



**Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

Third Regular Session

**11–15 December 2006
Apia, Samoa**

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**Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

Third Regular Session

11–15 December 2006

Apia, Samoa

SUMMARY REPORT

AGENDA ITEM 1 — OPENING OF MEETING

1. The Third Regular Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC3) took place from 11–15 December 2006 in Apia, Samoa. The session was opened by the Chair of the Commission, Mr Glenn Hurry (Australia).

2. The following Members, Cooperating Non-members (CNMs) and Participating Territories (CCMs) attended: Australia, Canada, People’s Republic of China, Cook Islands, European Union (EU), France, Fiji, Federated States of Micronesia (FSM), French Polynesia, Indonesia, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea (PNG), Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, Tuvalu, United States of America (USA), Vanuatu, and Wallis and Futuna.

3. Observers from the following inter-governmental organizations attended the session: Pacific Islands Forum Fisheries Agency (FFA), Secretariat of the Pacific Community (SPC), Secretariat of the Pacific Regional Environment Programme (SPREP), Inter-American Tropical Tuna Commission (IATTC), the United Nations Food and Agriculture Organization (FAO) and the Agreement for the Conservation of Albatross and Petrels (ACAP).

4. Observers from the following non-governmental organizations attended the session: Birdlife International, Blue Ocean Institute, Centre for Environmental Law and Community Rights Inc. (CELCOR), Earth Island Institute (EII), Organisation for the Promotion of Responsible Tuna Fisheries (OPRT), The Humane Society, World Tuna Purse Seine Organisation (WTPO), World Wide Fund for Nature (WWF), and Greenpeace.

1.1 Welcoming address

5. A prayer was offered by Reverend Utufua Naseri.

6. His Excellency Tuila’epa Sailele Malielegaoi, Prime Minister of Samoa, delivered a welcoming address (Attachment A).

1.2 Chair’s opening statement

7. The Chair presented an opening statement, thanking the Prime Minister for his welcoming address, and thanked Samoa’s Ministries of Foreign Affairs, and Agriculture, Forestry and Fisheries, and the National University of Samoa for the excellent meeting preparations (Attachment B).

1.3 Adoption of the agenda

8. The Commission adopted the agenda contained in WCPFC3-2006/02 Rev.1.

AGENDA ITEM 2 — MEMBERSHIP

2.1 Status of the Convention

9. The depository for the Convention, New Zealand, presented WCPFC3-2006/07, summarizing the status of the Convention as of 10 November 2006. The Commission noted there has been no change to the status of the Convention since the last session of the Commission in December 2005 (WCPFC2).

2.2 Applications for Cooperating Non-member status

10. The Executive Director presented WCPFC3-2006/08, advising that during 2006, the Secretariat received applications for CNM status from Indonesia, USA, Belize and Senegal. The Executive Director also reported that the Secretariat received a letter from Panama (dated 6 December 2006) seeking CNM status with the Commission.

11. The USA reported that on 7 and 9 December 2006, the US Senate and House of Representatives, respectively, approved implementing legislation, enabling it to become a full member of the Commission. The USA noted that it expects to deposit its instrument of ratification in the first quarter of 2007. This ratification will also include the full participation of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands in the work of the Commission in accordance with Article 43 of the Convention.

12. The Chair thanked the USA and welcomed its imminent ratification of the Convention.

13. Indonesia reported that it was undertaking internal processes to ratify the Convention but that this was a difficult and lengthy process due to ongoing amendments to the Indonesian constitution. Consequently, Indonesia could not confirm a likely date for eventual ratification and would request that its CNM status be renewed. Indonesia also reported on its efforts to comply with the provisions of the Convention, particularly with respect to the implementation of licensing fishing vessels, logbook system, vessel monitoring system, transshipment of fish, control of input on bigeye and yellowfin tuna fisheries, and incidental catch of seabirds and sea turtles.

14. The Chair thanked Indonesia and looked forward to it becoming a full member of the Commission.

15. The Commission renewed the CNM status of the USA and Indonesia.

16. Belize presented its case for becoming a CNM of the Commission, noting that currently nine of its flag fishing vessels were operating in the Convention Area.

17. The Commission noted that Belize has met the legal requirements in respect to the types of data to support its application for CNM status. However, Members expressed concern regarding the technical content of these data. Despite these concerns, some Members supported the application from Belize if specific conditions were applied. Following further discussions, the Commission could not achieve consensus and therefore could not approve Belize's application for CNM status until these concerns were addressed.

18. The Chair urged CCMs to submit their concerns regarding Belize's application for CNM status by 28 February 2007, after which, the Secretariat would notify Belize of the

remaining data requirements that it would need to provide in order to have its application considered further. In his letter to Belize, the Executive Director was instructed to draw Belize's attention to the concerns of the Commission with respect to current fishing capacity in the Convention Area and to seek clarification on the ownership and activities of Belize-flagged vessels operating in Vietnam, Singapore and Chinese Taipei.

19. The Commission agreed that Belize-flagged fishing vessels would not be deemed illegal, unreported and unregulated (IUU) fishing vessels in the interim period pending WCPFC4's consideration of its renewed application for CNM status.

20. Senegal presented its case for becoming a CNM of the Commission. The Commission agreed that because Senegal has not met the Commission's legal requirements with respect to all data relating to the operation of its fishing vessels, which is required by the Commission to support its application for CNM status, the Commission rejected Senegal's application for CNM status. As a result, Senegalese vessels active in the WCPFC Convention Area may be considered IUU vessels. The Commission encouraged Senegal to re-submit a more comprehensive application, addressing all of the Commission's requirements to the next regular session of the Commission. The Executive Director was directed to write to Senegal providing guidance for a re-submission of Senegal's application for CNM.

21. Senegal considered that enough data had been provided to support its application for CNM status. In addition, Senegal noted that all of its vessels active in the Convention Area were registered with the Pacific Islands Forum Fisheries Agency (FFA) Regional Register of Foreign Fishing Vessels (RREG). In response to a request for clarification from China, New Zealand — on behalf of FFA members — responded that several Senegalese vessels were on the FFA RREG and that they should be removed from that registry. The Executive Director was instructed to write to Senegal advising Senegal to remove all of its vessels from the Convention Area. Failure to comply with this request would result in the Commission further considering the status of these vessels in the WCPF Convention Area at its next Session.

22. The Commission noted that the Executive Director had written to Panama advising it of the procedure for submitting an application for CNM status.

2.3 Applications for observer status

23. The Commission noted an information paper prepared by the Secretariat listing current observers to the Commission (WCPFC3-2006/09).

24. The Commission accepted applications for observer status from: the Humane Society, Blue Ocean Institute, Earth Island Institute, and Centre for Environmental Law and Community Rights Inc. in PNG.

25. Japan invited the Commission to consider the observer status of the Sea Turtle Restoration Project (STRP), noting that since WCPFC2, the STRP had been responsible for a series of press releases that Japan considered to be misrepresentative of its position with relation to the interaction between sea turtles and tuna fisheries in the Convention Area. Japan stated that it welcomed the participation of observers in the work of the Commission but only if that participation was constructive and contributed positively to the Commission's work. Japan was of the view that STRP had not honoured this understanding, and requested that the Commission consider suspending STRP's observer status since STRP had not responded to the previous communication by the Executive Director conveying Japan's concern.

26. The EU agreed on the need to remind the STRP about its privileges and obligations as an observer to the Commission. However, the EU does not support the idea that STRP, or any

other NGO that does not fully agree with the positions of the CCMs, be prevented from attending Commission meetings.

27. The Chair referred to Article 36 of the Rules of Procedure on the participation of observers in the meetings of the Commission and its subsidiary bodies. The Chair emphasised that any action taken by the Commission that would affect the status of participation of STRP as an observer requires transparency in process and decision-making by consensus. Japan subsequently suggested that the Secretariat again contact the STRP, requesting the correction of its statements in earlier press releases. If STRP fails to reply or comply with this request, Japan recommended the temporary suspension of STRP's status as an observer.

28. The Commission agreed that the Executive Director would write to STRP, expressing concern on the issued press releases. If there was no response from STRP, or if the Commission found the response as unsatisfactory, an appropriate course of action with respect to the participation of STRP in the work of the Commission would be discussed at WCPFC4.

29. A list of participants is presented in Attachment C.

AGENDA ITEM 3 — MEMBER REPORTS

3.1 Annual reports by CCMs

30. In accordance with Articles 23 and 32 of the Convention, the Chair invited CCMs to provide reports on their progress in implementing the Convention and conservation and management measures and other decisions of the Commission. Articles 23 and 32 of the Convention also require reports to record implementation of any conservation and management measures or other decisions of the Commission. Verbal statements were made by the following CCMs:

- a. Nauru on behalf of FFA members,
- b. Papua New Guinea,
- c. Tuvalu,
- d. Tonga,
- e. European Union, and
- f. Chinese Taipei.

31. Nauru, on behalf of FFA members, advised the session that while the experience and lessons of other regional fisheries management organizations (RFMOs) would be valuable during the early developmental stages of the WCPFC, FFA members were firmly of the view that the WCPFC has many unique characteristics that require special consideration and, in many cases, a new and innovative approach. FFA members suggested that it may be time for the Commission to begin thinking about institutional arrangements to support more focused consideration of management options and to begin taking into account economic issues associated with the management of the Western and Central Pacific Ocean (WCPO) tuna fishery, as is provided for in the WCPF Convention. In conclusion, Nauru presented a list of priorities for the effective operationalization of the Convention.

32. Written statements were provided by PNG, New Caledonia, Tuvalu and the USA.

33. The Chair noted that six CCMs had yet to comply with the decision of WCPFC2 regarding annual reports to the Commission. The Commission encouraged CCMs with outstanding reports to submit them to the Secretariat by 31 January 2007. The Commission

also urged all CCMs to fully comply with Part 1 and Part 2 reporting obligations during 2007, noting that a simplified template had been agreed on by the Commission for future use.

3.2 Statements by observers

34. The Chair invited observers to the Commission to make statements. Written statements were presented by ACAP, CELCOR, EII, IATTC and WTPO. Greenpeace presented a statement on behalf of Birdlife International, EII, WWF, Blue Ocean Institute and the Humane Society, which supported the implementation of precautionary measures for target tuna resources and bycatch species in the WCPFC Convention Area.

AGENDA ITEM 4 — AD HOC TASK GROUP-DATA

35. The Chair introduced the Chair of the Ad Hoc Task Group-Data (AHTG-Data), Mr Kim Duckworth (New Zealand) to present the report of the AHTG-Data group.

36. Mr Duckworth referred to WCPFC3-2006/11, which summarises the work of the AHTG-Data group during 31 July–4 August 2006 in Manila, Philippines. Mr Duckworth recalled the work of the Statistics Specialist Working Group (ST-SWG) at the First Regular Session of the Scientific Committee (SC1) in Noumea, New Caledonia in August 2005. He noted that SC1 had forwarded a recommendation from the ST-SWG to WCPFC2 in Pohnpei, Federated States of Micronesia, to establish the AHTG-Data to consider data types and data confidentiality, and to develop draft rules and procedures for the security and confidentiality of WCPFC data. He noted that advice concerning the meeting had been circulated in May 2006 and that all CCMs had been encouraged to participate.

37. The AHTG-Data report to the Commission included advice and recommendations with regards to:

- a. the types of information to be treated as confidential;
- b. risk associated with the alteration, loss or unauthorized access to WCPFC data;
- c. guiding principles required for the rules and procedures for access to and dissemination of data;
- d. data security and data security standards;
- e. further elaboration of an Information Security Policy for the Commission;
- f. the need for a framework for access to non-public domain data by CCMs;
- g. further consideration of historical data and the role of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC); and
- h. draft Rules and Procedures for Access to and Dissemination of Data Compiled by the Commission.

38. Several CCMs, including FFA members, supported the Commission's adoption of the AHTG-Data Summary Report on the basis that it is a "living document" subject to refinement by the Scientific Committee (SC) and the Technical and Compliance Committee (TCC), as required.

39. The IATTC requested that in future elaborations of the AHTG-Data Summary Report, the Commission consider the inclusion of a reference to cooperative data-sharing arrangements with other RFMOs.

40. In relation to the AHTG-Data Summary Report, the Commission:
- a. adopted the report as a "living document", noting Japan's reservations based on its written comments;
 - b. agreed that the report be considered by SC3 and TCC3 for possible refinement; and
 - c. agreed that the report, as refined by SC3 and TCC3, be further considered by WCPFC4.

AGENDA ITEM 5 — SCIENCE ISSUES

5.1 Report of the Second Regular Session of the Scientific Committee

41. Dr Dae-Yeon Moon (Chair of the Scientific Committee, Korea) presented the summary outcomes of the Second Regular Session of the Scientific Committee (SC) held in Manila, Philippines, from 7–18 August 2006. Dr John Hampton (SPC, Scientific Services Provider) presented a summary of the SC's deliberations on stock status.

42. The SC addressed the following issues:
- a. new or updated assessments of the status of bigeye tuna, yellowfin tuna, South Pacific albacore, southwest Pacific swordfish, and southwest Pacific striped marlin. The 2005 assessment of skipjack tuna was not revised;
 - b. estimates of sustainable catch and effort levels for bigeye and yellowfin tuna;
 - c. investigation of methods to mitigate the impact of fishing on seabirds, sea turtles, juvenile bigeye and yellowfin tuna, and bycatch fish species, particularly sharks;
 - d. data and information requirements of the SC, including data confidentiality and access issues, coverage levels required in scientific observer programmes and specific projects, such as the Indonesia and Philippines Data Collection Project (IPDCP) and the Regional Tuna Tagging Project; and
 - e. cooperation with other organizations.

43. The Commission noted:
- a. record high catches of skipjack and bigeye tuna in 2005. The total catch in the Convention Area was also the highest catch on record at 2.1 million metric tonnes;
 - b. the assessments for yellowfin and bigeye tuna indicated that for both, overfishing is occurring (fishing mortality is greater than the reference level F_{MSY}) but they are not yet in an overfished state (biomass is greater than the reference level B_{MSY});
 - c. the impact of the yellowfin tuna fishery has been to reduce by 50 percent the biomass of yellowfin tuna. The Indonesian/Philippine domestic fishery probably has the greatest impact, particularly in the western equatorial region. The purse-seine fishery has a lesser, but still substantial effect, particularly in the equatorial regions. The impact of the longline fishery on yellowfin tuna is relatively small;
 - d. the impact of the bigeye tuna fishery has been to reduce by 70 percent the biomass of bigeye tuna. Although fish aggregating device (FAD)-associated purse-seine catches have made up an increasing proportion of the fishery impact

on bigeye tuna biomass since the mid 1990s, and contributed to the increase in fishing mortality beyond the reference level F_{MSY} from 1997 onwards, longline fishing continues to contribute more than half of the total impact on the stock;

- e. uncertainty associated with some of the assessments, particularly southwest Pacific swordfish, South Pacific albacore, yellowfin tuna and southwest Pacific striped marlin. Some of the issues relating to data uncertainty, particularly data from Indonesia and the Philippines, have been resolved but further revisions are expected to result from the IPDCP;
- f. After preliminary work presented to the SC in 2005, this was the first full stock assessment of southwest Pacific swordfish. While sensitivity analysis considered data for the entire southern region of the Convention Area, the base case assessment applied only to the southwestern part of the Convention Area (0° – 50° S, 140° E– 175° W);
- g. uncertainty with the South Pacific albacore data did not greatly affect the conclusions of the assessment that South Pacific albacore was currently being fished within sustainable limits;
- h. IUU fishing continues to be a problem for some CCMs. Indonesia and Cook Islands continue to seek cooperation from other CCMs to eliminate illegal fishing in their waters;
- i. conservation and management measure (CMM)-related catch statistics and their analyses on key tuna species should be provided in tabular form as well as a summary figure for the Commission's information; and
- j. the Convention's management objectives, including the application of reference points, has not yet been considered by the Commission.

5.2 Response to conservation and management measures

44. In accordance with the requirement under CMM-2005-01, the Commission endorsed the following advice:

- a. In order to keep bigeye biomass at B_{MSY} , a reduction in fishing mortality of 25 percent from the average levels during 2001–2004 would be required. Greater levels of reduction would be required to keep bigeye biomass above B_{MSY} .
- b. In order to keep yellowfin biomass at B_{MSY} , a reduction in fishing mortality of 10 percent from the average levels during 2001–2004 would be required. Greater levels of reduction would be required to keep yellowfin biomass above B_{MSY} .
- c. In response to the control of sets on FADs for the purse-seine fishery (CMM-2005-01, paragraph 15), the Commission endorsed all recommendations on research into measures to reduce the bycatch of juvenile bigeye and yellowfin tuna (paragraphs 36–38, Executive Summary of the Scientific Committee Report).

45. The Commission noted the SC's advice on other target species:

- a. The skipjack tuna stock is not overfished nor is overfishing occurring, and current catch levels are sustainable.
- b. The South Pacific albacore stock is not overfished nor is overfishing occurring, and increases in yields should be possible.

- c. For swordfish in the southwestern Pacific, the assessment cannot determine with certainty whether the stock is overfished or whether overfishing is taking place, and most models predict declines in stock size at current levels of fishing mortality. There should be no increases in fishing mortality on this stock.
- d. Striped marlin fishing mortality may be equal to or exceed F_{MSY} and biomass may be at or below B_{MSY} , and there should be no increase in fishing mortality on the stock.

5.3 Advice and recommendations of the Second Regular Session of the Scientific Committee to the Commission

46. The Commission established an informal working group to refine proposals submitted by CCMs in respect of conservation and management measures for sharks, seabirds and sea turtles. In relation to recommendations on other fish and non-fish bycatch (paragraphs 39–41, Executive Summary), the views of CCMs varied between those proposing immediate action to reduce incidental bycatch, to those who considered that the Commission's immediate research priorities should be on target tuna resources.

47. The Commission endorsed recommendations for:

- a. further development of an Information Security Policy (paragraphs 51 and 52, Executive Summary).
- b. the inclusion of the IPDCP in the core budget of the Commission, subject to budgetary implications (paragraph 53, Executive Summary). While the importance of the project was highlighted, there were views that data collection was the responsibility of each CCM, the budget for this project should be based on voluntary contributions, and that geographical coverage of this project should be clarified.
- c. tagging initiatives (paragraph 54, Executive Summary).
- d. cooperation with other organizations (paragraphs 55 and 56, Executive Summary). The Indian Ocean Tuna Commission (IOTC) was recommended as the first priority for the development of a memorandum of understanding.
- e. the special requirements of developing states and participating territories (paragraph 57, Executive Summary).
- f. the Strategic Research Plan 2007–2011 for the Scientific Committee and 2007 Work Programme (paragraphs 58 and 59, Executive Summary), noting that careful consideration should be given to the frequency of assessment of key tuna species and evaluation of management options.
- g. future operation of the SC (paragraph 62, Executive Summary).

48. Following a presentation from China, the Commission decided to revise the recommended rules of procedure for the SC inter-sessionally, and to reconsider them at WCPFC4. Some Members expressed disappointment at this outcome given the amount of time and effort dedicated by some delegations in developing the draft presented to WCPFC3.

49. Regarding the independent review of the Commission's science structure and functions, Japan submitted a new proposal on the review process in relation to the composition of a steering committee, nomination of reviewers, costs, etc. The Commission, noting the need for the review to be cost effective and independent, requested the SC to re-examine the terms of

reference for the review of the Commission's science structure and functions, and to report on the results of the review to WCPFC4.

50. FFA members requested that future advice from the SC on management measures should include an analysis of the impacts of measures on the catches of all major tuna species.

51. The Third Regular Session of the Scientific Committee (SC3) will be held from 13–24 August 2007, in Hawaii, USA.

5.4 Scientific Committee work programme for 2007

52. The Commission endorsed the proposed work programme (Table 2 of the SC2 Summary Report) subject to budgetary considerations. In considering the provision of scientific services by SPC, the Commission noted that the management fee offered by SPC for 2007 was half of that normally charged for SPC services. The Commission expressed gratitude and appreciation to SPC for the quality of its science service.

53. The EU and Australia noted that several CCMs have, over a number of years, provided independent funds to SPC to support tuna research, tuna fisheries data collection and stock assessment, and that the Commission benefits from this indirect funding.

54. The Cook Islands, on behalf of FFA members, requested that future work of the SC assign a similar level of attention to the needs of small developing States as is given to other issues. There is a need for particular attention to be given to the multi-species nature of the WCPO tuna fishery and to begin work on an ecosystem approach to managing the fishery.

55. The Commission noted the Summary Report of the Second Regular Session of the Scientific Committee.

AGENDA ITEM 6 — NORTHERN COMMITTEE

6.1 Report of the Second Regular Session of the Northern Committee

56. Mr. Benjamin Tabios (Vice Chair of the Northern Committee, Philippines) presented the summary outcomes of the Second Regular Session of the Northern Committee (NC2) held in Tokyo, Japan from 11–13 September 2006 (WCPFC/Meeting Reports/2006/3). He informed the Commission of the discussion of reports of the sixth meeting of the ISC during NC2 and the principal outcomes of SC2 as they related to the NC. The NC recommended that the Cook Islands be accorded membership to the NC and this was endorsed by the Commission.

