



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

DSCC Intervention, 30 January 2018

Thank you Mr Chair and good morning delegates

This intervention is given on behalf of the Deep Sea Conservation Coalition (DSCC), which represents over 70 NGOs. We firstly thank the Peruvian government and delegation for its hospitality once again. We have fond memories of the 2009 meeting and it is a pleasure to be back. Interestingly it was also 2009 that the FAO Deep Sea Guidelines were agreed, and that UNGA resolution 64/72 was passed at the United Nations. That resolution called on States not to authorize bottom fishing activities until measures in accordance with paragraphs 83, 85 and 86 of resolution 61/105, paragraph 119 of resolution 64/72, and international law, and consistent with the Guidelines have been adopted and implemented;

We have made our briefing available on the website but would like to briefly outline some recommendations. They appear on pages 1 and 2 of our briefing.

But first we would like to acknowledge the elephant in the room. 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the draft measure which was COMM6-Prop05 New Zealand-Australia proposal for a new CMM on Bottom Fishing (which is now WITHDRAWN, refer to [COMM6-INF09](#)).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 sue 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Mr Chair, DSCC was therefore shocked to find that the measure had been withdrawn without consultation with observers.

A brief history of the measure. 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.¹ That review clause was amended from CMM 2.03 which simply changed ‘2016’ to ‘2017’.

¹¹ “REVIEW 27. This CMM shall apply until the close of the annual Commission meeting in 2017 unless determined otherwise by the Commission. It shall be reviewed at the regular meeting of the Commission in 2017. Such review shall take into account, inter alia, the latest advice of the Scientific Committee, including

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 2018.²

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.

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.

Mr Chair and delegates, this has been a long intervention, and I will only draw the delegates' attention to our suggestions on target and non-target species, the proposed measure on experimental fishing for lobster and crabs, and EBSAs.

Mr Chair, we do have one final comment that it on COMM6-Prop14 EU-Australia proposal regarding the 1st SPRFMO Performance Review. According to paragraph 12, All SPRFMO Members, CNCPs and observers are encouraged to participate in the questionnaires and interviews. We welcome this. But there are no equivalent transparency provisions in the selection of review panel members, in paragraphs 6-10, nor is there an opportunity to comment on drafts. In contrast, CCAMLR went through a similar procedure and its Decision on the performance review, which can be found in Annex 8 of the 2016 Commission report, includes an NGO selected expert on the panel. It reads as follows:

"15. The NGO expert will be recommended to the Commission by the NGOs accredited as official observers to CCAMLR. The name of the NGO expert selected will be communicated in writing to the Chair of the Commission, through the Secretariat, by 31 December 2016."

We would suggest that a similar transparency provision be included in the SPRFMO review. We also suggest an opportunity to comment on drafts, as was the case in the CCAMLR review. The CCAMLR decision includes observers in parties to whom the report is circulated, whereas the current SPRFMO draft does not. We also suggest that to the SPRFMO Commission.

Thank you.

with respect to appropriate catch levels for principal target species and/or appropriate reference periods, in accordance with the objectives described in paragraph 1 of this CMM."

² This CMM shall apply until the close of the annual Commission meeting in 2017 2018 unless determined otherwise by the Commission. It shall be reviewed at the regular meeting of the Commission in 2017 2018. Such review shall take into account, inter alia, the latest advice of the Scientific Committee, including with respect to appropriate catch levels for principal target species and/or appropriate reference periods, in accordance with the objectives described in paragraph 1 of this CMM.