联合国粮食及农业组织 | Food and Agriculture Organization of the United Nations | Organisation des Nations Unies pour l'alimentation et l'agriculture | Продовольственная и сельскохозяйственная организация Объединенных Наций | Organización de las Naciones Unidas para la Alimentación y la Agricultura | منظمة الأغذية والزراعة للأمم المتحدة

COMMITTEE ON FISHERIES

SUB-COMMITTEE ON FISH TRADE

Eighteenth Session

Written Correspondence Procedure: 8 April to 8 May 2022
Virtual Plenary sessions: 7, 8, 9 and 20 June 2022

INFLUENCE OF BIODIVERSITY CONSERVATION INITIATIVES ON TRADE OF COMMERCIALLY EXPLOITED AQUATIC SPECIES

Executive Summary

In 2022, the Convention on Biological Diversity (CBD) will establish a "Post-2020 global biodiversity framework" that will guide the implementation of the Convention's work over the next decade and beyond. Furthermore, novel listings of commercially exploited aquatic species in Appendices I and II will be considered by the 19th Conference of Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The process and outcomes of both these events are expected to impact fish trade.

FAO continues to work with Multilateral Environmental Agreements (MEAs) to strengthen policy and practice across areas of mutual interest, which includes efforts to influence the theoretical focus and practical delivery of these initiatives, in line with the value that sustainable management and utilization of natural resources can offer for the conservation of biodiversity's structure and function. The ultimate objective of most global biodiversity conservation initiatives, especially MEAs, such as CBD and CITES, largely overlap with those of fisheries and aquaculture.

This working document identifies where effort is needed to better align the interests of fisheries and aquaculture and MEAs for the delivery of biodiversity conservation to maintain sustainable, legal and equitable fish trade and to deliver the associated long-term benefits.

Documents can be consulted at www.fao.org

NI363/e

Suggested action by the Sub-Committee
➢ Note the increasing focus on management and conservation of commercially exploited aquatic species by MEAs; ➢ Suggest actions to strengthen cooperation between FAO and relevant MEAs while identifying gaps and misalignments where remedial action is needed; ➢ Provide feedback on current and future work on fishery and biodiversity conservation issues, in terms of the topics, substance, and process to follow, so that FAO can continue to inform and support Members; ➢ Discuss the importance of the Ecosystem Approach to Fisheries and Aquaculture (EAF and EAA) frameworks as structural measures to management and conservation; and ➢ Provide guidance to the FAO's work of science-based information and advice to international environment fora.

INTERNATIONAL FRAMEWORK FOR BIODIVERSITY CONSERVATION

1. Multilateral Environmental Agreements (MEAs), such as the Convention on Biological Diversity (CBD) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and interrelated instruments, such as the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the Convention on Wetlands (Ramsar), have objectives related to biodiversity conservation in aquatic systems. These reflect management and conservation objectives for mainstreaming biodiversity across fisheries and aquaculture policy and practices.

2. Sustainable Development Goal (SDG) 14[1] addresses a range of targets aimed at improving the status of the ocean environment, fish stocks, and sustainable use and trade of aquatic life. These objectives reflect the general community's expectation of progress required by a range of actors, including the fisheries and aquaculture sector, that rely on the long-term productivity of natural resources.

3. In the case of the CBD, the current global biodiversity mainstreaming program of work is under re-negotiation to articulate the Post-2020 Global Biodiversity Framework[2] (Post-2020 Framework), which consists of a new vision for biodiversity conservation for 2021–2030 and beyond.

4. Additionally, a new legally binding agreement for dealing with biodiversity beyond national jurisdiction (BBNJ) is also under negotiation[3] within the existing legal framework of the United Nations Convention on the Law of the Sea (UNCLOS) and the agreement for the implementation of its provisions, the United Nations Fish Stocks Agreement (UNFSA).

5. Sustainable development and biodiversity conservation commitments made across a wide range of multilateral environmental agreements (including SDG, CBD, CITES, CMS, Ramsar) are prioritizing biodiversity mainstreaming work through a species or ecosystem perspective:

- Species focus: halt and reverse the extirpation (local extinction) and extinction (complete disappearance) of species that are vulnerable to the activity of fishing or aquaculture;

[1] SDG 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development: sdgs.un.org/goals/goal14.
[2] Current CBD Post 2020 documentation can be downloaded here: cbd.int/conferences/post2020.
[3] UN General Assembly convened a negotiating conference - see resolution adopted by the General Assembly. https://undocs.org/A/RES/72/249.

