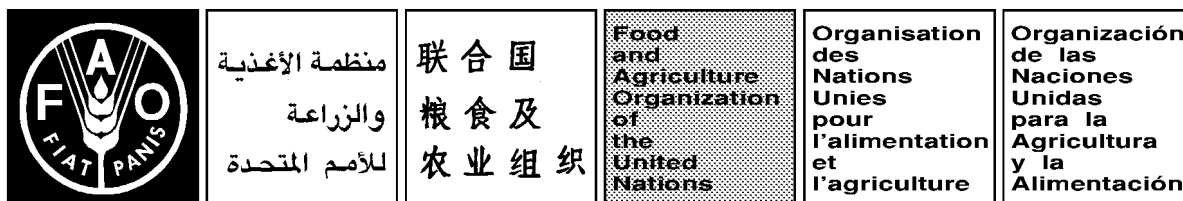


April 2016



## FISHERY COMMITTEE FOR THE EASTERN CENTRAL ATLANTIC

### Twenty-first Session

Dakar, Senegal, 20 – 22 April 2016

**Vulnerable marine ecosystem (VME) closures in the CECAF Area**

### SUMMARY

UNGA resolution 61/105 (2006) calls upon States, either individually or through regional fisheries management organisations or arrangements (RFMO/As), to take immediate action to sustainably manage bottom fisheries for the conservation of the fish stocks and the protection of vulnerable marine ecosystems (VMEs), and identifies types of VMEs that include seamounts, hydrothermal vents, and cold water corals, while recognizing the value of deep-sea ecosystems. The FAO Deep-sea Fisheries Guidelines provide a regulatory framework for sustainably managing deep-sea bottom fisheries and protecting VMEs from significant adverse impacts (SAIs), and include the identification of key management considerations and measures necessary to ensure the conservation of target and non-target species. In the context of CECAF, these resolutions and guidelines are of relevance given the geographic scope of CECAF that covers both the ABNJ and the exclusive economic zones (EEZs) of Members. As such, there is a small overlapping area of CECAF and the South East Atlantic Fisheries Organisation (SEAFO), which has a mandate to manage deep-sea fisheries in the ABNJ of the South East Atlantic, competence areas of which a portion is designated a VME closure by SEAFO. Thus, this creates an opportunity for CECAF to consider using existing guidelines and frameworks to identify VMEs and make recommendations on non-binding measures. Therefore, the Committee is requested to: 1) consider how to address deep-sea fisheries and VMEs in the future, in the context of its work programme; 2) consider to pass a recommendation to its members to respect and adopt the VME closures of SEAFO; 3) provide feedback on the proposed deep-sea fisheries and VME workshop and on the CECAF chapter for the VME Processes and Practices publication.

## **BACKGROUND**

The legal framework for managing the seas areas beyond national jurisdiction (ABNJ) is the 1982 United Nations Convention of the Law of the Sea (LOSC)<sup>1</sup>, which provides the requirements for the regulation of fishing. States fishing in ABNJ must cooperate and develop management measures necessary for the conservation and management of marine living resources, which may include the establishment of sub-regional or regional fisheries management organisations (UNCLOS, Article 118 and Articles 63 and 64 in relation to certain species). Elaborating on the provisions of the LOSC is the 1995 UN Fish Stocks Agreement<sup>2</sup> which provides the enabling framework for the management of straddling and highly migratory fish stocks.

In 2002, the United Nations General Assembly (UNGA) initiated discussions on the interactions between bottom fisheries and vulnerable marine ecosystems (VMEs) by calling for the protection of VMEs (UNGA res. 57/141, para 62(a)). This set the stage for subsequent UNGA resolutions on the subject of managing bottom fisheries and protecting VMEs (Figure 1), the most relevant of which is UNGA resolution 61/105 (2006), specifically paragraphs 80, 83, and 89. The UNGA calls upon States, either individually or through regional fisheries management organisations or arrangements (RFMO/As), to take immediate action to sustainably manage bottom fisheries for the conservation of the fish stocks and the protection of VMEs, and identifies types of VMEs that include seamounts, hydrothermal vents, and cold water corals, while recognizing the value of deep-sea ecosystems.

