



National Marine Fisheries Service

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“The marine environment - including the oceans and all seas and adjacent coastal areas - forms an integrated whole that is an essential component of the global life-support system and a positive asset that presents opportunities for sustainable development”

- Agenda 21

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

“States commit themselves to the conservation and sustainable use of marine living resources on the high seas...To this end, it is necessary to:

- ♦ *develop and increase the potential of marine living resources to meet human nutritional needs, as well as social, economic and development goals;*
- ♦ *maintain or restore populations of marine species at levels that can produce the maximum sustainable yield as qualified by relevant environmental and economic factors, taking into consideration relationships among species;*
- ♦ *promote the development and use of selective fishing gear and practices that minimize waste in the catch of target species and minimize by-catch of non-target species;*
- ♦ *ensure effective monitoring and enforcement with respect to fishing activities;*
- ♦ *protect and restore endangered marine species;*
- ♦ *preserve habitats and other ecologically sensitive areas;*
- ♦ *[and] promote scientific research with respect to the marine living resources in the high seas.”*

- Agenda 21, Chapter 17



At the Earth Summit in Rio de Janeiro, Brazil, in 1992, the international community adopted Agenda 21, a global program of action for achieving sustainable development. The ten year follow-up to Rio, the World Summit for Sustainable Development (WSSD) in Johannesburg, South Africa, is an opportunity for governments and organizations to assess the progress made since 1992 as well as to develop new partnerships and initiatives to implement Agenda 21.

The National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NOAA) has been involved with and acted as a principal participant in a number of actions and efforts at the international level to implement the principles of Agenda 21 that relate to the sustainable development of the marine environment. Relative to achieving sustainable fisheries, there has been significant progress in the areas of research and science, international agreements, and management. The objective of this booklet is to highlight some of the accomplish-

ments in these areas. Brief summaries of the projects, partnerships, and agreements developed in the past 10 years are provided. These efforts have been in the areas of science and the ocean environment, by-catch reduction, international fisheries management, and regional fisheries management organizations.

Chapter 17 of Agenda 21 is titled "Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources" and sets out program objectives for the sustainable development of the marine environment, including coastal areas, the oceans and the seas. It calls for an integrated approach in the management and sustainable development of these resources and relies on the provisions in the United Nations Convention on the Law of the Sea (UNCLOS) to guide this development.

Science and the Ocean Environment

Agenda 21 states:

“States commit themselves to improve the understanding of the marine environment...”

The Large Marine Ecosystems Strategy

The Large Marine Ecosystems (LMEs) strategy is a global effort for the assessment and management of international coastal waters. It developed in direct response to a declaration at the 1992 Rio Summit. As part of the strategy, the World Conservation Union (IUCN) and NOAA have joined in an action program to assist developing countries in planning and implementing an ecosystem-based strategy that is focused on LMEs - areas of the ocean that function as an ecosystem - as the principal assessment and management units for coastal ocean resources. Recognizing the continual degradation of the ocean environment, these strategies are being implemented to reverse the degradation of the ocean and restore the depleted biomass of food fish for sustaining growing populations of coastal communities, while conserving the integrity of these highly fluctuating ecosystems.

Global Ocean Observation System (GOOS)

Also called for at the 1992 Rio Summit, scientists recognizing the need for better information on the status of the ocean through a unified global network to systematically acquire, integrate, and distribute oceanic observations, GOOS was developed as a system for identifying the data needs of the international oceanic community and the methods by which they should be collected. The Living Marine Resources and Coastal Modules of GOOS are used to complement the LME

Agenda 21 states:

“States should consider, inter alia, increasing international cooperation particularly with a view to strengthening...analysis and distribution of data and information from the oceans and all seas, through the Global Ocean Observing System.”

strategy by developing ecosystem monitoring and forecasting methods that can be applied by coastal nations to marine ecosystems of coastal seas.

