



**Briefing for the  
Third Session of the Preparatory Conference of the  
South Pacific Regional Fisheries Management Organisation  
Santiago  
January 30-February 3, 2012**

**Introduction and Summary**

The Deep Sea Conservation Coalition (DSCC) respectfully submits this briefing for the 3rd Session of the Preparatory Conference of the South Pacific RFMO (SPRFMO).

While much of the meeting will be taken up with addressing the pressing issue of the overfishing of jack mackerel, this meeting also will address bottom fishing. In particular, the Bottom Fishery Impact Assessment Standard, revised in Vanuatu by the Science Working Group, is to be considered for adoption by the Conference.

Delegates should be aware that there have been some important developments in the last year, including a UNGA workshop<sup>1</sup>, a review at the United Nations and the resulting UNGA resolution in 2011.

Any revisions to the interim measures adopted in Reñaca in 2007 must take these into account, and, in particular, must ensure that no fishing is undertaken until compliant impact assessments have been carried out, following UNGA resolution 64/72 paragraph 119(a),<sup>2</sup> and compliant measures have been adopted, following UNGA resolution 64/72 paragraph 120,<sup>3</sup> and taking into account resolution 66/68 adopted in 2011.<sup>4</sup>

The DSCC welcomes the public release of both the Australian and New Zealand Bottom Fishery Impact Assessments. The DSCC looks forward to a revision of the Australian assessment in line with the comments and recommendations of the Science Working Group and DSCC comments. The DSCC also looks forward to a revised impact assessment this year from New Zealand in line with the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas and the 2009 and 2011 UNGA resolutions. The delegation of New Zealand to the UNGA workshop in September 2011 stated that this was planned for 2012.

**Background and Recent Developments in Bottom Fishing**

In May 2011 a workshop in Lisbon brought together 22 scientists and fisheries experts from around the world to consider the United Nations General Assembly (UNGA) resolutions on high seas bottom fisheries: what progress has been made and what the outstanding issues are. A report was produced - [The Impact of Deep-Sea Fisheries and Implementation of the UNGA Resolutions 61/105 and 64/72](#),<sup>5</sup> summarizing the workshop conclusions. The report identifies examples of good practice and makes recommendations in areas where it was agreed that the current management measures fall short of their target.

Several of the report's contributing scientists attended, and made presentations to, the UNGA meeting in September 2011 to review the implementation of resolutions 61/105 and 64/72.

We recall that as a result of a review by the UNGA in 2006, and calls by a number of countries including Brazil, Palau and other Pacific Island countries, the UNGA adopted a 'compromise' offered by nations whose vessels deep-sea fish on the high seas through UNGA Resolution 61/105. This was adopted by consensus in December 2006. [Resolution 61/105](#)<sup>6</sup> committed nations that authorise their vessels to engage in bottom fisheries on the high seas to take a series of actions, outlined in Paragraph 83 of the resolution. The main action points were:

1. Conduct impact assessments to determine whether bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems (VMEs);
2. Ensure that, if fishing activities have significant adverse impacts, they are managed to prevent such impacts, or else prohibited;
3. Close areas of the high seas to bottom fishing where VMEs such as cold-water corals are known or likely to occur, unless fishing in these areas can be managed to prevent significant adverse impacts to such ecosystems;
4. Establish and implement protocols to require vessels to cease fishing in areas where an encounter with VMEs occurs during fishing activities;
5. Sustainably manage the exploitation of deep-sea fish stocks; and
6. Implement these measures, in accordance with the precautionary approach, ecosystem approach and international law, by no later than December 31 2008.

Following this resolution, SPRFMO adopted [interim measures](#)<sup>7</sup> in 2007 in Reñaca.

Since then, a set of [International Guidelines for the Management of Deep-Sea Fisheries in the High Seas](#)<sup>8</sup> ('FAO Guidelines') were negotiated under the auspices of the United Nations Food and Agriculture Organization (UN FAO) to further define and agree criteria for the conduct of impact assessments of high seas bottom fisheries; identify VMEs; and then assess whether deep-sea fisheries would have "significant adverse impacts" on VMEs. The FAO Guidelines were adopted in August 2008.

