



03/23/05

The Permanent Mission of New Zealand to the United Nations presents its compliments to the Division for Oceans Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations and has the honour to refer to the enclosed questionnaire entitled "Voluntary questionnaire for States and regional fisheries management organizations and arrangements for the report of the Secretary-General to the resumed Review Conference on the United Nations Fish Stocks Agreement".

The Permanent Mission of New Zealand apologises for the delay in completing this questionnaire and hopes that the information may still be useful.

The Permanent Mission of New Zealand to the United Nations avails itself of this opportunity to renew to the Division for Oceans Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

Permanent Mission of New Zealand to the United Nations

NEW YORK

16 March 2023



**Voluntary questionnaire for States and regional fisheries management organizations and arrangements for the report of the Secretary-General to the resumed Review Conference on the United Nations Fish Stocks Agreement
(Please return by 1 November 2022)**

Explanatory note

In accordance with article 36 of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement), a Review Conference on the Agreement was convened by the Secretary-General in 2006. The Review Conference was mandated to review and assess the adequacy of the provisions of the Agreement and, if necessary, propose means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of straddling fish stocks and highly migratory fish stocks.

In 2006, the Review Conference addressed ways to give full effect to the Agreement, both through a substantive review and assessment of the Agreement and by agreeing on recommendations for strengthening the implementation of its provisions. The Review Conference also agreed to keep the Agreement under review through the resumption of the Review Conference at a date not later than 2011. In 2010, the resumed Review Conference agreed on further recommendations and to keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2015. Pursuant to a decision taken at the Informal Consultations of States Parties to the Agreement, as also reflected in resolution 70/75, the Review Conference was again resumed in 2016, resulting in further recommendations and a decision to keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2020.

The General Assembly, in its resolution 75/89 of 8 December 2020, requested the Secretary-General to resume the Review Conference, convened pursuant to article 36 of the Agreement, in New York for one week in the first part of 2023, with a view to assessing the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. It further recalled its request to the Secretary-General, in paragraph 60 of resolution 74/18 of 10 December 2019, to submit to the resumed Review Conference an updated report, prepared in cooperation with the Food and Agriculture Organization of the United Nations, to assist the Conference in discharging its mandate under article 36, paragraph 2, of the Agreement. In this regard, the Assembly reiterated its request to the Secretary-General to develop and circulate to States and to regional fisheries management organizations and arrangements a voluntary questionnaire regarding the recommendations made by the Review Conference in 2016, taking into account the specific guidance to be proposed at the fifteenth round of informal consultations in 2022.

The present questionnaire, sent out to States parties to the Agreement, States non-parties and regional fisheries management organizations and arrangements (RFMO/As), is aimed at facilitating the preparation of the updated report of the Secretary-General to the resumed Review Conference to be held in 2023. The full text of the recommendations is available in the annex to the 2016 Report of the Review Conference (A/CONF.210/2016/5, annex, which can be downloaded on the website of the Review Conference (https://www.un.org/Depts/los/convention_agreements/review_conf_fish_stocks.htm)).

It would be appreciated if responses could be received (via email to doalos@un.org, with a copy to amerim@un.org, and note verbale) by no later than 1 November 2022. An electronic version of the questionnaire is also available for download at: www.un.org/Depts/los/convention_agreements/RRC_2022_Questionnaire.doc. The questionnaire may also be completed online, following the instructions at: <https://forms.office.com/r/3vWV2wkwDn>. Kindly note that a note verbale must be emailed to doalos@un.org, with a copy to amerim@un.org in conjunction with any questionnaire completed online.

Name of State/Organization/Arrangement: New Zealand

<input checked="" type="checkbox"/> State Party	<input type="checkbox"/> State non-party	<input type="checkbox"/> RFMO/A
---	--	---------------------------------

I. Conservation and management of stocks

Please indicate whether your State, Organization or Arrangement has taken any action regarding the recommendations in paragraph A.1 to A.18 of the Outcome of the 2016 Review Conference.¹ In this regard, please provide information and/or attach relevant documentation,² in particular, regarding the actions your State, Organization or Arrangement has taken, if any, or challenges it has faced regarding these:

(Please insert a brief narrative and/or relevant references in the spaces below each bullet point or on additional pages)

- Adoption and implementation of measures (see para. A.1);

<input checked="" type="checkbox"/> Actions taken	<input type="checkbox"/> No action taken	<input type="checkbox"/> Not applicable
<p>New Zealand has adopted and implemented RFMO conservation and management measures to ensure the long-term sustainability of fish stocks, in domestic legislation under the Fisheries Act 1996, through New Zealand’s high seas fishing permitting regime, and in collaboration with other Members of the South Pacific Regional Fisheries Management Organisation, Western and Central Pacific Regional Fisheries Management Organisation, and Commission for the Conservation of Southern Bluefin Tuna (SPRFMO, WCPFC, and CCSBT) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). A number of these measures adopted since 2016 specifically reference obligations under the Fish Stocks Agreement, including the precautionary and ecosystem-based approaches, which are enshrined in the Fisheries Act and the measures of those RFMOs.</p>		

