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

Seventh session
Pohnpei, Federated States of Micronesia
6 - 7 December 2004

WCPFC/PrepCon/43
26 November 2004

**PREPARATIONS FOR THE MEETINGS OF WORKING GROUP III DURING THE
SEVENTH SESSION OF THE PREPARATORY CONFERENCE**

Note by the Chairman of Working Group III

1. The fifth meeting of the Working Group on Monitoring, Control and Surveillance (WG.III) will be held during the Seventh Session of the Preparatory Conference (PrepCon VII) for the Western and Central Pacific Fisheries Commission, December 6-7, in Pohnpei, Federated States of Micronesia. At that meeting, WG.III will be expected to complete work on two pending issues and finalize its report to the First Meeting of the Commission.
2. The two pending issues are: (a) the Record of Vessels and Authorization to Fish, and (b) standards for Cooperating Non-Contracting Parties.
3. With respect to the Record of Vessels and Authorization to Fish, WG.III made considerable progress on this issue at PrepCon VI in Bali. The latest version of the document, based on the results of that meeting, can be found on the PrepCon website as WCPFC/CRP.3. With the cooperation of all participants, the Working Group should seek to conclude its discussions and adopt an agreed text at the upcoming meeting. Completion of this task is essential in order to provide the Commission with a fundamental tool in its efforts to monitor the fisheries under its purview in the Western and Central Pacific. I ask that all delegations come to the meeting with this goal in mind.
4. The second task will be to adopt standards for Cooperating Non-Contracting Parties. WG.III participants in Bali will recall that, at that meeting, two proposals emerged on this topic, one from the EC and one from the U.S. While there was insufficient time for consideration of these proposals at the Bali meeting, there appeared to be broad support for an effort to marry the two documents into a proposal for consideration at PrepCon VII. In this regard, the delegation of New Zealand has prepared a paper that seeks to combine the elements of the EC and U.S. papers presented in Bali. The paper is attached to this note as an annex. The paper is not a "Chairman's Draft," but I believe that it can provide a good starting point for our discussions on the matter in Pohnpei. Here again, all delegations should come prepared to conclude discussion on this topic at the Pohnpei session.
5. A key feature of PrepCon VII will be the very limited time available for each Working Group. This is particularly true in the case of WG.III, which is the only group that has outstanding substantive work to conclude at the upcoming meeting. WG.III is scheduled to meet on the morning of Tuesday, December 7, to conclude its business and adopt its report.
6. The time limitation in the schedule is necessary if the PrepCon is to conclude work on the full range of issues before it. At the same time, the time available for WG.III in the formal

programme will not, in my view, be sufficient to conclude work on the outstanding issues noted above. If the Working Group is to conclude this work, some additional effort will be necessary. As a result, I would like to invite all interested participants to join me for an informal session, in a “friends of the Chair” format, on the afternoon of Sunday, December 5, beginning at 1:00 PM. This meeting would provide an opportunity for discussion on the pending issues with the goal of moving these issues forward, and if possible resolving outstanding issues at that time. Of course, the results of any such deliberation would be subject to the ratification by the full Working Group at its formal session on Tuesday morning. I understand that this will make for a full afternoon on Sunday, as the Chairman has scheduled a Heads of Delegation meeting for 5:00 PM the same day. Nonetheless, such a meeting will likely provide the only mechanism to conclude the substantive work of the Working Group on the important issues that remain. With this in mind, I have asked the Secretariat if they might explore with the meeting organizers whether a venue could be arranged for such a meeting. I would appreciate receiving any views regarding this proposal at the earliest possible time.

7. As noted in the Chairman’s Information Note on Matters before the Final Session of the Preparatory Conference, WG.III has not had sufficient time to conclude discussion on a number of other issues in its original work plan. These include: procedures for boarding and inspection; a scheme for gear marking; options for the Commission’s observer program and vessel monitoring system; and others. As a result, and as noted by the Chairman, in adopting its final report WG.III should seek to include a recommended list of priority work to be taken up by the Commission’s Technical and Compliance Committee.

