

THE NEW fisheries legislation will be a backward step for the sustainable management of living resources in New Zealand. While our land and coastal resources are now subject to the sustainability provisions of the new Resource Management Act, the fishing industry has been successful to date in keeping fisheries out of the sphere of sustainable management and New Zealand's obligations under the Biodiversity Convention:

MAF and the task force looking at a revision of the legislation have produced a number of reports and discussion papers. But the theme of these reflects the dinosaur mentality of those involved in exploiting the sea – no respect for marine life, and with the entire debate fixed around exploitation of commercial fish species and giving property rights to the exploiters. The missing factor is any recognition of the intrinsic values of marine life and marine ecosystems.

To continue to treat marine life as a "common property right of the fisheries resource", whether it be as a right of commercial, Maori or recreational fishers or conservationists, leaves the marine world to the rule of capture and the financial and political resources of these competitors.

WE TREAT marine life differently from almost all other indigenous living resources in New Zealand. Apart from the 30 species covered by the Quota Management System, when we get to the sea it is still largely a free-for-all. The only things that slow down our harvesting from the sea are the weather, the time it takes and our fishing gear. You may catch a fish on your line that lives longer than an albatross, or it may be as locally rare as a kakariki. But if it is not a familiar fish, it is likely to be used as bait or fed to the cat. This same attitude prevails among commercial fishers.

New Zealanders lack the caring approach to the sea and marine life that they have for land-based wildlife. This probably comes from ignorance of the hidden worlds of the sea, and lack of awareness that the ecological and environment principles we use on land apply equally below water.

The colonial attitudes of taming nature and the taking of plentiful resources still persist when it comes to the sea. Just as we have developed a more protective ethic for wildlife, native forests and other land-based ecosystems, this needs to be developed for marine life and marine

A BETTER DEAL FOR LIFE IN THE SEA?

In June the government plans to introduce a new Fisheries Bill to Parliament. This bill, says MARK BELLINGHAM, will keep the focus on a flow of fish to the fishing industry with virtually no regard for sustaining marine communities. Any greater protection for marine life has been ignored.



The red moki is a long-lived territorial reef fish, curious, slow moving and easy to catch. It is not a commercial species but it is being seriously depleted in many areas by set netting and spear fishing. Apart from individuals in marine reserves, like nearly all other marine life the species is not protected in any way.

ecosystems.

There are thousands of species of marine animals in the seas around New Zealand and it is clear that not all species or areas should be fished. The Fisheries Act provides for species to be protected, but to date only two corals, one fish and a few turtles have been protected (to be consistent with the Wildlife Act).

Whole marine communities are currently being depleted and degraded and there are widespread problems of indiscriminate stripping of our shores. Both the Fisheries Act and the Territorial Sea and Exclusive Economic Zone Act provide for the conservation of marine life, but little positive action has ever been taken to protect it under this legislation.

Arguably the only action has been to control the exploitation of certain marine life through a quota system which theoretically keeps populations of certain individual species at levels where they can be continually harvested. This is no substitute for actually protecting marine life.

Only a small portion of the marine species around New Zealand are fished, yet the remaining unprotected flora and fauna are vital parts of the ecosystems that support the fished species.

TO PROVIDE an incentive towards protecting and conserving marine life, Forest and Bird has proposed an approach where there is a presumption of protection. The new Fisheries Act, or a separate Marine Species Protection Act, could provide general protection for marine life, but allow for fishing. Using the approach of the Wildlife Act those species that can be fished (as they are far fewer than those that are not taken) would be listed in schedules to the Act:

- the first schedule will set out those species that can be taken commercially, that is the quota management species, plus additional non-quota species;
- the second schedule will list species in addition to the first schedule that can be taken by recreational fishers;
- the third schedule will list in addition to the previous two, species that can be taken by traditional Maori fishers.

Any species not listed in any of the schedules would be protected, could not be legally landed and should be returned to the sea. For species to be moved between schedules or added to schedules a public process would be required with the Minister being the final arbiter. Any applicant proposing a change would be required to produce an environmental impact assessment.

The Act would need to make some allowance for accidental and incidental by-catch and monitoring of this by-catch. This has been proposed for the Marine Mammals Protection Act, where all mammals are totally protected. In situations where there is an incidental catch, management planning would set targets for reducing this incidental catch to zero.



Mark Bellingham is the former field director of Forest and Bird. He now works for the Maruia Society on resource management issues.