

RES 3.066 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 that bottom-trawl fishing is completely unregulated in extensive areas of the high seas, and few of the Regional Fisheries Management Organizations (RFMOs) 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;

FURTHER RECALLING Decision VII/5 *Marine and coastal biological diversity* of the 7th Conference of the 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, coldwater 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...”;

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 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:

REQUESTS the IUCN Director General to promote and strive to ensure the conservation of seamounts, deep-sea corals and other vulnerable deep-sea habitats by:

(a) calling upon members of regional fisheries management organizations 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;

(b) calling upon states to urgently cooperate to establish new Regional Fisheries Management Organizations or arrangements, where necessary and appropriate, with the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystem in areas where no such relevant organization or arrangement exists;

(c) calling 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;

(d) calling 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 urgently adopt 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 bottom-trawling and protect biodiversity, consistent with the UN Convention on the Law of the Sea (1982), the UN Fish Stocks Agreement (1995), the 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);

(e) calling 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;

(f) ensuring that the IUCN *Intersessional Programme 2005–2008* is adequately resourced to maintain its active involvement in international fora, including the UNGA, which address destructive fishing practices; and

(g) assisting in the organization of an ocean summit at the appropriate time.

The Government of Canada provided the following statement for the record:

Canada is very concerned about destructive fishing practices, as is everyone at this Congress. The preamble to this Motion summarizes the shared concerns about this issue well.

However, there are differences of opinion at the Congress and in the world community about the best way forward to reduce and eliminate destructive fishing practices on the high seas.

Canada indicated within the contact group that we would have to have some further internal discussion on the two options put forward [Editor's note: for operative paragraphs 1(d) and 1(e)], to see whether we could support either of these.

After such reflection we are not able to support either of the options – we simply do not feel that a moratorium on high seas trawling is an option which should be pursued at this time. The recent UNGA discussion spent long hours on this and developed wording like that in operative paragraphs 1(a) and 1(b) of this Motion, which we strongly support – and we feel that the next steps are to work along the lines of the GA resolution.

We believe that it is extremely important and urgent for States to ensure that their fishing fleets are adequately regulated, and for regional organisations with mandates for fisheries management and marine conservation to ensure that their mandates cover destructive fishing practices – mandates should be upgraded where necessary. States and regional organisations should ensure that fisheries management is consistent with the UN fish stocks agreement and with the FAO Code of Conduct, both of which insist on an ecosystem approach and a precautionary approach to fisheries management.

Accordingly we support paragraphs 1(a) to 1(c) and 1(f) of this Motion but do not support 1(d) or 1(e).

The Government of Iceland provided the following statement for the record:

Iceland, being a responsible fisheries nation, considers it important to respond to vulnerable marine ecosystems located beyond and within national jurisdiction. Iceland has worked on this issue with other States within the Regional fisheries management organisations in its region and was a party to an agreement within The North East Atlantic Fisheries Commission, at its last meeting, to close five seamounts within its area.

A call from the IUCN upon States, to act in relevant fora for an action to be taken within a defined timetable to address the issue of vulnerable marine ecosystems, is a reasonable way for the IUCN to communicate its concern.

In the working group on the motion, a consensus could not be reached as some of the participants would not accept to use a text carefully negotiated at the UN General Assembly that defines the problem to be addressed, by whom it should be done and on what basis.

The UN text, paragraph 66, reads: “calls upon states, either by themselves or through regional fisheries management organisations or arrangements, where these are competent to do so, 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, including seamounts, hydrothermal vents and cold water corals located beyond national jurisdiction, until such time as appropriate conservation and management measures have been adopted in accordance with international law”.

Iceland regrets that a consensus on such a call could not be reached at this Congress. Iceland is of the view that such a call, endorsed by both NGOs and the majority of States that conduct fisheries, would have sent a much stronger message on the urgency of action to States and relevant international fora than the one we have now. It was for this reason that Iceland abstained from voting on this motion.

The Ministry of Foreign Affairs, Japan provided the following statement for the record:

Demanding a general moratorium that only applies to bottom-trawling is inconsistent with the basic idea of this year’s United Nations resolution that “calls upon States to consider on a case-by-case basis, and on a scientific basis, the interim prohibition of destructive fishing practices”.

Further, issues on fisheries regulation should be discussed in such organizations as Food and Agriculture Organization or regional fisheries management organizations with enough scientific knowledge and experience. It is not appropriate to discuss fishery topics in the United Nations General Assembly as there is no expert on fisheries.

The Japanese basic point of view is that all marine resources, both within and beyond national jurisdiction, should be used in a sustainable manner on a scientific basis, with due consideration for marine environment. This issue of bottom trawling regulation should be discussed from this viewpoint.

Thus, Japan cannot support this Resolution.

The Ministry of Environment, Norway, indicated its support for the positions taken by Canada, Iceland and Japan.

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

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 mentioned 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.