



UNFSA REVIEW HIGHLIGHTS: THURSDAY, 26 MAY 2016

The Resumed Review Conference convened for its penultimate day on Thursday at the UN Headquarters in New York. In the morning and afternoon, delegates discussed the draft text for the outcome of the Resumed Review Conference. The drafting committee continued discussion on the draft text into the evening.

REPORT OF THE CREDENTIALS COMMITTEE

SRI LANKA presented the report of the Credentials Committee (A/CONF.210/2016/4), which delegates adopted.

CONSIDERATION AND ADOPTION OF THE OUTCOME OF THE RESUMED REVIEW CONFERENCE ON THE AGREEMENT

Delegates agreed to draft text on, *inter alia*: recognizing the SDGs; the global fisheries statistics database; implementation of interim measures for RFMOs not yet in force; reduction of fishing capacity; the International MCS Network; and participation in the FAO Compliance Agreement and development of a global record of fishing vessels.

Preamble: NORWAY and the EU noted that the document provides substantive information on areas for action and guidance for future implementation. JAPAN and the RUSSIAN FEDERATION called for including examples of progress made, such as on bottom fisheries and new RFMOs. The EU suggested noting The Future We Want. NAURU requested reflecting The Future We Want commitment to restore depleted stocks to “at least” levels that can produce maximum sustainable yield (MSY).

Conservation and management of stocks: On the application of precautionary and ecosystem approaches in relation to new and exploratory fisheries, JAPAN suggested referencing “stock assessments based on” accurate, complete and reliable data. NEW ZEALAND said an objective of exploratory fisheries is to collect necessary scientific data. Delegates agreed to further discuss in the drafting committee.

On compatible measures, NEW ZEALAND, supported by the US, suggested including RFMOs in language on improving cooperation between flag and coastal states.

On area-based management tools, NEW ZEALAND observed that the wording is broad in scope and lacks timeframes. The EU preferred the 2006 language and adding reference to relevant SDG commitments. NAURU and NORWAY raised concern on

text related to displacement of fishing effort. JAPAN requested clarification on language on periodic review of area-based management tools. Participants agreed to continue discussion in the drafting committee.

On elimination of subsidies, AUSTRALIA recommended consistency with current WTO agreements. Delegates agreed to continue discussion in the drafting committee.

On lost and abandoned fishing gear and discards, the EU said ghost fishing is only one example of lost and abandoned gear. NORWAY called for text on precaution. Delegates agreed on draft text recognizing the linkages between pollution of the marine environment and marine debris.

On data collection and information sharing, NEW ZEALAND and others supported stronger language on data collection and sharing requirements. The EU suggested text on respect for data confidentiality and on technical assistance to developing countries. Delegates agreed to text on developing standards for collection and data sharing.

On the conservation and management of sharks, the EU requested reference to the IPOA on sharks and referencing CITES and CMS. The US expressed disappointment that delegates had not strengthened the 2010 recommendation and suggested referencing the precautionary approach. Participants agreed to discuss changes in a small group before forwarding text to the drafting committee.

On determination of reference points for specific stocks, NEW ZEALAND requested reference to a precautionary target and limit reference points. The MARSHALL ISLANDS suggested referencing operational data, to which the EU and the REPUBLIC OF KOREA expressed concern. NAURU said science-based reference points should include social, economic and ecological data. Participants agreed to continue discussion in the drafting committee.

On the science-policy interface, the EU queried removing reference to the Kobe II strategy matrix and not including scientific review. Participants agreed to continue discussion in the drafting committee.

On rebuilding and recovery strategies, JAPAN questioned recovery strategies based only on MSY. Participants agreed to continue discussion in the drafting committee.

On by-catch management and discards, the US questioned reference to SDG 2. The EU expressed concern that the recommendation is weaker than the UNGA Resolution on Sustainable Fisheries. Participants agreed to continue discussion in the drafting committee.

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On compliance with RFMO obligations, the EU recommended recognizing all RFMO CMMs and existing RFMO review processes, and delegates decided to further discuss in the drafting committee.

On RFMO establishment, the RUSSIAN FEDERATION proposed that agreement on interim measures be “based on reliable scientific evidence available.” CHILE suggested referencing the precautionary approach.” Participants agreed to both suggestions.

On performance reviews and best practice guidelines, delegates agreed on using a Kobe-like process by other RFMOs and arrangements, where appropriate. On a follow-up mechanism on performance reviews, the EU, opposed by CHINA, suggested a time-bound implementation of recommendations. Participants agreed to continue discussion in the drafting committee.

On RFMO cooperation, participants agreed on inclusion of explicit reference to data-collection and sharing; strengthening cooperation; and sharing vessel lists.

