



Agenda item 14

Report from The Ninth meeting of Informal Consultations of States Parties to UNFSA, ICSP-9 UN HQ 16–17 March 2009 and the Resumed Review Conference 24-28 May 2010

Note by the NEAFC Secretariat

Introduction

ICSP-9 and the Resumed Review Conference were both structured around the performance of the UNFSA and discussions were related. Both meetings were chaired by Ambassador David Balton, United States Department of State.

ICSP -9 UN HQ - 16-17 March 2010

Discussions at the ICSP-9 were structured around the continuing dialogue, in particular with developing States, to promote a wider participation in the Agreement, preparatory work for the resumption of the Review Conference and assessing the effectiveness of the Agreement. 33 states parties to the UNFA attended the meeting as well as observers from 21 states non-parties, 2 United Nations specialized agencies, the following regional fisheries management organisations and arrangements, Inter-American Tropical Tuna Commission (IATTC), North East Atlantic Fisheries Commission (NEAFC), Northwest Atlantic Fisheries Organization (NAFO) and the Permanent Commission for the South Pacific (CPPS), 4 other IGOs and 3 NGOs, ICFS, The International Collective in Support of Fishworkers, NRDC, Natural Resources Defense Council, and WWF, Worldwide fund for Nature.

The meeting was very low key. The issue of the role of state parties to UNFA and the non-Parties, which were much in evidence at ISCP-8, seemed to have softened. There did not seem to be any real problems in the agenda and formalities with resuming the 2006 Conference in May. There was some discussion of the future. Is it necessary to meet every year? How often should the review conference be resumed? There seemed, however, to be full agreement that the implementation of UNFA should be reviewed regularly.

The report from the meeting ICSP9/UNFSA/INF.4/ was released on the UNDOALOS website 5 April. http://www.un.org/depts/los/convention_agreements/fishstocksmeetings/icsp9report.pdf

The Resumed Review Conference 24-28 May 2010

The outcome document negotiated and the report of the meeting will be issued later.

48 States parties to the UNFA attended the meeting as well as observers from 35 states non-parties, 3 United Nations specialized agencies, the following regional fisheries management organisations and arrangements, Inter-American Tropical Tuna Commission (IATTC), International, Commission for the Conservation of Atlantic Tunas (ICCAT), North East Atlantic Fisheries Commission (NEAFC), Northwest Atlantic Fisheries Organization (NAFO), Pacific Islands Forum Fisheries Agency (FFA), Permanent Commission for the South Pacific (CPPS) and the Western and Central Pacific Fisheries Commission (WCPFC), 2 other IGOs and 3 NGOs, Greenpeace, NRDC and the Pew Foundation.



Agenda item 14

The main documentation was contained in “Report submitted to the resumed Review Conference in accordance with paragraph 32 of General Assembly resolution 63/112 to assist it in discharging its mandate under article 36, paragraph 2, of the Agreement. Report of the Secretary-General United Nations A/CONF.210/2010/1 General Assembly.

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/671/80/PDF/N0967180.pdf?OpenElement>

The final report of the conference will be in two main parts. The first part will be a factual description of events, with a draft text to be posted on the UNDOALOS website on 30 June 2010 with a deadline for comments of 16 July. The second part of the report will be the negotiated outcome document which was adopted by delegates adopted the report as proposed by. The outcome document calls for capacity building for developing states to facilitate greater participation in high sea fisheries for straddling stocks and highly migratory stocks. The final report can be found at

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/465/87/PDF/N1046587.pdf?OpenElement>

Summary of outcome

Preamble: The preamble contains five preambular paragraphs that, *inter alia*, reaffirm the recommendations of the 2006 Review Conference. They further state that the application of the precautionary approach, based on best available scientific evidence, is key to the recovery and long-term conservation and sustainable use of straddling and highly migratory fish stocks.

Conservation and management of Stocks: On the conservation and management of stocks, the outcome document makes a series of recommendations for states and for regional economic integration organizations, individually or through RFMOs, including recommendations to:

- comply with their obligations as members or cooperating non-members of RFMOs to submit fisheries data;
 - create incentives to promote compliance with, and take steps to address persistent failure to fulfil such obligations;
 - strengthen “implementation of an ecosystem approach” in support of fisheries management and the preparation of stock assessments to “conserve and manage associated and dependent species and their habitats”;
 - strengthen, on the basis of best science available, enforcement of existing prohibitions on shark finning, including through the requirement that “sharks be landed with their fins naturally attached or through different means that are equally effective and enforceable”;
- and
- apply Annex II of the UNFSA and establish “reference points for specific stocks and provisional reference points when information for a fishery is poor or absent in accordance with the precautionary approach.”