In 2009, the UNGA determined that Resolution 61/105 had not been implemented sufficiently. As a result the General Assembly adopted additional provisions in [Resolution 64/72](#).<sup>9</sup> This resolution reaffirmed the 2006 resolution and made it clear that the measures called for in Resolution 61/105 should be implemented, consistent with the FAO Guidelines, by flag States and RFMOs prior to allowing, or authorising, bottom fishing on the high seas to proceed. Resolution 64/72 placed particular emphasis on conducting impact assessments of bottom fisheries on the high seas and called on States and RFMOs to "ensure that vessels do not engage in bottom fishing until such assessments have been carried out". Resolution 64/72 further called for stock assessments and conservation measures to ensure the long-term sustainability of deep-sea fish stocks, including species impacted by deep-sea fishing which are not of commercial value (so-called non-target or bycatch species), and the rebuilding of depleted fish stocks. Also, crucially, the resolution called on States not to authorize bottom fishing activities until such measures have been adopted and implemented.

In addition to the UNGA, meetings of the Conferences of Parties to the Convention on Biological Diversity (CBD) have adopted a series of decisions calling for action. Most recently, the 2010 meeting of the 10th Conference of Parties called on high seas fishing nations to "fully and effectively implement" UNGA resolution 64/72.

The Deep Sea Conservation Coalition (DSCC), through its member organisations, has participated in negotiations to implement the UN resolutions on bottom fishing around the world over the past six years. Based on direct experience and a review of various actions taken, the DSCC released a report in September 2011 - [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](#)<sup>10</sup> – to coincide with the 15-16 September workshop to review implementation of United Nations General Assembly resolutions 61/105 and 64/72. The main findings of the report include:

1. While progress has been made in identifying and protecting some vulnerable marine ecosystems, measures taken to date are far from comprehensive;
2. Assessments of fishing activities have not been completed for the majority of bottom fisheries; and
3. Deep sea fisheries for many species remain unregulated.

In the SPRFMO area, the DSCC review concluded that as a result of the interim measures adopted by SPRFMO participants, substantial and highly valuable information has become available on the bottom fisheries in the SPRMO region. Further: the freeze of the footprint has served to temporarily protect a large area of the South Pacific from significant adverse impacts of bottom fishing and New Zealand is to be commended for closing a substantial portion of its designated footprint; the 100% observer coverage on bottom trawl vessels should help to provide additional information on the interaction between bottom fishing and VMEs; and the prohibition on bottom gillnet fishing has been a positive development.

However at the same time there have been a number of serious shortcomings in the management of bottom fisheries in the SPRFMO area in light of the measures agreed through the UNGA resolutions. These include that:

- The process for determining the bottom fisheries footprint had not been sufficiently rigorous thus bottom fishing is likely to have occurred in previously unfished areas where VMEs are likely to occur;
- Impact assessments consistent with the International Guidelines for the Management of Deep-sea Fisheries in the High Seas had not been done in areas within the footprint where bottom fishing was permitted to occur;
- As a result, the measures adopted by the flag States concerned in these areas were not sufficient to ensure that bottom fishing was managed to prevent significant adverse impacts on VMEs, in spite of the application of a move-on rule to some areas; and
- The long-term sustainability of none of the deep-sea fish stocks and species was ensured. We would note that New Zealand reported 137 species recorded

in the bottom fisheries in the SPRFMO region, of which approximately 22 were considered target species.

Based on this review, the DSCC concluded that high seas fishing States are, with few exceptions, failing to fully implement the provisions of UNGA resolutions 61/105 and 64/72. As a result, deep sea stocks continue to be increasingly overexploited and vulnerable marine ecosystems may be lost. At the September 2011 UNGA workshop, the DSCC called on States fishing in areas where the UN resolutions have not been fully implemented to cease bottom fishing, as is required by paragraph 120 of resolution 64/72, until effective measures consistent with the resolutions are adopted and implemented, including required impact assessments.

The 2011 UNGA negotiations concluded in December 2011 with the adoption of a new resolution (resolution 66/68) on Sustainable Fisheries, calling on high seas fishing nations to take stronger actions to protect deep sea life. Welcomed by the DSCC, resolution 66/68 reinforces the conclusions of our September report. It concludes that “urgent actions called for in the relevant paragraphs of [previously adopted UNGA resolutions] 61/105 and 64/72 have not been fully implemented” with respect to the regulation of deep-sea fisheries on the high seas and “emphasizes the need for full implementation by all States and relevant regional fisheries management organizations and arrangements of their commitments under those paragraphs on an urgent basis” to protect deep-sea ecosystems and species. The resolution further calls for strengthening procedures for conducting environmental impact assessments of high seas bottom fisheries and calls on States to publicize “without delay” the assessments and improve compliance with deep-sea fisheries regulations. The new resolution called for more transparency in RFMOs and for impact assessments to be made public. DSCC is therefore pleased that SPRFMO did, prior to this resolution, publish the [New Zealand](#)<sup>11</sup> and [Australian](#)<sup>12</sup> assessments.

