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Report to the NEAFC Commission at its Extraordinary Meeting 1-3 July 2008 from PECMAS, regarding UNGA Resolution 61/105

Introduction

At the Annual Meeting of NEAFC in November 2007, the Commission, with reference to the UN General Assembly resolution 61/105 paragraph 83, requested PECMAS to prepare proposals to the NEAFC Extraordinary Meeting on 1-3 July 2008, to enable NEAFC to take the appropriate measures to come into effect from 1 January 2009¹.

PECMAS analysed the resolution at its meeting on 17 – 18 June 2008. The main findings are listed below. The requirements in the UNGA resolution are analysed together with how NEAFC meets these demands. Then proposals are made to be incorporated in NEAFC management measures to comply with the requirements of the UNGA resolution.

Analysis

In the Report of the NEAFC Performance Review Panel² section 3.2, the general conclusion is that the legal framework of NEAFC is consistent with the relevant international instruments.

The amendments to the NEAFC 1982 Convention, specifically in Article 4³, make the approaches (Precautionary and Ecosystem) listed in the UNGA resolution internal NEAFC requirements.

PECMAS considers, therefore, that **the requirements in the introduction to paragraph 83 are fulfilled.**

¹ See doc. AM 2007/53

² <http://www.neafc.org/news/docs/performance-review-final-edited.pdf>

³

- a) ensure that such recommendations are based on the best scientific evidence available;
- b) apply the precautionary approach;
- c) take due account of the impact of fisheries on other species and marine ecosystems, and in doing so adopt, where necessary, conservation and management measures that address the need to minimise harmful impacts on living marine resources and marine ecosystems; and
- d) take due account of the need to conserve marine biological diversity.

The resolution’s main concern is the impact of bottom fisheries on the environment. The bulk of catches taken in the NEAFC Regulatory Area are pelagic although there also are deep-sea bottom fisheries. Catch figures for 2005 give the following picture.

Category	Catches tonnes Regulatory Area	Catches tonnes Convention Area
Pelagic Fisheries	1,000,000	3,657,000
Deep Sea Bottom Fisheries	3,000	27,000

NEAFC has agreed management measures regulating deep-sea bottom fisheries and, in the light of the UN resolution, will supplement these with further measures.

Scientific issues

In late 2007, NEAFC and ICES agreed on their 3rd Memorandum of Understanding in which ICES undertakes to provide NEAFC with scientific information and advice. According to the MoU, the advice is given as annual standard “recurring” advice on the state and management of the main commercial stocks in the Regulatory Area. The advice is to be given under the precautionary approach and in the context of ecosystems and fisheries, including the impact of demersal fisheries. There is also an option for “non-recurrent” advice. This possibility has been used to ask for advice on a variety of issues, *i.e.* use of VMS data and protection of cold water corals.

In November 2007 NEAFC requested ICES to “*continue to provide all available new information on distribution of vulnerable habitats in the NEAFC Convention Area and fisheries activities in an in the vicinity of such habitats*” and “*develop initial methodologies for the identification of vulnerable ecosystems and of individual bottom fishing activities that may cause significant adverse impacts on such vulnerable marine ecosystems...*”

ICES coordinates and promotes marine research in the North Atlantic, working with an international community of over 1600 marine scientists. Scientists working through ICES gather information about the marine ecosystem. As well as filling gaps in existing knowledge, this information is also developed into unbiased, non-political advice. ICES is widely recognised as one of the leading organisations regarding knowledge about marine biodiversity. As a meeting place for scientists from Europe, Canada and the USA, and a provider of advice to most European countries for over 100 years, ICES is in a unique position to advise NEAFC on the situation of stocks and ecosystems in the Convention Area and give advice on conservation and the sustainable use of living marine resources.

PECMAS considers that NEAFC has access to the best available scientific information. Furthermore, NEAFC on its own has developed a process to identify VMEs.

Therefore, PECMAS concludes that NEAFC is fulfilling all the requirements in the UNGA resolution regarding the scientific aspects of assessing, identifying and to some extent protecting such areas.

Management issues

NEAFC has managed bottom fisheries since 2003. Scientific advice has not been available on a stock by stock basis, but since 2003 NEAFC has reduced the overall effort by 35 % and, in addition, introduced specific measures for orange roughy. The NEAFC Scheme of Control and Enforcement has been amended accordingly, and the inspection regime in NEAFC is generally seen as efficient with a central VMS database that works well, making it possible to follow all fishing activities. In 2006 NEAFC adopted specific provisions for acquiring scientific information concerning deep-sea fishing. This includes developing sampling plans in cooperation with ICES.

More recently, areas have been closed to bottom fishing in order to protect vulnerable habitats and cold water corals. In 2004 it was agreed to close 5 VMEs, a large area on the Reykjanes Ridge and 4 seamounts, and in 2006 4 areas in the Rockall - Hatton Bank area to protect coldwater corals.

At the Annual Meeting in November 2007, PECMAS proposed a working procedure for processing proposals for closing areas to fishing. This proposal was adopted by the NEAFC Commission. ICES plays a central role in this process. Based on the outcome of the procedure, PECMAS can make recommendations on closures to the Commission.

PECMAS considers that the requirements of the UNGA resolution regarding the means to impose necessary measures to protect certain areas or habitats are fulfilled.

Proposals for measures for managing new fishing areas and encounter with VMEs

Outstanding in NEAFC are clear procedures for new and exploratory fisheries and procedures for what to do when VMEs are encountered. PECMAS considers that, to meet the requirements in the UNGA resolution 61/105, NEAFC needs to adopt measures for managing new fishing areas, where knowledge is limited. It is also of great importance to develop guidelines for captains on how to react if they have reason to believe that they have encountered a VME.

Following the discussions at their meeting on 17-18 June 2008, PECMAS has agreed that the measures and arrangements, outlined in Annex I, will be sufficient to meet the requirements of UNGA 61/105, at the same time bringing this issue onto the right track within NEAFC.