Information regarding international initiatives relevant to PECMAS 2019

An information document by the NEAFC Secretariat

This information document provides a collation of short individual reports on initiatives relevant to PECMAS. These are largely drawn from the relevant international reports that will be presented to the Annual Meeting. The Secretary will highlight the aspects of these reports that may be of particular interest to PECMAS.

The 14th Informal Consultations with States Parties (ICSP) on the UN Fish Stocks Agreement focused on issues related to performance reviews of RFMOs, so it was not of primary interest to PECMAS, however it should be noted that the 2020 ICSP will focus on the application of the ecosystem approach by RFMOs.

The notes in the annexes to this information document relate to the following:

**United Nations /Biodiversity Beyond National Jurisdiction**

Intergovernmental Conference on Development of an international legally binding instrument under UNCLOS on marine biological diversity of areas beyond national jurisdiction.  

**FAO**

Areas Beyond National Jurisdiction – FAO Common Oceans Programme

**OSPAR**

Biodiversity Committee of OSPAR

**Other**

Convention on Biological Diversity (CBD), Workshop on Ecologically and Biologically Significant Areas (EBSA) in the North East Atlantic, 22-27 September (oral report)
Intergovernmental Conference on Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

2019

A note by the NEAFC Secretariat

Description
For more than 10 years the United Nations has been considering the possibility of developing a new implementation agreement under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction “BBNJ”. In 2015, the UN General Assembly agreed resolution 69/292 to develop an international legally binding instrument under UNCLOS. The Intergovernmental Conference (IGC) to develop the instrument is now well under way, with the second and third sessions held on 25 March - 5 April 2019 and 19 - 30 August 2019 at the UN Headquarters.

The package of potential elements for the instrument being developed at the IGC include:
- marine genetic resources, including questions on benefit-sharing;
- environmental impact assessments;
- area-based management tools; and
- capacity building and marine technology transfer.

Following first two IGC meetings based around a discussion document, a zero draft of the international legally binding instrument was prepared by the IGC President in the summer for textual negotiations at IGC 3 in August 2019.

Participation
In the earlier BBNJ process only a handful of RFMOs have attended (at least part of the meeting) although NEAFC has attended most. At IGC 3 there was greater attendance by RFMOs, and in the event, day by day coordination between RFMOs and the UN FAO secretariat was carried out. This coordination was to ensure the discussions at various ‘informal - informal” working groups as well as plenary sessions were adequately attended and understood. Given that the IGC had now moved to legal drafting reflecting national and regional positions, RFMOs and FAO made very few interventions in the plenary/working groups but focused more on briefing delegates on the technical implications of the drafting.
The NEAFC Secretary made presentations at a UNEP/UN FAO side event at IGC 2 and two side events at IGC 3; one on the CBD Sustainable Ocean Initiative Global Dialogue and one on the continuing development of RFMOs, organised by FAO.

During the days attended by the Secretary, he spoke to all NEAFC Party delegations. In general, in both sessions of the IGC. In their interventions, the NEAFC parties clearly highlighted the importance of RFMOs in the management of biodiversity in areas beyond national jurisdiction. The Collective Arrangement between NEAFC and OSPAR was also highlighted. The negotiations in IGC 3 started to focus on draft text, going beyond the initial positions, for instance on global versus regional models for the various elements of the international instrument. As before, the texts on environmental impact assessments and area-based management had the most references and interest to existing arrangements within RFMOs, but the text on marine genetic resources also included drafting which needed clarification with respect to fish as a commodity as opposed to a genetic resource. Alternative texts on governance and on cooperation and coordination between regional and sectoral organisations was also discussed.

IGC 4 is planned for March 23 - April 3, 2020 to continue with negotiations on a revised draft text of the International Instrument on Biodiversity, hopefully with at least some text resolved.
ABNJ – Common Oceans Programme 2019

A note by the NEAFC Secretariat

Description

The Program on Global sustainable fisheries management and biodiversity conservation in the Areas Beyond National Jurisdiction Program is funded by the Global Environment Facility (GEF) under the lead of the Food and Agriculture Organization of the United Nations (FAO) in collaboration with the United Nations Environment Programme (UNEP) and the World Bank and other partners.

The ABNJ Program aims to promote efficient and sustainable management of fisheries resources in parallel with the conservation of biodiversity in Areas Beyond National Jurisdiction (ABN), focusing on tuna and deep-sea fisheries.

The five-year ABNJ Program, started in 2014 and to finish at the end of 2019, consists of four projects that bring together governments, regional management bodies, civil society, the private sector, academia and industry. The four projects focus respectively on tuna fisheries, deep-sea fisheries, fostering ocean partnerships and strengthening capacity. All RFMOs working on deep sea fisheries, including NEAFC – contributing in kind, are partners in the deep sea project.

