

A moratorium on deep-sea bottom trawling in the high seas:



Political momentum is building rapidly

Among all fishing techniques in deep-sea areas, bottom trawling is currently recognized as the most destructive, causing enormous damage to deep-sea corals and other rare and unique species, fish populations, and sensitive bottom-habitats. Scientists have expressed unprecedented concern about this issue, releasing a statement, signed by more than eleven hundred of the world's foremost experts in marine science and conservation biology, which calls for a moratorium on high seas bottom trawl fishing.

Putting a halt to the practice of deep-sea bottom trawl fishing in international waters will pay large dividends in protecting critically important sea-floor habitats and the many species that depend on them. This goal can be accomplished by securing a moratorium on high seas bottom trawling at the United Nations General Assembly (UNGA), later this year. Such a moratorium would serve to temporarily prohibit bottom trawl fishing on vulnerable habitats across the high seas, including cold-water corals, while allowing the time for scientists to assess the biodiversity of these areas, and politicians to develop the medium- and long-term measures needed to regulate them effectively.

More than 40 non-governmental organizations, working together under the auspices of the Deep Sea Conservation Coalition (DSCC)¹ are promoting an immediate United Nations (UN) moratorium on high seas bottom trawling. Momentum towards the achievement of this moratorium is growing rapidly.

Mollusc at the Davidson Seamount off the coast of California, USA.



Photo courtesy of NOAA and MBARI

Milestones on the way to a moratorium

UNICPOLOS, June 2003

The United Nations Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS), was set up in 1999 by the UN Secretary General to inform discussions towards the annual UN Resolution on Oceans and the Law of the Sea. At its fourth session in 2003, the UNICPOLOS Report to the Secretary General reiterated (as first expressed in 2002), "its call for urgent consideration of ways to integrate and improve, on a scientific basis, the management of risks to marine biodiversity of seamounts, cold-water coral reefs, and certain other underwater features".² It made reference to the work of the Convention on Biological Diversity (CBD) on this subject, and invited "the relevant international bodies at all levels, in accordance with their mandate, to consider urgently how to better address, on a scientific and precautionary basis, the threats and risks to vulnerable and threatened marine ecosystems and biodiversity beyond national jurisdiction; how existing treaties and other relevant instruments can be used in this process consistent with international law, in particular with the United Nations Convention on the Law of the Sea (UNCLOS), and consistent with the principles of an integrated ecosystem-based approach to management, including the identification of those marine ecosystem types that warrant priority attention; and to explore a range of potential approaches and tools for their protection and management."³

Workshop on the Governance of High Seas Biodiversity Conservation, Cairns, Australia, June 2003

The Workshop was an informal gathering of international marine experts, policy makers and government officials. Amongst other recommendations on the need to better manage and conserve the biodiversity of the high seas, a number of participants supported the position that a moratorium on bottom trawl fishing on the high seas was warranted.

FOOTNOTES: Please see overleaf, page 2.

FOOTNOTES

1. The Deep Sea Conservation coalition is working to protect the deep-sea biodiversity of the high seas, wherever it may occur – including on seamounts, ridges and knolls. References to seamounts in this paper should be read as shorthand for this broader objective. More information is available at: www.savethehighseas.org

2. Report of the Work on the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, June 2003, paragraph 20a. The excellent multilingual repository of UNICPOLOS is at: http://www.un.org/Depts/los/consultative_process/consultative_process.htm

3. *Ibid.*, para 20c

4. Ministerial Meeting of the OSPAR Commission, Bremen 25 June 2003. Bremen Report, paragraph 12. Full text is available on:

http://www.ospar.org/eng/html/md/Bremen_statement_2003.htm

5. For a full text of the statement, go to: http://www.iodp.org/downloads/io_meeting2/Coos_Bay_statement.pdf. For a full list of signatories go to: <http://coral.aoml.noaa.gov/pipermail/coral-list/2003-November/000440.html>

6. Resolution adopted by the UNGA, 2003. A/RES/58/240 Oceans and the Law of the Sea, paragraph 51. For full text go to: http://www.un.org/Depts/los/general_assembly/general_assembly_resolutions.htm

7. *Ibid.*, paragraph 52.

