

**Guidance to achieve
biodiversity conservation
measures in
high seas fisheries**

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Acronyms

ABMT	Area-based Management Tools
BBNJ	Biodiversity Beyond National Jurisdiction
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CMM	Conservation and Management Measure
CP	Contracting Party (= full member of a commission)
CPC	Contracting Parties and Cooperating Non-Contracting Parties
EEZ	Exclusive Economic Zone
EM/EMS	Electronic Monitoring/Electronic Monitoring System
FAO	Food and Agriculture Organization of the United Nations
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
IOTC	Indian Ocean Tuna Commission
IUU	Illegal, Unregulated and Unreported (fishing)
NGO	Non-Governmental Organization
RFMO	Regional Fisheries Management Organisation
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
WCPFC	Western and Central Pacific Fisheries Commission

Executive Summary

This document serves as a pragmatic guidance for those wishing to engage with Regional Fisheries Management Organisations (RFMOs), explaining how to achieve conservation measures in an RFMO, through establishing legally binding decisions. It is a distillation of personal experiences including successes, failures and insights into some of the more arcane aspects of RFMOs. The purpose of this document is the imperative of the STRONG High Seas project – to explore the fractured governance regime of the oceans, and more explicitly for this work, to provide guidance to support the implementation of spatial conservation in the High Seas. This work is therefore framed in the context of achieving spatial conservation measures but draws on examples from other biodiversity conservation efforts and offers guidance for achieving binding measures for any matter, in any RFMO.

Aspirations for achieving biodiversity conservation using enforceable, area-based management tools (ABMT) in an RFMO will require dedicated action if they are to move from aspirations to actuality. Getting binding measures for high seas areas approved and enforced in an RFMO is a complex, multi-stage process. A major reason for that is because binding decisions are made almost universally through consensus. RFMOs have structures that facilitate a logical flow of information, particularly scientific underpinnings for management actions (such as would be required before no-take zones are established). Subsidiary bodies gather information, digest it, and recommend actions based (in theory) on evidence or scientific merit. Every RFMO has a statutory Scientific Committee (or equivalent) that follows a consensus approach to making scientific recommendations to the Commission. Even if there are other interests besides science that weigh upon their decisions, Scientific Committees perform two functions: provide scientific advice to the Commission and directing

subsidiary bodies to undertake specific work. Because decisions made at Commission meetings are binding, they are influenced by scientific and political considerations.

Although binding measures at an RFMO are finalised at the meeting of the Commission, that is not where the process starts. Binding measures require two steps to be completed successfully. First is a scientifically robust conservation case, made via a subsidiary body, culminating in a recommendation from the Scientific Committee to the Commission. The second is drafting and securing unanimous support for, or lack of opposition to, a proposed CMM.

The passage of advice (and associated recommendations for practical actions) cannot be left to chance or uninvested partners – it requires a dedicated effort from start to finish. Further, only members of an RFMO can propose or decide upon a CMM. There are few obstacles to demurrals from parties that do not support a proposal, and there is no obligation for demurring parties to justify their positions. Careful negotiations before and in the margins of Commission meetings are essential tools to address points of concern.

Examples of binding measures at RFMOs that lack effective compliance monitoring and enforcement systems abound. The lack of compliance, including the lack of systems to even know the levels of compliance with a measure, is evident in multiple flawed conservation and management outcomes at RFMOs. Experience shows that careful attention must be paid to crafting a fair, transparent, equitable and manageable compliance regime embedded within a CMM. Failure to codify explicit compliance mechanisms and consequences for non-compliance creates appreciable risks that the CMM will be functionally ignored.

Changing the status quo is the quintessential challenge in all RFMOs, because of consensus rule-making. Securing consensus support for any measure at a Commission meeting will likely require compromises and concessions. Only the proposing parties can decide whether to withdraw a measure or to accept compromises in securing support. Careful consideration is needed for the latter option. While there is no ostensible barrier to regular 'updates' or changes to a measure at subsequent Commission meetings, it is inadvisable to accept a highly compromised/weak/ineffective measure, i.e.

something is not always better than nothing, since there are no guarantees that subsequent efforts to strengthen a measure will be successful. In all negotiations, it is important to strike a balance between acceptable concessions and fatally weakening a measure. It is not possible or advisable to offer opinions here on when to withdraw a proposal and regroup for another attempt at a subsequent Commission meeting, or to forge ahead with a weakened but workable measure. But experience shows that such decision points are almost inevitable and should be anticipated and planned for carefully.

Background: the BBNJ Agreement and relation with other legal instruments and frameworks

An international legally binding instrument for the conservation and sustainable use of marine biological diversity beyond national jurisdiction (herewith referred to as the BBNJ Agreement) is being negotiated under the United Nations. The proposed objective of the BBNJ Agreement is to ensure the long-term conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. This should be achieved through the effective implementation of relevant provisions of the UN Convention on the Law of the Sea (UNCLOS) and further international cooperation and coordination¹. As such, it is anticipated that this Agreement will interact with other mandated jurisdictions (such as the International Seabed Authority, Regional Fishery Management Organisations (RFMOs) and others) to achieve its objectives and that some coordination will be needed. The scope of such interaction is yet to be defined.

The current Article 4 of the draft BBNJ Agreement “Relationship between this Agreement and UNCLOS and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies” sets out that this new legal instrument should not undermine the others in this relationship. Thus, whilst stronger cross-sectoral integration and synergies are reported as critical for an improved ocean governance², the framework that will facilitate such cooperation and coordination once the Agreement enters into force remains unclear.

There remains a large spectrum of views at the negotiation table regarding how the BBNJ Agreement should be implemented³. One line of thought is that decisions, implementation and monitoring related to biodiversity conser-

vation and sustainable use should be led by the Conference of the Parties of the BBNJ Agreement, hence a more prominent role given to this global Agreement. On the other end of the spectrum, lies the view that the Agreement should limit itself to setting overarching principles and standards, while relegating to regional and sectoral bodies the responsibility for implementing decisions, that is, there would be a certain level of shared roles and responsibilities with regional bodies.

The objectives of the BBNJ Agreement shall be achieved through the effective implementation of an agreed set provisions on four areas known as the ‘package elements’:

1. Area-based management tools, including marine protected areas
2. Environmental impact assessment
3. Marine genetic resources, including questions on the sharing of benefits
4. Capacity-building and the transfer of marine technology

There is an expectation that arrangements will be put in place to operationalize them in an integrated and inclusive (among the actors operating in the high seas) manner.

