

**DRAFT PROVISIONAL AGENDA FOR THE FIRST MEETING OF THE
COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY
MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

Prepared by the Secretariat¹

1. Paragraph 6(c) of the Resolution establishing the Preparatory Conference provides the Preparatory Conference will “prepare the provisional agenda for the first meeting of the Commission and, as appropriate, make recommendations relating to items thereon.”
2. The present paper explores how the first meeting of the Commission might be run and what needs to be on the agenda for the first meeting of the Commission to ensure the smooth functioning of the first meeting; and of the Commission and any subsidiary bodies thereafter.
3. Relevant parts of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (“the Convention”) include Parts III and XII which establish some fundamental matters relating to the operation of the Commission, namely:
 - That, on entry into force of the Convention, the Commission is established.
 - The Commission comprises each Contracting Party to the Convention at the time the Commission meets (Article 34(4) and Article 9(1)); also, a fishing entity may participate in the work of the Commission (Article 9(2));
 - The Commission shall meet at least annually and other meetings will be scheduled with the principle of cost effectiveness in mind (Articles 9(3) and 9(5));
 - The Commission shall adopt rules of procedure for its meetings and meetings of its subsidiary bodies (Article 9(8)); and
 - The Commission shall elect a Chairman and Vice-Chairman of different nationalities from among the Contracting Parties, and those elected shall hold office for an initial period of two years (Article 9(4)).
4. It will be recalled that, at PrepCon V, the Conference endorsed a suggestion made by the Chairman that, on the basis that it appeared highly likely that the Convention would enter into force by the middle of 2004, there would be two sessions of the Conference in 2004. PrepCon VI, would, inter alia, seek to:

¹ The present paper is a slightly revised and updated version of a paper prepared for the first session of the Preparatory Conference in 2001, issued under symbol WCPFC/PrepCon/BP.9.

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

PrepCon VI would also provide the opportunity to consider arrangements for the hosting of the Commission. 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.

5. The inaugural session of the Commission would most likely be a largely ceremonial affair, at which important organizational decisions would be taken, based, where appropriate, on the recommendations of the Preparatory Conference. Since the Commission will not, at that stage, in all likelihood, have a budget, or a staff, it must be recognized that it might not be possible for the Commission to finalize many of the technical matters on the proposed provisional agenda at its first meeting.

6. There is no doubt that, within the rules for making decisions established by article 20 of the Convention, the Commission has legal capacity to elect a chair of its first meeting and to establish rules by which its meetings and those of its subsidiary bodies can be conducted. In this regard, it will be recalled that the Preparatory Conference has already done substantial work on the draft Rules of Procedure for the Commission. At PrepCon V, it was agreed that the Interim Secretariat would be tasked to prepare a revised version of the draft rules,² 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.

7. There are a range of financial and administrative matters which need to be agreed to enable the Commission and its subsidiary bodies to function effectively. These include:

- (a) In relation to the Commission and Secretariat:
 - Approving rules concerning financial management and internal administration of the Commission including the scheme of contributions to the budget (Article 18(2)) and guidelines for administration of the fund referred to in Article 30(3);
 - Approving a budget for at least the first year of operation of the Commission (Article 18);
 - Appointment of an auditor (Article 19);
 - Decision on the location of the headquarters of the Commission;³
 - Agreeing upon a process for selecting an Executive Director (Article 16);

² WCPFC/PrepCon/WP.1/Rev.4

³ And, in due course, an agreement with the host country.

- Providing guidance to the Executive Director on conditions for appointment of staff and the number of and types of positions to be filled; and
- Date for the next meeting of the Commission and subsidiary bodies.

(b) Subsidiary bodies

Based on the relevant provisions of the Convention (Articles 11-14), the Commission will need to consider the arrangements for the subsidiary bodies to discharge the functions allocated to them in the Convention, including their relationship with existing regional bodies, such as SCTB (in the case of the Scientific Committee), as well as any overlap with the area of interest of these subsidiary bodies. For example the regional observer programme has a scientific element and a compliance element (Article 28(1)). Whilst data collected by observers needs to be tailored to the needs of the scientific community, the day to day operational aspects of the observer programme are probably best dealt with in the Technical and Compliance Committee. The Commission might also wish to consider the need to establish additional subsidiary bodies, where appropriate.⁴ The final recommendations made by Working Groups II and III of the Preparatory Conference will be important in this respect.

