

# **Role of the General Assembly and the Resumed Review Conference on the United Nations Fish Stocks Agreement in promoting implementation of international legal framework for sustainable fisheries towards achieving the targets of the 2030 Agenda for Sustainable Development**

UNCTAD Oceans Forum

*Michele Ameri, Legal Officer*

*21 March 2017*



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA  
**UNITED NATIONS**

# Contents of presentation

- Goal 14 of the 2030 Agenda for Sustainable Development in its broader context
- Overview of the international legal and policy framework for the sustainable fisheries
- Role of the Resumed Review Conference
- Role of the General Assembly
- Conclusions

# 2030 Agenda for Sustainable Development



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

**UNITED NATIONS**



# Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development

- 14.1 By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution
- 14.2 By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans
- 14.3 Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels
- 14.4 By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics
- 14.5 By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information
- 14.6 By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation
- 14.7 By 2030, increase the economic benefits to Small Island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism
- 14a Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries
- 14b Provide access for small-scale artisanal fishers to marine resources and markets
- 14c Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of The Future We Want

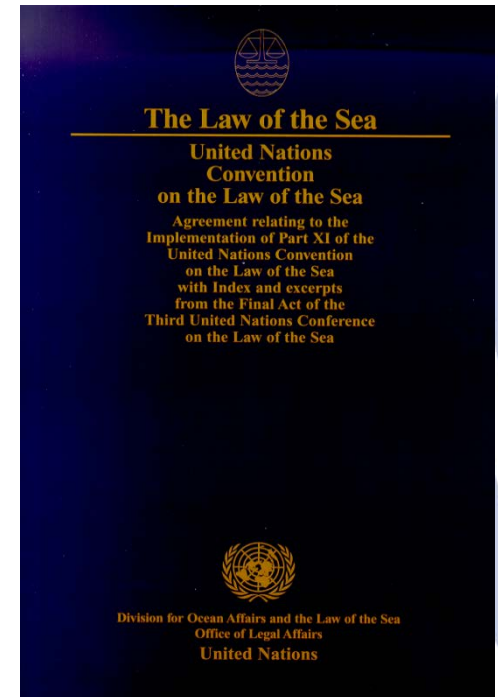
# Goal 14 targets and law of the sea: some preliminary considerations

- Targets provide a roadmap largely based upon or building upon existing obligations or commitments which have not yet been fully met
- Targets are inter-related, so that progress on one facilitates achievement of others
- Implementation of Goal 14 should be consistent with international law, as reflected in UNCLOS
- Full implementation of UNCLOS and related instruments is the key to maximizing the long-term benefits from oceans and seas
- Existing frameworks, institutions and processes will play a vital role in achieving the targets, including trade-related

