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

Seventh session
Pohnpei, Federated States of Micronesia
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**FINAL REPORT OF THE PREPARATORY CONFERENCE FOR THE
ESTABLISHMENT OF THE COMMISSION FOR THE CONSERVATION OF HIGHLY
MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN
ON ALL MATTERS WITHIN ITS MANDATE PURSUANT TO PARAGRAPH 9 OF
RESOLUTION I**

I. INTRODUCTION

1. The Preparatory Conference for the Commission for the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereinafter referred to as “the Preparatory Conference”) was established by Resolution I of the Final Act of the Multilateral High Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western Central Pacific Ocean (MHLIC), adopted on 5 September 2000.
2. Pursuant to paragraph 9 of Resolution I, the present document is presented to the Commission as the final report of the Preparatory Conference on all matters within its mandate.

II. SESSIONS

3. In accordance with paragraph 2 of Resolution I, the first session of the Preparatory Conference was convened by the Government of New Zealand, at Christchurch, New Zealand, from 23 to 28 April 2001. At the end of the first session, it was agreed that, subject to the availability of financial resources, further sessions of the Preparatory Conference would be held at intervals of approximately six to nine months, with a view to completing the work of the Conference within an overall time frame of three years.
4. Sessions of the Preparatory Conference were held as follows:
 - First session held at Christchurch, New Zealand, 23 – 28 April 2001
 - Second session held at Madang, Papua New Guinea, 25 February – 1 March 2002
 - Third session held at Manila, Philippines, 18 – 22 November 2002
 - Fourth session held at Nadi, Fiji, 5 – 9 May 2003
 - Fifth session held at Rarotonga, Cook Islands, 29 September – 3 October 2003
 - Sixth session held at Bali, Indonesia, 19 – 23 April 2004
 - Seventh session held at Pohnpei, Federated States of Micronesia, 6 – 7 December 2004
5. In addition, meetings of the Scientific Coordinating Group (SCG) were held as follows:

- First meeting held at Honolulu, Hawaii, 29 – 31 July 2002
- Second meeting held at Mooloolaba, Australia, 17 – 19 July 2003
- Third meeting held at Majuro, Marshall Islands, 19 – 21 August 2004

III. SCOPE AND MANDATE

6. The mandate of the Preparatory Conference is set out in Resolution I. In accordance with paragraph 6 of Resolution I, the Preparatory Conference was required to:

- (a) prepare draft rules of procedure for the Commission;
- (b) prepare draft rules, regulations and procedures, as necessary, to enable the Commission to commence its functions, including draft regulations concerning the financial management and internal administration of the Commission;
- (c) prepare the provisional agenda for the first meeting of the Commission and, as appropriate, make recommendations relating to items thereon;
- (d) make recommendations concerning the Secretariat of the Commission in accordance with the relevant provisions of the Convention;
- (e) make recommendations concerning the establishment of the headquarters of the Commission; and
- (f) make recommendations concerning the budget for the first financial period of the Commission, including recommendations for a scheme for contributions to the budget in accordance with article 18, paragraph 2, of the Convention for the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (“the Convention”).

7. In accordance with paragraph 7 of Resolution I, the Preparatory Conference was also required to endeavour to:

- (a) formulate recommendations for consideration by the Commission concerning:
 - (i) the implementation of articles 11, 12, 13 and 14 of the Convention;
 - (ii) the collection of data and information in accordance with article 23, paragraph 2 (a) and (b), of the Convention;
 - (iii) the establishment of a record of fishing vessels in accordance with article 24, paragraph 7, of the Convention;
 - (iv) the implementation of article 24, paragraphs 8, 9 and 10, of the Convention;
 - (v) the implementation of article 30, paragraph 3, of the Convention;
- (b) make recommendations concerning the relationship between the Commission and existing regional institutions concerned with conservation and management of highly migratory fish stocks; and
- (c) carry out such other functions as the Conference may decide.

8. In accordance with paragraph 10 of Resolution I, the Preparatory Conference was also mandated to seek provisional scientific advice on the status of skipjack, yellowfin and bigeye tuna stocks and the South Pacific albacore stock and, if considered necessary, to recommend such conservation and management measures, including provisional harvest level, as may be necessary pending the entry into force of the Convention to ensure the long-term sustainability of stocks within the Convention Area. For this purpose, the Preparatory Conference was mandated to make use, as appropriate, of existing regional institutions and outside sources of expertise to facilitate its work.

IV. AGENDA

9. At its first session, the Preparatory Conference adopted its agenda (WCPFC/PrepCon/2) consisting of 13 items as follows:

- I. Welcome and opening of meeting
- II. Preparatory Conference Organization
 - election of Chairman
 - election of any other officers
 - adoption of rules of procedure
- III. Draft rules of procedure for Commission
- IV. Draft rules and regulations concerning financial management and internal administration of the Commission
- V. Draft organizational structure of the Commission
- VI. Draft budget for the first financial period of the Commission
- VII. Draft scheme of contributions to the budget
- VIII. Recommendations concerning the establishment of the headquarters of the Commission
- IX. Provision of interim scientific advice
- X. Draft provisional agenda for the first meeting of the Commission
- XI. Mechanisms to promote participation
- XII. Prepare agenda for next meeting of the Preparatory Conference
- XIII. Other Business

10. It was agreed that this agenda would continue to serve as the basis of the work of the Conference in future sessions, subject to such amendments as may be necessary as the Conference progressed.

V. PARTICIPATION

11. In accordance with paragraph 1 of Resolution I, the Preparatory Conference was open to participation by the States referred to in article 34 of the Convention and by the fishing entity referred to in article 9, paragraph 2, of the Convention. The territories referred to in article 43 of the Convention were entitled to participate in the same manner as they participated in the MHLC. Other States and entities that participated as observers in the MHLC were entitled to participate in the Preparatory Conference as observers but were not entitled to participate in the taking of decisions.

12. In light of discussions during the first session on the question of participation in the Preparatory Conference, the Conference agreed to set aside two days immediately prior to the second session for informal consultations on agenda item XI, "Mechanisms to promote

participation,” which would be open to all interested delegations. These informal consultation took place on 21 and 22 February 2002 under the guidance of the Chairman of the Preparatory Conference. The Chairman presented a report to the Conference on the outcomes of the informal consultation¹ and on 25 February 2002, the Conference adopted a draft decision relating to participation in the work of the Conference.²

13. The main purpose of that decision was to provide a mechanism for States and other entities that had participated as observers in MHLC and that wished to participate more actively in the work of the Preparatory Conference to be seated with other participants of the Preparatory Conference, following the making of an appropriate application to the Chairman of the Preparatory Conference. Paragraph 2 of the same decision enabled States and entities that did not participate as observers in the MHLC to apply to the Chairman of the Preparatory Conference in order that a decision may be taken by consensus on their attendance to observe the meeting. In adopting the decision on participation, the Preparatory Conference decided to allocate a seat amongst the participating delegations to the European Community, which had submitted an appropriate application, enabling it to take a more active role in the discussions than previously, whilst at the same time maintaining its status as an observer delegation pursuant to Resolution I. The decision also permitted the Conference to decide to permit the delegation of the Russian Federation, which had not been a participant or observer in MHLC, “to attend to observe the meeting in accordance with paragraph 2 of [the decision].”³

14. The Preparatory Conference was attended by representatives from the following States, territories and fishing entities:

Australia, Canada, China, Cook Islands, Federated States of Micronesia, Fiji, France, French Polynesia,⁴ Indonesia, Japan,⁵ 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.