Area-based management tools, particularly protected areas, are widely recognized as being an effective way to safeguard biodiversity from various pressures. Regional and sectoral bodies with areas of competence in the marine environment have established various approaches to spatial conservation, including Vulnerable

¹<https://undocs.org/en/a/conf.232/2020/3>

²UN Environment (2017): Realizing Integrated Regional Oceans Governance – Summary of case studies on regional cross-sectoral institutional cooperation and policy coherence

³<https://www.un.org/bbnj/content/fourth-substantive-session>

Marine Ecosystems (VMEs), set by some RFMOs; Particularly Sensitive Sea Areas (PSSAs), set by the International Maritime Organization, and Marine Protected Areas (MPAs), set by regional seas conventions. From this basis and in order

for the BBNJ Agreement's overarching objectives to be achieved, support will have to be secured from the relevant sectoral bodies to designate conservation areas in ABNJ.⁴

Objectives

This document is intended as a pragmatic guidance to support implementation of the objectives of the BBNJ Agreement. It offers insights and strategic considerations on how to achieve biodiversity conservation outcomes in an RFMO, having measures adopted (i.e. made legally binding). It is a distillation of personal experi-

ences including successes, failures and insights into some of the more arcane aspects of RFMOs' functioning, derived from participating in dozens of meetings at many RFMOs. It is framed in the context of achieving spatial conservation measures, but draws on examples from other biodiversity conservation efforts.

⁴As of the date of the publication of this Guidance, the negotiations of the BBNJ Agreement have not yet been concluded. Obligations of States or international organizations, or opportunities for non-State actors to collaborate, on the identification, submission of proposals, implementation and monitoring and review of ABMTs, including MPAs, are still not determined.

Introduction

RFMOs are legally constituted inter-governmental instruments. They have power to make decisions regarding fishing activities and related matters, that are binding on all members, albeit with some clear limitations. For example, the exercise of sovereign rights within Exclusive Economic Zones (EEZ) must always be considered when binding measures are adopted. As noted in this document's Disclaimer, all references and inferences are in relation to waters in Areas Beyond National Jurisdiction (ABNJ, aka the High Seas). Bodies (including marine- and fisheries-related inter-governmental instruments) with only advisory functions are not RFMOs and are not considered here. Only sovereign States and other recognised entities can be members of an RFMO. The remit of RFMOs in ABNJ is guided, inter alia, by the general obligations contained in the United Nations Convention on the Law of the Sea (UNCLOS), the UN Agreement for the Implementation of the Provisions of the UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement), and the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas (FAO Deep-sea Fisheries Guidelines)⁵. While disregarding RFMO regulations is patently illegal, the scope of Illegal, Unregulated and Unreported (IUU) fishing is considerably broader. Any fishing on the high seas that is conducted without regulations and processes for documenting, reporting and managing fishing activities and impacts (i.e. without being reported to or falling under the purview of an RFMO) is technically IUU fishing⁶.

The basis of binding RFMO decisions (Conservation and Management Measures; CMMs) is that they are made at meetings of the Commission, by Contracting Parties (CP). Further, CMMs go

by various names besides CMM, including Resolution and, paradoxically, Recommendation. The terminology is specific to each RFMO, as set out in the basic texts of each instrument. The legal status of non-binding decisions, where action is advised, recommended, requested or compliance is voluntary, are not considered further. Only CMMs (as defined here, noting the nomenclatural chaos that exists between RFMOs) are relevant since these codify binding duties and obligations on members.

Consensus is a legal requirement in certain RFMOs, but those RFMOs that allow non-consensus voting to maintain a strong ethos of seeking consensus. In the former case, a single CP can object to or disagree with a proposed CMM, and it will not be adopted. In RFMOs that have mechanisms for votes, any CP proposing a measure can call for a vote should negotiations fail to overcome an impasse. Voting is exceptionally rare.

Each CP has the same rights as all others – there is no hierarchy or bias based on size of fleets, scale of catch, financial contributions or other considerations. Commissions generally allow for a “cooperating non-contracting party” (or variations on that theme) to participate in meetings. This setup allows jurisdictions that have an interest in the proceedings and decisions of a Commission to participate in its activities and meetings, report its catches and activities of relevance, and generally behave as if it were a member (thereby avoiding their fleets' catches being declared IUU). However, cooperating non-parties do not pay membership dues, cannot contribute to decision-making (i.e., they have neither vote nor veto) and must meet all mandatory requirements.

⁵ FAO, *Fisheries Management in Areas Beyond National Jurisdiction*, 2016

⁶ <https://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/>

All RFMOs have a decision-making body, the Commission, and two levels of decision-support structures below that: a Scientific Committee (the name might vary but the structure is basically the same across RFMOs) and some description of subsidiary working groups/parties (for example, ICCAT has inter alia the subcommittee for ecosystems (or SC-ECO), the IOTC equivalent is the Working Party on Ecosystem and Bycatch, the CCSBT has working groups, etc). The Scientific Committee considers the scientific basis for any management or conservation needs/proposed actions, and subject to consensus from members, will make a recommendation to the Commission. Alternatively, the Scientific Committee can send matters (back) to a subsidiary body for further clarification of issues.

All RFMOs must have a secretariat, but that is an administrative body, not a decision-making body. It is a common misconception that the Secretariat of an RFMO is the Commission. This perception is particularly prevalent in media reports, where, for example, a news publication will state that “ICCAT decides X.” While not technically inaccurate, such statements are misleading to untrained readers, since a Commission is, in reality, a collective comprised of members,

and thus isn't really an entity in the same way that (for example) a national government, business or university is. Because decisions taken at an RFMO are by consensus, all members share responsibility for the outcomes.

Modalities of cooperation

The BBNJ Agreement, assuming it is adopted and enters into force, is unlikely to intrude into the mandates of other international instruments; the BBNJ Agreement Secretariat will more likely facilitate cooperation. Because an RFMO is made up of its members, and decisions are taken by its members, there is no scope for any party, instrument or entity, including UN bodies and inter-governmental agreements, to forge collaborations with an RFMO that could alter an RFMO's decisions or members' rights⁷. While RFMOs can and do sign Memoranda of Understanding (MoUs) with other entities, these provide no special rights or similarly privileged access to the Commission's processes nor influence over decisions. MoUs exist purely to formalize some types of interactions and to smooth the path for signatories to interact with the RFMO (e.g. observing Commission meetings).

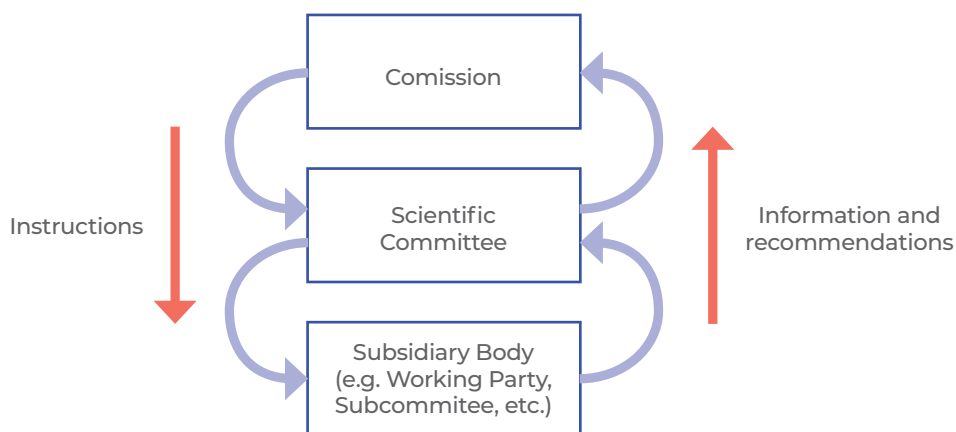


Figure 1: Flowchart showing process and directional interactions between bodies of a typical Regional Fisheries Management Organisation

⁷There are very specific cases where this is possible, by some bodies, to a limited extent. This won't be covered here, however.

