



## **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

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 inter-



Nations Convention on the Law of the Sea (the Convention). Delegations welcomed Cambodia and Togo as the most recent States 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 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 whose work it participated in 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 tradeoffs 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 modelling to improve predictions of future ecosystem conditions.

22. A delegation noted that the ecosystem-based approach to fisheries management required effective cooperation, however 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 divides 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.



28. Speaking on the scientific basis for implementation of an ecosystem approach to fisheries management, Mr. Jake Rice, Chief Scientist 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 on predator-prey relationships to ecosystem models in the late 1980s and 1990s and biodiversity and habitat impacts of fishing by the 2000s. In his view, each incremental broadening of 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 them 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, 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

ecosystem approach to fisheries management and in this regard, many such organizations and arrangements had adopted relevant measures. He also noted that 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 also had 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 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 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 supported the notion that an ecosystem approach to fisheries was a complicated scientific endeavour 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 ones.





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, sub-regional 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 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 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 the 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. 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 for the purpose of 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 other 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 process and from contracting parties in common, on such subjects as by 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, to optimize performance in terms of the adoption of measures and promote cooperation between RFMO/As and other partners to

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 expects to diversify its fishery exports beyond traditional bio-aquatic resources for new commercial destinations. Given that most of them were highly migratory species

Multispecies Finfish Management Plan. She noted experience in facilitating engagement of fisheries including through local committee outreach and stakeholder workshops and bringing adaptive management and other scientific approaches to life in national settings. She also recalled 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, in

In conclusion, Ms. Poon encouraged States to better understand the objectives of civil society in fisheries management at the national level, and 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 new legislation and policy framework. Mr. Parsons noted that the use of an evidence based and consultative process with the input of diverse stakeholders had similarly aided the 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 with the agreement



approaches have already been overcome; (2) unawareness of developments in other scientific disciplines that have potentially significant applications for fisheries, including vis hierarchy and network theories, highlighting that methodologies for understanding fisheries dynamics on an ecosystem-wide basis uncover trends earlier than through stock analyses; and (3) perception, with objections often arising from a misunderstanding of the extent to which technological advances make the use of ecosystems 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, AZERI 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 frameworks being used

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 the 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 clarifying issues of terminology, highlighting common factors in the understanding of ecosystems approaches to fisheries management. These included the incorporation of ecosystem considerations in fisheries management, safeguards on ecosystem functioning, 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 nationally 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), 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,

approach to fisheries management. Principally linked to inadequate ~~research~~ <sup>research</sup> 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 ~~state~~ <sup>state</sup> actors in ~~decis~~ <sup>decision</sup>-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 ~~are~~ <sup>are</sup> enumerated, including reviewing existing fisheries policy and legal frameworks to address gaps and incorporate ecosystems



RFMO/As were considering the relevance of OECM framework to their work. On this topic, the delegation from NEAFC noted that it has a working group looking at ~~based~~ measures to see if they match up with the criteria developed under the IUCN and CBD process, and is following the workshop of IUCN/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, negotiations must be well

*Strengthen Participation in, and implementation of, the UN Fish Stocks Agreement*

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 pandemic and following consultations with Member States, there was general consensus that the ICSP 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, in light of the unexpected passing of Professor Hazin, was transmitted to delegations, with three responses to the draft methodology 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 2015 Review Conferences and the method for developing a negotiated outcome of the resumed Review Conference. She also recalled that the Officers for

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 t

Conference and Officers for the resumed Review Conference.  
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 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 that can resist anthropogenic and natural stresses 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 achievement of the ocean-related goals and targets of the 2030 Agenda for Sustainable Development, in particular



