

STATAMENT BY PERU
1ST COMMISSION MEETING: 28 JANUARY - 1 FEBRUARY
2013

STATEMENT BY PERU

Peru reaffirms its commitment towards the conservation and responsible use of fishery resources, especially the Jack mackerel whose recovery requires the cooperation of coastal States and States, regional organizations of economic integration and fishing entities interested in fisheries in the SE Pacific area. Furthermore, Peru values the analyses and findings of the Scientific Working Group that held its 11th session in Lima, Peru, in October 2012 and supports its recommendations. In particular, Peru supported and continues to support the recommendation that fishing mortality of *Trachurus murphyi* should be maintained at or below 2012 levels to improve the likelihood of spawning biomass increasing, noting that this would result in a total catch for 2013 on the order of 440,000 t or lower over the whole range of the species. While supporting this recommendation, Peru regrets that in adopting its Conservation and Management Measures (CMM) for *Trachurus murphyi* for 2013 the Commission has decided to allocate a large proportion of this indicative total catch limit, for an amount of 360,000 t, to the fleets operating in the area to which the Commission's CMM applies. It is noted that in most if not all cases this allocation results in an actual and in some cases substantial increase in the 2013 authorized catches in the Convention Area with respect to those catches taken by the same fleets in 2011 and 2012. It is the opinion of the Peruvian Delegation that in so doing, the Commission is not taking properly into account the precautionary principles and the interests, needs and concerns of some of the coastal States regarding the sustainable development and maintenance of their own local fisheries in their own national jurisdictional waters which as per relevant articles of the Convention should be taken into consideration. Furthermore, it is the opinion of this

Delegation that the above CMM have been adopted without giving proper consideration to the most recent developments in the fisheries by coastal States in their own jurisdictional waters, the recent changes in the distribution and local abundance of jack mackerel in the area and the distinct characteristics of the Far-North stock of jack mackerel. Notwithstanding the above mentioned reservations, the Peruvian Delegation wishes to ratify its intention to fully comply with the CMM with respect to its fishing and other related activities in the Convention Area as adopted by this Commission. With respect to the areas under national jurisdiction this Delegation reaffirms that in the exercise of its sovereignty rights, Peru will continue to adopt the management and conservations measures that it would deem more appropriate on the basis of the best and most up to date information available, including the results of the fisheries research work conducted by its own fisheries research institutions, the analyses and results of the Scientific Working Group when applicable, and any other scientifically sound information available.

STATEMENT BY PERU
2ND COMMISSION MEETING: 27 - 31 JANUARY 2014

STATEMENT BY PERU

Peru reaffirms its commitment towards the conservation and responsible use of fishery resources in the Southeast Pacific, including the Jack mackerel *Trachurus murphyi* whose recovery requires the cooperation of coastal States and States, regional organizations of economic integration and fishing entities interested in fisheries in the area. Furthermore, Peru values the technical work and analyses made by the Scientific Committee that held its 1st session in La Jolla, California, U.S.A., in October 2013 and supports its findings and recommendations. In particular, Peru supported and continues to support the Scientific Committee recommendation *that fishing effort on Trachurus murphy should be maintained at or below 2013 levels to maintain the likelihood of spawning biomass increasing and that the Commission is to aim to maintain 2014 catches for the entire Jack mackerel range in the southeast Pacific at or below 440,000 t.*

While supporting this recommendation, Peru regrets that in adopting its Conservation and Management Measures (CMM 2.01) for *Trachurus murphy* for 2014 the Commission has decided to assign to itself an exceptionally large proportion of this indicative total catch limit, for an amount of 390,000 t, to be caught in the area of application of the Convention. The Peruvian Delegation feels compelled to reiterate and place on record its strong disagreement with this decision by the Commission regarding the catch limits for Jack mackerel *Trachurus murphyi* within the area of application of the Convention, noting that Jack mackerel is a straddling fish species that distributes and sustains important fisheries both within the area of application of the Convention as well as in the jurisdictional waters of coastal states such as Peru, whose jurisdictional waters are not part of the area of application of the Convention.