(c) Other matters

There are a range of practical matters which should be addressed early in the life of the new Commission, such as consideration of the need for conservation and management measures in light of recent scientific advice and any emerging management issues, agreeing to the standards, specifications and procedures for use of VMS transmitters (Article 24(8)), setting dates for information to be provided to the Commission Secretariat under Articles 24(5), 23(2), 25(8), determining boarding and inspection procedures if necessary (Article 26(2)) and addressing a range of issues for the regional observer programme (Articles 28(7) and (8)). Many of these matters, however, would most likely not be considered in any detail at the first meeting of the Commission, but would be deferred to subsequent meetings, following consideration by the relevant subsidiary bodies.

8. The annex to the present document contains a proposal for a draft provisional agenda for the first meeting of the Commission.

⁴ For example, the advisory committee on financial and budget matters envisaged by article 3.7 of the draft Financial Regulations.

Annex

**FIRST MEETING OF THE COMMISSION FOR THE CONSERVATION AND
MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND
CENTRAL PACIFIC OCEAN**

DRAFT PROVISIONAL AGENDA

AGENDA ITEM 1. OPENING OF MEETING

- 1.1 Welcoming address
- 1.2 Election of Chairman and Vice-Chairman
- 1.3 Meeting arrangements
- 1.4 Adoption of agenda
- 1.5 Opening Statements

AGENDA ITEM 2. MEMBERSHIP

- 2.1 Status of the Convention
- 2.2 New parties to the Convention.

AGENDA ITEM 3. FINAL REPORT OF THE PREPARATORY CONFERENCE

- 3.1 Presentation of the final report of the Preparatory Conference on all matters within its mandate pursuant to paragraph 9 of resolution I. *

AGENDA ITEM 4. ESTABLISHING RULES FOR MEETINGS

- 4.1 Consideration, with a view to adoption, of the Rules of Procedure for the Commission *
- 4.2 Adoption of rules and procedures for the Subsidiary Bodies of the Commission

AGENDA ITEM 5. LOCATION OF THE HEADQUARTERS OF THE COMMISSION
AND ESTABLISHMENT OF THE SECRETARIAT

- 5.1 Location of the headquarters of the Commission *
- 5.2 Procedure for the appointment of the Executive Director of the Commission *
- 5.3 Adoption of terms of service for the staff of the Commission and the Staff Regulations
- 5.4 Emblem and symbol of the Commission

AGENDA ITEM 6. BUDGET AND FINANCE

- 6.1 Adoption of budget for first year of the Commission *
- 6.2 Adoption of the scheme of assessed contributions to the budget of the Commission *
- 6.3 Consideration, with a view to adoption, of the Draft Financial Regulations of the Commission *
- 6.4 Appointment of an Auditor
- 6.5 Report on the status of the Preparatory Conference Organizational Fund

AGENDA ITEM 7. FISHERIES MANAGEMENT AND MONITORING MEASURES

- 7.1 Consideration of the need for management measures for stocks in light of current scientific advice and any emerging management issues
- 7.2 Adopt standards, specifications and procedures for use of VMS transmitters
- 7.3 Dates for information to be provided to Commission Secretariat under various Convention articles
- 7.4 Procedures for boarding and inspection in the Convention Area
- 7.5 Regional Observer Programme – matters under Article 28(7), coordination of operation of regional observer programme and desired levels of observer coverage.

AGENDA ITEM 8. SCIENCE ISSUES

- 8.1 Provision of scientific advice to the Commission
- 8.2 Programme of work for the Scientific Committee
- 8.3 Scientific research plan

AGENDA ITEM 9. COOPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS

- 9.1 Appropriate means of cooperation with other international organizations into whose area of competence stocks may range
 - CCSBT
 - IOTC
 - IATTC *
 - CCAMLR
- 9.2 Appropriate means of cooperation with other fisheries related bodies where management is not an issue
 - Pacific Community
 - Forum Fisheries Agency
 - UN Food and Agriculture Organisation

AGENDA ITEM 10. NEXT MEETING

- 10.1 Date and place of next meeting

* Matters upon which a recommendation of the Preparatory Conference is likely to be adopted prior to the first session of the Commission.
