

Implementation of UNGA resolutions 61/105, 64/72, 66/68 & 71/123 related to the management of bottom fisheries on the high seas/ABNJ

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UNGA resolutions & reviews on managing the impacts of deep-sea fisheries on vulnerable marine ecosystems/biodiversity in ABNJ
2002, 2004, 2006, 2009, 2011, 2016
implementation by States individually and through RFMOs



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It all began 20 years ago with...

- UNGA 57/141 (2002): “consider urgently ways to integrate and improve, on a scientific basis, the management of risks to marine biodiversity of seamounts and certain other underwater features” (para 56)
- UNGA 59/25 (2004): “take action urgently, and consider...the interim prohibition of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals located beyond national jurisdiction” (para 66)

Core Agreement UNGA 61/105 & 64/72 (2006/2009)

Prevent “Significant Adverse Impacts” on “Vulnerable Marine Ecosystems”

- Conduct prior Environmental Impact Assessments before fishing is permitted (no fishing without an EIA)
- Establish precautionary Area Closures to protect deep-sea habitats and biodiversity where VMEs are ‘known or likely to occur’ unless fisheries can be managed to prevent SAIs
- Ensure sustainable catch and minimal bycatch of deep-sea species
- ‘Move-on’ rule

Adopt and implement these measures or else not authorize bottom fisheries to take place (flag states and RFMOs)

UNGA resolutions deep sea fisheries in ABNJ

Implementing key conservation provisions - Articles 5 & 6 of UNFSA

Prevent overfishing

- prevent or eliminate overfishing [5(h)]
- MSY limit not target reference point [Annex 2.7]

Conduct EIAs

- Assess the impact of fishing on target stocks and species belonging to the same ecosystem [5(d)]
- develop data collection and research programmes to assess the impact of fishing on non-target, associated or dependent species and their environment [6.3(d)]

Protect Biodiversity

- minimize impacts on non-target, associated and dependent species [5(f)]
- protect habitats of special concern [6.3(d)]
- “protect biodiversity in the marine environment” [5(g)]

Apply Precautionary approach

- be more cautious when information is uncertain, unreliable or inadequate [6.2]
- the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures [6.2]

UNFSA Article 6.1 “States shall apply the precautionary approach widely...in order to protect the living marine resources and preserve the marine environment” - Part XII UNCLOS

UNGA resolution 61/105 (2006)

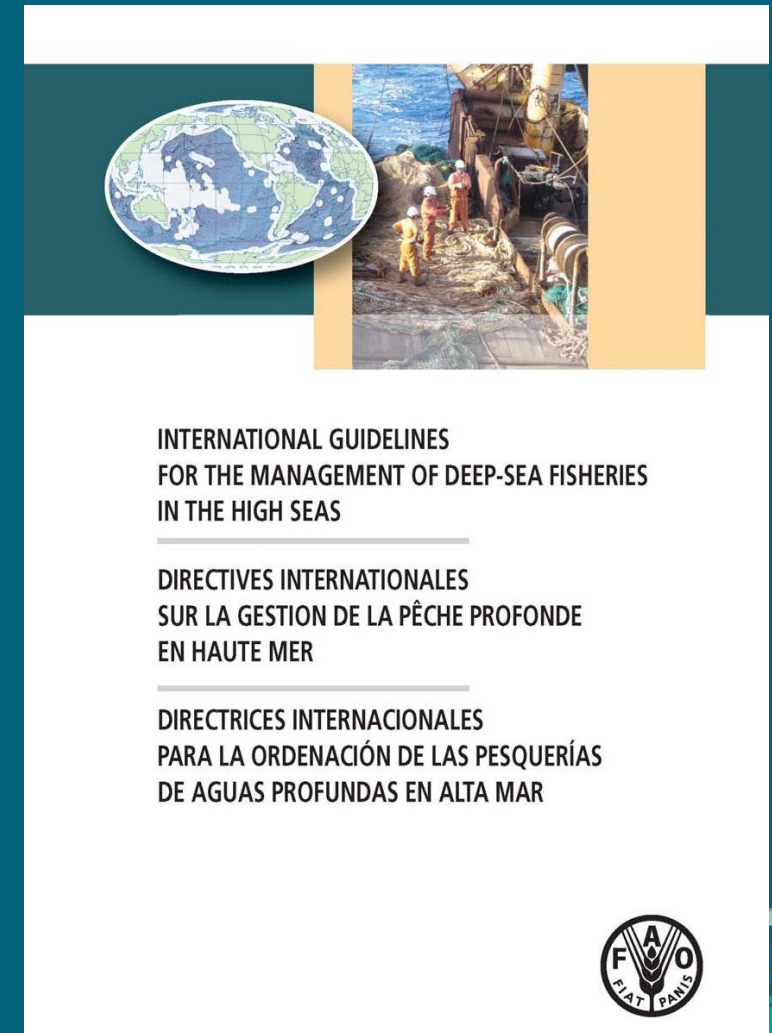
- 80. *Calls upon* States to take action immediately, individually and through regional fisheries management organizations and arrangements, and consistent with **the precautionary approach and ecosystem approaches**, to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, from destructive fishing practices, *recognizing the immense importance and value of deep sea ecosystems and the biodiversity they contain;*

