

**DRAFT****Final Act of the International Consultations on the Establishment of the Proposed South Pacific Fisheries Management Organisation****Introduction**

1. In 2006, Australia, Chile and New Zealand initiated a process of consultations to enable states to cooperate in addressing the gap that existed in the international conservation and management of non-highly migratory fisheries and protection of biodiversity in the marine environment in high seas areas of the South Pacific Ocean. The process resulted in a series of international meetings with the objective of discharging the duty of states under international law to cooperate with each other in the conservation and management of living resources in such areas of the high seas. Through these international meetings participants decided to establish a regional fisheries management organisation with the ongoing responsibility for this task.

**MEETINGS**

2. The International Meetings on the Establishment of the Proposed South Pacific Fisheries Management Organisation were held as follows:
  - First International Meeting held at Wellington, New Zealand, 14 - 17 February 2006;
  - Second International Meeting held at Hobart, Australia, 6 - 10 November 2006;
  - Third International Meeting held at Reñaca, Chile, 30 April - 4 May 2007;
  - Fourth International Meeting held at Noumea, New Caledonia 10 - 14 September 2007;
  - Fifth International Meeting held at Guayaquil, Ecuador, 10 - 14 March 2008;
  - Sixth International Meeting held at Canberra, Australia, 6 - 10 October 2008;
  - Seventh International Meeting held at Lima, Peru, 8 - 22 May 2009;
  - Eighth International Meeting held at Auckland, New Zealand, 8 - 14 November 2009.
3. An Interim Secretariat, a Science Working Group and a Data and Information Working Group were established to carry out work in support of the international consultations process.

**Participation in the Consultations**

4. A list of the participants and observers who attended some or all of the international meetings held in the course of the consultations process is annexed to this Final Act.

**Officers**

5. At the First Meeting, Mr Bill Mansfield was elected as Chair of the Consultations. The following served as Chair's Assistants at one or more of the Meetings: Mr Francisco Berguño, Ms Amy Laursen, Ms Laurel Simm, Ms Amanda Thornton and Mr James Yeomans.
6. The Third Meeting decided to establish an Interim Secretariat to support the work of the Consultations. Dr Robin Allen was appointed as Executive Secretary of the Interim Secretariat effective October 2007.
7. The following served as co-conveners of the Science Working Group at the First and Second Meetings: Mr Rodolfo Serra, Mr Neville Smith and Mr Richard Tilzey. Mr Neville Smith led the

intersessional work between the Second and Third meetings and chaired the Group during the Third Meeting at the conclusion of which Dr Andrew Penney was appointed to take over the role. Dr Dean Swanson chaired the Data and Information Working Group until the conclusion of the Third Meeting when Ms Kelly Denit was appointed to take over the role. Informal Working Groups on Interim Measures were established during the Second and Third Meetings. These were chaired respectively by Mr Simon Veitch and Ms Holly Koehler.

## Main documents of the Consultations

8. All of the documents considered by the Consultations are available on the website [www.southpacificfmo.org](http://www.southpacificfmo.org) as meeting papers.
9. At the conclusion of the First Meeting, the Chair was asked to prepare a draft Convention text and a draft text for interim arrangements for circulation in advance of the next Meeting. At the request of each subsequent Meeting he prepared a revision of the draft Convention text taking into account the proposals and discussions at that Meeting. The relevant documents are:
  - SP-02-WP1 Chair's draft Agreement text - 8 September 2006
  - SP-02-WP2 Chair's draft interim measures text - 8 September 2006
  - SP-03-WP1 Chair's revised draft Agreement text - 9 March 2007
  - SP-04-WP1 Chair's revised draft Agreement text (second revision) - 26 July 2007
  - SP-05-WP1 Chair's revised draft Agreement text (third revision) - March 2008
  - SP-06-WP-1 Chair's revised draft Agreement text (fourth revision) - 1 September 2008
  - SP-07-WP-01 Fifth revision of the draft Agreement – 6 April
  - SP-08-WP-01 Sixth revision of the draft Agreement – November 2009
10. Delegations provided their comments on the drafts in Meeting papers (to be found as Information Papers on the web pages for each Meeting at [www.southpacificfmo.org](http://www.southpacificfmo.org)), in oral comments at the meetings, or both.
11. An agreed report of each Meeting was prepared and these can also be found on the Meeting papers on [www.southpacificfmo.org](http://www.southpacificfmo.org).

