FAO INPUTS IN RELATION TO RESOLUTION A/RES/77/248

CONCERNING "OCEANS AND THE LAW OF THE SEA"

FOR THE REPORT OF THE SECRETARY-GENERAL TO THE SEVENTY-EIGHTH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

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SECTION I - IMPLEMENTATION OF THE CONVENTION AND RELATED AGREEMENTS AND INSTRUMENTS

OPERATIVE PARAGRAPH 4 - Harmonizing national legislation with the Convention

The Food and Agriculture Organization of the United Nations (FAO) continues to provide legal assistance to its Member Nations in the development of fisheries and aquaculture legislation and to contribute to national efforts towards achieving the relevant SDGs. Such assistance is provided with emphasis placed on ensuring that national legislation is consistent with the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 (the Convention) and relevant agreements and instruments. Great effort is put into ensuring that national legislation effectively implements the provisions of the Convention, including the rights and duties of Member Nations within waters under national jurisdiction, relating to matters such as fisheries monitoring, control and surveillance (MCS), and the effective exercise of States' jurisdiction over flagged (fishing) vessels on the high seas and in waters under the jurisdiction of other States. The development of national fisheries legislation also takes into account binding decisions of Regional Fisheries Management Organizations and arrangements (RFMOs) which are recognised under the Convention as bodies through which States may cooperate.

The agreements which FAO takes into account in providing assistance to its Member Nations include:

- 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 (UNFSA) – 92 parties,
- the FAO 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement) – 45 parties, and
- the FAO 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) – 75 parties.

FAO takes also into account as number of non-binding instruments. These include the 1995 Code of Conduct for Responsible Fisheries (CCRF) and its supplementary technical guidelines, international plans of action and voluntary instruments, such as the 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas, the 2014 Voluntary Guidelines on Flag State Performance (VGFSP), the 2014 Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines), the 2017 Voluntary Guidelines for Catch Documentation Scheme, the 2018 Voluntary Guidelines on the Marking of Fishing Gear and the 2022

Voluntary Guidelines for Transshipment. These non-binding instruments and their principles, approaches and tools are incorporated into national fisheries and aquaculture legislation with the agreement of the concerned government and in consultation with stakeholders. Among the principles, approaches and tools that are important to guide the development of legislation are the precautionary principle, the principles of stakeholder participation in decision-making, including through co-management, the application of environmental impact assessment (EIA) in deep sea fisheries, as well as the Ecosystem Approach to Fisheries (EAF), Ecosystem Approach to Aquaculture (EAA) and the Human Rights-Based Approach (HRBA) to fisheries conservation and management.

Since 2020, FAO provided legal assistance including training for the implementation of the above-mentioned agreements and international fisheries related instruments to a number of Member Nations.[1] More specifically, in 2022 and 2023, FAO continued to provide assistance to Cabo Verde, Côte d'Ivoire, Ghana, Guyana, Kenya, Saint Kitts and Nevis, Saint Vincent and the Grenadines, São Tomé e Príncipe, Senegal, Sri Lanka, and Tanzania. The legal assistance provided included reviewing and developing national policy and legislation for sustainable fisheries and aquaculture including gaps analysis of legal and institutional frameworks and coordinating and supervising research.

SECTION II - CAPACITY-BUILDING

OPERATIVE PARAGRAPHS 10 to 59 - *Capacity-building for the conservation and sustainable use of marine resources*

Development of technical legal skills at national level for the implementation of the Convention

FAO develops technical skills in support of the implementation of the Convention at the national level through capacity building activities under technical cooperation programmes and projects. Such capacity building activities include increasing awareness of the rights and obligations of Member Nations under the Convention, related international fisheries instruments and the implementation of relevant approaches, such as the EAF through national policy and legal instruments. Such assistance has been provided in 2022 and 2023 through the following activities:

- assistance to Côte d'Ivoire in capacity building for the implementation of the EAF through its national fisheries legal framework;
- awareness-raising on the implementation of the EAF, by developing and publishing legal reports of 22 countries, beneficiaries of the EAF-Nansen Programme, which assess the level of alignment of their respective policy and legal instruments with the EAF, using *A diagnostic tool for implementing an ecosystem approach to fisheries through policy and legal frameworks;*[2]
- training of government officials and technical experts in the Latin American and Caribbean region (Argentina, Bahamas, Barbados, Belize, Bolivarian Republic of Venezuela, Brazil, Chile, Costa Rica,

[1] The first group of countries assisted were: Cambodia, Ghana, Guyana, Kenya, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Somalia and Trinidad and Tobago.

[2] FAO. 2021. A diagnostic tool for implementing an ecosystem approach to fisheries through policy and legal frameworks. Rome. https://www.fao.org/3/cb2945en/cb2945en.pdf

Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Jamaica, Mexico, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago), on: the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) through national fisheries legal frameworks, using the FAO-CITES Legal Study and Guide;[3] and training on the making of legal acquisition findings.

FAO and the International Maritime Law Institute (IMLI) of the International Maritime Organization (IMO) designed and have been delivering a competency-based Fisheries Law Training Course to Member Nations' government officials in English, French and Spanish. The most recent course, conducted in English in 2022, trained participants to, *inter alia*: (i) be more engaged in the management of living marine resources; (ii) implement relevant international instruments in national laws and practice; (iii) identify the elements of offences in fisheries legislation for improved enforcement; (iv) develop an understanding of evidentiary requirements for the purposes of prosecutions; and (v) apply best practices in the detection, investigation, and prosecution of fisheries offences and violations.

FAO continues to strengthen its cooperation and collaboration in capacity building with numerous international and regional institutions including the CITES Secretariat, UNEP, UNODC, IMO, ILO, and the Pacific Forum Fisheries Agency.

Capacity building to combat illegal, unreported and unregulated (IUU) fishing

In 2017, FAO launched the *Global Programme to support the implementation of the Agreement on Port State Measures (PSMA) and complementary international instruments to combat illegal, unreported and unregulated (IUU) fishing* (hereafter the 'Programme'). This launch marked the beginning of a concerted effort by FAO and its partners to enhance capacity building of States to combat IUU fishing in a programmatic manner. The Programme, which aims to contribute to national, regional and global efforts to prevent, deter and eliminate IUU fishing, represents the overall framework within which FAO and its development partners articulate and mobilize coordinated actions in support of the implementation of the PSMA and complementary international instruments on combatting IUU fishing. Since its inception, the European Union (EU), Germany, Iceland, Norway, the Republic of Korea, Spain, Sweden and the United States of America have committed approximately USD 28 million for the implementation of the programme. Developing States including Small Island Developing Sates (SIDS), both Parties and non-parties to the PSMA, are benefiting from the Programme. The Programme includes activities to:

- assess the needs for strengthening national legislation, institutional set up, and MCS systems and operations with respect to port, flag, coastal, and market State responsibilities, including the drafting of national strategies and roadmaps to implement related measures;
- support the review and development or revision of relevant fisheries policies and laws;
- support the strengthening of MCS institutions, systems and operations, including through mechanisms for regional coordination and cooperation;
- support to recipient countries in strengthening inter-agency cooperation for effective implementation of the PSMA;

[3] Nakamura, J.N. and Kuemlangan, B. Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) through national fisheries legal frameworks: a study and a guide. Legal Guide No. 4. Rome, FAO. https://www.fao.org/3/cb1906en/cb1906en.pdf

- improve flag State performance and implement market access measures, such as catch documentation schemes (CDS) and traceability schemes;
- develop and implement training, capacity building, and supporting operational material and programmes;
- develop and implement global information systems in support of the implementation of the PSMA, including the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (FAO Global Record), the PSMA Global Capacity Development Portal, and a global information exchange system (GIES); and
- support travel to relevant PSMA meetings, including the meetings of the Parties and subsidiary working groups, and relevant meetings on the FAO Global Record.

On implementation of the Programme at the national level, FAO has supported up to 55 Member Nations to strengthen their capacity for effective implementation of the PSMA and related international instruments and regional mechanisms to combat IUU fishing. Support to countries is demand-driven and tailor made to accommodate specific requirements of Member Nations to enhance their legal, policy, institutional, operational and technical capacities. FAO also provided international training on fisheries law and port inspections.

Furthermore, Member Nations have been supported in using regional and international tools and mechanisms for information-sharing and cooperation for the effective implementation of the PSMA and complementary international instruments, including the FAO Global Record and the GIES.

