



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

**Ninth Regular Session
Manila, Philippines
2-6 December 2012**

SUMMARY REPORT

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AGENDA ITEM 1 - OPENING OF MEETING

1. The Ninth Regular Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC9) took place from 2-6 December 2012 at Manila, Philippines.
2. The following Members, Cooperating Non-members (CNMs) and Participating Territories (CCMs) attended WCPFC9: American Samoa, Australia, Belize, Canada, the People's Republic of China, the Commonwealth of the Northern Mariana Islands (CNMI), the Cook Islands, Ecuador, El Salvador, the European Union (EU), the Federated States of Micronesia (FSM), Fiji, France, French Polynesia, Guam, Indonesia, Japan, Kiribati, the Republic of Korea, the Republic of the Marshall Islands (RMI), Nauru, New Caledonia, New Zealand, Niue, Palau, Panama, Papua New Guinea (PNG), the Philippines, Samoa, the Solomon Islands, St Kitts and Nevis, Chinese Taipei, Thailand, Tokelau, Tonga, Tuvalu, the United States of America (USA), Vanuatu, Vietnam, and Wallis and Futuna.
3. Observers from the following governmental and inter-governmental organizations attended WCPFC9: the Agreement for the Conservation of Albatross and Petrels, the Inter-American Tropical Tuna Commission (IATTC), the International Scientific Committee (ISC), the Pacific Islands Forum Fisheries Agency (FFA), the Parties to the Nauru Agreement (PNA), the Secretariat of the Pacific Community (SPC), the South Pacific Regional Fisheries Management Organization (SPRFMO), the United Nations Food and Agriculture Organisation the United Nations Development Program, and the World Bank.

4. Observers from the following non-governmental organizations attended WCPFC9: American Fishermen's Research Foundation, the American Tunaboat Association, Birdlife International, Earth Island Institute, Greenpeace, the Humane Society International, the International Seafood Sustainability Foundation (ISSF), the Marine Stewardship Council (MSC), Ocean Friends Against Driftnets (OFAD), the Organization for the Promotion of Responsible Tuna Fisheries (OPRT), the Pacific Islands Tuna Industry Association, the Pew Environment Group, the United States-Japan Research Institute, and the World Wide Fund for Nature (WWF).

5. A list of all participants is attached as **Attachment A**

1.1 Welcome Addresses

6. Ms Candice Ramos, Miss Philippines-Ecotourism introduced the Chair of the Commission, Dr Charles Karnella. The Chair welcomed CCMs, observers, dignitaries and honoured guests making special mention of: Hon. Proceso J. Alcala- Secretary of Agriculture Philippines; Hon. Salvador S. Salacup – Assistant Secretary for Livestock and Fisheries, Philippines; Hon. Luwalhati R. Antonino, Secretary of Mindanao Development Authority Philippines; Attorney Asis Perez - Director of Bureau of Fisheries & Aquatic Resources Philippines; Hon. Noah Idechong - Palau Speaker of House of Delegates; Hon. Harry Fritz - Minister of Natural Resources, Environment & Tourism Palau; Hon Celestine Yangilmau - Member of the House of Delegates Palau; H.E. Ramon Rechebei - Ambassador of Palau to Philippines; Hon Godfrey Thoma MP Nauru; Hon. Mao Zeming, MP – Minister for Fisheries and Marine Resources PNG; Hon. Nixon Duban, MP – Member for Madang and Minister of Police PNG; Hon. Jim Kas, MP - Governor of Madang Province PNG; Hon. Michael Konelios - Minister of Resources and Development RMI; Hon. Isabella Lovin - Member of European Parliament; Hon. Benigno Fitial - Governor of the Commonwealth of the Northern Mariana Islands; and Mr James Movick, Director General of FFA.

7. Director Asis G. Perez, Philippines Bureau of Fisheries and Aquatic Resources (BFAR), welcomed delegates to the meeting and the Hon. Proceso J. Alcala, Secretary, Philippines Department of Agriculture delivered the welcoming address (**Attachment B**). He noted that the Philippines is very pleased to again be hosting a WCPFC meeting having hosted the third session of the Preparatory Conference (PrepCon3) in 2002.

1.2 Adoption of agenda

8. WCPFC9 considered a provisional agenda and indicative schedule for the meeting which reflected suggestions made at the Heads of Delegation meeting (WCPFC9-2012-05 (rev 6)). The following additional changes to the agenda were adopted:

- a. a discussion of management including catch attribution in the WCPFC/IATTC overlap area was added as agenda item 3.1.2;
- b. guidelines on the hosting of meetings was re-instated as agenda item 12.2;
- c. as PNA members noted they would not be providing a report on the Vessel Day Scheme (VDS) this agenda item was changed from a report by PNA members to a general discussion of the VDS (agenda item 10.2);
- d. As there is not yet a draft CMM for South Pacific albacore revising CMM 2010-05, this discussion was moved from the heading of CMMs (agenda item 10) to the heading of recommendations from the TCC (agenda item 9).

9. With these changes the WCPFC9 agenda was adopted (WCPFC9-2012/05 (rev 7)) (**Attachment C**).

1.3 Meeting arrangements

10. The WCPFC Executive Director, Professor Glenn Hurry, introduced Secretariat technical staff attending the meeting including Aaron Nighswander, Finance and Administration Manager; Dr SungKwon Soh, Science Manager; Dr Lara Manarangi-Trott, Compliance Manager; Karl Staisch, Regional Observer Programme Coordinator; Sam Taufao, Information, Communication and Technology Manager; Donald David, Data Quality Officer; Lucille Martinez, Administrative Officer; Milo Abello, VMS Operations Officer; Arlene Takesy, Executive Assistant; Jeannie Nanpei, RFV Officer; and Alice Miller, Intern. In addition to Secretariat staff, participants included Dr Shelley Clarke, Rapporteur; and Dr Martin Tsamenyi, Legal Advisor.

AGENDA ITEM 2 - MEMBERSHIP AND OTHER APPLICATIONS

2.1 Status of the Convention

11. New Zealand, as the depository of the Convention, reported that since their last report to WCPFC8 in March 2012, no further communications have been received and thus there has been no change in the status of the Convention. New Zealand noted that WCPFC9-2012-08 describes the status of the Convention as of 15 November 2012.

12. Indonesia informed WCPFC9 that the WCPF Convention ratification was now ready for the President's endorsement having completed all paperwork and stakeholder consultation processes. Indonesia considered that the ratification would be completed in the first quarter of 2013, and anticipated payment of its financial contribution to the Commission in 2014 once it has become a full member.

2.2 CNM Applications

13. Rhea Moss-Christian, Chair of the TCC, introduced the applications for cooperating non-member (CNM) status in 2013 as contained in WCPFC9-2012-10. There were ten applications for CNM status reviewed by TCC8 (Belize, Democratic People's Republic of Korea (DPRK), Ecuador, El Salvador, Indonesia, Mexico, Panama, Saint Kitts and Nevis, Thailand and Vietnam) and one additional application which was received after TCC8 (Senegal). The outcomes of the TCC8 review and subsequent responses from the applicants were summarized by the TCC Chair as follows.

14. Belize was notified, as a result of the TCC8 review, that additional information was required relating to the listing of one its vessels on the CCAMLR IUU vessel list.

15. Belize confirmed that a fine had been levied against the CCAMLR-listed vessel and that it had been removed from its registry. Belize paid its assessed financial contribution to the WCPFC for 2012 (\$13,709).

16. WCPFC9 agreed to grant CNM status for 2013 to Belize.

17. The Democratic People's Republic of Korea (DPRK) was notified, as a result of the TCC8 review, that additional information was required relating to:

- a. its intended vessel purchases, including the types of vessels, the intended fishing grounds and the proposed date of purchase; and
- b. the catch and effort data contained in its application including the number of sets for purse seine vessels and the number of hooks fished for longline vessels and the location of fishing.

18. The DPRK responded to this request. It did not pay its assessed financial contribution to the WCPFC for 2012 (\$10,710).

19. WCPFC9 agreed to grant CNM status for 2013 to the DPRK.

20. Ecuador was notified, as a result of the TCC8 review, that additional information was required relating to historical data for 2002-2009 and its 2011 AR Part 1.

21. Ecuador submitted its AR Part 1 at the close of TCC8 and subsequently provided the other requested information. Ecuador paid its assessed financial contribution to the WCPFC for 2012 of \$28,186.

22. WCPFC9 agreed to grant CNM status for 2013 to Ecuador.

23. El Salvador was not requested to provide any additional information to support its application.

24. El Salvador was assessed a 2012 financial contribution of \$23,244, and provided a contribution of \$23,209.

25. WCPFC9 agreed to grant CNM status for 2013 to El Salvador.

26. Indonesia was notified, as a result of the TCC8 review, that additional information was required relating to the compliance of its yellowfin tuna (YFT) catches with the limits imposed by CMM 2008-01, and the listing of seven of its vessels on the ICCAT IUU Vessel List.

27. Indonesia responded that the seven vessels had been removed from the ICCAT IUU Vessel List but did not provide further information about YFT catches. Indonesia did not pay its assessed financial contribution to the WCPFC for 2012 (\$44,235).

28. WCPFC9 agreed to grant CNM status for 2013 to Indonesia.

29. Mexico was notified, as a result of the TCC8 review, that additional information was required relating to its 2011 AR Parts 1 and 2.

30. Mexico did not respond to this notification. Mexico did not pay its assessed financial contribution to the WCPFC for 2012 (\$23,148).

31. WCPFC9 agreed to grant CNM status for 2013 to Mexico.

32. Panama was notified, as a result of the TCC8 review, that additional information was required relating to the listing of one of its vessels on the CCAMLR IUU Vessel List and provision of its 2011 AR Part 1.

33. Panama responded with further information on its actions relevant to the CCAMLR IUU Vessel List. Panama paid its assessed financial contribution to the WCPFC for 2012 (\$15,617).

34. WCPFC9 agreed to grant CNM status for 2013 to Panama.

35. Saint Kitts and Nevis was notified, as a result of the TCC8 review, that additional information was required with respect to its financial contribution.

36. Saint Kitts and Nevis confirmed that it was intending to make a financial contribution to the WCPFC but its assessed contribution for 2012 (\$17,823) remains unpaid.

37. WCPFC9 agreed to grant CNM status for 2013 to Saint Kitts and Nevis.

38. Senegal's application was not reviewed by TCC8 due to late submission on 26 October 2012. A review by the Secretariat noted that two criteria for CNM applicants were not met by Senegal, and that 2011 AR Parts 1 and 2 have not yet been received. Senegal's assessed financial contribution to the WCPFC for 2012 (\$11,568) has not yet been received.

39. WCPFC9 agreed to grant CNM status for 2013 to Senegal.

40. Thailand was notified, as a result of the TCC8 review, that additional information was required in the form of provision of its 2011 AR Parts 1 and 2.

41. Thailand provided the 2011 AR Parts 1 and 2. The Secretariat recently received confirmation of payment of Thailand's assessed financial contribution of (\$15,063).

42. WCPFC9 agreed to grant CNM status for 2013 to Thailand.

43. Vietnam was notified, as a result of the TCC8 review, that additional information was required in the form of clarification of any available historical data holdings.

44. Vietnam responded with confirmation that some data has been provided, but did not respond explicitly to the request. Vietnam has paid its assessed financial contribution for 2011 of \$16,095.

45. WCPFC9 agreed to grant CNM status for 2013 to Vietnam.

46. The TCC Chair also noted several recommendations of TCC8 encouraging CNM applicants to provide their applications before the deadline in order to allow adequate time for review and for applicants to attend the TCC meeting. TCC8 also noted the importance of reviewing the Provisional Compliance Monitoring Reports for recurring CNM applicants.

47. Several CCMs expressed concerns about the non-payment of assessed financial contributions from CNMs, late submission of applications and the fact that some CNM applicants did not attend TCC. These CCMs requested that the Executive Director write to these CNMs to emphasize that although they have been granted CNM status for 2013 they are still expected to fulfil the obligations identified by the TCC8 review.

48. One CCM suggested that a solution to these issues would be to encourage CNMs to become full members. This would require that they pay their full contribution towards the cost of the Commission.

49. WCPFC9 tasked the Executive Director with writing letters to the 2013 CNM applicants advising them of the outcomes of WCPFC9 and highlighting any outstanding obligations as discussed in paragraphs 14 – 47 (above)

Participatory Rights of CNMs (paragraph 12 of CMM 2009-11)

50. A Small Working Group (SWG), led by New Zealand, was convened to consider the issue of limits applying to the participatory rights for CNMs. In particular, the SWG discussed issues relating to the linkage between CNM applications and the Compliance Monitoring Scheme (CMS), the WCPFC-IATTC overlap area and the need to set catch limits in conformance with the requirements of the new CMM for tropical tunas (CMM 2012-01). Report language was proposed in WCPFC9-2012-34.

51. In accordance with the WCPF Convention and its conservation and management measures and resolutions, the following limits apply to the participatory rights of Cooperating Non-Members (CNMs) for fisheries in the high seas within the WCPFC Convention Area.

General rules applying to all CNMs

52. In addition, unless otherwise specified below, CNMs may fish in waters under their national jurisdiction or other CCM's national jurisdiction, in accordance with appropriate bilateral arrangements. Such CNMs shall ensure vessels flying their flags comply with all provisions of the WCPF Convention and the WCPFC conservation and management measures. In addition, CNM vessels will be placed on the WCPFC Record of Fishing Vessels (WCPFC RFV). CCMs shall ensure that CNM fishing activities that are conducted in waters under their national jurisdiction in accordance with bilateral arrangements are consistent with all relevant conservation and management measures and provisions of the WCPF Convention. Renewal of CNM status by the Commission will be conditional on full compliance with the national laws and regulations of any licensing CCM, all conservation and management measures and provisions of the WCPF Convention. CCMs shall identify any violations by vessels flagged to a CNM and report on any investigations of such violations to the TCC.

53. The CNMs identified below provide assurances that they will comply with all requests from Commission Members for information and documentation to investigate cases of possible illegal fishing.

54. With respect to the Compliance Monitoring Scheme, the Commission will consider how the Compliance Monitoring Reports of CNMs relate to the consideration of granting CNM status or determining participatory rights during the process of developing responses to non-compliance.

55. The Commission advised CNMs to ensure that they meet the deadline for submission of applications for CNM status and meet all the obligations contained in CMM 2009-11. The Commission noted that failure to meet the above requirements could prejudice the future granting or renewal of CNM status.

WCPFC/IATTC Overlap Area

56. In accordance with the decision of WCPFC9 regarding the management of the overlap area south of 4°S and between 130°W and 150°W, vessels flagged to Belize, Ecuador, El Salvador and Mexico will be governed by the IATTC when fishing in the overlap area. Accordingly, the

participatory rights for Belize, Ecuador, El Salvador and Mexico below apply to the WCPFC Convention Area excluding the overlap area.

57. In accordance with the Data Exchange MOU agreed by both Commissions, fishing vessels flying the flag of a member of either the IATTC or WCPFC shall cooperate with the RFMO to which they are not a member by voluntarily providing operational catch and effort data for its fishing activities for highly migratory species in the overlap area.

58. For the purpose of investigation of possible IUU fishing activities and consistent with international and domestic laws, vessels flying the flag of a CNM that is a Contracting Party to the IATTC will cooperate with those coastal State members of the WCPFC whose EEZs occur in the overlap area by voluntarily providing VMS reports (date, time and position) to those coastal States when operating in the overlap area.

Limits applicable to individual CNM participatory rights

Belize

59. WCPFC9 approved the application for renewal of CNM status by Belize with the following participatory rights:

Belize's fishing activities in the Convention Area are limited to a longline bigeye catch of 803.25 t and a longline yellowfin catch of 2,000 t. Belize's fishing activities are further limited to the following:

- a. Under CMM 2010-05 in accordance with paragraph 1, Belize is limited to historical catch level for 2004 of two unique longliners in the Convention Area south of 20°S;*
- b. Under CMM 2005-03 Belize is limited to the 2005 level of five unique longliners in the Convention Area north of the equator; and*
- c. Under CMM 2006-04, Belize is limited to two unique longliners in the Convention area south of 15°S.*

Democratic People's Republic of Korea

60. WCPFC9 approved the application for renewal of CNM status by the Democratic People's Republic of Korea with the following participatory rights:

The Democratic People's Republic of Korea has no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area.

Ecuador

61. WCPFC9 approved the application for renewal of CNM status by Ecuador with the following participatory rights:

The participatory rights of Ecuador for fishing in the WCPO are limited to purse seine fishing only. Ecuador has no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area.

El Salvador

62. WCPFC9 approved the application for renewal of CNM status by El Salvador with the following participatory rights:

The participatory rights of El Salvador for fishing in the WCPO are limited to purse seine fishing only. The total level of effort by purse seine vessels of El Salvador on the high seas shall not exceed 29 days in the Convention Area.

63. El Salvador expressed its appreciation to the Commission for the decision to renew its CNM status and noted that it intends to work with the Commission Secretariat to validate the data relating its purse seine effort in the high seas.

Indonesia

64. WCPFC9 approved the application for renewal of CNM status by Indonesia with the following participatory rights:

Indonesia's fishing activities in the Convention Area are limited to a longline bigeye catch limit of 5,889 t (8,413 t minus 30%) and purse seine fishing on the high seas in the Convention Area is limited to 500 days.

65. WCPFC9 encouraged Indonesia to apply compatible measures within its archipelagic waters given the significance of these waters for juvenile yellowfin and bigeye catch. Indonesia noted that its participation in the Global Environment Facility (GEF) West Pacific East Asia Oceanic Fisheries Management (WPEA OFM) has assisted in improving data collection and Indonesia supports the extension of this project (WPEZ Phase II).

Indonesia expressed its appreciation to the Commission for the decision to renew its CNM status and informed the Commission that its ratification of the Convention was in its final stage and Indonesia hopes to deposit its instrument of ratification in the first quarter of 2013. Indonesia stated that, consistent with its position throughout the Multilateral High Level Conference (MHLC) and Preparatory Conference, it considers that WCPFC CMMs do not apply to archipelagic waters.

