



**SEVENTH REGULAR SESSION**  
Honolulu, Hawaii, USA  
6-10 December 2010

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**TONGA OF PROPOSAL TO AMEND PARAGRAPH 15 OF CMM 2007-03**

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**WCPFC7-2010-DP/11**  
**11 November 2010**

**Paper prepared by the Kingdom of Tonga**

*All correspondence to be addressed to*  
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**Date:** 4<sup>th</sup> November 2010

Professor. Glen Hurry  
Executive Director  
Western and Central Pacific Fisheries Commission  
Kolonia, Pohnpei State  
Federated States of Micronesia

Dear Prof. Hurry,

**Submission of proposal to amend paragraph 15 of CMM 2007-03**

As you are aware, the 6<sup>th</sup> meeting of the Technical and Compliance Committee could not reach agreement on amendments to paragraph 15 of CMM 2007-03 submitted by Tonga on behalf of FFA Members.

TCC6 recommended that CCMs provide written comments on the issues with paragraph 15 to Tonga by 31 October 2010, and that Tonga prepares a revised proposal to be considered at the seventh annual session of the Western and Central Pacific Fisheries Commission. No comments have been received.

Therefore I submit on behalf of FFA Members the attached proposal for amendments to paragraph 15 of CMM 2007-03 to be considered at WCPFC7. In summary the proposal makes a distinction between fishing violations that occur in a coastal State's waters and those that occur on the high seas, requires that fishing violations that occur in a coastal State's waters be resolved to the satisfaction of that coastal State, and in so doing affirms the sovereignty and the exercise of sovereign rights of the coastal State.

Your relevant action is appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read 'S. Matoto'.

Dr. Sione Vailala Matoto  
**CEO-MAFFF**

ATTACH: Proposed amendments to paragraph 15 CMM 2007-03

**PROPOSED AMENDMENTS TO PARAGRAPH 15 CMM 2007-03**

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 WCPFC Convention, or
  - b. **For IUU fishing activities that have been carried out in high seas areas,** ~~E~~ffective 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 fishing activities that have been carried out within the jurisdiction of a CCM,** ~~T~~hat the case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CCM ~~that originally submitted the vessel for listing and the flag State involved.~~