

Oceans Policy: the way forward

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Oceans Policy: problem definition

- Fractured, fragmented and incoherent marine management.
- Incoherent management & agencies operating under a patchwork of Acts;
- Massive Environmental damage, loss of abundance, biodiversity.
- **Lack of environmental management regime from 12 nm to 200nm;**
- No marine protected areas or SEA or EIA in area beyond 12 nm

Problem Definitions

- Failures of fisheries management:
Little implementation of environmental principles; stock collapses, destructive fishing methods.
- Public excluded from crucial decisions – eg minerals consents for seabed mining & 12 nm, most fishing decisions.
- Failure to comply with UNCLOS and CBD obligations

Legal & institutional

- Resource Management Act to 12 nautical miles – no environmental law beyond
- Fisheries Act 1996 – stocks and catch limits and quota focused. Environmental provisions but only as Purpose & principles, lax implementation.
- Marine Mammals Protection Act – but fishing related mortality continues.
- Marine Reserves Act – in revision
- Aquaculture allocations – competition for marine space.
- Seabed and foreshore dispute – ownership and control disputed.

NZ Fisheries management system issues and problems

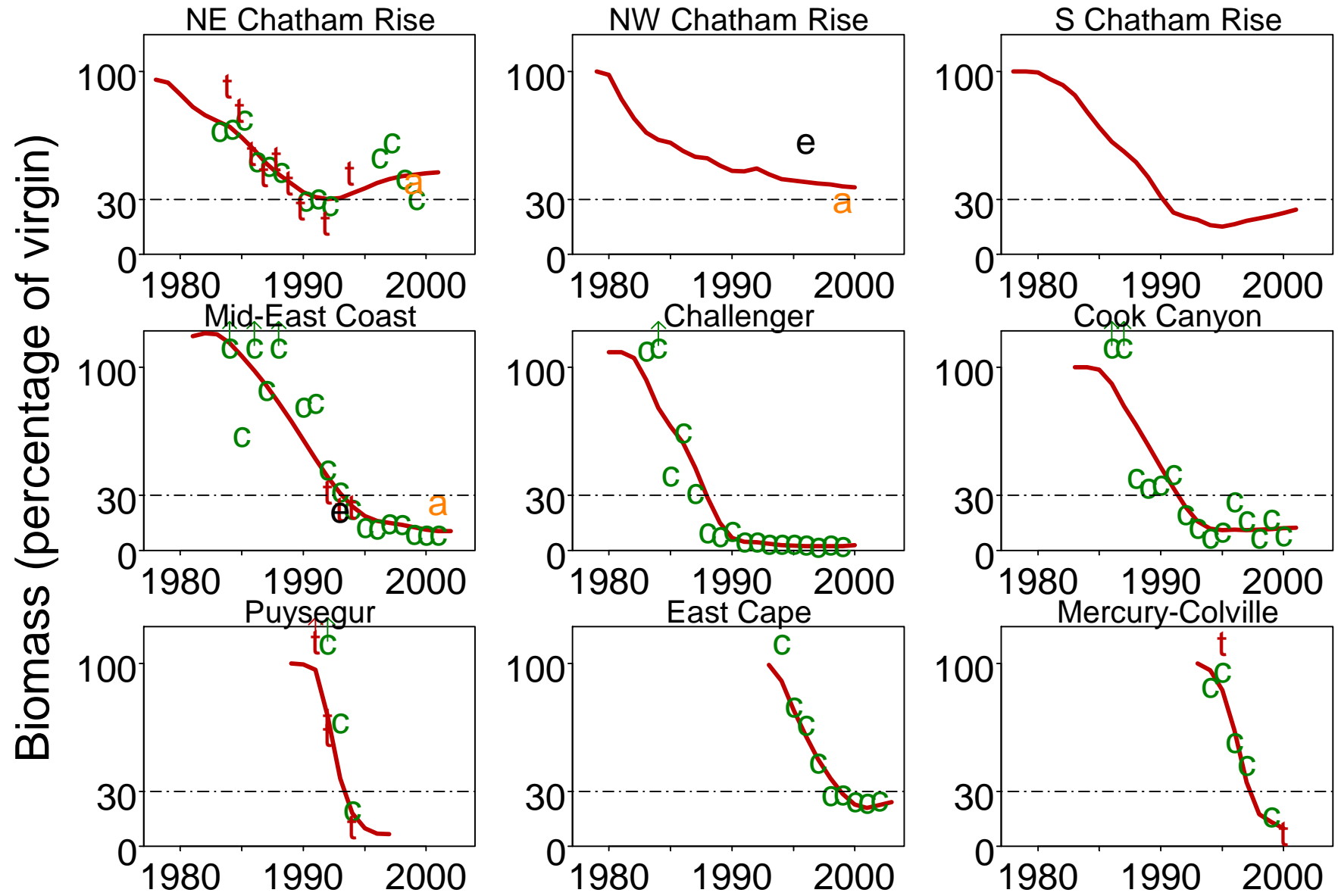
- Stock declines during QMS and industry-driven adaptive management.
- Dangerous practice of managing as one stock several stocks or mixed species (eg two hoki stocks, oreo mixes).
- No public input.
Stakeholders - industry “more equal” than others. Cosy industry-ministry relations = capture.
- Dis-integration of management - stock-focussed “fisheries management plans” to be done by the Ministry and stakeholders, particularly industry.

