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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**

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

WCPFC/PrepCon/DP.33  
19 November 2004

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REPORT ON THE WORKSHOP ON COMPLIANCE WITH THE MHLC AND WCPFC  
RESOLUTIONS, JULY 14 – 16 2004, SAPPORO, JAPAN

Submitted by the delegation of Japan

1. The delegation of Japan presents herewith the report of the workshop on compliance with the MHLC and WCPFC resolutions, held on 14 – 16 July 2004, at Sapporo, Japan.
2. The report is annexed to the present document.

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**Report of the Workshop on Compliance with the  
MHLC and WCPFC PrepCon Resolutions**

**July 14-16, 2004**

**Sapporo, Japan**

## **SUMMARY REPORT OF THE WORKSHOP ON COMPLIANCE WITH THE MHLC AND WCPFC PrepCon RESOLUTIONS**

Sapporo, Japan  
14-16 July 2004

The WORKSHOP ON COMPLIANCE WITH THE RESOLUTION took place at Sapporo, Japan from 14 to 16 July 2004. The Workshop was attended by representatives from Australia, Canada, Cook Islands, European Community, Federated States of Micronesia, Fiji, Indonesia, Japan, Kiribati, Republic of Korea, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America, and Vanuatu. The interim Secretariat of the WCPFC, the South Pacific Forum Fisheries Agency (FFA) and the Inter-American Tropical Tuna Organizations (IATTC) also attended. The list of meeting participants is included at **Attachment 1**.

### **Agenda 1. Opening**

1. The meeting was opened by Mr. Tomofumi KUME, Councillor, Fisheries Agency of Japan (**Attachment 2**).

### **Agenda 2. Election of Chair**

2. Mr. Masanori MIYAHARA, Japan, was elected as the Chair.

### **Agenda 3. Adoption of Agenda**

3. The agenda was adopted and is included at **Attachment 3**

### **Agenda 4. Review of implementation of the resolutions adopted at the 4th MHLC and the 3rd and 5th sessions of the PrepCon**

4. Japan made a presentation on current stock status of bigeye tuna in the WCPFC areas as well as entire Pacific (**Sapporo WS 02**).

5. Japan introduced the outcome of the FAO Technical Consultation held in Rome in June 2004, and presented the latest information on activities of tuna purse seine vessels including those increased contrary to the past resolutions (**Sapporo WS 03**).

6. Chinese Taipei stated its position concerning Japanese presentation (**Sapporo WS 05**).

7. Some members stressed the importance of inclusion of longline fishery for consideration of fishing capacity.

8. Pacific Islands participants stressed the legitimate right to develop tuna fishery of Coastal States and the meeting reaffirmed it.

#### **Agenda 5. Possible measures to address the issues of excessive fishing capacity**

9. Japan introduced its proposal regarding proposed actions to implement the resolutions (**Sapporo WS 03 and 04**).
10. Chinese Taipei expressed its disagreement on pointing out Chinese Taipei alone and stressed the importance of cooperation of all the members concerned (**Sapporo WS 06**).
11. Various members expressed their views and after in depth discussion, the meeting agreed to propose the INTERIM ACTIONS which are included at **Attachment 4**.
12. Chinese Taipei stated that while it does not oppose to the consensus on the INTERIM ACTIONS, it needs to bring them back home for approval by the government, particularly on paragraph 3 of the ACTIONS.

#### **Agenda 6. Others**

13. US stressed the importance for the future Commission to consider the management options.
14. In developing its work plan for the conservation and management of the highly migratory fish stocks in the Convention area, the Commission should give due consideration to the previous resolutions of the MHLG and PrepCon related to fishing capacity and resource sustainability without prejudice to the final decisions of the Commission. In evaluating the full range of management options available for the fishery, the Commission should give due consideration to capacity management issues.

#### **Agenda 7. Adoption of summary report**

15. The meeting adopted the report.

## **LIST OF ATTACHMENT**

**Attachment 1:** LIST OF PARTICIPANTS

**Attachment 2:** OPENING STATEMENT BY MR. KUME, HEAD OF JAPANESE  
DELEGTION

**Attachment 3:** AGENDA

**Attachment 4:** INTERIM ACTIONS

## **LIST OF PAPERS DISTRIBUTED FOR DISCUSSION**

**Sapporo WS 01:** TENTATIVE AGENDA

**Sapporo WS 02:** REVIEW OF STOCK STATUS OF BIGEYE TUNA IN THE PACIFIC

**Sapporo WS 03:** EXPLANATORY NOTE ON THE JAPANESE PROPOSAL

**Sapporo WS 04:** PROPOSED ACTIONS (proposed by Japan)

**Sapporo WS 05:** STATEMENT OF CHINESE TAIPEI ON THE ISSUE OF  
OVERCAPACITY OF PURSE SEINE FISHERY IN THE WCPO

**Sapporo WS 06:** THE COMMENTS OF CHINESE TAIPEI ON THE EXPLANATORY  
NOTE ON THE JAPANESE PROPOSAL

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July 14 - 16, 2004

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Ms. Kaoru Kawamoto	Interpreter	
Ms. Yoko Yamakage	Interpreter	
Kiribati, Republic of		
Mr. Maruia Kamatie	Director of Fisheries, Fisheries Division, Ministry of Fisheries and Marine Resources Development P.O.Box 64, Bairiki, Tarawa	Tel: 686-28095 Fax: 686-28295 Email: maruiaK@mnr.gov.ki
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Mr. Suk-Bum Park	Deputy Director-General, Ministry of Foreign Affairs and Trade 701, Ministry of Foreign Affairs and Trade, Seoul	Tel: 82-2-2100-7711 Fax: 82-2-2100-7987 Email: sbpark79@mofat.go.kr
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Mr. Kwang Se Lee	General Manager & Director, Silla Co., Ltd. 286-7, Seokchon-Dong, Songpa-ku, Seoul	Tel: 82-2-417-7171 Fax: 82-2-417-9360 Email: kslee@sla.co.kr
Micronesia, Federated States of		
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Mr. Peter Jacob	Fisheries Development Manager, Nauru Fisheries and Marine Resources Authority P.O.Box 449, Aiwo District, Nauru	Tel: 674-444-3733 Fax: 674-444-3812 Email: rdman@naurufisheries.com

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Niue		
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Papua New Guinea, Independent State of		
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Mr. Maurice Brownjohn	President, PNG Fishing Industry Association P.O.Box 5860, Boroko, PNG	Tel: 675-325-8222 Fax: 675-325-8994 Email: netshop1@daltron.com.pg
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Ms. Rosalina Tan	Treasurer, San Andres Fishing Tumbler, Gen. Santos City 9500	Tel: 63-083-554-3230 up28 Fax: Email:
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Mr. Adrian Wickham	General Manager of National Fisheries Development Ltd. P.O.Box717, Honiara, Solomon Islands	Tel: 677-30991 Fax: 677-30994 Email:aewickam@nfd.com.sb
Tonga, Kingdom of		
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Tuvalu		
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United States of America		
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Inter-American Tropical Tuna Commission		
Dr. Robin Allen	Director, IATTC 8604 La Jolla Shores Drive La Jolla CA 92037-1508	Tel: 1-858-546-7019 Fax: 1-858-546-7133 Email: rallen@iattc.org
Interim Secretariat		
Mr. Michael Lodge	Secretary 2, rue André Pascal 75016 Paris Cedex 16, France	Tel: 33-1-4524-9576 Fax: 33-1-4524-7931 Email: Michael.LODGE@oecd.org



**Opening statement  
by Mr. Tomofumi KUME  
Councillor,  
Fisheries Agency of Japan**

Date: July 14, 2004

Venue: Sapporo Education and Culture Hall

1. Ministers, Distinguished delegates, ladies and Gentlemen. Good morning. I welcome you all to Sapporo. I would like to say a few words on behalf of the host country. Sapporo is located in Hokkaido, the northernmost island of Japan. Hokkaido is a semi-cold region. Summer is not hot so you can spend the season comfortably. I hope you will use this opportunity to enjoy another face of Japan much different from Tokyo.
2. Distinguished delegates, this workshop was proposed by Japan and was welcomed and supported as a voluntary intercessional work by consensus at the PrepCon VI in Bali, Indonesia, in April this year. We have before us distinct topics to discuss at this meeting. The resolution adopted at PrepCon V in the Cook Islands, provides explicitly, in paragraph 6, as follows: It says that it  
*"Strongly urge States, territories, fishing entities and other entities who have continued to breach these resolutions since the original MHLIC IV resolution to reduce any overcapacity they have created..."*
3. Further, last month, FAO held a technical consultation regarding fishing capacity. At the consultation, a concern was expressed over still expanding fishing capacity of large scale tuna fishing vessels in the WCPFC area, and unanimously recognized a need to take immediate actions.
4. Based on this resolution and the latest outcome of the FAO Technical Consultation, we have to discuss seriously in this meeting ways to reduce, in concrete terms, the overcapacity of purse-seine fishing vessels, which showed a drastic increase after the resolution was adopted at MHLIC IV in February 1999.
5. It is indispensable for us, before the WCPFC starts its function on actual conservation and management measures, to create the situation where all the members can stand at the common and fair starting line by reducing the fishing capacity increased against the resolutions.

6. As you are aware, the WCPFC Convention entered into force effective from June 19, 2004. However, the bigeye and yellowfin tuna stocks, the major species under the competence of the WCPFC, are in a full or over-exploited status and probably still declining. This means that the WCPFC has to stand before a red signal from the very outset of its entry into force. In particular, local depletion of bigeye has been observed clearly off the Japanese coasts. Japan's coastal and off-shore fishermen off the eastern coast of Japan are already facing a severe hardship due to drastic decline in their bigeye harvests. In this connection, we should take certain measures to curtail overcapacity to the level, before the resolutions were adopted.
7. However, I would like to emphasize here one point. What we are going to discuss at this meeting is in no way intended to obstruct the development of fisheries in developing countries. We are in a position to assist the development of fisheries in developing countries, and we recognize that localization of fishing vessels is one of the effective methods to that end. However, if a fishing nation localizes its fishing vessels, it should reduce its fishing license accordingly with the perspective to prevent increase in overall fishing capacity. Beyond any argument, this is an approach a responsible fishing nation should take.
8. Distinguished delegates, I do hope that the issue of excessive fishing capacity will move toward solution through this meeting.
9. Before closing, I sincerely hope that you will have a chance to enjoy the beautiful landscape of Hokkaido.
10. Thank you.

## Workshop on Compliance with the Resolutions

July 14-16, 2004

Sapporo, Japan

### Agenda

- 1) Opening
- 2) Election of Chair
- 3) Adoption of Agenda
- 4) Review of implementation of the resolutions adopted at the 4th MHLC and the 3rd and 5th PrepCons
- 5) Possible measures to address the issues of excessive fishing capacity created against the resolutions
- 6) Others
- 7) Adoption of summary report
- 8) Closing

## INTERIM ACTIONS

As the inter-sessional voluntary effort, the meeting agreed to propose the following interim actions to the PrepCon VII:

1. to require participants with large high seas tuna fishing fleets in the region to cease construction and introduction of tuna purse seine and longline vessels unless those vessels replace the existing duly authorized tuna fishing vessels that may sink, are to be scrapped, or are intended to use licenses authorized under the pre-existing multilateral and regional arrangement\*;
2. to request participants to restrict issuance of fishing authorizations and vessel registration to foreign owned and operated tuna purse seine and longline vessels so as not to undermine implementation of paragraph 1;
3. to request participants, the flag states, States and entities whose nationals are beneficial owners of such vessels to cooperate with each other to ensure that the companies (as listed in the Attachment\*\*) which created over-capacity of the purse seine vessels in contravention of the MHLC and PrepCon resolutions will scrap by 31 July, 2007 or cease immediately fishing of twenty three (23) tuna purse seine vessels of 1,000 GRT class fishing in the region or equivalent and that fishing authorizations in the region for those vessels will be abolished; such cooperation is including but not limited to:
  - joint effort to establish and implement a fleet reduction program in accordance with this paragraph ;
  - cessation of provision of vessel equipments for construction of vessels against paragraph 1; and
  - persuasion and guidance to the relevant international business entities involved in purse seine capacity expansion for compliance with the WCPFC conservation programs and their possible financial and/or other contributions to the fleet reduction program

If any additional purse seine vessel is constructed in contravention of the resolutions, this paragraph shall also be applied to it.

4. to request those participants to submit the fleet reduction program to the PrepCon VII;
5. to request participants to ensure that the vessels which are subject to the

fleet reduction program shall be identified separately in the WCPFC Record of Fishing Vessels and Authorization to Fish so as to ensure effective implementation of the fleet reduction program established under paragraph 3;

6. to encourage collection, exchange and disclosure to the extent possible under domestic law, of information on the activities of international business entities such as trading companies undermining the effectiveness of WCPFC conservation programs and fleet reduction programs so that the concerned participants can take appropriate cooperative activities to prevent such actions;
7. to require participants to implement the above paragraphs so as not to hinder but to encourage localization of the tuna fishing vessels from developed participants to coastal developing nations, particularly small island developing nations; and
8. to request future Commission to cooperate and coordinate with other RFMOs, Coastal States and Flag States and entities to avoid transfer of capacity from one region to another if it creates over-capacity.

