

NEW ZEALAND SUBMISSION TO THE INFORMAL CONSULTATIONS OF STATE PARTIES TO THE UNITED NATIONS FISH STOCK AGREEMENT (ICSP)

Implementation of an ecosystem-based approach to fisheries management

New Zealand is a Party to the United Nations Fish Stock Agreement and a participant in the United Nations Informal Consultations of State Parties to the Fish Stock Agreement (ICSP). The United Nations ICSP5 has invited the Parties to submit reports on their views on the topic 'implementation of an ecosystem-based approach to fisheries management' (EAFM) in their respective national and high seas fisheries.

New Zealand is responsible for one of the largest and most biodiverse marine areas in the world. Our maritime zones (comprising the territorial sea, exclusive economic zone and the extended continental shelf) extend more than four million square kilometres – 24 times the size of our land area. It covers much of the sunken continent of Tera and is recognised as the world's eighth continent.

Ecosystem-based management is considered to be a more effective way of addressing complex environmental challenges in the marine area. The ecosystem-based approach is important as it relates to the 'management of the entire marine ecosystem, including fisheries. In this report, we focus on the ecosystem-based approach for 'fisheries management' as a subset of the wider ecosystem-based approach and discuss how an ecosystem-based approach to fisheries management is gradually being incorporated into New Zealand's regulatory and institutional frameworks.

Introduction

This report introduces New Zealand's incremental adoption of an ecosystem-based approach to fisheries management through i) New Zealand's legislative reforms, ii) governance systems, iii) examples of work programmes that demonstrate how we are working to adopt this ecosystem-based approach to fisheries management, and iv) participation in relevant international processes.

I. Legislative reform

International legal frameworks

The United Nations Convention on the Law of the Sea (UNCLOS), ratified by New Zealand in 1996, provides the definitive legal framework within which all activities in the oceans and seas must be carried out. UNCLOS creates an overarching obligation on states parties to “protect and preserve the marine environment” (Article 192) both within and beyond their national jurisdiction.

The Fish Stocks Agreement 1995 details further obligations relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. These include the requirement to adopt, where necessary, conservation and management measures for species belonging to the same ecosystem as the target stock (Article 5(e)) and to apply the precautionary approach widely to conservation, management and exploitation of such stocks (Article 6).

Domestic legislation and legislative reform

New Zealand has three pieces of domestic legislation that provide the main framework for fisheries management: the Resource Management Act 1991 (RMA), the Fisheries Act 1983 (FA), and the Marine and Coastal Area Act 2012 (MCA). The RMA provides the overarching framework for resource management, including fisheries. The FA provides the specific framework for fisheries management, including the allocation of fishing rights and the management of fisheries resources. The MCA provides the framework for the management of the marine and coastal area, including the allocation of marine and coastal area units and the management of these units.

(a) associated or dependent species should be maintained above a level that ensures their long-term viability:

(b) biological diversity of the aquatic environment should be maintained:

(c) habitat of particular significance for fisheries management should be protected.

ii) Māori and Crown Partnership (Te Tiriti o Waitangi/Treaty of Waitangi)

New Zealand domestic law increasingly recognises the importance of the Treaty of Waitangi 1840 – the founding agreement between the Crown and Māori. The Treaty of Waitangi and the Treaty principle of partnership are central to New Zealand's approach to marine environment management. However, the Treaty's principles in the marine environment have yet to be fully worked through, influencing broader legislative reform.

The Fisheries Act 1983 provides for the management of fisheries in New Zealand, including catching, processing, marketing and food services. This income stream makes an important contribution to the economic, social and cultural wellbeing of some iwi. The Fisheries Settlement also settled

III. Work programmes of the Oceans and Fisheries portfolio being undertaken to implement an ecosystem-based approach to fisheries management

New Zealand has already implemented aspects of an ecosystem-based approach in a range of fisheries management and related marine conservation activities.

The New Zealand sea lion Threat Management Plan 2022 was developed to halt the decline of the sea lion population within five years (approximately 12,000 individuals) and ensure the population is stable or increasing within 20 years. The Sea Lions are listed as 'ationally vulnerable' under New Zealand's Threat Classification. The ultimate goal is for the sea lion population to recover and achieve a 'not threatened' status. The objectives of the plan are supported by site-specific measures of success for four sea lion breeding locations, and the presence of population faces. A key management measure of the plan is to ensure trawl vessels that may encounter sea lions deploy 'sea lion exclusion devices'.

(f) The National Plan of Action for Seabirds and Sharks

The Fisheries Act requires responsibility be taken to 'avoid, remedy or mitigate any adverse effects of fishing on the aquatic environment'. Associated or dependent species should also be maintained above a level that ensures their long-term viability. New Zealand has two National Plans of Action (NPOAs) for seabirds and sharks respectively, which were developed (ah6()TJ -0.001(y o)-3.1(r)-05.1(sj 0.0(e)0.7(T

IV. International fisheries

Annex A

The principles of the Oceans and Fisheries portfolio are:

1. Precautionary approach and adaptive management
2. Equitable allocation of costs and benefits
3. Give effect to the principles of Te Tiriti o t]š v P] l d Œ š Ç } (t] š v P] U] v o μ] v P fisheries settlement and other legislation
4. Decision-making based on sound science and traditional knowledge
5. Consistency with international commitments
6. Transparent, inclusive, and effective public participation processes

Key programmes working towards ecosystem based approach to fisheries management within the Oceans and Fisheries portfolio include:

- *Fisheries system reform*: to strengthen and modernise New Zealand's fisheries management system, in part to enable more sustainable fishing methods
- *Improved fisheries monitoring – on-board cameras*: to install cameras on inshore fishing vessels
- *Open ocean aquaculture*: to improve the management framework to facilitate the development of open ocean aquaculture
- *Marine protected areas reform*: to create a more strategic, nationally coordinated framework for marine protection with modernised legislative tools and processes that improve integration with wider marine use
- *Government Hauraki Gulf Sea Change Strategy*: to implement an integrated marine management strategy for the Gulf including marine protection, restoration, and fisheries management measures
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