6.2 Response to conservation and management measures

57. Mr. Tabios presented the NC's response to requests for advice from WCPFC2, which included a review of the application of the CMM on North Pacific albacore and an examination of options for securing scientific advice for all tuna stocks of interest to the Commission.

6.3 Advice and recommendations of the Second Regular Session of the Northern Committee to the Commission

58. Mr. Tabios presented the recommendations and advice of the NC to the Commission, which included:

- a. implementation of the CMM on North Pacific albacore to be continued with no amendment;

- b. inclusion of a provision — if the Commission agrees to adopt a measure on southern swordfish stocks — that will prevent adverse effects on northern swordfish stocks by preventing CCMs from re-locating their fishing effort for swordfish to the area north of 20°N latitude in the Convention Area;
- c. endorsement of memoranda of understanding that had been drafted for cooperation with the ISC and IATTC;
- d. undertake measures on a voluntary basis, with respect to seabird bycatch mitigation, that take into account the best scientific evidence available for mitigating sea bird bycatch, until the Commission adopts mitigation measures for the Convention Area, including north of 20° north;
- e. inclusion of striped marlin in the species to be covered by the work of the NC; and
- f. revision of scientific data to the Commission to include Pacific bluefin tuna.

59. Several FFA members expressed concerns about the role of the NC in recommending measures on North Pacific albacore applicable to areas south of 20°N latitude. Marshall Islands, PNG, and the Federated States of Micronesia requested the NC to conduct wider consultations with coastal States if future recommended conservation and management measures of the Committee directly affect areas south of 20°N latitude.

60. Mr Tabios emphasized that the NC did not intend to expand its jurisdiction beyond its area of competence, but that it was merely recommending a CMM that may be applied to northern albacore found in the area between 20°N and the equator. It was also noted that the CMM for northern albacore was discussed during WCPFC2 and that all CCMs had actively participated in the adoption of the CMM, which provided for its application north of the equator.

61. Several CCMs also expressed concerns about the adoption of seabird catch mitigation measures applicable north of 20°N latitude and the compatibility of those measures with CMMs that apply to the entire Convention Area.

62. New Zealand stated that the stock assessments presented to the SC were not supported by adequate details explaining the basis for the assessments, and that in future, the ISC should be encouraged to provide full details for all stock assessments to both the SC and NC.

63. The Commission agreed that further studies needed to be conducted by the SC before any decision was made on the inclusion of striped marlin as a “northern stock” in accordance with the rules of procedure for the NC. The SC was requested to provide a recommendation on this matter to the Commission for its consideration at WCPFC4.

64. The Chair reminded NC Members about Annex I of the rules of procedure for recommending CMMs for northern stocks.

65. The Chair noted that the NC has yet to finalize its proposed rules of procedure.

6.4 Northern Committee work programme for 2007

66. In accordance with Article 12 of the Convention, Mr Tabios presented a draft work programme for the NC for 2007. This work programme was adopted by the Commission as part of the NC's report, noting the need for its further review at future sessions of the NC. The Commission noted that NC Members bear the costs of the NC's work and that such costs would be added as supplemental items to the Commission's budget.

67. The Federated States of Micronesia (FSM) referred to the proposed use of Japan Trust Funds to support a post within the WCPFC Secretariat. FSM accepted that Japan had a right to determine how its funds would be applied but requested that the Commission be given an opportunity to comment on the terms of reference for the post before it was established.

68. The NC will hold its next meeting in Japan from 11–13 September 2007.

69. The Commission noted the Summary Report of the Second Regular Session of the Northern Committee.

AGENDA ITEM 7 — ADOPTION OF CONSERVATION AND MANAGEMENT MEASURES

70. At the invitation of the Chair, FSM, on behalf of the Parties to the Nauru Agreement (PNA), gave a presentation to WCPFC3 on the Vessel Day Scheme (VDS). The VDS will come into effect on 1 December 2007 and will replace the current license allocation scheme and cap of 205 purse-seine vessels. A trial implementation will begin 1 December 2006 and will operate until 30 November 2007, after which full implementation will proceed. The VDS will control effort within the EEZs of the PNA. A total allowable effort (TAE) has been set at a level consistent with WCPFC Conservation and Management Measure 2005-01.

71. Some CCMs noted their earlier opposition to the scheme due to concerns that the PNA may allocate an annual TAE across their EEZs, which may not be consistent with fluctuating migrations of tuna through the EEZs of the PNA. Being solely for domestic implementation, the TAE would not be applicable to non-PNA members. Other CCMs accepted the right of coastal States to develop arrangements for managing fisheries within their respective zones on the basis that those arrangements are consistent with measures adopted by the Commission. Some CCMs considered that if those measures are incorporated in CMMs adopted by the Commission, then the Commission can require those measures to be periodically reviewed.

72. FFA members noted that at the time the VDS was agreed on, no other arrangements were in place throughout the Convention Area other than what was in operation within the EEZs of FFA members.

73. The WCPFC3 thanked FSM for its presentation.

7.1 Conservation and management measures

Review of existing measures

74. The Commission reviewed the following decisions:

- a. Conservation and Management Measures for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean (CMM-2005-01) ;
- b. Conservation and Management Measures for South Pacific Albacore (CMM-2005-02);
- c. Conservation and Management Measures for North Pacific Albacore (CMM-2005-03);
- d. Resolution on the Reduction of Overcapacity (Resolution-2005-02);
- e. Resolution on the Incidental Catch of Seabirds (Resolution-2005-01);
- f. Resolution to Mitigate the Impact of Fishing for Highly Migratory Fish Species on Turtles (Resolution-2005-04).

Conservation and Management Measures for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean

75. Three proposals on the conservation and management of bigeye and yellowfin tuna submitted by FFA members (WCPFC-2006/DP01), Japan (WCPFC3-2006/DP20), and Korea (WCPFC-2006/DP26) were discussed by the Commission. Drawing on these proposals and comments from CCMs, the Chair prepared a consolidated draft CMM for yellowfin and bigeye tuna for consideration by the Commission.

76. Some CCMs raised concerns about several provisions in the Chair's draft, including the adoption of a VDS for the high seas areas in the Convention Area, a multiple use marine protected area for the high seas, implementation of temporary closures on the use of FADs in the high seas and in non-archipelagic waters, and catch reduction for longline fishing vessels. Several CCMs supported an urgent need to reduce fishing mortality of juvenile bigeye and yellowfin from fishing on FADs, and encouraged the Commission to adopt measures that are equitable and do not result in a disproportionate burden of conservation and management measures being carried by one CCM or group of CCMs. Several CCMs noted the importance of encouraging the purse-seine industry to develop fishing techniques that mitigate the catch of juvenile bigeye and yellowfin tuna when setting on FADs.

77. Following considerable debate, the Commission adopted CMM-2006-01, Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean as a Supplement to CMM-2005-01 (Attachment D).

78. Some CCMs expressed concern that the Commission had not adopted a strong measure as recommended by the SC and that the responsibility for the lack of progress should be shared by all CCMs. PNG expressed disappointment that small island developing States appeared to be expected to carry a disproportionate burden of responsibility for conservation and management.

Conservation and Management Measures for South Pacific Albacore

79. As reported to SC2, a full stock assessment was not undertaken for South Pacific albacore in 2006, although the 2005 assessment was updated. SPC's Oceanic Fisheries Programme advised SC2 that current catch levels of South Pacific albacore appear to be sustainable and that an increase in fishing mortality and yields would be possible. However, it was emphasized that any significant increase in effort would probably reduce CPUE in Pacific Island countries' longline fisheries to low levels with only moderate increases in yields.

80. The Commission agreed to continue the application of Conservation and Management Measure-2005-02 for South Pacific Albacore, with no amendment.

Conservation and Management Measures for North Pacific Albacore

81. The NC recommended that the Commission continue the application of CMM-2005-03 for North Pacific albacore, with no amendment. NC Members were also requested to submit information on the implementation of this CMM, particularly with respect to the effort-control and data submission provisions, for review by the SC and TCC.

82. The Commission adopted the NC's recommendation to continue the application of CMM-2005-03 for North Pacific albacore, with no amendment.

Resolution on the Reduction of Overcapacity

83. Tuvalu presented a draft proposal (WCPFC-2006/DP19) for an interpretative decision by the Commission in relation to the application of paragraph 2 of Resolution-2005-02. Tuvalu explained that since the adoption of Resolution-2005-02, some developed CCMs, in their

effort to implement the resolution and other similar measures of other RFMOs, have placed restrictions on the building and export of purse-seine vessels. These restrictions have directly inhibited the efforts of Tuvalu and the Marshall Islands in particular, and potentially other developing island State members of the Commission, to develop their domestic tuna industries. The statement by Tuvalu, introducing its proposal, is appended as Attachment E.

84. Chinese Taipei explained its domestic policy with respect to the export of fishing vessels, which seeks to prevent the expansion of fishing capacity on a regional basis. The Commission noted that it is not within its jurisdiction to instruct members on how to implement their domestic legislation relating to the implementation of the Convention.

85. The Commission acknowledged the need to ensure that the implementation of Resolution-2005-02 does not have an adverse impact on the legitimate rights and aspirations of developing island State members of the Commission. Some CCMs emphasized the need to ensure that there is also a balance between the economic development goals and aspirations of developing island State members, and the control of capacity and conservation and management of the stocks in the Convention Area. China drew attention to the provisions of paragraph 15 of CMM-2005-01 in relation to the preparation of a plan for the development of purse-seine skipjack fisheries.

86. The Commission was not able to support the draft proposal submitted by Tuvalu as a CMM.

87. FFA members expressed their serious disappointment that Resolution-2005-02, which they had endorsed in good faith, had not been implemented in accordance with the language and spirit of the resolution. A statement by the Marshall Islands in relation to this matter is appended as Attachment F.

88. The Commission agreed to establish a group of eminent persons, drawn from Commission Members, to work with FFA members to examine how to practically implement Resolution-2005-02. The group would work to ensure that the legitimate aspirations of developing island State members to develop their domestic tuna fisheries are undertaken within the overall capacity limits of the tuna resources in the Convention Area.

89. The USA alerted CCMs to a recently completed survey of longline and pole-and-line vessels operating in the Convention Area, and indicated a willingness to share this report with all CCMs and the Secretariat to progress discussions related to capacity for gear types other than purse seine.

Resolution on the Incidental Catch of Seabirds

90. New Zealand, on behalf of FFA members, presented a proposal for the adoption of a CMM to mitigate the impact of fishing for highly migratory fish stocks on seabirds (WCPFC3-2006/DP03 Rev.1). The proposal recommended voluntary and mandatory measures for longline vessels, such as side setting, night setting, the use of tori lines, weighted branch lines, blue-dyed bait, deep-setting line shooter, bait caster, and underwater setting chute.

91. Following the discussion in plenary, during which CCMs expressed strong and divergent views on bycatch mitigation measures, the Chair established an informal working group for associated species in order to further develop a draft CMM for seabird and sea turtle mitigation, and to consider a measure for sharks for subsequent consideration by the Commission. The working group was chaired by the European Commission (EC).

92. The EC subsequently tabled a draft compromise proposal (WCPFC3-2006/29 Rev.3) for consideration by the Commission.

93. As a result of the work undertaken in the working group, the Commission adopted the "Conservation and Management Measure to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds" (Attachment G). Some CCMs expressed dissatisfaction that the Commission had not adopted a stronger measure as recommended by the SC.

94. The Commission agreed on the need to review these measures and update them if required in future.

Resolution to Mitigate the Impact of Fishing for Highly Migratory Fish Species on Turtles

95. Resolution-2005-04 calls for action to mitigate the impact of interactions between sea turtles and fishing gear used in fishing for highly migratory fish species. The Resolution tasks the TCC with developing relevant strategies for further consideration by the Commission in 2007.

96. In 2006, the SC recommended that a flexible approach to sea turtle mitigation be adopted. CCMs recognized the need to compile existing information and to continue gathering more comprehensive data on sea turtle interactions in order to develop a more complete picture of the effectiveness of the various sea turtle bycatch mitigation strategies. This will provide the Commission with the necessary information to address interactions with sea turtles in fisheries covered by the Convention.

97. The Commission endorsed the sea turtle research programme recommended by SC2, bearing in mind the availability of resources. The Commission noted ongoing research undertaken by some CCMs on the effectiveness of circle hooks and other measures in mitigating interactions with sea turtles. CCMs were encouraged to complete research on gear and methods to avoid or reduce interactions with sea turtles, particularly circle hooks, and to provide results to the Commission to support further deliberations on this issue in 2007. CCMs were encouraged to continue research and mitigation trials, particularly in conjunction with small island developing States.

98. The Commission requested SC3 to review mitigation measures that, when applied, can substantially reduce sea turtle interactions in fisheries covered by the Convention while maintaining viable target species catch rates. WCPFC3 requested TCC3 to examine the mitigation measures compiled by SC3 and to develop technical specifications (definitions) for each measure, and to recommend these measures to the Commission. CCMs were urged to contribute to the work of the TCC3 by providing the Commission with technical specifications for sea turtle interaction mitigation methods or devices currently employed by their vessels in highly migratory species fisheries.

99. The Commission will consider the adoption of specific sea turtle interaction mitigation measures at its annual session in 2007, based on the recommendations of SC3 and the technical specifications developed by TCC3.

7.2 Consideration of new measures and other conservation requirements

Conservation and Management Measure for Swordfish in the Southwest Pacific

100. Australia introduced a proposal for a CMM for swordfish in the southwest Pacific (WCPFC3-2006/DP02 Rev.2). The proposal was based on the management advice of the SC, and promoted a precautionary approach with recommendations for no further increases in the fishing mortality of swordfish until stock status estimates become more certain. Australia emphasized that the draft CMM is applicable south of 20°S of the Convention Area; however, Australia encouraged the NC to consider the development of a similar CMM in the Convention Area north of 20°N for adoption by the Commission.

101. The EC, referring to delegation paper WCPFC3-2006/DP34, questioned the research on which the proposal submitted by Australia was based, noting that significant questions arose as a result of selective use of the geographic areas on which the assessment was based and the biological parameters for swordfish that were used. The EC also noted that its fleet in the southwest Pacific continued to report good catch rates, which implied that the target stock was not depleted as was suggested by the Australian and New Zealand research.

102. Australia responded that delegation paper WCPFC3-2006/DP34 dealt principally with a technical issue and that the issues were not raised by the EU or other CCMs during the Specialist Working Group reviews nor subsequently when the SC considered the issue. Australia remarked that the EU, in preparing its assessment, apparently did not consider the supporting documents that were reviewed by the SC (SC2-ME-WP3; SC2-ME-WP4) because many of the issues raised were covered by the documents, or were raised and resolved at the SC meeting. Australia and New Zealand tabled WCPFC3-2006/DP42 in response to the issues raised by the EC.

103. The Cook Islands expressed concern about the rapid expansion during the last two years of some CCM fleets, which are targeting swordfish. The Cook Islands noted that small island developing States are critically reliant on limited fishery resources and that the rapid expansion of CCM fleets not located in the WCPO had the potential to threaten the fishery development aspirations of small island States.

104. The Chair appointed a small informal working group to consolidate the views of CCMs on appropriate measures for swordfish. As a result of the work of the group and a joint proposal by FFA states and the EC, the Commission subsequently adopted "Conservation and Management Measure for Swordfish in the Southwest Pacific" (Attachment H).

Conservation and Management Measure for Striped Marlin in the Southwest Pacific

105. Australia introduced a proposal for a conservation and management measure for striped marlin in the southwest Pacific (WCPFC3-2006/DP08/Rev.1). The proposal also adopted the management advice of the SC and promoted a precautionary approach for no further increases in the fishing mortality of striped marlin until stock status estimates become more certain. Australia emphasized that the provisions of the proposed CMMs do not apply to coastal State CCMs south of 15°S of the Convention Area that have already taken, or continue to take, significant steps to address concerns over the status of striped marlin in the southwest Pacific region.

106. The Commission adopted "Conservation and Management Measure for Striped Marlin in the Southwest Pacific" (Attachment I).

107. Australia requested that the Summary Record reflect its concern at the exclusion of bycatch data reporting requirements from the measure, and requested that future sessions of the Commission keep this matter under review.

Conservation and Management Measures for a Vessel Chartering Scheme

108. Niue, on behalf of FFA members, presented a proposal for a CMM for a regional vessel chartering scheme (WCPFC3-2006/DP06 Rev.1). The proposed CMM sets out the conditions for the chartering scheme, information to be submitted by chartered vessels, and the rights and obligations of flag States to exercise effective control over chartered vessels.

109. Noting the concerns expressed by some CCMs relating to the proposal, and suggestions for improvement of the proposed measure (including the need to take into account issues involving flag State and charter State responsibilities), the Commission agreed to refer the

draft CMM for a Regional Vessel Chartering Scheme to TCC3 for its consideration and advice.

110. Japan reiterated its views regarding charter arrangements as long-term arrangements, and stated that it will resubmit its proposal (WCPFC3-2006/DP32) on vessel charter arrangement for consideration at TCC3, taking into account the comments of other members including the proposal tabled by FFA members (WCPFC-2006/DP06 Rev.1).

Conservation and Management of Sharks in the Western and Central Pacific Ocean

111. Palau, on behalf of FFA members, presented a proposal for the adoption of a CMM for sharks caught in association with fisheries in the Convention Area (WCPFC3-2006/DP04). This document was subsequently revised to incorporate Japan's comments (WCPFC3-2006/DP28).

112. The proposal aims to implement the FAO International Plan of Action for the Conservation and Management of Sharks, particularly by encouraging CCMs to adopt National Plans of Action and apply measures for the full utilization of sharks. Such measures pertain to the collection of data on sharks, retention, landing, transshipment and trade in shark fins, and the release of live sharks incidentally caught by tuna and tuna-like fisheries.

113. In response to a question from the EU, SPC's Oceanic Fisheries Programme advised that current data holdings for shark fisheries in the WCPO are not comprehensive and that the available information is hard to consolidate. The EU, supported by Australia, proposed that all shark catch data, including shark bycatch data, be provided to the Commission as a mandatory requirement and that the Commission should identify current gaps in the provision of these data by CCMs.

114. Australia informed the Commission of initiatives to establish conservation and management arrangements for sharks, such as those being promoted by the Convention on Migratory Species, and that these initiatives were appearing because of a perception that some RFMOs are not doing enough to responsibly manage shark resources. Such initiatives served as a motivator for the Commission to establish internationally acceptable arrangements for shark conservation and management in the WCPO.

115. Following a discussion in plenary, during which CCMs expressed strong and divergent views on conservation and management arrangements for sharks, and further deliberation in the informal working group convened by the Chair for considering associated species, the Commission adopted "Conservation and Management Measure for Sharks in the Western and Central Pacific Ocean" (Attachment J), noting that the measure should be periodically reviewed by the Commission and refined as necessary.

116. In a general statement, the USA understood that the Preparatory Conference had agreed that, because of the difficulty delimitating the western boundary of the Convention Area the Commission would describe the area of application of each CMMs, and the data required to support it, for each CCM as it is adopted. This was confirmed by the Chair.

117. FFA members expressed the view that the TCC should, as a matter of priority, begin to determine benchmarks and mechanisms to monitor and assess the implementation of CMMs adopted by the Commission. The fulfillment of the function of the TCC as set out in Article 14(1) (a) should commence in 2007 and should be an ongoing priority task for the TCC.

7.3 Allocation

118. Dr David Agnew (Marine Resources Assessment Group Ltd., United Kingdom) presented a review of tuna resource allocation matters for the Commission's consideration in

developing a scheme for the allocation of WCPO tuna resources (WCPFC3-2006/15). The report was commissioned by WCPFC2, and reviews specific challenges that the Commission will encounter by addressing the issue of allocation, and describes options for allocation schemes that may be utilized to address these challenges.

119. FSM, on behalf of FFA members, stated that the report provides a basis for further discussion on allocation, and reflects an appropriate balance of the interests of CCMs. However, FFA members expressed concern about the report's treatment of central issues of allocation. FFA members indicated that the role of the Commission is to determine stock-wide effort and catch limits and to make allocations for the high seas with no major role in waters under national jurisdiction as that is subject to the sovereign rights of coastal states. FFA members believe that CCMs will need to think beyond the limited scope of the report, and suggested that the report be referred to the SC and TCC for discussion and review, with reports made to WCPFC4.

120. The Commission noted New Zealand's plans to submit a proposal to WCPFC4 for holding a workshop on allocation, to be held in New Zealand in 2008.

121. Some CCMs, while noting the report's utility regarding the allocation issue, stated that they were not in a position to negotiate the basic legal framework of management of highly migratory species in relation to allocation. They suggested that the Commission prioritize its work so that issues such as conservation and management and fishing capacity are addressed prior to the issue of allocation.

122. The Commission:

- a. agreed that written comments by CCMs on the allocation report should be provided to the Executive Director by 31 August 2007 for collation and presentation to WCPFC4;
- b. noted the possibility of an allocation workshop to be held in New Zealand in 2008; and
- c. agreed on the need to prioritize the issues before the Commission, including the allocation issue, to assist with strategic planning.

