



International Consultations on the Establishment of the
South Pacific Regional Fisheries Management Organisation

Eighth International Meeting: Science Working Group

SP-08-SWG-DW-04

PROPOSAL

REQUIREMENTS FOR THE DEVELOPMENT OF NEW FISHERIES

Undersecretariat for Fisheries – Chile

INTRODUCTION

Deep water fisheries (DWF) require an important amount of resources in terms of investment and technology. As a consequence, few countries have developed specific policies and schemes to manage them in their own jurisdictional zones; their management in high seas, constitute an even more challenging task, as it requires multilateral solutions that involve not only interested countries, but also other participants, to implement such activities.

Over the last decades, DWF have experienced an important increase in landings. According to FAO, DWF represented less than 1% of total marine catches in the period 1950-1977; while in the period 1995-2005 it increased to 3%, reaching 4% of the total marine catches in 2005, with 3.3 million tons. These figures evidence an interest to develop new fisheries in deep waters, and the growing trend to get access to new fishing grounds.

In light of this, a guideline on this matter is necessary, to allow member countries of the SPRFMO to act clearly, in accordance with the other fishing interests. That document should establish the requirements and proceedings needed before starting a new fishery. A key aspect is providing the necessary strategic guidelines to establish a base of scientific knowledge that allows the participants to evaluate the management measures that make possible the ecologic and economic sustainability of new fisheries (in accordance with the management principles of the Convention, their own legal framework and available scientific capacities).

The ecologic dimension of sustainability is fundamental for the development of a fishing activity, and should not be detrimental to the economic and social

dimensions, which are also part of sustainability. Management should be considered as an opportunity for development; in the case of new fisheries, it requires an integrated approach that combines science, business management, the effective participation of the government, the industry and the other stakeholders, to achieve a harmonious and sustainable process that minimizes adverse impacts that the activity may cause the ecosystem, especially the sea bottom and Vulnerable Marine Ecosystems (VME's).

FAO document "*International Guidelines for Management of Deep-Sea Fisheries in the High Seas*" (FAO 2008) incorporates aspects related to the existence of fisheries in different development stages. Thus, paragraph 23 identifies three stages: experimental, exploratory and established, and point out that all of them should be subject to strict management. Concerning data collection programs, the document mentions in paragraph 32 that it should comprise all the development stages of a fishery.

Regarding VME (par. 44) the document establishes that States and Regional Fisheries Organizations (RFO), and FAO accordingly, should meet and analyze the information related to zones under the competence of the Organization, or where vessels under the jurisdiction of such States have started deep-sea fishing operations, or in which new fisheries, or their extension, is considered. Besides, paragraph 55 of the guidelines indicates that cooperation programs on national and international observation should be established for all deep-sea fisheries, pointing out, among other things, that higher coverage levels are required, especially in experimental and exploratory stages of a fishery.

On the other side, it is pointed out that, regarding conservation and management instruments, a regulatory framework should include a set of rules and regulations for the management of the existing fisheries, as well as for opening new fishing grounds to exploratory fishing (par. 61). Also, it indicates that precautionary measures for conservation and management, including catch and fishing effort control, are fundamental during the exploratory stage of a fishery, and should be a major component in the management of established fisheries.

In accordance with the guidelines (FAO 2008), the text of the "*Convention on the Conservation and Management of High Seas Fisheries Resources on the South Pacific Ocean*" also considers the subject of new fisheries. Thus, in Art. 20, letter i, the contribution to responsible development of new fisheries is established as one of the criteria to define participation in fishing for a resource,

according to Art. 22 of the same Convention: New or exploratory fisheries. This article established that *"a fishery that has not been subject to fishing with a particular fishing gear or method for ten years or longer could be open to fishing with such fishing gear or method only as the Commission has adopted preliminary conservation and management measures"* Afterwards, in number 2, it is pointed out that such preliminary conservation and management measures shall be consistent with the management and conservation objectives, principles and approaches of the Convention, which will ensure that the fishery develops on a precautionary and gradual base to until obtaining enough information for the Commission to appropriately adopt conservation and management measures.

During the 7th SPRFMO meeting (Lima, May 2009), Chile expressed interest in analyzing matters related to the development of new fisheries in high seas beyond the ZEE. Particularly, Chile is interested in making progress in implementing article 22 of the Convention, in terms of introducing measures that regulate not only the start of fishing activities in new fisheries, but also their development.

A first step in the implementation of article 22 of the Convention was set in the proposal of procedures to conduct the assessments of bottom fishing on VME in early development or new fisheries, which was incorporated in the draft proposal of the document "Bottom Fishery Impact Assessment Standard". In this sense, it is important to highlight that the effort of the SWG-DW has been aimed at aspects related to the assessment of the impact and the protection of VME, and the requirements and operational aspects related to the beginning and development of new fisheries in the high seas have not been discussed.

This document is focused on providing definitions and objectives for new fisheries considering what has been indicated by FAO and the Convention. Also, a proceeding proposal or protocol containing the most relevant and necessary aspects for the development of new fisheries is provided.