15. The following participated in the Preparatory Conference as observers:

European Community, the South Pacific Forum Fisheries Agency, the Forum Secretariat, the Food and Agriculture Organisation of the United Nations (FAO), the Inter-American Tropical Tuna Organisation (IATTC), OLDEPESCA, the Pacific Community, the South Pacific Regional Environmental Programme, and the University of the South Pacific.

VI. OFFICERS

16. At the first session, the Conference elected Ambassador Michael Powles (New Zealand) as its Chairman. Subsequently, at the second session, Mr Liu Xiaobing (China) was elected vice-chairman of the Preparatory Conference.

17. The Conference established three open-ended working groups to facilitate its work. At the first session, Ambassador Lucy Bogari (Papua New Guinea) was appointed chair of Working

¹ WCPFC/PrepCon/10.

² WCPFC/PrepCon/12.

³ The Russian Federation attended the second, third, fifth and seventh sessions of the Preparatory Conference.

⁴ French Polynesia did not participate in the second session of the Preparatory Conference.

⁵ Japan did not participate in the first and second sessions of the Preparatory Conference.

Group I (Organizational and budgetary matters) and Mr Peter Ward (Australia) was appointed chairman of Working Group II (Science). At the second session, Mr John Kalish (Australia) was appointed chairman of Working Group II in place of Mr Ward. Also at the second session, Mr William Gibbons-Fly (United States of America) was appointed chairman of Working Group III.

VII. SECRETARIAT ARRANGEMENTS

18. At its first session, the Conference agreed to establish a Preparatory Conference Secretariat to service future meetings of the Conference. The Secretariat would consist of a Head and such technical advisers as the Chairman considered necessary, having due regard to the need for economy and efficiency. It was agreed that the functions of the Preparatory Conference Secretariat would be as follows:

- (a) Preparation of background papers, documents and reports as required;
- (b) Maintaining the official records of the Preparatory Conference;
- (c) Assisting the Chairman and other officers in all tasks to facilitate Preparatory Conference outcomes;
- (d) Transmission of the official communications of the Preparatory Conference;
- (e) Organizational work and liaison with host governments for future sessions of the Preparatory Conference.⁶

19. Pursuant to the above decision of the Conference, in July 2001, the Chairman appointed Michael W. Lodge as Head of the Preparatory Conference Secretariat⁷ for a period commencing one month after the conclusion of the first session and concluding one month after the second session.⁸ This appointment was subsequently renewed with the approval of the Conference. FAO provided an officer, Mr Blaise Kuemlangan, to serve as technical adviser to the Preparatory Conference Secretariat. From the third session, New Zealand provided an officer, Mr Chris O'Brien, to serve as scientific adviser to the Preparatory Conference Secretariat. Additional help for the Chairman, primarily of a secretarial and administrative nature, was provided in kind by the Government of New Zealand.

20. The Conference also agreed at the first session to establish a Preparatory Conference Organizational Fund (PCOF), to be financed through voluntary contributions or funding in kind, to offset the costs of future sessions of the Conference as well as the costs associated with an interim secretariat.⁹ The PCOF was established in July 2001, under the administration of the Director of the South Pacific Forum Fisheries Agency. In accordance with paragraph 2 of WCPFC/PrepCon/8, the Chairman of the Preparatory Conference and the Director of the South

⁶ WCPFC/PrepCon/8.

⁷ Mr. Lodge had also served on an *ad hoc* basis as Head of the Secretariat for the first session of the Conference.

⁸ The terms of this appointment were set out in a letter of appointment drawn up by the Chairman after consultation with the governments which contributed initially to the Preparatory Conference Organizational Fund. The arrangements for the appointment of the Chairman were set out in a note dated 30 November 2001 also drawn up after consultation with the governments which contributed initially to the PCOF for the purpose of recording certain understandings regarding the appointment.

⁹ WCPFC/PrepCon/8.

Pacific Forum Fisheries Agency were requested to develop guidelines for the administration of the PCOF, to be applied on a provisional basis pending approval of the Conference. The agreed guidelines, contained in an exchange of letters between the Chairman of the Preparatory Conference and the Director of the South Pacific Forum Fisheries Agency were submitted to the Conference at its second session.¹⁰ The Conference approved the guidelines with minor amendments.¹¹

VIII. MAIN DOCUMENTS OF THE PREPARATORY CONFERENCE

21. The document symbol of the Preparatory Conference is WCPFC/PrepCon/-. That symbol appears on all the formal documentation of the Conference, most of which is issued in its final form in the *Official Records of the Preparatory Conference for the Commission for the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Volumes I – IV)*. The formal documents appear in four series, -/1; -/WP.1; -/BP.1; and -/DP.1, corresponding to main documents, working papers, background papers (first session only) and delegation papers. No verbatim or summary records of meetings were made. Accounts of the work of each session of the Conference are to be found in the summary reports of the Chairman of the Conference and the Chairs of the Working Groups respectively.

IX. THE WORK OF THE PREPARATORY CONFERENCE

22. The following summarizes the work of the Preparatory Conference at each of its sessions. A more detailed summary of the discussions in each of the working groups is contained in the final reports of Working Group I, II and III respectively. Most of the detailed work of the Conference was carried out in Working Groups I, II and III. At the end of each session of the Conference, the chairs of the respective working groups reported to the plenary on the work carried out during the session and the Conference provided such direction as appropriate in the light of any interim recommendations made by the working groups. The final recommendations of each of the working groups were then considered by the Conference at the final session.

23. The matters considered by the plenary were the following:

- (a) draft rules of procedure for the Commission;
- (b) the provisional agenda for the first meeting of the Commission;
- (c) the location of the headquarters of the Commission;
- (d) the procedures for the appointment of the first Executive Director of the Commission;
- (e) discussion of management options and capacity etc.
- (f) administrative matters relating to the Preparatory Conference.

A. First session

¹⁰ WCPFC/PrepCon/WP.5, Annex 1.

¹¹ WCPFC/PrepCon/16, Annex II.

