



Agreement on the Conservation of Albatrosses and Petrels

Second Meeting of Advisory Committee

Brasilia, Brazil, 5 – 8 June 2006

ACAP Representative's report on the First International Meeting on the establishment of the South Pacific RFMO, Wellington, New Zealand, February 2006

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Introduction

The first meeting on the establishment of the South Pacific regional fisheries management organisation (RFMO) was held in Wellington from 14-17 February 2006. New Zealand, Australia and Chile were the co-sponsors of this initiative, which seeks to fill a gap in the management of high seas areas in the South Pacific Ocean. This process was also designed to respond to recent international calls (including through the United Nations) to urgently address such gaps to ensure the long-term conservation and sustainable use of fish stocks and to protect biodiversity in the marine environment.

There was a high level of interest in the initiative, as evidenced by participation by 26 states and over 15 inter- and non-governmental organisations. States participants included a range of potential coastal states, including a number of small-island developing states from the Pacific region, as well as a number of key fishing, port and market states. ACAP parties participating were France (in respect of its' territories), New Zealand, Australia, Peru, Chile, and Spain, United Kingdom (the latter two through the European Community delegation). A number of distant-water fishing nations participated.

The meeting report is appended in Appendix 1. The website for the South Pacific RFMO Consultations contains further reference material that may be of interest to readers of this report: www.southpacificrfmo.org

Key Outcomes of the Meeting

There was a preliminary discussion at the meeting of the following issues:

- a) An indicative outline of the high seas area for the proposed RFMO – there was little disagreement on the proposed western, southern and eastern boundaries of the area, but discussion on the northern boundary was postponed until participants have had the chance to discuss the species to be managed, the regulation of high seas enclaves with the proposed area, and received further scientific and technical information.
- b) Species to be covered – while the consultations are focussing on all species not listed in Annex I of UNCLOS, key commercial species currently fished appear to be orange roughy, jack mackerel and squid.
- c) Structural options – there was consensus around a legal framework, but it is not clear yet on the nature of administrative arrangements or infrastructure that will be required to support that framework.
- d) Decision-making processes – a variety of possible decision making processes was touched on.
- e) Composition of a commission and its subsidiary bodies - a number of calls made for an efficient and cost-effective infrastructure.
- f) Provisions for cooperation with existing RFMOs and other arrangements in the region – there was general consensus on need for compatible measures and to avoid any possible duplication of roles.

The key outcome of the meeting was a request by participants that the Chair develop a draft Convention text and draft text for interim arrangements for circulation to participants 60 days prior to the second meeting (6 – 10 November 2006).

The meeting also established two working groups to support the Chair during the intersessional period: a science working group, and a data and information working group.

Interim measures

Participants agreed to consider at the next meeting the adoption of interim measures to apply prior to the entry into force of the instrument establishing the RFMO. Opinion seemed to be divided among participants as to precisely what these interim measures might entail. Such measures could seek to address immediate fisheries and conservation issues by putting in place fisheries management controls, such as catch limits, reporting requirements, and measure to address the adverse impacts of destructive fishing practices on vulnerable eco-systems.

The EC proposed the immediate adoption of the interim arrangements contained in the Annex to the Convention establishing SEAFO (covering authorisation of fishing vessels; vessel requirements including documentation, reporting of catch and fishing effort and communication of vessel movements and catches; and scientific observation and collection of information to support stock assessment). This proposal failed to gain any support, despite New Zealand's offer to act as interim secretariat to receive the reports/information that participants would be required to provide.

A number of Pacific Island countries (including Vanuatu, Fiji, Cook Islands, as well as France on behalf of its territories) strongly advocated bans on bottom-trawling in the area while the new arrangements are negotiated, however, no consensus emerged for immediate action in this area.

Informal Science Consultations

Good progress was made in the informal science sub-group, with a list of tasks drawn up for completion inter-sessionally by the Science Working Group. The task list includes the development of profiles for seamounts, seabirds and corals, ie not just target fisheries species.