RFMO structures and functions

Members of Commissions are referred to by many acronyms, but Contracting Parties **and** Cooperating non-contracting parties⁸ (CPCs) is most common. The term “CPC” refers to the collective of contracting and cooperating non-contracting parties, whereas CP refers only to full members. The terms are not interchangeable, and careful consideration has been given to when information relates to only full (voting) members (CPs) and when they relate to all members (CPCs). The structures of RFMOs vary widely, but all have a primary decision-making body, the Commission, and a statutory scientific body, the Scientific Committee. Commission meetings are typically held annually to make binding decisions, and members send delegations to the Commission meeting to advance their particular agendas and objectives. There are many processes that the Commission must attend to, such as budgetary negotiations and Secretariat staffing considerations, but those are not relevant to this document and are not dealt with further. In the case of fishing and related matters, members develop and submit to the Commission draft CMMs (or draft revisions to existing CMMs). It should be noted that the ‘management’ component of the term ‘Conservation and Management Measure’ does not refer to the management of the RFMO, or other procedural aspects. It relates exclusively to the management of the fish stocks and related issues that are under the RFMO’s bailiwick. Similarly, the conservation aspect does not relate exclusively to biodiversity conservation, but includes many other ‘conservation’ issues, such as conserving healthy target stocks, ecosystem functioning, etc.

All formal bodies of an RFMO have a Chair and most will have a vice-chair (or two), typically drawn from and elected by participants or CPCs. Other models for filling these positions

exist, for example by the appointment of independent consultants (at the CCSBT). Terms of office, duties etc. vary, but generally involve overseeing the functioning of the body’s meetings (including ‘traffic control’ for speakers) and pre- and post-meeting administrative tasks (such as circulating information, setting Agendas or calling for contributions). The Chair is expected to remain neutral in all discussions unless they explicitly state that they are speaking as a participant. There is no possibility of post-hoc actions of any kind following a meeting, including due to non-participation. Each RFMO meeting ends when it ends, and any outstanding matters (writing and adopting the Meeting Report excepted) will be deferred to a subsequent meeting. All RFMO meetings will have a Meeting Report, and a great deal of time and attention is paid to ensuring the report accurately reflects discussions and decisions, and is adopted by consensus as the final act of each meeting. Meetings will occasionally fail to adopt a Report (there can be several reasons) while the meeting is in session, in which case the report has to be adopted post-hoc via correspondence. All Reports typically include: attendee lists with contact and affiliation information; the Agenda; concise summaries of presentations and discussions; and most importantly, a record of all Recommendations or decisions (in the case of a Commission meeting).

RFMOs place great weight on science to ensure, as far as possible, that decisions are consistent with the best available scientific advice. Here we describe some important considerations and consequences related to science in RFMOs. The route that scientific advice follows in an RFMO is typically from the lowest body (or subsidiary body), through the Scientific Committee, to the Commission. Therefore this is the order in which these structures are described.

⁸A non-member of an RFMO with interest in fisheries in the Convention area may gain status of cooperating non-contracting party.

Science

There is no requirement that proposed CMMs are fully or partially grounded in science, despite that being the practice. It is very unusual for a CMM lacking strong scientific basis/justification to be adopted. Conversely, a strong scientific rationale makes a very good basis for a successful measure. New CMMs, or updates to existing CMMs, are most commonly informed by scientific evidence presented as documents at relevant meetings. Commissioners will regularly return matters to the Scientific Committee, and the Scientific Committee to the relevant subsidiary body, for further consideration, particularly when a Party or Parties express a desire for stronger or additional evidence. Where a proposed CMM is recommended from the Commission's own Scientific Committee, that makes a very powerful case for adoption. As a general observation, Commissioners tend to avoid taking positions contrary to scientific recommendations, although protection of fishing quotas⁹ or annual catch is often robust, despite strong scientific advice calling for lower quotas/catches.

Novel papers (i.e. those that have not come from a subsidiary body) are very carefully managed, and submitting papers for management actions directly to the Scientific Committee is frowned upon (and may receive a rejection from the Scientific Committee chair unless there's a strong justification for the approach). If there's any opportunity to defer a proposed contribution to a subsidiary body, it will generally be done.

Secretariat

Secretariats are administrative and logistical support structures that keep the processes of an RFMO moving, circulate documents, serve as a repository for data and documents, and can also provide scientific analyses and other types of support to the workings of the Commission and its various bodies. Secretariat Staff are not members of the RFMO and cannot influence

decisions, make rules of procedure, or otherwise shape what CPCs do or don't do, at any meeting or in any way. Secretariats are best considered neutral facilitators of Commission process.

Secretariats can and do play active roles in attending to matters of relevance to an RFMO but which require neutral parties, i.e. where a member cannot be tasked with representing the Commission, for example at multilateral meetings or in engagements with UN bodies. This provides opportunities to secure funding for projects that support an RFMO's objectives, participate in broader governance discussions, and more. Typically, however, Secretariat staff cannot make decisions at fora such as BBNJ negotiations on matters that might have any impact on CPCs' sovereign rights. Any implications for sovereignty must be brought to a Commission and endorsed or rejected.

Science-focused subsidiary bodies

Subsidiary bodies are the lowest tier of a Commission. Where a group doesn't have formal status within a Commission, it may be indicated with the terms 'ad hoc' or 'intersessional' in the name. Usually, working groups/working parties/subcommittees meet separately from the Scientific Committee, but not always. Further, within RFMO structures there are non-scientific bodies and processes (such those dealing with Compliance); those are not considered further, and all references are to scientific processes. Within these science-focused bodies and their processes there is usually no hierarchy amongst participants – all are considered equal and have equal rights to present, share views, and engage in discussions. The only requirement for participation in most subsidiary bodies (noting that this is a typical, but not the only model) is that participants attend in their individual capacity, as scientists/experts, and do not represent parochial positions or take other 'unscientific' approaches at meetings. Participation by industry representatives is frowned upon and generally avoided, unless the person is also a scientist and

⁹Not all RFMOs have quotas, in which case annual catches are what must be managed.

attends in that capacity. Participants are not referred to as representatives of any entity (State, institution, etc.), and official Meeting Reports do not reference positions as coming from individuals, members or organisations.

