



UNFSA REVIEW HIGHLIGHTS MONDAY, 23 MAY 2016

The Resumed Review Conference on the Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea (UNCLOS) 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA, or the Agreement) opened today at the UN Headquarters in New York.

Delegates addressed administrative matters, adopted the agenda and organization of work, delivered general statements, and heard presentations on the report of the twelfth Informal Consultations of States Parties (ICSP) (ICSP12/UNFSA/INF.3) and the status of the Assistance Fund (A/CONF.210/2016/2). Delegates then focused on the review of the implementation of the recommendations adopted at the 2006 and 2010 meetings and proposed means of strengthening the substance and methods of implementation of the provisions of the Agreement.

OPENING OF THE RESUMED REVIEW CONFERENCE

Miguel de Serpa Soares, UN Legal Council, on behalf of UN Secretary-General Ban Ki-moon, opened the meeting. He invited delegates to elect a new Resumed Review Conference president. BRAZIL nominated Fábio Hazin, whom delegates elected by acclamation.

Resumed Review Conference President Hazin (Brazil) highlighted the role of the Conference in strengthening the implementation of and participation in the Agreement. He welcomed the upcoming entry into force of the Food and Agriculture Organization of the UN (FAO) Port State Measures Agreement (PSMA).

De Serpa Soares reported on six new parties to the Agreement since 2010, bringing the total to 83 parties. Observing that the overall status of straddling and highly migratory stocks has deteriorated, he urged delegates to address UNFSA implementation gaps.

ORGANIZATIONAL MATTERS

President Hazin introduced the provisional agenda (A/CONF.2010/2016/L.1), which delegates adopted with minor amendments.

On the election of Vice-Presidents, delegates elected: Maria del Mar Fernandez Merlo (Spain), for Western European and other States; Cristian Laborda (Chile) for Latin American and Caribbean States; James Waweru (Kenya) for the African States; and Luke Daunivalu (Fiji), for Asia-Pacific States. For non-parties, Li Yonsheng (China) was elected vice-president.

On the appointment of the Credentials Committee, President Hazin said Germany, India and Mauritius were no longer in a position to serve. Parties nominated, and accepted, Nigeria and the Netherlands and confirmed the re-appointment of Norway, Saint Lucia, South Africa, Ukraine and Uruguay.

On the organization of work (A/CONF. 2010/2016/L.2), Hazin proposed, *inter alia*, the report of the Resumed Review Conference include a discussion summary and a negotiated outcome. Delegates supported all proposals on the organization of work.

GENERAL STATEMENTS

Several parties, including FIJI, THE US and THE EU, remarked on the continued relevance of recommendations from the 2006 and 2010 meetings. Several parties, including FIJI and ICELAND, expressed concern about Regional Fisheries Management Organizations' (RFMOs) performance, with CANADA recommending enhancing performance review consistency and IUCN proposing making performance reviews of RFMO members mandatory.

On the development of a draft text of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ), THE RUSSIAN FEDERATION and JAPAN expressed concern about undermining the UNFSA's mandate.

FIJI expressed concern on impacts of climate change and ocean acidification and called for cooperation between flag and port states.

NAURU, on behalf of Pacific small island developing States (SIDS), said overfishing, illegal, unreported and unregulated (IUU) fishing, destruction of marine habitats and biodiversity, and climate change constitute serious challenges to SIDS' sustainable development. She underscored that sustainability of tuna fisheries stands between Pacific SIDS' development and complete aid dependence.

CHINA highlighted: capacity building in developing countries as a priority; the Agreement's enforcement provisions limit ratification; and the need for cooperation through bilateral agreements and RFMOs.

THE US noted progress since 2010, including on vulnerable marine ecosystems (VMEs). He highlighted priority recommendations on: the fuller adoption of science-based measures; the precautionary and ecosystem approaches, including with respect to sharks; and monitoring, control and surveillance (MCS) to combat IUU fishing.

THE RUSSIAN FEDERATION stressed the importance of combatting IUU fishing, sharing its national actions, including the development of a black list of vessels that engage in IUU fishing.

THE EU expressed concerns related to, *inter alia*: fish stocks failure to improve, despite several measures adopted by states; lack of stock assessments for some species; and IUU fishing.

THE NETHERLANDS said meeting recommendations should focus on pragmatic ways of strengthening implementation.

JAPAN called for more focus on shark finning, flag state responsibility and fishing effort guided by stock assessments.

CHILE reported its status as a party to the Agreement.

THE PHILIPPINES expressed support for area-based management, management of bycatch and discards, identification of reference points and harvest control rules, and establishment of MCS networks.

NEW ZEALAND pointed to the establishment of new RFMOs, like the South Pacific RFMO, the entry into force of the PSMA, and Sustainable Development Goal (SDG) 14 (Conserve

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and sustainably use the oceans, seas and marine resources) as achievements since the 2010 meeting. She urged improving linkages among RFMOs through sharing of vessel lists.

CANADA recommended expert panel discussions at the ICSP meetings.

ICELAND noted their contribution to the Assistance Fund.

NORWAY called for strengthening enforcement of flag states' responsibilities and addressing the increasing number of stateless vessels in the high seas. IUCN recommended *inter alia*: strengthening RFMO mandates and increasing civil society participation.

PRESENTATION OF THE REPORT OF ICSP 12

President Hazin presented the ICSP-12 report (ICSP12/UNFSA/INF.3), which considers, *inter alia*, the priorities and identification of focus areas for the Resumed Review Conference.

