

From Deep Sea Conservation Coalition, "Unfinished Business: A Review of the implementation of the provisions of United Nations General Assembly resolutions 61/105 and 64/72..."

Sept. 2011, www.savethelhighseas.org

## Executive summary

### Contents

Executive summary	2
1.0 Introduction	5
2.0 North Atlantic	8
2.1 Northeast Atlantic	8
2.2 Northwest Atlantic	14
3.0 South Atlantic	18
3.1 Southeast Atlantic	18
3.2 Southwest Atlantic	20
4.0 North Pacific	22
5.0 South Pacific	27
6.0 Indian Ocean	32
7.0 Southern Ocean	34
8.0 Flag state performance	37
9.0 Key issues for consideration in the review by the 66th session of the UN General Assembly	39
10.0 Conclusion	46

### Citation:

Gianni, M.,<sup>1</sup> Currie, D.E.J.,<sup>2</sup> Fuller, S.,<sup>3</sup> Speer, L.,<sup>4</sup> Ardron, J.,<sup>5</sup> Weeber, B.,<sup>6</sup> Gibson, M.,<sup>7</sup> Roberts, G.,<sup>7</sup> Sack, K.,<sup>7</sup> Owen, S.,<sup>8</sup> Kavanagh, A.<sup>7</sup> *Unfinished business: a review of the implementation of the provisions of UNGA resolutions 61/105 and 64/72 related to the management of bottom fisheries in areas beyond national jurisdiction*, Deep Sea Conservation Coalition, September 2011.

The management of deep-sea fisheries in areas beyond national jurisdiction has been the subject of extensive debate over the past 10 years at the UN General Assembly [UNGA]. UNGA resolution 59/25, adopted in 2004, called on States individually or through regional fisheries management organisations [RFMOs] "to take action urgently, and consider on a case-by-case basis and on a scientific basis, including the application of the precautionary approach, the interim prohibition of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals located beyond national jurisdiction, until such time as appropriate conservation and management measures have been adopted in accordance with international law".

In 2006, in response to a review of the actions taken by States and RFMOs, the General Assembly adopted resolution 61/105, based on a compromise proposal offered by deep-sea fishing nations, which committed States and RFMOs to take specific measures to protect vulnerable marine ecosystems [VMEs] from the adverse impacts of bottom fisheries in the high seas and to ensure the long-term sustainability of deep-sea fish stocks. These measures included conducting impact assessments to determine whether significant adverse impacts [SAIs] to VMEs would occur, managing fisheries to prevent SAIs on VMEs, and closing areas of the high seas to bottom fishing where VMEs are known or likely to occur, unless regulations are in place to prevent SAIs and to manage sustainably deep-sea fish stocks. The UNGA set a deadline of 31 December 2008 for the implementation of the measures outlined in resolution 61/105 and called on States to ensure that high seas bottom fishing does not occur after this date unless or until regulations consistent with the measures in the resolution are in place.

Again, based on a review in 2009 of the actions taken by States and RFMOs, the UNGA adopted resolution 64/72 that reaffirmed resolution 61/105 and strengthened the call for action through committing States, inter alia, to ensure that vessels do not engage in bottom fishing until impact assessments have been carried out and to not authorise bottom fishing activities until the measures in resolutions 64/72 and 61/105 have been adopted and implemented.

## KEY FINDINGS

As of July 2011, impact assessments have been produced for most high seas bottom fisheries in the Pacific Ocean and Southern Ocean. However, even the most comprehensive assessments are not fully compliant with the 2009 Food and Agriculture Organization [FAO] International Guidelines for the Management of Deep-Sea Fisheries in the High Seas [FAO Deep-Sea Guidelines]. No impact assessments have been produced for the high seas bottom fisheries in the Atlantic and Indian Oceans. Substantial areas of the high seas have been closed to bottom fishing to protect VMEs in a number of regions, but many areas where VMEs are likely to occur remain open to bottom fishing with few or no constraints. Moreover, there has been a general reluctance on the part of many States and RFMOs to close high seas areas to protect VMEs where bottom fishing currently takes place. VME encounter protocols and 'move-on' rules are often the only conservation regulations in place to protect VMEs, and some regions lack even these basic regulations. Measures to protect VMEs in many areas have been narrowly focused on coral and sponge species rather than the full suite of species and ecosystems that fit the criteria established in the FAO Deep-Sea Guidelines.

In addition, most high seas bottom fisheries target, and take as bycatch, long lived, slow growing, low fecundity species that are highly vulnerable to overexploitation and depletion. Hundreds of species are taken in high seas bottom fisheries worldwide and the catch of the large majority of these species is unregulated. The long-term sustainability of most deep-sea fish stocks cannot be ensured because of the absence of sufficient information on the biological characteristics and status of most target and bycatch species impacted by high seas bottom fisheries. Indeed, it is questionable whether large-scale industrial deep-sea fisheries in the high seas can be economically viable and sustainable, given that most deep-sea species can potentially sustain only low levels of exploitation.

Finally, outside of the Southern Ocean, all but a small percentage of the high seas bottom catch is taken with bottom trawl gear. Bottom trawl fishing continues to be recognised as the most serious direct threat to deep-sea ecosystems. High seas bottom trawl fisheries continue to be authorised to operate in areas where VMEs are likely to occur. Virtually all deep-sea bottom trawl fisheries cannot currently be considered sustainable and are not likely to be sustainable in the near future unless much more stringent action is taken to manage these fisheries to conserve vulnerable deep-sea species as well as protect VMEs.

**UNGA resolutions 59/25 [2004], 61/105 [2006], and 64/72 [2009] have had an impact on the management of deep-sea fisheries in the high seas. Since 2004:**

- Three new agreements negotiated to establish RFMOs in the North Pacific, South Pacific and Southern Indian Oceans to manage deep-sea fisheries in the high seas.
- The resolutions prompted States and RFMOs to take a number of tangible measures to protect VMEs.
- The use of bottom trawls has been prohibited in the high seas in the Southern Ocean by the Commission for the Conservation of Antarctic Living Marine Resources [CCAMLR].
- Several RFMOs have established bans on the use of bottom gillnets in their regulatory areas.
- The Northwest Atlantic Fisheries Organization [NAFO], North East Atlantic Fisheries Commission [NEAFC], and the South East Atlantic Fisheries Organisation [SEAFO] have closed substantial areas of the high seas to bottom fishing.
- The South Pacific RFMO negotiating process adopted Interim Measures that temporarily restricted bottom fishing in the high seas from expanding beyond areas fished over the past several years.
- The General Fisheries Commission of the Mediterranean [GCFM] has prohibited bottom trawling below 1,000 metres.

**However, the UNGA resolutions have not been fully implemented by States and RFMOs. VMEs in the high seas are not sufficiently protected from SAIs, and most deep-sea fisheries are not managed to ensure the long-term sustainability of deep-sea fish stocks and species.**

- Impact assessments have not been conducted for bottom fisheries in the Atlantic and Indian Oceans and the assessments in other regions are partial, inconclusive, or both.
- Some high seas areas have been closed to bottom fishing, but many areas where VMEs are likely to occur remain open with few or no constraints.