Under the programme, FAO published a number of capacity building materials and guidance documents to facilitate States' legal, policy-level, institutional and operational alignment with the PSMA and related international and regional instruments to combat IUU fishing. These guidance documents include:

(1) "A consolidated checklist of coastal, flag and port State responsibilities to combat IUU fishing";

(2) "A legal checklist of the main duties and responsibilities of coastal, flag and port States, and internationally agreed market-related measures to prevent, deter and eliminate IUU fishing";

(3) A technical guidance document entitled "Understanding and implementing Catch Documentation Schemes for detecting and deterring IUU fishing";[4]

(4) Technical Guidelines on Methodologies and Indicators for the Estimation of the Magnitude and Impact of IUU fishing (Volumes 1[5] and 2[6]);

(5) A fully fledged Training Programme and related materials for national and international capacity building initiatives covering: public international law, the law of the sea, fisheries law, fisheries management, fisheries monitoring, control and surveillance, fisheries enforcement, cooperation, and port

[4] FAO. 2002. *Understanding and implementing catch documentation schemes – A guide for national authorities. FAO Technical Guidelines for Responsible Fisheries No. 14*. Rome.

[5] FAO. 2021. *Volume 3.1: A practical guide for undertaking IUU fishing estimation studies (Advanced Copy) Technical guidelines on methodologies and indicators for the estimation of the magnitude and impact of illegal, unreported and unregulated fishing (IUU Fishing)*. Rome

[6] FAO. 2018. *Volume 2: Guiding principles and approaches (Advanced Draft) Technical guidelines on methodologies and indicators for the estimation of the magnitude and impact of illegal, unreported and unregulated fishing (IUU Fishing)*. Rome.

State measures. Model courses are being conducted based on the Training Programme in several training hubs including through collaborations with other entities.

Capacity building in support of the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines)

FAO supports capacity building and awareness-raising for governments, small-scale fisheries organisations (including regional small-scale fisheries organizations) and other stakeholders with a view to advance and promote the participatory implementation of the SSF Guidelines. This support is facilitated through the FAO Umbrella Programme for the promotion and application of the SSF Guidelines (SSF Umbrella Programme) and a multi-donor mechanism supported by Sweden, Norway, and the Global Environment Facility (GEF).

Several partners have been involved in this FAO Umbrella Programme including but not limited to the Coastal Fisheries Initiative (CFI), IPC Working Group on Fisheries, International Collective in Support of Fishworkers, Too Big To Ignore Global Partnership for Small-Scale Fisheries (TBTI), International Ocean Institute – Southern Africa, One Ocean Hub, UN Office of the High Commissioner on Human Rights, African Women Fish Processors and Traders Network, Caribbean Network of Fisherfolk Organisations, Fédération des Pêcheurs Artisans de L'Ocean Indien, Confédération Africaine des Organisations Professionnelles de la pêche artisanale, Wageningen University and Research, and the Marine and Freshwater Research Institute.

FAO has contributed to capacity building and awareness raising with respect to small-scale fisheries governance, the SSF Guidelines implementation, the National Plan of Action in support of SSF Guidelines implementation (NPOA-SSF), and other relevant instruments, and the 2022 International Year of Artisanal Fisheries and Aquaculture (IYAFA) Global Action Plan. Examples of such activities include the following:

- A study *Illuminating Hidden Harvests - the contributions of small-scale fisheries to sustainable development*[7] co-developed by FAO, Duke University and WorldFish was published in March 2023. The report aims to update and expand information and data on small-scale fisheries, compiled and analysed from 58 country case studies;
- Engagement of small-scale fisheries actors in policy processes through the International Planning Committee Working Group on Fisheries and the Advisory Group of the Global Strategic Framework for SSF Guidelines implementation;
- Development and implementation of NPOA-SSF in Madagascar, Malawi, Namibia, Philippines Tanzania, Senegal, and Uganda ;
- *A policy and legal diagnostic tool for sustainable small-scale fisheries* published in 2022 and an elearning course on legal and policy considerations for sustainable small-scale fisheries also launched in 2022;
- Trainings for government officials on the SSF Guidelines implementation and related guidance, in countries in Africa and Asia. Additionally, an elearning course on governance in small-scale fisheries was developed and launched in early 2023;

[7] FAO, Duke University & WorldFish. *2023. Illuminating Hidden Harvests – The contributions of small-scale fisheries to sustainable development.* Rome. https://doi.org/10.4060/cc4576en.

- A collaboration with international training institutes for inclusion of small-scale fisheries and SSF Guidelines sessions in relevant curricula including development of a curriculum for youth on the SSF Guidelines for testing in Peru;
- Supporting the 4th TBTI World Small-Scale Fisheries Congress series for the regions of Africa, Asia-Pacific, Europe, Latin America and North America;
- Support to gender related issues including: the mapping and establishment of small-scale fisheries women organisations and delivery of gender-transformative trainings for Ghana, Madagascar, Malawi, Namibia, Sierra Leone, Tanzania and Uganda ;Assessments of the coherence of the national legal frameworks with the SSF Guidelines, the Ecosystem Approach to Fisheries (EAF) and Gender in CFI countries: Cabo Verde, Côte d'Ivoire and Senegal;
- Development of capacity and information materials, including *A methodological guide for mapping women's small-scale fishery organizations to assess their capacities and needs*;[8] *Building resilience to climate change and disaster risks for small-scale fisheries communities;*[9] *Democratizing the implementation and monitoring of the SSF Guidelines*;[10] and *Financing small-scale fisheries in the Philippines.*[11]

In celebration of IYAFA 2022, over 260 virtual, hybrid and in-person events at the global, regional and national level took place focusing either on small-scale fisheries in a specific region, or on specific topics. FAO has also been supporting capacity building on matters related to: access to financial services; safety at sea; co-management of small-scale fisheries; information and communication technology for small-scale fisheries in Asia; COVID-19 impacts on small-scale fisheries; and post-harvest practices for empowering women in small-scale fisheries in Africa. Over 300 publications where released, including the Final Report[12] of the Year.

Capacity building in support of the implementation of the Ecosystem Approach to Fisheries (EAF)

The FAO Committee on Fisheries (COFI) adopted at its Thirty-fourth Session on 1 February 2021 the 2021 COFI Declaration for Sustainable Fisheries and Aquaculture (FAO, 2021). The Declaration reiterates the importance of the ecosystem approach as an effective framework for integrating conservation and sustainable utilization objectives in fisheries management.

FAO supports the development of technical capacity for EAF, and has developed a range of tools, products and materials including guidance at global, regional and national levels to enhance its the implementation

[8] Smith, H. 2022. *A methodological guide for mapping women's small-scale fishery organizations to assess their capacities and needs – A handbook in support of the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*. Rome, FAO. https://www.fao.org/voluntary-guidelines-small-scale-fisheries/resources/detail/en/c/1469695/.

[9] Cook, K., Rosenbaum, K. L. and Poulain, F. 2021. *Building resilience to climate change and disaster risks for small-scale fisheries communities. A human-rights-based approach to the implementation of Chapter 9 of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*. Rome, FAO. https://www.fao.org/voluntary-guidelines-small-scale-fisheries/resources/detail/en/c/1470038/.

[10] Kurien, J. 2022. *Involving the People – Democratizing the implementation and monitoring of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication*. FAO Fisheries and Aquaculture Circular No. 1242. Rome, FAO. https://www.fao.org/voluntary-guidelines-small-scale-fisheries/resources/detail/en/c/1475206/.

[11] Badiola, J.A.R., Guinto, E.J., Das. P.K., Gietzen, T., Yang. L. and Van Anrooy, R. 2021. *Financing small-scale fisheries in the Philippines – A policy brief*. Rome. https://www.fao.org/policy-support/tools-and-publications/resources-details/en/c/1470457/

[12] FAO. 2023. *International Year of Artisanal Fisheries and Aquaculture 2022 – Final report*. Rome. https://www.fao.org/documents/card/en/c/cc5034en.

considering the various needs for the different steps of a fisheries management cycle. FAO continues to support countries and regional organisations through specific training activities and applied support for strengthening legal and policy frameworks and for fisheries management plan development. FAO has several large projects running that explicitly include implementation of EAF in their scope of work in Latin America (e.g. Strengthening EAF for coastal fisheries in Argentina and Chile), the Caribbean (e.g. Enhancing Blue Economy through Sustainable fisheries development, EAF for shrimp and groundfish fisheries (EAF4SG).), the Mediterranean (e.g. Mediterranean Fisheries Management Support Projects, Fisheries and ecosystem based management for Blue Economy), Africa (e.g. EAF-Nansen Programme, the Canary Current Large Marine Ecosystem project (CCLME), The Coastal Fisheries Initiative (CFI) and the Southwest Indian Ocean Fisheries Commission (SWIOFC)-Nairobi Convention Partnership Project, Asia (e.g. EAF-Nansen Programme, Bay of Bengal Large Marine Ecosystem Project (BOBLME) and Areas Beyond National Jurisdiction (Common Oceans Programme). Examples of such assistance that has been provided from September 2022 to August 2023 include:

- Providing training for scaling up the EAF for fishing communities applying also the SSF Guidelines to create synergies in the context of small-scale fisheries;
- EAF-Implementation Monitoring Tool made available in Portuguese (FAO. 2022. Ferramenta de Monitorização da Implementação da Abordagem Ecossistémica à Gestão de Pescas - Uma ferramenta para monitorização da implementação da Abordagem Ecossistémica à Gestão de Pescas. Roma. https://doi.org/10.4060/cb3669pt);
- Training of Trainers on EAF and the EAF-Implementation Monitoring Tool, Mondlane University, Maputo, September 2022;
- National and regional applied training on the use of the EAF Implementation Monitoring Tool to set EAF Implementation baselines and monitor progress;
- Ongoing activities to support EAF fisheries management plan implementation in various countries (including, amongst others: Benin, Cabo Verde, Côte d'Ivoire, the Gambia, Mauritania, Oman, the Philippines, Tanzania, Togo, Senegal, and Tunisia,);
- A follow up training on Stock Assessment for Southeast Asian Fisheries Development Center (SEAFDEC) countries organized in Bangkok, Thailand in 2022, with the aim to provide knowledge for decision making under EAF management;
- Support to national authorities and fishing communities to develop co-management for small-scale fisheries (Cabo Verde, Côte d'Ivoire, Madagascar, Mozambique, Senegal, Tanzania);
- Ongoing knowledge sharing on fisheries co-management between Cabo Verde, Côte d'Ivoire, Ecuador, Indonesia, Peru and Senegal; and,
- Two new modules to the FAO elearning courses on EAF are available at FAO's elearning Academy. Two additional modules, the "Ecosystem Approach to Fisheries Implementation" and the "Ecosystem Approach to Fisheries: Monitoring and Review", are under finalization and may be available online by the end of August 2023.

SECTION IX - MARITIME SAFETY AND SECURITY AND FLAG STATE IMPLEMENTATION

OPERATIVE PARAGRAPHS 123 to 127 – *Decent work and employment in fisheries and aquaculture*

Advancing the social protection agenda in the fisheries sector

FAO, in adherence to the 2021 COFI Declaration for Sustainable Fisheries and Aquaculture, the SSF Guidelines and the 2030 Agenda for Sustainable Development, in addition to supporting the ILO 2007 Working in Fishing Convention (No. 188) and the ILO 2012 Social Protection Floors Recommendation (No. 202), is working towards advancing the social protection agenda in the fisheries sector. To achieve the latter objective, FAO, with the financial support of Norway through component 4 of the GCP/GLO/352/NOR project, developed and delivered the following capacity building activities:

- two course modules for the International Training Center of the ILO Social Security Academy, relating to social protection in the fisheries and aquaculture sector;
- two training sessions on social protection in the fisheries sector, respectively as part of GFCM-LEX regional training session in Spain, and the workshop of the GFCM-MAVA project towards a region-wide legal framework for the conservation of the Mediterranean living and marine resources and ecosystems;
- addressing the climate change and poverty nexus in the Caribbean, through an elearning initiative for leaders and change makers from 15 of the Caribbean Community CARICOM countries working in fields related to small-scale fisheries, climate change, social development and poverty reduction, in collaboration with the Centre for Resource Management and Environmental Studies and the Global Institute for Climate-Smart and Resilient Development of the University of the West Indies;
- integrating with IYAFA 2022 activities in the Western Central Atlantic region through a course to support national and local initiatives reducing exposure and vulnerability and enhancing the resilience of the poor and vulnerable in coastal communities and the fisheries sector to climate change and natural hazards;
- Organizing and delivering the 2022 World Fisheries Day High Level Event on Social Protection in collaboration with the Holy See;
- One course module on social protection for the fisheries sector, as part of the CIHEAM Bari's Advanced Specialized Course in Sustainable Development of Coastal Communities on Social Security in fisheries;
- two training workshops on “Empowering Artisanal Fish Farmers and Training in Financial Management and Revolving Funds” as well as several workshops to enhance access to social protection programmes, including public procurement programmes and pension systems in Colombia.

OPERATIVE PARAGRAPHS 128 to 130 - *Safety of fishers and fishing vessels*

From 2022 through 2023, FAO continued implementation of safety at sea capacity-building activities. Training of Trainers on safety at sea for small-scale fishers, and training workshops were conducted particularly in the Caribbean, Near-east, Eastern and Northern Africa and South-Pacific regions and in

South Asia. An on-line platform with training resources for safety at sea professionals in the Caribbean and in East Africa were introduced, which are also being used by safety trainers in other regions. FAO prepared an e-Learning course[13] and posters[14] to reduce the risks of collisions and other accidents at sea with a focus on small-scale fishers. The elearning course and posters on the maritime traffic rules are based on the IMO Convention on International Regulations for the Prevention of Collisions at sea. FAO also produced a set of safety at sea posters[15] that can be used for awareness creation purposes or be used in educational and training environments. FAO continued the promotion of formal and voluntary accident and fatality reporting system for fisheries in the Caribbean. Noting the conservation and management role of regional fishery bodies (RFBs), in 2021/2022 FAO commissioned a study[16] on their role in promoting safety and decent work in fisheries under their mandates. Many RFB secretariats recognize that development of action plans would be beneficial to integrate safety, social protection and decent work better in the management of fishing fleets under their mandates. FAO is currently supporting some RFBs with their action planning processes.

The FAO World review of capture fisheries and aquaculture insurance 2022, estimates that only 16 percent of the global motorized fishing vessels operates with insurance coverage.[17] The number of fishing vessels covered by marine hull insurance is estimated at around 450 000 worldwide. Insurers, re-insurers and insurance brokers indicated that their underwriting experiences in fishing vessel insurance have generally been good over the period 2009–2019. While large-scale industrial fishing vessels can purchase insurance cover on the international market, many small- and medium scale vessels have challenges to access insurance services. Between 50 and 60 percent of the semi-industrial fishing vessels (12–24 m in length) are covered by marine hull insurance. Among the small-scale fishing vessels only 1 out of 20 is currently insured. Access to accident, life and health insurance services for crew on fishing vessels and small-scale fishers in developing countries has improved in recent years.

Therefore, FAO has been providing technical assistance to Member Nations with the introduction and promotion of insurance services for small-scale fishers. Together with the Asia-Pacific Rural and Agricultural Credit Association (APRACA) FAO developed Guidelines for increasing access of small-scale fishers to insurance services in Asia,[18] which were endorsed by APRACA in 2019 and are being implemented in the Asian region. In the Caribbean region, FAO has assessed the possibility of introducing third-party liability insurance in fisheries, on request of fishers' organizations in the region, and is advising various governments on the related legal requirements and the need for capacity-building. Moreover, FAO coordinates a global network for capacity building to increase access of small-scale fisheries to financial services (CAFI SSF Network),[19] which is an initiative supported by rural finance stakeholders from Africa, Asia-Pacific, the Caribbean and Latin America. It has organized in 2021 and 2022 more than 10

[13] FAO. 2021. *Rules of the road at sea for small-scale fishers*. https://elearning.fao.org/course/view.php?id=704

[14] FAO. 2022. *FAO with support of the FISH Safety Foundation is preparing educational material to reduce the risks of collisions and other accidents at sea*. https://www.fao.org/fishing-safety/news-events/news/detail/en/c/1605371/.

[15] FAO. 2023. *Safety at sea essentials. 13 posters focus on particular safety messages to small-scale fishers.* https://www.fao.org/fishing-safety/news-events/news/detail/en/c/1628567/

[16] Belja, E., van Anrooy, R. and Kalikoski, D. 2022. *Regional fisheries bodies and their role in improving safety and decent work on fishing vessels*. FAO Fisheries and Aquaculture Circular No. 1260. Rome, FAO. https://www.fao.org/3/cc1145en/cc1145en.pdf

[17] FAO 2022. *World review of capture fisheries and aquaculture insurance 2022*. Available at: https://doi.org/10.4060/cb9491en.

[18] FAO 2019. *Guidelines for increasing access of small-scale fishers to insurance services in Asia*, by Uwe Tietze and Raymon van Anrooy. Rome. Italy.

[19] FAO. 2022. *The CAFI SSF Network brochure*. https://www.fao.org/fishery/en/publication/299057.

webinars, including various well-attended webinars on insurance service provision to small-scale fishers and aquaculture producers.