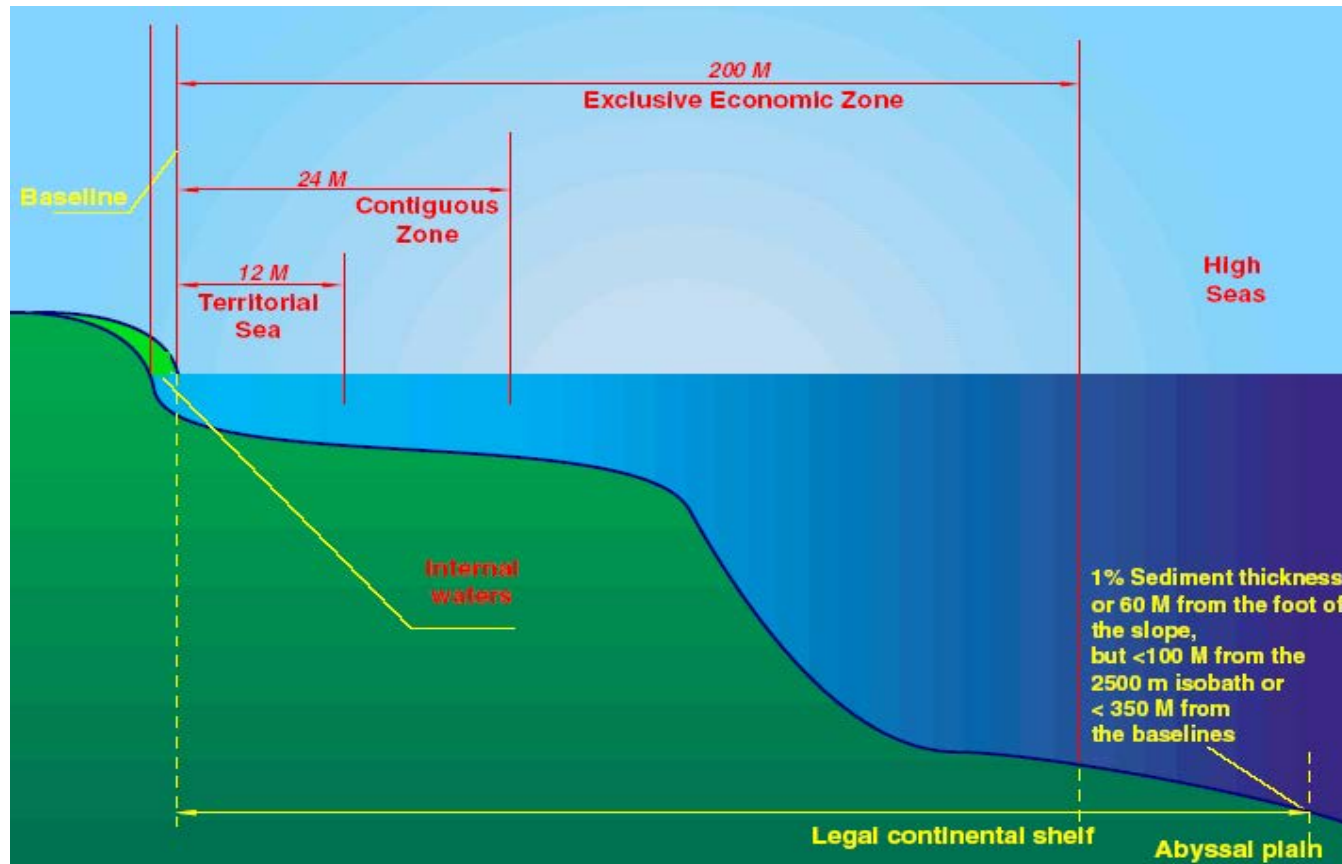
# Legal Framework (Global)

## 1982 United Nations Convention on the Law of the Sea (UNCLOS)

- General Assembly annually reaffirms that UNCLOS provides the legal framework within which all activities in the oceans and seas must be carried out
- “Constitution for the oceans”
- Balances competing interests regarding the uses and resources of the oceans
- 168 parties, including the European Union
- Complemented by sectoral and/or regional instruments



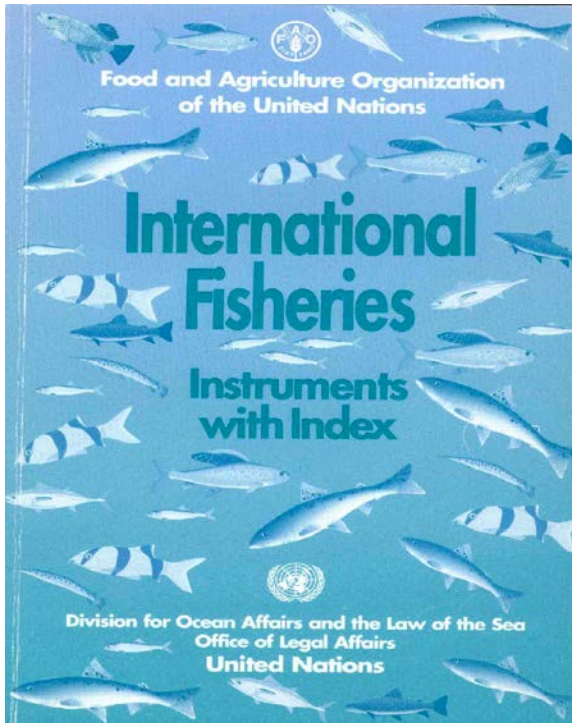
# The regulation of fisheries under UNCLOS



