



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

**Eighth Regular Session
Tumon, Guam, United States of America
26-30 March 2012**

SUMMARY REPORT

AGENDA ITEM 1 - OPENING OF MEETING.....	1
1.1 Welcome Address and Chair's Statement.....	2
1.2 Adoption of agenda	2
1.3 Meeting arrangements	2
AGENDA ITEM 2 - MEMBERSHIP	3
2.1 Status of the Convention	3
2.2 Applications for Observer Status	3
2.3 Applications for cooperating non-member status	3
AGENDA ITEM 3 - MEMBER STATEMENTS	10
3.1 Annual Reports by the CCMs	10
3.2 Statements of Non-Members.....	10
3.3 Special Requirements of Developing States	10
3.3.1 CCM Reports on the Implementation of Article 30 of the Convention	10
AGENDA ITEM 4 - COMMISSION REVIEW	11
4.1 Review of the WCPFC.....	11
AGENDA ITEM 5 - COST RECOVERY REVIEW	12
5.1 Cost Optimisation of Commission Operations	12
AGENDA ITEM 6 - SCIENCE ISSUES.....	13
6.1 Report of the Seventh Regular Session of the Scientific Committee.....	13
6.1.1 Stock Status of Key Tuna Species	14
6.1.2 Science Committee Recommendations and Management Advice	15
6.1.3 SC Management Issues Theme.....	16
6.1.4 Ecosystem and Bycatch Issues	18
6.1.5 Data Issues.....	19
6.1.6 Review of MOU between WCPFC and ISC	20
6.2 Programme of Work for the Scientific Committee in 2012-2014.....	20
6.3 KOBE3 Workshop Recommendations on Science and Bycatch	21
AGENDA ITEM 7 - NORTHERN COMMITTEE	21
7.1 Report of the Seventh Regular Session of the Northern Committee.....	21
7.1.1 Northern Committee Science Recommendations and Management Advice.....	21
7.2 Programme of Work for the Northern Committee in 2012-2014.....	23
AGENDA ITEM 8 - TECHNICAL AND COMPLIANCE ISSUES.....	23
8.1 Report of the Seventh Regular Session of the Technical and Compliance Committee.....	23
8.2 Proposed WCPFC IUU Vessel List for 2012.....	24
8.3 Compliance with Conservation Measures.....	25
8.3.1 Update of Submission of Annual Reports Part 1 and Part 2	25
8.3.2 Report on the Compliance Monitoring Scheme (CMS)	25
8.3.3 Streamlined Part 2 Annual Reports	26
8.4 Regional Observer Programme	26
8.4.1 Annual Regional Observer Programme Report.....	26
8.4.2 Draft Terms of Reference for Technical Advisory Group-ROP for Approval.....	27
8.4.3 WCPFC-IATTC Cross Endorsement of Observers.....	27
8.4.4 Proposal for Vessel Captains/Operators to Review WCPFC ROP Reports	28
8.5 Vessel Monitoring System (VMS)	29

8.5.1	Annual Report of the Vessel Monitoring System.....	29
8.5.2	Joint WCPFC/FFA Review of the WCPFC VMS	29
8.5.3	VMS Template Agreement.....	31
8.5.4	VMS ALC/MTU Template Checklist for Auditing Units.....	32
8.5.5	VMS SSP Bracketed Text	33
8.5.6	Proposed Amendment to CMM 2007-02 VMS.....	33
8.6	Record of Fishing Vessels (RFV) – Standards, Specification and Procedures	33
8.7	NZ Transhipment Approval	34
8.8	Kobe III Outcomes Capacity and IUU Listings	34
8.9	Programme of Work for the Technical and Compliance Committee in 2012-2014	35
AGENDA ITEM 9 - CONSERVATION AND MANAGEMENT MEASURES	35	
9.1	New CMMs	35
9.1.1	CMM 2011-01 for Bigeye, Skipjack and Yellowfin Tuna (CMM 2008-01)	35
9.2	Consideration of new measures and other conservation requirements	41
9.2.1	Port State Measures	41
9.2.2	Prohibition of Purse Seine Fishing Associated with Whale Sharks and Cetaceans	42
9.2.3	Implementation of the ROP for Fresh Fishing Vessels North of 20° N	44
9.2.4	Implementation of an EEZ Entry and Exit Notification Scheme	44
9.2.5	Catch Documentation Scheme.....	44
9.2.6	Oceanic Whitetip Shark.....	45
9.3	Review of CMMs	45
9.3.1	CMM 2009-03 Swordfish.....	45
9.3.2	CMM 2009-08 Charter Notification.....	46
9.3.3	CMM 2010-06 IUU (para 15 and 25).....	47
9.3.4	CMM 2010-03 Compliance Monitoring Scheme	47
9.3.5	CMM 2010-05 South Pacific Albacore	48
9.3.6	Report by PNA members on the Vessel Day Scheme (VDS)	49
AGENDA ITEM 10 - AD HOC TASK GROUP-DATA	49	
10.1	Chartering State Data Access	49
AGENDA ITEM 11 - ANNUAL REPORT ON THE WORK OF THE COMMISSION	49	
11.1	Cooperation with other Organizations	49
11.1.1	WCPFC/IATTC Overlap Area	50
11.2	Future Work of the Commission	51
AGENDA ITEM 12 - REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE.....	51	
12.1	Budget Approval for 2012 and Indicative Budgets for 2013 and 2014	51
12.2	Requirements for the Hosting of Meetings	51
AGENDA ITEM 13 - ADMINISTRATIVE MATTERS	51	
13.1	Election of Officers	51
13.2	Venues for Next Meetings.....	51
AGENDA ITEM 14 - OTHER MATTERS	52	
AGENDA ITEM 15 - SUMMARY REPORT	52	
AGENDA ITEM 16 - CLOSE OF MEETING.....	53	



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SUMMARY REPORT

AGENDA ITEM 1 - OPENING OF MEETING

1. The Eighth Regular Session of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC8) took place from 26-30 March 2012 at Tumon, Guam, United States.
2. The following Members, Cooperating Non-members (CNMs) and Participating Territories (CCMs) attended WCPFC8: American Samoa, Australia, Belize, Canada, People's Republic of China, the Commonwealth of the Northern Mariana Islands, the Cook Islands, Ecuador, El Salvador, the European Union (EU), the Federated States of Micronesia (FSM), Fiji, France, French Polynesia, Guam, Indonesia, Japan, Kiribati, Korea, the Republic of the Marshall Islands (RMI), Mexico, Nauru, New Caledonia, New Zealand, Niue, Palau, Panama, Papua New Guinea (PNG), the Philippines, Samoa, Senegal, the Solomon Islands, Chinese Taipei, Thailand, Tokelau, Tonga, Tuvalu, the United States of America (USA), Vanuatu, Vietnam, and Wallis and Futuna.
3. Observers from the following governmental and inter-governmental organizations attended WCPFC8: the Inter-American Tropical Tuna Commission (IATTC), the International Scientific Committee (ISC), the Pacific Islands Forum, Pacific Islands Forum Fisheries Agency (FFA), the Parties to the Nauru Agreement (PNA), the Russian Federation, the Secretariat of the Pacific Community (SPC), the South Pacific Regional Fisheries Management Organization (SPRFMO), the United Nations Food and Agriculture Organisation and the World Bank.

4. Observers from the following non-governmental organizations attended WCPFC8: American Fishermen's Research Foundation, the American Tunaboard Association, Earth Island Institute (EII), Environment Hawaii, Greenpeace, the Humane Society, the International Seafood Sustainability Foundation (ISSF), the Marine Stewardship Council (MSC), Ocean Friends Against Driftnets (OFAD), the Organization for the Promotion of Responsible Tuna Fisheries (OPRT), the Pacific Islands Tuna Industry Association, the Pew Environment Group, , Shark Advocates International, the United States-Japan Research Institute, and the World Wide Fund for Nature (WWF).

5. A full list of participants is provided in **Attachment A**.

1.1 Welcome Address and Chair's Statement

6. The Chair noted the attendance of the following dignitaries at the meeting: Aliki Faipule Kerisiano Kalolo, the Ulu O of Tokelau, Honorable Willy Telavi, Prime Minister of Tuvalu; the Honorable Harry R. Fritz, Minister of Natural Resources, Environment and Tourism of Palau; the Honorable Michael Konelios, Minister of Resources and Development of the Republic of the Marshall Islands, the Honorable Tinian Reiher, Minister of Fisheries and Marine Development in Kiribati; the Honorable Teina Bishop, Minister of Marine Resources, Tourism, Education, National Human Resources and Pearl Authority of the Cook Islands and the Honorable Luwalhati R. Antonino, Secretary and Chairperson Mindanao Development Authority. The Chairman's opening statement is appended at **Attachment B**.

7. The Honourable Eddie Baza Calvo, Governor of Guam provided the opening remarks, welcoming all participants to the island and presenting a gavel to the WCPFC Chair, Dr Charles Karnella of the United States. His statement is **Attachment C**.

8. Japan thanked all CCMs for their sympathy, encouragement and support after the earthquake and tsunami disaster in Tohoku, Japan one year ago.

9. The Chair expressed his appreciation for the patience of CCMs with regard to the rescheduling and relocation of the meeting from Palau due to the power shortages last December. Noting the increasing number of attendees each year, the Chair noted that focus and discipline would be required to work through the full agenda of issues.

1.2 Adoption of agenda

10. FFA members requested that consideration of rationalisation of Commission's meetings to reduce the burden of participation on SIDS be considered on the agenda.

11. The Philippines asked that their submission regarding CMM 2008-01 be added to the agenda.

12. With the addition of the FFA members' proposal for meeting rationalisation (added to Agenda Item 14) and the Philippines' proposal (added to Agenda Item 9.1), the Provisional Agenda was adopted (**Attachment D**).

1.3 Meeting arrangements

13. The WCPFC Executive Director, Professor Glenn Hurry, introduced Secretariat technical staff attending the meeting including Aaron Nighswander, Finance and Administration Manager; Dr SungKwon Soh, Science Manager; Dr Lara Manarangi-Trott, Compliance Manager; Karl

Staisch, Regional Observer Programme Coordinator; Tony Beeching, Assistant Science Manager; Sam Taufao, Information, Communication and Technology Manager; Donald David, Data Quality Officer, Lucille Martinez, Executive Assistant; Milo Abello, VMS Operations Officer; and Layleen Oliver, Administrative Officer. In addition to Secretariat staff, participants included Dr Shelley Clarke, Rapporteur; Dr John Hampton, Science Services Provider (SPC), Dr Fábio Hazin, Chair of the Performance Review Panel; Robert Martinolich, VMS Consultant; Dr Martin Tsamenyi, Legal Advisor; and Nick Wyatt, Cost Optimization Consultant.

14. The Secretariat informed members of two papers, WCPFC8-2011/07, which highlights key issues from WPCFC7, WCPFC8-2011/44 and WCPFC8-2011/45 which pertains to intercessional decisions (Circular 2011/37 and Circular 2011/38).

AGENDA ITEM 2 - MEMBERSHIP

2.1 Status of the Convention

15. As the depositary of the Convention, New Zealand reported that since their last report to WCPFC7, no further communications have been received and thus there has been no change in the status of the Convention. New Zealand noted that WCPFC8-2011/08 describes the status of the Convention as of 15 November 2011.

16. In response to a question regarding their progress with ratifying the Convention, Indonesia stated that it was making significant progress toward ratification and it expected that this process will be finalized in the near future.

2.2 Applications for Observer Status

17. The Commission noted the applications for observer status as contained in WCPFC8-2012/09 (Rev. 1).

2.3 Applications for cooperating non-member status

18. Holly Koehler (USA), Vice Chair of the TCC, presented a report on cooperating non-member applications (WCPFC8-2011/10). TCC7 reviewed eleven applications for cooperating non-member status for 2012, one of which, St. Kitts and Nevis, was a new applicant and Democratic People's Republic of Korea (DPRK) was a second time applicant. All applications were recommended for consideration by WCPFC8 subject to provision of additional information. DPRK, El Salvador, Ecuador, Senegal, Panama and Belize, provided additional information. The TCC Vice Chair clarified that Panama and Thailand are not required to submit Annual Reports Parts 1 and 2 for 2010 as they did not become CNMs until 2011.

19. The following points from the updated application files as of the opening of WCPFC8 were highlighted by the TCC Vice Chair:

- a. Belize was asked to provide all available operational logsheet data and to confirm the number of vessels which would be operating in the WCPFC Convention Area if CNM status is renewed. The information submitted by Belize indicated the number of fishing vessels that would continue to operate in the Convention Area if CNM status is renewed. This information shows that since a logbook programme was only implemented in 2011, previous

operational data are not available. Belize's financial contribution for 2011 was paid in full.

- b. The DPRK was asked to provide catch data and a breakdown of vessels. These data were provided. Regarding DPRK-flagged vessels on the CCAMLR IUU Vessel List, the DPRK information indicates that two vessels have been de-registered and the third vessel's registration has expired. The DPRK indicated it would make a financial contribution once it becomes a WCPFC member.
- c. Ecuador was asked to confirm that its vessels will operate according to the participatory rights granted; equip vessels with VMS; provide catch data and Annual Reports. Ecuador confirmed compliance with granted participatory rights and use of VMS and stated that it would apply IATTC management rules in the overlap area. Some data were provided. Ecuador's financial contribution for 2011 was paid in full.
- d. El Salvador was asked to provide the number of days fished by purse seine vessels, and to confirm compliance with granted participatory rights. El Salvador provided the effort data (WCPFC8-2011-OP12) and a FAD Management Plan (WCPFC8-2011-OP13), and indicated that it had historically fished the overlap area and reserved its right to do so as a member of IATTC. El Salvador's financial contribution for 2011 was paid in full.
- e. Indonesia was asked to confirm its commitment to make a financial contribution to the Commission, provide the number of days fished by purse seine vessels, confirm compliance with participatory rights granted and VMS requirements, provide information on IUU-listed vessels, and provide catch and effort data. No response was received from Indonesia. No financial contribution was received for 2011.
- f. Mexico was asked to confirm its commitment to make a financial contribution to the Commission, provide catch and effort data and its Annual Report – Part 2 for 2010. No response was received from Mexico. No Annual Reports were received from Mexico for 2011. Mexico advised that it is not able to pay a contribution until it becomes a contracting party.
- g. Panama was asked to provide information on IUU-listed vessels. No response was received from Panama. Panama advised that it was willing to pay its financial contribution but the payment had not yet been received by the Secretariat.
- h. St. Kitts and Nevis was asked to confirm that its carriers and bunkers will comply with transhipment and VMS requirements. No response was received from St Kitts and Nevis on these points, but it indicated a financial contribution can be made upon approval of the Ministry.
- i. Senegal was asked to confirm compliance with High Seas Boarding and Inspection (HSBI) requirements and its commitment to provide a financial contribution. It was noted that no vessels flagged to Senegal have fished in the WCPFC Convention Area since 2008. Senegal confirmed compliance with HSBI but stated that its national regulations do not allow financial contributions to international organizations unless it is a contracting Party. Annual Reports- Parts 1 and 2 have not been received. No financial contribution has been received.
- j. Thailand was asked to confirm compliance with HSBI requirements. Thailand confirmed it would comply. Thailand's 2011 financial contribution was paid in full.

- k. Vietnam was asked to provide Annual Reports-Parts 1 and 2 for 2010. No response was received from Vietnam. Vietnam's 2011 financial contribution was paid in full.
- 20. FFA members, while recognizing that CNM applicants represent legitimate development partners, stressed the importance of CNM applicants providing all requested information to TCC and paying their share of the costs of the Commission as assessed.
- 21. Other CCMs also urged CNM applicants to provide requested information and to make financial contributions.
- 22. One CNM pointed out that there appears to be no difference in the treatment of CNM applications from those CNM applicants which have paid their assessed financial contribution and those which have not.
- 23. Some CCM highlighted the ongoing issues involving the overlap area. These CCMs suggested that until these issues are resolved, CNMs should fish in accordance with the participatory rights granted to them by WCPFC. Other CCMs reminded that CNMs who are also members of IATTC have historical fishing rights in the overlap area and comply with IATTC provisions that include total closure for tropical tuna purse seine fishery. Those CCMs considered it urgent to agree a joint approach with IATTC for managing the overlap area as suggested by the Chair's report of the Joint IATTC-WCPFC Workshop that took place on July 11, 2011 in La Jolla, California, USA in the margin of Kobe III meeting.
- 24. The Cook Islands expressed concerns regarding increasing catches in the IATTC-WCPFC overlap area by Ecuador and El Salvador.
- 25. The Executive Director of IATTC stated that he is optimistic about prospects for resolving issues related to the WCPFC-IATTC overlap area, and emphasized the importance of focusing on the status of the stocks when dealing with these issues.
- 26. Some CCMs supported the CNM application of Indonesia.
- 27. Some CCMs indicated that while Indonesia continues to report progress on ratification, and the Commission has shown patience in this regard, demonstrable results should to be presented to WCPFC9.
- 28. Indonesia noted that, similar to its position in other t-RFMOs, it will not be able to make a financial contribution until it becomes a full member. Indonesia stated that progress toward ratification is being made and a Presidential decree is expected soon. In reply to a query about the status of Indonesia-flagged vessels on RFMO IUU Vessel Lists, Indonesia explained that all administrative sanctions have been complied with and remaining issues are being discussed with IATTC.
- 29. The Chairman of the Northern Committee noted that Mexico has not responded to requests to participate in the work of the Northern Committee and requested the WCPFC Chair to write to Mexico to emphasize the importance of this issue.
- 30. Mexico committed to participating in the Northern Committee starting at NC8.

31. One CCM requested that Panama provide information on all of their t-RFMO IUU-listed vessels for the consideration of TCC8 when evaluating CNM applications for 2013.

32. Panama explained that it had made several attempts to pay its financial contribution and would continue to attempt to effect payment. Panama referred CCMs to papers they submitted as WCPFC8-2011-DP/43, WCPFC8-2011-DP/44 and WCPFC8-2011-OP/14, which provide more information regarding Panama-flagged vessels on IUU lists and Panamas Annual Report Part 1.

33. Papua New Guinea expressed concerns regarding the building of new purse seine fishing vessels by Vietnam.

34. Vietnam requested more information from Papua New Guinea about these concerns and questioned whether this type of issue is pertinent to a decision on CNM status.

35. The WCPFC Legal Advisor, Dr Martin Tsamenyi, provided a summary of the procedures for considering CNM application. As specified in CMM 2009-01, the process has four stages. First, the applicant must provide the required data. Second, TCC undertakes an evaluation of the application, identifies any gaps that applicants are required to fill and informs the applicant of these gaps. Third, TCC makes a recommendation on each CNM's application to the Commission, and fourth, the Commission considers the TCC's recommendations, including any remaining areas of insufficiency in the applications, and decides whether to grant CNM status. Regarding the fourth step, CMM 2009-01 is clear with respect to the need for the Commission to consider whether the technical information provided is adequate. If the information is considered adequate then CNM status will be granted and subsequent to that decision the Commission will determine the participatory rights for each applicant. The Commission was reminded that the determination of the sufficiency of the information provided to support the application is separate from the determination of participatory rights.

36. WCPFC8 agreed to grant CNM status for 2012 to Belize, the DPRK, Ecuador, El Salvador, Indonesia, Mexico, Panama, St. Kitts and Nevis, Senegal, Thailand and Vietnam.

37. WCPFC8 also agreed that the WCPFC Chair will write to Mexico to reinforce the importance of their participation in the work of the Northern Committee.

38. A small working group, led by Kiribati, was convened to consider the issue of participatory rights for CNMs. The small working group developed draft report language for participatory rights for CNMs including for the WCPFC-IATTC overlap area (WCPFC8-2011-48 Rev2). These recommendations were accepted by WCPFC8.

39. WCPFC8 agreed that in accordance with provisions of the WCPF Convention and its conservation and management measures and resolutions, the following limits apply to the participatory rights of Cooperating non-members (CNMs) for fisheries in the high seas within the WCPFC Convention Area.

40. WCPFC8 also agreed that, unless otherwise specified below, CNMs may fish in waters under their national jurisdiction or other CCM's national jurisdiction, in accordance with appropriate bilateral arrangements. Such CNMs shall ensure vessels flying their flags comply with all provisions of the WCPF Convention and WCPFC conservation and management measures. In addition, such CNM vessels will be placed on the WCPFC Record of Fishing Vessels (WCPFC RFV). CCMs shall ensure that

CNM fishing activities that are conducted in waters under their national jurisdiction in accordance with bilateral arrangements are consistent with all relevant conservation and management measures and provisions of the WCPF Convention. Renewal of CNM status by the Commission will be conditional on full compliance with the national laws and regulations of any licensing CCM, all conservation and management measures and provisions of the WCPF Convention. CCMs shall identify any violations by vessels flagged to a CNM and report on any investigations of such violations to the TCC.

41. WCPFC8 noted that the CNMs identified below (paragraphs 43-53) provide assurances that they will comply with all requests from Commission Members for information and documentation to investigate cases of possible illegal fishing.

42. WCPFC8 encouraged CNMs to implement export controls that ensure that their shipbuilding activities do not undermine any conservation and management measures adopted by the Commission to control fishing capacity in the WCPO tuna fisheries, in accordance with Article 10, or undermine Article 30 of the Convention.

Belize

43. WCPFC8 approved the application for renewal of CNM status by Belize with the following participatory rights:

Catches of bigeye tuna from Belize are limited to 803.25 mt and 2,000 mt of yellowfin tuna. Belize fishing activities are limited to the following (except within the overlap area in accordance with the provisions described in paragraph 54-58 below):

- a. Under CMM 2005-02 in accordance with paragraph 1, Belize is limited to historical catch level for 2004 of two unique longliners in the Convention Area south of 20 degrees south latitude;
- b. Under CMM 2005-03 Belize is limited to the 2005 level of five unique longliners in the Convention Area north of the equator; and
- c. Under CMM 2006-04, Belize is limited to two unique longliners in the Convention Area south of 15 degrees south latitude.

Democratic People's Republic of Korea

44. WCPFC8 approved the application of CNM status by the Democratic People's Republic of Korea with the following participatory rights:

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

Ecuador

45. WCPFC8 approved the application for renewal of CNM status by Ecuador with the following participatory rights:

The participatory rights of Ecuador for fishing in the WCPO are limited to purse seine fishing only. Ecuador has no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area (except within the overlap area in accordance with the provisions described in paragraph 54-58 below).

El Salvador

46. WCPFC8 approved the application for renewal of CNM status by El Salvador with the following participatory rights:

The participatory rights of El Salvador for fishing in the WCPO are limited to purse seine fishing only. The total level of effort by purse seine vessels of El Salvador vessels on the high seas shall not exceed 29 days in the Convention Area (except within the overlap area in accordance with the provisions described in paragraph 54-58 below).

Indonesia

47. WCPFC8 approved the application for renewal of CNM status by Indonesia with the following participatory rights:

Indonesia's fishing activities in the Convention Area are limited to a longline bigeye catch limit of 5,889 mt (8,413 mt minus 30%) and purse-seine fishing on the high seas in the Convention Area is limited to 500 days.

WCPFC8 encouraged Indonesia to apply compatible measures within its archipelagic waters given the significance of these waters for juvenile yellowfin and bigeye catch. Indonesia noted that it is participating in the new Global Environment Facility (GEF) West Pacific East Asia Oceanic Fisheries Management (WPEA OFM) and cooperating with the Commission, particularly in areas of data collection improvement.

Indonesia expressed its appreciation to the Commission for the decision to renew its CNM status and reiterated its intention to become a full member of the Commission. Indonesia stated that, consistent with its position throughout the Multilateral High Level Conference (MHLC) and Preparatory Conference, it considers that WCPFC CMMs do not apply to archipelagic waters.

Mexico

48. WCPFC8 approved the application for renewal of CNM status by Mexico with the following participatory rights:

Noting the need for cooperation with the work of the Northern Committee (NC), particularly in regard to Pacific bluefin tuna, Mexico is encouraged to participate in the NC and is advised that future renewals of Mexico's CNM status could be hampered by a continuing lack of participation in the work of the NC.

Mexican participation in the WCPO tuna fisheries may not begin until all requested information and commitments have been provided to the WPFC Secretariat in accordance with Commission requirements. The participatory rights of Mexico for fishing in the WCPFC Convention Area are limited to purse seine fishing only. Mexico has no participatory rights for fishing on the high seas for highly migratory fish stocks in the Convention Area (except within the overlap area in accordance with the provisions described in paragraph 54-58 below).

Panama

49. WCPFC8 approved the application of CNM status by Panama with the following participatory rights:

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

Senegal

50. WCPFC8 approved the application for renewal of CNM status by Senegal with the following participatory rights:

The participatory rights of Senegal for fishing in the WCPO are limited to one unique longline vessel (the Robaliera). This vessel may only target swordfish and may only catch 154 mt of swordfish (as determined in accordance with CMM 2009-03).

St Kitts and Nevis

51. WCPFC8 approved the application for CNM status by St Kitts and Nevis with the following participatory rights:

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

Thailand

52. WCPFC8 approved the application for CNM status by Thailand with the following participatory rights:

Noting the need for cooperation between Thailand and the Commission and the commitment from Thailand to provide data from canneries located in Thailand to assist in the work of the Commission, WCPFC8 agreed to grant CNM status to Thailand for 2012 on the understanding that Thailand will cooperate fully with the Commission in the acquisition and exchange of fishery information and data. The participatory rights of Thailand in the WCPO are limited to the provision of carrier and bunker vessels only.

Vietnam

53. WCPFC8 approved the application for renewal of CNM status by Vietnam with the following participatory rights:

Noting the need for continued cooperation between Vietnam and the Commission to achieve compatibility of fisheries management and conservation, as well as on the acquisition and exchange of fishery information and data, for which Vietnam would require assistance, WCPFC8 agreed to grant CNM status to Vietnam for 2012. Vietnam has no participatory rights for fishing for highly migratory fish stocks in the high seas of the Convention Area.

WCPFC/IATTC Overlap Area

54. The Commission agreed that the WCPFC and the IATTC should urgently resolve the management uncertainties and inconsistencies that apply to fisheries within the overlap area south of 4° S and between 130° W and 150° W. The following provisions are intended as an interim measure and do not establish any precedent for the discussions between the WCPFC and the IATTC over the management of the overlap area.

55. For 2012, pending agreement between WCPFC and IATTC on management of the overlap in the Convention Areas of these two RFMOs, the limits prescribed above shall not apply to fishing vessels flying the flag of a CNM that is a Contracting Party of IATTC and operating in the IATTC/WCPFC overlap area south of 4° S and between 130° W and 150° W.

56. These CNMs agree that in the IATTC/WCPFC overlap area fishing vessels flying their flag shall:

- comply with all applicable IATTC Resolutions and requirements including effort, capacity and catch controls and limits;
- carry, on all purse seine vessels, an observer accredited with either the IATTC observer program or WCPFC ROP; and
- operate a vessel monitoring system (VMS) in accordance with IATTC Resolution C-04-06.

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

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

59. Discussion continued on the IATTC and WCPFC Overlap Area under Agenda 11.1.1 (see paragraphs 430 – 440).

AGENDA ITEM 3 - MEMBER STATEMENTS

3.1 Annual Reports by the CCMs

60. Aliki Faipule Kerisiano Kalolo, the Ulu O of Tokelau, delivered a statement to WCPFC8 (WCPFC8-2011-DP/46), **Attachment E**.

3.2 Statements of Non-Members

61. There were no statements provided by cooperating non-members.

62. Statements were provided by WWF South Pacific Albacore Policy Brief (**Attachment F**) and Greenpeace Position on Rights Based Management (**Attachment G**).

3.3 Special Requirements of Developing States

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

63. The Chair introduced this agenda item explaining that it originates in Article 30 of the WCPFC Convention. The Chair suggested that a common understanding of the intent of Article 30 would be necessary for the Commission to make progress on achieving that intent.

64. Some CCMS, including FFA members, expressed a desire to see a more genuine commitment to the development of SIDS fishing and fish processing capabilities, and to receive assistance that responds to the needs articulated by SIDS. FFA members noted that they would be seeking greater integration of these issues through key agenda items in WCPFC8 rather than through a single agenda item.

65. Wallis and Futuna informed WCPFC8 that a small longliner has recently begun operations in their waters and they looked forward to further development of their fishery.

66. Japan noted that it has made substantial contributions to SIDS in the form of economic, health and infrastructure projects with a total contribution of 35 million USD over five years. Other contributions have focused on training programmes, improvement of fishing technology, and assistance with travel costs provided through FFA.

67. The United States submitted a written statement (WCPFC8-2011-DP53- **Attachment H**) and confirmed it was prepared to listen at WCPFC8 and other forums to the aspirations of SIDS.

68. The EU submitted a written statement (WCPFC8-2011 DP50, and appended as **Attachment I**) and indicated that it wished to strengthen its cooperation with SIDS by consulting with them to continue addressing their needs.

69. Chinese Taipei described several training, fisheries development, vessel construction and technology transfer projects which it believes have developed skills, capacity and economic benefits for SIDS.

70. Korea stated that it recently hosted a capacity building workshop on port state measures and catch documentation schemes, and is planning to host another workshop on data improvement, ecosystems and bycatch with all travel costs paid.

71. The Philippines noted its partnership with SIDS in fisheries development, in particular noting its construction of two canneries, with an additional two planned, creating a substantial number of new jobs and export revenue.

72. Some CCMs suggested that reiterating descriptions of ongoing assistance projects is not a useful exercise. Nauru on behalf of FFA members, recommended that the most robust way of recognising the special requirements of SIDS would be to make explicit allowance concerning these special requirements as an integral part of each CMM.

73. The Chair noted that this dialogue had produced some clear statements regarding the type of assistance required and the willingness of development partners to assist. The WCPFC Chair also stated that the discussion demonstrated the need to integrate the intent of Article 30 of the Convention into considerations of the Commission's CMMs.

AGENDA ITEM 4 - COMMISSION REVIEW

4.1 Review of the WCPFC

74. The Chair of the WCPFC Performance Review Panel (PRP), Dr Fábio Hazin, presented the report of the panel (WCPFC8-2011/12). The work of the panel was initiated in 2011 and involved four external experts (Dr Denzil Miller, Dr Fábio Hazin, Mr Ichiro Nomura and Dr Judith Swan) and three internal experts (Mr John Spencer (EU), the Hon. Min. Roland Kun (Nauru), and Mr Malcolm Sarmiento (Philippines)). The report contains 79 recommendations which were presented for discussion by CCMs.

75. All CCMs which voiced an opinion remarked on the usefulness of the review and on the valuable and comprehensive advice provided. They thanked the PRP members for their tremendous efforts.

76. Several CCMs, including FFA members, requested that more time be provided for review and comment on the document.

77. Some CCMs expressed regret at not being able to provide input to the PRP noting that they did not receive any request for input and therefore were unaware of the opportunity.

78. Some CCMs stated that it would not be appropriate for CCMs to comment on the recommendations of the PRP as it is an independent body and noted that the document is a final report.

79. The Executive Director clarified that the work of the PRP is now complete and that any further involvement will have contractual implications.

80. Some CCMs stated that the report as it now stands provides a useful reference, and suggested that the Commission immediately begin to implement as appropriate specific points in the report as various issues come before the Commission for discussion.

81. Some CCMs and observers advocated a more systematic approach to responding to the recommendations of the PRP, e.g. preparing an implementation plan or framework, creating a standing agenda item for Commission meetings, or categorizing the recommendations and distributing them to the Commission's subsidiary bodies for prioritization and action as appropriate. The EU drew attention to its previous written communication to CCMs on a possible approach for follow-up to the review. It proposed that the WCPFC Secretariat prepare a table with three columns: one column with the panel recommendations, one column with the WCPFC body best placed to follow-up on this recommendation, and one column with the proposed way forward.

82. WCPFC8 noted the report of the Performance Review Panel. WCPFC8 agreed that CCMs could provide comments to the Secretariat by June 1 2012 on the priorities and process to move the recommendations forward. WCPFC8 tasked the Executive Director with preparing a matrix categorising the recommendations, and noting any comments from CCMs, for the consideration of the Commission's subsidiary bodies as appropriate. The matrix and recommendations from subsidiary bodies will be considered at WCPFC9.

AGENDA ITEM 5 - COST RECOVERY REVIEW

5.1 Cost Optimisation of Commission Operations

83. Mr Nick Wyatt presented a report entitled "Cost Recovery and Optimization of Commission Services Costs" (WCPFC8-2011/13 (Rev 1)). The objectives of the study were to identify costs that would be appropriate and practical to recover, and to explore cost recovery as a means of optimising the costs of Commission services. The Commission services assessed in the report included the VMS, the ROP, the RFV, CNMs, observers at meetings, and carriers and bunkers. Scientific services were not assessed. The study considered that the key way for cost optimisation to occur is when those who face the costs are able to influence those costs by changing their behaviour.

84. Regarding VMS, it was considered that the Service Level Agreement (SLA) does not provide incentives for cost optimisation and the study recommended that users should meet mobile communication costs and activation charges.

85. Since the cost of the ROP is mainly driven by data entry costs, the study recommended that direct cost of data entry should be paid by vessels, based on an average cost per vessel regardless of whether they carry an observer.

86. The RFV was considered to be not particularly useful, and the study recommended that it should be converted to a central vessel register of the vessels that fish. Listing should be charged on a per vessel basis to encourage only those vessels which fish to be registered.

87. In general, it was considered that CNMs should face same charges as full members. However, as CNMs receive the same benefits but no voting rights, a discount of 50% was considered appropriate.

88. The study noted that the cost of the WCPFC is quite low compared to other Commissions, and that the costs of the Secretariat itself should not be recovered as this would create poor incentives.

89. CCMs uniformly expressed concerns about the rising costs of the Commission and welcomed the opportunity to explore how to optimise and contain those costs.

90. FFA members noted that SIDS, especially those with few vessels are at present disproportionately carrying the burden for vessel-based costs. These members also noted the high costs associated with attending meetings and referred to their proposal for the rationalisation of the Commission's meeting schedule (WCPFC8-2011-DP/48, discussed under Agenda Item 14).

91. Some CCMs opposed the idea of distributing costs to vessels, pointing out that the current model allocates costs to CCMs based on catch history representing vessel activities and a wealth component.

92. The EU stated that this study should have looked as a priority at cost optimisation and only afterwards at cost recovery.

93. Some CCMs questioned why the study focused more on cost recovery than on cost optimisation. Australia noted that there are two distinct avenues to this work: cost optimisation and cost recovery, and that both avenues can (and should) run simultaneously.

94. Several CCMs noted that the Commission's VMS and ROP have major implications for costs and thus should be examined in greater technical detail to find opportunities for cost savings. Specific points mentioned included several options for ROP data entry and transfer protocols, and removing duplication within regional VMSs.

95. A number of CCMs suggested that the Secretariat be tasked with progressing the issues of cost optimization intersessionally particularly around issues relating to VMS and ROP. It was recommended that these further technical points be revisited under agenda items pertaining to the ROP and VMS.

AGENDA ITEM 6 - SCIENCE ISSUES

6.1 Report of the Seventh Regular Session of the Scientific Committee

96. Dr Naozumi Miyabe, Chair of the Scientific Committee, presented the report of SC7 (WCPFC8-2011/14).

6.1.1 Stock Status of Key Tuna Species

97. Dr John Hampton of SPC, the Scientific Services Provider to the Commission, presented a summary of the status of the stocks (WCPFC8-2011-IP/02) based on the full report presented to SC7 in WCPFC8-2011/14.

98. Total catches for 2011 appear to have remained stable compared to 2010 at a level of ~2.4 million t.

99. The total purse seine fishery catch in 2010 was 1.7 million t which represents a reduction from the peak catch in 2009. It is expected that 2011 purse seine catches, once fully compiled, will be slightly lower, although effort in 2011 was at a record high. This is because purse seine catch quantity varies with set type. Unassociated sets comprised a record high of ~75% of the total in 2010, whereas 2011 was a more typical year with a more even balance in unassociated and associated (both FAD and log) sets (i.e. 60% and 40%, respectively). During the three FAD closures in 2009, 2010 and 2011, the effort (in days) in the purse seine fishery continued at near-normal levels. In 2009 and 2010, catch rates were somewhat reduced during the FAD closure, but rebounded immediately after the FAD closure ended. In 2011 there was poor performance in the fishery during the closure itself, and based on limited data available to date, catch rates again seem to have increased during the fourth quarter. These features of the 2011 fishery may have been due to La Niña effects which had concentrated the purse seine fishery in the western portion of the WCPF Convention Area by the fourth quarter of 2010.

100. In the longline fishery, the proportion of the catch consisting of bigeye tuna has diminished in recent years while the proportion of albacore catch has increased substantially. An estimation of longline effort based on VMS data suggests that effort is and increasing in both the tropical and southern fishing grounds.

101. The catch of skipjack tuna fell slightly in 2010 and is expected to decline further in 2011 most likely due to poor fishing conditions in the middle part of the year. The total catch of 1.6 million t in 2010 was dominated by purse seine catches while the proportion of catch from the pole and line fishery continued to decrease. Currently skipjack stocks are estimated to be depleted to 55% of their unexploited biomass and if current catches continue stock depletion will reach 25% of unexploited biomass. Skipjack stocks are not considered overfished, nor is overfishing occurring.

102. Catches of yellowfin tuna have recently stabilized after a prolonged trend of increase. Current exploitation levels (~500,000 t per year) are approaching the limit of the stock's exploitation potential. Currently, yellowfin stocks are estimated to be depleted to 40% of their unexploited biomass, but in the western equatorial zone, where 90% of the catch occurs, estimates of depletion to 30% unexploited biomass are of concern. Yellowfin stocks are not considered overfished, nor is overfishing occurring.

103. For bigeye tuna, most catches were adult fish caught by the longline fishery. The catch in 2010 was the lowest since 1996 and the level of depletion in the stock (to~20% of unexploited levels) i.e. $SB_{current}/SB_{current\ F=0} = 0.23$, is the highest of any tuna stock in WCPF Convention Area. Overfishing is occurring in bigeye tuna stocks ($F > F_{MSY}$); the bigeye stock biomass is approaching the MSY biomass and there is a possibility that bigeye tuna is already in an overfished state.

104. South Pacific albacore tuna is mainly caught by the longline fishery and this catch is primarily composed of adult fish. Catches have doubled since 1995 with a 30% increase in 2010 catches compared to 2009. Continuing a trend of steady decline since the mid 1960s, South Pacific albacore stocks are estimated to be depleted to 60% of their unexploited biomass. Catches in 2010 of 81,000 t are the highest on record and current catch rates are approaching MSY levels. Albacore stocks are not considered overfished, nor is overfishing occurring.

105. FFA members expressed appreciation for the work of the SPC and their interest in seeing the results of the next South Pacific albacore assessment.

106. The EU noted the level of purse seiner efforts demonstrates that CMM 2008-01 had not been effective. On claims that the FADs closure had been largely respected, it queried the basis for such conclusions, especially in a context where many observer reports are still not available and considering that observer coverage on purse seiners in some EEZs has been only around 50 %, as evident from Part 1 national reports and the 3rd Annual Report for the Regional Observer Programme WCPFC8-2011-24. This is all the more important considering that 95 % of the purse seine fishing activities take place in waters of coastal states. The EU questioned whether the recent observed shifts in purse seine set type patterns from associated sets to unassociated sets are due to La Niña effects. It also requested that annual catch data be provided by area for EEZs, archipelagic waters and the high seas and that this data will be systematically provided in the future. The EU suggested that as 2010 was an anomalous year it should not be used as a baseline. Further clarification was requested regarding whether the reference to longline effort increase was based on a change in the number of hooks fished.

