

2nd Meeting of the Commission Manta, Ecuador: 27 - 31 January 2014

COMM-02-09

2013 Draft Annual Report

Introduction

Paragraph 1 of Article 29 of the Convention provides that the Commission shall publish an annual report, which shall include details of decisions taken by the Commission to achieve the objective of this Convention. The report shall also provide information on actions taken by the Commission in response to any recommendations from the General Assembly of the United Nations or the FAO.

At the beginning of the year the Commission had eleven members, Australia, Belize, Republic of Chile, Cook Islands, Republic of Cuba, European Union, Kingdom of Denmark in respect of the Faroe Islands, Republic of Korea, New Zealand, Russian Federation, and Chinese Taipei. The People's Republic of China became a member on 6 July 2013, and Vanuatu became a member on 4 December 2013.

The 1st Commission Meeting

At its 1st meeting held in Auckland, New Zealand held from 28 January to 1 February 2013, the Commission adopted 4 Conservation and Management measures¹:

- CMM 1.01 Conservation and management measure for *Trachurus murphyi*,
- CMM 1.02 Conservation and management measure for gill nets in the SPRFMO Convention Area,
- CMM 1.03 Conservation and management measure on standards for the collection, reporting, verification and exchange of data,
- CMMK 1.04 Conservation and management measure establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the SPRFMO Convention Area.

The Commission also adopted budgets for the five month period ending 30 June 2013 and the financial year end 30 June 2014, made three decisions relating to the appointment of officers and granting of the status of Cooperating non-Contract Parties to certain non-members and adopted Rules of Procedure and Financial Regulations

¹ All documents of the Commission are available on the website www.southpacificrfmo.org

The objection by the Russian Federation to CMM 1.01 and the findings of the Review Panel

On 25 April 2013 the Russian Federation presented an objection under Article 17 of the Convention to the Conservation and Management Measure for *Trachurus murphyi* (CMM 1.01), which was adopted by the Commission at its first meeting at the beginning of this year.

The objection maintained that the division of shares in the catch limit of *Trachurus murphyi* for 2013, as set out in CMM 1.01, “demonstrates an unjustifiable discrimination against the Russian Federation in form and in fact, and is inconsistent with the provisions of the Convention”. An alternative measure was proposed that would establish a catch limit in the Convention area in respect of the Russian fisheries. A Review Panel to consider the Objection to CMM 1.01 was established on 21 May 2013.

The Findings and Recommendations of the Review Panel were transmitted to the Executive Secretary in accordance with Article 17 (5) (e) of the Convention and are now available on the website. The Review Panel found that there had been discrimination in form or in fact against the Russian Federation, that the alternative measure was not equivalent in effect to CMM 1.01, and recommended a measure that would be equivalent in effect. Subsequently, in accordance with paragraph 10 c of Annex II of the Convention, the Russian Federation confirmed its commitment to follow the Recommendations made by the Review Panel.

Implementation of United Nations General Assembly (UNGA) recommendations

UNGA Resolution 68/71 adopted in December 2013.

Capacity building

The Financial Regulations adopted at the 1st Commission meeting provided guidelines for the administration of the fund to facilitate effective participation of developing State Contracting Parties and the eligibility for assistance from the fund. The Secretariat has established a bank account for the fund, but to date no funds have been provided for it.

Marine biodiversity

At its meeting held during 21-27 October 2013, the Scientific Committee considered a number of issues relating to vulnerable marine ecosystems (VMEs) and ecologically or biologically significant marine areas (EBSAs). It recommended that the Commission take note of the nomination by the Convention for Biological Diversity of (potential) EBSAs within the SPRFMO Convention Area and endorsed a set of characteristics of effective move-on rules that can be applied after evidence of a VME is encountered. The Scientific Committee reviewed and amended the Draft Scientific Research Program, which the Secretariat has placed on the web site. It also recommended that further robust data collection and reporting of bycatch and incidental catches (seabirds, marine mammals and reptiles) is necessary and amended the Guidelines for Annual National reports to achieve that.

UNGA Resolutions 61/105 and 46/215

CMM 1.02 was adopted at the 1st Commission meeting, noting that Resolution 61/105 adopted by the UNGA at the 61st plenary meeting on 8 December 2006 and subsequent Resolutions of the UNGA that called on states and regional fisheries management organisations to regulate bottom fisheries and implement measures in accordance with the precautionary approach and ecosystem approaches to fisheries management. It further noted that Resolution 46/215 on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas adopted at the 79th Plenary meeting in 1991. CMM 1.02 prohibited the use of large-scale pelagic driftnets and all deepwater gillnets in the Convention Area.

Implementation of Food and Agriculture Organization of the United Nations International Plans of Action (IPOA)**International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity)**

The adoption of CMM 1.01 and CMM 1.03 included responses to the IPOA-Capacity.

CMM 1.01 limits the capacity of vessels fishing for *Trachurus murphyi* in the Convention Area (paragraph 39 IPOA Capacity) and CMM 1.03 requires the dissemination of compatible records of fishing vessels authorised to fish in the SPRFMO Convention Area (paragraph 17 IPOA Capacity).

International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).

The adoption of CMM 1.04 implements the section of the IPOA-IUU concerned with Regional Fisheries Management Organizations.