



SIXTH REGULAR SESSION
Papeete, Tahiti, French Polynesia
7-11 December 2009

**COMMUNICATIONS IN RELATION TO THE COMMISSION'S PROVISIONAL IUU
VESSEL LIST**

WCPFC6-2009/IP04
20 November 2009

Paper prepared by the Secretariat

Introduction

1. The Fifth Regular Session of the Technical and Compliance Committee (TCC5) considered a Draft IUU Vessel List prepared by the Secretariat (WCPFC-TCC5-2009/15, Attachment 1) in accordance with CMM 207-03. After due consideration the TCC5 adopted a Provisional IUU Vessel List (**Attachment 1**) and submitted it to the Commission for its consideration. In accordance with a letter dated 9 November 2009 from the U.S. stating that all matters relating to the Chinese Taipei-flag vessels Chia Shun Hsing No.6 and Maan Feng Yu No.36 have been resolved to its satisfaction, and pursuant to paragraphs 155 and 160 of the TCC5 Summary Report (**Attachment 2**), these vessels do not appear on the Provisional IUU Vessel List.
2. TCC5 also considered the current WCPFC IUU Vessel List. TCC5 did not recommend any proposed changes to the current WCPFC IUU Vessel List that is appended at **Attachment 3**.

WCPFC IUU Vessel List

3. Paragraph 20 of CMM 2007-03 states, "At its annual meeting the Commission shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on the Provisional IUU Vessel List, and any recommendations to amend the current WCPFC IUU Vessel List made pursuant to paragraph 18 above, and adopt a new WCPFC IUU Vessel List. To the maximum extent possible CCMs and non CCMs shall provide any new suitably documented information at least two weeks before the annual meeting of the Commission."
4. Information received by the Secretariat from CCMs post-TCC5 is appended at **Attachment 4**. This includes a letter from China to New Zealand dated 26 October 2009 (Appendix A), an e-mail from New Zealand to China dated 29 October 2009 (Appendix B), and a letter from Indonesia to the WCPFC Executive Director dated 09 November 2009 (Appendix C).
5. Information sent by the Secretariat to non-CCMs post-TCC5 is appended at **Attachment 5**. This includes a letter to Panama dated 15 October 2009 (Appendix A) and a letter to Venezuela dated 15 October 2009 (Appendix B). The Secretariat did not receive any communications from non-CCMs post-TCC5.

Conclusion

6. WCPFC6 is invited to:
 - i. review the Provisional IUU Vessel List pursuant to paragraph 20 of CMM 2007-03; and
 - ii. adopt a new WCPFC IUU Vessel List.

PROVISIONAL IUU VESSEL LIST

11 November 2009

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on draft WCPFC IUU Vessel List	Flag State Registration Number/IMO Number	Call Sign (previous call signs)	Owner/beneficial owners (previous owners)	Notifying CCM/Contact Details	Alleged IUU activities ¹
Lina (Seifuku Maru No.35)	Indonesia (Japan)	1 July 2009	IMO No. 7815337	YEUY	Harini Asribahari, Jakarta, Indonesia	USA	Attach.A 1-5
Rong Yuan Yu 86	China	1 July 2009	YG0201080227	BBIE	Rongyuan Fishery Co.Ltd., Shawodao Renhe County, Rongcheng City, Shandong, China	New Zealand	Attach.E 1-3
Rong Yuan Yu 87	China	1 July 2009	YG0201080228	BBIE1	Rongyuan Fishery Co.Ltd., Shawodao Renhe County, Rongcheng City, Shandong, China	New Zealand	Attach.F 1-3
Rong Da Yang No.6	China	1 July 2009	YG0201080077	BBLZ4	Rongcheng Deep Sea Fisheries Co. Ltd., No.140 Guanhai East Road, Rongcheng City, Shandong, China	New Zealand	Attach.G 1-3
Rong Da Yang No.7	China	1 July 2009	YG0201080078	BBLZ5	Rongcheng Deep Sea Fisheries Co. Ltd., No.140 Guanhai East Road, Rongcheng City, Shandong, China	New Zealand	Attach.H 1-3
Rong Da Yang No.8	China	1 July 2009	YG0201080079	BBLZ6	Rongcheng Deep Sea Fisheries Co. Ltd., No.140 Guanhai East Road, Rongcheng City, Shandong, China	New Zealand	Attach.I 1-3
Rong Da Yang No.9	China	1 July 2009	YG0201080080	BBLZ7	Rongcheng Deep Sea Fisheries Co. Ltd., No.140 Guanhai East Road, Rongcheng City, Shandong, China	New Zealand	Attach.J 1-3
Yuh Chang No.3	Chinese Taipei	1 July 2009	CT4-2712	BJ4712	Jin Tyan Chen, No.96 Dengshan St.,	New Zealand	Attach.K 1-2

¹ The attachments referred to in this table accompanied the draft WCPFC IUU Vessel List attached to WCPFC Circular 2009/16 dated 1 July 2009.