107. Japan posed similar questions regarding the unique characteristics of the 2010 fishing year and the distribution of catch in the EEZs versus the eastern and western high seas areas.

108. Dr Hampton confirmed that sets on logs, and other associated set types, were low in 2010, but there is insufficient evidence to establish a link between this and La Niña conditions. He noted that 2011 set type data showed a more typical pattern, but that low catches of log-associated fish have continued. The use of 2010 fishery conditions in the projections was simply because it was the most recent data available and provides one example of the reductions in current fishing effort that may be required to achieve MSY conditions for bigeye tuna. He referred CCMs to other documentation provided to the Commission containing the requested catch data (see WCPFC8-2011-IP/10 (Rev 1)). Regarding longline effort, Dr Hampton explained that the analysis was based on VMS data which is expected to be approximately proportional to effort in hooks; however actual figures for effort in hooks must await compilation of logsheet data.

109. FFA noted that the figure used for some CCMs to suggest that the FAD closure did not work in 2011 could not be relied upon as it only contains data through to June 2011- before the commencement of the FAD closure.

6.1.2 Science Committee Recommendations and Management Advice

110. The SC Chair presented the stock management recommendations from SC7 (WCPFC8-2011/14):

- a. Bigeye Tuna: Overfishing is occurring and there is a possibility that the stock is in an overfished state. A minimum reduction of 32% in current F would be required to achieve F_{MSY} .

- b. Yellowfin Tuna: Overfishing is not occurring and the stock is not overfished (although one modelling simulation indicated overfishing). It was noted that there should be no increase in F in the western equatorial region since it accounts for ~81% of the total yellowfin catch, spawning biomass derives from this region, and the stock is estimated to have declined to about 31% of its unexploited level.
- c. Skipjack Tuna: Although F has been higher in the last decade, the stock is not overfished and the moderate level of exploitation represented by the current F is considered sustainable.
- d. South Pacific Albacore: The stock is not overfished nor is overfishing occurring. The current stock biomass can sustain the current catch but any increase in F is likely to result in catch rate declines especially for longline catches of adult fish.
- e. South Pacific Swordfish: As there is no new stock assessment, the management advice from SC5 is maintained.
- f. South West Pacific Striped Marlin: As there is no new stock assessment, the management advice from SC2 is maintained.
- g. North Pacific Striped Marlin. As there is no new stock assessment, the management advice from SC6 is maintained and SC7 acknowledged the need to for an immediate reduction in F for this species.
- h. North Pacific Albacore. As there is neither overfishing nor is the stock in an overfished state, this stock is considered to be healthy and its sustainability is not threatened.
- i. Pacific Bluefin Tuna: As there is no new stock assessment, the management advice from SC6 is maintained. (Efforts toward reducing F for this species are discussed under Agenda Item 7).
- j. North Pacific Swordfish: No new stock assessment was conducted. As SC6 concluded that North Pacific swordfish stocks are healthy, no management advice was provided.

111. FFA members articulated their support for the scientific recommendations of SC7 and noted they would be raising specific concerns for some of the stocks under other agenda items. In particular, FFA members urged that fishing mortality for bigeye tuna be reduced across a range of gear types and that updated projections be used in deliberations on CMM 2008-01.

6.1.3 SC Management Issues Theme

112. Other management issues arising from discussions at SC7, including terms of reference for the “Management Issues Theme” of SC, Limit Reference Points, and the Management Objectives Workshop, were presented by Dr Miyabe (WCPFC8-2011/39).

Terms of Reference for “Management Issues Theme” of SC

113. The SC Chair explained that the Management Issues Theme was held at SC6 and SC7. At SC7 a Terms of Reference for the theme was discussed and recommended for WCPFC8 adoption (WCPFC8-2011-14, Attachment G).

114. FFA members supported the Terms of References for the Management Issues Theme.

115. Japan stated that it was inappropriate for the Scientific Committee to consider economic and social issues and asked for revisions to the Terms of Reference.

116. The USA noted that inclusion of economic and social factors was included in the Terms of Reference for the theme based on the recommendations of the Independent Review of the Commission's Transitional Science Structure and Functions.

117. Japan submitted amendments to the Management Issues Theme Terms of Reference (**WCPFC8-2011-DP/47**).

118. WCPFC8 adopted the revised Terms of Reference for the Management Issues Theme of the Scientific Committee as contained in WCPFC8-2011-DP/47. This is appended as Attachment J.

Limit Reference Points

119. Dr Miyabe explained that SC7 considered a hierarchical structure for, and definitions of, limit reference points (LRPs).

120. FFA members noted the importance of defining reference points and expressed support for the hierarchical approach. However, these CCMs considered that more work needs to be done to refine the definitions prior to SC8. FFA members stated that they are working toward defining reference points for stocks in their EEZs. They considered that reference points can be set to incorporate social and economic concerns, for example, it may be appropriate to set reference points above MSY in order to maintain stocks at levels which are economically viable as well as biologically sustainable.

121. The EU stated that reference points should be set only for biological considerations. Socio-economic aspects can be considered when developing management objectives, *inter alia* in the framework of the Management Objectives Workshop (MOW).

122. The WCPFC Chair observed that there are some stocks lying outside of FFA members' EEZs which also require reference points to be defined.

123. Some CCMs expressed the opinion that LRP should focus on biology; in contrast, managers can set target reference points (TRPs) based on considerations of social and economic factors.

124. Dr SungKwon Soh explained that since the Management Objective Workshop had been postponed, the Scientific Services Provider was using funds previously allocated for reference point research in 2011 to continue to progress this work prior to SC8. Results presented and discussed at SC8 would then be discussed at the Management Objectives Workshop before being presented to the Commission.

125. WCPFC8 endorsed the hierarchical approach to identifying limit reference points, tasked the Scientific Services Provider with preparing proposed limit reference points for the consideration of SC8, and directed SC8 to take account of WCPFC8's concerns regarding reference points in its further deliberations.

Management Objectives Workshop (TORs, Schedule, Venue)

126. Dr Miyabe presented a draft terms of reference for the Management Objectives Workshop (MOW) and requested direction from WCPFC8 regarding a date, a venue, a convener and suitable independent international experts (WCPFC8-2011/39).

127. The Executive Director added that the purpose of the MOW is to introduce the terms and framework for harvest control rules, of which LRP_s and TRP_s are a part, and then to begin to work toward the development of management objectives. He stated that CCM_s will be requested to provide nominations for a convenor and expert participants.

128. Japan expressed concern that the draft TOR of the MOW proposed by the Secretariat was substantially expanded in scope from the one prepared by SC7. In particular, it pointed out that the harvest control rule, which was implemented in the case of Southern Bluefin Tuna (SBT) whose stock was in a critical condition, might not be appropriate for the species covered by the WCPFC, which are in much better position than SBT.

129. Canada expressed its strong support for the MOW and drew WCPFC8's attention to its proposal for a pilot project on bigeye tuna involving applying the Kobe II strategy matrix as a harmonized format for conveying scientific advice (WCPFC8-2011/39, Attachment 1).

130. While generally supportive of holding the MOW, CCM_s requested more discussion of the terms of reference and MOW scheduling.

131. Palau led a SWG to further develop and refine the MOW terms of reference and the logistics for holding the workshop.

132. WCPFC8 adopted the terms of reference for the management objectives workshop as produced by the SWG in WCPFC8-2011/39 (Rev 2) (Attachment K). WCPFC8 considered that the optimal dates for the workshop would be just prior to WCPFC9 (29-30 November 2012) and that the workshop should be led by a professional facilitator.

6.1.4 Ecosystem and Bycatch Issues

Shark Key Species

133. Dr Miyabe noted that SC7 had recommended to WCPFC8 a process for designating WCPFC key shark species for data provision and assessment (WCPFC8-2011-IP/05).

134. WPCFC8 adopted the process for designating WCPFC key shark species. (Attachment L)

135. Dr Miyabe also noted that SC7 recommended that WCPFC8 consider mitigation measures for oceanic white tip and blue sharks in the North Pacific. These issues were considered through discussion of a proposal for a new CMM on sharks (Agenda Item 9.2.6).

Seabirds

136. Dr Miyabe explained that based on discussion of seabird issues at SC7 no new management recommendations were formulated, thus the management recommendations from SC6 are still current.

Whales Sharks and Cetaceans

137. Dr Miyabe introduced discussions at SC7 regarding best practice guidelines for the release of whale sharks and cetaceans without injury, noting that these issues would be considered through discussion of two proposals for new CMM_s under Agenda Item 9.2.2.

138. PNA members reminded WCPFC8 that setting on whale sharks is prohibited under the PNA's Third Implementing Arrangement. The arrangement reads: "*No purse seine vessel shall engage in fishing or related activity in order to catch tuna associated with whale sharks*"

139. One CCM suggested that a stock assessment be conducted for whale sharks.

140. Other CCMs noted that decisions to conduct stock assessments should be taken following the process for designating WCPFC key shark species which can then be prioritized for stock assessment. Therefore, further consideration of an assessment for whale sharks should be taken up by the Scientific Committee.

Food security issues with bycatch

141. Dr Miyabe noted that SC7 recommended that issues associated with the volumes of food fish discarded in regional tuna fisheries and the impact of tuna fishing on key food stocks be incorporated into the research plan of the SC.

142. WCPFC8 agreed that consideration of research on the volume of food fish discard and the impact of tuna fishing on key food species should be undertaken by the SC.

6.1.5 Data Issues

143. Dr Miyabe raised issues arising from SC7 including data gaps, regional observer programme data, the West Pacific East Asia Oceanic Fisheries Management (WPEA-OFM) Project, and research on species composition in purse seine sets.

Data Gaps

144. Dr Miyabe reflected discussions at SC7 regarding the importance of accurate and timely data for effective management. These issues relate to adherence to the requirements of "Scientific Data to be Provided to the Commission" as well as appropriate exchange of data with other bodies such as ISC.

145. FFA members encouraged CCMs to comply with the Commission's data provision rules, and reminded CCMs of their obligation for those who are not to submit data improvement plans explaining what their national legal impediment is and how to resolve it.

146. The EU stated that its data submissions for Pacific swordfish are now complete and the EU has now submitted all necessary data. The EU supported port sampling as a means of improving scientific understanding of the fishery.

147. WCPFC8 noted the recommendations of SC7 regarding data gaps.

Regional Observer Program

148. Dr Miyabe informed WCPFC8 that SC7 recommended that the ongoing audits of ROP programmes continue.

149. The EU asked that audit reports of the Regional Observer program be made available to all CCMs.

150. WCPFC8 accepted the recommendation of SC7 that ROP audits continue.

WPEA-OFM Project

151. Dr Miyabe informed WCPFC8 that SC7 noted the progress with the WPEA-OFM Project and supported the continuation this work.

152. WCPFC8 accepted the recommendation of SC7 that work on the WPEA OFMP continue.

Species composition in purse seine nets

153. Dr Miyabe introduced WCPFC8-2011-IP/06 containing a plan for improvement of the availability and use of purse seine catch composition data. He informed WCPFC8 that SC7 recommended a no-cost extension of Project 60 through 2012, and proposed that the financial status of this project be reviewed at SC8.

154. WCPFC8 accepted the recommendation of SC7 for a no-cost extension of Project 60 through 2012.

6.1.6 Review of MOU between WCPFC and ISC

155. The Executive Director introduced a proposed revision to the MOU between WCPFC and ISC following direction from WCPFC7 to review the agreement and provide for WCPFC involvement in the north Pacific striped marlin assessment (WCPFC8-2011/38). He noted that the desired revisions were not explicitly stated, and that the Secretariat considered that an amendment to Annex 3 – Annual Collaborative Work might be more appropriate than amending the main body of the MOU.

156. Further discussion of this matter was referred to Agenda Item 11.1.

6.2 Programme of Work for the Scientific Committee in 2012-2014

157. Dr Miyabe informed WCPFC8 that SC7 had recommended that SPC provide four stock assessments (south Pacific albacore, south western Pacific striped marlin, oceanic white tip shark and silky shark) for the consideration of SC8. In addition, indicator or reference case analyses are planned for bigeye, yellowfin and skipjack tuna and south Pacific swordfish.

158. FFA members expressed support for the four proposed stock assessments and for the indicator analyses, but noted that the further work on oceanic white tip sharks should not prevent adoption of a mitigation measure to reduce fishing mortality for this species at WCPFC8.

159. Some CCM suggested that the results of the oceanic white tip shark stock assessment would need to be received before any decision could be made on mitigation measures for that species.

160. The EU requested that work proceed on the south Pacific swordfish assessment now that the EU's swordfish data submission is complete.

161. FFA members encouraged capacity building opportunities to be integrated into the budget for SC activities rather than limiting these opportunities to the Special Requirements Fund, the Japan Trust Fund and other such mechanisms.

162. Some CCMs queried the potential need to re-prioritize the assessment work pending discussions on revisions to CMM 2008-01 at WCPFC8.

163. One CCM queried the need for a \$30,000 allocation for harvest control rules and highlighted the need to agree on the TOR for the Management Objectives Workshop. This CCM queried unobligated costs and various budget line items, and suggested that cost optimisation considerations should be applied to the SC work plan and budget in order to curb rising costs.

164. Further discussions on the SC work plan's budget were deferred to, and resolved by, the FAC.

6.3 KOBE3 Workshop Recommendations on Science and Bycatch

165. Dr Miyabe noted a report on the science recommendations and outcomes of the Joint Technical Bycatch Working Group held at the Kobe III meetings in July 2011 (WCPFC8-2011/15) and invited WCPFC8 to comment.

166. FFA members confirmed their support for the Joint Technical Bycatch Working Group as an electronic working group. However, they expressed concerns about the time and resources devoted to large plenary meeting associated with the Kobe process.

167. Korea reminded WCPFC of its plan to hold a workshop on ecosystem and bycatch issues (see Agenda Item 3.3.1).

168. Canada articulated their commitment to advancing the Kobe recommendations. While recognising the need for case-by-case considerations, Canada believes the Kobe process provides an opportunity to develop comparable measures among the t-RFMOs.

169. WCPFC8 accepted the SC7 Report.

AGENDA ITEM 7 - NORTHERN COMMITTEE

7.1 Report of the Seventh Regular Session of the Northern Committee

7.1.1 Northern Committee Science Recommendations and Management Advice

170. Masanori Miyahara (Japan), Chairman of the Northern Committee, presented the report of the Northern Committee (WCPFC8-2011/16). The two major themes of the meeting were a review of the implementation of existing measures, and making recommendations on the implementation of the observer programme for vessels fishing for fresh fish in the area north of 20 degrees north.

171. Regarding the implementation of existing measures, CMM 2010-04 for Pacific Bluefin tuna requires members, to ensure that the total fishing effort by their vessels shall stay below the 2002-04 level for 2011 and 2012 except for artisanal fisheries. Such measures shall include those to reduce juvenile mortality to 2002-2004 levels except for Korea. Japan has implemented a purse seine catch limit for juveniles, a voluntary purse seine catch limit for adults, limits on set net licenses, and registration and reporting requirements for artisanal vessels and aquaculture sites. Korea is implementing a prohibition on juvenile catch with several exemptions but is required to maintain total fishing effort at 2002-2004 levels. Chinese Taipei has implemented a limit on the number of longline vessels and stated that its fisheries do not catch juveniles.

172. With regard to the CMM for North Pacific albacore (CMM 2005-05), the Chair of the NC noted that the NC is progressing toward a revised management framework for this species based on the precautionary approach (see WCPFC8-2011/16, Attachment C).

173. The Chair of the NC noted that the NC6's proposal to WCPFC7 regarding observers for fresh fish vessels was not accepted, and a new proposal is from NC7 is provided to WCPFC8 as WCPFC8-2011/32. This proposal implements the ROP for vessels fishing for fresh fish in the area north of 20 degrees north with a coverage of 5% to be achieved by the end of December 2014.

174. The Chair of the NC stated that VMS issues for northern fisheries will be discussed at NC8.

175. The USA drew WCPFC8's attention to WCPFC8-2011-DP/12 on consolidation of proposed observer coverage levels based on CMM 2008-01 and the proposal from the NC (WCPFC8-2011/32). The paper presents a proposal for a new CMM which would replace CMM 2007-01.

176. Chinese Taipei expressed support for the proposal made by the Northern Committee and also supported USA proposal for consolidation of observer requirements.

177. Further discussion of the issue of observers for the northern fresh fish vessels was deferred to Agenda Item 9.2.3.

178. FFA members expressed appreciation for the opportunity to participate in the NC. These CCMs noted that the North Pacific striped marlin assessment was not completed as planned and looked forward to assessment results being provided next year. The need for stronger measures for Pacific Bluefin tuna was highlighted and clarification on the timeframe of Korea's exemptions for management of juvenile mortality was requested.

179. Korea explained that it is not implementing the measures because it does not have any fisheries targeting Pacific Bluefin tuna. A research project has been launched and once sufficient information is gathered Korea would like to participate in international management measures for this species.

180. Mexico questioned the need and timeframe for the exemptions for the Japanese artisanal fleet and the Korean fleets.

181. The Chair of the NC explained that Japan's artisanal fleet is comprised of a large number of small vessels with one or two fishermen on board. The total catch of this sector has been stable for the past three to four decades. With reference to Korean fleets, the exemption was requested to give Korea more time to understand how their fishery interacts with this species. The Chair of the NC noted that Mexico has been asked to implement the CMM but no response has been received.

182. Mexico stated that its catches of Pacific Bluefin tuna in the Eastern Pacific Ocean have also been stable for 20-30 years.

7.2 Programme of Work for the Northern Committee in 2012-2014

183. The Chair of the NC informed WCPFC8 of the programme of work for the NC which is contained in Attachment E of the Report of NC7 (WCPFC6-2011/16).

184. FFA members expressed support for the NC's programme of work.

185. WCPFC8 accepted the report of the Northern Committee and its programme of work.

AGENDA ITEM 8 - TECHNICAL AND COMPLIANCE ISSUES

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

186. Holly Koehler, Vice Chair of the TCC, presented the TCC7 report (WCPFC8-2011/17 (Rev 2)). The TCC Vice Chair noted that a matrix of TCC7 summary report outcomes and recommendations had been produced by the Secretariat (WCPFC8-2011- IP09), which cross-references the relevant TCC7 outcome with the WCPFC8 agenda item and WCPFC8 papers where Commission action is requested or needed. The TCC Vice Chair highlighted the following specific TCC7 outcomes and topics from the TCC7 Summary Report to WCPFC8:

- a. No new vessels were proposed for listing on the IUU Vessel List;
- b. One vessel on the IUU Vessel List (Senta) is proposed for de-listing;
- c. The Compliance Monitoring Scheme (CMS) is operating as a one-year trial and is intended to produce a Compliance Monitoring Report (CMR) for the consideration of WCPFC8;
- d. As the trial period is ending, a decision will be required to extend and/or revise the CMS;
- e. TCC7 recommended that the deadline for Part 2 Annual Reports be revised from “30 days prior to TCC” to 1 July each year;
- f. The results of a study on catch attribution issues and a review of the joint WCPFC/FFA VMS have been referred to the Commission for consideration;
- g. Terms of Reference for a Technical Advisory Group to support the work of the Regional Observer Programme were developed for the Commission’s consideration;
- h. Standards, specifications and procedures for the WCPFC Record of Fishing Vessels were endorsed and forwarded to the Commission;
- i. Regarding transhipment, a one-year extension to New Zealand’s transhipment exemption was recommended and the Secretariat will prepare a paper for TCC8 on the development of guidelines for high seas transhipment from fishing vessels other than purse seine vessels (see discussion under Agenda 8.7);
- j. It is noted that the charter notification scheme will expire at the close of the meeting unless extended by WCPFC8, and further work on issues related to charter State access to data is likely to be required;
- k. Issues relating to the WCPFC-IATTC overlap area were discussed and are presented under other agenda items;
- l. The TCC Work Programme has been revised intersessionally;
- m. Ms Rhea Moss-Christian of FSM is proposed as the new TCC Chair;
- n. TCC8 is proposed to be held in Pohnpei, FSM.

187. WCPFC8 accepted the report of the TCC.

8.2 Proposed WCPFC IUU Vessel List for 2012

188. The TCC Vice Chair explained that no vessels were proposed to TCC for listing on the draft Provisional IUU Vessel List, therefore TCC focused its attention on whether any of the five currently listed vessels warranted de-listing (WCPFC-2011/18 (Rev 1)). In response to a request and provision of information from Panama, the flag State of the Senta (now renamed Sun Fu Fa), TCC recommended that this vessel be removed from the WCPFC IUU Vessel List. TCC recommended that the other four vessels remain on the WPCFC IUU Vessel List.

189. Some CCMs expressed support for the de-listing of the Senta. These CCMs noted that appropriate documentation had been provided by the flag State, the fine is considered sufficient, and the actions of Panama to resolve this situation have been proactive and should be encouraged.

190. Other CCMs noted several concerns regarding de-listing of the Senta and requested further information from Panama.

191. Panama provided additional information on the payment of the fine for the Sun Fu Fa (formerly Senta) in WCPFC8-2011-DP/43.

192. The EU and France stated that that the evidence provided does not provide sufficient information to delist, but not being the referring CCM, they abstain from the process to remove the Senta from the WCPFC IUU Vessel List. Both the EU and France considered that several of the conditions for removal have not been met:

- a. There is insufficient evidence that Panama's operation of VMS can ensure compliance with WCPFC CMMs. Moreover, no proof has been provided to ensure that transhipments (particularly at sea) will observe WCPFC rules;
- b. The amount of the fine imposed is not a sufficient deterrent, and the fact that ownership has changed should not be considered a reason to lower the amount of the fine; and
- c. There is insufficient evidence to establish that there has been a real change in vessel ownership.

193. WCPFC8 agreed to remove Senta (now re-named Sun Fu Fa) from the WCPFC IUU Vessel List.

194. Chinese Taipei requested that the Jinn Feng Tsair No. 1 be de-listed on the basis that the vessel's fishing license was revoked in 2010 and the vessel has been detained in port for over three years and if delisting proposal is not agreeable to some members, there should be a footnote in the IUU vessel list that indicates this vessel's fishing license was revoked and this vessel has been detained in port for over 3 years.

195. Chinese Taipei and the Federated States of Micronesia noted that discussions regarding the Jinn Feng Tsair No. 1 were ongoing and some progress was being made.

196. WCPFC8 agreed that the Neptune, the Fu Lien No. 1, the Yu Fong 168 and the Jinn Feng Tsair No. 1 would remain on the WCPFC IUU Vessel List. The WCPFC IUU List for 2012 is appended as Attachment M.

8.3 Compliance with Conservation Measures

8.3.1 Update of Submission of Annual Reports Part 1 and Part 2

197. WCPFC noted the Secretariat's summary of CCMs' submissions of Annual Reports Parts 1 and 2 (WCPFC8-2011/19), and WCPFC8 agreed to TCC7 recommendation that the deadline for Part 2 Annual Reports be revised from "30 days prior to TCC" to 1 July each year.

8.3.2 Report on the Compliance Monitoring Scheme (CMS)

198. The TCC Vice Chair noted two issues for WCPFC8 concerning the Compliance Monitoring Scheme: completion of the first trial period of the scheme, and amendment and/or extension of CMM 2010-03. At TCC7, 22 CCM's draft Compliance Monitoring Reports (CMRs) were considered. After TCC7, nine of these CCM's draft CMRs were updated based on supplemental information provided by the CCM or the Scientific Services Provider. Twelve new draft CCM CMRs were developed by the Secretariat after TCC7. The status of the CMR's is detailed in WCPFC8-2011/20 and WCPFC8-2011-IP/09.

199. FFA members, noting their comments in WCPFC8-2011-DP/06, stated their support for the CMS but stressed the need to make the CMR evaluation process efficient so that SIDS can participate without undue burden. These CCMs also requested that sub-regional bodies be allowed to participate in the evaluation to assist SIDS. The importance of the CMRs as an evaluation of implementation and a means of identifying capacity building needs was also articulated. FFA members supported the CMS but considered that it should be implemented with regard to the other priorities of the Commission and with fairness toward all CCMs, both large and small. Continuation of the scheme was supported by these CCMs.

200. Other CCMs also confirmed their desire that CMS continue, but acknowledged that the resources available to support the process are limited and thus attention should be paid to improving efficiency.

201. FSM expressed its strong reservation for what the Commission was being asked to endorse as the 2011 Compliance Monitoring Report. This reservation was based on the process followed in the development of the Report as well as the lack of a clear understanding for what the work was intended to produce from the outset. FSM expressed its willingness to work with all members in refining the CMR process and its final outcomes next year.

202. FSM also noted that in relation to the issue of late submission of Part 2 Reports and its impact on the ability for Provisional CMRs to be developed for some countries, there was a parallel process in 2011 of streamlining the Part 2 reports and reporting process that was designed in part to address the issue of timely reporting.

203. Citing a shortage of time and competing priorities, WCPFC8 agreed to convene a SWG led by the Vice Chair of the TCC work to complete the remaining twelve draft CCM CMRs and prepare a draft final CMR for adoption by WCPFC8, and discuss whether to amend and/or extend CMM 2010-03. It was agreed that the sub-regional bodies consisting of FFA and PNA could participate in the work of the SWG as observers and in accordance with Rule 36 of the Commission's Rules of Procedure. It was also agreed to defer further discussion of the options for responses to non-compliance (WCPFC8-2011-DP/34) to TCC8. It was agreed that the process and format that was used to prepare the 2010 reports does not in anyway constitute a

precedent for the future operation of the scheme (as also stated in the final compliance monitoring report for 2010).

204. The SWG reported back to WCPFC8 that it could only complete five of the twelve new CCM CMRs (Vanuatu, Kiribati, RMI, Niue and Samoa; WCPFC8-2011-DP/51), therefore the draft final CMR it produced (WCPFC8-2011/51) provides a summary of 27 CCM CMRs. This report includes a summary matrix of the degree of implementation by CMM, rather than by CCM, and highlights some CMMs for which there are potential implementation issues. The report highlights issues and challenges in implementing the scheme and makes and makes suggestions for work to be undertaken in 2012, and future years, to address these issues.

205. WCPFC8 discussed the report of the SWG (WCPFC8-2011/51) and requested amendments to paras 5, 7 and 12. With these amendments WCPFC8 adopted the Compliance Monitoring Report for 2010 (Attachment N).

206. Several CCMs spoke in favour of extending the CMS for an additional trial year stating that it was a useful and importance exercise. However, these CCMs emphasized the need for efficiency in terms of timely submission of CCM Annual Reports Parts 1 and 2, focused work by the SWG at TCC8 (particularly as both 2010 and 2011 compliance issues will need to be considered), and sufficient time available for TCC8 to consider the results of the SWG.

207. Australia noted that after three years of leading this process it is no longer in a position to lead the intersessional work required to further develop the Compliance Monitoring Scheme. Australia suggested that the Commission consider an alternative to lead this process. Australia thanked Ms Camille Goodman, for her work in this regard. The WCPFC Chair acknowledged the contribution of Ms Goodman.

8.3.3 Streamlined Part 2 Annual Reports

208. The Executive Director noted that as described in WCPFC-2011/22, work on a streamlined template for Part 2 Annual Reports is proceeding, but the direction from TCC7 for a web-based format, as well as intersessional comments from CCMs on the template itself have budgetary implications.

209. WCPFC8 noted these issues and deferred further discussions of financial aspects of the work on streamlined Part 2 Annual Reports to the Finance and Administration Committee. The FAC considered the proposed budget to streamlining the Part 2 Annual report and the Commission approved the FAC's recommendation. The work on streamlined Part 2 Annual Report is included within the approved budget under Part 2.3 for "Information Management System including RFV".

8.4 Regional Observer Programme

8.4.1 Annual Regional Observer Programme Report

210. WCPFC8 noted the third annual report of the Regional Observer Programme (WCPFC8-2011/24).

8.4.2 Draft Terms of Reference for Technical Advisory Group-ROP for Approval

211. The Chair noted that terms of reference for a Technical Advisory Group to support the work of the Regional Observer Programme were recommended by TCC7 for adoption (WCPFC8-2011/25). Given the delay in holding WCPFC8 it was recommended that the TAG-ROP should perform its work through September 2013.

212. The EU noted that the TAG-ROP will deal only with operational and technical issues in accordance with the draft Terms of Reference (paragraph 1 of the TOR)

213. WCPFC8 approved the terms of reference for the TAG-ROP through September 2013 (Attachment O). Mr Phillip Lens of Papua New Guinea was appointed TAG-ROP Chair.

8.4.3 WCPFC-IATTC Cross Endorsement of Observers

214. The Chair noted that since WCPFC7 two meetings have been held between the two Secretariats on this issue (WCPFC-2011-IP/03 and; WCPFC8-2011-IP/03a) and that the Executive Directors are continuing to work together to progress these issues.

215. The EU stated their view that the situation was urgent and that immediate implementation of cross-endorsement procedures is required, particularly in view of the need for observers on vessels crossing the boundary between the two RFMOs. The EU requested that the Secretariat provide further details on how the cross-endorsement Memorandum of Cooperation (MoC) will operate and expedite organisation of training for observers to be cross-endorsed.

216. PNA members noted that measures applicable to purse seiners in EEZs, such as the PNA's Third Implementing Arrangements, would take precedence over any cross-endorsement agreements. These CCMs further noted that purse seine vessels are required to have 100% observer coverage and these observers must be sourced from the coastal States. The need for more observers and more resources to train them was also highlighted.

217. The EU noted that in accordance with document made available to SC7 in August 2011, observer coverage on PS operating only in one Coastal State EEZ was not 100%.

218. The Executive Director suggested that observers from French Polynesia and Kiribati be the focus for initial cross-endorsement training as these CCMs are members of both Commissions.

219. The IATTC Executive Director reminded WPCFC8 that since there are different requirements in different areas, further details need to be worked out beyond the general understanding which is now in place.

220. The USA supported the quick implementation of WCPFC Executive Director's suggestion and urged the arrangement to be put in place as soon as possible. The USA drew CCM's attention to the successful arrangement over the last ten years' of AIDCP-trained observers crossing from west to east. The USA stated it would continue to support an existing fund managed by the Secretariat for observer programme support. It noted the cadre of special observers is another mechanism for training and maintaining a pool of cross-endorsed observers.

221. Noting the various issues involved, WCPFC8 directed the WPCFC Executive Director to continue to work with the IATTC Executive Director to implement an arrangement for the deployment of cross-endorsed observers as soon as possible.

8.4.4 Proposal for Vessel Captains/Operators to Review WCPFC ROP Reports

222. The EU introduced a proposal by China, the EU, Japan, Korea and Chinese Taipei on ensuring the availability of the report to the flag state and the opportunity for vessel captains/operators to review and comment on observer reports (WCPFC-2011-DP/36). The EU described the motivation for the proposed amendment to CMM 2007-01 as arising from the need for flag States to receive timely information from the ROP in order to responsibly control their vessels. The EU noted that it is for the observer provider and not directly for the observer to ensure that the timely provision of the preliminary observer reports to the captain vessel operator and the flag state and ensure the possibility for the captain/ vessel operator to comment on it. The EU noted that it was not need to present the report while the observer was still on board, it could be while the vessel is in port. The EU further noted that, since the beginning of the operations of the ROP, it has not received any observer reports.

223. Other CCMs supporting the proposal reiterated the importance of receiving timely feedback from the observers, explained that this feedback was not being received, and urged the Commission to avoid further delays in addressing this issue.

224. FFA members voiced concerns about observer safety and independence if the data were required to be provided before disembarking the vessel. These CCMs noted that the flag States already have access to the observer reports (under CMM 2007-01, para 2 (I) of Annex A).

225. The USA stated that it was generally supportive of the proposed amendment but also appreciated the difference between providing the reports to the Commission or national programme, and providing the reports to the captains of the vessels. The USA advocated that a process (e.g. specifying timing, mechanism, etc.) which both protects the observer and delivers the necessary information to the flag State should be designed by the TAG-ROP for consideration by TCC.

226. The EU stated that it is not a technical question but a political decision and therefore it is not under the competence of the TAG-ROP.

227. FFA spoke as an observer provider to the ROP noting that data are currently being provided to the flag States. FFA believes there are ambiguities in the language of the proposal, and a significant danger that there would be retaliation against observers by previously observed vessels' crew or related vessels' crew.

228. Other CCMs stressed that flag CCMs in fact could not receive observer data in a timely manner because data provision from observer provider to WCPFC have been often delayed as described in WCPFC 2011/24.

229. Noting that it is a requirement of CMM 2007-01, WCPFC8 referred the operational issues of provision of observer reports of observed vessels to the TAG-ROP for further discussion, however WCPFC8 noted that any policy discussions on this issue must be held within TCC and by the Commission.

8.5 Vessel Monitoring System (VMS)

8.5.1 Annual Report of the Vessel Monitoring System

230. The Chair drew the meeting's attention to the Secretariat's annual report on the VMS (WCPFC-2011/26) and review of VMS data integrity and security (WCPFC8-2011-IP/07).

231. FFA members commented that the annual report was informative and highlighted operational issues and challenges. These CCMs were pleased that an agreement with FFA for lower Service Level Agreement fees has been negotiated as this represents a cost savings to all WCPFC CCMs.

232. One CCM noted with concern that only 54% of vessels report to the WCPFC's VMS, and that the basis for the SLA fee reduction was not clear.

233. The Executive Director clarified that the SLA fees were reduced by \$300,000 through a detailed negotiation process. Quarterly meetings continue to be held between the Secretariat and FFA to discuss VMS issues.

234. One CCM asked the reasons for not distributing the VMS security audit of 2010 and about the follow up of the finding identified in the VMS security audit of 2010. It advocated for the VMS Security audit to be carried out in 2012..

235. The Executive Director noted that the 2010 audit was not completed by the external consultant. Starting in 2012 an annual VMS audit will be undertaken and it will include an audit of the Commission's data security rules, which are considered adequate, are being effectively implemented by the Secretariat.

8.5.2 Joint WCPFC/FFA Review of the WCPFC VMS

236. Mr Robert Martinolich presented the independent review report (WCPFC-2011/27) explaining that it included visits to ten countries, with input from 21 individuals representing 13 organizations. The objective of the review was to analyse the cost and structure of the current VMS arrangements in the Pacific to ensure they are delivering an effective service. The following recommendations from the study were highlighted:

- a. FFA and WCPFC should continue to work cooperatively and collaboratively;
- b. The objectives of the respective VMSs should be defined;
- c. Both organizations should work toward developing a central database;
- d. Responsibilities should be migrated from commercial service providers to fishery management organizations;
- e. Data sharing procedures should be expanded to a wider range of users under strict confidentiality guidelines;
- f. WCPFC should adopt FFA's approved ALC list;
- g. Costs should be reduced by reducing packet size, rationalising polling rates and eliminating redundant data transmissions;
- h. The SLA should be replaced with a legally binding agreement which is reviewed annually; and
- i. The SLA should be amended to allow the WCPFC to liaise directly with the service provider.

The overall findings of the review indicated that while there is room for improvement, the FFA is delivering on all components of the agreement and the VMS is meeting the basic needs of the Commission.

237. The Executive Director presented the comments of a SWG convened at TCC on the recommendations of the independent review (WCPFC8-2011/36). Seven recommendations were identified as high priority including cost reduction measures and amendment of the SLA.

238. Several CCMs, including the EU which provided a paper to WCPFC7 on this issue (WCPFC7-2010-DP29), stressed the importance and urgency of achieving cost savings and noted that some of the recommendations of the review report on reducing costs could be implemented immediately.

239. Some of these CCMs stated that they believe the objectives of the VMS are already adequately defined, and discussions on objectives or attributes should not delay the implementation of cost saving measures or add to the workload of TCC.

240. In response to a question, Mr Martinolich and the Executive Director explained that some of the VMS redundancies arise from the Commission's original specifications to construct two separate systems (FFA and WCPFC) which can work together. One way of reducing costs would be to merge these systems into one database with appropriate firewalls. To the question of the EU whether there are further immediate savings that can be made beyond the reduction of fees by FFA, Mr Martinolich responded positively and mentioned as an example the reduction of the number of VMS messages packages from two to one. The EU requested to have this reflected in the summary record as a clear signal that other CCMs do not have as a priority the optimisation of high VMS costs.

241. FFA members noted that the review report confirms that the FFA is meeting all requirements for the VMS and that the joint VMS model is working. These CCMs stated the importance of defining objectives for the VMS and referred WCPFC8 to a paper which outlines their ideas in this regard (WCPFC8-2011-DP/41). FFA members proposed that the Commission task a SWG to work intersessionally by electronic means to:

- a. Identify the needs, purposes and attributes of the Commission VMS;
- b. Review the existing VMS Standards, Specification and Procedures (SSPs) and CMM 2007-02 to determine if they meet the needs, purposes and attributes identified in (a) and if not, provide recommended changes to the SSPs and CMM 2007-02.

In addition, FFA members requested the Secretariat engage FFA to prepare the functional specifications and costs of the enhanced system envisaged by the TCC7 SWG (WCPFC8-2011/36) with consideration to meeting identified needs, avoiding duplication, protecting confidentiality and providing a "stand alone" system. FFA members proposed Mr Colin Brown of the Cook Islands and Mr Stan Crothers of Tokelau as the Co-Chairs of the VMS SWG.

242. Papua New Guinea pointed out the different issues involved when considering a VMS and an information management system. It suggested that the Commission should be reciprocally sharing data with FFA just as FFA shares data with the Commission when vessels move from EEZs onto the high seas.

243. Some CCMs expressed concerns about the cost implications of creating an information management system capable of data analysis.

244. In response to questions from CCMs, the Executive Director explained that the redundant system in Guam is for backup/data security purposes only and that the Secretariat is developing protocols for reducing polling rates for vessels entering EEZs or leaving the Convention Area in high seas areas.

245. WCPFC8 agreed to convene an intersessional SWG on VMS, co-chaired by Mr Colin Brown and Mr Stan Crothers to progress the two tasks identified in paragraph 229 above, related to the priority recommendations from the review report, for the consideration of TCC8.

8.5.3 VMS Template Agreement

246. The USA introduced their proposal for a VMS template agreement (WCPFC8-2011-DP/30) explaining that the proposal has been modified based on comments received at TCC7. Rather than proposing a template agreement per se, the current proposal contains language on key issues that, if agreed to by CCMs, would provide the basis for exchange of VMS data between national programmes and the Commission VMS.

247. RMI introduced their proposal (WCPFC8-2011-DP/40) which calls for the Commission VMS to provide data to coastal States when vessels on the Commission VMS enter the national waters of the coastal State. This could either be accomplished through instructing the Secretariat to provide these data, or by amending the VMS SSPs to provide the data automatically. RMI characterised this proposal as “flicking the switch” to allow coastal States to see the VMS data from vessels in their EEZs which are transmitting to the Commission’s VMS.

248. FFA members expressed their strong support for the RMI proposal and referred to key provisions in WCPFC documents which reinforce their position (WCPFC8-2011-DP/40). FFA member comments highlighted the vulnerability of SIDS to encroachment by IUU fishing activities, and the importance of effective MCS tools such as VMS in combatting such activities. These CCMs emphasized the urgent need for agreement to resolve this issue.