7.4 Proposal for a system of temporary purse-seine closures

123. The Executive Director presented WCPFC3-2006/16. This paper, prepared with the assistance of the Commission's Scientific Services Provider, was designed to support discussion on temporary purse-seine closures in the Convention Area, as called for in paragraph 11 of CMM 2005-01. The paper examines options for reducing fishing mortality on bigeye and yellowfin tuna in the WCPO, including spatial and temporal closures of the most significant purse-seine fishing grounds in the Convention Area to purse-seine fishing, prohibitions of fishing on associated sets in the third or fourth quarters of the year, and a quota on bigeye longline catch on the high seas. While many of the scenarios meet the F_{MSY} management objective for yellowfin tuna, the only scenario that met the same objective for bigeye tuna required either some reduction in longline catches to supplement the purse-seine measures, or a 75 percent reduction in purse-seine catches. Many Members welcomed this analysis and thanked the Secretariat for the comprehensive paper.

124. FFA members advised that they could not accept the use of closures as the primary instrument for long-term tuna management, as they sustain overcapacity, contribute to economic inefficiency, undermine coastal States' rights, and disproportionately disadvantage small island States. However, FFA members considered that there may be a role for closures aimed at reducing bycatch, or as an interim measure while other measures are developed.

Although paragraph 11 of CMM 2005-01 calls for any closure measure considered by the Commission to be consistent with the system in operation in the eastern Pacific Ocean, FFA members did not regard the use of closures in the IATTC as an appropriate model for use in the WCPFC.

125. The Philippines stated that measures that restrict coastal States (e.g. closures) should be avoided.

126. Several CCMs supported the closure of high seas enclaves to all purse-seine fishing because creating such a closure would assist in deterring IUU activities of fishers who often use such areas as refuges from enforcement activities. The closure of the high seas from purse-seine fishing might eventually lead to the creation of high seas protected areas.

127. Indonesia expressed reservations to committing to closures as the analysis was based on data from the Sulawesi Sea and archipelagic waters, which Indonesia stated are not within the Convention Area. The Commission recalled discussions during the Preparatory Conference regarding the western boundary for the Convention Area. It noted that the region was subject to numerous claims and counter-claims over maritime areas and that this made it extremely difficult to define the western limit for the Convention Area. The Commission noted the importance of the western region as an area supporting substantial fisheries that target tuna resources shared with CCMs. Some CCMs proposed that it was time to take action that will enable the Commission to agree on a western boundary.

128. Several CCMs recommended that the analysis and impacts of the options for temporary purse-seine closures be reviewed by the SC. At the same time, the SC should review reference points and the appropriateness of MSY-based management in a multi-species context, for application to WCPO tuna fisheries.

129. FFA members noted that the reason that they did not support a FAD closure this year was because of concern over the possible severe impacts that a FAD closure could have on some FFA members, and the lack of information to assess those impacts.

130. New Zealand emphasized that research on the reduction of bycatch from FADs should continue and that closures should not relate to un-associated purse-seine sets or to areas where there is no significant bycatch of juvenile bigeye and yellowfin tuna.

131. Japan raised several questions concerning the geographic areas of principal concern with respect to the greatest fishery impact on the bigeye stock, the impact of a limited data set from the Indonesian region, uncertainty associated with the impact of the purse-seine fishery on the bigeye stock (particularly since 1995), and the basis for the assessed significant impact of the longline fishery on the bigeye stock.

132. SPC's Oceanic Fisheries Programme advised that the greatest fishery impact on the bigeye stock occurs in the equatorial zone in the western region. Although data from the western region for the Indonesian and Philippine fisheries are poor, the situation is improving and this is at least partly due to the efforts of the Indonesian Philippine Data Collection Project (IPDCP). However, historical data from fisheries in this area are generally poor. Separation of yellowfin and bigeye in the catch data since 2004 has resulted in significant changes in the catch estimates for bigeye and yellowfin from Indonesia; however, as this information was received after the 2005 assessments had been completed, they were yet to be incorporated in the assessments. Considerably more work is required to improve fishery data for Indonesia, particularly prior to 2004. Other issues contributing to uncertainties include the fact that bigeye has not consistently been reported as a separate species from yellowfin, particularly in purse-seine logsheet data. This was an important matter that needed to be addressed through activities such as port sampling and observer programmes.

133. Japan stated that the inclusion of options considering longline restrictions, and a review of the effectiveness of CMM-2005-01, were outside of the mandate of the review. Japan requested that the paper be recalled due to its concerns that the paper was unintentionally biased. Japan, Korea and Chinese Taipei rejected the option for reducing longline catch, with Chinese Taipei noting that it had already reduced its WCPO bigeye longline fleet by 35 vessels during the last two years.

134. Chinese Taipei, supported by several CCMs, stated that measures should strive for compatibility between high seas and waters under national jurisdiction in accordance with Article 8 of the Convention.

135. The USA observed that the analysis had shown that a closure of high seas waters was not sufficient for achieving the reduction in mortality recommended by the SC and that larger area closures, or closures targeting hotspots, should also be considered as a management option. The USA identified four elements to be incorporated in any closure measure:

- a. reference to the 1999 Resolution on overcapacity,
- b. the area of application should include the entire Convention Area,
- c. a limitation on FADs, and
- d. some measure to reduce longline effort and catch.

136. The Commission noted the paper and its utility in informing the discussions on Agenda Item 7.1(1).

AGENDA ITEM 8 — TECHNICAL AND COMPLIANCE ISSUES

8.1 Report of the Second Regular Session of the Technical and Compliance Committee

137. Mr Apolosi Turaganivalu (Chair of the Technical and Compliance Committee, Fiji) presented the summary outcomes of the Second Regular Session of the Technical and Compliance Committee (TCC2) held in Brisbane, Australia from 28 September–3 October 2006. He reported that TCC2 agreed that its three main issues at present are the Commission's vessel monitoring system (VMS), Regional Observer Programme, and procedures for high seas boarding and inspection in the Convention Area. TCC2 also identified several elements as requiring considerable work: bycatch mitigation, review of Commission decisions relating to the functions of the TCC, mechanisms to monitor compliance and the development of sanctions in the event of non-compliance, transshipment, IUU vessel lists, port State measures, and a catch and/or statistical documentation scheme.

138. FFA members noted the need for an integrated and comprehensive framework for monitoring, control, surveillance and enforcement to assist the Commission in ensuring the effective conservation and long-term sustainable use of highly migratory fish stocks in the Convention Area, in accordance with the WCPF Convention. Such a framework is also needed to address problems associated with illegal, unreported and unregulated (IUU) fishing in the Convention Area, both within and beyond areas under national jurisdiction.

139. Other CCMs noted the need for:

- a. a WCPFC Record of Fishing Vessels that records information on which vessels are "active" in the Convention Area,
- b. non-CCMs to be encouraged to apply for Cooperating Non-member status,
- c. a mechanism to identify IUU vessels, and

- d. speedy implementation of the Regional Observer Programme.

140. In relation to the format of Part 2 of the Annual Report, the Commission endorsed TCC2's recommendations that:

- a. the revised template for Part 2 of the Annual Report (Attachment K) be adopted for future reports;
- b. Part 2 of the Annual Report be completed on a calendar year basis and submitted to the Secretariat by 31 July each year;
- c. the Commission invite the SC to review Part 1 of the Annual Report in light of its relationship with Part 2, including its consistencies (such as reporting periods and submission times); and
- d. the Secretariat be tasked with preparing guidelines, including minimum standards, for the completion of Part 2 of the Annual Report. These guidelines should be focused to ensure that a minimum level of consistency is achieved without being overly prescriptive.

141. In relation to a process for monitoring, reviewing and reporting on compliance with the Convention and the decisions of the Commission, including a proposed process for determining appropriate action in the event of non-compliance, the Commission endorsed TCC2's recommendation that the revised Figure 1 (process and structure for monitoring compliance by CCMs and the application by non-CCM fishing vessels of conservation and management measures, Attachment L) be adopted as the Commission's procedures for monitoring and assessing compliance by CCM fishing vessels with the Commission's CMMs. Tonga, on behalf of FFA members, noted that future work for the TCC will be to develop rules and procedures for developing sanctions and mechanisms for applying such sanctions.

8.2 Response to Conservation and Management Measures

142. Mr Turaganivalu presented TCC2's response to requests for advice from the Commission on technical matters associated with the implementation of existing CMMs, namely authorization to fish, Commission VMS, Regional Observer Programme, High Seas Boarding and Inspection Procedures, port State measures, transshipment monitoring, charter arrangements scheme, options for catch and trade documentation with a focus on bigeye tuna, and IUU vessel lists.

143. While the issue of authorization to fish focused on the application of CMM-2004-01 whereby carrier and bunker vessels flagged to non-CCMs cannot be licensed by CCMs, the Commission agreed with the TCC2 recommendation that strict regulations be placed on identified carriers and bunkers flagged to non-CCMs operating in the Convention Area during a one-year phase-out period.

144. The Commission agreed that the following regulations shall be applied to such carriers and bunkers during that one-year period:

- a. only bunkers and carriers identified to the Commission by CCMs can operate in the Convention Area;
- b. the Secretariat shall maintain a temporary register of carriers and bunkers identified by the Commission to whom the exemption from paragraph A(1)(c) of the CMM-2004-01 shall apply;
- c. these identified carriers and bunkers shall comply with all other CMMs adopted by the Commission;

- d. additional carriers and bunkers may be added to this temporary register during the one-year period. Any further vessels that are added shall also be subject to the above regulations;
- e. vessels identified as engaged in IUU activities by other RFMOs cannot be entered on the temporary register; and
- f. taking into account concerns that some developed CCMs may be using open registries to circumvent conservation and management measures and thereby expand capacity, the TCC shall further consider issues surrounding beneficial ownership and control of carriers and bunkers listed on the temporary register.

145. On the issue of the Commission VMS, the Commission endorsed TCC2's advice and recommendations that the Commission should:

- a. develop a stand-alone VMS with the added capability of accepting VMS data forwarded from the FFA VMS. Vessels operating on the high seas in the Convention Area, and which are required to report VMS data to the Commission, will have the option to report those data via the FFA VMS; and
- b. adopt draft minimum automatic location communicator (ALC) standards.

146. The Commission considered a draft CMM on the Commission VMS (WCPFC3-2006/28) prepared by the Secretariat, which includes draft minimum ALC standards as an annex.

147. Canada, as Chair of the small group of CCMs that met on this issue, tabled a revised draft CMM on the Commission VMS (WCPFC3-2006/30 Rev.2) to cater for the strong and divergent views on the timing of implementation and the area of coverage.

148. The Commission adopted this Conservation and Management Measure for the Commission VMS (Attachment M).

149. On the issue of the Regional Observer Programme (ROP), the Commission endorsed TCC2's recommendations that:

- a. an inter-sessional working group (IWG-ROP) be established to expedite further development of the ROP, in conjunction with the employment of an Observer Programme Coordinator (OPC) by the Secretariat; and
- b. the Commission task TCC3 with developing a Conservation and Management Measure for the establishment of the ROP.

150. A proposal developed by FFA members in consultation with other CCMs — entitled "Conservation and Management Measure for the Regional Observer Programme" (WCPFC3-2006/DP5, Rev.1) — to advance action on the issue of the ROP was tabled for adoption. The Commission adopted this proposal (Attachment N), noting that the proposed IWG-ROP should be convened as early as practical in 2007.

151. On the issue of high seas boarding and inspection, the Philippines noted that the draft prescribes the use of force in cases of failure to allow boarding of inspectors. The Philippines maintained that the remedial action for obstructing inspectors to execute their duties should not be the use of force but that which is similar to the refusal to allow boarding of inspectors as provided for in paragraphs 25 and 26 of the procedure. The Philippines also sought clarification on the use of the term "serious violations", which might imply that there exist less serious violations. The Philippines noted the need for clarification on what violations under paragraph 36 of the procedures would graduate into "serious violations".

152. The EU stated that both it and its member states shall refrain from the threat or use of force, in accordance with the general principles of international law, the United Nations Charter and the United Nations Convention on the Law of the Sea. In addition, the EU and its member States underline that the use of force, as referred to in article 27 and 28, constitutes an exceptional measure that must be based upon strict compliance with the principle of proportionality, and that any abuse thereof shall imply the international liability of the inspecting State. Any case of non-compliance shall be resolved by peaceful means and in accordance with the applicable dispute settlement procedures.

153. Korea stated that boarding and inspection on the high seas should primarily be targeted at ensuring and promoting compliance with CMMs in force and with the applicable rules of international law. It also believes that boarding and inspection should not interfere unduly with normal and lawful fishing activities, nor prejudice the safety of the fishing vessel and its crew. As such, Korea emphasized that boarding and inspection should be carried out in a safe and efficient manner where there are clear or reasonable grounds to suspect that the target vessel is engaged in IUU fishing activities.

154. China noted the need for more detailed information on the implementation of the procedures, (e.g. advice to fishermen of their obligations, and of the obligations of flag States and inspecting States under these procedures).

155. The Commission requested that the Executive Director begin developing the information necessary for the implementation of the Boarding and Inspection Procedures as provided for in paragraphs 11 through 18 and paragraph 20 of the Procedures, and agreed that boarding and inspection operations pursuant to the procedures would be authorized to begin 60 days after the circulation to CCMs by the Executive Director of the register of authorized inspection vessels in accordance with paragraph 17. In particular, WCPFC3 requested the Executive Director, in consultation with CCMs, to make arrangements for the design of the WCPFC Inspection Flag (paragraph 18), the approved identity card (paragraph 19), and the preparation of the multi-language questionnaire (paragraph 21).

156. The Commission adopted the "Western and Central Pacific Fisheries Commission High Seas Boarding and Inspection Procedures" (Attachment O).

157. In relation to port State measures, the Commission endorsed TCC2's request that all CCMs provide outstanding information on existing port State and/or port inspection schemes to the Secretariat by 1 February 2007 to allow the Secretariat to undertake a gaps analysis for existing measures relative to the FAO Guidelines and to develop draft harmonized port State standards to be discussed at TCC3.

158. New Zealand, on behalf of FFA members, stressed that the harmonized port State standards to be developed must not undermine a port State's sovereignty, and that they should only seek to set out minimum standards to be adopted in port. Such standards would not preclude a CCM from adopting more stringent national measures. In essence, the Commission's scheme would become a code for WCPFC port States, ensuring that harmonized and consistent standards are being utilized within the WCPFC. Strengthened port State measures will seriously hinder those who seek to engage in IUU fishing in the WCPF Convention Area, both in areas under national jurisdiction and on the high seas.

159. On the issue of transshipment, the Commission:

- a. agreed that interested CCMs collaborate with the Secretariat to prepare a draft proposal on transshipment for consideration at TCC3; and

- b. endorsed TCC2's recommendation to extend, for a further 12 months, a 12-month exemption to the Philippines and FFA members regarding existing at-sea transshipment activities until transshipment guidelines are adopted at WCPFC4.

160. Palau, on behalf of FFA members, stated that, in accordance with Article 29(3) of the Convention, the focus of future efforts with respect to the development of transshipment procedures should be verification; that is, obtaining and verifying data on the quantity and species transshipped, both in port and at sea, and verifying when transshipment has been completed.

161. In relation to IUU vessel lists, a proposal developed by the EU, with the assistance of other CCMs, was tabled for adoption. It is entitled "Proposal for a Conservation and Management Measure to establish a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the western and central Pacific Ocean" (WCPFC3-2006/DP14 Rev.2).

162. The US stated its desire to ensure that the flag state of a vessel charged with violations be able to provide input to the process prior to any decision to place the vessel on an IUU list. It further stated that these provisions should be amended as needed, a view shared by other CCMs.

163. Following clarification to a query from FFA members to ensure any measure adopted by the Commission is consistent with the International Plan of Action (IPOA) to Combat IUU Fishing, the Commission adopted the "Conservation and Management Measure to Establish a List of Vessels Presumed to have Carried Out Illegal, Unreported and Unregulated Fishing in the Western and Central Pacific Ocean" (Attachment P).

164. FFA States presented a proposal to the Commission to adopt a Catch Documentation Scheme (CDS) (WCPFC3-2006/DP07 Rev.1). The EC subsequently further elaborated this proposal (WCPFC3-2006/DP33) and Japan presented a proposal for the Commission to consider the adoption of a Statistical Document Program (SDP) (WCPFC3-2006/DP17). On the issue of options for a documentation scheme covering all catch, as called for at WCPFC2, the Chair noted that although there was no consensus among CCMs for a CDS, there was a general feeling that times have moved on and that statistical information schemes had proven to be insufficient in covering all areas of concern. Japan, supported by some CCMs, did not support this view stating that the WCPFC is the only RFMO without an SDP for bigeye tuna and that an SDP was critical for the effective implementation of other compliance measures such as the IUU List. Japan also stated that it believed that a SDP would be less onerous than a complicated CDS that could prove difficult to implement for many CCMs. Other CCMs were of the opinion that a catch document scheme was necessary to ensure the recording of all fish caught and traded.

165. The Commission agreed that interested CCMs would continue their dialogue on this matter inter-sessionally and that the matter would be taken up again at the next meeting of the TCC for subsequent consideration by WCPFC4.

8.3 Advice and recommendations from the Second Regular Session of the Technical and Compliance Committee to the Commission

166. Mr Turaganivalu presented advice and recommendations from TCC2 on issues associated with:

- a. catch mitigation measures for juvenile bigeye and yellowfin tuna taken around FADs (CMM-2005-01, para. 2, 11, 13 and 15);

- b. mitigation measures for the incidental catch of seabirds (Resolution-2005-01, para.4); and
- c. the use of circle hook gear technology in longline fisheries as part of turtle bycatch mitigation measures (Resolution-2005-01, para.6 and 12).

167. The Commission took into account the advice and recommendations of TCC2 in the formulation of the decisions of WCPFC3 on these issues.

8.4 Technical and Compliance Committee work programme for 2007

168. In accordance with Article 14 of the Convention, Mr Turaganivalu presented a draft work programme and budget for 2007 (including an indicative budget for 2008) for the TCC for consideration in the formulation of the Commission's 2007 work programme and budget.

169. Niue, on behalf of FFA members, proposed that the TCC should be requested to prepare a more detailed five-year work plan, setting out a timeline for completion of key tasks in the Committee's work programme. Such a work plan should accompany future budgets.

170. The Commission noted that the Third Regular Session of the TCC will convene from 27 September–2 October 2007 in Pohnpei, Federated States of Micronesia.

171. The Commission noted the report of the Second Regular Session of the Technical and Compliance Committee.

172. On behalf of the Commission, the Chair thanked Mr Turaganivalu for his excellent work as TCC Chair for the past two years.

AGENDA ITEM 9 — ANNUAL REPORT ON THE WORK OF THE COMMISSION

173. In accordance with Rule of Procedure 13, the Executive Director provided his Annual Report on the work of the Commission for 2006 in WCPFC3-2006/10. During 2006 the work of the Commission included monitoring progress with implementation of Conservation and Management Measures and Resolutions adopted at WCPFC2, implementing the programme of work approved at WCPFC2, convening the Second Regular Sessions of the Commission's subsidiary bodies, engagement and consultation with other organisations, and establishing logistic and administrative support functions at the office of the Secretariat in Pohnpei, Federated States of Micronesia.

174. The Commission noted the Executive Director's Annual Report on the work of the Commission in 2006.

AGENDA ITEM 10 — ADMINISTRATIVE ISSUES

175. Following an overview of papers WCPFC3-2006/17–22 and WCPFC3-2006/26 by the Secretariat, the Commission deferred plenary discussion of this agenda item pending consideration of agenda items 5.4; 8.4; 10.1; 10.2; 10.3; 10.4; and 13 by an Ad-Hoc Working Group on Finance and Administration. Mr Tapusalaia Terry Toomata of Samoa and Mr Jae Sung Lee of Korea were appointed joint chairs of this working group.

176. The Ad-hoc Working Group's summary report and recommendations were presented to the Commission by the co-chairs (Attachment Q).

177. In considering the Ad-hoc Working Group's report, concern was expressed by some CCMs about the use of part of the Working Capital Fund to finance a proportion of the core budget. Canada, supported by several CCMs, requested that in future cases where a CCM has

a concern about a proposed budget, and in order to facilitate the work of the Finance and Administration Committee, 30 days notice should be given to the Secretariat regarding this concern.

178. French Polynesia indicated that it may be able to make a voluntary contribution to the 2007 budget.

179. The EU stated that the budget means nothing if CCMs do not pay their contributions and urged CCMs to fulfill this obligation.

180. France requested that in the future, consideration be given to adjusting its assessed contributions to take into account its membership in two RFMOs with overlapping areas of application.

181. The Commission adopted the recommendations contained in the summary report of the Ad-hoc Working Group to the Commission and a budget of USD 3,006,258 was agreed on for 2007. Among those recommendations was that the Commission establish a standing Finance and Administration Committee to meet at the annual session to provide advice and recommendations to the Commission on matters related to the budget, finance and administration of the Commission. The 2007 budget, 2008 indicative budget, financing table and the 2007 contributions table are respectively set out in Annexes I, II and III of Attachment Q.