Contributions to meetings of subsidiary bodies take the form of scientific papers submitted in advance (much like at an academic conference), with references, supporting data and, most importantly, recommendations. In some RFMOs only members can submit papers, with other contributions relegated to Information papers; this type of paper is presented/discussed at the discretion of the Chair. Each paper is given time for a concise presentation to the meeting, whereafter the floor is opened for discussion; taking the floor is done strictly on a first-come, first-served basis. Contributions which only report data, observations or hypotheses, which are not outcome-focused, science-based or which lack a practical application may be rejected by the Chair or designated as Information papers. Meetings of science-focussed subsidiary bodies (as opposed to compliance or administrative bodies, structures and processes) are strongly geared towards providing practical, scientifically grounded recommendations, usually for consideration by the Scientific Committee unless the Commission decides otherwise.

There is no guarantee that all participants will accept the science as it is presented; criticisms and suggestions can extend to any aspect, including the philosophical nature of a concept, the relevance to a particular meeting, analytical, methodological and research design approaches, conclusions or recommendations advanced for consideration to a meeting. These should generally be taken as constructive advice. For this is the scientific method and the very purpose of the system, and being sent back to do more work before a recommendation can be passed to the Scientific Committee is how RFMOs work.

Scientific Committee

The Scientific Committee is a quasi-representative (of members), quasi-scientific body that also

operates on consensus. Attendance at Scientific Committee meetings is restricted to members, Secretariat staff and pre-approved “observers” (who represent organisations – there is no individual participation). Participants are officially supposed to be neutral and consider matters from a scientific perspective while also representing narrower, parochial interests – an intentionally grey area that provides latitude for ‘political’ considerations. Attempts to advance positions that lack scientific support are very rare at Scientific Committee meetings. However, scientific matters always include estimates of uncertainty; that uncertainty can become the basis to stop a recommendation going to the Commission, irrespective of whether individuals believe that to be justified or spurious.

Scientific Committee meetings usually consider national reports from CPCs, reports from the Secretariat (when so tasked), Meeting Reports from relevant subsidiary body meetings in the 12 months, and, on occasion, novel papers or reports from other bodies (such as from the Compliance Committee, consultancies, etc.). The Scientific Committee will explicitly consider and decide upon all recommendations from Subsidiary Bodies. There is a clear hierarchy for discussions in a Scientific Committee setting, with observers only given the floor once contributions from members are complete. It is worth stating the obvious here: it is essential to attend a Scientific Committee meeting if a Subsidiary Body has made a recommendation of interest. Ensuring that discussions go well and that a desired recommendation is included in the Scientific Committee’s report to the Commission, or that concerns are well understood, requires active attention until the process is completed.

Commission meetings and Commissioners

Commission meetings, which are held annually, is where the fundamental business of the RFMO is considered, and where CMM proposals are presented, negotiated and potentially adopted. Any CMM proposal that seeks to introduce spatial or temporal management of fishing effort within a Convention Area (through an

ABMT), must be adopted by consensus or vote at a Commission meeting.

The Head of Delegation (aka Commissioner) of a CPC is ordinarily the only member of a delegation to take the floor, unless alternates have been designated (this is essential where parallel sessions occur). Commissioners are formally empowered to make binding decisions during a Commission meeting. The latter point is crucial, since the business of an RFMO should not be delayed due to need to consult with authorities back home. Which is not to say that consultations are disallowed. Indeed, requests to the Chair to delay progress of a discussion/decision, to allow consultations with people in different time zones and not present in the meeting, are generally indulged. Delegations can include dozens of participants, and most CPCs will include industry representatives in their delegations.

The Chair will give every CPC that so desires a chance to speak until an issue has been exhausted or decided, or the meeting runs out of time. There is frequently insufficient time to complete all the agenda items at a Commission meeting, and 'running down the clock' at a meeting is a well-worn path to avoid decisions. Some RFMOs seldom give Observers the floor, in part because of time constraints, but others are more generous with Observer contributions. The imperative that Commissioners be allowed to air their views means that discussions on one CMM can span multiple days, and schedules are exceptionally difficult to predict. Added to this is the need for break-out groups for contentious issues to be taken from the plenary session. One can appreciate that RFMOs with larger memberships and more Observers are likely to see greater demand for the floor, and hence more time pressure for completing agendas, and therefore may be less able to accommodate non-member inputs as generously as RFMOs with fewer members.

Processes and considerations for adopting binding measures

Securing consensus on a CMM is frequently a formidable challenge, with very few making that bar effortlessly. It is common for variations of a proposed CMM to be revisited annually. Due to the very nature of consensus, and at the risk of stating the obvious, the stronger an alliance is, the better the chances of a draft CMM succeeding. But what constitutes a strong alliance is highly context-dependent. For example, the strength of a CP's commitment to using ABMTs may well be more important than sheer numbers of supporting CPCs. Maintaining status quo is the path of least resistance, or the easiest outcome for any decision. Members may, from time to time, use CMM proposals as 'bargaining chips', including by rejecting a proposal because they disagree with some other process or measure that has been agreed/rejected. Therefore, actors representing a particular interest at a Commission meeting should understand the wider political implications of their agenda and the 'voting blocs' (or groupings of CPCs) present.

Recommendations

The ideal circumstance for the adoption of a draft CMM is where:

1. there's agreement on the need for management action,
2. there is a strong scientific basis that has been presented at the appropriate subsidiary body
3. the Scientific Committee recommends action to the Commission
4. a member is firmly committed to seeing the process through to adoption

If the scientists at a meeting of a subsidiary body agree on the facts, the methods of analysis and conclusions drawn, they will recommend that the Scientific Committee review the

issue. If the scientific bases are all well covered and there isn't much reason from a scientific perspective (including a reasonable risk of adverse impacts on total catch) to reject a proposal or to request the subsidiary body to undertake additional work, then the Scientific Committee will likely endorse a recommendation – but only if all those present at the meeting agree. At the following Commission meeting, the Chair of the Scientific Committee will present the annual Scientific Committee report which includes all recommendations from the Scientific Committee. Ideally, a member (or members) will draft a CMM that matches the Scientific Committee recommendations in all important respects (scope, extent, purpose, etc.), and will do so at the same Commission meeting when the Scientific Committee's recommendation is made. If, for whatever reason, a draft CMM is not ready to be proposed at the same meeting as the recommendation is made, that does not compromise the validity of the science. Unless the Scientific Committee revises its advice to the Commission, Scientific Committee recommendations from any preceding year can be referenced to demonstrate support for a CMM.

Proposing new CMMs

Only CPs can submit CMM proposals. Therefore, an actor seeking to advance an ABMT CMM in an RFMO must work with a sympathetic CP(s). CPs are not monolithic, and almost invariably the RFMO engagements are managed by the national fisheries department with inputs from other departments (e.g. environment, foreign affairs, finance, etc.). Actions and positions on various topics must be decided well in advance of a Commission meeting, so inter- and intra-departmental discussions and national priority-setting actions usually happen several months in advance of a Commission meeting. It is therefore essential that actors understand the timings (and any political considerations of the tentative proposing CP, such as looming

national elections). Knocking on the door of a prospective proposing CP late in the national process carries an increased risk of it not being advanced internally, and thus not making it to the Commission meeting. That adds at least one year to the timeline for a CMM. Securing the support of CP(s) for a CMM is fundamental, and there are many roads to achieving this, but defining those is beyond the scope of this document. Similarly, there are country-specific nuances that are too numerous to describe. How to go about engaging with relevant officials and other stakeholders is entirely context-dependent and can only be understood through understanding the specific circumstances – national priorities, expected challenges at a meeting, individuals involved, etc.

