Marine Nature Conservation in Europe 2006, Stralsund 8-12 May 2006

"Regional fishery closures in Europe as a management tool"

K. Hoydal, NEAFC, 22 Berners Street, W1T 3DY London, UK[1]
Telephone + (0) 20 7631 0016; fax + (0) 20 7636 9225, e-mail kjartan@neafc.org

With a background in fisheries science and having worked both as a scientist and a manager, I am astonished that experience from areas closed to fisheries do not play a more prominent role as a tool in a general ocean management in the discussion of marine protected areas of variable design.

In the North-East Atlantic areas closed to certain fisheries or certain gears have been used for centuries in waters under national jurisdiction and, more recently, also in waters beyond the areas under the fisheries jurisdiction of coastal states.

Some initial remarks

Nobody will contest that closing areas to human activity should have a beneficial effect on conservation. The big question is, however, how much or rather how little has to be closed to meet a given target. Exaggerated claims of closed areas as the solution for all problems, even boosting human activities, have not been helpful. Closed areas face precisely the same problems as other management tools. One complicating factor is the way environmental problems in the oceans are handled in public debate and by the media. I am myself particularly averse to campaign material, which is based on one picture of the effects of a trawl on a cold water coral locality, a misleading map from the Seas Around Us Project on the trends in fish stock abundance in the North Atlantic from 1900 – 1999, exaggerated anecdotal or circumstantial evidence on the benefits of marine reserves and political opinion that fisheries are the human activity that has most environmental impact on the oceans.

Task at hand

States and Regional Fisheries Management Organisations, RFMOs, like NEAFC, face the same tasks and problems in attempting to establish sustainable fisheries. Sustainability is the key word that takes precedence over and encompasses every other objective. Regional Fishery Management Organisations, like NEAFC, attempt to establish fisheries management systems in the high seas supporting and compatible with systems in sea areas under national jurisdiction. The general principle of subsidiarity should mean that regional and local management has more chance of succeeding than global initiatives.

[1] The views expressed are those of the author and do not reflect the position of NEAFC.

The management framework

Fisheries managers have to plan, develop and manage fisheries in ways that address the multiple needs and desires of society and maximise the flow of benefits over time from marine resources. At the same time, the management framework should reduce the risk of impacts leading to irreversible or avoidable changes to ecosystems and biodiversity.

It should not be forgotten that fishing is the only human activity in the oceans that is totally dependent on healthy ecosystems and clean oceans.

Fisheries cannot avoid having an impact on the marine ecosystems in the process of producing seafood from healthy fisheries. Fishing communities and societies must be allowed to pursue their legitimate business of establishing economic development that meets the needs of the present generation without compromising the ability of future generations to meet their needs

Management tools

Target species fisheries are managed by measures aimed at controlling the overall exploitation level with catch or effort quotas, the exploitation pattern, and the fishing pressure on different age classes. Habitat preservation by closing areas has often arisen from conflicts between different fishing gear, especially passive and active fishing gear. With respect to fishing gear impact, there is currently much investment into gear modifications to mitigate the impact of fishing gear on habitats

Areas closed to fishing are a well-established tool in fisheries management. They are known to affect the exploitation pattern and properly designed exploitation overall, for example by closing spawning areas, where fish stocks are vulnerable to exploitation.

To a varying extent it is used by NEAFC's Contracting Parties in waters under national jurisdiction. Closing areas permanently or temporarily at short notice to protect juvenile fish is common. NEAFC has done so in the Regulatory Area by closing the Rockall Box to trawl fishing.

The Faroe Islands are probably one of the most extreme examples in using closed areas. Almost 60 % of the fishable area is closed permanently and/or seasonally to trawls and other gear. Iceland has also developed a system of closed areas and closed areas as fisheries management tools. Norway, Iceland and the Faroes close areas at short notice if the percentage of juveniles or by-catch goes above a certain number. Norway has closed some cold water coral areas to trawling, as have the EU, Faroe Islands and Iceland. The EU has applied boxes to reduce exploitation in a number of instances; however, results have not been convincing.

Research in the effect of areas closed to fisheries

Since the 1960s there has been very little research into the effect of closed areas. Fisheries advice has almost entirely concentrated on assessing stocks and calculating

annual TACs. The UNFA[2] Annex 2 set-up focuses on single species criteria and this has not made it easier to consider other management tools.

