



FOURTH REGULAR SESSION

Tumon, Guam, USA

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**CHINESE TAIPEI'S COMMENTS ON WCPFC4-2007/DP15, PROPOSAL TO AMEND
CMM-2006-09 CONSERVATION MEASURE TO ESTABLISH A LIST OF VESSELS
PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND
UNREGULATED FISHING ACTIVITIES IN THE WESTERN AND CENTRAL
PACIFIC OCEAN**

WCPFC4-2007/DP19

1st December 2007

Proposal submitted by Chinese Taipei

Regarding to the document WCPFC4-2007/DP15 submitted by US in relation to the amendment of CMM-2006-09, Chinese Taipei agrees most of the proposal of the US. Nevertheless, we propose to make the following three modifications:

1. The wording of “evidence” as contained in CMM 06/09 shall be maintained.

Rationale: In many places of WCPFC4-2007/DP15, the wordings of “evidence” as contained in CMM 06/09 have been replaced by the phrase “suitably documented information”. However, we believe that the inclusion of IUU fishing vessels is a serious issue, both to the vessel owner and the flag State of that included vessel. And thus, it is clear that such a list should not be decided simply by the documented information as provided by a CCM. In addition, in the practice of other RFMOs relating to tuna IUU fishing, such as IATTC (Paragraph 1, Resolution C-05-07), IOTC (Paragraph 1, Resolution 06/01), ICCAT (Paragraph 1, Recommendation 06-12), the wordings of the same part also use “evidence” but not “suitably documented information”. For the purposes of consistence and coordination among RFMOs of same nature, we are of the opinion that it would be better to use the same wordings of other RFMOs. Thus, we would be more comfortable to maintain the original wording “evidence” as used in CMM06/09 in the relevant paragraphs.

2. A new paragraph 11bis needed to inserted and read as follows: “Vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the involved CCMs or non-CCMs shall not be included in the draft IUU Vessel List.”

Rationale: Regarding the newly added sentence in subparagraph (c) of paragraph 15, we highly appreciate that our concern has been addressed. However, as indicated in our comments, both in oral and writing, the vessel or vessels that conducted IUU fishing activities has been settled in the satisfaction of the involved CCMs or non-CCMs should not be included in the Draft IUU Vessels List to be drawn up by the Executive Director. As a result, we suggest that the later part of this paragraph 15(c) be moved after paragraph 11 and become a new paragraph 11bis. By such a re-location, the document will be able prevent unnecessary and unrelated questions be raised by other members who are not directly related to such issues. Therefore, a new paragraph 11bis should be inserted and read as follows: **“Vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the involved CCMs or non-CCMs shall not be included in the draft IUU Vessel List.”**

3. To add a new subparagraph (c) to the paragraph 13 of US’s newly revised proposal: “The inclusion of the alleged vessel on the provisional IUU list without prior notification to the flag State.”

Rationale: We also note that paragraph 5 of WCPFC4-2007/DP15 has clearly included the obligation of notifying the flag State as required by Article 25 of the WCPFC Convention. But what is the legal effect of departing from that obligation has yet to be clarified in WCPFC4-2007/DP15 if the CCM does not notify the flag State in advance. In order to clarify such situation as well as prevent possible future disputes, we would like to propose to add a new subparagraph (c) to the paragraph 13 of US’s newly revised proposal: **“The inclusion of the alleged vessel on the provisional IUU list without prior notification to the flag State.”**