

4th Meeting of the Southern Indian Ocean Fisheries Agreement (SIOFA) Scientific
Committee

25-29 March 2019, Yokohama, Japan

Straw man paper on Scientific Research and
on New or Exploratory Fisheries in the SIOFA Area

Relates to agenda item: 12.1

Working paper Info paper

Delegation of the European Union

Abstract

[At MoP5 the European Union volunteered to progress the work towards the elaboration of a framework governing scientific research and new or exploratory fisheries in the SIOFA area.

Following a review of various conservation and management measures (CMMs) already adopted in other RFMOs and an initial internal consultation, a first attempt to assemble the key elements of such a framework and adapt them in the SIOFA context has been undertaken.

The preliminary result of this exercise is presented here in the form of a straw man paper aiming at triggering discussion at the Scientific Committee meeting of SIOFA, in view of identifying shortcomings, gaps, inconsistencies etc, and providing comments and suggestions that would allow progressing the ongoing work.

*In particular, but not limited to that, there is a need to define key concepts such as “**scientific research**” in the context of this future framework in SIOFA, as well as, the role of the Scientific Committee in the proposed processes.*

Recommendations *(working papers only)*

1. [The SC is invited to review and discuss this paper]
 2. [The SC is invited in particular to propose possible definitions for “scientific research” in the SIOFA context, provide comments on the various elements included in the document, identify gaps and provide options for addressing them.]
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Straw man paper on Scientific Research and on New or Exploratory Fisheries in the SIOFA Area

(Prepared by the European Union)

At MoP5 the European Union volunteered to progress the work towards the elaboration of a framework governing scientific research and new or exploratory fisheries in the SIOFA area.

Following a review of various conservation and management measures (CMMs) already adopted in other RFMOs and an initial internal consultation, a first attempt to assemble the key elements of such a framework and adapt them in the SIOFA context has been undertaken.

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Objective

1. The objective of this CMM is to govern the undertaking of scientific research and the management of new or exploratory fisheries in the SIOFA Area, to ensure that there is a clear legal framework for scientific research and that any novel fisheries are developed and managed based on a precautionary approach.

Application and definitions

2. This CMM applies to all Contracting Parties, cooperating non-Contracting Parties (CNCPPs) and participating fishing entities (PFEs) engaged in fishing operations for scientific research purposes and in any fishing activity in the context of new or exploratory fisheries in the SIOFA Area.
3. For the purposes of this CMM, a fishery shall be considered as “new or exploratory” when one or more of the following conditions is/are met:
 - a) no known fishing activity has been recorded in the past in the new or exploratory area concerned;
 - b) the proposed exploratory area falls outside any defined fishing footprint or core fishing areas as defined by CPCs.
 - c) the fishery has not been active (i.e., no fishing activities undertaken) in the previous [x] years; or,
 - d) the fishery has not been subject to fishing by a particular gear type or technique in the previous [x] years; or,

- e) the fishery has been active in the previous [x] years pursuant to this CMM, and a decision has not yet been taken by the MoP in relation to its status and management.
4. For the purposes of this CMM “scientific research” is defined as [SC suggestions for definition and framing of related activities in the SIOFA context].

Provisions governing fishing for scientific research in SIOFA

5. Latest at its 6th annual meeting the Scientific committee shall develop a template for the SIOFA Research Activities Plan (RAP) for the purpose of this CMM. [Format and content of the RAP: to be developed by the SC. For inspiration see CCAMLR CM 24-01 (2018)]. At minimum, RAPs shall include clearly stated scientific objectives, a detailed survey design and a plan for dissemination of scientific outputs and knowledge.
6. Any Contracting Party, CNCP and PFE seeking to authorise any vessel flying its flag to conduct fishing for scientific research purposes shall submit a RAP, following the template referred to in paragraph 4, to the Scientific Committee at least 30 days prior to the commencement of its ordinary meeting.
7. Contracting Parties, CNCPs and PFEs conducting scientific research shall report to the Secretariat within 5 days after the completion of the survey. A summary of the results of the research undertaken shall be provided to the Secretariat within 180 days from the completion of the survey. The Secretariat, will ensure that the report is submitted to the Scientific Committee at least 30 days before its annual meeting.
8. Catches occurring during the implementation of a RAP will be accounted as part of any applicable catch limits for the Member implementing the RAP, for the species and stock/area concerned.