Mexico

66. WCPFC9 approved the application for renewal of CNM status by Mexico with the following participatory rights:

The Commission noted that Mexico participated in the work of the Northern Committee (NC) at NC8 in 2012 and, noting the need for cooperation with the work of the NC particularly in regard to Pacific bluefin tuna (PBF), encouraged Mexico to continue to participate in the NC. The Commission advised that future renewals of Mexico's CNM status could be hampered if participation in the NC is not maintained.

Mexican participation in the WCPO tuna fisheries may not begin until all requested information and commitments have been provided to the WCPFC Secretariat in accordance with the Commission requirements. The participatory rights of Mexico for fishing in the WCPFC Convention Area are limited to purse seine fishing only. Mexico has no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area.

Panama

67. WCPFC9 approved the application for renewal of CNM status by Panama with the following participatory rights:

The participatory rights of Panama in the WCPO are limited to the provision of carrier and bunker vessels only.

Senegal

68. WCPFC9 approved the application for renewal of CNM status by Senegal with the following participatory rights:

The participatory rights of Senegal for fishing in the WCPO are limited to one unique longline vessel (the Robaliera). This vessel may only target swordfish and may only catch 154 t of swordfish (as determined in accordance with CMM2009-03).

Saint Kitts and Nevis

69. WCPFC9 approved the application for renewal of CNM status by Saint Kitts and Nevis with the following participatory rights:

The participatory rights of Saint Kitts and Nevis in the WCPO are limited to the provision of carrier and bunker vessels only.

Thailand

70. WCPFC9 approved the application for renewal of CNM status by Thailand with the following participatory rights:

Noting the need for cooperation between Thailand and the Commission and the commitment from Thailand to provide data from canneries located in Thailand to assist in the work of the Commission, WCPFC9 agreed to grant CNM status to Thailand for 2013 on the understanding that Thailand will cooperate fully with the Commission in the acquisition and exchange of fishery information and data. The Commission notes the significant improvement in the provision of data from Thai canneries and encourages Thailand to continue to cooperate with the Commission to improve the acquisition and exchange of fishery information and data. The participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.

Vietnam

71. WCPFC9 approved the application for renewal of CNM status by Vietnam with the following participatory rights:

Noting the need for continued cooperation between Vietnam and the Commission to achieve compatibility of fisheries management and conservation, as well as on the acquisition and exchange of fishery information and data, for which Vietnam would require assistance, WCPFC9 agreed to grant CNM status to Vietnam for 2013. The Commission notes the significant improvements in the collection and provision of data from Vietnam fisheries through the GEF WPEA project, administered by the WCPFC and encourages Vietnam to continue to cooperate with the Commission to improve the acquisition and exchange of fishery information and data. The participatory rights of Vietnam in the WCPO are limited to the provision of carrier and bunker vessels only.

AGENDA ITEM 3 - EXECUTIVE DIRECTOR AND CCM REPORTS

3.1 Report of the Executive Director on the work on the Commission and Cooperation with other Organizations

72. The Executive Director introduced a summary of the Commission work for 2012 (WCPFC9-2012-11), noting the sad passing of Secretariat staffer Layleen Oliver early in the year and the fortuitous recruitment of Dr Lara Manarangi-Trott as Compliance Manager and Arlene Takesy. The Secretariat's work with the FAO on the Global Environment Facility (GEF) Areas Beyond National Jurisdiction (ABNJ) project was also highlighted.

73. The Executive Director reported on the Commission's cooperation with other organizations (WCPFC9-2012-23), noting that the WCPFC Memorandum of Understanding (MOU) with CCAMLR had expired.

74. WCPFC9 endorsed the renewal of the WCPFC MOU with CCAMLR and tasked the Executive Director with progressing this issue.

3.1.1 IATTC/WCPFC Overlap Area Discussion Outcomes

75. On the specific topic of cooperation between WCPFC and IATTC on issues relating to the overlap area, the Chair provided a précis of the WCPFC8 paper on management options prepared by the Secretariats (WCPFC9-2012/IP-01) and a recent decision by IATTC on the basis of that paper (WCPFC9-2012-16 (rev1)). The IATTC decision is aimed at providing a short-term, practical management arrangement which will be the subject of further discussion by a joint WCPFC-IATTC working group. The IATTC decision is based upon a combination of Options 4 and 5 contained in the WCPFC8 paper (WCPFC9-2012/IP-01).

76. Some CCMs raised concerns regarding:

- i) how VMS data from the overlap area would be made available;
- ii) how high seas boarding and inspection (HSBI) procedures would be handled;
- iii) the notification procedures and rules for those vessels which are able to choose between the two t-RFMOs; and
- iv) how to handle when only one of the t-RFMOs has measures on a certain topic and whether there should be default or minimum-standard measures.

77. Some CCMs pointed to the low amount of catch taken in the overlap area (0.175% of the entire catch from the WCPFC and IATTC Convention Areas), and suggested that while the issues associated with overlap area management itself do not constitute a high priority for either Commission overall, the issue of management compatibility between them does, and should be given attention through the proposed joint working group.

78. Some CCMs reiterated concerns regarding the application of catch limits to longline catch in the overlap area, and called for the establishment of Pacific-wide catch limits to cater for fleets which frequently shift between WCPFC and IATTC Convention Areas.

79. It was suggested that this issue could be further discussed in conjunction with the proposal for the revised tropical tuna CMM (see Agenda Item 4).

80. WCPFC9 agreed to accept the short and long-term process in the Recommendation of the 84th extraordinary meeting of the IATTC regarding the management of the overlap area as set out in WCPFC9-2012-16 (rev 1),

a. In the short term, the following applies:

- i. Vessels listed exclusively in the WCPFC record of Fishing Vessels shall apply the conservation and management measures of the WCPFC when fishing in the overlap area;**
- ii. Vessels listed exclusively in the IATTC register shall apply the conservation and management measures of the IATTC when fishing in the overlap area;**
- iii. In the case of vessels listed in the record/register of both organizations, the corresponding flag Member shall decide and notify to both Commissions under which of the two commissions those vessels shall operate when fishing in the overlap area, as regards the application, for a period of not less than three years, of the conservation and management measures of that Commission.**

iv. In the case of vessels listed in the record/register of both organizations, the vessels of a Cooperating Non-Member shall apply the conservation and management measures of the Commission of which it is a member, when fishing in the overlap area.

b. Initiate in parallel a longer-term process through the establishment of a joint working group to explore avenues for managing tuna stocks in the entire Pacific Ocean, considering, *inter alia*, the joint management components outlined in Option 5 as set out in WCPFC9-2012/IP-01.

WCPFC further agreed that the joint working group should also give consideration to the following matters to be incorporated into the short term process once available: how VMS data from the overlap area would be made available; how high seas boarding and inspection procedures would be handled; the notification procedures and rules for those vessels which are able to choose between the two t-RFMOs; and how to handle when only one of the t-RFMOs has measures on a certain topic and whether there should be default or minimum-standard measures such as implementing joint requirements including for VMS, observers, and catch reports.

3.2 Annual Reports by CCMs

81. The Chair noted that CCM's reports or statements to WCPFC9 under this agenda item will be appended to the WCPFC9 Summary Report.

3.3 Statements of Non-Members

82. No statements were made by WCPFC CNMs.

3.4 Special Requirements of Developing States

83. Pacific Island small developing states presented WCPFC9-2012/DP-32 which requests that developed CCMs target their assistance to SIDS in the three areas of: i) increased commercialism of tuna fisheries and related industries; ii) enhanced capacity for conservation and management of fisheries by SIDS; and iii) broader cooperation on the importance of rights-based management. Eleven specific needs and priorities were identified as follows:

- a. Ensuring that in the revision of CMM 2008-01/CMM 2011-01 that there is no disproportionate burden of bigeye conservation on SIDS;
- b. Ensuring in the management of the fisheries for South Pacific albacore (ALB) and the revision of CMM 2008-01/CMM 2011-01, that CCMs contribute to increasing the participation of SIDS in the WCPO tuna fisheries;
- c. ensuring effective participation of SIDS in the Compliance Monitoring Scheme (CMS) process so that SIDS are not marginalised including through improvements such as streamlining of the reporting obligations;
- d. ensuring SIDS are being assisted in the implementation of Commission obligations as required by the CMS, including through capacity-building, rather than using the scheme primarily to penalise SIDS;
- e. supporting the RMI "flick the switch" proposal to give access to in-zone VMS data, to assist all members to undertake monitoring and surveillance more effectively, and in particular this assists SIDS who have limited MCS tools;
- f. providing a budget for SIDS participation in the NC meeting;

- g. ensuring that the Special Requirements Fund is not used to fund SIDS nationals to undertake core work of the Commission;
- h. ensuring that the proposed port states measure must clearly articulate assistance mechanisms that would support implementation by SIDS given that the implementation burden is placed disproportionately on port States many of which are SIDS;
- i. facilitating the use of the ROP Support Fund to assist SIDS in developing port sampling programs related to purse seine carrier transshipments;
- j. ensuring that priority for ROP funding be given to the national observer programmes of SIDS which are developing means of electronic collection of data;
- k. ensuring a rationalisation of Commission workloads, including a prioritisation of issues, and duly structuring and streamlining of agendas for all WCPFC-related meetings as this would allow a proper consideration of what the realistic options for meeting structures are as well as what works best for SIDS.

84. FFA members asked that each proposal brought before the Commission include a section analysing how the proposal responds to Article 30 of the Convention, and to Resolution 2008-01.

85. Kiribati informed the Commission that for 2013-2015 ten vessels will be added to the current Kiribati fleet of seven vessels. Eight of the additional vessels will fish under joint venture arrangements, one vessel is transferring from another t-RFMO and one vessel is newly built and will be owned by Kiribati. Although the fleet will expand to 17, fishing effort will continue to be managed under the Vessel Day Scheme.

3.4.1 CCM Reports on the Implementation of Article 30 of the Convention

86. The USA referred to its cooperation on monitoring, control and surveillance (MCS), observer programmes and stock assessments. The USA also noted the imminent finalization of the “broader cooperation” components of the ongoing negotiations for the multi-lateral purse seine treaty which addresses many of the same issues raised by Article 30 and Resolution 2008-01. The USA reiterated its suggestion from TCC8 that SIDS CCMs consider a companion report of activities, including private sector investments which were, and were not, successful in helping to enhance capacity as well as suggestions on how specific activities could be made more successful.

87. The EU highlighted several aspects of their contributions and offered to provide a full report for the record. Key areas mentioned were consideration of SIDS needs when drafting proposals for the Commission; numerous fisheries projects in the WCPO at regional and national level, and trade actions to facilitate SIDS’s imports to the EU. (**Attachment D**) (EU report of Article 30)

88. Japan enumerated several projects and activities amounting to nearly \$500 million in the last five years including port development in Kiribati (\$40M); a radio network in the Solomon Islands (\$6M); a solar plant in FSM (\$6M); a radio network in Tuvalu (\$8M); and a hospital in Tonga (\$23M). Specifically under the theme of fisheries Japan contributed over \$40M including a fish product transport road network in Kiribati; port development in Funafuti, Tuvalu; construction of markets/piers in PNG; and construction of a market in RMI. In addition, hundreds of trainees have been trained, dozens of experts have been dispatched, and a large amount of funding has been provided (FFA Promotion Fund (\$100M), Japan Trust Fund (\$2.5M) and travel funding for the NC meeting).

89. Chinese Taipei noted that it provides supports under two main themes: MCS and fisheries development. MCS assistance has included training of observers and other ROP support.

Fisheries development activities have included training, vessel construction and transfer, funding for SPC, and encouraging overseas investment.

90. Several SIDS who are CCMs acknowledged these contributions but requested more details, particularly in terms of how these projects and activities relate to the needs and priorities outlined in WCPFC9-2012/DP-32. These CCMs requested that future reports by developed CCMs use the points in WCPFC9-2012/DP-32 as a yardstick for measuring their contributions. Some SIDS who are CCMs stated they will also evaluate contributions against these points when deciding whether to support certain proposals to the Commission.

91. One CCM suggested that there were compliance shortfalls by developed CCMs and this is not consistent with the spirit of Article 30.

92. Nauru requested that the developed CCM statements be provided to them in writing.

93. WCPFC9 noted the SIDS needs and priorities articulated in WCPFC9-2012/DP-32 and the developed CCM reports.

3.5 FAC Interim Report

94. The WCPFC Chair explained that this agenda item was designed to provide for plenary discussion of the Commission's financial contribution formula and the provision of funds for observers to attend Northern Committee meetings.

95. Niue thanked the Secretariat for preparing WCPFC9-2012-FAC6-10 (rev 1) which deals with alternative options for calculating the wealth component of the annual contribution for very small SIDS. Noting that every person on Niue contributes \$40 to the work of the Commission, Niue proposed that the Commission limit the wealth component of the annual contribution to no more than \$1 per person.

96. CCMs expressed support for Niue's proposal but agreed to continue discussion of this issue within the FAC itself (see WCPFC9-2012-FAC6-10 (rev 1) and WCPFC9-2012-22).

97. The Executive Director (ED), referred to WCPFC9-2012-30 which details several options for funding participation of developing State CCMs in the meetings of the Northern Committee. The options included the Commission funding: i) the two SIDS NC members (Cook Islands and Vanuatu); ii) nine SIDS CCMs with EEZs north of the equator; and iii) all developing state CCMs. The costs associated with these options were \$18,000, \$63,000 and \$118,000, respectively. The ED noted that upon establishment of the NC, it was agreed that the members of the NC would fully support its work.

98. FSM, RMI and Palau indicated their desire to participate on a regular basis in the meetings of the NC.

99. Several SIDS CCMs stated that they wished to see establishment of a standing arrangement for funding to support participation in the NC, and not to rely on the back-on-back scheduling of Japan's consultation with FFA and the NC meeting.

100. Some SIDS CCMs, while fully supportive of greater SIDS participation, considered that it was not appropriate to use the Commission's budget to fund this. Some of these SIDS stated that

use of the Special Requirements Fund was also not appropriate, and expressed a preference for the members of the NC to fund developing State CCMs participation.

101. The Chair of the NC indicated that the NC could consider options for funding developing State CCMs who wish to participate in the NC including NC members and non-members.

102. One developed CCM which is also a member of the NC, queried why the Commission's Special Requirements Fund could not be used since under Article 30(3) participation in subsidiary bodies should be supported by the fund.

103. The WCPFC Legal Advisor explained that the NC was established on the understanding that it would run at its own cost. Therefore, under a narrow interpretation of Article 30, the NC would bear the cost of SIDS participation.

104. WCPFC9 accepted the offer by the NC to consider options for funding additional participation of developing State members and participating territories in the NC as observers. This issue was referred to the FAC for further discussion (see WCPFC9-2012-22).

3.6 Selection of Chair of the Ad Hoc Task Group on Data (9.3.12)

105. The Chair invited WCPFC9 to consider appointing a Chair of the Ad Hoc Task Group (AHTG) – Data, in advance of full consideration of new chair appointments for subsidiary bodies, to allow work of the AHTG-Data to progress in the margins of WCPFC9.

106. FFA members expressed their appreciation to Holly Koehler (USA), former AHTG-Data Chair and nominated Ana Taholo (Tonga) to take up the position.

107. WCPFC9 appointed Ana Taholo of Tonga as Chair of the AHTG-Data and endorsed her leadership of informal AHTG-Data meetings in the margins of WCPFC9.

AGENDA ITEM 4 - CMM 2012-01 (REPLACEMENT MEASURE FOR CMM 2008-01 / CMM 2011-01)

4.1 Stock Status of Key Tuna Species

108. Dr Shelton Harley of the WCPFC's Scientific Services Provider, the Secretariat of the Pacific Community (SPC), described the status of the main tuna stocks (see WCPFC9-2012-17). It was noted that since some of the key stocks were last assessed in 2011, updated stock status information for 2012 is not available for all species.

109. Overall the tuna catch in the WCPF Convention Area for 2011 was approximately 2.3 million t which represents the lowest catch since 2006. Longline and pole and line fisheries' catches were relatively stable but the observed decline was driven by lower catches of skipjack in the purse seine fishery.

110. In 2010 bigeye tuna (BET) catches were at their lowest level since 1996 due to reduced use of FADs and declines in the catches from other fleets. Longline catches of BET increased only slightly in 2011, but catches of BET were greater in the purse seine fishery than in the longline

fishery for the first time. The most recent BET stock assessment (2011, SC7) indicated that overfishing is occurring but the stock is not yet overfished.

111. Skipjack (SKJ) catches have declined from 1.8 million t to 1.7 million t to 1.55 million t over the past 3 years. The most recent SKJ stock assessment (2011, SC7) indicates the stock is not overfished and overfishing is not occurring, however, the current catch of SKJ is higher than the MSY catch which means that stock size is gradually declining over time.

112. Catches of yellowfin tuna (YFT) were at their lowest level since 2002 primarily due to lower catches in the purse seine fishery. Longline catches for this species are typically only a minor portion of the total catch (<20%). Although the most recent stock assessment (2011, SC7) indicates the stock is not overfished and overfishing is not occurring, the trajectory of the Kobe plot is moving toward fully exploited status, and closer to overfishing and overfished quadrants, over time.

113. South Pacific albacore (ALB) catch levels were high in 2009-2010 with a slight dip in 2011. However, across almost all fleets catch rates declined sharply in 2011. This species was assessed this year (2012, SC8) and indicates the stock is not overfished and overfishing is not occurring. The MSY catch was estimated to be approximately 100,000 t. It is predicted that catch per unit effort by longliners fishing in EEZs will decline by 10-15% in the short term if catches remain at current levels.

4.2 Review of the Impact of CMM 2008-01/CMM 2011-01 and Implications of the New Measure

114. Dr Harley also presented a summary of analyses previously presented at WCPFC8, SC8 and TCC8 on the impact of the recent tropical tuna CMMs (CMM 2008-01 and CMM 2011-01).

115. Purse seine fishing effort has increased considerably since the introduction of CMM 2008-01. Using logsheet and VMS datasets, most increases have occurred in EEZs and archipelagic waters. Despite the overall trend of increasing fishing effort since 2009, there was no increase in 2012 relative to 2011.

