

Value for money?

The UN's Commission on Sustainable Development may not be adding any value to international policymaking

Any discussion of the role the Commission on Sustainable Development (CSD) should play on fisheries issues needs to take into account the broader debate about international ocean governance and strengthening international agreements and institutions that deal with Environment and sustainable development. The debate about effectiveness has tended to focus on institutional restructuring, such as the proposal to create a World Environment Organization to counter-balance the World Trade Organization (WTO) or to give the Trusteeship Council a new role as guardian of the global commons, which would include oceans and the atmosphere.

We believe that critical intervention should not necessarily be focused on the structure of institutions and agreements, but on governments, specifically on the way in which governments engage in international negotiations. Government approaches are currently characterized by a tendency towards short-term thinking, lack of focus and lack of clear priorities.

In the first half of the 1990s, the international community produced a large number of new international instruments and institutions in the area of environment and sustainable development. These include the UN Fish Stocks Agreement, the FAG Code of Conduct for Responsible Fisheries, the Convention on Biological Diversity and the CSD. These and other instruments do not reflect a common vision of what a system for international co-operation on Environment and sustainable development should look like, but are the results of disparate negotiating processes, time pressures, political compromises and other similar factors. Without a plan for

how instruments and institutions should relate to each other, the result was significant potential for overlap and duplication, and consequent inefficient and ineffective international decision-making. Consideration of fisheries in the Cm has been a discouraging case in point.

We are convinced that the nature of the challenges of sustainable development requires significantly strengthened international co-operation and a much better developed system of international agreements and institutions. However, looking at the limited progress achieved in the last few years through international negotiating processes that absorb an increasing amount of resources, it is easy to understand why international policy-making does not always inspire confidence at national or local levels.

A few years ago, the UN General Assembly estimated the cost of producing a single page of UN documentation at more than US\$900 (contrast this to the cost of inoculating a child against major diseases, at a fraction of the price). A look at the amount of paper UN meetings produce shows that the total costs are extraordinarily high. Especially if one adds costs such as those of government representatives attending the meeting, the price tag suggests that whenever possible, every single word should matter.

Politically difficult

Political factors frequently make it impossible to produce clear and specific decisions. Sometimes a broad, unspecific statement that expresses some level of agreement can be a very valuable outcome of a politically difficult meeting. International co-operation progresses through small steps. However, in the vast majority of cases it should be possible for

meetings, including those of the CSD, to produce outcomes that are much more result-oriented and that clearly add value.

In May 1996, the Fourth Session of the CSD reviewed Chapter 17 of Agenda 21, which deals with ocean issues. The resulting recommendations, which took days of negotiating time to produce, illustrate the problems described above.

As part of its review, the CSD considered the UN Fish Stocks Agreement, recently adopted after three years of intergovernmental negotiations. This involved the CSD entering into a debate on specific provisions of the Agreement and spending days on producing text which added very little, if anything, to what had already been agreed during the negotiations on the Agreement. The decision on "Implementation of International Fishery Instruments" welcomed the adoption of new instruments, including the UN Fish Stocks Agreement. It recommended that governments implement these instruments and emphasized general points covered by the UN Agreement and other instruments, for example, noting that the precautionary approach should be applied in accordance with the UN Agreement.

Re-opening negotiating issues at a low-level UN forum with little or no fisheries expertise is unlikely to be productive. Political factors obviously played the main role, but it was unclear what this exercise aimed to achieve. Observers who had participated in negotiations on the UN Fish Stocks Agreement shared concerns about the CSD's amateur approach, which clearly had the potential to undermine the work achieved through the UN Fish Stocks Agreement.

If the CSD wished to urge governments to become parties to the UN Fish Stocks Agreement, it should have been possible to draft and agree on appropriate text using very little time and effort. However, it is somewhat questionable if even that would have been good use of the international community's time: does the CSD's support for the Agreement add enough political weight to justify

spending time on producing a recommendation on the point? As noted below, the practice of endorsing outcomes already agreed in other forums needs to be reviewed.

Looking at the negotiating time and resources that went into producing this outcome, one has to ask if fisheries is an area where the CSD can add any value, or if time and resources would be better spent on other issues instead. Similar problems have, however, occurred in other issue areas (e.g. other ocean issues, chemicals management). The general co-ordinating role the CSD might play on sustainable development is restricted by its low place in the hierarchy of UN bodies and now also by its record over the last five years. The challenge for the CSD will be to identify a very clearly defined role, which does not duplicate work that is dealt with more effectively in other forums. It seems unlikely that such a role could be found in the oceans area.

The CSD's main achievement has probably been increased participation of NGOs in the UN, in particular NCOs from developing countries. While this is an extremely valuable development, one could also argue that the CSD has actually functioned as a device for drawing the attention of NGOs away from more important (but less accessible) parts of the UN system. The CSD is a subsidiary body of the Economic and Social Council (ECOSOC) which, in turn, is a subsidiary body of the UN General Assembly. This places the CSD low in the hierarchy of UN bodies, under a body which has been far from a model of efficiency, none of which is conducive to efficient policymaking. The CSD has absorbed a large amount of NCO effort and resources, with very limited results.

The CSD's role on fisheries is particularly questionable because other forums with more appropriate mandates exist. These include the UN General Assembly, and possibly also the Meetings of States Parties to the UN Convention on the Law of the Sea (Los Convention) at UN Headquarters, and, among the specialized agencies, FAO.

