

FINAL ACT OF THE MULTILATERAL HIGH-LEVEL CONFERENCE ON THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC

I. INTRODUCTION

1. Following the entry into force, on 16 November 1994, of the 1982 United Nations Convention on the Law of the Sea, the South Pacific Forum Fisheries Agency, in December 1994, convened a multilateral high-level conference on South Pacific tuna fisheries. The broad objective of the conference was to promote responsible fishing operations for fishing vessels operating in the South Pacific region, particularly in the light of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and the FAO Code of Conduct for Responsible Fisheries. Subsequently, following the adoption, in 1995, of the United Nations 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 Fish Stocks and Highly Migratory Fish Stocks, a second multilateral conference was convened in June 1997 in order to consider issues relating to the establishment of a regional mechanism for the conservation and management of highly migratory fish stocks. That conference agreed that further sessions of the conference should be convened with a view to the establishment of a regional mechanism for conservation and management of the highly migratory fish stocks of the Western and Central Pacific within an overall time-frame of three years from June 1997.¹

II. SESSIONS

2. The sessions of the Multilateral High-Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific were held as follows:

- First session held at Honiara, Solomon Islands, 1 to 5 December 1994;
- Second session held at Majuro, Marshall Islands, 10 to 13 June 1997;
- Third session held at Tokyo, Japan, 22 to 26 June 1998;
- Fourth session held at Honolulu, Hawaii, 10 to 19 February 1999;
- Fifth session held at Honolulu, Hawaii, 6 to 15 September 1999;
- Sixth session, held at Honolulu, Hawaii, 11 to 19 April 2000;
- Seventh session, held at Honolulu, Hawaii, 30 August to 5 September 2000.

3. In addition, the Conference mandated a number of technical consultations for the consideration of specific technical issues relevant to the work of the Conference. Such technical consultations were held as follows:

- Technical consultation on the collection and exchange of fisheries data, tuna research and stock assessment, held at Noumea, New Caledonia, 15 to 19 July 1996;
- Technical consultation on fishing vessel monitoring systems, held at Suva, Fiji, 13 to 15 November 1996;
- Intersessional technical consultation on issues relating to fisheries management held at Honiara, Solomon Islands, 1 to 5 December 1997;
- Intersessional technical consultation on issues relating to monitoring control and surveillance held at Suva, Fiji, 10 to 13 March 1998.

III. PARTICIPATION IN THE CONFERENCE

4. Participation in the first session of the Conference was by invitation of the South Pacific Forum Fisheries Agency, as convener of the Conference. Subsequently, other States, territories and fishing entities with an interest

¹ Majuro Declaration of 13 June 1997.

in the highly migratory fish stocks in the region were invited to participate in the Conference, either as full participants, or as observers.

States, territories and fishing entities that participated at sessions of the Conference

Australia, Canada,² China, Cook Islands, Federated States of Micronesia, Fiji, France, French Polynesia, Indonesia,³ Japan, Kiribati, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America, United Kingdom of Great Britain and Northern Ireland, on behalf of Pitcairn, Henderson, Ducie and Oeno Islands,⁴ Vanuatu, Wallis and Futuna.

Observers that participated at sessions of the Conference

States and entities

Canada (second and third sessions)
Ecuador (sixth and subsequent sessions)
European Commission (fourth and subsequent sessions)
Mexico (fifth and subsequent sessions)
United Kingdom of Great Britain and Northern Ireland, on behalf of Pitcairn, Henderson, Ducie and Oeno Islands (fifth session)

Intergovernmental organizations and South Pacific regional organizations

Asian Development Bank
Commission for the Conservation of Antarctic Marine Living Resources
Food and Agriculture Organization of the United Nations
Forum Secretariat
Inter-American Tropical Tuna Commission
OLDEPESCA
Pacific Community
South Pacific Applied Geoscience Commission
South Pacific Forum Fisheries Agency
South Pacific Regional Environment Programme
University of the South Pacific
Western Pacific Fisheries Consultative Committee.

IV. OFFICERS

5. At the first session, the Conference elected Mr Robin Yarrow (Fiji) as its Chairman. At the second session, Mr Satya N. Nandan (Fiji) was elected as the Chairman of the Conference. Mr Michael W. Lodge served as Secretary of the Conference. The Food and Agriculture Organization of the United Nations, provided an officer, Mr Blaise Kuemlangan, to serve as technical adviser to the Conference.

