

## Opening statement Deep Sea Conservation Coalition and Seas At Risk Annual Meeting of the North East Atlantic Fisheries Commission

12-15 November 2019

### Introduction

As part of the five-year review of NEAFC Recommendation 19:2014 this year, actions should be taken to ensure full and effective implementation the bottom fishing United Nations General Assembly (UNGA) resolutions including UNGA resolution 61/105 (2006), UNGA resolution 64/72 (2009) and UNGA resolution 66/68 (2011). This includes:

1. Calling on the International Council for the Exploration of the Sea (ICES) to improve the scientific advice provided for deep-sea fisheries and the identification of vulnerable marine ecosystems (VMEs), and
2. Incorporating the additional commitments contained in UNGA resolution 71/123, adopted in 2016, into NEAFC's management of deep-sea fisheries.

It is important that these matters be addressed, since in 2020 the UNGA will again review the implementation of its resolutions committing states to manage bottom fisheries in areas beyond national jurisdiction to prevent significant adverse impacts on VMEs. Details of these recommendations follow.<sup>1</sup>

### Improve Scientific Advice

NEAFC should request ICES to identify areas where VMEs are 'likely to occur' as called for in UNGA resolution 61/105 and subsequent UNGA resolutions, and as established in the 'objective' (Paragraph 1) of Recommendation 19:2014<sup>2</sup>. As indicated in the ICES advice to NEAFC this year and the presentation by ICES to the meeting of PECMAS in October, only 'bona fide' VME habitats are considered VMEs by ICES and none have 'seen' in the past year.

Decisions on whether bottom fisheries can be managed to prevent significant adverse impacts in areas where VMEs are known or likely to occur, or to close these areas altogether to one or more methods of bottom fishing, are the purview of NEAFC as laid out in Recommendation 19:2014. However, ICES should be clearly instructed to provide information on not only areas where VMEs are known to occur – what ICES refers to as 'bona fide VMEs' – but also areas where they are likely to occur. This includes through

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<sup>1</sup> NEAFC has made significant progress in implementing UNGA Resolutions 61/105, 64/72 and 66/68. However, not all areas that are open to bottom fishing have been fully assessed for potential significant adverse impacts of bottom fishing on VMEs - in particular seamounts open to bottom fishing in the Regulatory Area. In 2014, NEAFC adopted Recommendation 19:2014 - a substantially improved set of bottom fisheries regulations. This was intended to more fully incorporate the UNGA resolutions up to that point, along with the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, into the NEAFC bottom fisheries regulations. This included establishing an objective to manage deep-sea species for long-term sustainability, as well as to protect VMEs.

<sup>2</sup> Recommendation 19 2014: Protection of VMEs in NEAFC Regulatory Areas, as Amended by Recommendation 09:2015 and Recommendation 10:2018

the use of different types of marine scientific research, such as seabed mapping, mapping of VMEs based on information from the fishing fleet, on-site camera observations from remote vehicles, benthic ecosystem modelling, comparative benthic studies and predictive modelling as was called for by the UNGA in resolution 71/123, paragraphs 181 and 182.<sup>3</sup>

ICES indicated in the presentation to PECMAS that it is considering how to use biogeographic information and predictive or habitat suitability modeling but “only areas of high VME index (e.g. high likelihood of VME presence) and high confidence would be considered further”. ICES should be instructed to supply information to NEAFC on areas where VMEs may occur and where further research, modelling and/or surveys would be required to determine whether they occur or are likely to occur in these areas or not.

### **Encounter protocols for VME indicator species**

ICES should be requested to review and propose threshold levels, encounter protocols, and move-on rules for the additional species and taxa on the expanded list of VME indicator species/taxa adopted by NEAFC in 2014 in Annex 5 of Recommendation 19:2014.

### **Area closures**

All areas that ICES has previously recommended for closure to bottom fishing should be closed, including areas along the Mid-Atlantic Ridge and the Josephine Seamount.

