An Intersectionality-Based Policy Analysis of High Seas Policy Making Stagnation and Equity in United Nations Negotiations

The American Academy of Social Work and Social Welfare's Grand Challenges for Social Work call on social workers to "create social responses to a changing environment" by addressing the socioeconomic impacts of environmental challenges with a specific emphasis on "advocacy to elevate public and policy attention to the social and human dimensions of environmental change" (Kemp & Palinkas, 2015, p. 3). However, inequitable governance structures perpetuate the socioeconomic disparities created by environmental changes—threatening achievement of the United Nations' Sustainable Development Goals [SDGs]. As a result, social workers need to move beyond using policy to address environmental inequities, and critique the structures used for global governance of shared natural resources. One pertinent example is the governance of the high seas, or the ocean's international waters beyond a singular country's jurisdiction, under the 1982 United Nations Convention on the Law of the Sea [UNCLOS].

One of the ocean's most pressing social-ecological challenges is marine fish stocks' continued decline, with 33.1% of stocks classified as overfished (i.e., fished beyond sustainable levels) in 2015, a 1.4% increase from 2013 (Food and Agriculture Organization (United Nations) [FAO], 2018). These changes are primarily perpetrated by increasing fishing pressures, driven by consumption demands predicated on greater demand for exotic fish products (e.g., sushi), trade globalization, human population growth, and increasing scientific evidence of fish's health and nutritional benefits (FAO, 2018). And, while stocks in developed countries' coastal waters showed some rebounds, these gains were offset by further decreases in developing countries' stocks (FAO, 2018). The persistence of these declines is problematic: Though poorer states lack

the capacity to fish on the high seas, and no artisanal or subsistence fishing occurs that far from shore, approximately 54% of low-income, fish-reliant states depend on species that straddle and/or migrate between territorial waters and the high seas (Teh et al., 2016). Of the 10 million tons of fish caught on the high seas, less than 1% contains species found exclusively in the high seas (Sumaila et al., 2015).

Because of this straddling, high seas overfishing impacts reverberate through populations not engaged in the activity. Specifically, high seas overfishing contributes to coastal stock depletions—threatening many of the world's most vulnerable populations. While 3.1 billion people, or more than 40% of the world's population, rely on seafood as their primary protein source, in most coastal developing countries, marine fish constitute more than 50% of dietary protein intake (FAO, 2016). Approximately 90% of small-scale (e.g., subsistence and artisanal), marine capture fishers worldwide (or an estimated 22-26 million impoverished people) live in coastal developing countries where few alternative livelihood activities exist (Teh & Sumaila, 2013). Therefore, high seas governance is a social justice issue of relevance to ecosocial work. This paper offers an Intersectionality-Based Policy Analysis [IBPA] (Hankivsky, 2012) of United Nations [UN] policymaking related to the high seas, including an empirical analysis of committee structures and voting patterns to support this conceptual framework, and an examination of the differential impacts of high seas policymaking on marginalized global populations. The IBPA framework evaluates how intersecting identities and characteristics of a population – here, global states – perpetuate inequities and privileges in policy problems, processes, and responses. It is based on the premise that reducing marginalized populations to a singular identity perpetuates oppression (Hankivsky, 2012). UNCLOS, a macro policy focusing on parties to the convention, ascribes a singular identity to all parties—a member state. This

practice inhibits equity by ignoring the plurality of characteristics that formulate each state's identity and how these characteristics interact to influence the state's behaviors and participation in international high seas policy decision-making processes. Considering this intersectionality is also imperative to gaining a more complex understanding of the power relationships between states and how specific characteristics (e.g., major economies) may be more valued, maintaining unequal power distributions throughout the UN system. The paper concludes with recommendations for transforming the problem and the policy process with a focus on equitable outcomes and a discussion of ecosocial work's role in global policymaking.

High Seas Policy Making Under the UN Convention on the Law of the Sea (UNCLOS)

Signed in 1982, UNCLOS attempted to create a comprehensive and unified governance regime for Earth's oceans to curb national sovereignty claims (Dieter, 2014). It demarked distinct maritime zones; ascribed national authority (and restrictions) over territorial waters, contiguous zones, and exclusive economic zones; and classified the high seas, "…all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State" as international waters beyond national jurisdiction and therefore subject to governance exclusively by UN international and multilateral laws and policies (UN, 1982, Part VII, Art. 86, para. 1). Building upon the ideology the high seas were a common-pool resource and thus, access should be open to all states regardless of geography, Article 87 advanced high seas' "freedoms" (UN, 2017a).

