

Currie/Weeber:

The Precautionary Approach and Ecosystem Approach and VMEs

Further, different types of marine scientific research, including seabed mapping, mapping of VMEs based on information from the fishing fleet, on-site camera or video observations from remote vehicles, benthic ecosystem modelling, comparative benthic studies and predictive modelling can all result in identification of areas where VMEs are known or are likely to occur.³⁸ But the UNGA resolutions, and the precautionary and ecosystem approaches, show the appropriate response to such research is not to give a green light to fish where VMEs are known or likely to occur, but the opposite: to protect those areas.

Conclusion

The application of the precautionary approach and the ecosystem approach by the Scientific Committee, as mandated by the Convention, together with the UNGA resolutions means that SC-9 needs to:

1. Apply the ecosystem and precautionary approaches in its advice to safeguard marine ecosystems;
2. Recognise and describe the uncertainties inherent in the scientific approaches used, including catchability of different VME taxa;
3. Advise the Commission that there is high risk that the amount of VME areas closed to fishing is less than predicted by the models, and therefore the mandated UNGA resolution approach of closing areas where VMEs are known to occur or likely to occur should be followed;
4. Advise that it is not possible to develop reliable protection level options for VME indicator taxa at ecologically-meaningful spatial scales, using different approaches to encompass protection levels 70%, 80%, 90%, 95% due to the inadequate data and identified uncertainties in the models;
5. Advise that where VMEs are known to occur or likely to occur, the Commission should close such areas to bottom fishing and ensure that bottom fishing does not proceed, and advise that to date, reliable conservation and management measures can not be established to prevent significant adverse impacts on VMEs;
6. Ensure in its advice that all species, including rare and cryptic species, will be protected; and
7. Ensure in its advice that the Commission identifies and protects vulnerable marine ecosystems properly so called, rather than just single taxa.

³⁸ UNGA resolution 75/89 para. 200.