



**Review Conference on the Agreement for the Implementation of 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 (New York, 22 to 26 May 2006)**

**Contribution from the Secretariat of the Western and Central Pacific Fisheries Commission**

**Introduction**

The Western and Central Pacific Fisheries Commission (WCPFC) was established by the *Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention)* which entered into force in 2004. The WCPF Convention is the second regional fisheries management agreement to be negotiated since the conclusion of the 1995 Agreement for Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10<sup>th</sup> December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)<sup>1</sup>.

The WCPF Convention largely reflects the provisions of UNFSA by reference while, at the same time, reflecting the special political, socio-economic, geographical and environmental characteristics of the western and central Pacific Ocean (WCPO) region. Notable examples in this regard include a framework for the participation of fishing entities in the Commission which legally binds fishing entities to the provisions of the Convention, participation by territories and possessions in the work of the Commission, recognition of special requirements of developing States, cooperation with other RFMOs whose area of competence overlap with the WCPFC, recognition of unique geo-political circumstances relevant to the management of the stocks, and decision-making.

The WCPFC only commenced operations in late 2005. Although experience with practical development and implementation of the regulatory framework outlined in the WCPF Convention is limited, the WCPFC provides valuable material relating to the operationalization of the UNFSA.

This contribution to the Review Conference provided for at Article 36(2) of UNFSA, summarises the multilateral effort involved in operationalizing the UNFSA for the WCPO and reviews some of the challenges associated with implementation and lessons learnt to date. It profiles the status of fisheries for highly migratory fish stocks in the WCPO as a benchmark against which the success of efforts to implement the WCPF Convention will be gauged.

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**Context Setting**

For the most part fisheries for highly migratory fish stocks in the WCPO during the last 25 years have been undertaken with minimal formal attention to sustainable utilization or to the impact of those fi

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entered into force on 19 June 2004, six months after the deposit of the thirteenth instrument of ratification, acceptance, approval or accession. The current status of the Convention is presented in Appendix I. A map of the WCPFC Convention Area is available at Figure 1. The depositary for the Convention is the Government of New Zealand.

Simultaneously with the adoption of the WCPF Convention, the participants in the MHLC adopted a resolution establishing a Preparatory Conference for the Establishment of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

The Preparatory Conference met on seven occasions between 2001 and 2004. It established the organizational, administrative and financial framework for the Commission and its subsidiary bodies. It developed a structure and options for collecting and analysing scientific data and other necessary elements of a regulatory framework to support the effective implementation of the Convention, including compliance and enforcement. A summary of the work of the Preparatory Conference is available at [www.wcpfc.org](http://www.wcpfc.org).

The Commission's secretariat was established at Pohnpei, Federated States of Micronesia in late 2005 immediately prior to the Second Regular Session of the Commission. It plans a staffing complement of no more than 10 by the end of 2006. The Commission supports three subsidiary bodies: the Scientific Committee, the Technical and Compliance Committee and the Northern Committee (responsible for stocks north of 20°N). Subsidiary bodies and the Commission meet once annually.

**Stocks**

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**Progress in Implementation**

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fisheries; the interactions between climate and environmental factors and the target and non-target species; and the development of ecosystem-based models to assist the Commission with the development of management decisions.

*Data collection and sharing*

The Commission's data is currently based on an extensive database administered by the Secretariat of the Pacific Community's Oceanic Fisheries Programme (SPC OFP) covering the period 1950–2005 for tuna and billfish. Estimates of average annual catches in recent years of major non-target fish species, determined from observer data, are also available.

Coverage by operational catch and effort data held by the SPC OFP for 2003 (the latest year for which complete data is available) was 51.2% (percentage of catch of target tuna species in the Convention Area), the highest level ever achieved for the region. Coverage by port sampling data for 2003 was 5.1% and coverage by observer data for 2003 was 4.8%, while coverage for 2004 is slightly higher, 5.8%.

The principle gaps in coverage in the Convention Area by operational level catch and effort data (log sheet data) currently held by SPC OFP include the domestic fisheries of the Philippines and Indonesia, the distant-water longline fleets of Korea and Chinese Taipei, and the longline, pole-and-line and purse-seine fleets of Japan on the high seas.

At its first regular session in 2005, the Scientific Committee established a task group to consider data confidentiality and data sharing protocols for the Commission. The work of this group will be coordinated with the Technical and Compliance Committee in respect of compliance information.

*Fishing activity by non-Members*

Similar to the situation confronting other RFMOs there is limited information for the extent of fishing by Non-members of the Commission in the WCPFC Convention Area. At the request of the second regular session of the Commission efforts to address this have commenced through initiatives such as extending invitations to non-Members

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advice, criteria for allocation, responsibl



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notification of credentials of inspectors, notification of procedures to flag States, development of procedure for the certification inspectors and training of inspectors, the Commission decided that the boarding and inspection procedures in Article 21 and 22 of the Agreement should not be utilized until these matters have been discussed inter-sessionally and resolved at the Third Regular Session of the Commission scheduled for December 2006.