In response to the recommendation from the Fourth Session of the Joint FAO, ILO and IMO Ad Hoc Working Group on IUU fishing and Related Matters, the Group agreed to develop a global study on integrating port State measures into the broader framework of port State control. This study will support States to identify mechanisms, procedures and tools to ensure that the PSMA's implementation also complements and supports the implementation of IMO Cape Town Agreement and ILO Work in Fishing Convention and vice versa. In addition, FAO in collaboration with IMO and ILO will deliver a training course on coordinated implementation of international instruments on fisheries, labour and safety that aims to provide participants with a sound knowledge of the PSMA and other international fisheries instruments, the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 Relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (the 2012 Cape Town Agreement) and the Work in Fishing Conventions, 2007, from both a theoretical and practical perspectives.

SECTION X – MARINE ENVIRONMENT AND MARINE RESOURCES

OPERATIVE PARAGRAPHS 203 to 205– *FAO Custodianship of SDG indicators*

SDG indicator 14.4.1 – Proportion of fish stocks within biologically sustainable levels

FAO is the custodian agency of SDG indicator 14.4.1 which, at a global and regional level, is based on FAO's indicator on the status of fish stocks that is updated and disseminated every two years through FAO's flagship publication, SOFIA. Within the SDG framework, there is now an objective for countries to report on the status of their national stocks, which creates both an opportunity for countries to develop strategies for sustainable fisheries, and a challenge in terms of data and technical capacity for many developing countries to estimate the indicator and report in globally comparable ways.

Faced with this challenge, FAO developed tools for stock assessment applicable in data-limited situations, which resulted in the development of an elearning course on SDG Indicator 14.4.1, published in English (2020), French, Spanish (2021), and Russian (2022). The elearning includes the "Stock Monitoring Tool" hosted on a Virtual Research Environment (VRE) designed as a community platform for training marine and fisheries scientists with hands-on practice of data-limited methods, and currently hosts more than 700 members of the global fisheries community.

Since 2019, FAO has rolled out a capacity-building program through regional workshops to train countries on the SDG indicator 14.4.1 methodology. Owing to the COVID-19 outbreak, the workshops were held virtually, including with the RECOFI countries in August 2021, the Pacific countries in collaboration with Infofish and SPC during the period July-November 2021, and three language/region-oriented workshops conducted between November 2021 and March 2022 with particular focus on the countries in West Africa, the Middle East, the Mediterranean, Southeast Asia, the Caribbean, and Latin America. These workshops reached over 750 participants in 99 countries. FAO, in collaboration with the RFBs and other partners, strengthen the use of the Fisheries and Resources Monitoring System (FIRMS), through dissemination of available information on individual stock status and the framework for information and data exchange at various levels via the Global Record for Stocks and Fisheries (GRSF) knowledge base. As

of June 2023, GRSF published the identifiers for about 2400 individual fish stocks, also hosting the associated stock status data. This collaboration aims at supporting the monitoring of SDG Indicator 14.4.1, and to facilitate RFBs involvement in a progressive convergence between global–regional indicators and national estimates.

The first national-level questionnaire that aimed at enabling countries to report on their indicator was dispatched to 165 marine-bordered countries in November 2019 and FAO submitted these results to UNSD in February 2022. Eighty-four of the 86 countries which reported were able to be assessed by FAO through its quality assurance (QA) process. This led to 30 countries whose indicators were fully validated for completeness, reliability, and robustness, 36 whose questionnaires passed QA level 1 (completeness and reliability) and 18 questionnaires that failed.

The lessons learned from this first call have been used to improve the questionnaire for the second call, which was dispatched in November 2022. The questionnaire was streamlined, improved for clarity, and fields were developed to allow for greater flexibility of responses; quality assurance was built in; and more data standards were integrated to improve subsequent analysis and data management. To facilitate reporting for those countries that had fully-validated questionnaires in 2019, the questionnaire was sent pre-filled with the stock identity information, including universally unique identifiers assigned within GRSF that can be used in the management of countries' stock data. Furthermore, in addition to English, French and Spanish, and upon the request of countries, the questionnaire was made available in Arabic for the first time. Finally, countries were given more time to respond and greater access to support tools, including the SDG 14.4.1 VRE.

The deadline to submit questionnaires has now passed. Thus far, 106 countries have responded: 10 countries declined to report due to data- or capacity-limitations, and 96 have submitted completed questionnaires, which are now undergoing the QA process and whose results will be reported to the UNSD by February 2024.

FAO is developing a new methodology to assess the "State of Stocks (SOS)" in marine fisheries that feeds into FAO's biannual flagship publication SOFIA. This methodology aims at transparency and collaboration with countries to develop an updated list of stocks that are representative of the current fisheries sector, which is now appreciably different compared to the 1970s when the first SOFIA list was developed. First, the dominant stocks and modes of exploitation have changed. Second, the tools and requirements for calculating and presenting global sustainability information are constantly evolving, including the need for increasing transparency and the use of local knowledge. Finally, the emergence of the national-level SDG Indicator 14.4.1, which is based exclusively on the stock status reported by countries using a multiplicity of methods to classify the stock status, including model-based estimates, empirical indicators and documented expert opinion, has generated parallel monitoring processes that are worth connecting. Thus, FAO considers that the time is right to conduct a methodological update to compute and report on the state of world fish stocks that is better aligned with national SDG reporting initiatives, and includes broader expert participation and transparency, while maintaining the crucial integrity of the time series.

FAO is currently working towards aligning the national-level indicator with the regional and global indicator; however, this process will take time as capacity needs of different regions vary and this alignment will need to follow an adaptive and flexible pathway over the next few years.

SDG indicator 14.6.1 – Progress by countries in the degree of implementation of international instruments aiming to combat illegal, unreported and unregulated fishing

Reporting by States on SDG indicator 14.6.1 is facilitated through the FAO questionnaire for monitoring the implementation of the Code of Conduct of Responsible Fisheries and related instruments. The first SDG indicator 14.6.1 score collection exercise was carried out in 2018 followed by the second and third exercise in 2020 and 2022 respectively.

Between 2018 and 2022, the average degree of implementation of international instruments to combat IUU fishing as measured by the indicator has improved across the world. In this period, the global aggregated indicator has risen from 3 to 4 (out of a maximum score of 5). Member Nations have thus made good overall progress with close to 75 percent scoring highly in their degree of implementation of relevant international instruments in 2022 compared to 70 percent in 2018. Small island developing States, faced with specific challenges in fully implementing these instruments due to the large amounts of waters under their jurisdiction, registered an improvement from a medium level of implementation in 2018 and 2020 to a high level in 2022. In the case of least developed countries, which often face challenges to implement these instruments, implementation has remained at a medium level from 2018 through to 2022. In terms of regional groupings, fluctuation can be seen over the years in certain regions and no clear trend can be noted in the aggregate levels of implementation. The status of the indicator reflects that while improvements are being made, further efforts are still needed to implement these international instruments and hence maximise their potential to effectively combat IUU fishing.

As part of the FAO Programme to implement the PSMA, a number of activities have been carried out to enhance the degree of countries' implementation of international instruments aiming at combating IUU fishing. These activities include developing and maintaining the following global information-sharing systems, which required the harmonization and standardization of data formats, procedures and mechanisms for data exchange:

- The Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (FAO Global Record) aims at increasing transparency and traceability by gathering and disseminating certified and comprehensive information, provided by official sources, on vessels and vessel activities. It is ideally suited to become the backbone of international fisheries management to which all other information will have to be invariably connected, supporting the implementation of the GIES, other complementary instruments and tools. As of April 2021, the FAO Global Record contains close to 12,000 vessel records of all sizes and types, provided by 65 FAO Member States from all regions. This represents about a third of the overall number of existing fishing nations and over a third of the total number of vessels with IMO numbers. The most represented regions are Europe, North America and Latin America, followed by Africa, Asia and the Pacific. To render the FAO Global Record more operational and boost participation, a new version of the Global Record Information System was developed and released in August of 2022. The improvements that feature in the new version of the system will offer new and improved mechanisms for data exchange, including automated mechanism, better system performance, a more robust architecture and an improved user experience with the inclusion of statistics and a renovated dynamic interface.

