



SIXTH REGULAR SESSION
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7-11 December 2009

PROPOSAL FOR CMM ON VESSELS WITHOUT NATIONALITY

WCPFC6-2009/DP12
7th November 2009

Proposal by FFA Members



FFA

November 6th 2009

William Gibbons-Fly
Director, Office of Marine Conservation
US Department of State
2201 C Street, NW Suite 2758
Washington, DC 20520
Ph: 1-202- 647-2335
Gibbons-FlyWH@state.gov

Dear Mr Gibbons-Fly,

PROPOSAL FOR CMM ON VESSELS WITHOUT NATIONALITY

I write this letter on behalf of the seventeen members of the Pacific Islands Forum Fisheries Agency in relation to the above US proposal.

In principle, FFA Members continue to support the proposal. We have some comments as follows:

1. Second paragraph of the Preamble – delete the phrase “in the Convention Area”;
2. Fourth paragraph of the Preamble – delete;
3. FFA Members seek further explanations on paragraphs 3 and 4, which we have placed into square brackets.

Attached are our revisions to your proposal.

We look forward to our continued work together at WCPFC 6.

Yours sincerely

Mr Brendon Pasisi
FFC CHAIR

cc. Mr Andrew Wright, WCPFC Executive Director, Andrew.wright@wcpfc.int
Ambassador Satya Nandan, WCPFC Chair, satya.n.nandan@gmail.com
Dr Lara Manarangi-Trott, FFA WCPFC Coordinator and Policy Advisor, lara.manarangi-trott@ffa.int

PROPOSED AMENDMENTS TO THE US – PROPOSAL FOR CMM ON VESSELS WITHOUT NATIONALITY (WCPFC-TCC5-2009/DP-04 (Rev.1), 2 October 2009)

FFA PROPOSAL

The Western and Central Pacific Fisheries Commission:

Recognizing that fishing vessels without nationality operate without governance and oversight;

Concerned that the operations of fishing vessels without nationality ~~in the Convention Area~~ undermine the objectives of the Convention and the work of the Commission;

Recalling that the FAO Council adopted an International Plan of Action to prevent, deter and eliminate IUU fishing and recommended that States take measures consistent with international law in relation to fishing vessels without nationality involved in IUU fishing on the high seas;

~~*Understanding* that the Commission can take actions to facilitate States' ability to address stateless IUU vessels domestically;~~

Determined to continue to deter all facets of IUU fishing activities in the Convention Area;

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

1. Declare that fishing vessels determined to be vessels without nationality under the relevant provisions of international law that are used to fish on the high seas of the Convention Area are presumed to be operating in contravention of the WCPF Convention and the conservation and management measures adopted thereunder.

2. Further declare that any fishing activities by a fishing vessel without nationality on the high seas of the Convention Area shall be deemed to undermine the WCPF Convention and Commission conservation and management measures and shall constitute a serious violation in accordance with Article 25 of the Convention.

[3. For the purpose of this measure, vessels without nationality means vessels not flying the flag of any state, vessels not registered on the shipping registry of any state, or vessels flying the flag of two or more states in accordance with Article 92(2) of UNCLOS.]

[4. Encourages CCMs to take all necessary measures, including enacting domestic legislation if appropriate, to prevent vessels without nationality from undermining conservation and management measures adopted by the Commission.]

5. In accordance with domestic and international law, where there are reasonable grounds for suspecting that a fishing vessel targeting species covered by the WCPF Convention on the high seas in the Convention Area is without nationality, CCMs are encouraged to board and inspect that vessel and when the evidence warrants, take such action as may be appropriate.

6. Any sightings of fishing vessels that appear to be without nationality that may be fishing in the high seas of the Convention Area for species covered by the WCPF Convention shall be reported to the Secretariat as soon as possible by the appropriate authorities of the CCM whose vessel or aircraft made the sighting.