

Background document on the Kunming-Montreal Global Biodiversity Framework and the International treaty on Sustainable use of Marine Biological Diversity of Areas beyond National Jurisdiction

IWC Secretariat

1. Kunming-Montreal Global Biodiversity Framework

The Kunming-Montreal Global Biodiversity Framework (GBF) was adopted during the fifteenth meeting of the Conference of the Parties (COP 15) (Dec 2022) following a four year consultation and negotiation process. This historic Framework, which supports the achievement of the Sustainable Development Goals and builds on the Convention's previous Strategic Plans, sets out an ambitious pathway to reach the global vision of a world living in harmony with nature by 2050. Among the Framework's key elements are 4 goals for 2050 and 23 action-oriented targets for 2030.

The implementation of the Kunming-Montreal Global Biodiversity Framework will be guided and supported through a comprehensive package of decisions also adopted at COP 15. This package includes a monitoring framework for the GBF, an enhanced mechanism for planning, monitoring, reporting and reviewing implementation, the necessary financial resources for implementation, strategic frameworks for capacity development and technical and scientific cooperation, as well as an agreement on digital sequence information on genetic resources.

These targets build on those of Aichi Biodiversity Targets and Sustainable Development Goals (SDGs).

IWC has been involved with the CDB discussions on the development of the post 2020 global biodiversity goals for many years, including participation in the Bern Workshops and online discussions. A further Bern Workshop- Bern 3 is being organised for early 2024 for which the IWC is engaged in the preparatory process. The primary objectives for Bern 3 are to:

- a) Identify opportunities to strengthen cooperation and collaboration among biodiversity-related conventions and other multilateral agreements in implementing the Kunming-Montreal Global Biodiversity Framework at all appropriate levels;
- b) Make recommendations on further steps that could be taken to strengthen cooperation and collaboration, while recognizing respective roles and mandates of all concerned; and
- c) Share practical experiences of cooperation and collaboration in implementation that could be scaled up in appropriate circumstances.

The IWC's engagement to date has been to raise awareness of the mandate and work of the IWC, particularly science, management of aboriginal subsistence whaling, and addressing critical threats to cetacean populations. The Commission has supported IWC's engagement in the CBD, although the IWC has yet to take decision on whether to align with the Framework as it was adopted after IWC68 so now it the time to examine whether we will and if so how.

In order to assist discussion, the Secretariat has adapted a table (Table 1) originally created by WCMC to assist in the Expert Workshop on the development of Bern 3, to show how other MEAs are aligned. A second table (Table 2) was drafted to outline how the work we do already contributes to many of the targets. The majority of the Liaison Group of Biodiversity-related Conventions (BLG) members have already aligned their Strategic Plans as much as possible with the Framework and are working

with members to look at how National Biodiversity Strategies and Action Plans (NBSAPs) can be revised accordingly.

Existing mandates from the IWC and its subsidiary bodies are as follows:

Commission Recommendation CO1841: Secretariat to continue to explore opportunities to collaborate with BLG members and, if possible, attend the forthcoming Convention on Biological Diversity Conference of Parties in November 2018

CO1835 SDG process: IWC to continue to engage with the SDGs process, where relevant, including to highlight and progress the IWC contribution to the SDGs.

CO1870 Cooperation with other organisations (Resolution 2018-5) requests the Secretariat to seek further cooperation with other relevant international agreements and organizations, such as, inter alia, the Convention on Biological Diversity,

CC2038: The Conservation Committee agreed with the next steps proposed by the Secretariat with regards to engagement in the process to develop the Post-2020 Global Biodiversity Framework, noting that the development of any proposals to IWC68 on the GBF should be led by Contracting Governments.

At IWC68: the Commission was provided with an update on the CBD process and the approach taken by the IWC Secretariat in representing the Commission - i.e. work already underway/mandated, via the Secretariat's paper on cooperation with other organisations (section 7, CCPG_OCT23_14).

