



Food and Agriculture
Organization of the
United Nations

TRADE-RELATED FISHERIES TARGETS: SUSTAINABLE DEVELOPMENT GOAL 14



SUMMARY DOCUMENT
INFORMAL PREPARATORY WORKING GROUP 4
High-Level United Nations Conference to Support
the Implementation of Sustainable Development Goal 14



UNITED NATIONS

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This document is an unedited publication.

Acknowledgements

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This document is a compilation of comments and inputs from more than 20 international experts of the Informal Working Group 4 (IPWG-4) to the Co-Conveners (Fiji and Sweden) of the High-Level United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, 2017.

All the experts of the IPWG-4 acted on their personal capacity, and their opinions do not necessarily represent the views of the institutions or organizations with whom they are affiliated. UNCTAD and FAO, as the compilers of this summary, do not necessarily endorse the viewpoints expressed by the experts.

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This is an UNCTAD/FAO publication. Page layout was done by Rafe Dent, UNCTAD, and language editing by Richard Cutler.

16 March 2017

United Nations Publication

UNCTAD/DITC/TED/2017/3

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Abbreviations

BLIM	Biomass limit (the biomass level below which stock productivity is likely to be seriously impaired)
CECAF	Fishery Committee for the Central Eastern Atlantic
COFI	FAO Committee on Fisheries
CSOs	Global civil society organizations
CTE	WTO Committee on Trade and Environment
EAFM	Ecosystem Approach to Fisheries Management
FADs	Fish Aggregation Devices
GEF	Global Environmental Facility
GFCM	General Fisheries Commission for the Mediterranean
IAEG-SDG	Inter-agency and Expert Group on Sustainable Development Goal Indicators
IATTC	Inter-American Tropical Tuna Commission
ICTs	Information and communication technologies
IPGW-4	Informal Working Group 4 of the Advisory Group of the United Nations Oceans Conference (2017) co-convened by Fiji and Sweden
IPOA	International Plan of Action
IUU fishing	Illegal, unreported and unregulated fishing
FAO	Food and Agriculture Organization of the United Nations
MSY	Maximum sustainable yield
MCS	Monitoring, compliance and surveillance
NAFO	Northwest Atlantic Fisheries Organization
NCEM	NAFO Conservation and Enforcement Measures
NG Rules	WTO negotiating Group on Rules
NTMs	Non tariffs Measures
OECD	Organization for Economic Co-operation and Development
OLA/DOALOS	United Nations Office of Legal Affairs / Division of Oceans Affairs and the Law of the Seas
PSMs	Port State Measures
PSMA	FAO Port State Measures Agreement
PPP	Public-private partnerships
RFBs	Regional Fisheries Bodies
RFMOs	Regional Fisheries Management Organizations
SAI	Significant Adverse Impacts
SDGs	Sustainable Development Goals
SIDS	Small Island Developing States
SPS	Sanitary and phytosanitary measures
TBT	Technical barriers to trade
TACs	Total allowable catches
TPP	Trans-Pacific Partnership Agreement
UBC	University of British Columbia
UNCLOS	United Nations Convention on the Law of the Sea
United Nations Fish stocks agreement	The United Nations 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
UNEP	United Nations Environmental Programme
UNDP	United Nations Development Programme
UNCTAD	United Nations Conference on Trade and Development
UNGA	United Nations General Assembly
VGGT	FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
SSF Guidelines	FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
VME	Vulnerable Marine Ecosystems
VMS	Vessel Monitoring Systems
WEF	World Economic Forum
WTO	World Trade Organization
WWF	World Wide Fund for Nature

FOREWORD

One of the particularities of the 2030 Agenda for Sustainable Development, adopted at the United Nations Summit held in New York in September 2015, was the adoption, for the first time, of a Global Goal on oceans and seas. Sustainable Development Goal (SDG) 14 is exclusively dedicated to “conserve and sustainably use the oceans, seas and marine resources for sustainable development”. It includes ten targets relating to marine pollution, protecting marine and coastal ecosystems, minimizing ocean acidification, sustainable management of fisheries and ending harmful fisheries subsidies, conserving coastal and marine areas, increasing economic benefits to Small Island Development States (SIDS) and Least Developed Countries (LDCs).

The fisheries sector represents one of the oldest economic activities carried out by humanity and remains one of the most relevant for many developing countries. It is also one of the sectors where more concerted efforts will be needed if we want to reach SDG 14, especially when today around 31.4% of fish stocks are estimated as being fished at biologically unsustainable levels. Recognized drivers of this trend are overfishing, illegal, unreported and unregulated (IUU) fishing activities, and the existence of harmful incentives including certain types of fisheries subsidies. In addition, the sector also faces impacts of climate change, and several forms of pollution.

Under SDG 14, there are three targets explicitly focused on the trade-related aspects of fisheries:

Target 14.4

By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics;

Target 14.6

By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least-developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation

Target 14.b

Provide access for small-scale artisanal fishers to marine resources and markets

The achievement of these three targets is no small matter and is related with other targets and global goals such as SDG 2 - “no hunger”. Also, two of the targets are part of the so-called “early harvest” of the 2030 Agenda, meaning they should be accomplished by 2020 – ten years before any other target and only three years from now.

Additionally, these targets are linked to processes and negotiations within the United Nations System and the World Trade Organization. Due to current political uncertainty in trade policy and global and regional cooperation in general, significant efforts to advance these goals are particularly needed.

On 22 December 2015, the United Nations General Assembly (UNGA) adopted Resolution 70/226, within which the United Nations General Assembly decided to “convene the High-Level United Nations Conference to Support the Implementation of Sustainable Development Goal 14: conserve and sustainably use the oceans, seas and marine resources for sustainable development (United Nations Oceans Conference), from 5 to 9 June 2017 in New York, coinciding with World Oceans Day, to support the implementation of Sustainable Development Goal 14”. This global conference is expected to give a significant impetus to global cooperation and efforts toward the attainment of SDG 14.

Within this process, the conference co-conveners (the Missions of Fiji and Sweden to the United Nations) called for the creation of Informal Preparatory Working Groups (IPWGs) in order to obtain specific advice

in the preparatory phase by key agencies and stakeholders. UNCTAD and FAO were entrusted to be the co-conveners of IPWG-4 dealing with targets 4, 6 and b of SDG 14.

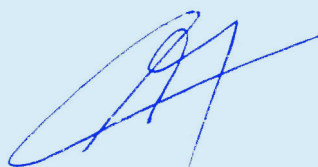
After several IPWG-4 meetings and intense consultations with more than 20 group members, including various inter-governmental organizations, business associations, civil society organizations and academia, the group produced a summary document titled *Advancing Sustainable Management and Trade-Related Fisheries Targets under SDG 14*.

With the intention that such a summary can contribute to informed discussions and negotiations on the road to the United Nations Oceans Conference, the 11th WTO Ministerial Conference as well as other intergovernmental processes, UNCTAD and FAO have compiled, revised and made available this analytical and forward-looking summary arising from the United Nations Conference advisory process, so that all stakeholders can benefit from its findings and insights.

Although the results and conclusions in this summary are those of the individual authors and do not necessarily represent the opinions of UNCTAD and FAO, this report provides a state-of-the-art review, case studies, information on partnerships, identification of gaps, opportunities, and challenges. It also addresses possible recommendations on how to regulate harvesting and IUU fishing, implement science-based management and restoration plans, addresses the phase-out of fisheries subsidies, and promotes access to markets and resources for small-scale artisanal fishers.

The complexities of the fisheries sector, when analysed from different viewpoints in a cooperative environment, can lead to innovative paths for reaching mutually agreeable and feasible solutions. The diversity of members participating in the working group directly reflects a commitment to a multilateral and collaborative approach, which will be vital in achieving the fisheries related targets under SDG 14.

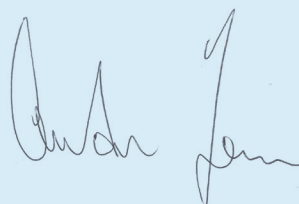
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INTRODUCTION

This summary document was prepared to help facilitate the work of the Informal Preparatory Working Group¹ on Sustainable Development Goal (SDG) 14 targets 4, 6 and b and to provide requested advice to the co-conveners of the United Nations Oceans Conference in New York (Fiji and Sweden), 5-9 June 2017.

