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Next steps in cooperation between CCAMLR and the Southern Indian Ocean Fisheries Agreement (SIOFA)

Submitted by ASOC



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Next steps in cooperation between CCAMLR and the Southern Indian Ocean Fisheries Agreement (SIOFA)

Submitted by ASOC¹

Abstract

CCAMLR and the Southern Indian Ocean Fisheries Agreement (SIOFA) signed an Arrangement last year that included several areas for cooperation between the two organizations. Before this process was completed, however, significant fishing took place in SIOFA waters on toothfish stocks that straddle between the two areas. ASOC believes such fishing was not in the spirit of the Arrangement or the CAMLR Convention, and recommends that CCAMLR take the following steps:

- Convene a joint CCAMLR-SIOFA technical workshop as soon as possible to advance cooperation as specified in the Arrangement.
- Request that SIOFA, at its next Meeting of Parties (MoP), enact Conservation and Management Measures (CMMs) with the same substantive provisions as all CCAMLR CMs relevant to the toothfish fishery.
- Enact a Conservation Measure affirming the responsibility of Members who fish in adjacent areas on CCAMLR straddling stocks to follow all CCAMLR CMs.
- Request SIOFA to adopt the CCAMLR process for setting toothfish TACs as the basis for the TACs of these straddling toothfish stocks in the SIOFA Area.

Background

In 2018, the CAMLR Commission and the Meeting of the Parties (MoP) of the Southern Indian Fisheries Agreement (SIOFA) entered into an “Arrangement” that established several areas for cooperation between SIOFA and CCAMLR, including:

- Exchanging information, including scientific information and information on vessels authorized to fish in the respective areas;
- Harmonising approaches in “areas of mutual interest and concern, including but not limited to target species and bycatch of non-target, associated and dependent species (ecologically related species) compliance monitoring and evaluation schemes”; and
- “Foster[ing] cooperation with the conservation and management measures adopted under the [SIOFA] Agreement and the CMs adopted under the CAMLR Convention.”²

This Arrangement is supportive of Article X of the CAMLR Convention, which concerns the implementation by a Contracting Party with the objective of the Convention,³ and is supportive of Article XI, which concerns the obligations of Contracting Parties in relation to activities in areas adjacent to the Convention Area.³ It is also in line with the SIOFA Final Act, which calls upon its Members to “engage in

¹ Antarctic and Southern Ocean Coalition (ASOC). Lead authors: Claire Christian, Duncan Currie, and WWF.

² SIOFA and CCAMLR. 2018. Arrangement between the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement and the Commission for the Conservation of Antarctic Marine Living Resources. <https://www.ccamlr.org/en/document/organisation/arrangement-siofa>.

³ **Article X(2)** states “The Commission shall draw the attention of all Contracting Parties to any activity which, in the opinion of the Commission, affects the implementation by a Contracting Party of the objective of this Convention or the compliance by that Contracting Party with its obligations under this Convention. **Article XI** states “The Commission shall seek to co-operate with Contracting Parties which may exercise jurisdiction in marine areas adjacent to the area to which this Convention applies in respect of the conservation of any stock or stocks of

cooperation processes with other international fisheries and related organizations in matters of mutual interest.”⁴

CCAMLR has previously adopted resolutions on adjacent areas, including Resolution 10/XII, which states that “Members should ensure that their flag vessels conduct harvesting of such stocks in areas adjacent to the Convention Area responsibly and with due respect for the conservation measures it has adopted under the Convention.” Additionally, Resolution 18/XXI “recommends that Members take steps necessary to conduct only that level of harvesting of *Dissostichus eleginoides* in FAO Statistical Areas 51 and 57, which would ensure the conservation of this species in the Convention Area.”

