NORTH-EAST ATLANTIC FISHERIES COMMISSION

Managing Fisheries in the North-East Atlantic

Informal consultations of State Parties (ICSP) to the UN Fish Stocks Agreement

Contribution from the North-East Atlantic Fisheries Commission on the topic of "Sustainable fisheries management in the face of climate change", at the seventeenth round of Informal Consultations of States Parties to the United Nations Fish Stocks Agreement.

1. The following is the contribution by the North-East Atlantic Fisheries Commission (NEAFC) to the preparations for the seventeenth round of informal consultations of States Parties to the Agreement (ICSP-17) to be held on 15 to 17 May 2024, on the topic "Sustainable fisheries management in the face of climate change". This contribution follows a request in a letter from Miguel de Serpa Soares, Under Secretary-General for Legal Affairs, dated 16 January 2024, pursuant to paragraph 72 of the General Assembly resolution 78/68 of 5 December 2023.

The substantive part of the NEAFC submission is as follows:

Introduction

2. The North-East Atlantic Fisheries Commission (NEAFC) is the Regional Fisheries Management Organisation (RFMO) for the North-East Atlantic, one of the most abundant fishing areas in the world. The NEAFC Convention applies to the international waters of four defined areas that stretch from the North Pole to 35 North parallel in the Atlantic Ocean and from the southern tip of Greenland east to the Barents Sea. Recommendations adopted by NEAFC are legally binding. However, an objection mechanism is in place.

3. NEAFC's objective is to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits. Historically, NEAFC focused on the target species of the fisheries being managed, and bycatches of other economically important species. From the 1990s, there has been a development of an increasing focus on the effects of fisheries on the other parts of the marine ecosystem and on the protection of biodiversity. Therefore, while NEAFC adopts management and control measures for various fish stocks it also adopts

measures to protect other parts of the marine ecosystem (including biodiversity) from potential negative impacts of fisheries.

4. NEAFC fisheries include pelagic, demersal fisheries and deep sea fisheries. The three key pelagic species, herring, mackerel and blue whiting make up a very large part of the overall catch in the North-East Atlantic (NEA), adding up to a catch of over 3 million tonnes per year. In more recent years some 12-18% of this catch has been in the high seas, while for deep sea fisheries, the catch is largely taken within national jurisdiction. Noting the importance in ecosystems of such wide-ranging pelagic forage species and the uniqueness of environments available for fishing deep sea species, NEAFC recognises its important role in actively managing impacts to stocks and biodiversity to deliver sustainability. As of 2023 the list of the NEAFC regulated resources has been widened as to also include key demersal stocks in the NEA, which also fall within the competence of the NEAFC Convention.

Independent Scientific Advice on Climate Change

5. NEAFC has a permanent committee for science and management. However, in carrying out its objectives, NEAFC does not undertake any scientific work but rather relies on the International Council for the Exploration of the Sea (ICES) for scientific advice. NEAFC maintains a clear separation between the scientific role of ICES and the policy and management role of NEAFC, so neither does it do any assessment of the scientific advice from ICES. NEAFC has however engaged with ICES to discuss long-term developments, such as multispecies advice, climate effects and other ecosystem considerations. ICES is thus enabled to develop appropriate research programs to meet longer-term issues raised by NEAFC, such as climate change, and take these issues into account in presenting its advice to NEAFC.

6. The 2019 ICES Science Plan includes science priorities focused on delivering marine ecosystem and sustainability science for the 2020s and beyond. This science aims to underpin the ICES Advisory Plan which commits ICES to providing advice that supports ecosystem-based decision-making and contributes towards the effective application of an ecosystem approach, including specific references to climate change. ICES has developed work on pathways to climate-aware advice (CLIMAD). This has highlighted the gradual changes happening both in species and in the social-ecological system in response to climate change. The CLIMAD report lists climate change drivers, impacts, risks, measures and evaluation towards actionable strategies. This climate change work strand is being built into advice and in ecosystem overviews, nevertheless, its effects will need to be disentangled from other pressures and changes.

NEAFC consideration of climate change

7. While climate change impacts have naturally been discussed in NEAFC for many years, NEAFC's Working Group on the Future Development of NEAFC increased the attention on the subject since 2021, and in light of international developments. Following those discussions, NEAFC's Permanent Committee on Management and Science (PECMAS) has considered updates from ICES on several occasions. In reporting the findings of the CLIMAD work, ICES has highlighted the gradual changes happening in the North-East Atlantic. ICES also notes that predictions are less useful in the higher latitudes, so coping with gradual change was perhaps more important. While tools to address the challenges have been listed by ICES, climate change predictions and their confidence levels do not integrate well with stock catch advice with its shorter time spans which informs the usual 1 -5 year timescales in which NEAFC measures operate.