The Informal Preparatory Working Group 4 (IPWG-4) focused its work on targets relating to the sustainable management of fisheries, fight against IUU fishing, the elimination of fisheries subsidies, and the need to provide market and resource access for small-scale artisanal fishers (SDG 14 targets 4, 6 and b). It is the only IPWG entrusted with three targets.

The IPWG-4 has an extended membership of 21 representatives of Intergovernmental organizations, RFMOs, global civil Society Organizations (CSOs) and academia. The membership includes representatives from CECAF, GFCM, GEF, Conservation International, IATTC, Memorial University of Newfoundland, NAFO, Oceana, OECD, OLA/DOALOS, Pew Charitable Trusts, University of British Columbia, UNEP, UNDP, United Nations Global Compact, World Animal Protection, WEF, WTO, and WWF. The IPWG has been co-convened and coordinated by FAO and UNCTAD. All representatives participate in their personal capacity.

The current summary document is structured in three parts associated to each SDG target: 4, 6 and b. It seeks to provide baseline information on main trends, challenges, gaps, opportunities and to put forward proposals on new partnerships, recommendations and future actions to accelerate the implementation of the relevant targets of SDG 14 provided by the membership. This summary document is the result of collegial discussion, thinking and action by all IPWG-4 members.



1. SUSTAINABLE DEVELOPMENT GOAL

TARGET 14.4

END OF OVERFISHING BY REGULATING HARVESTING, ADDRESSING IUU FISHING AND IMPLEMENTING MANAGEMENT PLANS TO RESTORE STOCKS RAPIDLY

1.1 Trends

According to FAO's State of World Fisheries and Aquaculture 2016,² 68.6% of stocks were at sustainable levels – both as fully sustainably fished stocks (58.1%) and under fished stocks (10.5%); and 31.4% of fish stocks were estimated as fished at a biologically unsustainable level and therefore overfished. After 1990, the number of stocks fished at unsustainable levels continued to increase, albeit more slowly than in the late 1970s and 1980s. Although many stocks are subject to regulation by coastal States and/or flag States, including through regional fisheries management organizations, there is unevenness in the effectiveness of management and its results.

Overfishing persists despite decades of efforts to manage fisheries to successfully conserve stocks at sustainable levels. SDG 14 target 4 specifically recognizes the need to effectively regulate harvesting and end overfishing, as well as illegal, unreported and unregulated (IUU) fishing and destructive fishing practices and to implement science-based management plans to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics.

United Nations Convention on the Law of the Sea (UNCLOS)³ requires States to adopt conservation and management measures to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield (MSY), as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any

generally recommended international minimum standards, whether sub regional, regional or global.^{4 5}

1.1.1 Trends in efforts to end overfishing

UNCLOS requires States to determine the total allowable catch of the living resources in its exclusive economic zone, and defines jurisdiction. The coastal State, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and competent international organizations, whether subregional, regional or global, shall cooperate to this end. It also requires States to take measures to conserve and cooperate to conserve and manage high seas fish stocks (articles 117 and 118).⁶

1.1.2 Trends in harvest regulation

Increasingly, harvest regulations are being understood as a combination of measures that bring together economic, social and conservation concerns and are based on systems that can encourage, not discourage, conservation whilst facilitating sustainable and economically viable fisheries and communities.

Regulating the harvest of fish is a combination of measures to manage both the numbers of fish that can be caught as well as limits on efforts to catch fish. Such measures can include combinations of total allowable catches (TACs), efforts to limit fishing such as limited days, amounts of gear and numbers of vessels allowed to participate in conjunction with complementary conservation rules such as closed areas (including vulnerable portions of ecosystems), restrictions on time spent fishing, restrictions on gears and types of gear, the size of fish that can be caught, bycatch, and so forth.

1.1.3 Trends in addressing IUU fishing

Different figures exist regarding the level of IUU fishing, but it has been recognized as a serious concern for the sustainability of stocks. For example, the United Nations General Assembly (UNGA) was particularly concerned that illegal, unreported and unregulated fishing continues to constitute a serious threat to fish stocks and marine habitats and ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States.⁷ Moreover, in addition to legal and operational efforts to end IUU fishing,

there are significant efforts underway to assess the nature and extent of IUU fishing.

Measures related to ending IUU fishing include the creation and maintenance of IUU vessel lists, catch documentation and supply chain traceability programmes, inspection and surveillance schemes, global fishing records, and port State controls required by the binding FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which came into force on 5 June 2016 (PSMA).⁸

Global estimates of IUU have been valued between \$10 billion and \$23.5 billion annually, representing between 11 and 26 million tonnes. However, it remains difficult to quantify IUU fishing due to the lack of a methodology for the assessment, and work is ongoing in order to establish a methodology.⁹

1.1.4 Trends in science-based management plans and their implementation

UNCLOS provides that “[t]he coastal State, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation.” (Article 61.2). The United Nations Fish Stocks Agreement¹⁰ similarly requires States to ensure that measures are based on the best scientific evidence available. Trends in science-based management plans include the use of fish stock assessments and the precautionary framework.¹¹

1.1.5 Trends in end of destructive fishing practices

UNCLOS and the United Nations Fish Stocks Agreement both require measures to protect damage to dependent and associated species (UNCLOS, article 61.3; United Nations Fish Stocks Agreement, article 5). States also have an obligation to protect and preserve the marine environment (UNCLOS, article 192), as well as to take measures to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life (UNCLOS, article 194).

Destructive fishing practices continue to cause significant adverse impacts on marine ecosystems and affect the long-term sustainability of fish stocks. In relation to bottom fishing, the most recent report of the United Nations Secretary-General¹² highlights the measures taken by States and Regional Fisheries

Management Organizations and arrangements to address impacts on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks, but indicates that further efforts are required to address uneven implementation.

In addition to shifting to different management strategies that can alter the manner in which fishers fish, measures relating to the end of destructive fishing comprise fishing gear requirements (including types of gear designed to minimize damage to the sea bottom); the definition and use of fishing footprints to delineate existing bottom fishing areas from any new fishing areas; protocols for fishing in new fishing areas; and closures of vulnerable marine ecosystems to bottom fishing.¹³

1.2 Challenges, opportunities and gaps

Clearly, a main challenge to ensure sustainable fisheries is to reverse the negative trends in the exploitation of stocks, thereby creating the opportunity to fully benefit from them in social, economic and biological terms. Improved implementation of relevant instruments, including UNCLOS, the United Nations Fish Stocks Agreement is of key importance, as is increased participation in those relevant instruments is called for by the General Assembly in its resolutions on sustainable fisheries.

The General Assembly has expressed that some operators increasingly take advantage of the globalization of fishery markets to trade fishery products stemming from illegal, unreported and unregulated (IUU) fishing and make economic profits from those operations, which constitutes an incentive for them to pursue their activities; and has recognized that the effective deterrence and combating of illegal, unreported and unregulated fishing has significant financial and other resource implications.¹⁴ In this regard, the General Assembly has, *inter alia*, called upon States to comply fully with all existing obligations and to combat such fishing, and urgently to take all steps necessary to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Many recommendations on how to address IUU fishing are contained in chapter IV of the annual General Assembly resolution on sustainable fisheries (UNGA Resolution 70/75).

In addition, chapter VI of the annual UNGA on sustainable fisheries addresses fishing overcapacity

has *inter alia*, called upon States to commit themselves to urgently reducing the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainable management of fish stocks, including those areas where fish stocks are overexploited or in a depleted condition; and has recognized in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the United Nations Fish Stocks Agreement, article 5 of the FAO Code of Conduct for Responsible Fisheries¹⁵ and paragraph 10 of the FAO International Plan of Action (IPoA) for the Management of Fishing Capacity.¹⁶

Lack of information, lack of capacity and knowledge gaps, as well as difficulties in implementing an appropriate science-policy interface continue to be challenges in this regard. Resource constraints also continue to be an issue for many States. Capacity-building in marine science remains critical for supporting fisheries policy development and management.

Exacerbating this, efforts to address overfishing and to regulate harvests and IUU fishing have frequently been designed for conservation at the expense of both large- and small-scale fishing operations and the environment. The General Assembly has called attention to the circumstances affecting fisheries in many developing States, in particular African States and Small Island Developing States (SIDS), and recognized the urgent need for capacity-building, including the transfer of marine technology and in particular fisheries- and aquaculture-related technology, to enhance the ability of such States to exercise their rights in order to realize the benefits from fisheries resources and fulfil their obligations under international instruments.¹⁷ Additionally, in the section on capacity-building in the General Assembly resolution, some of the needs of States for capacity-building are identified.

