



**Preliminary review of the regional implementation of the provisions of UN GA 61/105 related to the management of high seas bottom fisheries
September 2008**

In December 2007, the Deep Sea Conservation Coalition published a detailed summary of the extent to which measures had been adopted by RFMO/As and flag States, consistent with paragraphs 80-91 of UN GA Resolution 61/105, at that point in time. The following review adds to this information based on developments in 2008 and, in addition, provides a preliminary review of the implementation of measures that have been adopted and the promulgation of regulations for high seas bottom fisheries consistent with 61/105.

1. North Pacific
2. South Pacific
3. Indian Ocean
4. South Atlantic
5. North Atlantic
6. Southern Ocean
7. Conclusion

1. THE NORTH PACIFIC OCEAN

1.1 NORTHWEST PACIFIC OCEAN

Negotiations to establish a regional RFMO/A to regulate high seas bottom fisheries have been underway since 2006 but have not yet been completed. Interim Measures have been agreed for deep-sea bottom fisheries.

Main high seas bottom fishing nations: Japan, the Republic of Korea, and the Russian Federation.

Main high seas bottom fisheries: Bottom trawl fisheries for alfonso and armourhead. Some reported fishing for cold-water corals. Limited bottom gillnet fishery.

Catch: approximately 10,000-15,000 mt per year over the past several years.

Progress on the adoption of Measures for high seas bottom fisheries:

Interim Measures were adopted in February 2007 and elaborated upon in October 2007 and May 2008. In addition, the Interim Measures included provisions to “freeze the footprint” of high seas bottom fisheries.

Progress on the Implementation of Measures consistent with paragraph 83a-d of UN GA 61/105 for the regulation of high seas bottom fisheries:

1. **Impact assessments (83a):** No impact assessments have been conducted for any of the high seas bottom fisheries in the region. Standards and criteria for conducting those assessments have not been released.
2. **Preventing SAIs (83a):** No specific measures have been established to prevent SAIs in existing bottom fisheries, other than the move-on rule (see below).
3. **Ensuring the long term sustainability of deep sea fish stocks (83b):** No measures have been established to ensure the long-term sustainability of the fish stocks. Alfonsino is overfished. The status of armourhead is uncertain.
4. **Closures of areas where VMEs are known or likely to occur unless or until measures are adopted to prevent SAIs (83c):** VMEs are known or likely to occur or to have occurred on many of the seamounts in the Northwest Pacific. The Interim Measures freeze the footprint of bottom trawl fishing to the summits of 11 seamounts in the Emperor Seamount Chain, and close the slopes and summits of those seamounts to bottom gillnet fishing. However no areas within the existing fishing footprint likely to support VMEs based on their physical characteristics have been closed.
5. **Move-on rule/cease fishing in areas where VMEs are encountered (83d):** Vessels must cease fishing and move at least 5 nautical miles from the site of the encounter prior to resuming fishing.

Further action required prior to December 31, 2008:

- a. Identify VMEs on seamount summits (refugia);
- b. Establish criteria and standards for conducting assessments;
- c. Conduct impact assessments for all bottom fisheries permitted in the area prior to fishing in 2009 to determine whether individual bottom fishing activities will have SAIs on VMEs and on the long term sustainability of deep sea fish stocks;
- d. Establish measures to prevent SAIs on VMEs and the long term sustainability of deep sea fish stocks, or not authorize such fishing to proceed;
- e. Flag states not participating in the NW Pacific negotiations must apply the interim measures *mutatis mutandis* as required by para 86 of UN GA 61/105.

The next meeting of the NW Pacific negotiations takes place 14-18 October 2008.

1.2 NORTHEAST AND CENTRAL NORTH PACIFIC OCEAN

No measures have yet been adopted or implemented for the regulation of high seas bottom fisheries in these regions. It is not clear if any high seas bottom fishing currently takes place in these areas, although anecdotal reports of bottom fishing on seamounts outside the US EEZ continue to be reported.

Further action required prior to December 31, 2008:

- a. Flag states must cease any bottom fishing in areas beyond national jurisdiction until measures have been taken in accordance with paras 83 or 85 of UNGA resolution 61/105.

