

South Pacific Regional Fisheries Management Organisation

**Commission of the South Pacific Regional Fisheries Management Organisation
2nd Meeting of the Commission, Manta, Ecuador
27 - 31 January 2014**

WP-04

**Chilean Position Paper
Second Commission Meeting of the South Pacific Fisheries Regional Management
Organization (SPFRMO)**

In the four years of negotiations and eight rounds of sessions to establish the SPRFMO, Chile maintained a unique and unequivocal position, underlining on the one hand, the need to regulate the fishing of Jack Mackerel, and on the other, supporting the work done by the scientific community, confirming that the population of the species in the Pacific South-East was overfished and in danger of collapsing. These elements have remained unchanged in our national position.

As a major coastal nation and fishing country of the area adjacent to the Convention, Chile has undertaken major economic and social costs through continued reductions in quota, which have been applied for more than two decades.

Our country completely transformed its fisheries management regime, transiting from a basic fishing regime (global race quota and effort control) to a system of allocation of individual catch quotas from 2000 onwards. This situation led to a drastic reduction in the fishing effort, which in turn paralyzed our fleet, associated with a continuous and substantial decline in its quotas. The most significant negative effect of these measures was assumed by the Chilean fishing industry.

Since the very beginning, our country welcomed the international call to apply the precautionary and ecosystemic approach to fisheries, supporting the adoption of interim measures taken in 2007, and renewed in 2009 and 2010 by the SPFRMO. Through the cooperation of all participants the adoption and subsequent entry into force of the Convention was finally achieved.

With the adoption in 2013 of the Conservation and Management Measure for Jack Mackerel, the Organization took a fundamental step in managing fisheries in its area of application. Furthermore, and with the consent of Chile, it was also applied to our EEZ. These measures were intended to meet the objectives of the Convention, that is, the conservation of resources and sustainable fishing.

At this second session of the Commission, Chile will introduce a substantial new element. It is our privilege to announce the entry into force of a new and modern fisheries legal framework, updating the previous one, and implementing relevant environmental concepts for Jack Mackerel fisheries, bottom fishing, as well as for other resources.

The new norm is based on the strict implementation of national as well as international scientific recommendations, including the Scientific Committee of the SPFRMO. Our national standard strictly puts into

practice the precautionary and eco-systemic approaches, which are elements of extreme complexity for most fisheries management systems, both domestically and internationally.

The construction of this new regulation brought about some negative consequences for our fishing sector. Nevertheless, the norm was introduced out of the conviction that its enforcement was necessary to ensure the conservation of Jack Mackerel in the long-term. As in the past decade, the new legislation inflicted reduction of quotas, cessation of numerous ships without subsidies and the reconversion of a substantive part of the industrial and artisanal fisheries. Finally, it is through this legislation that we have been able to strengthen our historic commitment to sustainable fisheries as well as to the international law of the sea.

At this meeting in Manta, the Parties of the Commission shall, amongst other important tasks, adopt a new Conservation Measure for Mackerel (CMM). Chile is prepared to participate in this collaborative exercise and wishes to search for a result that is also compatible with our internal measure. In this regard, we believe the Commission should henceforth adopt the CMM in strict accordance with the formal procedure laid down in the Convention, namely Articles 10, 12, 20, and 21 as appropriate and Annex III.

Chile will cooperate in seeking further measures for bottom-fishing. These measures are relevant to the interests of the Contracting States on the West Bank of the South Pacific as well as to the objective of the Convention itself. To this end, Chile has the strong conviction that Party Members of the Commission must take special interest in the recommendations of the Scientific Committee and its subsidiary bodies. In this context, we wish to emphasize the work of the Technical Compliance Committee, and particularly its decisions regarding compliance with the conservation measures adopted in 2013 by Contracting Parties; decisions concerning illegal fishing and proposed IUU list of vessels, as well as measures of monitoring and control.

In our view, the requests to attain the status of Cooperating Non-Member States must be analyzed on its merits and in line with the rules of the Convention (Article 32), particularly Decision 1.02 2013 concerning the rules of procedure for granting that status; cooperation with the Organization; compliance with the CMM and its reporting obligations as well as other standards adopted by the SPRFMO.

We wish to underline that Decision 1.03 granted the status of Cooperating Non-Member States on a temporary basis. Its effects expire on this second meeting of the Commission. We recall that its purpose was to promote the internal processes of acceptance, ratification or accession to the Convention, such as the recent ratifications of Vanuatu and China. We call upon those States that have not yet ratified, to do so in the shortest time possible in order to integrate them as full members of this Organization.

The assessment of the Scientific Committee on the status of the Jack Mackerel resource remains a concern to all, but we look into the future with optimism and believe in a slow but steady recovery. This trend should be reinforced by the strict application of the conservation measure to be adopted this year. It must strictly abide by the criteria established by the Scientific Committee.

The 2013 catch reports submitted by all States to the Secretariat, show that the resource, due to its trans-zonal condition, is mainly distributed in Chile's EEZ. This fishing pattern gives clear account of a minimal fishing activity in the High Seas, representing 14% of the total.

Consequently, we believe this fact constitutes a key element that must be considered by the Commission in the light of implementing art. 20 as a whole, particularly points 3 a), b), c) and numeral 4. Therefore, this is a situation that has to be taken into account when addressing the Total Allowable Catch (TAC) proposal, which should include the entire range of the resource in the South Pacific.

In 2013 Chile had to reduce the national quota from 282.000 tons to 229.000 tons, allocated at the first Commission meeting. On the other hand, out of the total assigned TAC, more than 117.000 tons were not

captured, either on the High Seas or in the EEZs of Cooperating Non-Members. This is an unacceptable situation for Chile. As a result, we had to reduce our already diminished national quota and prematurely stop fishing activities, while other States made no use of their allocations, thereby demonstrating a lack of "real interest" in the fishery.

The "real interest", as required by applicable international instruments, seems to have lost any real feasibility in the light of the absence of catch of those allocations assigned in 2013. Chile is convinced that this scenario has to be avoided under whatever reasons some may wish to put forward. Neither Chile, nor the international community, should accept that our fisheries management organization yields to speculative grounds, as has happened to other regional fishing bodies. To overcome this situation, we will be submitting a proposal in order to address this issue, focusing on a system of annual compensations.

Chile wishes to reiterate once again that we have come to Manta with a fixed quota, approved in accordance with our new fisheries regime of 2013, through the participation of our Scientific and Technical Committees and taking into consideration the report of the SPRFMO Scientific Committee. Furthermore, this quota is in line with the compensation we claim as result of the damages to the Chilean fishing sector in 2013. This is the result of a national exercise with a strong scientific backing and focused in protecting the sustainability of the Jack Mackerel resource.

We are ready, in our capacity as Contracting Party, to cooperate with other Parties through the strict application of the rules of the Convention. Our objective in Manta is to adopt a CMM that ensures sustainability; that considers the current fishing patterns; and that is compatible with our national regime. Furthermore, both the operation and maintenance of the Jack Mackerel fishing resource should also take due consideration of our historic fishing rights, as the main coastal and fishing State Contracting Party.

Our fishing behavior has been characterised by the concept of "real interest" as mentioned above, established and registered continuously since 1960 until today, with a global share of 71% of the total catch of the species in the South Pacific. Last year, our participation reached 76% of total Jack Mackerel catches.

Finally, Chile ratifies and endorses the recommendation of the Scientific Committee of the SPRFMO, which was held, as such, for the first time in La Jolla, United States, in October of last year.

Manta, January 27, 2014.