

**Intergovernmental Conference on 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**

**(4-17 September 2018)**

Agenda Item 6

Mr/Madam Chairperson,  
Excellencies,  
Ladies and Gentlemen,

The Food and Agriculture Organization of the United Nations (FAO) is pleased to address the 1<sup>st</sup> Intergovernmental Conference on an international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, and share information on some of its work.

Fisheries and aquaculture make significant contribution to world food security and human nutrition needs, providing more than 20 kg of fish per person per year in 2016. About 10% of the world's population directly depend on fisheries and aquaculture for their livelihoods and fish is one of the most traded food products. Marine capture fisheries production was 79 million tonnes in 2016 of which approximately ten percent is from the Areas Beyond National Jurisdiction (ABNJ).

However, about 30 percent of marine fish stocks are estimated as fished at a biologically unsustainable level, some of them in the high seas. This overall state of world marine fish resources has been deteriorating over time, although there has been some significant progress in areas where effective management is helping stocks recover, or preventing them to be overfished.

The 2030 Agenda for Sustainable Development has identified biodiversity as an important factor contributing to food security and improved nutrition. This idea is threaded through many of FAO's areas of work, including the Ecosystem Approach to Fisheries and

Aquaculture, the Blue Growth Initiative, and the protection of Vulnerable Marine Ecosystems, among others. The FAO Conference, of which many countries represented here are members, welcomed at its last session, FAO's initiative to act as Biodiversity Mainstreaming Platform and requested FAO to facilitate, in collaboration with its partners such as CBD and other UN agencies, the integration of biodiversity across agricultural sectors, including fisheries and aquaculture, at the national, regional and international level.

While international law provides for the freedom of fishing on the high seas, such freedom is no unqualified. It is subject to conditions such as due regard for treaty obligations and the interests of other States, and the general obligation to cooperate in the conservation and management of fisheries on the high seas.

Management of high seas fisheries in many areas is done through competent regional fisheries management organizations (RFMOs), who are provided for in the United Nations Convention on the Law of the Sea and play a key role in high seas fisheries, particularly where shared fishery resources occur such as highly migratory and straddling stocks, and whose measures are relevant for all States, including non-members. It is worth noting that the five tuna RFMOs cover 90% of the ABNJ area and the eight deep-sea RFMOs cover 77% of the ABNJ area. Although there is still room for improvement, RFMOs effectiveness and functionality have been evolving over the past ten years with better coverage of the fishing operations, more stringent measures to address illegal, unreported and unregulated fishing, and more biodiversity concerns reflected in their decisions and actions.

FAO has also been working with all RFMOs to strengthen the sustainability of fisheries and biodiversity conservation in the ABNJ through the "Common Oceans/ABNJ" Programme, led by FAO, in close collaboration with all tuna and deep-sea RFMOs as well as other partners.

FAO works with States and other stakeholders in facilitating the development and supporting implementation of international mechanisms and instruments, including binding and voluntary instruments and technical guidelines. A number of instruments have recently been negotiated or are being developed under the auspices of the FAO with relevance to the sustainable management of marine living resources also in the ABNJ. These include (i) the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing; (ii) the Voluntary Guidelines for Flag State Performance;

(iii) the Global Record of Fishing Vessels, Refrigerated Transport Vessels, and Supply Vessels which is being developed; and (iv) the Voluntary Guidelines on Catch Documentation Schemes, adopted in 2017 in response to a call from the UNGA in 2013.

Mr/Madam Chairperson,

The 1982 United Nations Convention on the Law of the Sea and the 1995 United Nations Fish Stocks Agreement set out the rights and obligations of fishing nations, both in the Exclusive Economic Zones and on the high seas, thereby creating a balanced framework for the conservation and management of fisheries at the global level.

The regional dimension is a cornerstone of international law and fisheries management policy, underscored by the rapid expansion of the family of RFMOs to 25 such bodies, the majority of which have been subject to independent performance evaluations in recent years. It is important that we enhance and develop additional ways to strengthen the cooperation and synergies between pre-existing institutional and management frameworks, and related fishery management and biodiversity initiatives, cognizant of the technical and political investments behind these frameworks and initiatives.

Knowledge sharing and coordinating mechanisms are necessary and vital to the reaching of common goals. There is need to acknowledge and learn from the significant progress made in addressing fishery management and biodiversity conservation goals, such as through the establishment of cooperation between regional fishery management organizations and regional seas organizations as in the case of the “Sustainable Ocean Initiative Global Dialogue” between Regional Seas Organizations and Regional Fisheries Bodies, in which FAO actively participate.

The Thirty-third Session of the FAO Committee on Fisheries (COFI) in July 2018 expressed its appreciation for the ongoing work to establish a new legally binding agreement for the conservation of marine biodiversity of areas beyond national jurisdiction and recognized that the process and outcome should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies, consistent with the calls of the UNGA as set out in its Resolutions 69/292 and 72/249.

Within the framework stipulated in the aforementioned UNGA resolutions, FAO stands ready to continue to cooperate and support States in their negotiations and deliberations for the establishment 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.

Thank you