Who leads a CMM is a key consideration. Members of delegations to Commission meetings tend to avoid taking actions or positions that risk them being labelled as being too ambitious, radical, etc. Therefore, if a CMM proposal is considered politically challenging (and there's little doubt that ABMTs will be very challenging), a sympathetic member may feel their other priorities are too important and they lack sufficient 'currency' to also lead negotiations on the ABMT point. This makes securing a lead on a CMM a substantial and critical task. The bigger a CPC's fleet for a given RFMO, the greater the invested interest will be and thus potentially the more cautious they will be in reaching consensus. Once a member has agreed to lead a CMM proposal, it is far less challenging to seek additional support from others – ideally in advance of the deadline for submitting draft CMMs, but other members can "sign on" to a proposal at any stage. The more members that co-sponsor a proposal, the more weight that proposal carries when it is brought to the floor at the Commission meeting.

Another consideration, albeit one which Observers will have no control over, is the level of commitment from proposing CPs. One of the strongest possible actions from a CP is where unrelated agreements, opportunities or the like (e.g. a trade agreement under development between the two parties, or offers of support to

the hesitant CP's position in another forum) are placed on the negotiating table. An ABMT advocate who is within an official delegation is more likely to secure such "bargaining chips" from their Head of Delegation.

Maximising the chances of a successful CMM process

1. A recommendation from the Scientific Committee to the Commission in support of the precepts and principles encapsulated in the proposed CMM
2. Broad support from a range of CPCs, ideally multiple CPCs co-sponsoring the CMM
3. A commitment from the proposing CPC to negotiate with intent
4. Relevant existing CMMs (such as data confidentiality, observer programs, etc.) are referenced and the CMM clearly fits with, rather than disrupts, existing arrangements
5. Negotiation positions, including fallback positions, are defined in advance
6. An individual with a clear, dedicated remit to shepherd the passage of the CMM is a member of an official delegation. Failing that, an observer representing the interested party (stakeholders of the BBNJ Agreement or other) should develop a strong communication and working relationship with the (members of the) delegation proposing the CMM

Drafting

Noting that only a CP can propose a CMM, some officials feel strongly that since a proposal is done in their name, they have to take the lead in drafting it, while others will seek inputs from experts (including industry representatives) to help draft a proposal. But it's worth noting that writing up the ambitions and scientific justifications for an ABMT CMM should always be done with an eye on the final wording of a CMM. In

other words, the advice and recommendations from the subsidiary body and through the Scientific Committee to the Commission should be as explicit as possible, so that wording can be lifted straight from recommendations and included in the draft CMM text. With all well-con-

sidered CMMs, it is critical to pay close attention to three matters, aside from the substance of the CMM itself: referencing other CMMs, reporting duties to evaluate the impact of the CMM, and compliance and enforcement mechanisms.

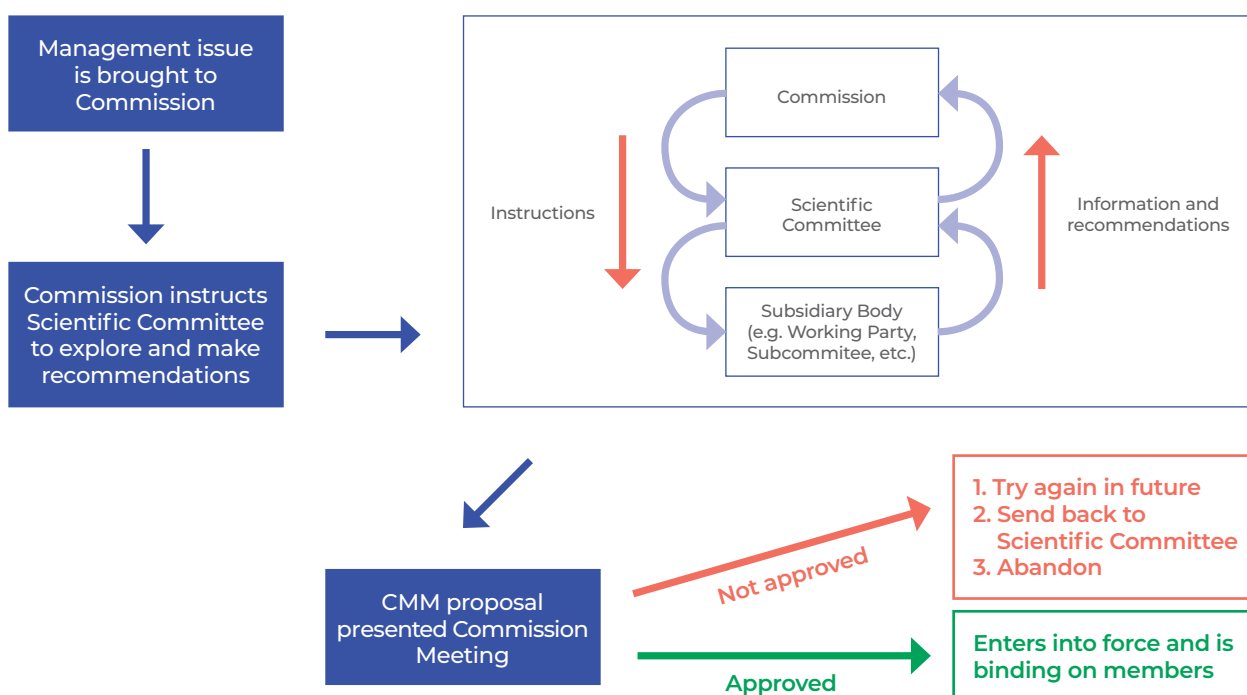


Figure 2: Process flow for matters that may require formal management (which is effected through the creation of Conservation and Management Measures (CMMs)) at an RFMO. Note that matters of concern may also be raised at the Scientific Committee and subsidiary body levels

Referencing other CMMs

New CMMs seldom stand alone, without reference to other rules/systems/CMMs. Other CMMs may also be impacted by, or have bearing on, a new CMM. It is important for those developing a CMM to both understand how it fits into the 'ecosystem' of existing CMMs, and to reference

other CMMs as appropriate. In particular, the CMMs that cover mandatory reporting and data confidentiality matters are referenced in almost all other CMMs. A new CMM must explicitly state how it fits into existing reporting requirements, and how data confidentiality issues are addressed.

