organizations world wide and taking into account the considerations identified in document WCPFC/PrepCon/BP.4.
2. The draft was considered in detail by Working Group I during its meetings at the fourth session of the Preparatory Conference (Nadi, Fiji, 5 – 9 May 2003). As a result of the discussions, the draft was substantively revised and re-issued as WCPFC/PrepCon/WP.1/Rev.1 on 25 August 2003.
3. The revised draft was subsequently taken up by Working Group I during its meetings at the fifth session of the Preparatory Conference (Rarotonga, Cook Islands, 29 September – 1 October 2003). The main issues of substance that were considered by WG.I included the fund to be established pursuant to article 30 of the Convention and how it would be financed, and a proposal to establish a standing committee on finance and administration. Following considerable discussion of these issues, a new Regulation 7 (Special Requirements Fund) was inserted into the Regulations. No further revisions were made to Regulation 3.8.
4. No formal discussion of the Financial Regulations took place at the sixth session of the Preparatory Conference (Bali, Indonesia, 19 – 23 April 2004), although a further revised text of the draft Regulations, taking into account the discussions at PrepCon V, was circulated to all delegations for comment under symbol WCPFC/PrepCon/CRP.1 (20 April 2004).
5. The present document is a formal re-issue of WCPFC/PrepCon/CRP.1 (with minor editorial revisions suggested by delegations) and represents the outcome of all discussions in WG.I on this issue to date. Subject to any further consideration by WG.I during the final session of the Preparatory Conference, it is proposed that the Preparatory Conference **recommend** the further revised draft Financial Regulations contained in the annex to the present document to the Commission for adoption at its first session.

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**FURTHER REVISED DRAFT FINANCIAL REGULATIONS OF THE COMMISSION
FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH
STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

Prepared by the Secretariat

**REGULATION 1
APPLICABILITY**

1.1 These Regulations shall govern the financial administration of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereinafter referred to as “the Commission”) established under article 9 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereinafter referred to as “the Convention”).

**REGULATION 2
FINANCIAL YEAR**

2.1 The financial year shall be for 12 months, commencing 1 January and ending 31 December, both dates inclusive.

**REGULATION 3
THE BUDGET**

3.1 A draft budget comprising estimates of receipts by the Commission from all sources and of expenditures by the Commission shall be prepared by the Executive Director for the ensuing year.

3.2 The draft budget shall be divided into parts, sections and, as appropriate, programme support. It shall be accompanied by such information, annexes and explanatory statements as may be requested by the Commission, including a statement on the main changes in comparison with the budget of the previous year, and such further annexes or statements as the Executive Director may deem necessary and useful. The Commission may establish guidelines as to the format which the draft budget is to be presented.

3.3 The draft budget shall be accompanied by details of the appropriations made for the previous year and the expenditure against those appropriations.

3.4 The draft budget shall include a statement of the significant financial implications for subsequent financial years in respect of any proposed work programmes presented in terms of administrative, recurrent and capital expenditure.

3.5 The draft budget shall include an item specifying the costs required to finance the travel and subsistence for one representative from each developing State Party to the Convention and, where appropriate, territories and possessions, to each meeting of the Commission and to meetings of relevant subsidiary bodies of the Commission.

3.6 The Executive Director shall submit the draft budget for the following year to all members of the Commission at least 60 days prior to the annual meeting of the Commission. At

the same time, and in the same form as the draft budget, the Executive Director shall prepare and submit to all members of the Commission a forecast budget for the subsequent financial year.

3.7 The draft budget and the forecast budget shall be presented in United States dollars.

3.8 At each annual meeting, the Commission shall decide upon its annual budget. The Commission may establish, for this purpose, a committee to provide advice and recommendations to the Commission on matters related to the budget, finance and administration of the Commission.

3.9 Supplementary budget proposals may be prepared by the Executive Director if exceptional circumstances make this necessary. Supplementary budget proposals shall be prepared in a form consistent with the approved budget. The provisions of these Regulations shall be applicable to the proposed supplementary budget to the extent possible.

REGULATION 4 APPROPRIATIONS

4.1 The appropriations adopted by the Commission shall constitute an authorization for the Executive Director to incur obligations and make payments for the purposes for which the appropriations were adopted and up to the amounts so voted.

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.

4.3 The Executive Director may authorize the transfer of up to 10 per cent of appropriations between sub-items of an item. The Chairman of the Commission may authorize the Executive Director to make transfers of up to 10 per cent of appropriations between items. All such transfers must be reported by the Executive Director to the next annual meeting of the Commission.

4.4 There shall be established a working capital fund for the purpose of accommodating normal operating expenditures prior to receipt of assessments from members of the Commission and to accommodate extenuating circumstances, as approved by the Commission. The source of monies for the working capital fund shall be any surplus appropriations to the annual budget and, if necessary, any voluntary advances made by members of the Commission. Any such voluntary advances made by a member of the Commission will, at the request of that member, be credited towards the annual assessed contribution of that member. Income derived from investments of the working capital fund shall be credited to miscellaneous income.

4.5 The Executive Director may incur obligations against the working capital fund when such obligations are necessary for the continued effective functioning of the Commission, provided such obligations are restricted to administrative requirements of a continuing nature not exceeding the scale of such requirements as authorized in the budget of the current financial year, until assessments are received from members of the Commission.

4.6 The Executive Director may also enter into obligations for future financial periods when such obligations are for programme activities which have been approved by the Commission and are expected to continue beyond the end of the current financial year.

4.7 The Commission shall prescribe the conditions under which unforeseen and extraordinary expenses may be incurred.

4.8 The Executive Director shall prudently manage the appropriations, taking into account the availability of cash balances. The Executive Director shall be accountable to the Commission for the proper management of the financial resources in accordance with these Regulations.

REGULATION 5 PROVISION OF FUNDS

5.1 The funds of the Commission shall include:

- (a) assessed contributions made by members of the Commission in accordance with article 18, paragraph 2, of the Convention;
- (b) voluntary contributions made by members or other entities;
- (c) the fund referred to in article 30, paragraph 3, of the Convention; and
- (d) such other funds to which the Commission may become entitled or may receive, including income from investments.

5.2 Each member of the Commission shall contribute to the budget in accordance with article 18, paragraph 2, of the Convention. Pending the receipt of such contributions, the appropriations may be financed from the working capital fund.

5.3 On approval of the budget for a financial year, the Executive Director shall send a copy thereof to all members of the Commission informing them of their contributions and requesting them to remit their contributions due.

5.4 Annual contributions shall be considered as due and payable in full within 60 days of the receipt of the communication of the Executive Director referred to in regulation 5.3 above, or as of the first day of the calendar year to which they relate, whichever is the later. As of 1 January of the following calendar year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears. Interest shall be payable on such unpaid contributions at such rate as may be determined by the Commission.

5.5 Annual contributions shall be assessed and paid in United States dollars.

5.6 The Executive Director shall submit to each regular session of the Commission a report on the collection of annual assessed contributions from Members of the Commission, any voluntary contributions received, any investment income and other income received, and any advances made from the working capital fund.

5.7 Except in the first financial year, a new member of the Commission whose membership becomes effective during the first six months of the financial year shall be liable to pay the full amount of the annual contribution which would have been payable had it been a member of the Commission when assessments were made under article 18, paragraph 2, of the Convention. A new member whose membership becomes effective during the last six months of the financial year, shall be liable to pay half of the amount of the annual contribution referred to above. In the first financial year all members whose membership becomes effective during the first nine

months of the year shall be liable to pay the full amount of the annual contributions. A member whose membership becomes effective during the last three months of the first financial year shall be liable to pay half the amount of the first financial contribution.

REGULATION 6 FUNDS

- 6.1 (a) There shall be established a General Account for the purpose of accounting for the income and expenditure of the Commission;
- (b) Contributions paid under Regulation 5.2, miscellaneous income and any advances made from the working capital fund to finance general administrative expenditure shall be credited to the General Account;
- (c) Any cash surplus in the General Account at the close of a financial year that is not required to meet undischarged commitments will be credited to the working capital fund in accordance with Regulation 4;
- (e) Advances made by members shall be carried over to the credit of the members which have made such advances.

6.2 Trust funds, reserve and special accounts may be established by the Executive Director and shall be reported to the Commission.

6.3 The purpose and limits of each trust fund, reserve and special account shall be clearly defined by the Commission. Unless otherwise provided by the Commission, such funds and accounts shall be administered in accordance with the present Regulations.

REGULATION 7 SPECIAL REQUIREMENTS FUND

7.1 A special requirements fund shall be established for the purposes identified in article 30 of the Convention, including:

(a) assisting developing States Parties, small island developing State members of the Commission and, where appropriate, territories and possessions, with human resources development, technical assistance and transfer of technology in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks; and

(c) building capacity for activities in key areas such as effective exercise of flag State responsibilities, monitoring, control and surveillance, data collection and scientific research relevant to highly migratory fish stocks on a national and/or regional level.

7.2 The special requirements fund shall be financed from voluntary contributions and such other sources as the Commission may identify. The fund will be administered by the Executive Director, in accordance with the same financial controls as regular budget appropriations.

7.3 The Executive Director shall establish a process for notifying the members of the Commission annually of the level of available funds in the special requirements fund, which shall include a timeline and a format for the submission of applications for assistance.

7.4 In accordance with the provisions of article 30, paragraph 4, of the Convention, developing States Parties, particularly small island developing States and, where appropriate, territories and possessions, will be eligible to receive assistance from the special requirements fund.

