

South Pacific Regional Fisheries Management Organisation

1st Meeting of the Commission, Auckland, New Zealand: 28 January - 1 February 2013

COMM-01-INF-11

Proposal for a Conservation and Management Measure prohibiting the use of Deepsea Gillnets in the SPRFMO Area

Australia

Explanatory Statement

At the Eighth International Consultations on the Establishment of the Proposed South Pacific Regional Fisheries Management Organisation, participants agreed to the adoption of the Interim Measure for Deepwater Gillnets in the Convention Area (Annex III of the Final Act of the International Consultations on the Establishment of the Proposed South Pacific Regional Fisheries Management Organisation) to be implemented from 1 February 2010 following participants' internal consultation and approval processes.

The Interim Measure called on participants to prohibit the use of deepwater gillnets by their flagged vessels throughout the Convention Area until the Convention entered into force and until a binding conservation and management measure was adopted. The Interim Measure includes a requirement that their flagged vessels seeking to transit the area while carrying gillnets give advance notice of its intent to transit the Convention Area to the Interim Secretariat.

It is widely recognised that there are specific management challenges associated with the sustainability of deep sea fishery resources. The deep sea ecosystem is characterised by species with late maturation, slow growth, long life expectancy, low rates of natural mortality and high inter-annual variation in spawning and recruitment to the fishery.

The Interim Measure for Deepwater Gillnets recognised the potential impact of gillnets on target, bycatch and deep sea habitats. Demersal gillnets can ensnare bottom structures, such as deep sea corals and sponges, leading to a loss of habitat. They are difficult to retrieve once they have become entangled, resulting in increased potential for ghost fishing from lost and/or abandoned gillnets.

In addition, in 1992 the United Nations General Assembly adopted Resolution 44/215 *Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans*. This resolution was adopted in response to international concern of the impact of pelagic drift-nets on the living marine resources of the world's oceans and continued expansion of large-scale drift-nets on the high seas. This resolution call on States to implement the global moratorium on the use of all large-scale pelagic drift-nets on the high seas, including enclosed seas and semi-enclosed seas, by 31 December 1992.

This proposal, if adopted, will implement binding management arrangements for large-scale pelagic drift-nets and deepwater gillnets in the Convention Area, based on the Interim Measure and taking into account recognised international best practices including the United Nations General Assembly Resolution 44/215.

Proposal submitted by Australia**SPRFMO Contracting Parties,**

RECOGNISING Article 3(1)(a)(i) of the Convention that calls on Contracting Parties, in giving effect to the objectives of the Convention, to adopt conservation and management measures (CMMs) that take account of international best practices and protect the marine ecosystem, particularly ecosystems with long recovery times following disturbance, from significant adverse impact of unregulated and unmanaged fishing practices (Articles 3(1)(a)(vii) and 20(1)(d));

FURTHER RECOGNISING Article 3(1)(b) and (2) which call on Contracting Parties to apply the precautionary approach and ecosystem based approach to fisheries under the mandate of the Convention;

MINDFUL of Article 31(1) of the Convention that calls on the Commission to cooperate with other regional fisheries management organisations (RFMOs), the FAO and other specialised agencies of the United Nations and other relevant organisations on issues of mutual interest;

RECALLING that Parties to the 8th International Consultation on the establishment of the South Pacific RFMO (November 2009) adopted an interim measure for deepwater gillnet fishing in the Convention Area which came into effect on 1 February 2010;

NOTING Resolution 61/105 and subsequent resolutions of the United Nations General Assembly (UNGA) that call on states to regulate bottom fisheries and implement precautionary management;

FURTHER NOTING Resolution 44/215 *Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans* adopted by the UNGA at the 79th Plenary Meeting in 1991;

CONCERNED by the possible impact of large-scale pelagic gillnets and deepwater gillnets on fishery resources, bycatch species and deep sea habitats, including the impact of ghost fishing from lost and/or abandoned gillnets;

hereby adopts the following conservation measure in accordance with Article 20 of the Convention:

1. Contracting Parties shall require that vessels flying their flag prohibit the use of large-scale pelagic driftnets¹ and deepwater gillnets² in the Convention Area.
2. Contracting Parties of any vessel seeking to transit the Convention Area with gillnets onboard shall:
 - a. Give at least 72 hours advanced notice to the Secretariat prior to entering the Convention Area. In particular, Contracting Parties shall report the expected entry and exit dates, length of gillnet carried onboard, intended route of its passage through the Convention Area and intended final destination.
 - b. Operate an approved vessel monitoring system while in the SPRFMO Convention Area and submit VMS reports to the Secretariat.
 - c. If gillnets are accidentally lost from the vessel, report the position (using WGS84) and length (metres) of gillnets lost to the Secretariat within 48 hours of the gear being lost.

¹ 'Large-scale pelagic driftnets' (drift gillnets) are defined as a gillnet or series of gillnets greater than 2.5 kilometres total length and which operate by gilling or entangling fish in the meshes of a sheet of netting. The netting is held more or less vertically in the water column by means of a buoyant floatline at the top of the net, and a weighted leadline at the bottom of the net. Nets rigged in this way may be used singly or, by joining them together serially, as a fleet of nets. Usually the floatline floats at the surface of the water, and the net hangs below it. Sometimes the floatline may be rigged in such a way that it floats some distance below the surface. The net then fishes a lower part of the water column. In such cases the net is partly suspended by additional buoys at the surface which are attached to the floatline at regular intervals.

² 'Deepwater gillnets' (trammel net, set nets, anchored nets, sink nets) are defined as strings of single, double or triple netting walls, held vertically, on or near the bottom, in which fish will gill, entangle or enmesh. Deepwater gillnets consist of single or, less commonly, double or triple netting mounted together on the same frame ropes. Several types of nets may be combined in one gear. These nets can be used either alone or, as is more usual, in large numbers placed in line ('fleets' of nets). The gear can be set, anchored to the bottom or left drifting, free or connected with the vessel.