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First International Meeting on the Establishment of the South Pacific Regional Fisheries Management Organisation

Wellington, New Zealand
14 – 17 February 2006

Paper submitted by: the Co-Sponsors (Australia, Chile, New Zealand)

INFORMATION PAPER

1 This paper is provided to facilitate discussion at the first international meeting on the establishment of a new regional fisheries management organisation (RFMO) for the conservation and management of fish stocks not covered by other RFMOs currently in force and, within this context, protection of biodiversity in the marine environment, in the high seas areas of the South Pacific Ocean. It sets the context for the initiative, outlines the characteristics of the fisheries and ecosystems in the region and sets out the possible scope of an RFMO.

2 Detailed information is included in the Annexes as follows:

I Map of FAO Statistical Areas
II Proposed Coverage of RFMO
III Relevant international instruments

Context

3 A gap exists in the international conservation and management of non-highly migratory fisheries and protection of biodiversity in the marine environment in high seas areas of the South Pacific Ocean. The gap extends from the most eastern part of the South Indian Ocean through the Pacific towards the Exclusive Economic Zones (EEZs) of South America. Non-highly migratory fisheries in this area are mainly discrete high seas stocks, although some stocks straddle the high seas and the EEZs of coastal states. While several states have already targeted these species on the high seas and continue to do so, the area is not covered by an organisation with the competence to establish appropriate conservation and management measures.

4 There have been widespread calls recently to urgently address the gaps in the management of high seas fisheries and to cooperate in the establishment of new fisheries management arrangements with comprehensive mandates to ensure the long-term conservation and sustainable use of fish stocks and to protect biodiversity in the marine environment.

5 The purpose of the international consultation process is to cooperate in addressing these gaps in the international conservation and management framework, consistent with international law and best practice, particularly the United Nations Convention on the Law of the Sea 1982 (UNCLOS) and the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks 1995 (UNFSA), and other relevant international instruments referred to in Annex III.

South Pacific Fisheries & Ecosystems

6 The bathymetry of the South Pacific Ocean is diverse and is made up of shelf and slope areas, volcanic ridges, seamounts and deep trenches. High seas areas of the South Pacific Ocean include some of the deepest waters in the world (over 10000 m). Most of the South Pacific is deeper than 4000 m however the high seas waters cover all depth zones including some areas of less than 200 m.

7 Given the vastness and great depth of much of the South Pacific Ocean, research into the biodiversity of the high seas of the South Pacific Ocean is still in its infancy. Like the diverse bathymetry however, biodiversity is also diverse. Fine, muddy sediments made up of a variety of foraminiferans (microscopic single celled, shelled, animals) dominate the deep ocean floor. Echinoderms (sea-urchins, sea-stars, brittle-stars, sea-cucumbers, and crinoids) dominate the abyssal depths (3000–6000 m). At shallower depths, the seamounts, banks, and ridges are dominated by bottom invertebrates such as lobsters and crabs, and fish living near the bottom, for example orange roughy and alfonsino.

8 Knowledge of the distribution and extent of commercial fishing in the South Pacific Ocean high seas is limited. Exploratory and targeted commercial fishing is thought to have taken place in the area since at least the 1970s.

9 Commercial fisheries tend to have been concentrated in areas of higher productivity where there is upwelling of nutrients associated with seamounts and ridges. These are also the only places shallow enough to bottom fish, and are where pelagic fish are most often found. Although there are numerous seamount and ridge systems in the South Pacific high seas, only the prominent ones appear to have been fished to any extent: the Nazca Ridge, the South Tasman Rise, and the Louisville Ridge. There are closely related fish species, and species in common, across all these ridges.

10 South Pacific high seas fisheries can be categorized into benthic (mainly invertebrate species that live on the seafloor), demersal (mainly fish, close to the seafloor), and pelagic (mainly fish and prawns, at the surface and in the midwater). Commercial fishing for benthic and demersal species is restricted to a depth of about 1500 m. Dominant demersal finfish fished commercially include orange roughy, oreos, alfonsino, and bluenose. Pelagic fishing takes place irrespective of depth, but again tends to be associated with seamounts and ridges. The dominant pelagic species fished commercially is jack mackerel, but other species such as moonfish & escolar are taken.

11 Fishing methods currently used include pelagic trawling, bottom trawling, pelagic longlining, bottom longlining and potting.

