



Report on Actions taken in respect of UNGA bottom fishing resolutions

Australia is a party to five RFMOs, two of which have competence for deep-sea fishery resources on the high seas – the South Pacific Regional Fisheries Management Organisation (SPRFMO) and the Southern Indian Ocean Fisheries Agreement (SIOFA). Furthermore, Australia is also party to the Convention on the Conservation of Antarctic Marine Living Resources. Australia was an active player in the international consultations that established these treaties¹. Through its participation in these RFMOs and CCAMLR, Australia strives to give full effect to UNGA resolutions relating to deep-sea fisheries.

Australia considers that all States engaged in bottom fishing in areas beyond national jurisdiction have a responsibility to, individually and collectively, ensure that such fishing is only undertaken if significant adverse impacts on vulnerable marine ecosystems (VMEs) can be prevented.

Australia is proud to be a leader and advocate in advancing conservation and management measures (CMMs) within RFMOs. Australia believes that it is possible to manage bottom fisheries in areas beyond national jurisdiction in a way that is sustainable using a combination of strategic scientific investment, effective management tools (such as encounter protocols and spatial closures), and ongoing monitoring and review of benthic bycatch information. However, Australia also believes that it is essential to take a steady, precautionary approach to the management of these bottom fisheries, particularly where there is a paucity of data; and to consider the *FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas* faithfully in designing technical approaches.

Australian-flagged vessels fishing in the SPRFMO Convention Area and the SIOFA Area operate under High Seas Permits issued by the Australian Fisheries Management Authority (AFMA). The conditions of these High Seas Permits implement, at the domestic level, the CMMs adopted by the SPRFMO Commission and the SIOFA Meeting of the Parties. Australian-flagged vessels engaged in exploratory fishing in the CCAMLR Convention Area also operate under conditions imposed on them through permits issued by AFMA. These conditions implement conservation measures adopted by CCAMLR including our obligations under measures to protect vulnerable marine ecosystems. Two of the Vulnerable Marine Ecosystems declared by CCAMLR in Statistical Division 58.4.1 were as a result of Australian research. Australia closely monitors and promotes compliance with measures related to the protection of VMEs and is committed to fully investigating and resolving any breach of such measures.

Fishing activity in SPRFMO

SPRFMO is a high seas Convention managing non-highly migratory species. The main fisheries are for Chilean jack mackerel and jumbo flying squid. The SPRFMO also manages a relatively small but valuable established bottom fishery that uses bottom trawl, midwater trawl and bottom line gears.

¹ Relevant to paragraph 120 and 124 of Resolution 64/72.

SPRFMO also manages four separate exploratory fisheries that use bottom fishing gears. Australia's bottom fishing effort is currently low and sporadic. Australia has been a strong advocate for the precautionary approach and gradual development of SPRFMO's exploratory fisheries.

From Australia's perspective, there are a range of challenges facing SPRFMO's bottom fisheries. These challenges are largely characterised by a generally limited spatial distribution of effort (relative to the size of the Convention Area) and paucity of data on known and potential VME habitat. This necessitates a reliance on predicative habitat modelling to proactively inform management approaches, and responsive monitoring through encounter protocols. Knowledge of stocks is improving but reliable stock assessments are difficult to achieve given fishing effort remains relatively low. As the only two Members participating in the established bottom fisheries, Australia and New Zealand have enjoyed substantial bilateral technical and policy collaboration on SPRFMO matters for many years.

In 2019, Australia and New Zealand jointly proposed new bottom fishing measures to SPRFMO which aimed to improve and strengthen SPRFMO's bottom fishing measure to more effectively achieve the objectives of the Convention and the UNGA bottom fishing resolutions, including relevant paragraphs of 61/105 and 64/72, 66/68 and 71/123. The new measures were adopted, with modifications, by the 6th Commission meeting. It created a network of open and closed areas, a modern encounter protocol and catch limits for orange roughy based on new stock assessments.

In Australia's view the major advantages of the new approach were:

- it introduced a system of common, rather than individually set, rules concerning encounter thresholds and areas open to fishing; and
- it improved scientific understanding of VME habitats and impacts on the benthic environment from bottom fishing conducted through peer-reviewed habitat suitability modelling and a cumulative assessment of impacts (whereas the previous measure required only individual assessments of impacts)².

