



Northwest Atlantic Fisheries Organization

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In all correspondence,
please refer to:

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Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel
Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs
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New York, NY 10017, USA
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Dear Miguel de Serpa Soares,

Thank you for your correspondence of 10 December 2014 inviting contributions to Part I of the UN report of the Secretary-General on Oceans and the law of the sea, pursuant to General Assembly draft resolution A/69/L.29, entitled "*Oceans and the law of the sea.*"

Please find enclosed the contribution of the Northwest Atlantic Fisheries Organization (NAFO). Please note that the contribution only covers the sections of the report that are relevant to NAFO. The contribution follows the sections in the order in which they appear in the report.

Yours sincerely,

Fred Kingston
Executive Secretary

FK:ll

Enclosed: 5 pgs.

NAFO Contribution to the report of the Secretary-General on Oceans and the law of the sea, pursuant to General Assembly draft resolution A/69/L.29, entitled “Oceans and the law of the sea.”

The objectives of NAFO, as set out in Article II of the Revised NAFO Convention, are to ensure the long term conservation and sustainable use of the fishery resources in the NAFO Convention Area, and in doing so, to safeguard the marine ecosystems in which these resources are found. The preamble to this document states that NAFO is committed to applying an ecosystem approach to fisheries management in the Northwest Atlantic that includes safeguarding the marine environment, conserving its marine biodiversity, minimizing the risk of long term or irreversible adverse effects of fishing activities, and taking account of the relationship between all components of the ecosystem;

Multi-agency integration

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at the national, regional and global levels, in accordance with the Convention,

NAFO cooperates and coordinates at a high level with other international organizations and RFMOS, through participation in FAO initiatives such as the Coordinating Work Party on Fisheries Statistics (CWP), Aquatic Science and Fisheries Abstracts (ASFA), Fisheries Resource Monitoring System (FiRMS) and the VME Database, through convening of joint working groups such as the NAFO-ICES *Pandalus* Assessment Group (NIPAG) and the ICES-NAFO-NAMMCO Working Group on Harp and Hooded Seals (WGHARP), and through co-sponsorship of international conferences such as the World Congress on Stock Assessment Methods (Boston, 2013) or the “Effects of fishing on benthic fauna, habitat and ecosystem function” symposium, (Tromso, 2014).

Recently, hydrocarbon exploration and production began to take place in the NAFO Regulatory Area. This has presented a challenge in terms of overlapping jurisdictions between coastal states, with responsibility for resources in the seabed on the extended continental shelf, and regional fisheries management organizations, with responsibility for marine living resources in the overlying waters. In 2014 NAFO mandated its Executive Secretary (NAFO GC Doc. 14/02) to work with Canada to explore and implement a means for the appropriate and timely exchange of information necessary to avoid overlapping activities and mitigate potential conflicts between fisheries and hydrocarbons activities, including, *inter alia*, the sharing of information on oil and gas activities, fisheries research and fishing activities and the channels for doing so, including the role of the NAFO Secretariat; notification to the NAFO Secretariat, NAFO Contracting Parties and, where appropriate, vessels authorized to fish in the NAFO Regulatory Area of planned seismic activities, noting the desirability of providing information (such as area and date) well in advance and updating it as appropriate to allow operators to plan their activities.