**Note:**

**\*This paragraph should not be applied to hinder legitimate fishery development of Coastal States.**

**\*\*The obligation of fleet reduction incumbent on the companies listed in the Attachment should not be negated by a sale or transfer of the vessels.**

## Attachment

Name of Beneficial Owners and Addresses	Name of Companies in Flag States	Name of vessels
榮星企業（股）公司 KOO'S ENTERPRISE CO., LTD.  台北市復興北路 167 号 7 棟之 3 7F-3, No.167 Fu-Hsin North Road, Taipei	Koo's Fishing Co., Ltd. (Marshall Islands)	KOO'S 106* KOO'S 107* KOO'S 108
華偉水產（股）公司 FAIR WELL FISHERY CO., LTD.  高雄市漁港南一路 15 号 4F 4F, No.15 Yu Kang South 1 <sup>st</sup> Road, Chien Chen Dist., Kaohsiung	Fair Champion International Group Ltd. (Vanuatu) Fair Crystal International Group Ltd. (Vanuatu) Fair Victory International Group Ltd. (Vanuatu) Fair Winner International Group Ltd. (Vanuatu)	FAIR CHAMPION 707 FAIR PIONEER 707* FAIR VICTORY 707 FAIR WINNER 707*
豐誠漁業（股）公司 FONG CHERNG FISHERY CO., LTD.  高雄市鼓山区濱海一路 69 号 No.69, Ping-Hai 1 <sup>st</sup> Road, Ku San Dist., Kaohsiung	Trans-Global International Co., Ltd. (Vanuatu) Trans-Global International Co., Ltd. (Vanuatu) Weelee Overseas International Co., Ltd. (Vanuatu) Haur Shyang Fishery Co., Ltd. (Vanuatu)	FONG SEONG 168 FONG SEONG 196 FONG SEONG 668 FONG SEONG 818
豐國水產（股）公司 FONG KUO FISHERY CO., LTD.  高雄市前鎮區漁港東二路 3 号 423 室 Rm423 No.3 Yu Kang East 2 <sup>nd</sup> Road, Chien Chen Dist., Kaohsiung	Eastern Marine Co., Ltd. (Vanuatu) Eastern Star Co., Ltd. (Vanuatu) Oriental Marine Co., Ltd. (Vanuatu) Tuna Catcher Co., Ltd. (Vanuatu) Tuna Queen Co., Ltd. (Vanuatu)	EASTERN MARINE* EASTERN STAR ORIENTAL MARINE* TUNA CATCHER TUNA QUEEN
鴻福漁業（股）公司 HONG FU FISHERY CO., LTD.  高雄市臨海一路 22 号 No.22 Lin Hai 1 <sup>st</sup> Road, Kaohsiung	HF Fishery Co., Ltd (Vanuatu)	HF 88
中信漁業（股）公司 JONG SHYN FISHERY CO., LTD.  高雄市前鎮區漁港北一路 46 号 No.46 Yu Kang North 1 <sup>st</sup> Road, Chien Chen Dist., Kaohsiung	Hsiang Fa Fishery Co., Ltd. (Vanuatu) Hsiang Hao Fishery Co., Ltd. (Vanuatu) Hsiang Sheng Fishery Co., Ltd. (Vanuatu) Shun Fa Fishery Co., Ltd. (Vanuatu)	HSIANG FA 8 HSIANG HAO 8 HSIANG SHENG 6 SHUN FA 8
錦輝漁業（股）公司 JIN HUI OCEAN ENTERPRISES  高雄市前鎮區漁港東二路 3 号 316 室 Rm316 No.3 Yu Kang East 2 <sup>nd</sup> Road, Chien Chen Dist., Kaohsiung	Yung Da Fa Fishery Co., Ltd. (Vanuatu)  Yung Shin Fa Fishery Co., Ltd. (Vanuatu)	YUNG DA FA 168  YUNG DA FA 668

**\*Note: If any of the vessels built in 1999 is confirmed to have begun its construction or have obtained the engine for its construction before 28 February, 1999 that vessel should be excluded from the fleet reduction program.**

Workshop on Compliance with the MHLIC and WCPFC PrepCon Resolutions  
July 14-16, 2004  
Sapporo, Japan

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## Workshop on Compliance with the Resolutions

July 14-16, 2004

Sapporo, Japan

### Tentative Agenda

- 1) Opening
- 2) Election of Chair
- 3) Adoption of Agenda
- 4) Review of implementation of the resolutions adopted at the 4th MHLIC and the 3rd and 5th PrepCons
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- 6) Others
- 7) Adoption of summary report
- 8) Closing

# Review of stock status of bigeye tuna in the the Pacific

(Sapporo Workshop , Japan, 14-16 July, 2004)

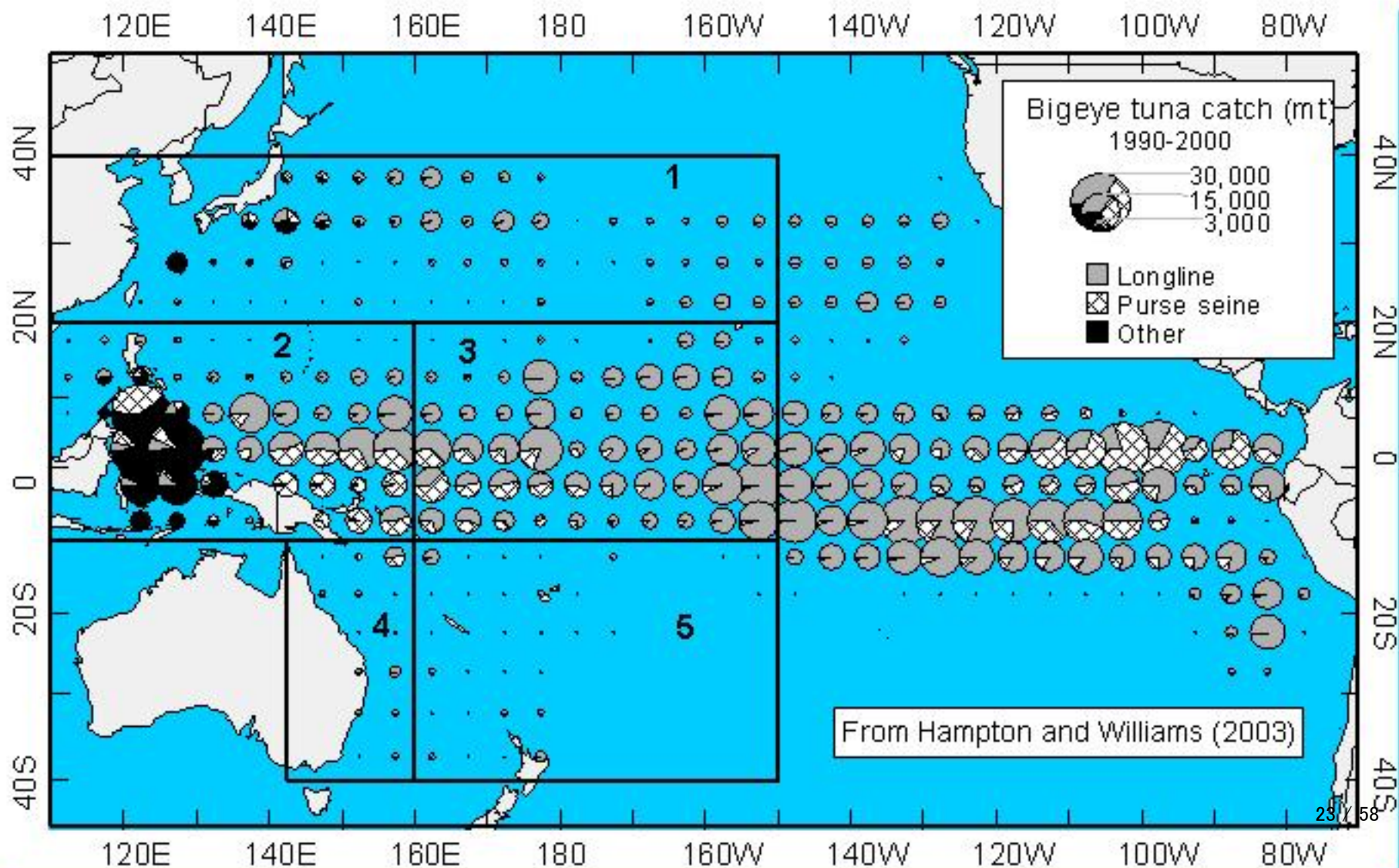
Ziro Suzuki

(National Research Institute of Far Seas Fisheries,  
Shizuoka, Japan)