1. DEFINITIONS

Adopting the conceptual model of fishery development contained in FAO 2008 Guidelines is proposed, considering three stages: experimental, exploratory, and established; the two first stages correspond to new fisheries. The following is defined:

a) Experimental fisheries

Fishing activity intended to be developed in a new area of the Convention or with a gear or method never used before on a fishing resource that has not been subject to exploitation during the last ten years or more.

This stage is characterized by the scarce amount of fundamental information about the target species and the ecosystem that allows timely implementing conservation and management measures. Experimental fishery corresponds to the first approaches to the exploitation of any resources.

The main objectives of an experimental fishery are:

- i) Collecting information that allows assessing the technical and economic feasibility of catching the target species.
- ii) Collecting information on operational aspects of the fishery.
- iii) Collecting background on the ecosystem in which the fishery is developed, target species, and related and dependant species.
- iv) Collecting information that allows detecting potential VME's.

Experimental fishery does not correspond to a purely scientific activity, even though it is desirable, as it allows complementing scientific and commercial aspects. Experimental fishery stage shall last until necessary information for determining the development feasibility is collected; after that, it shall be considered an exploratory fishery. The Commission, advised by the Scientific Committee, shall determine whether the information collected support that the fishery continues to be addressed as an experimental fishery or that it can be moved to the following development stage.

b) Exploratory fisheries

Fishing activity conducted after the technical and economic feasibility of undertaking commercial fishing activities is established (results obtained in the experimental fishery) and necessary initial information has been collected as to roughly characterize the ecosystem and determine biological-fishing parameters of the target resource. Considering that this information is still scarce, it shall be classified that way until enough information is gathered to:

- a) Evaluate the distribution, abundance, demography, as well as the potential yield.
- b) Evaluate possible effects of the fisheries on other dependant and similar species.
- c) Study and evaluate the potential effects of the fishing activity on the bottom and specifically on the VME's.

Exploratory fishery involves conducting commercial and research activities, in which preliminary conservation and management measures have been adopted, regarding the target species and any dependant or related species, as well as measures to protect the marine ecosystem against potential adverse impacts. Exploratory fishery shall be classified as such until information is available as to fulfill the previously mentioned objectives.

2. PROCESS OF REGULATION OF NEW FISHERIES OPERATIONS

According to the foregoing, developing a new fishery requires that the Commission controls and be aware of the activities involved. Thus, those who are interested in starting new fishing activities in the convention area should have a clear proceeding in which the necessary requirements to conduct a new fishery are established. The regulatory process shall be divided into three stages.

- a) Application and notification
- b) Analysis of the application and authorization
- c) Development of activities

A. Application and notification

For starting new fisheries, States shall submit a document to the Commission, establishing their intention to conduct such activity for at least three months before the Convention meeting. The requirements are the following:

1. Notification letter addressed to the Executive Secretary of the Commission, expressing the intention of developing a new fishery. In this notification a brief summary of the proposed activity should be included, indicating target species, fishing ground, name and characteristics of the participating vessel(s), indicating their flag state and call sign.
2. Besides of the notification letter, a Fishing Operation Plan, the evaluation of the impact of the fishery on the bottom, and a Data Collection Plan should be attached.

The Fishing Operation Plan consists of a detailed description on activities to be conducted. It includes the following:

- Vessels, name, and characteristics.
- Description of the fishing methods.
- Description of the fishing nets.
- Fishing ground and depth.
- Target and secondary species.
- Fishing period.
- Quantification of the effort to be applied.
- Estimation of the expected catches.

Assessment of the impact of fishing on the bottom shall adjust to provisions of the Bottom Fishing Impact Assessment Standard.

Data Collection Plan should adjust to provisions of the Standards for the Collection, Reporting, Verification and Exchange of Data.

B. Analysis of the application

The proposal previously mentioned shall be distributed to the rest of the participants at least two months before the annual meeting of the Commission and shall be analyzed and evaluated by the Commission, advised by the Scientific Committee. If the proposal is accepted, the Commission shall establish the respective management measures and, if necessary, additional

requirements aimed at complying with the objectives of the new fisheries (experimental or exploratory).

If the proposal is rejected, the requesting State shall appeal and submit a new proposal, considering the observations made by the Commission, which, advised by the Scientific Committee, shall analyze the new proposal and determine if it is definitely accepted or rejected.

The participants shall not start a new fishery until it is authorized by the Commission.

C. The development of the new fishery

When developing activities related to new fisheries, scientific observers should be kept in all the fishing operations (100% coverage) and VMS must be operative in all the participating vessels. Likewise, current management measures of the Convention shall be adopted and standards for the collection reporting, verification and exchange of data should be implemented; provisions contained in the BFIAS should be implemented for the assessment of bottom fishing impact.

Finally, the participants should inform the Commission Secretary about the results of the activities, two months before the nearest Commission meeting, after completing fishing activities.