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

UNITED NATIONS

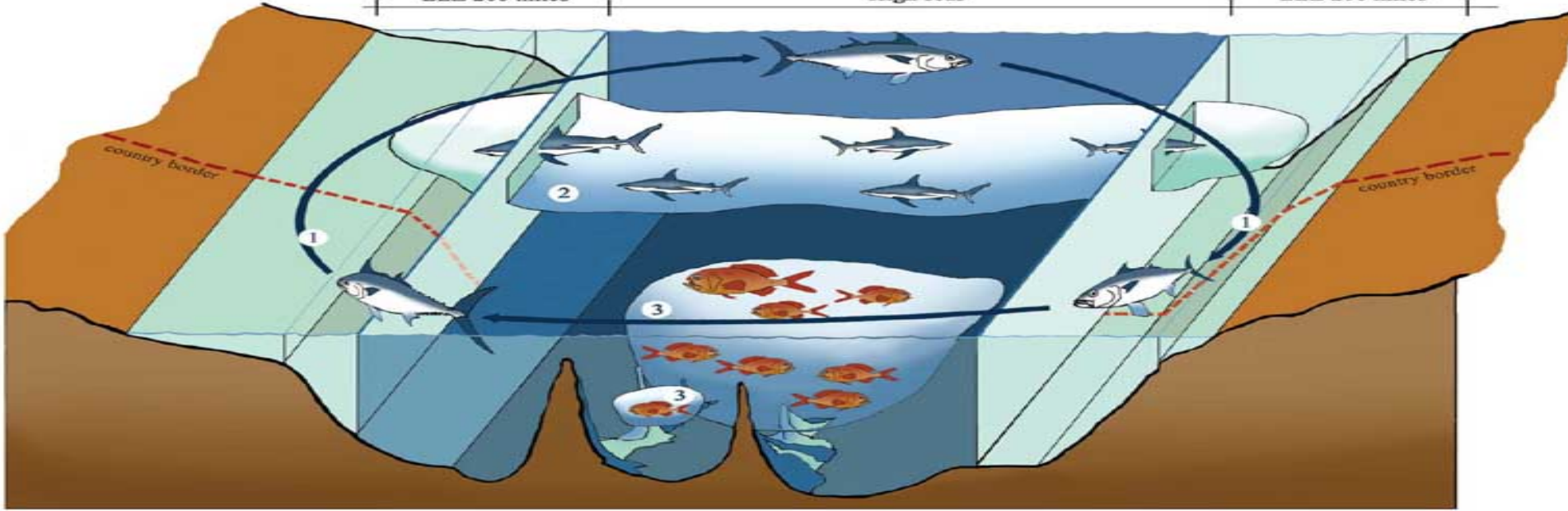
# 1995 UN Fish Stocks Agreement



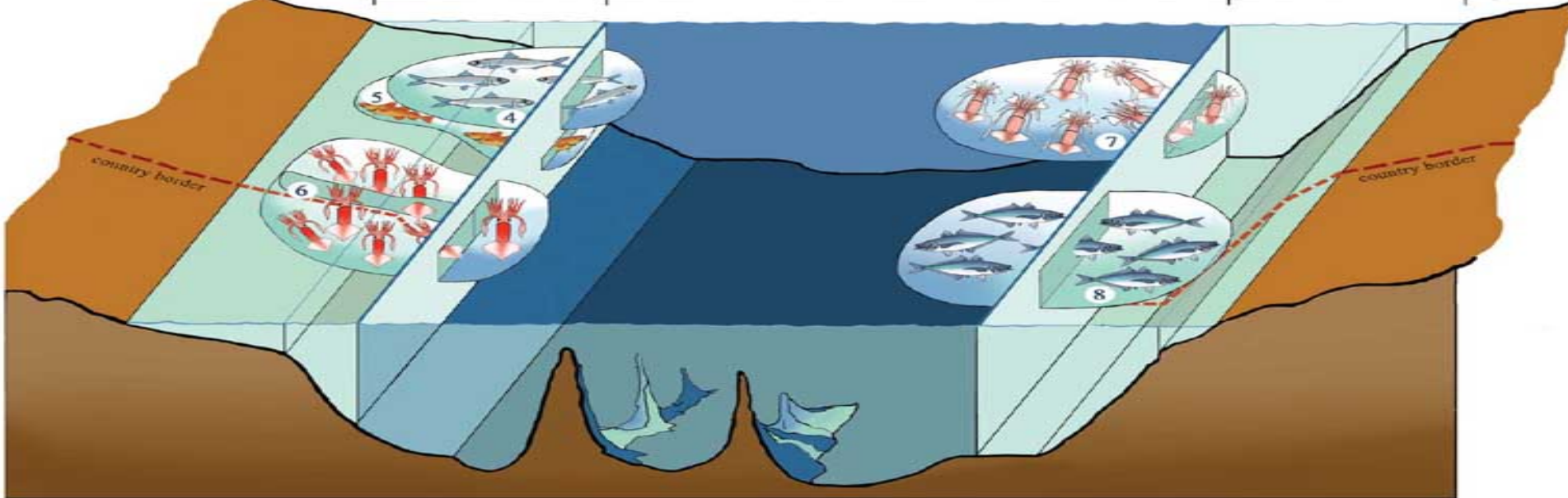
- Legal framework for the conservation and management of straddling fish stocks and highly migratory fish stocks
- Builds on the provisions of UNCLOS
- 85 parties, including the European Union
- Recognizes special requirements of developing States



