



**SIXTH REGULAR SESSION**  
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PROPOSED AMENDMENTS TO CONSERVATION AND MANAGEMENT MEASURE 2007-03  
CONSERVATION AND MANAGEMENT MEASURE TO ESTABLISH A LIST OF VESSELS  
PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED  
FISHING ACTIVITIES IN THE WCPO

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**WCPFC6-2009/DP11**  
**7<sup>th</sup> November 2009**

**Proposal by FFA Members**



**FFA**

November 7<sup>th</sup> 2009

Mr Andrew Wright  
Executive Director  
Western and Central Pacific Fisheries Commission  
PO Box 2356  
Kolonia, Pohnpei State  
Federated States of Micronesia  
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Dear Mr Wright,

**PROPOSED AMENDMENTS TO CONSERVATION AND MANAGEMENT MEASURE 2007-03  
CONSERVATION AND MANAGEMENT MEASURE TO ESTABLISH A LIST OF VESSELS  
PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED  
FISHING ACTIVITIES IN THE WCPO**

I write this letter on behalf of the seventeen members of the Pacific Islands Forum Fisheries Agency to reiterate our position at TCC that amendments are required to paragraph 15 of CMM 2007-03 to ensure that where an offence has occurred in a coastal State's waters, that the matter must be resolved to the satisfaction of the coastal State otherwise the vessel shall be included in the Provisional IUU List.

Tonga has received one comment to this proposal from Chinese Taipei to advise that it is not able to support this proposed amendment.

Enclosed is the rationale for our proposal and the FFA proposed amendments. We seek your assistance to include this letter and attachment as a delegation paper to WCPFC 6.

Yours sincerely

Mr Brendon Pasisi  
FFC CHAIR

cc. Ambassador Satya Nandan, WCPFC Chair, [satya.n.nandan@gmail.com](mailto:satya.n.nandan@gmail.com)  
Dr Lara Manarangi-Trott, FFA WCPFC Coordinator and Policy Advisor, [lara.manarangi-trott@ffa.int](mailto:lara.manarangi-trott@ffa.int)

## AMENDMENTS TO PARAGRAPH 15 OF CMM 2007-03

### CONSERVATION AND MANAGEMENT MEASURE TO ESTABLISH A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE WCPO

#### PROPOSAL BY FFA MEMBERS

Paragraph 15 of CMM 2007-03 allows the flag State to demonstrate that it has fulfilled any one of three actions so that the TCC does not list the vessel on the Provisional IUU List.

FFA Members reiterate our position at TCC 5 that for IUU activities that have been carried out within the jurisdiction of a coastal State, that coastal State's satisfaction should be the only consideration in order for a vessel not to be placed on the Provisional IUU List. It is not for the flag State to determine whether effective action has been taken for a violation in a coastal State's waters. FFA Members see this as fundamental to the exercise of our sovereign rights and sovereignty to determine this.

Therefore, our proposed amendments below to paragraphs 15 (b) and (c) separate the treatment of IUU activity in waters within the jurisdiction of a coastal State from IUU activity on the high seas. In particular, the amendment to paragraph 15 (c) ensures that offences within a coastal State's waters could only be resolved through the satisfaction of the coastal State.

Note that the proposed amendments below are the revised amendments that were made to Tonga's proposal and tabled at TCC5.

"15. The TCC shall not include a vessel on the Provisional IUU Vessel List if the vessel's flag State demonstrates that:

- (a) The vessel fished in a manner consistent with WCPFC Conservation Measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the WCPF Convention; or
- (b) For IUU activities that have been carried out in high seas areas, effective action has been taken in response to the IUU fishing activities in question, such as, inter alia, prosecution or the imposition of sanctions of adequate severity; or
- (c) For IUU activities that have been carried out within the jurisdiction of a CCM, ¶that the case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of thate CCM-that originally submitted the vessel for listing and the flag State involved."