V. MAIN DOCUMENTS OF THE CONFERENCE

6. The following is a list of the main documents and resolutions issued during the Conference. In addition to these documents, official accounts of the work of the Conference may be found in the statements of the Chairman issued at the end of each session and published in the reports of the Conference.⁵ Additional information on the

² Admitted as a participant at the fourth session.

³ Indonesia participated from the third session.

⁴ Admitted as a participant at the sixth session.

⁵ An official report was issued by the South Pacific Forum Fisheries Agency after each session of the Conference.

issues considered by the Conference may be found in the information notes issued by the Chairman prior to each session.⁶

- Majuro Declaration of 13 June 1997
- MHLC/WP.1 (22 June 1998) Draft Articles for a Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, Prepared by the Chairman.
- MHLC/WP.1/Rev.1 (26 June 1998) Revised Draft Articles for a Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, Prepared by the Chairman.
- MHLC/WP.1/Rev.2 (19 February 1999) Draft Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, Prepared by the Chairman.
- MHLC/WP.2 (20 July 1999) Draft Preamble and Final Clauses for a Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, Prepared by the Chairman.
- MHLC/WP.1/Rev.3 (9 September 1999) Draft Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, Prepared by the Chairman.
- MHLC/WP.1/Rev.4 (16 September 1999) Revised Draft Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, Prepared by the Chairman.
- Resolution of 19 February 1999, relating to the exercise of restraint in the expansion of fishing effort.
- Resolution of 15 September 1999, relating to future participation in the Conference.
- MHLC/Draft Convention (17 April 2000).
- MHLC/WP.3/Rev.1 (19 April 2000) Draft resolution relating to the establishment of a Preparatory Conference for the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific.
- MHLC/Draft Convention/Rev.1 (19 April 2000).
- MHLC/WP.3/Rev.2 (19 April 2000) Draft resolution relating to the establishment of a Preparatory Conference for the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific.
- MHLC/Draft Convention/Rev.2 (2 September 2000).

VI. WORK OF THE CONFERENCE

7. The first session of the Conference was convened at Honiara, Solomon Islands, in December 1994. The work of the session consisted of a general debate on issues relating to the establishment of a regional mechanism for the conservation and management of highly migratory fish stocks. The topics of discussion at the first session included the status of highly migratory fish stocks in the region, collection and exchange of catch data, transshipment, transponder technology and enforcement. Participants in the first session reached a common understanding on the need for sustainable development of the tuna resources of the western and central Pacific Ocean, the importance of responsible fishing and the need for effective cooperation between coastal States and distant water fishing nations in the conservation and management of highly migratory fish stocks in the region.

8. Following the first session of the Conference two technical consultations took place. A technical consultation on the collection and exchange of fisheries data took place at Noumea, New Caledonia, from 15 to 19 July 1996. A technical consultation on a regional vessel monitoring system took place at Suva, Fiji, from 13 to 15 November 1996.

9. The second session of the Conference was convened at Majuro, Marshall Islands, in June 1997, following the adoption of the United Nations Fish Stocks Agreement, in order to consider issues relating to the establishment of a regional mechanism for the conservation and management of highly migratory fish stocks. At the end of the second session, the Conference adopted the Majuro Declaration in which participants in the Conference declared, amongst other things, their commitment to establish a mechanism for the conservation and management of highly

⁶ The information notes are included in the reports of the Conference.

migratory fish stocks in the Western and Central Pacific Ocean in accordance with the 1982 Convention and the United Nations Fish Stocks Agreement within an overall time-frame of three years from June 1997.

10. Also at the second session, the Conference mandated two intersessional technical consultations on issues relating to fisheries management and on issues relating to monitoring, control and surveillance. The intersessional technical consultation on issues relating to fisheries management was held at Honiara, Solomon Islands, from 1 to 5 December 1997. Mr Albert S. Wata (Solomon Islands) served as chairman of the technical consultation. The intersessional technical consultation on issues relating to monitoring control and surveillance was held at Suva, Fiji Islands, from 10 to 13 March 1998. Mr Grant Bryden (New Zealand) served as chairman of the technical consultation.

11. At the third session, the Chairman tabled a working paper containing draft articles for a Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (MHLC/WP.1). At the end of the third session, the Chairman issued a revised version of his working paper (MHLC/WP.1/Rev.1).

