

The Southern Indian Ocean Fisheries Agreement (SIOFA) 6<sup>th</sup> Meeting of the Parties  
01-05 July 2019

Pearle Beach Resort & Spa conference centre, Flic en Flac, Mauritius

MoP6-Prop13

CMM for *Dissostichus eleginoides* on Williams Ridge and Del Cano Rise  
in the Agreement Area

Relates to agenda item: CC3 4.2, MoP6 12 –new CMMs

Proposal  Working Document  Information Paper  Other Document

## Delegation of Australia

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### Abstract

Australia presents this CMM in response to the advice of the SC. At its 4th meeting in March 2019, the SC recommended the following in relation to toothfish in the Agreement Area:

*The SC recommends that the MoP urgently considers adopting temporary measures to regulate toothfish fishing on William's Ridge at levels commensurate with fishing activities reported in 2016. (Paragraph 143 of the report refers)*

*The SC recommends that the MoP urgently considers adopting temporary measures to regulate toothfish fishing on the Del Cano Rise in the SIOFA area at levels commensurate with fishing activities reported up to 2016 (paragraph 147 of the report refers).*

Australia considers that effort in Williams Ridge and Del Cano Rise should be considerably constrained, and that it is necessary for SIOFA to ensure that it adopts arrangements that are complementary with CCAMLR so as not to undermine decades of effort by CCAMLR Members towards the sustainable management of toothfish.

Australia also considers that SIOFA must ensure that risks to seabirds in this area are appropriately managed, which should form part of the complementary arrangements.

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## Recommendations *(proposals only)*

- 1. That the Meeting of the Parties adopt the proposed CMM**
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**CMM XX-2019**

**CMM for *Dissostichus eleginoides* on William's Ridge and Del Cano Rise in the Agreement Area**

**The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

*RECALLING* that Article 118 of the *United Nations Convention on the Law of the Sea* (UNCLOS) creates an obligation for States to cooperate with each other in the conservation and management of living resources in the areas of the high seas;

*RECALLING ALSO* that Article 63(2) of UNCLOS requires a coastal State within whose exclusive economic zone a straddling stock occurs and the State(s) fishing for the stock in an adjacent area beyond national jurisdiction to seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area;

*MINDFUL* that Article 7 of the *United Nations 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* further provides that the duty to cooperate includes a duty to ensure that measures established for the high seas and those adopted for areas under national jurisdiction are compatible in order to ensure conservation and management of straddling fish stocks in their entirety; and that in determining compatible measures, States are required to take into account factors including previously agreed measures established and applied in respect of the same stocks by relevant coastal States;

*COMMITTED* to meaningful cooperation between the SIOFA Meeting of the Parties and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) consistent with Article 16 of SIOFA and the provisions of the SIOFA/CCAMLR Memorandum of Understanding;

*NOTING* that the Kerguelen Plateau is predominantly situated within the area managed by CCAMLR, and that CCAMLR Divisions 58.5.1 and 58.5.2 include the exclusive economic zones of France and Australia respectively;

*NOTING* that William's Ridge is a relatively small part of the Kerguelen Plateau that extends into SIOFA Statistical Area 7;

*CONVINCED* by the report of the 4<sup>th</sup> ordinary meeting of the SIOFA Scientific Committee that the population of *D. eleginoides* on the northern part of the Kerguelen Plateau are continuously distributed and populations are linked;

*CONVINCED* by the report of the 4<sup>th</sup> ordinary meeting of the SIOFA Scientific Committee that the population of *D. eleginoides* on the Del Cano Rise and Crozet Plateau are linked;

*SATISFIED* that, based on the report of the 4<sup>th</sup> ordinary meeting of the SIOFA Scientific Committee, that the toothfish on William's Ridge are part of the same population as those in CCAMLR Statistical Division 58.5.2;

*FULLY AWARE* that the population of *Dissostichus eleginoides* in CCAMLR Statistical Division 58.5.1, 58.5.2 and 58.6 are subject to a robust stock assessment which is peer reviewed by CCAMLR and that this scientific process should continue to be respected.

*CONCERNED* that recent fishing on portion of William's Ridge in the Agreement Area and Del Cano Rise is likely to result in total fishing mortality exceeding fishing mortality used by CCAMLR to determine the catch limit and may undermine CCAMLR management objectives for this toothfish population, that this activity has created a high risk of localised depletion in a relatively small area, and that any additional catches in excess of the already established catch limit for this population should be avoided;

*AWARE* that Heard Island and McDonald Islands, which is land territory within the boundaries of CCAMLR Statistical Division 58.5.2 is inscribed on the World Heritage List for its outstanding natural universal values, including for several species of albatrosses and petrels, some of which are recognised by the Agreement on the Conservation of Albatrosses and Petrels as endangered or vulnerable;

*CONCERNED* that the extent of fishing-related seabird mortality on portion of Williams Ridge in the Agreement Area is unknown and that measures to mitigate seabird bycatch have not yet been adopted by the Meeting of the Parties for the Agreement Area.

