

UN Fish Stocks Agreement Review Highlights: Monday, 22 May 2023

Delegates convened at UN Headquarters in New York City on Monday to begin the Review Conference on the Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea (UNCLOS) relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, known as the UN Fish Stocks Agreement (UNFSA). In the morning, delegates addressed organizational matters, listened to reports from informal rounds of consultations, and considered the status of the Assistance Fund. In the afternoon, delegates focused on reviewing the implementation of the recommendations adopted at the 2016 Resumed Review Conference.

Opening of the Resumed Review Conference

Stephen Mathias, Assistant Secretary-General for Legal Affairs, opened the meeting, inviting delegates to elect the President of the Resumed Review Conference. Delegates elected Joji Morishita, Japan, by acclamation.

President Morishita stressed that, despite progress, problems with the conservation and management of highly migratory and straddling fish stocks remain. He highlighted important recent developments, including the World Trade Organization (WTO) agreement on Fisheries Subsidies; the adoption of the Kunming-Montreal Global Biodiversity Framework (GBF); and the agreement on an international legally binding instrument on the conservation and sustainable use of biological diversity in areas beyond national jurisdiction (BBNJ Agreement). He stressed that regional fisheries management organizations (RFMOs) are expected to play a key coordination role in the BBNJ framework. He further underscored the challenges posed by climate change and illegal, unreported, and unregulated (IUU) fishing.

Mathias, on behalf of the UN Secretary-General António Guterres, highlighted fisheries-related benefits, in particular for developing states. He underscored that overfishing, IUU fishing, and destructive fishing practices undermine the sustainability of the world's fisheries. He called for "redoubling our efforts to preserve fisheries' long-term sustainability" by fully implementing the UNFSA. He said that the overall level of implementation has improved, albeit unevenly, as some states and RFMOs proceeded more expeditiously than others.

Organizational Matters

President Morishita introduced the provisional agenda (A/CONF.210/2023/L.1), which was approved without comments.

The Philippines for Asia Pacific States, Chile for Latin American and Caribbean States, and Spain for Western European and other States were elected as Vice-Presidents. Four additional nominations remain pending. Delegates established the Credentials Committee with two nominations pending.

President Morishita outlined the organization of work (A/CONF.210/2023/L.2).

General Statements

Several countries including the EU, UK, the PHILIPPINES, NEW ZEALAND, ICELAND, NORWAY, and CANADA urged focus on IUU fishing as the main constraint to recovery of fish stocks globally. The US highlighted the role of the International Plan of Action to Prevent, Deter and Eliminate IUU fishing.

The EU and the UK drew attention to the need to address data gaps, urging the application of ecosystem-based approaches in the management of fish stocks. The UK also urged reflecting on the Kunming-Montreal Global Biodiversity Framework provisions for conserving marine biodiversity.

INDIA reported on fisheries management practices, including fishing closure seasons, promotion of artificial reefs, seaweed culture, and cage culture of fish. He further noted the importance of the principle of common but differentiated responsibilities for fair and equitable fisheries management.

CANADA called for strengthening conservation of shark species and accounting for climate change, including how it can influence the discussion on fishing rights allocation. NEW ZEALAND called for increasing participation of countries in the agreement, as well as in RFMOs, to strengthen their effectiveness.

INDONESIA called for enhancing collaboration for sustainable fisheries management through achieving maximum sustainable yields. BRAZIL called for whole-of-society and whole-of-government approaches, and strengthening of ocean governance. MOROCCO called for more capacity building on fisheries science for African countries.

The HIGH SEAS ALLIANCE urged parties to sign the BBNJ Agreement and to integrate its outcome into fisheries management. The PEW CHARITABLE TRUSTS highlighted that the organization's scorecard on RFMO performance has been updated and shows progress but uneven implementation of the Agreement.

Presentation of Reports of Informal Consultations and Consideration of the Status of the Assistance Fund

President Morishita presented the reports of the 13th - 16th rounds of informal consultations (ICSP13/UNFSA/INF.2, ICSP14/UNFSA/INF.3, ICSP15/UNFSA/INF.3, and ICSP16/UNFSA/INF.3).