116. Analyses of purse seine data are complicated by apparently anomalous conditions in 2010 when there was a very high proportion of free school sets and a very low proportion of FAD sets. Catch rates in the last half of 2011 rates dropped to approximately 10 t per day which is only half or a third of typical catch rates. Data for 2012 appears to indicate that this period of very low catch rates has ended. Data for 2011-2012 have not been included in the stock assessment. Observer records during the FAD closure period implemented by CMM 2008-01/CMM 2011-01 indicate some activities which are not consistent with free school fishing. An analysis of catches during the FAD closure period shows that for 2009-2010 catches of SKJ showed a slight decline, YFT catches were stable, and BET catches declined considerably. In 2011, all three species showed declines in catch during the FAD closure which represents a serious concern for those coastal States which are heavily dependent on FADs. It is noted, however, that 2011 catches of SKJ and YFT showed declines both during and outside the FAD closure.

117. In terms of the longline fishery, by the time the tropical tuna management measures were first implemented (2009) longline catches of bigeye were already lower than the 2004 reference year and they continued to decline. However, during this time effort has steadily increased. Concurrently, the ALB component of the longline fishery is expanding and it is important to be able to separate the influence of that fishery from the fishery targeting BET.

118. Other analysis of the components of the existing measures showed that if the CMM was implemented without exemptions approximately half of the estimated overfishing would be removed. Comparisons were also made against different catch and effort levels of the major components of the fishery in 2004, 2009, and 2010. Against a baseline of 2004, F/F_{MSY} for BET currently stands at 1.57. Against a baseline of 2009, F/F_{MSY} currently stands at 1.39 with 32% of overfishing removed. Against a baseline of 2010, F/F_{MSY} currently stands at 0.97 with all overfishing removed. A total purse seine closure would result in little change in F/F_{MSY} for BET compared to a FAD closure but would have a large impact on total tuna catches.

119. With regard to the Chair's draft of the new measure (WCPFC9-2012-12), proposals for a four-month FAD closure with either current longline catch limits or a further 10% reduction for the major fleets were assessed. Both proposals are considered to result in small improvements in stock status relative to stock status observed in 2011.

120. Some CCMs requested confirmation that the scientific advice presented here was the same as that presented to SC8, and that the SC8 recommendations still represented a valid basis for development of the new measure.

121. The Chair confirmed this to be the case.

122. FFA members encouraged WCPFC9 to focus on correcting the trend of stock depletion in SKJ and to do more to reduce overfishing of BET through managing all sectors of the fishery.

123. One CCM noted that declining catch rate trends in the longline fishery may be due to changes in fleet dynamics (e.g. a shift in targeting from BET to YFT and ALB) and may not indicate a biomass decline in BET. This CCM also questioned whether the increasing purse seine effort in EEZs is increasing the fishing mortality on juvenile BET and whether this might lead to local depletions.

124. SPC agreed with the need to consider fleet dynamics and targeting shifts but noted that its ability to do so was sometimes limited by the lack of operational data. In response to the second point SPC noted that the number of FAD sets is a greater influence on the BET fishing mortality than the total purse seine effort per se, but that SEAPODYM modelling was planned to address these issues at SC9.

125. Several CCMs reinforced the importance of provision of operational data in compliance with the Commission's data rules. Palau on behalf of the PNA noted the particular need for high seas longline operational data to adequately understand the fishery and to aid in developing the longline VDS.

126. SPC confirmed that difficulties arise when using aggregate data as they do not allow easy partitioning of effort between EEZs and adjacent high seas. Furthermore, aggregated hook numbers are not easily partitioned into numbers of days fishing--the proposed unit of effort for the PNA longline vessel days scheme.

127. The EU emphasized the importance of taking stronger management measures for tropical tunas, and queried the following points:

- a. What data are used to evaluate the number of FAD sets and are these data reliable?

- b. Are both drifting and anchored FADs counted as FAD sets?
- c. What is the percentage of logsheets checked against observer reports?

128. SPC replied that since most purse seine sets occur in EEZs, and these logsheets are received, there is very good operational logsheet data available for the purse seine fishery. In addition, there is a high level of observer coverage in the purse seine fishery, and observer data both directly (i.e. through recording of set type) and indirectly (i.e. through species composition) provides reliable data on set type. The gaps in operational data are mainly for the longline fishery on the high seas but sometimes these gaps can be overcome, e.g. by using VMS data. In response to the question on definition of FAD sets, SPC clarified that natural logs, drifting FADs, and anchored FADs are included in the overall definition. SPC noted that the FAD closure was not implemented in archipelagic waters where almost all anchored FAD sets occur. With regard to the percentage of logsheets checked against observer reports, SPC stated that this has been done at a global level for a sample of sets and has shown that the logsheets are generally accurate, but had not been done on a set by set basis.

129. Nauru asked how some fleets were able to reduce their dependence on FAD sets; the level of understanding of the Indonesian and Philippines fleets' operations; the level of compliance with the FAD closure; and if the level of overfishing in 2004 is worse than previously estimated how that affects the evaluation of CMM 2008-01.

130. SPC suggested that the best information on how fleets reduced their dependence on FADs would be available from industry. Data from Indonesia and Philippines fisheries have improved considerably as a result of the GEF WPEA OFM (West Pacific East Asia Oceanic Fisheries Management) project and are expected to continue to do so. SPC committed to further analysis of FAD closure data and stated that analyses of the CMM are robust to changes in the baseline (relative) index.

4.3 Consideration of the Chairs Draft for CMM 2012-01

131. The WCPFC Chair introduced his draft of the new tropical tunas CMM (WCPFC9-2012-12) highlighting the following points:

- a. Objectives section: A decision was made to use the ratio of current fishing mortality to the fishing mortality at MSY (F/F_{MSY}) as the objective for each species. For SKJ and YFT the ratio was set as ≤ 1 , i.e. constrain F to below MSY levels. For BET the goal is to reach a ratio of 1.2 within 5 years and to reach ≤ 1 over a longer timeframe. Catch limits are specified as placeholders and may change. The adoption of target reference points will prompt the Commission to reconsider these objectives.
- b. Purse Seine High Seas section: A high seas limit on purse seine days is specified as a total, and within that total a limit for the Philippines is set, based on data tables. The need for a high seas purse seine VDS is acknowledged. The scientific advice calls for a 5-6 month FAD closure but a 4-month closure is proposed here due to opposition to a longer closure. Japan's proposal to replace the closure with a limit on purse seine sets is attractive but will require more work to develop.
- c. Purse Seine Catch Retention section: Mahi mahi, rainbow runner, wahoo and billfish were added as options to consider because of the PNA intention to require catch retention of these species.

- d. Longline Fisheries section: there are two options for reducing longline catches of BET as there was no consensus on reducing catches by 10% as originally proposed.
- e. Evaluation of Effectiveness section: an annual review for three years is proposed and at an “appropriate time interval” thereafter. The duration of the measure will need to be specified in para. 10.

The Chair noted that the reduction in the FAD closure period from six to four months would make it more difficult for the measure to reach its goals.

132. Japan asked how the Chair’s draft maintained consistency with scientific recommendations, especially as it appeared to have relaxed several components called for by the scientific advice.

133. The Chair explained that his draft was designed to present the strongest proposal that could be endorsed by the Commission. As such, based on comments received at TCC8, it has relaxed some provisions that were not supported by CCMs.

134. CCMs were invited to make general statements expressing their views on the priorities for development of the new measure.

General Statements

135. Korea stated that the initial objective for BET should be 1.0 rather than 1.2. If FAD closure periods are included in the measure they would need to be well-monitored; a limit on FAD sets could be considered as an alternative. Korea recognized the importance of developing a high seas VDS, including careful consideration of the number of fishing days allocated to the Philippines. Korea noted that, with difficulty, it had already reduced its BET catches by 30% as of 2011.

136. PNA members commented that the Chair’s draft was fair and balanced and represents a good basis for the measure. However, PNA members considered that strengthened management of the high seas was required including closure of the high seas pockets. Furthermore, a fourth month of FAD closure would not be agreed unless compensation in the form of \$500 per tonne of longline catch or alternative compensatory mechanism was paid. PNA members drew attention to the potential need for zoned-based management for BET, e.g. protection of potential BET spawning areas in the eastern high seas. Data provision shortfalls by other CCMs were noted and SC and TCC were requested to provide a paper to WCPFC10 on the implications for the Commission’s science, monitoring and compliance functions due to the ongoing failure by several major fleets to provide operational data.

137. FFA members also responded positively to the Chair’s draft but considered that the proposal requires stronger monitoring measures and needs to better consider the balance of costs and benefits to SIDS when providing an integrated package of measures. They drew attention to the advice of the SC that additional measures are needed for bigeye conservation across all sectors of the fishery, and that limits need to be placed on fishing for skipjack. FFA members stated they are open to considering alternatives to a FAD closures and encouraged the development of new methods to reduce bycatch of juvenile BET in FAD sets. Referring to WCPFC9-2012-DP/03, FFA members urged that steps to remedy data gaps and improve the flow of data for management purposes should be included in the measure, with particular priority on addressing the failures in the provision of operational data. .

138. Japan thanked the Chair for a useful draft measure but raised the following points:

- a. The objective for BET should be 1.0 within five years;
- b. Considering the special nature of the WCPO, it is time for real stakeholders such as SIDS, the Philippines and Indonesia to take leadership to develop more effective management measures;
- c. Japan's fishing industry is already suffering from poor migration to its coast due to range contraction; high fuel prices and increasingly distant fishing grounds; and competition due to overcapacity;
- d. Japan has already reduced its longline BET catch by 50% and its purse seine BET catch by 30% and now it is time for others to take reductions; and
- e. In developing the new measure it is essential to follow the scientific advice.

Japan also noted that while some SIDS seemed to suggest that the Commission was interfering with their fisheries in national waters, fishing operations in national waters can have wider impacts on the stocks and can lead to reduced catches in the national waters of other CCMs.

139. The EU stated similar concerns to Japan with regard to the BET objective and the importance of working with SIDS to effectively control purse seine effort. While noting that BET is the primary concern, the EU also acknowledged concerns with both SKJ and YFT stock status trajectories. It stated that shortfalls in the provision of operational data must be remedied along with backlogs in observer data. The EU continues to recommend a total closure period for the fishery (rather than a FAD closure) as it is concerned about the enforcement of a FAD closure. The EU is also concerned about the increase in fishing effort in archipelagic waters since 2004. However, it stated it would support a FAD closure if properly monitored and enforced. Further reductions in longline catches were advocated. The EU also supports initiatives for FAD management plans, reference points and harvest control rules, and IMO numbers for fishing vessels.

140. Chinese Taipei also supported an objective for BET of 1.0 within five years and the need to manage fishing effort in the high seas pockets. It advocated a FAD closure and FAD management plans but did not support a ban on night setting due to implementation difficulties. Chinese Taipei believes that since longline catch of BET has already been reduced relative to 2001-2004, further reductions should not be required of the longline sector.

141. Indonesia commented on the existence of tuna spawning areas in their waters and the importance of their efforts to manage fishing capacity in their national waters through limited entry and a national management plan. Indonesia acknowledged the role of the GEF WPEA OFM project in helping to improve scientific knowledge and build management capacity.

142. The USA stated that it fully supports a technically sound and equitable measure but appreciates the difficulties inherent in reaching agreement on such a measure. It supports an objective of $F/F_{MSY}=1.0$ for BET but recognizes that time will be required to achieve this. The USA advocated building on the experience gained through the implementation of CMM 2008-01, i.e. the longline catch limits were met but the purse seine effort limits and FAD closure were not complied with. The USA expressed a preference for a total purse seine closure because of its relative ease of implementation, but indicated it could accept a FAD closure of adequate duration and appropriate enforcement. An approach of implementing short-term goals while continuing to work toward longer-term goals was suggested.

143. The Philippines thanked the Chair for preparing the draft measure and highlighted the need to agree a management plan that can be effectively implemented throughout the region.

144. PNG on behalf of PNA countries, emphasized the importance of recognizing the sovereignty of Island States' and the need to recognise their existing in-zone anchored FAD management plans and the obligation of other members in assisting with their development aspirations. CCMs were encouraged to recognize the advanced management systems being put in place by the PNA and to focus on implementing compatible measures.

145. Greenpeace informed WCPFC9 that a recent cruise of the Esperanza conducted joint surveillance activities with the Government of Palau in the waters of High Seas Pocket #1 (HSP-1). This cruise documented numerous illegal FADs in the waters of Palau and HSP-1, as well as illegal transshipment in HSP-1 involving vessels flagged to Cambodia, Indonesia and the Philippines. Greenpeace urged the Commission to close HSP-1, to investigate the alleged violations by contacting the flag States involved, and to take appropriate actions under CMM 2010-06.

146. Indonesia responded that it had investigated the alleged incidents and found that the vessels in question were licensed and, according to VMS tracks, did not fish or tranship on the high seas.

147. CCMs agreed to a first reading of the Chair's draft to identify points of agreement for the production of a revised draft.

First Reading of the Chair's Draft

- *Preamble*

148. PNA members asked that the attachment containing the PNA Third Implementing Arrangement be deleted.

149. One CCM questioned the meaning of "Noting" the PNA arrangements if those arrangements are not reported to the Commission.

- *Objectives*

150. FFA members wished to make clear that the objectives will be replaced with target reference points once they are agreed by the Commission.

151. One CCM questioned how the both the F/F_{MSY} rate and the catch limit would be applied in the case that they each allow different levels of fishing.

152. Some CCMs reiterated previous statements about the need to set the F/F_{MSY} objective for BET at 1.0.

- *Rules of General Application*

153. Some CCMs considered that rules on chartering and catch and effort attribution are important but should be removed from this measure and dealt with separately, e.g. under the charter notification CMM 2011-05.

154. Some CCMs found the sentence “For the purpose of the in-zone purse seine limits, all catch in the EEZ shall be attributed to the coastal State” (para. 5) confusing or unacceptable, and suggested that it be deleted or modified by replacing “catch” with “effort”.

155. Some CCMs wanted a clearer specification about which areas needed to be protected from the transfer of effort.

156. FFA members asked that “rights” be replaced with “rights and obligations”.

157. Some CCMs stated that the applicability of the measure to the high seas and EEZs only should be clearly stated.

158. Other CCMs stated that such an explicit statement was unnecessary and might give the impression that other measures, without such an explicit statement, applies to other areas such as territorial seas, archipelagic waters and internal waters.

159. Some CCMs favoured the measure remaining in force until otherwise agreed.

160. Other CCMs believed it is inappropriate to specify a timeframe for the measure without first setting the management objectives and assessing how long it might take to achieve them.

-Purse Seine Fishery
--Effort levels in EEZs

161. Some CCMs did not support a cap on purse seine effort at 2010 levels as this level exceeds the 2004 effort limits specified in CMM 2008-01.

162. PNA Members explained that the use of 2004 base year data in CMM 2008-01 was a stopgap decision taken initially in 2005 to address bigeye bycatch before the FAD closure was developed. Because it was a bigeye bycatch measure and not a skipjack measure, CMM 2008-01 allowed for purse seine growth in two ways. Firstly it did not apply to SIDS domestic fleets and allowed for SIDS to develop their purse seine fisheries for skipjack. Secondly, at the request of the EU in 2005, it allowed for obligations for access that had been entered into in 2005 but not taken up at that time, provided these were documented in agreements registered with the Commission. The registered agreements included provision for future access for fleets from the EU, Korea, New Zealand and US fleets. Therefore CMM 2005-01 and its predecessor CMM 2008-01 allowed for growth in purse seine fleets over the 2004 level in these ways.

163. PNA Members also noted that in the new CMM, the Chair is proposing a 2010 base year for PNA effort as a skipjack measure and without exemptions. PNA Members considered this was completely consistent with the Scientific advice on skipjack where fishing mortality is less than half of MSY, and the use of a 2010 base year over most of the skipjack fishing grounds is in fact a highly precautionary approach.

164. Some CCM expressed a preference for absolute, rather than relative, effort limits, e.g. an actual number of purse seine fishing days, and called for monthly reporting of catch and effort against the limits. These CCMs also considered that the purse seine effort limits for non-PNA members were too open ended and should be set with reference to CMM 2008-01 and in absolute terms.

165. Some CCMs supported the text on EEZ effort levels in the Chair's draft as written.

166. Some CCMs requested that reference to BET and YFT be removed from paras 11-12.

167. Some CCMs called for the addition of a paragraph which would place a limit on purse seine fishing in EEZs which are not subject to limits under the PNA VDS, i.e. "Other coastal States with effort in their EEZs exceeding 1000 days annually over the period 2006 to 2010 shall limit effort in their EEZs to 2001-2004 average or 2010 levels".

168. One CCM expressed a reservation about limiting purse seine effort in the northern part of the Convention Area.

--Effort levels in High Seas

169. Some CCMs queried how the allowable number of purse seine effort days on the high seas could be set. Issues discussed, but not agreed, included i) this effort is not currently covered by the VDS; ii) the proposed limits should only be applicable to high seas areas between 20°S-20°N; iii) the high seas should remain open to fishing; iv) the Philippines' fishing effort in HSP-1 needs to be verified; v) whether the limit should be "Olympic", i.e. not allocated by flag or fleet; vi) whether the Commission should use the PNA definition of a fishing day; vii) how there could be an effective system for CCMs to report the number of fishing days expended; viii) how the Secretariat could verify CCMs' reports of fishing days expended.

170. Some CCMs specifically requested that the Philippines' exemption be removed and the HSPs be closed on the grounds that the fishing effort there is uncontrolled; they are havens for IUU fishing; and their closure would increase the biomass in surrounding areas. These CCMs noted that the Philippines vessels weren't fishing in the highseas adjacent to Philippines waters; they were anchoring FADs in the high seas areas which they can only get to by transiting across the zones of PNA members.

171. These CCMs also noted that the PNA continues to prohibit fishing in the HSPs for their licensed vessels.

172. Some CCMs noted that they supported the opening of HSP-1 to the Philippines to order to avoid the transfer of fishing effort into spawning and nursery areas.