24. The first session of the Preparatory Conference was convened by the Government of New Zealand, as depositary of the Convention, at Christchurch, New Zealand from 23 to 28 April 2001. To guide the Preparatory Conference in its work, a number of background papers had been prepared, based upon the considerations reflected in Resolution I. Much of the work of the first session was organizational in nature. The matters considered and the main decisions taken were:

- (a) the adoption of an agenda¹² which would also serve as the basis of the work of the Conference in future sessions, subject to such amendments as may be necessary;
- (b) the appointment of Ambassador Michael Powles (New Zealand) as Chairman of the Preparatory Conference;
- (c) the establishment of two open-ended working groups to consider issues related to organizational and budget matters and the provision of scientific advice to the Commission respectively; agreement on the terms of reference of the two working groups and adoption of a plan of work for each working group;
- (d) agreement to establish a Preparatory Conference Organizational Fund to finance future sessions of the Conference and an interim secretariat;
- (e) a first reading of the draft rules of procedure for the Commission;
- (f) agreement to the convening of an informal consultation, immediately prior to the next session of the Conference, to discuss mechanisms to promote participation in the Convention;
- (g) tabling of a paper by New Zealand on the participation of territories in the future Commission with a view to further discussion of this issue at future sessions of the Preparatory Conference.

25. To facilitate its work, the Conference established two open-ended working groups to consider matters related to organizational and budget matters and the provision of scientific advice to the Commission respectively.¹³ Ambassador Lucy Bogari (Papua New Guinea) was appointed to chair Working Group I (WG.I) on issues relating to the organizational structure of the Commission, its budget and financial contributions. Mr. Peter Ward (Australia) was appointed as the chairman of Working Group II (WG.II) on the scientific structure of the Commission and the provision of interim scientific advice.

26. WG.I identified an open-ended list of the possible needs of the Commission and agreed that working papers should be developed that would provide information on appropriate options for delivering the identified service needs of the Commission. WG.II concentrated its discussions during the first session on designing a work plan to obtain the necessary information to enable later decisions to be taken on the development of recommendations for the implementation of articles 12 and 13 of the Convention and paragraph 10 of resolution I. The group recommended that a number of working papers be prepared that would seek to gather information regarding science needs, existing providers of regional science and their activities, and any existing information on the status of tuna stocks in the Convention Area.

¹² WCPFC/PrepCon/2.

¹³ The terms of reference of the working groups are contained in documents WCPFC/PrepCon/3 and WCPFC/PrepCon/4.

27. One of the first matters to be taken up was the draft rules of procedure for the Commission. To facilitate discussion of this matter, the secretariat had prepared a set of draft rules in the form of a working paper,¹⁴ which was considered by the Conference in informal session. A number of proposals for revisions emerged from the discussion of the draft and written suggestions were circulated by the delegation of the United States. The delegation of New Zealand also submitted a paper relating to rules of procedure for the participation of territories.¹⁵

28. With respect to the rules of procedure for the Preparatory Conference itself, it was noted that the rules of procedure used during MHLC offered an informal basis for proceeding until such time as the Preparatory Conference decided otherwise.

29. In order to facilitate the future work of the Preparatory Conference, it was agreed to establish a Preparatory Conference Organizational Fund (PCOF), to be financed through voluntary contributions or funding in kind, to offset the costs of future sessions of the Conference as well as the costs associated with the establishment of an interim secretariat to service the meetings of the Preparatory Conference.¹⁶

B. Second session

30. The second session of the Preparatory Conference took place in Madang, Papua New Guinea from 25 February to 1 March 2002. As had been agreed at the first session, the second session was preceded by two days of informal consultations around agenda item XI: "Mechanisms to promote participation". The outcome of those informal consultations in relation to the question of participation in the Preparatory Conference is noted in paragraphs 11 and 12 above.

31. Other outcomes from the informal consultations, in the form of proposals which were subsequently adopted by the Conference, included an agreement to establish a third working group (WG.III) on monitoring, control and surveillance, as well as agreement on certain specific measures to give full effect to the provisions of article 22 of the Convention related to cooperation with other regional fishery management bodies, in particular the Convention for the Conservation of Southern Bluefin Tuna (CCSBT), the Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC), to avoid duplication of management measures between these organizations.¹⁷

32. In addition to these matters, the Conference continued to make progress on the issues identified during the first session and the method of work was substantially the same as that adopted during the first session, i.e. most of the substantive work was carried out by the two open-ended working groups with a report to plenary at the end of the session. At the commencement of the session it was agreed to elect Mr. Liu Xiaobing (China) as vice-chairman of the Preparatory Conference and to appoint Mr. John Kalish (Australia) as chairman of WG.II in place of Mr. Peter Ward. Mr. William Gibbons-Fly (United States of America) was appointed chairman of the new WG.III.¹⁸

¹⁴ WCPFC/PrepCon/WP.1.

¹⁵ WCPFC/PrepCon/DP.5.

¹⁶ WCPFC/PrepCon/8.

¹⁷ Detailed in WCPFC/PrepCon/16, *Report of Chairman on the work of the Preparatory Conference at its second session*.

¹⁸ WG.III did not meet during PrepCon II although agreement was reached on its terms of reference, contained in document WCPFC/PrepCon/13.

33. The Conference was able to complete a second reading of the draft rules of procedure for the Commission and it was agreed that the Interim Secretariat would produce a further revision of the document which could be taken up during the next session of the Conference. The delegation of France submitted a paper entitled *Draft rules of procedure on the participation of territories*.¹⁹

34. WG.I held two meetings during the session. In accordance with its terms of reference, WG.I recognized three main tasks:

- (a) to further clarify the service needs of the Commission;
- (b) to elaborate the possible options for the delivery of the identified service needs, including an appropriate secretariat structure; and
- (c) to begin to identify some of the general issues associated with the development of a future budget structure for the Commission.

Taking account of the need to structure its future in a coherent and effective manner, WG.I adopted a programme of work to guide the work of the group through the next two sessions of the Preparatory Conference.²⁰

35. WG.II held five meetings during the session. Its work included a review of the Commission's needs with respect to data requirements, including gaps in data coverage and standards for data collection and maintenance; science, and in particular stock assessment and advice on stock status in the short term and ongoing; research priorities and research planning and coordination; and review of assessments, analyses and other scientific work.²¹ As an outcome of its work, WG.II developed, on a provisional basis, a revised alternative structure for scientific functions. While there was some convergence of views on the overall level of scientific services to be provided to the Commission, some delegations expressed reservations about the revised alternative structure and it was noted that further discussions on this matter would be required. WG.II also identified a number of tasks to be carried out prior to its next meeting.