249. FSM expressed its disappointment that the proposed text on implementation of Article 24(8) was not accepted by all members and noted that it was currently moving toward implementing national legislation to require unlicensed vessels transiting through the FSM EEZ to report to the appropriate national authorities. FSM also commented that it has a signed bilateral agreement with the Commission Secretariat to receive Commission VMS data for its EEZ and that the agreement was put on hold after the Honolulu Commission meeting changed the template process. In that regard, the FSM supported Niue’s request to receive Commission VMS data for unlicensed vessels transiting their EEZ.

250. In response to questions from Canada, the Executive Director clarified that FFA members share their EEZ VMS data with each other through the FFA VMS. RMI stated there would be no additional cost implications arising from adoption of their proposal and that the proposal is intended to apply to all vessels in the EEZs of coastal States whether they are fishing or transiting.

251. Some CCMs expressed concerns about the application of the proposal to vessels which are transiting and noted that while there were acceptable elements of both the USA and the RMI proposals, further discussion and drafting would be necessary to develop text that could be agreed.

252. France explained that its proposal for an EEZ entry-exit notification scheme (WCPFC8-2011-DP/19) is closely related to these issues and is designed to strengthen systems for monitoring of EEZs. France suggested that discussions continue via an intercessional SWG.

253. The EU stated that it is open to work for an agreement as far as it is in line with international law and UNCLOS rules.

254. The WCPFC Chair directed the USA, RMI and France, as well as other interested CCMs, to meet in the margins of WCPFC8 to explore the potential for a consolidated draft proposal.

255. The USA and RMI developed a joint proposal that was circulated as WCPFC8-2011-DP/30 (Rev 3).

256. Some CCMs stated that while they understood the needs of the coastal States, they could not agree to the proposal as they had potential concerns regarding compliance with international law and insufficient time to examine the proposal in detail.

257. RMI expressed disappointment with the position taken by some CCMs and noted that one option for coastal States would be to develop their own national VMSs.

258. Other FFA members also expressed their disappointment.

259. Niue asked that data from all CCM-flagged vessels present in the EEZ of Niue and reporting to the Commission's VMS be provided to Niue.

260. Some CCMs stated their support for Niue's request.

261. The Cook Islands suggested that there is a need for a technical working group to ensure consistency between individual requests from SIDS for Commission VMS data in their EEZs.

262. France informed WCPFC8 that it appreciated the work that had been done to progress the issues associated with the VMS template agreement as such work may address be able to address the concerns which prompted it to develop the EEZ entry-exit notification scheme proposal.

263. WCPFC8 agreed that the Commission would provide Niue with VMS data for fishing vessels present in the Niue EEZ which are reporting to the Commission VMS.

264. WCPFC8 agreed that the joint US and RMI proposal WCPFC8-2011-DP/30 (Rev 3) be further elaborated at TCC8.

265. NOTE: Please note Circular No 2012/?? Concerning the Chairs final decision regarding this issue.

8.5.4 VMS ALC/MTU Template Checklist for Auditing Units

266. WCPFC8 was informed that the Secretariat has developed an audit template for use by CCMs when conducting periodic audits of a representative sample of installed ALCs/MTUs (WCPFC-2011/28 (Rev 1)).

267. Japan thanked the Secretariat for the template but stated that it might not use the exact format for the reporting to the Secretariat since it might be necessary to modify it for domestic use.

268. FFA members stated that some amendments to the draft template would be required to align it with CMM 2007-02.

269. The WCPFC Chair requested CCMs to provide comments on the template to the Secretariat, and directed the Secretariat to present a revised draft of the template to TCC8.

8.5.5 VMS SSP Bracketed Text

270. WCPFC8 noted that TCC8 discussed issues related to manual reporting requirements in the VMS SSPs, and the bracketed text in the VMS SSPs, remain unresolved.

271. WCPFC8 referred further discussion of the issues associated with bracketed text in the VMS SSPs to TCC8.

8.5.6 Proposed Amendment to CMM 2007-02 VMS

272. WCPFC8 noted TCC's recommendation to revise CMM 2007-02 to remove the requirement for "a single length of unbroken cable to the antenna" in the Draft Minimum Standards for ALCs used in the Commission VMS (WCPFC-2011-DP/31).

273. WCPFC8 adopted the revised CMM 2007-02 on the Commission Vessel Monitoring System contained in WCPFC8-2011-DP/31, as CMM 2011-02 (Attachment P).

8.6 Record of Fishing Vessels (RFV) – Standards, Specification and Procedures

274. The USA introduced a proposal, endorsed by TCC7, to institute standards, specifications and procedures for the WCPFC Record of Fishing Vessels (WCPFC-2011/37). The USA explained that the intent of the proposal is to produce a RFV which is as accurate and cost-effective as possible.

275. Some CCMs, citing the endorsement by TCC7, supported the proposal as presented.

276. FFA members supported some components of the proposal but expressed some reservations about the procedures included, in particular whether there should be requirements for minimum fields. FFA members suggested that a decision on this issue be deferred to allow for further discussion.

277. The EU questioned whether the RFV can be used to provide the Commission with information on the number of vessels actively fishing in the Convention Area. If so, the EU requested that this information is provided to TCC8 and WCPFC9 and on a yearly basis in all future WCPFC meetings.

278. WCPFC Compliance Manager confirmed that the RFV can be used for this purpose and this information can be provided to both TCC8 and the WCPFC9 based on the CCM reports under CMM 2009-01 paragraph 9 ("fished" or "did not fish" reports).

8.7 NZ Transhipment Approval

279. The Chair, noting the paper provided by New Zealand (WCPFC8-2011-DP/02), recalled that TCC7 recommended to WCPFC8 that New Zealand's application for an exemption from the prohibition on at-sea transhipment from purse seine vessels be approved.

280. FFA members voiced their support for New Zealand's application on the grounds that the conditions for exemption as provided for in CMM 2009-06 have been met. These CCMs suggested that a multi-year (rather than annual) exemption could be considered to improve the efficiency of Commission decision-making.

281. These CCMs also stated their concerns regarding transhipments from longline vessels which, under CMM 2009-06, have a variety of requirements, including notification to the Secretariat, and which do not appear to be consistently adhered to. These issues should be addressed through revision of the CMM including consideration of a ban on high seas transhipments.

282. The Executive Director noted that from the inception of the CMM 2009-06 (July 1 2010) until October 2011 the Secretariat received 878 notifications of transhipment. The scale of this activity was somewhat surprising and has prompted the Secretariat to consider potential linkages between transhipment and IUU fishing activities. In accordance with paragraph 37 of CMM 2009-06, the Secretariat will prepare a paper for TCC8 on guidelines for high seas transhipment from fishing vessels other than purse seines (WCPFC8-2011-IP/08).

283. Other CCMs also supported New Zealand's application but considered than an annual exemption process is most appropriate.

284. WCPFC8 approved New Zealand's application for an exemption from the prohibition on at-sea transhipment from purse seine vessels for a one-year period until the 29th of May 2013.

8.8 Kobe III Outcomes Capacity and IUU Listings

285. The Executive Director presented the compliance and management recommendations of the Kobe III meeting held in La Jolla, USA in July 2011 (WCPFC-2011/29). One of these recommendations is being presented to WCPFC8 as a proposal by the EU, Japan and the USA on the management of purse seine fishing capacity (see WCPFC8-2011-DP/52 and Agenda Item 14). He noted that the Kobe process will continue as a meeting of the Chairs and Executive Directors of the tuna RFMOs at COFI in July 2012, and that input from CCMs was sought to inform this upcoming meeting.

286. FFA members noted with satisfaction the recognition of the rights and aspiration of SIDS embodied in the Kobe III recommendations. These CCMs look forward to learning what steps CCMs will take in light of these recommendations, the requirements of Article 30 of the Convention, and Resolution 2008-01. FFA members also supported the improved harmonization of t-RFMO IUU Vessel Lists.

287. The USA added that they would like to see the Kobe III process undertake further work on issues of fishing capacity, IUU Vessel Lists, decision rules on management measures, unique vessel identifiers and records of fishing vessels, and consistent compliance and capacity building procedures across the t-RFMOs.

8.9 Programme of Work for the Technical and Compliance Committee in 2012-2014

288. The Executive Director drew WCPFC8's attention to the draft TCC work programme for 2012-2014 (WCPFC-2011/30), noting that it had been revised based on FFA comments received subsequent to TCC7 (WCPFC8-2011-DP/08) and was under discussion in the FAC with regard to the financial implications of the streamlined Annual Report template.

289. Japan considered that it is premature to assume that the outcome of direct entry of observer data would result in a cost savings, and questioned the need to expend \$35,000 on this item. Japan also stated that it strongly supported calls for streamlining and prioritisation of the work of the TCC.

290. The Executive Director agreed that this item should be removed from the 2012 budget pending a full evaluation of the observer data direct entry trials.

291. The USA stated its view that the TCC work plan was a helpful exercise but advocated that the Commission should identify the priority tasks for the TCC and these should be the basis of the TCC work plans. The USA supported the priorities identified by the FFA in WCPFC8-2011-DP/08 but also considered that port state measures, the catch documentation scheme and the continuation of the CMS were also priorities.

292. The Chair directed the Secretariat to take account of these comments when revising the TCC Work Plan for presentation to TCC8.

AGENDA ITEM 9 - CONSERVATION AND MANAGEMENT MEASURES

9.1 New CMMs

9.1.1 CMM 2011-01 for Bigeye, Skipjack and Yellowfin Tuna (CMM 2008-01)

293. Dr John Hampton of SPC, the WCPFC Scientific Services Provider, presented a review of the implementation of effectiveness of CMM 2008-01 (WCPFC8-2011/43 (Rev 1)). Dr Hampton explained that the paper consists of two parts: a review of the implementation of measures pertaining to purse seine effort, FAD closure, high seas pocket closures, and longline catch; and generic and specific projections of future conditions based on results of the 2011 stock assessments (i.e. 2010 conditions).

294. Dr Hampton noted that assessment of the ability of the measure to reduce purse seine effort by 30% from 2001-2004 or 2004 levels did not take into account effort by purse seine fleets based in Indonesia or the Philippines because of the lack of purse seine effort data from those fleets. The conclusion of the assessment is that CMM 2008-01 has not been effective in restricting total purse seine effort: in 2009 effort increased by 13%, in 2010 effort increased by 18% and in 2011 (based on VMS data, as logsheet data have not yet been compiled) effort increased by 31% over the baseline.

295. Evaluation of the FAD closures was based on data from 2009-2010 only. Observers reported that the days during which there were reports of activities associated with drifting FADs during the FAD closure period were 14% for 2009 and 5.8% for 2010. Observers also reported greater use of fish aggregation lights during night time in the FAD closure in 2010 (6.2%) versus 2009 (2.2%). An unusual pattern was observed in 2010 when FAD usage remained low even after the FAD closure period ended. During the closure periods catches of skipjack and yellowfin

tuna declined slightly (though sizes increased so catch value remained nearly constant), but there was a notable decline in the catch of bigeye tuna. This is due to the fact that very few bigeye tuna are caught in unassociated purse seine sets.

296. Dr Hampton noted that historically purse seine effort within the high seas pockets represented 14% of managed purse seine effort, but that based on logsheet, observer and VMS data high seas pocket effort has been eliminated. However, it is likely that much of this effort has been transferred to other areas, rather than completely removed from the fishery. An exception to this is the catch reduction by the Philippines which is likely to be directly attributable to the high seas pocket closures. Although it is thus not likely that high seas pocket effort was eliminated from the fishery, it is worthwhile considering whether total effort would have been even higher if the high seas pockets had remained open.

297. Another objective of CMM 2008-01 was to reduce longline catch by 30% from baseline periods of 2001-2004 or 2004. The assessment showed that catches have declined since 2008 and that 2010 catches represented a 23% reduction on the 2001-2004 average. If the trend of reduced catches continued in 2011, CMM 2008-01 is likely to meet its objective. However, this decrease in catches has occurred despite the fact that effort has remained constant; this raises the possibility that the catch reductions are due to stock declines.

298. In order to evaluate the effectiveness of the measure, projections were made using a variety of assumptions (WCPFC8-2011/43a and WCPFC8-2011/43b). Projections based on conditions in 2009 showed that fishing mortality for bigeye tuna remained well above MSY levels. In contrast, projections based on conditions in 2010, which incorporated a 17% decrease in longline catch, a 32% decrease in purse seine FAD effort, and a 33% decrease in catch by Indonesia and Philippines fleets from 2009 levels, resulted in the stock attaining MSY levels by the end of the 10 year projection.

299. Evaluation of total purse seine closures versus FAD closures found little difference between the two with regard to effects on the bigeye tuna stock. This is because most bigeye tuna are caught in associated sets, therefore allowing the unassociated portion of the fishery to remain in operation has little effect on bigeye tuna catches. In contrast, total tuna catch is expected to decrease from 2.3 million t to 1.8 million t under a total purse seine fishery closure scenario.

300. Finally, Dr Hampton's analysis evaluated the influence of exemptions on the effectiveness of CMM 2008-01. The exemptions were modelled as scaling factors (scalars) as described in WCPFC7-2010/15 but applied to the latest stock assessment results. Removal of the exemptions was estimated to potentially remove approximately 50% of the overfishing estimated to occur under CMM 2008-01.

301. In response to questions posed by Japan, Dr Hampton clarified that the fish aggregation lights reported by observers were underwater lights. He also explained that the reported differences in catch during closure and non-closure periods, and reported differences in fish sizes, had taken account of sampling bias and stratification and were thus valid. Dr Hampton stated that the VMS data used as a proxy for effort in 2011 should be representative of fishing effort related to the increase in small longliners fishing in the Convention Area. With regard to the modelling of the total closure of the purse seine fishery, Dr Hampton clarified that that three months of effort (i.e. during the closure) were assumed to be removed from the fishery rather than transferred to other (non-closure) months.

302. FFA members considered that the results presented by Dr Hampton confirmed that additional measures are required to reduce the overfishing of bigeye tuna.

303. Chinese Taipei noted the ease of enforcement of a total closure and suggested that when modelling the total closure of the purse seine fishery it would have been more realistic to model a 2.4 month closure rather than a 6 month closure. Similarly, when modelling the high seas pocket closure it was suggested to assume that effort is redistributed rather than eliminated. Finally, it was noted that using VMS data as a proxy for logbook data may tend to overestimate effort.

304. Dr Hampton replied that the methodology for using VMS data to estimate effort is in the early stages of development, and is being used as a relative rather than as an absolute index of effort.

305. The EU asked 1) whether the projects that compare respectively a total seasonal closure and a seasonal FAD closure assume perfect implementation of each closure option, 2) whether, if the projections assumed better implementation of the total seasonal closure than the FAD closure, the conservation benefits to bigeye would be even greater than in the current projection which assume equal implantation of the two types of closures; and 3) whether, since 2009, when CMM 2008/01 came into force, the purse seine fishing effort that falls under the various exemptions has grown or remained stable.

306. In response to the questions from the EU, Dr Hampton clarified that currently received and processed purse seine observer data represent a coverage rate of about 50% of the total purse seine effort, and that as long as this coverage is representative valid conclusions can be drawn. He reiterated that 2010 was an unusual year because there was a very low rate of reported FAD usage. SPC uses a statistical methodology to estimate the species composition for associated and unassociated sets. Dr Hampton clarified that natural log and debris sets are considered to be associated (i.e. FAD) sets in the analysis. In response to concerns that La Niña conditions have shifted fishing effort to the west and into areas of higher scientific uncertainty (e.g. archipelagic waters) and higher potential conservation value (e.g. spawning areas), Dr Hampton explained that there are ample observer data for the archipelagic waters of Papua New Guinea and the Solomon Islands, and that purse seine catches contain a higher proportion of bigeye tuna in the east than in the west.

307. In response to a question from Nauru regarding whether the assessment of the high seas pocket closure took account of the effort of the Philippines fleet, Dr Hampton replied that there is no direct measure of effort by the Philippines fleet since 2004. Nevertheless, catches in 2010 showed a 30% reduction and this is likely to be related to the removal of the Philippines fleet's effort from the western high seas pocket.

308. In response to a question from China regarding the overall magnitude of the bigeye tuna catch by the purse seine fleet, Dr Hampton noted that the proportion of the total purse seine catch that is bigeye tuna is small, however, this purse seine catch represents approximately half of the bigeye tuna catch within the WCPF Convention Area.

309. China stated that it considers that the total catch of bigeye tuna is probably underestimated.

310. PNA members noted that a greater focus on unassociated purse seine sets would likely reduce fishing mortality on bigeye tuna and should be encouraged.

311. Korea requested confirmation that the outcome for bigeye tuna of a total purse seine closure versus a FAD closure is very similar.

312. Dr Hampton reiterated that this is the case because most bigeye tuna are caught in associated sets which are prohibited during both the FAD closure and the total closure.

313. The EU queried whether La Niña conditions weakened in 2011 and whether bigeye tuna are more vulnerable to the east or simply more abundant, since longline catch rates are also higher in the East. The EU also noted that big eye tuna is indeed more vulnerable to purse seine in the eastern portion of the fishing grounds.

314. Dr Hampton confirmed that these points appear to be true, and stated that there is some evidence from tagging data that bigeye tuna are indeed more vulnerable to purse seine in the eastern portion of the fishing grounds.

315. In response to a suggestion from Japan that perhaps the observed increase in size in yellowfin tuna is due to a shift toward a greater number of unassociated sets, Dr Hampton noted that a high proportion of unassociated sets continued even after the FAD closure period ended.

316. In response to requests and comments from CCMs across the floor, the WCPFC Legal Advisor provided his opinion on which components of CMM 2008-01 would expire as of the close of WCPFC8 (see WCPFC8-2011/44 and WCPFC8-2011/45) based on a textual interpretation of the measure as a whole (WCPFC8-2011/47). Dr Tsamenyi considered that:

- a. the preamble, objectives and rules of general application (paras 1-7) are not time bound and do not expire. However some of these paragraphs are linked to subsequent paragraphs which expire and thus may become redundant or may require revision;
- b. the purse seine provisions for 2009 (paras.11-22), including the provisions on closure of the high seas pockets are time bound and therefore expire; and
- c. the longline fishery measures (paras.31-38) are also time bound and expire.

317. The WCPFC Chair concluded that there could be many different legal interpretations regarding the expiry of CMM 2008-01 components but that this did not prevent WCPFC8 from entering into discussions on improving the measure.

318. FFA members introduced their paper containing proposals for the new measure (WCPFC8-2011-DP/09) and responded to the Chair's draft contained in WCPFC8-2011/31. While these CCMs considered the Chair's draft a worthwhile basis for discussion, they noted that exemptions for SIDS had not been included and that by transferring a disproportionate burden to SIDS that the proposal was inconsistent with Article 30 of the Convention. These CCMs also considered that additional measures, beyond those required in CMM 2008-01 would be required to reduce overfishing of bigeye tuna and protect skipjack stocks. They noted that the PNA's ban on high seas fishing by those purse seiners operating in PNA waters would continue and as such they would expect to see compatible measures implemented by the WCPFC. FFA members also supported the development of reference points and the USA proposal to allow elements of CMM 2008-01 to continue to be in effect until a new measure is adopted. These CCMs saw merit in some other CCM proposals such as the EU's proposal to levy fees for high seas fishing, the USA's proposal for transfers of catch limits among CCMs, and Japan's support for PNA management measures in tropical waters.

319. The USA stated that its position with regard to CMM 2008-01 was to ensure that stocks are managed based on the best available science and application of the precautionary principle (WCPFC8-2011-DP/14). The USA also emphasized the importance of compliance monitoring and the ability to assess the effectiveness of the measure in order for the work of the Commission to be transparent and accountable.

320. The EU summarized its views, presented in WCPFC8-2011-DP/24, WCPFC8-2011-DP/25 and WCPFC8-2011-DP/38, and stated that it considered that CMM 2008-01 had not been effective. A total purse seine closure (rather than a FAD closure) was recommended as it would be easier to enforce. The EU also advocated strengthening the requirements for FAD management plans, a freeze on capacity of non-SIDS flag State purse seine capacity at 2010 levels, and re-opening of the high seas pockets with fees paid by users of the pockets supporting a fund to enhance border States' MCS capabilities. In response to the suggestion that greater control on fishing effort was needed in high seas areas, the EU pointed out that most of the catch occurred in EEZs. Therefore, it is important to verify that the VDS is aligned with the scientific advice and is functioning in an effective and transparent manner. The effort reduction required under CMM 2008-01 can also not be met if the effort in the EEZs is maintained at 2010 levels.

321. Japan expressed its concern regarding the pole and line skipjack fishery in its waters which is diminishing substantially year by year. Although range contraction has been suggested as an explanation, Japan believes the stock is being depleted and asked the Commission to take measures in tropical waters to prevent further depletion. With regard to the need to limit longline fishing effort, Japan noted that this has already been reduced by 30% through actions by Japan, Chinese Taipei and Korea, while effort in the purse seine fishery has increased by a similar amount. Japan referred to its proposal for capacity limits (WCPFC8-2011-DP/52, see Agenda Item 14), and the proposal by RMI (WCPFC8-2011-DP/39), as useful steps toward controlling purse seine effort.

322. RMI presented its proposal on capacity reduction which consists of two components: capping the number of purse seine vessels at 220; and transferring those vessels to PNA members according to a pre-agreed allocation plan (WCPFC8-2011-DP/39). RMI noted that their proposal addresses both the need to reduce fishing effort to maintain stocks and the need to acknowledge the fishery development rights and aspirations of SIDS.

323. The Philippines stated that the closure of the western high seas pocket caused fishing effort to shift into the Philippines EEZ and resulted in greater impacts on spawning stocks. It proposes to limit its fishing effort in the western high seas pocket (HSP1) to 36 ice boats which will comply with all WCPFC CMMs (WCPFC8-2011-DP/42).

324. Nauru proposed to prohibit distant-water longline fishing within the fully-enclosed high seas pockets between 10°N and 20°S. Nauru noted that this proposal could have a positive effect on bigeye tuna stocks as well as reduce the potential for IUU fishing by making it more difficult for unlicensed longline vessels to encroach on the EEZs surrounding the pockets (WCPFC8-2011-DP/45).

325. PNA members stated their view that the PNA has taken strong measures to control the purse seine fishery and it is now time for the longline fishery to take action to protect bigeye tuna stocks. It was noted that while CMM 2008-01 may expire, PNA management measures will continue and in addition, PNA members are developing a longline vessel day scheme. With regard to the Chair's draft for CMM 2011-01, PNA members considered that SIDS exemptions

had been wrongly omitted, and that a three-month FAD closure and the high seas pocket closure should continue.

326. PNA members also referred to their proposal for WCPFC to close all high seas areas between 10°N and 20°S latitude and 170°E and 150°W longitude to purse seine fishing (WCPFC8-2011-DP/01). These CCMs noted that the Commission's control of high seas areas was lagging behind PNA members' control of the EEZs and resulting in a continuing potential to use the high seas pockets as havens for IUU fishing.

327. The United States reminded delegates of their position on the circumstances of the Hawaii fresh longline fleet, which was reflected in CMM 2008-01 paragraph 35. (**Attachment Q**)

328. American Samoa associated itself and the other US territories with the previously articulated aspirations of SIDS to develop and diversify fisheries in a responsible manner.

329. WCPFC8 continued discussion of CMM 2008-01 and the Chair's draft (WCPFC8-2011/46) in a series of SWG sessions chaired by the WCPFC Vice Chair, Mr Matthew Hooper of New Zealand. A revised draft measure was produced and circulated as WCPFC8-2011/46 (Rev 1).

330. WCPFC8 then agreed to convene a heads of delegation meeting to develop a temporary measure based on a subset of issues on which agreement could be reached. The results of these discussions were circulated as WCPFC8-2011/53.

331. PNA members noted that the temporary measure required a polling rate of every half hour during the FAD closure. They reminded WCPFC8 that PNA required polling every hour and questioned whether VMS costs would rise.

332. The EU responded that according to its calculations costs would rise by \$23,000 per year. The EU considered that this amount was reasonable given the additional assurance of compliance the higher polling rate would provide.

333. As CCMs could not reach agreement on a polling rate, the requirement to increase the polling rate was deleted from the temporary measure.

334. Discussion across the floor clarified that the intention of WCPFC8 was for the entire CMM 2008-01 measure, with the exception of 17a and 22, to remain in effect until 28 February 2013.

335. Mexico questioned the appropriateness of imposing a catch limit on China in the WCPFC-IATTC overlap area.

336. CCMs noted other minor clarifications and wording changes including replacing "catcher vessels" with "fishing vessels" (throughout the document), changing "proposes to limit" to "shall limit" (para. 10), specifying where text refers to Philippine vessels only, and other typos to be corrected in the final editing of the temporary measure.

337. WCPFC8 adopted the draft decision document (WCPFC8-2011/53), as amended through discussion (CMM 2011-01, Attachment R), as a temporary extension of CMM 2008-01 until 28 February 2013 given the expiry of elements of CMM 2008-01. The Chair

committed to a process to have a new measure developed prior to WCPFC9 based on comments from WCPFC8.

338. The WCPFC Chair, noting the advice of the Legal Advisor at the Heads of Delegation meeting on the potential options concerning the application of Article 20 (5) of the Convention, confirmed the general understanding of WCPFC8 that the decision will take immediate effect following WCPFC8 (commencing 31 March 2012). WCPFC8 agreed that waiving of the 60 day rule in Article 20(5) of the Convention shall not be a precedent.

9.2 Consideration of new measures and other conservation requirements

9.2.1 Port State Measures

339. The EU introduced its proposal for a CMM on port state measures (WCPFC8-2011-DP/26 and WCPFC8-2011-DP/27). As the FAO Port State Measures Agreement (PSMA) requires ratification by another 21 States before it can enter into force, the EU is promoting a regional approach to implementing port state measures as a tool for combatting IUU fishing. The EU proposal is based on the FAO PSMA and has been modified since TCC7 based on comments received from FFA.

340. FFA members stated their support for port state measures but expressed reservations about using the FAO PSMA as the basis for a WCPFC CMM. These CCMs considered that the EU's proposal duplicates tools in place through the WCPFC, regionally or nationally; places undue burdens on SIDS to implement the measures; and presents loopholes and inconsistencies. FFA members suggested that a gap analysis should first be conducted to identify what needs a port state measure should fulfil.

341. Several CCMs expressed support for a port state measure which is appropriate for the WCPFC fisheries and CCMs' capacity to implement, and suggested that more work would be necessary before WCPFC could agree a new CMM which could be effectively implemented by its members.

342. The Pew Environment Group stated that it has conducted a gap analysis and offered to assist CCMs with understanding the needs and opportunities for implementing port state measures.

343. The EU noted that this gap analysis has already been conducted and questioned what more analysis was necessary.

344. The WCPFC Chair suggested that CCMs continue to work intersessionally toward developing a proposal on port state measures for the consideration of TCC8. CCMs were encouraged to provide further comments or proposals to the Secretariat.

345. WCPFC8 agreed to continue to work intersessionally toward developing a proposal on port state measures for the consideration of TCC8.

9.2.2 Prohibition of Purse Seine Fishing Associated with Whale Sharks and Cetaceans

346. WCPFC8 noted the information paper provided by the Scientific Services Provider concerning purse seine interactions with whale sharks and cetaceans (WCPFC8-2011-IP/01).

347. Australia presented a proposal for two draft CMM's protecting whale sharks and cetaceans from purse seine fishing operations (WCPFC8-2011-DP/15) noting that these interactions are of ongoing conservation concern and are beginning to draw criticism from international markets. The proposals have two components: a ban on intentional setting on whale sharks and cetaceans, and requirements for safe release of animals encircled unintentionally.

348. FFA members supported Australia's proposal stating that these animals are iconic and should not be intentionally set upon. These CCMs noted that mortality occurs both in intentional and inadvertent sets.

349. The USA explained that it has domestic laws, enacted over two decades ago, which prohibit setting on live or dead cetaceans, but that whale shark issues have emerged more recently. The USA strongly supported the CMMs for both animals but wished to provide some suggestions to the text.

350. Japan stated that it supported the spirit of the CMM to avoid injury or mortality to whale sharks and cetaceans. However, Japan noted that there would be difficulties associated with enforcing the measure since it would be impossible to determine whether or not setting was intentional. Japan referred WCPFC8 to its proposals for safe and live release of encircled cetaceans (WCPFC8-2011-DP/16) and whale sharks (WCPFC8-2011-DP/17) during purse seine operations.

351. PNA members reminded WPCFC8 that there is an existing prohibition on setting purse seines on whale sharks and cetaceans in their EEZs. These CCMs requested the Commission to extend this prohibition to the high seas and the remainder of the fishery. The Third Implementing Arrangement reads: "*No purse seine vessel shall engage in fishing or related activity in order to catch tuna associated with whale sharks*"

352. FFA members thanked Japan for the safe release guidelines but requested more time to consult experts on these issues. These CCMs also stated that release guidelines are not an alternative to the prohibition on intentional sets but they would be useful for unintentional encirclements.

353. Several CCMs supported the safe release guidelines but expressed concerns, similar to those of Japan, regarding the ability of purse seine vessels to detect these animals before setting when enforcing the measure.

354. While noting some potential difficulties for enforcement, several CCMs expressed support for both the proposed CMM and the safe release guidelines, noting that the latter could be taken as a starting point with amendments proposed as further technical information becomes available.

355. In response to some CCMs' concerns about enforcing the measure, New Zealand suggested that the measure be supported by education and compliance efforts which would be facilitated by the requirement for 100% observer coverage.

356. The USA informed WCPFC8 that it had many years of successful enforcement experience with its own law which bans sets on live or dead cetaceans. The USA is conducting its own consultations on safe release guidelines but it is finding that there is little scientific information currently available. The USA suggested that SC or TCC be tasked with developing a research programme, perhaps involving tagging, to evaluate and verify the effectiveness of preliminary safe release guidelines.

357. Mexico stated its strong support for the proposal noting that intentional sets do occur and recommending the use of experience in other RFMOs when developing best practice release guidelines.

358. French Polynesia informed WCPFC8 that these species are already protected in their waters.

359. The Philippines noted that whale shark interactions are prohibited under Philippine law.

360. Chinese Taipei noted that whale shark catches are prohibited in their waters.

361. Australia considered that the discussion reflected a consensus on the need to act. It stated that the concerns about enforcement difficulties based on determining intention can be dealt with using observer reports. Australia also recognized the need for crew safety and training, and agreed to resolve inconsistencies between the proposals for whale sharks and cetaceans.

362. After discussions in the margins, Australia circulated revised proposals for whale sharks (WCPFC8-2011-DP/15a (Rev 1)) and cetaceans (WCPFC8-2011-DP/15b (Rev 2)).

363. WPCFC8 adopted a Conservation and Management Measure to address the impact of purse seine fishing activity on cetaceans (WCPFC8-2011-DP/15b (Rev 2)). (Attachment S, CMM 2011-03)

364. Japan stated that it could not support the measure for whale sharks without further consideration.

365. Some CCMs expressed their disappointment that the measure for whale sharks was not adopted.

366. The Humane Society and Shark Advocates International stated their support for both the whale shark measure and the best practice safe release guidelines, noting mortalities to 75 whale sharks in two years, and the estimate that whale shark tourism generates \$50 million annually. They urged intersessional work toward adopting a measure at WCPFC9.

367. In considering the draft measure on protecting whale sharks from purse seine fishing operations, WCPFC8 noted ongoing work, through the Scientific Committee, on the development of best practice guidelines for release of encircled whale sharks. Based on the current draft measure, the Commission agreed to finalise the measure at WCPFC9.

9.2.3 Implementation of the ROP for Fresh Fishing Vessels North of 20° N

368. The WCPFC Chair noted the recommendation from the Northern Committee to adopt a new CMM for implementation of the ROP for vessels fishing for fresh fish in Convention Area north of 20° North (see Agenda Item 7.1).

369. The USA referred to their proposal to consolidate proposed observer coverage levels based on CMM 2008-01 (WCPFC8-2011-DP/12) and explained that that their proposal presents a new version of the ROP CMM (currently CMM 2007-01) which contains the recommended text from the Northern Committee as Attachment K, Annex C.

370. FFA members stated their support for implementation of the ROP for vessels fishing for fresh fish in the northern part of the Convention Area. However these CCMs considered that the Northern Committee's proposal appears to allow for vessels to carry observers from their own flag State and therefore is not consistent with the agreed ROP hybrid approach. For this reason FFA members did not support the proposal.

371. The USA reiterated their support for the Northern Committee proposal on the basis that the new text does not create any inconsistencies with existing requirements for observer sourcing.

372. The WCPFC Chair referred the matter back to the Northern Committee for further discussion.

9.2.4 Implementation of an EEZ Entry and Exit Notification Scheme

373. This item was discussed under Agenda Item 8.5.3.

9.2.5 Catch Documentation Scheme

374. The Chair reminded WCPFC8 that the task before the Commission was to agree terms of reference for a working group on catch documentation schemes. He referred WCPFC8 to papers on this subject prepared by the EU (WCPFC8-2011-DP/28 and WCPFC8-2011-DP/29) and FFA (WCPFC-2011-DP/04).

375. Papua New Guinea, Coordinator of the WCPFC CDS Working Group, presented draft terms of reference which incorporated comments from CCMs. WCPFC8 was asked to endorse the TORs in order to allow the working group to hold a meeting and commence its work prior to TCC8.

376. The EU noted that it had consulted with Papua New Guinea and others on the TOR but could not accept para. 3f which deals with the roles and responsibilities of different actors as currently drafted. This is a question of consistency with the revision of Attachment A to the TOR.

377. Some CCMs suggested that the EU concerns could be noted for the record but the CDS working group could still be formed and begin addressing this issue as well as all other issues relevant to development of a WCPFC CDS.

378. The EU reiterated that it could not agree to the language in para. 3f.

379. Papua New Guinea stated that it intended to maintain the text of its proposal as written. FFA members commented that they would go ahead and develop a regional CDS independently

of the Commission; that they welcomed the involvement of all members of the Commission in this process; and that they intend to hold a workshop in mid 2012 to progress a regionally agreed CDS.

380. WCPFC8 agreed that the TOR for the CDS working group (WCPFC-2011-DP/20) be referred back to TCC8.

9.2.6 Oceanic Whitetip Shark

381. The USA presented its proposal for a CMM for oceanic whitetip sharks (WCPFC8-2011-DP/11 (Rev 2)). Mr Keith Bigelow made a brief presentation highlighting the rationale for immediate action to protect this species including scientific findings of steep declining catch rates in multiple datasets from the WCPFC, the low probability that understanding of stock status will change with the results of stock assessments, and the fact that CMMs have been adopted for this species in two other RFMOs. The USA explained that the proposed measure had been revised to incorporate comments from CCMs in the margins of WCPFC8 including a statement indicating that measure should not set a precedent for the management of other WCPO sharks, removal of the prohibition on selling, development of identification guides and training, allowance for biological sampling, and provisions for periodic review.

382. Several CCMs, including FFA members, stated their support for the proposal as an initial step toward developing a more comprehensive approach to shark management. These CCMs considered that the existing scientific advice was a sufficient basis for action.

383. The EU expressed very strong support for this proposal, and noted that comments it had provided were incorporated. The EU reminded that the Convention text provides obligation for CCMs to take a precautionary approach.

384. FFA members further noted the need to allow time and provide information to skippers and crew for implementation.

385. Some CCMs also noted concerns that this measure could be seen as a precedent for the prohibition of retaining other species. These CCMs preferred a more fundamental review of the shark CMM instead.

386. Shark Advocates International and Humane Society International stated that the proposal is consistent with the scientific advice and protections adopted by IATTC and ICCAT, and noted that a “no retention” policy could reduce oceanic whitetip mortality by up to 76%. Their statement is appended as **Attachment T**.

387. Several CCMs, noting that similar measures have been adopted by IATTC and that their concerns had been addressed through revisions to the proposal by the USA, voiced their support for the proposal.

388. WCPFC8 adopted the CMM for oceanic whitetip sharks as presented in WCPFC8-2011-DP/11 (Rev 2). (Attachment U, CMM 2011-04)

9.3 Review of CMMs

9.3.1 CMM 2009-03 Swordfish

389. The Chair reminded WCPFC8 that para. 11 of CMM 2009-03 requires the Commission to review the measure in 2011. WCPFC8 was also invited to address the issue of conducting a stock assessment for swordfish.

390. CCMs noted that shortfalls in data provision by the EU which had impeded previous stock assessments have been remedied, and it is now possible to proceed with the stock assessment. CCMs also noted that existing knowledge of the status of the stock is limited and this hampers review of the measure.

391. The EU requested that the stock assessment proceed immediately with the results presented to SC8.

392. Several CCMs suggested that the time available before SC8 is insufficient to complete a thorough stock assessment with the new data, and this kind of rushed approach should not be undertaken.

393. In response to a question about whether it could deliver a swordfish stock assessment in time for SC8, the Scientific Services Provider (SPC) noted that undertaking such a stock assessment in addition to the four stock assessments currently underway will require identifying and contracting an additional stock assessment scientist for this work. This process will take time and will reduce the already short period of time available to produce the assessment. SPC nevertheless committed to commencing this work and presenting available, and perhaps interim, results to SC8 and to continuing the work post-SC8 as necessary. The SPC further requested that sufficient budget be made available to undertake this additional work.

394. WCPFC8 agreed that the Scientific Services Provider should begin work on the swordfish stock assessment and present available results to SC8.

9.3.2 CMM 2009-08 Charter Notification

395. The Chair invited WCPFC8 to consider the CMM on charter notification (CMM 2009-08) which is scheduled to expire in 2011. He noted the close relationship between the charter notification measure and the issue of catch attribution which was examined in a recent Commission study (WCPFC8-2011/23). The Secretariat's summary of all notified charter vessels, as required by paras. 5 and 6 of CMM 2009-08 was provided as WCPFC8-2011/33 (Rev 1).

396. FFA members noted that they had prepared a paper containing a revised measure (WCPFC8-2011-DP/05) but had not been able to achieve consensus among all CCMs on the proposed text. FFA members proposed deleting para. 8 of the existing measure (i.e. the expiry clause) and extending the remaining provisions of the existing measure for another year.

397. The USA, which also proposed a revised measure (WCPFC8-2011-DP/13), concurred with the FFA proposal.

398. The EU noted that it had worked with FFA to elaborate further their proposal and progress was achieved. Therefore a one year extension of the current measure seemed appropriate to allow finalisation of this work. The EU drew attention to the poor compliance to this measure, referring in particular to the annex to WCPFC8-2011/33 where the list of charter notification for 2011 did not correspond with information in Part 1 reports and with statements at WCPFC8. The EU considered that charter-related issues within WCPFC need to be reviewed jointly.

399. Other CCMs expressed support for the one-year extension and noted the importance of timely notification of chartering arrangements and resolving issues related to catch attribution.

400. WCPFC8 agreed to extend the CMM on charter notification (CMM 2009-08) to 31 December 2012. (Attachment V, CMM 2011-05)

401. Referring to the catch attribution study (WCPFC8-2011/23), the Executive Director suggested the study outputs be referred to TCC for further discussions on formulating recommendations for implementation.

402. CCMs considered that the study results should be noted for future discussions by the Commission but not referred specifically to TCC for action.

403. WCPFC8 noted the results of the catch attribution study.

9.3.3 CMM 2010-06 IUU (para 15 and 25)

404. Tonga presented a paper describing its efforts to ensure that coastal State satisfaction plays a major role in determining whether a vessel should or should not be placed on the IUU Vessel List (WCPFC8-2011-DP/21). The paper presents guidelines used by the Cook Islands, New Zealand, Tokelau and Tonga when considering levels of sanctions applied in cases of IUU fishing.

405. Some CCMs, including the USA, stated that they hoped to continue dialogue on this issue intersessionally and at TCC8.