173. Some CCMs called for a management scheme to manage fishing effort in the HSPs specifically.

174. The Philippines stated it is already aiming to control fishing activities in HSP-1 through a variety of management measures. It noted that although 36 vessels were granted access to fish in HSP-1 only 11 have actually fished there.

--FAD Closure

175. FFA members noted that whilst PNA nations have imposed FAD closures and other conservation measures in their waters, to date there is no evidence of other CCMs applying compatible measures to their purse seine and Big eye longline fishing effort in WCP waters.

176. Some CCMs explained that they are particularly sensitive to FAD closure proposals as they are fragile economies located in the most FAD-dependent areas. Since fishing on free schools is estimated to be ~70% more costly to operate and may prompt industry to leave their fishing grounds, a FAD closure is a disproportionate burden on these CCMs. Compensation should be provided for losses suffered thus far and for future losses associated with FAD closures. In particular, a four-month FAD closure would only be agreed if compensation is provided.

177. The USA stated that if a FAD closure is adopted, in lieu of the FAD closure rules included in the measure, the US would continue using the FAD closure rules it issues via regulation in 2009, prior to the Commission'

178. Some CCMs agreed with the proposal for a four-month FAD closure but did not necessarily support compensation payments.

179. Some CCMs maintained that FAD closures are not effective and instead there should be a limit on FAD sets. These CCMs, while noting that considerable work will be required to agree the details, supported this approach because it would incentivize free school fishing, implement catch limits, and increase the value of fishing days in EEZs.

180. One CCM preferred a total closure of the fishery to a FAD closure for ease of monitoring. This CCM was not convinced that a FAD closure is ineffective as it considered that any ineffectiveness observed to date may be the result of a lack of compliance rather than a lack of effectiveness of the measure.

181. All CCMs who supported FAD closures insisted that they must be effectively enforced. Issues discussed included:

- a. Whether the rules for FAD closures contained in Attachment 3 of the Chair's proposal (or other rules) should be adopted.
- b. Whether night setting should be prohibited during the FAD closure

--Observers

182. Some CCMs preferred to include provisions relating to observers in the CMM on the ROP rather than in this measure (see agenda item 9.4.3).

183. Some CCMs asked that observer providers submit observer reports to both the Commission and the flag State.

--Additional Measures

184. Some CCMs supported the text as written but suggested strengthening the language (i.e. remove "encouraged") and removing the brackets.

185. Some CCMs noted that as this clause is not binding it is of little practical use and should be removed.

--Catch Retention

186. Some CCMs did not support catch retention provisions as there is no clear conservation benefit and in fact, in some areas it could lead to undesirable competition with local fisheries.

187. Some CCMs questioned whether the requirements for catch retention were practical.

188. Some CCMs supported the catch retention requirements as written, including covering additional species, noting that they are compatible with PNA measures, create a disincentive for FAD sets, and will contribute to food security.

--FAD management plans

189. One CCM emphasized the importance of FAD management plans with clear and uniform requirements that would apply to both the high seas and EEZs. It did not support the proposed text because the requirements as drafted allow too much latitude. Instead, this CCM advocated stronger requirements (see agenda item 10.1.4).

190. Some CCMs supported the requirement for FAD management plans as written.

191. Some CCMs stated that the FAD management plans under CMM 2008-01 were not effective because they were only applicable to the high seas and noted that coastal States are now developing their own requirements. For these reasons, these CCMs would only support the FAD management plan text for an interim (e.g. three-year) period. In addition, these CCMs requested the addition of para. 26 to clarify that FAD management plan requirements in national waters would take precedence.

-Longline Fishery

192. Some CCMs supported the proposed BET catch limits for longline fleets on an interim basis but noted that the development of a longline VDS would prompt these levels to be revisited. Some of these CCMs acknowledged that some longline fleets have already achieved the 30% reduction in catches required by CMM 2008-01, but those that haven't should be prepared to take further reductions.

193. Some CCMs stated that they could accept catch limits at the 2011 level but could not accept further reductions in BET catches.

194. Some CCMs questioned whether the catch data fairly reflected their historical catches, and did not agree to catch limits being imposed on this basis.

195. One CCM noted that some catch in the South China Sea which is outside the Convention Area may have improperly been included in Attachment 5.

196. Another CCM requested that Guam and CNMI be added to the catch tables attached to the measures..

197. One CCM requested clarification on how the catch limits would be monitored.

198. One CCM questioned why there should be catch limits for YFT in the longline fleets but not in the purse seine fleets.

199. Korea requested the following footnote be added to Attachment 5 of the Chair's Draft: "The Commission will consider that Korea's BET catches will be counted against/within the

Pacific-wide limits, given that Korea has catch limits under both the WCPFC and IATTC and Korean longline vessels tend to frequently shift between the EPO and WCPO areas”.

-Other Commercial Fisheries

200. Some CCMs supported the text as written.

201. Some CCMs suggested that capacity limits are not sufficient and limits on effort are required.

202. One CCM suggested deleting the phrase “in future years”.

-Capacity Limitation

203. Some CCMs noted that they had tabled a proposal to limit the purse seine fishing capacity of non-SIDS at previous Commission meetings (WCPFC9-2012-DP/30) but this was perhaps better handled as a separate measure rather than incorporated into this measure.

204. Some CCMs supported the concept of capacity management but reminded the Commission that they are developing their own tools for achieving this; that longline capacity as well as purse seine capacity must be controlled; and that capacity limits must not obstruct domestic development.

205. Some CCMs stated that capacity limits should be applied in a balanced manner across all CCMs and that this issue requires further consideration.

-Evaluation of Effectiveness, Final Clause, Attachments

206. One CCM requested that if the map is to be attached to the measure that the map and footnotes used in CMM 2008-01 be used instead of the map from CMM 2011-01.

207. Having completed the first reading of the Chair’s draft, WCPFC9 discussed three options for progressing toward a new CMM for tropical tuna: i) a new draft prepared by the Chair; ii) continued discussions in plenary; or iii) continued discussions in a SWG. After some deliberation, WCPFC9 agreed to continue discussion via a SWG.

Discussion of Working Group Draft

208. Masanori Miyahara, Chair of the SWG on the new tropical tuna measure (CMM 2012-01), reported back to the plenary on the revised draft measure produced by the SWG. Key features of the measures were highlighted as follows:

- a. The operational aspects of the measure will apply for 2013 only.
- b. There will be a three-month FAD closure with an additional reduction of either an additional month of FAD closure or control of the annual number of FAD sets to approximate a four-month FAD closure (with an exemption for SIDS’s small purse seiners);
- c. There will be a prohibition on manual reporting, mandatory observer coverage and an increased VMS polling rate during the FAD closure period;
- d. There will be limits on longline catches similar to those proposed in the Chair’s draft, with a 10% reduction in BET catches by China and 2% voluntary reduction by Chinese Taipei and Korea;

- e. A working group will be established to develop a draft multi-year management framework for 2014-2017 to be considered at TCC9 and WCPFC10.

The Chair of the SWG noted an error in WCPFC9-2012-35 which would be corrected by deleting para. 16 and adding a footnote to para. 15 containing a reference to Appendix D.

209. WCPFC9 proceeded to review and edit the SWG proposal in plenary (WCPFC9-2012-35)

210. Japan, Indonesia, the Philippines, PNG and China stated that in accordance with the relevant provisions of UNCLOS and UNFSA and Article 4 of the WCPF Convention, it is very clear that the Convention applies only to the high seas and EEZs in the Convention area but does not apply to territorial seas, archipelagic waters and internal waters, unless otherwise specified, such as measures for inspection at port. Therefore, any reference to area of application such as “the measures is applied to EEZs and high seas” is not only unnecessary but also misleading since it may give a wrong impression that CMMs which do not have such references are applicable to areas other than EEZs or high seas. It is the view of these CCMs that “this measure applies to all areas in the Convention Area unless otherwise specified” is sufficient and appropriate.

211. The USA and EU noted that they do not share this view.

212. Some CCMs participating in the SWG clarified that the baseline for para. 15 (“not to increase fishing days on the high seas”) was left open, however, the intention is not increase effort over the range that is clearly on the record.

213. PNG questioned how effort can be controlled without specification of the baseline.

214. With regard to WCPFC9-2012-35 para. 24 regarding the increase in VMS polling frequency during the FAD closure, WCPFC9 agreed that the increased costs, which are estimated to be on the order of \$25,200, will be borne by the Commission.

215. WCPFC9 adopted the tropical tuna management measure produced by the SWG and edited by the plenary as CMM 2012-01. (Attachment E)

216. Japan offered to host the working group to develop a draft of the multi-year management programme for 2014-2017 in Japan before TCC, and asked that TCC9 focus on this draft measure and compliance issues only.

217. WCPFC9 agreed that Japan would host the work group meeting on the draft multi-year management programme for tropical tunas in Japan prior to TCC9.

218. WCPFC9 agreed that TCC9 would focus on the draft multi-year management programme for tropical tunas and compliance issues.

219. An observer representing Greenpeace, the Pew Environment Group and WWF expressed disappointment that the Commission had once again focused on how much overfishing to allow rather than setting limits to manage stocks sustainably. These groups considered that as the Commission continues to avoid addressing the core sustainable fisheries management issues, they will continue their efforts to transform the fisheries through markets and consumers.

220. An observer representing the American Fishermen’s Research Foundation suggested that observers should be more constructive in their comments.

221. FFA members expressed their appreciation to the Chair and members of the SWG, and considered that the outcome represented a reasonable step forward. However, these CCMs considered that the measure comes at the cost of SIDS for the benefits of developed fleets and consumers in developed countries and this contravenes the requirements of the Convention. They noted that SIDS have in the past taken unilateral measures to protect their interests when the Commission has failed to do so, and although compensatory mechanisms have been proposed they have not been taken up. While acknowledging the new measure, FFA members considered that it has not demonstrated a positive way forward.

AGENDA ITEM 5 - VMS ISSUES

5.1 Report of the VMS Small Working Group

222. The Cook Islands presented the report of the VMS SWG on behalf of chairs Colin Brown (Cook Islands) and Stan Crothers (Tokelau) (WCPFC9-2012/WP-15). This SWG was established by WCPFC8 based on a recommendation by TCC7. The SWG prepared but could not reach agreement on a draft Purpose and Principles statement. It was noted that this draft statement does not impose any obligations on CCMs but provides direction for future Commission decision-making. The SWG also could not reach agreement on amendments to the VMS CMM and SSPs, but the most recent working drafts of these documents are provided for CCMs' information. All participants in the VMS SMG were thanked for their efforts.

223. Some CCMs voiced their support for the draft Purpose and Principles document either as it stands in WCPFC9-2012-15 or with minor amendments.

224. Other CCMs, while acknowledging in principle that the draft Purpose and Principles Statement simply provides direction for future Commission decision-making, expressed concerns about suggestions that the VMS would transmit information other than vessel position data (e.g. catch and effort data). These CCMs considered that such "fisheries information" (e.g. in the section entitled "Versatile") requires checking before being used for analysis and that national programmes best fulfil this function.

225. FFA members noted that they are developing a VMS that will transmit catch and effort data and CCMs will need to decide whether the WCPFC VMS will be compatible with the capabilities of that system. FFA members also noted that part of the motivation for developing such capabilities was the shortfall in provision of catch and effort data to the Commission.

226. New Zealand tabled a revised draft of the statement and several CCMs voiced their support for it.

227. WCPFC9 adopted a statement describing the purpose and principles of the WCPFC VMS (WCPFC9-2012-15 (rev 1)). (Attachment F)

5.2 Annual VMS Report

228. The Executive Director presented the Secretariat's Annual Report on the Commission's VMS (WCPFC9-2012/IP-03). He noted that the Secretariat's approach of creating geo-fences around the Convention Area boundaries and not at EEZ-high seas boundaries was supported by TCC8 (WCPFC9-2012/IP-03, para. 19). The Secretariat has yet to implement the

recommendation of TCC8 regarding implementation of an appropriate buffer zone around the Convention Area (TCC8 Report, para. 105).

5.3 Cost Rationalisation of VMS

229. Mark Young (FFA) introduced a joint WCPFC-FFA Secretariat paper outlining three areas of potential cost savings: a) integrate the FFA and WCPFC VMSs under one license while maintaining the firewall separation between the two systems; b) combine the infrastructure and airtime service contracts, which are currently separate, into one fully-managed service contract; c) strengthen the ALC type approval process to increase the number of transmissions that are received through single packet reporting which would provide a substantial savings over current double packet reporting (WCPFC9-2012/IP-08). The paper estimates that over \$150,000 in savings could be realized through this proposed cost rationalization.

230. Some CCMs, citing the critical need for cost savings and efficiency improvements, supported the cost rationalization as proposed.

231. Other CCMs, while supportive of cost savings, expressed doubts about the ability of an integrated system to maintain the necessary level of VMS data security. Some of these CCMs also noted difficulties, in terms of ALC technician costs and scheduling, in adjusting ALCs to report under a single packet, or in a potential loss of information under single packet reporting.

232. One CCM expressed interest in understanding whether the legal relationship between the Commission and the FFA would change as a result of the cost rationalization.

233. As these concerns could not be addressed during informal discussions in the margins of WCPFC9, further discussion of the VMS cost rationalization proposals was deferred, noting that the ED and the FFA would work intersessionally on the proposed cost savings and that he would provide an update on progress but that no changes would be made until after the matter was discussed at TCC9 and action decided at WCPFC10.

5.4 Article 24 “Flick the Switch”

234. Alexa Cole (USA) presented a summary of the background to the “Flick the Switch” proposal for the application of the Commission VMS to the national waters of CCMs. It was noted that all but three clauses of the proposal (4a, 4l and 4l (bis) (or d.i, d.xii and d.xii(bis) below)) were agreed as of TCC8, and work to resolve remaining issues was progressed intersessionally (WCPFC9-2012/DP-08).

235. A majority of CCMs expressed support for the proposal as tabled, however, one CCM stated that it had further points which needed to be addressed.

236. An observer speaking on behalf of Greenpeace, Pew and WWF urged all CCMs to comply with the Commission’s VMS measures, and called for an integrated VMS capable of tracking vessels moving from the high seas into EEZs. In encouraging support for the “Flick the Switch” proposal these observers noted that the recent Greenpeace ship tour had demonstrated the continuing presence of IUU fishing within the Convention Area.

237. An SWG was convened in the margins of WCPFC9 and produced a revised draft proposal (WCPFC-2012/DP-08 (rev 1)).

238. WCPFC9 adopted the following paragraphs as decisions relating to the application of the Commission VMS solely to waters under the jurisdiction of Members and to complement and support Members' national VMS, including compatibility:

- a. Coastal States, particularly Small Island Developing States, have a legitimate and pressing need to increase their ability to monitor fishing vessels in waters under their national jurisdiction to ensure the effectiveness of measures adopted by the Commission or domestic laws or regulations of any Member are not undermined. CCMs that are both SIDS and coastal States are some of the smallest developing nations in the world.**
- b. Flag States have a legitimate right to know when vessels flying their flag in the Convention Area are being monitored and must consent to that monitoring in the waters under the national jurisdiction of another Member. CCMs consented to the monitoring of vessels flying their flag in the Convention Area at WCPFC7, pending resolution of an agreed upon template agreement. CCMs have agreed to take the decisions captured in paragraph 4 below instead of creating a template agreement.**
- c. All Members have an interest in ensuring that vessels that are authorized to fish in the Convention Area do so in accordance with the provisions of the Convention, any conservation and management measures or decisions adopted by the Commission or domestic laws or regulations of any Member when operating in waters under its jurisdiction. Effective conservation and management in waters under the jurisdiction of Members is critical to the success of the Commission as these areas are where the majority of catch and effort occurs in the Convention Area.**
- d. CCMs have agreed that rather than adopting a specific template agreement, as specified by WCPFC-2010-DP27 rev 1, the following principles will govern the application of the Commission VMS to the national waters of any Member that requests such application and the provision of those data (hereinafter "in-zone VMS data") to Members:**
 - i. Members that have existing national VMS programs may choose to have the Commission provide the in-zone VMS data for vessels reporting to the Commission VMS who enter waters under their national jurisdiction directly to their national VMS to ensure compatibility between national and high seas vessel monitoring systems.**
 - ii. Vessels reporting to the Commission VMS that enter the waters under the national jurisdiction of a Member whose waters are included within the area covered by the Commission's VMS retain all their navigational rights, including transit, innocent passage and freedom of navigation under international law. Vessels in transit will not be subject to MCS activities based solely on the in-zone VMS data provided.**
 - iii. The in-zone VMS data will be provided only to Authorized MCS Personnel and Authorized Management Personnel, as defined in paragraphs 11 and 32, respectively, of the Commission's 2009 Rules and Procedures or to FFA Secretariat on behalf of FFA Members, and to the WCPFC Secretariat.**

- iii(bis).** These data will be used for further investigation if a violation of a conservation and management measure or national law of a coastal state by the relevant vessel is suspected. CCMs will notify the Secretariat of the appropriate point of contact(s) to be used by flag States and coastal States for the purpose of any such investigation. The Secretariat will maintain that list on the secure section of the Commission's website.
- iii(ter).** The VMS data of any vessel that is under the status of manual reporting as described in the VMS SSPs shall be forward to the Authorized MCS Personnel and Authorized Management Personnel of the coastal Member in whose water a vessel is transiting.
- iv.** Members will use the in-zone VMS data only for (i) monitoring, control and surveillance purposes and for (ii) scientific purposes as described in paragraph 35 of the Commission Rules and Procedures for the Protection of, Access to and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes, first adopted in 2009 (Commission's 2009 Rules and Procedures).
- v.** Members shall maintain the confidentiality and security of the in-zone VMS data in a manner no less stringent than the security standards established by the Commission for the Secretariat in its Information Security Policy. Failure to maintain the confidentiality and security of the VMS data in accordance with the provisions of this paragraph will result in suspending the flow of VMS data from WCPFC to the respective coastal State until the standards are met.
- vi.** Members will destroy any in-zone VMS data received for waters under its national jurisdiction within 15 days of receipt, unless such data are necessary for (i) an investigation or a judicial or administrative proceeding of an alleged violation of the provisions of the Convention, any conservation and management measures or decisions adopted by the Commission or domestic laws or regulations of the Member or (ii) a scientific purpose as described in paragraph 35 of the Commission's 2009 Rules and Procedures. Members will report on their compliance with this requirement in Part 2 of their Annual Report.
- vii.** Members may only share in-zone VMS data with intergovernmental regional fisheries bodies and the Flag State to answer a specific and precise request for MCS purposes and with the Authorized MCS Entities and Personnel, as defined in paragraph 11 of the Commission's 2009 Rules and Procedures, of other Members for the purpose of conducting MCS activities. The in-zone VMS data will be shared in a manner consistent with Members' national VMS SSPs and the WCPFC rules and procedures, and in accordance with the confidentiality and retention and destruction requirements established herein.