Constructive dialogues and knowledge about the design, implementation and/or strengthening of rights-based approaches that are appropriate for specific conditions, communities and objectives identified through transparent and participatory processes are important elements. They can enhance

the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)¹⁸ with emphasis on fisheries tenure. They also can provide support and knowledge to strengthen the implementation of the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines)¹⁹ with particular emphasis on the responsible governance of tenure (Chapter 5).

In the context of the implementation of relevant instruments, the General Assembly has called upon States to take action immediately, individually and through regional fisheries management organizations and arrangements, and consistent with the precautionary approach and ecosystem approaches, to continue to implement the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas²⁰ in order to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, from destructive fishing practices, recognizing the immense importance and value of deep-sea ecosystems and the biodiversity they contain.²¹ Despite this, uneven and/or ineffective implementation of relevant commitments, as well as gaps in scientific knowledge regarding for example deep-sea ecosystems, continues to present significant challenges.

The main identified challenges to address and reverse overfishing include lack of science-based management (including evidence-based due to poor data), weak governance and institutional capacities particularly in developing countries, weak or non-existent tenure systems leading to overcapacity in fleets, undisciplined subsidies, and IUU fishing. Gaps include an inefficient transfer of technology and knowledge from developed to developing countries, insufficient resources for data collection and fisheries assessments as well as lack of fisheries monitoring, control and surveillance capacity.

In parallel, another major challenge is the quantification of IUU fishing. Whereas indicators are available (e.g. number of vessels in the IUU vessels list, number of port inspections that detected infringements to policies, etc.), it is difficult at present to have a precise idea of the costs of IUU fishing and what economic losses this activity causes. This provides though for a unique opportunity to start delving into the problem and regularly assess its magnitude.

Opportunities include the improved understanding

of fisheries management and governance – and particularly using a combination of traditional measures within a tenure-based governance framework that can remove some of the pressures for overfishing and overcapacity – which can be replicated and adapted to other fisheries/jurisdictions, transfer of subsidies geared towards overcapacity to those geared towards sustainable exploitation, and implementation of the several existing international instruments, mandatory or voluntary (e.g. Port State Measures and Catch Documentation Schemes), among others.

The WTO Committee on Trade and Environment (CTE) is another forum (distinct from the WTO's fisheries subsidies negotiations) where these issues are raised and discussed, with WTO Members sharing experiences on steps taken to prevent, deter and eliminate IUU fishing and seafood fraud, and exchanging views on policy tools (catch certification schemes, traceability requirements, fishing permits, Port State Measures (PSMs), subsidies, penalties, etc.) along with the need for awareness generation, international co-operation, technical assistance and capacity building. FAO has provided periodic briefings to the WTO CTE.

Some members of the Working Group identified the challenges associated with reversing the negative trend on the exploitation of main commercial species.

Additionally, some IPWG-4 members mentioned that there is an opportunity to ensure sustainability of Mediterranean and Black Sea fisheries, which are of particular concern.

1.3 Suggestions on action-oriented partnerships, projects and commitments to accelerate the implementation of SDG Target 14.4

Some potential areas for improvement aimed at accelerating the implementation of SDG Target 14.4 include the following actions, among others:

- implement an effective global partnership to share fisheries management knowledge and to enhance institutional and governance capacities.
- adjust fishing capacity to sustainable levels through a combination of policy and appropriate management systems, including the wise use of subsidies and eradication of IUU fishing.
- redefine a seafood trading system that promotes resource sustainability (e.g. closely regulate the commercialization of overfished species/stocks).

- develop and implement a transparent tracking system to promote the implementation of the SDGs (e.g. through legally binding and non-binding instruments).
- promote public-private partnerships (PPPs) designed to share both funding and risks aimed at improving investment in infrastructure and technical innovation.

Some members identified action oriented partnerships, collaborations and commitments, including those at a multiplicity of levels between academia, the private sector, national and local governments, International Governmental Organizations (including other United Nations entities), Regional Fisheries Management Organizations (RFMOs) and Regional Fisheries Bodies (RFBs), CSOs, NGOs, International Finance Institutions (IFIs), fishers, fish folks, fishing communities, and others; as well as those that are fishery specific, such as a Tuna Alliance of major countries/donors who can partner with the private sector and accelerate the implementation of Tuna Harvest Control Measures.

Operationally, some IPWG-4 members of the group made the suggestion to foster cooperation and coordination amongst existing regional oceans and fisheries governance mechanisms,²² and to better coordinate and align efforts to fight IUU fishing.²³

1.4 Recommendations and future actions to the Advisory Group and the United Nations Conference to Support the Implementation of SDG Target 14.4

Although the SDGs are set at a global level, it is critical to understand the barriers and bottlenecks at the national or regional level. It is acknowledged that local and national level analyses require substantial resources that often are not available, but bird's-eye views often yield inaccurate pictures.

Some IPWG-4 members identified the following recommendations:

- At the global level:
 - Participation in existing instruments, including UNCLOS and the United Nations Fish Stocks Agreement, and their full implementation.
 - Realization of the specific commitments undertaken in the Johannesburg Plan of Implementation, in "The future we want"²⁴ and in relevant UNGA resolutions, in particular on sustainable fisheries.

-
- Provide for capacity-building for sustainable fisheries, with special emphasis on levelling the field between developed and developing countries in terms of management and governance of fisheries.
 - Engagement of a wide range of stakeholders from inception, particularly in developing countries, is critical.
 - Call for the use of a combination of traditional measures within a tenure-based governance framework to remove some of the pressures for overfishing and overcapacity.
 - Support the development, sharing and application of knowledge on governance of tenure and rights-based approaches for ensuring the economically, socially and environmentally sustainable regulation of harvests, noting the need for regional, national and local nuances and specific needs.
 - To gain understanding of the current status of the world's fisheries, develop both short-term strategies (e.g. improved methods to assess the state of the resources, particularly when data is limited) and long-term strategies (e.g. to improve data collection at the local/national levels to inform management decisions).
- At the regional level:
 - Replicate and adapt successful policies (e.g. in management interventions) and encourage the implementation of transformational changes (i.e. lasting policies that influence entire sectors of the economy).
 - The implementation of SDG 14 should be evaluated against the background of progress made in every different region, taking into account the existence of specific targets.
 - Support to the implementation of SDG 14 can be provided at the regional level by making sure that feasible and realistic targets are set to meet the global objectives. In this regard, the progress by country members to relevant regional organizations should be regularly assessed.
 - Call to move from national and regional successes towards a global strategy to reduce/avoid overfishing.
 - Call for the use of a combination of traditional measures and other rights-based approaches within a tenure-based governance framework to remove some of the pressures for overfishing and overcapacity whilst ensuring the economically, socially and environmentally sustainable regulation of harvests.
 - Call for the development, sharing and application of knowledge on governance of tenure and rights-based approaches.
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2. SUSTAINABLE DEVELOPMENT GOAL TARGET 14.6 FISHERIES SUBSIDIES

2.1 Trends

2.1.1 Impacts and estimates

As recognized in SDG Target 14.6, the existence of harmful incentives in the fishing industry, such as certain types of subsidies, continues to compromise the sustainability of stocks by creating and supporting excessive fishing capacities to extract an already scarce resource. SDG Target 14.6 specifically calls for urgent action to eliminate certain forms of subsidies that contribute to overcapacity and overfishing and to refrain from introducing new such subsidies.

Subsidies and other types of support measures to the fishing industry may come in many forms: grants, low-cost loans, guarantees, tax breaks, price supports, and the direct provision of goods and services. They are granted for a variety of purposes, such as to build boats, switch fishing gear, buy fuel, bait, ice, income support, provide housing, construct port facilities, transfer rights for access to foreign fisheries, and support research and development and conservation measures, among others.

Subsidies related to the extraction of a resource that is already under pressure or depleted make no economic, environmental or social sense: Subsidies can affect the food security and livelihoods prospects of the more vulnerable coastal communities; subsidies may benefit industrial fleets or even in some cases illegal activities, at the expense of taxpayers; and subsidies can expand inequality and unfair competition.

