



Protecting the Deep Seas: Recommendations to the United Nations Conference on Sustainable Development (Rio +20), 4-6 June 2012, Rio de Janeiro, Brazil

Recommendations

Measures for Deep-Sea Conservation in Areas Beyond National Jurisdiction

The Deep Sea Conservation Coalition (DSCC) urges that the States at the United Nations Conference on Sustainable Development (Rio+20) call for the following measures to address the threats posed by unsustainable fishing practices to the deep seas:

1. States and regional fisheries management organizations/agreements (RFMO/As) should immediately cease authorizing vessels to fish in areas where there is not full implementation of the United Nations General Assembly (UNGA) resolutions 61/105 and 64/72 with respect to the management of deep-sea fisheries in areas beyond national jurisdiction.
2. Any high seas bottom fishery that is not in full compliance with existing UNGA resolutions should be considered illegal, unreported and unregulated (IUU) and market States should treat it as such.
3. In view of the weight of scientific evidence, the United Nations Conference on Sustainable Development (UNCSD, Rio+20) should agree that the single most destructive fishing method in areas outside national jurisdiction—deep-sea bottom trawling on the high seas—is phased out within 3 years.

In addition, it is clear that more transparency is required by flag States and RFMO/As, including in the conduct, public availability and review of impact assessments of bottom fisheries in the high seas.

Measures for the High Seas, Including the Deep Sea

States at Rio+20 should agree to initiate a negotiating process towards a new implementing agreement under the United Nations Law of the Sea Convention (UNCLOS) for the protection, conservation and sustainable use of biodiversity in areas beyond national jurisdiction. Such an agreement should include:

- A framework for the conduct of comprehensive prior environmental impact assessments (EIAs) and strategic environmental assessments (SEAs), together with ongoing and regular monitoring of the marine environment;
- Identification, designation and management of a global network of high seas marine protected areas (MPAs), including in particular no-take reserves and consistent with the criteria agreed under the Convention on Biological Diversity (CBD);
- Implementation of the precautionary principle and ecosystem based approach in decision making and fisheries management; and
- The reform of RFMOs to incorporate a broader ecosystem conservation focus.

Brief Overview of Bottom Trawling

The DSCC is a coalition of over seventy non-governmental organizations concerned about threats to deep sea biodiversity. The DSCC was founded in 2004 to address the issue of bottom trawling on the high seas in the absence of an effective governance regime.

The DSCC is focused on achieving three overarching goals:

- i) To substantially reduce the greatest threats to life in the deep seas;
- ii) To safeguard the long-term health, integrity, and resilience of deep-sea ecosystems; and
- iii) To promote the development of effective governance regimes to ensure the protection and preservation of the marine environment in areas beyond national jurisdiction.

The protection of biodiversity in the deep sea in areas beyond national jurisdiction – the high seas - has been extensively debated by the UNGA and other international fora. The method are among the most destructive in fishing, akin to clear cutting the forest across an entire mountain range to hunt wild birds.

Trawl nets with heavy doors and rollers are dragged across the ocean floor, crushing coral, sponges other bottom (benthic) structures and lifeforms as they go. Deep sea species in general are slow growing and slow to breed, meaning that fishing in the deep sea is, with very few exceptions, unsustainable in terms of targeted species, as well as bycatch species such as deep-sea sharks. The deep-sea corals, some of which are thousands of years old, are easily damaged and can take many decades or centuries to recover.

In addition to the damage caused, deep-sea fishing on the high seas is neither economically significant nor substantial in terms of global fisheries catch production. In 2008, the United Nations Food and Agriculture Organization (UN FAO) published a report that estimated the high seas bottom fishing fleet in 2006 was no more than a few hundred vessels, catching some 250,000 tonnes of fish. This catch was valued at approximately 450 million dollars, representing a mere 0.3% of the marine capture fisheries worldwide.¹

Brief History of Bottom Trawling in the United Nations

The conservation community began calling on the UNGA to declare a moratorium on high seas bottom trawling in 2002. The call to action was based on science showing bottom trawling to be the single most destructive fishing method for deep-sea marine life on the high seas.

In 2004, the UNGA adopted Resolution 59/25 calling on high seas fishing nations and RFMO/As to take urgent action to protect vulnerable marine ecosystems (VMEs) from destructive fishing practices, including bottom trawl fishing, on the high seas. Two years later, UNGA Resolution 61/105 adopted in December 2006 went a step further, committing nations that authorise their vessels to engage in bottom fisheries on the high seas to protect deep-sea fisheries and VMEs, *inter alia*:

- conduct prior impact assessments of bottom fishing on the high seas;
- manage bottom fishing activities to prevent significant adverse impacts to VMEs;
- close areas of the high seas to bottom fishing where VMEs are known or likely to occur unless the fishing in these areas can be managed to prevent harm to such ecosystems;

- ensure the long-term sustainability of deep-sea fish stocks and species; and
- implement measures in accordance with the precautionary approach, the ecosystem approach and international law.

International Guidelines for the Management of Deep-Sea Fisheries in the High Seas were then negotiated under the auspices of the UN FAO and adopted in August 2008. These Guidelines established agreed standards for States detailing how to implement the UNGA resolution requirements, including conducting impact assessments for high seas bottom fisheries and measuring the impacts.

In 2009, the UNGA reviewed implementation of the 2006 resolution and strengthened it (resolution 64/72), committing States and RFMO/As to fully implement the resolutions on an urgent basis, and calling for another full review in 2011. This resolution both reaffirmed previous commitments and called for additional actions. The new resolution made it clear that if the crucial steps, such as prior impact assessments are not carried out, then fishing should not be allowed to continue, and that this applies to all high seas bottom fisheries, including already established fisheries as well as fisheries in new areas.

A UN workshop to review the implementation of these measures took place in New York in September 2011. The Moderator's Report² from this meeting noted that it was generally recognized that while some progress had been made, including the establishment of new RFMO/As and the adoption of measures by RFMO/As to limit bottom fishing activities to existing fishing areas, further actions were needed to fully implement the resolutions. Despite the progress achieved, further efforts were needed to fully implement the resolutions.

In short, there is compliance in the Southern Ocean around Antarctica, where deep-sea fisheries are well regulated and bottom trawling is not allowed. However, in no other area has full compliance with the resolution been achieved. Shortcomings in implementation include absence of impact assessments, insufficient area closures and ineffective move-on rules, which require vessels to move away if VMEs are encountered. With regard to deep-sea stocks, challenges in the adoption of measures to ensure the long-term sustainability of deep-sea fish stocks, include difficulties in determining the sustainable level of fishing effort, high levels of discards and bycatch and the vulnerability of some stocks to fishing.

Since the 2006 resolution, scientific evidence of the fragility of deep-sea fisheries and VMEs has grown. It has become increasingly clear that deep-sea bottom trawling continues to be the single most destructive activity to high seas fish populations and VMEs. Furthermore, bottom trawl fishing in the deep sea is overwhelmingly viewed by the scientific community as unsustainable.

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¹ Bensch et al., 2008

² 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. Summary of the Moderator. At http://www.un.org/Depts/los/reference_files/workshop_orgwork_en.pdf.