

## Summary of the UN Fish Stocks Agreement Resumed Review Conference: 22-26 May 2023

The ocean is in peril as marine ecosystems and all living species face increasing challenges related to overfishing, climate change, biodiversity loss, pollution, and acidification, to name a few. Efforts to address fishing-related challenges to ensure long-term health and sustainability of marine living resources and ecosystems in an evolving ocean policy environment were the focus of attention at the Resumed 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).

The UNFSA commits its parties to make progress on four areas of fisheries management: conservation and management of stocks; mechanisms for international cooperation through regional fisheries management organizations (RFMOs); monitoring, control and surveillance, and compliance and enforcement; and effective participation of developing states and non-parties. The Resumed Review Conference offers a periodic opportunity to take stock of progress and explore new ways to strengthen effective ocean management. In this respect, the meeting was successful.

Following a COVID-19 pandemic-related delay in the convening of the Resumed Review Conference, delegates who gathered at UN Headquarters in New York were able to review the recommendations from the last meeting of the Review Conference in 2016, and make a plethora of proposals in areas of fisheries management. As many noted, the latest news regarding the sustainability of fish stocks under the mandate of UNFSA is neither comforting nor heartbreaking. Evidence shows that, on the one hand, the overall status of highly migratory fish stocks and straddling fish stocks has not improved since 2016. On the other, success stories from the management of specific stocks leave room for optimism that, through carefully planned and scientifically informed management initiatives, improvement is within reach, even for stocks that have been fished at unsustainable levels for many years.

The outcome of the Resumed Review Conference also attracted mixed feelings among participants. Many highlighted progress, including on strengthening the ecosystem approach, addressing illegal, unreported, and unregulated (IUU) fishing, preserving deep-sea ecosystems, and promoting coordination between RFMOs. They further drew attention to limited or no progress in a number of areas, including lack of reference in the recommendations to the agreement on an international legally binding instrument on the conservation

and sustainable use of biological diversity of areas beyond national jurisdiction (BBNJ Agreement) and the adoption of the Kunming-Montreal Global Biodiversity Framework (GBF) under the Convention on Biological Diversity. Many delegates further emphasized the need to strengthen relevant recommendations on addressing the impacts of climate change on fish stocks, lamenting that many proposals in that regard submitted by parties during the drafting of the outcome document did not achieve consensus.

Attended by over 100 delegates, representing governments, RFMOs, specialized agencies of the UN, and non-governmental organizations, the Resumed Review Conference convened from 22-26 May 2023 at UN Headquarters in New York.

### A Brief History of the UNFSA

UNCLOS, which was adopted in 1982 and entered into force on 16 November 1994, sets forth the rights and obligations of states regarding the use of the ocean, its resources, and the protection of the marine and coastal environment. UNCLOS established that the Area (the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction) and its resources are the common heritage of humankind.

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The UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, called for by Agenda 21, the programme of action adopted at the 1992 UN Conference on Environment and Development, was convened by the UN General Assembly (UNGA) to address problems related to the harvesting of these stocks on the high seas. Six substantive sessions were held from 1993 to 1995, resulting in the adoption of the UNFSA in August 1995. The UNFSA entered into force on 11 December 2001 and currently has 92 parties.

The UNFSA aims to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks, and includes general principles for their conservation and management, and provisions on, *inter alia*:

- application of the precautionary approach;
- compatibility of conservation and management measures;
- cooperation for conservation and management;
- RFMOs;
- collection and provision of information and cooperation in scientific research;
- non-members of RFMOs;
- duties of, and compliance and enforcement by, flag states;
- international, subregional and regional cooperation in enforcement;
- procedures for boarding and inspection;
- measures taken by port states;
- special requirements and forms of cooperation with developing countries; and
- dispute settlement.

The Agreement establishes a set of rights and obligations for states to conserve and manage the types of fish stocks under its remit as well as associated and dependent species, and to protect the marine environment.

The UNGA established an associated Assistance Fund under Part VII of the Agreement (the Assistance Fund) in 2003 to assist developing states parties in UNFSA implementation. Following UNGA resolution 56/13, informal consultations of states parties (ICSPs) have been held at UN Headquarters in New York to consider the regional, subregional and global implementation of the Agreement and prepare for the 2006 Review Conference and the subsequent Resumed Review Conferences.

**Informal consultations 2002-2006 (ICSP 1-5):** In its first five sessions, all held at UN Headquarters, from 2002-2006, the ICSP focused on various issues, including assistance for developing countries under Part VII (ICSP 1), the Assistance Fund and financial issues (ICSP 2), flag states and implementation at the regional level (ICSP 3), and preparation for the 2006 Review Conference (ICSP 4 and 5).

**UNFSA Review Conference:** The Review Conference, which is mandated by Article 36 of the Agreement and by UNGA resolution 59/25, took place from 22-26 May 2006 at UN Headquarters in New York. Delegates assessed the adequacy of the Agreement's provisions for securing the conservation and management of straddling fish stocks and highly migratory fish stocks, and proposed means to strengthen implementation of its provisions to better address any continuing problems in conservation and management.

The Review Conference concluded with recommendations to, *inter alia*:

- integrate ecosystem considerations in fisheries management;
- reduce urgently the world's fishing capacity to levels commensurate with the sustainability of fish stocks;

- strengthening RFMOs' mandates to implement modern approaches to fisheries;
- conduct RFMO performance reviews;
- develop a legally-binding instrument on minimum standards for port state measures and a comprehensive global register of fishing vessels;
- expand assistance to developing countries; and
- establish a continuing dialogue to address concerns raised by non-parties.

