

INTERIM MEASURES ADOPTED BY PARTICIPANTS IN NEGOTIATIONS TO ESTABLISH SOUTH PACIFIC REGIONAL FISHERIES MANAGEMENT ORGANISATION

Participants in the negotiations to establish a South Pacific Regional Fisheries Management Organisation (SPRFMO) **are to** take the following interim measures in accordance with their laws and regulations, taking into account an ecosystem approach to fisheries management and the precautionary approach, for vessels flying their flag and fishing for non highly migratory fish species in the high seas of the South Pacific Ocean (the Area)¹ in order to achieve the sustainable management of fish stocks and the protection of vulnerable marine ecosystems of the Area.

These interim measures are voluntary and are not legally binding under international law.

Period of Application and Review

These interim measures are to be effective from 30 September 2007 and, unless specified otherwise, are to apply until the entry into force of the Agreement under negotiation to establish the SPRFMO and the adoption of conservation and management measures pursuant to that Agreement.

The Participants are to review these interim measures, as necessary, so that they may be revised at future meetings.

The interim Secretariat is requested to make these interim measures publicly available.

Pelagic fisheries

In respect of pelagic fisheries, Participants resolve:

1. To commit themselves to limit the total level of gross tonnage (GT) of vessels flying their flag fishing for pelagic stocks in 2008 and 2009 to the levels of total GT recorded in 2007 in the Area. Participants will communicate by 1 January 2008 to the interim Secretariat the total level of GT recorded in the Area in 2007 for those vessels flying their flag actively fishing in 2007. In notifying this information, Participants will verify the effective presence of their vessels in the Area in 2007 through VMS records, catch reports, port calls or other means. The interim Secretariat will have access to such information upon request.
2. That taking into account the interests of coastal and fishing States with a catch history in the pelagic fisheries in the South Pacific, but not exercising their fisheries activities in 2007, these States may enter the fishery in the Area in 2008 and 2009 and will

¹ The area is under negotiation, but for the purposes of these interim measures it will be the high seas area south of the Equator, north of the CCAMLR Convention area, east of the SIOFA Convention Area and west of the areas of fisheries jurisdictions of South American States.

exercise voluntary restraint of fishing effort. These States will promptly notify the Interim Secretariat of the names and characteristics, including GT, of their vessels engaged in the fishery in the Area.

3. To submit for review to the interim Science Working Group any stock assessments and research in respect of pelagic stocks in the Area and to promote the active participation of their scientific experts in the Jack Mackerel Stock Structure Task Team, the Jack Mackerel Stock Structure and Assessment Workshop, and, when established, the interim Science Working Group's Jack Mackerel subgroup.
4. That in 2009, the interim Science Working Group will give advice to the Meeting of Participants on the status of the pelagic stocks and that the Participants, based on the advice from the interim Science Working Group, will determine the conservation and management measures to be applied from 2010 onwards.
5. To cooperate through coastal States adjacent to the Area informing the interim Secretariat of their own conservation and management measures in respect of straddling pelagic stocks.
6. In undertaking scientific research activities on pelagic stocks in the Area, including joint research, for assessment purposes, to do so in accordance with a research plan that has been provided to the interim Secretariat for forwarding to the interim Science Working Group and all Participants, preferably 60 days prior to the commencement of that activity. Participants will provide promptly a report of the results of such scientific research activities to the interim Secretariat for circulation to all Participants.
7. To ensure, to the extent practicable, an appropriate level of observer coverage on fishing vessels flying their flag in order to observe the pelagic fisheries in the Area and collect relevant scientific information.
8. To strengthen its control over vessels flying its flag fishing for pelagic fisheries by ensuring that all such vessels operating in the Area be equipped with an operational vessel monitoring system no later than 31 December 2007, or earlier if so decided by the flag State.
9. That these interim measures do not apply to squid fisheries in the Area.

Bottom fisheries

Management of bottom fishing

In respect of bottom fisheries, Participants resolve to:

1. Limit bottom fishing effort or catch in the Area to existing levels² in terms of the number of fishing vessels and other parameters that reflect the level of catch, fishing effort, and fishing capacity.
2. Not expand bottom fishing activities into new regions of the Area where such fishing is not currently occurring.
3. Starting in 2010, before opening new regions of the Area or expanding fishing effort or catch beyond existing levels, establish conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems³ and the long-term sustainability of deep sea fish stocks from individual bottom fishing activities or determine that such activities will not have adverse impacts, based on an assessment undertaken in accordance with paragraphs 11 and 12 below.
4. Cooperate through coastal States adjacent to the Area informing the interim Secretariat of their own conservation and management measures in respect of deep sea fish stocks.
5. Cooperate to identify, on the basis of the best available scientific information, vulnerable marine ecosystems in the Area and to map sites where these ecosystems are located, and provide such data and information to the Interim Secretariat for circulation to all Participants.
6. In respect of areas where vulnerable marine ecosystems are known to occur or are likely to occur based on the best available scientific information, close such areas to bottom fishing unless, based on an assessment undertaken in accordance with paragraphs 11 and 12 below, conservation and management measures have been established to prevent significant adverse impacts on vulnerable marine ecosystems and the long-term sustainability of deep sea fish stocks or it has been determined that such bottom fishing will not have significant adverse impacts on vulnerable marine ecosystems or the long term sustainability of deep sea fish stocks.
7. Require that vessels flying their flag cease bottom fishing activities within five (5) nautical miles of any site in the Area where, in the course of fishing operations, evidence of vulnerable marine ecosystems is encountered, and report the encounter, including the location, and the type of ecosystem in question, to the interim Secretariat so that appropriate measures can be adopted in respect of the relevant site. Such sites will then be treated in accordance with paragraph 6 above.
8. Notwithstanding paragraph 2, in regions of the Area where bottom fishing is not currently occurring, undertake, as appropriate, scientific research activities for stock assessment purposes in identified parts of such regions and only in accordance with a research plan that has been provided to the interim Secretariat for forwarding to the

² Existing levels of fishing effort or catch means the average annual levels over the period 1 January 2002 to 31 December 2006.

³ For the purposes of these interim measures, “vulnerable marine ecosystems” includes seamounts, hydrothermal vents, cold water corals and sponge fields.

interim Science Working Group and all Participants, preferably 60 days prior to the commencement of that activity. Participants will provide promptly a report of the results of such scientific research activities to the interim Secretariat for circulation to all Participants.

9. Appoint observers to each vessel flying their flag and undertaking or proposing to undertake bottom trawling activities in the Area and ensure an appropriate level of observer coverage on vessels flying their flag and undertaking other bottom fishing activities in the Area.
10. To strengthen its control over bottom fishing vessels flying its flag, each participant will ensure that all such vessels operating in the Area be equipped with an operational vessel monitoring system no later than 31 December 2007, or earlier if so decided by the flag State.

Assessment of bottom fishing

Participants resolve to:

11. Assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorized to proceed.
12. Apply the following procedures regarding the assessment described in paragraph 11 above:
 - a) Participants are to submit to the interim Science Working Group their assessments of whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, including the proposed management measures to prevent such impacts, and make these assessments publicly available.
 - b) The interim Scientific Working Group will review the assessments and proposed management measures and provide comments to the submitting Participant. For the purposes of carrying out such reviews, the interim Scientific Working Group will design a preliminary interim standard for reviewing the assessments and develop a process to ensure comments are provided to the submitting Participant and all other Participants within two months. In the meantime, the submitting Participant may provisionally apply their proposed management measures.
 - c) Participants may, on the basis of the assessments submitted under sub-paragraph (a) above and the comments provided under sub-paragraph (b) above, authorize vessels flying their flag to undertake bottom fishing activities

in the region of the Area for which the assessment was conducted and require such vessels to implement conservation and management measures to prevent significant adverse impacts.

- d) Participants are to notify the interim Secretariat of the measures required under sub-paragraph (c) above and a list of the vessels to which the measures relate, and to make that information publicly available.

13. In undertaking the assessments as described in paragraphs 11 and 12 above, take into account any international technical guidelines regarding standards, criteria or specifications for identifying vulnerable marine ecosystems and the impacts of fishing activities on such ecosystems that may have been developed.

Data collection and sharing

In respect of data collection and sharing, Participants resolve:

To collect, verify and provide data in accordance with the procedures outlined in the SPRFMO Standards for the collection, reporting, verification and exchange of data.

Cooperation with other States

Participants resolve, individually or jointly, to request those States that are fishing for non-highly migratory fish species in the Area but not participating in the negotiations to establish a South Pacific Regional Fisheries Management Organisation (SPRFMO) to cooperate fully in the implementation of these interim measures and to consider participating in the SPRFMO negotiations.

Special Requirements of Developing States

In recognition of the special requirements of developing States, in particular small island developing States and territories, Participants are urged to provide financial, scientific and technical assistance, where available, to enhance the ability of those developing States to implement these interim measures and participate effectively in the negotiations for the SPRFMO Agreement under discussion.