



18 December 2008

Director
Ocean Affairs & Law of the Sea Office of Legal Affairs
United Nations

Email: mikulka@un.org; doalos@un.org

Dear Director,

**United Nations Informal Consultative Process on Oceans
and the Law of Sea (Your Ref LOS/ICP/S009)**

In response to Under-Secretary-General O'Brien's letter of 10 December 2008, I thank you for affording the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) the opportunity to contribute to the Consultative Process.

Following the various Consultative Process meetings to date, CCAMLR has made considerable progress in meeting a number of the key UNGA Resolution 61/105 provisions. Most notably, the Commission has adopted significant measures over the past two years (see attached) to meet the 31 December 2008 deadline in terms of implementing measures for the management of bottom fisheries as outlined in paragraphs 81 to 83 of Resolution 61/105. Specifically CCAMLR has agreed to limit the existing footprint of bottom fishing activity in its regulatory area and to make reporting of by-catch of all Vulnerable Marine Ecosystem (VME) indicator organisms mandatory for all fishing vessels. CCAMLR has also agreed a procedure to close areas to fishing when the occurrence of VME indicator organisms in an area exceeds a specific threshold level.

CCAMLR continues to address issues relevant to achieving sustainable fisheries (paragraphs 1 to 12 of Resolution 61/105), illegal, unreported and unregulated fishing (paragraphs 33 to 46 of Resolution 61/105), MCS/enforcement (paragraphs 47 to 56 of Resolution 61/105), fisheries by-catch (paragraphs 61 to 62 of Resolution 61/105) and promote regional cooperation (paragraphs 72 to 74 of Resolution 61/105). In the latter respect, an independent review of CCAMLR's overall performance was carried out in 2008. Details can be found in various CCAMLR reports on its Website:

www.ccamlr.org/pu/e/e_pubs/intro.htm

The full report of the CCAMLR Performance Review Panel is available at:

www.ccamlr.org/pu/E/00-Prfrm-Review-for-public-webpage.pdf

CCAMLR remains available to provide additional contributions on relevant aspects of the Secretary-General's report if these are needed.

With assurances of my highest regard at all times,

Yours faithfully,

A handwritten signature in blue ink, appearing to read "D.G.M. Miller", with a long horizontal stroke underneath.

Dr D.G.M. Miller
Executive Secretary

Atch.

CONSERVATION MEASURE 22-05 (2008)
Restrictions on the use of bottom trawling gear
in high-seas areas of the Convention Area

Species	all
Area	high seas
Season	all
Gear	bottom trawl

The Commission hereby adopts the following conservation measure in accordance with Article IX of the Convention:

1. The use of bottom trawling gear in the high-seas areas of the Convention Area is restricted to areas for which the Commission has conservation measures in force for bottom trawling gear.
2. This conservation measure does not apply to the use of bottom trawling gear in conducting scientific research in the Convention Area.

CONSERVATION MEASURE 22-06 (2008)^{1,2}
Bottom fishing in the Convention Area

Species	all
Area	see paragraphs 1, 2
Season	all
Gear	bottom fishing

The Commission,

Recognising the commitment made by Members to implement the CCAMLR precautionary and ecosystem approaches to fisheries management by embracing principles of conservation as stated in Article II of the Convention,

Conscious of the urgent need to protect vulnerable marine ecosystems (VMEs) from bottom fishing activities that have significant adverse impacts on such ecosystems,

Noting that United Nations General Assembly Resolution 61/105, adopted on 8 December 2006, calls on regional fisheries management organisations or arrangements with the competence to regulate bottom fisheries to adopt and implement measures to prevent significant adverse impacts of bottom fisheries on VMEs and noting further that all CCAMLR Members joined in the consensus by which this resolution was adopted,

Noting also the importance of Article IX of the Convention, including the use of the best scientific evidence available,

Aware of the steps already taken by CCAMLR to address the impacts of deep-sea gillnetting and bottom trawling in the Convention Area, through the implementation of Conservation Measures 22-04 and 22-05 respectively,

Recognising that CCAMLR has responsibilities for the conservation of Antarctic marine living resources, part of which include the attributes of a regional fisheries management organisation,

Noting that all CCAMLR conservation measures are published on the CCAMLR website,