- Ecosystem focus: maintain and restore ecosystem functions, including habitats supporting fisheries and/or aquaculture, including establishing and strengthening spatial planning and management (including marine protected areas and other effective area-based conservation measures) to deliver biodiversity conservation.

6. Many countries are finding it challenging to reach time-bound sustainable development and biodiversity conservation thresholds associated with the SDGs, CBD and CITES, some of which were due in 2020. Furthermore, community interest and pressure is mounting for greater investment to ensure that these biodiversity commitments are achieved.

ACTIONS ON COMMERCIALLY EXPLOITED AQUATIC SPECIES THAT HAVE THE POTENTIAL TO IMPACT THEIR USE AND TRADE

7. Within the CBD, the current settings of the draft Post-2020 Global Biodiversity Framework (Post-2020 framework) adopts a more generalized approach to the conservation of species, without specific mention of fish or fisheries. This differs from the previous CBD decadal initiative, Aichi Target 6, that expressly set targets related to impacts on fisheries species, stocks, and ecosystems to maintain safe ecological limits.[4]

8. Based on the 2006 Memorandum of Understanding between FAO and CITES, and following the endorsement of the 25th Committee on Fisheries (COFI), FAO continues its close collaboration with the CITES Secretariat. This cooperation aims to support Members and CITES Parties in decisions relating to listing amendments for commercially exploited aquatic species in CITES Appendices and implementing CITES provisions for species that are already listed.

9. 2022 is a CITES Conference of Parties (CoP) year, and commercially exploited aquatic species are again expected to be proposed to the CoP for CITES listing amendment. Currently, there is no official documentation on which species will be proposed; however, there are documented submissions by Non-Governmental Organizations (NGOs) highlighting interest in (i) listing all species considered threatened on the International Union for Conservation of Nature (IUCN) Red List, and (ii) making listing amendments for a broad range of named commercially exploited aquatic species, including sharks, rays, tarpon, sea cucumbers, eel, seahorses, ornamental fish, a mollusc and a crab.[5]

10. Barring any COVID-19 related delays, the CITES Secretariat will publish species proposals lodged for the 19th CITES CoP on or near 24 June 2022. The 7th FAO Expert Advisory Panel for the Assessment of Proposals to Amend CITES Appendices will then be convened[6], as close to the public notification as possible, offering FAO Members and CITES Parties time for their consideration of the information provided in proposals and by the Expert Panel[7] before voting at the 19th CITES CoP.[8] FAO is seeking further support for this so that the 7th FAO Expert Advisory Panel can be held in person with globally recognised species, fisheries, and trade experts, and the Panel's findings can be broadly distributed in a range of formats;

[4] CBD Aichi Biodiversity Target 6 - By 2020, all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem-based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits.

[5] www.regulations.gov/document/FWS-HQ-IA-2021-0008-0001/comment.

[6] fao.org/fishery/en/cites-fisheries/ExpertAdvisoryPanel/en.

[7] This information included an Expert Panel report, short species summaries (in five languages) and explanatory videos that can be found here: fao.org/fishery/cites-fisheries/ExpertAdvisoryPanel/en.

[8] Scheduled for 14–25 November 2022 in Panama City, Panama.

11. The decision as to whether species “meet” or “do not meet” the CITES listing criteria are becoming more polarized, particularly over a long-standing ambiguity in understanding the required threshold of evidence[9], as already presented in COFI:FT/XVII/2019/9. This is especially the case when species are proposed for listing following Criterion B of paragraph 2a of Annex 2 of the CITES listing criteria.[7] Some consider this criterion to have a more flexible interpretation than Criterion A. FAO does not endorse the flexible interpretation of Criterion B of paragraph 2a of Annex 2.[10]

12. The decision on the CITES listing criteria can be further convoluted by advocating using IUCN Red List threat status determinations. The use of this evidence alongside the advice of the FAO expert panel can lead to confounding signals on sustainability due to recognized challenges in harmonizing IUCN’s Red List assessments with FAO’s fish stock status assessments[11].

13. If CITES Appendix II species proposals and listing decisions continue to be advocated using IUCN Red List threat characterizations and the flexible interpretation of Criterion B of paragraph 2a of Annex 2 (CITES), then fisheries and aquaculture stakeholders may need to revisit past discussions among FAO, IUCN, and CITES Secretariats[12] on the interpretation of threat and the criteria defined in the "fisheries footnote" of the Convention texts[13]. Without a common vision for risk assessments, there is a high likelihood that there will be continued disagreement over which commercially exploited aquatic species meet the CITES listing criteria.

