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**REPORT OF THE EXECUTIVE DIRECTOR
ON THE WORK OF THE COMMISSION DURING 2008**

WCPFC5-2008/21

8th November 2008

Prepared by the Secretariat

1. Introduction

1. In response to Rule 13 of the Commission's Rules of Procedure, which requires the Executive Director to make a report to the Commission at its regular session on the work of the Commission, this paper summarises the main activities of the Commission during 2008. During this period the work of the Commission included:

- a) On-going monitoring of progress with implementation of conservation and management measures (CMMs) and decisions of the Commission;
- b) implementing the programme of work approved at the Fourth Session of the Commission (WCPFC4). Key elements, much of which built on work commenced in 2007, included:
 - collaboration with the Commission's science services provider (the Secretariat of the Pacific Community's Oceanic Fisheries Programme (SPC-OFP)),
 - further work to address data gaps including through the Indonesia and Philippines Data Collection Project (IPDCP) and progress with design of a 3-year proposal, for funding submission to the Global Environment Facility (GEF), for increased support to Indonesia, Philippines and Vietnam,
 - administration of the WCPFC Record of Fishing Vessels,
 - additional consideration of stock status reference points,
 - significant progress towards the finalization of arrangements for the implementation of the Commission's satellite-based vessel monitoring system,
 - further consideration of risk for associated or dependent species encountered in western and central Pacific tuna fisheries,
 - additional progress with the development of the Commission's Regional Observer Programme (ROP) and vessel monitoring system (VMS);
 - implementation of the Commission's high seas boarding and inspection scheme;
 - excellent progress, across a wide geographic range within the Convention Area, with the SPC-OFP led Pacific Tuna Tagging Project; and
 - implementation of the independent review of transitional arrangements for the Commission's science structure and function.
- c) support for various working groups that considered Commission matters inter-sessionally, principally by electronic means, including those associated with:
 - the VMS standards, specifications and procedures (SSPs);
 - catch documentation;
 - transshipment verification;
 - turtle by-catch; and
 - the security and confidentiality of MCS-related data under the auspices of the Ad Hoc Task Group [Data];

- d) the fourth regular sessions of the Commission's subsidiary bodies, Scientific Committee (SC), Northern Committee (NC), the Technical and Compliance Committee (TCC); a second meeting of the Inter-sessional Working Group for the Regional Observer Programme (IWG-ROP2), and a second session of the Finance and Administration Committee (FAC) to be convened in association with WCPFC5;
- e) continuing engagement and consultation with other organisations including the United Nations Food and Agriculture Organisation (FAO), SPC-OFP, the Pacific Islands Forum Fisheries Agency (FFA), the Inter-American Tropical Tuna Commission (IATTC), the Indian Ocean Tuna Commission (IOTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Commission for the Conservation of Antarctic Living Marine resources (CCAMLR) and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), including through participation in the informal network of secretariats for tuna-focussed regional fisheries management organisations (RFMOs) (www.tuna-org.org) and the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC);
- f) the Secretariat's occupation of the new headquarters building, and
- g) continued efforts to establish logistic and administrative support functions at the office of the Secretariat, securing acceptable housing for staff and the recruitment of the Information Communications Manager and the Vessel Monitoring System Manager.

2. Work of the Commission's Subsidiary Bodies

2.1 Scientific Committee

2. The Fourth Regular Session of the Scientific Committee (SC4) took place at Port Moresby, Papua New Guinea from 11–22 August 2008. All Members, Cooperating Non-members and Participating Territories (CCMs), except American Samoa, Belize, Commonwealth of the Northern Mariana Islands, Guam, Niue, Tokelau, and Wallis and Futuna, attended. Dr Dae-Yeon Moon (Korea) chaired the meeting. Six Specialist Working Groups (Statistics, Stock Assessment, Ecosystems and By-catch, Methods, Fishing Technology and Biology) met during the first week of the Committee.

3. The Committee noted that the total tuna catch in the Convention Area for 2007 was estimated to be 2,396,815 mt, the highest annual catch recorded. The WCPF Convention Area accounted for 84% of the total catch of tunas from the Pacific Ocean and 55% of the total global tuna catch in 2007. A full stock assessment was conducted for bigeye, skipjack and South Pacific albacore tuna in 2008. For bigeye, the SC4 recommended a minimum 30% reduction in fishing mortality from the average levels for 2003–2006 with the goal of returning the fishing mortality rate to F_{MSY} . Management implications on other species are summarized in SC4 Summary Report. SC4 agreed that the work plan for 2009 assessment will include a full yellowfin tuna stock assessment and a streamlined South Pacific albacore assessment. Other issues arising from SC4 included:

- a) a comprehensive research proposal on the investigation of the age, growth, and reproductive biology of bigeye tuna in the Pacific Ocean;
- b) consultations with the consultant (MRAG UK) on the Independent Review of the Commission's Interim Arrangements for the Scientific Structure and Functions (WCPFC5-2008/11);
- c) consideration of a scoping paper and work plan for the further consideration of reference points and the development of a parallel process for establishing key management objectives (see WCPFC5-2008/12);
- d) the convening of the Fifth Steering Committee for the Indonesia and Philippines Data Collection Project;
- e) a Second Steering Committee for the Pacific Tuna Tagging Project;
- f) a recommendation for a total of USD795,000 for the Scientific Committee budget in 2009;
- g) adoption of new guidelines outlining the process for formulating the work programme and budget of the Scientific Committee;
- h) adoption of amended template for Part 1 of the Annual Report; and
- i) an offer from Palau to host the Fifth Regular Session of the Scientific Committee at Koror.

2.2 Northern Committee

4. The Fourth Regular Session of the Northern Committee (NC4) took place at Tokyo, Japan from 9–11 September 2008. The meeting was attended by members from Canada, China, Cook Islands, Japan, Republic of Korea, Philippines, Chinese Taipei, United States of America (USA) and Vanuatu and five observers from CCMs. Mr Masanori Miyahara (Japan) chaired the meeting.