2. THE SOUTH PACIFIC OCEAN

Negotiations for a regional agreement to establish an RFMO to regulate high seas bottom fisheries (and other fisheries for non-highly migratory species) have been underway since 2006 but have not yet been completed. Interim Measures have been agreed for deep-sea bottom fisheries.

Main high seas bottom fishing nations: Australia, New Zealand, Belize, Faroe Islands.

Main high seas bottom fisheries: Bottom trawl fisheries for orange roughy and bottom longline and mid-water trawl for alfonsino.

Catch: approximately 2,000-3,000 mt per year in recent years. The catch may have decreased somewhat in 2008 as a result of the price of fuel oil and restrictions imposed by New Zealand.

Progress on the adoption of Measures for high seas bottom fisheries:

Interim Measures were adopted in May 2007 to implement UNGA 61/105. In addition, the Interim Measures included a requirement to establish 100% observer coverage on bottom trawl vessels and to “freeze the footprint” of high seas bottom fisheries until 2010. However, the method to delineate the footprint (a single trawl tow in a particular area at any time between 2002 and 2006 means that approximately 10000 square kilometers surrounding the area falls within the footprint) agreed by the countries involved in the negotiations has meant that potentially large areas of the South Pacific that have not been previously impacted by bottom fishing may be incorporated into the footprint.

Progress on the Implementation of Measures consistent with paragraph 83a-d of UN GA 61/105 for the regulation of high seas bottom fisheries:

- 1. Impact assessments (83a):** No impact assessments have been conducted for any of the high seas bottom fisheries in the region.
- 2. Preventing SAIs (83a):** No specific measures have been established to prevent SAIs in any of the bottom fisheries. However, New Zealand has closed all “lightly trawled” areas and 10% of heavily fished areas, meaning approximately 40% of the area within its existing footprint is closed to bottom trawl fishing (by NZ flagged vessels).
- 3. Ensuring the long term sustainability of deep sea fish stocks (83b):** No special measures have been established to ensure the long-term sustainability of the fish stocks.
- 4. Closures of areas where VMEs are known or likely to occur unless or until measures are adopted to prevent SAIs (83c):** No systematic identification of areas where VMEs are known or likely to occur has taken place although VMEs are believed likely to occur in most high seas areas of the South Pacific where bottom fishing has taken place (i.e. seamounts). No formal implementation of this provision has occurred although the freezing of the footprint has resulted in the temporary closure to bottom fishing of many areas of the high seas in the South Pacific where VMEs are likely known or likely to occur, including the seamount and ridge system areas in the high seas of Southeast Pacific off the coasts of Chile, Peru and Ecuador. New Zealand has further prohibited bottom trawling in approximately 40% of its footprint as noted above.
- 5. Move-on rule/cease fishing in areas where VMEs are encountered (83d):** A Move on rule has been adopted. However, only New Zealand has

implemented the rule, which is applicable to bottom fishing in over half (the 'moderately' fished areas within its existing footprint), though not all, of the high seas areas where New Zealand vessels are currently permitted to bottom trawl fish.

Further action required prior to December 31, 2008

UN GA resolution 61/105 requires, in paragraph 85, that measures be adopted and implemented by 31 December 2007 in the South Pacific. This has not fully occurred. In order to be in full compliance with 61/105, the following actions are required:

- a. Conduct impact assessments for all bottom fisheries permitted in the Regulatory Area prior to fishing in 2009;
- b. Determine whether individual bottom fishing activities will have SAs on VMEs and on the long term sustainability of deep sea fish stocks and establish measures to prevent SAs or not authorize such fishing to proceed;
- c. Close all areas where VMEs or known to occur or likely to occur to bottom fishing unless or until measures have been adopted to prevent SAs;
- d. All flag states must fully implement the move on rule to close areas where unexpected encounters with VMEs occur during the course of fishing operations in all areas.

Other countries engaged in bottom fishing, especially Australia and Belize, have yet to notify the measures they have taken. New Zealand proposes to further implement the interim measures but not before 1 July 2009.

The next meeting of the South Pacific RFMO negotiations takes place 6-10 October 2008.

3. THE INDIAN OCEAN

A regional Agreement – the South Indian Ocean Fishery Agreement – to establish an RFMO to regulate high seas bottom fisheries has been negotiated but has not yet entered into force. No Interim Measures have been established for high seas bottom fisheries in the region.