- Application of the precautionary and ecosystem approaches (see para. A.2);

<input checked="" type="checkbox"/> Actions taken	<input type="checkbox"/> No action taken	<input type="checkbox"/> Not applicable
<p>The precautionary and ecosystem-based approaches are integrated into New Zealand’s fisheries management, domestically and in relevant regional fora. Section 9 of the Fisheries Act incorporates a holistic ecosystem-based approach by considering associated and dependent species, biological diversity, and habitats of significance in fisheries management. Section 10 legislates the precautionary approach in requiring decision-makers be cautious when information is uncertain, unreliable, or inadequate, and requiring that any inadequacy or absence of information not be used to postpone or neglect an effective response.</p>		

¹ A/CONF.210/2016/5, annex.

² It is kindly requested that any documentation provided in a language other than an official United Nations language be accompanied by a courtesy translation.

- Determination of reference points or provisional reference points for specific stocks (see para. A.3);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand’s quota management system integrates the precautionary approach, specifically by requiring that decision-making on stock status be assessed against conservative management targets to ensure that biomasses are at healthy and sustainable levels (and requiring proactive action if levels fall beneath targets). The quota management system sets individual soft and hard limits, as well as healthy targets, for specific stocks, with reference to stock biomass over time. This framework is regulated by New Zealand’s <i>Harvest Strategy</i>.</p>		

- Environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification (see para. A.4);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>Effectively considering all relevant factors and impacts of climate change and ocean acidification remains a challenge in New Zealand’s fisheries management domestically and regionally, with a significant focus placed on developing the best available science. New Zealand engages in regional fora and in multilateral agreements to ensure that the effects of climate change, such as sea-level rise and ocean acidification, are adequately considered and mitigated against in policy settings. For example, New Zealand advocated for language regarding climate change resilience to be included in the UNGA Review of the Sustainable Fisheries Resolution, supported the adoption of a climate change measure at SPRFMO and WCPFC, and is actively engaged with Pacific Islands Fisheries Forum Members on the sea-level rise declaration.</p> <p>New Zealand also takes scientific action in Antarctica and the Southern Ocean through our Antarctic Research Directions and Priorities, which includes a \$49 million investment in scientific activity and development to build resilience to climate change, with sea-level rise and ecosystem dynamics as priority areas (Aotearoa New Zealand Antarctic Research Directions and Priorities New Zealand Ministry of Foreign Affairs and Trade (mfat.govt.nz))</p>		

- Achievement of compatible measures (see para. A.5);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand is engaged in the establishment of compatible measures for straddling fish stocks in SPRFMO, including those relating to orange roughy stocks in New Zealand waters. A single total allowable catch is set for the orange roughy stock throughout its range, which is then implemented through New Zealand’s quota management system. There is also a catch limit for the SPRFMO Area (the Westpac Bank) in addition to the catch limit for the biological stock. New Zealand requires that its fishers may take all of their Annual Catch Entitlement within the New Zealand EEZ, but only 245 tonnes total may be taken from the Westpac Bank Area. This results in no more than the Total Allowable Commercial Catch being taken in total, regardless of where the fishing is taken.</p>		

Through New Zealand’s membership of WCPFC, New Zealand actively supports the development of conservation and management measures which provide for compatible fisheries management between the EEZs and the high seas in the region.

- Development of area-based management tools (see para. A.6);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
--	---	--

New Zealand has integrated area-based management tools, both domestically and regionally, through a spatial management approach to fisheries management. Domestically, New Zealand has incorporated a system of benthic protection areas and other spatial management regulations, such as marine reserves under the Marine Reserve Act, and prohibitions and restrictions dependent on the area fished (<https://www.mpi.govt.nz/dmsdocument/7242-compliance-fact-sheet-7-benthic-protection-areas-and-seamou>).

In 2023, New Zealand and Australia proposed a spatial management approach as part of SPRFMO’s strengthened bottom fishing measure, which establishes the appropriate minimum levels of spatial protection in areas open to bottom fishing and bottom trawling (the latter consisting of less than 0.1% of the Convention Area). Scientific work is now underway to map the appropriate area boundaries for the revised management areas. This spatial management-based framework is unique to SPRFMO (<https://www.sprfmo.int/assets/Meetings/01-COMM/11th-Commission-2023/meeting-documents/COMM11-Doc07-Report-of-the-BFIWG-Review-of-SPRFMO-CMM-03-Bottom-Fishing.pdf>).

