

## DRAFT

### RESOLUTION CONCERNING FISHING ACTIVITIES FOR NON-HIGHLY MIGRATORY FISHERY RESOURCES IN THE HIGH SEAS IN THE SOUTH PACIFIC OCEAN

States, territories, regional economic integration organisations and fishing entities represented at the Second International Meeting on the Establishment of the proposed South Pacific Regional Fisheries Management Organization at Hobart, Australia, from 6 – 10 November 2006 (the Second International Meeting),

Determined to contribute to the effective conservation and management of fishery resources in the high seas area of the South Pacific Ocean under discussion (the area) - see Annex 1 - through the implementation of responsible high seas fishing practices for fishery resources not currently managed through a regional fisheries management organisation or arrangement,

Conscious of the need to avoid adverse impacts on the marine environment of the area, preserve its biodiversity, maintain the integrity of the marine ecosystem and minimize the risk of long term or irreversible effects of fishing activities,

Convinced of the urgent need to improve knowledge about non-highly migratory fishery resources of the area and to develop a framework for the elaboration and implementation of effective conservation and management measures in the area,

Mindful of the need to co-operate actively with adjacent coastal States, regional fisheries management organisations and other relevant intergovernmental organisations with competency to manage fishery resources in the area and adjacent areas, including through the exchange of data and implementation of compatible conservation and management measures,

1. **Declare** their commitment to the conservation and management of non-highly migratory fishery resources in the area in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 (1982 Convention) and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Stocks and Highly Migratory Fish Stocks of 1995 (1995 Agreement);

2. **Decide** to cooperate effectively in the conservation and management of non-highly migratory fishery resources in the area in order to ensure their long-term sustainability, in accordance with the principles contained in the 1982 Convention and the 1995 Agreement, including through the implementation of the precautionary approach;

3. **Decide** to conduct fishing activities for non-highly migratory fishery resources in the area in a manner fully consistent with the respective rights, obligations and responsibilities of coastal States and territories and other States, territories, regional

economic integration organisations and fishing entities fishing in the area under the 1982 Convention and the 1995 Agreement;

4. **Declare** their commitment to co-operate in the implementation of this resolution in respect of fishing vessels and fishing research vessels entitled to fly their flags and which are operating in the area, including through direct engagement at the national level with fishing operators;

#### **Data collection, storage and exchange**

5. **Declare** their commitment to collect and share, in a timely manner, complete and accurate data concerning fishing activities for non-highly migratory fishery resources in the area in accordance with this resolution;

6. **Call upon** all States, territories, regional economic integration organisations and fishing entities that have carried out or carry out fishing activities for non-highly migratory fishery resources in the area to:

(a) collect information on fishing activities in the area for non-highly migratory fishery resources, including current data on catch and effort, fishing vessel and fishing research vessel movements and catches, in accordance with Annex 2 of this resolution;

(b) collate historical catch and effort data concerning fishing activities in the area for non-highly migratory fishery resources undertaken by their present or previously flagged fishing vessels and fishing research vessels; and

to provide such data to the Interim Secretariat prior to 1 September 2007, in aggregated format as specified by the data working group;<sup>1</sup>

7. **Further call upon** all States, territories, regional economic integration organisations and fishing entities whose ports are used to land or tranship non-highly migratory fishery resources caught in the area to collect, consistent with national legislation, current and future data in respect of such landings or transhipments and report such data annually to the Interim Secretariat in aggregated format as specified by the data working group;

#### **Responsible fishing practices**

8. **Declare** that fishing activities in the area should be undertaken in accordance with international obligations and best international practice guidelines, including the application of the precautionary approach described in the 1995 Agreement and the requirements of the Code of Conduct adopted by the 28<sup>th</sup> session of the Conference of the Food and Agricultural Organisation of the United Nations (FAO) on 31 October 1995;

---

<sup>1</sup> The data working group was created at the First International Meeting on the Establishment of the proposed South Pacific Regional Fisheries Management Organisation. A key task of the data working group at the Second International Meeting will be to specify the format for data to be provided under paragraph 6.