Participation

This year the Secretary participated in a meeting of the 4th Project Steering Committee of the deep sea project, hosted by SIOFA in La Reunion on 23-25 January. This project aimed to: improving implementation of existing policy and legal frameworks; reduce adverse impacts on Vulnerable Marine Ecosystems and enhance conservation and management of components of Ecologically and Biologically Significant Areas; improve planning and adaptive management for deep-sea fisheries, and; develop and test methods for area-based planning. At the Project Steering Committee, the remaining project products were reviewed to finalise their completion in 2019. The administrative arrangements including budget were also reviewed, with provision for some additional small desk studies to be funded by the project. The ABNJ programme is currently undergoing an external evaluation as it closes down its activities.

Relate to the work of the Steering Committee, the Secretariat was involved in December 2018 in a planning meeting with FAO and other ABNJ Programme members to establish what a new programme from 2020 onwards might focus on. This was in order for FAO to seek funding from the Global Environment Fund.
Information Paper

In addition to the Steering Committee, NEAFC Secretariat was involved in making presentations and chairing sessions of the ABNJ Common Oceans Deep Seas Project meeting at FAO HQ on 7-9 May. This was a workshop to showcase existing knowledge, and practices for sustainable deep-sea fisheries management and biodiversity conservation in ABNJ. It allowed project partners and stakeholders to discuss and synthesize opportunities and challenges faced in their field. The three-day meeting was organised with UN Environment World Conservation Monitoring Centre (UNEP-WCMC) and the SponGES project consortium. The meeting was well attended represented the latest innovative research.
Biodiversity Committee of OSPAR

2019

A note by the NEAFC Secretariat

Description
OSPAR’s Biodiversity Committee (BDC) is the body within OSPAR that deals with biodiversity and ecosystems, working closely with the Human Impacts Committee. This includes OSPAR’s work regarding Marine Protected Areas and the protection and conservation of threatened and declining species and habitats.

The work of the Committee drives some of the key OSPAR interactions in global and regional ocean governance. Most of OSPAR’s work that is relevant to NEAFC is developed through the Biodiversity Committee. The Committee meets once a year and reports to the OSPAR Commission.

As part of the MOU between NEAFC and OSPAR, representatives of OSPAR attend meetings of PECMAS and representatives of NEAFC attend meetings of the Biodiversity Committee as observers. Those representatives are normally from the relevant organisation’s Secretariat, although delegations at BDC sometimes include national fisheries officials more familiar with NEAFC’s work.

Participation
The 2019 meeting of the Biodiversity Committee was held Jersey on 25-29 March, part of which was attended by the Secretary.

The early part of the meeting focused on strategic issues within OSPAR as it heads into a new Ministerial Strategy for 2020-2030. This also included planning for the next OSPAR Quality Status Report of the North East Atlantic for 2023 in which fish and cephalopods will figure in biodiversity assessments. It should be noted in this context that both for assessments and for OSPAR’s species and habitats work, OSPAR has currently been unable to bring together an operational fish expert group.

BDC 2019 discussed its interest in the ongoing work on definitions of Other Effective area-based Conservation Measures (OECM) were being developed in the framework of IUCN and CBD. NEAFC informed BDC of its interest in the discussion within OSPAR on OECMs given the NEAFC VME closures were as primarily deep sea conservation measures. NEAFC would welcome a continued dialogue on this issue to support cooperation between fisheries and the environmental sector.
Information Paper

BDC discussed its continuing development of a draft nomination proforma for the ‘North East Atlantic Current and Evlanov Seamount’ Marine Protected Area (NACES MPA). This process had received a peer-review from ICES in late 2018 which was presented at the meeting. NEAFC welcomed this peer review in light of the agreement to request it having arisen at the 2018 collective arrangement meeting. Following presentation of the key changes to the proforma, comments included the following:

- support from several Contracting Parties for progressing the proforma;
- some support for the ICES analysis and challenges to the proforma methodology;
- some support for conservation objectives better reflecting the sustainable use of the site;
- some views for and against the case being made in the proforma to include of the seafloor in the nomination decision;
- several Contracting Parties underlined the importance of engaging relevant competent authorities on management/sustainable use of the site, noting the need to strengthen both fisheries and shipping information. However some other Parties felt the process toward designation should continue nevertheless;
- NEAFC noted that there appeared to be no current NEAFC fisheries ongoing at the site. It also noted that while the seabird information appeared good, the nomination proforma lacked real information on the impact of human activities or the need for management.

BDC agreed to finalise changes to the proforma over the next year, including through its intersessional group on MPAs. BDC agreed that the OSPAR Secretariat would also seek to obtain further input to the proforma from other authorities. (see PECMAS 2019-01-06).