Deep-sea Fisheries and Vulnerable Marine Ecosystems: Lessons for the BBNJ Process

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Introduction

• Deep-sea fisheries and their discontents
• Governance gaps and development of regulatory standards
• Implementing UNGA VME Resolutions
• Problems and prospects
Benthic fishing

- Brief history – late Thirteenth century to modern trawlers
- Expansion of fishing footprint into off-shore and deep-water areas
- Concept of bottom fishing
- Ecological threats
• Deep-sea fish rediscovered and rebranded in 1980s
• Strong concerns over deep-water species – regulatory vacuum and acute sensitivity to overfishing
• Classic case of ‘tragedy of the commons’ – boom and bust fisheries
• No clear forum for regulation – series of UNGA Resolutions have established clearer controls over stocks
Vulnerable marine ecosystems

- Resolution 61/105 (2006) – RFMOs to identify VMEs and assess whether fishing has “significant adverse effects” on these ecosystems
- NB: what is “significant” and when is an ecosystem “vulnerable”?
- 2008: FAO Deep-Sea Fishing Guidelines
- Annual UNGA Resolutions have reinforced these obligations
VMEs and fisheries management

- Mapping a network of VMEs
- Indicator habitats and species
- Somewhat weighted towards continued fishing?
- Role of the ‘move-on’ rule
- Move-on problems: untested in static habitats, emphasis on live by-catch, not all caught material reaches the surface, predicated on a degree of ecological damage
- Mapping fisheries footprints – precautionary management of exploratory fisheries or staking a future claim?
Protected area management

- Problems of addressing seabed and water column concurrently
- A sea of sectoral management tools – RFMOs, RSOs, IMO, ISA
- Can the planets align effectively?
- Do all actors want to get involved
- Industry-led developments: SIODFA and Benthic Protection Areas
- New Zealand: Benthic Protected Areas and MPA problem
OSPAR/NEAFC cooperation
Closing governance gaps

• Few RFMOs in 1999 had deep-sea regulatory capacity (arguably only CCAMLR and GFCM)
• Retro-fitting of pre-existing structures (NAFO, ICCAT)
• Bold interpretation of existing mandates (NEAFC)
• VME commitments built into post-UNFSA RFMOs (SPRFMO, NPFC, SIOFA, SEAFO)
• Flag state intervention in ABNJ with no RFMO coverage (e.g. Spain in S-W Atlantic, EU Regulations on deep-sea fishing)
Conclusions and lessons for the BBNJ process

• Some tentative successes – international systems clearly capable of addressing problems in remote marine areas
• RFMOs have developed rules ab initio for these fisheries
• Still a work in progress, however – data still very limited, fishing still occurring on VMEs, closures remain in their infancy
• Intriguing lessons for ABMTs: OSPAR/NEAFC considered an optimal solution but considerable difficulties remain
• Conflation of protected areas and a zeal for protecting areas in which no activity currently occurs
• Interplay between regulatory systems also increasingly necessary
Gràcies! Gracias! Thank you! Diolch!