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

Third session
Manila, Philippines
18 – 22 November 2002

WCPFC/PrepCon/23
22 November 2002

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

1. The third session of the Preparatory Conference for the Establishment of the Commission on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean took place at Manila, Philippines, from 18 to 22 November 2002. The Conference was attended by representatives from Australia, Canada, China, Cook Islands, European Community, Federated States of Micronesia, Fiji, France, Indonesia, Japan, Kiribati, Republic of Korea, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America and Vanuatu. Observers from Ecuador, the South Pacific Forum Fisheries Agency (FFA), the South Pacific Regional Environment Programme (SPREP), the Forum Secretariat, the Food and Agriculture Organization of the United Nations (FAO), the Inter-American Tropical Tuna Organization (IATTC), the Pacific Community (PC), and the University of the South Pacific (USP) attended the Conference. In accordance with paragraph 2 of the decision of the Conference relating to participation in the work of the Conference (WCPFC/PrepCon/12), the Russian Federation attended to observe the meeting.

2. The session was opened by the Hon. Leonardo Q. Montemayor, Secretary, Department of Agriculture for Philippines.

3. The Conference recalled that the agenda adopted at its first session (WCPFC/PrepCon/2) would continue to serve as the basis of its work in future sessions, subject to such amendments as may be necessary as the Conference progressed. During the third session, the Conference dealt with the following matters:

- (a) a request for observer status by the Permanent Commission for the South Pacific;
- (b) the status of the Convention;
- (c) future cooperation with IATTC;
- (d) the issue of the location of the headquarters of the Commission;
- (e) the status of the Preparatory Conference Organizational Fund and related matters;
- (f) a third reading of the draft rules of procedure for the Commission;
- (g) consideration of separate draft rules of procedure for the participation of territories;

(h) the reports and recommendations of Working Groups I, II and III and the Scientific Coordinating Group;

(i) a draft resolution submitted by the delegation of Japan;

(j) the date and place of the next session of the Preparatory Conference.

Request for observer status by the Permanent Commission for the South Pacific

4. In accordance with paragraph 2 of the decision of the Conference relating to participation in the work of the Conference (WCPFC/PrepCon/12), the Conference agreed to the request of the Permanent Commission for the South Pacific to attend to observe the Preparatory Conference.

Status of the Convention

5. The Conference received a report on the status of the Convention by the delegation of New Zealand (WCPFC/BP.1/Rev.5). It was noted that only four instruments of ratification had been deposited to date. Federated States of Micronesia indicated that it intended to deposit an instrument of ratification in the very near future.

Future cooperation with IATTC

6. The Preparatory Conference recalled that, at its second session, it had decided that it should undertake the necessary steps to give full effect to the provisions of article 22 of the Convention related to cooperation with other regional fishery management bodies. In this regard, it had decided to appoint a group to work with the IATTC to develop guidelines to give full effect to article 22, paragraph 4, of the Convention, with respect to the need to avoid duplication of management measures in the area of overlap between the two organizations and to promote consistent management measures throughout the migratory range of stocks that occur in the areas covered by the two conventions. The Conference took note of the working paper prepared by the Secretariat on this issue (WCPFC/PrepCon/WP.12), but had insufficient time to consider the issues raised in the paper. The Conference decided to keep this matter on its agenda at its next session.

Draft rules of procedure for the Commission

7. The Conference met in informal session on 21 November to review the revised draft Rules of Procedure for the Commission prepared by the interim secretariat on the basis of discussions during the second session (WCPFC/PrepCon/WP.1/Rev.2). The Conference completed a third reading of the draft rules and it was agreed that the interim secretariat would produce a further revision of the document for consideration at a later time. A number of delegations raised issues for consideration at future sessions of the Preparatory Conference. Following consideration of the draft, the delegation of Japan introduced two further proposals relating to the rules of procedure. As there was insufficient time to discuss the proposals by Japan, the Conference agreed to consider them in more detail at its next session.

8. The delegations of France, New Zealand and the United States of America introduced a proposal for draft rules of procedure on the participation of territories pursuant to article 43 of the Convention. As there was insufficient time to discuss the proposal, the Conference agreed to consider it in more detail at its next session.

