

NGO Statement UNICPOLOS June 2006

This statement is being made on behalf of The Natural Resources Defence Council, Greenpeace International, Conservation International, The David Suzuki Foundation, The Marine Conservation Biology Institute, The Living Oceans Society.....

It is clear from the discussions this week that there is an urgent need for action to halt the decline in biodiversity and marine ecosystem health everywhere because current management, or lack of management, is proving to continuously degrade our ocean ecosystems.

In order to reverse these trends and considering the mandate this meeting has, the NGO community would like to make some specific action points that we believe need to come out of this meeting.

First apply the precautionary principle! The lack of adequate scientific knowledge has been far too often used as an excuse for failing to take action to conserve and protect the marine environment.

Applying the precautionary principle means that stakeholders must assess the impact of new technologies, practices or activities to ensure that they will not harm the marine environment before allowing these to be used on a commercial scale. This is not just an NGO recommendation: In the case of fisheries management, this is a legally binding obligation in the UN Fish Stocks Agreement as was reinforced during the Review Conference last month, and requires urgent implementation.

Secondly, immediate interim measures must be put in place to safeguard marine life. A moratorium on high seas bottom trawling should be viewed as a key element or building block of an ecosystem based approach and will help preserve marine biodiversity while measures to more effectively and comprehensively implement the EBM approach are developed and a representative system of MPAs is put into place.

Third, RFMOs be reformed in order to implement Articles 5 and 6 of the UN FSA, which require the application of the ecosystem and precautionary approach.

In the case of deep-water bottom fisheries on the high seas, we note that only five RFMOs currently have the legal competence to regulate deep-sea bottom fisheries in their regulatory areas. Of these, only the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Southeast Atlantic Fisheries Organisation (SEAFO) are specifically mandated to implement the ecosystem approach. As far as we are aware, SEAFO has yet to adopt and implement measures applying this approach to its convention area. Even CCAMLR, with its proactive mandate and conservation measures, struggles to deal with the scourge of illegal, unregulated and unreported (IUU) fishing by flag-of convenience vessels, non-parties, and in some cases its own parties, who fail to abide by its rules.

To reform the RFMO system to ensure competence in ecosystem based management in all high seas areas, fundamental changes are required. This will take time (and speaks to the need for interim measures in our second recommendation).

Fourth, in the medium to long term, a more comprehensive framework for managing the high seas in an equitable and sustainable manner needs to be developed. The United Nations Law of the Sea Convention (UNCLOS) provides the fundamental framework – the constitution – for global oceans governance. We do believe that the time is ripe for a third UNCLOS implementing agreement – a comprehensive, legally binding agreement which will implement the provisions of the Convention relating to the duties of states to cooperate to protect and preserve the marine environment of the high seas.

Such an implementing agreement would allow a strong legal framework for the development and implementation of a worldwide network of marine reserves in the high seas.

An implementing agreement would also provide the framework for addressing threats to the marine environment such as plastic debris and high-intensity anthropogenic noise that are currently not adequately addressed or managed.

It has been raised on several occasions during the course of the discussions this week that illegal, unregulated and unreported fishing is one of the most serious threats to ecosystem based management, where it is being applied, as well as other management measures currently in use. It is therefore evident that any future legal regime for the management of high seas activities to protect, conserve and sustainably use biodiversity on the high seas, should include strong and centralised enforcement mechanisms. The lack of transparency surrounding vessel ownership is also a serious impediment to enforcing a responsible and sustainable approach; if we are to champion a holistic, ecosystems based approach we must eliminate the loopholes and insist on a ‘genuine link’ and genuine enforcement capacity between vessel ownership and flag state.

There are a range of different sectors of society that must be involved in the decision making process related to the conservation of marine biodiversity - not just those with a pecuniary interest. As such, while we agree that the fishing industry has a key and important role to play, it is not the only stakeholder involved in the decision-making.

Finally, it is also worth stressing that the objectives for the management of activities in marine ecosystems are not just a matter of societal choice. It is imperative that this biodiversity is recognised as having an intrinsic value in and of itself. As such, in our view, there are a range of different sectors of society that must be involved in the decision making process related to the conservation of marine biodiversity not just those with a pecuniary interest. As such, while we agree that the fishing industry has a key and important role to play, but it is not the only stakeholder involved in the decision-making process and similarly, the application of the ecosystem approach extends way beyond the management of ecosystems for fisheries purposes.

The time has come for the international community to put the ecosystem approach into action now. As a first sign that states are taking this commitment seriously, the

NGO community as a representative of civil society, wants to see precaution in action through a moratorium on high seas bottom trawling agreed at the UN GA later this year. Furthermore, the report that will come out of this meeting on Friday, needs to show a clear commitment for a UN GA led process within the framework of UNCLOS for an implementing agreement that will effectively address the most serious threats to the biodiversity of the marine environment and ensure that interests of all nations and peoples in the protection and conservation of biodiversity on the global oceans commons are respected.

Thank you.