182. While it did not have an opportunity to consider it in detail, the Commission noted the Chair's Draft Programme of Work/Conservation Measures and Strategies (WCPFC3-2006/IP09) as a reference for future discussion regarding a strategy for prioritizing the work of the Commission for the period 2007–2011 (Attachment R). A medium to long-term strategic plan for the progressive development and implementation of the Commission's work required further elaboration with input from the Commission's three subsidiary bodies. The Secretariat was tasked with progressing this during 2007 together with the further development of a business plan to guide the role of Secretariat.

10.1 Venue and dates for next meeting

183. The Third Regular Session of the Scientific Committee will meet from 13–24 August 2007 at Honolulu, Hawaii. The Third Regular Session of the Northern Committee will meet from 11 to 13 September at Tokyo, Japan. The Third Regular Session of the Technical and Compliance Committee will meet from 27 September–3 October 2007 in Pohnpei, Federated States of Micronesia. The Fourth Regular Session of the Commission will take place from 3–7 December 2007 in Pohnpei, Federated States of Micronesia.

AGENDA ITEM 11 — SPECIAL REQUIREMENTS OF DEVELOPING STATES

184. Following clarification several queries from Japan concerning the application of the Special Requirements Fund to the private sector, WCPFC3 adopted guidelines for capacity building among developing States using the Special Requirements Fund that had been prepared by the Secretariat for consideration at WCPFC2 and subsequently refined by FFA members during 2006 (WCPFC3-2006/DP22 Rev.1).

AGENDA ITEM 12 — COOPERATION WITH OTHER ORGANIZATIONS

185. The Executive Director presented WCPFC-2006/25, which describes progress during 2006 in establishing and maintaining relationships with other RFMOs and regional organizations, particularly those with related objectives and which can contribute to the

attainment of the Convention's objectives. As part this presentation, the Executive Director announced that the MOU between the WCPFC and IATTC was signed on 15 December 2006, that the arrangement with SPC's Oceanic Fisheries Programme was being implemented effectively, and that additional work would be required in 2007 to initiate new formal arrangements with the Indian Ocean Tuna Commission, the Commission for the Conservation of Antarctic Marine Living Resources, the Secretariat of the Pacific Regional Environment Programme and the Agreement for the Conservation of Albatross and Petrels.

186. France noted the importance of formalizing the arrangement with IATTC as French Polynesia is a member of both the WCPFC and IATTC and its territorial waters are in the Convention Area of both organizations.

187. The Commission noted the Executive Director's report on cooperation with other organizations and endorsed the signing of the MoU with the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC).

AGENDA ITEM 13 — WORK PROGRAMME AND BUDGET FOR 2007 AND INDICATIVE WORK PROGRAMME AND BUDGET FOR 2008

188. This item was dealt with concurrently with Agenda Item 10.

AGENDA ITEM 14 — ELECTION OF OFFICERS

189. The Executive Director chaired a session to consider nominations for the positions of WCPFC Chair, WCPFC Vice Chair, TCC Chair, TCC Vice Chair and SC Vice Chair.

190. The Commission elected the following as WCPFC officers:

- a. WCPFC Chair – Mr Glenn Hurry (Australia)
- b. WCPFC Vice Chair – Mr Liu Xiaobing (China)
- c. TCC Chair – Mr Feleti Teo (Tuvalu)
- d. TCC Vice Chair – Mr Wendell Sanford (Canada)

191. Because no suitable candidate for the position of SC Vice Chair was available, New Zealand stated that Dr Shelton Harley could continue to serve in this role on the understanding that a suitable candidate would be available in the coming months. This offer was gratefully received by the Commission.

AGENDA ITEM 15 — OTHER MATTERS

15.1 Joint meeting of tuna RFMOs

192. Japan provided details of a meeting of tuna RFMOs scheduled to take place in Kobe, Japan from 22–26 January 2007.

193. Vanuatu, on behalf of FFA members, thanked Japan for making available funding to support the participation at this meeting of Pacific Island States. FFA members proposed the following areas for discussion at the meeting:

- a. harmonization of vessel records between RFMOs;
- b. coordination of VMS between RFMOs;

- c. harmonization of vessel markings between tuna RFMOs;
- d. catch documentation schemes and other information schemes;
- e. consideration of the work of the High Seas Task Force on IUU Fishing; and
- f. improved controls at a global level of bunker and carrier vessels as a deterrent to IUU fishing.

15.2 Informal Convention Area map

194. Korea expressed concerns regarding a map depicting the Convention Area, which was distributed during WCPFC3. Korea noted that the map does not accurately illustrate maritime boundaries in the Convention Area. Korea requested that this map not be further distributed. Korea also stated that since maps or any other illustrations reflecting the WCPFC Area of Application may be critical in the future stages of the Commission's work, the Commission, its subsidiary bodies, and the Secretariat should exercise caution in producing and distributing maps or other illustrations. Chinese Taipei expressed the same concern suggesting that a footnote indicating that the maritime boundaries of the EEZs of individual members may not represent their actual delimitation be included in future maps to clear any misunderstanding.

195. The Executive Director advised that the map, and as identified in the footnote, was intended to display approximate boundaries only. He advised that CCMs will be consulted prior to the preparation of similar material in future.

15.3 Venue for WCPFC5

196. The Commission gratefully accepted Korea's offer to host the 2008 WCPFC Regular Session of the Commission.

AGENDA ITEM 16 — CLOSE OF MEETING

197. The meeting closed at 9.00 pm on Friday, 15 December 2006.



**Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

Third Regular Session

**11–15 December 2006
Apia, Samoa**

**SPEECH BY THE PRIME MINISTER OF SAMOA
HON. TUILAEPA SAILELE MALIELEGAOI**

Reverend Utufua Naseri
Honourable Ministers
Heads of Delegation
Delegates
Observers
NGO Representatives
Distinguished Guests,

It gives me great pleasure to address you today at the opening of this Third Session of the Pacific Tuna Commission.

I understand that this session of the Commission is the first time the Commission has met outside of its headquarters. I would like to thank the Commission Members for accepting Samoa's offer to host your meeting. We are delighted to have you as our guests and I extend to all the delegates and especially those from outside the Pacific region, and those who are here for the first time, a very warm welcome to Samoa.

The festive season is upon us and rather than being a distraction, I hope the Christmas spirit of care and giving will help your discussions of key issues on the sustainability of the tuna industry and species in our Pacific region.

The fisheries resources represent the most significant natural resource for all Pacific countries who share this vast ocean. It is a resource that has provided sustenance in the past and continues to do so today. The economies of many Pacific countries rely heavily on fish and fish products.

While development and technology have led to modern methods of fisheries, including domestic longline fishery, in some of the Pacific Island countries like Samoa, many Pacific Islanders still continue to use traditional ways of fishing. I hope that delegates, particularly from the distant water fishing nations, were able to see examples of how our people have traditionally fished using canoes, fishing lines, and spears during your weekend field trip to the eastern end of this island, Upolu. More importantly, I hope that you came away with an impression of why the sea and fisheries resources are so crucial to food security for the Pacific Islands and our way of life.

The Pacific Leaders at the annual Forum and in the Pacific Plan have given high level priority to fisheries issues and development, under scoping the importance of fish resources to the economies and societies of the Pacific countries.

The Pacific Leaders Forum has emphasized the importance to Pacific Islands of maximizing economic benefits from their fisheries resources and to do this in a sustainable way. Indeed, the Forum has made very clear its opposition to destructive forms of fishing in the region, such as bottom sea trawling.

Around 50% of the global production of the main market tuna species comes from this region. Around 2 billion dollars worth of tuna is fished annually by fishing boats from the Western and Central Pacific. How can the Pacific Islands get a sizable share of that revenue?

The approach by Pacific countries to fishery has inevitably come up against the challenges of fishery WCPFC globalization, restrictive trade and bilateral access arrangements, rising fuel prices, fluctuating tuna market prices and additional security requirements brought about by the 9/11 terrorist act attacks.

There are also the adverse impacts of climate change and environmental on fishery, the overcapacity of fishing fleets contributing to unregulated and illegal fishing, which have seen tuna fisheries resources in other parts of the world depleted.

While there are claims that Pacific tuna stocks are among the healthiest in the world and is apparently the last, with room still for higher sustainable yields, the tuna stocks in the region have never really in the past, been challenged by the threat of over fishing. But this, very dangerous threat exists now and everyone involved in the commission and in the tuna industry must act responsibly.

Scientific evidence on the status of Western and Central Pacific Ocean tuna stocks suggest that big eye and yellow fin tuna are the most vulnerable and are now overfished. Annual catches for the previous decade averaged around 1.6 million tonnes. Since 1990, the estimated total catch has increased by nearly 50%, with the 2004 catch of 2.022 million tonnes being the highest ever recorded.

The unregulated growth in the number of large-scale, high technology fishing vessels in the world's fishing fleet is a major cause of overfishing and the current crisis. Industrial scale fishing fleets account for only 1% of fishing vessels world wide but they take more than half the global catch of 80–90 million tonnes per year.

What these findings tell us is that complacency would be a grave error. The Pacific, and for that matter the world, cannot afford a repeat of the mistakes of other regions where fish stocks have collapsed.

Unless this Commission takes urgent remedial measures to control fishing in our waters, we could lose this most valuable resource in the not too distant future. Hard decisions therefore need to be made if we are to make progress and give fruitful meaning to the principal objective of the WCPFC Tuna Convention, which is to ensure the long-term conservation and

sustainable use of highly migratory fish stocks in the Western and Central Pacific. Wherever threats to the stocks and environment are identified, and whenever there is a high scientific uncertainty regarding the effects of an activity on the natural environment, we should constrain such activity until proof is obtained. After all, the resource belongs to all of us, and not the fishing industry.

There is an urgent need to develop a comprehensive package for monitoring and controlling. FFA members like Samoa are taking appropriate measures for their EEZs and therefore the Commission must adopt compatible measures for the high seas. IUU fishing (illegal, unreported, and unregulated) in the high seas and in the Convention Area, continue to threaten and undermine fisheries conservation and management efforts by both national fisheries administrations and regional fisheries organizations like FFA.

Much of the success of the measures you adopt will depend on the commitment of all parties, especially the fishing industry, and in particular, our ability to implement sound measures that make a positive difference in the conservation and management of the resource for future generations. It is one thing to come up with measures, it is another to be able to implement, monitor, and enforce them effectively.

In putting in place appropriate management and conservation measures, the Commission should recognize the sovereign rights of coastal States and, as I alluded to earlier, the economic importance of the tuna resource to small island States and territories. The Convention is also clear in stating that small island developing States must not bear a disproportionate burden of conservation measures, or measures that could impede on their economic development.

Our experience in Samoa reveals the many challenges and constraints faced by small island countries in trying to develop their domestic industry. Despite being a sea locked country and with the smallest EEZ in the region, the resilience of our domestic longline operators and the proximity of the canneries in American Samoa, has been an advantage for us. At present, Samoa is one of six FFA countries that do not have bilateral access agreements with any of the fishing states. On the financial and conservation side, it is a situation that works well for us. For we get to manage and harvest the resources ourselves in a sustainable manner without the added pressures faced by other Pacific coastal states with much larger zones and an increasing capacity of foreign fishing vessels and IUU fishing.

In conclusion, let me state again: do not repeat the mistakes of other regions. It is important that your discussions during this session and future sessions should be guided by vision and wisdom. For if there is no vision, the fish will surely perish.

I wish you well all in your deliberations and I am confident that much progress will be made during your meeting. Before you return home, I hope you will have sufficient time to look around Samoa.

Thank you.

SOIFUA



**Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

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WCPFC CHAIR'S OPENING REMARKS

Prime Minister (Tuila'epa Sailele Malieligaoi), Ministers, Reverend, members of the APIA diplomatic community, representative of international organizations, distinguished delegates, observers, ladies and gentlemen.

Good morning; it is a pleasure to see you all again, particularly here at this great venue at the National University of Samoa.

During our time as the WCPFC we have been honored at the beginning of each meeting with an opening address by a head of state. Not only have you, Prime Minister, and your counterpart in the Federated States of Micronesia, President Joseph Urusemal, taken the time to open each session of the WCPFC's annual meeting, but you have in your wisdom, explained to us the importance of the fish stocks in the Pacific to the Pacific Island nations and have provided us with guidance on the importance of the proper management of these fish stocks.

This message was reinforced by the Forum Leaders at their annual meeting in Fiji this year when they noted their concern with the sustainability of Pacific Ocean fish stocks.

The Prime Minister this morning in his address has reinforced these fundamental messages for all of us and I will be encouraging you to observe the wisdom and implement the messages in the decisions that we take at this meeting. This is in many ways a watershed meeting for this Commission as we must commit to implementing the tools that are necessary to allow us to effectively manage the tuna stocks of the Western and Central Pacific Ocean in the longer term. We must also deal with the advice of the Scientific Committee that indicates overfishing on the key stocks of bigeye tuna and yellowfin tuna. There are times when talking is not enough and issues can no longer be held over for the next meeting. This is one of those times we need decisions and we need good ones....I look forward to your commitment and cooperation during this week.

Prime Minister, the members of the WCPFC owe you and your people here in Samoa a number of thanks. Firstly, on behalf of all of us, a personal thank you to you for taking the time to address our meeting here today and for the guidance you have provided to the meeting.

Secondly, can we thank the staff of your government agencies, particularly the staff from the Department of Foreign Affairs and Agriculture Forestry and Fisheries and the staff here at the National University of Samoa for all of the effort that has gone into the organization for this meeting.....and then on behalf of all of us can we thank sincerely the people of Samoa for making us welcome here in Apia.

Prime Minister, thanks again and we look forward to seeing you tonight. No doubt your officials will keep you informed as to whether we are making a decent job of managing these fish throughout this week of this meeting.

We will now break for half an hour and then reconvene. Thank you.

Chairman



**Commission for the Conservation and Management of
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**Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

Third Regular Session

**11–15 December 2006
Apia, Samoa**

**CONSERVATION AND MANAGEMENT MEASURES
FOR BIGEYE AND YELLOWFIN TUNA
IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

Conservation and Management Measure 2006-01

The Western and Central Pacific Fisheries Commission (WCPFC):

Recalling the resolutions adopted at the fourth session of the MHLC and the third session of the PrepCon in November 2002 in which participants *inter alia* urged all states and other fishing entities concerned to exercise reasonable constraint in respect of any regional expansion of fishing effort and capacity.

Recognizing that the Scientific Committee has recommended reductions in fishing mortality in order to maintain the bigeye and yellowfin stocks at levels capable of producing the maximum sustainable yield;

Recalling that the Commission at its second regular session in December 2005 adopted a conservation measure for bigeye and yellowfin tuna and agreed to review annually the measure (2005-01).

Further recalling that the Commission requested the Scientific Committee to review the catch of bigeye and yellowfin in other commercial fisheries in the Convention Area and provide advice to the Commission so that conservation and management measures can be developed;

Recalling Article 8 (4) of the Convention that obliges the Commission to pay special attention to the high seas in the convention Area that are surrounded by exclusive economic zones.

Adopts, in accordance with the Article 10 of the WCPFC Convention the following provisions to be read as part of WCPFC Conservation and Management Measure 2005-01:

Other Commercial Tuna Fisheries¹

1. Beginning in 2007, CCMs shall take necessary measures to ensure that the total capacity of their respective other commercial tuna fisheries for bigeye and yellowfin tuna, including purse-seining that occurs 20⁰ north and 20⁰ south, but excluding artisanal fisheries and those fisheries taking less than 2000 tonnes of bigeye and yellowfin, do not exceed the average level for the period 2001–2004 or 2004.
2. CCMs whose vessels operate in other commercial tuna fisheries for bigeye and yellowfin tuna in the Convention area will provide the Commission with complete and accurate data relating to the catch of these vessels.

Purse Seine Fishery²

3. Beginning in 2007, CCMs shall take necessary measures to ensure that the level of purse seine fishing effort by their vessels in areas of the high seas does not exceed 2004 levels or the average of 2001–2004.
4. CCMs whose vessels fish in areas beyond national jurisdiction shall develop management plans for the use of FADs (anchored and drifting) in areas beyond national jurisdiction which shall be submitted to the Commission by 1 January 2008.
5. Management plans for the use of FADs shall include strategies to limit the interaction with juvenile bigeye and yellowfin tuna.
6. Recognizing the urgent need to reduce fishing mortality of juvenile bigeye and yellowfin tuna from fishing on FADs, the Commission will adopt a measure at its next session to reduce juvenile bigeye and yellowfin mortalities from fishing effort on FADs, taking into account any existing measures.
7. The Commission asks the CCMs to urgently collaborate on research to reduce fishing mortality of juvenile bigeye and yellowfin from fishing on FADs. This research should include collaboration with industry to explore technical and industry based solution to the FAD closures, identify areas with high concentrations of juvenile bigeye and yellowfin tuna, consider areas of closure and determine a regime for observer coverage and reporting for adoption at the next session of the Commission.
8. This research should be coordinated by the Secretariat of the WCPFC and the TCC and Scientific Committee chairs and representatives of industry organisations³.

Catch retention

¹ “Other commercial fisheries” are those fisheries not addressed in CMM 2005-01 (i.e. fisheries other than longline) and tropical (20°N–20°S) purse seine. These include: hand-line, pole and line, purse seine fisheries north of 20°N or south of 20°S, ring-net, troll and unclassified fisheries.

² Paragraphs 3 to 9 below apply between 20°N and 20°S.

³ The meeting noted that much of the information on concentrations of juvenile bigeye could be found in the “closures paper” prepared for the meeting by the Executive Director or in the long-term records of the SPC.

9. Prior to the 2007 session of the Technical and Compliance Committee, each CCM with purse seine vessels fishing in the Convention Area shall develop and provide to the Executive Director plans to require all purse seine vessels to retain on board and then land all skipjack, yellowfin and bigeye tuna, except for fish unfit for human consumption for reasons other than size, including provisions outlining how such requirement would be implemented and enforced. The TCC will review such plans and make a recommendation to the Commission with respect to the adoption of such a measure at WCPFC4.

Port Controls

10. Each CCM shall prohibit landings, transshipment and commercial transactions in tuna and tuna products that are positively identified as originating from fishing activities that contravene any element of the Commission's conservation and management measures.



**Commission for the Conservation and Management of
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Apia, Samoa

**STATEMENT BY TUVALU ON ITS PROPOSAL IN RELATION TO THE
OVERCAPACITY RESOLUTION (AGENDA ITEM 7.1[II] "REVIEW OF EXISTING
MEASURES")**

Mr Chairman, distinguished delegates.

1. As I mentioned previously, Tuvalu has a proposal for a decision by the Commission in relation to the application of paragraph 2 of the Commission Resolution on the Reduction of Overcapacity; Resolution 2 of 2005.
2. Our proposal was given to the Commission Secretariat on Friday, 8 December 2006, and I hope delegations would have received copies of it by now from the Secretariat.
3. Before I introduce and explain the purpose and design of the proposed draft decision, let me initially apologize for the late submission of this proposal. Although the Commission Rules of Procedures allow for the submission of proposals a day before the meeting; my delegation is cognizant of the indication of good faith by Commission Members in their earlier decision agreeing to ensure that all proposals must be submitted 30 days before the meeting. My delegation supports the notion that all efforts must be made to circulate proposals at least 30 days before the meeting, so that Members would have adequate time to consider them.
4. However, I feel that there must be some element of flexibility and allowance made for proposals to be submitted in accordance with the strict provisions of the Rules of Procedures despite the Commission's earlier decision on a longer notice, under these circumstances. Firstly, the subject matter of the proposal warrants urgent consideration and resolution because any further delay would result in severe financial or economic implications. And secondly, the circumstances giving rise to the proposal only recently came to the attention of the Commission Member making the proposal.
5. Mr Chairman, the circumstances that prompted Tuvalu to make this proposal were recently brought to the attention of the Tuvaluan government after the government recently concluded and executed a joint venture arrangement with one of its development partners in

pursuit of Tuvalu's efforts to develop its tuna fisheries. The consequences of not seeking to remedy the situation we currently encountered, I regret to note, would have severe financial and economic repercussions on our already strained economy.

7. It is against that background that we had no choice but to invoke rule 20 of the Rules of Procedures of the Commission to table this proposal and a copy of the proposal was handed to the Executive Director within the time limit imposed by that provision of the Rules of Procedures.

8. So I would like to seek your indulgence in allowing my delegation to introduce our proposal in relation to the implementation of the Resolution on the Reduction of Overcapacity that was adopted by the Commission at its last meeting in Pohnpei in December of last year.

9. Our situation is briefly that, Tuvalu has entered into a joint venture arrangement with a company from one of our development partners that is also a Commission Member. The joint venture facilitates the purchase of a purse-seine vessel to be owned by a Tuvalu locally based company. In that respect, the government of Tuvalu has already paid its share of a couple of million dollars as its contribution to the construction of the vessel.

