



SIXTH REGULAR SESSION
Papeete, Tahiti, French Polynesia
7-11 December 2009

CONSERVATION AND MANAGEMENT FOR SWORDFISH

Conservation and Management Measure 2009-03¹

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

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

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

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

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

Acknowledging IATTC's recognition of the importance of establishing complementary conservation and management measures for species of mutual interest, and that swordfish stocks in the central Pacific are likely to occur in waters under the competence of both the WCPFC and IATTC;

Recognising the need for both IATTC and WCPFC to adopt conservation and management measures to provide for the sustainable management of swordfish stocks across the Pacific Ocean.

¹ Replaces CMM 2008-05

Recognising that well managed stocks of swordfish in the central south Pacific represent an important source of long-term economic opportunities for the domestic fisheries of small island development States and participating Territories;

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

1. Commission Members, Cooperating Non-Members and participating Territories (CCMs) shall exercise restraint through limiting the number of their fishing vessels for swordfish in the Convention Area south of 20°S, to the number in any one year between the period 2000-2005 (listed in Annex 1).
2. In addition to vessel limits established under paragraph 1, CCMs shall exercise restraint through limiting the amount of swordfish caught by fishing vessels flagged to them in the Convention Area south of 20°S to the amount caught in any one year during the period 2000 – 2006.
3. CCMs shall not shift their fishing effort for swordfish to the area north of 20°S, as a result of this measure.
4. No later than 30 April 2010 CCMs shall nominate the maximum total catch of swordfish that it shall continue to be permitted to fish in the area south of 20°S. This amount shall be no more than their maximum verified catch declared to the Commission for any one year in the period 2000-2006.
5. Paragraphs 1 to 4 and paragraph 9 shall not prejudice the legitimate rights and obligations under international law of small island developing State and participating Territory CCMs, in the Convention Area who may wish to pursue a responsible level of development of their own fisheries in the Convention Area.
6. For the purposes of these measures, vessels operated under charter, lease or other similar mechanisms as an integral part of the domestic fleet of a coastal State, shall be considered to be vessels of the host State or Territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known IUU vessels.
7. CCMs shall cooperate to protect the long-term sustainability and economic viability of the fisheries for swordfish in the Southwest Pacific, and in particular shall cooperate on research to reduce uncertainty with regard to the status of swordfish stocks.
8. CCMs shall report to the Commission the total number of vessels that fished for swordfish and the total catch of swordfish for the following:
 - a. vessels flying their flag anywhere in the Convention Area south of 20°S other than vessels operating under charter, lease or other similar mechanism as part of the domestic fishery of another CCM;
 - b. vessels operating under charter, lease or other similar mechanism as part of their domestic fishery south of 20°S; and
 - c. any other vessels fishing within their waters south of 20°S.

This information shall be provided in Part 1 of each CCM's annual report. Initially, this information will be provided in the template provided at Annex 2 for the period 2000-2009 and then updated annually.

9. As an interim measure, and without prejudice to future decisions of the Commission relating to monitoring and responding to compliance with conservation and management measures, until the Commission adopts a scheme relating to compliance with CMMs which includes responses when a flag State exceeds any limits assigned to it, if it is determined by the Commission that the catch of vessels flying the flag of a CCM exceeds the total catch specified for them under paragraphs 2 and 4 above, that CCM will be subject to a reduction in their catch limit equal to the exceeded amount. The reduction will apply in the year immediately after it has been determined that the catch limit has been exceeded.

10. The Executive Director shall compile and disseminate the information provided to the Commission by CCMs in accordance with paragraph 8 above to the Technical and Compliance Committee each year. The Technical and Compliance Committee shall monitor and review compliance with this measure and make recommendations to the Commission as may be necessary.

11. This measure will be reviewed in 2011 by the Commission, including on the basis of advice from the Scientific Committee based on future stock assessments of South Pacific swordfish.

12. This measure replaces CMM 2008-05.

ANNEX 1 –

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

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

Year	Australia	Belize	Cook Islands	EU	Korea	New Caledonia (Bycatch)	New Zealand	Chinese Taipei			USA
								Seasonal >100GRT	By-catch >100 GRT	By-catch <100 GRT	
2000	140	0		0	22	15	103	10	41	17	
2001	159	0		0	22	12	132	10	41	17	
2002	144	0		0	22	11	151	10	42	17	
2003	134	0	16[#]	0	24	15	132	12	55	17	
2004	121	0	15	8	22	25	99	8	39	17	
2005	100	0	6	14	23	15	57	6	40	19	
2006	55	0	8		6			4	27	26	2
2007	54	1 [^]		15 *	4		74 ^{^^}	3	16	30	2

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

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

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

[#] Note application of paragraph 5; this figure is without prejudice to the Cook Islands right to develop its domestic fishery

Annex 2 –

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

Year	CCM-flagged [#] vessels south of 20S		Chartered vessels [*]		Other vessels fishing within the CCM's waters south of 20S		
	Catch (tonnes)	Vessel numbers	Catch (tonnes)	Vessel numbers	Flag	Catch (tonnes)	Vessel numbers
2000							
2001							
2002							
2003							
2004							
2005							
2006							
2007							
2008							
2009							

- In accordance with paragraphs 6 and 8 a, Flag CCMs are not to report against chartered vessels.

* In accordance with paragraphs 6 and 8 b, chartering CCMs must report against chartered vessels.