Global International Waters Assessment (GIWA)

GIWA is led by the United Nations Environment Program (UNEP) and funded by the Global Environment Facility (GEF) and NOAA, among others. GIWA uses existing data to get an assessment of the ecological status of global waters and considers marine, coastal, and freshwater areas as well as surface and ground waters. The goal of GIWA is to ultimately provide decision-makers and managers, including those at GEF, with advice on dealing with environmental problems and threats.

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Inter-American Sea Turtle Convention

The Inter-American Convention for the Protection and Conservation of Sea Turtles was concluded on September 5, 1996 and came into force May 2, 2001. This is the first international agreement devoted solely to the protection of sea turtles. The U.S. ratified the treaty on October 12, 2000 and is one of nine nations to ratify to date. The Convention establishes national sea turtle conservation programs in the signatory countries. Each party agrees to implement broad measures for the conservation of sea turtles, including the prohibition on intentional take (except for subsistence take as allowed under the convention), domestic or international sale, and the conservation and restoration of habitat and nesting beaches. All commercial shrimp trawl vessels operating in waters regulated by the Parties will use turtle excluder devices (TEDs) to reduce the incidental capture of sea turtles and the treaty calls for reduction of by-catch in the course of other fisheries as well.

Agreement on the International Dolphin Conservation Program

The Agreement, which entered into force in February 1999, sets forth detailed provisions to protect dolphins encircled during purse seine tuna fishing operations in the Eastern Pacific Ocean and to limit dolphin mortality. Parties to the Agreement also commit themselves to avoid, reduce and minimize by-catch of juvenile tunas and non-target species.

The Agreement provides for the establishment of a scientific advisory board and an international review panel (to monitor compliance with the dolphin protection measures), rules regarding on-board observers (required on every vessel), elements of an international tuna-tracking program and criteria for participation of observers at meetings of the Parties.

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“Promote the development and use of selective fishing gear and practices that minimize waste in the catch of target species and minimize by-catch of non-target species”

Developments under the auspices of FAO Fisheries** The FAO Code of Conduct for Responsible Fisheries**

The concept for the Code of Conduct was discussed at the Rio Summit in 1992, and subsequently developed as a set of principles and international standards of behavior for responsible fishing practices. It was adopted by the Twenty-eighth Session of the FAO Conference on 31 October 1995. The Code of Conduct recognizes all aspects of fisheries, including economical, social, biological, and environmental and the multitude of interests of users of the resource while providing for the effective conservation, management, and development of living aquatic resources.

 International Plans of Action (IPOAs)

Four IPOAs have been developed under the framework of the Code of Conduct. The IPOAs have been developed to address pressing issues facing international fisheries management and include the IPOA for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds), the IPOA for the Conservation and Management of Sharks (IPOA-Sharks), the IPOA for the Management of Fishing Capacity (IPOA-Capacity), and the IPOA to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). IPOAs are voluntary, however, they are useful in providing an international focus on pressing issues within the fisheries community and providing guidance for individual nations, regional fishery management organizations, and other regimes on tackling these issues within their respective frameworks.

 The Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries

The Rome Declaration was adopted by the FAO Ministerial Meeting on Fisheries in March 1999. In addition to its call to implement the Code of Conduct, the Declaration highlights a number of key issues in fisheries management including the use of the ecosystem approach to achieve sustainable fisheries and aquaculture, reducing waste and destructive fishing practices, addressing trade and environment issues related to fisheries, implementation of the Fish Stocks Agreement, and the implementation of International Plans of Action (IPOAs). The Declaration also called for FAO to develop “a global plan of action to deal effectively with all forms of illegal, unregulated, and unreported (IUU) fishing” which ultimately led to the development of the IUU IPOA.