New Zealand continues to be a strong support of marine protected areas in CCAMLR. As well as continued research efforts supporting the Ross Sea Region MPA, New Zealand is a co-proponent of the East Antarctic and Weddell Sea MPA proposals. New Zealand also supported efforts to extend spatial management to icefish nesting areas and areas exposed by ice shelf collapse at CCAMLR-41. These measures were blocked by other CCAMLR members. New Zealand remains committed to CCAMLRs identification and protection of vulnerable marine ecosystems in the Convention Area.

- Reduction of fishing capacity to levels commensurate with the sustainability of fish stocks (see para.A.7);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
--	---	--

New Zealand’s quota management system is designed to ensure the long-term sustainability of fish stocks and the sustainable utilisation of those fisheries. Harvest levels are limited and regularly reviewed to ensure that fishing activity is set at a commensurate level with that goal. As of 2022, 95% of fisheries demonstrate stocks above their limit, with 85% of fisheries meeting or exceeding healthy targets ([The Status of New Zealand’s Fisheries 2021 report \(mpi.govt.nz\)](https://www.mpi.govt.nz/status-of-new-zealand-fisheries-2021-report)).

The quota management system addresses overcapacity through the transferability of quota and associated annual catch entitlement. The Economist’s 2015 study on the *Coastal Governance Index* ranked New Zealand’s fisheries management in the top five worldwide on

effectiveness, and ranked New Zealand first worldwide for coastal governance ([EIU CGIIndex WEB-revised-June-4.pdf \(oceanprosperityroadmap.org\)](#) at p 2).

- Elimination of subsidies that contribute to illegal, unreported and unregulated fishing, overfishing and overcapacity (see para. A.8);

Actions taken

No action taken

Not applicable

New Zealand does not subsidise its commercial fisheries. New Zealand is a long standing advocate of global subsidies reform, including through negotiations on the WTO Agreement on Fisheries Subsidies, leading work on subsidies reform in APEC and the OECD (including on preventing subsidies to IUU fishing), and establishing binding subsidies reform commitments in our Free Trade Agreements (e.g. with the United Kingdom, European Union, and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership).

- Lost, abandoned or otherwise discarded fishing gear including marine debris (see para. A.9);

Actions taken

No action taken

Not applicable

New Zealand is one of twenty countries worldwide who have signed on to the Global Ghost Gear Initiative, an international forum comprising of States, IGOs, NGOs, and the private sector for collaboratively supporting and participating in projects on lost, abandoned, and discarded fishing gear and marine debris.

- Data collection and sharing of information (see para. A.10);

Actions taken

No action taken

Not applicable

New Zealand is regularly engaged in robust and comprehensive data collection and information sharing, including within the scope of obligations under UNCLOS. New Zealand has bilateral partnerships with many States around the world, and particularly in the Pacific and Southern Oceans, as well as reporting and information-sharing processes within SPRFMO, WCPFC, CCSBT, and CCAMLR. These agreements also cover scientific and policy collaboration on related issues, such as seabird bycatch mitigation. New Zealand is party to the Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region (1992) and also its subsidiary Agreement on Strengthening implementation of the Niue Treaty (2012). The latter provides for flexible cooperation and sharing of fisheries data and intelligence for fisheries and broader law enforcement purposes.

- Food and Agriculture Organization of the United Nations (FAO) data arrangements and the global fisheries statistics database (see para. A.11);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
New Zealand provides regular required reporting and participation in FAO data arrangements and the global fisheries statistics database.		

- Conservation and management of sharks (see para. A.12);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
New Zealand’s National Plan of Action for Sharks was established in 2008 and reviewed most recently in 2022, with the title of <i>National Plan of Action for the Conservation and Management of Sharks</i> (National Plan of Action for Sharks 2022 NZ Government (mpi.govt.nz)).		

- Conservation and management measures for deep-sea fisheries (see para. A.13);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
New Zealand’s deepwater fisheries are managed under the National Deepwater Fisheries Plan with accompanying public documents on sustainability of deepwater fisheries and bottom fishing . This plan contains individual measures for the conservation and management for individual fisheries, such as bycatch mitigation measures for a range of protected species and high observer coverage, as well as operational and research plans.		
New Zealand is also committed to ensuring effective and sustainable management of bottom fisheries, including establishing benthic protection areas that prohibit bottom trawling in 32% of New Zealand’s EEZ, as well as establishing the intergovernmental and public stakeholder Benthic Protection Forum, to review and strengthen New Zealand’s bottom fishing management.		

- Strengthening of science-policy interface (see para. A.14);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
New Zealand has established the Ocean’s Secretariat, an interagency forum of policymakers and scientists across government, which both consults and reports on oceans-related science and policy. New Zealand has also dedicated significant research funding to scientific workplans, including in association with National Institute for Water and Atmosphere Research (NIWA), covering fisheries-related research and data collection in the Pacific and environmental research set out in the Antarctic Research Direction and Priorities. Science-based fisheries management remains a core focus for New Zealand’s oceans and fisheries governance.		

