



9TH MEETING OF THE SPRFMO COMMISSION

Held virtually, 26 January to 05 February 2021 (NZDT)

COMM 9 – Report ANNEX 8a Statement of Peru regarding CMM 01-2021 *(COMM 9 – WP 13_rev1)*

Statement of Peru regarding CMM 01-2021 on *Trachurus murphyi*

Peru considers relevant to state the following:

The Convention we all are committed to, was created for the purpose of conservation and management of high seas fishery resources, including straddling fish stocks on the Area of the Convention.

Therefore, with regards to straddling fish stocks such as *Trachurus murphyi*, the competence of this Commission is the regulation and management of the fishery of straddling fish stocks in the high seas, and in the jurisdictional waters of the coastal States that have declared their express consent to submit them in accordance to Article 20(4)(a) of the Convention.

Peru has not expressed such consent, prerogative which assists the Peruvian State and that the Members of the Commission have not taken properly into account when adopting CMM 01- 2021 for *Trachurus murphyi*.

Peru as a coastal State exercises its sovereign rights with a responsible use and sustainable management of resources, in its jurisdictional waters, in consistency with the purposes of the Convention, ensuring to the extent possible the compatibility of the conservation and management measures.

The circumstance that Article 4(2) of the Convention states that conservation and management measures adopted for the high seas and those established for areas under national jurisdiction shall be compatible, does not imply that they should be equal. The Peruvian fisheries management measures rely on similar management approaches and purpose as those adopted by the regional competent authority, that aim at not disrupting the balance of the marine ecosystem as a whole.

As noted repeatedly, Peru significantly contributes to the scientific analysis and to the application of rigorous measures of conservation.

The Commission has the mandate to establish and allocate catch limits in the area of the Convention, and in so doing, it should respect the sovereign and scientific exercise undertaken by the coastal States in their jurisdictional waters.

And, in our view, it is not doing so when in the in the first part of paragraph 27 of CMM 01-2020 (...to be 2021) for *Trachurus murphyi* states, in an imperative manner, that coastal States that have not given their express consent according to Article 20(4)(a) have agreed to bind themselves to submit as a matter of urgency and within a peremptory period the reports specified in subparagraphs 27(a) and 27(b) of future CMM 01-2021, on management decisions and actions undertaken in areas under their jurisdiction and, clearly, outside the area of the Convention. This is not acceptable to the Peruvian State, particularly when Peru, the only coastal State fishing *Trachurus murphyi* that has not given its express consent, disagrees with this statement and has clearly opposed this part of the decision.

The Commission shall also take into account the respective dependence of the coastal States on the fishery resources concerned, the *Trachurus murphyi* in this case, and not only that of the States fishing on the high seas or in the area of the Convention. In our view, and as stated since the 1st meeting of the Commission in 2013, the Commission has been deciding to allocate a too large proportion of the indicative catch limit for the whole range of the stock in paragraph 10 of CMM 01-2021 to be distributed and caught in the area of the Convention. In a process that, although supported by the majority of members, we consider unfair and unequitable.

Lima, Peru, on January 27, 2021