When states assented to UNCLOS, technology limitations prohibited or limited most high seas activities, including fishing, making strict high seas protections less important in the original negotiations (Visbeck et al., 2016). These technological limitations also constrained the scientific knowledge about the high seas available during negotiations. As technological capacity to

exploit high seas resources and scientific understanding simultaneously grew, the scientific community began advocating for new policies to address UNCLOS' deficiencies. Since the 1990s, UN entities have enacted a series of international and regional policies to address UNCLOS' gaps and more consistently apply UNCLOS' regulations to increase the achievement of its objectives. However, these measures are restricted by UNCLOS' superseding authority and have primarily relied on voluntary, non-binding instruments that lack formal enforcement procedures. Benefits of these soft laws can include greater consensus and international cooperation, and easier implementation since they do not depend on each member state's own ratification processes; however, their effectiveness can be hindered by a lack of political will to ensure compliance, which may conflict with the state's economic interests (Visbeck et al., 2016).

On December 24th, 2017, the UN adopted a resolution to convene an intergovernmental conference to negotiate a new "internationally legally binding instrument under UNLCOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction" (UN, 2017a, para. 12). This vote was the culmination of more than a decade of negotiations, and the work of four preparatory meetings convened between 2016 and 2017 to address scientific concerns of inadequate high seas protection and regulation (High Seas Alliance [HSA], 2017). While rhetoric around the length and stagnation of preliminary negotiations focused on tensions between conservation and management for maximum economic and sustainable exploitation, including that espoused by delegates from wealthier states (UN, 2017b), less attention was afforded to the underlying power differentials between UN member states.

Building on SDG 14, "Life Below Water," the upcoming internationally binding instrument negotiations present an opportunity to formally institutionalize the SDG's environmental, economic, and social equity aims through more protection oriented high seas

regulations (Editorial, 2018). However, socioeconomic and political inequities perpetuated by international policy making processes, including the recent UNCLOS preparatory meetings, may undermine the SDGs' social justice aims. Scholars have already noted the divergent positions between developed and developing countries in the original UNLCOS negotiations (e.g., Stevenson & Oxman, 1994) and NGOs have critiqued UNCLOS and its subsequent mechanisms for regulatory shortcomings and gaps (e.g., Gjerde, Currie, Wowk, & Sack, K., 2013). However, many critiques have not considered power differentials potentially entrenched in the UN system, and if existent, how they may influence state engagement or lack thereof in international policy making. The failure to create and implement binding laws more strictly regulating the high seas serves the economic interests of privileged states (i.e., industrialized and large/major economies) while potentially threatening the security of vulnerable states (i.e., small economies, Least Developed Countries [LDCs] and Small Island Developing States [SIDS]). This power dynamic must be understood and remedied to advance greater equity in the new treaty.

Current Representations of the Problem

UNCLOS and the subsequent UN Straddling Fish Stocks Agreement [UNFSA] established intergovernmental regional fisheries management organizations [RFMOs] as the primary high seas governance mechanism (UN, 1995). Any state with a financial or practical interest in the region's fisheries and stock management can be a member of a RFMO, and states can, and do, belong to multiple RFMOs. Existing critiques of UNCLOS and its subsequent multilateral and regional policies have often centered on RFMOs' ineffectiveness in maintaining productive high seas fish stocks. Reasons for this ineffectiveness include diversity and range in directives amongst RFMOs; the production and dissemination of inaccurate catch and by-catch data; member state favoritism; inadequate performance review criteria; a lack of transparency

around decision-making processes; enforcement and compliance challenges; exploitation of flag state jurisdiction; inconsistencies in confronting illegal, unreported, and unregulated (IUU) fishing; and political interference suppressing scientific concerns (Dieter, 2014; Gjerde et al., 2014). The use of voluntary and non-binding international and multilateral instruments has failed to address these RFMO problems, primarily because RFMOs can fail to implement recommendations with impunity (Gjerde et al., 2013). Though itself binding, UNCLOS also lacks global compliance mechanisms, instead relying on the right of exclusive jurisdiction for flag states—a mechanism with consistently abused loopholes (Dieter, 2014).

The representation of high seas overfishing resulting from fragmented RFMO governance schemes is important and scientifically justified. However, by constructing the policy problem around the aggregate collection of RFMO party states, it is possible to overlook interactions and power differentials between member states that could influence RFMO effectiveness, and deflect responsibility away from the self-interests of powerful states onto the more collective RFMOs.

Differential Impacts

Empirical evidence suggests UNCLOS and RFMOs are failing in their responsibilities to protect and ensure sustainable fish stocks, with high seas fish stocks continuing to decline as a result of overfishing (Cullis-Suzuki & Pauly, 2010). Due to prohibitive costs and technological needs, most high seas fishing is monopolized by commercial vessels unsustainably subsidized by a few wealthy states (e.g., the United States, Russia, and Japan) and 10 states account for more than 60% of high seas fish catch (Sumaila et al., 2015). However, poorer, fish-reliant states will be disproportionately impacted by straddling and/or migrating fish stocks overfished on the high seas (Teh et al., 2016; White & Costello, 2014). Because overfishing's social effects are mediated through economic structures, even if fish stocks collapse, it is likely populations in

wealthier states will have access to alternative food and nutrition sources, and comparatively little of the populations in these states rely on fishing as their sole livelihood. However, for the human populations in poorer, fish-reliant states, alternative livelihoods and nutritious food sources are severely limited. The human population is expected to reach 9.6 billion people by 2050, with the majority of this increase anticipated in urban areas of coastal states with pre-existing high food insecurity rates, further pressuring fish stocks that are viewed as an essential resource for poverty alleviation and the attainment of the SDGs (FAO, 2018).