Although ICES has failed in recent years to provide information on other than ‘bona fide’ VMEs, this should not be used by NEAFC as a reason for not taking action to protect areas where VMEs are likely to occur. Articles 5 and 6 of the UN Fish Stocks Agreement obligate States to, inter alia, to “protect biodiversity in the marine environment” (Art 5(g)); “protect habitats of special concern” (Art 6.3((d)); and “be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures” (Art 6.2).

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<sup>3</sup> UNGA ‘Sustainable Fisheries’ Resolution 71/123, Paragraph 181. “Recognizes that different types of marine scientific research, such as, inter alia, seabed mapping, mapping of vulnerable marine ecosystems based on information from the fishing fleet, on site camera observations from remote vehicles, benthic ecosystem modelling, comparative benthic studies and predictive modelling have resulted in identification of areas where vulnerable marine ecosystems are known or are likely to occur and in the adoption of conservation and management measures to prevent significant adverse impacts on such ecosystems, including the closure of areas to bottom fishing in accordance with paragraph 119 (b) of resolution 64/72”

Resolution 71/123, Paragraph 182. “Encourages, in this regard, States, regional fisheries management organizations and arrangements with the competence to manage bottom fisheries, and States participating in negotiations to establish such organizations or arrangements, to consider the results available from different types of marine scientific research, including, as appropriate, those listed in paragraph 181 above, concerning the identification of areas containing vulnerable marine ecosystems, and to adopt conservation and management measures to prevent significant adverse impacts from bottom fishing on such ecosystems, consistent with the Guidelines, or to close such areas to bottom fishing until such conservation and management measures are adopted, as well as to continue to undertake further marine scientific research, for the above mentioned purposes, in accordance with international law, as reflected in Part XIII of the Convention”

### **Close all seamounts to bottom trawl fishing**

Recognizing that isolated (non-Mid-Atlantic Ridge) seamounts have been designated as VME elements in Recommendation 19:2014, Annex 5 and that bottom trawling on seamounts will likely cause significant adverse impacts on VMEs, NEAFC should prohibit the practice through closing all seamounts to bottom trawl fishing. Scientific information has made it clear that it is not possible to manage bottom trawl fishing on seamounts to prevent significant adverse impacts on VMEs; e.g. through a move-on rule as encounters with VMEs are likely to occur again if a vessel moves from one area of a seamount to another in response to the application of a move-on rule.<sup>4</sup>

### **Measures for the conservation of target and bycatch deep-sea species**

1. Establish science-based, precautionary quotas or limits for the catch of all deep-sea species targeted in fisheries in the NEAFC Regulatory Area, taking into account the catch of the straddling deep-sea stocks within EEZs; including a adopting a zero quota for orange roughy based on the consistent advice from ICES over the past decade to do so.
2. Recommendation 12:2017 on Conservation and Management Measure for Deep Sea Chimaeras in the NEAFC Regulatory Area and Recommendation 11:2017 on Conservation and Management Measures for Deep Sea Rays (Rajiformes) in the NEAFC Regulatory Area are both set to expire 31 December 2019. They should be renewed.
3. Establish measures to prevent, avoid or eliminate bycatch of other non-target deep-sea species, in particular the most vulnerable deep-sea species through progressing and acting expeditiously on the results of the joint NEAFC/OSPAR request to ICES regarding deep-sea sharks when it becomes available and taking measures “to ensure the long term sustainability of deep sea fish stocks and non target species and the rebuilding of depleted stocks...and, where scientific information is uncertain, unreliable or inadequate, to ensure that conservation and management measures are established consistent with the precautionary approach, in particular with regard to vulnerable, threatened or endangered species”, as called for in UNGA resolution 71/123, paragraph 186, adopted in 2016.

### **Additional elements of UNGA Resolution 71/123 – climate change and VMEs**

The UNGA, in resolution 71/123, paragraph 185, called on States, individually and through RFMOs, to take into account the potential impacts of climate change and ocean acidification in taking measures to manage deep-sea fisheries and protect VMEs.