To consider:

In order to further develop this paper please let the Secretariat know of any other Targets IWC is contributing to and how

Does the CCPG want to include this as an agenda item for CC in order to propose a recommendation to Commission that IWC support the GBF and encourage members to revise NBSAPs and report relevant conservation activities to the Conservation Database/National Progress Reports?

Table 1: Comparison of actions across MEAs aligned with the Global Biodiversity Framework (adapted from WCMC background document for the Workshop on developing Bern 3, June 2023).

Target 1: All areas are planned or managed to bring loss of areas of high biodiversity importance close to zero		✓		✓		✓	✓	✓	✓	
Target 2: 30% of degraded areas are under effective restoration	✓	✓		✓		✓	✓	✓	✓	
Target 3: 30 per cent of areas are effectively conserved	✓	✓		✓			✓	✓	✓	
Target 4: Threatened species recovering, genetic diversity maintained and human-wildlife conflict managed	✓	✓	✓	✓	✓	✓	✓			
Target 5: Use, harvesting and trade of wild species is sustainable, safe and legal	✓	✓	✓	✓	✓		✓			
Target 6: Reduce rates of introduction and establishment of invasive alien species by 50 per cent		✓		✓	✓		✓			
Target 7: Pollution reduced, halving nutrient loss and pesticide risk	✓	✓		✓			✓			✓
Target 8: Minimize impacts of climate change through nature-based solutions/ecosystem-based approaches	✓	✓		✓	✓		✓	✓	✓	
Target 9: Management of wild species is sustainable and benefits people	✓	✓	✓	✓			✓			
Target 10: Areas under agriculture, aquaculture, fisheries and forestry are managed sustainably	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Target 11: Nature’s contributions to people are restored, maintained and enhanced	✓	✓		✓			✓	✓	✓	
Target 12: Urban green and blue spaces enhanced for human well-being		✓		✓			✓			












										
Target 13: Fair and equitable sharing of benefits from genetic resources, DSI and traditional knowledge		✓				✓				
Target 14: The multiple values of biodiversity are integrated into decision-making at all levels		✓		✓			✓			
Target 15: Businesses assess and disclose biodiversity dependencies, impacts and risks	✓	✓		✓			✓			
Target 16: Sustainable consumption choices are enabled, and food waste reduced by half		✓	✓	✓			✓			
Target 17: Strengthen biosafety and distribute benefits of biotechnology										
Target 18: Reduce harmful incentives by at least \$500 billion per year		✓		✓			✓		✓	
Target 19: Financial resources increased to \$200 billion per year, including \$30 billion international finance		✓				✓	✓	✓	✓	
Target 20: Capacity-building, technology transfer, technical & scientific cooperation strengthened	✓	✓	✓	✓			✓	✓		
Target 21: Data, information and knowledge for decision-making is available	✓	✓	✓	✓			✓			
Target 22: Ensure participation, justice, and rights for IPLCs, women, youth persons with disabilities ...	✓	✓		✓		✓	✓	✓	✓	
Target 23: Implementation follows a gender-responsive approach		✓		✓			✓	✓	✓	