Furthermore, this Delegation wishes to note that the 2014 catch limit that has been decided in CMM 2.01 is much larger than the already large share set up for 2013, while the scientific evidence available doesn't support an expansion of the catch limits beyond those set in 2013. It is the view of this Delegation that in taking this decision, the Commission is seriously compromising the declared aim of maintaining 2014 catches at or below 440,000 t for the entire Jack mackerel distribution range and has not given proper consideration to several relevant articles of the Convention, including the ones aimed at ensuring long-term sustainability and those referring to the interest and needs of a coastal State such Peru, that has an important Jack mackerel fishery in its jurisdictional waters.

Given the above and with regards to the Peruvian fisheries in areas under its national jurisdiction, this Delegation reaffirms that in the exercise of its sovereignty rights, Peru has and will continue to adopt the management and conservations measures that would deem more appropriate on the basis of the best and most up to date information available, including the results of the fisheries research work conducted by its own fisheries research institutions, the analyses and results of the Scientific Committee when applicable, and any other scientifically sound information available. In this respect and as already noted to this Commission, the Peruvian Delegation herewith reports that on the basis of the best scientific information available, the Peruvian Government has already set a catch limit of 130,000 t for Jack mackerel to be caught in Peruvian jurisdictional waters in 2014.

With regards to the sharing of the catch limit set up by this Commission for catches in the area of application of the Convention, this Delegation notes with dismay that the Commission has drastically changed the baseline and criteria for calculating the proportions to be used in calculating the catch limits to be assigned to each participating party fishing in the area of application of the Convention. With respect to those set up in 2013 (in CMM 1.01), these changes result in: large increases in the catch limits assigned to some contracting parties; limited changes in the catch limits assigned to other contracting parties; and, a very large reduction in the catch limit assigned to Peru, a cooperating non-contracting party. This, in the view of the Peruvian Delegation, is detrimental to the plans and legitimate interest and expectations of Peru to actively participate in the Jack mackerel fishery in the high seas, within the area of application of the Convention. In this respect, the Peruvian Delegation expresses its strong disagreement with the criteria and outcome of these calculations and reserves its right to continue to raise these concerns as appropriate, in the expectation that we may have a larger participation in this high seas fisheries in the near future.

STATEMENT BY PERU
3RD COMMISSION MEETING: 2 - 6 FEBRUARY 2015



Statement by PERU

Peru considers relevant to state the following:

The Convention we all are committed with was created for the conservation and management of straddling fish stocks on the High Seas.

In this regard, the competence of this committee is the regulation of straddling fish stock beyond jurisdictional waters, except if a Coastal State declares its express consent.

Peru is a Coastal State that, in exercise of its sovereignty, reserves the responsible use and sustainable management of resources in its jurisdictional waters, in consistency with the purposes of the Convention.

As noted throughout the meetings of the Organisation, Peru significantly contributes to scientific analysis and to the application of stringent measures for conservation.

The Commission rightfully defines the catch quota at High Seas, and in so doing it should respect the sovereign and scientific exercise undertaken by the Coastal States in their jurisdictional waters.

To: Members and CNCPs

Dear colleagues,

Re: Response from Peru regarding COMM5-Prop01

Please find attached a letter from Peru received today for your consideration at the 2017 Commission meeting. In it Peru explains its position with regard to COMM5-Prop01 on an *“Interim Allocation of Jack Mackerel Quotas”* submitted by Vanuatu.

Sincerely yours,



Johanne Fischer
Executive Secretary



Lima, January, 10 2017

OFICIO N° 013 -2017-PRODUCE/DGP

Dr.
JOHANNE FISCHER
EXECUTIVE SECRETARY
South Pacific Regional Fisheries Management Organization
PO BOX 3797, Wellington 6140, New Zealand


SUBJECT: Proposal to review the jack mackerel quota allocation process by the Commission by Peru

Dear Mrs. Fischer

It is a pleasure to cordially greet you and inform the Secretariat about our "Proposal to Review the Jack Mackerel Quota Allocation Process" we would like to submit for consideration at the upcoming 5th meeting of the SPRFMO Commission taking place in Adelaide, Australia, from 18 to 22 January 2017.

