

**Record of the 1st Session of the Preparatory Conference for the North Pacific Fisheries
Commission
Busan, Republic of Korea
29 August – 2 September 2011**

Meeting Report

1. Welcome and opening of the Meeting

The 1st session of the Preparatory Conference for the North Pacific Fisheries Commission convened in Busan, Korea, 29 August to 2 September 2011. Lim Kwang Soo, Deputy Minister for Fisheries Policy in the Ministry for Food, Agriculture, Forestry, and Fisheries (Korea), opened the meeting and welcomed participants to Busan. A list of participants appears as Attachment 1.

2. Election of Chair and Rapporteur

William Gibbons-Fly (United States) was elected to Chair the Preparatory Conference. Becky Blanchard (United States) was elected to serve as Rapporteur for the meeting.

3. Adoption of agenda

The agenda was reviewed, amended, and adopted (Attachment 2).

4. Discussion on the draft Rules of Procedure of the Commission

Participants read through the draft Rules of Procedure prepared by the United States, and they proposed initial edits. The Chair expressed intent to circulate a revised draft in advance of the second session of the Preparatory Conference.

5. Discussion on the draft Financial Regulations of the Commission

Participants read through the draft Financial Regulations prepared by the United States, and they proposed initial edits. The Chair expressed intent to circulate a revised draft in advance of the second session of the Preparatory Conference.

Korea presented an informational paper providing background and options for the budget contribution formula (Attachment 3). Participants accepted an offer by the Interim Secretariat to present simulations of scenarios under two potential budget contribution formulas at the second session of the Preparatory Conference. Participants agreed to submit data on total catch for the years 2008, 2009, and 2010 to the Interim Secretariat, for the purpose of preparing the simulations, no later than 1 November 2011. The Interim Secretariat distributed a template to assist in calculating total catch figures (Attachment 4).

6. Recommendations to Commission regarding the Secretariat of the Commission in accordance with the relevant provisions of the Convention

Participants discussed the process for making a determination on the nature and location of a Secretariat in accordance with the relevant provisions of the Convention. Some participants expressed preference for the establishment of an independent Secretariat, while others expressed interest in potential options to contract the services of, or co-locate with, an existing Secretariat. Korea expressed its willingness to serve as host, should the Commission decide to establish an

independent Secretariat. Some other participants indicated that they may also consider making such an offer in the future. Participants agreed to continue discussion on whether to establish an independent Secretariat during the second session of the Preparatory Conference. Should such a decision be made, the participants agreed it will be important to establish an orderly and transparent process for considering this matter and taking a final decision.

7. Future work plan

Participants prioritized items for the future work plan of the Preparatory Conference. The Chair circulated a draft work plan, which includes a tentative timeline for future work (Attachment 5).

8. Other matters

The United States provided an update on planned intersessional work by the ad hoc working group on the encounter protocol for vulnerable marine ecosystems (VMEs). The United States expressed its view that the terms of reference for the ad hoc working group may not be consistent with the Convention and Interim Measures, and proposed language to amend the terms of reference. Participants agreed to discuss the issue and the proposal by the United States at a future date.

Canada provided an update on the process of authenticating the French-language version of the Convention text. Canada has received comments on the text from the United States and Japan. Early in the meeting, Canada requested that any other members that intended to provide comments on the French text do so by Thursday afternoon of the meeting (1 September). Korea and China have noted that additional time is required to review this matter and have agreed to provide comments to Canada no later than 30 September 2011. Canada will work with Korea, China, the United States, and Japan to reconcile the comments received and, after doing so, move forward to authenticate the text.

Japan provided an update on the status of communications with the Government of Curaçao regarding a Curaçao-flagged vessel operating in the Convention Area. The Government of Curaçao, when notified that one of its flag vessels was seen fishing in the NPO in contravention of the NPO Interim Measures and the relevant UNGA Resolutions, declined to take action in respect of the vessel. Participants agreed that this issue should be discussed this fall in the UNGA. Japan requested other participants that are also members of ICCAT to consider whether ICCAT should extend the cooperating non-Contracting Party status to Curaçao at the upcoming annual meeting in November.