8. FAO Fisheries Report No. 772/ FIRM/R772(En) Advance Copy. Report on Deep Sea 2003, An International Conference on Governance and Management of Deep-Sea Fisheries. Presentations at Deep Sea 2003 are available at: <http://www.fish.govt.nz/current/deepsea>

9. Decision VII/5 of the Seventh Conference of Parties to the Convention on Biological Diversity on Marine and Coastal Biological Diversity, paragraphs 60 and 61. For full text go to: <http://www.biodiv.org/decisions/default.aspx?m=COP-07&id=7742&lg=0>

OSPAR Commission, June 2003

The 1992 Oskar Convention is the current instrument guiding international cooperation on the protection of the marine environment of the Northeast Atlantic. In June 2003, the OSPAR Commission expressed concern about the status of vulnerable cold-water coral reefs, and concluded that: "Bearing in mind the ecological importance of these reefs and the practical irreversibility of their damage, we shall take immediate measures to protect coral reefs from further damage due to use of active fishing gear on the reefs. Furthermore, we shall ensure that steps are taken by 2005 to identify additional threats to the cold-water reefs and that measures are taken to protect the reefs against these threats."⁴

Members of OSPAR include European Union (EU) countries, Iceland, Norway, and Switzerland.

Scientists' "statement of concern", August/September 2003⁵

This was developed at the 10th Symposium on the Biology of the Deep Sea (Coos Bay, Oregon), August 2003, and the Second International Symposium on Deep Sea Corals (Erlangen, Germany) September 2003. Signed by 142 deep-sea biologists and delivered to Kofi Annan and other key UN officials, this statement expressed the scientific community's growing concerns over the impacts of deep-sea fishing generally, and specifically called for a UNGA moratorium on bottom trawling in international waters.

UNGA, November 2003

The UNGA, in its Resolution on Oceans and the Law of the Sea, reiterated its call "for urgent consideration of ways to integrate and improve, on a scientific basis, the management of risks to the marine biodiversity of seamounts, cold-water coral reefs and certain other underwater features..."⁶, and invited relevant global and regional bodies "to investigate urgently how to better address, on a scientific basis, including the application of precaution, the threats and risks to vulnerable and threatened marine ecosystems and biodiversity in areas beyond national jurisdiction."⁷

Deep Sea 2003 Conference, December 2003

Organized by the UN Food and Agriculture Organization (FAO), and the governments of New Zealand and Australia with the extensive participation of the deep-sea fishing industry, the Conference served to underscore the fact that deep-water fisheries are being exploited at increasingly unsustainable levels and that

the existing regulatory regimes are proving incapable of effectively regulating these resources on the high seas.⁸

The advance report noted that: "While it was recognized that management failures to ensure sustainability of many deep-sea fisheries resources arose for lack of adequate scientific knowledge, it was also recognized that in many cases, even if this lack of necessary information had been addressed, the abilities of existing management regimes and the competences of existing legal and institutional arrangements have proved insufficient to provide a successful and effective basis for management of deep-water fisheries resources, the majority of which are found in high-seas situations. This lack of effective governance structures has compounded the scientific and management failures and provide, in their own way, to the rapid depletion of many high seas deep-sea fisheries in recent time."⁸

Seventh Conference of Parties to the Convention on Biological Diversity (COP-7 CBD), February 2004

Decision VII/5 of the COP-7 CBD made numerous important references to the need to conserve deep sea biological diversity. Most importantly, it called upon states and the UNGA to "urgently take the necessary short-term, medium-term and long-term measures to eliminate/avoid destructive practices, consistent with international law, on a scientific basis, including the application of precaution, for example, consideration on a case by case basis, of interim prohibition of destructive practices adversely impacting the marine biological diversity" associated with "seamounts, hydrothermal vents, and cold-water corals, other vulnerable ecosystems and certain other underwater features [in marine areas beyond the limits of national jurisdiction]"⁹



Photos pages 2, 3, 4: courtesy of NOAA and MBARI

Right: Flytrap Anemone,
Davidson Seamount,
Pacific Ocean.

Left: Sea Spider at the
Davidson Seamount off
the coast of California,
USA.

Far right: Crab
sponge at the Davidson
Seamount off the coast
of California, USA.



American Association for the Advancement of Science (AAAS) Meeting, February 2004

Simultaneously released at AAAS and the COP-7 CBD, the Scientists' Statement on Protecting the World's Deep-sea Coral and Sponge Ecosystems was signed by 1,136 prominent scientists and called for a UNGA moratorium on high seas bottom trawling.¹⁰

Sea Bottom Trawling before this practice does any more irremediable damage."¹² This statement was the first of many in which governments expressed their support for a moratorium.

