
**PREPARATORY CONFERENCE FOR THE COMMISSION
FOR THE CONSERVATION AND MANAGEMENT OF
HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN
AND CENTRAL PACIFIC**

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**FFA MEMBERS' CONTRIBUTION TO THE COMMISSION'S RECORD FOR
VESSELS AND AUTHORIZATION TO FISH**

1. The Working Group III Chair's Report at the conclusion of PrepConV (WPFC/PrepCon/33) notes that Working Group III agreed that the next step in relation to the Commission's record for vessels and authorization to fish should be for a small group to work in cooperation with the Working Group III Chair and Interim Secretariat to begin the process for developing such a record. Volunteers for participation in the process of developing this record included Japan, the FFA and the EC.
2. On 30 March 2004 the Working Group III Chair issued a note regarding preparations for Working Group III during PrepConVI (WPFC/PrepCon/36) advising that with respect to the Commission's record for vessels and authorization to fish, the FFA, Japan and the EC have each prepared submissions on this subject for consideration at PrepConVI. The note further advised that Japan and the EC have circulated their respective submissions to the PrepCon participants as delegation papers through the Interim Secretariat and suggested that the FFA do the same.
3. The FFA members have prepared a submission (contained in the annex to the present document) based on the provisions of the Convention, the IPOA-IUU and the FAO Compliance Agreement that sets out the roles of the Commission, the Commission Secretariat and each Member with respect to:
 - Authorization to Fish;
 - Notification; and
 - Record for Vessels.
4. The submission also contains definitions of each of these elements.

Annex

FFA members' contribution to "Commission's Record for Vessels and Authorization to Fish"

Recalling that the FAO Council adopted, on 23 June 2001, an International Plan of Action (IPOA) aiming to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing, that this plan stipulates that the regional fisheries management organization should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing, and in particular to establish records of vessels authorized to fish and of vessels engaged in or supporting IUU fishing.

A. Definitions

Authorization: means:

- a) the approval or permission given by a Member to a vessel flying its flag to be used for fishing for highly migratory fish stocks, subject to conditions and provisions of the Convention and this Scheme, in the Convention Area beyond its own national jurisdiction; including areas of high seas; and within areas of national jurisdiction of another Member, subject to appropriate authorization of said Member;
- b) the approval or permission given by a coastal State to a vessel of a Member for fishing for highly migratory fish stocks, subject to conditions and provisions of the Convention and this Scheme, within the national jurisdiction of that coastal State in the Convention Area;
- c) the approval or permission given by a Member to a vessel flying the flag of a Co-operating Non-Member to be used for fishing for highly migratory fish stocks, subject to conditions and provisions of the Convention and this Scheme, in the Convention Area within areas of its own national jurisdiction; and including areas of high seas.

Notification: means the transmission of information to the Commission by a Member concerning the status of authorization of fishing vessels.

Record for Vessels: means a record of fishing vessels maintained by the Commission pursuant to Article 24(7).

B. Authorization To Fish

1. The Commission shall develop guidelines for the authorization of fishing vessels, including the nature of authorization as required under Convention Annex IV, Item 17, which shall include consideration of, *inter alia*, the history of a vessel and/or its operator with regard to flags of registration, serious infringements and responses to the imposition of sanctions.

2. Each Member shall:

- a) authorize the use of fishing vessels flying its flag for fishing activities in the Convention Area beyond their national jurisdiction only where it is able to exercise effectively its responsibilities in respect of such vessels;
- b) ensure that only authorized fishing vessels flying its flag conduct fishing activities in the Convention Area beyond their national jurisdiction;
- c) ensure that fishing vessels flying its flag comply with applicable recommendations adopted under the Convention;
- d) ensure that no fishing vessel flying its flag shall fish in another Member's waters without appropriate authorization by that third Member;

- e) ensure that authorization to fish in the Convention Area is not granted to, or is withdrawn from, fishing vessels flying its flag that have fished in contravention of conservation measures developed by the Commission and/or fishing illegally in the Convention Area;
 - f) ensure that authorization to fish in the Convention Area is not granted to fishing vessels flying its flag previously registered in the waters of another Member that has undermined the effectiveness of international conservation and management measures to be used for fishing on the high seas, in a manner consistent with Article III(5) of the FAO Compliance Agreement; and
 - g) undertake to manage the number of authorized fishing vessels and their fishing effort commensurate to the fishing opportunities available to that Member in the Convention Area beyond their national jurisdiction;
3. Each Member shall:
- a) maintain a record of authorizations of all fishing vessels flying its flag to conduct fishing activities in the Convention Area beyond its national jurisdiction in sufficient detail to enable notification of the information according to Annex IV of the Convention;
 - b) withdraw authorization of fishing vessels flying its flag when a serious infringement has been established and the sanctions imposed by the Member have not been complied with until such time as the infringement has been addressed in accordance with Commission procedures;
 - c) take into account the history of violations of fishing vessels and operators when considering applications for authorization to fish by vessels flying its flag.

C. Notification

1. Each Member shall notify in computer readable form, to the Secretary prior to 1 January of each year if possible, or in any case ten (10) days before the vessel's entry into the Convention Area, all fishing vessels authorized to fish in the Convention Area beyond its national jurisdiction and the Convention species the authorization relates to. This notification shall include for each fishing vessel the information listed and in the format of Annex IV of the Convention. Consistent with Article 24(6) of the Convention each Member shall notify any additions, deletions or modifications to this information without delay within ten (10) days or in any case 72 hours before commencement of fishing activities by the vessel/s concerned in the Convention Area.
2. Each Member shall also notify the Secretariat of the Commission of any vessel of that Member which is transiting the Convention Area at least 72 hours before the vessel's entry into the Convention Area.

D. Record for Vessels

1. In support of the International Plan of Action to deter Illegal, Unreported and Unregulated (IUU) fishing:
2. The Commission shall:
 - a) develop procedures covering all aspects of the operation of the Commission's Record for Vessels; and
 - b) annually review, and where necessary, amend the Commission's Record for Vessels' procedures based on reports from the Commission Secretariat as to the record's operations.

3. The Secretariat shall:
 - a) maintain a record of fishing vessels in the form of an electronic database using information provided annually by each Member of fishing vessels entitled to fly its flag and authorized to be used for fishing in the Convention Area beyond its area of national jurisdiction;
 - b) validate the information on fishing vessels provided by each Member and require each Member to immediately re-submit any information found to be invalid; and
 - c) at the conclusion of each registration year, and on request, individually to any Member circulate in electronic form the information contained in the record to all Members.
4. Each Member shall:
 - a) maintain a national record of fishing vessels entitled to fly its flag and authorized to be used for fishing in the Convention Area beyond its area of national jurisdiction, and shall ensure that all such fishing vessels are entered in that record;
 - b) annually provide to the Commission Secretariat in electronic form the information set out in Annex IV of the Convention with respect to each fishing vessel entered in its national record of fishing vessels;
 - c) re-submit within ten (10) days to the Commission Secretariat any information provided to the Secretariat with respect to fishing vessels entered in its national record of fishing vessels invalidated by the Secretariat;
 - d) notify the Commission Secretariat within ten (10) days of any modifications to the information annually provided to the Secretariat with respect to fishing vessels entered in its national record of fishing vessels, consistent with Article 24(6) of the Convention.
