Urgent action needed to protect seamounts, cold-water corals, and other vulnerable deep-sea ecosystems

by
WWF & Seas At Risk
(Observer NGOs)

Background

1. Draft agenda item 13 addresses the ecosystem approach to fisheries management and integration of fisheries and environmental policies at global and regional level, including reference to the discussions with regard to a possible moratorium on high-seas bottom trawling at UNGA and UNICPOLOS level.

2. Draft agenda item 14 specifically deals with a proposal from Norway to consider mechanisms to protect vulnerable habitats including deep-sea species by prohibiting trawling on some identified seamounts in the Regulatory area of NEAFC.

3. WWF and Seas At Risk (SAR) are concerned about the state of vulnerable deep-sea habitats and ecosystems which are at threat from substantial physical damage through bottom trawling, a concern which has been expressed by several other international bodies. The OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic, in its letter of August 19, 2004 to Mr Kjartan Hoydal, Executive Secretary of NEAFC, states it “…has identified the importance of cold-water coral reefs created by Lophelia pertusa in the maintenance of the biological diversity of the North-East Atlantic.” In the same letter, the OSPAR Commission recalls the recommendation of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP) at its fifth meeting in New York on 7 - 11 June 2004 that the UN General Assembly should “urge States ..... 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 ..... cold-water corals located beyond national jurisdiction”.

4. WWF and Seas At Risk (SAR) believe that with Norway’s designation of five of the cold-water coral reefs in its waters, the European Community’s Council Regulation (EC) No 602/2004 as regards the protection of deep-water coral reefs from the effects of trawling in an area north west of Scotland and the Council Regulation (EC) No 1811/2004 of 11 October 2004 amending Regulation (EC) No 2287/2003 as concerns the number of days at sea for vessels fishing for haddock in the North Sea and the use of bottom trawls in waters around the Azores, the Canary Islands and Madeira, first crucial steps for the conservation of cold-water corals in waters within national jurisdiction have been achieved. However, to “Maintain the productivity and biodiversity of important and vulnerable marine and coastal area, including in areas within and beyond national jurisdiction” as formulated by the World Summit on Sustainable in Johannesburg 2002, WWF and SAR believe it is now critical to carry the momentum of this process on to Regional Fisheries Management Organizations (RFMOs) such as NEAFC, in order to protect the High Seas’ vulnerable habitats from harmful fishing activity.
5. WWF and SAR are both members of the Deep Sea Conservation Coalition (DSCC), a global NGO coalition that has come together out of concern over the threat posed by bottom trawl fishing to deep-water corals and other unique and vulnerable deep-sea ecosystems on the high seas. As further elaborated in the Annex to this submission, the coalition jointly calls on the UN General Assembly to adopt a resolution declaring an immediate moratorium on high seas bottom trawling, and to simultaneously initiate a process under the auspices of the UN General Assembly to:

1) Assess deep sea biodiversity and ecosystems, including populations of fish species, and their vulnerability to deep sea fishing on the high seas; and

2) Adopt and implement legally binding regimes to protect deep sea biodiversity from high seas bottom trawling and to conserve and manage bottom fisheries of the high seas consistent with the UN Convention on the Law of the Sea (UNCLOS 1982), UN Fish Stocks Agreement (FSA 1995), UN FAO Compliance Agreement (1993), Convention on Biological Diversity (CBD 1992), and the UN FAO Code of Conduct for Responsible Fisheries (Code 1995).

Several developments in the recent past have alluded to the capacity and the effectiveness of RFMOs to address the challenge of deep-sea ecosystem management and conservation in the high seas. The 58th Session in 2003 of the United Nations General Assembly adopted a Resolution on sustainable fisheries. The General Assembly also requested that the Secretary General in co-operation with regional and sub-regional fisheries management organisations, should outline in his report concerning fisheries to include a section outlining current risks to the marine biodiversity of vulnerable marine ecosystems and management measures put in place at various levels to address this issue.

Another indication of the RFMOs’ strong role in this issue are the discussions at the 5th meeting of the United Nations ICP in June this year, where it became clear that RFMOs could play a pivotal role in addressing high seas bottom trawling. Globally there are a limited number of RFMOs that can deal with the issue effectively, NEAFC being one of them. Another direct reference to NEAFC’s key role is this year’s OSPAR meeting where moves by NEAFC towards a protection of certain vulnerable areas from the destructive effects of bottom trawling were strongly welcomed.

