



**FOURTH REGULAR SESSION
Tumon, Guam, USA
3-7 December 2007**

**Proposal for Amendment of CMM-2004-01
Record of Fishing Vessels and Authorization to Fish¹
Conservation and Management Measure – 2004 – 01
WCPFC4-2007/DP04
3 November 2007**

Proposal by Australia

A. Authorization to fish

1. Each member of the Commission shall:

- (a) authorize its vessels to fish in the Convention Area, consistent with article 24 of the Convention, only where it is able to exercise effectively its responsibilities in respect of such vessels under the 1982 Convention, the Agreement and this Convention;
- (b) take necessary measures to ensure that its vessels comply with conservation and management measures adopted pursuant to the Convention;
- (c) take necessary measures to ensure that fishing for highly migratory fish stocks in the Convention Area is conducted only by vessels flying the flag of a member of the Commission;
- (d) take necessary measures to ensure that any fishing vessel flying its flag conducts fishing in areas under the national jurisdiction of another State only where the vessel holds an appropriate license, permit or authorization, as may be required by such other State;
- (e) undertake to manage the number of authorizations to fish and the level of fishing effort commensurate with the fishing opportunities available to that member in the Convention Area;
- (f) ensure that no authorization to fish in the Convention Area is issued to a vessel that has a history of illegal, unreported or unregulated (IUU) fishing, unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no legal, beneficial or financial interest in, or control of the vessels, or the member concerned is satisfied that, having taken into account all relevant facts, the vessel is no longer engaged in or associated with IUU fishing;

¹ As contained in Annex I of the Final Report of Working Group III [WCPFC/PrepCon/46]

(g) withdraw authorizations to fish consistent with article 25(4) of the Convention;

(h) take into account the history of violations by fishing vessels and operators when considering applications for authorization to fish by fishing vessels flying its flag;

(i) take necessary measures to ensure that the owners of the vessels on the WCPFC Record of Fishing Vessels flying its flag are citizens, residents or legal entities within its jurisdiction so that any control or punitive actions can be effectively taken against them.

2. No member of the Commission shall allow any fishing vessel entitled to fly its flag to be used for fishing in the Convention Area beyond areas of national jurisdiction unless it has been authorized to do so by the appropriate authority or authorities of that member.

3. Each such authorization shall set forth for the vessel to which it is issued:

(a) the specific areas, species and time periods for which the authorization is valid;

(b) permitted activities by the vessel;

(c) a prohibition of fishing, retention on board, ~~transshipment or landing by the~~ vessel in areas under the national jurisdiction of another State except pursuant to any license, permit or authorization that may be required by such other State;

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(d) the requirement that the vessel keep on board the authorization issued pursuant to paragraph 1 above, or certified copy thereof; any license, permit or authorization, or certified copy thereof, issued by a coastal State, as well as a valid certificate of vessel registration; and

(e) any other specific conditions to give effect to the provisions of the Convention and conservation and management measures adopted pursuant to it.

B. Members' record of fishing vessels

4. Pursuant to article 24(4) on the Convention, each member of the Commission shall maintain a record of fishing vessels entitled to fly its flag and authorized to fish in the Convention Area beyond its area of national jurisdiction, and shall ensure that all such fishing vessels are entered in that record.

5. Each member of the Commission shall submit, electronically where possible, to the Executive Director by 1 July 2005 the following information with respect to each vessel entered in its record:

(a) name of the fishing vessel, registration number, WCPFC Identification Number (WIN), previous names (if known) and port of registry;

(b) name and address of the owner or owners;

(c) name and nationality of the master;

(d) previous flag (if any);

(e) International Radio Call sign

(f) vessel communication types and numbers (Inmarsat A, B and C numbers and satellite telephone number);

(g) colour photograph of the vessel;

(h) where and when the vessel was built;

(i) type of vessel;

(j) normal crew complement;

(k) type of fishing method or methods;

(l) length;

13. In addition, the Executive Director shall circulate an annual summary of the information contained in the WCPFC Record of Fishing Vessels to all members of the Commission at least 30 days prior to the annual meeting of the Commission.

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14. Members of the Commission shall review their own internal actions and measures taken pursuant to paragraph 1, including sanctions and punitive actions and, in a manner consistent with domestic law as regards disclosure, report annually to the Commission the results of the review.

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In consideration of the results of such review, the Commission shall, if appropriate, request that the Flag State, or member, of vessels on the WCPFC Record of Fishing Vessels take further action to enhance compliance by those vessels with WCPFC conservation and management measures.

15. Any vessel not included in the WCPFC Record of Fishing Vessels shall be deemed not to be authorized to fish for, retain on board, tranship or land highly migratory fish stocks in the Convention Area beyond the national jurisdiction of its flag State. Each member of the Commission shall prohibit such activities by any vessel entitled to fly its flag that is not included on the Record and shall treat a violation of this prohibition as a serious violation.

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16. Each member of the Commission shall further prohibit landing at its ports or transhipment to vessels flying its flag of highly migratory fish stocks caught in the Convention Area by vessels not entered on the WCPFC Record of Fishing Vessels.

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17. Each member of the Commission shall notify the Executive Director, in accordance with the relevant provisions of article 25 of the Convention, of any factual information showing that there are reasonable grounds to suspect that a vessel that is not on the WCPFC Record of Fishing Vessels is or has been engaged in fishing for or transhipment of highly migratory fish stocks in the Convention Area.

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18. If such vessel is flying the flag of a member of the Commission, the Executive Director shall notify that member and shall request that member to take the necessary measures to prevent the vessel from fishing for highly migratory fish stocks in the Convention Area and to report back on the actions taken with respect to the vessel.

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19. If such vessel is flying the flag of a non-member without cooperating status or if the flag of the vessel cannot be determined, the Executive Director shall inform all members of the Commission so that they may, in addition to measures specified in paragraph 15, take appropriate action consistent with the Convention.

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20. The Commission and the members concerned shall communicate with each other, and make the best efforts with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon fishery resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a movement of IUU fishing vessels between areas covered by other regional fishery management organizations.

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D. General

21. The obligations and responsibilities set forth in these provisions for members shall apply equally to any cooperating non-member designated by the Commission.

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22. The Commission shall keep these procedures under review and may amend them as appropriate.

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