

**8<sup>th</sup> Meeting of the Compliance Committee (CC8) and 11<sup>th</sup> Meeting of the Parties (MoP11)***Seoul, Republic of Korea, 26–28 June 2024 and 01-05 July 2024***MoP-11-29 rev.2****Conservation and Management Measure for New Benthic Protected Areas (BPAs) in the Agreement Area (New BPAs)**

Cook Islands

<b>Meeting</b>	Compliance Committee ✓ Meeting of the Parties ✓
<b>Document type</b>	working paper ✓ information paper <input type="checkbox"/>
<b>Distribution</b>	Public ✓ Restricted <sup>1</sup> <input type="checkbox"/> Closed session document <sup>2</sup> <input type="checkbox"/>
<b>Abstract</b>	
<p>This proposal seeks to increase the level of benthic protection through the development of additional Benthic Protected Areas (BPAs) currently in force in the waters of the Southern Indian Ocean Fisheries Agreement by the Cook Islands to their fishing vessels since 2008. The formalization of these voluntary closures that are applied by the Cook Islands to their fishing vessels will ensure the effectiveness of these measures and consistency through the application of these BPAs by all CCPs.</p> <p><u>These BPAs were originally proposed following on from FAO led meetings in South Africa and Mauritius in 2006. The FAO proposal to create these BPAs, along with the data analysis and detailed bathymetry, is presented in the 2006 FAO Fisheries Circular. No. 1020<sup>3</sup>. This document outlines options for specifying these BPAs and the importance of BPAs in managing the benthic impacts of bottom trawling. This proposal aims to formalise these BPAs which have been designated voluntary and adhered to for the last 16 years and which pre-date the establishment of SIOFA. As such, the establishment of these BPAs was undertaken before SIOFA was established and the SC operational.</u></p>	

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<sup>2</sup> Documents available only to members invited to closed sessions.

<sup>3</sup> <http://www.fao.org/3/a-a0726e.pdf>.

It is noted that the SC is planning a workshop on future MPA designation (but not a review of existing BPAs either interim or voluntary CCP BPAs). The SC has had extensive discussion on benthic protection and the need to prevent serious adverse impact on VMEs. The current interim BPAs have had an interim status for many years, and it is time that we mandated these closures. In addition, the Cook Islands voluntary closures have been in force since 2008 and have been adopted by other CCPs as part of their BFIA.

The SC recalled that it had previously recommended that the MoP consider a table of expected performance of different management measures and voluntary industry actions intended to minimise trawling effects (SC8 report para 288). The MoP has also previously requested the SC to discuss management options for preventing serious adverse impact on VMEs with a focus on the precautionary approach and spatial management measures as well as other options. But the SC has been unable to undertake detailed analyses of these due to the magnitude of the work required (SC9 report paragraph 303), but we also note that much of this work was already undertaken in 2006.

This proposal intends to move this matter forward, by applying a precautionary approach to VME management. We propose to formalise the interim protection provided within CMM-01 and build on that, to include existing voluntary BPAs. This measure and the BPAs within it can be periodically reviewed as new information comes to light.

The Cook Islands also considers that BPA's are likely the most effective way to avoid serious adverse impacts on VMEs, which has been the impetus for this proposal.

Changes in this revision include editorial changes to the preambular text, abstract and revisions to paragraphs 1-3 and 7.

Rev.2 changes are highlighted along with corrected paragraph numbers.

**Recommendations** (for proposals and working papers only)

- For CC8 to review the proposal and recommend its adoption to MoP11.
- For MoP11 to review and adopt the proposal.

**CMM XX(2024)**

**Conservation and Management Measure for New Benthic Protected Areas (BPAs) in the Agreement Area (New BPAs)**

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

*RECALLING* Article 4(a) of the *Southern Indian Ocean Fisheries Agreement* (the Agreement) which calls on the Contracting Parties, in giving effect to the duty to cooperate, to adopt measures on the basis of the best scientific evidence available to ensure the long-term conservation of fishery resources, taking into account the sustainable use of such resources and implementing an ecosystem approach to their management;

*FURTHER RECOGNISING* Articles 4(c), (d), (e) and (f) of the Agreement which call on the Contracting Parties to apply the precautionary approach and the principles that measures shall be taken to ensure that the level of fishing activity is commensurate with the sustainable use of the fishery resources, that fishing practices and management measures shall take due account of the need to minimise the harmful impact that fishing activities may have on the marine environment, and that biodiversity in the marine environment shall be protected;

*FURTHER RECOGNISING* Articles 6(1)(d) and (e) of the Agreement which provide that the Meeting of the Parties shall adopt conservation and management measures (CMMs) necessary for ensuring the long-term sustainability of fishery resources, taking into account the need to protect marine biodiversity, based on the best scientific evidence available and adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

*COMMITTED* to ensuring that bottom fishing undertaken in the SIOFA Area of Application (the Agreement Area) is consistent with the long-term sustainability of deep-sea fish stocks and the protection of the marine environment;

*NOTING* the requirements in CMM 01(2023) on the Management of Bottom Fishing in the Agreement Area which place a number of obligations on Contracting Parties, cooperating non-Contracting Parties and participating fishing entities who intend to authorise their flagged vessels to engage in any bottom fishing in the Agreement Area;

*AGREEING* on the continued need to develop benthic protected areas with [in](#) the Agreement Area in accordance with the principles set out in Article 4 of the Agreement.