The measure adopted in 2019 was based on the best available science at the time. However, Australia appreciates that while the approach to spatial planning was novel it was not ground-truthed. Australia recognises that the approach requires ongoing monitoring and regular review of VME bycatch information to ensure it can achieve its objectives. This is recognised in the measure which requires ongoing review of benthic bycatch data, review of encounters above prescribed thresholds and a periodic review of the CMM itself. It also requires an updated, cumulative bottom fishing impact assessment to be undertaken to consolidate the existing scientific analyses and to assess whether the measure can prevent significant adverse impacts on VMEs. This will be submitted to the Scientific Committee in August 2020.

Fishing activity in SIOFA

SIOFA is a high seas Agreement managing a range of bottom fisheries for orange roughy, alfonsino and toothfish among others. Australia led the development of the first bottom fishing measure in 2016 in an effort to work towards improved arrangements and to ensure SIOFA gave effect to the UNGA Resolutions. That measure entered into force shortly after the 2016 UN bottom fishing review. The measures applied by each Contracting Party are available on the SIOFA website.

² Emphasised in paragraph 180(b) of Resolution 71/123 in 2016.

The measure effectively requires its Contracting Parties to establish and apply catch and/or effort limits, and a limit on spatial distribution of effort for trawl methods. Bottom fishing impact assessments were required by March 2018³. It includes procedures for new entrants and a basic encounter protocol. Thresholds supporting this encounter protocol were due to be reviewed by the Scientific Committee on 2020, however the meeting was postponed due to the coronavirus outbreak.

Australia has led efforts in recent years to bring clarity and harmonisation to these arrangements, and to give better effect to the UNGA Resolutions. Australia believes it is necessary to invest in the robust and reliable science which supports management decisions and moving towards arrangements which more fully account for cumulative impacts on benthic habitats.

In 2018, Australia proposed five new benthic protected areas (closed to fishing) and an enhanced encounter protocol (with 100% observer coverage) in seven additional areas. Regrettably, this was only partially successful, as SIOFA only adopted a closure to trawl methods in five areas.

Australia has also invested substantially in advancing SIOFA's scientific work, including through developing ecological risk assessments for teleosts and chondrichthyans; close collaboration (in particular with the Cook Islands and Japan) on stock assessments and led the development of a stock assessment framework and the bottom fishing impact assessment standard.

Fishing activity in CCAMLR

Australia has been an active participant in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) in giving effect to recommendations adopted by the UN General Assembly, beginning with Resolution 61/105. We recognise the leadership role of the United States in introducing conservation measures to CCAMLR that implement UNGA resolutions. Australia played a key role in CCAMLR's adoption of the suite of bottom fishing measures. Australia actively engages in this work, most recently co-leading an intersessional group seeking to progress a VME work plan adopted by CCAMLR at the 2019 annual meeting.

CCAMLR has adopted a number of measures that protect benthic communities and vulnerable marine ecosystems including:

- Conservation Measure 22-05 – Restrictions on the use of bottom trawling gear in high-seas areas of the Convention Area (adopted in 2006).
- Conservation Measure 22-06 (adopted in 2007) – Bottom fishing in the Convention Area
- Conservation Measure 22-07 (adopted in 2008) – Bottom fishing activities subject to CM 22-06
- Conservation Measure 22-08 (adopted in 2009) – Prohibition on fishing in depths shallower than 550m
- Conservation Measure 22-09 (adopted in 2011) – Protection of registered VMEs in areas open to bottom fishing

Following an invitation from FAO and the North Pacific Fisheries Commission to the Scientific Committee of CCAMLR, Dr Dirk Welsford (currently the Chair of the Scientific Committee of CCAMLR) presented a talk on 'Managing Fishery Interactions with Vulnerable Marine Ecosystems in the Southern Ocean' to the North Pacific Fisheries Commission/FAO VME Workshop in Yokohama, March 2018.

³ Australia's assessment was submitted in 2018, but developed in 2011 Consistent with paragraph 122(b) of Resolution 64/72 and paragraph 130 of Resolution 66/88. An updated assessment was submitted to the SIOFA Scientific Committee in February 2020.

The Australian Fisheries Management Authority commissioned Commonwealth Scientific and Industrial Research Organisation (CSIRO) to update its ecological risk assessments for the risk of fishing in 2018, and identified there were not benthic species or communities at high risk from bottom fishing activities targeting toothfish⁴.

⁴ Bulman C.M., Sporcic M., Pethybridge H. & Hobday A. (2018). Ecological risk assessment for effects of fishing. Final report for the demersal longline sub-fishery of the Heard Island and McDonald Islands Fishery 2010/11-2014/15. Report for the Australian Fisheries Management Authority, CSIRO, Hobart.