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The Southern Indian Ocean Fisheries Agreement (SIOFA) 2nd Meeting of the Compliance
Committee
21-23 June 2018

Cape Panwa Hotel, Phuket, Thailand

CC2-Doc07

Report on Implementation of SIOFA CMMs- The Cook Islands

Relates to agenda item: 3

Proposal Other Document Info Paper

Delegation of the Cook Islands

Abstract

The Cook Islands presents a report on the implementation of SIOFA CMMs.

Introduction

The Cook Islands notes that CMMs 2017/01, 2017/02, 2016/03, 2016/04, 2016/05, 2016/06, entered in to force on 8 October 2016 and on 9 September 2017 for CMMs 2017/07, 2017/08, 2017/09 and 2017/10. Implementation reporting for a number of CMMs was contained in the Cook Islands National Report presented to the Third Meeting of the Scientific Committee. The Cook Islands National Report is made available to the Meeting of the Parties each year.

This current implementation report covers the period 30 May 2017 to 1 June 2018.

CMM	Relevant Paragraphs	Cook Islands Compliance
2017/01	9,10,11,12,13,14,17,18,25,26,27,28,29,31,33,34,38,	Full compliance with relevant paragraphs
2017/02	4,6,7,8,9,10,11,12,13,14,15,16	Full compliance with relevant paragraphs
2016/03	N/A	
2016/04	N/A	
2016/05	All	Full Compliance
2016/06	N/A	
2017/07	2,3,6,7,8	Full compliance with relevant paragraphs
2017/08	N/A	
2017/09	1,2,3,4,5,6,7,8,9,10	Full compliance with relevant paragraphs
2017/10	1,2,3,4,5,6,8,10,16,17,18,19,20,21	Full compliance with relevant paragraphs

CMM 2017/01 – CMM for the Interim Management of Bottom Fishing in the Agreement Area

Cook Islands vessels generally fish more than 40 days in a single year in the Agreement Area. Therefore paragraph 9 (1)(a) of CMM 2017/01 applies to the Cook Islands.

Pursuant to paragraph 9(1)(a) of CMM 2017/01, the Cook Islands has established and applied a wide range of measures to its flagged vessels fishing in the Agreement Area, and these measures satisfy the requirements listed from paragraph 9(1)(a)(i) – (iv) to paragraph 37 of CMM 2017/01. The Cook Islands is disclosing these measures in accordance with paragraph 9(2) of CMM 2017/01.

9(1)(a)(i): limit bottom fishing effort and/or catch

The Cook Islands has limited all vessel effort to below maximum annual levels over the period 1 January 2001 – 31 December 2012, which was 664 Days at Sea. Two vessels were licenced to fish, in 2017/18, and fished for 495 days.

For the past 5 years the Cook Islands have constrained fishing operational effort in the SIOFA area to ensure continued sustainable utilisation as required by the Articles of the Agreement, until full stock assessments for target fisheries have been completed. The Cook Islands notes full compliance with the requirement for limiting fishing effort and spatial extent as required by paragraph 9 (i).

9(1)(a)(ii): constrain spatial distribution

In 2018 the Cook Islands provided the full spatial extent of fishing activity in the SIOFA area, at 20 minute resolution.

These footprint boxes cover the historical fishing activities as defined under the Articles of the Agreement. The Cook Islands continues to constraint the spatial distribution to these fished areas. The Cook Islands also notes that the full habitat impact of the historical bottom trawl fishing activity in SIOFA is only 0.16% of the potentially fishable habitat down to 1500 metres depth. This is the lowest footprint of any bottom trawl fishery in any RFMO.

9(1)(a)(iii): ensure no significant adverse impacts on VMEs

In 2018 the Cook Islands submitted a comprehensive benthic fisheries impact assessment to the Scientific Committee which concluded that there was a low risk of significant adverse impacts on VMEs from the bottom trawl fishery conducted by the Cook Islands.

The Benthic Protected Areas recommended for closure by the First Meeting of the Scientific Committee remain closed to fishing by Cook Island vessels, and we note they were also closed to Australian and Japanese flagged vessels in 2017. Some Benthic Protected Areas contain globally recognised VMEs, and several are recognised as EBSAs by the Convention on Biological Diversity.