*Investigation, penalization of violations*

The first opportunity for Members to report on investigations relating to violations will be at the second regular session of the Technical and Compliance Committee which is scheduled for September 2006.

*Use of port State measures*

The first regular session of the Technical and Compliance Committee is scheduled for September 2006.

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factored into the calculation of the annual

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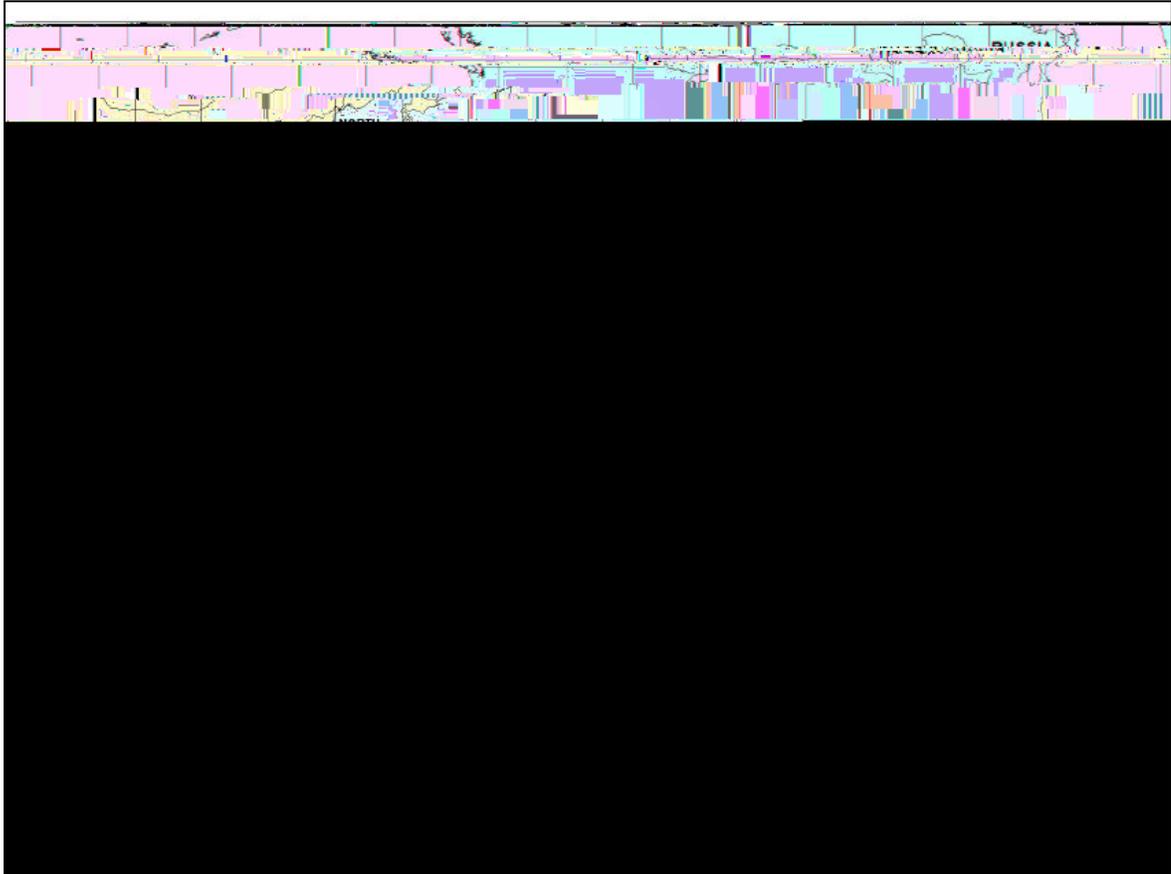
which the measures are applied to the stocks throughout their range - within areas under national jurisdiction and on the high seas. The application of conservation and management measures within areas under national jurisdiction will be monitored through national reports submitted to the Commission's subsidiary bodies. States who fish on the high seas are required to report on the application of adopted measures by vessels flying their flag. Assessments undertaken by the Scientific

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**Figure 1: The WCPFC Convention Area**



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**Appendix II**

**Summary of recent assessments of the status of WCPO tuna stocks**

***Bigeye***

Overfishing is likely occurring ( $F_{\text{current}}/F_{\text{MSY}} > 1$ ). The assessment confirmed 2004 analysis that indicate the stock is presently not in an overfished state ( $B_{\text{current}}/B_{\text{MSY}} > 1$ ) because of high levels of estimated recruitment since 1990 but cautioned that, if future recruitment declines to levels closer to the long-term average, a further decrease in total catch and effort is likely to be necessary in order to maintain the stock at

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***North Pacific albacore***

The stock assessment for northern albacore suggests a need to avoid increases in fishing mortality, the management of which will require will require complementary measures by the IATTC and the WCPFC. The estimated spawning stock biomass is at or below the  $A_{MSY}$  level.

***Other tuna-like species***

In relation to other species only preliminary work has been carried out towards an assessment for swordfish and striped marlin in the south-western Pacific and swordfish and northern bluefin tuna in the north Pacific. Assessments will be periodically updated.