

UN Fish Stocks Agreement Review Highlights: Tuesday, 23 May 2023

Efficiency and fast pace continued in the second day of 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). Delegates concluded deliberations on monitoring and compliance issues, which were broadly discussed on Monday, and addressed recommendations related to developing states and non-members. They focused on proposed means of further strengthening the substance and methods of implementation of UNFSA and adjourned early to start working on the meeting's outcome document, including its recommendations.

Assessment of the Effectiveness of the Agreement

Monitoring, control, and surveillance, and compliance and enforcement: CANADA stressed that regional fisheries management organizations (RFMOs) have limited mechanisms to address illegal, unreported, and unregulated (IUU) fishing and rely on flag states to ensure compliance. He urged exploring options to strengthen compliance and enforcement, including via cross-listing of IUU vessels and increased transparency. ICELAND reiterated that flag states must control their vessels, pointing to self-assessment mechanisms.

CANADA highlighted the World Trade Organization (WTO) Subsidies Agreement and the Agreement on Port States Measures (PSMA) as important tools to combat IUU fishing and reiterated, with ICELAND, the importance of coordinated, targeted capacity building, recognizing the special requirements of developing countries. ICELAND highlighted the FAO Voluntary Guidelines for Transshipment and noted that port state measures are a cost-effective way to combat IUU fishing. He added that compliance within RFMOs is generally good although there is always room for improvement.

The AFRICAN UNION – INTERAFRICAN BUREAU FOR ANIMAL RESOURCES introduced the organization to the global community, noting its aim to strengthen domestic implementation of provisions by international instruments, including the UNFSA.

Developing states and non-parties: President Morishita outlined the topics to be considered under this section, including capacity-building mechanisms and programmes; access to the fisheries in the high seas by developing states; promotion of small-scale fisheries; women participation in the fishing sector; the role of Indigenous Peoples in developing states; avoidance of disproportionate burden of conservation actions on developing states; and food security.

The EU and ICELAND stressed the importance of promoting wider participation of developing states in the UNFSA and, along with other delegates, welcomed the new members who joined since 2016.

NEW ZEALAND emphasized the need for contributions to the Assistance Fund to support capacity building and for cooperation, such as with the WTO Subsidies Agreement to avoid duplication of efforts where resources are scarce.

INDIA stressed that participation, including in decision making, is crucial for RFMO effectiveness but difficult to achieve for least developed parties, Contracting Parties and Cooperating Non-Contracting Parties (CPCs). He called for strengthening capacity of these CPCs in several areas including science, data collection, catch reporting, flag state control, and fisheries' access.

The EU stressed that the 2016 recommendations remain valid, but noted a discrepancy between the number of recommendations, on one hand, and the low rate of responses from parties to the questionnaire circulated by the Secretariat in May 2022. He acknowledged the requirement for developing states to develop their own fisheries in the high seas, and to avoid transferring to them a disproportionate conservation burden. He underscored the work to be done to better understand this concept and develop objective criteria, noting that different conservation standards should be avoided.

On building capacity, ICELAND and the EU called for mechanisms of cooperation to support developing states to meet their responsibilities. The EU stressed that donors must coordinate better when assisting developing countries to avoid overlaps. NORWAY reported capacity-building initiatives launched at the 2022 UN Ocean Conference to support the use of satellite data for surveillance of fishing vessels.

On the promotion of small-scale fisheries, the EU highlighted the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries, and the need to include participatory approaches, and women's organizations.

The UK discussed partnerships with developing states on scientific expertise, monitoring, control and surveillance, and enforcement. She highlighted the launch of a new subcommittee on fisheries management at the FAO Committee on Fisheries (COFI), as a new forum for discussing small-scale fisheries and artisanal fishers.

The GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN (GFCM) stressed that GFCM's second performance review included the 2016 UNFSA recommendations. He highlighted progress on the science-policy interface, in fish stock assessments and management plans. He noted progress on research for deep sea fisheries and to protect vulnerable marine ecosystems (VMEs) and mentioned the 10 fisheries-restricted areas in the Mediterranean to protect deep sea ecosystems. He highlighted cooperation with the North East Atlantic Fisheries Commission (NEAFC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), and FAO on issues such as improving compliance, monitoring and surveillance issues, IUU fishing, and collaboration with regional seas conventions.

ICELAND stressed the importance of food security, as the "other side of the coin" of fisheries management, stressing it needs to be considered in conjunction with environmental concerns.

The DEEP SEA CONSERVATION COALITION (DSCC) highlighted the organic links between the UNFSA and the 1995 FAO Code of Conduct for Responsible Fisheries. He highlighted articles of the Code relevant to trade, recalling that trade of fisheries' products should not result in environmental degradation or adversely impact the nutritional rights and needs of people for whom fish is critical to their health and well-being. He noted these provisions are also relevant to deep sea fisheries.

FAO highlighted the support to its members on topics such as strengthening information on stocks status and mentioned the update of its own methodology on the status of global stocks. She stressed the continuing progress on the ecosystem approach, including the increase in closed areas for VMEs following the International Guidelines for the Management of Deep-Sea Fisheries in the high seas. FAO also stressed initiatives inducing participation of its members in other agreements like the agreement on an international legally binding instrument on the conservation and sustainable use of biological diversity in areas beyond national jurisdiction (BBNJ Agreement), also addressing relevant links. She further emphasized the role of fisheries and aquaculture as part of the solution to mitigate and adapt to climate change.