UNGA resolution 61/105 invited FAO to develop a global database on VMEs (para 90), which was then formally requested to FAO by the 27<sup>th</sup> session of COFI in 2007<sup>3</sup>. The VME DataBase<sup>4</sup> and supporting Portal<sup>5</sup> was launched in December 2014 and is a compilation of existing information on VMEs, in relation to their management and protection. The Portal hosts the DataBase and contains the regional regulatory measures on the management and protection of VMEs, including international binding and non-binding measures, recent work and research, and key concepts and definitions. The VME DataBase includes an interactive map that depicts the global location of all VME closures, bottom fishing areas, and other regulated areas. The DataBase also contains relevant conservation and management measures of the RFMO/As.

## **FAO INTERNATIONAL GUIDELINES ON THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS**

In 2007, the 27<sup>th</sup> session of the Committee on Fisheries (COFI)<sup>6</sup> called upon FAO to prepare guidelines for the management of deep-sea fisheries. These guidelines were developed through

---

<sup>1</sup> United Nations Convention on the Law of the Sea, Dec. 10, 1982, U.N. Doc. A/Conf.62/422, reprinted in THE LAW OF THE SEA: OFFICIAL TEXT OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA WITH ANNEXES AND INDEX, U.N. Sales No. E.83V.5 (1983)

<sup>2</sup> United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, July 24–Aug. 4, 1995, Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, U.N. DOCA/Conf. 164/37

<sup>3</sup> <http://www.fao.org/docrep/010/a1160e/a1160e00.htm>

<sup>4</sup> <http://www.fao.org/in-action/vulnerable-marine-ecosystems/vme-database/en/>

<sup>5</sup> <http://www.fao.org/in-action/vulnerable-marine-ecosystems/en/>

<sup>6</sup> FAO. Report of the twenty-seventh session of the Committee on Fisheries. Rome, 5–9 March 2007. *FAO Fisheries Report*. No. 830. Rome, FAO. 2007. 74p.

a participatory process that involved fisheries experts, fishery managers from governments, the fishing industry, academia, and non-governmental and intergovernmental organisations through expert consultations and two sessions of Technical Consultations. The outcome of these consultations is the FAO *International Guidelines for the Management of Deep-sea Fisheries in the High Seas* (FAO Deep-sea Fisheries Guidelines)<sup>7</sup>, which were adopted in 2008.

The FAO Deep-sea Fisheries Guidelines provide a regulatory framework for sustainably managing deep-sea bottom fisheries and protecting VMEs from significant adverse impacts (SAIs), and include the identification of key management considerations and measures necessary to ensure the conservation of target and non-target species. The FAO Deep-sea Fisheries Guidelines elaborate on the concept of VMEs from the UNGA (UNGA res. 61/105, para. 80), and provide guidance on the identification of VMEs by providing criteria that can be used to identify VMEs and further guidance on how to develop the necessary management measures to protect such ecosystems from significant adverse impacts (SAIs).

In 2010, FAO convened an expert workshop<sup>8</sup> in Busan, Republic of Korea, on the challenges and ways forward for the implementation of the FAO Deep-sea Fisheries Guidelines that included perspectives and information-sharing from members of the fishing industry, RFMO/As, environmental NGOs, and other intergovernmental organisations. The expert workshop developed a list of priority areas on which to provide further guidance to facilitate the implementation of the Guidelines in relation to VMEs and for fisheries management in areas where no RFMO/As exist. A second workshop on the implementation of the FAO Deep-sea Fisheries Guidelines is planned for 2017/2018.

These international instruments, resolutions and guidelines, both binding and non-binding, have particular relevance to CECAF because of the geographic scope of the Committee that covers both exclusive economic zones (EEZs) and the ABNJ. Thus, CECAF would need to consider how to address the above issues in relation to its mandate and scope and consider providing technical and management advice on the sustainable management of deep-sea fisheries and the protection and management of VMEs in the ABNJ and within EEZs.

## **REGIONAL FISHERIES MANAGEMENT BODIES**

UNCLOS accords a primary role to regional fishery bodies, including RFMO/As, as cooperative mechanisms to undertake measures for the conservation of living resources in the ABNJ. RFMO/As are regional fishery bodies that have a regulatory or management mandate. They are intergovernmental organizations with a Secretariat that coordinates information and data between the Member States, and disseminates conservation and management measures emerging from the Commission meetings that are, in turn, advised by scientific committees. Deep-sea fisheries RFMO/As play an important role in facilitating intergovernmental cooperation for deep-sea fisheries management, and the foundation of their conservation and management measures are based on the UNGA resolutions and the FAO Deep-sea Fisheries Guidelines.

