



10<sup>th</sup> Meeting of the SIOFA Compliance Committee (CC10) and 13<sup>th</sup> Meeting of the Parties to SIOFA (MoP13)

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CC-10-32 / MoP-13-32

# Proposal for a new CMM on promoting the objectives of SIOFA through cooperation with the BBNJ Agreement

France Overseas Territories

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| <b>Abstract</b>  |   |
| <p>This proposal aims at promoting the objectives of SIOFA through cooperation with the BBNJ Agreement which entered into force on the 17<sup>th</sup> of January 2026. Its purpose is to facilitate the consideration of RFMO's competences, objectives, knowledge and governance within the BBNJ decision-making process.</p> <p>During its annual session 2026, the IOTC has adopted a resolution (26/XX) pursuing identical goals. This CMM presents a similar approach in wording, in order to establish a coherent framework within the RFMO's of the Indian Ocean.</p> <p>France-OT welcomes comments from CCPs on this proposal and its best way of implementation in SIOFA.</p> |   |

<sup>1</sup> Restricted documents may contain confidential information. Please do not distribute restricted documents in any form without the explicit permission of the SIOFA Secretariat and the data owner(s)/provider(s).

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

**Recommendations**

- The MoP to **consider** the proposal
- The MoP to **adopt** the proposal

## CMM 26/XX on promoting the objectives of SIOFA through cooperation with the BBNJ Agreement (the Agreement under the United Nations Convention on the law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction)

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

*RECOGNISING* the adoption of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement) on 19 June 2023 and its entry into force on 17 January 2026;

*RECALLING* that the BBNJ Agreement “shall be interpreted and applied in a manner that does not undermine relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies and that promotes coherence and coordination with those instruments, frameworks and bodies” (Article 5(2) BBNJ Agreement);

*FURTHER RECALLING* that Parties of the BBNJ Agreement shall be guided by a set of principles and approaches set out in Article 2 and 4 of the Agreement;

*RECOGNISING* that Parties of the BBNJ Agreement “shall cooperate under the BBNJ Agreement for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including through strengthening and enhancing cooperation with and promoting cooperation among relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies in the achievement of the objectives of” the BBNJ Agreement (Article 8(1) BBNJ Agreement);

*RECALLING* that the Conference of the Parties of the BBNJ Agreement has the competence to take decisions on the establishment of area-based management tools, including marine protected areas, and related measures in areas beyond national jurisdiction (Article 22(1)(a) BBNJ Agreement);

*FURTHER RECALLING* that the Conference of the Parties of the BBNJ Agreement “may take decisions on measures compatible with those adopted by relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, in cooperation and coordination with those instruments, frameworks and bodies” (Article 22(1)(b) BBNJ Agreement);

*FURTHER RECALLING* that the Conference of the Parties of the BBNJ Agreement “may, where proposed measures are within the competences of other global, regional, subregional or sectoral bodies, make recommendations to Parties to this Agreement and to global, regional, subregional and sectoral bodies to promote the adoption of relevant measures through such instruments, frameworks and bodies, in accordance with their respective mandates” (Article 22(1)(c) BBNJ Agreement);

*NOTING* that, in relation to decisions concerning area-based management tools under the BBNJ Agreement, the Conference of the Parties of the BBNJ Agreement “shall respect the competences

of, and not undermine, relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies” (Article 22(2) BBNJ Agreement);

*EMPHASISING* that the Southern Indian Ocean Fisheries Agreement is the relevant regional and sectoral body with the competence to adopt binding conservation and management measures for SIOFA’s species;

*NOTING* that engagement of the SIOFA with the BBNJ Agreement is important to ensure that SIOFA effectively achieves its objectives;

*NOTING* that Part V and Annex II of the BBNJ Agreement provide for capacity-building and transfer of marine technology initiatives, which may include “increasing cooperative links between regional institutions, for example, North-South and South-South collaboration and collaboration among [...] regional fisheries management organizations” and “the establishment or strengthening of the institutional capacities of relevant national and regional organizations and institutions”;