At the conclusion of the meeting, delegates decided to suspend rather than formally close the Review Conference, thus providing an opportunity for the Conference to resume at a later date. The UNGA subsequently decided in resolutions 63/112 and 64/72 that the Review Conference would resume in 2010.

**Informal consultations 2007-2010 (ICSP 6-9):** Following the 2006 Review Conference, the ICSP convened four times. Its focus included: the performance of RFMOs and the control, monitoring, and surveillance of IUU fishing (ICSP 6); non-parties and a follow up to the Review Conference (ICSP 7); wider participation in the Agreement; and initial preparations for the Resumed Review Conference (ICSP 8). At ICSP 9 in March 2010, participants discussed the Secretary-General's report to the 2010 Resumed Review Conference. They also considered the Resumed Review Conference's organization of work, draft provisional agenda, Bureau and outputs. In addition, participants considered possible future actions and events after the Resumed Review Conference.

**2010 UNFSA Resumed Review Conference:** The 2010 Resumed Review Conference took place from 24-28 May 2010 at UN Headquarters in New York. The Resumed Review Conference focused on three substantive issues: areas in which implementation of recommendations adopted at the Review Conference in 2006 are proceeding well overall; areas in which implementation of recommendations from the 2006 Review Conference are at an early stage or where there has been little progress; and means to further strengthen the substance and methods of implementation of the UNFSA.

The meeting agreed on an outcome document recommending further actions in a range of areas. A key issue addressed was the conservation and management of fish stocks, including outcomes on sharks, the ecosystem approach, excess fishing capacity, and developing states' abilities to develop their fisheries. The outcome also addresses mechanisms for international cooperation; monitoring, control and surveillance; compliance and enforcement; and developing countries and non-parties participation to the UNFSA. In addition, the document provides guidance on the future of the UNFSA process, establishing that the ICSPs would continue and also that the formal Review Conference could resume, although not until at least 2015.

**Informal consultations 2011-2015 (ICSP 10-12):** Following the 2010 Resumed Review Conference, the ICSP convened three times, all at UN Headquarters. ICSP 10 took place in April 2014 and discussed issues for consideration during the Resumed Review Conference and called for the UN Secretary-General to prepare a report on sustainable fisheries to facilitate the work of the Resumed Review Conference. ICSP 11 in March 2015 agreed on a draft provisional agenda and draft organization of work for the Resumed Review Conference. ICSP 12 also commemorated the 20th anniversary of the opening for signature of the UNFSA by holding a roundtable discussion.

ICSP 12 in March 2016 served primarily as a preparatory meeting for the Resumed Review Conference, adopting the provisional agenda and draft organization of work. Participants also suggested, among other things: addressing new and emerging challenges, such as the impacts of climate change and ocean acidification on the sustainability of fish stocks; and considering the issue of “shark finning” at the Resumed Review Conference, noting that there is not yet an agreed global definition. Delegates called for improving the quality of performance reviews, implementation of recommendations, and coordination and cooperation among RFMOs, among other areas.

**2016 UNFSA Resumed Review Conference:** The 2016 Resumed Review Conference on the Agreement took place from 23-27 May 2016 at UN Headquarters in New York. The meeting assessed the effectiveness of the Agreement, including reviewing the implementation of the recommendations adopted at the Review Conference in 2006 and 2010, and proposed means of further strengthening the substance and methods of implementation.

The outcome document recommends further actions in a number of areas. One key issue addressed was the conservation and management of fish stocks, with participants sharing a range of views including on the application of the precautionary approach to new and exploratory fisheries; marine protected areas and reserves; data collection and information sharing; sharks; and by-catch management and discards. The Conference also agreed to, *inter alia*: undertake regular performance reviews of RFMOs and develop best practice guidelines for conducting performance reviews and implementing their results; enhance the participation of developing states in RFMOs; and promote wider participation in the Agreement, including among non-parties.

**Informal consultations 2017-2023 (ICSP 13-16):** Following the 2016 Resumed Review Conference, the ICSP convened four times, all at UN Headquarters. ICSP 13 was held in May 2018. The meeting, held under the topic “Science-policy interface,” focused on: the legal and policy framework; experiences, challenges, and opportunities at the regional and national levels; strengthening the science-policy interface in the conservation and management of straddling fish stocks and highly migratory fish stocks through the Resumed Review Conference and other intergovernmental processes, and the potential contribution of multi-stakeholder partnerships; and addressing the special requirements of developing countries.

ICSP 14 was convened in May 2019 to focus on the topic “Performance reviews of RFMOs and arrangements.” The meeting focused on: the importance and role of performance reviews; structure and conduct of performance reviews: experiences, best practices, challenges, and opportunities; recommendations of and mechanisms for follow-up to performance reviews: experiences, best practices, challenges, and opportunities; and further enhancing the effectiveness of performance reviews through the Resumed Review Conference and other intergovernmental processes.

After a delay due to the COVID-19 pandemic, ICSP 15 was held in May 2022. The meeting devoted two days on the topic “Implementation of an ecosystem approach to fisheries management,” and one day to serve as a preparatory meeting for the 2023 Resumed Review Conference. The meeting focused on: understanding the ecosystem approach to fisheries management in the context of the UNFSA; the implementation of the ecosystem approach to fisheries management at the regional and national

levels; and opportunities and challenges for strengthening the implementation of an ecosystem approach to fisheries management.

ICSP 16 was held from 13-14 March 2023 and served as a further preparatory meeting for the 2023 Resumed Review Conference.