Possible Scope of an RFMO

12 While other RFMOs, such the Western and Central Pacific Fisheries Convention (WCPFC) and the Inter-American Tropical Tuna Convention (IATTC) cover parts of this region, their mandates cover only highly migratory species. Fisheries that could be covered by this RFMO are predominantly discrete high seas

stocks and those stocks which straddle the high seas and the EEZs of coastal states. These fisheries are both pelagic and demersal.

13 It follows that the proposed new RFMO should cover high seas areas of the South Pacific. This area spans across five FAO statistical areas, including the eastern part of FAO statistical area 57, all of FAO statistical area 81 and a large part of FAO statistical area 87. It also covers the southern part of FAO statistical areas 71 and 77. See Annex I for a map of the FAO Statistical areas.

14 Possible boundaries could be:

- Southern boundary: coincide with the northern boundary in the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR);[1]
- Western boundary: extend to the eastern boundary in the South Indian Ocean Fisheries Agreement;[2]
- Northern boundary: extend to the southern boundaries of the EEZs of Pacific Island states, extending northwards to 1°30'North;
- Eastern boundary: extend to the EEZs of South American states.

15 Depending on the location of the boundaries, the implications for EEZ management of straddling stocks may need to be addressed in the negotiations.

16 Conservation and management measures established by the RFMO should be compatible with measures of other RFMOs particularly those covering the same or neighbouring regions.

Principles

17 The principles underpinning the development of the South Pacific RFMO are that the regime should, *inter alia*:

- Be according to UNCLOS;
- Be according, *mutatis mutandis,* to the principles of UNFSA;
- Apply to marine areas beyond national jurisdiction;
- Be based on best and improving regional and international practice;
- Include species not already covered by other RFMOs in the South Pacific;
- Include appropriate and effective decision making processes that incorporate appropriate mechanisms recognising the respective interests of coastal states and other participants;
- Recognise the special requirements of developing states;

[1] 55° South – between 120° East and 150° East; and 60° South – east of 150° East
[2] 120° East

- Include specific conservation and management regimes for straddling stocks and discrete high seas stocks, bearing in mind their nature and characteristics;

- Develop allocation principles that, *inter alia*, recognise, as appropriate, the fishing history of the stocks;

- Ensure a genuine link between the flag state and its vessels;

- Ensure the establishment of an effective monitoring, control and surveillance (MCS) regime, including relevant roles for port states, flag states and coastal states;

- Allow for the establishment of interim measures, based on the best scientific information available, and mechanisms for the provisional application of the agreement; and

- Establish a mechanism to review the effectiveness and implementation of the RFMO.

Structural options

18 Possible structural options establishing a South Pacific RFMO are:

- A legally binding instrument establishing a Commission with a headquarters, secretariat, regular meetings of parties, rules of procedure, annual budget (with assessed contributions) and subsidiary bodies; or

- A legally binding agreement with minimal infrastructure (level of engagement according to level of fishing activity).

International Consultation Process

19 The first meeting of all interested parties to discuss the establishment of the RFMO is scheduled to take place in Wellington, New Zealand, 14–17 February 2006. The second meeting is planned for August 2006 in Australia. Chile plans to host the third meeting in late 2006 or early 2007. It is envisaged that the process of developing the RFMO will take 4 – 5 meetings over 3 – 4 years.

20 While negotiation of an agreement takes place, it is envisaged that work will also take place on processes needed to implement the agreement. The development of implementation processes could be integrated into the agreement negotiation process, or occur in parallel.

21 In addition, the establishment of an RFMO could take some time. Consideration will need to be given to the introduction of interim measures in high seas parts of the South Pacific Ocean.

22 An open and transparent approach should be taken to participation in the negotiations to establish an RFMO.

Website

23 A website has been established to facilitate the process and to share information amongst participants and others interested in the negotiations. The website includes background information on the South Pacific RFMO negotiations, meeting arrangements, and a link to an email address for enquires.

24 The website address is: www.southpacificrfmo.org

Chair

25 Mr William Mansfield of New Zealand is proposed as the independent chair of the negotiations. Mr Mansfield's curriculum vitae is available on the website mentioned above.