There are currently several challenges that lie in the way to protect the vulnerable deep sea habitats in the NEAFC areas:

- Lack of comprehensive management measures;
- Limited knowledge on the stock structures and the species in these habitats (discrete and straddling stocks);
- Limited knowledge of current fishing effort exerted in the surroundings of these habitats.

A solution that could effectively address these three uncertainties in order to protect these habitats is the closure of areas or a moratorium on bottom trawling in the high seas. WWF and SAR support the Norwegian Government’s proposal to prohibit trawling on certain identified seamounts in the Regulatory area of NEAFC, but stress that this a first step towards ensuring that globally vulnerable deep habitats are protected. It is important to realise that the Deep Sea Conservation Coalition’s call for a global moratorium is effective when dealing with bottom trawling fishing, which is highly unregulated in extensive areas of the high seas.

**Action requested**

NEAFC is invited to take note of the joint call for a moratorium on high seas bottom trawling by WWF and SAR, with a view to providing support to it at global level and taking specific action to protect vulnerable deep-sea habitats and ecosystems in its Regulatory Area.
Urgent action needed TO PROTECT seamounts, cold-water corals, and other vulnerable deep-sea ecosystems

The NGOs listed in this document jointly call on the UN General Assembly to adopt a resolution declaring an immediate moratorium on high seas bottom trawling, and to simultaneously initiate a process under the auspices of the UN General Assembly to 1) assess deep sea biodiversity and ecosystems, including populations of fish species, and their vulnerability to deep sea fishing on the high seas; and 2) adopt and implement legally binding regimes to protect deep sea biodiversity from high seas bottom trawling and to conserve and manage bottom fisheries of the high seas consistent with the UN Convention on the Law of the Sea (UNCLOS 1982), UN Fish Stocks Agreement (FSA 1995), UN FAO Compliance Agreement (1993), Convention on Biological Diversity (CBD 1992), and the UN FAO Code of Conduct for Responsible Fisheries (Code 1995)."
In February 2004, the 7th Conference of the Parties to the Convention on Biological Diversity (CBD) responded to the call made by the UN General Assembly, stressing the need for rapid action to address threats to the marine biodiversity of deep-sea areas including seamounts, hydrothermal vents, cold water corals and other vulnerable marine ecosystems and features beyond national jurisdiction. In view of the central role played by the UN General Assembly in coordinating international action to address the threat to biodiversity on the high seas, COP-7 of the CBD called upon the UN General Assembly, as well as other relevant international and regional organizations, to:

Also in February 2004, over 1000 marine scientists from around the world released a consensus Statement calling for swift action to protect imperiled deep-sea coral and sponge ecosystems at the annual meeting of the American Association for the Advancement of Science. They identified bottom trawling as an especially grave threat to these communities and urged the United Nations and other international bodies to establish a moratorium on bottom trawling on the high seas. This Statement was preceded by a similar statement from over one hundred scientists attending the Tenth Deep-Sea Biology Symposium in Coos Bay, Oregon USA in August 2003, and the Second International Symposium on Deep Sea Corals in Erlangen, Germany in September 2003. They too urged the UN General Assembly to adopt an immediate moratorium on bottom trawl fishing on the high seas.

Accordingly it is vital that in November of this year, the UN General Assembly take action to urgently address the threat of high seas bottom trawling through the implementation of an immediate moratorium and identify longer-term options for comprehensively addressing the conservation and protection of deep-sea biological diversity and its equitable and sustainable use.

Scientists and the public are increasingly concerned about the threats to vulnerable deep-sea biodiversity hotspots, including seamounts and cold-water corals, posed by bottom trawl fishing conducted on the high seas. These deep-sea features typically support slow-growing, long-lived species, which are particularly sensitive to disturbance. Fish inhabiting these deep-sea ecosystems can live for up to 150 years, and coral structures may reach several thousands of years in age. Urgent action is needed to protect seamounts, deep water corals and other vulnerable deep water habitats that occur beyond the 200-mile limit from bottom trawl fishing and to prevent the serial depletion of populations of numerous commercially important species of deep-sea fish associated with them.

Seamounts are submarine mountains and hills that rise 1000 meters or more above the ocean floor. They are distributed throughout the world’s oceans. Less than 1% of seamounts have been biologically sampled, but recent research indicates that seamounts have large numbers of endemic species (species that are not found anywhere else). Along with cold water corals and other deep-sea ecosystems, seamounts represent a major reservoir of biodiversity in the oceans. Yet much remains unknown about the distribution, abundance and dynamics of deep coral and seamount ecosystems.