The Interim Secretariat presented draft materials for two presentations it has been invited to give at the UN bottom fishing workshop to be held 15 – 16 November 2011 in New York. A representative of the Interim Secretariat and Dr. Loh-lee Low (United States) will represent the NPFC Preparatory Conference at the FAO workshop for the development of a database for VMEs to be held 7 – 10 December in Rome.

9. Date and place of next meeting

Participants accepted an offer from Japan to host the second session of the Preparatory Conference to be held during the week of 20–24 February 2012.

10. Adoption of the Record of the Meeting

Participants adopted this Record of the Meeting.

11. Adjournment

Participants thanked the Chair and the Rapporteur for their efficient conduct of the meeting, and thanked the Interim Secretariat and the host government for their preparations and arrangements. The meeting adjourned at 10:05 on 2 September 2011.

Attachment 1

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**Busan, Republic of Korea
29 August - 2 September 2011**

Agenda

1. Welcome and opening of the meeting
2. Election of Chair and Rapporteur
3. Adoption of agenda
4. Discussion on the draft Rules of Procedures of the Commission
5. Discussion on the draft Financial Regulations of the Commission
6. Recommendations to Commission regarding the Secretariat of the Commission in accordance with the relevant provisions of the Convention
7. Future work plan
8. Other matters
9. Date and place of the next meeting
10. Adoption of the Record of the Meeting
11. Adjournment

Information paper prepared by the Republic of Korea

A. WCPFC (Western and Central Pacific Fisheries Commission)

- (a) **10%** base fee divided in equal shares between all members of the Commission;
- (b) **20%** percent national wealth component based upon an equal weighting of proportional gross national income (calculated on a three-year average) per capita and proportional gross national income (calculated on a three-year average); and
- (c) **70%** percent fish production component based upon a three-year average of the total catches--- (ellipsis)

B. ICCAT (International Convention for the Conservation of Atlantic Tunas)

- (a) US\$1,000 for the basic Commission fee and US\$1,000 for each Panel membership
- (b) Group D countries are assigned [0.25] percent of the budget.
- (c) Group C countries are assigned [1.0] percent of the budget.
- (d) Group B countries are assigned [3.0] percent of the budget.
- (e) Group A countries are assigned the percentage of the Budget remaining after assignment to the other three Groups.

Notes:

Group A: Countries with developed market economies.

Group B: Countries not included in Group A, with per capita GNP exceeding [US\$4,000] and with combined tuna catch and canning exceeding [5,000 MT].

Group C: Countries not included in Groups A or B, with per capita GNP exceeding [US\$4,000] or whose combined catch and canned production exceeds [5,000 MT];

Group D: Countries not included in Groups A, B or C.

The US dollar amounts and MT amounts in [] are variables, which may be modified, by Commission decision.

C. IOTC (Indian Ocean Tuna Commission)

(a) **10%** of the total budget of the Commission shall be divided equally among all the Members.

(b) **10%** of the total budget shall be divided equally among the Members having fishing operations in the Area targeting species covered by the Commission.

(c) **40%** of the total budget shall be allocated among the Members on the basis of *per caput* GNP for the calendar year three years before the year to which the contributions relate, weighted according to the economic status of the Members in accordance with the World Bank classification as follows and subject to change in the classification thresholds: high income Members shall be weighted by the factor of 8; middle income Members by the factor of 2; low-income Members by the factor of 0.

(d) **40%** of the total budget shall be allocated among the Members in proportion to their average catch in the three calendar years beginning with the year five years before the year to which the contributions relate, weighted by a coefficient reflecting their development status. The coefficient of OECD members and EU shall be 1, and the coefficient of other Members shall be one-fifth.

D. CCSBT (Commission for the Conservation of Southern Bluefin Tuna)

(a) **30%** of the budget shall be divided equally among all the Parties; and

(b) **70%** of the budget shall be divided in proportion to the nominal catches of southern bluefin tuna among all the Parties.

E. IATTC (Inter-American Tropical Tuna Commission)

(a) **10%** of the budget shall be a basic fee among members of the Commission

(b) **10%** of the budget shall be an operational component (GNI)

(c) **70%** of the budget shall be based on the annual average of the catches by its flag vessels in the three most recent years for which catch data are available

(d) **10%** of the budget shall be their utilization of tuna from the eastern Pacific Ocean
c.f. The scheme shall be reviewed, and, if necessary, could be modified in 2012

F. NAFO (Northwest Atlantic Fisheries Organization)

(a) **10%** of the budget shall be divided among the Coastal States in proportion to their nominal catches in the Convention Area in the year ending two years before the beginning of the budget year;

(b) **30%** of the budget shall be divided equally among all the Contracting Parties; and

(c) **60%** of the budget shall be divided among all Contracting Parties in proportion to their nominal catches in the Convention Area in the year ending two years before the beginning of the budget year.