					Gushan District, Kaohsiung City 804, Taiwan		
Lina (Seifuku Maru No.35)	Indonesia (Japan)	1 July 2009	IMO No. 7815337	YEUY	PT. Harini Asribahari, Jakarta, Indonesia	France (French Polynesia)	Attach.M 1-3
Senta (Shin Takara Maru)	Panama (Japan)	4 June 2008	IMO No.8221947	HOFG	Chin Fu Fishery, Taiwan (Nisshin Kisen Co.Ltd, Japan)	France (French Polynesia)	Attach.N 1-2
Minako	Indonesia	4 June 2008			PT. Harini Asribahari, Jakarta, Indonesia	France (French Polynesia)	Attach.O 1-2
Yu Fong 168	Chinese Taipei	1 July 2009		BJ4786	Chang Lin Pao-Chun, 161 Sanmin Rd., Liouciu Township, Pingtung County 929, Taiwan	Marshall Islands	Attach.P 1-7



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
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November 9, 2009

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

Dear Drew:

In June, the United States submitted the names of three Chinese Taipei-flagged vessels for inclusion on the 2009 Draft WCPFC IUU Vessel List. At the Technical and Compliance Committee meeting in October 2009 (TCC5), we were pleased to be able to report that all matters related to the JIN HA FU NO. 10 had been resolved to the satisfaction of the United States. However, final resolution had not been reached for the remaining two vessels, which were placed on the 2009 Provisional WCPFC IUU Vessel List.

At this time, I am pleased to inform the Secretariat that the matters relating to the CHIA SHUN HSING NO. 6 and MAAN FENG YU NO. 36 have been resolved to the satisfaction of the United States. Therefore, pursuant to paragraphs 155 and 160 of the TCC5 Summary Report, the United States now requests that the CHIA SHUN HSING NO. 6 and MAAN FENG YU NO. 36 be removed from the 2009 Provisional WCPFC IUU Vessel List.

If you have any questions regarding this issue, please contact Alexa Cole at alexa.cole@noaa.gov or (808) 944-2167.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Robinson".

William L. Robinson
Regional Administrator

cc: Alexa Cole, Office of General Counsel for Enforcement & Litigation



WCPFC IUU VESSEL LIST

12 December 2008

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on WCPFC IUU Vessel List	Flag State Registration Number/IMO Number	Call Sign (previous call signs)	Owner/beneficial owners (previous owners)	Notifying CCM/Contact Details	Alleged IUU activities ²
Jinn Feng Tsair No.1	Chinese Taipei	7 Dec. 2007	CT4-2444	BJ4444	Hung Ching Chin, Pingtung, Chinese Taipei	Federated States of Micronesia E-mail: norma@mail.fm	Attach. 3
Daniela F (Cape Of Good Hope) (Cape Of Good Hope)	Venezuela (Panama) (Federated States of Micronesia)	7 Dec. 2007	APNN-8383 (9130793)	YYKE (3EDK) (V6ZW)	Agricola Palmarichal CA, Puerto Sucre, Venezuela (Tri-Marine International, San Pedro, California, USA) (Tri-Marine International, Pohnpei, Federated States of Micronesia)	French Polynesia E-mail: affmar@mail.pf	Attach. 6

² The attachments referred to in this table accompanied the draft WCPFC IUU Vessel List attached to WCPFC Circular 2007/15 dated June 13, 2007.

中华人民共和国农业部渔业局

BUREAU OF FISHERIES, MINISTRY OF AGRICULTURE, THE PEOPLE'S REPUBLIC OF CHINA

地址: 北京农展馆南里 11 号, 邮政编码: 100026 Address: No.11 Nongzhanguannanli, Beijing, 100026
电话 (TEL): 86-10-64192928/64192974, 传真 (FAX): 86-10-64193056, E-mail:bolfdwft@agri.gov.cn

October 26, 2009

Matthew Hooper
International Policy Manager
New Zealand Ministry of Fisheries

Dear Mr. Hooper:

With regard to the issue of six Chinese vessels being listed on the provisional IUU list of WCPFC, I believe detailed interpretation has been given by Chinese delegation in TCC5 meeting. I am writing to provide you relevant information pertaining to measures Chinese government taken recently and seek you sincere understanding about this matter.

