

NEW ZEALAND



1 BACKGROUND INFORMATION

Land mass	268,670 square kilometres
EEZ/land ratio	15
Coastline	15,134 kilometres
Population in 2003 (approximately)	4,039,000
Population density (approximately)	15 per square kilometre
Gross National Income per capita (in 2003)	US\$21,700

2 ACTIONS WITH REGARD TO THE LAW OF THE SEA CONVENTION

New Zealand ratified the Law of the Sea Convention on 19 July 1996. New Zealand claims the following marine zones of jurisdiction under the Law of the Sea Convention:

- Territorial sea: 12 nm.
- Continental Shelf: 200 nm or to the edge of the Continental margin.
- Exclusive economic zone: 200 nm.

New Zealand's EEZ is the fourth largest in the world, with an area of 1.03 million square kilometres.¹ The EEZ is 15 times the landmass and currently produces about 1 per cent of the world's catch.²

New Zealand has marine jurisdictional boundaries with Australia, Tonga, France and Fiji. There is no boundary treaty with either of Australia or Tonga. New Zealand's mainland continental shelf appears likely to overlap with that claimed by Australia in three areas and potentially with that claimed by France, Fiji and Tonga.

3 MARINE INDUSTRIES INFORMATION³

The commercial fishing industry is New Zealand's fourth largest export earner, at NZ\$920m (excluding aquaculture) for 2002. The seafood industry (excluding aquaculture) provided over 7000 full time equivalent jobs through direct employment in 2002. About 90% of the New Zealand catch is now exported, accounting for less than 2% of the world seafood trade.

Aquaculture is a rapidly-growing industry in New Zealand. Exports have increased from NZ\$170m in 1988 to NZ\$450m in 2002.

Offshore resources are an important source of energy for New Zealand. The production value of oil and gas from New Zealand's only commercial production field, Maui⁴, was about NZ\$370m in 2002 (with Maui accounting for about 25% of New Zealand's primary energy supply for nearly 30 years).

The marine transport sector remains a vital part of New Zealand's economy, with almost 85% of New Zealand exports by value (99% by volume) carried by sea.

The marine pleasure and commercial boat service industry is the largest non-primary product manufacturing-based industry in New Zealand, with an annual turnover estimated to be in excess of NZ\$700m per annum (of which approximately 50% is in exports).

The value of ocean-based tourism is difficult to estimate, but international visitor activities in the marine environment probably account for around 6% of overall international visitor activities – with significant economic benefit accruing from these activities (both directly and indirectly, e.g. through provision of visitor services such as hospitality and transportation).

¹ Blezard, R. H. (1980) Calculated sea area of New Zealand 200 Nautical Mile EEZ, *New Zealand Journal of Marine and Freshwater Research* 14(2) 137-138.

² http://www.seafood.co.nz/nzseabus.cfm?SEC_ID=67&DOC_ID=87 - accessed, April 13 2002.

³ The data in this section is distilled from a June 2003 report prepared for the Oceans Policy Secretariat – see <http://www.oceans.govt.nz/media-publications/stage-two-work-docs/oceans-report-jun-03.pdf>

⁴ The Maui field is located about 35-50km off the Taranaki coast, and accounts for about 75% of New Zealand's hydrocarbon production.

Significant opportunities have also been identified for future exploitation of resources within New Zealand’s EEZ – e.g. development of tidal, current and wave energy technologies; deep-sea aquaculture and bioprospecting opportunities; and mining of extensive gas hydrate reserves.

