
THE ECOSYSTEM APPROACH TO FISHERIES IN INTERNATIONAL FISHERIES LAW AND POLICY

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EAFM in ABNJ Symposium
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- Avoid overfishing
 - Ensure reversibility & rebuilding
 - Minimise fisheries impact
 - Consider species interactions
 - Ensure compatibility
 - Apply the precautionary approach
 - Maintain ecosystem integrity
- Improve human well-being and equity
 - Allocate user rights
 - Promote sectoral integration
 - Broaden stakeholders' participation

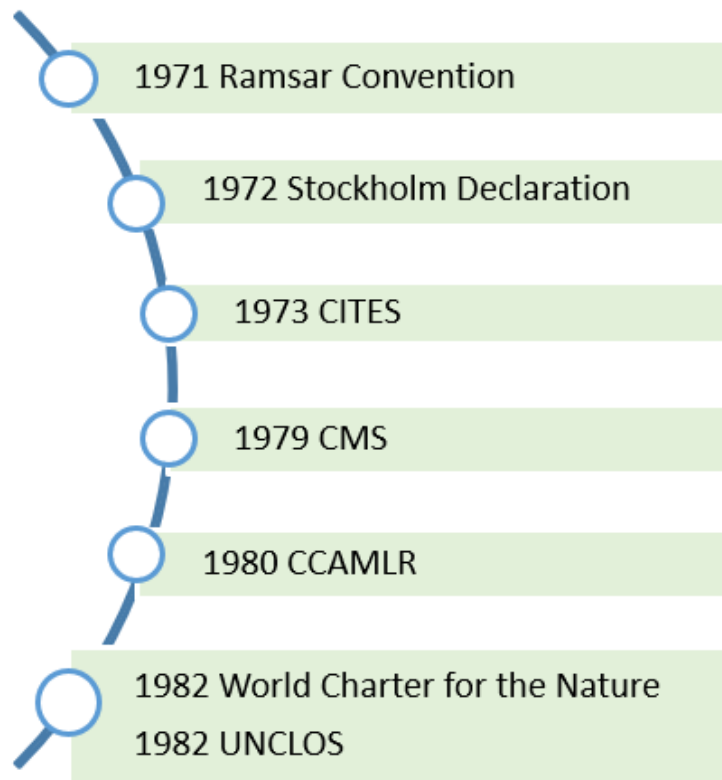




Key international commitments for the ecosystem approach

1970s – 1980s

Implicit considerations

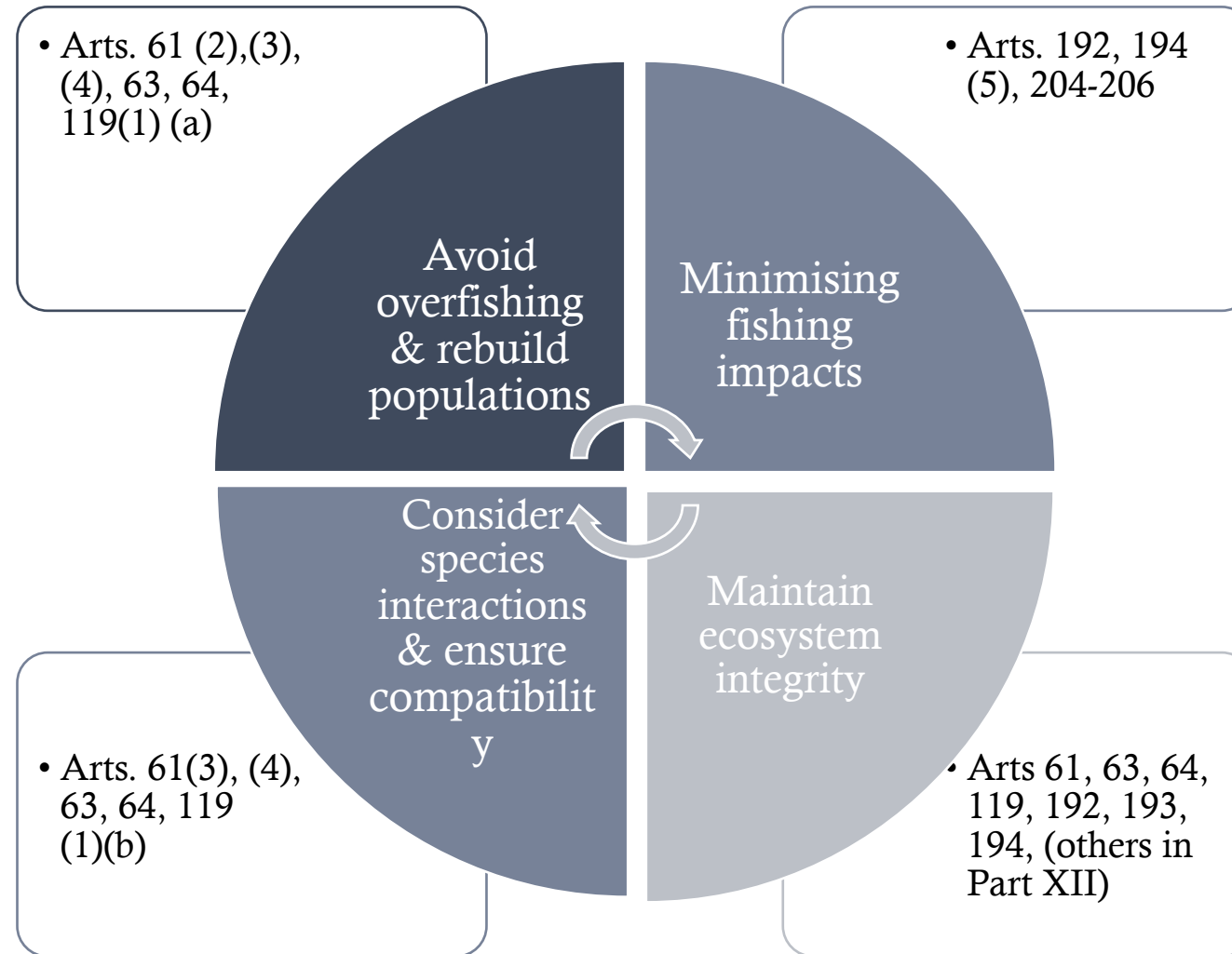


1990s – 2025

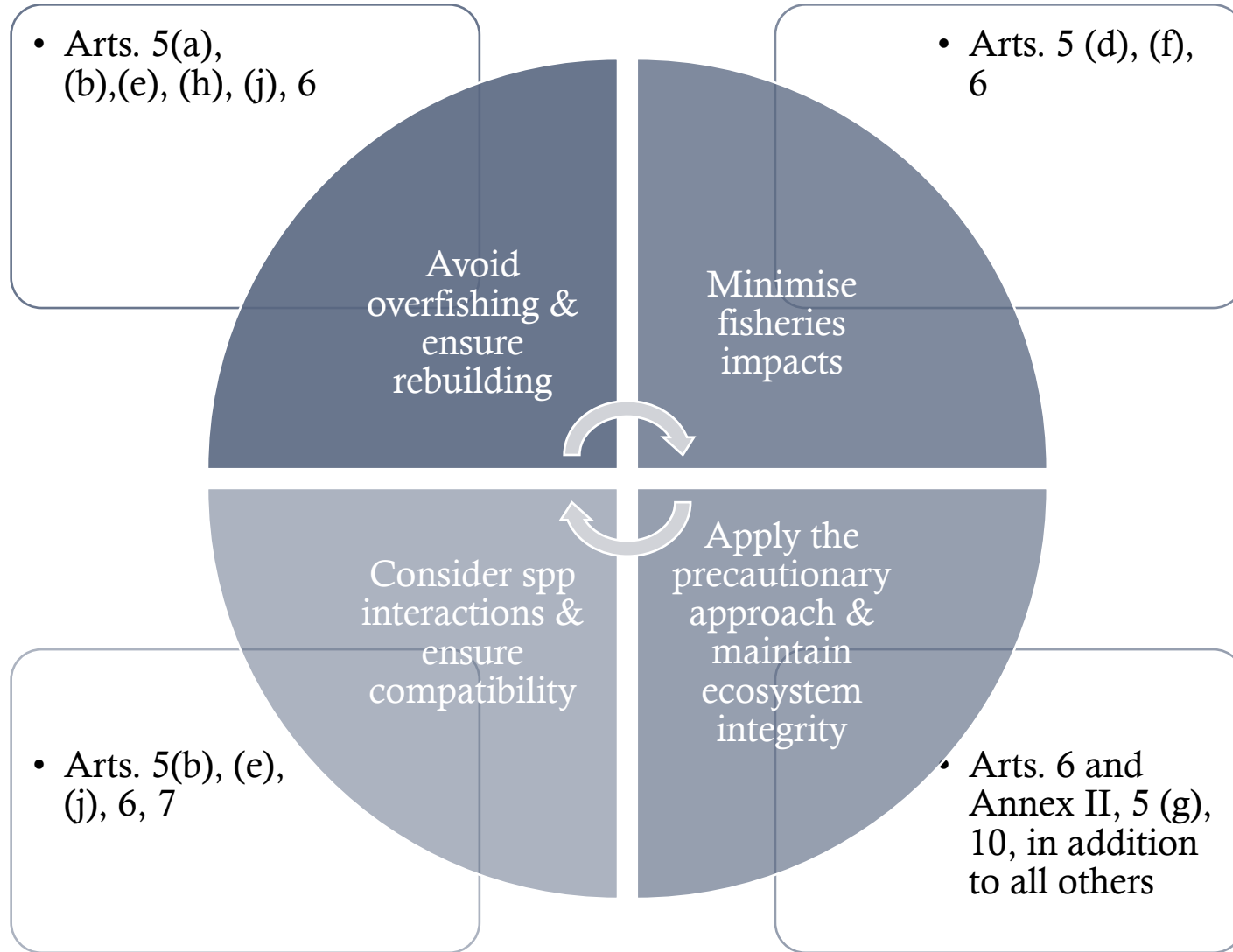
Growing commitments and international guidance