---

<sup>7</sup> FAO. *International Guidelines for the Management of Deep-sea Fisheries in the High Seas*. Rome/Roma, FAO. 2009. 73p.

<sup>8</sup> FAO. *Report of the FAO Workshop on the Implementation of the International Guidelines for the Management of Deep-sea Fisheries in the High Seas – Challenges and Ways Forward*, Busan, Republic of Korea, 10–12 May 2010. FAO Fisheries and Aquaculture Report. No. 948. Rome, FAO. 2011. 74p.

As of April 2016, eight regional, multilateral bodies exist with the mandate to manage deep-sea fisheries (deep-sea RFMO/As): the Northwest Atlantic Fisheries Organization (NAFO), the North East Atlantic Fisheries Commission (NEAFC), the North Pacific Fisheries Commission (NPFCC), the South East Atlantic Fisheries Organisation (SEAFO), the South Pacific Fisheries Management Organisation (SPRFMO), the General Fisheries Commission for the Mediterranean (GFCM), the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR – which has a broader mandate than fisheries management than most RFMO/As), and the recently established Southern Indian Ocean Fisheries Agreement (SIOFA).

Most of these organisations have identified areas that may contain VMEs and have taken measures to protect them from SAIs, as called for in the UNGA resolutions and the FAO Deep-sea Fisheries Guidelines.

In the high seas area of the Central Eastern Atlantic, there is no fisheries body responsible for the management of resources other than for tuna and tuna-like species (ICCAT).

It should be noted, however, that with the establishment of SEAFO in 2005 as a fishery body with regulatory powers and a permanent secretariat, a small portion of the central eastern Atlantic now falls under the competence of both CECAF and SEAFO. In 2011, SEAFO designated a VME in the overlapping area and closed it to bottom fishing (Closure 10; Figure 2). SEAFO thus provides a regional example of how CECAF might use existing guidelines and frameworks to identify VMEs and make recommendations on non-binding measures within its advisory guidelines.

Article 8 of SEAFO's Conservation Measure 30-15 related to bottom fishing activities provides regulatory measures on encounters with VMEs. If a VME indicator species is encountered above the established thresholds, the vessel must cease fishing and move away from the point of encounter (exact distance and direction varies based on the circumstance) and report the incident to the flag State, which will then forward the information to the Executive Secretary. If the encounter occurs outside an existing fishing area, a temporary closure will be implemented in order for the Scientific Committee to fully assess the position and extent possible of the VME, via sea-bed mapping, and provide this advice to the Commission which will decide to either re-open the temporary closure to fishing or designate it a SEAFO fishing closure. In 2010, the SEAFO Scientific Committee reviewed the proposed area for Closure 10, and recommended it be closed starting the 1<sup>st</sup> of January, 2011.

## **DEEP-SEA FISHERIES IN THE EASTERN CENTRAL ATLANTIC**

Historically, there have not been any well-developed deep-sea fisheries in the ABNJ in the CECAF Area, but some member countries have reported catches for deep-sea species such as alfonso, black scabbardfish, hake, and deepwater shrimp, principally within their EEZs. As such, there is potential for these fisheries to grow and expand into deeper waters. Given that the CECAF area of competence includes the ABNJ, it is necessary for CECAF to support the sustainable management of deep-sea fisheries and the conservation of associated biodiversity in accordance with UNGA resolutions and FAO Deep-sea Guidelines. Specifically, the enhancement of deep-sea fisheries in the CECAF Area would require the Committee to provide advice on the identification and management of VMEs, and on the sustainable harvest of deep-sea species.

Although the CECAF area of competence does include a broad region in the high seas, almost all CECAF activities have been restricted to the areas under national jurisdiction of the Member States. This issue has been discussed, on a few occasions, by both the Scientific Sub-Committee and by the Committee. For example, during the third session of the SSC (2004)<sup>9</sup>, there was a specific item on the agenda addressing the “Review of information on the status of fish stocks in the high seas area of the Eastern Central Atlantic Ocean – Legal and institutional arrangements for the CECAF region”. On that occasion, the SSC considered three possible legal options to deal with the high seas stocks:

- a) the immediate establishment of a commission for the management of high seas resources other than tunas (which are already managed by ICCAT - the International Commission for the Conservation of Atlantic Tunas);
- b) the monitoring of high seas resources within the framework of CECAF; and
- c) the adoption of an agreement alongside CECAF to provide a stronger legal basis for reporting of catches and the taking of possible management measures in the future.

