Implementation of Resolutions 61/105 and 64/72 to Protect the Deep Sea - Revised

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UNGA Resolutions*

- Commitments in 2004 (59/25), 2006 (61/105), 2009 (64/72)

- 4 requirements for bottom fishing on the high seas:
  1. Conduct impact assessments
  2. Implement closed areas or other measures to prevent significant adverse impacts (SAIs)
  3. Implement protocols for encounters with vulnerable marine ecosystems (VMEs) (known as ‘move-on’ rules)
  4. Adopt measures to ensure:
     • Long-term sustainability of deep-sea fish; target & non-target species;
     • Rebuild depleted stocks; and,
     • Consistent with precautionary approach

* Revised following comments
Unfinished business: a review of the implementation of the provisions of United Nations General Assembly resolutions 61/105 and 64/72, related to the management of bottom fisheries in areas beyond national jurisdiction

Deep Sea Conservation Coalition
September 2011

DSCC Assessment of RFMO Performance
NAFO

- Impact Assessments
  - Status: None Completed / None Public
    - Only required in new fishing areas outside of historically fished footprint, unless “new scientific information comes to light” or technology changes

- Area Closures
  - Status: Moderate
    - Closures along continental shelf/slope amount to 11.1% of fishable area < 2000m
    - Based on “significant concentrations” of corals and sponges; not the full range of VME criteria in FAO Guidelines
    - Seamount closures allow fishing on up to 20% of area
NAFO

- **Move-On Rules**
  - **Status: Ineffective**
    - Requires 60 kg live coral or 800 kg of sponges
    - No encounters reported
    - 2 nm move on rule, yet trawl tows may be 20nm or more
    - Joint ICES/NAFO WGDEC advise: current protocols and move on rules provide little if any protection

- **Sustainability Ensured**
  - **Status: No**
    - Quotas for only 11 of 25 species of commercial value, the rest unregulated
    - Most stocks overexploited
    - Grenadier species: critically endangered; wolf fish species: threatened
NEAFC

- Impact Assessments
  - Status: None Completed / None Public
    - Only required ‘where possible’
    - 2010 regulations require an initial assessment ONLY where outside footprint, significant technology changes, or new information on VMEs

- Area Closures
  - Status: Moderate Coverage
    - 39% of seamounts closed and 15.1% of seabed at < 1500m depth in southern area
    - No area closures in other 2 areas
NEAFC

- **Move-On Rules**
  - **Status: Ineffective**
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    - 2 nm move on rule, yet trawl tows may be 20nm or more
    - Joint ICES/NAFO WGDEC advised current protocols and move on rules provide little if any protection

- **Sustainability Ensured**
  - **Status: No**
    - Positive: has implemented prohibition on gillnetting below 200m
    - ICES: 100% of the deep-sea catch ‘outside safe biological limits’
    - ICES: prohibition on fishing for orange roughy. NEAFC has failed to agree
    - Extensive discarding, misreporting and non-reporting of catches
SEAFO

- Impact Assessments
  - Status: None Completed
    - Only required ‘where possible’

- Area Closures
  - Status: Moderate Coverage
    - 11 areas where VMEs known or likely to occur closed to bottom fishing
    - Areas where most fishing has occurred over last 15 years remains open to bottom fishing,
    - Substantial areas of seamounts and ridge systems at fishable depths open
    - Given the biogeography, most features rising to depths less than 2000m potentially harbor VMEs
SEAFO

- Move-On Rules
  - Status: Ineffective
    - Requires 60 kg live coral or 800 kg of sponges
    - No encounters reported

(Joint ICES/NAFO WGDEC advised such protocols provide little if any protection in NAFO and NEAFC)

- Sustainability Ensured
  - Status: Possibly
    - Relatively restrictive quotas for 2011 for target deep sea species: orange roughy, alfonsino, toothfish, & red crab
    - Status of deep-sea stocks: unknown
    - Scientific Committee: insufficient data for stock assessments
CCAMLR

- Impact Assessments
  - Status: Fully Implemented
    - All States participating in bottom fisheries on high seas have submitted assessments
    - Conclusion: bottom longline fisheries not likely to have SAIs on VMEs

- Area Closures
  - Status: High Coverage
    - All high seas areas shallower than 550 metres closed to bottom longlining
    - Large area south of South Orkney islands closed to bottom fishing
    - Other areas closed as result of the move-on rule
CCAMLR

- **Move-On Rules**
  - **Status: More Effective**
    - Unlike other RFMOs, includes species beyond corals and sponges
    - 10 litres or 10 kg of VME species per 1000 hooks/1200 metres observed on longline gear triggers 1 NM move on
    - At least 17 areas closed as a result of move-on rule
    - Bottom trawling banned; can locate VME encounter in LL fisheries

- **Sustainability Ensured**
  - **Status: Possibly**
    - Detailed & comprehensive reporting on bycatch b/c of well-developed scientific observer program
    - Catch limits & move-on rules for main bycatch species
    - Quotas and other measures in place for patagonian and antarctic toothfish;
    - BUT previous overfishing and IUU in many places
Other High Seas Areas
North Pacific

RFMO negotiations concluded 2011; some interim measures

- **Impact Assessments – Some Completed**
  - Japan, Russia, South Korea, US have submitted impact assessment reports to interim Science Working Group
  - Togo, Curacao & other (FOC) bottom fish with none