36. In order to assist WG.II in carrying out those parts of its terms of reference which require special scientific and technical considerations, WG.II recommended to the Conference that it establish a scientific coordinating group as a sub-group of WG.II which would report to both WG.II and the Conference. The Conference adopted this recommendation and decided to establish the Scientific Coordinating Group (SCG) and adopt its terms of reference.²²

37. One of the matters taken up for the first time at the second session was the matter of the establishment of the headquarters for the Commission. At the first session, it had been agreed that this matter would be taken up at a later stage in the Conference at the request of the members of the Forum Fisheries Committee, who wished for more time to consider the matter and to nominate a single candidate from amongst their number. The Conference was informed that the Federated States of Micronesia had been selected by the Committee and was being formally proposed as the location for the headquarters of the Commission. No substantive discussion of

¹⁹ WCPFC/PrepCon/DP.7.

²⁰ WCPFC/PrepCon/14.

²¹ WG.II was provided for this purpose with a discussion paper prepared for the Interim Secretariat by MRAG (Americas) Inc. entitled *Approaches to Meeting the Science and Data Needs of the Commission* (February 2002).

²² Contained in WCPFC/PrepCon/15.

this proposal took place at the second session. At the request of several non-FFA delegations it was agreed to defer further consideration of the proposal until there had been time to review it in more detail. In response to the concerns of some delegations, the Conference adopted a set of general principles and criteria to be taken into account in determining the location of the Commission's headquarters as well as a process for the submission of proposals to the Conference as a whole.²³ In accordance with the agreed process, proposals, including accompanying details and documentation, were to be submitted by 1 September 2002.

38. It was also necessary for the Conference to deal with a number of administrative matters in connection with the arrangements that had been adopted at the first session with respect to the establishment of an interim secretariat and a voluntary fund to support the work of the Conference. The Conference was informed that such a fund had been established and that contributions had been made by a number of participating governments. Draft guidelines on the use and management of the voluntary fund had been prepared in the form of an exchange of letters between the Chairman of the Conference and the Director of the South Pacific Forum Fisheries Agency. The Conference reviewed the draft guidelines and adopted them, with minor amendments.²⁴

C. Third session

39. The third session of the Preparatory Conference took place in Manila, Philippines from 18 to 22 November 2002. At the beginning of the session, the Conference agreed to a request for observer status by Permanent Commission for the South Pacific, in accordance with paragraph 2 of its decision of 25 February 2002 relating to participation in the work of the Conference (WCPFC/PrepCon/12). The main substantive matters dealt with by plenary at the third session were the question of the location of the headquarters of the Commission, the draft rules of procedure, and a proposed draft resolution, put forward by the delegation of Japan, relating to illegal, unreported and unregulated (IUU) fishing and limits on fishing capacity.

40. In considering the issue of the location of the headquarters of the Commission, the Conference recalled that three bids to host the Commission were received within the agreed time-frame. Those bids were from the Federated States of Micronesia, Papua New Guinea and Tonga. After the deadline expired, additional bids were received from the Philippines, Fiji, and Samoa. A proposal to waive the time requirement in order to allow consideration of the late bids was defeated by a vote and the Conference therefore proceeded to consider the bids from Federated States of Micronesia, Papua New Guinea and Tonga. As it was not possible to reach a consensus, it was decided to proceed to a vote, which took place on 21 and 22 November, by secret ballot. On the seventh round of voting, Federated States of Micronesia gained a three-quarters majority of the vote. The Conference therefore decided to recommend to the Commission that the headquarters of the Commission be located in the Federated States of Micronesia, noting that, pursuant to article 9, paragraph 7, of the Convention, the final decision would be taken by the Contracting Parties to the Convention.

41. The Conference completed a third reading of the draft rules of procedure for the Commission.²⁵ The delegations of France, New Zealand and the United States of America introduced a informal proposal for draft rules of procedure on the participation of territories pursuant to article 43 of the Convention. As there was insufficient time to discuss the proposal,

²³ WCPFC/PrepCon/16.

²⁴ WCPFC/PrepCon/16, Annex I.

²⁵ WCPFC/PrepCon/WP.1/Rev.2.

the Conference agreed to consider it in more detail at its next session. Following consideration of the draft, the delegation of Japan introduced two further proposals relating to the rules of procedure. As there was insufficient time to discuss the proposals by Japan, the Conference took note of the proposals and agreed to consider them in more detail at its next session. It was agreed that the Interim Secretariat would produce a further revision of the document for consideration at a later time.

42. The delegation of Japan introduced a draft resolution relating to IUU fishing and limits on fishing capacity. The resolution, which, in its operative paragraphs urges all States and other entities to exercise reasonable restraint in respect of any expansion of fishing effort and capacity in the Convention Area and to apply the precautionary approach and also urges all States and other entities concerned to take every appropriate measure, in accordance with their international obligations and with the FAO international plan of action on IUU fishing and other relevant international instruments, to prevent, deter and eliminate IUU fishing in the Convention Area, was adopted by consensus.²⁶

43. With respect to the PCOF, the Conference took note of the status of the Fund as at 31 October 2002 and also took note of and confirmed the existing arrangements with respect to the Interim Secretariat and Chairman.

44. Other work took place in the main working groups of the Conference, which were able to make substantive progress on a number of important matters.

45. In accordance with the plan of work it had adopted at PrepCon II, WG.I began consideration of the costs of a Commission secretariat to deliver core functions and science, the costs associated with the various options for providing additional Commission services and the application of cost recovery principles for the provision of specified Commission services. WG.I also considered possible mechanisms for funding participation in the work of the Commission by developing States consistent with article 30, paragraph 3, of the Convention.

46. WG.II reviewed the report of the first meeting of the SCG, held in July 2002,²⁷ and took note of summary statements on the status of stocks in the Convention Area prepared by the SCG. WG.II agreed that the detailed technical work in relation to the data requirements of the Preparatory Conference and the Commission, including current gaps in data coverage and standards for data collection and management, data security, and data confidentiality, should be handled by the next meeting of the SCG. In accordance with a recommendation by WG.II, the Conference decided that the second meeting of the SCG should take place from 17 to 19 July 2003, in Mooloolaba, Australia, immediately following the 16th Meeting of the Standing Committee on Tuna and Billfish. The Conference also decided to appoint Dr. Yuji Uozumi (Japan) as chairman of the SCG.

47. WG.II also discussed the special requirements of small island developing States in relation to data needs and scientific research. As a result, the interim secretariat was requested to prepare a paper, in conjunction with interested parties, on the special requirements of developing States in regard to data requirements and technical capacity. No agreement was reached in WG.II on a model for meeting the science and data needs of the Commission. It was considered that further work would be required to progress this issue and it was suggested that some elements of

²⁶ WCPFC/PrepCon/22.

²⁷ WCPFC/PrepCon/17.

this work proceed intersessionally under the guidance of the chairman of WG.II with the assistance of the Interim Secretariat.