406. One CCM questioned whether all of the criteria contained in the guidelines were adequately supported by international law.

407. WCPFC8 agreed that the USA would lead an intersessional working group on this topic with the aim of bringing a proposal to TCC8.

9.3.4 CMM 2010-03 Compliance Monitoring Scheme

408. Australia briefly introduced a review of CMM 2010-03 (WCPFC8-2011-DP/32) and proposed revisions to the text of the measure (WCPFC8-2011-DP/33 (Rev 1)). It noted that discussion of its proposals for responses to non-compliance (WCPFC8-2011-DP/34) had been deferred to TCC8.

409. Several CCMs supported extension of the measure, as presented in WCPFC8-2011-DP/33 (Rev 1), for one year.

410. One CCM requested that para. 11 (iii) be revised to read “identify technical assistance or capacity building needed to assist the CCM to address potential compliance issues”.

411. The Executive Director noted the workload associated with this CMM and asked CCMs to consider providing interns to the Commission during the processing period of developing draft CMRs, so that the Secretariat can ensure that the draft CMR reports are provided to CCMs within the required timeframes in the CMM.

412. WCPFC8 adopted a revised CMM for the Compliance Monitoring Scheme based on WCPFC8-2011-DP/33 (Rev 1) as modified by the amendment to para. 11 (iii) (Attachment W, CMM 2011-06).

9.3.5 CMM 2010-05 South Pacific Albacore

413. FFA members expressed their disappointment that this item which is of importance to Pacific Island member countries was so late in the agenda, that it is now impossible to discuss and progress the issue.

414. FFA members presented a proposal to revise CMM 2010-05 to strengthen the limits on the number of vessels and include catch limits on the high seas (WCPFC8-2011-DP/03). These CCMs highlighted the importance of the stock to domestic longline fisheries and their growing concern at the increasing catch and effort for this stock by some CCMs. They recommended that the Commission take appropriate measures for high seas areas, and examine whether transhipment activities are in compliance with WCPFC CMMs.

415. Some CCMs suggested the proposed limits on vessels and catches required further discussion. Particular issues raised included the link between the proposed limits and the status of the stock, the rationale for selection of the baseline periods, the appropriateness of placing limits on all gear types rather than only on the longline fishery, and the effectiveness of imposing limits only on the high seas.

416. In response to a question, FFA members clarified that the proposed catch limits for the high seas were designed to apply to South Pacific albacore throughout its range. These CCMs noted that the measure already includes provisions to limit the fishery to historical levels but as it is considered that these provisions are not working effectively they should be tightened. While work continues on comprehensive management for the whole stock and all gear types, the current proposal can be considered as an interim measure.

417. American Samoa, French Polynesia, New Caledonia and Wallis and Futuna emphasized the importance of maintaining the stock at sustainable levels in order to sustain the economic benefits generated by their existing fisheries.

418. WWF, on behalf of Greenpeace and the Pew Environment Group, referred to their paper on this topic (WCPFC8-2011-OP/10), and stated that while the stock was not considered overfished nor was overfishing occurring, catches are rapidly approaching MSY and this creates concerns about impacts on sharks and seabirds. These observers encouraged management efforts by Te Vaka Moana members and urged the Commission to support compatible measures. This statement is appended as **Attachment X**.

419. The Pacific Islands Tuna Industry Association (PITIA) supported the initiative by Te Vaka Moana members to strengthen management measures for the fishery and protect the interests of SIDS.

420. The American Fishermen's Research Foundation requested to be consulted in matters related to North and South Pacific albacore fisheries.

421. Japan stated that it shares the concerns of previous speakers regarding the rapid increase of small longliners fishing in the area. It noted that its trade statistics showed a large increase in imports of South Pacific albacore.

422. Several CCMs appreciated the information on catch and transhipment by flag and by zone for South Pacific albacore provided by the Secretariat as WCPFC8-2011-IP/04 (Rev 1) and asked that this type of reporting be continued.

423. WCPFC8 agreed that South Pacific albacore was a priority issue for WCPFC9.

9.3.6 Report by PNA members on the Vessel Day Scheme (VDS)

424. The PNA presented a report on the VDS (WCPFC8-2011-DP/23) showing that the total number of days fished was less than the adjusted total allowable effort of the scheme, excluding days fished under the FSM Arrangement and the US Treaty. The PNA announced that although reports on the VDS have been provided to the Commission since 2007, this would be the last submission by the PNA as it considered it more appropriate for the scheme to be assessed through the WCPFC CMS.

425. FFA members noted that the management of the fishery under the VDS is working well and seconded the PNA's point that it was unfair to subject the VDS to greater scrutiny than other CCMs.

426. The EU requested further information on the implementation of the VDS and how its limits are linked to scientific advice. This could also be of interest to the SC. It could be useful for the WCPFC to receive such information as it may learn from the experience of the PNA in this regard.

AGENDA ITEM 10 - AD HOC TASK GROUP-DATA

10.1 Chartering State Data Access

427. The Commission had tasked the AHTG-Data to work intersessionally during 2011 on this matter. RMI submitted a proposal, and comments were received from EU and Chinese Taipei. TCC7 agreed to task the AHTG-Data with revisiting these issues in 2012 pending the outcome of discussions of the catch attribution study and the possible renewal of CMM 2009-08 by WCPFC8. WCPFC8 noted the TCC7 recommendation.

AGENDA ITEM 11 - ANNUAL REPORT ON THE WORK OF THE COMMISSION

11.1 Cooperation with other Organizations

428. The Executive Director presented a report on cooperation with other organizations (WCPFC8-2011/35) stating that the focus in the past year has been on issues related to IATTC including cross endorsement of observers and management of the overlap area. Other cooperative activities have involved the SPC, the FFA, the PNA and visits to member countries.

429. The Executive Director noted the outstanding item of the MOU with ISC and invited WCPFC8 to either refer the issue to the SC or to address it as part of follow-up activities pursuant to the Performance Review Panel recommendations. WCPFC8 did not make any decision on the matter.

11.1.1 WCPFC/IATTC Overlap Area

430. The Executive Director presented WCPFC8-2011/41 (Rev 1) on options for resolution of issues arising from the overlap area between WCPFC and IATTC. The paper presents the history of the overlapping jurisdictions and shows that only 0.175% of the entire catch from the WCPFC and IATTC Convention areas is taken in the overlap area. The options for management of the overlap area presented in the paper include:

- i. Single organization management of the area
- ii. Management by gear type
- iii. Box the area and manage as a special management area
- iv. Application of measures from both Commissions with vessels flagged to a party that is a member of both Commissions subject to the measures of only one Commission, of that member's choice
- v. Work toward harmonization of measures from both Commissions

431. Dr Compeán (IATTC) provided additional information on the IATTC management system including limits on, *inter alia*, catch, fishing effort and capacity, observer requirements, prohibitions on discards and transhipments, and specifications of the tuna tracking system. Dr Compeán noted that the Antigua Convention clearly states that it governs the overlap area, and given that many of the requirements are already included in national legislation, it would be very difficult to alter this.

432. Several Pacific Island countries and territories whose EEZs are near the overlap area emphasized the need to resolve the issues arising from the application of two sets of management measures, noting that IUU fishing incursions can be created by transiting through the overlap corridor. These CCMs stated that the special requirements of SIDS should be recognized when considering management of the overlap area.

433. Some CCMs raised questions regarding how resolution of the issues would take account of catch attribution (and how this would relate to any applicable catch limits and financial contributions), and when two standards were in effect whether the higher or lower standard would prevail.

434. Some CCMs preferred Option iv stating that it appeared to be the easiest to implement but noted that it should be for the flag State, rather than the vessel, to decide which RFMO's management system was applicable.

435. Other CCMs, while posing some questions about the need for each RFMO to adopt a set of exemptions for the gear type it would not regulate, preferred Option ii.

436. Several CCMs, preferred to continue to apply both RFMOs' management systems, resolving conflicts as they arise on a case-by-case basis while working gradually toward a joint management system that would eliminate discrepancies and redundancies (Option v).

437. Some CCM's suggested that a further option "Status quo" be added and evaluated as part of the ED discussions.

438. The WCPFC Legal Advisor stated that Option iv could be implemented through adopting identical management measures for the overlap area in WCPFC and IATTC and then having these measures serve as the basis for domestic legislation for each CCM.

439. It was agreed that the two Executive Directors would elaborate, and consult among CCMs in the margins of the meeting, on Options ii and iv.

440. WCPFC8 agreed that this issue of the overlap area needed to be resolved as a matter of priority and asked the Chairs and Executive Directors of the two RFMOs to progress the issue, and report back to CCMs.

11.2 Future Work of the Commission

441. WCPFC8 noted the Report of the Executive Director on the work of the Commission during 2011 (WCPFC8-2011/34), and the future work planned by the Secretariat.

AGENDA ITEM 12 - REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

12.1 Budget Approval for 2012 and Indicative Budgets for 2013 and 2014

442. Mr Charleston Deiye, Chairman of the FAC, presented the summary report of FAC5 (WCPFC8-2011-50 Rev3).

443. The USA noted that the funding which offsets the full costs to WCPFC for data entry through 2014 (WCPFC8-2011-FAC5/12, para. 20) is provided through a generous contribution from New Caledonia and New Zealand for year 2012. Subject to the availability of funds the current level of contribution from New Caledonia will continue through 2014.

444. WCPFC8 accepted the summary report and recommendations of FAC5, WCPFC8-2011-50 Rev3). (**Attachment Y**)

12.2 Requirements for the Hosting of Meetings

445. The Secretariat's recommendations concerning requirements for hosting of meetings (WCPFC8-2011- FAC5/11) was noted by FAC5 (WCPFC8-2011- 50, para. 19).

AGENDA ITEM 13 - ADMINISTRATIVE MATTERS

13.1 Election of Officers

446. WCPFC8 accepted the nominations of the subsidiary bodies and confirmed Ms Rhea Moss-Christian of FSM as Chair of the TCC and Ludwig Kumoru of Papua New Guinea as Vice Chair of the SC. WCPFC8 expressed its appreciation for the work of Mr Noan Pakop of Papua New Guinea, outgoing Chair of the TCC, and Ms Pamela Maru of the Cook Islands, outgoing Vice Chair of the SC.

13.2 Venues for Next Meetings

447. WCPFC8 confirmed the following venues and dates for meetings in 2012:
a. SC8 will be held 7-15 August 2012 in Korea (location to be determined);

- b. NC8 will be held 3-6 September 2012 in Nagasaki, Japan;
- c. TCC8 will be held 27 September – 3 October 2012 in Pohnpei, FSM; and
- d. Management Objectives Workshop will be held 29-30 November 2012 in Manila, the Philippines.
- e. WCPFC9 will be held 3-7 December 2012 in Manila, the Philippines.

AGENDA ITEM 14 - OTHER MATTERS

448. FFA presented a proposal for the rationalisation of WCPFC related meetings (WCPFC8-2011-DP/48) which seeks a way to reduce meeting time and promote efficiency within the Commission.

449. WCPFC8 agreed that the Secretariat, in conjunction with the Chair, develop a discussion paper on this topic, drawing on WCPFC8-2011-DP/48 as well as experiences in other tuna RFMOs, for consideration by WCPFC9.

450. The USA, Japan and the EU introduced a paper on the management of purse seine capacity in the Convention Area (WCPFC8-2011-DP/52). These CCMs acknowledged that there is overcapacity in the purse seine fishery and that this capacity must be reduced to a level which is commensurate with the long-term sustainability of the resource. The paper contained proposals to limit the capacity of non-SIDS to existing levels, limit new capacity by non-SIDS to replacement of vessels which have left the WCPO, and limit new vessels of non-SIDS to the same or lower capacity than the vessels being replaced. While recognising that more work will be necessary to develop a regional capacity management plan, these CCMs noted with interest the proposal by RMI to limit purse seine capacity to 220 vessels by 2020.

451. Korea expressed its support for the proposal.

452. FFA members noted with regret that the proposal appears to defer discussions to a future point in time rather than taking immediate action as recommended by WCPFC8-2011-DP/39 (see Agenda Item 9.1.1). FFA members also expressed disappointment that the WCPFC8-2011-DP/52 drafting group did not include representation from the Marshall Islands delegation, which had previously introduced a paper on the subject (WCPFC8-2011-DP/39) and that the drafting group did not appear to include a mechanism for capacity transfer to SIDS. There were fears that the proposal in WCPFC8-2011-DP/52 might act to freeze the current pattern of participation in the fishery.

453. The CCMs presenting the paper stated that while this proposal represented the first step, they looked forward to moving ahead with discussions as soon as possible.

454. The representative of the American Fishermen's Research Foundation made a statement (**Attachment Z**).

AGENDA ITEM 15 - SUMMARY REPORT

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

AGENDA ITEM 16 - CLOSE OF MEETING

456. The Chair thanked the Government of Guam for their warm hospitality and generous assistance with the logistical and social aspects of the meeting. He also expressed his gratitude to Executive Director Prof Glenn Hurry, Legal Advisor Dr Martin Tsamenyi, and support staff including Lucille Martinez and Kara Miller. Finally, he extended his appreciation to all of the delegations attending WCPFC8 for their patience and support. On behalf of the members of the Commission, Samoa thanked the WCPFC Chair, the Executive Director and the Secretariat staff for their efforts.

457. The Chair noted that the temporary measure extending CMM 2008-01 until 28 February 2013 (CMM 2011-01) would take effect at midnight.

458. The Chair closed WCPFC8 at 19.20 on Friday 30 March 2012.



**Eighth Regular Session
Tumon, Guam, USA
26–30 March 2012**

LIST OF ATTACHMENTS

Attachment	Title
A	List of Participants
B	Welcoming Address by The Honorable Governor of Guam, Eddie Baza Calvo
C	Opening Statement by Dr Charles Karnella, Chair of the Commission
D	Adopted Agenda and References (WCPFC8-2011/02 Rev 14)
E	Tokelau Opening Statement to WCPFC8 (WCPFC8-2011-DP-46)
F	WWF South Pacific Albacore Policy Brief
G	Greenpeace Position on Rights Based Management
H	United States Assistance Provided to SIDS as Related to Article 30 and other Relevant Activities Related to Resolution 2008-01 in 2011
I	EU Report on Article 30 of the Convention and Resolution 2008-01 of WCPFC
J	Terms of Reference for the Scientific Committee Management Issues Theme (WCPFC8-2011-DP/47)
K	WCPFC Management Objectives Workshop Terms of Reference and Structure (WCPFC8-2011/39 (Rev 2))
L	Process for Designating WCPFC Shark Species for Data Provision and Assessment (WCPFC8-2011-IP/05)
M	WCPFC IUU Vessel List for 2012
N	Final Compliance Monitoring Report for 2010
O	Terms of Reference for the ROP Technical Advisory Group (WCPFC8-2011/25)
P	Conservation and Management Measure for Commission Vessel Monitoring System(CMM-2011-02) (WCPFC8-2011-DP/31)
Q	Statement by the USA on the Hawaii Longline Fishery
R	Conservation and Management Measure for temporary Extension of CMM 2008-01 (CMM 2011-01)
S	Conservation and Management Measure to Address the Impact of Purse Seine

	Fishing Activity on Cetaceans (CMM-2011-03)
T	Shark Statement to WCPFC8 from Shark Advocate International, Humane Society International and Project Aware Foundation
U	Conservation and Management for Oceanic White Tip Sharks (CMM-2011-04)
V	Conservation and Management Measure for Charter Notification Scheme (CMM-2011-05)
W	Conservation and Management Measure for Compliance Monitoring Scheme (CMM 2011-06)
X	WWF, Greenpeace and PEW Statement on South Pacific Albacore
Y	Summary Report and Recommendations of the Fifth Session of the Finance and Administration Committee (FAC 5)
Z	Closing Statement of the American Fishermen's Research Foundation at WCPFC8



**Eight Regular Session
Hyatt Regency, Guam, USA
26 – 30 March 2012**
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**Eighth Regular Session
Tumon, Guam, USA
26–30 March 2012**

**WELCOMING ADDRESS BY THE HONORABLE GOVERNOR OF GUAM
EDDIE BAZA CALVO**

Buenas and hafa adai to all attending delegates; I'd like to wish a hearty welcome from the people of Guam. I understand Charles that up to now you haven't had a gavel, and so on behalf of the people of Guam, I would like to present this gavel to be used for these proceedings. Please leave it when you have finished.

I want to welcome all of you this morning; some of you may have visited here often, but for many of you it may be your first time in Guam. It's an honor for me to speak here. I've been Governor for about one year, which has been an exciting time for Guam and the Pacific Region. As I see representatives from all regions of the pacific, dealing with our most important resource, our ocean, our fishes and our fisheries stocks, I want to draw to your attention something in the news this morning. The famous American producer director, James Cameron, has reached the bottom of the Marianas Trench, where he will remain for about 6 hours. This is the first human presence at the bottom of the trench since the 1960s. Whilst I am sure that there is much of interest on the seabed at the bottom of the trench, its 7 miles of ocean above where much of the natural resources of this planet lay, particularly with regard to our fish stocks. Bearing that in mind, it's so important that while we acknowledge this endeavor to reach the bottom of the trench, what's important is what happens above the seabed; how we treat our marine resources will have an impact not only for our island nations, but the whole world and not just for today but also for future generations. Once again I want to welcome you, Dr Charles Karnella, Chair of the Western and Central Pacific Fisheries Commission, and Professor Glenn Hurry, the Executive Director of the Western and Central Pacific Fisheries Commission. I also want to recognise Kitty Simonds, who has helped to ensure that we receive our very necessary funding to accomplish our missions. Finally I want to acknowledge our head of our delegation, and his partner Mr Manny Duenos and Mr Joseph Cameron. I hope you make good progress at this meeting, and I invite you to enjoy the scenery, the beaches and the shopping here in Guam. God bless you all and good morning.



**Regular Session
Tumon, Guam, USA
26–30 March 2012**

**OPENING ADDRESS BY DR CHARLES KARNELLA
CHAIR OF THE COMMISSION**

Thank you very much Governor Calvo and special thanks for this Gavel, which I am sure will be very useful over the next few days. Picking up on what the Governor has just said. We have a very important job; we are responsible for managing approximately 60% of the tuna resources of this world and as the governor mentioned, we need to ensure that when we are no longer here, the people who come after us have the same 60% of the resource so that they can manage it for their children, and their children's children, and their children's children's children. We have an ambitious agenda and we will have to impose some discipline upon ourselves, get to the point and not repeat points that have already been made. There are a number of very difficult issues to address, but I believe we have the resources in this room to deal with them. We need a new conservation and management measure for skipjack, yellowfin and bigeye; we need to finish the development of our compliance monitoring scheme; we need to work on our vessel monitoring scheme; and we need to work on implementation of Article 30 which is the Requirements of Developing States. In addition we have four large reports that we need to deal with. Thank you all and thank you governor for taking the time to talk to us.

Before we get into adopting the agenda I would like to make a few remarks, the first of which is to thank you all for your patience for the process that led up to this meeting. There were some unfortunate events in Palau that prevented us from meeting as originally scheduled. That in turn caused a number of issues to be dealt with, and you were all very patient, for which I'm very appreciative. You will notice that the size of the delegations and number of participants is growing, and the registration list now numbers over 500 people. This is going to make our quarters tight, and I appreciate you bearing with that. As mentioned earlier we have a heavy agenda and we need to be disciplined and as also mentioned at the Heads of Delegations meeting yesterday, those of you who are sponsoring proposals, if you can do as much work as possible in advance of those proposals coming before the commission that would be helpful. If during the discussion on those proposals it looks like we are not making much progress, I'll stop the discussion and ask that the sponsors work on the margins to advance them as much as possible and I'll check with them periodically to see if they are ready to come back for the commission's consideration.

Although I mentioned some of the key items before the Commission, there are many other important items that need to be dealt with, but I won't go over them one by one. Finally as I have said a couple of times, we do have a very ambitious agenda and I ask for your support and cooperation.



**COMMISSION
EIGHTH REGULAR SESSION**
Tumon, Guam, USA
26-30 March 2012

PROVISIONAL AGENDA AND REFERENCES

**WCPFC8-2011/02 (Rev 13)
28 March 2012**

AGENDA ITEM	REFERENCE
1. OPENING OF THE MEETING	
1.1 Welcoming addresses	
1.2 Adoption of agenda	WCPFC8-2011/02 Rev 8; WCPFC8-2011/03 Rev 2; WCPFC8-2011/04 Rev 4; WCPFC-2011/05 Rev 6
1.3 Meeting arrangements	WCPFC8-2011/01 Rev 3
1.4 Action items from WCPFC7	WCPFC8-2011/07
1.5 Intercessional Decisions	WCPFC8-2011/44 WCPFC8-2011/45
2. MEMBERSHIP	
2.1 Status of the Convention	WCPFC8-2011/08
2.2 Applications for Observer status	WCPFC8-2011/09 Rev 1
2.3 Applications for Cooperating Non-Member status	WCPFC8-2011/10; WCPFC8-2011-DP/37
3. MEMBER REPORTS	
3.1 Annual reports by CCMs	
3.2 Statements of Non-Members	
3.3 Special Requirements of Developing States	
3.3.1 CCM Reports on the Implementation of Article 30 of the Convention	
4. COMMISSION REVIEW	
4.1 Review of the WCPFC	WCPFC8-2011/12
5. COST RECOVERY REVIEW	
5.1 Cost Optimisation of Commission Operations	WCPFC8-2011/13 Rev 1
6. SCIENCE ISSUES	
6.1 Report of the Seventh Regular Session of the Scientific Committee	WCPFC8-2011/14
6.1.1 Stock status of key tuna species	WCPFC8-2011-IP/02

6.1.2 Science Committee Recommendations and Management Advice - Bigeye Tuna - Yellowfin Tuna - Skipjack - South Pacific Albacore - South Pacific Swordfish - South West Pacific Striped Marlin - North Pacific Striped Marlin - North Pacific Albacore - Pacific Bluefin Tuna (Agenda item 7.1.1) - North Pacific Swordfish	WCPFC8-2011/14
6.1.3 Management Issues - Terms of Reference for “Management Issues Theme” of SC - Limit Reference Points - Management Objectives Workshop (TORs, Schedule, Venue) - Review of CMM 2008/01 (Agenda Item 9.1.1)	WCPFC8-2011/39 WCPFC8=2011-DP-47
6.1.4 Ecosystem and bycatch issues - Sharks ‘key species’ - Seabirds - Whales and cetaceans (Agenda item 9.2.3) - Food security issues with bycatch	WCPFC8-2011-IP/05
6.1.5 Data issues - Data Gaps - Regional Observer Program - WPEA OFMP - Species composition in purse seine sets	WCPFC-2011-IP/06
6.1.6 Review of MOU WCPFC/ISC	WCPFC8-2011/38
6.2 Programme of Work for the Scientific Committee in 2012-2014	WCPFC8-2011/14
6.3 KOBE 3 Workshop Recommendations on Science and Bycatch	WCPFC8-2011/15
7. NORTHERN COMMITTEE	
7.1 Report of the Seventh Regular Session of the Northern Committee	WCPFC8-2011/16
7.1.1 Northern Committee Science Recommendations and Management Advice - Pacific Bluefin Tuna - North Pacific Albacore - North Pacific Swordfish - North Pacific Striped Marlin - Regional observer program (Agenda item 8.5) - VMS (Agenda item 8.6.1)	WCPFC8-2011/16
7.2 Programme of Work for the Northern Committee in 2012-2014	WCPFC8-2011/16
8. TECHNICAL AND COMPLIANCE COMMITTEE	
8.1 Report of the Seventh Regular Session of the Technical and Compliance Committee	WCPFC8-2011/17 Rev 2 WCPFC8-2011-IP-08(Sec)
8.2 Proposed WCPFC IUU Vessel List for 2012	WCPFC8-2011/18 Rev 1

8.3 Compliance with Conservation Measures	
8.3.1 Update of Submission of Annual Reports Part 1 and Part 2.	WCPFC8-2011/19
8.3.2 Report on Compliance Monitoring Scheme (CMS)	WCPFC8-2011/20; WCPFC8-2011-DP/06 (FFA);
8.3.3 Report on Compliance Against Measures Not Covered in CMS	WCPFC8-2011/21 (Rev 2)
8.3.4 Streamlined Part 2 Annual Reports	WCPFC8-2011/22
8.4 Catch Attribution	
8.4.1 Catch Attribution Study	WCPFC8-2011/23
8.5 Regional Observer Programme	
8.5.1 Annual Regional Observer Programme Report	WCPFC8-2011/24
8.5.2 Draft Terms of Reference for Technical Advisory Group-ROP for approval	WCPFC8-2011/25
8.5.3 Appointment of a Technical Advisory Group Chair	No Paper
8.5.4 USA Proposed Amendment to CMM 2007-01	WCPFC8-2011-DP/12
8.5.5 WCPFC-IATTC Cross Endorsement of Observers	WCPFC8-2011-IP/03 (SEC); WCPFC8-2011-IP/03A (SEC)
8.5.6 Proposal for vessel captains/operators to review ROP reports	WCPFC8-2011-DP/36
8.6 Vessel Monitoring System	
8.6.1 Annual Report of the Vessel Monitoring System	WCPFC8-2011/26; WCPFC8-2011-IP/07 (SEC)
8.6.2 Joint WCPFC/FFA Review of the WCPFC VMS	WCPFC8-2011/27; WCPFC8-2011/36
8.6.3 VMS Template Agreement	WCPFC8-2011-DP/30 (USA) WCPFC8-2011-DP/10 (FFA); WCPFC8-2011-DP/40 (FFA) WCPFC 2011-DP- 41
8.6.4 VMS ALC/MTU Template Checklist for Auditing Units	WCPFC8-2011/28 Rev 1
8.6.5 VMS SSP Bracketed text	WCPFC8-2011-DP/31 (USA)
8.6.6 Proposed Amendment to CMM 2007-02 VMS	WCPFC8-2011/40 (TCC7)
8.7 Record of Fishing Vessels-Standards, Specifications and Procedures	WCPFC8-2011/37
8.8 NZ Transhipment approval	WCPFC8-2011-DP/02 (NZ)
8.9 Kobe 3 Outcomes Capacity and IUU listings	WCPFC8-2011/29
8.10 Programme of Work for the Technical and Compliance Committee in 2012-2014	WCPFC8-2011/30; WCPFC8-2011-DP/08 (FFA); WCPFC8-2011-IP/08 (SEC)
8.11 Te Vaka Moana/Tonga Requested Paper on Albacore	WCPFC8-2011-IP/04
9. CONSERVATION AND MANAGEMENT MEASURES	
9.1 New CMMs	
9.1.1 CMM 2011-01 for Bigeye, Skipjack and Yellowfin tuna (CMM 2008-01)	WCPFC8-2011/31; WCPFC8-2011-DP/09 (FFA); WCPFC8-2011-DP/14 (USA); WCPFC8-2011/43 Rev 1 (SPC); WCPFC-2011/43 A; (Chair) WCPFC-

	2011-46 ; WCPFC8-2011-47(Sec) WCPFC-2011/43 B; WCPFC8-2011-DP/24 (EU) & WCPFC8-2011-DP/25 (EU); WCPFC8-2011-DP/35 Rev1; WCPFC8-2011-DP/38 WCPFC8-2011-DP/39 WCPFC8-2011-DP-42(PI) WCPFC8-2011-DP-45(NR WCPFC8-2011-IP-10(Sec) WCPFC8-2011-IP-11(Sec)
9.1.2 Closure of Purse Seine Fishing in Additional Areas	WCPFC8-2011-DP/01 (PNA)
9.2 Consideration of new measures and other conservation requirements	
9.2.1 Port State Measures	WCPFC8-2011-DP/07 (FFA);; WCPFC8-2011-DP/26 (EU) and WCPFC8-2011-DP/27 (EU)
9.2.2 Moved to 9.1.2	
9.2.3 Prohibition of Purse Seine Fishing Associated with Whale Sharks and Cetaceans	WCPFC8-2011-IP/01 (Rev 1) WCPFC8-2011-DP/15 (AUS) WCPFC8-2011-DP/16 (JAPAN) WCPFC8-2011-DP/17 (JAPAN)
9.2.4 Implementation of the ROP for Fresh Fishing Vessels North of 20°N	WCPFC8-2011-32 (NC7 Report Annex D); WCPFC8-2011-DP/12 (USA)
9.2.5 Implementation of an EEZ Entry and Exit Notification Scheme	WCPFC8-2011-DP/19 (France)
9.2.6 Catch Documentation Scheme	WCPFC8-2011-DP/04 (FFA); WCPFC8-2011-DP/28 (EU) and WCPFC8-2011-DP/29 (EU)
9.2.7 Oceanic Whitetip Shark	WCPFC8-2011-DP11 (USA)
9.3 Review of CMMs	
9.3.1 CMM 2009-03 Swordfish (para. 11 review in 2011)	
9.3.2 CMM 2009-08 Charter Notification (expires 2011)	WCPFC8-2011/33 Rev 1; WCPFC8- 2011-DP/05 (FFA); WCPFC8-2011- DP/13 (USA)
9.3.3 CMM 2010-06 IUU (para 15 and 25)	WCPFC8-2011-DP/21 (Kingdom of Tonga)
9.3.4 CMM 2010-03 Compliance Monitoring Scheme	WCPFC8-2011-DP/32; WCPFC8-2011-DP/33; WCPFC8-2011-DP/34
9.3.5 CMM 2010-05 South Pacific Albacore	WCPFC8-2011-DP/03 (FFA); WCPFC8-2011-IP/04
9.4 Report by PNA members on the Vessel Day Scheme	WCPFC8-2011-DP/23 (PNA Group)
10 AD HOC TASK GROUP-DATA	
10.1 Chartering State Data Access	
11 ANNUAL REPORT OF THE WORK OF THE COMMISSION	
11.1 Cooperation with other Organizations	WCPFC8-2011/35
11.1.1 WCPFC/IATTC Overlap Area	WCPFC8-2011/41 Rev 1
11.2 Future Work of the Commission	WCPFC8-2011/34

12 REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE	
12.1 Budget approval for 2012 and Indicative Budgets for 2013 and 2014	WCPFC8-2011-FAC5/12 Rev 2
12.2 Requirements for the hosting of meetings	WCPFC8-2011- FAC5/11
13. ADMINISTRATIVE MATTERS	
13.1 Election of Officers	
13.2 Venue for next meeting	
14. OTHER MATTERS	
14.1 Rationalisation of WCPFC meetings	WCPFC8-2011-DP/48 (FFA)
15. SUMMARY REPORT	
16. CLOSE OF MEETING	



**Eighth Regular Session
Tumon, Guam, USA
26–30 March 2012**

TOKELAU OPENING STATEMENT TO WCPC8

**WCPFC8-2011-DP-46
27 March 2012**

TOKELAU OPENING STATEMENT TO WCPC8

27th March 2012

Thank you Mister Chair.

Honorable Ministers, Heads of Delegations, Senior Fisheries Officials, Ladies and Gentlemen.

Greetings from Tokelau.

Firstly, I would like to acknowledge the passing away and burial for the late King of Tonga today. Our thoughts are with the Royal Family, the Nobles and the people and the Government of the Kingdom of Tonga. We also wish the new King and His Government all the best for the future.

Secondly, I would like to also acknowledge the support and the hospitality of the Government and people of Guam for hosting this Commission Meeting.

Finally, I would also like to acknowledge the commission's Executive Secretary and this team.

Mr Chair

Tokelau values its status as a participating territory in this Commission.

We take our responsibilities under the Convention seriously. As a small island developing territory that is overwhelmingly dependent on our EEZ fisheries for sustainable economic development, Tokelau is committed to ensuring that our fisheries are used sustainably and provide the greatest overall benefit to our people.

In partnership with New Zealand, Tokelau is in the process of implementing a new and more effective management regime for our EEZ fisheries.

In 2011 Tokelau adopted a new Fisheries Policy that provides us with a framework to better manage our fisheries. A new management plan for our EEZ fisheries will be completed by June 2012. The management plan will take into account and implement relevant Commission Conservation and Management Measures.

In developing and implementing a new management regime for our EEZ, Tokelau has taken into account the best available information, our Commission obligations, current bilateral and multilateral arrangements, and our situation as a small, vulnerable Pacific Island territory that, other than fisheries, has very few economic development opportunities.

We are also keenly aware of the need to manage emerging pressures on our EEZ fisheries. Fishing pressure in our waters is increasing due to overcapacity of fishing fleets and also as a consequence of fishing effort being displaced from parts of the Convention area with limits on catch or effort.

Management measures for purse seine fisheries

Tokelau is in the process of implementing the relevant provisions of CMM 2008-01. As part of this process, we have decided to impose an EEZ limit for purse seine fisheries. The EEZ limit has initially been set at 1000 vessel days. This limit may be subject to minor changes as a result of the Commission's decisions on the replacement of CMM 2008/01 and the renegotiation of the US Tuna Treaty. It is our intention that Tokelau's purse seine fisheries be managed under a regime that is fully compatible with the PNA's Vessel Day Scheme. I can advise the Commission that Tokelau has recently gained PNA observer status.

The purse seine management regime will be phased-in over 2012, and should be fully operational as of 1 January 2013. During 2012 the EEZ limit of 1000 vessel days will be applied indirectly by limiting bilateral purse seine licenses to 20.

At significant cost Tokelau has implemented a 3-month FAD closure throughout our EEZ from July through September, starting in July 2011. In addition, we intend to put in place a management regime for purse seiners operating in our EEZ that requires retention of all catch, real-time reporting, and 100% observer coverage, and prohibits transhipment at sea.

Management measures for longline fisheries

Over the next 12 to 24 months Tokelau will be establishing limits for the albacore, bigeye and yellowfin tuna longline fisheries in our EEZ. In doing so, we will be working with other FFA members with an interest in these fisheries.

Consistent with the principles of responsible fisheries management Tokelau has imposed voluntary constraints in the form of license limits on its longline fisheries for 2012.

Impacts of Management Measures

Tokelau is fully prepared to contribute its fair share to the conservation and management of the purse seine and longline fisheries. Mr Chairman, Tokelau has observed measures that have had a disproportional impact on Small Island Developing States. In this regard we would like to work with the commission members and the secretariat to ensure the rights of Small Island developing states are recognised and protected.

I would like to point out that implementation of Commission measures imposes a huge burden on our very small island territory. However I can assure you that we are trying our very best and, with the support of the FFA and the Commission, I am sure we can remain in compliance with our obligations. We were heartened by the recent Technical and Compliance Committee's positive assessment of Tokelau's efforts under the Commission's new compliance monitoring scheme.

Reporting and participation

In keeping with our obligations under the Convention, Tokelau will continue to provide catch and effort data and MCS information to the Commission's technical committees, as well as our annual reports.

We will keep the Commission advised of developments such as our EEZ management plan, EEZ limits set for longline fisheries, and other information that is material to the function of the Commission.

Tokelau looks forward to contributing to the work of the Commission as an active and responsible participating territory. We will be working constructively with other members of the Commission to enhance and implement new management measures, including the critically important replacement for CMM 2008 / 01.

Mister Chair I wish you and all members all the very best for a productive and successful meeting.

Fakatahi !



**COMMISSION
EIGHTH REGULAR SESSION**

Tumon, Guam, USA
26-30 March 2012

WWF-SPA-Policy Brief

**WCPFC8- 2011-OP/10
24 March 2012**



POLICY
BRIEF
MARCH
2012



A photograph showing a person in a small, dark boat on a vast, calm sea under a dramatic sunset sky. The horizon is visible in the distance, and the water reflects the warm orange and yellow hues of the setting sun.

South West Pacific Longline Caught Albacore: Going, Going, Gone?

Prepared for the Western and Central Pacific Fisheries
Commission Meeting. Guam, March 25-29th 2012.



A Policy Brief prepared by Richard Banks, Poseidon,
Katherine Short, WWF New Zealand and
Seremaia Tuqiri, WWF South Pacific Programme Office
for the Western and Central Pacific Fisheries Commission Meeting
Guam, March 25-29th 2012.



Cover Photo: Gilbertese fishermen at Gizo, Solomon Islands © Edward Parker / WWF-Canon

Contents

Executive Summary	4
Trends in longline fishing in the Western and Central and Southern Pacific Ocean.....	6
The status of the southern Pacific albacore stock	12
Distortions to fleet economics	14
The status of other target species and bycatches	16
<i>Target species</i>	16
<i>Sharks</i>	17
<i>Turtles</i>	19
Fishery management measures	20
<i>The Measures</i>	20
<i>The effectiveness of the measures on the context of the longline fishery</i>	23
A critical assessment of fishery performance using Marine Stewardship Council guidance	25
Who cares and why	27
Recommendations	28
References	29

Executive Summary

WWF (World Wide Fund for Nature) recognises the legitimate aspirations of Pacific Small Island Developing States (SIDS) to increase the value from tuna fisheries in their exclusive economic zones. There is however, considerable concern about the rapid growth in the longline fleets from both the Peoples' Republic of China (PRC) and Chinese Taipei (i.e. as referred to in WCPFC) in the Western and Central Pacific amongst WWF, Western and Central Pacific Ocean (WCPO) fishery managers, and domestic vessel owners in these SIDS. Of the total South Pacific Albacore (SPA) catch of 75,000 tonnes (2010), Chinese and Chinese Taipei catch has increased from 24,000 (2000-2004) to 53,000 tonnes. This catch is derived from around 300 vessels registered in China and Chinese Taipei, but also a growing fleet of 300 plus vessels now fishing under charter, or reflagging to the Solomon Islands, Vanuatu, the Republic of the Marshall Islands (RMI), Federated States of Micronesia (FSM), Fiji, Cook Islands, Papua New Guinea (PNG) and Kiribati.

Growing China and Chinese Taipei fishing activity is believed to have increased both in response to a rapid building strategy of new cost efficient vessels, to economic incentives and support and to fleets transferring from the Indian Ocean, in response to the piracy problems there. As well as finding homes in Pacific Island Countries (PICs), these vessels are also increasing their effort on the high seas, which makes up around half of the total WCPO catch.

This growth in effort is leading to localised depletion of the adult stock, and increased effort south of 20°S, on the juvenile migrating stock, which is contributing to a reduction in biomass, and with the stock rapidly approaching MSY. Equally, all fleets are now experiencing significant reductions in catch per unit effort (CPUE) in response to an increase in adult fishing mortality. The effectiveness of the Western and Central Pacific Fisheries Commission (WCPFC) Conservation and Management Measure (CMM) 2005-02, as amended in 2010, to protect the southern Albacore stock, is now questionable, albeit that the scientists still maintain that the stock remains within biological limits.

This increase in effort will also likely have a significant impact on the other target species - bigeye and yellowfin tunas. The achievement in reducing effort by the Japanese and Korean longline fleet on these stocks could well be undermined by the increasing catches from China and Chinese Taipei. This increase in longline activity also poses an increasing threat to oceanic shark populations caught as bycatch and which now appear to be showing signs of rapid depletion. Similarly, fishery impacts on turtles and birds require constant monitoring.

Again, whilst fully supporting the legitimate aspirations of SIDS, within a robust and responsible sustainability framework to develop domestic fisheries – as required under CMM 2005-02/2010-05 - anecdotal industry evidence indicates that there is a serious

problem with over-licensing in a number of WCPO SIDS. WWF supports the efforts of the Forum Fisheries Agency (FFA), Te Vaka Moana, (TVM) and its member countries, the Parties to the Nauru Agreement (PNA), the Melanesian Spearhead Group (MSG), other PICS with target albacore fisheries, the Pacific Islands Tuna Industry Association (PITIA) and other non-aligned Parties to strengthen the management strategy for the albacore longline fishery and to address the related species interaction issues. Measures aimed at introducing effective capacity limits and effort management must be urgently addressed by WCPFC and the region's domestic fisheries managers.