Main high seas bottom fishing nations: Australia, Cook Islands, Mauritius, Namibia.

Main high seas bottom fisheries: Bottom trawl fishery for orange roughy and deepwater mid-water trawl fisheries for alfoncino.

Catch: approximately 5000 mt per year.

Progress on the adoption of Measures for high seas bottom fisheries:

No interim measures have been adopted for high seas bottom fisheries in the region.

Progress on the Implementation of Measures for the regulation of high seas bottom fisheries:

No regulations have been established for high seas bottom fisheries in the region.

None of the provisions of paragraph 83 of UN GA 61/105 have been adopted or implemented by flag States for the high seas bottom fisheries in the region. The deadline for implementation was 31 December 2007.

Further action required prior to December 31, 2008

- a. Flag states must cease any bottom fishing in areas beyond national jurisdiction until measures are taken in accordance with paras. 83 or 85 or UNGA resolution 61/105

4. THE SOUTH ATLANTIC OCEAN

4.1 SOUTHEAST ATLANTIC

The regulation of bottom fisheries on the high seas of the Southeast Atlantic is governed by SEAFO: The South-East Atlantic Fisheries Organisation (SEAFO).

Main high seas bottom fishing nations: Namibia, Spain, Japan, others?

Main high seas bottom fisheries: Limited bottom trawl fisheries for orange roughy and other deep-sea species. Limited bottom longline fisheries for toothfish and pot fisheries for deep-sea crabs.

Catch: Approximately several hundred tons per year in recent years.

Progress on the adoption of Measures for high seas bottom fisheries:

A framework regulation for the management of high seas bottom fisheries in the SEAFO Area consistent with UN GA 61-105 has not yet been adopted.

Progress on the Implementation of Measures consistent with paragraph 83a-d of UN GA 61/105 for the regulation of high seas bottom fisheries:

1. **Impact assessments (83a):** No impact assessments have been conducted for any of the high seas bottom fisheries in the region though these are required as a precondition for resumption of fishing in areas currently closed (see below).
2. **Preventing SAIs (83a):** No specific measures have been established to prevent SAIs in any of the bottom fisheries (though some areas have been closed to bottom fishing as noted below). The Scientific Committee of SEAFO in 2007 recommended temporarily prohibiting bottom trawling and bottom gillnet fishing in the SEAFO area.
3. **Ensuring the long term sustainability of deep sea fish stocks (83b):** SEAFO has established quotas for the deep-sea fisheries for toothfish and red crabs.
4. **Closures of areas where VMEs are known or likely to occur unless or until measures are adopted to prevent SAIs (83c):** Ten of thirteen seamount areas where VMEs (e.g. corals) are known to occur or likely to occur have been temporarily closed to bottom fishing. These areas encompass a large portion of the high seas areas where bottom fishing has previously taken place in the SEAFO area. These areas will only be reopened on condition that VMEs have been identified and mapped in the areas and an assessment has been made on the impact of any resumption of fishing on such VMEs. However, a systematic identification of areas where VMEs

are known or likely to occur in the remainder of the SEAFO area has not yet taken place.

5. Move-on rule/cease fishing in areas where VMEs are encountered (83d):

A move-on rule has yet to be developed and implemented.

Further action required prior to December 31, 2008

In order to be in full compliance with 61/105, the following actions are required:

- a. Conduct impact assessments for all bottom fisheries permitted in the SEAFO prior to fishing in 2009;
- b. Determine whether individual bottom fishing activities will have SAIs on VMEs and on the long term sustainability of deep sea fish stocks and establish measures to prevent SAIs or not authorize such fishing to proceed;
- c. Close any additional areas where VMEs are known to occur or likely to occur to bottom fishing unless or until measures have been adopted to prevent SAIs;
- d. Develop and implement a move on rule to close areas where unexpected encounters with VMEs occur during the course of fishing operations.

The next Annual Meeting of SEAFO takes 6-9 October 2008.

4.2 SOUTHWEST ATLANTIC

No RFMO has been established to regulate the high seas bottom fisheries of the Southwest Atlantic nor are there any negotiations underway to establish an RFMO in the region.

Main high seas bottom fishing nations: EU/Spain, others?

