

# Deep-sea bottom trawling on the high seas



## The way forward: making a moratorium work

To protect deep-sea biodiversity on the high seas from continued indiscriminate destruction the Deep Sea Conservation Coalition is calling on the United Nations General Assembly (UNGA) to adopt an immediate moratorium on deep-sea bottom trawl fishing on the high seas until legally-binding regimes for the effective conservation and management of fisheries and the protection of biodiversity on the high seas can be developed, implemented and enforced by the global community.

### Moratorium terms

Moratoria, by definition, temporarily suspend activities. As such, a moratorium on high seas bottom trawling would establish a temporary halt to this practice until such time as:

- the extent of deep-sea biodiversity and ecosystems, including populations of fish species, and their vulnerability to deep-sea fishing on the high seas has been assessed;
- legally-binding regime(s) to conserve and manage high seas biodiversity, including bottom fisheries, consistent with the UN Convention on the Law of the Sea (UNCLOS)<sup>1</sup>, the 1995 UN Fish Stocks Agreement (FSA)<sup>2</sup>, the 1993 UN FAO Compliance Agreement<sup>3</sup>, the Convention on Biological Diversity (CBD)<sup>4</sup>, and the UN FAO Code of Conduct for Responsible Fisheries<sup>5</sup>, and any other necessary governance reforms, have been adopted and implemented; and
- adequate measures are in place to deal effectively with Illegal, Unreported and Unregulated (IUU) fishing in non-compliance with international agreements.

### Scope of coverage

The moratorium should cover fishing on the high seas using any bottom trawl or similar

towed net designed to operate in contact with the bottom of the sea. Governments would be expected to impose an immediate halt on any bottom trawling on the high seas involving either their nationals or vessels flying their flag or licensed by them, until the conditions for lifting the moratorium, as agreed by the international community, were met.

### Implementation

A moratorium should enter into force within six to twelve months following adoption of the UNGA resolution. This would permit states enough time to pass legislation or regulations to implement the moratorium, and would provide nationals with the time to reconfigure their vessels and fishing operations.

### Enforceability

That laws are always broken should never prevent their being enacted. If the moratorium is to work effectively, states and regional fishery management organizations (RFMOs) will need to be prepared to enforce against instances of non-compliance. Enforcement measures for the moratorium could draw examples from measures already agreed in various multilateral forums – for example, the UN FAO International Plan of Action on Illegal, Unreported and Unregulated fishing.<sup>6</sup>

Among the many possible measures that states might take to promote compliance with a UNGA moratorium are:

- denying fishing vessels (and their owner/operators) that breach the moratorium the authorization to fish (by any method and for any species) on the high seas, in Exclusive Economic Zones (EEZs) or in waters covered by RFMOs (for example, blacklist the vessels and companies);
- denying EEZ fishing permits to vessels that have engaged in high seas bottom trawl fishing and/or establishing as an EEZ permit-condition that vessels not engage in high seas bottom trawl fishing;
- requiring Vessel Monitoring Systems for all vessels licensed to fish on the high seas to enable states to distinguish vessels fishing on the high seas from those fishing in EEZs;
- adopting legislation making it illegal for nationals to re-flag vessels to avoid compliance with the moratorium;
- closing ports to non-complying fishing vessels and to vessels flying the flag of non-complying states, and/or conducting intensive in-port inspections of fishing vessels suspected of non-compliance, including negotiation of intergovernmental port-state enforcement agreements, where desirable;
- outlawing the trans-shipment at sea of any species that could be caught by bottom trawling on the high seas;
- closing markets to fish and fish products of the main deep-sea species caught by bottom trawling (especially orange roughy, alfonso, roundnose grenadier and blue ling) that do not carry credible certification establishing that the fish/fish products were derived from licensed fishing operations in EEZ waters;

We know more about our solar system than about life in the deep oceans...