NZ Fisheries management system issues and problems

- “High-grading” is encouraged (disposal of lower value fish at sea).
- No EIA, SIA or environmental standards (yet).
- No onus of proof on industry to show environmental safety of methods and practice means no incentive to improve performance and reduce environmental damage.
- On-going losses of inverts, marine mammals and seabirds, ecosystem functions.
- Impact of destructive fishing practices.

NZ Fisheries management system issues and problems

- Resource rentals replaced with cost recovery
 - Cost recovery a potent instrument of industry influence on the Ministry of Fisheries and Department of Conservation
- No recognition of ecosystem values or those placed on fish *in-situ*;
- No support to non-extractive users or others' participation.
- Pressure for spatial management is being used as a basis for a grab at spatial property rights.



State of Orange Roughy Stocks: Bmsy is 30% of the original biomass, Bo

Fishery	% Bo* (Bo = Initial Biomass)	Current limit (tonnes)	Estimated Yield (tonnes)
ORH 1	unknown	1370	Unknown
Mercury-Colville Box	10-15	30	16 to 29
East Cape	25	200	370
East Coast North Isld	11	800	750
NW Chathams	21-44	2000	930-2600
NE & E Chathams	34-54	7000	7800-11800
South Rise	24	1400	1540
Puysegur	7	Closed	90-340
Southern areas	Unknown	1300	Unknown
Challenger	3	Closed	220
WC South Isld	12	110	120

* Footnote: 30% is Bmsy
Source: Annala et al 2003

Fisheries Management Needs Requirements for Change

- Independence of research and management from fisher pressure and influence is absolutely crucial. Decouple payments from control, or expected control, of the commissioning of research or management.
- Property rights can distort the perceptions of officials, industry and politicians as to who is the principal for whom officials and politicians are the agents. Officials and others lose sight that the principal is society and the future, not the industry.

Fisheries: Conclusions & Needs

- Neither theory nor evidence support notion that property rights will engender protection of the environment or of fish stocks.
- Quantity limits: necessary, not sufficient.
- Strong and enforced environmental planning, management and standards;
- Research, catch limits and controls must be set independent of fisher pressure.
- Inclusion of the public and support for non-commercial participation in decision making is crucial
- Institutional forms

Oceans Policy problems

- Fisheries major problem impacts, institutions, power
- Oil and Gas, minerals, bio-prospecting, dumping, etc, etc, no controls beyond 12 nautical miles.
- Sectoral silos, dominance of extractive values
- High Seas

High Seas

- Bottom trawling is hugely damaging and should be the subject of a moratorium pending effective international governance to protect biodiversity, the marine environment.
- Governance should be under the UN Convention on the Law of the Sea and not under FAO or the Regional Fisheries Management Organisations – though they may play a subsidiary part.

Ways Forward

- Option 1 An over-arching agency and statute with a coherent ecosystem philosophy and management approach.
 - Environmental management, spatial and resource management; quasi-judicial process as back-up.
 - Agencies then deputed tasks.
- Conservation Agency with conservation functions.

Option 2

- Single marine management agency with oceans law. Subsidiary powers to other environmental management agencies such as regional government. No sectoral central government agencies. Licensing function to MED;

Option 3 – status quo – not an option

- Fractured and incoherent
- Massive loss of natural capital
- Disservice to the environment, the future and to the non-extractive values of the sea.
- Copping out is not a legitimate option.

How to get there:

- Several levels of change required:
- Legal, institutional and structural change.
- Immediate improvements in implementation within existing statutes;
- Admission of public to decisions
- Most urgent is attention of >12 nm.
- High Seas governance to protect biodiversity.

Ways forward: Top down & bottom up

Marine management agency

– Need “wide use” approach:

- Manages for ecosystems, maintenance of natural capital.
- Ecotype, spatial, impacts based management
- Reversal of the onus of proof
- Inclusion of formal, time bound processes.
- Science independent of commercial interests

Department of Conservation or Department of Marine Conservation

“Community”, locality and regional marine management.

Ways forward

- Marine protected areas with:
 - Mosaic of activities and impacts
 - Core 20-30% no-take, for ecosystem health, insurance, replenishment
 - Priority for no-take areas to low-impact customary and recreational fishing.
 - Hi levels of public support – opposition vocal.

Management Needs Requirements for Change

Things that could be done now:

- Reversal of the onus of proof on fishers & others to require them to show that their activities are environmentally safe.
- Public input into fisheries & oceans management
- Spatially and ecosystem based management
- Management for in-situ values of marine environment & fish
- Integration of fisheries management with other management, environmental assessment and recognition of non-extractive values.

Management Needs Requirements for Change

- Coastal management and control of subdivision, land use and pollution;
- Protection against alien species
- Public notification
- Environmental Monitoring & reporting
- Controls on mangroves cutting
- Bycatch, marine mammal, invertebrate and seabird protections need to be much stronger than they are.

Things to be done in 1-5 years

- Oceans Management and legislation required urgently
- Removal of sectoral approach and agencies.
- Retention of Conservation agency
- Reversal of onus of proof
- Allocations under QMS be for total mortality not total commercial catch.
- Mosaic of marine management, marine (genuinely) protected areas need to be bigger, more comprehensive – at least 10% of Territorial Sea and of EEZ by 2010; 20%+ by 2020.

Things to be done 1-5 years

- Re-write the Marine Protected Areas Strategy. It fails to aspire to achieve international norms.
- Change allocations under QMS to total commercial mortality not total commercial catch.
- Resource rentals (but not Maori or to Maori?) and
- Internalisation of costs of damage, management and depletion are required.
- Public reporting, indicators
- Science independent of commercial interests.