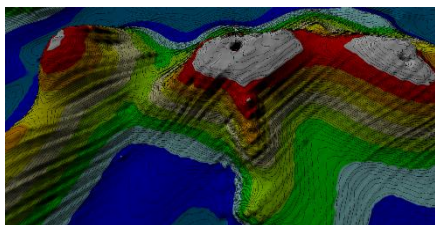


6th Meeting of the Commission
Lima, Peru, 30 January to 3 February 2018

COMM6-Report ANNEX12d: NZHSG Intervention
(New Zealand High Seas Group Incorporated)



New Zealand High Seas Group Incorporated

Ladies and Gentlemen Afternoon

Firstly, I wish to say that it is our intention to work with New Zealand officials and other members to help produce a measure that is rational and workable.

INFORMATION PAPER summarising the HSG's OBJECTIONS to the Proposed CMM for the Management of Bottom Fishing in the SPRFMO Convention Area (developed by Australia and New Zealand).

Background.

The Proposed Draft CMM to Manage Bottom Fishing (COMM6-PROP05) (together with its supporting information paper COMM6-INFO5) was submitted to the Secretariat on Friday 15 December 2017 by NZ and Australia (jointly). Upon representations made by the HSG, and the NZ Deep Water Group, the proposed draft CMM was withdrawn by NZ and Australia on 19 January 2018 and is now before the commission as an Information Paper only (COMM6-INFO9). The supporting information paper has been revised and is before the Commission as COMM6-INFO5 Rev1.

We have four significant “in principle” objections to the now withdrawn proposed Draft CMM (read with the Information Paper COMM6-INFO5 Rev1):

1. The Draft CMM was first received by the HSG on Monday 4 December 2017, and was submitted to the Commission without adequate consultation with the HSG. It has acknowledged errors and is substantively and technically incomplete;
2. The Draft CMM fails to strike a balance between use and protection of fisheries and fails in its ultimate purpose of achieving sustainable utilisation.
3. The Draft CMM, if implemented in its current form, will have the effect of limiting and precluding access to the already limited area dictated by the 2002-2006 qualifying years;
4. The Draft CMM is based on a new Zonation model, which requires further review and inappropriately seeks to further manage access by “move on” rules.

In what respects is the now withdrawn proposed Draft CMM defective?

- 1) It fails to create a clear set of rules for the management of all bottom fishing in the Convention Area, through seeking to add additional layers of controls that will have the effect of further limiting already limited access, and as such is inconsistent with the Convention;

- 2) In moving from a historic footprint to a spatial management approach, it has carried forward the failings of the footprint approach into the spatial management approach and has set the conservation values at a level that precludes access by responsible fishers. This theme is carried through the determination of the boundaries of the “evaluated area”; the setting of VME thresholds for habitat protection; and the *de facto* restriction of access to “high value fishing grounds” through the proposed application of the move on rules;
- 3) It ignores the fact that further work that needs to be done to inform the advice of the SC on Catch limits on the Louisville Ridge and Tasman sea and does not recognise that the current global catch limit in these areas has not been approached or reached.
- 4) The Draft CMM introduces a precautionary approach to proposed future bottom fishing that is coloured by the existing management mechanisms;
- 5) The VME encounter protocol (including the move on rule) contained in the Proposed Draft CMM (read with COMM6-INFO5 rev 1) is practically unworkable, scientifically flawed and out of step with international developments on effective management of interactions with VME’s.

In summary, this is a complex measure that requires significant work to address its substantive and procedural flaws. The HSG remains firmly opposed to the now withdrawn proposed Draft CMM. This has been repeatedly communicated to NZ Officials, and in the HSG’s view, Members should not expend valuable resources reviewing the proposed Draft CMM, until an updated Draft CMM is formally introduced after effective consultation with stakeholders.

Andy Smith

Chair
High Seas Group.