7.5 Those eligible, in accordance with Regulation 7.4, may submit an application for assistance from the fund. An application may also be submitted by an appropriate subregional or regional organization or arrangement on behalf of one or more of those eligible. Any application should specify how it relates to the purposes identified in Regulation 7.1 and include a description of the desired outputs of the project or expenditure and an itemization of anticipated costs.

7.6 The Commission shall consider the applications for assistance. The Commission shall be guided by the purposes of the fund, the provisions of the Convention, the financial needs of the applicant and the availability of funds, with priority given to small island developing States and, where appropriate, territories and possessions. Assistance shall be provided on an impartial basis. Consideration of applications shall also include an assessment of whether any existing sources of assistance are available. Decisions by the Commission on assistance from the fund shall take into account the size of the fund and the need for cost-effectiveness.

7.7 The Executive Director shall submit an annual report to the Commission on the status of the fund, including a financial statement of contributions to and disbursements from the fund. Recipients of assistance shall be required to provide to the Executive Director a report on the purpose and outcome of each approved project and a summary of expenditures.

REGULATION 8 OTHER INCOME

8.1 All income other than contributions to the budget under Regulation 5 and that referred to in Regulation 8.3 below, shall be classified as miscellaneous income and credited to the General Account. The use of miscellaneous income shall be subject to the same financial controls as activities financed from regular budget appropriations.

8.2 Voluntary contributions above and beyond assessed contributions may be accepted by the Executive Director provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Commission. Voluntary contributions offered by non-members may be accepted, subject to agreement by the Commission that the purposes of the contribution are consistent with the policies, aims and activities of the Commission.

8.3 Voluntary contributions accepted for purposes specified by the donor shall be treated as trust or special funds under Regulations 6.2 and 6.3.

8.4 Moneys accepted in respect of which no purpose is specified shall be treated as miscellaneous income and reported as "gifts" in the accounts of the financial period.

REGULATION 9 CUSTODY AND INVESTMENT OF FUNDS

9.1 The Executive Director shall designate the bank or banks in which the funds of the Commission shall be kept and shall report the identity of the bank or banks so designated to the Commission.

- 9.2 (a) The Executive Director may make short-term investments of moneys not needed for the immediate requirements of the Commission. Such investments shall be restricted to securities and other investments issued under Government guarantee. The details of investment transactions and income derived shall be reported in the documents supporting the budget.
- (b) With regard to moneys held in trust or special funds for which use is not required for at least 12 months, longer-term investments may be authorized by the Commission provided such action is consistent with the terms and conditions under which the moneys were lodged with the Commission.

REGULATION 10 INTERNAL CONTROL

10.1 The Executive Director shall:

- (a) establish detailed financial rules and procedures to ensure effective financial administration and the exercise of economy in the use of funds. These rules and procedures shall be brought to the Commission for its consideration;
- (b) cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the goods or services have been received and that payment has not previously been made;
- (c) designate the officers who may receive moneys, incur obligations and make payments on behalf of the Commission;
- (d) maintain and be responsible for internal financial control to ensure:
- (i) the regularity of the receipt, custody and disposal of all funds and other financial resources of the Commission;
 - (ii) the conformity of obligations and expenditures with the appropriations adopted by the Commission, or with the purposes and rules relating to trust and special funds; and
- (e) make every effort in the course of custodial and investment activity to avoid excessive transaction cost, minimize default and exchange rate risks and otherwise secure the economic use of the resources of the Commission.

10.2 No obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Executive Director.

10.3 The Executive Director may make such *ex gratia* payments as he or she deems to be necessary in the interest of the Commission, provided that a statement of such payments shall be submitted to the Commission with the accounts.

10.4 The Executive Director may, after full investigation, authorize the writing-off of losses of cash, stores and other assets, provided that a statement of all such amounts written off shall be submitted to the Auditor with the accounts together with the justifications attached thereto. Such losses shall be included in the annual accounts.

10.5 Substantial purchases of equipment, supplies and other requirements as specified in the detailed financial rules and procedures shall normally be by tender, except:

- (a) where it has been ascertained that only a single supplier exists and that fact is so certified by the Executive Director;
- (b) in case of emergency, or where, for any other reason, these rules would not be in the best financial interests of the Commission and that fact is so certified by the Executive Director.

REGULATION 11 THE ACCOUNTS

11.1 The Executive Director shall ensure that appropriate records and accounts are kept of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of the Commission's moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.

11.2 The Executive Director shall submit annual financial statements. The annual financial statements shall show, for the financial year to which they relate:

- (a) the income and expenditure relating to all funds and accounts;
- (b) the situation with regard to budget appropriations, including:
 - (i) the original budget appropriations;
 - (ii) the approved expenditure under or in excess of the original budget appropriations;
 - (iii) any other income;
 - (iv) the amounts charged against these appropriations and other income;
- (c) the financial assets and liabilities of the Commission;
- (d) investments;
- (e) losses of assets proposed in accordance with Regulation 9.4.

The Executive Director shall also give such other information as may be appropriate to indicate the financial position of the Commission.

11.3 The accounts of the Commission shall be presented in United States dollars. Accounting records may, however, be kept in such currency or currencies as the Executive Director may deem necessary.

11.4 Appropriate separate accounts shall be kept for all special, reserve and trust funds.

11.5 The annual financial statements shall be submitted by the Executive Director to the Auditor not later than 31 March following the end of the financial year.

REGULATION 12

EXTERNAL AUDIT

12.1 The Commission shall appoint an external auditor who shall be the Auditor-General or equivalent statutory authority from a member of the Commission or an internationally recognized independent auditor with experience in the audit of international organizations. The Auditor shall be appointed for a period of two years and may be reappointed. The Commission will ensure respect for the Auditor's independence of the Commission, any subsidiary bodies established under the Convention and the Commission's staff, and shall make provision for appropriate funds to the Auditor.

12.2 The Auditor shall be completely independent and solely responsible for the conduct of the audit.

12.3 The Auditor or a person or persons authorized by him or her shall be entitled at all reasonable times to full and free access to all accounts and records of the Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission and may make copies of or take extracts from any such accounts or records.

12.4 The Auditor shall conduct his or her examination of the financial statements in conformity with generally accepted auditing standards and shall report on all relevant matters, including:

- (a) whether, in his or her opinion, the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and the records;
- (c) whether, in his or her opinion, the income, expenditure and investment of moneys and the acquisition and disposal of assets by the Commission during the year have been in accordance with these Regulations; and
- (d) observations with respect to the efficiency and economy of the financial procedures and conduct of business, the accounting system, internal financial controls and the administration and management of the Commission.

12.5 The Executive Director shall provide the Auditor with the facilities he or she may require in the performance of the audit.

12.6 The Auditor shall, within 90 days of the date upon which the annual financial statements are submitted by the Executive Director, issue a report on the audit of the financial statements and relevant schedules relating to the accounts for the financial period, which shall include such information as the Auditor deems necessary with regard to matters referred to in Regulation 12.4 as appropriate. The Executive Director shall provide to the Commission a copy of the audit report and the audited financial statements within 30 days of their receipt.

12.7 The Commission may request the Auditor to perform certain specific examinations and issue separate reports on the results.

REGULATION 13
ACCEPTANCE OF ANNUAL FINANCIAL STATEMENTS

13.1 The Commission shall, following consideration of the audited annual financial statements and audit report submitted to it under Regulation 12.6 of these Regulations, signify its acceptance of the audited annual financial statements or take such other action as it may consider appropriate.

REGULATION 14
INSURANCE

14.1 The Commission may take out suitable insurance with a reputable financial institution against normal risks to its assets.

REGULATION 15
GENERAL PROVISION

15.1 These Regulations shall become effective on the date they are approved by the Commission and shall apply to the financial year 200.. and to subsequent financial periods. Subject to the provisions of the Convention, these Regulations may be amended by the Commission in accordance with the Rules of Procedure.

15.2 Where the Commission or any of its subsidiary bodies is considering matters which may lead to a decision which has significant financial or administrative implications, it shall have before it an evaluation of those implications from the Executive Director.

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

Seventh session
Pohnpei, Federated States of Micronesia
6 - 7 December 2004

WCPFC/PrepCon/41
16 September 2004

REPORT OF THE THIRD MEETING OF THE SCIENTIFIC COORDINATING GROUP

1. In accordance with the terms of reference agreed by the Preparatory Conference in its second session (WCPFC/PrepCon/15, Annex V), the third meeting of the Scientific Coordinating Group took place at Majuro, Marshall Islands from 19 to 21 August 2004, immediately following SCTB17. The list of participants is attached as Annex I. A list of abbreviations and acronyms used in this report is attached as Annex VI. The meeting was chaired by Dr Yuji Uozumi (Japan).

2. The agenda is attached as Annex II. The matters considered by SCG 3 included:

(a) Stock status statements for the major target species (bigeye, yellowfin, skipjack, South Pacific albacore)

(b) Review of the scientific feasibility of providing analyses of management options.

(c) Management strategy evaluation approaches using operational models

(d) Ecosystem, bycatch and other scientific issues - including stock assessment research priorities.

(e) Data standards and other data related issues; and

(f) Identification of Specialist Working Groups of the Scientific Committee.

Agenda item 2. Stock status of major tuna species

3. SCTB17 produced stock status statements (Annex III) in accordance with the format established at SCG1. SCG3 independently considered management implications and these were added to the stock status summary statements that appear below.