- The Global Information Exchange System (GIES) launched in December 2021 is foreseen under the PSMA. It was developed following a two-staged approach. First, it prioritized the need for Parties to share and access basic information on designated ports and national points of contact for which FAO released two dedicated applications in June 2018. As of December 2022, 40 Parties (58 States) have provided information on designated ports, and 46 Parties (60 States), along with seven non-Parties, have provided information on national contact points. The FAO then initiated development on an integrated and modular prototype of the GIES requested by the Parties, to exchange information on inspection results and port denials. FAO convened a series of webinars in the period leading up to and after the third Meeting of the Parties (MOP3) to present the GIES prototype. Following instructions from the Parties, the GIES includes functionalities, features and standards such as, but not limited to, online forms for manual data input for denials of entry or use of port and port inspection reports; reference lists for data input; and a connection with the FAO Global Record that prefills relevant vessel information fields and provides data verification from flag State certified information. In addition, the GIES incorporates Application Programming Interphases (APIs) to enable automatic connection with regional and national systems electronic port State measure (e-PSM) systems. Further developments envisaged for the GIES include information on the advance request of entry, advanced user management and facilities for creating regional or national e-PSM systems (multitenancy functionality) fully compatible with the standards in the GIES.

As regards transshipment in fishing related operations, at the Thirty-fifth Session of COFI in Rome from 5 – 9 September 2022, the Voluntary Guidelines for Transshipment was endorsed as a new instrument within the framework of the FAO CCRF. COFI called for the implementation of the Voluntary Guidelines for Transshipment, including through RFMOs. FAO is mandated to promote the implementation of the Voluntary Guidelines for Transshipment to contribute to sustainable fisheries through the appropriate level of regulation, monitoring and control of transshipment activities and provide a complement to the PSMA to prevent IUU caught fish from entering the seafood supply chain. FAO is organizing a series of regional workshops throughout 2023 to support the promotion of Voluntary Guidelines for Transshipment and provide guidance for FAO members and public and private institutions to adequately address concerns over transshipment.

Estimating the magnitude and impact of IUU fishing is key to understanding progress in combating it: a baseline estimate, plus indicators to follow trends, are required to evaluate the effectiveness of the implementation of instruments, initiatives and tools to fight IUU fishing. Thus, FAO has been coordinating the work to develop a series of Technical Guidelines on methodologies and indicators for the estimation of the magnitude and impact of IUU fishing since 2015. Four volumes have been developed, namely: Guiding Principles and Approaches (Vol. 1), A Practical Guide for Undertaking IUU Fishing Estimation Studies (Vol. 2), A Catalogue of Examples for Estimating IUU Fishing (Vol. 3) and Developing and Using Indicators to Evaluate and Track Performance in Combatting IUU Fishing (Vol. 4). A fifth volume on planning will address the estimation of the impact of IUU fishing, including social, environmental and economic impact. These FAO Guidelines, as requested by COFI, will ensure the comparability of future estimates of IUU fishing, allowing trends to be observed.

SDG indicator 14.b.1 – Degree of application of legal/regulatory/institutional framework which recognizes and protects access rights for small-scale fisheries

As part of the SSF Umbrella Programme, FAO has been working to support the implementation of the SSF Guidelines and related instruments that recognize and protect access rights for small-scale fisheries which supports contributes to fulfilling SDG 14B and its associated indicator 14.b.1. This work includes the development and publishing of *A policy and legal diagnostic tool for sustainable small-scale fisheries.*[20] Through this tool, countries and relevant stakeholders can assess the level of alignment of national policy and legal instruments with the SSF Guidelines and other relevant instruments relevant to small-scale fisheries. Under the Coastal Fisheries Initiative, the assessment of laws and policies using the diagnostic tool has been carried out for Cabo Verde, Côte d'Ivoire and Senegal , resulting in reports published in 2022. Also, in 2022 a dedicated workshop on SDG 14.b was held for Bangladesh in hybrid format. In addition, under Component 4 of the GCP/GLO/352/NOR a global database is being developed on social protection programmes accessible for the fisheries and aquaculture sector, which comprises profiles for Mediterranean countries and African, Caribbean and Pacific SIDS.

An elearning course on legal and policy considerations for small-scale fisheries was launched in 2022.[21] A new policy and legal database specifically dedicated to the small-scale fisheries sector, SSF-LEX (a subset of 'FAOLEX'), was launched in 2022. SSF-LEX contains country profiles with relevant information on international and national legal and policy instruments relevant to the small-scale fisheries sector. Additionally, a policy brief on Applying coherently the human rights-based approach to small-scale fisheries for achieving Sustainable Development Goals[22] co-developed by FAO, OHCHR and the OOH, was published in 2022.

OPERATIVE PARAGRAPHS 229 to 235 – *Marine debris*

Following the recommendations contained in the Manila Declaration, the Global Partnership on Marine Litter (GPML)[23] was launched in June 2012 at Rio + 20 in Brazil and seeks to protect human health and the global environment by the reduction and management of marine litter. The GPML is a global partnership gathering international agencies, governments, NGOs, academia, private sector, civil society and individuals. FAO has a permanent seat at the Steering Committee of the GPML through which it contributes to the development of the GPML Digital Platform.[24] The Digital Platform is an open-source, multi-stakeholder platform that compiles different resources, connects stakeholders and integrates data to guide action. The resources have been collected through research based on publicly available information, interviews with experts, and inputs received through submissions. They cover all stages in

[20] FAO. 2022. A policy and legal diagnostic tool for sustainable small-scale fisheries – In support of the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication. Rome. https://www.fao.org/3/cb8234en/cb8234en.pdf.

[21] Legal and policy considerations for sustainable small-scale fisheries - elearning course, https://www.fao.org/in-action/coastal-fisheries-initiative/elearning/en/.

[22] FAO. 2022. Applying coherently the human rights-based approach to small-scale fisheries for achieving multiple Sustainable Development Goals – Policy brief. Rome. https://www.fao.org/voluntary-guidelines-small-scale-fisheries/resources/detail/en/c/1623820/.

[23] https://www.gpmarinelitter.org/.

[24] https://digital.gpmarinelitter.org/.

the plastics life cycle, with respect to prevention of litter and waste, design and production, use and consumption, waste management and marine litter monitoring and capturing.

The 45th Session of the Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) (17-20 September 2018, Rome, Italy) supported the establishment of a working group on sea-based sources of marine litter including fishing gear and other shipping related litter (GESAMP Working Group 43), sponsored by FAO and IMO and in partnership with UNEP. The Working Group 43 (WG43) was established in April 2019 and held its first virtual meeting to develop a work plan and timeline of deliverables as set forth in its Terms of Reference.

In 2022, at the 49th annual session of GESAMP (London, United Kingdom), new Terms of Reference in two concurrent work streams were approved:

1. Work-stream 1 will support information requests of the Scientific Groups of the London Convention/Protocol (LC/LP) Parties that will help identify priorities for addressing LC/LP waste streams, ship coatings and abandoned vessels as sources of plastic in the ocean.
    - TOR1. Review methodologies and technologies to measure and reduce the presence, type, origin and quantity of plastic litter and microplastics in LC/LP waste streams.
    - TOR 2. Further elucidate the amount and types of microplastics in anti-fouling paint and hull coatings, and the major geographic locations where these materials are applied and removed from ships.
    - TOR 3. Conduct a global review on the scrapping and abandonment of fibre-reinforced plastic/polymer vessels, including their types, numbers, and spatial and temporal distribution.
2. Work-stream 2 will support information requests of FAO to further understand abandoned, lost and otherwise discarded fishing gear (ALDFG) as a source of ocean plastic, with a particular focus on methodologies for remediation, monitoring and reporting.
    - TOR 4. Analyse trade-offs between ecological and economic costs of ALDFG recovery and benefits derived from such recovery efforts, including drifting Fish Aggregating Devices (dFADs).
    - TOR 5. Identify elements that should be included in a monitoring programme for ALDFG, including an update on availability of remote, or vessel based, sensing technologies/tools for monitoring ALDFG.
    - TOR 6. Identify and analyze potential causal links between Illegal Unreported and Unregulated (IUU) fishing and ALDFG.

WG 43 held its first meeting (virtual) on 28 February 2023, and convened its first in-person workshop, sponsored by the IMO and hosted by UNEP in Geneva, Switzerland, from 15-17 May 2023. The working group intends to complete a first draft of its next report by June/July 2024.

At the 78th session of the Marine Environment Protection Committee (MEPC78) of the International Maritime Organization (IMO) held on 6-10 June 2022, the Committee agreed to develop a goal-based requirement under MARPOL Annex V for the mandatory marking of fishing gear. The Sub-Committee on Prevention of Pollution (PPR) has been instructed to develop the draft amendments and associated guidelines accordingly. MEPC 78 also instructed PPR to develop a circular to promote the implementation of fishing gear marking systems and the FAO Voluntary Guidelines on the Marking of Fishing Gear as a way

of taking action in the near-term. FAO is committed to continue a close collaboration with IMO to provide technical assistance when required for the development of any requirements that are related to fishing gear under IMO MEPC and PPR.

