



SPRFMO
South Pacific Regional Fisheries Management Organisation

8TH MEETING OF THE SPRFMO COMMISSION

Port Vila, Vanuatu, 14 to 18 February 2020

COMM 8 – Prop 03.1

Explanatory Note to Proposal 03 – Rationale

Ecuador

SPRFMO

RATIONALE OF THE ECUADORIAN PROPOSAL FOR THE ALLOCATION OF FISHERIES

It is necessary to recognize and take into account that according to the principles of the Convention, the allocation of fisheries including *Trachurus Murphyi*, must be carried out in a strict framework of equity for all present and future members of the SPRFMO. Together with maintaining the relationship and coherence with the aforementioned statements.

In addition, a fair and equitable system must guarantee all members of the Commission the opportunity to carry out fishing activities under their own flags. This is why they must receive a basic capacity allocation that allows them to promote the development of the fishery in a sustainable and sustained manner with their own vessel, if they wish. Especially for developing coastal States whose economies depend on this activity, according to the framework of the Convention and other international laws on the subject.

On the same manner and considering the commitment to apply the precautionary approach and decisions based on the best available scientific and technical information, as established in Article 3 of the Convention, so that fisheries develop within the sustainable levels of the resource.

The 2019 scientific report states that, fortunately, the *Trachurus Murphyi* fishery is healthy. This is why the Scientific Committee for the year 2020 recommended a maximum catch quota of up to 680,000 tons; 89,000 more tons than in 2019. In addition, as addressed in the scientific meeting of Havana, thanks to the health of the resource, it would be possible to fish about over 780,000.00 TM without any problem.

It should be considered that the rights on the high seas belong to all States without any difference, and that quota transfers between States does not limit the rights of proper and own allocation that should correspond to each State.

During the 2018 and 2019 Commission meetings, in regard of the need to develop the *Trachurus Murphyi* fishery as a developing coastal country with vessels that can fish under its own flag, Ecuador justified through an economical and technical analysis the need of allocation of a quota of 6,500 TM to operate with a used vessel, and, 12,900 TM with a new vessel.

In accordance with the provisions of Section 92 of the Explanatory Memorandum to assist the Review Panel established under Article 17 of the SPRFMO Convention to consider Ecuador's Objection to the Conservation and Management Measure of *Trachurus Murphyi* (CMM-01-2018) of May 14, 2018, presented by the secretariat, there is a determined amount of 58.418 tons, which correspond to the Exclusive Economic Zones of Ecuador and Peru (buffer) of which the amount allocated to our country will come. Taking into account that the SC recommended a 15% increase in 2020 catches throughout the horse mackerel range, resulting in a total catch limit equal to or less than 680 thousand tons, therefore, the new buffer will be 68,966 tons.

Last year, during the 2018 meeting of the Commission at The Hague, with the intention of obtaining the assignment, Ecuador was willing to accept an allocation that would fit the requirements for the operation of a used vessel. Considering that the resource would come from the Buffer between Ecuador and Peru, the members of the



Commission requested bilateral meetings between both countries with the aim of coming to an agreement about its distribution. Having established that if there is no agreement, the Commission would proceed to resolve this dispute by voting.

Despite Ecuador's enduring efforts of proceeding with the distribution of the Buffer, only one bilateral was achieved with Peru from the Commission meeting. So far, there has not been a favorable response from them.

With this background and in order to increase the allocation to develop its own fishery, as one of the alternatives Ecuador has decided to open its Exclusive Economic Zone (EEZ), as established in art. 20 (4) (iii), so that this allocation does not affect the rights of other Members. The reference allocation is 11,487 MT, which added to the current allocation of 1,413 MT would add up to a total of 12,900 MT.

It must be considered at all times that the opening of the Exclusive Economic Zone involves cooperating with the Commission for issues of stock assessment, scientific research, conservation and ordering of resources that are fished in the Commission Area, in accordance with the stipulations in Article 20 (4) (iii) of the Convention, but the access to any fishing activity in this area by vessels flying another flag other than the flag of Ecuador, shall be prohibited and control shall be strictly carried out by the Ecuadorian Fisheries and Maritime Authorities, sovereign right prevailing at all times according to the guidelines found in the United Nations Convention on the Right to the Sea (UNCLOS) part V.

It is important to consider, that the Review Panel, which in 2018 knew Ecuadorian's claim recognizing the need to resolve it, suggested that it should be resolved by the Commission, for which it commented a set of remedies, having mentioned that: *Possible Ways Forward. 126. During the hearing...*, "The Review Panel therefore invites de Commission to consider exploring the possibility of adjustments to the allocation transfer system that would address the sorts of difficulties experienced by Ecuador, such as by incorporating the notion of a right of first refusal or elements thereof, for Members and CNCPs with no or very low allocations. An alternative could be for individual Members to revise their domestic transfer procedures to assist Ecuador directly within the framework of the present system".

In addition to the possible solution routes established by the Review Panel, Ecuador shows its desire to cooperate by suggesting this proposal, which aims to include within the fishing activity of a developing country in the area of the Convention. Without harming the rights of other Members and through a voluntary and sovereign mechanism.

PROPOSAL

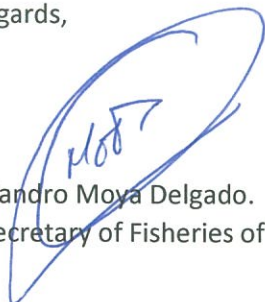
Assign to Ecuador an additional quota of 11,487 MT, which would reach a total quota of 12,900 MT. That will allow it to develop its own fishery in the Convention area, by virtue of: (1) Their special needs as a developing coastal state to develop Jack Mackerel Fishery in the Convention Area with a Ecuadorian vessel, (2) the opening of its exclusive economic zone in accordance with Article 20(4) (a) (iii); and, (3) the actual health condition of the Jack Mackerel resource.

Ecuador, due to the special nature of its proposal, does not rule out the possibility that it is be approved by the Commission outside of the CMM 01-2020 as a special decision.

Manta, Ecuador Dec 23, 2019

Best Regards,

Ab. Alejandro Moya Delgado.
Undersecretary of Fisheries of Ecuador.

A handwritten signature in blue ink, consisting of a large, stylized loop followed by the letters 'AM' and a horizontal line.