8. Finally, I would like to bring the attention of WG.III participants to two other documents currently available on the PrepCon website. The first is the paper regarding the vessels marking scheme adopted by the Working Group in Bali. This document is listed as WCPFC/CRP.4. The second document is the draft final report of WG.III, listed as WCPFC/CRP.7. Final additions to this document will be made based on the results of the Pohnpei meeting and the Working Group will be asked to adopt the report at the conclusion of its Tuesday morning session.

9. If any delegation has questions or comments on any of the above in advance of the meeting, please forward them directly to me at gibbons-flywh@state.gov. In particular, I welcome comments on the proposal to hold an informal meeting on Sunday, December 5. I look forward to seeing all of you once again in Pohnpei.

Annex

DRAFT PROPOSAL ON “COOPERATING NON-PARTIES”

History

- New Zealand redraft August 2004 of U.S. and EC proposals to incorporate elements of both earlier proposals as tabled in Bali, April 2004;
- Amended to include comments raised by Chair of WG.III on 4 October: replace reference to Commission with Secretariat in para 1(a) and addition of paragraphs 7 -9 as referenced.

Status

- DRAFT for consideration by Chair of WG.III and distribution to participants.

COOPERATING NON-PARTIES

1. The Commission shall accord Cooperating non-Party status on an annual basis. It may renew the conferral of status subject to a review of the Cooperating non-Party's compliance with the Convention's objectives and requirements. [*alternatively, could be placed following paragraph 4*]
2. A non-Party to the Convention, whose vessels intend to fish for highly migratory stocks in the Convention Area, that seeks to be a Cooperating non-Party, shall so notify the [Commission]/[Secretariat] at least 90 days in advance of its Annual Meeting
3. In its notification, pursuant to paragraph 1, a non-Party seeking the status of Cooperating non-Party shall include:
 - (a) an indication of its views on accession to the Convention;
 - (b) a commitment to cooperate fully in the implementation of conservation and management measures adopted by the Commission and to ensure that its nationals and fishing vessels flying its flag and fishing for highly migratory stocks in the Convention Area comply with the provisions of the Convention and conservation and management measures adopted under it;
 - (c) full data on its historical fisheries in the Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
 - (d) all the data Contracting Parties are required to submit, in accordance with the recommendations adopted by the Commission;
 - (e) details on its current fishing presence in the Area, including the number of its vessels and their characteristics;
 - (f) results from research programmes it has conducted in the Area.
4. Co-operating Non Parties shall:
 - (a) Comply with all conservation and management measures in force in the Area;
 - (b) Provide all the data Contracting Parties are required to submit, in accordance with the recommendations adopted by the Commission;

(c) Inform the Commission of the measures it takes to ensure compliance by its vessels of WCPFC conservation and management measures annually;

(d) Respond to alleged violations of conservation and management measures by its vessels, as [requested by a member of the Commission] [determined by the appropriate subsidiary bodies of the Commission] and communicate to the member making the request and to the Commission, the actions it has taken against the vessels. *(timeframe? two timeframe components: (1) time by which a CNP has to acknowledge that it has received information from the appropriate subsidiary bodies that a C & M measure has been violated (suggest 3 days in line with Art 21(6) UNFSA); (2) the amount of time a CNP has to complete an investigation and take prosecution or other action against the vessel(s) and then report back to the Commission)*

5. Cooperating non-Parties are entitled to participate at meetings of the Commission and its subsidiary bodies as Observers.

6. Cooperating non-parties seeking to renew their status as a Cooperating non-Party shall comply with any requirements prescribed by the Commission.

7. [The Commission shall monitor the activities of nationals and fishing vessels of Cooperating non-Parties, including their record of compliance with the provisions of the Convention and conservation and management measures adopted under it and the willingness of such Cooperating non-Parties to voluntarily contribute to the work of the Commission.] [split paragraph 4 of USA draft dated 22 April 2004]

8. [The Commission shall revoke the status of any such Cooperating non-Party whose nationals or fishing vessels have undermined the effectiveness of conservation and management measures adopted pursuant to the Convention] [split paragraph 4 of USA draft dated 22 April 2004]

9. [The Executive Director shall contact each year all Non-Parties whose vessels fish in the Convention Area for species under WCPFC competence to urge them to become a Contracting Party to WCPFC or to attain the status of Cooperating non-Party. In doing so, the Executive Director shall provide a copy of all relevant Recommendations and Resolutions adopted by the Commission] [EC text paragraph 1].