- viii. **Members will be responsible for any additional costs associated with the application of the Commission's VMS to waters under their national jurisdiction, as determined by the Executive Director. However, this issue will be revisited in the event that there is any change to the cost and payment structure of the Commission's VMS. Failure to make timely payment of the additional costs, if any, identified by the Executive Director will result in a suspension of the provision of in-zone data until payment is made.**
- ix. **Waters under a Member's national jurisdiction will be included within the area covered by the Commission's VMS only at that Member's request and Members are not obligated to request such inclusion.**
- x. **Upon receipt of a request by a Member pursuant to subparagraph i, the Executive Director shall immediately notify Members of the Commission of the request by circular. The waters under the national jurisdiction of the Member making a request under subparagraph i shall be included within the area covered by the Commission's VMS 30 days after the date of that circular.**
- xi. **The Executive Director shall establish and maintain a list on the Commission's website of all the Members whose waters are included in the Commission's VMS.**
- xii. **In the event that two or more Members have conflicting claimed EEZ geographical coordinates, such area will not be included within the area covered by the Commission VMS and, therefore, the VMS data for such area will only be provided to any of those Members with the agreement of all of those Members. If any of those Members objects to the provision of VMS data in such area, none of those Members will be provided such data.**
 - xii(bis). **No Member may object to the provision of in-zone VMS data in areas not associated with its own claimed EEZ. In the event that any Member has objected to another Member's claimed EEZ geographical coordinates, no Member will be provided in-zone VMS data in the area until and unless the Members have reached an agreement to include the area within the area covered by the Commission's VMS.**
- xiii. **The implementation of these decisions shall be in accordance with the provisions of the Convention including Article 3(2) of the Convention.**
- xiv. **The implementation of and compliance with these decisions will be subject to review under the existing and any future Compliance Monitoring Scheme.**
- xv. **These decisions will be effective 60 days after the Commission meeting and shall only allow for the provision of data generated from that date forward. These decisions will be reviewed or revised in two years. During this period, CCMs will consider additional technical solutions to address concerns of illegal fishing occurring in waters.**

239. CCMs thanked the USA for their leadership in developing the proposal and facilitating its adoption.

5.5 VMS Manual Reporting

240. New Zealand introduced two recommendations from TCC8 regarding VMS manual reporting procedures in the event of ALC/MTU malfunctioning. The first recommendation concerns adoption of a standard format for manual reporting (TCC8 Summary Report, para. 119). It was noted that in parallel with this recommendation, the Secretariat was asked to report to TCC9 on the manual reports received with specific regard to whether certain models of ALC/MTU units and/or particular vessels are failing more often than others. The second recommendation contains interim proposals for the required intervals of manual reporting and the length of time the vessel can continue to operate while reporting manually (TCC8 Summary Report, para. 120). While there has been considerable debate about these timeframes over the years, and there are still outstanding issues, TCC8 agreed to recommend interim requirements that would apply for a one-year period.

241. FFA members stated that while the interim proposal falls short of their expectations, they would support it for a one-year period. In addition to reinforcing the need for the Secretariat to report to TCC9 on manual reports received, FFA members asked that the manual reports be linked to the Vessel Tracking Agreement Forms (VTAFs) and the Record of Fishing Vessels (RFVs) and that manual reporting be included as a standing item in the VMS Annual Reports prepared by the Secretariat.

242. Some CCMs supported the interim proposal and asked how the linkage requested by FFA could be accomplished.

243. The Secretariat indicated that the proposed enhancements for integrating VMS data into the WCPFC IMS was intended to respond in part to this request (see WCPFC9-2012-FAC16).

244. Some CCMs, while not objecting to the specific content of the interim proposal, stated that imposing manual reporting requirements for only one year (and then perhaps changing them) represented an unacceptable administrative burden.

245. WCPFC9 adopted i) the amendments to the VMS Standards Specification and Procedures (SSPs) recommended in para. 120 of the TCC8 Summary Report for the period 1 March 2013 to 1 March 2014 (Attachment G), and ii) the standard manual reporting format recommended para. 119 of the TCC8 Summary Report. (Attachment H)

AGENDA ITEM 6 - IUU VESSEL LISTING FOR 2013

6.1 Proposed IUU Vessel List for 2013

246. The TCC Chair informed WCPFC9 that there are no vessels proposed for the Provisional Vessel List for 2013 (WCPFC9-2012-20). With regard to the WCPFC IUU Vessel List, on the basis of confirmation in writing from both FSM and Chinese Taipei that a settlement has been reached on the incident involving the Jinn Feng Tsair No. 1, TCC8 recommended that this vessel be removed from the list. There has been no further information received regarding the Neptune,

Fu Lien No. 1 and Yu Fong 168 since WCPFC8 and thus TCC8 recommended that these three vessels remain on the WCPFC IUU Vessel List.

247. FFA members supported the removal of the Jinn Feng Tsair No. 1 from the WCPFC IUU Vessel List on the basis that both the requirements of CMM 2010-06 and satisfaction of the coastal State have been achieved. FFA members supported the retention of the other three vessels on the list.

248. Chinese Taipei thanked CCMs for supporting the removal of the Jinn Feng Tsair No. 1 from the list, noting that the vessel's license to fish on the high seas has been revoked for several years already.

249. WCPFC9 agreed to remove the Jinn Feng Tsair No. 1 from the WCPFC IUU Vessel List.

250. WCPFC9 agreed that the Neptune, the Fu Lien No. 1, and the Yu Fong 168 would remain on the WCPFC IUU Vessel List. The WCPFC IUU list for 2013 is provided at (Attachment I).

AGENDA ITEM 7 - SCIENTIFIC COMMITTEE

7.1 Report of the Eighth Session of the Scientific Committee

251. Ludwig Kumoru, Vice-Chair of the SC presented the report of SC8 to WCPFC9 (WCPFC9-2012-17) for Chairman Miyabe, in the form of a summary of recommendations (WCPFC9-2012-28). He noted that financial considerations related to SC activities are discussed within the FAC (see agenda item 12).

252. SPC supplemented its earlier presentation on the status of the key tuna stocks (see agenda item 4.1) with additional information on Southwest Pacific striped marlin (MLS), sharks and swordfish (SWO):

- a. An assessment of Southwest Pacific striped marlin (MLS) was conducted in 2012. MSY catch was estimated at just over 2000 t and while the stock is overfished, overfishing is not occurring (SC8 Summary Report, Section 4.6.2).
- b. Assessments of oceanic whitetip and silky sharks were also conducted in 2012. The oceanic whitetip shark assessment shows that the stock is overfished and overfishing is occurring. The silky shark assessment was not accepted by SC8 due to concerns over data conflict and potential biases, but basic fishery indicators show declines in recent years. An update of the silky shark assessment is slightly more optimistic than the SC8 assessment but still strongly suggests overfishing is occurring (WCPFC9-2012/IP-13).
- c. Progress with the swordfish (SWO) assessment since SC8 has included a collaborative analysis of tagging data which defined a new spatial structure for the model; and catch, effort and biological data preparation. Further collaboration with EU scientists is suggested to facilitate and strengthen the assessment (WCPFC9-2012/IP-10).

253. The EU stated it has provided operational data for SWO and is willing to collaborate with SPC on its analysis through electronic means to produce an assessment for review at SC9.

254. FFA members welcomed this collaboration on SWO and looked forward to hearing the results at SC9.

255. In response to para. 223 of the SC8 Summary Report, Dr Gerard DiNardo, Chair of the ISC, presented an update on North Pacific striped marlin involving additional stock assessment projections (WCPFC9-2012-IP/18). The new projections assessed a new type of recruitment pattern (“recent”) based on low recruitment observed in 2004-2008 and some alternative harvest scenarios (constant $F_{x\%}$ and constant catch). The performance measure was the spawning stock biomass in the final year of the projection 2017 relative to the current level. The results showed that if fishing mortality levels are maintained there is <25% probability that the biomass will decline. If recruitment is low or F is increased the results are more pessimistic; if F is reduced the stock will rebuild. Constant catches of <2,500 t appear to be sustainable based a 50% risk level. Dr DiNardo noted that catches have declined in 2010-2011 and a large recruitment pulse was observed in 2009. These results will be further discussed at the next ISC Plenary meeting in July 2013.

256. FFA members reminded the ISC that all stock assessment should be submitted to the SC in the same way that other assessments are. The FFA noted the use of peer reviews, and reiterated a suggestion from SC8 that an ISC assessment also be identified for a comprehensive peer review, similar to bigeye this year.

257. Dr DiNardo responded that according to the terms of the MOU between WCPFC and ISC, all ISC reports, including stock assessment reports, shall be provided to WCPFC-SC.. It was pointed out that the ISC has always complied with this requirement. Having said that, the ISC is taking measures to accommodate the request for faster reporting. Regarding peer reviews, it was pointed out that ISC routinely conducts peer reviews of its assessments using the Center for Independent Experts (CIE) and that reviews are currently underway for North Pacific striped marlin stock assessment and planned for Pacific bluefin tuna (PBF) stock assessment.

258. The SC Vice-Chair and the WCPFC Chair highlighted the following SC recommendations for WCPFC9 adoption:

- a. Amend “Scientific Data to be Provided to the Commission” as recommended (SC8 Summary Report para. 71 c-e);
- b. Assist with funding for distributing/harmonizing shark identification guides (SC8 Summary Report, para 392);
- c. Encourage CCMs to use longline logsheets showing key shark species (SC8 Summary Report, para. 393);
- d. List the whale shark as a key shark species (SC8 Summary Report, para. 395);
- e. Approve budget items for Project 60 (\$75,000); BET Multifan-CL improvements (\$40,000); and stock assessment improvements (\$160,000) (SC8 Summary Report, para. 469) (note: financial aspects to be considered by the FAC);
- f. Extend the Shark Research Programme beyond December 2013 (SC8 Summary Report, para. 474) (note: financial aspects to be considered by the FAC);
- g. Include budgets for Project 58 (Evaluation of Reference Points and Decision Rules) and Project 66 (Identification and Evaluation of Target Reference Points) in the SC work programme and budget (SC8 Summary Report, para. 475);

- h. Task the Northern Committee to conduct a scientific peer review of the PBF stock assessment (SC8 Summary Report, para. 484); and invited WCPFC9 to comment on these and other issues raised by SC8.

259. Several CCMs raised concerns about the continued non-provision of operational data, particularly as the importance of these data was highlighted by the BET peer review. These CCMs recalled the recommendation of WCPFC7 (WCPFC7 Summary Report, para. 173) that CCMs that have issues in providing accurate and complete data in a timely manner should provide a draft plan of how impediments to the provision of data will be dealt with as rapidly as possible, but noted that no such plans have been received. It was suggested that data improvement plans be included in the CMR process.

260. One CCM stated that it meets its data provision obligations by allowing SPC scientists to analyse the data onsite.

261. Some CCMs considered that such arrangements do not constitute data provision under the rules of the Commission.

262. With regard to recommendations concerning BET assessments, SPC clarified that the \$40,000 for BET Multifan-CL improvements is for one year only but the \$160,000 for stock assessment improvements is required for each year.

263. Several CCMs supported the proposed Pacific-wide BET stock assessment.

264. SPC explained that the first step will be to improve the assessment software and key data inputs. There will be an updated WCPO BET assessment in 2014 and a Pacific-wide BET assessment in 2015.

265. Several CCMs reiterated their concerns regarding South Pacific ALB, in particular the time lag between when the data are collected, the assessment is completed and the management measures are implemented. These CCMs encouraged prompt action to protect the South Pacific ALB stock.

266. In response to a question from a CCM about how much fishing mortality on South Pacific ALB needs to be reduced to achieve economically viable catch rates, SPC noted that this requires an economic rather than scientific analysis.

267. Some CCMs supported continued work on target and limit reference points as reflected in para. 298 of the SC8 Summary Report (i.e. biomass-based reference points).

268. Other CCMs noted that this paragraph does not represent the consensus view of SC8 and asked that the views expressed in para. 299 of the SC8 Summary Report also be reflected. In particular, these CCMs wish to see both biomass-based and F-based reference points considered. These CCMs cited several advantages with F-based reference points including: i) biomass estimate updates require new stock assessments; ii) F levels are more directly controlled by management; and iii) F-based reference points are more robust to biological uncertainties.

269. WCPFC9 adopted paragraph 298 of the SC8 Summary Report and noted that SC will continue further work on F-based reference points for discussion at SC9.

270. WCPFC9 adopted SC8 recommendations concerning amending the Commission's data provision requirements (SC8 Summary Report, para. 71 c-e); shark identification guides (SC8 Summary Report, para 392); use of longline logsheets showing key shark species (SC8 Summary Report, para. 393); listing the whale shark as a key shark species (SC8 Summary Report, para. 395); approving Project 60, BET Multifan-CL improvements, and stock assessment improvements; extending the Shark Research Programme (SC8 Summary Report, para. 474); approving Projects 58 and 66; and conducting a scientific peer review of the PBF stock assessment (SC8 Summary Report, para. 484). (Attachment J)

271. WCPFC9 adopted the SC8 Report with no objection.

7.2 Best Science Proposal

272. The EU introduced its proposal for a resolution on the best available science (WCPFC9-2012/DP-28 (rev 1)). The proposal, which has been put forward in several other RFMOs, outlines actions necessary to preserve and promote the independence and excellence of the scientific providers, improve communication between managers and scientists, enhance data collection, facilitate new research projects and build scientific capacity in SIDS. The proposal specifically calls for the drafting of i) a code of conduct and ii) a strategic plan for the SC, the WCPFC SSP and the ISC.

273. Several CCMs articulated strong support for the proposal agreeing that good science is the foundation of the work of the Commission.

274. One CCM considered that the SC should be tasked with reviewing the resolution specifically with reference to the linkages between the SC and the ISC on data and scientific advice.

275. WCPFC9 adopted the resolution on best available science (WCPFC9-2012/DP-28 (rev 1)) as Resolution 2012-01. (Attachment K)

AGENDA ITEM 8 - NORTHERN COMMITTEE

8.1 Report of the Eighth Regular Session of the Northern Committee

276. Masanori Miyahara, Chair of the Northern Committee, gave a presentation on the recent work of the NC and the issues that concern it. NC8 met in Nagasaki, Japan from 3-6 September 2012 and primarily focused on issues relating to the CMM for Pacific BFT which expires at the end of 2012 (CMM 2010-04). According to this CMM, total fishing effort for 2010 and 2011 should remain below 2002-2004 levels except for artisanal fisheries. All CCMs except for Korea are required to reduce catches of juveniles (age 0-3) below the 2002-2004 levels. The largest fisheries for PBF are Japanese and Japan has implemented catch limits for PBF and completed registration of its artisanal fleet of over 13,000 vessels. It has also prohibited any increase in PBF farming capacity because most of the fry are wild-caught. Korea has deferred management measures until after its ongoing PBF research programme is complete. Chinese Taipei longline fleets catch adult PBF but catches have declined recently. Mexico caught over 6600 t of PBF in 2012 which exceeds its limit under CMM 2010-04 of 5600 t. Although an updated PBF stock

assessment is being finalised by ISC, the results are not yet available, and it is proposed to continue the current PBF CMM with the addition of a requirement to monitor the international trade in PBF products (WCPFC-2012-25). NC8 also agreed a proposal to implement the ROP for vessels fishing for fresh fish north of 20°N no later than 31 December 2014 (WCPFC9-2012-26) and announced that all members are prepared to implement VMS in the area north of 20°N and west of 175°E by 31 December 2013 (WCPFC9-2012-18).

277. Some CCMs raised concerns about the implementation date for the ROP and stated that further delays would not be acceptable.

278. Chinese Taipei explained that it is encountering difficulties placing observers on small longliners due to safety issues and crew conditions. Nevertheless Chinese Taipei will continue to strive to increase observer coverage.

279. Some CCMs noted that the applicability of the observer coverage levels to small longliners remains unclear because of a lack of definitions of key terms under the ROP. It was noted that this issue arises not only in the NC but in the ROP as a whole.

280. The Chair of the NC stated that it was not the role of the NC to discuss definitions in the ROP. Therefore, the proposal for implementation of the ROP in the NC area remains as presented in WCPFC-2012-26.

281. Several CCMs, as well as observers representing WWF, Pew and Greenpeace, emphasizing the importance of reducing fishing mortality on juvenile PBF, looked forward to the results of the PBF stock assessment and to strengthening the CMM next year.

282. WWF, Pew and Greenpeace called for ISC to increase its transparency by re-considering requests for observer status at its meetings.

283. Indonesia noted the importance of artificial propagation of tuna fry and announced it would shortly be sharing results of some research on YFT.

284. Canada highlighted the considerable progress made by the NC and the ISC on North Pacific ALB including improvements in catch and effort reporting, development of precautionary management frameworks, and work programme planning.

285. WCPFC9 endorsed the NC members commitment to implement VMS in the area north of 20°N and west of 175°E by 31 December 2013.

AGENDA ITEM 9 - TECHNICAL AND COMPLIANCE COMMITTEE

9.1 Report of the Eighth Regular Session of the Technical and Compliance Committee

286. The TCC Chair presented the report of TCC8 (WCPFC9-2012-19) noting the issues of cooperating non-members (CNMs) and the WCPFC IUU Vessel List are discussed under agenda items 2.3 and 6, respectively. Paper WCPFC9-2012-29 was noted as a reference document which links TCC8 recommendations to WCPFC9 agenda items. Other issues considered by TCC8 are discussed under agenda items 5 (VMS) and 10 (CMMs).