The nominal catches referred to above shall be the reported catches of the species listed in Annex I, which forms an integral part of this Convention.

G. NPAFC (North Pacific Anadromous Fish Commission)

The budget shall be divided equally among the Parties

H. SEAFO (South East Atlantic Fisheries Organization)

(a) **30%** of the budget shall be divided among the Parties

(b) **60%** of the budget shall be divided based on GNI per capita

(c) **10%** of the budget shall be divided equally among the Parties having fishing operations in the Area targeting species covered by the Commission

I. IWC (International Whaling Commission)

Contribution scheme shall be combined an old version (50%) and a new version (50%);

a) Old version of contribution scheme consists of a membership, and whether whaling or non-whaling countries, and scale to the number of delegates in an annual meeting of a member of the Commission.

b) New version of contribution scheme shall be based on a combination (90%) of GNI and GNI/per capita for each member of the Commission in accordance with World Bank, and whaling countries (10%)

J. SPRFMO (South Pacific Regional Fisheries Management Organization)

(a) **10%** base fee divided in equal shares between all members of the Commission;

(b) **40%** national wealth component divided among the members of the Commission according to their respective Gross National Income per capita, as defined by the World Bank, or equivalent institution available; and

(c) **50%** total reported catches of fishery resources in the Convention Area component based upon a three-year average of the total reported catches of the fishery resources listed in Annex1

c.f. This scheme has not been officially agreed yet, but it is expected to be agreed, as it is above, at the next Preparatory meeting.

Review on practice of four components to the budget from RFMOs

It is clear that most RFMOs have their own way to determine a scheme for calculation of the financial contribution to the budget of their Commissions.

- **Economic Status or National Wealth**

In case of including an economic status or a national wealth as one of the components to the total budget in some RFMOs, it is normal to reflect GNI per capita and, in some RFMOs (WCPFC and IWC), combined with GNI. When we look into some RFMOs which divided into four even five groups depending on their economic status of members, there are no specific norms to set a limitation between groups. The portion of this component takes account of only 10 percent of

the total budget in IATTC (20 percent in WCPFC), and as a maximum 40 to 60 percent of the total budget in most RFMOs (IOTC, ICCAT, SEAFO, and SPRFMO). It is safe to say that the more developing countries in an organization (e.g. ICCAT, IOTC, SEAFO, IWC) are, the higher weighting of GNI to the total budget exist. Taking into account the level of GNI and the number of the members of the NPFC Commission, it would be very difficult to set several groups and to agree to do so depending on the level of their economic status. However, it is worthy of a thought about an option with an equal weighting of proportional GNI per capita and proportional GNI without considering grouping members depending on specific figure of GNI.

- **Equal basic fee among all members**

It is common to include this component to the budget in most RFMOs. At least 10 percent to the total budget is normal in cases of WCPFC, IOTC, IATTC, SPRFMO, and IWC, ICCAT (not exactly 10 percent, but equal basic fee through membership of the Commission, or membership of any panels). It is noted that up to a 30 percent of the total budget has been reflected in some RFMOs (CCSBT, SEAFO and NAFO) where normally a few members exist in an organization. It says that the total budget in the NPAFC shall be equally divided among Parties in the Convention. The members of this NPAFC shall be prohibited from fishing species covered by the Commission in the Convention Area. Therefore, it is clear that why this has a unique contribution scheme.

- **Equal basic fee among members having fishing operations**

In some RFMOs (IOTC, SEAFO) where many portions of members of the Commission do not participate in fishing operation in the Convention area, it may be reasonable for those members of the Commission to be exempt from some portion of the financial contribution even though there is a component of an equal basic fee among all members. When it comes to the level of share of the total budget, 10 percent is usually divided equally among the members having fishing operations in an area targeting species covered by the Commission.