48. Working Group III met for the first time during the third session. It considered the needs of the Commission with respect to monitoring, control and surveillance, identified by reference to the articles of the Convention, as well as the principal elements of a boarding and inspection scheme and the monitoring, control and surveillance component of the Commission's observer programme. During the consideration of these elements, it was noted that the boarding and inspection scheme is one part of a comprehensive programme for compliance and enforcement that will also include such matters as the observer programme, port state controls, a vessel monitoring system and other components. Several delegations expressed the view that, while there is a general need to ensure that the elaboration of any scheme is closely linked to the broader provisions of article 25 of the Convention, relating to compliance and enforcement, the elaboration of a boarding and inspection scheme should also take into account the provisions of article 21, paragraph 18, of the UN Fish Stocks Agreement. It was felt that an important aspect in the elaboration of the scheme would be guidelines governing the use of force. In particular, there was a general sense that the use of force be limited to situations where the safety of the vessel and members of the boarding and inspection party is threatened.

49. WG.III also adopted an indicative programme of work for future sessions.²⁸ According to that programme of work, at its second meeting WG.III would aim to hold substantive discussions on a draft boarding and inspection plan, establish procedures for the Commission's vessels record and, begin discussions on the observer programme, VMS and vessel and gear markings. At its third meeting it would aim to conclude discussions on the boarding and inspection scheme and adopt, if possible, a draft boarding and inspection scheme to recommend to the Commission.

D. Fourth session

50. The fourth session of the Preparatory Conference took place at Nadi, Fiji Islands, from 5 to 9 May 2003. Most of the work of the session took place in WG.I and WG.III

51. WG.I held four meetings during the session. 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 development of financial regulations for the Commission, including regulations to govern the administration of the fund established under article 30, paragraph 3, of the Convention. Following its deliberations, WG.I requested the Secretariat to prepare a revision of its working paper,²⁹ for further consideration at the fifth session, taking into account the discussions that had taken place. WG.I particularly emphasized the need to take full account in any formula of the ability to pay of potential members, in particular small island developing States. WG.I also had a first reading of the draft financial regulations for the Commission.³⁰ It was agreed to take this matter up again at its next session.

52. WG.III held three meetings during the session. WG.III discussed in particular draft procedures for boarding and inspection prepared by the Chairman of the Working Group.³¹ Following discussion of the procedures, the Working Group requested the chairman, with the assistance of the Interim Secretariat, to revise the draft for further consideration at the fifth

²⁸ WCPFC/PrepCon/21.

²⁹ WCPFC/PrepCon/WP.13.

³⁰ Contained in document WCPFC/PrepCon/WP.2.

³¹ WCPFC/PrepCon/WP.14.

session. The Working Group also held a preliminary discussion of the MCS component of the Commission's observer programme and agreed that the next step would be to build on the elements of the observer programme identified by the Group at the third session. The Chairman of WG.III was requested to prepare a discussion document on proposed guidelines for the rights, duties and responsibilities for observers, captains and crew, using similar guidelines adopted by other regional organizations and national governments as a starting point. In order to facilitate progress on other matters that had not been covered in the present session, the Working Group requested the Secretariat to prepare an information paper on vessel and gear markings. A paper would also be prepared on VMS, if possible. These information papers, together with the draft guidelines on rights and responsibilities of observers would serve as the basis for substantive discussions at the next meeting of WG.III.

53. WG.II met informally in order to receive a briefing and have an exchange of views on the progress of intersessional work required for the second meeting of the SCG and the fifth session of the Conference and to review its work plan for future meetings. The Working Group agreed on a draft work plan for WG.II and for the SCG, including necessary intersessional activities, to be circulated to all participants through the chairman of the Working Group and the secretariat. It was noted that the work plan was intended to be flexible and would be subject to periodic review and adjustment.

54. According to that work plan, the second meeting of the SCG would focus on developing the long-term data needs of the Commission, identifying research priorities and research planning and coordination and on updating the summary stock status statements for the major target species (bigeye, yellowfin, skipjack, South Pacific albacore). At the fifth session, WG.II would aim to finalize the structure for the scientific functions of the Commission, review the role of existing regional organizations in obtaining the best available scientific and other fisheries-related information and consider the special requirements of developing States in relation to data requirements and technical capacity.

55. The Conference met in informal session on 7 May 2003 to review the further revised draft Rules of Procedure for the Commission prepared by the Interim Secretariat on the basis of discussions during the third session.³² In considering the draft, the Conference focused its attention on those rules where specific problems had been identified, namely rules 1, 14, 15, 23, 24, 30, 31, 34 and 35. While it was possible to resolve the outstanding issues in relation to a number of these provisions, it was noted that considerable differences remained on other provisions. In particular, with respect to the proposal by Japan relating to the Northern Committee, it was agreed to defer further discussion on this issue until the next session of the Conference in order to achieve a consensus consistent with the Convention. The Conference therefore agreed to return to the draft rules of procedure at its next session with a view to consideration of the remaining issues. In further revising the draft, the Secretariat was requested to include in its explanatory memorandum a note of the issues raised in relation to these outstanding issues. The Conference took note of the proposals made in relation to the participation of territories and mail voting procedures, but delegations expressed the wish for more time to study the proposals before more detailed consideration.

56. With respect to the PCOF, as at previous sessions, the Conference took note of the status of the Fund and confirmed the existing arrangements with respect to the interim secretariat and Chairman. The Conference also received an audit report on the PCOF to 31 December 2003.

³² WCPFC/PrepCon/WP.1/Rev.3*

57. In addition to the above, the delegation of Japan introduced papers on fishing capacity and IUU fishing on which there was considerable discussion.³³ The Conference agreed that the chairman of WG.II and the chairman of the SCG would develop a report for the fifth session that would include an assessment of:

- (a) the status of the major highly migratory tuna stocks in the Convention Area;
- (b) the impact of FADs on juvenile stocks in the Convention Area;
- (c) any gaps in current data that need to be improved; and
- (d) implications for sustainability.

This approach should provide the basis for future management action. Notwithstanding this decision, certain delegations considered that further steps should be taken in the near term with a view to restraining any further increase in the capacity in the region.

58. With respect to the programme of work for the fifth session, the Conference recalled that it had agreed at its first session in April 2001 that its objective should be to complete the work of the Preparatory Conference within an overall time-frame of three years; that is, by early 2004. With that in mind, and in light of the possibility that the Convention could enter into force in 2004, the Conference decided that it should take the opportunity at the fifth session to take stock of progress on its agenda to date and to review and prioritize the future work of the Conference. In allocating scarce conference time, it was agreed that priority would need to be given to consideration of the key organizational issues on which the establishment of the Commission depended. It was also recognized that, to the extent possible, it would be necessary to continue the valuable work agreed on in Working Groups II and III.

E. Fifth session

59. The fifth session of the Conference took place at Rarotonga, Cook Islands, from 29 September to 3 October 2003. The session was preceded by a one-day retreat for heads of delegations on the beautiful island of Aitutaki.