Trends in Longline Fishing in the Western and Central and Southern Pacific Ocean

Longlining in the Southern Pacific Ocean now accounts for 9% of the total WCPO tuna catch. The Pacific longline fleet is made up of around 1,150 vessels, comprising several different groups:

1. domestic fleets operating from some of the Pacific countries (Australia, Fiji, French Polynesia, Cook Islands, New Caledonia, New Zealand, PNG, Samoa, Tonga and American Samoa);
2. distant water fleets operating from Japan, Korea, China and Chinese Taipei; and,
3. Chinese Taipei or Chinese owned and operating under charter¹, or flagged and registered into a number of PICs.

The distant water vessels fish on the High Seas and inside the Exclusive Economic Zones (EEZs) of Solomon Islands, Kiribati, Federated States of Micronesia, Republic of the Marshall Islands and Tuvalu, whilst charter vessels are active in the waters of the Solomon Islands, Vanuatu and Cook Islands and Fiji. That said the dynamics of fishing operations are changing rapidly. Table 1 below shows the number of longliners fishing in the WCPO.

Table 1: The WCPO Longline fleet by country

Country	2005	2010	2011 (est)
China	212	219	219
Chinese Taipei	133	90	90
Cook Islands	24	17	15
FSM	33	23	23
Fiji	103	104	109
French Polynesia	72	62	62
Japan	235	171	171
Kiribati			5
Korea	153	122	122
RMI	1	4	4
New Caledonia	23	18	18
New Zealand	57	44	44
Niue	7	5	5
PNG	46	27	27
Samoa	39	61	61
Solomon Islands	5	148	150
Tonga	13	5	5
USA	36	37	37
Vanuatu	73	65	65
Total	1,265	1,222	1,232

Source: WCPFC Year Book, 2010. 2011 data accessed from national sources, when available.

¹ A definition of charter in the context of the application of conservation and management measures is as follows: For the purposes of these measures, vessels operated under charter, lease or other similar mechanisms by developing island States and participating territories, as an integral part of their domestic fleet, shall be considered to be vessels of the host island State or territory'. (WCPFC CMM 2008-01)

It is noteworthy that there may be various sources of data available, and the complexity of these data sets may cause significant problems for the implementation of CMMs, in future. Box 1 captures some of the distinguishing features of these inconsistencies.

Box 1: Vessel registration and licensing issues

The WCPFC Yearbook is derived from information received from the licensing authority. In specific cases, for example: Chinese Taipei, small scale longliners (<100 GRT) are not listed by the national authorities (Williams, SPC, pers comm, March 2012).

The FFA 'Vessels of Good Standing'² list records vessel by Flag state, and this data is used to support the PIC Vessel Monitoring System (VMS). However, some of these vessels will be licensed by the PIC management authority under charter arrangement and monitored as part of the FFA VMS system, whilst others will be monitored by the respective Cooperating Commission Member (CCM). For example, the Solomon Islands charter fleet includes vessels flagged from China, Chinese Taipei and Vanuatu (MFMR, 2011), but not from the Solomon Islands itself. Some of the vessels on the FFA register include those under 100 GRT, for example, 63 from Chinese Taipei, and 9 from China. Some of the vessels may only fish on the High Seas (Ramesh Chand, FFA, pers comm, March, 2012).

Other foreign flagged vessels from China, Chinese Taipei, Korea and Japan may re-flag into specific states e.g. Vanuatu, FSM, RMI, PNG and more recently Kiribati. The decision on flagging is usually linked to corresponding licence fees and whether alternative 'domestic charter' or a bilateral agreement provides for a better discount against other alternatives. Other license conditions such as landing into a PIC may also apply. For example, industry sources confirm that the Solomon Islands and Tonga also provide a discount in their licensing fees to vessels landing into domestic processing operations.

The WCPFC register³ lists a very large number of vessels (3,847) that are entitled to fish on the WCPO High Seas, but are not necessarily operational in the WCPO. Chinese Taipei for example lists 1,890 vessels, some of which are small scale and others are fishing in other Oceans. WCPFC CMM 2007-02 requires that all vessels operating on the High Seas (south of 20°N) are required to carry VMS. Indications from South Pacific Commission (SPC) data are that the number of active vessels is consistent with the FFA Vessels of Good Standing. Some of these vessels may be licensed by the PIC to fish inside their EEZ, but by the CCM, to fish on the high seas.

Industry sources allege that some vessels appear to also be licensed in more than one PIC and CCM. Some of the vessels that are flagged in Vanuatu may also hold Solomon Islands domestic licences, but may also hold Vanuatu licenses, and be licensed to fish

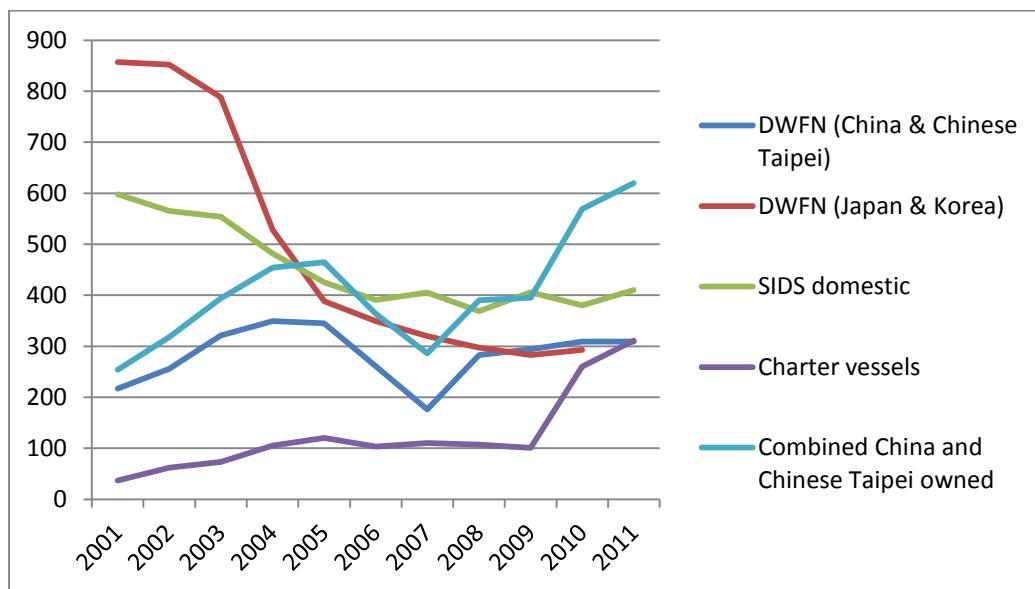
² <http://www.ffa.int/node/42>

³ <http://www.wcpfc.int/record-fishing-vessel-database>

on the high seas by the Vanuatu Government. The Solomon Island licensed vessels, flagged in China and Chinese Taipei may also fish in the High Seas under their respective flag state licenses (China and Chinese Taipei). Industry sources also believe that some Pacific Island States, may be issuing High Seas licenses and also state that making license information public is essential for responsible management.

Figure 1 extrapolates information of historic trends in vessel numbers, largely extracted from the WCPFC Yearbook, but in the case of charter vessels relies on industry sources to define the list of charter and reflagged vessels, with non-PIC ownership.

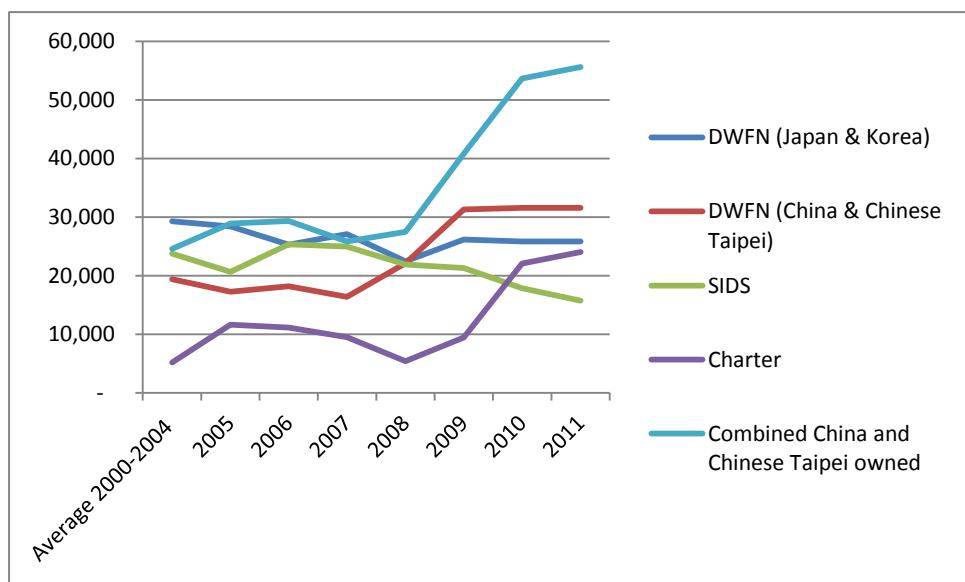
Figure 1: Changes in fleet composition (2001-2011)



Source: WCPFC Yearbook, and FFA vessels of Good Standing (2009-2011)

Catches by the longline fleet are broken down according to one of the three species target: albacore, yellowfin tuna and bigeye tuna, with an added assortment of bycatch. The Japanese and Korean vessels are dependent on yellowfin and bigeye tuna, whilst the South Pacific country longline fleets and longliners from China and Chinese Taipei are dependent on albacore with a bycatch of yellowfin and bigeye. It is this fishery that this report focuses on. The trends in albacore catch are summarised in Figure 2 below for each of the target species and vary by the aforementioned fishing groups.

Figure 2: Catch trends, 2000-2011⁴



Source: Extrapolated from SPC and PIC data

The major features from the fleet (Figure 1) and catch (Figure 2) trends are as follows:

- the steady reduction in Japanese and Korean fleet size (Figure 1); and albacore catches (Figure 2), runs parallel to their reduced catch and effort of yellowfin and bigeye;
- the reduction in domestic Pacific island fleet catches, largely in response to a decline in CPUE across the range of the fleets;
- the growth in Chinese and Chinese Taipei CCM fleet (by an estimated 300 or more) and catches from around 2007 onwards but a leveling off from 2009;
- the almost similar rate of growth by charter/foreign flagged vessels, with a lag of one year from the Chinese and Chinese Taipei increase, but a continued increase in these catches after the Chinese and Chinese Taipei national catches leveled off, with these companies using country charter agreements to ease their fishing access into PICs.

The large scale increase in vessel numbers is confirmed by the 881 (March 2012) ‘Vessels of Good Standing’ as compared with 671 vessels⁵ (June, 2009). Newer vessels are almost entirely from China and Chinese Taipei.

Box 2: Catch and effort data issues

There is evidence that the data from Chinese Taipei, Korea and China includes the catch from PIC charter vessels in their aggregate catch/effort data provisions to the WCPFC. The Solomon Islands notified the WCFPC Secretariat 480 (SC7) that a number of foreign-flagged vessels licensed to fish in the Solomon Islands waters should be

⁴ National catches derived from SPC information. Charter vessels identified from industry sources from FFA ‘Vessels of Good Standing’. Charter vessel catches extrapolated from aggregate national catch data and estimates of Chinese Taipei and Chinese vessels in each country.

⁵ <http://www.ffa.int/node/42>

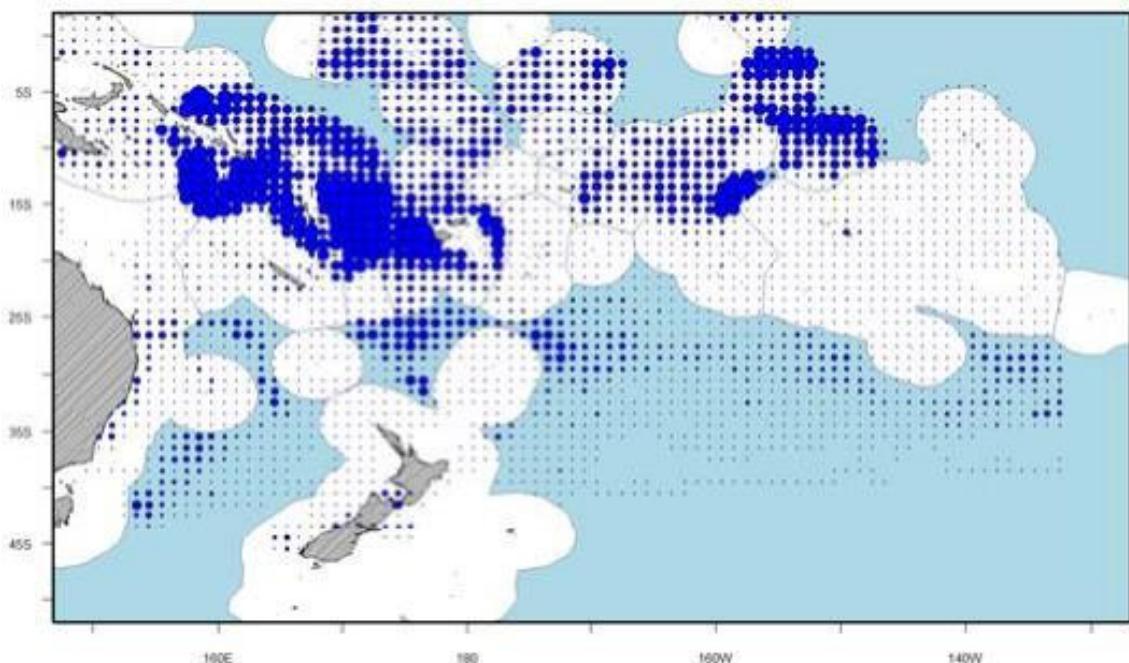
considered as chartered to the Solomon Islands. The flag states of these vessels were subsequently contacted and, in at least one case, there appears to be double-counting of catches of these chartered vessels in their annual catch estimates and aggregate catch/effort data which will need to be resolved.

Paragraphs 485 - 487 of the SC7 report also dealt with a specific issue between China and Kiribati. China claimed that the catches by their flagged vessels in Kiribati waters should be attributed to Kiribati, but Kiribati claimed that they had no charter arrangement with China(TCC7).

One clear issue on data relevance is that Chinese vessels need to be compliant with CMM 2005-02, which sets a requirement prohibiting additional effort from SIDS South of 20°S . They have circumvented the requirements to maintain effort at historic levels by transferring to SIDS flags.

Around two thirds of longline effort and albacore catch in the South Pacific comes from the EEZs (WCPFC8- 2011-IP/04). Activity in the southern High Seas has increased in recent years, but this is also evident in the EEZs, particularly in the Solomon Islands (110,000 VMS days). High seas increases can be noted in the High Seas areas I7 (15,000 VMS days), I8 (3,000 VMS days, and I9 (3,500 VMS days)⁶, some of which is South of 20°S . As will be explained later, this demarcation line represents a chosen division between the adult (North) and juvenile (South) species.

Figure 3: Fishing effort by the albacore longline fleet in the WCPO



Source: WCPFC8- 2011-IP/04

⁶ I7 = high seas area to the east of Australia and New Zealand, I8 = high seas pocket between Fiji and Vanuatu, I9 = high seas pocket between the Cook Islands and French Polynesia

Some of the effort occurs inside the respective EEZs, but others, especially those vessels from Vanuatu, fish extensively on the High Seas (between 5,000-7,000 tonnes⁷), and in other country EEZs. Fiji based vessels also catch around 1,000 tonnes annually in the High Seas. It is not known whether this activity has flag state approval, but aside from the rapid increase in in-zone catches, high seas effort has increased significantly.

In addition to these features SPC reports additional catches by Chinese vessels south of 20° S.



⁷ SPC data

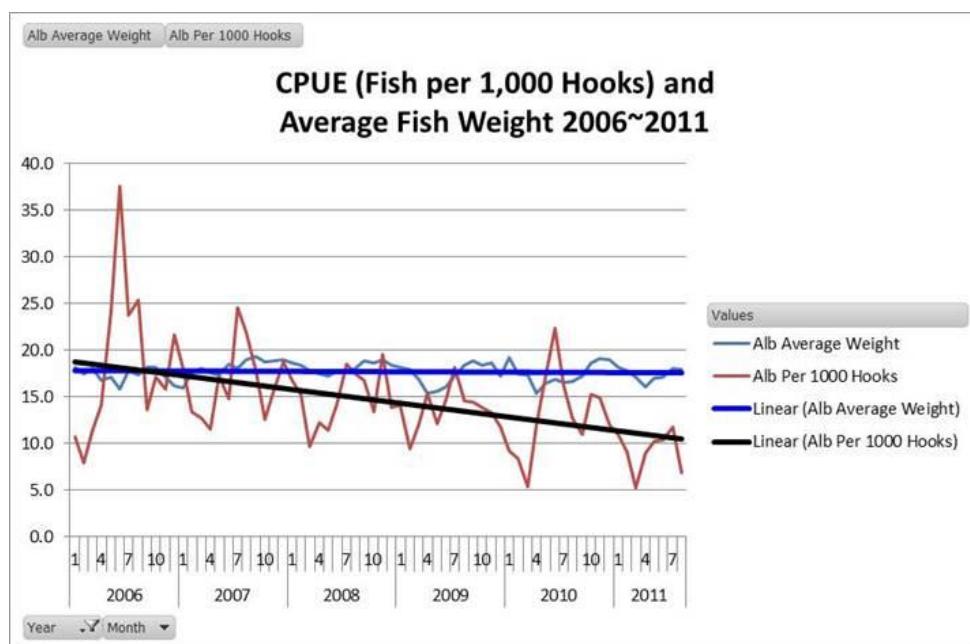
The Status of the Southern Pacific Albacore Stock

Mature albacore, above a minimum fork length (FL) of about 80 cm, spawn in tropical and sub-tropical waters between latitudes 10°S and 25°S during the austral summer (Hoyle, 2011). Juveniles are recruited to surface fisheries in New Zealand's coastal waters, and in the vicinity of the subtropical convergence zone (STCZ, at about 40°S) in the central Pacific, about one year later at a size of 45-50 cm FL. From this region, albacore appear to gradually disperse to the north, but may migrate seasonally between tropical and sub-tropical waters.

Current evidence (Hoyle, 2011) suggests that the stock is neither suffering from overfishing nor is it overfished. There is no indication that current levels of total catch are not sustainable with regard to recruitment overfishing, however there is evidence that the high level catches in recent years has led to a reduction in CPUE, and biomass estimates have continued to decline and catch is now close to Maximum Sustainable Yield (MSY) of 85,200mt, implying that if the catch is increased, then biomass will decrease to MSY. Industry report localised depletion.

Declines in overall biomass of the stock will influence abundance and catch rates. Figure 4 below confirms the impact on fishing already occurring in Fijian waters (Solander Pacific, 2011). These confirm both a contraction of the “aggregations” in size and smaller aggregations coming through and with bigger gaps (time) between them (Solander Pacific, 2011).

Figure 4: Example of longline catch and effort



Source: Solander Pacific.

It is also noteworthy that while current catch levels from the South Pacific albacore stock appear to be sustainable, given the age-specific mortality of the longline fleets, any significant increase in effort would reduce CPUE to low levels with only moderate increases in yields. CPUE reductions may be more severe in areas of locally concentrated fishing effort (WCPFC 2010-05).

In addition, while future increases in albacore catch are likely to be sustainable, SPC estimates of MSY are highly uncertain because of the extrapolation of catch and effort well beyond any historical levels. Projections demonstrated that longline exploitable biomass, and hence CPUE, would fall sharply if catch and effort were increased to MSY levels. Therefore, the economic consequences of any such increases should be carefully assessed beforehand.

The WCPFC has not adopted formal reference points. However stock assessments conducted by SPC use B_{MSY} and F_{MSY} as limit reference points and provide advice to the Commission in this context. In 2009 a special workshop on reference points was held by the WCPFC Scientific Committee's Methods Specialist Working Group. This was also superseded by identifying candidate limit reference points for the key target species in the WCPFC (WCPFC SC7-2011/MI-WP-01). It is expected that the Scientific Committee will make recommendations on appropriate provisional limit reference points for the key target species to the WCPFC in 2012. WWF notes, however, that reference points have been under consideration in the WCPFC since 2006 and, that while the Scientific Committee may make recommendations to the Commission in 2012 on appropriate reference points, there can be no certainty that the Commission will formally adopt them.



Distortions to Fleet Economics

Industry sources claim that there are distinct differences in net economic rents between the participants in the fishery. This has a significant bearing on the economic performance of the respective fleets, especially given the changes to CPUE. These distortions allow some groups to operate more profitably than others and to sustain the rents, thus stimulating further investment.

Rents may vary due to a number of reasons:

- Domestic owned vessels may be subject to domestic taxes, e.g. taxes on imported equipment, other inputs such as fuel and bait, and Value Added Tax; and,
- Distant water fleet subsidies for fuel and new builds

It is also noteworthy that the development of a smaller type longliner is fuelling the increase in Chinese and Chinese Taipei vessel numbers. (Box 3).



A Chinese Fishing Vessel © Richard Banks

Box 3: The dynamics in change towards smaller scale longliners

Dr. Ziro Suzuki, Tuna Scientist, ATuna, February, 2012

Newer vessels are now able to freeze on board at minus 60°, allowing them to capitalise on good quality yellowfin and bigeye bycatch for the sashimi market. A newer class of refrigerated containers, the 'super container' and the 'magnum container' allow product to be kept frozen at minus 60° and minus 35° degrees respectively. These containers can be carried on smaller container ships which are readily accessible in port hubs throughout the Pacific. This is likely to reduce the dependency on landings direct into Fiji, and give some favour to Honiara. This change

has also revolutionised the economics of the Albacore longline sector. Small long-line vessels have been rapidly increasing their catching ability in recent years, and are substantially cheaper to build. Such a vessel can be built for around US\$1m compared to US\$ 7.8 m for vessels larger than 40 m.

Charles Hufflett, Solander, OPRT, Dec, 2011

There has been a complete change in the demographics of surface longlining since the advent of super freezer (minus 60C) shipping containers and the introduction of more simple fishing gear. Previously, large super freeze fish carriers were needed to deliver to the market – these, now, have been replaced by super freeze containers which can be readily located in even the most isolated of Pacific ports. Thus, there has been a "revolution" in the transport system, paving the way for small vessel operation and mobility.

A typical vessel of less than 24 metres long can have a hold capacity of 130 cubic metres and can set in excess of 3000 hooks daily. These vessels can be mass produced in either fibreglass or steel and fitted with high speed industrial main engines. The effect is to provide for the creation of large efficient fleets that are highly mobile and can relocate worldwide at short notice.

Industry sources claim that China is offering economic incentives to remain on the Chinese flag and to create a catch history.

This new logistical and vessel infrastructure and the related changing fleet dynamics point to there being nowhere to hide for South Pacific Albacore.



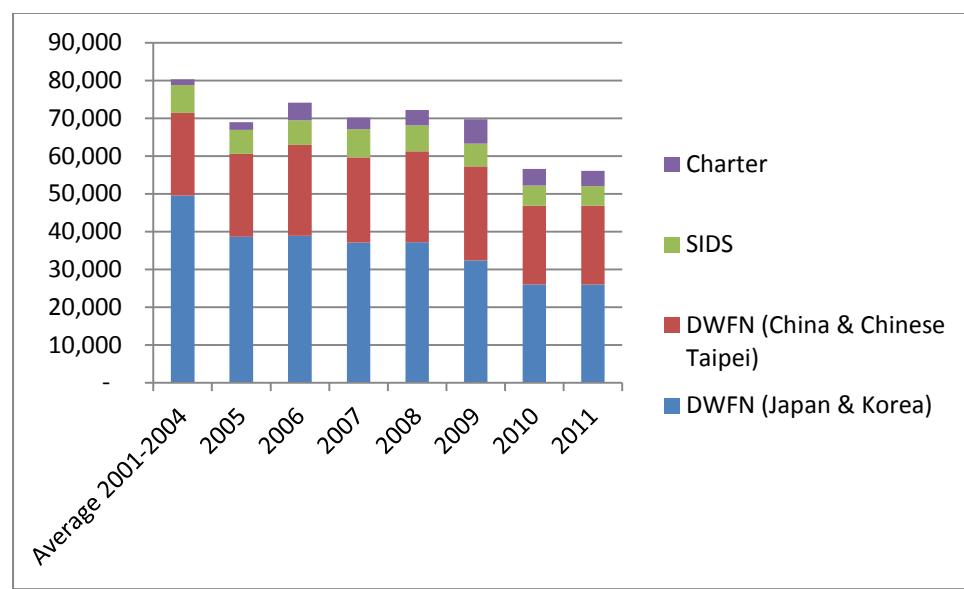
The Status of Other Target Species and Bycatch

Target Species

Aside from the changing status of albacore, increased effort has had some profound changes on other target species, most of which are subject to other management actions. Overall catches of yellowfin tuna (Figure 5) have declined by 30%. Japanese and Korean catches of yellowfin and bigeye demonstrate sharp reductions, but additional catch of yellowfin by the other groups has to date been minimal. In contrast, overall catches of bigeye have fallen by only 7%, with a decline in catch taking place up to 2008, the point at which Chinese and Chinese Taipei vessels started entering the fishery. The current catch trends for bigeye tuna (Figure 6) show an increase over and above 2005 catch levels, but below the average 2001-2004.

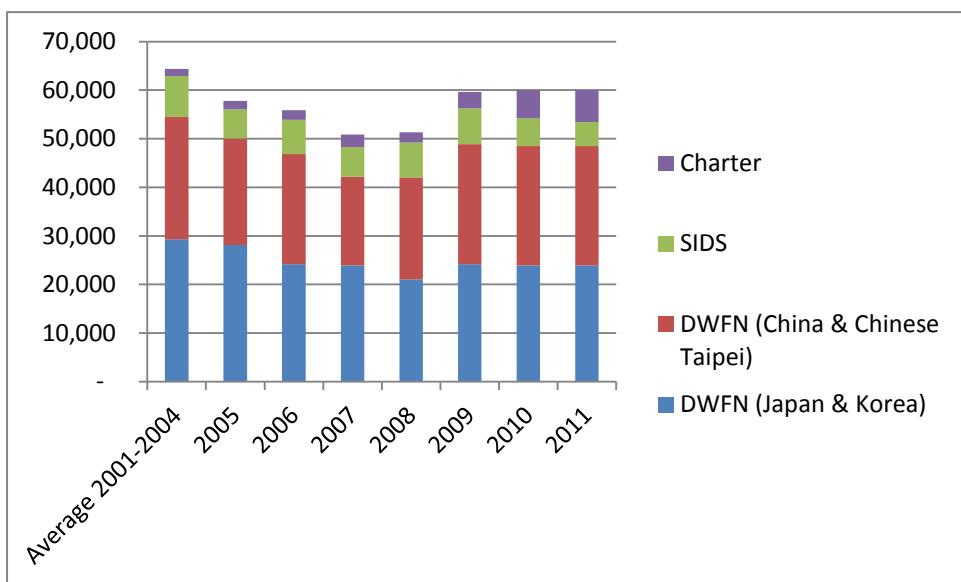
Conservation non-government organisations have produced a Compendium of Bycatch Conservation Management Measures to address the impacts of species bycatch in RFMOs. WWF urges WCPFC to draw on this in improving bycatch reduction measures for SPA.

Figure 5: Longline catches of yellowfin tuna up until 2011



Source: Extrapolated from SPC and PIC data

Figure 6: Longline catches of bigeye tuna



Source: Extrapolated from SPC and PIC data

Sharks



Grey Reef Shark © Cat Holloway / WWF-Canon

Other species are caught as a bycatch in longline fisheries, but the main area of concern is the oceanic shark species. The predominant species caught are blue sharks, silky sharks, oceanic whitetip, shortfin and longfin makos, with smaller numbers of pelagic threshers and hammerheads. Whilst these species are comparatively

small in percentage terms, the number of sharks caught is high. Lawson (2011) demonstrates an average 2 million sharks caught by long line gear, with corresponding sharp declines in CPUE estimated at 30% over the last 10 years. Clarke (2011) identified changes in exploitation patterns for many of the species caught in WCPO waters by the longline fishery.

From this analysis, there is increasing evidence that two of these shark species, oceanic whitetip (*Carcharhinus longimanus*) and silky sharks (*Carcharhinus falciformis*) are experiencing rapid declines. Even blue shark, previously judged to be fairly robust appears to be suffering from a decreasing a reduction in average fish size⁸.

⁸ Fish size can indicate changes in the age and size composition of the population, in particular, a decrease in size is expected in a population under exploitation (Goodyear, 2003), cited in Clarke, 2011.

A risk assessment, undertaken by WWF (Table 2) identified various oceanic species at medium to high risk.

Table 2: Stock Conditions and/or Ecological Risk Assessments of Tuna Longline Bycatch

Species	Stock Condition	Ecological Risk Assessment (ERA Vulnerability)
Silky Shark <i>(Carcharhinus falciformis)</i>	Longline CPUEs are generally stable (Lawson, 2011). However, steep declines from peak abundances in 2006-2008 are observed in subsequent, recent years (Clarke, 2011). The longline fishery standardized trends were declining for both sexes in all regions, with statistically significant trends for both sexes in Fijian waters (SPC Region 5) (Clarke, 2011)	Productivity - High Susceptibility - Medium to High
Oceanic Whitetip Shark <i>(Carcharhinus longimanus)</i>	Longline catches indicate steep declines, falling by 70% since 1998 (Lawson, 2011). These indicate very steep declines. The estimated trends in median length were declining for both sexes for all regions, with statistically significant trends for females (Clarke, 2011).	Productivity - High Susceptibility - Medium
Pelagic Thresher <i>(Alopias pelagicus)</i>	Decreasing median size trends, particularly for females in Region 3 and for males and females in Region 4, both of which showed significant declines (Clarke, 2011).	Productivity - High Susceptibility - Medium
Shortfin Mako Shark <i>(Isurus oxyrinchus)</i>	Longline CPUE fallen by 10% since 2010 (Lawson, 2011). Male mako shark median lengths appear to be at or near the length at maturity, the entire 90% confidence interval for female mako sharks lies below the length at maturity. Observer data indicates trends toward decreasing size (Clarke, 2011).	Productivity - High Susceptibility - Medium to High
Longfin Mako	Longline CPUE fallen by 31% since 1998.	Productivity - High Susceptibility - Medium to High
Blue Shark <i>(Prionace glauca)</i>	Longline CPUEs fallen by 89% since 1998. Subject to localised depletion. Most but not all trends toward decreasing size (Clarke, 2011).	Productivity - Medium to High Susceptibility - Medium to High
Other species	Data deficient for Bigeye Thresher, Bronze Whaler, Great Hammerhead, Smooth Hammerhead and Scalloped Hammerhead. Scallop and Great Hammerhead sharks are classified by IUCN as endangered.	Productivity - High Susceptibility - Medium to High

Source: WWF, 2012, extracted from SPC and PIC data.

Turtles



Hawksbill Turtle © naturepl.com / Doug Perrine / WWF

In the WCPO five species are generally encountered in longline fisheries, namely: green (*Chelonia mydas*), loggerhead (*Caretta caretta*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*) and olive ridley (*Lepidochelys olivacea*) turtles. These species are

generally long lived and reach sexual maturity at between 6-30 years old (SPC, 2001). Large turtles have few natural predators and longline bycatch can result in high levels of fishing mortality on the large sub-adults and adults (Lewison and Crowder, 2007). All of the species listed above are threatened with extinction and the IUCN (2008) lists olive ridley turtles as vulnerable; loggerhead and green turtles as endangered; and hawksbill and leatherback turtles as critically endangered.

Sea turtle capture rates are incredibly variable and reported positive capture rates from 0.002 to 0.032 turtles/1000 hooks have been reported (Table 3).

Table 3: Life status of marine turtles encounters observed in WCPO longline sets by sub-area (1990-2007)

Area	Observed sets	Turtles	Released (%)	Healthy	Injured/stressed	Barely alive	Not specified	Not specified	DEAD
WTP (10°N-10°S)	8,003	262	91%	27%	12%	5%	16%	4%	36%
WSP (10°S-35°S)	7,935	66	92%	62%	12%	5%	9%	3%	9%
WTEP (south of 35°S)	8,925	19	89%	26%	5%	0%	42%	21%	5%

Source: WCPFC SC5 2009 EBWP07

A range of mitigation actions are provided in CMM 2008-03 (Box 4).



Fishery Management Measures

The Measures

The principal measures that have been specifically laid down as conservation tools are highlighted in Box 4.

Box 4: Critical features of the WCPFC CMMs to Longline activity in the WCPO

CMM 2005-02/2010-05, Conservation and management measure for South Pacific Albacore

- The CMM was originally put in place to prevent vessels fishing northern albacore shifting effort to southern albacore.
- Restrictions apply to Commission Members, Cooperating Non-Members, and participating Territories (CCMs) for South Pacific albacore in the Convention Area south of 20°S above current (2005) or recent historical (2000-2004) numbers of fishing vessels.
- The CMM shall not prejudice the legitimate rights and obligations under international law of small island developing State and Territory CCMs in the Convention Area for whom South Pacific albacore is an important component of the domestic tuna fishery in waters under their national jurisdiction, and who may wish to pursue a responsible level of development of their fisheries for South Pacific albacore.
- CCMs that actively fish for South Pacific albacore in the Convention Area south of the equator shall cooperate to ensure the long-term sustainability and economic viability of the fishery for South Pacific albacore.
- CMM 2010-05 gives a commitment for strengthening the collection of data.
- This measure will be reviewed annually on the basis of advice from the Scientific Committee on South Pacific albacore.

CMM 2008-01, Conservation and Management Measure for Bigeye and Yellowfin tuna

- The total catch (20N-20S) of bigeye tuna by longline fishing gear will be subject to a phased reduction such that by 1 January 2012 the longline catch of bigeye tuna is 70% of the average annual catch in 2001-2004 or 2004⁹.
- The catch of yellowfin tuna is not to be increased in the longline fishery from the 2001-2004 levels

⁹ These require 70% reductions in bigeye tuna catch by the longline vessel bilateral partners, throughout the range of the fishery, from 29,248 for Japan; 21,449 for Korea; and 20,992 for Chinese Taipei (Appendix F, CMM 2008-1)

- Each member that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next 3 years (2009, 2010 and 2011).
- Vessels operated under charter are considered to be vessels of the host island State or territory.
- The limits for bigeye tuna shall not apply to small island developing State members and participating territories in the Convention Area undertaking responsible development of their domestic fisheries.
- More generally, SIDS' domestic fleets are exempt from the provisions of CMM 2008-01, including the yellowfin tuna longline tuna catch limits.

CMM 2008-03, *Conservation and management of sea turtles*

- CCMs with longline vessels that fish for species covered by the Convention shall ensure that the operators of all such longline vessels carry and use line cutters and de-hookers to handle and promptly release sea turtles caught or entangled.
- CCMs with longline fisheries other than shallow-set swordfish fisheries are urged undertake research trials of circle hooks and other mitigation methods in those longline fisheries.

CMM 2010-07, *Conservation and management measure for sharks*

- Commission Members, Cooperating non-Members, and participating Territories (CCMs) shall implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA Sharks).
- CCMs shall advise the Commission on their implementation of the IPOA Sharks, including, results of their assessment of the need for a National Plan of Action and/or the status of their National Plans of Action for the Conservation and Management of Sharks.
- National Plans of Action or other relevant policies for sharks should include measures to minimize waste and discards from shark catches and encourage the live release of incidental catches of sharks.
- CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.
- CCMs shall take measures necessary to prohibit their fishing vessels from retaining on board, transhipping, landing, or trading any fins harvested in contravention of this Conservation and Management Measure (CMM).

- In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.
- CCMs shall take measures necessary to prohibit their fishing vessels from retaining on board, transhipping, landing, or trading any fins harvested in contravention of this Conservation and Management Measure (CMM).
- In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.

Members of the FFA Sub-Committee on South Pacific Tuna & Billfish fisheries are in the process of discussing arrangements for zone-based management of the albacore fishery, along with the associated bycatch of yellowfin and bigeye tuna. Discussions relate to determining:

- catch shares, using a hybrid approach from which each country chooses the criterion that best suites them, from catch, CPUE, and EEZ biomass;
- the selection of reference points¹⁰, and most specifically the need to take account of economic reference points in order to prevent a decline in CPUE, where it is imperative to retain a healthy biomass, as per the northern longline fisheries;
- limits under collective or sub-regional longline zone-based management limits: including a longline VDS or a total allowable catch (TAC) option. Both would seek to apply 100% in-zone limits but more limited allocations to the high seas (in the range of 50%-70%).

The Sub-Committee resolved to set catch shares based on Part Allowable Effort (PAE) catch limits (tonnes), as opposed to vessel days. These were adjusted to suit the current albacore MSY of 85,000mt.

The Sub-Committee is scheduled to examine stock-based reference points and develop catch-based EEZ limits at their May/June 2012 meeting.

It is noteworthy that a flaw in the process is that the setting of limits on albacore, fails to take account of the yellowfin and bigeye bycatch, and at least some obligation to limit effort on these stocks.

¹⁰ In 2009 a special workshop on reference points was held by the WCPFC Scientific Committee's Methods Specialist Working Group; this was also superseded by identification of candidate limit reference points for the key target species in the WCPFC (WCPFC SC7-2011/MI-WP-01). It is expected that the Scientific Committee will make recommendations on appropriate provisional limit reference points for the key target species to the WCPFC, meeting in 2012. It is noteworthy however, that reference points have been under consideration in the WCPFC since 2006 and, that while the Scientific Committee may make recommendations to the Commission in 2012 on appropriate reference points, there can be no certainty that the Commission will formally adopt them.

The effectiveness of the measures on the context of the longline fishery

WCPFC CMM 2005-02/2010-05 - Conservation and management measure for South Pacific Albacore

Unlike the evaluation of CMM 2008-01, there has not been a study on the effectiveness of CMM 2005-2. The analysis above suggests the following:

- There has been some increase in effort by vessels south of 20°S, especially in the High Seas areas I7, I8, I9. Indications are that these are Chinese flagged¹¹ vessels which might include vessels operating from Fiji.
- It may also be the case that vessels operating under flags of China and Chinese Taipei and based in Vanuatu, have been fishing in the same area. These vessels are technically qualified as PIC registered, but clearly represent an increase in southern Albacore effort, which is against the spirit of the measure. This could also suggest that any CCM vessel could reflag to a PIC, to then conform to the measure.
- The South Pacific northern albacore is experiencing localised overfishing, and these problems are being exacerbated in country waters with high and growing levels of fishing activity, e.g. the Solomon Islands and Fiji, as shown in Figure 1 with a doubling in size of Chinese and Chinese Taipei vessels (both flagged and chartered). Effort could also easily be displaced to currently under-utilised waters such as the Tongan and smaller PIC EEZs. The economic distortions continue to allow growth in Chinese and Chinese Taipei vessels, with domestic vessels and companies clearly bearing the brunt of the localised overfishing.
- The worrying feature is that the growing number of charter vessels which qualify as domestic (WCPFC CMM 2009-08) could lead to a significant increase in effort, requiring management measures to be applied to SIDS, as opposed to the current exemption.
- The response has to be that zone based limits be established, that fall under the management responsibility of each PIC, along with a separate allocation for High Seas limits. Explicit Target and Limit Reference points are also required for the stock.