- **Proportional catches for members**

It is clear that this is one of the largest components of the total budget of a Commission. The share of this component is generally from at least 40 up to 70 percent. Taking a look at practice from various RFMOs, it has a tendency to lower the share of this component in the RFMO where the total level of catches is low.

Options to be considered for the North Pacific Fisheries Commission

Considering the nature of this Commission in terms of a national wealth for each member, the number of the members, the number of the members having fishing operation, and the proportional catches in the Convention area as well as the level of GNI per capita and GNI for each member of this Commission, we have three options below. In addition, specific fish species need to be listed in Annex for the purpose of calculating of the contribution.

On the other hand, it is worth considering practice from a RFMO as follows, setting aside the scheme of financial contribution like option 1 to 3.

“For the first three years following the Convention’s entry into force, or a shorter period as decided by the Commission, the contribution of each member shall be equal” extracted from Article 12, Finance and Budget, the Convention of the SEAFO.

Option1)

- (a) **20%** of the total budget shall be equally divided among the members
- (b) **40%** of the total budget shall be allocated among the members subject to national wealth component upon an equal weighting of proportional GNI per capita and proportional GNI
- (c) **40%** of the total budget shall be allocated among the members in proportion to their average catch in the three calendar years

Option2)

- (a) **10%** of the total budget shall be equally divided among the members
- (b) **10%** of the total budget shall be equally divided among the members having fishing operations in the Area targeting species covered by the Commission
- (c) **40%** of the total budget shall be allocated among the members subject to national wealth component upon an equal weighting of proportional GNI per capita and proportional GNI
- (d) **40%** of the total budget shall be allocated among the members in proportion to their average catch in the three calendar years

Option3)

- (a) **10%** of the total budget shall be equally divided among the members
- (b) **10%** of the total budget shall be equally divided among the members having fishing operations in the Area targeting species covered by the Commission
- (c) **30% (or 20%)** of the total budget shall be allocated among the members subject to national wealth component upon an equal weighting of proportional GNI per capita and proportional GNI
- (d) **50% (or 60%)** of the total budget shall be allocated among the members in proportion to their average catch in the three calendar years

Attachment 4

Name of Member:

Species	Catch Amount (metric tons)		
	2008	2009	2010
Alfonsin spp.			
Armorhead spp.			
Butterfish (<i>Hyperoglyphe japonica</i>)			
Giant skilfish (<i>Erilepisonifer</i>)			
Grenadiers (<i>Coryphaenoides</i> spp.)			
Mirror dory (<i>Zenopsisnebulosa</i>)			
Oreo (<i>Allocttusverrucosus</i>)			
Pencil cardinalfish (<i>Epigonusdenticulatus</i>)			
Rockfishes (<i>Sebastes</i> spp., <i>Helicolenus</i> spp.)			
Scorpionfishes (<i>Scorpaena</i> spp.)			
Crab			
Other species caught by bottom fisheries			
Pacific saury (<i>Cololabissaira</i>)			
Neon flying squid (<i>Ommastrephesbartramii</i>)			
Pacific pomfret (<i>Bramajaponia</i>)			
Others			
Total			

Note: If the figure for 2010 is not available, please provide the figure for 2007 (please indicate this (e.g., the figure of Oreo is from 2007 to 2009)).

**PREPARATORY CONFERENCE OF THE
NORTH PACIFIC FISHERIES COMMISSION**

WORK PLAN

**Adopted September 2, 2011
Busan, Korea**

The Resolution Establishing a Preparatory Conference for the North Pacific Fisheries Commission (Annex I of the Record of Negotiations, adopted March 4, 2011, at the 10th Multilateral Meeting in Vancouver, Canada) assigns a range of tasks to be carried out by the Preparatory Conference (PrepCon). In addition, the Convention establishing the NPFC specifies additional tasks to be carried out by the Commission that would clearly benefit from advance consideration in the Preparatory Conference, with recommendations on these matters to be presented to the Commission for consideration and adoption at the first meeting of the Commission.

At its First Meeting, the PrepCon reviewed the range of tasks assigned to it, with a view to identifying the highest priority tasks and establishing a schedule for their consideration by the PrepCon. Two of these tasks, the adoption of Rules of Procedure and the adoption of Financial Regulations, including the formula for contributions from each member, were on the agenda for the First Meeting of the PrepCon and delegations agreed that these two issues should continue to be given highest priority until they are finalized. In addition, two other tasks, a review of the implementation of the Interim Measures and the consideration of the funding needs of the Interim Secretariat and recommendations related thereto, are ongoing tasks that should be considered by the PrepCon on a regular basis.