*COMMITTED* to ensuring that these populations of *D. eleginoides* is sustainably managed in a way that does not undermine the effectiveness of the CAMLR Convention, SIOFA or the measures for this population of *D. eleginoides* so far adopted thereto;

*TAKING INTO CONSIDERATION* the advice of the Scientific Committee provided at its 4<sup>th</sup> ordinary meeting in 2019 which recommended that the Meeting of the Parties urgently consider adopting temporary measures to regulate toothfish fishing on the portion of William's Ridge in the Agreement Area at levels commensurate with fishing activities reported in 2016; and for Del Cano Rise that these measure be commensurate with fishing activities reported up to 2016.

***ADOPTS* the following CMM in accordance with Article 6 of the Agreement:**

1. The objectives of this CMM are to:
  - (a) ensure complementary arrangements are in place for *D. eleginoides* on the Kerguelen Plateau between SIOFA and CCAMLR and between Crozet and Del Cano Rise; and
  - (b) ensure that fishing mortality of *D. eleginoides* on the portion of William's Ridge in the Agreement Area<sup>1</sup> and Del Cano Rise do not cause the biologically sustainable catch levels across the population be exceeded, taking full account of the total allowable catch limit for Statistical Division 58.5.2, 58.5.1 and 58.6 set by CCAMLR.
2. The catch limit for *D. eleginoides* on William's Ridge and Del Cano Rise shall be 0 tonnes until:
  - (a) the Meeting of the Parties has adopted a biologically appropriate catch limit for the SIOFA portion of these populations and other appropriate management measures which are comparable in effectiveness to those in force in CCAMLR for the same populations, taking into account the advice and recommendations of the SIOFA Scientific Committee, CCAMLR Scientific Committee and the total allowable catch limit set by CCAMLR for the same populations;
  - (b) the Meeting of the Parties has adopted appropriate bycatch mitigation measures, including measures to minimize the incidental catch of seabirds, which are comparable in effectiveness with those in force in CCAMLR. Effective measures shall include a temporal closure to avoid seabird bycatch in high-risk months,

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<sup>1</sup> The portion of Williams Ridge in the Agreement Area is bounded by the area 80E to 85E and 52S to 55S.

- noting the effectiveness of this measure in CCAMLR; and
- (c) a bottom fishing impact assessment has been submitted in respect of William's Ridge and Del Cano Rise which meets the SIOFA Bottom Fishing Impact Assessment Standard and which has been undertaken in a manner consistent with the process outlined in CMM 2018/01, which includes review by the Scientific Committee and approval by the Meeting of the Parties, or any CMM which supersedes it.
3. The Scientific Committee shall, by no later than the close of its 7<sup>th</sup> ordinary meeting in 2022, provide advice and recommendations on:
- (a) A biologically appropriate catch limit for the SIOFA portion of these populations of *D. eleginoides*
- (b) Appropriate bycatch mitigation measures, including for benthic bycatch and seabirds; and
- (c) Any other advice or recommendations as the Scientific Committee determines as relevant or necessary.
4. In formulating its advice and recommendations to the Meeting of the Parties in respect of this CMM, the SIOFA Scientific Committee shall take full account of CCAMLR Scientific Committee material, including relevant papers, advice and recommendations produced thereto.
5. CCPs with an interest in this stock shall cooperate in good faith to ensure scientific cooperation between CCAMLR and SIOFA and long-term sustainable management for *D.eleginoides* stocks which takes due account of relevant rights and responsibilities under international law, and which does not undermine the conservation measures adopted by CCAMLR.
6. If in the future the Meeting of the Parties determines a catch limit for *D.eleginoides* of more than 0 tones for either area, SIOFA shall observe the same longline fishing season for *D.eleginoides* as CCAMLR in the adjacent area (1 May to 14 September) with the purpose of mitigating against the high risk of seabird bycatch during high risk periods.
6. The SIOFA Executive Secretary shall monitor CCAMLR's Conservation Measures and notify the Meeting of the Parties promptly of any changes to relevant CCAMLR Conservation Measures for *D.eleginoides*. Where this occurs, the issue shall be automatically placed on the agenda for the next ordinary meeting and the Meeting of the Parties will consider any necessary amendments to its conservation and management measures, keeping the need for complementarity in mind.