WCPFC CMM 2008-01, CMM 2008-01, Conservation and Management Measure for Bigeye and Yellowfin tuna

CMM 2008-01 shows that the longline catch of bigeye tuna of 61,676 tonnes (as reported by CCMs) is approximately 74% of the average catch for 2001-2004 (WCPFC8 -2011-43). The main reason for the reduction was the reduced catches reported by several of the major fishing nations – i.e. Japan and Korea. The limits for China will remain at 2004 levels pending agreement regarding the attribution of Chinese catch taken as part of domestic fisheries in the EEZs of coastal states. As can be seen from Figure 2, catches of

¹¹ Information sent to SPC/OFP confirms Chinese flagged effort South of 20°S.

yellowfin and bigeye tuna have increased by 4% and 18% respectively, for Chinese and Chinese Taipei owned vessels¹². It is noted that CMM 2009-08 states that the Commission will continue to work on the development of a broader framework for the management and control of chartered vessels. In particular, this work shall cover the issues of attribution of catch and effort by chartered vessels and the relationship between the flag State and the chartering Member or Participating Territory on control of, and responsibilities towards, the chartered vessels. WWF is unclear at this stage what progress has been made. Some domestic industry sources state that the license allocation system in some PIC countries, as well as fee structure, is not at all transparent.

As per the south pacific albacore stock, there are target and limit reference points set.

WCPFC CMM 2010-07, *Conservation and management measure for sharks*

Clarke, 2011 concluded that:

- Full implementation of a finning ban may not result in substantially reduced mortality for these species. The effectiveness of a ban on wire leaders in reducing shark mortality is dependent on the degree of implementation and enforcement of a ban on wire leaders, most likely requiring more comprehensive observer coverage.
- Only a small number of countries have introduced supporting actions including Palau, FSM, RMI, Cook Is, Samoa, Australia and French Polynesia. Fiji is now also considering whether to implement a shark sanctuary.
- There is no comprehensive, publicly available reporting on compliance with the CMM.
- There is little to no accountability in RFMOs for non-compliance with the measures, including lack of sanctions.

Clarke, 2011 found, based on international studies, that the most effective policy in reducing shark mortality through non-retention policies could reduce shark mortality to 30-60% from current levels.

Industry observations state that crews are paid of their remuneration through shark fins, thus creating an incentive to fin, and ratios were kept within acceptable levels because some species (silky, oceanic whitetip and shortfin mako sharks) are retained for their commercial carcass value.

WCPFC CMM 2008-03, CMM 2008-03, *Conservation and management of sea turtles*

Protective measures for marine turtles include the use of de-hookers and line cutters. There has been no assessment of the implementation of the CMM, and whether the measures have been successful.

¹² Yellowfin = 23,500 to 25,000 tonnes, Bigeye = 26,600 to 31,200 tonnes.

A Critical Assessment of Fishery Performance Using Marine Stewardship Council Guidance

The table below uses the Marine Stewardship Council (MSC) Standards to assess the fishery's performance, highlighting the required outcomes in order to show whether the WCPFC fishery is below the MSC standard. The assessment (undertaken for target and bycatch principles only) has been prepared by WWF based on the information defined in this report. Standards are defined as Meets, Above or Below standard. The analysis also provides what WCPFC would need to do in order to strengthen its fishery management system.

Table 4: Fishery Assessment using MSC standards

Status	Standard	Required action
TARGET SPECIES: ALB		
The stock is at a level which maintains high productivity and has a low probability of recruitment overfishing.	Above	Precautionary action to ensure that management limits are set as the stock approaches MSY.
Limit and target reference points are appropriate for the stock.	Below	Explicit Target and Limit Reference Points should be set in management given localised overfishing and reduced CPUEs.
There is a robust and precautionary harvest strategy in place.	Below	A robust Harvest Strategy with Reference Limits set to at least BMSY and implemented across the range of the stock (North and South of 20°S). Monitoring systems also need to be in place that can demonstrate the effectiveness of the strategy. Apply clearly defined limits instead of blanket exemptions.
There are well defined and effective harvest control rules in place.	Below	Specific in zone and High Seas Limits set to cover capacity, effort/and or catch.
Relevant information is collected to support the harvest strategy.	Meets	Need to accurately attribute catch and effort data, especially in the context of Flag versus PIC records.
There is an adequate assessment of the stock status.	Above	CMM compliance reporting.

RETAINED SPECIES: YFT/BET		
The fishery does not pose a risk of serious or irreversible harm to the retained species and does not hinder recovery of depleted retained species.	Below	All fishery participants are subject to the strategy. Apply clearly defined limits instead of blanket exemptions.
There is a strategy in place for managing retained species that is designed to ensure the fishery does not pose a risk of serious or irreversible harm to retained species.	Below	All fishery participants subject to control limits. Apply clearly defined limits instead of blanket exemptions.
Information on the nature and extent of retained species is adequate to determine the risk posed by the fishery and the effectiveness of the strategy to manage retained species.	Above	
BYCATCH: SHARKS		
The fishery does not pose a risk of serious or irreversible harm to the bycatch species or species groups and does not hinder recovery of depleted bycatch species or species groups.	Below	Bycatch mitigation measures implemented that are effective: Non retention. Strengthen in observer coverage. Strengthen reporting on the effectiveness of the measure.
ENDANGERED, THREATENED AND PROTECTED: TURTLES		
The fishery meets national and international requirements for protection of Endangered Threatened and Protected (ETP) species.	Below	Set turtle bycatch limits.
The fishery has in place precautionary management strategies designed to meet national and international requirements.	Meets	Strengthening in observer coverage. Strengthen reporting on the effectiveness of the measure.



Who Cares and Why

The impact of growth in fishing effort is directly felt by all those in this fishery. Domestic catchers from the principal interest group countries, Te Vaka Moana (TVM), Parties to the Nauru Agreement (PNA), French Territories and the Melanesian Spearhead Group (MSG) are all suffering declines in CPUE, thus directly impacting on the economics of the fishery.

The Fijian Tuna Boat Owners Association (FTBOA) is seeking MSC certification and the development and implementation of a clear harvest strategy is a fundamental step necessary for the responsible management of this fishery. Legitimate and responsible industry operators and WWF support this management measure being taken (Hufflett, PITIA, 2011) and governments must act.

FFA expresses significant concern about the albacore stock and reminds the CCMs of the reliance of the domestic longline fisheries on albacore. FFA has previously signalled the intention to develop zone based management arrangements that provide a better avenue for domestication and development of this fishery in line with numerous provisions of the WCPFC Convention. This should be supported, resourced and efficiently progressed to full implementation.

Main fishing nations, especially those that have conformed to the requirement to reduce effort in longline fishing (Japan and Korea) are experiencing similar problems but growth in other longline capacity (by China and Chinese Taipei) will impact on their main target species, bigeye and yellowfin tuna.

Pacific Islanders will be affected, long before the fishery reaches a formal position of being overfished, thus reducing economic rents to island Governments.

Conservation groups, buyers in key markets and their consumers are also concerned because of the potential for increasing impact on bycatch species, especially sharks and turtles.

Overall market demand in especially the higher value markets will be affected if there is strong evidence that the fishery is not demonstrably sustainable.



Recommendations

WWF highlights specific recommendations below which would strengthen the management of the South Pacific Albacore fishery.

Strengthen conservation management measures for South Pacific Albacore by:

- Establishing explicit MSY based Limit Reference Points;
- Setting catch and effort limits, which include PICs, and apply to the range of the fishery;
- Applying these limits to PIC EEZs and the High Seas;
- Ensuring clear definitions of CCM vessels status;
- Strengthening compliance and reporting systems of the CMM; and,
- Making licensing transparent.

Strengthen conservation management measure for Bigeye and Yellowfin tuna by:

- Applying clearly defined limits instead of blanket exemptions;
- Ensuring clear definitions of CCM vessels status; and,
- Strengthening compliance and reporting systems of the CMM.

Strengthen conservation and management measures for sharks by:

- Implementing a no retention policy;
- Addressing the livelihood/wage distortion issue related to shark catch;
- Increasing observer coverage; and,
- Strengthening compliance and reporting systems of the CMM.

Strengthen conservation and management measures for turtles by:

- Increasing observer coverage;
- Strengthening compliance and reporting systems of the CMM; and
- Undertaking a review of the effectiveness of longline mitigation measures.

As stated in WWF's Position Statement to WCPFC-8, 2012, WWF strongly urges the WCPFC to formally adopt limit and target reference points. The adoption of explicitly determined limit and target reference points for at least the four key tuna species, namely skipjack, albacore, yellowfin, and bigeye, is an absolute priority for the sustainable management of these resources in the WCPO.

WWF calls on the WCPFC to adopt harvest control rules that are well-defined, pre-agreed and contain mandatory actions for an agreed and determined course of management action in response to changes in indicators of stock status with respect to reference points.

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**COMMISSION
EIGHTH REGULAR SESSION**

Tumon, Guam, USA
26-30 March 2012

Greenpeace position on Rights Based Management -2012_02_29

**WCPFC8- 2011/OP-07
24 March 2012**

Greenpeace Position on Rights Based Management

Allocating rights of access to marine resources in order to meet environmental, social and economic objectives

March 2012

Decades of industrial development of fishing activities, their continuous geographical expansion to virtually every corner of the world's oceans and an increasing demand for fish products in international markets have left a profound footprint on marine ecosystems, resulting in an overall decline in their diversity and global productivity.

In order to,

- (a) ensure the recovery of overexploited populations and of the integrity of marine ecosystems;
- (b) guarantee the future sustainability of the world's fisheries; and
- (c) facilitate the development of sustainable economies and alleviate poverty,

Greenpeace seeks a substantial transformation from fisheries production dominated by large-scale, capital-intensive, socially and economically unjust and environmentally destructive methods to prioritise smaller scale, community-based, labour intensive fisheries using ecologically responsible, selective fishing technology and environmentally sound practices.¹

Greenpeace holds the position that **in making such transformation, the allocation of rights of access to marine resources can play an important role** provided that the rights are defined and allocated in a way which ensures that environmental, social and economic objectives are met.

RBM is not a synonym for fisheries management based on property rights (ITQs, catch shares and the like). It is crucial to bear in mind that the concept of management based on rights should not be limited to just one type (ITQs, or any other) as many involved in this debate assume too often.

Marine resources are part of the global *commons* and the way they are used should be decided upon by societies at large with an overall sustainable management of our natural resources as the core aim. Only by aiming at sustainability in the way resources are harvested is prosperity for fishing communities possible. **Greenpeace opposes the privatisation of access to fishing and control of marine areas²** and believes privilege to access fisheries should not be allocated *on a permanent basis; neither should such rights be tradable without clear, well-defined, restrictions.*

Greenpeace supports rights based management schemes which

- are designed to achieve a set of management objectives including environmental, social and economic objectives;
- are designed to achieve conservation objectives, including maintaining healthy fish stocks and associated species, the integrity of marine ecosystems and keeping fishing capacity in line with a sustainable and precautionary level of fishing mortality, consistent with the ecosystem-based and precautionary approaches;
- are designed to grant priority access to resources to those who meet a set of well-defined environmental and social criteria,³ consistent with the overall management objectives;

¹ Greenpeace Principles for Low-Impact Ecologically-Responsible Fisheries. Principle 2.3.

² "In order to protect society's common natural heritage, access to fishing and control of ocean areas should not be privatised." GP Principles for Low Impact Ecologically Responsible Fisheries. Principle 2.3.9.

- result in a fair allocation of marine resources and include provisions on social equity, avoiding the concentration of such rights, prioritise the interests of artisanal, traditional and subsistence fishermen and fulfil fishing and coastal communities and indigenous people's rights;
- are tailored to the specific environmental and cultural context of the area where they take place, for example by taking into account already existing traditional tenure systems;
- involve all stakeholders through co-management schemes, including civil society,
- are transparent and allow for full participation from the design phase;
- include clear restrictions in the tradability of access rights, in order to avoid the creation of fishing cartels, the promotion of armchair fishers/slipper skippers (fishers who lease their quota to others) and other undesirable effects;
- are used in combination with other management tools such as capacity management, gear and area restrictions, habitat protection and an effective monitoring, control, surveillance and enforcement system, ie. rights based management schemes do not substitute for other elements of a coherent management package;
- contain provisions for periodic review of their performance, allowing for public intervention in cases of non-compliance or failure to meet established objectives.

In transitioning to sustainable fisheries, **Greenpeace states that Governments are ultimately accountable for the sustainable use of marine resources**. Such responsibility should in no way be delegated to private operators but rather shared through co-management regimes that engage all stakeholders. This way, the interests of society at large are properly represented, not just those of a small number of industrial operators exploiting marine resources.

3 Including: environmental impacts (level of by-catch; damage to the marine environment, including impact on species composition and the marine food web); history of compliance/flag State performance in the case of international fisheries; amount and quality of data provided; employment provided at sea and on land; quality of the fish produced and delivered to market; energy consumption per unit of fish caught; socio-economic benefits provided, especially to coastal fishing communities.

Attachment H

United States Assistance Provided to SIDS as Related to Article 30 and other Relevant Activities Related to Resolution 2008-01 in 2011

This report does not include support provided by the United States to the United States Participating Territories of Guam and American Samoa and the Commonwealth of the Northern Mariana Islands.

The report provided by the United States (TCC6-2010-DP17) to the 6th Technical and Compliance Committee detailed contributions to conservation and management projects in several Pacific Island Countries, with particular emphasis on bycatch issues such as sea turtle conservation, as well as in-country assistance to the region's developing observer programs. The report focused on public sector projects or activities provided by various entities of the United States Government, along with related entities, such as the Western Pacific Fisheries Management Council, projects or activities implemented through environmental non-governmental organizations, such as the World Wildlife Foundation, and efforts in the far west of the Convention Area under the Coral Triangle Initiative.

This report takes into account the suggestions provided in WCPFC7-2010 DP10 by FFA Members as to how CCMs should address reporting on areas of support or assistance with regard to Article 30 and Resolution 2008-01. In addition to the activities previously reported in TCC6-2010-DP17, in connection with ongoing negotiations with FFA Members the United States is engaged in discussions on the matters raised in the first two areas listed in WCPFC7-2010-DP10,. These negotiations continue in earnest and a variety of proposals that focus on both private investment and public sector institutional and capacity development are being considered.

With regard to the third area suggested by the FFA Members in WCPFC7-2010-DP10, the United States has and will continue to be involved in both theoretical and empirical analysis related to rights-based management in international HMS fisheries. United States analysts and scientists are particularly active in research related to fisheries in the eastern tropical Pacific and have recently expanded that research into the western and central Pacific. The United States is currently involved in a variety of analyses that should support rights-based management deliberations when those discussions ripen here at the Commission. Additionally, the United States supports and has participated in recent allocation studies as organized and implemented by International Seafood Sustainability Foundation, with the most recent discussions recently having occurred in Spain at the end of 2011.



**COMMISSION
EIGHTH REGULAR SESSION**

Tumon, Guam, USA
26-30 March 2012

EU Article 30 report FINAL

**WCPFC 2011-DP-50
29 March 2012**

Report of the European Union on Article 30 of the Convention and Resolution 2008-01 of WCPFC

29 March 2012

The main EU source of support to the Pacific region is the European Development Fund and for the period 2008-2012 some 42 million USD are allocated for fisheries projects in the Pacific to pursue the double objective of promoting sustainable management and ensuring maximum economic benefits for the region from these resources. The projects funded by the EU are in their majority implemented by the two regional agencies: FFA and SPC and directly benefit the work of WCPFC. In addition, individual EU Member States also provide assistance to the region, for example the Netherlands have in 2010 contributed nearly 26 000 USD to the WCPFC Western Pacific East Asia Oceanic Fisheries Management Project.

The definition of the priorities and the implementation take into account the need of the Small Island Developing States (SIDS). The involvement of SIDS in the process is a key principle of our action. The European Consensus on Development (2005) reflects the EU's willingness to eradicate poverty and build a more stable and equitable world. One of the key principles is that the EU is not imposing solution. To the contrary, developing countries are mainly responsible for their own development - based on national strategies developed in collaboration with non-government bodies, and mobilising domestic resources. EU aid is aligned with these national strategies and procedures.

The projects funded by the EU are along 4 axes:

1. domestic industry development in the Pacific

- 1.1. The first cycle of DEVFISH €4m concluded successfully in 2009. A second cycle, DEVFISHII of 11 million USD started in 2010. It builds on the achievements of the first project with an overall objective to contribute to the establishment of a policy and economic environment conducive to the further development of Pacific islands owned fishing and processing operations and to an increased contribution of foreign fleets to the economic development of those countries. On regional level it provides assistance with analysis, consultation and training on shared and common aspects of tuna development. On national level it helps strengthening the cooperation between government and private sector, understanding and complying with seafood safety requirements, and provides training to competent authorities, fishery companies as well as small scale processors supplying local markets.

In 2010-2011 DEVFISHII supported under Component 1 "Tuna Industry Development" the formation of the Cook Islands Fishermen Association, national tuna industry association in Solomon Islands and the secretariat of the Pacific Islands Tuna Industry Association. Extensive consultations have taken place with the established and certified Competent Authorities in PNG and SI and with countries who have indicated interest to establish Competent Authorities in FSM, Marshall Islands, Kiribati, Cook Islands, Vanuatu and Tonga where training needs have been

identified. Technical Assistance was provided to Cook Islands for HACCP planning and training for the newly established seafood value adding commercial processing operation. Under Component 2 "IUU Fishing Deterrence", the project supported the upgrade of the Regional Fisheries Surveillance Centre to enable delivery of an improved "picture" of VMS vessel locations (set up in google earth) to members, the development of version 1 of an in country database for collecting critical MCS data (tested in Kiribati and FSM), and in country assistance to allow the scheduled reporting and cross referencing of vessel license lists in Nauru. Cook Islands has requested support on the development of a national MCS strategy.

- 1.2. A new online tool to facilitate management of export of fish and other marine products has been developed in 2011 by SPC under SciCOFISH (see more details on this project below). The tool aids interactions between fisheries authorities in SPC member countries and territories and private export companies, as well as storing and managing data on exports.
 - 1.3. The EU as part of its WTO commitments provides SPS trade related technical assistance to Pacific countries, for example PNG. The EU contributes for funding the participation of representatives of Pacific island countries in work of the three international standard setting bodies in the fields of animal health, plant health and food safety and quality. Technical assistance is also provided under the Better Training for Safer Food Programme (BTSF) of the EU.
 - 1.4. The EU has bilateral Fisheries Partnership Agreements with three island states in the Pacific, which contain explicit commitment that 'the Parties shall endeavour to create conditions favourable to the promotion of relations between their enterprises in the technical, economic and commercial spheres, by encouraging the establishment of an environment favourable to the development of business and investments.' Those Agreements contain an important funding component for the fisheries sector of the partner countries.
- 2. improved conservation and management of highly migratory fish stocks through collection, reporting, verification, exchange and analysis of fisheries data and related information**

- 2.1. The SCIFISH project concluded in 2011 (USD 5.5 million). It has provided observer training to meet the demand for increased purse seine fishery observer coverage. The main activity under enhanced stock assessments is implementation of the Pacific Tuna Tagging Programme. Overall results of the programme exceed expectations with 275,000 tuna conventionally tagged up-to-date making it the most extensive tuna tagging dataset available. The establishment of sampling programmes and designs for studies of albacore reproductive biology and age & growth is one of the main achievements.

The project is succeeded by SciCOFISH (to a total amount of USD12.5 million, over four years). SciCOFISH will provide a reliable and improved scientific basis for management and decision making in oceanic and coastal fisheries. For 2010-2011 the programme has delivered results. Under component 1 P-ACP governments, FFA and WCPFC have been provided with scientific data, modelling and advice to underpin management decision making:

- 1) four regional tuna assessments (skipjack, yellowfin, bigeye and South Pacific albacore) were conducted and presented to the WCPFC Scientific Committee in

August 2011. All assessments were used in the formulation of the Committee's scientific advice to WCPFC8; 2) furthermore, the training activity has already partially reached the objectives set for 2014 with 139 observers trained, 8 observer trainers; 3) Observer coverage of purse seiners in 2010 is believed to have been close to 100%; however, delays in data transmission and limited resources for data processing have meant that the coverage of processed data available at SPC is in the region of 50% as of December 2011. This is considerably higher than coverage rates (around 10%) prior to 2010, and is expected to increase as further observer reports are submitted; 4) under the ecosystem modeling of management and climate change activities, skipjack, albacore and bigeye models variations using SEAPODYM have been completed while the yellowfin model is partially completed.

Under component 2, P-ACP governments, private sector and communities are equipped to monitor coastal fisheries to provide scientific advice in support of sustainable management of these resources P-ACP governments, private sector and communities are being provided with technical methods and training to monitor coastal fisheries, scientific advice to inform management decisions, and development of in-country capacity to evaluate their effectiveness: 1) a regional database for exports has been developed for trialling; 2) assessment of finfish monitoring, survey data and management advice provision have been undertaken for 3 countries (ahead of the 2011 objective of 2 countries); 3) assessment of invertebrate survey and monitoring data were provided to 5 countries (ahead of 2011 objective of 3 countries).

- 2.2. Among the completed projects, let us also mention the COFISH project which provided funding for Niue, Nauru, Palau, FSM, Marshall Islands and Cook Islands to develop database GIS for the comparative assessment of the reef fish resources, as well as for capacity building for technical fisheries assessment indicators for monitoring the status of reefs, handbooks and national reports for each country.

3. stock assessment and scientific research

- 3.1. SciCOFISH, implemented by SPC-OFP, will provide much of the scientific basis for future decisions on management of tuna and related stocks in the WCPFC Convention Area.

4. monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment

- 4.1. Under the SCIFISH and SciCOFISH projects the EU contributes to the enhancement of the ROP of WCPFC: with several workshops for training of observers and training in port sampling. During 2011, workshops have been held inter alia in Solomon Islands, Vanuatu and PNG.
- 4.2. SCIFISH also funded the purchase and installation of new network servers in Palau, Kiribati, Nauru and Tuvalu to support the observer programmes.
- 4.3. SciCOFISH project will provide the P-ACP countries with the means to develop efficient management measures, the skills to monitor their effectiveness, and some important tools to combat IUU fishing on the high seas.

- 4.4. SciCOFISH has also provided carried out case studies on women in fisheries with completed gender analysis for the fisheries science and management sector in three countries; Solomon Islands, Marshall Islands, and Tonga, with concrete proposals on how to make a career in fisheries more accessible to women
- 4.5. The EU also funded the strengthening of existing technologies and trial of new technologies for improvement of detection of IUU fishing.
- 4.4. The DEVFISH II Project improves capacity at the national and regional level to monitor and combat IUU fishing. Activities include real-time exchange and joint operations with the navies of the US, NZ, AUS and FR. It also includes integrating fishery data with the FFA's EOPS system for at-sea surveillance.

In 2011 the European Commission adopted a strategic document proposing principles to guide the actions of the European Union in its external fisheries policy¹. It expresses strong commitment to ensure coherence of the EU's policies in fisheries, development, trade, research and innovation, among others. Furthermore, work is ongoing in the European Commission to adopt, by the end of 2012 a comprehensive revision of the framework for the EU's development policy in the Pacific. The intention is to step up political cooperation and pursue a coherent agenda in terms of development assistance, sustainable exploitation of national resources and trade. There would also be a strong focus on adaptation to climate change.

The EU strongly supports the process of reviewing the steps taken in recognising the special requirements of Small Island Developing States and Territories. The EU will continue to report regularly on relevant new initiatives.

¹ Commission Communication on the External Dimension of the Common Fisheries Policy

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

**Scientific Committee
Seventh Regular Session**

**Pohnpei, Federated States of Micronesia
9–17 August 2010**

TERMS OF REFERENCE FOR THE MANAGEMENT ISSUES THEME

Terms of Reference for the Management Issues Theme

The overall purpose of the Management Issues Theme is to provide scientific advice to the Commission on management measures, both existing and potential, that can assist the Commission achieve its adopted management objectives. Ideally, the impacts of management measures adopted by the Commission should be considered before implementation and scientific research can help inform the Commission on the utility of potential management options.

Specific functions of the Management Issues theme will include:

- Review and evaluate, from a scientific point of view, the potential of existing CMMs in achieving their stated management objectives and the trade-offs associated with reconciling multiple objectives;
- Evaluate from a scientific point of view the utility of additional management measures on achieving the stated objectives of existing CMMs and the overall management objectives adopted by the Commission;
- Review, evaluate and identify, from a scientific point of view, appropriate reference points and harvest strategies that will assist the Commission achieve its management objectives;
- Develop, and review, biological performance, as well as economic and social ones upon the request of the commission, indicators against which the achievement of management objectives can be assessed;
- Identify research and data required to support the evaluation of management measures;
- Provide advice and make recommendations to the Commission on the above.



**COMMISSION
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26-30 March 2012

WCPFC Management Objectives Workshop Draft Terms of Reference and Structure

**WCPFC8- 2011-39 Rev 2
30 March 2012**

WCPFC Management Objectives Workshop Draft Terms of Reference and Structure

Overall Workshop Objectives:

- To assist the Commission to understand the purpose and implications of management objectives in terms of biological, economic and social outcomes.
- To assist the Commission to understand both the role of appropriate reference points and the process of evaluating potential management measures in the achievement of management objectives.
- To develop a list of recommended management objectives to guide the management of fisheries by the WCPFC, for presentation to the WCPFC annual and subsidiary body sessions during 2012.

Workshop attendees (including but not limited to the following):

- Fishery managers from the WCPFC
- Representatives from WCPFC subsidiary bodies and other relevant groups, e.g. TCC, SC, and ISC.
- Scientific advisors
- Two international experts to be nominated and selected by Commission members and the WCPFC Service Provider (SPC-OFP)
- Industry representatives

Proposed timing

Best attached to a meeting with fishery managers and or Commissioners, e.g., TCC8 or WCPFC9

Annotated Workshop Structure

1. Introduction

Review the workshop objectives.

2. Basic introduction to WCPFC fisheries stock assessment

An overview of how the stock assessments work – including model inputs and outputs (with a focus on those related to management objectives and reference points)

3. Introduction to the purpose and use of Management Objectives in the Management of WPCO tuna fisheries

Session 3.1 WCPFC Management Objectives

Overview of the relevant sections of the WCPFC Convention text that relate to management objectives, including Articles 5, 6, 7, 10, and 30

Overview of other relevant instruments, e.g., UNCLOS, and UNFSA (e.g. Annex 2 Guidelines)

Session 3.2 Performance Indicators

Overview of the role of biological, economic (including catches) and social performance indicators in assessing the achievement of management objectives.

Session 3.3 Reference Points

Introduction to concepts of target and limit reference point, their origin, and their role in achieving management objectives.

Summary of work on reference points and related work undertaken in the Commission

Session 3.4 How do we use reference points in practice

Introduction to approaches that are used operationalize reference points (e.g., projections) and management objectives in the evaluation of management options.

This will include the concepts of harvest control rules and the Kobe II strategy matrix and multi-species considerations.

4. Scenario workshops

If time allows we will undertake some analyses applying specific management objectives to key tropical tuna stocks.

5. Workshop summary and identification of future work program

- Recommend a list of specific management objectives and indicators (and reference points if possible) for adoption or further development in the work of WCPFC.
- Identify a work program to progress the issues identified by the workshop including the respective roles of the WCPFC and its subsidiary bodies.
- Facilitator to summarize workshop outcomes and recommendations and prepare a report for the WCPFC to consider. (the facilitator must be a professional facilitator who is not connected to the WCPFC).



EIGHTH REGULAR SESSION

Tumon, Guam, USA

26-30 March 2012

**PROCESS FOR DESIGNATING WCPFC KEY SHARK SPECIES FOR
DATA PROVISION AND ASSESSMENT**

Abstract

This paper responds to SC6's request for SPC to develop a process for the nomination of key shark species and to identify a subset of these for assessment. This version reflects changes to the proposed process agreed at SC7. It provides a framework for evaluating proposals for new key shark species by describing the range of issues to be considered including i) potential impact by fisheries; ii) the degree of ecological concern; and iii) adequacy of available data and the potential to collect more. A proposed process flowchart and worksheet are provided to assist in evaluating whether the species should be designated as a WCPFC key shark species for data provision, for assessment, or both.



PROCESS FOR DESIGNATING WCPFC KEY SHARK SPECIES FOR DATA PROVISION AND ASSESSMENT¹

1. Background and Objectives

Article 1 of the Western and Central Pacific Fisheries Commission's (WCPFC) Convention requires it to manage highly migratory fish stocks listed in Annex 1 of the United Nations Convention on the Law of the Sea (United Nations 1982) as well as such other species of fish as the Commission may determine (WCPFC 2000). The Food and Agriculture Organization of the United Nations' (FAO) International Plan of Action - Sharks, which includes non-shark species of chondrichthyan fishes such as skates, rays and chimaeras, also calls on concerned States to collaborate in the conservation and management of transboundary, straddling, highly migratory and high seas stocks (FAO 1999).

The WCPFC first articulated which of the over one thousand chondrichthyan fishes were priorities for conservation and management in 2008 when it adopted CMM 2008-06. This conservation and management measure (CMM) listed blue, oceanic whitetip, mako (two species) and thresher (three species) sharks as key shark species. Silky sharks were added to the list when this CMM was amended in 2009 (CMM 2009-04). At WCPFC7, the Commission increased the number of key shark species from eight to 13 with the addition of porbeagle and four species of hammerhead sharks (CMM 2010-07), but maintained the focus of the Shark Research Plan on the original eight species until further funding is made available (WCPFC 2010a). The designation of these key shark species was based on ad hoc consideration of a number of factors including: i) high risk from fishing activities based on the WCPFC's Ecological Risk Assessment project; ii) ease of identification; and iii) frequency of reporting in annual catch data provided by Commission members and cooperating non-members (CCMs) (Clarke and Harley 2010).

Recognizing the issues arising from further expansion of the key shark species list, SC6 called for SPC to develop a process for the nomination of key shark species and to identify a subset of these for assessment (WCPFC 2010b). This paper has been prepared in response to the SC6 request. It provides a framework for evaluating proposals for new key shark species by describing the range of issues to be considered. It does not, however, prescribe which species should gain "key" status based on formulae and criteria. It is considered that the process proposed here should be initially applied in a qualitative manner and the designation decision be taken on the basis of SC discussion. If, in the future, the SC wishes to develop quantitative criteria to augment the process, this can be done on the basis of experience gained through qualitative application of the framework.

The process outlined here is designed to simultaneously consider whether nominated key shark species are designated for the purposes of data provision and/or assessment. When key shark species are designated for data provision they are included in the Scientific Data to be Provided to the Commission

¹ As refined and adopted at the Eighth Regular Session of the Commission, Tumon, Guam, USA, 26-30 March 2012.

(WCPFC 2011), in terms of estimates of annual catches as well as catch and effort data based on logsheets². When key shark species are designated for assessment, they are included in the WCPFC's Shark Research Plan (Clarke and Harley 2010). While it is understood that all key shark species are of sufficient concern to warrant assessment, it is also acknowledged that data quantity/quality constraints and budget limitations might restrict assessments to a smaller group of species. In the case of the recent porbeagle and hammerhead key shark species designations, there exist both data and budgetary constraints to assessment. The current list of species for assessment is limited to blue, mako, oceanic whitetip, silky and thresher sharks (eight species; WCPFC 2010a).

2. Factors for Consideration

The following four factors should be considered when evaluating nominated species for designation as WCPFC key shark species. A proposal for applying these factors in a decision-making process is presented in the following section.

2.1 Is the species found within the WCPF Convention Area?

Objective: Proposed key shark species should be chondrichthyan (shark, skate, ray or chimaera) taxa whose documented range includes habitats within the WCPF Convention Area.

- Evidence for the occurrence of proposed species within the Convention Area should be referenced in the form of peer-reviewed papers, taxonomic guides or other scientific reference materials.
- If the proposal is for a group of species, for example, a genus (e.g. *Alopias* spp.) or two or more species which are difficult to distinguish (e.g. Galapagos and dusky sharks) a rationale should be given.

Evaluation: Only those proposed key shark species which occur in the Convention Area are eligible for further consideration.

2.2 Is the species impacted by fishing activities in the WCPF Convention Area?

Objective: Proposed key shark species which are caught, or otherwise impacted, by fisheries in the WCPF Convention Area should be given priority for designation.

- Proposals should provide any empirical evidence of interaction between the proposed species and fisheries in the WCPF Convention Area. This may take the form of observer records or other scientific observations such as fishery research cruises.
- In the absence of empirical evidence, species-specific susceptibility scores from the WCPFC Ecological Risk Assessment project may be used to evaluate the species' vulnerability to fishing activities.
- The geographic range of impact, including high seas areas and areas under national jurisdiction, should be taken into account when evaluating the species' vulnerability to fishing activities.
- If available, an estimate of the total catch of the proposed species, e.g. based on observer data as in SPC (2008), can be used to evaluate potential fishery impacts.

² Note that WCPFC regional observer programmes are already designed to record all sharks to species regardless of whether they are key shark species.

- Evidence of targeting (primary or secondary) of the proposed species should be considered and may be used to prioritize species for designation.

Evaluation: Proposed key shark species which are impacted by fisheries in the WCPF Convention Area should be prioritized for designation. When considering impacts, the number of fisheries and the geographic range over which impacts occur, the existence of fisheries targeting the species, and the amount of catch can be used to rank and prioritize proposals.

2.3 Is there evidence of particular ecological concern for the species?

Objective: In addition to potential fishery impacts and international conservation status, the ecological basis for concern, e.g. a particularly vulnerable life history or documented population declines, should be considered.

- If the species is considered to have particularly vulnerable life history characteristics this should be documented through reference to productivity scores from the WCPFC Ecological Risk Assessment project, demographic analyses, or other relevant studies.
- Other fishery-related information in the form of range reductions, declines in indices of abundance, high catches of vulnerable life stages such as pregnant females or juveniles, or other indicators should also be cited if applicable.

Evaluation: Those species which can be demonstrated to be ecologically vulnerable, either on the basis of theoretical studies of life history traits or observed population impacts, should be given priority for designation.

2.4 Are current data adequate to support detailed assessment of stock status and if not, is collection of such data practical?

Objective: The availability of existing data and the feasibility of obtaining more data should be considered when designating a key shark species for data provision and/or for assessment.

- The proposal should indicate whether existing observer, port sampling and logsheet systems record the proposed species and, if recorded, the accuracy of such records (e.g. recorded to genus only, the potential for confusion with similar species).
- The timeframe over which logsheet and/or observer catch records have been kept and an estimate of the number of occurrences of the species in the available databases should be described.
- The proposal should distinguish between data held by CCMs, and data provided to the WCPFC and available for analysis, as appropriate.
- If misidentification is a data quality concern, the proposal should suggest ways that this can be overcome, e.g. through provision of identification keys to fishermen, better training of observers, data analysis to partition undifferentiated catches, etc.
- The proposal should specify whether intended designations for data provision would apply to the entire WCPF Convention Area and all the fisheries conducted in it, or to a subset of this area and/or its fisheries. This is particularly important to avoid unnecessary paperwork when certain CCMs and/or fisheries are not expected to encounter the proposed species.

Evaluation: Lack of existing, accurate records may downgrade the priority of designation for assessment until such time as adequate information is available. However, lack of existing, accurate

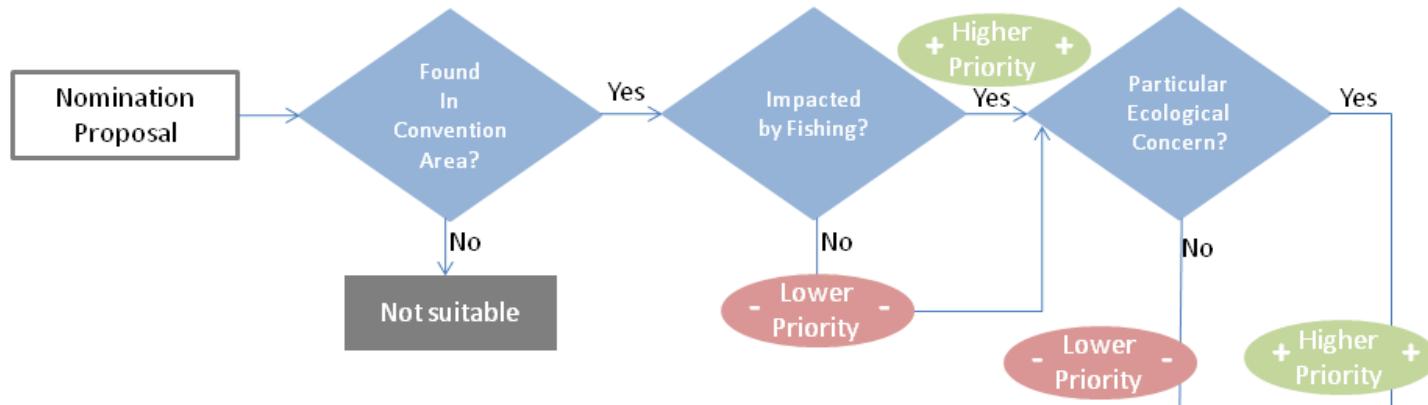
records in combination with other concerns will likely increase the priority of designation for data provision unless there are major data quality obstacles (e.g. potential misidentification). As most observer and port sampling programmes are already designed to, where possible, report all sharks to species, the main additional data to be gained by designation of key shark species will be through logsheet data systems (e.g. inclusion in the Scientific Data to be Provided to the Commission by CCMs). Therefore, the balance between improved data quantity/quality and increased cost for CCMs should be explicitly considered.

3. Process

The four factors outlined above were used to construct a format for supplying information about nominated key shark species to the SC (Annex A). This format can be used by the proponent to summarize the rationale for the proposal. It can also be used as a worksheet by the SC when discussing and evaluating proposals for key shark species designations.

A process for considering new proposals for key shark species is shown in Figure 1. Each proposal would first need to demonstrate that the proposed species occurs in the Convention Area. The proposed species would then be evaluated in terms of its i) potential impact by fisheries; ii) the degree of ecological concern; and iii) adequacy of available data and the potential to collect more; to determine the priority for designation. There are five potential outcomes from the process of evaluating a nomination:

- The species is not found in the Convention Area and is not suitable for designation;
- The species is found in the Convention Area but is not of sufficient priority to designate as a key shark species either for data provision or for assessment;
- The species is found in the Convention Area and is of sufficient priority to designate as a key shark species for data provision, but there are insufficient data for assessment at present;
- The species is of sufficient priority to designate as key shark species for assessment, but additional logsheet data collection is not practical and thus it will be assessed on the basis of existing information (e.g. observer data and/or existing (partial) logsheets);
- The species is of sufficient priority to designate as a key shark species for both data provision and assessment.



