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Recommendations to the 32nd NAFO Annual General Meeting, September 21-24, 2010 in Halifax, Nova Scotia

The 32nd Annual Meeting of NAFO represents a significant opportunity to improve and increase conservation measures to protect vulnerable marine ecosystems (VMEs), deep-sea fish species and the transparency and efficacy of NAFO as a high seas governance organization. The Ecology Action Centre is pleased to be representing the Deep Sea Conservation Coalition (DSCC) at the 2010 Annual Meeting in Halifax, Nova Scotia. We have worked with NAFO delegates and Working Groups since 2007 supporting the implementation of the United Nations General Assembly Resolutions 61/105. Our collective recommendations outlined below are supported by the organizations above¹, representing conservation organizations in Canada, the US and the European Union, and Iceland.

Specifically, we are recommending that NAFO:

- 1. Fully implement the United Nations General Assembly (UNGA) Sustainable Fisheries Resolutions 61/105 and 64/72 with particular focus on environmental impact assessments and interim measures for the full scope of VMEs identified in the FAO Guidelines on Deep Sea Fisheries; and,**
- 2. Commit to increasing the transparency of NAFO decisions through a variety of proposed actions.**

We recognize the conservation measures that NAFO has implemented since 2006 to protect vulnerable marine ecosystems and deep-sea fisheries as well as the considerable efforts to compile and collect scientific data regarding the presence of corals and sponges in the NRA. However, there remains a considerable amount of work to be done particularly in the lead up to the UNGA meetings in September 2011, where RFMO efforts to reduce and mitigate the impacts of destructive fishing practices will be reviewed. We further expand upon the two themes above in the following sections, with specific recommendations we hope will be addressed this week.

¹ Organizations supporting the recommendations in this document include the David Suzuki Foundation, Greenpeace, the Living Oceans Society, Marine Conservation Biology Institute, Natural Resources Defense Council, Iceland Nature Conservation Society, Seas at Risk and the Pew Environment Group.

1. Implementation of the UNGA Sustainable Fisheries Resolutions 61/105 & 64/72

The 32nd Annual Meeting of NAFO is the first meeting following the adoption of the United National General Assembly (UNGA) Sustainable Fisheries Resolution 64/72 which calls for full implementation of the UNGA Resolution 61/105 which clearly outlines the need for protection of vulnerable marine ecosystems from destructive fishing practices as well as identifies the actions that must be taken to achieve this protection.

DSCC Review of UNGA Requirements

We recognize the considerable progress that NAFO has made since 2006 and applaud the efforts made to date to protect vulnerable marine ecosystems and deep-sea fisheries, including the closure of seamounts. NAFO has made significant efforts to identify the locations of coral and sponge populations and subsequently to protect high concentrations of these organisms where they are known to exist. The cooperation of Contracting Parties and efforts made to better understand VMEs through dedicated and collaborative research surveys during the summer of 2008 and 2009 and the use of non-destructive research methods during the summers of 2009 and 2010 have greatly expanded scientific understanding of the distribution of corals, sponges and other benthic species. With respect to managed species within the NRA, NAFO has closed fisheries and attempted to reduce fishing mortality in order to affect recovery of commercial fish stocks. Recovery of VMEs should also be a priority for the organization, and as such the appropriate measures should be taken. However, there are a number of measures that need to be taken to meet previous deadlines to fully implement the commitments made by NAFO Contracting Parties at the UNGA.

The Deep Seas Conservation Coalition, of which the Ecology Action Centre is an active member has reviewed RFMO implementation of the UNGA Resolution 61/105, and our perspective of NAFO's performance as of 2009 is available in our submission to DOALOS entitled "Review of the Implementation of the Provisions of the UNGA Resolution 61/105 Related to the Management of High Seas Bottom Fisheries." Additionally, in June 2010, we released with the International Programme on the State of the Oceans (IPSO), a second report entitled "The Implementation of UNGA Resolutions 61/105 and 64/72 in the Management of Deep-Sea Fisheries on the High Seas", which finds that despite commitments to improving management of high seas fisheries, there remain large gaps in implementation of the UNGA Resolutions.