UNCLOS & EAF



UNFSA & EAF



GENERALLY AGREED MINIMUM STANDARDS: UNGA RESOLUTIONS ON SUSTAINABLE FISHERIES & FAO INSTRUMENTS

- **UNCLOS:**

- ✓ Part V (EEZs) & Part VII (High Seas): In designing conservation and management measures to maintain or restore populations of harvested species to MSY levels (...) States shall take into consideration (...) the interdependence of stocks and **any generally recommended international minimum standards, whether subregional, regional or global** (UNCLOS, Arts. 61(3) and 119(1)(a)).



- UNGA resolutions
- The FAO Code and IPOAs
- FAO Voluntary Guidelines (e.g. on bycatch, deep-sea fishing, etc)
- MEAs COP decisions
- Other competent bodies' deliberations (e.g. IMO)

GENERALLY AGREED MINIMUM STANDARDS: UNGA RESOLUTIONS ON SUSTAINABLE FISHERIES & FAO INSTRUMENTS

- UNFSA's obligations on its Parties in fulfilling their obligation to cooperate through RFMOs/As, States shall, inter alia:

- ✓ adopt and apply **any generally recommended international minimum standards** for the responsible **conduct of fishing operations** (Art 10 (c)).



- UNGA resolutions
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GENERALLY AGREED MINIMUM
STANDARDS: UNGA RESOLUTIONS ON
SUSTAINABLE FISHERIES – VME
DEFINITIONS AND REQUESTS OVER
TIME

	59/25 (2004)	61/105 (2006)	64/72 (2009)	66/68 (2011)	71/123 (2016)	77/118 (2022)	78/68 (2023)
Seamounts; hydrothermal vents; cold water corals (all of which continued to be examples in subsequent resolutions)	RFMOs to identify VMEs and take measures including closures to prevent SAI on areas where VMEs are known or likely to occur.	-Refence to FAO Guidelines -Use the best scientific and technical information available to identify where VMEs are known or likely to occur	RFMOs to consider results available from marine scientific research (MSR), including those from seabed mapping on identification of areas containing VMEs	-RFMOs to use, as applicable, the full set of criteria contained in the FAO Guidelines to identify where VMEs occur or are likely to occur; -MSR: including seabed mapping, mapping of VMEs based on information from the fishing fleet, on-site camera observations, benthic ecosystem modelling, comparative benthic studies and predictive modelling.	-Need for further progress on obtaining more biological information on the species that comprise VMEs, including their associated and dependent species, protecting and conserving biodiversity, including beyond VMEs - Called RFMOs to ID spatial distribution and connectivity of VMEs including associated and dependent species.	RFMOs to take into account the potential impacts of climate change and ocean acidification in taking measures to manage deep-sea fisheries and protect VMEs, incl by identifying areas, based on scientific information, where deep-water species and VMEs are likely to better survive such impacts, and establishing measures to support their resilience	

GENERALLY AGREED MINIMUM STANDARDS: UNGA RESOLUTIONS ON SUSTAINABLE FISHERIES – VME SIGNIFICANT ADVERSE IMPACTS (SAI)

REQUEST OVER TIME:

Resolution 61/105 (2006)	64/72 (2009)	66/68 (2011)	71/123 (2016)	77/118 (2022)	78/68 (2023)
<p>To <u>assess</u>, on the basis of the best available scientific information, whether individual bottom fishing activities would have SAI on VMEs, and prevent SAI or do not authorise bottom fishing</p>	<p>RFMOs to conduct SAI assessments in a manner consistent with the FAO Guidelines and ensure that vessels do not engage in bottom fishing until such assessments have been carried out</p>	<p>to strengthen procedures for carrying out assessments to <u>take into account</u> individual, collective and cumulative impacts, and for making the assessments publicly available</p>	<p>- Same call as in 2011, and to ensure that assessments are reviewed periodically and revised whenever there is a substantial change in the fishery, or in light of new information.</p> <p>-VMEs may also be impacted by human activities other than bottom fishing. and encourages competent international organizations to consider taking action to address these.</p>	<p>-To assess SAI on VMEs including their associated and dependent species;</p> <p>-ensure that EIAs including for cumulative impacts of the activities covered by the assessment are conducted for all types of bottom-fishing activities, consistent with the FAO Guidelines</p> <p>- ID refugia sites and measures to increase VME resilience to CC & OA</p>	<p>To <u>take into account</u> the potential impacts of climate change and ocean acidification in taking measures to manage deep-sea fisheries and protect vulnerable marine ecosystems, including by identifying areas, based on scientific information, where deep-water species and VMEs are likely to better survive such impacts, and establishing measures to support their resilience</p>

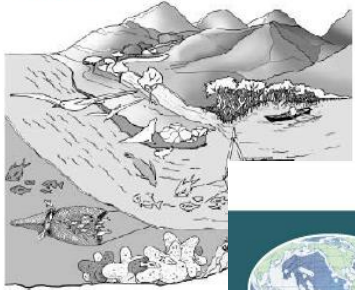


FAO & EAF



FISHERIES MANAGEMENT

2. The ecosystem approach to fisheries



FISHERIES MANAGEMENT

2. The ecosystem approach to fisheries 2.1 Best practices in ecosystem modelling for informing an ecosystem approach to fisheries



FISHERIES MANAGEMENT

2. The ecosystem approach to fisheries 2.2 The human dimensions of the ecosystem approach to fisheries



Often overlooked!
(human dimension of the EAF)

- Improve human well-being and equity
- Allocate user rights
- Promote sectoral integration
- Broaden stakeholders' participation



INTERNATIONAL GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS

DIRECTIVES INTERNATIONALES SUR LA GESTION DE LA PÊCHE PROFONDE EN HAUTE MER

DIRECTRICES INTERNACIONALES PARA LA ORDENACIÓN DE LAS PESQUERÍAS DE AGUAS PROFUNDAS EN ALTA MAR



INTERNATIONAL GUIDELINES ON BYCATCH MANAGEMENT AND REDUCTION OF DISCARDS

DIRECTIVES INTERNATIONALES SUR LA GESTION DES PRISES ACCESSOIRES ET LA RÉDUCTION DES REJETS EN MER

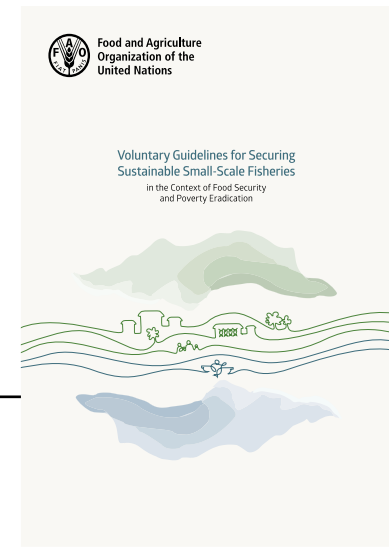
DIRECTRICES INTERNACIONALES PARA LA ORDENACIÓN DE LAS CAPTURAS INCIDENTALES Y LA REDUCCIÓN DE LOS DESCARTES



GUIDELINES FOR THE ECOLABELLING OF FISH AND FISHERY PRODUCTS FROM MARINE CAPTURE FISHERIES

DIRECTIVES POUR L'ÉTIQUETAGE ÉCOLOGIQUE DU POISSON ET DES PRODUITS DES PÊCHES DE CAPTURE MARINES

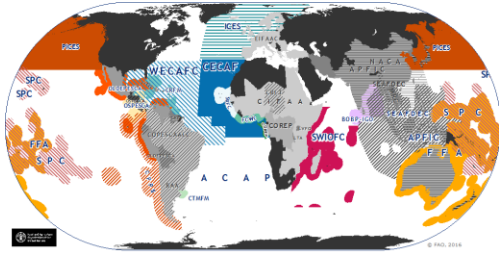
DIRECTRICES PARA EL ECOETIQUETADO DE PESCADO Y PRODUCTOS PESQUEROS DE LA PESCA DE CAPTURA MARINA