### Resumed Review Conference Report

On Monday, 22 May, Stephen Mathias, UN 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) Fisheries Subsidies Agreement; the adoption of the GBF; and the BBNJ Agreement. He stressed that RFMOs are expected to play a key coordination role in the BBNJ framework. He further underscored the challenges posed by climate change and IUU fishing.

Mathias, on behalf of 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.

Several delegates and observers delivered general statements, which can be found [here](#).

### Organizational Matters

On Monday, President Morishita introduced the provisional agenda ([A/CONF.210/2023/L.1](#)), which was approved without comments, and outlined the organization of work ([A/CONF.210/2023/L.2](#)).

On Monday, 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. On Wednesday, Morocco for African States and Singapore for Asia-Pacific States were also elected as Vice-Presidents.

On Monday, delegates established the Credentials Committee. On Friday, Nirmala Paranavithana (Sri Lanka), Chair of the Credentials Committee, delivered her report. She noted that 51 delegates presented either formal credentials or information concerning their appointment as representatives of participating states on the understanding that formal credentials will be communicated as soon as possible. The Review Conference approved the report, which will be included in the meeting’s report.

### Presentation of Reports of Informal Consultations and Consideration of the Report on the Status of the Assistance Fund

President Morishita presented the reports of the ICSP 13 – ICSP 16 rounds of informal consultations ([ICSP13/UNFSA/INE.2](#), [ICSP14/UNFSA/INE.3](#), [ICSP15/UNFSA/INE.3](#), and [ICSP16/UNFSA/INE.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 USD 1,127,599, on assistance to strengthen participation in, and implementation of, the UNFSA.

### ***Assessment of the Effectiveness of the Agreement***

On Monday, President Morishita introduced the agenda item, noting it forms “the substance of our discussions.”

**Implementation of the recommendations adopted at the 2016 Review Conference:** Delegates reviewed the 2016 recommendations under four categories:

- conservation and management of fish stocks;
- international cooperation;
- monitoring, control, and surveillance, and compliance and enforcement; and
- developing states and non-parties.

Delegates addressed the conservation and management of fish stocks on [Monday](#). They focused on: the role of accurate data to assess fish stocks; the precautionary and ecosystem approaches; the implementation of area-based measures in biodiversity conservation and in maintaining healthy fish stocks; the BBNJ Agreement; the WTO Fisheries Subsidies Agreement; and small-scale fisheries in developing countries.

International cooperation was also discussed on [Monday](#). Delegates deliberated on: the performance reviews by RFMOs; participation in RFMOs; joint RFMO meetings; areas of cooperation between RFMOs covering the same area or the same species; fishing rights allocation criteria; cooperation for regulating fishery activities; objections procedures in RFMOs; and progress by RFMOs including closure of substantial areas to protect vulnerable marine ecosystems (VMEs).

Delegates addressed monitoring, control, and surveillance, and compliance and enforcement on [Monday](#) and [Tuesday](#). They focused on: the coming into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate IUU fishing (PSMA); the FAO Voluntary Guidelines for Flag State Performance and for Transshipment; the use of modernized technology such as electronic monitoring; and high seas boarding and inspection schemes.

Developing states and non-parties were discussed on [Tuesday](#). Major topics of discussions included: capacity-building mechanisms and programmes; access to the fisheries in the high seas by developing states; promotion of small-scale fisheries; women’s 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.

**Proposed means of further strengthening, if necessary, the substance and methods of implementation of the provisions of the Agreement:** Delegates addressed this agenda item on [Tuesday](#). Several parties noted that most recommendations from the 2016 Resumed Review Conference remain valid. They added that some require updating based on new developments and made a series of proposals.

### ***Drafting Committee***

Delegates met in the Drafting Committee to discuss the draft outcome document of the Review Conference on Wednesday, Thursday, and Friday morning.

On [Wednesday](#), Ariel Peñaranda, Ambassador and Deputy Permanent Representative, Philippines Mission to the UN, serving as Chair of the Drafting Committee, opened the session noting the informal character of the discussions and inviting delegates to keep

up a good pace for timely finalization of the negotiations. Delegates then focused on the preambular part of the draft outcome document.

On [Thursday](#), delegates focused on: the conservation and management of stocks; mechanisms for international cooperation and non-members; monitoring, control, and surveillance, and compliance and enforcement; developing states and non-parties; and the dissemination of the final report and further reviews.

On Friday morning, Chair Peñaranda initiated a second reading of the draft outcome document, inviting delegates to focus on contentious items. On the preamble, on a paragraph reaffirming the importance of international agreements, delegates discussed ways to refer to the impact of bottom fishing on VMEs. On a provision welcoming the entry into force of international agreements, a delegation requested deleting reference to the BBNJ Agreement, with a group of countries saying that “they can painfully go along.”

On the conservation and management of stocks, on a paragraph on applying precautionary and ecosystem approaches to fisheries management with a view to achieving the commitment to sustainably manage and protect marine and coastal ecosystems, delegates decided to delete a suggested reference to the adverse impacts of climate change. Reference to climate change was also removed from a draft recommendation to strengthen implementation of ecosystem approaches through promoting and conducting scientific research.

Delegates further removed a provision on taking coordinated action to achieve the goals and targets of the GBF. They agreed on a recommendation to strengthen efforts, institutional capacity, and research infrastructure to study and address environmental factors affecting marine ecosystems. They further agreed on “exploring ways to incorporate,” rather than “mainstreaming,” the consideration of the adverse impacts of climate change and ocean acidification in decision-making processes related to the adoption of conservation and management measures, in line with the precautionary approach, to increase climate resilience. Three draft recommendations on: investigating how climate change is affecting fishing activities; evaluating the institutional challenges that RFMOs could face in adapting to the impacts of climate change; and encouraging RFMOs to consider the impacts of climate change in fisheries-related decision making were deleted as no consensus could be reached. Delegates reached agreement on encouraging parties to participate in the annual UN Framework Convention on Climate Change (UNFCCC) ocean dialogue to consider the impact of climate change on fisheries.

