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**CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE AND YELLOWFIN
TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

Conservation and Management Measure 2008-01

The Western and Central Pacific Fisheries Commission (WCPFC):

Recalling that since 1999, in the Multilateral High Level Conferences, the Preparatory Conferences, and in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Commission), a number of resolutions and Conservation and Management Measures (CMMs) were developed to mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean and that these measures have been unsuccessful in either restricting the apparent growth of fishing capacity or in reducing the fishing mortality of bigeye or juvenile yellowfin tuna;

Recalling that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention) is to ensure through effective management, the long-term conservation and sustainable use of the highly migratory fish stocks of the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement;

Further recalling the final statement of the Chairman of the Multilateral High Level Conferences in 2000 that: "It is important to clarify, however, that the Convention applies to the waters of the Pacific Ocean. In particular, the western side of the Convention Area is not intended to include waters of South-East Asia which are not part of the Pacific Ocean, nor is it intended to include waters of the South China Sea as this would involve States which are not participants in the Conference" (Report of the Seventh and Final Session, 30th August- 5 September 2000, p.29).

Recognising that the Scientific Committee has determined that there is a high probability that the bigeye stock is subject to overfishing, and that and yellowfin stocks are currently being fished at capacity, reductions in fishing mortality are required in order to reduce the risks that these stocks will become overfished;

Conscious that the Commission, at its regular sessions in December 2005 and 2006 adopted CMMs for bigeye and yellowfin tuna and agreed to review annually those measures;

Aware that the Commission committed itself, in 2006 and 2007, to adopt a measure at its next session to reduce juvenile bigeye and yellowfin tuna mortalities from fishing effort on Fish Aggregating Devices (FADs)¹;

Noting that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular small island developing States and territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries on such stocks;

Noting further that Article 30(2)(c) of the Convention requires the Commission to ensure that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions;

Taking note of Article 8(1) of the Convention requiring compatibility of conservation and management measures established for the high seas and those adopted for areas under national jurisdiction;

Recalling Article 8 (4) of the Convention which requires the Commission to pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones (EEZs);

Noting the Parties to the Nauru Agreement (PNA) have agreed to implement the Third Arrangement of the Nauru Agreement of May 2008 (Attachment A);

Also noting that the Pacific Islands Forum Fisheries Agency (FFA) Members will be adopting a system of zone-based longline limits to replace the current system of flag-based bigeye catch limits within their EEZs.

Noting further paragraph 19 of CMM 2005-01 which states that: “Any future reduction in catch levels shall take into account increases in the levels of such catches by each CCM in recent years.”

Adopts, in accordance with Article 10 of the Convention, the following Measure to be implemented over a three-year period with respect to bigeye tuna and yellowfin tuna, in particular.

OBJECTIVES

1. The objectives of this Measure are to:

- Ensure through the implementation of compatible measures for the high seas and EEZs that bigeye and yellowfin tuna stocks are maintained at levels capable of producing their maximum sustainable yield; as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention area as expressed by Article 5 of the Convention.

¹ For the purposes of these measures, the term Fish Aggregation Device (FAD) means any man-made device, or natural floating object, whether anchored or not, that is capable of aggregating fish.

- Achieve, through the implementation of a package of measures, over a three-year period commencing in 2009, a minimum of 30% reduction in bigeye tuna fishing mortality from the annual average during the period 2001-2004 or 2004;
- Ensure that there is no increase in fishing mortality for yellowfin tuna beyond the annual average during the period 2001-2004 average or 2004; and
- Adopt a package of measures that shall be reviewed annually and adjusted as necessary by the Commission taking account of the scientific advice available at the time as well as the implementation of the measures. In addition, this review shall include any adjustments required by Commission decisions regarding management objectives and reference points.

GENERAL RULES OF APPLICATION

2. For the purposes of these measures, vessels operated under charter, lease or other similar mechanisms by developing island 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. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known illegal, unreported and unregulated (IUU) vessels. The Commission shall consider the implementation of a Charter Arrangements Scheme at its 6th Session in 2009.

3. In giving effect to CMM 2004-02, the Commission shall advise non-Parties to the Convention wishing to acquire Co-operating Non member (CNM) status that there is a high probability that overfishing is currently taking place in respect of bigeye and yellowfin and tuna in the Convention Area. Therefore, where necessary, the limits that apply to CNMs, particularly on the high seas, will be determined by the Commission in accordance with CMM 2004-02 or its revision.

4. The Commission will not delay the adoption of precautionary measures while research to reduce the fishing mortality on juvenile bigeye and yellowfin tuna is being undertaken by CCMs.

5. The Commission encourages CCMs to ensure that the effectiveness of these measures is not undermined by a transfer of effort into archipelagic waters and territorial seas.

6. Unless otherwise stated, nothing in this measure shall prejudice the legitimate rights and obligations of those small island developing State Members and participating territories in the Convention Area seeking to develop their own domestic fisheries.

7. In the determination of levels of effort for the purpose of implementing this Measure current levels of fishing effort shall include, as applicable, fishing rights organized under existing regional or bilateral fisheries partnership arrangements or agreements previously registered with the Commission by December 2006 in accordance with CMM2005-01, provided that the number of licences authorized under such arrangements does not increase and noting that the registration of bilateral agreements or arrangements does not provide a basis for establishing effort levels on the high seas.

PURSE SEINE FISHERY

8. The purse seine fishery provisions of this Measure herein apply to the Convention Area bounded by 20°N and 20°S with the objective of achieving over a 3-year period commencing

from the date this measure comes into effect in 2009, a 30% reduction in fishing mortality on bigeye tuna in the purse seine fishery in that area and a reduction in the risk of overfishing yellowfin tuna.

9. CCMs shall ensure that the effectiveness of these measures for the purse seine fishery are not undermined by a transfer of effort in days fished into areas within the Convention Area south of 20°S. In order to not undermine the effectiveness of these measures, CCMs shall not transfer fishing effort in days fished in the purse seine fishery to areas within the Convention Area north of 20°N.

10. CCMs shall take necessary measures to ensure that the level of purse seine fishing effort in days fished² by their vessels in areas of the high seas does not exceed 2004 levels or the average of 2001-2004. In accordance with paragraph 6 this Measure, this paragraph shall not apply to small developing state members and participating territories.

Measures for 2009

EEZ and High Seas

11. For the members of the FFA who belong to the PNA, this measure will be implemented through their domestic processes and legislation, including the Vessel Day (VDS) Scheme which limits total days fished in the EEZs of PNA members to no greater than 2004 levels (Attachment C). The purse seine fishery in EEZs in the area bounded by 20°N and 20°S shall be closed to fishing on FADs between 0000 hours on 1 August and 2400 hours on 30 September. During this period all purse seine vessels required to carry an observer from the Regional Observer Program on board, and without such an observer on board, will cease fishing and return directly to port. During this period, a vessel may only engage in fishing operations if the vessel carries on board an observer from the Regional Observer Program to monitor that at no time does the vessel deploy or service any FAD or associated electronic devices or fish on schools in association with FADs.

12. Other non-PNA CCMs shall implement compatible measures to reduce purse seine fishing mortality on bigeye tuna in their EEZs.

13. The purse seine fishery on the high seas in the area bounded by 20°N and 20°S shall be closed to fishing on FADs between 0000 hours on 1 August and 2400 hours on 30 September. During this period all purse seine vessels without an observer from the Regional Observer Program on board will cease fishing and return directly to port. During this period, a vessel may only engage in fishing operations if the vessel carries on board an observer from the Regional Observer Program to monitor that at no time does the vessel deploy or service any FAD or associated electronic devices or fish on schools in association with FADs.

14. Vessels seeking an observer from the Regional Observer Program for the period of the closures identified in paragraphs 12 and 13 above shall notify the Regional Observer Program Coordinator 21 days in advance. If the lack of an available observer from the Regional Observer Program would prevent a vessel from being able to fish during the period in question, the flag State may place an observer from its national program on the vessel to monitor compliance with

² In the case of small developing fleets, of four vessels or less, that legitimately entered the fishery after 2000 but before 2004, the baseline level of effort shall be a year in the period 2001-2004 in which its full vessel complement was active in the fishery.

these measures with approval from the Regional Observer Program Coordinator and, in respect to fishing in EEZs, the approval of the relevant national authority.

High Seas Alternative to Paragraph 13 (Catch Limits)

15. As an alternative to the high seas FAD closure established pursuant to paragraph 13, Members may adopt measures to reduce their catch by weight of bigeye tuna in the purse seine fishery in the area between 20°N and 20°S by a minimum of 10 percent relative to 2001-2004 average levels through a Member-specific catch limit to achieve this goal. This alternative shall only be available to Members identified by the Commission in advance as having demonstrated a functioning capacity to implement such measures in an effective and transparent manner, including through: an established and functioning port monitoring program that allows monitoring of bigeye landings for each trip by each vessel; a commitment to carry on board observers from the Regional Observer Program, including upon return to port so that the observer can view the port monitoring program for each trip; a commitment to provide data for each trip by each vessel to the Commission within 30 days from the completion of the trip; having provided operational catch and effort data at least for the period 2001 to 2004 to substantiate the base level catch and effort; other such conditions as the Commission may determine. Any such program will be open to audit by the Commission to review the effectiveness of the program.

16. Once identified by the Commission as having met the requirements outlined above, the Members in question shall submit the full details of their intended measures and their port monitoring program to the Commission by 31 January 2009. The Commission will review these submissions and take them into account when assessing the effectiveness of the measures.

Measures for 2010-2011

EEZs

Waters under the jurisdiction of PNA members

17. For the members of the FFA who are members of the PNA, this measure will be implemented through their domestic processes and legislation, including:

- a. the VDS which limits total days fished in the EEZs of PNA members to no greater than 2004 levels (Attachment C); and
- b. the Third Arrangement Implementing the Nauru Agreement of May 2008 which comprises a 3 month FAD closure period in the EEZs of the PNA member countries from 0000 hours on 1 July each year until 2400 hours on 30 September each year; full catch retention and other conditions for the purse seine fleet in national waters.

Waters under the jurisdiction of non-PNA members

18. Other non-PNA CCMs shall implement compatible measures to reduce purse seine fishing mortality on bigeye tuna in their EEZs.

High Seas

19. The purse seine fishery on the high seas in the area bounded by 20°N and 20°S shall be closed to fishing on FADs between 0000 hours on 1 July and 2400 hours on 30 September. During this period all purse seine vessels without an observer from the Regional Observer Program on board will cease fishing and return directly to port. During this period, a vessel may

only engage in fishing operations if the vessel carries on board an observer from the Regional Observer Program to monitor that at no time does the vessel deploy or service any FAD or associated electronic devices or fish on schools in association with FADs.

20. Alternative measures may be set to reduce bigeye catch by a further 20% as a result of the review by the Commission of the 2009 alternative measure.

21. The Commission shall consider the development of a high seas vessel day scheme (HS VDS) to be compatible with the PNA VDS to provide a common currency for managing purse seine effort. Based on the advice and recommendations of the SC and TCC, the Commission shall consider such a scheme at its annual session in 2009 with a view to adoption at its annual session in 2010 with a view to ensuring that reductions in fishing effort on the high seas and in adjacent EEZs are compatible.

22. The high seas pockets indicated in Attachment D will be closed effective from 1 January 2010 unless the Commission decides otherwise at its 6th annual meeting in December 2009. At this meeting the Commission will also consider the closure of all high seas pockets in the Convention Area between 20 north and 20 south.

FAD Management Plans

23. By 1 July 2009, CCMs fishing on the high seas shall submit to the Commission Management Plans for the use of FADs by their vessels on the high seas. These Plans shall include strategies to limit the capture of small bigeye and yellowfin tuna associated with fishing on FADs, including implementation of the FAD closure pursuant to paragraphs 13 and 18 above. The Plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans for each CCM (Attachment E).

