

**SPRFMO6 – Proposals of the United States
10/9/08**

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 manner, taking full account of international best practice;
- (b) fishing shall be commensurate with the sustainable use of fishery resources taking into account the impacts on associated and dependent species and the general obligation to protect and preserve the marine environment;
- (c) overfishing and excess fishing capacity shall be prevented or eliminated;
- (d) full and accurate data on fishing including information relating to impacts on the marine ecosystems shall be collected, verified, reported and shared in a timely and appropriate manner;
- (e) decisions shall be based on the best scientific and technical information available;
- ~~(f) the precautionary approach;~~
- ~~(g) an ecosystem approach to fisheries management;~~
- (h) cooperation and coordination among Contracting Parties shall be promoted to ensure that conservation and management measures adopted by the Commission and conservation and management measures applied in respect of the same fishery resources in areas under national jurisdiction are compatible.
- (i) marine ecosystems shall be protected, in particular those ecosystems which have long recovery times following disturbance, **and significant adverse impacts on vulnerable marine ecosystems shall be prevented, taking into account the specific features of the populations and ecosystems;**
- (j) the interests of developing States, in particular small island developing States, and of territories and possessions, and the needs of developing State coastal communities, shall be taken into account, in accordance with the 1995 Agreement;
- (k) effective compliance with conservation and management measures shall be ensured and sanctions for any violations shall be adequate in severity to discourage violations wherever they occur and in particular shall deprive offenders of the benefits accruing from their illegal activities;
- (l) pollution and waste originating from fishing vessels, discards, catch by lost or abandoned

gear and impacts on other species and marine ecosystems shall be minimised.

1bis. The precautionary approach as described in the 1995 Agreement and the Code of Conduct shall be applied widely to the conservation and management of fishery resources in order to protect those resources and to preserve the marine ecosystems in which they occur, and in particular the Contracting Parties shall:

- (i) be more cautious when information is uncertain, unreliable, or inadequate;**
- (ii) not use the absence of adequate scientific information as a reason for postponing or failing to take conservation and management measures;**
- (iii) take account of best international practices regarding the application of the precautionary approach, including Annex II of the 1995 Agreement and the Code of Conduct.**

1ter. An ecosystem approach to fisheries management shall be applied widely to the conservation and management of fishery resources through an integrated approach under which decisions in relation to the management of fisheries resources are considered in the context of the functioning of the wider marine ecosystems in which they occur with the aim of ensuring long-term conservation and sustainable use of those resources and in so doing safeguard those ecosystems.

Comment [OES1]: With this insertion, the definition in Article 1 should also be deleted.

Article 10 SCIENTIFIC COMMITTEE

1. Each Contracting Party shall be entitled to appoint one representative to the Scientific Committee who may be accompanied by alternate representatives and advisers.

2. The functions of the Scientific Committee shall be to:

(a) plan, conduct and review scientific assessments of the status of fishery resources including, **in cooperation with the relevant coastal State Contracting Party or Parties**, ~~in accordance with article 18(5) and Annex III,~~ fishery resources that straddle the Convention Area and areas under national jurisdiction, and provide advice to the Commission and its subsidiary bodies based on such assessments;

(b) provide advice and recommendations to the Commission and its subsidiary bodies on the impact of fishing on the marine ecosystems in the Convention Area including advice and recommendations on the identification and distribution of vulnerable marine ecosystems, **including relevant criteria for making such determinations, and** the likely impacts of fishing on such vulnerable marine ecosystems ~~and measures to prevent significant adverse impacts on them;~~

(b bis) develop a process for conducting and reviewing assessments, including identifying the elements such assessments should include, to determine if fishing activities would have significant adverse impacts on vulnerable marine ecosystems in a given area, and if so whether proposed mitigation measures would prevent such

impacts:

(b ter) provide advice and recommendations on what constitutes an encounter with vulnerable marine ecosystems in the course of fishing operations;

(c) encourage and promote cooperation in scientific research in order to improve knowledge of the state of fishery resources and the marine ecosystems in the Convention Area in which such resources occur, including knowledge in relation to fisheries resources straddling the Convention Area and areas under national jurisdiction;

(d) provide such other scientific advice to the Commission and its subsidiary bodies as it considers appropriate, or as may be requested by the Commission.

3. The rules of procedure of the Commission shall provide that where the Scientific Committee is unable to provide its advice by consensus, it shall set out in its report ~~all~~ **the majority and minority** views of its members. The reports of the Scientific Committee shall be made publicly available.

4. The Commission shall make appropriate arrangements for the periodic independent peer review of the Scientific Committee's reports, advice and recommendations.

**Article 11
COMPLIANCE COMMITTEE**

1. Each Contracting Party shall be entitled to appoint one representative to the Compliance Committee who may be accompanied by alternate representatives and advisers.

2. The functions of the Compliance Committee shall be to:

(a) monitor ~~and review and provide advice and recommendations to the Commission on the~~ implementation of, and compliance with, conservation and management measures adopted under this Convention or under consideration by the Commission, **and provide advice and recommendations to the Commission;**

(b) provide such other advice and recommendations relating to compliance with, and enforcement of, this Convention as it considers appropriate or as may be required by the Commission;

(c) **review the implementation of cooperative measures for** ~~coordinate compliance~~ **monitoring, control, and surveillance and enforcement adopted by the Commission and provide advice and recommendations to the Commission as may be necessary.** ~~activities undertaken by or on behalf of the Commission.~~

Comment [OES2]: This text is derived from Article 14(1)(c) of the Western and Central Pacific Fisheries Convention (WCPFC).