

WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION

P.O. Box 2356, Kolonia, Pohnpei 96941

Federated States of Micronesia

www.wcpfc.int

INFORMATION PACKAGE

Development of Recommended Catch Attribution Guidelines for the WCPFC

INTRODUCTION

The Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) entered into force in June 2004 creating one of the first new regional fisheries management organizations (RFMOs) to be established since the 1995 adoption of the United Nations Fish Stocks Agreement (Agreement). The objective of the Convention, and hence the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), is to ensure the long-term conservation and sustainable use of highly migratory fish stocks in the Convention Area in accordance with the 1982 United Nations Convention on the Law of the Sea and the Agreement.

The current Members of the WCPFC are Australia, Canada, China, Cook Islands, European Community, Federated States of Micronesia, Fiji, France, Japan, Kiribati, Korea, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States, and Vanuatu. The current Participating Territories are French Polynesia, New Caledonia and Wallis and Futuna (affiliated with France); Tokelau (affiliated with New Zealand); and the Territory of American Samoa, the Commonwealth of the Northern Mariana Islands and the Territory of Guam (affiliated with the United States of America). The Cooperating Non-Members for 2010 are Belize, Ecuador, El Salvador, Indonesia, Mexico, Senegal, and Vietnam. Additional information concerning the WCPFC, including copies of recent decisions, is available from www.wcpfc.int.

During the Sixth Session of the WCPFC in December 2010, Members, Participating Territories, and Cooperating Non-Members (collectively, CCMs), discussed the importance of catch attribution (i.e., the assignment of fish caught to a particular nation, region, or territory) in charter arrangements, and decided to consider the matter at the Sixth Regular Session of the WCPFC's Technical and Compliance Committee (TCC6) that will be held from September 30 to October 5, 2010, in Pohnpei, Federated States of Micronesia.

This consultancy will result in the preparation of an information paper on catch attribution for consideration at TCC6. Although catch attribution in the context of charter arrangements is expected to be a key component of the paper, the consultancy will also

undertake a general exploration of catch attribution practices utilized by WCPFC CCMs, as well as by other RFMOs, and develop recommended guidelines for catch attribution that can be utilized by the WCPFC.

OBJECTIVE

- Development of a compendium of information regarding current catch attribution practices used by CCMs, the Secretariat, and the WCPFC's science providers (in producing generic reports for the WCPFC).
- Development of a compendium of information regarding current catch attribution practices used by other RFMOs, including with respect to chartering arrangements.
- Development of practical guidelines for catch attribution that can be considered for use in the implementation of WCPFC decisions, such as management measures regarding charter arrangements, by the WCPFC and by CCMs.

Catch Attribution

The WCPFC is adopting member-specific catch limits for certain highly migratory species (HMS) within its competence, effectively allocating catches among WCPFC members (limits have also been imposed on vessel numbers and fishing effort, which again, are effectively allocation decisions). WCPFC members are implementing those catch limits by attributing catch as they believe appropriate given the precise nature of a given limit. However, the WCPFC has not adopted clear general or specific guidelines for catch attribution. This raises the possibility that WCPFC members are implementing their respective limits inconsistently, raising equity issues as well as potential problems with reported catch data. For instance, limits are typically based in part on catch data provided by members. So to the extent that those data are treated inconsistently among WCPFC members through differing catch attribution practices there may be inequities in the limits themselves.

Limits allocated among WCPFC members can generally be flag-based or zone-based. The attribution of catch with respect to the limit would be flag-based or zone-based, in accordance with the allocation scheme. The attribution of catch with respect to a zone-based limit is straightforward (assuming the boundaries are not in dispute). Attributing catches by the flag State of the vessel is similarly straightforward if the allocation scheme is purely by flag and the flag of any given vessel is unequivocal. However, depending on the particular allocation scheme, there may be complicating factors, including territorial fisheries, licensing and charter arrangements (including parallel flags, if any) of diverse types.