SIOFA has not established a regime of conservation and management measures anywhere near as extensive as CCAMLR’s. The existing SIOFA CMMs covering bycatch, VMEs and seabirds are also inadequate in terms of conservation outcomes when compared to similar CCAMLR CMs. Aside from catch limits for toothfish established this year, SIOFA has not established catch limits for any other target or bycatch species. Currently, under SIOFA Conservation and Management Measure (CMM) 2018/01, bottom fishing such as toothfish longlining is supposed to be limited to each Contracting Party’s average annual levels over a representative period until the SIOFA Scientific Committee (SC) has provided “advice and recommendations to the Meeting of the Parties on: (a) an appropriate SIOFA bottom fishing footprint”.⁵

Recently, significant fishing on two separate populations of Patagonian toothfish (*Dissostichus eleginoides*) in SIOFA in areas adjacent to the CCAMLR Area has occurred. It is estimated that over 800 tonnes of toothfish have been taken from Williams Ridge and Del Cano Rise in the SIOFA area between 2017 and 2019. Notably, the TACs for toothfish in the high seas areas of CCAMLR statistical subareas 58.5.1, 58.5.2, 58.6 and 58.7, which are all adjacent to the SIOFA Area, are currently set at zero under CCAMLR CM 32-02 to prevent overfishing. This CM was agreed by consensus by all CCAMLR Members. On the other hand, there are catch limits set for the EEZs around Kerguelen Islands, Heard and McDonald Islands, Crozet Islands and Prince Edward and Marion Islands.

The SIOFA SC discussed these fishing operations at their March 2019 meeting and determined that the fish caught in the SIOFA Area are from the same populations as those in CCAMLR. The Williams Ridge population is linked to the Kerguelen Plateau population and the Del Cano Rise population is linked to the Crozet population.^{6,7} This is supported by the fact that toothfish tagged in the Crozet, Kerguelen, and Heard Islands EEZs have recently been recaptured in both of these SIOFA areas.^{8,9} The SIOFA SC also noted that “[g]iven the large catches taken on Williams’ Ridge over a short period, there is also a high risk of localised

associated species which occur both within those areas and the area to which this Convention applies, with a view to harmonising the conservation measures adopted in respect of such stocks.”

⁴ SIOFA Agreement. 2006. Available online at

<https://www.apsoi.org/sites/default/files/documents/SIOFA%20AGREEMENT_EN.pdf>

⁵<http://www.apsoi.org/node/93>.

⁶ Australia. 2019. Population structure of Patagonian toothfish (*Dissostichus eleginoides*) on the Kerguelen Plateau and consequences for the fishery in SIOFA Statistical Area 7. Working paper SC-04-21 .4th Meeting of the SIOFA Scientific Committee.

⁷ SIOFA Scientific Committee. 2019. Report of the Fourth Meeting of the Scientific Committee of the Southern Indian Ocean Fisheries Agreement (SIOFA), paragraph 146.

⁸SIOFA Scientific Committee. 2019. Report of the Fourth Meeting of the Scientific Committee of the Southern Indian Ocean Fisheries Agreement (SIOFA), paragraph 146.

⁹R. Sarralde and S. Barreiro. 2018. Information about tagged Patagonian toothfish (*Dissostichus eleginoides*) tagged in the CCAMLR Convention Area and recovered in the SIOFA management area by two Spanish vessels in 2017/18. WG-FSA-18/53 Rev. 1.

depletion in this relatively small area.”¹⁰ This is especially so, since the catch limits for those populations are already fully taken in CCAMLR. The SIOFA SC therefore agreed that this may undermine CCAMLR’s management objectives if management measures are not coordinated between CCAMLR and SIOFA.¹¹

The SIOFA SC therefore recommended: “*that the MoP [Meeting of the Parties] urgently considers adopting temporary measures to regulate toothfish fishing on William’s Ridge at levels commensurate with fishing activities reported in 2016..., and to regulate toothfish fishing on the Del Cano rise...at levels commensurate with fishing activities reported up to 2016*”.¹² The fishing levels in 2016 were zero at William’s Ridge, and an average of around 17 tonnes at Del Cano Rise in recent years. In July 2019, the SIOFA MoP adopted measures restricting fishing to 55 tonnes at Del Cano Rise and a research allowance of 140 tonnes at William’s Ridge, above that recommended by SIOFA’s Scientific Committee.

