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International Ocean Conservation: Implications for WCPFC

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Submitted by the Secretariat

Executive Summary

1. There is increasing international attention on ocean conservation, which has significant implications for WCPFC and its role in managing highly migratory fish stocks, as well as non-target, associated, and dependent species in the Western and Central Pacific Ocean. This paper outlines key international developments in this area, particularly those occurring under the auspices of the United Nations (UN) and its Specialized Agencies.
2. The WCPFC Secretariat has previously engaged with the UN, including participating in Informal Consultations on the resumed Review Conference of the UN Fish Stocks Agreement and contributing to the Secretary-General's annual reports on oceans and the law of the sea. However, recent international developments—such as efforts to conserve marine biodiversity beyond national jurisdiction, deep seabed mining, and the implementation of the UN Sustainable Development Goals—are likely to impact WCPFC. These developments may require WCPFC to consider broader issues beyond traditional fisheries management, including ecosystem-based approaches and addressing the effects of climate change on marine resources.

Purpose

3. One of the key challenges WCPFC faces is the growing international focus on ocean conservation. The adoption in June 2024 of the [Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction](#) (the BBNJ Agreement) has placed additional pressure on WCPFC to incorporate broader ocean conservation efforts into its activities. So too are the efforts of the [International Seabed Authority](#) (ISA) to elaborate rules for governing deep seabed mining in the northeast and northwest Pacific. Member Governments are fully aware of these developments, but there has been little discussion on the implications of these developments for the Commission. This paper seeks to remedy this by providing information for CCMs on these developments.

UN Fish Stocks Agreement Review Process

4. The Review Conference on the UN Fish Stocks Agreement was initially held in 2006 and resumed in 2010, 2016, and 2023. During the 2023 session, the Parties to the Agreement decided to reconvene the Review Conference no earlier than 2028. The mandate for this conference will be to assess the effectiveness of the Agreement in ensuring the conservation

and management of straddling and highly migratory fish stocks. This will involve reviewing the adequacy of its provisions and, if necessary, proposing ways to strengthen its substance and implementation methods to address ongoing challenges. In the meantime, informal consultations among Parties will continue annually to address specific issues related to the Agreement's implementation, aiming to improve understanding, share experiences, and identify best practices for consideration by States Parties, the General Assembly, and the next Review Conference. The WCPFC Secretariat has contributed to past informal consultations, with a view to sharing its experiences with implementation of the Agreement. Depending on the subject matter of the informal consultations, WCPFC can be expected to continue to contribute to identifying best practices in implementing the UN Fish Stocks Agreement.

Agreement on Biodiversity Beyond National Jurisdiction (BBNJ Agreement)

5. A landmark agreement was adopted in June 2023, the [Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction](#) (the BBNJ Agreement). The BBNJ Agreement seeks to conserve and sustainably use marine biological diversity in areas beyond national jurisdiction through the fair and equitable sharing of benefits arising from marine genetic resources (MGRs), the establishment of area-based management tools (ABMTs), including marine protected areas (MPAs), a process for undertaking environmental impact assessments (EIAs), and obligations for capacity building and the transfer of marine technology (CBTMT). It establishes institutional arrangements, including a Conference of Parties (COP), a Scientific and Technical body, an Implementation and Compliance Committee, a Clearing-House Mechanism to share data and information and match capacity-building needs, and a Secretariat. Members of WCPFC were among the early signatories to the Agreement, which enters into force following 60 ratifications. A Preparatory Commission is scheduled to meet in April and August 2025 and again in 2026 to prepare for the Agreement's entry into force.¹
6. The inclusion of fisheries within the scope of the Agreement and the relationship between the Agreement and the mandates of other global, regional, subregional and sectoral bodies (IFBs) was a persistent issue during the negotiations. The agreed outcome is set out in Article 5.2 of the Agreement which provides that the "agreement shall be interpreted and applied in a manner that does not undermine relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies and that promotes coherence and coordination with those instruments, frameworks and bodies". More specifically in relation to the establishment of ABMTs, including MPAs, Article 22.2 requires the BBNJ COP to "respect the competences of, and not undermine" IFBs in establishing ABMTs. Article 21.2 describes explicitly the type of input that would be sought from IFBs on ABMTs, including views on the merits and geographic scope of the proposal, relevant scientific input, or information regarding any existing measures for the relevant area or for adjacent areas.
7. Recommendations from IFBs are to be considered and, as appropriate, taken into account in the assessment of proposals (Article 21.5). The BBNJ COP may take decisions on measures 'compatible' with those adopted by the relevant legal instruments and frameworks, in cooperation and coordination with those instruments, frameworks and bodies (Article 22.1(b)). The COP is able to provide recommendations to existing IFBs in instances where

