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Thirteenth 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, 22-23 May 2018)

Report

SUMMARY

The present document contains the report of the thirteenth round of Informal Consultations of States Parties to the Agreement for the Implementation of the Provisions

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I. Introduction

such science and data into policy-making. He noted in this regard, that various approaches on how to address this issue had been developed at the global, regional and national levels.

8. He recalled that the thirteenth round of Informal Consultations would provide a valuable opportunity to share information and experiences on how to strengthen the interaction between fisheries managers and scientists. It would also benefit from the discussions taking place in other fora on the science-policy interface, for example, in the General Assembly and its Regular Process of Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects (the "Regular Process").

9. He noted that despite all the progress achieved thus far in implementing the Agreement, the report of the Secretary-General to the 2016 resumed Review Conference indicated that the overall status of straddling stocks and highly migratory fish stocks had continued to deteriorate since the entry into force of the Agreement. The report also noted that data limitations regarding the status of these stocks continued to exist and that, as a

b. Specialized agencies and other relevant organizations, bodies, funds and programmes within the United Nations system and secretariats of relevant organizations and conventions secretariat of the Convention on Biological Diversity

technical guidelines related to fisheries. He provided an overview of the national framework for science-based fisheries management to implement these instruments, and noted the importance of such implementation to combat overfishing and illegal, unreported and unregulated (IUU) fishing. A selection of responses from the FAO biannual questionnaire on the implementation of the Code, illustrating some key statistics in relation to the implementation of a science-based approach to fisheries, was shared with delegations.

28. Via teleconference, Mr. Juan Carlos Vasquez, Chief, Legal Affairs and Compliance team, Secretariat of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), described the science-policy interface mechanisms within CITES. He provided examples of marine species listed in the Appendices to CITES and explained relevant terms and criteria as they applied to fisheries. He underscored that the listing criteria, which examined the extent and rate of decline of a species, were key for the science-policy interface in CITES. Mr. Vasquez noted that the determination of whether a species should be protected was based on the available scientific information, and that the determination was made in consultation with the FAO and relevant RFMOs. He also presented the system of permits and certificates under CITES and noted that prior to the issuance of export permits, a non-detriment finding should be made at the national level by a scientific institution independent from the management authority. He further drew attention to CITES resolution Conf. 16.7, presenting possible methodologies on the issuance of taking permits which are non-detrimental to the status of stocks.

29. A delegation sought clarification on the link between CITES and IUU fishing, noting that it considered that IUU fishing issues were covered under the United Nations Convention on the Law of the Sea and not under CITES. Mr. Vasquez noted that, as a regulator of international trade, CITES covered both legal and illegal trade, and that IUU fishing formed part of illegal trade. Mr. Camilleri noted that the concept of IUU fishing was initially developed in the International Plan of Action on IUU (IPOA-IUU). He further noted that the Port State Measures Agreement, which addressed IUU fishing, made reference to CITES and included an obligation to ensure that non-CITES-listed species were being traded.

30. Another delegation sought clarification with regard to the specific case where shark fishing took place on the high seas in an area covered by an RFMO under whose rules such an activity was permissible. Mr. Vasquez noted that the fishing of CITES-listed species on the high seas that would bring the catch onto a vessel (which is regulated by a State) would qualify as "introduction from the sea", and thus be covered by CITES. He noted that CITES worked with RFMO/As and other entities in complementary ways to support regulations. He further noted that in CITES low-cost practical measures were sought to facilitate implementation. Mr. Camilleri highlighted the fact that IUU fishing included three distinct components, which should be given equal weight, not just illegal fishing. Unreported and unregulated fishing were also considered detrimental to science-based fisheries management.

31. An observer delegation from a non-governmental organization stressed the importance of consulting FAO and RFMO/As before adding species into a CITES Appendix. In this regard, the delegation pointed to a specific instance in which it considered that the recommendations of external experts had not been followed by the CITES Contracting Parties, thereby possibly undermining science-based decision-making. Mr. Vasquez noted that there was a formal process for the consultation of external experts whenever the addition of marine species to the CITES Appendices was being considered. He stressed that the goal of the consultation process was to provide decision-makers with sound scientific advice, but

overlapping regulatory areas, as well as opportunities for using science in an ecosystem-based approach to fisheries management that take into account other human impacts such as plastic pollution and ongoing environmental change.