On RFMO participation, the EU recommended reflecting UNFSA language on states with real interest in the fisheries and strengthening allocation rights. Delegates agreed to continue discussions in the drafting committee.

BARBADOS said all humanity have a real interest in becoming members of RFMOs, including in the context of food security. President Hazin said this view will be reflected in the chair’s summary, rather than in the outcome document.

On improving RFMO decision-making rules, the RUSSIAN FEDERATION recommended referencing the historical catches criterion. NORWAY and CHILE opposed, preferring to avoid singling out a specific criterion. NEW ZEALAND suggested a new paragraph encouraging RFMOs and arrangements to review their decision-making procedures and consider voting and objection procedures. Delegates agreed on the draft text without amendments.

On control by flag states, AUSTRALIA proposed taking action against ships without nationality. Delegates agreed to text on: strengthening control over vessels; building capacity of RFMO members; and ensuring flag states have the ability to implement responsibilities.

On MCS and compliance and enforcement, INDONESIA, with the EU, suggested including obligations related to due diligence, as reflected by the International Tribunal for the Law of the Sea.

On flag state responsibility, JAPAN and the EU suggested, and participants agreed, to include language on, *inter alia*, catch and effort limits in line with the precautionary approach.

The RUSSIAN FEDERATION and the EU suggested transport and trans-shipping vessels should also be restricted from engaging with vessels listed as engaging with IUU fishing. NORWAY recommended referencing RFMOs’ IUU fishing lists. Delegates agreed on the proposed changes.

On participation in the PSMA and adoption of port state measures, some, including the MARSHALL ISLANDS, the US, NORWAY, and the EU, suggested language on capacity building and technical assistance to developing countries, in particular SIDS and Least Developed Countries (LDCs). NAURU proposed, and participants agreed, to continue discussion in the drafting committee.

On control over fishing activities of nationals, some delegates queried the use of the term “mutual legal assistance” in relation to mechanisms to deter nationals from engaging in IUU fishing,

favoring “facilitating legal cooperation.” Delegates agreed to continue discussion in the drafting committee. On recognizing the role of INTERPOL in relation to IUU fishing, the EU questioned such a reference, noting that some issues related to IUU fishing are of an administrative rather than a criminal nature. The RUSSIAN FEDERATION suggested “taking into account” INTERPOL’s role. Delegates agreed on this amendment and on deleting reference to the role of other “global” enforcement bodies “in combating criminal activities related to illegal fishing.”

On strengthening RFMO compliance, cooperation and enforcement schemes, the EU recommended stronger language on ensuring that all high seas fishing vessels carry VMS. JAPAN favored keeping “as soon as practicable.” The MARSHALL ISLANDS, supported by the EU, called for ensuring reporting. Participants agreed to continue discussion in the drafting committee.

On the global record of fishing vessels, the EU suggested, and delegates agreed, to encouraging states and RFMOs to use IMO ship identification numbers.

On regulation of trans-shipment, supply and refuelling vessels, NAURU recommended, and delegates agreed, encouraging to the “maximum” extent possible trans-shipment in ports. The MARSHALL ISLANDS suggested explicit reference to longliners, but delegates opposed singling out a specific activity.

On fisheries access agreements, NORWAY suggested referencing the FAO Voluntary Guidelines on Flag State Performance. The EU requested reference to scientifically determined surplus. Participants agreed to continue discussion in the drafting committee.

On market-related measures, ICELAND, supported by NORWAY, recognized the importance of market-related measures but said the main responsibility lies with the flag state, with NORWAY requesting deletion of text. Participants agreed to continue discussion in the drafting committee.

IN THE CORRIDORS

As delegates began the meeting with a slow line-by-line read-through of the draft outcome document, the lackluster feeling permeating Conference Room 2 provided a stark contrast to Thursday’s sunny weather. As the afternoon dragged on, a few tempers flared, with more than one speaker admonishing delegates that UNFSA would not finish its work if participants continued to make general objections without concrete proposals on the way forward. Despite the seemingly limited motivation of UNFSA participants, the Resumed Review Conference made steady progress, clarifying text and overcoming minor differences.

Participants drifted away from the day’s discussions with a muted sense of accomplishment, confident that Friday’s session would see the adoption of a draft outcome document that would reflect progress. Yet some took a dimmer view, saying there is only moderate advancement from the 2006 or 2010 recommendations, leading a proponent of text addressing the concept of “disproportionate burden” to lament that SIDS’ economies cannot afford to wait on lengthy processes. Still, as one seasoned delegate reminded us, a rising tide lifts all boats.

ENB SUMMARY AND ANALYSIS: The *Earth Negotiations Bulletin* summary and analysis of the UNFSA Resumed Review Conference will be available on Monday, 30 May 2016, online at: <http://www.iisd.ca/oceans/review-fish-stocks/2016/>