



Urgent Action Needed to Protect Seamounts, Cold-Water Corals, and other Vulnerable Deep-Sea Ecosystems



The NGOs listed in this document jointly call on the UN General Assembly to adopt a resolution declaring an immediate moratorium on high seas bottom trawling, and to simultaneously initiate a process under the auspices of the UN General Assembly to 1) assess deep sea biodiversity and ecosystems, including populations of fish species, and their vulnerability to deep sea fishing on the high seas; and 2) adopt and implement legally binding regimes to protect deep sea biodiversity from high seas bottom trawling and to conserve and manage bottom fisheries of the high seas consistent with the UN Convention on the Law of the Sea (UNCLOS 1982), UN Fish Stocks Agreement (FSA 1995), UN FAO Compliance Agreement (1993), Convention on Biological Diversity (CBD 1992), and the UN FAO Code of Conduct for Responsible Fisheries (Code 1995)."

In addition, IUCN-The World Conservation Union, whose members comprise 72 states and nearly 1000 NGOs, is calling on the UN General Assembly to immediately protect seamounts, deep water corals and other biodiversity hotspots from high seas bottom trawling until these vulnerable areas can be identified and measures to protect them adopted and enforced, including effective international management measures for bottom trawl fisheries in these areas.

In 2002, the UN Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) recommended that the UN General Assembly call for *urgent* consideration to improve the management of risks to vulnerable deep-sea areas and biodiversity. This was subsequently endorsed by the UN General Assembly in 2002, and reiterated by both UNICPOLOS and the UN General Assembly in 2003. In February 2004, the 7th Conference of the Parties to the Convention on Biological Diversity (CBD) responded to the call made by the UN General Assembly, stressing the need for rapid action to address threats to the marine biodiversity of deep-sea areas including seamounts, hydrothermal vents, cold water corals and other vulnerable marine ecosystems and features beyond national jurisdiction. In view of the central role played by the UN General Assembly in coordinating international action to address the threat to biodiversity on the high seas, COP-7 of the CBD called upon the UN General Assembly, as well as other relevant international and regional organizations, to:

"urgently take the necessary short-term, medium-term and long-term measures to eliminate/avoid destructive practices, consistent with international law, on a scientific basis, including the application of precaution" through, for example, on a case by case basis, the *"interim prohibition of destructive practices adversely impacting the marine biological diversity associated with [these] areas...."*¹

Also in February 2004, over 1000 marine scientists from around the world released a consensus Statement calling for swift action to protect imperiled deep-sea coral and sponge ecosystems at the annual meeting of the American Association for the Advancement of Science.² They identified bottom trawling as an especially grave threat to these communities and urged the United Nations and other international bodies to establish a moratorium on bottom trawling on the high seas. This Statement was preceded by a similar statement from over one hundred scientists attending the Tenth Deep-Sea Biology Symposium in Coos Bay, Oregon USA in August 2003, and the Second International Symposium on Deep Sea Corals in Erlangen, Germany in September 2003. They too urged the UN General Assembly to adopt an immediate moratorium on bottom trawl fishing on the high seas.

Accordingly it is vital that in June of this year, UNICPOLOS recommend specific and immediately effective short-term measures so that the UN General Assembly can take action to urgently address the threat of high seas bottom trawling at its 2004 meeting. Further, UNICPOLOS should also identify longer-term options for comprehensively addressing the conservation and protection of deep-sea biological diversity and its equitable and sustainable use.

Scientists and the public are increasingly concerned about the threats to vulnerable deep-sea biodiversity hotspots, including seamounts and cold-water corals, posed by bottom trawl fishing conducted on the high seas. These deep-sea features typically support slow-growing, long-lived species, which are particularly sensitive to disturbance. Fish inhabiting these deep-sea ecosystems can live for up to 150 years, and coral

¹ Decision VII/5 of the Seventh Conference of Parties to the Convention on Biological Diversity on Marine and coastal biological diversity, para. 61. See also paras. 57-62. February 2004. <http://www.biodiv.org/decisions/default.aspx>.

² <http://www.mcbi.org>, under 'New at MCBI'.

structures may reach several thousands of years in age. Urgent action is needed to protect seamounts, deep water corals and other vulnerable deep water habitats that occur beyond the 200-mile limit from bottom trawl fishing and to prevent the serial depletion of populations of numerous commercially important species of deep-sea fish associated with them.