8. Given the above statements, a longer-term perspective needs to be considered under NEAFC, including the possibility of additional stocks needing to be considered for fisheries management in the high seas over the next 10 to 20 years. Fisheries governance reform to address the impacts of changing climate was included in advice in which ICES reported that the North Atlantic was not doing well in adapting to these changes (for instance in management of mackerel). On this latter issue, NEAFC acknowledges that a number of papers have been published that report that the North Atlantic is not doing well in adapting to changes in stock distributions. Nevertheless, climate change might affect the distribution of stocks; NEAFC Contracting Parties have yet to agree on comprehensive conservation and management measures for most of the pelagic stocks, inter alia, due to lack of agreement on allocation between the Parties.

9. The NEAFC Annual Meeting (2023) adopted a non-binding resolution (see NEAFC-resolution-on-climate-change-considerations) to give more direction to the consideration of climate change in NEAFC's work. As a result of the resolution, NEAFC's Permanent Committee on Management and Science is to include opportunities in its agenda for Contracting Parties to share examples of climate change mitigation and adaptation in fisheries, identify available scientific advice and gaps for collaboration, global best practice, more efficient gears, etc.

10. The Resolution also adds consideration of how to reduce the environmental impacts of NEAFC meetings themselves, including the continuation and expansion of the use of virtual and hybrid meetings in NEAFCs processes.

Climate Change and other aspects of NEAFC's work.

11. Climate change will not only affect the stocks that NEAFC manages but also affects wider biodiversity. Combined with ocean acidification, climate change presents risks to biodiversity and ecosystems. In the case of NEAFC, a key conservation measure is a binding recommendation on the protection of Vulnerable Marine Ecosystems (VME) from bottom

fishing, which entered into force in 2014. This sets out a network of closed areas which includes very large areas on the Mid Atlantic Ridge. These VME are likely to be negatively impacted by climate change and ocean acidification[1]. NEAFC nevertheless is in a better position to address any change as its area based management tool, unlike many MPA designations, is under a constant review process. Every year closed areas can be amended/enlarged if new evidence of VMEs is found, but more fundamentally there is a 5 yearly review process of the effectiveness of the recommendation. This allows new scientific approaches as well as new global developments, such as UN General Assembly resolutions, to help improve and update the recommendation to continue to provide protection, hopefully even in changing circumstances imposed by climate change.

12. Cooperation with the Regional Seas Convention in the North-East Atlantic is another aspect that has links to adaptation to climate change. 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 and their impact. The fact that the vulnerable marine ecosystems that NEAFC is making efforts to protect can be affected by human activities other than fishing led NEAFC to work with other organisations with complementary legal competences. One key cooperation is between NEAFC and OSPAR (the Commission for the protection of the marine environment of the North-East Atlantic). This cooperation continues under the "collective arrangement" on area-based management in areas beyond national jurisdiction. The collective arrangement was finalised between NEAFC and OSPAR in 2014, with the aim of widening the cooperation to other competent international organisations operating in areas beyond national jurisdiction, such as the International Maritime Organisation and the International Seabed Authority. Its aim is to ensure that all the organisations are aware of what the others are doing in areas beyond national jurisdiction, and to support actions which are complementary.

13. Current cooperation under the collective arrangement includes articulating a joint narrative on how NEAFC's bottom fishing closures interact with OSPAR's MPA measures in the same areas. This will lead towards future developments on better exchange of information on biodiversity present in these areas and provide opportunities to build in more resilience in these area-based measures. Cooperation with OSPAR adds wider perspective to NEAFC given a focus on climate change in OSPAR's North-East Atlantic Strategy which includes monitoring and assessment, developing biological indicators, and developing projections and scenarios on ocean acidification and climate change.

17 April 2024

[1] David Johnson, Maria Adelaide Ferreira, Ellen Kenchington, Climate change is likely to severely limit the effectiveness of deep-sea ABMTs in the North Atlantic, Marine Policy, Volume 87, 2018, Pages 111-122, ISSN 0308-597X, https://doi.org/10.1016/j.marpol.2017.09.034.