Main high seas bottom fisheries: Bottom trawl fisheries for hake and squid along the portions of the Patagonian shelf extending into international waters.

Catch: not known

Progress on the adoption of Measures for high seas bottom fisheries:

A framework regulation, consistent with UN GA 61/105, for the management of high seas bottom fisheries in the Southwest Atlantic conducted by vessels flagged to EU Member States has been adopted by the European Union in July 2008. It is not clear whether any other flag States whose vessels engage in high seas bottom fisheries in the region have adopted similar measures.

Progress on the Implementation of Measures consistent with paragraph 83a-d of UN GA 61/105 for the regulation of high seas bottom fisheries:

1. **Impact assessments (83a):** No impact assessments have been conducted for any of the high seas bottom fisheries in the region though these are required of EU vessels as a precondition for fishing in the area in 2009.
2. **Preventing SAIs (83a):** No specific measures have yet been established to prevent SAIs in any of the bottom fisheries.

3. **Ensuring the long term sustainability of deep sea fish stocks (83b):** The high seas bottom fisheries in the region are not subject to quotas or other restrictions as far as the DSCC is aware.
4. **Closures of areas where VMEs are known or likely to occur unless or until measures are adopted to prevent SAIs (83c):** An extensive survey of the high seas areas where bottom fishing by EU fleets takes place has been conducted. Closures of areas where VMEs are known or likely to occur in area have not yet taken place.
5. **Move-on rule/cease fishing in areas where VMEs are encountered (83d):** A move-on rule has yet to be developed and implemented.

Further action required prior to December 31, 2008

In order to be in full compliance with 61/105, the following actions are required:

- a. Conduct impact assessments for all bottom fisheries permitted prior to fishing in 2009;
- b. Determine whether individual bottom fishing activities will have SAIs on VMEs and on the long term sustainability of deep sea fish stocks and establish measures to prevent SAIs or not authorize such fishing to proceed;
- c. Close any areas where VMEs are known to occur or likely to occur to bottom fishing unless or until measures have been adopted to prevent SAIs;
- d. Develop and implement a move on rule to close areas where unexpected encounters with VMEs occur during the course of fishing operations.

5. THE NORTH ATLANTIC OCEAN

5.1 NORTHWEST ATLANTIC

The regulation of bottom fisheries on the high seas of the Northwest Atlantic is governed NAFO: the Northwest Atlantic Fisheries Organization.

Main high seas bottom fishing nations: Canada, EU, Russian Federation, Norway.

Main high seas bottom fisheries: Bottom trawl fisheries for redfish, Greenland halibut, yellowtail flounder, skates, white hake and shrimp.

Catch: Between 80,000 mt – 90,000 mt per year in recent years.

Progress on the adoption of Measures for high seas bottom fisheries:

A framework regulation for the management of high seas bottom fisheries in the NAFO Regulatory Area consistent with UN GA 61-105 was adopted at an Extraordinary Meeting of NAFO in May 2008. Further meetings of the NAFO Ecosystem Working Group, the Science Council and the Ad Hoc Joint Scientists and Managers Committee were held between May and September 2008 to identify areas of VMEs and make recommendations for management measures to the Annual Meeting of NAFO in 2008.

Progress on the Implementation of Measures consistent with paragraph 83a-d of UN GA 61/105 for the regulation of high seas bottom fisheries:

1. **Impact assessments (83a):** No impact assessments have been conducted for any of the high seas bottom fisheries in the region.
2. **Preventing SAIs (83a):** No specific measures have been established to prevent SAIs in any of the bottom fisheries (though some areas have been closed to bottom fishing as noted below).
3. **Ensuring the long term sustainability of deep sea fish stocks (83b):** Quotas and other catch restrictions are in place for Greenland halibut, redfish and skates. Other deep-sea species, such as grenadiers, are not subject to quotas. Most deep-sea species taken in the high seas bottom fisheries in the NAFO area are considered overexploited.
4. **Closures of areas where VMEs are known or likely to occur unless or until measures are adopted to prevent SAIs (83c):** In 2006, NAFO closed 4 seamounts to bottom trawling although leaving 20% of each area open to fishing with a voluntary data collection protocol. In 2007, NAFO closed an area of the continental slope to bottom trawling to protect deep sea corals. The depth restriction was set at 1000m, despite scientific advice that the highest concentration of corals in this area was between 400-800m. In 2008, the NAFO Ecosystem Working Group identified areas where VMEs are known to occur, based on the best available scientific information.
5. **Move-on rule/cease fishing in areas where VMEs are encountered (83d):** A move on rule as well as an encounter protocol have yet to be agreed upon - however recommendations for both will be tabled at the 2008 Annual Meeting.