On 29 September, the Foreign Minister of the Federated States of Micronesia reiterated the call made by Palau, noting that: "This region of the Pacific contains literally thousands of seamounts, which scientists are finding to be extremely rich in biodiversity, holding great potential value to future generations. Yet, short-sightedly, too many are dragging trawl nets over these deep-ocean areas, unknowing and uncaring of the damage they cause to the seabed below."

In early October, at the start of the negotiations on the UNGA's 2004 Oceans and the Law of the Sea and Sustainable Fisheries Resolutions, Costa Rica submitted proposed amendments¹³ to the drafts to include the adoption of a moratorium on high seas bottom trawl fishing. During the discussions, DSCC member Greenpeace delivered 100,000 postcards from German citizens calling on UN Secretary General, Kofi Annan, to work with states to establish a UN moratorium on high seas bottom trawling.

During the formal debate on the two Resolutions on 16-17 November, many governments called for the protection of biodiversity in areas beyond national jurisdiction from destructive fishing practices, with some specifically calling for a moratorium on high seas bottom trawling. Notable statements to this effect were made by:

- Chile on behalf of the Rio Group (consisting of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Ecuador, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela and Guyana on behalf of the countries of the Caribbean);
- Barbados on behalf of the Caribbean Community (CARICOM) (consisting of Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago);
- Samoa on behalf of the Pacific Island Forum (consisting of Australia, Cook Islands, Federated

"These species recover from disturbances at an exceedingly slow rate, if at all. Whole populations can be quickly fished out."

10. For full text go to:

http://www.mcbi.org/DSC_statement/sign.htm

11. Report of the Work on the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its fifth meeting. A/59/122, paragraphs 6a-c. Full text is available at:

http://www.un.org/Depts/los/consultative_process/consultative_process.htm

12. Full text is available at: <http://www.un.org/webcast/ga/59/statements/palaeng040923.pdf>

13. Full text is available at: <http://www.savethehighseas.org/publicdocs/costaricaproposal.pdf>

14. Resolution adopted by the UNGA 2004. A/RES/59/25 Sustainable fisheries, paragraphs 66-69. For full text go to: http://www.un.org/Depts/los/general_assembly/general_assembly_resolutions.htm

15. Resolution adopted by the UNGA 2004. A/RES/59/24 Oceans and the Law of the Sea, paragraphs 73-76. For full text go to: http://www.un.org/Depts/los/general_assembly/general_assembly_resolutions.htm

UNICPOLOS, June 2004

In its July 2004 Report to the Secretary General, UNICPOLOS proposed that the UNGA should:

"(a) Urge States, either by themselves or through regional fisheries management organizations, where these are competent to do so, to consider on a case-by-case basis and where justified on a scientific basis, including the application of precaution, the interim prohibition of destructive practices by vessels under their jurisdiction that have an adverse impact on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold-water corals located beyond national jurisdiction;

"(b) Encourage regional fisheries management organizations with a mandate to regulate bottom fisheries to urgently address the impact of deep-sea bottom trawling on vulnerable marine ecosystems in accordance with international law;

"(c) Urge members of regional fisheries management organizations without the competence to regulate bottom fisheries to expand the mandate, where appropriate, of their organizations to cover such activities in accordance with international law."¹¹

UNGA, September – November 2004

On 23 September 2004, in her opening statement to the UNGA, the Vice President of Palau said: "As we participated with our Pacific colleagues in eliminating drift-net fishing some years ago, we now call upon the world to join us in declaring a Moratorium on Deep

“In a matter of a few weeks or months bottom trawl fishing can destroy what took many thousands of years to create.”

