

29TH ANNUAL MEETING – SEPTEMBER 2007

(Proposal by Canada)

**Interim Measures to Prevent Significant Adverse Impacts on
Vulnerable Marine Ecosystems**

(ADOPTED)

Background or Explanatory Memorandum

At the 2005 annual meeting, NAFO agreed to launch a process to modernize itself by incorporating and implementing modern fisheries management and conservation standards established by current international fisheries instruments, including the 1982 United Nations Convention on the Law of the Sea and the 1995 United Nations Fish Stocks Agreement.

As part of this process, the Fisheries Commission adopted a 2005 proposal (FC Doc. 05/7) for an ecosystem approach to fisheries (EAF) through interim measures which included a request to seek additional information on four seamounts located in the NAFO Regulatory Area.

In 2005, the United Nations (UN) Secretary-General published a report outlining actions taken by States and regional fisheries management organizations (RFMO) to address the impacts of fishing on vulnerable marine ecosystems in response to United Nations General Assembly (UNGA) Resolution 59/25.

At its 2006 Annual Meeting, NAFO adopted precautionary closure of four seamount areas based on the ecosystem approach to fisheries which included strict conditions under which exploratory fisheries could occur within these seamount areas.

Subsequent to the adoption of this measure, in its 2006 resolution, UNGA 61/105.

...83. Calls upon regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to adopt and implement measures, in accordance with the precautionary approach, ecosystem approaches and international law, for their respective regulatory areas as a matter of priority, but not later than 31 December 2008:

- (a) To assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorized to proceed;
- (b) To identify vulnerable marine ecosystems and determine whether bottom fishing activities would cause significant adverse impacts to such ecosystems and the long-term sustainability of deep sea fish stocks, inter alia, by improving scientific research and data collection and sharing, and through new and exploratory fisheries;

(c) In respect of areas where vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, are known to occur or are likely to occur based on the best available scientific information, to close such areas to bottom fishing and ensure that such activities do not proceed unless conservation and management measures have been established to prevent significant adverse impacts on vulnerable marine ecosystems;

(d) To require members of the regional fisheries management organizations or arrangements to require vessels flying their flag to cease bottom fishing activities in areas where, in the course of fishing operations, vulnerable marine ecosystems are encountered, and to report the encounter so that appropriate measures can be adopted in respect of the relevant site;.....

..84. Also calls upon regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to make the measures adopted pursuant to paragraph 83 of the present resolution publicly available;

.....91. Requests the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to include in his report concerning fisheries to the General Assembly at its sixty-fourth session a section on the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 83 to 90 of the present resolution, and decides to conduct a further review of such actions at that session in 2009, with a view to further recommendations, where necessary;