Further action required prior to December 31, 2008

In order to be in full compliance with 61/105, the following actions are required:

- a. Conduct impact assessments for all bottom fisheries permitted in the NAFO Regulatory Area prior to fishing in 2009;
- b. Determine whether individual bottom fishing activities will have SAIs on VMEs and on the long term sustainability of deep sea fish stocks and establish measures to prevent SAIs or not authorize such fishing to proceed;
- c. Close all areas where VMEs are known to occur or likely to occur to bottom fishing unless or until measures have been adopted to prevent SAIs;
- d. Develop and implement a move-on rule to close areas where unexpected encounters with VMEs occur during the course of fishing operations.

The next Annual Meeting of NAFO takes place 22-26 of September 2008.

5.2 NORTHEAST ATLANTIC

The regulation of bottom fisheries on the high seas of the Northeast Atlantic is governed by NEAFC: The North-East Atlantic Fisheries Commission.

Main high seas bottom fishing nations: EU, Russian Federation, Norway, Faroes Islands.

Main high seas bottom fisheries: Bottom fisheries for roundnose grenadier, smoothheads, blue ling, ling, Greenland halibut, black scabbardfish, and deep sea sharks. (Some bottom fishing for cod, haddock and redfish also occurs as well). Bottom fisheries are predominantly bottom trawl fisheries with some bottom longline fishing also taking place.

Catch: reports/estimates vary between 12,000 mt – 84,000 mt of deep-sea species per year in recent years (the bottom catch of cod, haddock and redfish are not included in NEAFC estimates/reports of the catch of deep-sea species).

Progress on the adoption of Measures for high seas bottom fisheries:

A framework regulation for the management of high seas bottom fisheries in the NEAFC Regulatory Area consistent with UN GA 61-105 was adopted at an Extraordinary Meeting of NEAFC in July 2008.

Progress on the Implementation of Measures consistent with paragraph 83a-d of UN GA 61/105 for the regulation of high seas bottom fisheries:

1. **Impact assessments (83a):** No impact assessments have been conducted for any of the high seas bottom fisheries in the region.
2. **Preventing SAIs (83a):** No specific measures have been established to prevent SAIs in any of the bottom fisheries (though some areas have been closed to bottom fishing as noted below).
3. **Ensuring the long term sustainability of deep sea fish stocks (83b):** An effort restriction has been in place since 2004 for deep/sea fisheries but thus far has failed to prevent the continued depletion or allow the recovery of deep/sea fish stocks. An exploratory fisheries quota has been established for the orange roughy fishery.
4. **Closures of areas where VMEs are known or likely to occur unless or until measures are adopted to prevent SAIs (83c):** Several high seas areas where VMEs (e.g. corals) are known to occur or likely to occur have been closed to bottom fishing. Furthermore, most bottom gillnet fishing has been prohibited in the NEAFC Regulatory Area. However, a systematic identification of areas where VMEs are known or likely to occur has not yet taken place.
5. **Move-on rule/cease fishing in areas where VMEs are encountered (83d):** A Move on rule has yet to be developed and implemented.

Further action required prior to December 31, 2008

In order to be in full compliance with 61/105, the following actions are required:

- a. Conduct impact assessments for all bottom fisheries permitted in the NEAFC Regulatory Area prior to fishing in 2009;
- b. Determine whether individual bottom fishing activities will have SAIs on VMEs and on the long term sustainability of deep sea fish stocks and establish measures to prevent SAIs or not authorize such fishing to proceed;
- c. Close all areas where VMEs or known to occur or likely to occur to bottom fishing unless or until measures have been adopted to prevent SAIs;
- d. Develop and implement a move on rule to close areas where unexpected encounters with VMEs occur during the course of fishing operations.