4. The SCG recognised that the stock assessments used to provide advice on the status of the WCPO stocks are subject to uncertainty in the inputs and model specification and structure. It was noted that there are critical gaps in the data that are producing significant uncertainty in the assessments. Quantification of the uncertainty associated with stock structure is complex, but is a high priority.

5. The SCG acknowledged the ongoing need for development, testing and review of assessment methods. Several processes are in place to ensure that these development, testing and review activities continue, including the work of the methods working group of the SCTB, peer review through cooperation with other organizations involved in stock assessment and formal peer review and publication in the international scientific literature.

6. In discussing the stock assessments for yellowfin and bigeye stock in particular, the issue of uncertainty is significant in that the true status of stocks may be over estimated or underestimated by current assessments. Significant management implications flow from this uncertainty. Nevertheless, the following advice on stock status and management implications was formulated by SCG on the basis of the best available scientific information.

7. In the 2004 stock assessments, and in the statements below, $F_{current}$ and $B_{current}$ refer to the average fishing mortality and biomass over the period 1999-2001 respectively. The final year for which complete fishery data are available (2002) is not included in the average because fishing mortality estimates in the terminal data year are highly uncertain.

8. Chinese Taipei provided the following statement: Chinese Taipei raised particularly that any action in terms of measure to be recommended by SCG meetings should be reasonable to management use, which is contingent upon the approval of the Commission. However, with respect to $F_{current}$ and $B_{current}$ referred, from the previous paragraph, to the average fishing mortality and biomass over the period 1999-2001, for the purpose of comparison study, Chinese Taipei suggested that other period 2000-2002, or others could be undertaken and no implication should be used for management purposes at this stage.

Bigeye tuna

Stock status

9. The 2004 stock assessment is generally consistent with the result of the 2003 assessment, although the point estimates of four out of five reference points are slightly more optimistic. In particular, while the 2003 assessment indicated that overfishing was occurring ($F_{current}/F_{MSY} > 1$) in the WCPO, the 2004 assessment indicates that $F_{current}/F_{MSY} \sim 1$. Both assessments indicate that the stock is presently not in an overfished state ($B_{current}/B_{MSY} > 1$) because of high levels of estimated recruitment since 1990. The 2004 assessment also indicates that current levels of fishing mortality carry high risks of overfishing ($Probability(F_{current}/F_{MSY} > 1) \sim 67\%$). A decrease in total catch would be likely to be necessary in order to maintain the stock at sustainable levels if there is a future decrease in recruitment.

Management implications

10. The SCG recommends that, as a minimum measure, there be no further increase in fishing mortality for bigeye tuna from $F_{current}$. In addition, the SCG noted that more recent effort data is urgently needed to properly estimate the actual fishing mortality since 2001. Given this situation, the SCG also recommends that more timely provision of catch and effort data from DWFN longline vessels as well as estimates of catch and catch composition from Indonesian and Philippine fisheries be obtained to address this issue. The SCG also notes the recent decrease in bigeye recruitment in the EPO and the need for more stringent management actions if such a decrease was mirrored and verified in the WCPO.

Yellowfin tuna

Stock status

11. The 2004 stock assessment is consistent with the result of the 2003 assessment that the yellowfin stock in the WCPO is probably not being over-fished ($Probability(F_{current}/F_{MSY} > 1)$ ranged from 15-40%) and the stock is not in an over-fished state ($B_{current}/B_{MSY} > 1$). However, the stock is likely to be nearing full exploitation and any further increases in fishing mortality would not result in any long-term increase in yield and may move the yellowfin stock to an over-fished state. The assessment also indicates that the equatorial regions are likely to be fully exploited. Recruitment is estimated to have been high in recent years and a decrease in total catch is likely to be necessary in order to maintain the stock at sustainable levels if future recruitment levels return to those closer to the long-term average.

Management implications

12. Although uncertain, fishing mortality rates in recent years may have exceeded $F_{current}$, and while spatial patterns of exploitation remain uncertain, some areas in the equatorial WCPO may be heavily fished and in these areas management actions may be required. While recognizing continuing uncertainties with the current yellowfin stock assessment – especially due to inadequate data on Indonesian and Philippine catches, the SCG recommends that to reduce the risk of the yellowfin stock becoming over-fished further increases in fishing mortality (particularly on juvenile yellowfin) in the WCPO should be avoided. Given the need to understand recent changes in the fishery, the SCG also recommends that fishery statistics be made available for stock assessment purposes in a more timely manner.

Skipjack tuna

Stock status

13. No new assessment was undertaken for skipjack during 2004 therefore the current stock status is based on the assessment undertaken in 2003. The 2003 stock assessment indicates that the skipjack stock in the WCPO is not being overfished ($F_{current}/F_{msy} < 1$) and that the stock is not in an overfished state ($B_{current}/B_{MSY} > 1$) owing to recent high levels of recruitment and modest exploitation relative to the stock's biological potential.

Management implications

14. Continued catches at the 1.2 million mt level are sustainable if high recruitment levels (believed to be determined by environmental factors) continue. However, any increases in purse-seine catches of skipjack may result in a corresponding increase in catches of yellowfin and bigeye tunas which recent SCG recommendations advise against - refer to discussions under Interactions section below.

South Pacific albacore

Stock status

15. No new assessment was undertaken during 2004 therefore the current stock status is based on the assessment undertaken in 2003. An examination of catch trends in 2004 indicated that total catches of albacore were relatively stable over the period from 1960 to 1995, but they have increased markedly in recent years. The 2003 assessment gave similar results to the 2002 assessment, and estimated a low impact of fishing on biomass and that the current biomass is at about 60% of initial levels largely due to a decline in recruitment. It is therefore unlikely that the stock is in an over-fished state. However, it is noted that assessments conducted on stocks such as South Pacific albacore that, apparently, have been subject to low exploitation rates provide little information on the biomass of the stock. Declines in CPUE observed in some Pacific island fisheries in recent years (particularly in 2003) appear to be a consequence of changed oceanographic conditions, though high levels of localised effort may also be impacting on CPUE in these fisheries.

Management implications

16. Current catch levels from the South Pacific albacore stock appear to be sustainable. However, CPUE may be susceptible to changes in oceanographic conditions and, in localised areas, high levels of localized effort, and these changes may impact on the performance of more localised fisheries, particularly for developing small island states dependant on these resources. It is recommended that further research is undertaken to clarify the possibility of localized depletions in these fisheries.

Interactions

17. Stock assessments, including those conducted for the SCTB, are typically done in the context of the impact of fishing on the target stock with the potential impacts on other catch components considered

qualitatively. SCG noted that for at least two gear types, longline and purse seine setting on floating objects (FADs and logs), there is a potential for considerable impacts on non-target species even if the target stock is not being adversely affected. Of particular concern is the bycatch of bigeye tuna in the purse seine fishery for skipjack and yellowfin. Further increases in catches of skipjack may have severe consequences for the status of the bigeye and yellowfin tuna stocks.

18. SCG agreed that any increase in purse seine fishing on floating objects would increase the fishing mortality on both bigeye and yellowfin tunas in the WCPO. In addition, there is a substantial impact of the domestic fisheries of Indonesia and the Philippines on yellowfin. In the case of bigeye, the assessment indicated that the biggest impacts¹ are due to longline fishing targeting bigeye. The multi-species nature of the purse seine and longline fishery means that the impacts of fishing on stock status cannot be simply addressed by reference to the target species without addressing the other species caught.

19. The SCG recommended that PrepCon should consider how to implement management measures to address overfishing and alleviate overfished stock conditions. To this end, SCG 3 has identified a number of analyses that are feasible, given available data, that would help the WCPFC assess these management options. Similar issues have faced other tuna Commissions and the approaches they have taken may also serve to guide the Commission's considerations..

Impact is defined as the extent by which the biomass is estimated to be reduced from unexploited levels due to fishing.

Agenda item 3. Advice on technical feasibility of analysing management options

20. The SCG addressed a request from PrepCon VI to “Advise on the further analyses to support the consideration by PrepCon VII and the first session of the Commission of management options and how these analyses can be carried out in a timely and effective manner.” The analyses were guided by the management options described in the document entitled *Management options for bigeye and yellowfin tuna in the western and central Pacific Ocean* (WCPFC/PrepCon/WP.24).

21. The approach taken by the SCG was to identify the data requirements and likely analyses that could be used to evaluate each management option. The assessment of the feasibility of such analyses was based on the availability of data and the scientific achievability of the analyses. Implementation issues relating to each management option were not considered by the SCG (these will need to be considered by the Commission).

22. Of the 17 management options examined, analyses for nine options were considered to be not feasible given current data availability. However, some options could be analysed by making certain assumptions where data are not available. These analyses may be more feasible in the long term if the necessary data are collected. A summary of the feasibility of the analyses is given below. The full table of results (including extra comments) is given in Annex IV.

23. SCG highlighted that the following matters need to be considered in conjunction with the advice:

(a) The table describes the data/information and analyses required to quantitatively evaluate the possible effects of various management options described in WCPFC/PrepCon/WP.24. **The operational and implementation aspects of these options were not considered in this paper.**

(b) Many of the analyses require management direction before they can be undertaken. Furthermore, quantitative evaluation of the effectiveness of a given management option will require

determination of benchmarks/targets/reference points against which to evaluate the effectiveness of the management option, e.g. future biomass, fishing mortality against some value.