Further, RFMOs are responsible for their funding, leading to notable disparities between organizations (Global Ocean Commission [GOC], 2013). The 11 largest RFMOs (four of which exclusively manage tuna stocks—a species primarily fished and consumed by wealthy states) receive approximately USD $28 million per year collectively from large repositories such as the European Maritime and Fisheries Fund (funded by EU member states). Even amongst the 11, funds are disproportionately allocated to RFMOs exclusively managing tuna stocks. In 2013, the Inter-American Tropical Tuna Commission [IATTC] received over USD $6.3 million (the top funded of the 11 largest RFMOs), while the South Pacific Regional Fisheries Management Organization [SPRFMO] received only USD $706,900 (the least funded of the largest 11 RFMOs) (GOC, 2013). In 2014, Japan, Taiwan/China, and the United States were three of the four largest contributors to the tuna catch, and had a vested interest in contributing funds to tuna RFMOs (Galland, Rogers, & Nickson, 2016). Indeed, there are suggestions the allowable catch limits established by RFMOs are politically influenced through states' donations (Galland et al., 2016).

Current Policy Responses

After a decade of negotiations (HSA, 2017), UN General Assembly [UNGA] Resolution 69/242 in 2015 called for the creation of an international, legally binding instrument under UNCLOS to enhance biodiversity protection and ensure sustainable high seas' use (UN, 2015b). Prior to beginning negotiations in the UNGA though, four preparatory meetings were convened between 2016 and 2017 to draft text for a future treaty, offering an opportunity for economically powerful states (e.g., Russia and the United States) to undermine and dilute language regarding stricter proposed regulations before full treaty negotiations even began. For example, to achieve consensus and appease industrialized states with commercial interests in high seas' resource exploitation, the recommendations were divided into two groups: an A-section, characterized by "convergence" among states; and, a B-section, characterized by "divergence." The primary divisions were about the potential treaty's institutional structures, with developing countries, "calling for an increasingly ambitious and articulated international architecture, with multiple funds and overview and support mechanisms" while developed countries, "were worried about the costs involved, advocating for a light institutional structure" (International Institute for Sustainable Development [IISD], 2017, p. 20).

A SIDS' special case principle including equal engagement, special consideration, and "preferential treatment and access procedures for SIDS and LDCs" and the retention of language from UNFSA about special requirements for SIDS and LDCs and avoiding "disproportionate burdens" was supported by Alliance of Small Island States [AOSIS], the African group, LDCs, and the Pacific Small Island Developing States [PSIDS] (IISD, 2017, p. 9). The United States, Japan, Australia, European Union, Canada, and Switzerland all vocalized opposition. Due to lack of consensus, the special requirements and disproportionate burden language were included in the B-section, and the SIDS special case principle was excluded (IISD, 2017). Moreover, the

UNGA was not required to convene an intergovernmental conference for the negotiation of a new binding treaty, and though it did, the draft text provided by the 4th Preparatory Commission was "without prejudice to states' positions during negotiations" (IISD, 2017, p. 4).

The final draft text also suggests industrialized, large economy states may be unwilling to abandon UNCLOS' "freedom of the seas" principle regarding fish commodities. Though the G-77 (i.e., a group of 77 developing states) wanted to include language identifying the potential treaty's overarching objective as "long-term, sustainable use and conservation," the "long-term" descriptor was dropped due to Russia's demands, and instead language about reinforcing effective implementation of UNCLOS was included (IISD, 2017, p. 6-7). Thus, there should be concerns the new instrument will not significantly depart from previous policy. This divergence between lower and higher income states has also occurred in historical UNCLOS negotiations, such as those concerning the management of seabeds – another resource which poorer states lacked the capacity to exploit – and the common heritage of [hu]mankind (CHM) (See Stevenson & Oxman, 1994; Nordquest, Rosenne, & Kraska, 2011; and Guntrip, 2003).