Firstly, in order to prevent possible situation occurring where fishing vessel been authorized but not finalize its registration procedures, an overall check has been carried out vessel by vessel to ensure all the vessels authorized to fish in the convention area of WCPFC by Chinese government have been listed on the WCPFC Record of fishing vessels.

Secondly, which is also the most important, appropriate adjustments have been introduced into the authorization procedures by Chinese fisheries authority, and hereafter, only after its registration procedures into WCPFC Record of fishing vessels has been cleared up, can the fishing permits be issued to that vessel. This procedure adjustment eliminates, from institutional level, the lag between the fishing licenses issuance and fishing vessel registration, and guarantees vessels having fishing permit are already registered in the WCPFC Record of fishing vessels.

Lastly, Chinese government has already notified this case to all the distant water

fishing companies, requested them learn from this lesson and to be fully compliant with the CMMs adopted by WCPFC. In addition, we reiterated that it is also the responsibility of fishing vessels themselves to check whether they have been listed in the WCPFC fishing vessels Record before conducting fishing activities in the convention area.

After providing the above information, China would suggest New Zealand to give due consideration to the measures Chinese government taken and take consideration with this issue in a positive and cooperative manner. I am looking forward to meeting with you in the upcoming WCPFC 6 meeting and believe a satisfactory settlement could be reached under your sincere understanding and support. I would be grateful if you could acknowledge receipt of this letter and respond to this issue at your earliest convenient time.

Sincerely yours



Xiaobing Liu
Director
Division of International Cooperation
Bureau of Fisheries
Ministry of Agriculture

cc: the Secretariat of WCPFC

From: Hooper, Matthew [mailto:Matthew.Hooper@fish.govt.nz]
Sent: Thursday, October 29, 2009 3:56 PM
To: 'xiaobing.liuc'
Cc: 'CAINE, Jacqui (LGL)'; Andrew Wright
Subject: RE: Reply on 6 Chinese vessels in WCPFC area

Dear Liu

Thank you for your letter regarding the 6 Chinese vessels that have been placed on the provisional IUU list of WCPFC. Our biggest driver in pursuing the listing of these vessels, along with others in similar circumstances, has been to see that steps are put in place to ensure such activity does not occur in the future. If fishing vessels fish in the Convention Area beyond their area of national jurisdiction without being on the WCPFC Record of Fishing Vessels then our management framework within WCPFC is completely undermined. In addition, the costs to surveillance providers such as New Zealand of investigating such cases is extremely high (cost of surveillance flights alone is around NZ\$10,000 per hour) – we rely on the WCPFC Record of Vessels to be accurate and proceed on the basis of the information contained, or not contained, on that Record when carrying out surveillance activity.

Liu, the information you have provided on your revised processes gives us some comfort that China has taken steps to ensure such activity is not able to occur in the future. We have also been considering a possible amendment to the WCPFC CMM 2004-01 that relates to the authorisation to fish, to ensure that the onus is squarely on the flag State to ensure vessels are placed on the WCPFC Record of Vessels before they fish in the Convention Area, as follows:

“10bis. It is the responsibility of CCMs to ensure that fishing vessels flying their flag have been placed on the WCPFC Record of Fishing Vessels prior to those vessels engaging in fishing activity within the Convention Areas for species covered by the Convention.”

The intention would be to remove the ability of CCMs to use administrative or communication problem explanations to argue against the listing of vessels on the IUU list. We believe this would drive home the message for CCMs to tidy up their processes in this regard, as China clearly has done judging by your letter. I would be interested in your thoughts on such an amendment and I think support for such a change would be another indication of China's desire to address the frustrations created by the current circumstances.

At TCC5, we also floated the idea of CCMs perhaps facing some administrative sanction or being asked to make a voluntary contribution (for example to the Special Requirements Fund), as a means of acknowledging the impacts and costs of such cases on the Commission. I simply raise that point again for you to consider in the lead up to WCPFC6.

Thanks again for your letter and I too look forward to meeting again at the upcoming WCPFC6 meeting and agree that we should be able to reach a satisfactory settlement to this issue.

Best regards

Matt

Matthew Hooper

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November 9, 2009

Mr. Andrew Wright
Executive Director
Western and Central Pacific Fisheries Commission (WCPFC)
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Kolonias, Pohnpei 96941
Fax: +691 320 1108

Subject: WCPFC IUU Vessel List

Dear, Mr. Andrew Wright

In regard to meeting summary of last TCC5 concluded on October 6th 2009, we have reviewed the contents and found that two Indonesian fishing vessels (LINA and MINAKO) are included on the WCPFC Provisional IUU Vessel List. Herewith, we would like to inform the clarification of these vessels as follow:

Regarding letter ref. 1512/P2SDKP.I/TU.210/III/09, March 12th, 2009, The Directorate General of Marine and Fisheries Resources Surveillance and Controlling, Ministry of Marine Affairs and Fisheries of the Republic of Indonesia (MMAF) has already asked clarification from the vessel owners related two Indonesian fishing vessels (LINA and MINAKO) which were identified fishing in Pacific Ocean. (The letters is as attached).