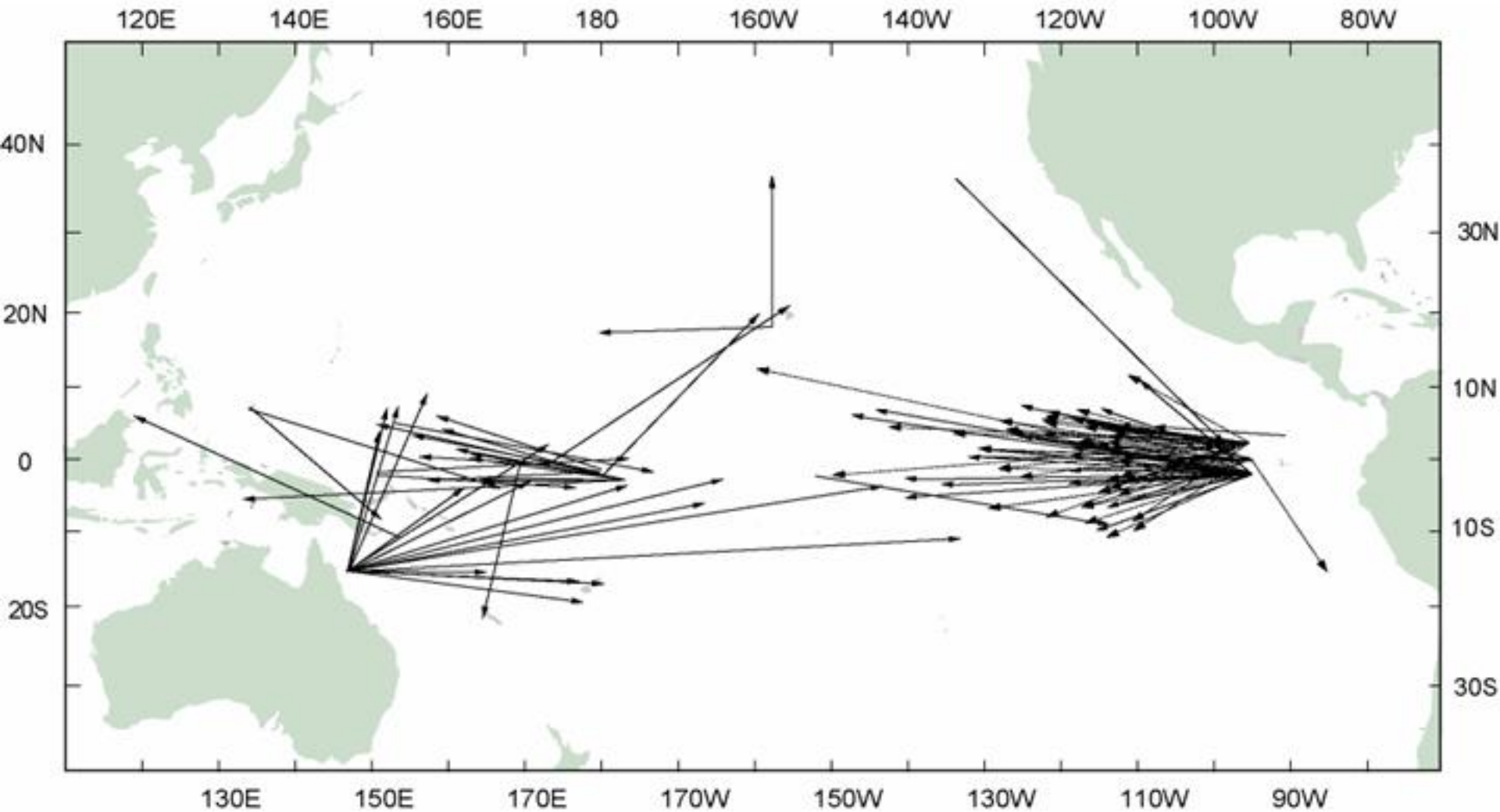


# Pacific Bigeye

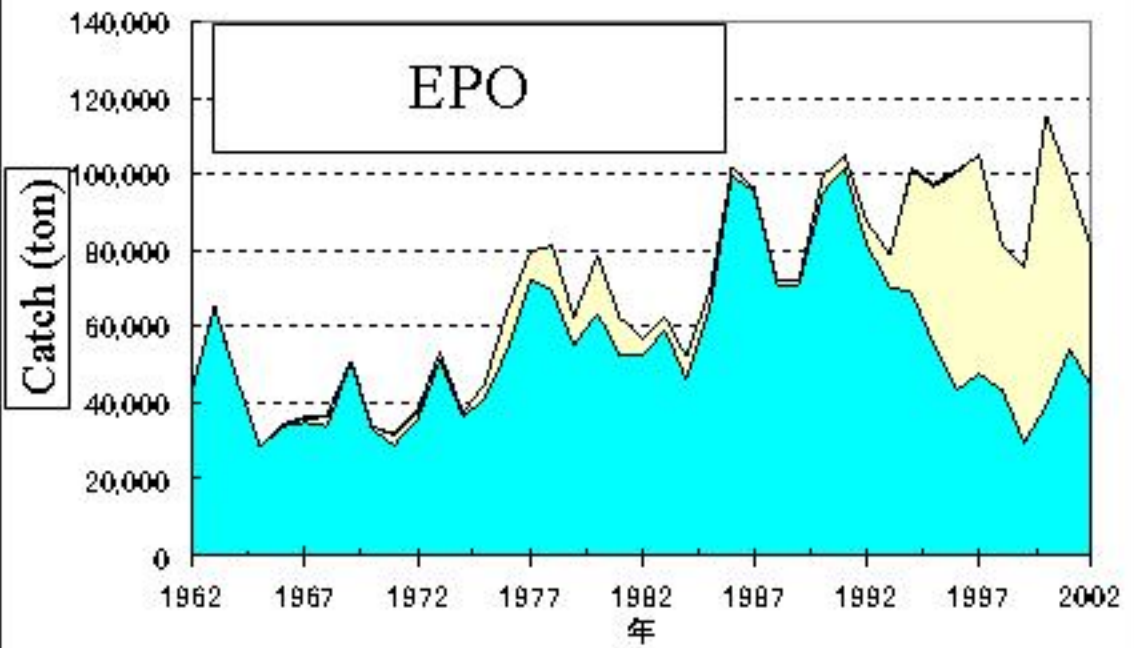
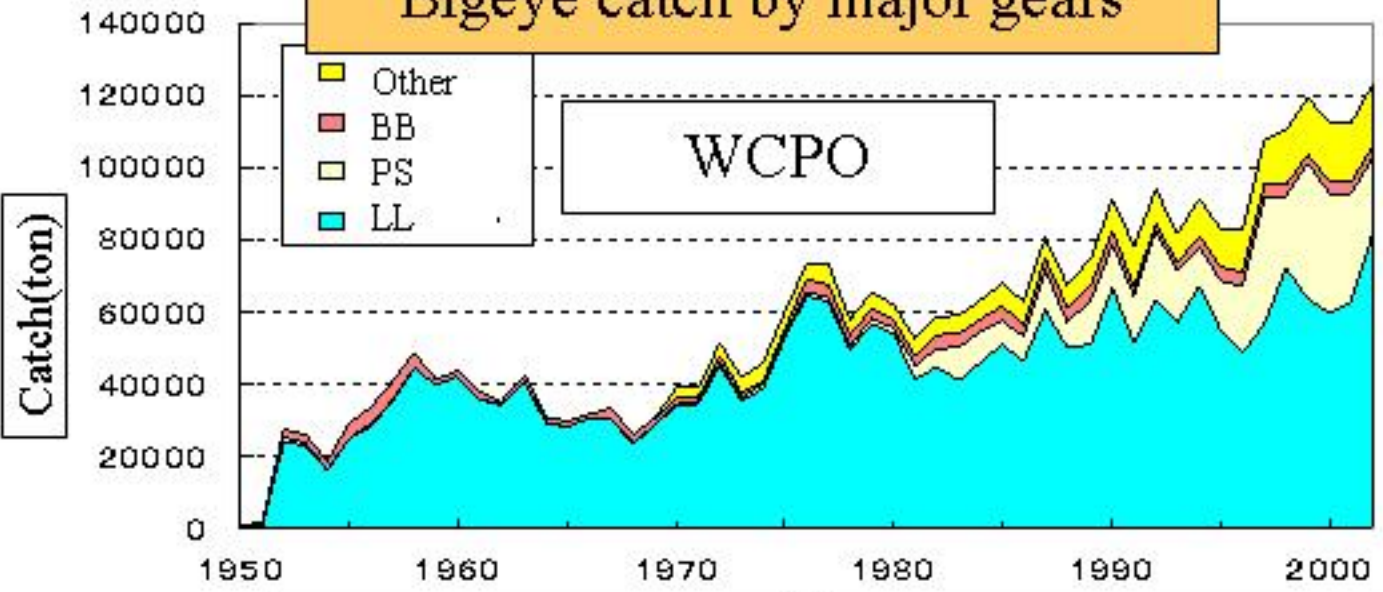
## Distribution of catch during 1990-2000



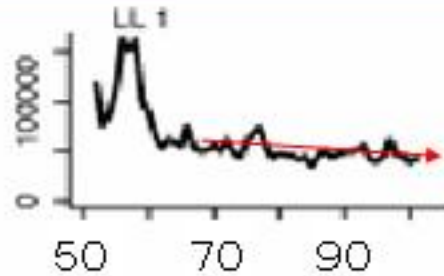
# BFT movement in excess of 1000n miles



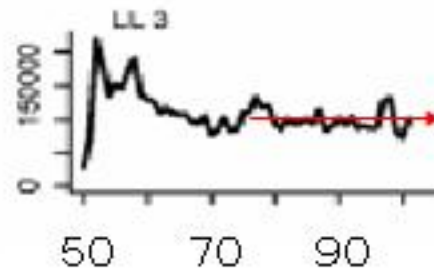
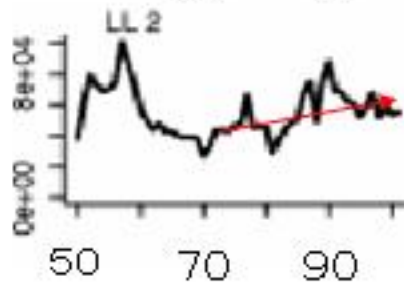
# Bigeye catch by major gears



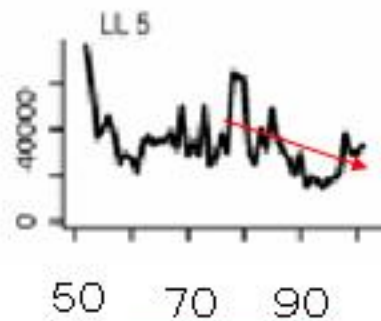
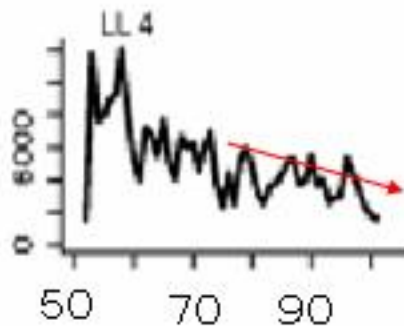
# Japanese LL CPUE in the WCPO



North



Tropical



South

West

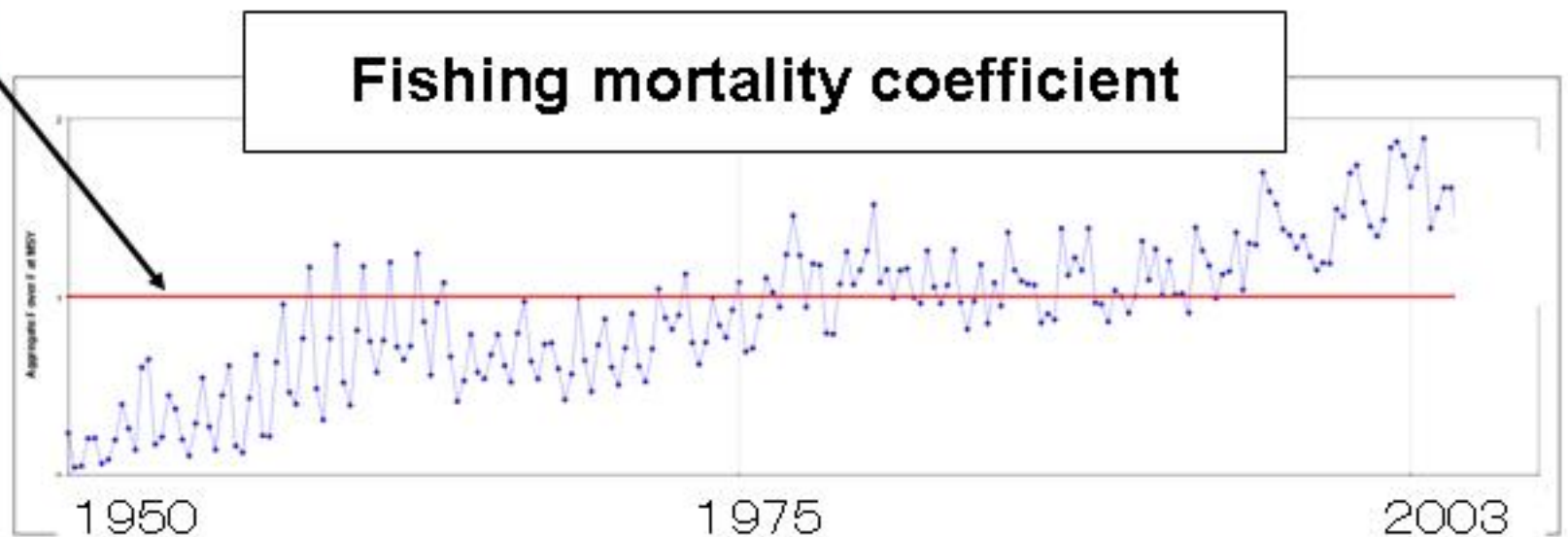
Central

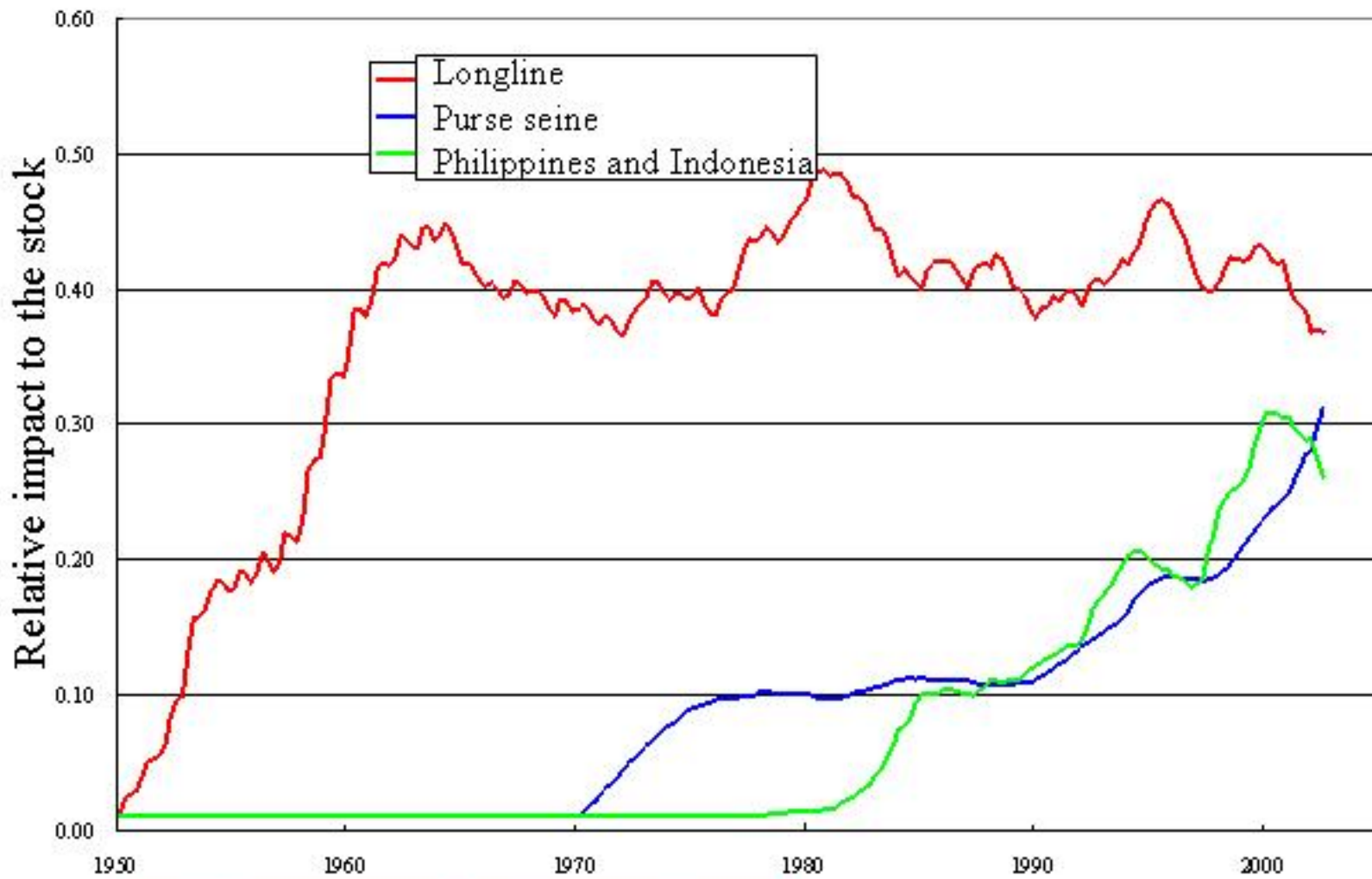


# WCPO Bigeye



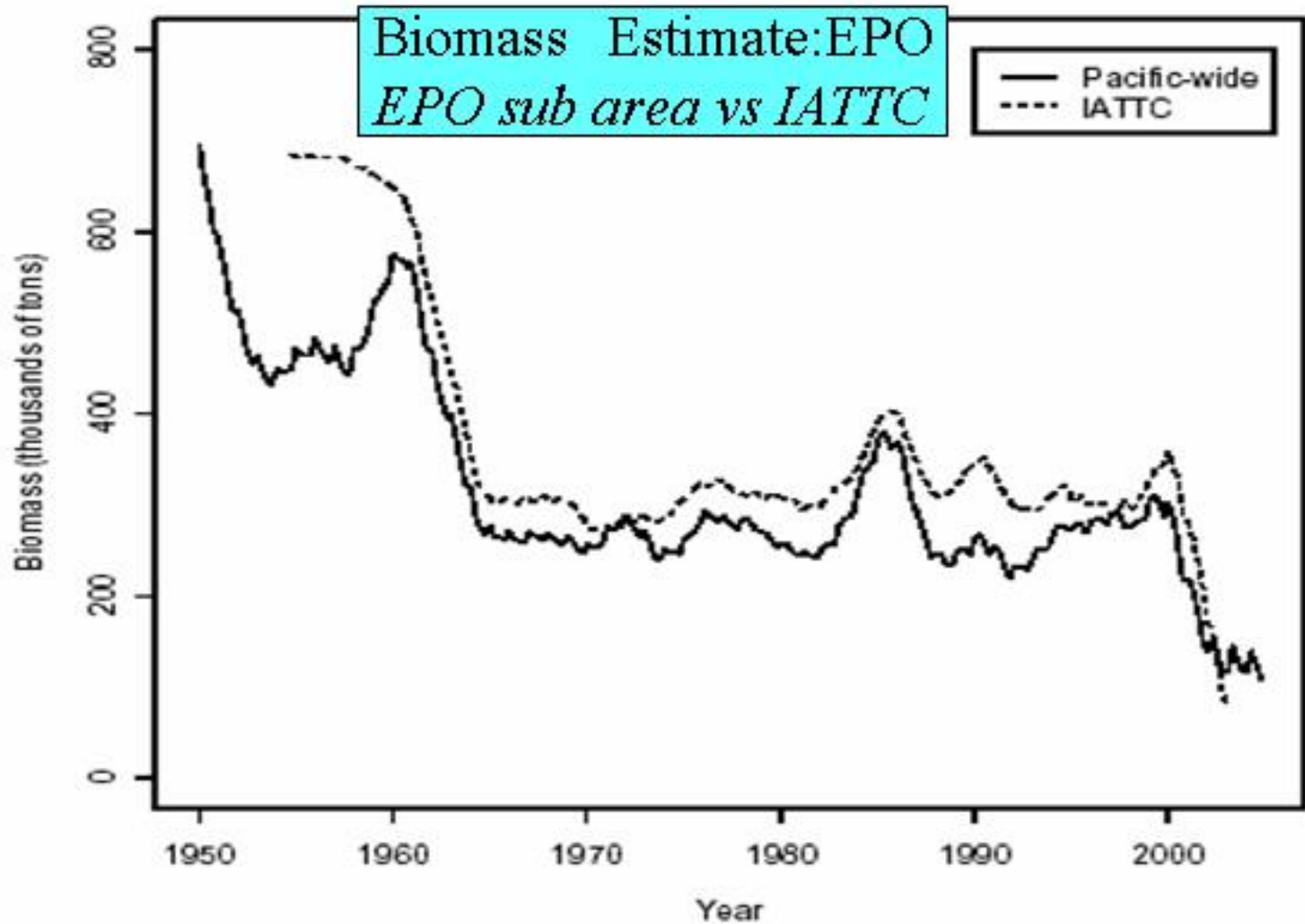
MSY





Unit impact of PS/PI and LL  
2~3:1

Modified from Hampton et al. 2003



**Figure A7.** Total biomass for the EPO estimated by MULTIFAN-CL in the Pacific-wide assessment (solid line) and estimated by A-SCALA using data for the EPO only (dashed line).