On the development of area-based management tools, one party suggested deleting a reference to Sustainable Development Goal 14 (SDG 14 – life below water) target to conserve at least 10% of coastal and marine areas by 2020, as it is outdated. A delegation opposed a series of paragraphs calling for action to progress towards the GBF 30x30 target and associated tools like other effective conservation measures, and the implications for, and potential complementarity with, the UNFSA and RFMOs’ work. The same delegation opposed the call to support the adoption of the BBNJ agreement. A paragraph calling for improving cross-sectoral cooperation and the sharing of information regarding the utilization of area-based management tools was retained.

On the elimination of subsidies that contribute to IUU fishing, overfishing, and overcapacity, several delegates opposed the new edited paragraph on the rationale that the language is a step back from recently negotiated language at the FAO Committee on Fisheries. Parties agreed on “implementing the commitment” under

SDG 14, including by “considering accepting” the WTO Subsidies Agreement and “completing further negotiations” to achieve a comprehensive agreement on fisheries subsidies.

On conservation and management measures for deep-sea fisheries, one party agreed with “accelerating” the establishment and strengthening the implementation of long-term conservation and management measures for deep-sea fisheries, provided that an “if applicable” qualification is added to the recommendation.

On seabird bycatch, a delegation proposed deleting substantive parts of the section, while others opposed, on the rationale that the recommendation needs to be actionable for RFMOs. One delegation requested time for further consultation. On strengthening the science-policy interface, delegates agreed to refer to using the best available scientific evidence for conservation and management measures.

On mechanisms for international cooperation and non-members, on effective control by flag states as members of RFMOs, one party suggested, and delegates agreed, to amend a new paragraph to encourage RFMOs to regularly use their administrative rules and procedures, and modernize, as appropriate, to support the long-term success of these organizations and agreements.

On monitoring, control and surveillance, compliance, and enforcement, on strengthening flag state responsibilities, parties amended a new paragraph on vessel records to refer to maintaining and making public records of fishing vessels that operate beyond their national jurisdiction. They also accepted a new formulation of the recommendation encouraging states that are parties to the PSMA to fully implement it and adopt, through RFMOs and applicable port state measures, and encourage states that have not yet done so to adopt measures.

Delegates agreed to invite states, RFMOs, and other potential donors to contribute to the Assistance Fund.

Regarding taking into account the provisions of the FAO Voluntary Guidelines for Flag State Performance to strengthen fisheries access agreements, they accepted inclusion of on-board observers or other monitoring measures.

On developing states and non-parties, on strengthening the capacity of developing states, several developing countries proposed, and delegates agreed, to strengthening capacity building based on the needs and challenges identified in developing states, particularly in areas of science; data collection and reporting; monitoring, control, and surveillance; and port and flag state control.

On non-parties, delegates decided to disseminate to non-parties information concerning the UNFSA, removing language on the development of a communication strategy in that respect.

On the dissemination of the final report and further reviews, delegates agreed that the Review Conference shall be resumed at a date not earlier than 2028, to be agreed at a future round of informal consultations. They further discussed whether the potential of exploring hybrid options for the informal consultations should be referenced in the meeting report, with some noting that hybrid options do not resolve participation- and cost-related concerns.

### ***Consideration and Adoption of the Outcome of the Resumed Review Conference***

On Friday afternoon, President Morishita presented the outcome document, noting that it was distributed earlier in the day, and thanked the Drafting Committee for its hard work.

Drafting Committee Chair Peñaranda thanked all delegates for their cooperation, noting that a single item was yet to be resolved for a consensus outcome document.

NEW ZEALAND reported that, following informal consultations with interested parties including Morocco, agreement was reached on specific language on a recommendation encouraging cooperation to strengthen the protection of seabirds from the impact of fishing, by taking, to the extent possible, a series of national and regional actions.

The Review Conference adopted the outcome document.

**Final Outcome:** In the 20-page outcome document, the Review Conference reaffirms that UNCLOS and UNFSA provide the legal framework for conservation and management of straddling fish stocks and highly migratory fish stocks, taking due account of other relevant international instruments. It welcomes the significant progress made in the implementation of several of the recommendations of the Review Conference in 2016, while expressing concern at the lack of progress in other areas, including on the overall status of highly migratory and straddling fish stocks, which has not advanced since 2016, despite improvements for some stocks and regions.

The Review Conference reaffirms the importance of: the SDGs, highlighting SDG 14; the Paris Agreement; and the SIDS Accelerated Modalities of Action (SAMOA) Pathway, and notes the adoption of UNGA resolutions relevant to its work. It welcomes: the entry into force of the PSMA; the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean; and the adoption of the WTO Agreement on Fisheries Subsidies. It further welcomes the adoption of FAO Voluntary Guidelines for Transshipment, Catch Documentation Schemes, and on the Marking of Fishing Gear, acknowledging FAO’s vital contribution.

The Review Conference notes that many important commitments undertaken regarding the conservation and management of fish stocks have not yet been met and remain valid. It expresses concern that many straddling and highly migratory fish stocks continue to be overexploited, and determination to further strengthen implementation of the Agreement.