The next Annual Meeting of NEAFC takes place 10-14 November 2008.

5.3 CENTRAL NORTH ATLANTIC

No RFMO has been established to regulate bottom fishing on the high seas of the Central Atlantic. There are no reports of high seas bottom fishing occurring in this area.

Further action required prior to December 31, 2008:

- a. Flag states must cease any bottom fishing in areas beyond national jurisdiction until measures have been taken in accordance with paras 83 or 85 of UNGA resolution 61/105.

6. THE SOUTHERN OCEAN

The regulation of bottom fishing south of the Antarctic Convergence is managed by CCAMLR: The Convention for the Conservation of Antarctic Marine Living Resources.

Main high seas bottom fishing nations: Argentina, Australia, Chile, Japan, Republic of Korea, Namibia, New Zealand, Russia, South Africa, United Kingdom, Uruguay.

Main high seas bottom fisheries: Bottom longline fishery for toothfish.

Catch: About 4,500 mt of toothfish is caught annually on the high seas while another 10,000 mt is caught within EEZs in the CCAMLR areas. (This figure does not include the estimated IUU catch per year of around 4,000 mt).

Progress on the adoption of Measures for high seas bottom fisheries:

Prior to the adoption of UNGA Resolution 61/105 in 2006, CCAMLR already had an interim prohibition on commercial bottom trawl fishing in high seas areas of the Convention Area for the 2006/07 and 2007/08 seasons, had banned the use of gillnet fishing in the Area, and tasked the Scientific Committee to review the criteria for determining what constitutes significant harm to benthos and benthic communities. Since 2006, CCAMLR has adopted additional measures consistent with the UN GA resolution.

Progress on the Implementation of Measures consistent with paragraph 83a-d of UN GA 61/105 for the regulation of high seas bottom fisheries:

1. **Impact assessments (83a):** All Contracting Parties proposing to participate in bottom fishing in 2009 are required to submit information on their fishing plans, a preliminary assessment of the known and anticipated impacts of bottom fishing activities on vulnerable marine ecosystems, including benthos and benthic communities, and mitigation measures to prevent impacts, no less than three months in advance of the October-November 2008 meeting of CCAMLR. Thus far only Australia, New Zealand, Spain and the United Kingdom have submitted interim assessments.
2. **Preventing SAls (83a):** All individual bottom fishing activities from 1 December 2008 will be subject to assessment by the Scientific Committee to determine if such activities would contribute to having significant adverse impacts on vulnerable marine ecosystems. Based on advice from the Scientific Committee, the Commission would then determine whether to allow, prohibit or restrict bottom fishing activities within

particular areas, apply specific mitigation measures for bottom fishing activities, allow, prohibit or restrict bottom fishing with certain gear types, and /or determine any other relevant requirements or restrictions to prevent significant adverse impact to vulnerable marine ecosystems.

3. **Ensuring the long term sustainability of deep sea fish stocks (83b):** CCAMLR has established conservation and management measures for the long/term sustainability of the toothfish stocks.
4. **Closures of areas where VMEs are known or likely to occur unless or until measures are adopted to prevent SAls (83c):** The Scientific Committee has been requested to identify areas where VMEs are known or likely to occur.
5. **Move-on rule/cease fishing in areas where VMEs are encountered (83d):** A move on rule has yet to be developed and agreed upon.

Further action required by 31 December 2008

In order to be in full compliance with 61/105, the following actions are required:

- a. The development of a move-on rule;
- b. Development of an environmental assessment standard, approach and overall assessment of impacts;
- c. Identification of known and likely locations of VMEs;
- d. Contracting Parties that plan to fish in the CCAMLR area in 2009 must submit impact assessments;
- e. Based on a review of the impact assessments, ensure SAls in bottom longline fisheries will be prevented or not authorize such fisheries to proceed.

The next meeting of CCAMLR will take place 27 October – 7 November 2008.

7. CONCLUSION

Regional Adoption of the provisions of UN GA Resolution 61/105

Since the adoption of resolution 61/105 by the UN General Assembly in 2006, regulations or framework agreements consistent with the resolution have been adopted by NEAFC (NE Atlantic); NAFO (NW Atlantic); and CCAMLR (Southern Ocean). SEAFO (SE Atlantic) has yet to adopt regulations consistent with 61/105 although SEAFO has closed a number of seamount areas to bottom fishing as indicated above.