Neritic	Oceanic		Neritic
Shelf	Slope	Deep sea	Slope Shelf
EEZ 200 miles	High seas		EEZ 200 miles



Neritic	Oceanic		Neritic
Shelf	Slope	Deep sea	Slope Shelf
EEZ 200 miles	High seas		EEZ 200 miles



# *Basic Provisions of UNFSA*

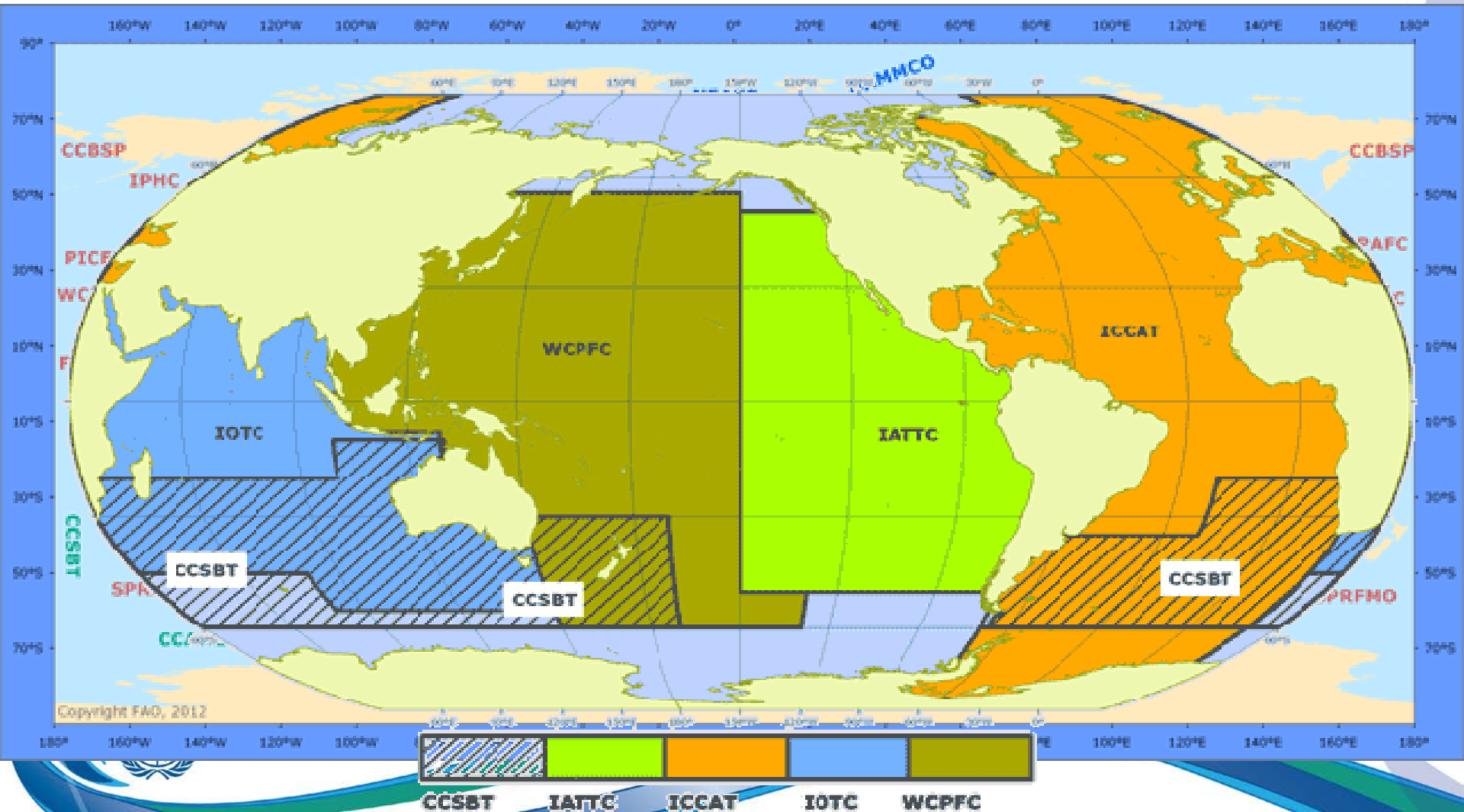
- Conservation and management:
  - Promote optimum utilization
  - Measures based on the best scientific evidence available
  - Precautionary and ecosystem approaches
  - Protection of marine biodiversity
- Compatibility of measures
- Flag State responsibility
- Duty to cooperate, establishment of RFMOs and access to fisheries
- Cooperative enforcement schemes
- Special requirements of developing States



