



TECHNICAL AND COMPLIANCE COMMITTEE
Fifth Regular Session
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Pohnpei, Federated States of Micronesia

**NEW ZEALAND – DRAFT WCPFC CONSERVATION AND MANAGEMENT
MEASURE FOR THE CONTROL OF NATIONALS**

WCPFC-TCC5-2009/DP-10 (Rev.2)

3 October 2009

Convinced that illegal, unreported and unregulated (IUU) fishing undermines the objectives of the Convention, and the effectiveness of conservation and management measures adopted by the WCPFC;

Recalling that the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU), calls on States to take, to the greatest extent possible, measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing and discourage nationals subject to their jurisdiction from supporting and engaging in any activity that undermines the effectiveness of international conservation and management measures;

Recalling also Articles 23 and 25 of the WCPF Convention regarding the obligations of members of the Commission and provisions for compliance and enforcement, and specifically the obligation on states to take measures to control their nationals [to the greatest extent possible](#);

Concerned that vessel owners or operators engaged in IUU fishing activities may re-flag their vessels to avoid compliance with WCPFC measures;

Considering the actions undertaken in other regional fisheries management organisations to address this issue;

Adopts the following conservation and management measures in accordance with Article 10 of the Convention:

Control of nationals

1. Without prejudice to the primacy of the responsibility of the flag State, WCPFC Members, Cooperating Non-Members and Participating Territories (CCMs) shall, subject to and in accordance with national laws and regulations :
 - (i) investigate allegations and/or reports that any natural or legal persons subject to their jurisdiction have engaged in the activities described in paragraph 2 of this measure;

- (ii) take appropriate action in response to any such activities;
- (iii) report to the Commission and, where relevant, other States or fishing entities, within two months of receiving the allegation or report referred to in para 2, subject to the national laws of confidentiality, ~~information on the progress of the investigation, including~~ [on the progress of the investigation, including](#) ~~on the~~ actions and measures taken consistent with paragraph 1(ii); and
- (iv) cooperate to investigate the actions referred to in paragraph 1(i) above.

2. A CCM may, directly, or through the Executive Director, forward relevant information to a CCM regarding a national of that CCM, who owns, controls, [commands](#) or operates a vessel alleged to have engaged in an activity identified as a serious violation in the Commission's High Seas Boarding and Inspection Procedures or an IUU activity as identified in the Commission's IUU Listing Measure, and may as appropriate, draw such activity to the attention of the Commission.