- Establishment of rebuilding and recovery strategies (see para. A.15);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
--	---	--

Under New Zealand’s quota management system, there are separate stock biomass levels that trigger corresponding rebuilding and recovery strategies. If a fishery falls below a ‘soft limit’, the stock is actively rebuilt using a formal, time-constrained rebuilding plan. If the fishery falls below a ‘hard limit’, the stock must be rebuilt at the fastest possible rate, including through closures if necessary ([The Status of New Zealand’s Fisheries 2021 report \(mpi.govt.nz\)](#) at p 2).

- By-catch management and discards (see para. A.16);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
--	---	--

New Zealand has strict standards for bycatch mitigation of protected species as well as discard and landing rules, applying respectively in New Zealand’s EEZ and the high seas. Bycatch mitigation standards and discard rules have been most recently updated in the [NPOA for Seabirds](#) (2020) and [NPOA for Sharks](#) (2022 – 2023). All marine mammals are protected under New Zealand’s Marine Mammal Protection Act, which includes strict bycatch mitigation, reporting, and observer coverage rules. In 2022, New Zealand began a comprehensive roll-out of on-board cameras across all inshore fisheries posing a bycatch risk to protected dolphins (<https://www.mpi.govt.nz/fishing-aquaculture/sustainable-fisheries/managing-the-impact-of-fishing-on-protected-species/>).

Within RFMOS, particularly WCPFC and CCSBT, New Zealand has actively promoted measures to mitigate the impact of longline tuna fishing on the bycatch of seabirds. New Zealand will lead work at WCPFC over 2023-2024 to strengthen the seabird conservation and management measure.

- Compliance with obligations as members or cooperating non-members of regional fisheries management organizations and arrangements (see para. A.17);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand takes its compliance obligations as a member of SPRFMO, WCPFC, CCAMLR, and CCSBT seriously, including by requiring compliance with applicable measures as a legal condition of high seas fishing permits under the Fisheries Act. Non-compliance with those obligations is taken similarly seriously, including through the rejection of permit applications and legal prosecutions.</p> <p>New Zealand is in the process of amending the international compliance and management provisions of the Fisheries Act, to ensure that New Zealand’s continued ability to meet developing international obligations is strengthened. The upcoming International Fisheries Amendment Bill has received Cabinet policy approval and is in the legislative drafting process as of 2023 (https://www.mpi.govt.nz/consultations/proposed-amendments-to-the-fisheries-act-to-ensure-new-zealand-continues-to-meet-its-international-fisheries-obligations/).</p>		

- Establishment of new regional fisheries management organizations or arrangements (see para. A.18).

<input type="checkbox"/> <i>Actions taken</i>	<input checked="" type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand, Chile, and Australia led the establishment of SPRFMO in 2012; since then, New Zealand has not participated in the establishment of new RFMOs or regional fisheries arrangements.</p>		

II. Mechanisms for international cooperation and non-members

Please indicate whether your State, Organization or Arrangement has taken any action regarding the recommendations in paragraph B.1 to B.7 of the Outcome of the 2016 Review Conference. In this regard, please provide information and/or attach relevant documentation, in particular, regarding the actions your State, Organization or Arrangement has taken, if any, or challenges it has faced with regard to:

(Please insert a brief narrative and/or relevant references in the spaces below each bullet point or on additional pages)

- Strengthening mandates and measures in regional fisheries management organizations and arrangements (see para. B.1);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand has been actively engaged in review and strengthening updates of conservation and management measures of RFMOs and arrangements; namely, at SPRFMO, WCPFC, CCAMLR, and CCSBT. Where relevant, New Zealand leads reviews of those measures in order to strengthen them, including related to the sustainable utilisation of fisheries resources and the long-term sustainability of fish stocks and marine ecosystems.</p>		

- Performance reviews and best practice guidelines (see para. B.2);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>Since 2016, New Zealand has participated in performance reviews of SPRFMO and CCSBT. Both performance reviews demonstrated strong effectiveness of each work programme and fisheries management.</p> <p>At the CCSBT performance review in 2021, New Zealand was one of three Members elected to participate in the Independent Performance Review Panel, as a representative of a developed coastal State Member. New Zealand also took part in leading a collaborative risk assessment of seabird bycatch mitigation as part of the review.</p> <p>New Zealand actively participated in the SPRFMO performance review in 2017, including as hosts of the Secretariat, which used the harmonized criteria for RFMO performance reviews commonly recognised as providing an effective review framework.</p>		

