



**Sixth Meeting of the Commission of the  
South Pacific Regional Fisheries Management Organisation  
Adelaide, Australia  
30-3 February 2017**

DSCC Intervention 31 January 2018

Thank you Mr Chair

DSCC extends its thanks to NZ and Alice Revell and other officials for their presentation. We were particularly fortunate to have Alice present this – as past chair of the United Nations bottom fishing workshop and past coordinator of sustainable fisheries resolutions at the United Nations, she is a true expert in this matter.

Mr Chair, DSCC and a number of other stakeholders, including the fishing industry, participated in workshops in Hobart, Wellington and Shanghai on the bottom fishing measure. We thank the transparency and hospitality of the New Zealand, Australian, and Chinese governments which made those possible, as well as the officials and the SPRFMO secretariat and the NIWA scientists. They were not easy workshops but they were productive. They resulted in the draft measure which was COMM6-Prop05 New Zealand-Australia proposal for a new CMM on Bottom Fishing (which is now WITHDRAWN, refer to [COMM6-INF09](#)). This followed a threat by the NZ fishing industry to “take legal action” against the NZ government in their letter of 3 January [briefing](#) and a request by the High Seas fisheries Group to “recall the Draft CMM and retain the Current Bottom Fishing Measure until the terms of the Proposed Draft CMM are reviewed comprehensively and a consensus is achieved with the HSFG members.”

DSCC responded to that briefing with our own briefing, [COMM6-Obs02](#), which is on the SPRFMO website.

Mr Chair, DSCC was therefore very taken aback to find that the measure had been withdrawn without consultation with observers.

Mr Chair, a brief history of the measure may be helpful. I won't go back to 2006 in any detail but I will observe that an agreement was struck in the crucial res 61/105, that there was not to be a moratorium on bottom fishing but instead a suite of measures were introduced to prevent significant adverse impacts on VMEs. SPRFMO was one of the first RFMOs to be formed and to formulate first an interim measure then a measure in response to that resolution and those that followed it. Bottom fishing RFMOs around the world have followed with their own measures.

Mr Chair, CMM 2.03 was agreed in [2014](#), with a 2 year sunset and review clause. In 2016, [CMM 4.03](#) was agreed, with a review clause for it to be reviewed at the 2017 Commission meeting. That review clause was amended from CMM 2.03 which simply changed ‘2016’ to ‘2017’.

At the 2017 meeting in Adelaide, that measure was renamed CMM 03-2017 and [amended](#) the review clause, which again made the very simple change of changing 2017 to 2018.

Mr Chair, it is now 2018: four full years after 2014 and 2 years after the proposed review. Lest there be any doubt about procedure, the [Rules of Procedure](#), proposals are to be circulated at least 50 days before the meeting under Rule 4.5. That was done. There is no impediment to it being discussed and passed.

In terms of the text of the measure, we have made some suggestions in our briefing paper, notably on non-target species and sharks.

We appreciate there is a disagreement about allocation of stocks at the Westpac Bank, on the Challenger Plateau. This international fishery is one of four fisheries in clause 19 and could be set to zero catch, as is the South Tasman Rise in the proposed measure. It was [closed](#) to fishing from 2000-2009 in any case.

Delegates, in short, there is no impediment, procedural or substantive, to the proposed measure being adopted, perhaps subject to a review clause, as the 2014 measure was.

The alternative cannot be simply yet another delay. The alternative is spelled out in UNGA resolution 64/72 (2009): cease authorising fishing until a consistent measure has been adopted and implemented.

Matters which need the further input of the Scientific Committee, such as the encounter protocols and the boundaries of the proposed areas, can be the subject of later amendment.

We did have some other specific recommendations for the Scientific Committee workplan, including to instruct the Scientific Committee to prioritize stock assessments for all target species, and to provide advice on assessments and minimizing impacts on non-target species.

Thank you