International Fisheries Management

Developments under the auspices of UNCLOS

 **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 (Fish Stocks Agreement)**

As envisioned in Agenda 21, the United Nations convened a 3-year negotiating process that culminated in the adoption of the UN Fish Stocks Agreement in 1995. The United States participated actively in those negotiations and became one of the first States to ratify. The Agreement, which entered into force in December 2001, is recognized as an important instrument for achieving sustainable fisheries around the globe. As a management regime, it sets out principles for the conservation of straddling and highly migratory fish stocks. It also introduces new principles and concepts to fisheries management including the precautionary approach, vessel monitoring systems (VMS), compatibility of conservation and management measures, transparency of activities within subregional and regional fishery management organizations, compliance with of nonmember states with fishery management organizations' measures, high seas boarding and inspection, port state measures, and data collection and sharing standards.

Agenda states 21:

“States should convene, as soon as possible, an intergovernmental conference, with a view to promoting effective implementation of the provisions of the United Nations Convention on the Law of the Sea on straddling fish stocks and highly migratory fish stocks.”

 **Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)**

This 1993 Agreement was one of the first responses to Agenda 21. It reaffirms the provisions of the United Nations Convention on the Law of the Sea that flag states must exercise effective control over their vessels fishing on the high seas. It elaborates this obligation by requiring that all such vessels be licensed to conduct such fishing, that the licenses be conditioned on the vessel abiding by internationally-agreed conservation and management measures, and sets up the Food and Agriculture Organization of the United Nations as an archive and clearing house for information on such fishing vessels, particularly those that have broken applicable rules and been punished for it. The United States contributed significantly to the development of this Agreement and became one of the first States to deposit an instrument of acceptance for it.

International Fisheries Management

Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem

The Reykjavik Conference, held in October of 2001 and organized by the FAO, sought to gather and review the best available knowledge on marine ecosystem issues and identify means by which ecosystem considerations can be included in capture fisheries management. The Declaration adopted at the conference reflected this imperative and called for the integration of ecosystem considerations in fisheries management, not only from the standpoint of the impact of fisheries on the ecosystem, but the impact of the ecosystem on fisheries. It sought to integrate ecosystem considerations into the workings of regional and international fisheries management organizations, to advance the scientific basis for incorporating ecosystem considerations, to encourage technology transfers that allow for the incorporation of ecosystem considerations, and to develop technical guidelines for introducing ecosystem considerations into fisheries management.

Efforts to Combat and Deter Illegal, Unreported, and Unregulated (IUU) Fishing Activities

It is widely recognized within the international fisheries management arena that IUU fishing can jeopardize and sometimes undermine management and conservation efforts for sustainable fisheries. Raising concerns regarding IUU fishing activities within many regional fishery management organizations (RFMOs) and the recognition of the inability of existing international instruments to effectively address illegal, unreported, and unregulated fishing led to the development of an IPOA to prevent, deter, and eliminate IUU fishing. The IPOA-IUU encourages states and RFMOs to use all available measures in accordance with international law to combat IUU fishing, including port State measures, coastal State measures, market-related measures, national legislation, sanctions, economic incentives, education, monitoring, control, and surveillance (MCS) systems, and internationally agreed market-related measures. In addition, the recently established Monitoring, Control, and Surveillance Network (MCS Network), is a significant contribution to global efforts to combat IUU fishing as nations voluntarily join their resources to increase their effectiveness in enforcing conservation measures designed to protect world fisheries and ecosystems.

 **Monitoring, Control, and Surveillance (MCS) Network**

A network of national organizations and institutions joined together to create the International MCS Network to coordinate efforts to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing. The objectives of the International MCS Network are to improve the efficiency and effectiveness of fisheries-related MCS activities through enhanced cooperation, coordination, information collection and exchange among national organizations/institutions responsible for fisheries-related MCS. It is intended to give agencies support in meeting national fisheries responsibilities as well as international and regional commitments in relation to the UN Convention on the Law of the Sea, the Code of Conduct, the Fish Stocks Agreement, and the IPOA to combat IUU fishing.