## Meeting Decisions

12. The First Meeting established the Science Working Group (SWG) and the Data and Information Working Group (DIWG). The ongoing work programme of the SWG has included the provision of stock status advice, the preparation of species profiles and the evaluation of benthic fishery impact assessments prepared by participants in respect of proposed bottom fishing operations in the Convention Area. The ongoing work programme of the DIWG, that has been carried out in consultation with the SWG, has included the identification of the types of data to be collected by participants, the development of standards for the collection, verification, exchange and reporting of data, the development of standards for data security and the terms and conditions for making data available.
13. On the recommendation of the DIWG the Third meeting agreed Standards for the Collection, Reporting, Verification and Exchange of Data. (Annex C to the Report of the Meeting).
14. The Third Meeting adopted Interim Measures for Pelagic Fisheries and for Bottom Fisheries. (Annex F to the Report of the Meeting).

15. The Third Meeting also accepted New Zealand's offer to host an Interim Secretariat with the following roles:
  - Data Management - The receipt, compilation, storage and dissemination (where appropriate) of data submitted by the Participants;
  - Document Management - The receipt, storage and dissemination of reports and documents submitted by the Participants;
  - Meetings - Providing assistance to the relevant host in organising meetings of the Consultations and of subsidiary bodies of the Consultations;
  - Website - The management of the contents of the SPRFMO website. (Annex G to the Report of the Meeting)
16. New Zealand made an initial voluntary contribution to the funding of the Interim Secretariat of NZ\$ 1,000,000. Subsequent voluntary contributions were made by Australia (A\$ 80,000), Chile (US\$ 20,000), China (US\$ 40,000), USA (US\$ 40,000) and at the Seventh Meeting the European Community announced its intention to make a voluntary contribution in 2010.
17. On the recommendation of the SWG, the Fourth Meeting adopted the Interim Benthic Assessment Framework (Annex C to the Report of the Meeting) to guide benthic assessments under the Interim Measures for Bottom-Fishing and also adopted a process by which these assessments are to be reviewed and commented upon (Annex D to the Report of the Meeting).
18. On the recommendation of the DIWG, the Fourth Meeting adopted standards for the collection, reporting, verification and exchange of data for squid jigging and potting (Annex F to the Report of the Meeting) and, in relation to the Interim Measures, the Vessel Monitoring System – Standards for the collection, reporting, verification and exchange of data. It also agreed on a set of decisions regarding observer coverage.
19. On the recommendation of the DIWG the Fifth Meeting adopted the Standards for the Collection, Reporting, and Exchange of Observer Data (Annex 3 to the Report of the DIWG) and the Standards for the collection, reporting, verification and exchange of data for drop line fishing and dahn line fishing. (Annex 4 to the Report of the DIWG)
20. On the recommendation of the DIWG the Sixth Meeting adopted a consolidation of all the SPRFMO standards for the collection, reporting, verification and exchange of data. (Annex D to the Report of the Meeting)
21. The Seventh Meeting recorded in its Report that much of the draft text of the Convention had been provisionally settled at that Meeting and delegations were generally of the view that the negotiations could be successfully completed with one further Meeting.
22. The Eighth Meeting agreed:
  - interim measures for pelagic fisheries effective from 1 January 2010;
  - that following the opening for signature of the Convention text a Preparatory Conference should be convened to make arrangements for the smooth entry into force of the Convention;
  - that the work of the Science Working group, in particular, stock assessment and evaluation of benthic impact assessments to support the interim management measures would continue pending the entry into force of the Convention;
  - that the work of the Data and In formation Working Group, in particular the development of standards for collection, reporting, verification and exchange of data for landings and for the

collection, reporting, verification and exchange of data for transshipment, would continue pending the entry into force of the Convention;

- that the work of the Interim Secretariat would continue pending the entry into force of the Convention.

23. On ... November 2009, the Meeting adopted the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, together with a resolution regarding the holding of a Preparatory Conference to assist the efficient commencement of the work of the Commission of the South Pacific Regional Fisheries Management Organisation established by the Convention. On the same date, the Meeting also adopted a resolution expressing gratitude to the Governments of New Zealand, Australia, Chile, France, Ecuador, and Peru for hosting Meetings during the process of consultations.

24. The resolutions adopted by the Consultations are annexed to this Final Act.

25. The Conference held for a ceremony of confirmation of the English text of the Convention and this Final Act on..... November 2009.

**IN WITNESS WHEREOF** the undersigned representatives of the participants have signed this Final Act.

**DONE** at Auckland this .... day of November, two thousand and nine, in a single original. The original of this Final Act shall be deposited in the archives of .....

The Chairman of the Consultations:

Bill Mansfield

The Executive Secretary of the Interim Secretariat

Robin Allen

Signatures of Representatives: