



SIOFA | APSOI

Southern Indian Ocean Fisheries Agreement  
*Accord relatif aux Pêches dans le Sud de l'Océan Indien*

Report of the Sixth Meeting of the Parties  
to the  
Southern Indian Ocean Fisheries Agreement  
(SIOFA)

Flic en Flac, Mauritius

01 – 05 July 2019



## Table of Contents

|   |           |
|---|-----------|
| <b>Agenda Item 1 – Opening of the Session .....</b>   | <b>4</b>  |
| 1.1 Opening statement from the Chair .....  | 4         |
| 1.2 Opening statement from the SIOFA Executive Secretary.....   | 4         |
| 1.3 Welcome by Administration of Mauritius .....  | 4         |
| 1.4 Presentation of the Meeting of the Parties Delegations.....   | 4         |
| 1.5 Admission of Observers .....  | 4         |
| 1.6 Status of the Southern Indian Ocean Fisheries Agreement .....   | 4         |
| 1.7 Participation in decision making .....  | 5         |
| <b>Agenda Item 2 – Administrative arrangements .....</b>  | <b>5</b>  |
| 2.1 Adoption of the agenda .....  | 5         |
| 2.2 Confirmation of meeting documents .....   | 5         |
| 2.3 Appointment of rapporteurs.....   | 5         |
| 2.4 Practical arrangements for the meeting.....   | 5         |
| <b>Agenda Item 3 – Intersessional decision making .....</b>   | <b>5</b>  |
| <b>Agenda Item 4 – Report of the Third Meeting of the Compliance Committee.....</b>                                   | <b>6</b>  |
| <b>Agenda Item 5 – Report of the Fourth Meeting of the Scientific Committee .....</b>                                 | <b>7</b>  |
| <b>Agenda Item 6 – Definition for ‘new fisheries’ .....</b>   | <b>10</b> |
| <b>Agenda Item 7 – Interim Bottom Fishing Measures.....</b>   | <b>11</b> |
| 7.1 Existing CCPs.....  | 11        |
| 7.2 New CCPs .....  | 11        |
| <b>Agenda Item 8 – Vessel catch, Effort and Scientific Observer Data .....</b>  | <b>12</b> |
| <b>Agenda Item 9 – SIOFA Compliance Report .....</b>  | <b>12</b> |
| <b>Agenda Item 10 – Listing of IUU vessels.....</b>   | <b>12</b> |
| <b>Agenda Item 11 – Reviews and amendments to Conservation and Management Measures (CMMs) currently in force.....</b> | <b>12</b> |
| 11.1 CMM 2018/01 for Interim Management of Bottom Fishing .....   | 12        |
| 11.2 CMM 2018/02 Data Standards .....   | 14        |
| 11.3 CMM 2017/07 Vessel Authorisation .....   | 14        |
| 11.4 CMM 2018/10 Monitoring.....  | 14        |
| <b>Agenda Item 12 – New Conservation and Managements Measures (CMMs).....</b>   | <b>15</b> |
| 12.1 High Seas Boarding Inspection.....   | 15        |
| 12.2 Establishment of VMS in SIOFA .....  | 15        |
| 12.3 Framework for Scientific Research .....  | 15        |
| 12.4 New & Exploratory Fisheries.....   | 15        |
| 12.5 Proposal on Sharks .....   | 16        |
| 12.6 Mitigation of seabird bycatch .....  | 16        |
| 12.7 Management of Toothfish ( <i>Dissostichus eleginoides</i> ) .....  | 17        |

|   |  |           |
|---|--|-----------|
| 12.8  | General rules for bottom fishing.....  | 17        |
| 12.9  | Management of demersal stocks.....   | 18        |
| 12.10   | Prevention of impact on VMEs .....   | 18        |
| 12.11   | Suite of bottom fishing measures (support paper for 12.8, 12.9 and 12.10) .....  | 19        |
| 12.12   | Amendment to ToR for the PAEWG or new CMM .....  | 19        |
| <b>Agenda Item 13 – Secretariat Administration (Executive Secretary) .....</b>  |  | <b>19</b> |
| 13.1  | Report on Financial Resources – RoP Rule 8(f).....   | 19        |
| 13.2  | Report on Staff Resources and Secretariat Activities – RoP Rule 8(g) .....   | 20        |
| 13.3  | Recruitment of consultants .....   | 20        |
| 13.4  | SIOFA Technical Editing Process .....  | 20        |
| 13.5  | Data Confidentiality.....  | 21        |
| <b>Agenda Item 14 – Cooperation with other RFMOs, international bodies and other relevant matters .....</b>               |  | <b>21</b> |
| 14.1  | Southwest Indian Ocean Fisheries Commission (SWIOFC) .....   | 21        |
| 14.2  | CCAMLR .....   | 22        |
| 14.3  | FAO ABNJ Deep Seas Project .....   | 22        |
| 14.4  | FAO Fisheries and Resources Monitoring System (FIRMS) .....  | 22        |
| 14.5  | Other matters of interest .....  | 22        |
| <b>Agenda Item 15 – Joint Commission of the Extended Continental Shelf Mascarene Plateau Region .....</b>                 |  | <b>23</b> |
| <b>Agenda Item 16 – Observer Nominations for other RFMO and CCAMLR meetings .....</b>                                     |  | <b>26</b> |
| <b>Agenda Item 17 – Participation of cooperating non-Contracting Parties and non-Participating Fishing Entities .....</b> |  | <b>26</b> |
| 17.1  | New applications for participation as a cooperating non-Contracting Party or as a cooperating non-participating fishing entity ..... | 26        |
| 17.2  | Status of registered cooperating non-Contracting Parties and cooperating non-Participating Fishing Entities.....                     | 26        |
| <b>Agenda Item 18 – Election of MoP and SCAF Chairpersons and Vice Chairpersons .....</b>                                 |  | <b>26</b> |
| 18.1  | Election of Chairperson and Vice Chairperson of the Standing Committee on Administration and Finance (SCAF) .....                    | 26        |
| 18.2  | Election of Chairperson and Vice Chairperson of the Meeting of the Parties .....   | 26        |
| <b>Agenda Item 19 – Future Meeting Arrangements.....</b>  |  | <b>27</b> |
| 19.1  | Dates and venues for the Scientific Committee and associated Working Groups in 2020 and 2021<br>27                                   |           |
| 19.2  | Dates and venues for the Meeting of the Parties and the Compliance Committee in 2020 .....   | 27        |
| <b>Agenda Item 20 – Recruitment of SIOFA Executive Secretary .....</b>  |  | <b>27</b> |
| <b>Agenda Item 21 – Any Other Business .....</b>  |  | <b>27</b> |
| <b>Agenda Item 22 – Adoption of the report.....</b>   |  | <b>28</b> |
| <b>Agenda Item 23 – Close of the meeting .....</b>  |  | <b>28</b> |
| <b>List of Annexes.....</b>   |  | <b>29</b> |

## **Agenda Item 1 – Opening of the Session**

1. The Executive Secretary opened the session highlighting that due to extenuating circumstances, there was a need to elect the Chair for the Sixth Meeting of the Parties. The Cook Islands nominated Ms. Pamela Maru to serve as Chair for this meeting only, and the Meeting of the Parties supported this nomination.

### **1.1 Opening statement from the Chair**

2. The Chair thanked the Meeting of the Parties for their support and opened the Sixth Meeting of the Parties and thanked Mauritius for hosting.

### **1.2 Opening statement from the SIOFA Executive Secretary**

3. The Executive Secretary welcomed delegates and thanked Mauritius for hosting as well as the hotel and support staff for assisting with meeting preparations.

### **1.3 Welcome by Administration of Mauritius**

4. The Chair invited Mr. J. D. P. Labonne, Deputy Permanent Secretary for the Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping of Mauritius to make a welcoming statement (Annex A).

### **1.4 Presentation of the Meeting of the Parties Delegations**

5. The Chair invited the Meeting of the Parties to make opening statements and introduce their delegations (Annex B). The Chair informed the Meeting of the Parties that apologies were received from the Republic of Korea for not being able to send a delegation and that, at their request, a representative from Korea was registered and attending the meeting as an observer.

### **1.5 Admission of Observers**

6. The Chair welcomed observers from China, Chinese Taipei, Comoros, the Deep Sea Conservation Coalition (DSCC), the Food and Agriculture Organization (FAO), the Southern Indian Ocean Deepsea Fishers Association (SIODFA), and the Southwest Indian Ocean Fisheries Commission (SWIOFC). The observers provided opening statements and introduced their representatives (Annex B).
7. During the meeting, it was noted that a representative of one observer organisation disseminated through a social network service, part of ongoing discussions at the MoP6, which contradicts provisions in the Rules of Procedures. The representative was directed to refrain from disclosing contents of any discussions at MoP.

### **1.6 Status of the Southern Indian Ocean Fisheries Agreement**

8. The Executive Secretary highlighted the document MoP6-INFO-13 containing the status of the Southern Indian Ocean Fisheries Agreement with reference to a statement on the status provided by the FAO. The Executive Secretary confirmed that there were currently nine Contracting Parties and five signatories to SIOFA.
9. During the course of the meeting, on the 4<sup>th</sup> of July 2019, Chinese Taipei became a Participating Fishing Entity to SIOFA in accordance with the Agreement.

## **1.7 Participation in decision making**

10. The Executive Secretary reminded the Meeting of the Parties that in accordance with Rule 14 of the Rules of Procedure, a contributor to the budget of the Meeting of the Parties, which is in arrears for the preceding two full years or more, may not participate in the taking of decisions. The Executive Secretary noted that, at this time, there were no budget contributors in this category, therefore all Contracting Parties and Participating Fishing Entities were entitled to participate in the taking of decisions during this meeting.

## **Agenda Item 2 – Administrative arrangements**

### **2.1 Adoption of the agenda**

11. The Chair highlighted the Provisional Agenda outlined in the document MoP6-Doc01\_Rev4.
12. The Executive Secretary noted that there had been an additional information paper presented in document MoP6-INFO-15, which will be discussed under Agenda Item 21, Any Other Business. The information paper contains a report on Thailand's implementation of SIOFA CMMs. The Meeting of the Parties AGREED to add this item to the agenda.
13. The European Union highlighted their information paper presented in document MoP6-INFO-09 outlining the implementation of the EU Funded E€OFISH Programme of the Eastern African, Southern African and Indian Ocean region under Cross Regional Envelope of the 11th EDF. The European Union requested time to provide a brief presentation of the programme prior to the discussion on VMS. It indicated that the programme could financially support the work of SIOFA and represented an opportunity to be considered by the MoP. The Meeting of the Parties AGREED to add this item to the agenda.

**14. The agenda, as modified, was ADOPTED as Annex C.**

### **2.2 Confirmation of meeting documents**

15. The Executive Secretary advised that all meeting documents were available on the website, and that the list of meeting documents is presented in MoP6-Doc02 (Annex D) and the table of agenda items and related papers is presented in MoP6-Doc03 and that these documents were updated on 30 June 2019.

### **2.3 Appointment of rapporteurs**

16. The Executive Secretary nominated Jana Aker from the Northwest Atlantic Fisheries Organization (NAFO) Secretariat as lead rapporteur. The Executive Secretary also noted that Ms. Aker will be conducting capacity building rapporteur training with two Mauritian representatives during the meeting with support from the FAO ABNJ Deep Seas Project.
17. The Meeting of the Parties acknowledged the FAO's generous contribution and AGREED to appoint Jana Aker as lead rapporteur.

### **2.4 Practical arrangements for the meeting**

18. The Executive Secretary provided an overview of practical arrangements for the meeting.

## **Agenda Item 3 – Intersessional decision making**

19. The Executive Secretary reminded the Meeting of the Parties that in accordance with Rule 13.12 of the Rules of Procedure, where any decision is taken intersessionally, the Executive Secretary shall include an agenda item on decisions taken at the following Meeting of the Parties. The decisions that were taken intersessionally were outlined in MoP6-INFO-14.
20. CCPs thanked the Executive Secretary for the summary but some CCPs stated that there had been decisions taken intersessionally that had not followed this procedure, and that going

forward, all intersessional decisions should be taken in accordance with Rule 13 of the Rules of Procedure.

#### **Agenda Item 4 – Report of the Third Meeting of the Compliance Committee**

21. The Chair of the Third Meeting of the Compliance Committee (CC3), Mr. Dominique Person, gave a presentation on the report (<https://www.apsoi.org/meetings/cc3>) from the meeting that took place from 27-29 June 2019 (MoP6-INFO-16). The CC3 Chair highlighted the decisions taken in relation to the first SIOFA Compliance Monitoring Scheme (outlined in restricted document MoP6-WP03) as well as the status of the proposals discussed, noting that the proposals relating to vessel authorisation (MoP6-Prop02), and monitoring (MoP6-Prop11\_Rev1), were presented to the Meeting of the Parties for adoption.
22. The CC3 Chair reported that the Compliance Committee adopted the report but highlighted the reservation that Mauritius has made to paragraphs 29 and 30.
23. Mauritius stated that:
  - a. In relation to the non-submission of the report by Mauritius, the Mauritius delegation highlighted that para. 10 of the Compliance Committee report refers to the fact that the Mauritius delegation did explain why there was no report submitted, namely that the national report is under consideration and relevant approvals at national level are to be obtained.
  - b. As regards the Compliance Committee Report, the Mauritius delegation notes that there has been a request made for a legal position paper from Mauritius in relation to Saya de Malha Bank. The Mauritius delegation highlights that the request is still under consideration may be provided subsequent to this meeting. The Mauritius delegation also took note of the fact that the delegations may require some time to consider any document so issued prior to the next Meeting of the Parties.
  - c. The Mauritius delegation also stated that the wording used in the Compliance Committee report refers to 'historic rights' which may have caused some confusion. A letter has been issued to the Executive Secretary of the SIOFA by Mauritius some 2 years above; the reference is to be made in the Report to historic/traditional fishing rights, not historic rights.
  - d. The Mauritius delegation further stated that Mauritius is a party to UNCLOS and a member of IOTC and SIOFA. Mauritius remains committed to sustainable fisheries and that its presence at this meeting shows its desire to have effective conservation and management measures.
24. It was noted that discussions on this specific issue would continue under Agenda Item 15. Some CCPs indicated that they would respond to Mauritius' claims later in the meeting.
25. The Cook Islands made a statement to elaborate on the issues raised in paragraph 16 of the CC3 report in relation to data security concerns.
  - a. The Cook Islands raised concerns over data security and the protocols applied by the Secretariat, given that Cook Islands fine scale data had been displayed inappropriately over the last two years. The Cook Islands explained that Cook Islands flagged vessels operating in the SIOFA Agreement Area fish in a one to two boat low volume fishery. Secure management of fine scale resolution data is of great importance, given its sensitivity and holds commercial intellectual property that has been built over many years.
  - b. The Cook Islands reiterated that they would be willing to provide this data once data security is assured and that it would be provided for Scientific Committee activities where it is confirmed as necessary to fulfil agreed tasks assigned to the Scientific Committee.
26. The EU encouraged the Cook Islands to provide these data in particular because they constitute a key reporting requirement which is essential for the work of the SC, but also because next year

in the absence of submission of these data the Cook Islands would be assessed as priority non-compliant with this obligation.

27. The Cook Islands also provided an update on the issue of the Cook Islands vessel operating in a closed area, as outlined in paragraphs 19 and 20 in the report of the Second Compliance Committee (CC2) meeting. The Cook Islands reported that the incident has been resolved at the flag State level under national law and resulted in fines being issued and the Captain being released of his duty. Voluntary preventive measures had been adopted by the vessel such as a 10nm buffer around the Cook Island designated closed areas, as well as SIOFA closed areas.
28. The EU thanked Cook Islands for sharing this information and indicated that it should have been also been presented at the CC.
29. The CC3 Chair also reported that Mr. Johnny Louys from Seychelles was elected to serve as the next Compliance Committee Chair.
30. The Chair thanked the CC3 Chair for the report and encouraged the Meeting of the Parties to consider nominations for the position of Vice Chair.

**31. The Meeting of the Parties ADOPTED the report and recommendations of the CC3.**

### **Agenda Item 5 – Report of the Fourth Meeting of the Scientific Committee**

32. The Chair of the Fourth Meeting of the Scientific Committee (SC4), Dr. Ilona Stobutzki, gave a presentation (MoP6-INFO-17) on the report from the meeting that took place from 25 – 29 March 2019. The Meeting of the Parties expressed their thanks to the Scientific Committee and to the SC Chair for their work.
33. The Mauritius delegation highlighted that as far as maps are concerned, the maps shown seek to show the Chagos Archipelago as so-called “British Indian Ocean Territory” which is not valid under international law, especially following the UN General Assembly Resolution 73/295. Nothing done or said by the Mauritius delegation during this meeting should be construed as recognition by Mauritius of the so-called “B. I. O. T.”. The maps should be amended accordingly. This applies to all agenda items.
34. The EU indicated that it was difficult to determine the amount of data available based on the tables presented in the SC4 report. In particular, it would be very useful to develop a process for displaying completeness of data provision, at least for the key requirements under CMM 2018-02. It also highlighted the utility of having this information available for the Compliance Monitoring process. The SC Chair indicated that this work is being completed by the Secretariat as discussed under Agenda Item 5.4 of the SC4 report.

**35. In relation to CMM 2018/02, the Meeting of the Parties REQUESTED the Secretariat to develop a process to evaluate the degree of completeness and to identify any outstanding gaps in the data submitted annually by each CCP.**

36. The EU sought clarification on the coverage levels for observers in SIOFA in terms of 100% coverage meaning having an observer onboard vessels for 100% of the trips, or having the observer onboard the vessel observing 100% of the fishing activity, noting that this distinction has important implications in terms of effective observer coverage levels.
37. The SC Chair noted the meeting had discussed this issue and that it was expected to be considered further at the next meeting.

**38. The Meeting of the Parties REQUESTED that the Scientific Committee work on harmonizing an approach to understanding the observer coverage levels.**

**39. In relation to VMEs, the Meeting of the Parties ADOPTED the VME taxa list (Annex J of the SC4 report).**

40. The Meeting of the Parties noted that the VME taxa list had been included in two proposals, MoP6-Prop4\_Rev1 and MoP6-Prop16, which would be discussed under Agenda Items 11 and 12 respectively.



41. The EU indicated that it was extremely worrying that SIOFA had not yet adopted any thresholds for demersal/benthic trawlers which by far have the largest potential adverse impact on deep sea ecosystems. It also expressed its concerns that the SC could not agree on any common limits so far and urged the MoP to adopt, as a first step, the precautionary limits proposed in its proposed amendments to CMM 2018/01 tabled at this meeting.

**42. The Meeting of the Parties REQUESTS the SC progress the work to identify a suitable threshold for trawl gears (SC Report para 111). This should include a review of the methods used by CCPs to establish their existing thresholds, as well as development of a consistent threshold based on consolidated records of benthic bycatch data for trawl gears.**

**43. In relation to the weight conversion of VME indicators / encounters, the Meeting of the Parties REQUESTS that CCPs provide information on how they convert volume units of bycaught benthos to weight units in trawl fisheries to the Secretariat, and REQUESTS the Secretariat prepare a summary for SC5 and its WGs for review in order to provide advice on a standardised approach of conversion.**

44. The SC Chair highlighted the revision of the standard protocol for future protected area designation (Annex L of SC4), noting that the MoP4 had requested the Scientific Committee to review and revise the protocol.
45. The EU noted that the concerns expressed at MoP5 in relation to the interim protocol had not been addressed and referred to an information paper it submitted on this subject (MoP6-INFO-07). In particular, it indicated that there was a lack of clarity about the overarching objectives served by the protocol and that it seemed that different CCPs had a different understanding of this process. For the EU the key objective was to ensure the identification, mapping and protection of VMEs against significant adverse impacts. However, the interim protocol seemed to address a range of wider environmental considerations that need to be clarified, understood and addressed adequately, preferably through a separate process.
46. CCPs noted that the interim protocol would continue to apply.
47. In relation to the proposed research and management plans for existing protected areas and protected area measures, the SC Chair highlighted the recommendations outlined in paragraphs 118-120 and 122-123 of the SC4 report.
48. The EU noted its appreciation to the Scientific Committee for their work on this but noted that the proposed “management and research plans” seemed to rather be a collation of text from the initial proposals that underpinned the adoption of the five interim protected areas at MoP5. As such there were no dedicated management/research plans for the consideration of the MoP6. Instead of that, new management measures, overriding those adopted at MoP5, were proposed which did not appear to be what it was expected. The EU indicated its view that that overall process would need to be clarified before such recommendations could be considered for adoption. Finally, the EU proposed that this issue is revisited in the context of the ongoing efforts to revise and strengthen the existing bottom fishing measure.
49. In relation to stock assessments, the SC Chair noted that for alfonsino, the Scientific Committee was not able to provide advice on the stock at this time, but the workplan in Annex V of the SC4 report outlined the upcoming work for this stock. For orange roughy, the SC Chair noted that the Scientific Committee agreed that deterministic estimates of BMSY were highly uncertain and therefore not suitable to be used as a reference point for management advice for this stock. The EU expressed concerns that there was still no specific management advice for these stocks provided by the SC, considering that thousands of tons are harvested every year and those species are not considered resilient, in particular Orange roughy.
50. In relation to Patagonian toothfish, the EU sought clarification on some statements and conclusions of the report of the SC, in particular because their justification did not seem to be available in that report. The first question for clarification was related to the distinction between population and management unit. Evidence was available indicating linkages between toothfish (sub) populations across the Antarctic. Also, tagging information demonstrated movements of

toothfish between William's Ridge and Crozet. In that situation and in the absence of enough scientific information, clarification was sought about the attribution of the fish caught in the William's Ridge SIOFA area to the Kergelen plateau population or stock.

51. The SC Chair noted that in formulating the advice on population linkages, the Working Group and Scientific Committee considered evidence from genetic studies, tagging and catch composition, and that the details are spelt out in the working paper the Scientific Committee considered. Genetic studies indicate that the populations on the Kerguelen Plateau are more closely related to each other than to other populations. In line with the evidence considered, the toothfish caught on the SIOFA part of the William's Ridge is part of the population, or some would say 'fish stock', assessed in the Australian EEZ within CCAMLR.
52. The EU sought clarification on another statement in the SC report, about "large catches of toothfish" in William's Ridge implying that they could involve a conservation risk to the "population", when considering that 350 tonnes were caught in that area, in a single year, in comparison to an estimate of the biomass estimate over the entire Kerguelen Plateau that is ~200,000 tonnes.
53. The SC Chair noted that in developing this advice, the Scientific Committee considered the level of catch, the high catch rates reported, and the large size composition of the fish reported within a small area and what has been observed in toothfish fisheries.
  - a. For context, the area has roughly 3500 km<sup>2</sup> of fishable habitat (~30 km wide by ~120 km long). In general, sustainable toothfish fisheries are low intensity over a large area. This size of fishable habitat on part of the William's Ridge that extends into SIOFA, is relatively small compared to that available in most research blocks in the CCAMLR area where toothfish fishing occurs. For example, a research block that has a similar fishable habitat area has a catch limit of only 20 tonnes, and a much larger area (20,000 km<sup>2</sup> fishable habitat) has a catch limit of 38 tonnes.
  - b. The Scientific Committee advice that there is a high risk of localised depletion in the SIOFA part of the William's Ridge, was based on the level of catch in a relatively small area, given what is known from other toothfish areas.
54. The EU also sought clarification on the scientific analysis that allowed to estimate F, local abundance and derive potential risk of local depletion in Del Cano and William's Ridge, noting that this analysis seemed not to be available in the SC report, also noting that only aggregated catch data were available in the 2018 National reports reviewed by the SC in 2019..
55. The SC Chair noted that, in reference to the term 'fishing mortality' in the advice 'Toothfish catches on the SIOFA part of William's Ridge are likely to result in total fishing mortality exceeding the fishing mortality used by CCAMLR to determine the catch limit', there has not been an estimate of fishing mortality, as the term is used within a formal stock assessment. The Scientific Committee advice is clear that the catches on the SIOFA part of William's Ridge are likely to increase fishing mortality higher than used to determine the catch limit. Previous IUU catch estimates are included in the assessment.
56. The EU sought clarification on the statement in the SC report that the 'CCAMLR catch allocation is fully taken' in CCAMLR waters in previous years, as the official fisheries reports and catch statistics submitted by CCAMLR Members and posted on the CCAMLR website clearly indicate that they were not in the Kerguelen Plateau next to William's Ridge SIOFA area. This was considered particularly misleading because the key argument made was that (under the assumption, yet to be demonstrated, that toothfish in William's Ridge would be part of the stock of the Kerguelen Plateau) any catch of toothfish in Williams Ridge would result in exceeding the total allowable catch determined by CCAMLR for the south Kerguelen management unit, also noting that CCAMLR catch limits are very precautionary (4% of estimated total biomass).
57. The SC Chair noted that in relation to the 'yield is fully taken within CCAMLR waters', the Scientific Committee had information on the reported catches from CCAMLR areas, so

equivalent to the reports to CCAMLR referred to by the European Union. The Scientific Committee advice is given in the context that:

- a. The stock assessment estimated a catch limit which has been assigned to the fishery in the CCAMLR area and the understanding is that it can be fully taken within the CCAMLR area
  - b. In terms of reported catch, the CCAMLR processes require members to take significant care that they do not exceed catch limits, if this occurs it is taken seriously and questioned extensively. Therefore, care is taken to not exceed catch limits, so in this context the Scientific Committee provided this advice, the 'yield is fully taken'.
58. The European Union inquired how the SC made its assessment on the impact of activities having taken place in 2018, in the absence of key relevant data, noting that the 2018 catch and effort data were not submitted (not due) at the time of the SC meeting. The SC Chair clarified that the European Union observer information (catch, catch rates, length frequency and tag recoveries information) was provided in the scoping study and was considered by the SERAWG and SC in the development of the advice.
59. One CCP expressed their concern with the questioning of the advice from the Scientific Committee noting that the advice had been adopted by consensus and that the MoP was not the place to re-litigate scientific advice.
60. The European Union clarified that the questions were not related to the advice of the Scientific Committee itself, but rather aimed at seeking clarity on terms used in the report to ensure common understanding. It regretted that the answers provided did not allow to further clarify its questions. To that end it indicated that would be very useful that the SC reports provides in a clear way the rationale and evidence that underpins key conclusions and that the MoP formulates its needs for scientific support and advice in a more clear way to the SC.
61. The SC Chair stated that there has been discussion about the need for further research. The Scientific Committee was conscious of this and explicitly requested that the European Union provide the data from these fishing activities to Australia so that it can be incorporated in the stock assessment scheduled for next year. The SC Chair urged the Meeting of the Parties to facilitate this request. It is important to have the opportunity to provide clarity and build a shared understanding of the advice. The SC Chair reiterated that the Scientific Committee process has been and continues to be an evidence based, scientific process.
62. The European Union indicated that all the data were, as every year, submitted to SIOFA, noting that the SC has commended the EU for the level of completeness of its data submissions. It also indicated that these data should be available for scientific purposes under the existing data sharing and confidentiality rules, as well as the terms of the MoU between CCAMLR and SIOFA.
63. The Meeting of the Parties thanked the Scientific Committee and, in particular, the Scientific Committee Chair, for the work completed and advice provided. The Meeting of the Parties noted that the Scientific Committee and its advice are integral to the effectiveness of the Meeting of the Parties and to SIOFA as a whole.

**64. With the exception of the above-mentioned concerns and clarification, the Meeting of the Parties ADOPTED the advice, requests and recommendations of the Scientific Committee outlined in the SC4 Report.**

#### **Agenda Item 6 – Definition for 'new fisheries'**

65. France (Territories) presented the report of the intersessional discussion on new fisheries in document MoP6-WP01 and highlighted that to determine a SIOFA fishing footprint, there was a need for a deadline to submit the data to enable this to be created and that this was required to facilitate spatial analysis. The SC Chair confirmed with the Secretariat that data at the spatial scale specified in CMM 2018/01 had not yet been received from the Republic of Korea, but other Parties have submitted the data.

66. It was noted that it was difficult to progress this work without a common footprint, and available data would be used to illustrate and map SIOFA fishing footprints, noting that fine scale data was not available from all CCPs.
67. Furthermore participation in the intersessional working group had been limited, and therefore did not warrant its continuation.

**68. The Meeting of the Parties REQUESTED that the Republic of Korea meet the fine scale historical data submission requirement by 1<sup>st</sup> September 2019, and tasked the Secretariat to send a reminder.**

**69. The Meeting of the Parties also AGREED that the work to prepare maps of the spatial distribution of effort (as described in paragraphs 59-62 of the SC4 Report) will move forward, with the data that has been submitted by 1<sup>st</sup> September 2019.**

70. The European Union highlighted their current proposal outlined in document MoP6-Prop08 which aims to address issues that were discussed by the intersessional working group and provide for a comprehensive framework for governing issues related to new/exploratory fisheries.

**71. The Meeting of the Parties AGREED to progress the work on the proposal to establish a Framework for New and Exploratory Fisheries in the SIOFA Area (MoP6-Prop08) intersessionally.**

## **Agenda Item 7 – Interim Bottom Fishing Measures**

72. The Executive Secretary noted the information outlined in document MoP6-INFO-01 relating to an analysis of bycatch by Cook Island Flagged Vessels for 2017-19.

### **7.1 Existing CCPs**

73. The Executive Secretary noted the information outlined in document MoP6-INFO-12 relating to the bottom fishing impact assessment (BFIA) for the European Union.
74. Australia made a statement in relation to EU's paragraph 9 measures as disclosed in 2017, stating that they no longer met the requirements of paragraph 9(1)(a)(i) because they do not specify and limits or reference period and are no longer accurate given the significant expansion in effort and target species in 2018 which was taken without updating their BFIA. Australia also spoke to the process for submitting an updated BFIA, noting that their interpretation of the CMM 2018/01 was that the EU's BFIA needed to be updated in response to a substantial change in the fishery, which the EU itself had acknowledged in the SC report, and that an updated BFIA should be subject to the processes of review by the Scientific Committee and subsequently the Meeting of the Parties.
75. The European Union noted that their interpretation of CMM 2018/01 in relation to this issue was different and reiterated the discussions during the CC3 that they had submitted the relevant information in accordance with the CMM. It reiterated the conclusions of CC3 on the need for clarifying some of the provisions of the measure. The European Union also indicated that its updated BFIA was submitted to SIOFA ahead of the MoP and was available for the consideration of the Scientific Committee as appropriate. It also indicated that the SC had identified a range of gaps in several BFIA's and encouraged other CCPs to update and resubmit their BFIA's to address the gaps identified by the SC.

### **7.2 New CCPs**

76. The Executive Secretary noted the information outlined in document MoP6-INFO-06 relating to the SIODFA statement on alfonsino management.

77. The Executive Secretary presented the Comoros bottom fisheries impact assessment in document MoP6-Doc11. The Executive Secretary reported that Comoros presented the BFIA at SC4 in accordance with CMM2018/01 Paragraph 19(b) for the proposed registration of two of their vessels on the SIOFA list of authorised vessels.
78. Comoros noted that it had submitted its BFIA to SC4, and noted that some information required updating.

**79. The Meeting of the Parties ACKNOWLEDGED the BFIA of Comoros.**

**80. The Meeting of the Parties AGREED that the provision of information required in CMM 2018/01, paragraphs 9(2) and 19(a) must be submitted before Comoros authorises their vessels to fish.**

### **Agenda Item 8 – Vessel catch, Effort and Scientific Observer Data**

81. The Secretariat presented a summary of data available at the SIOFA Secretariat in document MoP6-INFO-04. The Meeting of the Parties thanked the Secretariat for the presentation and raised the question of how the SIOFA footprint would be developed where data were not available or not available at the required resolution, 20-minute grid cell. The SC Chair clarified that the process will include reviewing maps at all available data scales to determine the potential impacts of not having the data at the 20-minute resolution.
82. One CCP reiterated the comments made during CC3 on the utility of expanding the tables in MoP6-INFO-04 to better identify the degree of data provision of the various types of data from all CCPs. The Secretariat noted that this review was possible to complete but would consist of a lot more tables.

### **Agenda Item 9 – SIOFA Compliance Report**

83. The Executive Secretary noted the provisional SIOFA Compliance Report (pSCR) in restricted document MoP6-WP03 outlining the decisions of the CC3 on the levels of compliance for each CCP.

**84. The Meeting of the Parties ADOPTED the Compliance Report outlined in restricted document MoP6-WP03 (Annex E).**

85. The Mauritius delegation reiterated its statements made under the previous agenda items during this meeting.

### **Agenda Item 10 – Listing of IUU vessels**

86. The Executive Secretary presented CC3-Doc07 the current SIOFA IUU Vessel List compiled following the special procedure for cross listing provided in CMM 2018/06 and noted that some vessel details within the list had been updated and presented in CC3-Doc12. The Executive Secretary highlighted that there were no new vessels introduced and reflected on the discussions of the Compliance Committee outlined in paragraph 50 of the CC3 Report.
87. The Meeting of the Parties did not make any changes to the current SIOFA IUU vessel list in CC3-Doc07.

### **Agenda Item 11 – Reviews and amendments to Conservation and Management Measures (CMMs) currently in force**

#### **11.1 CMM 2018/01 for Interim Management of Bottom Fishing**

88. The European Union presented its proposal for amending CMM 2018/01 for the interim management of bottom fishing in the Agreement Area outlined in document MoP6-Prop04. During discussions, the Meeting of the Parties noted that there were several overlapping

proposals relating to this measure (MoP6-Prop15, MoP6-Prop13, MoP6-Prop17). These proposals were reviewed and discussed in detail in small working group sessions during the Meeting of the Parties, and they were combined and presented in MoP6-Prop21\_Rev3 and MoP6-Prop22.

89. Japan presented its proposal for amending CMM 2018/01 in document MoP6-Prop17. While this proposal got wider support by most of the parties, one party refused to adopt it without providing relevant reasons for its refusal. Japan as the proponent of this proposal expressed its deep disappointment at the rejection of its proposal at the very end of the meeting after intensive discussions thereon.
90. MoP6-Prop21\_Rev3 proposed clarifying amendments to CMM 2018/01 as well as the insertion of encounter protocols for VME species.

**91. The Meeting of the Parties ADOPTED the Conservation and Management Measure 2019/01 Interim Management of Bottom Fishing (Annex F).**

92. MoP6-Prop22 proposed a new conservation and management measure for management of demersal stocks in the Agreement Area and included provisions for the management of toothfish, orange roughy and alfonso.

**93. The Meeting of the Parties ADOPTED the Conservation and Management Measure 2019/15 Management of Demersal Stocks in the Agreement Area (Annex G).**

94. SIODFA stated that they are deeply concerned about the deviation from the scientific advice provided by the SC during this meeting. SIODFA stated it looked forward to continuing to work with the Scientific Committee and Meeting of the Parties, to ensure that SIOFA's fisheries are managed sustainably through the application of sound, robust, science, with management arrangements that are in accordance with the recommendations of the Scientific Committee.
95. France (Territories) stated their strong concern for the management measures that were adopted in relation to toothfish and share the concerns that have been mentioned by other CCPs. France (Territories) regretted and expressed its strong concern that measures have not been taken during MoP6 to fight depredation in Del Cano toothfish fisheries. Depredation had been identified as a major concern in the SC4 report, and by many CCAMLR CCPs. While fishing effort limits have been accepted in William's Ridge area, management measures in the Del Cano area would have also been justified, considering the depredation level observed in the Zone of Crozet Island, contiguous to Del Cano area.
96. In relation to data collection for toothfish in William's Ridge, Australia rejected unequivocally the assertion that more information is needed on biomass estimates or the biology of the Heard Island population, of which William's Ridge is a part. Australia also stated that it would accept the TAC of 140t for Williams Ridge but that it did not accept the reasons given by the EU.
97. Australia stated that while it accepted the outcome of this CMM in relation to toothfish, it had strong concerns with the unjustifiable deviation from the advice of the SC with respect to toothfish and the regrettable politicisation of the scientific process. Australia emphasised it would be concerned if this practice of dismissing the SC advice was to continue. Australia also noted that in the process of developing CMM 2019/15 concerns had been raised about the orange roughy stock assessment Australia did not agree with, and noted that these concerns had not been raised at the appropriate time during the 2018 ordinary meeting. Australia urged SIOFA to protect its integrity and credibility by ensuring that it is in future science based in its decision making.
98. Australia also acknowledged the importance of the bottom fishing proposals to both Australia and the EU and that Australia had made a significant concession in accepting anything other than a 0t TAC for William's Ridge. Australia noted it looks forward to continuing to working constructively with the EU.

99. The EU welcomed the adoption of the CMM which it considered to be a first step towards addressing a key gap in the SIOFA framework, ie, species and stock specific management plans. The EU considered that:

- i) the CMM adopted was within the range of the broad formulation of the scientific advice for toothfish and expressed its concerns over a risk of politicisation of the SC, in particular because CCPs seem to be much more concerned about 350 tonnes of toothfish taken in a single year and much less about thousands of tonnes of alfonsino and orange roughly taken every year (for many years) in the absence of stock status determination (for alfonsino) and management advice (for both alfonsino and orange roughly). The EU indicated that it was in favour of a consistent and proportional approach across all key SIOFA species and that it cared equally about all of them, which was also the basis for its related proposal.
- ii) the precautionary measures adopted for toothfish will address, in the short and mid-term, the concerns formulated by the SC, in particular by making possible the collection of scientific information badly needed in view to undertaking an scientific analysis allowing deriving estimates for F, local abundance estimates, assessing potential risks of local depletion, and deriving robust catch advice for long term management of the SIOFA toothfish management units concerned, in the spirit of the related and genuine EU proposal.
- iii) it was very concerned with the optimistic approach taken by the MoP for orange roughly, considering the many limitations of the recent stock assessment and puzzled with the the consideration of very short term projections only (5 years) and the reluctance to consider longer term trends which seems more appropriate for long lived species characterised by low resilience, such as orange roughly and noting that long term projections show a clear declining trend.
- iv) it was very concerned with the optimistic approach taken by the MoP for alfonsino where in the absence of any information on the conservation status of the stock thousands of tonnes are taken every year in SIOFA fisheries.

## **11.2 CMM 2018/02 Data Standards**

100. The European Union presented its proposal MoP6-Prop05 'Proposal for amending Conservation and Management Measure for the Collection, Reporting, Verification and Exchange of Data relating to fishing activities in the Agreement Area (Data Standards)'. The European Union highlighted the incorporation of an annex in the CMM 2018/02 regarding the roles of observers onboard fishing vessels, and mentioned the need to harmonize data collection of observers through standardized templates to be developed as appropriate.

101. The European Union presented the final proposal MoP6-Prop05\_Rev3.1, with meeting participants offering some comments and suggestions.

**102. The Meeting of the Parties ADOPTED the Conservation and Management Measure 2019/02 Data Standards (Annex H).**

## **11.3 CMM 2017/07 Vessel Authorisation**

103. Thailand presented its proposal MoP6-Prop02 regarding and amendment to CMM 2017/07 so that the CCPs have the option of other satellite communication systems, aside from INMARSAT. Thailand also noted that this proposal was forwarded to the Meeting of the Parties for adoption by the CC3.

**104. The Meeting of the Parties ADOPTED the Conservation and Management Measure 2019/07 Vessel Authorization (Annex I).**

## **11.4 CMM 2018/10 Monitoring**

105. The SIOFA Secretariat presented its proposal MoP6-Prop11\_Rev1 noting that the activity field in Annex I of CMM 2018/10 was updated to clarify the required activity information in the

notification of Entry to and on Exit from the Agreement Area. The MoP noted that CC3 agreed to forward this proposal to the Meeting of the Parties for adoption.

**106. The Meeting of the Parties ADOPTED the Conservation and Management Measure 2019/10 Monitoring of Fisheries in the Agreement Area (Annex J).**

## **Agenda Item 12 – New Conservation and Managements Measures (CMMs)**

### **12.1 High Seas Boarding Inspection**

107. Australia and the European Union presented a proposal for a CMM for High Seas Boarding and Inspection Procedures for SIOFA outlined in document MoP6-Prop01\_Rev1. This proposal was discussed in detail in small working group sessions during the Meeting of the Parties, and the final proposal was presented in MoP6-Prop01\_Rev7.1.

108. CCPs recognised that agreed paragraph 22b (the requirement not to unduly interfere with the lawful operation of the fishing vessel) does not require any fishing vessel to stop or manoeuvre when towing, shooting or hauling unless the Authorities of the Inspection Vessel suspects on reasonable grounds that the vessel is operating in the manner that contravenes a SIOFA CMM.

109. CCPs expressed their gratitude to Australia for leading the work on this proposal, and Australia likewise expressed gratitude to the CCPs for their cooperation.

**110. The Meeting of the Parties ADOPTED the Conservation and Management Measure 2019/14 High Seas Boarding and Inspection Procedures (Annex K).**

### **12.2 Establishment of VMS in SIOFA**

111. The European Union presented a proposal for a CMM for the establishment of the Vessel Monitoring System in the SIOFA outlined in document MoP6-Prop06 and noted that the purpose of this proposal is to provide a more complete framework covering all key aspects of the SIOFA VMS. The European Union thanked meeting participants for their comments and collaboration on this proposal during the margins of this meeting but noted that work would continue intersessionally on this. It also noted that the regional EU programme Ecofish could contribute in this endeavour.

**112. The Meeting of the Parties AGREED that CCPs would continue deliberations on the proposal outlined in document MoP6-Prop06 intersessionally, with the European Union leading this work.**

### **12.3 Framework for Scientific Research**

113. The European Union presented the proposal to establish a Framework for Scientific Research and Fisheries-based research in the SIOFA Area outlined in document MoP6-Prop07. The European Union noted that following productive discussions in the CC3 and in the margins of this meeting, the proposal needed further development with input from CCPs.

**114. The Meeting of the Parties AGREED that CCPs would continue deliberations on the proposal outlined in document MoP6-Prop07 intersessionally.**

### **12.4 New & Exploratory Fisheries**

115. The European Union presented the proposal to establish a Framework for New and Exploratory Fisheries in the SIOFA Area outlined in document MoP6-Prop08. The European Union noted that following productive discussions in the CC3 and in the margins of this meeting, the proposal needed further development with input from CCPs.



**116. The Meeting of the Parties AGREED that CCPs would continue deliberations on the proposal outlined in document MoP6-Prop08 intersessionally.**

## **12.5 Proposal on Sharks**

117. The European Union presented a proposal for a CMM for the conservation and management of deep sea sharks including a prohibition on targeting any deep-sea shark species by vessels operating under SIOFA, as well as prohibiting the removal, retention of board, transshipment and landing of shark fins outlined in document MoP6-Prop09\_Rev1 and noted that the purpose of this proposal is to fill a management gap and provide for specific measures for the conservation and management of deep sea sharks in SIOFA.

118. The MoP discussed the proposal and some CCPs indicated that they could not agree to the provisions regarding the finning ban. Other CCPs expressed concerns about the lack of a species list that could result in implementation and compliance difficulties. To address this concern, a list of species was developed taking into account the recent SIOFA ERA on sharks and the advice of the SC. CCPs further developed this proposal in a small working group and the final proposal was presented in MoP6-Prop09\_Rev3.3. CCPs were supportive of this proposal and Australia reiterated their sincere hope that this measure will result in reduced mortality of deep sea sharks in the Agreement Area.

119. The EU noted that MoP has taken an important step towards protecting and managing deep-sea shark species in the SIOFA area. This would need to be further strengthened based on advice from the SC on appropriate by catch limits. It also expressed its disappointment that although directed fishing for some deep-sea shark species was now prohibited within the Agreement area, MoP-6 could not adopt the proposed prohibition of the finning of sharks and hoped that the measure could be further strengthened in the future.

**120. The Meeting of the Parties ADOPTED the Conservation and Management Measure 2019/12 Conservation and Management of Sharks (Annex L).**

## **12.6 Mitigation of seabird bycatch**

121. The European Union presented a proposal for a CMM for the mitigation of seabird bycatch in fisheries managed by SIOFA outlined in document MoP6-Prop10-Rev1. This proposal was discussed in detail in small working group sessions during the Meeting of the Parties and the final proposal is outlined in MoP6 Prop10\_Rev6. Australia requested that a seasonal closure for longline fishing in areas south of 42°S be introduced into this measure, noting the high seabird abundance in parts of the Agreement Area during the Austral summer, the fact that the areas are classified as high risk and the success of comparable measure in place in CCAMLR. The EU noted that the measures, as drafted, achieved the conservation requirements without the inclusion of a seasonal closure. Australia agreed to withdraw the request but stated their discomfort and disappointment.

122. The European Union regretted that the proposal was down watered and once again trawls, would escape from the required regulatory framework, in this case for the mitigation of seabirds by catch. It expressed the view that the SC should continue the work specifically on this gear to allow strengthening the measure adopted in the close future. Concerning the suggestion from Australia for a temporal closure, it indicated that although it could understand and to some extent share the aspiration, there would be no conservation benefit for endangered sea bird species, such as albatrosses because the measure adopted already includes the night setting, which fully benefits to those species.

**123. The Meeting of the Parties ADOPTED the Conservation and Management Measure 2019/13 Mitigation of Seabird Bycatch (Annex M).**

## 12.7 Management of Toothfish (*Dissostichus eleginoides*)

124. Australia presented the proposal for CMM for *Dissostichus eleginoides* on Williams Ridge and Del Cano Rise in the Agreement Area outlined in document MoP6-Prop13. Australia noted that this proposal was in response to the advice from the Scientific Committee on this species, noting CCAMLR's success in robust and science-based management of toothfish in the CCAMLR Convention Area. Australia also noted that there is strong scientific evidence that these stocks are linked, which is supported by SC advice, which means that SIOFA has a legal and moral obligation to manage the stock in its entirety and to take full account of the obligations under international law, including the requirement under UNFSA to establish compatible measures and take into account the measures already established in respect of this stock. Australia noted its view that recent catches in Williams Ridge were too high and recalled that the SC had advised the MoP to take urgent measures and advised there is a risk of localised depletion in the Williams Ridge. The SC recommended returning catches to levels commensurate with 2016 levels for Williams Ridge and up to 2016 levels for Del Cano Rise. Australia stated its desire to be clear in the objective to manage stocks in a way that ensures complementary arrangements and ensures biologically sustainable catch levels for the population are not exceeded.
125. The EU referred to its proposal for two management plans for toothfish respectively in Del Cano and Williams Ridge, included as an annex in its proposal for amending CMM 2018-01 (ref xx). It indicated that SIOFA and CCAMLR should cooperate on an equal footing and within their respective mandates for the conservation and management of any shared stocks, such as toothfish, in the context of the existing MoU and/or any other ad hoc arrangement. In particular, it supported the organisation of a joint WG between the two organisations to focus specifically on the management of toothfish. It also reminded that SIOFA was not CCAMLR and that the objectives of the two organisations were not exactly the same, which of course should not prevent a fruitful collaboration.
126. The DSCC provided a statement in relation to toothfish management in SIOFA (Annex N).
127. During discussions, part of this proposal was incorporated in CMM 2018/01 and elements of it were combined with other relevant proposals presented in MoP6-Prop22, which became the CMM 2019/15 on demersal stocks.

## 12.8 General rules for bottom fishing

128. Australia presented the proposal for General Rules for the Management of Bottom Fishing in the Agreement Area, outlined in document MoP6-Prop14. Australia noted that at this time, the proposal was being presented for the purposes of receiving feedback from CCPs to facilitate further developments for possible adoption next year and thanked the CCPs that have already submitted constructive comments.
129. The EU thanked Australia for the forward thinking and indicated its willingness to participate to such an endeavour. This would allow addressing the lack of clarity in many provisions of CMM 2018-01 identified during the Compliance Monitoring process by CC3.
130. The Mauritius delegation delivered a statement in relation to this proposal from the delegation of Australia and also the other proposals dealing with bottom fishing.
- a. The Joint Commission of the Extended Continental Shelf Mascarene Plateau Region has addressed two letters to SIOFA: one dated 18.02.19 wherein the Joint Commission informs the SIOFA that, inter alia, the two countries have signed two treaties in March 2012 establishing the joint exercise of their sovereign rights on and to sustainably manage the natural resources of that area and that SIOFA can no longer devise any policy or implement any project in the Mauritius Seychelles Joint Management Area. The second letter dated 08.04.19. The Mauritius delegation invites the delegation to take these on board when dealing with bottom fishing.
  - b. Without prejudging what will be accepted by the Republic of Mauritius, it is highlighted that no specific mention of a separate treatment or an express exclusion has been made

in relation to the resources which are sedentary species or pertain to the seabed and subsoil of the JMA and no mention has been made of the Joint Commission which has been set up by the Republic of Mauritius and the Republic of Seychelles to manage the said area.

- c. The Mauritius delegation therefore expresses some serious concerns that in the light of the existence of the Joint Commission and the Joint Management Area wherein the two States have, pursuant to art. 77 of UNCLOS, the present proposal and other proposals on bottom fishing fail to acknowledge the above.
  - d. In view of these serious concerns, it is eminently unclear how Mauritius can validly support any of these proposals.
  - e. The Mauritius delegation invites the Members to consider and take the necessary measures so as not to breach the rights in the extended continental shelf conferred by the Commission on the Limits of the Continental Shelf under UNCLOS at the UN. The Mauritius delegation also states that this is not a mere statement but a formal invitation and request being made to the other members.
  - f. The Mauritius delegation underlines that the work undertaken on the proposal has been undertaken, it would appear prior to the two abovementioned letters. These two letters have been circulated to all Members.
  - g. The Mauritius delegation is of the view that the above is relevant under this agenda item given that there seems to be some overlap in the mapping between the Joint Management Area, the Mascarene Plateau and the Area of SIOFA.
131. Seychelles supported the statement from Mauritius, noting specifically that Paragraph 5.e in MoP6-Prop14 makes reference to fishing in the Saya de Mahla Bank using gears that have the potential to negatively impact benthic habitats and species.
132. The EU and Australian delegations indicated that they did not share Mauritius' interpretation, and that they would respond in more detail later in the meeting.
133. The Meeting of the Parties expressed a willingness to work with Australia intersessionally to further develop this proposal.
134. The DSCC provided a statement in relation to encounter protocols for VMEs (Annex O).
135. **The Meeting of the Parties AGREED that Australia will continue to lead the work on the general rules for bottom fishing and CCPs will work with them intersessionally to further develop this proposal.**

## 12.9 Management of demersal stocks

136. Australia presented MoP6-Prop15 and noted that it was the second proposal in the suite of bottom fishing proposals, which proposes a CMM for the management of demersal stocks in the Agreement Area. During discussions, elements of this proposal were incorporated into CMM 2018/01 and presented in MoP6-Prop22, which became the CMM 2019/15 on demersal stocks.

