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SEAS AT RISK

Annual Meeting of NEAFC 10-14 November 2008

Opening Statement

Mr. Chairman, Distinguished Delegates and Observers,

Seas at Risk, a member of the Deep Sea Conservation Coalition, welcomes the opportunity to make an opening statement also on behalf of WWF in regard to deep-sea fisheries.

First, we recall that paragraph 83a of UN General Assembly resolution 61/105 calls on States and RFMOs to conduct impact assessments to determine whether significant adverse impacts would occur to vulnerable marine ecosystems. We strongly agree with the position advanced by the European Commission in its Communication on *Destructive fishing practices in the high seas and the protection of vulnerable deep sea ecosystems* of 17 October 2007:

*"The requirement of an environmental impact assessment as a condition for the authorisation of individual fishing activities is the first and indeed the lynchpin of the set of recommendations issued by the General Assembly. **This represents a radically innovative principle in fisheries management.** In contrast with other resource exploitation activities carried out in the oceans and seas, where it is established practice to require prior impact assessments (e.g. installing offshore oil or gas platforms), the effects of fishing on marine habitats are generally assessed only after the fact, if at all. The General Assembly's recommendations will therefore help bringing the management of sensitive bottom fisheries up to the environmental standards of other maritime activities.*

*In practice, fishing operators will need to submit fishing plans that identify their intended fishing areas with some degree of precision. On this basis, the flag State authorities will then have to examine the spatial coverage of the intended activities and assess, in light of the scientific advice and data available to them, the potential risks for vulnerable marine ecosystems known or likely to occur in the intended fishing grounds."*¹

As far as we can tell however, NEAFC Contracting Parties have either not yet conducted impact assessments of bottom fishing activities or these impact assessments have not been made public. The UN GA 61/105 would require States and RFMOs to not authorize high seas bottom fisheries to take place after 31 December 2008 unless and until impact assessments have been conducted and, on the basis of the assessments, regulations are established to prevent significant adverse impacts.

Secondly, we commend NEAFC for having closed a number of areas over the past several years where VMEs are known to occur. However, more needs to be done and in this regard we urge NEAFC Contracting Parties to adopt the advice from ICES regarding the extensions of the boundaries of current closed areas on the Hatton and Rockall Banks.

¹<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0604:FIN:EN:PDF>

We also welcome the Norwegian proposal to close additional areas on the Mid-Atlantic Ridge and we urge NEAFC Contracting Parties to agree to it. You may well be aware of the differing boundaries of the areas on the middle of the Mid-Atlantic Ridge proposed by Norway and under consideration by the OSPAR Commission. Recognizing the different mandates of the two organisations, we would urge NEAFC Contracting Parties to adopt the Norwegian proposal at the NEAFC Annual Meeting this week, at a minimum on a provisional basis, and then, in cooperation with OSPAR through the recently agreed Memorandum of Understanding with the OSPAR Commission, work to adjust the boundaries of the closed areas if and as need be. We would also urge Contracting Parties to agree that the areas closed in 2004 remain closed beyond the end of this year until conservation and management measures are in place to protect deep-sea ecosystems from significant adverse impacts of bottom fishing.

That said, however, we do not consider that these steps are sufficient yet to fulfill States' commitments and obligations under UN General Assembly Resolution 61/105. In regard to areas where VMEs are known or likely to occur, based on the best scientific information available, Paragraph 83c of UN GA 61/105 calls on States and RFMOs to close such areas to bottom fishing and ensure that such activities are not authorized to proceed unless conservation and management measures have been established to prevent significant adverse impacts on vulnerable marine ecosystems. In our view, the best scientific information available in regard to areas within the NEAFC Regulatory Area where vulnerable marine ecosystems are likely to occur has been compiled and submitted to NEAFC by WWF. We would urge NEAFC Contracting Parties to agree this week to close the areas identified in the WWF submission until regulations are in place to prevent significant adverse impacts.

Third, the UN GA resolution, in Paragraph 83d, calls on RFMOs to require States to require vessels flying their flag to cease bottom fishing activities in areas where, in the course of fishing operations, vulnerable marine ecosystems are encountered, and to report the encounter so that appropriate measures can be adopted in respect of the relevant site. In our view, this is a mechanism of last resort and not a substitute for impact assessments and comprehensive conservation and management measures - as it recognizes that even after all is done to avoid encounters with vulnerable ecosystems, bottom fishing vessels permitted to fish on the high seas may still impact these ecosystems and that when this occurs, they should cease fishing in the area until effective management measures are adopted.