The Food and Agriculture Organization of the UN (FAO) presented the report on the status of the Assistance Fund (A/CONF.210/2023/2). She reported that, following the revision of the terms of reference, the FAO and the EU entered a donor agreement, valued at USD1,127,599, to strengthen participation in, and implementation of, the UNFSA.

Assessment of the Effectiveness of the Agreement

President Morishita introduced the agenda item, noting it forms "the substance of our discussions." Delegates reviewed the implementation of the recommendations adopted at the 2016 Resumed Review Conference.

Conservation and management of fish stocks: The EU, the UK, the US, ECUADOR, and the PHILIPPINES highlighted the role of accurate data to assess fish stocks, with the EU and NEW ZEALAND noting that lack of data increases the need to rely on the precautionary approach. ICELAND highlighted that data collection is an expensive task, and urged improved data and knowledge sharing. The EU emphasized that failure to provide relevant data should be considered as non-compliance under RFMO regulations, and, with the PHILIPPINES, underscored the need to strengthen developing countries' capacities.

The EU, CANADA, and the PHILIPPINES highlighted the usefulness of the precautionary and ecosystem approaches to deal with climate change, biodiversity, and acidification challenges. CANADA stressed the example of the Northwest Atlantic

Fisheries Organization and the progress made on a new reference point that considers overfishing at ecosystem level. The UK and CANADA urged for more research to better understand the impact of climate change on fisheries. The US pointed to resolutions adopted by RFMOs on climate change, stressing the need to mainstream these considerations into decision making.

ECUADOR, the PHILIPPINES, and CHILE stressed the contribution of marine protected areas (MPAs) in biodiversity conservation and in maintaining healthy fish stocks. MOROCCO reported on areas of conservation of sensitive ecological zones and fisheries, and regulation of fishing of protected species, such as sharks and marine mammals. NORWAY and others pointed towards the GBF's 30x30 Target to protect 30% of the planet by 2030, an important guidance for MPA and other effective conservation measures (OECMs) establishment and governance. The HIGH SEAS ALLIANCE emphasized that governance of MPAs and OECMs need to be long-term, continuous, and sustained.

The EU, the US, the UK, NEW ZEALAND, and CANADA highlighted the BBNJ agreement, including its contribution towards area-based management tools (ABMTs). The EU stressed that RFMOs need to adopt a proactive and constructive attitude towards the new instrument, emphasizing information sharing on ABMTs, including possible centralization of relevant information. The US stressed that the BBNJ Agreement will provide a mechanism for coordination across RFMOs and a platform for data sharing. The UK underscored GBF targets directly linked to fisheries management, stressing the need to consider the wider ecosystem in addition to fish stocks.

The EU and the PHILIPPINES highlighted the WTO agreement on fisheries subsidies and the need to promote the fisheries agenda beyond the fisheries communities. The UK, CANADA, and the US drew attention to the Agreement to prevent Unregulated High Seas Fisheries in the central Arctic Ocean. The EU, the UK, and NEW ZEALAND stressed the need to address gaps in unregulated areas, including via cooperation with coastal states and states fishing in international waters.

INDIA drew attention to small-scale fisheries in developing countries, urging for ensuring additional access to resources and markets. INDONESIA reported on ongoing decline of yellowfin tuna fisheries in the Indian Ocean, lamenting the lack of significant progress in stock rebuilding plans initiated by the Indian Ocean Tuna Commission.

The PHILIPPINES stressed the importance of proportionality of burden for developing states regarding efforts in implementing the UNFSA. The EU suggested further discussing the notion of disproportionate burden, including potential identification of relevant objective criteria.

International cooperation: Many members focused on the performance reviews by RFMOs. The EU, the UK, and CANADA noted there is room for further improving such reviews and implementation of relevant recommendations through compliance mechanisms. The US and NEW ZEALAND supported periodic performance reviews for RFMOs.

The EU noted that RFMOs should be open to participation to all states with a relevant interest as well as civil society as observers. ICELAND stressed that expanding participation is not a goal in itself, underscoring that relevant coastal states and those with fishing interests in the High Seas should participate in the relevant RFMO.