These closures were introduced to protect areas of known VMEs and also to maintain and protect biodiversity in the SIOFA region.

The Cook Island VME encounter protocol requires that for a trawl tow, the presence of more than 60 kg of live coral and/or 400 kg of live sponge indicates a VME indicator encounter that must be reported to Cook Island Ministry of Marine Resources within 24 hours. If any subsequent trawl within 1nm of the encounter trawl contains more than 30 kg of live coral/and or 200 kg of live sponge the vessel must not fish within 5nm of that area until the Ministry of Marine Resources has completed its investigation. However, if the vessel then deploys an underwater camera system on the trawl net, and the Cook Islands Observer verifies that no VME structures (such as a coldwater reef community) are present, fishing can continue.

Provision of data by Contracting Parties, CNCPs and PFEs

In accordance with paragraph 13, the Cook Islands submitted within 30 days of the ordinary meeting of the Scientific Committee in 2018, a full spatial extent of the historical bottom fishing effort in 20 minute resolution, and provided GIS shapefiles of the fishing footprint to the Secretariat.

In 2018 the Cook Islands submitted to the Secretariat at least 30 days prior to the commencement of the ordinary meeting of the Scientific Committee, a Bottom Fishing Impact Assessment for its individual bottom fishing activities in the Agreement Area that accorded with paragraph 18 (BFIA).

The Cook Islands notes that the Scientific Committee could not provide advice to the Meeting of the Parties as required under paragraph 15, whether each BFIA meets an appropriate standard in light of international standards and the SIOFA BFIA, where applicable. We note the substantive Cook Islands Impact Assessment was reviewed by the Scientific Committee which concluded that the trawl BFIA of the Cook Islands met most components of the BFIA. The one significant component that was not met, was the requirement to map the results of predictive modelling for VMEs. The Cook Islands notes that this should be deleted from the requirements of the BFIA, as the predictive modelling in other RFMOs has failed because of the relatively small spatial scale of biological distribution compared with the relatively large-scale environmental parameter knowledge.

It is the view of the Cook Islands that the extensive data collection programs that were put in place before we commenced our fishery and the subsequent research activities undertaken by this CP have resulted in access to more data for assessment. In 2017 UNGA reminded RFMOs (72/72) that States should ensure impact assessments are completed before authorising bottom fishing activities. It is the view of the Cook Islands that not collecting data should not be accepted as an excuse for not complying with this CMM requirement to complete a comprehensive impact assessment.

The Cook Islands fully complies with paragraph 17, and thus may continue to authorise its vessels to bottom fish in the Agreement Area.

CMM 2017/02 – CMM for the Collection, Reporting, Verification and Exchange of Data relating to fishing activities in the Agreement Area.

Data collection and reporting

In accordance with paragraph 4 of CMM 2017/02, the Cook Islands collects logbook data on a haul-by-haul basis. However National laws on confidentiality prevent the submission of these data from only 2 vessels in accordance with paragraph 6 of CMM 2017/02. However, the Cook Islands has provided historical vessel daily catch and effort data to support stock assessment work on orange roughy, and will continue to do so.

The Cook Islands submitted the National Report to the Scientific Committee in 2018 which fulfilled the requirements of paragraphs 7, 8(a), 12 of this CMM. Consistent with paragraph 8(c), Cook Islands National Report was prepared in accordance with the *Guidelines for the Preparation of National Reports* adopted by the Scientific Committee at the 2nd meeting of the Committee.

VMS and Data Verification

In accordance with paragraphs 14 and 15 (and paragraph 33 of CMM 2017/01), all Cook Island flagged vessels operating in the Agreement Area are required to operate a functional VMS unit, and this is monitored by the Oceans Monitoring Centre (OMC) located at the Ministry of Marine Resources (MMR) in Rarotonga, Cook Islands.