Interim Secretariat

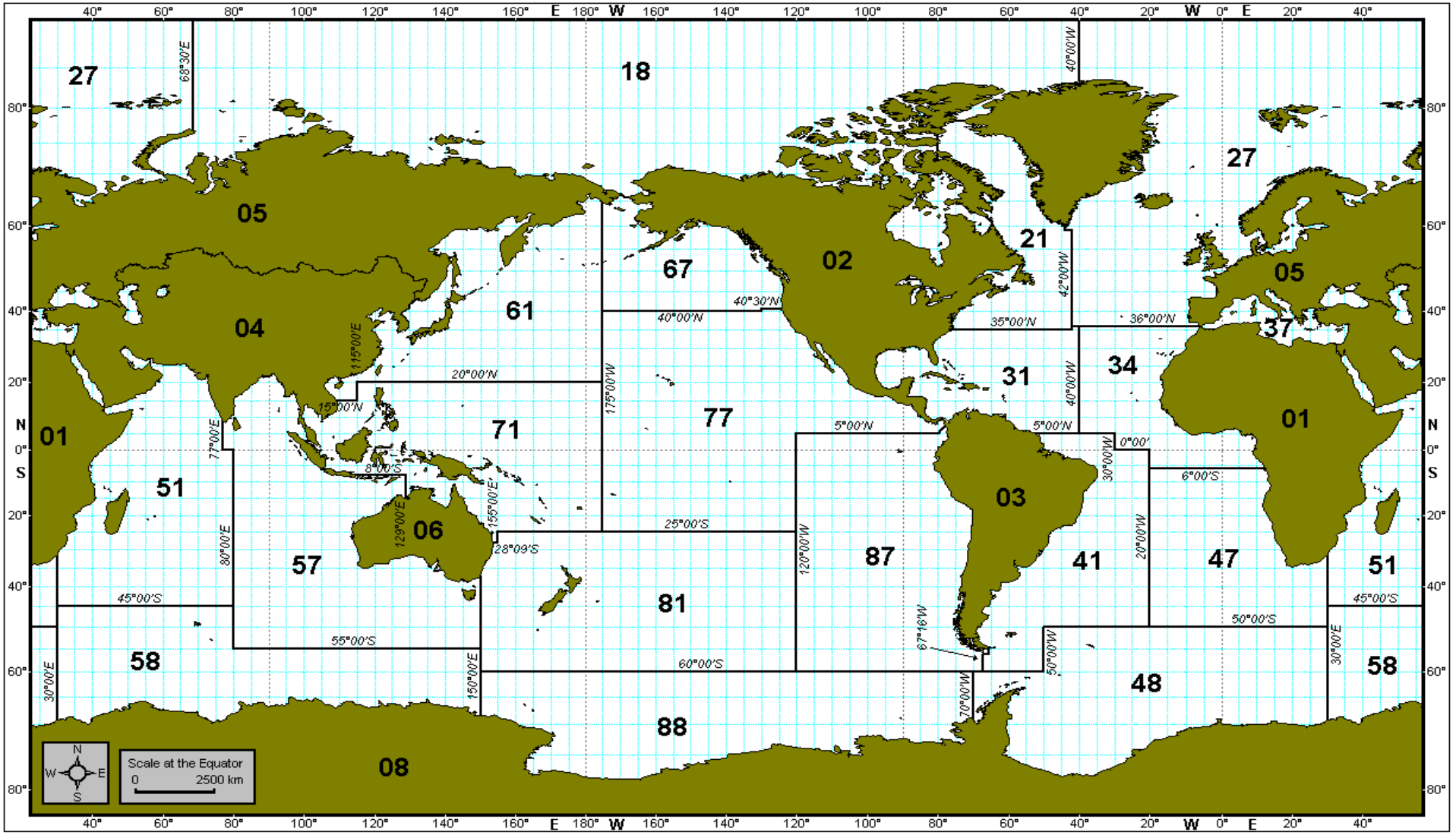
26 New Zealand has taken on the role of interim secretariat in the lead-up to the commencement of formal negotiations of the RFMO. As part of this role, New Zealand is acting as the central coordination point for enquires & distribution of information.

Informal Science Working Group

27 An informal science working group has been established. Its role is to provide the necessary science information to support the development of the proposed new RFMO. Key matters to be addressed in the near term are the collation of information describing the fisheries occurring in the identified area and discussion of data collation processes and standards. New Zealand (Neville Smith - smithn@fish.govt.nz) is the interim contact point for the group.

