



**RESOLUTION OF THE PNA MINISTERS TO AMEND
THE THIRD ARRANGEMENT IMPLEMENTING THE NAURU
AGREEMENT SETTING FORTH ADDITIONAL TERMS AND
CONDITIONS OF ACCESS TO THE FISHERIES ZONES OF THE
PARTIES**

The Federated States of Micronesia, the Republic of Kiribati, the Republic of the Marshall Islands, the Republic of Nauru, the Republic of Palau, the Independent State Papua New Guinea, Solomon Islands and Tuvalu (hereafter "Parties"),

RECALLING the adoption of the *Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest* on 11th day of February 1982 (hereafter "Nauru Agreement");

RECALLING the implementation of the Nauru Agreement through the Third Arrangement Implementation the Nauru Agreement Setting Forth Additional Terms and Conditions of Access to the Fisheries Zones of the Parties (hereinafter the "3IA") signed in Koror, Palau in May 16, 2008;

RECALLING the amendment to the 3IA adopted by the Parties in the Special Meeting of the Parties to the Nauru Agreement (PNA) in September in Nauru in 2010, for additional High Seas Closure and the Prohibition of sets associated with Whale Sharks;

COMMITTING to develop responsible and effective conservation and management measures to ensure the long term sustainability of tuna resources and to develop innovative approaches to maximize the economic opportunities from the sustainable utilization of tuna resources;

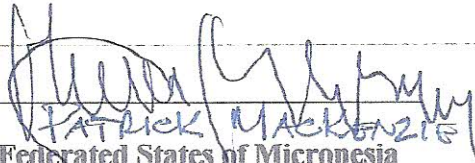
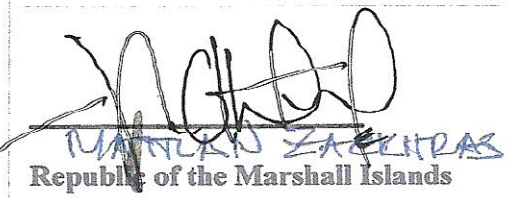
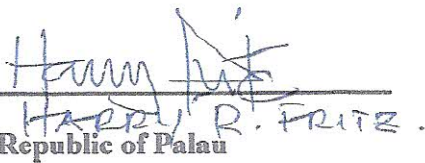
DESIRING to give legal effect to the decision adopted in the PNA Thirtieth Annual Meeting in Funafuti, Tuvalu, in April 2011, for additional three months FAD closure and imposition of the minimum mesh size;

HAVE HEREBY AGREED UNANIMOUSLY:

To adopt the amendments to the 3IA as agreed in the Thirtieth Annual meeting of the Parties in Funafuti, Tuvalu, in April 2011, and contained in Annex I and incorporated in the 3IA as amended in Annex II.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments have endorsed this decision.

DONE at Apia, Samoa this 20th day of July 2011.

 PATRICK MACKENZIE Federated States of Micronesia	<hr/> Republic of Kiribati
 MANKIN ZACHARIAS Republic of the Marshall Islands	 ROLAND KUN Republic of Nauru
 HARRY R. FRITZ Republic of Palau	 BEN SEMRI Independent State of Papua New Guinea
 BRADBY VUESIA Solomon Islands	<hr/> Tuvalu

ANNEX I

**AGREED AMENDMENTS TO THE THIRD ARRANGEMENT
IMPLEMENTING THE NAURU AGREEMENT SETTING FORTH
ADDITIONAL TERMS AND CONDITIONS OF ACCESS TO THE
FISHERIES ZONES OF THE PARTIES**

Amendments Agreed at the Thirtieth Annual Meeting of the Parties to the Nauru Agreement, April 4-7 2011, Funafuti, Tuvalu

1. Amendment to Article I

Inserting a new paragraph 5 in Article I:

“ 5. Minimum mesh size

(1) No purse seine vessel shall use or have in its possession a purse seine net with a mesh size of less than 90 mm (3.5ins) measured from knot to knot in the bunt and 240 mm (9ins) in 70% of the body of each purse seine net.

(2) The Parties shall adopt appropriate procedures in the implementation of this measure.

(3) A Party shall ensure that its domestic vessels take appropriate steps to comply with the minimum mesh size within a three year period from the date of coming into effect of this measure.”

2. Amendment to Article I, paragraph 2.

(i) Numbering the chapeau in paragraph 2 as sub-paragraph “(1)”

(ii) Insert a new subparagraph (2) as follows:

“ (2). In the event the Parties learn, through consultations with competent regional scientific authorities or bodies, that there is threat to the fish stock and requires further conservation measures, Parties may decide to impose an additional FAD closure, to what is provided in sub-paragraph (1), of up to three months each year.”

(iii) Insert a new subparagraph (3) as follows:

“ (3) The Parties shall adopt appropriate procedures in the implementation of the additional FAD closure in sub-paragraph (2).”

