

Report on New Zealand's Implementation of Operative Paragraphs 80 and 83-90 of Resolution 61/105

New Zealand has been actively engaged in the development and implementation of measures to avoid adverse impacts on vulnerable marine ecosystems (VMEs), both within its exclusive economic zone (EEZ) and on the high seas, and both at its own initiative, in concert with other members of relevant organisations and in response to the calls of the General Assembly in Resolution 61/105 for States and Regional Fisheries Management Organisations/Arrangements (RFMO/As) to take action to prevent significant adverse impacts of bottom fishing on the high seas on VMEs and to ensure the long term sustainability of deep sea fish stocks.

In particular, New Zealand has implemented a comprehensive system of measures to protect benthic ecosystems (1e 7.87122(i)1.8712821(t)-2.16436M)

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which Resolution 61/105 applies. On that basis, CC

encountered and to report the encounter to the CCAMLR Secretariat.

- CM22-07 (2008) requires Contracting Parties to implement, in the high seas areas of the Convention Area, specific measures for the monitoring and notification to the CCAMLR Secretariat of encounters with VMEs, which measures require fishing to cease where encounters exceed the thresholds specified in the Conservation Measure. This CM is explained more fully below.
- CMs 41-04, 41-05, 41-06, 41-07, 41-09, 41-10 and 41-11 (2008) prohibit fishing in all depths shallower than 550 meters in all exploratory tooth fish fisheries south of 60° South.

CM22-07, which is principally relevant for bottom long lining, requires a vessel to report and in some instances move-on where certain thresholds of “VME indicators” suggesting a possible encounter with a possible VME are obtained during fishing.

Vessels are required to record the geographic location and quantity of VME indicators taken and to report this data to the CCAMLR Secretariat each month. When certain threshold levels of VME indicators are obtained by the vessel it is required to report this encounter immediately to the CCAMLR Secretariat who will in certain situations inform all vessels that no fishing can occur in that area.

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The VME encounter measure was implemented during the 2008-2009 season, with several 1mn radius area fishing closures being activated by the CCAMLR Secretariat.

Operative Paragraph 84

All of the Conservation Measures referred to above are available on the CCAMLR Website: <http://www.ccamlr.org>.

Operative Paragraph 85**Adoption of SPRFMO Interim Measures**

The negotiations to establish a SPRFMO for the conservation and management of the non-highly migratory species of the high seas of the South Pacific began in Wellington in February 2006. Six negotiating rounds have been held to date. A seventh round is to be held in Lima, Peru in May 2009.

At the third meeting held in Reñaca, Chile in April / May 2007, the participants in the negotiations agreed a set of Interim Conservation and Management Measures for fisheries that are the subject of the negotiations (Interim Measures). The Interim Measures included measures to limit bottom fishing in the high seas of the South Pacific and to prevent significant adverse impacts of bottom fishing on VMEs.

The Interim Measures, which are voluntary and are not legally binding under international law, were effective from 30 September 2007. The bottom fishing measures are to apply until the entry into force of the Agreement under negotiation to establish the SPRFMO and the adoption of conservation and management measures pursuant to that Agreement.

The Interim Measures apply to the high seas south of the Equator, north of the CCAMLR Convention Area, east of the area covered by the Southern Indian Ocean Fisheries Agreement (SIOFA) and west of the areas of fisheries jurisdictions of South American States.

Under the Interim Measures relating to bottom fishing, the participants in the negotiations resolved, inter alia, to:

- Limit bottom fishing effort or catch to existing levels (averaged over the period 1 January 2002 to 31 December 2006) and not expand bottom fishing activities into new regions.
- From 2010, before opening new regions or expanding fishing effort or catch beyond existing levels, establish conservation and management measures to prevent significant adverse impacts on VMEs and the long-term sustainability of deep sea fish stocks from bottom fishing.
- Close areas where VMEs are known to occur or are likely to occur, unless, based on an assessment process, conservation and management measures have been established to prevent significant adverse impacts on VMEs and the long-term sustainability of deep sea fish stocks or it has been determined that such bottom fishing will not have significant adverse impacts on VMEs or the long term sustainability of deep sea fish stocks.

- Require bottom fishing activities to cease within five nautical miles of any site where evidence of VMEs is encountered, and report the encounter so that appropriate measures can be adopted in respect of the relevant site.
- Appoint observers to each vessel undertaking or proposing to undertake bottom trawling activities and ensure an appropriate level of observer coverage on vessels undertaking other bottom fishing activities.
- Ensure that all vessels flying their flag and operating in the Area are equipped with an operational vessel monitoring system no later than 31 December 2007.
- Assess whether individual bottom fishing activities would have significant adverse impacts on VMEs and ensure that the activities are managed to prevent such impacts or are not authorized to proceed.
- Implement specified procedures for the assessment of whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, including the proposed management measures to prevent such impacts.

Under the Interim Measures, the interim Scientific Working Group is to review and comment on assessments submitted by participants on the basis of a preliminary interim Standard designed by the interim Scientific Working Group. Pending the interim Standard, submitting participants may provisionally apply their proposed management measures.

The Interim Measures are publicly available on the SPRFMO 873(o)-4.36-h17()-2.16436(t)-2522.2

likely that VMEs in such targeted fishing positions in these areas would have already been significantly impacted. On this basis, the encounter provision has not been applied to these areas.

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adequate conservation and management measures to prevent significant adverse impacts on VMEs are in place.

Rationale for VME Evidence Process Form

A full description of New Zealand's approach to the identification of VMEs is contained in the New Zealand Bottom Fishery Impact Assessment: Bottom Fishing Activities by New Zealand Vessels Fishing in the High Seas in the SPRFMO Area

Traditionally, bottom trawling in the high seas of New Zealand takes in the period

Operative Paragraph 88

Not applicable

Operative Paragraph 89

New Zealand was an active participant in the Technical Consultation on International Guidelines for the Management of Deep-Sea Fisheries in the High Seas convened by the FAO and adopted in 2008.

Operative Paragraph 90

While the FAO is yet to develop a global VME database, New Zealand reported seamount maps in the New Zealand SPRFMO Area Bottom Fishery Impact Assessment.⁸ Work to refine these maps and gather data on VMEs is ongoing, and is being undertaken through cooperation with its fishing industry and the placement of observers on all bottom trawl vessels.

New Zealand vessels fishing in the exploratory toothfish fisheries in the CCAMLR Convention area report encounters of potential VMEs to the CCAMLR Secretariat in accordance with the CM 22-07 described under the discussion above under OP 83.

There is also provision (and a pro forma) for notifying potential VME encounters not otherwise reported under CM 22-07 to the CCAMLR Secretariat for consideration by the Scientific Committee. That pro forma is found as Annex 22-06/Bc uBc 2.16558(u)-64.36(Bc)