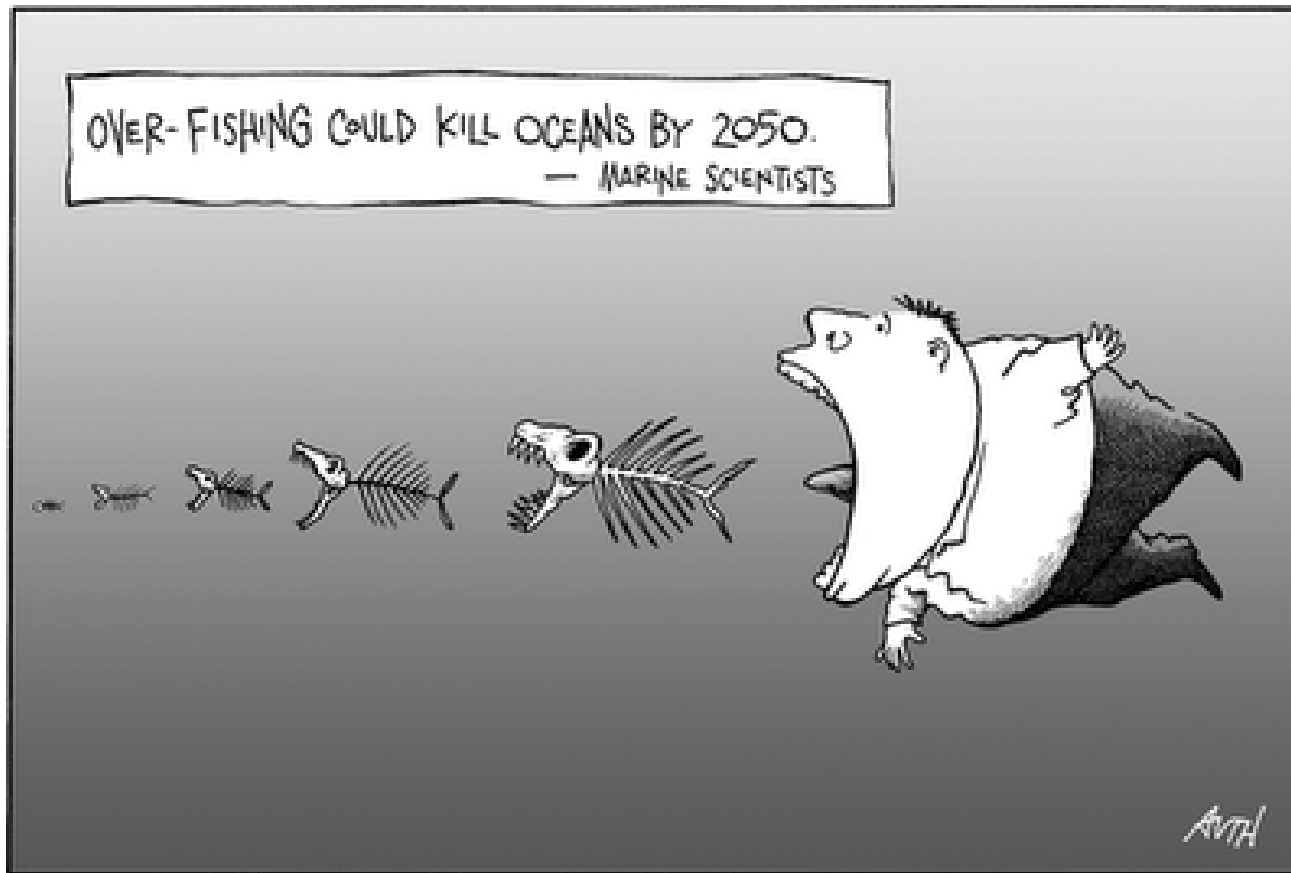


# Rio+20 and Agenda 21



# The Known Bad News





# The Unknown Bad News



# Outcome of Rio+20 for fisheries

- “stress the importance of the conservation and sustainable use of the oceans and seas”
- “urge all [LOS and Straddling Stock Treaty and FAO Port Stage Agreement] Parties to fully implement their obligations”
- “commit to address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction including by taking a decision on the development of an international instrument under UNCLOS”

# Outcome of Rio +20 for fisheries

- “commit to intensify our efforts to meet the 2015 target as agreed to in ...Johannesburg...on an urgent basis. In this regard we further commit to urgently take the measures necessary to maintain or restore all stocks at least to levels that can produce the maximum sustainable yield, with the aim of achieving these goals in the shortest time feasible, as determined by their biological characteristics.”

# Outcome of Rio +20 for fisheries

- “reiterate our commitment to conclude multilateral disciplines on fisheries subsidies which give effect to the WTO Doha Development Agenda ...through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and over-fishing, recognising that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiation.”

