



PERÚ

Ministerio  
de Relaciones ExterioresLima, 2<sup>nd</sup> October 2008

Mr. William Mansfield

Chairman

International Consultations on the Establishment of the proposed  
South Pacific Regional Fisheries Management Organization  
Wellington

Dear Mr. Mansfield,

I would like to make reference to your letter dated 1<sup>st</sup> September 2008 wherein, in addition to the new revision draft text (SP/06/WP1 - Revision 4 of the Draft related to the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean), you attached four annexes: Annex I "Parts of the Convention Area for which the Eastern and Western Sub-Regional Management Committees have responsibilities"; Annex II "Review Panel", Annex III "Procedures for the Establishment and Implementation of a Total Allowable Catch or Total Allowable Fishing Effort for a Straddling Fishery Resource"; and, Annex IV "Interim Arrangements".

I would like to express my gratitude for submitting this new draft. After having reviewed it, I noticed that there were a number of issues which, in our opinion, require some clarification and are matters of concern for the Peruvian delegation. These issues are the following:

- In your letter you mention that "*In preparing this revision I have, as requested, endeavored to take account of the discussions in Guayaquil and the various proposals – general and specific, oral and written – that have been made by delegations...*" In this regard, I would appreciate if you could inform us about the methodology followed in this process; particularly our concern is addressed to articles regarding the "Compatibility of conservation and management measures", "Regional management measures", "Conservation and management measures", and "Participation in fisheries", among others.
- Likewise, I have noticed that some articles and several paragraphs included in this last draft were not proposed by any delegation during the discussions in Guayaquil –according with my recollection-. Most of them are related to the compatibility of conservation and management measures between the high seas and waters under national jurisdiction of coastal states. In that sense, I would like to ask you to kindly let me know the origin of those proposals. Peru underscores that its participation in this negotiation process responds to its interest to preserve South Pacific's high seas fishery resources, in the understanding that the scope of application of the RFMO shall not include waters under national jurisdiction, as agreed in the First International Meeting (paragraph 6 (i) of meeting report). In that regard, I would like to ratify the proposals formally presented by the Peruvian delegation to the Guayaquil meeting, particularly in relation to the "Compatibility of Conservation and Management Measures". The reason is that in our opinion, the principle of "*sovereignty right of coastal states for the purpose of exploring, and exploiting,*

*conserving and managing the living marine resources within areas under national jurisdiction, and the right of all states for their nationals to fish on the high seas” must be considered essential.*

Considering that the main focus of this convention will be addressed to the straddling fish stocks, the compatibility of conservation and management measures shall be applied as expressed in the article 7º, 1, a) of the 1995 UN fish stocks agreement, which clearly states: *“With respect to straddling fish stocks, the relevant coastal states and the states whose nationals fish for such stocks in the adjacent high seas area shall seek, either directly or through the appropriate mechanism for cooperation, to agree upon the measures necessary for the conservation of these stocks in the adjacent high seas area”.*

- Regarding your proposal to continue our work in the upcoming meeting in Canberra, Peru would like to propose as a working methodology the approval of each article by consensus. Articles without consensus shall remain in brackets to be discussed again in the next meeting. This procedure will allow all delegations to have access to the draft text at the end of each meeting.
- I also would like to reiterate the proposal submitted by the Peruvian delegation with the support of others delegations in previous meetings, regarding the official languages of the Convention that, in our view, shall be English and Spanish. Therefore, all official documents including texts of negotiations and meetings should be duly translated into official languages of the Convention.

Finally, allow me to reaffirm Peru’s commitment with the efforts to bring to life a South Pacific Regional Fisheries Management Organization. We are confident that in this endeavor, all countries’ views will be equally taken into account provided that they reflect the consensus of the parties, which should prevail upon.

Sincerely,



Doris Sotomayor Yalan  
Minister, Head of the Peruvian Delegation  
to the 6<sup>th</sup> International Meeting