## 12.10 Prevention of impact on VMEs

137. Australia presented MoP6-Prop16 and noted that it is the third and final proposal in the suite of bottom fishing proposals, which proposes a dedicated CMM for the prevention of significant adverse impacts on VMEs. The main changes in this CMM from what is currently in CMM 2018/01 were the updated tasks of the Scientific Committee, the cumulative assessment of the environment, thresholds and a response to a potential VME encounter and reflects the advice of the Scientific Committee in relation to protected areas. During discussions, elements of this proposal was suited for inclusion in CMM 2018/01 and combined with other relevant proposals presented in MoP6-Prop21\_Rev3, which became the CMM 2019/01.

### **12.11 Suite of bottom fishing measures (support paper for 12.8, 12.9 and 12.10)**

138. Australia presented the proposal for a suite of bottom fishing measures, outlined in document MoP6-Prop19, noting that the purpose of this paper was to summarise the proposals outlined in MoP6-Prop14, MoP6-Prop15, and MoP6-Prop16. Australia provided an overview of the three proposals, summarising that the intention is to dismantle CMM 2018/01 into three distinct CMMs, to make the CMMs easier to follow and to ensure that all CCPs were playing by the same rules.

### **12.12 Amendment to ToR for the PAEWG or new CMM**

139. France (Territories) presented MoP6-Prop18, a working document outlining the amendment to the Terms of Reference of the Protected Areas and Ecosystems Working Group (PAEWG). The amendments include two tasks from the Scientific Committee on the VME mapping workflow and the bioregionalization workflow, as well as including deadlines for proposal submissions to the Scientific Committee, and clarification for the reporting of meeting outcomes when the PAEWG does not meet?. Meeting participants provided comments and clarifications to the proposal, and the final version was presented in MoP6-Prop18\_Rev1.

**140. The Meeting of the Parties ADOPTED the amendments to the Terms of Reference of the PAEWG in Annex P.**

## **Agenda Item 13 – Secretariat Administration (Executive Secretary)**

### **13.1 Report on Financial Resources – RoP Rule 8(f)**

141. The Executive Secretary presented the Secretariat Report on Financial Resources outlined in document MoP6-Doc07.

**142. In accordance with Financial Regulations of the Meeting of the Parties, Regulation 14.1, the Meeting of the Parties AGREED to establish a Scientific Research Activities account, and to add a new paragraph 7.8 to the Financial Regulations as follows:  
“7.8 Residual funds available in the Scientific Research Activities account at the end of each financial year are to be carried over to the next financial year for the purposes of future scientific research activities.”**

143. The Executive Secretary presented the SIOFA Financial Report and External Auditor Report 2019 outlined in document MoP6-Doc06.

144. In accordance with Financial Regulation 11.10, the Meeting of the Parties considered the Financial Report and the Auditor’s Report and noted that the audit report did not identify any inconsistencies with the Financial Regulations. The MoP agreed that no further action is required.

145. The Executive Secretary presented MoP6-Doc08\_Rev2 outlining the proposed 2020 budget.

**146. The Meeting of the Parties AGREED that the Executive Secretary separation from service, installation and recruitment expenses (items 1.3, 1.4, and 1.13) of the budget be funded from the SIOFA Reserve Fund.**

**147. The Meeting of the Parties AGREED to retain the funding, under budget item 4, for the participation of one Chair for CC4 and one Chair for MoP7, with the understanding that this funding was only available to those Chairs if they are from a developing Country.**

**148. The Meeting of the Parties AUTHORISED the payment of the Convention D’Herbergement charges for years 2017-2019 from available reserves in the SIOFA general account.**

149. **The Meeting of the Parties AGREED to clarify intersessionally the interpretations of Regulation 4 of the Financial Regulations.**

150. Thailand presented a proposal for a new formula to calculate SIOFA Annual Contributions in document MoP6-Prop03 noting the proposed formula was meant to accommodate those CCPs that have high catch amounts of low value species. Some CCPs expressed concerns about the division of the catch at 50% for high value species and 10% for low value species but felt a division of 30%/30% would be amenable as an interim solution for this year.

151. **The Meeting of the Parties ADOPTED the interim formula for annual contributions that composes of 10% Base, 30% National Wealth, 30% of high-value species catch (orange roughly, alfonsino, toothfish and all species of deep sea sharks) and 30% of all other low-value species (effectively this covers the Saya de Malha Bank). The Meeting of the Parties AGREED that this formula shall be reviewed, and amended if required, at MoP7.**

152. France (Territories) expressed its concern about the refusal of several parties to finance scientific studies that the SC defined as priorities or which results would lead to significant progress in the sustainable exploitation of the stocks, avoiding any significant impact on the benthos.

153. **The Meeting of the Parties ADOPTED the budget in accordance with Financial Regulation 3.7 (Annex Q).**

### **13.2 Report on Staff Resources and Secretariat Activities – RoP Rule 8(g)**

154. The Executive Secretary presented the report on staff resources and secretariat activities outlined in document MoP6-Doc14 for information.

### **13.3 Recruitment of consultants**

155. The Executive Secretary presented the SIOFA Consultant Recruitment Procedure outlined in MoP6-Doc12.

156. One CCP sought clarification on the wording in Paragraphs 4 and 6, expressing concerns that this would limit participation, worrying that it could prevent independent national research institutes to conduct works identified by the SC. The SC Chair clarified that the intent of these paragraphs was to ensure no conflict of interest between those that develop the activity descriptions and costings, through the SC and working group processes, and then apply to be the service provider which the MoP would decide. The SC Chair emphasised the importance of ensuring SIOFA's procedure for engaging scientific service providers is credible and the decision makers not exposed to criticism based on perceived conflicts of interest.

157. **The Meeting of the Parties AGREED that the text of the SIOFA Consultant Recruitment Procedure outlined in MoP6-Doc12 needed to be clarified intersessionally and France (Territories) AGREED to lead this work and that the SIOFA Consultant Recruitment Procedure would continue to be the process used in the interim.**

### **13.4 SIOFA Technical Editing Process**

158. The Executive Secretary presented the SIOFA Technical Editing Process outlined in MoP6-Doc13 and noted that the Meeting of the Parties needed to consider the proposed changes to the technical editing process. One CCP indicated that the text in subparagraph 'n' should be included in subparagraph 'j' and requested that this document be made more easily available on the website so that the technical editing process is clear and accessible.

159. **The Meeting of the Parties, noting the above-mentioned change, ADOPTED the SIOFA Technical Editing Process Annex R.**

## **13.5 Data Confidentiality**

### **13.5.1 Confidential data exchange procedure**

160. The Secretariat presented MoP6-Doc09 outlining the protocols for the secure transfer of confidential data and summarized that there are two methods for submitting data to the Secretariat, through encrypted email, or through encrypted FTP.
161. The Cook Islands reiterated their concerns relating to the confidentiality of the data that are submitted to the Secretariat and proposed an option for the Secretariat to regularly undertake a data security audit. The Meeting of the Parties expressed interest in a data security audit process but noted that further research was required before implementing this procedure.

### **13.5.2 Points of clarification of CMM 2016/03 (para 2 b, c, e)**

162. The Secretariat presented MoP6-WP02 outlining questions from the Secretariat for clarification on CMM 2016/03 (Data Confidentiality). The Secretariat expressed its concern that the current publishing of the National Reports on the SIOFA website, and the inclusion of the overview of fisheries in the Scientific Committee may not align with the text of CMM 2016/03.

**163. The Meeting of the Parties AGREED to undertake an intersessional review of CMM 2016/03, with the SC Chair leading this work.**

**164. The Meeting of the Parties AGREED that the Secretariat could continue to publish Annual National Reports, and that CCPs would be responsible for reviewing their reports to ensure information contained therein are appropriate for the public domain.**

**165. The Meeting of the Parties AGREED that the overview of fisheries, with the data presented in the formats used to date, can continue to be included in the Scientific Committee Report while CMM 2016/03 is being reviewed.**

### **13.5.3 Confidential data process clarification and guidelines for SC activities (ref. CMM 2016/03 para 2e, 4)**

166. The Secretariat, in MoP6-WP02, also sought clarification on the interpretation of Paragraphs 2.e and 4 in CMM 2016/03 noting that if Paragraph 2.e, when read in tandem with Paragraph 4 requires the Secretariat to seek approval from all CCPs before providing fine scale data to the Scientific Committee.

**167. The Meeting of the Parties AGREED that in the interim, the Secretariat will follow the procedure outlined in Paragraph 4 of CMM 2016/03, but that the text will be clarified through the intersessional work, as mentioned in the previous agenda item.**

## **Agenda Item 14 – Cooperation with other RFMOs, international bodies and other relevant matters**

### **14.1 Southwest Indian Ocean Fisheries Commission (SWIOFC)**

168. The Chair welcomed Mr. Luca Garibaldi, SWIOFC Secretary, to provide a presentation on possible collaboration between SWIOFC and SIOFA that had been discussed at recent meetings of both organizations (MoP6-INFO-08 and MoP6-INFO-18). Following up suggested areas for collaboration put forward by the SIOFA Executive Secretary at the last SWIOFC Session, details on the following three main areas of possible collaboration were provided: a) Research on Saya de Malha bank fisheries; b) Fight against IUU; c) Promotion of SIOFA's CMM among SWIOFC Member Countries.

169. The Meeting of the Parties thanked Mr. Luca Garibaldi for the presentation and expressed their interest in the work under way for the establishment of the Southern African Development Community's (SADC) Fisheries Monitoring Control and Surveillance Coordination Centre (MCSCC).

## **14.2 CCAMLR**

170. The Executive Secretary provided an update of the activities completed under the arrangement between SIOFA and CCAMLR that was signed on 28 August 2018 (<https://www.apsoi.org/about-siofa/international-cooperation/CCAMLR>). The Executive Secretary met with the Executive Secretary of CCAMLR during July 2018 to discuss possible areas for cooperation, and it was agreed that CCAMLR could participate in and contribute to the SIOFA SERAGB1, SC4, and CC3 meetings. The Executive Secretary noted that the SIOFA Secretariat looks forward to facilitating a continuation of positive exchanges between the two organisations. A CCP thanked the Executive Secretary for the update and noted the importance of the meaningful cooperation under this arrangement.