#### FOOTNOTES

1. United Nations Convention on the Law of the Sea. Montego Bay, 10 December 1982. Entered into force 16 November 1994. Full text is available at: [http://www.un.org/Depts/los/convention\\_agreements/texts/unclos/closindx.htm](http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm)

2. 1995 UN Fish Stocks Agreement (FSA). Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995. Full text is available at: [http://www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_fish\\_stocks.htm](http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm)

3. The 'Compliance Agreement' refers to the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. Full text is available at: <http://www.fao.org/DOCREP/MEETING/003/X3130m/X3130E00.HTM> - Contents

4. The Convention on Biological Diversity (CBD) was negotiated under the auspices of the United Nations Environment Programme (UNEP) and was entered into force on 29 December 1993. Full text is available at: <http://www.biodiv.org/convention/articles.asp>

5. The UN FAO Code of Conduct for Responsible Fisheries was adopted by the Twenty-eighth Session of the FAO Conference on 31 October 1995. Full text is available at: [http://www.fao.org/documents/show\\_cdr.asp?url\\_file=/DOCREP/005/v9878e/v9878e00.htm](http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/v9878e/v9878e00.htm)

6. UN FAO International Plan of Action on Illegal, Unreported and Unregulated (IUU) fishing was endorsed by the FAO Council at 120th Session in June 2001. Full text is available at: [http://www.fao.org/documents/show\\_cdr.asp?url\\_file=/DOCREP/003/y1224e/y1224e00.HTM](http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/003/y1224e/y1224e00.HTM)

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- passing, as necessary, new laws and regulations to ensure effective control over nationals engaged in fishing, especially beyond national jurisdiction;
- exchanging, pooling and publicising information on vessels and companies involved in high seas bottom trawling (including the operators, captains and beneficial owners of such vessels, and those providing banking, insurance and other services to them) to allow appropriate action to be taken; and
- cooperating with coastal states and participating in relevant regional management arrangements to ensure that all states have sufficient capacity to manage and control their coastal and EEZ fisheries and ensure compliance with national regulations and international obligations.

#### Duration

The high seas bottom trawl moratorium should remain in effect until states have taken significant steps, acting individually, regionally and globally under the guidance of the UNGA and international community, to establish and effectively implement the legally-binding mechanisms necessary to regulate high seas bottom fisheries on a sustainable, equitable and precautionary basis.

In particular, two essential preconditions for lifting the moratoria are:

1. Information adequate to permit informed, science-based management decisions regarding the circumstances under which bottom fishing could occur consistent with obligations to protect biodiversity, apply the precautionary principle and achieve sustainable fisheries management within an ecosystem-based management framework.

In specific terms, information is required regarding:

a) the extent of the biodiversity associated with seamounts, deep-sea corals and other deep-sea structures and ecosystems; b) the vulnerability of these structures and ecosystems to fishing; c) the type and extent of damage caused to date by high seas bottom trawling; d) the relationship between deep-sea structures/ecosystems and pelagic and migratory species; and e) the overall ecosystem functioning of continental margin and open-ocean ecosystems.

Additional scientific research is required to assess the extent to which deep-sea species can be exploited on the high seas and under what conditions.

Hydrographic mapping and biological sampling is also necessary to enable predictive characterization of areas likely to contain deep-water corals, sponge beds or other deep-sea structures and species vulnerable to bottom trawl fishing and to provide a solid basis for informed management.

2. Global oceans governance structures and functional fisheries management regimes with adequate competence to adopt and enforce effective measures to sustainably manage deep-sea fisheries on the high seas, including high seas bottom trawl fisheries, and to protect biodiversity from the adverse impacts of fishing.

Legally-binding agreements should be entered,



Photo courtesy of NOAA and MBARI

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

implemented and enforced consistent with the precautionary principle and the biodiversity conservation and fisheries management provisions of existing multilateral agreements, such as UNCLOS, the FSA, the CBD and the UN FAO Code of Conduct for Responsible Fisheries.

Attention is required by all the international agencies and agreements with either competence over or an interest in managing high seas biodiversity. Having been established primarily to manage the exploitation of natural resources, the FAO's role, though important, would extend only to fisheries management issues. Proper fisheries management alone, however, is only one of several elements that will need to be considered in order to conserve the biodiversity-rich ecosystems of the high seas. The UN Division for Oceans Affairs and the Law of the Sea (DOALOS), or a task force under its auspices, would be the most logical administrative body to develop a comprehensive high seas management regime.

#### In conclusion

The severe and deteriorating conflict between deep-sea biodiversity conservation and bottom trawling warrants urgent action by the UNGA this year. A high seas bottom trawl fishing moratorium would provide immediate protection to the extraordinarily rich, vulnerable and mostly undiscovered biodiversity of the deep seas.

# DSCC

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](http://www.savethehighseas.org)