It is perceived that subsidies are contributing to the depletion of many coastal fisheries and causing fishing fleets and enterprises to look further and fish deeper into international waters. Consequently, subsidized capacity and effort may be diverted to new species and areas, which can perpetuate the problems. Additionally, the importance of the issue of fuel subsidies is widely acknowledged (many fishing activities or fishing in certain areas of the planet are profitable only because of such subsidies).

The possibility to develop consensus approaches to discipline such subsidies has been hampered by both the technical complexity of the issues (e.g.

fuel subsidies compared with fuel pricing policies, horizontal compared with sectoral availability) and attendant political sensitivities within and among countries, along with limited transparency of national fuel policies and programmes.

Some fisheries subsidies are provided in the context of economic growth policies, where they are considered by governments as an important policy tool to support fisheries development (including small-scale and artisanal). In many cases, such subsidies may be directed not to increase fishing capacity or effort as such. Those development related subsidies are usually focused on supporting crew safety, supporting processing by local populations, enabling value addition, facilitating the establishment of fish stocks management systems, financing less environmentally harmful fishing methods, and promoting the adoption of more sustainable technologies – therefore providing the restoration and rehabilitation of ecosystems. The impact on resources of such types of subsidies may be linked to the fisheries management systems in place.

While those kind of fisheries subsidies can – if allocated in a targeted manner and appropriately managed – have a positive impact on the sustainability of fisheries, it has been acknowledged that many fisheries subsidies actively contribute to the twin problems of overcapacity and depleted fish stocks, and that subsidies can be damaging and trade distorting even in effectively managed fisheries.

Data on subsidies is subject to debate. Global fisheries subsidies have been estimated by academic sources to be as high as \$35 billion worldwide, of which \$20 billion has been categorized as harmful or capacity-enhancing subsidies that contribute to overcapacity and overfishing.^{25 26}

An OECD estimation of support to the fisheries sector in its member countries has found support totaling around \$6.4 billion per year,²⁷ though recent preliminary data indicates this may be declining over time. The OECD is currently revising and expanding its country database on support measures to fisheries with the explicit objective of supporting international objectives such as SDG Target 14.6.

A more recent report by the European Commission, points at the amount of about \$9.7 billion annually in subsidies for fish catching during the period 2013-2015 by countries such as China, Japan, The Republic of Korea, The Russian Federation and the United States.²⁸

2.1.2 Multilateral mandates and references to fisheries subsidies

Recognizing the need to regulate subsidies that contribute to the unsustainable harvesting of the world's fisheries, the WTO Doha Ministerial Declaration (2001) launched negotiations to clarify and improve WTO disciplines on fisheries subsidies. The mandate to advance negotiations on fisheries was further elaborated at the Hong Kong Ministerial Conference in 2005, where fisheries subsidies negotiations should establish, *inter alia*, a prohibition on certain forms of fisheries subsidies that contribute to overcapacity and overfishing, and should include appropriate and effective special and differential treatment for developing country Members.

The Rio +20 Outcome document made a clear reference to fish subsidies:

173. *“Given the state of fisheries resources, and without prejudicing the WTO Doha and Hong Kong Ministerial mandates on fisheries subsidies or the need to conclude these negotiations, we encourage States to eliminate subsidies that contribute to overcapacity and overfishing, and to refrain from introducing new subsidies or from extending or enhancing existing ones.”*

The UNGA *inter alia* “express[ed] its support for accelerating work to complete the ongoing negotiations in the WTO to strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing”.²⁹

It also “urge[d] States to eliminate subsidies that contribute to overfishing and overcapacity and to illegal, unreported and unregulated fishing, including by accelerating work to complete World Trade Organization negotiations on fisheries subsidies in accordance with the 2001 Doha Ministerial Declaration to clarify and improve and the 2005 Hong Kong Ministerial Declaration to strengthen disciplines on fisheries subsidies, taking into account the importance of the fisheries sector to developing countries.”

Furthermore, the 2030 Agenda for Sustainable Development included for the first time a Sustainable Development Goal on Oceans (SDG 14) with a specific target (14.6) to “by 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, and refrain from introducing new such subsidies.”

More recently, in the outcome document of UNCTAD 14 in June 2016, the Nairobi Maafikiano,³⁰ paragraph 100 (t) outlines that members States entrust to UNCTAD “in cooperation with other relevant international organizations and other stakeholders, to support developing countries, in particular SIDS, in the advancement of Sustainable Development Goal 14 in the design and implementation of regional and/or national economic development strategies for the conservation and sustainable use of oceans and their resources seeking to promote sustainable trade in ocean-based sectors including through analysis of fisheries subsidies that lead to overcapacity and overfishing and subsidies that contribute to illegal, unreported and unregulated fishing and the challenges they pose to developing countries, particularly in connection with the conservation of marine resources and food security.”

2.1.3 Evolution of WTO negotiations and other recent developments

The first phase of the WTO Negotiating Group on Rules’ (NG Rules) work pursuant to the WTO Doha and the Hong Kong mandates, on the basis of written proposals from Members, took place from the inception of the Doha Round in 2002 through to spring 2011, when a hoped-for breakthrough in all areas of the Round, which would have allowed its conclusion by the end of that year, failed to materialize. At that point, most Doha Round negotiating activity (including on fisheries subsidies) entered what turned out to be a long *hiatus*.

It was only in the autumn of 2015, in preparation for the WTO’s 10th Ministerial Conference in Nairobi, and against the backdrop of the recently-adopted Sustainable Development Goals, that the NG Rules resumed intensive activity on fisheries subsidies. The process was proposal-driven, and at the event, four proposals for Nairobi outcomes on fisheries subsidies were tabled by both developed and developing countries.

Discussions and work on all the fisheries subsidies proposals continued to the end of the Ministerial Conference, culminating in the circulation, by the Rules Facilitator at the Conference, of a proposed compromise text for a Ministerial Decision on fisheries subsidies. That Decision would have established a negotiating agenda as well as enhanced transparency requirements. In the end, no agreement was reached at Nairobi – some Members considered the proposed outcome overly ambitious, and others considered it

insufficiently ambitious. In addition, some Members linked an outcome on fisheries subsidies to an outcome (which also was not agreed) on other WTO Rules issued (notably anti-dumping).

Post-Nairobi, WTO Members entered a period of reflection on how to take forward the organization's negotiating work in overall terms. That period has now been supplanted by renewed activity, intending to achieve negotiating outcomes at the WTO's next Ministerial meeting in December 2017, with Members submitting new proposals. In the proposals and discussions, many Members invoke SDG Target 14.6 in arguing for a fisheries subsidies outcome at the upcoming Ministerial Conference in 2017, so that the WTO can make its called-for contribution to the 2030 Agenda by meeting the 2020 deadline set in the SDG target.

In addition to the WTO rules negotiations, other international and regional initiatives have been advanced over the past two years, seeking generally to provide impetus to efforts to establish fisheries subsidies disciplines, or to establish disciplines (at least regionally) on certain subsidies that contribute to IUU fishing, overfishing and overcapacity. The most important are the following:

- A United Nations Roadmap, led by UNCTAD, FAO and UNEP,³¹ on the implementation of SDG Target 14.6, focusing on the need to phase out harmful fisheries subsidies and to effectively implement the United Nations Port State Measures Agreement to fight IUU was launched at the UNCTAD 14 Conference in June 2016.
- The Trans-Pacific Partnership Agreement (TPP) agreement among 12 Pacific Rim countries has incorporated provisions to eliminate, as a part of each Party's fisheries management responsibilities, subsidies that contribute to overfishing and IUU fishing. However, the TPP has not been ratified by the Parties, and its future is uncertain due to the recent United States of America withdrawal from the agreement.
- At the WTO's 10th Ministerial Conference in December 2015, a group of 26 WTO Members issued a joint statement calling to prohibit subsidies that contribute to overfishing and overcapacity, and subsidies linked to IUU fishing, in line with SDG Target 14.6.
- In September 2016, a group of 12 WTO Members launched an initiative to prohibit certain harmful subsidies through plurilateral negotiations in the WTO.

2.1.4 Links to SDG indicators

The Inter-agency and Expert Group on Sustainable Development Goal Indicators (IAEG-SDG) has selected as the following indicator for Target 14.6:

"Progress by countries in the degree of implementation of international instruments aiming to combat illegal, unreported and unregulated fishing".

This indicator is perceived as insufficient to cover the core of the action to be undertaken under SDG Target 14.6 and it is entirely focused on IUU, which is only a small part of the problem. Accurate indicators are needed for the remaining elements of SDG Target 14.6.

2.2 Challenges and opportunities

Some IPWG-4 members of the Working Group identified the following challenges:

- Low level of knowledge and understanding within the trade community of the main international instruments covering fisheries.
- Lack of coordination and coherence between trade negotiation and fisheries management agencies of countries, leading to unclear or contradictory policy positions.
- Lack of official and reliable data on fisheries subsidies (including many WTO Member's notifications), which inhibits analysis of the nature, level, and trends of such subsidies.
- Fragmented and non-comparable information on different governments' important support practices (e.g. fuel subsidy and pricing policies) relating to the fisheries sector.
- Insufficiently detailed schemes and instruments to notify fisheries subsidies/public support measures to relevant international institutions, as well as lack of appropriate enforcement mechanisms.
- Lack of a conclusion to date in the WTO negotiations to establish enforceable multilateral disciplines on fisheries subsidies.
- Lack of consensus to date on the basic concepts and definitions (including on what constitute "harmful" fisheries subsidies) necessary for establishing new disciplines, despite commitments to do so undertaken at the WTO and the United Nations.
- Problems in defining content, sequencing and limits of special and differential treatment (S&DT) provisions to be included in new disciplines.
- Lack of international agreement on how to proceed, and on how to create incentives to all nations

with important fishing interests to fully engage themselves in the negotiations to reach outcomes as quickly as possible.

- Emergence of anti-trade agreement sentiment in many countries.
- Lack of international agreement and information on how to reflect the interests and needs of traditional fisheries communities in fisheries subsidies disciplines, and on whether this should apply to both developing and developed countries.

Some IPWG-4 identified the following opportunities:

- New political momentum, based on the 2020 deadline of SDG Target 14.6, at the level of multilateral agencies, individual countries, civil society and academia.
- Existing definitions, commitments and principles applicable to IUU fishing, overfishing, overcapacity, and small-scale artisanal fisheries in the United Nations Fish Stocks Agreement, the Port State Measures Agreement, the IPOA-IUU, the Code of Conduct for Responsible Fisheries and the International Plan of Action for the Management of Fishing Capacity of FAO, which can inform discussions and negotiations.
- Recent resumption at the WTO of active negotiations on fisheries subsidies, including submission of new proposals by several Members, aimed at outcomes at the 11th WTO Ministerial Conference in December 2017.
- Some governments are starting to introduce national reforms to reduce subsidies that could contribute to overfishing and overcapacity and to shift support toward more sustainable and less harmful activities.
- The United Nations Oceans Conference, in June 2017, and the WTO Ministerial Conference in December 2017, will represent important political opportunities to consolidate ground and seek concrete solutions, at least, as minimum common denominator.

2.3 Suggestions on action-oriented partnerships, projects and commitments to accelerate the implementation of SDG Target 14.6

Some IPWG-4 members of the Working Group identified the following action-oriented partnerships and commitments:

- Call for WTO Members to reach an outcome on fisheries subsidies disciplines by the 11th WTO Ministerial Conference in December 2017.

- Call for cooperation by academic institutions, civil society organizations, and governments to document the benefits of eliminating harmful fisheries subsidies, and to define elements for appropriate S&DT in the context of effective disciplines. These partners should identify elements of the fishing industry that would benefit from having a level playing field and that could be enlisted as partners.
- Develop partnerships, including private sector actors, to support governments at the national level to identify, focus on and phase out harmful fish subsidies (at a minimum those identified in Target 14.6).
- Deepen the cooperation and exchange between United Nations agencies, trade agencies, and other organizations, including creation of a multi-agency task force to gather and analyze existing data on fisheries subsidies/public support measures (e.g. by FAO, UNCTAD, UNEP, OECD, possibly others).
- Foster partnerships with regional initiatives and entities, especially those incorporating developing countries and SIDS, to assist them in better understanding the issues at stake and providing necessary inputs to the negotiations.
- Develop more comprehensive information about and understanding of national practices with regard to subsidization and/or other policies affecting fuel for marine fishing, including the various forms of such subsidies and their ecological and socio-economic impacts on economies, fisheries, and international markets, and thus contribute to efforts in reducing the negative impact of such policies on sustainability of the resources, climate change, and fair international competition.
- The Global Environmental Facility (GEF) in its next phase GEF7 (2018-22) should aim to explicitly include provision for financial support to developing countries for technical assistance and capacity building to help them to incorporate new rules on fisheries subsidies into relevant national and regional policy and legislation, and to build capacity for monitoring, compliance and enforcement.

2.4 Recommendations and future actions to the United Nations Conference and the Advisory Group and the United Nations Conference to Support the Implementation of SDG Target 14.6

Some IPWG-4 members suggested:

Reaffirmations

- Reiterating the importance to the achievement of Target 14.6 of quickly concluding the WTO fisheries subsidies negotiations, including prohibition and standstill on subsidies contributing to overcapacity and overfishing and elimination of subsidies contributing to IUU fishing, as well as appropriate and effective special and differential treatment for developing countries, including small island developing states and least developed countries.
- Welcoming the UNCTAD/FAO/UNEP Statement of Fish Subsidies titled “Regulating Fisheries Subsidies Must be An Integral Part of the Implementation of the 2030 Sustainable Development Agenda” and calling on more Member States to support such initiatives.
- Recalling and reiterating the specific commitments undertaken in the Johannesburg Plan of Implementation, in “The future we want” and in relevant General Assembly resolutions, in particular on sustainable fisheries.

International level

- Calling for regular progress reports from WTO on the fisheries subsidies negotiations.
- Encouraging the inclusion in trade agreements, including at the regional level, of fisheries subsidies provisions and other provisions related to marine resource conservation, in a manner that contributes to SDG Target 14.6.
- Recommending, in negotiations to discipline fisheries subsidies, to draw on to the fullest extent possible, particularly in connection with specific terms, existing international law and soft law including UNCLOS, the United Nations Fish Stocks Agreement, the Port State Measures Agreement, IPOA-IUU Fishing, the Code of Conduct for Responsible Fisheries, and the IPOA for the Management of Fishing Capacity of the FAO, relevant UNGA Resolutions, and other relevant instruments.
- Exploring options for special and differential treatment that effectively contributes to developing countries’ efforts in implementing Target 14.6 as well as other targets under SDG 14.
- Recommending that RFMOs be involved or

incorporated in monitoring, reporting and enforcement. in order to make the implementation of future commitments on subsidies more effective.

- Recommending the creation of a time-bound focused target on fuel subsidies and fisheries based on existing data gathering exercises, especially in the FAO, UNCTAD and OECD.

National level

- Recommending that national governments, when undertaking internal reforms, comply with SDG Target 14.6, regardless of whether there is advancement at the multilateral level.
- Recommending that existing fisheries subsidies funds be redirected to support fisheries management, educate communities, scale up aquaculture activities based on relevant sustainability principles, create jobs, accelerate progress on establishing Marine Protected Areas (links with SDG targets 14.5 and 14.b) and incentivize open certification schemes in order to allow further reduction of pressure on wild stocks.
- Calling for a deep review of national actions to implement SDG Target 14.6.
- Encouraging strengthening the effectiveness of reporting, monitoring, and surveillance of fisheries subsidies at multilateral, regional and national levels, *inter alia* as an important underpinning to fisheries subsidies negotiations and reform.
- Calling on those states that have not done so to consider ratifying relevant multilateral agreements such as the United Nations Fish Stocks Agreement and the Port State Measures Agreement, as well as implementing relevant FAO instruments, and creating systematic reporting mechanisms on how those agreements are being followed.

Advisory Group to the Co-conveners of the United Nations Oceans Conference

- Further the role of the Advisory Group as a platform for developing concept notes and supporting the partnerships dialogues established at the United Nations Ocean Conference of 2017.
- Formalizing the Advisory Group so the benefits of coordinated action can be maximized in the advancement and monitoring of the implementation of all targets under SDG 14.

3. SUSTAINABLE DEVELOPMENT GOAL TARGET 14.B SMALL-SCALE ARTISANAL FISHERS' ACCESS TO RESOURCES AND SMALL-SCALE ARTISANAL FISHERS' ACCESS TO MARKETS

3.1 Trends

Exports of fish and seafood products reached a record value of \$146 billion in 2014 - this is a more than a tenfold growth in 10 years. The world fish trade grew from 15 million tonnes in 1991 to 45 million tonnes in 2014. In 2014, developing countries accounted for 56% of total fish exports. In 2013, fish accounted for about 17% of the global population's intake of animal protein and 6.7% of all protein consumed. Moreover, fish provided more than 3.1 billion people with almost 20% of their average per capita intake of animal protein.

In addition to being a rich source of easily digested, high quality proteins containing all essential amino acids, fish provides essential fats (e.g. long-chain omega-3 fatty acids), vitamins (D, A and B) and minerals (including calcium, iodine, zinc, iron and selenium), particularly if eaten whole. Fish has critical importance to food security as even small quantities of fish can have a significant positive nutritional impact on plant-based diets, and this is the case in many LIFDCs and least-developed countries. Moreover, fish is usually high in unsaturated fats and provides health benefits in protection against cardiovascular diseases. It also aids foetal and infant development of the brain and nervous system. With its valuable nutritional properties, it can also play a major role in correcting unbalanced diets and, through substitution, in countering obesity.

In this context, there is an increasing recognition of the importance of small-scale fisheries. While proper data is lacking, it is estimated that about 90% of those employed in capture fisheries value chains are engaged in the small-scale sector. Globally, there are about 54 million fishermen and women and fish farmers of which the great majority live in developing countries, including LDCs and SIDS. Of this, artisanal

fisheries employ 12 million people worldwide and industrial fishing half a million. Women account for about 50% of the workforce in small-scale fisheries, particularly in processing and trade.

The key livelihood function of the sector is the justification for the inclusion of small-scale fisheries as a standalone item in the FAO Committee on Fisheries (COFI) agenda since 2003. The endorsement by COFI in 2014 of the SSF Guidelines as a complement to the Code of Conduct for Responsible Fisheries was a milestone in the recognition of the sector.

Based on a human rights-based approach, the SSF Guidelines include a specific chapter on the responsible governance of tenure and sustainable resource management. The chapter is closely linked to the VGGT endorsed by the FAO Committee on Global Food Security (CFS)³² and the use of appropriate tenure systems and rights of access to resources. The SSF Guidelines have since been taken up in a large number of products of CFS in policies and strategies of regional organizations and in national level initiatives.

Small-scale and artisanal fishermen and women tend to fish in areas close to the coast and within the exclusive economic zone of a country. Obtaining access in key international markets for fish caught by small-scale and artisanal fishers is quite challenging. Tariffs on fish and fish products are relatively low, with an average of 11.6% (most-favoured nation tariff basis),³³ but ensuring homogeneity in quality, best safety and handling practices, transport and adequate packaging is impossible for them to achieve without the participation of different major actors along the value chain.

Agricultural and fish products are generally more exposed to Non-Tariffs Measures (NTMs) than industrial manufactures. The reason is the high incidence of sanitary and phytosanitary measures (SPS) on agriculture and food products (which generally are not applied to manufactures). Based on UNCTAD's NTM database,³⁴ there are on average about 2.5 times more distinct technical measures applicable per HS code for fish and agricultural products than for the codes for manufactures.³⁵

For instance, by September 2015, 732 SPS and 524 technical barriers to trade (TBT) applicable to fish and fish products had been notified by WTO Members. This represents a significant annual growth of 10.2% and of 12.2% in the number of SPS/TBT measures notified since 2010, which indicates that NTMs have

become the new and most relevant market access factor in regard to trade for fish and fish products (applied tariffs are around 11%).³⁶ If the same growth rate continues, they could exceed 10,500 SPS and TBT measures by 2035.³⁷

Also, while some infrastructure has improved, there are still large gaps which contribute to post-harvest losses and insufficient food safety of small-scale fisheries products.

All these barriers explain why such fishermen and women mainly bring their fish harvest to local markets and restaurants. Thus, more support for small-scale and artisanal fishers to connect them to global markets and make them part of fish stock management systems deserves attention, including avoiding overfishing. At the same time, finding a balance between local food production, food security, and exports remains a key challenge.

An important factor to enable market access by small-scale and artisanal fishers is the use of voluntary sustainability standards, eco-labelling, and traceability systems for wild catch and cultivated (aquaculture). Seafood production certified under global sustainability initiatives grew 40-fold from 2003 to 2015 and now represents more than 14% of global production. In many cases these standards are becoming a market entry requirement for some developed country markets. This is preliminary why data and a deeper understanding of the NTM landscape for fish and seafood products are needed. Focused research also is needed on SPS and TBT measures on fisheries products where specific trade concerns have been raised at the WTO.

It is important to highlight, small-scale fisheries are not immune to overcapacity, overfishing or destructive fishing practices. In some cases, the open access nature of the activities of the small-scale fleets themselves have been a root cause of depletion and environmental degradation. In many other cases, the difficulties faced by small-scale fleets have been compounded or even initially caused by the arrival of industrial-scale fleets in their traditional waters. These factors are not exclusive to small-scale fisheries. In many developing countries, fisheries continue to have open access with no effective controls on the quantities of fish harvested or the techniques used. More importantly, there is also a lack of appreciation on the links between ecosystem services (corals, mangroves, seagrass and its functions (fish nursery,

spawning grounds) and true value. Increasingly, harvest regulations are being understood as a combination of measures that bring together economic, social and conservation concerns and that are based on systems that can encourage, not discourage, conservation whilst facilitating sustainable and economically viable fisheries and communities.

3.2 Challenges and opportunities

Numerous challenges were identified by IPWG-4 members:

- The scope of small-scale coastal fisheries must be more clearly defined. In this context, the FAO definition for small-scale fisheries is 'traditional fisheries involving fishing households (as opposed to commercial companies), using relatively small amounts of capital and energy, relatively small fishing vessels (if any), making short fishing trips, close to shore, mainly for local consumption'. In practice, the definition varies greatly between countries.
- Small-scale and coastal fishers are often exploiting open access resources that experience constant increases in numbers of users and effort, which may result in deploying damaging fishing methods and overfishing, affecting habitats and ecosystems and turning the process into a vicious cycle.
- Limited access to basic services such as education and health puts an additional economic burden on fishers, exacerbated by the fact that small-scale and coastal fisheries are often in remote locations. This also means that basic infrastructure needed to manage fisheries, reduce post-harvest losses and improve product quality and its associated industries are lacking.
- Small-scale and coastal fishers are usually poor, far from political decisions and "invisible" in the sense that the official numbers of vessels, fishers, catch landings, etc. do not reflect the reality of either their catches or their contributions to local food security and nutrition.
- Need for policies and strategies that empower small-scale fishing communities to take a more active role in terms of resource stewardship and management. This requires a proper baseline understanding of the small-scale fisheries sector, which is currently often not available at national level, often due to a lack of data.
- Environmental challenges, including pollution, climate change and natural disasters, are drivers

that cause social and economic shocks that decrease the resilience of these fishers and communities to sustain their livelihoods.

- Lack of funding support and capacity development materials to provide assistance to all countries interested in implementing the SSF Guidelines.
- Insufficient policy coherence, inter-institutional collaboration and institutional capacities to support small-scale fisheries, including mechanisms to enable participation in relevant decision-making processes.
- Need for organizational strengthening of small-scale fisheries organizations, including in particular women's organizations, in relation to marketing and trade.
- Lack of preferential trade facilitation schemes for exporting/importing the produce of small-scale and artisanal fishermen.
- Lack of understanding on the number, nature and effects of key NTMs affecting the market access of small-scale and artisanal fishers.
- Lack of transparency about content of fisheries access agreements on small-scale and artisanal fisheries.
- Low awareness and support for the use of sustainability standards and certification schemes by small-scale and artisanal fishers.
- Lack of options for low-cost traceability systems.

Similarly, numerous opportunities were identified:

For access to resources

- There are opportunities to use a combination of traditional measures within a tenure-based governance framework to remove some of the pressures for overfishing and overcapacity.
- There is a need to have constructive dialogs and knowledge about the design, implementation and/or strengthening of rights-based approaches that are appropriate for specific conditions, communities and objectives identified through transparent and participatory processes. This will enhance the implementation of the VGGT with emphasis on fisheries tenure. It will also provide support and knowledge to strengthen the implementation of the SSF Guidelines with particular emphasis on the responsible governance of tenure (Chapter 5).
- Fishers can be important actors in the implementation and monitoring of fish management systems.
- Low cost technological developments for small scale fisheries management do exist and are increasingly being developed and deployed.