Table 2: IWC contributions to the outlined GBF Targets

GBF Targets ¹	IWC work/contribution
<p>Target 2: Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and marine and coastal ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity.</p> <p>Target 3: Ensure and enable that by 2030 at least 30 per cent of terrestrial and inland water areas, and of marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories.</p>	<p>Article V of the ICRW provides for the fixing of open and closed waters, including the designation of Sanctuary areas.</p> <p>Sanctuaries (CO0201: The Commission endorsed Resolution 2002-1 Guidance to the Scientific Committee on the Sanctuary review process)</p> <p>1979:3 Resolution in relation to the establishment of a whale sanctuary in the Indian Ocean.</p> <p>1980:10 Resolution on preservation of the habitat of whales and the marine environment.</p> <p>1992:4 Resolution on a Sanctuary in the Southern Hemisphere</p> <p>1993:6 Resolution on a Sanctuary in the Southern Ocean</p> <p>1993:13 Resolution on the Preservation of the Marine Environment</p> <p>Resolution 2003-1 The Berlin Initiative on Strengthening the Conservation Agenda of the International Whaling Commission</p> <p>In 1994 the Commission adopted, by vote, a proposal for a boundary at 60°S in the SE Pacific and far SW Atlantic sectors, thereby not overlapping the EEZ's of Argentina and Chile. In the Indian Ocean sector, the amended proposal had a boundary at 55°S, thereby adjacent to but not overlapping the Indian Ocean Sanctuary. The boundary was set at 40°S in the central and eastern South Atlantic and the western South Pacific. The sanctuary overlaps with the EEZ's of Australia and New Zealand, and with the fishery conservation zones of overseas territories of France and the UK. The decision contained a provision that it be reviewed at 10-year intervals.</p> <p>Resolution 2001-11, Resolution on the Importance of Habitat Protection and Integrated Coastal Zone Management</p> <p>Resolution 2000-9, Resolution on the conservation of Freshwater Cetaceans</p>
<p>Target 4: Ensure urgent management actions to halt human induced extinction of known threatened species and for the recovery and conservation of species, in particular threatened species, to significantly</p>	<p>Conservation Management Plans work, the Bycatch Mitigation Initiative, Resolution 2003-1 on The Berlin Initiative on Strengthening the Conservation Agenda of the International Whaling Commission</p>

¹ <https://www.cbd.int/gbf/targets/>

<p>reduce extinction risk, as well as to maintain and restore the genetic diversity within and between populations of native, wild and domesticated species to maintain their adaptive potential, including through in situ and ex situ conservation and sustainable management practices, and effectively manage human-wildlife interactions to minimize human-wildlife conflict for coexistence.</p>	<p>Resolution 2000-9, Resolution on the conservation of Freshwater Cetaceans Resolution 2001-13, Resolution on Small Cetaceans Resolution 2016-5 on the Critically Endangered Vaquita Resolution 2007-5, Resolution: The Vaquita, from Critically Endangered to Facing Extinction.</p>
<p>Target 5: Ensure that the use, harvesting and trade of wild species is sustainable, safe and legal, preventing overexploitation, minimizing impacts on non-target species and ecosystems, and reducing the risk of pathogen spillover, applying the ecosystem approach, while respecting and protecting customary sustainable use by indigenous peoples and local communities.</p>	<p>Overall mandate of the Commission -conservation of whale stocks CC and SC bycatch work, ASW hunting, SC work on pathogens and One Health approach 1990:6 Resolution in Support of the United Nations General Assembly Initiative Regarding Large-Scale Pelagic Driftnet Fishing and its Impact on the Living Marine Resources of the World’s Oceans and Seas. 1994:7 Resolution on International Trade in Whale Meat and Products 1997:4 Resolution on Cetacean Bycatch Reporting and Bycatch Reduction From 2001 onwards, the Scientific Committee has maintained a regular subcommittee on “Bycatch and other Human Induced Mortality Resolution 2001:4 on the incidental capture of cetaceans The Commission endorsed Resolution 2012-1 on the Importance of Continued Scientific Research with Regard to the Impact of the Degradation of the Marine Environment on the Health of Cetaceans and Related Human Health Effects. Resolution 2001-12, Resolution on Dall’s Porpoise Resolution 2001-13, Resolution on Small Cetaceans Resolution 2006-1, St. Kitts and Nevis Declaration Resolution 2007-5, Resolution: The Vaquita, from Critically Endangered to Facing Extinction. Resolution 2014-1, Resolution on Aboriginal Subsistence Whaling (ASW) Resolution 2016-5, on the Critically Endangered Vaquita Resolution 2018-5 on the Florianopolis Declaration on the role of the International Whaling Commission in the conservation and management of Whales in the 21st Century.</p>