(c) While many analyses are feasible some are not due to data limitations. These could be analysed by making certain assumptions where data are not available, but the outcomes of such analyses could be associated with greater uncertainty. Nevertheless, these analyses maybe feasible in the long term if the necessary data are collected. The following feasibility statements are used in this paper:

1. Analysis is feasible
2. Analysis is feasible contingent on management advice
3. Analysis is not feasible due to data limitations, but maybe feasible in the long term.

(d) Many management options could cause changes in fishing behaviour that may be difficult to predict and therefore quantify.

(e) Analyses should be undertaken using a model-based approach to allow integration of population dynamics into the evaluation of management options. A range of models could be considered, but the analysis of some options will require particular model structures, e.g. spatial stratification or age-structure. A critical assumption for such analyses will be future levels of recruitment; this and other important modelling assumptions are described in the “No controls” section. It should be noted that currently, estimates of stock status for most of the species are obtained from MULTIFAN-CL (MFCL), but while there are obvious benefits in using the same model to evaluate management options, analyses using MULTIFAN-CL can be time consuming.

(f) No distinction is made between purse-seine and longline management options except where such options can only apply to a single fishery. Many of the options could be also applied to other gear types.

(g) Though the management measures are directed at bigeye and yellowfin, analyses may include estimates of the effects of measures on catches of other important species (e.g. skipjack, species of special concern).

(h) Some useful analyses, for example, an analysis of the characteristics (e.g. vessel details, fishing strategies) of top bigeye or yellowfin-catching vessels, could provide information in support of the analysis of a range of management options.

Control Type	Management Option	Feasibility Statement
NO CONTROLS	<u>Status-quo:</u> No attempt is made to control fishing mortality	Analysis is feasible in the immediate term and could represent an analysis against which other analyses are compared.
OUTPUT CONTROLS	<u>Catch limits (a):</u> Competitive overall or regional catch limits.	Analysis is feasible in the immediate term contingent on management advice: overall or regional catch limits.
	<u>Catch limits (b):</u> Allocated overall or regional catch limits.	Analysis is feasible in the immediate term contingent on management advice: overall or regional catch limits.
	<u>Catch limits (c):</u> Vessel Limits	Analysis is feasible in the immediate term contingent on management advice: vessel catch limits.
INPUT CONTROLS	<u>Capacity (a):</u> Limit/restriction on the number of vessels. This could be general reductions or directed at those fleets catching most bigeye and yellowfin.	Analysis is feasible in the immediate term contingent on the provision of information on: overall or regional catch limits.
	<u>Capacity (b):</u>	Analysis is not feasible in the immediate term due

	Limit size or power of vessels	to data limitation, but maybe feasible in the long term.
	<u>Capacity (c):</u> Limit size of fish hold.	Analysis is not feasible in the immediate term due to data limitation, but maybe feasible in the long term.
	<u>Total effort limits:</u> Setting overall or regional limits for some measure of effort (e.g. sets, hooks, days fished).	Analysis is feasible in the immediate term contingent on management advice: overall or regional effort limits.
	<u>Area/seasonal closures:</u> Restricting fishing effort in particular area/seasonal strata	Analysis is feasible in the immediate term contingent on management advice: the area/seasonal closures.
TECHNICAL MEASURES	<u>Gear restrictions (a):</u> Restrictions on various gear configurations (e.g. net size/depth, longline length)	Analysis is not feasible in the immediate term due to data limitation, but maybe feasible in the long term.
	<u>Gear restrictions (b):</u> Method restrictions (e.g. time of set, soak time)	Analysis is not feasible in the immediate term due to data limitation, but maybe feasible in the long term.
	<u>Size restrictions:</u> Limits on the sizes of fish that can be retained. Compulsory retention (no discards allowed).	Analysis is feasible in the immediate term contingent on management advice: size limits and species and fleets to which they apply.
	<u>Restrictions on operational efficiency (a):</u> Banning or limiting power of vessel electronics.	Analysis is not feasible in the immediate term due to data limitation, but maybe feasible in the long term.
	<u>Restrictions on operational efficiency (b):</u> Restrictions on auxiliary vessels, e.g. tender vessels or light vessels. Regulations on transshipment.	Analysis is not feasible in the immediate term due to data limitation, but maybe feasible in the long term.
	<u>FAD restrictions (a):</u> Prohibition of FAD sets on a time and/or area basis. Restrictions of the number of sets allowed on FADs.	Analysis is feasible in the immediate term contingent on management advice: areas/seasons where FAD sets will be restricted and the specific FAD types.
	<u>FAD restrictions (b):</u> Limit number of FADs deployed	Analysis is not feasible in the immediate term due to data limitation, but maybe feasible in the long term.
	<u>FAD restrictions (c):</u> Regulations on the design of FADs	Analysis is not feasible in the immediate term due to data limitation, but maybe feasible in the long term.

Agenda item 4. Discussions on a Management Strategy Evaluation Approach using Operational Models

24. The SCG held preliminary discussions on this topic after a brief presentation of an introductory document entitled *A management strategy evaluation approach using operational models* (Annex V).

25. Operational models are models that combine species population dynamics models with fishery models. Management scenario evaluation models (MSEMs) overlay operational models with stock assessment models and management action models. Well-defined management goals are a critical prerequisite for implementation of MSEMs. In practice, establishment of management goals requires a lengthy process of stakeholder consultations, and full implementation of a MSEMs could require an effort extending over a period as long as five years. If MSEMs are to be implemented by the WCPFC, the Commission will need to develop and articulate management goals, possibly including reference points and control rules. The involvement of stakeholders at an early stage of implementation is also important.

26. The SCG recommended that the Commission conduct a review of existing operational and management strategy evaluation models.

Agenda item 5. Advice on ecosystem, bycatch and other scientific issues

Ecosystems and bycatch

27. SCG reviewed the document entitled *Review of Ecosystem and Bycatch Issues for the Western and Central Pacific Region* (WCPFC/PrepCon/WP.9). The document is very comprehensive and provides relevant information on ecosystem and bycatch issues. SCG noted that the report summarizes current thinking on the scientific basis for taking an ecosystem approach to fisheries management with focus on pelagic fisheries in the WCPO.

28. SCG identified the following elements of ecosystem research required for fishery management by the Commission:

4. Impacts of the environment on pelagic fisheries and stocks
 - e.g., large scale work on pelagic ecosystem modelling
 - more local scale ecosystem modelling at national level
5. Impacts of pelagic fisheries on the pelagic ecosystem
 - e.g., SEAPODYM model, ECOSIM/ECOPATH
 - Noting, these require substantial commitment to collection and analysis of time series data (e.g., stomach contents) on species interactions across WCPO
 - development of new modelling approaches
 - impacts on seamounts
 - marine debris impacts
6. By-catch issues
 - By-catch estimation and fishery impacts relative to other human impacts
 - By-catch mitigation research

29. SCG noted a number of scientific issues related to assessing the effects of the environment on pelagic fish stocks, and the effects of fishing on the environment. SCG advises the Commission to consider specific work plans, and associated costs, to address these issues. In the short-term, the Commission, through its Scientific Committee, should identify data deficiencies that exist to address these issues, and make plans to rectify them. Priorities of ecosystem research need to be reconciled with the need to assess the major tuna stocks.

30. The SCG recognizes the complexity of understanding and modelling the effects of changes in climate and fisheries on pelagic ecosystems, and that the Commission is unlikely to be in position to conduct such research in the near future. The SCG therefore welcomes the new GLOBEC (GLObal OCEan ecosystem Dynamics) initiative in this scientific field, and recommends that the Commission formally express support of this programme (CLIOTOP, e.g. CLimate Impacts on Oceanic TOP Predators).

31. SCG identified the following ecosystem and bycatch related research that is currently underway: Spatial ecosystem and population dynamics modelling (SEAPODYM); tuna meta-population abundance and size structure as indicators of ecosystem impacts of fishing; individual/agent-based modelling of fish, fishers and turtles; regime shifts in the WCPO and its tuna fisheries; fish bycatch in tuna longline fisheries; incidental catch of sharks, seabirds and sea turtles in tuna longline fisheries.

Stock assessment research

32. SCG discussed stock assessment planning for 2005, and noted the desirability for having stock assessment available for all tuna species in 2005. In the event that this is precluded by limited resources, the SCG recommends the following priority for the major tuna assessments 2005: 1. Bigeye – including a Pacific wide assessment in collaboration with IATTC; 2. South Pacific Albacore and/or Yellowfin; and 3. Skipjack.

33. SCG recognizes that biological studies and assessing the status of billfish stocks within the Pacific are important issues for the Commission. Blue marlin is considered as a high priority to be assessed because of concerns about the stock being fully exploited and as it thought to be a single stock in the Pacific. The SCG notes the existence of multiple stocks of some billfish species within the Pacific and regional differences in the priorities among member states makes it difficult to determine a single set of priorities for assessing billfish species at this time. Nevertheless, the SCG encourages member states to cooperate on carrying out billfish assessments.

Agenda 6. Advice on data standards and other data related issues for the Western and Central Pacific region

34. The report of a meeting of the SCTB17 Statistics Working Group to consider anticipated data-related tasks for the Commission's Scientific Committee, and two working papers presented at the meeting, were presented to SCG.