### **Bottom Fishery Impact Assessment Standard**

The Meeting Report of the Cali 2nd Session of the Preparatory Commission noted that the Science Working Group was to finalise a draft Bottom Fishery Impact Assessment Standard (BFIAS) and provide the draft for consideration by the Third Session of the Preparatory Conference.

In Vanuatu, the Deepwater Sub-Group adopted the [revised Bottom Fishery Impact Assessment Standard](#)<sup>13</sup> (Attachment 1 to its report), noting that it would replace the interim Benthic Assessment Framework. The sub-group recommended that this standard be approved by the Science Working Group and forwarded to the third meeting of the Preparatory Conference for consideration and adoption. The Science Working Group endorsed the recommendation.

We are pleased to see that the revised BFIAS has been improved in a number of areas in relation to the concerns expressed by the DSCC in its submission to the 10<sup>th</sup> meeting of the Science Working Group in Vanuatu. These improvements include a requirement that the impact assessment must address the potential presence and likely impact of bottom fishing on rare and endemic species, and not simply the “main” bycatch species.

However, in two key areas, the BFIAS still appears to contain significant weaknesses in the view of the DSCC. First, it would essentially require that “repetitive” encounters with VME taxa occur before an area could be designated as a VME. Second, it appears to envision that a move-on rule would be the primary conservation and management measures implemented in exploratory fisheries to prevent significant adverse impacts on VMEs.

We would emphasize that the conservation value of threshold limits, particularly in bottom trawl fisheries, and management solely or predominantly by the move-on rule, again particularly in fisheries employing mobile gear, as a means of preventing significant adverse impacts has been increasingly discredited by scientists and others.

The Joint NAFO/ICES Working Group on Deep-Sea Ecology (WGDEC) in 2010 concluded the following:

*“The damage caused by deep - sea bottom fishing activities to marine habitats and species, in particular VME indicators, is likely to remain unrecovered for decades to centuries. Reactionary management strategies such as the “encounter clauses” and “move - on rules” are of limited benefit to prevent significant adverse impacts because they still allow damage to occur which will gradually degrade ecosystems over time.*

- 1) Bottom habitats at fishable depths... are not inhabited by one fauna that ranges over the whole region, thus there can be no uniform “rule”;*
- 2) exploratory fishing with bottom contact gear in the deep sea is unacceptable because of the long - term damage such gear does to bottom habitats;*
- 3) exploratory fishing with bottom contact gear is unnecessary because modern data management tools and computer modelling techniques can provide a mechanism for making predictions about where vulnerable marine ecosystems are likely to be present; and*
- 4) the burden of proof regarding whether any particular area of the seabed can be fished with bottom contact gear without causing damage to VMEs must reside with the entity proposing to do the fishing.*

*These principles put fishing on a more equal footing with other industries who extract resources from the ocean and whose activities might have adverse or harmful effects on resident organisms.”<sup>14</sup>*

Dr Jake Rice, of DFO Canada in a paper prepared for the meeting in Busan, Korea (May 2010) to review the implementation of the UN FAO Guidelines, concluded the following:

*“The triggers for encounter protocols are currently measures of the amount of coral or sponge in fishing tows and/or entangled in longlines. These are acknowledged to be poor indicators of the presence of VMEs, with errors much more likely to be misses (VME present but no or insufficient coral or sponge in the catch) than false alarms (coral or sponge in the catch, but no VME actually present). This is exactly the wrong type of detection errors for a measure intended to function in a risk management (and particularly a precautionary) framework.”<sup>15</sup>*

Rogers and Gianni, in their review of the implementation of the UNGA resolutions in 2010, provide the following recommendations:

*“To establish and implement protocols to cease fishing where an encounter with VMEs occurs during fishing activities, and to report such encounters so that appropriate measures can be adopted with respect to that site:*