This measure, to be effective, must be accompanied by regulations to prevent significant adverse impacts based on proper impact assessments and the identification of areas where vulnerable marine ecosystems are known or likely to occur. In this regard, we would point out that NAFO has failed to establish regulations to implement these important provisions of the UN GA resolution at its Annual Meeting in September 2008. Further, we would note that NAFO has also failed to adopt a meaningful encounter protocol and move-on rule consistent with paragraph 83(d) of UN GA 61/105. Instead, NAFO only requires that bottom fishing vessels move 2 nautical miles out of an area if bottom fishing vessels bring up more than 100 kilograms of live corals or 1000 kilograms of sponges in trawl nets, on longlines or in gillnets. These are ludicrously high quantities, far higher than those recommended by NAFO's own scientists.

We encourage NEAFC Contracting Parties to consider the advice from an IUCN paper regarding VME encounter protocols prepared for the February 2008 meeting of the UN FAO Technical Consultation on the Management of Deep Sea Fisheries in the High Seas, which refers to limits on the order of magnitude of 2-5 kg of corals or sponges:

Corals

A single haul constituting >5kg of stony coral or coral rubble.

A single haul containing >2kg of black corals or octocorals or more than 2 coral colonies.

Two or more consecutive hauls containing > 2kgs each of live corals on the same trawl track or setting area for fishing gear or where consecutive trawling tracks or sets intersect.

>4 encounters of corals >2kgs within an area (1km²) within one year.
>4 corals per 1000 hooks in a long line fishery within one year within an area (10km²).
>15% of hauls of any gear within an area (10-100km²) containing corals.

Sponges or other habitat-forming epifauna

A single haul constituting >5kg of sponge or other habitat-forming epifauna.
Two or more consecutive hauls containing >5kg sponges or other habitat-forming Epifauna on the same trawl track or setting area for fishing gear or where consecutive trawling tracks or sets intersect.

>10 encounters of >2kg sponges or other habitat forming epifauna in an area (1km²) within one year.

>15% of hauls of any gear within an area (10-100km²) containing sponges or other habitat-forming epifaunal taxa.²

We note that sponges as well as corals and the other species outlined in Annex A to the UN FAO Guidelines for the Management of Deep Sea Fisheries in the High Seas must be considered when determining the impact of bottom fishing on vulnerable marine ecosystems, identifying areas where vulnerable marine ecosystems are known or likely to occur, and in establishing a VME encounter protocol and move-on rule.

We call on NEAFC Contracting Parties not to make the same mistakes that NAFO has made at its Annual Meeting in September 2008 regarding the implementation of the UN GA resolution, both with respect to a VME Encounter Protocol as well as in regard to impact assessments, conservation and management measures where VMEs are likely to occur and deciding whether or not to authorize bottom fisheries to proceed in 2009.

We urge NEAFC to agree this week to establish regulations for bottom fisheries on the high seas of the North-East Atlantic which will fully and effectively implement UN GA resolution 61/105. The decisions taken at the Annual Meeting of NEAFC this week will determine the success or failure of NEAFC Contracting Parties in implementing the commitments they made at the UN General Assembly in 2006 and in relation to the review of the implementation by NEAFC of UN GA 61/105 that will be conducted by the UN General Assembly in 2009.

Finally, we continue to view the overexploitation of deep-sea species in the Northeast Atlantic as a matter of great concern. We would also echo the concerns expressed by Norway in regards to bycatch and discards, in particular in deep-sea fisheries.

NEAFC has shown real leadership over the past several years in combating IUU fishing. Similarly, in 2005 NEAFC took decisive and effective action to deal with the problem of deep sea gillnet fishing. We urge NEAFC Contracting Parties to do the same this year for all other forms of high seas bottom fishing³ and we look forward to a successful meeting this week.

² Alex D Rogers, Malcolm R Clark, Jason M Hall-Spencer, Kristina M Gjerde (2008). The Science behind the Guidelines: A Scientific Guide to the FAO Draft International Guidelines (December 2007) For the Management of Deep-Sea Fisheries in the High Seas and Examples of How the Guidelines May Be Practically Implemented. IUCN, Switzerland, 2008.

³ We would note that the ICES advice in 2008 in regard to the NEAFC request on identification of vulnerable marine ecosystems, continues to highlight the urgent need to effectively deal with the impact of bottom trawl fishing and states the following “*The primary methods of fishing within the NEAFC area include bottom trawling by otter trawl, pelagic trawling, pelagic fishing by seine net, longlining, gillnetting, tanglenetting, and the use of traps...Any gear that has bottom contact has the potential to damage vulnerable deep-water habitats. The degree of impact depends on the type of gear, the degree of contact with the seabed and the frequency of contact. Thus, even bottom gear with a low potential for damage per deployment can potentially cause significant impact if used intensively. Of the types of fishing listed above, the greatest instantaneous physical impact on sensitive habitats is likely to be caused by towed otter trawls...*”

<http://www.ices.dk/committe/acom/comwork/report/2008/Special%20Requests/NEAFC%20request%20on%20identification%20of%20vulnerable%20marine%20ecosystems.pdf>