In regions where RFMO/As do not exist but are under negotiation, or are yet to be established, Interim Measures have been agreed by the participants in the negotiations in the South Pacific and the Northwest Pacific. No measures have yet been agreed for the high seas bottom fisheries of the Indian Ocean where an Agreement to establish an RFMO has been negotiated and opened for ratification but is not yet in force.

In regions where no RFMO/As exist nor are under negotiation, the European Union has adopted regulations to implement UNGA 61/105, for the management of high seas bottom fisheries applicable to all EU Member flag States. It is not clear whether any other flag States whose fishing vessels engage in bottom fishing activities in such regions have done so.

Regional Implementation of the provisions of UN GA Resolution 61/105

The UN GA resolution calls for the adoption *and implementation* of its provisions related to high seas bottom fisheries by RFMOs 31 December 2008. In areas where RFMOs do not exist or are under negotiation, the deadline established in paragraph 85 of the resolution is 31 December 2007.

In high seas areas governed by RFMOs with the legal competence to regulate bottom fisheries on the high seas, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Northwest Atlantic Fisheries Organization (NAFO), and the North-East Atlantic Fisheries Commission (NEAFC) have all adopted framework agreements and measures to implement UN GA 61/105. The implementation of specific measures and regulations to prevent significant adverse impacts in high seas bottom fisheries is underway in CCCAMLR, where a number of (though not all) flag States have undertaken 'preliminary' impact assessments of their bottom fisheries and submitted these to the Scientific Committee and Commission for review later this year.

NAFO, NEAFC, and SEAFO will all hold annual meetings between September and November 2008. Contracting Parties to these RFMOs will need to have conducted impact assessments of individual high seas bottom fishing activities and the RFMOs will need to establish specific regulations to manage high seas bottom fisheries to prevent significant adverse impacts to vulnerable marine ecosystems or these fisheries should not be authorized to proceed beyond 31 December 2008 consistent with the UN GA resolution. The information available to the DSCC was insufficient to review the adoption and implementation of measures for the high seas bottom fisheries in the Mediterranean Sea.

In the South Pacific and Northwest Pacific, where RFMO/As with the legal competence do not yet exist but are under negotiation, Interim Measures have been adopted pursuant to UN GA 61/105. These still have yet to be fully implemented by the flag States concerned; the countries involved in the negotiations in both regions will meet again in October 2008 to consider additional measures. In the Indian Ocean, a regional Agreement to establish an RFMO to manage deep-sea fisheries on the high seas has negotiated but is not yet in force. In the meantime, no Interim Measures have been established for the high seas bottom fisheries in the Indian Ocean; high seas bottom fishing taking place in the region beyond 31 December 2007 is in contravention of UN GA 61/105.

In high seas where no RFMO/As have been established or are under negotiation, UN GA Resolution 61/105 calls on flag States, in paragraph 86, to adopt and implement measures consistent with paragraph 83 of the resolution. Thus far, only the European Union has done so, as far as the Deep Sea Conservation Coalition is aware.

References

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SEAFO: www.seafo.org/Scientific%20Committee/reports/SC%20Report%202007.pdf ;