- *The trigger thresholds for encounter rules should be based on rigorous scientific analyses of relationships between by-catch and the presence of VMEs within the geographic region in which bottom fishing activities take place. Such analyses can be undertaken on fisheries-independent catch data or on fisheries data in combination with scientific surveys or other information. Thresholds should be specific to particular groups or size-classes of organisms and to the fishing gear and methods used.*
- *Evidence of by-catches of VME indicator species at levels indicated by scientists to represent a likely encounter with a VME should trigger an immediate (and at least temporary) cessation of fishing and closure of the area until an assessment of the area has been conducted and a determination has been made as to whether fishing can be resumed in the area without SAIs on VMEs.*
- *Move-on rules should ensure that subsequent to an encounter there is no risk of SAIs occurring on identified VMEs as a result of continuing fishing activities. Move-on distances should reflect the accuracy with which the location of a VME has been identified.”<sup>16</sup>*

### **New and Exploratory Fisheries**

The 2007 Interim Measures state that:

*"3. Starting in 2010, before opening new regions of the Area or expanding fishing effort or catch beyond existing levels, establish conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems and the long-term sustainability of deep sea fish stocks from individual bottom fishing activities or determine that such activities will not have adverse impacts, based on an assessment undertaken in accordance with paragraphs 11 and 12 below."*

Clearly, any interim measures put into place need to take into account resolution 64/72 and resolution 66/68. DSCC notes that for new and exploratory fishing, in particular, any revised interim measures must ensure that no fishing is undertaken until compliant impact assessments have been carried out, following UNGA resolution 64/72 paragraph 119(a),<sup>17</sup> and compliant measures have been adopted, following UNGA resolution 64/72 paragraph 120<sup>18</sup> and UNGA resolution 66/68. The latter resolution included a call on States to:

*a) strengthen procedures both for carrying out assessments to take into account individual, collective and cumulative impacts, and for making the assessments publicly available, recognizing that doing so can support transparency and capacity building globally;*

*b) establish and improve procedures to ensure that assessments are updated when new conditions or information so require;*

*c) establish and improve procedures for evaluating, reviewing and revising, on a regular basis, assessments based on best available science and management measures; and*

*d) establish mechanisms to promote and enhance compliance with applicable measures related to the protection of vulnerable marine ecosystems, adopted in accordance with international law.<sup>19</sup>*

In practical terms, this means that assessments need to be made public, need to take into account individual and collective impacts and cumulative impacts, need to be updated when new conditions or information requires, are regularly evaluated, reviewed and revised, based on the best available science and management measures, and that SPRFMO needs to ensure that adequate compliance measures are in place to promote and enhance compliance with interim measures related to the protection of VMEs, until the Convention enters into force.

It is clear that any exploratory fishing will have impacts, so this is another confirmation that measures need to be in place before any such fishing is carried out.

### **The Australian Assessment and Review**

In accordance with paragraph 12 of the Interim measures, the Science Working Group was required to review the assessment and proposed management measures and to provide comments to Australia. The Working Group noted that the Deepwater subgroup reviewed the Australian bottom fishery impact assessment (SWG-10-DW-01a) and associated management measures (SWG-10-DW-01b). They noted that the impact assessment provided a comprehensive report that generally met, and went beyond, the interim Benthic Assessment Framework, as it was based on the draft BFIAS. The sub-group provided comments against the list of questions in Section 8 of the Report of SWG 4 (Noumea, September 2007). The sub-group recommended that the comments and review be forwarded by the Secretariat to Australia.

DSCC had also made comments on the Australian assessment, and looks forward to receipt of an updated assessment, which takes account of the SWG and the DSCC comments, as well as the Workshop which took place at the United Nations in September, and the following resolution 66/68 (2011).<sup>20</sup>

DSCC concur with the DWSG that the 50 kg trigger was too high, and that within the fishing footprint, the proposed management arrangements will not prevent all impacts on VMEs. DWSG participants noted the difficulty in defining significant adverse impacts over multiple scales and therefore to assess the management arrangements proposed. DSCC observes that this illustrates the importance of prior impact assessments, and of not fishing before the assessments are completed.

It is important that participants implement the FAO Guidelines with respect to the assessment of risks.

