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Fifteenth round of Informal Consultations of States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

(New York, 17 to 19 May 2022)

Report

SUMMARY

The present document contains the report of the fifteenth round of Informal Consultations of States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement), which was held in New York from 17 to 19 May 2022.

Pursuant to resolution 76/71, the fifteenth round of Informal Consultations was convened for three days: two days to focus on the topic “Implementation of an ecosystem approach to fisheries management” and one day to serve as a preparatory meeting for the resumed Review Conference.

I. Introduction

1. Pursuant to paragraph 62 of General Assembly resolution 76/71 of 9 December 2021, the fifteenth round of Informal Consultations of States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement) was held at United Nations Headquarters, in New York, from 17 to 19 May 2022. The meeting had been postponed since 2020 due to the impacts of the Covid-19 pandemic.

2. In paragraph 61 of resolution 76/71, the General Assembly recalled the recommendation of the resumed Review Conference in 2016 that the informal consultations of States parties to the Agreement be dedicated, on an annual basis, to the consideration of specific issues arising from the implementation of the Agreement, with a view to improving understanding, sharing experiences and identifying best practices for the consideration of States parties, as well as the General Assembly and the Review Conference (A/CONF.210/2016/5, annex, para. 15).

3. In paragraph 62 of resolution 76/71, the General Assembly requested that the Secretary-General convene the fifteenth round of informal consultations of States parties to the Agreement, if conditions allow, for three days in the first half of 2022: two days to focus on the topic “Implementation of an ecosystem approach to fisheries management” and one day to serve as a preparatory meeting for the resumed Review Conference.

II. Organization of work

A. Opening by the representative of the Secretary-General

4. The Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias, opened the fifteenth round of Informal Consultations of States Parties to the Agreement (ICSP-15). In his opening remarks, Mr. Mathias noted that it was the first sustainable fisheries meeting to be held in person at United Nations Headquarters since the beginning of the Covid-19 pandemic in 2020. He also paid tribute to Professor Fabio Hazin of Brazil, who served as Chairperson of the ICSP from 2014 until his untimely death in June 2021, as well as President of the Review Conference on the United Nations Fish Stocks Agreement in 2016.

5. Mr. Mathias noted that participation in, as well as the full and effective implementation of, the Agreement was essential for the conservation and sustainable use of straddling fish stocks and highly migratory fish stocks. It was therefore important to continue to encourage broader participation in the Agreement, in line with the call of the General Assembly in its resolutions on sustainable fisheries. He was pleased to note, in this regard, that since the last meeting of ICSP in 2019, two additional States, Cambodia (on 6 March 2020) and Togo (on 12 May 2022), had acceded to the Agreement, bringing the total number of Parties up to 92, including the European Union.

6. Mr. Mathias recalled that the General Assembly decided that the informal consultations would focus, during the fifteenth round, on the topic “Implementation of an ecosystem approach to fisheries management”. In addition, on its third and final day, ICSP-15 would serve as a preparatory meeting for the resumption of the Review Conference on the United Nations Fish Stocks Agreement to be held in 2023, when delegations would have the

opportunity to shape that important meeting by considering its draft agenda, organization of work and possible outcome.

7. Mr. Mathias noted that the implementation of an ecosystem approach to fisheries management was increasingly recognized as one of the keys to ensuring the sustainability of straddling fish stocks and highly migratory fish stocks, as well as the continued health and resilience of marine ecosystems associated with such fisheries. It was therefore a necessary element of the international community's efforts to achieve targets 14.2 and 14.4 of the 2030 Agenda for Sustainable Development. Mr. Mathias noted that the discussions over the course of the informal consultations would provide an opportunity to exchange information on experiences and best practices in the implementation of an ecosystem approach to fisheries management at the global, regional and national levels. Moreover, they would allow participants to consider challenges and opportunities for strengthening its implementation, including through the resumed Review Conference on the Agreement and other intergovernmental processes.

B. Election of the Chairperson

8. The meeting elected Ms. Anna Pála Sverrisdóttir, Counsellor, Permanent Mission of Iceland to the United Nations, as Chairperson.

C. Attendance

9. Representatives of the following Parties attended the fifteenth round of Informal Consultations: Australia, Bangladesh, Benin, Cambodia, Canada, Chile, Ecuador, European Union, Greece, Iceland, India, Indonesia, Iran (Islamic Republic of), Japan, Liberia, Malta, Morocco, New Zealand, Norway, Oman, Philippines, Republic of Korea, Russian Federation, Senegal, Spain, Thailand, United Kingdom, United States of America and Viet Nam.

10. Observers from the following States, United Nations specialized agencies, programmes and bodies, as well as other intergovernmental organizations and nongovernmental organizations attended the fifteenth round of Informal Consultations:

a. States non-parties: Burundi, China, Colombia, Democratic Republic of the Congo, El Salvador, Malawi, Saudi Arabia, Singapore, and Yemen;

b. Specialized agencies and other relevant organizations, bodies, funds and programmes within the United Nations system and secretariats of relevant 6 organizations and conventions: The Food and Agriculture Organization of the United Nations (FAO);

c. Intergovernmental organizations, subregional and regional fisheries management organizations and arrangements: General Fisheries Commission for the Mediterranean (GFCM), International Commission for the Conservation of Atlantic Tunas (ICCAT), International Council for The Exploration of the Sea (ICES), International Union for Conservation of Nature (IUCN), North East Atlantic Fisheries Commission (NEAFC), and Northwest Atlantic Fisheries Organization (NAFO).

d. Non-governmental organizations: Environmental Defense Fund and the Pew Charitable Trusts.

D. Opening statement of the Chairperson

11. In her opening statement, the Chairperson noted that the informal nature of the Consultations had, in past meetings, fostered an environment where States Parties and States non-parties to the Agreement alike could exchange information and views and engage in an open and constructive dialogue on issues of mutual concern. She looked forward to continuing that spirit of openness and cooperation in this fifteenth round of Informal Consultations.

12. The Chairperson observed that, since the Informal Consultations of States Parties had last met in May 2019, fisheries activities had continued, and the status of the world's fish stocks had generally not improved. She also noted that the important targets on sustainable fisheries set out in the 2030 Agenda for Sustainable Development, which were set to be reached in 2020, had not been met. She underscored that the meeting came at an important time, when the international community had an opportunity to redouble its efforts to strengthen the conservation and management of the world's fisheries and build back better at all levels.

13. In conclusion, the Chairperson recognized the important contribution of Professor Hazin to the Informal Consultations by acknowledging that she had very large shoes to fill and expressing the hope that standing on the shoulder of a giant would enable her and others to see further.

D. Adoption of the meeting documents

14. The meeting considered and adopted the agenda (see Annex I) and the organization of work of the meeting as proposed.

15. ICSP-15 also had before it written contributions received pursuant to paragraph 67 of General Assembly resolution 74/18 and paragraph 65 of General Assembly resolution 76/71, whereby the Secretary-General was requested to invite States Parties to the Agreement, as well as States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, not parties to the Agreement and others invited to participate in the Consultations as observers pursuant to paragraph 62 of the resolution, to submit their views on the topic "Implementation of an ecosystem approach to fisheries management." The contributions received are available on the website of the Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs.¹

III. General statements

16. Delegations expressed strong support for the Agreement as the appropriate legal framework through which States can ensure the effective conservation and management of straddling fish stocks and highly migratory fish stocks, and a strong pillar of the 1982 United

¹ https://www.un.org/Depts/los/convention_agreements/ICSP15/ICSP15contribution.htm.

Nations Convention on the Law of the Sea (the Convention). Delegations welcomed Cambodia and Togo as the most recent State Parties to the Agreement, with some noting that these accessions brought the Agreement closer to the goal of universal participation. Several delegations stressed their commitment to enhancing effective implementation of the Agreement, including for the purposes of meeting the goals and targets of the 2030 Sustainable Development Agenda.

17. Several delegations welcomed the topic of focus of the fifteenth round of the Informal Consultations as an issue of crucial importance, and expressed strong support for the ecosystem approach to fisheries management. A delegation noted that multiple regional fisheries management organizations in whose work it participated were at relatively advanced stages in discussions on the ecosystem approach to fisheries management, and therefore expressed appreciation for the timing of the meeting. Several delegations also welcomed the role that the fifteenth round would play in contributing to a successful resumed Review Conference in 2023.