9.2 Compliance with Conservation and Management Measures

9.2.1 Report on Compliance Monitoring Scheme (CMS)

Provisional CMR and Executive Summary

287. The TCC Chair presented the Provisional Compliance Monitoring Report (CMR) and Executive Summary (WCPFC9-2012-07). This report is based on work conducted by a TCC8 SWG, chaired by Shuya Nakatsuka (Japan) and Ana Taholo (Tonga), which reviewed draft and full CMR summaries for each CCM prepared by the Secretariat. Compliance was evaluated in five CMR categories (catch and effort limits; catch and effort reporting; spatial and temporal closures and restriction on the use of FADS; observer and VMS coverage; and provision of scientific data through AR Part 1 and scientific data to be provided to the Commission). One of three compliance ratings was assigned (implemented, not applicable, potential implementation issues). Four CCMs could not be assessed due to lack of submitted information. The Provisional CMR and Executive Summary produced by the TCC8 SWG contains some recommendations for the CMS and is forwarded to WCPFC9 for consideration and adoption.

288. FFA members requested that additional information be added to the Final CMR to address i) more serious instances of non-compliance; ii) non-compliance of data gaps by a mechanism external to the CMS; and iii) broadening the scope of the CMS to include compliance with the eastern high seas pocket and transshipment measures (CMMs 2009-06 and 2010-02) (WCPFC-2012-DP/06). With regard to serious instances of non-compliance, FFA members stated that a compliance status of “Compliance Review” was not appropriate, rather “Compliance Action Plan” or “Compliance Remedy” was warranted to correct continuing non-compliances.

289. Edits were made to the 2011 CMR’s Executive Summary to address FFA’s point regarding serious instances of non-compliance.

290. FFA members also stated that all sensitive information should be removed from the CMR before it is released to the public, i.e. that all CCM-specific references should be removed. In addition, FFA members requested that a footnote be added to make clear that the CMS is an interim process and that the results from this process should not be considered as an assessed compliance level until that process is finalized. Furthermore, FFA members stressed that all CCMs must adhere to the Commission’s data rules on non-public data when handling the information in the CMRs.

291. All summaries of draft CMR reports for individual CCMs were deleted from the 2011 CMR and a sentence was added to the 2011 CMR’s Executive Summary to define the appropriate use of CMR information.

292. WCPFC9 agrees that until such time as the Compliance Monitoring Scheme becomes a permanent measure, the compliance status of any CCM or information regarding compliance developed through the Compliance Monitoring Scheme shall only be used consistent with paragraphs 1 and 6 in CMM 2011-06 and to support the continued development and refinement of the CMS and will not be used by CCMs for any outside purpose.

293. WCPFC9 adopted the Final Compliance Monitoring Report for 2011. (Attachment L)

294. With regard to extension of the CMS for 2012, Japan tabled a revised CMM which added provisions for i) AR Part 2 information to be evaluated, and ii) CMMs that are managed under a

multilateral framework be evaluated separately based on a report of their implementation prepared by the Secretariat based on available information (WCPFC-2012-DP/34).

295. There was not consensus on this proposal as some CCMs indicated they are already struggling to meet their AR Part 2 reporting requirements and as a result have requested further streamlining of reporting requirements be undertaken as a matter of priority.

296. WCPFC9 agreed to extend the CMS as specified in CMM 2011-06 for an additional year (2013) and to hold further discussions on potential refinements to the scheme intersessionally and at TCC9 with a view to adopting a revised CMS at WCPFC10. (Attachment M and CMM 2012-02)

Revised Annual Report Part 2 Template, including Online Interface, and Proposed Addendum to Annual Report Part 1 and other TCC issues.

297. The TCC Chair introduced TCC recommendations relating to the CMS process, namely CCM reporting requirements, templates and deadlines (TCC Summary Report, paras. 212-214 and 222); the establishment of an Assistant Compliance Manager position within the Secretariat (TCC Summary Report, paras. 223); and development of information management systems to facilitate reporting (TCC Summary Report, paras. 224) (WCPFC9-2012-29).

298. Rather than adopting the TCC recommendations concerning AR Parts 1 and 2 reporting (TCC Summary Report paras. 212-213), FFA members recommended that a consultant be tasked in early 2013 with examining how the reporting requirements can be streamlined. The goal of the consultancy would be to facilitate SIDS' ability to comply with the reporting requirements but avoid burdens associated with repetitive or unnecessary data elements (WCPFC9-2012-DP/06). These CCMs considered that such a consultancy was a higher priority than development of the Information Management System (IMS) or the establishment of the Assistant Compliance Manager, both of which could proceed based on the results of the consultancy.

299. Some CCMs, while concurring with the need to streamline reporting requirements and avoid undue burdens on small administrations, considered that a consultancy was unnecessary as useful streamlining ideas have already been identified. These CCMs also noted that the ongoing development of the IMS, and the creation of an Assistant Compliance Manager position, are designed to lighten CCMs reporting burdens.

300. Some CCM supported the creation of a working group which would meet in advance of TCC9 to assist in preparing the draft and summary CMRs and thus alleviate the workload of the TCC. This working group would be open to all CCMs on a voluntary basis and would primarily focus on preparing the summary CMRs after the Secretariat had prepared the draft CMRs and sent them to CCMs for review. However, if AR Parts 1 and 2 are submitted late, this working group could also assist with preparing the (full) draft CMRs.

301. The Executive Director stated that the most time-consuming task is preparation of the draft CMRs but that if the AR Parts 1 and 2 are submitted on time, if the Assistant Compliance Manager position is approved, and if interns are available to assist as in previous years, the workload would be manageable. He noted that there would be funding implications associated with the proposal for the working group meeting which had not yet been considered by the FAC. He also noted that the terms of reference and funding for the proposed consultancy had not been specified or agreed.

302. The Chair suggested that these issues could be further discussed at TCC9.

303. WCPFC9 adopted TCC recommendations concerning compliance monitoring reporting and processing of reported information (TCC Summary Report, paras. 212-214 and 222-224). (the text of the TCC8 recommendation is included in Attachment N)

9.3 TCC8 Summary Report Recommendations

304. The TCC Chair explained that several TCCs recommendations to WCPFC9 are discussed under other agenda items including IUU vessel listing procedures (see agenda item 10.1), VMS issues (see agenda item 5), charter notification issues (see agenda item 10.1) and appointment of the Chair AHTG-Data (see agenda item 3.6). CCMs were invited to comment on TCC recommendations pertaining to the ROP-TAG (TCC Summary Report para. 151), ROP data entry (TCC Summary Report para. 169 & 189), IMS and electronic data priorities (TCC Summary Report para. 184-185), the register of non-CCM carriers and bunkers (TCC Summary Report para. 330), the New Zealand application for transshipment at sea (TCC Summary Report para. 346), the eastern high seas pocket (TCC Summary Report para. 372-373), the active vessel list Summary Report(WCPFC9-2012-IP06 rev 1) ALC/MTU audit template (TCC Summary Report para. 137, 142-143) and South Pacific ALB.

ROP Data Entry

305. FFA members expressed support for the relocation of data entry staff from the SPC Pohnpei office to the WCPFC office. However, FFA members noted that data entry functions should over time shift from being handled by regional service providers to being handled by the national observer programmes.

306. The EU supported the relocation of data entry staff on the condition that there would be no additional cost to the Commission.

307. WCPFC9 adopted TCC8 recommendations contained in paras. 169 & 189 of the TCC8 Summary Report concerning ROP data entry. (the text of the TCC8 recommendation is included in Attachment N)

Information Management System

308. FFA members welcomed the implementation of electronic solutions for improved data management, but reiterated the need to ensure the migration of capacity from the regional to the national level over time. In addition, the importance of demonstrating the effectiveness of new technology before reducing funding for existing systems was emphasized.

309. The EU also supported the IMS and continued assistance to SIDS for programmes such as debriefer training and observer data management.

310. WCPFC9 adopted TCC8 recommendations contained in paras. 184-185 of the TCC8 Summary Report concerning the Commission's Information Management System. (the text of the TCC8 recommendation is included in Attachment N)

Eastern High Seas Pocket (E-HSP) Compliance and Resourcing

311. Several CCMs, including FFA and Te Vaka Moana members, thanked the Cook Islands and the Secretariat for their analyses of compliance with CMM 2010-02 (WCPFC9-2012-IP/16 and WCPFC9-2010-IP/17). These CCMs noted that these papers documented a startling degree of non-compliance with the measure including gaps in manual reporting and application of VMS, and a lack of correspondence in the data available from each. This was considered by two CCMs with EEZs adjacent to the E-HSP (Cook Islands and French Polynesia) to represent a serious threat of IUU fishing activities in their national waters. Some CCMs thus called for careful monitoring of compliance data (including continued analysis by the Secretariat), timely action by CCMs with regard to vessels found to be non-compliant (e.g. reporting back to the Commission within 60 days), and, unless the situation improves markedly, the E-HSP to be closed when the measure is next reviewed.

312. Fiji supported closure of the E-HSP with an exemption for vessels flagged to CCMs with adjacent EEZs.

313. Kiribati did not support closure of the E-HSP based on concerns that it would drive IUU fishing activities into their EEZ. Kiribati also noted that it reserved its position on issues related to the WCPFC-IATTC overlap area which could impinge on its national sovereignty.

314. Other CCMs stated they did not support closure but were willing to consider ways of improving the management of the E-HSP.

315. China informed the Commission that a High Seas Boarding and Inspection conducted by France in the E-HSP found the Rong Da Yang 7 in violation of the 5% shark fins to carcass ratio in CMM 2010-07. China stated it would withdraw Rong Da Yang 7's license and remove it from the WCPFC Record of Fishing Vessels (RFV) for six months, as well as call it back to port in northern China. China will provide details of these penalties to the WCPFC in writing.

316. WCPFC9 adopted TCC8 recommendations contained in paras. 372-373 of the TCC8 Summary Report concerning the eastern high seas pocket. (the text of the TCC8 recommendation is included in Attachment N)

Register of Non-CCM Carriers and Bunkers

317. One CCM stated that it was opposed to the TCC8 recommendation to extend the WCPFC Interim Register of Carriers and Bunkers to 30 June 2013.

318. The WCPFC Legal Advisor explained that CMM 2009-01, which provides for an Interim Register of carriers and bunker flagged to non-CCMs, would expire 60 days after the close of WCPFC9 unless otherwise decided. Upon expiry of the register, carriers and bunkers flagged to non-CCMs would not be allowed to operate in the WCPF Convention Area. However, these vessels could continue to operate if they re-flagged to CCMs.

319. Some CCMs supported the extension in the TCC8 recommendation in order to avoid disruption and economic impacts to the fishery.

320. The CCM which had stated its opposition to the extension withdrew its objection.

321. WCPFC9 adopted TCC8 recommendations contained in para 330 of the TCC Summary Report concerning extension of the WCPFC Interim Register of Carriers and

Bunkers to 30 June 2013. (the text of the TCC8 recommendation is included in Attachment N)

New Zealand Transshipment at sea exemption

310. **WCPFC9 adopted TCC8 recommendations contained in paras. 346 of the TCC8 Summary Report concerning the New Zealand request under CMM 2009-06 for an exemption for its purse seine vessels to tranship at sea. (the text of the TCC8 recommendation is included in Attachment N)**

ALC/MTU Audit format

310. **WCPFC9 adopted TCC8 recommendations contained in paras. 137, 142-143 of the TCC8 Summary Report concerning ALC/MTU Audit format. (the text of the TCC8 recommendation is included in Attachment N)**

Active Vessel List

322. The EU thanked the Secretariat for providing a list of vessels that were reported by CCMs to have fished in 2011 (WCPFC9-2012-IP-09) and articulated its interest in continuing the work of the USA on standards, specifications and procedures (SSPs) the Record of Fishing Vessels including as they relate to minimum required data fields..

323. The USA appreciated the support expressed by the EU and expressed agreement with a previous intervention that including IMO numbers in the RFV for vessels that have them would be a good step towards establishing unique vessel identifiers for all fishing vessels operating under this Convention. The US also suggested that the Commission could immediately take the step of requiring that all vessels that are eligible for IMO numbers obtain them. The USA suggested that this and related ideas could be discussed at the next TCC meeting..

South Pacific Albacore

324. Several CCMs, including FFA and TVM members, urged the Commission to move toward stronger control of the South Pacific ALB fishery through a combination of measures including vessel/effort limits, catch limits based first on biological reference points and later on economic reference points, national allocations to allow rights-based management, and a compatible and consistent management approach to both EEZ and high seas fishing grounds. These CCMs noted the high reliance of some of the most vulnerable SIDS on this fishery and the importance of taking action before the stock reached critical levels. Overcapacity in high seas areas, dynamic targeting switching, and recent declines in the market price for ALB were cited as examples of a need to manage the fishery to maximize long-term economic benefits to SIDS. These CCMs noted that while a specific proposal could not be tabled for WCPFC9 they would work toward strengthening the existing measure (CMM 2010-05) through discussions at TCC9 and produce a new proposal for WCPFC10.

325. Some CCMs proposed that WCPFC9 set a total allowable catch (TAC) of 99,000 t for the entire Convention area including the WCPFC-IATTC overlap area.

326. Other CCMs did not support the setting of a TAC.

327. One CCM stated that it considered the catch and effort patterns in the fishery to be quite stable, and thus there is time available to further discuss options for managing this fishery.

328. One CCM asked that the paper prepared by the Secretariat (WCPFC9-2012-IP/07) be updated for SC9, TCC9 and WCPFC10 to show i) by fleet the number of longline vessels actively fishing south of the equator separated as follows 0-10, 10-20, 20-30, 30+, annually from 2000 to 2012; ii) the tuna species proportions for each longline fleet in these areas; and iii) the seasonal distribution of the longline effort for each fleet south of the equator using Commission VMS data.

329. An observer representing the American Fisherman's Research Foundation expressed concerns about expansion of the longline fishery but stated there is no scientific basis for limiting the troll fishery under a comprehensive management measure for South Pacific ALB.

330. Observers representing WWF and Greenpeace urged the Commission to swiftly adopt a plan for effectively managing the South Pacific ALB fishery as proposed by FFA and TVM members. A statement by Tonga (on behalf of *Te Vaka Moana* Participants: Cook Islands, New Zealand, Niue, Samoa, Tokelau and Tonga) is attached (**Attachment O**)

9.4 Regional Observer Programme

9.4.1 Annual Regional Observer Programme Report

331. WCPFC9 noted the Annual Report of the ROP presented in WCPFC9-2012/IP-02.

332. In noting the report and thanking the Secretariat and the USA for the ROP audits, FFA members made the following points:

- a. Any requests for letters of indemnity should be directed to the observer providers and the national observer programmes;
- b. The observer trip monitoring summary in Table 2 of the Annual Report of the ROP should be disaggregated by fleet for next year's report;
- c. More work is needed before the requirements for transiting without an observer can be agreed;
- d. Flag States should respond to reported incidents of violence against observers and provide compensation or insurance for medical costs arising from such incidents.

333. Some CCMs queried why observer reports from their vessels were taking so long to reach SPC and why these reports once received by SPC were not provided to the flag States upon request.

334. SPC noted that there are lags in their receipt of observer data from national observer programmes but that these are decreasing with time.

335. The Chair noted the provision of observer data to vessel operators/captains and flag States will be discussed under agenda item 9.4.5.

336. The Commission confirmed the recommendation from TCC8 and extended the ROP TAG until March 2014. (**the text of the TCC8 recommendation is included in Attachment N**)

9.4.2 WCPFC-IATTC Cross Endorsement of Observers

337. There were no issues discussed by WCPFC9 under this topic.

9.4.3 Observer Proposal (USA)

338. The USA presented WCPFC9-2012-DP/19 containing a proposal to revise the ROP (CMM 2007-01) to incorporate new requirements pertaining to observers north of 20°N, observers on transiting vessels, and more robust requirements for debriefing. Having taken comments on the proposal in the margins of WCPFC9, the USA decided to withdraw the proposal and suggested that the ideas in the proposal be considered in the Chair's working draft of the tropical tuna measure.

9.4.4 Observer Proposal (Northern Committee)

339. The Chair of the NC reiterated that NC8 recommended that (WCPFC9-2012-26):

“The ROP for fishing vessels used exclusively to fish for fresh fish in the area north of 20 degrees north shall be implemented in the following manner:

- i. No later than 31 December 2014, CCMs shall commence implementation of observer programmes for fishing vessels used to fish for fresh fish beyond the national jurisdictions in the area north of 20 degrees north.
- ii. For such fishing vessels, CCMs shall achieve 5% coverage of the effort of each fishery fishing for fresh fish by the end of December 2014.
- iii. Observers shall be sourced from the WCPFC ROP.

340. WCPFC9 adopted the recommendation of NC8 on implementation of the ROP for vessels used exclusively to fish for fresh fish in the area north of 20° N. (Attachment P)

9.4.5 Access to Observer Reports by Captains

341. Japan introduced a joint proposal by China, the EU, Japan, Korea and Chinese Taipei allowing fishing vessel operators/captains and competent authorities of flag States to have access to the form GEN-3 of the observer report upon arrival of the vessel in port (WCPFC9-2012-DP/10 (rev 1)). It was noted that the form GEN-3 contains less information than the full observer report but represents an acceptable compromise. It was proposed that the form GEN-3 be provided to the vessel operator/captain by the observer provider.

342. Several CCMs, including FFA members, insisted that the safety of observers is paramount and this proposal would place them in jeopardy. Furthermore, these CCMs noted that i) such provision of data is contradictory to the Commission's data rules which state that observer data are not in the public domain, and ii) that observer data would need to be checked before being provided. It was suggested that vessel operators/captains best protection is their own recordkeeping.