5. NC4 reviewed the advice and recommendations for northern stocks formulated by the ISC at its 8th Plenary Session (ISC8), Takamatsu, Japan 22-27 July 2008. A full stock assessment was conducted for the Pacific bluefin tuna in 2008 and conservation advice for key tuna species in the North Pacific include:

- a) That the advice from ISC7 in respect of North Pacific albacore holds. F should not be increased from the current level ($F=0.75$, based on 2002–2004);
- b) current (2002–2004) F for Pacific bluefin tuna must not be increased; and
- c) That the advice from ISC7 in respect of striped marlin still holds. F should be reduced from the current level (2003 or before).

6. NC4 refined a draft conservation and management measure (CMM) for Pacific bluefin tuna submitted by Japan. It recommended that WCPFC5 further consider this draft with a view to its adoption at that meeting (Attachment M, NC4 Summary Report).

7. The NC4 also considered a proposal by the USA concerning an interim management objective and measures for North Pacific albacore. The NC recommended the proposal, as revised, (Attachment J, NC4 Summary Report), be recommended to the Commission for adoption.

8. In reviewing the progress of the NC's working group on striped marlin, NC4 acknowledged that little progress had been made. It found, however, that the work remained important and that the tasks identified at NC3 were still relevant. The NC members agreed to intensify their efforts to contribute to the work of the group, with a view to consider appropriate action by the Commission.

9. NC4 considered the implementation of the ROP for fishing vessels exclusively targeting fresh fish in the area north of 20°N in accordance with CMM-2007-01. NC4 agreed to establish an inter-sessional email working group to seek an applicable measure in implementing the ROP in the area.

10. NC4 revised the NC's work programme for 2008–2012 (Attachment L, NC4 Summary Report).

11. NC4 requested that the ISC, in consultation with the WCPFC Secretariat, develop a process to address the following issues:

- a) explore the potential benefits of improving both northern and southern albacore stock assessments through the exchange of stock assessment experiences for Pacific albacore and through collaboration between scientists currently working on assessments;
- b) explore procedures for coordinating efforts to close data gaps and for data access to reduce uncertainties in assessments; and
- c) consider ways to align its data standards and processes with those adopted for the Commission.

12. Other administrative matters include:

- a) In order to respond the ISC's request on research proposals requested by the NC, NC4 agreed to request WCPFC5 to establish a separate account for northern species research consisting of two items: albacore research (USD95,000) and data management (USD50,000). Subject to further consideration on the financial allocation the NC invited any voluntary contribution from NC members to the account;

- b) a proposal by the USA to for WCPFC5 to consider a measure concerning high seas driftnet fishing;
- c) a requirement to select a new chair for the NC at WCPFC5; and
- d) The Fifth Regular Session of the NC is tentatively proposed to meet in Japan, 8–10 September 2009.

2.4 Inter-sessional Working Group to Develop the Regional Observer Programme

13. The second meeting of the Inter-sessional Working Group to develop the Regional Observer Programme (IWG-ROP2) took place at Nadi, Fiji from 7-10 July 2008. Twenty-one participants representing CCMs and observers (Birdlife International, SPC-OFP and FFA) attended the meeting that was chaired by Dr Charles Karnella (USA).

14. The IWG-ROP2 reached agreement on interim data standards, observer programme authorization processes and audits. Also during the IWG-ROP2 meeting, 11 interim minimum standards were agreed on, covering the following areas: Data Fields; Observer Guides and Manual; Training; Code of Conduct; Safety; ROP National Coordinators; Briefing and Debriefing; Equipment and Materials; Communications; Measuring Performance; and Dispute Settlement. These standards are recommended to the Commission on an interim basis as they may need to be revised as implementation of the ROP proceeds.

15. The IWG-ROP2 recommended to the Commission that the function of the Secretariat be to authorize national, sub-regional or regional observer programmes rather than individual observers. The authorization process will involve a declaration by a national or sub-regional observer programme that all applicable standards are met. The Secretariat will then conduct an initial review of the documentation and decide whether or not to issue an interim authorization, which, if issued, will be valid until 1 July 2012. Prior to that date, the Secretariat will conduct a programme audit to verify that minimum standards are being met, and if so, the programme will be included in the ROP. The IWG-ROP2 also agreed on procedures for handling any programme deficiencies, and for continuous refinement as new standards are adopted.

16. The IWG-ROP2 also developed text describing the purposes of the ROP audits, which include identifying a) gaps in observer coverage; b) gaps in achieving standards; c) opportunities to harmonize individual programmes; d) opportunities for efficiencies among programmes; and e) other matters determined by the Commission. Although no specific audit process was prescribed, the Secretariat was encouraged to work with CCMs to develop these.

17. The IWG-ROP2 agreed that the IWG-ROP should await further instructions from the Commission regarding its next meeting.

2.5 Technical and Compliance Committee

18. The Fourth Regular Session of the Technical and Compliance Committee (TCC4) was held at Pohnpei, Federated States of Micronesia from 2 to 7 October 2008. The meeting was chaired by Mr Wendell Sanford (Canada), and 145 participants from 27 CCMs and 7 observers attended the meeting.

19. TCC4 noted the conclusions reached by the IWG-ROP2, and recommended that WCPFC5 approve its report and extend the mandate of the IWG-ROP for a further year during which it would continue its work on outstanding items contained in CMM-2006-07. TCC4 made several recommendations in support of operationalizing the Commission VMS: including a request that the WCPFC Secretariat and FFA Secretariat prepare a draft service level agreement for the consideration of WCPFC5; VMS SSPs; allocation of costs for the Commission VMS and an activation date of 1 April 2009. TCC4 finalized a provisional list of two fishing vessels alleged to have undertaken illegal, unregulated and unreported (IUU) fishing activities in the region in 2007/08 and made several recommendations in relation to those vessels on the existing WCPFC IUU Vessel List. TCC4

recommended that para. 3(j) of CMM-2007-03 not be applied as a criterion for IUU listing in 2009 and made several other recommendations on proposed revisions to CMM-2007-03.

