



TECHNICAL AND COMPLIANCE COMMITTEE

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**DRAFT WCPFC CONSERVATION AND MANAGEMENT MEASURE ON VESSEL
CHARTERING**

WCPFC-TCC2-2006/DP06

22 September 2006

Paper submitted by the Japan Delegation

The Western and Central Pacific Fisheries Commission (WCPFC),

RECOGNIZING that, under the WCPFC Convention, Contracting Parties shall cooperate in ensuring, through effective management, the long term conservation and sustainable use of highly migratory fish stocks in the Convention area;

RECALLING that, according to Article 92 of the United Nations Convention on the Law of the Sea, of 10 December 1982, ships shall sail under the flag of one State only and shall be subject to its exclusive jurisdiction on the high seas except as otherwise provided in relevant international instruments;

ACKNOWLEDGING the needs and interests of all Members and participating Territories to develop their fishing fleets so as to enable them to fully utilize the fishing opportunities available to them under relevant rules and regulations of WCPFC;

MINDFUL that the practice of charter arrangements, whereby fishing vessels do not change their flag, might seriously undermine the effectiveness of conservation and management measures established by WCPFC unless properly regulated;

REALIZING that there is a need for WCPFC to regulate charter arrangements with due regard to all relevant factors;

FURTHER MINDFUL that the charter arrangement was under the control of other tuna regional fisheries organizations such as ICCAT and the measures on charter arrangement in particular for tuna resources should be consistent with each other.

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

The chartering of fishing vessels, other than bareboat chartering, shall observe the following provisions:

1. Charter arrangements may be allowed, predominantly as an initial step in the fishery development of the chartering nation. The period of the chartering arrangement shall be consistent with the development schedule of the chartering nation.
2. Chartering nations shall be the Members and participating Territories of the Convention.
3. Fishing vessels to be chartered shall be registered to responsible Members, Cooperating Non-Members and participating Territories (hereinafter referred to as CCMs) which explicitly agree to apply WCPFC conservation and management measures and enforce them on their vessels. All flag CCMs concerned shall effectively exercise their duty to control their fishing vessels to ensure compliance with WCPFC conservation and management measures.
4. Both the chartering Members and participating Territories and the flag CCMs shall ensure compliance by chartered vessels with relevant conservation and management measures established by WCPFC, in accordance with their rights, obligations and jurisdiction under international law.
5. Catches taken pursuant to the chartering arrangement of vessels that operate under these provisions shall be counted against the quota, catch limit or any other type of fishing possibilities of the chartering Members and participating Territories.
6. All catches taken under the chartering arrangement shall be recorded by both the flag CCMs and the chartering Members and participating Territories separately from catches taken by other vessels. The chartering Members and participating Territories shall report to WCPFC catches and other information required by the Commission.
7. Vessel Monitoring Systems (VMS) and, as appropriate, tools for differentiation of fishing areas, such as fish tags or marks, shall be used, according to the relevant WCPFC measures, for effective fishery management.
8. There shall be observers on board at least [10]% of the chartered vessels, or during [10]% of the fishing time of the chartered vessels, before the Commission's observer scheme being implemented.
9. The chartered vessels shall have a fishing license issued by the chartering Members and participating Territories, and shall be on the Commission's record of fishing vessels and authorization to fish established by the Convention.
10. When operating under charter arrangements, the chartered vessels shall not be authorized to use the quota, catch limit or any other type of fishing opportunities or entitlement of the flag CCMs. In no case, shall the vessel be authorized to fish under more than one chartering arrangement at the same time.

11. Unless specifically provided in the chartering arrangement, and consistent with relevant domestic law and regulation, the catches of the chartered vessels shall be unloaded exclusively in the Ports of the chartering Members and participating Territories or under its direct supervision in order to assure that the activities of the chartered vessels do not undermine WCPFC conservation and management measures. The chartering company must be legally established in the chartering Members and participating Territories.
12. [Any transshipment at sea shall be consistent with the rules established by the Commission] Any transshipment at sea shall also be previously and duly authorized by the chartering Members and participating Territories and shall occur only under the supervision of an observer on board.]
- 13 a At the time the chartering arrangement is made, the chartering Members and participating Territories shall provide the following information to the Executive Director:
 - i the name (in both native and Latin alphabets) and registration of the chartered vessel;
 - ii the name and address of the owner(s) of the vessel;
 - iii the description of the vessel, including the length, type of vessel and the type of fishing method(s);
 - iv species of fish covered by the charter and quota, catch limit or any other type of fishing opportunities allocated to the chartering Members and participating Territories;
 - v the duration of the chartering arrangement;
 - vi the consent of the flag CCMs; and
 - vii the measures adopted to implement these provisions.
- b At the time the chartering arrangement is made, the flag CCMs shall provide the following information to the Executive Director:
 - i its consent to the chartering arrangement;
 - ii the measures adopted to implement these provisions; and
 - iii its agreement to comply with WCPFC conservation and management measures.
- c Both the chartering Members and participating Territories and the flag CCMs shall inform the Executive Director of the termination of the charter;
- d The Executive Director shall circulate all the information without delay to all CCMs.
14. the chartering Members and participating Territories shall report to the Executive Director by July 31 each year, and for the previous calendar year, the particulars of charter arrangements made and carried out under this recommendation, including information of catches taken and fishing effort deployed by the chartered vessels, in a manner consistent with confidentiality requirements.
15. Each year the Executive Director shall present a summary of all the chartering arrangements to the Commission which, at its annual meeting, shall review compliance with this recommendation.
16. At its future session, the Commission shall review and, as appropriate, revise this measure.