24. The Commission Secretariat will prepare a report on additional FAD management options for consideration by the Scientific Committee, the Technical & Compliance Committee and the Commission in 2009 including:

- a. Marking and identification of FADs;
- b. Electronic monitoring of FADs
- c. Registration and reporting of position information from FAD-associated buoys; and
- d. Limits to the number of FADs deployed or number of FAD sets made.

Juvenile Tuna Catch Mitigation Research

25. The Commission will work with CCMs, regional tuna commissions and industry to develop and implement a 3 year program to explore methods to reduce catches of juvenile bigeye and yellowfin tuna caught in association with FADs.

26. CCMs, working independently or collaboratively with industry, and reporting through the Scientific Committee and the Technical and Compliance Committee at each regular session, shall explore and evaluate mitigation measures for juvenile bigeye and yellowfin taken around FADs and present the results annually to the Commission.

Catch Retention

27. In order to create a disincentive to the capture of small fish and to encourage the

development of technologies and fishing strategies designed to avoid the capture of small bigeye and yellowfin tuna, CCMs shall require their purse seine vessels fishing in EEZs and on the high seas within the area bounded by 20°N and 20°S from 1 January 2010, subject to the Commission implementing the program in Paragraph 28 for 100 percent coverage on purse seine vessels by the observers from the Regional Observer Program, to retain on board and then land or transship at port all bigeye, skipjack and yellowfin tuna. The provisions of this paragraph, shall not prevent the PNA from implementing the catch retention requirement in their EEZs in accordance with the Third Implementing Agreement. The only exceptions shall be:

- a) when, in the final set of a trip, there is insufficient well space to accommodate all fish caught in that set noting that excess fish taken in the last set may be transferred to and retained on board another purse seine vessel provided this is not prohibited under applicable national law; or
- b) when the fish are unfit for human consumption for reasons other than size; or
- c) when serious malfunction of equipment occurs.

Monitoring

28. Purse seine vessels fishing within the area bounded by 20°N and 20°S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry effective 1 January 2010, an observer from the Commission's Regional Observer Programme.

29. In 2009 vessels fishing in the area described above will carry observers compliant with licensing arrangements and on the high seas will have a minimum of 20% observer coverage drawn from the Regional Observer Program. The level of coverage achieved will be monitored and reported through TCC. The Secretariat, in conjunction with the Inter-American Tropical Tuna Commission (IATTC), will develop a cross-endorsement arrangement in order to allow vessels operating within IATTC and Commission areas on the same fishing trip to use the same observer.

Other Considerations for Purse Seine Measures

30. Developing skipjack purse seine fisheries, between 20°N and 20°S that can provide verifiable evidence of minimal yellowfin and bigeye by-catch (cumulative <2%), with 100% observer coverage, and with a legitimate development plan, will be exempted. Any such plan shall restrict the use of FADs and implement other such management measures necessary to minimize impacts on bigeye and yellowfin tunas. These measures must be supported by adequate monitoring, control and surveillance to ensure their effective implementation. Existing plans shall be tabled at the Commission for information. The Commission is to be given the opportunity to comment on the plan before its approval. This measure does not apply to the domestic purse seine fisheries of small island developing states.

LONGLINE FISHERY

31. The total catch of bigeye tuna by longline fishing gear will be subject to a phased reduction such that by 1 January 2012 the longline catch of bigeye tuna is 70% of the average annual catch in 2001-2004 or 2004 (Attachment F).³ The catch of yellowfin tuna is not to be increased in the longline fishery from the 2001-2004 levels.

³ The year 2004 shall apply only to China, the United States and Indonesia.

32. Paragraph 30 does not apply to members and participating territories that caught less than 2,000 tonnes in 2004. Each member that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next 3 years (2009, 2010 and 2011). Consistent with paragraph 3 opportunities for non members will be decided by the Commission on a case by case basis.

33. Each member or cooperating non-Member that caught an average of more than 2,000 tonnes of bigeye shall be subject to the following catch limits for bigeye tuna for the years 2009 to 2011 inclusive:

2009: 10% reduction of the catch specified in Attachment F;

2010: 20% reduction of the catch specified in Attachment F;

2011: 30% reduction of the catch specified in Attachment F.

34. In accordance with paragraph 6, the limits for bigeye tuna established in paragraphs 31 to 33 above, shall not apply to small island developing State members and participating territories in the Convention Area undertaking responsible development of their domestic fisheries.

35. Further to paragraph 34, the reductions specified in paragraph 33 for 2010 and 2011 shall not apply to fleets of members with a total longline bigeye tuna catch limit as stipulated in Attachment F of less than 5,000 tonnes and landing exclusively fresh fish, provided that the details of such fleets and their operational characteristics are registered with the Commission by 31 December 2008 and that the number of licenses authorized in such fisheries does not increase from current levels. In such cases, catch limits specified in Attachment F shall continue to be applied.

36. The catch limit for China for 2009 and 2010 will remain at 2004 levels pending agreement being reached to develop an arrangement for the attribution of Chinese catch taken as part of domestic fisheries in the EEZs of Pacific Island Countries.

38. If such reductions would result in a catch limit less than 2,000 tonnes for a Member, then a catch limit of 2,000 tonnes shall apply to that Member or cooperating non member.

OTHER COMMERCIAL TUNA FISHING EFFORT RESTRICTIONS

39. Beginning in 2009, CCMs shall take necessary measures to ensure that the total capacity of their respective other commercial tuna fisheries for bigeye and yellowfin tuna, including purse seining that occurs north of 20°N-or south of 20°S, but excluding artisanal fisheries and those fisheries taking less than 2,000 tonnes of bigeye and yellowfin, shall not exceed the average level for the period 2001-2004 or 2004. CCMs shall provide the SC with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2009 and future years.

DATA PROVISION

40. CCMs shall provide within the agreed timeframes each year, catch and effort data and size composition data for all fleets in the format required by the rules and requirements adopted by WCPFC as “Scientific Data to be Provided to the Commission”.

41. The Commission shall take into account the level of compliance by CCMs to the data reporting requirements in paragraph. 351 in implementing any additional reductions in fishing mortality that may be required to give effect to the precautionary approach.

PORT CONTROLS

42. Each CCM shall prohibit landings, transshipment and commercial transactions in tuna and tuna products that are positively identified as originating from fishing activities that contravene any element of the Commission's CMMs.

43. Monitoring shall be conducted at landing and transshipping ports to assess the amount of catch by species. The outcomes shall be reported annually to the Commission.

CAPACITY

44. Drawing on work that has been completed by CCMs, the Commission Secretariat shall present a report on measuring and monitoring fishing capacity in the Eastern and Central Pacific Ocean for consideration at the Fifth Regular Session of the Technical and Compliance Committee.

REPORTING

45. All CCMs will report to each regular session of the Technical and Compliance Committee, through their Annual Report Part 2, on the implementation of this Measure for their fishing vessels operating on the high seas and/or in waters under national jurisdiction. The Technical and Compliance Committee will prepare a template for reporting this requirement for the consideration of the Commission.

REVIEW OF MEASURES

46. The measures described above for the purse seine and longline fisheries shall be reviewed annually in conjunction with the scientific advice to measure the impact and compliance with the measure. The measure shall remain in place unless the Commission adopts alternative measures. This review shall consider, inter alia, whether the measures are having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission's conservation goals.

FINAL CLAUSE

47. This Measure replaces CMM 2005-01 and CMM 2006-01.

ATTACHMENTS

Attachment A: Third Arrangement of the Nauru Agreement of May 2008

Attachment B: Baseline Effort Levels for Purse Seine Fisheries

Attachment C: Vessel Day Scheme limits on Total Days Fished

Attachment D: Map showing EEZs and the High Seas Pockets

Attachment E: Suggested Guidelines for Preparation of FAD Management Plans (WCPFC Circular 2007/14 Attachment 2)

Attachment F: Baseline Catch Levels for Longline Fisheries

**A THIRD ARRANGEMENT IMPLEMENTING THE NAURU AGREEMENT
SETTING FORTH ADDITIONAL TERMS AND CONDITIONS OF ACCESS TO
THE FISHERIES ZONES OF THE PARTIES**

Pursuant to Articles I, II, III, and IX of the Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest, hereafter referred to as the "Nauru Agreement", wherein the Parties thereto agreed to conclude arrangements to facilitate the implementation of the Nauru Agreement, the Federated States of Micronesia, the Republic of Kiribati, the Republic of the Marshall Islands, the Republic of Nauru, the Republic of Palau, Papua New Guinea, Solomon Islands and Tuvalu,

HAVE AGREED AS FOLLOWS:

ARTICLE I

Licensing Terms and Conditions

In addition to those terms and conditions provided in Article II of An Arrangement Implementing the Nauru Agreement Setting Forth Minimum Terms and Conditions of Access to the Fisheries Zones of the Parties, and Article I of A Second Arrangement Implementing The Nauru Agreement Setting Forth Additional Terms and Conditions of Access to the Fisheries Zones of the Parties, the Parties shall establish the following minimum terms and conditions in all of their subsequent foreign fishing agreements and their licensing requirements for vessels fishing the common stocks of fish within the Fisheries Zones and shall not issue licences unless the minimum terms and conditions are accepted and observed:

1. *Catch Retention*

All bigeye, skipjack and yellowfin tuna taken by a purse seine vessel shall be retained on board and then landed or transhipped, except for:

- (a) fish clearly and demonstrably unfit for human consumption; and
- (b) the final set of a trip when there may be insufficient wellspace to accommodate all fish caught in that set.

The Parties shall adopt appropriate procedures for the implementation of this measure, including reporting.

2. *FAD Closure*

There shall be no deployment or servicing of Fish Aggregating Devices and associated electronic equipment, or fishing by purse seine vessels on floating objects, between 0001 hours GMT on 1 July and 2359 hours GMT on 30 September each year, except that:

- (a) a Party may exclude all or part of its Fisheries Zone from the closure if it determines that it has suffered a disproportionate burden from application of the closure and advises the depositary accordingly; and
- (b) a Party may apply appropriate arrangements set out in a Management Plan to meet the requirements of domestic vessels that are highly dependent on fishing on floating objects within the Fisheries Zone.

3. *Closure of High Seas Areas*

A vessel shall not fish in the areas listed below during the period of validity of a licence issued by a Party:

- (a) the area of high seas bounded by the national waters of the Federated States of Micronesia, Indonesia, Palau and Papua New Guinea; and
- (b) the area of high seas bounded by the national waters of the Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Papua New Guinea, Solomon Islands and Tuvalu.

4. *Monitoring*

- (a) In order to monitor compliance with the catch retention and FAD closure requirements, all foreign purse seine vessels shall carry at all times an observer from either the national observer programme of a Party or an existing sub-regional observer programme; and
- (b) The owner, charterer, operator, master or any other person responsible for the operation of a licensed vessel shall ensure that the Automatic Location Communicator⁴ of the vessel is switched on and is operating properly at all times during the period of validity of a licence issued by a Party.

ARTICLE II ***Review and Implementation***

Review

1. The Parties shall review the implementation of these measures at the annual meeting of the Parties, and decide on the future application of these measures, taking into account:

- (a) the effectiveness of the measures in reducing fishing mortality, especially on juvenile bigeye and yellowfin tuna; and

⁴ Automatic Location Communicator is also known as Mobile Transmitting Unit.

- (b) the extent to which compatible measures are being applied on the high seas and in the waters of other Members of the Western and Central Pacific Fisheries Commission.

Implementation

2. These measures shall be implemented in accordance with a programme adopted by the Parties.

ARTICLE III *Signature and Effect*

1. This Arrangement shall be open for signature by the Parties to the Nauru Agreement.
2. This Arrangement shall take effect 30 days following the signing of the Arrangement by at least five of the Parties to the Nauru Agreement. Thereafter, it shall take effect for any signing Party 30 days after its signature of the Arrangement.
3. This Arrangement shall be deposited with the Government of the Solomon Islands.
4. Reservations to this Arrangement shall not be permitted.

