

NAURU AGREEMENT CONCERNING COOPERATION IN THE MANAGEMENT OF FISHERIES OF COMMON INTEREST

The Federated States of Micronesia, the Republic of Kiribati, the Marshall Islands, the Republic of Nauru, the Republic of Palau, Papua New Guinea and Solomon Islands:

TAKING into account the work of the Third United Nations Conference on the Law of the Sea;

NOTING that in accordance with the relevant principles of international law each of the Parties has established an exclusive economic zone or fisheries zone (hereinafter respectively called "the Fisheries Zones") which may extend 200 nautical miles from the baselines from which their respective territorial seas are measured and within which they respectively and separately exercise sovereign rights for the purposes of exploring exploiting conserving and managing all living marine resources;

HAVING REGARD to the objectives of the South Pacific Forum Fisheries Agency Convention and in particular the promotion of regional co-operation and co-ordination of fisheries policies and the need for the urgent implementation of these objectives through regional or sub-regional arrangements;

CONSCIOUS of the exploitation of the common stocks of fish, both within the Fisheries Zones and in the water adjacent thereto, by the distant water fishing nations;

MINDFUL of their dependence, as developing island states, upon the rational development and optimum utilisation of the living resources occurring within the Fisheries Zones and in particular, the common stocks of the fish therein;

RECOGNISING that only by co-operation in the management of the Fisheries Zones may their peoples be assured of receiving the maximum benefits from such resources; and

DESIROUS of establishing, without prejudice to the sovereign rights of each Party, arrangements by which this may be achieved;

HAVE AGREED AS FOLLOWS:

ARTICLE I

The Parties shall seek, without any derogation of their respective sovereign rights, to co-ordinate and harmonise the management of fisheries with regard to common stocks within the Fisheries Zones, for the benefit of their peoples.

ARTICLE II

The Parties shall seek to establish a co-ordinated approach to the fishing of the common stocks in the Fisheries Zones by foreign fishing vessels and in particular:

- (a) shall establish principles for the granting of priority to applications by fishing vessels of the Parties to fish within the Fisheries Zones over other foreign fishing vessels;
- (b) shall establish, as a minimum, uniform terms and conditions under which the Parties may licence foreign fishing vessels to fish within the Fisheries Zones regarding:
 - (i) the requirement that each foreign fishing vessel apply for and possess a

- licence or permit;
- (ii) the placement of observer on foreign fishing vessels;
 - (iii) the requirement that a standardized form of log book be maintained on a day-to-day basis which shall be produced at the direction of the competent authorities;
 - (iv) the timely reporting to the competent authorities of required information concerning the entry, exit and other movement and activities of foreign fishing vessels within the Fisheries Zones; and
 - (v) standardized identification of foreign fishing vessels;
- (c) seek to establish other uniform terms and conditions under which the Parties may licence foreign fishing vessels to fish within the Fisheries Zones, including:
- (i) the payment of an access fee, which shall be calculated in accordance with principles established by the Parties;
 - (ii) the requirement to supply to the competent authorities complete catch and effort data for each voyage;
 - (iii) the requirement to supply to the competent authorities such additional information as the Parties may determine to be necessary;
 - (iv) the requirement that the flag States or organisations having authority over a foreign fishing vessel take such measures as are necessary to ensure compliance by such vessel with the relevant fisheries laws of the Parties; and
 - (v) such other terms and conditions as the Parties may from time to time consider necessary.

ARTICLE III

The Parties shall seek to standardise their respective licensing procedures and in particular:

- (a) seek to establish and adopt uniform measures and procedures relating to the licensing of foreign fishing vessels, including application formats, licensing formats and other relevant documents; and
- (b) explore the possibility of establishing, without prejudice to the respective sovereign rights of the Parties, a centralised licensing system of foreign fishing vessels.

ARTICLE IV

The Parties shall seek the assistance of the South Pacific Forum Fisheries Agency in establishing procedures and administrative arrangements for the exchange and analysis of:

- (a) statistical data concerning catch and effort by fishing vessels in the Fisheries Zones relating to the common stocks of fish; and

- (b) information relating to vessel specifications and fleet composition.

ARTICLE V

1. The Parties shall seek the assistance of the South Pacific Forum Fisheries Agency in providing secretariat services for implementing and coordinating the provisions of this Agreement.
2. An annual meeting of the Parties shall be convened immediately preceding or following the regular session of the Forum Fisheries Committee in order to promote the implementation of this Agreement. Additional meetings may be convened at the request of three or more Parties. Such requests shall be communicated to the Director of the Forum Fisheries Agency who will inform the Parties.
3. With the concurrence of the Parties, members of the South Pacific Forum Fisheries Agency, not Parties to this Agreement, may attend, as observers, the meetings referred to in this Article.

ARTICLE VI

The Parties shall, where appropriate, cooperate and coordinate the monitoring and surveillance of foreign fishing activities by:

- (a) arranging for the rapid exchange of information collected through national surveillance activities;
- (b) exploring the feasibility of joint surveillance; and
- (c) developing other appropriate measures.

ARTICLE VII

The Parties shall seek to develop cooperative and coordinated procedures to facilitate the enforcement of their fisheries laws and shall in particular examine the various means by which a regime of reciprocal enforcement may be established.

ARTICLE VIII

Nothing contained in this Agreement shall be construed as a derogation of the rights and obligations undertaken by any of the Parties under the South Pacific Forum Fisheries Agency Convention or any other international agreement in effect on the date on which this Agreement enters into force.

ARTICLE IX

The Parties shall conclude arrangements where necessary to facilitate the implementation of the terms and to attain the objectives of this Agreement. The Parties concluding such arrangements shall lodge copies with the depositary of this Agreement.

ARTICLE X

1. This Agreement shall be open for signature by the States named in the preamble hereto and shall be subject to ratification.
2. This Agreement shall enter into force thirty days following receipt by the depositary of the fifth instrument of ratification. Thereafter it shall enter into force for any signing or acceding State thirty days after receipt by the depositary of an instrument of ratification or accession.
3. This Agreement shall be deposited with the Government of the Solomon Islands which shall be responsible for its registration with the United Nations.
4. Following entry into force, this Agreement shall be open for accession by other States with the concurrence of all of the Parties to this Agreement.
5. Reservations to this Agreement shall not be permitted.

ARTICLE XI

1. This Agreement is a binding international agreement concluded among States and is governed by international law.
2. Any Party may withdraw from this Agreement by giving written notice to the depositary. Withdrawal shall take effect one year after receipt of such notice.
3. Any amendments to this Agreement proposed by a Party shall only be adopted by unanimous decision of the Parties.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the Agreement.

DONE at Nauru this 11th day of February 1982

Federated States of Micronesia

Republic of Kiribati

Republic of the Marshall Islands

Republic of Nauru

Republic of Palau

Papua New Guinea

Solomon Islands