- Strengthening and enhancing cooperation and coordination among regional fisheries management organizations and arrangements (see para. B.3);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand, through its participation in SPRFMO, WCPFC, CCAMLR, and CCSBT, has supported the enhancement of cooperation between RFMOs and arrangements in the adoption of cooperation measures. Most recently, New Zealand supported the formal cooperation arrangement between SPRFMO and CCAMLR, as well as supporting the renewal of the cooperation agreement between CCAMLR and CCSBT at CCAMLR-41. New Zealand also</p>		

supported the establishment of Memoranda of Understanding between SPRFMO and the Commission of the South Pacific, the International MCS Network, and WCPFC (<https://www.sprfmo.int/assets/Meetings/01-COMM/11th-Commission-2023/meeting-documents/COMM11-Doc08-Report-on-Cooperation-efforts-and-MoUs.pdf>).

- Participation in regional fisheries management organizations and arrangements (see para.B.4);

Actions taken

No action taken

Not applicable

New Zealand actively participates in SPRFMO, WCPFC, CCAMLR, and CCSBT, including as host of the SPRFMO Secretariat. New Zealand's active role in these RFMOs reflects New Zealand's strong engagement in the Pacific and Southern Oceans. New Zealand regularly takes a leadership role in Scientific, Commission, and intersessional meetings at these fora.

- Improvement of decision-making rules and procedures in regional fisheries management organizations and arrangements (see para. B.5);

<input type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input checked="" type="checkbox"/> <i>Not applicable</i>

- Implementation of interim measures (see para. B.6);

<input type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input checked="" type="checkbox"/> <i>Not applicable</i>

- Effective control by flag States as members of regional fisheries management organizations and arrangements (see para. B.7);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand is a responsible flag State with effective flag State control measures, and consistently advocates for improved implementation and compliance with flag State obligations at RFMOs and arrangements.</p> <p>Since the Review Conference in 2016, New Zealand has actively worked with WCPFC members to adopt updates to the Regional Observer Programme (2018) and Port State Minimum Standards (2017), as well as advocating for electronic reporting standards and transshipment reporting, all of which ensures the capacity for WCPFC to monitor, control, and survey compliance with flag State obligations.</p> <p>In 2023, New Zealand was actively engaged in the formulation and adoption of a high seas boarding and inspection measure at SPRFMO to ensure compliance with flag State obligations in the South Pacific, and previously engaged in ensuring effective flag State control in regard to vessels, including New Zealand's.</p> <p>New Zealand is also actively engaged in ensuring effective flag State controls at CCAMLR, including through annual compliance assessments. New Zealand worked with members to formulate and support the adoption of Conservation Measure 10-10 (2019) on the CCAMLR Compliance Evaluation Procedure, which notes flag State responsibilities to exercise effective control over flagged vessels and nationals (https://cm.ccamlr.org/measure-10-10-2019). New Zealand has since submitted further proposals to CCAMLR to improve compliance measures.</p>		

III. Monitoring, control and surveillance, compliance and enforcement

Please indicate whether your State, Organization or Arrangement has taken any action regarding the recommendations in paragraph C.1 to C.12 of the Outcome of the 2016 Review Conference. In this regard, please provide information and/or attach relevant documentation, in particular, regarding the actions your State, Organization or Arrangement has taken, if any, or challenges it has faced with regard to:

(Please insert a brief narrative and/or relevant references in the spaces below each bullet point or on additional pages)

- Strengthening of flag State responsibility (see para. C.1);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand ensures that its ability to meet its obligations as a responsible flag State remains effective and is continuously developed. In 2022, the Ministry for Primary Industries began consultations on amending Part 6A of the Fisheries Act, with the purpose of ensuring that New Zealand continues to meet its international obligations related to fisheries, including strengthening New Zealand’s monitoring and compliance regime. An International Fisheries Amendment Bill is currently being drafted, which provides for improvements to:</p> <ol style="list-style-type: none"> 1. the monitoring and regulation of New Zealand-flagged vessels operating outside New Zealand waters; 2. New Zealand’s capacity to combat illegal, unreported and unregulated (IUU) fishing; 3. the high seas fishing permitting regime for fishing operators and decision-makers; 4. the efficiency and effectiveness of actions against fisheries violations. <p>(https://www.mpi.govt.nz/consultations/proposed-amendments-to-the-fisheries-act-to-ensure-new-zealand-continues-to-meet-its-international-fisheries-obligations/).</p>		

- Assessment of flag State performance (see para. C.2);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>As part of the legislative amendments process, New Zealand engaged in a comprehensive review and consultation on New Zealand’s flag State performance in light of developing international flag State obligations. This review, which included consultation with international legal experts, concluded that New Zealand has consistently met flag State obligations, but that there was an opportunity to update and strengthen New Zealand’s legislation to ensure that New Zealand’s domestic legal and policy settings continue to be aligned with international best practice. New Zealand prepared a Regulatory Impact Statement that includes assessment and policy consideration of New Zealand’s flag State performance under the Fisheries Act (https://www.mpi.govt.nz/dmsdocument/55747-Appendix-2-Regulatory-Impact-Statement-Amendments-to-Part-6A-of-the-Fisheries-Act-1996).</p>		

At SPRFMO Commission in 2020, SPRFMO members assessed New Zealand’s response to its flagged vessel’s non-compliance and concluded that through effective compliance measures and successful prosecutions, New Zealand had met its obligations and exercised effective flag State control.