The 17<sup>th</sup> session of the Committee<sup>10</sup> (2004) considered the recommendation of the third session of the SSC to review and adopt a draft resolution on the monitoring, within the framework of CECAF, of fisheries resources in the high seas (para 43). The SSC had further suggested that there be strengthened cooperation between CECAF and ICCAT. The 17<sup>th</sup> session of the Committee agreed that the collaboration between CECAF and ICCAT be extended to expertise in the assessment and management of the fisheries resources (para 45), and noted that there was no reason to consider setting up a separate commission for the management of high seas resources other than tuna in the CECAF region, since the main high seas fishery resources under exploitation in the region were tuna and tuna-like species and these were under the management mandate of ICCAT (para 44). For the monitoring of non-tuna species, a draft resolution was adopted that called on all CECAF Members and non-Members fishing in the high seas in the CECAF region for non-tuna species to provide reports on their catches to CECAF.

This issue was not revisited until the 2011 CECAF Performance Review<sup>11</sup> which noted that although the CECAF area of competence includes both the ABNJ and EEZs, it was recommended to restrict the CECAF area of competence to the EEZ of its Members (para 21) because of the radically different nature of the present legal regime applied to the high seas and to the EEZ. Furthermore, the present statute of CECAF (as an advisory body) does not allow for regulatory powers which are essential for the management of high seas stocks. The review suggested that reducing the competence area of CECAF would allow for its focus to be formally institutionalized and open a way for another RFMO/A to be created in the area for the management of high seas stocks.

---

<sup>9</sup> FAO/Fishery Committee for the Eastern Central Atlantic/Comité des pêches pour l’Atlantique Centre-Est. Report of the third session of the Scientific Sub-Committee. Lomé, Togo, 24–26 February, 2004. Rapport de la troisième session du Sous-Comité scientifique. Lomé, Togo, 24-26 février 2004. FAO Fisheries Report/FAO Rapport sur les pêches. No. 750. Accra, FAO. 2004. 35p.

<sup>10</sup> FAO. Report of the seventeenth session of the Fishery Committee for the Eastern Central Atlantic. Dakar, Senegal, 24–27 May 2004. Rapport de la dix-septième session du Comité des pêches pour l’Atlantique Centre-Est. Dakar, Sénégal, 24-27 mai, 2004. FAO Fisheries Report/FAO Rapport sur les pêches. No. 754. Rome, FAO. 2004. 57p.

<sup>11</sup> <http://www.fao.org/docrep/meeting/024/an154e.pdf>

In 2012, the 20<sup>th</sup> session of the Committee<sup>12</sup> considered this recommendation of the Performance Review and decided that the possible restriction of the Convention Area to the EEZ of coastal member countries was considered problematic and required further analysis and discussion (para 41).

Despite the above decision with regards to high sea stocks in the ABNJ, there has not been much discussion on these issues in CECAF until recently, primarily because this type of fishing activity in the high seas of the CECAF area has been very limited. Therefore, CECAF may wish to address how to best consider these issues in the future.

## **FAO DEEP-SEA FISHERIES PROGRAMME**

The FAO Deep-sea Fisheries programme was established in 2009 and is implemented through projects supported by various donors. The FAO Deep-sea Fisheries programme works collaboratively with governments, intergovernmental organizations, non-governmental organizations, the industry, and the scientific community to improve fisheries management practices and increase knowledge of vulnerable areas in the deep-sea high seas. The FAO Deep-sea Fisheries programme supports the implementation of the FAO Deep-sea Fisheries Guidelines, provides technical guidance and resources to improve management practices, facilitates the collecting and sharing of data related to VMEs, and facilitates dialogue and collaboration among key stakeholders in order to strengthen and improve the management of deep-sea fisheries. Currently, five projects comprise the FAO Deep-sea Fisheries Programme: the FAO-Norway project<sup>13</sup>, the FAO-GEF ABNJ project<sup>14</sup>, the FAO-Japan project<sup>15</sup>, the FAO-France project<sup>16</sup>, and the Horizon 2020 SponGES project<sup>17</sup>.