## Summary table of stock status of bigeye in the WCPO

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### Reference Value

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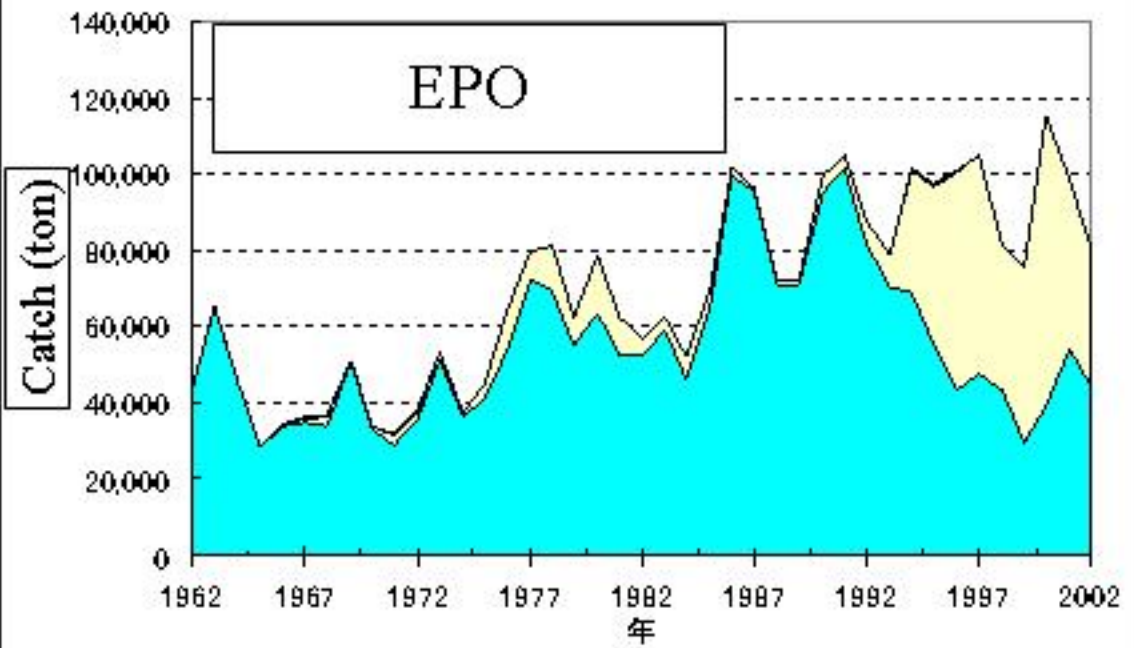
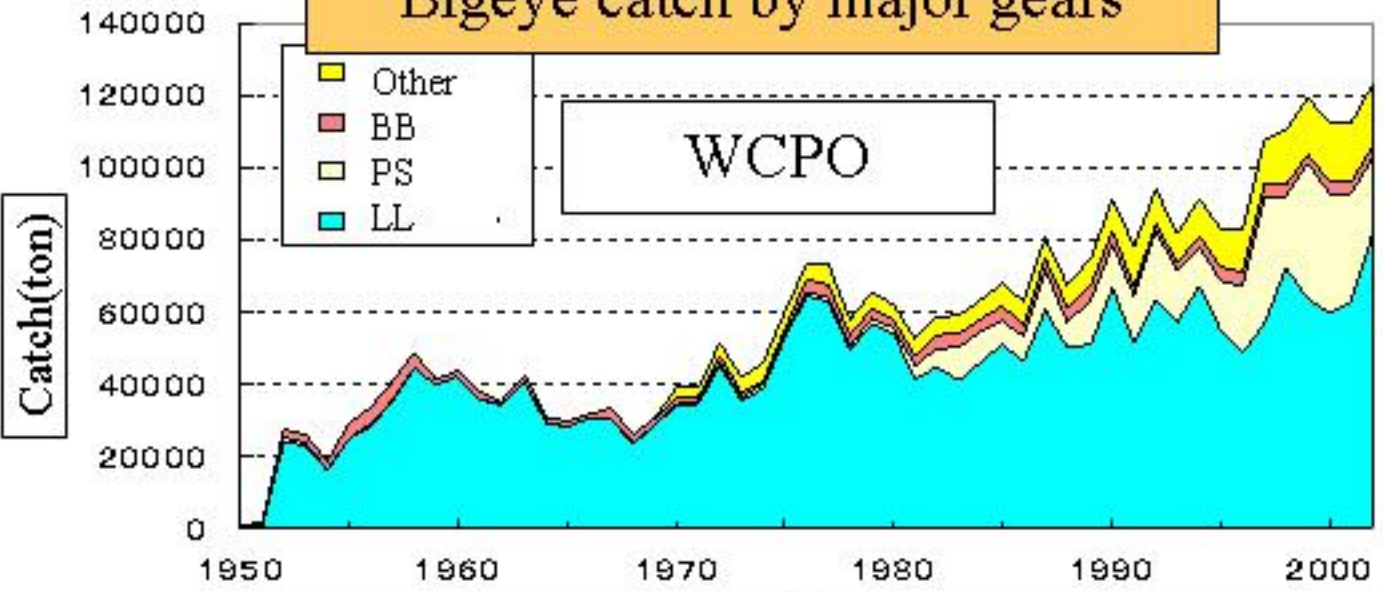
MSY	40,000~80,000t
$C_{2002}/MSY$	1.98~2.85
$B_{2002}/B_{MSY}$	1.35~ 1.76
$B_{2002}/B_0$	0.27~ 0.34
$F_{2002}/F_{MSY}$	1.35~1.76

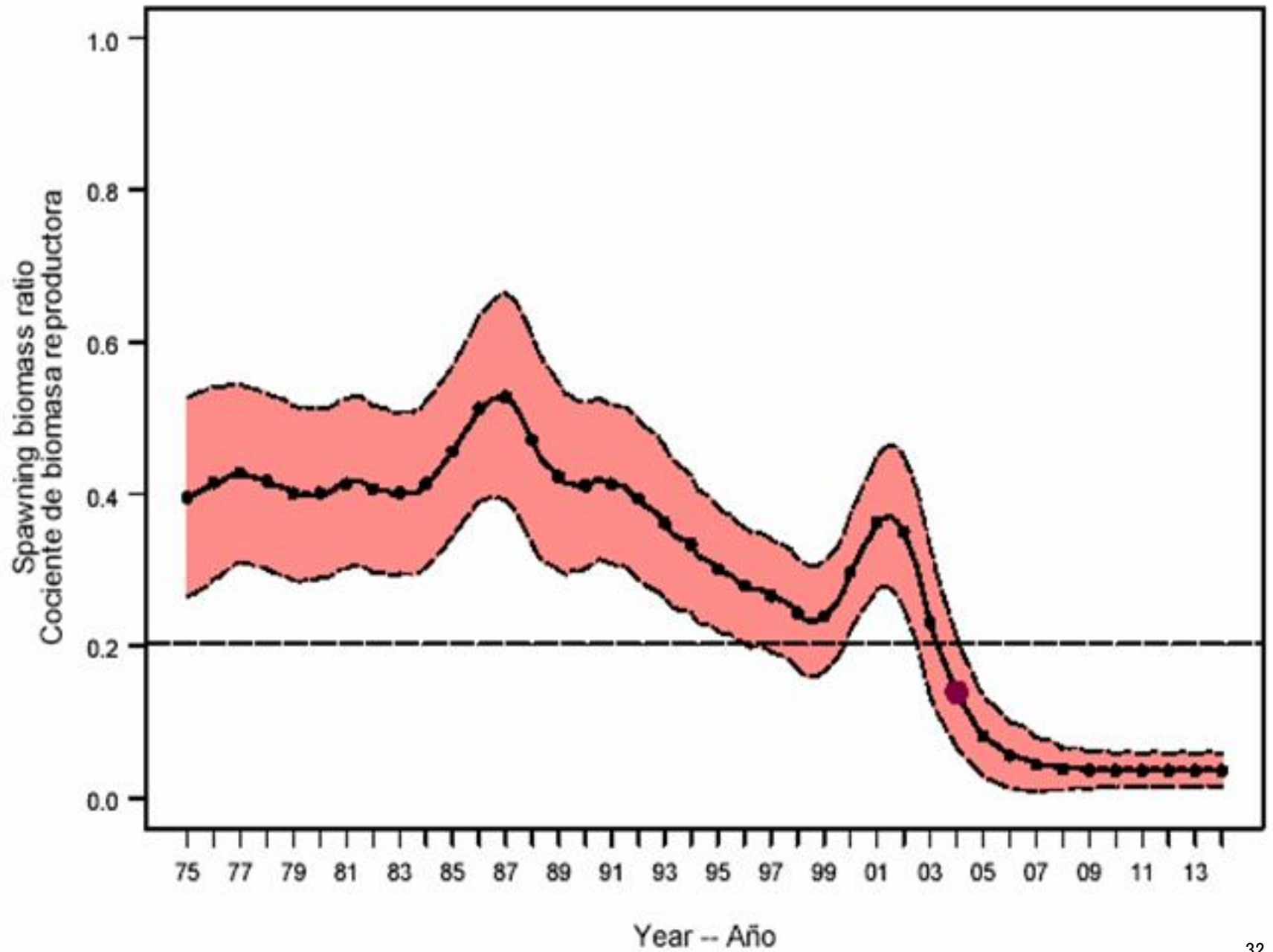
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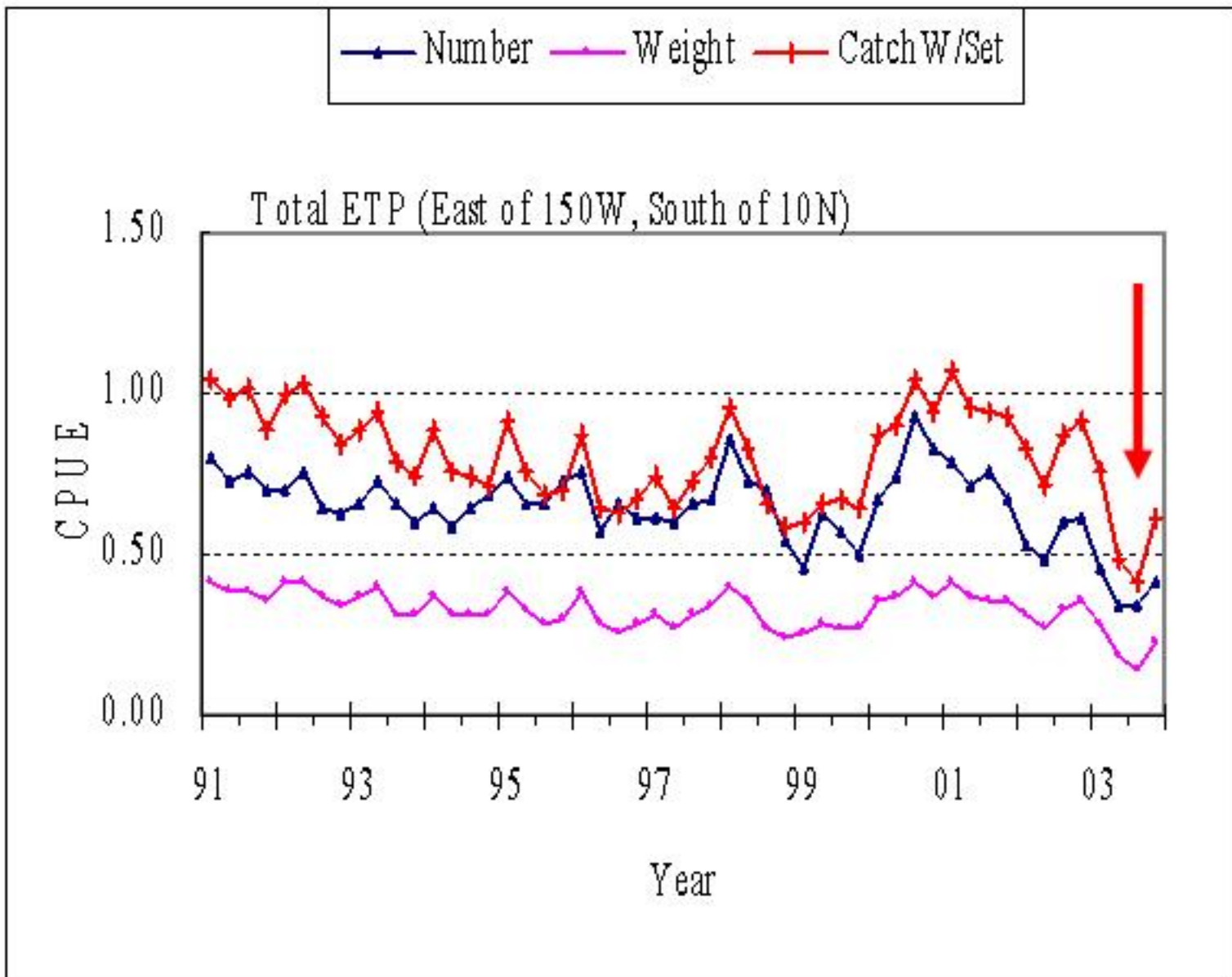
Stock is rapidly moving from overfishig state  
to overfished state