The outcome document includes a set of recommendation towards states and regional economic integration organizations, individually and collectively through RFMOs and arrangements, organized in six categories:

- Conservation and management of stocks;
- Mechanisms for international cooperation and non-members;
- Monitoring, control and surveillance, compliance and enforcement;
- Developing states;
- Non-parties; and
- Dissemination of the final report and further reviews.

On the **conservation and management of stocks**, recommendations focus on:

- the adoption and implementation of effective conservation and management measures;
- the application of the precautionary and ecosystem approaches;
- determining reference points or provisional reference points for specific stocks;
- environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification;
- development of area-based management tools;
- the reduction of fishing capacity to levels commensurate with the sustainability of fish stocks;
- the elimination of subsidies that contribute to IUU fishing, overfishing, and overcapacity;

- lost, abandoned, or otherwise discarded fishing gear, including marine debris;
- data collection and sharing of information and FAO data arrangements and the global fisheries statistics database;
- conservation and management of sharks and conservation of seabirds;
- conservation and management measures for deep-sea fisheries;
- strengthening of the science-policy interface;
- establishing fish stock rebuilding and recovery strategies;
- bycatch management and discards; and
- compliance with obligations as members or cooperating non-members of RFMOs; and establishment of new RFMOs or arrangements.

On **mechanisms for international cooperation and non-members**, recommendations address:

- strengthening mandates and measures in RFMOs;
- performance reviews and best practice guidelines;
- strengthening participation in RFMOs, and enhancing cooperation and coordination among them;
- improvement of decision-making rules and procedures in RFMOs, and implementation of interim measures; and
- effective control by flag states as members of RFMOs, and improving RFMOs' administration.

On **monitoring, control and surveillance, compliance and enforcement**, recommendations focus on:

- strengthening flag state responsibility and assessment of flag state performance;
- fishing vessels without nationality;
- participation under the PSMA, promotion of port state measures, and control overfishing activities of nationals;
- strengthening compliance, cooperation, and enforcement schemes in RFMOs, and developing alternative mechanisms for compliance and enforcement;
- regulation of transshipment, supply, and refueling vessels;
- strengthening fisheries access agreements and market-related measures;
- participation in and provision of support to the International Monitoring, Control and Surveillance Network for Fisheries-related Activities as well as in the Joint FAO/International Labour Organization/International Maritime Organization Ad Hoc Working Group on IUU fishing and related matters; and
- participation under the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and advancing related information exchange tools.

On **developing states**, recommendations focus on:

- concrete measures to enhance the ability of developing states to develop their fisheries for straddling and highly migratory fish stocks;
- the participation of developing states in RFMOs and in other international and regional fora;
- strengthening the capacity of developing states and capacity-building mechanisms and programmes, including the Assistance Fund;
- avoiding adverse impacts on, and ensuring the access to fisheries of, subsistence, small-scale, and artisanal fishers and women fish workers, as well as Indigenous Peoples in developing states; and
- avoiding the transfer of a disproportionate burden of conservation action onto developing states.

On **non-parties**, recommendations address the promotion of wider participation in the UNFSA.

On the **dissemination of the report and further reviews**, the Review Conference requests the President to transmit the final report to the secretariats of all RFMOs, the UNGA, FAO, and other relevant organizations, and to highlight the relevant recommendations and requests for action. It recognizes the useful opportunity to assess the effectiveness of the Agreement and its implementation, while noting that further review is also necessary.

The Review Conference agrees to continue the informal consultations of UNFSA parties and keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2028, to be agreed at a future round of informal consultations, and to request the UN Secretary-General to convene such meetings. It further recommends that the ICSPs continue to be dedicated, on an annual basis, to the consideration of specific issues arising from the implementation of the Agreement, with a view to improving understanding, sharing experiences and identifying best practices.

### *Closing Plenary*

On Friday, in their closing statements, many parties highlighted the collegial spirit in the negotiations, welcomed the outcome, and expressed their commitment towards implementing the GBF, successfully concluding the BBNJ Agreement, and addressing climate change impacts on fish stocks and marine ecosystems.

The EU, NEW ZEALAND on behalf of Canada and Australia, the UK, ICELAND, and NORWAY highlighted missing elements in the outcome document, particularly climate change impacts on fish stocks and marine ecosystems. They also emphasized, with the PHILIPPINES, lack of reference to the GBF, which they noted is highly relevant to the work of states and RFMOs on fisheries management. The US reiterated the need to further study climate change impacts and highlighted the GBF's 30x30 target to effectively protect and manage 30% of the world's terrestrial, inland water, and coastal and marine areas by 2030.

NEW ZEALAND on behalf of Canada and Australia, the UK, the US, the PHILIPPINES, ICELAND, and NORWAY further highlighted lack of recommendations related to the BBNJ Agreement. The EU noted that, building on the UNFSA recommendations, "We will prepare for the BBNJ Agreement, which we firmly believe will soon exist."

ICELAND expressed disappointment over missed opportunities to assist RFMOs and states to adapt to the new reality, soon to be created under the BBNJ Agreement, and, with NORWAY, to incorporate the notion of other effective conservation measures in RFMOs' work.

The US noted that actions on a global level can have positive impact regionally and locally, and pointed to finding solutions through collective action. The UK highlighted the UNFSA as a fundamental tool for global cooperation on fisheries and related ecosystems, and reiterated commitments under the Agreement, including the application of an ecosystem approach to fisheries management.