Closures to protect biodiversity

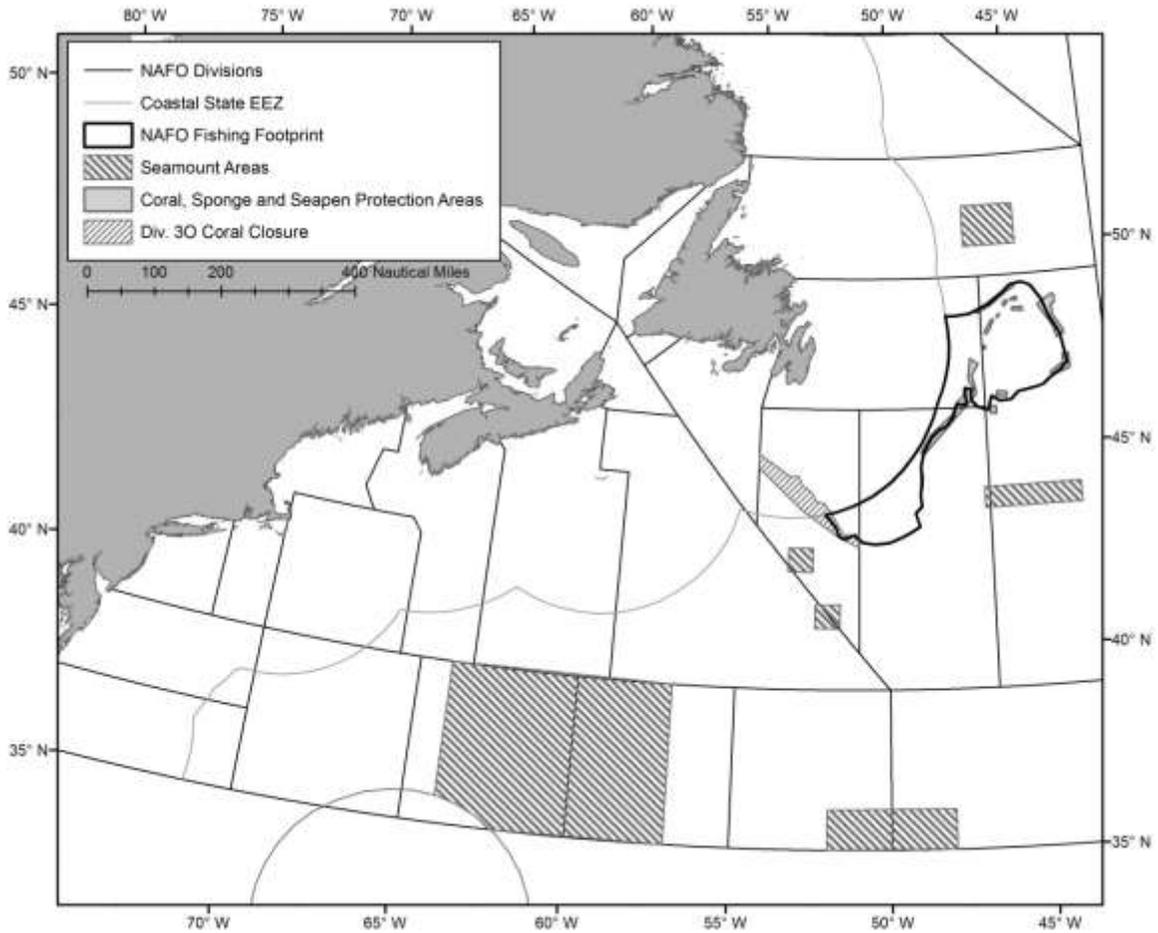
Reiterating its deep concern at the serious adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems and their physical and biogenic structure, including coral reefs, cold water habitats, hydrothermal vents and seamounts, of certain human activities,

Recognizing the need for a more integrated and ecosystem-based approach to, further study of and the promotion of measures for enhanced cooperation, coordination and collaboration relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction,

Reaffirms the need for States, individually or through competent international organizations, to urgently consider ways to integrate and improve, based on the best available scientific information and the precautionary approach and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

Chapter II (Articles 15 – 24) of the NAFO Conservation and Enforcement Measures is devoted to the protection of vulnerable marine ecosystems in the regulatory area from bottom fishing activities. Article 15 provides definitions of terms consistent with the FAO International Guidelines for the Management of Deep Sea Fisheries in the High Seas. NAFO has identified a “fishing footprint” within its regulatory area, in which bottom fishing has historically taken place, covering 120 047km² (Article 16). To date, NAFO has implemented 13 bottom fishing closures within its Regulatory Area, covering 12 367km² (10.3% of the NAFO fishing footprint area) to protect significant aggregations of the 67 sponge, seapen and coral taxa found in the northwest Atlantic which are recognized as meeting the FAO criteria for indicating a vulnerable marine ecosystem (Article 17). A further closure, covering 14 000 km², designed to protect deep sea corals, straddles the boundary between the NAFO Regulatory Area and the Canadian EEZ. NAFO has identified physical VME features (seamounts and knolls, shelf-indenting canyons, shoals and steep slopes), which, where they exist outside historical fishing areas, are protected through the NAFO Exploratory Fishery Protocol.

Articles 18 – 22 impose regulations on bottom-fishing outside of historical fishing grounds (“exploratory fishing activities”) with the aim of protecting marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals. Any state proposing to participate in exploratory fishing activities is required to submit a proposal and risk assessment for scientific review before fishing is authorized. Article 21 provides for scientific review of impacts after fishing has been conducted, while Article 22 describes the actions required should significant concentrations of VME indicator species be encountered. Finally, articles 23 and 24 provides for timely assessment of the effectiveness of these measures and their review.