Provisions governing “new or exploratory fisheries”

9. Any Contracting Party, CNCP and PFE seeking to authorise any vessel flying its flag to fish in a new or exploratory fishery, shall, at least 30 days prior to the commencement of the ordinary meeting of the Scientific Committee:
 - a) submit an application to the Secretariat for its individual new or exploratory fishery, including information in accordance with paragraphs 2 of CMM 07-2017 (Vessel Authorisation); [template?]
 - b) prepare and submit a “new or exploratory fisheries plan” (NEFiP) for the fishing season to the Scientific Committee with the following information:
 - i. nature of the new or exploratory fishery, including target species, methods of fishing, and maximum catch levels;
 - ii. full details of the vessel participating in this activity;
 - iii. specification and full description of the types of fishing gear to be used;
 - iv. duration and timeframe (including starting and ending dates). The maximum duration will not exceed [three] years. It might be extended for [three] additional years by the MoP based on advise of the SC;
 - v. potential impact of fishing activity on the ecosystem of the new or exploratory fishery;

- vi. information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield;
- vii. if the proposed fishing activity is bottom fishing, as defined in CMM 01-2018 (Interim Management of Bottom Fishing), the assessment of the impact of their flagged vessels' bottom fishing activities, prepared pursuant to paragraph 14(a) of CMM 01-2018 (Interim Management of Bottom Fishing).

10. Contracting Parties, CNCP and PFE shall ensure that vessels flying their flag, participating in a new or exploratory fishery, collect and provide the required data to the Secretariat in accordance with SIOFA data standards (CMM2018/02).

General provisions for scientific research and new or exploratory fisheries

- 11. Contracting Parties, CNCPs and PFEs shall ensure that their flagged vessels conducting scientific research or participate in a new or exploratory fishery, comply with SIOFA CMMs in force.
- 12. Contracting Parties, CNCPs and PFEs shall not permit their flagged vessels to conduct scientific research and participate in a new or exploratory fishery without approval from the Meeting of the Parties.
- 13. Contracting Parties, CNCPs and PFEs shall ensure that any vessel that flies their flag only conduct scientific research in accordance with the corresponding RAP, or participates in a new or exploratory fishery in accordance with the corresponding NEFiP, prepared and approved in respect of that vessel's proposed fishing activity.
- 14. Notwithstanding paragraph 13, Contracting Parties, CNCPs and PFEs shall be entitled to authorise the conduct of scientific research or the participation in a new or exploratory fishery by a vessel other than that identified respectively in the RAP or NEFiP, if the initially notified vessel is prevented from participation due to legitimate operational or force majeure reasons. In such circumstances, the Member concerned shall immediately inform the Secretariat thereof, providing:
 - i. full details of the intended replacement vessel(s);
 - ii. a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence;
 - iii. a confirmation that the other elements of the RAP or NEFiP approved by the MoP will not be modified.

The Secretariat shall immediately circulate this information to all Contracting Parties, CNCPs and PFEs.

- 15. Each Contracting Party, CNCP and PFE shall ensure that any vessel flying its flag, engaged in research activities or participating in a new or exploratory fishery, shall carry at least one independent scientific observer dedicated to the collection of data throughout the duration of these activities.

Scientific Committee

16. At its annual meeting, the Scientific Committee shall consider any new RAPs and NEFiPs submitted and any other relevant information.

17. The Scientific Committee shall provide recommendations and advice on RAPs and NEFiPs to the Meeting of the Parties.
18. The Scientific Committee at each annual meeting shall review available data and reports from ongoing or ended RAPs and NEFiPs, in view to enabling an assessment of the stocks covered by these plans, the feasibility and appropriateness of establishing a fishery and the impact of fishing activities on non-target, associated or dependent species and the marine ecosystem in which these plans apply.
19. The Scientific Committee might request updated reports on the outcomes of RAPs and NEFiPs.

Meeting of the Parties

20. The Meeting of the Parties taking into account the recommendations and advice of the Scientific Committee shall decide whether to authorise scientific research in accordance with the corresponding RAP and the new or exploratory fishery in accordance with the corresponding NEFiT.
21. The Meeting of the Parties may amend RAPs and NEFiTs as necessary.

Review

22. When the RAP and the NEFiP expire, any Contracting Party CNCP and PFE may submit a new plan to the Scientific Committee in accordance with paragraphs 4.
23. This CMM shall be reviewed no later than at the [xth] ordinary Meeting of the Parties. This review shall take into account; inter alia, the latest advice of the Scientific Committee on previous or ongoing scientific research activities and new or exploratory fisheries in the SIOFA area.