ARTICLE IV *Amendment and Withdrawal*

1. Any Party may withdraw from this Arrangement by giving written notice to the Depository. Withdrawal shall take effect one year after receipt of such notice.
2. Any amendment to this Arrangement proposed by a Party shall be adopted only by unanimous decision of the Parties to this Arrangement.

ARTICLE V *The Nauru Agreement*

This Arrangement is subordinate to and governed by the Nauru Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments have signed this Agreement.

DONE at Koror, Palau this 16th day of May 2008

Federated States of Micronesia _____

Republic of Kiribati _____

Republic of the Marshall Islands _____

Republic of Nauru _____

Republic of Palau _____

Papua New Guinea _____

Solomon Islands _____

Tuvalu _____

Attachment B

ESTIMATES OF PURSE SEINE EFFORT (DAYS FISHED) IN EXCLUSIVE ECONOMIC ZONES.

EEZ	2001	2002	2003	2004	Av. 2001- 2004	CMM 2005- 01	2005	2006	2007 (prov.)
COOK ISLANDS	46	232	8	6	73	73	4	8	2
FIJI	9	5	9	27	13	27	36	7	7
INDONESIA ¹	4,270	4,316	4,978	6,522	5,022	6,522	6,580	6,808	6,498
NIUE	0	0	1	0	0	0	0	0	0
PHILIPPINES ¹	3,620	3,861	5,367	5,603	4,613	5,603	5,255	5,290	5,787
SAMOA	7	12	3	4	7	7	3	1	4
TOKELAU	99	401	27	67	149	149	127	34	37
TONGA	2	0	0	1	1	1	1	0	0
USA	388	595	279	346	402	402	185	237	110
VANUATU	2	2	0	23	7	23	1	1	0
PNA EEZs ²	23,902	26,304	28,438	29,144	26,947	29,144	32,028	31,600	29,881
TOTAL	32,345	35,728	39,110	41,743	37,232	41,950	44,220	43,986	42,326

1. Estimates for Indonesian and Philippines EEZs have been estimated as described in Attachment A of WCPFC-2008-13. These estimates may include effort in archipelagic waters.
2. Effort in PNA EEZs does not include effort in the archipelagic waters of Papua New Guinea or Solomon Islands.
3. The column labelled as CMM 2005-01 does not take into account Para. 6 and footnote 1 of CMM 2005-01.
4. Noting paragraph 5 of CMM 2005-01 and paragraph 2 of CMM 2008-01, the data reflected in the table is provisional. Pacific Island States and territories will work with the Executive Director and SPC-OFP to clarify the catch and effort that relates to fishing activities of foreign flagged vessels operating as an integral part of the domestic fleet and so should be considered vessels of the host State or Territory, particularly during the period 2001-2004.

TABLE 2. ESTIMATES OF PURSE SEINE EFFORT (DAYS FISHED) IN THE HIGH SEAS, BY VESSEL FLAG (INCLUDING RELEVANT CHARTER ARRANGEMENTS).

Flag	2001	2002	2003	2004	Av. 2001- 2004	CMM 2006-01	2005	2006	2007 (prov.)
CHINA	95	126	149	428	200	428	494	230	367
EUROPEAN COMMUNITY ¹	38	63	86	103	73	103	52	135	245
FSM	241	228	175	383	257	383	222	63	169
INDONESIA	500	500	500	500	500	500	500	500	500
JAPAN	1,793	1,589	2,093	2,321	1,949	2,321	1,832	1,535	1,317
KIRIBATI	40	52	40	35	42	42	46	53	22
MARSHALL ISLANDS	173	208	435	398	304	398	400	154	194
NEW ZEALAND	23	323	342	210	225	225	98	291	180
PAPUA NEW GUINEA	382	570	580	1,005	634	1,005	1,240	405	700
PHILIPPINES ²	13	55	435	452	239	452	306	153	17
REPUBLIC OF KOREA ³	1,307	1,226	1,152	1,234	1,230	1,234	1,071	741	1,397
SOLOMON ISLANDS	32	37	0	0	17	17	16	15	11
CHINESE TAIPEI	1,969	1,865	1,487	1,913	1,809	1,913	1,262	1,238	1,493
USA ³	968	1,333	863	987	1,038	1,038	771	534	782
VANUATU	66	163	181	571	245	571	376	392	361
TOTAL	7,640	8,338	8,518	10,540	8,759	10,629	8,686	6,439	7,755

1. VMS-based estimates for the European Community were provided by email subsequent to SC4, and 1 degree square aggregate fishing data were provided in December 2008. The aggregate catch and effort data were used as the basis for EC estimates in this table to provide consistency with the other flag estimates also based on operational or 1 degree square aggregate fishing data.
2. Estimates for Philippines are based on high-seas estimates for PNG-based or licenced vessels as described in Attachment A of WCPFC-2008-13. Philippines have provided an estimate of high-seas effort for 2004 only of 7,140 days but no supporting data have been provided.
3. Republic of Korea and USA have provided independent estimates that vary slightly from the figures shown here. These estimates will be reconciled between the WCPFC Scientific Services Provider and the national fisheries authorities of those CCMs. Table entries may be adjusted following the reconciliation process.
4. The column labelled as CMM 2006-01 does not take into account Para. 6 and footnote 1 of CMM 2005-01.
5. Noting paragraph 5 of CMM 2005-01 and paragraph 2 of CMM 2008-01, the data reflected in the table is provisional. Pacific Island States and territories will work with the Executive Director and SPC-OFP to clarify the catch and effort that relates to fishing activities of foreign flagged vessels operating as an integral part of the domestic fleet and so should be considered vessels of the host State or Territory, particularly during the period 2001-2004.

**PALAU ARRANGEMENT FOR THE
MANAGEMENT OF THE WESTERN
PACIFIC PURSE SEINE FISHERY -
MANAGEMENT SCHEME
(VESSEL DAY SCHEME)**

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE
WESTERN PACIFIC PURSE SEINE FISHERY -
MANAGEMENT SCHEME (VESSEL DAY SCHEME)**

(as amended by VDS Working Group Meeting-Honiara, 7 & 13 October 2005)

Article 1

Definitions

1.1 In this Management Scheme:

- (i) *ALC* means Automatic Location Communicator.
- (ii) *Adjusted PAE*, in relation to a Party, means that Party's PAE as adjusted pursuant to Article 6, 7 or 10.
- (iii) *Fishing activities* includes the following:
 - (a) searching for, catching, taking or harvesting fish;
 - (b) attempting to search for, catch, take or harvest fish;
 - (c) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish for any purpose;
 - (d) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons, or any other equipment used in the control, support or assistance of fishing operations of any description;
 - (e) any operations at sea directly in support of, or in preparation for, any activity described in paragraphs (a) to (d);
 - (f) use of any vessel in connection with any activity described in paragraphs (a) to (e), except for emergencies involving the health and safety of the crew or the safety of a vessel.
- (iv) *Fishing day* means any calendar day, or part of a calendar day, during which a purse seine vessel is in the waters of a Party outside of a port, but does not include a calendar day, or part of a calendar day, referred to in Article 5.1(iii).
- (v) *Length overall*, in relation to a vessel, means the distance in metres (with an accuracy of two decimal places) in a straight line between the foremost point of the bow and the aftermost point of the stern, provided that the bow shall be taken to include the watertight hull structure, forecastle, stem and forward bulwark, and the stern shall be taken to include the watertight hull structure, transom, poop, skiff ramp and bulwark.
- (vi) *Management Period* means a period of three Management Years.

- (vii) *Management Year* means a period of one calendar year commencing on the date of commencement of the vessel day scheme.
- (viii) *Palau Arrangement* means the Palau Arrangement for the Management of the Western Pacific Purse Seine Fishery.
- (ix) *Party Allowable Effort (PAE)*, in relation to a Party, means the total number of fishing days for a Management Year allocated to that Party calculated pursuant to the formula at Article 12, and presented to the Parties each year in accordance with the table at Schedule 1.
- (x) *Total Allowable Effort (TAE)* means the maximum number of fishing days by all licensed purse seine vessels in the waters of the Parties to the Palau Arrangement in any Management Year.
- (xi) *VDS Register* means the register established and maintained pursuant to Article 8.
- (xii) *Vessel Day Scheme Management Area* means the waters of the Pacific Ocean bounded as follows:
 - (a) In the north by the 20° parallel of north latitude;
 - (b) In the south by the 20° parallel of south latitude; and
 - (c) In the east by a line due north along the 130° meridian of west longitude to its intersection with the 4° parallel of south latitude; thence due west along the 4° parallel of south latitude to its intersection with the 150° meridian of west longitude; thence due north along the 150° meridian of west longitude.

Article 2

Objectives and description

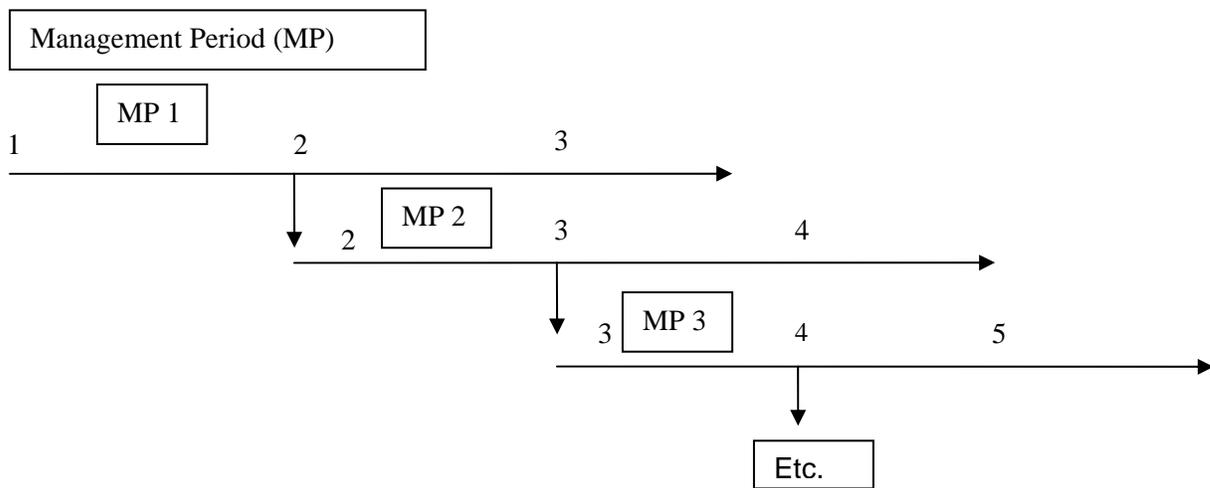
2.1 This Management Scheme is made pursuant to the Palau Arrangement for the management of purse seine fishing effort of the Western and Central Pacific. The objective of this Management Scheme is to enhance the management of purse seine fishing vessel effort in the waters of the Parties by encouraging collaboration between all parties, and:

- i) promoting optimal utilization and conservation of tuna resources;
- ii) maximizing economic returns, employment generation and export earnings from sustainable harvesting of tuna resources;
- iii) supporting the development of domestic locally based purse seine fishing industries;
- iv) promoting effective and efficient administration, management and compliance.

2.2 Through this Management Scheme the Parties shall seek to limit the level of fishing by purse seine vessels in the waters of the Parties to the levels of total allowable effort agreed by the Parties to the Palau Arrangement.

2.3 The Management Scheme will have a Management Period of three Management Years. At the end of each Management Year a new three year Management Period will commence. Management Years and Management Periods will be numbered sequentially. At the beginning of the scheme a Total Allowable Effort will be set by the Parties for each of the first three years. Prior to the end of the first year of the Management Scheme the Parties will meet to set the TAE for the fourth Management Year, as illustrated in Figure 1. Prior to the end of the second Management Year, and prior to the end of each subsequent Management Year, the Parties will meet to set the TAE for the fifth Management Year, and thereafter for each new Management Year. In the event that a TAE is not set for a new Management Year, the TAE for the previous Management Year will apply.