Yours Sincerely,




AN TELMO GONZÁLEZ FERNÁNDEZ
General Direction of Policy and Fisheries Development

/SAA

5th Meeting of the Commission
Adelaide, Australia 18 to 22 January 2017

**Proposal to Review the Jack Mackerel Quota
Allocation Process by the Commission**
by
Peru

BACKGROUND

The allocation of the annual quota of jack mackerel to be caught in the SPRFMO Convention area is one of the most controversial issues that the Commission has to face every year, and possible alternatives for settling the quota allocation issue equitably, objectively and transparently, and in full accordance with the specific provisions in the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean are by all means worth considering. Some concerns regarding inequities in earlier allocations have been aired by Peru and others in previous sessions of the Commission and while providing some general comments, this document invites a more thorough review of the quota allocation process with the aim of promoting a more settled arrangement for the future. While doing so, some comments are offered regarding one other proposal submitted this year by Vanuatu as COMM 05-Prop 01, to then propose a wider discussion of the jack mackerel quota allocation issue.

COMMENTS ON DOCUMENT COMM 05-Prop 01

While there might be some merit in the general aim of increasing the utilization of jack mackerel catch quotas while reducing possible frictions between members and CNCP's when negotiating the allocation of such quotas, the specific proposal in Prop 01 of establishing "*a minimum annual utilization standard of quota that, if not reached, would lead to that Member not being entitled to share in any increase in the TAC in the following year*" is, at present and under the current circumstances, objectionable or at best inconvenient.

Firstly, this proposal seems to be based on an over-optimistic interpretation of the findings and conclusions of the Scientific Committee regarding the recovery of the jack mackerel stock(s) and relies on an incomplete interpretation of the Committee's recommended catch limit. Secondly, it proposes a scheme that retroactively would penalize a minority group of participants for acts (not fishing their allocated share of the total quota) that don't constitute infringement and don't merit being penalized, let alone retroactively. Particularly considering that, independently of their real causes, these absences or decreases in catches contribute voluntarily or involuntarily to lowering the total catch and resulting F's. Thus, favor a faster recovery of the jack mackerel that, while recovering, is still overfished or below its MSY expected levels.

This proposal also seems to assume that this year's allocation is already settled and that only the annual increase in the recommended total TAC needs to be negotiated. This is contrary to what

has been agreed in earlier sessions of the Commission, as reflected by paragraph 3 of the Conservation and Management Measures for *Trachurus murphyi* (CMM 4.01 and earlier) in which it is clearly stated that past allocations are not to be considered a precedent for future allocation decisions.

Furthermore, this proposal tends to exacerbate the perceived unbalance in the consideration of the criteria that has been used in the allocation process, whereby most if not all the weight has been given to the first allocation criterion (historic catch and past and present fishing patterns and practices in the Convention Area) in Article 21, paragraph 1 of the Convention. While little or no explicit consideration has been given to the other nine criteria in the same Article and paragraph of the Convention, which shall also be taken into account when taking decisions regarding participation in fishing for any fishery resource in the Convention Area.

ASSESSMENT AND CATCH LIMIT RECOMMENDED BY THE SCIENTIFIC COMMITTEE

The Scientific Committee SC-04 Report concludes (section 5.4) that the jack mackerel stock in its entire distribution range in the southeast Pacific shows a continued recovery and that fishing mortality is well below candidate F_{MSY} levels, but also reports that all current and short-term projected spawning stock biomass (B) estimates are still below the estimated B_{MSY} . This is clearly shown in the summary results in Table 1 and in the Kobe plot in Figure 1 in the body of the report and in the table and Figure 1 of its Annex 3 (Stock status summary). That is, while there is no overfishing, jack mackerel is still to be considered as overfished, although it is on its path to recovery.

Also, as shown in the various projections in Table 1 of the SC-04 Report, all further reductions in F are expected to contribute to improve the likelihood of spawning biomass increases. That's why the SC recommendations clearly states that *"the Commission should aim to maintain 2017 and 2018 catches for the entire jack mackerel range in the southeast Pacific at or below 493 kt."* Where it is worth noting that the SC recommendation clearly says *"...at or below 493 kt"*, thus recommending that there should be a limit for the maximum (493 kt) while indicating that any value below that maximum would be acceptable. Therefore, no minimum is recommended by the Committee, although an accurate reading of the SC-04 findings suggest that the lower the F's and total catch values the faster the recovery of the stock(s).