18. Many delegations provided examples of how they were implementing the ecosystem approach to fisheries management. The importance of the ecosystem approach to tackling the impacts of climate change was also highlighted. A delegation noted that by taking all considerations into account simultaneously, the ecosystem approach minimized the conflict, competition and trade-offs between different stakeholder priorities.

19. Several delegations highlighted the importance of sustainably managed fisheries resources for sustainable development, including by providing a significant contribution to poverty eradication and food security.

20. Several delegations noted their adoption of specific fisheries management measures, including, fishing quotas; fishing moratoriums; the use of environmental impact assessments; fish stocking; and measures to minimize adverse effects on fishing habitat and reduced bycatch. Several delegations highlighted the need for sharing best practices not only amongst parties to the Agreement but also with other States in order to improve fisheries in general.

21. The importance of strengthening scientific research capacity, including to carry out oceanographic and environmental monitoring of the marine environment and ecosystems in order to increase understanding of the dynamics of fisheries resources was highlighted. Similarly, some delegations emphasized the need for continuous monitoring of the state of the marine environment as both the starting point for the sustainable management of marine ecosystems, and in order to identify shifts and trends and use modelling to improve predictions of future ecosystem conditions.

22. A delegation noted that the ecosystem-based approach to fisheries management required effective cooperation, however it cautioned that this was particularly challenging in regions where there was conflict over access to resources and maritime boundaries. It cited the World Oceans Assessment finding that regional disputes and geopolitical instabilities impeded the implementation of global and regional treaties and agreements thereby affecting economic growth, the transfer of technologies and the implementation of ecosystem approaches for managing ocean use.

23. Several delegations condemned the Russian Federation’s attack on Ukraine, calling it a serious violation of international law and the United Nations Charter. A delegation contradicted these statements, accusing Ukraine of violating international humanitarian law.

24. Another delegation encouraged other States to actively tackle illegal, unreported and unregulated (IUU) fishing, and work to achieve Sustainable Development Goal (SDG) indicator 14.6.1: Progress by countries in the degree of implementation of international instruments aiming to combat illegal, unreported and unregulated fishing. A delegation noted that the outcome of negotiations of other instruments should not undermine existing relevant instruments and relevant global regional and sectoral bodies, stressing the importance of guaranteeing the full compatibility of future instruments with the Agreement.

25. Many delegations paid tribute to the late Professor Hazin, the former Chairperson of the Informal Consultations, with several delegations expressing their gratitude for his knowledge and expertise and the humble and effective way of chairing meetings. Some delegations thanked the Secretariat for organizing the meeting and expressed appreciation at the return of in-person meetings after the start of the COVID-19 pandemic.

26. Several delegations announced that a contribution has been made to the Assistance Fund under Part VII of the Agreement, intended to assist in the participation in, and implementation of, the Agreement thereby contributing to improving conservation and management of straddling and highly migratory fish stocks. These delegations expressed their intention to make regular similar contributions in the future.

IV. Discussion panel on “Implementation of an ecosystem approach to fisheries management”

A. Segment 1: Understanding the ecosystems approach to fisheries management in the context of the United Nations Fish Stocks Agreement

27. Ms. Vera N. Agostini, Deputy Director of the Fisheries and Aquaculture Division of FAO opened the discussion panel with a presentation on the implementation of an ecosystem approach to fisheries management under FAO instruments. Observing the rich history of the ecosystem approach to fisheries at FAO, she noted that it had become a guiding approach for the practical implementation of sustainable development since its formal recognition in the past few decades. Apart from the environmental component, the approach also recognized the importance of socio-economic aspects. She identified the key features and steps of the approach, noting that its implementation relied on effective interaction with stakeholders and the need to draw on best available knowledge. She also explained FAO’s support to the implementation of the ecosystem approach to fisheries, which included the development of management plans for fisheries, projects and programmes, support to regional fisheries bodies, guidance materials, tools and capacity development initiatives, as well as the compilation of lessons learned. Regarding the role of regional fisheries bodies, she noted that practically all of them are increasingly using multiple elements of the approach in their regular work, focused on ecological well-being. Finally, Ms. Agostini shared lessons learned regarding the ecosystem approach to fisheries, noting the need for broad stakeholder participation; appropriate data; adequate governance structures; integration of fisheries in broader processes; continuous support at the technical, financial and institutional level; and a robust management system to external drivers.

28. Speaking on the scientific basis for implementation of an ecosystem approach to fisheries management, Mr. Jake Rice, Chief Scientist-Emeritus of Fisheries and Oceans Canada, observed that the scope of what comprises an ecosystem approach for fisheries management had evolved and become more inclusive over time, moving from a focus predator-prey interactions and “multispecies assessments” in the 1980s to environmental drivers and dynamic ecosystem models in the late 1980s and 1990s and biodiversity and habitat impacts of fishing by the 2000s. In his view, each incremental broadening scientific (and other) knowledge had three sequential roles. The first was providing sufficient evidence that the ecosystem factors and processes mattered to fisheries management; the second was showing how to take ecosystem factors into account in assessment and management, based on information-rich cases; and the third was developing strategies to apply the lessons more generally. Mr. Rice noted that every step brought additional types of scientific expertise into the assessment and management activities, which led to changes in management regulations about not just how much fish could be harvested, but also when, how, and where the harvesting could take place, with consequences for dependent livelihoods, cultural identity, and equity. These considerations were now part of implementing the ecosystem approach to fisheries management. Finally, he noted two major challenges to science and management in the 2020s, namely, developing the knowledge base to take climate change fully into account in management, and the integration of the social sciences with the environmental sciences.

29. Mr. Mark Dickey-Collas, Chair of the Advisory Committee of the International Council for the Exploration of the Sea (ICES) discussed the role of the science-policy interface in implementation of an ecosystem approach to fisheries management. He observed that as the knowledge base for ecosystem approaches to fisheries management developed, one had to also transform the system that created, shared and used that knowledge base. He drew lessons from five operational examples of science for fisheries management. First, he noted the context of specific management challenges could be identified by using regional overviews and evaluation of risk to prioritize and frame key findings. Second, he observed that where relevant, science had to account for fisheries in a dynamic social-ecological system. Third, he emphasized that monitoring, data collection and tool development for ecosystem approach to fisheries management had to be inclusive and transparent. Fourth, he recognized that scientists might have to deal with a plurality of management objectives. Fifth, he underscored that scientists had to create frameworks that maintained trust and credibility in the knowledge creation system.

30. Mr. Dmitry Gonchar, Principal Legal Officer of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations, highlighted the role of an ecosystem approach to fisheries management in the implementation of the Convention and the Agreement. He observed that, while there was no universally agreed definition of what constituted an ecosystem approach to fisheries management, such an approach was important for the long-term sustainability of fish stocks, and needed to ensure healthy and resilient ecosystems that could better resist anthropogenic and natural stressors. He described how the provisions of the Convention were supportive of an ecosystem approach. He recalled that the ecosystem approach to fisheries management was expressly reflected in the Agreement, in particular in the general principles set out in article 5 and incorporated in the application of the precautionary approach as required by article 6. Moreover, he noted that the approach was implied in article 7 on the compatibility of conservation and management measures. Mr. Gonchar highlighted that regional fisheries management organizations and arrangements were required to implement the Agreement’s provisions incorporating an

ecosystem approach to fisheries management and that, in this regard, many such organizations and arrangements had adopted relevant measures. He also noted that the previous Review Conference had adopted recommendations for strengthening the implementation of an ecosystem approach to fisheries management under the Agreement, which were due to be reviewed in 2023. Finally, he recalled that the General Assembly had repeatedly emphasized the importance of an ecosystem approach in all areas of ocean management, including fisheries, and that the issue had also been considered in other General Assembly processes.

31. In response to a question from the Chairperson on the challenge that vague management objectives pose to science, Mr. Dickey-Collas observed that the scientific community often did not fully understand the challenges of management bodies in reconciling multiple objectives. Ms. Agostini noted that scientific and management communities exhibited different levels of comfort with the precision of language around management objectives. Mr. Rice added that the only way in which these and other communities could be made to communicate more effectively was to find opportunities for them to speak to each other, such as during the Informal Consultations. He also expressed the view that it would be unrealistic and unreasonable to expect global agreement on a harmonized set of management objectives and that it would be more productive to seek agreement on what to avoid.