60. The session began with discussion of a document prepared by the Chairman as a basis for a review of progress achieved to date in the Conference and identification of priority issues prior to entry into force of the Convention.³⁴ 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. The sixth session, would aim to, *inter alia*:

- (a) finalize recommendations relating to the organizational structure of the Commission Secretariat;
- (b) finalize 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

³³ See documents WCPFC/PrepCon/DP.11 – DP.15.

³⁴ WCPFC/PrepCon/30.

- (d) make recommendations on the procedure for selection of an Executive Director.

61. The seventh session, 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 the seventh session 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.

62. In terms of the immediate priorities for the fifth session, it was agreed that the objective of the informal plenary should be to conclude its consideration of outstanding issues with respect to the draft rules of procedure, so that they could be adopted at the first session of the Commission itself. Working Group I would consider the revised draft scheme of contributions to the budget of the Commission and the draft financial regulations. Working Group II would consider the scientific structure of the Commission (which was recognized as the most urgent task for Working Group II), the role of existing regional organizations in obtaining information and the special requirements of developing States and territories with respect to data requirements and technical capacities. In addition, if time allowed, Working Group II would also consider approaches to ecosystem and bycatch issues on the basis of the paper prepared by the interim secretariat at the third session.³⁵ Meanwhile, Working Group III would continue its work on the elaboration of a draft scheme for boarding and inspection and would also consider proposed guidelines for the rights, duties and responsibilities for observers, captains and crew and a proposed scheme for vessel and gear markings.

63. The Preparatory Conference also had to consider a draft resolution relating to control of fishing effort and capacity tabled by the delegation of Japan.³⁶ Following intensive discussions, the Conference reached agreement on a revised draft resolution “in response to the recommendations of the [SCG] on sustainable fisheries management” which was adopted by consensus on the final day of the session.³⁷ That resolution, *inter alia*, requested the interim secretariat to prepare a paper on management options as a response to the sustainability concerns identified by SCG in respect of yellowfin and bigeye stocks and in the meantime urged all participants to fully implement previous resolutions of MHLC and the Preparatory Conference calling for the exercise of reasonable restraint in respect of any expansion of fishing effort and capacity in the Convention Area.

64. The Conference met in informal session to review the further revised draft Rules of Procedure for the Commission.³⁸ 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. 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.

³⁵ WCPFC/PrepCon/WP.9.

³⁶ WCPFC/PrepCon/DP.16.

³⁷ WCPFC/PrepCon/34.

³⁸ WCPFC/PrepCon/WP.1/Rev.4.

65. Working Group I focused its attention during the fifth session on the development of a formula for the assessment of contributions to the budget of the Commission and on the draft financial regulations for the Commission. The working group considered various options for the budget funding formula taking into account the discussions on this matter at PrepCon IV, including a revised methodology for the calculation of the “national wealth” component of the budget of the Commission. In discussing such methodology, various suggestions and proposals were put forward and the group noted the considerable difficulty involved in finding a formula that could satisfy all potential members of the Commission. Following a proposal by the delegation of Korea, WG.I considered a revised formula for the national wealth component based upon an equal weighting of gross national income (GNI) per capita and GNI. It became apparent that the main area of difficulty was the relative weighting of the three components set out in article 18 of the Convention. Although a preference was expressed for a relative weighting of 10 per cent (base fee), 20 per cent (national wealth component) and 70 per cent (fish production component), some participants considered that the relative weighting should be 10 per cent (base fee), 45 per cent (national wealth component) and 45 per cent (fish production component). In both cases, a discount factor of 0.4 was applied to the catches taken within the exclusive economic zone of a developing State or territory by vessels flying the flag of that developing State or territory. 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. The Chair of WG.I therefore proposed that, for the time being, the Conference should proceed on the basis 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 Conference.³⁹

66. Working Group I was also able to carry out a second reading of the draft financial regulations for the Commission and was able to reach agreement on most aspects of the draft, including a new proposal relating to the establishment of a special requirements fund for the purposes identified in article 30 of the Convention.

67. The principal achievement of WG.II at the fifth session was to reach agreement on a science structure for the Commission during a transitional period.⁴⁰ This structure would be reviewed two years after entry into force of the Convention. It was also recommended that the OFP-SPC should play a key role in the scientific work of the Commission during the transitional period and should undertake the stock assessments for the four main tuna species during that period. WG.II also recommended that the Conference should include in its final report to the Commission a long term strategy for building fisheries data collection and analytical capacity in developing States and territories. Working Group II reviewed the report of the second meeting of the SCG, which took place in July 2003, and made a number of recommendations concerning stock assessments and data coverage.

68. Owing to time constraints, WG.III held only two meetings during the fifth session. The working group discussed the revised draft boarding and inspection scheme contained in document WCPFC/PrepCon/WP.14/Rev.1 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

³⁹ WCPC/PrepCon/31.

⁴⁰ WCPFC/PrepCon/32, Annex III.

suggestions that had been made. The working group also considered its future work programme and priorities for the sixth session, noting that it had not had time to discuss 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 authorization to fish and port State control should also be discussed at the sixth session in accordance with its agreed work priorities.

F. Sixth session

69. The sixth session was held on the island of Bali, Indonesia, from 19 to 23 April 2004. As agreed at the fifth session, the main business of the plenary was to draw up the agenda for the first session of the Commission and to make recommendations on the procedure for selection of an Executive Director.

70. With respect to the agenda for the first session of the Commission, the Conference decided to recommend to the Commission the draft provisional agenda as contained in Annex II of WCPFC/PrepCon/40. With respect to the matter of the appointment of an Executive Director for the Commission, it was agreed that the process of recruiting an Executive Director should commence as soon as possible, so that the Commission could be in a position to decide on an appointment at its first meeting. The Chairman was authorized to supervise the recruitment process, with support from the New Zealand delegation. The Conference also agreed on a person specification for the position.⁴¹ With respect to the procedure for appointment, it was agreed that participants in the Preparatory Conference would be invited to rank candidates in order of preference. Up to five candidates would then be invited to take part in an interview on the day prior to the first meeting of the Commission. The Chairman of the Preparatory Conference would lead the interview panel, which would comprise all Commission members and those reasonably expected imminently to become members. The interview panel would then make recommendations to the Commission. The precise nature of the interview and decision-making process would be confirmed by the seventh session of the Preparatory Conference. The Conference also accepted with appreciation Australia's offer to carry out a job-sizing exercise for the Executive Director position.

71. Working Group I had as its objectives to finalize recommendations relating to the organizational structure of the Commission Secretariat and to finalize the budget for the early years of the Commission and the way in which it would be financed. The working group held three meetings during the session. With respect to the organizational structure of the Commission, the working group decided to recommend the organizational structure and summary of functions for the staff of the Commission in its early years of operation as contained in WCPFC/PrepCon/37, Annexes I and II. That structure envisaged a total staff of nine in the first year of operation, increasing to 13 after three years. WG.I also decided to recommend that, with respect to the staff of the Commission, the Commission develop and adopt a system of salaries and allowances related to that applied by the agencies of the Council of Regional Organizations of the Pacific (CROP).