14. The CITES Parties and NGOs widely fund the work on non-listed and listed aquatic species under the CITES Convention. In the past, funding for the FAO Expert Panel process and to support Members on implementation of CITES provisions for listed species has come mainly from FAO Regular Programme, with additional support provided by Japan, the United States of America and the European Union.

15. The publication the State of the World’s Aquatic Genetic Resources for Food and Agriculture14 presents the first -ever global assessment of the status of aquatic genetic resources for food and agriculture, focused on farmed aquatic species and their wild relatives within national jurisdiction. The field of genetics is rapidly evolving, and novel genetic technologies will probably impact fisheries management, genetic improvement and domestication, trade, marketing, traceability, biodiversity conservation, and maintenance of ecosystem functions. In this regard, FAO Fisheries and Aquaculture Division (NFI) maintains a watching brief on these developments to inform Members of progress and their likely impacts on management of fish stocks and market access of legally and sustainably produced fish.

[9] Whether or not they meet the criteria as understood by FAO. Also see CITES, 2011 (https://cites.org/sites/default/files/eng/com/ac/25/E25-10.pdf) Annex 3 paragraph 4, that explains IUCN and TRAFFIC’s approach to defining the CITES Criteria (“*The current wording of the criterion in Annex 2a B allows for flexibility in interpretation, so that decisions can be made on a case-by-case basis*”).

[10] fao.org/3/i2235e/i2235e00.pdf.

[11] In some cases, there are misalignments involving species with risk of extinction (COFI/2020/SBD.18. fao.org/3/cb1489en/cb1489en.pdf).

[12] CITES Secretariat described and accepted that there were ‘diverse approaches’ to the interpretation of Criterion B of paragraph 2a of the CITES Appendix II listing criteria - Sixteenth meeting of the CoP Bangkok (Thailand), 3–14 March 2013. Interpretation and implementation of the Convention amendment of the Appendices (https://cites.org/sites/default/files/eng/cop/16/doc/E-CoP16-71.pdf). Also see COFI Session Background Document (COFI/2020/SBD.18 fao.org/3/cb1489en/cb1489en.pdf) on IUCN Red List assessment and fisheries assessment mismatches.

[13] CITES Conf. 9.24. is an attempt by Party States under CITES to define just what "endangered" might mean for different types of plants and animals (https://cites.org/sites/default/files/document/E-Res-09-24-R17.pdf). It includes a “fisheries footnote”.

[14] fao.org/3/CA5256EN/CA5256EN.pdf.

ACTIONS ON ECOSYSTEMS THAT HAVE THE POTENTIAL TO IMPACT THE USE AND TRADE OF FISHERIES AND AQUACULTURE PRODUCTS

16. The framing of biodiversity conservation initiatives needs to centre on people's relationship with nature. Recognizing people as part of nature and promoting sustainable management of renewable aquatic resource use is consistent with efforts to conserve the structure and function of ecosystems. This approach contrasts with those prioritizing the exclusion of fisheries and aquaculture activity in order to realise biodiversity conservation (otherwise known as "protection" or "fortress conservation").[15] The latter approach could only incorporate a small subset of the available environment areas, and even then these areas would continue to be subject to human pressures operating at a global scale, such as greenhouse gas emissions pollution and invasive alien species, to name but two.

17. FAO's vision for biodiversity conservation across peopled land and seascapes is promoted within the United Nations and MEA processes. It focuses on food security and livelihoods within the strategic planning for biodiversity conservation. As an example, in the UN Decade of Ecosystem Restoration (2021–2030)[16], FAO promoted a vision for restoration across all ecosystems, independent of their level of use.[17]

18. Direct restorative action to minimize human impacts on the structure and function of ecosystems focuses on rebuilding their components. There is a growing realisation in the UN Decade of Ecosystem Restoration that these should not be limited to static components of ecosystems (e.g., mangrove forests; coral communities; seagrass beds), as mobile components like fish communities are also ecosystem engineers critical to the structure and function of natural systems. Considering that fish represent the largest vertebrate biomass on earth[18], their life habit is a crucial component of the global carbon cycle.[19] Therefore, actions to rebuild fish stocks should be given equivalent attention as actions to restore structural components that are immobile.

