

**Submission by the North-East Atlantic Fisheries Commission regarding the theme Ocean Science and the United Nations Decade of Ocean Science for Sustainable Development, pursuant to General Assembly resolution 73/124**

The following is the contribution by the North-East Atlantic Fisheries Commission (NEAFC) to the preparation of the report of the Secretary-General of the United Nations to provide information on the theme 'Ocean Science and the United Nations Decade of Ocean Science for Sustainable Development' for the 20<sup>th</sup> meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, pursuant to General Assembly resolution 73/124, as requested in a letter from Miguel de Serpa Soares, Under Secretary-General in charge of the Office of Legal Affairs, dated 19 December 2018.

**Ocean Science and the United Nations Decade of Ocean Science for Sustainable Development; the science-policy interface.**

This submission is brief in view of the fact that NEAFC does not carry out its own scientific activities, nevertheless the NEAFC decision making process, advised by independent science including ocean science, is presented as a practical example of an effective science-policy interface. It is hoped the text below will demonstrate how oceans science can provide the context for scientific advice and subsequent decisions made in organisations with economic, social and environmental objectives.

**i) Explanation of the NEAFC approach to the science-policy interface in implementing fishery conservation and management.**

The North-East Atlantic Fisheries Commission is the competent organisation for managing fish stocks in NEAFC Regulatory Area (<https://www.neafc.org>). It performs its functions in the interests of the conservation and optimum utilisation of the fishery resources of the Convention area over the long term, providing sustainable economic, environmental and social benefits. This objective takes into account the best scientific evidence available. NEAFC's responsibilities include an exclusive competence for the conservation, management and exploitation of living marine resources. NEAFC also takes due account of the impact of fisheries on other species and marine ecosystems, and in doing so adopts, where necessary, conservation and management measures to minimise harmful impacts on living marine resources and marine ecosystems.

NEAFC does not carry out its own scientific research. Under the NEAFC Convention of 1982, NEAFC seeks the services of the International Council for the Exploration of the Sea for scientific advice on conservation, protection and sustainable use of the marine environment and particularly on fisheries resources management and related matters. Following a 2015 Performance Review, NEAFC re-emphasised the clear separation between the scientific role of ICES and the policy and management role of NEAFC. NEAFC does not take any action that would blur this separation, such as carrying out its own scientific work or doing its own assessment of the scientific advice from ICES. NEAFC does however provide a forum for consultation and exchange of information on the state of fishery resources in the Convention Area as advised by the International Council for Exploration of the Seas (ICES) and then proceeds to agree management policies, including examination of the overall effect of such policies on the fishery resources.

In setting out the focus on fisheries management, it should be emphasised that broader considerations are also taken into account. These considerations include the use by ICES of ocean

science and include examination by ICES of the overall effect of NEAFC policies on other living marine resources and marine ecosystems, and indeed the interaction of the changing environment with the resources NEAFC manages. Following NEAFC's performance review in 2015, NEAFC recognised the importance of the broader ocean processes and specifically mandated ICES to provide multispecies advice and advice on possible climate effects and other ecosystem considerations.

NEAFC recognises the role of ICES to promote and encourage research and investigation for the study of the sea, in particular in relation to its living resources through research and publications, scientific information and advice to its Member Countries and related conventions. In practice ICES' work relies on its Member Countries, which provide data and expertise that enable ICES to respond to requests for advice.

The mechanism by which NEAFC and ICES work together is through a Memorandum of Understanding (MOU) as well as recurring and special requests for advice. ICES and NEAFC consult on ways in which cooperation between them can be further improved and extended. The work undertaken under the recurring and non-recurring requests is fully funded by NEAFC, but also noting national experts from Contracting Party states will be involved in the ICES process.

Under the MOU, ICES provides NEAFC with scientific information and advice, which is independent and free from political influence and subject to best international quality procedures for research and research based advice.

Fisheries data is provided to ICES by NEAFC on a regular basis. Vessel monitoring system (VMS) data and regular catch report data is provided to ICES for scientific purposes. While these data are primarily collected for monitoring control and surveillance purposes, they are also a vital source of information for scientific purposes. The data is provided to ICES, but in order to maintain industry confidentiality, no information is provided which can identify vessels and flag State.

The standard provision of advice by ICES to NEAFC not only focuses on the main commercial stocks, but also can include further advice on specific stocks or categories of stocks (e.g. deep sea species or sharks and rays). Advice on Vulnerable Marine Ecosystems is also given. More recently ICES has been developing more generally (i.e. not under the NEAFC MOU) comprehensive advice in terms of (sub-regional) fisheries overviews as well as (sub-regional) ecosystem overviews which take in broader ocean science.

**ii) Actions taken to implement ecosystem approaches taking into account broader ocean science.**

NEAFC's objective is to ensure the long-term conservation and optimum utilisation of the fishery resources of the North-East Atlantic area, and in doing so to safeguard the marine ecosystems in the Convention area, providing sustainable economic, environmental and social benefits. In order to achieve this NEAFC applies the precautionary and ecosystem approach. NEAFC's legal competence was amended in 2006 to emphasise the ecosystem aspects of its remit. Since 2004, NEAFC has introduced general measures, as well as operated closures to bottom fisheries, to protect Vulnerable Marine Ecosystems.

