



Recommendations of the Deep Sea Conservation Coalition

To the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction

UN Headquarters, New York

31 May-3 June, 2011

2011 is a critical year for the conservation and sustainable use of biodiversity in the deep ocean. The United Nations General Assembly (UNGA), for the first time ever, will conduct an open review of regional and national actions to protect deep-sea species and ecosystems beyond national jurisdiction from the harmful impacts of bottom fishing. The review will specifically assess the extent to which UNGA resolutions adopted over the past five years (resolutions 61/105 and 64/72) have been implemented by high seas fishing States and regional fisheries management organizations / arrangements (RFMO/As) with a view to making further recommendations. The review, which will be preceded by a two-day workshop on September 15 and 16, represents an accounting by the high seas fishing States – including the members of Australia, China, the members of the European Union, Iceland, Japan, New Zealand, Russian Federation, and South Korea– to the global community, on how well they have lived up to their obligations to protect and conserve that area of the ocean that belongs to all humanity.

The Deep Sea Conservation Coalition (DSCC), through its member organizations, has participated in negotiations to implement the UN resolutions on bottom fishing around the world over the past five years. Based on direct experience and a review of various actions taken in response to the UN resolutions on bottom fishing, the DSCC has prepared a report, the main findings of which will be presented at a side event on Thursday, June 3 at 1:15. The report's findings include:

- 1) While progress has been made in identifying and protecting some vulnerable marine ecosystems as called for in 61/105 and 64/72 , the efforts taken to date are far from comprehensive;
- 2) The assessments of fishing activities called for in both resolutions have not been completed for the majority of bottom fisheries; and
- 3) Deep-sea fisheries for many species remain unregulated, contrary to explicit language calling for such regulation in both resolutions.

Based on this review, the DSCC concludes that high seas fishing States are, with few exceptions, failing to live up to the provisions of UNGA resolutions 61/105 and 64/72. As a result, deep-sea species continue to be increasingly overexploited and vulnerable marine ecosystems lost. The DSCC

DSCC Briefing

calls on States fishing in areas where the UN resolutions have not been fully implemented to cease bottom fishing, as is required by resolution 64/72, until effective measures consistent with the resolutions have been adopted and effectively implemented, including required impact assessments.

The *Ad Hoc* Open-ended Informal Working Group is a key forum dealing with the conservation and sustainable use of biodiversity in areas beyond national jurisdiction (ABNJ). According to many scientists, industrial fishing on the high seas poses the most significant direct threat to biodiversity in areas beyond national jurisdiction. At its three previous sessions, the Working Group had extensive discussions on the main challenges for biodiversity conservation in ABNJ. It is now time for this Working Group to agree on action-oriented recommendations to the UNGA in order to assist States in protecting the high seas now as well as in the future. The DSCC therefore calls on the *Ad Hoc* Open-ended Informal working group to

- 1) Adopt ***shared principles*** for managing and conserving biodiversity in ABNJ to minimize the impact of human activities. Most of these principles are already contained in several international instruments and agreements and therefore have been recognized as important by States party to those. They should include the application of the precautionary principle and the ecosystem approach;
- 2) Agree on a mandate to require prior ***environmental impact assessments, including cumulative assessments***, for human activities which may cause a significant adverse impact on biodiversity in ABNJ;
- 3) Agree on a mandate to ensure the urgent establishment of ***an ecologically representative network of effectively managed and well connected marine protected areas and no-take marine reserves*** in areas beyond national jurisdiction;
- 4) Call on States and the competent organizations to cooperate to identify and protect ***ecologically or biologically significant areas*** through a range of conservation and management measures to prevent significant adverse impacts, including impact assessments, bycatch avoidance, vessel discharge restrictions, and the establishment of marine protected areas and no-take marine reserves;
- 5) ***Fully implement*** the provisions of UNGA resolution 61/105 (2006), paragraphs 83-87, and as further elaborated in UNGA resolution 64/72 (2009), on deep-sea bottom fishing in ABNJ; and
- 6) ***Establish a process*** such as an intergovernmental conference with the objective of establishing ***a new implementing agreement*** under the auspices of the UN for the conservation and preservation of the marine environment and the equitable benefit sharing of marine genetic resources in areas beyond national jurisdiction to address governance gaps in ABNJ, including mechanisms for international oversight to ensure that regional organizations, including RFMOs, have the competence to effectively protect biodiversity in ABNJ and in fact do so.

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