72. With respect to the provisional indicative budget of the Commission for its first three full years of operation, WG.I considered the proposed budget contained in Annex IV of the Secretariat's working paper⁴² to be conceptually acceptable, subject to the need to further refine the cost estimates for each line item as further information became available. The group

⁴¹ WCPFC/PrepCon/40, Annex I.

⁴² WCPFC/PrepCon/WP.20.

considered that it would be necessary to consider the actual budget for the first year of operation of the Commission (2005) at PrepCon VII, when more information was available concerning the number of Parties to the Convention and the likely extent of the Commission's activities during 2005.

73. Working Group I decided to recommend the adoption of a scheme of contributions determined according to the following formula:

- (a) a 10 per cent base fee divided in equal shares between all members of the Commission;
- (b) a 20 per cent national wealth component based upon an equal weighting of proportional gross national income (calculated on a three-year average) per capita and proportional gross national income (calculated on a three-year average); and
- (c) a 70 per cent fish production component based upon a three-year average of the total catches taken within exclusive economic zones and in areas beyond national jurisdiction in the Convention Area of all the stocks covered by the Convention for which data are available (including the main target tuna species, as well as the four main billfish species (black marlin, blue marlin, striped marlin and swordfish)), subject to a discount factor of 0.4 being applied to the catches taken within the EEZ of a member of the Commission which is a developing State or territory by vessels flying the flag of that member.

74. Working Group I also completed its work on the draft Financial Regulations of the Commission and decided to recommend that the draft be taken up by the Conference at its final session.

75. Working Group II held two meetings during the sixth session. The working group considered and made specific recommendations on:

- (a) the future operation of the Scientific Committee
- (b) Scientific Coordinating Group, 2004 agenda
- (c) further development of the proposed initiative to enhance data collection in Indonesia and Philippines;
- (d) the provision of scientific advice in relation to northern stocks as related to the activities of the Northern Committee; and
- (e) further development of the strategies for meeting the special requirements of developing States and territories with respect to data requirements and technical capabilities.

Details of the specific recommendations made by WG.II are contained in document WCPFC/PrepCon/38.

76. The Conference took note of the recommendations contained in the report of WG.II and noted that substantive work relating to the provision of scientific advice and the further development of strategies for meeting the special requirements of developing States and territories would be continued through the relevant bodies once the Commission came into being. The Conference also decided to consider the issue of the sequence and timing of Commission

meetings, as well as the budgetary implications of any decision on this matter, during the seventh session with a view to making a clear recommendation to the Commission.

77. The Preparatory Conference approved the proposal to hold the third meeting of the SCG in Majuro, Marshall Islands from 19 - 21 August 2004 and agreed that the meeting would be chaired by Dr Yuji Uozumi (Japan).

78. Following preliminary discussion of a paper prepared by the Interim Secretariat⁴³ on management options on how the Commission could respond to sustainability concerns in respect of bigeye and yellowfin identified by the second meeting of the SCG, the Conference also requested SCG 3 to provide advice, through the Interim Secretariat, on analyses that should be undertaken of the implications of two broad groups of management options identified in the Secretariat's paper (national capacity, catch and effort limits and a range of technical measures) and how these analyses can be carried out in a timely and effective manner.

79. The Conference welcomed the initiative taken by Japan to hold a special workshop to discuss possible measures to address the issues of excessive fishing capacity created by some participants during the Preparatory Conference process. This workshop would be open to all the PrepCon participants and would take place from 12 to 15 July in Japan as a voluntary intersessional effort.

80. Working Group III held three meetings during the sixth session. The Commission's record of fishing vessels and fishing authorization and the scheme for vessel and gear marking were identified as the most urgent matters for discussion. WG.III was able to produce a first draft of the Commission's record of vessel and fishing authorizations on the basis of proposals that had been submitted by the European Community, Japan and the FFA. It recommended that this draft should be further discussed and finalized at the next session as a recommendation to the Commission. WG.III also agreed on a draft proposal for the Commission's vessel marking scheme prepared by the Chairman which could be submitted to the Commission.⁴⁴

81. Owing to lack of time, WG.III was not able to consider proposals on options for the Commission's observer programme and VMS and the status of cooperating non-contracting parties.

G. Seventh session

82. The seventh session of the Conference took place at Pohnpei, Federated States of Micronesia on 6 and 7 December 2004.

83. Working Groups I, II and III met to consider and adopt their final reports and recommendations to the Conference. Plenary took up the further revised draft rules of procedure for the Commission contained in document WCPFC/PrepCon/WP.1/Rev.5 and decided to recommend the draft rules of procedure to the Commission for adoption. The Conference then reviewed and **adopted** the final reports of Working Groups I, II and III.

84. The Conference received a report on the status of the PCOF as at 28 November 2004. It was noted that, in accordance with the guidelines contained in WCPFC/PrepCon/16, Annex I, the PCOF would continue to operate until determined by the Preparatory Conference or by the

⁴³ WCPFC/PrepCon/WP.24.

⁴⁴ Adopted at PrepCon VII as WCPFC/PrepCon/47.

Commission. On the basis of a recommendation by the Chairman, the Conference decided to recommend to the Commission that the PCOF continue to operate until 31 January 2005, when all outstanding commitments arising from the seventh session have been met and the PCOF has been audited by the FFA auditor. Thereafter the Conference recommended to the Commission that the balance remaining in the PCOF be transferred to the working capital fund of the Commission.

85. The Conference further decided to recommend that additional contributions to the PCOF made for the purpose of supporting the proposed Indonesia and Philippines Data Collection Project (IPDCP) be transferred to the Special Requirements Fund established under Financial Regulation 7 and administered by the Commission in accordance with the recommendations of WG.II.

86. The Conference noted that some of the interim recommendations it had made in relation to some matters had not been taken up owing to lack of time. These included a number of recommendations relating to the need to give full effect to the provisions of article 22 of the Convention related to cooperation with other regional fishery management bodies, in particular the Convention for the Conservation of Southern Bluefin Tuna (CCSBT), the Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC), to avoid duplication of management measures between these organizations. The Conference recalled that it had decided to:

(a) Establish an understanding between the Interim Secretariat and the Secretariat of the CCSBT that, because CCSBT has competence with respect to southern bluefin tuna throughout its migratory range, the Western and Central Pacific Fisheries Commission recognizes that CCSBT is the appropriate body to develop and implement southern bluefin tuna conservation and management measures;

(b) Appoint a group to work with the IATTC to develop guidelines to give full effect to article 22, paragraph 4, of the Convention, with respect to the need to avoid duplication of management measures and to promote consistent management measures throughout the migratory range of stocks that occur in the areas covered by the two Conventions;⁴⁵ and

(c) and give due consideration to the appropriate mechanism for cooperation between the Western and Central Pacific Fisheries Commission and the IOTC to avoid duplication of measures between those two organizations.