16. Report ref. RESWCC3.066. Congress ref. CGR3.RES051-Rev1. Full text is available at:

http://www.iucn.org/congress/members/adopted_res_and_rec/RES/RESWCC3066%20-%20RES051-Rev1%20Final.pdf

17. Turning the Tide – Addressing the Impact of Fisheries on the Marine Environment. Report by the UK Royal Commission on Environmental Pollution. Full text is available at: <http://www.rcep.org.uk/fishreport.htm>

18. Side event at the Small Island Developing States Meeting, 13 January 2005, entitled: Islands, Reefs and Communities: “Committing to the Future”. Full text is available at:

<http://www.un.org/apps/sg/sgstats.asp?nid=1257>

19. Full text is available at: <http://www.recherche.gouv.fr/biodiv2005paris/en>

20. From the chapter entitled: Governance and Management of Deep-water Fisheries “The Issue”. Full text is available at: http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/007/y5600e/y5600e00.htm

21. Draft report COFI/2005. From the 26th session in Rome, Italy, 7-11 March 2005. COFI site: ftp://ftp.fao.org/FI/DOCUMENT/COFI/COFI_26/default.htm
Deep Sea discussion in 26th meeting: <ftp://ftp.fao.org/docrep/fao/meeting/009/j3862e.pdf>

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States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu).

Uganda supported the moratorium call; Norway and New Zealand called for urgent action to be taken by regional fisheries management organizations (RFMOs).

The actions agreed by the UNGA went well beyond those recommended by the June meeting of UNICPOLOS. For the first time, the UNGA (representing the collective view of the international

community) explicitly recognized that bottom trawl fishing can have adverse and destructive impacts on seamounts, cold-water corals and other vulnerable deep sea ecosystems. In so doing, the UNGA called on states to “take action

urgently”, based on science and the precautionary approach, and consider interim prohibitions or moratoria on bottom trawl fishing on the high seas.¹⁴

Furthermore, the UNGA established a formal process: an Open-ended Informal Working Group was set up to study issues related to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.¹⁵ This should ultimately serve as a mechanism to negotiate long-term solutions to address the gaps in high seas oceans governance, as well as the conservation of fisheries and the conservation and protection of biodiversity on the high seas.

In an unprecedented move, DSCC-member Greenpeace was allowed to make a statement to the General Assembly on behalf of the DSCC. Karen Sack called for the adoption of an immediate moratorium on high seas bottom trawling and asked that the UNGA not “... let short-term needs sacrifice long-term viability”.

European Union, October 2004

The European General Affairs Council adopted a proposal from the European Commission for urgent measures to protect deep-sea coral reefs around the Azores, Madeira and the Canary Islands. Although this is a temporary solution until a proposal for long-term protection can be considered, it is a welcome development in the protection of fragile deep-sea ecosystems and the rich life that they support. The DSCC urged the EU to follow its own example and do the same on the high seas.

3rd IUCN World Conservation Congress, November 2004

Members of IUCN, including more than 100 governments and 300 NGOs (several of them DSCC members) participated in the World Conservation

Congress in Bangkok from 17-25 November. The Government of Costa Rica, The Natural Resources Defense Council, and 10 other NGOs, co-sponsored a resolution calling for the adoption of a UNGA moratorium on bottom trawl fishing on the high seas. The Resolution adopted by the Congress called for measures beyond those recently agreed in the UNGA Resolutions. In summary, these are:

1. States to effect controls over their vessels, nationals and ports, to eliminate destructive fishing practices, including unregulated bottom trawling on the high seas;
2. The UNGA at its 60th session, later this year, for areas not covered by RFMOs and/or other management arrangements with the legal competence to manage bottom fisheries, to urgently adopt a resolution calling for an interim prohibition on high seas bottom trawling, until such time as a legally-binding regime is developed and adopted to conserve and protect high seas biodiversity from the impacts of destructive fishing practices, including bottom trawling;
3. The UNGA at its 61st session in 2006 to adopt a resolution calling for the elimination of destructive fishing practices, and for an interim prohibition on high seas bottom trawling in areas covered by RFMOs and other management arrangements, until such time as effective conservation and management measures to protect the deep-sea environment have been adopted in accordance with international law.¹⁶

UK Royal Commission on Environmental Pollution, December 2004

In a report¹⁷ focusing on the impacts of fishing in the Northeast Atlantic, the prestigious UK Royal Commission on Environmental Pollution (RCEP) concluded that drastic and urgent action is needed to save the marine environment from further destruction by fishing, including the ruinous effects of deep-sea bottom trawlers. It made a number of specific recommendations on deep-sea bottom trawling, including a call for the UK government to press the European Commission to ban bottom trawling for deep-water species in EU waters. It also called for better international controls on high seas bottom trawling.