“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” through, for example, on a case by case basis, the “interim prohibition of destructive practices adversely impacting the marine biological diversity associated with [these] areas…”
The international community has repeatedly called for the prevention, deterrence and elimination of unregulated fishing. Bottom trawl fishing is completely unregulated in extensive areas of the high seas. This represents an important gap in the governance of the world’s oceans. Only a handful of Regional Fisheries Management Organizations (e.g., NAFO, CCAMLR, NEAFC, SEAFO) have authority to regulate deep sea bottom fishing, and few if any have restricted bottom trawling to protect sensitive ecosystems. In relation to other high seas fisheries, bottom trawling on the high seas is still relatively limited in terms of the number of vessels, the countries involved, and the amount and value of the catch.3

Faced with declining fish stocks in nearshore coastal waters, fishermen are venturing farther out into previously unfished ecosystems of the deep sea. Advancing technology now allows them to easily locate and catch fish in these formerly inaccessible areas, and some of the gear used, such as bottom trawls, can rapidly reduce ancient, thriving bottom coral complexes to rubble and deplete the fish populations that inhabit them. There is great concern that many species are being lost to bottom trawling before they can even be identified. This type of fishing also destroys the habitat of commercially important species, and the serial depletion of many commercial fish populations associated with these features, such as orange roughy, demonstrates the unsustainability of these fisheries. It greatly reduces the opportunities for all states to benefit from deepsea species and biodiversity.

The need to address this issue has been repeatedly recognized by the UN General Assembly and UNICPOLOS. The impact and lack of regulation of certain fishing methods on fragile deep sea habitats and ecosystems is clearly a cause for concern. Protecting these ecosystems and providing for their sustainable use requires specific and urgent action, and the UN General Assembly must act now to effectively address this issue.

Immediate measures provide a means of temporarily preserving deepsea biodiversity and fish stocks until more permanent solutions can be developed, agreed, and applied. They can catalyze action in a number of areas where improvements and further work is needed and serve as an incentive for all stakeholders to come to agreement without undue delay. A time-limited international initiative coordinated under the auspices of the UN General Assembly can ensure prompt scientific assessment and the negotiation and agreement of effective, equitable and sustainable regimes for high seas bottom fishing.

A scientific assessment of deepsea biodiversity and ecosystems must provide detailed information on the marine biodiversity associated with seamounts, deepsea corals and other deepsea ecosystems, and how deepsea ecosystems relate to open ocean ecosystems. It should also provide for further identification and mapping of deepsea biodiversity hotspots and ecotypes/bioregions. It should assess the viability of sustainable exploitation of deepsea fish stocks and species on the high seas with particular reference to the impacts of such activity on associated and dependent species and related ecosystems.

In exploring legally binding regimes to protect deepsea biodiversity and conserve and manage high seas bottom fisheries, the options include, inter alia:

- extending the 1995 UN FSA to cover all high seas fisheries, together with additional regional agreements/arrangements for unregulated deepsea fish stocks, and ensuring that RFMOs with competence over high seas bottom fisheries fully reflect the provisions of the international instruments noted above; or a new convention on unregulated deepsea fisheries on the high seas; and
- identification of measures available to the coastal state to prevent or mitigate damage resulting from high seas bottom trawling to sedimentary species subject to coastal state resource rights on the continental margin beyond 200 n.m;
- establishment of areas where bottom fishing activities are either strictly managed or excluded – to protect biodiversity, ensure sustainable fisheries, and/or maintain ecosystem integrity;
- adoption of further binding international measures to eliminate the problems of illegal, unreported and unregulated high seas bottom fishing, including the strengthening of flag state and port state jurisdiction and comprehensively addressing the issue of vessels flying flags of convenience; and
- adoption of measures that effectively provide for the equitable and sustainable use of deepsea biodiversity as a matter of interest to all nations.

The impact and lack of regulation of certain fishing methods on fragile deep sea habitats and ecosystems is clearly a cause for concern.
ASOC - The Antarctic and Southern Ocean Coalition
Centro Mexicano de Derecho Ambiental
Conservation International
Eco
Ecoceanos
Ecology Action Centre
Forest and Bird
Fundación Jatun Sacha
Greenpeace
ICSF - International Collective in Support of Fishworkers
MCBI - Marine Conservation Biology Institute
Mundo Azul
National Fisherworkers’ Forum
NRDC - Natural Resources Defense Council
New England Aquarium
Nordzее Foundation
Oceana
Pretoma - Programa Restauración de Tortugas Marinas
ProNaturaleza - Fundacion Peruana para La Conservacion de La Naturaleza
Seas At Risk
Seaweb
World Forum of Fisher Peoples
WWF