An Empirical Analysis of UN Structure

A 2009 analysis of social-ecological systems approaches in multilateral environmental treaties and negotiations found "questions of power, conflicts, and inequalities" were ignored (Hornborg, 2009, p. 238), serving powerful states' economic interests. Further, historically powerful states have been able to imbue policy development with their self-sovereignty ideology by wielding their economic power (Dreher, Nunnenkamp, & Thiele, 2006). This sub-analysis, conducted within the context of the IBPA framework, explored the likelihood that UN power structures facilitate inequities in marine policy making and other international policy making processes by providing an empirical analysis of UN organ structure and composition which maps

relationships between the economic characteristics of states and their representation in UN organs. The founding hypothesis is that state economic power is a predictor of representation in UN organs, and subsequently, influence on UN policy making, despite the establishing principle that, "The United Nations shall place no restrictions on the eligibility [of member states] … to participate … in its principal and subsidiary organs" (UN, 1945, Chap. 3, Art. 8).

Methodology

Current and historical UN membership data was procured from official UN websites, including websites for each organ (General Assembly of the United Nations, 2017; International Court of Justice [ICJ], 2017; UN, 2016; UN Economic and Social Council, 2017; UN Secretary General, n.d.; UN Security Council, n.d.). Gross domestic product [GDP], LDC, SIDS, and low-income country data was then overlaid upon UN membership data. The list of LDCs and SIDS was retrieved from the UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (2017). Both the GDP rankings for 2016 and the list of low-income countries (i.e., the World Bank's comparable LDC designation) were obtained from the World Bank (2017). The World Bank ranked 185 of the 193 UN member states in 2016. Andorra, Eritrea, North Korea, Libya, Monaco, San Marino, Syria, and Venezuela did not make GDP data available, and thus were excluded. The authors divided the list of 185 states into quartiles. Each quartile included 46 states, with the exception of the 2nd quartile (49th to 25th percentile), which included 47 states. Tajikistan, ranked 139th of UN member states, was the 47th state included in the 2nd quartile. GDP was selected as the economic/wealth indicator since it is a measure of market activity frequently used to distinguish economy size and often used in policy making. While it fails to measure human well-being and is limited in its ability to represent informal economic activity, the IBPA analysis was based on a

hypothesis that the UN favors highly developed states with large economies despite its founding principle of "sovereign equality" for all member states (UN, 1945, Chap. 1, Art. 2(1)).

Results

Six principal organs comprise the UN system: The General Assembly [UNGA], Security Council [UNSC], International Court of Justice [ICJ], Economic and Social Council [ECOSOC], Trusteeship Council, and the Secretariat. The UNGA is the only organ requiring representation for all UN member states, and is divided into five regional groups functioning as voting blocs. With five permanent member states (China, France, Russia, the United Kingdom, and the United States) and 10 additional rotating member states, the UNSC is widely considered the most powerful organ. The UNSC's five permanent member states are also guaranteed representation on the ICJ, comprising one-third of the court's 15 seats, and were the only member states represented on the Trusteeship Council, suspended in 1994. The ECOSOC, which is the primary international body for sustainable development has 54 members. The Secretariat is led by the Secretary-General, elected from one member state.

Of the United Nations Security Council's five permanent members, the United States is ranked first in GDP, China second, the United Kingdom fifth, France sixth, and Russia 12th. While the other 10 UNSC members rotate, 66 UN member states have never served on the council (UNSC, n.d.). Of those 66 members, five were not ranked by GDP. An examination of the remaining 61 states determined only two (3.0%) states are in the upper quartile globally for GDP, while 34 (55.7%) are ranked in the lower quartile (Fig. 1). Though 31 of the 47 (66.0%) states classified by the UN as a LDC have served on the UNSC, only 8 of the 27 (21.6%) states classified as a SIDS have served. Only one of the eight states classified as both, Guinea-Bissau, has filled a membership position. Though non-permanent members are selected from each of the

five regional groups, states' candidacies for a non-permanent position must first be endorsed by their regional bloc. Once endorsed, they then must be elected by a two-thirds vote in the UNGA. States serve a two-year term, and can be re-elected. This system eschews equity for political maneuvering and favoritism. For example, since 1966 when the current regional groups were configured, only 23 (41.8%) of the Asia-Pacific Regional Group's 55 member states have been non-permanent members of the UNSC, with one state—China—serving as a permanent member. Further, 12 of the 23 states have served multiple times, including Japan, which has represented the Asia-Pacific group 10 times since 1966 for a total of 20 years. None of the Asia-Pacific group's SIDS have been represented on the council.

[Insert Figure 1 here]

All parties to the Statute of the Court (i.e., all 193 UN member states and some observer states) can nominate a candidate for the International Court of Justice (ICJ), though the state does not advance the candidate. Instead, members of the Permanent Court of Arbitration, who are designated by the state, will propose the nominee. For states that are not members of the Permanent Court of Arbitration, a congruent process is established to propose candidates. To be elected, the nominee must then receive a majority two-thirds vote in concurrent voting in the UNGA and the UNSC. Only 47 of the 193 (24.3%) UN member states have ever been represented on the ICJ, including the five seats continuously held by the UNSC permanent members. Of those 47 members, 26 (55.3%) are ranked in the upper quartile of GDP; whereas, only three (6.4%) are ranked in the lower quartile (Fig. 2). Five (10.6%) judges have been appointed from one of the 47 LDCs. In February 2015, Judge Patrick Lipton Robinson from Jamaica was appointed to the court, marking the first time a SIDS was represented. No judges have been appointed from one of the eight states identified as a LDC and SIDS.

