

REC 3.099 The protection of seamounts, deep-sea corals and other vulnerable deep-sea habitats from destructive fishing practices, including bottom-trawling, on the high seas

RECOGNIZING recent scientific investigations documenting previously undiscovered species, great species diversity, and very high endemism rates in deep-sea ecosystems;

AWARE that destructive fishing practices, including deep-sea bottom-trawling, represent the most serious and immediate threat to seamounts, deep-sea coral, and other deep-sea habitats;

ACKNOWLEDGING that the United Nations Convention on the Law of the Sea (UNCLOS) provides the overarching legal framework for high-seas governance, including the conservation and management of the living resources and the protection and preservation of the marine environment, and recognizes that the area of the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind;

RECOGNIZING FURTHER that bottom-trawl fishing is completely unregulated in extensive areas of the high seas, and few of the Regional Fisheries Management Organizations or other arrangements that have jurisdiction to control such fishing have done so to protect sensitive habitats;

WELCOMING HOWEVER the regulatory steps taken by the North East Atlantic Fisheries Commission and the Convention on Conservation of Antarctic Marine Living Resources to protect sensitive deep-sea marine ecosystems, including closures of some specific areas to bottom-trawling and static gear;

RECALLING Decision VII/5 *Marine and coastal biological diversity* of the 7th Conference of Parties to the Convention on Biological Diversity (Kuala Lumpur, 2004), which stressed the need for rapid action to address threats to the marine biodiversity of areas such as seamounts, hydrothermal vents, cold water corals and other vulnerable marine ecosystems and features beyond national jurisdiction, and called upon the United Nations General Assembly (UNGA) and 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...;”

FURTHER RECALLING numerous IUCN Resolutions and Recommendations, beginning in 1972, calling on states to end the use of destructive fishing gear and practices and curtail unsustainable international fisheries, e.g. 11.16 (Banff, 1972), 12.2 (Kinshasa, 1975), 14.7 (Ashkabad, 1978), 19.61 (Buenos Aires, 1994); 1.16 (Montreal, 1996); to apply the Precautionary Principle to the conservation and management of high seas fisheries, e.g. 12.8 (Kinshasa, 1975), 19.55 and 19.56 (Buenos Aires, 1994); and to ratify and implement international agreements designed to prevent, deter, and eliminate unregulated fishing and to apply ecosystem and precautionary approaches to fisheries conservation and management, e.g. 1.17 and 1.76 (Montreal, 1996), 2.78 (Amman, 2000);

FURTHER RECALLING IUCN Resolution 2.20 *Conservation of marine biodiversity* highlighting the need for conservation of marine biodiversity, and adopted by the 2nd IUCN World Conservation Congress (Amman, 2000);

TAKING NOTE of growing international concern over threats to vulnerable deep-sea ecosystems, notably at the 2003 *Defying Ocean's End* Conference, the 2003 Vth IUCN World Parks Congress, and the 2003 Deep Sea Fisheries Conference, as the protection of deep-sea biodiversity is a matter of interest to all nations and peoples;

NOTING the Consensus Statement issued in February 2004 by over 1000 marine scientists from around the world calling for swift action to protect imperilled deep-sea coral and other ecosystems at the annual meeting of the American Association for the Advancement of Science, and urging an immediate moratorium on bottom-trawling on the high seas;

ENCOURAGED by increasing recognition by governments of the urgent need to protect seamounts, deep-sea corals and other vulnerable deep-sea habitats, e.g. at the UNGA in 2002, 2003 and 2004; the 2002, 2003 and 2004 meetings of the UN Informal Consultative Process on Oceans and the Law of the Sea, and the 2003 Ministerial Meeting of the OSPAR Commission under the Convention for the Protection of the Marine Environment of the North-East Atlantic;

NOTING the resolution on sustainable fisheries adopted by the 59th session of the UNGA calling upon states, “to take action urgently, and consider on a case-by-case basis, and on a scientific basis, including the application of the precautionary approach, the interim prohibition of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems” and calling upon regional fisheries management organizations to “urgently adopt in their regulatory areas appropriate conservation and management measures in accordance with international law to address the impact of destructive fishing practices including bottom trawling that has adverse impacts on vulnerable marine ecosystems”; and

APPRECIATING IUCN’s participation at a technical level in the UNGA’s consideration of the protection of marine biodiversity from destructive fishing practices, including bottom-trawling, on the high seas;

The World Conservation Congress at its 3rd Session in Bangkok, Thailand, 17–25 November, 2004:

1. CALLS UPON members of regional fisheries management organizations (RFMOs) or arrangements without the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems to expand the competence, where appropriate, of their organizations or arrangements in this regard;
2. CALLS UPON states to cooperate urgently to establish new RFMOs or arrangements, where necessary and appropriate, with the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems in areas where no such relevant organization or arrangement exists;
3. CALLS UPON states to effect controls, consistent with international law, over their vessels, nationals and ports, to eliminate destructive fishing practices including unregulated bottom-trawling on the high seas;
4. CALLS UPON the UNGA at its 60th session, for areas not covered by RFMOs and/or other management arrangements with the legal competence to manage bottom fisheries, to adopt urgently a resolution calling for an interim prohibition on high-seas bottom-trawling, until such time as a legally binding regime is developed and adopted to conserve and protect high-seas biodiversity from the impacts of destructive fishing practices including high-seas bottom-trawling, consistent with the UN Convention on the Law of the Sea (1982), the UN Fish Stocks Agreement (1995), the UN Food and Agriculture Organization’s (FAO) Compliance Agreement (1993), the Convention on Biological Diversity (1992), the FAO *Code of Conduct for Responsible Fisheries* (1995) and the FAO *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing* (2001); and
5. CALLS UPON the UNGA at its 61st session in 2006 to adopt a resolution calling for the elimination of destructive fishing practices, and for an interim prohibition on high-seas bottom-trawling in areas covered by RFMOs and other management arrangements, until such time as effective conservation and management measures to protect the deep-sea environment have been adopted in accordance with international law.

The Ministry of Environment and Forests, Turkey, provided the following statement for the record:

The Republic of Turkey is not a party to the United Nations Convention on the Law of the Sea (UNCLOS). Turkey objects to making any reference to the said Convention.

The Department of State, United States, provided the following statement for the record:

State and agency members United States abstained during the vote on this motion.