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

Management of bottom fishing

1. This conservation measure applies to areas in the Convention Area south of 60°S, and to the rest of the Convention Area with the exception of subareas and divisions where an established fishery was in place in 2006/07 with a catch limit greater than zero.
2. This conservation measure also applies to the area of Division 58.4.1 north of 60°S.
3. For the purposes of this measure, the term 'vulnerable marine ecosystems' in the context of CCAMLR includes seamounts, hydrothermal vents, cold water corals and sponge fields.
4. For the purposes of this measure, the term 'bottom fishing activities' includes the use of any gear that interacts with the bottom.
5. Until 30 November 2008, bottom fishing activities shall be limited to those areas for which bottom fishing activities were approved by the Commission in the 2006/07 fishing season.
6. Contracting Parties whose vessels wish to engage in any bottom fishing activities, beginning 1 December 2008, shall follow the procedures described in paragraphs 8 to 12 below.
7. Contracting Parties shall authorise vessels flying their flag to participate in bottom fishing activities only in accordance with the provisions of this conservation measure and Conservation Measure 10-02.

Assessment of bottom fishing

8. All individual bottom fishing activities commencing 1 December 2008 and thereafter shall be subject to assessment by the Scientific Committee, based on the best available scientific information, to determine if such activities, taking account of the history of bottom fishing in the areas proposed, would contribute to having significant adverse impacts on VMEs, and to ensure that if it is determined that these activities would make such contributions, that they are managed to prevent such impacts or are not authorised to proceed. The assessments shall include the following procedures:
 - (i) Each Contracting Party proposing to participate in bottom fishing shall submit to the Scientific Committee and Commission information and a preliminary assessment based on the pro forma in Annex 22-06/A, with the best available data, of the known and anticipated impacts of its bottom fishing activities on VMEs, including benthos and benthic communities, no less than three months in advance of the next meeting of the Commission. These submissions shall also include the mitigation measures proposed by the Contracting Party to prevent such impacts.
 - (ii) The Scientific Committee shall undertake an assessment, according to procedures and standards it develops, and provide advice to the Commission as to whether the proposed bottom fishing activity would contribute to having significant adverse impacts on VMEs and, if so, whether the proposed or additional mitigation measures would prevent such impacts. The Scientific Committee may use in its assessment additional information available to it, including information from other fisheries in the region or similar fisheries elsewhere.

- (iii) The Commission shall, taking account of advice and recommendations provided by the Scientific Committee concerning bottom fishing activities, including data and information arising from reports pursuant to paragraph 8, adopt conservation measures to prevent significant adverse impacts on VMEs, that as appropriate:
 - (a) allow, prohibit or restrict bottom fishing activities within particular areas;
 - (b) require specific mitigation measures for bottom fishing activities;
 - (c) allow, prohibit or restrict bottom fishing with certain gear types; and/or
 - (d) contain any other relevant requirements or restrictions to prevent significant adverse impacts to VMEs.

Encounters with VMEs

- 9. Annex 22-06/B provides a notification form for Contracting Parties to use to notify the Secretariat when evidence of VMEs has been encountered, and has not otherwise been reported under Conservation Measure 22-07.
- 10. Contracting Parties, in the absence of site-specific or other conservation measures to prevent significant adverse impact on VMEs, shall require vessels flying their flag to cease bottom fishing activities in any location where evidence of a VME is encountered in the course of fishing operations, and to report the encounter to the Secretariat in accordance with the schedule of the Catch and Effort Reporting System (Conservation Measures 23-01, 23-02 or 23-03, whichever is applicable), so that appropriate conservation measures can be adopted in respect of the relevant site.
- 11. The Scientific Committee shall provide advice to the Commission on the known and anticipated impacts of bottom fishing activities on VMEs, and recommend practices, including ceasing fishing operations if needed, when evidence of a VME is encountered in the course of bottom fishing operations. Taking account of this advice, the Commission shall adopt conservation measures to be applied when evidence of a VME is encountered in the course of fishing operations.