Figure 1 - Rolling 3 year Management Period



2.4 At the end of each Management Year any unused PAE from the corresponding Management Period may be carried forward to the new Management Period. In this respect the Parties to the Palau Arrangement may agree rules about the maximum number or maximum proportion of days that may be carried forward.

Establishment of a VDS Committee

2.5 Oversight of the Management Scheme will be the responsibility of a Vessel Days Scheme Committee (VDSC) comprising a nominee of each of the Parties to the Palau Arrangement. The VDSC will be a sub-committee of the Palau Arrangement Parties and be subject to their absolute control. The VDSC will meet as required and be subject to the following general procedures:

- i) The VDSC will appoint a Chair and vice Chair for a period of no more than 3 years. At the end of the Chair’s term the vice Chair will assume the Chair’s role. Initial and ongoing appointments will be made in a manner that

provides for the terms of the Chair and vice Chair to be staggered to provide continuity of experience.

- ii) The VDSC may consider, discuss and make recommendation to any meeting of the Parties to the Palau Arrangement on any matter related to the administration of the VDS, and make decisions on matters delegated to them by the Parties to the Palau Arrangement.

Meeting procedures

- iii) The committee can adopt meeting procedures as it sees fit from time to time bearing in mind that in establishing the VDSC it is the intention of the Parties to the Palau Arrangement that it operate in a manner that is as informal as is practical in order to conduct its business efficiently. In the event of any dispute over meeting procedures and in the absence of any otherwise agreed meeting procedures the meeting procedures that apply to the meetings of the Forum Fisheries Committee will apply. The Administrator will maintain a record of meeting procedures as agreed to from time to time.

Observers

- iv) Observer status will only be granted to government officials representing members of the Forum Fisheries Agency. Any member wishing to attend as an observer will provide advice to the Chair of their intention to attend any meeting. As meetings of the VDSC will be informal and may be called at short notice, there may be no general notice of intended meetings to observers.

Guests

- v) Any other person may be invited by the VDSC to attend certain sessions of the VDSC as a guest, on an agenda item by agenda item basis.

Confidentiality

- vi) Other than for the purposes of official reporting within government observers and guests shall be bound to keep any matter discussed by the VDSC confidential other than where agreed on a case by case basis by the Chair.

Meeting agenda and record

- vii) An agenda shall be prepared for each meeting. A record of each meeting shall be kept by the Administrator and cleared by the VDSC before it concludes any meeting. The record shall be brief and only record the broad points of discussion by the VDSC, along with any viewpoint expressly requested by any VDSC member to be formally recorded and the precise outcome of any discussions whether they be in the form of a

recommendation to a meeting of the Parties to the Palau Arrangement, or a decision.

Annual meeting of Parties to the Palau Arrangement

2.6 The annual meeting of the Parties to the Palau Arrangement will consider matters relating to the administration of the VDS. In particular, but without limiting the matters the meeting can consider, it will be a function of the annual meeting to:

- i) Consider any matter referred to it for decision by the VDSC.
- ii) Receive a briefing from the Administrator on catch and effort levels and any observed or potential increase in average effective fishing effort for each fishing day since the introduction of the vessel day scheme (effort creep):
 - a. In respect of any observed effort creep the Parties shall take the necessary management action to ensure such effort creep is not detrimental to the fishery.
 - b. Options for management action by the Parties shall include controls on vessel length, vessel capacity, well size, the use of fish aggregating devices or any other necessary measure.
- iii) Receive a briefing from the Administrator on any transfer of fishing days between Parties and between Management Periods.
 - a. In respect of any transfer of fishing days between Management Periods the Parties may agree on any future restrictions that may apply to the proportion of fishing days that may be borrowed from or carried forward to future years.
 - b. In respect of any deliberation on this matter the Parties will take into account the need to ensure that such transfers are not detrimental to the fishery or the fishery management scheme.
- iv) Set the TAE in accordance with the provisions of this Management Scheme.
- v) Consider the need to establish procedures to consult with distant water fishing nations, fishing parties, fishing organizations, and other relevant organizations and provide direction to the Administrator in that respect.
- vi) Determine controls on high seas fishing to be applied to fishing parties operating under the Vessel Days scheme or other arrangements, treaties or agreements.

Article 3

Non-application to certain purse seine vessels

3.1 For clarification this Management Scheme does have effect with respect to fishing activities by a purse seine vessel operating under a valid license issued under the Federated States of Micronesia Arrangement for Regional Fisheries Access (FSMA) while it is in the national waters of the licensing home Party.

3.2 This Management Scheme shall not apply to or affect:

- (i) fishing activities by a purse seine vessel while it is in the national waters of a Party, other than as described in clause 3.1, under a valid license issued under the Federated States of Micronesia Arrangement for Regional Fisheries Access (FSMA); or
- (ii) fishing activities by a purse seine vessel while it is operating under a valid license issued under the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (UST);

3.3 Clause 3.2 does not apply to the deliberations of the Parties to the Palau Arrangement when calculating the TAE when it will be necessary to consider the catches of FSMA and UST fleets and make adjustments to the TAE in accordance with the TAE setting process.

3.4 Clause 3.2 does not apply where agreed to by the Parties to the FSMA or the UST.

Article 4

Obligation to limit fishing days

4.1 Each Party shall take all necessary measures to ensure that the number of fishing days by purse seine vessels in its waters does not exceed that Party's PAE or Adjusted PAE in any Management Year other than in accordance with Article 3.

Article 5

Calculation of fishing days

5.1 The following provisions shall govern the calculation of a Party's use of its PAE or Adjusted PAE during a Management Year, and shall be applied by the Administrator:

- (i) If a purse seine vessel reports during any fishing day from positions in the waters of two or more Parties, that fishing day shall be apportioned between those Parties according to the distribution of reported positions of that vessel;
- (ii) If a purse seine vessel reports during any fishing day from positions in the high seas or in the waters of non-Parties, and in the waters of one or

more Parties, that fishing day shall be apportioned according to the distribution of reported positions;

- (iii) If a Party has advised the Administrator, using the form in Schedule 2, that a purse seine vessel will be in its waters but will not be undertaking fishing activities, the days or parts of days spent by the vessel in that Party's waters will not be counted as fishing days provided the vessel does not undertake fishing activities during the period identified in the form. For that purpose, a vessel shall be deemed to be undertaking fishing activities during any time that its fishing gear is not completely stowed.
- (iv) every fishing day by a purse seine vessel with a length overall of less than 50 metres shall equate to a deduction of one half of a fishing day;
- (v) every fishing day by a purse seine vessel with a length overall of between 50 metres and 80 metres shall equate to a deduction of one fishing day;
- (vi) every fishing day by a purse seine vessel with a length overall in excess of 80 metres shall equate to a deduction of one and one half fishing days.
- (vii) there shall be no deduction of fishing days in respect of any period spent by a purse seine vessel within a port of a Party.

Article 6

PAE Adjustments: transfers between Parties

6.1 Any two Parties may agree to a transfer between themselves of all or part of their PAE for a Management Year, provided that

- (i) A Party may not agree to transfer to other Parties more than 100% of its PAE;
- (ii) A Party may not agree to transfer any part of its PAE which that Party has already used at the time the request is made.

6.2 A Party that proposes to receive a transfer of PAE pursuant to an agreement under Article 6.1 must provide a transfer notification to the Administrator, using the form set out in Schedule 3 (a) and according to any transfer administration procedures that have been agreed by the Parties on the recommendation of the Administrator, no later than 31 January of the Management Year following the Management Year that the proposed transfer relates to. The transfer will be approved by the Administrator providing it meets the requirements of the Vessel Day Scheme.

6.3 If the Administrator is satisfied that the Parties have complied with the requirements of Articles 6.1 and 6.2, the Administrator shall adjust the PAE of the relevant Parties in accordance with the transfer notification.

Article 7

PAE Adjustments: transfers between Management Years and Management Periods

7.1 A Party may instruct the Administrator to adjust its PAE for any Management Year in a Management Period by transferring to that Management Year up to 100% of its PAE from another Management Year of the same Management Period.

7.2 A Party may instruct the Administrator to adjust its PAE for the first Management Year in a Management Period by transferring to that Management Year up to 30% of its PAE from the final Management Year of the preceding Management Period.

7.3 An instruction under Article 7.1 or 7.2 is valid only to the extent that it relates to a Party's PAE which the Party has not already used at the time the request is made.

7.4 The Party instructing the Administrator to adjust its PAE under this Article must provide a transfer notification to the Administrator, using the form set out in Schedule 3 (b) and according to any transfer administration procedures that have been agreed by the Parties on the recommendation of the Administrator, no later than 31 January of the Management Year following the Management Year that the proposed transfer relates to.

7.5 If the Administrator is satisfied that the Party has complied with the requirements of this Article, the Administrator shall adjust that Party's PAE in accordance with the transfer notification.

Article 8

Register of Purse Seine Vessels

8.1 The Administrator shall establish and maintain a Register of Purse Seine Vessels under the Palau Arrangement Purse Seine Fishery Vessel Day Scheme (the VDS Register).

8.2 A purse seine vessel must be registered on the VDS Register in order to undertake fishing activities pursuant to this Management Scheme. Each Party shall ensure that every license of a purse seine vessel includes a condition that no fishing activity may be undertaken pursuant to the licence during any period when the vessel is not registered on the VDS Register.

8.3 A purse seine vessel may only be registered on the VDS Register if:

- (i) An application for the vessel to be registered on the VDS Register is made to the Administrator using the form set out in Schedule 4; and
- (ii) The application form is accompanied by payment of the Registration Fee set out in Schedule 5; and
- (iii) The Administrator is satisfied that the vessel will be able to comply with the requirements of this Management Scheme; and

(iv) The vessel is in good standing on the FFA Vessel Register

8.4 The Administrator must register a purse seine vessel on the VDS Register if the requirements of Article 8.3 have been satisfied in relation to that vessel. Upon a purse seine vessel becoming registered on the VDS Register, the Administrator must notify the vessel owner and the relevant Party of that fact, and of the commencement date of the registration.

8.5 Subject to Article 8.6, the registration of a purse seine vessel on the VDS Register shall remain in effect until the end of the Management Period. A purse seine vessel that is registered on the VDS Register at the end of a Management Period shall be entitled to have its registration continued for the following Management Period, provided that the vessel fulfils the registration requirements, set out in Article 8.3, no later than 30 days prior to the commencement of that following Management Period.

8.6 The Administrator must delete a vessel from the VDS Register if:

- (i) The vessel owner requests the Administrator to delete the vessel from the VDS Register; or,
- (ii) A Party requests that a vessel be deleted from the VDS Register; or
- (iii) The Administrator is satisfied that the vessel has failed to comply with the requirements of this Management Scheme.

8.7 The Administrator shall not delete a purse seine vessel from the VDS Register pursuant to Article 8.6 unless the Administrator first consults with the Parties about the proposed deletion, and no Party objects to the proposed deletion of the vessel from the VDS Register. If the Administrator deletes a vessel from the VDS Register, the Administrator must notify the vessel owner and any relevant Party of the fact and date of the deletion. A purse seine vessel that has had its registration on the VDS Register deleted must satisfy the requirements of Article 8.3 in order to be registered again on the VDS Register.

8.8 The Administrator shall provide monthly notifications to all Parties of changes to the VDS Register, including details of new vessel registrations and deletions of vessel registrations. The Administrator shall also maintain the VDS Register on a secure internet website that is accessible only by the Parties and the Administrator.

Article 9

Monitoring

9.1 A purse seine vessel must have an ALC operating at all times of a Management Period during which it is registered on the VDS Register and within the Vessel Day Scheme Management Area, and must ensure that the ALC provides location transmissions at intervals of at least every 4 hours.