<p>Target 7: Reduce pollution risks and the negative impact of pollution from all sources by 2030, to levels that are not harmful to biodiversity and ecosystem functions and services, considering cumulative effects, including: (a) by reducing excess nutrients lost to the environment by at least half, including through more efficient nutrient cycling and use; (b) by reducing the overall risk from pesticides and highly hazardous chemicals by at least half, including through integrated pest management, based on science, taking into account food security and livelihoods; and (c) by preventing, reducing, and working towards eliminating plastic pollution.</p>	<p>Resolution 2000-6, Resolution on POPS and heavy metals Resolution 2001-10 Resolution on the Stockholm Convention on Persistent Organic Pollutants Resolution 2012-1 on the Importance of Continued Scientific Research with Regard to the Impact of the Degradation of the Marine Environment on the Health of Cetaceans and Related Human Health Effects. Resolution 2016-4 on Minamata Convention Resolution on underwater noise 2018-4 Resolution 2022 on Marine Plastic Pollution, SC and CC work on chemical pollution, noise pollution, work with IMO on these issues and marine debris</p>
<p>Target 8: Minimize the impact of climate change and ocean acidification on biodiversity and increase its resilience through mitigation, adaptation, and disaster risk reduction actions, including through nature-based solutions and/or ecosystem-based approaches, while minimizing negative and fostering positive impacts of climate action on biodiversity.</p>	<p>SC and CC topic, Resolution 2003-1 on The Berlin Initiative on Strengthening the Conservation Agenda of the International Whaling Commission Resolution 2009-1 Consensus Resolution on Climate and Other Environmental Changes and Cetaceans</p>
<p>Target 9: Ensure that the management and use of wild species are sustainable, thereby providing social, economic and environmental benefits for people, especially those in vulnerable situations and those most dependent on biodiversity, including through sustainable biodiversity-based activities, products and services that enhance biodiversity, and protecting and encouraging customary sustainable use by indigenous peoples and local communities.</p>	<p>ASW, SC management, overall mandate, SM work on direct takes/wild meat Resolution 2001-4 Resolution on the incidental capture of Cetaceans Resolution 2001-13, Resolution on Small Cetaceans Resolution 2007-3, Resolution on the Non-Lethal use of Cetaceans Resolution 2014-1, Resolution on Aboriginal Subsistence Whaling (ASW). Resolution 2018-5 on the Florianopolis Declaration on the role of the International Whaling Commission in the conservation and management of Whales in the 21st Century.</p>
<p>Target 10: Ensure that areas under agriculture, aquaculture, fisheries and forestry are managed sustainably, in particular through the sustainable use of biodiversity, including through a substantial increase of the application of biodiversity friendly practices, such as sustainable intensification,</p>	<p>CC and SC, BMI work on bycatch; SC and ASW hunting, Global Whale Entanglement network working with fisheries and national governments, alternative gears, IMO pollution, gear marking Resolution 2001-4 Resolution on the incidental capture of Cetaceans</p>

<p>agroecological and other innovative approaches, contributing to the resilience and long-term efficiency and productivity of these production systems, and to food security, conserving and restoring biodiversity and maintaining nature’s contributions to people, including ecosystem functions and services.</p>	<p>Resolution 2001-12, Resolution on Dall’s Porpoise Resolution 2001-13, Resolution on Small Cetaceans Resolution 2007-3, Resolution on the Non-Lethal use of Cetaceans Resolution 2007-5, Resolution: The Vaquita, from Critically Endangered to Facing Extinction. Resolution 2014-1, Resolution on Aboriginal Subsistence Whaling (ASW) Resolution 2016-5 on the Critically Endangered Vaquita Resolution 2018-3 on ghost gear entanglement among cetaceans. Resolution 2018-5 on the Florianopolis Declaration on the role of the International Whaling Commission in the conservation and management of Whales in the 21st Century.</p>
<p>Target 11: Restore, maintain and enhance nature’s contributions to people, including ecosystem functions and services, such as the regulation of air, water and climate, soil health, pollination and reduction of disease risk, as well as protection from natural hazards and disasters, through nature-based solutions and/or ecosystem-based approaches for the benefit of all people and nature.</p>	<p>SC and CC work on Ecosystem modelling and socio-eco functions of cetaceans driving work towards how IWC can assist with ‘restore, maintain’ in the future. Resolution 2001-11, Resolution on the Importance of Habitat Protection and Integrated Coastal Zone Management Resolution 2003-1 on The Berlin Initiative on Strengthening the Conservation Agenda of the International Whaling Commission Resolution 2016-3 on Cetaceans and Their Contributions to Ecosystem Functioning. Resolution 2018-2 on advancing the Commission's work on the role of cetaceans in the ecosystem functioning. Resolution 2018-5 on the Florianopolis Declaration on the role of the International Whaling Commission in the conservation and management of Whales in the 21st Century.</p>
<p>Target 15: Take legal, administrative or policy measures to encourage and enable business, and in particular to ensure that large and transnational companies and financial institutions: (a) Regularly monitor, assess, and transparently disclose their risks, dependencies and impacts on biodiversity, including with requirements for all</p>	<p>Working with IMO, AIS data providers WW industry partners, satellite technology, fisheries to improve knowledge, improve practices, capacity build</p>