34. SCTB17 WP SWG-8, entitled *Legal aspects governing fisheries data*, describes the international legal obligations in respect of the collection, compilation and dissemination of fisheries data by the Commission. These include the obligation on members of the Commission to collect and provide certain specified data to the Commission, consistent with Annex I of the UN Fish Stocks Agreement and as required by the Commission (under Article 23). The roles of the Commission, the Secretariat and the Scientific Committee in respect of data are discussed. Other considerations include the capacity of small island developing States and territories to meet their obligations and the role of the Commission in respect of this under Article 30(4); the area of application of data standards; and the obligation to cooperate with other organizations.

35. SCTB17 WP SWG-6, entitled *Information regarding anticipated data-related tasks for the WCPFC Scientific Committee*, discusses data standards and other data-related issues. The working paper, which contains seven appendices containing relevant texts and a comprehensive list of references, with web links, is intended to be a reference document for use by the Scientific Committee, based on the experience accumulated by the SCTB over the 17 years of its existence. The list of tasks was developed with the Scientific Committee in mind; however, certain of the tasks could be addressed by the Commission's secretariat or the scientific experts engaged under Article 13, rather than the Scientific Committee. The manner in which the tasks could be addressed, such as by resolutions of the Commission or otherwise, will be determined by the Commission.

36. SCG noted that many of the data-related tasks for the Commission's Scientific Committee are listed in WP SWG-6, specifically:

- Draft the terms of reference of the Statistics Working Group
- Draft a resolution on the scientific data to be provided by members of the Commission under Article 23 of the Convention
- Draft a resolution on the principles and procedures for the dissemination of scientific data by the Commission
- Advise the Commission regarding the contents of an annual report on the status of the collection, compilation and dissemination of data to be provided by the Commission's data managers

- Monitor the status of data collection in the Philippines and the Pacific Ocean waters of Indonesia
 - Develop a strategy for improving the capacity of members to meet the data requirements of the Commission
 - Establish standards for the collection of scientific data, including operational catch and effort data, port sampling data and observer data
 - Advise the Commission regarding the scientific aspects of the regional observer programme to be developed under Article 28 of the Convention
 - Establish procedures for evaluating the quality of the scientific data compiled by the Commission
 - Harmonies data collection standards for the Western and Central Pacific Ocean and the Eastern Pacific Ocean in collaboration with the Inter-American Tropical Tuna Commission
 - Establish an agreement on the exchange of tuna fisheries data between the Inter-American Tropical Tuna Commission and the Commission
 - Harmonies the procedures for the compilation and dissemination of data by the Commission and the Interim Scientific Committee for Tuna and Tuna-Like Species in the North Pacific Ocean
 - Recommend that the Commission become a member of the Coordinating Working Party on Fishery Statistics
 - Recommend that the Commission become a partner in the Fisheries Resources Monitoring System
37. Other major issues raised during the Statistics Working Group discussions concerned:
- The criteria defining public domain data and the confidentiality of data,
 - The use of catch verification schemes to check and improve the quality of fisheries data;
 - The treatment of joint-venture of charter vessels in regard to the nationality of the catch and obligations for the provision of catch data.
38. The major issues raised during SCG discussions included criteria defining public domain data; confidentiality of data; the geographic area for which data should be compiled by the Commission; the need for the best scientific data; the use of data by the Commission for compliance purposes; and the need to avoid burdening developing states in regard to data.
39. The major issues raised during SCG discussions concerned:
- The criteria defining public domain data and the confidentiality of data;
 - The geographic area for which data should be compiled by the Commission;
 - The need for the best data achieved through improved data management and data collection processes;
 - The need to avoid burdening developing states in regard to data requirements;
 - The need to improve the status of data collection in the Philippines and Indonesia;
40. The SCG3 recommended that the Commission take into consideration the following when it establishes data-related policies and develops work programmes:
- SCTB17 WP SWG-8 (legal aspects governing fisheries data);
 - SCTB17 WP SWG-6 (information regarding anticipated data-related tasks for the WCPFC Scientific Committee);
 - The report of the Statistics Working Group meeting to consider anticipated data related tasks for the Commissions Scientific Committee;
 - This report of SCG 3.

Agenda item 7. Identification of Specialist Working Groups of the Scientific Committee

41. At PrepCon VI, WG.II noted (WCPFC/PrepCon/38) that the Scientific Committees' Specialist Working Group's are expected to be similar to those of the current SCTB working groups. This issue was discussed by SCTB17 and further reviewed by SCG 3.

42. The SCG agreed that the current structure of WGs used in SCTB17 is very effective and was an improvement over previous structures. To minimize costs and promote effective participation of developing states and territories, meetings of the SWGs should be held in conjunction with SC meetings. SCG also noted that the process works best when the chairs of the WGs work as a team in steering and coordinating their activities during the period between meetings.

43. The SCG recommended that the following SWGs be established as subsidiary bodies of the Scientific Committee. A brief outline of the types of work each group might cover is given below, acknowledging that the SC is responsible for the development of the terms of references of the SWGs.

- Stock assessment - reviews recent developments in fisheries including trends in catch and effort, with emphasis on four major tuna species, including key attributes of the stock, trends in catches, CPUE, fish size, and information on recruitment, biomass, fishing mortality and stock status
- Statistics - to coordinate the collection, compilation and dissemination of fishery data for all major gear types and fleets.
- Methods - reviews statistical, analytical and modelling approaches and seeks to identify ways to improve stock assessments.
- Fishing Technology - reviews developments with respect to fishing vessel, gear and operational procedures in order to characterize changes in fleets and gear and to provide data to inform a range of topics such as the standardization of CPUE, and evaluating changes in fishing efficiency.
- Biology - reviews studies of basic biology (including growth, mortality, etc) of the key stocks of tuna, billfish, other highly migratory species, especially with respect to biological studies supporting stock assessment.
- Ecosystem and Bycatch - includes ecosystem modelling and bycatch research, with particular attention to bycatch mitigation, effects of fishing on species other than the main tuna target species as well as studies of the effect of environment on highly migratory fish stocks.

44. The SCG recognised the important scientific contributions of the SCTB over the past 17 years to the development of an understanding of the fishery resources of the Western and Central Pacific Ocean, and the contribution made by the SCTB to the PrepCon.

45. The delegation of Korea, on behalf of the SCG, thanked the Chairman (Dr. Yuji Uozumi) and Secretariat (Chris O'Brien) for their work in the SCG process. Thanks were also conveyed to the Marshall Islands for their generosity, hospitality and tireless support over the course of the meeting.

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Annex II

AGENDA

1. Introductory remarks
2. Review of the updated stock status statements for the major target species
3. Response to the requests from PrepCon VI.
4. Discussion of the nature and extent of work required to develop management scenario models, for example development of operating models.
5. Provision of advice on ecosystem, bycatch and other scientific issues.
6. Advice on data standards and other data related issues for the Western and Central Pacific Region
7. Identification of Specialist Working Groups of the Scientific Committee.
8. Adoption of the report of SCG 3
9. Adjournment.

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Annex III

SCTB17 STOCK STATUS SUMMARIES

Given the length of the SCTB17 Executive Summary it is not attached to this (SCG 3) report. Readers can obtain a copy of the SCTB17 Executive Summary from <http://www.spc.org.nc/oceanfish/Html/SCTB/SCTB17/Execsum.pdf>

In the summary, the relevant excerpts are:

Bigeye	14-21
Yellowfin	22-30
Skipjack	31-36
Albacore	37-41

Annex IV

REVIEW OF THE TECHNICAL FEASIBILITY OF PROVIDING ANALYSES OF MANAGEMENT OPTIONS

INTRODUCTION

This paper provides information to be considered by SCG 3 under Agenda item 3 *Response to the requests from PrepCon VI*. Based on the annotated Agenda for SCG 3, the specific task under this agenda item is:

“Advise on the further analyses to support the consideration by PrepCon VII and the first session of the Commission of management options and how these analyses can be carried out in a timely and effective manner.

Following a discussion of the paper entitled Management options for bigeye and yellowfin tuna in the western and central Pacific Ocean (WCPFC/PrepCon/WP.24), PrepCon VI, had decided that further analysis to support consideration by PrepCon VII and the first meeting of the Commission of management options in two broad groups (national capacity, catch and effort limits and a range of technical measures) should be undertaken. 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 [emphasis added]. Based on the updated stock status of these two species which will be obtained through SCTB 17, SCG 3 will discuss the technical points of the further analyses which will provide information for consideration of management options (see Appendix).”

EXPLANATORY NOTES

1 This paper describes the data/information and analyses required to quantitatively evaluate the possible effects of various management options described in WCPFC/PrepCon/WP.24. **The operational feasibility of these options is not considered in this paper.**

2 Many of the analyses require management direction before they can be undertaken. Furthermore, quantitative evaluation of the effectiveness of a given management option will require determination of benchmarks/targets/reference points against which to evaluate the effectiveness of the criteria, e.g. future biomass, fishing mortality against some value.

3 While many analyses are feasible in the immediate term some are not due to data limitations. For those options for which analyses are not immediately feasible, analyses could be undertaken using estimated data, but the reliability of such analyses would be lower. Nevertheless, these analyses may be feasible in the long term if the necessary data are collected. The following feasibility statements are used in this paper:

- Analysis is feasible in the immediate term
- Analysis is feasible in the immediate term contingent on management advice
- Analysis is not feasible in the immediate term due to data limitations, but maybe feasible in the long term.

4 Many management options could cause changes in fishing behaviour that may be difficult to predict and therefore quantify. Notwithstanding this, analyses should include a scenario reflecting non-compliance.