The EAF Nansen Programme has a comprehensive Science Programme comprising 11 themes. Theme-6 covers the occurrence and impacts of marine litter and microplastics on marine ecosystems, and theme-8 includes the potential impact of microplastics on seafood safety. The distribution of seafloor marine litter (recovered in demersal trawls), floating microplastics and microplastics in fish has been studied off the West and East coasts of Africa and in the Bay of Bengal, off Myanmar. These studies include the determination of the polymer composition using advanced analytical techniques at the Marine Research Institute (Norway). Currently there is no evidence that microplastics pose a threat to seafood safety. It is certain that marine litter has a significant social and economic impact on a number of fisheries, being most clearly demonstrated by the artisanal beach seine fishery in the Gulf of Guinea. In 2021 the EAF-Nansen Programme initiated a study to identify and quantify marine litter associated with the beach seine fisheries in Benin, Côte d'Ivoire, Ghana, and Togo, and assess the economic, social and ecological impacts. This included surveying litter on the beaches where beach seine fisheries were carried out, examining and recording the contents of the seine nets and interviewing representatives of the fishing community to assess the impact. The overall aim is to identify potential measures to reduce the impact on the fishing communities, working with local and regional partners to implement these. In addition, large quantities of seafloor litter have been observed offshore in this region, in part reflecting a lack of adequate land-based waste management infrastructure. One aspect of these studies is to identify and quantify the proportion of litter generated by the fishing sector, particularly in regions that are generally data-poor, thus contributing to wider aspects of FAO's interests in and its commitment to reducing ALDFG.

FAO was invited to join the Plastic Waste Partnership (PWP) launched in November 2019 and led by the Secretariat of the Basel, Rotterdam and Stockholm Conventions. The goal of the Partnership is to foster sound management of plastic waste at the global, regional and national levels, and prevent and minimize their generation, including in the marine environment. FAO will contribute with relevant information and provision of technical advice, as well as the sharing of lessons learned from its ongoing activities within the EAF-Nansen programme (data collection and processing) and the GloLitter Partnerships project (see **operative paragraph 308– *Discarded fishing gear)***.

SECTION XI – MARINE BIODIVERSITY

OPERATIVE PARAGRAPHS 272-305 - *Technical support to 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*

Marine areas beyond national jurisdiction (ABNJ) represent 64 percent of the total surface area of the oceans and around half of the planet's surface area. UN Member States by UNGA resolution 69/292 of 19 June 2015,[25] decided to develop an international legally binding instrument t (ILBI) under UNCLOS for the conservation and sustainable use of biodiversity beyond national jurisdiction (BBNJ) and to that end,

[25] https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/187/55/PDF/N1518755.pdf?OpenElement

established a preparatory committee. In its Resolution 72/249 of 24 December 2017,[26] the UNGA decided to convene an Inter-Governmental Conference (IGC) that will meet in four sessions to consider the recommendations of the Preparatory Committee on the elements and to elaborate the text of an international legally binding instrument under the UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, with a view to developing the instrument as soon as possible.

Given the potential implications this process might have on the fisheries sector, and as mandated by the FAO COFI in 2018 and 2021, FAO attended and contributed to all the four IGC Sessions by providing fisheries and other pertinent technical information on issues related to FAO's mandate. FAO contributed to IGC through statements and providing technical information. FAO organized or directly contributed to eleven events held in the IGC context. FAO facilitated information exchange with RFMO secretariats attending IGC to discuss elements of common concern, establishing network and coordination around fisheries related issues in BBNJ. Moreover, FAO facilitated the contacts and exchange of views among member delegations concerning provisions of the draft text. As part of these efforts, FAO published in early 2023 an information document.[27] The document presents information on the work of FAO relevant to the BBNJ process, including ongoing initiatives and processes and lessons learned. The document also indicates areas where FAO may provide assistance to Member Nations on the implementation of the future Agreement.

Sustainable utilization of fisheries resources in ABNJ cannot be achieved without biodiversity conservation. Many of FAO's current areas of work have direct links to biodiversity. Technical assistance and capacity building are key factors to support an ILBI on BBNJ and FAO Members are invited to consider the multidisciplinary portfolio of capacity building programmes implemented by the Organization.

OPERATIVE PARAGRAPHS 282 TO 284 - *Other Effective Area-Based Conservation Measures*

The Convention on Biological Diversity's (CBD) Aichi Biodiversity Target 11 called for conserving "at least 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures" by 2020. By this call, Target 11 places an important focus on the potential of using area-based management to achieve dual objectives of conserving biodiversity and providing benefits to people. Interest in area-based management tools, particularly marine protected areas (MPAs) and "other-effective area-based conservation measures" (OECMs), is on the rise internationally, with the Parties to the CBD having adopted the Kunming-Montreal Global Biodiversity Framework, which includes a target to ensure and enable 30% of terrestrial, inland water, and of coastal and marine areas to be effectively conserved and managed by 2030 through the use of ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures (OECMs).

In February 2021, the Thirty-fourth Session of the FAO COFI (COFI34) noted the importance of considering multiple effective time and area-based management tools (ABMTs), such as protected areas and OECMs for the conservation and sustainable use of biodiversity. COFI34 also noted the relevance of OECMs to

[26] http://undocs.org/en/a/res/72/249.

[27] FAO. 2023. *FAO and the marine biological diversity beyond national jurisdiction (BBNJ) process. Information package for BBNJ delegates*. Rome. https://www.fao.org/3/cc1345en/cc1345en.pdf

achieving a number of the SDGs and global biodiversity targets and requested that FAO produce and disseminate practical guidelines to support Members in their identification and implementation (para.17d and 17e of the COFI34 report).

As requested by COFI34, FAO's Fisheries and Aquaculture Division (NFI) published "A handbook for identifying, evaluating and reporting other effective area-based conservations measures in marine fisheries" (FAO, 2022a). The handbook poses questions that agencies and entities assessing potential OECM should consider, with case studies that illustrate the different approaches that can be taken for assessing whether protected areas lead to the kind of biodiversity protection that the OECM label signifies. FAO is now in the process of developing additional guidance, including on how to apply the OECM criteria in inland fisheries and RFMOs, how communities can identify OECMs, and how to identify biodiversity outcomes stemming from area-based fisheries management.

In parallel, FAO has held several capacity building workshops—in the Baltic, Mediterranean, Caribbean, Latin America regions as well as in Argentina and Jamaica—to help countries better understand the OECM identification process and consider potential Fisheries OECMs within their borders using case studies to illustrate the operationalization of the OECM criteria. In 2023 and 2024, additional workshops will be held in Chile, the southwest Indian Ocean region and the southeast and south Asia region, among others. These workshops have the following objectives:

- To support countries, fisheries related agencies and stakeholders to understand, discuss and apply the CBD's criteria for identifying fisheries related OECMs;
- To synthesize lessons learned from countries' experience in applying the CBD criteria in support of the development of the practical guidance called for by COFI34. The workshops aim to build the capacity of states and experts in the region by:
    - increasing their understanding of OECMs and the benefits associated with identifying/creating OECMs;
    - increasing their understanding of the criteria to identify and report OECMs, and their ability to apply these criteria in the context of marine fisheries measures; and
    - applying the OECM criteria on a test basis on selected illustrative case studies in the region.

To date, regional OECM workshops have been held in the following regions/countries: Baltic Sea, Mediterranean Sea, and the Caribbean.

FAO will continue to help build the capacity of its members to report on how the fisheries sector is contributing to current and future area-based biodiversity conservation goals. In order to assist its Members and RFBs assess and identify fisheries OECMs, FAO is undertaking six main activities:

1. Continue to host and participate in shared learning events in additional regions. The goals of these events are a) to bring stakeholders, experts and governments together and help guide countries in the identification, establishment, monitoring, evaluation and reporting of Area Based Fisheries Management (ABFMs) that can contribute to marine biodiversity conservation; and b) to learn from countries' experience in using area-based management tools in the marine context, which will support Activity 3) below. Such workshops are envisioned to include staff from fishery-related agencies as well as staff from RFBs. The CBD Secretariat has proposed joining FAO in planning and facilitating these events.