CONSIDERATION OF THE REPORT ON THE STATUS OF THE ASSISTANCE FUND

Matthew Camilleri, FAO, presented a note by the Secretariat (A/CONF.210/2016/2) and a note by the FAO on the Assistance Fund. He said Australia and Norway have provided contributions since 2010; and, since 2011, the fund has been exclusively used for meeting-related travel. Supported by THE EU and ICELAND, he suggested broadening the Assistance Fund's use to other activities, including for implementation. Acknowledging potential administrative and legal restrictions for donors, FAO, supported by THE EU, suggested consideration of project-based contributions.

BANGLADESH and THE MARSHALL ISLANDS stressed the Assistance Fund's importance for meeting participation. BANGLADESH recommended it cover capacity building and dispute settlement.

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) called for improved awareness of the Assistance Fund and financed activities.

REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS

Adoption and implementation of measures: THE US, supported by CANADA, expressed hope that the time-bound nature of conservation and management targets under SDG 14 could focus efforts and strengthen implementation. THE EU identified over-capacity in global fleets, IUU fishing and subsidies as reasons for limited progress. He welcomed FAO's initiative on developing a global estimate of IUU fishing and recommended ensuring fishing capacity is commensurate with fishing opportunities. THE REPUBLIC OF KOREA welcomed progress on: the adoption and implementation of reference points at the Convention for the Conservation of Southern Bluefin Tuna (CCSBT) and the Western and Central Pacific Fisheries Commission (WCPFC); and on measures for conservation and management of bluefin tuna by ICCAT. With JAPAN, she urged RFMOs to close information gaps. CANADA suggested developing metrics to assess RFMO performance.

PEW said gaps between the 2010 meeting recommendations and the status of implementation suggests an absence of political will to confront challenges.

Application of precautionary and ecosystem approaches:

THE US noted increased support for these approaches, pointing to the adoption of measures by some RFMOs on preventing negative impacts on VMEs. THE EU said applying the ecosystem approach requires moving away from single-stock management to more holistic management on target and bycatch species and species-specific data collection, citing sharks as an example where such data collection is needed. THE REPUBLIC OF KOREA observed older RFMOs are revising their instruments to accommodate both approaches.

THE MARSHALL ISLANDS observed that operational level data gaps prevent stock assessments of key species, including sharks and bycatch. He regretted that precautionary measures have not been taken in the absence of such data.

Environmental factors affecting marine ecosystems: NEW ZEALAND highlighted work on baselines on ocean acidification, modeling climate change impacts and resilience building and recommended incorporating such knowledge into decision-making. THE US called for improving the quality of climate change science relevant for addressing fisheries management. CHILE,

NORWAY and FIJI called for increased sharing of climate change research information and data. CANADA underscored the need to understand the effects of climate change on migratory patterns and productivity. THE EU underlined the importance of marine protected areas (MPAs) for protection of important fisheries and ecosystems.

THE NORTH EAST ATLANTIC FISHERIES COMMISSION (NEAFC) highlighted its collective arrangement with the Commission for the Protection of the Marine Environment in the North East Atlantic (OSPAR) for collaborating on fisheries management and protection of the marine environment.

Achievement of compatible measures: JAPAN supported capacity building on fisheries management within exclusive economic zones (EEZ). CANADA called for ICSP to facilitate experience sharing on compatible measures.

THE EU stressed compatibility as a cornerstone of the Agreement to ensure effective stock management. He called for: capacity building to help states meet obligations, including on data collection and MCS; and, supported by CHILE, urged increased reporting among states and RFMOs on the measures they adopt. CHILE stressed compatibility as a dynamic concept.

CHINA said it is not reasonable for coastal states to impose national measures in the high seas, recommending that RFMOs adopt a unified standard.

NEW ZEALAND, supported by FIJI, called for improving cooperation for compatible measures linked with better decision-making process in RFMOs. THE RUSSIAN FEDERATION highlighted successes based on RFMOs' multilateral efforts, including on driftnet fishing, ongoing patrolling, monitoring and scientific-based management. On IUU fishing in the Pacific, he underscored problems created by flags of convenience.

Development of area-based management tools: THE US, THE EU, CANADA and THE REPUBLIC OF KOREA supported updating the 2006 recommendations, including cross-referencing relevant SDG and Convention on Biological Diversity (CBD) targets. JAPAN, THE US, CANADA, and CHILE underscored the need for well-designed MPAs and MCS. CANADA said flexibility with area-based management tools is key, particularly on ecological connectivity.

GREENPEACE said RFMOs that manage bottom fisheries have made progress but lamented the minimal use of area-based management tools.

Reduction of fishing capacity to levels commensurate with the sustainability of fish stocks: CANADA emphasized the importance of coupling effort control with MCS measures and enforcement activities. THE EU highlighted issues that relate to overcapacity, including engine power, technology to locate fish, and storage capacity. He suggested tasking RFMOs' scientific committees with addressing catch capacity and levels of fishing opportunities.

AUSRALIA highlighted the relationship between reduction of fishing fleets and recommendations on subsidies.

IN THE CORRIDORS

Despite a bit of 'meeting fatigue' from 2016's packed oceans agenda, the few delegates present at 10:00am generally agreed that fisheries-specific deliberations were needed, for enhanced implementation of the UNFSA itself, and also in light of the BBNJ discussions on whether to include fisheries under the proposed third UNCLOS implementing agreement. However, an insufficient quorum delayed UNFSA's opening, leading some to wonder whether their New York trip would be cut short should the meeting fail to open. Following a request for those present to "call their friends," it wasn't long before quorum was reached.

As the day advanced, delegates keenly tackled constraints in implementing the 2006 and 2010 recommendations. With some lamenting a general lack of tangible progress, others pointed to improved stocks of Atlantic bluefin tuna as a success story. However, one participant commented that if bluefin tuna is our best example, "fish stocks are in a pretty depressing state." Overall, many voiced eagerness for ensuring that the meeting's recommendations reaffirm the UNFSA's relevance for the conservation and sustainable management of fish stocks.