



**Ecology  
Action  
Centre**

**deepsea  
conservationcoalition**

## **Ecology Action Centre and Deep Sea Conservation Coalition Recommendations to NAFO Contracting Parties for the 38<sup>th</sup> Annual Meeting**

**Varadero, Cuba**

### **Introduction**

The Ecology Action Centre (EAC), individually and as an active member of the Deep Sea Conservation Coalition (DSCC) respectfully submit this position paper to the 38<sup>th</sup> Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO). Progress on key issues this year at NAFO is important as the meeting follows both the review of the Implementation of the United Nations Fish Stocks Agreement (UNFSA) in May 2016<sup>1</sup> and the workshop on the implementation of the United Nations General Assembly Resolutions on bottom trawling in August 2016.<sup>2</sup> The UNFSA review conference draft report notes that many of the recommendations made at the 2006 review conference have not been taken up, the stock status of straddling and highly migratory species has not significantly improved and there remain challenges in the protection of biodiversity by RFMOs. The UNGA Workshop report clearly notes areas where RFMOs are not implementing the UNGA Resolutions to their full extent, despite a decade since initial commitments were made in 2006.

Finally, there is increased focus on the role of RFMOs in the protection of biodiversity in areas beyond national jurisdiction as discussions progress towards a new international legally binding instrument on the conservation and sustainable use of biodiversity in areas beyond national jurisdiction (ABNJ). As such, it is increasingly important that RFMOs and Contracting Parties are effective at achieving their mandates, able to engage in cross-sectoral

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<sup>1</sup> UNFSA Review May 2016. [Advance and unedited report of the resumed Review Conference on the 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, prepared by the President \(English only\)](http://www.un.org/depts/los/convention_agreements/review_conf_fish_stocks.htm)  
[http://www.un.org/depts/los/convention\\_agreements/review\\_conf\\_fish\\_stocks.htm](http://www.un.org/depts/los/convention_agreements/review_conf_fish_stocks.htm)

<sup>2</sup> UNGA Workshop on Bottom Fishing: Advance and unedited summary by the Moderator of the discussions held at the Workshop to discuss implementation of 113, 117 and 119 to 124 of resolution 64/72 and paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68 on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks (New York, 1 to 2 August 2016)

management efforts and clearly articulate where they are unable to fully protect biodiversity through existing mandates.

As in years past, we take note and commend NAFO on the progress it has made on many issues related to the sustainable use of fisheries under its mandate, and the protection of biodiversity through closing vulnerable marine ecosystems (VMEs) to bottom trawling. We also appreciate the increase in transparency that has occurred over the past several years, particularly with more open discussions, less reliance of meetings of heads of delegation, and opening all working groups to observers. However, NAFO and its Contracting Parties must continue to work together to achieve mandates established under the UNFSA and UNGA resolutions as well as continue to evolve to be able to adapt to increasing complexities of fisheries management and biodiversity protection on the high seas.

We focus our submission on the following priorities:

1. Protecting vulnerable marine ecosystems
2. Sustainably managing straddling stocks, deep sea fisheries and sharks
3. Ecosystem Based Fisheries Management, and inclusion of climate change into NAFO stock assessments
4. Additional Issues
  - a. Climate change vulnerability of NAFO managed stocks
  - b. Convention Ratification
  - c. Transparency

### **1. Protecting Vulnerable Marine Ecosystems (VMEs)**

The DSCC recently published a 10-year review of actions taken by RFMOs<sup>3</sup>, including NAFO in keeping with the requirements of UNGA Resolutions 61/105 (2006), 64/72 (2009) and 66/68 (2011). We fully recognize the important, sometimes difficult and regime shifting work that NAFO's Scientific Council and Fisheries Commission have done over the past decade to address the impact of bottom trawling on vulnerable marine ecosystems. We also recognize the effort to establish open communication between the scientists and managers through the creation of Joint Working Groups. However, despite this progress, the DSCC report contains a number of important recommendations for NAFO and its Contracting Parties, in particular to finish what was started in 2006 with the initial UNGA Resolution 61/105. With regards to completing this task we recommend:

- a) **Protecting high concentrations of VME indicator species:** The 2016 impact assessment clearly shows that 81% of known significant biomass concentrations of seapens, 27% of sponge biomass concentrations and 37% of large gorgonian coral biomass concentrations remain at risk of significant adverse impact or are being impacted. Existing recommendations for seapen closures have not been agreed since first recommended by the NAFO Scientific Council in 2014. It is imperative that

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<sup>3</sup> DSCC report reference

NAFO CPs work together to fully protect known concentrations of VME indicator species and follow scientific advice that has been provided since 2014. Specifically,

- i) Extend the 30 closure to the 500m isobath to protect known coral concentrations adjacent to current closure.
- ii) Close proposed areas 13 and 14 should to improve protections for known concentrations of seapens.

**b) Protecting VMEs that do not occur in high concentrations:** VME indicator species, including black corals, currently are not adequately protected. NAFO needs to agree to a mechanism to ensure protection of these species from significant adverse impacts either through enlarging existing closures or by other means.

**c) Impact assessments:** While NAFO SC has completed impact assessments of SAIs of VME concentrations, these assessments focused only on three aspects of the FAO Guidelines on Deep Sea Fisheries (para 18). The Fisheries Commission should require assessment of the ability of the ecosystem / VME to recover from harm, the impact to ecosystem function and the timing and duration of the impact relative to the life history stages of the VME species of concern. This should apply to the VME indicator species as a whole – i.e. throughout their range and not solely on areas of significant concentration of the VME indicator species. Completing the impact assessment of SAI with these three additional objectives would contribute to the understanding of cumulative impact of fishing activity on VMEs. In assessing cumulative impacts, as called for in UNGA resolution 66/68 and the UN FAO Guidelines (paragraph 47), the process needs to determine the extent of past impacts on VMEs and the extent to which the VMEs identified over the past several years represent some fraction of the VMEs present in the Regulatory area prior to the advent of deep-sea bottom fishing.

**d) Science impact on VMEs:** Research surveys for the purposes of fish stock assessment continue to be the largest single threat to VMEs otherwise protected by closed areas. Up to 10,000 kgs of VMEs can be removed by one research tow. It is imperative that NAFO take swift measures to prevent further damage to VMEs from research surveys as concern over this issue has been raised since 2008 at NAFO meetings. We recommend:

- i) NAFO agree to prohibit scientific research trawls from taking place within VME areas where encounters above the thresholds have been documented.
- ii) As a matter of priority, NAFO through Contracting Party scientists continue their work to resolve the issue of research trawls within VME closed areas, with a view towards eliminating this practice by 2018.

**e) Encounter Protocols:** NAFO continues to have had no encounters reported to the Secretariat. If all VMEs were properly protected, this may in fact be because area closures are adequate. However, we know from the impact assessment that significant areas of known concentrations of VMEs remain at risk and as such are likely impacted by fishing activity. NAFO has invested significantly in identification guides for VME indicator species, yet it appears that despite this investment, these guides are not being used. We recommend:

- i) NAFO address any problems with the data collection system for reporting encounters, to ensure that fisheries observers are transmitting information on encounters with VME indicator species including those below the threshold levels.

**f) Deep Sea Fish Species:** While deep-sea fish fit within the FAO Guidelines definition of VME species, NAFO has not adopted the full breadth of this definition for deep-sea fish species. We recommend that NAFO revisit the consideration of these species for inclusion as VME indicator species and integrate this into its work on bycatch and discards.

## **2. Sustainable Management of Straddling Stocks, Deep Sea Fisheries and Sharks**

NAFO has yet to adopt any measures for deep sea species that are not targeted fisheries (redfish, Greenland halibut). This is a key aspect of working towards bycatch and discards reporting and management, for which NAFO has an adopted Action Plan.