2. Build general awareness on the use of spatial management tools and their benefits to fisheries and biodiversity, both at global and regional levels through advisory processes and communications materials.
3. Continue to solicit input and finalize practical guidance for the establishment and management of OECMs in the fisheries sector. Activity 1. will inform preparation and review of this guidance, allowing for both global and regionally specific guidance to be developed.
4. Provide on the ground assistance to states at regional/national level to share experience on the implementation of ABFM that delivers biodiversity co-benefits with the aim of increasing OECM coverage.
5. Support FAO Member Nations in applying guidance to ABFM in their national waters with the intent of assisting countries meet global area-based management targets while increasing food security and nutrition.
6. Assist FAO Member Nations in developing social, economic and environmental indicators that can be used to monitor MPA and other ABFM (including OECMs) performance so that they effectively contribute to fishery and biodiversity conservation, food security and meeting the SDGs.

OPERATIVE PARAGRAPHS 288 to 289 – *Deep-sea fisheries*

FAO is committed to supporting responsible fisheries, including in the ABNJ and in accordance with international law, though the implementation of its Code of Conduct for Responsible Fisheries and its associated international plans of actions and guidelines. The most relevant to deep-sea fisheries (DSF) is FAO's International Guidelines for the Management of Deep-sea Fisheries in the High Seas ("the DSF Guidelines") that were adopted in 2008. These support States and RFMOs to implement paragraphs 76-95 of UNGA Resolution 61/105 (adopted December 2006). However, much of the follow-up action by States and RFMOs has focused on the protection of vulnerable marine ecosystems (VMEs) from significant adverse impacts from bottom fishing. This is achieved particularly through area closures. There has been associated work on establishing the bottom fishing footprint, exploratory fishing protocols outside of the footprint, and VME encounter protocols, that work synergistically to manage bottom fisheries more general whilst also ensuring protection to known and unknown VMEs. Also, and as reinforced in UNGA Resolution 64/72 paragraph 119d, (adopted December 2009) and included in the DSF Guidelines, is the need to adopt, monitor and enforce conservation measures to ensure that targeted fish stocks are maintained at levels commensurate with long-term sustainability.

VMEs and the reduction or elimination of significant adverse impacts (SAIs) from bottom fisheries was identified by the UNGA in 2004 (UNGA Res 59/25) and in 2006 (UNGA Res 617105), when the UNGA adopted some tight deadlines for identification and management action. FAO was invited to develop a VME database (UNGA Res. 61/105 para 90) that shows the global progress of the implementation of UNGA Resolution 61/105 (supported by the DSF Guidelines) in protecting VMEs. The FAO VME DataBase[28] contains all management measures adopted by RFMOs from 2006 and continues to be updated. This is the only global source that shows the management of bottom fisheries in a map and factsheet interface and shows that most of the oceans are actively and adaptively managed. Most of the VMEs that were identified by RFMOs in the ABNJ were closed to bottom fishing by around 2015. However, these are subject to regular review, particularly in the northwest and northeast Atlantic and south Pacific. For

[28] Vulnerable Marine Ecosystems Database (fao.org).

example, NAFO in the northwest Atlantic undertook a scientific review of its VMEs in 2020 and delineated and closed new VMEs and modified the boundaries on others in 2022. The challenge in many regions where fisheries are newer is that the benthic ecosystems are poorly known. Habitat modelling is being refined to help with this, but a degree of ground trothing is still needed.

FAO, through the EAF-Nansen Programme in collaboration with CECAF and SEAFO, has conducted two scientific surveys in the ABNJ of the Atlantic Ocean in 2022. A third survey in the SEAFO area has just started. These surveys have the aim of improving knowledge on deep-sea ecosystems and to provide scientific inputs into the discussions on management and conservation measures related to VMEs and Deep-sea fisheries resource.[29]

FAO contributes to the sustainable management of deep-sea fisheries and biodiversity through its GEF funded Common Oceans Programme. The first phase of the Programme (2014-2021), through the "Sustainable fisheries management and biodiversity conservation of deep-sea living marine resources and ecosystems in the ABNJ" (DS) project, conducted several studies of importance, including in relation to: (i) EAF, working closely with RFMOs,[30] and (ii) review of the DSF in the ABNJ; [31] (iii) publication on "Vulnerable marine Ecosystems – Process and Practices"; [32] (iv) study of Monitoring Control and Surveillance[33] (MCS) and of the legal support[34] necessary; (v) a multi-authored publication on "Deep-ocean climate change impacts on habitat, fish and fisheries" in 2018.[35] The second phase of the Programme (2022-2027) has recently started, and through its "Deep-sea Fisheries under the Ecosystem Approach" project, it will work towards DSF in the ABNJ being managed under an ecosystem approach that maintains demersal fish stocks at levels capable of maximizing their sustainable yields and minimizing impacts on biodiversity, with a focus on data-limited stocks, deepwater sharks and vulnerable marine ecosystem.

FAO has also produced information on how DSF in the high seas has been affected by the Covid-19 pandemic, as part of FAO's overall response.[36]

SECTION XII – MARINE SCIENCE

OPERATIVE PARAGRAPH 308 – *Discarded fishing gear*

There are five FAO fisheries management instruments, which address the issue of ALDFG:

- FAO Code of Conduct for Responsible Fisheries (1995) makes reference to the fact that fishing gear should be marked.
- Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2009) which can be linked to intentional discarding of gear at sea.

[29] Example news: https://www.fao.org/in-action/eaf-nansen/news-events/detail-events/en/c/1476447/.
[30] https://www.fao.org/documents/card/en/c/cb1509en.
[31] https://www.fao.org/documents/card/es/c/ca7692en/.
[32] https://www.fao.org/documents/card/en/c/818f123e-a492-45d6-86a2-b458c7d481f9/.
[33] Monitoring, control, and surveillance of deep-sea fisheries in areas beyond national jurisdiction (fao.org)
[34] http://www.fao.org/3/ca5628en/CA5628EN.pdf.
[35] https://www.fao.org/3/ca2528en/ca2528en.pdf.
[36] FAO. *Fisheries & Aquaculture - COVID-19 and its impact on the fisheries and aquaculture sector*. See paragraph 105. https://www.fao.org/3/ca5184en/ca5184en.pdf

- International Guidelines on Bycatch Management and Reduction of Discards (2011) makes reference to reducing the impact of lost fishing gear
- FAO Voluntary Guidelines on the Marking of Fishing Gear (2018) provides a comprehensive framework for the marking, reporting and retrieval of abandoned, lost and otherwise discarded fishing gear covering all fishing gears with a separate section on FADs.
- Technical Guidelines for the Reduction of Marine Mammal Bycatch in Capture Fisheries makes reference to the entanglement of marine mammals in ALDFG and ghost fishing.

The Thirty-third Session of COFI mandated FAO to develop a comprehensive global strategy to tackle issues relating to ALDFG and to support implementation of the VGMFG involving relevant international bodies and other stakeholders. COFI34 also reiterated the necessity to continue promoting the VGMFG and its provision on capacity building at regional and national levels. In response, FAO has developed a work plan on responsible fishing operations including action on ALDFG, bycatch, marine litter and discards (see COFI/2020/inf. 15.4 for more details). [37] As part of this work plan, in 2023, FAO published the following documents aiming to facilitate the implementation of the VGMFG:

- Voluntary Guidelines on the Marking of Fishing Gear – A framework for conducting a risk assessment for a system on the marking of fishing gear. Suppl 1. Rome, FAO. https://doi.org/10.4060/cc4084en
- Voluntary Guidelines on the Marking of Fishing Gear – Manual for the marking of fishing gear. Suppl. 2. Rome, FAO. https://doi.org/10.4060/cc4251en
- Operationalization of FAO Voluntary Guidelines for the Marking of Fishing Gear in the Indian Ocean Tuna Commission (IOTC) area of competence. FAO Fisheries and Aquaculture Circular No. 1261. Rome, FAO. https://doi.org/10.4060/cc2889en

In 2020, FAO signed a UN to UN Agreement with the International Maritime Organization (IMO) to assist developing countries to address the issue of marine plastic litter from sea-based sources: the GloLitter Partnerships project.[38] The overarching goal of the project is to assist developing countries to prevent and reduce marine plastic litter from the maritime transport and fisheries sectors. GloLitter will achieve its objectives by focusing on a number of areas identified in the IMO Action Plan to Address Marine Plastic Litter from Ships, including supporting the provisions of the FAO VGMFG. The project is funded by the Government of Norway, Australia and Saudi Arabia and will run until mid-2024. IMO is the lead implementing agency and FAO is the implementing partner dealing with the fisheries sector. With the support from the project, by May 2023, seven Lead Partnering Counties have developed National Action Plans (NAPs) to address marine plastic litter from the shipping and fishing sectors. All NAPs are publicly available in the project webpage.[39]

The report of GESAMP Working Group 43 provides an overview of the current state of knowledge in terms of the sources, relative contribution and data gaps when it comes to sea-based sources of marine litter.

