

INTER-AMERICAN TROPICAL TUNA COMMISSION

100TH MEETING

Phoenix, Arizona, USA

1-5 August 2022

PROPOSAL IATTC-100 M-1 REV

SUBMITTED BY COSTA RICA

ON THE BBNJ PROCESS

The Inter-American Tropical Tuna Commission (IATTC), gathered in Phoenix, Arizona (USA), on the occasion of its 100th Meeting

Recognizing that the United Nations General Assembly, through Resolution A/72/249, decided to convene an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee on the elements and to elaborate the text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), with a view to developing the instrument as soon as possible;

Recalling that the negotiations shall address the topics identified in the package agreed in 2011, namely, the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments and capacity-building and the transfer of marine technology;

Bearing in mind that this process and its result cannot undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies;

Emphasizing that neither participation in the negotiations nor their outcome may affect the legal status of non-parties to the Convention or any other related agreements with regard to those instruments, or the legal status of parties to the Convention or any other related agreements with regard to those instruments;

Taking into account the provisions of the Convention which, together with international implementing agreements and treaties, including those through which regional fisheries management organizations were established, guide and develop in a precise and robust manner the conservation and sustainable use of living marine resources without any regulatory gaps that could be identified;

Taking into account that the management of fisheries and fishing activities under the competence of regional fisheries management organizations responds to a robust and comprehensive system of rules, institutions, activities and actions, all aimed at the conservation and sustainable use of living marine resources, their ecosystems and marine biodiversity, in strict application of the international law reflected in the relevant provisions of the Convention and its implementation agreements, including the 1995 United Nations agreement on highly migratory species;

Considering the need to ensure that input from national fisheries management authorities, whether individual or collective, is duly integrated into the preparation of the text of the new agreement, in particular in order to safeguard the principle of not undermining the competencies of RFMOs;

Recognizing the imperative need to ensure that regional fisheries management organizations continue to strengthen their leading role in governance in their geographical area of competence, with a view to ensuring the conservation and sustainable use of fishery resources with an ecosystem and precautionary approach,

Considering that fishing activity is inherent to the protection of biodiversity and therefore should be recognized as an essential element in the scope of this declaration, recognizing and respecting the different RFMOs and the scope of their management measures, protection and promotion of fishing activity.

Bearing in mind that the fifth session of the Intergovernmental Conference will be held in New York City, United States of America, from 15 to 26 August 2022,

Agrees:

1. To urge Members and Cooperating Non-Members of the Commission to include representatives of national fisheries authorities in their delegations that will participate in this fifth session of the Intergovernmental Conference.
2. Request the Secretariat to participate in, and follow up on, the process initiated at the United Nations in order to highlight and preserve the role of RFMOs in all matters related to the conservation, management and sustainable use of fishery resources and fisheries in order to promote the coordination and cooperation necessary for this purpose and based on the respect and preservation of competencies, as a formula to ensure the integration of the relevant international organizations in an orderly manner within the framework of the non-detriment principle.
3. That the Commission express its views to the Intergovernmental Conference on the elements of the text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond

national jurisdiction ((BBNJ), to the effect that fishing activities and therefore the work carried out by RFMOs within the field of application of this instrument be considered as binding without being affected by the instrument that is being developed.