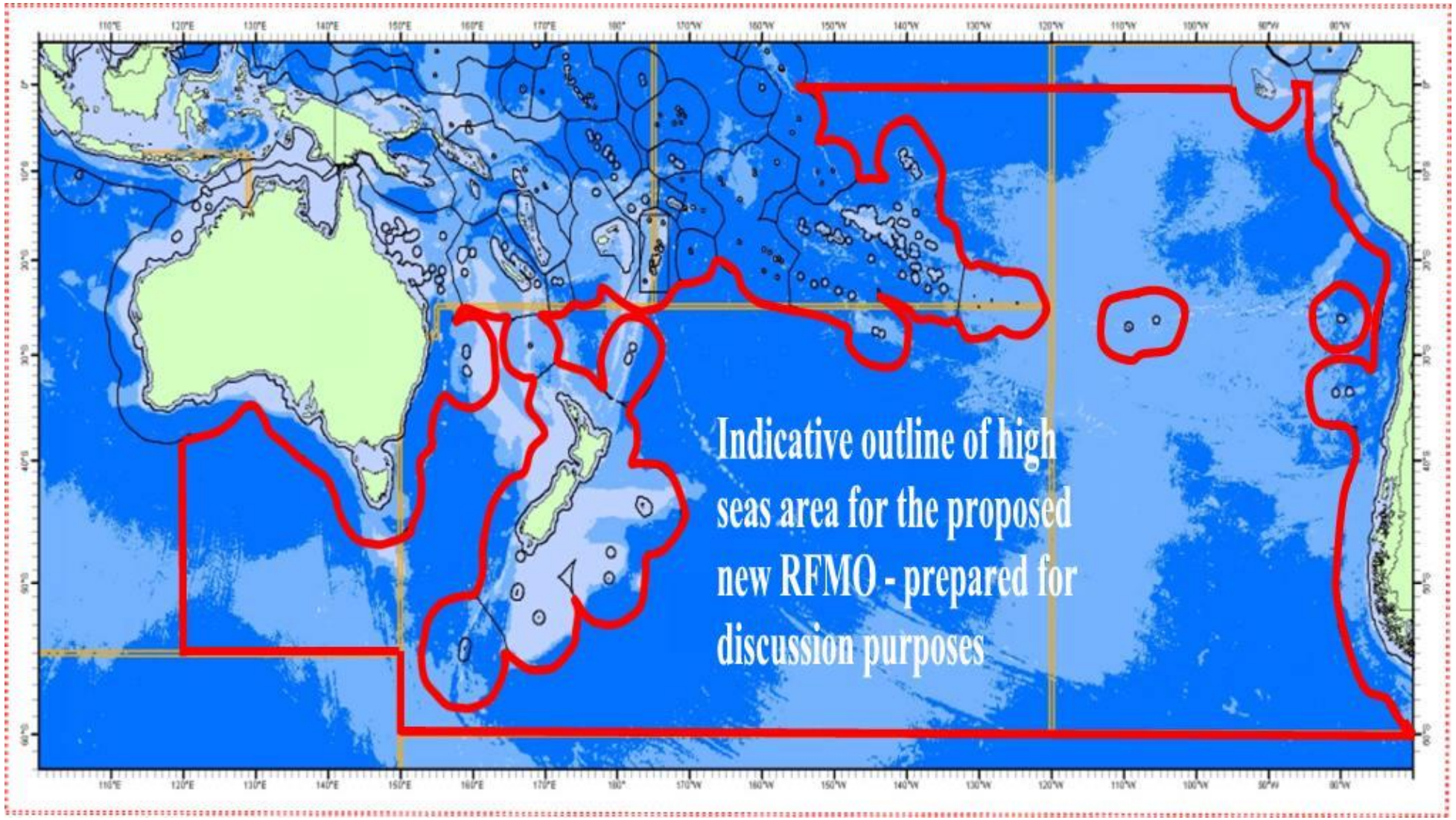
Annex I

Map of FAO Statistical Areas



Annex II

Proposed Coverage of RFMO



Annex III

Relevant international instruments

The United Nations Convention on the Law of the Sea 1982 (UNCLOS) and the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks 1995 (UNFSA) create an international obligation for states parties to co-operate in the conservation and management of living resources in the high seas.

Other instruments containing principles relevant to the establishment of an RFMO which participants may wish to draw on in their discussions include:

- FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas
- FAO Code of Conduct for Responsible Fisheries and associated International Plans of Action
- Convention on Biological Diversity 1992
- Principle 15 of the Rio Declaration
- Agenda 21, Chapter 17, Programme Area C
- United Nations General Assembly Resolutions
- Plan on Implementation of the World Summit on Sustainable Development 2002