

16th December 2002

NEW ZEALAND HOKI FISHERY – INDEPENDENT PANEL DECISION

On 14th March, 2001 SGS recommended certification of the New Zealand Hoki Fishery managed by Hoki Fishery Management Company Limited (HFMC). Between October 2000 and January 2001 SGS had assessed the Hoki fishery against the requirements of the Fishery Programme of the Marine Stewardship Council (MSC) and in particular bearing in mind the MSC Principles and Criteria. In issuing this certificate SGS specified 10 Corrective Action Requests of a minor nature having concluded that no Major Corrective Action Requests were necessary. The certificate was granted for 5 years; during which period those Corrective Action Requests would be implemented so as to ensure the further promotion of the MSC Principles and Criteria and the continuation of a well managed and sustainable fishery. To this extent the certificate was conditional.

On 25th April, 2001 the Royal Forest and Bird Protection Society of New Zealand (RFBPS) complained to the MSC against this certification on the grounds that the SGS report leading to the certificate failed adequately to interpret and to comply with the MSC Principles and Criteria and the requirements of Certification. RFBPS asked that the Certificate be withdrawn.

In due course this complaint was referred to the Board of Trustees of the MSC, who appointed one of its number, Sir Martin Laing, to convene a panel

to adjudicate on the complaint. The panel consists of Sir Martin Laing (Chairman), Dr. Rick Deriso (Scripps Institution of Oceanography), Dr. Jake Rice (Canadian Department of Fisheries and Oceans) and Sir Michael Connell (Retired Judge of the High Court in England).

The panel has studied the complaint in detail and has based its conclusions in particular on :-

- (1) The Main Assessment Report of SGS dated 14.03.01.
- (2) The full terms of the complaint by RFBPS dated 25.04.01.
- (3) A Technical Review of all the details of the complaint carried out by Doctors Deriso and Rice. The reviewers presented and explained their evaluation of the appropriate score for the Hoki Fishery in the light of its current status, taking account of developments since the initial assessment. They also took account of some modifications to the SGS guideposts so as to reflect more closely the object of improving the sustainability of the Fishery in accordance with MSC Principles. The Technical Review is attached as an Appendix hereto.
- (4) The MSC Principles and Criteria.

The panel has approached its task bearing in mind that the certification process is designed to consider whether the subject Fishery is, or is likely to become, a well managed and sustainable Fishery in which the MSC Principles and Criteria are being observed and promoted. The main object

of the process is to improve over time the sustainability of the Fishery in accordance with those Principles.

As is apparent from its conclusions and recommendations which follow, the panel has identified several aspects of the SGS assessment concerning Principle 2 which would have justified a refusal of certification as at the date of the assessment. However the panel has taken account of the 10 Corrective Action Requests specified by SGS and of the reaction of HFMC to those Requests. The Requests numbered 001, 002 and 003 have been dealt with and the balance are addressed in the Corrective Action Plan of 13th May 2002, the Draft Conservation Services Plan 2002/2003 of the Department of Conservation, and the Proposed Fishery Services of 2002/2003 of the Ministry of Fisheries. The panel considered the current status of the Fishery in the light of these matters and reached the conclusion that the Fishery in its present state is suitable for certification. Accordingly they confirm the certificate, but conditional upon the structured implementation of the Corrective Action Plan and the compliance with the recommendations that follow.

Summary and Conclusions

Principle 1

The stock itself is in good shape, the information used to make this decision is robust and the management strategy used to manage the stock is world best practice.

Recommendation

Ensure that the research programme being pursued by the HFMC includes a genetic component.

Principle 2

The fishery has impacts on the wider marine environment. At the time of the original assessment, the information used to assess these impacts was poor to non-existent. There had been little directed action taken to measure the extent or magnitude of these impacts, and little use had been made of information collected for other purposes but possibly informative about the impacts of the hoki fishery on other ecosystem components. Where impacts on ecosystem components were known or suspected, little had been done to ameliorate them.

The Complaint gave much attention to real shortcomings in the fishery at the time of application for certification. However, in several instances the Complaint proposed to evaluate the fishery against relative standards that were unrealistic or unworkable.

Having said that, since the original assessment the industry has recognised these issues and focused quite strongly on remedying the deficiencies in their Corrective Action Plan. The CAP includes measures that will substantially increase knowledge of the actual

impacts of the fishery on the wider environment. It also includes measures that increase the openness and inclusiveness of how environmental risks are evaluated, how needs for mitigation are determined, and mitigation measures are chosen and implemented. These are significant improvements, although sustainability of the fishery at the ecosystem scale remains the greatest concern for certification.

Recommendations

1. Seal excluding devices be tested in New Zealand waters as a complement to the trials off Western Tasmania.
2. The trawl grounds should be mapped, especially those areas where trawls impact on the sea bed.
3. Using the information from 2, a preliminary ecological risk assessment of the impact of the fishery on benthic habitats should be undertaken as a priority, even if the full ecological risk assessment proposed in the CAP requires several years to complete.
4. Interim but measurable management objectives for key ecosystem components should be set using existing knowledge, consistent with the principles of the Precautionary Approach, and with the full understanding that these objectives would be revised as the Ecological Risk Assessment is completed.

Principle 3

The overall management system is good, although, with a system that places a great deal of responsibility on industry there is more that could be done to bolster the industry's management system.

Recommendations

1. A suggestion regarding the use of seal excluding devices is made above in Principle 2.
2. The fishery observer programme and the procedures manual be reviewed for effectiveness and efficiency.
