



10TH MEETING OF THE SPRFMO COMMISSION

Held virtually, 24 to 28 January 2022 (NZDT)

COMM 10 – Report ANNEX 9a

Statement of Peru regarding CMM 01-2022 on *Trachurus murphyi*

Republic of Peru

Peru considers relevant to state the following:

The Convention we all are committed to, was created for the purpose of ensuring the long-term conservation and sustainable use of high seas fishery resources, including straddling fish stocks within the Convention Area established in its article 5.

Therefore, with regards to straddling fish stocks such as *Trachurus murphyi*, the competence of this Commission to adopt conservation and management measures is limited to the high seas and the jurisdictional waters of those coastal States that have declared their express consent to submit them in accordance with 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 duly taken into account when adopting the previous and current versions of CMM 01- 2022 for *Trachurus murphyi*.

Since the first CMM for *Trachurus murphyi* adopted in the 1st meeting of the Commission in 2013, Peru has objected the way in which the Commission, while having general agreement on the recommended catch limit of *Trachurus murphyi* throughout its range, referred to in paragraph 10 of CMM 01-2022, has been deciding to allocate a large proportion of this recommended catch limit for the whole range to be caught within the Convention Area and the area of application of a specific conservation and management measure adopted by the Commission, as established in paragraph 5 of CMM 01-2022, without taking properly into account the interests, needs and concerns of Peru as a coastal State, including those referred to in Article 4(2)(a, b) of the Convention. Peru has also objected the low share of the catch limit in paragraph 5 of this CMM that is being assigned to Peru according to the percentages in Table 2 of CMM 01-2022 which, it is noted, was drastically reduced, and not reinstated after the 2nd meeting of the Commission in 2014. Furthermore, Peru, as a coastal State, exercises its sovereign rights regarding the exploration, exploitation, conservation and management of fishery resources in its jurisdictional waters in a responsible and sustainable manner, and with due regard for the protection of the marine ecosystem as a whole. Pursuing general objectives that are consistent with those of the “Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean”, and sharing the common interest of ensuring, through proper cooperation mechanisms, the compatibility of conservation and management measures adopted for the Convention Area by the Commission and those established for areas under national jurisdiction by the coastal States for straddling fish stocks such as *Trachurus murphyi*.

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 identical, or that measures adopted for one area should prevail over the other. Measures may differ in their form and extent, provided that in substance they pursue the same long-term conservation and sustainability objectives and can be applied without conflicting and without one diminishing the positive effects of each other. In this sense, the Peruvian fisheries management measures rely on similar



management approaches and purpose as those adopted by the regional competent authority, that aim at ensuring the long-term sustainability of the fishery resources and not disrupting the balance of the marine ecosystem.

As noted repeatedly, Peru significantly contributes to the scientific analysis and to the application of rigorous measures of conservation both, while exercising its sovereignty rights within its national jurisdictional waters, and as member of the Commission in the high seas, within the Convention Area.

The Commission has the mandate to establish and allocate catch limits in the Convention Area and those areas in which the Convention allows to do so, 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 (being repeated in CMM 01-2022) for *Trachurus murphyi* it is stated, 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 this CMM, on management decisions and actions undertaken in areas under their jurisdiction and, clearly, outside the Convention Area. 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 and previously 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 Convention Area. 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. And, while recognizing the particular circumstances that impeded doing so on this occasion, Peru insists that these and other issues objected by Peru be reviewed and solved at the next meeting of the Commission.

Lima, Peru, on January 25, 2022