10. However, after the joint venture has been concluded, signed and Tuvalu paid up its share, we were advised that the vessel cannot be built because of certain restrictions imposed on the granting of permission for the exportation of fishing vessels in that Commission Member. After several inquiries, it is our understanding that those restrictions were adopted by the Commission member concerned as part of its internal measures to give effect or implement the Resolution on Reduction of Overcapacity of the Commission and other similarly worded management measures of other Regional Fisheries Management Organisations.

11. Mr Chairman, in bringing this matter to the attention of the Commission, we are not for one moment challenging the competence of developed Commission Members to adopt internal measures to fulfill their obligations to implement those Commission measures. What we are simply asking through this proposal is that for developed CCMs in implementing the Commission measures and in this particular case the Overcapacity Resolution, to also have respect to the genuine and legitimate aspirations and efforts of small island developing States to develop their own domestic tuna fisheries and industry.

12. Commission Members would acknowledge that right through out the various measures and resolutions the Commission adopted; there is a consistent attempt to safeguard the legitimate efforts of small island developing states to develop their domestic fishery.

13. Under the overcapacity resolution, paragraph 2 expressly states that the resolution shall be "implemented to ensure no adverse effect is given to processing and transshipment facilities and associated vessels of developing island coastal states and territories, and would not affect investment that has occurred legally in FFA member countries".

14. In light of our experience, and I know other FFA members also have similar or even more serious experiences, Tuvalu is of the view that the actions of the developed Commission Members concerned are clearly in breach of paragraph 2 of the overcapacity resolution. They are so, because their actions to implement the resolution and similar management measures of other RFMO, in this case placing restrictions on the granting of permissions to export fishing vessels, have resulted in significant delays to Tuvalu's effort to secure a purse seine vessel, as part of its legitimate efforts to develop its domestic tuna fisheries. In addition, Tuvalu has incurred significant financial expenses in a genuine development venture that is now been stalled because of these restrictions.

15. So Mr Chairman and distinguished delegates, Tuvalu brings this matter to the attention of the Commission and tables a proposal to seek a decision by the Commission to ensure that the application of the overcapacity resolution do not adversely affect the genuine and legitimate efforts of small islands developing States to develop their own domestic tuna fisheries and industry.

16. The Tuvalu's proposal is currently formulated as a propose resolution but we are amenable to other suggestions and proposals as to the form of the decision, provided the key objectives and purposes of our proposal are equally achieved.

17. Our proposal has two operative provisions or paragraphs. The first paragraph requires developed CCMs to ensure that any of their policy or law that prohibit the building and exportation of purse seine vessels shall not apply to vessels earmarked to be part of the domestic fleet of small island developing member States of the Commission.

18. The second paragraph attempts to provide conditions designed to define the genuine link between the purse-seine vessel and the legitimate development of the domestic tuna industry of the small island member State of concern. These conditions are also designed to ensure that there is no disguise transfer of fishing capacity of developed CCMs under the auspices of development aspirations of small islands developing States.

19. These conditions relate to the ownership of the vessel, the investment record of beneficial owners in the small island developing States, and the requirement that the vessel will not be transferred to beneficial owners who are nationals of developed CCMs. These conditions hopefully clarify the genuine link between the vessel and the legitimate development aspirations of the small island developing States to develop their domestic tuna industry.

20. The other part of the proposed resolution is the preamble. There are three preambular paragraphs. The first is a restatement of the key obligation under the overcapacity resolution. The second relates to paragraph 2 of that resolution, which purported to safeguard the efforts of small island developing States to develop their domestic fishery. The third preambular paragraph recalls paragraph 6 of the Bigeye and Yellowfin Measure that also provides similar safeguards the interests of small islands developing states to develop their domestic fisheries.

21. Mr Chairman, sorry for taking up too much time on this but I owe it to the Commission to explain and justify why we are invoking rule 20 of the Rules of Procedures to table this proposal, despite the decision of the Commission for the 30-day notice requirement. I hope I have explained clearly the background against which we are bringing this proposal and the key objectives of the proposal.

22. My delegation certainly welcomes any improvements and comments on the substance and form of our proposal. I seek the Commission Members' understanding and cooperation in relation to our proposal.

23. I thank you Mr Chairman.

END



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**STATEMENT OF RMI TO WCPFC PLENARY ON ISSUE OF TUVALU
15 DECEMBER 2006
APIA SAMOA**

I realize the time concerns Mr Chairman so we'll endeavor to be as short as possible, but please allow me to state our position as best we can. Without going into the preamble and Art. 30 of the Convention, those principles underlie the basis of this statement.

[The preamble of the Convention states that contracting parties would recognize the need of small island developing States' need for specific assistance, including financial, scientific and technological, to allow us to participate effectively in the conservation, management and sustainable use of the highly migratory fish stocks.

Article 30 of Convention states that the Commission would give full recognition to the special requirements of, in particular the small island developing States parties, in relation to conservation and management of highly migratory fish in the Convention Area and development of fisheries for such stocks.

Article 30 (2) (c) specifically tasked the Commission to take into the account the need to ensure that conservation measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States.]

Mr Chairman, a genuine difficulty of a small island State was presented to the Commission seeking some form of resolution. Some Members of the Commission responded to the proposal with, empathizing with our predicament, but simply not indicating any support for

Commission action that would result in its effective resolution. Our special requirements as a small island developing State, to develop and increase our effective participation in our own fishery, has not been recognized. We strongly believe that full recognition to the special requirements of small island developing States has not occurred.

What is very disappointing is that Resolution 2005-02 is being read in such a way to justify the prevention of small island nation's capacity increase. Further, that a clear intention of the resolution to not affect adversely small island nations, has in our view simply been ignored. This experience is teaching us a valuable lesson. Maybe the next time that a proposed Commission Resolution includes in its language recognizing special needs of small-island developing States, we will certainly have some reservations and I'm sorry to say, a certain measure of cynicism towards it. We would therefore like to state the following for the record.

RMI believes that Resolution 2005-02 has not been implemented correctly in accordance with its own provisions. It has in fact been implemented in a way that is contrary to paragraph 2 of the Resolution, actually caused tremendous adverse affect to a less developed small island nation in the process of developing its fishing aspirations, legitimately and for the betterment of its people.

We cannot concede and allow conditions to be put on us, whereby we are required to reduce capacity equivalent to the purse-seine vessels that are being withheld, because we firmly believe that that requirement under resolution 2005-02 is applicable ONLY to developed CCMs. We supported Resolution 2005-02, like Tuvalu precisely because we were assured that it would not affect us.

Like Tuvalu, we negotiated and agreed to Resolution 2005-02 in good faith, and it is because of that that we are still very hopeful that the concerned CCMs will reassess the situation and accordingly follow the Resolution as we believe it was intended. We make this stand also because we hope that they will not implement it in a way that adversely affects small island nations' development aspirations, not only today but more importantly in the future.

Mr Chairman, finally we wish to indicate our full support and appreciation for any efforts you make with regards with certain eminent persons, or working with the FFA to develop a process and guidelines on the practical implementation of the resolution. We do understand the balance between the need to reduce capacity in the Convention Area, and the development aspirations of developing island State members.

In this instance we believe the balance has been struck quite unfairly to the disadvantage of all small island States that are developing and will be developing their ability to harvest their own fish stocks within their own waters, in an effort to increase the economic benefits from their fisheries.



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**CONSERVATION AND MANAGEMENT MEASURE TO MITIGATE THE IMPACT
OF FISHING FOR HIGHLY MIGRATORY FISH STOCKS ON SEABIRDS**

Conservation and Management Measure 2006-02

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

Concerned that some seabird species, notably albatrosses and petrels, are threatened with global extinction.

Noting advice from the Commission for the Conservation of Antarctic Marine Living Resources that together with illegal, unreported and unregulated fishing, the greatest threat to Southern Ocean seabirds is mortality in longline fisheries in waters adjacent to its Convention Area.

Noting scientific research into mitigation of seabird bycatch in surface longline fisheries has showed that the effectiveness of various measures varies greatly depending on the vessel type, season, and seabird species assemblage present.

Noting the advice of the Scientific Committee that combinations of mitigation measures are essential for effective reduction of seabird bycatch.

Resolves as follows:

1. Commission Members, Cooperating Non Members and participating Territories (CCMs) shall, to the extent possible, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline fisheries (IPOA-Seabirds) if they have not already done so.
2. CCMs shall report to the Commission on their implementation of the IPOA-Seabirds, including, as appropriate, the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries.

Adopts, in accordance with Article 5 (e) and 10(i)(c) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean the Commission the following measure to address seabird by-catch:

1. CCMs shall require their longline vessels to use at least two of the mitigation measures in Table 1, including at least one from Column A in areas south of 30°S and north of 23°N.

Table 1: Mitigation measures

Column A	Column B
Side setting with a bird curtain and weighted branch lines ⁴	Tori line ⁵
Night setting with minimum deck lighting	Weighted branch lines
Tori line	Blue-dyed bait
Weighted branch lines	Deep setting line shooter
	Underwater setting chute
	Management of offal discharge

2. In other areas, where necessary, CCMs are encouraged to employ one or more of the seabird mitigation measures listed in Table 1.
3. The Commission will at its 2007 Annual Meeting adopt minimum technical specifications for the mitigation measures, based on the advice and recommendations of SC3 and TCC3.
4. Guidelines for measures described in Column A, until future research suggests otherwise, are provided in Attachment 1.
5. Guidelines for technical specifications when applying mitigation measures in Column B are provided in Attachment 2.
6. For research and reporting purposes, CCMs that fish in the area south of 30°S and north of 23°N shall submit, to the Commission by 30 November 2007, the specifications of the mitigation measures listed in Columns A and B, that they will require their vessels to employ.
7. CCMs are encouraged to undertake research to further develop and refine measures to mitigate seabird bycatch including mitigation measures for use during the hauling process. Research should be undertaken in the fisheries and areas to which the measure will be used.
8. The SC and TCC will annually review any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes. Where necessary an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for areas of application will then be provided to the Commission for its consideration and review as appropriate.

⁴ This measure can only be applied in the area north of 23°N until research establishes the utility of this measure in waters south of 30°S. If using side setting with a bird curtain and weighted branch lines from column A this will be counted as two mitigation measures.

⁵ If tori line is selected from both column A and column B this equates to simultaneously using two (i.e. paired) tori lines.

9. CCMs are encouraged to adopt measures aimed at ensuring that seabirds captured alive during longlining are released alive and in as good condition as possible and that wherever possible hooks are removed without jeopardizing the life of the seabird concerned.

10. The inter-sessional working group for the regional observer programme (IWG-ROP) will take into account the need to obtain detailed information on seabird interactions to allow analysis of the effects of fisheries on seabirds and evaluation of the effectiveness of bycatch mitigation measures.

11. CCMs shall provide the Commission with all available information on interactions with seabirds, including bycatch and details of species, to enable the Scientific Committee to estimate seabird mortality in all fisheries to which the WCPF Convention applies.

12. Paragraph 1 of this Conservation and Management Measure shall be implemented by CCMs in the following manner:

- In areas south of 30°S, no later than 1 January 2008 in relation to large scale longline vessels of 24 meters or more in overall length and no later than 31 January 2009 in relation to smaller longline vessels of less than 24 meters in overall length. .
- In areas north of 23°N, and in relation to large scale longline vessels of 24 meters or more in overall length, no later than 30 June 2008.

13 CCMs shall as of 1 January 2007 initiate a process to ensure that vessels flying their flag will be able to comply with the provisions of paragraph 1 within the deadlines referred to in paragraph 12.

14. This Conservation and Management measure replaces Resolution 2005-01, which is hereby repealed.

Attachment 1: Guidelines for Column A mitigation measures

1. Tori lines

- Minimum length: 100 m
- Minimum aerial coverage: 90 m
- Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- Streamers must be less than 5 m apart and be using swivels.
- Streamers must be long enough so that they are as close to the water as possible.
- If the tori line is less than 150 m in length, it must have a drogue attached to the end that will create enough drag to meet the 90 m coverage requirement.

2. Side setting with bird curtain and weighted branch lines

- Mainline deployed from port or starboard side as far from stern as practicable (at least 1 m), and if mainline shooter is used, it must be mounted at least 1 m forward of the stern.
- When seabirds are present, the gear must ensure mainline is deployed slack so that baited hooks remain submerged.
- Bird curtain must be employed:
 - Pole aft of line shooter at least 3 m long;
 - Minimum of three main streamers attached to upper 2 m of pole;
 - Main streamer diameter minimum 20 mm;
 - Branch streamers attached to end of each main streamer long enough to drag on water (no wind) – minimum diameter 10 mm.

3. Night setting

- No setting between local sunrise and one hour after local sunset ; and
- Deck lighting to be kept to a minimum, noting requirements for safety and navigation.

4. Weighted branch lines

- Weights attached to all branch lines:
 - minimum of 45 g weight attached to all branch lines;
 - less than 60 g weight must be within 1 m of the hook;
 - greater than 60 g and less than 98 g must be within 3.5 m of the hook; and
 - greater than 98 g must be within 4 m of the hook.

Attachment 2: Guidelines for Column B mitigation measures

1. Weighted branch lines

- Weights attached to all branch lines:
 - minimum of 45 g weight attached to all branch lines;
 - less than 60 g weight must be within 1 m of the hook;
 - greater than 60 g and less than 98 g must be within 3.5 m of the hook; and
 - greater than 98 g must be within 4 m of the hook

2. Blue-dyed bait

- The Commission Secretariat shall distribute a standardized color placard.
- All bait must be dyed to the shade shown in the placard.

3. Management of offal discharge

- Either:
 - no offal discharge during setting or hauling; or
 - strategic offal discharge from the opposite side of the boat to setting/hauling to actively encourage birds away from baited hooks.



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**CONSERVATION AND MANAGEMENT MEASURE FOR SWORDFISH IN THE
SOUTH WEST PACIFIC**

Conservation and Management Measure 2006-03

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 first regional assessment undertaken for swordfish in the southwestern Pacific region has indicated consistent declines in stock abundance in certain areas in recent years, and most model projections predict further declines at current levels of fishing mortality;

Further noting that the Scientific Committee has recommended as a precautionary measure that there be no increases in fishing mortality on this stock until estimates of stock status are more certain, as increases in fishing mortality are likely to move the stock towards an overfished state;

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 fishing for swordfish in the Convention Area south of 20°S, to the number in any one year between the period 2000–2005. CCMs shall not shift their fishing effort for swordfish to the area north of 20°N, as a result of this measure.

2. Paragraph 1 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 for swordfish in the Convention Area south of 20⁰S.

3. 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.

4. In accordance with paragraph 1, CCMs shall provide information to the Commission, by 1 May 2007, on the number of their vessels that have fished for swordfish in the Convention Area south of 20⁰S, during the period 2000–2005, and in doing so, nominate the maximum number of vessels that shall continue to be permitted to fish for swordfish in the area south of 20⁰S. CCMs shall report annually to the Commission on the number of vessels that have fished for swordfish in the area south of 20⁰S no later than 90 days after the end of the year.

5. The Executive Director shall compile and disseminate the information provided to the Commission by CCMs in accordance with paragraph 4. The Technical and Compliance Committee shall monitor and review compliance with this measure and make recommendations to the Commission as may be necessary.

6. The Commission will review this measure in 2008, on the basis of advice from the scientific committee, following their consideration of an updated swordfish stock assessment that improves the understanding of stock structure and assesses the status of swordfish throughout its range and distribution in the South Pacific Ocean.



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**CONSERVATION AND MANAGEMENT MEASURE FOR STRIPED MARLIN IN
THE SOUTHWEST PACIFIC**

Conservation and Management Measure 2006-04

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 first regional assessment undertaken for striped marlin in the southwestern Pacific region has indicated consistent declines in stock abundance;

Further noting that the Scientific Committee has recommended as a precautionary measure that there be no increases in fishing mortality on this stock until estimates of stock status are more certain, as increases in fishing mortality are likely to move the stock towards an overfished state;

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

1. Commission Members, Cooperating Non-Members, and participating Territories (CCMs) shall limit the number of their fishing vessels fishing for striped marlin in the Convention Area south of 15°S, to the number in any one year during the period 2000–2004.
2. Paragraph 1 shall not prejudice the legitimate rights and obligations under international law of small island developing State and Territory CCMs, in the Convention Area who may wish to pursue a responsible level of development of their own fisheries for striped marlin in the Convention Area south of 15°S from 2000–2004 levels, and the legitimate rights and

obligations of coastal states who may wish to pursue a responsible level of development within their fisheries waters.

3. CCMs shall cooperate to protect the long-term sustainability and economic viability of the fisheries for striped marlin in the southwest Pacific, and in particular, shall cooperate on research to reduce uncertainty with regard to the status of striped marlin stocks.

4. In accordance with paragraph 1, CCMs shall provide information to the Commission, by 1 July 2007, on the number of their vessels that have fished for striped marlin in the Convention Area south of 15°S, during the period 2000–2004, and in doing so, nominate the maximum number of vessels that shall continue to be permitted to fish for striped marlin in the area south of 15°S. CCMs shall report annually to the Commission the catch levels of their fishing vessels that have taken striped marlin as bycatch as well as the number and catch levels of vessels fishing for striped marlin in the Convention Area south of 15°S.

5. Paragraphs 1–4 do not apply to those coastal state CCMs south of 15°S in the Convention Area who have already taken, and continue to take, significant steps to address concerns over the status of striped marlin in the southwestern Pacific region, through the establishment of a commercial moratorium on the landing of striped marlin caught within waters under their national jurisdiction.

6. The Executive Director shall compile and disseminate the information provided to the Commission by CCMs in accordance with paragraph 4. The Technical and Compliance Committee shall monitor and review compliance with this measure and make recommendations to the Commission as may be necessary.



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**CONSERVATION AND MANAGEMENT MEASURE FOR SHARKS IN THE
WESTERN AND CENTRAL PACIFIC OCEAN**

Conservation and Management Measure 2006-05

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;

Recognizing the ecological and cultural significance of sharks in the Western and Central Pacific Ocean (WCPO);

Recalling that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks calls on FAO members, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks;

Recognizing the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, as part of shark conservation and management;

Recognizing further that certain species of pelagic sharks, such as basking sharks and great white sharks, have been listed on Appendix II of the Convention on International Trade and Endangered Species of Wild Fauna and Flora (CITES).

Resolves as follows:

1. Commission Members, Cooperating non-Members, and participating Territories (CCMs) shall implement the FAO International Plan of Action (IPOA) for the Conservation and Management of Sharks.
2. CCMs shall advise the Commission annually on their implementation of the IPOA for sharks, including, as appropriate, results of their assessment of the need for a National Plan of Action and/or the status of their National Plans of Action for the Conservation and Management of Sharks.
3. National Plans of Action or other relevant policies for sharks should include measures to minimize waste and discards from shark catches and encourage the live release of incidental catches of sharks.
4. Each CCM shall include key shark species, to be identified by the Scientific Committee, in their annual reporting to the Commission of annual catches and catch and fishing effort statistics by gear type, including available historical data, in accordance with the WCPF Convention and agreed on reporting procedures;
5. The Commission shall consider appropriate assistance to developing CCMs for the implementation of the IPOA and collection of data on shark catches.

And adopts, in accordance with Articles 5 and 10 of the Convention, that:

6. CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark, excepting head, guts, and skins, to the point of first landing or transshipment;
7. CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks onboard, up to the first point of landing. CCMs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.
8. The specification of the ratio of fin weight to shark weight described in paragraph 7 above shall be reviewed by the Scientific Committee in 2007 (and occasionally thereafter) and the Committee will recommend any appropriate revisions to the Commission for its consideration.
9. CCMs shall take measures necessary to require fishing vessels are prohibited from retaining on board, transshipping, landing, or trading in any fins harvested in contravention of this Conservation and Management Measure;
10. In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purpose.
11. Nothing in this measure shall prejudice the sovereign rights of coastal States to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plan of action for the conservation and management of sharks, within areas under their national jurisdiction.
12. CCMs shall advise the Commission annually on the implementation of this conservation measure and any alternative measures adopted under paragraph 11 above.
13. On the basis of advice from the Scientific Committee, the Technical Compliance Committee and the Commission, CCMs shall review the implementation and effectiveness of this measure, and any alternative measures applied under paragraph 11 above, and shall

consider the application of additional measures for the management of shark stocks in the Convention Area, as appropriate.

14. CCMs are encouraged to cooperate in the development of stock assessments for key shark species within the Convention Area.

15. This decision shall apply to sharks caught in association with fisheries managed under the WCPF Convention, and to sharks listed in Annex 1 of the 1982 Convention occurring in the Convention Area.

16. At the initial stage this measure shall apply to vessels greater than 24 m overall length.

17. This measure shall enter into force on 1 January 2008, and in the interim shall be applied as a resolution.



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ANNUAL REPORT TO THE COMMISSION

Purpose: To provide relevant information to the Commission on fishing activities of CCMs and cooperating non-CCMs, including management and compliance issues. The report should include all fishing activities being undertaken within the Convention area.

PART 2: MANAGEMENT AND COMPLIANCE

(To be submitted by July 31 each year. Part 2 to cover the period 1 January 31 December of the previous year.)