Cook Island flagged vessels operating in the Agreement Area submit VMS position reports every two hours, which is greater than required under paragraph 18. Each position report includes the information required by paragraph 18. However, the OMC randomly polls vessels in addition to automatic polling.

CMM 2016/03 – CMM for Data Confidentiality and Procedures for the Access and Use of Data

The Cook Islands wish to emphasise that full confidentiality provisions and data management to be maintained routinely in the SIOFA Secretariat and SIOFA Subsidiary Bodies, because of the Intellectual Property contained in these data. For the 2018 Stock Assessment work on Orange Roughy, a large set of commercially sensitive data were made available to the consultant, and also presented to members of the SAWG and SC for their work.

However, we note that the provisions of this CMM in relation to public domain catch and effort data have the condition that the catch of an individual vessel cannot be identified. This becomes a problem when there are only 1 or 2 vessels in the fishery, and the activities of these are highlighted, as occurred in the Scientific Committee meeting in 2018. The density of trawl shots shown on a map in this case highlighted hot spots for fishing, and a photograph taken of this map by an Observer (and subsequently deleted).

CMM 2016/04 – CMM on Vessels without Nationality

Cook Island vessels maintain vessel sighting logbooks, and have not sighted any non-tuna fishing vessels without nationality in the Agreement Area during the relevant period and therefore Cook Islands has not taken any specific action against vessels without nationality by the means suggested in paragraphs 3 and 5 of CMM 2016/05.

CMM 2016/05 – CMM regarding the use of large-scale pelagic driftnets and deepwater gillnets in the [SIOFA] Area

Section 29 of the Cook Islands Marine Resources Act 2005 prohibits the use of large-scale pelagic driftnets or deepwater gillnets on vessels flying the flag of the Cook Islands.

CMM 2016/06 – CMM on the Listing of IUU Vessels

The Cook Islands have not identified the presence of any IUU vessels in SIOFA during 2017.

CMM 2017/07 – Vessel authorisation and notification to fish

Consistent with paragraph 2 of CMM 2017/07, Cook Islands has electronically submitted to the SIOFA Secretariat a list of vessels under its flag that are authorised to operate in the Agreement Area. This list included the information listed in paragraphs 2(a) - 2(r), and these are shown in the list of SIOFA Authorised Vessels.

The Cook Islands has taken all necessary measures to ensure its arrangements comply with the obligations outlined in paragraphs 6 and 7. The recent history of the operator and the vessel, including any IUU listing, the compliance history and commitment to research activities have been taken into account when deciding whether or not to continuing to authorise a High Seas permit for a particular fishing vessel.

CMM 2017/08 – CMM on establishing a Port Inspection Scheme (Port Inspection)

In 2018 MMR commenced planning to enable a comprehensive port sampling verification program of Cook Islands trawlers, staffed by MMR Fisheries Officers. Dialogue with Mauritian Officials on the margins of MOP IV in 2017 resulted in an understanding around access for Cook Islands Fisheries Officers to Port Louis wharf areas. Vessels are monitored by the port landing state and in 2017 Cook Islands Observers began monitoring unloads for both vessels at Port Louis. Port Sampling by MMR Fisheries Officers commenced in May 2018 in conjunction with compliance inspections in Port Louis.

FV *Nikko Maru No. 1* discharges in either Cape Town or Port Louis. FV *Will Watch* discharges in Port Louis. Entry and unloading at port is governed by the relevant Port State authorities under their domestic legislation.

CMM 2017/09 – CMM For Control of fishing activities in the Agreement Area (Control)

No sightings of non-tuna fishing vessels flying the flag of a State or fishing entity not a Party to the Agreement were recorded.

No fishing gear was lost, discarded or abandoned.

All frozen products were packaged and labelled with relevant data as required under the CMM.

In 2017 the Cook Islands established 100% Observer Coverage on our vessels in the SIOFA area as an extension of the existing Cook Islands National Observer Programme (CINOP). With support from the FAO ABNJ Deep Seas Project, MMR and Cook Islands industry, seven experienced and high performing Pacific Islands Regional Programme (PIRFO) Observers from the Cook Islands, Kiribati, Nauru, and the Solomon Islands were selected to attend SIOFA trawler cross-endorsement training at the Sealord port facility in Nelson, New Zealand from May to June 2017.