# Bigeye catch by major gears







# Summary table of stock status of bigeye in the EPO

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## Base Case

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AMSY	77,747t
$C_{2003}/AMSY$	1.26
$B_{2004}/B_{AMSY}$	0.57
$S_{2004}/S_0$	0.14
$F_{multiplier}$	0.62

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Stock is heavily overfished and all recent cohorts have been below average

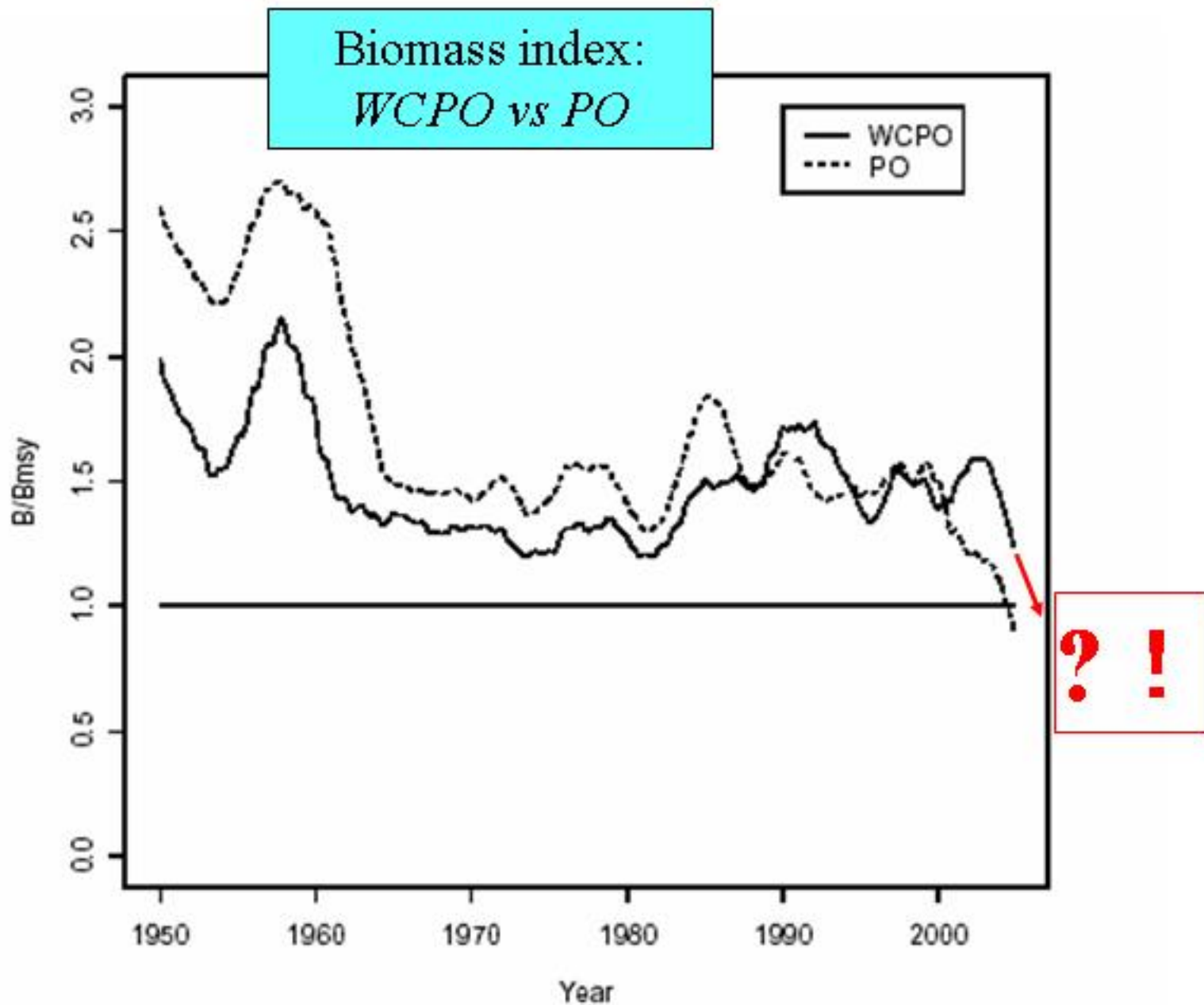


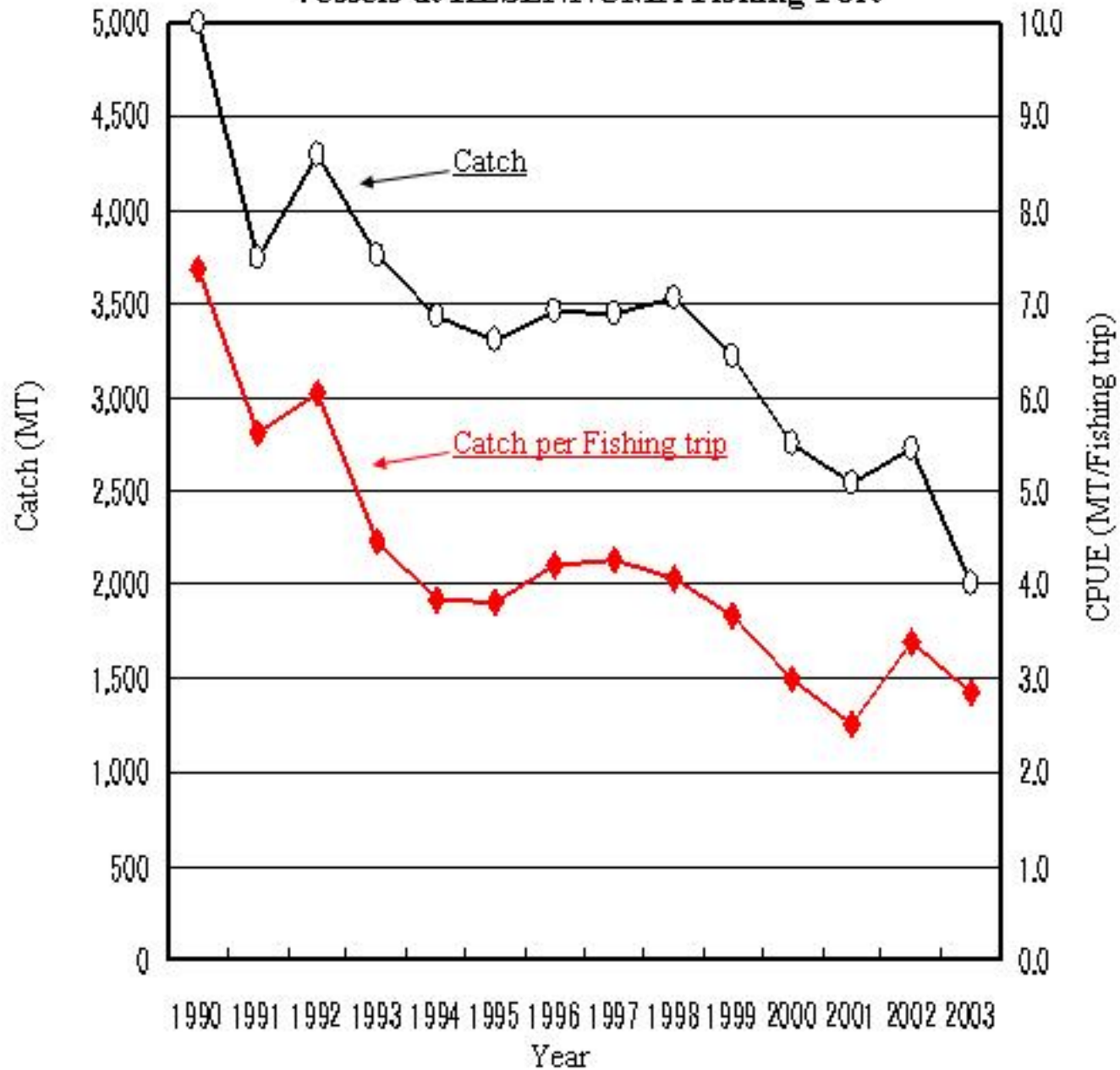
Figure A5. Total biomass divided by total biomass at MSY estimated by MULTIFAN-CL in the WCPO and Pacific-wide (PO) assessments. 35 / 58

# Conclusions

- 1) Stock status of Pacific bigeye is in a very critical condition.
- 2) As fishing effort and capacity continue to increase both in the WCPFC and EPO, further deterioration of bigeye stock status is predicted.

# Trends of Catch and CPUE of Bigeye Tuna by Longline

## Vessels at KESENNUMA Fishing Port





Workshop on Compliance with the MHLC and WCPFC PrepCon Resolutions  
July 14-16, 2004  
Sapporo, Japan

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## EXPLANATORY NOTE ON THE JAPANESE PROPOSAL

### 1. Background

During the MHLC and PrepCon process, all the participants clearly recognized the need for restraint over fishing effort and capacity, as a precautionary approach, to avoid a negative impact on tuna resources before the WCPFC starts its function.

That is why the fourth session of MHLC (February 1999, Hawaii) adopted a resolution which urges *“all States and other entities concerned to exercise reasonable restraint in respect of any regional expansion of fishing effort and capacity”*.

Similar resolution was also adopted at the 3<sup>rd</sup> session of the PrepCon (November 2002, Philippines). From 1999, however, the fishing effort and capacity expanded rapidly in the Convention area.

The fifth session of the PrepCon (October 2003, Cook Islands) further adopted a resolution which, in paragraphs 5 and 6, *“Urge participants, and particularly those from States, territories, fishing entities and other entities continuing to breach the MHLC IV and Preparatory Conference resolutions, to take measures to prevent their nationals from building and operating new purse seine vessels in the Convention Area under foreign flags, unless those vessels have been constructed to operate under legitimate licenses”, and “Strongly urge States, territories, fishing entities and other entities who have continued to breach these resolutions since the original MHLC IV resolution to reduce any over capacity they have created”*.

However, the construction of new purse seine vessels is still continuing in one member's ship yards.

In June 2004, FAO TECHNICAL CONSULTATION TO REVIEW PROGRESS AND PROMOTE THE FULL IMPLEMENTATION OF THE INTERNATIONAL PLAN OF ACTION (IPOA) TO PREVENT, DETER AND ELIMINATE IUU FISHING AND THE IPOA FOR THE MANAGEMENT OF FISHING CAPACITY expressed concern over still expanding fishing capacity of large scale tuna fishing vessels in the western and central Pacific and unanimously suggested that an immediate actions should be taken in the WCPFC area in order to ensure effective implementation of FAO IPOA-capacity in the region. The Technical Consultation suggested the following measures to be taken urgently:



- cessation of introduction of large-scale tuna fishing vessels over the existing fishing capacity in the fishery by States and fishing entities with large high seas fishing fleets;
- restraints of issuance of fishing authorizations by coastal States in the Region and/or Flag States to foreign owned and operated large-scale tuna fishing vessels if it leads to an increase in the existing fishing capacity;
- collection, exchange and disclosure to the extent possible under domestic law, of information on the activities of international business entities such as trading companies undermining effectiveness of the IPOAs so that the concerned States and fishing entities can take appropriate cooperative actions to prevent such activities;
- implementation of a fleet reduction program by any State or fishing entity whose nationals or residents caused significant expansion of tuna fishing capacity in the Region in the recent years contrary to RFMOs proposed actions or the IPOA-capacity;
- cooperation and coordination among RFMOs, Coastal States and Flag States to avoid transfer of over-capacity from one region to another, and from tuna fisheries to other fisheries.

For better implementation of the resolutions by MHLC and PrepCons, also in consideration of the suggestion by the FAO Technical Consultation, Japan engaged in an effort to develop a scheme to reduce tuna purse seiner fishing capacity increased against of the resolutions.

## **2. Identification of the problem**

Japan reviewed the transition of number of purse seine vessels on the FFA Regional Register from 1999. **Attachment 1 and 2** show the result. Among members with more than five (5) vessels, only Philippines and Chinese Taipei (both domestic licensed and FOC vessels) showed an increase in numbers of vessels. However, according to the official communication with the Philippine Government, it turned out that a large number of tuna purse seine vessels operated well before 1999 in its EEZ but were not on FFA Regional Register. Although a part of those purse seine vessels went fishing out of the EEZ, and appeared on FFA Regional Register after 1999, total fishing capacity of Philippines remains at the same level.

With respect to other States with less than five (5) vessels, fluctuation in small number can be regarded as no change or moderate development.

Only Chinese Taipei's FOC purse seine vessels showed a drastic and conspicuous increase since 1999 (from 3 to 28). It seems irrefutable that the seven (7) Chinese Taipei's companies disregarded the past resolutions and continued construction of new large tuna purse seine vessels.