2.1 IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

CCMs are required to report on the steps they have taken to implement the conservation and management measures established for the Convention Area. In addition, CCMs are to inform the Commission of measures they have adopted to conserve and manage highly migratory fish stocks (HMFS) in the Convention Area.

Report on CCM steps to implement conservation and management measures in the Convention area (Article 23(2)c)	Implemented (yes/no) (If no, explain why not)	Measures in place
List all current CMMs		

Report on CCM measures adopted for conservation and management of HMFS in areas under national jurisdiction (Art. 23(3))	Action taken
Management methods used for HMFS	

Report on CCM measures adopted for regulating the activity of vessels which fish in the Convention Area. (Art. 23(4)) Examples provided below but further fields may be added	Action taken
Vessel Registration and Authorization Procedures	
Control of fishing vessels	
Instruction/education/extension programs for industry including vessel owners, operators, crews and fish receivers/buyers.	
Port access and inspections (such as FAO Port Measures where applicable)	

2.2 MONITORING AND INSPECTION ACTIVITIES

The information is to be in a summarized form.

Activity	Frequency	Comment
VMS		
Transshipments		
Transshipment inspections		
At-sea inspections		
Port inspections		
Observer monitoring		
Monitoring of trade and domestic distribution of HMFS.		

2.3 SURVEILLANCE ACTIVITIES

The completion of this section should be in summarized form.

Activity	Frequency	Comment
Seagoing patrols		
Aerial surveillance		
Inspections of domestic-only vessels		

2.4 INVESTIGATIONS AND PROSECUTION ACTIVITY

The completion of this section should be in summarized form to the level of detail that domestic requirements allow.

Activity	Number	Reason and summary outcome
Investigations		
Outcomes – penalties or other action		
- No further action		

2.5 FURTHER MCS MEASURES TAKEN AND OTHER RELEVANT INFORMATION

Examples:

- Inform relevant changes to national legislation
- Trade measures (if adopted by the Commission)
- Cooperating non-CCMs annual reporting (to maintain cooperating status)
- Prompt IUU fishing activity reporting (Art 25(2,3)); estimated IUU catch within EEZ
- NPOA reporting / IPOA actions taken through RFMO.



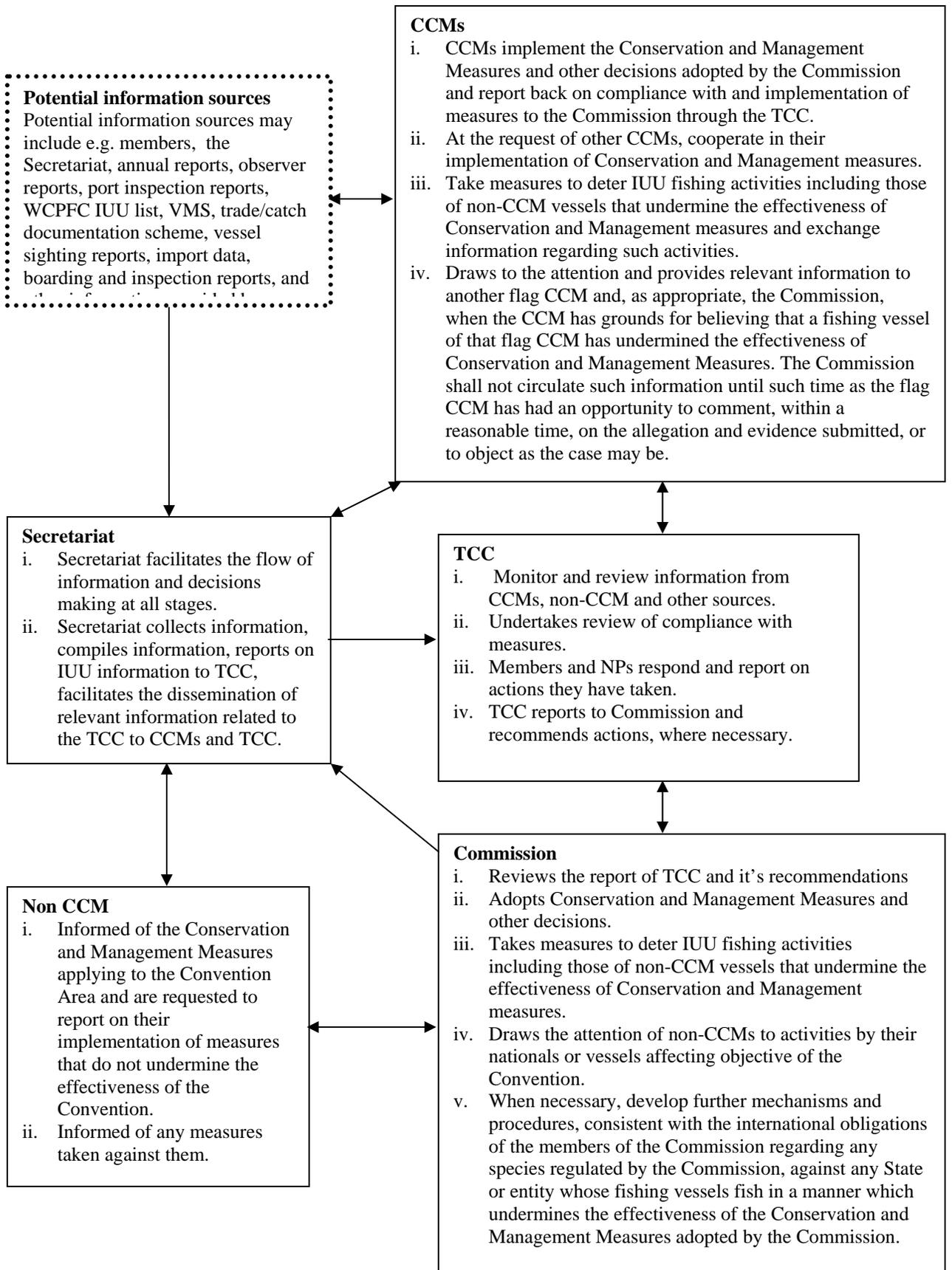
**Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

Third Regular Session

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**FIGURE 1:
PROCESS AND STRUCTURE FOR MONITORING COMPLIANCE BY CCM AND
THE APPLICATION BY NON-CCM FISHING VESSELS OF CONSERVATION AND
MANAGEMENT MEASURES**





**Commission for the Conservation and Management of
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Apia, Samoa**

COMMISSION VESSEL MONITORING SYSTEM

Conservation and Management Measure 2006-06

The Western and Central Pacific Fisheries Commission (WCPFC),

Recalling the relevant provisions of the Convention, in particular Articles 3 and 24 (8), (9) and (10);

Noting the importance of the vessel monitoring system as a tool to effectively support the principles and measures for the conservation and management of highly migratory species within the Convention Area;

Mindful of the rights and obligations of Commission Members, Cooperating Non-Members and Participating Territories (CCMs) in promoting the effective implementation of conservation and management measures adopted by the Commission;

Further mindful of the key principles upon which the vessel monitoring system is based, including the confidentiality and security of information handled by the system, and its efficiency, cost-effectiveness and flexibility.

Adopts, in accordance with Article 10 of the WCPFC Convention the following process relating to the implementation of the WCPFC Vessel Monitoring System (Commission VMS):

1. A Commission VMS.
2. The system shall commence, to be activated 1 January 2008, in the area of the Convention Area south of 20°N, and east of 175°E in the area of the Convention Area north of 20°N.
3. With respect to the area north of 20°N and west of 175°E, the system will be activated at a date to be determined by the Commission.

4. Definitions

- (a) “automatic location communicator” (ALC) means a near real-time satellite position fixing transmitter;
- (b) “FFA Secretariat” means the secretariat of the Pacific Islands Forum Fisheries Agency based in Honiara, Solomon Islands;
- (c) “FFA VMS” means the vessel monitoring system developed, managed and operated by the FFA Secretariat and members of the Pacific Islands Forum Fisheries Agency;

5. Applicability

- (a) The Commission VMS shall apply to all fishing vessels that fish for highly migratory fish stocks on the high seas within the Convention Area.
- (b) It shall apply to all vessels in excess of 24 metres in length with an activation date of 1 January 2008, and it shall apply to all vessels 24 metres in length or less with an activation date of 1 January 2009.
- (c) Any CCM may request, for the Commission’s consideration and approval, that waters under its national jurisdiction be included within the area covered by the Commission VMS. Necessary expenses incurred in the inclusion of such areas into the Commission VMS shall be borne by the CCM that made the request.

6. Nature and specification of the Commission VMS

- (a) The Commission VMS shall be a stand-alone system:
 - developed in and administered by the Secretariat of WCPFC under the guidance of the Commission, which receives data directly from fishing vessels operating on the high seas in the Convention Area; and
 - with the added capability that it can accept VMS data forwarded from the FFA VMS, so that the fishing vessels operating on the high seas in the Convention Area will have the option to report data via the FFA VMS.
- (b) The Commission shall develop rules and procedures for the operation of the Commission VMS, including, *inter alia*:
 - vessel reporting, including the specifications of the data required, its format and reporting frequencies;
 - rules on polling;
 - ALC failure alternates;
 - cost recovery;
 - cost sharing;
 - measures to prevent tampering; and
 - obligations and roles of fishing vessels, CCMs, the FFA Secretariat and the Commission Secretariat.
- (c) Security standards of the Commission VMS data shall be developed by the Commission, consistent with the WCPFC Information Security Policy.

- (d) All CCM fishing vessels required to report to the Commission VMS shall use a functioning ALC that complies with the Commission's minimum standards for ALCs.
 - (e) The minimum standards for ALCs used in the Commission VMS are appended at Annex 1.
7. In establishing such standards, specifications and procedures, the Commission shall take into account the characteristics of traditional fishing vessels from developing States.
8. Obligation of CCMs
- (a) Each flag CCM shall ensure that fishing vessels on the high seas in the Convention Area comply with the requirements established by the Commission for the purposes of the Commission VMS and are equipped with ALCs that shall communicate such data as determined by the Commission.
 - (b) CCMs shall cooperate to ensure compatibility between national and high seas VMSs.

9. Review

After two years of implementation, the Commission shall conduct a review of the implementation of this Conservation and Management Measure and consider further improvements to the system as required.

**DRAFT MINIMUM STANDARDS FOR AUTOMATIC LOCATION
COMMUNICATORS (ALCs) USED IN THE COMMISSION VESSEL MONITORING
SYSTEM**

Pursuant to Article 24 (8) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), the Commission hereby establishes the following minimum standards for ALCs:

1. The ALC shall automatically and independently of any intervention on the vessel communicate the following data:
 - (i) ALC static unique identifier;
 - (ii) the current geographical position (latitude and longitude) of the vessel; and
 - (iii) the date and time (expressed in Universal Time Constant [UTC]) of the fixing of the position of the vessel in paragraph 1 (ii) above.
2. The data referred to in paragraphs 1 (ii) and 1 (iii) shall be obtained from a satellite-based positioning system.
3. ALCs fitted to fishing vessels must be capable of transmitting data referred to in paragraph 1, hourly.
4. The data referred to paragraph 1 shall be received by the Commission within 90 minutes of being generated by the ALC, under normal operating conditions.
5. ALCs fitted to fishing vessels must be protected so as to preserve the security and integrity of data referred to in paragraph 1.
6. Storage of information within the ALC must be safe, secure and integrated under normal operating conditions.
7. It must not be reasonably possible for anyone other than the monitoring authority to alter any of that authority's data stored in the ALC, including the frequency of position reporting to that authority.
8. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorized access to any areas of the ALC that could potentially compromise the operation of the VMS.
9. ALCs shall be installed on vessels in accordance with their manufacturer's specifications and applicable standards.
10. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 metre² Distance Root Mean Squared (DRMS), i.e. 98 per cent of the positions must be within this range.
11. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.
12. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.
13. In cases where the antenna is mounted separately from the physical enclosure, a single common antenna shall be used for both satellite navigation decoder and transmitter, and the physical enclosure shall be connected using a single length of unbroken cable to the antenna.



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**CONSERVATION AND MANAGEMENT MEASURE FOR THE REGIONAL
OBSERVER PROGRAMME**

Conservation and Management Measure 2006-07

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

In accordance with Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific:

Recalling the decision of the Commission at its Second Regular Session to proceed with the hybrid option recommended by Working Group III 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 identified in WCPFCCTCC1-2005/14;

Committed to the implementation of Article 30 relating to recognition of the special requirements of developing states

Noting that the Commission shall develop a regional observer programme to collect verified data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission;

Further noting that the regional observer programme shall consist of independent and impartial observers authorized by the Secretariat of the Commission and that the programme should be coordinated, to the maximum extent possible with other regional, subregional and national observer programmes.

Adopts in accordance with Article 10 of the WCPFC Convention the following provisions relating to the development of the WCPFC Observer Programme.

1. The Commission hereby establishes the procedures to develop the WCPFC Regional Observer Programme.
2. The Regional Observer Programme (ROP) will be adopted at the fourth regular session of the Commission in 2007.
3. The Commission hereby establishes an intersessional working group to develop the regional observer programme (IWG-ROP). The TOR for the IWG-ROP shall be those adopted by the Second Regular Session of the Technical and Compliance Committee and are attached as Attachment 1.
4. The Commission notes the proposal from the members of the Pacific Island Forum Fishing Agency, "Conservation and Management Measure for the Regional Observer Programme WCPFC3-2006-DP05". This proposal shall be forwarded to the IWG-ROP for consideration in the development of an ROP.

**The Commission for the Conservation and Management of Highly Migratory Fish
Stocks in the Western and Central Pacific Ocean**

**Technical and Compliance Committee
Second Regular Session**

**28 September - 03 October 2006
Brisbane, Australia**

**INTERSESSIONAL WORKING GROUP ON A REGIONAL OBSERVER
PROGRAMME**

1. The Technical and Compliance Committee (TCC):
 - Recalling Article 28 of the Convention that requires a Regional Observer Programme (ROP) for the Convention Area that has the following characteristics:
 - i. Organized in a flexible manner;
 - ii. Be cost effective and coordinated with existing regional, sub-regional and national observer programmes to avoid duplication;
 - iii. Consists of independent and impartial observers authorized by the Secretariat; and
 - iv. Training and certification of observers will occur in accordance with uniform procedures.
 - further recalling the Commission agreed to proceed with the “hybrid” option for the ROP; and
 - recognizing the need for further works to expedite the implementation of the ROP;
 - recommended that the Commission establish an Intersessional Working Group for the Regional Observer Programme (IWF-ROP) for this purpose, and the TCC developed the draft Terms of Reference set out in paragraphs 2 and 3 as a guide for the Commission.

DRAFT Terms of reference

2. The TCC further recommended that the IWG-ROP should *inter alia*:
 - i. comment on the adequacy of near and long term objectives for the design of the ROP;
 - ii. consider the institutional and financial arrangements necessary to support the ROP and its implementation
 - iii. consider science, technical, compliance-related, practical and economic elements of the programme and their feasibility
 - iv. develop a detailed strategic plan, including a practical time table, for the development and phased implementation of the ROP, taking into account the

- characteristics of each fishery;
 - v. develop procedures for deployment observers under the ROP
 - vi. consider a list of tasks for ROP observers for each fishery;
 - vii. consider standard and harmonized procedures for observers, including data and reporting formats and debriefing procedures;
 - viii. consider ROP observer coverage taking into account other observer programmes and other means of collecting data required by the Commission.
 - ix. consider operational procedures and guidelines for security of observer data;
 - x. develop, in cooperation with main existing observer programmes in the Convention Area, a draft observer provider certification standard and procedure, to include *inter alia*:
 - a. Recruitment, selection, qualifications and training of individuals;
 - b. Capability to implement the technical and operational protocols for the observer role and tasks, including data management issues, as required by the Commission;
 - c. Day to day management of observers, including all personnel and financial matters, and the co-ordination of all logistical components;
 - d. Capacity to handle efficiently, effectively and safely the deployment and recovery of observers;
 - e. Capacity to arrange for debriefing of observers and primary checking and validation of data collected and reports prepared;
 - f. Safety policies and procedures; and
 - g. Maintenance of good communications links with client States, companies and vessels receiving observers.
 - xi. prepare guidelines for the rights, duties and responsibilities of observers;
 - xii. develop a procedure for facilitating the development of national observer programmes to achieve Commission certification;
 - xiii. consider data management needs for the ROP;
 - xiv. prepare standards for safety at sea course for observers;
 - xv. consider a code of conduct for observers and procedures for monitoring observer's compliance with the code;
 - xvi. provide recommendations to the Commission regarding safety standards to be met for carrying observers.
3. The TCC recommended that the IWG-ROP should review the first draft of a Programme Document contained in WCPFC-TCC2-2006-11, in light of discussion at TCC2 reported in paragraphs 52–69 of the TCC2 report and prepare a revised draft.
 4. Acknowledging the need to include scientific data issues in the development of the ROP, the TCC recommended that the Commission consult with the Chair of the SC regarding the final Terms of Reference (TOR) of the IWG-ROP. The TCC also suggested the Chair of the SC facilitate input from the SC inter-sessionally to the TOR in collaboration with the Secretariat and the Secretariat distribute the TOR to SC and TCC

participants of CCMs to assist CCMs in preparing for subsequent discussion at the Commission.

5. In order to address the TOR in Paragraphs 2 and 3, the TCC recommended that the IWC-ROP should work inter-sessionally and to the maximum extent possible, conduct its work by electronic means.
6. The TCC further recommended that the revised draft of the Regional Observer Programme Document and other documents prepared by the IWG-ROP as necessary should be submitted to the SC and TCC (two months) in advance of the SC3 meeting for consideration by SC3 and TCC3 and the preparation of recommendations for the Commission. A revised version of the Programme Document and other documents, addressing comments from the SC3 and TCC3 should be prepared by the Secretariat and submitted to the Commission at least 40 days in advance of its fourth meeting



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**WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION BOARDING AND
INSPECTION PROCEDURES**

Conservation and Management Measure 2006-08

1. There are hereby adopted, pursuant to Article 26 of the Convention, the following Western and Central Pacific Fisheries Commission (WCPFC) boarding and inspection procedures.

DEFINITIONS

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:

- a. “Convention” means the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, adopted September 5, 2000 in Honolulu, Hawaii;
- b. “Commission” means the Commission established by Article 9 of the Convention, commonly known as the Western and Central Pacific Fisheries Commission (WCPFC);
- c. “Authorities of the Inspection Vessel” means the authorities of the Contracting Party of the Commission under whose jurisdiction the inspection vessel is operating;
- d. “Authorities of the Fishing Vessel” means the authorities of the Member of the Commission under whose jurisdiction the fishing vessel is operating;
- e. “Authorized inspection vessel” means any vessel included in the Commission register of vessels as authorized to engage in boarding and inspection activities pursuant to these procedures;
- f. “Authorized inspector” means inspectors employed by the authorities responsible for boarding and inspection included in the Commission Register and authorized to conduct boarding and inspection activities pursuant to these procedures.

PURPOSE

3. Boarding and inspection and related activities conducted pursuant to these procedures shall be for the purpose of ensuring compliance with the provisions of the Convention and conservation and management measures adopted by the Commission and in force.

AREA OF APPLICATION

4. These procedures shall apply on the high seas within the Convention Area.

GENERAL RIGHTS AND OBLIGATIONS

5. Each Contracting Party may, subject to the provisions of these procedures, carry out boarding and inspection on the high seas of fishing vessels engaged in or reported to have engaged in a fishery regulated pursuant to the Convention.

6. Unless otherwise decided by the Commission, these procedures shall also apply in their entirety as between a Contracting Party and a Fishing Entity, subject to a notification to that effect to the Commission from the Contracting Party concerned.

7. Each Commission Member shall ensure that vessels flying its flag accept boarding and inspection by authorized inspectors in accordance with these procedures. Such authorized inspectors shall comply with these procedures in the conduct of any such activities.

GENERAL PRINCIPLES

8. These procedures are intended to implement and give effect to Article 26 and Annex III, Article 6(2), of the Convention and are to be read consistently with those provisions.

9. These procedures shall be implemented in a transparent and non-discriminatory manner, taking into account, *inter alia*:

- a. such factors as the presence of observers on board a vessel and the frequency and results of past inspections; and
- b. the full range of measures to monitor compliance with the provisions of the Convention and agreed conservation and management measures, including inspection activities carried out by the authorities of Commission Members in respect of their own flag vessels.

10. While not limiting efforts to ensure compliance by all vessels, priority for boarding and inspection efforts pursuant to these procedures may be given to:

- a. fishing vessels that are not on the WCPFC Record of Fishing Vessels and are flagged to Commission Members;

- b. fishing vessels reasonably believed to engage or to have been engaged in any activity in contravention of the Convention or any conservation and management measure adopted thereafter;
- c. fishing vessels whose flag Member does not dispatch patrol vessels to the area of application to monitor its own fishing vessels;
- d. fishing vessels without observers on board;
- e. large-scale tuna fishing vessels;
- f. fishing vessels with a known history of violating conservation and management measures adopted by international agreement or any country's national laws and regulations.