Process for Key Shark Species Designation

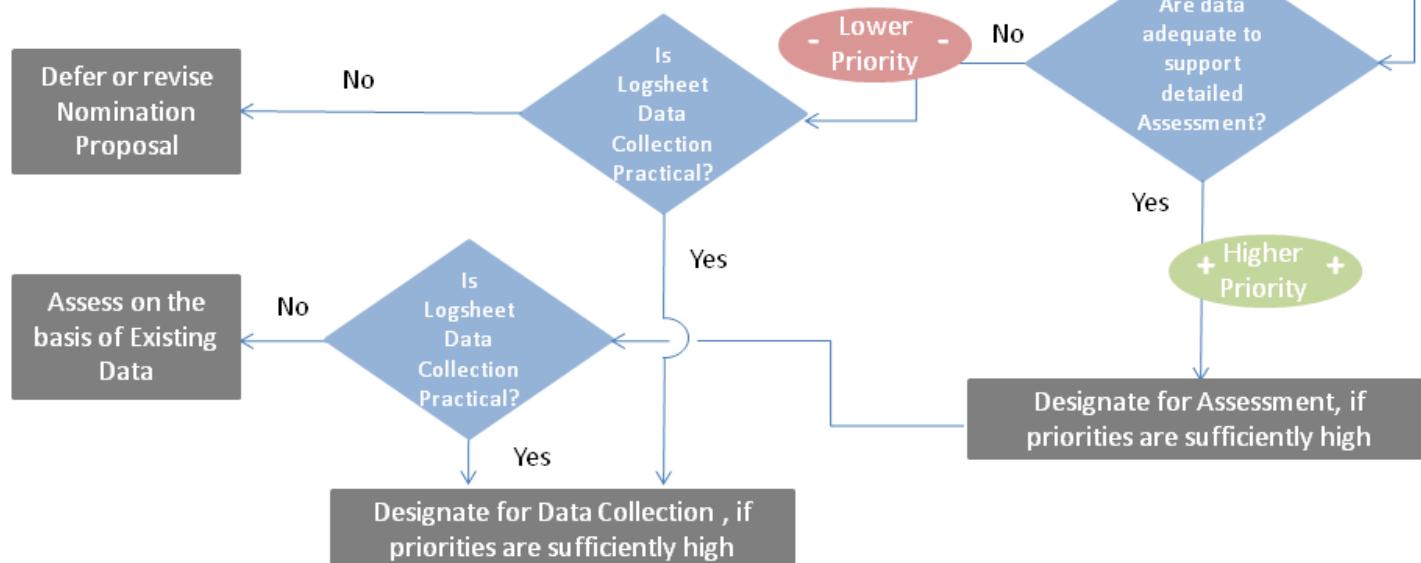


Figure 1. Flowchart illustrating a qualitative process based on factors (blue diamonds) to be considered in designation of key shark species for the WCPFC, and how these considerations lead to one of five outcomes (gray rectangles).

4. Proposed Implementation and Issues for Consideration

This process for evaluation of key shark species nominations can be implemented immediately upon approval by the SC. It can then be applied to all new nominations coming before the SC.

The process outlined here is qualitative but it may be made quantitative with the definition and application of specific criteria under each factor. The SC may wish to consider whether the process would benefit from quantitative criteria once some experience is gained with the qualitative process.

In order to both test the process and to confirm the previous ad hoc designations, the SC may wish to apply the process to the existing list of key shark species. This could provide useful standards of comparison between existing and future proposed key shark species. It could also clarify the need for assessment of the five new key shark species (porbeagles and hammerheads).

Finally, as thus far envisaged, there are no provisions for removing species from the list of WCPFC key shark species. In parallel with adopting a process for designating new key shark species, the SC may wish to consider whether it should adopt procedures for periodic review of the list and for removing species if their population status or conservation priority changes.

5. References

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Annex A. Format for nomination of a key shark species

PROPOSAL FOR DESIGNATION OF WCPFC KEY SHARK SPECIES		
<i>Nomination for (check all that apply):</i>		
<input type="checkbox"/> Key Species - Data Provision	<input type="checkbox"/> Key Species –Assessment	
<i>Species/Taxa Nominated</i>		
Scientific Name(s):		Common Name(s):
If more than one species is included in this nomination explain why:		
<i>In WCPF Convention Area? (see Section 2.1)</i>		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Explain:
<i>Impacted by Fishing? (see Section 2.2)</i>		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Explain:
<i>Particular Ecological Concern? (see Section 2.3)</i>		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Explain:
<i>Adequate Data to Support Detailed Assessment? (see Section 2.4)</i>		
<input type="checkbox"/> Yes	<input type="checkbox"/> No If no, is additional logsheet data collection practical? <input type="checkbox"/> Yes <input type="checkbox"/> No	Explain: Explain:

Attachment M

WCPFC IUU VESSEL LIST FOR 2012
As at 30 March 2012 (effective from 30 May 2012, 60 days after WCPFC8)

Note: Information provided in this list is in accordance with CMM 2010-06 para 19

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on WCPFC IUU Vessel List	Flag State Registration Number/ IMO Number	Call Sign (previous call signs)	Owner/beneficial owners (previous owners)	Notifying CCM	IUU activities
Neptune	Georgia	10 Dec. 2010	C-00545	4LOG	Space Energy Enterprises Co. Ltd.	France	Fishing on the high seas of the WCPF Convention Area without being on the WCPFC Record of Fishing Vessels (CMM 2007-03-para 3a)
Fu Lien No 1	Georgia	10 Dec. 2010	IMO No 7355662	4LIN2	Fu Lien Fishery Co., Georgia	United States	Is without nationality and harvested species covered by the WCPF Convention in the Convention Area (CMM 2007-03, para 3h)
Jinn Feng Tsair No.1 ¹	Chinese Taipei	7 Dec. 2007	CT4-2444	BJ4444	Hung Ching Chin, Pingtung, Chinese Taipei	Federated States of Micronesia	Fishing in the Exclusive Economic Zone of the Federated States of Micronesia without permission and in contravention of Federated States of Micronesia's laws and regulations. (CMM 2007-03, para 3b)
Yu Fong 168	Chinese Taipei	11 Dec. 2009		BJ4786	Chang Lin Pao-Chun, 161 Sanmin Rd., Liouciuo Township, Pingtung County 929, Chinese Taipei	Marshall Islands	Fishing in the Exclusive Economic Zone of the Republic of the Marshall Islands without permission and in contravention of Republic of the Marshall Islands's laws and regulations. (CMM 2007-03, para 3b)

¹ Chinese Taipei requested at WCPFC8 that it be noted that this vessel's fishing license was revoked and this vessel has been detained in port for over three years.

Attachment N

FINAL COMPLIANCE MONITORING REPORT FOR 2010

1. The Compliance Monitoring Scheme (the Scheme) established in CMM 2010-03 *Conservation and Management Measure for Compliance Monitoring Scheme* was implemented for the first time during 2011 as an initial trial period.
2. During this trial period of the Scheme, a number of challenges and difficulties were encountered which the Commission will need to address both by amending the framework of the Scheme established in CMM 2010-03, and by developing additional guidelines to aid in the implementation of the Scheme.
3. The Scheme will evolve over time, and the process and format that was used to prepare the 2010 Report will need significant improvement and development and does not in any way constitute a precedent for the future operation of the Scheme. In 2011, the Commission 'learned by doing' and developed formats, processes and criteria to give effect to the provisions of CMM 2010-03 in an *ad hoc* fashion. It is recognized that the process will need to be further refined.

2010 Compliance assessment

4. Under CMM 2010-03, the Commission must adopt a Compliance Monitoring Report that includes:

- (i) a Compliance Status for each CCM (in accordance with Annex I to CMM 2010-03); and
- (ii) recommendations for any corrective action needed, based on non-compliance identified with respect to that CCM.

Compliance Status

5. Due to late availability of information and limitations on time at WCPFC8, the Draft Compliance Monitoring Reports for seven CCMs were not evaluated and a Provisional Compliance Monitoring Report could not be completed for these CCMs. Therefore, in light of the time and information available to the Commission in this initial trial period, the 2010 Compliance Monitoring Report covers 27 CCMs (Australia, Canada, China, Cook Islands, European Union, Federated States of Micronesia, Fiji, French Polynesia, Japan, Kiribati, Korea, Marshall Islands, New Caledonia, New Zealand, Niue, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tokelau, Tonga, United States, Vanuatu, Belize, El Salvador and Indonesia). Of these CCMs, one was assessed as 'Compliant', and the others 'Compliance Review'.

Recommendations for corrective action

6. For this initial trial period, four broad categories were used to describe the level of compliance with, and implementation of, obligations by CCMs, in order to make a recommendation about the corrective action needed. The criteria used to assign the categories, and the corrective actions recommended for each category are as follows:

- (i) **Implemented:** based on the information provided or available, the CCM has fully implemented the obligation.

No corrective action needed

- (ii) **Potential implementation issue and explanation provided:** based on the information provided or available, there has not been full implementation, but the CCM has provided information or an explanation about the obstacles to implementation or the

steps being taken for implementation (such as capacity issues, passing domestic regulations, a data provision plan or providing training)

Recommendation: the CCM is to identify assistance needed to overcome obstacles to implementation and/or progress the steps being taken for implementation

- (iii) Potential implementation issue and more information needed: based on the information provided or available, it is not clear whether or not there has been full implementation or where there has only been partial implementation, so further information is still needed (for example, a data provision requirement has been only partially fulfilled)

Recommendation: the CCM is to provide any further information needed, or implement outstanding requirements

- (iv) Implementation needed: based on the information provided or available, there is no information showing that there has been any implementation (for example, no reporting at all against a data provision requirement) and no additional information has been provided to explain or rectify the non-implementation, so implementation is needed.

Recommendation: the CCM is to provide the information required or fully implement requirements.

7. CCMs with a status of 'Compliance Review' will consider the assessment at **Attachment 1** to this report and its accuracy and their individual provisional compliance monitoring report, and provide a report on progress in their Part 2 Report for 2011. Where an action cannot be undertaken, an explanation of obstacles to implementation and a plan or expected timeframe for undertaking the required action will also be provided.

Challenges to be addressed in implementing the Scheme

8. The assessment of compliance and implementation, and development of the Compliance Monitoring Report is a process that will evolve over time. Particular challenges noted during this initial trial period that will need to be addressed in the future include:

- The 2010 Compliance Monitoring Report was developed using the time and information that was available, which didn't include information from all possible sources in this first year of implementation. In future years it would be useful if additional information were available to enable some issues to be more comprehensively evaluated (for example, observer and VMS data)
- The evaluation of some measures was difficult because of the lack of clarity about exactly how or to which CCMs particular aspects of measures apply (eg whether requirements apply to CCMs as flag States, coastal States or port States) or what level of reporting or verification is required (for example, some aspects of CMM 2007-01 *Regional Observer Programme* and CMM 2009-02 *FAD Closures and catch retention*).
- There are a range of important issues for which clear guidelines or procedures should be developed to guide the Secretariat, CCMs, the TCC and the Commission in implementing or giving effect to the Scheme. In particular, clear and objective formats and criteria should be developed for reviewing the Compliance Monitoring Reports, to promote accurate assessment of and distinction between different levels of compliance.

Recommendations regarding conservation and management measures

9. Paragraph 1 of CMM 2010-03 provides that the purpose of the Scheme includes identifying aspects of conservation and management measures which may require refinement or amendment for effective implementation. In addition, paragraph 21 of CMM 2010-03 provides that the Commission will consider any recommendations or observations from TCC regarding amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by CCMs.

10. In relation to the 2010 Compliance Monitoring Report:

- (i) there are some CMMs for which there appear to be implementation issues, or which are not currently fully implemented by many CCMs
- (ii) there are some CMMs for which there appear to be reporting issues, or for which the reporting requirement is not specified or is unclear, and
- (iii) there are some CMMs with which it is difficult to assess compliance.

11. A non-exhaustive list of measures that fall within one or more of these categories includes:

- *CMM 2007-01 Regional Observer Programme*
- *CMM 2007-04 Seabird Mitigation*
- *CMM 2008-03 Conservation and management of sea turtles*
- *CMM 2008-04 Driftnets*
- *CMM 2009-02 FAD Closures and catch retention*
- *CMM 2009-04 Sharks*: in particular, the 5% fin to weight ratio
- VMS SSPs: in particular, the VMS MTU audits and conduct and reporting of MTU/ALC inspections
- *Scientific data to be provided to the Commission*: particularly with respect to estimates of annual catches for sharks, estimates of discards, and size composition data.

Capacity building issues identified

12. In the development of the Compliance Monitoring Report, some instances were identified in which SIDS CCMs noted that capacity building would assist them to improve their implementation of CMMs. The Commission notes that the special requirements and circumstances of SIDS need to be borne in mind in the implementation of the Scheme consistent with paragraph 8 of CMM 2011-06 (the adopted DP33.rev.1).

Attachment 1

WCPFC8 Final Compliance Monitoring Report (for 2010)

		Implemented	Potential Implementation issue and explanation identified	Potential implementation issue and more information needed	Implementation needed	Not applicable
(i) catch and effort limits;	CMM 2005-02 - South Pacific Albacore	8		1		18
	CMM 2005-03 – North Pacific Albacore	5		2		20
	CMM 2006-04 - Striped Marlin in the Southwest Pacific	6		1		20
	CMM 2008-01 – Bigeye and Yellowfin	11		8	1	7
	CMM 2009-03 - South Pacific Swordfish	7		3		17
	CMM 2009-04 - Sharks	14	2	6	1	4
	CMM 2009-07- Pacific Bluefin	4		1		22
(ii) catch and effort reporting;	CMM 2005-02 - South Pacific Albacore	9		2	1	15
	CMM 2005-03 - North Pacific Albacore	7		1		19
	CMM 2007-04 – Seabird Mitigation	15	1	4	5	2
	CMM 2006-04 - Striped Marlin in the Southwest Pacific	13		3	1	10
	CMM 2008-01 – Bigeye and Yellowfin	16		8	2	1
	CMM 2008-03 – Conservation and Management of Sea Turtles	15	2	5	4	1
	CMM 2009-02 – FADs and Catch Retention	4	2	7	2	12
	CMM 2009-03 – Swordfish	12			2	13
	CMM 2009-04 - Sharks	14	3	6	3	1
	CMM 2009-07- Pacific Bluefin Tuna	4		1		22
(iii) spatial and temporal closures, and gear restrictions	CMM 2007-04 – Seabirds	13		5		9
	CMM 2008-01- Bigeye and Yellowfin	9	1	8		9
	CMM 2008-03- Conservation and Management of Sea Turtles	18		7	1	1
	CMM 2008-04 - High Seas Driftnets	14		5	1	7
	CMM 2009-02- FADs and Catch Retention	10	2	4		11
(iv) observer and VMS requirements	CMM 2007-01 - Regional Observer Program	10	2	8	1	6
	CMM 2007-02- Vessel Monitoring System	16		5	1	5
	VMS SSPs	3	1	15	1	7
	CMM 2008-01- Bigeye and Yellowfin	13		3		11
	CMM 2009-02- FAD Closure and Catch Retention	7	2	8		10
	CMM 2009-06 -Transhipment	12	1	2		12

		Implemented	Potential Implementation issue and explanation identified	Potential implementation issue and more information needed	Implementation needed	Not applicable
(v) scientific data provision, reporting and handling.	<i>Estimates of annual catches for the calendar year</i>					
	-- Bigeye, skipjack, yellowfin tuna & blue and black marlin	21	1	1	2	2
	-- Albacore and Pacific bluefin tuna, striped marlin and swordfish	22	1		2	2
	-- Sharks	13		8	4	2
	<i>Estimates of discards</i>	13	1	3	8	2
	<i>Number of vessels active for the calendar year for each gear type</i>	23			2	2
	<i>Operational level catch and effort data</i>	22		1	3	1
	<i>If coverage rate of operational level catch and effort level data is less than 100%: catch and effort data aggregated by time period and geographic area</i>	19		2	2	4
	<i>Size composition data</i>	19	1	2	4	1



**Regular Session
Tumon, Guam, USA
26–30 March 2012**

TERMS OF REFERENCE FOR THE REGIONAL OBSERVER PROGRAMME TECHNICAL ADVISORY GROUP

1. The purpose of establishing a ROP Technical Advisory Group, established as the subsidiary body of the TCC, is to address, in a manner consistent with the Convention and CMMs, operational and technical issues of the Regional Observer Programme (ROP);
2. The ROP Technical Advisory Group will consist of all nominated sub regional and national ROP Coordinators from programmes authorised to be part of the ROP; a representative from the WCPFC Secretariat and a representative of the Science Provider (SPC) and as needed qualified individuals nominated by CCMs.
3. The ROP Technical Advisory Group shall report to the TCC and Commission only on technical and operational issues of the WCPFC ROP.
4. The ROP Technical Advisory Group will conduct its business electronically unless otherwise requested by the Commission.
5. The ROP Technical Advisory Group will consider, from a technical and operational basis, and provide recommendations to TCC on:
 - a. the development of minimum technical and operational standards for practical implementation and operational advice of the ROP consistent with Article 28 of the Convention and the CMMs of the WCPFC Commission; and
 - b. any technical and operational matters regarding the ROP referred to it by the Commission, the TCC, the SC or the NC.
6. The ROP Technical Advisory Group will advise the TCC and the Secretariat on the development of a method of work and communications that will enable ROP technical and operational issues to be identified and resolved.
7. In developing its recommendations, the ROP Technical Advisory Group shall take into account the need for cost-effectiveness and, where applicable, identify the costs associated with the various mechanisms and processes identified.
8. The ROP Technical Advisory Group will not provide recommendations on matters related to policy or review existing agreements or CMMs. When a question as to whether a matter is viewed by participants as being related to policy or review existing agreement or CMMs, it will be referred to the WCPFC Legal Advisor for a final determination.
9. The Technical Advisory Group will perform its work from immediately after Commission approval until September 2013 unless a decision is taken to extend the TAG.



**COMMISSION
EIGHTH REGULAR SESSION**
Tumon, Guam, USA
26-30 March 2012

COMMISSION VESSEL MONITORING SYSTEM¹

Conservation and Management Measure 2011-02

The Western and Central Pacific Fisheries Commission (WCPFC),

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

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

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

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

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

1. A Commission VMS.
2. The system shall commence, to be activated 1 January 2008, in the area of the Convention Area south of 20°N, and east of 175°E in the area of the Convention Area north of 20°N.
3. With respect to the area north of 20°N and west of 175°E, the system will be activated at a date to be determined by the Commission.
4. Any fishing vessels fishing for highly migratory fish stocks on the high seas within the areas of the Convention Area described in para 2 above that move into the area north of 20°N and west of 175°E shall keep their ALCs activated and continue to report to the Commission in accordance with this Conservation and Management Measure.

¹ By adoption of this CMM (CMM-2011-02) the Commission rescinds CMM-2007-02 which has been revised and replaced.

5. Definitions

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

6. Applicability

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

7. Nature and specification of the Commission VMS

- (a) The Commission VMS shall be a stand-alone system:
 - developed in and administered by the Secretariat of WCPFC under the guidance of the Commission, which receives data directly from fishing vessels operating on the high seas in the Convention Area; and
 - with the added capability that it can accept VMS data forwarded from the FFA VMS, so that the fishing vessels operating on the high seas in the Convention Area will have the option to report data via the FFA VMS.
- (b) The Commission shall develop rules and procedures for the operation of the Commission VMS, including, *inter alia*:
 - vessel reporting, including the specifications of the data required, its format and reporting frequencies;
 - rules on polling;
 - ALC failure alternates;
 - cost recovery;
 - cost sharing;
 - measures to prevent tampering; and
 - obligations and roles of fishing vessels, CCMs, the FFA Secretariat and the Commission Secretariat.
- (c) Security standards of the Commission VMS data shall be developed by the Commission, consistent with the WCPFC Information Security Policy.
- (d) All CCM fishing vessels required to report to the Commission VMS shall use a functioning ALC that complies with the Commission's minimum standards for ALCs.
- (e) The minimum standards for ALCs used in the Commission VMS are appended at Annex 1.

8. In establishing such standards, specifications and procedures, the Commission shall take into account the characteristics of traditional fishing vessels from developing States.

8. In establishing such standards, specifications and procedures, the Commission shall take into account the characteristics of traditional fishing vessels from developing States.

9. Obligation of CCMs

(a) Each flag CCM shall ensure that fishing vessels on the high seas in the Convention Area comply with the requirements established by the Commission for the purposes of the Commission VMS and are equipped with ALCs that shall communicate such data as determined by the Commission.

(b) CCMs shall cooperate to ensure compatibility between national and high seas VMSs.

10. Review

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

Attachment L, Annex 1

**Draft Minimum Standards for Automatic Location Communicators (ALCs) used in
the Commission Vessel Monitoring System**

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

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

Attachment Q

Statement by the USA on the Hawaii Longline Fishery

The Hawaii longline fishery is a domestic fishery, not a distant-water fishery. The fishery is the primary source of fresh tuna for the people of Hawaii. Ninety percent of the catch is consumed domestically; a very small portion of the catch is exported. The fishery provides employment to Pacific Island people from the FSM, Marshall Islands, Kiribati, Samoa and Tonga, some of who are captains of longline vessels. There are about 130 active vessels in the fleet. A limited entry program established in 1994 has prevented growth of the fleet since then, and the maximum vessel size is 30 m. Area closures have been established to protect inshore fisheries and protected species. All fishing is in the US EEZ around Hawaii or in high seas waters adjacent to the EEZ; no fishing occurs in the waters of any other nation. Trips generally are 10-14 days in duration. Vessels use ice; they do not freeze their catch. There is a minimum of 20 percent observer coverage on tuna fishing trips and 100 percent coverage on swordfish trips. The Hawaii longline fishery is the only fleet with in-season monitoring of bigeye tuna catches and the only fleet with an accountability measure; that is, fishery closures in 2009 and 2010 when the WCPPO bigeye tuna limit was reached. Measures (beyond those required by the WCPFC) are in place to protect vulnerable species, including sea turtles, seabirds, and marine mammals). Future allocation of longline catch limits should be mindful of the criteria indicated in the Convention at Article 10, Section 3, Paragraphs b, d, e, f, and g. The fishery is a model for the US territories and other Pacific Island Commission members. The fishery has been evaluated as 94 percent compliant under the criteria of the FAO Code of Conduct for Responsible Fisheries. The fishery's bigeye tuna catch has relatively minor impacts on the stock, based on the spatial range of the stock and the area of operation of the fishery, which is primarily in Region 2, which has the lowest contribution to the fishing mortality rate of all the regions.

Attachment R



**COMMISSION
EIGHTH REGULAR SESSION
Guam, United States of America
26-30 March 2012**

**CONSERVATION AND MANAGEMENT MEASURE FOR TEMPORARY
EXTENSION OF CMM 2008-01**

Conservation and Management Measure 2011-01

*The Western and Central Pacific Fisheries Commission (WCPFC):
Adopts, in accordance with Article 10 of the Convention, the following
Measure:¹*

1. The measures applicable for 2011 under the CMM 2008-01 shall remain in effect until 28 February, 2013, except paragraph 17a and 22.
2. The PNA members intend to implement VDS which limit total days fished in their EEZs to no greater than 2010 level.
3. Philippines shall restrict their purse seine fishing in the western High Sea Pocket No.1 (Attachment 1) as provided in Attachment 2 and shall not fish in the High Sea Pocket No.2.
4. CCMs shall require all their purse seine vessels fishing in the area between 20N to 20S to carry an observer on board.
5. For China, the bigeye catch limit including the WCPFC-IATTC overlapping area for longline vessels shall be 11,748mt for 2012.

¹ The chapeau text has been added to be consistent with all Commission CMM's

Attachment 1



Attachment 2

1. This Attachment shall apply to Philippine traditional fresh/ice chilled fishing vessels operating as a group.

AREA OF APPLICATION

2. This measure shall apply only to High Seas Pocket no. 1 (HSP-1), which is the area of high seas bounded by the Exclusive Economic Zones (EEZs) of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south. For the purposes of this measure, the exact coordinates for the area shall be those used by the WCPFC vessel monitoring system (VMS). A map showing the HSP-1 Special Management Area (SMA is attached (Attachment 1).

REPORTING

3. Philippines shall require its concerned vessels to submit reports to the Commission at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP-1 SMA. This information may, in turn, be transmitted to the adjacent coastal States/ Territories. The report shall be in the following format:

VID/Entry or Exit: Date/Time; Lat/Long

4. Philippines shall ensure that its flagged vessels operating in the HSP-1 SMA report sightings of any fishing vessel to the Commission Secretariat. Such information shall include: vessel type, date, time, position, markings, heading and speed.

OBSERVER

5. The fishing vessels covered by this measure shall employ a regional observer on board during the whole duration while they operate in HSP-1 SMA in accordance with the provisions of CMM 2007-01.

VESSEL MONITORING SYSTEM (VMS)

6. The covered fishing vessels shall be equipped with and operate an automatic location communicator (ALC) pursuant to CMM 2007-02 or its replacement CMM. The Commission shall provide continuous real-time VMS information to the adjacent coastal States/ Territories for monitoring purposes. Access to VMS and other data related to HSP-1 SMA shall be in accordance with the Commission's Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes.

VESSEL LIST

7. The Commission shall maintain an updated list of all fishing vessels operating in HSP1 SMA based on the foregoing vessel's entry and exit reports submitted to the Commission. The list will be made available to Commission Members through the WCPFC website.

MONITORING OF PORT LANDINGS

8. The Philippines shall ensure that all port landings of its vessels covered by this decision are monitored and accounted for to make certain that reliable catch data by species are collected for processing and analysis.

COMPLIANCE

9. All vessels conducting their fishing activities pursuant to this CMM shall comply with all other relevant CMMs. Vessels found to be non-compliant with this decision shall be dealt with in accordance with CMM 2010-06 (replaces CMM 2007-03), and any other applicable measure adopted by the Commission.

CATCH LIMIT

10. The total catches of these vessels shall not exceed equivalent to validated vessel days fished in the high seas. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.



EIGHTH REGULAR SESSION

Tumon, Guam, USA
26-30 March 2012

CONSERVATION AND MANAGEMENT MEASURE FOR PROTECTION OF CETACEANS FROM PURSE SEINE FISHING OPERATIONS

Conservation and Management Measure 2011-03

The Western and Central Pacific Fisheries Commission;

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);

Recognising the ecological and cultural significance of cetaceans in the Western and Central Pacific Ocean (WCPO);

Mindful that cetaceans are particularly vulnerable to being encircled by purse seine nets, due to the propensity of tuna to form schools around them, or for toothed cetaceans to be attracted to the same prey as tuna;

Committed to ensuring that potential impacts on the sustainability of cetaceans from accidental mortality through purse seine operations are mitigated;

Required, by Articles 5(d) and (e) of the Convention, to adopt management arrangements for cetaceans as non-target and associated or dependent species, as they are incidentally caught by purse-seine fisheries in the WCPO.

Acknowledging that the conservation of these species depends on co-operative and coordinated activity at the international level, and that Regional Fisheries Management Organisations play an integral role in mitigating the impacts of fishing on these species;

Alarmed by observer reports on fishing activities by vessels flagged to Members, Co-operating Non-Members and Participating Territories that indicate a number of instances of interactions with these species, and instances of misreporting of such interactions in logbooks;

Adopts the following Conservation and Management Measure in accordance with Article 10 of the Convention:

1. CCMs shall prohibit their flagged vessels from setting a purse seine net on a school of tuna associated with a cetacean in the high seas and exclusive economic zones of the Convention Area, if the animal is sighted prior to commencement of the set.
2. CCMs shall require that, in the event that a cetacean is unintentionally encircled in the purse seine net, the master of the vessel shall:
 - (a) ensure that all reasonable steps are taken to ensure its safe release. This shall include stopping the net roll and not recommencing fishing operation until the animal has been released and is no longer at risk of recapture; and
 - (b) report the incident to the relevant authority of the flag State, including details of the species (if known) and number of individuals, location and date

of such encirclement, steps taken to ensure safe release, and an assessment of the life status of the animal on release (including, if possible, whether the animal was released alive but subsequently died).

3. In taking steps to ensure the safe release of the cetacean as required under paragraph 2(a), CCMs shall require the master of the vessel to follow any guidelines adopted by the Commission for the purpose of this measure.
4. In applying steps under paragraphs 2(a) and 3, the safety of the crew shall remain paramount.
5. CCMs shall include in their Part 1 Annual Report any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels, reported under paragraph 2(b).
6. The Secretariat shall report on the implementation of this conservation and management measure on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.
7. This Conservation and Management Measure shall enter into force on January 1, 2013.



**COMMISSION
EIGHTH REGULAR SESSION**
Tumon, Guam, USA
26-30 March 2012

Shark statement to WCPFC8 from Shark Advocate International, Humane Society International and Project Aware Foundation- 2012

**WCPFC8- 2011/OP-11
26March 2012**



HUMANE SOCIETY
INTERNATIONAL



Position Statement for the 8th Regular Session of the Western and Central Pacific Fisheries Commission

Guam, 26-30 March 2012

Shark Advocates International, Humane Society International, and Project AWARE Foundation appreciate the opportunity to express our views on key shark conservation issues under consideration by the Western and Central Pacific Fisheries Commission (WCPFC).

Our organizations maintain a special focus on shark conservation due in large part to the low reproductive capacity that leaves most shark species exceptionally vulnerable to overexploitation. We commend the WCPFC for identifying key shark species and dedicating resources to the comprehensive scientific investigation and assessment of regional shark populations and related fishery impacts. We believe that this remarkable work sets the WCPFC apart from most Regional Fishery Management Organizations (RFMOs) and serves as a sound basis for conservation action. We are deeply concerned, however, that an estimated 7% (or less) of the shark catch in the Western Central Pacific Ocean (WCPO) is controlled (through domestic catch limits), and that the WCPFC, unlike most other RFMOs, has yet to adopt species-specific shark conservation measures.

Our specific concerns and science-based recommendations are detailed below.

Oceanic Whitetip Sharks

Strong evidence of the serious depletion of oceanic whitetip sharks (*Carcharhinus longimanus*) in the WCPO substantiates the need for immediate conservation action. To that end, our organizations strongly support the United States' proposal that WCPFC Members, Cooperating Non-Members and Participating Territories (CCMs) prohibit the retention, transshipment, storage, on-board sale, and landing of oceanic whitetip sharks, and require that captured individuals of this species are promptly and carefully released, while ensuring that such interactions are reported in terms of number and status of animals.

We believe this proposal is in line with the recommendation from the 7th Regular Session of the WCPFC Scientific Committee (SC7) for consideration of mitigation measures to reduce fishing mortality on oceanic whitetip sharks in the Convention Area. The U.S. proposal is also consistent with the 2011 Inter-American Tropical Tuna Commission Resolution for the same species in international waters of the Eastern Pacific Ocean.

The once common oceanic whitetip shark is increasingly rare in the region's tropical fisheries. Scientific analyses prepared by the Secretariat of the Pacific Community's Oceanic Fisheries Programme (SPC-OFP) for SC7 based on multiple datasets documented clear, steep declines in oceanic whitetip abundance, catch rates (to near-zero levels), and size.

Using observer data on shark condition and fate to compute expected mortality by species under various mitigation scenarios, an SPC-OFP analysis estimated that "no retention" policies would reduce mortality to 30-60% of current levels (depending on species) and that requirements for prompt release unharmed may secure an additional 10-20% reduction in mortality for certain species including oceanic whitetips. The paper concludes that a "no retention" with "prompt release unharmed" measure for oceanic whitetip sharks "*would appear to be an appropriate and effective response to recent findings on the depleted status*" of the oceanic whitetip stock.

The same analysis notes that existing information does not allow a conclusion regarding the sufficiency of this measure for oceanic whitetip stock recovery. As such, we also stress our support for the SC plan to prioritize this species for further investigation of fishery impacts and to conduct a stock assessment on oceanic whitetip sharks for SC8.

Whale Sharks

We are deeply concerned that an estimated 75 whale sharks (*Rhincodon typus*) were killed as a result of interactions with the region's purse seine fishery in just two years (2009 and 2010). Whale sharks are classified by the International Union for Conservation of Nature (IUCN) as globally Vulnerable and listed under Appendix II of the Convention on International Trade in Endangered Species (CITES) and the Convention on Migratory Species (CMS). The lifetime value of a single whale shark to Belize tourism was estimated at more than \$2 million U.S. dollars, while whale shark tourism worldwide has been estimated at nearly \$50 million.

Based on these factors, our organizations strongly support Australia's proposal to ban deliberate setting of purse seine nets on whale sharks, to mitigate the impact of inadvertent encirclement, and to require logbook and observer reporting of all interactions to the flag State and to the Commission. We also support the adoption of best practice guidelines for safe release of encircled animals. These actions are in line with advice from SC7 and – together with obligations under national regulations, CITES, and CMS – should go a long way toward comprehensively managing fishery impacts on this globally threatened and economically important species.

Blue Sharks

The WCPFC SC has recommended that the WCPFC8 consider mitigation measures for blue sharks (*Prionace glauca*) in the north Pacific. We share scientists' concern over recent substantial declines in blue shark catch rates revealed in four different North Pacific datasets, in the face of unregulated targeting of the species by a large commercial fleet. Analyses prepared for SC7 suggest that this population may no longer be above the biomass level associated with Maximum Sustainable Yield, and that simple catch limits, in combination with improved finning controls (see next section), are warranted as a first step toward reducing blue shark mortality in the North Pacific. We urge the WCPFC8 to adopt such measures to prevent further depletion of the population. We also support the SC plan to conduct a blue shark stock assessment for SC9.

Shark Finning

Analyses prepared by the SPC-OFP for SC7 reveal that, as of 2010, half of the WCPFC CCMs had not yet confirmed that the 2007 WCPFC ban on shark finning (slicing off a shark's fins and discarding the body at sea) is being fully implemented in national waters, and even fewer have provided details related to application of and compliance with the 5% fin-to-carcass weight ratio limit. While the proportion of sharks finned in purse seine fisheries is decreasing, observer data provide no evidence that the WCPFC finning ban has reduced the proportion of sharks finned in longline fisheries. SPC-OFP analyses point to stronger finning controls as a means to reduce excessive shark mortality.

Our organizations, along with most other conservationists and scientists worldwide, strongly support the “fins naturally attached” method as the most reliable means for enforcing finning bans. Under such a policy (through which at-sea fin removal is prohibited):

- Enforcement burden is greatly reduced
- Information on species and quantities of sharks landed is vastly improved
- “High-grading” (mixing bodies and fins from different animals) is impossible
- Value of the finished product can be increased.

The technique of making a partial cut (allowing fins to be folded against the body) can address industry concerns about safety and efficient storage.

Because of the numerous practical advantages associated with the fins naturally attached method, the policy has been mandated for most Central American and U.S. fisheries, and is gaining acceptance in international arenas, as reflected in:

- The 2007 United Nations General Assembly Sustainable Fisheries Resolution
- The 2008 IUCN *Global Policy against Shark Finning*
- The 2010 Fish Stocks Agreement Review Conference on the Law of the Sea

In order to increase the effectiveness of the regional shark finning ban and to facilitate the collection of species-specific shark catch data, we urge the WCPFC to adopt a requirement that sharks be landed with their fins still naturally attached.

Other Shark Species and Mitigation Measures

We note that improvements in finning controls and simple catch limits have also been suggested in SPC-OFP analyses for silky sharks (*Carcharhinus falciformis*), as a first step toward reducing mortality. Although the species' status has been described as “ambiguous”, silky sharks are dominant in the shark catch of both longline and purse seine fisheries in the region, and scientists suggest the number of removals may be on the rise. We also support the SC plan to conduct a stock assessment on silky sharks for SC8.

Two mako species (*Iurus* spp.) and three species of threshers (*Alopias* spp.) are considered key shark species by the WCPFC and are among the least productive of all pelagic sharks. WCPFC scientists have suggested further research and/or data improvement to identify and clarify population status trends for these species. We support this recommendation as well as precautionary limits on take.

We also support the SC7 recommendation for further investigations into the effectiveness of shark catch mitigation measures such as circle hook use, promotion of live release, deeper hook deployment, and prohibitions on targeting, retention, wire leaders, and finning.

We join the SC encouraging adoption of the process for designating WCPFC key shark species for data provision and assessment, as proposed in document WCPFC8- 2011-IP/05, as well as general improvements in the collection of shark related data.

References:

- Clarke, S. 2011. A Status Snapshot of Key Shark Species in the Western and Central Pacific and Potential Management Options. WCPFC-SC7-2011/EB-WP-04. Oceanic Fisheries Programme, Secretariat of the Pacific Community.
- Fowler, S. and Séret, B. 2010. *Shark fins in Europe: Implications for reforming the EU finning ban*. European Elasmobranch Association and IUCN Shark Specialist Group.
- Graham, R. 2004. Global whale shark tourism: a 'golden goose' of sustainable and lucrative income. *Shark News* 16: 8-9.
- SPC-OFP. 2012. Summary Information on Whale Shark and Cetacean Interactions in the Tropical WCPFC Purse Seine Fishery (Rev 1). WCPFC8 -2011-IP-01 (rev. 1).
- WCPFC. 2011. Summary Report of the Seventh Regular Session of the Scientific Committee WCPFC8- 2011/14.



EIGHTH REGULAR SESSION

Tumon, Guam, USA

26-30 March 2012

CONSERVATION AND MANAGEMENT MEASURE FOR OCEANIC WHITETIP SHARK

Conservation and Management Measure 2011-04

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

Noting the Scientific Committee's concern about the steep declining standardized catch rates and size trends of oceanic whitetip shark (*Carcharhinus longimanus*) in longline and purse seine fisheries in the western and central Pacific Ocean and the Committee's recommendation that the WCPFC consider mitigation measures for the species at its eighth regular annual session;

Also noting that there are other species of sharks that show negative trends currently, or others that may in the future, and a more comprehensive approach to shark conservation may be considered for the other species where a non-retention policy may not be appropriate, this measure should therefore not set a precedent for managing all shark species in the Western and Central Pacific.

Recognizing the resolution of the Inter-American Tropical Tuna Commission (IATTC) on oceanic whitetip shark and desiring conservation and management measures that are consistent with those of the IATTC;

Adopts the following measures in accordance with Article 10 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention):

1. Members, Cooperating Non-Members and Participating Territories (CCMs) shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, storing on a fishing vessel, or landing any oceanic whitetip shark, in whole or in part, in the fisheries covered by the Convention.
2. CCMs shall require all vessels flying their flag and vessels under charter arrangements to the CCM to release any oceanic whitetip shark that is caught as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible.

3. CCMs shall estimate, through data collected from observer programs and other means, the number of releases of oceanic whitetip shark, including the status upon release (dead or alive), and report this information to the WCPFC in Part 1 of their Annual Reports.
4. The Commission shall consider the special needs of Small Island Developing States and Territories, including supplying species identification guides for their fleets and develop guidelines and training for the safe release of sharks.
5. Observers shall be allowed to collect biological samples from oceanic white tip sharks that are dead on haulback in the WCPO, provided that the samples are part of a research project approved by the Scientific Committee. In order to get approval, a detailed document outlining the purpose of the work, number of samples intended to be collected and the spatio-temporal distribution of the sampling effect must be included in the proposal. Annual progress of the work and a final report on completion will be presented to the Scientific Committee.
6. This measure shall be amended if appropriate at the 2012 Commission meeting taking into consideration the results of the stock assessment and be reviewed periodically thereafter.
7. This Conservation and Management Measure shall enter into force on January 1, 2013 and remain in place until the Commission decides otherwise.



EIGHTH REGULAR SESSION

Tumon, Guam, USA

26-30 March 2012

CHARTER NOTIFICATION SCHEME

Conservation and Management Measure 2011-05¹

The Western and Central Pacific Fisheries Commission (WCPFC)

ACKNOWLEDGING the important contribution of chartered vessels to sustainable fisheries development in the Western & Central Pacific Ocean;

CONCERNED with ensuring that charter arrangements do not promote IUU fishing activities or undermine conservation and management measures;

REALIZING that there is a need for the WCPFC to establish procedures for charter arrangements;

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

1. The provisions of this measure shall apply to Commission Members and Participating Territories that charter, lease or enter into other mechanisms with vessels eligible under Para.4 flagged to another State or Fishing Entity for the purpose of conducting fishing operations in the Convention Area as an integral part of the domestic fleet of that chartering Member or Participating Territory.
2. Each chartering Member or Participating Territory shall notify the Commission of any vessel to be identified as chartered in accordance with this measure by submitting electronically where possible to the Executive Director by 1 July 2010 the following information with respect to each chartered vessel:
 - a) name of the fishing vessel;
 - b) WCPFC Identification Number (WIN);
 - c) name and address of owner(s);
 - d) name and address of the charterer;
 - e) the duration of the charter arrangement; and
 - f) the flag state of the vessel.