**ADOPTS the following CMM in accordance with Articles 4 and 6 of the Agreement:**

**Objective**

1. The objective of this CMM is increase the level of benthic protection through the development of additional Benthic Protected Areas (BPAs) currently in force in the waters of the Southern Indian Ocean Fisheries Agreement. ~~In particular, this CMM is intended to formalize current voluntary closures that are applied by Cook Islands to their fishing vessels making these closures applicable to all fishing vessels operating in the waters of the SIOFA area.~~  
~~No bottom fishing shall be allowed in the BPAs in Table 1 with the exception of the Southern Indian Ridge where bottom longlining will be allowed for existing fleets that have toothfish fisheries in that area.~~

**General provisions and definitions**

2. No bottom fishing shall be allowed in the BPAs in Table 1, with the exception of the Southern Indian Ridge where only bottom trawl fishing will be prohibited.
- ~~2.3.~~ This CMM applies to all fishing vessels flying the flag of a Contracting Party, cooperating non-Contracting Party, participating fishing entity or cooperating non-participating fishing entity (collectively CCPs) to the Agreement Area ~~currently engaging or intending to engage in any including fishing activities that fall within the scope of new and exploratory fisheries, as defined in CMM XX [adopted in 2024], in the Agreement Area.~~
- ~~3.4.~~ For the purpose of this CMM
  - a. 'bottom fishing' means fishing using any gear type likely to come in contact with the seafloor or benthic organisms during the normal course of operations. This includes both trawling and demersal longlining, and trap fisheries.
  - b. 'SIOFA bottom fishing footprint' means the map of the spatial extent of historical bottom fishing in the Agreement Area, for all vessels flagged to all CCPs, adopted by the Meeting of the Parties in 2023.
  - c. 'BPA' means Benthic Protected Area where no bottom fishing will be permitted. Table 1 highlights the latitude and longitude coordinates of the BPAs and a map of the BPAs is included at annex 1.

**Reporting requirements when transiting BPAs**

- ~~4.5.~~ The Master shall report to the Secretariat and it's flag state, when transiting, 24 hours prior to the entry into, or exit from, a Benthic Protected Area.
- ~~5.6.~~ Each such report shall contain the following information –
  - (i) Report type (ZENT for entry and ZEXT for exit)
  - (ii) Vessel name
  - (iii) Flag state
  - (iv) IMO Number

- (v) Trip start date i.e. date of departure from port
- (vi) Date and time (GMT)
- (vii) International Radio Call Sign (IRCS)
- (viii) Position of entry or exit latitude/longitude (to one tenth of a minute of arc)
- (ix) Intended action OR action carried out prior to exit
- (x) Catch on board by weight (kilograms) by species

## Review

~~6.7.~~ [The BPAs specified in Table 1](#) ~~This CMM~~ shall be reviewed no later than at the ordinary Meeting of the Parties in ~~[2025]~~ [\[2025\]](#). The review shall take into account, *inter alia*, international best practices and the most recent advice of the Scientific Committee on fisheries impacts on ~~B~~enthic areas [including the Scientific Committee's work on the future marine protected area designation](#).

**Table 1. SIOFA Benthic Protected Areas**

	Area	Coordinates			
		Position	Position	Position	Position
1	<i>Gulden Draak</i>	28° 00'S 98° 00'E	29° 00'S 98°00'E	28° 00'S 99°00'E	29° 00'S 99°00'E
2	<i>Rusky</i>	31° 20'S 94° 55'E	31° 30'S 94° 55'E	31 ° 20'S 95° 00'E	31 ° 30'S 95° 00'E
3	<i>Fools-Flat</i>	31° 30'S 94° 40'E	31 ° 40'S 94° 40'E	31° 30'S 95° 00'E	31° 40'S 95° 00'E
4	<i>East Broken Ridge</i>	32° 50'S 100° 50'E	33 ° 25'S 100° 50'E	32° 50'S 101° 40'E	33 ° 25'S 101° 40'E
5	<i>Mid-Indian Ridge</i>	13° 00'S 64° 00'E	15° 50'S 64° 00'E	13° 00'S 68° 00'E	15° 50'S 68° 00'E
6	<i>Atlantis Bank</i>	32° 00'S 57° 00'E	32° 50'S 57° 00'E	32° 00'S 58° 00'E	32° 50'S 58° 00'E
7	<i>Bridle</i>	38° 03'S 49° 00'E	38° 45 'S 49° 00'E	38° 03'S 50° 00'E	38° 45'S 50° 00'E
8	<i>Walters Shoal</i>	33 ° 00'S 43° 10'E	33° 20'S 43° 10'E	33 ° 00'S 44° 10'E	33° 20'S 44° 10'E
9	<i>Coral</i>	41 ° 00'S 42° 00'E	41° 40'S 42° 00'E	41 ° 00'S 44° 00'E	41° 40'S 44° 00'E
10	South Indian Ridge (North/South) <i>This region abuts the CCAMLR managed zone to the south and lies between the South African EEZ around Prince Edward and Marion Islands to the west and the French EEZ surrounding Crozet Island to the east. The estimated points of contact with the EEZ areas are: 44°S; 40.878°E; 44°S; 46.544°E; 45°S; 42.124°E; 45°S, 45.711°E.</i>	44° 00'S 40°52'40.8E	45 ° 00'S 42°07'26.4E	44° 00'S 46°32'38.4E	45 ° 00'S 45°42'39.6E
11	<i>Banana</i>	30° 20'S 45° 40'E	30° 30'S 45° 40'E	30° 20'S 46° 00'E	30° 30'S 46° 00'E
12	<i>Middle of What (MoW)</i>	37° 54'S 50° 23'E	37° 56'5S 50° 23'E	37° 54'S 50° 27'E	37° 56'5S 50° 27'E

**Annex 1. Map of SIOFA Benthic Protected Areas**

