



Food and Agriculture
Organization of the
United Nations

Preparatory Commission to prepare for the entry into force of the Agreement 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 (BBNJ Agreement) and the Convening of the First Meeting of the Conference of the Parties to the Agreement

Second Session

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Agenda item 5: Arrangements to enhance cooperation with relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies

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Submitted by the Food and Agriculture Organization of the United Nations (FAO)

Speaker: Alice McDonald, Senior Fisheries Officer, FAO

Thank you Co-Chair for the opportunity to take the floor.

The FAO is pleased to contribute to the discussions of the Preparatory Commission this week, in particular on cooperation with relevant instruments, frameworks and bodies.

To support this discussion, FAO provided a written submission that can be viewed in full on the meeting website. I will not read it in full, but wanted to highlight a few key points:

FAO is an IFB in its own right. Since its establishment 80 years ago, FAO has facilitated cooperation among its 194 Members (and 2 associate members) on matters related to fisheries. FAO is the only global body providing technical expertise and advice on fisheries, and the FAO Committee on Fisheries (COFI) serves as the main global forum where governments collectively take decisions on global sustainable fisheries and aquaculture matters. This has included the establishment of technical bodies, development of guidelines, and the adoption of agreements fundamental to ocean governance.

FAO also represents a set of **IFBs**:

- **Instruments** include those of legally binding nature such as the *Agreement on Port States Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* (PSMA) and the *International Treaty on Plant Genetic Resources for Food and Agriculture*, as well as various guidelines and non-binding instruments, including the *Code of Conduct for Responsible Fisheries*.
- **Frameworks** include cooperative formal and informal arrangements with other IGOs and relevant entities, such as the *Regional Fishery Body Secretariat's Network* and the Joint FAO-IMO-ILO Working Group on IUU fishing and related matters.

- **Bodies** include FAO's Governing Bodies, such as COFI and its three Sub-Committees, as well as other technical bodies established under the FAO framework, including RFMOs established pursuant to article XIV of the FAO Constitution –such as the General Fisheries Commission for the Mediterranean (GFCM), and the Indian Ocean Tuna Commission (IOTC).

FAO and fisheries bodies at national, subregional and regional levels have the capacity to contribute greatly to the implementation of the BBNJ Agreement, including through the provision of data, science and operational expertise. These bodies have decades of experience with processes relating to proposing, assessing and implementing fisheries management measures and related arrangements in the ABNJ, including compliance and enforcement frameworks. The implications of the BBNJ Agreement and the potential mechanisms for cooperation are being discussed in many of these forums.

RFMOs translate global marine biodiversity related commitments into region-specific management, providing scientific advice, adopting regulations, monitoring compliance, and supporting capacity-building, especially for developing coastal and island states.

IOTC, with its 29 diverse Contracting Parties, has a proven track record of facilitating regional collaboration, management and capacity building and could play a pivotal role in the implementation of BBNJ in the region. IOTC has clearly stated its intent in this regard, by recently adopting a management measure specifically addressing collaboration with the BBNJ process.

The 23 Contracting Parties of the GFCM decided two years ago that efforts would be made to ensure the implementation of the BBNJ Agreement, which has already been ratified by several GFCM Contracting Parties in the Mediterranean region. This will be particularly relevant to Part III of the BBNJ Agreement, given the longstanding commitment of GFCM to the adoption and use of areas-based measures, such as fisheries restricted areas, as well as conservation measures aimed at protecting vulnerable marine species.

In response to the guiding questions of the co-chairs:

For early operation and coordinated implementation of the BBNJ Agreement, FAO suggests that mechanisms to support cooperation and coordination under the STB, ICC and CHM should be a priority, as the expertise and contributions of IFBs will be critical to their success. IFBs have their own mandates, memberships and activities, and therefore effective cooperation and coordination will only be possible if the mechanisms are fit for purpose, practical and accessible. In this context, FAO re-iterate our offer of support to develop mechanisms to integrate fisheries expertise, including data and science, into these processes.

In developing these mechanisms, we encourage Parties to consider the following elements:

- the modality and format of participation in these bodies and processes,
- the establishment of formal and informal institutional linkages,
- the interoperability of processes, particularly where it comes to data and science,
- the timing of notices and requests for input,
- alignment of standards, thresholds and criteria where appropriate, and
- recognition of complementary or equivalent processes.

In finishing, FAO would like to encourage the Preparatory Commission to draw upon the expertise and capability within FAO, the IFBs under our auspices, and other fisheries bodies, to develop effective, inclusive and complementary implementing arrangements for the BBNJ Agreement.