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

Fifth session
Rarotonga, Cook Islands
29 September – 3 October 2003

WCPFC/PrepCon/35
3 October 2003

**STATEMENT OF THE CHAIRMAN ON THE WORK OF THE PREPARATORY
CONFERENCE DURING ITS FIFTH SESSION**

1. The fifth session of the Preparatory Conference for the Establishment of the Commission on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean took place at Rarotonga, Cook Islands, from 29 September to 3 October 2003. The Conference was attended by representatives from Australia, Canada, China, Cook Islands, European Community, Federated States of Micronesia, Fiji, France, French Polynesia, Indonesia, Japan, Kiribati, Republic of Korea, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America, Vanuatu and Wallis and Futuna. The Russian Federation attended as an observer in accordance with the decision of the Conference recorded in WCPFC/PrepCon/12. Observers from the South Pacific Forum Fisheries Agency (FFA), the Forum Secretariat, the Food and Agriculture Organization of the United Nations (FAO), the Inter-American Tropical Tuna Organization (IATTC), the Pacific Community (PC), the South Pacific Regional Environment Programme (SPREP), and the University of the South Pacific (USP) also attended.
2. The session was opened by the Hon. Dr. Robert Woonton, Prime Minister of the Cook Islands.
3. During the fifth session, the Conference considered the following matters:
 - (a) the status of the Convention;
 - (b) the status of the Preparatory Conference Organizational Fund and related matters;
 - (c) the draft rules of procedure for the Commission;
 - (d) the reports and recommendations of Working Groups I, II and III;
 - (e) a draft resolution of the Conference in response to the recommendations of the second meeting of the Scientific Coordinating Group on sustainable fisheries management; and
 - (f) the date and place of the next session of the Preparatory Conference.

Status of the Convention

4. The Conference received a report on the status of the Convention by the delegation of New Zealand (WCPFC/BP.1/Rev.8). It was noted that, as at 1 October 2003, following ratification by the Cook Islands, ten instruments of ratification or accession had been deposited. The States that had ratified the Convention were Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Papua New Guinea, Samoa and Solomon Islands.

Draft rules of procedure for the Commission

5. The Conference met in informal session on 1 October to review the further revised draft Rules of Procedure for the Commission prepared by the Interim Secretariat on the basis of discussions during the fourth session and contained in document WCPFC/PrepCon/WP.1/Rev.4. In considering the draft, the Conference focused its attention on outstanding complex issues, including the rules of procedure relating to the Northern Committee, the proposals made in relation to the participation of territories and proposals relating to intersessional voting procedures. Following intensive discussions, including informal consultations between delegations, it was possible to resolve the outstanding issues in relation to these provisions (to be reflected in the revised version of the draft rules of procedure). Minor technical revisions were also introduced to some of the provisions of the draft rules of procedure.

6. The Conference agreed to request the Interim Secretariat to prepare a revised version of the document, taking into account the discussions during the session and noting any remaining issues which would require consideration. It was further agreed that the revised draft of the rules would be taken up at the final session of the Conference with a view to finalizing a recommendation for adoption by the Commission at its first session.

Status of the Preparatory Conference Organizational Fund and related matters

7. The Interim Secretariat provided a report on the status of the Preparatory Conference Organizational Fund and related matters as contained in document WCPFC/PrepCon/WP.11/Rev.1/Add.1. Following consideration of the report, the Conference decided to:

(a) express its appreciation to those participating governments that have contributed to the PCOF or otherwise contributed financially and in kind to the Preparatory Conference;

(b) invite those participants that have not already done so, as well as to intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions to make voluntary contributions to the Preparatory Conference Organizational Fund;

(c) note the status of the Fund as at 3 October 2003;

(d) note and reaffirm the existing arrangements with respect to the Interim Secretariat and Chairman.

8. The Conference noted with concern that, on the basis that there would be a need to fund two further sessions of the Preparatory Conference in 2004 (one of those leading directly into the inaugural session of the Commission), notwithstanding the generous contributions that had been

made by a number of participants, additional contributions would be required to complete the work of the Conference.

Working Group reports

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

10. The Working Group made substantial progress on consideration of the issues associated with the scheme for assessment of contributions to the budget of the Commission. Following extensive discussions, including discussion of a possible compromise between the differing positions, it became clear that there was a preponderance of views in favour of a relative weighting of 10/20/70. The delegation of Korea noted that its proposal for a relative weighting of 10/45/45 remained on the table and reserved its position with respect to any possible compromise. Several participants emphasized the need to reach finality on the scheme of contributions, at least for an interim period, so that WG.I could begin to address the other matters on its agenda. Most delegations supported the Conference proceeding on the basis of the formula that had been discussed during the meeting, with the application of a relative weighting of 10/20/70, but that the matter of the relative weighting could be revisited should any compromise proposal emerge from further consideration by delegations before the next session of the PrepCon.