37. Mr. Michael Schirripa, Chair, Stock Assessment Methods Working Group, International Commission for the Conservation of Atlantic Tunas (ICCAT), stressed the risk of mismanagement of stocks

RFMO/A members so that tuna stocks

science and challenges in applying an ecosystem approach in practice were noted by both delegations and panellists, including the need for close interaction between different sectors and among RFMO/As. It was noted that an ecosystem approach could be promoted through diversification of scientific expertise in RFMO/As, so as to ensure that the complexities of the marine environment could be taken into account beyond stock assessment. Some delegations supported a proposal to meet on the twentieth anniversary of the 2001 Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem to discuss relevant developments in scientific capacity since then, in particular with regard to the application of an ecosystem approach. A delegation stressed the need for further progress in applying ecosystem-based management plans as well as the advantages of exchanging best practices. It was suggested to strengthen or expand the KOBESS, and also to evolve from a single management objective approach to a management strategy evaluation.

47. Delegations and panellists noted that there were ongoing concerns due to continued IUU fishing and bottom fishing. Several delegations stressed the importance of taking into account IUU fishing in catch estimates and encouraged better information sharing among enforcement institutions, scientists and policymakers. A panellist noted challenges in receiving accurate reports on fishing activities from contracting parties and cooperating non-contracting parties. In this regard, the Review of Studies Estimating IUU Fishing and the Methodologies Utilized conducted by FAO in 2016 was highlighted. Another panellist observed that traditional assessments were ineffective for measuring the impacts of bottom fishing given the sensitive nature of the stocks and highlighted the move towards adaptive management strategies.

C. Segment 3: Experiences, challenges and opportunities at the national level

48. The third segment was an interactive discussion in which delegations shared information on their national experiences, challenges and opportunities in relation to the science-policy interface.

49. The delegation of the United States noted that the science-policy interface was a crucial mechanism to ensure that managers and decision-makers had access to the best scientific advice available. In this regard, in the United States the *Magnuson-Stevens Fishery Conservation and Management Act* required that fisheries conservation and management measures be based upon the best scientific information available. The Act provided guidance on what constituted best scientific information available, scientific peer review standards, and the role of scientific and statistical committees in the review of scientific information. Regional fishery management councils, which comprised a wide range of stakeholders, were responsible for fisheries management in United States federal waters. These councils were required to develop and amend fishery management plans within their individual regions in accordance with the latest scientific evidence.

50. The delegation of the United States affirmed its support for ecosystem-based fishery management and noted the development of an ecosystem-based fishery management policy by its National Oceanic and Atmospheric Administration Fisheries body (NOAA Fisheries), together with a road map that guide implementation of this policy over the next five years. The delegation also highlighted its ongoing work to build an ecosystem assessment programme, as well as the development of a systematic peer review process and the creation of a management strategy evaluation working group by NOAA Fisheries.

58. The delegation of Mauritius shared its vision for enabling the sustainable development of the fisheries sector and ensuring continued economic growth and social development within a framework of good governance based on sound science. The delegation highlighted its active participation in the work of the Indian Ocean Tuna Commission (IOTC), including the participation of its fishery managers in IOTC workshops aimed at connecting science and management. It noted that the issuance of a license for the fishing of tuna and tuna-like species in the exclusive economic zone of Mauritius was dependent on the licensees' compliance with the provisions of relevant IOTC resolutions regarding an ecosystem approach. The delegation of Mauritius also noted the importance of marine spatial planning in achieving a harmonious balance between conservation and sustainable use of marine resources, particularly in light of increasing demands on maritime space from a variety of sectors, and drew attention to recent efforts by Mauritius in this regard.

59. The Chairperson stressed that science should be the basis of all fisheries management, bearing in mind the need for a precautionary approach where such scientific evidence was unavailable or unreliable. He further emphasized that a participatory decision-making process, which included all relevant stakeholders, was crucial for effective management of fisheries. The Chairperson echoed the importance of interagency cooperation, noting that, in Brazil's experience, all authorities dealing directly with fisheries or fishing vessels needed to work in a cohesive manner to achieve integrated fisheries management. The crucial importance of the Assistance Fund established under Part VII of the Agreement to building national capacity for an effective science-policy interface was also reiterated by the Chairperson, as this Fund was a key tool to support the implementation of the Agreement.

