

Korea's Proposal to the Chair's Draft Revision 3

DRAFT

Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean.

The Contracting Parties,

Committed to ensuring the long-term conservation and sustainable use of fishery resources in the South Pacific Ocean, ~~and to safeguarding the environment and marine ecosystems~~ with due respect to the marine ecosystems in which the resources occur;

Article 2 OBJECTIVE

The objective of this Convention is, ~~through the application of the precautionary approach and an ecosystem approach to fisheries management,~~ through effective management, to ensure the long-term conservation and sustainable use of fishery resources and in so doing, safeguard the marine ecosystems in which those resources occur.

Article 3 CONSERVATION AND MANAGEMENT PRINCIPLES

1. In giving effect to the objective of this Convention and carrying out decision making under the Convention, the Contracting Parties shall apply in particular the following principles:

- (a) conservation and management of fishery resources shall be conducted in a transparent, accountable and inclusive comprehensive manner, and ~~in accordance with international best practice;~~ taking into account fishing patterns, the interdependence of the stock and generally recommended international minimum standards;
- (h) conservation and management measures established for the Area shall ~~take into account the conservation and management measures adopted and applied in respect of the same fishery resources by coastal States within areas under national jurisdiction and ensure that the measures established for the Area do not undermine the effectiveness of the coastal State measures;~~ and those adopted for areas under national jurisdiction shall be compatible to ensure effective management of the straddling fish stocks in their entirety;

Article 5

THE ORGANISATION

1. The Contracting Parties hereby agree to establish, ~~maintain and strengthen~~ the South Pacific Regional Fisheries Management Organisation "the Organisation", which shall carry out its functions as set forth in this Convention in order to achieve the objective of this Convention.
2. The Organisation shall consist of:
 - (a) a Commission;
 - (b) a Scientific Committee, a Compliance Committee, ~~an Eastern Sub-regional Management Committee, a Western Sub-regional Management Committee,~~ and any other subsidiary bodies and sub-committees that the Commission may establish from time to time to assist it in its work; and
 - (c) a Secretariat.

Article 8 SUBSIDIARY BODIES

1. The Commission may establish other subsidiary bodies, additional to the Scientific Committee and the Compliance Committee, ~~the Eastern Sub-regional Management Committee and the Western Sub-regional Management Committee~~ as may be required. Such additional subsidiary bodies may be established on a permanent or temporary basis taking into account cost implications.

Article 11 ~~EASTERN AND WESTERN SUB-REGIONAL MANAGEMENT COMMITTEES~~

Article 12 SECRETARIAT

2. ~~The chief administrative officer of the Secretariat shall be the Executive Secretary, who shall be appointed by the Commission according to such procedures and on such terms as it may determine.~~ The Executive Secretary shall be appointed by the Commission in accordance with such procedures as it may determine for an initial term of four years and may be reappointed for one additional term not exceeding four years.

Article 17 CONSERVATION AND MANAGEMENT MEASURES

1. The Commission shall adopt conservation and management measures for fishery resources, associated or dependent species and the impacts of fishing on the marine ecosystem. ~~In adopting such measures the Commission shall apply the precautionary approach and an ecosystem approach to fisheries management, taking full account of advice from the Scientific Committee.~~ The conservation and management measures adopted by the Commission shall include measures to:

Article 18
ESTABLISHMENT OF TOTAL ALLOWABLE CATCH OR TOTAL ALLOWABLE FISHING EFFORT

1. In addition to the measures adopted under article 17, the Commission shall determine a total allowable catch or total allowable fishing effort, including any catch or effort for scientific research, for all fisheries ~~within three years of the entry into force of this Convention.~~ In determining the total allowable catch or total allowable fishing effort for each fishery, the Commission ~~shall apply the precautionary approach and an ecosystem approach and~~ shall take into account all of the following factors:

Article 21
DATA COLLECTION, COMPLIATION AND EXCHANGE

1. To enhance the information base for the conservation and management of fishery resources, associated and dependent species and the safeguarding of the marine ecosystems in which those resources occur; and to contribute to the elimination or reduction of IUU fishing and its negative impact on those resources, the Commission shall, taking full account of Annex I of the 1995 Agreement, develop standards, rules and procedures for, *inter alia*:

- (e) the facilitation of co-ordinated documentation and data-sharing between regional fisheries management organisations, including procedures to exchange data on vessel registers, ~~catch documentation schemes where applicable,~~ and analysis of trade flows;

Article 23
FLAG STATE DUTIES

1. Each flag State Contracting Party shall take such measures as may be necessary to ensure that:

(d) ~~fishing vessels flying its flag:~~

- (i) ~~land or tranship fishery resources caught in the Area only at ports which have systems for inspecting documents, fishing gear and catch on board fishing vessels, that enable verification that the fish on board have been caught in a manner consistent with the conservation and management measures and relevant procedures adopted by the Commission; or~~

- (ii) ~~tranship at sea only when: there is full observer coverage; all of the transhipped fish or fish products derived from fishery resources will be landed at a Contracting Party port; and the transshipment is done in accordance with relevant procedures adopted by the Commission.~~

Article 26 MONITORING, COMPLIANCE AND ENFORCEMENT

2. The Commission shall adopt procedures for, *inter alia*:
- (a) the establishment and maintenance of a Commission record of vessels authorised to fish in the Area, the marking of vessels and fishing gear, the recording of fishing activities, and the reporting of vessel movements and activities by a satellite vessel monitoring system;
 - (b) an inspection programme, both at sea and in port, including procedures for boarding and inspection of vessels on a reciprocal basis, and procedures for notification of inspection vessels and aircraft that may participate in the programme;
4. If, within two years of the entry into force of this Convention, the Commission has not adopted at sea inspection procedures as outlined in paragraph 2(b) above, or an alternative mechanism which effectively discharges the obligations of the members of the Commission under the 1995 Agreement and this Convention to ensure compliance with the conservation and management measures adopted by the Commission, it shall, at the request of any Contracting Party, ~~apply the procedures for boarding and inspection as stipulated in articles 21 and 22 of the 1995 Agreement,~~ give urgent consideration to adoption of boarding and inspection procedures in order to strengthen the effective discharge by Contracting Parties of their obligations under this Convention and where applicable, under the 1995 Agreement.

Article 29 REVIEWS

2. The Commission shall determine the terms of reference and methodology of such reviews which shall be carried out ~~in accordance with international best practice~~ and shall include contributions from the subsidiary bodies as appropriate and the participation of a person or persons of recognised competence who is independent of the Commission.