32. Responding to a question by a delegate regarding the link between marine protected areas and the ecosystem approach to fisheries management, Ms. Agostini noted that spatial management, including the designation of marine protected areas, was part of an ecosystem approach to fisheries management. Mr. Rice concurred that the designation of marine protected areas in itself was neither necessary nor sufficient to ensure an ecosystem approach to fisheries management, but that it could be effective when combined with other measures.

33. Delegations also posed questions to the panel on how to address differences in the availability and quality of scientific evidence between States, regions and types of fisheries; ways to bridge different traditions of setting and working towards global targets; and the best way, from a scientific point of view, to balance sustainable use with conservation. Regarding the issue of differing availability and quality of scientific evidence, Ms. Agostini noted that science was important, but that other best available information also had to be integrated into ecosystem approaches to fisheries management. She sought to dispel the notion that an ecosystem approach to fisheries was a complicated scientific endeavor that was unattainable for some States, as management plans had to take into account other types of information as well. Mr. Rice noted that the FAO had developed tools which could be used by information-rich and less information-rich countries. He also added that scientific processes around collating, reviewing and synthesizing data could also be used to process narrative information from communities, which could address a lack of capacity to engage in large monitoring programmes. Mr. Dickey-Collas observed that data qualitative approaches could indeed be developed, but that the rigidity of some scientific systems, including ICES, could make it difficult to integrate an ecosystem approach to fisheries management.

34. On the role of global targets, Mr. Rice noted that, in his experience, very few quantitative targets could be successfully scaled from local to global levels, as such targets would have to take into account different ecological, economic and cultural circumstances regarding biodiversity. Mr. Dickey-Collas observed that, through the work of regional seas conventions, global targets were increasingly being synthesized with regional priorities.

Regarding the issue of balancing conservation and sustainable use, Mr. Rice drew attention to the work of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), which had been conducting a thematic assessment of the sustainable use of wild species which would be tabled at the ninth session of the Plenary meeting later in the year. Ms. Agostini noted that an ecosystem approach to fisheries management, together with the precautionary approach, was meant to achieve a balance between conservation and sustainable use. She observed that this could be better integrated in the ongoing discussions on the Global Biodiversity Framework and expressed the hope the final text would explicitly mention these approaches.

35. In closing, Mr. Rice noted that we had come a very long way in developing an understanding of the ecosystem approach to fisheries management but still had some steps to take. Ms. Agostini concurred and noted that not having enough information was not a reason not to act. In her view, a scientifically thorough process was not required or feasible in every context, but other tools could be used, were available. Mr. Dickey-Collas stated that precaution and risk and yield were all so closely linked that one had to consider all elements carefully, and that losing yield might mean a much greener sea. Mr. Gonchar reiterated that an ecosystem approach to fisheries management could be found, at least implicitly, in most conventions relating to the law of the sea and already formed part of the obligations of States Parties.

B. Segment 2: The implementation of the ecosystem approach to fisheries management at the regional level

36. Mr. Nicola Ferri, Legal and Institutional Officer of the General Fisheries Commission for the Mediterranean (GFCM), described challenges in the implementation of an ecosystem approach to fisheries management at the regional level. Mr. Ferri identified the need for a proper legal framework for such an approach and recalled the related process in GFCM, which began with amendments to its constitutive agreement in 2014, followed by the adoption of decisions on the implementation of an ecosystem approach by its members. Mr. Ferri also identified the need to modernize the performance of RFMO/As and noted related adjustments in GFCM operations, such as amending its data collection process, changing management plans, conducting multi-year planning and ensuring proper environmental safety polices. In addition, Mr. Ferri described challenges with ensuring the ecosystem approach was incorporated in its capacity-building activities as well as the importance of developing meaningful partnerships with regional organizations and civil society for the protection of the marine environment in the Mediterranean.

37. Mr. Fred Kingston, Executive Secretary of the Northwest Atlantic Fisheries Organization (NAFO), recalled that NAFO's experience in the implementation of an ecosystem approach to fisheries management began in 2005 with the development of criteria to determine areas of marine biological and ecological significance. He noted that NAFO has focused on the ecological factors in this regard, while the socio-economic aspects of an ecosystem approach are considered to be within the purview of individual contracting parties. Mr. Kingston also described the role of NAFO bodies in the development and implementation of its ecosystem approach to fisheries management, as well as the benefit of a roadmap that provided the conceptual framework for the organization. In addition, Mr. Kingston highlighted the current focus on integrating ecosystem considerations into decision-making, including through ecosystem production modeling and multi-species assessments. He also noted an upcoming workshop that would bring together managers and scientists in

NAFO to draft specific ecosystem objectives and identify elements for their application, which would also help to inform the work of other regional bodies. Mr. Kingston also described measures adopted by the organization for the protection of VMEs, as well as challenges in measures by RFMO/As being considered in the context of the management of other oceans activities.

38. Mr. Camille Jean Pierre Manel, Executive Secretary of the International Commission for the Conservation of Atlantic Tuna (ICCAT), described the experience of ICCAT in the implementation of an ecosystem approach to fisheries management. Mr. Manel noted that ICCAT had been implementing elements of an ecosystem approach to fisheries for more than a decade, with initiatives for the conservation of seabirds, turtles, and sharks. Under the new convention text, which was amended in 2019, ICCAT now has an explicit mandate for an ecosystem approach to fisheries. Mr. Manel explained that implementation of an ecosystem approach to fisheries ensures transparency in the decision-making process, as well as cooperation between organizations. To this end, ICCAT continued to expand its cooperation with many organizations, including the other tuna RFMOs, as well as regional seas organization and many non-governmental organizations that enjoyed observer status with ICCAT.

39. Mr. Darius Campbell, Secretary of the Northeast Atlantic Fisheries Commission (NEAFC), described elements in the implementation of an ecosystem approach to fisheries management, including independent integrated science, regional biodiversity conservation objectives and specific biodiversity focused measures, as well as hurdles to be overcome to make future progress. He stressed the essential role of cross sectoral cooperation in an ecosystem-based approach, noted difficulties in consideration of social and economic aspects at the regional level and explained challenges in accessing biodiversity monitoring. Mr. Campbell also described its cooperation structure with the International Council for the Exploration of the Sea (ICES), as NEAFC relies on ICES for scientific advice, including with respect to the ecosystem approach. In addition, Mr. Campbell noted the role of area-based measures in implementing an ecosystem approach, including other effective area-based conservation measures (OECMs) and recalled the importance of understanding the impacts of humans on the ecosystem. In this regard, cooperation with OSPAR on marine biodiversity had complemented NEAFC's competencies on fisheries.

40. In the ensuing discussion, some delegations raised questions on the effectiveness of the ecosystem approach in fisheries management as implemented by RFMO/As, given the focus on fisheries in RFMO/As, as well as ways to improve implementation by RFMO/As. In reply, Mr. Kingston indicated that RFMO/As were no longer operating in a vacuum but were modernizing and amending their constitutive instruments to protect marine biodiversity and take into account marine ecosystems, while still focusing on fisheries management. Mr. Campbell explained that an ecosystem approach to fisheries management was a lens that required RFMO/As to consider the whole ecosystem and then adopt measures as tools to implement the approach. He noted, however, that an ecosystem approach could only be implemented if industries worked together at global, regional and national levels, with common objectives, albeit not necessarily with common measures. Mr. Manel also stressed the need for harmonization of national interests to ensure consistent guidance at the regional level. To this end, he also noted the importance of including fisheries experts in national delegations that were taking part in the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the

conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

41. In the context of the Intergovernmental Conference, some delegations and some of the panellists stressed the importance of ensuring that the new instrument did not undermine existing legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies, including RFMO/As. Mr. Kingston noted the extensive experience and scientific knowledge in RFMO/As and its value to other bodies in the management of activities in areas beyond national jurisdiction, including regarding area-based management measure and vulnerable marine ecosystems. Mr. Campbell highlighted the utility of existing regional modules, such as the memorandum of understanding between NEAFC and OSPAR, which could be enhanced under the new agreement as a way for regional bodies to work together with common objectives. One delegation expressed its hope that the new agreement would result in greater cooperation between RFMO/As and other organizations.