Climate change and ocean acidification

Reiterating its serious concern at the current and projected adverse effects of climate change and ocean acidification on the marine environment and marine biodiversity, and emphasizing the urgency of addressing these issues,

Notes the work of the Intergovernmental Panel on Climate Change, notes with concern its recent findings on the acidification of oceans and its impact, as well as the findings of the World Meteorological Organization contained in its annual Greenhouse Gas Bulletin, and in this regard encourages States and competent international organizations and other relevant institutions, individually and in cooperation, to urgently pursue further research on ocean acidification, especially programmes of observation and measurement, noting in particular the continued work under the Convention on Biological Diversity⁷⁷ and paragraphs 6 to 10 of the decision on marine and coastal biodiversity adopted at the twelfth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Pyeongchang, Republic of Korea, from 6 to 17 October 2014,⁷⁸ and to increase national, regional and global efforts to address levels of ocean acidity and the negative impact of such acidity on vulnerable marine ecosystems;

Encourages States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation, taking into account, as appropriate, the precautionary approach and ecosystem approaches;

Reiterates the need to strengthen the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policymaking;

The NAFO Scientific Council has a Standing Committee of Fisheries Environment (STACFEN) whose tasks are to:

- develop and recommend to the Scientific Council policies and procedures for the collection, compilation and dissemination of environmental information from oceanographic investigations;
- provide reviews of environmental conditions and advise the Scientific Council on the effects of the environment on fish stocks and fisheries in the Convention Area; and
- encourage and promote cooperation among Contracting Parties in scientific research designed to fill the gaps in knowledge pertaining to the effects of the environment on fish stocks and fisheries as identified by the Scientific Council.

STACFEN climate summaries are presented annually to scientific meetings where stock assessment is being undertaken. Scientific advice and management decisions use both the adopted precautionary approach and the ecosystem approach to fisheries management.

Ecosystem Approach

Encourages competent organizations and bodies that have not yet done so to incorporate an ecosystem approach into their mandates, as appropriate, in order to address impacts on marine ecosystems;

*Welcomes the holding of the first and second meetings of the Ad Hoc Open-ended Informal Working Group, on the scope, parameters and feasibility of an international instrument under the Convention, convened in New York from 1 to 4 April 2014 and from 16 to 19 June 2014, in accordance with paragraphs 198 to 200 of resolution 68/70, within the process initiated by the General Assembly in resolution 66/231, with a view to ensuring that the legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction effectively addresses those issues by identifying gaps and ways forward, including through the implementation of existing instruments and the possible development of a multilateral agreement under the Convention, and takes note of the exchange of views and progress made at those meetings;*⁹⁹

NAFO began the implementation of an ecosystem approach to fisheries management in the years following the publication of the FAO Guidelines on Deepsea Fisheries. The Organization required scientific advice regarding marine habitats and vulnerable species in addition to the traditional stock assessment of commercial fish species, therefore the Scientific Council established a new Working Group on the Ecosystem Approach to Fisheries Management (WGEAFM) which met twice in 2008 and yearly since then, to identify and delineate marine benthic habitats subject to significant adverse impacts and in need of protection. Their work built on the findings of the ICES/NAFO deepwater ecology (WGDEC) group and took into consideration the definitions for vulnerable species and habitats.

The outcome of these meetings was a change to the NAFO Conservation and Enforcement Measures to prohibit bottom fishing in a number of areas where VME indicator species were known to occur in high densities in order to protect the biodiversity of these areas. Stocks of forage fishes such as Capelin in Div. 3NO were placed under long-term moratoria, recognizing the important role they play in the food-web and the potential increase of recovery period for Grand Banks cod stocks which their commercial exploitation might entail.

In 2013 this group became the Working Group on Ecosystem Science and Assessment (WGESA). At the same time, NAFO established a joint Working Group of Fisheries Managers and Scientists on the

Ecosystem Approach Framework to Fisheries Management (WG FMS EAFFM) to consider the work of Scientific Council and provide recommendations to Fisheries Commission on management measures.

Since 2012 the NAFO Secretariat has been involved with the FAO "VME database" project, in support of UNGA Resolution 61/105.

Developing states and taxonomy

Encourages States and international organizations, including through bilateral, regional and global cooperation programmes and partnerships, to continue in a sustainable and comprehensive way to support, promote and strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research, taking into account, in particular, the need to create greater taxonomic capabilities;

Recognizing the difficulties in collection of data and enforcement of regulations relating to rare and vulnerable organisms, NAFO publishes waterproof field guides of sponges and corals of the northwest Atlantic (NAFO Scientific Council Studies vols. 42 & 43), available on request from the Secretariat. Recognizing the particular needs of developing States, these are freely available in electronic form.

Prevention of destructive practices

Calls upon States and international organizations to urgently take further action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

Further to the measures described above for the protection of marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals, Article 4 of the NAFO Conservation and Enforcement Measures describes authorized fishing gears which can be used in the NAFO regulatory to target managed stocks. Practices typically regarded as highly destructive (e.g. explosives, poisoning, etc.) are not included on this list.

Deep sea cooperation

Calls upon States, individually or in collaboration with each other or with competent international organizations and bodies, to continue to strive to improve understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

NAFO is a partner in the five-year project "Sustainable fisheries management and biodiversity conservation of deep-sea ecosystems in the Areas beyond national jurisdiction (ABNJ)", with the aim of promoting responsible and sustainable fisheries and biodiversity conservation in the high seas.