20. On the issue of a process for considering applications by Cooperating Non-Members, TCC4 provided the Commission with a diagram as documentation of the process currently employed to review Cooperating Non-Member applications. TCC4 noted favourably that high seas boardings and inspections had begun in the WCPFC Convention Area and made several recommendations regarding improved implementation of the WCPFC High Seas Boarding and Inspection Procedures. The Committee agreed to defer further consideration of port State measures until the conclusion of related work in FAO and further development of a possible measure governing the transshipment of fish was delegated to several CCMs to work on collaboratively prior to WCPFC5 at Busan. TCC4 provided several recommendations to the Commission relating to mitigation of the effect of tuna fishing on sea turtles, seabirds and juvenile tuna.

21. TCC4 agreed to recommend to the Commission that the Fifth Regular Session of the Technical and Compliance Committee be held at Pohnpei, Federated States of Micronesia from 1-6 October 2009.

2.6 Finance and Administration Committee

22. A Finance and Administration Committee (FAC), co-chaired by Terry Toomata (Samoa) and Dean Swanson (USA), met for the first time in conjunction with WCPFC4 in December 2007. It is anticipated that this Committee will continue to meet immediately in advance of, and then in the margins of, Commission meetings. In addition to personnel, corporate planning and work programme and budget matters, the FAC considers a range of administrative matters relating to the work of the Commission including issues associated with the headquarters office at Pohnpei.

2.7 Ad Hoc Task Group [Data]

23. WCPFC4 endorsed the recommendation of the Third Regular Session of the Technical and Compliance Committee (TCC3) for continuation of the work of the Ad Hoc Task Group-Data (AHTG [Data]). WCPFC Circular 2008/08 dated 14 March 2008, referring to this endorsement by WCPFC4 and the on-going need for structured consideration of data-related matters in the Commission, particularly in relation to MCS data¹, invited CCMs to agree to a program of work for the AHTG [Data]. The terms of reference for the Group were subsequently agreed electronically and Ms Holly Koehler (USA) was nominated to chair the AHTG [Data].

24. In addition to continuing consultations electronically, the AHTG [Data] held informal discussions at Nadi, Fiji on the occasion of the second meeting of the IWG-ROP, participated in the SC4 at Port Moresby to seek the views of the SC on the use of VMS data for scientific purposes and held discussions during the TCC4 at Pohnpei in support for further elaboration of Rules and Procedure for the purposes of compliance and enforcement activities on the high seas. WCPFC5 will receive a report of the work of the Group during 2008 (WCPFC5-2008/17).

3. Secretariat Activities

3.1 Secretariat administrative and establishment matters

Business Plan

¹ Paragraph 23 of the “Rules and Procedures for the Protection, Access to and Dissemination of Data Compiled by the Commission” states, “For the purpose of compliance and enforcement activities on the high seas, Non-Public Domain data will be made available subject to separate rules and procedures for the access and dissemination of such data, that the Commission will adopt for these purposes”.

25. The Business Plan is intended to provide guidance on implementation and monitoring of Secretariat-related activities identified in a Strategic Plan for the Commission. Although the Strategic Plan is still before the Commission for consideration WCPFC4 adopted a recommendation from the First Session of the Finance and Administration Committee (FAC1) relating to a Business Plan for the Secretariat. The Secretariat will report on the progress with implementation of the Plan during the first 10 months of 2008 to FAC2 (WCPFC5-2008-FAC2/08).

Recruitment of secretariat staff

26. Selection exercises to recruit an Information Communications and Technology (ICT) Manager and a Vessel Monitoring System (VMS) Manager were held during the year. In July Mr Samuelu Taufao took up the position of ICT Manager and in October Mr Albert Carlot, a national of Vanuatu, was contracted as VMS Manager. Mr Carlot is expected to take up his post in early January 2009.

IT systems

27. The installation of a functional corporate network to support the work of the Commission and the Secretariat was completed in late 2008. A Microsoft Small Business Server 2003, with MS Exchange Mail Server, was operating in support of a collaborative work environment within the Secretariat. The network consists of a MS Windows server and an open source Linux server, firewall protection for internet links. All work stations run Windows XP with adequate anti-virus and anti-spam protection. It supports a Virtual Private Network to allow secure access for staff from overseas. In addition, a secondary internet link, via a dedicated satellite terminal, was operating as an alternative to that provided by the local telecommunications provider in the event of disruption to that service. All corporate information is backed up daily consistent with the requirements of the Commission's Information Security Policy.

Financial and administrative arrangements

28. Financial and administrative arrangements operated satisfactorily during the year. A significant level of attention and time was necessarily devoted to the exercise to relocate the Secretariat's operations to the permanent headquarters building from the interim office accommodation and to put the headquarters building into a state suitable for a good level of functionality prior to occupancy. The physical relocation was undertaken with minimal disruption to operations. As administrative demands continue to increase it is anticipated that QuickBooks Enterprise Version will be adopted and implemented in 2009 to help manage the Commission's financial processes and records.

Annual Accounts and Contributions

29. The 2007 financial statements were completed, audited and made available through the Commission's website within the specified time frames, together with the External Auditor's Reports. The Auditor reported that the statements and accounts complied with the required accounting standards as well as the Commission's Financial regulations and presented a fair view of the financial position (see also WCPFC5-2008-FAC2/04).

30. Article 18 (3) of the Convention provides that if a member's contributions are in arrears for the preceding two full years it shall not participate in the taking of decisions by the Commission, subject to the Commission permitting such a member to vote. As at 31 October 2008 one member had contributions outstanding in full in relation to 2007 and 2008. If this remains the case on 01 January 2009 then Article 18 (3) will be applicable. WCPFC5-2008-FAC2/05 includes more detail about the status of contributions.

New Bank Accounts

31. The following new accounts were opened during 2008:

ANZ Bank, Namaka Branch, Nadi, Fiji

Business Cheque Account 09784665, titled WCPFC Operating Account. This account was opened in conjunction with the Inter-sessional Working Group Meeting for the Regional Observer Programme; and

Bank of Guam, Pohnpei

Savings account 209-301891, titled WCPFC Japan Trust Fund. This was opened to receive and account for Japan Trust Fund monies previously held in account 209-262447 WCPFC Voluntary Contributions Fund which is one of the original accounts created when the Commission opened its Secretariat office in Pohnpei but which until earlier this year would have remained dormant for the lack of relevant contributions.