- Fishing vessels without nationality (see para. C.3);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
--	---	--

The Ministry for Primary Industries is in the process of strengthening New Zealand’s legislative controls regarding fishing vessels without nationality, in line with developing obligations since the Review Conference in 2016. Following policy approval in 2022, New Zealand is amending the Act to expand the existing powers of New Zealand high seas fishery inspectors to board and inspect stateless vessels, as well as permit the detention of vessels without nationality in port (<https://www.mpi.govt.nz/dmsdocument/55741-Strengthening-New-Zealands-International-Fisheries-Regime-Cabinet-paper> at p 6).

- Participation in the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the adoption of port State measures (see para. C.4);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
--	---	--

New Zealand has signed and is actively engaged in the FAO Port States Measures Agreement, including through ratification and full implementation in domestic legislation and policy settings.

- Control over fishing activities of nationals (see para. C.5);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
--	---	--

New Zealand attaches importance to the effective control of fishing activities by New Zealand nationals. This is provided for in the Fisheries Act.

Strengthening of New Zealand’s ability to effectively monitor its nationals fishing outside of New Zealand’s waters is a core part of the legislative amendments to the Fisheries Act. These amendments will expand the scope of the permitting regime to apply in other States’ waters; clarify and expand the New Zealand Government’s ability to suspend permits in response to suspected non-compliance; and strengthen New Zealand’s penalty regime ([Strengthening New Zealand’s International Fisheries Regime – Cabinet paper \(mpi.govt.nz\)](#)).

- Strengthening compliance, cooperation and enforcement schemes in regional fisheries management organizations and arrangements (see para. C.6);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>As previously mentioned, New Zealand worked with other SPRFMO members for several years to adopt a high seas boarding and inspection measure at the SPRFMO Commission meeting in 2023. New Zealand has been actively engaged in regular review and updates to compliance measures as part of the annual SPRFMO Compliance and Technical Committee, including advocating for a science-driven approach to non-compliance.</p> <p>At WCPFC, New Zealand has actively supported efforts to enhance the Compliance Monitoring Scheme. This includes leadership of work to develop a Risk-Based Assessment Framework to provide guidance to members on the prioritization of obligations for annual compliance assessment. This ensures that the WCPFC compliance review process focuses on those obligations which, if there is non-compliance, will have the greatest impact on the objectives of WCPFC or where there is a high level of non-compliance. The Risk-Based Assessment Framework was endorsed, with appreciation, by WCPFC19 for use in selecting the obligations for assessment in 2023. At WCPFC19, New Zealand chaired discussions to improve the electronic reporting requirements, resulting in obligations for vessels to electronically report to their national authorities and to annually electronically report catch and effort data.</p>		

- Development of alternative mechanisms for compliance and enforcement in regional fisheries management organizations and arrangements (see para. C.7);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>As noted above, at WCPFC, New Zealand has led work to develop a Risk-Based Assessment Framework to provide guidance to members on the prioritization of obligations for annual compliance assessment.</p>		

- Regulation of trans-shipment, supply and refuelling vessels (see para. C.8);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand has strict controls for transshipment, supply, and refueling, particularly in relation to combatting illegal, unreported, and unregulated (IUU) fishing. The policy approval for New Zealand’s legislative amendments to the Fisheries Act set out an offence for bunkering, resupplying, or engaging in transshipment activities with IUU-listed vessels (Strengthening New Zealand’s International Fisheries Regime – Cabinet paper (mpi.govt.nz)).</p> <p>New Zealand is participating in WCPFC work to improve the regulation of transshipment, including through observer data fields, and the review and strengthening of the transshipment measure.</p>		

- Strengthening fisheries access agreements (see para. C.9);

<input type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input checked="" type="checkbox"/> <i>Not applicable</i>
---	---	---

New Zealand has no fisheries access agreements.

- Market-related measures (see para. C.10);

Actions taken

No action taken

Not applicable

As an export-oriented country New Zealand attaches importance to market related measure being effective, risk based and consistent with WTO principles. We support the development of such measures by RFMOs and the harmonization of State measures, which New Zealand actively participates in.