Monitoring and control of bottom fishing activities

- 12. Notwithstanding Members' obligations pursuant to Conservation Measure 21-02, all Contracting Parties whose vessels participate in bottom fisheries shall:
 - (i) ensure that their vessels are equipped and configured so that they can comply with all relevant conservation measures;
 - (ii) ensure that each vessel carries at least one CCAMLR-designated scientific observer to collect data in accordance with this and other conservation measures;
 - (iii) submit data pursuant to Data Collection Plans for bottom fisheries to be developed by the Scientific Committee and included in conservation measures;
 - (iv) be prohibited from continuing participation in the relevant bottom fishery if data arising from conservation measures relevant to that bottom fishery have not been submitted to CCAMLR pursuant to paragraph 12(iii) for the most recent season in which fishing occurred, until the relevant data have been submitted to CCAMLR and the Scientific Committee has been allowed an opportunity to review the data.

13. The Secretariat shall annually compile a list of vessels authorised to fish pursuant to this conservation measure and shall make this list publicly available on CCAMLR's website.

Data collection and sharing and scientific research

14. The Scientific Committee shall, based on the best available scientific information, advise the Commission on where VMEs are known to occur or are likely to occur, and advise on potential mitigation measures. Contracting Parties shall provide the Scientific Committee with all relevant information to assist in this work. The Secretariat shall maintain an inventory including digital maps of all known VMEs in the Convention Area for circulation to all Contracting Parties and other relevant bodies.
15. Scientific bottom fishing research activities notified under Conservation Measure 24-01, paragraph 2, shall proceed according to Conservation Measure 24-01 and shall be undertaken with due regard to potential impacts on VMEs. Scientific bottom fishing research activities notified under Conservation Measure 24-01, paragraph 3, shall be treated in accordance with all aspects of paragraph 9 of this conservation measure, notwithstanding the procedures in Conservation Measure 24-01. Consistent with existing reporting requirements in Conservation Measure 24-01, paragraph 4, information regarding the location and the type of any VME encountered, in the course of scientific bottom fishing research activities, shall be reported to the Secretariat.

Review

16. This conservation measure will be reviewed at the next regular meeting of the Commission, based on the findings of the Scientific Committee. In addition, beginning in 2009 and biennially thereafter, the Commission will examine the effectiveness of relevant conservation measures in protecting VMEs from significant adverse impacts, based on advice from the Scientific Committee.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

**PRO FORMA FOR SUBMITTING PRELIMINARY ASSESSMENTS OF
THE POTENTIAL FOR PROPOSED BOTTOM FISHING ACTIVITIES
TO HAVE SIGNIFICANT ADVERSE IMPACTS ON
VULNERABLE MARINE ECOSYSTEMS (VMEs)**

1. Preliminary assessment of bottom fishing activities – Required Information

1.1 Scope

- 1.1.1 Fishing method(s) to be used
Longline type (Spanish/auto/trotline/pots)
 - 1.1.2 Subarea/division
e.g. 88.1 and 88.2
 - 1.1.3 Period of application
Year
-

1.2 Proposed fishing activity

- 1.2.1 Detailed description of gear
*Please provide a detailed diagram of the gear configuration to be used (see WG-FSA-08/60 for example or diagrams available in the CCAMLR observer logbook). Include details of line type; line length (length range if necessary); hook type(s); numbers per line and spacing of hooks within a line (per vertical line for trotlines); weight material and mass; spacing of weights; anchor type; floats and spacing etc. for **each vessel** included in this application/notification.*
 - 1.2.2 Scale of proposed activity
Please provide estimates of total numbers of hooks and/or lines to be deployed.
 - 1.2.3 Spatial distribution of activity
Please provide details of SSRUs or geographical regions within the subarea/division in which activities will take place including the depth range of fishing activities.
-

1.3 Mitigation measures to be used

Please provide details of modifications to gear configuration or methods of deployment aimed at preventing or reducing adverse impacts to VMEs.

2. Preliminary assessment of bottom fishing activities – Supporting Information

2.1 Assessment of known/anticipated impacts on VMEs

Please provide data or information available on the current state of knowledge of impacts of proposed fishing activities on VMEs within the area of activity.

- 2.1.1 Estimated spatial effort footprint
Please provide details of % area covered by fishing effort.
 - 2.1.2 Summary of potential VMEs present within areas of activity
e.g. biogenic/geological; habitat area coverage/distribution; fragility/vulnerability and resilience of habitats; species composition/endemism; life-history traits. Please provide details.
 - 2.1.3 Probability of impacts
e.g. low/medium/high/unknown. Please provide details.
 - 2.1.4 Magnitude/severity of the interaction of the proposed fishing gear with VMEs
e.g. associated mortality and spatial extent of impacts. Please provide details.
-

2.1.5 Physical and biological/ecological consequences of impact
e.g. loss of physical habitat structure or of keystone species or extinctions.

