

UN Fish Stocks Agreement Review Highlights: Wednesday, 24 May 2023

Studying and analyzing documents was the main task for delegates during Wednesday's session of 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).

In the morning, the Bureau and the Secretariat circulated the compilation of parties' submissions, including some last-minute ones, with delegations striving to reflect their ideas and concerns. Soon after, they disseminated the draft outcome document, which attracted delegates' attention.

During the morning plenary, Joji Morishita, President of the Review Conference, reported that the draft outcome document is based on the 2016 recommendations and includes proposals by delegates tabled during Monday's and Tuesday's plenary sessions as well as written submissions. Delegates formed a Drafting Committee to review and negotiate the draft outcome document informally. The Committee held its first meeting in the afternoon.

Election of Officers

Morocco for African States and Singapore for Asia-Pacific States were elected as Vice-Presidents, in addition to the earlier elections of the Philippines for Asia Pacific States, Chile for Latin American and Caribbean States, and Spain for Western European and other States. Two nominations remain pending.

Drafting Committee

Ariel Peñaranda, Ambassador and Deputy Permanent Representative at the Philippines Mission to the UN, Chair of the Drafting Committee of the Resumed Review Conference, opened the session, noting the informal character of the discussions and inviting delegates to keep up the pace for timely finalizing negotiations. He drew attention to the draft outcome document, adding that delegations may consult with capitals and revert on certain parts, if necessary. He highlighted inclusivity and mutual respect for an open dialogue, recognizing "interests, expertise, and experience" present in the room. He invited delegates to review the draft outcome document paragraph by paragraph.

In the preambular part, delegates discussed, without reaching consensus, whether a reference to the agreement on an international legally binding instrument on the conservation and

sustainable use of biological diversity in areas beyond national jurisdiction (BBNJ Agreement) should be included. Many parties stressed the importance of the Agreement and its links with UNFSA. One delegation cautioned that the BBNJ Agreement does not legally exist yet and the text is far from being concluded, opposing such a reference. A delegation stressed the need to invite regional fisheries management organizations (RFMOs) to adapt to the new legal reality that will be created once the BBNJ Agreement is adopted and enters into force. The reference remains bracketed.

Delegates further deliberated on whether to explicitly refer to the need to address the impact of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks. Some argued that identifying individual issues should not be included in high-level preambular paragraphs, while one observer underscored the importance of attracting additional attention to bottom fishing.

Regarding the conservation and management of stocks, in the section on adoption and implementation of measures, one party highlighted the importance of food security. On the section regarding the application of the precautionary and ecosystem approaches, a party proposed to "encourage" rather than "apply" an ecosystem approach, noting that, for some countries, it is a step-by-step process and takes time. Other delegations reserved their views on the proposed change, fearing a less ambitious recommendation than in 2016. One observer urged aligning the text with recent references on this topic in UN General Assembly (UNGA) Resolutions.

On the inclusion of several new references on the impacts of climate change to fish stocks, one party opposed these inclusions on the rationale that climate change is a broad topic that should not be reflected in the recommendations. Several other parties supported the inclusion given climate change impacts on fisheries, the need to adapt to its effects, and the importance of incorporating similar considerations in scientific advice and management decisions. Some parties highlighted the need to include climate considerations to ensure a future for fisheries and for people relying on fish for food. One party proposed reference to increasing resilience to climate change. References to climate change remain bracketed.

On the inclusion of a reference on the impacts of fishing on the wider ecosystem, a similar discussion took place. One party opposed this addition, while several delegations supported it on

the rationale that considerations of impacts on the ecosystems have been part of the UNFSA since its inception. The text remained in brackets.

Delegates urged less prescriptive text on how to strengthen and integrate ocean action in the context of the UN Framework Convention on Climate Change (UNFCCC). On area-based management tools, delegates called for using the exact text of the Kunming-Montreal Global Biodiversity Framework (GBF) 30x30 Target. Some expressed reservations on including references to the GBF and the BBNJ into the UNFSA recommendations.

Side Events

A global partnership supporting UNFSA: This event, moderated by Viktoria Varga Lencses, Common Oceans Program Coordinator, Food and Agriculture Organization of the UN (FAO), showcased achievement of the Common Oceans Program, which is a partnership composed of the UN Development Programme (UNDP) and the UN Environment Programme (UNEP), RFMOs, governments, and other stakeholders. The program aims at transformational change, promoting sustainable use of marine resources and strengthened biodiversity conservation in areas beyond national jurisdiction.