42. One delegation stressed the importance of cooperation between RFMO/As and other organizations in the implementation of an ecosystem approach, including through data sharing. Mr. Campbell noted in this context the valuable scientific information being developed by organizations and bodies, including civil society, but noted challenges in finding avenues for this information in fisheries management. He also noted the limitations of NEAFC, in light of its arrangement with ICES. In a similar vein, Mr. Kingston noted the absence of other regional bodies in the northwest Atlantic and, therefore, a lack of opportunities for cooperation, except on a global basis, for example through the FAO. Mr. Manel stressed the need for the ecosystem approach to be implemented through levels of cooperation, including between regional bodies, and noted in this context the Kobe process for tuna RFMOs, as well as memoranda of understanding between regional organizations with different mandates as evidence of tangible progress. Mr. Ferri recalled the memoranda of understanding between GFCM and other regional organizations and the need for more momentum in developing cooperation between RFMO/As and regional seas organizations. He noted in this context the agreement between NEAFC and OSPAR as a model for improving cooperation in the implementation of an ecosystem approach, and also highlighted the Sustainable Ocean Initiative (SOI) of the Secretariat of the Convention on Biological Diversity (CBD).

43. One delegation also highlighted the work of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), which had been invited to the meeting but was unable to participate, and noted challenges in data collection and research activities in the Southern Ocean, which it stressed were key elements in the implementation of the ecosystem approach to fisheries management.

44. The Chairperson invited the panellists to comment, in general, on the similarities and differences between RFMO/As in the implementation of the ecosystem approach to fisheries management. Mr. Manel and Mr. Kingston noted that differences in the implementation of the ecosystem approach to fisheries management depended on the topography and fisheries of RFMO/As, as tuna RFMOs focused on activities in the water column and non-tuna RFMO/As needed to address impacts with vulnerable marine ecosystems on the ocean bottom. Mr. Manel also noted resulting differences in terms of cooperation and coordination with other organizations.

45. Mr. Manel, Mr. Campbell and Mr. Kingston reflected on the value of RFMO/As and their secretariats learning from one another, for example through the Kobe process and from contracting parties in common, on such subjects as by-catch and predator/prey interactions. Mr. Ferri noted similarities among RFMO/As with regard to actions taken to amend legal frameworks to take account of the ecosystem approach, modernize performance in terms of the adoption of measures and promote cooperation between RFMO/As and other partners to build upon synergies, avoid duplications and not undermine the work of existing frameworks and bodies. Mr. Campbell noted the difference between well-resourced RFMO/As, where the focus of activities was at the national level, and less-resourced RFMO/As, where this focus was at the regional level due to lack of national resources. Mr. Campbell and Mr. Kingston also noted geopolitical differences in RFMO/As with some organizations needing to address challenges due to distant water fleets, which were not present in other RFMO/As.

46. The Chairperson invited the panellists to comment on the impact that the implementation of the ecosystem approach to fisheries management had in RFMO/As. Mr. Ferri and Mr. Manel noted the progress in the measures now being adopted by RFMO/As, with the focus now on non-target species and impacts on the marine environment, which have helped to improve the sustainability of target species. Mr. Kingston and Mr. Campbell also noted that measures adopted by RFMO/As to address impacts on the marine environment had improved the overall health and stability of fisheries. Mr. Campbell highlighted the effectiveness of area closures by RFMO/As, which were enforceable measures, unlike marine protected areas in many other parts of the world. Mr. Ferri also noted the difference in the role of RFMO/As, as improvements had been made in terms of transparency, cooperation and especially participation, including from civil society. In their final remarks, Mr. Ferri indicated that discussions and processes at the United Nations had made a positive impact on the decisions by RFMO/As on the management of fisheries and recalled in particular the seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea in 2006 with its focus on ecosystem approaches and oceans and the fourteenth round of Informal Consultations of United Nations Fish Stocks Agreement with its focus on performance reviews of RFMO/As. Mr. Ferri and Mr. Kingston indicated that implementation of the ecosystem approach to fisheries management was a developing but maturing process. Mr. Campbell highlighted the importance of cross-sectoral coordination at the national level in the implementation of the ecosystem approach to fisheries management, particularly between ministries. Mr. Manel noted the need for further and strengthened efforts in the implementation of the ecosystem approach to fisheries management, through effective processes with all relevant stakeholders, with the end goal being the sustainability of ecosystems and fish stocks.

C. Segment 3: The implementation of the ecosystems approach to fisheries management at the national level

47. In the first presentation of this segment, Mr. Andres Arens Hidalgo, Vice Minister of Aquaculture and Fisheries, Ecuador, highlighted the opportunities and challenges for fisheries management experienced by Ecuador as a small developing State. Noting that the exclusive economic zone of Ecuador was much larger than its land territory and stressing the importance of fisheries and aquaculture for its economy and workforce, Mr. Hidalgo stated that Ecuador aimed to join as many RFMO/As as possible. In 2020, Ecuador had replaced its older fisheries legislation with a new law implementing the ecosystem approach, offering new tools to address IUU fishing, which was complemented by a General Fisheries Action Plan and a Presidential Decree to regulate the law's implementation. Ecuador had undertaken

several actions to implement the new instruments, including investing in digital traceability tools, dialogue roundtables with stakeholders, transparency policies, and developing national action plans for several species. Ecuador also expected to diversify its fishery exports beyond traditional bio-aquatic resources for new commercial destinations. Given that most of Ecuador's fish stocks were highly migratory species and that its legal framework only applied to Ecuadorian flagged vessels and in areas within Ecuador's jurisdiction, Mr. Hidalgo concluded by encouraging all States to apply sustainable fishing policies and to coordinate regional and global efforts to implement the ecosystem approach.

48. Mr. Richard Parsons, Head of the UN and International Fisheries Team, Department for Environment, Food and Rural Affairs, United Kingdom of Great Britain and Northern Ireland, outlined the United Kingdom's evolution towards an ecosystem approach, including the building blocks it had put in place to move towards holistic fisheries management. He explained that the Fisheries Act 2020, which includes an ecosystem's objective, was implemented through a Joint Fisheries Statement setting out UK-wide policies and Fisheries Management Plans. These instruments were underpinned by markers of an ecosystem approach, namely a precautionary approach to fisheries management, reduction of unnecessary mortality, including measures to prevent overfishing and IUU fishing, and the protection and conservation of habitats and species. Mr. Parsons noted that the United Kingdom had enacted laws to introduce marine protected areas (MPAs) and prohibit the use of bottom fishing gear, reaching its target of protecting 30 per cent of national waters with MPAs. In conclusion, Mr. Parsons stated that key challenges for the United Kingdom going forward were enhancing engagement with the fishing industry and other relevant stakeholders for collaborative decision-making, filling gaps in the evidence base to support the application of an ecosystem approach, as well as building capacity for marine spatial prioritization and managing complex trade-offs regarding the use of marine resources.

49. The third panellist, Ms. Sarah Gaichas, Research Fishery Biologist, Northeast Fishery Science Center, National Oceanic and Atmospheric Administration (NOAA), United States of America, presented the experience of the United States in integrating various ecosystem approaches into fisheries management. She outlined six guiding principles underlying the Ecosystem Based Fisheries Management approach, noting that it considered the influence of climate, habitat and ecology on multiple fish stocks and aims to maintain resilient ecosystems. To illustrate the successful national implementation of an ecosystem approach, she described how the Mid-Atlantic Fishery Management Council, one of the country's eight regional Fishery Management Councils, used ecosystem reporting, risk assessment and management strategy evaluation, including assessing the implications of climate change on managed species. Highlighting the importance of a collaborative, iterative process among stakeholders for the success of ecosystem reporting processes, and risk and vulnerability assessments, she concluded by emphasising that national policies should be based on the current legal framework and supported by integrated strategic planning for advice.

50. In the final presentation of the segment, Ms. Sarah Poon, Associate Vice President, Fishery Solutions Center, Environmental Defense Fund, highlighted the role that civil society could play in assisting States to build their capacity to implement an ecosystem approach at the national level. Noting three key roles for civil society as convenors, policy advisors and technical advisors, she stated that civil society could contribute to building States' capacity for science-based fisheries management across all three roles. Highlighting examples of the Fund's work with Cuba to develop a National Plan of Action for the Conservation and Sustainable Management of Sharks and Rays and with Belize to develop a National Adaptive

Multispecies Finfish Management Plan, she noted the Fund's experience in facilitating engagement of fishers, including through local committee outreach and stakeholder workshops, and bringing adaptive management and other scientific approaches to life in national settings. She also recalled the Fund's involvement in a stakeholder workshop in Belize organised by the United Nations Conference on Trade and Development and the Division for Ocean Affairs and the Law of the Sea, culminating in a report, "Towards a climate resilient multispecies finfish management plan for Belize". In conclusion, Ms. Poon encouraged States to better understand the objectives of civil society working in fisheries management at the national level, and to utilize the technical expertise of civil society to achieve shared goals.

