

MINISTERIAL CONFERENCE ON FISHING
VESSEL SAFETY AND ILLEGAL,
UNREPORTED AND UNREGULATED
FISHING

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DRAFT RESOLUTIONS FOR CONSIDERATION BY THE MINISTERIAL CONFERENCE

Proposal for an amendment to draft Ministerial Conference Resolution 1

Submitted by New Zealand

SUMMARY

Executive summary: This document provides comments on draft Ministerial Conference Resolution 1 on the Pact of Torremolinos on the Cape Town Agreement of 2012

Strategic direction, if applicable: No related provisions

Output: No related provisions

Action to be taken: Paragraph 8

Related document: IMO Circular Letter No.3932/Add.1

Background

1 IMO Circular Letter No.3932/Add.1 of 22 July 2019 invited Member States and international organizations to submit comments and proposals on the draft Conference resolutions for consideration by the Ministerial Conference. This document provides comment on the draft Pact of Torremolinos set out in Ministerial Conference Resolution 1 and proposes some drafting amendments.

Discussion

2 New Zealand will attend the Ministerial Conference and looks forward to being associated with the Pact of Torremolinos. New Zealand supports the Pact and, in particular, its call:

.1 to accede to the 2012 Cape Town Agreement by a target date of 11 October 2022;

- .2 for action to deter IUU activities; and
- .3 to ratify, promote and implement the 1995 STCW-F Convention (The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel).

3 Overall this is a strong Pact which comprehensively highlights the Ministerial Conference's focus on how the 2012 Cape Town Agreement will increase international safety standards for fishing vessels, and how this will contribute to enforcement measures against IUU fishing.

4 However, with the intention of further refining the text, New Zealand would like to take this opportunity to propose some drafting amendments. New Zealand is concerned that the Pact, as drafted, is not sufficiently explicit as to how the Cape Town Agreement will "prevent, deter and eliminate" IUU. This is particularly the case in Operative Paragraph 3, regarding how combatting IUU is linked to the powers in the Cape Town Agreement.

5 New Zealand considers that the Pact would be strengthened by emphasizing that the Cape Town Agreement, on entry into force, will allow States Parties to combat IUU by enabling harmonized safety inspections of fishing vessels, increased transparency of fishing activities, and greater control over fishing vessels operating in their waters.

Proposal

6 New Zealand therefore proposes to amend Operative Paragraph 3 as follows:

"3 STRONGLY URGES States to take actions to prevent, deter and eliminate the proliferation of IUU fishing activities, consistent with their obligations under the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing (PSMA), and recognizing that entry into force of the Cape Town Agreement will increased safety standards of fishing vessels will empower port Party States to carry out harmonized safety inspections of fishing vessels operating in their waters, thereby also assisting to increasing the transparency of fishing activities;"

7 New Zealand also suggests that the draft Pact would benefit from the use of more consistent language in reference to IUU, specifically "prevent, deter and eliminate IUU fishing", as used in the International Plan of Action for IUU, and the Port State Measures Agreement. Ideally this formulation should be used consistently throughout the Pact wherever it refers to actions to be taken against IUU fishing.

Action requested of the Ministerial Conference

8 The Ministerial Conference is invited to consider the above comments and the proposals outlined in paragraphs 6 and 7 above and take action as appropriate.