Noting that only a CP can propose a CMM, some officials feel strongly that since a proposal is done in their name, they have to take the lead in drafting it, while others will seek inputs from experts (including industry representatives) to help draft a proposal. But it's worth noting that writing up the ambitions and scientific justifications for an ABMT CMM should always be done with an eye on the final wording of a CMM. In other words, the advice and recommendations from the subsidiary body and through the Scientific Committee to the Commission should be as explicit as possible, so that wording can be lifted straight from recommendations and included in the draft CMM text. With all well-considered CMMs, it is critical to pay close attention to three matters, aside from the substance of the CMM itself: referencing other CMMs, reporting duties to evaluate the impact of the CMM, and compliance and enforcement mechanisms.

Reporting

Most CMMs carry some reporting obligation where CPCs must report certain aspects to the RFMO. Reporting allows that implementation of the CMM, levels of compliance (or levels of compliance with the reporting obligations) and its effectiveness can be measured. For example, in a theoretical CMM defining spatial no-take or restricted access zones, CPCs might be required to report on any fishing vessel carrying their flag that enters into the area defined in the CMM, and it might also specify the need to report why the vessel entered, for how long, what activities it undertook, etc. Those drafting a strong CMM should pay close attention to this a seemingly small, and often overlooked matter. The sharper the advance thinking, the less risk that after-thought reporting wording is included. Last-minute throw-away lines to acknowledge a reporting need can lead to substantial challenges and deep regrets over missed opportunities.

Compliance

The third and probably least palatable, but most important aspect to consider in drafting a CMM is compliance monitoring (linked to reporting clauses in the CMM as well as to other CMMs). Compliance with a CMM cannot be evaluated unless

reporting requirements and compliance-ready actions/processes are stipulated. Of course, not measuring the impacts of a measure is not best practice anywhere, let alone when attempting to manage sustainably an open-access resource in international waters. A failure to consider adequate reporting and compliance aspects by default places a substantial burden on the Secretariat to devise ways of measuring performance; frequently this involves triangulation from sub-optimal datasets to gain some understanding of compliance. Further, compliance aspects of CMMs frequently carry no burden of proof or require no independent data to verify compliance. To put this plainly, the full extent of compliance requirements in many CMMs is: officials writing words in a report. Unless there is a very well-considered structure for managing and reporting on compliance, with consequences for non-compliance written into the text, a CMM faces the very real risk of being yet another RFMO paper exercise and achieving zero change in fishing practices. An invidious effect of compliance-free CMMs is that members assume or act as if things have changed, even when there are no data. This is regrettably true of even the most fundamental CMMs at RFMOs, including those dealing with restrictions on effort or catch of listed species. Examples abound of new CMMs being developed, followed by little/no compliance (or poor compliance with reporting obligations) and no meaningful consequences – business-as-usual. The ample evidence from past experience suggests strongly that failure to think carefully about compliance and then construct politically acceptable and logistically achievable structures to support the implementation of a CMM, may well result in the CMM not achieving its stated aims. An obvious compliance issue for an ABMT CMM is dealing appropriately with vessels entering an area with a particular designation (e.g. zones with gear restrictions). The right to freedom of navigation is a fundamental right for ocean use, codified in UNCLOS, and no CMM should seek to infringe on that right. However, fishing vessels entering into a no-take zone may be required to demonstrate that no gear was deployed and no fishing occurred. A CMM may explicitly anticipate a need such as this and provide appropriate rules for what represents acceptable and compliance-ready reporting, force majeure exceptions, etc.

Commission meeting considerations

Politics, or political considerations, are of paramount importance given that decisions are binding, and thus new CMMs can have significant impacts on fleets. CPCs with no direct stake in a particular issue (for example, their fleet does not catch a particular stock for which a CMM is being proposed) will typically not voice objections to a CMM. They can, however, be convinced to support or argue against a measure, particularly if there's a general principle at stake (i.e. a measure is precedent-setting, or could cause a cascade of other measures which will impact them in future).

There are loose alliances, or voting blocs, in all Commissions, typically distant water fleets form one bloc and coastal states another. Expediency at decision-time is appropriate, meaning that alliances may well shift from one issue to the next, since Commissioners have briefs to follow and partnering with likeminded CPCs is necessary. The point here is to highlight that attention should be paid to some of the basic groupings, but those groupings are seldom unbreakable and fierce opposition between CPCs on one issue may have little visible impact on their willingness to collaborate on another.

Actors seeking to give effect to the BBNJ Agreement, once adopted and into force, will be in a considerably but not fatally weaker position if they are observers, rather than a member of a delegation. The latter status affords one the opportunity to engage directly with other delegations. If there is any possibility of advancing an agenda from the position as a member of a delegation, it is definitely the most efficient option. As an observer, one can be shut out of formal and informal discussions at any point, and only invited into breakout rooms with the consent of all CPCs present. Regardless of the status as delegate or observer, the margins of the meeting (refreshment and lunch breaks, and evenings) are critical moments for holding informal discussions with potential supporters or opposers of a CMM. This is highly important work, because an early understanding of challenges to

passage will allow 'fallback' positions to be discussed with proposing members, and allows shuttle diplomacy to seek common ground in advance of a measure reaching the floor. For example, a member indicates informally that they cannot support a CMM because of a certain clause. Softening, changing or removing it might not fatally undermine the whole CMM, and a sponsoring member can take the floor and offer a compromise wording after the objection is raised. Discussions that become too technical, or where wording changes are substantive, are seldom conducted in plenary – including out of respect for language and communication challenges. Under those circumstances, the Chair will inevitably call for breakout meetings and for a redrafted proposal to be submitted.

Once a measure has been presented in plenary, CPCs express their support or opposition to it. When dialogue across the floor reaches a stalemate, the Chair will instruct interested parties to hold breakout negotiations to resolve the impasse. Any revisions to draft text are circulated with track changes so that other CPCs can consider the changes, then brought back to the floor, and so on until the clock runs down (sometimes a deliberate strategy), there's clarity that breaking an impasse is unlikely, or there is agreement and the proposal is adopted (Figure 2). However, as long as there is one dissenting voice, further negotiations will be required. That does not mean that all CPCs in opposition to a CMM will voice their opposition upfront, since doing so might 'expend political capital'. Some CPCs may delay expressing reservations until they are required to. A regrettable but legitimate tactic to prevent progress includes abstaining from making any comment until the eleventh hour, potentially scuppering the proposal at the last moment. Under these circumstances there is some comfort to knowing what some of the challenges to a measure are and from which quarters those concerns arise. It is wise to use the information provided from such a 'setback' constructively, as a starting point for engaging with dissenting parties well in advance the next meeting.

Case studies

The passage of strong, scientifically defensible CMMs for bycatch mitigation provide useful examples of the kinds of challenges an ABMT CMM might face. Key lessons from attempts from environmentally concerned CPCs, NGOs and other entities to get CMMs for shark, turtle and seabird conservation passed at various RFMOs provide insights into the tactics and challenges.