ANZ Bank Guam / Citizens Security Bank

The Commission has recently lodged application forms with the ANZ (Citizens Security) Bank in Guam to open a cheque account, a savings account, and interest bearing deposit facilities. Account and facility numbers are yet to be issued. The objective is to prudently diversify bank holdings, noting the current high level of reliance on the Bank of Guam, and to take advantage of any comparatively beneficial interest rates.

Office Accommodation

32. The Commission occupied the permanent headquarters building and property in May. Considerable challenges continue to be experienced with building systems particularly the air conditioning system, standby generator and fire prevention systems. These items will require specialised attention during 2009 so that current faults can be remedied. During the year, the Commission received a donation of office furniture and fittings from the Government of Papua New Guinea that resulted in a significant improvement in the functionality of the headquarters building. Paper WCPFC5-2008-FAC2-09 presents additional information concerning the headquarters property.

Pohnpei State Tax

33. The Secretariat continues to liaise with the FSM Ministry of Foreign Affairs in an attempt to put into effect the Headquarters Agreement understandings in relation to either an exemption from, or reimbursement of, Pohnpei State Taxes. Although the Commission is yet to receive any reimbursement or exemption from Pohnpei State Tax it has lodged an initial claim for reimbursement with the FSM Government Agencies concerned in response to advice received; current advice from the Ministry of Foreign Affairs is that an initial refund will be processed after certain internal government protocols are finalized. It is hoped this and the lessons learned from the exercise will allow a regular claim and reimbursement process to follow with a minimum of administrative difficulty.

3.2 Contracts and Consultancies during 2008

Commission's science services provider, the SPC-OFP

34. The SPC-OFP continued in the role of data manager, scientific services provider and webmaster for a fourth year. The SPC-OFP produced 27 papers for the SC4, mostly related with assigned science services. It also provided a broad area of other advice services for the Secretariat's inter-sessional activities.

Other contracts and consultancies

Commission-related activities

- Legal advisory services: international fisheries and marine law (Professor Martin Tsamenyi, University of Wollongong, Australia);
- Rapporteur support to the Secretariat during SC4, TCC4 and WCPFC5 (Dr Shelley Clarke); and
- Professional services to install Windows Small Business Server 2003 (Bonnice Mann Consulting, FSM).

SC-related activities

- Documentation for the Competency-Based Training of Observers (SPC-OFP);
- Revised stock assessment for south west Pacific swordfish (CSIRO, Australia);
- Research proposal for review and study of bigeye tuna reproductive biology (SPC-OFP);
- Stock structure and life-history characteristics of South Pacific albacore (CSIRO, Australia);
- Second Steering Committee for the Pacific Tuna Tagging Project (SPC-OFP);
- Ecological risk analysis project (SPC-OFP);
- Presentation of project outputs from utilising underwater videos and other tools to characterize species, size composition and spatial distribution of tunas aggregating around floating objects (Convener, SC Fishing Technology Working Group);
- Scoping Paper, and draft Work Plan, on the potential costs, benefits and difficulties of alternative approaches for identification of appropriate reference points and implementation of an MSE within the WCPO (CSIRO, Australia);
- Causes of data gaps (FishServe (NZ)); and
- Independent Review of Interim Arrangements for Science Structure and Functions (MRAG UK).

TCC-related activities

- Enhancement and web-enablement of the WCPFC Record of Fishing Vessels database (MRAG, UK);
- Further work on the by-catch mitigation database (SPC-OFP);
- Administrative support relating to the high seas boarding and inspection scheme;
- Preparation of an initial draft, for the consideration of TCC4, relating to Standards, Specifications and Procedures for the Commission's VMS (Robert Gallagher, Navigis sarl.); and
- Technical support relating to costings and budget and the development of a work plan for the Commission VMS (Absolute Communications).

4. Relations with other organisations

35. Regular exchanges of views on strategic planning and technical advice continued with the FFA, SPC, and IATTC to assist with Secretariat support to CCMs with the implementation of the Commission's decisions. Regular dialogue was also maintained with the ICCAT, CCAMLR, IOTC and CCSBT to share information and exchange views on areas of common interest. During 2008 a third consultation meeting between the IATTC and WCPFC secretariats was held in June and a fourth consultation is scheduled in the margins of WCPFC5. Other organisations with which productive relations were maintained throughout the year included the Western Pacific Regional Fisheries Management Council, the Agreement for the Conservation of Albatross and Petrels (ACAP), FAO, and Birdlife International.

36. In addition to meetings of subsidiary bodies of the Commission, the Secretariat participated in the following meetings and workshops during 2008:

- Ad Hoc Meeting of Tuna RFMO Chairs and Executive Secretaries, 5-6 February, San Francisco, USA.

- Tri-party Workshop on IUU fishing between the NPAFC, WCPFC and North Pacific Coast Guard, 28-29 February, Vancouver, Canada.
- SPC Stock Assessment Planning Workshop, 25-29 February, Noumea, New Caledonia
- South Pacific Swordfish Stock Assessment Workshop, 16-18 March, Noumea, New Caledonia
- 11th FFA MCS Working Group Meeting, 29 March to 4 April, Honiara, Solomon Islands.
- FFA WCPFC High Seas Boarding and Inspection Training Course, 21-23 April, Nadi, Fiji.
- WCPFC Chairman's Informal Workshop for Stakeholders in WCPO Tuna Fisheries, 1-2 April, Canberra, Australia,
- IATTC Stock Assessment Review Meeting, 12-16 May, La Jolla, USA
- 64th Session of the Forum Fisheries Committee, 26-30 May, Koror, Palau,
- INFOSH Tuna Conference, 6-8 June, Bangkok, Thailand
- 78th session of the Inter American Tropical Tuna Commission, 23-27 June, Panama City, Panama.
- IOTC/WCPFC/CSIRO-joint Steering Committee Meeting on Monitoring and Assessment of Indonesia's Tuna Fisheries, 27-28 May, Jakarta, Indonesia
- The Second IPDCP Workshop in Indonesia (WCPFC/SPC/RCCF), 29-30 May, Jakarta, Indonesia.
- FFA/SPC Regional Observer Coordinator's Workshop, 14-18 July, Koror, Palau.
- 8th Plenary Session of the International Scientific Committee on Tuna and Tuna-like Species in the North Pacific Ocean (ISC8), 22-27 July, Takamatsu, Japan.
- XXVII Session of the Commission for the Conservation of Antarctic Living Marine Resources, 27-31 October, Hobart, Tasmania.