# Other relevant fora and instruments

- Food and Agriculture Organization of the United Nations
  - Treaties and non-binding international rules
- Biodiversity and trade treaties, such as:
  - Convention on Biological Diversity
  - Convention on International Trade in Endangered Species of Wild Fauna and Flora
- General Assembly resolutions
- Regional fisheries bodies treaties and regulations

# RFMO/As



# The Review Conference on the Agreement



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA  
**UNITED NATIONS**



# 2016 Resumed Review Conference on the Agreement

- Report of the resumed Review Conference
  - Summary of discussions
  - Outcome document (recommendations)
    - Reaffirmed and consolidated the recommendations adopted in 2006 and in 2010
    - Broad-ranging recommendations covering 45 different topics
    - Review Conference suspended & to be resumed not earlier than 2020



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA  
UNITED NATIONS

# United Nations General Assembly and oceans and the law of the sea

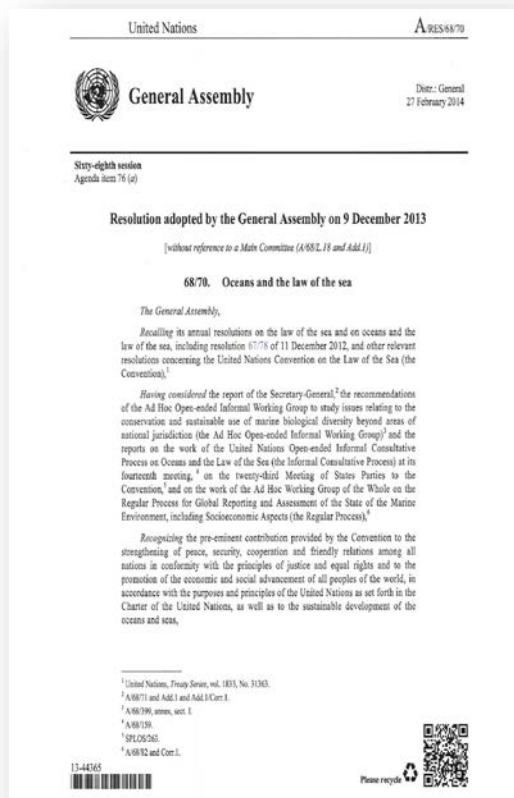


- Annual review and evaluation of:
  - ✓ implementation of UNCLOS
  - ✓ other developments relating to the law of the sea
- Global policy guidance
- Assisted by subsidiary bodies