Milestones on the way to a moratorium, continued

Small Island Developing States Meeting, January 2005

At this international meeting in Port Louis, Mauritius, UN Secretary General, Kofi Annan, recognized the great pressures on the high seas' valuable resources and called for "high-level political commitment for marine conservation and protection areas".¹⁸

International Conference on Biodiversity, Science and Governance, Paris, January 2005

The Conference agreed a statement which made a strong call on the international community to meet its goal of halting the decline in global biodiversity by 2010. It recognized that the often-neglected deep oceans are critical among the areas of the planet that are high in biodiversity and under threat. French President, Jacques Chirac, opened the Conference with a robust challenge to protect deep-sea biodiversity, committing to "safeguard parts of the deep marine environment that are particularly rich in biodiversity".¹⁹

United States, February 2005

Seeking to protect deep-sea coral beds and other sensitive fish habitats, a United States federal fishing council banned bottom trawling in more than 370,000 square miles off Alaska's Aleutian Islands. This is the largest area of ocean in the world placed off limits to destructive bottom trawling.

General Fisheries Commission for the Mediterranean (GFCM), February 2005

At a meeting in Rome, the GFCM banned bottom trawling below a depth of 1000 meters in the Mediterranean. The measure is legally binding since it was adopted under Article V of the GFCM Agreement, and will enter into force in July 2005. The measure was adopted by consensus by all members of the GFCM, which include: Albania, Algeria, Bulgaria, Croatia, Cyprus, EC, Egypt, France, Greece, Israel, Italy, Japan, Lebanon, Libya, Malta, Morocco, Romania, Slovenia, Serbia and Montenegro, Spain, Syria, Tunisia, and Turkey.

FAO Fisheries Department Report: The State of World Fisheries and Aquaculture 2004, March 2005

On the issue of the governance and management of deep-water fisheries, the Report concludes: "The rapid

development of deep-sea fisheries has, in many cases, outpaced the acquisition of the knowledge needed for successful resource management. The population biology of many species is not yet fully understood and, despite the widespread nature of these fisheries, little information exists about the impact of fishing on bycatch species. In the case of benthic effects, the information from the few studies that have been done indicates cause for concern – as in the case of cold-water corals." In addition, the Report asserts that "... deep-water fisheries face other problems that are specific to their industry. These include the low sustainability of long-lived fish resources, discarded bycatch, and the impact of fishing operations on benthos habitats – especially those providing nursery habitats for commercially exploited species. Moreover, because most deep-water fishing occurs on the high seas, an additional concern has been the ability (or inability) of international legal regimes and instruments to provide a satisfactory framework for the effective management of these fisheries' resources."²⁰

Committee on Fisheries (COFI), United Nations Food and Agriculture Organization (UN FAO), March 2005

At its meeting in Rome, COFI expressed concern over the vulnerability of deep-water fish species and the conservation of biodiversity in deep-sea habitats, and mandated the FAO to:

- collect and collate information on past and present deep-water fishing activities;
- undertake an inventory of deep-water fish stocks and an "assessment of the effects of fishing on deep-water fish populations and their ecosystems";
- convene technical meetings to develop a code of practice/technical guidelines;
- review the legal framework needed to support governance of deep-water fisheries.²¹

In conclusion

Led by the unequivocal voices of concern from the deep sea scientific community, international concern over the threats to deep-sea biodiversity from destructive fishing methods such as bottom trawling, are real and pressing. Immediate action needs to be taken to address them. An immediate UNGA moratorium on high seas bottom trawling is the only viable, short-term measure that could halt the destruction of these vulnerable deep-sea habitats whilst providing scientists with the time to study this deep-sea life and policy makers the space to adopt and implement longer-term measures. Sufficient calls for urgent action have been made. Momentum towards a moratorium has been building and deep-sea life cannot wait for another three years of discussion about the need for action to be taken. The time for action is now. The 60th Session of the UNGA must pass a resolution adopting an immediate moratorium on high seas bottom trawling.

"The management of fisheries on the high seas by RFMOs is highly fragmented and inconsistent."

Right: Gorgonian at the Davidson Seamount off the coast of California, USA.



FOOTNOTES: Please see page 4.

Image courtesy of NOAA and MBARI

DSCC



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DSCC for a moratorium before it's too late

The Deep Sea Conservation Coalition, an alliance of over 40 international organizations, representing millions of people in countries around the world, is calling for a moratorium on high seas bottom trawling.

For further information about the Coalition visit

www.savethehighseas.org