<p>large as well as transnational companies and financial institutions along their operations, supply and value chains, and portfolios; (b) Provide information needed to consumers to promote sustainable consumption patterns; (c) Report on compliance with access and benefit-sharing regulations and measures, as applicable; in order to progressively reduce negative impacts on biodiversity, increase positive impacts, reduce biodiversity-related risks to business and financial institutions, and promote actions to ensure sustainable patterns of production.</p>	
<p>Target 20: Strengthen capacity-building and development, access to and transfer of technology, and promote development of and access to innovation and technical and scientific cooperation, including through South-South, North-South and triangular cooperation, to meet the needs for effective implementation, particularly in developing countries, fostering joint technology development and joint scientific research programmes for the conservation and sustainable use of biodiversity and strengthening scientific research and monitoring capacities, commensurate with the ambition of the goals and targets of the Framework.</p>	<p>Training in strandings, WW, entanglement response/bycatch, reporting ship strikes, access to Voluntary Assistance Fund, Voluntary Conservation Fund and IWC funded projects, open access journal, internships with the Secretariat. Supporting educational programmes and awareness raising via CMPs, development of factsheets Resolution 2016-6 on the Creation of a Fund to Strengthen the Capacity of Governments of Limited Means to Participate in the Work of the IWC</p>
<p>Target 21: Ensure that the best available data, information and knowledge are accessible to decision makers, practitioners and the public to guide effective and equitable governance, integrated and participatory management of biodiversity, and to strengthen communication, awareness-raising, education, monitoring, research and knowledge management and, also in this context, traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent,[2] in accordance with national legislation.</p>	<p>SC to CC to Commission/NGO/institutes on all topics in strategic plans, journal open access Resolution 2014-3 on Civil Society Participation and Transparency at the IWC. Resolution 2006-3, French and Spanish as Working Languages of the Commission. Resolution 2003-4 Use of Simultaneous Interpretation at Annual Meetings of the International Whaling Commission Resolution 2001-1, Resolution on Transparency within the International Whaling Commission Resolution 2004-4 to Take Into Account The Special Position of Very Small Countries in Calculating Financial Contributions</p>

<p>Target 22: Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.</p>	<p>ASW work, equality and participation procedures Resolution 2014-1, Resolution on Aboriginal Subsistence Whaling (ASW). Resolution 2006-1, St. Kitts and Nevis Declaration Resolution 2003-4 Use of Simultaneous Interpretation at Annual Meetings of the International Whaling Commission Resolution 2004-4 to Take Into Account The Special Position of Very Small Countries in Calculating Financial Contributions</p>
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2. International treaty on Sustainable use of Marine Biological diversity of Areas beyond National Jurisdiction.