¹ By adoption of this CMM (CMM-2011-05) the Commission rescinds CMM-2009-08 which has been revised and replaced.

Upon receipt of the information the Executive Director will immediately notify the flag State.

3. After 1 July 2010, each chartering Member or Participating Territory shall notify the Executive Director as well as the flag State, within 15 days, or in any case within 72 hours before commencement of fishing activities under a charter arrangement of:

- a) any additional chartered vessels along with the information set forth in paragraph 2;
- b) any change in the information referred to in paragraph 2 with respect to any chartered vessel; and
- c) termination of the charter of any vessel previously notified under paragraph 2.

4. Only vessels listed on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of Non-CCM Carriers and Bunkers, and not on the WCPFC IUU vessel list, or IUU List of another RFMO, are eligible for charter.

5. The Executive Director shall make the information required in paragraph 2 and 3 available to all CCMs.

6. Each year the Executive Director shall present a summary of all notified chartered vessels to the Commission for review. If necessary, the Commission may review and revise this measure.

7. The Commission will continue to work on the development of a broader framework for the management and control of chartered vessels. In particular, this work shall cover the issues of attribution of catch and effort by chartered vessels and the relationship between the flag State and the chartering Member or Participating Territory on control of, and responsibilities towards, the chartered vessels.

8. This Measure shall expire on 31 December 2012 unless renewed by the Commission.



EIGHTH REGULAR SESSION

Guam, USA

26 to 30 March 2012

**CONSERVATION AND MANAGEMENT MEASURE FOR
COMPLIANCE MONITORING SCHEME**

Conservation and Management Measure 2011-06¹

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

In accordance with the Convention on the Conservation and of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention):

Recalling that the Commission has adopted a wide range of conservation and management measures to give effect to the objective of the Convention,

Noting that, in accordance with Article 25 of the Convention, Members of the Commission have undertaken to enforce the provisions of the Convention and any conservation and management measures issued by the Commission,

Noting also that, in accordance with international law, Members and Co-operating Non-Members of the Commission and Participating Territories have responsibilities to exercise effective control over their flagged vessels and with respect to their nationals,

Noting further that Article 23 of the Convention obliges Members of the Commission, to the greatest extent possible, to take measures to ensure that their nationals, and fishing vessels owned or controlled by their nationals, comply with the provisions of this Convention, and that Article 24 of the Convention obliges Members of the Commission to take the necessary measures to ensure that fishing vessels flying their flag, comply with the provisions of the Convention and the conservation and management measures adopted pursuant thereto, as well as the obligations of chartering States with respect to chartered vessels operating as an integral part of their domestic fleets,

Noting that, in a responsible, open, transparent and non-discriminatory manner, the Commission should be made aware of any and all available information that may be relevant to the work of the Commission in identifying and holding accountable instances of non-compliance with management measures,

Recalling the recommendation of the second joint meeting of the tuna Regional Fisheries Management Organizations (RFMOs) that all RFMOs should introduce a robust compliance review mechanism by which the compliance record of each Party is examined in depth on a yearly basis,

Recognizing the need to provide such technical assistance and capacity building to developing State Members and Co-operating Non-Members, particularly small island developing State Members and Participating Territories, as may be needed to assist them to meet their obligations and responsibilities, and

¹ By adoption of this CMM (CMM-2011-06) the Commission rescinds CMM-2010-03 which has been revised and replaced.

Recognizing further the responsibility of Members, Co-operating Non-Members and Participating Territories to fully and effectively implement the provisions of the Convention and the conservation and management measures adopted by the Commission, and the need to improve such implementation and ensure compliance with these commitments,

Adopts the following conservation and management measure in accordance with Article 10 of the Convention, establishing the WCPFC Compliance Monitoring Scheme:

Section I - Purpose

1. The purpose of the WCPFC Compliance Monitoring Scheme (**the Scheme**) is to ensure that Members, Cooperating Non-Members and, where appropriate, Participating Territories (**CCMs**) implement and comply with obligations arising under the Convention and conservation and management measures (**CMMs**) adopted by the Commission. The Scheme is designed to:
 - (i) assess CCMs' compliance with their obligations;
 - (ii) identify areas in which technical assistance or capacity building may be needed to assist CCMs to attain compliance;
 - (iii) identify aspects of conservation and management measures which may require refinement or amendment for effective implementation;
 - (iv) respond to non-compliance through remedial options that include a range of possible responses that take account of the reason for and degree of non-compliance, and include cooperative capacity-building initiatives and, in case of serious non-compliance, such penalties and other actions as may be necessary and appropriate to promote compliance with CMMs;² and
 - (v) monitor and resolve outstanding instances of non-compliance.

Section II - Scope and application

2. The Commission will evaluate CCMs' compliance with the obligations arising under the Convention and the CMMs adopted by the Commission and identify instances of non-compliance.
3. Each year the Commission will evaluate compliance by CCMs during the previous calendar year with the obligations in the Convention and CMMs adopted by the Commission with respect to:
 - (i) catch and effort limits for target species;
 - (ii) catch and effort reporting for target species;
 - (iii) spatial and temporal closures, and restrictions on the use of fish aggregating devices;
 - (iv) observer and VMS coverage; and
 - (v) provision of scientific data through the Part 1 Annual Report and the Scientific Data to be provided to the Commission.

² In accordance with the process for identifying responses to non-compliance adopted by the Commission to complement the Scheme, as provided for in paragraph 23 of this measure.

4. **Each year**, the Commission **will consider and identify whether additional obligations should** be considered annually or in another specified time period, taking into account:

- (i) the needs and priorities of the Commission, including those of its subsidiary bodies;
- (ii) the need to assess and address consistent non-compliance; and
- (iii) the potential risks posed by non-compliance with particular obligations.

5. Through the Scheme, the Commission shall also consider and address:

- (i) compliance by CCMs with recommendations adopted pursuant to the Scheme the previous year, and
- (ii) responses by CCMs to alleged violations reported under Article 23(5) or 25(2) of the Convention.

6. The preparation, distribution and discussion of compliance information pursuant to the Scheme shall be in accordance with all relevant rules and procedures relating to the protection and dissemination of, and access to, public and non-public domain data and information compiled by the Commission. In this regard, Draft and Provisional Compliance Monitoring Reports shall constitute non-public domain data, and final Compliance Monitoring Reports shall constitute public domain data.

7. The Scheme shall not prejudice the rights, jurisdiction and duties of any CCM to enforce its national laws or to take more stringent measures in accordance with its national laws, consistent with that CCM's international obligations.

8. The Commission recognises the special requirements of developing State CCMs, particularly small island developing State Members and Participating Territories, and will seek to actively engage and cooperate with these CCMs and facilitate their effective participation in the implementation of this Scheme **including by**~~in order to~~:

- (i) **ensuring that inter-governmental** sub-regional agencies which provide advice and assistance to these CCMs are able to participate in the processes established under the Scheme, including **by attending** any working groups **as observers and participating in accordance with Rule 36 of the Commission's Rules of Procedure**, and have access to all relevant documents, and
- (ii) **providing** appropriately targeted assistance to improve implementation of, and compliance with, obligations arising under the Convention and CMMs adopted by the Commission, including through consideration of the options for capacity building and technical assistance.

Section III - Draft Compliance Monitoring Report

9. Prior to the annual meeting of the Technical and Compliance Committee (**TCC**), the Executive Director shall compile information received through Part 1 and 2 Annual Reports, other reporting obligations, the transshipment program, the regional observer program, the Vessel Monitoring System and any other data collection programs of the Commission and, where appropriate, any suitably documented information provided by non-government organisations and shall prepare a Draft Compliance Monitoring Report (**the Draft Report**) containing sections with respect to each CCM.

10. The Executive Director shall transmit the relevant section of the Draft Report to each CCM by 28 July each year.

11. Upon receipt of the relevant section of the Draft Report, each CCM may reply to the Executive Director by 28 August each year in order to (where appropriate):

- (i) provide additional information, clarifications, amendments or corrections necessary to resolve the potential compliance issues identified in the Draft Report or respond to any other information;
- (ii) identify any particular causes of the potential compliance issues or difficulties with respect to implementation of the obligation in question, or circumstances which may mitigate the potential compliance issues; or
- (iii) identify technical assistance or capacity building needed to assist the CCM to address potential compliance issues.

12. At least three weeks in advance of the TCC meeting, the Executive Director will compile and circulate to all CCMs the full Draft Report, including all information provided under paragraph 12 of this measure.

13. The TCC shall review the Draft Report, focusing on any potential compliance issues identified with respect to each CCM, and in particular will consider any information provided by CCMs in accordance with paragraph 12 of this measure. CCMs may provide additional information to TCC with respect to the issues identified.

Section IV – Provisional Compliance Monitoring Report

14. Taking into account any additional information provided by CCMs, and, where appropriate, non-government organisations the TCC shall develop a Provisional Compliance Monitoring Report (**the Provisional Report**) that will include a provisional assessment of each CCM's Compliance Status and recommendations for any corrective action needed, based on potential compliance issues identified in respect of that CCM and using the criteria and considerations for assessing **Compliance Status** set out in Annex I of this measure.

15. The Provisional Report will also include an executive summary including recommendations or observations from TCC regarding:

- (i) amendments or improvements to existing CMMs to address implementation or compliance difficulties experienced by CCMs,
- (ii) capacity building **requirements** or other **obstacles to implementation requirements** identified by CCMs, in particular small island developing State Members and Participating Territories, and
- (iii) additional priority obligations that should be reviewed under the Scheme pursuant to paragraph 4 of this measure.

16. The Provisional Report shall be forwarded to the Commission for consideration at the annual meeting.

Section V - Compliance Monitoring Report

17. At each annual Commission meeting, the Commission shall consider the Provisional Report recommended by the TCC.

18. Prior to or during the Commission meeting, CCMs may provide the Commission with additional advice or information relating to the Provisional Report, including any steps taken to address identified compliance issues.

19. Taking into account any additional information provided by CCMs, the Commission shall adopt a final **Compliance Monitoring Report** that includes a Compliance Status for

each CCM and recommendations for any corrective action needed, based on non-compliance identified with respect to that CCM.

20. The final Compliance Monitoring Report shall also contain an executive summary setting out any recommendations or observations from the Commission regarding the issues listed in paragraph 15 of this measure.

21. Each CCM shall include, in its Part 2 Annual Report, any actions it has taken to address its non-compliance in the previous year.

Section VI – Responses to Non Compliance

22. The Commission shall take a graduated response to non-compliance, taking into account the type, severity, degree and cause of the non-compliance in question.

23. The Commission, ~~at its Annual Meeting in 2012~~, will develop and consider adopting a process to complement the Scheme that will identify a range of responses to non-compliance that can be applied by the Commission through the implementation of the Scheme, including cooperative capacity-building initiatives and, as appropriate, such penalties and other actions as may be necessary to promote compliance with Commission CMMs.

24. Once the Commission adopts a process identifying a range of responses to non-compliance, the TCC will include a recommendation on the response to non-compliance in its Provisional Compliance Monitoring Report for consideration by the Commission. The Commission will identify a response to non-compliance in its Compliance Monitoring Report.

Application and review

25. This measure shall apply for 2012 only.

26. At its ninth meeting, the Commission will review the operation of the measure during this trial period and, based on this review, consider and decide on a measure that will apply after 2012.

27. This measure will be reviewed and revised, as needed, by the Commission to ensure its effectiveness.

Annex I

Compliance Status Table

Compliance Status	Criteria for assessing Compliance Status
Compliant	No compliance issues identified with respect to the relevant obligations.
Compliance Review The purpose of a Compliance Review is to identify non-compliance of a technical or minor nature, or which requires the provision of further information, in order to identify implementation gaps and improve compliance.	Non-compliance may be due to: (i) insufficient, unclear or incorrect data or information (ii) actions or omissions which constitute a minor violation of relevant obligations (iii) ambiguity or misunderstanding of relevant obligations.
Compliance Action Plan The purpose of a Compliance Action Plan is to assist CCMs to actively take steps to respond to and rectify non-compliance, remove obstacles to non-compliance, or improve implementation of relevant obligations, including through the provision of technical assistance or capacity building, as appropriate.	Non-compliance may be due to: (i) actions or omissions that constitute a serious violation (ii) non-compliance that has undermined the effectiveness of the Convention or conservation and management measures adopted by the Commission, or (iii) failure to comply with previous Compliance Monitoring Report recommendations after sufficient time and assistance has been provided.
Compliance Remedy The purpose of a Compliance Remedy is to address instances of serious or persistent non-compliance which have not been resolved even after sufficient time and assistance have been provided through a Compliance Action Plan.	Non-compliance may be due to: (i) actions or omissions that constitute a repeated serious violation (ii) repeated non-compliance that has undermined the effectiveness of the Convention or conservation and management measures adopted by the Commission, or (iii) repeated failure to comply with previous Compliance Action Plans after sufficient time and assistance have been provided.

Attachment X

WCPFC – 8. Guam

Dr Aiko Yamauchi, WWF Japan and Head of Delegation for WWF in Guam.

30.3.2012

Text agreed with Greenpeace and Pew

Thank you Mr Chairman and thank you for returning the Commission's attention to this important subject. WWF, along with Greenpeace and Pew agree with the concerns raised by [countries x,y,z] just now and NZ, American Samoa and Niue earlier about South Pacific Albacore. We urge CCMs to note IP4 and the significant increases in effort it highlights. We also draw your attention to WWF's own South Pacific Albacore Observer Paper which includes evidence of serious localised depletion affecting the economic viability of in zone fisheries. Whilst we recognise the science is technically states the fishery is not suffering from overfishing, we believe it is rapidly approaching MSY. WWF is also concerned about the impact of this increased effort on oceanic sharks and on endangered seabirds and turtles. We fully support the legitimate development aspirations of responsible SIDS to sustainably use albacore but the rapid increases in licence numbers is a concern. We support the direction Te Vaka Moana members are setting to establish comprehensive sustainable management for SPA. Lastly, Mr Chairman and distinguished delegates, it is imperative that the Commission seriously addresses this issue, this year. This is an important opportunity to be proactive, precautionary and fair.



**COMMISSION
EIGHTH REGULAR SESSION**
Tumon, Guam, USA
26-30 March 2012

**SUMMARY REPORT AND RECOMMENDATIONS OF THE FIFTH SESSION OF
THE FINANCE AND ADMINISTRATION COMMITTEE (FAC5)**

**WCPFC8-2011-50 Rev 3
30 March 2012**

Introduction

1. The Finance and Administration Committee (FAC) was convened by co-Chairman Charleston Deiye of Nauru on 25 March and met again on 26, 27, 29 and 30 December. Representatives of Australia, Canada, China, Cook Islands, European Union, Federated States of Micronesia, Fiji, France, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Philippines, Papua New Guinea, Samoa, Solomon Islands, Chinese Taipei, Tonga and United States of America attended the meetings together with observers from the Pacific Islands Forum Fisheries Agency and the Secretariat of the South Pacific Community. Meeting support was provided by the Commission Secretariat. A participants list is at Annex V. The Committee agreed by consensus to present to the Commission the decisions and recommendations set out below.

Agenda item 1. Opening of Meeting

1.1 Adoption of agenda.

2. The agenda as set out in WCPFC8-2011-FAC5/01 and WCPFC8-2011-FAC5/02 was adopted.

1.2 Meeting arrangements

3. The indicative schedule set out in WCPFC8-2011-FAC5/03 (Rev 1) was adopted.

1.3 Opening Statement by FAO

4. The Finance and Administration Officer, Aaron Nighswander, provide a brief overview of the new financial system, a statement on the period the financial statement cover, possible priority issues and the budget decisions reached intersessionally by the Commission.

Agenda item 2. Auditor's report for 2010 and General Account Financial Statements for 2010.

5. The Committee recommends the Commission accept the audited financial statements for 2010 as set out in paper WCPFC8-2011-FAC5/04.
 - a. the external auditors opinion was that the “financial statements present fairly, in all material respects, the financial position of the general account fund of the Commission as of 31 December, 2010, and the results of its operations and its cash flows for the year”; and
 - b. a statement that there was no evidence of non-compliance with the Commission’s Financial Regulation 12.4 (c) which requires an opinion on regulatory compliance in relation to income, expenditure, the investment of moneys and the acquisition and disposal of assets.
6. The Committee also noted that Deloitte & Touche (Guam) was re-appointed for 2012 -2013.

Agenda item 3. Status of the Commission’s Funds.

3.1 Report on General Account Fund for 2010 – contributions and other income.

7. The Committee accepted the report in WCPFC8-2011-FAC5/05 (Rev 1). As of 31 December, thirteen members had outstanding 2011 contributions for a total of \$455,725. Four of those members owed less than \$30. As a comparison point, in 2010 \$70,248 was owed at the same point in time.
8. As of 23 March 2012 outstanding contributions for 2009, 2010, and 2011 stands at \$178,858.
9. For 2012, annual contributions of \$3,347,295 have been received and \$2,827,702 is outstanding.

3.2 Report on the Status of Other Funds for 2011.

10. The Committee noted the status of the Commission’s Funds as set out in WCPFC8-2011-FAC5/06 (Rev 1). It was noted that the Working Capital Fund is above its established level of \$500,000 and should be used to offset annual contributions. At the end of 2011 the Working Capital Fund held \$1,114,584 and \$455,727 in prior year contributions for a total of around \$1.57 million in the Working Capital Fund.

Agenda item 4. Draft Strategic Plan for the Commission

11. The Draft Strategic Plan, WCPFC8-2011-FAC5-07, was presented to FAC5. The Strategic Plan was considered by the Committee. The Committee recommends it remain a living document that will incorporate the ongoing work of the Commission's subsidiary bodies and Annual Sessions.

Agenda item 5. Business Plan for the Secretariat.

12. The Committee noted the Secretariat's Business Plan implementation report in WCPFC7-2011-FAC5/08.

Agenda item 6. Headquarters Issues, Staff Establishment and Conditions of Service.

6.1 Headquarters matters

13. The Committee noted the report in WCPFC8-2011-FAC5/10. The Committee recommended that printing and distribution of annual meeting books will be limited to those who request a copy in order to save money. The budget item for printing as well as shipping/courier has been reduced.
14. It is also agreed that the costs attributed to delays in receiving nominations and travel itineraries, which has at times, resulted in cancelations from Commission funded participants in meetings will be tracked in 2012 and reported at FAC6.

6.2 GNI Index Calculation

15. The Committee noted the information paper WCPFC8-2011-FAC5/10 (Rev 1) on GNI provided by the Secretariat.
16. A request was made of the Secretariat to conduct an analysis of additional options for calculating the wealth component of the annual contribution for very small island States. The TORs for the additional analysis is provided in Annex IV.

6.3 Education Allowance

17. The Committee recommends the Commission accept a revised increase in education allowance set out in paper WCPFC8-2011-FAC5/13 (Rev 1).

6.4 Staff housing

18. The Committee recommends the Commission accept the change in housing allowances formula set out in paper WCPFC8-2011-FAC5/14b (Rev 1).

6.4 Proposed Revisions to Regulations

19. The Committee recommends the Commission accept the changes in the proposed revisions to regulations set out in paper WCPFC8-2011-FAC5/15 (Rev 2).

Agenda item 7. Recommended Requirements for Hosting Meetings

20. The Committee noted the information paper WCPFC8-2011-FAC5-11 Recommendations for Hosting provided by the Secretariat.

Agenda item 8. Regional Observer Programme Data Entry

21. In TCC7, WCPFC-TCC7-2011/16 on the regional observer program data entry was referred to the FAC. During the FAC meeting, members were informed by New Zealand that the contributions that offset the costs to WCPFC for data entry will continue through 2014. New Caledonia further advised the FAC meeting that subject to the availability of funds, the current levels of contributions will continue through 2014. The Committee noted WCPFC8-2011-FAC5-16 and adjusted the 2012 budget as well as the 2013 and 2014 indicative budgets.

Agenda item 9. TCC WORKPLAN 2012-2014

22. The Committee noted WCPFC8-2011-FAC5-17 paper on the TCC work plan.

Agenda item 10. Work Programme and Budget for 2012 and Indicative Work Programme and Budget for 2013 and 2014

23. Following extensive discussion the Committee agreed to reduce the provisional 2012 budget by \$238,100. The Committee also recommends drawing down the Working Capital Fund over the next three years at a rate of \$350,000 per year. In addition, the Committee agreed to reduce the indicative budget by \$994,112 in 2013 and \$979,142 in 2014. As a result the Committee recommends that the Commission adopt the revised provisional budget set out in Annexes I, II, and III.
24. New contribution invoices will be sent to members with the updated amount applied. Credits will be provided to the members who have already paid their 2012 contributions.
25. The Committee requests the secretariat prepare an annual maintenance plan as well as a capital replacement plan.
26. The line item for high priority project under the scientific research budget will include an additional \$20,000 funding for a swordfish stock assessment. If the stock assessment for swordfish is not approved by the Commission, the 2012 budget will be reduced by \$20,000.
27. Funding for a Catch Documentation Scheme (CDS) Working Group is not included in the budget. If the CDS working group is approved by the Commission, an additional \$100,000 (currently not shown) will need to be added to the budget.

28. On the housing for the ED, the Committee recommended option B. The budget for the Executive Director's house is set at \$162,000 in the 2012 budget. Construction costs for the refurbishment of the house are not authorized beyond \$180,000 without approval of the Commission.
29. The Committee noted that the 10% annual increase in the SPC indicative budget line item for 2013 and 2014 is a flat rate applied, based on historical increases due to the additional workload requested by the Commission. The actual SPC budget for 2013 and 2014 will be determined by WCPFC9 and WCPFC10.
30. The voluntary contributions from Cooperating Non-Members will be calculated once a final decision is made on the budget in plenary.

Agenda item 8. Other Matters

31. The Committee requested that Secretariat present a more detailed budget than currently used in order to help make more informed decisions at FAC6.
32. It is recommended that decisions that have an impact on the budget be placed earlier in the plenary agenda so FAC can have time to discuss the impacts to the budget.

Recommendation

33. The Committee invites the Commission to consider this report and to endorse its recommendations as set out above.

Western and Central Pacific Fisheries Commission
General Fund

**Summary of budgetary requirements for the period from 01 January to 31 December 2012
 & indicative budgets for 2013 & 2014** (United States dollars)

	<i>Approved budget 2011</i>	<i>Unaudited expenditure 2011</i>	<i>Indicative budget 2012</i>	<i>Proposed budget 2012</i>	<i>Indicative budget 2013</i>	<i>Indicative budget 2014</i>
Part 1 - Administrative expenses of the Secretariat						
Section 1 (Item 1)						
Sub-Item 1.1	<i>Staff Costs</i>					
Established Posts	2,365,287	2,074,429	2,807,332	2,303,873	2,311,554	2,377,780
General Temporary Assistance	3,000	2,490	3,000	3,000	3,000	3,100
Overtime	7,000	9,308	7,000	7,000	7,000	7,000
Chairman's Expenses	0	0	20,000	0	0	0
Consultants <i>see note 1</i>	249,000	391,920	127,000	133,000	138,000	143,000
Total, sub-item 1.1	2,624,287	2,478,147	2,964,332	2,446,873	2,459,554	2,530,880
Sub-item 1.2	<i>Official travel</i>	200,000	206,023	200,000	220,000	225,000
Sub-item 1.3	<i>General operating expenses</i>					
Electricity, water, sanitation	130,000	107,382	136,000	120,000	124,000	128,000
Communications/Courier	68,000	61,376	71,400	58,000	58,000	58,000
Office Supplies & fuel	31,000	46,335	32,550	50,042	54,045	56,747
Publications and printing	27,000	3,210	27,000	10,000	10,000	10,000
Audit	9,000	7,000	9,000	9,000	9,500	10,000
Bank charges	8,000	7,180	8,200	8,000	8,100	8,200
Official hospitality	11,000	12,962	11,500	11,000	11,000	11,000
Community Outreach	0	4,950	5,000	5,000	5,000	5,000
Miscellaneous services	10,000	14,852	10,500	10,500	10,500	10,500
Security	45,000	18,811	45,000	56,500	56,500	58,500
Training	7,000	19,724	7,000	22,000	23,000	24,000
Total, sub-item 1.3	346,000	303,782	363,150	360,042	369,645	379,947
Sub-item 1.4	<i>Capital Expenditure</i>					
Vehicles	0	0	30,000	30,000	0	0
Information technology	50,200	63,072	50,200	50,200	50,200	50,200
Fencing	15,000	0	0	0	0	0
Referbishment of House for Executive Directors	0	0	0	162,000	0	0
Furniture and equipment	55,000	59,035	55,000	48,500	48,500	48,500
Total, sub-item 1.4	120,200	122,107	135,200	290,700	98,700	98,700
Sub-item 1.5	<i>Maintenance</i>					
Vehicles	5,000	10,162	3,500	4,000	4,500	4,800
Information and Communication Technology	78,500	44,404	78,500	78,500	78,500	78,500
Buildings & grounds	142,000	120,270	142,000	130,000	135,000	140,000
Insurance	36,000	20,692	36,000	36,000	37,000	38,000
Total, sub-item 1.5	261,500	195,528	260,000	248,500	255,000	261,300
Sub-item 1.6	<i>Meeting services</i>					
Annual session	132,000	111,901	132,000	395,000	150,000	155,000
Scientific Committee	135,000	118,969	135,000	135,000	138,000	140,000
Northern Committee	10,000	13,302	10,000	10,000	10,500	11,000
Technical and Compliance Committee	135,000	117,052	135,000	135,000	138,000	140,000
Management Objectives Workshop	90,000	0	90,000	90,000	0	0
Total, sub-item 1.6	502,000	361,225	502,000	765,000	436,500	446,000
TOTAL, Section 1/Item 1	4,053,987	3,666,812	4,424,682	4,331,115	3,844,400	3,946,827

ANNEX I (continued)		Approved budget 2011	Unaudited expenditure 2011	Indicative budget 2012	Proposed budget 2012	Indicative budget 2013	Indicative budget 2014
Part 2 - Science & Technical & Compliance Programme							
Section 2 (Item 2)							
Sub-item 2.1	Scientific services (SPC)	820,000	820,000	792,000	792,000	871,200	958,320
Sub-item 2.2	<i>Scientific research</i>						
Regional tagging	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Refinement of BE tuna biological parameters	31,000	31,000	62,000	55,000	70,000	75,000	
Scoping the use of reference points	20,000	20,000	20,000	0	0	0	0
WPEA OFM Project Co-finance	25,000	25,000	25,000	25,000	25,000	25,000	
Harvest Control Rules	0	0	0	10,000	30,000	0	
BET assessment peer review <i>see note 2</i>	0	0	0	0	0	0	
Collation of South Pacific Striped Marlin data	30,000	30,000	0	0	0	0	
Technical support Management Obj. Workshop	30,000	0	30,000	30,000	0	0	
High priority project(s) - to be allocated	30,000	29,000	110,000	96,000	83,000	91,000	
Collection/evaluation: PS species composition	90,000	90,000	0	0	0	0	
Total, sub-item 2.2	266,000	235,000	257,000	226,000	218,000	201,000	
Sub-item 2.3	<i>Technical & Compliance Programme</i>						
ROP - audit/remediation	10,000	9,380	10,000	10,000	15,000	15,000	
ROP - special projects and research activities	30,000	30,058	30,000	30,000	30,000	30,000	
ROP Training, assistance & development	20,000	21,914	30,000	30,000	30,000	30,000	
Reg. Obs. Prog. data entry (SPC) <i>see note 3</i>	334,769	334,769	920,811	334,769	334,769	334,769	
By-catch mitigation - website	36,075	35,075	10,000	10,000	10,000	10,000	
Vessel Monitoring System - capital costs	40,000	0	40,000	0	40,000	0	
Vessel Monitoring System - operating costs	853,252	432,119	999,080	450,000	465,000	475,000	
Vessel Monitoring System - security audit	35,000	0	37,000	37,000	39,000	39,000	
CCM/Staff VMS Training (Non-FFA Countries)	0	0	0	40,000	75,000	75,000	
VMS redundancy provision	15,000	28,290	15,000	18,000	18,000	18,000	
Information Management System incl. RFV	35,000	44,360	35,000	50,000	35,000	35,000	
Workshops <i>see note 4</i>	0	0	0	45,000	-	-	
Cost benefit direct entry observer data	0	0	0	0	-	-	
Total, item 2.3	1,409,096	935,965	2,126,891	1,054,769	1,091,769	1,061,769	
TOTAL, Section 2/Item 2	2,495,096	1,990,965	3,175,891	2,072,769	2,180,969	2,221,089	
Total, Parts 1 & 2	6,549,083	5,657,777	7,600,573	6,403,884	6,025,369	6,167,916	

Note #1: Consultancies proposed are:

Legal support services	\$70,000
ED Discretion	\$28,000
Meetings' rapporteur	\$35,000
	\$133,000

Note #2: BET assessment peer review

\$30,000 allocated from High Priority Projects.

Note #3: Reg. Obs. Prog. data entry support (SPC)

The line item for data entry costs are offset by donations paid directly to SPC from New Caledonia and New Zealand.

The funds from New Zealand go through May 2014. An increase in the indicative budget will be made in FAC6.

Note #4: Workshops

(basic rates are projected based on one person for one week at approximately \$5,000 including travel)

1. Workshop IATTC and WCPFC for development of Cross Endorsement training guidelines and procedures

5 persons - Hawaii 5 days \$25,000

2. Participation in IATTC/WCPFC workshop for development of a joint management plan for the overlap

area 4 persons 5 days \$20,000

ANNEX II

Western & Central Pacific Fisheries Commission

General Account Fund

**Proposed financing of the budgetary requirements for the financial period
01 January to 31 December 2012**

Proposed budget expenditure total	6,403,884
less	
Estimated interest and other income	(40,000)
Transfer of funds for WCPFC8	(200,000)
Transfer of 2011 Management Objectives Workshop to 2012	(120,000)
Transfer from Working Capital Fund	(350,000)
Fees and charges collected from Carrier and Bunker/CNM contributions	(125,000)
Total assessed contributions	<u>5,568,884</u>
(see detailed schedule at Annex III)	

**Proposed financing of the budgetary requirements for the financial period
01 January to 31 December 2013**

Proposed budget expenditure total	6,025,369
less	
Estimated interest and other income	(10,000)
Transfer from Working Capital Fund	(350,000)
Fees and charges collected for non member carriers and bunkers	(125,000)
Total assessed contributions	<u>5,540,369</u>
(see detailed schedule at Annex III)	

**Proposed financing of the budgetary requirements for the financial period
01 January to 31 December 2014**

Proposed budget expenditure total	6,167,916
less	
Estimated interest and other income	(10,000)
Transfer from Working Capital Fund	(350,000)
Fees and charges collected for non member carriers and bunkers	(125,000)
Total assessed contributions	<u>5,682,916</u>
(see detailed schedule at Annex III)	

ANNEX III

Western and Central Pacific Fisheries Commission

Indicative schedule of contributions based on proposed 2012 and indicative 2013 & 2014 budgets

Member	2012 Proposed					2013 Indicative		2014 Indicative	
	Base fee component: uniform share 10% of budget	National wealth component: 20% of budget	Catch component: 70% of budget	Total of components: 100% of budget	% of budget by member	Total of components: 100% of budget	% of budget by member	Total of components: 100% of budget	% of budget by member
Australia	22,276	73,812	11,286	107,373	1.93%	106,823	1.93%	109,572	1.93%
Canada	22,276	78,546	0	100,821	1.81%	100,305	1.81%	102,885	1.81%
China	22,276	61,028	212,874	296,177	5.32%	294,661	5.32%	302,242	5.32%
Cook Islands	22,276	16,342	2,893	41,510	0.75%	41,297	0.75%	42,360	0.75%
European Union	22,276	247,482	73,867	343,624	6.17%	341,865	6.17%	350,660	6.17%
Federated States of Micronesia	22,276	3,573	41,450	67,298	1.21%	66,953	1.21%	68,676	1.21%
Fiji	22,276	5,688	18,343	46,306	0.83%	46,069	0.83%	47,254	0.83%
France	22,276	84,103	8,057	114,435	2.05%	113,849	2.05%	116,778	2.05%
Japan	22,276	117,571	959,902	1,099,748	19.75%	1,094,117	19.75%	1,122,267	19.75%
Kiribati	22,276	2,903	33,387	58,565	1.05%	58,265	1.05%	59,764	1.05%
Korea	22,276	41,883	670,810	734,968	13.20%	731,205	13.20%	750,018	13.20%
Marshall Islands	22,276	4,585	94,064	120,924	2.17%	120,305	2.17%	123,400	2.17%
Nauru	22,276	5,064	3	27,343	0.49%	27,203	0.49%	27,903	0.49%
New Zealand	22,276	42,628	69,566	134,469	2.41%	133,780	2.41%	137,222	2.41%
Niue	22,276	19,745	169	42,189	0.76%	41,973	0.76%	43,053	0.76%
Palau	22,276	11,827	0	34,102	0.61%	33,927	0.61%	34,800	0.61%
Papua New Guinea	22,276	1,808	236,741	260,825	4.68%	259,490	4.68%	266,166	4.68%
Philippines	22,276	4,895	186,636	213,807	3.84%	212,712	3.84%	218,185	3.84%
Samoa	22,276	4,210	2,936	29,422	0.53%	29,271	0.53%	30,024	0.53%
Solomon Islands	22,276	1,540	16,544	40,360	0.72%	40,153	0.72%	41,186	0.72%
Chinese Taipei	22,276	30,495	565,362	618,132	11.10%	614,967	11.10%	630,789	11.10%
Tonga	22,276	4,527	338	27,141	0.49%	27,002	0.49%	27,697	0.49%
Tuvalu	22,276	4,177	10,949	37,402	0.67%	37,210	0.67%	38,168	0.67%
United States of America	22,276	241,550	582,864	846,689	15.20%	842,354	15.20%	864,026	15.20%
Vanuatu	22,276	3,798	99,179	125,253	2.25%	124,612	2.25%	127,818	2.25%
Totals	556,888	1,113,777	3,898,219	5,568,883	100.00%	5,540,369	100.00%	5,682,916	100.00%

Annex IV

Suggested Paragraph for FAC on Assessed Contribution

Niue remains committed to the 70:20:10 formula for the Members Contribution. Niue's concern is specifically on the 20% wealth component and the need to examine options to cap the very small island states' contribution. With a population of less than 2000, it is unfair that each resident of Niue is contributing more than \$20 for the management of the WCPO tuna fishery.

Niue suggest that the Secretariat is tasked to examine options for accommodating the special consideration for very small island States, particularly those with small population bases and report at next FAC meeting and WCPFC9. The options include:

- 1. Capping the contribution to the 20% wealth component for very small SIDs with population less than 100,000 at (a) \$7,500, (b) \$10,000 or (c) \$15,000;**
- 2. Capping SIDs 20% wealth component for SIDs with a recent three year average catch of 5000mt or less, at \$10,000¹;**
- 3. Capping the SIDS contribution to 20% wealth component based on per capita contribution² of (a). \$0.05 (b) \$0.25 (c) \$0.50 (d) \$1.**
- 4. Removing the foreign aid component of the GDP/GNI for the purpose of calculating the 20% wealth contribution³; and**
- 5. Other options identified by the Secretariat to address the ongoing concerns of SIDs.**

¹ If the assessed contribution for the 20% wealth component is less than \$10,000 holds, then the assessed contribution is payable. If the assessed contribution is greater than \$10,000, the maximum contribution payable is \$10,000.

² This is looking at per capita contribution to 20% wealth component. Currently for Niue, each resident contributing more than \$20 to this component. This option suggest that if a per capita contribution to 20% wealth component is cap at an agreed level. That is, each person from SID shall not contribute more than \$1 towards the wealth component.

³ For some island states with special (constitutional) arrangements, the financial assistance/budgetary support from Development Partners are included as Government revenue.



Finance and Administration Committee Meeting
Hyatt Regency, Guam, USA
25 March 2012
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Attachment Z

CLOSING STATEMENT OF THE AMERICAN FISHERMENS RESEARCH FOUNDATION ON MARCH 30, 2012 AT THE 8TH ANNUAL MEETING OF THE WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION IN GUAM

First, the American Fishermen's Research Foundation (AFRF) and its supporting organization of albacore troll fishermen and their marine suppliers, the Western Fishboat Owners Association (WFOA), would like to thank the Secretariat of the WCPFC and the members of the WCPFC for permitting AFRF to participate in this meeting as an Observer. Secondly, AFRF would like to thank all of Guam, but in particular, the Guam Fishermen's Association, for their hospitality and assistance.

The primary area of concern for AFRF (and WFOA) at this meeting was a proposed amendment to the CMM 2010-05 submitted by the Forum Fisheries Agency. Unfortunately, the press of other business did not enable the Commission to discuss this request until the afternoon of the last day of the annual meeting. This prevented the Commission members from having a full discussion of this item, which AFRF would have welcomed. There was no consensus reached on the FFA proposal. Since the FFA declared that it would be bringing to the 9th Annual meeting of the Commission (and one assumes the TCC-8 and the SC-8) a CMM which would seek to limit effort and catch on South Pacific albacore across all gear types, AFRF looks forward to working with members of the WCPFC and participating Observers to reach an reasonable conclusion.

Unlike this meeting, AFRF hopes to be consulted early in the process of crafting a new CMM by the interested members of the WCPFC. As many of you know, AFRF is a non-profit foundation which is devoted to scientific research and public education for North and South Pacific albacore troll and pole and line fisheries. It is also an advocate for the sustainable use of this resource and its conservation and management based on the best available science. AFRF is a qualified Observer to both the WCPFC and the Inter-American Tropical Tuna Commission and attends all their meetings, as well as meetings of the Northern Committee of the WCPFC. In addition, AFRF and WFOA have been deeply involved with the WCPFC since the early days of the MHLC process in the 1990s, through the meetings of the Preparatory Commission, until the present day of the MHLC. This has been a costly and resource consuming effort over the years.

Generally, AFRF and WFOA have been unable to also attend meetings of the TCC and the SC. For this reason AFRF, and WFOA, hope that they may be electronically connected with any meetings of the members and observers who work on the pending CMM, whether at the TCC, SC, or in the interim. On the off-hand chance that such participation is denied, AFRF would like to state a few principles for the record.

First, AFRF believes CMMS should only be based on the best scientific information available. At this time that information indicates:

1. South Pacific albacore is not overfished nor is overfishing occurring.
2. The stocks of South Pacific albacore are above MSY.
3. The troll and pole and line fishery for South Pacific albacore is having no discernible effect on the stocks.
4. The troll and pole and line fishery has shown no appreciable expansion since 2005.
5. When 2005-03 was accepted by the Commission there was no scientific basis to limit the troll and pole and line South Pacific albacore fishery.

Secondly, AFRF and WFOA, both believe it is important for the SPC to at least perform tri-annual assessments on the stock, if not more frequently. Thirdly, these organizations believe the establishment of target and limit reference points is an extremely important goal. Finally, both organizations believe additional life history and other research should be done on an urgent basis.