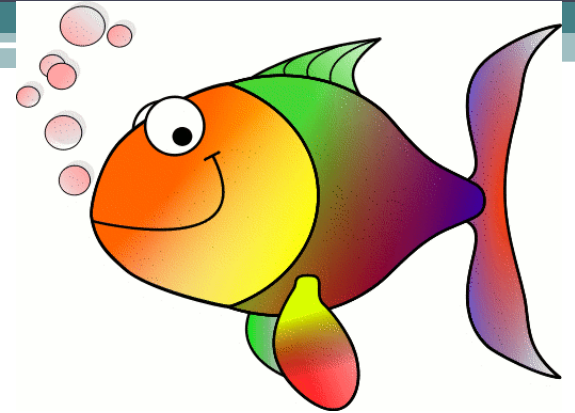
# Empty Promises



# Agenda 21- Chapter 17

- **Expectations of national actors for high seas management**
  - Give full effect to the LOS particular in relation with straddling and migratory stocks (17.49)
  - Ensure fishing activities under their flag minimize incidental catch and reduce wastage
  - Monitor and control fishing activities including fishing effort and catch reporting
  - Deter reflagging
  - Prohibit destructive fishing practices
  - Fully implement resolution on large-scale drift-netting
  - Join RFMOs where they fish

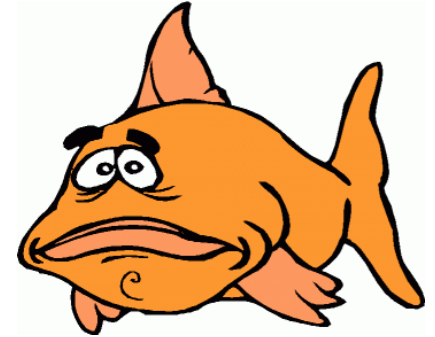




# United States

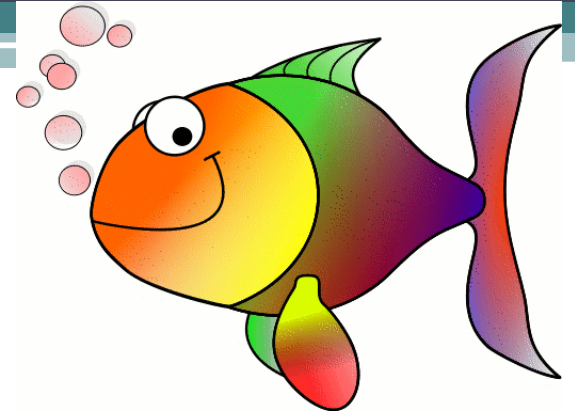
- Member of the Straddling Stocks Convention and FAO Compliance Agreement
- U.S. High Seas Driftnet Fishing Moratorium Protection Act/ Driftnet Enforcement Act/2008 enforcement campaign
- U.S. opposes high seas bottom trawling
- Member of CCAMLR, IATTC, ICCAT, NAFO, WCPFC
- High Seas Fishing Compliance Act 16 USC 5501 (et. al.) - Required reporting of catch and fishing effort
- Reduction of Incidental Catch of Seabirds in Longline Fisheries

# United States



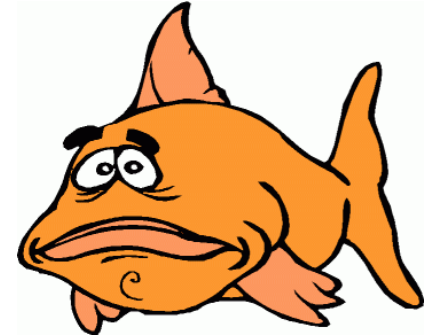
- Not a member of the Law of the Sea
- Magnuson-Stevens Act amended by Sustainable Fisheries Act (16 USC 1829(a))– Discretion for the Secretary who “may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and to implement the requirements of this title.”

# China

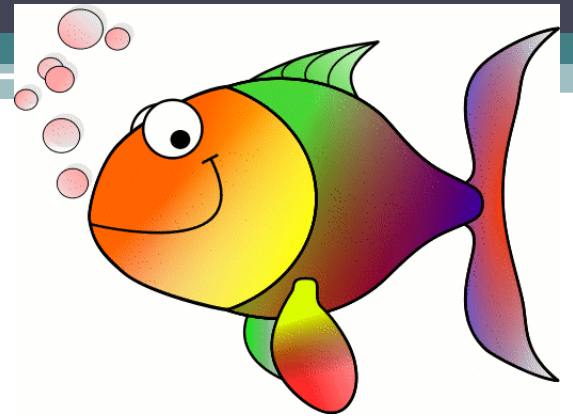


- Member of the Law of the Sea
- Member of CCAMLR, ICCAT, IOTC, and WCFPC
- Co-operating non-party of North Pacific Anadromous Fish Commission which enforces the United Nations ban on high seas driftnets (2010-only one Chinese drift-netters sighted)/China-US MOU on high seas drift-netting