4 OCEAN RELATED LEGISLATION

Key Ocean Management Related Legislation ⁵

Legislation	Description
Continental Shelf Act 1964	This Act makes provision for the exploration and exploitation of the continental shelf of New Zealand and for matters connected with that purpose. The Act also implements provisions of the Law of the Sea Convention in relation to the continental shelf and mining beyond the 200 nm limit.
Customs and Excise Act 1996	This Act provides the legal framework for minimising the risks arising from international trade and travel, facilitating legitimate movement of people, craft and goods across New Zealand’s borders and collecting customs and excise revenue.
Crown Minerals Act 1991	This Act establishes policies, procedures and provisions to provide for the efficient allocation of rights in respect of Crown-owned minerals ⁶ ; and the obtaining by the Crown of a fair return from its minerals.
Maritime Crimes Act 1999	This Act gives effect to the provisions of the Rome Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Rome Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.
Submarine Cables and Pipelines Protection Act 1996	This Act implements obligations under various International Convention provisions relating to submarine cables and pipelines.
Territorial Sea, Contiguous Zone and Exclusive Economic Zone Act 1977	This Act is a framework Act which implements the provisions of the Law of the Sea Convention in relation to the territorial sea, contiguous zone and EEZ within New Zealand.
United Nations Convention on the Law of The Sea Act 1996	This Act implements the provisions of the Law of the Sea Convention not implemented by the <i>Territorial Sea, Contiguous Zone and Exclusive Economic Zone Act 1977</i> .
Biosecurity Act 1993	This Act provides the framework for preventing and managing the impacts of alien organisms and pests in New Zealand.
Foreshore and Seabed Endowment Revesting Act 1991	This Act revokes certain endowments of the foreshore and seabed, and re-vests them to the Crown.
Conservation Act 1987	This Act promotes the conservation of New Zealand’s natural and historic resources.
Driftnet Prohibition Act 1991	Under this Act a vessel can be prevented from entering internal waters or, alternatively, it can be ordered to leave those waters if it is equipped for driftnet fishing or has engaged in driftnetting in the previous three months.
Fisheries Act 1996	This Act provides for the utilization of New Zealand’s fisheries resources while ensuring sustainability ⁷ . It is the principal statute for implementing the transferable quota system as well as managing the non-transferable quota system fisheries.

⁵ Full copies of legislation available at www.legislation.govt.nz

⁶ With respect to marine minerals, the Crown has 100% ownership of minerals within the territorial sea; and (under UNCLOS) the right to minerals and petroleum to the limits of the EEZ or the edge of the continental shelf – whichever is furthest.

⁷ ‘Ensuring sustainability’ is defined as maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and avoiding, remedying or mitigating the adverse effects of fishing on the aquatic environment.

Hazardous Substances and New Organisms Act 1996	This Act regulates hazardous substances, new organisms and genetically modified organisms.
Marine Mammals Protection Act 1978	This Act makes provision for the protection, conservation, and management of marine mammals within New Zealand and in New Zealand's fisheries waters.
Trade in Endangered Species Act 1989	This Act implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973 (CITES).
Treaty of Waitangi Fisheries Claims Settlement Act 1992	This Act gives legal effect to a number of negotiated political settlements between representatives of Maori and the New Zealand government with respect to Maori claims regarding fishing rights and fisheries in New Zealand waters.
Wildlife Act 1953	This Act protects animals living in a wild state within the Territorial Sea and the EEZ.
Environment Act 1986	This Act establishes the Ministry for the Environment and the Parliamentary Commissioner for the Environment. The primary objective of the Office is to contribute to maintaining and improving the quality of the environment in New Zealand.
Resource Management Act 1991	This is the principal Act governing the sustainable management (use, development and protection) of natural and physical resources within New Zealand's territorial sea, with a particular focus on avoiding, remedying or mitigating the environmental effects of activities. .
Marine Reserves Bill 2002	A proposed new law on marine reserves was placed before the New Zealand Parliament in early 2002. This new statute will seek to preserve and protect marine areas so as to support the conservation of marine biodiversity.
Maritime Transport Act 1994	This Act establishes the Maritime Safety Authority, and regulates navigation, shipping, maritime safety, and protection of the marine environment (e.g. through effective oil spill responses and controls on dumping at sea) within the territorial sea and EEZ.