Next steps

ASOC was surprised to hear that such high levels of fishing had taken place prior to the conclusion of the agreed harmonization process. This fishing is not in keeping with the spirit of the CAMLR Convention and thus it is particularly surprising that these activities were conducted by vessels flagged by a State that is party to both CCAMLR and SIOFA (the latter as a member of the EU). The Convention obligates Members to harmonize CCAMLR measures with those in adjacent areas. Taking advantage of loopholes does not show respect for existing CCAMLR CMs or for the harmonization process.

It is positive that catch limits were adopted by SIOFA. However; ASOC is disappointed that the advice of the SIOFA SC was not followed. ASOC is also disappointed that the validity of science showing clear linkages between toothfish in the SIOFA and CCAMLR Areas has not been fully accepted.^{13,14}

Between the 1990s and early 2000s, CCAMLR established management measures for toothfish fisheries (including TACs) that protect toothfish populations and protect the environment as well. This work has been extremely successful, with the CCAMLR Area witnessing a steep decline from the high levels of IUU fishing that previously occurred. CCAMLR has also reduced seabird bycatch in longline fisheries to near zero. Therefore, fishing on toothfish in adjacent areas without similar measures will undermine CCAMLR’s work and encourage “forum shopping” with vessels seeking to be licensed by the management organization with the least rigorous rules. This will hamper CCAMLR’s ability to manage its fisheries and put CCAMLR ecosystems at risk. It will also undermine global efforts to raise the bar for ecosystem-based fisheries management.

Recommendations

ASOC recommends that CCAMLR takes several steps at this meeting to address the potential problems posed by fishing in areas adjacent to the CCAMLR Area. CCAMLR urgently needs to send a strong message to the international community that it does not accept the undermining of its objectives in adjacent areas.

¹⁰ SIOFA Scientific Committee. 2019. Report of the Fourth Meeting of the Scientific Committee of the Southern Indian Ocean Fisheries Agreement (SIOFA), paragraph 141.

¹¹ *Ibid*, paras 141 and 146.

¹² SIOFA Scientific Committee. 2019. Report of the Fourth Meeting of the Scientific Committee of the Southern Indian Ocean Fisheries Agreement (SIOFA), paragraphs 143 and 147.

¹³ Anders C. Jessen. 17 July 2019. Letter to Dr Samantha Burgess, Head, Marine Policy WWF on the activities of two Spanish longliners in the SIOFA region.

¹⁴ SIOFA. 2019. Report of the Sixth Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement. 01-04 July 2019, paragraphs 50-60.

ASOC has read the proposal of the EU for a Southern Ocean Cooperation Platform (CCAMLR-38/19), and finds it to be a potentially interesting long-term initiative for reinforcing coordination and cooperation in the region. Nevertheless, in the short term ASOC believes that fulfilling the terms of the CCAMLR-SIOFA Arrangement is of higher priority and will be more effective at resolving these issues and promoting effective cooperation.

There are a number of actions that CCAMLR and SIOFA can undertake immediately under this existing Arrangement. ASOC recommends that at the 2019 meeting, CCAMLR takes the following steps:

- Convene a joint CCAMLR-SIOFA technical workshop as soon as possible to advance cooperation as specified in the Arrangement. This will provide scientists an opportunity to exchange data and information that can lead to harmonization of conservation and management measures.
- Request that SIOFA, at its next MoP, enacts CMMs with the same substantive provisions as all CCAMLR CMs relevant to the toothfish fishery prior to implementing any scientific advice from the technical workshop, including those on seabird bycatch, bycatch, VMEs, observer coverage, and tagging. This will ensure that there is no incentive for forum shopping.
- Enact a Conservation Measure affirming the responsibility of Members who fish in adjacent areas on CCAMLR straddling stocks to follow all CCAMLR CMs to prevent undermining CCAMLR's conservation measures and objectives.
- Request SIOFA to adopt the CCAMLR process for setting toothfish TACs as the basis for the TACs of these straddling toothfish stocks in the SIOFA Area.