FAO is partnered with the University of Bergen and the Department of Fisheries and Oceans, Canada, to implement the Horizon 2020 SponGES project. There are opportunities to raise awareness of the role of deep-sea sponges in ecosystems, and the project activities reflect collaborations with fisheries stakeholders through science-policy fora for the consideration of impacts in fisheries management planning.

Of particular interest to CECAF are two upcoming publications supported by both the FAO-Norway project and the FAO-GEF ABNJ project: a publication on the VME processes and practices of RFMO/As, and an update to the *Worldwide Review of Bottom Fisheries in the High Seas*<sup>18</sup> (WWR). The VME processes and practices publication is a review of current practices by region related to VMEs. The publication will include a chapter on CECAF, which is provided to the Committee as an information paper (CECAF/XXI/2016/Inf.4). The first WWR covered deep-sea fisheries for the period 2003-2006 using information acquired from a questionnaire circulated to some 40 countries and regional bodies. The updated review,

---

<sup>12</sup> Report of the twentieth session of the Fishery Committee for the Eastern Central Atlantic (CECAF), 14-16 March, 2012

<sup>13</sup> Support for the implementation of the International Guidelines on the Management of Deep-sea Fisheries in the High Seas

<sup>14</sup> Sustainable fisheries management and biodiversity conservation of deep-sea ecosystems in the areas beyond jurisdiction

<sup>15</sup> Fisheries management and marine conservation within a changing ecosystem context

<sup>16</sup> The Vulnerable Marine Ecosystem (VME) Database

<sup>17</sup> Deep-sea Sponge Grounds Ecosystems of the North Atlantic: an integrated approach towards their preservation and sustainable exploitation of Atlantic marine ecosystems

<sup>18</sup> Bensch, A.; Gianni, M.; Gréboval, D.; Sanders, J.S.; Hjort, A. Worldwide review of bottom fisheries in the high seas. *FAO Fisheries and Aquaculture Technical Paper*. No. 522. Rome, FAO. 2008. 145p.

covering the additional period of 2007-2014, will address information gaps identified in the last review and will describe the progress made on monitoring of data-poor deep-sea stocks, and benefits from updated stock assessments for key species. This update will also include a chapter on the CECAF region, which is currently being drafted by an FAO consultant.

## **CONSIDERATIONS FOR CECAF**

In the context of its ABNJ scope, CECAF can consider to recommend member countries to adopt similar measures for VMEs, and provide scientific and management advice on the identification and management of VMEs. Within the scope of the mandate, CECAF can assist member countries in establishing the scientific basis for regulation measures for the conservation and improvement of marine fishery resources, and promote liaison and cooperation among competent institutions within the CECAF Area. WECAFC<sup>19</sup>, also an FAO advisory body, has made similar steps in this regard<sup>20</sup>. As such, CECAF could contribute to VME information- and knowledge-sharing workshops with deep-sea RFMO/As and other regional experts as facilitated by FAO and share the lessons learned with Member States, while recognizing the advisory scope of the CECAF mandate.

To look further into these issue, FAO is proposing a regional deep-sea fisheries and VME workshop for the CECAF Area in 2016 to raise awareness, share information and agree on a strategy for addressing deep-sea issues. This workshop was endorsed by the Seventh Scientific Sub-Committee in October 2016 and has been put before the Committee for its approval. The SSC is also proposed that CECAF recommend to its Members to respect and adopt the closures already identified by SEAFO.

## **ACTIONS REQUESTED BY THE COMMITTEE**

The Committee is requested to:

1. Consider how to address deep-sea fisheries and VMEs in the future, in the context of its work programme.
2. Consider to pass a recommendation to its members to respect and adopt the VME closures of SEAFO.
3. Provide feedback on the proposed deep-sea fisheries and VME workshop and on the CECAF chapter for the VME Processes and Practices publication.

---

<sup>19</sup> Western Central Atlantic Fishery Commission (WECAFC).

<sup>20</sup> FAO/Western Central Atlantic Fishery Commission. 2015. Report of the first meeting of the WECAFC Working Group on the Management of Deep-sea Fisheries, Christ Church, Barbados, 30 September–2 October 2014. FAO Fisheries and Aquaculture Report No. 1087. Bridgetown, FAO. 61 pp.