- a) We strongly recommend that NAFO prohibit the landings of deep-sea species which are unregulated through quota or bycatch limits and establish measures to prevent or eliminate the bycatch of unregulated deep-sea species.
- b) We recommend that NAFO agree to provide data on bycatch and discards to the FAO, as part of the work of the Ad Hoc Working Group to Reflect on Rules Governing Bycatches, Discards and Selectivity to the as per the request of July 2016.
- c) With regards to Greenland halibut, for which we recognize that there is considerable pressure to increase the TAC despite any new scientific information, we recommend NAFO agree on a schedule for completing the Management Strategy Evaluation for Greenland halibut, including intersessional meetings as required to ensure that new information is available for a decision on TAC by the Annual Meeting in 2018. No changes in quota should be made in the absence of scientific advice.
- d) Noting the need for improved measures to protect shark species, and the failure of NAFO to agree to such measures, we recommend that NAFO agree to:

- a. Adopt a Fins Naturally Attached policy, in line with domestic requirements for the EU and US and the measure adopted by North East Atlantic Fisheries Commission (NEAFC) in 2014.
- b. Require the submission of bycatch data on all shark species, with a focus on Greenland shark, porbeagle shark and shortfin mako.
- c. Reduce the TAC for thorny skates to no more than 4700 tonnes as the stock has shown little improvements under current catches and the Scientific Council advises no increase in catches in its recommendations for 2017.

### **Ecosystem Based Fisheries Management**

Given the important and precedent setting work that NAFO has done on developing an Ecosystem Road Map, including analysis of trophic dependencies of NAFO managed species as well as the exploration of total catch ceilings, and the general lack of full implementation of the ecosystem approach to fisheries management, we recommend that:

- a) NAFO Contracting Parties provide specific direction to the Scientific Council in requesting advice related to management measures consistent with the ecosystem approach to fisheries management and based on the NAFO Ecosystem Roadmap.
- b) NAFO review the Ecologically or Biologically Significant Areas identified through the 2014 Workshop hosted by the Convention on Biological Diversity Secretariat in light of VME identification.
- c) Continuing the important work done by NAFO Scientific Council in response to the Fisheries Commission request to assess impact on NAFO fisheries by activities other than fishing, NAFO Joint Working Group on Ecosystem Assessment (WGESA) commit to discussing options for cross-sectoral interactions and assessment of cumulative impacts.

### **5. Additional Items**

a) Climate change: In light of the increasing impacts of climate change, particularly on oceanic systems, through temperature increases and ocean acidification, we encourage NAFO to take the issue of climate change seriously. We recommend:

- NAFO adopt a recommendation that vulnerability to climate change is considered stock assessment projections. <sup>4</sup>

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<sup>4</sup> Hare et al (2016). A Vulnerability Assessment of Fish and Invertebrates to Climate Change on the Northeast U.S. Continental Shelf <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0146756>

- NAFO agree to the inclusion of the impacts of climate change and ocean acidification into the work of the Scientific Council stock assessments as well as the Ecosystem Approach to Fisheries (EAF) A Road Map.

b) New Convention: In line with modernizing NAFO and implementing the recommendations of the NAFO Performance Review<sup>5</sup> we continue to:

- Encourage ratification of the NAFO amended Convention by the Contracting Parties that have not done so yet, as a matter of priority.

c) Performance Review & Transparency: We are pleased that NAFO continues to be committed to transparency of its meetings including joint working group meetings through the admission of observers. To further NAFO's transparency efforts we recommend:

- NAFO agree to allow observers to be present at Performance Reviews, as per the UNFSA review conference recommendations.

## **Conclusion**

We look forward to continued progress at NAFO this year, and a concerted effort by Contracting Parties to take seriously their commitments under the UNFSA and the UNGA resolutions. NAFO has an important role to play in continuing to lead in protecting VMEs and implementation of the ecosystem approach to fisheries management. NAFO must also progress towards more interaction with other high seas governance institutions and activities conducted by coastal States within their extended continental shelves that impact NAFO management measures. We also urge NAFO to work with other RFMOs on sharing scientific knowledge and expertise wherever relevant, and engaging in joint RFMO meetings including those hosted by FAO and the CBD.

## **Respectfully Submitted,**

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