



## Recommendations for the UN General Assembly

### On the Workshop to discuss the implementation of paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of resolution 64/7 on sustainable fisheries

2011 is a critical year for the conservation and sustainable use of deep-sea biodiversity. For the first time ever, the United Nations General Assembly (UNGA) will conduct an open review of national and regional actions, in accordance with UNGA resolutions 61/105 and 64/72, to protect deep-sea species and ecosystems beyond national jurisdiction from the harmful impacts of bottom fishing.<sup>1</sup>

The two resolutions, which call for urgent action, were agreed at the United Nations in 2006 and again in 2009 as part of a compromise following global concern over the destructive impacts of bottom fishing on the high seas. Multiple treaties, legally-binding regimes and guidelines have reinforced this pledge to protect deep-sea biodiversity from high seas bottom trawling and to conserve and manage bottom fisheries on the high seas. Among these are the UN Convention on the Law of the Sea, UN Fish Stocks Agreement, UN FAO Compliance Agreement the UN FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, and most recently the Convention on Biological Diversity.<sup>2</sup>

The 2011 UNGA review comes two years after an initial review in 2009 and will specifically assess the extent to which the two abovementioned UNGA resolutions have been implemented by high seas fishing States and regional fisheries management organizations / arrangements (RFMO/As) with a view to making further recommendations for action. High seas bottom fishing States include, among others, Australia, China, France, Iceland, Japan, New Zealand, Portugal, Spain, the Russian Federation and South Korea. This review therefore represents an accounting by high seas bottom fishing States to the global community of how well they have lived up to their agreed obligations to protect and conserve vulnerable deep-sea marine habitats and ecosystems.

The Deep Sea Conservation Coalition (DSCC) has engaged with world renowned scientists and our partner organizations to assess compliance with the UNGA resolutions on high seas bottom fishing. This assessment is contained in reports that will be released at the 2011 UN Workshop to discuss implementation of paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of resolution 64/7 on sustainable fisheries, which is scheduled to take place at UN headquarters in New York September 15-16, 2011. The assessment finds that:

- 1) While progress has been made in identifying and protecting some vulnerable marine ecosystems (VMEs) as called for in 61/105 and 64/72, the efforts taken to date are far from comprehensive;

<sup>1</sup> UNGA. 2007. Resolution 61/105 Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments. A/RES/61/105; UNGA. 2009. Resolution 64/72 Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments. A/RES/64/72.

<sup>2</sup> Report of the Tenth Meeting of the Conference of the Parties. 2010. In particular: Decision X/2 (Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, and Decision X/29 (Marine and Coastal Biodiversity) at <http://www.cbd.int/doc/meetings/cop/cop-10/official/cop-10-27-en.pdf>.

- 2) The environmental impact 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 assessment, the DSCC has concluded 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 are increasingly overexploited and VMEs continue to be significantly damaged. We concur with these conclusions. We are particularly concerned with the lack of implementation of paragraph 119(a) of UNGA 62/72 by States and some RFMOs, which calls for impact assessments of all fishing activities, the absence of which must preclude fishing from being authorized to proceed in the relevant areas.

We are also concerned that while States and RFMOs have made some progress in protecting VMEs like corals and sponges, these ecosystems (as identified in paragraph 42 of the FAO Guidelines on Deep Sea Fisheries) remain largely unprotected. These include long-lived fish species, spawning areas on the high seas and unique habitats such as seamounts and canyons.

Finally, in 2009, we observed that fishing in breach of the applicable resolutions must be considered illegal, unreported and unregulated (IUU) fishing. Such fishing qualifies as illegal, because it is in violation of international obligations, including those to protect biodiversity in the marine environment and conserve fish stocks. It is also unregulated, in the sense that there are no applicable conservation or management measures in place and the fishing is thus inconsistent with State responsibilities for the conservation of living marine resources. In some cases, such as the high seas bottom fisheries in the Indian Ocean, the fisheries are also unreported.

We therefore urge the General Assembly to call for:

1. The immediate cessation of high seas bottom fishing except where conservation measures consistent with UNGA resolutions 61/105 and 64/72, and any subsequent UNGA resolutions, are in force and have been effectively and fully implemented;
2. The protection of all VMEs as identified in paragraph 42 of the FAO Guidelines on Deep Sea Fisheries, including long-lived fish species, spawning areas on the high seas and unique habitats such as seamounts and canyons; and,
3. The designation of high seas bottom fishing as IUU fishing when it is conducted in contravention of international instruments, including UNGA resolutions 61/105 and 64/72, regional measures, such as UNGA compliant conservation and management measures adopted by regional fisheries management organizations, or UNGA compliant national rules.

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