[37] http://www.fao.org/3/ne659en/ne659en.pdf.
[38] https://www.imo.org/en/OurWork/PartnershipsProjects/Pages/GloLitter-Partnerships-Project-.aspx.
[39] https://www.imo.org/en/OurWork/PartnershipsProjects/Pages/GloLitter-Partnerships-Project-.aspx.

Based on the recommendations from the Working Group, FAO has developed a series of standardized questionnaires and a methodology to implement a global survey on ALDFG. Data is being collected through surveys of fishers, and/or their representatives and stored in a database for further analysis and synthesis estimates of gear loss as well as for mapping spatial and temporal distribution of gear loss. The survey data also includes causes of gear loss, good practices to avoid gear loss, end-of-life fishing gear and marine plastic waste management and fishers' views on ALDFG.

SECTION XIV – REGIONAL COOPERATION

OPERATIVE PARAGRAPHS 353 to 354

Global achievements are built upon regional efforts - Regional fishery bodies are key actors for regional cooperation towards sustainable development

The 2030 Agenda for Sustainable Development emphasizes the importance of regional and sub regional dimensions, regional economic integration and interconnectivity in sustainable development. The regional level is the most appropriate level for establishing a collaborative framework to preserve and protect whole ecosystems efficiently while also providing opportunities for participating States to benefit sustainably from the services they render. Global instruments and normative processes have to be implemented and translated into actions at the country and regional levels, as appropriate. The Convention provides for and encourages regional approaches. Global discussions and regional actions are two interconnected processes which feed each other and both need to be strengthened. Consequently, the articulation between global and regional governance mechanisms is becoming increasingly important.

RFBs, which include RFMOs and Regional Fishery Advisory Bodies (RFABs), have an important role in contributing to fisheries management and scientific research of many important fisheries around the globe. RFMOs have the mandate to adopt legally binding fisheries conservation and management measures within their respective convention areas. RFABs provide fora for collaboration and coordination and promote sustainable utilization of fishery resources by recommending specific actions and by providing advice to members on fisheries conservation and management. Some RFBs also have aquaculture included in their mandates.

RFMOs and RFABs continue to evolve in response to calls for sustainability, improved management and governance, and as a result of lessons learned and stronger commitment by their members. FAO supports and provides overview of these processes and developments through the Organization's technical work on fisheries and aquaculture, providing overview and synopsis of RFBs' developments.[40]

FAO is committed to bolstering regional cooperation through the Regional Fishery Body Secretariats' Network (RSN).[41] RSN provides a forum for promoting consultation and regional dialogue by addressing priority issues of common concern and facilitating the coordination, exchange of experiences and lessons learned by RFBs. RSN has maintained regular contact with its members (more than 50 RFBs and other

[40] Terje Løbach, T., Petersson, M., Haberkon, E. and Mannini, P. 2020. *Regional fisheries management organizations and advisory bodies. Activities and developments, 2000–2017. FAO Fisheries and Aquaculture Technical Paper No. 651.* Rome, FAO. https://doi.org/10.4060/ca7843en.

[41] www.fao.org/fishery/rsn/en.

fisheries related institutions and networks)[42] including through the production of a popular magazine[43] and making available relevant data and information related to RFBs, [44] also in international technical venues and global fora such as the UNGA.[45] FAO through RSN has been able to address promptly the challenges posed by COVID-19 to regional fishery frameworks, in particular to the work of RFBs.[46] The RSN Secretariat also carried out a thorough review of the RFBs database by updating 44 fact sheets.[47] The last RSN Global Meeting was organized by FAO in February 2021.[48]

Sustainability can only be achieved through cooperation among all stakeholders, as recognized in SDG 17 (Revitalize the global partnership for sustainable development). The international community has increasingly recognized the importance of regional cross-sectoral collaboration and cooperation in facilitating the achievement of targets set by the 2030 Agenda for Sustainable Development that aim at maintaining the health of the ecosystems, including the oceans, so that they can increase their ability to contribute to food security and poverty reduction.

Regional organizations that work toward enhancing the sustainable use and conservation of biodiversity can make such cooperation effective through formal mechanisms and joint activities, especially by creating linkages between existing fisheries management and biodiversity conservation initiatives, as the achievement of food security will require fisheries and environmental management agencies to work together.

The FAO COFI welcomed and is supportive of the joint efforts of the CBD Secretariat, FAO and UNEP within the Sustainable Ocean Initiative (SOI) Global Dialogue with Regional Seas Organizations and RFBs to strengthen collaboration on issues of common interest, taking into account their different mandates and roles.

FAO and UNEP are supporting cooperation agreements in several areas of the world such as in the Gulf and Sea of Oman between the FAO Regional Commission on Fisheries (RECOFI) and the Regional Organization for the Protection of the Marine Environment (ROPME). In the Southwest Indian Ocean, the FAO Southwest Indian Ocean Fisheries Commission (SWIOFC) and the Nairobi Convention have established a cooperation agreement, and in the Western Central Atlantic, the FAO Western Central Atlantic Fishery Commission (WECAFC) strengthened its collaboration with a number of agencies among which UNEP Caribbean Environment Programme, UNESCO/IOCARIBE through the Interim Coordination Mechanism for the Sustainable Management, Use and Protection of shared Living Marine Resources in the Caribbean and North Brazil Shelf Large Marine Ecosystems, signed in 2017. Further, in the Mediterranean the General Fisheries Commission for the Mediterranean (GFCM) continues to closely cooperate with UNEP Mediterranean Action Plan (MAP) in the context of a Memorandum of Understanding adopted to contribute to the implementation of an ecosystem approach to fisheries and spatial-based management. This cooperation has resulted, among others, in the definition of common

[42] http://www.fao.org/fishery/rfb/search/en.
[43] http://www.fao.org/fishery/rsn/newsletter/en.
[44] http://www.fao.org/documents/card/en/c/CA0183EN.
[45] http://www.fao.org/fishery/static/news/FAOsideEvent-ICSP-14UNHQ-2May.pdf.
[46] https://www.fao.org/fishery/en/publications/281600.
[47] https://www.fao.org/fishery/en/organization/search.
[48] http://www.fao.org/fishery/nems/41296/en.

indicators for fisheries and ecosystems, increased complementarity in the use of area-based management tools and the improved monitoring of non-indigenous species.

Enhanced cooperation and coordination among RFBs have been on the international fisheries governance agenda for many years through UNGA resolutions on sustainable fisheries. Since 2022, the UNGA has been calling on States to strengthen cooperation, communication and coordination of measures among existing RFBs by holding joint consultations. Further, the UNGA also calls on States to strengthen integration, coordination and cooperation between RFBs and other relevant regional and international organizations (A/RES/77/118, paragraph 177). In 2021, the Thirty-fourth Session of COFI reiterated the key role that RFMOs and RFABs play in combatting IUU fishing, and encouraged RFMOs to increase cooperation, called upon FAO to further increase its support to marine and inland RFMOs and RFABs, and reiterated its appreciation of the role of the RSN in supporting RFMOs and RFABs, and stressed that both should cooperate to ensure common approaches on a number of cross-cutting issues. In response, and supported by its regional and Subregional Offices, FAO convened two regional consultations to support and develop a framework for regional coordination and cooperation priorities among RFMOs and RFABs towards more sustainable fisheries governance. The consultations were organized in the Western Indian Ocean (Maputo, Mozambique, June 2022) and in the Central Eastern Atlantic Ocean (Accra, Ghana, December 2022) regions respectively and RFMOs, RFABs as well as Regional Economic Communities (RECs) were invited.[49]

The Common Oceans Program is a global partnership funded by the Global Environmental Facility (GEF), promoting sustainable fisheries and biodiversity conservation in areas beyond national jurisdiction (ABNJ) with a particular focus on tuna and deep-sea fisheries, the Sargasso Sea and cross-sectoral cooperation. Led by the FAO, the Program brings together the United Nations Development Program (UNDP) and United Nations Environment Programme (UNEP), RFMOs, intergovernmental organizations, the private sector, civil society and academia. At the centre of the Program is the promotion of regional, and inter-regional cooperation through common initiatives and knowledge sharing. The second phase of the Program began in mid-2022 and will run until mid-2027.

[49] FAO. 2023. *A regional framework among regional fishery bodies – Scaling up cooperation and coordination towards sustainable fisheries*. Rome. http://www.fao.org/documents/card/en/c/cc5979en.