2.2 Estimated cumulative footprint

Please provide an estimated cumulative impact derived from information provided under 2.1.1 to 2.1.5 above and any additional information available from the Secretariat (e.g. historical fishing effort; habitat maps).

2.3 Research activities related to provision of new information on VMEs

2.3.1 Previous research

Please provide a summary of research previously carried out in the proposed area of activity by your Member State (including national/regional/international research programs). This should include data collected in the previous season under 2.3.2 and details of data submitted to the secretariat such as:

- *Indirect evidence (e.g. by-catch observation; species identification through sample collection and genetic and morphological analysis; acoustic or geomorphic data collection; other)*
- *Direct evidence (e.g. observations using camera gear or ROVS; other)*

2.3.2 In-season research

Please summarise details of the research planned during the proposed fishing activities by your Member State (including national/regional/international research programs). Please provide details of what data will be collected in order to document evidence of or further knowledge on VMEs within the areas of activities including:

- *Indirect evidence (see examples above)*
- *Direct evidence (see examples above)*

2.3.3 Follow-on research

Please provide details of potential future research resulting from previous/in-season research, including collaborative work with other Member States or as part of national/regional/international research programs including:

- *Indirect evidence (see examples above)*
 - *Direct evidence (see examples above)*
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**CCAMLR Data Form VME Encounter v2009
NOTIFICATION OF ENCOUNTER
VULNERABLE MARINE ECOSYSTEMS (VME)**



CCAMLR
Ph: 61 3 6210 1111
Fax: 61 3 6224 8744
Email: data@ccamlr.org

*Guidelines for completing this notification are given in Conservation Measure 22-06
To be completed when evidence of VMEs has been encountered, and has not otherwise been reported under Conservation Measure 22-07*

Please submit all data to data@ccamlr.org
For information click here to see field names in 'Instructions'

(1) GENERAL INFORMATION

Date of preparation	
Vessel flag	
Vessel name	
Vessel call sign	
Name of observer	
Name of person filling in this form	
Email address of person responsible for data enquiries	

(2) VME Location *Insert additional columns as required*

Haul number (link to C1, C2 or C5 data - where applicable)					
Subarea or Division					
SSRU or MA					
Start position	date (dd-mm-yy)				
	time (hh:mm)				
	Latitude (S) - degrees				
	minutes				
	Longitude (+/-) - degrees				
End position	minutes				
	Longitude (+/-) - degrees				
	minutes				
	Seafloor depth (m)				
	Seafloor depth (m)				
Fishing or sampling gear					

Method of determining the encounter - Enter 'X' if method used

(a) in-situ photographic observation					
(b) Presence of VME-associated organisms in the catch					
(c) Acoustic profile					
(d) Presence of habitat feature					

Type of VME

(3) Habitat-forming organisms - Complete this section if methods (a) or (b) used, Enter 'X' if present

Large/erect sponges					
Small/low sponges					
Stalked Crinoids					
Gorgonians					
Seawhips					
Seapens					
Hydrocoral (stylasterinid)					
Black Coral (antipatharian)					
Hard coral (scleractinian)					
Low encrusting (bryozoans, ascidians)					
Erect bryozoan					
Tubeworms					
Bivalve bed					
Brachiopod bed					
Bioturbators					
Other (please specify)					

(4) Habitat feature - Complete this section if method (d) used, Enter 'X' if present

Seamount					
Hydrothermal vent					
Cold seep					
Canyon system					
Other (please specify)					

(5) Comments

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CONSERVATION MEASURE 22-07 (2008)^{1,2}
Interim measure for bottom fishing activities subject to
Conservation Measure 22-06 encountering potential
vulnerable marine ecosystems in the Convention Area

Species	all
Area	see CM 22-06
Season	all
Gear	bottom fishing

The Commission,

Noting the commitment made by Members to avoid significant adverse impacts on vulnerable marine ecosystems (VMEs) from bottom fishing activities,

Acknowledging the current prohibitions on bottom trawling in Conservation Measure 22-05 and on deep-sea gillnetting in Conservation Measure 22-04 in the high seas areas of the Convention Area,