Agenda 21 states:

“States should take effective action, including bilateral and multilateral cooperation, where appropriate at the subregional, regional and global levels, to ensure that high seas fisheries are managed in accordance with the provisions of the United Nations Convention on the Law of the Sea. In particular, they should: give full effect to these provisions with regard to fisheries populations whose ranges lie both within and beyond exclusive economic zones (straddling stocks); give full effect to these provisions with regard to highly migratory species.

 **Seoul Oceans Declaration - Asia Pacific Economic Cooperation (APEC)**

The first APEC Ocean-related Ministerial Meeting was held in April of 2002. At that meeting, member economies considered among other things the importance of the APEC region in achieving sustainable fisheries. The Seoul Oceans Declaration adopted during that meeting, *inter alia*, emphasized the need to concentrate on the implementation of the multiple global fisheries agreements that have been produced, including dealing with the special needs (for financial and technical assistance) of developing states.

New Fisheries Management Organizations

Agenda 21 states:

“Effective cooperation within existing subregional, regional or global fisheries bodies should be encouraged. Where such organizations do not exist, States should, as appropriate, cooperate to establish such organizations.”

 **Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean (basic instrument for the North Pacific Anadromous Fish Commission (NPAFC))**

This 1992 Convention implemented the provision of the United Nations Convention on the Law of the Sea that prohibits high seas fishing for salmonids by putting a stop to the last remaining exception to this provision, the Japanese North Pacific high seas salmon fishery. It also included the then USSR, a major salmon-producing state, in the conservation and management of North Pacific salmon for the first time since World War II.

 **Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (Donut Convention)**

This 1994 Convention addressed the international fishery that decimated the pollock resource in the central Bering Sea, a high seas area resembling a "donut" that is completely surrounded by the areas of national jurisdiction of the United States and Russia. The pollock fished in the central Bering Sea originated exclusively from the two areas of national jurisdiction. The Convention specifies a threshold level of biomass that must be reached in order for commercial fishing to be resumed and standards for the conduct of such fishing. In so doing, it established a number of precedents for the conservation and management of straddling stocks, which were subsequently reflected in the UN Fish Stocks Agreement.

 **Convention for the Conservation and Management of Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (basic instrument for the Commission for the Conservation and Management of Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (MHLF))**

This 2000 Convention was the first to be signed that was purposefully modeled after the United Nations Fish Stocks Agreement. It also features the key principles of the precautionary approach, compatibility, minimum standards of data collection and sharing, and transparency. It is intended to apply a conservation and management regime to the last significant unmanaged tuna resource, one currently worth \$1.5-2.0 billion per year.

 **Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean (basic instrument for the South East Atlantic Fisheries Organization (SEAFO))**

This 2001 Convention was one of the first negotiated purposefully to model the United Nations Fish Stocks Agreement. It therefore features the key principles of the precautionary approach, compatibility, minimum standards of data collection and sharing, and transparency. It applies to fish molluscs, crustaceans, and other sedentary species of the South East Atlantic outside of areas of national jurisdiction, excluding highly migratory species and sedentary species subject to national jurisdiction.

 **Indian Ocean Tuna Commission (IOTC)**

The IOTC was set up under an international agreement adopted by the FAO Council at its Hundred and Fifth Session in Rome on 25 November 1993. The Commission became fully operative in 1996 and is mandated to manage tuna and tuna-like species in the Indian Ocean and adjacent seas. To achieve its objective to ensure the conservation and optimum utilization of fish stocks covered by the Commission, the IOTC reviews the conditions and trends of the stocks; gathers, analyzes and disseminates scientific information, catch and effort statistics and other data; encourages, recommends, and coordinates research and development activities; and keeps under review the economic and social aspects of the fisheries within its purview.

Agenda 21 states:

“States should...negotiate, where appropriate, international agreements for the effective management and conservation of fishery stocks; [and] define and identify appropriate management units.”