### **3. Draft proposed actions**

Based upon the result of the review described in 1 and 2 above, Japan would like to propose the attached draft proposed actions. In producing the draft, careful consideration is made so that:

- as agreed in the Bali PrepCon, no preemption of future management measures by the Commission should be made in the proposed actions;
- proposed actions should be based upon the past resolutions and focused on implementation of them;
- legitimate and moderate development of coastal members should be ensured in the proposed actions; and
- localization of existing fishing fleets from developed members to island developing members should not be influenced negatively.

### **4. Explanation on each paragraph of the draft proposed actions**

#### **(1) Paragraph 1**

Construction and introduction of new purse seine vessels over the existing fishing capacity should be stopped immediately for members with large high sea fishing fleets including Chinese Taipei.

#### **(2) Paragraph 2**

Coastal States and States with open registry should pay due attention not to create a loophole for paragraph 1.

#### **(3) Paragraph 3**

Twenty eight (28) purse seine vessels were identified as Chinese Taipei's FOC tuna purse seine vessels as of this June. As the three (3) vessels existed at the MHLC IV resolution adopted in February 1999, twenty five (25) vessels were introduced after the adoption of the resolution. However, it was confirmed that the two (2) vessels out of twenty five (25) were under construction at the time of the adoption of the resolution. Therefore, twenty three (23) FOC vessels can be considered to have been introduced contrary to the resolutions and should be subject to the reduction.

Since all of those twenty three (23) FOC vessels are new ones, Japan

understands difficulty in scrapping them. As Japan reported at the 6<sup>th</sup> PrepCon, only seven (7) Chinese Taipei's companies own all of these vessels. They also have Chinese Taipei's licensed tuna purse seine vessels. Therefore, to request those seven (7) companies to reduce their old existing licensed purse seine vessels with equivalent fishing capacity would be a realistic approach. Names of the vessels and the seven (7) companies are listed in the **Attachment 3**. Some of the seven (7) companies have no Chinese Taipei's licensed vessels. They need to find and obtain existing old purse seine vessels with the same capacity for scrapping.

For the point of equity in fishing capacity calculation, a vessel of 2,000GRT class should be regarded having equivalent capacity to 1.5 vessels of 1,000GRT class. Among twenty three (23) Chinese Taipei's FOC purse seine vessels, five (5) vessels are of 2,000GRT class and eighteen (18) are of 1,000GRT class, which means twenty six (26) existing vessels of 1,000GRT class and their licenses are required to be abolished.

Since vessel reduction is a difficult and time consuming task, Japan proposes three (3) year period from July 2004 to July 2007 for the time frame for implementation of the fleet reduction program. As an alternative to the vessel reduction program, Japan suggests immediate stopping of fishing operations and conversion of vessels for other purposes.

#### **(4) Paragraph 4**

It should be noted that such capacity increase contrary to the resolutions cannot be attributed to Chinese Taipei alone. Other States whose nationals and residents have any involvement in the capacity increase have responsibility to cooperate with Chinese Taipei on the establishment and implementation of the fleet reduction program. In addition, international business entities such as trading companies which instigated capacity increase through business activities should also take their responsibilities (see **Attachment 4**). Based on this recognition, Japan proposes an international cooperation at least in the following aspects:

- joint effort to assist both establishment and implementation of a fleet reduction program in accordance with paragraph 3;
- cessation of provision of vessel equipments for construction of vessels against paragraph 1; and
- persuasion and guidance to the relevant international business entities involved in purse seine capacity expansion for compliance with the WCPFC conservation programs and their possible financial and/or other contributions to the fleet reduction program

**(5) Paragraph 5**

Report back of the fleet reduction program should be made to the PrepCon VII.

**(6) Paragraph 6**

In order to ensure the effectiveness of the fleet reduction program, a different treatment should be applied in “the WCPFC Record of Fishing Vessels and Authorization to Fish” to those purse seine vessels of the seven (7) companies during the period of the fleet reduction program.

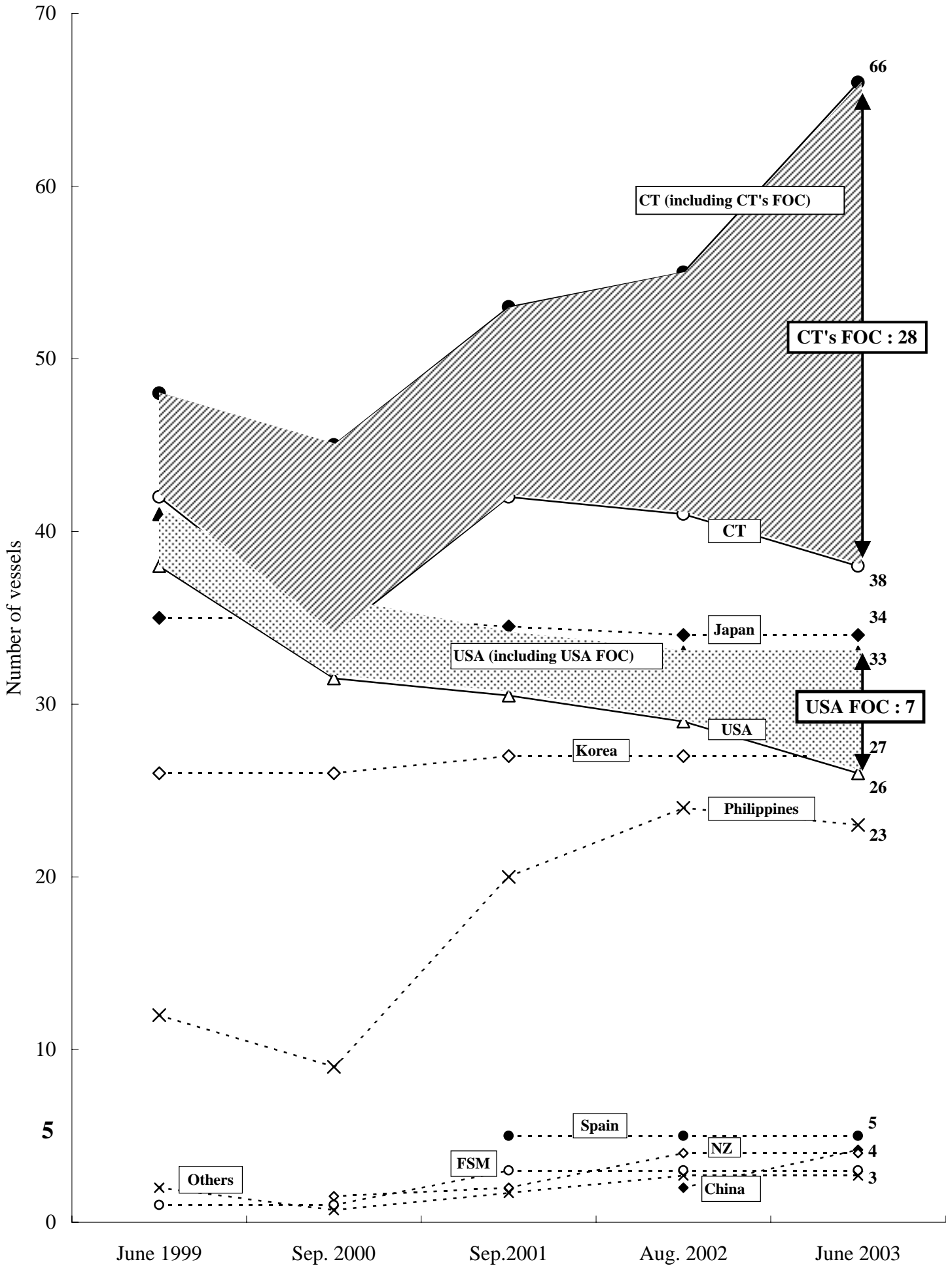
**(7) Paragraph 7**

This is a new element. The activities of international business entities such as trading companies often posed a problem for conservation of tuna resources in the past. Japan believes that we should start the work also in this aspect immediately.

**(8) Paragraph 8**

As previously mentioned, localization of vessels should not be hindered. To clarify this point, this paragraph was introduced in the proposed actions.

### Number of tuna purse seine vessels registered on FFA regional register



Others : Tuna purse seine vessels of Kiribati, PNG and Solomon Islands

## Number of tuna purse seine vessels of participants in the PrepCon process registered on FFA Regional Register

	June 1999	Sep. 2000	Sep.2001	Aug. 2002	June 2003
Chinese Taipei (both domestic licensed and FOC vessels) <sup>1</sup>	48	45	53	55	66
" (domestic licensed vessels only)	42	34	42	41	38
USA (both domestic licensed and FOC vessels) <sup>2</sup>	41	36	34	33	33
" (domestic licensed vessels only)	38	32	31	29	26
Japan	35	35	34	34	34
Korea	26	26	27	27	27
Philippines	12	9	20	24	23
Spain			5	5	5
China				2	4
New Zealand		1	2	4	4
Federated States of Micronesia	1	1	3	3	3
Others <sup>3</sup>	2	1	2	3	3

## Notes:

## 1. Chinese Taipei's FOC Purse seiners by flag States

State	June 1999	Sep. 2000	Sep.2001	Aug. 2002	June 2003
Vanuatu	6	11	6	9	22
Marshall Islands			5	5	6
Total	6	11	11	14	28

## 2. USA FOC Purse seiners by flag States

State	June 1999	Sep. 2000	Sep.2001	Aug. 2002	June 2003
Solomon Islands	3	3	2	2	2
Federated States of Micronesia		1	1	1	4
Vanuatu				1	1
Total	3	4	3	4	7

## 3. Specification of "Others"

State	June 1999	Sep. 2000	Sep.2001	Aug. 2002	June 2003
Kiribati	1	1	1	1	1
PNG	1			1	2
Solomon Islands			1	1	
Total	2	1	2	3	3

Taiwanese Owners	Chinese Taipei's FOC Purse Seiners						Chinese Taipei's Licensed tuna Purse Seiners				
		Name	GRT	Flag	Built year	Capacity		Name	GRT	Built year	Reduced Capacity
榮星企業(股)公司 KOO'S FISHING Co., LTD.	1	KOO'S 101		996	Marshall	1990					
	2	KOO'S 102		996	Marshall	1991					
	3	KOO'S 103		1,198	Marshall	1992					
	4	KOO'S 106		1,096	Marshall	1999	1				
	5	KOO'S 107		1,096	Marshall	1999	1				
	6	KOO'S 108		1,099	Marshall	2002	1				
華偉水產(股)公司 Fair Well Fishery Co., LTD.	7	FAIR CHAMPION 707 華滿707	1,280	Vanuatu	2003	1	1	FAIR WELL 707 華偉707	995	1991	
	8	FAIR PIONEER 707 HUA FONG 華穩707	1,060	Vanuatu	1999	1	2	FAIR DISCOVERY 707	995	1988	
	9	FAIR VICTORY 707 華勝707	1,280	Vanuatu	2001	1					
	10	FAIR WINNER 707 HUA FONG 華豐707	1,060	Vanuatu	1999	1					
豐誠漁業(股)公司 Fong Cheng Fishery Co., LTD.	11	FONG SEONG 168 豐祥168	2,380	Vanuatu	2003	1.5		FONG SEONG 686 豐祥686	995	1989	1
	12	FONG SEONG 196 豐祥196	2,386	Vanuatu	2003	1.5		FONG SEONG 707 豐祥707	995	1986	1
	13	FONG SEONG 666 豐祥666	2,234	Vanuatu	1999			FONG SEONG 727 豐祥727	995	1988	1
	14	FONG SEONG 668 豐祥668	2,386	Vanuatu	2004	1.5		FONG SEONG 737 豐祥737	995	1989	1
	15	FONG SEONG 696 豐祥696	2,234	Vanuatu	1999		3	FONG SEONG 767 豐祥767	1,735	1990	
	16	FONG SEONG 818 豐祥818	1,152	Vanuatu	2002	1	4	FONG SEONG 779 豐祥779	1,735	1990	
豐國水產(股)公司 Fong Kuo Fishery Co., LTD.	17	EASTERN MARINE 東方海洋	1,099	Vanuatu	1999	1		FONG KUO 706 豐國706	1,000	1988	1
	18	EASTERN STAR 東方明星	2,386	Vanuatu	2004	1.5		FONG KUO 707 豐國707	989	1984	1
	19	ORIENTAL MARINE 遠東海洋	1,099	Vanuatu	1999	1	5	FONG KUO 708 豐國708	990	1989	
	20	TUNA CATCHER 鮪魚獵人	1,099	Vanuatu	2002	1	6	FONG KUO 736 豐國736	1,081	1991	
	21	TUNA QUEEN 鮪魚后	1,099	Vanuatu	2003	1	7	FONG KUO 768 豐國768	1,000	1990	
							8	FONG KUO 816 豐國816	1,089	1991	
鴻福漁業(股)公司 Hong Fu Fishery Co., LTD.	22	HF 88 鴻福88	1,284	Vanuatu	2001	1	10	HUNG FU 307 鴻福307	997	1989	
								HUNG FU 308 鴻福308	990	1987	1
中信漁業(股)公司 Jong Shyn Fishery Co., LTD.	23	HSIANG FA 8 祥發08	1,284	Vanuatu	2001	1					
	24	HSIANG HAO 8 祥豪08	2,200	Vanuatu	2003	1.5					
	25	HSIANG SHENG 6 祥勝06	1,150	Vanuatu	2002	1					
	26	SHUN FA 8 順撥08	1,280	Vanuatu	2002	1					
錦輝漁業(股)公司 Jin Hui Ocean Enterprises	27	YUNG DA FA 168 永大撥168	1,152	Vanuatu	2003	1					
	28	YUNG DA FA 668 永大撥668	1,152	Vanuatu	2003	1					
Capacity	Increased contrary to the Resolutions (rounded):					26	Total Taiwanese license:				17

Notes : fishing licenses were abolished

: sold to China or Korea, but still fishing licenses are valid

: already transferred or under construction when the 1999 Resolution was adopted

Capacity: vessels over 2,000 GRT are counted as 1.5 vessels

**FOC Purse Seiner**

**Licensed Purse Seiner**

**Owner**

**Trader**

	Name	GRT	Flag	Built year
1	KOO'S 101	996	Marshall	1990
2	KOO'S 102	996	Marshall	1991
3	KOO'S 103	1,198	Marshall	1992
4	KOO'S 106	1,096	Marshall	1999
5	KOO'S 107	1,096	Marshall	1999
6	KOO'S 108	1,099	Marshall	2002