The profound investigation has been made by scrutiny of our national licensing database to clarify data of the Indonesia fishing vessels listed in WCPFC Vessel List, which subsequently followed by several meetings with relevant owned-companies for clarification. In the summary, the owner of LINA and MINAKO was admitted guilty and willing to accept sanction from our government. The owner of LINA and MINAKO will also comply with WCPFC Measures. We have undertaken the preventive actions to avoid a possibility of the same violence happened in the future. It is also emphasized that the Indonesian Government has really had in place a control mechanism to verify where Indonesian flag vessels are operating in accordance with regional conservation and management measures.

Finally, it is my great pleasure to extend our gratitude and appreciation to you for your kind assistance to remove the relevant Indonesian fishing vessels from WCPFC IUU Vessel List.

We also apologize for not attending on TCC5 WCPFC due to the tour of duty in our Ministry.

Thank you for your support and cooperation.

Sincerely yours,

Agus A. Budhiman
Director of Fisheries Resources Management,
Directorate General of Capture Fisheries,
Ministry of Marine Affairs and Fisheries of the Republic of Indonesia

Cc:
Director General of Capture Fisheries
Secretary of Director General of Capture Fisheries

October 15, 2009

Senora Flor De Maria Torrijos
Director of International Affairs
Panama Maritime Authority
Diablo Heights, Ancon, Building 5534
Panama City
Panama (E-mail: flortorrijos@gmail.com)

Dear Senora Torrijos,

Re: Provisional IUU Vessel List

On 19 September 2009 I advised you that the Fifth Regular Session of the Technical and Compliance Committee (TCC5) would take place at Pohnpei, Federated States of Micronesia from 1-6 October 2009, where the case of the Panama-flag vessel *Senta* (HOFG) would be further considered. TCC5 reviewed the matter of the vessel *Senta* (HOFG) and agreed to place this vessel on the Provisional IUU Vessel List.

Paragraph 20 of Conservation and Management Measure 2007-03 (CMM 2007-03) states, in part, at its annual meeting the Commission shall review the Provisional IUU Vessel List, taking into account any new, suitably documented information related to vessels on the Provisional IUU Vessel List, and adopt a new WCPFC IUU Vessel List. If Panama wishes to provide the Commission with any new, suitably documented information regarding the *Senta* (HOFG) this should be done at least two weeks before the Sixth Regular Session of the Commission (WCPFC6) that will take place at Papeete, French Polynesia from 7-11 December 2009.

Yours sincerely,



Andrew Wright
Executive Director

15 October 2009

Lic. Luís Felipe Del Moral Orúa
Presidente
Instituto Nacional de Pesca y Acuicultura
Av. Principal del Bosque con Av. Santa Lucía
Torre Credicard, Piso 9, El Bosque
Caracas , Edo . Miranda
Venezuela

Dear Lic. Orúa,

Re: WCPFC IUU Vessel List dated 12 December 2008 – *Daniela F* (YYKE)

On 19 September 2009 I advised you that the Fifth Regular Session of the Technical and Compliance Committee (TCC5) would take place at Pohnpei, Federated States of Micronesia from 1-6 October 2009 where the case of the Venezuela-flag fishing vessel *Daniela F* (YYKE) would be further considered. TCC5 agreed to recommend to the Sixth Regular Session of the Commission (WCPFC6) that the vessel *Daniela F* (YYKE) not be removed from the WCPFC IUU Vessel List (Attachment 1).

Paragraph 20 of Conservation and Management Measure 2007-03 (CMM 2007-03) - Attachment 2 - states in part that at its annual meeting the Commission shall take into account any new, suitably documented information and any recommendations to amend the current WCPFC IUU Vessel List. If Venezuela wishes to provide the Commission with any new, suitably documented information regarding the *Daniela F* (YYKE) this should be done at least two weeks before WCPFC6, that will take place at Papeete, French Polynesia from 7-11 December 2009.

Yours sincerely,



Andrew Wright
Executive Director

cc Minister Counsellor Nelson Dávila Lamedá
Chargé d' Affaires, a.i.
Venezuela Embassy
7 Culgoa Circuit
O'Malley
ACT 2606
Australia (Fax: +61 2 6290 2911)