Seamounts are submarine mountains and hills that rise 1000 meters or more above the ocean floor. They are distributed throughout the world's oceans. Less than 1% of seamounts have been biologically sampled, but recent research indicates that seamounts have large numbers of endemic species (species that are not found anywhere else). Along with cold water corals and other deep-sea ecosystems, seamounts represent a major reservoir of biodiversity in the oceans. Yet much remains unknown about the distribution, abundance and dynamics of deep coral and seamount ecosystems.

The international community has repeatedly called for the prevention, deterrence and elimination of unregulated fishing. Bottom trawl fishing is completely unregulated in extensive areas of the high seas. This represents an important gap in the governance of the world's oceans. Only a handful of Regional Fisheries Management Organizations (e.g., NAFO, CCAMLR, NEAFC, SEAFO) have authority to regulate deep sea bottom fishing, and few if any have restricted bottom trawling to protect sensitive ecosystems. In relation to other high seas fisheries, bottom trawling on the high seas is still relatively limited in terms of the number of vessels, the countries involved, and the amount and value of the catch.³

Faced with declining fish stocks in nearshore coastal waters, fishermen are venturing farther out into previously unfished ecosystems of the deep sea. Advancing technology now allows them to easily locate and catch fish in these formerly inaccessible areas, and some of the gear used, such as bottom trawls, can rapidly reduce ancient, thriving bottom coral complexes to rubble and deplete the fish populations that inhabit them. There is great concern that many species are being lost to bottom trawling before they can even be identified. This type of fishing also destroys the habitat of commercially important species, and the serial depletion of many commercial fish populations associated with these features, such as orange roughy, demonstrates the unsustainability of these fisheries. It greatly reduces the opportunities for all states to benefit from deepsea species and biodiversity.

The need to address this issue has been repeatedly recognized by the UN General Assembly and UNICPOLOS. The impact and lack of regulation of certain fishing methods on fragile deep sea habitats and ecosystems is clearly a cause for concern. Protecting these ecosystems and providing for their sustainable use requires specific and urgent action, and UNICPOLOS must act now to effectively address this issue.

Immediate measures provide a means of temporarily preserving deepsea biodiversity and fish stocks until more permanent solutions can be developed, agreed, and applied. They can catalyze action in a number of areas where improvements and further work is needed and serve as an incentive for all stakeholders to come to agreement without undue delay. A time-limited international initiative coordinated under the auspices of the UN General Assembly can ensure prompt scientific assessment and the negotiation and agreement of effective, equitable and sustainable regimes for high seas bottom fishing.

A scientific assessment of deepsea biodiversity and ecosystems must provide detailed information on the marine biodiversity associated with seamounts, deepsea corals and other deepsea ecosystems, and how deepsea ecosystems relate to open ocean ecosystems. It should also provide for further identification and mapping of deepsea biodiversity hotspots and ecotypes/bioregions. It should assess the viability of sustainable exploitation of deepsea fish stocks and species on the high seas with particular reference to the impacts of such activity on associated and dependent species and related ecosystems.

In exploring legally binding regimes to protect deepsea biodiversity and conserve and manage high seas bottom fisheries, the options include, *inter alia*:

- extending the 1995 UN FSA to cover all high seas fisheries, together with additional regional agreements/arrangements for unregulated deepsea fish stocks, and ensuring that RFMOs with competence over high seas bottom fisheries fully reflect the provisions of the international instruments noted above; or a new convention on unregulated deepsea fisheries on the high seas; and
- identification of measures available to the coastal state to prevent or mitigate damage resulting from high seas bottom trawl fishing to sedentary species subject to coastal state resource rights on the continental margin beyond 200 n.m;
- establishment of areas where bottom fishing activities are either strictly managed or excluded – to protect biodiversity, ensure sustainable fisheries, and/or maintain ecosystem integrity;
- adoption of further binding international measures to eliminate the problems of illegal, unreported and unregulated high seas bottom fishing, including the strengthening of flag state and port state jurisdiction and comprehensively addressing the issue of vessels flying flags of convenience; and
- adoption of measures that effectively provide for the equitable and sustainable use of deepsea biodiversity as a matter of interest to all nations.

³ Gianni, Matthew. High Seas Bottom Fisheries and Their Impact on the Biodiversity of Vulnerable Deep-sea Ecosystems: Summary Findings, February 2004. The full report will be available by May 2004.