UN Review

The UN General Assembly reviews the LOS Convention, fisheries and other ocean

matters in an annual debate, which covers all aspects of oceans' use and management. A key aspect is the integrated coverage of issues. It is an outstanding opportunity to consider priorities, exchange experiences and highlight successes and challenges at a global level. In its present form, the debate consists mainly of general statements and it is questionable whether it is productive use of UN time.

However, the formal role the Assembly has taken on for the UN Fish Stocks Agreement, combined with its reviews developments on large-scale drift-net fishing, illegal fishing and fisheries by-catch and discards, strongly reinforces the role of the Assembly on fisheries.

The Assembly has, in the past, dealt with the drift-net issue with considerable success. Its oversight function for the UN Fish Stocks Agreement now provides a key tool for monitoring progress on the Agreement, making it extremely important that governments engage more actively in the Assembly debate.

As the UN Fish Stocks Agreement is an "Implementing Agreement" under the LOS Convention, Meetings of the States Parties to the Convention may also have a role to play. The States Parties have considered their role in reviewing ocean matters, but without reaching any definitive conclusions.

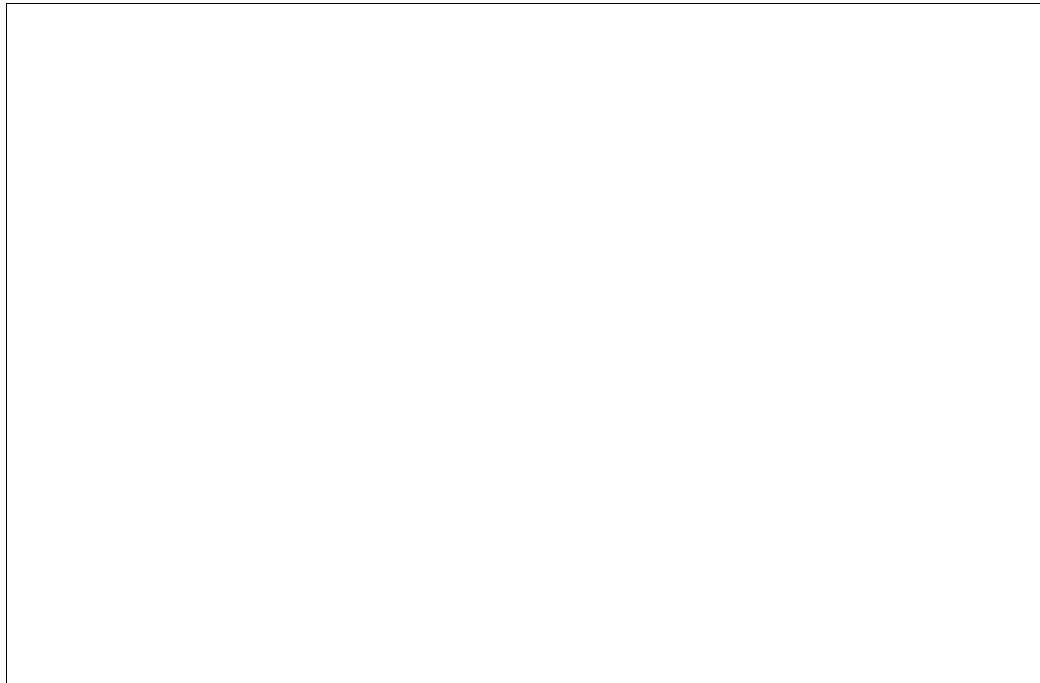
There are a number of outstanding issues not dealt with in detail by the UN Fish Stocks Agreement or the FAO Code of Conduct for Responsible Fisheries, The latter is an important voluntary instrument, developed in parallel with the legally binding UN Agreement. The outstanding issues include fishing fleet overcapacity, which was too thorny to resolve in negotiations on the UN Agreement or the FAO Code.

In 1998, FAO, as the lead technical agency on fisheries, hosted two technical consultations on overcapacity. At the preparatory meeting in July, initial discussion on national and international programmes of action (NPOA & IPOA) was undertaken by participating governments and the European Union.


At the more recent consultation during 26-30 October, a draft non-binding document on overcapacity (International Guidelines/Plan of Action for the Management of Fishing Capacity) was approved by representatives of 81 countries and the EU.

Scene set

The scene is now set for a formal declaration of commitment to take concrete action on overcapacity at both national and international level. The draft document was adopted by the Twenty-third Session of FAO's Committee on Fisheries (COFI, 15-19 February 1999).



The development to date, although not without difficulties, signal another opportunity for ensuring the conservation and sustainable use of world fisheries resources. Without doubt, FAO, with its technical expertise, data and long-standing role as facilitator on international fisheries issues, is the most appropriate body to deal with this complex issue. If the results of the FAO deliberations on Overcapacity appear on the agenda of the CSD in April 1999, important questions arise. What would be the desired outcome of the CSD's deliberation of this issue? Will the CSD add political impetus to moving these action plans on overcapacity forward?

A hard look at the system of international agreements and institutions in the area of environment and sustainable development shows that it is inefficient and anything but cost-effective, even taking into account the political constraints on international policymaking. In the first instance, the critical intervention point is government approaches. 

This piece is by Joy Hyvarinen and Indrani Lutchman. Independent researchers working on fisheries issues