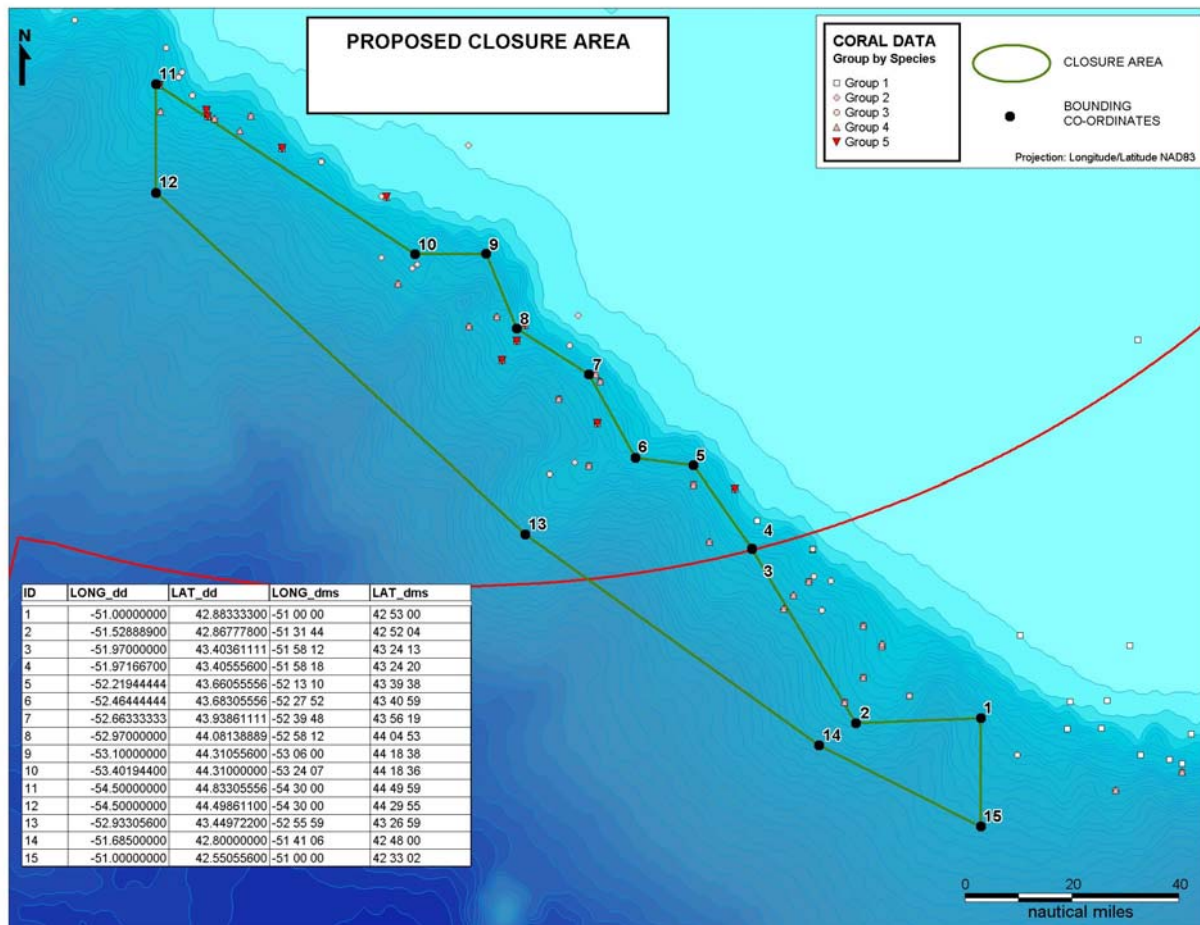
- Noting the commitment made by NAFO Members to implement an ecosystem approach to fisheries management as reflected in the 1995 United Nations Fish Stock Agreement, the 2001 Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem and the 2002 Johannesburg Declaration;
- Noting the commitment made by NAFO members to implement an ecosystem approach to fisheries management within NAFO, as reflected in the draft amended NAFO Convention;
- Noting the United Nations Resolution of November 22, 2006 on Sustainable Fisheries A/61/105 and in particular operational paragraph 83, calling upon Regional Fisheries Management Organizations to adopt and implement measures to address the impacts of bottom fisheries on vulnerable marine ecosystems;
- Conscious of the fact that the Security Council of the United Nations will report on such measures taken by States and Regional Fisheries Management Organizations in its report to the 2009 United Nations General Assembly;
- Conscious of the steps already taken by NAFO to address the impacts of fishing on seamounts found in the NAFO Regulatory Area (FC Doc 05/7 and 06/5);
- Noting the importance of taking precautionary steps to address the impacts of fishing on VME such as benthic habitats, communities and species in areas of the NAFO Regulatory Area; and
- Mindful of the ongoing collaborative efforts internationally at numerous specific scientific workshops and the existing and on-going efforts of ICES and the FAO regarding identification of VME and assessment of impacts affecting them, including the ongoing urgent work and intent of FAO to adopt technical guidelines on deep-sea fisheries on the high seas..

As part of a continuing commitment to implement UNGA Resolution A/61/105, it is proposed that NAFO adopt and implement interim measures to protect the deep sea area of the Regulatory Area and a establish coral protection zone in Division 30.

Fisheries Commission recognizes the requirement to address precautionary action for non-fished waters in relation to protection of vulnerable marine ecosystems from significant adverse impact as well as the requirement for a full assessment process for current fishing in relation to vulnerable marine ecosystems. These matters will be on the agenda of a Special Intercessional Fisheries Commission Meeting to be held in Montreal, Canada in May 2008.

Coral Protection Zone

1. As of January 1, 2008, and until December 31, 2012, the following area in Division 3O shall be closed to all fishing activity involving bottom contact gear. The closed area is defined by connecting the following coordinates (in numerical order and back to coordinate 1).



2. Contracting Parties shall provide the Executive Secretary, in advance of the June 2009 Scientific Council meeting, all existing data from surveys and commercial fisheries that have taken place in this area. The Executive Secretary will forward this information to the Scientific Council for its review in determination of a data gathering program for corals.
3. The measures referred to in this Article shall be reviewed in 2012 by the Fisheries Commission, based on the advice from the Scientific Council and a decision shall be taken on future management measures.
4. Contracting Parties shall establish/incorporate a coral monitoring program into government and/or industry research programs.