Area of implementation

The geographies for mandatory use of seabird bycatch mitigation measures have been largely shaped by available data on bycatch impacts. Given that an ABMT CMM is quintessentially a spatial issue, the process followed at ICCAT (and other RFMOs) is instructive. Although ICCAT passed a seabird measure in 2007 (Recommendation 07-07), it is best considered an “interim” measure. Key seabird bycatch experts didn’t anticipate either the proposal or its adoption. Not least because ICCAT had embarked upon a lengthy, funded exercise to establish the scientific basis for determining where and what, if anything, was needed to address seabird bycatch. The starting point was to answer the very basic question: is there sufficient cause to merit mandatory actions? This will be a key question that an ABMT CMM will face. The scientific rationale and benefits for biodiversity conservation must be demonstrated. Failure to make a sufficiently robust case will certainly result in some CPCs to view the loss of access or other forms of control as unwarranted. Ultimately, the ICCAT-led process found some evidence of seabird bycatch almost everywhere within the area of competence. Scientifically, one cannot assume that the lack of evidence of bycatch indicates zero bycatch. These two points culminated in a recommendation to make seabird bycatch mitigation measures mandatory throughout the ICCAT area of competence, unless credible evidence could be shown that bycatch in a given fleet or area was negligible. Those notions failed

to get much traction outside those directly involved in the seabird bycatch assessment. The process moved forward to the Sub-Committee on Ecosystems, which recommended that mitigation measures be made mandatory only for areas south of 25°S, where evidence of significant bycatch impacts was overwhelming. This represented a meaningful change to the 2007 resolution, which required mitigation only south of 30°S. Since then, novel tracking datasets gave strong support for further changes to the area of application, showing Critically Endangered seabirds remaining at substantive bycatch risk in some geographies north of 25°S. These novel insights failed to generate sufficient interest from CPCs to make scientifically justifiable amendments to the original straight line of the 25th parallel.

Lesson 1: it may be desirable to propose large areas, but any weakness in the arguments for the area of application will be exploited, and the area will be narrowed. However, by the same token arbitrary changes to make the area smaller may be overcome if the case for a larger area is sufficient. Making the case of an ambitious set of large areas with particular zonations should only be attempted when there’s strong scientific support.

Lesson 2: after-the-fact revisions are sometimes unattainable. Caution is urged when proposing areas based on poor quality data unless there is agreement from all interested parties that the area being proposed is sufficient irrespective of future analyses that suggest minor changes. Judgement must be exercised when considering potential weaknesses in the data underpinning a proposal; there is always a need for more and better data, but the precautionary approach is clear in that progress cannot be delayed indefinitely on the basis of wanting better data. Revising a CMM because of minor changes is very unusual; CPCs generally demand significant justification for efforts to negotiate changes. Major advances in understanding can

muster sufficient willingness to revise a CMM, but minor changes will likely not.

Nature of changes

Following the conclusion of the ICCAT-led seabird risk assessment process in 2009, there were recommendations to ICCAT to change the area of application from south of 30°S to south of 25°S, as well as to remove certain options from the existing ICCAT CMM that didn't enjoy support as mitigation measures (i.e. they didn't actually prevent bycatch, despite being listed as a mitigation measure). Failed attempts to revise the 2007 CMM were made in 2009 and 2010. In 2011, for reasons that are still subject to speculation, the opposing CPCs relented and ICCAT passed a revised, and considerably strengthened measure. The revision did away with all the measures from the 2007 list that lacked evidence of effectiveness, leaving just three. However, a compromise was negotiated to require that two rather than the recommended three measures be used simultaneously.

Lesson 3: scientific justifications for and against components of a CMM (revising the area of application, or not making all three mitigation measures mandatory, respectively) are equally powerful. Making changes, such as removing problematic clauses, can take extravagant effort once a measure is already in place – oftentimes more than was required for the initial measure. In the case above, it took a 3-year consultative, scientific process to arrive at the same conclusions that experts had indicated all along (that several 'non-measures' were on the list), and a further two years of failed efforts to remove them before resistance was overcome and a new measure passed. The revised CMM remains in force 10 years later.

Lesson 4: the full extent of a practice/measure may be scientifically justified, but industry representatives will typically find reasons why some leeway is required. Willingness to concede points may be critical to securing passage of a CMM. In the above example, using three mitigation measures was clearly Best Practice, but some CPCs demanded flexibility. It was viewed (by those in favour of three measures) that two

out of three was an acceptable compromise, because the evidence supporting the use of all three was precautionary and strong but not overwhelming. Of relevance to ABMTs is the point that very balanced and careful consideration of facts is needed, and 'going big' gives some room to negotiate concessions, but going too big can also scupper the entire process.

Lesson 5: even an RFMO-led process with full backing from the Scientific Committee may not necessarily result in a successful measure. First-time 'wins' are unusual, and may be so watered down/full of compromises that they elicit vigorous efforts to revise. Careful consideration should always be given to 'warming up' dissenting CPCs, listening to their arguments against what is being proposed, and building support over multiple years, rather than accepting a poor measure (since changing an existing measure may be more difficult than waiting and pushing for a stronger measure – as per Lesson 2).

Dominoes don't always fall

Many fleets fish in multiple oceans, so CPCs may have reporting obligations and compliance requirements in multiple RFMOs. Thus 'harmonisation' of CMMs between RFMOs is an inherently reasonable, desirable notion. It calls for actions (dos and don'ts, reporting obligations, etc.) to be as aligned as possible between RFMOs, to minimise the effort of managing the same problem in different ways for each RFMO. That said, calling for harmonisation with other RFMO CMMs is often used as an excuse for maintaining the status quo. For example, attempts to change aspects of a CMM in one RFMO can founder simply because similar (and presumably less effective/appropriate) CMMs exist in other RFMOs, despite strong support from a Scientific Committee that updating the CMM is appropriate. A member which does not want to see any change can point out the onerous reporting and compliance obligations that already exist across multiple RFMOs, and insist that harmonisation is desirable (therefore, no change). Proposing a new CMM that explicitly or implicitly aligns with existing CMMs elsewhere, as far as possible, is generally advantageous.

Harmonisation across RFMOs is certainly advantageous, but also is no panacea for avoiding resistance. The types of species, community structure and composition, associations between different species and humans/vessels, geographies, oceanographic features, etc. can vary enormously even within an ocean basin, and definitely between oceans. These differences may be advanced as reasons why harmonisation is not desirable, even when the argument is specious. CPCs will deploy both arguments (harmonisation or 'differences between oceans') depending on their position, or marshal other arguments, including ones that might appear spurious.

After the successful passage of a strong seabird CMM at ICCAT, there was no guarantee that the other tuna RFMOs would follow. Indeed, a harmonised proposal was tabled the following year at the IOTC Commission meeting in 2012. Resistance to the proposal came from some unexpected quarters – ICCAT members. During discussions in the margins of that meeting it became apparent that their acceptance at ICCAT was more appropriately classified as a lack of resistance. The concerns were likely nuanced and varied, but included an explicit concern regarding the likely scale of work to ready respective fleets to implement new practices. That was an inherently reasonable concern, and so good faith compromises were negotiated to accommodate concerns and the measure was adopted (Resolution 12/06). The same measure was proposed at WCPFC but was not immediately adopted. To date, the WCPFC CMM has a scientifically dubious discrepancy in seabird bycatch requirements for high southern latitudes (harmonised with ICCAT and IOTC) compared with high northern latitudes.