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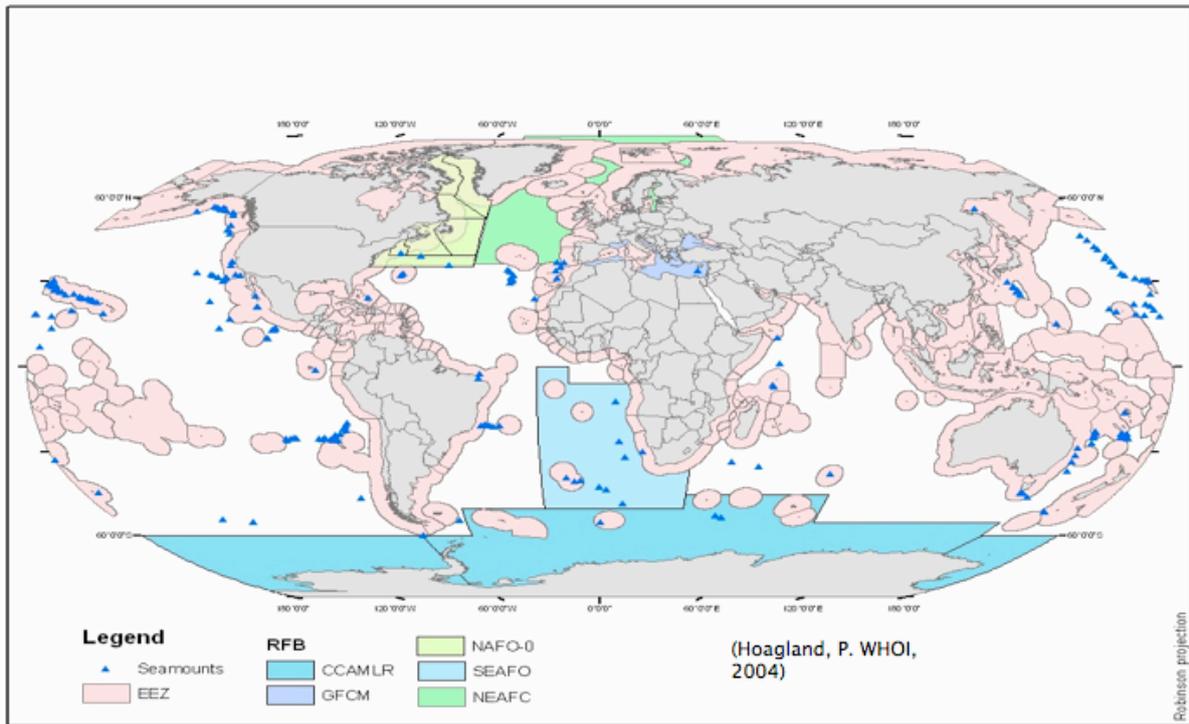
NAFO: <http://www.nafo.int/about/frames/about.html> (Conservation and Management Measures: Bottom Fisheries in the NAFO Regulatory Area; Reports of the Scientific Council)

NEAFC: www.neafc.org/fisheries/docs/final-catch-2005.pdf ;

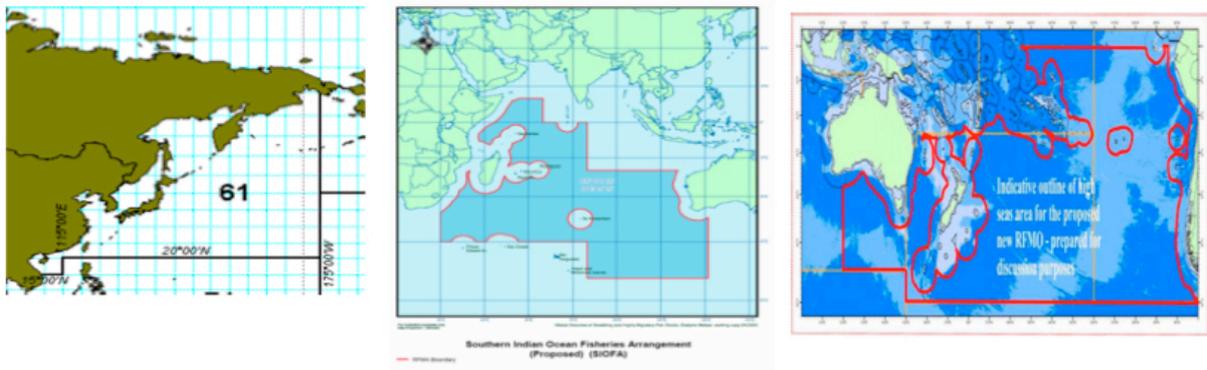
www.neafc.org/reports/deep-sea-species/docs/deepsea_report_june-2002.pdf

CCAMLR: www.ccamlr.org/pu/e/e_pubs/sr/07/a05.pdf

Map of high seas areas where RFMOs currently exist with the legal competence to manage deep-water/bottom fisheries



Areas where RFMOs for high seas bottom fisheries are currently under negotiation or awaiting entry into force



Northwest Pacific, FAO Statistical Area 61

South Indian Ocean Fishery Agreement (adopted July 2006 awaiting entry into force)

South Pacific RFMO proposed boundaries