# China



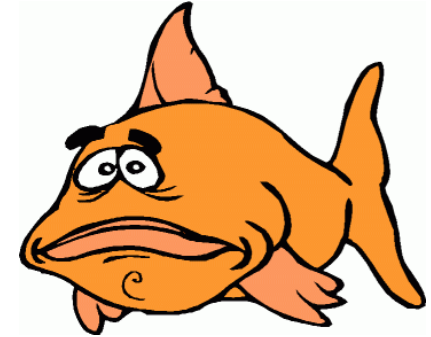
- Not a member of the Straddling Stock agreement
- Not adopted FAO compliance agreement
- Largely does not enforce its laws against high seas vessels in spite of legislative frameworks
  - 2003 Regulations on Distant Water Fishing-Controls licensing for high seas fishing vessels
- By 2015, China plans to grow its Distant Water Fishing fleet to 2300 vessels (currently 1900 vessels)
- Heavily subsidized fleets (third largest subsidizer after Japan and EU)
- Not much effort to regulate bycatch and incidental catch



# Panama

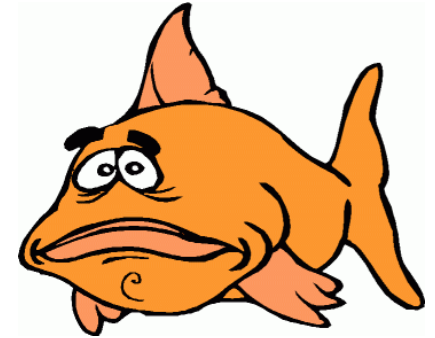
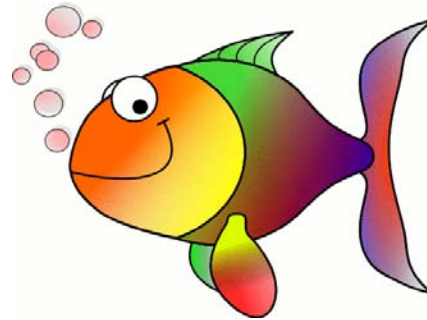
- Member of Law of the Sea and Straddling Stocks
- Member of IATTC, ICCAT
- 1997 Legislation requiring fishing licensing on high seas (Executive Decree No. 49 of 13 November 1997)
- Tuna Fishing vessels expected to carry VMS
- Ratified International Dolphin Conservation Programme
- In 2000 Panama self-reported that it had reduced fishing fleet by 70%

# Panama



- Still drift-netting and fishing in closed areas – NOAA 2010 annual report on IUU fishing
- Still issuing flags of convenience - owners are unlikely to be Panamanians so that the flagging operates like a “shell company”
- IUU fishing possible because the international fishing licenses are renewed separately from navigation licenses. Vessels keep navigation licenses but do not renew fishing licenses.
- Lack of licensing over transshipment vessels (2004)

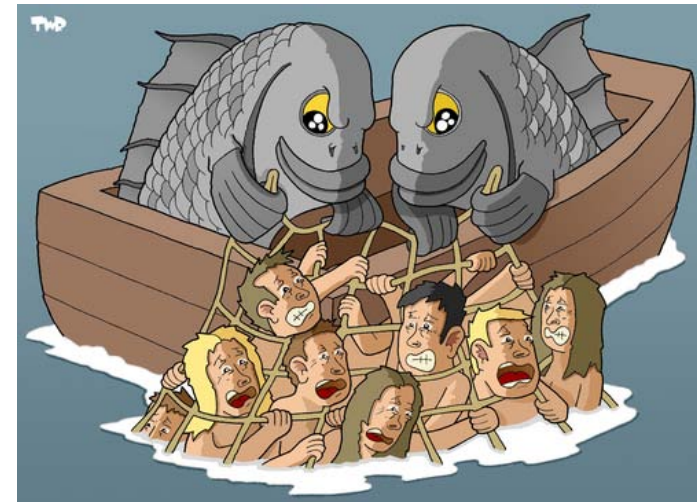
# Sierra Leone



- Member of the law of the Sea
- No laws about high seas fishing
- Not a member of Straddling Stock Agreement
- Losing millions of dollars to IUU fishing
- Inadequate ability to police high seas areas adjacent to EEZ
- Issues flags of convenience representing about 2% of known FOC vessels

# Where does this leave us?

- International failure of leadership
- National implementation challenges for conservation of living resources of the high seas
  - Financing issues (Developing states)
  - Political will problems
  - Economic pressures (e.g. China's food security)
  - Continued issues with corruption and “off-shoring” of fishing beyond the radar
  - Flags of convenience





# New Partnerships



# Unprecedented hybrid governance

- Effort by international institutions, States, private companies, and NGOs to rationally manage the fisheries on the High Seas
- Includes as partners
  - FAO, UNEP
  - U.S. National Oceanic and Atmospheric Administration
  - Tuna RFMOs
  - International Sustainable Seafood Foundation, International Coalition of Fisheries Associations
  - Birdlife International, Conservation International, the International Union for Conservation of Nature, the World Wildlife Fund, and the Global Oceans Forum
- Has Global Environmental Facility Funding
- Runs in parallel to other management efforts

# Objectives

- **Rights-based management for areas beyond national jurisdiction**
- **Ecosystem approach for areas beyond national jurisdiction**

# Long-term prospects?

- I'm a pessimist because of intelligence, but an optimist because of will. (Antonio Gramsci)