12. At the fourth session, the Conference continued its consideration of the Chairman's revised draft articles. At the end of the fourth session, the Chairman prepared a new revision of the draft articles in the form of a negotiating text, entitled "Draft Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean" (MHLC/WP.1/Rev.2). The Conference also adopted a resolution relating to the exercise of restraint in the expansion of future fishing effort. In July 1999, prior to the fifth session of the Conference, the Chairman issued a further working paper containing a draft Preamble and Final Clauses for a Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (MHLC/WP.2).

13. At the fifth session, the Conference considered further the negotiating texts prepared by the Chairman (MHLC/WP.1/Rev.2 and MHLC/WP.2). In the light of the discussions, the Chairman introduced a further revision of the negotiating text under symbol MHLC/WP.1/Rev.3. The Conference considered the revised negotiating text prepared by the Chairman and, at the end of the fifth session, in the light of the discussions, the Chairman issued a further revision of the negotiating text under symbol MHLC/WP.1/Rev.4 entitled Revised Draft Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. Also at the fifth session, the Conference adopted a resolution relating to future participation in the Conference.

14. At the sixth session, the Conference considered the revised text of the Draft Convention (MHLC/WP.1/Rev.4). At the beginning of the sixth session, the Conference established two informal groups to consider and report on issues relating to financial and budgetary matters and the observer programme. Mr Grant Bryden (New Zealand) and Mr Feleti Teo (Tuvalu) served as chairmen of the informal groups. Following consideration of specific issues in informal groups, the Chairman issued on 17 April 2000 a proposal for consideration by the Conference entitled "Draft Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean" (MHLC/Draft Convention).

15. Prior to the sixth session, the Chairman issued a working paper containing a draft resolution establishing a Preparatory Conference for the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (MHLC/WP.3). The Conference considered the draft resolution at the sixth session and, in the light of the discussions, the Chairman issued a revised version of the draft resolution under symbol MHLC/WP.3/Rev.1. At the end of the sixth session the Chairman issued a further revised text of his proposal (MHLC/Draft Convention/Rev.1) and a further revised text of a draft resolution establishing a Preparatory Conference for the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (MHLC/WP.3/Rev.2).

16. The seventh session had been declared as the final decision-making session of the Conference. Following deliberations on key outstanding issues, the Chairman issued on 2 September 2000, for consideration by the Conference, a revised text of the "Draft Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean." (MHLC/Draft Convention/Rev.2). In the light of concerns raised by some delegations, the Chairman continued to hold informal consultations on outstanding issues in relation to the

revised text and re-issued the text of the Draft Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.” (MHLC/Draft Convention/Rev.2*).

17. On 4 September 2000, the Chairman informed the Conference that all efforts at reaching general agreement had been exhausted. On the same date, the Chairman formally presented to the Conference the text of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean as well as the draft resolution establishing a Preparatory Conference for the establishment of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The Convention, together with the resolution, was adopted on 4 September 2000 by a vote.⁷ On the same date, the Conference also adopted a resolution expressing gratitude to the Governments of Solomon Islands, Marshall Islands, Japan and United States of America for hosting the sessions of the Conference. The resolutions adopted by the Conference are annexed to this Final Act.

18. The Conference decided to resume its seventh session on 5 September 2000 for a ceremony of signature of the Convention and this Final Act.

IN WITNESS WHEREOF the undersigned representatives of the States, territories and fishing entities which participated in the Conference have signed this Final Act.

DONE at Honolulu this fifth day of September, two thousand, in a single original. The original of this Final Act shall be deposited in the archives of the Government of New Zealand.

The Chairman of the Conference:
Satya N. NANDAN

The Secretary of the Conference:
Michael W. LODGE

Representatives of the following States signed the Final Act: Australia, Canada, Cook Islands, China, Federated States of Micronesia, Republic of the Fiji Islands, France, Indonesia, Republic of Kiribati, Republic of the Marshall Islands, Republic of Nauru, New Zealand, Niue, Republic of Palau, The Independent State of Papua New Guinea, Republic of the Philippines, Republic of Korea,⁸ The Independent State of Samoa, Solomon Islands, Kingdom of Tonga, Tuvalu, United States of America and Republic of Vanuatu. The Final Act was also signed by representatives of New Caledonia and Chinese Taipei.

⁷ The result of the vote was 19 in favour, 2 against (Japan and Republic of Korea), with three abstentions (China, France and Tonga). Prior to the vote, Japan expressed its reservation with respect to the acceptance by the Conference of the credentials of the delegation of Indonesia.

⁸ In signing the Final Act, the Republic of Korea noted its objection to resolution I.