



Oceans Forum: Trade-related aspects of SDG14

UNCTAD, FAO, UNEP, Commonwealth Secretariat, ACP Group and IOI
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Chairman Conclusions

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The Oceans Forum provided a unique multistakeholder platform for a dialogue on policies and actions on trade related aspects of Sustainable Development Goal (SDG) 14, “Conserve and sustainably use the oceans, seas and marine resources for sustainable development”, namely targets 14.4, 14.6 and 14.b.

The objective of the forum was to discuss and put forward policy and regulatory options for the implementation of trade in fish related targets under SDG 14 by providing inputs by the trade community to the 2017 UN Oceans Conference to be held in New York 5-9 June 2017.

During the Forum, a very rich debate took place and participants put forward expert analysis of trends, opportunities and challenges, as well as innovative ideas and recommendations.

All participants commended the joint efforts by UNCTAD, FAO, UNEP, the Commonwealth Secretariat, the ACP Group, and the IOI in partnering to organize the Forum which provided a timely an opportunity for member States and experts to present their views on various trade-related aspects of SDG 14.

A call was made for more States and stakeholders to join UNCTAD/FAO/UNEP Joint Statement on Fisheries Subsidies entitled "Regulating Fisheries Subsidies must be an Integral part of the Implementation of the 2030 Sustainable Development Agenda" adopted at the UNCTAD 14 Conference in July 2016, and its proposed road map for consensus building on solutions to SDG 14.6.

Key points were raised during the Forum on each of the targets in question, including the following:

Session 1: Oceans Economy, fisheries and SDG 14 - Conserve and sustainably use the oceans, seas and marine resources for sustainable development

1. SDG 14 is the global sustainable development goal with the most momentum at the current time and it will be the first SDG to be monitored and evaluated in a Global High level Conference for SGD 14 implementation (the United Nations Oceans Conference) in June 2017. Progress in the implementation of this goal will therefore impel the implementation of the others.
2. Regarding implementation, it was stressed that SDG 14 includes economic aspects, as well as environmental, food security and social considerations, such as ecosystem preservation; the ocean as a food supply (an essential source of protein) available on a sustainable basis; and the ocean as a rich source of employment generation and livelihoods.
3. There is an undeniable nexus between the extraction of fisheries resources and conservation and trade. Thus, the opportunity cost of not acting to address harmful fishing subsidies is extremely high. Without action we will deplete the resource, create food insecurity and destroy the same sources of employment we aim to preserve.
4. The oceans economy, or “blue economy”, offers important opportunities for the sustainable use and conservation of marine resources. Appropriate capacity building support for developing and implementing planning tools and management systems can enable developing countries to seize these opportunities. The United Nations has to play a major role in this regard.
5. Concerning the road to the 11th WTO Ministerial Conference, there are critical elements that must be considered in order to obtain meaningful results regarding the implementation of SDG 14.6. These include the need to clearly discipline and prohibit harmful fisheries subsidies, with a sense of urgency for prompt results due to limited time for meeting this target by 2020.
6. Developed and developing countries can work together in the sustainable use of marine resources by developing public-private partnerships (PPPs) framed within national management plans. PPPs and other cooperation schemes can seek to secure and disseminate the most recent technologies and best fishing practices in order to minimize fishing’s adverse impacts.
7. Small-scale artisanal fisheries are closely linked to the social function of fishing activity. Therefore, challenges affecting small-scale artisanal fisheries must be better reflected on in the implementation agenda of SDG 14 leading to the adoption of effective policies to promote their development. Due attention has to be given to the "formalization" of this sector at all levels, in particular with regard to non-tariff measures and private standards, both of which require strengthened capacities of small-scale artisanal fishermen so that they can access markets and resources. Cooperation and capacity building, as well as the sharing of best practices in order to avoid their exclusion, should be duly considered.
8. All WTO instruments that can be harnessed for the achievement of SDG 14 should be identified. Any solution or agreement achieved should take into account Special and Differential Treatment (SDT) for developing countries and least developed countries.

Session 2: Advancing SDG 14, target 4 - Regulating harvesting and end overfishing, illegal, unreported and unregulated fishing

9. When implementing target 4 of SDG 14, there are certain complexities that need to be considered by the international community: (i) we are dealing with a multiple living and movable resources; (ii) species are not isolated and interact within different ecosystems; (iii) not all actors have the same perception about what is "sustainable" and what is the best method to measure maximum sustainable yield (MSY); and, (iv) we face important data and information gaps as well limited capacities, especially in developing countries, to effectively manage stocks.
10. In order to advance the implementation of SDG 14.4, we need to reverse current trends of depletion and overfishing; enhance participation and implementation of international fisheries instruments; and redouble efforts towards capacity building. In some cases, even if scientific data and information is limited, it is imperative to act.
11. It is important to note that we are not starting from zero. There is already a significant body of international law (binding and non-binding) that provides a solid base for action. Binding and non-binding international instruments are complementary. Binding instruments in most cases represent the basic framework for State action and responsibility. In this regard, preference was expressed on implementing existing international instruments rather than creating new ones, unless there is a clear regulatory gap (e.g. fish subsidies) in existing instruments. A clear call was made for increasing the number of ratifications and accessions to the FAO Port State Measures Agreements (2009) as a novel and enforceable instrument to fight, deter and prevent Illegal Unreported and Unregulated (IUU) fishing
12. It was recalled that States which are not parties to some relevant international legal instruments, such as the United Nations Convention of the Law of the Seas (UNCLOS) or the United Nations Fish Stocks Agreement, were not bound by the provisions of such instruments.
13. Regulatory solutions will not have immediate effects: it takes time to transfer commitments into State application and business practice. This is particularly relevant in the case of SDG 14.6, where reforms are needed to implement any future commitment. This takes time and political effort, as well as verification measures, before the negative effects of certain forms of subsidies fade out. This time lag provides an additional and evident reason for urgent action.
14. A business and investment perspective is also needed to fast track implementation. Fish should not only be seen as a "good" but also as an "ecosystem service". In this regard, we need to preserve and value ecosystems and invest in maintaining and expanding their viability and productivity.
15. The conservation of the resource is a means to achieve economic and social gains. Trade and investment must be more effectively harnessed in order to advance SDG 14.4, together with the promotion of ethical, sustainable and responsible production, trade and investment. In this connection, the Development Bank of Latin America (CAF) and the Global Environmental Fund (GEF) should consider expanding their

financial lines regarding conservation and the sustainable use of marine biodiversity and resource stocks.

16. Concrete experiences in addressing IUU fishing as well as stocks and species management were presented from the Caribbean and West Africa, with significant similarities in term of causes, as well as solutions. IUU fishing presents complex management dilemmas as is multifaceted and can have negative impacts on different levels of the value chain, affecting different actors and through different modalities.
17. The regional experiences presented highlighted a need to take action under three clear axes:
 - a. Improving institutional and regulatory capacity;
 - b. Enhancing and supporting better management of the resource;
 - c. Expanding regional and international cooperation as national regulations must be coordinated for the effective management of shared resources.

This requires implementing a broad scope of actions in order to be effective and avoid circumvention.

Session 3: Advancing SDG14, target 14.6 - Disciplining Fisheries Subsidies

18. The elimination of certain forms of fisheries subsidies is central in the multilateral agenda due to the mandate given by Heads of State under target 6 of SDG 14. This mandate defines the key policy lines for negotiators in order to tackle by 2020 certain fish subsidies that contribute to overcapacity, overfishing and to IUU fishing. It is also clear for this mandate that the forum for negotiations is the WTO and that due consideration of SDT for developing countries and least developed countries should be an integral part of the negotiations. The key question is how to close the gaps and secure a final outcome. Pragmatism, realism and a clear view of time lines is needed.
19. Previous negotiating texts, plus existing hard and soft law fisheries-related trade instruments, as well as best practices developed under the United Nations and its specialized agencies, were highlighted as useful elements that may help the negotiations.
20. In this context, several FAO instruments such as the Port State Measures Agreement, the Code of Conduct for Responsible Fisheries; the International Plan of Action (IPoA) to Prevent, Deter and Eliminate IUU Fishing; the IPoA for the Management of Fishing Capacity; and the Voluntary Guidelines on Flag State Performance and on Securing Small-scale Fisheries were quoted as possible basis to clarify certain aspects of the fisheries subsidies negotiations.
21. Several options to prohibit subsidies covered by SDG 14.6 were identified by participants. Such prohibitions would need to be specific, clear, coherent and enforceable in order to be effective. In particular, it was undisputed that subsidies which contribute to IUU fishing shall be eliminated. In fact, this objective appears to be a potential early harvest in SDG 14.6 implementation.