343. Some CCMs agreed with the proponent CCMs that the proposal would operationalize a flow of information that is already provided for in CMM 2007-01, Attachment K, Annex A, and that such information is essential if flag States are to follow-up on any non-compliances observed. These CCMs considered that requests for the data through the Commission would require too much time, and the form GEN-3 summaries in the ROP Annual Report are not sufficiently detailed to allow flag States to investigate specific incidents. These CCMs maintained that the priority is for flag States to be able to follow-up on potential non-compliances with management

measures. Therefore, these CCMs agreed that the reports need not be provided to the vessel operators/captains.

344. Based on suggestions from the ED, after consultation with CCMs, the ROP Coordinator and SPC, and in order to address concerns about provision of observer data containing potential infractions to the coastal State as well as the flag State, the following text was considered:

“In order to improve the implementation of CMM 2007-01, whenever an observer report is submitted to the SPC a copy of the report including form GEN-3 is made available to the relevant flag State. In the event of any infraction detected in the waters under the jurisdiction of a coastal State, a copy of the report including form GEN-3 shall also be made available to that coastal State. “

The ED clarified that this language would apply only to ROP reports for the high seas; all ROP reports for national waters would need to be obtained bilaterally.

345. There was no consensus reached on the proposed language or on the way forward on this issue.

9.5 Future Work Programme and Budget for 2013-2015

346. The TCC Chair introduced the TCC Work Programme which was produced by a TCC8 SWG chaired by Nannette Malsol (Palau). The work programme provides a list of priority core business tasks and project specific tasks for 2013-2015. TCC budget issues are discussed within the FAC.

347. FFA members noted their support for the TCC Work Programme.

348. The EU suggested that the item “advice and recommendation for a revised south Pacific swordfish measure” should occur in 2013 rather than 2014.

349. WCPFC9 amended the TCC Work Programme (TCC8 Summary Report, Attachment I), to take up the issue of swordfish advice and recommendations in 2013 rather 2014, and then adopted it. (Attachment Q)

9.6 Report on Data Access

350. The Chair noted the Secretariat’s report on the administration of WCPFC Data Access Rules and Procedures (WCPFC9-2012-IP/05) and invited CCMs to comment.

351. FFA members noted that requests for access to non-public domain data are increasing in number and complexity and suggested that the Secretariat develop a data warehouse of vessel attributes, based on standard data exchange protocols, as a component of the IMS.

352. The Chair asked FFA members to work with the Secretariat intersessionally to develop a specific proposal and budget for this work.

AGENDA ITEM 10 - CONSERVATION AND MANAGEMENT MEASURES

10.1 Consideration of New CMMs and Conservation Requirements

10.1.1 Scheme for Minimum Standards of Inspections in Port

353. The EU introduced a proposal for a WCPFC scheme for minimum port inspection standards to deter IUU fishing (WCPFC9-2012/DP-11 (rev 1)). In comparison to proposals submitted by the EU in 2010 and 2011 for a fully-fledged FAO Port State Measures approach, this proposal focuses on the most essential elements of port inspections: designation of ports, prior notifications, inspections and infringements. Several aspects of the proposal remain flexible and can be discussed but as the inspections exclude nationally-flagged vessels and chartered vessels, it is not practical to also exclude licensed vessels and still maintain a useful scheme.

354. Several CCMs, including FFA members stated that they could not agree to a scheme that includes inspections of licensed vessels. These CCMs reminded WCPFC9 that they already impose minimum standards for licensing and conduct their own port inspection programmes.

355. Some CCMs supported the EU's proposal on the basis that i) port inspections are one of the most important tools for combatting IUU fishing; ii) port state measures were identified as a priority by the recent WCPFC Independent Performance Review; and iii) this is one tool to help verify the supply chain of sustainable products to markets.

356. A representative of the Pew Environment Group noted that the goal is to establish minimum standards to promote consistency among CCMs, and that a failure to do so leaves the Commission vulnerable to IUU fishing activities.

10.1.2 Prohibition of Purse Seine Fishing Associated with Whale Sharks

357. Australia presented a proposal on the protection of whale sharks from purse seine fishing which had been discussed at WCPFC8 and agreed to be finalized at WCPFC9. The WCPFC9 proposal represented a joint effort of Australia and Japan with input from other CCMs (WCPFC9-2012-DP/12 (rev 2)).

358. Japan noted that it had had concerns regarding legal implementation of the measure but that these had been addressed.

359. Several CCMs expressed support for the proposal citing its compatibility with measures already in place in PNA waters and its benefits for conservation of the whale shark.

360. The USA called for the development of handling and safe release guidelines and suggested report language to this effect.

361. FFA members supported the development of release guidelines and studies of post-release mortality but noted that these should not be viewed as a mitigatory measure designed to allow intentional setting on whale sharks.

362. Japan noted that SC8 had developed draft handling and safe release guidelines and that hopefully these can be adopted next year.

363. WCPFC9 adopted a CMM on the protection of whale sharks from purse seine fishing operations (WCPFC9-2012/DP-12 (rev 2)). As this measure does not include handling and safe release guidelines, WCPFC9 noted the need to continue development of such science-based guidelines through discussions at SC and TCC, including establishing field tests to

assess handling, post-release mortality, practicality and effectiveness. (Attachment R CMM 2012-03)

364. An observer representing the Humane Society International, Greenpeace, Pew and WWF commended the Commission for taking steps toward protecting whale sharks but was perplexed by the exemption contained in the measure and concerned that it signals a lack of commitment on the part of WCPFC to fully protect shark species as a matter of priority.

10.1.3 Catch Documentation Scheme (CDS)

365. PNG presented a revised terms of reference (TOR) for an Intersessional Working Group (IWG) on a WCPFC CDS which represented a joint proposal from PNG and the EU (WCPFC9-2012/DP-14). Previous issues relating to catch certificates for chartered vessels have been handled in the current consensus TOR proposal.

366. The EU referred to its own proposal for a catch documentation scheme (WCPFC9-2012/DP-24 (rev 1)) but deferred presentation of the proposal to the IWG-CDS.

367. All CCMs expressing an opinion voiced their support for the proposed TOR and CDS development.

368. WCPFC9 adopted the terms of reference for the IWG-CDS contained in WCPFC9-2012/DP-14 (Attachment S)

369. FFA members proposed the first meeting of the IWG-CDS be held in Nouméa, New Caledonia in the first half of 2013 with Alois Kinol of PNG as Chair.

370. The EU stated that it would need to consult with its member States before agreeing to the proposal.

371. The Chair noted that the date, location and Chair for the first meeting of the IWG-CDS would be agreed intersessionally and asked the Secretariat to assist with finalising this decision.

372. The Secretariat noted that additional funds would be required to support a physical meeting of the IWG-CDS.

10.1.4 FAD Management

373. The USA introduced their proposal for FAD management (WCPFC9-2012-DP15), highlighting several key components. The first of these is a requirement for FAD data to be collected by operators either as a FAD logbook, based on existing industry initiatives, or modifications to regional logsheets. All data collected by FAD operators would be considered non-public domain data. The need for such data has been demonstrated by a review of observer-collected data which found that only one third of the observer records contained useful data on FADS. The proposed measure would also require Commission-wide FAD marking that is unique, readable by the observer, and permanent. The third key component is the requirement to annually compile and analyse observer-collected FAD data.

374. Some CCMs considered that this measure would best be incorporated into the revised CMM for tropical tunas (CMM 2012-01). However, after discussions in the SWG on CMM 2012-01, the proposal continued as a stand-alone measure.

375. The USA and EU tabled a revised version as WCPFC9-2012-DP/15 (rev 1). The new version contains a definition of FAD, a more flexible format for the FAD logbook (and an attachment specifying the data fields), and requirements for the timely provision of data. The USA noted that the proposal is designed to provide data that can serve as the building blocks for a FAD management system.

376. Some CCMs supported the FAD marking and observer components of the proposal but considered that a FAD logbook is unnecessary given 100% observer coverage.

377. The EU strongly supported retention of the FAD logbook component considering it to be the core business of the proposal.

378. One CCM supported only the observer component of the proposal, suggesting that both the FAD logbook and FAD marking components were too ambitious.

379. One CCM called for future discussions at TCC on how to replace marked FADs which are lost or damaged.

380. Some CCMs, including FFA members, requested that they be given more time to consider the proposal as they support the collection of additional FAD information, but are unsure about the need for a dedicated FAD logbook.

10.1.5 Shark Proposal

381. Tonga, on behalf of FFA members, presented a proposal to revise the WCPFC CMM on sharks prompted by increasing public attention to shark conservation and recent assessments presented to the SC which indicate shark stocks are not healthy. Specifically, the proposal would i) make annual reporting of key shark species mandatory; ii) require that sharks be landed with their fins attached (with some exemptions); iii) ban wire leaders on longline gear; and iv) require targeted shark fisheries to develop management plans to limit catches to acceptable levels (WCPFC9-2012/DP-18).

382. Some CCMs did not support the requirement to land sharks with their fins attached because of practical difficulties in separating frozen fins from carcasses at the point of landing. These CCMs also did not support the ban on wire leaders as this gear is useful for targeting species other than sharks and its effectiveness as a shark mitigation measure has not been clearly demonstrated. Furthermore, if wire leaders are not used sharks may bite off the hook thereby depriving the fishermen of the potential to re-use the hook.

383. The USA supported the requirement for fins to remain attached, noting that this is consistent with USA law, but opposed the ban on wire leaders. The USA noted that there might be a misconception that wire leaders are only used when targeting sharks. In fact, wire leaders are used for 90% of sets in the Hawaii deep-set longline fishery targeting BET, and this gear is used for branch line weighting to avoid seabird interactions. In this fishery, 92% of blue sharks are released alive. In Hawaii's shallow-set longline fishery, which predominantly uses

monofilament leaders, the catch rate of blue sharks is four times higher due to latitude and set depth. It was noted that the analysis presented in WCPFC9-2012/IP-14 was biased by the exclusion of the Hawaii longline and Australia Eastern tuna and billfish fisheries' observer data sets, and that if these datasets had been included the results would likely to be opposite to those presented. The USA considered that in future all scientific papers should be submitted to the SC for review before being presented to the Commission.

384. Chinese Taipei informed WCPFC9 that it implemented a fins-attached rule in its fishery one year ago and based on complaints from fishermen about the difficulty of separating frozen fins from carcasses it is considering allowing fins to be tied on. Chinese Taipei did not support the ban on wire leaders at this time but was willing to continue discussion of the topic.

385. The EU noted that it is currently considering and likely to approve legislation to require that fins be naturally attached.

386. Australia stated that it already has a fins-attached policy and bans wire leaders. Studies in Australia have shown that monofilament leaders increase catch rates of tuna.

387. Indonesia explained that it is currently undertaking a number of initiatives to reduce shark catches and would not support the proposal.

388. French Polynesia announced that as of 3 December 2012 it had banned catch and retention of shortfin mako shark, the only shark species still authorized to be caught in its waters, thus becoming the largest area in the world to permanently protect sharks. French Polynesia encouraged other CCMs to support meaningful management measures for sharks.

389. FFA members reiterated their support for the proposal on the basis of the precautionary approach, their desire for high seas measures compatible with national shark sanctuaries, and the need to implement effective mitigation measures to reduce shark mortality. These CCMs registered their disappointment that the proposal was not adopted and called for the Commission to continue its work on shark management.

390. An observer representing the Pew Environment Group, Greenpeace, WWF and the Humane Society International congratulated French Polynesia, Palau and RMI on their shark conservation efforts and urged the WCPFC to do more to manage shark interactions and reduce mortality. These observers encouraged CCMs to adopt National Plans of Action for shark and to work toward a new shark CMM at WCPFC10.

10.1.6 Charter Proposal

391. Tonga, on behalf of FFA members, introduced a proposal to replace the expiring CMM on charter notification (CMM 2011-05) noting that several improvements to the measure had been made as a result of discussions at WCPFC8 and TCC8. The proposal maintains the narrow focus of the previous measure on charter notification rather than other issues related to chartering arrangements. One major difference in the new proposal is that it is designed to prevent any vessel from simultaneously being chartered to more than one chartering State (WCPFC9-2012-DP/17).

392. Some CCM raised questions about how catch is attributed under chartering arrangements. One of these CCMs urged chartering States to notify the Secretariat (and the Secretariat to notify

the flag States) well before the fishing season to avoid cases of non-reporting and double reporting.

393. The EU highlighted the low level of compliance with this measure and asked that charter notification non-compliances be addressed under the CMS.

394. FFA members acknowledged that this proposal is only designed to extend the existing CMM on charter notification, not to deal with other complex issues such as catch attribution. These CCMs also noted that the definition of chartering remains vague and is applied differently by different CCMs.

395. As there was not consensus on adopting the proposal, FFA members proposed that the existing CMM (2011-05) be extended for three years.

396. One CCM noted that this will allow for further consultation on a variety of issues associated with chartering arrangements including the catch attribution issues raised in the recent consultancy report (TCC8-2012-IP/07).

397. WCPFC9 agreed to extend the CMM on charter notification (CMM 2011-05) for a three-year period. (Attachment T, CMM 2012-05)

10.1.7 Fishing Gear Damage

398. Japan presented a proposal first tabled at TCC8 which is designed to assist in resolving incidents involving fishing gear damage (WCPFC9-2012/DP-09). The proposal provides for i) the flag State of fishing vessels that have experienced gear damage to report the incident to the Secretariat; ii) the Secretariat to use VMS data to identify vessels in the vicinity and inform all concerned flag States so that they can work toward resolution; and iii) the Secretariat to make an annual report on incidents to the TCC.

399. One CCM endorsed Japan's proposal stated that it too has experienced problems with gear conflicts.

400. One CCM considered that the proposal was not necessary as most incidents can and should be handled through bilateral discussion.

401. FFA members expressed reservations about the role of the Secretariat in mediating in fishing gear conflicts and the additional workload this might impose. It was also noted that there are already avenues by which gear damage can be recorded (i.e. observer form GEN-6 and logsheets). These CCMs were equally concerned about the environmental impacts of gear loss and called for all fishing gear to be marked.

402. While some further discussion occurred in the margins of WCPFC9, Japan decided to withdraw the proposal in the interest of time.

10.1.8 Pacific Bluefin

403. The Chair of the NC referred to his presentation under agenda item 8 and to NC8's recommendation for a revised CMM for PBF (WCPFC9-2012-25).

404. WCPFC9 adopted the NC's recommended CMM for PBF noting that the measure will be reviewed in 2013 pending the results of the soon to be completed ISC stock assessment. (Attachment U, CMM 2012-06)

10.1.9 CMM 2007-04 Seabirds

405. New Zealand introduced a proposal to mitigate the impact of fishing for highly migratory fish stocks on seabirds (WCPFC9-2012/DP-16 (rev 2)) which was also discussed at SC8 and TCC8. The proposed measure is designed to allow higher latitude areas to utilize the most effective seabird mitigation measures and to align WCPFC-approved mitigation measures with those in other tuna RFMOs. New Zealand noted that clause 7(i) on page 7 of WCPFC9-2012/DP-16 (rev 2) was intended to be deleted in the final draft.

406. Several CCMs supported the proposal and thanked specialists from the Agreement for the Conservation of Albatrosses and Petrels (ACAP) for their research and advice.

407. Korea indicated that it is making significant efforts towards seabird mitigation for its longline fisheries explaining that the Korean government held a workshop in Korea for seabird bycatch mitigation in collaboration with Birdlife International in November 2012. The workshop identified the need for sea-trial and outreach before full implementation of the new measure and technology by Korean longliners, especially for those operating in the Indian Ocean. At the workshop, it was agreed that Korean longliners and the Birdlife International should cooperate with each other in this regard.

408. WCPFC9 adopted WCPFC9-2012/DP-16 (rev 2) amended as described by NZ with the deletion of paragraph 7.i of Annex 1, to replace the existing WCPFC seabird mitigation measure in CMM 2007-04. (Attachment V, CMM 2012-07)

10.1.10 CMM 2010-06 IUU

409. Tonga expressed its disappointment at the lack of support within the Commission for the development of guidelines to ensure coastal State satisfaction plays a major role in the resolution of WCPFC IUU Vessel listing decisions. Tonga noted it will continue to progress development of these guidelines for application in national waters, regardless of whether the Commission accepts them as compatible measures for the high seas.

10.1.11 Access Agreements

410. The EU tabled a proposal requiring CCMs that allow foreign-flagged vessels to fish in waters under their jurisdiction for species managed by WCPFC, and CCMs whose vessels fish in waters under the jurisdiction of another CCM for species managed by WCPFC pursuant to an agreement, provide the Commission with information on the time period, number of vessels, gear types, species catch limits, MCS measures and data reporting obligations stipulated in the agreement (WCPFC9-2012/DP-26 (rev 1)). The EU considered that this proposal promotes transparency and accountability and would facilitate joint efforts to combat IUU fishing. It noted a similar proposal has been adopted by ICCAT and IOTC..

411. FFA members expressed strong opposition to the proposal stating that access arrangements are a matter of national sovereignty.

10.2 Vessel Day Scheme

412. There was no further discussion of this topic at WCPFC9 (see agenda item 1.2).

AGENDA ITEM 11 - AD HOC TASK GROUP-DATA

11.1 Chartering State Data Access

413. Informal meetings of the AHTG-Data were led in the margins of WCPFC9 by Ana Taholo (Tonga) and focused on data access issues associated with chartering arrangements (WCPFC9-2012-31).

414. WCPFC9 noted the report of the informal meetings of AHTG-Data (WCPFC9-2012-36), including its proposed workplan for 2013.

415. WCPFC9 tasked the AHTG-Data to continue to work intersessionally on procedures to facilitate chartering CCMs access to WCPFC data.

AGENDA ITEM 12 - REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

12.1 Budget Approval for 2013 and Indicative Budgets for 2014 and 2015

416. The report of the FAC was presented by the Secretariat (WCPFC9-2012-22). It was noted that the WCPFC budget for 2013 was agreed at \$6,555,116 but that this figure does not include funding for the IWG-CDS, the second Management Objectives Workshop, and additional costs which will be associated with WCPFC10 if there is no volunteer to host the meeting.