¹ At the time of writing, 13 States have deposited their instruments of ratification of the BBNJ Agreement. See the [UN Treaty Collection webpage](#) for further details.

proposed management measures fall under the competence of those IFBs (Article 22.1(c)), but it is up to the IFB to adopt any measures.

8. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations (DOALOS) is organizing, in collaboration with relevant partners, a series of [regional workshops](#) to increase knowledge and understanding of the BBNJ Agreement. A Pacific regional workshop was held 8 to 11 July 2024 in Suva, Fiji, hosted by the [Office of the Pacific Ocean Commissioner](#). Experience in other regions has noted that sometimes there is a lack of communication between the ministry that leads the BBNJ negotiations and the ministry that leads the RFMO engagement. Dissemination of information on the BBNJ Agreement is therefore likely to be useful for WCPFC members.
9. The WCPFC is one of the few RFMOs that has a mandate which is directly relevant to the BBNJ Agreement. Article 5(f) of the [WCPF Convention](#) requires members of the Commission, in giving effect to their duty to cooperate, “to protect biodiversity in the marine environment”. The success of the BBNJ Agreement will depend on the effective implementation of Article 8.1 of the Agreement which requires cooperation among Parties and with the relevant global, regional, subregional, and sectoral bodies. Coordination and cooperation between WCPFC and the BBNJ COP will therefore be key. This will require engagement of WCPFC with the BBNJ processes.
10. There are several areas in which cooperation between IFBs, including WCPFC, and the BBNJ COP can prove useful. For example, the Clearing House Mechanism under the BBNJ Treaty should increase the availability of data and information on the high seas in the Pacific, which may be of benefit to WCPFC, particularly in considering ecosystem-based fisheries management. The BBNJ regime should strengthen interactions between global, regional, and sectoral bodies to address issues of relevance, such as the impacts of climate change and deep seabed mining and enable regional issues to be discussed in a global forum. The BBNJ’s requirements for environmental impact assessments may also provide safeguards against environmental harms and assist RFMO management measures to achieve their objectives.

International Seabed Authority and Draft Environmental Regulations

11. The agenda for the 20th Scientific Committee (SC20) meeting in August 2024 included ‘Deep-Sea Mining’ and a number of information papers were provided to SC20 including an IATTC paper on ‘Potential interactions between deep-sea mining and tuna fisheries’ dated May 2023 ([SC20-EB-WP-09](#)), a paper from the International Seabed Authority (ISA) on ‘Potential interactions between fishing and mineral resource-related activities in areas beyond national jurisdiction: a spatial analysis’ ([SC20-EB-IP-06](#)), and a WCPFC Secretariat information paper on Deep Seabed Mining Activities in the WCPFC Convention Area ([SC20-EB-WP-14](#)). The Secretariat paper explained that no commercial seabed mining activities are currently taking place in the WCPFC Convention Area (or anywhere in the world); however, deep seabed exploration (not extraction) is taking place in the Convention Area’s waters, including in an area of the high seas known as the Clarion Clipperton Zone (CCZ) in the Northeast Pacific Ocean, under a Regional Environmental Management Plan (REMP) of the ISA.² In addition,

² Information on the CCZ REMP can be found [here](#). The map and coordinates of the CCZ ISA Environmental Management Area can be found [here](#).

discussions by the ISA toward the commencement of deep seabed exploration in the Northwest Pacific Ocean are currently underway.³