- **Area Closures – Very Poor Coverage**
  - Agreed to close 1 small area on 1 seamount in entire Emperor Seamount chain
  - S. Korea & Japan agreed to prohibit fishing on 1 of 2 additional seamounts proposed for closure by US

- **Move-on Rules – Ineffective**
  - Interim move-on rule in NW Pacific only
  - Only Japan established interim threshold for NE Pacific

- **Sustainability Ensured – No**
  - Effort reduction measures adopted
  - Main target species: pelagic armourhead, alfonsino: believed depleted; status of bycatch species unknown
South Pacific

*RFMO negotiations concluded 2009; some interim measures*

- Impact Assessments – Incomplete
  - NZ & AU have submitted, but do not comply with UN FAO Guidelines

- Area Closures – Good Coverage (but temporary)
  - Temporary closures of all high seas areas except for historic footprint
  - Agreed to temporarily limit fishing to historic ‘footprint’. Formula for ‘footprint’ allows for large areas not been previously fished or only very ‘lightly fished’
  - NZ agreed to close all such ‘lightly’ fished areas within its trawl footprint. Australia still authorizes in these areas

- Move-on Rules – Limited Application
  - NZ has established encounter protocols and move-on rule only applicable to bottom fishing in ‘moderately fished’ areas in its footprint.
  - Australia has 50kg move-on.

- Sustainability Ensured – No
  - No limits on catch or other measures to ensure long-term sustainability of target or bycatch fish stocks & species (135 species reported caught in bottom fisheries)
  - Proposed limits for orange roughy: not sustainable
Indian Ocean

No multilateral regulations or interim measures in place

- Impact Assessments – None made public

- Voluntary Area Closures – Poor Coverage
  - Several companies voluntarily agreed to refrain from fishing in 11 deep-sea areas, covering approx 6.7% of areas < 1500m and 5.5% of seamounts at < 1500m

- Move-on Rules – None

- Sustainability Ensured – No
  - No multilateral regulations or interim measures in place
  - Beyond China, no other country submitted catch information to FAO for World Wide Review of Bottom Fisheries in the High Seas
  - No country has reported high seas catches of orange roughy or alfonsino in SW Indian Ocean – the two main target species
South West Atlantic

*No RFMO negotiations on-going or planned*
*EU Regulation to Implement 61/105 adopted 2008*

- **Impact Assessments – Limited**
  - Spain mapped areas for VMEs
  - Full assessments required but not carried out (EC Reg. 734/2008 and COM(2010) 651)
  - S. Korea, and possibly others fish in the area, no impact assessments made public

- **Area Closures - Some**
  - Spain has closed to bottom fishing 9 large VME areas based on comprehensive scientific research surveys
  - Spain adopted regulation in July 2011 which appears to confine high seas bottom fishing to continental shelf and upper slope (regulation has not yet been made public)

- **Move-on Rules – None**
  - A move-on rule is required by EU, but has yet to be developed. No info from other countries

- **Sustainability Ensured – No**
  - No catch restrictions but EU/Spain only fishing medium/high productivity species?
  - Argentine hake considered fully or overexploited.
  - Status of bycatch species unknown.
“If fully implemented, resolutions 61/105 and 64/72, as well as the FAO Guidelines, provide the tools necessary to protect VMEs from significant adverse impacts due to bottom fishing and to ensure the long term sustainability of deep sea fish stocks. While significant actions have been taken, implementation of the resolutions continues to be uneven and further efforts are needed.”

- Advanced Draft of SG Report, 2011
### Summary Conclusions

<table>
<thead>
<tr>
<th>Area</th>
<th>Assessments Completed and Made Public</th>
<th>Closure Coverage</th>
<th>Move-On Rules</th>
<th>Sustainability of deep-sea fish ensured</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAFO</td>
<td>None</td>
<td>Moderate</td>
<td>Ineffective</td>
<td>No</td>
</tr>
<tr>
<td>NEAFC</td>
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<td>Moderate</td>
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<td>Ineffective</td>
<td>Possibly</td>
</tr>
<tr>
<td>CCAMLR</td>
<td>All</td>
<td>High</td>
<td>Effective</td>
<td>Possibly</td>
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<tr>
<td>North Pacific</td>
<td>All*</td>
<td>Very Poor</td>
<td>Ineffective</td>
<td>No</td>
</tr>
<tr>
<td>South Pacific</td>
<td>All*</td>
<td>Substantial but temporary</td>
<td>Limited effectiveness</td>
<td>No</td>
</tr>
<tr>
<td>Indian Ocean</td>
<td>None</td>
<td>Very Poor, voluntary</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>SW Atlantic</td>
<td>Limited</td>
<td>EU/Spain: High Others?</td>
<td>None</td>
<td>No (EU/Spain N/A?)</td>
</tr>
</tbody>
</table>

• Vessels flying FOC’s sighted in area;
• FOC flag States have not submitted impact assessments
Recommendations

1. Immediate cessation of high seas bottom fishing
   - Except where UNGA resolutions *effectively* and *fully* implemented

2. Protection of all VMEs
   - In compliance with para. 42 of FAO Guidelines on Deep Sea Fisheries
   - Includes: long-lived fish species, spawning areas, unique habitats (seamounts & canyons)

3. High seas bottom fishing as IUU fishing
   - When conducted in contravention of UNGA resolutions 61/105 and 64/72, regional measures, or UNGA compliant national rules
It is time to fully implement the UNGA Resolutions.