



TECHNICAL AND COMPLIANCE COMMITTEE

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Pohnpei, Federated States of Micronesia

CONTROL OF NATIONALS

WCPFC-TCC6-2010-DP/01

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Paper prepared by New Zealand

Prior to TCC5, New Zealand tabled a “Draft WCPFC Conservation and Management Measure for the Control of Nationals” (WCPFC TCC5 2009/DP10). The objective of this draft measure was to assist CCMs to fulfil their obligation, pursuant to Article 23(5) of the Western and Central Pacific Fisheries Convention, to control nationals to the extent practicable.

The draft measure tabled by New Zealand formed the basis for discussions in the margins of the TCC meeting and led to the development of WCPFC TCC5-2009/DP-10 (rev 2). However, due to the full TCC agenda, tight time constraints and in recognition that there appeared to be divergent views on some aspects of the proposed approach, New Zealand suggested that it would be helpful to try to progress the development of this measure in the time between TCC5 and WCPFC6.

Comments were provided to New Zealand by the Parties to the Nauru Agreement (PNA), Japan and Chinese Taipei. New Zealand has noted the concerns of PNA members that the measure may be used by CCMs as a mechanism for preventing or impeding legitimate fisheries development opportunities within small island developing States. Conscious of this issue, we recognise it may be difficult to progress a new CMM on control of nationals at this point in time.

Our primary objective in proposing the measure was to provide a mechanism to assist CCMs in implementing existing Convention obligations with respect to control of nationals. With this in mind, we would like to draw attention to these existing obligations in Article 23(5), which states:

Each member of the Commission shall, to the greatest extent possible, take measures to ensure that its nationals, and fishing vessels owned or controlled by its nationals fishing in the Convention Area, comply with the provisions of this Convention. To this end, members of the Commission may enter into agreements with States whose flags such vessels are flying to facilitate such enforcement. Each member of the Commission shall, to the greatest extent

possible, at the request of any other member, and when provided with the relevant information, investigate any alleged violation by its nationals, or fishing vessels owned or controlled by its nationals, of the provisions of this Convention or any conservation or management measure adopted by the Commission. A report on the progress of the investigation, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to the member making the request and to the Commission as soon as practicable and in any case within two months of such a request and a report on the outcome of the investigation shall be provided when the investigation is completed.

We see a potential role for TCC in assessing any reports received pursuant to Article 23(5), and would like to discuss this further with CCMs. We also consider that the Compliance with Conservation and Management Measures Working Group could undertake work in determining sanctions that may be imposed for breaches of the Article.

We request that this paper be circulated as a delegation paper in advance of TCC6.