The ACAP representative noted that the aims of the ACAP agreement included promoting coordination of research and management of threats to albatross and petrels species. ACAP noted that of 28 species named on Annex 1 of the ACAP agreement, 27 are known to be caught in fisheries in FAO statistical areas 71, 77, 81, 87 (based on analysis of the report on fisheries overlap and seabird distribution, Robertson et al. 2004). These FAO statistical areas were the ones that the South Pacific RFMO will possibly cover. Therefore the development of this agreement should be of some interest to ACAP. The ACAP representative supported the uptake of information about non-fish species affected by the fisheries carried out in the region as set out in the Birdlife submission on Chatham Albatross.

Recommendations for ACAP

Given the overlap of seabird distribution with the possible area of coverage of the South Pacific RFMO, the RFMO is likely to be important to the conservation of albatrosses and petrels. Therefore it may be important for ACAP to attend future consultations on the establishment of the RFMO.

Suggested actions for ACAP in respect of the South Pacific RFMO Consultations:

- Consider participating in future consultations on the establishment of the South Pacific RFMO
- Promote the development of an agreement that creates obligations, and set out mechanisms, to address the impacts of fishing on seabirds
- Promote the establishment of interim arrangements to address any immediate seabird bycatch issues while the South Pacific RFMO is being established
- Provide relevant information and data to support the adoption of interim and longer term measures to address seabird bycatch issues.
- Support the development of an observer program and standardised recording of seabird bycatch and mitigation methods within these programs.
- Propose/support the development of effective seabird bycatch mitigation measures for both longline and trawl fisheries (many of the stocks likely to be exploited under the agreement are benthic species or finfish most likely to be fished using trawl or bottom-longlining methods).

By contributing to the work of the Science working group, ACAP will help raise the profile of albatross and petrel species within the context of the South Pacific RFMO. This could involve the preparation of species profiles, such as those prepared by Birdlife International for Chatham Albatross.

Suggested actions for ACAP in respect of the Science Working Group:

- ACAP to consider asking for membership or observer status on this working group, as appropriate
- To provide input into the formulation of the species templates for seabirds.
- To provide input into the identification of priority species for development of species profiles for seabirds
- To consider, along with Birdlife International, the development of further species profiles for seabirds affected by fishing within the proposed RFMO boundaries along the lines of that previously submitted

**First International Meeting on the Establishment of the proposed
South Pacific Regional Fisheries Management Organisation**

**Wellington, New Zealand
14-17 February 2006**

REPORT

1. A meeting to discuss the establishment of a South Pacific regional fisheries management organisation was held in Wellington, New Zealand, 14-17 February 2006. The meeting was opened by the Honourable Jim Anderton, New Zealand Minister of Fisheries.
2. Mr Bill Mansfield of New Zealand was elected as Chair.
3. The meeting adopted SP/01/Inf1 rev 2 as its agenda.
4. The meeting discussed an indicative outline of high seas area for the proposed RFMO (refer Annex II of SP/01/Inf 3 rev1) as follows:
 - the western boundary of the proposed South Pacific regional fisheries management organisation should abut the eastern boundary of the proposed convention area to be established under the Southern Indian Ocean Fisheries Agreement;
 - the southern boundary of the proposed South Pacific regional fisheries management organisation should abut the northern boundary of the convention area of the Commission for the Conservation of the Antarctic Living Marine Resources (CCAMLR);
 - the eastern boundary of the proposed South Pacific regional fisheries management organisation should abut the outer limit of the maritime jurisdictions of South American states;
 - the northern boundary of the proposed South Pacific regional fisheries management organisation should not be delineated until the meeting had discussed the species to be managed, the regulation of high seas enclaves within the proposed area and had received further scientific and technical information.
5. The meeting noted that key issues, including the geographical scope, species to be covered, structural options, decision-making processes, composition of a commission and its subsidiary bodies, and provisions for co-operation with existing regional fisheries management organisations and other arrangements in the region, would need further discussion.