Paragraph 47 (vi) of the FAO Guidelines states that impact assessments should address “*vi. risk assessment of likely impacts by the fishing operations to determine which impacts are likely to be significant adverse impacts, particularly impacts on VMEs and low-productivity fishery resources.*” Paragraph 48 states that “*48. Risk assessments referred to in paragraph 47 (vi) above should take into account, as*

*appropriate, differing conditions prevailing in areas where DSFs are well established and in areas where DSFs have not taken place or only occur occasionally.”*

There is no basis for the risk assessment becoming the overall assessment of significant adverse impact (SAI), as was the case in the first Australian assessment, based on *“limits on the amount of fishable seabed available for fishing, an 'evidence of VME' process with validation and move-on provisions, and infrastructure that transparently supports monitoring and compliance. Our evaluation of low overall risk also considers the low exposure of VMEs to fishing impact from Australian vessels because there are few issued permits and no trawling in the SPRFMO Area in 2008 and 2009.”* (section 4.3.2; page 48). The Guidelines clearly state (para.17) that ***“impacts should be evaluated individually, in combination and cumulatively.”*** The focus is on the specific site, not the area covered by the RFMO/A as a whole. Paragraph 48 refers to *“areas where DSFs have not taken place or only occur occasionally.”* Paragraph 18 of the FAO Guidelines state that:

*“18. When determining the scale and significance of an impact, the following six factors should be considered:*

- i. the intensity or severity of the impact at the specific site being affected;*
- ii. the spatial extent of the impact relative to the availability of the habitat type affected;*
- iii. the sensitivity/vulnerability of the ecosystem to the impact;*
- iv. the ability of an ecosystem to recover from harm, and the rate of such recovery;*
- v. the extent to which ecosystem functions may be altered by the impact; and*
- vi. the timing and duration of the impact relative to the period in which a species needs the habitat during one or more of its life-history stages.”*

Likewise, paragraph 11 of the Interim Measures states that the assessment is whether *“individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems.”* In addition, the Assessment notes that *“poor knowledge of VME distribution at fine scales prevents accurate calculation of spatial overlap of fishing with VMEs.”* (page 56).

As always, a precautionary approach should be taken in assessing significant adverse impacts.

DSCC also looks forward to New Zealand's reassessment of its impact assessment, as the delegation of New Zealand stated during the UNGA review in September 2011, which was completed before the adoption of the FAO Guidelines, as well as the 2009 and 2011 UNGA resolutions.

Respectfully submitted to the Third Session of the Preparatory Conference of the South Pacific Regional Fisheries Management Organisation on behalf of the Deep Sea Conservation Coalition.

Duncan Currie

Matthew Gianni

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<sup>1</sup> UN General Assembly Workshop to discuss implementation of paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of resolution 64/72 on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks. 15-16 September 2011.

[http://www.un.org/Depts/los/reference\\_files/workshop\\_fisheries\\_2011.pdf](http://www.un.org/Depts/los/reference_files/workshop_fisheries_2011.pdf)

<sup>2</sup> UNGA Resolution 64/72 (2009) paragraph 119(a) Conduct the assessments called for in paragraph 83 (a) of its resolution 61/105, consistent with the Guidelines, and to ensure that vessels do not engage in bottom fishing until such assessments have been carried out.

<sup>3</sup> UNGA resolution 64/72 paragraph 120: "Calls upon flag States, members of regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries and States participating in negotiations to establish such organizations or arrangements to adopt and implement measures in accordance with paragraphs 83, 85 and 86 of its resolution 61/105, paragraph 119 of the present resolution, and international law, and consistent with the Guidelines, and not to authorize bottom fishing activities until such measures have been adopted and implemented."

<sup>4</sup> A/RES/66/68 - 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 (to be issued)

<sup>5</sup> [http://www.savethehighseas.org/publicdocs/Lisbon\\_report\\_final\\_web.pdf](http://www.savethehighseas.org/publicdocs/Lisbon_report_final_web.pdf)

<sup>6</sup> <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/61/105>.

<sup>7</sup> [http://www.southpacificfmo.org/assets/3rd-Meeting-April-2007-Renaca/Plenary-III/SPRFMO%20Interim%20Measures\\_Final.doc](http://www.southpacificfmo.org/assets/3rd-Meeting-April-2007-Renaca/Plenary-III/SPRFMO%20Interim%20Measures_Final.doc).

<sup>8</sup> <http://www.fao.org/docrep/011/i0816t/i0816t00.htm>.

<sup>9</sup> <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/64/72>. The key elements of the resolution are contained in paragraphs 119-120.

<sup>10</sup> [http://www.savethehighseas.org/publicdocs/DSCC\\_review11.pdf](http://www.savethehighseas.org/publicdocs/DSCC_review11.pdf)

<sup>11</sup> SP-7-SWG-DW-01 <http://www.southpacificfmo.org/assets/7th-Meeting-May-2009-Lima/DW-Subgroup-VII/SP-7-SWG-DW-01-New-Zealand-Bottom-Fishery-Impact-Assessment-Posted.pdf>.