POSSIBLE SETTING OF MINIMUM ANNUAL UTILIZATION STANDARDS

Therefore, an approach that would encourage fuller utilization of jack mackerel quota allocations in the Convention area along the lines proposed by Vanuatu should only be acceptable once the spawning stock biomass (B) is found to be at or well above B_{MSY} , meaning that the stock recovery objectives have been achieved. Which, as explained above, is not occurring yet.

Another requirement to consider in a proposal like this is that any rule or formula agreed upon should be applied using only data (on allocations, catches and/or transfers) corresponding to time periods following the date the standard was adopted, so that this doesn't result in a retroactive application of the adopted rule or guideline. Therefore, if the average utilization of quotas during the preceding 3 years is to be incorporated in an allocation formula, the formula using this value shall only be applied 3 years after it has been adopted.

Nevertheless, this still represents a further refinement of the application of only one of the ten criteria that, according to Article 21, paragraph 1 of the Convention, shall all be taken into account to the extent relevant when taking decisions regarding participation in fishing for any fishery resource in the Convention area. Therefore, if taken in isolation, this proposal (to set minimum quota utilization standards) would exacerbate the already excessive weight being given so far to the first criterion (historic catch and past and present fishing patterns and practices in the Convention area) in Article 21 of the Convention, while little or no explicit consideration continues to be given to the other nine criteria in the same Article and paragraph of the Convention, and which shall also be taken into account when taking decisions regarding participation in fishing for any fishery resource in the Convention Area. This unbalance in the consideration and eventual weighting of the ten criteria in the current quota allocation process needs to be corrected.

NEED FOR AN OPEN DISCUSSION ON THE ALLOCATION CRITERIA

So far it is the historic catch what has been used by the Commission as the main and in most cases as the only criteria to allocate the annual interim catch quotas of jack mackerel in the Convention area, and there have been some criticisms for that already. However, although criticized, this limited approach was to some extent understandable since the historic catches was the only readily available piece of information at the disposal of Commission against which a criterion could be weighted, by assigning a relative value to past catches and use this values to guide calculations for allocating future quotas. However, the Commission has now entered into its fifth year of formal existence and it might be the proper time to start moving beyond the current interim arrangements by giving fuller consideration to all ten criteria in Article 21 of the Convention, and ensure that these are incorporated more explicitly in their formula and procedures for future catch quota allocations.

It is therefore recommended that the Commission endeavors in a more thorough analysis of possible ways, methods and eventual formulae that would more explicitly incorporate all ten criteria in Article 21 in their jack mackerel quota allocations.

**PERÚ****Ministerio
de la Producción**Dirección General de Políticas y Análisis Regulatorio en Pesca
y Acuicultura"Decenio de la Igualdad de oportunidades para mujeres y hombres"
"Año del Diálogo y la Reconciliación Nacional"**Perú: Captura anual de Trachurus murphyi en aguas jurisdiccionales y área
de la Convención de la OROP-PS (En TM)**

Año	Aguas Jurisdiccionales	Área de la Convención de la OROP-PS
1991	136 337	
1992	96 660	
1993	130 681	
1994	196 771	
1995	376 600	
1996	438 736	
1997	649 751	
1998	386 946	
1999	184 679	
2000	296 579	
2001	723 733	
2002	154 219	
2003	217 734	
2004	187 369	
2005	80 663	
2006	277 568	
2007	254 426	
2008	169 537	
2009	74 694	13 326
2010	17 559	40 516
2011	257 240	674
2012	184 951	5 346
2013	82 111	2 670
2014	81 748	2 557
2015	23 036	0
2016	15 121	0
2017 (*)	8 939	0
2018(**)	1 991	0

NOTA: (*) Cifra sujeta a reajuste
(**) Actualizado a abril 2018

FUENTE: OGEIEE-Ministerio de la Producción y OROP-PS

ELABORACIÓN: DSE-Ministerio de la Producción