It is, therefore, difficult to get precise scientific advice on how to set up closed areas and its effect on, for example, the exploitation pattern, overall fishing mortality or relation to management reference points.

Closed areas according to the UN Food and Agriculture Organisation, FAO

Quote from Report to Committee on Fisheries 2005: While an extensive scientific literature exists to document the ecological benefits of MPAs, the research had not yet matured to the point where MPAs could be recommended for wide application in an ecosystem approach to fisheries.

Some new information has been accumulated. While a number of questions remain and hasty generalizations should be avoided, the role, potential effects and shortcomings of MPAs and reserves in relation to fisheries is becoming better understood, with a number of successful cases and failures from which lessons can be drawn

In 2005 FAO COFI:
i) **Agreed** that the use of MPAs as a fisheries management tool should be scientifically based and backed by effective monitoring and enforcement and an appropriate legal framework.

ii) **Agreed** that MPAs were one of a number of management tools and that they would be effective in combination with other appropriate measures such as capacity control.

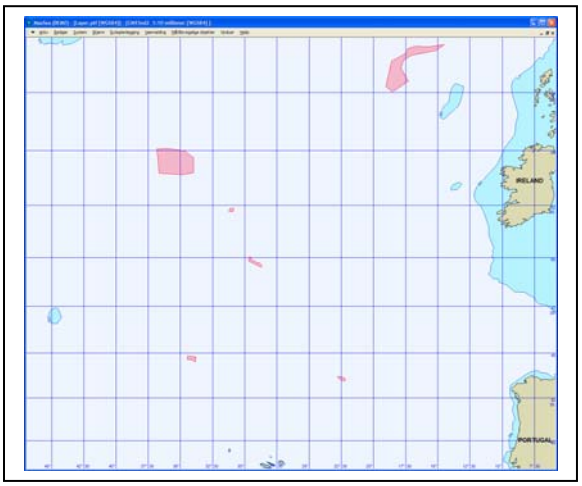
iii) **Noted** that RFMOs would need to develop means of interacting with other relevant IGOs, in particular in the environmental field, including the CBD, and other organizations such as IMO, when there was a need to exclude non-fishery human activities within an MPA on the high seas.

Short presentation on NEAFC

NEAFC goes back a long time to initiatives before World War II. The present Convention was signed in 1980 and entered into force in 1982. Its text reflects discussions and negotiations leading up to the signing of UNCLOS in 1982.

There are at present five Contracting Parties: the EU, Denmark (in respect of the Faroe Islands and Greenland), Iceland, Norway and the Russian Federation. NEAFC was “a sleeping beauty” until 1995. The signing of the UNFA sparked life into the organisation.

From 1995 and onwards all major fisheries in the NEAFC Regulatory Area have been brought under regulation and NEAFC has systematically adapted the requirements in international law and instruments, i.e. science based management, effective surveillance and inspection transparency, fast track dispute settlement, and effective tools against IUU fishing.



In 2004 the NEAFC Commission by consensus agreed to close five areas in international waters to all fishing gears on a precautionary basis from 2005-2007, pending further scientific advice. From South to North: the Altair, Antialtair, Hekate and Faraday seamounts and a section of the South Reykjanes Ridge. The areas were closed on a precautionary basis without asking for scientific advice from NEAFC's science provider, ICES.

This led to a proposal to amend the Convention to bring it more in line with more recent international developments and directly allows NEAFC to address problems outside strict fisheries management. There was consensus on this way forward in the NEAFC Commission in November 2005.

Updating the NEAFC Convention
The important changes updating and modernising the Convention are:

1. The Commission shall perform its functions in order to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing **sustainable economic, environmental and social** benefits.

2. When making recommendations in accordance with Article 5 or 6 of the Convention the Commission shall in particular:

a) ensure that such recommendations are based on the **best scientific evidence** available**;**

b) apply the **precautionary approach;**

c) take due account of the **impact of fisheries** on other species and marine ecosystems, and in doing so adopt, where necessary, conservation and management measures that address the need to **minimise harmful impacts on living marine resources and marine ecosystems**; and

d) take due account of the need to conserve **marine biological diversity**.

3. The Commission shall provide a forum for consultation and exchange of information on the state of the fishery resources in the Convention Area and on the management

policies, including examination of the overall effects of such policies on the fishery resources and, as appropriate, **other living marine resources and marine ecosystems.** From areas closed to fisheries to MPAs.

KJH, July 2006