Proposed means of further strengthening, if necessary, the substance and methods of implementation of the provisions of the Agreement: Several Parties noted that most recommendations from the 2016 Resumed Review Conference remain valid, adding that some require updating based on new developments.

The EU, the UK, and the US highlighted the need to address the low rate of responses to the voluntary questionnaire for States and RFMOs for the UN Secretary-General's report to the Resumed Review Conference.

On the recommendation on area-based management tools, the EU and the UK suggested updating the reference to conservation of at least 10% marine and coastal areas, for consistency with the Kunming-Montreal Global Biodiversity Framework 30x30 Target.

The EU, with the UK, proposed a new recommendation on the implications of the new BBNJ Agreement. The EU and the HIGH SEAS ALLIANCE suggested wording on the engagement of RFMOs in implementation of the BBNJ Agreement through coordination and collaboration. CHILE suggested joint workshops. Parties, including the EU and the UK, also suggested referring to the new WTO Agreement on Subsidies.

Regarding the recommendation on conservation and management measures for deep-sea fisheries the EU suggested more specific language to accelerate, rather than continue, establishment and implementation of long-term conservation measures.

The UK suggested mainstreaming impacts of climate change across decision making in fisheries management. She further called for emphasis on the need for data and information sharing. NEW ZEALAND suggested strengthening the language on bycatch management and discards to include mention of threatened species. He further called for emphasis on increasing RFMO coverage to expand species and areas under surveillance and protection.

The UK proposed to include text on the importance of fishing rights allocation issues. NEW ZEALAND and the UK highlighted the importance of the recommendations on performance reviews of RFMOs, as they are key drivers for institutional reforms. On IUU fishing, the EU and the UK proposed reference to the Voluntary Guidelines for Transshipment, and adding elements on sharing data on vessels as well as on gaps in areas not covered by RFMOs.

The US urged a strategic approach to developing recommendations, noting prioritization is key for progress. She suggested studying the impact of climate change on fish stocks; improve coordination and joint activities for monitoring, control, and surveillance; develop and strengthen high seas boarding

and inspection measures, with the EU; and monitor, assess, and promote compliance.

JAPAN suggested identifying which stocks should be prioritized in terms of minimum required data and stock assessment; strengthening cooperation between RFMOs and relevant international organizations; and reinforcing synergies between RFMOs. INDONESIA underscored the need to promote participation to the UNFSA; strengthen collaboration to maintain and restore stocks to levels that can produce maximum sustainable yield; link implementation with the Sustainable Development Goals (SDGs), especially SDG 14 (life below water); and strengthen RFMOs.

MOROCCO stressed the need for a common vision, standardizing stock assessments by RFMOs as well as data collection. He highlighted the need to address climate change, and bolster initiatives for coordination and information exchange between RFMOs. ECUADOR drew attention to the Permanent Commission for the South Pacific Action Plan on IUU fishing.

ICELAND cautioned "not to bloat the text too much" with additional elements, stressing that "the core purpose of what we are doing" is addressing the general functioning of the fisheries management system. He underscored the need to reflect that the UNFSA and RFMOs are functioning well. He added that RFMOs will need to prepare for the entry into force of the BBNJ Agreement, stressing that on area-based management tools "the BBNJ Conference of the Parties has competences where other bodies do not." He highlighted the role of flag states and the issue of bycatch.

The PEW CHARITABLE TRUSTS emphasized that the 2016 recommendations were strong and led to significant action by RFMOs around the world. He stressed the need to improve compliance monitoring systems and address the growing number of members who are formally objecting RFMOs' decisions.

The DSCC highlighted UN General Assembly Resolutions on the management of bottom fisheries in the high seas and on assessing the impact of bottom fishing on all fishing areas that qualify as, or comprise, VMEs. The HIGH SEAS ALLIANCE suggested a reference to implementing environmental impact assessment procedures like in the BBNJ Agreement.

In the Corridors

The rapid progress in covering the meeting's agenda continued on Tuesday morning, as delegates completed within the first three hours of the meeting all substantive interventions on the review of the implementation of the 2016 recommendations, as well as on the proposed means of further strengthening the substance and methods of implementation of the Agreement.

Delegates, though pleasantly surprised by this progress, and maybe by the prospect of some free time, quickly realized that the task ahead would require a lot more of their attention and all hands on deck to ensure a successful outcome document. Discussing, under the UNFSA President's guidance, proposed options on how to organize further work, questions begun to arise regarding how prepared parties were to enter in drafting committee sessions to discuss the draft outcome already on Wednesday, and whether this would leave enough time for delegations to liaise and consult with their capitals.

The inadequate representation from some regions, such as Africa, and the paucity of representatives from RFMOs were once again raised by some delegates and observers as a limiting factor to ensuring broad implementation of the forthcoming recommendations. The limitations of the Assistance Fund were cited as a major constraint to ensuring universal attendance. Some delegates also pointed to the untapped potential of the UNFSA and its recommendations. In that regard, one delegate stressed that the UNFSA is the only agreement devoted entirely to the management of fish stocks and fisheries, and, as such, more impetus should be given for it to carry a similar weight as the BBNJ Agreement and other global instruments.