<sup>12</sup> <http://www.southpacificfmo.org/assets/10th-SWG-and-9th-DIWG-meetings-Vanuatu/SWG-10/SWG-10-DW-01a-Australian-BFIA-Final-Report.pdf>. See DSCC comments at <http://www.southpacificfmo.org/assets/10th-SWG-and-9th-DIWG-meetings-Vanuatu/SWG-10/SWG-10-INF-03-DSCC-Comments-on-Australian-SPRFMO-assessment.pdf>.

<sup>13</sup> <http://www.southpacificfmo.org/assets/10th-SWG-and-9th-DIWG-meetings-Vanuatu/SWG-10/Annex-SWG-04-ReportDWSG-10Meeting.pdf>.

<sup>14</sup> Report of the ICES/NAFO Joint Working Group on Deep-water Ecology (WGDEC), 22–26 March 2010, Copenhagen, Denmark. ICES WGDEC REPORT 2010, ICES ADVISORY COMMITTEE, ICES CM 2010/ACOM:26, International Council for the Exploration of the Sea (ICES). [http://www.ices.dk/reports/ACOM/2010/WGDEC/wgdec\\_final\\_2010.pdf](http://www.ices.dk/reports/ACOM/2010/WGDEC/wgdec_final_2010.pdf).

<sup>15</sup> Review of Progress on Implementation of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas – Experience of RFMO/As with identifying and protecting VMEs. Paper prepared by Jake Rice, Fisheries and Oceans, Canada, for the *Workshop on the Implementation of the FAO Guidelines for the Management of Deep-Sea Fisheries in the High Seas: challenges and solutions* hosted by the Government of the Republic of Korea. Busan, Korea 10-12 May 2010.

<sup>16</sup> Rogers, A.D., Gianni, M. (2010) The Implementation of UNGA Resolutions 61/105 and 64/72 in the Management of Deep-Sea Fisheries on the High Seas. Report prepared for the Deep-Sea Conservation Coalition. International Programme on the State of the Ocean, London, United Kingdom, 97pp.

<sup>17</sup> UNGA Resolution 64/72 (2009) paragraph 119(a) Conduct the assessments called for in paragraph 83 (a) of its resolution 61/105, consistent with the Guidelines, and to ensure that vessels do not engage in bottom fishing until such assessments have been carried out.

<sup>18</sup> UNGA resolution 64/72 paragraph 120: "Calls upon flag States, members of regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries and States participating in negotiations to establish such organizations or arrangements to adopt and implement measures in accordance with paragraphs 83, 85 and 86 of its resolution 61/105, paragraph 119 of the present resolution, and international law, and consistent with the Guidelines, and not to authorize bottom fishing activities until such measures have been adopted and implemented."

<sup>19</sup> Paragraph 129 of UN General Assembly document A/66/L.22 adopted by the General Assembly on 6 December 2011. To be issued as UNGA resolution 66/68  
[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/66/L.22](http://www.un.org/ga/search/view_doc.asp?symbol=A/66/L.22).

<sup>20</sup> DSCC recommendations included:

1. That Australia ceases to authorise its vessels to engage in deep sea fishing in the high seas until assessments have been carried out consistent with the FAO Guidelines for all areas in which deep sea fishing is to take place.
2. That Australia establishes and implements encounter protocols including indicator species as well as scientifically determined threshold limits consistent with the Guidelines, and taking into account the assessments carried out.
3. That the move-on rule included a move-on distance more appropriate to the fishing method used and be no less than 10 nautical miles.
4. That assessments be carried out so as to ensure the long-term sustainability of deep sea fish stocks and non-target species, and the rebuilding of depleted stocks, consistent with the Guidelines; and, where scientific information is uncertain, unreliable, or inadequate, to ensure that conservation and management measures be established consistent with the precautionary approach, including measures to ensure that fishing effort, fishing capacity and catch limits, as appropriate, are at levels commensurate with the long-term sustainability of such stocks.
5. That Australia should not permit fishing in areas closed by another fishing State in the area.
6. That the cumulative impacts of fishing, including by more than one flag State on VMEs, be assessed and controlled through multilateral measures. This must be done to ensure the assessment of the significant adverse effects on an area.
7. That risk assessments are based on specific areas fished, not the entire region.