- Participation in and provision of support to the International Monitoring, Control and Surveillance Network for Fisheries-related Activities (see para. C.11);

Actions taken

No action taken

Not applicable

New Zealand actively engages in the IMCS Network, taking leadership roles and actively participating in all meetings.

- Participation in the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and development of a global record of fishing vessels (see para. C.12).

Actions taken

No action taken

Not applicable

New Zealand participates effectively in the FAO Agreement including ratifying the Agreement through the 2001 amendments to the Fisheries Act. New Zealand also actions the requirements of the global record of fishing vessels, and participated in the testing phase of the Global Information Exchange System.

IV. Developing States

Please indicate whether your State, Organization or Arrangement has taken any action regarding the recommendations in paragraph D.1 to D.6 of the Outcome of the 2016 Review Conference. In this regard, please provide information and/or attach relevant documentation, in particular, regarding the actions your State, Organization or Arrangement has taken, if any, or challenges it has faced with regard to:

(Please insert a brief narrative and/or relevant references in the spaces below each bullet point or on additional pages)

- Taking concrete measures to enhance the ability of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks, including facilitating access to such fisheries (para. D.1);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand established and leads Te Pātuitanga Ahumoana a Kiwa (<i>Partnerships in Pacific Fisheries</i>) (Te Pātui), an aid, development, and capacity-building programme to strengthen the capacity for Pacific Small Island Developing States (PSIDS) effectively manage Pacific fisheries. Te Pātui provides capacity development support to PSIDS’ fisheries administrations on:</p> <ol style="list-style-type: none"> 1. Fisheries management; and 2. Monitoring, control, surveillance, and enforcement. <p>The Te Pātui programme includes direct support to strengthen PSIDS’ capacity to manage both inshore and offshore fisheries, including deepwater, straddling, and highly migratory fish stocks. New Zealand also provides additional support on fisheries compliance, bycatch mitigation, and personnel training.</p> <p>For offshore fisheries, including highly migratory and straddling fish stocks, Te Pātui provides direct support to build capacity and expertise in the interconnected components of fisheries governance: management, policy, science, and compliance systems.</p> <p>Te Pātui partners with the Pacific Community and with the Pacific Islands Forum Fisheries Agency to provide training and support on coastal and offshore fisheries, including strengthening capacity for tuna fisheries.</p> <p>(Partnerships in Pacific Fisheries NZ Government (mpi.govt.nz)).</p>		

- Enhancing the participation of developing States in regional fisheries management organizations and arrangements (para. D.2);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input checked="" type="checkbox"/> <i>Not applicable</i>
<p>The comprehensive capacity-building and policy support that New Zealand provides through Te Pātui includes the participation of PSIDS in RFMOs and arrangements. Specifically, New Zealand provides policy advice on effective fisheries access and management through participation in relevant RFMOs, as well as capacity-building training and support to enhance</p>		

effective implementation of required RFMO measures. At the Pacific Fisheries Forum Agency, New Zealand provides expertise, technical assistance, and support to PSIDS to participate in regional decision-making on tuna management at WCPFC.

- Strengthening the capacity of developing States (para. D.3);

Actions taken

No action taken

Not applicable

The Te Pātui programme includes direct support and capacity-building action for fifteen Pacific Island States and Territories, including PSIDS, in the form of training and development, Pacific fisheries-specific policy and planning advice, workshops, and remote learning.

[44431-Te-Patuitanga-Ahumoana-a-Kiwa \(mpi.govt.nz\)](https://www.mpi.govt.nz/44431-Te-Patuitanga-Ahumoana-a-Kiwa).

- Strengthening of capacity-building mechanisms and programmes, including the Part VII Assistance Fund (para. D.4);

Actions taken

No action taken

Not applicable

New Zealand funds the Te Pātui programme, and also provides funding to the Pacific Fisheries Forum Agency for capacity-building mechanisms, programmes, and other infrastructure. 60% of New Zealand's aid and development goes to Pacific Island States and Territories ([Our aid partnerships in the Pacific | New Zealand Ministry of Foreign Affairs and Trade \(mfat.govt.nz\)](https://www.mfat.govt.nz/our-aid-partnerships-in-the-pacific)).

- Avoiding adverse impacts on, and ensuring the access to fisheries of, subsistence, small-scale and artisanal fishers and women fish workers, as well as indigenous peoples in developing States (para. D.5);

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand recognises the disproportionality of adverse impacts from fisheries exploitation and climate change on developing States, with a particular focus on the indigenous peoples of the Pacific. New Zealand has consistently supported the strengthening of conservation and management measures at RFMOs that impact PSIDS' access to high seas fisheries, including avoiding barriers in implementation of compliance measures, as well as climate change mitigation and resilience.</p> <p>A recent example of the latter is New Zealand's support of the Pacific Islands Forum Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise in 2021. New Zealand has committed to recognise the rights and entitlements of PSIDS to access and exercise sovereignty over their fisheries, notwithstanding the effects of sea-level rise.</p> <p>In recognising the importance of small-scale and customary fisheries to the indigenous peoples of the Pacific, Te Pātūi provides support to PSIDS on:</p> <ol style="list-style-type: none"> 1. Development and implementation of decision-making processes for customary and small-scale fisheries; 2. Monitoring and reporting in customary management areas and traditional fishing grounds; and 3. Other management tools, including harvesting controls, method restrictions, and closures for customary purposes. 		

