



Ecology Action Centre

deepsea
conservationcoalition

**Recommendations to the 35th NAFO Annual General Meeting,
September 23rd - 27th in Halifax, Nova Scotia**

The Ecology Action Centre (EAC), as an accredited observer to NAFO, is pleased to be representing the Deep Sea Conservation Coalition (DSCC) at the 35th Annual Meeting of NAFO in Halifax, Nova Scotia. We have attended NAFO meetings and actively worked with Contracting Parties and NAFO Working Groups since 2007, primarily to support the full implementation of the United Nations General Assembly (UNGA) resolutions 61/105, 64/72 and resolution 66/68.

NAFO has made progress in implementing the requirements of the resolutions through decisions taken at each Annual Meeting, resulting in closed areas and encounter protocols in addition to a wider understanding of the importance of ecosystem protection in fisheries management regimes. However, NAFO has yet to fully implement the requirements of the resolutions and this year we are hopeful that continued progress will be made to fill the remaining gaps.

In addition to the UNGA Sustainable Fisheries Resolutions, NAFO Contracting Parties also made commitments at the Rio + 20 Conference, including a commitment to protect biodiversity in areas beyond national jurisdiction (*para. 162*), to restore fish stocks to at least MSY levels (*para. 168*), and to increase transparency and accountability in RFMOs specifically an implementing the recommendations of the Performance Reviews (*para. 172*).

The EAC and the DSCC are particularly focused on the protection of vulnerable marine ecosystems (VMEs), data collection and observer protocols that ensure encounters and fishing impacts on VMEs are recorded, transmitted and management actions taken. We advocate for the implementation of the recommendations from the NAFO Performance Review, and stress the importance of transparency in all NAFO meetings.

NAFO has made significant progress in protecting VME areas, increasing research and data collection, and deepening its organizational shift to a more ecosystem based approach. Despite considerable progress, NAFO continues to face challenges around full implementation of the UNGA resolutions 61/105, 64/72 and 66/68. To fill these gaps in implementation and to ensure that NAFO makes further progress towards best practices in fisheries management and ecosystem protection, we put forward the following recommendations for adoption at the 35th Annual Meeting:

Recommendations

Protection of Vulnerable Marine Ecosystems from the Impacts of Fishing

NAFO has made considerable progress in identifying and closing areas of VMEs, including seamounts, over the past several years. However, as scientific data becomes available the NAFO WGEAFM, through the Scientific Council and NAFO WGFMS-VME have identified new areas that warrant protection. In light of this, and the commitment from NAFO CPs to fully implement the UNGA Sustainable Fisheries Resolutions, we strongly recommend the following extensions and creations of closures which are supported by the NAFO accepted VME indicator species list as well as survey information identifying significant VME concentrations.

1. Area Closures

- a. Extension of closed area 2 to maximize protection in the NRA of significant concentrations of large gorgonians (areas detailed in FC WP 12/17).
- b. Extension of closed areas 7,8 and 10 to maximize protection in the NRA of significant concentrations of sea pens and large sea pens (areas detailed in FC WP 12/18, FC WP 12/28 rev).
- c. Creation of closed areas 12, 13 and 14 to maximize protection in the NRA of sea pens and large sea pens and as proposed at the 34th NAFO Annual Meeting where agreement for closure was not reached (areas detailed in FC WP 12/28 rev).
- d. Closure of areas known to contain significant concentrations of small gorgonians should also be agreed (NAFO SCS DOC 13/17).
- e. The upcoming closure review in 2014 should be with a view towards permanent closure with an immediate commitment to communicate these closures to other competent agencies including the Canada Newfoundland Offshore Petroleum Board (CNOBPB), the International Maritime Organization (IMO), the International Seabed Authority (ISA) and the International Commission for the Conservation of Atlantic Tunas (ICCAT).

2. Seamount protection

- a. Despite the existing closure of seamounts to fishing in the NRA, a fishery directing for alphonso on the Corner Rise seamounts has occurred. An application for an Exploratory Fishery has been submitted (SC WG 13/20), however no impact assessment has been submitted and this area was agreed by NAFO for closure to fishing activity. In the future, no fishery should be allowed in seamount areas and NAFO should adhere to the *FAO Guidelines on Deep Sea Fisheries on the High Seas*, as well as the UNGA Resolutions.

3. NERIEDA expedition data:

- a. We urge that the work associated with the Nereida Project be completed as expeditiously as possible so that the results can be used to better assess the known and likely occurrence of VMEs in the Regulatory Area and measures established accordingly in time for the review of the implementation of the UNGA resolutions by the UN General Assembly in 2015.