5. Emerging issues

37. The Commission has now effectively been operating for more than three years during which time it has adopted various decisions for the conservation and management of WCPO fish stocks, mitigation of bycatch and the development of tools to support the monitoring, control and surveillance of fishing operations in the Convention Area. Although different CCMs have different priorities, ongoing and emerging issues that will present challenges for the Commission during the short to medium term include:

- a) To implement management measures that achieve the reductions in fishing mortality for bigeye tuna recommended by the Commission's Scientific Committee;
- b) The further development of mechanisms to address data gaps by CCMs, including the provision of outstanding historical data, and to build capacity to improve data acquisition from all fisheries for highly migratory fish stocks within the Convention Area;
- c) Establishment of management objectives for key tuna target species, adoption of appropriate management measures to achieve agreed objectives, and development of management strategies and tools that support decision rules providing for a timely response as new information is received concerning the status of stocks;
- d) Development of a process to report and monitor on compliance with the Convention and the decisions of the Commission;
- e) Priority attention to the effective and efficient implementation of the VMS and ROP in 2009;
- f) Consideration of an effective response to the recommendations of the review of the Commission's interim arrangements for science structure and functions;
- g) The need to reach agreement on the release of non-public domain data for compliance and enforcement purposes on the high seas and, for VMS data, for scientific purposes;
- h) Development of CCMs' capacity to gather and prepare suitably documented information to accompany their list of vessels presumed to be carrying out IUU activities in the Convention Area during the current or the previous year, as required

under CMM-2007-03. Poorly documented submissions under CMM-2007-03 result in rejection of cases against IUU vessels and inefficient use of the meeting time of the TCC and Commission.

- i) Continued efforts to address challenges relating to the development of tuna fisheries in the small island developing State and participating territory CCMs of the Commission;
- j) The establishment of a conducive and productive working environment for the Secretariat in Pohnpei including the provision of suitable staff accommodation and reliable public services as well as the satisfactory resolution of outstanding headquarters property issues;
- k) Staff retention or replacement as the initial set of four year professional staff contracts come to an end; and
- l) The willingness of Members, in line with the agreed operation framework, to support the Commission's work programme and facilities in Pohnpei through the budget approval process, the timely payment of membership contributions and hosting of meetings.

6. Acknowledgements

38. The Secretariat, on behalf of the Commission, extends appreciation to the following governments, organisations and organisations for the support provided to the Commission during 2007:

- a) The Government of the Federated States of Micronesia, particularly the office of the National Oceanic Resources Management Authority for the provision and maintenance of the Secretariat's temporary office accommodation through until May 2008;
- b) The Government of New Caledonia for a voluntary contribution of USD12,687 to the General Account Fund;
- c) The Government of the United States of America (Department of State and National Marine Fisheries Service) for voluntary contributions of USD62,009 for the Indonesia Philippines Data Collection Project, USD22,000 for the preparation of high seas boarding and inspection flags and pennants, USD20,000 for by-catch mitigation database development work, USD5,000 for improvements to the vessel record data base and a USD50,000 contribution to the Special Requirements Fund;
- d) The Government of Japan for support provided to small island developing State members of the Commission through the Japan Trust Fund;
- e) The SPC-OFP for on-going professional data management, scientific and technical (including web management) support services;
- f) The Government of Papua New Guinea for the donation of furniture and office fittings (USD100,000 est.) to assist with improving the functionality of the secretariat's offices in Pohnpei;
- g) The Government of Papua New Guinea for its generous support, and professional management and efficient logistical arrangements for the Fourth Regular Session of the Scientific Committee at Port Moresby in August;
- h) The Government of Japan, particularly the Fisheries Agency of Japan, for financial, logistical and administrative support to the Northern Committee during its fourth meeting at Tokyo;
- i) The Government of the Federated States of Micronesia, particularly the College of Micronesia and the National Oceanic Resources Management Agency for the provision of meeting facilities and administrative support for the fourth Regular Session of the Technical and Compliance Committee;
- j) The Government of Korea, particularly the Ministry of Food Agriculture, Forestry and Fisheries and the Korean fishing industry for the effective administrative and logistical supported provided in the lead up to, and during, WCPFC5;
- k) The CCAMLR Secretariat for technical advice relating the Commission's VMS; and

- 1) Respectively to the Governments of Australia, Korea, USA, Canada and Japan for releasing staff to chair the Commission (Glenn Hurry, Australia who, with the completion of WCPFC4 will have chaired four sessions) and its subsidiary bodies – Dr Dae-Yeon Moon (Korea) in respect of the SC4, Dr Charles Karnella (USA) in respect of the IWG-ROP2, Dean Swanson (USA) in relation to his co-chairing role of the FAC and Ms Holly Koehler (USA) in respect of the AHTG [Data], Mr Wendell Sanford (Canada) in respect of the TCC4, Mr Masanori Miyahara (Japan) in relation to the NC4 and Mr Terry Toomata (Samoa) is his role as co-chair of the FAC.