CHILE stressed the need to show greater ambition to ensure the preservation of marine ecosystems. She highlighted FAO's contribution and the importance of cooperation, and called for respecting the precautionary approach. INDIA highlighted Mission LiFE, introduced at the 26th meeting of the Conference of the Parties (COP 26) to the UNFCCC, aiming to bring individual behaviors to the forefront of the global climate action narrative.

NORWAY noted that fisheries “have a footprint that must be modified if we are going to meet the SDGs.” The PHILIPPINES underscored recommendations on building capacities for developing countries and highlighted the nexus between marine ecosystems, biodiversity, and sustainable fisheries all connected under UNCLOS. ECUADOR emphasized the need for collective work to ensure the wellbeing of marine species and biodiversity.

FAO highlighted the multidisciplinary FAO portfolio for capacity development for implementation of fisheries instruments. She called for coordinated efforts towards achieving SDG 14 and invited states to replenish the Assistance Fund.

The HIGH SEAS ALLIANCE with the PEW CHARITABLE TRUSTS lamented the omission of reference to climate change impacts, the GBF, and the BBNJ Agreement. He noted that removing references “does not make the terrible horses of the apocalypse go away, but it makes much more difficult to address.” He called for early entry into force of the BBNJ Agreement and stressed that the precautionary and ecosystem approaches require states and RFMOs to take action in a changing environment.

The DEEP SEA CONSERVATION COALITION highlighted recommendations related to deep-sea fisheries and the protection of VMEs and also expressed disappointment on not including proposals related to climate change, the BBNJ Agreement, and the GBF.

President Morishita stressed that UNFSA members, RFMOs and their members, and all stakeholders are responsible for the conservation and management of marine living resources and ecosystems. He emphasized that the Resumed Review Conference is “not the place to intensify divisions and differences” but to “express our views and strengthen coordination and cooperation to address challenges in front of us,” noting that the in-person meeting provided such a space. He regretted the low level of representation from the Global South, stressing that, despite participation-related difficulties and limitations, “we know that the production, utilization, and responsibility for conservation of marine genetic resources is now, in many cases, in the hands of countries in the Global South.”

President Morishita noted that the meeting’s report, containing a summary of discussions and the outcome document as an annex, will be made available in a few weeks on the website of the UN Division for Ocean Affairs and the Law of the Sea, with a view to enabling interested delegations to submit technical corrections. He further noted that the conference will be resumed at a time to be determined, not earlier than 2028. He thanked all delegates and participants for their hard work and commitment, and suspended the Resumed Review Conference at 4:27 pm.

## **A Brief Analysis of the Resumed Review Conference**

### ***A Key Piece in the Weaving of an Ocean Governance Tapestry***

The UN Fish Stocks Agreement (UNFSA) is the only international treaty dedicated to the conservation and management of fish species commercially harvested. Global fisheries extract tens of millions of tonnes of fish from the ocean each year, playing a key role in providing a source of protein for billions of people.

The UNFSA’s mandate covers four categories of fish stocks and associated species: highly migratory fish stocks (tuna, tuna-like species, and sharks); straddling fish stocks (species that occur both within an exclusive economic zone and in an area beyond

and adjacent to the zone, such as horse mackerel, grenadiers, and squids); discrete high seas stocks (like deep-water species); and associated and dependent species caught and/or impacted by these fisheries (like seabirds or turtles).

The Resumed Review Conference is key to assessing progress towards implementation of the Agreement, which is largely entrusted to regional fisheries management organizations (RFMOs) and similar regional arrangements. This year, as was the case in 2006, 2010, and 2016, parties gathered to review implementation, and discuss ways to further strengthen implementation of the Agreement.

An important difference from the last Review Conference, however, was the evolving tapestry of ocean governance since 2016. Some notable changes include an agreement under the World Trade Organization (WTO) on harmful fisheries subsidies, a treaty on biodiversity beyond national jurisdiction (BBNJ), and the new Kunming-Montreal Global Biodiversity Framework (GBF) adopted under the Convention on Biological Diversity (CBD). All of this places the UNFSA in a broader web of related and interconnected international agreements. This new policy seascape requires expanded coordination and cooperation between the various bodies involved in ocean governance. As such, the 2023 Review Conference could be considered a first test for key fishing nations and RFMOs on their readiness to adapt fisheries management to this new reality.

This analysis examines progress in the implementation of the UNFSA, including its successes, shortcomings, and expectations for the future in this evolving policy seascape.

### ***Will Fish Become a Missing Element of the Ocean’s Tapestry?***

According to the Food and Agriculture Organization of the UN (FAO) report for the Resumed Review Conference, the overall status of highly migratory and straddling fish stocks has not improved since 2016. In fact, there have been no major changes in the overall state of stocks and fisheries catches since the first review prepared by FAO in 2005. More specifically, the status of 18 stocks has improved since the 2016 report, while 14 stocks assessed have deteriorated. For example, while the status of bluefin tuna has improved, approximately 40% of tuna stocks remain overfished, and this negative trend has increased since 2016. About 65% of the shark stocks with available information are considered overfished. In addition, approximately 30% of stocks under the remit of the UNFSA are either not assessed or information remains scarce. Moreover, fish caught through illegal, unreported, and unregulated (IUU) fishing continue to undermine the sustainability of the world’s fisheries, and fish stocks are increasingly affected by climate change, ocean acidification, and pollution.