D. Segment 4: Strengthening the science-policy interface in the conservation and management of straddling fish stocks and highly migratory fish stocks through the resumed Review Conference on the Agreement and other intergovernmental processes, and the potential contribution of multi-stakeholder partnerships

60. Mr. Eskild Kirkegaard, Chairman, Advisory Committee of the International Council for the Exploration of the Sea (ICES) spoke about the contribution of ICES to the strengthening of the science-policy interface

provided the best chance of meeting needs of stakeholders, safeguarding the independence of the science, and ensuring transparent and effective management over time.

62. Mr. Javier Garat Pérez, Chairman, International Coalition of Fisheries Associations (ICFA), provided the perspectiv

66. A delegation noted that Management Strategy Evaluation (MSE) could be useful in depoliticizing decision-making and developing relationships and trust between stakeholders

small island developing States with the science-policy interface and outlined the respective

77. During the discussions, the importance of special requirements of developing States as recognized in the preamble of the Agreement was emphasized. In this regard, it was noted that without capacity-building, the gap between developing and developed States would widen.

78. Several States concurred with the panelists on the importance of the Part VII Fund. They also highlighted the importance of broad and effective participation of developing States in the scientific bodies of RFMO/As. It was noted that such participation should go beyond raw data collection and include analytical work and provision of advice as well.

79. A delegation highlighted the need for targeted cooperation and training at the regional and sub-regional level, noting that it carried out such projects in regional Pacific forums as well as bilaterally. That delegation underlined its support for the Fund, and noted that it was in the process of making a voluntary contribution to it. An observer delegation highlighted the capacity-building assistance it was currently providing to African States.

80. It was underlined that while numerous capacity-building efforts had taken place in the areas of monitoring and control, the Agreement also contemplated assistance to developing States to access high seas fisheries and develop their own fisheries.

81. In response to comments on the participation of developing States in RFMO/As, Mr. Kumasi stated that FFA had been trying to facilitate not just attendance but full participation of developing States in the work of RFMO/As, and had focused on acquiring targeted assistance for its members.

82. In response to a question on the respective roles of the DOALOS and the FAO in administering the Part VII Assistance Fund, Ms

Consultations of States Parties

95. Delegations agreed to continue to consult intersessionally and to convene an informal working group of States Parties to the Agreement

Annex I. Key points relating to the strengthening of the science-policy interface raised during the thirteenth round of Informal Consultations, summarized by the Chairperson

On the basis of the presentations and discussions at the thirteenth round of Informal Consultations of States Parties to the Agreement, the Chairperson would like to draw attention to the following key points that, in his personal view, emerged from the meeting. It is noted that since these key points were discussed at the meeting, they remain under the sole responsibility of the Chairperson.

- x An effective science-policy interface is vital to the implementation of the provisions of the Convention and the Agreement, as the conservation and management of living marine resources under both instruments is to be based on the best scientific evidence available.
- x Scientific research and the collection of accurate, relevant and complete data by flag States, coastal States and port States, individually and through RFMO/As, is required, so as to address data gaps and inform policy-making. Such data should be collected and compiled in a transparent and consistent manner, incorporating peer-reviewed scientific information and information from a variety of stakeholders, including indigenous people, civil society and industry groups, in such a way as to enable statistically meaningful analysis for the purposes of fishery resource conservation and management. It should also be verified, and provided in an agreed format in a timely manner in accordance with the Agreement and its annex I.
- x IUU fishing undermines the science-policy interface by reducing the reliability of fishing data. Greater efforts should be made to quantify and take into account the impact of IUU fishing on fish stocks and on the marine environment more generally in developing management measures.
- x There is a need to strengthen the application of an ecosystem approach to fisheries, in particular given the increase in anthropogenic stressors on the marine environment from different sources.
- x Strengthening the science-policy interface is critical for the effective application of an ecosystem approach to fisheries management, in order to take into account the broader impacts of fishing activities on the marine environment, including on marine biodiversity and associated and dependent species, as well as the impact of external environmental factors, including climate change, on fisheries.
- x More needs to be done in fisheries management to address the uncertainties regarding the impacts of climate change on fisheries, including through adaptive management strategies and the application of the precautionary approach where information is unavailable, unreliable or uncertain.
- x Cooperation and coordination amongst different RFMO/As, as well as between RFMO/As and other relevant international organizations, as well as States should be enhanced to share information and best practices and to increase the coherence and consistency of scientific advice and management measures. Maximum use should be made, in particular, of existing cooperation mechanisms, such as the KOBE process, to enhance such cooperation and coordination.

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Annex II

Thirteenth round of Informal Consultations of States Parties to the Agreement