**ADOPTS, in accordance with Article 4 and 6 of the Agreement, the following:**

### ***Terminology***

1. For the purpose of this CMM:

- (a) “CCPs” means Contracting Parties and Non-Contracting Cooperating Parties, as well as Participating Fishing Entities, to the Agreement.
- (b) “SIOFA Species” means all species of fish listed in paragraph (f) of Article 1 of the Agreement.
- (c) “BBNJ Agreement” means the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction adopted on 19 June 2023.
- (d) “BBNJ COP” means the Conference of the Parties of the BBNJ Agreement.
- (e) “BBNJ Secretariat” means the Secretariat of the BBNJ Agreement COP, pursuant to Article 50 of the BBNJ Agreement.
- (f) “BBNJ Clearing-House Mechanism” means the Clearing-House Mechanism pursuant to Article 51 of the BBNJ Agreement.
- (g) “BBNJ Scientific and Technical Body” means the Scientific and Technical Body established under Article 49 of the BBNJ Agreement.
- (h) “Area-based management tool” or “ABMT” means a tool, including a marine protected area, for a geographically defined area through which one or several sectors or activities are managed with the aim of achieving particular conservation and sustainable use objectives in accordance with the BBNJ Agreement as defined by Article 1(1) of the BBNJ Agreement.
- (i) “Marine protected area” means a geographically defined marine area that is designated and managed to achieve specific long-term biological diversity conservation objectives and may allow, where appropriate, sustainable use provided it is consistent with the conservation objectives as defined by Article 1(9) of the BBNJ Agreement.
- (j) “Environmental impact assessment” means a process to identify and evaluate the

potential impacts of an activity to inform decision-making.

- (k) “EEZ” means the Exclusive Economic Zone as defined in Article 55 of the United Nations Convention on the Law of the Sea.
- (l) “RFMO” means a regional fisheries management organization.
- (m) “RFB” means a regional fisheries body as defined by the FAO.<sup>3</sup>

### ***Participation of CCPs in the BBNJ Agreement***

2. CCPs are encouraged to:

- (a) ratify, approve, accept or accede to the BBNJ Agreement (where they have not already done so);
- (b) participate in the meetings of the BBNJ COP, future BBNJ COPs and relevant meetings of its subsidiary bodies and improve coordination mechanisms within the SIOFA area of competence with a view to ensure that the perspectives of SIOFA are reflected in the discussions and work of the BBNJ COP and its subsidiary bodies, where appropriate;
- (c) engage with other CCPs and interested Parties to the BBNJ Agreement in relation to the development of proposals for ABMTs within the SIOFA area of competence;
- (d) respond to invitations to consult on specific proposals for ABMTs as well as on other elements of the BBNJ Agreement which are relevant to SIOFA;
- (e) under the guidance of the Meeting of the Parties, consult, through their competent authorities responsible for fisheries matters, with relevant SIOFA bodies and other CCPs, when developing specific proposals under the BBNJ Agreement with potential implications for fisheries managed by SIOFA.
- (f) access and use the BBNJ Clearing-House Mechanism, subject to its operating terms, to provide and retrieve data and information relevant to the conservation and management of SIOFA species, as appropriate.

3. In implementing paragraph 2 of this CMM, CCPs are encouraged to ensure, through their competent authorities responsible for fisheries matters and, if they so choose, through other relevant authorities, that the competence, processes, timeline and work of SIOFA is duly taken into account in the framework of the BBNJ Agreement, where appropriate, and are encouraged to explore all possible ways in which the Meeting of the Parties could take an active role in the discussions concerning the implementation of the BBNJ Agreement, including through cooperation with other RFMOs and RFBs.

### ***Tasks of the Secretariat***

4. Noting the ongoing and future work to prepare a decision on arrangements to enhance cooperation and coordination between the BBNJ Agreement and relevant legal instruments, frameworks, and global, regional, subregional, and sectoral bodies, and subject to the outcomes of the first meeting of the BBNJ COP, the SIOFA Executive Secretary shall, as appropriate, establish a mechanism, including formal communication channels, with the BBNJ Secretariat:

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<sup>3</sup> See <https://www.fao.org/fishery/en/rfb>: “mechanisms through which parties to international fishery agreements or arrangements collaborate on conserving, managing, and developing fisheries.”