51. The ensuing discussion focused on the impact of ecosystem-based management of fisheries at the national level. Noting that a return to healthy fish stocks was expected within five to seven years in Ecuador based on current forecasts, Mr. Hidalgo commented that the involvement of a range of stakeholders in decision-making processes had contributed to the successful implementation of the country's new legislation and policy framework. Mr. Parsons noted that the use of an evidence-led and consultative process with the input of diverse stakeholders had similarly aided the implementation of the United Kingdom's new legislative framework, citing an example of the closure of a marine protected area (MPA) to bottom fishing activities.

52. A question was raised as to how the ecosystem approach would be implemented in an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular querying whether it would vest the Conference of the Parties under the agreement with the power to impose conservation measures. Noting that the negotiations remained ongoing, Ecuador recalled its view that any new instrument should not undermine existing instruments and bodies, including RFMO/As.

53. In response to a question regarding how States and civil society could best share information on the domestic implementation of an ecosystem approach, Ms. Poon noted the importance of a collaborative process, citing the assistance provided by the Environmental Defense Fund to Cuban authorities towards the development of the previously mentioned National Plan of Action. Ms. Gaichas and Mr. Parsons echoed this comment, noting, respectively, that the process adopted by the Mid-Atlantic Fishery Management Council facilitated cross-sectoral information and knowledge-sharing and that the United Kingdom welcomed opportunities to share experiences in forums such as the present informal consultations.

54. One delegation, noting that it had submitted a contribution on ecosystems-based management approaches, queried what regulations the United Kingdom had in place to implement its extensive MPA regime and whether the United States had implemented marine spatial planning for cross-sectoral management. Mr. Parsons stated that the United Kingdom had a broad spectrum of MPAs, from those that are highly protective to those permitting some types of fishing, and it uses a wide range of measures, including planning consents and licensing rules, for their establishment. Ms. Gaichas noted that, in the United States, marine spatial planning was approached at the agency level, and that agencies regulating different sectors coordinated directly without an overarching framework for coordination.

55. One delegation queried how fishery management bodies act on complex information, including data related to high-risk interactions, in implementing the ecosystem approach. Ms. Gaichas noted that forms of information were used differently, explaining by way of example that climate data could be directly incorporated into stock assessments and could also be used by Scientific and Statistical Committees advising Fishery Management Councils on maximum allowable catch, and that information on revenue and catch in proposed offshore wind areas was used by Fishery Management Councils to assess effects on ports and fleets. Responding to a question regarding the United States' use of a combination of fishery management approaches, Ms. Gaichas observed that there was no 'one size fits all' approach, with each Council opting to implement a combination of ecosystem approaches best addressing their stakeholder needs, managed fisheries and regional ecosystem conditions.

56. Questions were also raised regarding how capacity building could be incorporated into national programmes and policies implementing an ecosystem approach and how States could collaborate with stakeholders in developing such policies. On the first question, Ms. Poon noted the importance of first identifying capacity-building needs and then pinpointing appropriate modalities to address those needs. She drew attention to the Environmental Defense Fund's use of creative forms of capacity building, including technical trainings, learning networks and exchanges between countries, to address varied needs. On the second question, Ms. Gaichas underscored that collaboration with stakeholders was inherent in processes and initiatives of the United States' Fishery Management Councils and highlighted the current development of a cross-council climate strategy. Mr. Parsons noted that fisheries were regulated by devolved administrations in the United Kingdom, which necessitated strong collaboration and cooperation for both administration and international engagement. Concurring with his fellow panellists, Mr. Hidalgo noted that engaging stakeholders across the fishing industry, countries and regions, particularly those targeting the same fish stocks, was paramount.

57. In response to the Chair's invitation for panellists to offer closing remarks, Mr. Hidalgo recalled that while Ecuador was a small developing country, it was an important fisheries actor eager to build on the experiences of other States. Ms. Gaichas noted with appreciation the opportunity to learn about regional and intra-national approaches to fisheries management, given the latter's relevance for the United States. Mr. Parsons emphasised the United Kingdom's commitment to collaborating with and learning from others in implementing an ecosystem approach. Expressing gratitude for the opportunity to share a civil society perspective, Ms. Poon reflected that the key themes of the session had been the need for a collaborative approach and effective stakeholder management. The Chairperson concluded by observing that a strength of the United Nations Fish Stocks Agreement is that it facilitates cooperation and collaboration.

D. Segment 4: Opportunities and challenges for strengthening the implementation of an ecosystem approach to fisheries management

58. In the first presentation of this segment, Mr. Jason Link, Senior Scientist for Ecosystem Management and Chief Ecologist, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service, United States of America, began by outlining a holistic understanding of an ecosystem approach to fisheries management, entailing a balancing of multiple objectives in the practice of fishing, and the necessity of managing trade-offs between them. He spoke to three challenges: (1) inertia, or resistance to changes in practices, highlighting that many obstacles to the implementation of ecosystems

approaches have already been overcome; (2) unawareness of developments in other scientific disciplines that have potentially significant applications for fisheries, including vis-à-vis hierarchy and network theories, highlighting that methodologies for understanding fisheries dynamics on an ecosystem-wide basis uncover trends earlier than through stock-by-stock analyses; and (3) perception, with objections often arising from a misunderstanding of the extent to which technological advances make the use of ecosystem approaches feasible. In terms of opportunities, Mr. Link highlighted three: (1) climate change, which is resulting in a redistribution and replacement of fisheries species and offers opportunities to develop new fisheries; (2) systems-thinking, which offers opportunities for management on a system-wide basis, reducing overfishing and increasing value; and (3) adjusting incentives, using a portfolio approach, to achieve greater value and less risk.

59. Ms. Marina Santurtún, Sustainable Fisheries and Oceans Market Manager in AZTI-BRTA, Spain, outlined the experiences of Spain in the implementation of ecosystem-based fisheries management, through the lens of three case studies. The first related to building on what is in place and focused on tuna stocks. She outlined the existing frameworks being used by regional fisheries bodies, and Spain's involvement in monitoring and sample collection, including in conjunction with industry. Ms. Santurtún then outlined, with examples, how genetics can be used as an important tool in the management of different stocks. She highlighted that improving biological knowledge can be operationalised in practical ways to ensure that the fishing sector can be more productive and efficient and avoid issues of bycatch. The second case study related to approaches for new mesopelagic resources. Ms. Santurtún outlined that the challenge is to know whether existing biomass in the mesopelagic zone should be targeted, giving due consideration to trade-offs. She highlighted, in this respect, the differential values of gain in terms of resources versus potential losses in terms of impacts on biodiversity, including on other commercial species, cultural and recreational services, and in terms of transport costs. In the third case study, Ms. Santurtún considered how existing platforms may be modernised and optimised, focusing on the benefits to be gained from undertaking expanded and multidisciplinary oceanographic surveys collecting data on additional parameters on an ecosystem-wide basis. She emphasised challenges in integrating different components of the system, but highlighted that work is already underway to place species in the context of wider environmental variables. She emphasised, in conclusion, that ecosystem-based fisheries management should improve health, well-being and economic growth, and preserve ecosystem goods and services in an environment impacted by climate change.