11. The Commission shall keep the implementation of these procedures under review.

PARTICIPATION

12. The Commission shall maintain a register of all authorized inspection vessels and authorities or inspectors. Only vessels and authorities or inspectors listed on the Commission's register are authorized under these procedures to board and inspect foreign flagged fishing vessels on the high seas within the Convention Area.

13. Each Contracting Party that intends to carry out boarding and inspection activities pursuant to these procedures shall so notify the Commission, through the Executive Director, and shall provide the following:

- a) with respect to each inspection vessel it assigns to boarding and inspection activities under these procedures:
 - i) details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign and communication capability);
 - ii) notification that the inspection vessel is clearly marked and identifiable as being on government service;
 - iii) notification that the crew has received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.
- b) with respect to inspectors it assigns pursuant to these procedures:
 - i) the names of the authorities responsible for boarding and inspection;
 - ii) notification that such authorities' inspectors are fully familiar with the fishing activities to be inspected and the provisions of the Convention and conservation and management measures in force; and

- iii) notification that such authorities' inspectors have received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.

14. Where military vessels are used as a platform for the conduct of boarding and inspection, the authorities of the inspection vessel shall ensure that the boarding and inspection is carried out by inspectors fully trained in fisheries enforcement procedures, or duly authorized for this purpose under national laws, and that such inspectors meet the requirements established in these procedures.

15. Authorized inspection vessels and inspectors notified by Contracting Parties pursuant to paragraph 13 shall be included on the Commission register once the Executive Director confirms that they meet the requirements of that paragraph.

16. To enhance the effectiveness of the Commission's boarding and inspection procedures, and to maximize the use of trained inspectors, Contracting Parties may identify opportunities to place authorized inspectors on inspection vessels of another Contracting Party. Where appropriate, Contracting Parties should seek to conclude bilateral arrangements to this end or otherwise facilitate communication and coordination between them for the purpose of implementing these procedures.

17. The Executive Director shall ensure that the register of authorized inspection vessels and authorities or inspectors is at all times available to all Members of the Commission and shall immediately circulate any changes therein. Updated lists shall be posted on the Commission website. Each Commission Member shall take necessary measures to ensure that these lists are circulated to each of its fishing vessels operating in the Convention Area.

PROCEDURES

18. Authorized inspection vessels shall fly, in clearly visible fashion, the WCPFC inspection flag as designed by the Commission.

19. Authorized inspectors shall carry an approved identity card identifying the inspector as authorized to carry out boarding and inspection procedures under the auspices of the Commission and in accordance with these procedures.

20. An authorized inspection vessel that intends to board and inspect a fishing vessel on the high seas that is engaged in or reported to have engaged in a fishery regulated pursuant to the Convention shall, prior to initiating the boarding and inspection:

- a. make best efforts to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other accepted means of alerting the vessel;
- b. provide the information to identify itself as an authorized inspection vessel - name, registration number, international radio call sign and contact frequency;
- c. communicate to the master of the vessel its intention to board and inspect the vessel under the authority of the Commission and pursuant to these procedures; and

- d. initiate notice through the authorities of the inspection vessel of the boarding and inspection to the authorities of the fishing vessel.

21. In carrying out boarding and inspection pursuant to these procedures, the authorized inspection vessel and authorized inspectors shall make their best efforts to communicate with the master of the fishing vessels in a language that the master can understand. If necessary, to facilitate communications between the inspectors and the master of the vessel, inspectors shall use the relevant part of the standardized multi-language questionnaire to be prepared by the Secretariat and circulated to all Contracting Parties with authorized inspection vessels.

22. Authorized inspectors shall have the authority to inspect the vessel, its license, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with the conservation and management measures in force pursuant to the Convention.

23. Boarding and inspection pursuant to these procedures shall:

- a. be carried out in accordance with internationally accepted principles of good seamanship so as to avoid risks to the safety of fishing vessels and crews;
- b. be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the fishing vessel;
- c. take reasonable care to avoid action that would adversely affect the quality of the catch; and
- d. not be conducted in such manner as to constitute harassment of a fishing vessel, its officers or crew.

24. In the conduct of a boarding and inspection, the authorized inspectors shall:

- a. present their identity card to the master of the vessel and a copy of the text of the relevant measures in force pursuant to the Convention in the relevant area of the high seas;
- b. not interfere with the master's ability to communicate with the authorities of the fishing vessel;
- c. complete the inspection of the vessel within four hours unless evidence of a serious violation is found;
- d. collect and clearly document any evidence they believe indicates a violation of measures in force pursuant to the Convention;
- e. provide to the master prior to leaving the vessel a copy of an interim report on the boarding and inspection including any objection or statement which the master wishes to include in the report;
- f. promptly leave the vessel following completion of the inspection; and

- g. provide a full report on the boarding and inspection to the authorities of the fishing vessel, pursuant to paragraph 30, which shall also include any master's statement.
25. During the conduct of a boarding and inspection, the master of the fishing vessel shall:
- a. follow internationally accepted principles of good seamanship so as to avoid risks to the safety of authorized inspection vessels and inspectors;
 - b. accept and facilitate prompt and safe boarding by the authorized inspectors;
 - c. cooperate with and assist in the inspection of the vessel pursuant to these procedures;
 - d. not assault, resist, intimidate, interfere with, or unduly obstruct or delay the inspectors in the performance of their duties;
 - e. allow the inspectors to communicate with the crew of the inspection vessel, the authorities of the inspection vessel, as well as with the authorities of the fishing vessel being inspected;
 - f. provide them with reasonable facilities, including, where appropriate, food and accommodation; and
 - g. facilitate safe disembarkation by the inspectors.
26. If the master of a fishing vessel refuses to allow an authorized inspector to carry out a boarding and inspection in accordance with these procedures, such master shall offer an explanation of the reason for such refusal. The authorities of the inspection vessel shall immediately notify the authorities of the fishing vessel, as well as the Commission, of the master's refusal and any explanation.
27. The authorities of the fishing vessel, unless generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, shall direct the master to accept the boarding and inspection. If the master does not comply with such direction, the Member shall suspend the vessel's authorization to fish and order the vessel to return immediately to port. The Member shall immediately notify the authorities of the inspection vessel and the Commission of the action it has taken in these circumstances.

USE OF FORCE

28. The use of force shall be avoided except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances.
29. Any incident involving the use of force shall be immediately reported to the authorities of the fishing vessel, as well as to the Commission.

INSPECTION REPORTS

30. Authorized inspectors shall prepare a full report on each boarding and inspection they carry out pursuant to these procedures in accordance with a format that may be specified by the Commission. The authorities of the inspection vessel from which the boarding and inspection was carried out shall transmit a copy of the boarding and inspection report to the authorities of the fishing vessel being inspected, as well as the Commission, within 3 (three) full working days of the completion of the boarding and inspection. Where it is not possible for the authorities of the inspection vessel to provide such report to the authorities of the fishing vessel within this timeframe, the authorities of the inspection vessel shall inform the authorities of the fishing vessel and shall specify the time period within which the report will be provided.

31. Such report shall include the names and authority of the inspectors and clearly identify any observed activity or condition that the authorized inspectors believe to be a violation of the Convention or conservation and management measures in force and indicate the nature of specific factual evidence of such violation.

SERIOUS VIOLATIONS

32. In the case of any boarding and inspection of a fishing vessel during which the authorized inspectors observe an activity or condition that would constitute a serious violation, as defined in paragraph 37, the authorities of the inspection vessels shall immediately notify the authorities of the fishing vessel, directly as well as through the Commission.

33. Upon receipt of a notification under paragraph 32, the authorities of the fishing vessels shall without delay:

- a. assume their obligation to investigate and, if the evidence warrants, take enforcement action against the fishing vessel in question and so notify the authorities of the inspection vessel, as well as the Commission; or
- b. authorize the authorities of the inspection vessel to complete investigation of the possible violation and so notify the Commission.

34. In the case of 33(a) above, the authorities of the inspection vessel shall provide, as soon as practicable, the specific evidence collected by the authorized inspectors to the authorities of the fishing vessel.

35. In the case of 33(b) above, the authorities of the inspection vessel shall provide the specific evidence collected by the authorized inspectors, along with the results of their investigation, to the authorities of the fishing vessel immediately upon completion of the investigation.

36. Upon receipt of a notification pursuant to paragraph 32, the authorities of the fishing vessel shall make best effort to respond without delay and in any case no later than within three full working days.

37. For the purposes of these procedures, a serious violation means the following violations of the provisions of the Convention or conservation and management measures adopted by the Commission:

- a. fishing without a license, permit or authorization issued by the flag Member, in accordance with Article 24 of the Convention;
- b. failure to maintain sufficient records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
- c. fishing in a closed area;
- d. fishing during a closed season;
- e. intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the Commission;
- f. significant violation of catch limits or quotas in force pursuant to the Convention;
- g. using prohibited fishing gear;
- h. falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
- i. concealing, tampering with or disposing of evidence relating to investigation of a violation;
- j. multiple violations which taken together constitute a serious disregard of measures in force pursuant to the Commission;
- k. refusal to accept a boarding and inspection, other than as provided in paragraphs 26 and 27;
- l. assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorized inspector; and
- m. intentionally tampering with or disabling the vessel monitoring system;
- n. such other violations as may be determined by the Commission, once these are included and circulated in a revised version of these procedures.

ENFORCEMENT

38. Any evidence obtained as a result of a boarding and inspection pursuant to these procedures with respect to violation by a fishing vessel of the Convention or conservation and management measures adopted by the Commission and in force shall be referred to the authorities of the fishing vessel for action in accordance with Article 25 of the Convention.

39. For the purposes of these procedures, the authorities of the fishing vessels shall regard interference by their fishing vessels, captains or crew with an authorized inspector or an authorized inspection vessel in the same manner as any such interference occurring within its exclusive jurisdiction.

ANNUAL REPORTS

40. Contracting Parties that authorize inspection vessels to operate under these procedures shall report annually to the Commission on the boarding and inspections carried out by its authorized inspection vessels, as well as upon possible violations observed.

41. Commission Members shall include in their annual statement of compliance within their Annual Report to the Commission under Article 25(8) of the Convention action that they have taken in response to boarding and inspections of their fishing vessels that resulted in observation of alleged violations, including any proceedings instituted and sanctions applied.

OTHER PROVISIONS

42. Authorized inspection vessels, while carrying out activities to implement these procedures, shall engage in surveillance aimed at identifying fishing vessels of non-Members undertaking fishing activities on the high seas in the Convention area. Any such vessels identified shall be immediately reported to the Commission.

43. The authorized inspection vessel shall attempt to inform any fishing vessel identified pursuant to paragraph 42 that has been sighted or identified as engaging in fishing activities that are undermining the effectiveness of Convention and that this information will be distributed to the Commission Members and the flag state of the vessel in question.

44. If warranted, the authorized inspectors may request permission from the fishing vessel and/or the flag state of the vessel to board a vessel identified pursuant to paragraph 42. If the vessel master or the vessel's flag state consents to a boarding, the findings of any subsequent inspection shall be transmitted to the Executive Director. The Executive Director shall distribute this information to all Commission Members as well as to the flag state of the fishing vessel.

45. Contracting Parties shall be liable for damage or loss attributable to their action in implementing these procedures when such action is unlawful or exceeds that reasonably required in the light of available information.

COMMISSION COORDINATION AND OVERSIGHT

46. Authorized inspection vessels in the same operational area should seek to establish regular contact for the purpose of sharing information on areas in which they are patrolling, on sightings and on boarding and inspections they have carried out, as well as other operational information relevant to carrying out their responsibilities under these procedures.

47. The Commission shall keep under continuous review the implementation and operation of these procedures, including review of annual reports relating to these procedures provided by

Members. In applying these procedures, Contracting Parties may seek to promote optimum use of the authorized inspection vessels and authorized inspectors by:

- a. identifying priorities by area and/or by fishery for boarding and inspections pursuant to these procedures;
- b. ensuring that boarding and inspection on the high seas is fully integrated with the other monitoring, compliance and surveillance tools available pursuant to the Convention;
- c. ensuring non-discriminatory distribution of boarding and inspections on the high seas among fishing vessels of Commission Members without compromising the opportunity of Contracting Parties to investigate possible serious violations; and
- d. taking into account high seas enforcement resources assigned by Commission Members to monitor and ensure compliance by their own fishing vessels, particularly for small boat fisheries whose operations extend onto the high seas in areas adjacent to waters under their jurisdiction.

SETTLEMENT OF DISAGREEMENTS

48. In the event of a disagreement concerning the interpretation, application or implementation of these procedures, the parties concerned shall consult in an attempt to resolve the disagreement.

49. If the disagreement remains unresolved following the consultations, the Executive Director of the Commission shall, at the request of the parties concerned, and with the consent of Commission, refer the disagreement to the Technical and Compliance Committee (TCC). The TCC shall establish a panel of five representatives, acceptable to the parties to the disagreement, to consider the matter.

50. A report on the disagreement shall be drawn up by the panel and forwarded through the TCC Chair to the Commission within two months of the TCC meeting at which the case is reviewed.

51. Upon receipt of such report, the Commission may provide appropriate advice with respect to any such disagreement for the consideration of the Members concerned.

52. Application of these provisions for the settlement of disagreements shall be non-binding. These provisions shall not prejudice the rights of any Member to use the dispute settlement procedures provided in the Convention.



**Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

Third Regular Session

11–15 December 2006

Apia, Samoa

**CONSERVATION AND MANAGEMENT MEASURE TO ESTABLISH A
LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL
UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE
WESTERN AND CENTRAL PACIFIC OCEAN**

Conservation and Management Measure 2006-09

The Western and Central Pacific fisheries Commission (WCPFC):

Recalling that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) fishing activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way.

Concerned that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the WCPFC.

Further concerned that there is a possibility that vessel owners engaged in such fishing activities may have re-flagged their vessels to avoid compliance with WCPFC measures.

Determined to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels, without prejudice to further measures adopted in respect of CCMs and non-CCMs under the relevant WCPFC instruments.

Considering the action undertaken in other regional tuna fisheries organizations to address this issue;

Conscious of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities; and

Noting that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the rights and obligations established in the World Trade

Organization (WTO) Agreement;

Adopts the following conservation and management measures in accordance with Article 10 of the Convention:

Identification of IUU activities

1. At each Annual Meeting, the Commission will identify those vessels that have engaged in fishing activities for species covered by the Convention within the Convention Area in a manner which has diminished the effectiveness of WCPFC measures in force, and shall establish a list of such vessels (the IUU vessel list), in accordance with the procedures and criteria set out in this conservation measure.
2. This identification shall be documented, *inter alia*, on reports from Members, Cooperating Non-Members and Participating Territories (collectively CCMs) relating to WCPFC Conservation Measures in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics, as well as any other information obtained from port states and/or gathered from the fishing grounds which is suitably documented. Information from CCMs should be provided in the format approved by the Commission.
3. For the purposes of this conservation measure, vessels fishing for species covered by the WCPFC Convention are presumed to have carried out IUU fishing activities, as defined in the IPOA on IUU fishing, in the Convention Area when a CCM present evidence that such vessels, *inter alia*:
 - a. Harvest species covered by the WCPFC Convention in the Convention Area and are not either on the WCPFC record of authorized vessels or a fishing vessel fishing exclusively in waters under their jurisdiction, or
 - b. Conduct fishing activities in waters under the jurisdiction of a state, without permission of that state, or in contravention of its law and regulations, or
 - c. Do not record or report their catches made in the Convention Area as required by WCPFC measures in force, or make false reports, or
 - d. Take and land undersized fish in contravention of WCPFC conservation measures, or
 - e. Fish during closures in contravention of WCPFC conservation measures, or
 - f. Use prohibited fishing gear in contravention of WCPFC conservation measures, or
 - g. Transship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU Vessel List, or
 - h. Are without nationality and harvest species covered by the WCPFC Convention in the Convention Area, or
 - i. Engage in fishing activities contrary to any other WCPFC Conservation Measures, or
 - j. Are under the control of the owner of any vessel on the WCPFC IUU Vessel List.

Information on Alleged IUU fishing activities

4. CCMs shall every year, and at least 120 days before the Annual Meeting of the Technical and Compliance committee (TCC), transmit to the Executive Director a list of vessels presumed to be carrying out IUU activities in the Convention Area during the current and

previous years, accompanied by the supporting evidence, as provided in paragraph 2, concerning the presumption of this IUU activity.

Draft IUU Vessel List

5. On the basis of the information received pursuant to paragraph 4 and any other information at his disposal, the Executive Director shall draw up a draft WCPFC IUU Vessel List and shall transmit it, together with all the supporting evidence provided, to all CCMs, as well as to non-CCMs with vessels on the List, at least 90 days before the Annual Meeting of the TCC.
6. CCMs and non-CCMs should transmit, at least 30 days before the Annual Meeting of the TCC, their comments to the Executive Director, as appropriate, including verifiable evidence and other supporting information, showing that the vessels neither have fished in contravention of WCPFC conservation measures nor had the possibility of fishing for species covered by the WCPFC Convention.
7. The Executive Director shall request each CCMs and non CCMs with vessels on the draft IUU Vessel List to notify the owner of the vessels of their inclusion in that List, and of the consequences of their inclusion being confirmed in the IUU Vessel List.
8. Upon receipt of the draft IUU Vessel List, CCMs shall closely monitor the vessels included in that list in order to determine their activities and possible changes of name, flag or registered owner.

Provisional IUU Vessel List

9. On the basis of the information received pursuant to paragraph 6, the Executive Director shall draw up a draft WCPFC IUU Vessel List, and transmit it, two weeks in advance of the Annual Meeting of the TCC, to the CCMs and the non-CCMs concerned, together with all the evidence provided.
10. CCMs may at any time submit to the Executive Director any additional information which might be relevant for the establishment of the IUU Vessel List. The Executive Director shall circulate the information, together with all the evidence provided, to the CCMs and to the non-CCMs concerned, at least two weeks before the Annual Meeting of the TCC.
11. At its Annual meeting, The TCC shall:
 - i) Following consideration of the draft IUU Vessel List and information and evidence circulated under paragraphs 5, 9 and 10, adopt a Provisional IUU Vessel List and submit it to the Commission for consideration and approval;
 - ii) Following consideration of the current IUU Vessel List and the information and evidence circulated under paragraph 9, recommend to the Commission which, if any, vessels should be removed from the current IUU Vessel List.
12. A vessel shall be included in the provisional IUU Vessel List only if it has carried out IUU activities as set out in paragraph 3.
13. The Technical and Compliance Committee shall remove a vessel from the provisional WCPFC IUU Vessel List if the vessel's Flag State demonstrates that:
 - a. The vessel did not engage in any of the IUU fishing activities described in paragraph 3, or
 - b. Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity.

14. Following the examination referred to in paragraph 11, the TCC shall recommend that the Commission approve the provisional IUU Vessel List, as amended by the TCC.
15. The Draft IUU Vessel List, Provisional IUU Vessel List and the IUU Vessel List shall contain the following details for each vessel:
 - i) name and previous names, if any;
 - ii) flag and previous flags, if any;
 - iii) owner and previous owners, including beneficial owners, if any;
 - iv) operator and previous operators, if any;
 - v) call sign and previous call signs, if any;
 - vi) Lloyds/IMO number;
 - vii) photographs, where available;
 - viii) date first included on the IUU Vessel List;
 - ix) summary of activities which justify inclusion of the vessel on the list, together with references to all relevant documents informing of and evidencing those activities.

IUU Vessel List

16. Once the Commission adopts the IUU Vessel List, it shall request CCMs and non CCMs with vessels on the WCPFC IUU Vessel List to:
 - a) notify the owner of the vessels of its inclusion on the IUU Vessel List and the consequences which result from being included in the list, and
 - b) take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
17. CCMs shall take all necessary non-discriminatory measures under their applicable legislation, international law and each CCMs international obligations, and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:
 - a. ensure that fishing vessels, support vessels, mother ships or cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with, support or re-supply vessels on the IUU Vessel List;
 - b. ensure that vessels on the IUU Vessel List that enter ports voluntarily are not authorized to land, transship, refuel or re-supply therein but are inspected upon entry;
 - c. prohibit the chartering of a vessel on the IUU Vessel List;
 - d. refuse to grant their flag to vessels on the IUU Vessel List in accordance with paragraph 1 f) of Section A in Conservation and Management Measure 2004-01;
 - e. prohibit commercial transactions, imports, landings and/or transshipment of species covered by the WCPFC Convention from vessels on the IUU Vessel List;
 - f. encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the WCPFC Convention caught by vessels on the IUU Vessel List;
 - g. collect, and exchange with other CCMs, any appropriate information with the aim of

searching for, controlling and preventing false import/export certificates for species covered by the WCPFC Convention from vessels on the IUU Vessel List.

18. The Executive Director shall take any measure necessary to ensure publicity of the IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the WCPFC website. Furthermore, the Executive Director shall transmit the IUU Vessel List to the FAO and to other regional fisheries organizations for the purposes of enhancing co-operation between the WCPFC and these organizations aimed at preventing, deterring and eliminating IUU fishing.
19. Without prejudice to the rights of CCMs and coastal states to take proper action, consistent with international law, the CCMs shall not take any unilateral trade measures or other sanctions against vessels on the draft or provisional IUU Vessel Lists, pursuant to paragraphs 5 or 9, or that have been removed from the IUU Vessel List, pursuant to paragraph 13, on the grounds that such vessels are involved in IUU fishing activities.