The report of the UN Secretary-General for the Resumed Review Conference shed some light on this rather bleak picture, revealing progress in certain aspects of the Agreement, which were also highlighted by delegates throughout the meeting. Some parties and RFMOs have incorporated the precautionary approach and the ecosystem approach into their management frameworks. Progress was noted on the use of area-based management tools to improve stock sustainability. In addition, RFMOs have strengthened their mandates, including by adopting modern approaches to fisheries management like harvest strategies, and by conducting performance reviews and cooperating with each other. Many drew attention to positive developments on monitoring, control and surveillance, including the entry into force of the FAO Agreement on Port State

Measures (PSMA), which aims to prevent, deter, and eliminate IUU fishing. FAO guidelines for transshipment and for Catch Documentation Schemes have been adopted, albeit the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the Compliance Agreement) still lacks sufficient participation and implementation.

A key, and transversal, area that shows little progress is the promotion of wider participation in the UNFSA. While nine more states have become parties since 2016 bringing the total number to 92, substantial effort is required to achieve universal participation. Similarly, as many delegates stressed, while efforts to strengthen capacity-building programmes continue, the current level of funding for capacity-building initiatives through the Assistance Fund remains insufficient. Many further noted inadequate progress towards addressing the needs of small-scale and artisanal fishers, ensuring their access to fisheries, and avoiding the transfer of a disproportionate burden of conservation actions onto developing states.

### ***UNFSA and RFMOs – Active Embroiders or Decorative Motifs of the Ocean’s Tapestry?***

Focusing on these successes and shortcomings, the 2023 Resumed Review Conference, held 28 years after the adoption of the Agreement and seven years after the last Review Conference due to COVID-19 pandemic-related delays, offered an opportunity to assess the adequacy of the provisions of the Agreement, discuss milestones achieved by states and RFMOs, and propose measures for strengthening implementation and adapting to the changing environment and evolving policy seascape. Many general statements reiterated the vital role played by previous recommendations in driving progress and action at the global, regional, and national levels, as delegates highlighted coherence and continuity in deliberations over the years.

Some positive efforts were noted in RFMO performance leading to improved functioning, strengthened conservation management measures, and increased transparency. Several delegates and observers lauded the FAO for providing the Agreement support for progress achieved. They drew attention to the large participation in the PSMA, with some parties ready to exercise effective control over vessels flying their flag at the domestic and regional levels and take action to strengthen existing measures to control fishing activities of nationals. They further highlighted FAO guidance on transshipment and catch documentation schemes. Some progress was also reported in the recovery of certain fish stocks as delegates reported adoption by RFMOs of new science-based, sustainable management measures leading to recovery of some stocks, including certain tuna species.

However, the Review Conference also revealed persistent challenges. Delegates underscored continuing coverage gaps for some regions and stocks, and the lack of scientific knowledge and data for numerous species. IUU fishing was cited by many to be the main culprit of negative fish stocks trends. Many highlighted the urgent need to replenish the Assistance Fund, aimed at supporting developing countries, which is unable to provide the intended assistance.

In their deliberations over the course of the week, delegates reported on national action plans and strategies to reduce or limit fishing capacity, including foreign vessel licenses, and provide support for RFMOs. Still, as one delegate noted on Friday, “Several gaps remain, including high sea areas without RFMO coverage.”

Following review of progress, the final two days of the meeting were dedicated to providing recommendations to guide UNFSA implementation in the coming years. Several recommendations received general support, sometimes after several consultations, including on the elimination of harmful subsidies, lost fishing gear, deep-sea fisheries in vulnerable marine ecosystems, and seabird bycatch. The WTO Subsidies Agreement was taken on as a basis to strengthen recommendations addressing IUU fishing.

Despite these advances, several delegates expressed their disappointment on limited progress and ambition, particularly towards linking fisheries to the evolving policy environment. Although delegates retained the 2016 recommendation on the adverse effects of climate change on marine ecosystems and consequently on fish stocks, the inability to reach consensus on strengthening the recommendation, despite numerous suggestions by interested parties, was alarming for many participants. These proposals included the need to mainstream considerations of climate change in the application of the precautionary and ecosystem approaches to fisheries management, and the development of climate adaptive fisheries management plans.

The recently adopted GBF was also repeatedly mentioned during the discussions, with many parties drawing attention to the 30x30 target, which includes the commitment to protect 30% of the ocean through marine protected areas and other effective conservation measures by 2030. Similarly, the effective conclusion of negotiations on the BBNJ Agreement, after over 20 years of efforts, will soon establish, as many delegates underscored, a new reality and a new legal framework in ocean governance. However, including references to the GBF and the BBNJ Agreement in the recommendations did not achieve consensus, adding an extra layer of disappointment to some delegates and observers alike. Many pointed towards a missed opportunity to provide ample space for both the UNFSA and RFMOs to adapt to a changing ocean and to a new policy seascape and become active embroiders in the ocean’s tapestry.

### ***The Tides are Changing***

The “Tides are Changing” is the theme of the 2023 World Oceans Day, to be celebrated on 8 June 2023. Some said it is an appropriate indicator of the positive changes on the ocean agenda. As a delegate noted, while the package of recommendations may not be as ambitious as desired, “there is a tide of new ocean agreements and arrangements that will provide the necessary tools to mend the ocean fabric!”

Will the GBF, the BBNJ Agreement, the WTO Fisheries Subsidies Agreement, and the ongoing Intergovernmental Negotiating Committee on plastics pollution be game changers in ocean governance? Many delegates pointed towards the unstoppable spillover effect from the implementation of these agreements, while others highlighted co-benefits of integrated approaches, addressing the drivers of ocean ecosystem degradation, including unsustainable fishing, climate change, biodiversity loss, marine debris, and plastics pollution.

