

## MEMORANDUM

**TO:** [[ Name]], Assistant Secretary of State for Oceans  
**FROM:** [[ Discussion Team members ]]  
**DATE:** [[            ]]  
**SUBJECT:** Managing Seamounts

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### **Introduction**

This memorandum analyzes the need for better management of seamount ecosystems on the high seas. We recommend: 1) adoption and enforcement of United Nations guidelines for the management of deep sea fisheries on the high seas 2) establishment of new Regional Fishery Management Organizations (RFMOs) for the high seas where needed 3) a total moratorium on seamount fishing in high seas areas outside of RFMO jurisdiction until high seas RFMO(s) are established and 4) development of a global standardized data collection approach and seamount classification index for future research.

### **Summary of Facts**

Seamounts are unique, deep-water ecosystems of volcanic origin rising up at least 1000m from the sea floor. There are at least 30,000 seamounts in the world's oceans, with 53% of these located in areas beyond national jurisdiction.

Seamounts are of particular ecological value and conservation interest due to their high levels of biodiversity and endemism. They have their own localized currents and upwellings that result in high plankton biomass that attracts fish and ultimately larger predators like tuna, cetaceans, sharks, and sea turtles. Researchers estimate that tens of thousands to millions of species may be endemic to specific seamounts or clusters of seamounts. Many of these seamounts have yet to be sampled, in part because the remoteness and depth of these ecosystems makes them difficult to study.

Due to their inaccessibility, many seamounts have historically been off limits to habitat-degrading fishing practices such as bottom trawling. However, the development of new trawl gear is opening up these ecosystems for exploitation, and with the dwindling of many traditional commercial stocks, more and more fishermen have started to target these productive ocean oases for their catch. A bottom trawl removes in minutes what nature took centuries to build. Measures must be taken now to prevent the use of such methods in these fragile underwater ecosystems.

### **Legal and Regulatory Framework**

In 2004, of the 155 countries that had seamounts within their EEZs, only 22 had applied any protective legislation to all or a portion of their seamounts. In the past seven years, the issue of protecting deep sea biodiversity and habitats has been extensively discussed at the global level by the United Nations General Assembly (UNGA).

Article 194.5 of the UN Convention on the Law of the Sea (UNCLOS) provides the fundamental framework for regulation, obliging all states to "protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life." Under UNCLOS, the International Seabed Authority (ISA) is charged with administering and protecting the resources of the seabed, or the "common heritage of mankind". As part of this responsibility, under Article 162.2.x, the ISA may disapprove an area of the seabed for exploitation where evidence exists that such activity may harm the marine environment.

Seamount protection first garnered significant international attention with 2004 UNGA Resolution 59/25, which called upon states and RFMOs to take action to protect deep sea biodiversity. However, when the UN Secretary General determined that little action had been taken to implement Resolution 59/25, this prompted another attempt in 2006 (UNGA Resolution 61/105) to encourage compliance among nation states. Resolution 61/105 requires that nations engaged in bottom fishing on the high seas conduct impact assessments to determine effects of bottom fishing activities on vulnerable marine ecosystems (VME), and if significant adverse impacts are identified ensure that fishing is managed or prohibited. Criteria were established for the impact assessment and VME identification process in 2008 via the UN Food and Agriculture Organization's (FAO) set of International Guidelines for the Management of Deep-Sea Fisheries in the High Seas. In 2009, UN Resolution 64/72 reaffirmed the 2006 resolution, asserting that until impact assessments mandated pursuant to 61/105 are implemented by flag states and RFMOs, no bottom fishing should be authorized to proceed.

Some non-governmental organizations have reviewed implementation status of these resolutions to find that while progress has been made in select areas, impact assessments have not been completed for the majority of fisheries in the Atlantic and Indian oceans, and many high seas fisheries remain unresearched and unregulated.

### **Recommendations**

1. **The United States should ratify the proposed RFMOs (South Pacific, South Indian Ocean, North Pacific) and encourage our allies and trading partners to do the same.** Vast areas of ocean still lack management bodies with the authority to protect habitats beyond national jurisdiction. RFMOs have been proposed for many of these regions, but have not yet entered into force.
  2. **Pass a UN Resolution for creation of a High Seas Oversight Committee.** The Committee would oversee progress of RFMOs and nation states in implementing UN Resolutions 61/105 and 64/72. This body would also be responsible for facilitating the creation of RFMOs for areas of the high seas where none exist or have been proposed pursuant to UN Resolution 64/72:124.
- POLICY**
3. **Enforcement of complete and immediate moratorium of all high seas fishing except where UNGA resolutions have been fully and effectively implemented as determined by the High Seas Oversight Committee.** The Committee would reserve the right to fine and confiscate the catch of any unauthorized vessel caught or reported fishing on the high seas.
  4. **The Committee would develop and require the utilization of a global standardized data collection approach and seamount classification database for impact assessments.** Nation states wishing to fish on or around a particular seamount should be responsible for carrying out research (in accordance with the standardized approach) of that seamount. Based on research, the Committee or the area's corresponding RFMO (when one exists) should then determine the eligibility of a particular seamount for sustainable harvest using the standardized index. If the seamount in question is eligible, the nation presenting the research should be allocated a percentage of the fishing quotas for that particular seamount or cluster of seamounts. At least 25% of quotas should be set aside for developing nations without the means to conduct research of their own.
  5. **The Committee should explore options for improved enforcement of UN Resolutions and regulations relevant to international seamount protection.** Some potential areas for further research and improvement include nation states' patrolling seamounts adjacent to their EEZs, use of remote sensing aboard vessels, and more accurate catch reporting.