Background²

On 19 June 2023 the Treaty of the High Seas was **adopted by consensus** during the United Nations meeting in New York. This Treaty is key to protect the ocean, promote equity and fairness, tackle environmental degradation, fight climate change, and prevent biodiversity loss in the high seas. In reviewing the objective and mandate of this treaty, it is important to note that the IWC is a global treaty, and that its members adhere to the decisions of IWC on all areas beyond national jurisdiction.

After more than a decade of preparatory works, the United Nations General Assembly decided, in 2015, to develop an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (UNGA resolution 69/292). The series of conferences to develop the new BBNJ legally-binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) began in 2018, and successfully concluded with the adoption of a new [treaty](#) on 19 June.

The General Assembly resolution 77/321 "Agreement 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" adopted on 1 August 2023 is currently available as A/77/L.82.

On 7 September 2023, the Office of Legal Affairs of the United Nations announced that the treaty will be open for signatures by all States and regional economic integration organisations from 20 September 2023 and shall remain open for signature at United Nations Headquarters in New York until 20 September 2025.

The treaty will enter into force after ratification by 60 States³. As of 29 September, 81 signatories.

The Treaty

Areas beyond national jurisdiction (ABNJ) cover nearly $\frac{2}{3}$ of the ocean.

The Treaty aims to better implement the United Nations Convention on Law of the Sea. Through both binding and voluntary measures, the Treaty outlines means to protect and conserve the vast geographical area through better cooperation and coordination of various stakeholders. This includes goals to advance scientific research, globally and ensure compatibility with existing roles and responsibilities of the stakeholders.

The BBNJ has four core areas⁴:

Marine Genetic Resources, including the fair and equitable sharing of benefits
Area Based Management Tools, including Marine Protected Areas
Environmental Impact Assessments and
Capacity Building and the Transfer of Marine Technology

² <https://www.un.org/bbnj/>

³ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI-10&chapter=21&clang=en&_gl=1*jxkg46*_ga*NjY1NjgwNDE4LjE2Nzc1OTEwNzg.*_ga_TK9BQL5X7Z*MTY5NTk4NTc5Ny40LjEuMTY5NTk4NTkyMy4wLjAuMA

⁴ <https://bbnj-mgr.fas.harvard.edu/bbnj-treaty#:~:text=The%20Treaty%2C%20which%20includes%20binding,and%20coordination%20of%20various%20stakeholders>

The Preamble as well as the operative text of the Treaty emphasise addressing biological diversity loss and degradation of ecosystems of the ocean. There is a particular focus on loss due to climate change impacts on marine ecosystems, pollution, including plastic pollution, and unsustainable use.

It establishes the **sharing of benefits from marine genetic resources** and foresees capacity building and the transfer of marine technology between the parties. To address existing inequalities in sharing the benefits (including access) gained from the organisms of ABNJ there are additional monetary benefit sharing requirements associated with any commercialisation from utilising marine genetic resources. Apart from patents and commercialisation, benefits could include a wide range of resources, including collection activity information, samples and information about publication.

The Treaty contains **clear rules to conduct environmental impact assessments**, with the right checks and balances, before running activities in the high seas.

The BBNJ Treaty sets up a procedure to establish large-scale marine protected areas in the high seas. This facilitates the achievement of the target to effectively conserve and manage 30% of land and sea by 2030, which was agreed in December 2022 within the Kunming-Montreal Global Biodiversity Framework.

Each country that becomes a Party will take legislative, administrative or policy measures to implement the Treaty at the national level.

Current relevant work of IWC

- IWC mandate is global
- IWC contributes to the annual request of activities for the Report of the Secretary-General on Oceans and the Law of the Sea (DOALOS).
- Bycatch Mitigation Initiative project with FAO focuses on ABNJ and fisheries while also working with Regional Fisheries Management Organisations (RFMOs) who also cover these areas
- Sanctuaries
- Ship Strikes, noise and marine debris and work with the shipping industry

To consider:

Suggestions for any other relevant work areas to be included

Does the CCPG want to include this as an agenda item for discussion at Conservation Committee and potentially to recommend to Commission that IWC support the BBNJ Treaty and encourage members to sign?