11. Working Group I also had a second reading of the draft financial regulations for the Commission contained in document WCPFC/PrepCon/WP.2/Rev.1. The Working Group requested the Interim Secretariat to further revise the draft in light of the discussions and proposals that had been made and agreed to take up any outstanding issues at its next session. The Conference agreed that, at its next meeting, Working Group I should also address in detail matters relating to the structure of the Commission secretariat and the provisional budget of the Commission for its early years. It was noted that these matters could now be considered in light of the recommendations regarding the science structure of the Commission which had been formulated by Working Group II during the fifth session, and taking into account the discussions taking place in Working Group III with respect to the establishment of a Commission vessel record.

12. The summary report of the chair of Working Group I is contained in document WCPFC/PrepCon/31.

13. Working Group II held three meetings during the session. The Working Group focused its attention on the development of the science structure for the Commission during a transitional period following entry into force.

14. Working Group II also considered and made specific recommendations on agenda items relating to:

(a) the special requirements of developing States and territories with respect to data requirements and technical capacities:

(b) research priorities, research planning and coordination, specifically a proposal for monitoring the catches of highly migratory species in the Philippines and the Pacific Ocean waters of Indonesia;

(c) the report of the second meeting of the Scientific Coordinating Group (SCG 2), including the summary statements on the status of stocks adopted by that Group; and

(d) the role of existing regional organizations in obtaining the best available scientific and other fisheries-related information.

15. With respect to the proposal for monitoring the catches of highly migratory species in the Philippines and the Pacific Ocean waters of Indonesia, the Conference took note of and endorsed the recommendations of Working Group II and invited participants in the Conference to consider further how this initiative might be assisted.

16. The summary report of the chairman of Working Group II is contained in document WCPFC/PrepCon/32.

17. Working Group III held two meetings during the session. The Working Group discussed the revised draft boarding and inspection scheme and requested the Chairman of the Working Group, with the assistance of the Interim Secretariat, to further revise the draft scheme in light of the proposals and suggestions that had been made. The Working Group also considered its future work programme and priorities for PrepCon VI. The Working Group noted that it made substantial progress in elaborating the Commission boarding and inspection scheme but had not had time to discuss other matters, including draft guidelines on the rights, duties and responsibilities for observers captains and crew, vessel and gear marking systems and the Commission's vessel monitoring system. The Working Group agreed that the issues of the Commission's record for vessels and authorisation to fish and Port State control should also be discussed at PrepCon VI in accordance with the agreed work priorities.

18. The summary report of the Chairman of Working Group III is contained in document WCPFC/PrepCon/33.

Resolution in response to the recommendations of the second meeting of the Scientific Coordinating Group on sustainable fisheries management

19. The Conference adopted a resolution in response to the recommendations of the second meeting of the Scientific Coordinating Group on sustainable fisheries management (WCPFC/PrepCon/35). With respect to the proposal to improve the collection of catch effort and size composition data from the domestic fisheries of Indonesia and the Philippines referred to in operative paragraph 3 of the resolution, Chinese Taipei indicated its intention to contribute USD 20,000 towards financing the initiative.

Date and place of next session

20. The Conference accepted with gratitude the offer of the Government of Indonesia to hold the sixth session of the Conference in Bali, Indonesia, from 19 to 23 April 2004. The Conference also welcomed the offer by the Government of Vanuatu to host a further session of the Preparatory Conference and decided that it would do so if and when practicable.

Future work programme

21. The Conference took note of a paper presented by the Chairman which sought to identify the priority issues that needed to be addressed prior to entry into force of the Convention (WCPFC/PrepCon/29). On the basis that it appeared highly likely that the Convention would enter into force by the middle of 2004, the Conference endorsed the suggestion made by the Chairman that two further sessions should be held in 2004. PrepCon VI, would, *inter alia*:

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

22. With the approaching entry into force of the Convention, PrepCon VI would also provide the opportunity to consider arrangements for the hosting of the Commission.

23. PrepCon VII, which would be expected to be the final session of the Preparatory Conference would, if practicable, be held back to back with the inaugural session of the Commission at a time to be determined in due course. The main purpose of PrepCon VII would be to formally adopt the final report and recommendations of the Preparatory Conference, conclude the business of the Conference and deal with any unfinished business.

24. The Conference expressed its deep gratitude and appreciation to the Government of the Cook Islands for the arrangements that had been made for the hosting of the fifth session.

25. The fifth session of the Preparatory Conference was adjourned on 3 October 2003.

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