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

Second session  
Madang, Papua New Guinea  
25 February – 1 March, 2002

WCPFC/PrepCon/10  
25 February 2002

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**REPORT OF THE CHAIRMAN ON THE OUTCOME OF INFORMAL  
CONSULTATIONS ON AGENDA ITEM XI: ‘MECHANISMS TO PROMOTE  
PARTICIPATION’**

Report of the Chairman

1. At the first session of the Preparatory Conference, held in Christchurch, New Zealand, in April 2001, the Conference agreed to add an item to its agenda entitled ‘Mechanisms to promote participation’. Under this agenda item, delegations to the first session agreed to convene an informal two-day meeting prior to the second session to discuss issues to promote participation. These informal consultations took place on 21 and 22 February 2002.
2. Prior to the informal consultations, I had taken the initiative, as Chairman of the Preparatory Conference, to extend an invitation to all delegations to express their views on the format, agenda and subject-matter for the proposed informal consultations through the Secretariat. I had also circulated a background paper (WCPFC/PrepCon/BP.10\*) setting out a number of written communications received from delegations. In light of the discussions on this matter during the first session and the views expressed subsequently, I had proposed, and it was agreed, that the informal consultations would be convened by me, as the Chairman of the Preparatory Conference, and would be open to all participating delegations. The framework for discussions during the informal consultations would be as set out in annex II to document WCPFC/PrepCon/BP.10\*. This did not, however, prevent any delegation from raising issues of concern to it at any stage during the informal consultations. It was also agreed that all discussions or outcomes from the informal consultations would be without prejudice to the position of delegations. The outcomes from the meeting, including any recommendations relating to effective ways of moving forward, would be provided to the Preparatory Conference by way of a written report by the Chairman.
3. With regard to the requirements for the functional fulfilment of the Convention, it was agreed that the specific concerns of delegations relating to the financial structure of the Commission and the provision of scientific advice could be taken up at an appropriate time within Working Group I and Working Group II.
4. With regard to the concerns of delegations relating to the operation of the observer programme, the vessel monitoring system and the provisions of the Convention relating to boarding and inspection, it was agreed that these could be taken up within the framework of the Preparatory Conference. With respect to the observer programme, it was agreed that further consideration needed to be given to the respective roles, duties and responsibilities of observers and masters of fishing vessels. In this respect, a concern was expressed about preserving the authority of a master over his vessel and persons on board the vessel. In addition, an opinion was expressed that the role of flag States in the selection of observers from a list of Commission-

certified observers should receive consideration. With respect to boarding and inspection practices, it was agreed that there is a need to develop practical and effective procedures for boarding and inspection within the time frame envisaged by article 26 of the Convention. In this respect, opinions were expressed that such procedures should be acceptable to all members of the Commission. Some delegations underlined the crucial nature of this matter. With respect to the vessel monitoring system, a concern was expressed about the transmission of VMS data from vessels to the flag State and the Commission, with one delegation noting that the provision adopted in the Convention was different from earlier language considered in the drafting of the Convention. A view was expressed that the transmission of VMS data lies within the competence of the flag State.

5. The discussions underlined the already-existing need for the Preparatory Conference to establish a working group to consider issues relating to monitoring, control and surveillance. Delegations participating in the informal consultations decided to recommend to the Preparatory Conference that it establish such a working group and request it to give consideration, inter alia, to the issues raised in paragraph 4 of this report.

6. With respect to the issue of cooperation with other regional fishery management organizations to avoid duplication of measures, the delegations participating in the informal consultations agreed to recommend to the Preparatory Conference 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 particular the Convention for the Conservation of Southern Bluefin Tuna (CCSBT), the Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC), to avoid duplication of management measures between these organizations. In particular, the delegations participating in the informal consultations agreed to recommend to the Preparatory Conference that it:

(a) direct the interim secretariat to work with the Secretariat of the CCSBT to draft an exchange of letters expressing the understanding between the two organizations that, because CCSBT has competence with respect to southern bluefin tuna throughout its migratory range, the Western and Central Pacific Fisheries Commission recognizes that CCSBT is the appropriate body to develop and implement southern bluefin tuna conservation and management measures;

(b) appoint a group to work with the IATTC to develop guidelines to give full effect to article 22, paragraph 4, of the Convention, with respect to the need to avoid duplication of management measures 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. These guidelines could be presented for the consideration of the full Preparatory Conference at its next session; and

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

7. With respect to the issue of participation, the delegations participating in the informal consultations agreed to recommend the following draft decision to the Preparatory Conference:

“ The Preparatory Conference for the Establishment of the Commission for the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean decides as follows:

1. Consistent with Resolution I of the Multilateral High Level Conference (“MHLC”), including paragraph 1 of that Resolution, States and other entities that participated as observers in MHLC and that wish to participate more actively in the work of the Preparatory Conference may apply to the Chair of the Preparatory Conference.

(a) The application will include a formal written statement of commitment to the Convention.

(b) In considering the application, the Preparatory Conference will have regard to a range of relevant factors, including the following:

(i) the applicant’s fishing activities in the Convention Area;

(ii) demonstrated and sustained contribution to domestic and regional fisheries research, management and development in the region;

(iii) demonstrated responsible fishing practices, including effective exercise of responsibility for its vessels and nationals and compliance with regional and national conservation and management measures.

(c) In considering such applications, the Preparatory Conference will arrive at its decision by consensus.

(d) States and other entities that participated as observers in MHLC and that are approved to participate in the work of the Preparatory Conference may be seated with other participants of the Preparatory Conference.

2. Other States and entities that did not participate as observers in MHLC may apply to the Chair of the Preparatory Conference and a decision will be taken by consensus on their attendance to observe the meeting. Such States and entities would be seated in a designated area.

3. Any decision taken by the Preparatory Conference in accordance with these processes is without prejudice to any decision on accession under article 35 of the Convention.”

8. While the informal consultations succeeded in addressing many of the issues raised by participating delegations with respect to this agenda item, I wish to emphasize that, of course, this does not complete consideration of agenda item XI entitled ‘Mechanisms to promote participation’ which remains on the agenda of the Preparatory Conference. Clearly, delegates can return to this item whenever there is the agreement of participants to do so. In this regard, I note that the Korean delegation suggested the establishment of a working group to discuss this topic and this would be one of the options open to the Conference.

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