

DSCC INTERVENTION: UN Fish Stocks Agreement Resumed Review Conference
(May 2023)

Agenda item 10a

The UN Fish Stocks Agreement establishes a series of obligations relevant to the management of bottom fisheries, in particular deep-sea fisheries, including the following:

- Assess the impacts of fisheries on target stocks and species belonging to the same ecosystem; Protecting biodiversity in the marine environment; Preventing and eliminating overfishing; Collecting complete and accurate data on catch of target and non-target species; Protecting habitats of special concern; and applying the precautionary approach widely and be more cautious when information is uncertain, unreliable or inadequate.

The provisions of the UNGA Resolutions related to bottom fisheries on the high seas, including their incorporation of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas into the resolutions, reflect and build on these obligations through:

- Establishing criteria for assessing the impacts of bottom fisheries on deep-sea species and ecosystems and committing States to prohibit bottom fisheries on the high seas unless impact assessments (IAs) consistent with the International Guidelines have been conducted;
- Identifying areas where VMEs are known or likely to occur and closing them to bottom fisheries unless such fisheries can be managed to prevent SAIs and committing States to protecting them as a key means of protecting biodiversity in the marine environment, in particular in the deep sea, in effect 'designating' VMEs as habitats of special concern
- Ensuring the long-term sustainability of deep-sea fish stocks and non-target species and the rebuilding of depleted stocks:
- Adopting and implementing these provisions of the UNGA resolutions or else not authorizing bottom fisheries to proceed (64/72, paragraph 120).

All of these were adopted by consensus, including through the UNGA reviews of the implementation of the resolutions in 2011, 2016 and most recently in 2022.

Implementation

Here we are, 20 years after entry into force of the UNFSA and almost 20 years since the adoption of the first of the UNGA resolutions – UNGA 59/25 in 2004 - committing States to “*take action urgently*” and consider “*the interim prohibition of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals located beyond national jurisdiction, until*

such time as appropriate conservation and management measures have been adopted in accordance with international law” (UNGA 59/25, paragraph 66).

There has been progress:

- New RFMOs have been established in the north and south Pacific and the Indian Oceans
- NAFO has prohibited bottom fishing on seamounts at fishable depths;
- CCAMLR has banned bottom trawl fishing on the high seas of the convention area;
- GFCM banned bottom trawl fishing below 1000 meters;
- Many RFMOs have prohibited bottom gillnet fishing; and,
- NEAFC, SPRFMO, SEAFO and NPFC have closed and/or provisionally closed substantial areas to bottom fishing.

Many shortcomings remain, however. The report of the UN Secretary General (SG) for this Resumed Review Conference states, in respect of discrete high seas stocks, predominantly deep-sea stocks, that *“the information contained in the FAO overview regarding those stocks remains substantially unchanged from the information provided by FAO for the 2010 report (A/CONF.210/2010/1, paras. 68–70) and the 2016 report (A/CONF.210/2016/1, para. 26). Relatively little continues to be known about many of the species and most of the fisheries”* (Report of the SG: para 25).

Of particular concern to the DSCC is the impact of bottom fishing on seamounts, oceanic ridge systems and other underwater topographical features on the high seas that are hotspots of deep-sea biodiversity. The UN’s First World Ocean Assessment (WOA) in 2015 concluded that *“the vast majority of deep-water fisheries have been carried out unsustainably, or at least without satisfactory assessments of impacts and sustainability. This has led to the serial depletion of dozens of stocks... Severe impacts have been reported for by-catch species, including other fishes... The extent of benthic impacts has been described for local fishing grounds but has not been assessed globally; however, if the impacts of these regional studies are generalized, we can extrapolate that fishing, and in particular deep-water trawling, has caused severe, widespread, long-term destruction of these [seamount] environments globally.”*

The UN’s Second WOA in 2021 reaffirmed these concerns, stating that *“fishing, especially bottom trawling, constitutes the greatest current threat to seamount ecosystems”* (Chapter 7L: Seamounts and pinnacles, pg. 439).

The DSCC’s evaluations of the implementation of the UNGA resolutions in [2011](#), [2016](#) and [2021](#) concluded much the same, including, for example, that the status of all the major target stocks in deep-sea fisheries on seamounts on the high seas was either identified as overfished, depleted or unknown, and in one case as ‘critically endangered’.

In spite of the findings of the UN’s World Ocean Assessments and relevant reviews and scientific information, the South Pacific RFMO recently adopted a measure at variance with the UNGA resolutions which still allows trawling on up to 30% of VMEs in the Southwest Pacific,

after over 30 years of cumulative impact of bottom trawl fishing across wide swathes of the international waters of the South Pacific and Tasman Sea, without an assessment of the impact of bottom fishing on most of the individual species associated with and dependent upon VMEs in the region - species which, in effect, by definition comprise the VMEs.

SIOFA has still to adopt an overarching VME protection measure and the Emperor Seamounts in the North Pacific are largely open to continued bottom trawling by the NPFC in areas where fishing has historically occurred in spite of scientific surveys that have documented extensive damage to VMEs from this method of fishing and evidence of recovery or regeneration of deep-sea corals in areas that have been closed to bottom fishing.

Many of these issues were highlighted and debated during the UN's Bottom Fisheries Workshop held in August 2022. Amongst other things, the Deep Ocean Stewardship Initiative presented a report co-authored by 30 deep-sea scientists and policy specialists, that found that IAs have not been done entirely consistent with the International Guidelines, including that none involved an assessment of most of the species associated or depended on VMEs.

The UNGA review in November 2022 resulted in enhanced calls for action to protect VMEs, including all species associated and dependent upon VMEs, to protect biodiversity in the marine environment and to establish measures to support the resilience of VMEs as reflected in paragraphs UNGA resolution 77/118.

The effective implementation of the United Nations General Assembly (UNGA) resolutions on bottom fisheries on the high seas, including the relevant portions of the International Guidelines for the Management of Deep-sea Fisheries in the High Seas, is tantamount to meeting the obligations in Articles 5 & 6 of the United Nations Fish Stocks Agreement (UNFSA). We argue that failure to do so, or only partially doing so, is to be in breach of many of the key conservation provisions of the UNFSA. As discussed at the August 2022 UN Bottom Fisheries Workshop and in several global assessments carried out by the UN, the scientific community and non-government organizations (NGOs), serious shortcomings remain.

Closing all seamounts, oceanic ridge systems and deep-sea topographical features to bottom trawling would go a long way to meeting the UNFSA obligations for the management of deep-sea fisheries by States individually and through RFMOs. This should be a relatively easy task to complete. Moreover, full implementation of the UNGA resolutions and the International Guidelines would meet other key global biodiversity and sustainability commitments such as those committing states to halt and reverse biodiversity loss, building ecosystem resilience and allowing for recovery of deep-sea species and ecosystems - key elements of Sustainable Development Goal 14, Target 2, the Kunming-Montreal Biodiversity Framework and the UN's Decade of Ecosystem Restoration, amongst others.