International (FAO) Guidelines for the Management of Deep-Sea Fisheries in the High Seas (2008)

Negotiated / agreed “common understanding” of key commitments made by States in UNGA resolution 61/105:

- Standards for conducting **impact assessments** of bottom fisheries (para 47)
- Criteria for identifying **Vulnerable Marine Ecosystems VMEs** (para 42 and Annex)
- Criteria for determining whether **Significant Adverse Impacts on VMEs** likely to occur (paras 16-20)

Endorsed by UNGA in resolution 64/72 (2009) and subsequent resolutions – e.g 71/123



UNGA reviews of the implementation of resolutions

2006 – resolution 61/105

2009 – resolution 64/72

2011 – resolution 66/68

2016 – resolution 71/123

2022

UN 1st Global Marine Assessment/World Ocean Assessment

Chapter 51: Biological communities on seamounts and other submarine features potentially threatened by disturbance (p. 15)

- **“The documented widespread extent of deep-water trawl fisheries has led to pervasive concern for the conservation of fragile benthic habitats.”**
- **“The vast majority of deep-water fisheries have been carried out unsustainably...This has led to the serial depletion of dozens of stocks”**
- **“Severe impacts have been reported for by-catch species, including other fishes...”**
- **“We can extrapolate that fishing, and in particular deep-water trawling, has caused severe, widespread, long-term destruction of these [seamount] environments globally.”**

Global Marine Assessment/World Ocean Assessment 1, Chapter 51: Seamounts (pp16-17)

- “Deep-sea ecosystems... are now and will increasingly be subjected to multiple stressors from habitat disturbance, pollutants, climate change, acidification and deoxygenation...The scientific understanding of how these stressors may interact to affect marine ecosystems remains particularly poorly developed. For example, **the widespread destruction of deep-water benthic communities due to trawling has presumably reduced their ecological and evolutionary resilience as a result of reduced reproductive potential and loss of genetic diversity and ecological connectivity.**”
- **“Although it is heartening that some seamounts, ridges and other sensitive marine habitats are being protected by fishing closures, Marine Protected Areas and other actions, little scientific understanding of the efficacy of actions implemented to date and few studies to assess this exist. The connectivity between these habitats remains largely unknown, as are the factors that influence colonization, species succession, resilience and variability.**

Since 2016

- The last UN GA review (2016): reinforced call to implement previous resolutions, & the FAO Guidelines re conducting EIAs, protecting VMEs and assessing SAIs
 - Most RFMOs have incorporated UNGA resolutions and International Guidelines into their bottom fishing regulations
 - Atlantic: NAFO closed alfonsino fishery (collapsed); in 2021 closed all seamounts shallower than 4000m to bottom fishing; NEAFC prohibited fishery for orange roughy. Spain SW Atlantic implementation of GA resolutions; other flag states?
 - Pacific: many seamounts/ridges/features still open to bottom trawling; SPRFMO- major debate around whether UNGA resolutions only commit states to protecting some VMEs
 - Indian Ocean: few restrictions on trawling on seamounts, little progress on implementation of UNGA resolutions

Examples of shortcomings

- Much more biological information needed on the species that comprise VMEs – protecting biodiversity much more than VME indicator taxa
- Often RFMOs ignore one or more VME criteria in FAO Guidelines – e.g. areas/habitats containing rare species
- Assessing / identifying cumulative impacts required, e.g. extent of VME loss by past bottom fishing
- Move-on rule often main conservation measure where fishing is permitted – major shortcomings/allows continued degradation of VMEs and biodiversity loss
- Presumption that where trawling has occurred in past, no need to protect already degraded VMEs
- Claim that if it isn't 'possible' to protect all VMEs, protecting some VMEs good enough