Progress in operationalizing the functions of the Commission during 2007 assessed by the Secretariat (refer to Article 10 of the Convention for the full text)

| Reference | Function | Secretariat's provisional assessment of progress to date | |
|-----------|---|---|---|
| | | Pre-2007 | 2007 |
| 10(1) | Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas under national jurisdiction, the functions of the Commission shall be to: | | |
| 10(1)(a) | determine the total allowable catch or total level of fishing effort within the Convention Area for such highly migratory fish stocks as the Commission may decide and adopt such other CMMs and recommendations as may be necessary to ensure the long-term sustainability of such stocks; | <ul style="list-style-type: none"> • MHLC3 and MHLC5 adopted a resolution on fishing effort, capacity and the precautionary approach. • PrepCon3 adopted a resolution relating to illegal, unreported and unregulated fishing and limits on fishing capacity. • PrepCon5 adopted a resolution in response to the recommendations of the second meeting of the Scientific Coordinating Group on sustainable fisheries management, which includes a call for reasonable restraint in respect of any expansion of fishing effort and capacity in the WCPO. <ul style="list-style-type: none"> - WCPFC1 adopted a resolution on CMMs that provided for the continuation of the resolutions adopted during the MHLC and Preparatory Conference. • WCPFC2 adopted the following CMMs that placed restraints on catch and effort: <ul style="list-style-type: none"> - CMM-2005-01: CMM for bigeye and yellowfin tuna in the WCPO - CMM-2005-02: CMM for South Pacific albacore - CMM-2005-03: CMM for North Pacific albacore • WCPFC3 adopted the following CMMs that restrained catch and effort: <ul style="list-style-type: none"> - CMM-2006-01: CMM for bigeye and yellowfin tuna in the WCPO - CMM-2006-03: CMM for swordfish in the South West Pacific - CMM-2006-04: CMM for striped marlin in the Southwest Pacific - CMM-2006-05: CMM for sharks in the western and central | <p>SC4 Recommendations:</p> <ul style="list-style-type: none"> • Bigeye tuna: The SC recommended a minimum 30% reduction in fishing mortality from the average levels for 2003–2006, with the goal of returning the fishing mortality rate to F_{MSY}. • Yellowfin tuna: To maintain average biomass $\geq (1.05) * B_{MSY}$, F reductions would be required • Skipjack tuna: The high recent catches are considered to be sustainable unless recruitment falls persistently below the long-term average. Any increases in PS catches of skipjack may result in a corresponding increase in fishing mortality for bigeye and yellowfin tunas. • South Pacific albacore: Catches of South Pacific albacore remain at current levels, considering the current rates of fishing mortality on adult albacore. • Southwestern Pacific swordfish: No further increase in catch or effort for swordfish in the southwestern Pacific region and no increases in fishing mortality for south-central Pacific swordfish. |

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| | | Pacific Ocean | <ul style="list-style-type: none"> • Southwestern Pacific striped marlin: No increase in fishing mortality (i.e. fishing effort) on striped marlin in the southwestern Pacific (SC2 recommendation) • Northern stocks: The SC did not modify ISC's conservation advice. |
| 10(1)(b) | promote cooperation and coordination between members of the Commission to ensure that CMMs for highly migratory fish stocks in areas under national jurisdiction and measures for the same stocks on the high seas are compatible; | <ul style="list-style-type: none"> • Paragraph 9 of the CMM-2005-01 refers to compatibility in respect of managing purse seine fishing effort. | <ul style="list-style-type: none"> • The matter of compatibility is an issue that requires further consideration and elaboration in the Commission. |
| 10(1)(c) | adopt, where necessary, CMMs and recommendations for non-target species and species dependent on or associated with the target stocks, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened; | <ul style="list-style-type: none"> • WCPFC1 adopted Resolution-2004-04 (Resolution on CMMs) in relation to the mitigation of juvenile fish, seabirds, sea turtles and sharks. • WCPFC2 adopted the following resolutions: <ul style="list-style-type: none"> - Resolution-2005-01 (Resolution on the incidental catch of seabirds) - Resolution-2005-03 (Resolution on non-target fish species) - Resolution-2005-04 (Resolution to mitigate the impact of fishing for highly migratory fish species on sea turtles) • WCPFC3 adopted the following CMM: <ul style="list-style-type: none"> - CMM-2006-02 (CMM to mitigate the impact of fishing for highly migratory fish stocks on seabirds) • WCPFC4 adopted the following CMM: <ul style="list-style-type: none"> - CMM-2007-04 (CMM to mitigate the impact of fishing for highly migratory fish stocks on seabirds, revision of CMM-2006-02) | Subsidiary bodies' recommendations to the Commission include: <ul style="list-style-type: none"> • The SC recommended that the WCPFC Secretariat seek advice from other regional fisheries management organizations (RFMOs) on the wording of CMM-2007-04 (Attachment O of WCPFC4 Summary Report), Annex 1, 1 a) (iv) and 1 b) (iv) to ensure that tori lines include branch streamers along the aerial extent of the line and that in 1 a) (iv) the branch streamers are of a length that ensures that they would touch the surface of the water in the absence of wind and swell. The issue was further considered at the Fourth Regular Session of the Technical and |

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| | | | <p>Compliance Committee which recommended additional research, particularly in relation to the work undertaken by IOTC, on this issue.</p> <ul style="list-style-type: none"> • The Commission agreed to refer sea turtle mitigation to TCC4 but asked the small WG to map out a process through which momentum can be maintained to bring a draft measure to WCPFC5. |
| 10(1)(d) | <p>adopt standards for collection, verification and for the timely exchange and reporting of data on fisheries for highly migratory fish stocks in the Convention Area in accordance with Annex I of the Agreement, which shall form an integral part of this Convention;</p> | <ul style="list-style-type: none"> • WCPFC2 adopted: <ul style="list-style-type: none"> - Scientific Data to be Provided to the Commission - Standards for the Provision of Operational Level Catch and Effort Data to the Commission - CCM's Annual Report, format of Part 1 (Information on fisheries, research and statistics) and Part 2 (Information on management and compliance) - CMM-2005-03 (CMM for North Pacific albacore) for the CCM's provision of catch and effort data for North Pacific albacore to the Commission • WCPFC3 adopted: <ul style="list-style-type: none"> - A revised format of Part 2 - CMM-2006-03 (CMM for swordfish in the South West Pacific) for the CCMs' provision of the number of fishing vessels fishing for South West Pacific swordfish to the Commission - CMM-2006-04 (CMM for striped marlin in the southwest Pacific) for the CCMs' provision of the number of fishing vessels fishing for southwest Pacific striped marlin • WCPFC4 adopted: <ul style="list-style-type: none"> - revisions to <i>Scientific Data to be Provided to the Commission</i>; - <i>Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission</i>; - A recommendation from SC3 that the Commission undertake a study for the causes of data gaps. | <ul style="list-style-type: none"> • Following discussion relating to data and data gaps, the Secretariat, working with SPC-OFP, developed an enhancement for the WCPFC website that provides a means for CCMs to monitor their data submission record with the Commission. • CCMs now have access to the report commissioned during 2008 to review the causes of data gaps (WCPFC5-2008-IP05). |