9.2 If the Administrator does not receive either an ALC transmission from a purse seine vessel to which Article 9.1 applies, or a transmission failure report from a purse

seine vessel pursuant to Article 9.3, the Administrator shall notify the vessel of the transmission failure no later than 12 hours after the ALC transmission was due, and require the vessel to submit transmission failure reports to the Administrator pursuant to Article 9.3.

9.3 If a purse seine vessel becomes unable to transmit by ALC for any reason, the operator of the vessel shall, as soon as practicable, submit a transmission failure report, in the form set out in Schedule 6, to the Administrator and to any Party in whose waters the vessel is undertaking fishing activities. The first transmission failure report shall account for the period from the time of the ALC transmission failure to the time of submission of the report. Subsequent transmission failure reports shall be submitted at intervals of 4 hours.

9.4 If at any time a purse seine vessel is unable to comply with the requirements of this Article, the master of that vessel must immediately stow the vessel's fishing gear and take the vessel directly to the nearest port, or such other port as the Administrator directs, and immediately report to the Administrator of its actions under this Article.

Article 10

Compliance

10.1 Each Party shall take all necessary measures to ensure that every purse seine vessel that is licensed to fish in its waters, and every purse seine vessel that is entitled to fly its flag, comply with the requirements of this Management Scheme.

10.2 If a Party exceeds its PAE or Adjusted PAE at any time during a Management Year, the Administrator shall, within 7 days, notify the Party of that fact. That Party shall report to the Administrator within 21 days on its measures to ensure adherence to its PAE or Adjusted PAE, including any arrangements for transfer of PAE pursuant to Article 6 or Article 7.

10.3 If the level of purse seine fishing in the waters of a Party exceeds its PAE for a Management Year, that Party's PAE for the following Management Year shall be adjusted by deducting:

- (i) If the excess is less than 100 days - the amount of the excess;
- (ii) If the excess is 100 days or more - 120% of the excess.

10.4 The Administrator shall promptly provide a report to all Parties with details of any PAE adjustment pursuant to this Article, and a statement of that Party's Adjusted PAE for any Management Year affected by the adjustment.

Article 11

Administrator

11.1 The Administrator of this Management Scheme shall be the Director- General of the Forum Fisheries Agency.

11.2 The Administrator shall have the following functions:

- (i) performing any function that this Management Scheme requires the Administrator to perform;
- (ii) receiving information and documents from the Parties;
- (iii) receiving Registration Application Fees pursuant to Article 8.3(ii);
- (iv) convening meetings of the Parties pursuant to this Article;
- (v) performing any function that the Parties direct the Administrator to perform;
- (vi) performing any function that is necessary for the effective administration of this Management Scheme.

11.3 The Administrator shall perform their functions consistently with any direction given by the Parties. The Administrator shall consult with the Parties as required and take all necessary steps to ensure that reports and information required to be provided by Parties are provided on time.

11.4 The Administrator shall apply fees collected pursuant to this Management Scheme as directed by the Parties. The Administrator shall prepare an annual budget for this Management Scheme, for consideration and approval by the Parties at the annual Management Meeting under the Palau Arrangement.

11.5 The Administrator shall convene a special meeting of the Parties to consider the operation of this Management Scheme if the Administrator receives a written request for such a meeting, and where that request is supported by a minimum of three (3) additional Parties.

Article 12

Calculation of TAE and PAE

12.1 The TAE is the maximum number of fishing days undertaken by all licensed purse seine vessels in all waters of the Parties to the Palau Arrangement in any Management Year.

Calculation of the TAE

12.2 The TAE will be set by the Parties at their annual meeting or at such other time agreed to by the Parties having regard to:

- i) the best available scientific, economic, management and other relevant advice and information;
- ii) the provisions of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;
- iii) the objectives of the Vessel Day Scheme; and,
- iv) any submission on this issue from any party, individual or organisation.

Allocation of the TAE among the Parties

12.3 Prior to the allocation of the TAE amongst the Parties the TAE shall be adjusted by making a deduction from the TAE in accordance with clause 12.7.

12.4 The adjusted TAE shall be allocated amongst the Parties as their Party Allowable Effort (PAE).

12.5 The PAE for each Party shall be expressed as a percentage. The formula for calculating the PAE of each Party shall be that 50 percent of the PAE is based on the distribution of the assessed relative biomass of skipjack and yellowfin within the waters of the Parties - for this purpose the average shall be taken over a ten (10) year period using the most recent available data; and 50 percent on the average of the annual distribution of the number of vessel days fished in the waters of the Parties - for this purpose the average shall be taken over a seven (7) year period using the most recent available data.

12.6 The Parties may have regard to the special circumstances of any member and agree to a temporary increase in the PAE on an annual basis. Such temporary increases shall not automatically be granted in the following year.

Allocation of TAE for the FSMA and the US Treaty Fleets

12.7 Prior to the allocation of the TAE amongst the Parties, an amount of fishing days will be allocated to each of two pools of fishing days. One pool will be maintained for the Federated States of Micronesia Arrangement for Regional Fisheries Access (FSMA) and one pool for the Treaty on Fisheries between the Governments of Certain Pacific Islands States and the Government of the United States of America (US Treaty). These pools of fishing days will be calculated on the basis of the average number of days fished by these fleets over a seven (7) year period using the most recent available data.

Updating of PAE

12.8 Each PAE shall be updated every year using the formula described in clause 12.5 using the most recent data.

Article 13

Amendment to the Vessel Days Scheme

13.1 This vessel day scheme may be amended in any respect by the agreement of the Parties to the Palau Arrangement.

Article 14

Fees for administration of the Vessel Day Scheme and charges for vessel days

14.1 The Parties to the Palau Arrangement may, at any meeting, agree upon or vary any fees to be charged by vessels registered to operate under the Vessel Day Scheme and the scheme for administration of any such fees.

14.2 The Parties to the Palau Arrangement may, at any meeting, agree upon a scheme for standardising fees for the sale of vessel days.

Article 15

Transitional Provisions

15.1 At the commencement of the Management Scheme the Parties agree that the Management Scheme be applied on a provisional basis for an agreed period which shall be known as the transitional period, for the purposes of providing time for negotiations with fishing parties, and to monitor and to trial the implementation. The Parties may extend the transitional period for a further duration if the Parties consider it necessary.

15.2 The first Management Period would commence at the end of the agreed transitional period.

15.3 The Parties agree to maintain Schedule 7 of the Management Scheme during the transitional period.

15.4 During the transitional period of the Management Scheme, decisions pertaining to the implementation of the Management Scheme may only be made by Parties who have agreed to apply the scheme.

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 1

<i>MANAGEMENT SCHEME DETAILS</i>			
Management Period: (#)			
First Management Period: (<i>date commencing</i>)			
Total Allowable Effort (TAE) for each year (<i>as agreed by the Parties</i>) of First Management Period:			
Party	Annual Percentage Party Allowable Effort (PAE) for # Management Period		
	Year #	Year #	Year #
Federated States of Micronesia Kiribati Marshall Islands Nauru Papua New Guinea Palau Solomon Islands Tuvalu			

(The formula for calculating the PAE of each party shall be that 50 percent of the PAE is based on the distribution of the assessed relative biomass of skipjack and yellowfin within the waters of the Parties - for this purpose the average shall be taken over a ten (10) period using the most recent available data; and 50 percent on the average of the annual distribution of the number of vessel days fished in the waters of the Parties - for this purpose, the average shall be taken over a seven (7) year period using the most recent available data).

*PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)*

SCHEDULE 2

<i>REPORT TO ADMINISTRATOR ON VESSELS IN ZONE NOT ENGAGED IN FISHING ACTIVITIES</i>

Party Submitting Report: _____

Zone: _____

Name of vessel: _____

Vessel's International call sign: _____

Vessel's VDS Register Registration No (if applicable): _____

FFA Vessel Register No. (if applicable): _____

Date and time of entry into Party's waters: _____

Date and time of proposed exit from Party's waters: _____

Date and time of cessation of fishing activity: _____

Date and time of recommencement of fishing activity: _____

State reason for vessel's presence in the Party's waters:

*PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)*

SCHEDULE 3 (a)

PART A

**PAE TRANSFER NOTIFICATION:
PARTY-PARTY TRANSFER**

[Name of Party from which PAE to be transferred] notifies the Administrator to effect a transfer of fishing days of its PAE for Management Year 20.. to [name of Party to receive transfer].

Amount of PAE to be transferred
(in fishing days):

.....

[Authorised Officer]

Name:

Telephone:

Facsimile:

Email:

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)
SCHEDULE 3 (b)**

PART B

**PAE TRANSFER NOTIFICATION:
TRANSFER BETWEEN MANAGEMENT YEARS**

[Name of Party requesting transfer] notifies the Administrator to effect a transfer of fishing days of its PAE for Management Year 20.. as follows:

**Management Year to which
fishing days to be transferred:**

**Amount of fishing days to be
transferred (tick relevant box):**

- Total fishing days available for transfer
- fishing days

.....
[Authorised Officer]
Name:
Telephone:
Facsimile:
Email:

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PACIFIC
PURSE SEINE FISHERY - MANAGMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 4

APPLICATION FOR REGISTRATION

	<p>Vessel Days Scheme Register</p> <p>APPLICATION FOR REGISTRATION</p>	<p>VID Number - FFA use only</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>			
<p>Vessel _____</p> <p>Name of vessel</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <p>Flag of vessel</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <p>International Radio Call Sign Flag State Registration Number</p> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; width: 45%; height: 25px;"></div> <div style="border: 1px solid black; width: 45%; height: 25px;"></div> </div> <p>FFA Vessel Monitoring System Details _____</p> <p>FFA VMS type-approved ALC installed?</p> <p>No <input type="checkbox"/> Yes <input type="checkbox"/> Inmarsat number <div style="border: 1px solid black; width: 100px; height: 25px; display: inline-block;"></div></p> <p>Vessel Specifications _____</p> <p>Vessel Length (please complete all lengths for which information is available)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Length Overall</td> <td style="width: 50%; border: none;">Registered Length</td> </tr> <tr> <td style="border: 1px solid black; height: 25px;"></td> <td style="border: 1px solid black; height: 25px;"></td> </tr> </table> <p>Length between perpendiculars Length specified as:</p> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; width: 45%; height: 25px;"></div> <div style="border: none;"> <input type="checkbox"/> metres <input type="checkbox"/> feet </div> </div>	Length Overall	Registered Length			<p>Applicant details _____</p> <p>Name</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <p>Mailing address</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <p>Phone number Fax number</p> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; width: 45%; height: 25px;"></div> <div style="border: 1px solid black; width: 45%; height: 25px;"></div> </div> <p>E-mail address</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <p>Tick the box that applies to you</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Charterer <input type="checkbox"/> Authorised agent</p> <p>Application period</p> <p>from <div style="border: 1px solid black; padding: 2px;">Month / Year</div> to <div style="border: 1px solid black; padding: 2px;">Month / Year</div></p> <p>Applicant declaration _____</p> <p>I hereby apply for good standing of the (name of vessel)</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <p>on the Vessel Days Register maintained by the Forum Fisheries Agency.</p> <p>I declare that, to the best of my knowledge, there are no outstanding matters pending in relation to this vessel or its use.</p> <p>I declare that the information provided in this Application for Registration, signed by me, is true and complete.</p> <p>Signature</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <p>Date</p> <div style="border: 1px solid black; padding: 2px; display: flex; justify-content: space-between;"> Day / Month / Year </div>
Length Overall	Registered Length				
<div style="border: 1px solid black; padding: 5px;"> <p>Please send your completed form to:</p> <p>Forum Fisheries Agency</p> <p>1 FFA Road, Kola'a Ridge Phone: (+677) 21124</p> <p>P.O. Box 629 Fax: (+677) 23995</p> <p>Honiara E-mail: mcs@ffa.int</p> <p>Solomon Islands</p> </div>					
<div style="border: 1px solid black; padding: 5px;"> <p>Privacy and your information</p> <p>Information provided to the Forum Fisheries Agency on this form is confidential. Further information about VDS Registration, including instructions regarding remittance of VDS Registration fees, will be provided in a separate notice.</p> </div>					

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 5

**SCHEDULE OF FEES PAYABLE PURSUANT TO THE MANAGEMENT
SCHEME
(all fees are stated in United States Dollar)**

Fee Description	Amount
Registration Fee	\$2,400:00*

* The Registration Fee is for the 3 year Management Period and may be paid in equal annual instalments of \$800, provided that each instalment must be paid in advance of the commencement date of the Management Year. Late payments will attract a 10% penalty charge. There will be no pro-rata reduction of fees for late payments or payments received part way through a fishing year.

**PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PURSE
SEINE FISHERY - MANAGEMENT SCHEME (VESSEL DAY SCHEME)**

SCHEDULE 6

INFORMATION FOR INCLUSION IN A TRANSMISSION FAILURE REPORT

**THE FOLLOWING INFORMATION MUST BE INCLUDED IN ANY
TRANSMISSION FAILURE REPORT:**

Date (dd/mm/yyyy):

Vessel Name:

Call Sign:

ALC Make and model:

ALC Serial Number:

Position of last ALC transmission (at four -hour intervals):

Position of last manual transmission:

Operator/Captain Name:

Observer's Name (if applicable):

Purse Seine Licence Numbers
(Revised May 2006)

Category	Agreed, June 2005	Reported May 2006	Agreed May 2006	Variance
1. Multilateral Access				
<i>U.S. Treaty</i>	40	13	40	-27
2. Bilateral Foreign Access				
<i>Japan</i>	35	34	35	-1
<i>Taiwan</i>	33	33	33	0
<i>South Korea</i>	27	27	27	0
<i>Philippines</i>	10	6	10	-4
<i>China</i>	4	4	4	0
<i>European Union</i>	4	2	4	-2
Sub-total (1+2)	153	119	153	-34
3. Domestic / Locally-based				
<i>All parties</i>	52	52	52	0
Total ((1+2) + 3)	205	171	205	-34

*Note: Fleets that fail to fully utilise their allocation will be liable to forfeit their unused allocation.

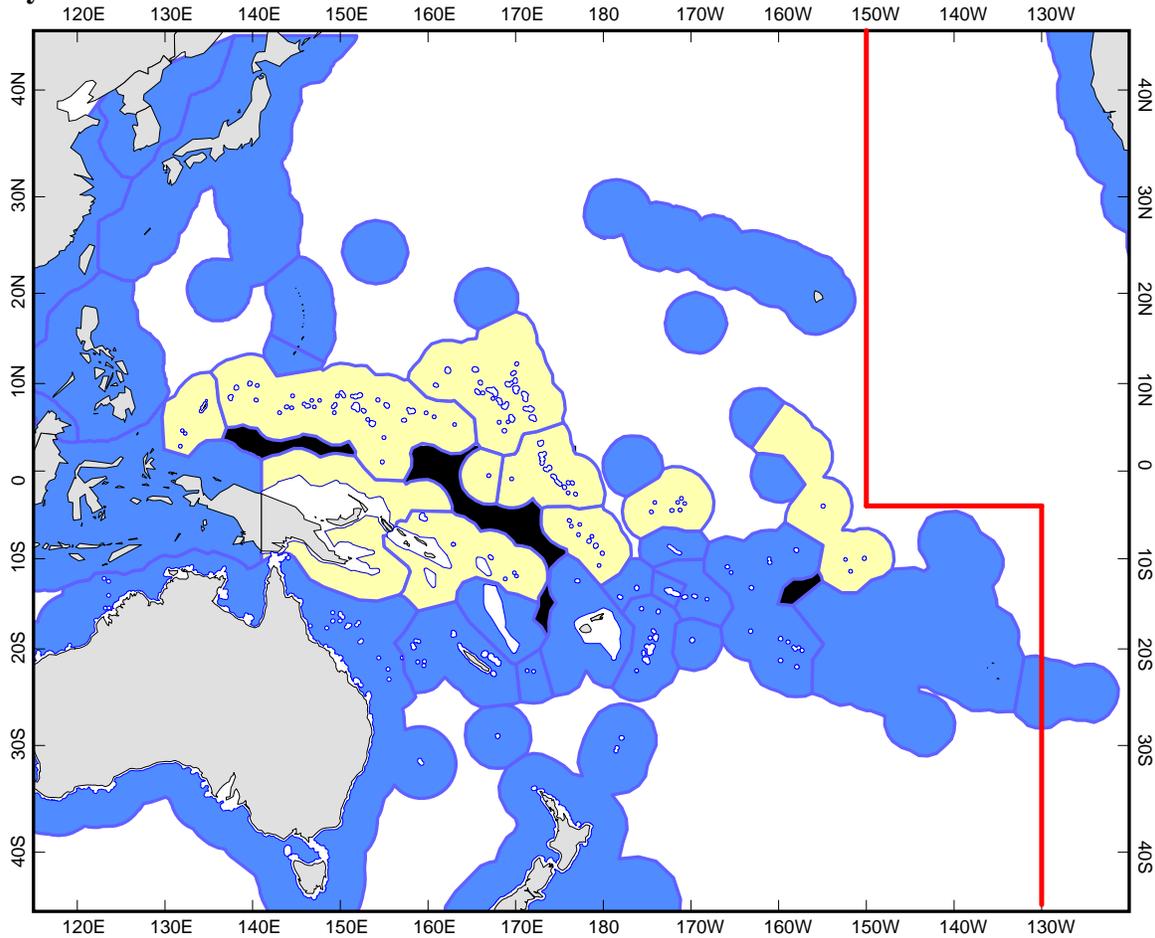
Special Arrangements⁵

Category	Agreed, June 2005	Reported May 2006	Agreed May 2006	Variance
1. EU vessels part-time in Kiribati waters only	2	0	2	-2
2. Domestic/Locally Based	15	13	15	-2
3. China	4	5	5	0
4. South Korea	1	0	1	-1
5. Philippines	1	0	1	-1
6. Taiwan	1	0	1	-
Totals	24	18	25	-7

Appendix D

⁵ This category will remain in force as long as the number of US vessels is below its maximum allocation of 40 vessels.

The WCPFC Convention Area. The PNA Exclusive Economic Zones (EEZs) are shown in yellow (light), Archipelagic Waters and Territorial Seas for Pacific Island Countries and Territories, Australia and New Zealand are shown in white within the EEZs. Coordinates for Archipelagic Waters and Territorial Seas for other CCMs were not available and are not shown. The high-seas pockets wholly enclosed by EEZs between 20°N and 20°S are shown in black.



This map displays indicative maritime boundaries only. It is presented without prejudice to any past, current or future claims by any State. It is not intended for use to support any past, current or future claims by any State or territory in the western and central Pacific or east Asian region. Individual States are responsible for maintaining the coordinates for their maritime claims. It is the responsibility of flag States to ensure their vessels are informed of the coordinates of maritime limits within the Convention Area. Coastal States are invited to register the coordinates for their negotiated and agreed maritime areas with the Commission secretariat



GUIDELINES FOR PREPARATION OF FAD⁶ MANAGEMENT PLANS

To support obligations in respect of FADs in CMM-2008-01, the FAD Management Plan (FAD-MP) for a CCM purse seine fleet to be submitted to the Commission could include, for example:

- An objective
- Scope:
 - Description of its application with respect to:
 - Vessel-types and support and tender vessels,
 - FAD types [anchored (AFAD) AND drifting (DFAD)],
 - maximum FAD numbers permitted to be deployed [per purse seine or ring net vessel per FAD type],
 - reporting procedures for AFAD and DFAD deployment,
 - catch reporting from FAD sets (consistent with the Commission's Standards for the Provision of Operational Catch and Effort Data),
 - minimum distance between AFADs,
 - incidental by-catch reduction and utilization policy,
 - consideration of interaction with other gear types,
 - statement or policy on "FAD ownership".
- Institutional arrangements for management of the FAD Management Plans
 - Institutional responsibilities,
 - application processes for FAD deployment approval,
 - Obligations of vessel owners and masters in respect of FAD deployment and use,
 - FAD replacement policy,
 - reporting obligations,
 - observer acceptance obligations,
 - relationship to Catch Retention Plans,
 - conflict resolution policy in respect of FADs.
- FAD construction specifications and requirements
 - FAD design characteristics (a description),
 - FAD markings and identifiers,
 - Lighting requirements,
 - radar reflectors,
 - visible distance,
 - radio buoys [requirement for serial numbers],
 - satellite transceivers [requirement for serial numbers].
- Applicable areas
 - Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.
- Applicable period for the FAD-MP

⁶ Fish aggregating devices (FAD) are drifting or anchored floating or submerged objects deployed by vessels for the purpose of aggregating target tuna species for purse seine or ring-net fishing operations.

- Means for monitoring and reviewing implementation of the FAD-MP.
- Means for reporting to the Commission

BASELINE LONGLINE BIGEYE TUNA CATCHES, BY FLAG

CCM	2001	2002	2003	2004	Av. 2001-04 or 2004*	2005	2006	2007 (prov.)
AMERICAN SAMOA	75	196	242	227	185	134	181	198
AUSTRALIA	1,307	1,002	1,024	892	1,056	791	563	777
BELIZE	1,322	812	782	297	803	425	254	158
CHINA	2,227	2,312	8,965	9,314	9,314	6,399	9,790	7,821
COOK ISLANDS	1	56	204	394	164	220	166	189
EUROPEAN COMMUNITY	0	0	0	42	11	17	62	0
FIJI	662	853	889	1254	915	423	771	639
FRANCE (FRENCH POLYNESIA)	745	649	439	502	584	606	498	481
FRANCE (NEW CALEDONIA)	128	189	142	90	137	76	35	53
FSM	651	759	656	542	652	182	172	1,394
INDONESIA	659	711	625	8413	8,413	7707	10,317	10,197
JAPAN	27,466	29,574	26,110	29,248	28,100	23,020	26,876	26,876
KIRIBATI	0	0	0	0	0	0	0	0
MARSHALL ISLANDS	0	0	0	1	0	0	0	3
NAURU	6	3	10	0	5	0	0	0
NEW ZEALAND	481	201	204	177	266	175	177	213
NIUE	0	0	0	0	0	10	0	0
PALAU	21	1	1	7	8	0	0	0
PAPUA NEW GUINEA	240	318	390	392	335	211	134	144
PHILIPPINES	264	310	394	403	343	729	804	927
REPUBLIC OF KOREA	22,172	28,533	17,151	17,941	21,449	15622	12,489	10,054
SAMOA	185	137	110	104	134	64	128	101
SOLOMON ISLANDS	187	393	967	357	476	357	357	357
CHINESE TAIPEI	12,435	16,645	13,345	20,992	15,854	15498	14,295	14,760
TONGA	191	215	94	40	135	125	117	129
USA	2,418	4,396	3,618	4,181	4,181	4,462	4,381	5,416
VANUATU	17	396	841	1,862	779	1,558	2,145	1,574
Total	73,860	88,661	77,203	97,672	94,294	78,811	84,712	82,461

*2004 only applies to China, Indonesia and USA

Notes:

1. Source: Annual catch estimates, WCPFC Tuna Fishery Yearbook 2006.
2. Underlined catch estimates have been carried over from previous years.
3. Indonesia has recently revised the proportion of catch taken by gear type for their domestic fisheries which has resulted in a much larger allocation to their longline (at the expense of catches in the “unclassified” fisheries) since 2004 than has been reported in previous years.
4. Catches and effort of vessels operating under charters and similar arrangements have been attributed to host island states or territories in accordance with paragraph 5 of CMM 2005-01 using the best information available to SPC-OFP.