5 LEAD AGENCIES FOR OCEANS GOVERNANCE

(1) Departments/Ministries

Agency	Ocean Related Function
Ministry of Foreign Affairs and Trade www.mft.govt.nz	This Ministry manages the external relations of New Zealand. Its Legal Division is responsible for treaties and other international agreements. Other divisions of the Ministry with responsibility for marine affairs include the Environment Division, the Antarctic Policy Unit and the United Nations and Commonwealth Divisions. There is currently no section devoted solely to marine affairs.
Ministry for the Environment www.mfe.govt.nz	The Ministry for the Environment is a policy and advisory Ministry. It is responsible for the development of policies for resource management, land, air and water quality, waste, hazardous substances and contaminated sites. The Ministry also advises on the environmental implications of other Government policies, and contributes to interdepartmental work on biological diversity, marine environmental issues, energy and transport. This Ministry is currently responsible for the co-ordination of the development of the NZ Oceans Policy. An Oceans Policy Secretariat is housed within the Ministry.
Department of Conservation (DOC) www.doc.govt.nz	The Department of Conservation is the principal body implementing and administering the <i>Conservation Act</i> . It has responsibility for almost a third of New Zealand's land area, including national parks forests, river margins, some coastline and many offshore islands. It also manages areas set aside for marine conservation e.g. marine reserves and maritime parks. The DOC is currently the lead organization for implementation of New Zealand's Biodiversity Strategy. Since 1997, it has also had responsibility for advising the Minister for Biosecurity on biosecurity risks to indigenous flora and fauna.
Ministry of Fisheries www.fish.govt.nz	This Ministry is responsible for the sustainable utilisation of fish species. It manages New Zealand's participation in international fisheries arrangements and provides advice to the Minister for Biosecurity in relation to the Minister's powers and duties under the <i>Biosecurity Act</i> as they relate to the marine environment.

Ministry of Transport www.transport.govt.nz	The Ministry of Transport is a key player in oceans governance and aims to ensure that New Zealand maintains safe, competitive and environmentally sound maritime transportation services. These principles apply to both New Zealand flag vessels as well as vessels of other flags transiting or using New Zealand waters and ports. Given that the bulk of shipping in New Zealand waters is undertaken by non-New Zealand flagged vessels the Ministry of Transport is effectively engaged in applying international law and New Zealand law as a Coast State and Port State.
Ministry of Civil Defence and Emergency Management www.mcdem.govt.nz	This Ministry is responsible for the development and implementation of a new emergency management system for New Zealand to ensure that New Zealand communities and citizens are more resilient to the impacts and consequences of natural and technological hazards. The Ministry is also responsible for managing national emergencies and works closely with the Maritime Safety Authority with respect to oil spills and other widespread marine sector disasters.
Ministry of Agriculture and Forestry: Bio-security Authority www.maf.govt.nz/biosecurity	This Authority is part of the structure of the Ministry of Agriculture and Forestry and is tasked with taking a leadership and co-ordination role in implementing the biosecurity program. It has a lead role in implementing the <i>Biosecurity Act</i> in the terrestrial and fresh water environments for animal, plant and forestry pests and diseases affecting agriculture, horticulture, forestry and indigenous flora and fauna, and exotic disease and pest response capability. It co-ordinates closely with the Ministry of Fisheries which has authority for marine biosecurity issues and DOC which has responsibility for marine biodiversity issues.

(2) Statutory Bodies

Agency	Ocean Related Function
The Maritime Safety Authority (MSA) www.msa.govt.nz	The MSA has five members that are appointed by the Governor-General on the recommendation of the Minister of Transport. The members consist of members of the general public and those that have an interest in the maritime industry. The MSA's principal objective is to undertake activities that promote a safe maritime environment and provide effective marine pollution prevention and an effective marine oil pollution response system, at a reasonable cost. It receives strategic guidance from the Ministry of Transport.
Environmental Risk Management Authority (ERMA) www.ermanz.govt.nz	The ERMA is responsible for implementation of the <i>Hazardous Substances and New Organisms Act</i> . It consists of the Authority (a quasi-judicial body with up to eight members appointed by the Minister for the Environment) and ERMA New Zealand. ERMA New Zealand provides administrative support to the Authority. Its principal function is to make decisions on applications to introduce new organisms or hazardous substances to New Zealand.
Land Information New Zealand (LINZ) www.linz.govt.nz	LINZ is responsible for the policy and operational aspects of information regarding New Zealand's land, ocean and seabed resources. It reports to Ministry for Land Information. The most important operational arm of LINZ with respect to the marine sector is the National Topographic Hydrographic Authority which has responsibility for establishing and maintaining standards for core land/seabed information databases and the management of core land/seabed information.
Antarctica New Zealand www.antarcticanz.govt.nz	Antarctica New Zealand is responsible for the development, management and execution of New Zealand's activities in respect of Antarctica and the Southern Ocean, in particular the Ross Dependency.
Parliamentary Commissioner for the Environment (PCE) www.pce.govt.nz	The PCE is an independent Officer of Parliament appointed for a five-year term under the <i>Environment Act</i> . The primary objective of the office is to contribute to maintaining and improving the quality of the environment in New Zealand through advice given to Parliament, local councils, business, tangata whenua, communities and other public agencies.
The Environment Court www.courts.govt.nz/environment_court/environment.ht	The Environment Court consists of legally qualified Environment Judges (who are also District Court Judges) and Environment Commissioners (who need not be legally qualified). Its jurisdiction extends to hearing matters concerning