The EU cited joint RFMO meetings under the Kobe process, stressing, along with CHILE, that cooperation can strengthen consistency in fisheries management measures and address emerging issues like climate change or biodiversity conservation. ICELAND reported that many RFMOs have amended their mandates to include biodiversity conservation.

JAPAN highlighted areas of cooperation between RFMOs covering the same area or the same species, including cross-listing of IUU fishing vessels across RFMOs. NEW ZEALAND and the International Commission for the Conservation of Atlantic Tunas urged focus on the role of RFMOs in the BBNJ Agreement.

The UK underscored the need to address fishing rights allocation criteria as a top priority. ECUADOR highlighted the impacts of fishing fleets operating close to the exclusive economic

zones (EEZs) on species that are protected through MPAs in national waters.

On cooperation for regulating fishery activities, the EU highlighted the responsibility of flag states to ensure compliance with conservation and management measures, and supported work by FAO to identify options for strengthening the effectiveness of the compliance agreement. CANADA stressed the need to ensure compliance with obligations of RFMO members and cooperating non-members. INDIA expressed concern over the large number of flagless and unrecognized fishing vessels in the IUU lists maintained by RFMOs. NEW ZEALAND highlighted the responsibilities of flag states, port states, and those states supporting fishing to cooperate with relevant RFMOs. ICELAND emphasized that states should not authorize fishing vessels unless they can control their activities, adding that performance of flag states should be assessed.

The UK stressed ease of objections undermines RFMOs efforts, urging towards developing objective objection procedures. JAPAN said that the objection process should involve all relevant states.

The North East Atlantic Fisheries Commission updated on the development of a more modern reporting system, to address challenges such as discards and bycatch, and highlighted progress on area-based management.

The Deep Sea Conservation Coalition noted progress by RFMOs including closure of substantial areas to protect vulnerable marine ecosystems (VMEs), despite persistent decline of deep sea fish stocks, and the impacts of bottom fishing on seamounts. He stressed the need to follow the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas and to close all seamounts to bottom trawling.

Monitoring, control, and surveillance, and compliance and enforcement: The EU recommended the use of the FAO Voluntary Guidelines for Flag State Performance to combat IUU fishing. The EU and the US highlighted the FAO Voluntary Guidelines for Transshipment to inhibit IUU fishing.

The UK, with the US and CHILE, lauded the coming into force of the Agreement on Port State Measures (PSMA), aimed at preventing vessels engaged in IUU fishing from accessing ports and landing their catches. With the EU, they highlighted outcomes of the 4th PSMA meeting, particularly the Bali Strategy aimed at strengthening coordination and cooperation in information exchange, port entry, and use and inspection.

The EU urged the use of modernized technology such as electronic monitoring and systems. NEW ZEALAND said electronic reporting should be enhanced beyond the use of vessel monitoring systems (VMS).

The EU, the US, and the UK also supported the promotion of high seas boarding and inspection schemes. The UK drew attention to the recent launch of the IUU Fishing Action Alliance.

FAO highlighted the PSMA as the first binding international agreement on IUU fishing. Discussions will continue.

In the Corridors

Gathering several years later than expected due to the COVID-19 pandemic, the delegates of parties to the UNFSA welcomed the Resumed Review Conference as the key moment to take stock of progress made in international fisheries management and address the linkages with issues such as climate change and biodiversity conservation.

While there was a general sense of positivity related to some improvements in the way RFMOs manage the fish stocks under their remit and mutual collaboration, there was general acknowledgment of the lack of progress on many issues, starting with the failure to halt overfishing and deter IUU fishing. One delegate noted that "it is impossible to celebrate areas of progress while IUU fishing is constantly significantly setting us back."

As delegates reviewed monitoring, control, and surveillance, it became clear that there is no shortage of guidance on ways to combat IUU fishing, with several delegates noting the need to accelerate technological surveillance. Others highlighted uneven capacities of RFMOs and parties, as a hinderance, enabling "hiding places for unscrupulous non-compliant vessels." While delegates will need to consider a variety of interrelated issues and come up with a set of robust recommendations, the fast pace of the first day created a spirit of optimism for timely completion of the meeting's agenda.