

Conservation of vulnerable areas in the high seas

Translation of extract from newsletter issued by Iceland's Ministry of Fisheries, 5 October 2005

Iceland is not alone

In United Nations (UN) fora, Iceland, together with many other states, have worked towards states and Regional Fisheries Management Organisations (RFMOs) improving their management of seabed fisheries and the introduction of measures to conserve vulnerable high seas areas. However, a global ban on high seas bottom trawling (HSBT) has been rejected. At the UN Informal Consultative Process on the Law of the Seas (UNICPOLOS) earlier this summer, Costa Rica put forward a proposal on a ban on HSBT in areas not under the management of RFMOs. In substance this was the same proposal as had been put to UN General Assembly in 2004, but was not agreed to. At the meeting this summer, it became evident that states such as Iceland, EU, US, Canada, Australia and Norway shared the same position against a global ban on high seas bottom trawling.

Iceland's policy - three pillars

Iceland's policy on oceans issues rests on three pillars:

- United Nations Convention on the Law of the Seas (UNCLOS) and related agreements.
- The principle of sustainable development
- Management and decision-making on the conservation of ocean ecosystems and the utilization of living marine resources shall rest with those States that have the greatest interests and which are mostly directly affected by those decisions.

Regarding conservation of vulnerable ecosystems in the high seas, the first pillar is most important. Iceland's policy is to observe UNCLOS and related agreements as the legal framework on utilization and conservation of the oceans. The UN Fish Stocks Agreement, adopted in 1995 is effectively an appendix to UNCLOS. It has been ratified by 56 States and sets out the rights and obligations of both coastal States and high seas fisheries States for management of the high seas. Article 5 states that those States shall, inter alia, fulfill their obligations by agreeing to measures in order to ensure sustainable utilization. Measures must be undertaken based on the best available scientific knowledge and the precautionary approach, in order to ensure that biological diversity is protected.

UNCLOS provides for the management of human activities in the ocean. It is one of the most important products of UN work. For a small nation, whose economy is based on fisheries, it is very important that principles regarding the ocean and agreed by the world community should not be undermined. Any international directives or bans regarding ocean issues, which do not go through the channels stipulated by UNCLOS, undermine those principles. By not basing decisions on best available scientific knowledge or undertaking measures which will burden parties, without knowing whether they will be needed, the proposal put forward by several NGOs for an extensive ban on bottom trawling, does precisely that. The proposal demonstrates an undesirable tendency

towards global interference in fisheries management around the world.

A great job for ocean conservation

It is wrong to say that nothing is happening with regard to conservation of vulnerable ocean areas in the high seas. The question is not whether vulnerable ocean areas shall be protected but how this should be done and in which fora decisions should be taken. Iceland has worked towards protection of vulnerable ocean areas, within fisheries management bodies (RFMOs), such as the North East Atlantic Fisheries Commission (NEAFC), of which Iceland is a party. NEAFC became the first RFMO in the world to close high seas areas in order to protect vulnerable ocean areas.

That decision, and those which may follow, call on individual Member States to implement such measures. Direct membership of the States affected is the key to implementation of decisions that are to be enforced by States in areas under their jurisdiction and in relevant ocean areas. RFMOs are smaller fora and it is simpler to ensure implementation by States than when all UN members are involved. Monitoring and enforcement is very important in order to achieve success.

[The last two paragraphs of the newsletter were for Iceland's press and have not been translated]