

*Permanent Mission of Brazil to  
the United Nations  
New York*



Nº 188

The Permanent Mission of Brazil to the United Nations presents its compliments to the Division of Ocean Affairs and Law of the Sea and, with reference to paragraphs 83 and 91 of Resolution A/RES/61/105, has the honor to submit the following comments:

- Brazil is a Party to the Commission for the Conservation of Antarctic Marine Resources-CCAMLR, but does not practice any fishing in the area regulated by CCAMLR
- CCAMLR has prohibited bottom trawling and gillnet fishing in the area under its jurisdiction
- Brazil acknowledges that CCAMLR has received "preliminary" impact assessment from some flag States bottom fishing in the region
- Nevertheless, those "preliminary" impact assessments do not fully comply with the criteria for impact assessment established in the FAO "Guidelines for the Management of Deep Sea Fisheries"
- Even though some RFMOs have recommended temporary prohibition of bottom trawling and bottom gillnet fishing until impact assessments are conducted, they have not adopted regulations on how to implement the recommendation

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- As to the identification of Vulnerable Marine Ecosystems-VME-RFMOs have not yet undertaken systematic efforts to identify where they occur and consequently adopt measures to prevent significant impacts to VMEs
- Even where VMEs have been identified, some remain open to exploratory fishing
- Many high seas areas where VMEs are likely to occur still remain open to bottom fishing
- In a reversal of the precautionary approach, some RFMOs have decided to wait until more research has been conducted in the next one or two years before taking action to close or otherwise manage those areas
- There is at present insufficient information for most deep-sea fish stocks subject to bottom fisheries on the high seas to determine the sustainability of the rates of exploitation
- Many deep-sea species, specially when they constitute by-catch, are unregulated
- For those species that are regulated, regulations have not been complied with or enforced to the extent necessary to prevent continued decline in abundance, or haven't been based on scientific advice
- Even though "move-on" rules have been adopted for areas outside of closed areas, their impact on protecting VMEs are likely to be uneven and limited



- Those rules are complementary and not substitute to impact assessments
- It remains difficult to assess the effectiveness of measures adopted to implement the provisions of Resolution 61/105 to protect VMEs in areas in the high seas where no RFMOs currently exists or are under negotiation
- Few impact assessments have been made publicly available as called for in the Resolution
- Implementation of the provisions of Resolution 61/105 still need to be fully complied with
- Thus, high seas bottom fishing nations should, in view of the precautionary approach, refrain from authorizing vessels flying their flags to bottom fish on the high seas until those provisions have been fully implemented, vide paragraph 83 (a)

The Permanent Mission of Brazil avails itself of this opportunity to renew to the Division of Ocean Affairs and Law of the Sea of the United Nations the assurances of its highest consideration.

New York, May 11<sup>th</sup> 2009.