	Name	GRT	Built year	Note
	NIUGINI 101	996	1990	reflagged to Marshall
	NIUGINI 102	996	1991	reflagged to Marshall
	NIUGINI 103	1,198	1992	reflagged to Marshall

榮星企業(股)公司  
KOO'S FISHING Co., LTD.  
(Taipei)

Makurazaki Fisheries  
Cooperative Association

7	FAIR CHAMPION 707	華滿707	1,280	Vanuatu	2003
8	FAIR PIONEER	華穩707	1,060	Vanuatu	1999
9	FAIR VICTORY 707	華勝707	1,280	Vanuatu	2001
10	FAIR WINNER 707	華豐707	1,060	Vanuatu	1999

1	FAIR WELL 707	華偉707	995	1991	
2	FAIR DISCOVERY 707		995	1988	

華偉水產(股)公司  
Fair Well Fishery Co., LTD.  
(Kaohsiung)

ITOCHU Corporation

11	FONG SEONG 168	豐祥168	2,380	Vanuatu	2003
12	FONG SEONG 196	豐祥196	2,386	Vanuatu	2003
13	FONG SEONG 666	豐祥666	2,234	Vanuatu	1999
14	FONG SEONG 668	豐祥668	2,386	Vanuatu	2004
15	FONG SEONG 696	豐祥696	2,234	Vanuatu	1999
16	FONG SEONG 818	豐祥818	1,152	Vanuatu	2002

	FONG SEONG 686	豐祥686	995	1989	<b>sold to China</b>
	FONG SEONG 707	豐祥707	995	1986	<b>sold to China</b>
	FONG SEONG 727	豐祥727	995	1988	<b>sold to China</b>
	FONG SEONG 737	豐祥737	995	1989	<b>sold to Korea</b>
3	FONG SEONG 767	豐祥767	1,735	1990	
4	FONG SEONG 779	豐祥779	1,735	1990	

豐誠漁業(股)公司  
Fong Cheng Fishery Co., LTD.  
(Kaohsiung)

17	EASTERN MARINE	東方海洋	1,099	Vanuatu	1999
18	EASTERN STAR	東方之星	2,386	Vanuatu	2004
19	ORIENTAL MARINE	遠東海洋	1,099	Vanuatu	1999
20	TUNA CATCHER	鮪魚獵人	1,099	Vanuatu	2002
21	TUNA QUEEN	鮪魚后	1,099	Vanuatu	2003

	FONG KUO 706	豐國706	1,000	1988	<b>sold to Korea</b>
	FONG KUO 707	豐國707	989	1984	<b>sold to Korea</b>
5	FONG KUO 708	豐國708	990	1989	
6	FONG KUO 736	豐國736	1,081	1991	
7	FONG KUO 768	豐國768	1,000	1990	
8	FONG KUO 816	豐國816	1,089	1991	
9	FONG KUO 817	豐國817	1,092	1991	

豐國水產(股)公司  
Fong Kuo Fishery Co., LTD.  
(Kaohsiung)

FCF Fishery Co.,LTD

22	HF 88	鴻福88	1,284	Vanuatu	2001
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10	HUNG FU 307	鴻福307	997	1989	
	HUNG FU 308	鴻福308	990	1987	<b>sold to China</b>

鴻福漁業(股)公司  
Hong Fu Fishery Co., LTD.  
(Kaohsiung)

23	HSIANG FA 8	祥發08	1,284	Vanuatu	2001
24	HSIANG HAO 8	祥豪08	2,200	Vanuatu	2003
25	HSIANG SHENG 6	祥勝06	1,150	Vanuatu	2002
26	SHUN FA 8	順撥08	1,280	Vanuatu	2002

中信漁業(股)公司  
Jong Shyn Fishery Co., LTD.  
(Kaohsiung)

27	YUNG DA FA 168	永大撥168	1,152	Vanuatu	2003
28	YUNG DA FA 668	永大撥668	1,152	Vanuatu	2003

錦輝漁業(股)公司  
Jin Hui Ocean Enterprises  
(Kaohsiung)



## PROPOSED ACTIONS

The meeting agreed upon the following proposed actions for consideration by the seventh PrepCon meeting:

1. to require members with large high seas fishing fleets to cease construction and introduction of tuna purse seine vessels unless those vessels replace the existing duly authorized tuna purse seine vessels that are to be scrapped or to replace the existing duly authorized tuna purse seine vessels to be scrapped;
2. to request members to restrict issuance of fishing authorizations and vessel registration to foreign owned and operated tuna purse seine vessels so as not to undermine implementation of paragraph 1;
3. to request Chinese Taipei to take necessary measures to ensure that its residents or companies (as listed in the Attachment\*) which created over-capacity of the purse seine vessels against the MHLIC and PrepCon resolutions will scrap by 31 July, 2007 or cease immediately fishing of (26) tuna purse seine vessels of 1,000 GRT class and that fishing authorizations for those vessels will be abolished;
4. to request all the concerned members to cooperate with each other for effective implementation of paragraphs 1, 2, and 3 above; such cooperation is including but not limited to,:
  - joint effort to assist both establishment and implementation of a fleet reduction program in accordance with paragraph 3;
  - cessation of provision of vessel equipments for construction of vessels against paragraph 1; and
  - persuasion and guidance to the relevant international business entities involved in purse seine capacity expansion for compliance with the WCPFC conservation programs and their possible financial and/or other contributions to the fleet reduction program
5. to request Chinese Taipei and other concerned members to produce a fleet reduction program in accordance with paragraphs 3 and 4 and submit it to PrepCon VII;

6. to request the members to create in the WCPFC Record of Fishing Vessels and Authorization to Fish a different treatment from other fishing vessels of the tuna purse seine vessels of the companies listed in the Attachment so that those purse seiners will be reduced as a result of the fleet reduction program established under paragraph 3, 4, and 5;
7. to encourage collection, exchange and disclosure to the extent possible under domestic law, of information on the activities of international business entities such as trading companies undermining the effectiveness of WCPFC conservation programs and fleet reduction programs so that the concerned members can take appropriate cooperative activities to prevent such actions; and
8. to require members to implement the above paragraphs so as not to hinder but to encourage localization of the existing tuna fishing vessels from developed members to coastal developing nations, particularly small island developing nations.

**\*note:**

When the owner of the purse seine vessel on the Attachment is changed, the new owner shall bear the responsibility for the fleet reduction that the original owner had.

## Attachment

Name of Companies and Addresses	Name of FOC vessels
荣星企業（股）公司 KOO'S FISHING CO., LTD.  台北市復興北路 167 号 7 棟之 3 7F-3, No.167 Fu-Hsin North Road, Taipei	KOO'S 106 KOO'S 107 KOO'S 108
華偉水產（股）公司 FAIR WELL FISHERY CO., LTD.  高雄市漁港南一路 15 号 4F 4F, No.15 Yu Kang South 1 <sup>st</sup> Road, Chien Chen Dist., Kaohsiung	FAIR CHAMPION 707 FAIR PIONEER 707 FAIR VICTORY 707 FAIR WINNER 707
豐誠漁業（股）公司 FONG CHERNG FISHERY CO., LTD.  高雄市鼓山区濱海一路 69 号 No.69, Ping-Hai 1 <sup>st</sup> Road, Ku San Dist., Kaohsiung	FONG SEONG 168 FONG SEONG 196 FONG SEONG 668 FONG SEONG 818
豐国水產（股）公司 FONG KUO FISHERY CO., LTD.  高雄市前鎮区漁港東二路 3 号 423 室 Rm423 No.3 Yu Kang East 2 <sup>nd</sup> Road, Chien Chen Dist., Kaohsiung	EASTERN MARINE EASTERN STAR ORIENTAL MARINE TUNA CATCHER TUNA QUEEN
鴻福漁業（股）公司 HONG FU FISHERY CO., LTD.  高雄市臨海一路 22 号 No.22 Lin Hai 1 <sup>st</sup> Road, Kaohsiung	HF 88
中信漁業（股）公司 JONG SHYN FISHERY CO., LTD.  高雄市前鎮区漁港北一路 46 号 No.46 Yu Kang North 1 <sup>st</sup> Road, Chien Chen Dist., Kaohsiung	HSIANG FA 8 HSIANG HAO 8 HSIANG SHENG 6 SHUN FA 8
錦輝漁業（股）公司 JIN HUI OCEAN ENTERPRISES  高雄市前鎮區漁港東二路 3 号 316 室 Rm316 No.3 Yu Kang East 2 <sup>nd</sup> Road, Chien Chen Dist., Kaohsiung	YUNG DA FA 168 YUNG DA FA 668

**STATEMENT OF CHINESE TAIPEI  
ON THE ISSUE OF OVERCAPACITY OF PURSE SEINE FISHERY  
IN THE WCPO**

14-16 July 2004, Sapporo, Japan

We realize the importance of the issue of overcapacity of purse seine fishery in the western and central Pacific region. We appreciate the initiative taken by Japan in hosting this workshop. From the number of participants in the workshop, we note that we are all very much concerned about the matter, and are looking for a constructive and workable solution acceptable by all parties concerned.

In addressing any international fisheries affairs, our utmost and paramount importance, is looking after the interests of our legitimate licensed fishing vessels. As to those foreign flagged vessels operated by our nationals, if they have violated international regulatory measures, we have always been more than willing to cooperate with the international community to address it. Such goodwill has been well expressed in our previous dealing with the problem of large scale IUU tuna longline fishing vessels. As to addressing the issue of purse seine fishing vessels, there should be no exception but following the same foot steps. In other words, any proposed action, which may jeopardize the interests of our legitimate licensed vessels, we will have no compromise but stick firm to fight back no matter how difficult it may be.

The prevailing practice of international law still vests upon flag States the exclusive jurisdiction and control over the vessels flying their flags. Any attempt in solving the issue of purse seine fishery, should not go beyond this framework. To request us to exercise such jurisdiction on behalf of any flag State, or to take the vessels belonging to other flag States as part of our fleet in addressing the issue, is in fact an act of interference or intrusion of sovereign rights of the flag States concerned. This is beyond our capability and we have no alternative but to refuse it.

As we may note that all the resolutions made before the establishment of WCPFC Commission are in essence, voluntary in nature, while they should apply equally to all participants as a whole. We cannot agree with the way the present matter has been dealt with, that is by finger pointing and naming any participant, and this is in contravention to the afore-mentioned principle of voluntary

We are thinking rather than looking for the right point of departure in

dealing with the purse seine issue, we might first define what really is “overcapacity”. For some time, there was common understanding of the existence of a ceiling of 205 purse seiners eligible to fish in the region. The scheme of ceiling of 205 tuna purse seiners was established by PNA under Palau Arrangement in 1992, and it has been operating well since then. Until the adoption of any new scheme, and unless anyone is trying to challenge the legitimacy of this scheme, this ceiling has been widely accepted by FFA members as well as those States with purse seine vessels operating in WCPO. Regardless whether there has been doubt as to the scientific ground of this figure, such a practice has been working well and commonly recognized for years. Therefore, it is our belief that only when the capacity exceeds this ceiling, should the issue of overcapacity be raised for discussions.

We consider the directions for solving the issue of purse seine fishery would primarily be:

- (1) The cooperation of all parties concerned to stop further increase of FOC vessels.
- (2) Establishment of a system of regional positive list of purse seiners.
- (3) Review the extent of the existence of overcapacity, and if necessary, take flag States as the key subject, to consider the possibility of exercising a holistic vessel reduction program by all parties concerned, taking into account the special requirement of developing nations.
- (4) Consider the possibility of formulating regulatory measures on purse seine fishery, such as application of area/time closures for the use of FAD, in order to apply precautionary approach to avoid possible overfishing of bigeye stocks.

We are willing to cooperate with all participants around this table to reach constructive outcomes.

**THE COMMENTS OF CHINESE TAIPEI ON  
THE EXPLANATORY NOTE ON THE JAPANESE PROPOSAL  
14-16 July 2004  
Sapporo, Japan**

(I) In the first place, we believe that certain questions of paramount importance need to be reflected on by all the participants at this moment, i.e.: (1) do we really have a problem of over-capacity in the realm of the WCPFC? (2) when the answer to the foregoing is positive, then which parties caused such problem? (3) which parties should bear the responsibility for the problem? And (4) what are the solutions to such problem?

In our opinion, the answer to the first question relies on the definition of over-capacity in the forum of WCPFC. The operation of the Palau Arrangement has set up the ceiling of number (205) of purse seine vessel eligible to fish in the region. Such number has received common recognition among parties in the region. Hence, prior to the acceptance of some other definition, we should adhere to such concept of ceiling as well as the figure of 205, beyond which there will then arise the problem of over-capacity. And it is only when such number is exceeded, will we be justified to tackle the over-capacity problem. Therefore, as the very first comment we would like to provide to the Japanese Proposed Actions, we are actually disappointed with Japanese proposal which fails to deal with such premise but jumps into the conclusion that there is a problem of over-capacity.

**(II) Secondly, the Japanese draft proposed actions do not serve the purpose of curbing the expansion of fishing capacity in the Convention Area.**

The central theme of Japanese draft proposed actions is to target only members with large high seas fishing fleets (see paras.1 and 2). It is running against the corpse of established rules of MHLC and WCPFC/PrepCon meetings on the topic of expansion of fishing capacity. The 1999 MHLC IV resolution, the 2002 PrepCon III resolution, and the 2003 PrepCon V resolution all aim at urging all States and other entities concerned to exercise reasonable restraint in respect of any regional expansion of fishing effort and capacity and to apply the precautionary approach. It was not until October 2003 that additional attention of the participants was turned to the States, territories, fishing entities and other entities whose nationals are building and operating new purse seine vessels in the Convention Area under foreign flags.