In addition to those issues, the PrepCon identified a number of additional administrative issues as a priority for future meetings. The delegations focused on the issues that will be most necessary either prior to or immediately upon entry into force of the Convention and, as a result, the establishment of the Commission. This included at least two issues not previously listed that should be considered as matters of priority. Following the administrative issues, PrepCon identified issues related to data and collection and exchange that will be important to the early work of the Commission and should be considered by the PrepCon to the extent the schedule allows.

The priority issues identified by the PrepCon for future meetings are as follows:

Administrative Issues

- Make recommendations concerning the budget for the first financial period of the Commission. [PrepCon Resolution 4.d]
- Make recommendations concerning the Secretariat of the Commission [PrepCon Resolution 4.c]
- Establish the format of an annual report to be submitted by each member. [Convention 16.3]

- Establish Staff Regulations [new]
- Develop criteria for the recruitment and selection of an Executive Secretary [new]
- Prepare the provisional agenda for the first meeting of the Commission [PrepCon Resolution 4.g]

Science and Data Exchange Issues

- Develop rules, standards, and procedures for the compilation and management by the Commission of accurate and complete data for effective stock assessment based on best scientific advice. [Convention 16.1(b)]
- Develop rules, standards, and procedures for collection, verification, and timely reporting to the Commission of all relevant information by members of the Commission. [Convention 16.1(a)]

Monitoring Control and Surveillance (MCS) Issues

- Establish procedures for regulation and monitoring of transshipment [Convention 7.2(a)]
- Establish procedures for notification of entry into and exit from the Convention Area [Convention 7.2(b)]
- Establish procedures for boarding and inspection [Convention 7.2(c)]
- Establish procedures for the use of real-time satellite position-fixing transmitters [Convention 7.2(e), 13.4(a)]

A tentative timeline for consideration and completion of these tasks by the PrepCon is attached as Annex I. Both the list of issues and timeframe should be considered illustrative rather than definitive. The PrepCon may adjust the timeframe and may add to, or subtract from, the list of issues should it be considered necessary or in the best interest of using the time of the PrepCon most efficiently.

ANNEX I: TENTATIVE TIMELINE FOR FUTURE WORK
(All dates for future meetings are tentative and subject to change)

ONGOING ISSUES

- Review implementation of Interim Measures
- Consider funding needs of the Interim Secretariat

PrepCon 2 (February 2012)

- Conclude Rules of Procedure for recommendation to the Commission
- Conclude Financial Regulations for recommendations to the Commission
- Continue discussion on the Secretariat: decide whether to establish an independent Secretariat; delegations seeking to host the Secretariat identified.
- Begin consideration of the budget for the first financial period of the Commission
- Begin consideration on the format of an annual report to be submitted by each member
- Begin consideration of Staff Regulations

PrepCon 3 (August 2012)

- Conclude and adopt the budget for the first financial period of the Commission
- Conclude Staff Regulations for recommendation to the Commission
- Continue discussion on the Secretariat: Presentations by delegations seeking to host and, if possible, take a decision.
- Begin discussions on criteria and procedures for recruitment of an Executive Secretary
- Begin consideration of rules, standards, and procedures for the compilation and management by the Commission of accurate and complete data for effective stock assessment.
- Begin consideration of rules, standards, and procedures for collection, verification, and timely reporting to the Commission of all relevant information by members of the Commission.

PrepCon 4 (February 2013)

- Final decision on location of the Secretariat (if established)
- Conclude criteria and procedures for recruitment of an Executive Secretary
- Conclude consideration of rules, standards, and procedures for the compilation and management by the Commission of accurate and complete data for effective stock assessment.
- Conclude consideration of rules, standards, and procedures for collection, verification, and timely reporting to the Commission of all relevant information by members of the Commission.
- Prepare the Provisional Agenda for the First Meeting of the Commission

PrepCon 5 (if necessary)

- Continue discussions on items under consideration.
- Begin discussions on selected MCS issues contained in Article 7.2 of the Convention.