ECONOMIC POTENTIAL OF FISHERIES IN THE PACIFIC REGION, THROUGH REGIONAL COOPERATION IN COMBATING IUU FISHING

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PACIFIC EEZs
Fisheries Resources

- Economic development
- Food security
- Extremely important area of trade
Key Facts: New Zealand’s Fisheries

- Coastline – 15,000 km
- Fisheries waters – 4.4 million sq km
- Exclusive economic zone – 4 million sq km
- Marine species identified – 16,000
- Species commercial fished – 130 (70% deepwater)
- Estimated 90% of NZ seafood is exported
- Total seafood export volume 2010 – 299,790 tonnes
- Seafood exports rank as NZ’s 4th or 5th export earner
Purpose
The purpose of this Act is to provide for the utilisation of fisheries resources while ensuring sustainability.

Fishing
(a) means the catching, taking, or harvesting of fish, aquatic life, or seaweed; and
(b) includes—
   (i) any activity that may reasonably be expected to result in the catching, taking, or harvesting of fish, aquatic life, or seaweed; and
   (ii) any operation in support of or in preparation for any activities described in this definition
Main international treaties:
- United Nations Fish Stocks Agreement (UNFSA)

NZs obligations under UNCLOS and UNFSA in respect of high seas fishing are set out in Part 6A of the Fisheries Act
- Applies to NZ flagged vessels fishing on the high seas
- Applies to NZ nationals using foreign vessels on the high seas
- Provides procedures for boarding and inspection of NZ and foreign vessels
NZ’s domestic legal framework relating to fishing in its EEZ reflects its sovereign rights under UNCLOS:

- to exploit, manage and conserve its natural resources in the EEZ; and
- to adopt laws to manage its fisheries resources.

Foreign fishing vessels must have a licence to fish in NZ’s EEZ and comply with conditions of licence.
Regional Fisheries Management Organisations (RFMOs)

➤ NZ is a member of 3 RFMOS:
  o Commission of the Conservation of Southern Bluefin Tuna (CCSBT)
  o The Western and Central Pacific Fisheries Commission (WCPFC)
  o The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

➤ Signatory to the Convention which will establish a South Pacific Regional Fisheries Management Organisation (SPRFMO)
Fisheries Act 1996

- Must be interpreted consistently with international obligations (s. 5)

- Broad regulation making power – enables regulations to be made that implement or give effect to any treaty, convention, agreement or understanding between NZ and any foreign State and which could be applied on the high seas to any NZ fishing vessel (s. 297(1)(o))

- Conditions on high seas fishing permits to give effect to international conservation and management measures adopted by international, regional, sub-regional organisations or arrangements (s. 113k)
Illegal Unregulated Unreported fishing

- Major problem in the Pacific region
- Vast EEZs with limited resources to effectively monitor and enforce laws and combat IUU fishing
- Substantial loss of revenue
Boarding and Inspection

- Flag State consent is required to inspect and board a foreign vessel. Consent is normally given:
  - through membership of a multilateral treaty (eg UNFSA) where boarding would occur in accordance with UNFSA procedures
  - through membership of a RFMO treaty (eg WCPFC) where protocols under the RFMO would be followed
  - through bilateral boarding arrangements
  - on an ad hoc basis by flag State to inspecting State

- Challenges if foreign vessel is:
  - Non member of UNFSA; or
  - Non member of relevant RFMO for the area vessel is believed to have fished illegally
Enforcement of laws of coastal State

**UNCLOS Article 73**

- Arrested crews should be promptly released
- Coastal States penalties may not include imprisonment (in absence of agreement with State concerned)
- In cases of arrest or detention of foreign vessels, flag State must be promptly notified
Regional Initiatives & Sub-regional Strategies

Monitoring, Control, Surveillance:

- Forum Fisheries Agency (FFA)
- Niue Treaty on Cooperation in Fisheries Surveillance & Law Enforcement in the South Pacific Region 1992 (Niue Treaty)
- Te Vaka Moana Arrangement 2010
- Te Vaka Toa Arrangement 2011
Unauthorised Activities of Ta Chun No. 101
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Close Up: (Well Area) of Ta Chun No. 101 (BI2069)
Illegal Activity within New Zealand EEZ
18/09/2009 01:22 UTC
Crew appears to be stowing recently recovered fishing gear and repacking snoods into the blue bins within the well area.
Radio Buoys stored on Port side of vessel. Nine buoys in total would indicate one is missing as a buoy is normally placed at either end of a long line for later recovery.
Unauthorised Activities of Ta Chun No. 101
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At this point the vessels illegal activity was 76.6 Nautical miles inside the New Zealand EEZ.
Ta Chun No.101: Violations of NZ Fisheries Laws

- Fisheries Act 1996
  - Foreign licensed access (s. 84(1))
  - Fishing vessel registration (s. 103(1))

- Fisheries (Foreign Fishing Vessel) Regulations 2001
  - Stowage of fishing gear (r. 25(1))

- Total maximum penalties for the company and master of the fishing vessel for the combination of the three offences identified, came to NZ $700,000
Assistance of the Chinese Taipei authorities was sought to direct the *Ta Chun No.101* to a NZ port, and direct the master and owner to voluntarily travel to NZ to cooperate with the investigation.

Nomination by NZ of placement of *Ta Chun No.101* (B12069) on the WCPFC List of Vessels presumed to have carried out IUU fishing activities in the Western and Central Pacific Ocean.
Potential Consequences of IUU Listing

- Risk to trade access

- Confidence in fisheries products from the flag State of an IUU listed vessel could be undermined

- Damage to the reputation of the flag State of an IUU listed vessel as a responsible flag State
Vessel owner acknowledge *Ta Chun No. 101* engaged in unauthorised activities within NZ’s EEZ and in contravention of NZ law.

Fisheries Agency agreed to ensure that the vessel owner would pay a sum of NZ$220,000 to the NZ Government as a penalty for such activities.

NZ would inform WCPFC that the nomination to place the vessel *Ta Chun No. 101* on the WCPFC IUU list would be withdrawn.
A coordinated region-wide approach to fisheries management is of vital importance to effectively combat IUU fishing in the Pacific region.