As an example, the WCPFC adopted a conservation and management measure (CMM 2008-01, Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean) that establishes bigeye tuna limits in longline fisheries for each of its CCMs for the calendar years 2009, 2010, and 2011. The limits are based on catch data provided by CCMs. The implication is that catch is attributed to a particular WCPFC member's limit by the flag of the vessel that catches the fish. The

measure adds, however, that vessels operated under charter, lease or other similar mechanism by developing islands 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. CMM 2008-01 does not define the term “integral,” so the measure does not provide concrete guidance with respect to how the catches of vessels operating under charter arrangements are to be treated, i.e., how are those catches to be counted against any limit. The measure also leaves open the issues of vessels operating under parallel flags and vessels operating under the flag of a nation that has multiple CCMs, as it does not specify how the catches of Participating Territories are to be treated. Thus, the attribution of catch plays an important role in both international and domestic policy and the conservation and management of HMS fisheries; the attribution of catch has direct effects on the status of stocks of HMS, the enforceability of agreed limits, and the economics of the fishing industry.

TERMS OF REFERENCE FOR THE CONSULTANCY

- a. Research current catch attribution practices used by CCMs and other RFMOs. At a minimum, the research shall include, but not be limited to, the following: detailed review of fisheries data and information; interviews with experts in CCMs; and a review of existing literature (e.g., reports in published journals, papers developed for tuna RFMO meetings, policy papers published by governmental bodies) regarding catch attribution practices and management implications for fisheries worldwide. Recommendations shall be made on the consistency of attribution schemes used in the various RFMOs as well as within the WCPFC area of application.
- b. Conduct analyses (either quantitative or qualitative, as appropriate) to assess the pros and cons of each of the catch attribution practices identified. The analyses shall assess the long-term environmental and economic implications for each catch attribution practice and should include assessment of whether a uniform catch attribution scheme is needed to apply to all CMMs or whether a particular scheme can be incorporated separately into each WCPFC decision.
- c. Craft recommended guidelines for the development of appropriate catch attribution practices that can be considered for implemented by the WCPFC and CCMs. The recommendations shall identify current data gaps that would need to be filled in order to implement the guidelines, such as specific information about the relevant vessels, including the nature of any charter arrangements (including parallel flags, if any) they are engaged in, and their characteristics and/or activity with respect to the fisheries of Participating Territories versus those of the appropriate Member responsible for its international affairs.
- d. Submit consultancy report to the Secretariat in accord with the schedule below. The report shall detail the research and analyses, and set forth the recommended guidelines developed.

CONSULTANCY ATTRIBUTES

The assignment shall be undertaken by expert(s) with an extensive understanding of the following areas: fisheries management; western and central Pacific Ocean (WCPO) tuna fisheries; tuna industry operations and investment in the WCPO; tuna fishery access arrangements in the WCPO, including multilateral and bilateral licensing arrangements and vessel chartering arrangements; tuna fleet dynamics in the WCPO; the role of the WCPFC in WCPO tuna fisheries; RFMOs and other institutional arrangements; and international and regional developments in relation to the conservation and management of highly migratory fish stocks.

PROVISIONAL INDICATIVE SCHEDULE

Task	Time frame
Advertise opportunity/Call for EOI	21 May 2010
Close of EOI and selection of consultants	15 June 2010
Draft consultancy report	31 August 2010
TCC6 review and CCMs' comments on the draft	20 October 2010
Final consultancy report	5 November 2010

EXPRESSIONS OF INTEREST

The consultancy will commence as soon as possible after the selection of the winning bid. Suitably qualified individuals, institutions or firms are invited to submit bids to undertake the assignment described above. Bids should include:

- a capability statement detailing qualifications and relevant experience for individual team members and/or the agency bidding for the consultancy;
- a detailed work plan, with milestones and budget for the consultancy; and
- contact details for individuals who can comment on previous work by the bidder that is relevant to this consultancy.

In assessing the merits of all bids, cost efficiency and cost effectiveness will be important considerations in determining the preferred bidder.

Request for additional information relating to this consultancy and submissions of EOI should be directed to:

The Compliance Manager
Western and Central Pacific Fisheries Commission
P.O. Box 2356
Kolonia
Pohnpei State
Federated State of Micronesia
Phone: (691) 320 1992
Fax: (691) 320 1108
E-mail: wcpfc@mail.fm
Web: www.wcpfc.int

by close of business on **15 June 2010**.