For access to trade and markets

- Higher level of market access, trade facilitation and use of sustainability standards by small-scale fishermen can enable an increase in trade and exports and support the development of livelihoods.
- Further facilitate the use of certification schemes by developing countries, especially by small-scale and artisanal fishers.
- There is a higher level of consumer awareness on sustainability, fair trade, organic and bio trade products.
- There are opportunities to improve the distribution of benefits from small-scale fisheries products through small-medium enterprise development, and access to financial services, and organizations, in particular for women.
- There are opportunities to invest in value addition along the chain.

3.3 Suggestions on action-oriented partnerships, projects and commitments to accelerate the implementation of SDG Target 14b

Some IPWG-4 members made the following financial, strategic and technical suggestions regarding action-oriented partnerships, projects and commitments.

Financial suggestions:

- Donor support to provide capacity development at country level in relation to the application of the SSF Guidelines and the VGGT.
- Promote investment in fishery improvement and restoration from both public and private sector (including philanthropic and for-profit investors) through the development of community selection criteria (ecosystem, social, market and institutional).
- Engage countries to implement fiscal policies that support the fishing sector through payment for ecosystem services and fiscal practices that promote sustainability and the creation of relevant partnerships.

Strategic suggestions:

- Support the development of National Oceans Economy and Trade Strategies (OETS) for promoting exports and value-addition strategies that incorporate the fisheries sector, especially for small-scale and artisanal fishers following UNCTAD's methodology.
- Address market issues that affect fish and fish products within the WTO Doha Round and relevant

regional trade agreements (RTAs), while providing for some flexibility with reference to specific developing country subgroupings, and enhance transparency on such measures in force.

- Explore options for the integration of small-scale and artisanal fishers in sustainable global value chains.
- Facilitate collaborations at a multiplicity of levels between academia, the private sector, national and local governments, IGOs, including other United Nations entities, RFMOs and RFBs, CSOs, NGOs, IFIs, fishers, fishing communities, and others.
- Partnerships with research/academia, regional organizations, other United Nations organizations to strengthen capacities of public institutions to provide an enabling environment for small-scale fisheries (e.g. in terms of policy coherence, institutional coordination, collaboration, information and communication and monitoring); and to improve the organizational capacities of small-scale fishing communities to better participate in resource management of small-scale fisheries products.
- Improve the capacity of key partners to manage small-scale coastal fisheries, and enhance coordination and collaboration between fisheries and policy management institutions, which would include engaging with FAO and RFMOs on small-scale and coastal fisheries, and foster regional collaboration for increased investment in building capacity.
- Develop information and transparency to assist in management decisions regarding policy and advocacy, communications and fundraising, and allow improved monitoring through socio-economic and environmental assessments of small-scale and coastal fisheries. This would establish data collection systems for small-scale and coastal fisheries catches through a participatory approach, that assessing ecosystem services in target places, analyses the cultural context for the readiness for introducing tools, and identifies local champions for innovative and sustainable tools.
- Develop a mechanism for notification and expand transparency on fisheries access agreements under the FAO.
- Support institutional development with a view to setting recognized, multipurpose and low cost traceability systems, especially for small-scale and artisanal fishers.

Technical suggestions:

- Develop best practices and standards for small-

scale and coastal fisheries by promoting a clear understanding among stakeholders of small-scale and coastal fisheries standards and best practices, and piloting and demonstrating best practices in several small-scale and coastal fisheries.

- Provide support and technical assistance to boost fish management systems and to improve their effectiveness.
- Mainstream the Ecosystem Approach to Fisheries Management (EAFM) and small-scale and coastal fisheries governance, and ensure integration into development programmes where the access rights of small-scale and coastal fisheries is internationally recognized by providing EAFM for small-scale and coastal fisheries tools and approaches and training, strong lobbying for small-scale and coastal fisheries policies at all levels (local and global), developing partnerships with development agencies and policy framework incorporated in international policies and fisheries agendas, developing climate change-proof fishing practices and providing EAFM for small-scale and coastal fisheries tools and approaches and capacity outreach.
- Develop a catalogue of fisheries with potential for engagement, and identify fishing communities to engage with market and business models, improvement opportunities (improvement plan), tools for implementing improvement and engaging relevant governments and development agencies.
- Collaborate with the private sector to facilitate technological transfer and the development of improved technological solutions, including the use of Information and Communication Technologies (ICTs).
- Facilitate the use of certification schemes by developing countries, especially by small-scale and artisanal fishers (e.g. by clustering several small fishers in one application).
- Manage data gaps in small-scale and coastal fisheries under an appropriate Monitoring, Compliance and Surveillance (MCS) programme through developing an economic case for effective governance for small-scale and coastal fisheries with emphasis on IUU.
- Promote the involvement of private sector in policy development of improved small-scale and coastal fisheries data management.
- Prepare a methodology for data-poor fisheries management, and develop courses, material etc. to support improved individual institutional capacity, and demonstrate ways to resolve conflicts between

commercial fishing and small-scale and coastal fisheries.

- Promote innovation in fisheries management that prevents further degradation of marine resources through testing and deploying innovation and technologies, and promoting the recognition of innovation and new technologies through local/national policies, and organize competitions (e.g. Smart Gear, etc).

3.4 Recommendations and future actions to the Advisory Group and to the United Nations Conference to Support the Implementation of SDG 14b

Some IPWG-4 members identified the following recommendations for the Advisory Group, in particular:

- Have the Advisory Group serve as a platform for developing concept notes and support partnerships dialogues in the United Nations Oceans conference of 2017.
- Formalize the advisory group so the benefits of coordinated action can be maximized.

More generally, of the group identified the following recommendations:

- Ensure proper participation and representation of small-scale fisheries organization in relation to the Our Oceans conference and related activities.

- Expand on the work on small-scale fisheries by the FAO (e.g. SSI Guidelines) and the High Level Panel on Food Security beyond SSF definitions and market access towards making them effective stewards of marine resources and creating new/alternative livelihoods for coastal communities, e.g. with a new report.
- Call for the use of a combination of traditional measures within a tenure-based governance framework removes some of the pressures for overfishing and overcapacity.
- Call for and support the development, by sharing and applying knowledge on the governance of tenure and rights-based approaches for ensuring the economically, socially and environmentally sustainable regulation of harvests.
- Ensure that the WTO Aid for Trade Initiative supports institutional capacity building relating to SPS/TBT, other NTMs and, if necessary, private standards, where these exceed public mandatory market-entry requirements.
- Increase technical and financial assistance, and effective transfer and/or dissemination of fishing technology essential in ensuring developing country participation in the fish trade and sustainability initiatives.
- Enhance consumer awareness in both developed and developing countries on sustainable practices in seafood harvesting and preparation.