9. **Declare** that all States, territories, regional economic integration organisations and fishing entities that have carried out or carry out fishing activities in the area should:

- (a) authorise their fishing vessels and fishing research vessels to carry out fishing activities in the area in accordance with Annex 3 to this resolution;
- (b) require their fishing vessels and fishing research vessels authorised to carry out fishing activities in the area to carry the authorisation referred to in subparagraph (a) on board at all times;
- (c) ensure their fishing vessels and fishing research vessels authorised to carry out fishing activities in the area are marked in accordance with generally accepted standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels, to enable them to be readily identified;
- (d) ensure that gear used by its fishing vessels and fishing research vessels authorised to carry out fishing activities in the area is marked as follows:
  - (i) the ends of nets, line and gear anchored in the sea should be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent. Such lights should be visible at a distance of at least two nautical miles in good visibility; and
  - (ii) marker buoys and similar objects floating on the surface and intended to indicate the location of fixed fishing gear should be clearly marked at all times with the letter(s) and/or number(s) of the vessel to which they belong;
- (e) require their fishing vessels and fishing research vessels authorised to carry out fishing activities in the area to comply with the documentation scheme listed in Annex 4 to this resolution;
- (f) require their fishing vessels and fishing research vessels authorised to carry out fishing activities in the area to comply with the scientific observation and collection of information requirements listed in Annex 5 to this resolution;
- (g) require their fishing vessels and fishing research vessels authorised to carry out fishing activities in the area to have on-board, real time, vessel monitoring system (VMS) compatible with existing systems;
- (h) require their fishing vessels and fishing research vessels authorised to carry out fishing activities in the area to comply with international best practice in respect of observer coverage;
- (i) require their fishing vessels and fishing research vessels authorised to carry out fishing activities in the area to:
  - (i) minimise the impacts of fishing activities on associated and dependent species through the use of fishing gear and mitigation measures that are designed to reduce incidental mortality rates of such species, in particular seabirds; and

- (ii) refrain from fishing activities that risk causing significant damage to vulnerable marine habitats;

10. **Further declare** that all States, territories, regional economic integration organisations and fishing entities whose fishing vessels and fishing research vessels are authorised to carry out fishing activities in the area should:

- a) ensure that fishing activities in the area do not increase from current levels; and
- b) ensure that fishing activities for new fishery resources or in new areas within the area do not commence until conservation and management measures are in place under the agreement to be negotiated in accordance with paragraph 12 of this resolution;

11. **Declare** their commitment to cooperate in enhancing the monitoring, control and surveillance of fishing activities in the area by promoting at the national level as well as in appropriate international fora, compliance with all requirements of this resolution;

#### **Process**

12. **Commit** to the expeditious negotiation and adoption of an agreement on the conservation and management of non-highly migratory fishery resources in the area;

13. **Undertake** to contribute resources, as appropriate, to facilitate the implementation of this resolution;

14. **Request** the Interim Secretariat to securely retain the data received under paragraphs 6, 7 and 9 of this resolution and to disseminate the data, as appropriate, while maintaining confidentiality;

15. **Further requests** the Chair of the Second International Meeting to ensure that this resolution is circulated to all the States, territories and fishing entities represented at the Second International Meeting, and to all States, territories, regional economic integration organisations and fishing entities that have carried out or carry out fishing activities in the high seas in the area, and to States and territories whose ports are known to have been used to land or tranship non-highly migratory fishery resources caught in the area;

Hobart  
Date

## **ANNEX 1: AREA UNDER DISCUSSION**

The Report of the First International Meeting on the Establishment of the proposed South Pacific Regional Fisheries Management Organisation, February 14-17, 2006, records that the meeting discussed an indicative outline of high seas area for the proposed regional fisheries management organisation (refer Annex II of SP/01/Inf3rev1) as follows:

- the western boundary of the proposed South Pacific regional fisheries management organisation should abut the eastern boundary of the proposed convention area to be established under the Southern Indian Ocean Fisheries Agreement;
- the southern boundary of the proposed South Pacific regional fisheries management organisation should abut the northern boundary of the convention area of the Commission for the Conservation of the Antarctic Living Marine Resources (CCAMLR);
- the eastern boundary of the proposed South Pacific regional fisheries management organisation should abut the outer limit of the maritime jurisdictions of South American states;
- the northern boundary of the proposed South Pacific regional fisheries management organisation should not be delineated until the meeting had discussed fishery resources to be managed, the regulation of high seas enclaves within the proposed area and had received further scientific and technical information.

## **ANNEX 2: INFORMATION ON FISHING ACTIVITIES FOR NON-HIGHLY MIGRATORY FISHERY RESOURCES IN THE AREA**

### **Information on fishing activities**

1. States, territories, regional economic integration organisations and fishing entities represented at the Second International Meeting should ensure that all fishing vessels and fishing research vessels flying their flag and authorised to carry out fishing activities in the area from 01 April 2007 keep a bound fishing logbook with consecutively numbered pages and, where appropriate, a production logbook, storage plan or a scientific plan.
2. Fishing logbooks should contain the following:
  - (a) each entry into and exit from the area;
  - (b) the cumulative catches by species (FAO 3 Alfa Code as defined in subsection 5 of this section) by live weight (Kg), the proportion of the catch by live weight (Kg) retained on board; and
  - (c) for each fishing event:
    - i. catch by species in live weight (Kg), catch retained on board by species in live weight (Kg) and an estimation of the amount of living marine resources discarded (Kg) by species;
    - ii. the type of gear used (trawl, longline, purse seine, etc);
    - iii. the effort used (duration of tow, number of hooks etc);
    - iv. the longitude and latitude co-ordinates (10<sup>th</sup> of a minute) of the start and end of each fishing event; and
    - v. the date and time of the start and end of each fishing event (UTC).
3. Fishing vessels, and if appropriate, fishing research vessels engaged in fishing activities which process and/or freeze their catch should either:
  - (a) record their cumulative production by species (FAO 3 Alfa Code), by live weight (Kg), and product form in a production logbook; or
  - (b) stow in the hold all processed catch in such a way that the location of each species can be identified from a stowage plan maintained by the master of the fishing vessel.
4. The quantities recorded in accordance with paragraphs 2 and 3 should correspond accurately to the quantities kept on board. The original recordings contained in the fishing logbooks and production logbooks should be kept on board the fishing vessel and if appropriate, fishing research vessel, for a period of at least 12 months. A copy of the fishing log books and production logbooks should be made available to the Interim Secretariat within 1 month of the end of each trip.

5. States, territories, regional economic integration organisations and fishing entities represented at the Second International Meeting should report catch, in metric tonnes per fishery resource, taken in the area in a calendar year. Such reports should specify the year to which each report refers and should be submitted within 3 months following the end of the year in which the fishing activity occurred.

6. The Interim Secretariat should collate the information received and circulate it in an appropriate form to the States, territories, regional economic integration organisations and fishing entities represented at the Second International Meeting.

#### **Communication of fishing vessel and fishing research vessel movements and catches**

7. States, territories, regional economic integration organisations and fishing entities represented at the Second International Meeting should ensure that their fishing vessels and fishing research vessels authorised to carry out fishing activities in the area and which are engaged in fishing activities should report their movements and catch in the area to the Interim Secretariat from 01 April 2007. The timing and content of the reports should include the following:

- (a) **Entry report:** This report should be made no more than 12 hours and at least six hours in advance of each entry into the area and should include entering date, time, geographical position of the fishing vessel or fishing research vessel and the quantity of fish on board by species (FAO 3 Alfa Code) and by live weight (Kg);
- (b) **Catch report:** This report should be made by species (FAO 3 Alfa Code) and by live weight (Kg) at the end of each calendar month;
- (c) **Exit report:** This report should be made no more than 12 hours and at least six hours in advance of each exit from the area. The report should include exiting date, time, geographical position of the vessel, the number of fishing days and the catch taken by species (FAO 3 Alfa Code) and by live weight (Kg) in the area since the commencement of fishing activities in the area, or since the last catch report; and
- (d) **Transshipment report:** This report should be made no more than 12 hours after each transshipment and should include the date, the time, and species (FAO 3 Alfa Code) and live weight (Kg), transhipped. This report should include the quantities by species on-loaded and off-loaded for each transshipment of fish during the vessel's stay in the area.