Not only is ICES working to provide this information but the Atlas Project, involving scientific research institutes from across the north Atlantic, will conclude in April of 2020 with information on the vulnerability of deepwater VME indicator species and ecosystems in the north Atlantic to climate change

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<sup>4</sup> Watling L and Auster PJ (2017) Seamounts on the High Seas Should Be Managed as Vulnerable Marine Ecosystems. *Front.Mar.Sci.*4:14. doi: 10.3389/fmars.2017.00014. See also the UN’s First World Ocean Assessment, Chapter 51: Biological communities on seamounts and other submarine features potentially threatened by disturbance. <https://www.un.org/regularprocess/content/first-world-ocean-assessment>

impacts. It will further provide insights into potential impacts on deepwater VMEs under future climate change scenarios and recommendations on measures to protect these species and ecosystems.

We urge NEAFC to agree to review the information and recommendations from ICES, the Atlas Project and other sources in 2020, and plan to adopt management measures designed to build or maintain the resilience of deep-sea ecosystems such as coldwater corals to climate change impacts, as well as ensure that areas likely to be refugia for habitat forming species and ecosystems impacted by climate change be fully protected.

### **Monitoring Control Surveillance and Enforcement.**

The evidence of bottom fishing outside the existing fishing areas identified in the ICES advice to NEAFC this year regarding new information on VMEs in the Regulatory Area<sup>5</sup> should be dealt with as a matter of priority and not await the next meeting of PECMAC. Contracting Parties should have the capacity to know which vessels under their flag are generating the VMS tracks outside of the existing fishing areas, in particular the areas of seamounts and ridge peaks on or near the Reykjanes Ridge and Mid-Atlantic Ridge, as indicated in Figures 1 and 2 of the ICES advice, as well as the fishing outside of the existing fishing area in the Barents Sea as indicated in Figure 3 of the ICES advice.

NEAFC Contracting Parties should ensure effective monitoring, control and surveillance mechanisms are in place to prevent or penalize bottom fishing in 'real time' occurring in closed areas or in areas outside of the existing/permitted fishing areas. Any bottom fishing occurring outside of the existing fishing which has not been permitted under the exploratory fisheries provisions of Recommendation 19:2014 is in our view illegal, unreported and unregulated (IUU) fishing. Actions should be taken to prevent, deter and eliminate this fishing as soon as possible.

To enhance transparency and facilitate MCS and enforcement, NEAFC should publish a list of vessels authorized to bottom fish in the Regulatory Area and the gears they are authorized to use as is common practice amongst many other RFMOs.

These MCS and enforcement recommendations, along with the other spatial management recommendations, are critically important to the effectiveness of the NEAFC measures adopted to date and the credibility of the efforts of NEAFC Contracting Parties to implement the UNGA resolutions and enforce its regulations.

### **Pelagic Stocks**

Finally, in regard to the management of pelagic stocks, we note the decisions already taken by the Coastal States on catch limits for 2020, to be discussed this week, and the efforts made to align these decisions with ICES advice. However, we note with concern that catches of the stocks shared by NEAFC members are nevertheless likely to exceed the total that can be harvested sustainably.

We regret that these Parties have again not been able to come to a sharing agreement for these stocks that ensures the sustainability of these fisheries. It is important that NEAFC agrees management

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<sup>5</sup> New information regarding vulnerable habitats in the NEAFC Regulatory Area: ICES Special Request Advice, Ecoregions in the Northeast Atlantic and adjacent seas, Published 24 September 2019

measures this week that mitigate those risks, particularly as the Coastal States process remains opaque and not open to observers.

We encourage the Coastal States to make that process more transparent, and in the meantime urge the Contracting Parties to set out in this meeting how the 2020 limits and other management measures will achieve the objectives of the NEAFC Convention on sustainability and optimum utilization.

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