Vera Agostini, Deputy Director, Fisheries and Aquaculture Division, FAO, provided opening remarks. The panel, consisted of Camille Manel, International Commission for the Conservation of Atlantic Tunas (ICCAT); Susan Jackson, International Seafood Sustainability Foundation; Brynhildur Benediksdóttir, Northwest Atlantic Fisheries Organization (NAFO); and Vishwanie Maharaj, World Wildlife Fund. The panel discussed the partnership's contributions in keeping oceans healthy through sustainable management of marine resources and biodiversity conservation.

Discussions focused on the Program's thematic areas such as sustainable tuna and deep-sea fishing, the protection of biodiversity in the Sargasso Sea, and improved cross-sectoral cooperation on key ocean issues such as illegal, unreported, and unregulated (IUU) fishing, seabed disturbance, pollution, and climate change.

They also discussed challenges and opportunities for the current phase of the Common Oceans Program, taking into account progress in the international legislative framework, including the GBF, the BBNJ Agreement, and the World Trade Organization (WTO) Subsidies Agreement. They also noted ways of contributing to the aspirations of the 2030 Agenda for Sustainable Development.

Shifting Tides: High Seas Fisheries and Evolving International Agreements: This event, moderated by Gerald Leape, the Pew Charitable Trusts, covered "the three legs of the stool" for sustainable high seas fisheries: the WTO Subsidies Agreement, the BBNJ Agreement, and UNFSA. Panelists Einar Gunnarsson, Ambassador and Permanent Representative of Iceland to the UN Office at Geneva, and Chair of the WTO subsidies negotiations, Martin Zvachula, Second Secretary, Permanent Mission of the Federated States of Micronesia, and Grantly Galland, Project Director, RFMO Policy, the Pew Charitable Trusts, focused on:

- the BBNJ Agreement, including the mechanism that allows the Conference of the Parties (COP) to establish area-based management tools and marine protected areas; and
- the Pew Charitable Trusts' 2023 RFMO report card on progress in tuna RFMOs towards implementing the provisions of the UNFSA.

On the WTO Subsidies Agreement, panelists highlighted that fisheries subsidies have been banned for three categories of fishing: IUU fishing, fishing targeting overfished stocks, and fishing taking place in unregulated parts of the high seas. They added that the agreement contained provisions on transparency and special considerations for developing states, including capacity building mechanisms. They further stressed that the agreement has sustainability at its core and was achieved through consensus.

On the BBNJ Agreement, discussions focused on the progress the treaty brings; the ability for the COP to make recommendations to RFMOs in a more detailed and nuanced way than in UNGA Resolutions; and the possibility for global, regional, and sectoral organizations to create strategies for managing impacts on biodiversity in a coherent manner.

On the RFMO report card on progress in tuna RFMOs, progress towards five targets was highlighted: harvest strategy development; restoration of overfished stocks; implementation of the ecosystem approach; required International Maritime Organization numbers for fishing vessels; and adoption of port state measures.

The ensuing discussion focused on, among others, the compliance work in RFMOs, the WTO Subsidies Agreement ratification process and its funding mechanism for capacity development; and the need for co-creation among various actors regarding area-based management tools under the BBNJ Agreement.

In the Corridors

Work on the outcome document and recommendations began in earnest on Wednesday, as eager delegates gathered for the afternoon session of the Drafting Committee. The draft recommendations were based on the 2016 text and recommendations, and a collection of proposals tabled in the past two days plenaries and through written submissions.

Early completion of work on Tuesday appeared to have paid off, as delegates scrutinized each recommendation, providing edits and suggestions to better reflect the level of progress in the ocean agenda over the last five years. Several lauded the Bureau's decision to have a meeting open to all parties and observers, noting that this would improve transparency and inclusiveness.

The disparity in regional attendance continued to be felt during the discussions as some noted that developing countries are largely underrepresented, including constraints in terms of human limitations and expertise. Some participants emphasized that a strong presence by relevant international organizations and RFMOs could further unleash the potential of the Resumed Review Conference. Notwithstanding these concerns, a seasoned delegate noted that "there is no point crying over spilt milk," stressing the need to focus on the task at hand and deliver a robust set of recommendations that will ensure effective management of fish stocks for the years to come.