ANNEX II

A THIRD ARRANGEMENT IMPLEMENTING THE NAURU AGREEMENT SETTING FORTH ADDITIONAL TERMS AND CONDITIONS OF ACCESS TO THE FISHERIES ZONES OF THE PARTIES

(As amended July 19, 2011)

Pursuant to Articles I, II, III, and IX of the Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest, hereafter referred to as the "Nauru Agreement", wherein the Parties thereto agreed to conclude arrangements to facilitate the implementation of the Nauru Agreement, the Federated States of Micronesia, the Republic of Kiribati, the Republic of the Marshall Islands, the Republic of Nauru, the Republic of Palau, the Independent State of Papua New Guinea, Solomon Islands and Tuvalu,

HAVE AGREED AS FOLLOWS:

ARTICLE I

Licensing Terms and Conditions

In addition to those terms and conditions provided in Article II of An Arrangement Implementing the Nauru Agreement Setting Forth Minimum Terms and Conditions of Access to the Fisheries Zones of the Parties, and Article I of A Second Arrangement Implementing The Nauru Agreement Setting Forth Additional Terms and Conditions of Access to the Fisheries Zones of the Parties, the Parties shall establish the following minimum terms and conditions in all of their subsequent foreign fishing agreements and their licensing requirements for vessels fishing the common stocks of fish within the Fisheries Zones and shall not issue licences unless the minimum terms and conditions are accepted and observed:

1. *Catch Retention*

All bigeye, skipjack and yellowfin tuna taken by a purse seine vessel shall be retained on board and then landed or transhipped, except for:

- (a) fish clearly and demonstrably unfit for human consumption; and
- (b) the final set of a trip when there may be insufficient wellspace to accommodate all fish caught in that set.

The Parties shall adopt appropriate procedures for the implementation of this measure, including reporting.

2. *FAD Closure*

- (1) There shall be no deployment or servicing of Fish Aggregating Devices and associated electronic equipment, or fishing by purse seine vessels on floating objects, between 0001 hours GMT on 1 July and 2359 hours GMT on 30 September each year, except that:

- (a) a Party may exclude all or part of its Fisheries Zone from the closure if it determines that it has suffered a disproportionate burden from application of the closure and advises the depositary accordingly; and
 - (b) a Party may apply appropriate arrangements set out in a Management Plan to meet the requirements of domestic vessels that are highly dependent on fishing on floating objects within the Fisheries Zone; and
- (2) In the event the Parties learn, through consultations with competent regional scientific authorities or bodies, that there is threat to the fish stock and requires further conservation measures, Parties may decide to impose an additional FAD closure to what is provided in sub-paragraph (1), up to the maximum of three months each year.
- (3) The Parties shall adopt appropriate procedures in the implementation of the additional FAD closure in sub-paragraph (2).

2A. *Prohibition of Sets Associated with Whale Sharks*

- (a) No purse seine vessel shall engage in fishing or related activity in order to catch tuna associated with whale sharks (*Rhincodon typus*).

3. *Closure of High Seas Areas*

A vessel shall not fish in the areas listed below during the period of validity of a licence issued by a Party:

- (a) the area of high seas bounded by the national waters of the Federated States of Micronesia, Indonesia, Palau and Papua New Guinea; and
- (b) the area of high seas bounded by the national waters of the Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Papua New Guinea, Solomon Islands and Tuvalu.
- (c) any additional high seas areas located within 10°N and 20°S latitude and 170°E and 150°W longitude.

4. *Monitoring*

- (a) In order to monitor compliance with the catch retention and FAD closure requirements, all foreign purse seine vessels shall carry at all times an observer from either the national observer programme of a Party or an existing sub-regional observer programme; and
- (b) The owner, charterer, operator, master or any other person responsible for the operation of a licensed vessel shall ensure that the Automatic Location Communicator¹ of the vessel is switched on and is operating properly at all times during the period of validity of a licence issued by a Party.

¹ Automatic Location Communicator is also known as Mobile Transmitting Unit.

5. *Minimum Mesh Size*

(1) No purse seine vessel shall use or have in its possession a purse seine net which is smaller or less than a minimum size of 90 mm (3.5ins) measured from knot to knot in the bunt and 240 mm (9ins) in 70% of the body of each purse seine net.

(2) The Parties shall adopt appropriate procedures in the implementation of this measure.

(3) A Party shall ensure that its domestic vessels take appropriate steps to comply with the minimum mesh size within a three year period from the date of coming into effect of this measure.

ARTICLE II
Review and Implementation

Review

1. The Parties shall review the implementation of these measures at the annual meeting of the Parties, and decide on the future application of these measures, taking into account:

- (a) the effectiveness of the measures in reducing fishing mortality, especially on juvenile bigeye and yellowfin tuna; and
- (b) the extent to which compatible measures are being applied on the high seas and in the waters of other Members of the Western and Central Pacific Fisheries Commission.

Implementation

2. These measures shall be implemented in accordance with a programme adopted by the Parties.

ARTICLE III
Signature and Effect

1. This Arrangement shall be open for signature by the Parties to the Nauru Agreement.

2. This Arrangement shall take effect 30 days following the signing of the Arrangement by at least five of the Parties to the Nauru Agreement. Thereafter, it shall take effect for any signing Party 30 days after its signature of the Arrangement.

3. This Arrangement shall be deposited with the Government of the Solomon Islands.

4. Reservations to this Arrangement shall not be permitted.

ARTICLE IV
Amendment and Withdrawal

1. Any Party may withdraw from this Arrangement by giving written notice to the Depository. Withdrawal shall take effect one year after receipt of such notice.
2. Any amendment to this Arrangement proposed by a Party shall be adopted only by unanimous decision of the Parties to this Arrangement.

ARTICLE V
The Nauru Agreement

This Arrangement is subordinate to and governed by the Nauru Agreement.

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

DONE at Koror, Palau this 16th day of May 2008

Federated States of Micronesia

Republic of Kiribati

Republic of the Marshall Islands

Republic of Nauru

Republic of Palau

Papua New Guinea

Solomon Islands

Tuvalu

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