**FIGURE 1**  
**Timeline of relevant UNGA and other international instruments.**

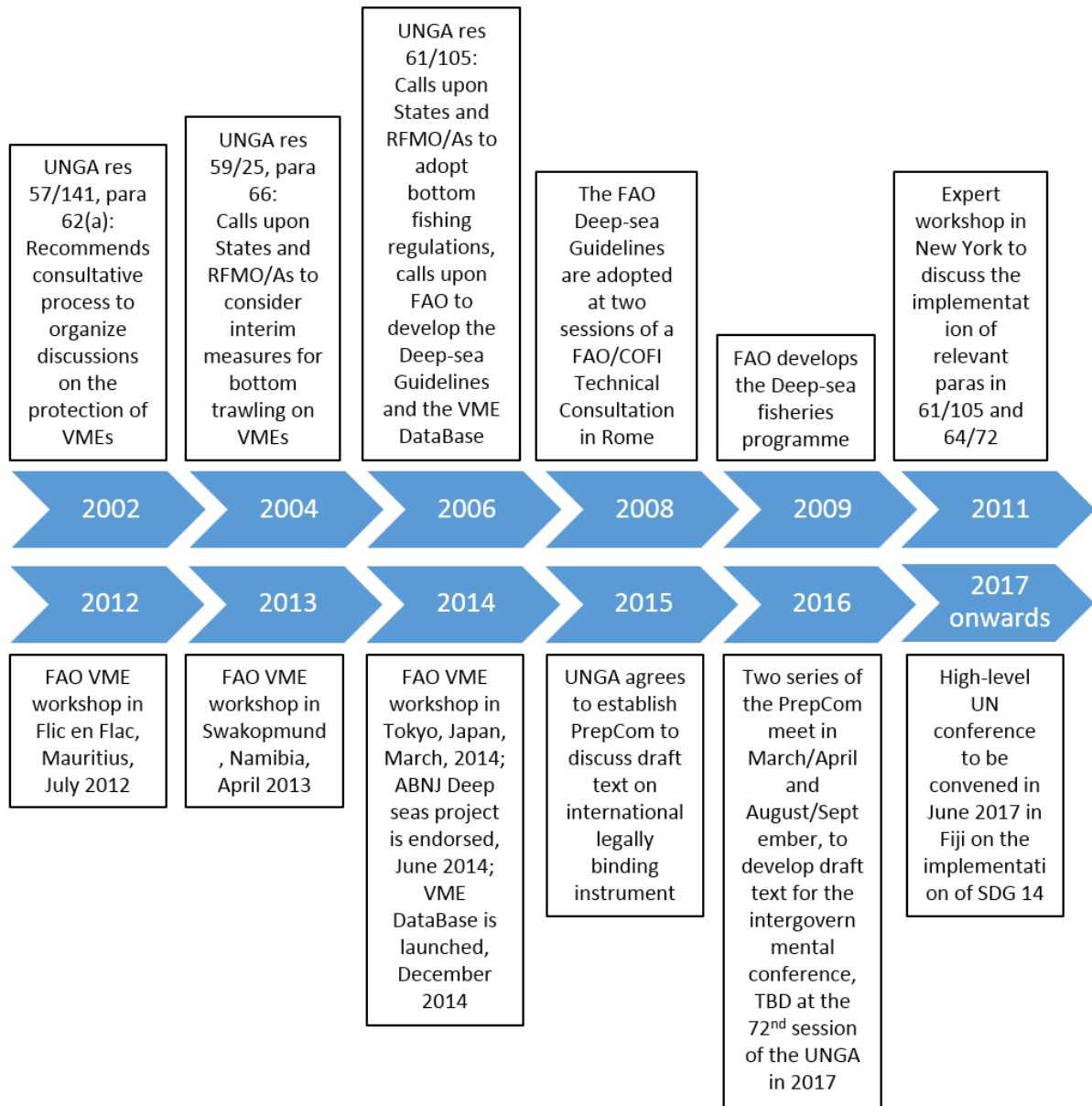


FIGURE 2

Map showing the CECAF and SEAFO Competence Areas, and the SEAFO seamount closure that overlaps with the CECAF Area.

