



TECHNICAL AND COMPLIANCE COMMITTEE

Fourth Regular Session

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Pohnpei, Federated States of Micronesia

CONTROL OF NATIONALS

WCPFC-TCC4-2008/DP-01

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Paper submitted by New Zealand

From: Marx, David [mailto:David.Marx@fish.govt.nz]
Sent: Thursday, July 24, 2008 4:15 PM
To: dreww@mail.fm; 'andrewr@mail.fm'
Cc: Hooper, Matthew; Kerr, Phillip; Jamieson, Ingrid
Subject: New Zealand TCC Delegation paper "Control of nationals"

Dear Mr Wright,

During the 4th annual meeting of the Western and Central Pacific Fisheries Commission, New Zealand stated that it would submit a paper on the control of nationals for the consideration of TCC and the Commission.

This letter should be read to be such a paper.

New Zealand respectfully asks that this letter is provided with a WCPFC TCC Delegation Paper number and that it is circulated to other CCMs in advance of TCC.

WCPFC has made steady progress with respect to the development of an integrated and coherent MCS framework. It is New Zealand's view that in addition to controlling vessels that fly their flag, it is essential that CCMs also take steps to ensure that they control their nationals with the objective of discouraging them from avoiding conservation and management measures established by WCPFC and/or engaging in IUU fishing.

New Zealand has observed that a number of CCMs have taken steps to implement "control of nationals" provisions within domestic legislation or common fisheries policy.

New Zealand recalls Article 23(5) of the Convention text that calls upon each member of the Commission to take measures to ensure its nationals, and fishing vessels owned or controlled by its nationals fishing in the Convention Area, comply with the provisions of this Convention.

The development and implementation of a conservation and management measure for the control of nationals will be an important step in activating and clarifying the responsibilities envisaged in the Convention text.

It is New Zealand's hope that we have an opportunity to initiate discussions within TCC about the development of a WCPFC measure to promote compliance by nationals.

New Zealand notes that CCAMLR has adopted a measure relating to the control of nationals and has attached the CCAMLR measure to this paper in the hope that it might provide a useful basis for future discussions in relation to this issue (Attachment A).

New Zealand would like to be clear that we are not advocating that the Commission looks to adopt a "control of nationals" measure during WCPFC5 as we note that there are many other priority issues that need to be discussed and agreed. However, New Zealand would like discussions in relation to this issue to begin in the hope that at future Commission meetings such a measure can be developed and agreed so as to complement and strengthen the Commissions integrated MCS framework.

In keeping with the comments above, New Zealand would be interested in working with other CCMs to begin developing a draft measure for the Commissions future consideration. New Zealand cordially welcomes the views of other CCMs in respect of this matter and would like to nominate David Marx (david.marx@fish.govt.nz) as our contact point for such communications.

Thank you for your assistance in bringing this matter to the attention of other CCMs.

With kind regards,

David Marx
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New Zealand

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CONSERVATION MEASURE 10-08 (2006)
Scheme to promote compliance by Contracting Party nationals
with CCAMLR conservation measures

Attachment A	
Species	All
Area	All
Season	All
Gear	All

The Commission,

Convinced that illegal, unreported and unregulated (IUU) fishing compromises the objectives of the Convention,

Concerned that some Flag States do not comply with their obligations regarding jurisdiction and control according to international law in respect of fishing vessels entitled to fly their flag that carry out their activities in the Convention Area, and that as a result these vessels are not under the effective control of such Flag States,

Aware that the lack of effective control facilitates fishing by these vessels in the Convention Area in a manner that undermines the effectiveness of CCAMLR conservation measures, and can lead to illegal, unreported and unregulated (IUU) catches of fish and unacceptable levels of incidental mortality of seabirds,

Concerned that vessels that carry out activities in the Convention Area which do not comply with the CCAMLR conservation measures are benefiting from the support provided by persons subject to the jurisdiction of Contracting Parties, including through participation in transshipment, transport and trade of illegally harvested catches or engagement on board or in the management of these vessels,

Noting that the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing calls on States to take measures to discourage nationals subject to their jurisdiction from supporting and engaging in any activity that undermines the effectiveness of international conservation and management measures,

Recalling that Contracting Parties should cooperate in taking appropriate action to deter any activities which are not consistent with the objective of the Convention,

Resolved to reinforce its integrated administrative and political measures aimed at eliminating IUU fishing in the Convention Area,

hereby adopts the following conservation measure in accordance with Article IX.2(i) of the Convention:

1. Without prejudice to the primacy of the responsibility of the Flag State, the Contracting Parties shall take appropriate measures, subject to and in accordance with their applicable laws and regulations:

- (i) to verify if any natural or legal persons subject to their jurisdiction are engaged in the activities described in paragraphs 5(i) to (viii) of Conservation Measure 10-06 and 9(i) to (vi) of Conservation Measure 10-07;
 - (ii) take appropriate action in response to any verified activities referred to in paragraph 1(i); and
 - (iii) cooperate for the purpose of implementing the measures and actions referred to in paragraph 1(i). To this end, relevant agencies of Contracting Parties should cooperate to implement CCAMLR conservation measures and Contracting Parties shall seek cooperation by industries within their jurisdiction.
2. To assist with the implementation of this conservation measure, Contracting Parties shall submit reports to the CCAMLR Secretariat and the Contracting Parties and non-Contracting Parties cooperating with CCAMLR for the purpose of implementing the Catch Documentation Scheme for *Dissostichus* spp. on the actions and measures taken in accordance with paragraph 1, in a timely fashion.
3. These provisions shall be applicable from 1 July 2008. Contracting Parties may voluntarily decide to implement these provisions prior to this date.