



Briefing for the Second Meeting of the Parties of the South Indian Ocean Fisheries Agreement

17-20 March 2015, Flic en Flac, Mauritius

Introduction and Summary

The Deep Sea Conservation Coalition (DSCC) respectfully submits this briefing for the Second Meeting of the Parties of the South Indian Ocean Fisheries Agreement (SIOFA). The DSCC thanks the hospitality of Mauritius in holding this Second Meeting.

This briefing is directed mainly to agenda item 2, drafting rules of procedure for SIOFA and subsidiary bodies and agenda item 5, proposed conservation and management measures.

The DSCC urges Parties to:

- *Item 2:* adopt Rules of Procedure which follow international best practice with respect to transparency.
- *Item 5.1:* adopt a conservation and management measure to ban deepwater gillnets.
- *Item 5.2:* adopt a conservation and management measure to ensure the long-term sustainability of deep sea fish stocks and non-target species.
- *Item 5.3:* establish a robust and transparent procedure to adopt and implement the procedures and requirements laid down in the United Nations General Assembly (UNGA) resolutions¹, including to carry out the required impact assessments, to put into place compliant measures, including those required to prevent significant adverse impacts on vulnerable marine ecosystems (VMEs) and stock assessments and conservation measures to ensure the long-term sustainability of deep-sea fish stocks, including non-target or bycatch species, and the rebuilding of depleted fish stocks. SIOFA should require States not to authorize bottom fishing activities until such measures have been adopted and implemented. The UNGA will carry out a review of compliance with the bottom fishing resolutions in 2016.
- *Item 5.4:* agree a management measure to establish a blacklist of IUU vessels.

Agenda item 2: Adopting rules of procedure for SIOFA

DSCC welcomes the approach taken in the February 16 draft Rules of Procedure as circulated. The UNGA has repeatedly emphasised the importance of transparency: only last year in the Sustainable Fisheries Resolution, [resolution 67/79 \(2012\)](#), the UNGA in paragraph 122 urged regional fisheries management organizations and arrangements (RFMO/As) to improve transparency, and in paragraph 126, recalled that, in [‘The Future We Want’](#), the outcome document of Rio+20, States recognized the need for transparency and accountability in fisheries management by RFMO/As. As was recognized in *The Future We Want*, “We need institutions at all levels that are effective, transparent, accountable and democratic.”

Agenda item 5: Proposed conservation and management measures

5.1 Deepwater and pelagic gillnets

DSCC strongly urges Parties to adopt a conservation and management measure to ban deepwater gillnets. Deepwater gillnets are a highly destructive form of fishing, causing unacceptable levels of catch of deep sea sharks in particular, and lost gillnets give rise to ghost fishing, causing bycatch to be caught. SPRFMO measure SPRFMO CMM 1.02 (2013), noted that Parties were “[c]oncerned by the possible impact of large - scale pelagic gillnets and deepwater gillnets on fishery resources, bycatch species and deep sea habitats, including the impact of lost and/or abandoned gillnets.”

Draft measure 14.01 circulated last year provides a good basis for a measure.

5.2 Fishing Effort: Ensure the long-term sustainability of deep-sea fish stocks and non-target species

UNGA resolution 64/72 paragraph 119(d) called on States and RFMOs to “Adopt conservation and management measures, including monitoring, control and surveillance measures, on the basis of stock assessments and the best available scientific information, to ensure the long-term sustainability of deep sea fish stocks and non-target species, and the rebuilding of depleted stocks, consistent with the Guidelines; and, where scientific information is uncertain, unreliable, or inadequate, ensure that conservation and management measures be established consistent with the precautionary approach, including measures to ensure that fishing effort, fishing capacity and catch limits, as appropriate, are at levels commensurate with the long-term sustainability of such stocks.” Both stock assessments and the best available scientific information are required, as is the rebuilding of depleted stocks. Fishing effort, fishing capacity and catch limits, as appropriate, must be at levels commensurate with the long-term sustainability of such stocks.