# General Assembly and oceans and the law of the sea

Issues addressed in the resolution include:

- Capacity-building
- Activities in the Area
- The Commission on the Limits of the Continental Shelf
- Maritime safety, security and flag State implementation
- Marine environment
- Marine biodiversity
- Marine science
- Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects



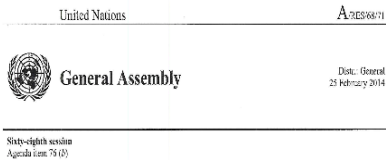
DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA  
UNITED NATIONS



# General Assembly and sustainable fisheries

## Issues addressed in the resolution include:

- Implementation of the UN Fish Stocks Agreement
- Illegal, unreported and unregulated fishing
- Monitoring, control and surveillance and compliance and enforcement
- Fishing overcapacity
- Large-scale pelagic drift-net fishing
- Fisheries by-catch and discards
- Subregional and regional cooperation
- Responsible fisheries in the marine ecosystem
- Capacity-building



### Resolution adopted by the General Assembly on 9 December 2013

*(Subject reference to a Main Committee (A/68/3, 19 and A/68/7))*

**68/71. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments**

*The General Assembly,*

*Reaffirming its earlier resolutions on sustainable fisheries, including resolution 67/79 of 11 December 2012, and other relevant resolutions,*

*Recalling the relevant provisions of the United Nations Convention on the Law of the Sea (the Convention), and bearing in mind the relationship between the Convention and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement),<sup>1</sup>*

*Welcoming the ratifications of and accessions to the Agreement, and the fact that a growing number of States, entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, and regional and regional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement, in order to improve their management regimes,*

*Welcoming also the work of the Food and Agriculture Organization of the United Nations and its Committee on Fisheries, and recognizing in particular the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (the Code) and other related instruments, including the operational plans of action, which set out priorities and global standards of behaviour for responsible practices for conservation of fisheries*

<sup>1</sup> United Nations Treaty Series, vol. 332, No. 3150.  
Doc. no. 79/5, No. 3726.



Please recycle



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA  
UNITED NATIONS

**General Assembly**



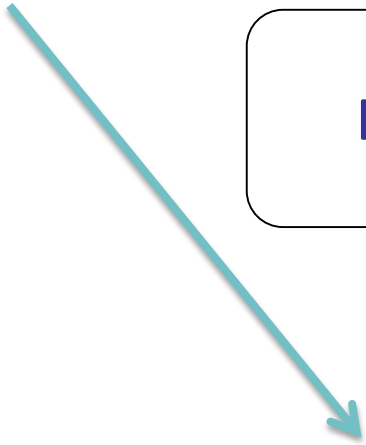
Ad hoc Working  
Group of the  
Whole (Regular Process)

Informal  
Consultative  
Process



BBNJ PrepCom

UNFSA- ICSP

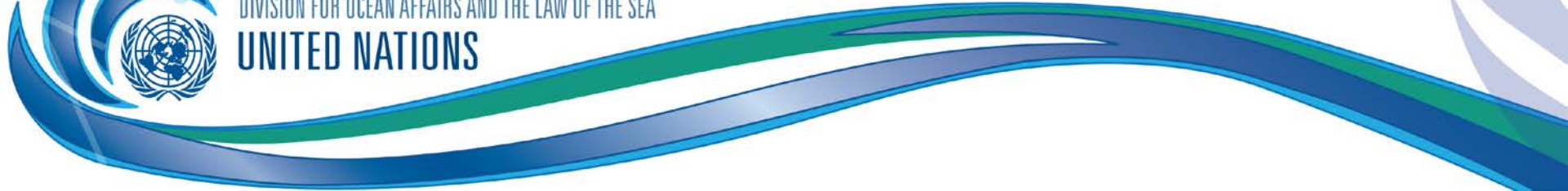


**General Assembly**



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

**UNITED NATIONS**



# Institutional Framework (Global)

## UN bodies and organizations involved in ocean issues



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA  
UNITED NATIONS



*Thank you for your attention!*



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

**UNITED NATIONS**