417. WCPFC9 accepted the summary report and recommendations of FAC6 (WCPFC9-2012-22) Attachment W. (Note: late Commission decisions taken to agree on workshops, were added to the final budget figure for 2013.)

12.2 Guidelines for the Hosting of Meetings

418. There was no further discussion of this topic at WCPFC9 (see agenda item 1.2).

AGENDA ITEM 13 - STRATEGIC ISSUES

13.1 Report of the Management Objectives Workshop

419. The Executive Director presented the facilitators report of the first Management Objectives Workshop (MOW1) held 28-29 November 2012 in Manila, Philippines (WCPFC9-2012-14) which included a roadmap for future action. MOW1 was facilitated by Ian Cartwright and assisted by an international panel composed of Dr Robin Allen, and Dr James Ianelli and as well

as representatives of FFA and SPC. The workshop included sessions on management frameworks, scenarios for the south Pacific ALB and tropical tuna fisheries, and candidate reference points. The roadmap recommended that an expert group develop refined candidate objectives, performance indicators and reference points as a “strawman” to be circulated to all CCMs. The workshop also recommended that MOW2 be held just prior to WCPFC10 and would require a funding allocation in the budget for 2013..

420. All CCMs who commented on MOW1 noted that it was a useful and productive meeting.

421. Some CCMs asked that the expert group be expanded to include representatives from CCMs.

422. The Executive Director noted that there would be cost implications associated with this proposal if the expert group intended to hold physical, rather than electronic meetings.

423. Some CCMs considered that MOW2 and this initiative on management objectives should focus on developing management objectives and target reference points and allow the Commission’s subsidiary bodies (SC and NC) to continue to focus on limit reference points. These CCMs suggested that the “strawman” produced by the expert group should be reviewed by the NC as well as SC.

424. An observer representing the Pew Environment Group, Greenpeace and WWF emphasized that the development of reference points is a priority task, and urged the Commission to i) adopt interim limit reference points as discussed by the SC; ii) set interim target reference points below the limit reference points; and iii) agree acceptable risk limits for breaching the reference points of not greater than 10%.

425. WCPFC9 agreed that the Secretariat would continue to work with the existing expert group to progress work on management objectives taking into consideration the need to involve CCMs who expressed an interest in the expert group to bring forward options on target rather than limit reference points for MOW2 to be held prior to WCPFC10. These recommendations will progress through SC9 and NC9 for comment and suggestions for improvements. (Attachment X, MOW agreed process for future action on management objectives

13.2 WCPFC Independent Performance Review

426. The Executive Director presented WCPFC9-2012-13 containing a matrix of recommendations from the WCPFC Independent Performance Review which had been assigned to one of the WCPFC committees and given a priority of high, medium, low or underway. WCPFC9 was invited to consider how to progress responses to the review panel’s recommendations.

427. FFA members noted that the priorities assigned in the matrix may not reflect their views. These CCMs suggested that the Commission’s subsidiary bodies should consider the relevant recommendations when developing their work plans.

428. The EU suggested sorting and splitting the matrix by WCPFC committee, and forwarding the relevant portion to each committee. The EU also suggested adding a column to track progress under each recommendation.

429. WCPFC9 agreed that the Secretariat will sort and split the WCPFC Independent Performance Review recommendation matrix by committee, add a column to track progress, and forward each portion to the relevant committee for action.

13.3 Future Structure of Commission Meetings

430. The Executive Director introduced a paper reviewing meeting arrangements in other tuna RFMOs and recommending options for re-structuring the WCPFC meeting calendar (WCPFC9-2012-21). Three options were presented: i) holding Commission meetings once every two years instead of annually; ii) holding TCC meetings just prior to Commission meetings; and iii) maintaining a September-October TCC meeting for 2-3 more years to finish work on conservation and management measures and holding a TCC meeting just prior to the Commission meeting to focus on compliance issues.

431. FFA members considered that none of the options was clearly preferable. These CCMs encouraged the Commission to continue working toward minimising the number of meetings and maximising their efficiency, e.g. through prioritization of issues placed on each agenda.

432. Some CCMs echoed the points regarding the need to streamline and prioritise agendas, in particular to avoid covering the same ground at TCC and the annual Commission meeting. There was a recognition that TCC currently serves as a pre-meeting of the Commission on conservation and management measures and as a compliance monitoring body, and that TCC should be allowed to focus exclusively on the latter function.

433. One CCM supported the third option presented by the Executive Director as it would eventually allow TCC to focus on compliance, and over time achieve a cost savings by holding TCC and Commission meetings back-to-back.

434. The Executive Director noted one suggestion of interest and he felt there was merit in moving the Commission meeting from December to March but that the Commission's fiscal calendar would need to be shifted to align with the new schedule.

AGENDA ITEM 14 - ADMINISTRATIVE MATTERS

14.1 GEF ABNJ Endorsement

435. The Executive Director introduced a paper describing the Global Environment Facility's (GEF) project on Sustainable Management of Tuna Fisheries and Biodiversity in the Areas Beyond National Jurisdiction (ABNJ) (WCPFC9-2012-24). Project development has been a joint activity of FAO (the GEF agency), the five tuna RFMOs, FFA, PNA, SPC, the Government of Fiji, the Government of Ghana, the USA National Oceanic and Atmospheric Administration, BirdLife International, the International Seafood Sustainability Foundation, WWF and industry. WCPFC's proposals for bycatch information systems and shark management have been built into the project with WCPFC and SPC in leading/co-leading roles.

436. Jeremy Turner (FAO) presented further details on the project. The component on sustainable management of tuna fisheries and biodiversity is part of a larger project with a total budget of over \$300 million with a GEF contribution of \$50 million. The budget for the tuna portion of the project is over \$178 million with a GEF contribution of over \$27 million. GEF typically requires co-financing by project partners in a ratio of 5:1. The co-financing need not be

cash contributions and may represent in-kind services in support of the project. Many of these in-kind services will represent core activities of the project partners which are occurring as part of their normal day-to-day operations regardless of whether the GEF ABNJ project is approved. Three key project components for the WCPFC were highlighted:

- a. sustainable fisheries management (including development of reference points and harvest control rules, ecosystem-based management, and VDS as a rights-based management system);
- b. monitoring, control and surveillance to address IUU fishing (including best practice identification and implementation, improvements to the t-RFMO Consolidated List of Authorized Vessels (CLAV), electronic monitoring trials, MCS intelligence systems, and traceability improvements); and
- c. reducing the ecosystem impacts of tuna fishing (including enhanced bycatch information management systems, and pan-Pacific shark data improvement and management).

WCPFC will lead the bycatch and shark components, is expecting to receive direct support for IMS enhancements for MCS analytical capability, cooperate on several others, and benefit from nearly all. The next steps in the project preparation are to gain the endorsement of project partners; submit the project to GEF in late December 2012; hopefully receive GEF endorsement in January 2013; and, in accordance with GEF requirements, start the project no later than May 2013.

437. Several CCMs, including project partners Fiji and USA, voiced their strong support for the project and encouraged the Commission to endorse it.

438. Some CCMs noted that despite the fact that a large number of members had supported it, ICCAT had not endorsed the project, perhaps due to confusion over the co-financing issue.

439. Some CCMs commented that they now understood that the project will provide additional funds from GEF for the Commission's existing work and that no cash contribution was required from the Commission's budget.

440. Some CCMs continued to express reservations about i) whether there would be any sacrificing or re-prioritizing of Commission objectives as a result of the project; ii) how specific co-financing amounts had been derived; and iii) what specific deliverables would be provided to the Commission.

441. The Executive Director and FAO reconfirmed that there will be no cash contribution from the Commission to the project and that the identified co-financing from WCPFC represents the value of work that is already being done. They noted that the document provided to WCPFC9 was a summary version of an extensive, detailed and complex document prepared to support the GEF application process, and agreed to provide additional details in the margins to interested CCMs.

442. Later in the meeting FAO summarized the proposal in a statement which emphasized that i) it will supplement, and not divert, the resources WCPFC is devoting to sustainable fisheries management; ii) it is enthusiastically supported by regional and national partners; and iii) it represents a global contribution to sustainable use and biodiversity protection.

443. Some CCMs appreciated the additional information provided but remained concerned about how priorities were being set both within the GEF ABNJ proposal (e.g. why certain projects were chosen over others) and within the Commission in deciding how and to what extent to support the GEF work (e.g. whether demands on the Secretariat and subsidiary bodies would increase and if so, how priorities would be set).

444. Some CCMs considered that participation in the GEF ABNJ project could only bring benefits to the Commission and questioned whether there was sufficient basis to reject an offer of additional funding of \$27 million.

445. The Executive Director made a presentation confirming that the GEF ABNJ will impose no financial cost on the Commission. He explained that only two project components require direct involvement from the Secretariat: i) development of an Information Management System which incorporates geographic information systems to support monitoring, control and surveillance activities; and ii) improved and integrated shark management which will be co-led by WCPFC and IATTC with a full-time, GEF-funded coordinator. Other benefits to the Commission will accrue from electronic monitoring projects to be conducted in Fiji and Ghana; support for MCS capabilities in SIDS (via FFA); support for broadening of the VDS (via PNA); shark assessment science funding for SPC; bycatch mitigation information system funding for SPC; bycatch mitigation trials to be conducted in Indian and Atlantic oceans; and programmatic reporting support to be provided by FAO. The Executive Director confirmed that the work of the WCPFC subsidiary bodies would not be impacted and committed to preparing a WCPFC-GEF ABNJ work plan and circulating it to CCMs in January 2013.

446. CCMs thanked the Executive Director for the additional information in the presentation and for his commitment to provide a paper on how the WCPFC elements of the GEF ABNJ linked to the WCPFC work in January 2013.

447. FFA members asked that this work plan provide details on how SIDS are expected to interact with and benefit from the project.

448. WCPFC9 endorsed participation and in-kind co-financing in the amount of \$6,347,000 for the GEF ABNJ Sustainable Management of Tuna Fisheries and Biodiversity Project.

14.2 EU Proposal to Amend Rule 20

449. The EU explained that rather than tabling a specific suggestion, it had hoped to trigger a discussion of better procedures for the submission of proposals for Commission meetings (WCPFC9-2012/DP-01). It noted that the Executive Director referred to the WCPFC2 Summary Report, para. 30 in specifying the deadline for WCPFC9 submissions in the Meeting Notice for WCPFC9 (WCPFC9-2012-01 (rev 1)). This paragraph states that “Members would try to submit draft proposals 30 days prior to the Annual Session of the Commission”.

450. The Executive Director explained that Rule 20 of the Commission Rules of Procedure allows for proposals to be circulated not later than the day preceding the meeting as a general rule, and even on the same day at the Chairman’s discretion.

451. FFA members stated that this issue is related to the issue of streamlining and prioritizing of meeting agendas discussed repeatedly throughout WCPFC9. While appreciating that Rule 20 provides flexibility, late submission might not be conducive to proper consideration of proposals,

and therefore FFA members recommended that proposals be submitted well in advance of the session.

14.3 Election of Officers

452. The Executive Director invited CCMs to nominate individuals for vacant WCPFC officer positions (WCPFC9-2012-27).

453. WCPFC9 accepted the nomination of the FAC and confirmed Moses Amos (Vanuatu) as Co-Chair of the FAC. The second FAC Co-Chair position remains vacant.

454. WCPFC9 accepted the nomination of the NC and confirmed Masanori Miyahara (Japan) as Chair of the NC and after discussion accepted a recommendation from the floor for Ben Tabios as NC Vice Chair.

455. WCPFC9 expressed its appreciation for the work of Dr Naozumi Miyabe (Japan), outgoing Chair of the SC.

456. Dr Shui-Kai Chang (Chinese Taipei) was nominated as Chair of the SC. Upon request, the legal advisor of the WCPFC provided legal advice. Ludwig Kumoru (PNG) was subsequently nominated as Chair of the SC.

457. WCPFC9 accepted the nomination and confirmed Ludwig Kumoru (PNG) as Chair of the SC. The SC vice Chair remains vacant.

458. WCPFC9 accepted the nomination of the TCC and confirmed Alexa Cole (USA) as Vice Chair of the TCC.

Nominations for WCPFC Chair were received for Dr Charles Karnella (USA) and Matthew Hooper (New Zealand). It was decided at a Heads of Delegation meeting to proceed with an election by secret ballot.

459. WCPFC9 confirmed Dr Charles Karnella as WCPFC Chair for a second term. Matthew Hooper was then nominated and confirmed as WCPFC Vice-Chair.

460. It was agreed that the SC vice chair and the FAC co-chair would be agreed out of session if possible.

14.4 Venue for Next Meeting

461. The Chair invited CCMs to consider the venue for WCPFC meetings to be held in the coming year (WCPFC9-2012-27). As no offers for hosting the meetings were forthcoming, the Chair tasked the Executive Director with determining the most economically and logistically attractive venue for each meeting.

462. The Executive Director noted that the default location for meetings is Pohnpei, FSM, but that in the case of WCPFC10 the large number of attendees might require a larger venue such as those available in Guam, USA or Cairns, Australia.

463. FFA members encouraged the Commission to hold its meetings in SIDS venues.

464. One CCM suggested that the annual meeting of the Commission could be held in January rather than December.

465. Other CCMs preferred the meeting to be held as usual in December.

466. The Executive Director noted that by default WCPFC10 would be held 2-6 December 2013 in Pohnpei, and due to venue size restrictions would necessarily be limited to 250 attendees. SC9 would be held 6-14 August 2013 in Pohnpei, and TCC9 would be held 26 September – 1 October 2013 in Pohnpei. The MOW2 is proposed to be held just prior to WCPFC10. Details on the proposed dates for the IWG-CDS will be circulated intersessionally.

467. CCMs did not raise any objections to these proposals, although the EU noted that the proposed dates for TCC overlap with meetings of the Northwest Atlantic Fisheries Organization.

468. Japan offered to host a working group meeting on CMM 2012-01 in Japan and noted that this would likely be held in August.

469. The Executive Director indicated that the standard cost of \$150,000 for a WCPFC annual meeting will increase to \$275,000 if the meeting is unhosted. He also estimated the cost of an IWG-CDS meeting at \$140,000 and a working group meeting on CMM 2012-01 at \$90,000. These additional costs were accepted and added to the budget.

470. WCPFC9 confirmed dates for meetings in 2013 as follows:

Meeting	Dates 2013	Venue
IWG-CDS	TBD (first half of 2013)	TBC
SC9	6-14 August 2013	Pohnpei, FSM
Working Group on CMM 2012-01	TBD (August)	Japan
NC9	2-5 (September)	Japan
TCC9	26 September – 1 October 2013	Pohnpei, FSM
MOW2	TBD (late November)	TBC default Pohnpei, FSM
WCPFC10	2-6 December 2013	TBC default Pohnpei, FSM

AGENDA ITEM 15 - OTHER MATTERS

471. There were no other matters raised.

AGENDA ITEM 16 - SUMMARY REPORT

472. A summary report was prepared by the rapporteur and the Secretariat, and circulated to CCMs for comment.

AGENDA ITEM 17 - CLOSE OF MEETING

473. The Chair expressed his sincere appreciation to the Government of the Philippines for hosting the meeting. He also thanked the Secretariat for their work throughout the year, and his personal assistant, Ted for his support during the meeting.

474. The Executive Director noted that Roberto Cesari (EU) would be changing posts shortly and that his robust interventions would be greatly missed in future WCPFC meetings.

475. The Chair closed WCPFC9 at 19:25 on Thursday, 6 December 2012.

ATTACHMENTS

Attachment A.	List of Participants
Attachment B.	Welcoming address by Hon. Proceso J. Alcala, Secretary, Philippines Department of Agriculture (will be posted when provided)
Attachment C.	Agenda for the 9 th Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC9-2012/05 (rev 7))
Attachment D	EU Report on Article 30
Attachment E.	Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean (CMM 2012-01) (WCPFC9-2012-35 with revisions agreed on-screen and sent to CCMs as WCPFC Circular 93)
Attachment F.	Statement describing the purpose and principles of the WCPFC VMS (WCPFC9-2012-15 (rev 1)
Attachment G.	WCPFC9 adopted amendments to the VMS Standards Specification and Procedures (SSPs) for the period 1 March 2013 to 1 March 2014
Attachment H.	WCPFC9 agreed a standard format for manual position reporting in the event of ALC/MTU Malfunction or Failure
Attachment I.	WCPFC IUU List (effective 31 March 2013)
Attachment J.	SC8 Recommendations specifically adopted by WCPFC9
Attachment K.	Resolution on the Best Available Science (Resolution 2012-01) (WCPFC9-2012-DP28 Rev1)
Attachment L.	Final WCPFC Compliance Monitoring Report covering 2011 activities
Attachment M.	Conservation and Management Measure for Compliance Monitoring Scheme (CMM 2012-02) (CMM 2011-06 extended until 2013)
Attachment N.	TCC8 Recommendations specifically adopted by WCPFC9
Attachment O.	Statement by Tonga (on behalf of Te Vaka Moana Participants: Cook Islands, New Zealand, Niue, Samoa, Tokelau and Tonga) on south Pacific Albacore
Attachment P.	WCPFC9 adopted recommendation of NC8 on implementation of the ROP for vessels used exclusively to fish for fresh fish in the area north of 20° N (CMM 2012-03)
Attachment Q	TCC Workplan
Attachment R.	Conservation and Management Measure on the protection of whale sharks from purse seine fishing operations (CMM 2012-04) (WCPFC9-2012/DP-12 (rev 2))
Attachment S.	Agreed Terms of Reference for the Catch Documentation Scheme Working Group (WCPFC9-2012/DP-14)
Attachment T.	Conservation and Management Measure for Charter Notification (CMM 2012-05) (extended CMM 2011-05 for three years)
Attachment U.	Conservation and Management Measure for Pacific Bluefin (CMM 2012-06) (WCPFC9-2012-25)
Attachment V.	Conservation and Management Measure for Mitigation of Impacts of Fishing on Seabirds (CMM 2012-07) (WCPFC9-2012-DP16 rev 2)
Attachment W.	FAC6 Report (WCPFC9-2012-22)
Attachment X.	WCPFC9 agreed process for future actions on Management Objectives

