

## **Introduction**

- Our understanding of connectivity between national waters and areas beyond national jurisdiction (ABNJ) is advancing rapidly.
- Fish don't have passports!
- Ecosystems are dynamic and interconnected; our marine governance system is not.
- No activities or impacts are confined to their own footprint
- if a new treaty is to truly achieve conservation and sustainable use and reflect the interests of all States, it must be based on best available science, including regarding connectivity.

## **1. Fisheries management**

- Regional fisheries management organisations (RFMOs) have been subject to criticism and effectiveness varies greatly (though overall there has been huge progress toward effective management and ecosystem approaches in recent years).
- However, there is still a long way to go: progress is patchy and uneven, while the recovery and sustainability of many fish stocks remain under considerable threat.
- Parties to RFMOs are States with a fishing interest in particular stocks; coastal States are impacted by these activities, yet they are not represented.
- How can we reflect the interests of non-fishing States in fisheries management processes? (Especially if those interests are in conflict with others' right to fish or the decisions taken in management bodies.)
- RFMOs focus on the management of exploited fish stocks – only 3% of high seas species are subject to stock assessment by RFMOs.
- Limited assessment of impacts of fishing on non-target species and uneven application of bycatch measures.
- Climate change = shifting fish stocks. RFMOs are not prepared for the challenges that this will bring.

## **2. Area-based management tools (ABMTs) and marine protected areas (MPAs)**

- Breadth – some have suggested that management measures should be time-limited for specific threats; science suggests that we need networks of MPAs built with resilience in mind, using a range of approaches for different situations.
- Criteria – should designate ABMTs/MPAs not only for threats to specific species/features, but also because of impacts on ecosystems/adjacent areas.
- Adjacency – interests of coastal states; compatibility with their measures
  - e.g. the high seas “pockets” in the Pacific
  - Fish Stocks Agreement has relevant provisions

### 3. Impact assessment

- Needs to be sufficiently broad to account for connectivity
- Strategic environmental assessment (SEA) – discussed, but limited attention in President's Aid document
  - Could be a useful way to account for all interests and provide a bridge between science/management
  - Capture this interconnectedness; provide an opportunity to set out how and where activities lead to cumulative impacts

### 4. Cooperation and coordination

- Many organisations already have some sort of management mandate, but they are sectoral and the overall system is incoherent and fragmented.
  - E.g. The range of highly migratory species may span the mandates of many organisations, so protection would require measures under numerous RFMOs, the International Maritime Organisation (IMO), domestic measures, and cooperation through the Conservation on Migratory Species (CMS).
  - Fishing vessels fishing under various RFMOs and within national jurisdiction, conducting transshipments – need for coordination.
- [STRONG High Seas project](#) is exploring how to build on and strengthen existing regional and sectoral mechanisms.
  - [\*Regional Ocean Governance of Areas Beyond National Jurisdiction: Lessons Learnt and Ways Forward\*](#)
  - [\*Conservation and Sustainable Use of Marine Biodiversity in Areas Beyond National Jurisdiction: Options for Underpinning a Strong Global BBNJ Agreement through Regional and Sectoral Governance.\*](#)

### 5. Conclusion

- Future treaty is about conservation and sustainable use as a whole.
- "Delicate balance of rights and responsibilities" negotiated in the UN Convention on the Law of the Sea (UNCLOS)
  - Focus tends to be on rights/freedoms, yet this neglects the various duties of Parties: protection of environment; flag State responsibility; international/regional cooperation: capacity building and technology transfer
  - Alternative framing: new treaty is an opportunity to deliver the holistic vision set out in UNCLOS.
- These rights and responsibilities, couple with the science of connectivity, suggest that there should be no reason to prefer economic interests over other interests.
- The negotiation is an opportunity to ensure that biodiversity is managed by and for all and that all States have a say in how that can be achieved.

## Questions

- How to address impacts of fisheries on migratory species through new agreement? Some States want to see fisheries completely excluded on the basis that a new agreement must “not undermine” them.
  - Hard to imagine that an agreement can advance conservation and sustainable use without addressing fisheries and strengthening management, especially in relation to impacts on non-target species and the interests of States without a fishing interest (i.e. the vast majority of States).
  - “Undermining” would appear to be quite a high threshold (taken literally as “weakening” or reducing effectiveness/capacity).
  - Reframe positively: what can a new agreement do to support and build on existing regimes? An opportunity to, for example: support RFMOs in their work; complement by assessing non-target species; account for the interests of non-fishing States; provide standards and harmonisation.
  - “Not undermining” should be a two-way street: failure to manage commercial fisheries effectively undermines other Conventions/goals, e.g. CMS, Convention on Biological Diversity (CBD), Sustainable Development Goals (SDGs).
- Pushback re Traditional knowledge (TK), with some questioning how we can have knowledge of such distant waters.
  - Science and TK are both legitimate forms of knowledge and TK is often supported by science: active connectivity of mammals; historic migrations/seafaring; passive connectivity.
  - In addition to advocating for TK in the scientific context, it also forms part of the longstanding cultural/historical link that many societies have with the ocean; can also advocate for these interests to be considered/reflected for their own sake.
- How robust are the models in the context of climate change? Dynamic MPAs may be needed, but updating measures every year will be politically impossible.
  - Climate change will require updates to models over decades, rather than annually
  - Don’t necessarily need highly dynamic MPAs – design with buffer zones, precaution, account for uncertainties, networks of MPAs.
- What role can private companies/tech play in monitoring?
  - See, e.g. [Global Fishing Watch](#), [OceanMind](#), summary of [Expert Workshop on Technological Tools for Monitoring, Control and Surveillance in ABNJ](#).