- Avoiding the transfer of a disproportionate burden of conservation action onto developing States (para. D.6).

<input checked="" type="checkbox"/> <i>Actions taken</i>	<input type="checkbox"/> <i>No action taken</i>	<input type="checkbox"/> <i>Not applicable</i>
<p>New Zealand works to ensure that the strengthening and implementation of Pacific RFMO measures does not create disproportionate costs to PSIDS, including through collaboration at the Pacific Fisheries Forum Agency, as well as in New Zealand's bilateral and intersessional cooperation.</p> <p>In particular, New Zealand has advocated for and supported appropriate considerations for developing States in conservation and management measures, as well as special arrangements for financial and administrative measures at RFMOs. At SPRFMO, New Zealand supports the Developing States Fund's annual budget review and increase, and the need to ensure that developing States do not face disproportionate barriers in realising legitimate aspirations to develop fisheries.</p> <p>At the WCPFC Commission meeting in 2018, New Zealand and other Pacific Fisheries Forum Agency members advocated for and supported strengthened implementation of Article 30 of the Convention, which provides for the recognition of the special requirements of developing States. This included the <i>Strategic Investment Plan</i>, which targets investment to address</p>		

priority needs identified by Developing States. This includes specific funding assistance, technical assistance, and other support to developing States to ensure that conservation and management measures “do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties” (<https://www.wcpfc.int/implementation-article-30-convention>).

Please provide specific information on the capacity-building needs of developing States in relation to the implementation of the Agreement.

Developing States have outlined the following priority capacity-building needs in regard to implementation of the Agreement:

- Financial assistance to ensure cost-effective implementation of the operational requirements of compliance with the Agreement.
- Training and personnel support, particularly for monitoring, control, and surveillance (MCS) capacity; for example, observer training and MCS systems training).
- Technical assistance and transfer of technology, particularly for MCS systems, electronic reporting, and access to equipment.
- Policy advice and consultation on effective implementation of the Agreement in fisheries management, as well as legal advice and support.
- Administrative and logistics support, including through ensuring the means for effective representation at decision-making fora.
- Infrastructure and tools to effectively mitigate and strengthen resilience to climate change impacts, particularly on Small Island Developing States.

V. Non-parties

Please indicate whether your State, Organization or Arrangement has taken any action regarding the recommendations in paragraph E.1 of the Outcome of the 2016 Review Conference. In this regard, please provide information and/or attach relevant documentation, in particular, regarding the actions your State, Organization or Arrangement has taken, if any, or challenges it has faced with regard to such actions:

(Please insert a brief narrative and/or relevant references in the spaces below each bullet point or on additional pages)

- Promotion of wider participation in the Agreement (para. E.1);

Actions taken

No action taken

Not applicable

New Zealand has regularly encouraged, bilaterally and in regional fora (including Pacific RFMOs and Pacific fora) for participation in the Fish Stocks Agreement, including through recognition of the challenges faced in implementing adequate measures without wider ratification.

A challenge that New Zealand has recognised with regard to encouraging wider participation in the Agreement is the difficulties associated with communicating the importance of all provisions in the Agreement to States' domestic settings, as well as satisfying concerns regarding barriers to implementation for Small Island Developing States. In particular, New Zealand considers that the global community should ensure that both the interests and realities of the wider Pacific are appropriately considered, and that the breadth of the Agreement does not detract from the value of participation for PSIDS.

VI. Other

Please provide any other relevant information regarding the actions taken regarding the implementation of the provisions of the Agreement by your State, Organization or Arrangement, including by drawing attention to specific achievements and/or challenges encountered.

Actions taken

No action taken

Not applicable

In global implementation of the Agreement and its obligations, New Zealand draws particular focus to the challenges posed in high seas boarding and inspections, as well as monitoring and enforcing compliance, for vessels fishing in the Southern Ocean. In particular, the legal framework and process mechanisms for monitoring and enforcing compliance with the Agreement's obligations, including through high seas boarding and inspections, provides a challenge when regarding unlicensed or non-Parties to the Agreement. New Zealand is actively involved in the sustainability and conservation of Antarctic marine living resources and the Southern Ocean, and is acutely focused on these challenges.