The Cook Islands implemented 100% coverage on schedule by 1 July 2017 with five trips covered between July and December 2017.

Further Observer training was undertaken 20-23 May 2018 in Rarotonga, including additional training of Fisheries Officers.

CMM 2017/10 – CMM for the Monitoring of Fisheries in the Agreement Area (Monitoring)

VMS and Data Verification

In accordance with paragraphs 4-10, all Cook Islands flagged vessels operating in the Agreement Area operated a functional ALC unit, and this was monitored by the Oceans Monitoring Centre (OMC) at MMR in Rarotonga, Cook Islands

Cook Islands flagged vessels operating in the Agreement Area submit VMS position reports every two hours, which is greater than required under paragraph 8, and each position report includes the information required by paragraph 8. However, the MMR Compliance Unit randomly polls vessels in addition to automatic polling. There were no technical failures of the sealed ALCs.

Interim regime for at sea transshipments and transfers

MMR does not authorise at sea transshipments or transfers, and none occurred in 2017-18.

Monitoring of transshipments in ports

No transshipments occurred in port.

Report on fishing activities in the Area

Article 11(3)(c) of the Agreement provides that each Contracting Party shall *'in conformity with the rules determined by the Meeting of the Parties, make available to each annual Meeting of the Parties a report on its fishing activities in the Area.'*

The fishing activity by Cook Islands over the past five years is described in its National Report to the Scientific Committee. This report was provided to the Third Meeting of the Scientific Committee (SC-03-03(01)), summarised in the Report of the Third Meeting of the Scientific Committee, and is available to the Meeting of the Parties.

Statement of implementing and compliance measures

Article 10(2) of the Agreement provides that:

Each Contracting Party shall make available to the Meeting of Parties a statement of implementing and compliance measures, including imposition of sanctions for any violations, it has taken in accordance with

this Article and, in the case of coastal states that are Contracting Parties to this Agreement, as regards the conservation and management measures they have taken for straddling stocks occurring in waters under their jurisdiction adjacent to the Area.

The Cook Islands interprets this as the CP being required to provide an annual statement of any sanctions imposed in respect of its activities in the Agreement Area to the Meeting of the Parties.

A Compliance Monitoring Scheme has not been adopted for SIOFA, and in the absence of this, the Cook Islands presents the following statements on compliance and sanctions.

The Cook Islands reports that serious offences, in contravention of the Marine Resources Act 2005 and in contravention of licence conditions imposed by the Cook Islands High Seas Authorisation issued to the fishing vessel Nikko Maru No.1, were detected in March and April 2018, after the vessel was reported by another CP for fishing in a closed Benthic Protected Area. After a preliminary investigation the vessel was directed by the Director Offshore on 22 April 2018 to cease fishing operations and steam to Port Louis, Mauritius.

Cook Islands Fisheries Officers, including the Director Offshore, travelled to Mauritius and conducted a full investigation of the vessel, interviewing the operators and boarding the vessel for a full inspection and retrieval of evidence. As of 21 May 2018 the investigation is continuing with a range of serious offences being examined, with a file being prepared for the Cook Islands Crown Law Office to initiate legal redress for the detected offences.

The Operators have admitted full culpability for the offences and MMR is proceeding on this basis, with the Director Offshore allowing the vessel to return to sea and continue fishing, with the understanding that the Captains and First Officers involved in the offending remain suspended from duty until the conclusion of the investigation, and closer monitoring by OMC staff in Rarotonga on VMS. As the investigation is still in process, we are not able to provide any further information at this time, other than to say that the Cook Islands takes this matter very seriously as it appears to undermine the work that we have done over a number of years to ensure protection of Vulnerable Marine Ecosystems as integral to the approach that the Cook Islands takes in High Sea fisheries, and that we will take the most stringent action possible to ensure such offending does not occur in the future. Our proposal to list Persons of Interest on the SIOFA IUU List is an attempt to address the nature of the offending that we have detected here.