[Insert Figure 2 here]

The Economic and Social Council's [ECOSOC] 54 member states are elected for three-year terms by the UNGA. Currently a set number of seats is allocated to each regional group: African Group (14), Western European and Other States Group (13), Asian Group (11), Latin American and Caribbean Group (10), and Eastern European Group (6). While historical membership data was unavailable, an analysis of the current 54 members determined that only eight LDCs are represented on the ECOSOC, comprising 14.8% of the ECOSOC body and just 17.0% of all LDCs. Half of the African Group's representatives are LDCs. However, when examining GDP rankings, 26 of the 52 (50%) ranked member states are in the upper quartile, while only six (11.5%) are ranked in the lower quartile (Fig 3). Only two of the 54 (3.7%) total members are SIDS, resulting in 5.4% of all SIDS being represented; yet, all five permanent UNSC members are also members of the ECOSOC. None of the eight states classified as both a LDC and SIDS are represented. Historical data on the ECOSOC president indicates that 37 states have been represented. One is unranked by GDP (Venezuela) and one country no longer exists (Yugoslavia). Of the remaining 35 presidential member states, 19 (54.3%) are ranked in the upper quartile for GDP, and zero are ranked in the lower quartile (Fig. 3). Three LDCs have been represented, and only one SIDS (Jamaica), which is also classified as a LDC. The Secretary-General leads the Secretariat and is "appointed by the General Assembly on the recommendation of the Security Council" (UN Secretary General, n.d., para. 1). The current Secretary-General is from Portugal, and the previous eight Secretary-Generals represented Korea, Ghana, Egypt, Peru, Austria, Myanmar, Sweden, and Norway. Myanmar is the only LDC to produce a Secretary-General, and also has the highest ranked GDP of any LDC, ranking 69th out of the 193 member

states. No Secretary-General has been appointed from a SIDS; yet, four out of nine (44.4%) have been appointed from highly developed, Western states.

[Insert Figure 3 here]

While every member state is equally represented in the UNGA's body, the body annually elects a president for a one-year term. Candidate nominations rotate between the five regional groups, with the five UNSC permanent members excluded. A total of 71 states have been represented by the presidency, and Argentina is the only state represented twice. Of the 71 presidential member states, three are unaccounted for in GDP rankings, resulting in 68 states for analysis. The UNGA leadership reflects the same dichotomy as other UN organs as 31 states (45.6%) are ranked in the upper quartile for GDP; whereas, five states (7.3%) are ranked in the lower quartile (Fig. 4). Only five (10.6%) presidents have been elected from one of the 47 LDCs, and only three (8.1%) from the 37 SIDS. No president has been elected from any of the eight member states classified by the UN as both a LDC and a SIDS. The one vote per country UNGA rule positions less developed states with small economies as equal members; however, these states may still be positioned as former colonies through the exchange of money and power for votes. In a previous longitudinal analysis of bilateral foreign aid distribution, wealthy, developed states were more likely to give financial aid to their former colonies and to states exhibiting similar voting behaviors in the UNGA (Alesina & Dollar, 2000). While these findings could reflect geopolitical alliances that are highly correlated with former colonial relationships, the authors also expressed concern that poorer states with smaller economies may try to maximize the aid they receive by aligning their votes with their former colonizer's or other developed states' interests (Alesina & Dollar, 2000). If the authors "preferred interpretation" of their findings is correct, "that donors favor their 'friends' in disbursing aid, and an observable

manifestation of 'friendship' is the pattern of UN votes" (Alesina & Dollar, 2000, p. 46), there should be considerations that developed states could subvert poorer states' voting power within the UNGA.

[Insert Figure 4 here]

Defining economy size by the World Bank's 2016 GDP rankings (2017), the present analysis concluded poorer, less developed states with small economies lack power and are underrepresented in all UN organs, except for the UNGA body, where representation is required. Wealthy, highly developed states, with large economies are overrepresented in all organs, usurp power from poor states and experience few checks on their power due to a monopolization of leadership positions. While the ECOSOC is the most pertinent organ to sustainable development and environmental initiatives, it is important to consider the power structures within all organs due to the interactions between organs. Further, date of admission to the UN does not appear to be a contributing factor, since only five states have been admitted post January 1, 2000: Serbia and Tuvalu (2000), Switzerland and Timor-Leste (2002), and South Sudan (2011). While Timor-Leste and Tuvalu account for two of the eight (25%) states classified as a LDC and SIDS, they have both been members of the UN for at least 15 election cycles (UN, 2017c).