## **14.3 FAO ABNJ Deep Seas Project**

171. The Chair welcomed Dr. William Emerson from the FAO ABNJ Deep Seas Project to provide an overview of the project (MoP6-INFO-11 and MoP6-INFO-19). The Meeting of the Parties thanked Dr. Emerson for the presentation and expressed interest in several aspects of the project including the VME database, best practices for VMEs, the work on sponges, ecosystem approaches, the potential for facilitating fisheries sector representation in international fora, as well as the prospective work on the electronic monitoring system with the Cook Islands. Dr. Emerson thanked CCPs and expressed interest in continuing the discussions in the margins of the meeting.

172. The Meeting of the Parties expressed appreciation for the work undertaken through the Project that has contributed to SIOFA and CCP activities.

## **14.4 FAO Fisheries and Resources Monitoring System (FIRMS)**

173. The Chair welcomed Mr. Aureliano Gentile from the Fisheries and Resources Monitoring System (FIRMS) to provide an overview of the Partnership and the FAO related activities as FIRMS Secretariat (MoP6-INFO-20). The Meeting of the Parties thanked Mr. Gentile for the presentation and expressed their interest in the partnership. The Chair highlighted that in MoP6-Doc10\_rev1 there is a request from the Scientific Committee to confirm the participation of SIOFA in FIRMS.

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| <p>174. <b>The Meeting of the Parties AGREED that SIOFA will be a partner of FIRMS and mandated the Secretariat to facilitate the necessary arrangements.</b></p> |
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## **14.5 Other matters of interest**

### **14.5.1 EEOFISH Programme**

175. The Chair welcomed Mr. Madev Balloo from the EEOFISH Programme to provide an overview of the programme (MoP6-INFO-09 and MoP6-INFO-21). Mr. Balloo noted that the funding has been received for the programme and that work is currently underway to finalise the programme estimate. The European Union asked if MCS related activities of SIOFA would be eligible for under this programme, and Mr. Balloo indicated that it would be, and that if SIOFA were interested in receiving funding under this programme, they would have to submit a proposal as soon as possible. The Meeting of the Parties thanked Mr. Balloo for the information.

#### **14.5.2 Regional Fishery Body Secretariats' Network (RSN)**

176. Dr. Piero Mannini briefly described the role of the RSN and encouraged the meeting participants to review the information in documents MoP6-INFO-03 and MoP6-INFO-22. The last meeting of the RSN was held in the margins of the last meeting of the Committee on Fisheries (COFI), and the SIOFA Executive Secretary was in attendance.
177. One CCP noted that the RSN was a unique forum to discuss the conservation and management measures of RFMOs, and that through these exchanges, duplications can be avoided and lessons learned from good practices and supported the Secretariat to engage with this body.

#### **Agenda Item 15 – Joint Commission of the Extended Continental Shelf Mascarene Plateau Region**

178. Mauritius provided a statement to complement the information already provided, on the Joint Management Area:
- a. The United Nations Convention on the Law of the Sea (UNCLOS) sets out specific criteria for the establishment of the various maritime zones. Part VI (art. 76-85) of UNCLOS deals with the coastal State's rights in relation to the continental shelf, including any extended continental shelf. UNCLOS also regulates the exploitation of natural resources found in the continental shelf of a coastal State and those found in the international seabed beyond the limits of national jurisdiction.
  - b. The Commission on the Limits of the Continental Shelf (CLCS) has been established under UNCLOS to allow coastal States to establish the outer limits of their extended continental shelf beyond 200 nautical miles where they satisfy the conditions prescribed by UNCLOS.
  - c. Where a coastal State applies to the CLCS, the CLCS is to assess the information and technical data which has been provided by the said State on the proposed outer limits. The CLCS may also provide scientific and technical advice on the information and technical data, where it deems appropriate. It is underlined that Article 76 of UNCLOS provides that the limits of the continental shelf established by coastal States on the basis of the recommendations of the Commission shall be final and binding.
  - d. In accordance with art. 78 of UNCLOS, both Mauritius and Seychelles could claim the area of the Mascarene Plateau as the natural prolongation of their respective land mass.
  - e. In December 2008, the Republic of Mauritius and the Republic of Seychelles, both parties to the United Nations Convention on the Law of the Sea (UNCLOS), made a joint submission to the United Nations Commission on the Limits of the Continental Shelf (CLCS) for an extended continental shelf beyond their respective 200 nautical miles Exclusive Economic Zones in the region of the Mascarene Plateau pursuant to art. 76, para. 8 of UNCLOS.
  - f. The joint submission demonstrates the willingness of both coastal States to collaborate closely to harness the huge potential which the extended continental shelf represents.
  - g. The CLCS approved the setting up of a sub-commission to examine the Joint Submission. This joint submission was examined by the sub-commission in 2009.
  - h. The CLCS adopted recommendations confirming the entitlement of the Meeting of the Parties to the area of continental shelf submitted by them in the Joint Submission on 30 March 2011. This led to Mauritius and Seychelles being jointly conferred the jurisdiction upon the joint area of ECS of 396,000 sq. km.
  - i. UNCLOS provides that a coastal State exercises sovereign rights over the extended continental shelf for the purposes of exploring it and exploiting its natural resources, living or not, but has no control over any living organism above the shelf that are beyond its exclusive economic zone, see art. 77 and 78.



- j. Furthermore, the rights of the coastal State over the continental shelf/extended continental shelf do not affect the legal status of the superjacent waters or of the air space above those waters. The exercise of the rights of the coastal State over the continental shelf must not infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for under UNCLOS.
  - k. On 12 March 2012, Mauritius and Seychelles signed two bilateral Treaties. The first Treaty deals with the joint exercise of the sovereign rights in the joint zone and the second Treaty defines the framework for the co-management of the said area. The second Treaty contains parts which address a number of subjects, including:
    - i. in Part 5, the protection of the marine seabed environment, the application of the precautionary principle and co-operation with a view to protect seabed marine habitats and associated ecological communities of the seabed in the JMA, together with the identification of environmental benchmarks; and
    - ii. in Part 7, surveillance, security and rescue.
  - l. These are in line with the parameters set by UNCLOS.
  - m. The two bilateral Treaties therefore allow the two States to agree on the mechanisms to be able to explore the extended continental shelf and exploit its resources. A number of subject-specific codes are to be adopted. They provide for institutional and regulatory arrangements in the form of three bodies, namely the Ministerial Council, a Joint Commission and a Designated Authority.
  - n. Moreover, the coordinates of the outer limits of the extended continental shelf have also been duly set out in national legislation of the Republic of Mauritius and deposited at DOALOS.
  - o. The Mauritius delegation believes that this is relevant in this multilateral forum and remains available for any query which any delegation may have and invites the delegation which has expressed the view not to recognise the Joint Management Area or the rights the two coastal States are entitled to by virtue of art. 76, para. 8, of UNCLOS, to consider its position in the light of the above.
179. The European Union stated in response to the statement from Mauritius:
- a. For what concerns the superjacent waters, the European Union disagrees with Mauritius and Seychelles. This since that body of waters, despite the CLCS recommendation of 2011 and their subsequent JMA, still keep the status of high seas therefore neither Mauritius nor Seychelles can claim rights under the EEZ regime for those waters. Article 78.1 UNCLOS states clearly that *'the rights of the coastal State over the continental shelf [be it an extended continental shelf like in this case] do not affect the legal status of the superjacent waters...'*. From a perspective of international law, that means that the superjacent waters above the JMA of Mauritius and Seychelles can be subject to joint management by way of an RFMO. Regarding the Article 2 of the SIOFA agreement, the objective is to ensure the long-term conservation and sustainable use of the fishery resources in the Area. A more detailed reading of what those terms mean under Article 1(f) (fishery resources) and Article 3 (the Area of application) SIOFA leaves *the fish, molluscs and crustaceans* in the body of the superjacent waters to the JMA part of scope of SIOFA agreement.
  - b. For what concerns the extended continental shelf, Mauritius and Seychelles do enjoy rights over the continental shelf and that would seem to fall out of the scope of the SIOFA agreement.  
Article 1(f) defining the fishery resources: *(f) "fishery resources" means resources of fish, molluscs, crustaceans and other sedentary species within the Area, but excluding: sedentary species subject to the fishery jurisdiction of coastal States pursuant to article 77(4) of the 1982 Convention; and highly migratory species listed in Annex I of the 1982 Convention.*

- c. It is by effect of this article that any sedentary species on the continental shelf of a State is excluded from the definition of the fishery resources. Article 77.4 defines sedentary species as *organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil*. In conclusion that means that the management of the sedentary species in the JMA of Seychelles and Mauritius falls outside of the scope of SIOFA.
180. Australia stated in response from the statement from Mauritius:
- a. Australia notes the claim in the letter from the Joint Commission of 18 February 2019 that ‘SIOFA can no longer devise any policy or implement any project’ in the Joint Management Area.
  - b. Australia does not agree with this claim.
  - c. As noted by Mauritius, article 78 of the United Nations Convention on the Law of the Sea (UNCLOS) provides that the rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters. It provides further that the exercise of the rights of the coastal State over the continental shelf must not infringe or result in any unjustifiable interference with the freedoms of other States as provided for in UNCLOS.
  - d. The Meeting of the Parties has a responsibility to manage SIOFA fishery resources within the whole of the Agreement Area, including the water column above the Joint Management Area.
  - e. Australia also observes that the bottom fishing proposals under discussion at this meeting seek to regulate SIOFA fishery resources. These resources are defined in article 1(f)(i) of the SIOFA Agreement so as to exclude sedentary species subject to the fishery jurisdiction of coastal States pursuant to Article 77(4) of UNCLOS. Accordingly, these proposals are not seeking to regulate fishing for the sedentary species subject to the joint jurisdiction of Mauritius and Seychelles in the Joint Management Area.
181. Thailand stated in response to the Statement from Mauritius:
- a. As party to the SIOFA Agreement, Thailand has its sovereign rights to explore and exploit the fisheries resources in the SIOFA area and under the SIOFA competent and in the continental shelf of coastal State as the case may be. Such sovereign rights are also in conformity with the 1982 Convention on the Law of the Sea to which Thailand is also party. However, in regard to claims by other parties to the SIOFA Agreement area, Thailand reserve its right to protest or verify whether or not such claims are justified under the 1982 Convention.
  - b. In addition, UNCLOS Article 76 defined the continental shelf and addressed the right of the coastal State over the living resources in continental shelf is the sedentary species, and UNCLOS Article 77 (4) also further address clearly that the sedentary species are organisms which, at the harvestable stage, either are immobile or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil. So, under the umbrella of UNCLOS, fisheries resources under the SIOFA competent they are the moving living resources in the water column and they are not the sedentary species that addressed or claimed by the coastal State by conformity to UNCLOS Article 76.
182. One CCP sought clarity from Mauritius if the Joint Commission still maintained the position that “It also follows that SIOFA can no longer devise any policy or implement any project in the Mauritius Seychelles Join Management Area” as stated in the letters received (MoP6-INFO-05\_Rev1). The Mauritius delegation stated that the question will be relayed to the Joint Commission, which is a distinct body to the Republic of Mauritius for consideration and action at its end.