Agreeing on the need to implement the precautionary approach for managing bottom fisheries with respect to VMEs due to the difficulty in acquiring data on their location, extent and risk of significant adverse impacts,

Further noting the need to acquire additional data during the 2008/09 season to contribute to assessments and advice on a long-term precautionary approach to avoiding significant adverse impacts on VMEs,

hereby adopts the following conservation measure in accordance with Article IX of the Convention and Conservation Measure 22-06:

Area

1. This conservation measure applies to the same area as Conservation Measure 22-06.

Definitions

2. The following definitions apply to this conservation measure:
 - (i) Those contained in paragraphs 3 and 4 in Conservation Measure 22-06 relating to 'vulnerable marine ecosystems' (VMEs) and 'bottom fishing activities'.
 - (ii) VME indicator organism means any benthic organism listed in the Benthic Invertebrate Classification Guide³.
 - (iii) 'VME indicator unit' means either one litre of those VME indicator organisms that can be placed in a 10-litre container; or one kilogram of those VME indicator organisms that do not fit into a 10-litre container.
 - (iv) 'Line segment' means a 1 000-hook section of line or a 1 200 m section of line, whichever is the shorter, and for pot lines a 1 200 m section.
 - (v) 'Risk Area' means an area where 10 or more VME indicator units are recovered within a single line segment. A Risk Area has a radius of 1 n mile from the midpoint⁴ of the line segment from which the VME indicator units are recovered. However, Members may require their vessels to observe a larger Risk Area in accordance with their domestic laws.

Vessel requirements

3. Members shall require their vessels to clearly mark fishing lines into line segments and to monitor all line segments for the number of VME indicator units.
4. Members shall require their vessels, if 10 or more VME indicator units are recovered in one line segment, to complete hauling any lines intersecting with the Risk Area without delay and not to set any further lines intersecting with the Risk Area. The vessel shall immediately communicate to the Secretariat and to its Flag State the location of the midpoint of the line segment from which those VME indicator units were recovered along with the number of VME indicator units recovered.
5. Members shall require their vessels, if five or more VME indicator units are recovered within one line segment, to immediately communicate to the Secretariat⁵ and to their Flag State the location of the midpoint of the line segment from which those VME indicator units were recovered along with the number of VME indicator units recovered.

Management

6. On receipt of a notification under paragraph 4, the Secretariat shall:
 - (i) record the location of the Risk Area;
 - (ii) within one working day of receipt, notify all fishing vessels in the relevant fishery and their Flag States that the Risk Area is closed; and that, as in paragraph 4, all vessels shall immediately cease setting any further lines intersecting with the Risk Area.
7. On receipt of five notifications under paragraph 5 within a single fine-scale rectangle⁶, the Secretariat shall, within one working day of receiving the fifth notification, notify all fishing vessels in the relevant fishery and their Flag States of the coordinates of the fine-scale rectangle, indicating that VMEs may occur within that area. Vessels may continue to fish in the area consistent with paragraphs 4 and 5.

Data

8. Vessels shall report in accordance with Conservation Measure 23-01 total benthos recovered in a 5-day period. To the extent possible, VME indicator units for each line segment and the midpoint of each line segment on all lines should be reported in the fine-scale data.

Review

9. A Risk Area shall remain closed for any fishery until reviewed by the Scientific Committee and management actions are determined by the Commission. Scientific research as agreed by the Scientific Committee shall be allowed in Risk Areas.
10. The Commission will review this conservation measure in 2009, in light of observer, vessel and other data collected during the 2008/09 season, the results of the 2009 Expert Workshop on Vulnerable Marine Ecosystems, any other relevant information, the deliberations of the Working Group on Ecosystem Monitoring and Management

(WG-EMM) and the Working Group on Fish Stock Assessment (WG-FSA), and in accordance with the advice of the Scientific Committee.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands

³ Available from the Secretariat.

⁴ In latitude and longitude.

⁵ This may be through the Flag State or directly to the Secretariat, whichever is the most practicable.

⁶ A fine-scale rectangle is defined as an area of 0.5° latitude by 1° longitude with respect to the northwest corner of the statistical subarea or division. The identification of each rectangle is by the latitude of its northernmost boundary and the longitude of the boundary closest to 0°.