

10TH MEETING OF THE SPRFMO COMMISSION

Held virtually, 24-28 January 2022

COMM 10 – Doc 05

Status of the SPRFMO Convention for COMM10

New Zealand

Status of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean

December 2021

1. In its capacity as Depositary of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, the Government of New Zealand advises that since its last report to the Commission in January 2021, it has not received any Instruments of Ratification, Approval or Accession.
2. A table summarising the status of the Convention as at 14 December 2021 is annexed.

Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean

Status of the Convention, as at 14 December 2021

COUNTRY	SIGNATURE	RATIFICATION/APPROVAL/ACCESSION/WITHDRAWAL	ENTRY INTO FORCE	EFFECTIVE DATE OF WITHDRAWAL
Australia	16/12/2010	23/03/2012 (Instrument of Ratification)	24/08/2012	
Belize		10/05/2011 (Instrument of Accession) 1/05/2015 (Notification of Withdrawal)	24/08/2012	1/05/2016
Republic of Chile ^{i, ii, vii}	23/02/2010	25/07/2012 (Instrument of Ratification)	24/08/2012	
People's Republic of China ⁱⁱⁱ	19/08/2010	06/06/2013 (Instrument of Approval)	06/07/2013	
Republic of Colombia	16/03/2010			
Cook Islands	03/02/2010	09/02/2011 (Instrument of Ratification)	24/08/2012	
Republic of Cuba	27/01/2011	09/03/2011 (Instrument of Ratification)	24/08/2012	
Republic of Ecuador		11/05/2015 (Instrument of Accession)	10/06/2015	

European Union	26/07/2010	18/10/2011 (Instrument of Approval)	24/08/2012	
Kingdom of Denmark in respect of Faroe Islands	21/07/2010	21/07/2010 (Declaration of Approval)	24/08/2012	
Republic of Korea	17/01/2011	17/04/2012 (Instrument of Ratification)	24/08/2012	
New Zealand ^{iv}	01/02/2010	01/06/2011 (Instrument of Ratification)	24/08/2012	
Republic of Peru ^{v, vi, viii}	20/04/2010	22/12/2015 (Instrument of Ratification)	21/01/2016	
Russian Federation	25/01/2011	17/05/2012 (Instrument of Approval)	24/08/2012	
United States of America	31/01/2011	19/01/2017 (Instrument of Ratification)	18/02/2017	
Republic of Vanuatu		4/11/2013 (Instrument of Accession)	4/12/2013	

On 24 August 2012 a representative of Chinese Taipei deposited an instrument in accordance with Annex IV paragraph 1 of the Convention. The commitment in this instrument became effective on 23 September 2012. [Annex IV paragraph 1 provides that after the entry into force of this Convention any Fishing Entity whose vessels fish or intend to fish for fishery resources may, by a written instrument delivered to the Depositary, express its firm commitment to abide by the terms of the Convention and comply with any conservation and management measures adopted pursuant to it.]

i) On 21 July 2010, the Republic of Chile notified the Depositary of the following in reference to the Republic of Peru's declaration made on signature (20 April 2010): *"With respect to [the declaration made by Peru on the occasion of the signing of the Convention], the Government of Chile would like to express that its maritime spaces have been fully delimited by treaties in force and that the above-mentioned Convention and the Area of Application embodied in its Article 5 contain the principles and norms of International Law applicable to all Contracting Parties. Any declaration contrary to them is not valid, no opposable to any such Contracting Party."*

ii) On 16 February 2011 (Note dated 9 February 2011), the Republic of Chile notified the Depositary of the following in reference to the Republic of Peru's notification made on 19 October 2010: *"In relation to these declarations, the Republic of Chile reaffirms that its maritime spaces have been established under international law and are fully delimited by treaties in force. Accordingly, there are no such rights or spaces pending of delimitation with other States in the Area of Application of the above-mentioned Convention and any declaration contrary to these principles is not valid, no opposable to the Contracting Parties."*

iii) On ratifying the Convention, the People's Republic of China declared that *"In accordance with Basic Law of the Hong Kong Special Administrative Region of the PRC and the Basic Law of Macao Special Administrative Region of the PRC, the Government of the PRC decides that the Convention applies to the Macao Special Administrative Region of the PRC, and unless otherwise notified by the Government, shall not apply to the Hong Kong Special Administrative Region of the PRC"*.

iv) On ratifying the Convention, New Zealand declared that its ratification extended to Tokelau.

v) On signature, the Republic of Peru made the following declaration (Note dated 29 March 2010): *"... [T]hat the establishment of the Convention application area does not prejudice over the rights on maritime areas or maritime zones which are pending of delimitation according to the International Law and does not imply its recognition of unilateral decisions taken against the International Law. Likewise, Peru either as a non-Member Party of the 1982 United Nations Convention on the Law of the Sea or as non-Member Party of the United Nations Agreement for the implementation of the United Nations Convention on the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stock and Highly Migratory Fish Stocks, wishes to emphasize that these rules are applicable while they are part of the International Common Law or under the general principles of the Law."*

vi) On 19 October 2010, Peru sent a notification to the Depositary in respect of its declaration: *"... [T]he Government of Peru would like to request to the Honourable Government of New Zealand, as Depositary for the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, the correction of the text of the Declaration the Government of the Republic of Peru submitted at the time of its signing as follows:*

"The Republic of Peru, by virtue of Article 44, declares that the establishment of an area of application for this Convention does not prejudice rights over maritime zones or spaces pending of delimitation in accordance with international law and does not imply recognition of unilateral decisions contrary to international law. Likewise, given that Peru is not a Party to the United Nations Convention on the Law of the Sea of 10 December 1982 and to the 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 of 4 December 1995, Peru wishes to emphasize that these rules are applicable in so far as they are part of customary international law or reflect general principles of law."

vii) On Ratification, Chile made the following declaration (Note dated 14 June 2012): “The State of Chile, in accordance with the provisions of Article 44 reaffirms the provisions of Article 20, paragraph 4 of this Convention, in that, for the establishment of conservation measures or regulation applicable to the entire field of fishery resource will require the express consent of *the Contracting Party or Parties that are interested coastal States.*”

viii) On ratifying the Convention, Peru made the following declaration:

[Unofficial Translation]

“The Republic of Peru, by virtue of Article 44, declares that the establishment of an application area for this Convention, contemplated in Article 5, refers exclusively to the geographical area of application of the Convention and does not harm or affect Peru’s rights over maritime zones or spaces that, in accordance with its Political Constitution, other internal legislation and international law, are under its national jurisdiction.”

“Equally, given that Peru is not party to the United Nations Convention on the Law of the Sea of 10 December 1982 or the 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 of 1995, Peru wishes to emphasize that those rules are applicable in so far as they form part of customary international law or reflect general principles of law.”