183. One CCP sought clarity from Mauritius if their position is aligned with that of the Joint Commission. The Mauritius delegation stated that a written reply from the Mauritius delegation may be made intersessionally.

#### **Agenda Item 16 – Observer Nominations for other RFMO and CCAMLR meetings**

184. The Chair recalled the discussion in the Heads of Delegation meeting that the specific names of the observers need to be provided to the Executive Secretary so that other CCPs can be advised.

185. **The Meeting of the Parties AGREED that the role of Observers in other RFMO meetings is simply to observe the meetings and report back to SIOFA, and not to represent SIOFA at these meetings.**

#### **Agenda Item 17 – Participation of cooperating non-Contracting Parties and non-Participating Fishing Entities**

##### **17.1 New applications for participation as a cooperating non-Contracting Party or as a cooperating non-participating fishing entity**

186. The Executive Secretary confirmed that in the last twelve months, there have been no applications for new cooperating non-Contracting Parties or as cooperating non-participating fishing entities.

##### **17.2 Status of registered cooperating non-Contracting Parties and cooperating non-Participating Fishing Entities**

187. **The Meeting of the Parties AGREED that Comoros maintain its status as a cooperating non-Contracting Party.**

188. One CCP reminded the Meeting of the Parties of the agreement in CC3 to translate the draft Compliance Report Template Questionnaire into French next year.

#### **Agenda Item 18 – Election of MoP and SCAF Chairpersons and Vice Chairpersons**

##### **18.1 Election of Chairperson and Vice Chairperson of the Standing Committee on Administration and Finance (SCAF)**

189. The Meeting of the Parties did not elect a Chairperson or Vice Chairperson of the Standing Committee on Administration and Finance (SCAF). In accordance with Rule 3.6 of the Financial Regulations, the functions of the SCAF, shall be carried out by the Meeting of the Parties.

##### **18.2 Election of Chairperson and Vice Chairperson of the Meeting of the Parties**

190. **The Meeting of the Parties AGREED that an intersessional decision would be taken to elect an MoP Chair.**

191. **The Meeting of the Parties AGREED that representatives from Australia, France (Territories), and Thailand would collectively fulfil the roles and responsibilities of SIOFA MoP Chair in support of the SIOFA Secretariat until an MoP Chair is elected.**

## **Agenda Item 19 – Future Meeting Arrangements**

### **19.1 Dates and venues for the Scientific Committee and associated Working Groups in 2020 and 2021**

192. **The Scientific Committee and associated Working Groups will take place between the period of 11 March and 05 April 2020 in La Reunion. The Working Groups will meet for a total of five days and the Scientific Committee will meet for five days.**

### **19.2 Dates and venues for the Meeting of the Parties and the Compliance Committee in 2020**

193. **The Meeting of the Parties AGREED that the CC4 will take place from 01 to 03 July 2020 and the MoP7 will take place from 05 to 09 July 2020 in La Reunion.**

## **Agenda Item 20 – Recruitment of SIOFA Executive Secretary**

194. The Chair noted that the recruitment process for the new Executive Secretary had been taking place during this meeting, and that the selection committee was still working toward the selection of a candidate.

195. **The Meeting of the Parties AGREED that the interim Executive Secretary will be Mr. Pierre Périès.**

196. **The Meeting of the Parties AUTHORISED Dr. Ilona Stobutzki to complete the recruitment process until the Executive Secretary is appointed, including to enter into a contract with the successful candidate on behalf of the Meeting of the Parties.**

## **Agenda Item 21 – Any Other Business**

197. Thailand presented their report on implementation of SIOFA CMMs outlined in document MoP6-INFO-15 noting that this report is being shared for the information of interested participants.

198. Mauritius stated that nothing said or done by the Mauritius delegation during this meeting is or should be construed as a recognition by the Republic of Mauritius that Tromelin Island is not an integral part of the territory of the Republic of Mauritius.

199. France (Territories) indicated that they do not recognize any legal value in the statement made by Mauritius. France (Territories) declared that it does not recognize any legal force to the declaration by Mauritius, as the declaration ignores the fact that Tromelin Island is a French territory over which France has constantly exercised full and total sovereignty. France therefore has sovereign rights and jurisdiction under international law over the exclusive economic zone adjacent to Tromelin island. The meetings of the Indian Ocean RFMO's are not the forum to discuss questions of territorial sovereignty, but France highlights that it will continue to maintain constructive dialogue with the Republic of Mauritius on this subject.

200. China stated that:

- a. China would like to express our sincere appreciation to the Chair, the Executive Secretary, the Contracting Parties, especially our host-Mauritius, for your efforts to make this meeting smoothly and successfully.
- b. As the head of Chinese delegation, I would like to reiterate our sincere will to accede to the SIOFA Agreement for the purpose of the long-term sustainable utilization of fisheries resources of this region. China will cooperate with all relevant parties to work towards that end.

- c. Having said that, China notes that MOP 6 has no consensus on the meeting arrangement. The current arrangement is temporary upon a ruling by the Chair and only applied for this meeting. We believe SIOFA will arrange the meeting in a more appropriate way at next year's meeting, in accordance with the Agreement.
201. Chinese Taipei stated that:
- a. This year is important for us that we formally participate in the SIOFA meeting. I must thank everyone involved in the whole process facilitating our participation. We believe that SIOFA will remain as a professional fishery organization and refrain from political interference. Chinese Taipei will cooperate with all parties and play a constructive role to pursue our common goals.
202. Australia stated that:
- a. Australia notes that Mauritius has clarified that it is claiming 'historic traditional fishing rights', not 'historic rights', on the Saya de Malha Bank.
  - b. It is unfortunate that Mauritius has been unable to provide the Meeting of the Parties with more detail about its claims.
  - c. UNCLOS establishes the legal regime for maritime zones and the allocation of associated rights and obligations. It reflects a delicate balance.
  - d. We do not consider that the exercise of high seas freedoms under international law gives rise to historic rights.
  - e. In light of this we are unclear as to how a claim for historic rights could be made over an area of high seas consistent with high seas freedoms.
  - f. We take this opportunity to make it clear that Australia has not acquiesced to Mauritius' claims.
203. The Mauritius delegation stated that reference has been made to historic/traditional fishing rights and not "historic rights".
204. Thailand stated that as a Party to SIOFA, they have the right to explore and exploit fisheries resources in the SIOFA Agreement Area and this is in conformity with UNCLOS. In regard to the claim of Mauritius, Thailand reserves its right to attest this claim.

### **Agenda Item 22 – Adoption of the report**

205. The Chair sought the agreement of the Meeting of the Parties to consider a process to adopt the meeting report that deviates from the process outlined in Rule 15 of the Rules of Procedure, given the late hour. The Chair, under Rule 13.2 of the Rules of Procedure proposed that the Meeting of the Parties review and adopt decision points in the report during MoP6, however discussion elements of the report would be adopted intersessionally as permitted by Rule 13.1 and within a specified time frame suggested by the Chair.
206. The Meeting of the Parties agreed to the Chair's suggested process for adopting the meeting report, and proceeded to adopt decision points under this agenda item, noting that these could not be changed through the intersessional report adoption process. The Chair proposed that meeting participants would provide comments to the Chair by no later than the 26<sup>th</sup> July 2019, after which comments would be incorporated and the final report redistributed by 2<sup>nd</sup> August 2019.

207. **The Meeting of the Parties AGREED that comments on the draft meeting report would be submitted to the Secretariat by 26 July 2019 and the meeting report will be adopted intersessionally.**

### **Agenda Item 23 – Close of the meeting**

208. Chinese Taipei provided a statement in Annex S.
209. The Chair closed the meeting at 11:15pm on 05 July 2019.

## List of Annexes

|         | Page   |     |
|---------|--|-----|
| Annex A | Opening speech Deputy Permanent Secretary for the Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping of Mauritius | 30  |
| Annex B | List of meeting participants   | 34  |
| Annex C | Agenda   | 36  |
| Annex D | List of Meeting Documents  | 40  |
| Annex E | SIOFA Compliance Report  | 43  |
| Annex F | CMM 2019/01 Interim Management of Bottom Fishing   | 70  |
| Annex G | CMM 2019/15 Management of Demersal Stocks in the Agreement Area  | 85  |
| Annex H | CMM 2019/02 Data Standards   | 94  |
| Annex I | CMM 2019/07 Vessel Authorization   | 116 |
| Annex J | CMM 2019/10 Monitoring of Fisheries in the Agreement Area  | 119 |
| Annex K | CMM 2019/14 High Seas Boarding and Inspection Procedures   | 132 |
| Annex L | CMM 2019/12 Conservation and Management of Sharks  | 154 |
| Annex M | CMM 2019/13 Mitigation of Seabird Bycatch  | 157 |
| Annex N | DSCC Statement on toothfish  | 162 |
| Annex O | DSCC Statement on encounter protocols  | 163 |
| Annex P | Terms of Reference for the PAEWG   | 165 |
| Annex Q | SIOFA budget and SC activities   | 167 |
| Annex R | SIOFA Technical Editing Process  | 169 |
| Annex S | Statement from Chinese Taipei  | 171 |