Specific Recommendations

At this meeting, NAFO Contracting Parties have the opportunity to make every effort to fulfill commitments made to fully implement both Resolutions. We are particularly concerned with the lack of implementation of paragraph 119(a) of UNGA 62/72, which calls for impact assessments of all fishing activities, and if these are not completed, fishing should not be authorized to proceed. We also ask that NAFO revisit the identification of vulnerable marine ecosystem to broaden the work begun on protecting corals and sponges to include long-lived fish species, spawning areas as well as physical attributes that may constitute VMEs. We ask also that NAFO use the information generated at the ICES / NAFO WGDEC in March 2010 and the Deep-sea Fisheries Guidelines Workshop in May 2010 to develop best practices for VME protection.

In order to be fully compliant with the UNGA Resolutions and to follow the FAO Guidelines for Deep Sea Fisheries (heretofore referred to as "the Guidelines"), we call upon Contracting Parties at this Annual Meeting to agree to:

- **Submit environmental impact assessments of all bottom fisheries occurring in the NRA by December 2010 or fisheries are not permitted to proceed** (as required by paragraph 83(a) of UNGA 61/105 and reinforced by paragraph 119(a) of UNGA 64/72 and as outlined in the 2010 NAFO Scientific Council report² as well as paragraphs 47 and 48 of the FAO Guidelines).
- **Adopt biologically meaningful encounter protocols for corals and sponges** as those currently in place (60kg and 800kg respectively) are well above precautionary limits and are not scientifically based. We recommend that NAFO use at a minimum the values used by Scientific Council to identify significant concentrations of corals and sponges, 0.25 kg and 75 kg respectively (UNGA paragraph 119 (c)).
- **Commit to re-assessing the full spectrum of VMEs**, including long lived fish species, spawning areas and canyons, as outlined in paragraph 42 of the Guidelines during the 2010 meeting of the WGEAFM³, including known spawning areas, distribution of long-lived fish species as well as deep sea canyons and included in the EIAs for all fisheries (UNGA 64/72 paragraph 113 calling for implementation of the Guidelines).
- **Adopt the necessary interim measures to protect all VMEs known or likely to occur** within the NRA in addition to maintaining existing closures on Orphan Knoll, Fogo Seamounts 1 and 2, Corner Seamounts, Newfoundland Seamounts, and New England Seamounts until sufficient management measures are in place, (UNGA 64/72 paragraph 119 (b)).
- **Implement the appropriate measures towards sustaining deep sea fish populations**, including those that do not currently have any management measures in place (ie. roundnose and roughhead grenadier) (UNGA 64/72 paragraph 119 (d)).

We recognize both the governance and scientific challenge the UNGA resolutions pose to RFMOS, however given the urgency of protecting and sustaining fish populations on the high seas, we feel NAFO must continue the work it has started and increase efforts to ensure that all fisheries in the NRA are operating under best practices and resulting in the least environmental impact possible. Reporting on the implementation of the UNGA Resolutions will occur in September 2011, which gives NAFO and its Contracting Parties a year to fully comply.

2. Improving the Transparency and Accountability of NAFO

With respect to the transparency of decision-making at NAFO, and pursuant to Article 12 of the UN Fish Stocks Agreement, we acknowledge the increased presence of observers at recent NAFO meetings and the additional responsibility this places on the Secretariat as well as the Contracting Parties. However, we respectfully submit that NAFO should strive to improve its transparency and commit to the following:

- **Decisions should be taken in plenary and put to a vote if necessary** and decisions are not made in head of delegation meetings which are off limits to observers.
- **Open the Joint Managers and Scientists Working Group (WGFMS), should its mandate be renewed during the 2010 Annual Meeting, to observers.** Given the

² In response to the Fisheries Commission request on conducting fisheries impact assessments on VMEs in accordance with UNGA 61/105 para 83(a), the NAFO Scientific Council outlined components of impact assessments on page 35 of its 2010 Report.

³ The 2008 Report of the WGEAFM includes large VME areas that considered the full definition of VMEs.

importance of the decisions taken as well as ENGO expertise and interest the conservation of high seas fish stocks and VMEs, admitting observers and inviting ENGO participation would greatly increase transparency and allow for balanced discussion. NAFO should allow observers at all Working Groups as a matter of practice.

- **Grant permanent observer status to NGOs** who have regularly attended NAFO meetings, as proposed at the 2008 NAFO Annual Meeting.
- To ensure that NAFO is moving towards transparency and accountability, we recommend that **NAFO undertake performance reviews** as outlined in the Measures of Success document developed by WWF Canada for the 2010 Annual Meeting.

We look forward to the meeting this week, and to seeing good progress on our recommendations. NAFO has the opportunity to provide continued and much needed leadership in high seas fisheries governance and protecting high seas ecosystems.

Respectfully submitted,

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