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

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2030 Agenda for Sustainable Development

- People: to ensure healthy lives, knowledge, and the inclusion of women and children.
- Dignity: to end poverty and fight inequality.
- Planet: to protect our ecosystems for all societies and our children.
- Prosperity: to grow a strong, inclusive, and transformative economy.
- Partnership: to catalyze global solidarity for sustainable development.
- Justice: to promote safe and peaceful societies, and strong institutions.
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

- 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
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
Legal regime in UNCLOS - EEZ

• Special provisions for specific types of stocks that are of interest to more than one State
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
The Review Conference on the Agreement
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
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
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
Institutional Framework (Global)

UN bodies and organizations involved in ocean issues
Thank you for your attention!