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| 10(1)(e) | compile and disseminate accurate and complete statistical data to ensure that the best scientific information is available, while maintaining confidentiality, where appropriate; | <ul style="list-style-type: none"> • SPC-OFP has served in the role of Commission's data manager since 2004. • WCPFC3 adopted: <ul style="list-style-type: none"> • A living document, <i>Rules and Procedures for Access to and Dissemination of Data Compiled by the Commission</i>, and • Information Security Policy for the Commission's Secretariat. • WCPFC4 adopted: <ul style="list-style-type: none"> • A revised <i>Rules and Procedures for Access to and Dissemination of Data Compiled by the Commission</i>, which includes a Framework, Data Request Form and Confidentiality Agreement | |
| 10(1)(f) | obtain and evaluate scientific advice, review the status of stocks, promote the conduct of relevant scientific research and disseminate the results thereof; | <ul style="list-style-type: none"> • At each meeting, the Commission receives and evaluates scientific advice and recommendations from the Scientific Committee, including a review the status of stocks • The SC proposes a work programme, endorsed by the Commission, the results of which are reported to the Commission | The Commission will consider the independent review of interim arrangements for the Commission's science structure and functions at WCPFC5. |
| 10(1)(g) | develop, where necessary, criteria for the allocation of the total allowable catch or the total level of fishing effort for highly migratory fish stocks in the Convention Area; | <ul style="list-style-type: none"> • At WCPFC2, the Commission agreed to prepare a discussion paper on allocation issues (Paragraph 39, Summary Report) • At WCPFC3, a discussion document on allocation (WCPFC3-2006/15, Discussion paper on allocation issues) was presented and the Commission requested written comments by CCMs on the allocation report to be provided by 31 August 2007 (paragraph 122, WCPFC3 Report). • WCPFC4 deferred further consideration of this matter to WCPFC5. | WCPFC5 will further consider this issue (WCPFC5-2008/20). |
| 10(1)(h) | adopt generally recommended international minimum standards for the | Guidance is available through, among other international agreements, the Code of Conduct for Responsible Fisheries, Annex I of the Agreement, and Annex III of the Convention, all of which are taken into consideration in developing CMMs or other decisions | <ul style="list-style-type: none"> • WCPFC4 will have an opportunity to discuss the outcomes of the Joint Meeting of Tuna RFMOs at Kobe, Japan and considerations for the WCPFC. |

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| | responsible conduct of fishing operations; | of the Commission. | <ul style="list-style-type: none"> TCC4 reached consensus that if possible, progress should be made on developing a process to report and monitor on compliance with the Convention and the decisions of the Commission, to allow further discussions on the margins of WCPFC5 and for a proposal to be considered at TCC5. |
| 10(1)(i) | establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement, including a vessel monitoring system; | <ul style="list-style-type: none"> Through the TCC, some progress has been made in respect of various elements of a MCS framework that eventually become integrated to the Commission's MCS Scheme. These include transshipment, high seas boarding and inspection, a regional observer programme, IUU Listing, VMS, port State measures, vessel chartering arrangements, catch and/or trade documentation, and implementation issues associated with mitigation of by-catch. | <ul style="list-style-type: none"> TCC4 recommended to WCPFC5: <ul style="list-style-type: none"> that CCMs continue to discuss outstanding issues inter-sessionally; that the mandate of the IWG-ROP be extended for a period of one year; that it authorize the IWG-ROP to continue its work on outstanding items contained in CMM-2006-07; and ; dates and venues for the IWG-ROP will be set at WCPFC5. TCC4 recommended that the WCPFC Secretariat and the FFA Secretariat enter into discussion with a view to preparing a draft Service Level Agreement for consideration by the Commission at WCPFC5. TCC4 recommended to WCPFC5 for its approval the VMS Standards, Specifications and Procedures attached at Attachment E of the TCC4 Summary Report. TCC4 recommended to WCPFC5, with respect to costs for the Commission VMS, CCMs will assume costs for their vessels. Costs for Secretariat operations of the Commission VMS will be borne by the Commission budget. |

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| | | | <ul style="list-style-type: none"> • TCC4 recommended to WCPFC5 that the activation date for the WCPFC VMS be 1 April 2009. • WCPFC5 will consider these matters. |
| 10(1)(j) | obtain and evaluate economic and other fisheries-related data and information relevant to the work of the Commission; | While individual CCMs take economic and other fisheries-related data into consideration, the Commission is yet to consider this function collectively. | |
| 10(1)(k) | agree on means by which the fishing interests of any new member of the Commission may be accommodated; | <ul style="list-style-type: none"> • PrepCon7 <ul style="list-style-type: none"> - Annex II of WCPFC/PrepCon/46 (Cooperating Non-members) • WCPFC1 <ul style="list-style-type: none"> - CMM-2004-02 (Cooperating Non-Members) | <ul style="list-style-type: none"> • The report assessing options for allocation started the process for consideration of this. The matter will receive further consideration during WCPFC5. • WCPFC5 will review applications for cooperating non-member status from Indonesia (renewal), Belize (renewal), Ecuador, El Salvador, Mexico and Senegal. WCPFC5 will also review CMM 2004-02 regarding the process for considering applications for CNM status. |
| 10(1)(l) | adopt its rules of procedure and financial regulations and such other internal administrative regulations as may be necessary to carry out its functions; | <ul style="list-style-type: none"> • WCPFC1 adopted: <ul style="list-style-type: none"> • Rules of Procedure of the Commission. • WCPFC2 adopted: <ul style="list-style-type: none"> • Staff Regulations; • Financial Regulations; • Scientific Data to be Provided to the Commission; and • Principles, Guidelines and Operational Procedures for the Commission's Special Requirements Fund. • WCPFC3 adopted: <ul style="list-style-type: none"> - Strategic Research Plan 2007-2011; - Rules and Procedures for Access to, and Dissemination of, Data Compiled by the Commission; - Sea Turtle Research Programme; and | WCPFC5, under the auspices of the Second Session of the Finance and Administration Committee (FAC2), will consider a revised set of Staff Regulations that are based on decisions taken at WCPFC4. |