5 Analyses should be undertaken using a model-based approach to allow integration of population dynamics into the evaluation of management options. A range of models could be considered, but the analysis of some options will require particular model structures, e.g. spatial stratification or age-structure. A critical assumption for such analyses will be future levels of recruitment, this and other important modelling assumptions are described in the “No controls” section. It should be noted that currently, estimates of stock status for most of the species are obtained from MULTIFAN-CL (MFCL), but while there are obvious benefits in using the same model to evaluate management options, analyses using MULTIFAN-CL can be time consuming.

6 No distinction is made between purse-seine and longline management options except where such options can only apply to a single fleet. Many of the options could be also applied to other gear types.

7 Though the management measures are directed at bigeye and yellowfin, analyses may include estimates of the effects of measures on catches of other important species (e.g. skipjack, species of special concern).

8 Some useful analyses, for example, an analysis of the characteristics (e.g. vessel details, fishing strategies) of top bigeye or yellowfin-catching vessels, could provide information in support of the analysis of a range of management options.

9 The definition of FADs is taken from WCPFC/PrepCon/WP.24. *“Unless otherwise indicated a reference to FADs includes all types of floating objects, natural and artificial.”*

NO CONTROLS
 No attempt to control fishing mortality

Management option	Data/Information required	Analyses required	Comments
<p><u>Status-quo:</u> No attempt is made to control fishing mortality</p> <p>Analysis is feasible and could represent an analysis against which other analyses are compared.</p>	<p>Recent estimates of catch and effort for each fishery.</p>	<p>The current MFCL assessment can provide projections based on recent catch/effort levels. Other model(s) could be used and not necessarily be restricted to the current fishery definitions in the MFCL assessment</p>	<p>Full catch and effort data can take up to 18 months to be submitted. Complete catch and effort data are currently available up to 2002.</p> <p>MFCL may need to be modified to allow evaluation of catch projections.</p> <p>Important considerations will include:</p> <ul style="list-style-type: none"> • Will catch/effort remain at recent levels or follow recent trends, • Will future recruitment be at recent, average, or some other level. • Selectivity/catchability assumptions • Biological parameters.

OUTPUT CONTROLS

Output controls aim to control the total catch directly by setting an upper limit on catch.

Management option	Data/Information required	Analyses required	Comments
<p><u>Catch limits (a):</u></p> <p>Competitive overall or regional catch limits.</p> <p>Analysis is feasible in the immediate term contingent on the provision of information on: overall or regional catch limits.</p>	<p>Distribution of the catches among fisheries, i.e. methods and regions.</p> <p>Definition of regions if necessary, e.g. MFCL region, 10x10° grid etc.</p> <p>Proposed overall or regional catch limits</p>	<p>Undertake projections with MFCL with the revised catch/effort levels. Other models could be used and not necessarily be restricted to the current fishery definitions in the MFCL assessment, but such a model would require spatial stratification to accommodate regional catch limits</p>	<p>The spatial stratification of the MFCL model may need to be revised to reflect regional limits.</p> <p>Modification of the spatial stratification of the MFCL model would require rerunning the model and the stock assessment results (i.e. estimates of stock status) could change.</p> <p>Scenarios should be evaluated against similar spatial stratifications.</p> <p>As above</p>
<p><u>Catch limits (b):</u></p> <p>Allocated overall or regional catch limits.</p> <p>Analysis is feasible contingent on the provision of information on: overall or regional catch limits.</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>
<p><u>Catch limits (c):</u></p> <p>Trip/Vessel/Country Limits</p> <p>Analysis is not feasible but maybe feasible in the long term..</p>	<p>Annual catches by vessel.</p> <p>Proposed catch limits.</p>	<p>Estimate, for a given limit, how catches could be reduced for each fishery, i.e. how much catch was taken historically taken in excess of the annual catch limit.</p> <p>Undertake projections with MFCL with the revised catch/effort levels. Other models could be used and such models could require the specification of fleets and age/size structure.</p>	<p>Data is limited by logsheet return rates and observer coverage.</p> <p>Analyses relating to Trip level limits are described in the section on Fish Hold Limits.</p> <p>Analyses relating to Country Limits are described in the above sections.</p>

INPUT CONTROLS

Input controls directly restrict one or more of the group of inputs (e.g. vessels, gear, fishing time) which, in combination, produce total fishing effort and, ultimately, catch.

Management option	Data/Information required	Analyses required	Comments
<p><u>Capacity (a):</u></p> <p>Limit/restriction on the number of vessels. This could be general reductions or directed at those fleets catching most bigeye and yellowfin.</p> <p>Analysis is feasible contingent on the provision of information on: number and type of vessels</p>	<p>Estimates of annual catches, effort, and areas fished by each vessel, particularly those vessels that may, as a result of such restrictions, no longer fish in the WCPO.</p> <p>Proposed number of vessels.</p>	<p>Estimate, based on historical data for a relevant period, reductions in catch/effort by the exclusion of a given number of vessels of a given class.</p> <p>Undertake projections with MFCL with the revised catch/effort levels. Other models could be used and such models could require fleet stratification.</p>	<p>Data is available for many vessels from the FFA regional vessel register:</p> <ul style="list-style-type: none"> • All DWFN purse-seine and longline vessels fishing in FFA member countries waters. • Does not include all domestic longline vessels • Does not include vessels fishing in the waters of non-FFA member countries or the high seas. <p>Domestic vessel registries exist for many Pacific Island Countries and Territories, but the data content is often less than the FFA register.</p>
<p><u>Capacity (b):</u></p> <p>Limit size or power of vessels</p> <p>Analysis is not feasible due to data limitations, but may be feasible in the long term.</p>	<p>Estimates of the number of vessels by size/power class.</p> <p>Estimates of CPUE by vessel size/power classes.</p> <p>Proposed vessel classes and limits.</p>	<p>Estimate, based on historical data for a relevant period, the reductions in effective effort that would have occurred based on the exclusion of certain classes of vessels.</p> <p>Undertake projections with MFCL with the revised catch/effort levels. Other models could be used and such models could require fleet stratification.</p>	<p>See above for details of availability of vessel data.</p> <p>CPUE data is limited by logsheet return rates and observer coverage.</p>
<p><u>Capacity (c):</u></p> <p>Limit size of fish hold.</p> <p>Analysis is not feasible due to</p>	<p>Estimates of the number of vessels by fish hold size class.</p> <p>Estimates of trip-level catches by vessel, in particular comparisons of trip-level</p>	<p>Estimate, for a given limit, how catches could be reduced for each fishery, i.e. how much catch was taken historically taken in excess of the fish hold limit.</p>	<p>Trip-level catch data are limited by logsheet return rates, observer coverage, and port sampling.</p> <p>There is currently limited data for</p>

Management option data limitation, but may be feasible in the long term.	Data/Information required	Analyses required	Comments
<p><u>Total effort limits:</u></p> <p>Setting overall or regional limits for some measure of effort (e.g. sets, hooks, days fished).</p> <p>Analysis is feasible contingent on the provision of information on: overall or regional effort limits.</p>	<p>catches to fish hold size.</p> <p>Proposed fish hold limits</p> <p>Estimates of the current distribution of effort (in the same units as proposed).</p> <p>Proposed overall or regional effort limits.</p>	<p>Undertake projections with MFCL with the revised catch/effort levels.</p> <p>Other models could be used and such models could require the specification of fleets and age/size structure.</p> <p>Calibration of effort used in the assessment model to units of effort proposed for the limit.</p> <p>Undertake projections with MFCL with the revised catch/effort levels. Other models could be used but would require fleet stratification and spatial stratification to accommodate regional effort limits.</p>	<p>fish hold capacity.</p> <p>This analysis might consider whether vessels can maintain catches through increasing the number of trips.</p> <p>This analysis of this measure is essentially the same as required to analyse trip limits.</p> <p>Data is limited by logsheet return rates and observer coverage.</p> <p>Require details of overall or regional effort limits.</p> <p>The spatial stratification of the MFCL model may need to be revised to reflect regional limits.</p>
<p><u>Area/seasonal closures:</u></p> <p>Restricting fishing effort in particular area/seasonal strata</p> <p>Analysis is feasible contingent on the provision of information on: the area/seasonal closures.</p>	<p>Catch and effort data by area/season strata.</p> <p>Proposed areas/seasons where fishing effort will be restricted.</p>	<p>Calculate the effort that would occur in each area/season strata in the presence of a given closure, e.g. no effort in closed areas and perhaps increased effort in other regions.</p> <p>Exploratory analyses of catch hotspots including the consistency of such regions from year to year, particularly incorporating information on broad-scale environmental effects.</p> <p>Undertake projections with MFCL with the revised effort levels. Other models could be used but would require spatial stratification.</p>	<p>Data is limited by logsheet return rates and observer coverage.</p> <p>The spatial stratification of the MFCL model may need to be revised to reflect area closures.</p> <p>Important considerations will include the reallocation of effort. Options include:</p> <ul style="list-style-type: none"> • No reallocation of effort, • Effort reallocated to open areas <p>Such an analysis could include other species (e.g. skipjack, species of special concern).</p>

Management option	Data/Information required	Analyses required	Comments
			Details of licence/access agreements could be useful in determining how fleets could reallocate their effort to other regions.

TECHNICAL MEASURES

Technical measures are used to regulate the output that can be obtained from a specific amount of effort. Such measures generally attempt to influence the way fishing is conducted and the efficiency of the fishing gear (FAO 1997) to achieve a specific purpose in a given fishery.