Discussion

The exploration of UN organ structure, and in particular the disparities in attainment of leadership and more influential positions within the UN, suggests power differences may be entrenched within the UN policy making system. Due to their positioning within the UN system, economically powerful states may have more ability than poorer states to dictate regulatory content in international policy-making negotiations to be congruent with their economic interests and free-market values. Though their sovereign right, this maneuvering is often for self-gain and

at the expense of the common good, which differentially impacts poorer states, and should be an area of concern during the new UNCLOS negotiations.

The analyses also suggest economic power may be used by powerful states to exclude LDCs and SIDS from participating in policy making processes. Though the UNFSA attempted to increase equity by establishing an assistance fund to aid LDCs and SIDS in implementing the agreement and participating in RFMOs and other regional policy-making processes (UN, 1995), the fund has been depleted on multiple occasions (UN, 2015a), and appears to have been depleted since at least October 4th, 2016 (Oceans and Law of the Sea in the General Assembly of the United Nations, 2016)—hence poorer states' request for more stable funding in the preparatory meeting. And, at the Eleventh Round of Informal Consultation of States Parties to UNFSA, SIDS efforts to participate in a RFMO—the Western and Central Pacific Fisheries Commission [WCPFC]—were described as being "blocked", despite continued rhetoric about empowering developing states to participate in high seas fisheries management (UN, 2015a). To encourage more developed, large economy states to contribute to a similar fund established under the Port State Measures, it was determined donor states could earmark contributions for specific projects (FAO, 2017). The 2015 UNGA resolution 69/292 agreeing to a new international legally binding instrument under UNCLOS and establishing the preparatory meetings also created a trust fund to assist LDCs in attending the preparatory meetings, but contribution to the trust fund was voluntary (UN, 2015b).

To promote equity in the short-term, large economy states should be mandated to contribute to currently voluntary funds to assist LDCs and SIDS participation in policy making processes and to build their capacity for implementing new regulations and management tools—a request continuously made by LDCs and SIDS (IISD, 2017). These funds could allow LDCs

and SIDS to have prolonged and consistent engagement in low-level conference and preparatory meetings where they may have more ability to influence a policy's substantive text, even if they are compelled to vote with powerful countries in the UNGA as previously described, and to build and/or strengthen regional partnerships. To center the interests of LDCs and SIDS, a relative and objective administrative body (e.g., FAO) should have the authority to determine fund distribution, based on standardized indicators of need which also account for relevance and acuity of the policy or action item, rather than allowing developed states to earmark contributed funds based on their own self-interests. This is particularly important when considering financial aid to assist LDCs and SIDS in augmenting capacity with new technologies. Indeed, during the fourth preparatory meeting, AOSIS, Togo, Ghana, PSIDS, and the Caribbean group sought to establish a capacity-building fund to be accessed by SIDS and LDCs citing the need for long-term sustainable funding due to the unsustainable nature of voluntary trust funds (IISD, 2017). However, the United States, the European Union, Canada, and New Zealand opposed.

The efforts to initiate new negotiations also demonstrated the potential for consortiums of non-governmental members (e.g., High Seas Alliance) to influence international policy making. With deliberate consideration of how these consortiums can be inclusive and equitable, they may present a more leverageable mechanism to create and accelerate new norms within international policy making that can also center underrepresented knowledge in international policy development. Many of these consortiums already feature prominent and reputable environmental organizations—typically from developed countries—that may be perceived as experts by international policy makers based on western standards of scientific merits. However, these organizations can use their privilege to amplify and promote progress made by the consortium's

smaller organizations. This may include advancing bottom-up approaches by recognizing and scaling up successful country-specific initiatives into regional and international action.

Further, the new UNCLOS area-based management tools must be designed to equalize fisheries benefits distribution between high and low-income states based on fish dependence and viable alternatives for meeting subsistence and development needs (e.g., food, nutrition, and livelihoods) (Hankivsky, 2012). The establishment of marine protected areas and their level of regulation around restricting catches will likely be one contentious area during treaty negotiations, due to commercial fishing interests. Empirical findings and modeling suggest closing the high seas could reduce inequalities in fisheries benefits distribution by 50% and global annual profitability from fishing (mostly pocketed by industrialized states) will decrease by approximately 1% for every 20% of the high seas closed in the short-term, with fishing ultimately becoming more profitable over the long-term as stocks rebound (Sumaila et al., 2015; White & Costello, 2014). Additionally, in a study of 46 low-income and fish reliant countries, models suggested 70% of the countries would experience increased catches after closing the high seas (Teh et al., 2016).