UN 2nd World Ocean Assessment 2021

Chapter 7L: Seamounts and pinnacles

“Fishing, especially bottom trawling, constitutes the greatest current threat to seamount ecosystems” (Keynote points, pg 439)

High seas bottom trawl fisheries on seamounts and other features beyond continental slope areas

Protecting Global Seamounts

DSCC March 2021



Numbers of vessels: app 20 vessels bottom trawling on seamounts in ABNJ in recent years

Main flag states: New Zealand, Cook Islands, Japan, Spain, (Poland/Russia)

Overall catch: 10,000 - 12,000 tonnes (app 0.014% of marine capture fisheries globally)

Main target species:

- pelagic armourhead - North Pacific
- splendid alfonsino - North Pacific, Southern Indian Ocean (SE Pacific)
- orange roughy - Southwest Pacific, Southern Indian Ocean
- roundnose grenadier in the Northeast Atlantic

Status of target fish stocks: unknown, unassessed or unreported; recognized as depleted; in one case listed as 'critically endangered'

Intergovernmental Conference – 3rd UNCLOS Implementing Agreement for the conservation and sustainable use of marine biodiversity in ABNJ: Q: Can RFMOs deliver on international biodiversity conservation commitments?



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2030 Sustainable Development Goals

SDG 14, Target 14.2: “By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans”

Leaders Pledge for Nature: United to Reverse Biodiversity Loss by 2030 for Sustainable Development - Signed by almost 100 Heads of State, Prime Minister of New Zealand, President of the European Commission, Heads of State of all EU Member Countries, others

UN Decade of Ecosystems restoration: 2021 – 2030

Coherent, coordinated approach to the conservation of marine biodiversity in ABNJ:

The UNGA & deep-sea fisheries on the high seas

UNGA resolutions 59/25 & 61/105 (2004, 2006) thru 71/123 (2016):

- Manage deep-sea bottom fishing on the high seas to prevent significant adverse impacts on vulnerable deep-sea ecosystems (VMEs) or else “not authorize to proceed”
- Coldwater corals, deep-sea sponge, hydrothermal vent and other deep-sea ecosystems recognized as VMEs
- Deep sea bottom fishing pioneered in 1960's/1970's - few restrictions in place until early 2000s (Gianni, IUCN 2004)
- UNGA resolutions in effect designed to ‘halt and reverse’ biodiversity loss from deep-sea on the high seas – a work in progress...

The Anthropocene?

A million species at risk of extinction, many over the next few decades: Direct exploitation/mortality, habitat loss, climate change...

IPBES report (May 2019)/UNEP February 2021

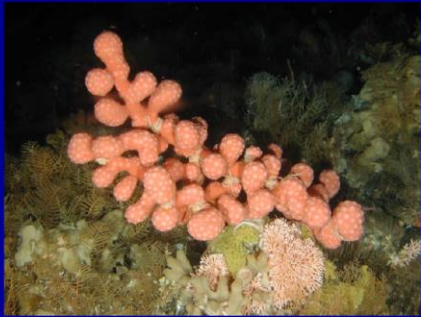
Phasing out bottom trawling on seamounts and other underwater features in ABNJ would be a significant step in advancing international commitments for the conservation, sustainable use and protection on marine biodiversity

The impact of deep-sea fisheries and implementation of the UNGA Resolutions 61/105 and 64/72

Report of an international scientific workshop

High Seas Bottom Trawl Fisheries and their Impacts on the Biodiversity of Vulnerable Deep-Sea Ecosystems: Options for International Action

Matthew Gianni



Obrigado!

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How much longer will it take?

A ten-year review of the implementation of United Nations General Assembly resolutions 61/105, 64/72 and 66/68 on the management of bottom fisheries in areas beyond national jurisdiction

FULL REPORT – AUGUST 2016

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Business: a review of the implementation of the provisions of United Nations General Assembly resolutions 61/105 and 64/72 on the management of bottom fisheries in areas beyond national jurisdiction

Deep Sea Conservation Coalition
2011

The Implementation of UNGA Resolutions 61/105 and 64/72 in the Management of Deep-Sea Fisheries on the High Seas

A report from the International Programme on the State of the Ocean
Dr Alex D. Rogers
Matthew Gianni

MAY 2010



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www.savethehighseas.org

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