60. Mr. Andrew Clayton, Project Director, Ecosystem Conservation and Fisheries, Pew Charitable Trusts, began his presentation by considering issues of terminology, highlighting common factors in the understanding of ecosystem approaches to fisheries management. These included the incorporation of ecosystem considerations in fisheries management, safeguards on ecosystem functioning, and protecting and restoring habitats and populations. He emphasised holistic management, moving beyond considerations of single species yield, and the need for a progressive, adaptive, and incremental approach. He noted that this approach offers an opportunity to bring issues of protection together with the sustainable use side of policymaking, including socioeconomic aspects, and thereby bridge policy areas which are often siloed. Mr. Clayton highlighted the work of Pew Charitable Trusts on ecosystem-based management, including work with legislators in the United States to apply ecosystem-based fisheries management in practice, global work with RFMO/As and other multilateral fora to embed ecosystem resilience into fisheries governance internationally and to bring about modern, long-term, science-based management, and specific initiatives in

Europe and Antarctica. He emphasised the need to focus on the role of managers, and how managers can implement ecosystem-based fisheries management, highlighting that it is managers that are in a position to reconcile political commitments, legislative requirements and societal expectations, and to seek and translate the relevant science. He proposed a five-step approach for ecosystem-based management, namely: (1) conserving forage species and protecting the structure of an ecosystem; (2) minimizing bycatch; (3) protecting fish habitats and the functioning of ecosystems that support productivity; (4) proceeding with caution, being proactive rather than reactive, particularly in light of substantial threats from climate change and other stressors; and (5) creating fishery ecosystem plans, setting objectives and indicators to monitor progress. He highlighted the need for transparency, including surrounding how managers will react to new information, and the need for accountability in this respect. He concluded by emphasising the benefits of ecosystems approaches to protecting productivity, noting that tools are available, but that more must be done.

61. The fourth panellist, Mr. Serge Garcia, Chair of the Fisheries Expert Group of the International Union for the Conservation of Nature Commission on Ecosystem Management, provided a recorded presentation on Other Effective Area-Based Conservation Measures (OECMs) and their potential role in an ecosystem-based approach to the implementation of the Agreement. He outlined that, pursuant to a definition adopted by the Conference of the Parties to the Convention on Biological Diversity (CBD) in 2018, an OECM is “a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values”. Fishery OECMs are area-based fishery management measures meeting this definition, whether or not biodiversity conservation is their primary objective. He noted the potential of OECMs in achieving fisheries conservation targets has been noted, while meetings have taken place on the global level regarding OECMs for the marine capture fisheries sector to improve understanding of available guidance and capacity-building needs. Noting commonalities between the objectives of the UNFSA and the CBD, he noted that the ecosystem approach adopted by the CBD had been translated by FAO to fisheries, and adopted by all RFMOs, many of which employ area-based management measures. He observed that the identification and use of OECMs represented an opportunity for RFMOs to strengthen, with little additional work, operationalisation of the ecosystem approach to fisheries in areas beyond national jurisdiction, as well as enhancing the conservation outcomes of existing and new closures, and dialogue on issues relating to biodiversity conservation and fisheries. Use of OECMs could also assist in attaining global conservation targets enumerated in the 2030 Agenda and the post-2020 global biodiversity framework. However, he also noted certain conceptual and operational challenges.

62. In the final presentation for the segment, Mr. Momodou S. Jallow, Head of Research and Development, Department of Fisheries, The Gambia, provided a pre-recorded presentation setting out the background to fisheries in The Gambia, noting the existence of highly productive areas on the Western part of the Atlantic Coast. He then provided an overview of the artisanal and industrial fisheries sectors, and The Gambia’s international collaboration through membership of various regional and sub-regional fisheries bodies, bilateral agreements and engagement in several regional initiatives, including with respect to capacity development and cross-sectional collaboration. Having outlined the functions of the Fisheries Department in fisheries management, Mr. Jallow highlighted the fisheries management cycle and challenges faced by The Gambia in implementing an ecosystem

approach to fisheries management. Principally linked to inadequate resources and lack of human capacity, these challenges include: the policy and legal framework not adequately covering emerging issues; an absence of fisheries management plans for key fisheries; inadequate mechanisms for participation of non-state actors in decision-making; limited capacity for research and for inspection, monitoring, control and surveillance services; and illegal fishing due to weak enforcement of fisheries regulations. Several opportunities for implementing ecosystems approaches to fisheries were enumerated, including reviewing existing fisheries policy and legal frameworks to address gaps and incorporate ecosystems approaches; taking advantage of programmes to improve capacity; developing fisheries management plans for shared stock, which will be harmonized at the regional level; improving data collection mechanisms; strengthening the participation of non-state actors in fisheries management; and taking steps to mainstream gender in fisheries management and increase women's participation in decision-making in the fisheries sector. In conclusion, Mr. Jallow highlighted the need to ensure emerging issues, such as climate change, are covered in new policy and legal frameworks, to enhance inter-institutional national and regional collaboration, to harmonize fisheries management plans and measures, and to improve research capacity.

63. One delegation sought clarification on the best methods to ensure that fisheries can be sustainable while remaining a source of protein and a contributor to the sustainable development of the economy. Ms. Santurtún responded to the question of how to preserve the ecosystem while maintaining a good supply of nutrition and sustainable products by highlighting that this issue was key, and that these approaches are aiming to find the right equilibriums to preserve a healthy and productive ecosystem that can serve as a source of food. She noted that there are many socioeconomic variables to be taken into account. In terms of best practice, Ms. Santurtún highlighted that well-established scientific bodies already exist in which frameworks, approaches and indicators are being developed to achieve sustainability objectives. She recommended working within those frameworks, relying on scientific knowledge to delimit the relevant thresholds, in line with the precautionary approach. Mr. Link added that there are various dimensions, and the process of going through and evaluating the trade-offs is important to ensuring that voices are brought together. He highlighted that sustainable fisheries and food security are, and should be, closely aligned objectives.

64. Noting that gender aspects had been mentioned in Mr. Jallow's presentation, the Chairperson raised a question regarding the extent to which gender is being taken into account in other processes for the implementation of an ecosystem approach to fisheries management. Mr. Clayton observed, in this respect, that humans are part of the process in applying an ecosystem approach to fisheries management, and that guidance should be sought from the Sustainable Development Goals (SDGs), which include not only aims for fisheries management, but also other aims related to human well-being. He noted that it is reasonable to include goals, such as those relating to environmental justice, in fisheries management, but also emphasised that this should be done through a democratic process, in which aims are set out transparently, rather than being left to a technical process. Mr. Link commented, in this respect, that the SDGs need to be viewed together, with SDG 2 on zero hunger and SDG 14 closely linked, together with SDG 5 on gender and that if gender could be incorporated into ecosystems approaches to fisheries management, this would be an improvement.

65. One delegation, representing a recent State Party to the United Nations Fish Stocks Agreement, intervened to provide an overview of how ecosystems approaches to fisheries management and similar approaches are being or will be implemented on the subnational, national and regional levels, including in dialogue with fishery development partners and through various regional and subregional plans. The delegation highlighted how marine fisheries management plans are being developed, which it is hoped to address various variables, in line with key priority areas and government funding commitments. The delegation noted that the State was updating its legal framework to reflect issues affecting fisheries regionally, a framework which can support the development and implementation of ecosystems approaches to fisheries management. The delegation noted, however, the need for financial, human resources and institutional capacity-building, particularly in respect of observations, including issues of monitoring, control and surveillance.

66. A question was raised by a delegation regarding the management of forage species, which are important for both human consumption and as part of the food web. Mr. Clayton responded by noting that forage species provide a way to immediately operationalise these approaches because of their role in the ecosystem, including in light of their scale and end uses, including as fish oil and aquaculture feed. He noted that interactions within fisheries are never simple, but that the question of whether to fish a given species will depend on the circumstances. Given the use of forage species in aquaculture, he also observed that there may be a bigger policy question, such as how much wild fish should be caught to feed farmed fish. He noted the role of exploratory fisheries in respect to species such as zooplankton, which have a significant biomass and could service the aquaculture market, but whose fishing has unknown impacts on the ecosystem. He also noted that some forage species which are hugely important in this sector undertake extensive migrations. He concluded by noting that forage fisheries do not, unlike some other more complicated fisheries, involve a lot of bycatch and interaction within the species, but that they nonetheless provide a good starting-point for ecosystem-based management because of their role in the ecosystem.

67. The delegation from ICES intervened on this topic to note that it provides advice in the North Atlantic on several short-lived species using a harvest control rule designed to protect the biomass. The delegation noted that for most of those stocks, natural mortality from top predators is already built into the provision of that advice, meaning that concerns regarding forage species are being taken into account, and have been for a number of years. In addition, twenty per cent of stocks for which it provides advice that are data-rich have a variable natural mortality already built-in, which accounts for the predation of birds and sea mammals as well.

68. Another question was raised by a delegation regarding how trade-offs are calculated, with particular reference to an example given in Ms. Santurtún's presentation. Ms. Santurtún observed that certain calculations may have been done based on the number of mesopelagic resources consumed by commercial species, but that these values may underestimate the actual role of mesopelagic resources in the ecosystem. She noted that there may be other services being lost, such as cultural services. She observed that this was a grey area in which work was currently being undertaken and that the figures will probably be updated.