FIFTH REGULAR SESSION

8-12 December 2008

Busan, Korea

COOPERATING NON-MEMBERS

Conservation and Management Measure 2008-02¹

REAFFIRMING the objective of the WCPF Convention is to ensure through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific Ocean in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement on the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;

RECALLING the 1999 MHLC Resolution on Future Participation in the Conference placed a limit on the number of participants in the Multilateral High Level Conference on the Conservation and Management of Highly Migratory Fish Stocks (MHLC), and confirmed the eligibility of MHLC participants to become members of the WCPFC;

RECALLING the Conservation and Management Measure 2004-02 on Cooperating Non-Members adopted at the inaugural session of the WCPFC December 9-10, 2004;

RECOGNIZING the continuing need to encourage non-Parties with vessels fishing for WCPFC species in the Convention Area to implement WCPFC conservation measures;

RECALLING Article 32(4) of the WCPF Convention that provides for members of the Commission to request non-Parties to this Convention whose vessels fish in the Convention Area to cooperate fully in the implementation of conservation and management measures adopted by the Commission;

TAKING INTO ACCOUNT the status of highly migratory fish stocks in the WCPF Convention Area and the existing level of fishing effort in the WCPF Convention Area;

REAFFIRMING that the Commission shall give full recognition to the special requirements of developing States Parties to this Convention, in particular small island developing States, and of territories and possessions, in relation to conservation and

¹ Replaces CMM 2004-02

management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks; and

GIVING EFFECT to Article 32 of the WCPF Convention:

1. A non-member of the Commission, with an interest in the fishery, or whose vessels fish or intend to fish in the Convention Area, may request the Commission for the status of Cooperating non-member (CNM). Any such request and supporting information shall be in English and shall be received by the Executive Director at least 60 days in advance of the annual meeting of the Technical and Compliance Committee meeting at which the request will be considered. The Executive Director shall notify all members of the Commission of any such request and circulate the full application to all members.
2. A non-member seeking the status of CNM shall include with its request:
 - a. its reason for seeking CNM status,
 - b. a commitment to cooperate fully in the implementation of conservation and management measures adopted by the Commission and to ensure that fishing vessels flying its flag and fishing in the Convention Area and, to the greatest extent possible, its nationals, comply with the provisions of the Convention and conservation and management measures adopted by the Commission;
 - c. an explicit commitment to accept high seas boarding and inspections in accordance with the Commission's procedures on high seas boarding and inspection;
 - d. full data on its historical fisheries in the Convention Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
 - e. all the data and information members of the Commission are required to submit, in accordance with the recommendations adopted by the Commission; details on its current fishing presence in the Convention Area, including the number of its vessels and their characteristics; results from research programmes it has conducted in the Convention Area; and
 - f. any further relevant information as determined by the Commission.
3. The Technical and Compliance Committee (TCC) shall assess applications for CNM status and provide recommendations and technical advice to the Commission, which shall consider, *inter alia*:
 - a. whether the CNM application includes all information required under paragraph 2;
 - b. in the case of renewal, the record of compliance of the applicant with the provisions of the Convention and the conservation and management measures adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area;

- c. its record of responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 25 of the Convention;
 - d. as appropriate, the record of compliance of the applicant with conservation and management measures of other Regional Fisheries Management Organizations (RFMOs); and
 - e. in the case of applications for renewal of CNM status, whether the applicant is meeting all paragraph 11 requirements for CNM.
4. The Executive Director shall forward a copy of the relevant TCC recommendations and advice to the non-member applicant as soon as practicable.
5. The non-member applicant shall have the opportunity to consider the recommendations and advice of the TCC, and to submit additional information if necessary in advance of the Commission's decision on its application.
6. The Commission shall, in determining whether a non-party is accorded CNM status have regard to the criteria outlined in paragraph 3.
7. The Commission shall also consider information available from other RFMOs relating to non-members seeking CNM status, as well as data submitted by such non-members to the Commission. Caution shall be used so as not to introduce into the Convention Area excess fishing capacity from other regions or IUU fishing activities in granting CNM status to such non-members.
8. The Commission shall accord CNM status on an annual basis. It may renew the CNM status subject to a review of the CNM's compliance with the Convention's objectives and requirements.
9. CNMs seeking to renew their status as a CNM shall comply with other requirements the Commission may prescribe to ensure compliance with conservation and management measures adopted by the Commission.
10. CNMs are entitled to participate at meetings of the Commission and its subsidiary bodies as Observers.
11. CNMs shall:
 - a. comply with all conservation and management measures adopted by the Commission;
 - b. provide all data members of the Commission are required to submit, in a timely manner, in accordance with the format and standards adopted by the Commission;
 - c. inform the Commission annually of the measures it takes to ensure compliance by its vessels with the Commission's conservation and management measures;

- d. respond in a timely manner to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, as requested by a member of the Commission or determined by the appropriate subsidiary bodies of the Commission and communicate to the member making the request and to the Commission, the actions it has taken against the vessels in accordance with the provisions of Article 25 of the Convention;
 - e. accept boardings in accordance with Commission high seas boarding and inspection procedures.
12. Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas under national jurisdiction, and following the granting of CNM status, the Commission shall, where necessary, determine how the participatory rights of CNMs will be limited by the conservation and management measures adopted by the Commission. In giving effect to this paragraph, the Commission shall take into account *inter alia*:
- a. the status of the highly migratory fish stocks and the existing level of fishing effort in the fishery;
 - b. the special requirements of developing States in the Convention Area, in particular small island developing States, and of territories and possessions, in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks;
 - c. the respective interests, fishing patterns and fishing practices of new and existing members or participants;
 - d. the respective contributions of new and existing members or participants to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;
 - e. the needs of coastal fishing communities which are dependant mainly on fishing for the stocks;
 - f. the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources; and
 - g. the interests of developing States from the subregion or region in whose areas of national jurisdiction the stocks also occur.
13. The limits determined for CNMs under paragraph 12 may be reviewed by the Commission from time to time in accordance with this measure and other conservation and management measures adopted by the Commission.
14. The Commission shall invite CNMs to make a financial contribution commensurate with what its obligations would be as a member under Article 18(2) of the Convention. The Commission shall monitor the activities of nationals and fishing vessels of CNMs, including their record of compliance with the

provisions of the Convention and conservation and management measures adopted by the Commission.

15. CNMs that fail to comply with any of the conservation and management measures adopted by the Commission shall be deemed to have undermined the effectiveness of the conservation and management measures adopted by the Commission. The Commission shall take appropriate action, which may include revocation of CNM status and/or sanctions and penalties against such CNMs, in accordance with the Convention and adopted conservation and management measures..
16. The members of the Commission shall, individually or jointly, request non-parties to this Convention whose vessels fish in the Convention Area to cooperate fully in the implementation of the conservation and management measures adopted by the Commission and urge them to apply for the status of CNM.



FIFTH REGULAR SESSION

8-12 December 2008

Busan, Korea

CONSERVATION AND MANAGEMENT OF SEA TURTLES

Conservation and Management Measure 2008-03

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean:

Recognizing the ecological and cultural significance of all species of sea turtles in the western and central Pacific Ocean (WCPO);

Further recognizing that the five marine turtle species in the WCPFC Convention Area are threatened or critically endangered;

Considering the adverse effects of fishing for highly migratory fish stocks on some populations of sea turtles in the WCPO through capture, injury and mortality;

Recalling that the United Nations Food and Agriculture Organization (FAO) endorsed *Guidelines to Reduce Sea Turtle Mortality in Fishing Operations* at its twenty-sixth Session of the Committee on Fisheries, held in March 2005, and recommended their implementation by regional fisheries bodies and management organizations;

Noting that recent international scientific studies using large circle hooks in shallow-set pelagic longline fishing targeting swordfish show, when compared to conventional hooks, significantly lower sea turtle catch rates without undue adverse effects on catch rates of target species;

Further noting that scientific studies indicate circle hooks' further mitigative effects for sea turtles and other incidentally caught species in terms of post-release mortality, as the hooking locations tend to be such that resultant injuries are less severe than with conventional hooks;

Further noting that regardless of what hook type is used, international scientific studies using finfish bait show when compared to squid bait, significantly lower sea turtle catch rates in shallow-set pelagic longline swordfish fisheries;

Acknowledging that relatively simple proactive and reactive efforts on the part of fishermen can serve to both avoid sea turtle interactions and minimize the adverse consequences of such interactions when they occur;

Noting that shallow set longline fisheries also pose significant risks to vulnerable seabird populations in higher latitudes it necessary to achieve a balance in mitigation requirements across species vulnerable to longline interactions;

Recognizing that the Inter-American Tropical Tuna Commission (IATTC) adopted, at its 75th meeting, a *Resolution to Mitigate the Impact of Tuna Fishing Vessels on Sea Turtles* that includes mandatory provisions to apply to purse seine and longline vessels;

Recalling Article 22 of the Convention, which provides for cooperation with other organizations, particularly the IATTC, with a view to avoiding duplication of, and achieving consistency in, conservation and management measures;

Adopts, in accordance with Articles 5 and 10 of the Convention, that:

1. Commission Members, Cooperating non-Members and participating Territories (CCMs) will implement, as appropriate the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and to ensure the safe handling of all captured sea turtles, in order to improve their survival.
2. Beginning in 2009, CCMs shall report to the Commission in Part 2 of their annual reports the progress of implementation of the FAO Guidelines and this measure, including information collected on interactions with sea turtles in fisheries managed under the Convention.
3. All data collected by the WCPFC Regional Observer Program (ROP), shall be reported to the Commission as provided in paragraph 2 above or as agreed to under other Commission data collection provisions.
4. CCMs shall require fishermen on vessels targeting species covered by the Convention to bring aboard, if practicable, any captured hard-shell sea turtle that is comatose or inactive as soon as possible and foster its recovery, including giving it resuscitation, before returning it to the water. CCMs shall ensure that fishermen are aware of and use proper mitigation and handling techniques, as described in WCPFC guidelines to be developed and provided to all CCMs by the Secretariat.
5. CCMs with purse seine vessels that fish for species covered by the Convention shall:
 - a. Ensure that operators of such vessels, while fishing in the Convention Area:
 - i. To the extent practicable, avoid encirclement of sea turtles, and if a sea turtle is encircled or entangled, take practicable measures to safely release the turtle.

- ii. To the extent practicable, release all sea turtles observed entangled in fish aggregating devices (FADs) or other fishing gear.
 - iii. If a sea turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water.
 - iv. Carry and employ dip nets, when appropriate, to handle turtles.
- b. Require that operators of such vessels record all incidents involving sea turtles during fishing operations and report such incidents to the appropriate authorities of the CCM.
 - c. Provide the results of the reporting under paragraph 5(b) to the Commission as part of the reporting requirement of paragraph 2.
 - d. Provide to the Commission the results of any research related to the development of modified FAD designs to reduce sea turtle entanglement and take measures to encourage the use of designs found to be successful at such reduction.

6. CCMs with longline vessels that fish for species covered by the Convention shall ensure that the operators of all such longline vessels carry and use line cutters and de-hookers to handle and promptly release sea turtles caught or entangled, and that they do so in accordance with WCPFC guidelines that are to be developed and provided to all CCMs by the Secretariat. CCMs shall also ensure that operators of such vessels are, where appropriate, required to carry and use dip-nets in accordance with these WCPFC guidelines.

7. Starting on 1 January 2010, CCMs with longline vessels that fish for swordfish in a shallow-set manner¹ shall:

- a. Ensure that the operators of such vessels, while in the Convention Area, are required to employ or implement at least one of the following three methods to mitigate the capture of sea turtles:
 - i. Use only large circle hooks, which are fishing hooks that are generally circular or oval in shape and originally designed and manufactured so that the point is turned perpendicularly back to the shank. These hooks shall have an offset not to exceed 10 degrees.
 - ii. Use only whole finfish for bait.
 - iii. Use any other measure, mitigation plan² or activity that has been reviewed by the Scientific Committee (SC) and the Technical and Compliance Committee (TCC)

¹ “Shallow-set” fisheries are generally to be considered those in which the majority of hooks fish at a depth shallower than 100 meters; however, pursuant to paragraph 7(c) CCMs are to establish and enforce their own operational definitions.

and approved by the Commission to be capable of reducing the interaction rate (observed numbers per hooks fished) of turtles in swordfish shallow-set longline fisheries.