Management option	Data required and availability	Analyses required	Comments
<p><u>Gear restrictions (a):</u></p> <p>Restrictions on various gear configurations (e.g. net size/depth, longline length)</p> <p>Analysis is not feasible due to data limitation, but maybe feasible in the long term.</p>	<p>Estimates of the proportion of the fleets using various gear configurations.</p> <p>Estimates of the CPUE attained by vessels using various gear configurations.</p> <p>Proposed gear configuration restrictions.</p>	<p>Estimate the proportional reduction in effective effort for various fisheries due to this restriction based on an analysis of historical data for a relevant period.</p> <p>Undertake projections with MFCL with the revised effort levels. Other models could be used but would require fleet stratification.</p>	<p>Data is limited by logsheet return rates and observer coverage. These data are less complete than simple catch and effort data.</p>
<p><u>Gear restrictions (b):</u></p> <p>Method restrictions (e.g. time of set, soak time)</p> <p>Analysis is not feasible due to data limitations, but maybe feasible in the long term.</p>	<p>Distribution of sets by time of day.</p> <p>Estimates of catch per set for different time periods.</p> <p>Proposed gear configuration restrictions.</p>	<p>Estimate the proportional reduction in catches that would occur by setting at different times based on an analysis of historical data for a relevant period.</p> <p>Convert this catch reduction to an effort reduction.</p> <p>Undertake projections with MFCL with the revised effort levels. Other models could be used but would require fleet stratification.</p>	<p>Data is limited by logsheet return rates and observer coverage. These data are less complete than simple catch and effort data.</p> <p>Data could be uncertain due to alternative interpretations of set time.</p>
<p><u>Size restrictions:</u></p> <p>Limits on the sizes of fish that can be retained.</p> <p>Compulsory retention (no discards allowed).</p> <p>Analysis is feasible contingent</p>	<p>Estimates of the sizes of fish caught by different fleets. Including the size distribution of fish in individual sets/fishery operations.</p> <p>Estimates of catch rates of all species to which retention could apply.</p>	<p>The selectivity of the fisheries estimated within the model can be modified to reflect the effects of changes in the sizes of fish caught.</p> <p>Undertake projections with MFCL with the revised selectivity curves fixed levels. Other models could be used but would require age/size and fleet stratification.</p>	<p>Data is limited by logsheet return rates, observer coverage, and port sampling. Data are sometimes confounded due to moving of the catch among holds within a trip.</p> <p>This analyses would require the definition of new fisheries in the MFCL assessment.</p>

Management option	Data required and availability	Analyses required	Comments
<p>on the provision of information on: size limits and species and fleets to which they apply.</p>	<p>Estimates of the survival probabilities of fish of different sizes caught by different methods. These estimates are dependent on observer estimates and coverage.</p> <p>Proposed size limits and species and fleets to which they apply.</p>		<p>Compulsory retention could be expected to change behaviour which could be difficult to anticipate and incorporate into an analysis. Though it may be possible to measure.</p> <p>Survival probabilities could be obtained from various sources: observer data, studies reported in the literature, informed guesses.</p>
<p><u>Restrictions on operational efficiency (a):</u></p> <p>Banning or limiting power of vessel electronics.</p> <p>Analysis is not feasible due to data limitation, but maybe feasible in the long term.</p>	<p>Details of the types of electronics used by individual vessels.</p> <p>Catch and effort data for individual vessels.</p> <p>Database to allow characterisation of the capabilities of different electronics.</p> <p>Proposed restrictions on vessel electronic characteristics.</p>	<p>Estimate the “effect” of various measures on CPUE using historical data for a relevant period – perhaps using GLM approaches.</p> <p>Use the estimated effects to determine the reduction in effective effort.</p> <p>Undertake projections with MFCL with the revised effort levels. Other models could be used but would require fleet stratification.</p>	<p>Some relevant data is available for vessels on the FFA regional vessel register and from observer data. Data is often collected by make/model rather than capability.</p> <p>Would require assumptions about the types of electronics that would be used instead.</p>
<p><u>Restrictions on operational efficiency (b):</u></p> <p>Restrictions on auxiliary vessels, e.g. tender vessels or light vessels.</p> <p>Regulations on transhipment.</p> <p>Analysis is not feasible due to data limitation, but maybe feasible in the long term.</p>	<p>Details on which vessels use auxiliary vessels and over which periods.</p> <p>Catch and effort data for individual vessels.</p> <p>Proposed restrictions on auxiliary vessels.</p>	<p>Estimate the “effect” of auxiliary vessels on CPUE or catches using historical data for a relevant period.</p> <p>Use this to determine the reduction in effective effort.</p> <p>Undertake projections with MFCL with the revised effort levels. Other models could be used but would require fleet stratification.</p>	<p>Limited information could be obtained from observers.</p> <p>Data availability probably poor.</p>
<p><u>FAD restrictions (a):</u></p> <p>Prohibition of FAD sets on a time</p>	<p>Estimates of the number of FAD sets by type and area.</p>	<p>Undertake projections with MFCL with the revised effort levels for the FAD fisheries reflecting these restrictions.</p>	<p>Data is limited by logsheet return rates and observer coverage.</p>

Management option	Data required and availability	Analyses required	Comments
<p>and/or area basis.</p> <p>Restrictions of the number of sets allowed on FADs.</p> <p>Analysis is feasible contingent on the provision of information on: areas/seasons where FAD sets will be restricted and the specific FAD types.</p>	<p>Proposed areas/seasons where FAD sets will be restricted and the specific FAD types.</p>	<p>Other models could be used but would require fleet and possibly spatial stratification.</p>	<p>This analysis will be similar to analyses examining general time/area closures.</p> <p>Important considerations will include the reallocation of effort. Options include:</p> <ul style="list-style-type: none"> • Effort reallocated to open areas • Changes from FAD sets to other set types
<p><u>FAD restrictions (b):</u></p> <p>Limit number of FADs deployed</p> <p>Analysis is not feasible due to data limitation, but maybe feasible in the long term.</p>	<p>Details of the numbers of and FADs deployed by individual vessels.</p> <p>Catch and effort for individual vessels.</p> <p>Proposed definitions for what constitutes a FAD deployment.</p>	<p>Estimate the “effect” of the number of FADs deployed on CPUE or catches using historical data for a relevant period.</p> <p>Use this to determine the reduction in effective effort.</p> <p>Undertake projections with MFCL with the revised effort levels. Other models could be used but would require fleet stratification.</p>	<p>Data is limited by logsheet return rates and observer coverage. Very little data is available, but some is held by individual countries.</p>
<p><u>FAD restrictions (c):</u></p> <p>Regulations on the design of FADs</p> <p>Analysis is not feasible due to data limitation, but maybe feasible in the long term.</p>	<p>Details on characteristics of FADs by individual vessels.</p> <p>Catch and effort data for individual vessels.</p> <p>Proposed restrictions on FAD design.</p>	<p>Estimate the “effect” of FAD characteristics on CPUE using historical data for a relevant period – perhaps using GLM approaches.</p> <p>Use this to determine the reduction in effective effort.</p> <p>Undertake projections with MFCL with the revised effort levels. Other models could be used but would require fleet stratification.</p>	<p>Almost no information on the characteristics of FADs used.</p>

Annex V

A MANAGEMENT STRATEGY EVALUATION APPROACH USING OPERATIONAL MODELS

A harvest strategy or management procedure is a set of rules used to determine a management action (Butterworth et al. 1997, Cooke 2003). The set of rules should define the data to be collected from the fishery, how those data are to be analysed, and how the results of the data analyses are to be used to determine actions (Cochrane et al. 1998). Harvest strategies may be very simple (e.g. a constant catch/effort strategy) or extremely complicated (such as the determination of annual *TACs* based on the outcomes of a stock assessment and a set of performance based decision rules).

Before any harvest strategy is adopted it should be evaluated against how well it is able to satisfy the management objectives for the fishery. An approach that has been developed to do this is known as Management Strategy Evaluation (MSE; Smith 1994, Punt et al. 2001). The primary goal of the MSE approach is to identify, in an objective and quantifiable manner, the trade-offs among the management objectives across a range of management actions.

The MSE approach involves the following five basic steps:

- 1) Identification of the management objectives and representation of these using a set of quantitative performance measures (see note below).
- 2) Identification of alternative harvest strategies and decision rules.
- 3) The development and parameterization of a set of alternative operating models which have the following components.
 - a. Models that simulate the fish population and fishery dynamics. These models can be used to simulate various hypotheses about the spatial structure, movement dynamics and biology of the resource and, as such, are used to represent the alternative realities in the calculations. A component is also required to determine a range of initial starting values for the operating model that are consistent with the available historical information on the resource. This process is referred to as conditioning.
 - b. A sampling model that generates the time series of future data (catch, size, tag returns, etc) which is then used for assessing the status of the resource from the 'true' state of the resource as simulated in the operating model.
 - c. An assessment model that uses the data from the sampling model to provide estimates of resource status.
 - d. A harvest strategy component that determines management actions (e.g. setting a *TAC* or *TAE*) based on the results of the assessment model and the specified decision rules.
- 4) Simulation of the future using each harvest strategy to manage the system and each set of assumptions about the dynamics of the resource.
- 5) The development of summary measures to quantify the performance of each harvest strategy relative to the management objectives of the fishery.