The precautionary approach is embedded in NEAFC's fish stock management decisions. In the advice that ICES provides to NEAFC it should be noted that it routinely advises that a precautionary approach is applied to stocks where data is poor. As set out above NEAFC is seeking wider fisheries

and ecosystem advice from ICES in the form of multispecies advice and advice on possible climate effects and other ecosystem considerations.

Deep Sea Stocks and sharks: For deep sea fisheries NEAFC continues to direct ICES to provide stock specific information on deep sea stocks as this becomes feasible. In 2017 NEAFC undertook an assessment of its deep sea fisheries data. This showed a strong decline in both catch and fisheries operations for deep sea fish in the Regulatory area over the last decade. NEAFC agreed a Recommendation for 2018 on deep sea fisheries in the Regulatory Area based on the precautionary approach aiming to ensure that fisheries for species/stocks not subject to other conservation and management measures established by NEAFC only expand gradually. Following advice from ICES, NEAFC has adopted a series of recommendations banning targeted fisheries on basking shark and porbeagle as well as a long list of deep sea sharks, rays and chimeras. More broadly recommendations on fisheries of deep seas species also include precautionary elements such as avoiding rapid expansion of new fisheries.

Vulnerable Marine Ecosystems: NEAFC's measures include effective actions for the protection of Vulnerable Marine Ecosystems from bottom fisheries. These Measures include areas which are formally "closed" to bottom fisheries due to presence of VMEs (such as deep sea corals and sponges). These areas may be closed based on information on the location of specific VMEs, with an appropriate buffer zone, as advised by ICES. Otherwise closures may be based on a precautionary approach based on the likely occurrence of VMEs in particular areas, as advised by ICES.

In addition to these directed closures NEAFC divides the Regulatory Area into two types of areas: "existing bottom fishing areas" and "new bottom fishing areas". Bottom fishing in "new" areas can only take place in accordance with a rigorous Exploratory Bottom Fisheries Protocol. Bottom fishing in "existing" areas is authorised, but subject to a VME encounter protocol and move-on rule. By these means NEAFC is applying a precautionary approach to bottom fisheries such that in new areas where there is little or no data on the possible occurrence of VMEs greater caution is applied. In practice no bottom fisheries activities are ongoing in the great majority of the NEAFC regulatory due to the application of this precautionary approach.

NEAFC's approach to VMEs is a strong driver for relevant advice to be developed by ICES based on scientific information on ocean biodiversity and ecosystems. 5-yearly renewal of existing closures (last agreed for 2018) relies on the annual advice from ICES on VMEs. This annual scientific advice allows for new closures or revision of areas to be agreed whenever new advice or information is available. As recently as 2018, NEAFC has agreed to extend the area of a closure in an active bottom fisheries area in direct response to ICES advice.

In addition to the regime regarding bottom fisheries, NEAFC has a number of measures which link to broader ocean science, in particular on biodiversity and ecosystems to minimise adverse impact of fisheries including the following:

- a) Minimising the impacts of research: NEAFC recommendations contain general provisions obliging Contracting Parties who intend to conduct scientific research in the areas closed to protect VMEs to notify NEAFC of their intended research programmes. So far, NEAFC has not adopted any specific actions to minimise the impacts of research as there has been no suggestion of relevant adverse impacts associated with scientific investigations. However, if the need to do so were to arise, Article 10 of the NEAFC Convention provides for measures to be adopted relating to fishing operations conducted solely for the purposes of scientific investigation.

- b) Information from catches of non-target species and discards: NEAFC has adopted measures regarding catches and discards. All catches of regulated resources, including those taken for scientific purposes, must be counted against quotas (regardless of what is the target species). The NEAFC Scheme of Control and Enforcement obliges all Contracting Parties' vessels to keep an accurate record of catches and discards in their logbooks. NEAFC does not however collect statistics on the catches of unregulated resources and therefore relies on ICES for advice on the effects of fisheries on other parts of the marine ecosystem.

**iii) Cross cutting approaches.**

While NEAFC has become involved in considering the effects of fisheries on the other parts of the marine ecosystem and on biodiversity, NEAFC's legal competence remains limited to managing fisheries. Applying an ecosystem based management approach to oceans implies that all organisations involved in regulation/management of human activities in the marine environment are cooperating and coordinating actions under their differing legal mandates and informed by their respective oceans science sources.

While NEAFC is making efforts under its mandate to protect vulnerable marine ecosystems from fisheries, it also needs to work with other organisations with complementary legal competences to manage potential impacts from human activities other than fishing. This has led NEAFC to work with organisations such as the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic which has its own scientific processes. The cooperation includes under the 'collective arrangement between competent international organisations on cooperation and coordination regarding selected areas in areas beyond national jurisdiction in the North-East Atlantic'. The cooperation includes opportunities for information exchange.

OSPAR's wider remit on marine biodiversity, ecosystems and pollution and other human impacts means it can present contextual information of interest. In 2014 OSPAR and NEAFC cooperated in requesting ICES to provide joint advice on identifying Ecologically and Biologically Significant Areas (EBSA) in the North East Atlantic. This kind of request can enhance the role of cross-disciplinary oceans science nationally and within the ICES advisory system. Most recent cooperation has led to sharing of information to inform a current OSPAR proposal for a high seas marine protected area, as well as a joint NEAFC-OSPAR request to ICES for scientific advice on deep sea sharks, rays and chimaeras.