Notes

- ¹ In order to prepare the high-level United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development (New York, June 2017), the Governments of Fiji and Sweden, as co-hosts of the Conference established an Advisory Group in April 2016 to provide sound advice to them on substantive and logistical preparations for the Conference. Further, the Advisory Group decided to establish subsidiary informal preparatory working groups (IPWGs) in line with the targets of SDG14.
- ² The State of World Fisheries and Aquaculture. Contributing to food security and nutrition for all. See <http://www.fao.org/3/a-i5555e.pdf>.
- ³ The text of the United Nations Convention on the Law of the Sea is available at http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.
- ⁴ For the status of highly migratory fish stocks and straddling fish stocks, see the report of the Secretary-General submitted to the resumed Review Conference in accordance with paragraph 41 of General Assembly resolution 69/109 to assist it in discharging its mandate under article 36 (2) of the Agreement (A/CONF.210/2016/1), available at <http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/CONF.210/2016/1&Lang=E>.
- ⁵ As an example, the Northwest Atlantic Fisheries Organization (NAFO) has conservation and enforcement measures in place to “ensure the long-term conservation and sustainable use of the fishery resources in the Convention Area and in doing so, to safeguard the marine ecosystems in which these resources are found”. In addition, NAFO meets at least once a year to review and update the conservation and enforcement measures. These are compiled annually in the publication “NAFO Conservation and Enforcement Measures (NCEM)”.
- ⁶ Spurred on by information such as that Mediterranean and Black Sea fisheries are currently considered to be overexploited (roughly 80% overexploitation rate), in the European Union efforts to end overfishing by governments and authorities are required by the rules of the European Union Common Fisheries Policy and include management measures, such as: catch and effort limitations to be set in accordance with the MSY; restrictions on which vessels are authorized to fish; activity and catch reporting requirements and monitoring, for example using Vessel Monitoring Systems (VMS) that report vessel position on a regular basis. Joint inspection and surveillance schemes to inspect fishing logbooks, gears, holds, etc. are established amongst contracting parties to various agreements. For example, in NAFO, a flag State Contracting Party that has been notified of an apparent infringement (AI) committed by a fishing vessel entitled to fly its flag is required to take immediate judicial or administrative action in conformity with its national legislation (Article 39 of the NCEM).
- ⁷ The United Nations Resolution A/RES/70/75 is available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/75.
- ⁸ The 2009 FAO Port State Measures Agreement is available at <http://www.fao.org/3/a-i5469t.pdf>.
- ⁹ In terms of quantitative assessments, it was reported that, for example, the nature and the extent of IUU fishing are being currently assessed by the GFCM in both the Mediterranean and the Black Sea region.
- ¹⁰ The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea is available at <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/CONF.164/37&Lang=E>.
- ¹¹ For instance, NAFO’s Scientific Council conducts regular peer-reviewed stock assessments which serve as the basis of the scientific advice it provides to the Fisheries Commission. In addition, it has conservation plans and rebuilding strategies for implementation for the fisheries of Greenland halibut (since 2004), Cod in the Grand Bank (2008), and for American plaice (since 2011). The advice comes as a range of management options and a risk analysis for each option (rather than a single TAC recommendation). Likewise, the Scientific Council continues its work in the estimation of reference points for all NAFO stocks that are used as guide in the implementation of the Precautionary Approach in the management of fish stocks. To date, BLIM (biomass limit, the biomass level below which stock productivity is likely to be seriously impaired) reference points are available for 10 NAFO managed stocks. The work of the Scientific Council is all documented in its meeting reports and in various peer-reviewed scientific journals.
- ¹² Report of the Secretary-General on Actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 113, 117 and 119 to 124 of General Assembly resolution 64/72 and paragraphs 121, 126, 129, 130 and 132 to 134 of General Assembly resolution 66/68 on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks (A/71/351). It is available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/266/35/pdf/N1626635.pdf?OpenElement>.
- ¹³ In NAFO, fishing in new fishing areas is subject to a strict “Exploratory Fishing Activities Protocol” where plans for harvesting, mitigation, catch monitoring and data collection and preliminary assessment of

the known and anticipated impacts of bottom fishing activity need to be submitted before commencing fishing activities. The plans and preliminary assessment are analyzed by NAFO's Scientific Council taking into account the risks of significant impacts on vulnerable marine ecosystems. On the basis of the Scientific Council advice, the Fisheries Commission is required to adopt conservation and management measures, which may include allowing, prohibiting or restricting bottom fishing activities.

If the exploratory fishing is allowed to proceed, the exploratory fishing trip report will then be evaluated by NAFO's Scientific Council, in particular, taking into account the risks of significant adverse impacts on Vulnerable Marine Ecosystems (VME). On the basis of the advice of the Scientific Council, NAFO's Fisheries Commission can either continue or discontinue this fishing activity (Articles 18-21 of the NCEM). For example, since 2007 NAFO has been banning bottom trawling in seamount areas and areas of significant concentrations of VME indicator species like corals, sponges, seapens, tube-dwelling anemones, erect bryozoans, etc. To date, 6 seamounts and 15 VME areas have been closed to bottom trawling. The purpose of the closures is to protect VME elements (seamounts, canyons, knolls, shoals and flanks) and their associated VME indicator species from Significant Adverse Impacts (SAI) caused by fishing. In all, the area closure totals 380,000 km² representing 14% of the NAFO Regulatory Area.

- ¹⁴ Preamble of UNGA Resolution 70/75 available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/75.
- ¹⁵ The FAO Code of Conduct for Responsible Fisheries is available at <http://www.fao.org/3/a-v9878e.pdf>.
- ¹⁶ The FAO International Plan of Action for the Management of Fishing Capacity of FAO is available at <ftp://ftp.fao.org/docrep/fao/006/x3170e/X3170E00.pdf>.
- ¹⁷ Preamble of Resolution 70/75 available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/75.
- ¹⁸ The VGGTs is available at <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>.
- ¹⁹ The FAO Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (2015) is available at <http://www.fao.org/3/a-i4356e.pdf>.
- ²⁰ The FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas is available at <ftp://ftp.fao.org/docrep/fao/011/i0816t/i0816t.pdf>.
- ²¹ Paragraph 161 of Resolution 70/75 available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/75.
- ²² For example, the GFCM has adopted a mid-term strategy (2017-2020) to adapt United Nations SDG 14 to regional priorities and challenges. The strategy includes specific actions to reverse the negative trend concerning the current level of exploitation of main commercial species. This strategy will foster cooperation with other regional organizations operating in the Mediterranean and the Black Sea and contain several specific actions (e.g. reinforcing science-based decisions, carrying out joint surveys, etc.).
- ²³ The GFCM mid-term strategy (2017-2020) for the sustainability of Mediterranean and Black Sea fisheries includes one specific target to curb IUU fishing. This is expected to foster cooperation through a number of actions that will be carried out to fight IUU fishing (e.g. training of national inspectors, setting up of a regional control system, etc.)
- ²⁴ "The Future We Want" is the primary result and a nonbinding document of the 2012 United Nations Conference on Sustainable Development in Rio de Janeiro. It is available at <https://sustainabledevelopment.un.org/content/documents/733FutureWeWant.pdf>.
- ²⁵ U.R. Sumaila, et al., Global fisheries subsidies: An updated estimate, *Mar. Policy* (2016), available at <http://dx.doi.org/10.1016/j.marpol.2015.12.026i>.
- ²⁶ Oceana has estimated that of the €12.9 billion in fishing subsidies granted by the European Union and its members to the fishing sector from 2000 until 2012, only 1% were considered beneficial subsidies for the marine environment. Oceana (2013). *European Fisheries Subsidies: State Aid, the hidden subsidies*. See http://oceana.org/sites/default/files/euo/OCEANA_State_aid_factsheet_072013.pdf.
- ²⁷ OECD (2006): *Financial support to fisheries: implications for sustainable development*. See <http://www.oecd.org/agriculture/agricultural-policies/39322313.pdf>.
- ²⁸ See European Union Commission (2016). *Subsidies to fisheries, aquaculture, and marketing and processing subsectors in major fishing nations beyond the European Union*, available at <https://bookshop.europa.eu/en/study-on-the-subsidies-to-the-fisheries-aquaculture-and-marketing-and-processing-subsectors-in-major-fishing-nations-beyond-the-eu-pbKL0716160/>.
- ²⁹ The United Nations General Assembly Resolution 70/75 available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/75.
- ³⁰ The Nairobi consensus, the Maafikiano, sets UNCTAD's work programme for 2017-2020 and it is available at http://unctad.org/meetings/en/SessionalDocuments/td519add2_en.pdf.
- ³¹ See http://unctad.org/meetings/en/SessionalDocuments/U14ditc_d16_FishSub_Statement_en.pdf.

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- ³² The Committee on World Food Security (CFS) is the most inclusive international and intergovernmental platform for all stakeholders to work together in a coordinated way to ensure food security and nutrition for all. The Committee reports to the United Nations General Assembly through the Economic and Social Council (ECOSOC) and to FAO Conference.
- ³³ UNCTAD and the Commonwealth Secretariat (2015). Sustainable Fisheries: International Trade, Trade Policy and Regulatory Issues UNCTAD/WEB/DITC/TED/2015/5. See http://unctad.org/en/PublicationsLibrary/webditcted2015d5_en.pdf.
- ³⁴ UNCTAD manages a comprehensive database at the most disaggregated level of Harmonized System (HS), covering tariff and non-tariff measures as well as import flows by origin for more than 150 countries.
- ³⁵ UNCTAD DITC (2016) based on data from UNCTAD's Trains database.
- ³⁶ UNCTAD and the Commonwealth Secretariat (2015).
- ³⁷ UNCTAD (2016). Trade and Environment Review 2016: Trade in Fish. See <http://unctad.org/en/Pages/MeetingDetails.aspx?meetingid=1243>.
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