Draft CMM 14.03 circulated last year falls far short of the measures to which SIOFA Contracting Parties have committed through the UNGA resolutions, in particular resolution 64/72, paragraph 119(d). The DSCC recommends that a new measure or measures for the sustainable management of deep-sea fish stocks, including measures to assess the impact of fishing on low productivity species and ensure the long-term sustainability of non-target species, should be drafted, adopted and implemented on an urgent basis.

5.3 Protection of Vulnerable Marine Ecosystems: UNGA resolution 61/105 (etc) on VMEs and bottom fishing

Any conservation and management measures adopted, or interim measure put into place, must be consistent with UNGA resolutions 61/105 (2006), resolution 64/72 (2009), particularly paragraphs 119 and 120,² and resolution 66/68 (2011).³ Areas where VMEs are known or likely to occur must be closed to bottom fishing unless bottom fishing in such areas can be managed to prevent significant adverse impacts on VMEs. Impact assessments must be carried out and be made publicly available. Fishing should not be permitted until this is done, under UNGA resolution 64/72 paragraph 119(a).⁴ Resolution 66/68 called for strengthening procedures for conducting environmental impact assessments of high seas bottom fisheries, and calls on States to publicize without delay the assessments and improve compliance with deep-sea fisheries regulations and greater more transparency in RFMOs.

The measures should also be consistent with the [International Guidelines for the Management of Deep-Sea Fisheries in the High Seas](#)⁵ (“FAO Guidelines”).

Further information was provided in DSCC’s 2013 briefing to the First Meeting of the Parties.

The draft measure CMM 14.02 for the protection of VMEs circulated last year falls far short of the commitments to protect VMEs that States Parties to SIOFA have repeatedly made through the UNGA resolutions over the past 11 years. A new measure or measures for the protection of VMEs should be drafted, adopted and implemented on an urgent basis.

5.4 Other conservation and management measures.

The DSCC urges the SIOFA Parties to agree a management measure to establish a blacklist of IUU vessels. This could follow SPRFMO measure CMM 1.04 agreed in January 2013.

Conclusion

It has been eleven years since the Parties to SIOFA and other nations whose flagged vessels conducted bottom fisheries in the SIOFA Convention area have agreed to “take action urgently” to protect VMEs⁶ and seven years since the deadline established by the UN General Assembly to adopt and implement the measures contained in UNGA resolution 61/105. In spite of these commitments, no multilaterally agreed measures have yet been adopted and implemented to do so by the Parties to the SIOFA convention. We would note that the UN General Assembly will review the actions taken by States and RFMOs in 2016 and we would urge SIOFA Parties to adopt and implement fully the measures outlined above as have been called for by the UN General Assembly.

Respectfully submitted

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For DSCC

Endnotes

¹ UNGA resolutions 59/25 (2004), 61/105 (2006), 64/72 (2009), 66/68 (2011)

² UNGA resolution 64/72 paragraph 120: "Calls upon flag States, members of regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries and States participating in negotiations to establish such organizations or arrangements to adopt and implement measures in accordance with paragraphs 83, 85 and 86 of its resolution 61/105, paragraph 119 of the present resolution, and international law, and consistent with the Guidelines, and not to authorize bottom fishing activities until such measures have been adopted and implemented."

³ UNGA resolution 66/68 - Sustainable fisheries, including through 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, and related instruments (to be issued)

⁴ UNGA Resolution 64/72 (2009) paragraph 119(a): "Conduct the assessments called for in paragraph 83 (a) of its resolution 61/105, consistent with the Guidelines, and to ensure that vessels do not engage in bottom fishing until such assessments have been carried out"

⁵ <http://www.fao.org/docrep/011/i0816t/i0816t00.htm>.

⁶ UNGA resolution 59/25, paragraph 66: "Calls upon States, either by themselves or through regional fisheries management organizations or arrangements, where these are competent to do so, to take action urgently, and consider on a case-by-case basis and on a scientific basis, including the application of the precautionary approach, the interim prohibition of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals located beyond national jurisdiction, until such time as appropriate conservation and management measures have been adopted in accordance with international law"