Location of the headquarters of the Commission

9. On 21 November, the Conference considered the matter of the location of the headquarters of the Commission. The Conference was reminded that three bids to host the Commission were received within the time-frame agreed by the Conference at its second session. Those bids were from the Federated States of Micronesia, Papua New Guinea and Tonga. After the deadline expired, additional bids were received from the Philippines, Fiji, and Samoa.

10. A proposal to waive the time requirement in order to allow consideration of the late bids was defeated by 9 votes to 4 and the Conference proceeded to consider the bids from Federated States of Micronesia, Papua New Guinea and Tonga. A proposal to establish a review panel to travel to each of the bidding countries to evaluate the bids against the agreed criteria was defeated by 6 votes to 4.

11. On 21 November, the Conference proceeded to take a decision on the bids by voting. The Conference agreed to observe the following procedure:

(a) the vote would be by secret ballot;

(b) in the first round of voting, the candidate obtaining the least number of votes would be eliminated. In the event that the number of votes are equal, no candidate would be eliminated and a further round of voting would be held;

(c) after the elimination of one candidate, a further round of voting would be held. If neither of the two remaining candidates obtained a three-fourths majority, a further round of voting would take place. Voting would continue until such time as either candidate obtained a three-fourths majority, or the Chairman had determined that it appeared that neither candidate would be able to obtain a three-fourths majority, in which case the meeting would be suspended to allow the Chairman to consult with the candidates to determine whether there would be any prospect of either candidate obtaining a three-fourths majority if voting were to continue.

12. On 21 November 2002, after five rounds of voting during which Papua New Guinea was eliminated, neither remaining candidate had succeeded in obtaining a three-fourths majority. The Chairman suspended the voting until 22 November. On 22 November, a further two rounds of voting were held. On the seventh round, Federated States of Micronesia gained 19 votes, against 6 votes for Tonga, with no abstentions. The Conference therefore decided to recommend to the Commission that the headquarters of the Commission be located in the Federated States of Micronesia, noting that, pursuant to article 9, paragraph 7, of the Convention, the decision would be taken by the Contracting Parties to the Convention.

Status of the Preparatory Conference Organizational Fund and related matters

13. The interim secretariat provided a report on the status of the Preparatory Conference Organizational Fund and Preparatory Conference Secretariat. Several delegations, including Australia, the Republic of Korea, Chinese Taipei and the United States of America, indicated their intention to make further contributions to the Fund. Following consideration of the report and the recommendations and proposals made in relation thereto, the Conference decided to:

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

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

(c) note the status of the Fund as at 31 October 2002;

(d) note and confirm the existing arrangements with respect to the Preparatory Conference Secretariat and Chairman.

14. At the Plenary meeting on 22 November, the delegation of Papua New Guinea announced its intention to make an additional contribution of 100,000 Kina to the Fund. The delegation of Korea reiterated its commitment to make a contribution of US\$ 30,000 to the Fund. The Conference noted these contributions, as well as the contributions already made by other participants, with appreciation.

Working Group reports

15. Working Group I held two meetings during the session. The Working Group considered the following issues on the basis of working papers prepared by the Secretariat:

(a) the costs of a Commission secretariat to deliver core functions and science;

(b) the costs associated with the various options for providing additional Commission services;

(c) possible mechanisms for funding the participation of developing States consistent with article 30, paragraph 3, of the Convention;

(d) the application of cost recovery principles for the provision of specified Commission services.

16. Working Group I considered that, in general, the structure for a Commission secretariat outlined in the working paper prepared by the Secretariat reflected the basic principles that had been agreed at earlier sessions in terms of size, efficiency and cost-effectiveness. Comments were made on specific aspects of the structure, which it was noted would continue to evolve. It was noted that the issue of a fund to facilitate the participation of developing States Parties, particularly small island developing States, and where appropriate, territories and possessions, as provided for in article 30, paragraph 3, of the Convention, was critical to many participants in the Preparatory Conference. Nevertheless, the Working Group was unable to reach agreement on the mechanisms for financing such a fund. With respect to the provisional indicative budget of the Commission, the Working Group considered that, while all components of the provisional indicative budget would be subject to further refinement and detailed discussion, the budgetary estimates provided in the working paper prepared by the Secretariat were a useful indication for participants in the Preparatory Conference of the likely costs associated with the Commission.