### ANNEX 3: VESSEL AUTHORISATION

1. States, territories, regional economic integration organisations and fishing entities represented at the Second International Meeting should:

(a) authorise the use of fishing vessels entitled to fly their flags for fishing activities in the area and the use of fishing research vessels entitled to fly their flags for conducting fisheries research activities in the area; and

(b) by 31 March 2007 and thereafter on an annual basis notify the Interim Secretariat of all fishing vessels and fishing research vessels they have authorised to carry out fishing activities in the area. This notification should include for each fishing vessel and fishing research vessel:

- i. name of vessel, registration number, previous names (if known), and port of registry;
- ii. previous flag (if any);
- iii. International Radio Call Sign (if any);
- iv. name and address of owner or owners;
- v. where and when built;
- vi. type of vessel;
- vii. length;
- viii. name and address of operator (manager) or operators (managers) (if any);
- ix. type of fishing method or methods;
- x. moulded depth;
- xi. beam;
- xii. gross register tonnage; and
- xiii. power of main engine or engines.

2. States, territories, regional economic integration organisations and fishing entities represented at the Second International Meeting should notify, without delay, the Interim Secretariat of any modifications of the information in paragraph 1, including any suspensions, withdrawals or limitations of authorisations.



#### **ANNEX 4: VESSEL DOCUMENTATION**

1. States, territories, regional economic integration organisations and fishing entities represented at the Second International Meeting should:

(a) ensure that each of their fishing vessels and fishing research vessels authorised to carry out fishing activities in the area carry on board documents issued and certified by their competent authority. These documents should include, as a minimum, the following:

- i. registration document;
- ii. licence, permit or authorisation to fish or to engage in research fishing activities and terms and conditions attached to the licence, permit or authorisation;
- iii. vessel name;
- iv. port in which registered, and the number(s) under which registered;
- v. International Radio Call Sign (if any);
- vi. names and addresses of owner(s) and where relevant, the charterer;
- vii. overall length;
- viii. power of main engine or engines in KW/horsepower; and
- ix. certified drawings or description of all fish holds, including storage capacity in cubic feet or metres;

(b) check above documents on a regular basis; and

(c) ensure that any modification to the documents and to the information referred to in subparagraph (a) is certified by their competent authority.

## **ANNEX 5: SCIENTIFIC OBSERVATION AND COLLECTION OF INFORMATION**

1. States, territories, regional economic integration organisations and fishing entities represented at the Second International Meeting should collect from fishing vessels and fishing research vessels flying their flags and authorised to fish in the area from 01 April 2007, information to support fishery resource assessment, including the following:

(a) samples of composition of the catch according to length, weight (Kg) and sex, including for the establishment of factors to convert production weight to live catch weight;

(b) other biological information supporting fishery resource assessment, such as information on age, growth, recruitment, distribution and stock identity; and

(c) other relevant information, as appropriate, including by surveys of abundance, biomass surveys, hydro-acoustic surveys, research on environmental factors affecting fishery resource abundance, and oceanographic and ecological studies.

2. States, territories, regional economic integration organisations and fishing entities represented at the Second International Meeting should require the submission of this information, in respect of each vessel flying their flags, within 30 days of the vessel leaving the area. A copy of this information should be provided to the Interim Secretariat as soon as possible, taking account of the need to maintain confidentiality of non-aggregated data.

3. The information referred to in this Annex should be collected and verified by appropriately designated observers from the flag State.