International co-operation and non-members: The text on International Cooperation and Non-Members puts forth the modernization of the mandates of RFMOs/RFMAs to reflect explicit provisions for the use of modern approaches to fisheries conservation and management and to strengthen efforts to agree on participatory rights of RFMO members, giving due regard to the aspirations of developing states. It encourages the early entry into



Agenda item 14

force of revised RFMO/RFMA agreements and requests them to undertake performance reviews by 2012 and then on a regular basis after that, suggesting five years as a possible interval.

RFMOs/RFMA are invited to conduct joint meetings to exchange views on key issues; facilitate a harmonized approach to dealing with issues like mitigating and managing by-catch; and to share best practices where appropriate.

Monitoring, control and surveillance (MSC), Compliance and Enforcement: This section calls for annual assessments of the compliance of RFMO members. It encourages states to join the FAO Agreement on Port State Measures, supports measures to prevent illegally harvested fish or fish products from entering into commerce, and outlines the need for states to control the fishing activities of their nationals. It supports expediting efforts through the FAO, in cooperation with International Maritime Organization (IMO), to create a unique vessel identifier, as well as strengthening of measures to control transshipment activities

Developing states and non-Parties: It supports capacity building for assistance in implementation of the UNFSA, contributions to the Assistance Fund and to other mechanisms to assist developing states, and the establishment of mechanisms through RFMOs. It also highlights the need to avoid adverse impacts on, and ensure access to, subsistence, artisanal fishers and women fishworkers, as well as indigenous peoples in developing states, particularly SIDS. Finally, it calls on countries to become parties to the UNFSA. It has not yet been released at the UNDOALOS website.

Statement by the NEAFC Secretariat at the Resumed Review Conference 24-28 May 2010

The UN has an organisation that deals with fisheries, FAO, the Food and Agriculture Organization of the United Nations. FAO has a strong expertise in fisheries and the context of fisheries. Irrespective of this, the UN has an oversight over performance in fisheries rooted in UNCLOS and UNFSA.

Each year the Secretary General prepares a report for the General Assembly on oceans and the law of the sea which in the recent decade has been related to the focus of meetings of the United Nations Open-ended Informal Consultative Process.

The General Assembly based on these issues has made two resolutions:

1. Oceans and the Law of the Sea
2. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.

Thus out of the complex legal framework of UNCLOS, dealing with all human activities fisheries are singled out in a separate resolution, which over the years has become more and more detailed in prescribing what states and states through RFMOs and RFMA have to do.



Agenda item 14

This is rather surprising. While a good case can be made for oversight from the UN with respect to ocean issues that are global in nature (climate change, transboundary pollution, release of chemicals, hazardous substances, Persistent Organic Pollutants, oil in produced water, radioactive discharges, non-indigenous species and marine litter to the marine environment) the impact on the environment from fishing activity is generally local or regional and therefore best addressed in regional and sub-regional cooperation.

Obviously we would like the negative impacts of all human activity on the marine ecosystems to be reduced to a minimum.

The interesting thing here is that other uses of the marine environment have externalities that directly affect fisheries. Pollution(eutrophication, chemicals, hazardous substances, POPs oil in produced water, radioactive discharges from nuclear and non-nuclear sectors, marine litter), the effect of the use of fossil fuels on climate, shipping, hydrocarbon and other extraction industries would have no problems operating in the ocean whatever the biodiversity or level of pollution. Fisheries have to operate in a clean and healthy marine environment. The consequences of mis-management of fisheries are internal mostly affecting the fishery itself negatively.

This is even more surprising when considering the importance of marine biodiversity of the oceans. The importance of marine biodiversity is in the role it plays as absorber of greenhouse gases. That is what really counts. Biodiversity here is the diversity of microscopic organisms and their role in the carbon cycle of the earth. The biodiversity of the marine organism used by hunters and fishermen is marginal in this context. Even when we look at the use (fisheries) the UN processes focus on the approach seems completely disproportionate.

IUU fishing and deep sea bottom trawling in areas beyond national jurisdiction are problems, which should be eminently manageable. The real problems lie in inland and coastal areas and small scale fisheries and their huge importance in poverty alleviation and food security and in addressing the economic incentives in fisheries which lead to a reduction wealth generation (The sunken billions – World Bank) not the threat of fisheries to vulnerable marine ecosystems and biodiversity in general.

If biodiversity and climate change was the real problem the UN should concentrate on the impact of forestry and agriculture.