17. Working Group I agreed that, at its next meeting, it would focus its considerations on the development of a funding formula for financing the Commission budget and the development of financial regulations for the Commission, including regulations to govern the administration of the special fund established under article 30, paragraph 3, of the Convention. The summary report of the chair of Working Group I is contained in document WCPFC/PrepCon/19.

18. Working Group II held two meetings during the session. It reviewed the report of the first meeting of the Scientific Coordinating Group, recalling that the Group had been established to assist WG.II in carrying out those terms of reference which require special scientific and technical consideration. Working Group II accepted certain elements of the report of the Scientific Coordinating Group and made a number of recommendations for improvements to the format and content of the summary statements of stock status prepared by the Scientific Coordinating Group. Working Group II also discussed the special requirements of small island developing States in relation to data needs and scientific research. The interim secretariat was requested to prepare a paper, in conjunction with interested parties, on the special requirements of developing States, in regard to data requirements and technical capacity needs, for consideration at the next meeting of the Preparatory Conference. No agreement was reached on a model for meeting the science and data needs of the Commission and Working Group II considered that further work will be required to progress this issue. It was suggested that some elements of this work proceed intersessionally under the guidance of the chairman of WG.II with the assistance of the interim secretariat.

19. In accordance with the recommendation of Working Group II, the Conference decided that, subject to funding availability, the second meeting of the Scientific Coordinating Group should take place from 17 to 19 July 2003, in Mooloolaba, Australia, immediately following the 17th Meeting of the Standing Committee on Tuna and Billfish. The Conference decided to appoint Dr. Yuji Uozumi (Japan) as chairman of the Scientific Coordination Group. The Conference further decided, in accordance with the recommendations of Working Group II, that the next meeting of the Scientific Coordinating Group should focus on data issues and the development of updated statements on stock status of the four main tuna species. In particular, the next meeting of the Scientific Coordinating Group would carry out detailed technical work in relation to the Commission's data requirements. This would include consideration of a revised version of document WCPFC/PrepCon/WP.10.

20. The summary report of the chair of Working Group II is contained in document WCPFC/PrepCon/20.

21. Working Group III met for the first time during the session. It held two meetings, during which the Working Group considered the needs of the Commission with respect to monitoring, control and surveillance, an indicative programme of work for future sessions and the principal elements of a boarding and inspection scheme and the monitoring, control and surveillance component of the Commission's observer programme. In considering these issues, the need to take into account the special characteristics of the region was emphasized. In accordance with its indicative programme of work, Working Group III agreed that, at its next meeting, it would focus its efforts on the elaboration of a draft boarding and inspection plan, and procedures for the Commission's vessel record. Other issues that might be discussed, if time permits, include the observer programme, VMS, and vessel and gear markings. The delegation of Japan presented to the Working Group information on the status of IUU fishing by large-scale longline vessels and emphasized the need to take measures to prevent, deter and eliminate such fishing in the region (WCPFC/PrepCon/DP.8).

22. The summary report of the chair of Working Group III is contained in document WCPFC/PrepCon/21.

Draft resolution submitted by the delegation of Japan:

23. The delegation of Japan introduced a draft resolution relating to illegal, unreported and unregulated fishing and limits on fishing capacity. In introducing the resolution, which was supported by other participants, the delegation of Japan noted that the issue of IUU fishing and excess fishing capacity would also be taken up by the next session of the FAO Committee on Fisheries in 2003. The Conference adopted the resolution by consensus (WCPFC/PrepCon/22).

Date and place of next session

24. The Conference decided to hold two sessions in 2003. The fourth session would be held in late April or early May 2003, subject to the availability of dates. The Conference requested the Chairman to consult on the location and precise dates for the fourth session and to inform participants as soon as possible of the outcome of his consultations. The Conference accepted the offer of the Government of the Cook Islands to host the fifth session of the Preparatory Conference, to be held in September or October 2003.

25. The Conference expressed its deep gratitude and appreciation to the Government of the Philippines for the arrangements that had been made for the hosting of the third session. The third session of the Preparatory Conference was adjourned on 22 November 2002.

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