Implications for Social Work

Though marine governance has historically been considered beyond social work's purview, marine degradation resulting from ineffective governance disproportionately threatens marginalized and vulnerable economies, communities, and individuals, making it a social justice issue. Social work's person-in-environment perspective offers a unique and critically needed lens through which to clearly identify the disparate impacts of physical environmental challenges like marine degradation on social development, economic equity, and human rights. Making international marine governance more just will require social work's disruption of entrenched

power relations through greater attention to global policymaking and advocacy on behalf of states marginalized within UN power structures.

This challenge has distinct implications for social work educators and scholars as well. Growing curricular offerings in ecosocial work must place increased attention on the social justice implications of the multitude of physical environmental challenges, as well as the global power structures which govern environmental practices. Likewise, scholars of ecosocial work and social policy must extend research on policy impacts to attend more deeply to the policymaking process and its influence on the quality and content of policy solutions. Though the UN is a body of politically appointed representatives, non-governmental advocacy partnerships were influential in convening the renegotiations of UNCLOS. Social work research identifying the disparate impacts of environmental degradation could provide an opportunity for social workers to collaborate within these partnerships, and thus influence the governance of marine ecosystems and other common-pool resources governed by the UN.

Conclusion

Disrupting potential systemic power structures in the UN, particularly in leadership positions, could lead to marginalized states' increased inclusion and representation in policy-making processes. By reducing inequities within the UN and subsequently high seas policy making, potential outcomes may include stabilized and increased financial aid for marginalized states to implement and adopt new regulations and technology; more equitable distribution of marine resources' economic benefits; and, improved transparency and reduced stagnation in high seas policy making. While this analysis was specific to UNCLOS, the statistics about UN organ representation should also be understood in a larger context of social justice and inherent weaknesses in UN structures requiring reforms to more equitably support vulnerable states.

Endnotes

[1] Food and Agriculture Organization of the United Nations' (FAO) (1993) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas; (1995) Code of Conduct for Responsible Fisheries; (2002) International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and (2009) Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, Unregulated Fishing. United Nations' (1995) Fish Stocks Agreement and (2012) Conference on Sustainable Development.

[2] LDCs and SIDS are both designations bestowed by the UN, based on indicators of socioeconomic vulnerabilities. The SIDS designation also considers environmental vulnerabilities resulting from unique island geographies. As such, not all SIDS are also classified as a LDC.

References

Alesina, A., & Dollar, D. (2000). Who gives foreign aid to whom and why? *Journal of Economic Growth*, *5*, 33-63.

Cullis-Suzuki, S., & Pauly, D. (2010). Failing the high seas: A global evaluation of regional fisheries management organizations. *Marine Policy*, *34*(5), 1036-1042.

Dieter, A. (2014). From harbor to high seas: An argument for rethinking fishery management systems and multinational fishing treaties. *Wisconsin International Law Journal*, *32*(4), 725-750.

Dreher, A., Nunnenkamp, P., & Thiele, P. (2006). *Does US aid buy UN General Assembly votes? A disaggregated analysis* (Working Paper No. 138). Zurich: Swiss Federal Institute of Technology.

Editorial: Protect the high seas from harm. (2018). *Nature*, *553*, 127-128.

Food and Agriculture Organization of the United Nations. (2016). *The state of world fisheries and aquaculture: Contributing to food security and nutrition for all*. Rome, Italy: FAO.

Food and Agriculture Organization of the United Nations. (2017). *First meeting of the parties to the FAO Agreement on Port State Measures.* Retrieved from http://www.fao.org/3/a-i7909e.pdf

Food and Agriculture Organization of the United Nations. (2018). *The state of world fisheries and aquaculture: Meeting the sustainable development goals.* Rome, Italy: FAO.

Galland, G., Rogers, A., & Nickson, A. (2016). Netting billions: A global valuation of tuna. Philadelphia, PA: Pew Charitable Trusts.

General Assembly of the United Nations, President of the 72nd Session. (2017). *Past presidents*. Retrieved from https://www.un.org/pga/72/past-presidents/

Gjerde, K. M., Currie, D., Wowk, K., & Sack, K. (2013). Ocean in peril: Reforming the management of global ocean living resources in areas beyond natural jurisdiction. *Marine Pollution Bulletin*, *74*(2), 540-551.

Global Ocean Commission. (2013). *Improving accountability and performance in international fisheries management* (Policy options paper No. 9). Oxford, UK: GOC.

Guntrip, E. (2003). The Common Heritage of Mankind: An adequate regime for managing the deep seabed. *Melbourne Journal of International Law*, *4*(2), 376.

Hankivsky, O. (Ed.). (2012). *An intersectionality-based policy analysis framework.* Vancouver, BC: Simon Fraser University.