12. The Secretariat paper highlighted the primary role of the ISA to manage the exploration and exploitation of marine mineral resources in the seabed and subsoil beyond national jurisdiction. In the Northeast Pacific Ocean, the ISA has granted exploration contracts to various entities, focusing on polymetallic nodules, polymetallic sulphides, and cobalt-rich ferromanganese crusts, especially in the CCZ. The ISA is also undertaking work on a Northwest Pacific REMP. This is being carried out in two stages: a scientific study or assessment will take place, to be followed by stakeholder consultations. The next ISA workshop to discuss the Northwest Pacific REMP will tentatively take place in 2026.
13. The Secretariat paper also referred to the IATTC's 14th Scientific Advisory Committee (SAC14) which met in May 2023 and considered the matter of deep-sea mining in the context of tuna fisheries. At the IATTC meeting in September 2024, the IATTC agreed that the organisation should seek observer status at the ISA. The WCPFC Secretariat has held informal discussions with both the ISA and IATTC Secretariat to share information on developments, including potential impacts of deep-sea mining on the conservation and management of tuna stocks and associated and dependent species.
14. SC20 adopted the following recommendations following a discussion of the Secretariat paper (Summary Outcomes Document, ([WCPFC21-2024-SC20-01](#)), para. 153):
 - a. SC20 noted that International Seabed Authority (ISA) activities in the Pacific Ocean region overlap with the WCPFC Convention Area.
 - b. SC20 noted the planned activities by the ISA in the Northwest Pacific toward deep sea exploration and the ongoing deep sea exploration activities in the Clarion-Clipperton Zone (CCZ).
 - c. SC20 also noted the present uncertainties around direct or indirect interactions between deep-sea mining activities and commercial fisheries for pelagic species.
 - d. SC20 recommended that the Commission task the Secretariat to engage with a broad range of stakeholders to gain awareness and understanding of deep seabed mining activities and their potential direct or indirect impact on tuna fisheries in the WCPFC Convention Area.
 - e. SC20 noted the Commission could consider tasking the WCPFC Secretariat to apply for observer status to the ISA.

2025 United Nations Oceans Conference

15. The [Third United Nations Ocean Conference \(UNOC3\)](#) will be held in Nice, France, 9-13 June, 2025. The Ocean Conference is an initiative to support the implementation of the [UN Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development](#). Previous UN Ocean Conferences were held in 2017 (New York) and 2022 (Lisbon). The theme of the 2025 Conference is: *"Accelerating action and mobilizing all actors to conserve and sustainably use the ocean"*.
16. The 2025 Ocean Conference will bring together Governments, the United Nations system, intergovernmental organisations, international financial institutions, other interested

³ A report from a recent workshop in February 2024 to develop a REMP for the Northwest Pacific can be found [here](#).

international bodies, non-governmental organizations, civil society organizations, academic institutions, the scientific community, the private sector, local communities and other stakeholders. The high-level event will include plenary discussion and action panels to assess the challenges and opportunities relating to, as well as actions taken towards, the implementation of Goal 14 according to ten (10) themes. Many of these themes are directly related to the work of WCPFC:

- a. Fostering sustainable fisheries management including supporting small-scale fishers.
 - b. Conserving, sustainably managing and restoring marine and coastal ecosystems including deep-sea ecosystems.
 - c. Promoting and supporting all forms of cooperation, especially at the regional and subregional level.
 - d. Preventing and significantly reducing marine pollution of all kinds, in particular from land-based activities.
 - e. Leveraging ocean, climate and biodiversity interlinkages.
 - f. Advancing sustainable ocean-based economies, sustainable maritime transport and coastal community resilience leaving no one behind.
 - g. Promoting the role of sustainable food from the ocean for poverty eradication and food security.
 - h. Increasing ocean-related scientific cooperation, knowledge, capacity building, marine technology and education to strengthen the science-policy interface for ocean health.
 - i. Enhancing the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the UNCLOS.
 - j. Mobilizing finance for ocean actions in the support of SDG14.
17. The Government of France has also advised that it is in the process of organizing a side event dedicated to fisheries, to take place in conjunction with the Oceans Conference. The output of the Ocean Conference is expected to be a concise, action-oriented, and intergovernmental agreed declaration, as well as commitments and pledges to accelerate the conservation and management of oceans and their resources.

Recommendations

18. The Commission is invited to consider the implications of the various international ocean conservation initiatives for WCPFC. It is recommended that the Commission:
- a. task the Secretariat, as recommended by SC20, to engage with a broad range of stakeholders to gain awareness and understanding of deep seabed mining activities and their potential direct or indirect impact on tuna fisheries in the WCPFC Convention Area.
 - b. task the Secretariat with maintaining engagement with these international ocean conservation initiatives and to report back to the Commission on a regular basis on international developments which may impact on WCPFC and its activities.
 - c. approve the WCPFC seeking observer status with the International Seabed Authority.