Many participants stressed that the GBF’s 30x30 target has the potential to close the gaps in RFMO geographical coverage and increase marine species under protection. The BBNJ Agreement is also expected to provide a framework for holistic efforts towards the conservation and management of marine resources and ecosystems, which will inevitably include improving climate resilience and curbing marine biodiversity loss through improved area-based management practices. These considerations will need



to be incorporated into RFMO management strategies to ensure they play their part in promoting sustainable fishing practices that protect vulnerable marine species and maintain healthy ecosystem functioning.

Upon President Morishita's final gavel, there was a sense of mixed feelings among delegates regarding the level of success of the Resumed Review Conference. While, on the one hand, many acknowledged the achievement of a package of recommendations to guide the management of international fisheries, on the other, many expressed disappointment regarding missed opportunities. In particular, some stressed the regulations' "lack of teeth" on the implications of recent developments in ocean governance, such as the GBF and BBNJ, on the UNFSA, including on the ways for RFMOs to adapt to this new reality. As a delegate noted on his way out, steering away from institutionalized silos of ocean management to a more holistic ocean ecosystems approach is a necessity, and the actions of UNFSA and RFMOs in that regard will be decisive in the near future.

### Upcoming Meetings

**Plastic Pollution INC-2:** The 2nd meeting of the Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment, will continue negotiations with a view to complete the treaty by 2024. **dates:** 29 May - 2 June 2023 **location:** UNESCO Headquarters, Paris, France **www:** [unep.org/events/conference/second-session-intergovernmental-negotiating-committee-develop-international](https://unep.org/events/conference/second-session-intergovernmental-negotiating-committee-develop-international)

**OCEANS 2023:** Global thought leaders and innovators in the areas of marine technology, engineering, science, research, and education will gather together at OCEANS 2023 to learn and experience cutting-edge technologies in the field of marine science. **dates:** 5-8 June 2023 **location:** Limerick, Ireland **www:** [limerick23.oceansconference.org](https://limerick23.oceansconference.org)

**World Oceans Day:** The 2023 World Oceans Day will be held under the theme "Tides are changing." World Oceans Day supports collaborative conservation, working with its global network of youth and organization leaders in over 150 countries, and providing free and customizable promotional and actionable resources. **date:** 8 June 2023 **location:** worldwide **www:** [un.org/en/observances/oceans-day](https://un.org/en/observances/oceans-day)

**Further Resumed Fifth Session of the BBNJ IGC:** The Intergovernmental Conference (IGC) will meet in a further resumed fifth session to adopt the draft agreement under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. **dates:** 19-20 June 2023 **location:** UN Headquarters, New York **www:** [un.org/bbnj](https://un.org/bbnj)

**UN High-level Political Forum on Sustainable Development:** The 2023 session of the HLPF under the auspices of Economic and Social Council will take place on the theme "Accelerating the recovery from the coronavirus disease (COVID-19) and the full implementation of the 2030 Agenda for Sustainable Development at all levels." It will include in-depth review of SDGs 6 (clean water and sanitation), 7 (affordable and clean energy), 9 (industry, innovation and infrastructure), 11 (sustainable cities and communities), and 17 (partnership for the Goals) **dates:** 10-19 June 2023 **location:** UN Headquarters, New York **www:** [hlpf.un.org/2023](https://hlpf.un.org/2023)

**Second Part of the 28th Session of the International Seabed Authority:** The second part of the 28th session of the ISA includes meetings of the Legal and Technical Commission (28 June – 7

July 2023), the Finance Committee (5-7 July 2023), the Council (10-21 July 2023), and the Assembly (24-28 July 2023). **dates:** 28 June-28 July 2023 **location:** Kingston, Jamaica **www:** [isa.org.jm/sessions/28th-session-2023](https://isa.org.jm/sessions/28th-session-2023)

**International Conference on Oceanography and Climate Change (ICOCC):** The ICOCC aims to bring together leading academic scientists, researchers and research scholars to exchange and share their experiences and research results on all aspects of oceanography and climate change. It also provides a platform for researchers, practitioners and educators to present and discuss the most recent innovations, trends, and concerns as well as practical challenges encountered, and solutions adopted in the fields of oceanography and climate change. **dates:** 10-11 August 2023 **location:** New York, US **www:** [waset.org/oceanography-and-climate-change-conference-in-august-2023-in-new-york](https://waset.org/oceanography-and-climate-change-conference-in-august-2023-in-new-york)

**SDG Summit:** This summit is the quadrennial meeting of the HLPF under the auspices of the UN General Assembly. The 2023 Summit will be the second since the adoption of the SDGs in 2015 and will take place at the midpoint of implementation of the 2030 Agenda for Sustainable Development. **dates:** 19-20 September 2023 **location:** UN Headquarters, New York **www:** [un.org/en/conferences/SDGSummit2023](https://un.org/en/conferences/SDGSummit2023)

For additional upcoming events, see [sdg.iisd.org](https://sdg.iisd.org)

### Glossary

BBNJ Agreement	International legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction
FAO	Food and Agriculture Organization of the United Nations
GBF	Kunming-Montreal Global Biodiversity Framework
ICSPs	Informal Consultations of States Parties
IUU fishing	Illegal, Unreported, and Unregulated fishing
PSMA	Agreement on Port State Measures to Prevent, Deter and Eliminate IUU fishing
RFMOs	Regional Fisheries Management Organizations
SDGs	Sustainable Development Goals
UNCLOS	UN Convention on the Law of the Sea
UNFCCC	UN Framework Convention on Climate Change
UNFSA	UN Fish Stocks Agreement
UNGA	UN General Assembly
VMEs	Vulnerable marine ecosystems
WTO	World Trade Organization