22. Also, prohibitions on subsidies on new ship building and ships transfer were considered by a number of participants as appropriate and needed. However, different views were expressed on subsidies to operational costs, and especially fuel subsidies, while recognizing its importance in the overall cost structure of fishing operations. Nevertheless, the obligation of notifying the amount of fuel subsidies provided was considered as a first step towards the construction of a future discipline.
23. A clear call was made to explicitly introduce a reference to SDT in the zero draft Call for Action of the 2017 UN Oceans Conference, particularly with respect of SIDS and LDCs. In this connection, different options were discussed to assess the feasibility of possible SDT models, including models with exceptions in both activities and geographical scope, but also more broadly, with exceptions for subsidies applied by LDCs and SIDS that are provided to small-scale fisheries, including artisanal fisheries, as these sectors are closely linked to the social and not merely commercial function of fishing activity.
24. The idea of an Advisory Mechanism to WTO negotiations composed by UNCTAD, FAO and UNEP was restated as a possible vehicle to promote coherence and ensure solid outcomes.
25. Calls were made for further capacity building and technical assistance to improve science-based fish management policies and systems in developing countries. The potential use of the WTO Trade Facilitation Agreement approach was mentioned.
26. Participants called for accelerated work, deepened efforts, and sharpening the focus of negotiations as a means to achieve a binding outcome on fisheries subsidies, in line with SDG 14.6, by the 11th WTO Ministerial Conference (Buenos Aires, December 2017). This is a sustainability issue which will have to be negotiated on its own merits, and in accordance with the mandate received, therefore without any preconditions

Session 4: Advancing SDG 14, target 14.b - Small-scale artisanal fishers

27. Target 14.b was perceived as a positive target as it seeks to enable vulnerable economic actors, such as small-scale artisanal fishers (SSAFs), to access both marine resources and markets. This group represents 90 per cent of all those engaged in wild fish captures, but only one third of global output.
28. SSAFs face practical challenges, including a lack of infrastructure and lower levels of marine resources due to overfishing, ecosystem damage, harmful fishing subsidies, poverty, information asymmetries, and difficulties in accessing both local and international markets.
29. It was noted that SSAFs can also contribute to depletion if they are not included in global conservation efforts. Building conservation and resource management capacity for SSAFs in developing countries, especially in SIDS and LDCs, was considered an imperative. In this regard, conservation is as important, if not more important than market access in achieving SDG 14.b.
30. Solutions to improve SSAFs capacities include the adoption of low cost technologies to undertake sustainable fisheries activities; removing barriers to women's participation

in value chains; and providing assistance and support in reaching markets and complying with sanitary measures.

31. Fisheries and seafood products, as the most traded food commodity, are exposed 2.5 times more to non-tariff measures (NTMs) than industrial products. This is due to the higher incidence of sanitary and hazard control measures and the fact that HS codes do not differentiate between the wild capture and aquaculture output.
32. Further research is needed on the qualitative nature and effects of these measures, and of private standards, on SSAFs. SSAFs are the key beneficiaries of the SDG 14.b mandate.
33. Developing country participants asked the co-sponsors of the Oceans Forum to provide support and technical cooperation to address fish and seafood related NTMs adherence to private standards and the exploration of options to increase their participation in the seafood value chain and international trade.
34. The aquaculture sector is an important means to bridge the gap arising from lower wild catch supplies and increases in global demand for fish and seafood products. Therefore, environmental and social sustainability will be fundamental to this sector in the future in order to respond to the higher demands of consumers and supply chain buyers.