- (a) identify and collect information and data relevant to the work of SIOFA from the BBNJ Clearing-House Mechanism, including on suitable opportunities for capacity-building and the transfer of marine technology;
- (b) submit to, as appropriate and subject to its operating terms, the BBNJ Clearing-House Mechanism, with the consent of the Meeting of the Parties, requests for suitable capacity-building and the transfer of marine technology and opportunities with respect thereto, including research collaboration and training opportunities, information on sources and availability of technological information and data for the transfer of marine technology, opportunities for facilitated access to marine technology and the availability of funding;
- (c) in submitting requests for capacity-building and the transfer of marine technology pursuant to Article 13 of the Agreement, the SIOFA Executive Secretary shall give due consideration, where applicable under the mandate of the SIOFA and consistent with the Agreement and Rules of Procedure, to the needs of developing CCPs, including coastal developing States and Small Island Developing States, including those requiring support for scientific participation, data systems, monitoring, control and surveillance, and engagement in BBNJ-related processes.
- (d) receive invitations to provide information to the BBNJ COP on the implementation of measures that SIOFA has adopted to achieve the objectives of ABMTs, subject to the modalities for the operation of the Clearing-House Mechanism;
- (e) provide and disseminate information on SIOFA conservation and management measures and, with the consent of the Meeting of the Parties and subject to confidentiality requirements, on monitoring, control and surveillance tools that could be of relevance in monitoring and ensuring compliance with ABMTs, through the BBNJ Clearing-House Mechanism;
- (f) receive notifications and invitations from the BBNJ Secretariat to participate in the consultation and assessment of proposals for ABMTs in the SIOFA area of competence under Article 20(2)(b) BBNJ Agreement and emergency measures under Article 24(2) BBNJ Agreement;
- (g) participate, with a mandate adopted by the Meeting of the Parties, in the consultation and assessment of proposals for ABMTs referred to in subparagraph (f);
- (h) receive recommendations to adopt ABMTs and other relevant measures within the competence of the SIOFA from the BBNJ COP under Article 22(1)(c) BBNJ Agreement and communicate the Meeting of the Parties' position on such recommendations;
- (i) monitor and provide periodic updates to CCPs on compliance mechanisms regarding ABMTs established in the framework of the BBNJ Agreement that might have implications for SIOFA conservation and management measures;
- (j) monitor and provide timely information to the SIOFA Scientific Committee on any Environmental Impact Assessment developed under Part IV of the BBNJ Agreement that might have implications for SIOFA conservation and management measures;
- (k) in collaboration with the SIOFA Scientific Committee and with the approval of the Meeting of the Parties, provide input to the BBNJ Scientific and Technical Body regarding scientific work of the SIOFA relevant to the implementation of the BBNJ Agreement;
- (l) facilitate engagement with the SIOFA Scientific Committee and its subsidiary bodies to

ensure that measures and processes under the BBNJ Agreement consider potential impacts on SIOFA Species and incorporate appropriate scientific input;

(m) contribute, with approval of the Meeting of the Parties, to any joint programme of work developed in the framework of the BBNJ Agreement in support of cooperation activities with relevant sectoral bodies.

5. The SIOFA Executive Secretary shall, as appropriate, coordinate with the Secretariats of other RFMOs and RFBs on matters related to the BBNJ Agreement to promote coherence and avoid duplication, taking into account existing practices of other RFMOs and the cooperation arrangements under the BBNJ Agreement.

6. The SIOFA Executive Secretary shall, as appropriate, notify CCPs of:

- (a) any relevant and suitable opportunities for capacity-building and the transfer of marine technology identified pursuant to Article 13 of the Agreement;
- (b) any relevant developments regarding proposals for ABMTs in the SIOFA area of competence, including decisions of the BBNJ COP;
- (c) any notification and invitation received from the BBNJ Secretariat concerning a consultation and assessment under paragraph 4 of this CMM;
- (d) any recommendations of the BBNJ COP under paragraph 4 hereinabove.

7. The SIOFA Executive Secretary will periodically submit information papers containing all relevant updates concerning paragraphs 4 to 6 of this CMM to the Meeting of the Parties for consideration.

#### ***Role of the Meeting of the Parties***

8. At its annual Sessions, the Meeting of the Parties shall:

- (a) hold discussions and take positions, as appropriate, regarding relevant proposals for ABMTs under Article 21(2)(b) BBNJ Agreement and emergency measures under Article 24(2) BBNJ Agreement;
- (b) hold discussions and take positions, as appropriate, regarding recommendations from the BBNJ COP under Article 22(1)(c) BBNJ Agreement to adopt ABMTs and other relevant measures within the competence of the SIOFA, if any;
- (c) provide the SIOFA Executive Secretary, on a case-by-case basis and as appropriate, with mandates and instructions for relevant matters under paragraph 4 of this CMM;
- (d) the BBNJ Agreement shall be a standing agenda item at the annual Sessions of the Meeting of the Parties, which shall review progress on cooperation with other RFMOs and RFBs.

#### ***Scientific work and recommendations***

9. CCPs shall endeavour to undertake research on conservation and sustainable use of marine biological diversity and ecosystems in the high seas of the SIOFA area of competence, in particular with respect to threatened and endangered species and those vulnerable to fisheries under the competence of the SIOFA.

10. CCPs shall make the results of any research pursuant to paragraph 9 of this CMM available to the SIOFA Scientific Committee.

11. The SIOFA Scientific Committee shall make use of relevant information as published through the BBNJ Clearing-House Mechanism and shall support the Secretariat in the timely implementation of relevant provisions under paragraph 4 of this CMM.

***Final provisions***

12. The Meeting of the Parties shall review this CMM at its annual Sessions, with a more comprehensive review after 5 years to assess the legal implications, potential financial and administrative burden and the risk of duplication with existing SIOFA processes.