- b. The requirements of paragraph 7(a) need not be applied to those shallow-set swordfish longline fisheries determined by the SC, based on information provided by the relevant CCM, to have minimal³ observed interaction rates of sea turtles over a three-year period and a level of observer coverage of at least 10% during each of those three years.
- c. For the purpose of implementing this paragraph (7), establish and enforce their own operational definitions of shallow-set swordfish longline fisheries, large circle hooks, and any measures under 7(a)(iii) or adopted by the Commission under paragraph 12, ensuring that they are as enforceable as possible, and report these definitions to the Commission in Part 2 of their annual reports.
- d. Provide for their longline vessels to record all incidents involving sea turtles during fishing operations and report such incidents to the appropriate authorities of the CCM.
- e. Provide the results of the reporting under paragraph 7(d) to the Commission as part of the reporting requirement of paragraph 2.

8. CCMs with longline fisheries other than shallow-set swordfish fisheries are urged to:

- a. Undertake research trials of circle hooks and other mitigation methods in those longline fisheries.
- b. Report the results of these trials to the SC and TCC, at least 60 days in advance of the annual meetings of these subsidiary bodies.

9. The SC and TCC will annually review the information reported by CCMs pursuant to this measure. Where necessary an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for their application will be developed by these committees and provided to the Commission for its consideration and review.

10. This measure authorizes the Secretariat to obligate resources available to the Special Requirements Fund to be used to assist developing State Members and Territories in implementing the FAO Guidelines to Reduce Sea Turtle Mortality. These funds can be used to train and encourage fishers to adopt appropriate methods and technologies to reduce interactions with sea turtles and to mitigate their adverse effects.

11. The Commission urges CCMs to contribute to the Special Requirements Fund to support eligible members in their efforts to implement this measure, or to provide such support through bilateral arrangements.

² A mitigation plan details the actions that will be taken to achieve specified reductions in sea turtle interactions.

³ To be determined by SC5.

12. The Commission will regularly consider additional or new mitigation measures for other longline and purse seine fisheries, based on advice from the SC and TCC and on information provided by CCMs pursuant to this measure.

13. The Secretariat, in coordination with interested CCMs, shall develop guidelines for the handling of sea turtles and distribute them to CCMs no later than June 30, 2009.

14. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional artisanal fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sea turtles, including any national plans of action for the conservation and management of sea turtles, within areas under their national jurisdiction.



FIFTH REGULAR SESSION

Busan, Republic of Korea
8-12 December 2008

**CONSERVATION AND MANAGEMENT MEASURE TO PROHIBIT THE USE OF
LARGE SCALE DRIFTNETS ON THE HIGH SEAS IN THE CONVENTION AREA**

Conservation and Management Measure 2008-04

The Western and Central Pacific Fisheries Commission (WCPFC);

Recalling that the United Nations General Assembly (UNGA) Resolution 46/215 calls for a global moratorium on large-scale high seas driftnet fishing and the Wellington Convention seeks to prohibit driftnet fishing activities in its convention area;

Noting that a number of vessels continue to engage in large-scale high seas driftnet fishing in the North Pacific Ocean, including within the Western and Central Pacific Fisheries Convention area (Convention Area);

Mindful that any vessel fishing with large-scale driftnets on the high seas in the Convention Area, or configured to conduct large-scale high seas driftnet operations, has the capacity to take species of concern to the WCPFC and is likely to undermine the effectiveness of Conservation and Management Measures (CMMs) adopted by the WCPFC;

Noting with concern that recent information indicates that such vessels are interacting more frequently with highly migratory species, such as tunas, swordfish, sharks, and other species covered by the Convention; and that associated “ghost fishing” by lost or discarded driftnets have serious detrimental effects on these species of concern and the marine environment;

Aware that the WCPFC Northern Committee in its 4th Regular Session recommended that the WCPFC adopt a CMM prohibiting large-scale high seas driftnet fishing in the Convention Area;

Adopts the following CMM in accordance with Article 10 of the Convention:

1. The use of large-scale driftnets¹ on the high seas within the Convention Area shall be prohibited and such nets shall be considered prohibited fishing gear, the use of which shall constitute a serious violation in accordance with Article 25 of the Convention.
2. CCMs shall take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the Convention Area.
3. A CCM-flagged fishing vessel will be presumed to have used large-scale driftnets on the high seas in the Convention Area if it is found operating on the high seas in the Convention Area and is configured² to use large-scale driftnets or is in possession of large-scale drift-nets.
4. Paragraph 3 is not intended to apply to a CCM-flagged vessel that can demonstrate that it is duly authorized to use large-scale driftnets in waters under national jurisdiction and while on the high seas in the Convention Area all of its large-scale driftnets and related fishing equipment are stowed or secured in such a manner that they are not readily available to be used for fishing.
5. CCMs shall include in Part 2 of their Annual Reports a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the Convention Area.
6. The WCPFC shall periodically assess whether additional measures should be adopted and implemented to ensure that large-scale driftnets are not used on the high seas in the Convention Area.
7. Nothing in this measure shall prevent CCMs from applying more stringent measures to regulate the use of large-scale driftnets.

¹ “Large-scale driftnets” are defined as gillnets or other nets or a combination of nets that are more than 2.5 kilometers in length whose purpose is to enmesh, entrap, or entangle fish by drifting on the surface of, or in, the water column.

² “Configured” to use large-scale drift-nets means having on board gear, either assembled or disassembled, that collectively would allow the vessel to deploy and retrieve large-scale driftnets.



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CONSERVATION AND MANAGEMENT OF SHARKS

Conservation and Management Measure 2008-06¹

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

Recognizing the ecological and cultural significance of sharks in the western and central Pacific Ocean (WCPO);

Recalling that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks calls on FAO members, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt National Plans of Action for the conservation and management of sharks;

Recognizing the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, to enable effective shark conservation and management;

Recognizing further that certain species of pelagic sharks, such as basking shark and great white shark, have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Resolves as follows:

1. Commission Members, Cooperating non-Members, and participating Territories (CCMs) shall implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA Sharks).
2. CCMs shall advise the Commission (in Part 2 of the annual report) on their implementation of the IPOA Sharks, including, results of their assessment of the need for a National Plan of Action and/or the status of their National Plans of Action for the Conservation and Management of Sharks.
3. National Plans of Action or other relevant policies for sharks should include measures to

¹ Replaces CMM 2006-05

minimize waste and discards from shark catches and encourage the live release of incidental catches of sharks.

4. Each CCM shall include key shark species², as identified by the Scientific Committee, in their annual reporting to the Commission of annual catch and fishing effort statistics by gear type, including available historical data, in accordance with the WCPF Convention and agreed reporting procedures. CCMs shall also report annual retained and discarded catches in Part 2 of their annual report. CCMs shall as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and rare earth metal shark deterrents).

5. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of the IPOA and collection of data on retained and discarded shark catches.

And adopts, in accordance with Articles 5 and 10 of the Convention, that:

6. CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing or transshipment.

7. CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.

8. As finer resolution data become available, the specification of the ratio of fin weight to shark weight described in paragraph 7 shall be periodically reviewed by the Scientific Committee (SC) and the SC will recommend any appropriate revisions to the Commission for its consideration. The SC and the Technical and Compliance Committee (TCC) are directed to consider if additional appropriate measures that give affect to paragraph 7 are required.

9. CCMs shall take measures necessary to prohibit their fishing vessels from retaining on board, transshipping, landing, or trading any fins harvested in contravention of this Conservation and Management Measure (CMM).

10. In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.

11. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional artisanal fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plans of action for the conservation and management of sharks, within areas under their national jurisdiction.

² The key shark species are blue shark, oceanic whitetip shark, mako sharks and thresher sharks.

12. CCMs shall advise the Commission in Part 2 of the annual report on the implementation of this CMM and any alternative measures adopted under paragraph 11.

13. On the basis of advice from the SC, the TCC and the Commission, CCMs shall review the implementation and effectiveness of this measure, and any alternative measures applied under paragraph 11 above, and shall consider the application of additional measures for the management of shark stocks in the Convention Area, as appropriate.

14. In 2010, the SC, and if possible in conjunction with the Inter-American Tropical Tuna Commission, provide preliminary advice on the stock status of key shark species and propose a research plan for the assessment of the status of these stocks.

15. This CMM shall apply to sharks caught in association with fisheries managed under the WCPF Convention, and to sharks listed in Annex 1 of the 1982 Convention.

16. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of this measure, including, in accordance with Article 7 of the Convention, in areas under national jurisdiction.

17. This CMM shall replace 2006-05.



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RESOLUTION ON ASPIRATIONS OF SMALL ISLAND DEVELOPING STATES AND TERRITORIES

Resolution 2008-01

The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean,

Recognizing the sovereign rights of coastal States, in particular Small Islands Developing States (SIDS) and Territories in the Convention Area, aspirations to develop and manage their domestic fisheries,

Acknowledging that nothing in the Convention or in measures adopted by the Commission shall prejudice the rights, jurisdiction and duties of States under the 1982 Convention and the Agreement,

Further recognizing that the Commission shall function without prejudice to the sovereign rights of the coastal States, in particular SIDS and Territories in the Convention Area, for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas of national jurisdiction,

Conscious of the vulnerability of developing States, in particular SIDS and Territories, which are dependent on the exploitation of marine living resources, including for meeting the nutritional requirements of their populations or parts thereof,

Recognizing that the Commission shall give full recognition to the special requirements of developing States, in particular SIDS and Territories, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks,

Further recognizing that smaller Island Developing States and Territories in the Convention Area have unique needs which require special attention and consideration in the provision of financial, scientific and technological assistance,

Mindful that fifteen of twenty five members of the WCPFC are SIDS and Territories, and are members of the Pacific Islands Forum Fishery Agency (FFA members), in whose waters, a significant proportion of the catch of highly migratory fish stocks in the Convention Area is taken.,

Noting that these coastal States in the exercise of their sovereign rights have taken measures for the conservation and management of highly migratory fish stocks in the Convention Area, including the monitoring and control of fishing activities in the Convention Area,

Urging the Commission, in accordance with Article 8 of the Convention, to develop compatible measures for areas beyond national jurisdiction, including measures that effectively monitor and control fishing activities on the high seas.

Resolves in accordance to articles 4, 8, 10 and 30 of the Convention that:

1. CCMs will develop, interpret and apply conservation and management measures in the context of and in a manner consistent with the 1982 Convention and the Agreement. To this end, CCMs shall cooperate, either directly or through the Commission, to enhance the ability of developing States, particularly the least developed among them and SIDS and Territories in the Convention Area, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.

2. To implement this resolution, developed CCMs shall make concerted efforts and consider innovative options to reduce and or restructure their fleet so as to accommodate aspirations of SIDS and Territories in the Convention Area to develop their own fisheries.

3. Developed CCM's shall cooperate in investments in fishing vessels or other fishing related activities and facilities in SIDS and Territories, provided that such investments are directly linked to the onshore development of domestic fishing industries established in SIDS and Territories in accordance with their legislation.

4. CCM's commit to achieve the goal of ensuring that by 2018, the domestic fishing and related industries of developing States, in particular, the least developed SIDS and Territories, accounts for a greater share of the benefit than what is currently realized of the total catch and value of highly migratory fish stocks harvested in the Convention Area.

5. When adopting Commission conservation and management measures the following principles should be taken into account:

a) CCMs shall ensure that measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and Territories.

b) CCMs shall implement measures, including through direct cooperation with SIDS and Territories that enhances the ability of developing States, particularly the least developed SIDS, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.

6. Developed CCMs shall ensure that conservation and management measures will not be implemented to constrain coastal processing and transshipment facilities and associated vessels of SIDS and Territories, nor shall it be implemented to undermine legitimate investment that has occurred legally in FFA member countries.