19. In promoting investment across a broader vision for conservation in the draft Post-2020 Framework, FAO has highlighted the utility of adopting an Ecosystem Approach to Fisheries and Aquaculture (EAF and EAA) as a working architecture for biodiversity conservation. If adopted, this approach will help ensure food security and livelihoods reliant on fish resources are part of the framework's focus, aiming to incorporate both people and the environment. This is crucial for ensuring that the implementation of the Post-2020 Framework does not become a barrier to the use and trade of fisheries and aquaculture products, where they are legal and sustainable.

20. In efforts by the biodiversity conservation community to promote spatial management, FAO has been advocating the understanding and use of other effective area -based conservation measures (OECMs) defined by CBD Parties in late 2018, within the context of addition or alternative to marine protected area (MPA) approaches. This spatial mechanism offers the fisheries sector a new opportunity for leadership and international recognition in spatial management, providing both fishery and general biodiversity benefits through controls of fishing across local, national, and regional scales.

---

[15] For example, the IUCN has a global target calling for at least 30 percent of the ocean having no extractive activities – 30 percent of each marine habitat to be set aside in highly protected marine protected areas (MPAs) and other effective area-based conservation measures (OECMs) by 2030. This is also requested by many Parties in CBD Post 2020 Global Biodiversity Framework negotiations.

[16] Led by FAO and the UN Environment Programme (UNEP).

[17] COFI/2020/Inf.15.2. Position paper on "Ecosystem Restoration" of production ecosystems, in the context of the UN Decade of Ecosystem Restoration 2021-2030 (fao.org/3/nd261en/nd261en.pdf).

[18] Bar-Ona, Phillips and Milo (2018, pnas.org/content/115/25/6506), plus figure (visualcapitalist.com/all--the--biomass--of--earth--in--one--graphic/).

[19] Kwok, 2009. nature.com/articles/news.2009.30; Bianchi, *et al.* 2021. science.org/doi/epdf/10.1126/sciadv.abd7554.

RELEVANT FAO FISHERIES WORK PLANNED FOR THE 2022–2023 BIENNIUM

21. The contemporary biodiversity considerations across food production systems are a fundamental part of COFI discussions. In the 34th Session of COFI, FAO was requested by Members to support a number of biodiversity-related commitments and operationalize a fisheries and aquaculture biodiversity plan as part of the FAO Biodiversity Strategy and Biodiversity Mainstreaming Platform.

22. Within the Decade of Ecosystem Restoration, FAO, with the assistance of UNEP as co-lead, will identify and develop possible activities and programmes within their mandates, using existing resources and additional voluntary contributions as appropriate.

23. Cross border-trade and foreign direct investment in fishery and aquaculture activities continues to increase, especially in developing countries. The setting of environmental agreements and regulations through conventions such as CITES can directly influence how these investments will flow and support the legal and sustainable management of fishing, aquaculture, and their trade. In this regard, FAO plans to:

- Support biodiversity mainstreaming discussions and strategic processes across FAO divisions and regional offices, including by the establishment and roll-out of the UN Decade of Ecosystem Restoration, so that the interests of biodiversity mainstreaming, food production and livelihoods in fishing and aquaculture are considered.
- Present FAO's vision for sustainable use of commercially exploited species in negotiations of biodiversity-related international agreements, such as the Post 2020 Framework, with potential to impact the use and trade of aquatic renewable resources.
- Continue cooperation with the IUCN, where possible, regarding the listing of fisheries species on the IUCN Red List and Red List Index.
- Support Members and CITES Parties' deliberations on species under consideration for CITES listing amendments.
- Provide guidance on Members' implementation of CITES provisions required for the trade of commercially exploited aquatic species that are CITES listed. This includes work across the whole value chain of stakeholders from fishers to exporters.
- Further work on describing the likely management, conservation, and market impacts of rapidly evolving molecular techniques used for characterization and tracking of aquatic genetic resources.
- Continue to produce and distribute communication materials on the identification and status of commercially exploited aquatic species and their management.[20]

[20] Examples of such materials can be seen in Expert Advisory Panel reports (fao.org/fishery/cites-fisheries/ExpertAdvisoryPanel/en), the "Database of measures on conservation and management of sharks" (fao.org/ipoa-sharks/database-of-measures/en/) and species identification materials (fao.org/fishery/fishfinder/en).