Data Collection, Sharing and Enhancement of Observer Protocols

Imperative to adequate ecosystem protection is the collection of data from fishing vessels on encounters and bycatch of VME indicator species. NAFO has had difficulty reaching agreement on data collection protocols and as far as we are aware no encounters have been reported to NAFO. The work of the WG-EAFM has generated a significant amount of data and information on biodiversity and ecosystem elements. This data is a valuable resource and should be available for

sharing with other responsible governance organizations. We support the NAFO data flow scheme presented by WWF in their recommendations for this meeting.

4. Data Collection and Sharing

- a. NAFO must agree on a comprehensive data collection protocol for VME and bycatch species.¹
- b. CPs must follow this protocol as well as commit to act on the results of scientific research regarding VME protection.
- c. NAFO must agree to data sharing with other responsible governance organizations and in particular with the Convention on Biological Diversity (CBD) Workshop to Identify Ecologically or Biologically Significant Areas (EBSAs) in the Northwest Atlantic, scheduled for spring 2014.

5. Observer Protocols and Data Use

- a. CPs must commit to maintain existing observer coverage at 100%, and ensure that observer reports are being submitted in a timely manner. Failure to do both jeopardizes catch reporting as well as reporting of VME encounters, which reduces the ability of NAFO to manage fish stocks and protect VMEs.
- b. CPs must improve data collection and standardization. We recommend the following to achieve this:
 - i. CPs must commit to using standardized observer reporting and to provide resources to the Secretariat for data management of observer information.
 - ii. To ensure standardization of data collection NAFO should develop and adopt a standardized observer manual to which NAFO observer providers as well as individual observers must adhere.
 - iii. Further investigation of adopting an electronic logbook system should occur, with a view towards implementation in 2014.
- c. The Scientific Council, together with the Secretariat, should explore mechanisms to use observer data in stock assessments and in identification of ecosystem elements including VME species and bycatch.
- d. To improve data collection and provision for scientific use, NAFO should consider adopting a scientific observer scheme, as is in effect in CCAMLR.

Transparency

The Rio + 20 commitments to transparency must be fully adopted by NAFO. While NAFO has improved its practices over the last decade, and been open to observers, NAFO continues to have an inconsistent approach to observer participation in Working Group meetings. To ameliorate this, we recommend NAFO:

6. Adopt the terms of reference (TORs) for the Working Group of Fisheries Managers and Scientist – VME and the WG-FMS-Conservation Plans and Rebuilding Strategies, which recommend that the groups be open to observer participation.
7. Continue a practice of taking decision in plenary and limit the number of meetings of heads of delegation so that Contracting Parties must be open and accountable to their positions.
8. Encourage CPs to include ENGO representatives on their respective delegations.

¹ NAFO data collection protocols should follow the advice outlined in the *2010 FAO Guidelines on*

Additional Conservation Measures

NAFO plays an important role in protecting the biodiversity of the Northwest Atlantic. To this end, we are concerned with the continued number of species that are caught in NAFO directed fisheries that continue to be unregulated and unprotected. The UNGA resolution 64/72, paragraph 119(d) states: *"Adopt conservation and management measures, including monitoring, control and surveillance measures, on the basis of stock assessments and the best available scientific information, to ensure the long-term sustainability of deep sea fish stocks and non-target species, and the rebuilding of depleted stocks, consistent with the Guidelines; and, where scientific information is uncertain, unreliable, or inadequate, ensure that conservation and management measures be established consistent with the precautionary approach, including measures to ensure that fishing effort, fishing capacity and catch limits, as appropriate, are at levels commensurate with the long-term sustainability of such stocks"*. NAFO has yet to adequately deal with bycatch issues and to ameliorate this situation we recommend the following:

9. Unregulated Species & Bycatch

- a. NAFO should take measures on an urgent basis to ensure that the catch of all stocks are managed consistent with UNGA resolution 64/72 and the obligations contained in the UN Fish Stocks Agreement, including establishing TACs for all species of commercial value and establishing management measures to minimize bycatch and the impact of fishing on non-target species.
- b. In addition, as recommended under our Data Collection and Sharing recommendations, NAFO must begin to address bycatch in directed fisheries and implement the FAO Guidelines on Bycatch Management and Reduction of Discards and take management decisions to minimize the impacts of directed fishing on vulnerable and long lived deep sea fish species.

10. Shark Fins Attached

- a. While it is recognized that NAFO CP's do not target elasmobranch species outside of skates, and that NAFO has adopted a 5% rule requiring vessels to not have on board shark fins totaling more than 5% of the shark weight, to ensure maximum protection of shark species, NAFO should adopt a fins attached rule where fins cannot be removed from the shark until after landing. Typically these measures have been sent to ICCAT for recommendation however we feel that NAFO has an obligation to adopt responsible fisheries management measures for all species in the NRA.

Conclusion

We look forward to the 35th Annual Meeting of NAFO annual meeting, and to seeing good progress on the recommendations stated above. NAFO has the opportunity to provide continued and much needed leadership in high seas fisheries governance and protecting high seas ecosystems.

Respectfully submitted,

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