6. The Participants agreed to the following steps. They:

(i) Will work to establish, as a matter of priority, a legally binding instrument for the conservation and management of living marine resources, other than species listed in Annex I of UNCLOS, in the high seas of the South Pacific Ocean¹; it is understood that conservation and management includes the sustainable utilisation of resources and the protection of the marine environment;

(ii) Requested the Chair to develop, taking into account discussions held February 14-17, a draft Convention text and draft text for interim arrangements for circulation to Participants 60 days prior to the second meeting;

(iii) Established the following working groups to support the Chair during the intersessional period:

- Science working group – To provide scientific information.
- Data and information working group – To provide advice on data management, including confidentiality, security, collection and dissemination and data needs.

(iv) Will consider establishing an interim secretariat by the next meeting.

(v) Will consider at the next meeting the adoption of interim arrangements to apply prior to the entry into force of the instrument, in light of the information and advice provided by the working groups and participants.

(vi) Urge States, entities and territories to comply fully with their obligations under international law by taking such measures for their respective nationals and vessels flying their flag, which are engaged in fishing and other related activities, as may be necessary for the conservation and management of living marine resources falling under the intended instrument (consistent with paragraph 1 above);

(vii) Will co-operate to establish interim targeted protection mechanisms for vulnerable marine ecosystems;

(viii) Recognise the special requirements and development aspirations of developing States and territories, in particular small island developing states and territories.

7. An informal science working group met on Wednesday 15 and Thursday 16 February. Co-conveners Richard Tilzey (Australia), Rodolfo Serra (Chile) and Neville Smith (New Zealand) facilitated discussion. The science working group was asked to complete the tasks listed in Annex I of this report prior to the next meeting. Participants were asked to provide comment on the draft species template² to co-convenor Neville Smith by 17 March 2006 (science@southpacificrfmo.org).

8. The meeting noted that New Zealand would continue to provide secretarial services in the intersessional period.

¹ Participants understood that the new instrument should, as far as possible, avoid duplication and overlap with existing international instruments and should be consistent with international law relating to law of the sea.

² SP/01/Science/01.

9. The meeting noted that the second meeting to discuss the establishment of the proposed South Pacific regional fisheries management organisation would be held in Australia, 6-10 November 2006.

10. The meeting closed at 12.45pm on Friday 17 February.

11. The meeting was attended by those representatives who appear in the List of Participants (Annex II).

12. Participants expressed their appreciation to the Chair and the co-convenors of the informal science working group. They also expressed their appreciation to the Government and the people of New Zealand for hosting the meeting.

Tasks to be completed intersessionally by the science working group

It is intended that these tasks be completed largely by email and via the www.southpacificrfmo.org site. An iterative process will be required to complete these tasks comprehensively and in time for the next meeting.

1. Complete templates for target species, for habitat, and for associated and dependent species
2. Follow-up information offers from participants at the First International Meeting on the Establishment of the South Pacific Regional Fisheries Management Organisation (to inform task three below).
3. Develop profiles using agreed target species template for:
 - a. Orange roughy
 - b. Jack mackerel (*Trachurus murphyi*)
 - c. Squids
 - d. As many the following identified target species as possible:
 - *Beryx splendens*
 - *Epigonus telescopus*
 - *Epigonus notacanthus*
 - *Hyperoglyphe antarctica*
 - Oreosomatidae
 - *Dissostichus eleginoides*
 - *Pseudopentaceros richardsoni*
 - *Polyprion americanus*, *P. oxygeneios*
 - *Mora moro*
 - *Plagiogeneion rubiginosum*
 - *Etelis* spp., *Pristipomoides* spp.
 - *Jasus caveorum*
 - *Projasus bahamondei*
 - *Seriola lalandi*, *Seriola* spp.
 - *Centrolophus niger*
4. Develop profiles using habitat template for:
 - a. Seamounts
5. Develop profiles using agreed associated and dependent species template for:
 - a. Seabirds
 - b. Corals
6. Develop a list of priorities for species profile development for habitats and associated and dependent species.