High Seas Alliance. (2017). *UN steps towards an implementing agreement*. Retrieved from http://highseasalliance.org/sites/highseasalliance.org/files/hsa-timeline-update.pdf

Hornborg, A. (2009). Zero-sum challenges in conceptualizing environmental load displacement and ecologically unequal exchange in the world system. *International Journal of Comparative Sociology*, *50*(3-4), 237-262.

International Court of Justice. (2017). *Members.* Retrieved from https://www.icj-cij.org/en/members

International Institute for Sustainable Development. (2017). *Summary of the 4th Session of the Preparatory Committee on Marine Biodiversity Beyond Areas of National Jurisdiction*. Retrieved from http://enb.iisd.org/download/pdf/enb25141e.pdf

Kemp, S. P., & Palinkas, L. A. (2015). *Strengthening the social response to the human impacts of environmental change*. Baltimore, MD: AASWSW.

Nordquist, M. H., Rosenne, S., & Kraska, J. (Eds.). (2011). *UNCLOS 1982: A commentary* (Volume VII). Leiden, Netherlands & Boston, MA: Martinus Nijhoff Publishers.

Oceans and Law of the Sea in the General Assembly of the United Nations. (2016). *Assistance fund under Part VII of the agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982.* Retrieved from https://www.un.org/depts/los/convention_agreements/fishstocktrustfund/fishstocktrustfund.htm

Stevenson, J. R., & Oxman, B. (1994). The future of the United Nations Convention on the Law of the Sea. *The American Journal of International Law*, 88, 477-499.

Sumaila, U. R., Lam, V. W. Y., Miller, D. D., Teh, L., Watson, R. A., Zeller, D., … Pauly, D. (2015). Winners and losers in a world where the high seas is closed to fishing. *Scientific Reports*, *5*(8481), 1-6.

Teh, L. S., Lam, V. W., Cheung, W. W., Miller, D., Teh, L. C., & Sumaila, U. R. (2016). Impact on high seas closure on food security in low income fish dependent countries. *PloS ONE*, *11*(12), e0168529. doi:10.1371/journal.pone.0168529

Teh, L.S., & Sumaila, U. R. (2013). Contribution of marine fisheries to worldwide employment. *Fish and Fisheries*, *14*, 77-88.

United Nations. (1945). Charter of the United Nations and Statute of the International Court of Justice. Signed at San Francisco, California, 26 June 1945, entered into force 24 October 1945. Retrieved from https://www.un.org/en/charter-united-nations/index.html

United Nations. (1982). United Nations Convention on the Law of the Sea of 10 December 1982. Retrieved from https://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf

United Nations. (1995). Fish Stocks Agreement. Retrieved from https://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm

United Nations. (2015a). *Eleventh round of informal consultations of States parties to the agreement for the implementation of the provisions of UNCLOS: Report.* Retrieved from https://www.un.org/Depts/los/convention_agreements/fishstocksmeetings/icsp11_final_fsa.pdf

United Nations. (2015b). United Nations General Assembly Resolution 69/292. Development of an internationally 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. Retrieved from https://undocs.org/en/a/res/72/249

United Nations. (2016). *Main organs*. Retrieved from https://www.un.org/en/sections/about-un/main-organs/

United Nations General Assembly Seventy Second Session. (2017a). *63rd and 64th meetings coverage: Adopting two texts on oceans, seas, General Assembly also tackles sustainable management, conservation of marine life beyond national jurisdiction.* Retrieved from https://www.un.org/press/en/2017/ga11985.doc.htm

United Nations General Assembly Seventy-Second Session. (2017b). *76th meeting coverage: Concluding main part of seventy-second session, General Assembly adopts $5.397 billion budget for 2018-2019, as recommended by fifth committee.* Retrieved from https://www.un.org/press/en/2017/ga11997.doc.htm

United Nations. (2017c). *Member states*. Retrieved from https://www.un.org/en/member-states/

U. N. Economic and Social Council. (2017). *Members.* Retrieved from https://www.un.org/ecosoc/en/content/members

U. N. Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS). (2017). *Least developed countries*. Retrieved from http://unohrlls.org/about-ldcs/

U. N. Secretary-General. (n.d.). *Former secretaries-general*. Retrieved from https://www.un.org/sg/en/content/former-secretaries-general

U. N. Security Council. (n.d.). *Members.* Retrieved from https://www.un.org/securitycouncil/content/current-members

Visbeck, M., Kronfeld-Goharani, U., Neumann, B., Rickels, W., Schmidt, J., van Doorn, E., … Proelss, A. (2014). A sustainable development goal for the ocean and coasts: Global ocean challenges benefit from regional initiatives supporting globally coordinated solutions. *Marine Policy*, *49*, 87-89.

White, C., & Costello, C. (2014). Close the high seas to fishing? *PLoS Biology*, *12*(3), e1001826. doi:10.1371/journal.pbio.1001826

World Bank. (2017). *World Bank open data*. Retrieved from https://data.worldbank.org