69. A delegation commented on the solutions available and noted the need to utilise these and bring them into practice, suggesting that it was time to pick the low-hanging fruit in terms of learning from those with good practices. The delegation noted that it had assessed its fisheries regulations against the CBD criteria for OECMs and queried the extent to which

RFMO/As were considering the relevance of the OECM framework to their work. On this topic, the delegation from NEAFC noted that it has a working group looking at area-based measures to see if they match up with the criteria developed under the IUCN and CBD process, and is following the workshop of IOC-UNESCO on this topic. The delegation noted that some VME enclosures can clearly match up nicely with OECMs, and that there is a clear way to designate them as a regional body, but that questions remain on policy and scientific details. While progress was being seen on this topic, designations must be well-designed before moving forward and putting them to the CBD.

70. Noting the several mentions of single species aspects in the presentations, a question was raised by the Chairperson as to whether there would not always be, to some extent, a single-species approach in terms of being able to calculate how much of each species can be taken. Mr. Link responded that, at one level, it was necessary to manage and understand individual stocks. At another level, however, it may be possible to generate greater value with less risk and provide a better understanding of stock and ecosystem status. It was noted that, if that is desired, it would not be wise to persist in a single-species approach and ignore other factors. The analytics and practice demonstrate that systems management results in better outcomes. Ms. Santurtún noted that total allowable catch is indeed used for major fisheries, but that alternative management systems are also possible, based not on tonnage but on effort, in terms of number of journeys and the size of boats. She noted that indicators of ecosystem status can provide not only the amount of one species but a profile of the composition of catches. Mr. Clayton added that the ecosystems approach is ideal, observing that, as the ICES intervention demonstrated, even for a process ending in a single species quota, interactions in the fishery and ecosystem are taken into account, such as through natural mortality calculations, which expand the analysis beyond a single species.

V. Status of the Part VII Assistance Fund

71. Mr. Lorenzo Coppola, Programme Management, FAO, recalled that the purpose of the Part VII Assistance Fund established in 2003 is to assist developing States Parties in the implementation of the Agreement. He also recalled that the Terms of Reference had been revised twice in 2008 and in 2019, with the 2008 revisions aimed at clarifying certain matters relating to the submission of applications, the process for the determination of applications, the use of financial assistance and reporting obligations, while the 2019 revisions introduced more flexibility to States in making voluntary contributions to the Fund and broadened the ways in which this could be used by developing States Parties. He highlighted that during the period 2004 to 2015, Australia, Canada, Iceland, Lebanon, New Zealand, Norway, and the United States of America made financial contributions to the Fund totaling USD 1,667,455. No contributions were made during the period 2016 to 2018, and while additional contributions amounting to USD 13,139 were received from New Zealand since 2018, the Fund has not been ready for full operation. He reiterated, in this regard, that the General Assembly, in its resolution 76/71 of 9 December 2021, urged States, intergovernmental organizations, international financial institutions, national institutions, and non-governmental organizations, as well as natural and juridical persons, to make voluntary financial contributions to the Fund.

72. Mr. Coppola also reported that in December 2021, the European Union and FAO entered into a donor agreement for a USD 1,127,599 project titled “*Project of Assistance to*

Strengthen Participation in, and implementation of, the UN Fish Stocks Agreement”, to be jointly implemented by FAO and DOALOS over a three-year period.

73. He further elaborated on the types of assistance from the Fund during the period 2006 to 2016. Overall, it was recalled that the Fund had provided logistical support to 141 States’ representatives from 30 developing States Parties, of which 17 were from Small Island Developing States.

74. Mr. Dmitry Gonchar, the Principal Legal Officer, DOALOS, provided further information regarding the capacity-building project being developed as a result of the contribution of the European Union to the Assistance Fund that was designed to respond to needs identified at the 2016 Review Conference. The project is the first to be funded through the mechanism added to the Terms of Reference of the Fund in 2019, under the umbrella of FAO and to be implemented jointly by DOALOS and FAO. He concluded his statement by welcoming the engagement of States, RFMOs and other stakeholders as the project moves into the implementation phase, during which additional details will be provided to all States and other stakeholders.

VI. Initial preparatory work for the resumption of the Review Conference on the Agreement

75. The Chairperson indicated her intention to address the documents essential for the preparation of next year’s resumed Review Conference, which included the draft agenda and organization of work for the resumed Review Conference, the draft methodology for the outputs and Officers of the resumed Review Conference and the draft questionnaire for the report of the Secretary-General to the resumed Review Conference.

Draft agenda for the resumed Review Conference

76. The Chairperson recalled that in April 2020, following a written consultation with States Parties, the Chair of the Fifteenth Round of Informal Consultations of States Parties to the Agreement (ICSP-15), the late Professor Fabio Hazin (Brazil) informed the Secretariat that the ICSP-15 had been postponed to 2021 in light of the impacts of the COVID-19 pandemic. It was also decided that, in preparation for the resumption of the Review Conference in 2021, a consultation by correspondence would be held on the draft provisional agenda and organization of work of the resumed Review Conference. On 9 June 2020, delegations were informed that, following the consultations, the documents had not been further revised and remained under consideration as circulated.

77. Some delegations proposed to include a second bullet point in the draft agenda item referring to the “Election of the President” to allow for the elections of a new President at the resumed Review Conference, also be subsequently reflected in the draft organization of work.

78. The draft provisional agenda for the resumed Review Conference was accepted, with the amendments as proposed by delegations.

Draft organization of work

79. A delegation sought clarification whether the organization of work followed the scheme of the recommendations made at the previous Review Conference, particularly in

light of the inclusion of certain agenda items and the reference to certain terms as reflected in the organization of work. The delegation also queried if there would be another opportunity to provide amendments to the draft documents at a later stage. In response to the question regarding opportunities to provide amendments on the draft agenda and the draft organization of work, the Secretariat clarified that both documents are expected to be finalized as draft documents during the Informal Consultations, however, that these would be adopted formally during the opening day of the Review Conference so delegations would have the final opportunity to provide comments to the documents at that time.

80. Several delegations strongly urged for an interval of three to four months between the next Informal Consultation and the resumed Review Conference, to allow more time for their preparations and also trying to avoid conflicts with other meetings of the RFMOs. The Secretariat provided clarification with regard to the timing of the two meetings to be held in 2023. Prior to organizing the Informal Consultations which is generally held prior to the resumed Review Conference, the Secretariat would have to ensure that the advanced and unedited report of the Secretary-General to the Review Conference has already been prepared. The draft organization of work was accepted, with the possibility of incorporating any suggested technical revisions that would be submitted by delegations immediately following the meeting.

Draft Methodology for the outputs and Officers of the resumed Review Conference

81. The Chairperson recalled that on 22 April 2021, due to the COVID-19 pandemic and following consultations with Member States, there was general consensus that the ICSP-15 was to be further postponed to March 2022. It was also agreed that the two outstanding items related to the resumption of the Review Conference, which was the output of the resumed Review Conference and the officers for the Review Conference, would be addressed via consultation by correspondence. She informed the meeting that, on 25 May 2021, a note verbale containing a draft methodology for the possible outputs and the election of the Officers of the resumed Review Conference was circulated by the Secretariat requesting views of States Parties to the Agreement. Furthermore, on 23 July 2021, an email regarding the next steps in the preparation of ICSP-15, in light of the unexpected passing of Professor Hazin, was transmitted to delegations, with three responses to the draft methodology attached. The delegations' responses indicated that they were content with following past practice relating to the output of the resumed Review Conference, as well as the Officers for the resumed Review Conference.

82. The Secretariat provided additional information on past practice concerning the outputs of the 2006, 2010 and 2016 Review Conferences and the method for developing a negotiated outcome of the resumed Review Conference, and also recalled that the Officers for the Review Conference elected in 2016 would continue to service in the resumed Review Conference in 2023 unless they were no longer available. The Secretariat informed the meeting that the proposed composition of the Bureau had been updated through informal consultations prior to the Review Conference in 2016, and that the nominees were elected on the first day of the Conference. In this regard, it was noted that it would be convenient to follow a similar process in 2023 in order to fill any vacancies for the resumed Review Conference. Regional groups could be encouraged to hold consultations to fill any vacancies in the slate of States Parties, and States non-parties could also consult as a group on the filling of any vacancy in the slate of States non-parties. It was noted that it would be desirable to finalize these consultations well in advance of the resumed Review Conference, if possible.