With the above in mind, the paragraphs 1 and 2 of the Japanese draft proposed actions have the effect of allowing most States and other entities to disobey such obligation to exercise reasonable restraint. It will simply lead to the growth of purse seine vessel number. Apart from the inherent problem of discrimination, such proposal is counter-productive and will only contribute to the worsening of the over-capacity situation, if the over-capacity problem has already happened.

**(III) Thirdly, the Japanese draft proposed actions are for the purpose of punishing Chinese Taipei for the responsibility it does not bear.**

As mentioned above, it was not until October 2003 that the attention of the participants was turned to the States and Fishing Entities whose nationals/residents are building and operating new purse seine vessels in the Convention Area under foreign flags. Should Chinese Taipei breach the obligation to prevent its nationals from building and operating the vessels (which is yet to be proved as another fundamental question), Chinese Taipei may only be punished for its responsibility resulting from its violation of the 2003 resolution. Meanwhile, it is rather flag States that should take the primary responsibility for the increased capacity throughout these years in accordance with MHLIC IV and PrepCon resolutions.

However, paragraph 3 of the Japanese draft proposed actions is seeking to impose unfair punishment on Chinese Taipei for the growth of vessels by its nationals and registered in other member countries since the time when the related MHLIC resolution was adopted, that is the year of 1999.

**(IV) Fourthly, the Japanese idea of exempting 5 vessels scenario is tailor-made which applies retroactively and is counter-productive.**

It is mentioned in Japanese Paper, that “with respect to other States with less than five (5) vessels, fluctuation in small number can be regarded as no change or moderate development.” It is a violation of the rule established by the 1999, 2002, and 2003 resolutions, which stipulated “urging all States and other entities concerned to exercise reasonable restraint in respect of **any** regional expansion of fishing effort and capacity and to apply the precautionary approach.” Any expansion of the fishing capacity no matter its extent on the number of the fishing vessels is a kind of violation to the resolutions. However, by Japanese logic, those who had worsened the situation of over-capacity by a fleet of less than 5 vessels are not to be responsible for the overall situation of over-capacity. Such exemption had never been discussed and agreed upon by the participants. We find it extremely hard to accept such tailor-made argument with retroactive application and counter-productive effect. Being discriminatory, such approach is impossible for Chinese Taipei to accept.

Should this Workshop accept the idea that an increase in small number of vessels, i.e. 5 vessels, can be regarded as no change or moderate development, then this idea should be applied equally to all members. Otherwise, the Workshop will be adopting some actions based on unfair apportionment of responsibility and against the basic principles of transparency, and rule of law.

**(V) Fifthly, the Japanese draft proposed actions are based on at least 6 pieces of**

**inaccurate or incomprehensive information, which does not reflect the situation in Chinese Taipei and fails to provide the real information of most members of WCPFC.**

(1) To be noted, in Section 4, para.3 of the Japanese paper, entitled *Explanation on each paragraph of the draft proposed actions – Paragraph 3*, it is mentioned that “As the three (3) vessels existed at the MHLC IV resolution adopted in February 1999, twenty five (25) vessels were introduced after the adoption of the resolution....” We disagree with such data. As a matter of fact, all those vessels launched in the year of 1999 can not be counted, for they either had already been completely built or in the process of under construction, or with their engines being ordered prior to the February 1999. In 2000 there was no record of vessels being built. Taking away the foregoing vessels, there remain 17 vessels that had been built may against the resolutions of MHLC IV, PrepCon III, and PrepCon V.

(2) In Attachment 4 of the Japanese Paper covering the relationship between vessel owners and traders, it is indicated that Fair Well Fishery Company and Fong Cherng Fishery Company supply material fish to FCF Fishery Company. In actual fact, Fair Well only supplies material fish to Trimarine and Ito Chu Corporation. Fong Cherng Fishery Company only supplies material fish to Ito Chu Corporation. The owners of the above two vessels have never supplied any fish to FCF Fishery Company. Therefore, totally speaking, there are actually 4 traders, including 2 Japanese traders trading with 16 vessels, 1 American trader trading with 1 vessels, and 1 Chinese Taipei trader trading with 12 vessels. This reflects the fact that trading companies of the Japan and Chinese Taipei all play somewhat equally important role in the scenario. (See Attachment I to Chinese Taipei’s Comments.)

(3) Surprisingly, it is mentioned in Section 3 of the Explanatory Note on the Japanese Proposal, “In producing the draft, careful consideration is made so that: - as agreed in the Bali PrepCon, no preemption of future management measures by the Commission should be made in the recommendations.” This is definitely something we do not recall happening at that meeting. It was not written down in the Record of Bali Meeting, either. We believe that such kind of “consideration” should be discussed and agreed upon by all the participants of this Sapporo Meeting before being used as the basis of any proposal.

(4) Speaking of so-called FOC vessels, all the participants must be reminded of the remarks made by the distinguished delegate of Vanuatu in PrepCon VI meeting held in April 2004 in Bali, Indonesia, that the alleged FOC purse seiners registered in Vanuatu should be considered under the jurisdiction of the authorities of Vanuatu, rather than Chinese Taipei, whose nationals are allegedly operating such vessels. According to such table, there are 7 members having the record of increasing purse seiners during such period. Whereas another 5 members maintained their original



number of vessels. In contrast, the only record of decrease in the number of operating vessels are those registered in Chinese Taipei and the US. (for details, see Attachment II to Chinese Taipei's Comments.)

(5) Japanese Paper indicated that there are 7 companies registered in Chinese Taipei that own and operate those so-called 28 FOC vessels. In actual fact, those companies with nationality of Chinese Taipei are having different legal personality from those of the real owner and operator that are incorporated under the law of Vanuatu. Japanese failure to point out such differences demonstrates the insufficiency of information needed in such paper. Furthermore, such failure represents Japanese ignorance of the most fundamental principle of law existing in all civilized countries.

(6) Besides, Japanese draft proposed actions do not address the issues of those flag States which breached the obligation to exercise reasonable restraint between 1999 and 2003, because the Explanatory Note simply does not provide sufficient information in this regard.

To conclude, there is every reason to believe that, for such an important document to be adopted in the forum of WCPFC PrepCon VII meeting, there is so much room to be desired, in terms of information to substantiate each and every action proposed by Japan. In fact, what is presented to the participants of this Workshop is nothing but very selective and narrow information to underpin very biased proposed actions.

**(VI) Sixthly, The Japanese draft proposed actions are based on some premise which has no scientific support.**

One of the most innovative way suggested by Japanese draft proposed actions, is the conversion between vessels with different tonnage. Namely, a vessel of 2,000GRT class should be regarded having equivalent capacity to 1.5 vessels of 1,000GRT class.

It is believed that, for such an important concept to be inserted into such instrument of general application force, the consensus among all the participants must be first arrived at on the truthfulness of such concept of conversion.

In terms of the reasonableness of such concept, there are actually various elements affecting catch ability of fishing, including horse powers, volume of fish storage, experience of the captain and the crew, technology, distance between fishing grounds and based ports. Therefore we are not convinced at this moment by Japanese idea. Since the catch ability for fishing vessels has never been discussed before, it should be the number of virtual vessels that should be taken as the basis of calculation before any other decision is made.

Meanwhile, even if such conversion concept can be proved to be true, the principle of fairness, principle of transparency, and principle of rule of law still dictate that, once such concept is adopted it may not have retroactive effect in punishing those parties which did not expect such to become the rule and did not act accordingly prior to the adoption of such formula.

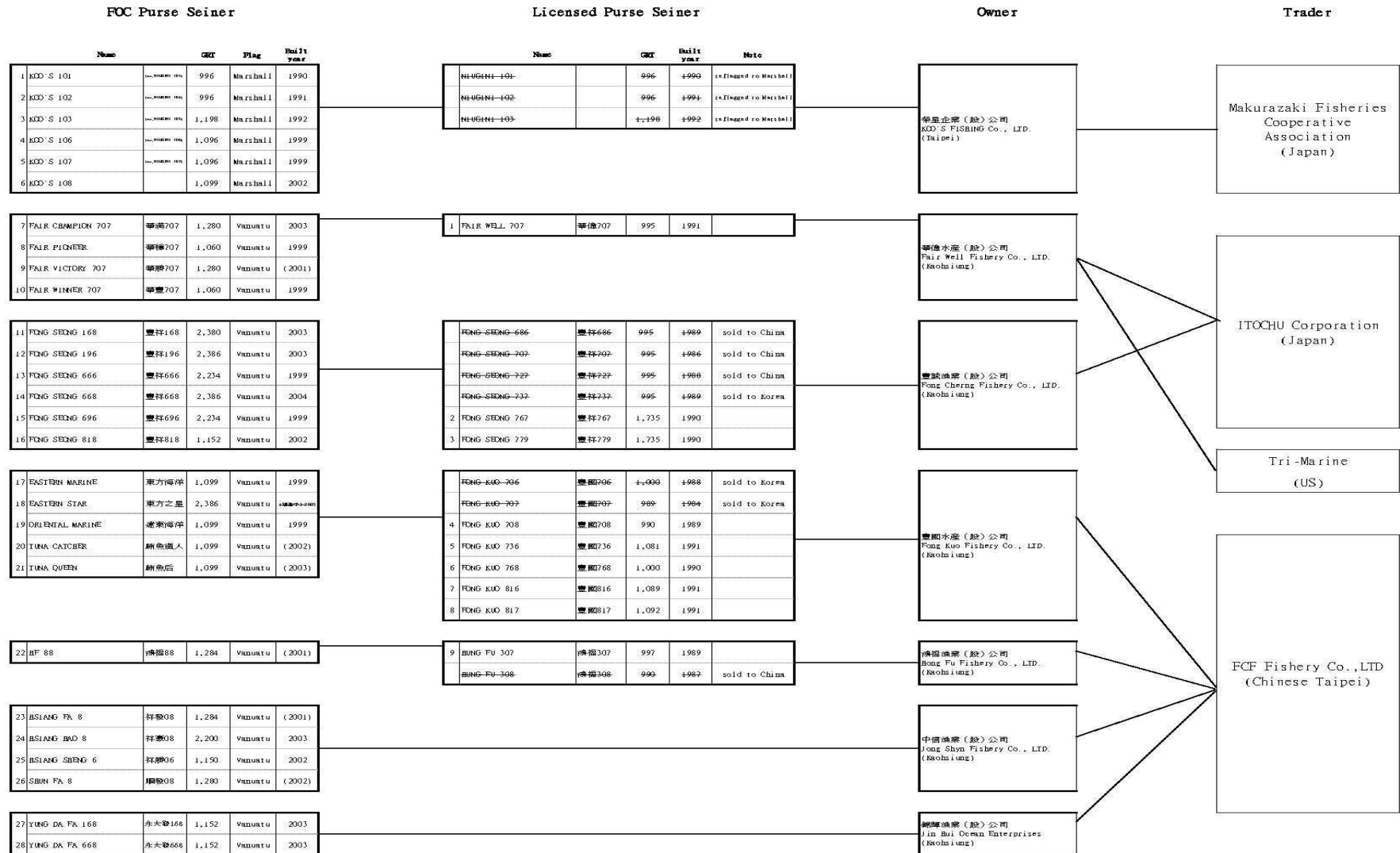
**(VII) Seventhly, the Japanese draft proposed actions are requesting some member to carry out certain action which is contrary the most fundamental legal principle existing in every civilized country.**

In the 3<sup>rd</sup> paragraph of the Japanese draft proposed actions, it is proposed that Chinese Taipei is requested to take necessary measures to ensure that its residents or companies which created over-capacity of the purse seine vessels against the MHLC and PrepCon resolutions will scrap by 31 July, 2007 or cease immediately fishing of (26) tune purse seine vessels of 1,000 GRT class and that fishing authorizations for those vessels will be abolished.

Those newly built FOC vessels all fly the flags of Vanuatu and Marshall Islands. It is our belief that no state, except for the flag state, has any right to scrap the vessels. The prevailing principle of international law still vests upon flag States the exclusive jurisdiction and control over the vessels flying their flags. Any attempt in solving the issue of purse seine fishery should not go beyond this framework. To request Chinese Taipei to exercise such jurisdiction on behalf of their flag States, or to take the vessels with foreign flags as part of Chinese Taipei's fleet as a means to address the issue, is in fact an act of unjustified interference or intrusion of the flag State's exclusive jurisdiction. This is beyond Chinese Taipei's or any non-flag State's capability.

Underpinning such proposed action was the strange concept requiring a domestic company to bear the legal responsibility for a different company engaged in violation of RFMO's conservation and management measures. The impracticability and illegality of such concept was obvious and contributing to its soon disuse at ICCAT forum.

It is rather surprising to see that such flawed concept is once again playing some role in this already biased draft proposal. We hence admire the courage of Japanese delegate to venture to advance such idea in front of all the participants, who have all adopted civilized legal system which is based on such most fundamental principles of Protection of private property and human rights, individual responsibility, and separation between corporate personality and the legal personality of the share-holders.



Number of tuna purse seine vessels registered on FFA Regional Register by each participants of PrepCon since MHL4 (1999) until now (2004)

	June.1999	Sep.2000	Sep.2001	Aug.2002	June.2003	Jun.2004	change during 1999-2004
Chinese Taipei.	42	34	42	41	38	34	-8
U.S.A	38	32	31	29	26	22	-16
Japan	35	35	34	34	34	35	0
Korea	26	26	27	27	27	26	0
Philippines	12	9	20	24	23	21	+9
Spain			5	5	5	2	+2
China				2	4	6	+6
N.Z.		1	2	4	4	4	+4
FSM	1	2	4	4	7	6	+5
Solomon Is.	3	3	3	3	2	3	0
Marshall Is.			5	5	6	6	+6
Vanuatu	6	11	6	10	23	22	+16
PNG	1			1	2	1	0
Kiribati	1	1	1	1	1	1	0

Note: The figures above from 1999 to 2003 are to be referenced to the number indicated in Japan's explanatory note.

