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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**

Fourth session  
Nadi, Fiji Islands  
5 – 9 May 2003

WCPFC/PrepCon/27  
9 May 2003

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

1. The fourth 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 Nadi, Fiji Islands, from 5 to 9 May 2003. The Conference was attended by representatives from Australia, Canada, China, Cook Islands, European Community, Federated States of Micronesia, Fiji, France, French Polynesia, 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, Vanuatu and Wallis and Futuna. Observers from 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) also attended.
2. The session was opened, after a traditional formal Fijian ceremony, by the Hon. Kaliopate Tavola, Minister for Foreign Affairs and External Trade of Fiji.
3. During the fourth session, the Conference considered the following matters:
  - (a) the status of the Convention;
  - (b) the status of the Preparatory Conference Organizational Fund and related matters;
  - (c) the draft rules of procedure for the Commission;
  - (d) the reports and recommendations of Working Groups I and III; and
  - (e) the date and place of the next session of the Preparatory Conference.
4. The delegation of Japan introduced papers on fishing capacity and IUU fishing on which there was considerable discussion. The Conference agreed that the chairman of WG.II and the chairman of the Scientific Coordinating Group (SCG) would develop a report for the fifth session that would include an assessment of:
  - (a) the status of the major highly migratory tuna stocks in the Convention Area;
  - (b) the impact of FADs on juvenile stocks in the Convention Area;
  - (c) any gaps in current data that need to be improved; and

- (d) implications for sustainability.

This approach should provide the basis for future management action. Notwithstanding this decision, certain delegations considered that further steps should be taken in the near term with a view to restraining any further increase in the capacity in the region.

#### 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.6). It was noted that five instruments of ratification had been deposited to date. Kiribati indicated that its instrument of accession had recently been signed and would be deposited shortly.

#### Draft rules of procedure for the Commission

6. The Conference met in informal session on 7 May to review the further revised draft Rules of Procedure for the Commission prepared by the Interim Secretariat on the basis of discussions during the third session and contained in document WCPFC/PrepCon/WP.1/Rev.3\*. In considering the draft, the Conference focused its attention on those rules where specific problems had been identified, namely rules 1, 14, 15, 23, 24, 30, 31, 34 and 35. While it was possible to resolve the outstanding issues in relation to a number of these provisions, it was noted that considerable differences remained on other provisions. In particular, with respect to the proposal by Japan relating to the Northern Committee, it was agreed to defer further discussion on this issue until the next session of the Conference in order to achieve a consensus consistent with the Convention.

7. The Conference agreed to return to the draft rules of procedure at its next session with a view to consideration of the remaining issues. In further revising the draft, the Secretariat was requested to include in its explanatory memorandum a note of the issues raised in relation to these outstanding issues. The Conference took note of the proposals made in relation to the participation of territories and mail voting procedures, but delegations expressed the wish for more time to study the proposals before more detailed consideration at the next session.

#### Status of the Preparatory Conference Organizational Fund and related matters

8. The Interim Secretariat provided a report on the status of the Preparatory Conference Organizational Fund and Preparatory Conference Secretariat (WCPFC/PrepCon/WP.11/Rev.1) and also circulated an audit report. Following consideration of the report, 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 December 2002, as per the audit report;

(d) note and reaffirm the existing arrangements with respect to the Interim Secretariat and Chairman.

9. With respect to the question of funding to support participation in the second meeting of the SCG, the delegation of Papua New Guinea recalled its commitment, announced at the third session, to contribute an additional sum to the Preparatory Conference process and stated that it would make that contribution available for the purpose of supporting participation of small island developing States and territories in the SCG. The delegation of Japan expressed its willingness to offer financial support for attendance of developing island States and territories in the SCG to be held July 2003. The Secretariat noted that discussions were also ongoing with a number of other delegations and that it would work with those delegations, as well as with FFA and OFP to see what assistance might be made available. Information would be circulated to all Conference participants as soon as possible.

#### Working Group reports

10. Working Group I held four meetings during the session. As agreed at the third session, the Working Group focused its attention on the development of a formula for assessment of contributions to the budget of the Commission and on the development of financial regulations for the Commission, including regulations to govern the administration of the fund established under article 30, paragraph 3, of the Convention.

11. The Working Group made substantial progress on consideration of the issues associated with the scheme for assessment of contributions to the budget of the Commission. Following its deliberations, WG.I requested the Secretariat to prepare a revision of its working paper, WCPFC/PrepCon/13, for further consideration at the fifth session, taking into account the discussions that had taken place. WG.I particularly emphasized the need to take full account in any formula the ability to pay of potential members, in particular small island developing States.

12. WG.I also had a first reading of the draft financial regulations for the Commission contained in document WCPFC/PrepCon/WP.2. The Working Group agreed to take this matter up again at its next session.

13. The summary report of the chair of Working Group I is contained in document WCPFC/PrepCon/25.

14. Working Group II met informally in order to receive a briefing and have an exchange of views on the progress of intersessional work required for the second meeting of the Scientific Coordinating Group and the fifth session of the Conference and to review its work plan for future meetings. The Working Group agreed on a draft work plan for WG.II and for the SCG, including necessary intersessional activities, to be circulated to all participants through the chairman of the Working Group and the secretariat. It was noted that the work plan was intended to be flexible and would be subject to periodic review and adjustment.

15. Working Group III held three meetings during the session. The Working Group elaborated on elements identified during the third session of the Conference with respect to monitoring, control and surveillance. The Working Group discussed in particular draft procedures for boarding and inspection. Following discussion of the procedures, the Working Group requested the chairman, with the assistance of the interim secretariat, to revise the draft for further consideration at the fifth session. The Working Group also held a preliminary discussion of the

MCS component of the Commission's observer programme and agreed that the next step would be to build on the elements of the observer programme identified by the Group at the third session. The Chairman of WG.III was requested to prepare a discussion document on proposed guidelines for the rights, duties and responsibilities for observers, captains and crew, using similar guidelines adopted by other regional organizations and national governments as a starting point. In order to facilitate progress on other matters that had not been covered in the present session, the Working Group requested the Secretariat to prepare an information paper on vessel and gear markings. A paper would also be prepared on VMS, if possible. These information papers, together with the draft guidelines on rights and responsibilities of observers would serve as the basis for substantive discussions at the next meeting of the Working Group.

16. The summary report of the Chairman of Working Group III is contained in document WCPFC/PrepCon/26.

#### Date and place of next session

17. The fifth session of the Conference will take place at Rarotonga, Cook Islands, from 29 September to 3 October 2003. With respect to the programme of work for the fifth session, the Conference recalled that it had agreed at its first session in April 2001 that its objective should be to complete the work of the Preparatory Conference within an overall time-frame of three years; that is, by early 2004. With that in mind, and in light of the possibility that the Convention could enter into force in 2004, the Conference decided that it should take the opportunity at the fifth session to take stock of progress on its agenda to date and to review and prioritize the future work of the Conference. In allocating scarce conference time, it was agreed that priority would need to be given to consideration of the key organizational issues on which the establishment of the Commission depended. It was also recognized that, to the extent possible, it would be necessary to continue the valuable work agreed on in Working Groups II and III.

18. The Conference also noted the need to consider, well in advance, arrangements for a sixth session.

19. The Conference expressed its deep gratitude and appreciation to the Government of Fiji for the arrangements that had been made for the hosting of the fourth session.

20. The fourth session of the Preparatory Conference was adjourned on 9 May 2003.

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