83. A delegation announced its intention to nominate Mr. Joji Morishita, Advisor of the Ministry of Agriculture in Japan, for the post of Chair of the next Informal Consultations (ICSP-16), as well as for election as President of the resumed Review Conference in 2023. It was noted that the official nomination will be forwarded to the Secretariat at a later stage. Many delegations welcomed this announcement and offered their support for the nominated candidate. In response to a question seeking clarification as to whether the rules of procedures were followed in the earlier Review Conferences, the Secretariat clarified that the rules were followed during the 2006, 2010 and 2016 Review Conferences, however, the working method of the Drafting Committee established pursuant to rule 10, paragraph 2 of the rules was slightly modified during the 2010 and 2016 Conferences. In 2010 and 2016, the draft outcome was prepared by the Bureau, with the assistance of the Secretariat, and the Drafting Committee, which was open to broad participation from among representatives of all participating States, was convened thereafter, within the hours normally allocated for the meeting, while the plenary was suspended, to consider and finalize the draft text. Many delegations indicated a strong preference to continue with the modalities of the 2016 Review Conference, including that a draft outcome be prepared by the Bureau, with the assistance of the Secretariat, on the basis of the discussions in the plenary.

Draft Voluntary Questionnaire

84. The Chairperson introduced the draft voluntary questionnaire for the Secretary-General's report to the resumed Review Conference the purpose of which is to solicit information from States and RFMOs in order to prepare the updated report of the Secretary-General to the resumed Review Conference and to reflect the decisions taken by States Parties at the Informal Consultations regarding the scope and modalities for the resumed Review Conference. She also emphasized that the questionnaire would be revised by the Secretariat on the basis of the guidance provided by delegations.

85. Some delegations expressed appreciation to the Secretariat for preparing the draft questionnaire and strongly recommended that sufficient time is given to regional groups to have internal consultations. They also proposed an amendment to the text in the draft questionnaire. In response to a request by another delegation for additional time to provide comments on the draft questionnaire, the Secretariat clarified that it was their intention to circulate the questionnaire shortly after the meeting in order to give States and RFMOs as much time as possible to prepare their responses.

VII. Modalities for the next round of the ICSP

86. The Chairperson recalled that the General Assembly, in resolution 76/71, decided that a sixteenth round of informal consultations of States Parties to the Agreement would be held in 2023, as a preparatory meeting for the resumption of the Review Conference. She recalled that, in the past, the meeting has been held immediately prior to the resumption of the Review Conference to undertake a first round of discussions on the advanced and unedited reporting material of the Secretary-General for the resumed Review Conference, with a particular focus on the status of stocks, and also considered other issues necessary for the resumption of the Conference. She concluded that there appeared to be general agreement that the next round of Informal Consultations would continue in the similar manner as in 2016 in which the Informal round considered priorities and identified areas of focus for the resumed Review

Conference and Officers for the resumed Review Conference. Support for the Chairperson's conclusion was expressed by several delegations.

VIII. Other Matters and Closing of the fifteenth round of Informal Consultations of States Parties to the Agreement

87. The Chairperson announced that, as in the past, the outcome of the fifteenth round of Informal Consultations would consist of an informal report to be prepared by the Chairperson, with the assistance of the Secretariat, summarizing the discussions and key points raised during the meeting, and that it would be posted on the website of DOALOS in English only. It was noted that Delegations will be given two weeks to comment on the electronic version of the document before it is finalized. The Chairperson closed the meeting and expressed her appreciation to all delegations for their efficient work and cooperation, as well as to the technicians and the Secretariat for the assistance in the organization and substantive servicing of the meeting.

Annex I

Key points relating to the implementation of an ecosystem approach to fisheries management raised during the fifteenth round of Informal Consultations, summarized by the Chairperson

On the basis of the presentations and discussions at the fifteenth round of Informal Consultations of States Parties to the Agreement, the Chairperson would like to draw attention to the following key points that, in her view, emerged from the Consultations. It is noted that since these key points were not discussed at the Consultations, they remain under the sole responsibility of the Chairperson.

- While there is no universally agreed definition of what constitutes an ecosystem approach to fisheries management, such an approach has been internationally recognized to be important for promoting healthy and resilient ecosystems better able to resist anthropogenic and natural stressors so that future generations can benefit from the full range of goods and services they provide, including for the long-term sustainability of fish stocks, including straddling fish stocks and highly migratory fish stocks.
- The effective implementation of an ecosystem approach to fisheries management can contribute to the international community's efforts to achieve the ocean-related goals and targets of the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 14.
- Strengthening the science-policy interface is necessary to ensure that all best available scientific information is incorporated into decision-making regarding an ecosystem approach to fisheries management, as well as to ensure that scientists are aware of the needs of decision-makers. Social sciences need to be integrated, and as appropriate, scientific information should be complemented with knowledge from other sources, including traditional knowledge.
- Cross-sectoral and interdisciplinary cooperation can strengthen the implementation of an ecosystem approach to fisheries management by ensuring that the impacts on marine ecosystems, including cumulative impacts, are taken into account. Multi-year, multi-species and adaptive management approaches have increasingly been used to reflect a broader understanding of ecosystem dynamics over time. However, a full understanding of an ecosystem and its dynamics is not a necessary pre-requisite for the implementation of an ecosystem approach to fisheries management. An ecosystem approach can be developed so as to recognize and adjust for knowledge gaps and uncertainties, including through the application of a precautionary approach.
- It is vital to continue to build the capacity of developing States to implement an ecosystem approach to fisheries management, including through training, access to data and resources and technical assistance. Civil society can be of help in this regard. The sharing of experiences and best practices in the implementation of an ecosystem approach to fisheries management at the global, regional and national level should also be strongly encouraged.

- As human beings constitute an important element of the ecosystem, wide-spread stakeholder consultation and involvement in decision-making regarding the implementation of an ecosystem approach to fisheries management is important. In this context, the full, meaningful and effective participation of women as well as gender-transformative policies should be promoted.
- It is important for the international community to strengthen scientific research capacity, including to carry out oceanographic and environmental monitoring of the marine environment and ecosystems in order to increase our understanding of the dynamics of fisheries resources, as well as the impacts on them of stressors, particularly climate change. In this regard, it will be important to continue monitoring the state of the marine environment, as both the starting point for the sustainable management of marine ecosystems and in order to identify shifts and trends.
- Regional fisheries management organizations/arrangements have already taken a number of important steps to implement the requirements under the Agreement relating to the implementation of an ecosystem approach to fisheries management, leading to an improved management of fisheries and protection and preservation of the marine environment. The express incorporation of an ecosystem approach to fisheries management in constitutive documents, conservation and management measures and other policies and processes constitutes an important achievement in this regard and may be considered a best practice. Implementation of the ecosystem approach to fisheries is an incremental process and as scientific knowledge improves, situations evolve, and practice accrues, it is important to continue to review and fine-tune the implementation of an ecosystem approach to fisheries management to ensure its optimal effectiveness.

Regional fisheries management organizations and arrangements should continue to review and improve their performance, and promote cooperation with other partners, including other regional fisheries management organizations and arrangements and regional seas programmes, to build upon synergies and avoid duplications.

Annex II

Fifteenth round of Informal Consultations of States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement)

Agenda

17 to 19 May 2022

United Nations, New York

1. Opening of the Fifteenth round of Informal Consultations by a representative of the Secretary-General.
2. Election of the Chairperson.
3. Adoption of the agenda.
4. Organization of work.
5. General statements.
6. Discussion panel on “Implementation of an ecosystem approach to fisheries management”
 - (a) Segment 1: Understanding the ecosystem approach to fisheries management in the context of the United Nations Fish Stocks Agreement;
 - (b) Segment 2: The implementation of an ecosystem approach to fisheries management at the regional level;
 - (c) Segment 3: The implementation of an ecosystem approach to fisheries management at the national level;
 - (d) Segment 4: Opportunities and challenges for strengthening the implementation of an ecosystem approach to fisheries management.
7. Status of the Part VII Assistance Fund.
8. Preparatory work for the resumption of the Review Conference on the Agreement.
9. Modalities for the next round of Informal Consultations of the States Parties to the Agreement.
10. Other matters.