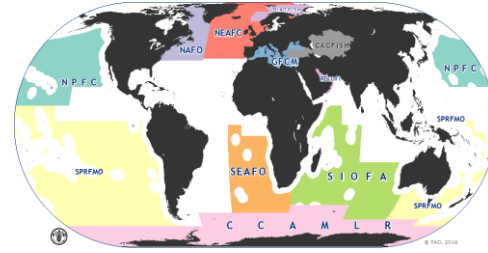
Food and Agriculture Organization of the United Nations

Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication

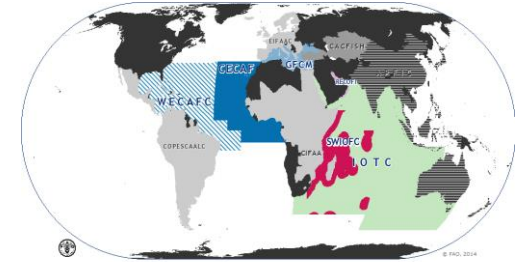
RFBs & EAF



Regional Fishery **Advisory** Bodies (RFBs)



Regional Fishery **Management** Organizations (RFMOs – non species-specific)



FAO Advisory Bodies (Art VI – FAO Constitution) and **FAO Management** Bodies (Art XIV- FAO Constitution)

Examples

GFCM Agreement

Explicitly provides for EAF, mandating the respective Commission to formulate and recommend conservation and management measures to minimize impacts of fishing activities on marine living resources and their ecosystems; adopt management plans based on the EAF

CACFish Agreement

Requires this Commission, in performing its functions, formulating and recommending conservation and management measures, to apply the ‘ecosystem approach to conservation and management decisions’

In addition to CCAMLR, the following RFMOs enshrine the EAF in its constituent instruments:

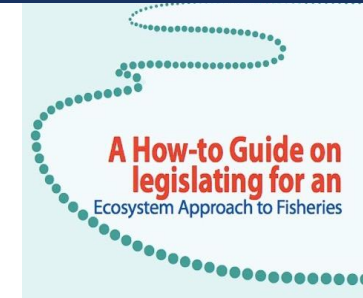
SPRFMO, NPFC, SIOFA, and NAFO

EAF implicitly in various other RFMOs instruments and in CMMs



EAF IN NATIONAL LAWS

17 EAF legal components



C1	The objectives and principles of EAF-relevant legislation should include key EAF concepts	C9	Controls on fishing operations, such as catch/output controls, effort/ input controls, fishing gear controls, spatial controls and temporal controls, should be outlined
C2	To the extent possible, the formation of management boundaries should be ecologically meaningful and management measures should be harmonized across boundaries and jurisdictions, locally, nationally and internationally, when ecologically relevant	C10	The design, implementation, monitoring and review of fishery management plans (FMPs) should be mandated
C3	The precautionary approach should be outlined	C11	MCSE measures should be outlined
C4	Mechanisms for stakeholder participation and transparency should be outlined	C12	Fisheries-related offences, penalties and administrative and judicial processes should be outlined
C5	Mechanisms for coordination, cooperation and integration of approach between the institution responsible for fisheries management and other relevant institutions should be established	C13	EAF research should be promoted and provided for
C6	Lower level authorities, bodies and stakeholders should be integrated into management processes	C14	Mechanisms for habitat and biodiversity conservation and restoration should be outlined
C7	Mechanisms for conflict management should be outlined	C15	Energy expenditure, pollution, the introduction of species and other potentially harmful activities should be regulated in order to limit the impacts on aquatic ecosystems
C8	Mechanisms for the integrated management of aquatic ecosystems should be established	C16	A requirement for the production, submission and review of environmental impact statements (EIS) or environmental impact assessments (EIA) for potentially impactful activities should be outlined
		C17	The regular monitoring and review of management measures should be required

CONCLUDING REMARKS

- EAF is an approach that integrates principles of international environmental law and law of the sea into sustainable fisheries management
 - Operational and normative content of the EAF has been developed and promoted by FAO through Technical Guidelines, Guides and other tools
 - EAF is not only about ecological aspects, but is a holistic approach that can also facilitate better integration of social dimensions into fisheries management
 - EAF is enshrined implicitly and explicitly in various FAO instruments, as well as in RFBs frameworks (constituent instruments, and CMMs)
 - Implementation of EAF is key at national and regional levels
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THANK YOU