The operating model, which is central to the MSE approach, is a mathematical or statistical representation of the population dynamics of the fishery being studied. The operating model is used to generate

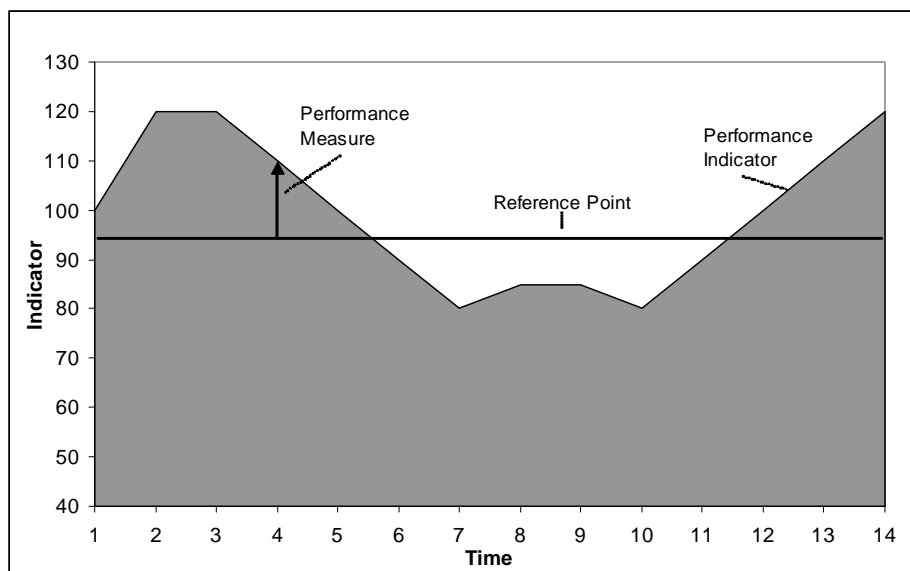
observations in the form of pseudo catch, effort and catch-at-size data sets which are then used in the management procedure. Several operating models are usually considered because the true situation for any fishery is never well known, and a broad range of input parameter values thus needs to be examined to ensure the full range of possible resource and fleet dynamics are covered. In this manner, each operating model can be considered as reflecting an alternative (yet plausible) representation of the status and productivity of the resource and the fishing dynamics of the fleets.

Another key feature of the MSE approach is that it can be used to identify robust harvest strategies in light of the uncertainties in the information available for managing fish resources. This is achieved by incorporating into the operational models not only the uncertainty in the underlying dynamics of the resource in response to management actions, but also the uncertainty in the methods and data used to assess the status of the resource, and uncertainty in the ability to implement management actions. As such, the approach is based on recognition that it is the combination of the uncertainties about the dynamics of the system being managed, plus the ability to measure relevant information about the system, that determines the performance and robustness of a management decision-making framework.

Note: Performance Indicators and Measures

A performance indicator conveys information about some aspect of the system under study (e.g. the biomass of the swordfish population in the SW Pacific) while a performance measure conveys information about how well the system is performing relative to some management objective (e.g. it compares the performance indicator with some reference value or benchmark, say $30\%B_0$). Performance indicators are usually based on quantities estimated during the assessment and are generally useful only if a stock assessment method can estimate them reliably.

Figure 1. Schematic representation of the relationship between a performance indicator and associated performance measures and reference point.



References

Butterworth, D.S., Cochrane, K.L. and De Oliveria, J.A.A. 1997. Management procedures: a better way to manage fisheries? The South African experience. In Pikitch, E.K., Hippert, D.D. and

- Sissenwine, M.P., eds. Global Trends: Fisheries Management (Proceedings of the Symposium held at Seattle Washington, 14-16 June, 1994). Am. Fish. Soc. Symp. 20, 83-90.
- Cochrane, K. L., Butterworth, D.S., De Oliveria, J.A.A. and B.A. Roel. 1998. Management procedures in a fishery based on highly variable stocks and with conflicting objectives: experiences in the South African pelagic fishery. *Rev. Fish. Biol. Fish.* 8, 177-214.
- Cooke, J. 2003. Improvement of fishery-management advice through simulation testing of harvest algorithms. *ICES J. Mar. Sci.* 56: 797-810.
- Punt, A.E., Smith, A.D.M. and G. Cui. 2001. Review of progress in the introduction of management strategy evaluation (MSE) approaches in Australia's South East Fishery. *Mar. Freshw. Res.* 52: 719-726.
- Smith, A.D.M. 1994. Management Strategy Evaluation - The Light on the Hill. P.249-253. In: D.A. Hancock [Ed.] Population Dynamics for Fisheries Management. Australian Society for Fish Biology Workshop Proceedings, Perth 24-25 August 1993, Australian Society for Fish Biology, Perth.

Annex VI

ABBREVIATIONS AND ACRONYMS USED IN THIS REPORT

B_{current}	Current biomass
B_{MSY}	Biomass that will support the maximum sustainable yield
CPUE	Catch Per Unit Effort
CSIRO	Commonwealth Scientific and Industrial Research Organization (Australia)
EEZ	Exclusive Economic Zone
FAD	Fish Aggregating Device
F_{current}	Current Fishing Mortality
F_{MSY}	Fishing Mortality that will support the maximum sustainable yield
mt	Metric tonnes
OPF	Oceanic Fisheries Programme Fishing Programme (run by SPC)
PrepCon	Preparatory Conference
SCTB	Standing Committee on Tuna and Billfish
SCG	Scientific Coordinating Group
SPC	Secretariat of the Pacific Community
WG	Working Group
WG.II	Working Group II of the PrepCon
WCPFC	Western Central Pacific Fisheries Convention
WCPO	Western Central Pacific Ocean
MSY	Maximum Sustainable Yield
UNFSA	United Nation Fish Stocks Agreement

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

Seventh session
Pohnpei, Federated States of Micronesia
6 - 7 December 2004

WCPFC/PrepCon/42
19 November 2004

**PROPOSED INTERVIEW AND DECISION-MAKING PROCESS FOR THE SELECTION OF
THE COMMISSION EXECUTIVE DIRECTOR**

Proposal by the Chairman

Background

1. Article 9(7) of the Convention provides:

The Contracting Parties shall determine the location of the headquarters of the Commission and shall appoint the Executive Director.

2. It was agreed at PrepCon VI that “the process of recruiting an Executive Director 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 process agreed in paragraph 11 of the PrepCon VI Concluding Statement has been implemented and four candidates have been invited for interview on Wednesday 8 December.

3. It was also agreed at PrepCon VI (paragraph 13 of the Concluding Statement) that:

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.

Proposal

4. The purpose of this paper is to propose an appropriate interview and selection process to be agreed at PrepCon VII before the interviews are conducted on Wednesday 8 December. Following the interview process a decision will be taken on a recommendation to go to the inaugural meeting of the Commission the following day.

Interview Panel

5. Consistent with the above decision taken by PrepCon VI, it is proposed that the following delegations be represented on the interview panel:

Australia, China, Cook Islands, Federated States of Micronesia, Fiji Islands, Republic of Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Papua New Guinea, Korea, Samoa, Solomon Islands, Tonga, Tuvalu and Chinese Taipei

Interview Process

6. Given the size of the interview panel, it is proposed that a smaller group ask the questions of the candidates in the presence of the full interview panel. The role of the smaller group would be restricted to asking questions of the candidates. The wider interview panel would be present at the interviews and would all later participate in the decision-making process. Heads of delegation of members of the interview panel wishing to participate in this smaller group should advise the PrepCon Chairman before Wednesday 8 December.

7. It is proposed that the interview panel adopt the following procedure:

The PrepCon Chairman will begin each interview by asking the candidate a general question which has been prepared with the assistance of professional consultants and which has been given to the candidate in advance.

Then other members of the smaller group will follow with questions either of their own or drawn from some draft questions prepared in advance, which will be circulated to them. These questions will not have been shared with the candidates.

Decision-making Process

8. After the smaller group has concluded its questioning of all candidates, it is proposed that there should then be a general discussion among all members of the full interview panel, who would then adopt the following procedure for the selection of a candidate for recommending to the Commission:

- Polling will be done by secret ballot and all members of the interview panel defined above will be entitled to participate
- There will be at least three rounds of polling
- A tie between candidates that affects their inclusion in the subsequent round of voting will result in a re-ballot, which will include only those candidates whose results are tied.
- The candidate in each round with the highest number of votes will be the top ranking candidate for that round.
- Round 1: Interview panel members will each rank the candidates from 1 to 4, with 4 representing the most preferred candidate and 1 representing the least preferred candidate. The candidate with the lowest score after this round will drop out of the ballot process and will be ranked the lowest in the interview panel's recommendation to the Commission.
- Round 2: Members will rank the three remaining candidates from 3 to 1, with 3 representing the most preferred candidate and 1 representing the last preferred candidate. Again, the lowest scoring candidate will drop out of the selection process and will be ranked third in the panel's recommendation to the Commission.

- Round 3: Each member will rank the remaining two candidates, with 2 representing the most preferred candidate and 1 representing the least preferred candidate of the two
- The candidate that polls the highest in round 3 (or in the final round if additional rounds are needed in the event of a tie in any round) will be recommended to the Commission as the preferred candidate, and the candidate that polls the lowest in the final round will be the interview panel's second preferred choice.

9. The advantages of proceeding in this way through three rounds of polling will allow members of the interview panel to adjust their preferences during the process should their most preferred candidate be eliminated. It will also provide a preferred ranking of all four candidates to cover the contingency that the top candidate does not, for whatever reason, take up the position.

(A copy of this paper is being made available to each of the candidates so that they will be aware of the process being recommended to the Preparatory Conference for adoption.)