Deletion from the IUU Vessel List

20. A CCMs and non CCMs with a vessel on the IUU Vessel List may request the removal of the vessel from the List during the intersessional period by providing information demonstrating that:
 - a) It has adopted measures that will ensure that the vessel complies with all WCPFC measures;
 - b) it will be able to assume effectively its responsibilities as regards the monitoring and control of the vessel's fishing activities in the Convention Area;
 - c) it has taken effective action in response to the IUU fishing activities that resulted in the vessel's inclusion in the IUU Vessel List, including prosecution and imposition of sanctions of adequate severity.
 - d) the vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not participated in IUU fishing activities.

Inter-Sessional modification of the IUU Vessel List

21. CCMs and non CCMs shall send its request for the removal of a vessel from the IUU list to the Executive Director, accompanied by the supporting information referred to in paragraph 20.
22. The Executive Director will transmit the removal request, with all the supporting information, to the CCMs within 15 days following the receipt of the removal request.
23. Each Commission Member shall examine the removal request, and notify the Executive Director in writing of its decision regarding the removal of the vessel within 30 days following the notification by the Executive Director. Decisions on the request to remove the vessel shall be made in accordance with Rule 30 of the Rules of Procedure.
24. If the Commission members agrees to the removal of the vessel from the IUU Vessel List within the period stipulated in paragraph 23, the Executive Director will inform the CCMs and non CCMs which made the removal request, the FAO and other regional fisheries management organizations, and remove the vessel from the IUU vessel List, as published on the WCPFC website.
25. If Commission Members disagree to the request for the removal of the vessel from the

IUU vessel list, the vessel will be maintained on the IUU list and the Executive Director will inform the CCMs and non CCMs which made the removal request.

Review

26. This conservation and management measure shall be subject to review and, as appropriate, revision by the TCC in 2007.



**Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

Third Regular Session

**11–15 December 2006
Apia, Samoa**

**AD HOC WORKING GROUP ON FINANCE AND ADMINISTRATION
SUMMARY REPORT TO WCPFC3**

Introduction

1. The Ad Hoc Working Group on Finance and Administration co-chaired by Mr Tapusalaia Terry Toomata of Samoa and Mr Jae Sung Lee of Korea met 12 times on 12, 13, 14 and 15 December. Representatives of Australia, Canada, China, Cook Islands, Federated States of Micronesia, Japan, Korea, New Zealand, Papua New Guinea, Philippines, Samoa, Chinese Taipei, and the United States of America attended the meetings that were supported by the Secretariat.

2. The working group considered agenda items 5.4; 8.4; 10.1; 10.2; 10.3; 10.4; and 13 and the associated papers.

Recommendations

3. Following its deliberations the working group invites the Commission to adopt the following recommendations, that:

In regard to agenda item 10.1 – Audit Matters:

- i) the Commission accept the audited financial statements for 2005; and
- ii) the Secretariat seek to negotiate with Deloitte and Touche LLP of Guam a two year reappointment as the Commission's external auditor.

In regard to agenda item 10.2 – Status of the Commission's funds:

- i) future reports on the status of the Commission's funds prepared by the Secretariat include two tables, one showing, for all funds, the sources and amounts of income and contributions and another showing, in detail, the status of assessed General Account Fund contributions.
- ii) the Commission urge all members to pay their assessed contributions in full and as early as possible;

- iii) the Commission note that three members were in arrears in their payment of contributions, and two to the extent that they may lose their right to participate in the taking of decisions by the Commission according to Article 18.3 of the Convention;
- iv) the Secretariat notify, in writing, members that are in arrears to urge them to pay their outstanding contributions, to inquire about the difficulties causing the non-payment and to offer a payback plan, or explore other options to facilitate payment, when necessary; and
- v) the interest rate to be levied on the arrears of more than one year, as provided for in Financial Regulation 5.5, shall be zero for 2007 and that the Secretariat prepare a paper for WCPFC4 regarding the appropriate interest rate to be levied from 2008 and on.

In regard to agenda item 10.3 – Financial Rules:

- i) the Commission amend the Financial Rules drafted by the Secretariat so that Rule 32 (f) related to Investments reads: “(f) Any investment losses, realized or unrealized, must be reported at once to the Executive Director and the Chair of the Commission.”

In regard to agenda item 10.4 - Secretariat Matters:

Staff establishment, conditions of service and housing

- i) the Commission approve an increase of 6.6% in the staff salary levels J, K, L, M and ED;
- ii) the Secretariat arrange an independent review of terms and conditions of the Commission’s staff in 2007;
- iii) the Commission endorse the revision of the ceiling for monthly accommodation rental to USD1,500 a month for professional staff.

Draft Business and Strategic Plan

- i) following the January 2007 Kobe meeting of RFMOs CCMs provide comments on the draft strategic plan included in document WCPFC3-2006/23 to the Executive Director by the end of April 2007, and following receipt of comments CCMs be invited to nominate expert assistance, at no cost to the Commission, to further develop a strategic plan for the Commission and a business plan for the Secretariat so that a revised set of plans can be brought to WCPFC4. The working group noted that in formulating revised draft plans there is a need to clearly distinguish between the business plan for the Secretariat and the strategic plan for the Commission as well as a need to have quantifiable and relatively simple performance measurement indicators as well as deadlines or milestones incorporated into the objectives.

In regard to agenda item 13 – Work Programme and Budget for 2007 and Indicative Work Programme and Budget for 2008:

- i) from WCPFC4 the Secretariat include indicative forecast budgets for the next two subsequent years in the draft budget papers and the Commission urges members to take full account of the indicative budgets;
- ii) the Commission establish a standing Finance and Administration Committee to meet at the annual session to provide advice and recommendations to the Commission on matters related to budget, finance and administration of the Commission. This Committee should operate as effectively as possible and discuss issues referred to it by the Commission;
- iii) the Commission note that the Ad-hoc Working Group on Finance and Administration was unable to reach a consensus on a budget for 2007 as Japan blocked consensus.

Subsequently the option provided in Annexes I, II and III was developed by the Ad-hoc Working Group;

- iv) the Commission note that in the future the Working Capital Fund only be used for its intended purposes and not to fund the Commission's core budget; and
- v) the Commission review and note the indicative budget for 2008.

ANNEX I

Western and Central Pacific Fisheries Commission

General Fund

Summary of budgetary requirements for the period from 01 January to 31 December 2007
& indicative budget for 2008 (United States dollars)

	Approved budget 2006	Estimated expenditure 2006	Indicative budget 2007	Proposed budget 2007 (revised)	Indicative budget 2008 (revised)
Part 1 - Administrative expenses of the Secretariat					
Section 1 (Item 1)					
Sub-Item 1.1	<i>Staff Costs</i>				
≈ Established posts	844,763	561,000	1,400,018	1,079,508	1,313,100
General temporary assistance	5,000	5,000	6,000	6,000	6,200
Overtime	10,000	3,000	12,000	10,000	12,000
Consultants	190,000	160,000	150,000	150,000	150,000
Total, sub-item 1.1	1,049,763	729,000	1,568,018	1,245,508	1,481,300
Sub-item 1.2	<i>Official travel</i>				
	80,000	80,000	120,000	120,000	140,000
Sub-item 1.3	<i>General operating expenses</i>				
Electricity, water, sanitation	31,800	500	36,800	112,500	117,000
Communications	30,000	30,000	60,000	40,000	41,600
Office supplies & fuel	23,500	12,500	29,500	25,000	26,020
Publications and printing	25,000	25,000	30,000	30,000	31,200
Audit	12,500	12,500	12,500	12,500	13,000
Bank charges	5,000	3,000	6,000	5,000	5,200
Official hospitality	12,000	10,000	15,000	15,000	15,600
Pohnpei state tax	10,000	5,000	15,000	0	0
Miscellaneous services	10,000	8,000	12,500	12,500	13,000
Security			30,000	20,000	20,800
Training			0	10,000	10,400
Total, sub-item 1.3	159,800	106,500	247,300	282,500	293,820
Sub-item 1.4	<i>Capital Expenditure</i>				
Vehicles			45,000	25,000	
Information technology	55,000	55,000	75,000	75,000	50,000
Sound system				40,000	
Furniture and equipment	75,000	50,000	100,000	50,000	25,000
Total, sub-item 1.4	130,000	105,000	220,000	190,000	75,000
Sub-item 1.5	<i>Maintenance</i>				
Vehicles	2,500	1,500	5,000	2,500	2,600
Information and communication technology	20,000	5,000	25,000	25,000	26,000
Buildings and grounds	15,000	10,000	25,000	25,000	26,000
Insurance	30,000	20,000	37,500	37,500	39,000
Total, sub-item 1.5	67,500	36,500	92,500	90,000	93,600
Sub-item 1.6	<i>Meeting services</i>				
Annual session	70,000	100,000	73,500	90,000	93,600
Scientific Committee	100,000	90,000	105,000	105,000	109,200
≈ Northern Committee	15,000	15,000	15,750	15,750	16,400
Technical and Compliance Committee	70,000	100,000	73,500	90,000	93,600
Total, sub-item 1.6	255,000	305,000	267,750	300,750	312,800
TOTAL, Section 1/Item 1	1,742,063	1,362,000	2,515,568	2,228,758	2,396,520

ANNEX I (continued)	Approved budget 2006	Estimated expenditure 2006	Indicative budget 2007	Proposed budget 2007 (revised)	Indicative budget 2008 (revised)
Part 2 - Science & Technical & Compliance programme					
Section 2 (Item 2)					
Sub-item 2.1 <i>Scientific services</i> <small>(SPC)</small>	254,500	244,500	267,225	297,500	325,000
Sub-item 2.2 <i>Scientific research</i>			250,000	(indicative activities not specified)	
Regional tagging	20,000	20,000			
Data security w/shop	45,000	45,000			
Biological studies – TDRs and hook timers				50,000	
Investigation of alternative stock status reference points				10,000	
Ecological risk analysis – including PSA				100,000	100,000
Turtle/seabird interactions and fishery overlaps				30,000	30,000
Independent review of science structure and functions				80,000	
Indonesia/Philippines data collection project*			59,850	45,000	115,000
Unidentified					55,000
Total, sub-item 2.2	65,000	65,000	309,850	315,000	300,000
Sub-item 2.3 <i>Technical & Compliance work programme</i>			200,000	(indicative activities not specified)	
Vessel registry	40,000	40,000		15,000	5,000
Observer Programme	30,000	28,000		55,000	60,000
Port state measures	25,000	20,000		20,000	20,000
Catch documentation	15,000				
Implementation issues - bycatch mitigation				20,000	20,000
Vessel Monitoring System				55,000	360,000
Total, item 2.3	110,000	88,000	200,000	165,000	465,000
TOTAL, Section 2/Item 2	429,500	397,500	777,075	777,500	1,090,000
Total, Parts 1 & 2	2,171,563	1,759,500	3,292,643	3,006,258	3,486,520
Working capital			281,779	0	168,193
Total, Parts 1 & 2 and Working Capital			3,574,422	3,006,258	3,654,713
less					
* IPDCP amount sought from voluntary contributions in 2006 indicative budget			(59,850)	see item 2.2	see item 2.2
Approved Indicative 2007 budget (reconciliation) total			3,514,572		

≈ In-kind assistance estimated at USD60,000 is anticipated from Japan in 2007 by way of the provision of a Northern Committee Liaison Officer.

Projects requiring Voluntary Contributions - Science Committee (SC2) recommendations	USD
Publication and distribution costs for reproducing materials developed by the FT-SWG in languages useful for the Scientific Committee	5,000
Study to develop a database that clearly defines vessel and gear attributes and operational details.	10,000
Comprehensive study of bigeye tuna reproductive biology	40,000
Better determination length-weight relationships for the principal target species	5,000
Contribution to Regional Tuna Tagging Project	500,000
Seabird and turtle education and extension to fishers	100,000
Turtle de-hooking devices	50,000
Development / review of models for evaluation of impacts on ecosystem, including development of reference points - Ecosystem Risk Analysis	100,000
Studies on biology of high risk species	30,000
Turtle population assessments	50,000
Survival of hooked and released seabirds	30,000
Turtle tagging and associated materials	30,000
Offal discards and haul-back mitigation studies	250,000
Continued development of methods to evaluate potential management strategies, including MSE development and uncertainty	100,000
Total	1,300,000

ANNEX II - Funding Table

Western & Central Pacific Fisheries Commission

General Account Fund

Proposed financing of the budgetary requirements for the financial period
01 January to 31 December 2007

Proposed budget expenditure total		3,006,258
less		
Estimated interest income	6,000	
Japanese Trust Fund Contribution		
Science Committee meeting SIDs travel	80,000	
Technical & Compliance Committee meeting SIDs travel	80,000	
Observer Programme item	55,000	
Working Capital Fund draw down	<u>85,000</u>	306,000
Total assessed contributions		<u>2,700,258</u>
<i>(see conditions below)</i>		

Proposed financing of the budgetary requirements for the financial period
01 January to 31 December 2008

Proposed budget expenditure total		3,654,713
less		
Estimated interest income		6,000
Total assessed contributions		<u>3,648,713</u>

Conditions applicable to funding option for 2007 budget

1. Japan transfers the Japanese Trust Fund funds specified to the Commission by 28 February 2007
2. Members are urged to contribute their assessed contributions as soon as possible and as a matter of urgency in the operation of the Secretariat.
3. The Working Capital Fund be replenished to \$500,000 in the Commission's 2008 budget and this shall be reflected in the 2008 indicative budget
4. The proposed financing of the 2007 budget is not consistent with Financial Regulation 3.5 and shall not be a precedent.

ANNEX III Assessment Table

Western and Central Pacific Fisheries Commission

Indicative schedule of contributions based on proposed 2007 and indicative 2008 budgets

<i>Member</i>	<i>2007 Proposed</i>					<i>2008 indicative</i>	
	<i>Base fee component: uniform share 10% of budget</i>	<i>National wealth component: 20% of budget</i>	<i>Catch component: 70% of budget</i>	<i>Total of components: 100% of budget</i>	<i>% of budget by member</i>	<i>Total of components: 100% of budget</i>	<i>% of budget by member</i>
Australia	10,801	31,982	8,680	51,463	1.91%	69,539	1.91%
Canada	10,801	36,369	301	47,471	1.76%	64,145	1.76%
China	10,801	17,527	59,340	87,668	3.25%	118,461	3.25%
Cook Islands	10,801	3,816	1,470	16,087	0.60%	21,737	0.60%
European Community	10,801	101,487	2,955	115,243	4.27%	155,721	4.27%
Federated States of Micronesia	10,801	2,326	33,772	46,898	1.74%	63,371	1.74%
Fiji	10,801	2,894	11,859	25,554	0.95%	34,530	0.95%
France	10,801	45,966	4,713	61,479	2.28%	83,074	2.28%
Japan	10,801	75,643	612,203	698,647	25.87%	944,044	25.87%
Kiribati	10,801	1,237	8,041	20,079	0.74%	27,131	0.74%
Korea	10,801	19,696	293,613	324,111	12.00%	437,953	12.00%
Marshall Islands	10,801	2,913	57,334	71,048	2.63%	96,004	2.63%
Nauru	10,801	736	4	11,541	0.43%	15,595	0.43%
New Zealand	10,801	21,340	36,771	68,913	2.55%	93,118	2.55%
Niue	10,801	736	18	11,555	0.43%	15,614	0.43%
Palau	10,801	7,152	9	17,962	0.67%	24,271	0.67%
Papua New Guinea	10,801	594	137,587	148,983	5.52%	201,312	5.52%
Philippines	10,801	2,025	71,145	83,971	3.11%	113,466	3.11%
Samoa	10,801	1,813	1,374	13,988	0.52%	18,901	0.52%
Solomon Islands	10,801	576	4,554	15,931	0.59%	21,527	0.59%
Chinese Taipei	10,801	18,205	351,633	380,640	14.10%	514,338	14.10%
Tonga	10,801	1,869	489	13,160	0.49%	17,782	0.49%
Tuvalu	10,801	1,093	0	11,894	0.44%	16,072	0.44%
United States of America	10,801	140,641	115,927	267,369	9.90%	361,281	9.90%
Vanuatu	10,801	1,414	76,388	88,604	3.28%	119,725	3.28%
Totals	270,026	540,052	1,890,181	2,700,258	100.00%	3,648,713	100.00%



**Commission for the Conservation and Management of
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

Third Regular Session

11–15 December 2006

Apia, Samoa

**CHAIRMAN'S DRAFT PROPOSED PROGRAMME OF WORK/CONSERVATION AND
MANAGEMENT MEASURES AND STRATEGIES**

1. Conservation Measure for 2006–2010 to be developed against the back drop of this work program for the Commission. This work program includes conservation and management measures for 2006 and strategies for developing all the tool and systems the Commission will need to deal fully with allocation in 2009–2010.
2. The work program should guide the work and investment in the Commission until 2010 and lead the Commission to being established on a firm footing in as much as all the tools/systems to effectively manage the stocks and monitor the fisheries would be in place and an actual allocation of the stocks would be made.
3. WCPFC2 established CMM 2005-01 as a conservation and management measure and it should provide the base for future conservation measures taken in relation to these stocks and any future measures need to use this starting point as a base.
4. The work plan for 2006 includes reference to the draft conservation and management measures for WCPFC3 and those issues that were agreed at WCPFC2 to be addressed at WCPFC3.
5. This paper is a suggestion for a defensible work plan and management arrangements for our stocks. It should be considered and, if appropriate, further discussed, developed and adopted at WCPFC4.

2005	2006	2007	2008	2009	2010
<ul style="list-style-type: none"> • CMM 2005-01 YFT/BET • PS Effort Limits 2001-2004/2004 • LL Catch 2001-2004/(2004 - USA/China): <2,000mt • 2005-02 SPA • 2005-03 NPA • Capacity Limits (MHLC/Prep Con) <hr/> <p>Data audit for 2005-01 obligations:</p> <ul style="list-style-type: none"> • PS • LL • Other commercial fisheries 	<p>BET/YFT CMM may include:</p> <ol style="list-style-type: none"> 1. reduce to 04 by 07 2. FAD closure 3. HS PS closure 4. LL phased reduction 5. Other commercial fisheries <p>Observer program (implement)</p> <p>VMS (Strategy for 07)</p> <p>Data requirements (Strategy for 07)</p> <p>Transshipment (Strategy for 07 – or adopt IOTC/ICCAT)</p> <p>Port State (Strategy for 07)</p> <p>Bycatch Sea birds Turtles (implement) Sharks</p> <p>Swordfish (adopt)</p> <p>Striped marlin (adopt)</p> <p>Allocation Strategy (Strategy for 3 years from MRAG report)</p> <p>HSBI (adopt agreed position)</p>	<p>Data (adopt – including provisions to assist Ind/Phil)</p> <p>Review Observer Program</p> <p>VMS (implemented)</p> <p>HSBI (implemented)</p> <p>IUU (IPoA definitions)</p> <p>TAC/Ref Points/MSE (Strategy for adoption in 2008)</p> <p>Market State Information (Strategy for incorporation into data by 2009)</p> <p>Preliminary allocation (discussion on parameters for allocation)</p> <p>Bycatch</p> <p>Monitoring, control and surveillance (Strategy for monitoring and reporting on compliance)</p> <p>Port state (adoption of FAO-based port State measures)</p>	<p>Allocation (penultimate draft discussion)</p> <p>TAC/harvest (strategies adopted (to apply from 2009))</p> <p>VDS (operational)</p> <p>Port State (measures implemented)</p> <p>Transshipment (measures implemented)</p> <p>Market State Data (measures implemented)</p> <p>MCS monitoring and reporting arrangements (adopted)</p> <p>Stat. Doc. Program (converted to CDS and adopted)</p> <p>VDS (operational in waters under PNA jurisdiction)</p> <p>Review Science and CMM</p>	<p>Allocation (agreed to and applied from 1 January 2010)</p> <p>Report against performance of the VDS</p> <p>Review science and CMM</p> <p>Report against MCS arrangements</p> <p>Review Science and CMM</p>	<p>Finalized and operating (the following tools/systems will be in place and operating:</p> <p>Allocation</p> <p>TAC</p> <p>Accurate monitoring and reporting of catch</p> <p>CDS/Trade</p> <p>10% Observer</p> <p>Market State information informing decisions</p> <p>Data Confidence</p> <p>Port State</p> <p>HSB&I</p> <p>Transshipment</p> <p>IUU mitigated</p> <p>Charter arrangements</p> <p>Bycatch mitigation arrangements in place</p> <p>Review Science and CMM</p> <p>Review compliance with above measures.</p>

	<p>Charter arrangements (strategy to complete by 2008)</p> <p>IUU (Strategy for 2007)</p> <p>Stat. Doc (Strategy to migrate to CDS by 2008)</p> <p>Review Science and CMM</p>	<p>Transshipment (regulations adopted and implemented)</p> <p>Review Science and CMM</p>			
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