87. It had not been possible to deal with these matters and the Conference therefore decided to recommend that these matters be taken up by the Commission at the earliest opportunity.

X. FINAL RECOMMENDATIONS OF THE PREPARATORY CONFERENCE

88. A summary of the recommendations made by the Conference in relation to each of the matters listed in paragraphs 6 and 7 of Resolution I, is in the annex to the present document.

89. The Conference decided to recommend to the Commission that:

(a) it adopt the agenda for its first session contained in document WCPFC/PrepCon/40, Annex II;

⁴⁵ See WCPFC/PrepCon/WP.12.

(b) it adopt the recommendations contained in the final report of WG.I (WCPFC/PrepCon/44);

(c) it adopt the recommendations contained in the final report of WG.II (WCPFC/PrepCon/45) subject to any decision of the Commission concerning the date and place of the meetings of the Commission and its subsidiary bodies in 2005;

(d) it adopt the recommendations contained in the final report of WG.III (WCPFC/PrepCon/46);

(e) it adopt the draft rules of procedure of the Commission as contained in document WCPFC/PrepCon/WP.1/Rev.5;

(f) the Contracting Parties decide that the headquarters of the Commission be in Pohnpei, Federated States of Micronesia; and

(g) it reaffirm the continued application of the voluntary commitments participants have endorsed in the resolutions of the MHLC and Preparatory Conference.

90. The Conference adopted the present document as its final report on all matters within its mandate and decided to transmit the report to the Commission.

XI. CLOSING

91. On 7 December 2004, the Preparatory Conference was adjourned, noting that, in accordance with paragraph 8 of Resolution I, the Preparatory Conference will remain in existence until the end of the first session of the Commission.

Annex

SUMMARY OF DECISIONS AND RECOMMENDATIONS MADE BY THE PREPARATORY CONFERENCE ON OPERATIVE PARAGRAPHS 6 AND 7 OF RESOLUTION I

<i>Resolution I</i>	<i>Summary of action by Preparatory Conference</i>
In accordance with paragraph 6 of Resolution I, the Preparatory Conference was required to:	
(a) prepare draft rules of procedure for the Commission;	The Preparatory Conference decided to recommend to the Commission the adoption of draft rules of procedure contained in document WCPFC/PrepCon/WP.1/Rev.5
(b) prepare draft rules, regulations and procedures, as necessary, to enable the Commission to commence its functions, including draft regulations concerning the financial management and internal administration of the Commission;	WG.I adopted and recommended to the Conference draft Financial Regulations contained in document WCPFC/PrepCon/WP.2/Rev.2. The Preparatory Conference decided to recommend to the Commission the adoption of the draft Financial Regulations.
(c) prepare the provisional agenda for the first meeting of the Commission and, as appropriate, make recommendations relating to items thereon;	The Preparatory Conference decided to recommend to the Commission the adoption of the provisional agenda contained in document WCPFC/PrepCon/40/Annex II. In respect of the agenda item on the appointment of the Executive Director, the Preparatory Conference approved a process which would enable a recommendation to be made to the Commission at its first session.
(d) make recommendations concerning the Secretariat of the Commission in accordance with the relevant provisions of the Convention;	WG.I recommended an organizational structure and summary of functions for the staff of the Commission in its early years of operation as contained in WCPFC/PrepCon/37, Annexes I and II. WG.I also recommended that, with respect to the staff of the Commission, the Commission develop and adopt a system of salaries and allowances related to that applied by the agencies of the Council of Regional Organizations of the Pacific (CROP).
(e) make recommendations concerning the establishment of the headquarters of the Commission; and	At the third session, following a vote, the Preparatory Conference decided to recommend that the headquarters of the Commission be in Federated States of Micronesia.
(f) make recommendations concerning the budget for the first financial period of the Commission, including recommendations for a scheme for contributions to the budget in accordance with article 18, paragraph 2, of the Convention for the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ("the Convention").	WG.I recommended an organizational structure and summary of functions for the staff of the Commission in its early years of operation (WCPFC/PrepCon/37, Annexes I and II). WG.I considered the provisional indicative budget (WCPFC/PrepCon/WP.20, Annex IV) to be conceptually acceptable, subject to the need to further refine the cost estimates for each line item as further information became available. WG.I recommended the adoption of a scheme of contributions to the budget in accordance with article 18, paragraph 2.

In accordance with paragraph 7 of Resolution I, the Preparatory Conference was also required to endeavour to:	
(a) formulate recommendations for consideration by the Commission concerning:	
(i) the implementation of articles 11, 12, 13 and 14 of the Convention;	WG.II recommended a science structure for the Commission during a transitional period, to be reviewed two years after entry into force of the Convention (WCPFC/PrepCon/32, Annex III). WG.II also recommended a structure and a work plan for the Scientific Committee and its Specialist Working Groups and recommended that the OFP-SPC should undertake the stock assessments for the four main tuna species during the transitional period.
(ii) the collection of data and information in accordance with article 23, paragraph 2 (a) and (b), of the Convention;	WG.II and the Scientific Coordinating Group adopted specific recommendations on data standards, to be addressed by the Scientific Committee of the Commission. WG.II also made recommendations aimed at improving the quality and coverage of the data available for stock assessment. (See Final Report of WG.II, WCPFC/PrepCon/45).
(iii) the establishment of a record of fishing vessels in accordance with article 24, paragraph 7, of the Convention;	WG.III recommended procedures for the Commission record of fishing vessels and authorizations to fish and procedures for Cooperating non-members (WCPFC/PrepCon/46).
(iv) the implementation of article 24, paragraphs 8, 9 and 10, of the Convention;	No recommendations made. There was insufficient time for WG.III to discuss the matter of vessel monitoring systems. A preliminary discussion paper was prepared by the Interim Secretariat (WCPFC/PrepCon/WP.23).
(v) the implementation of article 30, paragraph 3, of the Convention;	WG.I considered this issue and incorporated specific recommendations relating to article 30, paragraph 3, in the draft Financial Regulations.
(b) make recommendations concerning the relationship between the Commission and existing regional institutions concerned with conservation and management of highly migratory fish stocks; and	The Conference made a number of interim recommendations relating to the need to give full effect to the provisions of article 22 of the Convention related to cooperation with other regional fishery management bodies, in particular the CCSBT, the IATTC and the IOTC, to avoid duplication of management measures between these organizations. However, since it was not possible to deal with these matters, the Conference decided to recommend that a number of specific issues described in paragraph 86 (above) be taken up by the Commission at the earliest opportunity.