ml	environmental issues within the 12 nautical mile territorial sea.
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(3) Coordinating Bodies

Agency	Ocean Related Function
Chief Executives Forum www.maf.govt.nz/biosecurity	New Zealand's first biosecurity strategy was published in August 2003 by the Biosecurity Council, and has been fully endorsed by the Government. The strategy proposes a new direction for New Zealand's biosecurity, to deal with the mounting pressures on the biosecurity system. As a result of the Biosecurity Strategy a new forum, the Chief Executives Forum, has been established and replaces the previous Biosecurity Council. This forum's responsibility is to set priorities across biosecurity—including both terrestrial and marine.

(4) Other Bodies

Agency	Ocean Related Function
Waitangi Tribunal www.waitangi-tribunal.govt.nz	This is a commission of inquiry established to inquire into and report on claims against the Crown under the Treaty of Waitangi. The Tribunal can examine any claim by Maori people that they have been prejudiced by laws or omissions, policies or practices of the government since 1840 that are inconsistent with the principles of the Treaty. Given the strong links between Maori peoples and the ocean, many claims have a marine or coastal aspect or focus solely on marine resources.

6 OCEANS GOVERNANCE POLICY FRAMEWORK

Policy	Description
National Oceans Policy	New Zealand is currently in the process of developing a comprehensive Oceans Policy. This process seeks to identify goals and principles for managing the marine environment and the best way to achieve these goals.
The New Zealand Biodiversity Strategy 2000	The purpose of the Strategy is to establish a strategic framework for action to conserve and sustainably use and manage New Zealand's biodiversity. The primary focus is on New Zealand's indigenous biodiversity. However, because of the value and economic importance of much of our introduced biodiversity, the conservation of the genetic resources of our important introduced species is also addressed.
New Zealand Biosecurity Strategy, 2003	This Strategy sets an overall direction for biosecurity management; identifies areas of priority for biosecurity programmes; addresses issues in relation to primary production, public health, and indigenous terrestrial, marine, and freshwater environments; provides guidance to all involved in biosecurity management; and aims to raise public awareness and understanding of biosecurity.
The New Zealand Coastal Policy Statement	The purpose of this Statement is to establish policies to promote the sustainable management of natural and physical resources in relation to the coastal environment of New Zealand. The NZCPS is required by, and implemented through, the Resource Management Act 1991.
Ballast Water and Ship's Hull De-fouling: A Government Strategy	This Strategy aims to keep New Zealand's territorial sea free of new harmful species and diseases.
New Zealand Marine Oil Spill	The aim of this Strategy is to efficiently and effectively minimize the impact of

Response Strategy, 1999/2000	oil pollution from ships and oil transfer sites on the marine environment. The NZMOSRS is required by, and implemented through, the Maritime Transport Act 1994.
New Zealand Waste Strategy: Towards Zero Waste and a Sustainable New Zealand, 2002	This Strategy sets out an integrated approach to material and resource efficiency with a view to lowering the social costs and risks of waste; reducing the damage to the environment (including the marine environment) of waste generation and disposal; and increasing economic benefit by more efficient use of materials.

Strategies and policies are also being developed in relation to:

- bioprospecting
- seamounts
- the environmental effects of fishing
- reducing the incidental catch of seabirds in New Zealand fisheries
- marine protected areas.