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| | | <ul style="list-style-type: none"> - Annual Report to the Commission: Part 1 [Information on Fisheries, Research and Statistics], Part 2 [Management and Compliance]. ▪ WCPFC4 adopted: <ul style="list-style-type: none"> - Scientific Data to be Provided to the Commission (revised) - Rules and Procedures for the Protection, Access to, and Dissemination of, Data Compiled by the Commission (revised) - Business Plan for the Secretariat | |
| 10(1)(m) | consider and approve the proposed budget of the Commission; | A standing agenda item for each annual session of the Commission. | |
| 10(1)(n) | promote the peaceful settlement of disputes; | The provisions of Article 20 (Decision-making) and Annex II (Review Panel) provide the foundation for the peaceful settlement of disputes. | |
| 10(1)(o) | discuss any question or matter within the competence of the Commission and adopt any measures or recommendations necessary for achieving the objective of this Convention. | Through the MHLC and Preparatory Conference, several Resolutions were adopted. Some of which were carried over to the Commission. At WCPFC 1 a single resolution was adopted. At WCPFC2 binding CMMs and non-binding resolutions were adopted. At WCPFC3 all measures adopted by the Commission were binding CMMs although some included a voluntary component. | |
| 10(2) | In giving effect to paragraph 1, the Commission may adopt measures relating to, <u>inter alia</u> : | | |
| 10(2)(a) | the quantity of any species or stocks which may be caught; | <ul style="list-style-type: none"> • WCPFC2 adopted: <ul style="list-style-type: none"> - CMM-2005-01 (CMM for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean) that established catch limits for bigeye tuna | |
| 10(2)(b) | the level of fishing effort; | <ul style="list-style-type: none"> • WCPFC2 adopted: <ul style="list-style-type: none"> - CMM-2005-01 that established the limit of purse seine fishing effort - CMM-2005-03 (CMM for North Pacific Albacore) that established the limit of fishing effort for North Pacific albacore | |

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| | | <ul style="list-style-type: none"> • WCPFC3 adopted: <ul style="list-style-type: none"> - CMM-2006-01 that established the limit of purse seine fishing effort | |
| 10(2)(c) | limitations of fishing capacity, including measures relating to fishing vessel numbers, types and sizes; | <ul style="list-style-type: none"> • MHL3 and MHL5 adopted a resolution that limited fishing effort and capacity. • PrepCon3 adopted a ‘Resolution of the Preparatory Conference relating to illegal, unreported and unregulated fishing and limits on fishing capacity’. • PrepCon5 adopted a ‘Resolution of the Preparatory Conference in response to the recommendations of the second meeting of the scientific coordinating group on sustainable fisheries management’ that limited fishing effort and capacity. • WCPFC1 adopted: <ul style="list-style-type: none"> - Resolution-2004-04 (Resolution on CMMs) that limited fishing effort and capacity. • WCPFC2 adopted: <ul style="list-style-type: none"> - Resolution-2005-02 (Resolution on reduction of overcapacity) - CMM-2005-02 (CMM for South Pacific albacore) that limited the number of fishing vessels. • WCPFC3 adopted: <ul style="list-style-type: none"> - CMM-2006-03 (CMM for swordfish in the South West Pacific) that limited the number of fishing vessels. - CMM-2006-04 (CMM for striped marlin in the southwest pacific) that limited the number of fishing vessels. | |
| 10(2)(d) | the areas and periods in which fishing may occur; | No decisions have been taken in relation to this measure. | |
| 10(2)(e) | the size of fish of any species which may be taken; | No decisions have been taken in relation to this measure. | |
| 10(2)(f) | the fishing gear and technology which may be used; | No decisions have been taken in relation to this measure. | |
| 10(2)(g) | particular subregions or regions. | Apart from general application of CMM 2005-01 to 20°N and 20°S, the Commission has not adopted measures relating to particular | |

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| | | regions or sub-regions. | |
| 10(3) | In developing criteria for allocation of the total allowable catch or the total level of fishing effort the Commission shall take into account, <u>inter alia</u> : (a) ~ (j) | | |
| 10(4) | The Commission may adopt decisions relating to the allocation of the total allowable catch or the total level of fishing effort. Such decisions, including decisions relating to the exclusion of vessel types, shall be taken by consensus. | The Commission continues its consideration of the matter of allocation. | |
| 10(5) | The Commission shall take into account the reports and any recommendations of the Scientific Committee and the Technical and Compliance Committee on matters within their respective areas of competence. | The respective reports and recommendations of the Scientific Committee, the Northern Committee and the Technical and Compliance Committee will be presented to WCPFC5. | The reports and recommendations of SC4, TCC4 and NC4 will be considered by WCPFC5. |
| 10(6) | The Commission shall promptly notify all members of the measures and recommendations decided upon by the Commission and shall give due publicity to the CMMs adopted by it. | All Preparatory Conference meeting material, including Resolutions, the Summary Reports of all the Commission's sessions, including those of its subsidiary bodies, have been made publicly available on the Commission's website. | The meeting documents and the Summary Reports of all the Commission's sessions, including those of its subsidiary bodies, have been posted on the Commission's website. |