Lesson 6: strong negotiators from invested CPCs will greatly increase the likelihood of success. Where a CPC is marginally or not impacted, their willingness to battle against opposing positions (irrespective of perceptions around the rationality of arguments) is greatly diminished. In the case of the WCPFC, southern hemisphere members with substantial seabird colonies in their sovereign territories were committed to strengthening the seabird measures in southern waters where “their” seabirds faced risks. Their willingness to negotiate for those regulations in WCPFC’s northern waters, i.e. not harmonise with other RFMOs and within the WCPFC, was weaker than that of another bloc’s desire to minimise operational impacts to their fleets. A compromise was reached which can be characterised as a win-win, inasmuch as proposers secured a strong suite of measures for waters where “their” seabirds are impacted and the opposing bloc secured weak measures in northern latitudes, that functionally do not impact their industries’ operations.

Lessons from a failed CMM

In contrast to the successful passage of seabird measures at ICCAT, IOTC and partial success in WCPFC, stands the situation at IATTC. By 2021, IATTC had still not revised its seabird CMM to remove unproven/ineffective measures. The arguments around harmonisation have fallen on deaf ears at IATTC. A members indicated publicly, during plenary, that their opposition to a strengthened, scientifically justifiable, robust and harmonised seabird measure, which they supported in other RFMOs, had nothing to do with seabirds, conservation or science. It was in retaliation for the failure of an unrelated CMM proposal. After many years of repeated attempts to overcome the resistance, the proposing members gave up and there is no immediate prospect of IATTC adopting a strong seabird measure.

Additional process considerations

Objections

Most RFMOs have a ‘buyers regret’ clause that allows a short window of time, after the closing of the Commission meeting, for a member to withdraw its support for adopted CMMs. This is seldom used because it is expected of delegations to come prepared and to make appropriate decisions at the meeting. However, there may be cases where a member indicates a change of position with respect to a CMM and formally writes to the Chair of the Commission within the specified period, to notify the Secretariat and other CPCs of its withdrawal of support, or objection. This does not revoke the CMM that has been adopted. Once adopted, a CMM cannot be changed except through revision at a Commission meeting. The post-hoc objection process allows members to be exempt from the conditions and requirements of the CMM.

There is an arcane process in the instance of objection to revised CMMs, which is unlikely to have bearing on a novel ABMT CMM, although subsequent attempts to revise a successful CMM may need to consider this matter. In the case of a CMM being revised, the new CMM explicitly states that it supersedes an earlier CMM. In the case of an objection, the preceding CMM applies in full to the objecting parties. For example, hypothetical Res 27/01 states that all flying fish that land on a vessel must be identified to

species, counted and recorded as discarded or retained. A subsequent revision, Res 29/03, is unchanged except for the inclusion of a new provision, that the weights of all flying fish must be recorded. CPC X writes to the Chair after 10 days to withdraw from Res 29/03. That will be noted in the Commission’s Compendium of Resolutions, and CPC X will be required to only follow Res 27/01 not 29/03 (i.e. it will not have to weigh each flying fish).

Voting

As described above, there exists the possibility that a vote can be called to pass a CMM in most, but not all, RFMOs. In the event that consensus cannot be achieved, a vote can be called. The rules of procedure and requisite vote tallies for a CMM to be adopted by voting vary and are not covered here. Proposers of an ABMT CMM should consider very carefully risks before calling for a vote. Passing a measure by vote rather than by securing consensus may increase the risk of members objecting to the CMM. A situation where members have formally objected to an ABMT CMM and are not bound by it would probably fatally undermine the conservation benefits, and thus the entire point, of such a CMM. Such a situation would arguably be worse than having no measure at all.

Conclusion

Actors working to give effect to biodiversity conservation objectives from the BBNJ treaty (or other instruments), particularly those seeking to use ABMTs in a High Seas RFMO setting, will have to develop very robust, scientifically watertight rationales. The science, and the conservation case, as well as the scale of impacts for adopting spatio-temporal management zones in the High Seas, should be developed and brought to an RFMO through the lowest bodies – subsidiary to the Scientific Committee. This is where understanding is gained of constraints and challenges from members, as well as potential avenues to address them. The process must be shepherded through however many iterations, at both subsidiary body and Scientific Committee meetings, as required. It is good practice to have a consistent presence by the same actors at each meeting, since it is easier to recall and use previous discussions if one was involved in them than it is to recall them from someone else's meeting report. Once advice from the Scientific Committee in favour of implementing ABMTs is secured, work should switch from scientific to political considerations for securing consensus at a Commission meeting. The political nature of decision-making at Commission meetings is compounded by the hierarchical divide between observers and official members

of CPC delegations. Securing admission onto a national delegation may be straightforward, but that will depend entirely on the inner workings of national fisheries and foreign relations departments of the particular CPC. Equally, failure to secure a place on a delegation is not fatal to an endeavour, it simply means that an individual or individuals advancing ABMTs at a Commission meeting must secure representation as an accredited observer. Observers must be invited to participate in negotiations, generally cannot advocate for measures in plenary, and should always display the highest levels of diplomacy.

It would be unusual for an ABMT CMM to pass through the scientific process, onto the Commission, and to be adopted in its first iteration. Planning for ABMTs in an RFMO context should include several years' worth of attending meetings of scientific bodies to present ideas/plans, listening to and addressing concerns. Such plans should also allocate time and other resources to conduct negotiations with potential supporting CPCs, building alliances supportive of adopting spatial management measures. Once adopted, it is recommended that interested parties monitor how the measure is implemented, reported upon, and how any compliance-related matters are addressed by the Commission.

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About the STRONG High Seas project

The STRONG High Seas project is a five-year project that aims to strengthen regional ocean governance for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. Working with the Secretariat of the Comisión Permanente del Pacífico Sur (CPPS; Permanent Commission for the South Pacific) and the Secretariat of the West and Central Africa Regional Seas Programme (Abidjan Convention), the project will develop and propose targeted measures to support the coordinated development of integrated and ecosystem-based management approaches for ocean governance in areas beyond national jurisdiction (ABNJ). In this project, we carry out transdisciplinary scientific assessments to provide decision-makers, both in the target regions and globally, with improved knowledge and

understanding on high seas biodiversity. We engage with stakeholders from governments, private sector, scientists and civil society to support the design of integrated, cross-sectoral approaches for the conservation and sustainable use of biodiversity in the Southeast Atlantic and Southeast Pacific. We then facilitate the timely delivery of these proposed approaches for potential adoption into the relevant regional policy processes. To enable an interregional exchange, we further ensure dialogue with relevant stakeholders in other marine regions. To this end, we set up a regional stakeholder platform to facilitate joint learning and develop a community of practice. Finally, we explore links and opportunities for regional governance in a new international and legally-binding instrument on marine biodiversity in the high seas.

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